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**AGENDA**  
**CUMBERLAND COUNTY BOARD OF COMMISSIONERS**  
**COURTHOUSE – ROOM 118**  
**AUGUST 16, 2010**  
**6:45 PM**

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INVOCATION - Commissioner Jeannette Council

PLEDGE OF ALLEGIANCE –

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

Recognition of Outgoing Board Members:

Paul Douglas Caudill – Parks & Recreation Advisory Board  
Lynette Hill Garner – Parks & Recreation Advisory Board

Special Recognition of Darrell Handelsman, Head Coach of SwampDogs for Record 500<sup>th</sup>  
Summer Collegiate Win

1. Approval of Agenda
  
2. Consent Agenda
  - A. Approval of minutes for the August 2, 2010 regular meeting.
  - B. Approval of Employment Contracts for County Manager, County Attorney, Finance Director, and Clerk to the Board.
  - C. Approval of Request for a Special Meeting of the Board of Commissioners to be Held on September 20, 2010 Prior to the Regularly Scheduled Meeting to Provide an Update on Gray's Creek Water & Sewer District.
  - D. Approval of a Resolution Ratifying an Interlocal Agreement with the Town of Hope Mills and Cumberland County for Consolidation of Dispatch Services.

E. Approval of a Resolution and Interlocal Agreement with the City of Fayetteville to Locate, Construct and Maintain FAST Bus Shelters on County-Owned Property.

F. Approval to Accept a Deed in Lieu of Foreclosure for Four Parcels (PIN Nos. 0415-72-6510, 0521-82-6038, 0404-18-7767, 0502-39-9456 and Authorize the Chairman and the Clerk to the Board Execute an Agreement Related to this Transaction

G. Budget Revisions:

(1) School Law Enforcement

Revision in the amount of \$1,877 to appropriate fund balance to create a new Traffic Control Officer to serve the Cliffdale Elementary School. (B11-055)  
**Funding Source – Fund Balance Appropriated**

(2) Senior Aides Consolidated Appropriations Act Grant

Revisions in the total amount of \$616,492 to recognize FY2011 federal grant funds of \$564,490; in-kind match of \$27,554; and to appropriate fund balance for a required match from the General Fund of \$12,224. (B11-056 and B11-056A)  
**Funding Source – Federal, In-Kind and Fund Balance Appropriated**

(3) Senior Aides Grant

Revisions in the total amount of \$94,072 to reduce FY2011 federal grant funds \$22,521; reduce in-kind match \$26,445; and eliminate the need for a General Fund transfer of \$22,553. (B11-057 and B11-057A) **Funding Source – Federal, In-kind and Fund Balance Appropriated**

3. Public Hearings

**Uncontested Cases**

Rezoning

A. Case P10-21: Rezoning of 100.62+/- acres from R10 Residential and CD Conservancy to R7.5 Residential or to a more restrictive zoning district, located on both sides of NC Hwy 210 (Lillington Hwy) and north of SR 1601 (Chapel Hill Road); submitted by Thomas L. Brooks for McCormick Farms (owner).

- B. Case P10-22: Rezoning of 39.40+/- acres from R40 Residential to R40A Residential or to a more restrictive zoning district, located on the south side of SR 2036 (Broadwater Bridge Road) and west of NC HWY 272; submitted by William E. and Belinda B. Barefoot (owners).
- C. Case P10-23: Rezoning of 1.97+/- acres from A1 Agricultural to A1A Agricultural or to a more restrictive zoning district, located at 3211 John Mcmillan Road; submitted by John L. and Artricia Haynes (owners).
- D. Case P10-24: Rezoning of 7.91+/- acres from R10 Residential to C(P) Planned Commercial or to a more restrictive zoning district, located on the north side of SR 1003 (Camden Road) and west of SR 3039 (Wipperwill Drive); submitted by March F. Riddle (owner).
- E. Case P10-29: Rezoning of 2.00+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 3200 Culbreth Road, submitted by Zoltan and Marilyn W. Nemeth (owners) and Sharon K. Tilley.
- F. Case P10-31: Rezoning of 1.46+/- acres from C3 Heavy Commercial to A1 Agricultural or to a more restrictive zoning district, located on the west side of SR 2215 (Fields Road) and east of I-95 N; submitted by Allen B. and Sherylene M. Cosand (owners).

**Conditional Use District & Permit Case**

- G. Case P10-18: Rezoning of 3.14+/- acres from A1 Agricultural to C2(P) Planned Service and Retail/CUD Conditional Use District for a trade contractor and the Permit and R40 residential or to a more restrictive zoning district, located at 3370 Coleman Road, submitted by Robert W. McLaurin (owner) and Daryl W. McLaurin.

**Other Public Hearings**

- H. Public Hearing on the FY 2010-2011 Annual Rural Operating Assistance Program (ROAP) Grant.

**Items of Business**

- 4. Consideration of Recommendations of the Cumberland County Policy Committee Regarding:
  - A) Proposed Amendment to Funeral Leave in Personnel Ordinance.
  - B) Petition from Point East Subdivision Property Owners Requesting County Assistance to Repair the Dam.

5. Consideration of Cumberland County Facilities Committee Report and Recommendation(s):
  - A) Detention Center Expansion Project
  - B) Former Public Health Center Renovation Project
6. Presentation on Cumberland County Census Update by Cecil Combs, Co-Chairman.
7. Nominations to Boards and Committees
  - A) Cumberland County Criminal Justice Partnership Advisory Board (4 Vacancies)
  - B) Cumberland County Local Emergency Planning Committee (1 Vacancy)
  - C) Senior Citizens Advisory Committee (4 Vacancies)
  - D) Southeastern Economic Development Commission (SEDC) (1 Vacancy)
8. Appointments to Boards and Committees
  - A) Adult Care Home Community Advisory Committee (3 Vacancies)
 

Nominees: Mary Ann Ayars  
Mary Dillon  
Rasheeda Reid
  - B) Board of Adjustment (1 Vacancy)
 

Nominee: Ed Donaldson
  - C) Cumberland County Juvenile Crime Prevention Council (4 Vacancies)
 

Nominees: Juvenile Defense Attorney: Sarita Mallard

Non-Profit/United Way Representative: Matt Hurley

At-Large Representatives: Tobias M. Dillard, Sr.  
Margarita Dostall
  - D) Cumberland County Local Emergency Planning Committee ( 2 Vacancies)
 

Nominees: Print & Broadcast Media Representative: Jackie Tuckey

Utilities Representative: Andrew Moore

E) Joint Appearance Commission (3 Vacancies)

Nominees: Steven Coleman  
Christopher Mitchell  
Randy A. Newson

F) Mid-Carolina Aging Advisory Committee (4 Vacancies)

Nominees: Volunteers: Edna Cogdell  
Marybeth Hicks

Consumers: Beverly D. Sanders  
Lester Bussey

G) Nursing Home Advisory Board (1 Vacancy)

Nominee: Sonja Council

9. Closed Session: If Needed

**ADJOURN**

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

**MEETINGS: September 7, 2010 (Tuesday) - 9:00 AM  
September 20, 2010 (Monday) - 6:45 PM**

JAMES E. MARTIN  
County Manager

JUANITA PILGRIM  
Deputy County Manager



ITEM NO. 2B

AMY H. CANNON  
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

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

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**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2010**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: COUNTY ATTORNEY**

**DATE: AUGUST 11, 2010**

**SUBJECT: APPROVAL OF EMPLOYMENT CONTRACTS FOR COUNTY MANAGER,  
COUNTY ATTORNEY, FINANCE DIRECTOR AND CLERK TO THE  
BOARD**

**BACKGROUND**

Enclosed are the FY 2011 employment contracts for the County Manager, County Attorney, Finance Director and Clerk to the Board as approved in the FY11 budget.

**RECOMMENDATION**

Approve the FY 2011 employment contracts for the County Manager, County Attorney, Finance Director and Clerk to the Board and authorize the Chairman to execute them on behalf of the Board of Commissioners.

*Celebrating Our Past... Embracing Our Future*

**STATE OF NORTH CAROLINA**

**EMPLOYMENT AGREEMENT**

**COUNTY OF CUMBERLAND**

WHEREAS, the Board of Commissioners of each county is authorized to "appoint a County Manager to serve as its pleasure" pursuant to N.C.G.S. 153A-81; and

WHEREAS, this appointed position requires special managerial and administrative qualifications and requires a large degree of trust and confidence to be reposed in said official; and

WHEREAS, the Cumberland County Board of Commissioners (hereinafter referred to as BOARD) having determined that JAMES E. MARTIN is qualified to hold said position; and

WHEREAS, the BOARD has appointed JAMES E. MARTIN (hereinafter referred to as COUNTY MANAGER) to serve as its County Manager; and

WHEREAS, the BOARD is authorized to "fix or approve the schedule of pay, expense allowances and other compensation of all County officials..." pursuant to N.C.G.S. 153A-92; and

WHEREAS, the County is authorized to enter into employment agreements pursuant to N.C.G.S. 153A-11 and the Cumberland County Code, Section 10-83; and

WHEREAS, the COUNTY MANAGER'S position is a management and executive position with special needs and requirements apart from the conditions of normal county employment; and

WHEREAS, according to North Carolina law and custom, the COUNTY MANAGER'S position is terminable at will by majority vote of the BOARD.

NOW THEREFORE, in order to clearly define the responsibilities and terms and conditions of employment of the COUNTY MANAGER, the County of Cumberland (hereinafter referred to as COUNTY) and COUNTY MANAGER hereby agrees as follows:

**I.**

**COUNTY MANAGER WILL:**

1. Have the powers and duties of County Manager conferred upon him pursuant to N.C.G.S. 153A-82.
2. Serve as Budget Officer for the COUNTY pursuant to N.C.G.S. 159-9.
3. Perform, and be invested with the authority to perform, other miscellaneous responsibilities conferred upon the COUNTY MANAGER by the North Carolina General Statutes.
4. Perform, and be invested with the authority to perform, all responsibilities required of the COUNTY MANAGER by the Cumberland County Code.
5. Perform the following additional specific duties:
  - a. Prepare BOARD'S meeting agenda and distribute the agenda for meeting information material to the necessary parties.
  - b. Serve as the agent of the BOARD in coordinating activities of the BOARD and other local, state, and federal boards, commissions, and agencies.
  - c. Provide information regarding government and County policies to the public.
6. Perform any special assignments as may be given by the BOARD.
7. Work an average of at least 40 hours a week inclusive of authorized leave time and holidays.
8. Provide the COUNTY with one month's written notice of his intentions to terminate his employment with the COUNTY deliverable to the BOARD through its Clerk.

**II.**

**THE COUNTY WILL:**

1. Pay the COUNTY MANAGER a yearly base salary of ONE HUNDRED EIGHTY FIVE THOUSAND THREE HUNDRED ELEVEN DOLLARS (\$185,311.00).
2. Pay the COUNTY MANAGER a monthly salary supplement in the amount of SIX HUNDRED SEVENTY-FIVE DOLLARS and 00/100 (\$675.00) in lieu of any in-County travel allowance, with the full amount of this supplement being subject to all withholding and retirement contribution.
3. Pay the COUNTY MANAGER'S share of his employee's group health insurance premium.

**III. THE COUNTY AND THE COUNTY MANAGER**

**MUTUALLY AGREE AND ACKNOWLEDGE THAT:**

1. All provisions of the County Personnel Code which are applicable to the COUNTY MANAGER and not in conflict with the provisions of this contract shall continue to govern and supplement the terms and conditions of employment of the COUNTY MANAGER.
2. The COUNTY MANAGER is active, and holds leadership positions, in several local community organizations and also has a personal need for occasional incidental secretarial assistance and office equipment for document drafting and written and telephonic correspondence needs.
3. The COUNTY MANAGER may have access to the use of said secretarial and office equipment within his department so long as it does not interfere with the conduct of COUNTY business.

4. This agreement shall be effective July 1, 2010 and shall continue to and through June 30, 2011.
5. The BOARD has the right with or without cause to terminate the employment of the COUNTY MANAGER. In such event, the COUNTY shall provide the COUNTY MANAGER with the greater of six months' salary or one month's salary for each 2 years of COUNTY service as severance pay in addition to any accrued annual leave and compensatory time.
6. This agreement may be modified at anytime by mutual agreement in writing.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals effective the 1st day of July, 2010.

ATTEST

**COUNTY OF CUMBERLAND**

BY: \_\_\_\_\_  
MARIE COLGAN, County Clerk

BY: \_\_\_\_\_  
BILLY R. KING, Chairman  
Board of Commissioners

**COUNTY MANAGER**

BY: \_\_\_\_\_  
JAMES E. MARTIN

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

Approved for Legal Sufficiency

BY: \_\_\_\_\_  
County Attorney's Office

BY: \_\_\_\_\_  
County Finance Director

**STATE OF NORTH CAROLINA**  
**COUNTY OF CUMBERLAND**

**EMPLOYMENT AGREEMENT**

WHEREAS, the Board of Commissioners of each county is authorized to "appoint a County Attorney to serve as its pleasure and be its legal advisor" pursuant to N.C.G.S. 153A-114; and

WHEREAS, this appointed position requires special professional and administrative skills and requires a large degree of trust and confidence to be reposed in said official; and

WHEREAS, the Cumberland County Board of Commissioners (hereinafter referred to as BOARD) having determined that RICKEY L. MOOREFIELD is qualified to hold said position; and

WHEREAS, the BOARD has appointed RICKEY L. MOOREFIELD (hereinafter referred to as COUNTY ATTORNEY) to serve as its County Attorney; and

WHEREAS, the BOARD is authorized to "fix or approve the schedule of pay, expense allowances and other compensation of all County officials..." pursuant to N.C.G.S. 153A-92; and

WHEREAS, the County is authorized to enter into employment agreements pursuant to N.C.G.S. 153A-11 and the Cumberland County Code, Section 10-83; and

WHEREAS, according to North Carolina law and custom, the County Attorney's position is terminable at will by majority vote of the BOARD.

NOW THEREFORE, in order to clearly define the responsibilities and terms and conditions of employment of the COUNTY ATTORNEY, the County of Cumberland (hereinafter referred to as COUNTY) and COUNTY ATTORNEY hereby agrees as follows:

**I. COUNTY ATTORNEY WILL:**

Serve as COUNTY ATTORNEY to the BOARD and perform all duties at the pleasure and direction of the BOARD and as may be inherent therein.

**II. THE COUNTY WILL:**

1. Pay the COUNTY ATTORNEY a yearly salary of ONE HUNDRED SIXTY SEVEN THOUSAND TWO HUNDRED EIGHTY DOLLARS (\$167,280.00).
2. Pay the costs of local and state bar dues, dues or fees required to practice in any federal court, any continuing legal education, and any such other dues or fees for membership in professional organizations necessary to maintain his license to practice in North Carolina or reasonable to maintain professional expertise in local government law.

**III.**

**THE COUNTY AND THE COUNTY ATTORNEY**

**MUTUALLY AGREE AND ACKNOWLEDGE THAT:**

1. All provisions of the County Personnel Code which are applicable to the COUNTY ATTORNEY and not in conflict with the provisions of this contract shall continue to govern and supplement the terms and conditions of employment of the COUNTY ATTORNEY.
2. This agreement shall be effective July 1, 2010 and shall continue to and through June 30, 2011.
3. The BOARD has the right with or without cause to terminate the employment of the COUNTY ATTORNEY. In such event, the COUNTY shall provide the COUNTY

ATTORNEY with the six months' salary as severance pay in addition to any accrued annual leave and compensatory time.

4. This agreement may be modified at anytime by mutual agreement in writing.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals effective the 1st day of July, 2010.

ATTEST

**COUNTY OF CUMBERLAND**

BY: \_\_\_\_\_  
MARIE COLGAN, County Clerk

BY: \_\_\_\_\_  
BILLY R. KING, Chairman  
Board of Commissioners

**COUNTY ATTORNEY**

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

Approved for Legal Sufficiency

BY: \_\_\_\_\_  
County Finance Director

BY: \_\_\_\_\_  
County Attorney's Office

**STATE OF NORTH CAROLINA**

**EMPLOYMENT AGREEMENT**

**COUNTY OF CUMBERLAND**

WHEREAS, the Board of Commissioners of each county is authorized, pursuant to N.C.G.S. 159-24, to appoint a Finance Director to serve at its pleasure and to perform those duties specified in N.C.G.S. 159-25; and

WHEREAS, this appointed position requires special technical and administrative skills and requires a large degree of trust and confidence to be reposed in said official; and

WHEREAS, the Cumberland County Board of Commissioners (hereinafter referred to as BOARD) having determined that AMY H. CANNON is qualified to hold said position; and

WHEREAS, the BOARD has appointed AMY H. CANNON (hereinafter referred to as FINANCE DIRECTOR) to serve as its Finance Director; and

WHEREAS, the BOARD is authorized to "fix or approve the schedule of pay, expense allowances and other compensation of all County officials..." pursuant to N.C.G.S. 153A-92; and

WHEREAS, the County is authorized to enter into employment agreements pursuant to N.C.G.S. 153A-11 and the Cumberland County Code, Section 10-83; and

WHEREAS, according to North Carolina law and custom, the Finance Director's position is terminable at will by majority vote of the BOARD.

NOW THEREFORE, in order to clearly define the responsibilities and terms and conditions of employment of the FINANCE DIRECTOR, the County of Cumberland (hereinafter referred to as COUNTY) and FINANCE DIRECTOR hereby agrees as follows:

**I. FINANCE DIRECTOR WILL:**

Serve as FINANCE DIRECTOR to the Board of County Commissioners and to perform all duties inherent therein.

**II. THE COUNTY WILL:**

1. Pay the FINANCE DIRECTOR a yearly base salary of ONE HUNDRED THIRTY FOUR THOUSAND SIX HUNDRED SIXTEEN DOLLARS (\$134,616.00).
2. Pay the FINANCE DIRECTOR a monthly salary supplement in the amount of ONE HUNDRED TWENTY FIVE DOLLARS (\$125.00) in lieu of any in-County travel allowance, with the full amount of this supplement being subject to all withholding and retirement contribution.

**III.**

**THE COUNTY AND THE FINANCE DIRECTOR**

**MUTUALLY AGREE AND ACKNOWLEDGE THAT:**

1. All provisions of the County Personnel Code which are applicable to the FINANCE DIRECTOR and not in conflict with the provisions of this contract shall continue to govern and supplement the terms and conditions of employment of the FINANCE DIRECTOR.
2. This agreement shall be effective July 1, 2010 and shall continue to and through June 30, 2011.
3. The BOARD has the right with or without cause to terminate the employment of the FINANCE DIRECTOR. In such event, the COUNTY shall provide the FINANCE

DIRECTOR with the greater of six months' salary or one month's salary for each 2 years of COUNTY service as severance pay in addition to any accrued annual leave and compensatory time.

4. This agreement may be modified at anytime by mutual agreement in writing.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals effective the 1st day of July, 2010.

ATTEST

**COUNTY OF CUMBERLAND**

BY: \_\_\_\_\_  
MARIE COLGAN, County Clerk

BY: \_\_\_\_\_  
BILLY R. KING, Chairman  
Board of Commissioners

**FINANCE DIRECTOR**

BY: \_\_\_\_\_  
AMY H. CANNON

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

Approved for Legal Sufficiency

BY: \_\_\_\_\_  
County Finance Director

BY: \_\_\_\_\_  
County Attorney's Office

**STATE OF NORTH CAROLINA**

**EMPLOYMENT AGREEMENT**

**COUNTY OF CUMBERLAND**

WHEREAS, the Board of Commissioners of each county is authorized to "appoint a County Clerk to serve as its pleasure and to perform any duties that may be required by law or the Board pursuant to N.C.G.S. 153A-111; and

WHEREAS, *this appointed position requires special administrative skills and requires a large degree of trust and confidence to be reposed in said official; and*

WHEREAS, the Cumberland County Board of Commissioners (hereinafter referred to as BOARD) having determined that MARIE COLGAN is qualified to hold said position; and

WHEREAS, the BOARD has appointed MARIE COLGAN (hereinafter referred to as COUNTY CLERK) to serve as its County Clerk; and

WHEREAS, the BOARD is authorized to "fix or approve the schedule of pay, expense allowances and other compensation of all County officials..." pursuant to N.C.G.S. 153A-92; and

WHEREAS, the County is authorized to enter into employment agreements pursuant to N.C.G.S. 153A-11 and the Cumberland County Code, Section 10-83; and

WHEREAS, according to North Carolina law and custom, the COUNTY CLERK'S position is terminable at will by majority vote of the BOARD.

NOW THEREFORE, in order to clearly define the responsibilities and terms and conditions of employment of the COUNTY CLERK, the County of Cumberland (hereinafter referred to as COUNTY) and COUNTY CLERK hereby agrees as follows:

**I. COUNTY CLERK WILL:**

Serve as COUNTY CLERK to the Board of County Commissioners and to perform all duties inherent therein.

**II. THE COUNTY WILL:**

1. Pay the COUNTY CLERK a yearly base salary of SIXTY ONE THOUSAND NINE HUNDRED TWENTY-FOUR DOLLARS (\$61,924.00).
2. Pay the COUNTY CLERK a monthly salary supplement in the amount of ONE HUNDRED DOLLARS (\$100.00) in lieu of any in-County travel allowance, with the full amount of this supplement being subject to all withholding and retirement contribution.

**III.**

**THE COUNTY AND THE COUNTY CLERK**

**MUTUALLY AGREE AND ACKNOWLEDGE THAT:**

1. All provisions of the County Personnel Code which are applicable to the COUNTY CLERK and not in conflict with the provisions of this contract shall continue to govern and supplement the terms and conditions of employment of the COUNTY CLERK.
2. This agreement shall be effective July 1, 2010 and shall continue to and through June 30, 2011.
3. The BOARD has the right with or without cause to terminate the employment of the COUNTY CLERK. In such event, the COUNTY shall provide the COUNTY CLERK with the greater of six months' salary or one month's salary for each 2 years of COUNTY service as severance pay in addition to any accrued annual leave and compensatory time.
4. This agreement may be modified at anytime by mutual agreement in writing.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals effective the 1st day of July, 2010.

ATTEST

**COUNTY OF CUMBERLAND**

BY: \_\_\_\_\_  
CANDICE WHITE  
Deputy County Clerk

BY: \_\_\_\_\_  
BILLY R. KING, Chairman  
Board of Commissioners

**COUNTY CLERK**

BY: \_\_\_\_\_  
MARIE COLGAN, Clerk

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

Approved for Legal Sufficiency

BY: \_\_\_\_\_  
County Finance Director

BY: \_\_\_\_\_  
County Attorney's Office



ITEM NO. 20

**PUBLIC UTILITIES DEPARTMENT**

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

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

**MEMORANDUM**

**TO: BOARD OF COMMISSIONERS**

**FROM: TOM COONEY, PUBLIC UTILITIES DIRECTOR** 

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

**DATE: AUGUST 5, 2010**

**SUBJECT: REQUEST FOR A SPECIAL MEETING OF THE BOARD OF COMMISSIONERS TO BE HELD ON SEPTEMBER 20, 2010 PRIOR TO THE REGULARLY SCHEDULED MEETING TO PROVIDE AN UPDATE OF GRAY'S CREEK WATER AND SEWER DISTRICT.**

**BACKGROUND**

On April 19, 2010 the Public Utilities Director gave the Board of Commissioners an update on the status of the various water projects underway. The Gray's Creek Water & Sewer District was the major point of discussion. Management and the Board members instructed the staff to evaluate in detail the costs associated with the two primary options for water supply within the District (Partnership with the PWC and the possible membership with the Lower Cape Fear Water and Sewer Authority).

Our consultants, Marziano & McGougan have completed this task and are ready to present the results of this cost comparison study to the Board of Commissioners.

**RECOMMENDATION**

The Public Utilities Director and County Management recommend that the Board of Commissioners hold a Special Meeting on September 20, 2010 at 4:00 pm to receive an update on the Gray's Creek Water & Sewer District.

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ITEM NO. 2D

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

**MEMO FOR THE AGENDA OF THE  
AUGUST 16, 2010 MEETING OF THE BOARD OF COMMISSIONERS**

**TO:** Board of Commissioners; Co. Manager; EM Director  
**FROM:** Co. Atty. *RM*  
**DATE:** August 11, 2010  
**SUBJECT:** Agreement to Consolidate Hope Mills and County 911 Dispatch

**BACKGROUND:**

The interlocal agreement for consolidated 911 dispatch was approved and signed by the Town of Hope Mills. Approval by resolution is necessary to comply with Article 20 of Chapter 160A of the General Statutes.

**RECOMMENDATION:**

Approve the resolution.

BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY  
RESOLUTION RATIFYING AN INTERLOCAL AGREEMENT WITH THE TOWN  
OF HOPE MILLS FOR THE CONSOLIDATION OF DISPATCH SERVICES

BE IT RESOLVED, that pursuant to Article 20 of Chapter 160A of the General Statutes, the Board of Commissioners of Cumberland County does hereby ratify that agreement for an undertaking with the Town of Hope Mills for the consolidation of the emergency and non-emergency dispatch services of the Town and the County pursuant to the terms of the agreement executed by the Town on August 10, 2010 and the County on August 16, 2010, and as spread upon the minutes herein.

Adopted at a regular meeting held August 16, 2010.

\_\_\_\_\_  
Billy R. King, Chairman

Attest:

\_\_\_\_\_  
Marie Colgan, Clerk to the Board

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ITEM NO. 2E

**OFFICE OF THE COUNTY ATTORNEY**

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

August 9, 2010

**MEMORANDUM FOR BOARD OF COMMISSIONERS' AUGUST 16, 2010 AGENDA**

**TO:** BOARD OF COUNTY COMMISSIONERS

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

**THRU:** RICK MOOREFIELD, COUNTY ATTORNEY *RM*

**SUBJECT:** APPROVAL OF A RESOLUTION AND INTERLOCAL AGREEMENT WITH THE CITY OF FAYETTEVILLE TO LOCATE, CONSTRUCT AND MAINTAIN FAST BUS SHELTERS ON COUNTY OWNED PROPERTY.

**BACKGROUND:**

The City of Fayetteville has requested the County agree to the location, construction and maintenance of FAST bus shelters on County owned property. The City would be responsible for all cost associated with the project, including: construction, maintenance, utilities and security. The County would control the location of the shelters on the County property. The initial sites would be located at the main library and the health department but the agreement would provide for the possibility of locating other shelters on other County properties.

**RECOMMENDATION / PROPOSED ACTION:**

The Board approve the proposed interlocal agreement pass the attached resolution and authorize the Manager and Clerk to execute the Interlocal Agreement on behalf of the County.

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**RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT FOR THE INSTALLATION OF FAYETTEVILLE AREA SYSTEM OF TRANSIT (FAST) BUS SHELTERS ON COUNTY OWNED PROPERTY**

**WHEREAS** the governing body of the CUMBERLAND COUNTY has determines that it is necessary and in the public interest to assist the CITY OF FAYETTEVILLE in the installation of bus shelters by allowing certain shelters to be located in whole or in part on COUNTY property which is deemed a public purpose:

**WHEREAS**, the CITY operates a public transportation system, FAST, and FAST proposes to provide bus shelters in the COUNTY for use with FAST; and

**WHEREAS**, the COUNTY owns property along the FAST routes where FAST would like to locate bus shelters; and

**WHEREAS**, the CITY will be responsible for the installation and maintenance of the bus shelters; and

**WHEREAS**, the location for such bus shelters shall require the COUNTY to permit the use of COUNTY property for installation of bus shelters; and

**WHEREAS**, the CITY will retain ownership of the bus shelters; and

**WHEREAS**, the parties agree to enter into an interlocal agreement to effectuate the CITY'S installation of bus shelters on COUNTY-owned property.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF CUMBERLAND, THAT:**

The County of Cumberland shall in consideration of the mutual obligations set forth above, the sufficiency and receipt of which is hereby acknowledged, pursuant to N.C.G.S. § 160A-461, enter into an Interlocal Cooperation Agreement with the City of Fayetteville which details the terms and conditions of an agreement to locate, construct and maintain FAST bus shelters on COUNTY owned property.

ADOPTED this the 16th day of August 2010 by the Board of Commissioners of

Cumberland County, North Carolina.

COUNTY OF CUMBERLAND

By: \_\_\_\_\_  
Billy R. King, Chairman

ATTEST:

BY: \_\_\_\_\_  
Marie Colgan Clerk

STATE OF NORTH CAROLINA

INTERLOCAL AGREEMENT

COUNTY OF CUMBERLAND

THIS INTERLOCAL AGREEMENT entered into this \_\_\_\_\_ day of August, 2010, by and between the CITY OF FAYETTEVILLE, a municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter the "CITY"), by and through the Fayetteville Area System of Transit (hereinafter "FAST"), and CUMBERLAND COUNTY, a political subdivision of the State of North Carolina (hereinafter the "COUNTY").

WITNESSETH:

WHEREAS, the CITY operates a public transportation system and FAST proposes to provide bus shelters throughout its system, some of which will be located adjacent to and/or on COUNTY property; and

WHEREAS, the COUNTY agrees to cooperate with the CITY and FAST to assist and coordinate the location of bus shelters on COUNTY property, if necessary, as an aid to citizens who ride the CITY bus system; and

WHEREAS, the location for such bus shelters on COUNTY property will be determined by the COUNTY in consultation with the CITY; and

WHEREAS, the CITY will be responsible for the installation, maintenance, and any necessary utilities of the bus shelters, and the CITY will retain ownership of the bus shelters; and

WHEREAS, the parties through this Agreement wish to set forth the general principles for the provision and funding of such service.

NOW, THEREFORE, in consideration of the mutual obligations set forth below, the sufficiency and receipt of which is hereby acknowledged, pursuant to N.C.G.S. § 160A-461, the parties do hereby enter into this Interlocal Agreement as follows:

1. PURPOSE. The purpose of this Interlocal Agreement is to set forth the agreement of the CITY and the COUNTY as to locating bus shelters on COUNTY property by FAST as a waiting area for FAST passengers.

2. USE. FAST agrees to use bus shelters located all or in part on COUNTY property for the sole purpose of providing sheltered waiting areas for FAST passengers.

3. LOCATION. The COUNTY shall determine the location of a bus shelter located wholly or in part on COUNTY property in consultation with the CITY. The CITY shall provide the COUNTY with an engineer drawing or survey which clearly shows the area of the COUNTY property on which the CITY would desire to locate the bus shelter or any part of it. If the COUNTY does not agree to that location, the CITY shall provide an engineer drawing or survey of the bus shelter as located by the COUNTY.

4. INSTALLATION AND MAINTENANCE. The CITY shall provide for the installation of the shelters and keep and maintain each of the bus shelters in a clean and sanitary condition at all times during the period on which the bus shelters are located on COUNTY property.

5. UTILITIES. In the event it shall become necessary, by mutual agreement, to provide utilities for the bus shelters, the CITY assumes all financial responsibility for any installation or monthly charges.

6. SECURITY. The CITY shall provide and be responsible for the security of all bus shelters located in whole or in part on COUNTY property; however, this provision in no way interferes with or limits the authority of the Cumberland County Sheriff's Office to assert its jurisdiction upon COUNTY property.

7. SHELTER LOCATIONS. The initial locations for bus shelters will be at the Cumberland County Library and Information Center located at 300 Maiden Lane, shelter will be located along Ray Avenue beside library facility where there is an existing FAST stop; and at the Cumberland County Health Department located at 1235 Ramsey Street, shelter will be located on site where there is an existing bus stop. In the future, the CITY may from time to time locate other bus shelters on COUNTY property and shall pursuant to this Agreement do so subject to the terms and conditions of this Agreement.

8. AMERICANS WITH DISABILITY ACT (ADA) COMPLIANCE. The CITY will ensure that shelters will be fully compliant with any ADA guidelines.

9. AMENDMENT. The parties may amend this Agreement at any time by mutual agreement between the parties in a writing duly ratified by the governing bodies of the CITY and the COUNTY.

10. TERMINATION. This Agreement may be terminated by any party upon 90 days prior written notice duly authorized by its governing body of one party to the other parties. In the event of such termination, the service and funding obligations of the parties shall remain up through the date on which all bus shelters located in whole or part on COUNTY property are removed by the CITY at its sole expense.

11. ENTIRE AGREEMENT. This Agreement contains the entire agreement of the parties and there are no representations, inducements, or other provisions other than those expressed herein in writing.

12. GOVERNING LAW. This Agreement shall be governed by the internal laws of the State of North Carolina without regard to the conflict of laws provisions thereof.

13. NOTICES. Any notice required or permitted hereunder shall be sufficient if hand-delivered or sent certified mail, return receipt requested to:

CITY: Attn: City Manager  
433 Hay Street  
Fayetteville, NC 28301

COUNTY: Attn: County Manager  
P.O. Box 1829  
Fayetteville, NC 28302

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals by authority duly given and intending thereby to be bound, as of the date and year first above written.

**CUMBERLAND COUNTY**

(SEAL)

By: \_\_\_\_\_  
JAMES MARTIN, County Manager

ATTEST:

\_\_\_\_\_  
MARIE COLGAN, County Clerk

**CITY OF FAYETTEVILLE**

(SEAL)

By: \_\_\_\_\_  
DALE E. IMAN, City Manager

ATTEST:

\_\_\_\_\_  
RITA PERRY, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
KAREN M. MCDONALD, City Attorney

\_\_\_\_\_  
RICK MOOREFIELD, County Attorney

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that RITA PERRY personally appeared before me this day and acknowledged that she is the CITY CLERK for the CITY OF FAYETTEVILLE, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the CITY OF FAYETTEVILLE, the foregoing instrument was signed in its name by its CITY MANAGER, DALE E. IMAN, sealed with its corporate seal and attested by RITA Perry as its CITY CLERK.

WITNESS my hand and official seal, this the \_\_\_\_ day of August, 2010.

(Official Seal)

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

My commission expires: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, \_\_\_\_\_, a Notary Public for said County and State, do hereby certify that MARIA COLGAN personally appeared before me this day and acknowledged that she is the CLERK for CUMBERLAND COUNTY, a political subdivision of the State of North Carolina, and that by authority duly given and as the act of CUMBERLAND COUNTY, the foregoing instrument was signed in its name by its COUNTY MANAGER, JAMES MARTIN, sealed with its corporate seal and attested by MARIA COLGAN as its COUNTY CLERK.

WITNESS my hand and official seal, this the \_\_\_\_ day of August, 2010.

(Official Seal)

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

My commission expires: \_\_\_\_\_



ITEM NO. 2F

**OFFICE OF THE COUNTY ATTORNEY**

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

August 11, 2010

**MEMORANDUM FOR BOARD OF COMMISSIONERS' August 16, 2010 AGENDA**

**TO:** BOARD OF COUNTY COMMISSIONERS

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

**THRU:** RICK MOOREFIELD, COUNTY ATTORNEY *RM*

**SUBJECT:** ACCEPT A DEED IN LIEU OF FORECLOSURE FOR FOUR PARCELS, NUMBERS: 0415-72-6510; 0521-82-6038; 0404-18-7767; 0502-39-9456; AND AUTHORIZE THE CHAIRMAN AND CLERK EXECUTE AN AGREEMENT RELATED TO THE TRANSACTION.

**BACKGROUND:**

Community Development has requested Legal assist them in a matter involving investor/borrowers, Daniel and Margaret Kypena, who without the permission of Community Development transferred the title to four properties in Community Development's loan program and owned by them individually to a corporation controlled by the Kypenas. Upon discovery of the transfer and pursuant to the program terms and conditions Community Development called the four notes due and payable. The Kypena's were unable to pay off the accelerated notes and subsequently asked Community Development to take the property back rather than foreclose and Community Development agreed to do so. Legal prepared a deed for the properties to the County and an agreement setting out the terms of the agreement to deed the property to the County which provided among other things that after the County sold the properties and applied the net sales price to expenses, interest and debt that should any outstanding balance be due the County the Kypenas would be responsible for that balance.

**RECOMMENDATION / PROPOSED ACTION:**

Board accept the deed to the County, authorize the Chairman and Clerk execute the Agreement on behalf of the County and direct Community Development manage and sale the property in a commercially reasonable manner.

*Celebrating Our Past... Embracing Our Future*

North Carolina  
Cumberland County

**DEED IN LIEU OF FORECLOSURE AGREEMENT.**

THIS AGREEMENT is made and entered into this the 1st day of July, 2010 by and between Cumberland County, a political subdivision of North Carolina, hereinafter County; and F.F.C. Services Inc., a New York Corporation authorized to do business in North Carolina, and Daniel J. Kypena and Margaret R. Kypena of 1741 Hawksbill Court, Morganton, NC, hereinafter Borrowers;

WITNESSETH:

WHEREAS, Borrowers, Daniel and Margaret Kypena, made, executed and delivered to County a series of Promissory Notes ("Notes") dated, in the original principal sums of, and secured by Deeds of Trust to Harvey W. Raynor, III, Substitute Trustee; as follows:

- a. 10/10/2006; \$69,898.56; 7387/616
- b. 3/13/2007; \$88,800.00; 7529/306
- c. 6/12/2006; \$67,950.00; 7286/202
- d. 10/30/2007; 70,200.00; 7738/534;

secured by certain real properties in Deeds of Trust recorded as follows:

- a. Book 7387 at Page 616 of Cumberland County Registry;
- b. Book 7529 at Page 306 of Cumberland County Registry;
- c. Book 7286 at Page 202 of Cumberland County Registry;
- d. Book 7738 at Page 524 of Cumberland County Registry; and

WHEREAS, Borrowers acknowledge they are in default with regard to repayment of the Notes, and the County has accelerated all sums due and owing under said Notes; and

WHEREAS, Borrowers seek to protect their credit record and the County seeks to have the indebtedness of the Borrowers paid in-full in as timely manner as possible; and

WHEREAS, County and Borrowers have reached an agreement pursuant to which all of the collateral securing repayment of the Notes will be conveyed to the County by Borrowers and County will sell the conveyed collateral and apply the net proceeds to the Borrowers indebtedness.

NOW, THEREFORE, for and in consideration of the mutual releases contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, County and Borrowers do hereby agree as follows:

1. Concurrently with the execution of this Agreement, Borrowers will execute and deliver to County a General Warranty Deed conveying all property described in the hereinabove referenced deeds of trust recorded in Books 7387, 7529, 7286, and 7738 of the Cumberland County Registry.
2. County will promptly cancel the Deeds of Trust described herein upon receipt of the fully executed General Warranty Deed and this Agreement.
3. Borrowers do acknowledge the debt owed to the County as evidenced by the above referenced Promissory Notes, which are incorporated herein and made a part hereto, and that they continue to be obligated pursuant to the terms and conditions of the individual referenced Notes, which are incorporated herein and made a part of hereto, to repay said indebtedness and acknowledge the County's right to collect such debt pursuant to the terms of said Notes.

4. County agrees to suspend payments due under all Notes referenced in this agreement, but not interest penalties or cost of collection, and to sale the conveyed properties as described in the deed contemplated and required by the terms of this agreement in any legally recognized manner and to apply all net proceeds from any sale conducted to the total indebtedness of the Borrowers in the manner prescribed by the terms of the individual Promissory Note to which the proceeds are applied.
5. Borrowers acknowledge that upon the sale of all properties and the application of all net proceeds to the Borrowers indebtedness the County may demand payment of any then outstanding indebtedness which must be paid by the Borrowers pursuant to the terms of the Notes and if not so paid shall be a default of the Note or Notes outstanding.
6. Borrowers do hereby forever discharge and release County (including past and present officers, agents, and employees) from any and all liability and claims arising out of the execution of the Notes and Deed of Trust.
7. This Release Agreement shall be binding upon the parties hereto, their heirs, successors, and assigns and shall operate as an absolute bar to any cause of action arising out of the above-referenced transactions.
8. The General Warranty Deed to be executed by Borrowers is a complete and absolute conveyance and transfer of title to the property described therein and is not intended as a trust conveyance or security device of any kind or nature. Possession of the properties being conveyed to the County is being surrendered to County simultaneously with the execution of this Release Agreement.

9. Borrower, F.F.C. Services, Inc. is duly organized in New York and validly authorized in North Carolina and has full power and authority to execute and deliver this Release Agreement and has full power and authority to execute and deliver the Warranty deed for the properties described therein.
10. There are no actions, suits, or proceedings pending or threatened against Borrowers affecting the validity or enforceability of this Release Agreement or of conveyances contemplated hereby.
11. This Release Agreement has been executed in the State of North Carolina and shall be governed by and construed in accordance with the laws of the State of North Carolina and Cumberland County shall be the proper venue for any action brought by any party to this agreement in any court or division.
12. This Release Agreement shall not become effective until executed by Borrowers and County.

IN WITNESS WHEREOF, the corporate parties have hereto caused the Release Agreement to be signed in their corporate names by their duly authorized officers and their respective seals to be affixed hereto by the authority of the respective board of directors and the individual parties have caused this instrument to be executed in their individual names and the word "SEAL" adopted as of the day and year first above written.

This the \_\_\_\_ day of \_\_\_\_\_, 2010.

CUMBERLAND COUNTY

\_\_\_\_\_  
Billy R. King, Chairman  
BOARD of COMMISSIONERS

Attest:

---

Marie Colgan, Clerk to Board of Commissioners

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, \_\_\_\_\_, a Notary Public in and for the County and State do hereby certify that MARIE COLGAN, personally appeared before me this day and acknowledged that she is the Clerk to the Cumberland County Board of Commissioners; that BILLY R. KING is the Chairman of said Board; that the seal affixed to the foregoing Deed is the Corporate Seal of said Board; that said Deed was signed and sealed by said Chairman and attest by the said Clerk on behalf of said Clerk on behalf of said Board, all by its authority duly granted; and that said MARIE COLGAN acknowledged the said Deed to be the act and deed of the said Board.

WITNESS MY HAND and notarial seal this the \_\_\_\_ day of \_\_\_\_\_, 2010.

BY: \_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

F.F.C. SERVICES, INC.  
Margaret R. Kypena  
President

Attest:

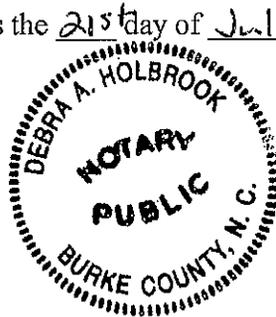
Daniel Kypena  
Secretary

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND BURKE

I, Debra A. Holbrook, a Notary Public in and for the County and State do hereby certify that Daniel Kypena, personally appeared before me this day and acknowledged that ~~she~~ is the Secretary to F.F.C. SERVICE, Inc.; that Margaret R. Kypena is the President of said Company; that the seal affixed to the foregoing Deed is the Corporate Seal of said Company; that said Deed was signed and sealed by said President and attest by the said Secretary on behalf of said Secretary on behalf of said Company, all by its authority duly granted; and that said officers acknowledged the said Deed to be the act and deed of the said Company.

WITNESS MY HAND and notarial seal this the 21st day of July, 2010.

BY: Debra A. Holbrook  
Notary Public  
My Commission Expires: 7/3/12



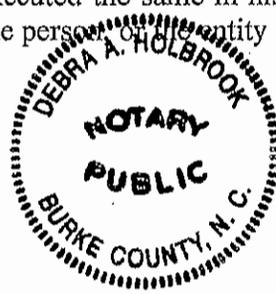
*Daniel J. Kypena*  
Daniel J. Kypena

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND ~~CUMBERLAND~~ BURKE

On July 21, 2010, before me, *Debra A. Holbrook*, notary public, personally appeared ~~DAVID~~ <sup>David</sup> J. KYPENA, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name(s) is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

BY: *Debra A. Holbrook*  
Notary Public  
My Commission Expires: 7/3/12



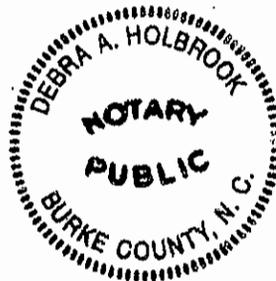
*Margaret R. Kypena*  
Margaret R. Kypena

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND ~~CUMBERLAND~~ BURKE

On July 21, 2010, before me, *Debra A. Holbrook*, notary public, personally appeared MARGARET R. KYPENA, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name(s) is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

BY: *Debra A. Holbrook*  
Notary Public  
My Commission Expires: 7/3/12



North Carolina  
Cumberland County

**DEED IN LIEU OF FORECLOSURE AGREEMENT.**

THIS AGREEMENT are made and entered into this the 1st day of July, 2010 by and between Cumberland County, a political subdivision of North Carolina, hereinafter County; and F.F.C. Services Inc., a New York Corporation authorized to do business in North Carolina, and Daniel J. Kypena and Margaret R. Kypena of 1741 Hawksbill Court, Morganton, NC, hereinafter Borrowers;

WITNESSETH:

WHEREAS, Borrowers, Daniel and Margaret Kypena, made, executed and delivered to County a series of Promissory Notes ("Notes") dated, in the original principal sums of, and secured by Deeds of Trust to Harvey W. Raynor, III, Substitute Trustee; as follows:

- a. 10/10/2006; \$69,898.56; 7387/616
- b. 3/13/2007; \$88,800.00; 7529/306
- c. 6/12/2006; \$67,950.00; 7286/202
- d. 10/30/2007; 70,200.00; 7738/534;

secured by certain real properties in Deeds of Trust recorded as follows:

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- b. Book 7529 at Page 306 of Cumberland County Registry;
- c. Book 7286 at Page 202 of Cumberland County Registry;
- d. Book 7738 at Page 524 of Cumberland County Registry; and

WHEREAS, Borrowers acknowledge they are in default with regard to repayment of the Notes, and the County has accelerated all sums due and owing under said Notes; and

WHEREAS, Borrowers seek to protect their credit record and the County seeks to have the indebtedness of the Borrowers paid in-full in as timely manner as possible; and

WHEREAS, County and Borrowers have reached an agreement pursuant to which all of the collateral securing repayment of the Notes will be conveyed to the County by Borrowers and County will sell the conveyed collateral and apply the net proceeds to the Borrowers indebtedness.

NOW, THEREFORE, for and in consideration of the mutual releases contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, County and Borrowers do hereby agree as follows:

1. Concurrently with the execution of this Agreement, Borrowers will execute and deliver to County a General Warranty Deed conveying all property described in the hereinabove referenced deeds of trust recorded in Books 7387, 7529, 7286, and 7738 of the Cumberland County Registry.
2. County will promptly cancel the Deeds of Trust described herein upon receipt of the fully executed General Warranty Deed and this Agreement.
3. Borrowers do acknowledge the debt owed to the County as evidenced by the above referenced Promissory Notes, which are incorporated herein and made a part hereto, and that they continue to be obligated pursuant to the terms and conditions of the individual referenced Notes, which are incorporated herein and made a part of hereto, to repay said indebtedness and acknowledge the County's right to collect such debt pursuant to the terms of said Notes.

4. County agrees to suspend payments due under all Notes referenced in this agreement, but not interest penalties or cost of collection, and to sale the conveyed properties as described in the deed contemplated and required by the terms of this agreement in any legally recognized manner and to apply all net proceeds from any sale conducted to the total indebtedness of the Borrowers in the manner prescribed by the terms of the individual Promissory Note to which the proceeds are applied.
5. Borrowers acknowledge that upon the sale of all properties and the application of all net proceeds to the Borrowers indebtedness County may demand payment of any then outstanding indebtedness which must be paid by the Borrowers pursuant to the terms of the Notes and if not so paid shall be a default of the Note or Notes outstanding.
6. Borrowers do hereby forever discharge and release County (including past and present officers, agents, and employees) from and all liability and claims arising out of the execution of the Notes and Deed of Trust.
7. This Release Agreement shall be binding upon the parties hereto, their heirs, successors, and assigns and shall operate as an absolute bar to any cause of action arising out of the above-referenced transactions.
8. The General Warranty Deed to be executed by Borrowers is a complete and absolute conveyance and transfer of title to the property described therein and is not intended as a trust conveyance or security device of any kind or nature. Possession of the properties being conveyed to the County is being surrendered to County simultaneously with the execution of this Release Agreement.

9. Borrower, F.F.C. Services, Inc. is duly organized in New York and validly authorized in North Carolina and has full power and authority to execute and deliver this Release Agreement and has full power and authority to execute and deliver the Warranty deed for the properties described therein.
10. There are no actions, suits, or proceedings pending or threatened against Borrowers affecting the validity or enforceability of this Release Agreement or of conveyances contemplated hereby.
11. This Release Agreement has been executed in the State of North Carolina and shall be governed by and construed in accordance with the laws of the State of North Carolina and Cumberland County shall be the proper venue for any action brought by any party to this agreement in any court or division.
12. This Release Agreement shall not become effective until executed by Borrowers and County.

IN WITNESS WHEREOF, the corporate parties have hereto caused the Release Agreement to be signed in their corporate names by their duly authorized officers and *their respective seals to be affixed hereto by the authority of the respective board of directors* and the individual parties have caused this instrument to be executed in their individual names and the word "SEAL" adopted as of the day and year first above written.

This the \_\_\_\_ day of \_\_\_\_\_, 2010.

CUMBERLAND COUNTY

\_\_\_\_\_  
Billy R. King, Chairman  
BOARD of COMMISSIONERS

Attest:

---

Marie Colgan, Clerk to Board of Commissioners

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, \_\_\_\_\_, a Notary Public in and for the County and State do hereby certify that MARIE COLGAN, personally appeared before me this day and acknowledged that she is the Clerk to the Cumberland County Board of Commissioners; that BILLY R. KING is the Chairman of said Board; that the seal affixed to the foregoing Deed is the Corporate Seal of said Board; that said Deed was signed and sealed by said Chairman and attest by the said Clerk on behalf of said Clerk on behalf of said Board, all by its authority duly granted; and that said MARIE COLGAN acknowledged the said Deed to be the act and deed of the said Board.

WITNESS MY HAND and notarial seal this the \_\_\_\_ day of \_\_\_\_\_, 2010.

BY: \_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

F.F.C. SERVICES, INC.

\_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, \_\_\_\_\_, a Notary Public in and for the County and State do hereby certify that \_\_\_\_\_, personally appeared before me this day and acknowledged that she is the Secretary to F.F.C. SERVICE, Inc.; that \_\_\_\_\_ is the President of said Company; that the seal affixed to the foregoing Deed is the Corporate Seal of said Company; that said Deed was signed and sealed by said President and attest by the said Secretary on behalf of said Secretary on behalf of said Company, all by its authority duly granted; and that said \_\_\_\_\_ acknowledged the said Deed to be the act and deed of the said Company.

WITNESS MY HAND and notarial seal this the \_\_\_\_ day of \_\_\_\_\_, 2010.

BY: \_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Daniel J. Kypena

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

On \_\_\_\_\_, 2010 before me, \_\_\_\_\_, notary public, personally appeared DAVID J. KYPENA, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name(s) is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

BY: \_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Margaret R. Kypena

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

On \_\_\_\_\_, 2010 before me, \_\_\_\_\_, notary public, personally appeared MARGARET R. KYPENA, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name(s) is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

BY: \_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B11-055</u>
Date Received	_____
Date Completed	_____

Fund No. 101 Agency No. 422 Organ. No. 422F  
 Organization Name: School Law Enforcement

ITEM NO. 2G(1)

**REVENUE**

*pg 1 of 2*

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated		1,877	
<b>Total</b>		0	1,877	0

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1265		Salary-Part time	592,173	1,465	593,638
1810		FICA Employer Match	179,709	112	179,821
1860		Worker's Comp	46,832	30	46,862
2120		Uniforms	25,554	270	25,824
<b>Total</b>			844,268	1,877	846,145

**Justification:**

Establish 1 Crossing Guard/Traffic Control Officer for Cliffdale Elem.

**Funding Source:**

State: \_\_\_\_\_ Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: 1,877 Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

**Fund Balance:**

Submitted By: Earl R. Butler Date: 8-5-10  
 Sheriff  
 Reviewed By: Howard A. Brown Date: 8/10/10  
 Budget Analyst  
 Reviewed By: Amy A. Cannon Date: 8/11/10  
 Deputy Assistant County Mgr  
 Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Information Services

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

COUNTY OF CUMBERLAND  
REQUEST FOR NEW POSITIONS/  
CHANGE IN POSITION

Submitted By: Sheriff's Office

Date: 4-Aug-10

Organization: 101-422-422F School Law Enforcement

Position Requested: Traffic Control Officer

	Current FY	Upcoming FY
Salary:	\$ <u>1,465</u>	\$ <u>1,465</u>
Fringe Benefits:		
FICA	\$ <u>112</u>	\$ _____
Retirement	\$ <u>0</u>	\$ _____
Medical Insurance	\$ <u>0</u>	\$ _____
Workers' Comp	\$ <u>30</u>	\$ <u>30</u>
401-K Contrib 1%	\$ _____	\$ _____
Other: 401-K Contrib 5%	\$ _____	\$ _____
Total:	\$ <u>1,607</u>	\$ <u>1,495</u>

Other associated cost (list):

	<u>Object Code</u>	<u>Amount</u>	<u>Description</u>
1.	2120	270	Uniforms
2.			
3.			
4.			
5.			
6.			
7.			
8.			
	Total Other	270	

Position's Funding Source:

	<u>Source Code</u>	<u>Amount</u>	<u>Description</u>
1.	101-9901	1,877	Fund Balance
2.			
3.			

**Justification for Request:**

In previous years, one Traffic Control Officer position was used at two schools, as the schedules of each varied sufficiently and the distance between them allowed for driving time.

For School Year 2010-2011, this will not be possible, as Brentwood Elem (Bingham Drive) and Cliffdale Elem (Cliffdale Road) will have the same schedule.

The Sheriff's Office does not currently have sufficient guards to re-allocate to this new requirement.

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>Bill 051</u>
Date Received	<u>8.10.10</u>
Date Completed	

Fund No. 139 Agency No. 450 Organ. No. 456B  
 Organization Name: SCSEP CAA Grant

ITEM NO. 26(2)

Pg 1 of 2

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4680	Federal Grant	-	564,490	564,490
9110	General Fund Transfer	-	12,224	12,224
6698	In-Kind	-	27,554	27,554
Total		-	604,268	604,268

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210	456B	Salaries Regular	-	20,667	20,667
1266	456B	Salaries Part-time	-	474,052	474,052
1270	456B	Longevity	-	413	413
1810	456B	FICA	-	37,878	37,878
1820	456B	Retirement	-	1,347	1,347
1830	456B	Medical Insurance	-	2,875	2,875
2201	456B	Food and Provisions	-	500	500
2992	456B	Supplies	-	1,500	1,500
3204	456B	Medical	-	-	-
3315	456B	Professional Training	-	5,000	5,000
3329	456B	Internet Services	-	366	366
3410	456B	Indirect costs	-	2,480	2,480
3411	456B	In-Kind	-	27,554	27,554
3420	456B	Insurance	-	17,668	17,668
3440	456B	Postage	-	800	800
3445	456B	Telephone	-	900	900
3450	456B	Copier Charges	-	-	-
3455	456B	Printing	-	100	100
3460	456B	Rent	-	4,668	4,668
3470	456B	Travel Employees	-	2,500	2,500
3474	456B	Training	-	3,000	3,000
Total			-	604,268	604,268

**Justification:**

The FY 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations conference report, approved on December 8, 2009, included an appropriation for *Older Workers* to provide community service opportunities for low-income seniors of which Cumberland County received \$417,920 for 30 participants. This program places low income, unemployed adults over the age of 55 in training and subsidized employment with community service organizations. As of June 30, 2010, \$356,558 of these funds still remained. In addition, on July 20, 2010, SSAI offered Cumberland County \$290,409 in additional funding. This budget revision appropriates \$603,902 of the total \$646,967 available for FY11. The remaining \$42,699 will be budgeted in the Administrative Fund (130) to offset the associated administrative costs.

**Funding Source:**

State: 100% Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

**Fund Balance:**

Submitted By: Geneva Mixon Date: 8/5/10  
 Geneva Mixon, Director  
 Reviewed By: Kelley Centry Date: 8.10.10  
 Finance  
 Reviewed By: Amy Cannon Date: 8/10/10  
 Assistant County Mgr

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	M11-056A
Date Received	8/10/2010
Date Completed	

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

Organization Name: General Government Other

*2 of 2*

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated		12,224	
Total		0	0	-

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
389L	091	Transfer to Fund 139	64,857	12,224	77,081
Total			64,857	12,224	77,081

**Justification:**

Revision in the amount of \$12,224 to appropriate fund balance for Senior Aides Stimulus Match required by the state.

**Funding Source:**

State: \_\_\_\_\_ Federal: \_\_\_\_\_ Fund Balance: \_\_\_\_\_ County: \_\_\_\_\_ New: 12,224 Other: \_\_\_\_\_  
Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

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

Department Head

Reviewed By: Kelly Outrey Date: 8.10.10

Finance

Reviewed By: Amy Cannon Date: 8/11/10

Deputy Assistant County Mgr

Approved By:

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

County Manager

Board of County Commissioners

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B11-057</u>
Date Received	<u>8-10-10</u>
Date Completed	

Fund No. 139 Agency No. 450 Organ. No. 4560  
 Organization Name: SCSEP Grant

ITEM NO. - 26(3)

Pg 1 of 2

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4680	Federal Grant	696,527	(22,521)	674,006
9110	General Fund Transfer	64,857	(22,553)	42,304
6698	In-Kind	26,445	(26,445)	-
Total		787,829	(71,519)	716,310

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210	4560	Salaries Regular	41,334	(20,667)	20,667
1266	4560	Salaries Part-time	599,536	26,572	626,108
1270	4560	Longevity	413	(413)	-
1810	4560	FICA	3,193	46,286	49,479
1820	4560	Retirement	2,693	(1,346)	1,347
1830	4560	Medical Insurance	5,750	(2,875)	2,875
2201	4560	Food and provisions	-	500	500
2992	4560	Supplies	1,000	(500)	500
3204	4560	Medical	500	(500)	-
3314	4560	OJT Reimbursements	4,450	(4,450)	-
3315	4560	Professional Training	-	2,500	2,500
3329	4560	Internet Services	-	366	366
3410	4560	Indirect Cost	62,937	(62,937)	-
3411	4560	In-Kind	26,445	(26,445)	-
3420	4560	Insurance	20,000	(20,000)	-
3440	4560	Postage	1,040	(240)	800
3445	4560	Telephone	936	(36)	900
3450	4560	Copier Charges	350	(350)	-
3455	4560	Printing	150	(50)	100
3460	4560	Rent	9,335	(4,667)	4,668
3470	4560	Travel Employees	5,400	(2,900)	2,500
3474	4560	Training	2,367	633	3,000
Total			787829	(71,519)	716,310

**Justification:**

The Senior Community Service Employment Program (SCSEP) is a community service and work based training program for older workers. Authorized by the Older Americans Act, the program provides subsidized, service-based training for low-income persons 55 or older who are unemployed and have poor employment prospects. Cumberland County has been a grant recipient of this program for several years. The FY11 approved allocation for the program is \$820,337 - \$725,273 in federal funds and \$95,064 non-federal share. The combination of the reoccurring Senior Aid grant and the additional funds from the Senior Aid CAA grant provides enough funding so that the Non-Federal obligation can be reduced by \$71,519. This budget revision will reduce the original budget.

**Funding Source:**

State: 100% Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

**Fund Balance:**

Submitted By: <u>Geneva Mixon</u> Date: <u>8/5/10</u> Geneva Mixon, Director	Approved By:  Date: _____ County Manager  Board of County Commissioners Date: _____
Reviewed By: <u>Kelly Autry</u> Date: <u>8.10.10</u> Finance	
Reviewed By: <u>Amy Cannon</u> Date: <u>8/11/10</u> Assistant County Mgr	

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	M11-057A
Date Received	8/10/2010
Date Completed	

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

Organization Name: General Government Other

*2 of 2*

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated		(22,553)	
Total		0	0	-

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
389L	091	Transfer to Fund 139	77,081	(22,553)	54,528
Total			77,081	(22,553)	54,528

**Justification:**

Revision in the amount of \$22,553 to reduce Senior Aides match. With the Senior Aide CAA funds this transfer will not be required.

**Funding Source:**

State: \_\_\_\_\_ Federal: \_\_\_\_\_ Fund Balance: \_\_\_\_\_ County: \_\_\_\_\_ New: (22,553) Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

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

Department Head

Reviewed By: *KGA* Kelly Audrey Date: 8.10.10

Finance

Reviewed By: Amy Cannon Date: 8/11/10

Deputy/Assistant County Mgr

**Approved By:**

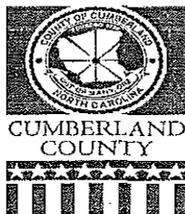
County Manager

Board of County  
Commissioners

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

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



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

AUGUST 6, 2010

MEMO TO: Cumberland County Board of Commissioners

ITEM NO. 3A

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P10-21:** Rezoning of 100.62+/- acres from R10 Residential and CD Conservancy to R7.5 Residential or to a more restrictive zoning district, located on both sides of NC Hwy 210 (Lillington Hwy) and north of SR 1601 (Chapel Hill Road); submitted by Thomas L. Brooks for McCormick Farms (owner).

ACTION: Members present at the June 15, 2010 meeting voted unanimously to recommend approval of the R7.5 Residential district for that portion of the subject property located outside the *Special Flood Hazard Area* (SFHA) and outside a 100 foot buffer area along the western property line, with the land area inside the SFHA and the 100 foot buffer area being zoned CD Conservancy.

**SITE INFORMATION:** **Frontage:** 590.00'+/- on NC HWY 210 (Lillington Hwy); **Depth:** 3690.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Vacant; **Initial Zoning:** CD & R10 – January 7, 1977 (Area 11); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: M2 (Spring Lake), M1 (Spring Lake), R5A (Spring Lake), R10 (Spring Lake) & R10 (Spring Lake); South: R10/CU (to allow manufactured home), RR/CU (to allow 2 manufactured homes), M(P), C3, R6A, R6, R5A, R10, RR & CD; East: M1 (Spring Lake), C(P) (Spring Lake), R5A (Spring Lake) & R10; West: Fort Bragg Military Reservation; **Surrounding Land Use:** Residential (including manufactured dwellings & multi-family), public utility works, garden supply, second hand market, motor vehicle repair, religious worship (2), manufactured home park, military base & woodlands; **Spring Lake Area Detailed Land Use Plan:** Low density residential, open space & light industrial; **Special Flood Hazard Area (SFHA):** Yes; varies from 143.9 to 156.6 msl (NAVD); **Water/Sewer Availability:** Spring Lake/Spring Lake; **Soil Limitations:** Yes, hydric – CH Chewacla loam; **School Capacity/Enrolled:** Manchester Elementary: 340/325; Spring Lake Middle: 700/438; Pine Forest High: 1,750/1,494; **Subdivision/Site Plan:** Review required prior to development; **Municipal Influence Area:** Town of Spring Lake; **Average Daily Traffic Count (2008):** 16,000 on NC HWY 210 (Lillington Hwy); **Recreation Area:** Spring Lake Community Center located 2.6 miles away; **POPE AFB:** No objection, property not located within an Accident Potential Zone (APZ) or critical noise area; **RLUAC:** No objection to rezoning; however, encourages developer to retain a 300' buffer along the Little River; **Highway Plan:** This portion of NC HWY 210 is identified as an existing Highway that needs improvements; It is part of the NC Strategic Highway Corridors network and is not included in the Transportation Improvement Program; **Note:** **Density:** R7.5 – 584 units, **Density minus 15% for R/W:** R7.5 – 497 units.

MINUTES OF JUNE 15, 2010

The Planning & Inspections Staff recommends approval of the R7.5 Residential district for that portion of the subject property located outside the *Special Flood Hazard Area* (SFHA) and outside a 100 foot buffer area along the western property line, with the land area inside the SFHA and the 100 foot buffer area being zoned CD Conservancy, based on the following:

5. The request is consistent with the location criteria for low density residential as adopted in the Land Use Policies Plan of the 2030 Growth Vision Plan and the Spring Lake Area Detailed Land Use Plan, with the exception of the land area within the SFHA and adjacent to the Lower Little River;
6. The recommendation for the CD Conservancy for that portion of the subject property within the SFHA and within a 100 foot buffer area along the western property line ensures this environmentally sensitive area will be protected and preserved;
7. Public utilities are available to the subject property; and
8. The Town of Spring Lake supports this request.

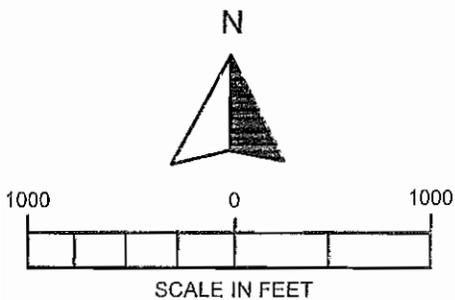
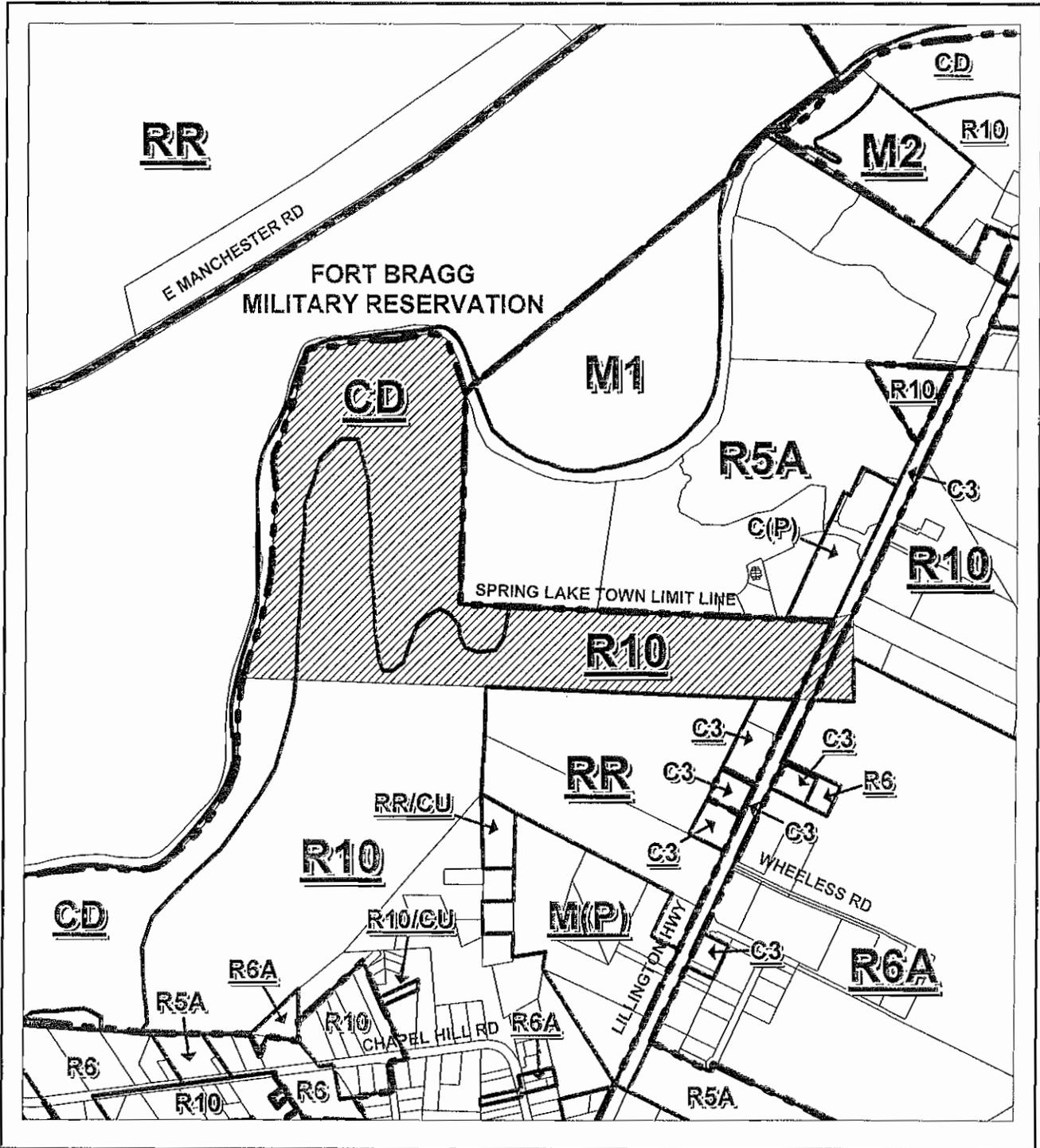
There are no other districts suitable regarding this request.

The property owner/applicant has verbally agreed with this staff recommendation.

A motion was made by Mrs. Piland, seconded by Vice-Chair Turner, to follow the staff recommendation and approve case P10-21, R7.5, SFHA and 100' buffer along western property line to CD. Unanimous approval.

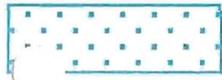
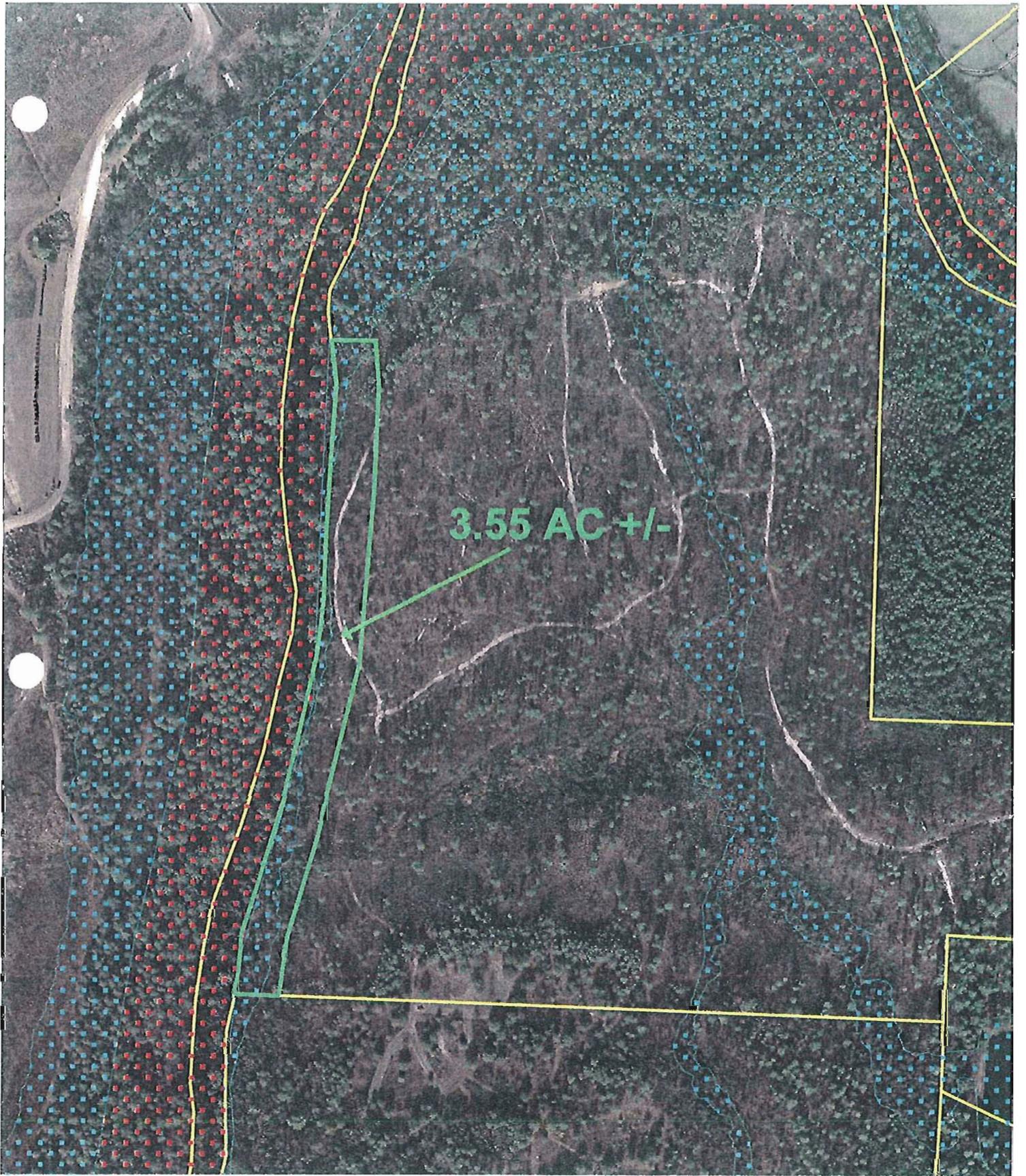
***First Class and Record Owners' Mailed Notice Certification***

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

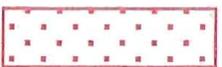


## REQUESTED REZONING R10 & CD TO R7.5

ACREAGE: 100.62 AC.+/-		HEARING NO: P10-21	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			



AE (100 YR)



AE FLOORWAY (100 YR)



A (100 YR)

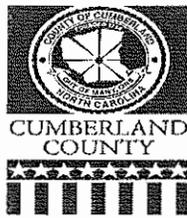
**P10-21**



Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

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



## COUNTY of CUMBERLAND

### Planning and Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

AUGUST 6, 2010

ITEM NO. 3B

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P10-22:** Rezoning of 39.40+/- acres from R40 Residential to R40A Residential or to a more restrictive zoning district, located on the south side of SR 2036 (Broadwater Bridge Road) and west of NC HWY 272; submitted by William E. and Belinda B. Barefoot (owners).

ACTION: Members present at the June 15, 2010 meeting voted unanimously to recommend approval of the R40A Residential district for that portion of the subject property located outside the *Special Flood Hazard Area* (SFHA), with the land area inside the SFHA being zoned CD Conservancy.

**SITE INFORMATION: Frontage & Location:** 440.47'+/- on SR 2036 (Broadwater Bridge Road); **Depth:** 2193.97'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Vacant; **Initial Zoning:** R40 – September 2, 1996 (Area 23); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North, East and West: A1; South: A1, R40A & RR; **Surrounding Land Use:** Residential (including manufactured dwellings), commercial farm, farmland & woodlands; **2030 Land Use Plan:** Rural; **Special Flood Hazard Area (SFHA):** Yes; 81.5 to 80.5 msl (NAVD); **Army Corp:** Wetlands may be present and if so, Sec 404 permit required; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** Yes, hydric – JT Johnston loam, WO Woodington loamy sand and TR Torhunta and Lynn Haven soils; **School Capacity/Enrolled:** Beaver Dam Elementary: 105/132; Mac Williams Middle: 1,270/1,228; Cape Fear High: 1,425/1,525; **Subdivision/Site Plan:** Future development will require a review; **Average Daily Traffic Count (2008):** 360 on SR 2036 (Broadwater Bridge Rd); **Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Notes:** Density: R40 & R40A – 43 lots, Density minus 15% for R/W: R40 & R40A – 37 lots; Minimum Yard Setback Regulations: **R40 & R40A:** Front yard: 30', Side yard: 15', Rear yard: 35'; Subdivision plat approved; recorded in Plat Book 91, page 42 on March 13, 1996.

#### MINUTES OF JUNE 15, 2010

The Planning & Inspections Staff recommends approval of the R40A Residential district for that portion of the subject property located outside the *Special Flood Hazard Area* (SFHA), with the land area inside the SFHA being zoned CD Conservancy based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural area" at this location, as well as meeting the location criteria for rural density residential development as listed in the Land Use Policies Plan;

2. The request will ensure comparable lot sizes with the one acre lots currently recommended for this area; and
3. The request is consistent with the surrounding land use;

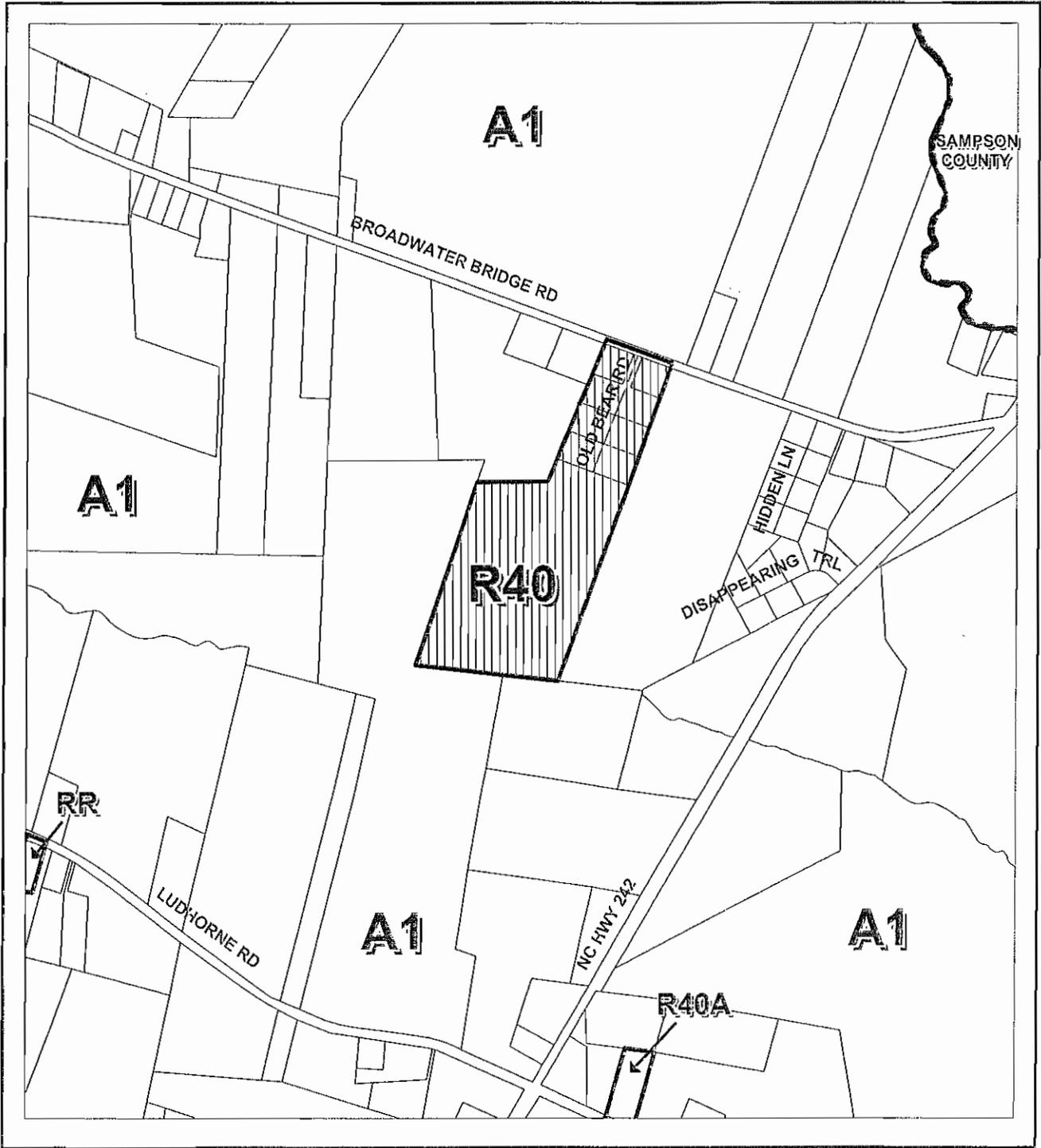
There are no other districts considered suitable for this request.

The applicant has verbally agreed to this recommendation.

**A motion was made by Mrs. Piland, seconded by Vice-Chair Turner, to follow the staff recommendation and approve case P10-22, R40A; except for SFHA to CD. Unanimous approval.**

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

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



SAMPSON COUNTY

A1

BROADWATER BRIDGE RD

A1

OLD BEAR RD

R40

HIDDEN LN

DISAPPEARING TRL

RR

LUDHORNE RD

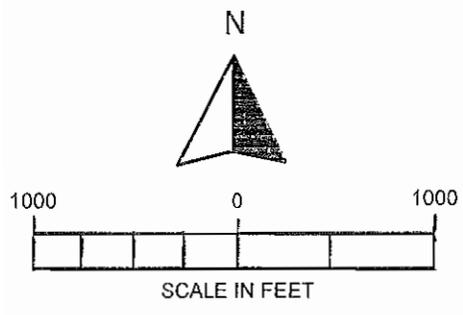
A1

NC HWY 242

A1

R40A

## REQUESTED REZONING R40 TO R40A



ACREAGE: 39.40 AC. +/-		HEARING NO: P10-22	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

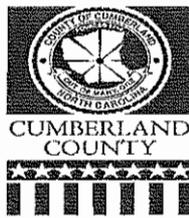
PIN: 1441-02-1777, 4628, 1539,  
3532, 2360, 0338, 1191  
PIN: 1431-92-9250  
PIN: 1431-91-7635

WL

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

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



## COUNTY OF CUMBERLAND

### Planning and Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

AUGUST 6, 2010

MEMO TO: Cumberland County Board of Commissioners

ITEM NO. 3C

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P10-23:** Rezoning of 1.97+/- acres from A1 Agricultural to A1A Agricultural or to a more restrictive zoning district, located at 3211 John Mcmillan Road; submitted by John L. and Artricia Haynes (owners).

ACTION: Members present at the June 15, 2010 meeting voted unanimously to recommend approval of the A1A Agricultural district.

**SITE INFORMATION:** **Frontage & Location:** 257.14'+/- on SR 2244 (John McMillan Road); **Depth:** 335.68'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Residential (Class A double-wide mh); **Initial Zoning:** A1 – June 25, 1980 (Area 13); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North and East: A1 & RR; South: A1 & R40; West: A1 & R40; **Surrounding Land Use:** Residential (including manufactured dwellings), farmland & woodlands; **2030 Land Use Plan:** Rural; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** None; **School Capacity/Enrolled:** Gray's Creek Elementary: 495/377; Gray's Creek Middle: 1,000/861; Gray's Creek High: 1,270/1,219; **Subdivision/Site Plan:** If approved, any future development will require a review; **Average Daily Traffic Count (2008):** 920 on SR 2244 (John McMillan Road); **Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Notes:** Density: A1 – 1 unit, A1A – 2 units; Minimum Yard Setback Regulations: **A1 & A1A:** Front yard: 50', Side yard: 20', Rear yard: 50'; Class "A" manufactured home criteria was explained to property owner.

#### MINUTES OF JUNE 15, 2010

The Planning & Inspections Staff recommends approval of the A1A Agricultural district based on the following:

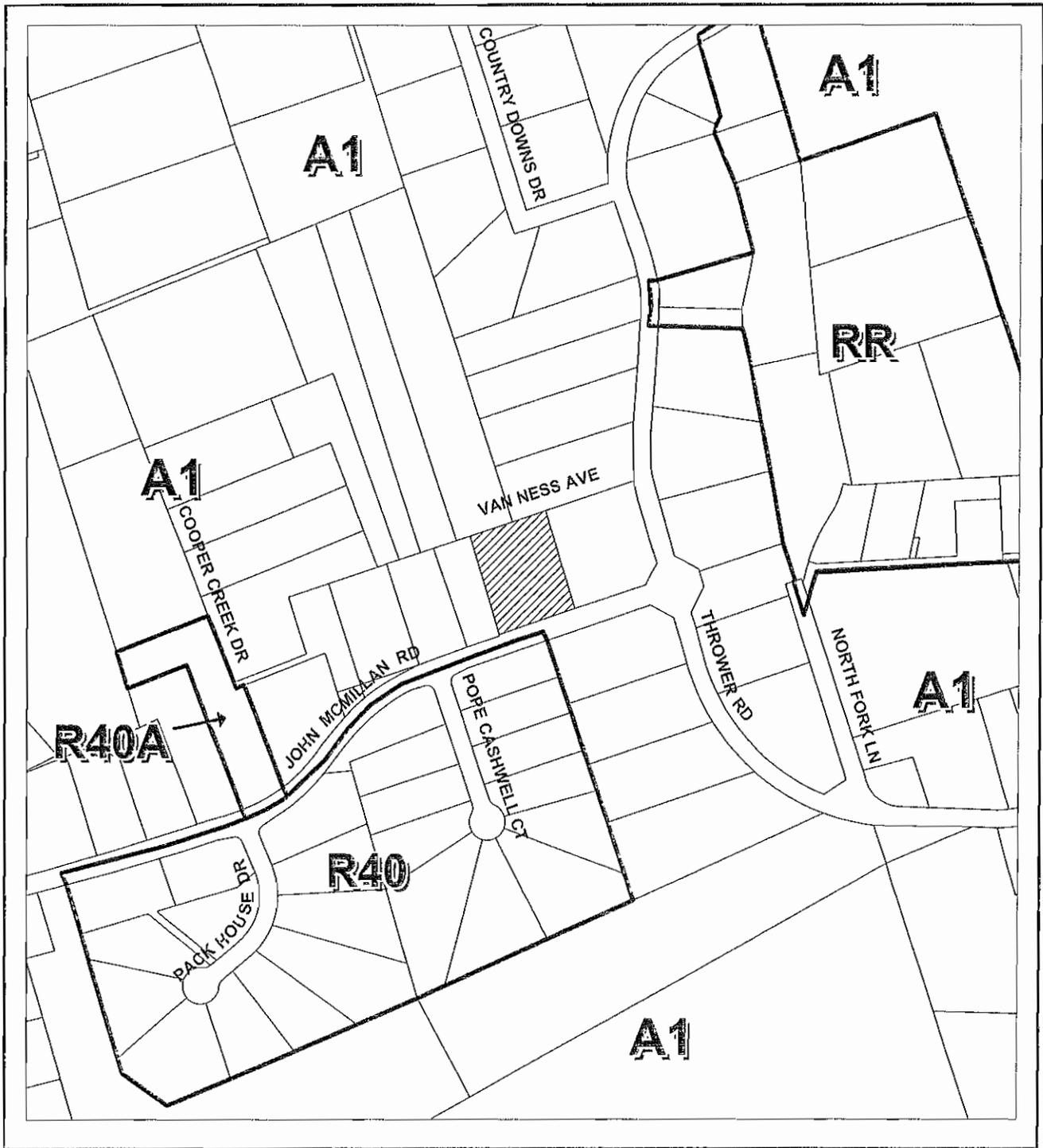
1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural area" at this location, as well as meeting the location criteria for rural density residential development as listed in the Land Use Policies Plan;
2. The request will ensure comparable lot sizes with the one acre lots currently recommended for this area; and
3. The request is consistent with the surrounding land use;

There are no other districts considered suitable for this request.

A motion was made by Mrs. Piland, seconded by Vice-Chair Turner, to follow the staff recommendation and approve case P10-23 as submitted. Unanimous approval.

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

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



## REQUESTED REZONING A1 TO A1A

<b>ACREAGE: 1.97 AC.+/-</b>	<b>HEARING NO: P10-23</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>STAFF RECOMMENDATION</b>		
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		

PIN: 0431-79-9871

WL

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

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



CUMBERLAND  
COUNTY  
**COUNTY of CUMBERLAND**  
*Planning and Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

AUGUST 6, 2010

ITEM NO. 3D

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P10-24:** Rezoning of 7.91+/- acres from R10 Residential to C(P) Planned Commercial or to a more restrictive zoning district, located on the north side of SR 1003 (Camden Road) and west of SR 3039 (Wipperwill Drive); submitted by March F. Riddle (owner).

ACTION: Members present at the June 15, 2010 meeting voted to recommend denial of the C(P) Planned Commercial district but recommended approval of the C2(P) Planned Service & Retail district. The applicant verbally agreed to the recommendation.

**SITE INFORMATION:** **Frontage & Location:** 1080.00'+/- on SR 1003 (Camden Road); **Depth:** 400.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** Yes, south of subject property; **Current Use:** Vacant; **Initial Zoning:** RR – February 6, 1976 (Area 5); rezoned to R10 on October 16, 2006; **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: MXD/CUD, R10/CU (to allow manufactured home), C2(P), R6A, R10, R20 & RR; South: R10/CU (to allow manufactured home), R6A, R10 & RR; East and West: RR; **Surrounding Land Use:** Residential, school, religious worship, farmland & woodlands; **2030 Land Use Plan:** Urban; **Special Flood Hazard Area (SFHA):** No; **Army Corp:** Wetlands may be present and if so, Sec 404 permit required; **Water/Sewer Availability:** PWC/ PWC; **Soil Limitations:** Yes, hydric – WO Woodington loamy sand; **School Capacity/Enrolled:** Stoney Point Elementary: 900/967; John Griffin Middle: 1,340/1,302; Jack Britt High: 1,870/1,868; **Subdivision/Site Plan:** If approved, any future development will require a review; **Municipal Influence Area:** Town of Hope Mills; **Average Daily Traffic Count (2008):** 5,100 on SR 1003 (Camden Road); **Highway Plan:** Camden Road is identified in the highway plan as a major thoroughfare. This proposal calls for a multi-lane facility (U-2810) with a right-of-way of 110 feet. Road improvements are included in the 2009-2015 MTIP; **Notes:** **Density:** R10 – 46 lots/units, **Density minus 15% for R/W:** R10 – 39 lots/units; C(P) Minimum Yard Setback Regulations: Front yard: 50', Side yard: 30', Rear yard: 30'.

MINUTES OF JUNE 15, 2010

Mr. Lloyd reviewed the site information and stated that the Planning & Inspections Staff recommends denial of the request for C(P) Planned Commercial but approval of C2(P) Planned Service & Retail district based on the following:

1. The request for C(P) Planned Commercial is not consistent with the location criteria for "heavy commercial" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan because 'heavy commercial' should not be located in a predominantly residential area; the

recommendation of C2(P) Planned Service and Retail does meet the location criteria for the Policies Plan;

2. The request is reasonable due to the immediate area transitioning to primarily low density residential uses at this location and if approved will allow for uses providing convenient goods and services to the immediate surrounding neighborhoods; and
3. Public utilities are available to the subject property.

There are no other districts considered suitable for this request.

The applicant has verbally agreed to this recommendation.

There was one person present to speak in opposition. The applicant was present to speak in favor.

Mr. Joseph P Riddle III, the applicant, spoke in favor. Mr. Riddle stated that the subject property is part of close to a one hundred acre tract of land that was purchased years ago from the Mason family. Recently there has been a lot of activity out in the Rockfish Road Camden Road area and a developer from North Wilkesboro has gotten approval from this board and the County Commissioners' to rezone the C2(P) sight on Rockfish Road, which is right next to Jack Britt High School's football field, as part of their plan, I think they originally tried to put this Food Lion on the property across Rockfish Road and couldn't get things worked out with the land owner, on the corner of Lakewood and Rockfish Road. Part of their plan here, in this present site, is to build a road, a thoroughfare, beside the football field and come out at Waldos Beach Road. When we found out about that, of course they were visiting us about getting some of the right-of-way through this 7.91 acre tract, we realized that tract of land was going to end up being a corner. Mr. Riddle presented maps to the board to review.

Chair Epler asked if they were allowed to see the map since the case was not a Conditional Use District.

Mr. Lloyd stated that the board could look at the map, but they couldn't base their decision on the map.

Mr. Riddle stated that the point he was trying to make is that the site in their minds is a multi-family site, there is a lot of density and it could have been a high density multi-family site, I could imagine a signal being there too, it will be a busy intersection when that Food Lion opens, this land will be at a busy intersection and we felt it would be more suitable to be commercial, it has all the utilities and this is all being done with DOT's blessings, understands that once the roadway is built, it will be built to DOT specifications, it will be turned over to the State. I'm just here if anybody has any questions.

Mr. Morris asked Mr. Riddle if he voluntarily accepted C2(P) zoning.

Mr. Riddle stated that he didn't know all the differences, just that there was something in C(P) that the Planning Department thinks makes it a heavier use and asked what the differences were.

Mr. Lloyd stated that most of the differences are heavy commercial and alcohol sales, most noxious uses that are located in the C(P) are taken out in the C2(P).

Chair Epler asked if it was safe to say that a C2(P) is more neighborhood friendly than a C(P) is?

Mr. Lloyd said that was the best way to say it.

Mr. Riddle stated that they were not trying to not be neighborhood friendly, but another point is that Hope Mills is coming, they do an unusual annexation process, when we developed across the street and got PWC water and sewer, you're kind of extorted to sign an annexation agreement with whatever municipality comes to get you as everyone on the board knows, and so we of course signed that, and we haven't even got any houses built just about three or four and here's Hope Mills, they ask you to fill out all the forms for them and ask you for \$500 when they're annexing you. We've done some of that and I've turned in all the paperwork to them, I'm sure they're going to be annexing us soon.

Mr. Morris asked Mr. Riddle again if he was okay with the C2(P) zoning.

Mr. Riddle stated that he was okay with it, but didn't know how that would convert to Hope Mills zoning, but they're on the way to annexing all of that.

Mr. Morris stated that the reason he was pushing is that Mr. Riddle was asking for C(P) and the staff is recommending C2(P), as the public hearing continues he wants to make sure we are all on the same wavelength.

Mr. Riddle stated that he was okay with it but not sure of all the differences because he's never developed C2(P).

Mr. Lloyd stated that this is a relatively new zoning and whatever he wants can be done in C2(P).

Mr. Richard Hogg spoke in opposition. Mr. Hogg stated that he has been a resident of Fayetteville for 22 years and currently resides in Camden Woods which is to the southwest of the subject property. He chose this area because Stoney Point Elementary and Jack Britt were within walking distance, Camden Road was fairly undeveloped, which makes for nice country living, and that was what he was looking for. Shortly after moving in Camden Estates was developed, Mr. Hogg disagrees with bringing in commercial property so close, because this will bring a lot of congestion so now there will be that much more traffic. We have a hard enough time in Camden Woods with people cutting through coming down Camden Road and now there will be that much more traffic. We would like to keep it nice country living out here. Food Lion is going in up there to the north, but then again there is at least a buffer, there's no direct cut through unless Jack Britt has their access road open and that's only during certain hours. Mr. Hogg asked for denial of the application because the residents of the area would like to keep the area for country living.

Alfonse Turner, Pastor of New Covenant Full Gospel Baptist Church, spoke in opposition. Mr. Turner stated the church is just to the right of the subject property. Mr. Turner stated that his concerns are with the subject property not being buffered, and the increased traffic. Mr. Turner stated that his phone calls regarding zoning had not been returned.

Chair Epler asked how the church property was zoned.

Mr. Lloyd stated that the church was zoned RR Rural Residential.

Chair Epler stated that the church property was zoned Rural Residential and believes that the ordinance requires Mr. Riddle, when he develops this property, to have a vegetative buffer or a solid fence between his property and the church property because of the way the church property is zoned.

Mr. Turner stated that they appreciated that but still had that concern. We know that Hope Mills is growing by leaps and bounds and we know that we won't be able to stay like we are very long, but we would like to control as much as we can without those type of establishments right on top of the church.

Mr. Morris asked Mr. Turner if he understood that the applicant amended his application to C2(P).

Mr. Turner stated that was fine and appreciated that, just concerned about keeping the church atmosphere.

Deanna Ortiz spoke in opposition. Mrs. Ortiz stated that she lives in Camden Woods and they chose this home because of the area. There wasn't a lot of commercial property in the area, it's more residential, and we prefer it that way. Mrs. Ortiz stated she doesn't understand why they are trying to build another Food Lion when there is one 2 ½ miles down the road.

Chair Epler asked Mrs. Ortiz if she understood that this rezoning case is not for the Food Lion property.

Mrs. Ortiz stated that she thought it was for the commercial property beside Jack Britt, so there is basically going to be another strip mall.

Chair Epler stated that this rezoning case was for the property on Camden Road at the intersection of Waldos Beach Road and Camden Road that is not the Food Lion site, the Food Lion is going up on Rockfish Road.

Mrs. Ortiz stated that they preferred that it stay residential, because kids do ride their bikes up and down the road, going to work and coming home there is a lot of traffic and it's just going to add more traffic to the already chaotic mornings and afternoons.

Mrs. Piland asked Mr. Lloyd what the approximate distance was between the access road coming out on Camden Road and the subject property, where the new road is supposed to enter Camden Road.

Mr. Lloyd stated roughly 1000 feet.

Public Hearing closed.

Ms. Hall asked Ms. Speicher if the Hope Mills Ordinance was consistent with the County's.

Ms. Speicher stated that they were consistent.

Ms. Hall asked if Hope Mills annexed, which they probably will, will it be the same zoning.

Ms. Speicher stated it would be the same; that was the goal for making the ordinances consistent.

Mr. Morris asked if the access road was DOT approved

Chair Epler stated that DOT is in the process of approving that, they have agreed to the location.

**A motion was made by Mr. Morris, seconded by Mr. Cain to follow the staff recommendation and approve C2(P) for case P10-24.**

Ms. Hall said that Camden Road is a major corridor and it is being widened, and asked how far it would extend.

Mr. Lloyd stated that the proposal calls for multi-lane with right-of-way of 110 feet and those improvements are included in the 2009-2015 MTIP.

Ms. Hall asked if it would eventually be widened.

Mr. Lloyd responded yes.

Ms. Hall said that she knows Camden Road is becoming more commercial, and beyond the intersection of Rockfish and Camden Road between that and Hope Mills Road and Camden Road has really grown in the last several years, and opposes part of that. But, was told at that time that commercial is coming, however, doesn't feel good about going out here in the middle of a residential area and changing it to commercial, for any reason. Especially with a school there and two housing developments, both of these developers came to get these developments approved by this board. We've gone to pains to have fences, buffers, and sidewalks to protect those children and now we're putting this major intersection within 1000 feet of where the school buses are coming out every day and right alongside of where the school children walk in some cases. I feel somewhat helpless, we are just, as we progress we create more problems, I just don't feel comfortable about doing this now. After that road is widened and it has changed all the way up to that point, but now what we're doing, we've got point a at the intersection and now we're doing point b, the next thing we know everything in between is a foregone conclusion and all the houses lining those roads eventually will be sold or turned into business, just like Hope Mills Road at LaFayette Village. I hate to see that neighborhood destroyed, once that happens then it's going to be from Whipperwill further down to these two new developments that we have just created in the last decade. So what are we doing as a Planning Board? Are we creating tomorrow's bad residential areas, we have good residential areas here now.

Mr. Morris stated that when he originally saw this, the first thing he thought about was Hope Mills Road. We all watched as it got widened and those houses turned into dead zones, there were businesses floating back and forth and when I see what 7.91 acres, when they widen that it's going to be 6 acres, who wants to live on a 4 lane highway if we can do it under a C2(P) not a C(P) and we can control some of those uses and keep a neighborhood commercial area and other areas we talk about walkable communities and all those other things that needs to be there and I just don't see its residential use the conducive residential property that people want to be part of or buy into on a 4 lane highway, and with that other road coming in and the access of the traffic count if we could control those noxious uses or C2(P) he believes it's an appropriate commercial zoning, but again this planning staff, planning board, and Hope Mills and these area plans need to be utilized in order to stop a sprawl from occurring, but we don't have that small area plan right now and we're faced with the case at hand.

Chair Epler stated that her engineering company is doing the engineering for the Food Lion site and they are engineering that access road that is coming from Rockfish Road to Camden Road and the Department of Transportation has been very unforgiving on their requirements, both on Rockfish Road and Camden Road as far as widening at those proposed intersections Camden Road will be widened or that road will not go through, and they are going to make venture properties do a great deal of widening at that intersection on both sides of the road; very much like they did at Millstone Subdivision on Hope Mills Road. We are in negotiation with them right now and there has to be a turn lane coming down Camden Road going into that new street. There has to be a left turn and a right turn on both sides of this intersection on Camden Road. Chair Epler stated that she could say that because she was privy to those conversations with the Department of Transportation.

Mr. Lloyd stated that there were some other factors that staff considered, one, this is Jack Britt property so we're not worried about strip commercial going further to the west, two, we not only have these neighborhoods, but we have over 400 houses further down Camden Road. When you have that much development, that many units, you're going to have commercial. There's a church bordering this to the east, and usually the staff would not consider surrounding this church with strip commercial. You have the road coming down, the football field area, so basically this site is not going to spread in either direction because of the church and Jack Britt. There has got to be some commercial for those 500 – 700 units that have gone in. Mr. Lloyd stated that this site, in his opinion was not similar to Hope Mills Road because Hope Mills Road was a bunch of

individual residential parcels that started to spread from Raeford Road down that became unsuitable for most of the people that wanted to live on Hope Mills Road. If you look at this road here, there is already platted and sold to the south, on this side the north part of Camden Road, there is a limited amount of land from the lots on Whipperwill down to the church that could even be rezoned for commercial, the situations a lot different than Hope Mills Road, and again your talking hundreds of units have been proposed or developed just in the last couple of years, so there's going to be some commercial.

Mrs. Piland made an observation and stated that she was somewhat disappointed that there would be commercial development so close to a school, because we have built so many schools and then had commercial development right next to the school and it is not necessarily in the school's best interest or the children who attend that school and we've seen some school's who have experienced negative results as a consequence of that. Mrs. Piland stated that she likes to see school's with a lot of residential development around them, it provides a lot of protection to the public school and to the children who attend there, Mrs. Piland also mentioned concerns not so much about what's going to happen right there on that one strip that we are talking about tonight, but all of that RR back in there and that road running right by the school property and right across the street, what kind of development is going to happen in there. Mrs. Piland stated that she understands the need for services, liked the mixed use district across the street from Jack Britt High School that was a good design, it's a good compromise. Just keep in mind that there are 2,000 students attending that school, a lot of kids that can get involved in a lot of activities close to the school.

Chair Epler stated that no one from the Board of Education is present to speak in opposition to this case, they didn't oppose Food Lion, and asked if they commented when staff asked for comments at all.

Ms. Speicher stated that they gave the capacity and enrollment numbers.

Chair Epler stated just the standard comments.

Ms. Speicher responded yes.

Mr. Lloyd stated that he thought the person assigned to this really looks more at the impact of enrollment on the school.

Mrs. Piland stated that was correct, that is his job. Mrs. Piland would like to see in the future involving some folks from a different level at some point that could look at more than just numbers.

Mr. Lloyd stated that this was probably the type of thing that should have panned out during the 2030 process, but we could also look at revising the Land Use Policies Plan.

Ms. Hall stated that she realized that commercial is following the population, but wonders if the commercial were there first would those nice housing developments been placed there.

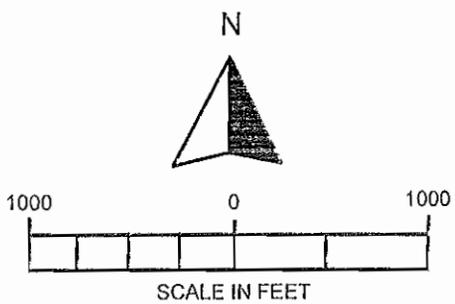
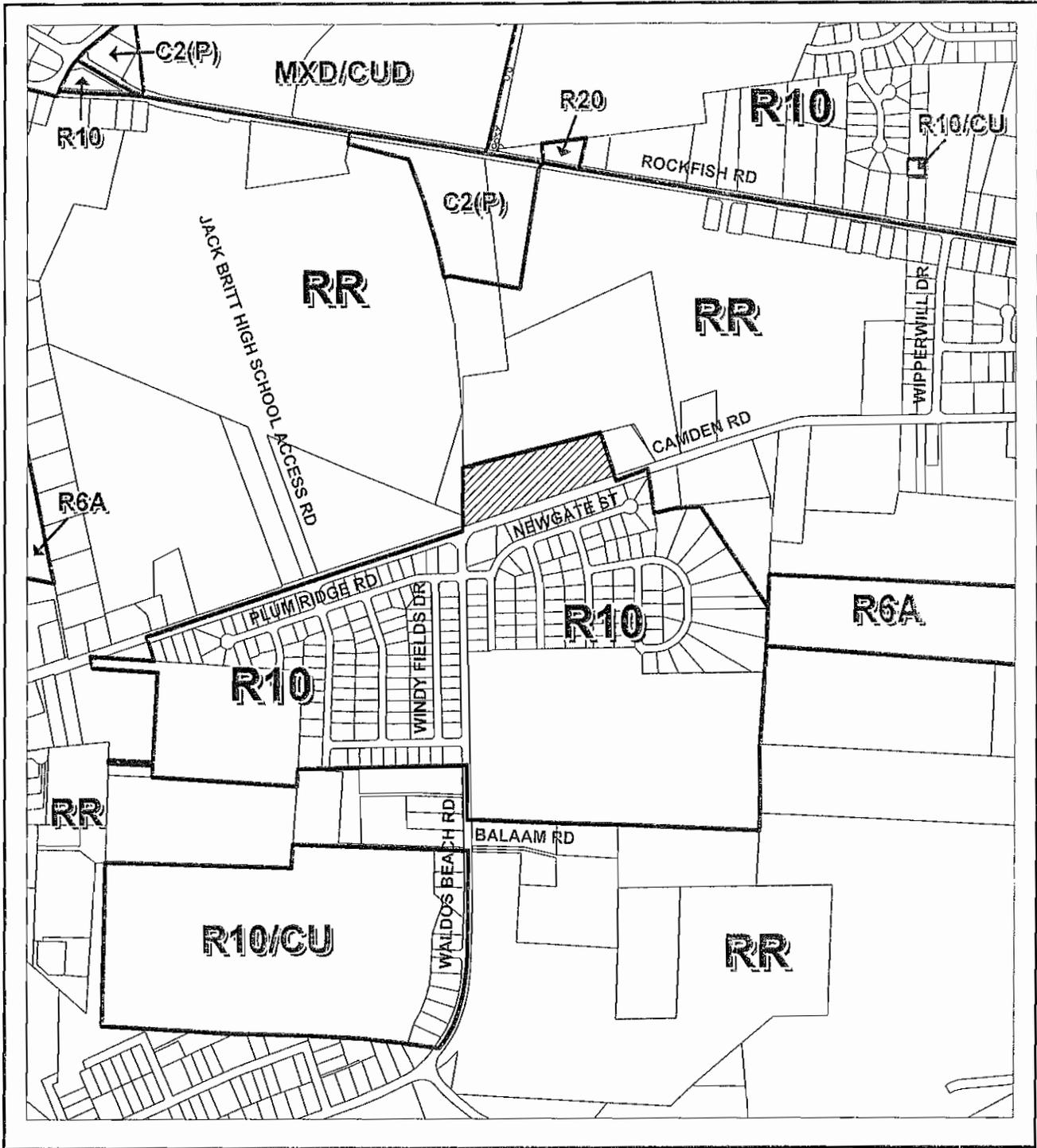
Mr. Lloyd stated that if you look at the rest of the Jack Britt school district there have been many subdivisions put in after the commercial was already present, that whole school district has grown residentially and commercially.

Chair Epler asked if there was any further discussion. There was none. The Board voted on the motion that was on the floor.

**The motion to recommend following the staff recommendation and approval for case P10-24 passed 6 to 3 with Ms. Hall, Mrs. Piland, and Vice-Chair Turner voting in opposition.**

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

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



## REQUESTED REZONING R10 TO C(P)

<b>ACREAGE: 7.91 AC.+/-</b>	<b>HEARING NO: P10-24</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 9494-85-1612

WL

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

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



**COUNTY of CUMBERLAND**  
*Planning and Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

AUGUST 6, 2010

ITEM NO. 3E

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P10-29:** Rezoning of 2.00+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 3200 Culbreth Road, submitted by Zoltan and Marilyn W. Nemeth (owners) and Sharon K. Tilley.

ACTION: Members present at the July 20, 2010 meeting voted to recommend approval of the R40A Residential district.

**SITE INFORMATION: Frontage & Location:** 130.00'+/- on SR 2016 (Culbreth Road); **Depth:** 720.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** Yes, north of subject property; **Current Use:** Residential w/ Tanning Salon (Home Occupation); **Initial Zoning:** A1 – September 3, 1996 (Area 20); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North, East and West: A1; South: A1/CU (to allow two manufactured homes), R40, R40A, A1 & A1A; **Surrounding Land Use:** Residential (including manufactured dwellings), tanning salon, farmland & woodlands; **2030 Land Use Plan:** Rural; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** Yes, hydric – LE Leon sand; **School Capacity/Enrolled:** Seabrook Elementary: 310/311; Mac Williams Middle: 1,270/1,228; Cape Fear High: 1,425/1,525; **Subdivision/Site Plan:** Review required prior to additional development; **Average Daily Traffic Count (2008):** 520 on SR 2016 (Culbreth Road); **Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Notes:** 1. Density: A1 – 1 lot/unit, A1 – 2 lots/units, R40A – 2 lots/units; 2. Minimum Yard Setback Regulations: **A1:** Front yard: 50', Side yard: 20', Rear yard: 50'; **A1A:** Front yard: 50', Side yard: 20', Rear yard: 50'; **R40A:** Front yard: 30', Side yard: 15', Rear yard: 35'; 3. Applicant has stated that if approved, proposed home will not be a Class "A" manufactured home.

MINUTES OF JULY 20, 2010

The Planning & Inspections Staff recommends approval of the R40A Residential district based on the following:

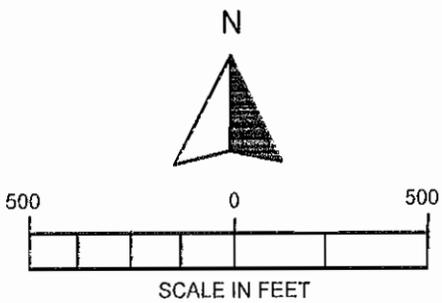
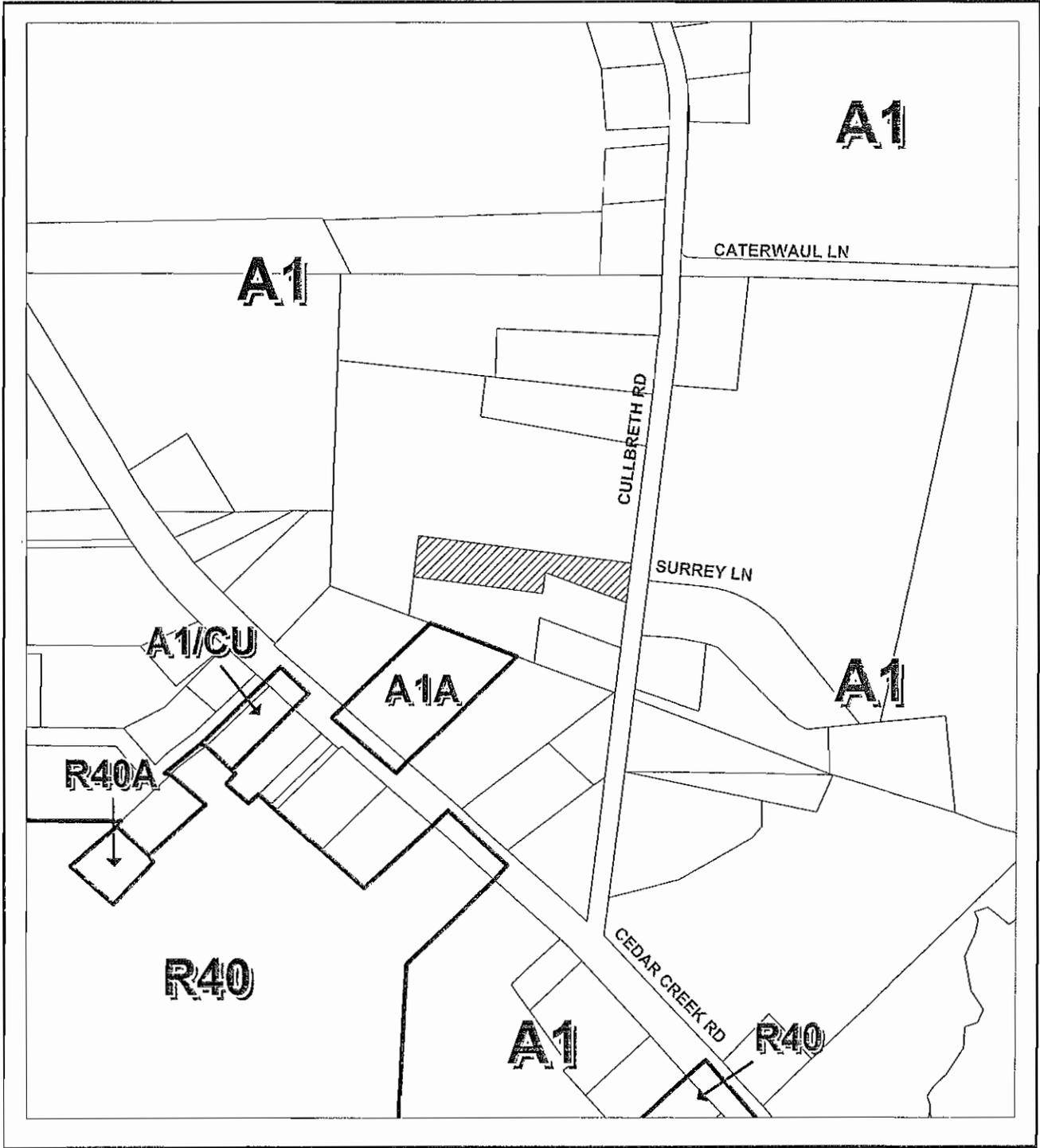
1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural area" at this location, as well as meeting the location criteria for rural density residential development as listed in the Land Use Policies Plan;
2. The request will ensure comparable lot sizes with the one acre lots currently recommended for this area; and
3. The request is consistent with the surrounding land use.

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

A motion was made by Mrs. Piland, seconded by Mr. Clark, to follow the staff recommendation and approve case P10-29 as submitted. Unanimous approval.

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

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



PIN: 0473-29-3927

## REQUESTED REZONING A1 TO R40A

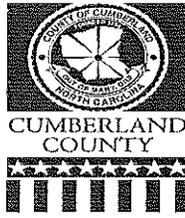
<b>ACREAGE: 2.00 AC.+/-</b>	<b>HEARING NO: P10-29</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

WL

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

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



## COUNTY of CUMBERLAND

### Planning and Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

AUGUST 6, 2010

ITEM NO. 3F

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P10-31:** Rezoning of 1.46+/- acres from C3 Heavy Commercial to A1 Agricultural or to a more restrictive zoning district, located on the west side of SR 2215 (Fields Road) and east of I-95 N; submitted by Allen B. and Sherylene M. Cosand (owners).

ACTION: Members present at the July 20, 2010 meeting voted to recommend approval of the A1 Agricultural district.

**SITE INFORMATION:** **Frontage & Location:** 20.68'+/- on SR 2215 (Fields Road); **Depth:** 456.66'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** Yes, north & east of subject property; **Current Use:** Residential; **Initial Zoning:** A1 – September 14, 1979 (Area 9); portion rezoned to C3 on February 23, 1998; **Nonconformities:** Existing residential structure appears to encroach upon adjacent property; **Zoning Violation(s):** None; **Surrounding Zoning:** North: RR & A1; South and East: A1; West: RR; **Surrounding Land Use:** Residential (including manufactured dwellings) & woodlands; **2030 Land Use Plan:** Urban; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** None; **School Capacity/Enrolled:** Seabrook Elementary: 310/311; Mac Williams Middle: 1,270/1,228; Cape Fear High: 1,425/1,525; **Subdivision/Site Plan:** Recombination required and any additional development would require review; **Municipal Influence Area:** City of Fayetteville; **Average Daily Traffic Count (2008):** 140 on SR 2215 (Fields Road); **Highway Plan:** I95- South is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility (8 Ln-div). This a priority #2 in the Highway Portion of the LRTP; **Notes:** 1. Density (when recombined with northern tract): A1 – 2 units, 2. Minimum Yard Setback Regulations: **C3 [C(P)]:** Front yard: 50', Side yard: 30', Rear yard: 30'; **A1:** Front yard: 50', Side yard: 20', Rear yard: 50'.

#### MINUTES OF JULY 20, 2010

The Planning & Inspections Staff recommends approval of the A1 Agricultural district for this request based on the following:

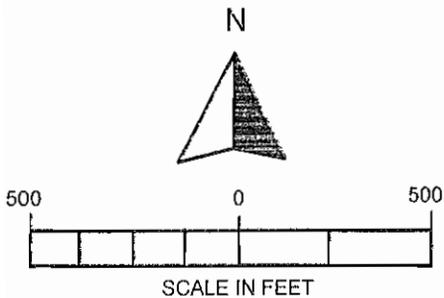
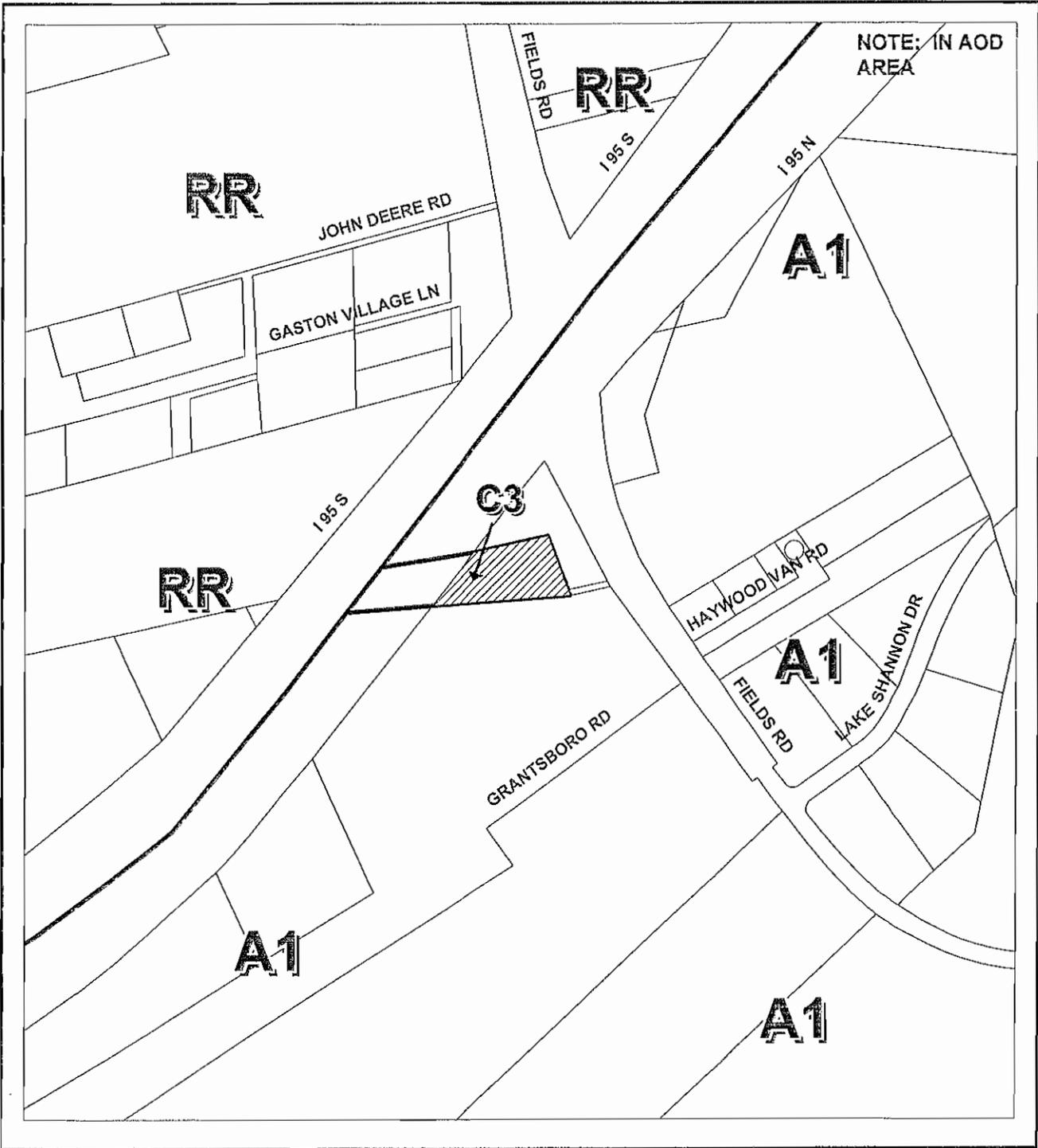
1. The district requested is consistent with the 2030 Comprehensive Plan, which calls for "urban area" at this location, as well as meeting the location criteria for agricultural land use as listed in the Land Use Policies Plan;
2. The request will ensure comparable lot sizes with the two acre lots currently recommended for this area; and
3. The request is consistent with the surrounding land use.

There are no other districts considered suitable for this request.

A motion was made by Mrs. Piland, seconded by Mr. Clark, to follow the staff recommendation and approve case P10-31 as submitted. Unanimous approval

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

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



PORT. OF PIN: 0445-80-3483

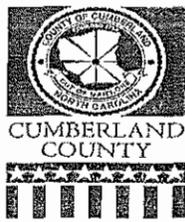
## REQUESTED REZONING C3 TO A1

<b>ACREAGE: 1.46 AC.+/-</b>	<b>HEARING NO: P10-31</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>STAFF RECOMMENDATION</b>		
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

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



## COUNTY of CUMBERLAND

### Planning and Inspections Department

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Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

AUGUST 6, 2010

ITEM NO. 36

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P10-18:** Rezoning of 3.14+/- acres from A1 Agricultural to C2(P) Planned Service and Retail/CUD Conditional Use District for a trade contractor and the Permit and R40 Residential or to a more restrictive zoning district, located at 3370 Coleman Road, submitted by Robert W. McLaurin (owner) and Daryl W. McLaurin.

ACTION: Members present at the July 20, 2010 meeting voted unanimously to recommend approval of C2(P) Planned Service and Retail/CUD Conditional Use district for a trade contractor and the permit and R40 Residential district.

**SITE INFORMATION:** **Frontage & Location:** 366.40'+/- on SR 1721 (Coleman Road); **Depth:** 713.94'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Trade contractor business; **Initial Zoning:** A1 - October 24, 1990 (Area 18); **Nonconformities:** Existing structure being used for trade contractor activities w/ no permits & side yard setback cannot be met if approved C2(P); **Zoning Violation(s):** Yes, not issued; **Surrounding Zoning:** North: RR & A1; South: C3, R40, R40A, RR & A1; East and West: A1; **Surrounding Land Use:** Residential (including manufactured homes), farmland & woodlands; **Eastover Land Use Plan:** Farmland; **Special Flood Hazard Area (SFHA):** None; **Watershed:** Yes, WS-IV approval required; **Water/Sewer Availability:** ESD/Septic; **Soil Limitations:** Yes, hydric - RO Roanoke and Wahee loams; **School Capacity/Enrolled:** Eastover Central Elementary: 540/477; Mac Williams Middle 1,270/1,228; Cape Fear High 1,425/1,525; **Subdivision/Site Plan:** If approved, "Ordinance Related Conditions" apply; **Municipal Influence Area:** Town of Eastover; **Average Daily Traffic Count (2008):** 430 on SR 1721 (Coleman Road); **Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Notes:** Density (3.14 acres): A1 - 2 units, Density (1.42 acres): R40 - 2 units; Minimum Yard Setback Regulations: **A1:** Front yard: 50', Side yard: 20', Rear yard: 50'; **C2(P):** Front yard: 50', Side yard: 30', Rear yard: 30'; **R40:** Front yard: 30', Side yard: 15', Rear yard: 35'.

#### MINUTES OF JULY 20, 2010

Chair Epler asked all people who signed up to speak to come forward to be sworn in. (Scott Flowers, Robert McLaurin, Daryl McLaurin, Erica McLaurin)

Chair Epler asked if any board member had anything to disclose in reference to the case. There were no disclosures.

Mrs. Piland advised the Board that she would participate in the proceedings; however, as stated at the previous meeting when this case was deferred, she did have a conversation with Mr. McLaurin prior to that meeting, but believes she could handle this case in an impartial way.

Chair Epler asked Mrs. Piland if there was any information that needed to be disclosed.

Mrs. Piland stated no.

**Public Hearing opened.**

This case was on your June 15, 2010 agenda and at that meeting the applicant requested a deferral to the July 20, 2010 meeting. The Planning & inspections Staff recommendation remains the same, in that:

Mr. Lloyd reviewed the site information and presented a building/zoning permit that was issued in 2004 and showed a building that was built as an accessory structure. The permit clearly says not for commercial use and the type of work is described as storage building. On the handwritten permit it specifies that this is not to be for commercial use and the permit was issued for a storage building. The subject property is in violation, there are two relevant facts, one is in 2008 east of Baywood, there was a request for an RR to C(P) CUD for a trade contractor, staff recommended denial subsequently denied by the board, and it was withdrawn. Also, less than a year ago, there was a rezoning request to the north, which was also denied by this board. Mr. Lloyd stressed that the permit was issued for an accessory structure, it stipulated accessory structure, on it in two places.

Mr. Lloyd stated that the Planning & Inspections Staff recommends denial of the requested rezoning to C2(P) Planned Service and Retail/Conditional Use District [C2(P)/CUD] for a trade contractor and the R40 Residential based on the following:

1. The area in which the requested commercial portion of the subject property is located is not consistent with the location criteria for light commercial uses as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan – SR 1721 (Coleman Road) is not a major thoroughfare and public sewer is not available to this site;
2. The portion of the requested residential portion of the subject property does comply with rural density residential location criteria as listed in the Land Use Policies Plan; however, the entire request is not consistent with the Eastover Area Detailed Land Use Plan which calls for "farmland" at this location;
3. Consideration of the C2(P) district for this area is arbitrary and would not serve a viable public purpose; and
4. The degree of difference in uses allowed on the existing surrounding properties and the uses allowed in the requested districts qualify this request as being unreasonable.

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

1. The location and character of the use, if developed according to the plan as submitted and recommended, will not be in harmony with the area in which it is to be located and will not be developed in conformance with the development ordinances – the property owner is requesting an alternate yard setback of two feet on the south side of the subject property and to provide a gravel drive and off-street parking in lieu of a permanent surface area;

2. The request for the subject property is not in accordance with the adopted Land Use Policies location criteria for light commercial, specifically: public sewer is not available, not serving as a transition between residential and heavy commercial zoning, does not have other light commercial uses in the area, is not providing convenient goods and services to the immediate surrounding neighborhood, is not located in an area that is in transition to commercial and is not at the intersection of two collector streets;
3. This development most likely would endanger the public safety if located according to plan submitted since the structure was built under the guise of a residential accessory building and permitted as such without the proper inspections to ensure compliance with the NC Building Code for commercial structures, and SR 1721 (Coleman Road) is not a major or minor thoroughfare and is not suitable nor intended to serve commercial operations;
4. The use is not in harmony with the area in which it is located, the subject property is completely surrounded by agricultural and residential zoning and uses; and
5. The degree of difference in this specific use and the site layout requested as related to the existing surrounding uses makes this request unreasonable.

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

Chair Epler asked how long the business has been in operation at this location.

Mr. Lloyd was unsure about that; it was actually targeted by Ms. Speicher when the applicant came in for a building permit on the front part for a residence and we pulled the aerials from 2008, because the permit was issued in 2004. It could have gone on since 2004.

Chair Epler asked if a building inspector had been inside to see what it would take to get it up to code for commercial use.

Mr. Lloyd stated not to his knowledge, but it wouldn't be the building inspector's job to do that, it would be up to the individual and then call for an inspection and then they would see. They would do that if asked, Mr. Lloyd didn't know if they had been asked.

Mr. Scott Flowers spoke in favor. Mr. Flowers, Attorney with the Law Firm of Hutchins, Senter, and Britton in Fayetteville, representing Robert McLaurin and Daryl McLaurin, owners and applicants. Mr. Flowers presented Exhibit 1 to the board, a sworn statement signed by Mr. Robert McLaurin by affidavit. Mr. Flowers stated that the purpose of the affidavit is to give the board a more detailed history of the subject property from the owner, Mr. Robert McLaurin. In 2003 Mr. McLaurin purchased this tract of land, in 2004, as previously stated, he constructed a small warehouse for his commercial refrigeration business on this property, in doing so he hired Andy Nichols of Nichols Building, a licensed general contractor, who constructed the building. The building has been used since that time by Mr. McLaurin in his business which is a commercial refrigeration business, he employs 12 people here in the Fayetteville Eastover area, in this particular building Mr. McLaurin works and there is also one other employee that works in this building, that would be Mr. McLaurin's secretary. Otherwise, the building is used for storage. In 2006 Mr. McLaurin added two small offices in the building for use by himself and his secretary, at that time he also installed a handicapped accessible bathroom and a septic tank approved by the County, electricity, running water, and a security system was installed. Earlier this year, his son Daryl, in planning the construction of a home for Daryl and his family on the site, contacted the Planning department to conduct an inspection of the property and found this commercial building and advised the McLaurin family that it was not in compliance with the zoning ordinance. This is before you now, not as the result of a complaint by a neighbor, even though this business has been in operation in this location for five or six years, there have been no complaints to Mr.

McLaurin or to anyone else by any of the surrounding property owners. Paragraph 10 of the affidavit says that Mr. McLaurin has been a resident of Eastover for 60 years, he's been operating his commercial refrigeration business basically since he got out of two tours of Vietnam with the Navy, his son Daryl was planning to build a home on this site and continue operation of the business if allowed at this location. Also, the site plan for the home would place it between the commercial building and the road, which is significant. Finally, it's significant in paragraph 16 Mr. McLaurin states that to his knowledge during his lifetime this tract of land has never been used as farmland. As you are aware the requirements of findings that the board must make in order to allow Mr. McLaurin's request are set forth in section 504 of the Cumberland County Zoning Ordinance and I would like to briefly go through each of those and speak briefly about why the facts in this case support each of those findings. The first is that the use will not materially endanger the public health or safety, first of all, this is not a high traffic area and it will not become a high traffic area by allowing Mr. McLaurin to continue his business. Mr. McLaurin and one other employee work at this location, it's a commercial refrigeration business, generally his clients do not come to this location, and it is not a retail location, so there will not be any significant traffic as a result of Mr. McLaurin continuing his business.

Mr. Flower's presented Exhibit 2 to the board, an affidavit signed by the contractor who constructed the building, Mr. Nichols. With regard to this idea as to whether this use will endanger public safety, there are two considerations. First, consideration of the general public, inhabiting the area and using the area around the building; secondly, for those folks who actually will be inside of the building using the building. Mr. Flowers reminded the board that he had spoken on the idea as to whether this building poses any danger to folks around the building by how this will not increase the amount of traffic in the area or have any adverse impact on the surrounding area as far as public safety goes. The purpose of this affidavit is to demonstrate to the board that this building was constructed by a licensed general contractor and that at the time of its construction it did meet international and North Carolina building codes. Including the walls, roofs, and slab, this is what Mr. Nichols constructed. If you'll recall, at the time that this building was constructed it was constructed not for the purpose of being an office building, so Mr. Nichols can speak to what he constructed, which are the structural elements, so the structural elements of this building are built to North Carolina building code and there's absolutely no evidence before the board contrary to that. Mr. McLaurin would welcome an inspection by the Cumberland County building inspector with regard to the interior of the property and would absolutely take any steps necessary to bring anything that's out of compliance into compliance with the building code. So this building does not pose a danger to the public, either the surrounding public or the folks who work in this building.

The second element set out in section 504 of the code that the board would have to find is that this use meets all required uses and specifications, as already stated the structural elements of the building were built to code and would be glad to have any interior inspection done. As far as the outparcels or the parking, I think gravel was mentioned by the planning staff as opposed to paved surface, again, Mr. McLaurin would be willing to take any steps necessary with that regard, but would ask the board to keep in mind that he is a small business owner with limited means, operating in a rural area. With regard to the house itself I believe but for the request for the Conditional Use Permit for the business the house itself would be a permissible use of this property. So with regard to the request for the home, I don't believe there is any issue about whether it meets all the required conditions and specifications.

The third issue is whether the use will maintain or enhance the value of adjoining or abutting properties or that the use is a public necessity. So the question is will this use maintain or enhance the value of the adjoining or abutting properties? According to Mr. McLaurin's affidavit when he purchased this property in 2003 it was a vacant tract of land that had a dilapidated house that no one was occupying. It goes without question that taking a vacant three acre tract of land that is not being used for any purpose that has a dilapidated house on it and putting a viable commercial operation there and a home there, certainly enhances the value of the adjoining properties.

The last element is that the location and character of use will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Land Use Plan and adopted plan policies. Mr. Flower's presented Exhibit 3 to the board, photographs of the subject property. You will see that there are, as it was pointed out earlier, there is a home right next door. The homeowner who has no objection to Mr. McLaurin's use of the property, in one picture there is another home across the road, sort of catty-cornered to the property down the road just a bit. As far as Mr. McLaurin knows that homeowner has no objection to his use of the property. Certainly allowing Daryl McLaurin to build a home on this site would be in conformity with the current uses of the surrounding property.

Mr. Flowers stated that these were the four elements that the board must find in order to allow Mr. McLaurin's request, the facts support each of those elements, and if the global purpose of the Planning Board is considered, it is to put land to its highest and best use consistent of the strategic goals of Cumberland County and its municipalities. This property was a vacant 3 acre tract of land, surrounded by fields with an old abandoned house on it, a house that posed a danger, frankly, to the surrounding neighborhood and Mr. McLaurin is taking it and trying to turn it into something viable and useful for that community.

Mr. Flowers addressed the staff recommendations. First, with regard to the comment of the use would not be consistent with location criteria for light commercial uses as listed in the Land Use Policies Plan and is not a major thoroughfare and public sewer is not available to this site. The whole point of Mr. McLaurin's request is that this is a low impact use in a rural area, and he is not going to change the fact that this is a quiet rural area. So to say that his request is not consistent with the surrounding use of that area on the one hand and on the other hand to say we are going to deny his request because it's not a major thoroughfare, seems to be inconsistent. The point being made on Mr. McLaurin's behalf is that it is a quiet neighborhood and there will be low impact from his business. With regard to whether public sewer is available, clearly it's not, but Mr. McLaurin shouldn't be punished for the fact that the County has not yet provided sewer to this location, hopefully that wouldn't be held against Mr. McLaurin. He has installed a septic system that has been approved by the County.

Secondly, according to the statement that the portion of the requested residential portion of the subject property, does comply with rural density residential location, however, the entire request is not consistent with the Land Use Plan for farmland. The way Mr. Flowers reads that statement means that the house is okay. I will get into, in just a few minutes the permitted uses of how it's zoned now A1 and Mr. Flowers reading of that is that single family dwelling is permitted, even if the board decides that commercial use is not okay, to not deny Mr. McLaurin's request to put a home on this location, since it appears, but for the fact that that commercial structure is there, he could of put a home on that location if he had so desired. Second it says that it is not consistent with the Detailed Land Use Plan which calls for farmland at this location. Well, there is no farmland at this location. This is three acres of land that abuts the road right outside of Eastover. Mr. McLaurin says in his 60 years he doesn't know of it ever being farmed. Mr. Flowers stated that he would dare to say that it is not going to be farmed, if it was going to be farmed, there are plenty of farmers in that area that would have been farming this three acres of land before now. The fact that somebody at some point in the past thought that this would be a good place to farm shouldn't hold us back now after it should be clear to everybody involved that this is not a farm and is never going to be a farm. To deny his request for that reason is going to have the effect of not allowing any use on this property.

The third thing is the request is arbitrary and would not serve a viable public purpose. Mr. Flowers stated that he wasn't sure about the term arbitrary, but to say that it would serve a viable public purpose is not accurate, here is a small business owner, for a couple of decades has employed up to a dozen people in the Eastover community and continues to do so and needs to be able to do so. If there is some confusion it may be the fact that he and his secretary work at this location, he has 10 or 12 contractors that work out on job sites. But his company employs all these people.

To say that this is not a viable public purpose, Mr. Flowers doesn't feel that is accurate, there are not that many small business owners in Eastover who have managed to have the ability to give 12 families a good income.

Number four, the degree of difference in uses allowed on the existing surrounding properties and the uses allowed in the requested districts qualify this request as being unreasonable, unreasonable kind of goes with that term arbitrary, Mr. Flowers is not sure what that means when that term is used.

Next, Mr. Flowers reviewed the reasons of staff recommendation of denial of the Conditional Use Permit. Number one the property owner is requesting an alternative yard setback of 2 feet and the off street parking has gravel instead of a permanent surface. As far as the 2 feet goes, what is being referred to here is a corner portion of the property, not the whole wall, but we can pull that up and look at that. Again we're talking about a tract of land that abuts farmland, trees, and a field on the other side. So the fact that a small portion of this building may encroach on the setback, Mr. Flowers doesn't think that this poses any significant public danger. There is no testimony or evidence that there are any damaging effects from the buildings location, such as runoff or anything of that nature to the adjacent property. No evidence on the record of any harmful impact as a result of the buildings location on the lot. As far as the permanent surface question goes, again if that's what is required of Mr. McLaurin, in order to operate his business there, I'm sure he'd be willing to pave that driveway.

Number two, it states that it is not providing convenient goods and services to the immediate surrounding neighborhood, just because something is not a retail business that you can sort of *ipso facto* draw a conclusion that it doesn't provide any meaningful goods to the immediate surrounding neighborhood. Mr. McLaurin does provide a service to the area, he provides commercial refrigeration equipment and he services and maintains that equipment and he uses this location as part of that process.

Number three, this development would most likely, would endanger the public safety if located according to the plan submitted since the structure was built under the guise of residential accessory building. Well, I could see how that may have been an appropriate finding at the time it was written without the benefit of Mr. Nichols affidavit, although I think that the affidavit would rebut that and Mr. McLaurin would invite any building inspector to come in and inspect the building interior of the property. I don't think it's an accurate inference to say that just because it was constructed as a residential accessory building, means that it was not constructed in compliance with North Carolina building code. I'm sure there are plenty of residential accessory buildings that are built in compliance with the North Carolina building codes, and this is one.

Number four, the use is not in harmony with the area in which is located, the subject property is completely surrounded by agriculture and residential zoning uses, well that's true, it is in an agricultural use zoned district, but key here is the fact that for the last five or six years, Mr. McLaurin's been doing this without any objections from any of his neighbors, and this business has low if any impact on the surrounding neighbors.

Mr. Flowers spoke about the laws of the State regarding Conditional Use zoning, and referenced the case of *Chrisman vs. Guilford County*, which the decision handed down by the North Carolina Court Supreme Court in 1988 gave the cite to the case, 322 North Carolina reporter 611. The *Chrisman* case was the first time that the North Carolina Supreme Court according to the Court and its decision took up the issue of the practice of Conditional Use zoning. In the *Chrisman* case there was a gentleman by the name of Mr. Clap, Mr. Clap owned a 3.1 acre tract in an A1 Agricultural zoned district, on this tract of land he had his house and at the back of the tract he had his fertilizer business, where he both made fertilizer and sold fertilizer to local farmers. Mr. Clap also owned a 5 acre tract across the road, several years after he had been operating his business he was successful and went across the street and expanded. One of his neighbors

didn't like that, a dispute arose, Mr. Clap applied to the Guilford County Planning Board for a Conditional Use zoning permit and it was allowed, Mr. Chrisman, his neighbor then, sued the Board to stop the permit from being issued, and the case went all the way up to the North Carolina Supreme Court. The Court examined this issue of Conditional Use Permits and the court in examining that issue held that the practice of Conditional Use zoning is an approved practice in North Carolina so long as the action of the local zoning authority in accomplishing the zoning is reasonable, neither arbitrary, nor unduly discriminatory, and in the public interest. So the Court said that it is permissible as long as the action that the Board takes is reasonable, is not arbitrary, or unduly discriminatory, and is in the public interest. Furthermore, a property rezoned to a Conditional Use District does not have to be available for all the uses allowed under the corresponding general use district. A zoning ordinance that singles out and reclassifies a relatively small tract owned by a single person surrounded by a much larger area and uniformly zoned tract is allowed under the following conditions: those are previously stated reasonable not arbitrary, discriminatory, and in the public interest. So, on top of that, there is a long history in this state of the courts disfavoring the restrictions on the use of land. So the courts would be, Mr. Flowers thinks, and the law of the State and the public policy of the State would be squarely behind Mr. McLaurin's request.

Mr. Flowers reviewed the uses that are allowed under agricultural zoning designation and referred to section 403 of the Cumberland County Zoning Ordinance which is the use matrix and read some of the uses already allowed and stated that all they were asking for was a commercial refrigeration business. Mr. Flowers doesn't see this as a big leap but as more of a baby step, considering what others would be allowed to do under the same designation.

In conclusion, Mr. Flowers went over the main points he was trying to make, first, the facts of this case demonstrate that Mr. McLaurin's request meets the elements that the board should find in order to allow this request. This is not an arbitrary or unreasonable request by any means, since 2005 Mr. McLaurin has operated this business with no complaints from any neighbors, he puts this land to its highest and best use, the fact is it's not farmland and it's never going to be farmland and to try and restrict it to farmland is just a waste of this land. Mr. McLaurin is a lifelong member of the Eastover community, he is a Vietnam Veteran, he's a small business owner, and we ask the board to try and help him. There is no harmful impact from this business, certainly there has been none demonstrated in the record before the board, there would not be any demonstrated. Mr. McLaurin's use is consistent with other allowable uses; it's very similar to some of the things already allowed. Finally, would like to ask the board that even if you disagree with everything said here, and deny Mr. McLaurin's request with regard to the commercial building, that you don't restrict his son Daryl, from being able to build his home on this property.

Chair Epler asked Mr. Flowers how many of Mr. McLaurin's clients or people that he provides services for, live in that neighborhood.

Mr. Flowers stated that he didn't know.

Mrs. Piland asked if Mr. Flowers could explain why the permit was requested for residential instead of commercial.

Mr. Flowers stated that his understanding was that first of all, when the property was purchased there was a house located on the property albeit one that nobody lived in and one that probably nobody wanted to live in. Secondly, Mr. McLaurin would tell you that he hired a general contractor and told him to go build a building and the general contractor built a building.

Mrs. Piland stated that she was assuming Mr. Flowers was referring to Mr. Nichols, although, there was a Mr. Jones on that building permit, and she wasn't sure who that was as far as the contractor.

Chair Epler asked if Mr. Nichols filled out the building permit application.

Mrs. Piland stated that the contractor was listed as a Mr. Ronald Jones, and of course we have an affidavit from Mr. Nichols, but if Mr. Nichols was indeed the person who handled this, he did not provide any testimony regarding that permit in his affidavit. Mrs. Piland asked Mr. Flowers if he had any explanation for that.

Chair Epler clarified that the address given for Mr. Ronald H. Jones listed an address that is the business address for Nichols building. He probably works for the company.

Mr. Flowers stated that he was looking at an application for a building permit signed by Wyman Nichols, who is the builder. The larger point is clearly, the building is not proper as it currently exists. Clearly, it's not in compliance with the A1 zoning, clearly Mr. McLaurin could have done a better job in how he went about constructing that building. The question before the board is what do we do about it now? Do the facts before the board support the four findings that are set forth in the zoning ordinance? Mr. Flowers pointed out that there was nothing in those four findings that talks about prior conduct. Certainly, there's nothing in there that would support penalizing Mr. McLaurin for past mistakes. In that same vein, as far as prior requests being objected, that is not relevant either. The way the law is read on zoning ordinances, each tract stands on its own merits.

Mrs. Piland asked if Mr. Flowers understood the rationale for the uses that he read and if he could explain them.

Mr. Flowers stated that his understanding is that the idea that it is supporting the surrounding community and thinks that the idea is that Mr. McLaurin is not surrounding the surrounding community because he's not a retail business, and takes issue with that. That's a fundamental flaw; you can be in a business other than retail and be supporting the surrounding community. But also thinks that is not the only question, the other question is what's the harmful impact to Mr. McLaurin if his request is denied, what's the harmful impact to the community if his request is allowed. What is the positive impact on the community if his request is allowed? But it should also be weighed with the harmful impact on the property owner because folks want to be able to use their property, and of course they have to be in compliance with the law but, does it support the community, his affidavit states that he employs 12 people, these are not minimum wage type jobs, these are people who are skilled technicians who work on maintaining and installing commercial refrigeration equipment, are probably one of the few jobs left that a person can go out with a high school education and some amount of training and make a living to support a family, there's not a lot of those left in this community and we have 12 of them here, and when you have a situation where you can do something to support that that has no harmful impact on the community, what's the boards obligation than?

Mr. Lloyd stated that the affidavit by Mr. Nichols addressed the concrete slab footing designed for the mentioned building is in compliance with all relevant building codes. The way that sentence reads he's only addressing the concrete slab, we don't know anything about the electrical or the plumbing. With respect to the safety of the employees, this affidavit doesn't bear out that the building is safe for the employees, it only bears out that the slab footing meets the design. The North Carolina building code is set the way it is for employees that work in it, this affidavit merely states that the slab meets North Carolina building code. As far as the dilapidated structure is concerned, if it wasn't for the dilapidated residential structure, the accessory use would have never been permitted to begin with, that's why it's called an accessory use. The function of that dilapidated house was to allow the issuance of the accessory use. With respect to the four criteria, in the Supreme Court case *Chrisman vs. Guilford County*, that case merely bared out that conditional use zoning was legal that it wasn't contract zoning that's what that case bore out if these conditions were met, until that time you couldn't just say that we want to stick this use on

this property or we're going to rezone it commercial so we can put that use on there. That's why you have certain conditions, such as the use will not materially endanger the public health, safety, or welfare of the citizenry. We already talked about the building, if there's 10-12 employees on the road, I would assume that would mean, and I'm not sure, how many trucks that are associated with this business that are loading onto that road.

Mr. Flowers stated that the point they were trying to make is that Mr. Nichols affidavit sets out that with regard to the structural elements of the building, the slab, footings, wall, and roof are done in conformance with the building codes. He says North Carolina and International at one point, perhaps his affidavit could have been more detailed. What is clear, on the converse is that there's absolutely nothing in the record to show affirmatively that this building is not built in compliance with the building code nothing. The planning staff makes a leap, an inference, but there are no facts, there is no report of an inspector. There is nothing from which the board could determine that it is not built to code, and we would welcome an inspection, and do whatever would be needed to get it into code and compliance if it's not in compliance. As far as the trucks go, Mr. Flowers is not sure how many trucks go in and out. Mr. McLaurin could answer that.

Mr. Lloyd stated that the building may be in compliance but we don't know that for sure, we can also vote to whether or not to even accept this affidavit, so it's up to the board to accept this affidavit. Mr. Lloyd stated that the bottom line question was if this came in for a commercial rezoning or if this came in for a CUD at this location and you considered these would you grant it. One thing yes, there would be other things that would be required, like an erosion control permit, it is over an acre. There's different parts of the code that need to be addressed this affidavit states that but the reason you have a choice to accept this affidavit is the person who signed this is not here to be cross examined. That's why you do have inspections and an occupancy permit before the building is ever occupied by the workers. With respect to the location and character of the use if developed in accordance with this plan will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Land Use Plan. It clearly is not in conformity with Cumberland County's most recent Land Use Plan. At this point in time that's all I have.

Mr. Flowers clarified for the record is it accurate that it's the role of the planning staff to advocate against a request of this nature?

Chair Epler stated that it wasn't, but it is their job to make the board aware of the reasons for their recommendation and if they'd like to expound on those reasons then we as a board appreciate their position. That's a fine line that we cross, they don't advocate either way, they do explain to this board why they've made the recommendation that they have.

Mr. Flowers stated fair enough and thanked Chair Epler and stated that Mr. McLaurin was available to answer any questions.

Mrs. Piland asked Mr. Lloyd to explain the definition of arbitrary for Mr. Flowers, specifically when the board takes action what considerations should be taken when they determine that it is or is not arbitrary.

Mr. Lloyd stated that the easiest way to say it is the board has approved plans, both the 2030 Plan and Land Use Policies Plan, and there's certain criteria that you have laid out as a board and Commissioner's that should be met in order for specific land use to take place or specific zoning classification to take place. Arbitrary to on some cases to go against those criteria, than on other cases not, on either plan.

Mrs. Piland asked if any actions taken for this case, has implications for future cases that might come before the board in this regard.

Mr. Lloyd stated that it could. Unless you state as a board your specific reasons why, for example, you don't feel that public sewer must be needed, for example, this particular use. Or why you wouldn't need to be located on an intersection up to collector streets or minor thoroughfare. Why this would be a different use that would allow you to deviate from those criteria.

Mr. Flowers stated that he would answer differently, and said that he's not an expert in this area in the law, but just from reading the law and the zoning ordinance, his understanding is that each case is decided upon the merits of that case just like any other case in our justice system. The reason why this is a quasi-judicial proceeding is because we're talking about property right here. Mr. McLaurin has due process rights with regard to his property. His case cannot be impacted by any other case and no future case can be impacted by Mr. McLaurin's case, that would be unconstitutional and it would not be supported by the case law neither would it be supported by the zoning ordinance. So Mr. Flowers would answer no to Mrs. Pilands question. Possibly, Mr. Lloyd is referring to the equal protection clause of the Constitution, Mr. Flowers doesn't feel that that is implicated in this case; each case stands on its own merits.

Mr. Lloyd stated that Mr. Flowers response was a good summary, but the original question of what is arbitrary though is, regardless of whether it would have future implications if you deviate from the plan, why this case standing on its own would afford you the ability to do that.

Chair Epler asked if there were any more questions for Mr. Flowers. There were none.

**Public hearing closed.**

Ms. Hall asked Mr. Lloyd if part of the request for rezoning was for residential, to build a dwelling. Can the dwelling be built on A1 as it stands now?

Mr. Lloyd stated yes, as long as there are two acres.

Chair Epler asked if the Conditional Use District and or permit are denied can that home can still be built there.

Mr. Lloyd stated that was correct.

Chair Epler stated that the structure that is there now operating as a business will have to become an accessory structure.

Mr. Lloyd responded yes.

Vice-Chair Turner asked if it was normal for a contractor when he builds a building to ask an inspector to inspect the final job.

Mr. Lloyd stated yes, that's why you have a certificate of occupancy issued.

Vice-Chair Turner asked if this was ever done.

Mr. Lloyd responded no.

Chair Epler stated that her understanding was that with an accessory structure there is no certificate of occupancy because no one is going to be occupying it.

Mr. Lloyd stated that was correct, the inspectors didn't know about it in that light.

Mr. Clark asked with regard to that, he assumed that there was electrical power to the structure (Mr. Lloyd stated yes), so wouldn't there have to be some kind of inspection before the power was turned on at the offices.

Chair Epler stated that with her experience, especially in rural areas, that when the power company comes to turn that power on if there is not a sticker on it saying that an inspector has passed the wiring on that building, but there again the standards for an accessory structure maybe different than they are for a structure that's to be used for commercial uses.

Mr. Clark stated that that was what his question was, how would they have power if something hadn't been inspected.

Mr. Lloyd stated that he would have to go back and ask the inspectors, there are different ways that power can be turned on.

Mr. Clark asked if this was built as a storage building and related to the existing structure that was there, right? (Mr. Lloyd said that was correct) At such time that he started storing or using it to put equipment in there, was he non-compliant at that point? (Mr. Lloyd said yes)

Mr. Lloyd said if he was using the building as storage for a home occupation, which there's a whole other group of criteria, you could start with employees that would be okay. But it actually exceeded the square footage of a home occupation building, so that wouldn't even be relevant. He was issued a building/zoning permit only as an accessory building.

Mr. Clark asked if his request was denied would he be able to still store refrigeration equipment there.

Mr. Lloyd said no, because it would then deal with a business. If conducted out of a home, would not meet the home occupation requirements of square footage, number of employees, vehicles.

Ms. Hall asked if this happened gradually in the beginning, his home was his office. Then he added the office to the warehouse facility.

Mr. Lloyd stated that he couldn't say.

Ms. Hall stated that the affidavit said that's the way it happened. It said the original office was in his home then he hired one employee and built an office in the warehouse.

Mr. Lloyd said that the question then would be if the home was dilapidated, was he living in that home?

Ms. Hall said that the affidavit said in his home, so she was assuming that he lived in it. Would O&I zoning cover this?

Mr. Lloyd read item 2 of the affidavit which said when Mr. McLaurin purchased the land there was an old house on it and the primary intention was to tear down the house and give part of the land to his son so that he could build another house. So you would have to live in that house in order for it to be a home occupation.

Chair Epler asked if this building under no circumstance would meet the ordinance requirements for a home occupation because of the size of it for one thing.

Mr. Lloyd stated that was correct.

Ms. Hall stated that item 6 said that prior to the addition of the offices in the warehouse; Mr. McLaurin ran the business out of his personal home one half mile from the warehouse.

Chair Epler said on a different piece of property.

Mr. Lloyd said that all he could tell the board was that the permit was issued as an accessory use, he wasn't involved in the conversation, but does know on the handwritten permit application it's written in two places, one, not for commercial use, and above that the described use as a storage building. So it specifically states on the handwritten application, which is part of the record, not for commercial use.

Chair Epler stated that she found herself in a hard situation just like she was sure the rest of the board members did. She was trying to see this case and trying to make her judgment, and will make her decision based on if this request came before the board today and that building was not there, and this gentleman wanted to build a home on this property and have a non residential use on the back portion of it under the ordinance requirements of the conditional use district, would we grant his request. Two wrongs don't make a right, but she believes that, and it's just her personal opinion but people make mistakes, not sure if he did it intentionally or not, but things like this happen, but based on the merits of this case and the evidence that has been presented, she still has reservations about granting a district and permit. Because, number one Eastover has a Land Use Plan and we have tried to back our different municipalities on their Land Use Plans and a lot of effort went into that and a lot of work and thought by volunteers and staff members went into that. This doesn't comply with that Land Use Plan, and no it doesn't meet the criteria for that Land Use Plan, there is no sewer, and while I wouldn't penalize this applicant because they don't have public sewer, that is one of the requirements for light commercial, so no Mr. Flowers we are not penalizing your client because the County has not provided him sewer, but that is one of the criteria for the zoning and the use that he is asking for. Another thing that really concerns me is, and I am not an appraiser, but should this applicant's son build that home there and for whatever reason someone else becomes the owner of the property where that house sits, I would venture to say that I would not want to buy a piece of property that had a driveway for a commercial use going right by my house. That would devalue that front piece of property, but that's Mr. McLaurin's own property. But, her concerns are that he has 12 employees, the pictures that Mr. Flowers presented showed 6 or 7 vehicles, large truck, a trailer sitting on that property and I'm sure there are refrigeration trucks that they use every day to go out and service their clients at different locations. That's a commercial use, that's a lot of traffic going in and out of there in a rural area. While we appreciate the fact that he is employing people in that neighborhood, he is not providing, not necessarily a retail service, but this looks like a commercial business that probably provides services to larger refrigeration units than the ones you and I have in our kitchen. There again, my heart goes out to Mr. McLaurin because he's built his business and I'm sure he's spent a lot of years doing this, and I'm sure he wants to pass that business on to his son, to run that business right out of his backyard would be the ideal situation for him. That's just to let you know my thoughts. This is a conditional use district, and we don't know how that's going to expand in 5 years, he could have 25 employees in 5 years. Once we grant this conditional use district it's there forever and goes with that property. Chair Epler asked how the other board members felt.

Vice-Chair Turner said that Chair Epler made a valid point, a man that works most of his life to build something up, and it could be something that he didn't know anything about and it escalated. Vice-Chair Turner asked Mr. Lloyd if that area could be zoned an M1(P), light industrial where he's got his business.

Mr. Lloyd stated that he thought that Mr. McLaurin had been advised by staff with what they understood to go on here, that this was actually the best use, that would be trades contracting, if it was merely just storage, and he would have to look at the ordinance, or warehousing it could be alright. This particular use would be allowed. But, you can't consider it on this request.

Chair Epler asked if it met the dimensional requirements of M1(P)? With regards to the side yard setback too, I know it's only 2 feet short of the required side yard setback and it's only on part of the building, but that's farmland adjacent to it, (Chair Epler directed this to Mr. Flowers) that's farmland today, but that individual who owns that farmland may not farm it forever, and whoever ends up with that property may decide to subdivide it and some single family residential person may end up with that building in their backyard and that's why we have setbacks. We don't know what's going to happen with that adjacent property and we certainly don't want to decrease the value or the use of the particular part of it that backs up to where this building is. That's another thing that we have to consider. Chair Epler asked Mr. Lloyd about the setbacks for M1(P).

Mr. Lloyd stated that the setbacks were the same, 2 feet short.

Chair Epler stated that Mr. McLaurin would fall short on the setbacks for that as well, on a corner.

Mr. Lloyd said but again if the board chose to approve this they could make that adjustment.

Ms. Hall asked when the ordinances are changed, are the current ones grandfathered in?

Mr. Lloyd stated yes, legal non-conforming. But if it was destroyed it wouldn't be able to be built back as that use.

Chair Epler stated that she thought Ms. Hall's question was would this use ever have been allowed in A1.

Ms. Hall asked about mini-warehousing and Mr. Lloyd explained what that was.

Mr. Lloyd pointed out that a lot of the uses that had been pointed out in A1 are special uses, if they had gone to the Board of Adjustments they would have additional conditions put on them. With respect with what's happening at this building the least impacting district we could find is what he's applied for.

Chair Epler said if there's no more discussion do we have a motion. Chair Epler asked Mr. Lloyd and Ms. Speicher about the footnote about other suitable districts for this site. Obviously staff did not feel that the manufacturing zoning would be suitable, why did staff feel that way?

Mr. Lloyd stated that the same criteria are laid out at the very least for commercial would be the criteria laid out for industrial.

Chair Epler stated that that was not any friendlier transition zoning, that's less friendly than the Conditional Use District is to the neighborhood in agricultural.

Mr. Lloyd stated that there were heavier and noxious uses allowed in industrial.

Ms. Hall asked if this warehousing would be allowed under another zoning. It would under the M(P).

Chair Epler stated that it will but this site doesn't meet the criteria for M(P) zoning and there are so many other uses allowed in M(P) zoning that's why staff did not recommend that they apply for that.

Chair Epler called Mr. McLaurin forward.

Mr. Robert McLaurin stated his address as 3003 Coleman Rd., Eastover.

Chair Epler asked Mr. McLaurin if he lived at 3003 Coleman Road and before he put the warehouse on the property and if he was essentially doing business out of his home.

Mr. McLaurin stated out of the garage that's attached to it. We had a phone set up, business got better and I needed someplace to put our secretary where she would have restroom facilities and that kind of stuff.

Chair Epler asked if anyone else had any questions for Mr. McLaurin.

Mr. Turner asked Mr. McLaurin how large the lot that he lives on is.

Mr. McLaurin stated one quarter of an acre.

Ms. Hall asked how many trucks come in and out a day.

Mr. McLaurin stated that the trucks that he has, he lets the technicians take home. They leave their home and go to the job site. They are in and out some, but they are not there all the time. They don't go in every morning they go straight to the job site which is mostly Fort Bragg, Mr. McLaurin stated that he didn't see where high traffic would come in.

Mr. Clark asked if he worked on any units at the subject property.

Mr. McLaurin stated maybe once every three months, or something might come in that we might have to work on.

Mr. Clark clarified if it was minimal work done on site.

Mr. Pearce asked if Mr. McLaurin recovered refrigerant on the site.

Mr. McLaurin responded no, we do it on site.

Mr. Pearce asked if his primary purpose for this site was for office space.

Mr. McLaurin stated that was correct, parts and storage.

Mr. Pearce asked if he was regulated by any industrial agency.

Mr. McLaurin stated that he was regulated by OSHA.

Mr. Pearce asked again if he stored any refrigerants.

Mr. McLaurin stated on the trucks, we have msds data.

Mr. Clark asked if the office space was outside the warehouse.

Mr. McLaurin said it was inside the warehouse, two offices.

Mr. Clark asked if it had electricity.

Mr. McLaurin said it did, we had to get it inspected. They wouldn't cut the power on until we had the permits.

Mr. Clark asked Mr. McLaurin about his sewage.

Mr. McLaurin said that they put a new septic tank in, had plumbing done by a professional plumber, and he drew all the permits.

Chair Epler asked when Mr. Nichols applied for the building permit, did he know that he put on the permit that this was not for commercial use.

Mr. McLaurin stated that he did not know that.

Ms. Hall asked Mr. McLaurin if he realized that he was operating illegally.

Mr. McLaurin stated that when he ran the business out of his house and before that building was built, he rented a warehouse in Eastover after the building was built he moved everything into it. Later when he hired the secretary he built the offices. When he first built it he didn't intend to have offices in it.

Mr. Clark asked if he intended to store his refrigeration equipment.

Mr. McLaurin said that he did.

Ms. Hall asked Mr. McLaurin if Mr. Nichols took care of all of the permits, and if over the years it escalated into an office building in addition to the storage. Basically it's Mr. McLaurin and the secretary in the offices, and all of the workers go directly to the job site.

Mr. McLaurin said that was correct.

Mr. Clark asked if this case would go to Eastover at any point.

Chair Epler said that it wouldn't because it wasn't in the Town limits of Eastover. It is included in the Eastover Land Use Plan but it is not in the Town limits of Eastover.

Mr. Lloyd stated that if the board approves this case it will go to the County Commissioners as a consent item because there's been no opposition.

Vice-Chair Turner asked if this case was disapproved would that eliminate his business.

Chair Epler asked if Mr. McLaurin could appeal to the County Commissioners.

Mr. Lloyd said that it would automatically go, this is an advisory board.

Chair Epler asked Mr. Lloyd what would happen if there wasn't a motion.

Mr. Lloyd stated it would go to the Commissioners without a recommendation, and it would go as favorable.

Chair Epler said she wouldn't want this to go to the Commissioners without a recommendation.

Ms. Hall stated that since this wasn't in her MIA, she wanted to say what she felt. She couldn't see putting a man out of business and maybe potentially 12 families out of a job over such a fine line without zoning codes. She feels obligated to uphold the 2030 Plan and everything that this board stands for, but morally she could not vote against this request.

Chair Epler stated that the board has to be very conscious of public perception of how they make their recommendations to the County Commissioners, because, while they have heard the case and the testimony on the case and whatever recommendation is made to the Commissioners will be based on what was heard, because they all agreed to be impartial. The board does open the

door for people in the future to say well this has happened one time, and if I could get away with it for a few years and go ahead and operate my business until somebody catches me, that is a fine line, and I'm sure that is understood. Chair Epler wanted to make sure that Mr. McLaurin understood that they have to be very careful.

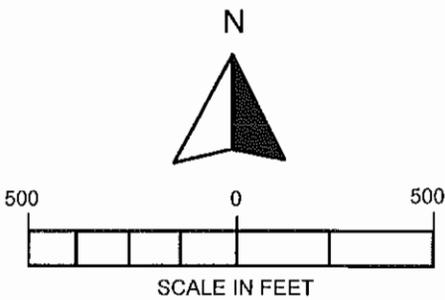
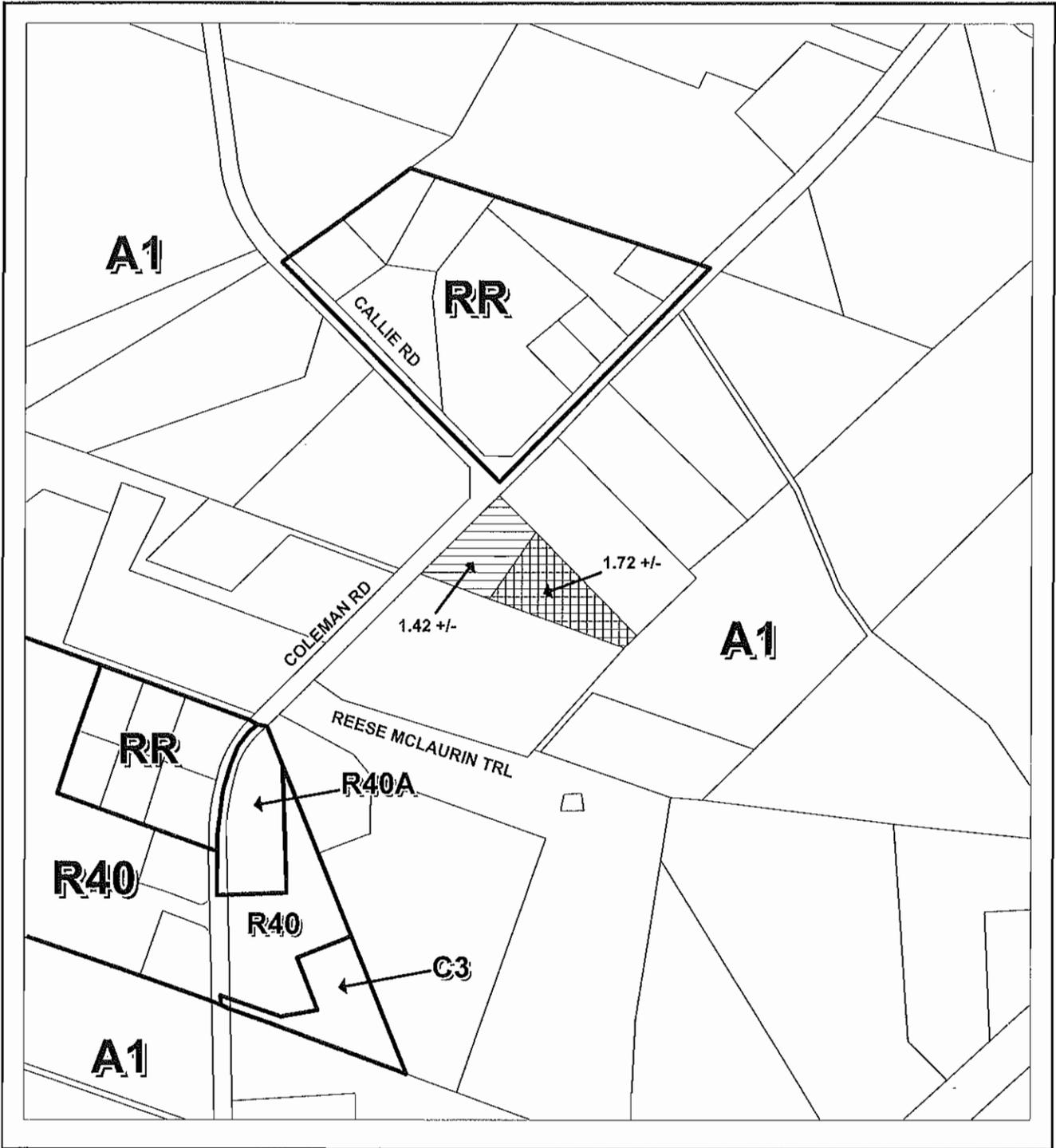
Chair Epler asked the board if there was a motion.

Mr. Clark made a motion, seconded by Mr. Turner, that the Joint Planning Board finds that this Conditional Use District is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that the Conditional Use District for the trade contractor business be approved. Unanimous approval.

A motion was made by Mr. Clark and seconded by Ms. Hall to approve the Conditional Use Permit if all conditions are complied with after finding that when completed, the proposal: 1) will not materially endanger the public health and safety; 2) will not substantially injure the value of adjoining or abutting property; 3) will be in harmony with the area in which it is to be located; and 4) will be in conformity with the land use plan, thoroughfare plan or other plan as officially adopted by the Board of Commissioners. Unanimous approval.

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

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



## REQUESTED REZONING

 A1 TO R40  
1.42 +/-

 A1 TO C2(P)/CUD  
1.72 +/-

**ACREAGE: 3.14 AC. +/-**

**HEARING NO: P10-18**

ORDINANCE: COUNTY

HEARING DATE

ACTION

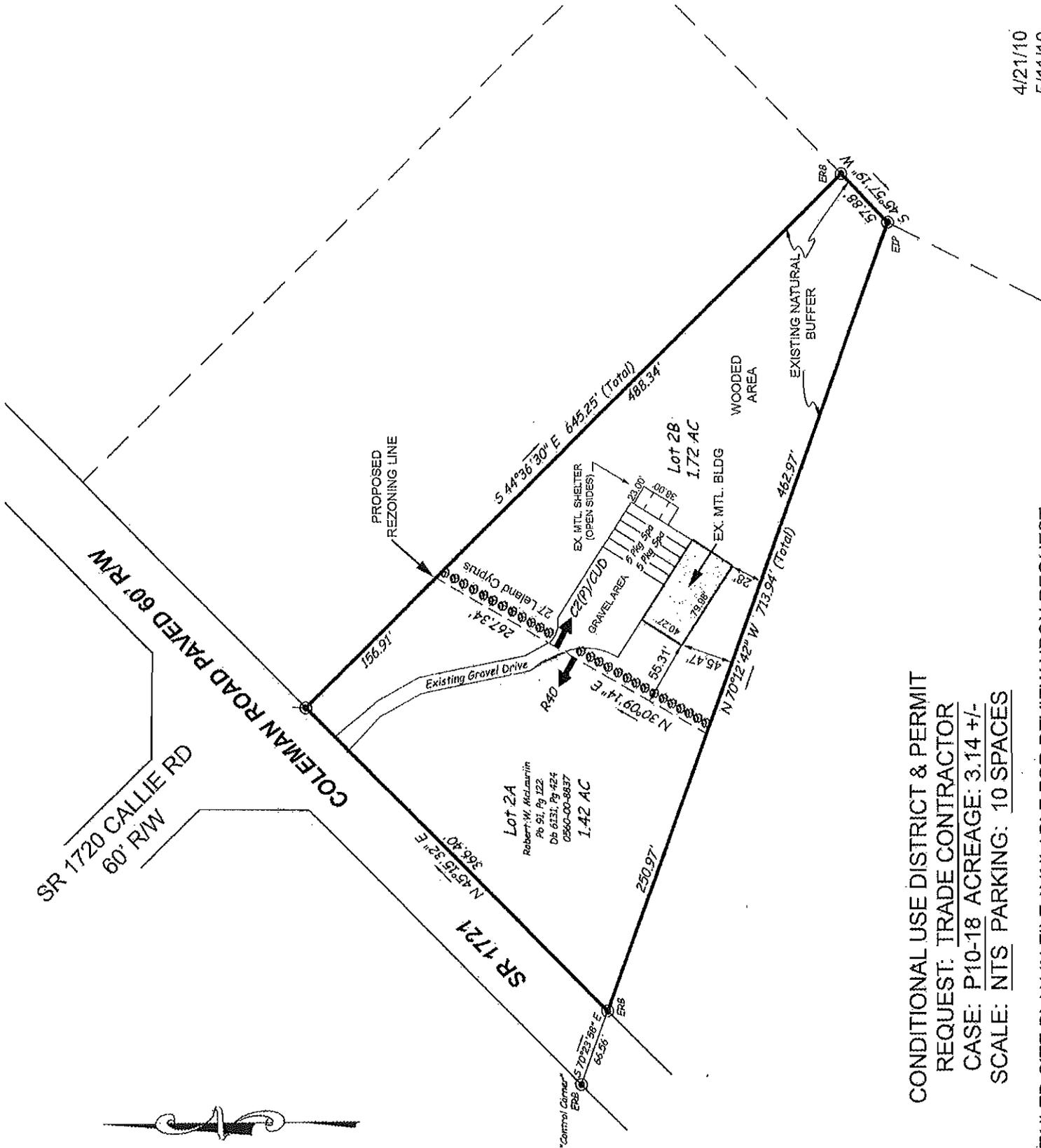
STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

PIN: 0560-00-8837

WL



CONDITIONAL USE DISTRICT & PERMIT  
 REQUEST: TRADE CONTRACTOR  
 CASE: P10-18 ACREAGE: 3.14 +/-  
 SCALE: NTS PARKING: 10 SPACES

\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

4/21/10  
 5/11/10  
 6/14/10

CUMBERLAND PLANNING & INSPECTION  
 PO DRAWER 1829, FAYETTEVILLE, NC 28302-1829  
 (910)321-6636 FAX (910)321-6637

APPLICATION FOR PERMIT  
 BUILDING/ZONING

NOTE: Incomplete applications will not be processed

3/04

*Py @ Permit*

Parcel # 0560-00-8837 OFFICE USE: Bldg  Zoning  Zoned A-1 Corner Lot \_\_\_\_\_

PROJECT ADDRESS: 3370 Coleman Rd. City Fay Zip 28312

Subdivision/Development \_\_\_\_\_ Lot \_\_\_\_\_ Bldg \_\_\_\_\_ Unit \_\_\_\_\_

Directions:

PROPERTY OWNER: Robert W. McGowan Phone # 483-1691

Prop. Owner's Address 3003 Coleman Rd City Fay State NC Zip 28312

STRUCTURE IS:  Residential  Commercial  Multi-Family  Signs

IMPROVEMENT IS:  New Structure  Addition to Existing Structure  Renovation/Alteration/Upfit  Insulation

DESCRIBE WORK: Stage Bld.

PRIMARY BUILDING OCCUPANCY/USE (per NC State Building Code):

Condo/Townhouse  Apt/Duplex  Single-Family  Utility  Assembly  Institutional  
 Business  Mercantile  Educational  Storage  Factory/Ind.  Hazardous

The entire project cannot be permitted at this time. This application is for:  Foundation Only  Shell Only

CONTRACTOR: Nichols Building Phone # 323-1944

Contractor Address 1010 Cedar Creek Rd City Fay State NC Zip 28312

St. License # & Classification \_\_\_\_\_ Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

CONSTRUCTION TYPE: IA \_\_\_\_\_ IB \_\_\_\_\_ IIA \_\_\_\_\_ IIB \_\_\_\_\_ IIIA \_\_\_\_\_ IIIB \_\_\_\_\_ IV \_\_\_\_\_ VA \_\_\_\_\_ VB \_\_\_\_\_

Number of STORIES: \_\_\_\_\_ Heated Area: \_\_\_\_\_ Unheated Area: 3200 TOTAL AREA: 3200

Area per Floor: 1<sup>st</sup> \_\_\_\_\_ 2<sup>nd</sup> \_\_\_\_\_ 3<sup>rd</sup> \_\_\_\_\_ TOTAL CONSTRUCTION COST: \$ 92,800

WATER: Public Provider: \_\_\_\_\_ Well Permit #: \_\_\_\_\_ SEWER: Public Provider: \_\_\_\_\_ Septic Permit # 2004-996

I hereby certify that all information in this application is correct and all work will comply with the North Carolina State Building Code and all other applicable State and local laws, ordinances and regulations. The Planning and Inspection Department will be notified of any changes in the approved plans and specifications for the project permitted herein.

Nyman Nichols Owner/Agent Signature Nyman Nichols Printed Name 5/24/04 Date

Method of Payment: Cash \_\_\_\_\_ Check \_\_\_\_\_ Mastercard \_\_\_\_\_ Visa \_\_\_\_\_ FEES: Building \$ 322.00  
 Zoning \$ 30.00  
 Acct #/Cl# \_\_\_\_\_ Exp. Date \_\_\_\_\_ HOF \$ \_\_\_\_\_  
 Other: \$ \_\_\_\_\_  
 Billing Address-St # \_\_\_\_\_ Zip \_\_\_\_\_ TOTAL FEES: \$ 352.00

(PURSUANT TO NCGS 25-3-506, A \$25 PROCESSING FEE SHALL BE CHARGED FOR ALL RETURNED CHECKS)

FOR OFFICE USE ONLY SETBACKS: Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Left Side: \_\_\_\_\_ Rt. Side: \_\_\_\_\_

COMMENTS: not for Commial Use.

To be sited in accordance with approved site plan \_\_\_\_\_ & all Conditions of Approval—Case # \_\_\_\_\_  
 Fire Damaged area must be inspected after damaged material is removed. Disposal must be in accordance w/all laws & reg.

Zoning Approval: [Signature] Date: 5/24/04 Bldg. Approval: [Signature] Date: [Signature]

## Conditional Use District & Permit

DRAFT  
Ordinance Related Conditions  
[C2(P) Portion Only]

### Watershed-Related:

1. An application for a Watershed "No Approval Required" development must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits, site plan approval is required. A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.

### Per-Permit-Related:

2. The developer must submit to the Planning & Inspections Department three copies of a revised site plan showing the following changes:
  - a. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. Three copies of a revised site plan depicting the landscaping must be submitted to Land Use Codes. The following are the minimum standards for the required landscaping of this site:
    1. Seven large shade trees or 15 small ornamental trees within the front yard setback area;
    2. One large shade trees and eight shrubs are required in the building yard area;

In addition:

1. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  2. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
- b. The location of any existing or proposed signs must be reflected on the site plan.

### Permit-Related:

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
4. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
5. Connection to public water is required, the Eastover Sanitary District (ESD) must approve water plans prior to application for any permits. A copy of the ESD approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
6. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land

is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.

7. For any new development, the developer must/may have to provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
8. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
9. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

10. All uses, dimensions, setbacks, conditions and other related provisions of the County Subdivision and Zoning Ordinances for the C2(P)/CUD zoning district and the Permit must be complied with, as applicable.
11. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
12. All applicable provisions of Section 2401, "Group Developments", County Subdivision Ordinance, must be complied with.
13. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
14. A fire hydrant must be installed along SR 1721 (Coleman Road) within 500 feet of this development; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot.
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
16. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
17. Turn lanes may be required by the NC Department of Transportation (NCDOT).
18. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
19. A solid buffer must be provided and maintained along the residential zoning line in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.) In addition, the developer is encouraged to protect and preserve as many existing trees as possible on this site.
20. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
21. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of one space for each vehicle used directly in the conduct of the use, plus two additional spaces for each three employees on the largest shift of off-street parking spaces are required for trades contracting business.

22. All notes and calculations as shown on the site plan and contained within the application are to be considered as a part of this conditional approval.
23. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

**Other Relevant Conditions:**

24. Prior to permit application for the residential portion of this tract, plans must be submitted for either a group development or subdivision review and the plans must be properly approved. The proper permits must be obtained prior to commencement of construction of any structures on the subject property.
25. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
26. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
27. The owner/developer be aware that every deed created for a lot being served by an on-site sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

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

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

Watershed Officer/Improvements:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
Eastover Sanitary District:	Morgan Johnson	323-3973
Town of Eastover:	Matt Rooney (Staff Rep)	678-7625
Town of Eastover	Jane Faircloth (Town Clerk)	323-0707
County Public Utilities/NORCRESS:	Tom Cooney	678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	251-4170
NC DENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

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

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

1. APPLICANT/AGENT: ROBERT W. MCLAURIN
  2. ADDRESS: 3003 COLEMAN RD., EASTOVER, NC ZIP CODE: 28301
  3. TELEPHONE: (Home) 484-7447 (Work) 483-1691
  4. Location of Property: 3370 COLEMAN RD., EASTOVER, NC 28301  
SW OF INTERSECTION OF SR1720 & SR1721
  5. Parcel Identification Number (PIN #) of subject property: 0560-00-8837  
(also known as Tax ID Number or Property Tax ID)
  6. Acreage: 3.14 Frontage: 366.40 Depth: 488.34
  7. Water Provider: PWC
  8. Septage Provider: SEPTIC TANK
  9. Deed Book 6131, Page(s) 424, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
  10. Existing use of property: RESIDENTIAL - A1
  11. Proposed use(s) of the property: R40 (RESIDENTIAL)  
C2(P)/CUD (RESTAURANT EQUIPMENT REFRIGERANT MAINTENANCE & RECOVERY)
- NOTE: Be specific and list all intended uses.
12. It is requested that the foregoing property be rezoned FROM: A1

TO: (select one)

- Conditional Use District, with an underlying zoning district of C2(P) remainder to be R40  
(Article V) (1.72 Acs) (1.42)
- Mixed Use/Conditional Use District (Article VI)
- Planned Neighborhood District/Conditional Use District (Article VII)
- Density Development/Conditional Use District, at the \_\_\_\_\_ Density  
(Article VIII)

APPLICATION FOR  
CONDITIONAL USE DISTRICT AND PERMIT

1. PROPOSED USE(S):

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

REFRIGERANT MAINTENANCE & RECOVERY  
AND RESTAURANT EQUIPMENT

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

\* SEE SITE PLAN

2. DIMENSIONAL REQUIREMENTS:

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

RAO - FRONT 30' SIDE 15' REAR 35'  
C2(P) - FRONT (FROM R/W) 50' (FROM ST C/L) 80'  
SIDE - 30' REAR - 30'

\* NON-CONFORMING SET BACK FOR EXISTING BUILDING ON ONE SIDE.

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

10 PARKING SPA.'S

GRAVEL DRIVE & PARKING AREA

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Sec. 1306.

proposed 32 sq. ft sign

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

\* SEE SITE PLAN

- B. Indicate the type of buffering and approximate location.

EXISTING NATURAL BUFFER

5. MISCELLANEOUS:

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

DAYS OF OPERATION - M-F  
HOURS OF OPERATION 7:30 AM - 4:00 PM  
NO. EMPLOYEES - 9

6. SITE PLAN REQUIREMENTS:

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

7. ACKNOWLEDGEMENT:

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



**MOTIONS ON CONDITIONAL USE DISTRICT AND PERMIT REZONING APPLICATIONS**

**IF TO APPROVE CONDITIONAL USE DISTRICT:**

I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THE APPLICATION FOR A CONDITIONAL USE DISTRICT DESIGNATED AS CASE NUMBER \_\_\_\_\_ IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, IN THE PUBLIC INTEREST, CONSISTENT WITH THE CURRENT LAND USE PLAN ADOPTED BY THIS BOARD OF COMMISSIONERS AND THAT THE FOLLOWING CONDITIONAL USE(S) BE APPROVED: [AS RECOMMENDED BY THE JOINT PLANNING BOARD] - (OR) - [LIST ONLY THE SPECIFIC USE(S) APPROVED BY THE COMMISSIONERS]

**IF TO DENY CONDITIONAL USE DISTRICT:**

I MOVE THAT THE BOARD OF COMMISSIONERS FAILS TO FIND THAT THIS APPLICATION FOR A CONDITIONAL USE DISTRICT DESIGNATED AS CASE NUMBER \_\_\_\_\_ IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, IN THE PUBLIC INTEREST, OR CONSISTENT WITH THE CURRENT LAND USE PLAN ADOPTED BY THIS BOARD OF COMMISSIONERS AND THAT IT THEREFORE BE DENIED.

**\*\*IF CONDITIONAL USE DISTRICT IS DENIED, DO NOT MAKE ANY MOTION ON CONDITIONAL USE PERMIT\*\***

**IF TO APPROVE CONDITIONAL USE PERMIT:**

I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS APPLICATION FOR A CONDITIONAL USE PERMIT DESIGNATED AS CASE NUMBER \_\_\_\_\_, IF COMPLETED AS PROPOSED AND SUBJECT TO THE CONDITIONS RECOMMENDED BY THE JOINT PLANNING BOARD AND APPROVED BY THIS BOARD OF COMMISSIONERS:

- (I) WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH OR SAFETY, AND
- (II) WILL MEET ALL REQUIRED CONDITIONS AND SPECIFICATIONS; AND
- (III) WILL MAINTAIN OR ENHANCE THE VALUE OF ADJOINING OR ABUTTING PROPERTIES,

OR, ALTERNATIVELY, THE USE IS A PUBLIC NECESSITY; AND

- (IV) WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS TO BE LOCATED, AND
- (V) WILL BE IN GENERAL CONFORMITY WITH THE COUNTY'S MOST RECENT LAND USE PLAN, AND OTHER PLANNING POLICIES ADOPTED BY THE BOARD OF COMMISSIONERS.

Approved by R. Moorefield  
02/08/2010

Joel Strickland  
Chairman



Kristine Wagner  
Transportation Coordinator

William H. Robinson  
Vice Chairman

130 Gillespie Street  
Fayetteville, NC 28301  
910-678-7624  
kwaagner@co.cumberland.nc.us

CUMBERLAND COUNTY

## TRANSPORTATION ADVISORY BOARD

August 5, 2010

ITEM NO. 3H

### MEMORANDUM – BOARD OF COMMISSIONERS MEETING

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CECIL COMBS, DEPUTY DIRECTOR OF PLANNING AND INSPECTIONS *CC*

THRU: JAMES MARTIN, COUNTY MANAGER  
JUANITA PILGRIM, DEPUTY COUNTY MANAGER

SUBJECT: PUBLIC HEARING FOR THE ANNUAL RURAL OPERATING ASSISTANCE PROGRAM (ROAP) GRANT

#### **BACKGROUND:**

According to the attached memo from our Transportation Program Coordinator, the NCDOT deadline for our yearly application for ROAP funds is August 31, 2010. The required Public Hearing has been advertised in the Fayetteville Observer on Monday, August 2, 2010 for the Board's August 16, 2010 6:45 P.M. meeting. This application may be inspected at the Historic County Courthouse located at 130 Gillespie Street from 8:00 am to 4:00 pm, Monday thru Friday.

This Grant incorporates three parts of the Community Transportation Program as described in the memo and attached application.

#### **RECOMMENDATION:**

Review the attached application and conduct a Public Hearing on August 16, 2010.

#### **PROPOSED ACTION**

Conduct the Public Hearing and approve the FY 2011 Application for ROAP grant funds.

#### **ATTACHMENTS**

FY 2011 Rural Operating Assistance Program (ROAP) Grant Application

Joel Strickland  
Chairman



Kristine Wagner  
Transportation Coordinator

William H. Robinson  
Vice Chairman

CUMBERLAND COUNTY

## TRANSPORTATION ADVISORY BOARD

August 5, 2010

### MEMORANDUM

To: Thomas Lloyd, Planning & Inspections Director

From: Kristine Wagner, Transportation Program Coordinator 

Subject: FY 2011 ROAP Application

Enclosed you will find the FY 2011 Rural Operating Assistance Program Grant Application and all supporting documentation. It is requested that the Public Hearing be held on August 16, 2009 at the 6:45 pm Commissioners' Meeting. The required Public Hearing has been advertised in the Fayetteville Observer on Monday, August 2, 2010. In addition to holding the Public Hearing on that date, it is requested that the Board of Commissioners approve the application as presented. The due date for the project to be turned in to the NCDOT Public Transportation Division is August 31, 2010.

The ROAP Grant incorporates three parts of the Community Transportation Program, the Elderly and Disabled Transportation Assistance Program (EDTAP) allotment, the Employment Transportation Assistance Program (EMPL) allotment and the Rural General Public Program (RGP) allotment. The total awarded amount for the FY 2011 ROAP Grant is \$249,020. The breakdown of funding is as follows: EDTAP: \$113,268, EMPL: \$54,586, and RGP: \$81,166.

In addition, we have the opportunity to apply for supplemental funds in the amount of \$205,670. The breakdown of funding is as follows: EDTAP: \$65,291, EMPL: \$68,465, and RGP: \$71,914.

There is no local match required for the EDTAP or EMPL funds. RGP funds do require a 10% local match. A fare will be charged in order to cover the 10% local match.

If you have any questions or if I can be of further assistance please contact me.

Thank you.

NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION



RURAL OPERATING ASSISTANCE  
PROGRAM  
STATE MANAGEMENT PLAN

N.C. DEPARTMENT OF TRANSPORTATION  
PUBLIC TRANSPORTATION DIVISION  
1550 MAIL SERVICE CENTER  
RALEIGH, NC 27699-1550

**STATE RURAL OPERATING ASSISTANCE PROGRAM**  
**North Carolina Department of Transportation**  
**Public Transportation Division**

**Introduction**

The Rural Operating Assistance Program (ROAP) is a state funded public transportation grant program administered by the North Carolina Department of Transportation Public Transportation Division (NCDOT-PTD). ROAP includes the following programs:

- Elderly and Disabled Transportation Assistance Program (EDTAP)
- Employment Transportation Assistance Program (EMPL)
- Rural General Public (RGP) Program
- Supplemental ROAP Program

ROAP funds are allocated to each county by a formula. As a general rule, each county is eligible to receive an allocation from each program; however, counties that do not provide transportation services to the general public are not provided a RGP allocation. ROAP funds are to be used for the operating cost of trips or for other transportation services, but not for administrative or capital costs. County governments (Board of County Commissioners) are the only eligible applicants for ROAP funds. All counties must submit an annual application to receive ROAP funds.

It will be the responsibility of county governments to sub-allocate and distribute the funds to the community transit system and/or local agencies and organizations as allowed within the program guidelines. It is the intent of the program that these funds will be used to provide transportation and other services when other funding sources are not available. The General Assembly must have an approved and certified state budget before ROAP funds can be disbursed. The period of performance will remain July 1 to June 30 regardless of the dates the ROAP funds are disbursed to the county.

## **I. General Guidelines**

### **A. Eligible Recipients**

All one hundred (100) North Carolina counties are eligible to receive a formula-based allocation for EDTAP and EMPL funds. Only those counties providing transportation services to the general public will receive a RGP allocation. ROAP funds will only be disbursed by NCDOT-PTD to the county and not to any sub-recipients selected by the county. The county finance officer will be responsible for program administration at the local level. While the county finance officer may delegate some program administrative duties to the community transportation system or another designee, the county finance officer is considered the county official accountable for ROAP.

### **B. Allocation of ROAP Funds**

ROAP funds are allocated to each county by formula. The annual allocation for ROAP programs are listed, by county, in a separate document of the application package. The methodology for calculating these allocations is described in the Program Guidelines section. The county will be required to complete semi-annual reports that account for the use of the ROAP funds and calculate whether there are unspent funds to be returned to NCDOT-PTD. Any unspent funds that are returned to NCDOT-PTD will be rolled over in to the next fiscal year and allocated by the appropriate formula among all the counties with the next year's ROAP Program funds.

### **C. Application for ROAP Funds**

County governments are the only eligible applicants for ROAP funds. All counties must submit an annual application to receive ROAP funds. A county has the option of applying for a single program or for all of the programs included in ROAP. Each applicant should carefully evaluate past program expenditures and other operating costs to determine the amount to apply for within each program. A county should only apply for an amount of ROAP funds that can be expended in the 12-month period of performance, as the funds cannot be carried over into the next fiscal year by the county. Total funds should be managed so that services can be continued for the entire 12 months.

The application documents will be posted at the NCDOT Web site at [www.ncdot.gov](http://www.ncdot.gov) by the Communication Office. County Managers, County Finance Officers, the Rural Planning Organizations (RPO) and Transit Directors will be notified by e-mail when the application is available. The application materials are designed to enable PTD staff to better understand the services to be provided and assure that the funds are utilized as intended. Failure to complete any portion of the application may result in processing delays. The county should contact the Mobility Development Specialist assigned to the county if there are questions about the application.

Electronic and hard copies of the application documents for ROAP funds must be submitted to the Public Transportation Division of NCDOT on or before the deadline. A checklist will be provided that describes which documents must be received as electronic copies and which must be mailed as hard copies. Electronic copies must be submitted to PTD at [ctntransportation@ncdot.gov](mailto:ctntransportation@ncdot.gov). Any hard copies of the application documents must be mailed to one of the following addresses:

#### **US Mail**

ROAP Application Processing  
NCDOT - Public Transportation Division  
1550 Mail Service Center  
Raleigh, NC 27699-1550

#### **Overnight Mail (FedEx, UPS)**

ROAP Application Processing  
NCDOT - Public Transportation  
1 S. Wilmington Street – Rm. 548  
Raleigh, NC 27601

### **D. Transportation Service Plans**

Funds distributed by the NCDOT-Public Transportation Division under the ROAP program shall be used in a manner consistent with the county's Coordinated Public Transit – Human Service Transportation Plan, the public transit system's Community Transportation Service Plan (formerly known as a transportation development plan) or its equivalent, and any other transportation development plan in place in the county.

### **E. Public Outreach/Involvement Requirement**

The county must determine what the transportation needs of agencies and individuals are in the county before completing the application. It is important that eligible local agencies and interested citizens have the opportunity to participate in the sub-allocation decision. Outreach efforts beyond holding a public hearing must be conducted to inform the public including minorities, women, elderly, disabled, Limited English Proficiency (LEP), low income individuals, and persons who are not human service agency clients, about the availability of ROAP funds and to discuss transportation service needs. These efforts should include, but are not limited to surveys, presentations to groups, committees, fliers and/or posters. The intent is to remove barriers and conditions that prevent these groups from receiving access, participation and benefits of the ROAP services and activities. ROAP funded services and benefits must be distributed in a non-discriminatory manner. If a sub-recipient receives federal funds, Title VI of the Civil Rights Act of 1964 applies.

### **F. Public Hearing Requirement**

It is required that the Board of County Commissioners hold a public hearing to provide the opportunity for local input regarding the sub-allocation of ROAP funds. A public hearing notice (in both English and

Spanish or some other language based on the LEP population of the county) must be published in a newspaper having general circulation in the county. The notices **MUST** be published not more than fourteen (14) days, but not less than seven (7) days before the public hearing. Applicants must use the Sample Public Hearing Notice included with the application package. An affidavit of publication and an original copy, not a duplicated copy, of any public hearing notices must also accompany the ROAP application. The public hearing must be accessible to individuals with disabilities in accordance with provisions of the Americans with Disabilities Act of 1990. These provisions include having written material available in alternative, accessible formats upon request, and providing special accommodations at your public hearing, such as a sign language interpreter, as may be requested. The public hearing shall be held at a time of day that affords a majority of the public an opportunity to attend and make comments. Applicants must make the Voluntary Title VI Public Involvement form readily available to all individuals attending the public hearing for ROAP funds. The applicant must submit with the hardcopy of their application all completed Voluntary Title VI Public Involvement forms and must keep a copy for their records.

A Public Hearing Record which has been signed by the Clerk of the Board and has the county seal on it will accompany the county's ROAP application. If any comments were received during the public hearing, then a copy of the signed minutes of the Commissioner's meeting during which the public hearing took place must be sent to NCDOT – PTD within 90 days.

#### **G. Local Matching Requirement**

EDTAP and EMPL funding can be used to provide up to one hundred percent (100%) of the fully allocated cost of the trip or other service and requires no local match. RGP funds and Supplemental RGP may be used to provide up to ninety percent (90%) of the fully allocated cost of each general public trip. The remaining ten percent (10%) must be provided from fares, local funds or a combination of the two. Excess fares and/or local funds collected after 10% RGP match requirement has been met must be used to provide additional service, not as a source of administrative and capital funds. PTD encourages Community Transportation Systems to keep fares reasonable so as to encourage ridership.

The ten percent local match requirement is based on the actual cost of providing RGP funded trips or other services, not the amount allocated from NCDOT. The example below is provided to help counties understand the local match requirement.

Trip equals 10 miles X \$1.23 per mile (based on fully allocated cost) = \$10.23 cost of trip  
\$10.23 Trip X 0.90 = \$9.21 RGP funding reimbursement  
\$10.23 Trip X 0.10 = \$1.02 fare and/or local funding required to provide service

15,431 RGP miles during yr. X \$1.23 per mile = \$18,980.13 RGP cost of service  
\$18,980.13 X 0.90 = \$17,082.12 RGP funding reimbursement  
\$18,980.13 X 0.10 = \$1,898.01 fares or local funding required to provide service

#### **H. Certifications and Assurances**

The chairperson of the County Board of Commissioners and the County Manager are required to sign a certified statement that describes the roles and responsibilities associated with the application for and acceptance of ROAP funds and guarantees that certain actions will be taken at the county level to properly administer the program. The Certified Statement must be signed, sealed with the county seal and accompany the application in order for ROAP funds to be disbursed.

#### **I. Application Review and Follow-up**

The Mobility Development Specialists (MDS) on staff at NCDOT-PTD will review the documents presented to NCDOT-PTD in the application for correctness and completeness. The MDS will determine if the county is prepared to manage the ROAP funds and whether the county presented plans for services

or activities in the application that utilize the funds as intended. The MDS will follow-up as needed with the county finance officer if more details are needed or there is any doubt that the county's plans for use of the funds do not provide for improved services for the targeted populations. The Mobility Section director will review and approve the MDS recommendations.

**J. Disbursement of ROAP Funds to the County**

ROAP funds will only be disbursed to the county and not to any sub-recipients selected by the county. The General Assembly must have an approved and certified state budget before ROAP funds can be disbursed. The period of performance will remain July 1 to June 30 regardless of the dates the ROAP funds are disbursed to the county. The funds will be disbursed by electronic deposit (ACH) or check. The county is required to provide ROAP Reports after six months and at the end of the period of performance. ROAP funds will NOT be disbursed if the reports from the previous fiscal year have not been received and unspent funds have not been returned. The ROAP funds will not be disbursed all at one time. The proposed timetable for disbursement of ROAP funds will be:

Proposed First Disbursement (50%)	August 31
Proposed Second Disbursement (25%)	December 31
Proposed Third Disbursement (25%)	March 31

**K. Sub-Allocation Determination**

It will be the responsibility of the county government to determine how the ROAP funds will be sub-allocated within the county. Sub-allocation of the ROAP funds to the community transit system in the county and/or local agencies must be according to the program guidelines. A Sub-Allocation Worksheet must be completed by each county to document how the ROAP allocations will be distributed locally. If the county applies for Supplemental ROAP funds, the county is required to complete a second Sub-Allocation Worksheet documenting the local distribution of these supplemental funds. This will enable PTD staff to better understand the services the county plans to provide and assures that the funds are utilized as intended. Each county must have and employ a documented methodology for sub-allocating ROAP funds.

There is a Community Transportation System operating in most counties that is receiving federal and state administrative and capital funds to coordinate public transportation services with human service transportation in the county. These transit systems need operating funds in order to provide free or affordable transportation for the elderly, disabled and low income persons in the county that are not receiving transportation benefits from a human service agency or organization. The Community Transit System is an eligible sub-recipient of all ROAP and Supplemental ROAP funds. The county should take into consideration the need for and importance of the public transportation services provided by the Community Transportation System when determining the suballocation of the ROAP and Supplemental ROAP funds.

If the county decides to disburse/allocate ROAP funds to any county governmental department, the county should be able to account for these funds within the county's accounting system. If the county passes through any ROAP funds to agencies or organizations, the county should have a written agreement with them that addresses the proper use and accountability for these funds.

**L. Eligible Expenses and Activities**

The fully allocated cost of a trip or other transportation service, which has traditionally been eligible for the EDTAP, EMPL and RGP programs will continue to be eligible. See the Eligible Transportation Expenses Matrix in Appendix A for examples of allowable trip purposes and other services that can be provided under these programs. This matrix *must* be shared with any agency that receives a sub-allocation of ROAP funds to assure that funds are expended according to program guidelines. The eligible transportation expenses for the EDTAP, EMPL and RGP programs on the matrix apply to the

Supplemental ROAP Programs also. Community Transportation systems that use ROAP funds to provide services must also comply with the regulations of the FTA Section 5311 Program.

#### **M. Cost of Service**

Departments, agencies and/or organizations using ROAP funds to provide services shall determine a billing/reimbursement rate by mile, hour or trip that is based on the fully allocated cost of the service. The fully allocated cost of providing a trip or transportation service should include both direct costs and shared costs.

For the application, the applicant must project the average cost of a trip or other transportation service on the Sub-allocation Worksheets. The average cost of a trip will be the sub-allocation amount divided by the proposed number of trips to be provided. The average cost of an other service will be the sub-allocation amount divided by the proposed number of other services. These costs will be compared to the average cost of the trips and transportation services in other counties to determine whether the cost of the proposed services is reasonable.

#### **N. Contracted Services**

If any ROAP funds are sub-allocated to agencies or organizations other than the Community Transportation System, these other agencies or organizations are encouraged to coordinate ROAP funded transportation trips with the local, federally-funded Community Transportation System in the county. The Community Transit Systems have insurance, vehicle maintenance, driver training and safety standards mandated by the FTA.

Sub-recipients are permitted to use ROAP funds to contract with private transportation providers. Sub-recipients who choose to contract services must follow all state procurement guidelines when selecting a contractor. Sub-recipients should inspect the safety record, service policies and vehicle condition of any private provider being considered. Private providers shall be required to provide documentation that a service was provided on the billed date, by whatever conveyance at the specified cost.

#### **O. Funds Management**

The basic grant/funds management requirements in G.S. 159, *Local Government Finance*, and in the *Policies Manual for Local Governments* apply to ROAP funds. The cost principles of OMB Circular A-87, *Cost Principles for State, Local, and Indian Tribal Governments* and OMB Circular A-122, *Cost Principles for Non-Profit Organizations* also apply to ROAP funds. Additionally, funds must be expended according to the program guidelines in the grant application for eligible program expenses identified.

The period of performance for these funds will be July 1 to June 30. The period of performance will remain the same regardless of the date on which ROAP funds are disbursed to the county. Allowable expenses incurred from July 1 for each program are eligible for reimbursement. Any interest earned on the funds will be retained by the transportation program and must be used for transportation related expenses according to program guidelines. Following receipt of the year-end ROAP Report, NCDOT will invoice the county to collect any ROAP funds not expended by June 30.

#### **Suballocation and Control of Funds**

The county may choose to maintain control of the ROAP funds and reimburse sub-recipients for trip-based services or other transportation services after they have been provided. Or, the county may disburse the ROAP funds to the subrecipients before any trip or transportation service is provided, assuming the county plans to monitor throughout the period of performance whether the trips and transportation services are being provided to eligible individuals and whether all expenditures are allowable.

### **Continuation of Services throughout the Period of Performance**

The ROAP funds should be managed so that services can be continuously provided during the entire 12 months of the grant cycle. It may be necessary to prioritize or restrict ROAP or Supplemental ROAP services to make the funds last. No additional ROAP or Supplemental ROAP funds will be available from the state. The county should budget local funding to avoid discontinuation of any ROAP funded service. The county must notify the assigned Mobility Development Specialist in writing if any ROAP or Supplemental ROAP funded service is discontinued because all the funds have been spent before the end of the period of performance. **If both RGP and Supplemental RGP funded services are discontinued before June 30 by the Community Transit System, and the county does not provide additional funds to continue the service(s), it will be assumed that the transit system is no longer providing general public service. In this case, the Community Transit System will not be reimbursed for any FTA Section 5311 and/or state CTP funded expenses incurred after the RGP and Supplemental RGP funded services are discontinued.**

### **Passenger Fares**

Sub-recipients of the ROAP funds may charge passengers a fare for EDTAP, EMPL, RGP or Supplemental ROAP funded services. PTD encourages Community Transportation Systems and agencies to keep fares reasonable so as to encourage ridership. Any fares collected for services will be retained by the transportation program and must be used to meet the matching requirement of a program or to provide additional trips or transportation services.

### **Transferring Funds Between ROAP Programs**

EDTAP, Supplemental EDTAP, RGP and Supplemental RGP funds cannot be transferred to any other ROAP program. Supplemental EDTAP funds cannot be transferred to EDTAP. Supplemental RGP funds cannot be transferred to RGP. Supplemental EMPL funds cannot be transferred to EMPL.

Counties can transfer EMPL funds, all or in part, to the EDTAP and/or RGP programs if:

1. ALL the employment transportation needs listed in the county's Coordinated Public Transit-Human Services Transportation Plan (LCP) have been met and the strategies implemented, and
2. The County Manager provides a statement prior to transferring the funds that certifies there are NO employment transportation needs for trips or services in the county. The statement from the manager must describe the process used to make this determination.

The same requirements apply to the transfer of Supplemental EMPL funds to Supplemental EDTAP or Supplemental RGP. The transfer of any funds must be reported in the ROAP reports.

Instead of transferring EMPL funds, counties and their community transit systems should strategize ways of accommodating the public's work schedules by operating different hours, creating stops at the community colleges or universities, at JobLink Centers, Vocational Rehabilitation, Employment Security and/or offering voucher programs. In times of high unemployment, consider the people who need transportation to job interviews and re-training.

EMPL funds or Supplemental EMPL funds that are transferred to another program assume the requirements of the program to which they are transferred. Any funds transferred from the EMPL program to the RGP program will have the same matching requirements as any other RGP funds. Any funds transferred from the Supplemental EMPL program to the Supplemental RGP program will have the same matching requirements as any other Supplemental RGP funds. Additionally, EMPL funds or Supplemental EMPL funds transferred to RGP or Supplemental RGP must be sub-allocated to the Community Transportation System. The county is responsible for billing their sub-recipients for any unspent funds.

### **Transferring Funds Between Counties in a Regional Transit System**

ROAP funds may be transferred between and/or among member counties of a regional transportation system. EDTAP and RGP funds must remain within the same program if such funds are transferred between and/or among counties. EMPL funds may be transferred either to the same program or to EDTAP or RGP, but the counties must abide by the transfer policies outlined in the previous section. *(See Transferring Funds Between ROAP Programs)* Note that the annual ROAP Report form has been revised to include a Regional Transfer of Funds form and a Regional Receipt of Funds form to document any transfer or receipt of ROAP funds between and/or among member counties of the regional transportation system. The same requirements apply to the Supplemental Program funds. The regional transportation systems that are eligible for this additional flexibility are:

- Albemarle Regional Health Services (Inter-County Public Transportation Authority)
- Choanoke Public Transportation Authority
- City of Rocky Mount (Tar River Transit)
- Craven County (Craven Area Rural Transit System)
- Kerr Area Transportation Authority
- Randolph County Senior Adults Association, Inc. (Randolph County Regional Coordinated Area Transit System)
- Yadkin Valley Economic Development District, Inc. (Yadkin Valley Public Transportation)
- Western Piedmont Regional Transit Authority

### **Transferring Funds to Match Other Grant Programs**

Subrecipients of ROAP funds are allowed to use their ROAP sub-allocation to leverage more operating funds by applying for other transportation grants administered by NCDOT-PTD. ROAP funds may **ONLY be used as the local match to operating assistance** for the federal grant programs including Section 5310 – Elderly Individuals and Individuals with Disabilities, Section 5311 – Non-urbanized Formula Program, Section 5316 – Job Access and Reverse Commute (JARC) Program, and Section 5317 – New Freedom Program, where operating is an eligible activity. A Call for Applications for these grants and the application documents are posted at least once a year on the NCDOT-PTD website.

### **Transferring Funds Between Sub-recipients**

ROAP funds may be transferred from one sub-recipient to another within the county. Funds transferred from one sub-recipient to the other must stay within the same ROAP Program. If the transfer is EMPL or SuppEMPL funds, these funds may be transferred to another ROAP Program at another sub-recipient if all guidelines for EMPL fund transfer are met. A policy or procedure for determining when it is appropriate to transfer funds between sub-recipients should be developed by the county.

### **P. Americans with Disabilities Act of 1990 (ADA)**

Titles II and III of the Americans with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility. The passenger trips and transportation services provided with ROAP funds must be accessible to individuals with disabilities and be provided without discrimination on the basis of race, color, national origin, creed, sex or age. Sub-recipients should have procedures for investigating, tracking and documenting complaints. *(See 49 CFR Parts 28 and 37)*

### **Q. Monitoring and Evaluation**

ROAP services should be routinely monitored to verify that funds are being spent on allowable expenditures, that the eligibility of service recipients is being properly documented, and that sub-allocated funds will be expended by the end of the period of performance, June 30. The program should also be routinely evaluated to determine whether they are meeting program objectives.

## **R. Reporting Requirements**

Beginning in FY2011, two ROAP Reports will be required per grant cycle. The first report will be due not more than 45 days after the end of the second quarter (Dec 31) of the grant cycle. The final ROAP Report will be due not more than 60 days after the end of the fourth quarter (June 30). The county will be required to report trip and expense data associated with the EDTAP, Supplemental EDTAP, EMPL, Supplemental EMPL, RGP and Supplemental RGP separately. The report form will be provided by NCDOT – PTD. Completed reports will be returned to NCDOT-PTD or its designee. ROAP funds for the fiscal year will NOT be disbursed if the reports from the previous fiscal year have not been received and unspent funds returned to NCDOT-PTD.

The County Finance Officer must certify and sign the final ROAP Report as it identifies the amount of unexpended funds to be returned to NCDOT. Based on this report, counties are invoiced for any unexpended funds for the given fiscal year. Upon receipt of the invoice for unexpended funds, the finance officer shall immediately reimburse NCDOT. The county may find it useful for agencies that have been sub-allocated ROAP funds to provide monthly or quarterly reports of the expenditure of funds and number of trips provided. Close monitoring by the finance officer is highly recommended in order to ensure appropriate and maximum utilization of all program funds. It is the responsibility of the finance officer to:

- Record the receipt of ROAP grant funds in a manner that will disclose the source and the purpose/program to which the funds belong, together with evidence of deposit in a financial institution;
- Ensure that ROAP funds and any interest earned on the funds are expended for eligible program expenses, that services are provided to eligible persons, and that written documentation that supports the expenditures is maintained for at least five years;
- Advise any sub-recipients of the source of the funds, specific program requirements, eligible program expenses and reporting requirements;
- Include ROAP funds received and expended in its annual independent audit on the Schedule of Expenditures of Federal and State Awards and identify any of the funds passed through to other agencies;
- Complete and submit the semi-annual ROAP reports; and return unexpended ROAP funds as invoiced by NCDOT.

## **S. Program Auditing and Documentation**

The Public Transportation Division (PTD) is responsible for providing sufficient program monitoring and oversight to ensure that the state funds are used for the intended purpose. PTD will rely upon the semi-annual reporting information that identifies the number of passenger trips, other services and expenditures by program. The department's External Audit Branch compares information in these reports to the ROAP expenses reported in the counties annual independent audit report.

NCDOT's External Audit Branch will do on-site audits of ROAP expenditures. This requires meeting with the county finance officer to obtain documentation of costs reported to NCDOT in the semi annual reporting forms. Common areas of deficiency include inadequate documentation of passenger eligibility and trips. The EDTAP program serves specific populations. Without documentation of eligibility, i.e. passenger is elderly or disabled, the auditor cannot determine if the rider met the program eligibility criteria that would allow the trip to be charged to the program. **In addition, documentation of trips reported to NCDOT must be retained for up to five years following submittal of final ROAP reports.** The inability to document trips with driver manifests, gasoline receipts, or any invoices associated with costs charged to the program would be considered ineligible expenses. The county will be invoiced for any undocumented costs.

# Program Guidelines

## Elderly and Disabled Transportation Assistance Program

### Description

The Elderly and Disabled Transportation Assistance Program (EDTAP), originally enacted by legislation in the 1989 Session of the North Carolina General Assembly (Article 2B, 136-44.27), provides operating assistance funds for the transportation of the state's elderly and disabled citizens. This transportation assistance allows the elderly and disabled to reside for a longer period in their homes, thereby enhancing their quality of life.

### Allocation Formula

The following formula was used to determine the county allocation of the funds available:

- 50% divided equally among all counties;
- 22 ½ % based upon the number of elderly (60 years or older) residents per county as a percentage of the state's total elderly population;
- 22 ½ % based upon the number of disabled residents per county as a percentage of the state's total disabled population; and
- 5% based upon a population density factor that recognizes the higher transportation costs in rural, sparsely populated counties.

### Eligibility Criteria

For the purposes of EDTAP, an elderly person is defined as one who has reached the age of 60 or more years. A disabled person is defined as one who has a physical or mental impairment that substantially limits one or more major life activities, an individual who has a record of such impairment, or an individual who is regarded as having such impairment. Certification of eligibility will be the responsibility of the county or their designee. The county must be able to provide documentation that the EDTAP funded service was provided to an eligible person.

### Eligible Expenses

ROAP funds are to be used for trips or other services; not for capital or administrative expenses. Refer to the Eligible Transportation Expenses Matrix in Appendix A for a list of allowable transportation or services that can be provided under these programs. A fare may be charged for eligible EDTAP services. Any fares collected must be used to provide more EDTAP transportation service.

The inability to document trips with driver manifests, gasoline receipts, or any invoices associated with costs charged to the program will be considered ineligible expenses. The county will be invoiced for any undocumented costs.

### Restrictions

EDTAP funds are to be used to provide trips and/or other services for elderly and disabled individuals when other funding sources are not available. The county can sub-allocate EDTAP funds to any government agency or 501(c)3 non-profit organization that provides services to individuals with transportation needs. The county should take into consideration the need for and importance of the PUBLIC transportation services provided by the Community Transit System when determining the suballocation of the EDTAP and Supplemental EDTAP funds. If the EDTAP funds are sub-allocated to other agencies besides the Community Transportation System, these other agencies are encouraged to coordinate EDTAP-funded transportation trips with the local Community Transportation System. EDTAP funds may be used as matching funds for operating assistance under 5310, 5311, 5316 and 5317 federally funded transportation programs as appropriate. EDTAP funds cannot be transferred to any other ROAP program. EDTAP funded services are expected to be offered throughout the entire period of

performance. The county must notify the assigned Mobility Development Specialist if an EDTAP funded service is discontinued.

## **Employment Transportation Assistance Program**

### **Description**

The Employment Transportation Assistance Program (EMPL) is intended to help DSS clients that transitioned off Work First or TANF in the last 12 months, Workforce Development Program participants and/or the general public to travel to work, employment training and/or other employment related destinations.

### **Allocation Formula**

The following formula was used to determine the county allocation of the funds available:

- 10% divided equally among all counties;
- 45% based upon the population of each county as a percentage of the total state population\*; and
- 45% based upon the number of Work First caseloads per county as a percentage of the number of Work First caseloads in the state as of January prior to application distribution.

\*Excludes the population of any municipalities where an urban or small urban transit system is operating in counties with urbanized areas within their boundaries.

### **Eligibility Criteria**

EMPL funded trips and services can be provided for:

1. Individuals that have transitioned off the Work First or Temporary Assistance for Needy Families program within the last 12 months;
2. Participants in Workforce Development Programs; and/or
3. The transportation disadvantaged public.

EMPL funding may also be used to assist the general public with employment-related transportation needs if they meet the eligibility criteria established by the county. Certification of eligibility will be the responsibility of the county. The county must be able to provide documentation that the EMPL funded service was provided to an eligible person.

### **Eligible Expenses**

ROAP funds are to be used for operational activities; not for capital or administrative expenses. Refer to the Eligible Transportation Expenses Matrix in Appendix A for a list of allowable transportation and services under these programs. A fare may be charged for eligible EMPL services. Any fares collected must be used to provide more EMPL transportation service.

*The inability to document trips with driver manifests, gasoline receipts, or any invoices associated with costs charged to the program will be considered ineligible expenses. The county will be invoiced for any undocumented costs.*

### **Restrictions**

The county can sub-allocate EMPL funds to any government agency or 501(c)3 non-profit organization that provides services to individuals with employment related transportation needs. If none of the Employment Transportation Assistance funds are sub-allocated to the Community Transportation System, sub-recipients are encouraged to coordinate EMPL-funded trips with the Community Transportation System. EMPL funds may be used as matching funds for operating assistance under 5310, 5311, 5316 and 5317 federally funded transportation programs as appropriate.

Counties cannot transfer EMPL funds, all or in part, to the EDTAP and/or RGP programs unless:

1. ALL the employment transportation needs listed in the county's Coordinated Public Transit-Human Services Transportation Plan (LCP) have been met and the strategies implemented, and
2. The County Manager provides a statement prior to transferring the funds that certifies there are NO employment transportation needs for trips or services in the county. The statement from the manager must describe the process used to make this determination.

The same requirements apply to the transfer of Supplemental EMPL funds to Supplemental EDTAP or Supplemental RGP. The transfer of any funds must be reported in the ROAP reports.

Instead of transferring EMPL funds, counties and their community transit systems should strategize ways of accommodating the public's work schedules by operating different hours, creating stops at the *community colleges or universities, at JobLink Centers, Vocational Rehabilitation, Employment Security and/or offering voucher programs*. In times of high unemployment, people need transportation to job interviews and re-training.

EMPL funds that are transferred to another program assume the requirements of the program to which they are transferred. Any funds transferred from the EMPL program to the RGP program will have the same matching requirements as any other RGP funds. Additionally, EMPL funds transferred to RGP or Supplemental EMPL funds transferred to Supplemental RGP must be sub-allocated to the Community Transportation System. The county is responsible for billing their sub-recipients for any unspent funds.

EMPL funded services are expected to be offered throughout the entire period of performance. The county must notify the assigned Mobility Development Specialist in writing if an EMPL funded service is discontinued.

## **Rural General Public Program**

### **Description**

The Rural General Public Program assistance funds are intended to provide transportation services for individuals from the county who do NOT have a human service agency or organization that will pay for the transportation service. The county, in consultation with the Community Transportation System, must determine the RGP services to be provided with the RGP funds.

### **Allocation Formula**

The following formula was used to determine the county allocation of the funds available:

- 50% divided equally among all eligible counties; and
  - 50% based upon the rural population of each county as a percentage of the total state rural population. \*
- \* Excludes the population of any municipalities where an urban or small urban transit system is operating in counties with urbanized areas within their boundaries.

### **Eligibility Criteria**

To use RGP funds, the passenger **MUST** live or be visiting someone in the non-urbanized area of a county and either the origin or destination of the trip must be in the non-urbanized area. Certification of eligibility will be the responsibility of the county. The county must be able to provide documentation that the RGP funded service was provided to an eligible person.

### **Eligible Expenses**

ROAP funds are to be used for operational activities; not for capital or administrative expenses. Refer to the Eligible Transportation Expenses Matrix in Appendix A for the allowable expenses under this

program. A fare may be charged for eligible RGP services. Any fares collected must be used to match the RGP funds and/or provide more RGP transportation service.

The inability to document trips with driver manifests, gasoline receipts, or any invoices associated with costs charged to the program will be considered ineligible expenses. The county will be invoiced for any undocumented costs.

#### **Restrictions**

The RGP funds and Supplemental RGP funds must be sub-allocated by the county to the Community Transportation System. *RGP funds must be used to provide transportation services to individuals who are not eligible for the same transportation services funded by any other means. Human service agencies cannot purchase RGP funded services (i.e passes, tickets, tokens) for their clients. RGP funds may be used as matching funds for operating assistance under 5310, 5311, 5316 and 5317 federally funded transportation programs as appropriate. RGP funds cannot be transferred to any other ROAP program.*

RGP funded services are required to be offered throughout the entire period of performance. The county must notify the assigned Mobility Development Specialist in writing if any ROAP or Supplemental ROAP funded service is discontinued before the end of the period of performance because all the ROAP or Supplemental ROAP funds have been spent. **If both RGP and Supplemental RGP funded services are discontinued before June 30 by the Community Transit System, and the county does not provide additional funds to continue the service(s), it will be assumed that the transit system is no longer providing general public service. In this case, the Community Transit System will not be reimbursed for any FTA Section 5311 and/or state CTP funded expenses incurred after the RGP and Supplemental RGP funded services are discontinued.**

## **Supplemental ROAP Program**

#### **Description**

The NCDOT – PTD will annually seek authorization to move some funds from the PTD Consolidated Rural Capital Program of the state budget to fund the Supplemental ROAP operating assistance programs. These funds are subject to availability and the receipt of the necessary authorization. Applying for some or all of these supplemental funds is recommended but optional.

#### **Allocation Formula**

The Supplemental ROAP Program will be allocated using the same formulas used to allocate the other ROAP funds.

#### **Eligibility Criteria**

The eligibility criteria of the ROAP Programs apply to the Supplemental ROAP Programs.

#### **Eligible Expenses**

Supplemental ROAP funds are to be used for operating activities; not for capital or administrative expenses. Refer to the Eligible Transportation Expenses Matrix for the allowable expenses under the formula ROAP programs. The eligible expenses for the Formula ROAP Programs apply to the Supplemental ROAP Programs. A fare may be charged for eligible Supplemental ROAP funded services. Any fares collected must be used to provide more transportation service and/or as the 10% match required by the Supplemental RGP Program.

The inability to document trips with driver manifests, gasoline receipts, or any invoices associated with costs charged to the program will be considered ineligible expenses. The county will be invoiced for any undocumented costs.

**Restrictions**

These Supplemental ROAP funds shall be used to initiate new or expanded service or to continue services that began after July 1, 2006 with Supplemental ROAP funds as the funding source. All restrictions that apply to the formula ROAP funds apply to the supplemental ROAP funds.

## Appendix A

### Eligible Transportation Expenses Matrix

Services must be provided to a person that meets the eligibility criteria.

<p><b>Trip Based Services</b> - Trips may be provided by car/vanpool, taxi, public transit vehicle, private transit vehicle, agency vehicle or mileage reimbursement to a volunteer. The most cost-effective option should be chosen. Public /Private transportation providers shall be reimbursed based on the fully allocated cost per mile, per hour, or per passenger trip or for the cost of a token or ticket. Volunteers can be reimbursed for mileage only. If a human service agency uses an agency vehicle to provide the trip, the agency must include the fully allocated cost of a trip in their reimbursement request including fuel, staff time and benefits, depreciation, vehicle insurance and licensing.</p>			
<b>Trip Purpose</b>	<b>EDTAP</b>	<b>EMPL</b>	<b>RGP</b>
Personal care, non-emergency medical appointments, pharmacy pickup, shopping, bill paying, public hearings, committee meetings, classes, banking, etc.	Yes	NO	Yes
Job interviews, job fair attendance, job readiness activities or training, GED classes	Yes	Yes	Yes
Transportation to Workplace (trip must be scheduled by the individual passenger)	Yes	Yes	Yes
Child(ren) of Working Parent transported to Child Care	NO	Yes	Yes
Group field trips/tours to community special events	Yes	NO	*
Overnight trips to out-of-county destinations	Yes	NO	*
Human Service Agency appointments	Yes	NO	Yes
<p><b>Other Services</b> – Includes expenses incurred transporting a passenger to a destination without using a public transit system, private transit or agency vehicle. Car payments not eligible.</p>			
<b>Other Services</b>	<b>EDTAP</b>	<b>EMPL</b>	<b>RGP</b>
Fuel (gas voucher, gas card, reimbursement to fuel provider)	Yes	Yes	Yes
Maintenance Repairs to personal cars (must own the car). Collision repairs NOT included.	NO	Yes	NO
Personal car insurance 1 time payment that can cover needs up to 3 months.	NO	Yes	NO

\* Must be provided under the provisions of the federal Charter regulations which can be viewed at [http://www.fta.dot.gov/laws/leg\\_reg\\_179.html](http://www.fta.dot.gov/laws/leg_reg_179.html)

# Application for Transportation Operating Assistance

## *FY2011 Rural Operating Assistance Program Funds*

<b>Name of Applicant (County)</b>	<b>County of Cumberland</b>
<b>County Manager</b>	<b>James E. Martin</b>
County Manager's E-mail Address	<a href="mailto:jmartin@co.cumberland.nc.us">jmartin@co.cumberland.nc.us</a>
<b>County Finance Officer</b>	<b>Amy H. Cannon</b>
CFO's E-mail Address	<a href="mailto:acannon@co.cumberland.nc.us">acannon@co.cumberland.nc.us</a>
<b>Person Completing this Application</b>	<b>Kristine A. Wagner</b>
Person's Job Title	Transportation Program Coordinator
Person's E-mail Address	<a href="mailto:kwagner@co.cumberland.nc.us">kwagner@co.cumberland.nc.us</a>
<b>Community Transportation System</b>	<b>Community Transportation Program</b>
Name and Email Address of Contact	Kristine A. Wagner
CT System's Web site URL	<a href="http://www.fampo.org/ctp">www.fampo.org/ctp</a>
Supplemental ROAP Funding Request Included:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Application Completed by:  Date: 8/5/10  
Signature

### Application Instructions

**County officials should read the ROAP Program State Management Plan which contains guidance on the administration of the ROAP Program and information about the preparation of grant applications.**

- The application must be completed by an official of the county or his/her designee. The person completing the application must sign the application document that is mailed to NCDOT.
- Outreach and public involvement in the decision how to use the ROAP funds are key to providing service that meets the needs of individuals in the community.
- Click on the **gray rectangle** and type each answer. If needed, the text will automatically wrap to the next row. The answer may wrap to the next page if necessary.
- If the county wishes to explain their response to any questions or provide more information, the county may include additional pages with this application form.
- If there are questions regarding this application, contact the NCDOT-PTD Mobility Development Specialist assigned to the area served by the transit system.

### FY2011 ROAP Program Schedule

Early Application Deadline	August 13, 2010
Early Disbursement - <i>Must meet early deadline!</i>	August 31, 2010
Final Application Deadline	August 31, 2010
First Disbursement (50%)	September 30, 2010
Proposed Second Disbursement (25%)	December 31, 2010
Proposed Third Disbursement (25%)	March 31, 2011

## County's Management of ROAP Funds

All counties are eligible to receive Rural Operating Assistance Program (ROAP) funding from the State of North Carolina. As a recipient of ROAP funds, the county must implement administrative processes that will ensure the following:

- ROAP funds are expended on needs identified through a public involvement and/or planning process.
- ROAP funds are expended on eligible activities only.
- Supporting documentation of expenditures is maintained.
- Service recipients meet eligibility requirements and their eligibility is documented.
- Trips and services funded with ROAP funding are monitored and evaluated throughout the period of performance.
- An accounting of trips, services and expenditures is provided in a semi-annual report to NCDOT.
- ROAP funds received and expended are included in the local annual audit.

Transportation Needs and Public Involvement in Funding Decisions	Yes or No
A. Was a list of transportation needs in the county compiled and prioritized BEFORE the county sub-allocated the ROAP funds? If yes, then when? <b>The LCP was completed in 2009</b>	<b>Yes</b>
B. Were the agencies or organizations offering programming for elderly, disabled or low income persons in the county notified that the county had ROAP funds to sub-allocate for transportation purposes? If yes, then how? <b>Advertised in the Fayetteville Observer</b>	<b>Yes</b>
C. Were elderly, disabled and low income citizens notified that the county had ROAP funds to sub-allocate for transportation purposes? If yes, then how? <b>Advertised in the Fayetteville Observer</b>	<b>Yes</b>
D. Does the county ask the Community Transportation Advisory Board (TAB) to recommend how the ROAP funds should be sub-allocated?	<b>Yes</b>
E. How did the county decide on the amount of ROAP funds to sub-allocate to a subrecipient? <b>Sub-allocations were determined by estimated number of units by the agency (per the application), and prior year data (if applicable).</b>	
F. Does the federally funded Community Transportation System operating in the county have a Community Transportation Service Plan (CTSP) or Community Transportation Improvement Plan (CTIP) that was developed in the last five years or being completed at this time?	<b>No</b>
G. If the Community Transportation System in the county has a CTSP plan that is older than five years, the county must request planning funds for a CTSP by June 30, 2011 to maintain their eligibility for ROAP Program funds. Local matching funds of 10% are required. When does the county plan to request CTSP planning funds? <b>We will be sending a letter within the next 30 days.</b>	
H. Does your county have a Coordinated Public Transit-Human Services Transportation Plan (LCP) that provides a list of unmet transportation needs and/or gaps in transportation services?	<b>Yes</b>
I. Does the county have other transportation plans that address public transportation needs?	<b>No</b>
If yes, list and describe these plans. <b>N/A</b>	
Financial Management of ROAP Funds	Yes or No
J. Does the county disburse/allocate ROAP funds to any county governmental departments?	<b>Yes</b>

Financial Management of ROAP Funds (cont.)	Yes or No
K. If yes, how does the county account for these funds within the county's accounting system? <b>ROAP funds are accounted for and managed separately in their own organization and line within the County's accounting system.</b>	
L. Does the county pass through any ROAP funds to agencies or organizations that are not county governmental departments or agencies?	<b>Yes</b>
M. If yes, does the county have a written agreement with these agencies that addresses the proper use and accountability of these funds? <i>(Include a sample agreement with application)</i>	<b>Yes</b>
N. If any of the departments, agencies or organizations receiving ROAP funding from the county get transportation funding from other Federal, State or Local funding sources, list those funding programs: <b>RSVP - receives funding for mileage reimbursement (for clients with vehicles) from Corporation for National Service (Federal)</b> <b>Hope Mills Sunshine -- receives funding for costs associated with vehicle operation from Mid-Carolina Council of Governments (State)</b>	
O. Do any subrecipients receive ROAP funds before any transportation services or trips are provided, and refund the unused portion at the end of the period of performance?	<b>No</b>
P. Are ROAP funds being deposited in an interest bearing account?	<b>Yes</b>
Q. What does the county do with the interest from the ROAP funds? <b>It remains in the budget and becomes available to spend on transportation by appropriating the fund balance.</b>	
R. Does the county provide any local funds for transportation operating assistance to any of the ROAP sub-recipients in addition to the state ROAP funds?	<b>No</b>
S. Is supporting documentation maintained for all ROAP grant financial transactions for five years?	<b>Yes</b>
<b>Monitoring and Oversight Responsibilities</b>	<b>Yes or No</b>
T. Are there any county officials, other than the Finance Officer, who will be responsible for the oversight and evaluation of the transportation services or trips provided with the ROAP funding?	<b>Yes</b>
U. List the name, title and employer of the person(s) designated to monitor and evaluate ROAP funded services. <b>Kristine Wagner, Transportation Program Coordinator, County of Cumberland</b>	
V. Does the county have a method and time schedule for collecting statistical data about the services and trips provided with ROAP funds?	<b>Monthly</b>
W. If progress reports or milestone reports are required by the county, how frequently are these provided to the county? <b>Quarterly reports are provided to the Transportation Advisory Board</b>	
X. Does the county require the subrecipients of ROAP funds to use the transportation services of the federally funded Community Transit System operating in the county? <b>Sub-recipients are required to use the contracted services, unless they can provide the service at a lower cost with agency vehicles.</b>	<b>No</b>
Y. Are subrecipients of ROAP funds coordinating transportation services with other subrecipients in the county therefore reducing any duplication of effort?	<b>Yes</b>
<b>Accountability to North Carolina Taxpayers</b>	<b>Yes or No</b>
Z. Is the method used to sub-allocate the ROAP funds fair and equitable? Open and transparent?	<b>Yes</b>

AA. Is the county prepared to provide documentation that an eligible citizen was provided an eligible service or trip on the billed date, by whatever conveyance, at the specified cost?	<b>Yes</b>
<b>Accountability to North Carolina Taxpayers (cont.)</b>	<b>Yes or No</b>
BB. A semi-annual ROAP Report must be completed and sent to NCDOT. Who will be designated to complete these reports in FY2011? <i>(name, title, employer)</i> <b>Kristine Wagner, Transportation Program Coordinator, County of Cumberland</b>	

## Elderly and Disabled Transportation Assistance Program

The Elderly and Disabled Transportation Assistance Program (EDTAP), originally enacted by legislation in the 1989 Session of the North Carolina General Assembly (Article 2B, 136-44.27), provides operating assistance funds for the transportation of the state's elderly and disabled citizens. This transportation assistance allows the elderly and disabled to reside for a longer period in their homes, thereby enhancing their quality of life.

Elderly and Disabled Transportation Assistance Program Questions	Yes or No
A. Using the Eligible Transportation Expense Matrix, what will be the trip purposes and/or other services that will be provided using EDTAP funds. <i>(Eligible Transportation Expense Matrix is in Appendix A of the ROAP State Management Plan)</i> <b>The Community Transportation Program will continue to provide transportation to medical appointments and pharmacy trips throughout Cumberland County. Trips are provided by a private contractor based upon a one-way trip rate. The Retired Seniors Volunteer Program will provide transportation to volunteer sites for their clients through the same private contractor. Hope Mills Sunshine Center will supply their own vehicle and driver, for which EDTAP funds will be used to provide transportation to and from the center. Employment Source will be reimbursed on a per-mile cost for trips provided by their own vehicles and drivers to provide transportation for their disabled clients to and from work enclaves.</b>	
B. Does the federally funded Community Transit System operating in your county receive a sub-allocation of EDTAP funds?	<b>Yes</b>
If yes, does the county dictate which agencies and organizations will receive transportation services with any of the EDTAP funds the transit system receives?	<b>No</b>
Can the Community Transit System use any of the EDTAP funds it receives to provide transportation for elderly and disabled citizens of the county who are not receiving transportation benefits from human service agencies or organizations?	<b>Yes</b>
C. Will any of the subrecipients use their EDTAP sub-allocation as matching funds for any of the following programs? <i>(Matching funds for operating assistance only.)</i> 5310 – Elderly Individuals and Individuals with Disabilities Program 5311 - Non-urbanized Area Formula Program 5316 – Job Access and Reverse Commute Program (JARC) 5317 – New Freedom Program	<b>No</b>
D. Will any of the subrecipients of EDTAP funds charge a fare for an EDTAP funded trip?	<b>No</b>
If yes, how much will the fare be? N/A	
If yes, how will the fare revenue be used? N/A	
E. Do any of the subrecipients of EDTAP funds prioritize or restrict EDTAP funded services based on the purpose, origin, timing or destination of the trip?	<b>Yes</b>

<p>F. Is there a process or policy for determining when it is appropriate to transfer EDTAP funds from one sub-recipient to another to prevent there being unspent funds at the end of the period of performance?</p>	<p><b>Yes</b></p>
<p>G. EDTAP funded services are expected to be provided throughout the entire year. If the EDTAP funds are expended in less than a year, will the county provide county funds to prevent the discontinuation of transportation services?  <b>Funds are monitored on a monthly basis. Individuals may be limited on the number of trips allowed per month, in order to sustain transportation throughout the 12 month grant period.</b></p>	<p><b>No</b></p>

## Employment Transportation Assistance Program

The Employment Transportation Assistance Program (EMPL) is intended to help DSS clients that transitioned off Work First or TANF in the last 12 months, Workforce Development Program participants and/or the general public to travel to work, employment training and/or other employment related destinations.

Employment Transportation Program Questions	Yes or No
<p>A. Using the Eligible Transportation Expense Matrix, list the trip purposes and/or other services that will be provided using EMPL funds. <i>(Eligible Transportation Expense Matrix is in Appendix A of the ROAP State Management Plan)</i>  <b>Services provided with EMPL funds by the Work First department include vehicle repairs, taxi fares, bus passes, towing assistance, vehicle insurance assistance, and mileage reimbursements for eligible applicants.</b></p> <p><b>The Community Transportation Program uses EMPL funds to provide transportation to and from work, school, and job interviews to residents in the county where no other transportation is available.</b></p>	
<p>B. Describe the individuals who will be eligible for EMPL funded trips or services.  <b>These individuals are non-TANF individuals who are low income, or an individual who is in need of transportation who does not have transportation available through by any other means.</b></p>	
<p>D. Will any of the subrecipients of EMPL funds charge a fare for a EMPL funded trip?</p>	<b>No</b>
<p>If yes, how much will the fare be? <i>N/A</i></p>	
<p>If yes, how will the fare revenue be used? <i>N/A</i></p>	
<p>E. Will any of the EMPL funded services be open to citizens in the county who need transportation to a job or employment related destination but are not receiving transportation benefits from a human service agency or organization?</p>	<b>Yes</b>
<p>F. Is there a process or policy for determining when it is appropriate to transfer funds from one sub-recipient to another to prevent there being unspent funds at the end of the period of performance?</p>	<b>Yes</b>
<p>G. How will the county determine when “all the county’s employment transportation needs have been met?”  <b>The County will determine that all employment needs have been met when all agencies who assist individuals with employment and transportation can verify that needs are met (ie. County Transportation, Work First, ESC, etc.)</b></p>	
<p>H. Has the county transferred any EMPL funds to EDTAP or RGP in the last two years?  <b>The County previously transferred funding; however, we have located a need for employment transportation and started a demand response program in March 2010 to assist with those needs.</b></p>	<b>Yes</b>
<p>I. Will any of the subrecipients use their EMPL sub-allocation as matching funds for any of the following programs? <i>(Matching funds for operating assistance only.)</i></p> <p style="padding-left: 40px;">5310 – Elderly Individuals and Individuals with Disabilities Program                      5311 - Non-urbanized Area Formula Program                      5316 – Job Access and Reverse Commute Program (JARC)                      5317 – New Freedom Program</p>	<b>No</b>
<p>J. EMPL funded services are expected to be provided throughout the entire year. If the EMPL funds are expended in less than a year, will the county provide county funds to prevent the discontinuation of transportation services?  <b>Funds are monitored on a monthly basis. Individuals may be limited on the number of trips allowed per month, in order to sustain transportation throughout the 12 month grant period.</b></p>	<b>No</b>

## Rural General Public Program

The Rural General Public Program assistance funds are intended to provide transportation services for individuals from the county who are not receiving transportation benefits from human service agencies or organizations. The county, in consultation with the Community Transportation System, must determine the RGP services to be provided with the formula RGP funds.

Rural General Public Program Questions	Yes or No
A. Is the Community Transit System assessing the transportation needs of the transportation disadvantaged citizens of ALL ages living in the county?	<b>Yes</b>
B. Has the Community Transit System planned how to provide the RGP funded services?	<b>Yes</b>
C. Will RGP services be restricted or prioritized in any way to control the expenditure of funds over time?	<b>Yes</b>
D. Will RGP services be provided to citizens who need transportation but don't have a human service agency or organization to pay for it?	<b>Yes</b>
E. Since the subrecipient can only use RGP funds to pay for 90% of the cost of a trip, will the Community Transit System use fare revenue to generate the local 10% match requirement for RGP funds?	<b>Yes</b>
If yes, how much will the fare be? <b>\$2.05</b>	
If yes, how will the fare revenue be used? <b>To meet local match requirements</b>	
If no, describe the source of the required matching funds? <b>N/A</b>	
F. Will RGP funded trips be coordinated with human service agency trips?	<b>No</b>
G. How will the Community Transit System market the proposed RGP funded services? <b>Through the Fayetteville Observer, and marketing through human service agencies, schools, town halls, libraries, fire departments, and churches located in the rural areas.</b>	
H. Will the Community Transit System use any of their RGP sub-allocation as matching funds for any of the following programs? ( <i>Matching funds for operating assistance only</i> ) 5310 – Elderly Individuals and Individuals with Disabilities Program 5311 - Non-urbanized Area Formula Program 5316 – Job Access and Reverse Commute Program (JARC) 5317 – New Freedom Program	<b>No</b>
I. Is any part of the county in an urbanized area according to the 2000 census?	<b>Yes</b>
J. RGP funded services are expected to be provided throughout the entire year. If the RGP funds are expended in less than a year, will the county provide county funds to prevent the discontinuation of transportation services? <b>Funds are monitored on a monthly basis. Individuals may be limited on the number of trips allowed per month, in order to sustain transportation throughout the 12 month grant period.</b>	<b>No</b>

## Supplemental ROAP Program

We anticipate receiving similar authorization as we did this fiscal year to move funds from the Public Transportation Division's Consolidated Rural Capital Program to the Supplemental ROAP operating assistance programs upon General Assembly adoption of the FY2011 state budget. Requesting some or all of these supplemental funds is optional.

These Supplemental ROAP funds shall be used to initiate new or expanded service or to continue services that began after July 1, 2006 with Supplemental ROAP funds as the funding source. All eligibility and restrictions that apply to the formula ROAP funds apply to the Supplemental ROAP funds.

Supplemental EDTAP Questions	Yes or No
<p>A. Which of the SuppEDTAP subrecipients in the county will be starting new or expanded services with their sub-allocation?  <b>The Cumberland County Community Transportation Program</b></p>	
<p>B. New or expanded services might include new fixed or deviated fixed routes, the expansion of the current service area, additional days and/or hours of operation, out-of-county service or offering more out-of-county service days. Which of these describes the new or expanded service(s) the subrecipients will be providing with SuppEDTAP funds? If not in this list, please describe the new or expanded service(s) proposed.</p> <p><b>Funds will be used to provide trips, through a private contractor, for new clients obtained through marketing of the program, as well as those who are on a waiting list for transportation to dialysis appointments. There is an urgent need in Cumberland County for transportation to dialysis appointments, which these funds will greatly assist those who are waiting for transportation.</b></p>	
<p>C. Which of the SuppEDTAP subrecipients will be continuing services that began after July 6, 2006 with SuppEDTAP as the funding source?  <b>The Cumberland County Community Transportation Program</b></p>	
<p>D. Will the SuppEDTAP funded service(s) attract passengers that have not used public transportation in the past?</p>	<b>Yes</b>
<p>E. Will any of the subrecipients use any of their SuppEDTAP sub-allocation as matching funds for any of the following programs? (<i>Matching funds for operating assistance only.</i>)</p> <p style="padding-left: 40px;">5310 – Elderly Individuals and Individuals with Disabilities Program                      5311 - Non-urbanized Area Formula Program                      5316 – Job Access and Reverse Commute Program (JARC)                      5317 – New Freedom Program</p>	<b>No</b>
<p>F. SuppEDTAP funded services are expected to be provided throughout the entire year. If the SuppEDTAP funds are expended in less than a year, will the county provide county funds to prevent the discontinuation of transportation services?  <b>Funds are monitored on a monthly basis. Individuals may be limited on the number of trips allowed per month, in order to sustain transportation throughout the 12 month grant period.</b></p>	<b>No</b>
Supplemental EMPL Questions	Yes or No
<p>G. Which of the SuppEMPL subrecipients in the county will be starting new or expanded services with their sub-allocation?  <b>The Cumberland County Community Transportation Program</b></p>	
<p>H. New or expanded services might include new fixed or deviated fixed routes, the expansion of the current service area, additional days and/or hours of operation, out-of-county service or offering more days out-of-county service days. Which of these describes the new or expanded service(s) the subrecipients will be providing with SuppEMPL funds? If not in this list, please describe the new or expanded service(s) proposed.</p> <p><b>Funds will be used to provide a demand response service to provide transportation to and from work, school, and job interviews within Cumberland County. The funds will be used to continue this program, which began March 8, 2010.</b></p>	

<p>I. Which of the SuppEMPL subrecipients will be continuing services that began after July 6, 2006 with SuppEMPL as the funding source?  <b>The Cumberland County Community Transportation Program</b></p>	
<b>Supplemental EMPL Questions (cont.)</b>	<b>Yes or No</b>
<p>J. Will the SuppEMPL funded service(s) attract passengers that have not used public transportation in the past?</p>	<b>Yes</b>
<p>K. Will any of the subrecipients use any of their SuppRGPMPPL sub-allocation as matching funds for any of the following programs? (<i>Matching funds for operating assistance only.</i>)</p> <p style="padding-left: 40px;">5310 – Elderly Individuals and Individuals with Disabilities Program  5311 - Non-urbanized Area Formula Program  5316 – Job Access and Reverse Commute Program (JARC)  5317 – New Freedom Program</p>	<b>No</b>
<p>L. SuppEMPL funded services are expected to be provided throughout the entire year. If the SuppEMPL funds are expended in less than a year, will the county provide county funds to prevent the discontinuation of transportation services?  <b>Funds are monitored on a monthly basis. Individuals may be limited on the number of trips allowed per month, in order to sustain transportation throughout the 12 month grant period.</b></p>	<b>No</b>
<b>Supplemental RGP Questions</b>	<b>Yes or No</b>
<p>M. Will the Community Transportation System be providing a new or expanded service(s) with their sub-allocation?</p>	<b>Yes</b>
<p>N. New or expanded services might include new fixed or deviated fixed routes, the expansion of the current service area, additional days and/or hours of operation, out-of-county service or offering more days out-of-county service days. Which of these describes the new or expanded service(s) the subrecipients will be providing with SuppRGP funds? If not in this list, please describe the new or expanded service(s) proposed.</p> <p style="padding-left: 40px;"><b>Funds will be used to provide a demand response service to provide transportation to and from work, school, shopping, medical appointments, etc. for rural residents. The funds will be used to continue this program, which began September 2010.</b></p>	
<p>O. Will the Community Transportation System be continuing a service that began after July 1, 2006 with SuppRGP as the funding source?</p>	<b>Yes</b>
<p>P. Will the SuppRGP funded service(s) attract passengers that have not used public transportation in the past?</p>	<b>Yes</b>
<p>Q. Will the Community Transportation System use any of their SuppRGP sub-allocation as matching funds for any of the following programs? (<i>Matching funds for operating assistance only.</i>)</p> <p style="padding-left: 40px;">5310 – Elderly Individuals and Individuals with Disabilities Program  5311 - Non-urbanized Area Formula Program  5316 – Job Access and Reverse Commute Program (JARC)  5317 – New Freedom Program</p>	<b>No</b>
<p>R. SuppRGP funded services are expected to be provided throughout the entire year. If the SuppRGP funds are expended in less than a year, will the county provide county funds to prevent the discontinuation of transportation services?  <b>Funds are monitored on a monthly basis. Individuals may be limited on the number of trips allowed per month, in order to sustain transportation throughout the 12 month grant period.</b></p>	<b>No</b>

**FY2011 Formula ROAP Sub-Allocation Worksheet**

Agencies Receiving Sub-Allocations	Elderly and Disabled Transportation Assistance Program			Employment Transportation Assistance Program			Rural General Public Transportation		
	Proposed			Proposed			Proposed		
	Amount of request to be suballocated	Number of One Way Passenger Trips	Number of Other Services	Amount of request to be suballocated	Number of One Way Passenger Trips	Number of Other Services	Amount of request to be suballocated	Number of One Way Passenger Trips	Number of Other Services
Community Transportation Program	\$97,381	5125	0	\$24,151	1178	0	\$81,166	3959	0
Employment Source	\$5,000	1500	0	\$0	0	0	\$0	0	0
Hope Mills Sunshine Center	\$7,047	4500	0	\$0	0	0	\$0	0	0
Retired Seniors Volunteer Program	\$3,840	202	0	\$0	0	0	\$0	0	0
DSS Work First	\$0	0	0	\$30,435	0	60	\$0	0	0
	\$0			\$0			\$0		
	\$0			\$0			\$0		
	\$0			\$0			\$0		
	\$0			\$0			\$0		
	\$0			\$0			\$0		
	\$0			\$0			\$0		
	\$0			\$0			\$0		
<b>TOTAL AMOUNT</b>	<b>\$113,268</b>	<b>11327</b>	<b>0</b>	<b>\$54,586</b>	<b>1178</b>	<b>60</b>	<b>\$81,166</b>	<b>3959</b>	<b>0</b>

Agencies Receiving Sub-Allocations	EDTAP		EMPL		RGP	
	Avg Cost of Trip	Avg Cost of Serv	Avg Cost of Trip	Avg Cost of Serv	Avg Cost of Trip	Avg Cost of Serv
Community Transportation Program	\$19.00	\$0.00	\$20.50	\$0.00	\$20.50	\$0.00
Employment Source	\$3.33	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Hope Mills Sunshine Center	\$1.57	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Retired Seniors Volunteer Program	\$19.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
DSS Work First	\$0.00	\$0.00	\$507.25	\$0.00	\$0.00	\$0.00
0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**Applicant must calculate Average Cost of Trips and Other Services**

$$\text{Avg Cost of Trip} = \frac{\text{Suballocation}}{\text{Proposed \# of Trips}}$$

$$\text{Avg Cost of Other Serv} = \frac{\text{Suballocation}}{\text{Proposed \# of Serv}}$$

**FY2009 Statewide Averages**  
 \$12.98 avg cost of trip  
 \$343.13 avg cost of other service

Cumberland  
 Name of Applicant (County)

Signature - MDS Reviewer

## FY2011 Supplemental ROAP Sub-Allocation Worksheet

Agencies Receiving Sub-Allocations	Supplemental Elderly and Disabled Transportation Assistance Program			Supplemental Employment Transportation Assistance Program			Supplemental Rural General Public Transportation		
	Proposed			Proposed			Proposed		
	Amount of request to be suballocated	Number of One Way Passenger Trips	Number of Other Services	Amount of request to be suballocated	Number of One Way Passenger Trips	Number of Other Services	Amount of request to be suballocated	Number of One Way Passenger Trips	Number of Other Services
Community Transportation Program	\$65,291	3436	0	\$68,465	3339	0	\$71,914	3508	0
	\$0			\$0			\$0		
	\$0			\$0			\$0		
	\$0			\$0			\$0		
	\$0			\$0			\$0		
	\$0			\$0			\$0		
	\$0			\$0			\$0		
	\$0			\$0			\$0		
	\$0			\$0			\$0		
	\$0			\$0			\$0		
	\$0			\$0			\$0		
	\$0			\$0			\$0		
<b>TOTAL AMOUNT</b>	<b>\$65,291</b>	<b>3436</b>	<b>0</b>	<b>\$68,465</b>	<b>3339</b>	<b>0</b>	<b>\$71,914</b>	<b>3508</b>	<b>0</b>

Agencies Receiving Sub-Allocations	SuppEDTAP		SuppEMPL		SuppRGP	
	Avg Cost of Trip	Avg Cost of Serv	Avg Cost of Trip	Avg Cost of Serv	Avg Cost of Trip	Avg Cost of Serv
Community Transportation Program	\$19.00	\$0.00	\$20.50	\$0.00	\$20.50	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**Applicant must calculate Average Cost of Trips and Other Services**  
 Avg Cost of Trip = Suballocation / Proposed # of Trips  
 Avg Cost of Other Serv = Suballocation / Proposed # of Serv  
**FY2009 Statewide Averages**  
 \$12.98 avg cost of trip  
 \$343.13 avg cost of other service

Cumberland

Name of Applicant (County)

Signature - MDS Reviewer

**CERTIFIED STATEMENT**  
**FY 2011**  
**RURAL OPERATING ASSISTANCE PROGRAM**  
**County of Cumberland**

**WHEREAS**, the state-funded, formula-based Rural Operating Assistance Program (ROAP) administered by the North Carolina Department of Transportation, Public Transportation Division provides funding for the operating cost of passenger trips and for other transportation services for counties within the state;

**WHEREAS**, the county uses the most recent transportation plans (i.e. CTSP, CTIP, LCP) available and other public involvement strategies to learn about the transportation needs of agencies and individuals in the county before determining the sub-allocation of these ROAP funds;

**WHEREAS**, the county government is the only eligible recipient of Rural Operating Assistance Program funds which are allocated to the counties based on a formula as described in the Program Guidelines included in the ROAP application. NCDOT will disburse the ROAP funds only to the county and not to any sub-recipients selected by the county;

**WHEREAS**, the county finance officer will be considered the county official accountable for the administration of the Rural Operating Assistance Program in the county, unless otherwise designated by the Board of County Commissioners;

**WHEREAS**, the passenger trips and transportation services provided with ROAP funds must be accessible to individuals with disabilities and be provided without discrimination on the basis of national origin, creed, age, race or gender (FTA C 4702.1A, FTA C 4704.1, Americans with Disabilities Act 1990); and

**WHEREAS**, the period of performance for these funds will be July 1, 2010 to June 30, 2011 regardless of the date on which ROAP funds are disbursed to the county.

**NOW, THEREFORE, by signing below, the duly authorized representatives of the County of Cumberland North Carolina certify that the following statements are true and accurate:**

- The county employed a documented methodology for sub-allocating ROAP funds that involved the participation of eligible agencies and citizens. Outreach efforts to include the participation of the elderly and individuals with disabilities, persons with limited English proficiency, minorities and low income persons in the county's sub-allocation decision have been documented.
- The county will advise any sub-recipients about the source of the ROAP funds, specific program requirements and restrictions, eligible program expenses and reporting requirements. The county will be responsible for invoicing any sub-recipients for unexpended ROAP funds as needed.
- The county will monitor ROAP funded services routinely to verify that ROAP funds are being spent on allowable activities and that the eligibility of service recipients is being properly documented. The county will maintain records of trips and services for five years that prove that an eligible citizen was provided an eligible service or trip on the billed date, by whatever conveyance at the specified cost.
- The county will be responsible for monitoring the safety, quality and cost of ROAP funded services and assures that any procurements by subrecipients for contracted services will follow state guidelines.
- The county will conduct regular evaluations of ROAP funded passenger trips and transportation services provided throughout the period of performance.

- The county will only use the ROAP funds to provide trips and other transportation services when other funding sources are not available for the same purpose or the other funding sources for the same purpose have been completely exhausted.
- The county assures that the required matching funds for the FY2011 ROAP can be generated from fares and/or provided from local funds.
- The county will notify the Mobility Development Specialist assigned to the county if any ROAP funded services are discontinued before the end of the period of performance due to the lack of funding. No additional ROAP funds will be available.
- The county manager will provide written assurance to the Public Transportation Division that the employment transportation needs in the county have been met prior to transferring any Employment Transportation Program (EMPL) funds or Supplemental EMPL funds. The letter will describe the process used to make this determination. Transfer of EMPL or SuppEMPL funds is prohibited if there are any unmet needs or service strategies in the Coordinated Public Transit – Human Services Transportation Plan that have not been addressed.
- The county will provide an accounting of trips, services and expenditures in semi-annual reports to NCDOT – Public Transportation Division or its designee.
- Any interest earned on the ROAP funds will be expended for eligible program uses as specified in the ROAP application. The County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.
- The county is applying for the following amounts of FY 2011 Rural Operating Assistance Program funds:

State-Funded Rural Operating Assistance Program	Allocated	Requested
Elderly & Disabled Transportation Assistance Program (EDTAP)	\$113,268	\$113,268
Employment Transportation Assistance Program (EMPL)	\$54,586	\$54,586
Rural General Public Program (RGP)	\$81,166	\$81,166
Supplemental EDTAP	\$65,291	\$65,291
Supplemental EMPL	\$68,465	\$68,465
Supplemental RGP	\$71,914	\$71,914
<b>TOTAL</b>	<b>\$454,690</b>	<b>\$454,690</b>

**WITNESS my hand and county seal, this 16<sup>th</sup> day of August, 2010.**

Signature of Board of County Manager/Administrator  
James E. Martin

Printed Name of County Manager/Administrator

State of North Carolina County of Cumberland

County Seal Here

Signature of Board of County Commissioners Chairperson  
Billy R. King

Printed Name of Chairperson

Signature of County Finance Officer

Amy H. Cannon

Printed Name of County Finance Officer

## Sample Public Hearing Notice

This is to inform the public of the opportunity to attend a public hearing on the proposed Rural Operating Assistance Program (ROAP) application to be submitted to the North Carolina Department of Transportation no later than August 31, 2010 by the county of Cumberland. The public hearing will be held on August 16, 2010 at 6:45 pm at the Cumberland County Board of Commissioners meeting in the County Courthouse located at 117 Dick Street. Cumberland County will provide auxiliary aids and services under the ADA for disabled persons who wish to participate in the hearing. Anyone requiring special services should contact Ms. Kristine Wagner as soon as possible so that arrangements can be made.

The programs included in the Rural Operating Assistance Program application are:

1. Elderly & Disabled Transportation Assistance (EDTAP) Program provides operating assistance for the transportation of elderly and disabled citizens.
2. Employment Transportation Assistance Program is intended to provide operating assistance for the transportation of persons with employment related transportation needs.
3. Rural General Public (RGP) Program funds are intended to provide operating assistance for the transportation of individuals who do not have human service agency assistance to pay for their transportation and live in non-urbanized areas.

The period of performance for Rural Operating Assistance Program funds is July 1, 2010 through June 30, 2011. The FY2011 ROAP individual program totals are:

<b>PROGRAM</b>	<b>TOTAL</b>
EDTAP	\$113,268
EMPL	\$54,586
RGP	\$81,166
Supplemental EDTAP	\$65,291
Supplemental EMPL	\$68,465
Supplemental RGP	\$71,914
<b>TOTAL</b>	<b>\$454,690</b>

This application may be inspected at the Historic County Courthouse located at 130 Gillespie Street from 8:00 am to 4:00 pm, Monday thru Friday. Written comments should be directed to Ms. Kristine Wagner, Transportation Program Coordinator, 130 Gillespie Street, Fayetteville, NC 28301, before August 13, 2010.

## Comunicado publico

Este llamado es para invitar a la comunidad a asistir a la audiencia pública sobre la propuesta para someter una aplicación del programa Rural Operating Assistance Program (ROAP) al Departamento de Transporte de Carolina del Norte para el condado de Cumberland. Las aplicaciones se aceptarán hasta el 31 de agosto del 2010. La audiencia pública se llevara a cabo el 16 de agosto del 2010 a las 6:45 pm durante la reunión de los Comisionados del condado de Cumberland en el Palacio de Justicia ubicado en la calle 117 Dick Street. El Condado de Cumberland proveerá ayuda y servicios auxiliares bajo el programa “ADA” a aquellas personas discapacitadas que deseen participar en la audiencia. Alguna otra persona que requiera de estos servicios especiales deberá contactar a la señora Kristine Wagner lo antes posible para hacer los arreglos necesarios.

Los programas incluidos en la aplicación para el programa “Rural Operating Assistance Program” son:

1. Programa “Elderly & Disabled Transportation Assistance (EDTAP)”, es un programa que proveerá asistencia para la transportación de ancianos y ciudadanos discapacitados.
2. El programa “Employment Transportation Assistance Program” es propuesto con el objetivo de proveer un servicio de asistencia de transportación para aquellas personas empleadas que carecen de un medio de transporte.
3. Los fondos del programa “Rural General Public (RGP)” se usarán para proveer servicios de transporte a aquellas personas que no sean clientes de la agencia de los servicios humanos y viven en áreas rurales.

El periodo de cumplimiento de los fondos del programa “Rural Operating Assistance Program” se llevará a cabo desde el 1 de julio del 2010 hasta el 30 de junio del 2011. Los totales de cada programa del año fiscal 2010 al 2011 son:

<b>PROGRAMA</b>	<b>TOTAL</b>
EDTAP	\$113,268
EMPL	\$54,586
RGP	\$81,166
Supplemental EDTAP	\$65,291
Supplemental EMPL	\$68,465
Supplemental RGP	\$71,914
<b>TOTAL</b>	<b>\$454,690</b>

Esta aplicación puede ser examinada en el Histórico Palacio de Justicia del Condado de Cumberland ubicada en la calle 130 Gillespie Street desde las 8:00am hasta las 4:00 pm de Lunes a Viernes. Si tiene algún comentario por escrito, envíelo a la Sra. Kristine Wagner, 130 Gillespie St., Fayetteville, NC 28301, antes del 13 de agosto del 2010.

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Important – A public hearing MUST be conducted whether or not requested by the Public.

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## ROAP PUBLIC HEARING RECORD

**APPLICANT:** County of Cumberland

**DATE:** August 16, 2010

**PLACE:** Cumberland County Courthouse Room 118

**TIME:** 6:45 PM

**How many BOARD MEMBERS attended the public hearing?** \_\_\_\_\_

**How many members of the PUBLIC attended the public hearing?** \_\_\_\_\_

### **Public Attendance Surveys**

*(Attached)*

*(Offered at Public Hearing but none completed)*

---

I, the undersigned, representing *(Legal Name of Applicant)* **County of Cumberland** do hereby certify to the North Carolina Department of Transportation, that a Public Hearing was held as indicated above and

### **During the Public Hearing**

*(NO public comments)*

*(Public Comments were made and meeting minutes will be submitted after board approval)*

The estimated date for board approval of meeting minutes is: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk to the Board

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Date

*Affix Seal Here*

## Voluntary Title VI Public Involvement

Title VI of the Civil Right's Act of 1964 requires North Carolina Department of Transportation to gather statistical data on participants and beneficiaries of the agency's federal-aid highway programs and activities. The North Carolina Department of Transportation collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

The North Carolina Department of Transportation wishes to clarify that this information gathering process **is completely voluntary** and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.

The completed forms will be held on file at the North Carolina Department of Transportation. For Further information regarding this process please contact Sharon Lipscomb, the Title VI Manager at telephone number 919.508.1808 or email at [slipscomb@ncdot.gov](mailto:slipscomb@ncdot.gov).

Project Name:		Date:
Meeting Location:		
Name (please print)	Gender:	
	<input type="checkbox"/> Male <input type="checkbox"/> Female	
General ethnic identification categories (check one)		
<input type="checkbox"/> Caucasian	<input type="checkbox"/> Hispanic American	<input type="checkbox"/> American Indian/Alaskan Native
<input type="checkbox"/> African American	<input type="checkbox"/> Asian/Pacific Islander	Other: _____
Color:	National Origin:	

After you complete this form, please fold it and place it inside the designated box on the registration table.

Thank you for your cooperation.

JAMES E. MARTIN  
County Manager

JUANITA PILGRIM  
Deputy County Manager



ITEM NO. 4A/B

AMY H. CANNON  
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

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

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2010**

**TO: BOARD OF COMMISSIONERS**

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

**DATE: AUGUST 11, 2010**

**SUBJECT: CONSIDERATION OF CUMBERLAND COUNTY POLICY COMMITTEE REPORT AND RECOMMENDATION**

The Cumberland County Policy Committee met on Thursday, August 5, 2010 to discuss the following items:

- A) Consideration of Proposed Amendment to Funeral Leave in Personnel Ordinance
- B) Discussion of Petition from Point East Subdivision Property Owners Requesting County Assistance to Repair the Dam

Backup for the abovementioned items and the "DRAFT" minutes are included as attachments.

/ct

Attachments

CM081110-1

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ITEM NO. 4A

**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

**MEMO FOR THE AGENDA OF THE  
AUGUST 16, 2010 MEETING OF THE BOARD OF COMMISSIONERS**

**TO: Bd. of Commissioners; Co. Manager; Dep. Co. Manager; HR Director**  
**FROM: Co. Atty. *LM***  
**DATE: August 11, 2010**  
**SUBJECT: Proposed Amendment to Funeral Leave in Personnel Ordinance**

At its August 5, 2010 meeting the Policy Committee voted to forward a proposed amendment of the funeral leave policy to the Board of Commissioners. Due to the follow-up discussions among staff and Commissioner Edge's necessary absence from the regular Board meeting, Policy Committee Chair Gilfus concurred with the staff's request to remove this item from the August 16 agenda. It will be presented at a later meeting.

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ROBERT N. STANGER, P.E.  
County Engineer



SAM LUCAS  
Engineering Technician II

WAYNE DUDLEY, CFM  
Engineering Technician I

### ENGINEERING DEPARTMENT

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

August 5, 2010

#### MEMORANDUM

ITEM NO. 48

**TO: BOARD OF COUNTY COMMISSIONERS**

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

**THROUGH: JAMES E. MARTIN, COUNTY MANAGER** *JM*

**SUBJECT: PETITION FROM POINT EAST SUBDIVISION PROPERTY OWNERS  
REQUESTING COUNTY ASSISTANCE TO REPAIR THE DAM**

#### BACKGROUND

The Board of County Commissioners, at its June 21, 2010 meeting, referred to the County Policy Committee the request for assistance from the property owners in Point East Subdivision to breach the dam of the lake within this subdivision. The County Attorney advised the Board that there was no statutory authority for the County to undertake a special assessment project to breach a dam and that the property owners would need to petition the Board to repair the dam. The Point East Homeowners Association is currently under a Dam Safety Order from NCDENR to repair or permanently breach the dam.

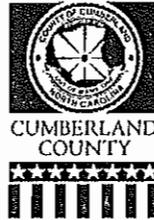
A new petition from the property owners in Point East Subdivision requesting the County undertake a special assessment project to repair the dam was received on July 20, 2010. The petition was signed by 9 of 15 property owners (60%) having 10 of 17 lots (59%) on the lake. The petition has been reviewed by the County Engineering Department.

The request was presented to the Policy Committee at its August 5, 2010 meeting. The deficiencies with the dam and the requirements in the NC Administrative Code - Title 15A, Subchapter 2K - Dam Safety for small high hazard (Class C) dams were reviewed with the committee. Attached for reference is the memorandum to the County Policy Committee dated July 28, 2010.

#### RECOMMENDATION/PROPOSED ACTION

Management and staff recommended that the Policy Committee take no action regarding the request to repair the dam until such time that an approved repair plan from Dam Safety be obtained by the Point East Homeowners Association so that the cost of the repairs can be reasonably estimated. The Policy Committee endorsed management's recommendation and instructed staff to work with the Point East Homeowners Association, its engineer, Averette Engineering, and NC Dam Safety to determine with more certainty the extent of the investigative work and repair work required to meet Dam Safety requirements.

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ENGINEERING DEPARTMENT

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

July 28, 2010

MEMORANDUM

**TO: COUNTY POLICY COMMITTEE**

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

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

**SUBJECT: PETITION FROM POINT EAST SUBDIVISION PROPERTY OWNERS  
REQUESTING COUNTY ASSISTANCE TO REPAIR THE DAM**

BACKGROUND

The Board of County Commissioners, at its June 21, 2010 meeting, referred to the County Policy Committee the request for assistance from the property owners in Point East Subdivision to breach the dam of the lake within this subdivision. The County Attorney advised the Board that there was no statutory authority for the County to undertake a special assessment project to breach a dam and that the property owners would need to petition the Board to repair the dam. The Point East Homeowners Association is currently under a Dam Safety Order from NCDENR to repair or permanently breach the dam.

Attached is a copy of the petition received on July 20, 2010 requesting the County undertake a special assessment project to repair the dam in Point East Subdivision. The petition was signed by 9 of 15 property owners (60%) having 10 of 17 lots (59%) on the lake. The petition has been reviewed by the County Engineering Department.

According to Steve Cook, Fayetteville Regional Engineer with NCDENR, the dam is considered a small high hazard (Class C) dam due to the potential loss of life and property to downstream properties in the event of failure. The deficiencies with the dam include:

- Tree growth on the dam causing stability problems
- Undermining of the principal spillway pipe
- Severe erosion of the emergency spillway
- Potentially inadequate spillway capacity

The North Carolina Administrative Code - Title 15A, Subchapter 2K - Dam Safety, sets forth the provisions for the construction, repair, alteration and removal of a dam regulated by the State. Submission of an application together with a preliminary and final design report and approval by NCDENR is required prior to commencing any work.

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Certain investigations must be completed, prior to submission of the final plans, relating to the foundation and abutments of the dam, construction materials proposed for the dam, survey of the downstream area to delineate the area of potential damage in case of failure, and hydrology of the watershed upstream of the dam. Soil borings, test pits and other subsurface exploration will be necessary to evaluate the condition of the existing earthen dam. A report prepared by a qualified geologist is required for Class C dams.

The spillway system (primary and emergency spillways) must be designed with an adequate capacity to pass the flow from the design storm which for small Class C dams is the one-third probable maximum precipitation (1/3 PMP). A hydraulic study of the existing spillway system is necessary to confirm the capacity and determine if additional improvements beyond the repair work are required.

A seepage analysis must be conducted to demonstrate that the dam is constructed to prevent the development of instability due to excessive seepage forces, uplift forces, or loss of materials in the embankment. This analysis will require the installation of piezometers to confirm the location of the phreatic surface (free water level) assumed for seepage and slope stability analyses.

An operation and maintenance plan must be developed for the dam.

The Point East Homeowners Association contracted with Averette Engineering Company to conduct a preliminary feasibility study of the dam. Mr. Dave Averette, P.E., indicated that the cost to repair the dam could range from \$75,000 to \$200,000 depending on the repair plan approved by NCDENR and the extent of the work the property owners would be willing to do themselves, such as removing and disposing of the trees on the dam. In my opinion, until a final design report is prepared, the investigative work completed, and a repair plan approved by Dam Safety, it is difficult to provide an accurate estimate of the cost to repair Point East Dam.

PETITION REQUESTING SPECIAL ASSESSMENT  
TO REPAIR THE DAM AT POINT EAST SUBDIVISION

To The Cumberland County Board of Commissioners:

We, the undersigned property owners in Point East Subdivision off NC Highway 87, petition the Board of Commissioners to initiate a special assessment project to make certain improvements and repairs to the dam in Point East Subdivision, pursuant to Article 9 of Chapter 153A of the North Carolina General Statutes. We understand that the total project cost will be assessed to the property owners of the land surrounding, abutting or near the lake in Point East Subdivision and that an equitable method of said assessments shall be determined by the Board of Commissioners consistent with the enabling legislation. We also understand that the total project cost shall include the cost of engineering studies, design, construction, financing, and other miscellaneous costs necessary for the completion of the project.

Printed Name	Mailing Address	Signature
Ken Cannon	6972 Point East Dr	<i>Ken Cannon</i>
<del>Brian Miller</del>		
Derrick C Martin	6990 Point East Dr	<i>Derrick C Martin</i>
Gale Thomson Hamilt	6968 Point East Dr	<i>Gale Thomson Hamilt</i>
Sherri Garcia	905 Circle Point Ct.	<i>Sherri Garcia</i>
(2 lots) MARTHA Bennett	6984 POINT EAST DR.	<i>MARTHA Bennett</i>
Sandra Moore	Sandra Moore 907 Circle Point Ct	



PETITION REQUESTING SPECIAL ASSESSMENT  
TO REPAIR THE DAM AT POINT EAST SUBDIVISION

To The Cumberland County Board of Commissioners:

We, the undersigned property owners in Point East Subdivision off NC Highway 87, petition the Board of Commissioners to initiate a special assessment project to make certain improvements and repairs to the dam in Point East Subdivision, pursuant to Article 9 of Chapter 153A of the North Carolina General Statutes. We understand that the total project cost will be assessed to the property owners of the land surrounding, abutting or near the lake in Point East Subdivision and that an equitable method of said assessments shall be determined by the Board of Commissioners consistent with the enabling legislation. We also understand that the total project cost shall include the cost of engineering studies, design, construction, financing, and other miscellaneous costs necessary for the completion of the project.

Printed Name

Mailing Address

Signature

SHARON STAMOS 6956 Point East Dr

Sharon Stamos

~~Sharon Stamos~~

Harvey Trutanko

6964 Point East Dr

Harvey Trutanko

# DRAFT

CUMBERLAND COUNTY POLICY COMMITTEE  
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564  
AUGUST 5, 2010 – 9:30 AM  
MNUTES

MEMBERS PRESENT: Commissioner Phillip Gilfus, Chair  
Commissioner Ed Melvin  
Commissioner Kenneth Edge

OTHERS PRESENT: James Martin, County Manager  
Juanita Pilgrim, Deputy County Manager  
Amy Cannon, Assistant County Manager  
Rick Moorefield, County Attorney  
Bob Stanger, County Engineer  
Sally Shutt, Communications Manager  
Mary Smith, Payroll Supervisor  
Daryl Cobranchi, President Point East Subdivision HOA  
Dave Averette, Averette Engineering Company  
Candice White, Deputy Clerk to the Board  
Press

Commissioner Phillip Gilfus called the meeting to order.

1. APPROVAL OF MINUTES: JUNE 3, 2010 MEETING

MOTION: Commissioner Edge moved to approve as presented.  
SECOND: Commissioner Melvin  
VOTE: UNANIMOUS

2. CONSIDERATION OF PROPOSED AMENDMENT TO FUNERAL LEAVE  
IN PERSONNEL ORDINANCE

Commissioner Gilfus called on James Martin, County Manager, who stated several years ago a revision was made to the funeral leave section of the personnel ordinance and since that time, issues have arisen and the ordinance needs to be more restrictive in what it provides for.

Rick Moorefield, County Attorney, stated an employee committee provided input on a previous draft of the funeral leave section of the personnel ordinance but management had requested a redraft that would tighten administration of the policy and reduce the amount of leave that would be available. Mr. Moorefield explained one of the problems was language that allowed for “three (3) working days” and variances therein depending

# DRAFT

on the number of hours in a shift. Mr. Moorefield further explained there was also no provision in the ordinance that indicated when a supervisor was to be notified and as a result notification had been handled differently from department to department. Mr. Moorefield advised substantial amendments to the ordinance include defining leave by the number of hours as opposed to the number of days and removing the provision for “persons living within the household”.

Mr. Moorefield advised some employees and a commissioner had expressed concern regarding the removal of “persons living within the household” because it did not afford employees living in an unmarried relationship with a domestic partner with the same accoutrements as those who were married and living with their spouse. Mr. Moorefield stated questions can arise in domestic partners relationships when it comes to the partner’s family members, but it is still a legitimate concern for employees with domestic partners and it was impossible to draft language that specifically covered every possible circumstance.

Mr. Moorefield further advised funeral leave is not a requirement under federal or state law but is a privilege granted by the county. Mr. Moorefield stated the proposed amendment meets management’s objective by clearly defining what is available, when it is available and to whom it is available.

In response to a question posed by Juanita Pilgrim, Deputy County Manager, Mr. Moorefield clarified funeral leave for Section 10-116. (c) (4) would be the same allowed for in Sections 10-116. (c) (1) and (2). In response to a question posed by Commissioner Edge, Mr. Moorefield further clarified that sick leave could not be used as funeral leave under the county’s personnel ordinance.

Mr. Martin explained the proposed amendment allows eight (8) to twenty-four (24) hours leave depending on the relationship of the decedent whereas the current ordinance allows for three (3) days. Mr. Martin further explained experience has demonstrated that employees will take the full three (3) days whatever the circumstances and it has been viewed as a three (3) day right as opposed to a three (3) day need.

Mr. Moorefield advised the proposed amendment would not limit employees from taking other time, such as exempt time, annual leave or compensatory time, to supplement or in place of funeral leave should they have the need and time available. Mr. Martin confirmed that employees can take sick leave to attend to an immediate family member who is ill. Mr. Moorefield advised the proposed ordinance amendment reduces the number of hours available for funeral leave dependent on the relationship of the employee to the decedent and limited to the time period actually including the date of the funeral or memorial service.

Ms. Pilgrim asked whether weekends would be included, particularly for those occurrences involving out of town travel. Mr. Moorefield stated it would be twenty-four (24) consecutive hours of scheduled work time including the day of the funeral/memorial

# DRAFT

service with the idea that if an employee is not scheduled to work, they will not need nor be eligible for the leave time.

Commissioner Gilfus stated he could understand going from days to hours and he could understand the notice requirement, but the definitions of family are problematic for him because in the mid-twenty-first century the nuclear family is no longer the statutory definition. Commissioner Gilfus inquired whether discretion of the supervisor could be written into the policy. Mr. Moorefield responded the department head or the county manager have the right under the existing ordinance and proposed amendment to request documentation but that is the only discretion provided under the ordinance.

Mr. Moorefield stated the county pays out a substantial amount of money for funeral leave, which is an administrative issue in terms of the budget. In response to a question posed by Commissioner Edge, Mr. Moorefield stated funeral leave was not a benefit widely offered by employers but it was not uncommon and was aimed at making a very difficult time more bearable for employees. Mr. Moorefield explained under the proposed amendment, public safety and emergency services staff may be treated differently in some instances because there could be a funeral/memorial service during a time in which they were not scheduled to work for a three (3)-day period, thus they would not qualify for any funeral leave.

Mr. Martin stated under the current policy, staff were taking and were allowed to take three (3) days funeral leave in instances in which the funeral/memorial service was on a weekend. Mr. Martin further stated administration is attempting to address something that has become an issue. Mr. Moorefield described a specific issue that had arisen under the current ordinance.

Commissioner Gilfus suggested the definition of “family members” under the proposed ordinance amendment be defined as bloodline plus the immediate household.

Commissioner Edge stated he had no problem with twenty-four (24) hours and the definition of “family members” as proposed, but he was not clear regarding notification on the “end of the employee’s first scheduled work day”. Mr. Moorefield explained under the current ordinance there is no specific notification requirement and it is not unreasonable to expect an employee to contact their supervisor by the end of the first day on which they expected to request the leave to let their supervisor know why they were absent. Mr. Moorefield further stated this has not always been done under the current ordinance.

Commissioner Gilfus stated with the increasing diversity in the workplace, his thoughts were for a mix of the new and the old definitions to include any persons living within the household. Commissioner Gilfus further stated given subsections (C) (1), (2) and (3) of the proposed ordinance amendment in which different hours are given depending on the family relationship, he would make a motion as follows:

# DRAFT

MOTION: Commissioner Gilfus moved to create a family relationship definition that would include those living within the employee's household in addition to families as defined under the current ordinance.

Mr. Martin suggested the inclusion of (C) (4) to clarify that the half, step, foster and in-law relationships apply to the relationships listed specifically in (C) (1), (2), and (3).

Commissioner Edge asked how one would know who is residing the household. Mr. Moorefield responded the issue would be the same as knowing whether an employee's reported relationship with the decedent was actually as the employee stated, in other words, how would a supervisor know an employee's grandparent. Mr. Moorefield stated there is no good basis on which to make such determinations.

Commissioner Gilfus called for a second to his motion. The motion died due to lack of a second.

Mr. Moorefield stated he views the proposed ordinance amendment as a way to address the specific concerns of management in the way the ordinance is administered. Mr. Moorefield further stated the proposal before the committee is the second version to come from the legal department; the first version contained all the considerations having been discussed. Mr. Moorefield stated the objective he was given was to tighten up the ordinance to restrict the amount of hours the county pays for funeral leave in a reasonable way. Mr. Moorefield stated the proposed ordinance amendment directly ties the leave to the funeral/memorial service.

Mary Smith, Payroll Supervisor, reported the county paid out \$9,300 for funeral leave during the last payroll period.

MOTION: Commissioner Edge moved to approve the recommendations as proposed.

SECOND: Commissioner Melvin

VOTE: PASSED by a vote of 2 in favor (Commissioners Edge and Melvin) to 1 in opposition (Commissioner Gilfus).

### 3. DISCUSSION OF REQUEST FROM POINT EAST SUBDIVISION PROPERTY OWNERS

Mr. Martin introduced Daryl Cobranchi, President Point East Subdivision HOA, and Dave Averette, Averette Engineering Company. Commissioner Gilfus called on Bob Stanger, County Engineer, who stated at the request of the Board of Commissioners during their June 21, 2010 meeting, the Point East Subdivision property owners' request was referred to the Policy Committee for additional consideration. Mr. Stanger further stated at that meeting Mr. Moorefield advised there was no statutory authority for the county to undertake a special assessment project to breach a dam and the property owners would need to petition the Board to repair the dam.

# DRAFT

Mr. Stanger explained the original petition received from the property owners was for the dam to be breached. Mr. Stanger stated following his discussions with Mr. Cobranchi, another petition was received requesting that the county undertake a special assessment project to repair the dam. Mr. Stanger further stated the petition was signed by nine (9) of the fifteen (15) property owners that reside on the lake and there are seventeen (17) lots that surround the lake with about forty properties of different class distinctions being located in the entire Point East Subdivision. Mr. Stanger explained the properties adjoining the lake would be the only properties assessed should the county undertake the project.

Mr. Stanger outlined deficiencies with the dam as follows: tree growth on the dam causing stability problems; undermining of the principal spillway pipe; severe erosion of the emergency spillway; and potentially inadequate spillway capacity. Mr. Stanger stated he researched the North Carolina Administrative Code for provisions related to the construction, repair, alteration and removal of a dam regulated by the State, and the code required an application together with a preliminary and final design report and approval by the NCDENR prior to commencing any work on the dam.

Mr. Stanger explained investigations would have to be completed prior to submission of the final plans relating to the foundation and abutments of the dam, construction material proposed for the dam, survey of the downstream area to delineate the area of potential damage in case of failure, and hydrology of the watershed upstream of the dam. Mr. Stanger further explained subsurface exploration would be necessary to evaluate the condition of the existing earthen dam and a report prepared by a qualified geologist would be required for the small Class C dam in the Point East Subdivision. Mr. Stanger reviewed design requirements for the spillway system and the seepage analysis that would have to be conducted. Mr. Stanger stated an operation and maintenance plan must be developed for the dam.

Mr. Stanger advised the homeowners association contracted with Averette Engineering Company to conduct a preliminary feasibility study of the dam. Mr. Stanger stated he asked Mr. Cobranchi to invite Mr. Averette to attend the meeting so he could give the committee information on the level of engineering work he had accomplished to date. Mr. Stanger further stated he did not include a recommendation to the committee because in his opinion until the final reports are prepared, the investigative work is completed and a repair plan is completed by Dam Safety, it is difficult to access what the repairs and cost will be. Mr. Stanger explained he did not want to present to the Board of Commissioners a cost that could change like what happened in the Lake Upchurch project.

Mr. Cobranchi explained the HOA had been in contact with Dam Safety and had a list of the deficiencies and what needed to be done to meet current code. Mr. Cobranchi further explained Mr. Averette sent his plans to the state and received a response that if the work was completed according to the plans, the dam would meet code. Mr. Stanger stated he had subsequent discussions with Steve McElroy, Dam Safety Engineer, and Mr. McElroy had asked what geo-technical evaluation was going to be done on the dam and was it

# DRAFT

included in the scope of work. Mr. Stanger further stated the indication he got from Mr. McElroy was that there were some concerns regarding the stability of the dam and Dam Safety wanted a geo-technical evaluation to determine that it is stable. Mr. Cobranchi stated this was the first he had heard about the need for a geo-technical evaluation. Mr. Averette stated there had been nothing included about the stability of the dam itself.

Mr. Averette explained that he had developed the preliminary plans in an effort to address the concerns that had been expressed to him by Dam Safety. Mr. Averette stated he had investigated the possibility of getting the dam re-classified where it was not a high-hazard dam and a non-regulated dam in order to get the dam in a repair situation. Mr. Averette stated the NCDENR regulations for repair of the dam are very costly and when considering the small size of the HOA, it is not practical to repair or breach the dam. Mr. Averette further stated efforts continue to get the dam non-regulated. Mr. Averette concurred that efforts probably need to be made to get information on the engineering data, but at present he would likely say it is high-hazard or right on the brink of being so.

Mr. Cobranchi stated the HOA has been told by the NCDENR that they have to either breach or repair the dam. Mr. Cobranchi further stated the HOA can not borrow the money commercially, can not force property owners who are directly affected to pay the special assessment and the lien for the special assessment would only be paid when the property owners sell their homes. Mr. Cobranchi further stated the only option available was to approach the County Commissioners and request a special assessment for repair and should they not be willing to do that, then the HOA is stuck in terms of dealing with the NCDENR. Mr. Cobranchi reviewed efforts that had been made to donate the land. Mr. Cobranchi spoke to the decrease in property values for lots surrounding the lake and stated if the dam is repaired, values will increase about \$25,000 per lot.

Mr. Martin briefly described the former Lake Upchurch project which had been funded through a county assessment which was much greater than the initial estimate and stated in order for the county and the subdivision property owners to avoid that same situation, staff feels they need realistic cost estimates for everything that has to be accomplished. Mr. Stanger concurred and stated particularly on a project this small with a limited base (17 properties) paying the assessment. Mr. Stanger mentioned that the Lake Upchurch project included more than 100 parcels. Commissioner Melvin concurred.

Mr. Cobranchi inquired regarding the information the county would need. Mr. Stanger stated the county needed an approved repair plan signed off by the NCDENR, which would provide a good basis for determining the cost and offer some assurance. Mr. Stanger suggested the next step might be for Mr. Averette and he to meet with Mr. McElroy of the NCDENR to make sure all understand exactly what analysis the state is going to require. Mr. Averette stated things would have to go further in order for a detailed plan to be developed and agreed that a plan and contract should be secured before the county gets involved. Mr. Averette stated the problem is the HOA can not pay for it.

# DRAFT

Mr. Moorefield inquired regarding the cost for the planning process. Mr. Averette responded an additional \$7,500 to the \$2,500 already paid to him, which may not include subsurface investigations and other things the NCDENR may require.

Mr. Martin stated the reason the county has not elected to take on the project is the issue of not knowing what Dam Safety will require which will ultimately determine the cost of the project.

Mr. Cobranchi inquired whether the Board of Commissioners could levy a special assessment for the project in phases because he did not know how the property owners could come up with \$10,000. Mr. Moorefield explained that was not legally permissible because the project might not proceed past the initial design phase. Mr. Martin inquired whether the HOA had the authority to assess its property owners. Mr. Cobranchi stated the bylaws provide for special assessments but the problem is there is no enforcement mechanism. Mr. Moorefield advised the HOA had the right to foreclose on assessments levied against the properties. Mr. Moorefield expressed concern that should the HOA not be willing to come up with \$10,000, then why would the county assess and levy properties for a much larger amount. Mr. Cobranchi stated he was not aware the HOA could force property owners to pay through foreclosure. Mr. Moorefield advised an HOA lien would be of the same nature as a county assessment lien and would by statute be positioned ahead of a mortgage.

Commissioner Gilfus stated Mr. Stanger and Mr. Averette need to meet with the NCDENR together to determine what needs to be done and hopefully come back next month with some county/NCDENR plans.

#### 4. OTHER MATTERS OF BUSINESS

There were no other matters of business.

MEETING ADJOURNED: 11:00 AM

JAMES E. MARTIN  
County Manager

JUANITA PILGRIM  
Deputy County Manager



ITEM NO. 5A/B

AMY H. CANNON  
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

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

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2010**

**TO: BOARD OF COMMISSIONERS**

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

**DATE: AUGUST 11, 2010**

**SUBJECT: CONSIDERATION OF CUMBERLAND COUNTY FACILITIES  
COMMITTEE REPORT AND RECOMMENDATION**

The Cumberland County Facilities Committee met on Tuesday, August 10, 2010 to discuss the following items:

- A) Detention Center Expansion Project
- B) Potential Re-Use of Old Public Health Center

Backup for the abovementioned items are included as attachments. The minutes for this particular meeting will be provided to you as soon as they are finalized.

/ct

Attachments

CM081110-2

*Celebrating Our Past...Embracing Our Future*

ROBERT N. STANGER, P.E.  
County Engineer



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

ENGINEERING DEPARTMENT

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

August 10, 2010

ITEM NO. 5A

MEMORANDUM

**TO: BOARD OF COUNTY COMMISSIONERS**  
**FROM: ROBERT N. STANGER, COUNTY ENGINEER** *Bob*  
**THROUGH: JAMES E. MARTIN, COUNTY MANAGER** *JEM*  
**SUBJECT: DETENTION CENTER EXPANSION PROJECT**

BACKGROUND

In June 2010, the Board of Commissioners budgeted funds (\$3 Million) for future expansion of the existing County Detention Center and directed management to move forward with the processes needed for the expansion project by taking it forward to the Facilities Committee.

The Sheriff's Office made a presentation to the Facilities Committee, at its August 10, 2010 meeting, that reviewed the need for expanding the Detention Center, the number and type of housing required based on current and future inmate population, and preliminary costs. Attached is a copy of the PowerPoint presentation together with a tentative schedule for the Detention Center Expansion Project. The proposed expansion of the Detention Center requested by the Sheriff's Office is 256 beds in four (4) - 32 cell double bunk housing units. The preliminary project estimate is \$15 Million including construction, design fees, materials testing, special inspection fees, furnishings and equipment. The estimated timeframe from solicitation of architectural services through issuance of a certificate of occupancy is 39 months.

Management recommended that the County Facilities Committee approve moving forward with solicitation of architectural services for the Detention Center Expansion Project. The Facilities Committee endorsed Management's recommendation and requested that staff consider the design of the complete build-out of the site and bring back a status report of the progress at the next Facilities Committee meeting.

RECOMMENDATION/PROPOSED ACTION

The recommendation of County Management, Sheriff's Office and the County Facilities Committee is to proceed with solicitation of architectural services for the Detention Center Expansion Project.

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

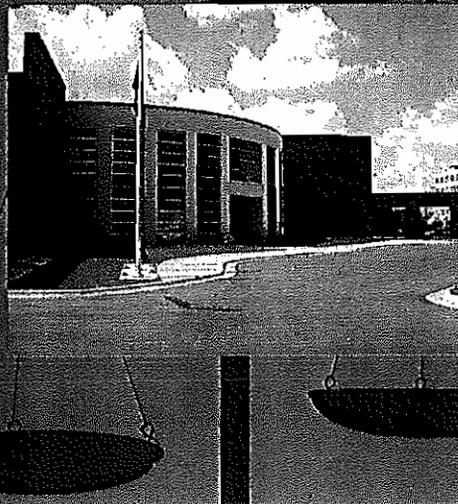
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# Cumberland County Detention Center

The need for Jail expansion

## The past

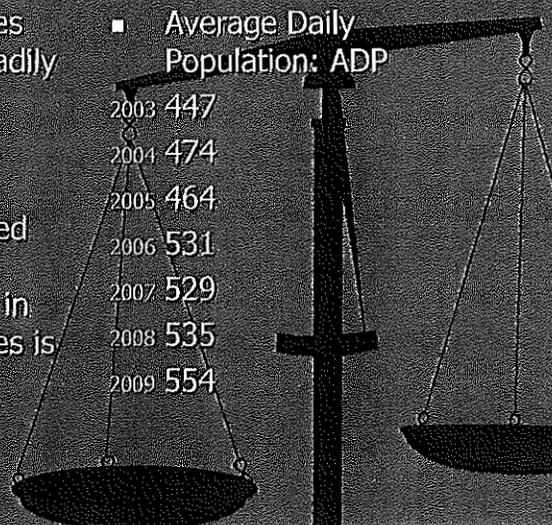
- We broke ground on the present jail in 1999
- The Jail opened in 2003
- Since then our population has grown at a steady pace
- Growth has averaged 7% per year
- The jail is now overcrowded most of the time



## Over the Past Seven Years

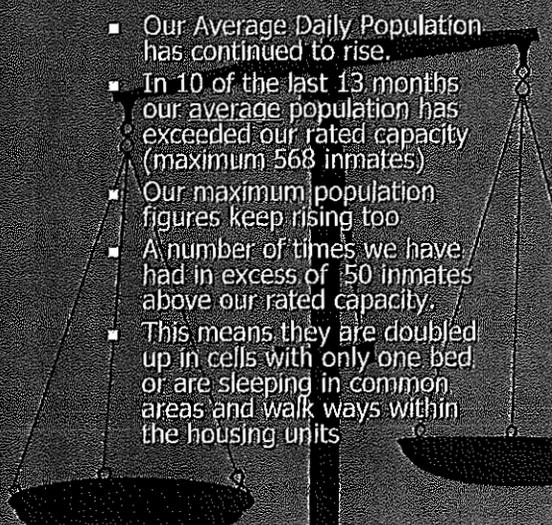
- Our population figures have been rising steadily
- We believe this will continue for the foreseeable future
- As we have mentioned before a mixture of growth and changes in state laws and policies is driving this increase

### Average Daily Population: ADP



2003	447
2004	474
2005	464
2006	531
2007	529
2008	535
2009	554

## Over the Last Year



■ July 2009	569
■ Aug. 2009	586
■ Sep. 2009	572
■ Oct. 2009	555
■ Nov. 2009	574
■ Dec. 2009	573
■ Jan. 2010	581
■ Feb. 2010	556
■ Mar. 2010	560
■ Apr. 2010	572
■ May 2010	592
■ June 2010	590
■ July 2010	600

- Our Average Daily Population has continued to rise.
- In 10 of the last 13 months our average population has exceeded our rated capacity (maximum 568 inmates)
- Our maximum population figures keep rising too
- A number of times we have had in excess of 50 inmates above our rated capacity.
- This means they are doubled up in cells with only one bed or are sleeping in common areas and walk ways within the housing units

## In June, 2010

- 1020 people were booked into our jail
- Approximately 64% were released from jail within 4 days of their coming to jail
- By August 5, 2010 approximately 90% of the inmates booked in the month of June had gotten out of jail
- The vast majority of our inmates are in jail for relatively short periods of time



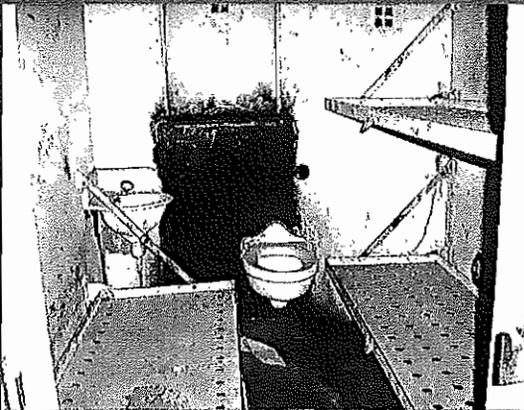
## Causes of the growth in the jails population



- Jail population expands due to many things
- Growth of the County (Have you ridden out RaeJord Road to the County line lately?)
- Changes in the mental health laws
- Changes in Probation and Parole Policies
- More law enforcement officers are on the street
- Changes in our ways of dealing with sex offenders, domestic violence, and DWI
- Technology is improving our ability to identify suspects and to locate warrants on persons wanted in our own and other jurisdictions (we picked up and delivered to our jail 36 offenders arrested in other counties on Cumberland County charges last month alone)
- Technology also improves the officers ability to get back on the street quickly

## Our Admissions

▪ July 2009	1153
▪ August 2009	1047
▪ Sept 2009	946
▪ Oct 2009	930
▪ Nov 2009	810
▪ Dec 2009	835
▪ Jan 2010	889
▪ Feb 2010	928
▪ Mar 2010	958
▪ Apr 2010	1009
▪ May 2010	988
▪ Jun 2010	1020
▪ Jul 2010	1301



## Anything on the horizon

- The North Carolina Department of Corrections budget was cut \$22,000,000 for this year and they have been told to close at least six prisons over the next few months
- We believe this will result in an increase in the time inmates are backlogged before they may be shipped
- We are also deeply concerned that the State of North Carolina's money woes for the next budget year may cause them to dump sentenced misdemeanor inmates and other prisoners on the jails to serve their time
- In a cover story, *Time Magazine* predicts that North Carolina will have a 30.8% budget shortfall next year



## The future?

- If our population follows the pattern of the past seven years our 2012 Average Daily Population will be 678 inmates
- This will mean we will average having 110 people sleeping on the floor of our jail each night



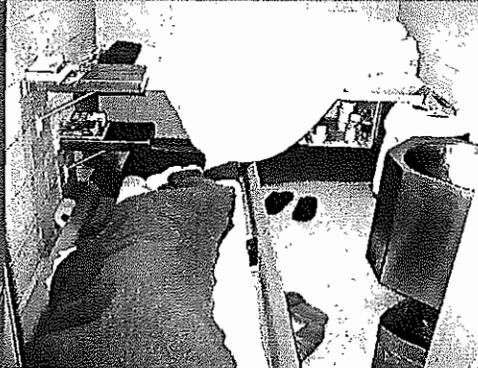
## Crowding Problems



- Crowding is placing added, serious demands on the facility, staff and inmates alike.
- We are deeply concerned that as a jail becomes more crowded that suicides, fights, and staff assaults will become more common
- We lived through this with the old jail in the Law Enforcement Center
- We are already seeing some of this.

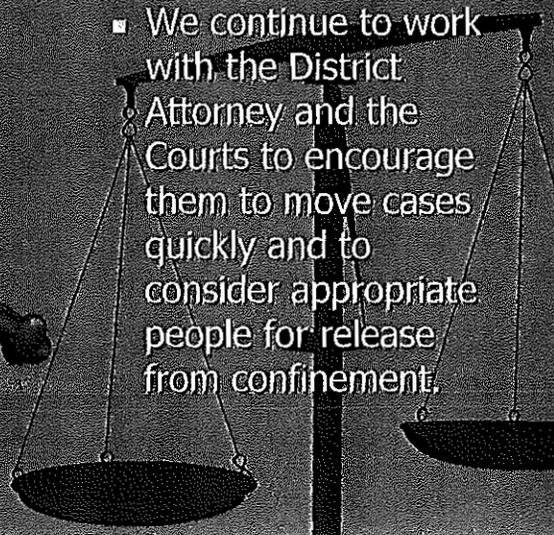
## What is the Sheriff's Office doing about this?

- We have purchased temporary beds to go inside the cells and day rooms to get the inmates off the floor.
- This was done to provide better sleeping arrangements for when we are over capacity.
- Though these are better than nothing, we are still in violation of regulatory requirements due to space, toilet and shower minimum standards.
- In each housing unit we are required to have a minimum of one shower and one toilet for each eight inmates.



## What else are you doing

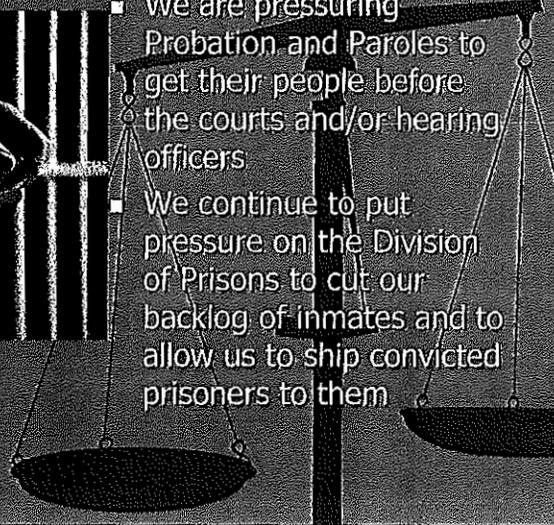
- We continue to work with the District Attorney and the Courts to encourage them to move cases quickly and to consider appropriate people for release from confinement.



## What else?

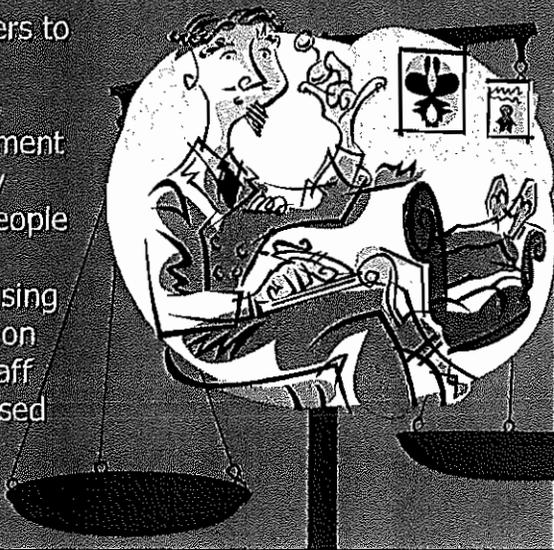


- We are pressuring Probation and Paroles to get their people before the courts and/or hearing officers
- We continue to put pressure on the Division of Prisons to cut our backlog of inmates and to allow us to ship convicted prisoners to them



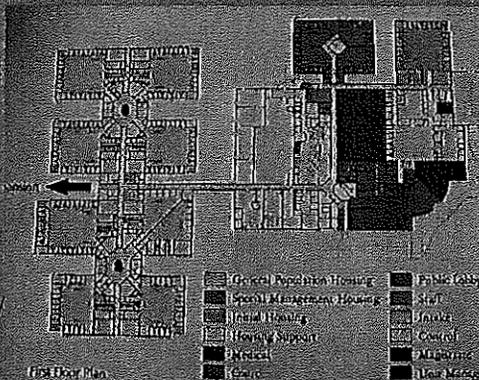
## What about Mental Health

- We have written letters to Cumberland County Mental Health and to United States Department of Homeland Security about a number of people with serious mental illnesses who are causing an inordinate impact on the jail in terms of staff time and resources used



## What are we asking for?

- We would like to build a group of at least four 64 bed housing units around a central core called a unit management area
- This would provide a total of 256 additional beds

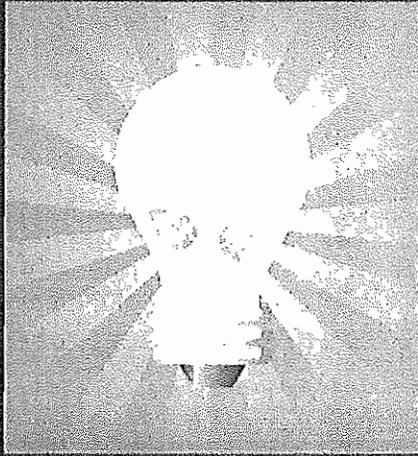


## Please... Let's Get Started

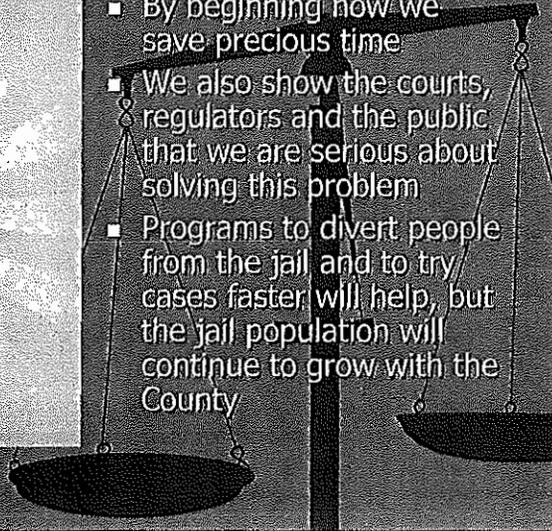
- The process leading up to beginning construction is very important and lengthy
- Some of the things we could be doing now include: selecting an architect, pre-design programming, engineering studies, design of addition by the architect, the permitting and regulatory review process, bidding the project, bid review, and contract review
- Together these activities will likely take well over a year



## Because...



- By beginning now we save precious time
- We also show the courts, regulators and the public that we are serious about solving this problem
- Programs to divert people from the jail and to try cases faster will help, but the jail population will continue to grow with the County



ROBERT N. STANGER, P.E.  
County Engineer



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

ENGINEERING DEPARTMENT

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

August 11, 2010

ITEM NO. 5B

**MEMORANDUM**

**TO: BOARD OF COUNTY COMMISSIONERS**

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

**THROUGH: JAMES E. MARTIN, COUNTY MANAGER** *JM*

**SUBJECT: POTENTIAL RE-USE OF OLD PUBLIC HEALTH CENTER**

BACKGROUND

In December 2009, the Board of Commissioners endorsed the concept of renovating the old Public Health Center for re-use as County Administrative Offices and instructed staff to solicit architectural services to prepare a building program, schematic plans and detailed cost estimate for the renovation project. In March 2010, Gordon Johnson Architecture in collaboration with Calloway, Johnson, Moore & West was hired to provide the necessary architectural services. During the past several months, the architects have been working with staff of the departments that would potentially be relocated to the renovated facility to develop the building program that sets forth the space requirements and functional relationships. Based on the approved building program, a schematic floor plan was developed together with a detailed estimate of the renovation costs.

The architectural team made a presentation to the Facilities Committee, at its August 10, 2010 meeting, to review the building program, schematic floor plans, potential building exterior and site improvements, cost estimate and phasing of construction for the Committee's consideration. Attached is the proposed schematic floor plan for the third floor and conceptual exterior improvements.

Discussions by the Facilities Committee members focused on the building renovations needed to relocate a consolidated Emergency Services organization. County Information Services, to the extent required to support Emergency Services, would also relocate to renovated space on the third floor adjacent to Emergency services.

Given the budgetary constraints, Management had envisioned a phased approach to the renovation work at the Old Public Health Center. The Phase One renovation work would consist of the following:

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- Demolition of the interior space on all floors
- Renovate the third floor for Emergency Services and Information Services
- Install an independent mechanical system with emergency power for the third floor
- Provide an independent entrance to the third floor to minimize disruption during the second phase of construction
- Replace all exterior windows
- Construct the floor extensions with glass facades on the east and west elevations
- Install lateral bracing of the structure to meet building code for seismic loading
- Upgrade existing elevators

The project architects estimate that Phase One renovation work would cost approximately \$5 Million to include demolition, construction, design services, material testing services, furniture, fixtures and data cabling. The estimated construction duration is 8 to 10 months.

Management indicated that funding for the Phase One renovation work would come from E-911/Emergency Telephone funds (\$1.66 Million) and Designated Reserve for Former Health Center (\$3.88 Million) reserved for the project but not budgeted. With the funding sources identified, Management recommended that the County proceed with Phase One renovations at the Old Public Health Center. The Facilities Committee concurred with this recommendation.

#### RECOMMENDATION/PROPOSED ACTION

The recommendation of Management, County Engineer and Facilities Committee is to proceed with Phase One renovation work at the Old Public Health Center as outlined above.

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



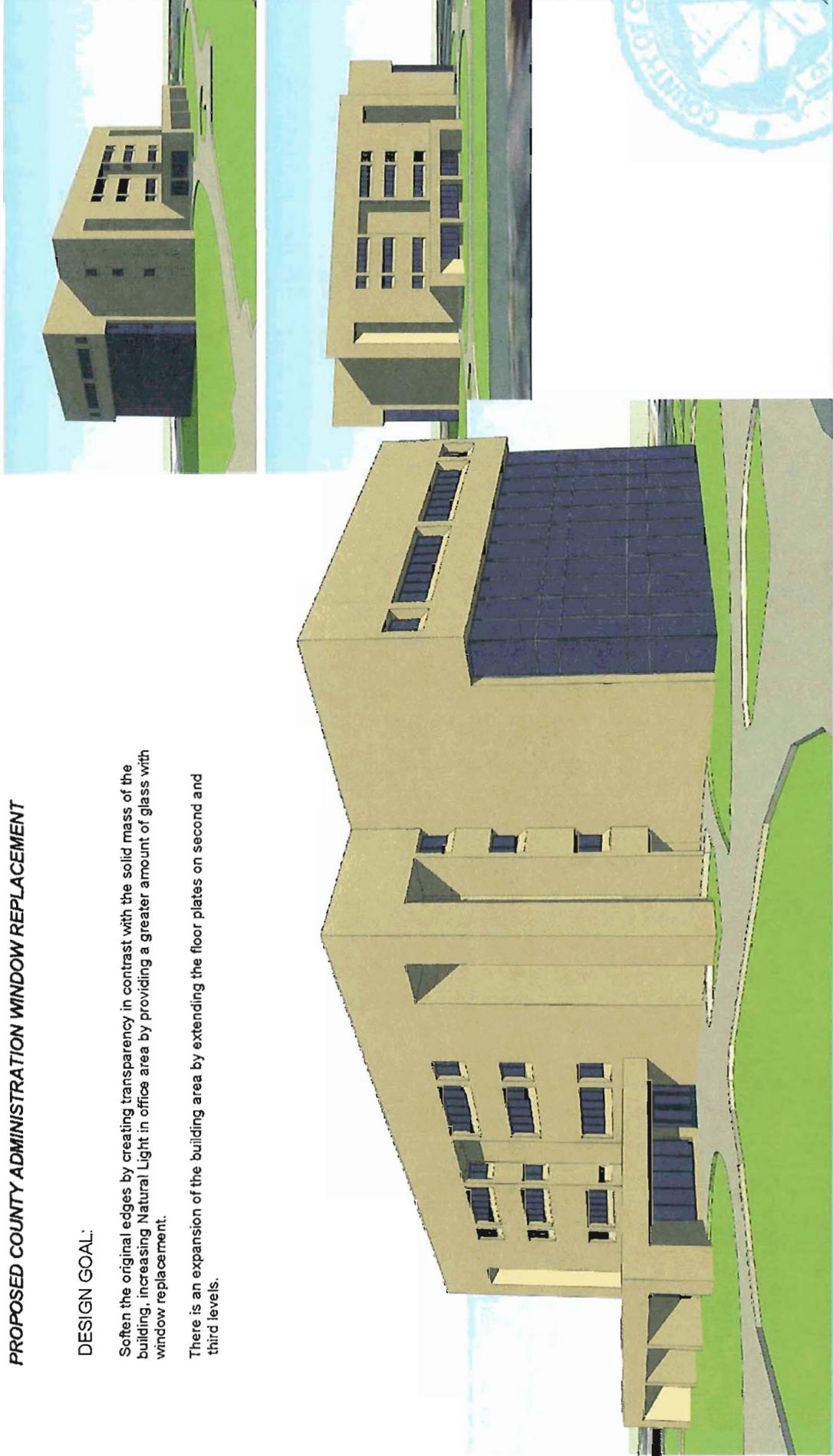
# CUMBERLAND COUNTY ADMINISTRATIVE OFFICES – CONCEPTUAL SCHEMATIC DESIGN

## PROPOSED COUNTY ADMINISTRATION WINDOW REPLACEMENT

### DESIGN GOAL:

Soften the original edges by creating transparency in contrast with the solid mass of the building, increasing Natural Light in office area by providing a greater amount of glass with window replacement.

There is an expansion of the building area by extending the floor plates on second and third levels.



Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

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



**COUNTY of CUMBERLAND**  
*Planning & Inspections Department*

ITEM NO. 6

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

**MEMORANDUM**

August 6, 2010

**TO: JAMES MARTIN, COUNTY MANAGER**

**FROM: CECIL P. COMBS, DEPUTY DIRECTOR PLANNING & INSPECTION, CO-CHAIR CUMBERLAND COUNTY COMPLETE COUNT COMMITTEE** *opc*

**THRU: THOMAS J. LLOYD, DIRECTOR PLANNING & INSPECTION** *TJL*

**SUBJECT: REQUEST FOR SHORT PRESENTATION REGARDING RESULTS FROM THE 2010 CENSUS AT AUGUST 16, 2010 BOARD OF COMMISSIONER'S MEETING**

As co-chair of the Cumberland County Complete Count Committee I am requesting to be placed on the August 16, 2010 Board of Commissioner's meeting to share information as to the county's results in the 2010 census. Mr. Terry Henderson, Partnership Specialist and Mr. Alvin Howe, manager of the local census office will provide statistical data pertaining to Cumberland County's efforts. This information was previously discussed with the Complete Count Committee on July 19, 2010.

BILLY R. KING  
Chairman

KENNETH S. EDGE  
Vice Chairman

JEANNETTE M. COUNCIL  
MARSHALL FAIRCLOTH  
PHILLIP GILFUS  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

**BOARD OF COMMISSIONERS**

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

August 6, 2010

ITEM NO. 7A

**August 16, 2010 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk to the Board  
SUBJECT: Cumberland County Criminal Justice Partnership Advisory Board

BACKGROUND: The Cumberland County Criminal Justice Partnership Advisory Board has three (3) current vacancies and will have one (1) upcoming vacancy on September 30, 2010 as follows:

Probation officer/Assistant JDM

Jonette Quenum – retired, no longer serving. Recommendation of the Cumberland County Criminal Justice Partnership Advisory Board is **not to fill the position**. (See attached.)

Wayne Marshburn – retired, no longer serving. Recommendation of the Cumberland County Criminal Justice Partnership Advisory Board is for **Sharon Phillips, JDM** to fill the unexpired term. (See attached.)

At-Large

Carrie Heffney – retired, no longer serving. Recommendation of the Cumberland County Criminal Justice Partnership Advisory Board is for **Kristin Jones** to fill the unexpired term. (See attached.)

Police Chief or Designee

Captain Charles Kimble – completing unexpired term. Eligible for reappointment. Recommendation is for **Captain Kimble** to continue to serve as the Police Chief Designee. (See attached.)

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

**PROPOSED ACTION: Nominate individuals to fill the four (4) vacancies above.**

Attachments

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

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## Candice White

---

**From:** Kim Reeves  
**Sent:** Wednesday, July 28, 2010 3:26 PM  
**To:** Candice White  
**Cc:** Callie Gardner; Lisa Greeno  
**Subject:** CJPP Advisory Board

Good afternoon Candice.

The following changes and recommendations need to be made to our CJPP Advisory Board.

Jonette Quenum - No longer serving, retired. The recommendation of the Advisory Board is to not fill her position.

Wayne Marshburn - No longer serving, retired. The recommendation for this position from the Advisory Board is for Sharon Phillips, JDM to fill Mr. Marshburn's spot.

Carrie Heffney - No longer serving, retired. The recommendation of the Advisory Board is to fill this position by Kristin Jones - At-Large  
(She is Ms. Heffney's replacement)

Please let me know if you need any further information.

Thank you.

Kim Reeves  
Program Coordinator, DRC

BILLY R. KING  
Chairman

KENNETH S. EDGE  
Vice Chairman

JEANNETTE M. COUNCIL  
MARSHALL FAIRCLOTH  
PHILLIP GILFUS  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

BOARD OF COMMISSIONERS

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(910) 678-7771 • Fax: (910) 678-7770

MEMORANDUM

TO: Callie Gardner, Director  
Day Reporting Center

✓CC: A. Elizabeth Keever, Chief District Court Judge

FROM: Candice H. White, Deputy Clerk to the Board *CU*

DATE: July 20, 2010

RE: Criminal Justice Partnership Advisory Board

Please be advised that the above referenced board has the following upcoming vacancy/vacancies. A request will be made at the August 16, 2010 Board of Commissioners' meeting for nominations.

<u>Board Member Name</u>	<u>Date of Vacancy</u>	<u>Eligible for Reappointment</u>
Captain Charles Kimble	September 30, 2010	Yes

***Let me know in writing no later than Monday, August 2, 2010 whether board members who are eligible for reappointment are able or unable to serve an additional term and whether the board does or does not have a recommendation/ recommendations to fill the upcoming vacancy/vacancies.***

You can reach me at 678-7772 if you have questions or need additional information. Thank you.

*Callie/Candice*  
*I talked w/ Benjamin*  
*+ Cpt Kimble should cont*  
*on CJ P Board as his designee*  
*AJK*

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## CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD

3-year terms

(According to the Rules of Procedure adopted on August 17, 2009 by the Cumberland County Board of Commissioners, no citizen may serve more than two consecutive terms on any board or committee and must be off at least one year before returning to the board or committee. The Board of Commissioners reserves the right to waive this requirement, based on special circumstances.

According to NCGS § 143B-273.10, members of County Criminal Justice Partnership Advisory Boards may be reappointed without limitation. Members appointed by virtue of their office serve only while holding the office or position held at the time of appointment.)

<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> VACANT (vacated by J. Quenum)	6/08	2 <sup>nd</sup>	June/11 6/30/11	No
VACANT (vacated by W. Marshburn) Div. of Community Correction 412-A W. Russell Street Fayetteville, NC 28301 486-1161(W)	6/08	4 <sup>th</sup>	June/11 6/30/11	No
<u>Superior Court Judge (Representative)</u> Gregory A. Weeks Cumberland County Courthouse 117 Dick Street Fayetteville, NC 28301	6/10	1 <sup>st</sup>	June/13 6/30/13	Yes
<u>District Court Judge</u> Beth Keever (W/F) Cumberland County Courthouse 117 Dick Street Fay., NC 28301 678-2901(W)	6/09	6 <sup>th</sup>	June/12 6/30/12	No
<u>Police Chief or Designee</u> Captain Charles Kimble Fayetteville Police Department 467 Hay Street Fay., NC 28301 433-1861	5/09	1 <sup>st</sup>	Sept/10 9/30/10	Yes
				serving unexpired term

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>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 <sup>th</sup>	June/11 6/30/11	No
<u>Community-Based Corrections Programs Representative</u>				
Sue Horne ( /F) Fayetteville Area Sentencing 310 Green Street, Suite 110 Fay., NC 28301 323-5852	4/09	2 <sup>nd</sup>	April/12 4/30/12	No
<u>District Attorney (Representative)</u>				
William R. West, Jr. (W/M) Cumberland County Courthouse 117 Dick Street Fay., NC 28301 678-2915(W)	6/10	1st	June/13 6/30/13	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 <sup>th</sup>	June/11 6/30/11	No
<u>At-Large</u>				
Leesa Jensen (W/F) 719 Ashfield Drive Fay., NC 28311 630-0253/433-1695(W)	6/10	2nd	June/13 6/30/13	No
Beverly R. Hill 1875 Frankie Avenue Fay., NC 28304 425-9472/919-733-4340 (W)	6/10	1st	June/13 6/30/13	Yes
Edgar F. Merritt 1506 Boros Drive Fay., NC 28303 822-2976	6/10	1st	June/13 6/30/13	Yes

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD PG. 3

<u>Name/Address</u>	<u>Date</u> Appointed	<u>Eligible For</u> Term	Expires	Reappointment
<b>VACANT</b> (vacated by C. Heffney)	6/09	5 <sup>th</sup>	June/12 6/30/12	No
<u>At-Large</u>				
Kraig Brown (B/M) 2909 Wycliffe Court Fay., NC 28306 964-0503/424-7678 (W)	6/10	2nd	June/13 6/30/13	No
Terresa Rogers 313 Hamilton Street Fay., NC 28301 822-4289/488-2120 ext 7494 (W)	8/09	1st	August/12 8/31/12	Yes
<u>Public Defender</u>				
Ron McSwain (W/M) Cumberland County Courthouse, Suite 307 117 Dick Street Fay., NC 28301 678-2918(W)	6/10	6th	June/13 6/30/13	No
<u>County Commissioner</u>				
Marshall Faircloth (W/M) P.O. Box 1829 Fay., NC 28302 678-7771(W)	6/10	1 <sup>st</sup>	June/13 6/30/13	Yes
<u>Substance Abuse Service Representative</u>				
James Miller (W/M) 6674 Sim Cannady Road Hope Mills, NC 28348 321-6793	6/08	5 <sup>th</sup>	June/11 6/30/11	No
<u>Criminal Defense Attorney</u>				
David Delaney 325 Green Street Fay., NC 28301 484-9696 (W)	6/10	2nd	June/13 6/30/13	No

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	N/A

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) Phone 323-6126; Fax 323-6133

APPLICANTS FOR  
CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
GIBBS, GERALD B. (W/M) 6078 LEXINGTON DRIVE HOPE MILLS, NC 28348 425-3915 (H)	MEDICALLY RETIRED NAVAL AIR TRAFFIC CONTROLLER LAW STUDENT	BSL JURISPRUDENCE
MITCHELL, CLIFFORD 641 JOHNSON STREET FAYETTEVILLE NC 28303-3618 920-3153	UNEMPLOYED	TECHNICAL-VARIED
OGLESBY, MICHAEL A. (B/M) 915 ROCHESTER DRIVE FAYETTEVILLE, NC 28305 476-8276 (H)	SECURITY	BS-CRIMINAL JUSTICE
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

BILLY R. KING  
Chairman

KENNETH S. EDGE  
Vice Chairman

JEANNETTE M. COUNCIL  
MARSHALL FAIRCLOTH  
PHILLIP GILFUS  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

**BOARD OF COMMISSIONERS**

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August 6, 2010

ITEM NO. 7B

**August 16, 2010 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk to the Board *cu*  
SUBJECT: Cumberland County Local Emergency Planning Committee

**BACKGROUND:** The Cumberland County Local Emergency Planning Committee will have one (1) upcoming vacancy on September 30, 2010 as follows:

**Emergency Management Representative**

Greg Phillips – completing unexpired term. Eligible for reappointment. **Greg Phillips** will be able to accept reappointment. (See attached.)

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

**PROPOSED ACTION: Nominate individual to fill the one (1) vacancy above.**

pc: Kenny Currie, Emergency Services Director

Attachments

*Celebrating Our Past... Embracing Our Future*

Kenneth Currie  
Director/Fire Marshal

James "Timmy" Mitchell  
Deputy Director



CUMBERLAND  
COUNTY



## COUNTY OF CUMBERLAND

EMERGENCY SERVICES DEPARTMENT

P.O. DRAWER 1829      FAYETTEVILLE, NORTH CAROLINA

Phone (910) 678-7688      Fax (910) 677-5552

-----y-----

07-23-2010

TO: Candice H. White, Deputy Clerk to the Board

FM: Greg Phillips EM Officer Cumberland County

RE: Acceptance of appointment to LEPC

I will be eligible for reappointment to the Cumberland County Local Planning Committee after Sept, 30, 2010. I will be able to accept my reappointment to the board.

Thank You  
Greg Phillips  
EM Officer  
910-321-6737



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

Name/Address	<u>Date</u> Appointed	Term	Expires	<u>Eligible For</u> Reappointment
<u>Print and Broadcast Media Representative</u>				
<b>VACANT</b> (vacated by D. Hewett) City of Fayetteville Management Services 433 Hay Street Fayetteville, NC 28301 Phone: 433-1978	8/07	1 <sup>st</sup> full	Aug/10 8/31/10	Yes
Sally Shutt (W/F) CC Communications Manager P.O. Box 1829 Fayetteville, NC 28302 Phone: 437-1921	6/10	1 <sup>st</sup> full	Aug/13 8/31/13	Yes
		(eligible to serve an additional 3-year term)		
<u>Operators of Facilities Representative</u>				
Rayford Hunt Hexion Specialty Chemicals 1411 Industrial Drive Fayetteville, NC 28301 485-9269	4/10	1 <sup>st</sup>	Nov/11 11/30/11	Yes
		(serving unexpired term)		
<b>VACANT</b> (vacated by Gene Smith) Goodyear Tire and Rubber 6650 Ramsey Street Fayetteville, NC 28311 893-8213/630-5678 (W)	8/09	1 <sup>st</sup>	Aug/12 8/31/12	Yes
<b>VACANT</b> (vacated by Joel Blake)	4/07	2 <sup>nd</sup>	Dec/09 12/31/09	No
Antionette Barnes (/F) Purolator Filters 3200 Natal Road Fayetteville, NC 28306 426-4283 (W)	2/10	1 <sup>st</sup>	Dec/12 12/31/12	Yes
		(serving 1 <sup>st</sup> full term-eligible for another 3-year term)		

Cumberland County Local Emergency Planning Committee, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Law Enforcement Representative</u>				
Sgt. Erwin Montgomery NC Highway Patrol 2435 Gillespie Street Fayetteville, NC 28306-3053 486-1334	9/09	1st	Sept/12 9/30/12	Yes
Lt. Charles Parker Cumberland Co. Sheriff's Office 131 Dick Street Fayetteville, NC 28301-5750 677-5412	6/10	1 <sup>st</sup> full	Aug/13 8/31/13	No
Lieutenant Wade Owen Fayetteville Police Department 467 Hay Street Fayetteville, NC 28301-5565 433-1819	12/09	1 <sup>st</sup>	Dec/12 12/31/12	Yes
<u>Emergency Management Representative</u>				
Greg Phillips Cumberland County Emergency Services 131 Dick Street Fayetteville, NC 28301 321-6736	5 /08	1 <sup>st</sup>	Sept/10 9/30/10	Yes
(serving unexpired term)				
<u>Community Group Representative</u>				
Jeffrey Womble Fayetteville State University Office of Public Relations 1200 Murchison Road Fayetteville, NC 28301	8/07	2 <sup>nd</sup>	Aug/10 8/31/10	No
<u>Transportation Representative</u>				
VACANT (vacated by Eddie Smith)	12/09	1st	Dec/12 12/31/12	Yes
<u>Health Representative</u>				
Jane Stevens Cumberland County Health Dept. 227 Fountainhead Lane Fayetteville, NC 28301-5417 433-3673(W)/987-2892(Cell)	1/09	2 <sup>nd</sup>	Jan/12 1/31/12	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Hospital Representative</u>				
Scott Tanner Cape Fear Valley Health System 1638 Owen Drive Fayetteville, NC 28304 615-7914 (W) / 315-4672 (H)	9/09	1st	Sept/12 9/30/12	Yes
<u>Fire Fighting Representative</u>				
Assistant Chief Thomas M. Allen Fire/Emergency Management City of Fayetteville 433 Hay Street Fayetteville, NC 28301 433-1009	10/08	1 <sup>st</sup>	Dec/11 12/31/11	Yes
<u>First Aid Representative</u>				
Kevin Brunson Cape Fear Valley Emergency Medical Services 610 Gillespie Street Fayetteville, NC 28306 615-5651 (W) / 309-7228 (C)	6/10	1st	Nov/10 11/30/10	Yes
(serving unexpired term-eligible for 2 additional terms)				
<u>At-Large Representative</u>				
Phillip McCorquodale 2413 Cleveland Avenue Fayetteville, NC 28312 323-4112/323-9600 (W)	4/10	1 <sup>st</sup>	April/13 04/30/13	Yes
Richard A. King 658 Glenola Street Fayetteville, NC 28311 488-2492/977-3118 (W)	6/10	1st	Aug/13 08/31/13	Yes
<u>Local Environmental Representative</u>				
Paul Rawls 225 Green Street, Suite 714 Fayetteville, NC 28301 424-5556 (H) / 433-3324 (W)	2/10	1st	Feb/13 2/28/13	Yes
<u>Utilities Representative</u>				
Ray Jackson (/M) Public Works Commission 955 Old Wilmington Road Fayetteville, NC 28301 223-4118	8/09	1 <sup>st</sup>	Aug/12 8/31/12	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<b>VACANT</b> (vacated by S. Rohrs) Attn: Environmental Branch HQ XVIII Airborne Corps Public Works Business Center Fort Bragg, NC 28307 432-8470	6/08	1 <sup>st</sup>	Aug/10 8/31/10	Yes

Ex-Officio Members:

Elected Official Representative (Liaison)

Ed Melvin, County Commissioner

Emergency Management

Kenny Currie, Cumberland County Emergency Services

Fayetteville Fire/Emergency Management

Bennie Nichols, Chief, Fayetteville Fire Department

Dale Iman, City Manager

James Martin, County Manager

Contact: Kenny Currie, Director – Emergency Services – x7688 or Gloria Simms  
Meets quarterly, 4<sup>th</sup> Thursday in January, April, July & October at 10:00 am – PWC Office

APPLICANTS FOR  
CUMBERLAND COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BERRY-CABAN, CRISTOBAL S. (H/M) 412 CITY VIEW LANE FAYETTEVILLE, NC 28301 (813) 451-3004/907-8844 (W)	CHIEF -CLINICAL INVESTIG. WOMACK  <b>**SERVES ON ANIMAL SERVICES BOARD**</b>	PhD; MA
BEYER, FRED L. 1709 HATHERLEIGH PLACE FAYETTEVILLE, NC 28304-2510 860-0610 (H) / 818-6855 (C)	RETIRED CC SCHOOL SYSTEM	BS/MEd
BRUNSON, KEVIN 5531 FINISHLINE DRIVE HOPE MILLS, NC 28348 425-9854/615-5600	PARAMEDIC CFV ER MEDICAL SVCS	AS
DAVIS, JOSEPH B. 721 CARNEGIE DRIVE FAYETTEVILLE, NC 28311 488-4629 (H) / 797-1809 (W)	CONTRACTOR	HS; 2 YRS COLLEGE
FOGLE, MARSHA (W/F) PO BOX 278 STEDMAN, NC 28391 483-9579 (H)	RETIRED COUNTY CLERK  <b>**SERVES ON PARKS AND RECREATION ADVISORY BOARD**</b>	NONE LISTED
GAINEY, CHERYL (W/F) 4685 VIRSALLI LOOPE HOPE MILLS, NC 28348 486-4351/672-1062 (W)	ACCTS PAYABLE, SUPERVISOR – FSU	MASTER OF DIVINITY
HICKS, MARYBETH (W/F) 936 MCKIMMON ROAD FAYETTEVILLE, NC 28303 229-3145/(614)595-3857 (C)	HOMEMAKER	SOME COLLEGE
KOWAL, ANDREW (W/M) 3512 EDGESIDE COURT FAYETTEVILLE, NC 28303 487-7989 (H) / 867-8673 (W)	EMERGENCY MGMT DIRECTOR RDR INC	BS BIOLOGY MS INTL RELATIONS
MITCHELL, CLIFFORD 641 JOHNSON STREET FAYETTEVILLE NC 28303-3618 920-3153	UNEMPLOYED	TECHNICAL-VARIED
NEWMAN, RONALD H. (W/M) 1544 ROSSMORE DRIVE FAYETTEVILLE, NC 28314 494-0201	COMPUTER SERVICE TECH SELF-EMPLOYED	BS – BUSINESS MGT. AS – DIGITAL ELECTRONICS

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
OATMAN, LEWIS SCOTT 5575 HALLWOOD DRIVE HOPE MILLS, NC 28348 425-8450/822-7119 (W)	HEALTH CARE ADMINISTRATOR	BS IN BUSINESS ADMIN MSA IN BUSINESS
ROGERS, TERRESA 313 HAMILTON STREET FAYETTEVILLE, NC 28301 822-4289 / 488-2120 ext. 7494 (W) <b>**SERVES ON CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD**</b>	RN-VA MEDICAL CENTER	COLLEGE GRADUATE
SANDERS, BEVERLY DAVIS (AA/F) 605 LEVENHALL DRIVE FAYETTEVILLE, NC 28314-2629 868-9788	RETIRED	MD DEGREE
SHECKELS, JAMES A. (W/M) 6916 GLYNN MILL FARM DRIVE FAYETTEVILLE, NC 28306-9516 426-2766 (H) / 243-1950 (W)	CIVIC SERVICE RETIRED US ARMY	BA – BUSINESS MGT MA – SECURITY MGT
TALLEY, WAYNE (B/M) 740 KENSINGTON PARK ROAD FAYETTEVILLE, NC 28311 822-5986 (H) / 689-4833 (W)	ANALYST TRAINER	BA-HOSPITAL ADMIN BS-LIBERAL STUDIES
WILLIAMS, ARNOLD (W/M) 1610 HICKORY RIDGE COURT FAYETTEVILLE, NC 28304 864-5152	CONSULTANT RETIRED ARMY	AA – BUSINESS

BILLY R. KING  
Chairman

KENNETH S. EDGE  
Vice Chairman

JEANNETTE M. COUNCIL  
MARSHALL FAIRCLOTH  
PHILLIP GILFUS  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

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August 6, 2010

ITEM NO. 7C

**August 16, 2010 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk to the Board *cu*  
SUBJECT: Senior Citizens Advisory Committee

**BACKGROUND:** The Senior Citizens Advisory Committee will have the following four (4) upcoming vacancies on September 30, 2010:

**Marlene Jacobs** – completing unexpired term. Eligible for reappointment.

**Mary Rizer** – completing unexpired term. Eligible for reappointment.

**Glenda Dye** – completing unexpired term. Eligible for reappointment

Rebecca Campbell – resigned. Recommendation of the Senior Citizens Advisory Committee is for **Lewis Scott Oatman**. (See attached.)

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

**PROPOSED ACTION:** Nominate individuals to fill the four (4) vacancies above.

pc: Mary Brymer, Director  
Senior Citizens Center

Attachments

*Celebrating Our Past... Embracing Our Future*

**Candice White**

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**From:** Mary Brymer [MBrymer@ci.fay.nc.us]  
**Sent:** Tuesday, June 08, 2010 8:17 AM  
**To:** Candice White  
**Subject:** RE: Senior Citizens Advisory Commission Vacancy

Good Morning ~

I just heard back from the Commission's Chairperson, and they are recommending Lewis Scott Oatman of Hope Mills for the vacancy.

Thank you for your patience.

Mary

---

**From:** Candice White [mailto:cwhite@co.cumberland.nc.us]  
**Sent:** Tuesday, June 01, 2010 9:16 AM  
**To:** Mary Brymer  
**Subject:** RE: Senior Citizens Advisory Commission Vacancy

Mary,

I have attached a list of applications I have on file. For those applicants that are bolded on the list, I would recommend that the Chair perhaps give them a call to see if they have continued interest in being considered. Just let know when the commission has a recommendation to take forward to the Board of Commissioners or whether they would prefer that I just take the vacancy forward without their recommendation. Many thanks.

*Candice H. White, CMC*

*Deputy Clerk to the Board*  
Cumberland County Board of Commissioners  
PO Box 1829  
Fayetteville, NC 28302-1829  
Phone: (910) 678-7772 / Fax: (910) 678-7770  
Email: [cwhite@co.cumberland.nc.us](mailto:cwhite@co.cumberland.nc.us)  
Website: <http://www.co.cumberland.nc.us/>

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**From:** Mary Brymer [mailto:MBrymer@ci.fay.nc.us]  
**Sent:** Tuesday, June 01, 2010 9:01 AM  
**To:** Candice White  
**Subject:** RE: Senior Citizens Advisory Commission Vacancy

Candice ~

Hope you had a good weekend! Unfortunately the Commission did not make a recommendation. They had a speaker and that pretty much took all their time. Can we proceed with names that you may have on file - so that we can get someone on as soon as possible?

8/4/2010

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
William J. Watson (B/M) 1881 Gola Drive Fayetteville, NC 28301 488-6600	2/09	1 <sup>st</sup>	Feb/11 2/28/11	Yes
Eleanor Ayers Hairr P.O. Box 220 Stedman, NC 28391 323-1892	11/08	2 <sup>nd</sup>	Nov/10 11/30/10	No
VACANT (vacated by R. Campbell)	10/08	1 <sup>st</sup>	Sept/10 9/30/10	Yes
Marlene Jacobs (W/F) 324 Glenburney Drive Fayetteville, NC 28303 484-5920	4/09  (serving unexpired term)	1st	Sept/10 9/30/10	Yes
George Hatcher, Sr.(C/M) 3534 A.B. Carter Road Fayetteville, NC 28312 483-5896/818-8263(Cell)	11/08	2 <sup>nd</sup>	Nov/10 11/30/10	No
Tom Cain (/M) 2786 Baywood Road Fayetteville, NC 28312 630-3970 (H)	9/09	1st	Sept/11 9/30/11	Yes
Brenda Brown (B/F) 1606 Dolphin Drive Spring Lake, NC 28390 497-9315 (H) / 866-6390 ext. 21953 (W) / 818-1604 (C)	9/09	1st	Sept/11 9/30/11	Yes
Mary W. Rizer (W/F) 734 Baywood Road Fayetteville, NC 28312 609-1743	3/00  (serving an unexpired term)	1st	Sept/10 9/30/10	Yes

Senior Citizens Advisory Commission, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Glenda Dye 1683 Hazel Hurst Drive Fayetteville, NC 28314 323-4191 Ext. 22 (W)	4/10  (serving unexpired term)	1st	Sept/10 9/30/10	Yes
Kristine Wagner (W/F) 130 Gillespie Street Fayetteville, NC 28301 436-0340/678-7624(W)	11/08	2 <sup>nd</sup>	Nov/10 11/30/10	No

Contact: Mary Brymer – Senior Citizens Center Director – Phone: 433-1574  
(Interoffice – Parks and Recreation)

Commissioner Liaison: Commissioner Kenneth Edge

Regular Meetings: 2nd Tuesday of each month at 2:30 PM  
LaFayette Room – City Hall

\*NOTE: This Board was expanded in 2006. The City and County agreed to expand from 10 to 20 members. The BOC had responsibility to appoint 2 new members to a 1 year term and 3 new members to a 2 year term.

APPLICANTS FOR  
SENIOR CITIZENS ADVISORY BOARD

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
COUNCIL, SONJA (-/F) 950 STEWARTS CREEK DR APT. 1 FAYETTEVILLE, NC 28314 864-1651 (H) / 609-6139 (W)	NURSE	FTCC-ATTENDING METHODIST UNIV
GARRISON, CYNTHIA 1887 SPIRALWOOD DRIVE FAYETTEVILLE, NC 28304 868-8981 (H)/321-0398 (W)/527-4673 (C)	CC SCHOOLS ASST PRINCIPAL	BA, MA
HAIRE, CASSANDRA W. (B/F) 515 ALBANY STREET FAYETTEVILLE, NC 28301 <b>**SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**</b> 728-0175	SELF EMPLOYED	PURSUING MBA
LANGSTON, VERONICA (B/F) 223 MURRAY FORD DRIVE FAYETTEVILLE, NC 28314 867-7098 (H) / 483-4037 (W)	EDUCATOR	BS; MA IN EDUCATION
MAXWELL, DAISY D. 7113 FILLYAW ROAD FAYETTEVILLE, NC 28303 868-5611 (H)	RETIRED LIBRARIAN	BS – BUSINESS MSLS – LIBRARY SCIENCE
OATMAN, LEWIS SCOTT 5575 HALLWOOD DRIVE HOPE MILLS, NC 28348 425-8450/822-7119 (W)	HEALTH CARE ADMINISTRATOR	BS IN BUSINESS ADMIN MSA IN BUSINESS
PALMER, DWIGHT E., JR. (B/M) 1139 HELMSLEY DRIVE FAYETTEVILLE, NC 28314 867-8136/535-5325 (W)	GENERAL MANAGER CHEVROLET DEALERSHIP	BA, MBA

BILLY R. KING  
Chairman

KENNETH S. EDGE  
Vice Chairman

JEANNETTE M. COUNCIL  
MARSHALL FAIRCLOTH  
PHILLIP GILFUS  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

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August 6, 2010

ITEM NO. 7D

**August 16, 2010 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk to the Board *(CW)*  
SUBJECT: Southeastern Economic Development Commission (SEDC)

**BACKGROUND:** A memo received from the SECD Executive Director dated October 10, 2001 states, "Based on the minority requirements of the bylaws and the 2000 census figures for Cumberland County, it appears that two of the four appointments (to the SEDC) should represent the minority population in Cumberland County since 44.8% of the population is minority while 55.2% is white". (See attached.)

Data release of the 2010 census figures is scheduled for February or March 2011; therefore, minority requirements are still based on the 2000 census figures.

The SEDC will have one (1) upcoming vacancy on September 30, 2010 as follows:

Commissioner Jimmy Keefe – completing unexpired term. Not eligible for reappointment due to minority appointment requirements.

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

**PROPOSED ACTION: Nominate individual to fill the one (1) vacancy above.**

pc: Juanita Pilgrim  
Deputy County Manager

*Celebrating Our Past... Embracing Our Future*

## MEMORANDUM

TO: Juanita Pilgrim, Cumberland Deputy County Manager  
FROM: Ellen Gause, Executive Director  
SUBJECT: Appointments to SEDC and Managers' Meeting  
DATE: October 10, 2001  
Copy to: Cumberland County file



The By Laws of the Commission stipulate that each member county shall have four representatives. Article V, Membership, Section 1 of the By Laws indicates that at least one of the four "shall be an elected official that could include a County Commissioner, Mayor, or City Council Member. The membership is to be reflective of the minority population of the area served to comply with civil rights requirements of the Economic Development Administration (EDA). Minority representation from each member county shall reflect the minority population within the respective county making an appointment; however, no member county shall have less than twenty-five percent (25%) of its representation as minority." Based on the minority requirements of the By Laws and the 2000 census figures for Cumberland County, it appears that two of the four appointments should represent the minority population in Cumberland County since 44.8% of the population is minority while 55.2% is white. EDA considers minority to only refer to "race" and not "gender". The other two appointments can be whomever the Commissioners desire to appoint. Terms of appointees should be for a one-year, two-year, three-year and four-year term to end on October 1<sup>st</sup> (original effective date for Cumberland County's membership) so that all four members' appointments do not expire at the same time. Thereafter, appointments shall be for a four-year term. Representatives whose term is ending may either be reappointed or replaced at the Commissioners' discretion. It is good the appointments will be made on October 15<sup>th</sup> since the Commission's Executive Committee meeting will be on Tuesday, October 23<sup>rd</sup>, at 2:00 PM here in Elizabethtown. As I understood from the minutes of the Commissioners' October 1<sup>st</sup> meeting, you will be designated to serve on the Executive Committee.

As far as the meeting with the City/Town Managers and others with economic development responsibilities, I have time in my schedule on Thursday, October 25<sup>th</sup>, Tuesday, October 30<sup>th</sup>, Wednesday, November 7<sup>th</sup>, Thursday, November 8<sup>th</sup>, or Friday, November 9<sup>th</sup>. Those dates are completely free for me at this time so the meeting could be scheduled either in the mid-morning or the early afternoon on either date. I will block those dates off my calendar until you notify me which date would be most appropriate.

My e-mail address is [egause@intrstar.net](mailto:egause@intrstar.net) for your files. I would like to have your e-mail address as well. Please call me at (910)862-6985 should you have questions or need additional information.

SOUTHEASTERN ECONOMIC DEVELOPMENT COMMISSION  
COUNTY APPOINTEES  
(4 year terms)

Name/Address	<u>Date</u> Appointed	Term	Expires	<u>Eligible For</u> Reappointment
*Juanita Pilgrim (B/F) Deputy County Manager P.O. Box 1829 Fayetteville, North Carolina 28302 678-7723	9/09	3rd	Sept/13 9/30/13	No
Doug Peters (W/M) President, FCCCC 201 Hay Street, 4 <sup>th</sup> Floor Fayetteville, North Carolina 28301 424-4242 x 226	09/08	1 <sup>st</sup>	Sept/12 9/30/12	Yes
Ed Melvin (W/M) County Commissioner P.O. Box 1829 Fayetteville, North Carolina 28302 678-7771 or 678-7772	10/07	1 <sup>st</sup>	Oct/11 10/31/11	Yes
Jimmy Keefe (W/M) County Commissioner PO Box 1829 Fayetteville, NC 28302 678-7771 or 678-7772	02/09	1 <sup>st</sup>	Sept/10 09/30/10	Yes

(serving an unexpired term – eligible for 2 full terms)

\*Designated to serve on the Executive Committee.

Meets the 4<sup>th</sup> Tuesday at 10 am – Elizabethtown Airport, Airport Rd. (Commissioner Melvin and Keefe only attend the annual meeting-usually in April)

Members appointed by the Board of Commissioners in November of 2001.

Terms were staggered initially when members were appointed on 11/5/01.

Contact: [info@sedcnc.org](mailto:info@sedcnc.org); Linda Melvin [lmelvin@sedcnc.org](mailto:lmelvin@sedcnc.org); Pam Bostic [pbostic@sedcnc.org](mailto:pbostic@sedcnc.org)

Address: 707 West Broad Street, Elizabethtown, NC 28337

Temporary Phone (as of 2-3-10): 910-862-8511 Ext. 31 for Linda Melvin and Ext. 32 for Pam Bostic

Fax: 910-862-1482

Contact persons are: Juanita Pilgrim or Pamela Bostic

APPLICANTS FOR  
SOUTHEASTERN ECONOMIC DEVELOPMENT COMMISSION

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BARNARD, STEVEN (W/M) 211 AZALEA BLUFF DRIVE FAYETTEVILLE, NC 28301 264-8320 (H) / 454-5177 (W)	MILITARY CIVIL AFFAIRS	BS, M.ED.
EATMAN-JACKSON, REBECCA (W/F) 6061 CLINTON ROAD STEDMAN, NC 28391 323-4663 / 862-2018 (W)	REGIONAL SALES MGR LAMAR ADVERTISING	BA; MASTERS
MITCHELL, SANDRA 414 BARBOUR COURT PO BOX 9912 (MAILING) FAYETTEVILLE, NC 28301 257-5492 (H)	PASTOR, SMALL BUSINESS OWNER	SOME COLLEGE
PALMER, DWIGHT E., JR. (B/M) 1139 HELMSLEY DRIVE FAYETTEVILLE, NC 28314 867-8136/535-5325 (W)	GENERAL MANAGER CHEVROLET DEALERSHIP	BA, MBA
SHELTON SR., MICHAEL TORAIN (-/M) 3529 THAMESFORD RD FAYETTEVILLE, NC 28311 482-4495/630-3830	TRAVEL AGENT SELF EMPLOYED	AS – BANKING/FINANCE

BILLY R. KING  
Chairman

KENNETH S. EDGE  
Vice Chairman

JEANNETTE M. COUNCIL  
MARSHALL FAIRCLOTH  
PHILLIP GILFUS  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

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August 6, 2010

ITEM NO. 8A

**August 16, 2010 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk to the Board *cu*  
SUBJECT: Adult Care Home Community Advisory Committee

**BACKGROUND:** On August 2, 2010, the Board of Commissioners nominated the following individuals to fill three (3) vacancies on the Adult Care Home Community Advisory Committee:

**Mary Ann Ayars** (new appointment)

**Mary Dillon** (new appointment)

**Rasheeda Reid** (new appointment)

I have attached the current membership list for this committee.

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

Attachment

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

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
VACANT (vacated by Terri Thomas)	4/09	Initial	Apr/10 4/30/10	Yes
Toney Edwards (B/M) 3622 Clearwater Drive Fayetteville, NC 28311 822-4261/391-7910 (C)	04/09	1 <sup>st</sup>	Apr/12 4/30/12	Yes
Mary Ann Brown-Jackson 1959B James Hamner Way Fayetteville, NC 28311 822-1311/893-8151 x330 (W)	1/09	2 <sup>nd</sup>	Jan/12 1/31/12	No
Sandra Ebron (B/F) PO Box 65306 Fayetteville, NC 28306 424-3932/922-9446(C)	12/09	1st	Dec/12 12/31/12	Yes
Herma Jean Bradley ( /F) 714 Topeka Street Fayetteville, NC 28301 822-3689	5/09	2 <sup>nd</sup>	June/12 6/30/12	No
Mexie Fields ( /F) 1815 Primrose Drive Fayetteville, NC 28301 488-8432	1/10	2nd	Jan/13 1/31/13	No
Yvonne Booth (B/F) 4568 Turquoise Road Fayetteville, NC 28311 488-7260	8/09	1st	Aug/12 8/31/12	Yes
Daniel Rodriguez (H/M) 2634 Franciscan Drive Fayetteville, NC 28306 425-2746/432-9701 (W)	5/10	1st	May/13 5/31/13	Yes
VACANT (vacated by Dell Caramanno)	4/00	1 <sup>st</sup>	Apr/12 4/30/12	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>
George W. Mitchell 6609 Abbey Lane Fayetteville, NC 28311 261-6951 (W)	5/10	Initial	May/11 5/31/11	Yes
Wynella A. Myers (B/F) 706 Sarazan Drive Fayetteville, NC 28303 822-5526/273-8483 (C)	6/10	2nd	Aug/13 8/31/13	No
VACANT (vacated by O.Morales)	4/09	Initial	April/10 4/30/10	Yes
Ralph T. Cascasan (A/M) 910 Alexwood Drive Hope Mills, NC 28348-1695 425-9704/433-1039 (W)	7/10	1st	June/13 6/30/13	Yes
Alfonso Ferguson, Sr. 3329 Eastgate Street Eastover, NC 28312-9311 401-2313/483-9916 ext. 5551235 (W)	6/10	1st	Aug/13 8/31/13	Yes
Cassandra W. Haire (B/F) 515 Albany Street Fayetteville, NC 28301 728-0175	12/09	1st	Dec/12 12/31/12	Yes
Kim Howard ( _/F) 6018 Lakaway Drive Fayetteville, NC 28306 308-5974	4/08	1 <sup>st</sup>	Apr/11 4/30/11	Yes

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

MEETINGS: Quarterly: 3<sup>rd</sup> Thursday of the last month of each quarter - 10:00 am - various adult care homes in Cumberland County

BILLY R. KING  
Chairman

KENNETH S. EDGE  
Vice Chairman

JEANNETTE M. COUNCIL  
MARSHALL FAIRCLOTH  
PHILLIP GILFUS  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

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August 6, 2010

ITEM NO. 8B

**August 16, 2010 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk to the Board *cu*  
SUBJECT: Board of Adjustment

**BACKGROUND:** On August 2, 2010, the Board of Commissioners nominated the following individual to fill one (1) alternate member vacancy on the Board of Adjustment:

**Ed Donaldson** (new appointment)

I have attached the current membership list for this Board.

**PROPOSED ACTION:** Appoint individual to fill the one (1) vacancy above.

Attachment

pc: Tom Lloyd, Director  
Planning and Inspections Department

*Celebrating Our Past... Embracing Our Future*

BOARD OF ADJUSTMENT  
3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Joseph M. Dykes (B/M) PO Box 41604 Fayetteville, NC 28309 813-4193 (C)	6/09	1st	June/12 6/30/12	Yes
Horace Humphrey (- /M) 1852 Cascade Street Fayetteville, NC 28301 488-5143	06/10	1st	June/13 6/30/13	Yes
Melree Hubbard Tart (W/F) 300 Andrews Road Fayetteville, NC 28311 488-1208/497-3712 (W)	6/10	2nd	Aug/13 8/31/13	No
John R. Swanson (W/M) 6416 Coachman's Way Fayetteville, NC 28303 987-1972/822-2000(W)	9/09	1st	Sept/12 9/30/12	Yes
George Quigley (W/M) 616 Blawell Circle Stedman, NC 28391 485-2980	6/09	2nd	June/12 6/30/12	No
<u>Alternate Members:</u>				
Carrie Tyson-Autry (_/F) 5951 NC Hwy 87 South Fayetteville, NC 28306-379 483-0087	6/10	2nd	Aug/13 8/31/13	No
VACANT (vacated by H. Humphrey)	01/08	1st	Aug/10 8/31/10	Yes
William Lockett Tally (W/M) 414 Vista Drive Fayetteville, NC 28305 489-3533/483-4175 (W)	6/10	2nd	June/13 6/30/13	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Alternate Members Continued:</u>				
Randy A. Newsome (W/M) 232 Croydon Avenue Fayetteville, NC 28311 717-5754 (H) / 436-0414 (W)	1/10  (first full term)	1 <sup>st</sup>	Jan/13 1/31/13	Yes
Martin J. Locklear (I/M) 1611 Four Wood Drive Fayetteville, NC 28312 672-0323/893-7525(W)	8/09	2 <sup>nd</sup>	Aug/12 8/31/12	No

Meets 3<sup>rd</sup> Thursday of each month at 7:00 PM – Historic Cumberland County Courthouse, 130 Gillespie Street, Room 3

Contact: Tom Lloyd, County Planning Department - 678-7627  
Patti Speicher – 678-7605

BILLY R. KING  
Chairman

KENNETH S. EDGE  
Vice Chairman

JEANNETTE M. COUNCIL  
MARSHALL FAIRCLOTH  
PHILLIP GILFUS  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

**BOARD OF COMMISSIONERS**

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August 6, 2010

ITEM NO. 8C

**August 16, 2010 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk to the Board (CW)  
SUBJECT: Cumberland County Juvenile Crime Prevention Council

BACKGROUND: On August 2, 2010, the Board of Commissioners nominated the following individuals to fill four (4) vacancies on the Juvenile Crime Prevention Council:

Juvenile Defense Attorney  
**Sarita Mallard** (new appointment)

Non-Profit / United Way Representative  
**Matt Hurley** (new appointment)

At-Large Representatives  
**Tobias M. Dillard, Sr.** (new appointment)

**Margarita Dostall** (new appointment)

I have attached the current membership list for this council.

**PROPOSED ACTION: Appoint individuals to fill the four (4) vacancies above.**

Attachment

pc: Margaret Dees, Cumberland County Communicare  
Sarah Hemingway, Cumberland County Communicare

*Celebrating Our Past... Embracing Our Future*

CUMBERLAND COUNTY  
 JUVENILE CRIME PREVENTION COUNCIL  
 (Two year terms)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Local School Superintendent or designee</u>				
Carol Hudson Cumberland County Schools P.O. Box 2357 Fayetteville, North Carolina 28302 Phone: 678-2495	1/99			
<u>Chief of Police or designee</u>				
Lt. Darry Whitaker Fayetteville Police Department 467 Hay Street Phone: 433-1910	2/10			
<u>Local Sheriff or designee</u>				
Lt. Bobby Reyes Cumberland County Sheriff's Office 131 Dick Street Fayetteville, North Carolina 28301 Phone: 677-5474	1/07			
<u>District Attorney or designee</u>				
Cheri Siler-Mack Assistant District Attorney District Attorney's Office 117 Dick Street, Suite 427 Fayetteville, North Carolina 28301 Phone: 678-2915	1/99			
<u>Chief Court Counselor or designee</u>				
Michael Strickland Department of Juvenile Justice P.O. Box 363 Fayetteville, North Carolina 28302 Phone: 678-2947	08/07			
<u>Director of Mental Health or designee</u>				
Debbie Jenkins Cumberland County Mental Health Center P.O. Box 3069 Fayetteville, North Carolina 28302 Phone: 323-0510	10/03			

Cumberland County Juvenile Crime Prevention Council Page 2

<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>				
Claudia Phillips Children Services Special Teams Program Manager Cumberland County Department of Social Services P.O. Box 2429 Fayetteville, North Carolina 28302-2429 Phone: 677-2442	2/10			
<u>County Manager or designee</u>				
Juanita Pilgrim, Deputy Co. Mgr. Cumberland County Courthouse P.O. Box 1829 Fayetteville, North Carolina 28302-1829 Phone: 678-7726	1/99			
<u>Chief District Judge or designee</u>				
Judge Ed Pone P.O. Box 363 Fayetteville, North Carolina 28302 Phone: 678-2901	1/99			
<u>Health Director or designee</u>				
Archie Malloy Jail Health Administrator 205 Gillespie Street Fayetteville, North Carolina 28301 Phone: 672-5723	3/06			
<u>Parks and Recreation Representative</u>				
Melvin Lindsay City of Fayetteville Parks and Recreation Dept. 433 Hay Street Fayetteville, North Carolina 28301 Phone: 433-1547	2/05			
<u>County Commissioner</u>				
Billy R. King P.O. Box 1829 Fayetteville, NC 28302-1829 Phone: 678-7771	1/99			

Cumberland County Juvenile Crime Prevention Council, Page 3

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Substance Abuse Professional</u>				
Robin Black TASC 412 West Russell Street Fayetteville, NC 28302-3069 321-6792	4/10	1 <sup>st</sup>	Apr/12 4/30/12	Yes
<u>Member of Faith Community</u>				
Rev. Fred Hendley 333 Westwater Way Fayetteville, NC 28301 822-1014(W)/977-9588(C)	9/09	1 <sup>st</sup>	Sept/11 9/30/11	Yes
<u>Person Under Age 21</u>				
Jamarius Hassell 3510 Birchfield Ct., Apt. 202 Fayetteville, NC 28306 252-521-1421	4/10	1 <sup>st</sup>	Feb/11 2/28/11	Yes
	(serving unexpired term-may be eligible to serve two additional terms)			
<u>Juvenile Defense Attorney</u>				
Beth A. Hall 4508 Weaverhall Drive Fayetteville, NC 28314 257-0847(Cell)	8/08	2 <sup>nd</sup>	Aug/10 8/31/10	No
<u>Member of Business Community</u>				
La-Lisa Hewett-Robinson S. Regional Area Health Education Ctr. 1601 Owen Drive Fayetteville, NC 28304 678-7293	4/10	1 <sup>st</sup>	Apr/12 4/30/12	Yes
<u>United Way or Non-Profit</u>				
VACANT (vacated by Patrick Hurley)	8/08	1 <sup>st</sup>	Aug/10 8/31/10	Yes
<u>At Large Representatives</u>				
Lee Roberts 3027 Stedman Cedar Creek Road Fayetteville, NC 28301	9/09	1 <sup>st</sup>	Sept/11 9/30/11	Yes
	(serving unexpired term-eligible to serve one additional term)			
Kimberly Reeves 412 West Russell Street Fayetteville, North Carolina 28301 423-4824	6/10	2 <sup>nd</sup>	Aug/12 8/31/12	No

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>
<b>VACANT</b> (vacated by Dr. P. Davis)	8/07	2nd	Aug/09 8/31/09	No
Douglas R. Parrish 5789 Cotton Valley Drive Fayetteville, NC 28314 484-8256/609-3770 (W)	8/09	1 <sup>st</sup>	Aug/09 8/31/11	Yes
<b>VACANT</b> (vacated by S. Thomas)	8/07	2nd	Aug/09 8/31/09	No
Geneva Mixon PO Box 1829 Fayetteville, North Carolina 28302 Phone: 323-3421(W)	8/09	2nd	Aug/11 8/31/11	No
Joan Blanchard 7230 Sandcastle Lane Linden, North Carolina 28356 Phone: 487-0510/322-9097 (C)	6/10	2nd	Aug/12 8/31/12	No

Non-Voting Member

Ronald Tillman  
DJJDP Regional Consultant  
100 Dillion Drive  
Butner, North Carolina 27509  
Phone: 919-575-3166 (W)

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

Contact: Margaret Dees, Cumberland County Communicare – Phone: 829-9017 Fax: 485-4752

BILLY R. KING  
Chairman

KENNETH S. EDGE  
Vice Chairman

JEANNETTE M. COUNCIL  
MARSHALL FAIRCLOTH  
PHILLIP GILFUS  
JIMMY KEEFE  
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Deputy Clerk

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August 6, 2010

ITEM NO. 8D

**August 16, 2010 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk to the Board  
SUBJECT: Cumberland County Local Emergency Planning Committee

BACKGROUND: On August 2, 2010, the Board of Commissioners nominated the following individuals to fill two (2) vacancies on the Cumberland County Local Emergency Planning Committee:

Print and Broadcast Media Representative

**Jackie Tuckey** (new appointment)

Utilities Representative

**Andrew Moore** (new appointment)

I have attached the current membership list for this committee.

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

Attachment

pc: Kenny Currie, Emergency Services Director

August 6, 2010  
*Celebrating Our Past... Embracing Our Future*

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Print and Broadcast Media Representative</u>				
<b>VACANT</b> (vacated by D. Hewett) City of Fayetteville Management Services 433 Hay Street Fayetteville, NC 28301 Phone: 433-1978	8/07	1 <sup>st</sup> full	Aug/10 8/31/10	Yes
Sally Shutt (W/F) CC Communications Manager P.O. Box 1829 Fayetteville, NC 28302 Phone: 437-1921	6/10	1 <sup>st</sup> full	Aug/13 8/31/13	Yes
	(eligible to serve an additional 3-year term)			
<u>Operators of Facilities Representative</u>				
Rayford Hunt Hexion Specialty Chemicals 1411 Industrial Drive Fayetteville, NC 28301 485-9269	4/10	1 <sup>st</sup>	Nov/11 11/30/11	Yes
	(serving unexpired term)			
<b>VACANT</b> (vacated by Gene Smith) Goodyear Tire and Rubber 6650 Ramsey Street Fayetteville, NC 28311 893-8213/630-5678 (W)	8/09	1 <sup>st</sup>	Aug/12 8/31/12	Yes
<b>VACANT</b> (vacated by Joel Blake)	4/07	2 <sup>nd</sup>	Dec/09 12/31/09	No
Antionette Barnes (/F) Purolator Filters 3200 Natal Road Fayetteville, NC 28306 426-4283 (W)	2/10	1st	Dec/12 12/31/12	Yes
	(serving 1 <sup>st</sup> full term-eligible for another 3-year term)			

Cumberland County Local Emergency Planning Committee, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Law Enforcement Representative</u>				
Sgt. Erwin Montgomery NC Highway Patrol 2435 Gillespie Street Fayetteville, NC 28306-3053 486-1334	9/09	1st	Sept/12 9/30/12	Yes
Lt. Charles Parker Cumberland Co. Sheriff's Office 131 Dick Street Fayetteville, NC 28301-5750 677-5412	6/10	1 <sup>st</sup> full	Aug/13 8/31/13	No
Lieutenant Wade Owen Fayetteville Police Department 467 Hay Street Fayetteville, NC 28301-5565 433-1819	12/09	1 <sup>st</sup>	Dec/12 12/31/12	Yes
<u>Emergency Management Representative</u>				
Greg Phillips Cumberland County Emergency Services 131 Dick Street Fayetteville, NC 28301 321-6736	5 /08	1 <sup>st</sup>	Sept/10 9/30/10	Yes
		(serving unexpired term)		
<u>Community Group Representative</u>				
Jeffrey Womble Fayetteville State University Office of Public Relations 1200 Murchison Road Fayetteville, NC 28301	8/07	2 <sup>nd</sup>	Aug/10 8/31/10	No
<u>Transportation Representative</u>				
<b>VACANT</b> (vacated by Eddie Smith)	12/09	1st	Dec/12 12/31/12	Yes
<u>Health Representative</u>				
Jane Stevens Cumberland County Health Dept. 227 Fountainhead Lane Fayetteville, NC 28301-5417 433-3673(W)/987-2892(Cell)	1/09	2 <sup>nd</sup>	Jan/12 1/31/12	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Hospital Representative</u>				
Scott Tanner Cape Fear Valley Health System 1638 Owen Drive Fayetteville, NC 28304 615-7914 (W) / 315-4672 (H)	9/09	1st	Sept/12 9/30/12	Yes
<u>Fire Fighting Representative</u>				
Assistant Chief Thomas M. Allen Fire/Emergency Management City of Fayetteville 433 Hay Street Fayetteville, NC 28301 433-1009	10/08	1 <sup>st</sup>	Dec/11 12/31/11	Yes
<u>First Aid Representative</u>				
Kevin Brunson Cape Fear Valley Emergency Medical Services 610 Gillespie Street Fayetteville, NC 28306 615-5651 (W) / 309-7228 (C)	6/10	1st	Nov/10 11/30/10	Yes
(serving unexpired term-eligible for 2 additional terms)				
<u>At-Large Representative</u>				
Phillip McCorquodale 2413 Cleveland Avenue Fayetteville, NC 28312 323-4112/323-9600 (W)	4/10	1 <sup>st</sup>	April/13 04/30/13	Yes
Richard A. King 658 Glenola Street Fayetteville, NC 28311 488-2492/977-3118 (W)	6/10	1st	Aug/13 08/31/13	Yes
<u>Local Environmental Representative</u>				
Paul Rawls 225 Green Street, Suite 714 Fayetteville, NC 28301 424-5556 (H) / 433-3324 (W)	2/10	1st	Feb/13 2/28/13	Yes
<u>Utilities Representative</u>				
Ray Jackson (/M) Public Works Commission 955 Old Wilmington Road Fayetteville, NC 28301 223-4118	8/09	1 <sup>st</sup>	Aug/12 8/31/12	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<b>VACANT</b> (vacated by S. Rohrs) Attn: Environmental Branch HQ XVIII Airborne Corps Public Works Business Center Fort Bragg, NC 28307 432-8470	6/08	1 <sup>st</sup>	Aug/10 8/31/10	Yes

Ex-Officio Members:

Elected Official Representative (Liaison)

Ed Melvin, County Commissioner

Emergency Management

Kenny Currie, Cumberland County Emergency Services

Fayetteville Fire/Emergency Management

Bennie Nichols, Chief, Fayetteville Fire Department

Dale Iman, City Manager

James Martin, County Manager

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

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

BILLY R. KING  
Chairman

KENNETH S. EDGE  
Vice Chairman

JEANNETTE M. COUNCIL  
MARSHALL FAIRCLOTH  
PHILLIP GILFUS  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

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August 6, 2010

ITEM NO. 8E

**August 16, 2010 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk to the Board  
SUBJECT: Joint Appearance Commission

BACKGROUND: On August 2, 2010, the Board of Commissioners nominated the following individuals to fill three (3) vacancies on the Joint Appearance Commission.

**Steven Coleman** (new appointment)

**Christopher Mitchell** (new appointment)

**Randy A. Newson** (new appointment)

I have attached the current membership list for this commission.

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

Attachment

pc: David Nash, Planner II  
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>
VACANT (vacated by Ken Arnold)	8/09	1 <sup>st</sup>	Aug/10 8/31/10	Yes
Gloston, Louis (B/M) 2000 Greendale Drive Fayetteville, NC 28304 867-5724/484-7869(W)	8/08	2 <sup>nd</sup>	Aug/10 8/31/10	No
Smith, Nancy W. (W/F) 5731 Christmasberry Court Fayetteville, NC 28312 487-1578/850-9398 (W)	8/09	2nd	Aug/11 8/31/11	No
VACANT (vacated by Steve Hogan)	8/09	1 <sup>st</sup>	Aug/11 8/31/11	Yes

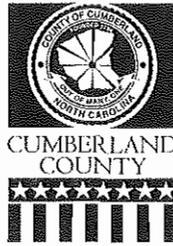
Meetings: First Monday of Month – 5:15 PM – City Hall, 1<sup>st</sup> Floor, Cape Fear Room

Contact: David Nash, Planner II – Phone: 433-1995 – Fax: 433-1776  
City of Fayetteville

BILLY R. KING  
Chairman

KENNETH S. EDGE  
Vice Chairman

JEANNETTE M. COUNCIL  
MARSHALL FAIRCLOTH  
PHILLIP GILFUS  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

**BOARD OF COMMISSIONERS**

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August 6, 2010

ITEM NO. 8F

**August 16, 2010 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk to the Board (CW)  
SUBJECT: Mid-Carolina Aging Advisory Committee

BACKGROUND: On August 2, 2010, the Board of Commissioners nominated the following individuals to fill four (4) vacancies on the Mid-Carolina Aging Advisory Committee:

Volunteers

**Edna Cogdell** (new appointment)

**Marybeth Hicks** (new appointment)

Consumers

**Beverly D. Sanders** (new appointment)

**Lester Bussey** (new appointment)

I have attached the current membership list for this committee.

**PROPOSED ACTION: Appoint individuals to fill the four (4) vacancies above.**

Attachment

pc: Glenda Dye, Aging Administrator  
Mid-Carolina Area Agency on Aging

*Celebrating Our Past... Embracing Our Future*

MID-CAROLINA AGING ADVISORY COMMITTEE  
3 Year Term

Name/Address	<u>Date Appointed</u>	Term	Expires	<u>Eligible For Reappointment</u>
<u>Volunteers</u>				
<b>VACANT</b> (vacated by C. Owens)	8/07	1 <sup>st</sup>	Aug/10 8/31/10	Yes
<b>VACANT</b> (vacated by D. McMillan 4/07)		1 <sup>st</sup> full	Aug/10 8/31/10	Yes
Rebecca Campbell 7027 Darnell Street Fayetteville, NC 27314 487-1555 (H)	7/10	1 <sup>st</sup> full	Aug/13 8/31/13	Yes
<u>Consumers</u>				
<b>VACANT</b> (vacated by D. DeCriscio)	8/07	1 <sup>st</sup> full	Aug/10 8/31/10	Yes
Eleanor Ayers (W/F) 6750 Clinton Road Stedman, NC 28391-8836 483-1875	8/07	2 <sup>nd</sup>	Aug/10 8/31/10	No
<u>Elected Official</u>				
Frances Collier PO Box 47 Linden, NC 28356 980-0536 (H)	3/10	1 <sup>st</sup>	Mar/13 3/31/13	Yes

Veterans Hospital Rep.  
**VACANT** (vacated by Nina Davis)

Contact: Mid-Carolina Council of Governments (Contact: Glenda Dye; Phone 323-4191 ext. 22;  
[gdye@mccog.org](mailto:gdye@mccog.org); Fax 323-9330)

Meetings: 1<sup>st</sup> Tuesday, 2:00 PM, Various Locations  
Meetings are held the last month of each quarter.

BILLY R. KING  
Chairman

KENNETH S. EDGE  
Vice Chairman

JEANNETTE M. COUNCIL  
MARSHALL FAIRCLOTH  
PHILLIP GILFUS  
JIMMY KEEFE  
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MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

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August 6, 2010

ITEM NO. 86

**August 16, 2010 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk to the Board *CDW*  
SUBJECT: Nursing Home Advisory Board

BACKGROUND: On August 2, 2010, the Board of Commissioners nominated the following individual to fill one (1) vacancy on the Nursing Home Advisory Board:

**Sonja Council** (new appointment)

I have attached the current membership list for this board.

**PROPOSED ACTION: Appoint individual to fill the one (1) vacancy above.**

Attachment

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

*Celebrating Our Past... Embracing Our Future*

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Doris Wilson ( /F) 5518 Aberdeen Place Fayetteville, NC 28303 487-3443	4/10	Initial	April/11 4/30/11	Yes
Tom Lloyd (W/M) 1306 Berkshire Road Fayetteville, NC 28305 574-3177/678-7618(W)	8/08	1 <sup>st</sup>	Aug/11 8/31/11	Yes
Martha McKoy P.O. Box 42152 Fayetteville, NC 28309 423-0771	9/08	2 <sup>nd</sup>	Sept/11 9/30/11	No
Dr. John Briggs (W/M) 2910 Hybart Street Fayetteville, NC 28303 867-1493	2/09	1 <sup>st</sup>	Feb/12 2/28/12	Yes
<b>VACANT</b> (vacated by Terri Thomas)1/10		1st	Jan/13 1/31/13	Yes
Hervenna Pannell (B/F) 1821 Eichelberger Drive Fayetteville, NC 28303 822-8516/907-9355(W)	2/09	2 <sup>nd</sup>	Feb/12 2/28/12	No
Clyde E. Hammond (W/M) 1802 Flintshire Road Fayetteville, NC 28304 425-2774	08/08	1 <sup>st</sup>	Aug/11 8/31/11	Yes
Cenitra McLaughlin (B/F) 6220 Birchbrook Drive Hope Mills, NC 28348 868-4966/229-6441	04/10	1st	Apr/13 4/30/13	Yes
Toney Edwards (B/M) 3622 Clearwater Drive Fayetteville, NC 28311 822-4261/864-6262	1/09	1 <sup>st</sup>	Jan /12 1/31/12	Yes

Nursing Home Advisory Board, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Tolulope Adeyemi (-/M) 8118 French Horn Lane Fayetteville, NC 28314 583-9408 / 487-3959	11/09	Initial	Nov/10 11/30/10	Yes
Cassandra White Haire (B/F) 515 Albany Street Fayetteville, NC 28301 728-0175 (C)	4/10	1st	Apr/13 4/30/13	Yes

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

3<sup>rd</sup> Thursday of the last month of each quarter (March, June, September and December) at 1:00 PM - at various nursing homes in the county.