
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
JUNE 15, 2009
6:45 PM

INVOCATION - Commissioner Jimmy Keefe

PLEDGE OF ALLEGIANCE –

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

1. Consent Agenda

- A. Approval of minutes for the June 1, 2009 regular meeting and the June 1, and June 2, 2009 Budget Work Sessions and the June 8, 2009 Special Called Meeting and the June 8, 2009 Budget Public Hearing.
- B. Approval of the FY10 Home and Community Care Block Grant for Older Adults Agreement Between County of Cumberland and Mid-Carolina Area Agency on Aging and 2009-2010 County Funding Plan.
- C. Approval of Change Order #3 – Rentenbach Constructors – New Public Health Center Project.
- D. Public Notice of Community Development Housing Rehabilitation Program – Request for HUD Approval of Exception to the Conflict of Interest Rule.
- E. Approval of Adoption of an Identity Theft Prevention Program to Comply with Federal Regulations Relating to Red Flags and Identity Theft.
- F. Approval of Modification to the Workforce Investment Act Plan to Include the Plan for American Recovery and Reinvestment Act (ARRA).
- G. Approval of Ordinance Assessing Property for the Cost of Demolition:
 - (1) Property Owner: John W. Mace
 - Property Location: 388 Stephanie Street, Linden, NC
 - Parcel Identification Number: 0543-58-9569

H. Budget Revisions:

(1) Health – South Central Partnership

Revision in the amount of \$71,597 to re-budget funds from FY2008.
(B09-393) **Funding Source – State**

(2) Workers Compensation

Revision in the amount of \$300,000 to appropriate fund balance for the year end audit adjustment for workers compensation claims. (B09-389)
Funding Source- Workers Compensation Fund Balance

(3) Group Health Insurance

Revision in the amount of \$500,000 to appropriate fund balance for the year end audit adjustments for health claims. (B09-388) **Funding Source – Group Health Insurance Fund Balance**

(4) Emergency Services

Revision in the net amount of \$28,184 to appropriate communications fund balance of \$26,184 and to reallocate grant funds of \$15,418 to purchase two vehicles costing \$ 41,602. (B09-399) **Funding Source – Communications Fund Balance and Reallocation of Budgeted Expenditures**

(5) School Capital Outlay Fund

Revision to reallocate sales tax fund balance from Category I Buildings to Category II Equipment and Category III Vehicles. (B09-400, B09-400A and B09-400B) **Funding Source – Reallocation of Budgeted Revenue and Expenditures**

2. Public Hearings

Uncontested Cases

Rezoning

- A. Case P09-17. The rezoning of 2.7 +/- acres from A1 Agricultural to R40A Residential, or to a more restrictive zoning district, located at 437 John Nunnery Road, owned by Sara Jane Hair Heirs.

Amendments to County Zoning Ordinance

- B. Case P09-20. Revision and amendment to the Cumberland County Zoning Ordinance, amending Article II, Interpretations, Calculations and Definitions, Section 203, Definitions of Specific Terms and Words, specifically: religious worship activity; amending Article XI, Lot and Yard Regulations, Section 1102, Yard Regulations, Sub-section G, Buffer Requirements; and updating the Table of Contents as appropriate.

Other Public Hearings

- C. Public Hearing on the Edward Byrne Memorial Justice Assistance Grant.
- D. Public Hearing on Economic Development Incentive Agreement for Clear Path Recycling LLC.

Items of Business

3. Update on Status of County's 800 MHz Communication System and Approval of Notice to the City of Fayetteville and PWC of County's Intent to Transition to the State VIPER System.
4. Consideration of Submission of Energy Efficiency and Conservation Block Grant Program Application.
5. Nominations to Boards and Committees
- A. Air Quality Stakeholders' Committee (1 Vacancy)
- B. Adult Care Home Community Advisory Committee (1 Vacancy)
- C. Animal Service Board (2 Vacancies)
- D. Board of Adjustment (1 Vacancy)

- E. Cumberland County Juvenile Crime Prevention Council (4 Vacancies)
- F. Joint Appearance Commission (3 Vacancies)
- 6. Appointments to Boards and Committees
 - A. Air Quality Stakeholders' Committee (3 Vacancies)

Nominees:

<u>Town of Godwin Representative:</u>	Natalee Ezzell
<u>Town of Wade Representative:</u>	Johnny Lanthan
<u>Industry Representative:</u>	Gene Smith
 - B. Criminal Justice Partnership Advisory Board (3 Vacancies)

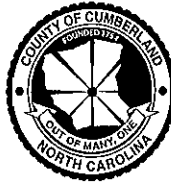
Nominees:

<u>District Court Judge:</u>	Beth Keever (Reappointment)
<u>At-Large:</u>	Carrie Heffney (Reappointment)
	Chris McLamb
- 7. Adoption of FY2010 Budget (If Not Already Adopted).
- 8. Closed Session – If Needed.

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

*****NOTE: THERE ARE NO BOARD OF COMMISSIONERS MEETINGS SCHEDULED IN JULY*****

MEETINGS: **August 3, 2009 - (Monday) – 9:00 AM**
 August 17, 2009 - (Monday) - 6:45 PM
 September 8, 2009 – (Tuesday) – 9:00 AM
 September 21, 2009 – (Monday) – 6:45 PM



ITEM NO. 13

COUNTY of CUMBERLAND

James E. Martin
County Manager

Amy Cannon
Assistant County Manager

Juanita Pilgrim
Deputy County Manager

Office of the County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 15, 2009

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JUANITA PILGRIM, DEPUTY COUNTY MANAGER

DATE: JUNE 8, 2009

SUBJECT: APPROVAL OF THE FY10 HOME AND COMMUNITY CARE BLOCK GRANT FOR OLDER ADULTS AGREEMENT BETWEEN COUNTY OF CUMBERLAND AND MID-CAROLINA AREA AGENCY ON AGING AND 2009-2010 COUNTY FUNDING PLAN

BACKGROUND

In 1991, the North Carolina General Assembly passed Senate Bill 165, Chapter 241, which requires the Division of Aging to administer a Home and Community Block Grant for Older Adults. In order to implement the 1991 legislation, each county designated a lead agency to work with appointed members on a planning committee to make funding recommendations to the Board of County Commissioners. The Commissioners designated Mid-Carolina Area Agency on Aging as the lead agency for planning and coordination of the County's Funding Plan for Older Adult Services. Attached is the Agreement for the Provision of County-Based Aging Services between the County of Cumberland and the Mid-Carolina Area Agency on Aging (Attachment A).

The Funding Plan is a means to provide coordination through community-based resources in the delivery of comprehensive aging services to older adults and their families. Contracts for FY10 are included in the Funding Plan. The total Block Grant for FY10 is \$1,382,320 with a local match in the amount of \$101,834 (County) and \$51,757 (Other) (Attachment B).

RECOMMENDATION

Ms. Carolyn Tracy, Aging Administrator – Area Agency on Aging, and the Home and Community Block Grant Committee, recommends that the FY10 Funding Plan for the Home and Community Block Grant for Older Adults be approved.

PROPOSED ACTION

Approve the FY10 Home and Community Block Grant for Older Adults Agreement, and the 2009-2010 County Funding Plan.

JP/cp

JP060809-1

Mid-Carolina Area Agency on Aging

130 Gillespie Street • Post Office Drawer 1510 • Telephone (910) 323-4191 • Fax (910) 323-9330
Fayetteville, North Carolina 28302

June 8, 2009

Ms. Juanita Pilgrim
Deputy County Manager
County of Cumberland
P.O. Box 1829
Fayetteville, NC 28302

Dear Ms. Pilgrim:

Cumberland County is receiving a funding increase of \$7,001.00 for FY 2009-2010. We are recommending this increase go to the Adult Day Health providers. The total Federal and State Home & Community Care Block Grant funding for FY 2009-10 is \$1,382,320.

You will find enclosed:

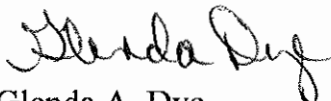
Lead Agency Designation, DOA-730
County Services Summary, DOA-731
Provider Services Summary, DOA-732 (for each provider)
Agreement for the Provision of County-Based Aging Services, DOA-735

The County Summary and the County Agreement require the signature of the Chairman of the Board of Commissioners. The Provider Summaries need the signature of the Chairman and the County Finance Officer.

Also enclosed is a breakdown of the match requirements.

If you have any questions, please call me.

Thank you,



Glenda A. Dye
Aging Contracts Manager

Enclosures

Service Providers
for
Cumberland County
with match paid through MCCOG
(As of July 1, 2009)

<u>Providers</u>	<u>F/S Funds</u>	<u>Match</u>
Bethel Adult Day Health Care Adult Day Health Care	\$ 32,939	\$ 3,660
Cape Fear Adult Day Health Care Center Adult Day Health Care	\$ 32,939	\$ 3,660
Southern Hospitality Adult Day Care Center Adult Day Health Care	\$ 32,939	\$ 3,660
Cumberland County Coordinating Council on Older Adults* In-home Aide, Level 2 In-home Aide, Level 3 Housing and Home Improvement Congregate Nutrition Home Delivered Nutrition	\$ 15,000 \$239,984 \$127,298 \$ 70,800 \$232,879	\$ 1,667 \$26,665 \$14,144 \$ 7,867 \$25,875
Cumberland County Department of Social Services In-home Aide, Level 1 In-home Aide, Level 2 In-home Aide, Level 3	\$ 418 \$202,197 \$ 20,000	\$ 46 \$22,466 \$ 2,222
Cumberland County Planning Department Transportation, General Transportation, Medical	\$ 17,350 \$ 97,035	\$ 1,928 \$ 10,782
Fayetteville/Cumberland Co. Senior Center Senior Center Operations	\$ 10,000	\$ 1,111
Hope Mills Sunshine Senior Center Transportation, General* Senior Center Operations	\$ 22,808 \$ 10,000	\$ 2,534 \$ 1,111
Mid-Carolina Council of Governments* Care Management	\$207,734	\$23,082
Spring Lake Senior Center Senior Center Operations	<u>\$ 10,000</u>	<u>\$ 1,111</u>
Total H&CCBG Funds	<u>\$1,382,320</u>	
Total Match		<u>\$153,591</u>
*Total Match Provided by Cumberland County		\$101,834
Total Match Provided by Community Service Providers		\$ 51,757

Non-H&CCBG

Legal Aid of North Carolina
Legal Services

\$ 7,195 \$ 799

Mid-Carolina Council of Governments
Health Promotion

\$21,265 \$2,363

Spring Lake Senior Center
Health Promotion

\$ 4,000 \$ 444

Home and Community Care Block Grant for Older Adults

County Funding Plan

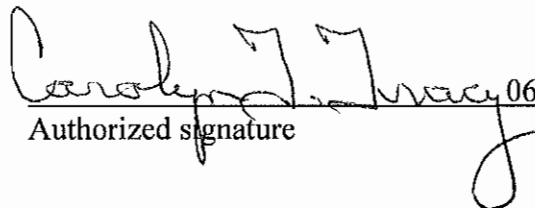
Identification of Agency or Office with Lead Responsibility for County Funding Plan

County Cumberland July 1, 2009 through June 30, 2010

The agency or office with lead responsibility for planning and coordinating the County Funding Plan recommends this funding plan to the Board of Commissioners as a coordinated means to utilize community-based resources in the delivery of comprehensive aging services to older adults and their families.

Mid-Carolina Area Agency on Aging

(Name of agency/office with lead responsibility)

 06/08/2009
Authorized signature (date)

Carolyn Tracy, Aging Administrator

(Type name and title of signatory agent)

Home and Community Care Block Grant for Older Adults

County Funding Plan

County: Cumberland

July 1, 2009 through June 30, 2010

County Services Summary

	A				B	C	D	E	F	G	H	I	
Services	Block Grant Funding				Required Local Match	Net Service Cost	USDA Subsidy	Total Funding	Projected HCCBG Units	Projected Reimbursement Rate	Projected HCCBG Clients	Projected Total Units	
	Access	In-Home	Other	Total									
Adult Day Health*		98817		////////	10980	109797		109797					
Care Management	207734			////////	23082	230816		230816			40		
In-home Aide, LV2		15000		////////	1667	16667		16667	834	17.8038	2	927	
In-home Aide, LV3		239984		////////	26665	266649		266649	14107	18.3251	47	15755	
Home Improvement		127298		////////	14144	141442		141442			335		
In-home Aide, LV1-DSS		418		////////	46	464		464	32	13.8800	1	32	
In-home Aide, LV2-DSS		202197		////////	22466	224663		224663	15623	13.8800	67	15623	
In-home Aide, LV3-DSS		20000		////////	2222	22222		22222	1601	13.8800	5	1601	
Trans.-General**	40158			////////	4462	44620		44620					
Trans.-Medical	97035			////////	10782	107817		107817	5356	20.1301	100	5356	
Senior Center Operations***			30000	////////	3333	33333		33333					
Nutrition-Cong.			70800	////////	7867	78667	10491	89158	15752	6.1321	170	17485	
Nutrition-HD			232879	////////	25875	258754	27149	287154	43508	6.4670	211	45248	
				////////	0	0		0					
Total	344927	703714	333679	1382320	153591	1535911	37640	1574802	96813	////////	978	102027	
*Adult Day Health													
Bethel ADHC		32939			3660	36599		36599	732	45.0000	3	756	
Cape Fear ADHC		32939			3660	36599		36599	1200	40.0000	6	1200	
Southern Hospitality ADC		32939			3660	36599		36599	841	43.5100	3	841	
**Transportation - General													
Hope Mills	22808				2534	25342		25342	5500	4.6056	30	5500	
Cumb. Co Planning	17350				1928	19278		19278	1913	10.0774	20	1913	
***Senior Center Operations													
Hope Mills Sunshine Center			10000		1111	11111							
Fayetteville Senior Center			10000		1111	11111							
Spring Lake Sr Enrichment Center			10000		1111	11111							
										Signature, Chairman, Board of Commissioners			Date
Non-HCCBG													
Health Promotion - MCCOG		21265			2363	23628							
Health Promotion - Spring Lake		4000			444	4444							
Legal		7195			799	7994		7994	133	60.0000	35	133	

NAME AND ADDRESS COMMUNITY SERVICE PROVIDER Bethel Adult Day Health Care Center 1065 Progress Street Fayetteville NC 28306			Home and Community Care Block Grant for Older Adults County Funding Plan Provider Services Summary								DOA-732 (Rev. 2/09) County <u> </u> Cumberland July 1, 2009 through June 30, 2010 REVISION # <u> </u> , DATE : <u> </u>			
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Services	Ser. Delivery (Check One)		A Block Grant Funding				B Required Local Match	C Net* Serv Cost	D NSIP Subsidy	E Total Funding	F Projected HCCBG Units	G Projected Reimburse. Rate	H Projected HCCBG Clients	I Projected Total Units
	Direct	Purch.	Access	In-Home	Other	Total								
Adult Day Health	x			32939		////////////////	3660	36599		36599	732	45	3	732
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Total	////	////	0	32939	0	32939	3660	36599	0	36599	732	////	3	732

*Adult Day Care & Adult Day Health Care Net Service Cost			Certification of required minimum local match availability. Required local match will be expended simultaneously with Block Grant Funding.	<div style="text-align: right;"> _____ Authorized Signature, Title Community Service Provider </div> <div style="text-align: right;"> _____ Date 6-4-09 </div>
	ADC	ADHC		
Daily Care		29333		
Transportation		3000		
Administrative		606		
Net Ser. Cost Total		32939		
<div style="display: flex; justify-content: space-between;"> <div> _____ Signature, County Finance Officer </div> <div> _____ Date </div> <div> _____ Signature, Chairman, Board of Commissioners </div> <div> _____ Date </div> </div>				

NAME AND ADDRESS

COMMUNITY SERVICE PROVIDER
Cape Fear Adult Day Health Care Center
920 Stamper Road
Fayetteville, NC 28303

Home and Community Care Block Grant for Older Adults

County Funding Plan

Provider Services Summary

DOA-732 (Rev. 2/09)

County _____ Cumberland

July 1, 2009 through June 30, 2010

REVISION # , DATE :

Services	Ser. Delivery		A				B	C	D	E	F	G	H	I
	(Check One)		Block Grant Funding				Required Local Match	Net* Serv Cost	NSIP Subsidy	Total Funding	Projected HCCBG Units	Projected Reimburse. Rate	Projected HCCBG Clients	Projected Total Units
	Direct	Purch.	Access	In-Home	Other	Total								
Adult Day Health Care	x			32939		////////////////	3660	36599		36599	1200	40	6	1200
						////////////////	0	0		0				
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*Adult Day Care & Adult Day Health Care Net Service Cost

	ADC	ADHC
Daily Care		40
Transportation		3
Administrative		
Net Ser. Cost Total		43

Certification of required minimum local match availability.
Required local match will be expended simultaneously
with Block Grant Funding.

Signature, County Finance Officer

Date

Mon & Wall
Authorized Signature, Title
Community Service Provider

Date

Signature, Chairman, Board of Commissioners

Date

Home and Community Care Block Grant for Older Adults

County Funding Plan

DOA-732 (Rev. 2/07)

County Cumberland

July 1, 2009 through June 30, 2010

REVISION # , DATE :

Southern Hospitality AD
3211 Nortal Street
Fayetteville NC 28306

Provider Services Summary

*Adult Day Care & Adult Day Health Care Net Service Cost

	ADC	ADHC
Daily Care		42.09
Transportation		1.42
Administrative		
Net Ser. Cost Total		43.51

Certification of required minimum local match availability.
Required local match will be expended simultaneously
with Block Grant Funding.

Roxie Cline 6/3/09
Authorized Signature, Title Date
Community Service Provider

Signature, County Finance Officer

Date _____

Signature, Chairman, Board of Commissioners

Date _____

NAME AND ADDRESS
 COMMUNITY SERVICE PROVIDER
Mid-Carolina Council of Governments
P.O. Drawer 1510
Fayetteville, NC 28302

Home and Community Care Block Grant for Older Adults

County Funding Plan

Provider Services Summary

DOA-732 (Rev. 2/09)

County Cumberland

July 1, 2009 through June 30, 2010

REVISION # , DATE :

Services	Ser. Delivery		A				B	C	D	E	F	G	H	I
	(Check One)		Block Grant Funding				Required	Net*	NSIP	Total	Projected	Projected	Projected	Projected
	Direct	Purch.	Access	In-Home	Other	Total	Local Match	Serv Cost	Subsidy	Funding	HCCBG Units	Reimburse. Rate	HCCBG Clients	Total Units
Care Management	X		207734			////////////////	23082	230816		230816			40	
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Total	////	////	207734	0	0	207734	23082	230816	0	230816	0	////////	40	0

*Adult Day Care & Adult Day Health Care Net Service Cost

	ADC	ADHC
Daily Care		
Transportation		
Administrative		
Net Ser. Cost Total		

Certification of required minimum local match availability.
 Required local match will be expended simultaneously
 with Block Grant Funding.

Carolyn Tracy 6.8.09
 Authorized Signature, Title _____ Date
 Community Service Provider

 Signature, County Finance Officer Date

 Signature, Chairman, Board of Commissioners Date

***Health Promotion 21265 2363 23628

NAME AND ADDRESS COMMUNITY SERVICE PROVIDER Cumberland County DSS 1225 Ramsey Street Fay, Nc 28301	Home and Community Care Block Grant for Older Adults County Funding Plan Provider Services Summary	DOA-732 (Rev. 2/09) County <u>Cumberland</u> July 1, 2009 through June 30, 2010
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Services	Ser. Delivery		A				B	C	D	E	F	G	H	I
	(Check One)		Block Grant Funding				Required	Net*	NSIP	Total	Projected	Projected	Projected	Projected
	Direct	Purch.	Access	In-Home	Other	Total	Local Match	Serv Cost	Subsidy	Funding	HCCBG Units	Reimburse Rate	HCCBG Clients	Total Units
In Home LV 1							0	0		0				
Home Mgmt 041	x			418			46	464		464	32	13.88	1	32
Level II-042 PC	x			202197			22466	224663		224663	15623	13.88	67	15623
Level III-045	x			20000			2222	22222		22222	1601	13.88	5	1601
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Total			0	222615	0	222615	24734	247349	0	247349	17256		73	17256

*Adult Day Care & Adult Day Health Care Net Service Cost

	ADC	ADHC
Daily Care		
Transportation		
Administrative		
Net Ser. Cost Total		

Certification of required minimum local match availability.
Required local match will be expended simultaneously
with Block Grant Funding.

 Director 5/29/09
Authorized Signature, Title Date
Community Service Provider

Signature, County Finance Officer Date

Signature, Chairman, Board of Commissioners Date

NAME AND ADDRESS COMMUNITY SERVICE PROVIDER Cumberland County Community Transportation Program PO Box 1829 Fayetteville, NC 28302			Home and Community Care Block Grant for Older Adults County Funding Plan Provider Services Summary								DOA-732 (Rev. 2/09) County: <u>Cumberland</u> July 1, 2009 through June 30, 2010 REVISION # , DATE : June 1, 2009			
Services	Ser. Delivery		A				B	C	D	E	F	G	H	I
	(Check One)		Block Grant Funding				Required	Net*	NSIP	Total	Projected	Projected	Projected	Projected
	Direct	Purch.	Access	In-Home	Other	Total	Local Match	Serv Cost	Subsidy	Funding	HCCBG Units	Reimburse Rate	HCCBG Clients	Total Units
Transportation - Med.		X	97035			//////////	10782	107817		107817	5356	20.1301	100	5356
Transportation - Gen.		X	17350			//////////	1928	19278		19278	1913	10.0774	20	1913
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Total	////////	////////	114385	0	0	114385	12710	127095	0	127095	7269	////////	120	7269

*Adult Day Care & Adult Day Health Care Net Service Cost

	ADC	ADHC
Daily Care		
Transportation		
Administrative		
Net Ser. Cost Total		

Certification of required minimum local match availability.
Required local match will be expended simultaneously
with Block Grant Funding.

6/3/09
Date

Authorized Signature, Title
Community Service Provider

Date

Signature, County Finance Officer Date

Signature, Chairman, Board of Commissioners Date

NAME AND ADDRESS COMMUNITY SERVICE PROVIDER			Home and Community Care Block Grant for Older Adults								DOA-732 (Rev. 2/09) County <u>Cumberland</u> July 1, 2009 through June 30, 2010 REVISION # , DATE :			
<u>City of Fayetteville</u> <u>Fay./CC Senior Center</u> <u>734 Blue Street</u> <u>Fayetteville NC 28301</u>			County Funding Plan Provider Services Summary											
Services	A						B	C	D	E	F	G	H	I
	Ser. Delivery (Check One)		Block Grant Funding				Required	Net*	NSIP	Total	Projected	Projected	Projected	Projected
	Direct	Purch.	Access	In-Home	Other	Total	Local Match	Serv Cost	Subsidy	Funding	HCCBG Units	Reimburse Rate	HCCBG Clients	Total Units
<u>Scctr operations</u>					\$ 10,000.00	\$ 10,000.00	\$ 1,111.00	<u>#####</u>		<u>#####</u>				
					//////////		0	0		0				
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Total	////	////	0	0	\$ 10,000.00	\$ 10,000.00	\$ 1,111.00	<u>#####</u>	0	<u>#####</u>	0	////////	0	0

*Adult Day Care & Adult Day Health Care Net Service Cost

	ADC	ADHC
Daily Care		
Transportation		
Administrative		
Net Ser. Cost Total		

Certification of required minimum local match availability.
Required local match will be expended simultaneously
with Block Grant Funding.

Karen M. Brady, Business Manager
Authorized Signature, Title _____ Date _____
Community Service Provider

Signature, County Finance Officer Date _____

Signature, Chairman, Board of Commissioners Date _____

July 1, 2009 Through June 30, 2010

Home and Community Care Block Grant for Older Adults

Agreement for the Provision of County-Based Aging Services

This Agreement, entered into as of this 1st day of July, 2009, by and between the County of Cumberland (hereinafter referred to as the "County") and the Mid-Carolina Area Agency on Aging, (hereinafter referred to as the "Area Agency").

Witnesseth That:

WHEREAS, the Area Agency and the County agree to the terms and conditions for provision of aging services in connection with activities financed in part by Older Americans Act grant funds, provided to the Area Agency from the United States Department of Health and Human Services through the North Carolina Division of Aging and Adult Services (DAAS) and state appropriations made available to the Area Agency through the North Carolina Division of Aging and Adult Services, as set forth in a) this document, b) the County Funding Plan, as reviewed by the Area Agency and the Division of Aging and Adult Services, c) the Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, d) the Division of Aging and Adult Services Service Standards Manual, Volumes I through IV, and, e) the Division of Aging and Adult Services Community Service Providers Monitoring Guidelines.

NOW THEREFORE, in consideration of these premises, and mutual covenants and agreements hereinafter contained, the parties hereto agree as follows:

1. As provided in the Area Plan, community service providers specified by the County to encourage maximum collocation and coordination of services for older persons are as follows:

Cumberland County Coordinating Council on Older Adults, Inc.

- 1.(a) The Community Service Provider(s), shall be those specified in the County Funding Plan on the Provider Services Summary format(s) (DOA-732) for the period ending June 30, 2010.
2. Availability of Funds. The terms set forth in this Agreement for payment are contingent upon the receipt of Home and Community Care Block Grant funding by the Area Agency.
3. Grant Administration. The grant administrator for the Area Agency shall be Carolyn Tracy, Aging Administrator. The grant administrator for the County shall be the County Manager.

It is understood and agreed that the grant administrator for the County shall represent the County in the performance of this Agreement. The County shall notify the Area Agency in writing if the administrator changes during the grant period. Specific responsibilities of the grant administrator for the County are provided in paragraph seven (7) of this Agreement.

4. Services authorized through the County Funding Plan, as specified on the Provider Services Summary format(s) (DOA-732) are to commence no later than July 1, 2009 and shall be undertaken and pursued in such sequence as to assure their expeditious completion. All services required hereunder shall be completed on or before the end of the Agreement period, June 30, 2010.
5. Assignability and Contracting. The County shall not assign all or any portion of its interest in this Agreement. Any purchase of services with Home and Community Care Block Grant for Older Adults funding shall be carried out in accordance with the procurement and contracting policy of the community services provider or, where applicable, the Area Agency, which does not conflict with procurement and contracting requirements contained in 45 CFR 92.36. Federal funds shall not be awarded to any subrecipients who have been suspended or debarred by the Federal government. In addition, Federal funds may not be used to purchase goods or services costing over \$100,000 from a vendor that has been suspended or debarred from Federal grant programs. The County designates the Area Agency to procure services of the Home and Community Care Block Grant which are provided by Private For Profit Agencies.
6. Compensation and Payments to the County. The County shall be compensated for the work and services actually performed under this Agreement by payments to be made monthly by the Area Agency. Total reimbursement to the community service providers under this Agreement may not exceed the grand total of Block Grant funding, as specified on the Provider Services Summary format (DOA-732).

(a) Interim Payments to the County

Upon receipt of a written request from the County, the Division of Aging and Adult Services, through the Area Agency, will provide the County Finance Officer with an interim payment equivalent to seventy percent (70%) of one-twelfth (1/12) of the County's Home and Community Care Block Grant allocation by the 22nd of each month.

(b) Reimbursement of Service Costs

Reimbursement of service costs are carried out as provided in Section 3 of the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, revised February 17, 1997.

(c) Role of the Area Agency

The Area Agency shall be responsible for disbursing Home and Community Care Block Grant Funding to Community Service Providers in accordance with procedures specified in the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Manual for Community Service Providers, revised February 17, 1997.

(d) The Area Agency will invoice County for all required match and any overmatch budgeted. This match will be disbursed to the proper agencies by the Area Agency.

(e) Payment of Administration on Aging Nutrition Services Incentive Program (NSIP) Subsidy

NSIP subsidy for congregate and home delivered meals will be disbursed by the Division of Aging through the Area Agency to the County on a monthly basis, subject to the availability of funds as specified in Section 3 of the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Services Providers, revised February 17, 1997.

If through the US Department of Agriculture Area Agency on Aging Elections Project, the County elects to receive a portion of its USDA entitlement in the form of surplus commodity foods in lieu of cash, the Area Agency will notify the County in writing of its community valuation upon notification from the Division of Aging and Adult Services. The delivery of commodity and bonus foods is subject to availability. The County will not receive cash entitlement in lieu of commodities that are unavailable or undelivered during the Agreement period.

7. Reallocation of Funds and Budget Revisions. Any reallocation of Block Grant funding between counties shall be voluntary on the part of the County and shall be effective only for the period of the Agreement. The reallocation of Block Grant funds between counties will not affect the allocation of future funding to the County. If during the performance period of the Agreement, the Area Agency determines that a portion of the Block Grant will not be expended, the grant administrator for the County shall be notified in writing by the Area Agency and given the opportunity to make funds available for reallocation to other counties in the Planning and Service Area or elsewhere in the state.

The Area Agency may authorize community service providers to implement budget revisions which do not cause the County to fall below minimum budgeting requirements for access, in-home, congregate, and home delivered meals services, as specified in Division of Aging and Adult Services budget instructions issued to the County. If a budget revision will cause the County to fall below minimum budgeting requirements for any of the aforementioned services, as specified in Division of Aging and Adult Services budgeting instructions issued to the County, approval for the revision from the Area Agency prior to implementation by the community service provider is required, so as to assure that regional minimum budgeting requirements for the aforementioned services will be met.

In the event the Service Provider's rate of progress on the contract is leading to under spending at the end of the contract period the Area Agency may reallocate Home and Community Care Block Grant funds within the county as necessary to most effectively utilize funds.

Unless community services providers have been given the capacity to enter data into the Aging Resources Management System (ARMS), Area Agencies on Aging are responsible for entering amended service data into the Division of Aging Management Information System, as specified in the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, revised February 17, 1997.

8. Monitoring. This Agreement will be monitored to assure that services are being provided in compliance with the N.C. Division of Aging and Adult Services Service Standards Manual, dated July 1, 1992, and the N.C. Division of Aging Home and Community Care Block Grant Procedures Manual for Community Service Providers, revised February 17, 1997. Further, compliance with updated monitoring requirements, as specified in Office of Management and Budget (OMB) Circular A-133 and NC General Statute 143C-6-22 and 23 shall be carried out. Monitoring shall also include compliance with conflict of interest requirements. Monitoring requirements are discussed in Section 308 of the AAA Policies and Procedures Manual (7/1/03). Private non-profit service providers will be monitored to ensure compliance with conflict of interest policies, as stated in DoA Administrative Letter No. 03-14.

The monitoring of services provided under this Agreement shall be carried out by the Area Agency on Aging in accordance with its Assessment Plan and/or by the DAAS Program Compliance Representative (PCR). Local Departments of Social Services providing Adult Day Care, Adult Day Health Care, Housing and Home Improvement, and/or In-Home Aide (all levels) through the Home and Community Care Block Grant will receive monitoring by the State PCR. All other services and grantees are monitored by the Area Agency on Aging serving the counties' PSA.

Counties and community service providers will receive a written report of monitoring findings in accordance with procedures established in Section 308 of the AAA Policies and Procedures

Manual (7/1/03) and DOA Administrative Letter No. 98-13. Any areas of non-compliance will be addressed in a written corrective action plan with the community service provider.

9. Disputes and Appeals. Any dispute concerning a question of fact arising under this Agreement shall be identified to the designated grants administrator for the Area Agency. In accordance with Lead Regional Organization (LRO) policy, a written decision shall be promptly furnished to the designated grants administrator for the County.

The decision of the LRO is final unless within twenty (20) days of receipt of such decision the Chairman of the Board of Commissioners furnishes a written request for appeal to the Director of the North Carolina Division of Aging and Adult Services, with a copy sent to the Area Agency. The request for appeal shall state the exact nature of the complaint. The Division of Aging and Adult Services will inform the Chairman of the Board of Commissioners of its appeal procedures and will inform the Area Agency that an appeal has been filed. Procedures thereafter will be determined by the appeals process of the Division of Aging and Adult Services. The state agency address is as follows:

Director
North Carolina Division of Aging and Adult Services
2101 Mail Service Center
693 Palmer Drive
Raleigh, North Carolina 27699-2101

10. Termination for Cause. If through any cause, the County shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or the County has or shall violate any of the covenants, agreements, representations or stipulations of this Agreement, the Area Agency shall have the right to terminate this Agreement by giving the Chairman of the Board of Commissioners written notice of such termination no fewer than fifteen (15) days prior to the effective date of termination. In such event, all finished documents and other materials collected or produced under this Agreement shall at the option of the Area Agency, become its property. The County shall be entitled to receive just and equitable compensation for any work satisfactorily performed under this Agreement.
11. Audit. The County agrees to have an annual independent audit in accordance with North Carolina General Statutes, North Carolina Local Government Commission requirements, Division of Aging and Adult Services Program Audit Guide for Aging Services and Federal Office of Budget and Management (OMB) Circular A-133.

Community service providers, as specified in paragraph one (1), who are not units of local government or otherwise subject to the audit and other reporting requirements of the Local Government Commission are subject to audit and fiscal reporting requirements, as stated in NC General Statute 143C-6-22 and 23 and OMB Circular A-133, where applicable. Applicable

community service providers must send a copy of their year-end financial statements, and any required audit, to the Area Agency on Aging. Home and Community Care Block Grant providers are not required to submit Activities and Accomplishments Reports. For-profit corporations are not subject to the requirements of OMB Circular A-133, but are subject to NC General Statute 143C-6-22 and 23 and Yellow Book audit requirements, where applicable.

Federal funds may not be used to pay for a **Single or Yellow Book audit** unless it a federal requirement. **State funds** will not be used to pay for a **Single or Yellow Book audit** if the provider receives less than \$500,000 in state funds. The Department of Health and Human Services will provide confirmation of federal and state expenditures at the close of the state fiscal year. Information on audit and fiscal reporting requirements can be found at <http://www.ncauditor.net/nonprofitsite>.

The following provides a summary of reporting requirements under NCGS 143C-6-22 and 23 and OMB Circular A-133 based upon funding received and expended during the service provider's fiscal year.

<u>Annual Expenditures</u>	<u>Report Required to AAA</u>	<u>Allowable Cost for Reporting</u>
<ul style="list-style-type: none"> Less than \$25,000 in State or Federal funds 	Certification form and State Grants Compliance Reporting <\$25,000 (item # 11, Activities and Accomplishments does <u>not</u> have to be completed)	N/A
Greater than \$25,000 and less that \$500,000 in State or Federal Funds	Certification form and Schedule of Grantee Receipts >\$25,000 and Schedule of Receipts and Expenditures	N/A
<ul style="list-style-type: none"> \$500,00+ in State funds <u>and</u> Federal pass through in an amount less than \$500,00 	Audited Financial Statement in compliance with GAO/GAS (i.e. Yellow Book)	May use State funds, but <u>not</u> Federal Funds
<ul style="list-style-type: none"> \$500,000+ in State funds <u>and</u> \$500,000+ in Federal pass through funds (i.e. at least \$1,000,000) 	Audited Financial Statement in compliance with OMB Circular A-133 (i.e. Single Audit)	May use State and Federal funds
<ul style="list-style-type: none"> Less than \$500,000 in State funds <u>and</u> \$500,000+ in Federal pass through funds 	Audited Financial Statement in compliance with OMB Circular A-133 (i.e. Single Audit)	May use Federal funds, but <u>not</u> State funds.

12. Audit/Assessment Resolutions and Disallowed Cost. It is further understood that the community service providers are responsible to the Area Agency for clarifying any audit exceptions that may arise from any Area Agency assessment, county or community service provider single or financial audit, or audits conducted by the State or Federal Governments. In the event that the Area Agency or the Department of Health and Human Services disallows any expenditure made by the community service provider for any reason, the County shall promptly repay such funds to the Area Agency once any final appeal is exhausted in accordance with paragraph nine (9). The only exceptions are if the Area Agency on Aging is designated as a community service provider through the County Funding Plan or, if as a part of a procurement process, the Area Agency on Aging enters into a contractual agreement for service provision with a provider which is in addition to the required County Funding Plan formats. In these exceptions, the Area Agency is responsible for any disallowed costs. The County or Area Agency on Aging can recoup any required payback from the community service provider in the event that payback is due to a community service provider's failure to meet OMB Circular A-122 requirements, requirements of A-110, requirements of 45CFR, Part 1321, and 45CFR, Part 92, or state eligibility requirements as specified in policy.
13. Indemnity. The County agrees to indemnify and save harmless the Area Agency, its agents, and employees from and against and all loss, cost, damages, expenses, and liability arising out of performance under this Agreement to the extent of errors or omissions of the County.
14. Equal Employment Opportunity and Americans With Disabilities Act Compliance. Both the County and community service providers, as identified in paragraph one (1), shall comply with all federal and state laws relating to equal employment opportunity and accommodation for disability.
15. Data to be Furnished to the County. All information which is existing, readily available to the Area Agency without cost and reasonably necessary, as determined by the Area Agency's staff, for the performance of this Agreement by the County shall be furnished to the County and community service providers without charge by the Area Agency. The Area Agency, its agents and employees, shall fully cooperate, with the County in the performance of the County's duties under this Agreement.
16. Rights in Documents, Materials and Data Produced. The County and community service providers agree that at the discretion of the Area Agency, all reports and other data prepared by or for it under the terms of this Agreement shall be delivered to, become and remain, the property of the Area Agency upon termination or completion of the work. Both the Area Agency and the County shall have the right to use same without restriction or limitation and without compensation to the other. For the purposes of this Agreement, "data" includes

writings, sound recordings, or other graphic representations, and works of similar nature. No reports or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the County.

17. Interest of the Board of Commissioners. The Board of Commissioners covenants that neither the Board of Commissioners nor its agents or employees presently has an interest, nor shall acquire an interest, direct or indirect, which conflicts in any manner or degree with the performance of its service hereunder, or which would prevent, or tend to prevent, the satisfactory performance of the service hereunder in an impartial and unbiased manner.
18. Interest of Members of the Area Agency, Lead Regional Organization, and Others. No officer, member or employee of the Area Agency or Lead Regional Organization, and no public official of any local government which is affected in any way by the Project, who exercises any function or responsibilities in the review or approval of the Project or any component part thereof, shall participate in any decisions relating to this Agreement which affects his personal interest or the interest of any corporation, partnership or association in which he is, directly or indirectly, interested; nor shall any such persons have any interest, direct or indirect, in this Agreement or the proceeds arising therefrom.
19. Officials not to Benefit. No member of or delegate to the Congress of the United States of America, resident Commissioner or employee of the United States Government, shall be entitled to any share or part of this Agreement or any benefits to arise herefrom.
20. Prohibition Against Use of Funds to Influence Legislation. No part of any funds under this Agreement shall be used to pay the salary or expenses of any employee or agent acting on behalf of the County to engage in any activity designed to influence legislation or appropriations pending before Congress.

21. Applicable Law. This Agreement is executed and is to be performed in the State of North Carolina, and all questions of interpretation and construction shall be construed by the laws of such State.

In witness whereof, the Area Agency and the County have executed this Agreement as of the day first written above.

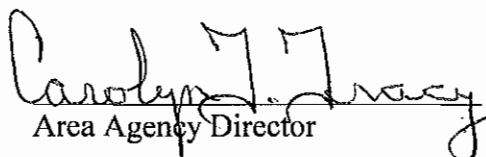

Cumberland County

Attest:


By: _____
Chairman, Board of Commissioners

Area Agency

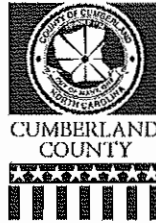
Attest:


Area Agency Director
By: 
Executive Director,
Lead Regional Organization

Provision for payment of the monies to fall due under this Agreement within the current fiscal year have been made by appropriation duly authorized as required by the Local Government Budget and Fiscal Control Act.

BY: 
FINANCE OFFICER, Lead Regional Organization

ROBERT N. STANGER, P.E.
County Engineer



ITEM NO. 1C

SAM LUCAS
Engineering Technician I I

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

June 4, 2009

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

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

THROUGH: AMY H. CANNON, ASSISTANT COUNTY MANAGER

**SUBJECT: APPROVAL OF CHANGE ORDER #3 - RENTENBACH CONSTRUCTORS
NEW PUBLIC HEALTH CENTER PROJECT**

BACKGROUND

In May, 2008, the Board entered into a contract with Rentenbach Constructors, Inc., in the amount of \$22,190,429 for construction of the New Public Health Center Project. The Board also approved the project budget which included an Owner Construction Contingency of \$537,435. Construction of the new facility is about 70% complete and to date two change orders totaling \$35,033 have been approved.

Attached is Change Order #3 in the amount of \$103,046 for additional work on the New Public Health Center Project. The contract revisions are itemized in the change order document and include both additive and deductive work items. The changes can be summarized as follows:

- | | |
|--|---------------|
| • Owner requested revisions at building exterior. | ADD \$36,098 |
| • Owner requested revisions at building interior. | ADD \$15,349 |
| • Code Compliance revisions. | ADD \$39,982 |
| • Design revisions. | ADD \$12,002 |
| • HVAC revisions resulting in a credit to the Owner. | DEDUCT \$ 385 |

With approval of Change Order #3, the net increase in the contract price is \$138,079 which equates to 0.62% of the original contract amount. Sufficient monies are available in the project contingency to fund this change order. The change order document has been reviewed by the County Attorney's Office for legal sufficiency.

RECOMMENDATION/PROPOSED ACTION

The recommendation of the County Engineer, the project architect CJM&W, and management is to approve Change Order #3 for Rentenbach Constructors for additional work on the New Public Health Center Project in the amount of \$103,046 and increase the contract sum to \$22,328,508 and approve the attached budget revision.

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

Celebrating Our Past...Embracing Our Future

CHANGE ORDER

AIA DOCUMENT G701-2000



OWNER
ARCHITECT
CONTRACTOR
FIELD
OTHER

X
X
X

PROJECT: **County of Cumberland Public Health Center** CHANGE ORDER NUMBER: **003**
(name, address) **1225 Ramsey Street**
Fayetteville, NC 28301

DATE: **May 27, 2009**

ARCHITECT'S PROJECT NO.: **04-0570.5**

TO CONTRACTOR: **Rentenbach Constructors Inc.**
(name, address) **1102 Greccade Street**
Greensboro, NC 27429

CONTRACT DATE: **May 19, 2008**

CONTRACT FOR: **General Construction**

THE CONTRACT IS CHANGED AS FOLLOWS:

PC #19	Cost for revision to retaining wall, dumpster pad and dumpster area per CCD #004	\$ 31,590.00
PC #26	Credit for ductwork, grille and damper deleted per RFI #060 at second floor Atrium. Materials to be turned over to Owner.....	(\$ 385.00)
PC #42 Rev	Cost for revision to Pharmacy, Administration and EPI areas and hardware per RFP #011	\$ 8,833.00
PC #45	Cost to provide electrical rough-in and security cabling and hardware per revisions in ASI #018	\$ 2,486.00
PC #47	Cost to add gas tank storage enclosure and security camera per RFP #014	\$ 4,508.00
PC #48	Cost for scupper and overflow drain revisions per RFP #015.....	\$ 36,331.00
PC #49	Cost to change lower section of Security Office windows from clear tempered glass to Gray spandrel glass per submittal	\$ 822.00
PC #50	Cost to revise size of window #24 per RFP #016 and RFI #068. Purchased materials to be turned over to Owner	\$ 1,808.00
PC #51	Cost to add wall at ductwork per RFP #017 (third floor location only)	\$ 1,511.00
PC #53	Cost to revise exhaust ductwork at Mechanical shaft per RFP #018	\$ 3,651.00
PC #54	Cost to add data outlet per RFP #019 and RFI #071	\$ 297.00
PC #56	Cost for drywall and painting revisions at tube steel bracing next to elevators per RFP #022.....	\$ 5,371.00
PC #57	Cost to relocate electrical outlets in Exam rooms per RFP #023	\$ 1,802.00
PC #58	Cost for additional marker and tack board per ASI #005.....	\$ 2,222.00
PC #60	Cost for revisions to display case in Room 1003 per RFP #025.....	\$ 2,199.00
TOTAL		\$ 103,046.00

Not valid until signed by the Owner, Architect and Contractor.

The original (Contract Sum) (Guaranteed Maximum Price) was **\$22,190,429**
Net change by previously authorized Change Orders **\$ 35,033**
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was..... **\$22,225,462**
The (Contract Sum) (Guaranteed Maximum Price) will be (increased) (decreased) (unchanged) by this Change Order in the amount of..... **\$103,046**
The new (Contract Sum) (Guaranteed Maximum Price) including this Change Order will be **\$22,328,508**

The Contract Time will be (increased) (decreased) (unchanged) by (0) days.

The date of Substantial Completion as of the date of this Change Order therefore is **November 10, 2009**.

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

Continued on Page #2

**CHANGE
ORDER**

AIA DOCUMENT G701-2000



OWNER	<input checked="" type="checkbox"/>
ARCHITECT	<input checked="" type="checkbox"/>
CONTRACTOR	<input checked="" type="checkbox"/>
FIELD	<input type="checkbox"/>
OTHER	<input type="checkbox"/>

Page #2

ARCHITECT
Calloway Johnson Moore & West, P.A.
119 Brookstown Ave., Suite 100
Winston-Salem, NC 27101

CONTRACTOR
Rentenbach Constructors Inc.
1102 Greccade Street
Greensboro, NC 27429

OWNER
County of Cumberland
130 Gillespie Street
Fayetteville, NC 28302

BY [Signature]
DATE 5.27.09

BY [Signature]
DONALD W. FREEMAN, PRESIDENT AND CEO
DATE 6/4/09

BY _____
DATE _____

AIA DOCUMENT G701-2000 • CHANGE ORDER • 2000 EDITION • AIA®
THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., N.W., WASHINGTON, D.C. 20006

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-394
Date Received	6/4/2009
Date Completed	

Fund No. 015 Agency No. 431 Organ. No. 431A
 Organization Name: Health Department Building

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9205	Installment Purchase Proceeds	26,500,000		26,500,000
9110	Transfer from General Fund	1,486,300		1,486,300
Total		27,986,300	0	27,986,300

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3747	HEA	Engineer	1,477,603		1,477,603
347B	HEA	Relocation Expense	170,515		170,515
3480	HEA	Utilities	150,000		150,000
3704	HEA	General Contract	22,225,462	103,046	22,328,508
3714	HEA	Geotechnical Services	140,000		140,000
3119	HEB	Debt Issuance Cost	368,621		368,621
3610	HEC	Capital Outlay - Equipment	1,285,000		1,285,000
383Z	HEC	Technology	1,673,300		1,673,300
3903	HED	Contingency	495,799	(103,046)	392,753
Total			27,986,300	0	27,986,300

Justification:

Revision in the amount of \$103,046 to adjust the general construction contract for Change Order #3. This increase to the maximum guaranteed price is being funded from the Owner's Construction Contingency.

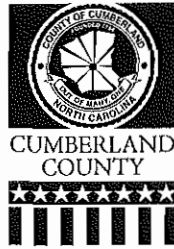
Funding Source: State: _____ Federal: _____ Fund Balance: County: _____ New: _____ Other: _____
 Other: _____ Fees: _____ Prior Year: _____

Submitted By: _____ Date: _____
 Department Head

Reviewed By: Bob Tucker Date: 6/9/09
 Finance Department

Reviewed By: Amy N. Cannon Date: 6/9/09
 Assistant County Mgr

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



ITEM NO. 1D

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
JUNE 15, 2009

TO: BOARD OF COUNTY COMMISSIONERS

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

FROM: THANENA S. WILSON, COMMUNITY DEVELOPMENT DIRECTOR

DATE: JUNE 5, 2009

**SUBJECT: COMMUNITY DEVELOPMENT HOUSING REHABILITATION PROGRAM
EXCEPTION TO THE CONFLICT OF INTEREST RULE**

BACKGROUND

Community Development (CD) has received an Intake Application from Erma J. Sweat who is the mother of Carlis Sweat, a Housing Rehabilitation Specialist for CD. Ms. Sweat is 75 years old and owns and occupies the residence at 4484 Highway 242, Roseboro, North Carolina 28382. Based on program requirements and a preliminary title opinion, she appears to be eligible for assistance under our housing rehabilitation program.

As Director, I will insure that the decision-making process used for this application is the same impartial and objective process used in all other such applications for these services. Attached is a legal opinion provided by the County Attorney's Office stating that granting assistance to the applicants would not result in a conflict of interest in violation of State law or County ordinance, provided that the staff person: 1) reaps no direct or indirect economic gain from this transaction; 2) has disclosed on the record the nature of the conflict; 3) does not engage in deliberations concerning the matter; 4) disqualifies himself from acting on the application; and 5) does not communicate regarding the matter with anyone who will make a decision about the application.

RECOMMENDATIO AND PROPOSED ACTION

This issue is being presented to the Board as matter of disclosure for public record. No action is needed.

Attachment

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RECEIVED

JUN 03 2009

Per _____

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

June 2, 2009

OPINION

TO: THANENA S. WILSON, COMMUNITY DEVELOPMENT DIRECTOR

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

SUBJECT: REQUEST FOR LEGAL OPINION RE: CONFLICT OF INTEREST WITH REGARD TO ERMA J. SWEAT AND CARLIS SWEAT AND APPLICATION FOR HOUSING REHABILITATION PROGRAM BY MS. SWEAT.

ISSUE:

Ms. Erma J. Sweat, the mother of Carlis Sweat, a Community Development employee, has applied for a housing rehabilitation loan for her residence at 4484 Highway 242, Roseboro, NC and is fully eligible in her own right to receive the loan. Is it a conflict of interest under local or state law for her to be approved for the loan?

OPINION:

It is the opinion of the County Attorney's Office that there will be no conflict of interest under local or state law if Ms. Sweat is approved for the loan and receives assistance through the Community Developments Housing Rehabilitation Program while her son, Carlis Sweat, remains a Community Development employee, provided:

1. Ms. Erma J. Sweat is in all ways eligible for the program to which she has applied;
2. All eligibility, compliance and rehabilitation issues will be supervised by Community Development employees not related to Ms. Sweat and those employees are in no way influenced or supervised by Mr. Carlis Sweat, and
3. Mr. Sweat does not have any ownership interest in the property nor resides on the property.

Harvey W. Raynor III

ASSUMPTIONS:

This opinion assumes the following facts are true and accurate as represented: The application and eligibility evaluation process for Ms. Sweat will be conducted by Mary Alice Underwood, Senior Loan Analyst, and monitored and approved by the Director, Nena Wilson. Any

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compliance issues should the loan be awarded will be monitored by Delores Taylor, Compliance Officer, and the construction aspect of the rehabilitation process will be monitored by William Taylor, Housing Rehabilitation Specialist. None of Ms. Underwood, Ms. Wilson, Ms. Taylor or Mr. Taylor is related by blood or marriage to either Ms. Sweat or Mr. Sweat. Mr. Carlis Sweat is a Housing Rehabilitation Specialist and, as such, would have no authority or supervision over or ability to influence the application and eligibility evaluation, or the rehabilitation process. Mr. Sweat does not reside at 4484 Highway 242, Roseboro, NC, which is assumed to be in Cumberland County.

ANALYSIS OF LAW:

In researching this matter the following sources were reviewed and/or consulted: Cumberland County Policies and Legal Opinions; North Carolina General Statutes 14-234; 122A-20; 122E-4(i); 143B-437.30; North Carolina General Statute Chapters 138A; 153A; and 160A; and Professor David Lawrence at the School of Government. There was no County policy or legal opinion on the specific question and the only relevant State statute is NCGS 14-234, which is a criminal statute. However, if the assumptions I have relied upon and as stated above are correct, I do not believe the transaction contemplated will be in conflict with NCGS 14-234.

The author of this opinion has reviewed applicable federal law and regulation but gives no legal opinion regarding such; however, HUD will need to issue an exception of its conflict of interest rule in accordance with Section 570.61 (d) (2) (iii) of the CDBG regulations before proceeding with the awarding of any benefit in this matter.

Attachment: NCGS 14-234

14-234**Chapter 14. Criminal Law.****Article 31. Misconduct in Public Office.**

§ 14-234 Public officers or employees benefiting from public contracts; exceptions.

(a) (1) No public officer or employee who is involved in making or administering a contract on behalf of a public agency may derive a direct benefit from the contract except as provided in this section, or as otherwise allowed by law.

(2) A public officer or employee who will derive a direct benefit from a contract with the public agency he or she serves, but who is not involved in making or administering the contract, shall not attempt to influence any other person who is involved in making or administering the contract.

(3) No public officer or employee may solicit or receive any gift, reward, or promise of reward in exchange for recommending, influencing, or attempting to influence the award of a contract by the public agency he or she serves.

(a1) For purposes of this section:

(1) As used in this section, the term "public officer" means an individual who is elected or appointed to serve or represent a public agency, other than an employee or independent contractor of a public agency.

(2) A public officer or employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to make decisions regarding the contract or to interpret the contract.

(3) A public officer or employee is involved in making a contract if he or she participates in the development of specifications or terms or in the preparation or award of the contract. A public officer is also involved in making a contract if the board, commission, or other body of which he or she is a member takes action on the contract, whether or not the public officer actually participates in that action, unless the contract is approved under an exception to this section under which the public officer is allowed to benefit and is prohibited from voting.

(4) A public officer or employee derives a direct benefit from a contract if the person or his or her spouse: (i) has more than a ten percent (10%) ownership or other interest in an entity that is a party to the contract; (ii) derives any income or commission directly from the contract; or (iii) acquires property under the contract.

(5) A public officer or employee is not involved in making or administering a contract solely because of the performance of ministerial duties related to the contract.

(b) Subdivision (a)(1) of this section does not apply to any of the following:

(1) Any contract between a public agency and a bank, banking institution, savings and loan association, or with a public utility regulated under the provisions of Chapter 62 of the General Statutes.

(2) An interest in property conveyed by an officer or employee of a public agency under a judgment, including a consent judgment, entered by a superior court judge in a condemnation proceeding initiated by the public agency.

(3) Any employment relationship between a public agency and the spouse of a public officer of the agency.

(4) Remuneration from a public agency for services, facilities, or supplies furnished directly to needy individuals by a public officer or employee of the agency under any program of direct public assistance being rendered under the laws of this State or the United States to needy persons administered in whole or in part by the agency if: (i) the programs of public assistance to needy persons are open to general participation on a nondiscriminatory basis to the practitioners of any given profession, professions or occupation; (ii) neither the agency nor any of its employees or agents, have control over who, among licensed or qualified providers, shall be selected by the beneficiaries of the assistance; (iii) the remuneration for the services, facilities or supplies are in the same amount as would be paid to any other provider; and (iv) although the public officer or employee may participate in making determinations of eligibility of needy persons to

receive the assistance, he or she takes no part in approving his or her own bill or claim for remuneration.

(b1) No public officer who will derive a direct benefit from a contract entered into under subsection (b) of this section may deliberate or vote on the contract or attempt to influence any other person who is involved in making or administering the contract.

(c) through (d) Repealed by Session Laws 2001-409, s. 1, effective July 1, 2002.

(d1) Subdivision (a)(1) of this section does not apply to (i) any elected official or person appointed to fill an elective office of a village, town, or city having a population of no more than 15,000 according to the most recent official federal census, (ii) any elected official or person appointed to fill an elective office of a county within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, (iii) any elected official or person appointed to fill an elective office on a city board of education in a city having a population of no more than 15,000 according to the most recent official federal census, (iv) any elected official or person appointed to fill an elective office as a member of a county board of education in a county within which there is located no village, town or city with a population of more than 15,000 according to the most recent official federal census, (v) any physician, pharmacist, dentist, optometrist, veterinarian, or nurse appointed to a county social services board, local health board, or area mental health, developmental disabilities, and substance abuse board serving one or more counties within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, and (vi) any member of the board of directors of a public hospital if all of the following apply:

(1) The undertaking or contract or series of undertakings or contracts between the village, town, city, county, county social services board, county or city board of education, local health board or area mental health, developmental disabilities, and substance abuse board, or public hospital and one of its officials is approved by specific resolution of the governing body adopted in an open and public meeting, and recorded in its minutes and the amount does not exceed twelve thousand five hundred dollars (\$12,500) for medically related services and twenty-five thousand dollars (\$25,000) for other goods or services within a 12-month period.

(2) The official entering into the contract with the unit or agency does not participate in any way or vote.

(3) The total annual amount of contracts with each official, shall be specifically noted in the audited annual financial statement of the village, town, city, or county.

(4) The governing board of any village, town, city, county, county social services board, county or city board of education, local health board, area mental health, developmental disabilities, and substance abuse board, or public hospital which contracts with any of the officials of their governmental unit shall post in a conspicuous place in its village, town, or city hall, or courthouse, as the case may be, a list of all such officials with whom such contracts have been made, briefly describing the subject matter of the undertakings or contracts and showing their total amounts; this list shall cover the preceding 12 months and shall be brought up-to-date at least quarterly.

(d2) Subsection (d1) of this section does not apply to contracts that are subject to Article 8 of Chapter 143 of the General Statutes, Public Building Contracts.

(d3) Subsection (a) of this section does not apply to an application for or the receipt of a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control created pursuant to Part 9 of Article 21 of Chapter 143 of the General Statutes or the Community Conservation Assistance Program created pursuant to Part 11 of Article 21 of Chapter 143 of the General Statutes by a member of the Soil and Water Conservation Commission if the requirements of G.S. 139-4(e) are met, and does not apply to a district supervisor of a soil and water conservation district if the requirements of G.S. 139-8(b) are met.

(d4) Subsection (a) of this section does not apply to an application for, or the receipt of a grant or other financial assistance from, the Tobacco Trust Fund created under Article 75 of Chapter 143 of the General Statutes by a member of the Tobacco Trust Fund Commission or an entity in which a member of the Commission has an interest provided that the requirements of G.S. 143-717(h) are met.

(d5) This section does not apply to a public hospital subject to G.S. 131E-14.2 or a public hospital authority subject to G.S. 131E-21.

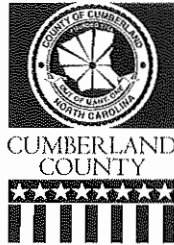
(e) Anyone violating this section shall be guilty of a Class 1 misdemeanor.

(f) A contract entered into in violation of this section is void. A contract that is void under this section may continue in effect until an alternative can be arranged when: (i) immediate termination would result in harm to the public health or welfare, and (ii) the continuation is approved as provided in this subsection. A public agency that is a party to the contract may request approval to continue contracts under this subsection as follows:

(1) Local governments, as defined in G.S. 159-7(15), public authorities, as defined in G.S. 159-7(10), local school administrative units, and community colleges may request approval from the chair of the Local Government Commission.

(2) All other public agencies may request approval from the State Director of the Budget.

Approval of continuation of contracts under this subsection shall be given for the minimum period necessary to protect the public health or welfare. (1825, c. 1269, P.R.; 1826, c. 29; R.C., c. 34, s. 38; Code, s. 1011; Rev., s. 3572; C.S., s. 4388; 1929, c. 19, s. 1; 1969, c. 1027; 1975, c. 409; 1977, cc. 240, 761; 1979, c. 720; 1981, c. 103, ss. 1, 2, 5; 1983, c. 544, ss. 1, 2; 1985, c. 190; 1987, c. 570; 1989, c. 231; 1991 (Reg. Sess., 1992), c. 1030, s. 5; 1993, c. 539, s. 145; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 519, s. 4; 2000-147, s. 6; 2001-409, s. 1; 2001-487, ss. 44(a), 44(b), 45; 2002-159, s. 28; 2006-78, s. 2.)



ITEM NO. 1E


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

June 8, 2008

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF JUNE 15, 2009

TO: BOARD OF COMMISSIONERS

THRU: GRAINGER BARRETT, COUNTY ATTORNEY 

FROM: PHYLLIS P. JONES, ASSISTANT COUNTY ATTORNEY 

SUBJECT: ADOPTION OF AN IDENTITY THEFT PREVENTION PROGRAM TO COMPLY WITH FEDERAL REGULATIONS RELATING TO RED FLAGS AND IDENTITY THEFT

BACKGROUND

The Federal Trade Commission (FTC) issued regulations requiring creditors to develop and implement a written program to detect, prevent, and mitigate identity theft. Included in the definition of a "creditor" is any government or governmental subdivision or agency that regularly extends the right to purchase services and defer payment for the service. The written program must be approved by the creditor's board of directors or an appropriate committee of the board of directors. The FTC rules became effective November 1, 2008; however, the FTC extended the compliance deadline to August 1, 2009.

The Cumberland County Solid Waste Department extends credit. Therefore, Cumberland County is subject to the FTC regulations. The Health Department has adopted a separate Red Flag and Identity Theft Policy applicable to credit it extends on some patient accounts.

RECOMMENDATION: Adopt the attached identity theft prevention program in compliance with the FTC regulations codified at 16 C.F.R. § 681 *et seq.*

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RESOLUTION

A Resolution of the Cumberland County Board of Commissioners Adopting an Identity Theft Protection Policy and Breach Response Plan

WHEREAS pursuant to federal law the Federal Trade Commission adopted Identity Theft Rules (the “Identity Theft Rules”) requiring the creation of certain policies relating to the use of consumer reports, address discrepancy and the detection, prevention and mitigation of identity theft;

WHEREAS, the Federal Trade Commission regulations, adopted as 16 CFR § 681.2, require creditors as defined by 15 U.S.C. § 168a(r)(5) to adopt red flag policies to prevent and mitigate identity theft with respect to covered accounts;

WHEREAS 15 U.S. C. § 1681a (r)(5) cites 15 U.S.C. 1691a, which defines creditor as a person that extends, renews or continues credit, and defines ‘credit’ in part as the right to purchase property or services and defer payment therefore;

WHEREAS the County of Cumberland is a creditor with respect to 16 CFR § 681.2 by virtue of certain departments, agencies or functions accepting payment for county services in arrears;

WHEREAS the Identity Theft Rules define “covered account” in part as an account that a creditor provides for personal, family or household purposes that is designed to allow multiple payments or transactions;

WHEREAS the Identity Theft Rules require each creditor to adopt and implement an Identity Theft Prevention Program which will identify and use red flags to detect, prevent, and mitigate identity theft related to information used in covered accounts;

WHEREAS the duly elected governing authority of the County of Cumberland is the Cumberland County Board of Commissioners;

WHEREAS, the Cumberland County Board of Commissions desires to comply with the Identity Theft Rules by formally adopting a policy concerning the protection of customer information it obtains through covered programs and services.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Cumberland County adopts the following Identity Theft Protection Policy and Breach Response Plan (the “Policy”):

I. PROGRAM PURPOSE AND DEFINITIONS

A. Purpose

The purpose of this policy is to identify programs and services where information is collected by county departments from citizens in a "creditor" relationship, determine whether such information is maintained in "covered accounts" containing customer "identifying information" per federal regulations, and establish procedures for the security of such information, as those terms are defined by the Identity Theft Rules.

B. Definitions

- (a) Covered Accounts . An account that a financial institution or creditor offers or maintains, primarily for personal, family or household purposes, that involves or is designed to permit multiple payments or transactions; or any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.
- (b) Credit . The right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.
- (c) Creditor . Any department, agency or function of the County overseen by the County Manager that regularly extends, renews, or continues creditor that regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit.
- (d) Identifying Information . Any name or number that may be used, alone or in connection with any other information, to identify a specific person, including any:
 - 1. Name, social security number, date of birth, official state or government issued driver's license or identification number, alien registration number;
 - 2. Unique biometric data, such as fingerprint, voiceprint, retina or iris image, or other unique physical representation;
 - 3. Unique electronic identification number, address or routing code; or
 - 4. Telecommunication identifying information or access device.

C. Accounts

Cumberland County Solid Waste Department landfill "credit" accounts are covered by this Policy. If other County accounts offered or maintained by any other County departments, agencies or functions overseen by the County Manager are determined to be "covered"

they will be included under this Policy as well.

II. IDENTIFICATION OF RED FLAGS.

In order to identify relevant Red Flags, the County considers the types of credit accounts that it offers and maintains, the methods it provides to open those credit accounts, the methods it provides to access those credit accounts, and any previous experiences with Identity Theft. The County identifies the following red flags, in each of the listed categories:

A. Notifications and Warnings From Credit Reporting Agencies

Red Flags

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on a customer or applicant;
3. Notice or report from a credit agency or an active duty alert for an applicant; and
4. Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.
5. Any other credit account the County offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the County from Identity Theft.

B. Suspicious Documents

Red Flags

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
4. An application that appears to have been altered or forged.
- 5.

C. Suspicious Personal Identifying Information

Red Flags

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent

- activity (such as an invalid phone number or fictitious billing address);
- 5. Social security number presented that is the same as one given by another customer.
- 6. An address or phone number presented that is the same as that of another person.
- 7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required; and
- 8. A person's identifying information that is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account **Red Flags**

- 1. A Change of address for a credit account followed by a request to change the credit account holder's name;
- 2. Payments stop on an otherwise consistently up-to-date account;
- 3. Credit account used in a way that is not consistent with prior use (example: very high activity);
- 4. Mail sent to the credit holder is repeatedly returned as undeliverable;
- 5. Notice to the County that a customer is not receiving mail sent by the County;
- 6. Notice to the County that a credit account has unauthorized activity;
- 7. Breach of the County's computer system security; or
- 8. Unauthorized access to or use of customer credit account information.

E. Alerts from Others **Red Flags**

Notice to the County from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

IV. DETECTING RED FLAGS.

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a new credit account, County personnel will take the following steps to obtain and verify the identity of the person opening the account:

- 1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other photo ID;
- 2. Verify the customer's identity (for instance, review a driver's license or other identification card);

3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

B. Existing Credit Accounts

In order to detect any of the Red Flags identified above for an **existing credit account**, County personnel will take the following steps to monitor transactions with an account:

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of request to change billing addresses; and
3. Verify changes in banking information given for billing and payment purposes.

V. PREVENTING AND MITIGATING IDENTITY THEFT

If County personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag, as well as taking into confidentiality laws related to certain information.

A. Prevent and Mitigate

1. Continue to monitor a credit account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to credit accounts;
4. Not open a new credit account;
5. Close an existing credit account;
6. Reopen a credit account with a new number;
7. Notify the Finance Director for determination of the appropriate steps to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

B. Protect customer identifying information

In order to further prevent the likelihood of identity theft occurring with respect to County credit accounts, the County will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Request only the last 4 digits of social security numbers (if any);

6. Ensure computer virus protection is up to date; and
7. Require and keep only the kinds of customer information as is necessary for the purpose of the credit account.

VI. PROGRAM UPDATES

This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the County from Identity Theft. At least annually, the Finance Director will consider the County's experience with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of credit accounts the County maintains and changes in the County's business arrangements with other entities. After considering these factors, the Finance Director will determine whether changes to the Policy, including the listing of Red Flags, are warranted. If warranted, the Finance Director will update this Policy or present the Board of Commissioners with his or her recommended changes and the Board of Commissioners will make a determination of whether to accept, modify or reject those changes to this Policy.

VII. PROGRAM ADMINISTRATION.

A. Oversight

Responsibility for developing, implementing and updating this Policy lies with the Finance Officer, upon the legal advice of the County Attorney's Office. The Finance Officer will be responsible for Policy administration, for ensuring appropriate training of County staff on the Policy, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Policy.

B. Staff Training and Reports

County staff responsible for implementing the Policy shall be trained either by or under the direction of the Finance Officer in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

C. Service Provider Arrangements

If the County engages a service provider to perform an activity in connection with one or more credit accounts, the County will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the County's Policy, agree to comply with it, and report any Red Flags to the Finance Director.

D. Specific Program Elements and Confidentiality

For the effectiveness of Identity Theft prevention programs, the Identity Theft Rules envisions a degree of confidentiality regarding the County's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, knowledge of such specific practices is to be limited to the Finance Officer and those employees who need to know them for purposes of preventing Identity Theft. Because this Policy is to be adopted by a public body and thus be publicly, it would be counterproductive to list these specific practices here. Therefore, only the Policy's general Red Flag detection, implementation and prevention practices are, by deliberate intention, listed in this document.

Adopted this 15th day of June, 2009.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS

Jeanette M. Council, Chair

ATTEST

Marsha Fogle, Clerk to the Board

I, Marsha Fogle, do hereby certify that the foregoing is a true and correct copy of the Cumberland County Identity Theft Protection Policy and Breach Response Plan adopted by the Cumberland County Board of Commissioners at its regular meeting on .

Marsha Fogle, Clerk to the Board



ITEM NO. 1E

WORKFORCE DEVELOPMENT CENTER

410 Ray Avenue • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 323-3421 • Fax: (910) 323-5755

June 4, 2009

June 15, 2009 Agenda Item

MEMORANDUM

TO: Board of County Commissioners

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

FROM: Geneva Mixon, Director *Gen. Mixon*

SUBJECT: Modification to the Workforce Investment Act Plan to include the Plan for American Recovery and Reinvestment Act (ARRA) for the June 15, 2009 County Commissioners Meeting

The Cumberland County Workforce Development Center is required to prepare a plan modification to incorporate the American Recovery and Reinvestment Act of 2009 (ARRA). The purpose for this modification is for the development of Program Year (PY) 2008 Plan Modification number 3A which incorporates the ARRA Plan. It has been completed in compliance with the provisions of U. S. Department of Labor Training and Employment Guidance Letters (TEGL) 14-08 and 14-08, Change 1.

Request approval of the Board of Commissioners for the Program Year (PY) 2008 Plan Modification Number 3-A incorporating the American Recovery and Reinvestment Act of 2009 (PY 2008 funds) for youth, adult and dislocated worker activities.

The ARRA Plan agrees with budget revisions previously submitted and approved at the April 6, 2009 Commissioners Meeting. **Enclosed are two copies of the signatory sheet which requires the signature of Jeannette Council, Chairperson of the Board of County Commissioners.**

Attachments



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

Equal Opportunity Employer / Program

**WORKFORCE INVESTMENT ACT OF 1998
FUNDING PROVIDED BY
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009**

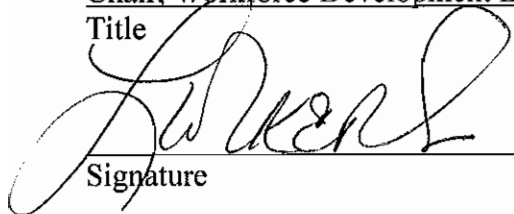
Cumberland County Local Area
Local Workforce Development Area Name

We affirm that the Local Area Workforce Development Board (WDB) and the Chief Elected Official (CEO) of the Local Area, in partnership, have developed and now submit this comprehensive, strategic local Workforce Development Modification Number 3-A to the Program Year 2008 Transition Plan, in compliance with the provisions of the federal Workforce Investment Act of 1998 and American Recovery and Reinvestment Act of 2009 and instructions issued by the Governor under authority of the Acts.

**WORKFORCE DEVELOPMENT
BOARD CHAIR**

Loleta Wilkerson
Typed Name

Chair, Workforce Development Board
Title


Signature

6/2/09
Date

CHIEF ELECTED OFFICIAL

Jeannette Council
Typed Name

Chairperson , Board of Commissioners
Title

Signature

Date

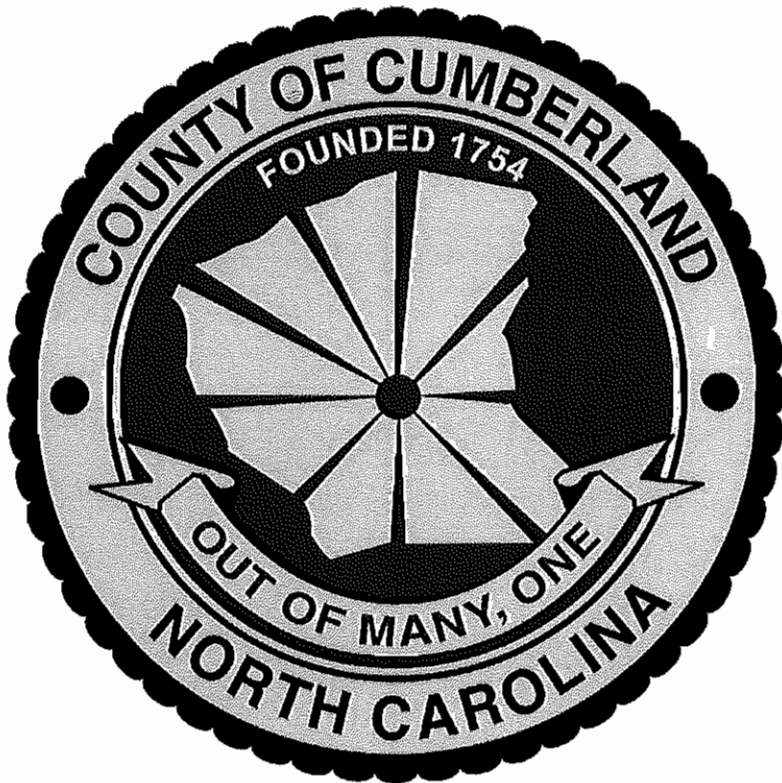


Cumberland County Local Area
Local Workforce Development Area Name

Date _____

2009

American Recovery & Reinvestment Act



Cumberland County
Workforce Development Center

American Recovery and Reinvestment Act of 2009
Plan Modification #3-A
Fact Sheet

- The Recovery Act was signed by President Obama on Feb 17, 2009
- NC State Launch April 6, 2009
- Intention: to preserve and create jobs, promote the nation's economic recovery, and to assist those most impacted by the recession
- Assist workers to retool their skills, re-establish themselves in viable career paths
- Target services to meet the changing needs of workers and employers
- *Should yield increased services and training for workers in need*
- Also invigorate more innovative public workforce system
- Capable of helping enable future economic growth and advancing shared prosperity for Americans

Adults:

- Further education and training in order to advance in their careers
- Upgrade their contributions to the workplace
- Adult education, job training, postsecondary education, registered apprenticeship, career advancement activities and supportive services.
- Meeting the skill needs of existing and emerging regional employers and high growth occupations
- As well as the needs of under-skilled adults

Youth:

- Reconnect through multiple pathways to education and training
- Enable them to enter and advance in the workforce

Stakeholders:

- Develop and refine innovative service delivery strategies in the context of regional economics
- Workforce Boards should partner with each other regionally
- Develop collaboration with community colleges, and other education providers, registered apprenticeship, employers, business and labor organization, civic groups and community philanthropy
- Sector strategies: renewable energy, broadband and telecommunications, health care, advanced manufacturing, and other high-demand industry

General Policy Guidelines:

- Transparency and accountability
- Timely spending of the funds
- Increasing workforce system capacity and service levels
- Using data and workforce information to guide strategic planning and service delivery

Training Activities:

- Individual Training Accounts
- Customized Training
- On the Job Training (OJT)
- Contracts with Institutions of Higher Education and other training providers
- Contracts with community based organizations
- Registered apprenticeship

Allocations:

Adults	\$251,758.00
Dislocated Workers	\$509,256.00
Youth	\$623,749.00
Administrative Funds	\$153,863.00

All funds, by fund category must be spent at a minimum of 70% by June 30, 2010. With an additional goal; that a minimum of 70% of ARRA Youth funds be spent by September 30, 2009. All funds expire on June 30, 2011.

Youth

Projected Total Number of Youth to be served in summer of 2009	228
Estimated Summer Youth Funds to be expended by Sep 30, 2009	\$467,811.00

Training:

1. Academic Enrichment
2. Work Experience (May - Aug, 2009), \$7.50 – 8.00 per hour
3. Work Readiness Training

Ages 14 – 24

State marketing blitz – posters, radio, & local fliers

Fayetteville State University has been selected to offer the Academic Enrichment Program for the summer. The program consists of a combination of work experience and academics with a classroom component that includes basic work readiness.

Needs –related payments are not offered as part of the summer youth employment component.

The Cumberland County Local Area will offer incentives for the summer youth employment component: \$25.00 for achievement of work readiness goal; and \$100.00 for obtaining Career Readiness Certification; for youth ages 18 – 24.

Supportive services offered to assist out-of-school youth may include transportation assistance, child care expenses, and work clothing, if necessary. Youth will also receive counseling and information on community resources from youth career coaches throughout their participation.

Worksites include public, private for profit, and private not for profit organizations. The program will begin June 15, 2009, youth will participate in the summer youth component for 8-10 weeks.

Potential Work Sites:

Cumberland County
Cape Fear Valley
Department of Social Services
City of Fayetteville
Cumberland County School System
Fayetteville State University
Private Sector Employers

Adult and Dislocated Workers

Dislocated Workers are:

1. Terminated or laid off
2. Exhausted entitlement to UI or is not eligible for UI due to insufficient earnings or worked for an employer not covered under a state unemployment compensation law
3. Unlikely to return to previous industry or occupation
4. Laid off due to plant closure
5. Self employed but is unemployed as a result of general economic conditions or because of natural disaster
6. Displaced homemaker.

Training:

Work Experience \$10.00/hr
Occupational skills training
On-the-job training
Workplace training and related instructions combined training
Registered apprenticeship
Training programs operated by the private sector
Skill upgrade
Retraining
Entrepreneurship training
Job Readiness Training
Adult education and literacy training
Customized training
Supportive Adult basic education training (ESL)

Work Experience Program; primarily intended to teach good work habits and basic work skills for those who have been displaced or who have not worked for a significant time. This program also provides the participant an opportunity to explore career choices in selected high growth, high demand occupations to include green jobs; and provides the participant the opportunity to develop basic occupational related skills. Work experience is limited to 32 hours per week, with a maximum of 480 hours of participation. Participants will be paid not to exceed \$10.00 per hour. No adult or dislocated worker may be placed in a private sector company that has workers currently in layoff status. Placement cannot result in a supplanting of existing services or staff.

Needs Related Payments (as needed) CC WDC will offer up to \$200 bi weekly in needs-related payments to adults and dislocated workers enrolled in training who have exhausted their UI and/or TAA benefits or who were not eligible for UI. Needs related payments provide financial assistance to participants for the purpose of enabling individuals to participate in training and are one of the supportive services offered.

Special Programs (for special people with special needs):

- Disabilities
- Indians and Native Americans
- Migrant and Seasonal Farm workers
- Ex offenders
- Youth
- Older Workers

Senior Program

\$142,306.00



JAMES E. MARTIN
County Manager

JUANITA PILGRIM
Deputy County Manager



ITEM NO. 16

AMY H. CANNON
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 15, 2009

TO: BOARD OF COUNTY COMMISSIONERS
FROM: JAMES E. MARTIN, COUNTY MANAGER
DATE: JUNE 8, 2009
**SUBJECT: APPROVAL OF ORDINANCE ASSESSING
PROPERTY FOR THE COST OF DEMOLITION**

BACKGROUND

On December 15, 2008, the Board of County Commissioners enacted an ordinance directing that the structure(s) located at 388 Stephanie Street, Linden, NC (PIN: 0543-58-9569) be demolished by the owner(s), John W. Mace. The owner(s) failed to comply with the demolition order within the specified time period and, accordingly, the Minimum Housing Inspector had the structure demolished as required by the ordinance at a cost of \$1,175.

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

RECOMMENDATION/PROPOSED ACTION

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

/ct

CM060909-2

Celebrating Our Past...Embracing Our Future

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

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on December 15, 2008, enacted an ordinance directing the demolition by the owner(s) of the structure(s), John W. Mace, located at 388 Stephanie Street, Linden, NC, PIN: 0543-58-9569, said ordinance being recorded in Book 8046, page 286, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$1,175.00.
- (3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$1,175.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated December 15, 2008, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 388 Stephanie Street, Linden, NC, as described in Deed Book 5054, page 767, of the Cumberland County Registry and identified in County tax records as PIN 0543-58-9569.

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

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

* * * * *

I certify that the foregoing Ordinance was adopted and ordered by the Board of Commissioners of Cumberland County, North Carolina, this 15th day of June, 2008, at 6:45 p.m. o'clock.

Cumberland County Clerk

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B09.393</u>
Date Received	<u>6-3-09</u>
Date Completed	

Fund No. 101 Agency No. 431 Organ. No. 432M
 Organization Name: SOUTH CENTRAL PARTNERSHIP FOR PUBLIC HEALTH

ITEM NO. 1 H(1)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4154	SOUTH CENTRAL PARTNERSHIP FOR PUBLIC HEALTH	129,165	71,597	200,762
Total		129,165	71,597	200,762

EXPENDITURES

Object Code	APRs Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4154	208	SOUTH CENTRAL PARTNERSHIP FOR PUBLIC HEALTH	129,165	71,597	200,762
Total			129,165	71,597	200,762

Justification:

THIS BUDGET REVISION REQUESTS TO BUDGET FOR CARRYOVER FUNDING FROM FISCAL YEAR 2008.

State: _____ Federal: _____ Fund Balance: _____ County: _____
 Other: _____ Fees: _____ Prior Year: _____ Other: 71,597

Submitted By: <u>Jane B. Stevens</u>	<u>6-1-09</u>	Date: _____	<table border="1"> <tr> <td align="center" colspan="2">Approved By:</td> </tr> <tr> <td>_____</td> <td>Date: _____</td> </tr> <tr> <td align="center" colspan="2">County Manager</td> </tr> <tr> <td>_____</td> <td>Date: _____</td> </tr> <tr> <td align="center" colspan="2">Board of County Commissioners</td> </tr> <tr> <td>_____</td> <td>Date: _____</td> </tr> </table>	Approved By:		_____	Date: _____	County Manager		_____	Date: _____	Board of County Commissioners		_____	Date: _____
Approved By:															
_____	Date: _____														
County Manager															
_____	Date: _____														
Board of County Commissioners															
_____	Date: _____														
Reviewed By: <u>Kelly Centry</u>	<u>6-3-09</u>	Date: _____													
Reviewed By: <u>Amber Centry</u>	<u>6/09/09</u>	Date: _____													
Reviewed By: _____		Date: _____													

Information Services

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-389
Date Received	5/27/2009
Date Completed	

Fund No. 120 Agency No. 410 Organ. No. 4106

Organization Name: Workers' Compensation

ITEM NO. 14(2)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	0	300,000	300,000
Total		0	300,000	300,000

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1860	600	Workers' Comp	982,975	300,000	1,282,975
Total			982,975	300,000	1,282,975

Justification:

Increase the budget to be able to record the estimated year end audit adjustment for workers' comp claims that are incurred but not reported. (IBNR)

Funding Source:

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

Submitted By: _____

Date: _____

Approved By: _____

Reviewed By: [Signature] Department Head

Date: 5/27/09

County Manager

Date: _____

Reviewed By: [Signature] Finance
[Signature] Deputy Assistant County Mgr

Date: 6/9/09

Board of County Commissioners

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-388
Date Received	5/27/2009
Date Completed	

Fund No. 115 Agency No. 412 Organ. No. 4191
 Organization Name: Group Health Insurance

ITEM NO. 14(3)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	1,100,000	500,000	1,600,000

Total 1,100,000 500,000 1,600,000

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1842	593	PPO Medical	9,500,037	500,000	10,000,037

Total 9,500,037 500,000 10,000,037

Justification:

Increase the budget to be able to record the estimated year end audit adjustment for health claims that are incurred but not reported. (IBNR)

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

Submitted By: _____ Date: _____

Reviewed By: HeA [Signature] Department Head Date: 5/27/09

Reviewed By: [Signature] Finance Date: 6/9/09
[Signature] Deputy Assistant County Mgr

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

COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST

Budget Office Use	
Budget Revision No.	809-399
Date Received	6-10-09
Date Completed	

Fund No. 101 Agency No. 420 4210

Organization Name: Emergency Services

ITEM NO. 14(4)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9906	RESERVE FOR COMMUNICATIONS	547,393	26,184	521,209

Total

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3603	098	Capital Outlay- Vehicles	0	41,602	41,602
459W	097	EMERGENCY PREPAREDNESS	15,418	(15,418)	0

Total 15,418 28,184 41,602

Justification:

Revision in the amount of \$41602. for the purchase of (2) vehicles for Emergency Services Department

Funding Source:

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

Submitted By: Kenneth C...
Department Head

Date: 6/9/09

Reviewed By: Kelly C...
Budget Analyst

Date: 6-10-09

Reviewed By: Amber C...
Deputy/Assistant County Mgr

Date: 6/10/09

Reviewed By: _____
Information Services

Date: _____

Approved By:

County Manager

Board of County Commissioners

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-400
Date Received	6/10/2009
Date Completed	

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

ITEM NO. 14(5)

REVENUE

pg 1 of 3

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	6,616,060	(345,000)	6,271,060

Total 6,616,060 (345,000) 6,271,060

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3836	406	School C.O. Category I	10,337,351	(345,000)	9,992,351

Total 10,337,351 (345,000) 9,992,351

Justification:

Revision in the amount of \$345,000 to reduce fund balance appropriated (Sales Tax) for Capital Outlay Category I expenditures as approved by the Cumberland County Board of Education on June 9, 2009 (School Revision 09-4012).

Funding Source:

State: _____
 Other: _____

Federal: _____
 Fees: _____

Fund Balance:

County: _____ New: _____
 Prior Year: _____

Other: _____

Submitted By: _____

Date: _____

Reviewed By: Bob Tucker Department Head

Date: 6/10/09

Reviewed By: Amber Cannon Finance Department

Date: 6/10/09

Reviewed By: _____ Deputy Assistant County Mgr

Approved By:

County Manager

Board of County Commissioners

Date: _____

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-400A
Date Received	6/10/2009
Date Completed	

Fund No. 106 Agency No. 470 Organ. No. 4706

Organization Name: School C.O. Category II - Equipment

pg 2 of 3

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated (Sales Tax)	2,859,000	340,000	3,199,000
Total		2,859,000	340,000	3,199,000

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3837	407	School Capital Outlay - Category II	8,552,012	340,000	8,892,012
Total			8,552,012	340,000	8,892,012

Justification:

Revision in the amount of \$340,000 to appropriate fund balance (Sales Tax) for Capital Outlay Category II expenditures as approved by the Cumberland County Board of Education on June 9, 2009 (School Revision 09-4012).

Funding Source:

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

Submitted By: _____

Date: _____

Reviewed By: Bob Tucker Department Head

Date: 6/10/09

Reviewed By: Amy H. Cannon Finance Department

Date: 6/10/09

Reviewed By: Deputy/Assistant County Mgr

Date: _____

Reviewed By: _____

Date: _____

Reviewed By: _____

Date: _____

Reviewed By: _____

Date: _____

Reviewed By: _____

Date: _____

Reviewed By: _____

Date: _____

Reviewed By: _____

Date: _____

Reviewed By: _____

Date: _____

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-400B
Date Received	6/10/2009
Date Completed	

Fund No. 106 Agency No. 470 Organ. No. 4708

Organization Name: School C.O. Category III - Vehicles

pg 3 of 3

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated (Sales Tax)	255,000	5,000	260,000
Total		255,000	5,000	260,000

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3838	408	School Capital Outlay - Category III	890,000	5,000	895,000
Total			890,000	5,000	895,000

Justification:

Revision in the amount of \$5,000 to appropriate fund balance (Sales Tax) for Capital Outlay Category III expenditures as approved by the Cumberland County Board of Education on June 9, 2009 (School Revision 09-4012).

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

Submitted By: _____
 _____ Department Head

Reviewed By: *Bob Tucker*
 _____ Finance Department

Reviewed By: *Amyd Cannon*
 _____ Deputy Assistant County Mgr

Date: _____

Date: *6/10/09*

Date: *6/10/09*

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

JUNE 5, 2009

ITEM NO. 24

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P09-17:** Rezoning 2.7+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 437 John Nunnery Rd, submitted by Betty Jane Davis and owned by Sarah Jane Hair Heirs.

ACTION: Members present at the May 19, 2009 meeting voted unanimously to recommend approval of the R40A Residential district.

SITE INFORMATION: **Frontage & Location:** 380'+/- on John Nunnery Road; **Depth:** 280'+/-; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** A1 - September 3, 1996 (Area 20); **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1, R40 & C3; East & West: A1; South: A1, R30 & R6A; **Surrounding Land Use:** Motor vehicle sales, residential (including manufactured homes & manufactured home park), woodlands and farmland; **2030 Growth Vision Plan:** Rural area; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** None; **School Capacity/Enrolled:** Stedman Primary (K-1): 200/187; Stedman Elementary (2-5): 300/303; Mac Williams Middle: 1,270/1,199; Cape Fear High: 1,425/1,482; **Subdivision/Site Plan:** Review required prior to application for permits; **Sewer Service Area:** No; **Average Daily Traffic County (2006):** 520 on John Nunnery Road; **Highway Plan:** There is no road improvements/new constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program. **Notes:** **Density:** A1 – 1 lots/2units, A1A – 2 lots/3 units, R40/R40A – 2 lots/3units.

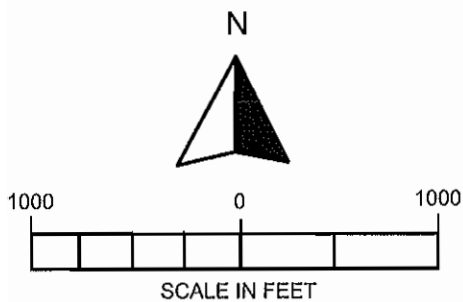
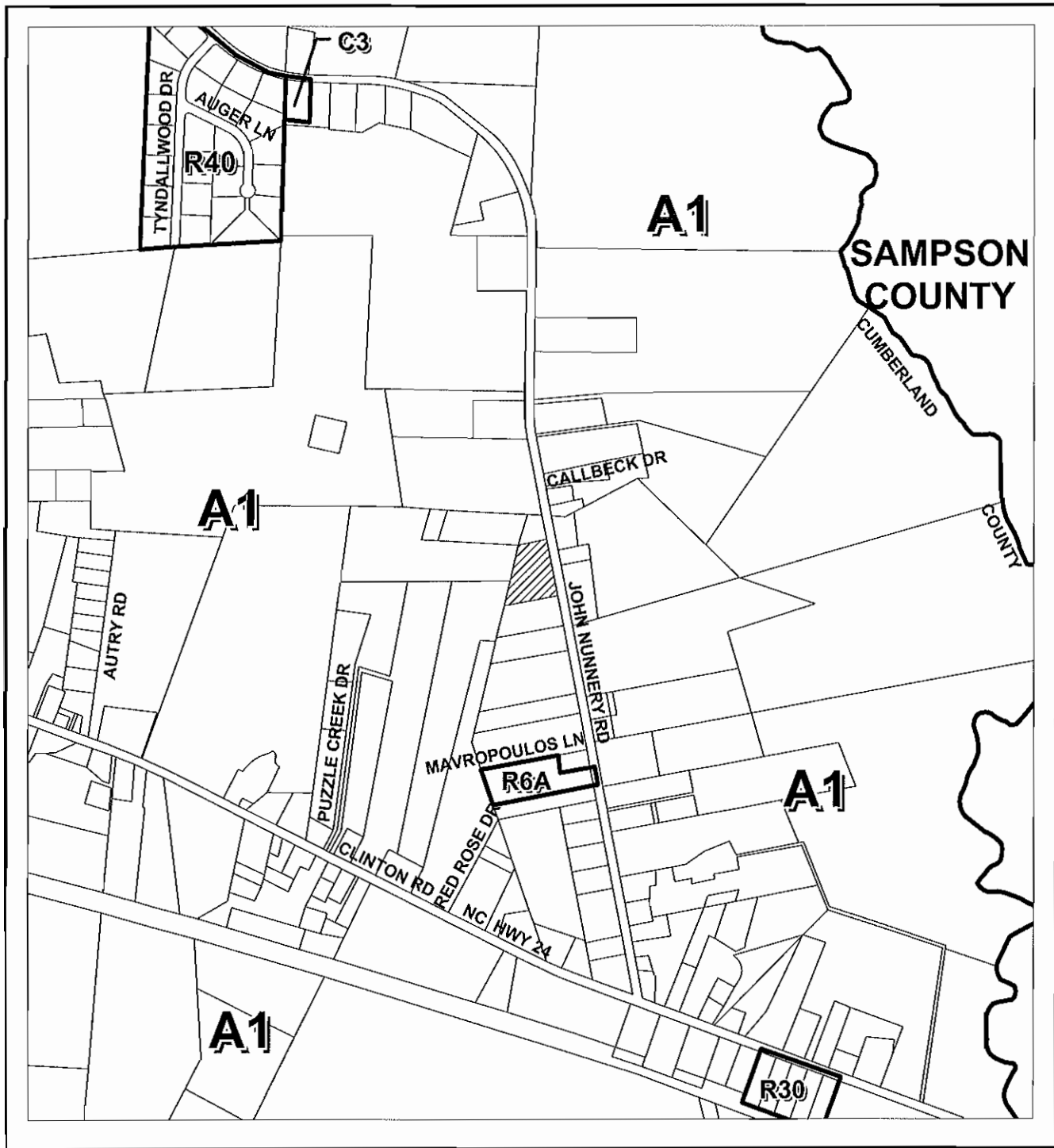
MINUTES OF MAY 19, 2009

The Planning and Inspections Staff recommends approval of the request for R40A Residential based on the following:

1. The R40A district is consistent with the 2030 Growth Vision Plan, which calls for "rural area" at this location; and
2. The subject property meets the location criteria for rural density residential as outlined in the Land Use Policies Plan.

The A1A zoning district could also be considered suitable for this location.

A motion was made by Mrs. Piland, seconded by Mr. Turner, to follow the staff recommendation and approve case P09-17 to R40A. Unanimous approval



PIN: 1405-28-7601

REQUESTED REZONING A1 TO R40A

ACREAGE: 2.70 AC.+/-		HEARING NO: P09-17	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

AF
5/13/09
6/04/09

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

JUNE 5, 2009

MEMO TO: Cumberland County Board of Commissioners

ITEM NO. 2B

FROM: Cumberland County Joint Planning Board

SUBJECT: **P09-20.** Revision and amendment to the Cumberland County Zoning Ordinance, amending Article II, Interpretations, Calculations and Definitions, Section 203, Definitions of Specific Terms and Words, specifically: *religious worship activity*; amending Article XI, Lot and Yard Regulations, Section 1102, Yard Regulations, sub-section G, Buffer Requirements; and updating the Table of Contents as appropriate.

ACTION: Members present at the June 2, 2009 meeting voted unanimously to recommend approval of the revision and amendment to the Cumberland County Zoning Ordinance.

MINUTES OF JUNE 2, 2009

A motion was made by Mr. Clark, seconded by Mr. Cain, to recommend approval of the revision and amendment to the Cumberland County Zoning Ordinance, in the current form and forward it to the Cumberland County Board of Commissioners. Unanimous approval

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning & Inspections Department

May 28, 2009

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Roy Turner, Moderator, Land Use Codes Committee

SUBJECT: P09-20. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS AND DEFINITIONS, SECTION 203, DEFINITIONS OF SPECIFIC TERMS AND WORDS, SPECIFICALLY: RELIGIOUS WORSHIP ACTIVITY; AMENDING ARTICLE XI, LOT AND YARD REGULATIONS, SECTION 1102, YARD REGULATIONS, SUB-SECTION G, BUFFER REQUIREMENTS; AND AMENDING THE TABLE OF CONTENTS AS APPROPRIATE.

The Land Use Codes Committee met on two occasions and discussed the above proposed amendment regarding buffers, specifically the application of the buffer standards to pre-existing uses.

The committee members present at the meeting voted unanimously to forward the attached amendment to you for your consideration of a favorable recommendation for the County Board of Commissioners' final decision.

Attachment

cc: Tom Lloyd, Director
Cecil Combs, Deputy Director

P09-20
County Zoning Ordinance Text Amendment

REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203, DEFINITIONS OF SPECIFIC TERMS AND WORDS, SPECIFICALLY: RELIGIOUS WORSHIP ACTIVITY; AMENDING ARTICLE XI, LOT AND YARD REGULATIONS, SECTION 1102, YARD REGULATIONS, SUB-SECTION G. BUFFER REQUIREMENTS; AND AMENDING THE TABLE OF CONTENTS AS APPROPRIATE.

AMEND County Zoning Ordinance, Article II Interpretations, Calculations, and Definitions, Section 203, Definitions of Specific Terms and Words, specifically: *Religious Worship Activity*, as indicated below:

Religious Worship Activity: Any premises, the principal purpose of which is religious worship and in which the principal structure is the principal place of worship. Accessory uses may include without charge religious education classrooms, assembly rooms, kitchen, library room or reading room, recreation hall and a one-family dwelling unit (parsonage) but excluding day care facilities, food sales, second hand shops, festivals, bazaars and facilities for residence or training of religious order, unless otherwise authorized by this Ordinance.

(Amd. 02-19-08)

AMEND County Zoning Ordinance, Article XI Lot and Yard Regulations, Section 1102 Yard Regulations, sub-section G. Buffer Requirements, as indicated below:

G. Buffer Requirements.

1. A solid buffer shall be installed:
 - a. When a non-residential use abuts a residentially- ~~or agricultural~~ zoned property along the side and/or rear property lines;
 - b. When any commercial off-street parking or loading space abuts a residential ~~or agricultural~~ district along the side or rear property lines;
 - c. When any use permitted in a residential or agricultural district other than a single- or multi-family dwelling abuts a residential ~~or agricultural~~ district along the side or rear property lines;
 - d. When any multi-family development of more than three residential units abuts a residential district or an existing single-family dwelling along the side or rear property lines; and

e. When any outside storage of materials, equipment or products is visible and/or abutting any residential district and/or public street.
(Amd. 02-19-08)

2. "Governmental uses" as defined herein and including public and private elementary, junior high/middle, and high schools, accredited by the State of North Carolina, and "religious worship activity" as defined herein shall be exempt from the buffer requirements of this Ordinance.
(Amd. 11-20-06)

3. ~~For all All uses classified under sub-section "e" above and regardless whether or not the use was existing at the time of the adoption of this Ordinance, the property owner and classified under "a—e" above shall provide and maintain a solid buffer completely surrounding the development within two calendar years of said use being subject to this Ordinance in accordance with the standards of this sub-section and the County Subdivision Ordinance.~~
(Amd. 02-19-08)

4. When required by this Ordinance and/or the County Subdivision Ordinance, the following standards shall apply:

a. A vegetative buffer shall be a minimum of three feet in height at time of planting to reach a height of six feet within three calendar years;

b. Solid non-vegetative fencing shall have a minimum height of six feet;

c. Buffer vegetation shall be located between any fence and the common property line.

d. Chain link fencing shall not be permitted as a screening alternative, regardless of type of modifications made to the chain link fence.
(Amd. 11-20-06; Amd. 02-19-08)

JAMES E. MARTIN
County Manager

JUANITA PILGRIM
Deputy County Manager




AMY H. CANNON
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 15, 2009

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: JUNE 8, 2009

**SUBJECT: PUBLIC HEARING ON EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT**

BACKGROUND

The Sheriff's Office is eligible to apply for funding through the Edward Byrne Memorial Assistance Grant through the United States Department of Justice. This grant combines the Local Law Enforcement Block Grant that the Sheriff's Office has successfully received in the past.

This year the Sheriff's Office and the City of Fayetteville Police Department must submit a joint application. Each agency will be able to use the funds for their own priorities. The Department of Justice uses crime statistics and population to compute the award. The Sheriff's Office share is \$81,284 and the City of Fayetteville Police Department's share is \$172,301. Under the JAG Grant there is no requirement for the County to provide matching funds. It is the intent of the Sheriff's Office to use the funds to offset the cost of the connection to the FBI and SBI databases for both in-office computer terminals and MDTs in Deputy's cars. With the rise in resources available on the internet and increasingly capable cell phone technology, the Sheriff's Office intends to migrate to aircards to connect the MDTs to the SBI and FBI databases.

RECOMMENDATION/PROPOSED ACTION

Conduct the Public Hearing and authorize the County Manager to sign the application submittal.

/ct

CM060809-3

Celebrating Our Past...Embracing Our Future



**EARL R. BUTLER, SHERIFF
CUMBERLAND COUNTY SHERIFF'S OFFICE**



An Internationally Accredited Law Enforcement Agency

June 4, 2009

TO: Mr. James E. Martin
County Manager

FROM: Earl R. Butler *ERB*
Sheriff

Subject: Edward Byrne Memorial Justice Assistance Grant (JAG)

The Sheriff's Office is fortunate to be eligible to apply for United States Department of Justice funding through the Edward Byrne Memorial Assistance Grant. This grant continues the Department of Justice effort to support law enforcement at the local level.

This year, the Sheriff's Office and the City of Fayetteville Police Department must submit a joint application. Even though the application is joint, each agency may use the funds for their own priorities.

As part of the USDOJ requirements, the public must be offered an opportunity to comment. The Sheriff's Office will publicly advertise the grant opportunity and will brief the Board of Commissioners.

I request the required public hearing occur as part of the Monday, June 15, 2009 County Commissioners Meeting.

JAMES E. MARTIN
County Manager

JUANITA PILGRIM
Deputy County Manager



AMY H. CANNON
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

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

TO: BOARD OF COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER

DATE: JUNE 8, 2009

SUBJECT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

Please find attached information regarding the Edward Byrne Memorial Assistance Grant. The enclosed narrative describes the intended purpose of the grant and is required to be forwarded to the Board of Commissioners prior to June 9, 2009 in order to satisfy the US Dept. of Justice notification requirements.

The Edward Byrne Memorial Justice Assistance Grant (JAG) will be listed as a Public Hearing on the June 15, 2009 Board of Commissioners agenda.

If you have any questions regarding this Grant Application please do not hesitate to contact Howard Lloyd at 677-5551.

/ct

cc: Management Team
Howard Lloyd
File

CM060809-1

Celebrating Our Past...Embracing Our Future



**EARL R. BUTLER, SHERIFF
CUMBERLAND COUNTY SHERIFF'S OFFICE**



An Internationally Accredited Law Enforcement Agency

June 4, 2009

TO: Mr. James E. Martin
County Manager

FROM: Earl R. Butler
Sheriff

Subject: Edward Byrne Memorial Justice Assistance Grant (JAG)

The Sheriff's Office is fortunate to be eligible to apply for United States Department of Justice funding through the Edward Byrne Memorial Assistance Grant. This grant continues the Department of Justice effort to support law enforcement at the local level.

This year, the Sheriff's Office and the City of Fayetteville Police Department must submit a joint application. Even though the application is joint, each agency may use the funds for their own priorities.

The Sheriff's Office will take the lead for this project. A Memo of Understanding, required by the USDOJ, is being prepared. The County Finance Department is aware of this.

The Department of Justice uses crime statistics and population to compute the award. The Sheriff's Office share is \$81,284 and the City Police Department's share is \$172,301. Under the JAG Grant there is no fund match.

The enclosed Application Narrative describes the intended purpose. Please forward this to the members of the Board of Commissioners not later than June 9, 2009 to satisfy the US Dept of Justice notification requirements.

ERB/hl

Program Narrative**Byrne Justice Assistance Grant 2009**

The Cumberland County Sheriff's Office and the City of Fayetteville Police Department are Certified Disparate Jurisdictions for this Grant. Fund allocation as computed by the US Department of Justice based on crime statistics and population:

A.	Cumberland County	\$ 81,284	
B.	City of Fayetteville	\$172,301	
	Total		\$253,585

The planned uses of the funds are consistent with the improvement and efficiency of law enforcement programs in Cumberland County.

The County Finance Office will separately track expenses and drawdown of funds as the program activities are carried out.

A. County of Cumberland Programs using Byrne Funds**Program Area 1**

During the 1994 Special Crime Session, the North Carolina General Assembly created the Criminal Justice Information Network (CJIN) Committee to accomplish specific objectives regarding a plan for a statewide criminal justice information network. The legislation was enacted based on recognition of the need to further coordination and cooperation between state and local agencies in establishing standards for sharing criminal justice information. In November 1994, the CJIN Committee selected Price Waterhouse to assist them in fulfilling their mandate. The study which focused on developing recommendations to promote the sharing of criminal justice information in a final report delivered in April 1995.

A major recommendation of the final report is to "establish standards for, and implement a mobile voice and data communication network that allows state and local law enforcement and public safety agencies to communicate with each other, regardless of location in the state." (Price Waterhouse Final Report, page ES-6)

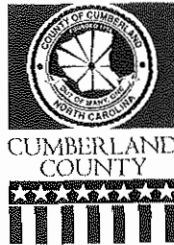
The Cumberland County Sheriff's Office has made great strides in acquiring technology to be an active participant in the CJIN project. In December 1997, the Sheriff's Office began leasing modems and laptop computers for Deputy's cars as Mobile Data Terminals (MDT) for data access and communications. We are on our second set of laptop computers, but are continuing to use the original modems. Technology has changed significantly and modem repair costs are increasing. We have learned from the manufacturer that modems will no longer be manufactured and repair parts are limited. In addition, the amount of data Deputies are trying to access is overloading the bandwidth on the circuits, causing delays and interrupted service.

The Sheriff's Office intends to use its Byrne Grant Funds to offset the cost of the connection to the FBI and SBI databases, for both in-office computer terminals and MDTs in Deputy's cars. With the rise in resources available on the internet and increasingly capable cell phone technology, the Sheriff's Office intends to migrate to aircards to connect the MDTs to the SBI and FBI databases.

Interoperable voice communications are vital and the Sheriff's Office will use a portion of the funds for the hand-held and vehicular radios operated on the 800 Megahertz radio repeater system operated by the City of Fayetteville and for the Sheriff's Office transition to the NC state-wide VIPER radio system.

B. City of Fayetteville Programs Using Byrne Funds

To be briefed to the City Council by the Fayetteville Police Department.



ITEM NO. 20

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

June 8, 2009

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF JUNE 15, 2009

TO: BOARD OF COMMISSIONERS

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY 

SUBJECT: PUBLIC HEARING ON PROPOSED INCENTIVE AGREEMENT FOR CLEAR PATH RECYCLING LLC

BACKGROUND: This public hearing is to consider a proposed Incentive Agreement with Clear Path Recycling LLC to locate a PET plastic bottle recycling facility on a 52.61 acre tract on Highway 53 east of Interstate 95, a portion of the DAK Americas property. The Company expects to make a \$29 Million capital investment in Phase I by January 1, 2011, much of which will be tax exempt recycling equipment. The facility would have the capacity to process about 280 million pounds annually of PET bottles, or about 5 billion bottles. The Company is a joint venture of DAK Americas and Shaw Industries. The Company expects the facility to create approximately 76 full-time jobs at salaries of over \$11 per hour, with health and retirement benefits.

The proposed Incentive Agreement would provide that the County would make grant-back incentive payments to the Company of 50% of the Company's ad valorem property taxes paid on that taxable portion of its capital investment over such taxable valuation as of January 1, 2009. Currently, the amount of taxable investment will depend on exactly how much of the equipment that the state Department of Environment and Natural Resources determines to be tax-exempt. Based on current estimates, however, the County's grant-back incentive payments could average in a range of from \$3,000 to \$7,500 per year. The County would make the grant-back incentive payments beginning in January 2012 for a period of five years, but in each year only if the Company has paid all of its property taxes. The Company also has the potential to expand its facility, depending on market conditions, and add additional investment of \$10 Million, including tax-exempt recycling equipment in a Phase II.

RECOMMENDATION: Hold public hearing, determine if the proposed agreement is in the public interest and would promote the public health, safety and welfare, and consider whether to approve proposed Incentive Agreement with Clear Path Recycling LLC. If approved, approve the proposed Incentive Agreement with Clear Path Recycling LLC generally in the form enclosed, with such revisions to the Incentive Agreement as may be acceptable to the County Manager and County Attorney, and authorize the Chairperson to sign on behalf of the County.

Encl.

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CLEAR PATH RECYCLING, LLC
AND
CUMBERLAND COUNTY, NORTH
CAROLINA

INCENTIVE AGREEMENT

Dated as of June 15, 2009

INCENTIVE AGREEMENT

THIS INCENTIVE AGREEMENT is dated as of and effective on June 15, 2009 (as supplemented or amended, this "Agreement"), and is between **CLEAR PATH RECYCLING, LLC**, a Delaware limited liability company (the "Company"), and **CUMBERLAND COUNTY, NORTH CAROLINA**, a public body politic and corporate and a political subdivision of the State of North Carolina (the "County"). The Company and the County may from time to time hereinafter be referred to individually as a "Party" or collectively as the "Parties."

RECITALS:

WHEREAS, the Local Development Act of 1925, as amended (Article 1 of Chapter 158 of the North Carolina General Statutes) grants counties the authority to make appropriations for the purposes of aiding and encouraging the location or expansion of certain business enterprises in the county or for other purposes, which the county's governing body finds in its discretion will increase the population, taxable property base and business prospects of the county; and

WHEREAS, the purpose of this Agreement is to describe certain incentives to be provided by the County to the Company in connection with the Company's location of an industrial recycling facility (the "Facility" as defined in Article I) for polyethylene terephthalate ("PET") in the County (the "Project"); and

WHEREAS, in connection with that purpose and in accordance with North Carolina General Statutes § 158-7.1, the Cumberland County Board of Commissioners (the "Board of Commissioners") held a public hearing on June 15, 2009, regarding the proposed incentives to be provided by the County to the Company, which incentives are set forth in this Agreement, and the Board of Commissioners found such incentives and this Agreement to be in the public interest and to further the public health, safety and welfare; and

WHEREAS, the Company acknowledges that such incentives will serve as an inducement for the Company to construct and operate the Project in the County.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

ARTICLE I

DEFINITIONS; RULES OF CONSTRUCTION

1.01. Definitions. In addition to terms defined elsewhere within this Agreement for all purposes of this Agreement, the following defined terms shall have the following meanings:

"Annual Incentive Payments" means the five (5) annual payments to be made by the County to the Company by January 31st of each year beginning in year 2012 and ending in year 2016. Such payments are calculated pursuant to Article IV below.

"Business Day" means any day that is not a Saturday or a Sunday, or a day on which banks in the State are required by law to be closed.

"Direct Investment" means the cumulative total as of January 1, 2011 of the increase in taxable ad valorem value of all land, buildings, real property improvements, furniture, fixtures and equipment purchased, constructed, and/or installed by the Company or on its behalf as part of the Project, regardless of the funding source for any such items, over the ad valorem taxable value of such property as listed effective January 1, 2009. The Company's total investment at the Site as part of Phase I of the Project is expected to total approximately \$29,000,000 (including exempt recycling property). The Company may decide to add a Phase II investment totaling an additional \$10,000,000 in equipment (including exempt recycling property); however, this Agreement addresses only the Direct Investment made as a result of Phase I.

"Facility" means the industrial recycling facility to be constructed on the Site for PET recycling and includes all buildings, real property improvements, furniture, fixtures and equipment used in connection therewith, as more particularly described in Exhibit B.

"Property taxes" means the county-wide ad valorem property tax levied by the County, but not any fire tax district taxes, fire service district taxes, and recreation service district taxes.

"Site" means the real property in the County upon which the Facility is located, being a 52.61 acre tract, off Highway 53 east of I-95, Cumberland County, North Carolina, as more specifically described in Exhibit A.

"State" means the State of North Carolina.

1.02 Rules of Construction. Unless the context otherwise indicates.

(a) words importing the singular shall include the plural and vice versa, and words importing the masculine gender shall include the feminine and neuter genders as well;

(b) all references to Articles, Sections or Exhibits are references to Articles, Sections and Exhibits of this Agreement;

(c) all references to officers are references to County officers; and

(d) the headings herein are solely for convenience of reference and shall not constitute a part of this Agreement nor shall they affect its meanings, construction or effect.

ARTICLE II

FACILITY AND SITE CONSTRUCTION AND RENOVATIONS

The Company intends to construct the Facility in order to recycle PET from post-consumer PET bottles to develop a raw material for polyester-based products. As part of Phase I of the Project and in consideration of the incentives provided herein, the Company intends to make a total investment (including exempt recycling property) of approximately \$29,000,000 and to create employment in Cumberland County of approximately seventy-six (76) full-time persons, at wages ranging from \$11 per hour to \$45 per hour, plus health and retirement benefits.

The Company agrees that construction of the Facility shall be carried on in material compliance with all applicable State and local laws and regulations. The Parties agree that the provision of water service, waste water services, roads, electric service, and telephone service to the boundaries of the Site are not the responsibility of the County.

ARTICLE III

INCENTIVE PAYMENTS IN CONSIDERATION OF DIRECT INVESTMENT

The County approves an authorization for five (5) Annual Incentive Payments to the Company (the "Direct Investment Authorization") based on the Direct Investment made in the period beginning January 1, 2009, up to and including January 1, 2011.

This Agreement is intended to be an inducement to the Company to make the Direct Investment. The County agrees to make Annual Incentive Payments to the Company as described and on the terms set forth herein; provided, however, nothing in this Agreement shall be construed to require the Company to continuously operate the Facility, or to employ any number of persons or to make any expenditures. Should the Company not make the Direct Investment as defined under this Agreement, the Company shall not be entitled to any payments from the County but shall not be obligated to make any payment to the County.

ARTICLE IV

INCENTIVES

If, and provided, the Company on or before January 1, 2011 makes the Direct Investment, then the County shall pay the Company Annual Incentive Payments for five (5) consecutive years, equal in each year to fifty percent (50%) of the actual Property Taxes paid on the depreciated Direct Investment for the previous calendar year. For example, the first Annual Incentive Payment will be paid by January 31, 2012 with respect to the Property Taxes due and paid for the depreciated Direct Investment listed as of January 1,

2011. The remaining four (4) Annual Incentive Payments will be calculated in the same manner and payable by January 31st of such consecutive years.

The Company shall certify to the County Tax Administrator the Direct Investment as of January of each calendar year of this Agreement, beginning with January of calendar year 2011. The County shall make an Annual Incentive Payment, if due to the Company hereunder, by issuance and delivery of its check (or other payment mechanism as agreed by the Parties) to the Company by January 31st of the next calendar year. Each Annual Incentive Payment shall be subject to and contingent upon the Company having paid all Property Taxes applicable to all its taxable property

The Company shall certify its Direct Investment as required above by providing accurate documentation as a supplement to its annual tax listing forms submitted to the Cumberland County Tax Administrator, which supplement shall be reasonably satisfactory to the Tax Administrator, showing the initial ad valorem taxable value of the Direct Investment (including operating leases even if listed in the name of a party other than Company) as of the tax listing date applicable to such property. With respect to the Direct Investment, the County will use the depreciation schedules as directed or recommended from time to time by the Property Tax Division of the North Carolina Department of Revenue.

In the event that the Company decides to develop Phase II of the Project within the County, the County agrees to consider offering a similar incentive for the Phase II investment within the County.

ARTICLE V

DISCLAIMER OF WARRANTIES

The Company acknowledges that the County has not designed the Project or Facility, or supplied any plans or specifications with respect there to and that the County (a) is not a manufacturer of, nor dealer in, any of the component parts of the Project or Facility or similar facilities, (b) has not made any recommendation, given any advice nor taken any other action with respect to (1) the choice of any supplier, vendor or designer of, or any other contractor with respect to, the Project or Facility or any component part thereof or any property or rights relating thereto, or (2) any action taken or to be taken with respect to the Project or Facility or any component part thereof or any property or rights relating thereto at any stage of the construction thereof, (c) has not at any time had physical possession of the Project or Facility or any component part thereof or made any inspection thereof (other than in its normal course of inspections, if any, as such relate to construction of any facility in the County) or any property or rights relating thereto, and (d) has not made any warranty or other representation, express or implied, that the Project or Facility or any component part thereof or any property or rights relating thereto (i) will not result in or cause injury or damage to persons or property, (ii) has been or will be properly designed, or will accomplish the results which the Company intends therefore, or (iii) is safe in any manner or respect.

The County makes no express or implied warranty or representation of any kind whatsoever with respect to the Project or Facility or any component part thereof, including but not limited to any warranty or representation with respect to the merchantability or the fitness or suitability thereof for any purpose, and further including the design or condition thereof; the safety, workmanship, quality or capacity thereof; compliance thereof with the requirements of any law, rule, specification or contract pertaining thereto; any latent defect; the Project's or Facility's ability to perform any function; or any other characteristic of the Project or Facility; it being agreed that the Company is to bear all risks relating to the Project or Facility, the completion thereof or the transactions contemplated hereby and the Company hereby waives the benefits of any and all implied warranties and representations of the County.

The provisions of this Article shall survive this Agreement's expiration.

ARTICLE VI

EXPIRATION OF AGREEMENT

This Agreement shall expire, without further action on the part of either the Company or the County, upon payment in full of any amounts due from the County to the Company pursuant to, and in accordance with, the terms hereof.

ARTICLE VII

TEMPORARY DELAY IN DIRECT INVESTMENT

Notwithstanding anything herein to the contrary, if the Company shall be prevented or delayed from making the Direct Investment, by reason of a:

- (a) Government moratorium;
- (b) Delay in obtaining any governmental or quasi-governmental approvals, permits or certificates, despite reasonable efforts by the Company to obtain same;
- (c) Enemy or hostile governmental action;
- (d) Act of God, including but not limited to hurricane, tornado, snowstorm, windstorm, earthquake or flood, fire or other extreme weather conditions or other casualty;
- (e) Strike, lockout or a labor dispute involving entities other than the Company which causes the Company an inability to obtain labor or materials;
- (f) Delay in funding any incentive to or for the benefit of the Company, other than the Annual Incentive Payments; or
- (g) Any other event, other than normal business exigencies, which is beyond

the reasonable control of the Company;

then the time within which the Company shall be required hereunder to make the Direct Investment hereunder shall be equitably adjusted to reflect the effect of such event. The Parties shall negotiate in good faith to make an equitable adjustment in such period, however, if the Parties cannot in good faith reach an agreement as to such adjustment and at the option of either party, the Parties agree to submit this issue to binding arbitration on an expedited basis.

ARTICLE VIII

JOBS & INVESTMENT TAX CREDITS

The Parties acknowledge that under current North Carolina law the Company may be eligible for credits for creating jobs and credits for investing in business property in North Carolina against its North Carolina corporate income tax or franchise tax pursuant to North Carolina General Statutes Section 105-129.80 et. seq, provided that the Company meets the requirements of the statutes. The Company understands that the County is not responsible for providing these credits. The County understands that these credits were crucial to the Company's decision to locate this Project in the State and County, and, if the credits are in jeopardy of repeal, the County agrees to assist the Company in requesting the continuance of these credits from the State legislature.

ARTICLE IX

JOB TRAINING

The County agrees to cooperate with and assist the Company in obtaining for the Company and its employees job training and funds which may be available from time to time through Fayetteville Technical Community College ("FTCC"), at no cost to the Company, and through the Jobs Training Partnership Act and other federal and state programs. The Parties acknowledge that the County does not control the funding or job training in connection with these programs.

ARTICLE X

ROAD IMPROVEMENTS

The County passed a Resolution on May 18, 2009, captioned "RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS REQUESTING FUNDING FROM CONTINGENCY SOURCES FOR A TURN LANE TO SERVE AN INDUSTRIAL RECYCLING FACILITY OF CLEAR PATH RECYCLING LLC ON HIGHWAY 53 EAST OF INTERSTATE HIGHWAY 95 IN CUMBERLAND COUNTY, to request the allocation of contingency funding from the North Carolina Department of Transportation for construction of a turn lane to serve the Project. This turn lane is expected to promote economic

development in the County by allowing safer and more efficient ingress and egress for customers and employees to the Facility and to improve safety for travelers and reduce congestion along the Highway 53 corridor to and from Fayetteville and Interstate I-95 by reducing conflicting movements between vehicles entering the Facility and through traffic on Highway 53. The Parties acknowledge that the County does not control the funding in connection with these road improvements.

ARTICLE XI

ASSIGNMENT

Neither party shall transfer or assign any interest in or obligation under this Agreement without the prior express written consent of the other; provided, however, this Agreement may be assigned by the Company to any parent, subsidiary or affiliate of the Company, or to any person or entity to which the operations at the Facility are transferred so long as such operations are continued substantially as contemplated herein for the term hereof, without the County's consent.

ARTICLE XII

STATUTORY AUTHORITY; OBLIGATION OF COUNTY

Both the Company and the County acknowledge and agree that any and all monies appropriated and expended by the County for local economic development incentives, as provided in this Agreement, are for a bona fide public purpose and are expended in good faith reliance on North Carolina General Statutes § 158-7.1. Both Parties further acknowledge and agree that this Agreement, to the extent allowed by law, shall be considered a continuing contract and shall be subject to, and controlled by, the provisions of North Carolina General Statutes §153A-13. If for any reason it is found by a court of competent jurisdiction by final judgment that North Carolina General Statutes § 153A-13 does not legally apply to this Agreement, then in such event there shall be no liability on behalf of the County for the failure of this contract to be continuing in nature.

ARTICLE XII

MISCELLANEOUS

13.01 Governing Law; Venue. The Parties intend that this Agreement shall be governed by the law of the State of North Carolina without regard to the conflict of laws provisions thereof and that exclusive venue as to any dispute arising hereunder shall be in the State of North Carolina.

13.02 Notices.

(a) Any communication required or permitted by this Agreement must be in writing except as expressly provided otherwise in this Agreement; and

(b) All communications required or permitted hereunder may be delivered personally, or sent by certified mail, return receipt requested, or by a nationally recognized overnight courier to the following addresses, unless the parties are subsequently notified of any change of address in accordance with this Section

13.02:

(1) If to the Company, to:

Clear Path Recycling LLC Attention:

With Copy (which does not constitute notice) to:

Kerry M. F. Lindauer
Moore & Van Allen, PLLC
100 N. Tryon Street, Suite 4700
Charlotte, NC 28202
704-331-3559

(2) If to the County, to:

County Manager
P.O. Box 1829
Fayetteville, N.C. 28302-
1829 910-678-7723

(c) Any addressee may designate additional or different addresses for communications by notice given under this Section to the other.

13.03 Non-Business Days. If the date for making any payment or the last day for performance of any act or the exercising of any right shall not be a Business Day, such payment shall be made or act performed or right exercised on or before the next preceding Business Day.

13.04 Severability. If any provision of this Agreement shall be determined to be unenforceable, that shall not affect any other provision of this Agreement.

13.05. Entire Agreement; Amendments. This Agreement, including any exhibits which may be attached, which are incorporated herein and made a part hereof, constitutes the entire contract between the Parties. This Agreement shall not be changed except in writing signed by both Parties.

13.06. Binding, Effect. Subject to the specific provisions of this Agreement, this Agreement shall be binding upon and inure to the benefit of and be enforceable by the Parties and their respective successors and assigns.

13.07. Liability of Officers and Agents. No officer, agent or employee of the County or the Company shall be subject to any personal liability or accountability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents, or employees shall be deemed to execute such documents in their official capacities only, and not in their individual capacities. This Section shall not relieve any such officer, agent or employee from the performance of any official duty provided by law.

13.08. Counterparts. This Agreement may be executed in several counterparts, including separate counterparts. Each shall be an original, but all of them together constitute the same instrument.

[Remainder of page intentionally blank.]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in their corporate and governmental names, respectively by their duly authorized officers, all as of the date first above written.

CLEAR PATH RECYCLING, LLC

By: _____
Name: _____
Title: _____

ATTEST:

CUMBERLAND COUNTY, N.C.

BY: _____ By: _____
MARSHA FOGLE, Clerk Jeannete M. Council, Chairperson
Board of Commissioners Board of Commissioners

[COUNTY SEAL]

This instrument has been pre-audited In the manner required by The Local Government Budget and Fiscal Control Act

Approved for Legal Sufficiency:

County Attorney's Office

AMY H. CANNON, Finance
Officer Cumberland County,
North Carolina

Exhibits

- A - Site description
- B - Facility description

EXHIBIT A

PREMISES LEGAL DESCRIPTION

BEING all that tract of lands located in the Cedar Creek Township, Cumberland County, North Carolina, located on the southern side of Cedar Creek Road (NC HWY 53/2 10) and being a portion of the lands of DAK Americas, LLC known as Tract 1 as described in Deed Book 6379, Page 812 and in Plat Book 110, Page 9 as recorded in the Cumberland County Registry and being more particularly described as follows:

Beginning at an existing concrete monument (control corner) in the southern right-of-way margin of Cedar Creek Road (NC HWY 53/2 10), said concrete monument being N 33°24'19" E 378.40 feet from a Plant Control Monument having Plant Grid Coordinates R=12+50; S=4+00; thence running for the next three (3) courses: S 21°29'17" W 550.89 feet to an existing concrete monument; thence S 68°46'32" E 717.28 feet to an existing iron pipe; thence S 50°19'34" E 307.42 feet to an existing iron pipe; thence for the next four (4) courses: S 10°56'30" W 107.31 feet to an existing iron pipe; thence S 17°51'10" W 183.93 feet to an existing iron pipe; thence S 08°20'31" W 240.15 feet to an existing concrete monument; thence S 56°36'28" E 76.97 feet to an existing concrete monument; thence for the next two (2) courses: S 58°56'47" W 89.95 feet to an existing concrete monument; S 60°51'00" W 626.37 feet to an iron rod set; thence N 67°46'58" W 441.36 feet to an iron rod set; thence N 67°34'42" W, 130.27 feet to an iron rod set; thence N 66°32'39" W 108.41 feet to an iron rod set; thence N 57°56'46" W 64.80 feet to an iron rod set; thence N 49°36'47" W 38.29 feet to an iron rod set; thence N 34°07'14" E, 31.45 feet to an iron rod set; thence N 43°46'14" W, 319.26 feet to an iron rod set; thence N 49°05'11" W, 66.27 feet to an iron rod set; thence N 54°47'26" W, 67.42 feet to an iron rod set; thence N 60°10'03" W, 47.51 feet to an iron rod; thence N 68°54'39" W, 81.87 feet to an iron rod set; thence N 21°23'02" E, 30.08 feet to a PK masonry nail set; thence S 82°52'55" E, 26.73 feet to an iron rod set; thence S 78°04'41" E, 77.27 feet to an iron rod set; thence S 71°52'53" E, 54.08 feet to an iron rod set; thence S 68°48'15" E, 237.41 feet to an iron rod set; thence S 71°10'22" E, 18.61 feet to an iron rod set; thence S 74°33'41" E, 26.42 feet to an iron rod set; thence S 76°14'11" E, 160.68 feet to a PK masonry nail set; thence S 76°31'53" E, 39.45 feet to an iron rod set; thence S 69°56'56" E, 43.60 feet to an iron rod set; thence S 68°43'59" E, 336.03 feet to a PK masonry nail set; thence S 70°28'00" E, 62.79 feet to an iron rod set; thence S 74°11'28" E, 15.19 feet to an iron rod set; thence N 74°43'46" E, 118.16 feet to an iron rod set; thence N 68°45'16" W, 219.35 feet to an iron rod set; thence N 19°34'31" E, 15.66 feet to a PK masonry nail set; thence N 69°10'49" W, 103.81 feet to an iron rod set; thence N 21°33'25" E, 126.82 feet to an iron rod set; thence for the next seven (7) courses: N 68°47'28" W, 285.11 feet to an iron rod set; thence S 21°11'46" W, 150.04 feet to an iron rod set; thence N 68°57'31" W, 19.20 feet to an iron rod set; thence S 21°17'16" W, 11.84 feet to an iron rod set; thence N 68°50'14" W, 131.23 feet to an iron rod set; thence N 21°23'07" E, 11.93 feet to an iron rod set; thence N 68°50'14" W, 300.55 feet to an iron rod set; thence N 21°23'02" E, 353.65 feet to punch mark set in concrete; thence N 68°49'46" W, 363.55 feet to an iron rod set; thence N 20°41'49" E, 629.22 feet to an iron rod set; thence N 68°45'23" W, 336.91 feet to an iron rod set; thence N 21°05'48" E,

361.48 feet to an iron rod set on the southern right-of-way margin of Cedar Creek Road (NC HWY 53/210), said iron rod being S 51°14'18" E 172.50 feet from a PK masonry nail set at the centerline intersection of John B. Carter Road (SR 2010) and Cedar Creek Road (NC HWY 53/210); thence with said margin S 68°45'05" E 1183.52 feet to the **Point of Beginning** and containing 52.61 acres, more or less, as shown and delineated as "Tract 1A" on that certain Location Survey for DAK Americas, LLC and Clear Path Recycling, LLC, prepared by Thomas E. Jasuta, North Carolina Land Surveyor No. L3642 of McKim & Creed, dated January 8, 2009, which survey is incorporated herein by reference thereto.

EXHIBIT B

FACILITY DESCRIPTION

The Facility will consist of buildings, real property improvements, furniture, fixtures, equipment, and machinery designed and/or used to receive baled post-consumer PET bottles via truck shipments and recycle them to clean flake, which will be used as a raw material in fiber and carpet manufacturing. Baled waste bottles will be prepared and processed. This includes sorting, washing, and grinding the bottles to flake. Specifically, the baled bottles will be broken down in the debailing area. Then, the bottles will move to a hot prewashing section to remove large and abrasive contaminants. The bottles will then be sorted manually and automatically from contaminants and by color. The sorted bottles will then move to a wet grinding section, which cuts the bottles into flake, removes liquid contamination and pulverizes residual paper fiber. The flake is thoroughly washed and dried to remove any remaining polymers and/or film.

PUBLIC HEARING NOTICE

The Cumberland County Board of Commissioners will hold a Public Hearing at 6:45 p.m. on Monday, June 15, 2009 in Room 118 of the Cumberland County Courthouse, 117 Dick Street, Fayetteville, N.C. 28301, to consider an Economic Development Incentive Agreement for Clear Path Recycling LLC. Under the proposed Agreement, the Company would invest in an industrial PET plastic recycling facility on Highway 53 East, Cumberland County, North Carolina, and create and maintain employment of 76 full-time jobs. If the Company makes such investment and creates such jobs by December 31, 2010, the County will make an economic development incentive grant-back payment of fifty percent (50%) of the Company's property taxes actually paid annually for five years to the Company. The actual amount of property subject to taxation will depend on the amount of equipment exempted from taxation by the N.C. Department of Environment and Natural Resources. On a taxable investment of \$1,000,000 in equipment, the economic development incentive grant-back payment would be estimated to be approximately \$4,500 annually. On a taxable investment of \$2,500,000 in equipment, the economic development incentive grant-back payment would be estimated to be approximately \$7,500,00 annually. A copy of a draft of the proposed Economic Development Incentive Agreement is available for inspection at the Office of the County Attorney, Suite 550, Cumberland County Courthouse, 117 Dick Street, Fayetteville, N.C. 28301.

This the 4th day of June,
2009.

PUBLIC HEARING NOTICE

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This the ___ day of June, 2009.

JAMES E. MARTIN
County Manager

JUANITA PILGRIM
Deputy County Manager



ITEM NO. 3


AMY H. CANNON
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 15, 2009

TO: BOARD OF COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: JUNE 8, 2009

SUBJECT: UPDATE ON STATUS OF COUNTY'S 800 MHZ COMMUNICATION SYSTEM AND APPROVAL OF NOTICE TO THE CITY OF FAYETTEVILLE AND PWC OF COUNTY'S INTENT TO TRANSITION TO THE STATE VIPER SYSTEM

BACKGROUND

The Cumberland County Sheriff's Office has provided a letter regarding its meetings with the City of Fayetteville over the last three years to discuss the problems that have plagued the current 800 MHz radio system. Both the County and the City paid Motorola to conduct a study of the City's 800 MHz system and the State of North Carolina VIPER system to determine which system could provide the best countywide coverage. The study clearly indicated that the VIPER system provided superior coverage.

In addition, the County has collaborated with the City of Fayetteville to determine that converting to the State's VIPER system would be in the best interested for both parties. In order to proceed with this conversion, the County has to notify the City of Fayetteville of our intent to transition to the State VIPER system with a one-year notice to terminate the current 800 MHz Radio System Interlocal Agreement with the City of Fayetteville and PWC. The five-year agreement, which was presented and approved by the Board of Commissioners on June 19, 2006, will expire on June 30, 2010.

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RECOMMENDATION / PROPOSED ACTION

Authorize the County Manager to issue a letter of intent to terminate the current Interlocal Agreement with the City of Fayetteville and PWC for 800 MHz services and to transition to the North Carolina State VIPER system.

/ct

cc: Management Team

CM060809-4

Celebrating Our Past...Embracing Our Future



EARL R. BUTLER, SHERIFF
CUMBERLAND COUNTY SHERIFF'S OFFICE



An Internationally Accredited Law Enforcement Agency

To: James Martin, County Manager

From: Sheriff Earl R. Butler 

Date: June 1, 2009

Re: Radio Communications

Over the past three years, the Cumberland County Sheriff's Office and the City of Fayetteville have held meetings to discuss the problems that have plagued the current 800 MHz radio system. Several models were examined that would improve radio coverage for Cumberland County:

- Upgrading the City of Fayetteville's 800 MHz system with additional towers.
- Utilizing a combination of the NC State VIPER system and the City of Fayetteville's 800 MHz system.
- Converting the City of Fayetteville and Cumberland County to the NC State VIPER system.

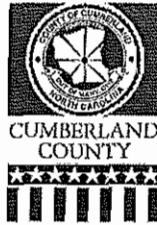
In October 2008, Cumberland County and the City of Fayetteville paid Motorola to conduct a study of the City of Fayetteville's 800 MHz system and the NC State VIPER system to determine which system could provide the best countywide coverage. The study, which was presented to the City of Fayetteville and Cumberland County officials, clearly indicated that the VIPER system provided superior coverage compared to the City of Fayetteville's 800 MHz system.

Since the presentation, Motorola was requested to give two price quotes for converting to the VIPER system. The first quote included Cumberland County and the City of Fayetteville converting to VIPER and the second quote for Cumberland County going to VIPER alone. Motorola has been delayed in providing either quote because of information they have requested and not received from the City of Fayetteville.

The radio problems experienced by the Cumberland County Sheriff's Office have been an officer safety issue for the past four years. I request that the Cumberland County Sheriff's Office immediately begin the necessary steps to move forward in order to convert to the State VIPER system.

Cc: Accreditation

ROBERT N. STANGER, P.E.
County Engineer



ITEM NO. 4

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

June 3, 2009

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

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

THROUGH: JUANITA PILGRIM, DEPUTY COUNTY MANAGER *Juanita Pilgrim*

SUBJECT: APPROVAL OF PREPARATION AND SUBMISSION OF ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM APPLICATION

BACKGROUND

The American Recovery and Reinvestment Act of 2009 appropriated funding for the Department of Energy (DOE) to award formula-based grants to states, U.S. territories, units of local government, and Indian tribes under the Energy Efficiency and Conservation Block Grant (EECBG) Program. Cumberland County has been awarded a \$590,700 grant to conduct eligible activities under the EECBG Program. This program requires the County to develop and submit to DOE for approval, an Energy Efficiency and Conservation Strategy (EECS) which can be accomplished through one of two methods; (1) submit the EECS with the grant application utilizing the format contained in Attachment D of the application; or (2) propose development of the EECS as the initial activity in the grant application and utilize a portion (not to exceed \$250,000) of the grant award for this purpose. The grant application must be submitted to DOE no later than June 25, 2009.

The County Engineering Department, with approval from management, has prepared the EECS in advance for submission with the application in order to maximize the available grant funds for installation of energy conservation retrofits in county facilities. The County's EECS builds upon the Guaranteed Energy Savings Program initiated in 2004 which to date has saved about \$2.2 Million in energy costs. A draft of the EECS is attached for the Board's review and approval.

As a part of the EECBG application, the County must designate the proper authority to apply for and receive funding. The Chairman must certify the name and contact information for the county agency that is authorized to receive funds and implement the EECBG Program. Attached is the required certification.

RECOMMENDATION/PROPOSED ACTION

The recommendation of the County Engineer and management is to:

1. Authorize staff to proceed with preparation and submission of the EECBG application
2. Approve in concept, the draft EECS.
3. Approve the attached certification for the Chairman's signature

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

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Attachment D

Energy Efficiency & Conservation Strategy for Units of Local Governments & Indian Tribes

As detailed in Part 1 of this announcement, all applicants must submit an Energy Efficiency and Conservation Strategy (EECS). Units of local government and Indian tribes have the option of submitting the EECS no later than 120 days after the effective date of the award or at the time of application. Units of local government and Indian tribes who chose to submit the EECS at the time of application shall use the format contained in Attachment D. This form should be saved in a file named "UIC-Strategy.pdf" and click on "Add Optional Other Attachment" to attach.

Grantee: County of Cumberland, NC Date: 06/22/2009 (mm/dd/yyyy)
DUNS #: 88571690 Program Contact Email: jpilgrim@co.cumberland.nc.us

1. Describe your government's proposed Energy Efficiency and Conservation Strategy. Provide a concise summary of your measureable goals and objectives, which should be aligned with the defined purposes and eligible activities of the EECBG Program. These goals and objectives should be comprehensive and maximize benefits community-wide. Provide a schedule or timetable for major milestones. If your government has an existing energy, climate, or other related strategy please describe how these strategies relate to each other.

Cumberland County intends to use EECBG funds to continue implementation of energy conservation measures in county facilities initiated in 2004 through our Guaranteed Energy Savings Program (ESP). This program aligns with the eligible activity, Energy Efficiency Retrofits. The County procured the services of an Energy Service Company (ESCO) through a Request For Proposals (RFP) process to conduct energy audits of our facilities and recommend retrofit projects that achieved an energy savings payback of 12 years or less consistent with North Carolina statutes for Guaranteed Energy Savings Performance Contracting. To date, Cumberland County has invested \$4.5 Million in 13 facilities on energy savings measures which included lighting retrofits, mechanical retrofits, water conservation and installation of a METASYS building automation system. The county has also funded expansion of the METASYS building automation system in 4 other facilities through energy savings.

The County also intends to expand upon our ESP to (1) conduct additional energy audits of our facilities to develop a comprehensive energy use baseline for benchmarking purposes (update the 2004 baseline); (2) identify and evaluate additional energy conservation measures in our facilities regardless of payback period; (3) evaluate opportunities for renewable energy retrofits; and (4) adopt energy efficiency standards for equipment purchases such as energy-star appliances. The fundamental goal of our ESP is improved building operations through reduced energy use and cost which translates into reduced greenhouse gas emissions.

Our ESP is administered through the County Engineering Department working with our ESCO to monitor our energy efficiency measures and track improvements together with the resulting energy savings which are calculated using Metrix software package developed by SRC Systems, Inc. In conjunction with Metrix, the County intends to use EPA Portfolio Manager as a tool to benchmark our facilities energy use. Since the inception of our ESP, in the 13 facilities we have implemented ECMs, the County has achieved a 42% reduction in energy use at an avoided cost of \$2.2 Million. The electrical and gas energy savings equates to 25.3 Tons of CO₂ greenhouse gas (GHG) emissions that were not produced which is an additional benefit to the community. The benefits of our energy conservation measures complements the County's Air Quality Program.

The primary objective of our ESP is to reduce energy consumption by 45%, GHG emissions by 8500 Tons per year, and save \$750,000 per year as measured against the 2004 baseline.

2. Describe your government's proposed implementation plan for the use of EECBG Program funds to assist you in achieving the goals and objectives outlined in the strategy describe in question #1. Your description should include a summary of the activities submitted on your activity worksheets, and how each activity supports one or more of your strategy's goals/objectives.

Cumberland County's proposed implementation plan for use of EECBG Program funds includes:

(1) Conduct energy audits of our facilities that were not evaluated in 2004 to update our energy use baseline with EPA's Portfolio Manager tool. This activity supports program measurement and verification requirements and will be completed by December 2009.

(2) Identify and prioritize additional energy conservation measures (ECMs) for implementation. Operational changes will also be evaluated that may result in energy savings. This activity supports our goal of energy savings and will be completed by March 2010.

(3) Develop an implementation schedule for each EMC identified. The schedule shall include procurement of professional services, preparation of plans and specifications, solicitation of bids and construction of the EMC. This activity supports our goal of energy savings and will be completed by May 2010.

Previously identified EMCs that are candidates for EECBG funding include:

Natural Gas Burner Replacement on two boilers at Crown Coliseum
Natural Gas Burner Replacement on two boilers at Crown Expo Center
Installation of Variable Frequency Drives on ten Air Handler Units at Crown Coliseum
HVAC Upgrade at Central Maintenance Facility
Installation of Chilled Water By-Pass and Heat Exchanger at County Detention Center

Implementation of the EMCs listed above will be completed by October 2011. Other EMCs yet to be identified will become part of the County's ongoing ESP and will be funded through the annual budget process as recommended by management and approved by the Board of Commissioners.

(4) Evaluate opportunities for renewable energy retrofits at County facilities such as solar hot water systems. This will be an on-going activity.

In addition to reducing energy costs, these improvements will enhance building occupant comfort; reduce deferred maintenance; decrease the need for capital dollars by funding subsequent projects with dollars saved on reduced energy use; replace banned refrigerants with environmentally friendly coolants; and provide for GHG emissions reductions.

The schedules provided are predicated on EECBG Program funds becoming available by August 2009.

3. Describe how your government is taking into account the proposed implementation plans and activities for use of funds by adjacent units of local government that are grant recipients under the Program (response not mandatory for Indian Tribes).

Cumberland County together with the City of Fayetteville (EECBG recipient) formed an Energy Advisory Committee (EAC) in 1981 for the purpose of developing a community-wide energy conservation program. After the initial report was presented to the governing boards in 1984, the EAC was never re-appointed. The County proposes to work with Fayetteville to re-establish the EAC to be used as a vehicle to coordinate our energy conservation efforts to include the proposed implementation plans and activities funded by the EECBG Program as well as promoting energy awareness and information in the community.

4. Describe how your government will coordinate and share information with the state in which you are located regarding activities carried out with grant funds to maximize energy efficiency and conservation benefits (response not mandatory for Indian Tribes).

The EAC will meet monthly to share information regarding energy conservation strategies, implementation plans and program results by the governing bodies in Cumberland County. The most effective way to share information with the NC State Energy Office is to provide them with the monthly reports and invite a SEC representative to the monthly meetings. In addition, the County's ESC prepares an annual report on our ESP and this report will be shared with the SEO.

5. Describe how this plan has been designed to ensure that it sustains benefits beyond the EECBG funding period.

Cumberland County has been proactive in energy conservation planning as evidenced by the Guaranteed Energy Savings Program initiated in 2004 and the success of the program to date. The County has a long-term partnership with our ESC that will continue beyond the EECBG funding period. The energy savings and cost reductions associated with the existing ECMs and planned EMCs to be funded by EECBG will sustain over the lifetime of the installed equipment with added assurance of the county's regular maintenance program. In addition, the avoided cost of energy consumption (energy savings) will provide a source of funding for future EMCs.

6. The President has made it clear that every taxpayer dollar spent on our economic recovery must be subject to unprecedented levels of transparency and accountability. Describe the auditing or monitoring procedures currently in place or that will be in place (by what date), to ensure funds are used for authorized purposes and every step is taken to prevent instances of fraud, waste, error, and abuse.

Cumberland County has a "Certified Green Business" page on our website and intends to expand the content of this page to include the monthly reports of the EAC, the annual reports of our ESP and other pertinent information on the energy conservation measures implemented.

The ESP is administered by the County Engineering Department with assistance from County Maintenance and our ESP. The construction of all facilities projects, including ECMs, is accomplished through a competitive bid or a Guaranteed Energy Savings Performance Contracting process in accordance with NC State bidding or performance contracting requirements. This process is open to public inspection as a safeguard in the expenditure of public funds.

Portfolio Manager will be used to provide a level of transparency and accountability by generating performance indicators, including energy use intensity, energy efficiency improvement over a baseline, and GHG emissions associated with building energy use.

All county construction projects are reviewed with management for progress and cost control. The county's internal auditor has oversight on all projects and an annual financial audit of the County is conducted by an independent certified public accounting firm with assistance from the County Finance Department, the results of which are contained in the Comprehensive Annual Financial Report and presented in the to the Board of County Commissioners in a public meeting. All projects with state or federal grant funding are specifically reviewed for compliance with the conditions of the grant. The Comprehensive Annual Financial Report is available for public inspection on the county website. The County consistently receives an unqualified opinion from our independent auditors and has been awarded the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada for our Comprehensive Annual Financial Report for the last 14 years.

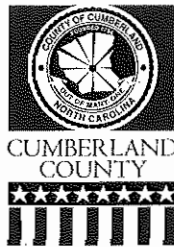
I, Jeannette Council, Chairman of the Cumberland County Board of Commissioners, hereby certify that Cumberland County Administration is authorized to apply for and receive funding based on Title V, Subtitle E, Energy Efficiency and Conservation Block Grants, Sections 541(3)(B) of EISA 2007, Public Law 110-140 and that the designated point of contact to implement the EECBG Program is Juanita Pilgrim, Deputy County Manager, telephone 910-678-7726.

Jeannette Council, Chairman

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

June 8, 2009

ITEM NO. 5A

June 15, 2009 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Air Quality Stakeholders' Committee

The Air Quality Stakeholders' Committee has the following vacancy:

Town of Linden Representative

The Linden Town Board is recommending **Elizabeth Small** as their representative (see attached). Fill the vacancy.

(NOTE: Previously the Air Quality Stakeholders' Committee had only one representative for the towns of Wade, Falcon, Godwin and Linden. They have elected to select an individual for representation of each town.)

I have attached the current membership. I have not attached the current applicant list for this board as there are no applicants on file at this time.

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

Attachment

pc: Rick Heickson, Planning & Inspections

Celebrating Our Past...Embracing Our Future

Marie Colgan

From: Marie Colgan
Sent: Friday, May 29, 2009 9:30 AM
To: Maurizia Chapman
Subject: RE: Air Quality Stakeholders Committee Member

That's fine. I will get it on the June 15th BOC agenda for nomination and then it will go to the August 3rd for appointment.

Thanks
Marie

Marie Colgan
Deputy Clerk
Cumberland County Board of Commissioners
(910) 678-7772
Fax (910) 678-7770

From: Maurizia Chapman
Sent: Friday, May 29, 2009 9:32 AM
To: Marie Colgan
Cc: Richard Heicksen
Subject: FW: Air Quality Stakeholders Committee Member

Good morning Marie,
The following is the information for the Linden AQ stakeholder. I know it may be too late for the next commissioners' meeting, but I rather send it to you as it comes in.

Thank you
Maurizia

From: Sue Giles [mailto:lindentownhall@embarqmail.com]
Sent: Thursday, May 28, 2009 3:25 PM
To: Maurizia Chapman
Subject: Air Quality Stakeholders Committee Member

Ms. Chapman:

I mailed the committee member's name but forgot to include her contact information, which is:

Elizabeth Small
P.O. Box 228
4835 Main Street
Linden, NC 28356-0228

Phone: 910-980-0821

Thank You,
Sue Giles, CMC

5/29/2009

AIR QUALITY STAKEHOLDERS COMMITTEE
3-year terms

<u>NAME</u>	<u>STAKEHOLDER</u>	<u>DATE APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>ELIGIBLE FOR REAPPOINT.</u>
Commissioner Peggy Raymes PO Box 220 Stedman, NC 28391 323-1892	Town of Stedman	4/09	1 st	April/12 4/30/12	Yes
Councilman Keith Bates 5404 Chesapeake Road Fayetteville, NC 28311 488-6315/494-2256 (c) Kbates05@nc.rr.com	City of Fayetteville	1/07	1 st	Dec/09 12/31/09	Yes
Mayor Pro-Tem James O'Garra 614 Duncan Road Spring Lake, NC 28390 (filling unexpired term) 797-7145 ogarraone@aol.com	Town of Spring Lake	8/07	1 st	Feb/10 2/28/10	Yes
Commissioner Eddie Maynor Town of Hope Mills PO Box 367 Hope Mills, NC 28348 (filling unexpired term) 424-4555/484-4214/286-3214 pcregister@town.hope-mills.nc.us	Town of Hope Mills	3/08	1 st	Feb/10 2/28/10	Yes
Denise Sykes Planning/Inspections Department 130 Gillespie Street Fayetteville, NC 28301 678-7629 dsykes@co.cumberland.nc.us	Towns of Wade Falcon, Godwin and Linden	4/06	2 nd	April/09 4/30/09	No
Steve Oakley Town of Eastover 1107 Asbury Road Fayetteville, NC 28312 484/8048/850-7656 spyderncsu@nc.rr.com	Town of Eastover	3/08	1 st	Feb/11 2/28/11	Yes
Michael Lynch Director of Plans, Training & Mobilization 2175 Reilly Road, Stop A Fort Bragg, NC 28310-5000 396-4523	Fort Bragg	4/09	1 st	April/12 4/30/12	Yes
Carolyn Hinson Public Works Commission 6253 Lakehaven Drive Fayetteville, NC 28304 423-5940 (H)/223-4015 (W)	PWC	4/09	1 st	April/12 4/30/12	Yes

<u>DATE NAME</u>	<u>ELIGIBLE FOR STAKEHOLDER</u>	<u>APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>REAPPOINT.</u>
Daniel Rodriguez 2634 Franciscan Drive Fayetteville, NC 28306 425-2746 (H)/432-9701 (W)	Citizen	4/09	1 st	April/12 4/30/12	Yes
Jamison Stewart 3533 Godwin Circle Fayetteville, NC 28312 874-5930(H) 678-9897 (W)	Citizen	4/09	1 st	April/12 4/30/12	Yes
Scott Peters Goodyear Tire & Rubber Company 6655 Ramsey Street Fayetteville, NC 28311 630-5678 Scott_peters@goodyear.com	Major Industry	4/06	1 st	April/09 4/30/09	Yes
Ana McDowell, MD Allergy Partners 1317 Medical Drive Fayetteville, NC 28304 487-9395 (H)/323-3890 (W)	Medical Rep.	4/09	1 st	April/12 4/30/12	Yes
Karl Legatski 122 Magnolia Avenue Fayetteville, NC 28305 484-8684 (H) 867-8675 karl@celtechinc.net	Citizen	4/06	2 nd	April/09 4/30/09	No
Doug Peters Cumberland Co. Business Council P.O. Box 9 Fayetteville, NC 28302 484-4242 dpeters@ccbusinesscouncil.org	CCBC	4/09	1 st	April/12 4/30/12	Yes
Jon Parsons Sustainable Sandhills 7265 NC Highway 87 South Fayetteville, NC 28306 483-2669 (H)/484-9098 (W)	Environmental Rep	4/09	1 st	April/12 4/30/12	Yes
Dr. Harold Maxwell 227 Fountainhead Lane Fayetteville, NC 28301 433-3600 hamaco@nc.rr.com	Board of Health	4/06	2 nd	April/09 4/30/09	No

<u>DATE NAME</u>	<u>ELIGIBLE FOR STAKEHOLDER</u>	<u>APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>REAPPOINT.</u>
John Gillis 128 S Churchill Drive Fayetteville, NC 28303 484-9828 (H)/308-4255 (W)	Homebuilders Association	4/09	1 st	April/12 4/30/09	Yes
Joe Levister, Jr. FTCC PO Box 35236 Fayetteville, NC 28303 678-8321 levistej@faytechcc.edu	FTCC	4/09	2 nd	April/12 4/30/12	No
Gary Slater Valley Proteins/Carolina By-Products 1742 Martindale Drive Fayetteville, NC 28304 920-2441 (H)/483-1128 x237 (W) scwaters@barnhillcontracting.com	Industry	4/09	1 st	April/12 4/30/12	Yes
Scott Reynolds M.J. Soffe Company PO Box 2507 Fayetteville, NC 28302 483-2500 x6447 Scott.reynolds@mjsoffe.com	M.J. Soffe Co.	12/07	1 st	Dec/10 12/31/10	Yes
Kenneth Edge Board of Commissioners PO Box 1829 Fayetteville, NC 28302 425-0918	County of Cumberland (Elected Official)	4/09	1 st	April/12 4/30/12	Yes

Original appointments made March 17, 2003.

Committee will be active for about 3 years.

Contact/Staff: Rick Heicksen and Maurizia Chapman – Planning Department – x7615 (fax 678-7638)

Meetings: Quarterly (Jan, Apr, July, Oct) 2nd Thursday at 6 pm. (Hearing Rm 3, Historic Courthouse)

JEANNE 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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June 5, 2009

ITEM NO. 5B

June 15, 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 will have the following vacancy on August 31, 2009:

Yvonne Booth – completing first term. Eligible for reappointment.

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

PROPOSED ACTION: Make nominations to fill the one (1) 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

Name/Address	<u>Date</u> Appointed	Term	Expires	<u>Eligible For</u> Reappointment
Terri Thomas (B/F) 508 Spaulding Street Fayetteville, NC 28301 485-4764/988-7672 (C)	4/09	Initial	Apr/10 4/30/10	Yes
Toney Edwards (B/M) 3622 Clearwater Drive Fayetteville, NC 28311 822-4261/864-6262	04/09	1 st	Apr/12 4/30/12	Yes
Mary Ann Brown-Jackson 1959B James Hamner Way Fayetteville, NC 28311 822-1311/893-8151 x330 (W)	1/09	2 nd	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 st	June/09 6/30/09	Yes
Mexie Fields (/F) 1815 Primrose Drive Fayetteville, NC 28301 488-8432	1/06	1 st	Jan/10 1/31/10	Yes
Yvonne Booth (B/F) 4568 Turquoise Road Fayetteville, NC 28311 488-7260	8/08	Initial	Aug/09 8/31/09	Yes
Daniel Rodriguez (H/M) 2634 Franciscan Drive Fayetteville, NC 28306 425-2746/432-9701 (W)	5/09	Initial	May/10 5/31/10	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	4/00	1 st	Apr/12 4/30/12	Yes
Jacqueline Wolfe (W/F) 1812 Manchester Street Fayetteville, NC 28303 484-8588/818-2201 (C)	3/09	Initial	Mar/10 3/31/10	Yes
Wynella A. Myers (B/F) 706 Sarazan Drive Fayetteville, NC 28303 822-5526/273-8483 (C)	8/07	1 st	Aug/10 8/31/10	Yes
October Morales (W/F) 1917 Daphne Circle Fayetteville, NC 28304 (831)601-7217/689-0150 (W)	4/09	Initial	April/10 4/30/10	Yes
John Poulos (W/M) 3025 Brechin Road Fayetteville, NC 28303 867-2622/424-4242(W)	6/06	2 nd	June/09 6/30/09	No
Sonya M. Edmonds (B/F) PO Box 58394 Fayetteville, NC 28305 485-1394/(919) 566-4676 (W)	2/09	Initial	Feb/10 2/28/10	Yes
Cassandra W. Haire (B/F) 515 Albany Street Fayetteville, NC 28301 728-0175	12/08	Initial	Dec/09 12/31/09	Yes
Kim Howard (F) 6018 Lakaway Drive Fayetteville, NC 28306 308-5974	4/08	1 st	Apr/11 4/30/11	Yes

CONTACT: Andrea Wright-Valdez, Regional Ombudsman, Mid-Carolina Area Agency on Aging,
P. O. Box 1510, Fayetteville, NC 28302. Phone: 323-4191, x 25, fax # 323-9330

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

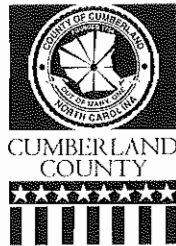
APPLICANTS FOR
ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

<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
FERGUSON SR., ALFONSO (B/M) 7796 PINTAIL DRIVE FAYETTEVILLE, NC 28311 401-2313/483-9916 X5551235	PROGRAM CONTROL ANALYST MANTECH INTERN'L, INC.	MASTERS – HEALTH CARE ADMIN

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. 5C

June 9, 2009

June 15, 2009 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *mc*
SUBJECT: Animal Services Board

The Animal Services Board will have the following vacancies on June 30, 2009:

Knowledge and Experience in Dog Behavior and/or Handling Position:

Paula Thomason – completing second term. Not eligible for reappointment. Scottie Harris recommends **Tolulope Adeyemi** fill this position. (See attached.)

Promoting Goals of the Animal Protection Society or the Humane Society or Another Such Broadly Based and Representative Organization Interested in the Care and Protection of Animals Position:

Tommy Griffin – completing second term. Not eligible for reappointment. Scottie Harris recommends **Cristobal S. Berry-Caban** fill this position. (See attached.)

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

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

pc: Scottie Harris, Animal Services Director

Celebrating Our Past...Embracing Our Future

Marie Colgan

From: Scotty Harris
Sent: Tuesday, June 09, 2009 9:23 AM
To: Marie Colgan
Subject: Animal Services Board Recommendations

Mrs. Marie,

I recommend the following personnel for the two vacant positions on the animal services board.

For the position qualifications asking for experience in behavior or handling
Mr. Tolulope Adeyemi

For the position qualifications promoting goals of the Animal Protection Society
Cristobal S. Berry-Caban

I understand that the Board of County Commissioners as the recommending governing body will make the final recommendation and I will support their decision.

Respectfully
Scottie



David "Scottie" Harris
Cumberland County Animal Services
Director
(910) 321-6856 Office
(910) 339-2299 Cell
(910) 223-3357 Fax

"There is no right way to do a wrong thing...no success in management will ever compensate for a failure in leadership."

Send 5/12

Mr. Tolulope Adeyemi
8118 French Horn Lane
Fayetteville NC 28314

Experience:

15 years as a zoologist with many remarkable zoos taking care of different vertebrates and invertebrates.

2 years as healthcare officer with the United States Army Medical Corps

35 years of handling pets like fish, rabbits, guinea pigs, parrots, canaries, goats, chicks, cats, monkeys, and dogs.

Education:

Masters Degree in Health Administration

Post Graduate Diploma in Public Relations

Bachelor Degree in Zoology

Bachelor degree in Liberal Arts

Current Employer:

United States Army Medical Corps

Job Description:

Field Health Officer

My objective is to help promote goals of the Animal Protection Society, the humane society, care and protection of animals and as a tool to educate, inform, supervise, translate, monitor and encourage the society we live in.

Sir/Ma'am, I am interested in this position of Animal Protection Society and I will accept the position without reservation if am offered. I have all necessary requirements over other applicants to secure this voluntary assignment.

Tolulope Adeyemi
11 May 09

Sent 5/12

CRISTÓBAL S. BERRY-CABÁN

412 City View Lane
Fayetteville, NC 28301
910-907-8844 w
813-451-3004 h
cris.berrycaban@us.army.mil
cbcaban@aol.com

May 8, 2009

Board of Commissioners
POBox 1829
Fayetteville, NC 28302-1829

Attn: Ms. Marie Colgan

Dear Ms. Colgan:

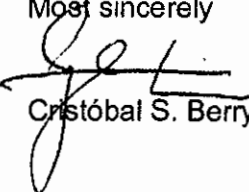
I am interested in serving on the Animal Services Board because it represents a purpose to that I am personally committed. I highlight the following areas of direct relevance to the board:

My Qualifications

- Ten years experience in the Washington, DC area serving on boards of various animal protection agencies
- Experience in promoting the goals and objectives of animal protection services that promote animal welfare through education, care, and placement of stray or unwanted animals such as Ally Cat Allies in the DC area
- Knowledge of federal granting, contracting and regulatory regulations and policies that pertain to biomedical sciences and research
- Advanced degree in epidemiology

Throughout my career, I have demonstrated a commitment to research approaches that are participatory, community-based and rights-based. I would be honored to be considered as Health Sciences Program Manager.

Most sincerely


Cristóbal S. Berry-Cabán

ANIMAL SERVICES BOARD
3 Year Term
(Terms extended from 2 to 3 years on 8/5/02.)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Knowledge & Experience in Dog Behavior and/or Handling Position</u>				
Paula Thomason 1660 River Road Fayetteville, North Carolina 28312 483-9213	5/06	2nd	June/09 6/30/09	No

Promoting Goals of the Animal Protection Society or the Humane Society or Another Such Broadly-Based and Representative Organization Interested in the Care and Protection of Animals Position

Tommy Griffin 530 Lennox Drive Fayetteville, North Carolina 28303 868-4242	5/06	2nd	June/09 6/30/09	No
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Ex-Officio, The Veterinarian on Contract to the Animal Control Department Position

Dr. John Lauby (W/M) East Fayetteville Veterinary Clinic 118 Cedar Creek Road Fayetteville, North Carolina 28312 323-5845	6/07	4 th	June/10 6/30/10	
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At-Large Positions

Dr. Kimberly Luddington (W/F) 5429 Kentucky Lane Hope Mills, NC 28348 425-0720	8/07	1 st	June/10 6/30/10	Yes
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Wallace Owens 1888 Cascade Street Fayetteville, North Carolina 28301 488-9064	6/07	2 nd	June/10 6/30/10	No
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City of Fayetteville Resident Positions

Rose Marie Bonavia (_/F) 7338 Pebblebrook Drive Fayetteville, North Carolina 28314 487-4790	6/08	1 st	June/11 6/30/11	Yes
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Patricia Rigsby 705 McPherson Avenue Fayetteville, North Carolina 28303 717-0921/308-8999 (W)	8/08	1st	June/09 6/30/09	Yes
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serving unexpired term

Board was Established by Ordinance adopted on January 4, 1999.

Meetings: Bi monthly – 1st Monday, 6:00PM -4704 Corporation Dr- Contact: Scottie Harris 321-6851

APPLICANTS FOR
ANIMAL SERVICES BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ADEYEMI, TOLU LOPE (-/M) 8118 FRENCH HORN LANE FAYETTEVILLE, NC 28314 583-9408/487-3959	US ARMY FT BRAGG	MASTERS – HEALTH ADMIN, PR, BS – ZOOLOGY, LIBERAL ARTS
BERRY-CABAN, CRISTOBAL S. (H/M) 412 CITY VIEW LANE FAYETTEVILLE, NC 28301 (813) 451-3004/907-8844 (W)	CHIEF-CLINICAL INVESTIG. WOMACK	PhD; MA
BRIGGS, DR. JOHN G. (W/M) 2910 HYBART STREET FAYETTEVILLE, NC 28303 867-1493	RETIRED PLASTIC SURGEON	DR OF MEDICINE BS – BIOLOGY
SERVES ON THE NURSING HOME ADVISORY BOARD		
CARAMANNO, DELL (W/F) 5578 QUIETWOOD PLACE FAYETTEVILLE, NC 28304 423-2622	RETIRED	SOME COLLEGE
SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE		
FLEMING JR., DR. REV. JOE (B/M) 7235 RYAN STREET FAYETTEVILLE, NC 28314 868-1428/257-7323	RETIRED	16 YEARS
GRINDLE, SHEILA (W/F) 804 TULSA COURT FAYETTEVILLE, NC 28311 286-7991	CHILD ADVOCATE TRAINER FAMILY ADVOCACY PROGRAM	BSW (SOCIAL WORK)
HAIR, ANTHONY D. (B/M) 6344 MURPHY ROAD STEDMAN, NC 28391 486-9794/592-1575 (W)	CUSTOMER SOLUTIONS REP EMBARQ	BS – EDUCATION
HASAPIS, GERI T. (/F) 356 EDINBURG DRIVE FAYETTEVILLE, NC 28303 864-7433/497-8830	ENTREPRENEUR & HOMEMAKER COUNTRY FISH FRY	HIGH SCHOOL REAL ESTATE LICENSE
**SERVES ON THE MINIMUM HOUSING AUTHORITY		
MONTENEGRO, MARILYN H. (/F) 701 EMELINE AVENUE FAYETTEVILLE, NC 28303 678-8020/609-0639 (W)	ADVERTISING/MARKETING SERVICES MANAGER THE FAYETTEVILLE OBSERVER	BA/GENERAL STUDIES
SERVES ON THE NURSING HOME ADVISORY BOARD		
JAMES, THEADY E. (/) 3523 WORLEY STREET FAYETTEVILLE, NC 28311 339-5312	RETIRED (UNKNOWN)	HS GRAD, 1 YR-FTCC

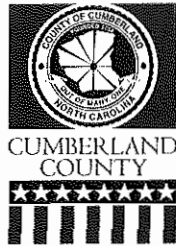
ANIMAL SERVICES BOARD, PAGE 2

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
TOWNSEND, SHELBY T. (W/F) 7132 SIM CANADY HOPE MILLS, NC 28348 425-0967	RETIRED SELF EMPLOYED	HS; SOME COLLEGE
WINFIELD, LEA (-/-) 427 TRADEWINDS DRIVE FAYETTEVILLE, NC 28314 964-1640	MGT TRAINEE ENTERPRISE RENT A CAR	BS – PUBLIC RELATIONS WORKING ON MASTERS

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BILLY R. KING
Vice Chairman

J. BREEDEN BLACKWELL
KENNETH S. EDGE
MARSHALL FAIRCLOTH
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BOARD OF COMMISSIONERS

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June 5, 2009

ITEM NO. SD

June 15, 2009 Agenda Item

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

The Board of Adjustment will have the following vacancy on August 31, 2009:

Martin Locklear – 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 one (1) vacancy.

Attachments

pc: Tom Lloyd, Planning/Inspections Director

Celebrating Our Past... Embracing Our Future

BOARD OF ADJUSTMENT
3 Year Term

Name/Address	<u>Date</u> Appointed	Term	Expires	<u>Eligible For</u> Reappointment
Joseph M. Dykes (B/M) 5764 Pepperbush Drive Fayetteville, NC 28304 423-5255/322-0602 (W)	1/08	1st	June/09 6/30/09	Yes
	(serving unexpired term)			
Oscar L. Davis, III (C/M) 3320 Rustburg Drive Fayetteville, NC 28303 867-2950/977-3101(W)	6/07	2 nd	June/10 6/30/10	No
Melree Hubbard Tart (W/F) 300 Andrews Road Fayetteville, NC 28311 488-1208/497-3712 (W)	6/07	1 st	Aug/10 8/31/10	Yes
Steve Parsons(W/M) 3701 Clearwater Drive Fayetteville, NC 28311 822-4155/822-2000(W)	9/06	2nd	Sept/09 9/30/09	No
George Quigley (W/M) 618 Blawell Circle Stedman, NC 28391 485-2980/321-6882	6/06	1st	June/09 6/30/09	Yes
<u>Alternate Members:</u>				
Carrie Tyson-Autry (_/F) 5951 NC Hwy 87 South Fayetteville, NC 28306-379 483-0087	6/08	1 st	Aug/10 8/31/10	Yes
Horace Humphrey (- /M) 1852 Cascade Street Fayetteville, NC 28301 488-5143	01/08	1st	Aug/10 8/31/10	Yes
	(serving unexpired term)			
William Lockett Tally (W/M) 414 Vista Drive Fayetteville, NC 28305 489-3533/483-4175 (W)	1108	1 st	June/10 6/30/10	Yes
	(serving unexpired term)			

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

John R. Swanson (W/M) 6416 Coachman's Way Fayetteville, NC 28303 987-1972/822-2000 (W)	6/07 (filling unexpired term)	1 st	Jan/10 1/31/10	Yes
Martin J. Locklear (I/M) 1611 Four Wood Drive Fayetteville, NC 28312 672-0323/893-7525(W)	8/06	1 st	Aug/09 8/31/09	Yes

Meets 3rd Thursday of each month at 7:00 PM – Historic Courthouse, Room 3

Contact: Tom Lloyd, Planning Department - 678-7618

APPLICANTS FOR
BOARD OF ADJUSTMENT

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

JEANNETTE M. COUNCIL
Chairman

BILLY R. KING
Vice Chairman

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



MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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ITEM NO. SE

June 5, 2009

June 15, 2009 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Cumberland Co. Juvenile Crime Prevention Council

The Cumberland County Juvenile Crime Prevention Council has the following vacancies:

At-Large Representatives

Henry Berry – completing first term. Eligible for reappointment.

Geneva Mixon – completing first term. Eligible for reappointment.

Douglas Parrish – completing first term. Eligible for reappointment.

Substance Abuse Professional

Gregory Pitts – completing first term. Eligible for reappointment.

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

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

Attachments

pc: Sarah Hemingway, CCJCPC Coordinator

Celebrating Our Past... Embracing Our Future

CUMBERLAND COUNTY
JUVENILE CRIME PREVENTION COUNCIL
(Two year terms)

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
<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 CC Mental Health - TASC PO Box 3069 (filling unexpired term – eligible for 2 full terms) Fayetteville, NC 28302 323-6136(W)	8/07	1 st full	Aug/09 8/31/09	Yes
<u>Member of Faith Community</u>				
Rev. Brian Thompson 3942 Gaithersburg Lane Hope Mills, NC 28348 (5/07 – term extended to 8/31/07 and renewed to 8/09) 436-2462/867-2708(W)	5/07	1 st	Aug/09 8/31/09	No
<u>Person Under Age 21</u>				
Che'iera Lathan-Snow 806 English court, Apt 8 Fayetteville, NC 28314 704-512-9060	02/09	1 st	Feb/11 2/28/11	Yes
<u>Juvenile Defense Attorney</u>				
Beth A. Hall 4508 Weaverhall Drive Fayetteville, NC 28314 257-0847(Cell)	8/08	2 nd	Aug/10 8/31/10	No
<u>Member of Business Community</u>				
Gene Hallock 173 Aloha Drive Fayetteville, NC 28311 822-5409	8/07	2 nd	Aug/09 8/31/09	No
<u>United Way or Non-Profit</u>				
Patrick Hurley 2536 Vandemere Fayetteville, NC 28304 484-3044	8/08	1 st	Aug/10 8/31/10	Yes
<u>At Large Representatives</u>				
Henry Berry 1722 Eldridge Street Fayetteville, NC 28301 396-5521 (W)	8/07	1 st	Aug/09 8/31/09	Yes

Cumberland County Juvenile Crime Prevention Council, Page 4

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Resigned (Shanessa Fenner) 5710-08 Ivanhoe Court Fayetteville, North Carolina 28314 487-9603/483-4037 (W)	8/08	1 st	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
Douglas R. Parrish 5789 Cotton Valley Drive Fayetteville, NC 28314 484-8256/609-3770 (W)	2/09	1 st	Feb/11 2/28/11	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 st	Aug/09 8/31/09	Yes
Joan Blanchard 7230 Sandcastle Lane Linden, North Carolina 28356 Phone: 487-0510/322-9097 (C)	8/08	1 st	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

APPLICANTS FOR
JUVENILE CRIME PREVENTION COUNCIL

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BRIGGS, BENITA Y. (B/F) 1639 RUDOLPH STREET FAYETTEVILLE, NC 28301 822-1154/672-1294	OFFICE ASSISTANT IV FSU	BA – HISTORY/SOCIOLOGY
BROWN, KRAIG (B/M) 2909 WYCLIFFE COURT FAYETTEVILLE, NC 28306 964-0503/424-7678 (W) **SERVES ON THE CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD**	TEACHER CC SCHOOLS	BS.MA – CRIMINAL JUSTICE MA – HUMAN RESOURCES
CAMPBELL, DR. REBECCA M. (-/F) 7027 DARNELL STREET FAYETTEVILLE, NC 28314 487-1555	RETIRED JFK SPECIAL WARFARE	DOCTORATE – TEACHING & SPECIAL EDUCATION
COCKMAN, MATTHEW J. (W/M) PO BOX 1901 FAYETTEVILLE, NC 28302-1901 483-8802/429-2900 (W)	ATTORNEY AT LAW	BBA – TRUST MGT. JD
DILLON, MARY E. (/F) 3209 MCCHOEN DRIVE FAYETTEVILLE, NC 28301 822-2045/678-8348(W)	BASIC SKILLS INSTRUCTOR	BS – ELEM. EDUCATION
GRINDLE, SHEILA (W/F) 804 TULSA COURT FAYETTEVILLE, NC 28311 286-7991	CHILD ADVOCATE TRAINER FAMILY ADVOCACY PROGRAM	BSW (SOCIAL WORK)
GURNEE, GRAHAM (W/M) 2601 FORDHAM DRIVE FAYETTEVILLE, NC 28304 483-6791/435-0898 (W)	ATTORNEY	JD BS- BUSINESS MGT.
HAIR, ANTHONY D. (B/M) 6344 MURPHY ROAD STEDMAN, NC 28391 486-9794/592-1575 (W)	CUSTOMER SOLUTIONS REPRESENTATIVE EMBARQ	BS – EDUCATION
HICKS, MARYBETH (W/F) 936 McKIMMON ROAD FAYETTEVILLE, NC 28303 229-3145/(614)595-3857 (C)	HOMEMAKER	SOME COLLEGE
LESICA, CATHERINE (W/F) 2910 SWIFTCREEK DRIVE FAYETTEVILLE, NC 28303 867-7784/323-1425 (W)	ATTORNEY MCLEOD LAW FIRM	BS; JD
LODHI, MUHAMMAD A. (A/M) 2008 ASHRIDGE DRIVE FAYETTEVILLE, NC 28304 401-2137/672-1658 (W)	ASSOCIATES PROF. FSU	DOCTORATE – PLANT BREEDING & MOLECULAR GENETICS

JUVENILE CRIME PREVENTION COUNCIL APPLICANTS, Page 2

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
MARSHALL, BARBARA SUMMEY (B/F) 7640 WILKINS DRIVE FAYETTEVILLE, NC 28311 488-2615/977-2303(W) **SERVES ON THE BOARD OF HEALTH**	NAVY RESERVE CHAPLAIN	BA – PSYCHOLOGY MA – RELIGIOUS ED. DR. OF MINISTRY
McALLISTER, MEREDITH (B/F) 553 HOLLYBERRY LANE FAYETTEVILLE, NC 28314 867-8564/222-8751 (W)	CERTIFIED PERSONAL FINANCE COUNSELOR CONSUMER EDUCATION SERVICES	BUSINESS – UNC AT CHAPEL HILL
McLEAN, ALICIA RENEE (B/F) 5058 SUMMER RIDGE DRIVE FAYETTEVILLE, NC 28303 487-0390/323-5288 (W) **SERVES ON WORKFORCE DEVELOPMENT BOARD**	DIALYSIS TECHNICIAN FAY. KIDNEY CENTER	BS – PSYCHOLOGY
McMILLAN, ROSIE G. (B/F) 1972 CULPEPPER LANE FAYETTEVILLE, NC 28304 864-0158/672-1105 (W) **SERVES ON THE WORKFORCE DEVELOPMENT BOARD**	PROJECT COORDINATOR FSU	BS – CRIMINAL JUSTICE M.A. – SOCIOLOGY
McNEILL, ELVIN (B/M) 2280 SPINDLETREE DRIVE FAYETTEVILLE, NC 28304 423-7027/677-2552 **SERVES ON THE HUMAN RELATIONS COMMISSION**	SOCIAL WORKER DSS	BS – MATH
MERRITT, EDGAR F. (B/M) 1506 BOROS DRIVE FAYETTEVILLE, NC 28303 822-2976/286-2552	RETIRED CITY POLICE OFFICER	HS; SOME COLLEGE
PAUL, ROBIN (B/F) 363 KIMBERWICKE DRIVE FAYETTEVILLE, NC 28311 424-2278/237-2829 (W)	SELF-EMPLOYED CARE FINDERS FIRST	MASTERS-TEACHING READING K-6
PICKETT-WADDELL, AUDREY (B/F) 1202-A SLEEPY HOLLOW DRIVE FAYETTEVILLE, NC 28311 224-8785/488-7461 (W)	DAY CARE LEAD TEACHER HOJACK CHILD DEV. CTR.	BA – SOCIOLOGY
RAY, KARSTEN J. (-/M) 5249 SUNDOWN DRIVE FAYETTEVILLE, NC 28303 487-6347/366-6935 (W)	GOV'T CONTRACTOR PROPERTY MGT	BS – CRIMINAL JUSTICE AA – PARALEGAL STUDIES
SALLEY, LUKE (B/M) 104 UNIVERSITY AVENUE FAYETTEVILLE, NC 28301 488-9365/364-8505 (C)	ASST TO ADMINISTRATOR 1 ST PRESBYTERIAN CHURCH	BA – ECONOMICS & ACCOUNTING

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
SKINNER-COLEMAN, ANNETTE (O/F) 916 BRAMBLEWOOD COURT FAYETTEVILLE, NC 28314 869-7949/907-0209 (W)	GUIDANCE COUNSELOR FT BRAGG SCHOOLS	MA – SPECIAL EDUC. BA – SOCIOLOGY
TURNER, CASSANDRA (B/F) 5383 CLIPPER DRIVE HOPE MILLS, NC 28348 977-3099/425-4181 (W)	MANUFACTURING PUROLATOR FILTERS	HS; SOME COLLEGE
VASILOPOULOS, NATALIE 1833 CAMELOT DRIVE FAYETTEVILLE, NC 28304 425-5116/(828) 467-9300 (C)	HOMEMAKER	BA – CRIMINAL JUSTICE

JEANNETTE M. COUNCIL
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BILLY R. KING
Vice Chairman

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KENNETH S. EDGE
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BOARD OF COMMISSIONERS

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June 5, 2009

ITEM NO. 5F

June 15, 2009 Agenda Item

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

The Joint Appearance Commission will have the following vacancies as of August 31, 2009:

William David McFadyen – completing first term. Unable to serve a second term.

Nancy Smith – completing first term. Eligible for reappointment.

Edna Cogdell – resigned. Fill the vacancy.

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

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

Attachments

pc: Jimmy Teal, Chief Planning Officer
City of Fayetteville

Celebrating Our Past... Embracing Our Future

JOINT APPEARANCE COMMISSION
2-Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible for Reappointment</u>
Cogdell, Edna A. (B/F) 734 Ashburton Drive Fayetteville, NC 28301 488-4582	8/08	1 st	Aug/10 8/31/10	Yes
Gloston, Louis (B/M) 2000 Greendale Drive Fayetteville, NC 28304 867-5724/484-7869(W)	8/08	2 nd	Aug/10 8/31/10	No
Smith, Nancy W. (W/F) 5731 Christmasberry Court Fayetteville, NC 28312 487-1578/850-9398 (W)	8/07	1 st	Aug/09 8/31/09	Yes
McFadyen, William David (W/M) 7122 Hunters Point Drive Fayetteville, NC 28311 822-2362	8/07	1 st	Aug/09 8/31/09	Yes

Meetings: First Monday of Month – 5:15 PM – City Hall, 1st Floor, Cape Fear Room

Contact: Jimmy Teal
City of Fayetteville

APPLICANTS FOR
JOINT APPEARANCE COMMISSION

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ARNOLD, KEN (B/M) 1005 OUR STREET FAYETTEVILLE, NC 28314 867-3114/222-2800 (W)	REALTOR KELLER WILLIAMS REALTY	WORKING ON AA DEGREE
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.
SERVES ON THE ADULT CARE HOME ADVISORY BOARD		
FLEMING JR., DR REV JOE (B/M) 7235 RYAN STREET FAYETTEVILLE, NC 28304 339-5648	CHURCH PASTOR CHURCH OF GOD	SOME COLLEGE
HOGAN, STEVE (W/M) 4585 CANASTA COURT HOPE MILLS, NC 28348 868-9807/797-1910	REAL ESTATE BROKER RE/MAX ALLSTARS	BA – POLITICAL SCIENCE
SERVES ON THE MINIMUM HOUSING APPEALS BOARD		
LANTHORN JR., JOHN W. (W/M) 6841 MAIN STREET WADE, NC 28395 484-7467/624-5391	POWER PLANT MAINTENANCE – PWC	HS GRAD; SOME TECH. COLLEGE
SYED, NADEEM (M) 525 ABBOTTLAND CIRCLE FAYETTEVILLE, NC 28314 587-3087 (W)	GENERAL CONTRACTOR	MASTERS – ACCOUNTING

JEANNETTE M. COUNCIL
Chairman

BILLY R. KING
Vice Chairman

J. BREEDEN BLACKWELL
KENNETH S. EDGE
MARSHALL FAIRCLOTH
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June 5, 2009

June 15, 2009 Agenda Item

ITEM NO. 6A

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Air Quality Stakeholders' Committee

BACKGROUND: On June 1, 2009, the Board of Commissioners nominated the following to fill three vacancies on the Air Quality Stakeholders' Committee:

<u>Town of Godwin Rep:</u>	Natalee Ezzell (new appointment)
<u>Town of Wade Rep:</u>	Johnny Lanthorn (new appointment)
<u>Industry Rep:</u>	Gene Smith (new appointment)

I have attached the current membership list for this committee.

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

Attachment

pc: Rick Heickson, Planning & Inspections

Celebrating Our Past... Embracing Our Future

AIR QUALITY STAKEHOLDERS COMMITTEE
3-year terms

<u>NAME</u>	<u>STAKEHOLDER</u>	<u>DATE APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>ELIGIBLE FOR REAPPOINT.</u>
Commissioner Peggy Raymes PO Box 220 Stedman, NC 28391 323-1892	Town of Stedman	4/09	1 st	April/12 4/30/12	Yes
Councilman Keith Bates 5404 Chesapeake Road Fayetteville, NC 28311 488-6315/494-2256 (c) Kbates05@nc.rr.com	City of Fayetteville	1/07	1 st	Dec/09 12/31/09	Yes
Mayor Pro-Tem James O'Garra 614 Duncan Road Spring Lake, NC 28390 (filling unexpired term) 797-7145 ogarraone@aol.com	Town of Spring Lake	8/07	1 st	Feb/10 2/28/10	Yes
Commissioner Eddie Maynor Town of Hope Mills PO Box 367 Hope Mills, NC 28348 (filling unexpired term) 424-4555/484-4214/286-3214 pcregister@town.hope-mills.nc.us	Town of Hope Mills	3/08	1 st	Feb/10 2/28/10	Yes
Denise Sykes Planning/Inspections Department 130 Gillespie Street Fayetteville, NC 28301 678-7629 dsykes@co.cumberland.nc.us	Towns of Wade Falcon, Godwin and Linden	4/06	2 nd	April/09 4/30/09	No
Steve Oakley Town of Eastover 1107 Asbury Road Fayetteville, NC 28312 484/8048/850-7656 spyderncsu@nc.rr.com	Town of Eastover	3/08	1 st	Feb/11 2/28/11	Yes
Michael Lynch Director of Plans, Training & Mobilization 2175 Reilly Road, Stop A Fort Bragg, NC 28310-5000 396-4523	Fort Bragg	4/09	1 st	April/12 4/30/12	Yes
Carolyn Hinson Public Works Commission 6253 Lakehaven Drive Fayetteville, NC 28304 423-5940 (H)/223-4015 (W)	PWC	4/09	1 st	April/12 4/30/12	Yes

<u>DATE NAME</u>	<u>ELIGIBLE FOR STAKEHOLDER</u>	<u>APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>REAPPOINT.</u>
Daniel Rodriguez 2634 Franciscan Drive Fayetteville, NC 28306 425-2746 (H)/432-9701 (W)	Citizen	4/09	1 st	April/12 4/30/12	Yes
Jamison Stewart 3533 Godwin Circle Fayetteville, NC 28312 874-5930(H) 678-9897 (W)	Citizen	4/09	1 st	April/12 4/30/12	Yes
Scott Peters Goodyear Tire & Rubber Company 6655 Ramsey Street Fayetteville, NC 28311 630-5678 Scott_peters@goodyear.com	Major Industry	4/06	1 st	April/09 4/30/09	Yes
Ana McDowell, MD Allergy Partners 1317 Medical Drive Fayetteville, NC 28304 487-9395 (H)/323-3890 (W)	Medical Rep.	4/09	1 st	April/12 4/30/12	Yes
Karl Legatski 122 Magnolia Avenue Fayetteville, NC 28305 484-8684 (H) 867-8675 karl@celtechinc.net	Citizen	4/06	2 nd	April/09 4/30/09	No
Doug Peters Cumberland Co. Business Council P.O. Box 9 Fayetteville, NC 28302 484-4242 dpeters@ccbusinesscouncil.org	CCBC	4/09	1 st	April/12 4/30/12	Yes
Jon Parsons Sustainable Sandhills 7265 NC Highway 87 South Fayetteville, NC 28306 483-2669 (H)/484-9098 (W)	Environmental Rep	4/09	1 st	April/12 4/30/12	Yes
Dr. Harold Maxwell 227 Fountainhead Lane Fayetteville, NC 28301 433-3600 hamaco@nc.rr.com	Board of Health	4/06	2 nd	April/09 4/30/09	No

<u>DATE NAME</u>	<u>ELIGIBLE FOR STAKEHOLDER</u>	<u>APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>REAPPOINT.</u>
John Gillis 128 S Churchill Drive Fayetteville, NC 28303 484-9828 (H)/308-4255 (W)	Homebuilders Association	4/09	1 st	April/12 4/30/09	Yes
Joe Levister, Jr. FTCC PO Box 35236 Fayetteville, NC 28303 678-8321 levistej@faytechcc.edu	FTCC	4/09	2 nd	April/12 4/30/12	No
Gary Slater Valley Proteins/Carolina By-Products 1742 Martindale Drive Fayetteville, NC 28304 920-2441 (H)/483-1128 x237 (W) scwaters@barnhillcontracting.com	Industry	4/09	1 st	April/12 4/30/12	Yes
Scott Reynolds M.J. Soffe Company PO Box 2507 Fayetteville, NC 28302 483-2500 x6447 Scott.reynolds@mjsoffe.com	M.J. Soffe Co.	12/07	1 st	Dec/10 12/31/10	Yes
Kenneth Edge Board of Commissioners PO Box 1829 Fayetteville, NC 28302 425-0918	County of Cumberland (Elected Official)	4/09	1 st	April/12 4/30/12	Yes

Original appointments made March 17, 2003.

Committee will be active for about 3 years.

Contact/Staff: Rick Heicksen and Maurizia Chapman – Planning Department – x7615 (fax 678-7638)

Meetings: Quarterly (Jan, Apr, July, Oct) 2nd Thursday at 6 pm. (Hearing Rm 3, Historic Courthouse)

JEANNETTE M. COUNCIL
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BILLY R. KING
Vice Chairman

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June 5, 2009

ITEM NO. 6B

June 15, 2009 Agenda Item

TO: Board of Commissioners

FROM: Marie Colgan, Deputy Clerk *MC*

SUBJECT: Criminal Justice Partnership Advisory Board

BACKGROUND: On June 1, 2009, the Board of Commissioners nominated the following to fill three (3) vacancies on the Criminal Justice Partnership Advisory Board:

District Court Judge: **Beth Keever** (reappointment)

At Large: **Carrie Heffney** (reappointment)

Chris McLamb (new appointment)

I have attached the current membership list for this board.

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

Attachment

pc: Callie Gardner, Day Reporting Center
Elizabeth Keever, Chief District Court Judge

Celebrating Our Past... Embracing Our Future

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD

5/09

3-year terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Probation Officer/Assistant JDM</u>				
Jonette Quenum(/F) Div. of Community Corrections 412-A Russell Street Fayetteville, NC 28301 486-1890 (W)	6/08	2 nd	June/11 6/30/11	Yes
A. Wayne Marshburn, JDM Div. of Community Correction 412-A W. Russell Street Fayetteville, NC 28301 486-1161(W)	6/08	4 th	June/11 6/30/11	Yes
<u>Superior Court Judge</u>				
E. Lynn Johnson Cumberland County 117 Dick Street Fayetteville, NC 28301	6-07	1 st	June/10 6/30/10	Yes
<u>District Court Judge</u>				
Beth Keever (W/F) Cumberland County Courthouse 117 Dick Street Fay., NC 28301 678-2901(W)	6/06	5 th	June/09 6/30/09	Yes
<u>Police Chief or Designee</u>				
Captain Charles Kimble Fayetteville Police Department 467 Hay Street Fay., NC 28301 433-1861	5/09	1 st	Sept/10 9/30/10	Yes
	serving unexpired term			
<u>Sheriff or Designee</u>				
Major John McRainey Cumberland County Sheriff's Office Law Enforcement Center 131 Dick Street Fay., NC 28301 323-1500(W)	6/08	4 th	June/11 6/30/11	Yes

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD PG. 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Community-Based Corrections Programs Representative</u>				
Sue Horne (/F) Fayetteville Area Sentencing 310 Green Street, Suite 110 Fay., NC 28301 323-5852	4/09	2 nd	April/12 4/30/12	No
<u>District Attorney</u>				
Ed Grannis (W/M) Cumberland County Courthouse 117 Dick Street Fay., NC 28301 678-2915(W)	6/07	5 th	June/10 6/30/10	Yes
<u>Victim Services Programs Representative</u>				
Sharon Wright Hucks (B/F) Cumberland County District Attorney's Office Cumberland County Courthouse Fay., NC 28301 678-2915(W)	6/08	4 th	June/11 6/30/11	Yes
<u>At-Large</u>				
Leesa Jensen (W/F) 719 Ashfield Drive Fay., NC 28311 630-0253/433-1695(W)	6/07	1 st	June/10 6/30/10	Yes
Frederick H. Frimet (C/M) 1163 Bluebird Lane Fay., NC 28311 488-7486(H)	6/07	2 nd	June/10 6/30/10	No
Richard A. Hayes 332 Summertime Road Fay., NC 28303 484-0137/733-4564(W)	6/07	4 th	June/10 6/30/10	No
Carrie M. Heffney (B/F) 7665 Wilkins Drive Fay., NC 28311 488-0707/678-8351(W)	6/06	4 th	June/09 6/30/09	Yes

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD PG. 3

<u>Name/Address</u>	<u>Date</u> <u>Appointed</u>	<u>Eligible For</u> <u>Term</u>	<u>Expires</u>	<u>Reappointment</u>
<u>At-Large</u>				
Kraig Brown (B/M) 2909 Wycliffe Court Fay., NC 28306 964-0503/424-7678 (W)	5/09	1 st	June/10 6/30/10	Yes
serving an unexpired term				
Kirk Nance 603 Pilot Avenue Fay., NC 28303 484-4140/323-3500(W)	6/06	2 nd	June/09 6/30/09	No
<u>Public Defender</u>				
Ron McSwain (W/M) Cumberland County Courthouse, Suite 307 117 Dick Street Fay., NC 28301 678-2918(W)	6/07	5 th	June/10 6/30/10	Yes
<u>County Commissioner</u>				
Marshall Faircloth (W/M) P.O. Box 1829 Fay., NC 28302 678-7771(W)	2/09	1 st	June/10 6/30/10	Yes
serving unexpired term				
<u>Substance Abuse Service Representative</u>				
James Miller (W/M) 6674 Sim Cannady Road Hope Mills, NC 28348 321-6793	6/08	5 th	June/11 6/30/11	Yes
<u>Criminal Defense Attorney</u>				
David Delaney 325 Green Street Fay., NC 28301 484-9696 (W)	6/07	1 st	June/10 6/30/10	Yes

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD PG. 4

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>County Manager or Designee</u> Juanita Pilgrim (B/F) P.O. Box 1829 Fay., NC 28302 678-7723(W)	6/00	N/A	N/A	Yes

Meetings: Second Tuesday (of the last month) of Each Quarter, 5:30 PM, Cumberland County Day Reporting Center, 412 W. Russell Street, Fayetteville, NC 28301-5548

Contact: Callie Gardner, Director of Day Reporting Center (or Lisa Greeno) 323-6126;
fax 323-6133