
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
NOVEMBER 1, 2010
9:00 AM

INVOCATION Commissioner Billy R. King, Chairman

Minister:

Reverend Reginald A. Wells, Co-Pastor of Lewis Chapel Missionary Baptist Church-West and Assistant to the Pastor for Administration

Pledge of Allegiance

Recognition of Ms. Sharon Sanders, Director of the Veterans Services Office

1. Approval of Agenda

2. Consent Agenda
 - A. Approval of minutes for the October 18, 2010 regular meeting.

 - B. Approval of Cumberland County Policy Committee Report and Recommendations:
 - 1) Working Lands Protection Plan for Cumberland County
 - 2) Cumberland County Community Development Loan Program
 - 3) Cumberland County Purchasing Policy Amendments

 - C. Approval of Transfer of Surplus Health Department Medical Equipment and Furniture to Stedman-Wade Health Services.

 - D. Approval of Swap of Land by Board of Education.

 - E. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement.

- F. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – 1 Acre Dixon Land, Vacant Lot Off Ankon Drive Near Sudbury Drive) – PIN: 9496-31-8373; Seventy-First Township.
- G. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – Lots 98 & 99; 419 Neville Street, PIN: 0438-81-8972; Cross Creek Township.
- H. Approval of a Proclamation Recognizing November 16, 2010 as “Homeless and Hunger Stand Down Day” in Cumberland County.
- I. Budget Revisions

- (1) Lake Rim Fire District

Revision in the amount of \$500 to cover unanticipated refunds to taxpayers. (B11-165) **Funding Source – Lake Rim Fire District Tax**

- (2) Library

Revision in the amount of \$61,978 to recognize additional E-rate funds. (B11-172) **Funding Source – Grant**

- (3) Soil and Water Conservation District

Revision in the amount of \$4,094 to roll forward prior year fundraiser revenues of \$2,246 and to recognize current year fundraiser revenue of \$1,848. (B11-173) **Funding Source – Fundraiser**

- (4) County School Capital Outlay Fund

Revisions in the total amount of \$2,698,550 to appropriate fund balance to budget Capital Outlay as approved by the Cumberland County Board of Education on October 12, 2010. (B11-174 thru B11-174B) **Funding Source – Sales Tax**

- (5) Rural Operating Assistance Program

Revision in the amount of \$19,105 to reconcile with the state budget. (B11-175) **Funding Source – State**

- (6) Juvenile Crime Prevention Programs

Revision in the amount of \$117,981 to recognize the second year allocation of \$62,500 from the JCPC Gang Prevention ARRA grant and related in-kind expenditures of \$55,481. (B11-190) **Funding Source – State**

ITEMS OF BUSINESS

3. Consideration of Resolution Authorizing the Filing of an Application for Approval of an Installment Financing Contract Authorized by the NCGS 160A-20 Making Certain Findings Required by G.S. 159-151 and Calling for a Public Hearing on the Proposed Financing for November 15, 2010.
4. **Board of County Commissioners Acting as Governing Board of Gray's Creek Water & Sewer District:** Consideration of a Resolution Providing for Public Hearing on November 15, 2010 and Authorizing Issuance of General Obligation Bonds in an Amount Up To \$21M for the Purpose of Financing the Acquisition, Construction, and Installation of Public Water Distribution and Storage Facilities in the District and Other Actions as Required Under the General Statutes.
5. Presentation by Karen Long, General Manager of the Cumberland County Crown Coliseum on the Crown Center's Activities and Projects.
6. Presentation of the FY 2010 Cumberland County Public Library Annual Report by Jody Risacher, Library Director.
7. Nominations to Boards and Committees
 - A. Board of Adjustment (1 Vacancy)
 - B. Board of Health (1 Vacancy)
 - C. Cumberland County Criminal Justice Partnership Advisory Board (1 Vacancy)
 - D. Transportation Advisory Board (8 Vacancies)
8. Appointments to Boards and Committees
 - A. Cumberland County Local Emergency Planning Committee (1 Vacancy)
Nominee: Kevin Brunson (Reappointment)
 - B. Human Relations Commission (1 Vacancy)
Nominee: Roger "Bryan" Wright

9. Closed Session ***IF NEEDED***

ADJOURN

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

**MEETINGS: November 15, 2010 (Monday) – 6:45 PM
 December 6, 2010 (Monday) – 9:00 AM
 December 20, 2010 (Monday) – 6:45 PM**

JAMES E. MARTIN
County Manager

JUANITA PILGRIM
Deputy County Manager



ITEM NO. 2B (1-3)

AMY H. CANNON
Assistant County Manager

JAMES E. LAWSON
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

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MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 1, 2010

TO: BOARD OF COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: OCTOBER 27, 2010

SUBJECT: CONSIDERATION OF CUMBERLAND COUNTY POLICY COMMITTEE REPORT AND RECOMMENDATION

The Cumberland County Policy Committee met on Thursday, October 7, 2010 to discuss the following items:

- 1) Working Lands Protection Plan for Cumberland County
- 2) Cumberland County Community Development Loan Program
- 3) Cumberland County Purchasing Policy Amendments

Backup for the abovementioned items and the "DRAFT" minutes are included as attachments.

/ct

Attachments

/ct

CM102710-1

Celebrating Our Past... Embracing Our Future

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CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
OCTOBER 7, 2010 – 9:30 AM
MNUTES

MEMBERS PRESENT: Commissioner Phillip Gilfus, Chair
Commissioner Ed Melvin
Commissioner Kenneth Edge

OTHER COMMISSIONERS
PRESENT: Commissioner Jeannette Council
Commissioner Jimmy Keefe

OTHERS PRESENT: James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communications and Strategic Initiatives
Manager
Bob Stanger, County Engineer
Tom Lloyd, Planning and Inspections Director
Tom Cooney, Public Utilities Director
Thanena Wilson, Community Development Director
Lisa Childers, NC Coop Extension Services Director
Colby Lambert, Field Crops Extension Agent
Grace Lawrence, Ft. Bragg BRAC RTF
Thelma Matthews, Purchasing/Accounts Manager
Candice White, Deputy Clerk to the Board
Press

Commissioner Phillip Gilfus called the meeting to order.

1. APPROVAL OF MINUTES: SEPTEMBER 2, 2010 MEETING

MOTION: Commissioner Melvin moved to approve as presented.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

2. PRESENTATION REGARDING CUMBERLAND COUNTY WORKING
LANDS PROTECTION PLAN

James Martin, County Manager, called on Lisa Childers, NC Coop Extension Services Director, who introduced the Cumberland County Working Lands Protection Plan.

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The Purpose

- Provide an assessment of the state of agriculture in Cumberland County
- Identify challenges and opportunities
- Develop a set of strategies and actions to protect the county's working lands
- Promote the agricultural economy

Ms. Childers stated the strategies of this plan are intended to encourage long-term policies that support agriculture and provide specific programs that promote agricultural economic development and land protection.

Challenges

- Average age of the farmer is 56.7 years
- Farm transition
- Declining profit margins
- Development
- Loss of farm rental land

Ms. Childers stated challenges facing agriculture are nationwide and Cumberland County is no different. Ms. Childers explained one of the challenges facing family farms is whether there will be family members to whom the farm can transition, and in situations where there is no transition, selling the land for development often occurs.

Planning Team

- Cumberland County Cooperative Extension
- Cumberland County Planning and Inspections
- USDA Natural Resource Conservation Services
- Cumberland County Soil and Water Conservation District
- Cumberland County Farm Bureau
- NC Farm Center for Innovation and Sustainability
- Fayetteville/Cumberland County Chamber of Commerce
- NC Division of Forest Resources
- Cumberland County Farm Advisory Board

Ms. Childers stated the Cumberland County Farm Bureau was not a component of the original planning of the plan document; however, the plan incorporates comments and input made on behalf of farmers associated with the Cumberland County Farm Bureau.

Agriculture Cumberland County (Total agricultural receipts: \$92,648,918)

- 500 farms
- 83% small family farms
- County's land:
 - 21% farmland
 - 42% forestry
- Diverse production:

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- Poultry – 5,973,617 broilers sold
- Swine – ranked 16th in the state
- Tobacco – ranked 25th in the state

Ms. Childers stated poultry production in surrounding counties, and to some degree in Cumberland County, recently took a huge hit. Ms. Childers further stated this year the production of tobacco has doubled. Ms. Childers stated historically Cumberland County has been ranked high in its production of cotton and corn.

Working Lands Protection Plan

- Recognizes that farming is an important component of the country's economy
- That preserving farming is in the public interest
- That farmland is an irreplaceable natural resource

Ms. Childers explained the BRAC RTF assists counties surrounding Ft. Bragg with the anticipated growth from the BRAC process and Working Lands Protection Plans were created specific to each county.

Research Method

- Three survey instruments were distributed to agribusiness, farmers and non-farm.
- Surveys were to determine the challenges, opportunities and trends in agriculture.
- Face-to-face interviews were also conducted with all three audiences.

Ms. Childers provided a brief overview of the research methods indicated above.

Recommendations

- Increase the agricultural community's participation in government activities:
 - Increase the duties of the farm advisory board.
 - Increase the participation in community affairs by members of the agricultural community.
- Promote widespread support of agriculture:
 - Publicize the county's commitment to agriculture.
 - Provide ongoing education and information to the public about agriculture.
 - Develop/support a program in schools to promote agriculture.
- Promote the expansion and diversification of the agricultural industry
 - Promote biotechnology research
 - Development of a local agricultural economy (farmer's market, marketing programs, etc.)
 - Promote agriculture as a career
- Manage growth and protect agricultural lands
 - Create an agricultural land protection map and policy
 - Expand the Voluntary Land Conservation Program (VAD, incentives, easements, etc.)
 - Promote the long-term use of land

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- Utilize land planning tools and ordinances to encourage preservation

Ms. Childers stated the foregoing recommendations were developed in order to preserve farms and forests thus maintaining compatible uses around the base.

Benefits

- An endorsed and certified Working Lands Protection Plan will place Cumberland County in priority when applying for farmland preservation and agricultural development funds
- There is also a reduction in match for these funds from 30% to 15% for Cumberland County.

Ms. Childers explained benefits that would be derived from endorsement of the Working Lands Protection Plan.

Ms. Childers and Field Crops Extension Agent Colby Lambert responded to questions. Grace Lawrence, Ft. Bragg BRAC RTF, pointed out the Working Lands Protection Plan was not meant to be static, but was a living document. Ms. Lawrence stated once the plan was approved by the Board of Commissioners and certified by the USDA, it would put Cumberland County in a priority status for grant funding.

Mr. Martin and Tom Lloyd, Planning and Inspections Director, spoke to ways in which the county could encourage and protect agricultural zones and also manage and promote growth. Additional questions followed. Commissioner Gilfus stated should ways to encourage or incentivize local use be developed, he would like for the information to be shared with the Board.

MOTION: Commissioner Edge moved to accept the proposed Cumberland County Working Lands Protection Plan.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

3. PRESENTATION REGARDING CUMBERLAND COUNTY COMMUNITY DEVELOPMENT LOAN PROGRAM

Mr. Martin called on Thanena Wilson, Community Development Director, who stated Community Development has a loan portfolio of 256 loans and although the overall collection rate is good, the department has found over the last year or so that loan repayments have lagged from time to time. Ms. Wilson further stated the department proposed adding the implementation of late fees to its current servicing policy as an additional servicing tool to address late payments. Ms. Wilson explained late fees would be structured so that an account is considered past due if the scheduled payment has not been received by the 15th of each month, after which time the account would be assessed a late fee of 5% of the principal and interest payment. Ms. Wilson stated other proposed revisions to the servicing policy would be the removal of taxes as a protective advance

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because HUD clarified that taxes are not an eligible expense for CDBG funds and the inclusion of paying for local assessments in accordance with 24 CFR 570.200(c) to ensure that regulations are followed when determining which assessments are eligible. Ms. Wilson responded to questions. Commissioner Keefe mentioned upcoming meetings in the Gray's Creek Water/Sewer District and asked that Community Development develop a policy for assistance with water assessments. Additional questions followed.

MOTION: Commissioner Melvin moved to approve the servicing policy revisions as presented.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

4. DISCUSSION OF THE PUBLIC WORKS COMMISSION LETTER REGARDING SEWER EXTENSION BEYOND THE SEWER SERVICE AREA

Mr. Martin called on Mr. Lloyd who stated in 2008 Cumberland County and the city of Fayetteville entered into an agreement that designated a sewer service area in which all sewer would be gravity fed. Mr. Lloyd further stated in order to extend sewer outside of that boundary, a recommendation would be needed from the Joint Planning Board, Fayetteville's Planning Board and the PWC Board to the Board of Commissioners who would make the final decision. Mr. Lloyd stated should there be a provider other than the PWC, only a recommendation from the Joint Planning Board to the Board of Commissioners would be needed. Mr. Lloyd stated the agreement was written specifically because of the Eastover Sanitary District and the PWC was considered the provider under the agreement.

Mr. Lloyd stated in the proposed development in Grays Creek, Mr. Koenig as the developer was going to dedicate both the water and sewer lines to the county water and sewer district which meant the county would own the lines as well as the pump stations and be the provider. Mr. Lloyd further stated the PWC responded in their letter that they considered themselves to be the provider because the county does not treat the effluent. Mr. Lloyd stated the Koenig case is about the intent at the time the agreement was drafted and county staff believe that if the proposed extension is within an established water and sewer district, then the county would be the provider and no recommendations would be needed by the PWC or the city of Fayetteville. Mr. Lloyd further stated he did not know what precipitated the letter that was received from the PWC on the day of the Koenig case public hearing.

Mr. Lloyd responded to questions and a brief discussion followed. Commissioner Keefe inquired whether the Grays Creek Water and Sewer District system would be closed. Mr. Cooney responded in the affirmative.

Rick Moorefield, County Attorney, stated if at the time the agreement was drafted the PWC considered themselves to be a provider because they treated effluent, there would

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never be another provider other than the PWC and there would be no need for an agreement. Mr. Lloyd stated at the time the agreement was drafted, the intent of the talk had to do with the lines and delivery.

In response to a question from Commissioner Gilfus, Mr. Martin stated the challenge has to do with the interpretation by the PWC. Mr. Martin further stated when the district was created, sewer was specifically included on the remote chance there might be an opportunity to provide sewer in the future; however, there was never an idea for the county to go into the sewer business. Mr. Martin stated because there may be other development proposals for the installation of water and sewer at the developer's expense with dedication of the lines to the water and sewer district, this issue needs to be addressed with the PWC and the city of Fayetteville. Mr. Martin further stated under the plans for the Grays Creek Water and Sewer District, the PWC would be the supplier of water and would also be the logical treater of the effluent were a sewer system to be involved. Mr. Martin stated until the county decides to do something to give itself the ability to produce treated water through some means other than the PWC, the PWC and therefore the city of Fayetteville would have to be the county's partner for advancing both water and sewer.

Mr. Moorefield stated the practical application has to do with future development proposals that will likely be presented to the county. Mr. Moorefield further stated another issue for the county relates to USDA financing because it would be difficult to maintain any expansion of an initial phase if there were two service providers in a USDA financed district. Mr. Moorefield advised this would have implications for what could actually be developed in any of the water and sewer districts or even a water district.

Discussion followed as to how best to address the issue. Consensus of the committee was for Mr. Moorefield to contact the PWC attorney and the city of Fayetteville attorney for a meeting to discuss the agreement and report back to the Board, and should there fail to be a meeting, this will be reported back to the committee. Mr. Moorefield stated the situation is further complicated in that the PWC is not a party to the agreement because the agreement is between the county and the city of Fayetteville.

5. STATUS OF POINT EAST HOMEOWNERS ASSOCIATION REQUEST TO REPAIR DAM

Mr. Martin called on Bob Stanger, County Engineer, who recalled an August 27, 2010 teleconference meeting in which the requirements for repairing the dam were discussed and the consensus of the teleconference meeting that the consulting engineer for the HOA would develop an action for the HOA to consider and then advise the county of any additional systems that might be needed. Mr. Stanger stated subsequent to that conference meeting, he received a September 14, 2010 email from the HOA President Daryl Cobranchi requesting that the county consider including any engineering studies and repair plans in the cost of a county-assessment project. Mr. Stanger stated he conferred Mr. Moorefield and referenced the email from Mr. Moorefield that stated

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commitments to the HOA would have to be made by the Board of Commissioners. Mr. Stanger stated he forwarded Mr. Moorefield's email to Mr. Cobranchi.

Mr. Stanger stated in his opinion the problem lies with the state's Dam Safety because the HOA is under order from Dam Safety to either breach or repair the dam, and a problem also lies with the fact that the petition received from the HOA was not signed by an overwhelming majority of the property owners. Mr. Stanger further stated the request also creates a difficult situation for the Board of Commissioners because the actual project costs not known and there would be a limited number of property owners paying the assessment.

Mr. Stanger stated in his opinion, it would be more advantageous for the homeowners living on the lake to let the situation run its course with the state and if the state chooses to breach the dam, then let the state assess the HOA. Mr. Stanger further stated this would include all forty-three properties in the HOA and the cost per property owner would be much less. Mr. Stanger stated according to Tax Administration, the land value for the lots surrounding the lake would be discounted 33% due to the dam being breached, which would equate to a loss in tax revenue of about \$1,868 per year.

Mr. Moorefield advised the county can not assess for engineering studies so should the engineer's recommendation be to breach the dam or to not do anything, the Board would not have the legal authority to assess the HOA for the engineering study. Mr. Stanger responded to questions and shared his concerns regarding limited discussions between the HOA's engineer and Dam Safety since Dam Safety will dictate what they will approve in a dam repair plan and what they will require in the way of investigative/geo-technical work needed to establish the integrity of the existing earthen dam. Discussion followed.

Consensus of the committee was for a formal letter to be sent to the HOA advising them that it was up to the HOA to do the necessary work first.

6. DISCUSSION OF DRAFT PROPOSAL OF LOCAL PREFERENCE POLICY

Mr. Moorefield called attention to the draft proposal and a recent posting by the UNC School of Government regarding local contracting. Mr. Moorefield stated he had reviewed most of the purchasing contracts executed during this calendar year and it appeared that purchases covered by the proposed policy were almost always with local vendors. Mr. Moorefield further stated the current policy provides a clear-cut way to ensure that the county receives competitive prices and he recommends the current purchasing policy remain in place with the incorporation of the language in the proposed policy that would clearly express the Board's preference for local vendors. Mr. Moorefield stated most of the county's non-local contracts are because there are no local vendors. Mr. Moorefield further stated issues that might arise would be associated with contracts over \$30,000, which would not be covered by the policy but would be addressed according to state statutes. Mr. Moorefield stated state contracts can also be questionable so he suggested the award of contracts to local vendors that are able to meet the state contract price.

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Staff responded to questions and a brief discussion followed. Mr. Moorefield clarified the proposed draft not only states that contracts will be awarded to local vendors, it also defines a local vendor. Mr. Moorefield advised his recommendation would be to adopt language as stated in paragraphs four and five into the existing policy

MOTION: Commissioner Edge moved to add language from paragraphs four and five from the draft policy to the existing policy.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

7. OTHER MATTERS OF BUSINESS

Commissioner Gilfus stated as a result of research he conducted regarding jail funding, a popular way in jurisdictions across the country was “pay to stay”. Mr. Moorefield advised administrative regulations allow individuals to be charged prior to conviction; however, the charge has to be refunded if the individual is not convicted. Mr. Martin stated to his knowledge the Sheriff’s Office is not imposing the charge. Mr. Moorefield stated he would follow up with jail administration but his understanding was that it was being done by the courts incident to sentencing.

Commissioner Gilfus asked how much it would pay and how it would be used. Amy Cannon, Assistant County Manager, stated the county receives monthly reimbursements for court costs but she would have to look into whether a breakdown is available.

Commissioner Keefe inquired whether monies cease for individuals receiving compensation from a government agency who go to jail and are not convicted. Mr. Moorefield responded it would not cease for pre-conviction as there would be no basis for the money to be terminated. A brief discussion followed and Mr. Moorefield provided input on jail trust accounts and co-pays for health care that occur in some jurisdictions.

Commissioner Gilfus requested an update at the next meeting of the Policy Committee.

MEETING ADJOURNED AT 11:35 AM.

NC STATE UNIVERSITY

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North Carolina Cooperative Extension
301 East Mountain Drive
Fayetteville, North Carolina 28306
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<http://cumberland.ces.ncsu.edu>

October 22, 2010

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA FOR NOVEMBER 1, 2010

To: Board of County Commissioners

From: Lisa Childers *Lisa B. Childers*
County Extension DirectorThrough: Juanita Pilgrim
Deputy County Manager

Subject: Proposed Plan regarding the Working Lands Protection Plan for Cumberland County

Background

The purpose of this plan is to provide an assessment of the agricultural industry in Cumberland County, identify its challenges and opportunities, and develop strategies and action steps to protect the county's working lands, while promoting the county's agricultural economy. The support of this plan was provided by the NC Agricultural Development and Farmland Preservation Trust Fund, Fort Bragg BRAC Regional Task Force, and The Lois G. Britt Agribusiness Center at Mount Olive College. The plan was completed with the input of the following team members: Cooperative Extension, Cumberland County Planning and Inspections, USDA Natural Resources Conservation Services, Regional Land Use Advisory Commission, Fayetteville Technical Community College, Sustainable Sandhills, NC Farm Center for Innovation & Sustainability, Fayetteville Chamber of Commerce, and Cumberland County Farm Bureau.

Attached is a copy of the Working Lands Protection Plan which was approved by the Cumberland County Policy Committee. It should be noted that Cumberland County Farm Bureau was not a component of the original planning of this document. However, it was of the opinion that Farm Bureau serves as a representative of the farmers in the county. Therefore; the attached plan incorporates comments and input made on behalf of farmers associated with Cumberland County Farm Bureau.

RECOMMENDATION

The recommendation of the County Extension Director and the Working Lands Protection Planning Team is to approve the Working Lands Protection Plan for Cumberland County.

CUMBERLAND COUNTY, NC
WORKING LANDS PROTECTION PLAN

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October 22, 2010

EXECUTIVE SUMMARY

Introduction

Farms and forests cover over half of Cumberland County and serve as multi-dimensional land uses that provide economic, ecological, and social benefits to the community at-large. There are 231,526 acres of agricultural land in the county. The agricultural industry, which includes farming, forestry, and the manufacturing and selling of food, fiber, and wood products, contributes more than \$145 million to Cumberland County's economy each year. Agricultural and forested lands also are net contributors to the county's budget, generating more value in property taxes than in the cost of services they receive. Forests and agricultural lands collect and filter storm water, sequester carbon, and support wildlife. Furthermore, agriculture defines the rural character of the county, enhancing open space and scenic beauty, and maintaining connections between people and their food.

Need for Action

Agriculture remains a viable industry in Cumberland County. The population of the county increased 15 percent from 1990 to 2008, adding more than 42,000 residents. With the expansion of Fort Bragg, the population is projected to increase by an additional 35,000 residents over the next 20 years. Growth and development are not the only challenges to family farms. Profitability, an aging farmer population, and other issues threaten to trigger a mass conversion of farms and the loss of their products in the next 20 years.

Purpose of this Plan

The purpose of this plan is to provide an assessment of the agricultural industry in Cumberland County, identify its challenges and opportunities, and develop a set of strategies and actions that will protect the county's working lands, and promote the agricultural economy. The strategies of this plan are intended to encourage long-term policies that support agriculture and provide specific programs that promote agricultural economic development and land protection.

Findings

The majority of farms in the county are categorized as small, family farms, generating up to \$250,000 in annual gross income. A large percentage of these family farms are operated as a primary occupation. Sixty-eight family farms in the county are categorized as large or very large operations, and 18 farms are owned by non-family corporations.

Agriculture is faced with numerous internal and external challenges that threaten the long-term viability of family farms. They are:

- Profitability/Input Costs
- Population growth
- Aging farmer population
- Loss of rental land

- Labor
- Apathy and negative attitudes
- Lack of farm transitional incentives
- Opportunities for the next generation of farmers

The county has a Farm Advisory Board and, along with state and federal partners, provides programs to farmers that help with taxes, education, business planning, and conservation. These partners and programs include:

- Present-Use Value Taxation
- Voluntary Agricultural Districts
- Conservation Incentives Program (limited to within 1 mile of Fort Bragg)
- Cooperative Extension
- Soil & Water Conservation District
- NC Forest Service
- USDA – Farm Service Agency and Natural Resource and Conservation Service
- Farm Bureau

There are additional land protection programs available including Enhanced Voluntary Agricultural Districts and conservation easements. Counties in other states have developed numerous zoning strategies to protect farmland, some that could be applied in Cumberland County.

Economic development is believed by many within the agricultural industry to be the best way to protect farmland. Make farming profitable, they say, and people will want to farm. Two major areas of economic development that could be exploited are:

- Agricultural biotechnology and energy biomass
- Local food, landscape and lumber markets

Recommendations

- Promote the expansion and diversification of the agricultural industry.
- Manage growth and protect agricultural lands.
- Increase the agricultural community's participation in government.
- Promote widespread support for agriculture.

Each recommendation includes a set of strategies that have specific actions steps. Implementation of the plan will involve the leadership of the Farm Advisory Board, support from the Board of Commissioners, and the cooperation and participation of local governments, institutions, the agricultural community and Cumberland County residents. The agricultural protection program this plan establishes will be ongoing and should be reviewed annually and updated every five years.

ACKNOWLEDGEMENTS

Planning Leader

Grace Lawrence, Fort Bragg BRAC Regional Task Force

Chief Editor

Dr. Sandra Maddox, Associate Director Lois G. Britt Agribusiness Center
Mount Olive College

Planning Team

Lisa Childers, Colby Lambert, Cumberland County Cooperative Extension Service

Tom Lloyd, Cumberland County Planning & Inspections

Renessa Brown, USDA Natural Resource Conservation Service

Cumberland County Soil and Water

NC Division of Forest Resources

Jim Dougherty, Regional Land Use Advisory Commission

Rich Perritt, N.C. Farm Center for Innovation & Sustainability

Fayetteville-Cumberland Chamber of Commerce

James Martin, Cumberland County Manager

Cumberland County Farm Advisory Board

Cumberland County Farm Bureau

Lead Author

John Bonham, Economic & Conservation Consultant

Support for this plan was provided by the N.C. Agricultural Development and Farmland Preservation Trust Fund, Fort Bragg BRAC Regional Task Force, and The Lois G. Britt Agribusiness Center at Mount Olive College.

While Farm Bureau was not originally a component of the planning for this document it was felt that the Cumberland County Farm Bureau as a representative of the farmers in the county as well as a supporter of the military and their need to train should have input as to the final product presented to the Board. The following statement typifies and represents the sentiments of the Cumberland County Farm Bureau with regard to farmland and its current and future uses:

"The Farm Bureau recognizes the importance of military's readiness however the defense of this country should be borne by all. Those living and owning land in the county near the base should not have undue burden of that expense. The Farm Bureau believes restrictions on land use without compensation to the landowners is an undue burden for those living near the base."

The intent of this plan is neither to limit nor restrict landowners' rights and uses. The plan is intended to serve as a guide for actions to provide landowners and residents an increased awareness of farmland preservation opportunities and agricultural awareness. Agriculture is important to the county and its economy and to the well-being of family farms. However, the ultimate decision of farmland preservation rests in the hands of the landowners of farms and forests.

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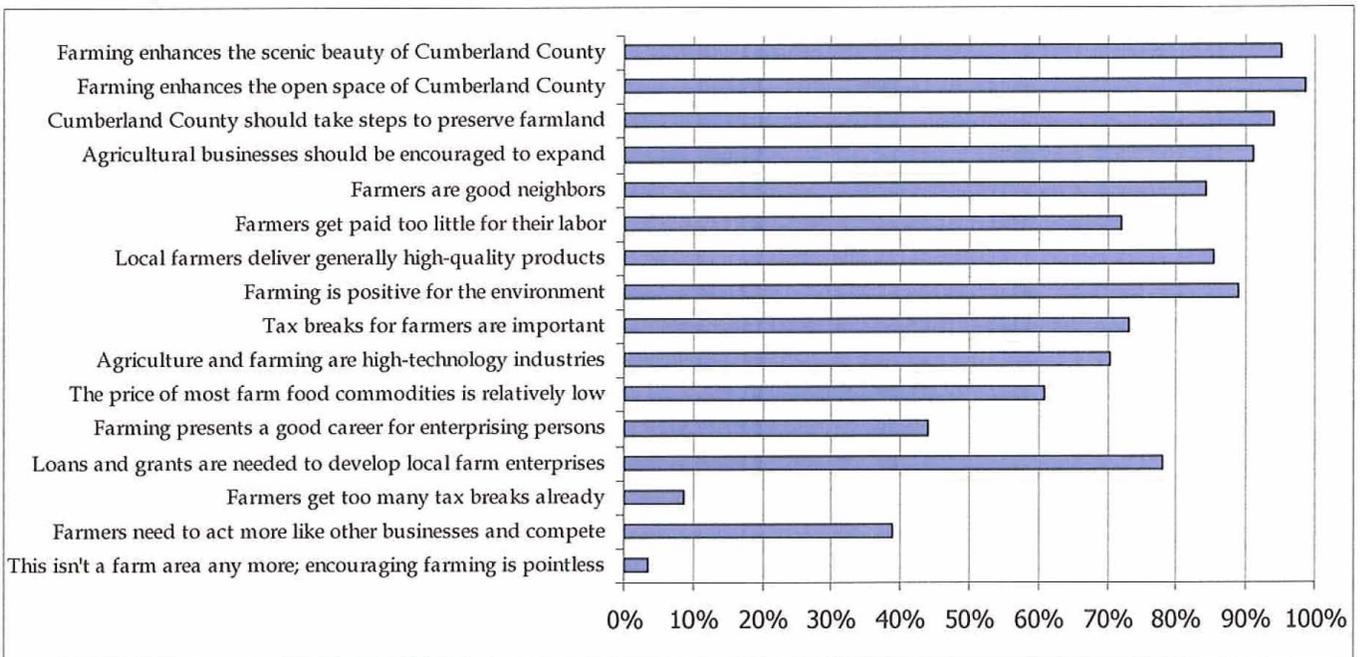
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I. INTRODUCTION

Agriculture is a multi-dimensional land use that provides economic, ecological, and social benefits to residents throughout Cumberland County. Farms and forests cover more than half the land in the County making agriculture the largest land use. Cumberland County has been growing for decades and will continue to grow as Fort Bragg expands and military and civilian personnel move to the area as part of the Base Realignment and Closure (BRAC) process. It is anticipated that 40,000 people will move into the region by 2013 with most of them living near and working at Ft. Bragg, Pope Air Force Base, and Camp Mackall. It is inevitable that some farms and forests will be developed to accommodate this growth. Nevertheless, retaining significant agricultural lands is essential to the well being of the county's residents.

Producers and non-farming residents from around the county were surveyed for this plan by the Ft. Bragg BRAC Regional Task Force and Mount Olive College. Producers provided insights to the challenges of farming and the need for continued and expanded support from local government and residents. The residents, in turn, provided valuable input about their views on farming and their support for government intervention (see Figure 1). Protecting small, family farms while embracing growth will be challenging and will require the participation and cooperation of local governments, institutions, businesses, residents, and land owners.

Figure 1. Cumberland County Non-Farm Residents Survey: Views on Agriculture



The Importance of Agriculture

The agricultural industry includes manufacturers and processors in addition to the farms and forests that grow the raw food, fiber and forest products. In 2006, the industry contributed \$145,337,000 of value to the county's economy.¹ The industry provides meaningful

entrepreneurial and wage opportunities for many rural residents who in turn support local businesses.

Agricultural lands require few public services like law enforcement, schools, and health clinics. As a consequence, the *ad valorem* property taxes that counties assess on agricultural lands generally exceed the costs of providing the lands public services by an average national ratio of \$1.00 to \$0.37. Residential land use, conversely, demands more services from a county than they pay in taxes with a national average revenue to expenditure ratio of \$1.00 to \$1.19.²

Farm and forestland provide many ecological benefits to the public, such as storm water retention and filtration, carbon sequestration, air purification, and wildlife habitat. Nearly 90 percent of non-farm residents surveyed agreed that farming is good for the environment. Agriculture does contribute to air and water pollution, but producers continue to reduce their environmental impacts by implementing best management practices (BMPs) to protect soil, water, and air resources. Open spaces like farms and forest also moderate air temperatures in warmer months and can be five to ten degrees cooler than nearby cities and towns.

Agriculture is also important to the general welfare of the community. Fields and pastures enhance open space and the scenic beauty of the county while barns and silos mark the heritage of farming communities. Forests affect a great degree of remoteness that provides relief from urban closeness and provide recreational opportunities.

Agriculture and Fort Bragg

The importance of agriculture to the county may not be as obvious as is the importance of Fort Bragg. The base plays a major role in the identity of the county and Fayetteville, and is central to their economies. However, agriculture and Fort Bragg should not be viewed as opposing elements because agricultural lands are important to Fort Bragg. Urban and residential encroachment around the base, affects the ability of the military to perform critical training exercises while farms and forests are compatible with the base's missions. More importantly however, agricultural production and food safety are critical to our national security.

The Fort Bragg BRAC Regional Task Force (RTF) was established to assist the counties surrounding Ft. Bragg deal with the anticipated growth from the BRAC process. One focus of the BRAC RTF is working lands preservation as a tool to restrict developmental encroachment threatening the base and its training efforts. The Working Lands Protection program works with the eleven counties surrounding Ft. Bragg to create Working Lands Protection Plans (WLPP) specific to each county. The WLPPs outline the current state of agriculture and provide recommendations for each county to consider and implement to preserve farms and forest thus maintaining compatible uses around the base.

Agricultural lands are so important to the mission of Fort Bragg that the BRAC Regional Task Force developed a working lands protection strategy as part of their overall efforts to help Cumberland, Fayetteville, and the other surrounding counties and municipalities prepare for the impact of base expansion.

A land use study³ prepared for the Ft. Bragg Regional Land Use Advisory Committee (RULAC) addresses the compatibility of land uses within five miles of the Fort, conflicting land use pressures, and the need to conserve agricultural lands. Among the findings of the report are the following:

- ✚ One of the greatest challenges in developing an effective land use plan, regardless of the size of the area being studied, is the need to properly *balance* the demand of competing uses for the limited and fragile resource of land. (p. 28)
- ✚ Within the Fort Bragg Region, this *balance* is even more challenging to achieve with the added dimensions of the BRAC related growth pressures [...]. In other words planners, developers, property owners, military leaders, and elected officials in the Fort Bragg region must seek to *balance* the need to protect the military training mission, [...] to be successful. (p. 28)
- ✚ As the real estate community often says, development pressure and property values are driven by three things – “location, location, and location.” In the case of this region, the most attractive “location” for much of the residential development is contained within the five-mile area surrounding the military bases. (p. 45)
- ✚ Although otherwise attractive for various forms of urban development, there are certain portions of the five-mile study area that are unsuitable for both residential and commercial development—due to military and environmental factors. These issues include [...] prime farmlands, and managed forests. Failure to conserve these areas from urban development will compromise the military training mission, [...] and threaten the health and safety of the human population residing there. (p. 46)
- ✚ [...] it is becoming increasingly important to conserve both the working farms and forests in this area from urban development pressures. (p. 49)

The study goes on to identify 20,322 acres in the county that are within five miles of the base and are important to conserve or are working forests and farms. While the RULAC study focused on this mission critical area, the need exists for the county to identify and provide incentives to conserve and protect agricultural and forest lands of Cumberland County that are outside of this identified critical region.

The Threat to Agriculture

Cumberland County lost 10,178 acres of farmland between 1992 and 2007 and 13,581 acres of private forestland between 1990 and 2006.^{4,5,6} The BRAC expansion of Fort Bragg threatens to consume additional tracts of agricultural land as military personnel and private contractors relocate to the area. Because Cumberland County is the home of Fort Bragg and Fayetteville is the commercial hub of the region, it is likely that the county will experience a greater impact from the BRAC expansion than the surrounding counties.

In addition to the threat posed by population growth, farms are challenged by low profitability, high land costs, and an aging farmer population. However, opportunities exist for agriculture, including local markets and the burgeoning field of agricultural biotechnology. Furthermore, although the impacts of climate change, global population growth, and rising oil prices are far from certain, any of these events may create a critical need for local food and fuel production or a lucrative opportunity to supply markets outside the county.

Farms are more likely to be viable if they have productive soils and are surrounded by other farms. Similarly, forests are more easily managed if surrounded by other forests. Once a farm or forest is developed—parceled out, topsoil removed, built on—it cannot feasibly be returned to agriculture. The irreversibility of development raises the need to protect agricultural land today.

The Need for Action

Fort Bragg is an asset to Cumberland County and the incoming servicemen and their families will be welcomed; but as their houses are built along with the shopping centers, schools, and infrastructure needed to support them, careful consideration needs to be made to protect family farms and forests. Growth should be directed away from productive soils and concentrations of farms and forest should be left intact, not fragmented. The growth and progression of the county can be an opportunity for the hundreds of small, family farms to remain viable, but only if they are recognized and treated as valuable and desired assets of the community.

To ensure the long-term viability of family farms and the agricultural industry, producers, residents, and officials will need to work together to implement the strategies of this plan. Producers will have to work cooperatively with each other, participate in community affairs, and will have to be creative business operators to adapt to changing markets. Residents will have to support farms and forests by purchasing locally produced goods, adapting to the inconveniences of rural life, and supporting county interventions. County officials will need to plan growth and development so that impacts to agriculture are minimized, and invest in the economic development of the industry. The strategies recommended in this plan carry opportunity costs for the financial and natural resources of the county, but they can be pursued at the same time the county grows and progresses into the 21st century.

II. PURPOSE OF PLAN

The purpose of this plan is to provide an assessment of the farming and forestry industries (henceforth referred together as the agricultural industry) in Cumberland County, identify their challenges and opportunities, and develop a set of strategies and actions that will protect the county's working lands and promote the agricultural economy. Although the industry as a whole is important to this effort, the plan is focused primarily on family-owned farms and forests. The strategies of this plan are intended to encourage long-term policies that support agriculture and provide specific programs that promote agricultural economic development and land protection. The plan has been written to satisfy the requirements of the N.C. Agricultural Development and Farmland Preservation Enabling Act (N.C.G.S §106-735 *et seq.*). The Act gives preference in the distribution of monies from the N.C. Agricultural Development and Farmland Preservation Trust Fund to counties that have adopted a farmland protection plan. The Act requires that a plan:

- (1) Contain a list and description of existing agricultural activity in the county.
- (2) Contain a list of existing challenges to continued family farming in the county.
- (3) Contain a list of opportunities for maintaining or enhancing small, family-owned farms and the local agricultural economy.
- (4) Describe how the county plans to maintain a viable agricultural community and shall address farmland preservation tools, such as agricultural economic development, including farm diversification and marketing assistance; other kinds of agricultural technical assistance, such as farm infrastructure financing, farmland purchasing, linking with younger farmers, and estate planning; the desirability and feasibility of donating agricultural conservation easements, and entering into voluntary agricultural districts.
- (5) Contain a schedule for implementing the plan and an identification of possible funding sources for the long-term support of the plan.

III. DEFINITIONS

Agriculture – all activities related or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, equine, sod, trees, Christmas trees, timber, non-timber forest products, bees and aquaculture having a domestic or foreign market. Agriculture also includes secondary, on-farm activities such as value-added processing, marketing and agri-tourism. To provide more specific meaning at times, the plan also uses the terms forest, forestland, and forestry; and farm, farmland and farming.

Farmland – land that is actively engaged in the commercial production or growing of crops, plants or animals. A **farm** is an individual economic entity. **Farming** is the act of operating a farm. Examples of farm products include soybeans, grains, tobacco, cotton, corn, cattle, tree fruits, vine fruits, berries, sod, shrubs, greenhouse plants, ornamental trees, and Christmas trees.

Forestland – land that is actively engaged in the commercial growing of trees for timber. A **forest** refers to an individual tract under a single owner or manager. **Forestry** is the planting, management and harvesting of timber. This plan recognizes that there are non-timber products that are produced in forests – e.g. mushrooms, herbs, biomass – and considers the activities related to their production as agriculture.

Operators, producers and farmers are used interchangeably and are the individuals engaged in forestry and farming.

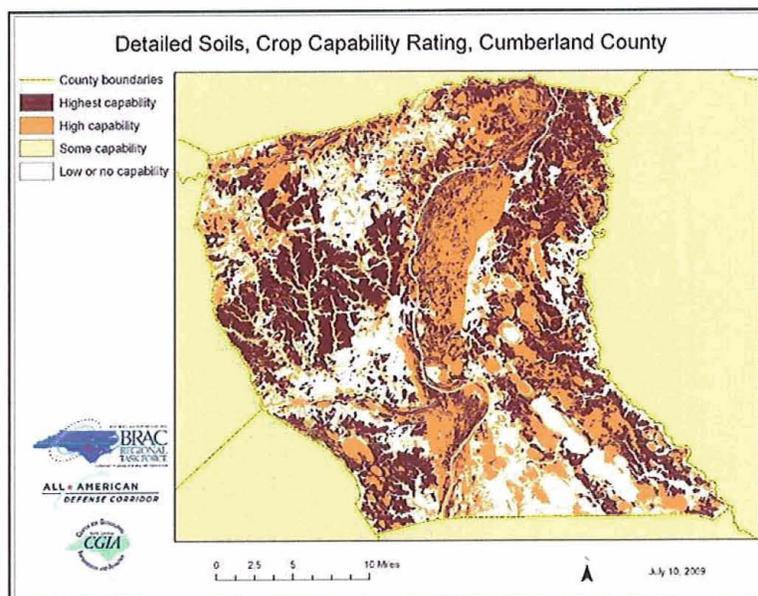
IV. AGRICULTURE IN CUMBERLAND COUNTY

Land in Farms

Farming, with a few exceptions, is land intensive. The land is the centerpiece of a farm from which all decisions are based. Farms use land to grow crops, graze livestock, and support buildings and equipment. In most cases, the land is also a farm's most valuable asset and one that is used to finance capital improvements like buildings and equipment or working capital for seed and livestock. Because most farms are family owned, the land is also the most valuable asset of the farm household and the one that can be used as collateral, or sold in whole or part in the event of a hardship like a major illness. Farmland provides many valuable benefits to the community, but it is also the foundation of farm operations and the families they support.

The fundamental component of land is the soil, but not all soils are created equal. Soil quality is an important factor in determining the success of a farm operation. Soil scientists at the National Resource Conservation Service identify the characteristics of soils that are most productive for growing crops. The importance of soil productivity is logical when you consider the fact that farming is an enterprise of production, not completely unlike manufacturing. Given the choice between two tracts of land of equal size and the same material inputs, any rational person would choose the tract that yields 100 bushels of corn per acre over the tract that yields 50 bushels per acre.

Cumberland County has an abundance of soils classified as having the highest or a high capability for producing crops; the distribution of these soils is shown in Map 1. Unfortunately, a large concentration of the most capable soils is in (or under) the city of Fayetteville, but that is not uncommon because factors that lead to the creation and/or deposition of productive soils are often the same as those that make for good settlements. Fayetteville aside, there are still significant concentrations of productive soils in the county, most notably in the southwest and east areas and in the Cape River floodplain.



Map 1. Soils Ranked Classified by Crop Productivity

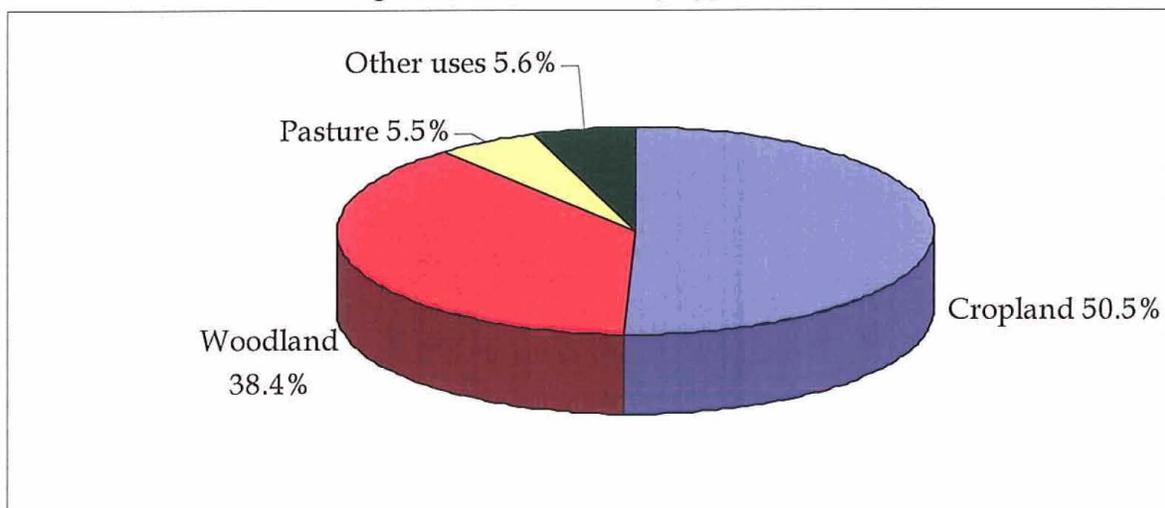
Farmland represents 21 percent, or 88,353 acres, of all land in Cumberland County.⁵ How the farmland is used depends on several factors, one being the quality of the soil and another being the farm's enterprise, which is decided by the producer based on personal and economic factors. The U.S. Department of Agriculture (USDA) categorizes the use of farmland as cropland, pasture, woodland, and other uses.

Roughly half the farmland in the county is used to grow row crops, forage crops, and horticultural crops (Figure 2). Row crops are commodity crops like corn, soybeans, cotton, and tobacco; they require large areas to be profitable. Horticultural crops like fruits, vegetables and ornamentals have relatively higher values and require more manual labor than row crops, so they can be profitable on smaller areas. Forage crops include grass, hay, and corn grown for silage, which are used to feed livestock.

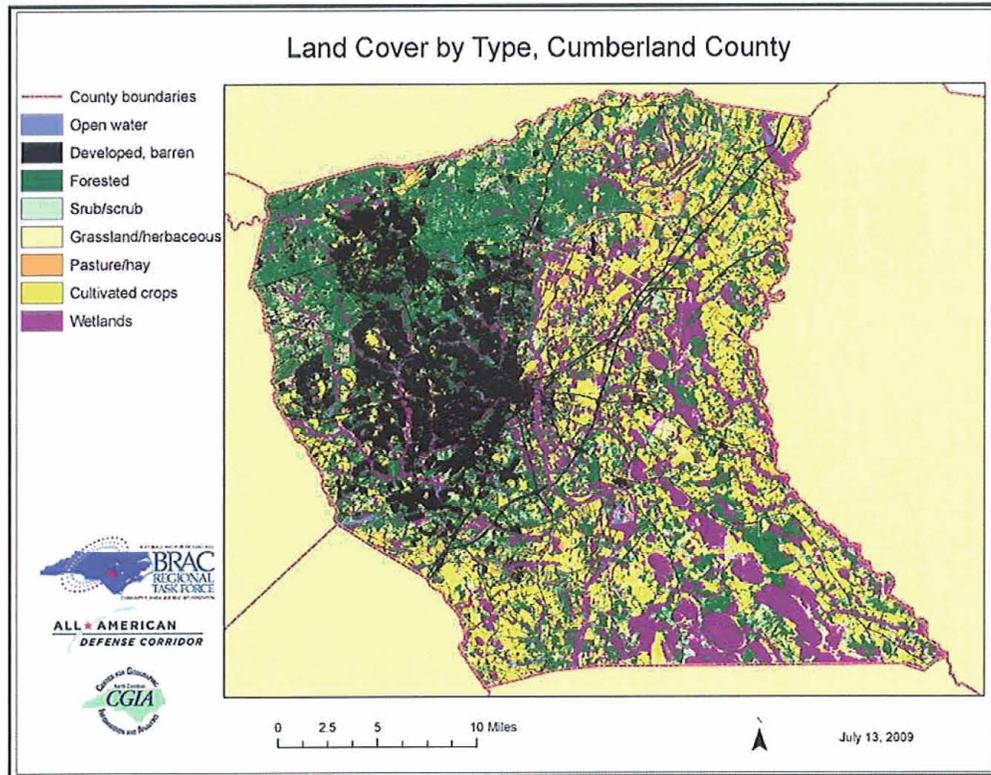
The evolution of the confined animal feeding operation (CAFO) has eliminated the need for large pastures at large-scale livestock operations. The 5,000 acres of pasture⁵ in the county are used primarily for cattle and equine. In addition to using land for crops and pasture, farms in the county use about 5,000 acres for storage, processing, and other ancillary activities.⁵ Because not all soils are capable of profitably producing crops, about 38 percent of farmland in the county is wooded.⁵ Wooded areas can be managed for timber to supplement the primary farm activities and or be used as pasture.

Map 2 shows the county's land cover as categorized by the U.S. Geological Survey, which doesn't correlate perfectly with the USDA categories, but is sufficient to illustrate the location of the cropland. Notice that the areas of cultivated cropland are nearly identical to the areas of productive soils shown in Map 1.

Figure 2. Land in Farms by Type of Land



Source: 2007 Census of Agriculture



Map 2. Land Cover

Overview of Farms

Cumberland County's farms are diverse. According to the 2007 Census of Agriculture, the county's 500 farms range from part-time farms to corporate farms. Farm income ranges from less than \$1,000 in sales income to over \$1 million. Farming is the primary occupation of 47 percent of the operators; the other 53 percent farm as a secondary or part-time enterprise. An overwhelming majority of farmers sell their products on the open markets while 50 farms produce commodities on contract. One characteristic, however, that is shared by most of the farm population is family ownership. In all, 96 percent of farms are family owned; 86 percent are sole proprietorships and 10 percent are owned by family partnerships and family-held corporations. Farming in Cumberland County is a family business.

The USDA developed the Farm Typology classification system to group farms into homogenous categories based on annual gross sales from the farm and operator characteristics. The classification focuses on family-owned farms, including those organized as sole proprietorships, partnerships and family-held corporations. Small farms are those with gross farm sales below \$250,000. 'Small family farms' are separated into five groups based on sales and operator characteristics. 'Other farms' are separated into three groups: large family farms; very large family farms; and nonfamily farms. The definitions for each group are listed below.

- Small Family Farms
 - Limited-resource farms have sales of less than \$100,000 and the principal operator's total household income of less than \$20,000
 - Retirement farms have sales of less than \$250,000 and the principal operator reports being retired
 - Residential/lifestyle farms have sales of less than \$250,000 and the principal operator reports his/her primary occupation as other than farming
 - Farming occupation/lower-sales have sales of less than \$100,000 and a principal operator who reports farming as his/her primary occupation
 - Farming occupation/higher-sales have sales between \$100,000 and \$249,999 and a principal operator who reports farming as his/her primary occupation
- Other farms
 - Large family farms have sales between \$250,000 and \$499,999
 - Very large family farms have sales of \$500,000 or more
 - Nonfamily farms are organized as nonfamily corporations or are operated by hired managers

The 2007 Census of Agriculture reported the number of farms and farmland acres by Farm Typology (Figure 3) and the number of farms and sales income by sales group (Figure 4). Small family farms account for 83 percent of all the farms in Cumberland County and 52 percent of all the farmland, making them the custodians of 45,741 acres of important natural resources. Very large farms, though fewer in number, produce the largest share of agricultural output, accounting for 79 percent of sales income.

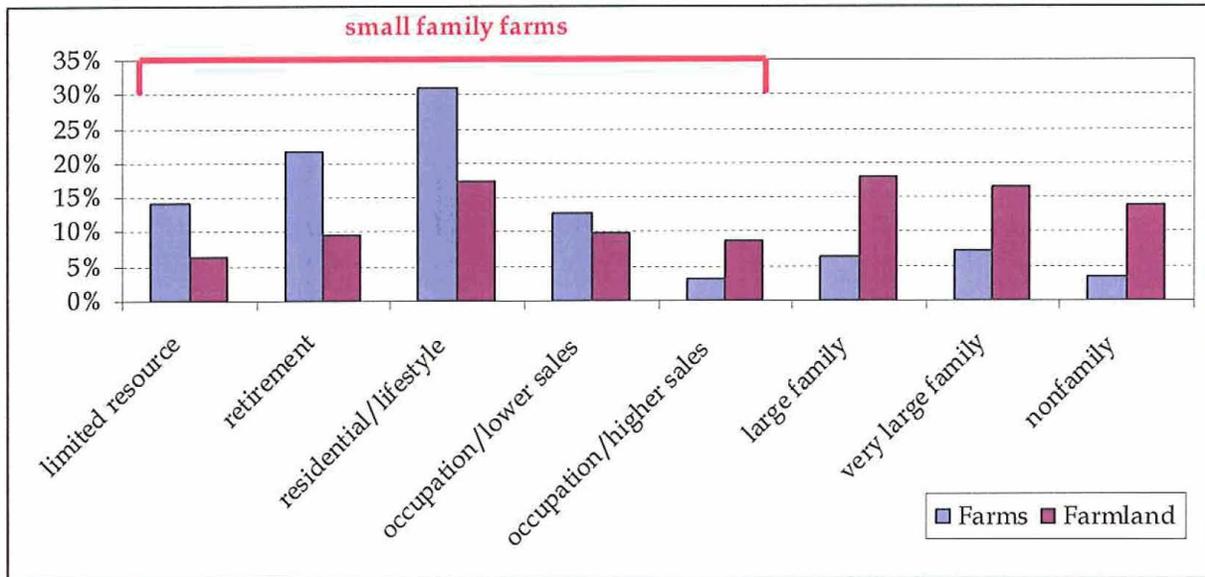
Most small farms are residential farms. Residential farm households are supported by off-farm wages and salaries while retirement and limited resource farm households might receive over half of their income from Social Security, pensions, and investment income.⁷

The large and very large farms are tobacco, row crop, swine, and poultry operations. Swine and poultry are mostly raised on contract by 71 farms; they had a combined income of \$70 million. Hog and pig (swine) farms had an average income of \$922,000 and poultry farms had an average income of just over \$1 million. Twenty-four tobacco farms had income of \$6.2 million, an average of \$259,833 per farm. Farms in the middle, the small occupation farms, are the most vulnerable because they are too small to compete in the consolidated commodity markets and too large to participate in the direct markets where higher retail prices are received.

The number of large and very large farms has grown since 1992 when they accounted for 7 percent of farms and 64 percent of income (14 percent and 92 percent in 2007, respectively). Farms with sales of less than \$1,000 have also grown since 1992, from 51 to 181, or 12 percent of all farms to 36 percent.^{4,5} All other groups of farms have declined in terms of number of farms, percentage of farms, and share of income. These comparisons were made without adjusting for inflation, which can be misleading, but the 2007 family farm report⁷ did account for inflation and observed the same trends. Many factors have contributed to this trend including changes in tobacco and peanut support programs and concurrent commodity diversification by

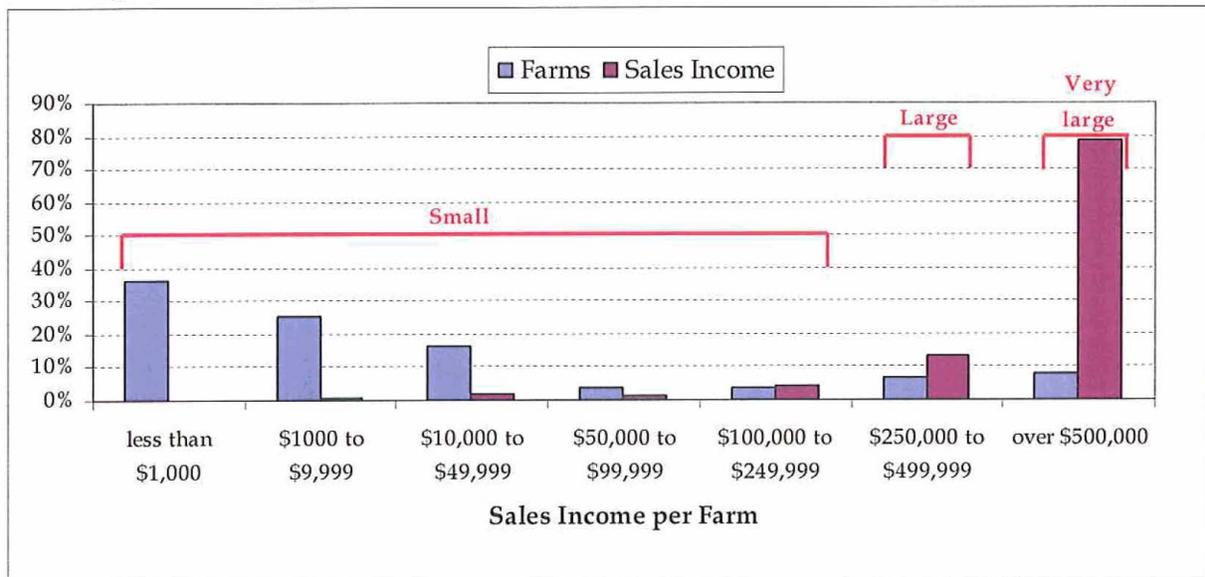
agricultural producers. Most importantly however, is the vertical integration model which the livestock industry has adopted and that tobacco companies are moving swiftly toward. These factors have contributed to the decline in moderate farm size and income not only in Cumberland County, but statewide.

Figure 3. Proportion of Farms and Farmland in Cumberland County by Farm Typology



Source: 2007 Census of Agriculture

Figure 4. Percentage of Farms and Sales Income in Cumberland County by Sales Group



Source: 2007 Census of Agriculture

Farm Activities

Farmers in Cumberland County produce a diverse array of crop and livestock products. The primary activities include poultry, swine, soybeans, corn, cotton, forage, and tobacco. The livestock operations generate the most market value and soybeans utilize the most land. Other

activities include fruits and vegetables, ornamental crops, and a variety of specialty crop and livestock products.

Poultry

According to the 2007 Census of Agriculture, there are 41 farms in the county raising one or more types of poultry: broilers, layers, pullets, turkeys, ducks, and geese. The most common type of operation is the layers—chickens that produce eggs for hatcheries—with 21 farms. However, 20 of those farms are small-scale with inventories of less than 50 birds. There is one farm that keeps between 20 and 50 thousand birds^a that are raised on contract for a poultry integrator.

There are 11 farms raising turkeys and nine raising broilers—chickens raised for meat. Turkeys are raised on contract for a poultry integrator and take about 15 weeks to reach market weight, allowing producers to turn their inventory three and one-half times each year. In 2007, the turkey farms kept an average inventory of 282,972 birds and sold 971,656 birds. Broilers are also raised on contract for an integrator. They can be raised and sold in less than ten weeks allowing producers to turn their inventory five times each year. In 2007, the broiler farms kept an average inventory of 1,141,086 birds and sold 5,973,617 birds.

In addition to these three primary types of poultry operations, there are four farms raising pullets—young chickens for laying flock replacement—two raising ducks and geese, one raising emus and ostriches, and nine raising other poultry. Combined, the poultry farms generated \$35,913,000 in sales in 2007, ranking 29th out of the 99 poultry producing counties in North Carolina.

Key Poultry Statistics

- 5,973,617 broilers sold in 2007
- 971,656 turkeys sold in 2007
- \$35,913,000 = value of all poultry & eggs sold in 2007
- 29th out of 99 N.C. counties in value of poultry sales

Source: 2007 Census of Agriculture

Pork

The 2007 Census of Agriculture reported 36 hog producers in the county with a combined inventory of more than 100,000 hogs. In 2007, 621,674 hogs with a market value of \$34,144,000 were sold from those farms and the county ranked 16th out of the 89 pork producing counties in North Carolina. Hog production consolidated between 2002 and 2007; the number of producers decreased by 16 percent while production increased by nearly five percent.

Hog farming was once dominated by small operations that grew crops and hogs, which were raised from farrow (birth) to finish,⁸ but since 2002 the composition of farms in the county has

^a To prevent the disclosure of information about this one large producer, the inventory of laying chickens in Cumberland County was not reported in the 2007 Census of Agriculture.

changed dramatically. In 2002, half of the operations were small-scale with inventories of less than 25 hogs; the other half were large-scale with inventories of more than 1,000 hogs. By 2007, four out five of the small-scale operations was closed while the number of large-scale operations increased by 50 percent.

The increasing size of hog operations is only one element of major structural changes that have occurred throughout the industry during the past two decades. Small, farrow-to-finish operations have mostly been replaced by large operations that specialize in one phase of production; a change that has been enabled in large part by the widespread use of contracting.⁸ Most of the farms raise the hogs on contract for companies such as Smithfield, Murphy, and Prestige; 88 percent of the animals sold in 2007 were done so on contract.^{4,9}

Key Pork Statistics

- 621,674 hogs and pigs sold in 2007
- \$34,144,000 = value of hogs and pigs sold in 2007
- 16th out of 89 N.C. counties in value of hog and pig sales

Source: 2007 Census of Agriculture

Other Livestock

Farms in the county raise other livestock besides poultry and hogs. , The 2007 Census of Agriculture reported that 91 farms kept an inventory of 3,805 cattle and calves, most of them beef cattle. That year, 1,825 cattle were sold at a value of \$1,177,000. There are 105 farms with 1,025 horses and ponies, 18 farms with 211 sheep and lambs, and 47 farms with 893 meat goats. There are also 18 farms that keep 521 colonies of bees and that sold 3,849 pounds of honey in 2007. Additionally, producers in Cumberland County raise crustaceans, alpacas, bison, deer, elk, llamas, mules, burros, donkeys, and rabbits. To help feed these animals, 107 farms grow 4,261 acres of hay.

Key Livestock Statistics

- 3,805 cattle & calves in the County
- 1,825 cattle sold in 2007
- \$1,177,000 = value of cattle sold in 2007
- 4,261 acres of hay grown

Source: 2007 Census of Agriculture

Soybeans

Soybeans are the predominant crop in the county. Statistics on soybean activities in Cumberland County are reported by the USDA National Agricultural Statistics Service (NASS) beginning in 1972 when 34,500 acres were planted.¹⁰ Soybean plantings peaked in 1980 and maintained a declining trend until 2006 with the low occurring in 1995 (Figure 5). Plantings increased in 2007 and 2008 as soybean prices increased and cotton prices fell.

Growers experienced a particularly good year in 2008 when yields and prices were high; they produced 670,000 bushels with an approximate market value of \$5,795,500. Growers in Cumberland County are able to sell their crop to Cargill in Fayetteville, who purchases soybeans for processing; thus producers avoid a middle link in the supply chain such as a grain elevator that would pay a lower price.⁹

Figure 5. Acres of Soybeans Planted in Cumberland County



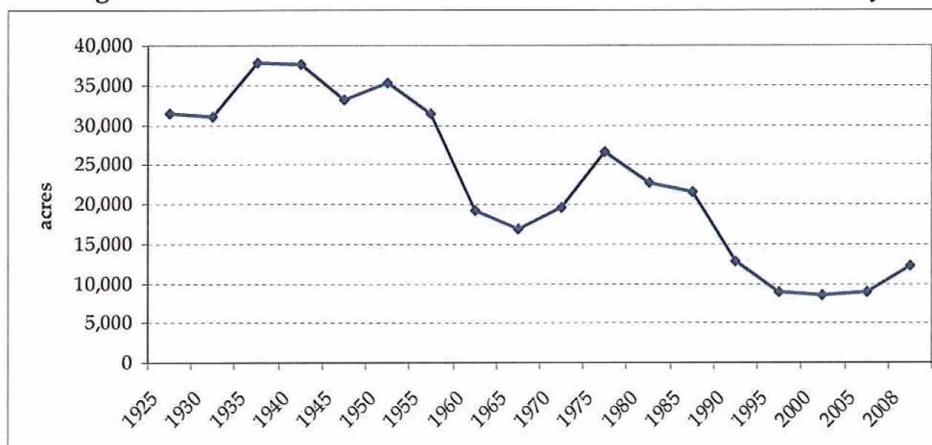
Source: USDA National Agricultural Statistics Service

Corn Grown for Grain

Farmers in Cumberland County have been growing corn for grain since as early as 1925, the first year records are available from NASS.¹⁰ Corn is the second largest crop grown in the county and farmers planted an average of 10,200 acres each year from 2000 to 2008. Figure 6 shows the acres of corn harvested^b every five years beginning in 1925. Harvested acres peaked 39,890 in 1939 and remained above 30,000 until 1956 when it began a 19-year decline. Corn made a moderate rally in 1975 when acres planted surpassed 20,000 and where it remained until 1986. Although acreage remains low compared to historical averages, plantings were higher from 2006 to 2008 than they had been for the preceding five years. Growers sell their corn to feed mills like Tyson in Cumberland County and others in surrounding counties.

^b Figures for acres of corn planted were not available for the years preceding 1975. Beginning in 1975, 96 percent of acres planted have been harvested.

Figure 6. Acres of Corn Harvested for Grain in Cumberland County

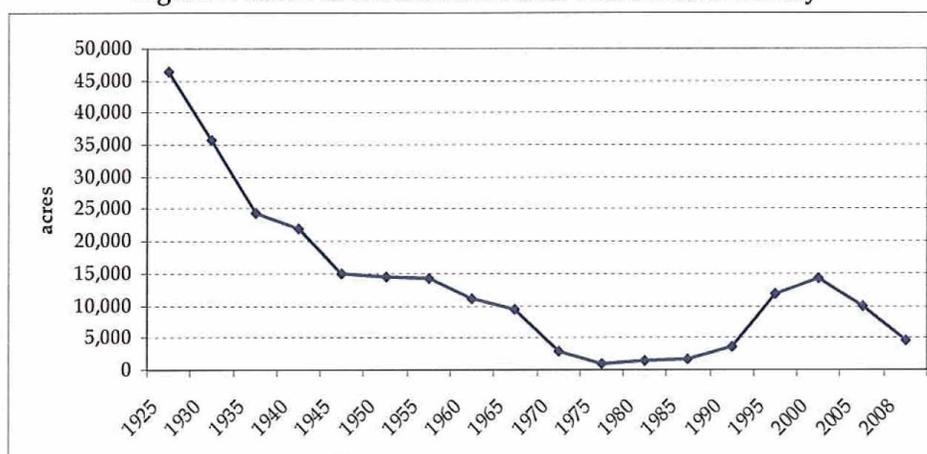


Source: USDA National Agricultural Statistics Service

Cotton

Cotton, like corn, has been grown in Cumberland County since as early as 1925. Figure 7 shows the acres of cotton harvested every five years beginning in 1925. Acreage peaked in 1926 at 52,360 and then began a steady decline through 1967 when 1,100 acres were harvested. Between 1968 and 1990 growers harvested an average of 2,286 acres, with a high of 4,550 acres in 1968 and a low of 650 acres in 1978.¹⁰ Acreage began to increase in 1991 and reached a modern peak in 2000 and 2001 with 14,300 acres harvested, but plantings have mostly declined since then and only 4,680 acres were harvested in 2008 as some growers put more land in corn and soybeans as their prices have increased. In 2007 the 7,308 bales produced on 4,978 acres had a market value of \$1,448,000.⁵ Growers sell their cotton to Quality Gin, Inc. in Cumberland County as well as gins located in Hoke and Sampson counties.

Figure 7. Acres of Cotton Harvest in Cumberland County



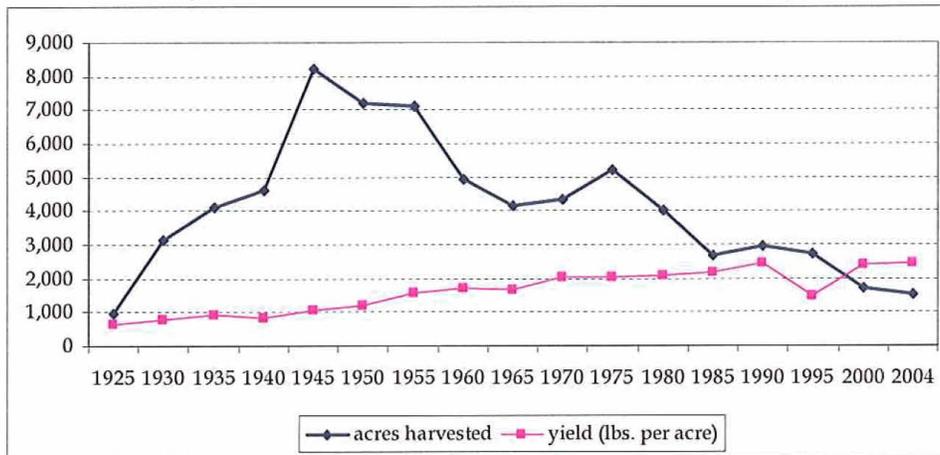
Source: USDA National Agricultural Statistics Service

Tobacco

In 1925, 960 acres of tobacco produced 614,000 pounds of product, a yield of 640 pounds per acre.¹⁰ Since that time, acres in production have risen and fallen, but yields have steadily risen (Figure 8). Acreage peaked at 8,900 in 1946 and maintained a downward trend until 2004.

Yields first topped 1,000 pounds per acre in 1945 and 2,000 pounds per acre in 1964. Yields fell below 2,000 pounds per acre only five times between 1970 and 2004. When the federal tobacco quota program ended in 2004, tobacco growers in the county planted 1,515 acres. Thousands of small and medium sized growers stopped planting tobacco after the buyout creating opportunities for large scale growers. A few large scale growers in the county have taken advantage of this opportunity and tobacco acreage has doubled to more than 3,000 acres. In 2007, 24 farms harvested 4,065,287 pounds of tobacco from 3,071 acres of cropland.⁵ The market value of that harvest was \$6,236,000, making tobacco the most valuable crop grown in the county in 2007.

Figure 8. Tobacco Production in Cumberland County



Source: USDA National Agricultural Statistics Service

Other Crops

In addition to corn, cotton, and tobacco, farmers in Cumberland County grow a variety of grains, fruits, vegetables, berries, and ornamental crops. Vegetables and melons are grown on 2,485 acres by 57 farms and had a value of \$4,013,000 in 2007.⁵ The major products grown are sweet potatoes, cucumbers, and watermelons. Farmers also grow apples, strawberries, blueberries, pecans, and other fruits, berries, and nuts. Farming is not limited to food crops. The ornamentals industry – nursery, greenhouse, floriculture and sod – produced \$1,856,000 of products in 2007.⁵ There is one grower of cut Christmas trees who rounds out the diversity of activities in the county.

Key Crop Statistics

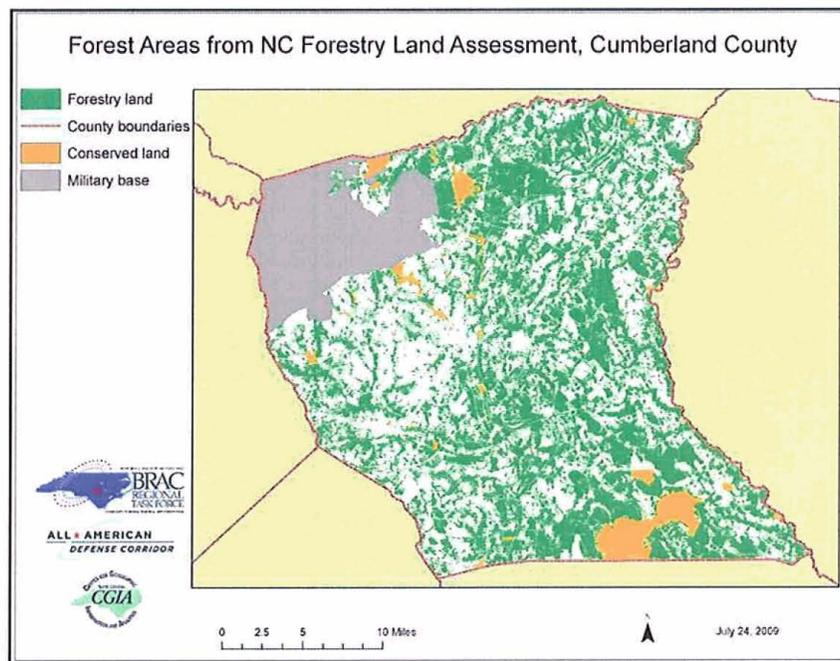
- 2,485 acres of vegetables & melons
- \$4,013,000 = value of vegetables & melons sold in 2007
- \$1,856,000 = value of ornamental products sold in 2007

Source: 2007 Census of Agriculture

Forestland and Timber Sales

Forestry is a major land use in Cumberland County. Private forests account for 177,120 acres,^c or 42 percent, of the county's total land area.⁶ Most forestlands are "nonindustrial private forests," meaning they are owned by individuals, not timber companies.¹¹ Map 3 illustrates the forest areas identified by the 2008 N.C. Forestry Land Assessment. Figure 9 shows the distribution of private forests by type.

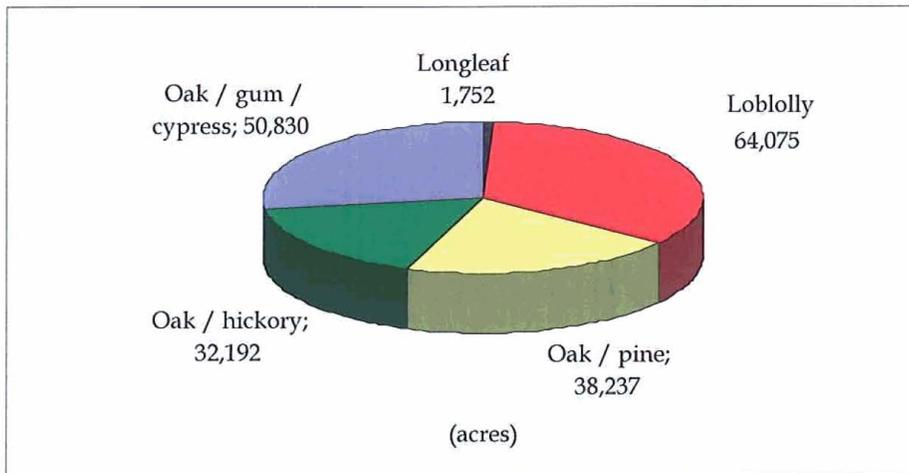
The primary commercial forest types are loblolly pine, longleaf pine, and hardwoods. Oak/gum/cypress forests are found in wetlands and have commercial value, though not as much as loblolly and longleaf pine. Map 4 uses 2001 land cover data from the U.S. Geological Survey to illustrate the allocation of forestland by type; the areas identified as wetlands correlate with the areas of oak/gum/cypress forest type.



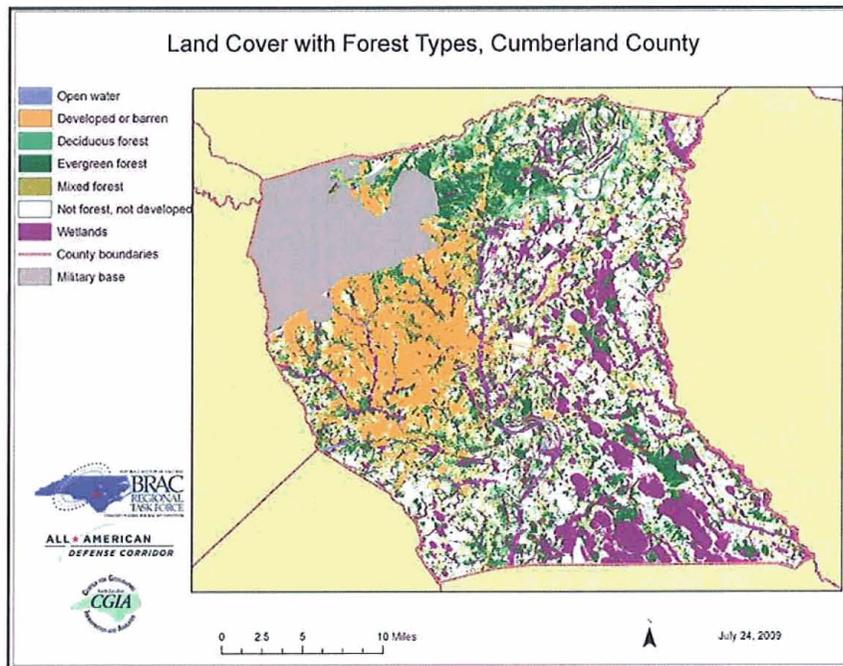
Map 3. Forest Area

^c includes the 33,947 acres of woodland on farms reported by the 2007 Census of Agriculture

Figure 9. Acres of Private Forests in Cumberland County by Forest Type



Source: National Forest Service, 2007 Forest Inventory and Analysis



Map 4. Forest Areas by Forest Type and Land Cover

Forestry is different from farming in two important ways. Whereas the majority of farmland is owned by the farm operator, forestland is owned by non-industrial private landowners. In many cases the forestland owner utilizes the land for multiple reasons including recreation and investment. Since the landowner is not in the forestry business, the timber is sold to a logger or other company that takes responsibility for the harvest, transportation and marketing of the trees.

The second way in which forests are significantly different from farms is the length of time trees take to mature after being planted. Most farm products grown in the county are started and sold within one year. Trees grown for timber, on the other hand, take 30 to 90 years to reach harvesting age. Because a forest, or stand within a forest, takes so long to mature, it is not easy to determine a landowners intention regarding harvesting. Forests that are efficiently managed

for timber production have trees that are optimally spaced for their size; they are classified as fully stocked. Medium stocked forests have fewer trees than what would be optimal but are still considered to be well managed. Using these classifications it is estimated that 81 percent of the private forests are being managed for commercial production.⁶

Loblolly is the primary commercial forest type in the county; they grow fast with a rotation of 30 to 40 years and are used for framing lumber. Longleaf pine and hardwoods grow much slower, taking 60 to 90 years to reach maturity, and produce higher valued lumber with applications in which a stronger material is needed or where the wood surface will be exposed in the finished product.

In 2008, forestland owners received \$2,152,887 for timber harvested from their properties for which mills paid \$3,892,402; the difference of \$1,676,515 was received by loggers, haulers, and intermediaries.¹² The forest product industry in Cumberland County and the region has felt the impact of the global recession and subsequent decline in construction and housing. As the demand for products declined timber markets and the industry have experienced a notable decline in income and many forest product manufacturers and distributors in the region have closed.

Longleaf Pine and Red-Cockaded Woodpecker

The longleaf pine, North Carolina's state tree, once covered nearly 90 million acres of coastal plains in the southeastern United States.¹³ Today the forests cover only about three million acres.¹³ The forests, which burned frequently, were home to a wide variety of plant and animal species such as bobwhite quail, fox, turkey, deer, wildflowers and legumes. The longleaf pine tree is highly resistant to pine beetles, ice, and fire, and historically provided construction lumber, tar, and pitch for buildings and ships; and a resin used to refine turpentine. Longleaf pine forests also yielded food and medicines and were used to graze cattle. The Sandhills region is one of the last remaining strongholds of longleaf pine in the country and several organizations, including Fort Bragg, The Nature Conservancy, U.S. Fish and Wildlife Service, Sandhills Area Land Trust, and Sandhills Ecological Institute, are working to restore and protect this vanishing ecosystem.

An underlying goal of these organizations is to protect the red-cockaded woodpecker, an endangered bird that lives predominantly in longleaf pine forests. The red-cockaded's range historically extended from Florida to New Jersey and Maryland, as far west as Texas and Oklahoma, and inland to Missouri, Kentucky, and Tennessee. Today it is estimated that there are about 6,000 groups of red-cockaded woodpeckers, or 15,000 birds, from Florida to Virginia and west to southeast Oklahoma and eastern Texas, which represents about one percent of the woodpecker's original range.¹⁴

The longleaf pine and the red-cockaded woodpecker are important issues for Fort Bragg. In 1992, a U.S. Fish and Wildlife Service biological opinion resulted in significant training restrictions on the Fort Bragg as

part of the requirements to recover the red-cockaded woodpecker. In order to meet recovery requirements for the woodpecker, Fort Bragg has been working with stakeholders to preserve and restore longleaf pine forests and manage critical habitat on private lands outside Fort Bragg. More than 12,000 acres of longleaf pine habitat have been preserved in Cumberland, Hoke, and Moore counties through Fort Bragg's North Carolina Sandhills Conservation Partnership.¹⁵

Pine needles, also known as pine straw, are a popular type of landscape mulch that can be harvested from stands of longleaf and loblolly pines that are managed for timber production or other uses. Longleaf needles generally sell for a higher price than loblolly and are easier to bale. Longleaf stands also outperform loblolly because loblolly shed more pine cones and twigs after about 15 years adding significant time and costs for cleaning. Pine needles can be harvested from loblolly stands beginning in year eight¹⁶ and from longleaf pines in year ten,¹⁷ providing an income stream between timber harvests. Harvesting pine needles is also compatible with conservation forest management. Like timber, harvesting pine needles does not have to be done by the landowner. Thousands of acres of forestland around the region are leased by pine needle producers.

In 2007, Cumberland County was home to 27 forestry-related businesses including wood product and furniture manufacturers that employed 452 workers who earned nearly \$15.5 million in wages.¹⁸ In 2006, the various forestry industries added over \$44 million of value to the county's economy.¹ A list of wood buyers compiled by the N.C. Division of Forest Resources identified 43 buyers who purchase wood from Cumberland County. Carolina Forest Products out of Pittsboro is establishing a wood yard in Wade that will likely improve prices paid to Cumberland County landowners and loggers.⁹

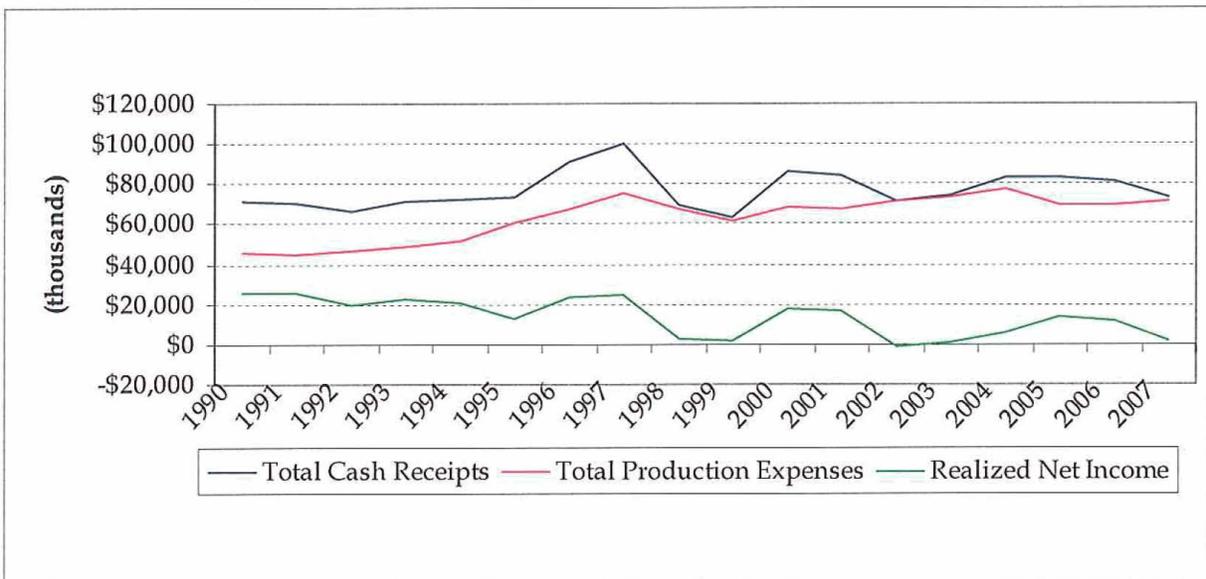
Timber processors and wood product manufacturers locate their operations based in part on the ability to obtain timber when they need it and at competitive prices. The forestry-related companies in Cumberland County undoubtedly purchase wood from surrounding counties. However, if those businesses are to be retained, and if this sector of manufacturing is to be expanded, then they will probably want to procure a minimal amount of their inputs from within the county. Otherwise, when companies are seeking a location, or existing companies have to make capital improvements, they may choose to locate in another county with more timber production.

V. CHALLENGES TO AGRICULTURE

Profitability

Shrinking profit margins were cited as one of the most significant threats of the next ten years by farmers in the 11 counties of southeast North Carolina¹⁹. Figure 10 shows income, expenses, and net income for all farms in Cumberland County from 1990 to 2007. Net income exceeded \$20 million (2005 dollars, adjusted for inflation) in seven of the eight years from 1990 to 1997; yet from 1998 to 2007, it surpassed \$10 million only four times and has fallen below \$5 million five times.^{20, 21}

Figure 10. Income and Expenses of Farms in Cumberland County



Source: U.S. Bureau of Economic Analysis

The Census of Agriculture reports that in 2007, less than half of the farm operators in the county realized a net gain; the overall average net cash income to Cumberland County operators was \$7,390. The proportion of operators in the county with net gains, 47 percent, is typical; the proportions of operators in the Fort Bragg region, North Carolina, and the United States with net gains in 2007 were 45 percent, 43 percent, and 47 percent, respectively. However, those operators in the Fort Bragg region, excluding Cumberland County, earned twice as much as Cumberland County operators with net gains, while those around North Carolina and the United States also outperformed Cumberland County farmers by a significant margin (Figure 11).

Who receives the net income?

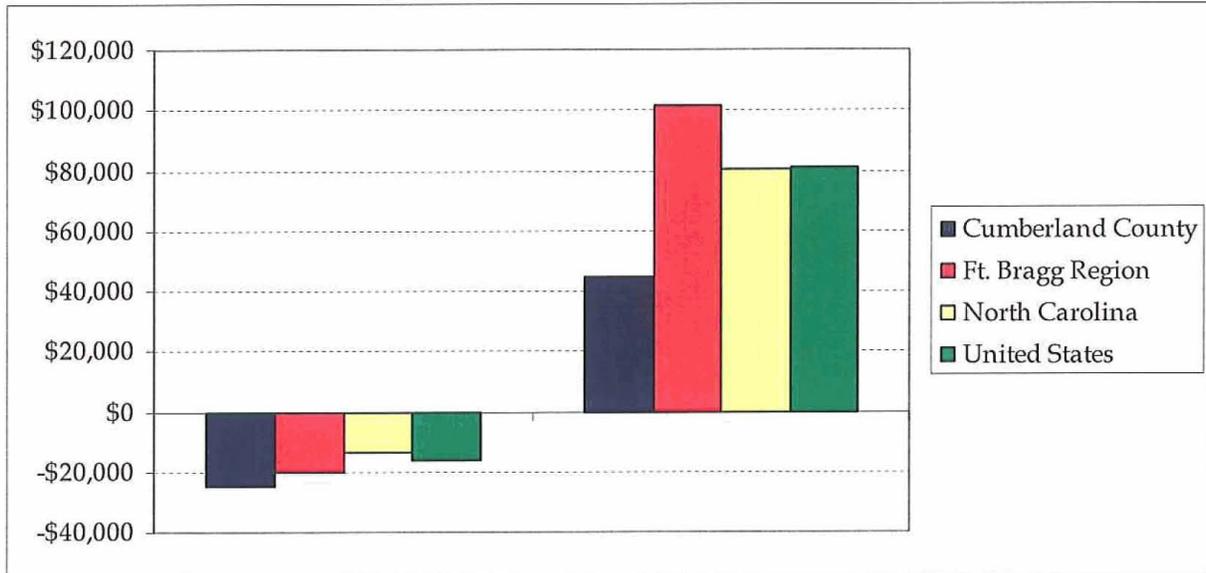
The Census of Agriculture differentiates between farm operations and farm operators for the purpose of reporting net cash income.

Net cash farm income of the operations is derived by subtracting total farm expenses from total sales, government payments, and other farm-related income. Depreciation is excluded from expenses.

Net cash farm income of the operators equals the operators' total revenue (fees for producing under a production contract, total sales not under a production contract, government payments, and farm-related income) less total expenses paid by the operator. Revenue from the sale of products grown under contract and expenses paid by the contracting firm are not included. Depreciation is excluded from expenses.

The difference is important because the purpose of this plan is to assess the challenges and enhance the viability of small, family-owned farms. Farmers will not stay in business if they personally are not earning a reasonable living, despite the overall profitability of the enterprise.

Figure 11. Average Net Gains and Net Losses to Farm Operators in 2007



Source: 2007 Census of Agriculture

Profitability is especially difficult for small family farms. The 2007 Census of Agriculture did not report net income figures by farm typology at the county level, but comparisons were made for farms in North Carolina and are shown in Table 1. Operators of limited resource, residential/lifestyle, and occupation-lower sales farms each had negative average net incomes in 2007 and retirement farms had an average net income of only \$160. Occupation-higher sales farms earned an average net income of \$40,124. Gross revenue has a significant effect on profitability. Occupation-higher sales grossed an average of \$170,388 in 2007, whereas all other

small, family farms grossed an average of only \$10,152. As a result, 77 percent of occupation-higher sales operators earned a net gain, while only 35 percent of the other small family farm operators were able to make a profit. Large family, very large family, and nonfamily farms combined averaged over \$1 million in gross income in 2007 and 79 percent earned an average net gain of \$252,190.

Table 1. Average Income and Earnings of N.C. Farm Operators in 2007 by Farm Typology

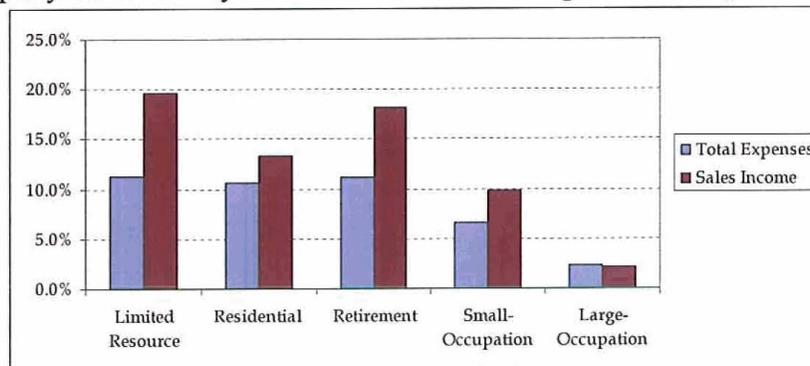
	<i>Small Family Farms</i>					Other Farms
	Limited Resource	Retirement	Residential/Lifestyle	Occupation Lower Sales	Occupation Higher Sales	
Gross Income	\$8,598	\$14,455	\$10,280	\$27,407	\$202,155	\$1,144,172
Net Income	-\$3,219	\$160	-\$2,868	-\$1,045	\$40,124	\$184,120
Operators w/ Net Gains	35%	41%	29%	41%	77%	79%
Average Net Gain	\$6,559	\$11,935	\$11,220	\$20,195	\$72,932	\$252,190
Operators w/ Net Losses	65%	59%	71%	59%	23%	20%
Average Net Loss	\$8,506	\$8,038	\$8,656	\$15,982	\$69,354	\$75,749

Source: 2007 Census of Agriculture

Property Taxes and Profitability

Producers in many areas complain about property taxes and identify them as inhibiting profitability. Almost 80 percent of the producers surveyed for this plan said that lower property taxes would help them keep their land in agriculture and 50 percent said that local government was not supportive regarding the issue of reasonable taxes. Property taxes are significant to small farms and represent over ten percent of all expenses paid by limited resource, retirement and residential farms, and consume ten percent of sales income from occupation/lower sales farms in North Carolina (Figure 12).

Figure 12. Property Taxes Paid by N.C. Farmers as a Percentage of Total Expenses & Sales Income



Source: 2007 Census of Agriculture

Population Growth

In 1990, Cumberland County had a population of 274,566²². Between 1990 and 2008 the population grew by an estimated 15 percent to 312,696 in 2008²³. During the same period the county lost 10,178 acres of farmland.^{4,5} The population continues to grow and is projected to reach 352,189 by the year 2029.²³ Three potentially negative implications to agriculture of this growth are: 1) pressure to develop farmland; 2) increasing values of farmland; and 3) conflicts with non-farm neighbors.

Farmland is typically flat and treeless, making it attractive to developers who naturally want to minimize the cost of site preparation. Thus, population growth and the need for housing leads to development pressure on farmland. Residential and commercial uses add value to land, so as farms and land near farms are developed, the value of remaining farmland will increase. Farmland in Cumberland County is particularly vulnerable to these effects.

Many farmers are nearing retirement age and have no one to take over the farm operation. Farm profitability makes it difficult for aspiring farmers to purchase land. With land prices rising and no one to buy or take over the farm business, retiring farmers will be left with the only logical option of selling their land for development. Furthermore, settlement patterns (e.g. "checker board") that break up contiguous farmland will limit future farm expansion and production options.

Rising Land Values: A Catch 22

Concerns over the rising value of farmland are being made across North Carolina and the United States. The fundamental concern is that farm revenues, net of all other expenses, are insufficient to cover the costs of purchasing land. This problem affects existing farmers who want to expand their operations as well as aspiring farmers seeking land to start an operation. The catch to this problem is that as landowners, existing farmers benefit from rising land values. From a business perspective, the increased value is reflected in the farm's net worth and so increases the farmer's ability to borrow capital. From a personal perspective, the land is often times the farm family's only substantial asset and is the investment that can be sold to pay for retirement. Therefore, communities must determine how to keep their farmland affordable for future farmers without causing financial injury to the current landowning farmers.

Farming is a production enterprise conducted in an open area and sometimes at all hours of the day and night. Forest management involves prescribed burning. New residents, who may have been attracted by the rural character of an agricultural community, often do not anticipate the dust, smoke, odors, and noise that accompany the production of crops and livestock, and the management of forests. Thirty-four percent of the producers surveyed have had a problem with a neighbor concerning their farm operation. Although bona fide farms in North Carolina are protected by state statute, ongoing complaints from neighbors can affect a producer's quality of life and become a contributing factor in his decision to sell the land for development.

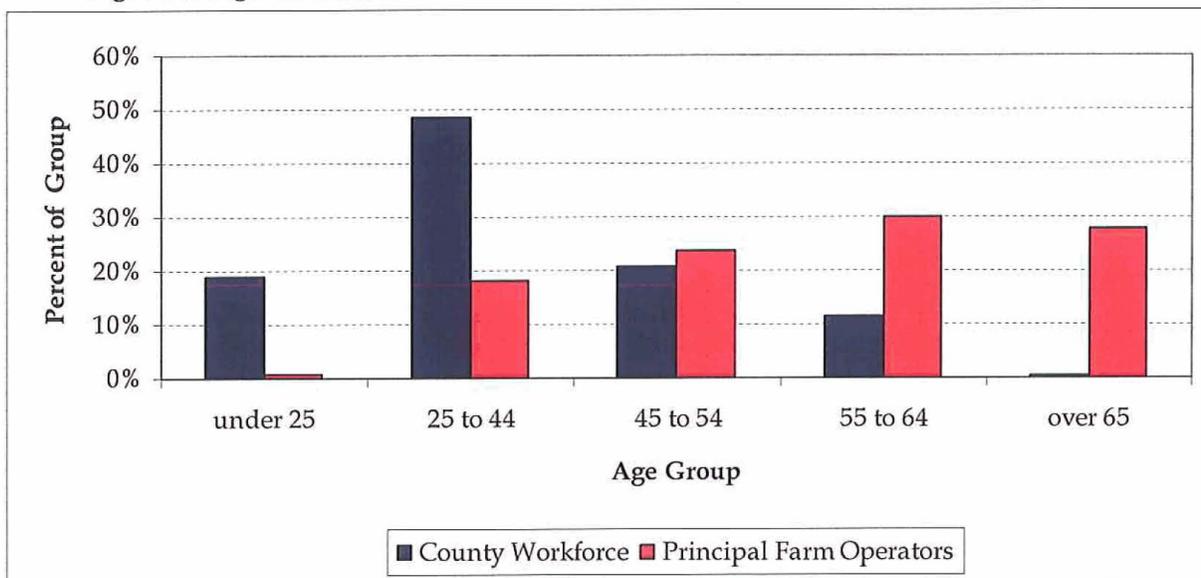
State law may protect the producer in the event of a lawsuit, but it does not prevent the producer from having to defend himself in the lawsuit, which is likely to be a costly process that may result in a settlement whereby the producer is forced to cease or alter their activities. Additionally, increased traffic on rural roads makes moving farm equipment difficult and harassment by aggressive drivers is a common complaint among producers in North Carolina.

Aging Farmers

In Cumberland County, the average age of principal farm operators is 56.7, which is slightly younger than the North Carolina average of 57.3 and the U.S. average of 57.1.⁵ The average age of the county's workforce is approximately 39.3 years.²⁴ Figure 13 shows the distributions of the county's workforce and farm operators by age. Of the county's 500 principal farm operators, 96 of them are over 70 years of age, three times the number that are under the age of 35. The implication is that there are not enough young farmers to take over the operations from farmers who will be retiring over the next ten to 20 years, a threat noted by Cooperative Extension agents throughout southeast North Carolina¹⁹ and echoed by local producers, 56 percent of whom expect to retire in the next 20 years (Figure 14).

If 56 percent of all farmers in the county retire during the next 20 years, then 49,726 acres of farmland will transition to new owners or operators. It is likely that some of the land will be incorporated into other farms, but with development pressure and land values rising, a real threat is that much of the land will be sold and converted to non-agricultural uses. The surveyed producers indicated their intentions for the transition of their farms (Figure 15) and many plan to transfer their land to family members for farming. Of greater concern, however, are the 44 percent who intend to transfer their land out of farm use. Farm transition is a concern of producers; 69 percent of those surveyed identified estate planning for farm transition as very important and 25 percent said it is somewhat important.

Figure 13. Age Distribution of the Cumberland County Workforce and Farm Operators



Sources: 2007 Census of Agriculture; 2007 American Community Survey

Figure 14. Cumberland County Producers Survey: Years to Retirement

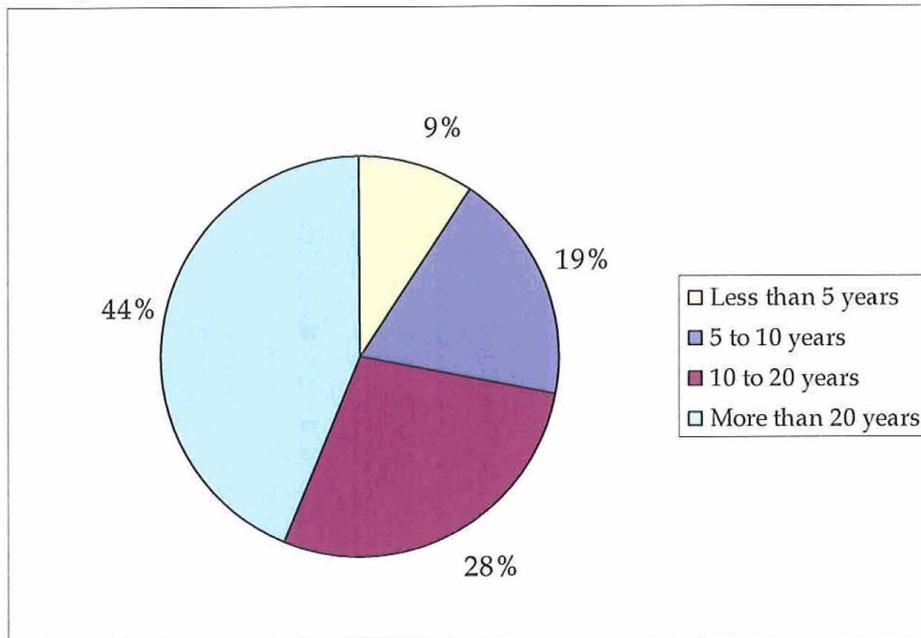
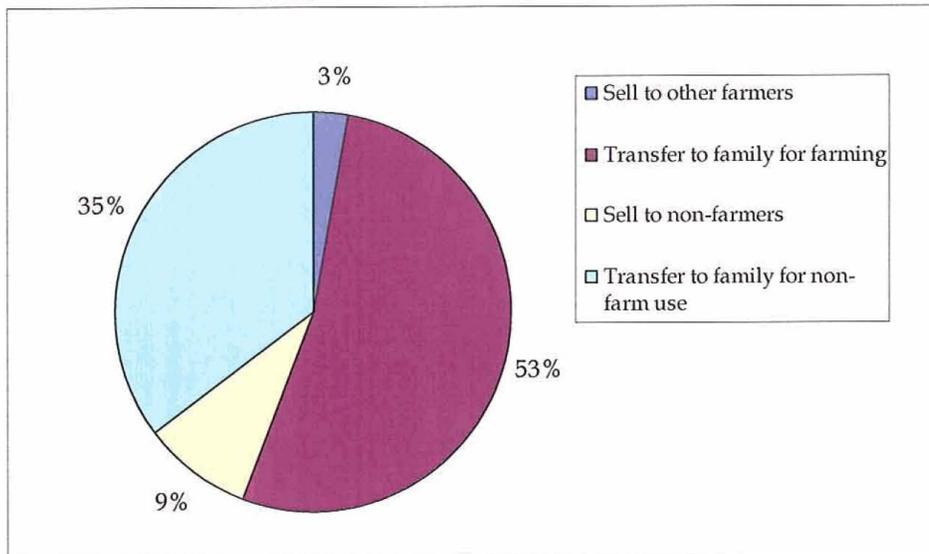


Figure 15. Cumberland County Producers Survey: Retirement Plans for Land Transition



Economics are a challenge to young, aspiring farmers. Most farms in the U.S. only make a profit when gross sales are at least \$50,000 and the average asset base of farms with sales at or above \$50,000 in 2007 was \$1.9 million²⁵. Even the tradition of inheriting farm assets has its challenges. Farmers, like the general population, are living longer so the transfer of assets to the next generation is delayed. Furthermore, farm assets have commonly been split among multiple family members and as farms become increasingly fractured through successive generations, the likelihood that an heir will receive a share large enough to support a family is diminished. One-third of beginning farmers in the U.S. are over the age of 54,²⁵ which might be explained by the need to accumulate the wealth needed to start an operation.

Loss of Rental Land

Farmers have always rented land; of the 500 farms in the county, 114 rent 59 percent of their land and 37 rent all of their land.⁵ Combined, the two groups rent 29,243 acres, or one third of all the county's farmland. Even when farmland is priced by its agricultural use, purchasing it is not always feasible or prudent to a farmer. Having an inventory of rental land is therefore crucial to the agricultural industry's viability. Unfortunately, just as the amount of total farmland in the county has been declining, so has the amount of available land to rent, forcing farmers to seek rental acreage outside of Cumberland County. Since 1992, when 43,685 acres were rented, the amount of rented farmland in the county has decreased by 14,442 acres with only 4,264 acres of formerly rented land now under the ownership of farm operators.^{26,5}

Producers and agricultural agents have stated that a lack of available rental land has inhibited some farmers from expanding their operations in recent years.^{27,28} Additionally, concerns have been raised about farmers from outside the county who have been leasing local land at three to five times the normal rental rate, but who are leaving after only a few years and after exhausting the soil's fertility – they pay more in rent, but save on soil maintenance. This behavior can cause one or more adverse impacts: 1) the landlord will lose trust in all farmers and no longer offer the land for rent; 2) local farmers will have to pay higher rents; and 3) local farmers will incur above normal costs and lost productivity while restoring the fertility of the soil on the depleted fields.

Rental rates for agricultural land have increased in recent years. The N.C. Department of Agriculture and Consumer Services reports that cash rents for high productivity soils and medium productivity soils increased 47 percent and 42 percent from 2006 to 2008, respectively.²⁹

Farm Labor

Labor, like most of other issues in agriculture, is becoming increasingly difficult to control. Labor shortages are a primary concern of farmers and Cooperative Extension agents in southeast North Carolina.¹⁹ Seventy-four percent of surveyed producers identified immigration issues and the need for skilled labor as very important or somewhat important. Many of the activities involved in raising crops are seasonal and some require temporary labor. Because many U.S. citizens do not want to perform the work, farmers depend on migrant workers, many of whom are immigrants from Mexico.

The impact of immigrants – legal and illegal; migrant and resident – on local education and health services has engendered negative attitudes towards immigrants by non-farm residents. Cumberland County residents and leaders need to know the farmers' needs for full-time and migrant labor and the contributions they make to the agricultural industry. These benefits must be compared to the costs to the county before leaders adopt or reject immigration policies and actions.

Apathetic and Negative Attitudes

Aging farmers and changes to the agricultural industry – current and pending – place a tremendous amount of uncertainty on the future of Cumberland County's agricultural lands. The future of the farms and forests will depend significantly on the decisions of the producers who own and operate on those lands today.

Farms and forests are intertwined with non-agricultural lands. Noises, dust, and odors are not confined by property lines. Tractors and other equipment use the same roads as residents driving to work. Because of these facts, the family businesses that comprise most of the agricultural industry need the support of the non-agriculture community to survive. More importantly, Cumberland County's agricultural industry is dependent upon the continued support of local government leadership and the entire citizenry to ensure its preservation.

VI. RESOURCES & OPPORTUNITIES FOR AGRICULTURE

Programs and Tools Utilized by Cumberland County

Farm Advisory Board

The Farm Advisory Board is a nine-member panel that serves as a watchdog for development in farm and rural areas, protects agricultural land, preserves the farming industry, and protects the character of the rural areas in the county. The members are appointed by the county commissioners, serve indefinite terms, and receive no compensation for their service. The duties of the board are:

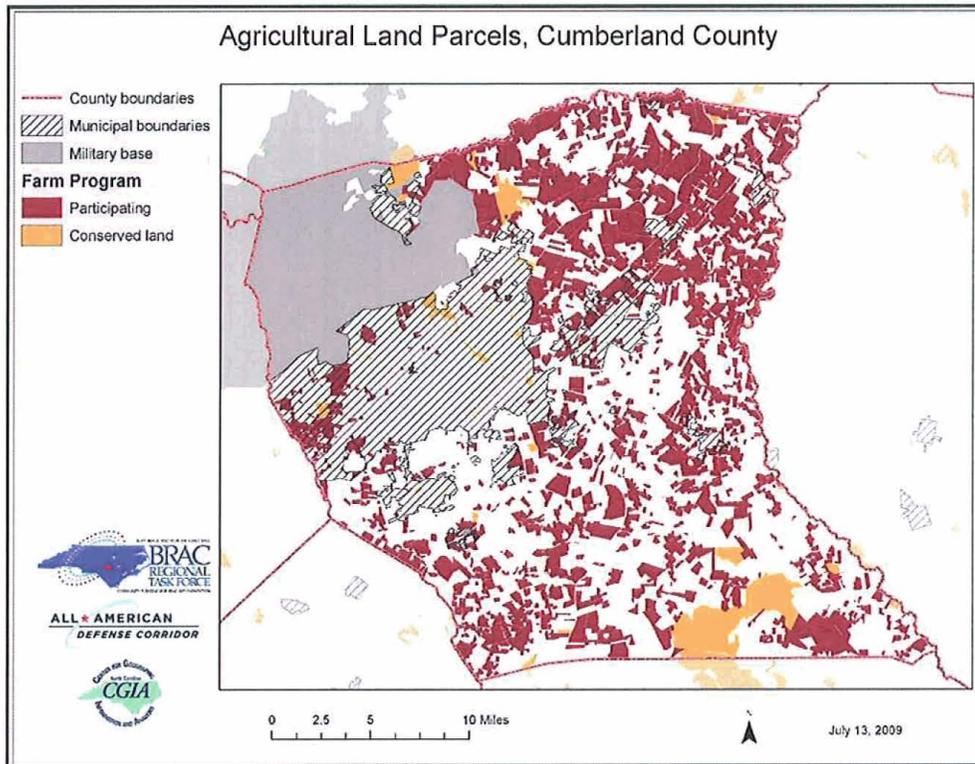
1. Promote the health, safety, rural agricultural values, and general welfare of the county.
2. Increase identity and pride in the agricultural community and its way of life.
3. Encourage the economic and financial health of agriculture.
4. Make recommendations to the Cumberland County Joint Planning Board and Board of Commissioners regarding issues involving farmland in Cumberland County.

Present-Use Value Tax Program

Present-Use Value, or PUV, is a program established in 1973 by N.C.G.S. §§ 105-277.2 to .7 and administered by the County Assessor through which qualifying property can be taxed based on its use as agricultural, horticultural, or forest land rather than for its "highest and best" use. The objective of the program is keep family farms in the hands of family farmers. The present-use value of a parcel is determined by the quality of its soils. The North Carolina Use-Value Board sets the value schedule based on the rent a parcel could receive given its soils and its use for agriculture, horticulture or forestry. Qualifying property is assessed at its present-use value rather than its market value. Deferred taxes are the difference between the taxes due at market value and the taxes due at the present-use value. Deferred taxes for the current year plus the previous three years will become due and payable with interest when a property loses its eligibility in the present-use value program.

This program is arguably one of the most important programs offered to producers in North Carolina, especially to those in counties with high land values; indeed, 81 percent of Cumberland County producers surveyed for this plan ranked PUV as very important and an additional 16 percent said it is somewhat important. In 2009, landowners enrolled 125,062 acres of farm and forest land in the program (Map 5)³⁰.

Each year, a number of properties are removed from the program either by notification from the landowner or because they were discovered by the tax assessor to be out of compliance with the program's requirements. In each of the three years from 2007 to 2009, the county collected an average of \$177,151 in rollback taxes, the deferred taxes for the current year plus the previous three years.



Map 5. Parcels in Present-Use Value

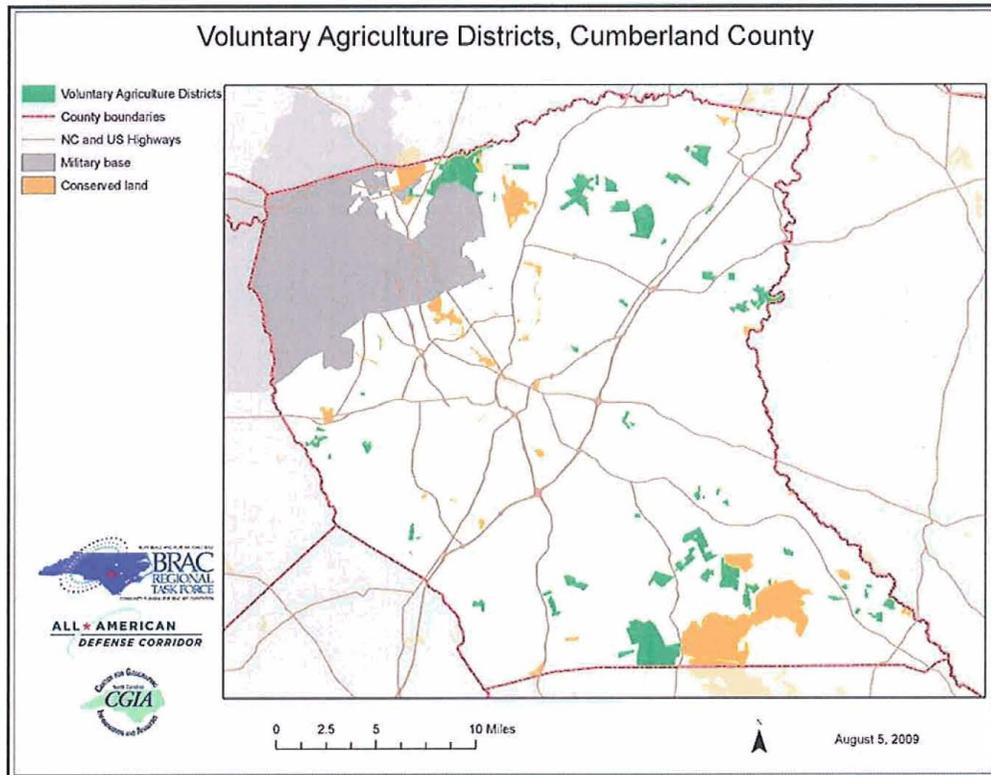
Voluntary Agricultural Districts

In 2006, the county adopted the Voluntary Agricultural District Ordinance. “The purpose of the ordinance is to promote agricultural and environmental values and the general welfare of the county and, more specifically, increase identity and pride in the agricultural community and its way of life, encourage the economic health of agriculture, and increase protection from non-farm development and other negative impacts on properly managed farms.” The ordinance established a Voluntary Agricultural District Program which provides the following benefits:

- Preserves and maintains agricultural areas in the county.
- Informs non-farming neighbors and potential land purchasers that the participating farm may emit noise, dust, and smell, which may avoid conflicts between neighbors and potential nuisance claims.
- Gives the farming community an enhanced voice in Cumberland County Commissioners’ decisions affecting farmland.
- Conserves open space and natural resources as the County’s population and development expand.

To qualify for the program, a farm must meet criteria related to size, income, and land management. To participate in the program, the farmer must enter into a conservation agreement with the county that prohibits non-farming use or development of the land for at least ten years. The agreement allows for the creation of not more than three house lots that meet applicable zoning and subdivision regulations. Farmer participation in the program is

voluntary and the farmer may terminate his/her participation at any time. As of October 2009, 36 farmers had enrolled 13,704 acres in the program (Map 6).



Map 6. Voluntary Agricultural Districts

Conservation Incentives Program

On July 7, 2004, the Cumberland County Board of Commissioners approved the Military Mission and Operations Critical and Important Tract Conservation and Protection Policy. The policy enables the county to make inducement payments to owners of qualifying land who enter into a conservation agreement with the county. Qualified tracts are five acres or larger, are designated Military Mission and Operations Critical or Important, AND are within one mile of the Fort Bragg boundary – the area studied for the Fort Bragg Small Area Plan. When the policy was adopted, 62 parcels totaling 2,913 acres met these criteria. Owners of these qualifying tracts must also be current in their *ad valorem* property tax payments. Landowners who enter into agreements for five to nine years receive annual payments equal to 48 percent of the property tax payments made to the county. Landowners who enter into agreements for ten or more years receive annual payments equal to 96 percent of the property tax payments.

To date, only one agreement has been made; 464 acres were placed under an agreement in May of 2008. Agricultural uses of the land are allowed under the agreement. Agricultural uses and activities are given a broad definition including those more specifically associated with farming and forestry. The agreement goes so far as to state in one section: "... to allow the widest variety of agricultural uses...." This program could be expanded, or replicated, to include areas outside the Fort Bragg buffer zone providing a direct way to address the property tax complaints of farmers.

Comprehensive Plans

Comprehensive plans are documents that provide the framework to guide local governments' actions. A plan contains a long-term vision for the community that is used to establish goals, objectives, policies and actions to guide development, and the use of community resources. Subject areas of a plan can include: economic development, land use; recreation, transportation, conservation, and infrastructure.

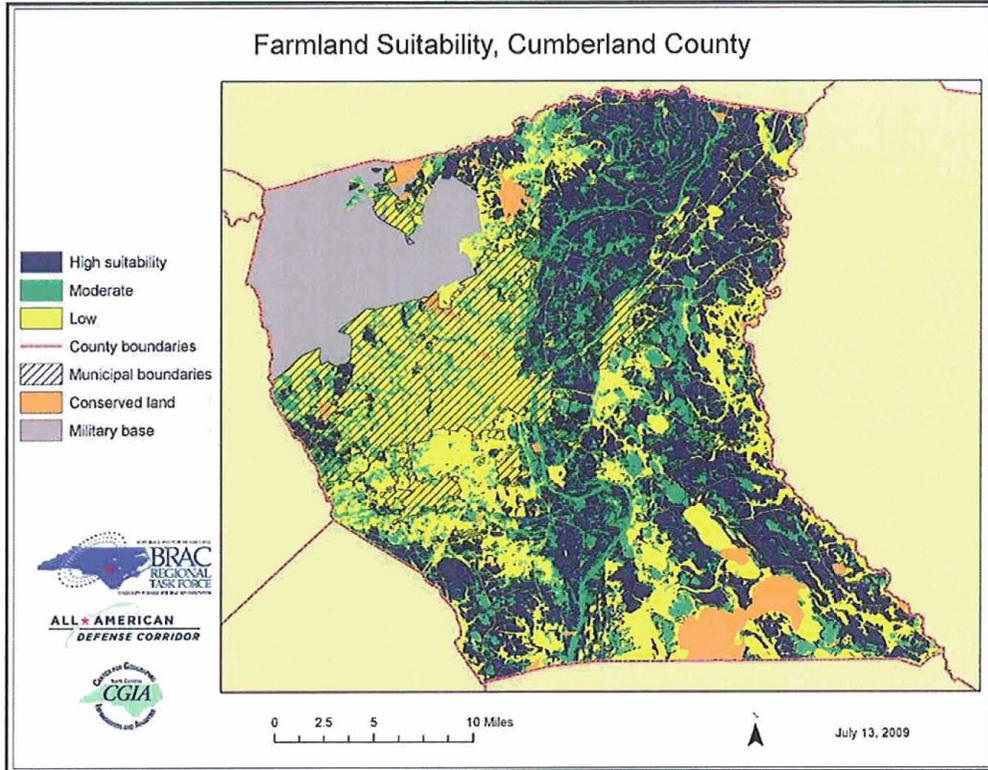
The protection, support, and development of agriculture should be addressed in the economic development, land use, transportation, and infrastructure sections. The agricultural industry is poised to undergo significant changes as the nation and the world adapt to population growth, climate change, the need to shift energy production away from oil, and the discovery of pharmacological benefits of plants. The agricultural industries should not be left out of the county's economic development plan. The land use section can identify agricultural areas for protection against development. The transportation and infrastructure sections can help facilitate the protection of agricultural lands by directing the extension of roads, sewer and water services away from agricultural areas.

In developing their Policy Guide on Agricultural Land Preservation,³¹ the American Planning Association identified the following conditions for a viable agricultural industry:

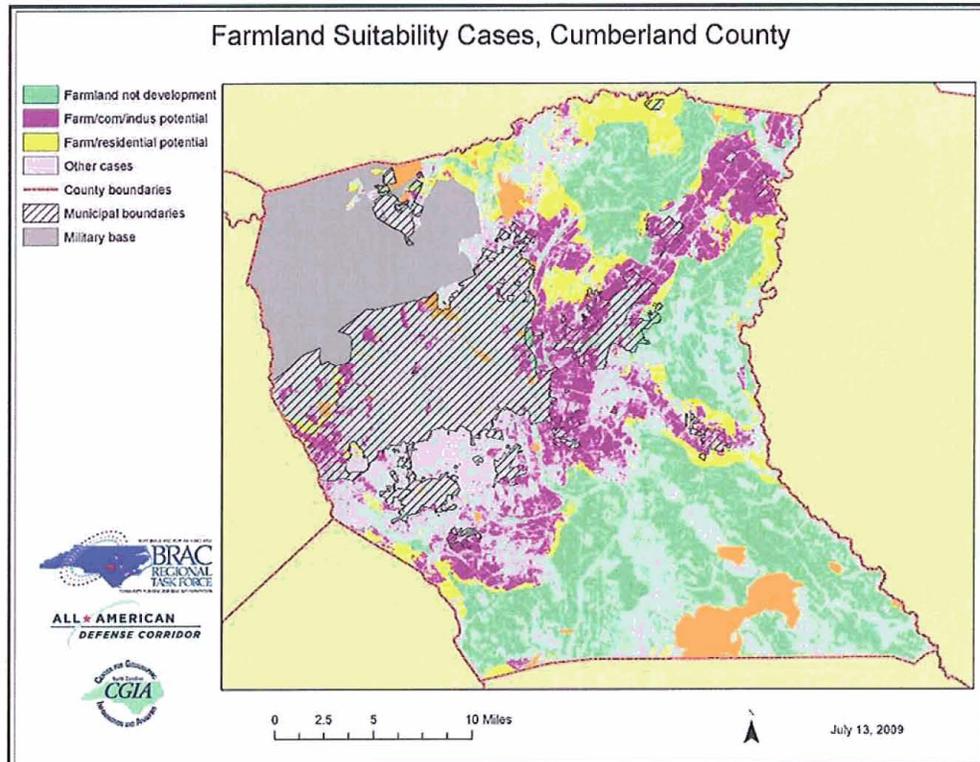
- Agricultural land should be protected and preserved in large contiguous blocks in order to maintain a "critical mass" of farms and agricultural land. The critical mass will enable farm support businesses to remain profitable and sustain local and regional agricultural economies;
- Agricultural land preservation must be distinguished from open space protection. The purpose of protecting agricultural land should be to protect commercially viable farms and agricultural land which incidentally provide open space; and
- The preservation of agricultural land and farming is dependent on the strength of the local agricultural economy. A critical mass of agricultural support activity must be preserved to help make farming a viable business enterprise.

The *Cumberland County 2030 Growth Vision Plan: Policies and Actions* was written to help the county and its municipalities manage growth and allocate the area's finite financial resources. The support and development of agriculture is consistent with many of the vision statements, policies and actions, of this plan; some of which are referenced below in Recommendations, Strategies and Actions.

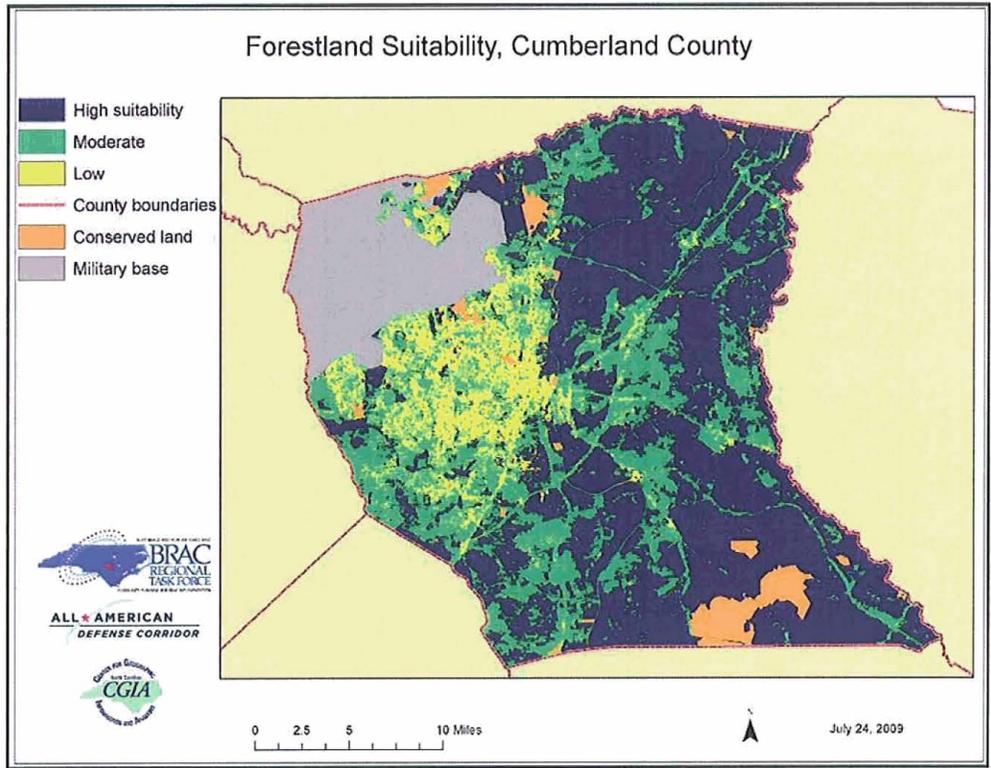
A detailed analysis of the county's agricultural land was conducted for this plan to evaluate the existing and potential locations of viable farms and forests based on physical characteristics, existing and planned infrastructure, and other community factors. Map 7 displays the areas identified as most suitable for farms based on soils and current land use and Map 8, which displays identifies potential development cases for the areas rated as most suitable for farms. The process was repeated for loblolly and longleaf pine forestland with results displayed in Map 9 and Map 10. These maps demonstrate a process that gives agricultural lands a greater, but fair, influence in land use planning and going beyond simple statements about farmland within the larger context of rural areas. This type of planning could lead to more effective agricultural land protection.



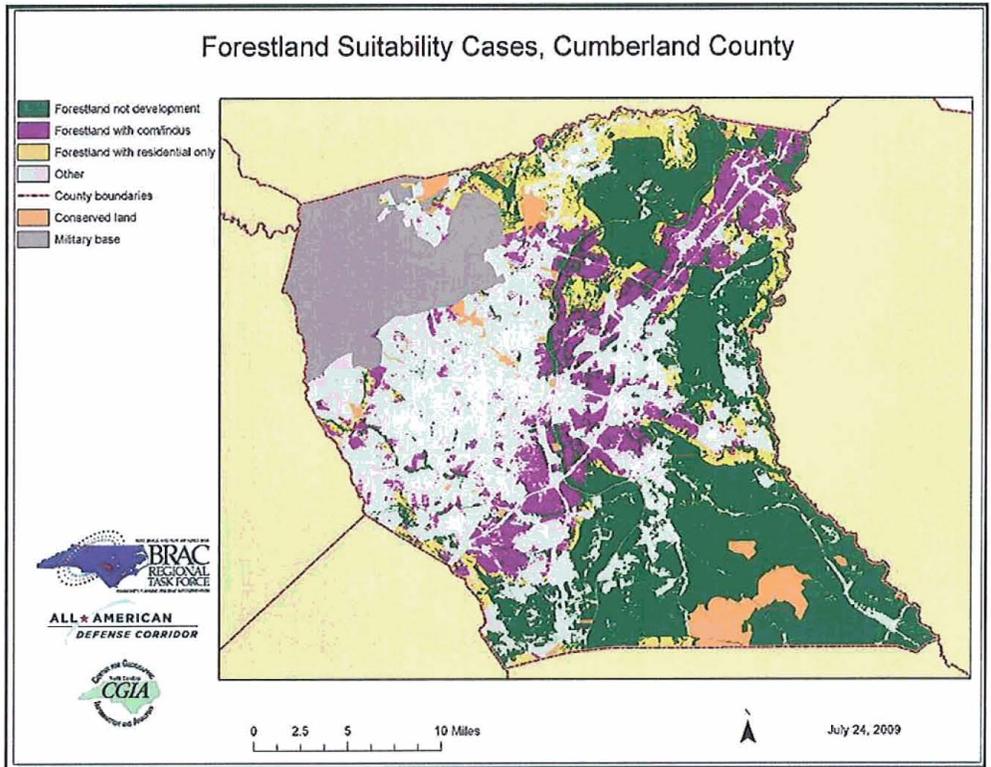
Map 7. Farmland Suitability



Map 8. Farm Suitability Cases



Map 9. Forestland Suitability



Map 10. Forestland Suitability Cases

Zoning

Zoning regulations are a tool used by local governments to implement the land use objectives of their comprehensive plans. A zoning ordinance segments portions of the community by land use and establishes standards for development. North Carolina law prohibits counties from regulating bona fide farms through their zoning ordinances; however, lot size requirements and road specifications can impact agriculture by encouraging development and the subsequent conversion of farmland. Zoning ordinances, therefore, should at least be created carefully so as to cause no unintended impacts on agriculture.

Zoning ordinances can be used as a tool to protect farmland. Conserving large tracts of prime farmland and minimizing the density around farmland are two objectives that can greatly benefit agriculture. There are many zoning strategies that can achieve these objectives, including: agricultural protection zoning; sliding scale zoning; conditional use zoning; cluster zoning; large-lot zoning; and overlay districts.

The *2008 Cumberland County Land Use Policies Plan* was written to provide guidance for local governing bodies in making land use decisions at the parcel level. The Plan contains the following section on agricultural land use.

Agricultural land use, in a broad context, is considered to be a resource that is threatened by urban encroachment. The Zoning and Subdivision Ordinances of each of the local jurisdictions address Agricultural land use through specific zoning districts and allowing certain uses within those districts. The Land Use Policies Plan contains Location Criteria, which provide a method of finding general locations suited for Agricultural land use.

Objectives

- Promote the preservation of farmland areas
- Preserve the rural character of the county
- Protect farming and farming operations from urban encroachment

Definition

Agriculture is defined as land actively being used for farming and forestry purposes. The zoning district classifications for this type of land use are: A1 and A1A Agricultural Districts, although agriculture or rural farm use is allowed in all of the residential zoning districts and planned commercial and planned industrial districts.

Location Criteria

- Should be outside Sewer Service Area, but if inside it must be a bona fide farm
- Existing farm or agricultural operation
- Should meet criteria for Voluntary Agricultural District designation

Agricultural & Business Education

North Carolina Cooperative Extension provides farmers and agribusinesses with the research-based knowledge they need to continue producing a stable, safe, and affordable food supply in

economically and environmentally sustainable ways. The Cumberland County Extension Center employs three agricultural agents: one who covers commercial horticulture, bee keeping and the farmers market; one who covers urban horticulture and the Master Gardener program; and one who covers crops and forestry. A fourth agent covers poultry in Cumberland and surrounding counties.

Small business owners and aspiring entrepreneurs can obtain in-depth counseling and other business assistance from three area resources. The Small Business Center at Fayetteville Technical Community College offers free counseling, seminars and workshops, the NC Rural Entrepreneurship through Action Learning program, and a business resource library. The Cape Fear Small Business and Technology Development Center located at Fayetteville State University is an inter-institutional program operated in partnership with the Small Business Administration; it offers free counseling and assistance with issues such as business planning, feasibility assessments, loan sources, marketing, operations, and human resource management. Sandhills SCORE provides counseling and seminars from volunteer businessmen and women. The experienced volunteers at Sandhills SCORE assist entrepreneurs with business start-up and operations.

Conservation Assistance & Cost Share

The Cumberland County Soil and Water Conservation District (SWCD) offers free technical assistance to landowners in the county with land management, drainage, wetlands, soils information, best management practices and other land resource problems. District staff conduct educational outreach programs and offer two grain drills for rent, which is a service that reduces soil erosion while saving farmers the expense of purchasing a costly, but rarely used, piece of equipment.

There are numerous programs available to landowners that provide cost share, or financial assistance, to implement land use practices that will improve the condition of agricultural land. Practices range from livestock fencing along a stream to the conversion of cropland and pastures into permanent cover including trees and wildlife cover. Many of these programs can be especially useful in restoring longleaf pine forests. The programs are mostly administered by the SWCD, the USDA Farm Service Agency (FSA), USDA Natural Resource Conservation Service (NRCS), and the N.C. Division of Forest Resources (DFR).

- N.C. Agricultural Cost Share (SWCD)
- Forest Stewardship Plan Program (DFR)
- Southern Pine Beetle Prevention Program (DFR)
- Conservation Reserve Program (FSA)
- Conservation Reserve Enhancement Program (FSA)
- Environmental Quality Incentives Program (NRCS)
- Wildlife Habitat Incentive Program (NRCS)

North Carolina Sandhills Safe Harbor Program

The safe harbor program is a landowner incentive program developed by the U.S. Fish and Wildlife Service under the Endangered Species Act to benefit red-cockaded woodpeckers.

When red-cockaded woodpeckers inhabit a property some land use restrictions apply under the Endangered Species Act, so many landowners fear that their land management actions may result in the use of their property by the birds. The safe harbor program provides protection to landowners that no additional land use restrictions will be imposed as a result of their management actions. Many activities are compatible with the program, including timber production, pine needle raking, hunting and other recreation. Enrollment in the program is required and can be done so through the U.S. Fish and Wildlife Service's office in Southern Pines.

Readiness and Environmental Protection Initiative

The Readiness and Environmental Protection Initiative is a land conservation program funded by the U.S. Department of Defense. The program is coordinated at Fort Bragg and utilizes partnerships with The Nature Conservancy and the Sandhills Area Land Trust. The conservation partners receive funds from Fort Bragg to purchase lands or conservations easements on lands that are threatened by incompatible uses such as development.

Producer Opinions of County Programs

Several questions in the producers' survey asked about the awareness, participation, and importance of agriculture support programs. Responding producers clearly find the programs that provide financial and legal support to be important as shown in Figure 16. However, when it comes to their perception of the support that the county actually provides to agriculture, 40 percent or more of the surveyed producers find the county to be unsupportive in most cases (Figure 17), indicating a need to improve these programs and/or educate producers about them.

Figure 16. Cumberland County Producers Survey: Government Support Systems

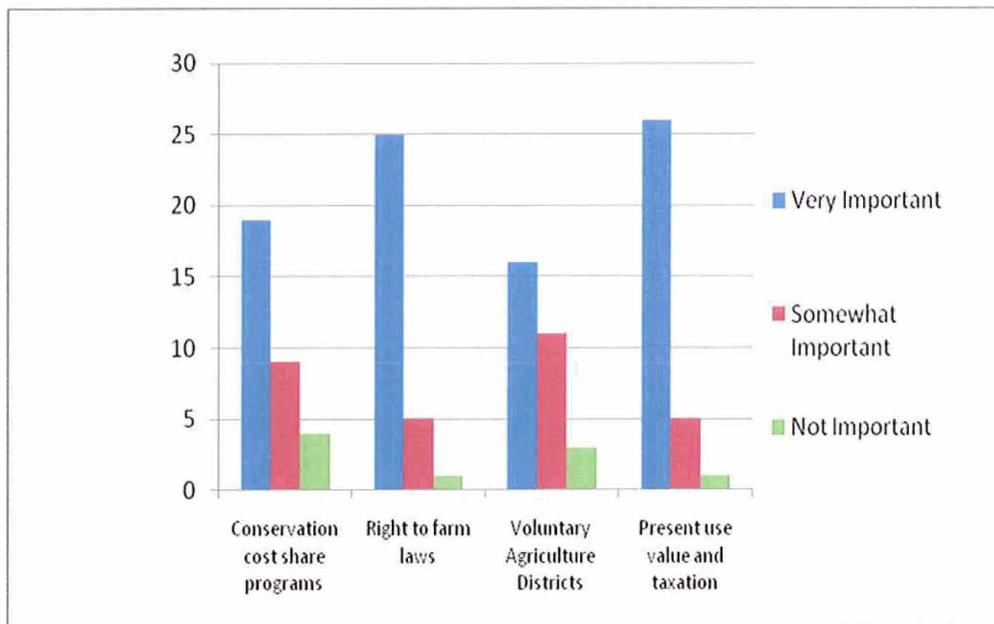
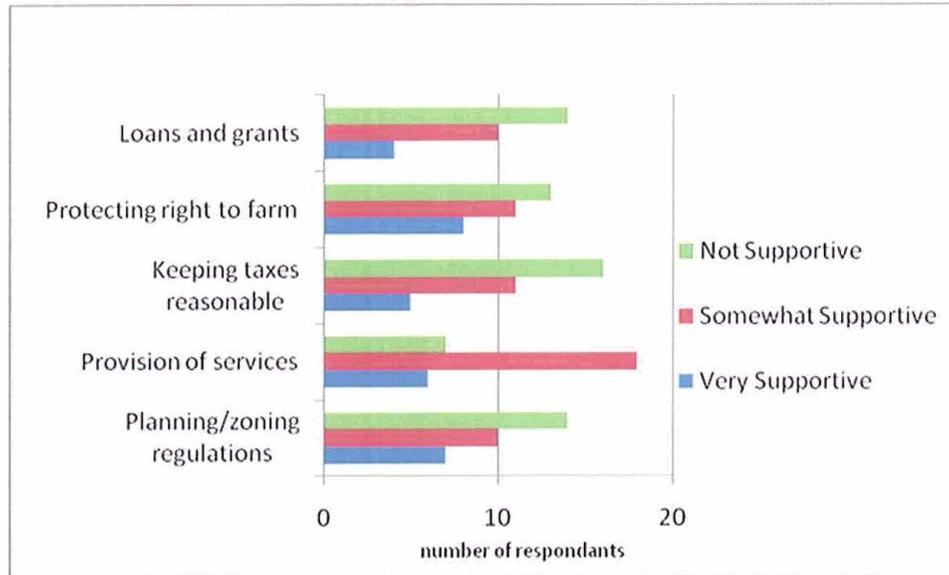


Figure 17. Cumberland County Producers Survey: Local Government Support



Other Farmland Protection Tools

Enhanced Voluntary Agricultural Districts

Established by N.C.G.S §§ 106-743.1 to .5, an Enhanced Voluntary Agricultural District is a Voluntary Agricultural District formed of one or more farms that are subject to an IRREVOCABLE 10-year agreement to limit development. In return for the condition of irrevocability the landowner receives the added benefits of being able to receive 25 percent of gross revenue from the sale of nonfarm products and still qualify as a bona fide farm, and being eligible to receive up to 90 percent cost-share assistance from the N.C. Agricultural Cost Share Program.

Agricultural Conservation Easements

An agricultural conservation easement is a written agreement between a landowner and a qualified conservation organization or public agency under which the landowner agrees to keep the land available for agriculture and to restrict subdivision, non-farm development and other uses that are incompatible with commercial agriculture. The agreement is recorded by deed with the County Registrar and runs with the title of the land, protecting the farm in perpetuity. Placing a conservation easement over a property is a legal process with financial consequences. As a result, cash payments between \$20,000 and \$40,000 are typically needed to complete the transaction. The landowner can be compensated for the loss in value resulting from the removal of the property rights; the landowner can usually receive state and federal income tax benefits and/or a cash payment.

Soil and Water Conservation Districts have the authority to hold conservation easements and the N.C. Division of Soil and Water Conservation has been working with partners to provide technical support to districts developing easement programs. Funding to purchase agricultural easements is scarce, but sources include:

- N.C. Agricultural Development and Farmland Preservation Trust Fund
- N.C. Clean Water Management Trust Fund
- U.S. Farm and Ranch Land Protection Program.

Agricultural Conservation Agreements

An agricultural conservation agreement is similar to a conservation easement but applies for a finite period of time agreed to by the landowner and conservation partner. The N.C. Agricultural Development and Farmland Preservation Trust Fund awards grants for the purchase of conservation agreements.

Transfer of Development Rights

The transfer of development rights (TDR) programs, enable the transfer of development rights, or density allowances, from one parcel to another, usually in different areas of a County. These programs are typically established in the zoning ordinance and can be designed to meet the specific needs and interests of the community. To protect agricultural land, TDR reallocates development rights to designated growth zones. A TDR can be mandatory or voluntary. In a mandatory program the agricultural area is down zoned and the landowners are compensated with density credits that can be sold on a market. The density credits can be bought and used to increase the development potential of a parcel inside the growth zone. In a voluntary program the a landowner in the agricultural area can sell a conservation easement and the buyer will receive density credits for the growth zone. The legality of TDR in North Carolina is questionable and a county might need to receive authorization from the General Assembly prior to implementation. A TDR might be most successful for a county if it is designed in partnership with a municipality, in which case authorization from the General Assembly is required. There are no existing TDR programs in North Carolina at this time.

Opportunities for Economic Development

Agricultural Biotechnology

Residents of Cumberland County surveyed for this plan were asked if agriculture is a high technology industry and 70 percent said yes. Growing food, fiber, and timber has always been more complex than is seen through casual observance, but the future offers new, unprecedented opportunities.

In December of 2009, the North Carolina Biotechnology Center, located in Oxford NC, launched the Ag/Bio Initiative to grow the state's agricultural economy by \$30 billion by 2020. The Center and its partners plan to achieve this growth by combining North Carolina's traditional agriculture and new technology strengths, and focusing attention on agricultural biotechnology. "Biotechnology is a broad collection of tools and technologies that use living cells and/or biological molecules to solve problems and make products."³²

Biotechnology is used in agriculture to enhance crop protection and yield, make tools to improve agriculture, and to find new uses for existing crops. Herbicide resistant varieties of soybeans, corn, and cotton are three examples of crop enhancement developed from biotechnology. Animal vaccines, growth hormones, and feed additives are just a few tools developed to improve agriculture. Traditional crops such as soybeans and corn (or their new varieties) can be used as starting materials for products with uses in fuel, industrial chemicals, and pharmaceutical intermediates.

The Ag/Bio Initiative signals the opportunity for agriculture in North Carolina to become increasingly valuable and include traditional farmers, scientists, entrepreneurs, and the myriad professionals and service providers needed for their success. The Biotechnology Center provides an array of services and programs that will contribute to the success of the initiative, including business assistance and loans. Partners in the initiative represent several commodities that are grown in Cumberland County: Golden LEAF Foundation, NC Forestry Association, NC Soybean Producers Association, and the Tobacco Trust Fund Commission.

Biofuels

In 2006, the N.C. General Assembly mandated a statewide strategic plan for biofuels and appropriated \$5 million in 2007 to fund the Biofuels Center of North Carolina. The strategic plan was completed in 2007 and established the goal: "To develop a liquid biofuels industry that is substantial in output, agriculturally and economically important, sustainable, and significant across the State." The first strategy establishes a vision where ten percent of liquid fuels sold in North Carolina in 2017 will come from biofuels grown and produced within the State.

Source: Fueling North Carolina's Future: North Carolina's Strategic Plan for Biofuels Leadership (2007)

Local Markets

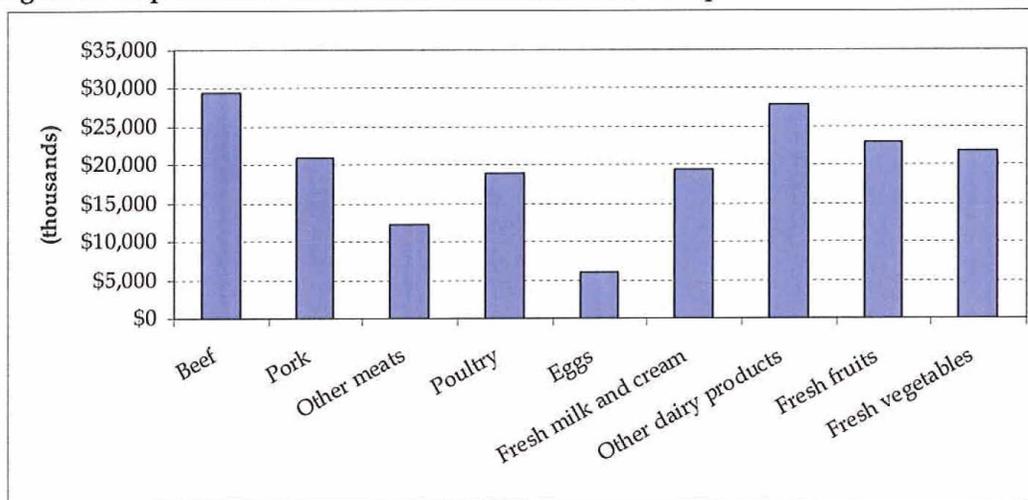
The U.S. food system is structured around supply chains that move undifferentiated products to markets with speed and efficiency. The fact that fruit, vegetable, and livestock products are cheap, uniform, and available year-round is a remarkable feat of agricultural industrialism. Large grocery retailers, including nonfood store retailers like Wal-Mart, have been increasingly utilizing supply-chain management, marketing, and trade promotion practices that all but eliminate the need for small farms as suppliers. Fresh fruits and vegetables are procured from large grower-shippers that own farms or contract with farms in multiple regions so that they can provide the consistent supply of products to retailers year round. Consumers benefit from the low prices this system affords.

However, in order to withstand the rigors of transportation and meet the demands of retailers, many fresh food products lack the taste and texture qualities of products once grown locally for immediate consumption. Furthermore, the system has fundamentally broken the connection between consumers and farmers; even when locally grown products are on the shelf, they are

undifferentiated in character and are mixed with like products from other regions. These two consequences present an opportunity for Cumberland County farmers.

Developing new products for local markets is an opportunity for many of the county’s small farms and is one that surveyed producers identified as very important (Figure 19). *Local* is an attribute of food that is increasingly being valued by consumers around the country.³³ The characteristics of local food products, real and perceived, desired by consumers are varied. Tangible characteristics include quality, freshness, taste, and texture. Intangible characteristics include supporting local economies, family farms, and the environment. Discriminating consumers are not limited to those eating organic produce, but are shoppers who want pasture-raised beef, pork, poultry, and eggs; and many accept that sustainable practices can include the use of synthetic fertilizers and pesticides. Figure 18 shows the estimated expenditures of Cumberland County households on food for home consumption. Estimates for the south region of the United States from the 2008 Consumer Expenditure Survey³⁴ were extrapolated using the number of households estimated by the 2008 Community Survey.²² In addition to the \$180 million spent on meat and livestock products and fresh fruits and vegetables for home consumption, Cumberland County households spent \$234 million in restaurants in 2008.^{22,35} There are multiple opportunities for Cumberland County’s small farms to sell directly and indirectly to local consumers.

Figure 18. Expenditures on Select Foods for Home Consumption in Cumberland County

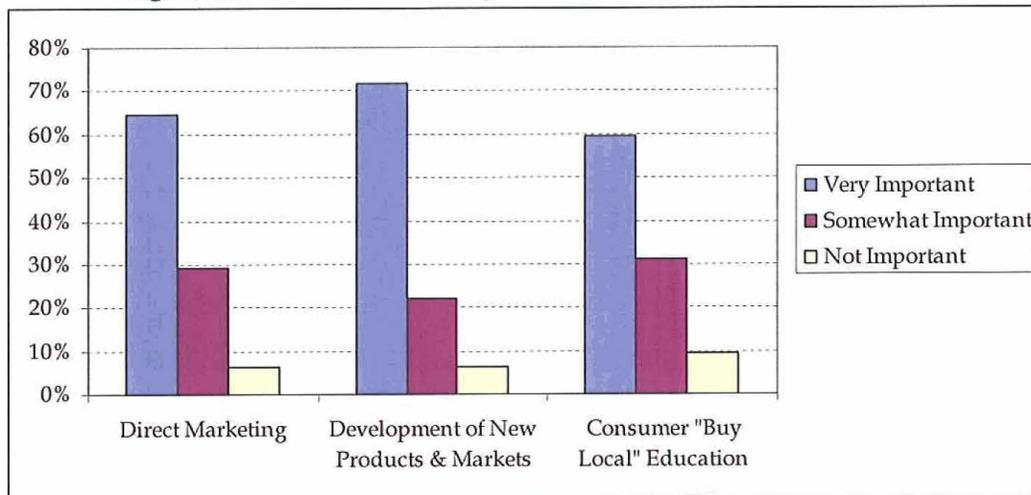


Surveyed producers think direct marketing and educating consumers about buying local are very important (Figure 19). Direct market channels include farmers markets, which provide a linkage between urban residents and rural producers; community supported agriculture (CSA), a subscription service in which the farmer sells shares of the farm’s weekly yield to customers for a fixed price; roadside stands; and on-farm stores. Direct sales can quadruple the revenue a farmer earns compared to sales to an intermediary.

One study³⁶ estimated that for every dollar spent on food in retail outlets only 20 cents was received by the farmer. The farm value shares for fresh fruits and vegetables were estimated to be 23.5 percent and 26.5 percent, respectively. Fort Bragg by itself offers an opportunity for direct sales. The availability of fresh produce is limited to soldiers and their families, a problem

that could be addressed with the establishment of one or more tailgate markets near the post's gates.³⁷

Figure 19. Cumberland County Producers Survey: Local Marketing



Indirect market channels include food retailers from neighborhood food cooperatives to warehouse club stores, restaurants, and institutions like schools, colleges and hospitals. Scaling up to these markets is more appropriate for the occupation family farms with sales between \$100,000 and \$250,000 as well as large family farms.

The substantial amount of time needed to sell at a farmers market or coordinate the logistics of a CSA and the larger volume of products from these farms limit direct sales to a supplementary role at most. However, these farms have an advantage over the very large farms in producing differentiated products. Their scale enables them to be flexible and respond to changes in the demand of highly diversified markets.

The food service industry is a primary example of these markets. Chefs at independent restaurants seek products to keep their food unique and institutions such as hospitals and schools are looking for ways to improve human health and reduce obesity. As demand for local products increases, the supply-chain driven outlets will likely to sell these products too, which further increase this opportunity for local farmers.

Feed the Forces

Early attempts to sell produce and other agricultural products to Fort Bragg were met with barriers imposed by the procurement procedures of the base's commissaries. Although Public Law 95-07 requires that all federal procurement agencies provide contract opportunities to small and disadvantaged businesses, the system at Fort Bragg is simply too large for small-scale producers to participate. An economic impact report produced for BRAC Regional Task Force³⁷ asserts that the 11 counties in the Fort Bragg region combined could not supply all the food consumed at the post. The report suggests that farmers in the region need to

collaborate and submit a single unified bid for a sub-contract with the Fort Bragg commissaries. Additional limitations include; security issues limiting access to the base; the necessity for producers to acquire GAP certification; lack of knowledge and training of farmers to acquire federal contracts; and most importantly an apparent disinterest in the base command working with local farmers and producers to overcome these and other limitations.

Population growth provides an opportunity for agriculture as well as a challenge and local markets are not limited to food products. As the population of the county increases, new residential and commercial developments will be built and they will need landscaping. This presents an opportunity for Cumberland County farmers growing ornamental trees, shrubs, turf sod, and pine straw as well as greenhouses growing floriculture crops and bedding plants. Locally grown ornamentals have some of the same potential benefits as those of local food products.

Having been selected and started in the county, the woody and herbaceous plants will be more adapted to the soils and climate of the area compared to plants from other regions. They also carry the intangible characteristics of supporting local farms and the local economy; qualities a savvy developer can use to market its homes. The pine straw market represents an opportunity for landowners to manage their timber for long leaf pine. This provides additional income from pine straw raking until the timber is ready for harvest.

Finally, new development and home restoration might present an opportunity to the forest products sector. Home buyers are also seeking sustainability attributes. Builders seeking LEED (Leadership in Energy and Environmental Design) certification receive credits for using regionally sourced materials.³⁸ Since much of the timber grown in the county is used to make framing and other lumber products, residential expansion and the trend towards green building offer the potential for local forest owners, loggers, and saw mills to experience higher demand and prices for their products and services.

VII. RECOMMENDATIONS, STRATEGIES AND ACTIONS

Recommendation 1. Promote the expansion and diversification of the agricultural industry.

Cumberland County's 2030 Growth Vision Statement #1 describes the county's economic base as having grown and diversified. The policies developed to achieve this vision address the expansion of existing businesses and the start up of new businesses, the active participation of local governments in the creation of business development, agri-tourism as a means to sustain family farms, the need for area educational institutions to focus training and retraining students for the 21st Century economy, the protection of business location sites, opportunities to link Cumberland County to surrounding counties and research institutions, and the use of economic development incentives.

Agriculture and agribusiness contribute over \$500 million of value to the county's economy each year through the production and manufacturing of crop, livestock, and forest products; provide jobs; and have significant growth potential. The economic base of agriculture is an asset and resource that should be utilized to achieve the vision of a diversified economy. The strategies below will support the pursuit of the vision by promoting the expansion and retention of small, family farms; the recruitment and development of biotechnology enterprises; and the development of local markets for locally grown products. A strong and sustained economic development program will help address the challenges of profitability and aging farmers.

Strategy 1.1. Promote Cumberland County as a location for agricultural biotechnology research, and product manufacturing.

Action Steps

- Create and maintain an inventory of opportunity sites for agricultural biotechnology business development. The inventory should include farms, forest tracts, and buildings suitable for research, production and manufacturing.
- Identify sources and/or establish mechanisms for funding agricultural biotechnology development incentives. Sources include the North Carolina Center for Biotechnology, the Biofuels Center of North Carolina, and the N.C. Agricultural Development and Farmland Preservation Trust Fund.
- Establish a business recruiting presence in the Research Triangle area to attract agricultural biotechnology firms to the County.
- Encourage and support the development and expansion of biotechnology educational programs at Fayetteville State University, Fayetteville Community College and through Cooperative Extension. Investigate opportunities to cooperate

and/or participate with the Center for BioAgriculture^d at Robeson Community College.

Strategy 1.2 Support the development of a local agricultural economy

Action Steps

- Establish a permanent Farmer's Market in Fayetteville with the infrastructure to operate year-round and in inclement weather. The market should include water and power to allow vendors to sell perishable products and be designed and constructed to provide an inviting, comfortable and convenient experience for shoppers.
- Develop a marketing program to promote products grown in the county. The program should include distribution channels such as the Farmer's Market, restaurants, retail stores, schools and other institutions. Additional users such as municipalities and developers should be targeted as users in this marketing strategy.
- Investigate funding opportunities to support the hiring of marketing specialist to implement the steps of this strategy.
- Assess the food economy in the county and identify education, infrastructure, and marketing tools to increase the demand and supply of locally produced products.
- Educate and provide incentives for municipalities to utilize locally produced agricultural, ornamental and timber products.
- Provide education and training to farmers in areas of production, business and marketing. Encourage farmer participation and enrollment in the N.C. Department of Agriculture and Consumer Services Farm Fresh, Got to Be NC, and Goodness Grows in NC marketing programs.
- Promote agri-tourism as economic opportunities for farmers, and as recreation, heritage and family activities for residents.
- Develop a green building program to educate home buyers and builders about Leadership in Energy and Environmental Design (LEED) certification and promote the use of local materials. Developing links between forest owners, loggers, saw mills and builders to increase the use of local timber in new construction or remodeling of buildings.

^d The North Carolina Community College System established the Center for BioAgriculture to focus on agricultural biotechnology as part of its BioNetwork program, which connects biotechnology education programs across the state.

Strategy 1.3 Promote agriculture as a career

Action Steps

- Expand and enhance the agricultural education programs at the high schools to prepare students for the emerging sectors of agricultural biotechnology, sustainable production, and high value food products.
- Work with educational institutions, Fayetteville Technical Community College and Fayetteville State University to evaluate expansion of curriculums related to food, fuel and fiber industries. Additionally, encourage the inclusion of agricultural workforce training in the BRAC Workforce Training Initiative.
- Work with Cooperative Extension and the small business centers to ensure that resources are available that meet the specific needs of agricultural entrepreneurs.
- Promote programs for young farmers to encourage the growth and development of careers in agriculture (ex. Farm Bureau's Young Farmer and Rancher Program, NC State's University's "SUCCEED" Tobacco Short Course).

Recommendation 2. Manage growth and protect agricultural lands.

Cumberland County's 2030 Growth Vision Statement #2 states that the local governments and service providers have coordinated their policies and actions to direct growth where it can best be served, resulting in fewer land use conflicts and less sprawl. Vision Statement #7 states that the loss of farmland has been curtailed by growth management policies that have directed new development away from prime agricultural areas. Additionally, the Land Use Policies Plan acknowledges that agricultural land use is a resource threatened by urban encroachment and promotes the preservation of farmland areas and farming operations.

The goal of this recommendation is to ensure that Cumberland County maintains the land resources needed to support the agriculture industry as it expands and diversifies. The fundamental objectives of this recommendation are to: 1) conserve highly productive soils, or those classified by the Natural Resource Conservation Service as prime, of statewide importance and of local importance; and 2) maintain large continuous blocks of agricultural land. The strategies are designed to achieve these objectives and meet the goal of maintaining adequate land resources. Meeting the goal will address the challenges of population growth and the loss of rental land.

Strategy 2.1 Create an agricultural land protection map and policy statement

Action Steps

- Review the 2030 Growth Strategies Map and the agricultural land analysis conducted for this plan and described on page 32^e
- Create a series of maps that supplement the growth strategies map by showing farmland and forestland suitability ratings, and farmland and forestland suitability cases from the land use analysis. (See maps 7 - 10).

^e The full GIS report with maps is attached in Appendix A.

- Evaluate the integrated maps and develop a system to identify areas within rural, community growth and urban fringe areas to be protected. Consider the following guidelines:

Growth Strategy Area	Priority	Suitability	
		Rating	Competition for Land
Rural	High	High	All Cases
Rural	Medium	Moderate	All Cases
Rural	Low	Low	All Cases
Community Growth	High	High	Less
Community Growth	Medium	High Moderate	Residential or Industrial Less
Community Growth	Low	Moderate Low	Residential or Industrial Less
Urban Fringe	High	High	Less
Urban Fringe	Medium	Moderate	Less
Urban Fringe	Low	Low	Less

- Create a master agricultural land protection map from the results of the previous actions.
- Develop a policy statement to accompany the land protection map that explains the goals and objectives of the land protection strategy and the rationale for each of the priority groups. For example, areas in community growth and urban fringe areas were selected because:
 1. Low-impact agricultural activities – those with little or no noise, odor, dust, etc. – are compatible with surrounding residential and commercial land uses.
 2. Some activities, such as fruits and vegetables sold through a Community Supported Agriculture service could be profitable to farmers and desirable to neighboring residents.
 3. There is a finite supply of highly productive soils and all efforts should be made to conserve them for agricultural use.
 4. There may not be a need or demand to develop every site within an area so it makes sense to protect viable farm sites until they are absolutely needed for development.

Strategy 2.2 Expand the voluntary land conservation program

Action Steps

- Establish an Enhanced Voluntary Agricultural District (EVAD) program.
- Develop a conservation incentives program similar to the program in place to protect lands in the Fort Bragg buffer area that is available to all Cumberland County agricultural and forest land owners.

- Develop a conservation easement program in the Soil and Water Conservation District. Seek funding to purchase conservation easements and/or assist with transaction costs.

Strategy 2.3 Promote the long-term use of agricultural land

Action Steps

-
- Provide technical assistance to address issues like land and water stewardship; documentation and record keeping for PUV, loans, Agriculture Cost Share, and other programs; Provide estate planning and farm transition assistance. Examples include annual workshops and maintaining a directory of qualified advisors.

Strategy 2.4 Utilize land planning tools and zoning ordinances to encourage preservation of agricultural lands while allowing for development in rural areas.

Action Steps

- Submit the agricultural protection map and policy statement to the Joint Planning Board and request that it be incorporated into their current and future plans.
- Review the zoning rules that apply to each of the priority areas on the agricultural protection map. Evaluate and rate the degree to which each site, or group of sites, is protected. Create a map identifying the protection rating for each site.
- Research and evaluate potential agricultural protection zoning strategies. Develop a set of proposals to revise the zoning ordinances and strengthen agricultural land protection where deemed appropriate by landowners. Representatives from each group of stakeholders must be engaged to participate in the process including the county, municipalities and landowners.
- Submit the proposals to the appropriate staff, Farm Advisory Board, and officials to be advanced in the planning and adoption process.

Recommendation 3. Increase the agricultural community's participation in government activities.

Cumberland County's 2030 Growth Vision Statement #17 states that citizens show a keen interest in local government affairs and that their civic pride is revealed through broad community involvement. Additionally, local government officials routinely seek the views of the citizens on growth and development issues; and during the review process emphasis is placed on effective communication and consensus among all parties including local advisory boards and the public.

This recommendation addresses the challenge of apathy in the agricultural community and seeks to increase its influence in county affairs. The strategies and actions will also serve to educate other interest groups about the agriculture industry and its value to the county. Agriculture is currently represented by the Farm Advisory Board and one member on the Equalization and Review Board. The Farm Advisory Board has only two direct duties: 1) approve or deny applications to the Voluntary Agriculture District Program; and 2) make recommendations to the Joint Planning Board and Board of Commissioners regarding issues

involving farmland. There other issues besides farmland that affect agriculture and they are influenced by other advisory boards. The Farm Advisory Board and the agricultural community in general need to have greater involvement in the processes that determine the use of Cumberland County's resources.

Strategy 3.1 Increase the duties and involvement of the Farm Advisory Board

Action Steps

- Recommendations regarding all issues involving agriculture will be reviewed by the county appointed Farm Advisory Board.
- Develop formal procedures for county agencies and departments to provide information to the Farm Advisory Board regarding hearings and discussions relevant to agriculture. The procedures will provide ample time for the Farm Advisory Board to gather and evaluate information regarding the issue at hand and formulate a recommendation or statement.
- Provide the Farm Advisory Board with the resources needed to adequately represent the agricultural community and fulfill their duties. These resources include county staff, officials and contractors each made available to the board to provide information regarding the issues being evaluated..

Strategy 3.2 Increase the participation in community affairs by members of the agricultural community.

Action Steps

- Communicate public hearing announcements and other important information to enrolled members of the VAD and participants in Present Use Value (PUV) program. Recruit members of the agricultural community to serve on the many advisory boards that directly or indirectly impact agriculture (examples: Cooperative Extension Advisory Board, Planning Board, Farm Advisory Board, Soil and Water Board, FSA Committee, Farm Credit Board, County Commissioner, and others).

Recommendation 4. Promote widespread support for agriculture.

This recommendation addresses the challenges of conflicts with non-farm neighbors, and negative public opinions towards the industry. The strategies and actions will also contribute to the success of other strategies by increasing demand for locally grown products, informing owners of idle farmland about leasing opportunities, and stimulating interest among the youth in the field of agriculture.

Strategy 4.1 Publicize this plan and the County's commitment to agriculture

Action Steps

- Make presentations to county advisory boards, municipalities, and other key organizations to encourage understanding of the importance of agriculture and the need for preservation.
- Invite *The Fayetteville Observer* and *City View* to write stories about the plan.

- Produce a segment for *Cumberland Matters* for broadcast on community access television.
- Create a page for agriculture on the Fayetteville Portal (<http://www.fayettevillenc.net/links.htm>)

Strategy 4.2 Provide ongoing education and information to the public about agricultural issues

Action Steps

- Notify the *Fayetteville Observer* and other media sources of upcoming agricultural events and agricultural issues of interest.
- Produce a regular segment for *Cumberland Matters*.
- Make regular presentations to civic groups and organizations about the agricultural industry and community.

Strategy 4.3 Develop a program in the schools to teach children about agriculture.

Program Elements & Topics

- Develop and support both the use of existing and establishment of new print, video and digital media (example: Farm Bureau's AG in The Classroom; NCDA&CS Ag's Cool; etc.).
- Guest speakers including ag producers and agribusiness owners
- Farm tours
- The food, fuel and fiber systems – transportation, fresh versus processed
- Production: how food, fiber, and timber are grown
- Agricultural lands: characteristics, public benefits, loss and protection

VIII. IMPLEMENTATION

Review & Adoption

- The county team or its representatives will submit the plan to the Board of Commissioners for consideration.
- The Board of Commissioners will be presented the plan and asked to endorse.
- The county will submit the plan to the N.C. Commissioner of Agriculture for certification.

Stakeholders & Work Plans

Each strategy and action identified as a short-term objective will have a different set of stakeholders and constraints. Therefore, each will be addressed independently by the agriculture protection director following these steps:

- Determine the stakeholders needed for implementation. Include one or more members of the Farm Advisory Board or a designee from the agricultural community.
- Hold a meeting with representatives from each stakeholder group to assess operational feasibility and resource needs.
- Develop a work plan with stakeholders identifying objectives, tasks, responsibilities and a timeline.

Annual Review

Each year the Farm Advisory Board or its representatives will review the plan and its implementation and:

- Evaluate the success and impact of ongoing efforts.
- Update the recommendations, strategies and actions either by modification, addition or removal.
- Revise the set of two-year objectives.
- The county team will prepare a report for the Board of Commissioners that includes a summary of the efforts of the program and recommendations for the coming two years.

Five Year Review

Every five years the plan will be reviewed for accuracy, updated and evaluated for performance. Specifically, the review will include:

- Updating and analyzing the land, farm and economic information in Section IV.
- Identifying the current challenges to agriculture. Evaluating the progress being made towards ongoing challenges.
- Assessing the state of the agricultural industry in the County and the efforts being made to protect and develop it.

Funding

Funding the implementation of this plan will be significant and ongoing. To maximize the county's ability to match and receive external funds, a commitment through appropriation of in-kind or monetary resources should be pursued. Potential opportunities for funding sources might include:

- Rollback taxes collected each year from properties leaving the Present-Use Value program.
- N.C. Agricultural Development & Farmland Preservation Trust Fund
- N.C. Tobacco Trust Fund
- U.S. Department of Agriculture, Rural Development
- Southern Region Sustainable Agriculture Research & Education
- N.C. Market Ready
- Golden LEAF

Table 2. Implementation Timeline

Recommendation 1. Promote the expansion & diversification of the agricultural industry.					
Year that action is first implemented.	1st Year	2nd Year	3rd Year	4th Year	5th Year
<i>Strategy 1.1. Promote Cumberland County as a location for agricultural biotechnology research & production</i>					
Site inventory			✓		
Funding sources			✓		
Recruiting presence				✓	
Education program					✓
<i>Strategy 1.2. Support the development of a local food system</i>					
Farmers Market	✓				
Marketing program	✓				
Marketing specialist					✓
Local food economy assessment		✓			
County & municipal product use		✓			
NCDA marketing programs		✓			
Agri-tourism			✓		
Developers and Green building program				✓	
<i>Strategy 1.3. Promote agriculture as a career</i>					
High school programs				✓	
Fayetteville Tech. CC programs				✓	
Small business services				✓	

continued on the next page

Recommendation 2.
Manage growth and protect agricultural lands.

Year that action is first implemented.	1st Year	2nd Year	3rd Year	4th Year	5th Year
<i>Strategy 2.1. Create an agricultural land protection map and policy statement</i>					
Create supplemental maps	✓				
Identify protection areas	✓				
Create master land protection map		✓			
Develop a land protection policy statement		✓			
<i>Strategy 2.2. Expand the voluntary land conservation program</i>					
Enhanced VAD				✓	
Conservation incentives program		✓			
Conservation easement program			✓		
<i>Strategy 2.3. Promote the long-term use of agricultural land</i>					
Estate planning & farm transition		✓			
<i>Strategy 2.4. Utilize land planning tools and zoning ordinances to direct development away from agricultural lands</i>					
Submit ag. protection map & policy statement to the Joint Planning Board			✓		
Review zoning rules			✓		
Develop & submit proposals				✓	

continued on the next page

Recommendation 3.
 Increase the agricultural community's participation in government activities.

Year that action is first implemented.	1st Year	2nd Year	3rd Year	4th Year	5th Year
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Strategy 3.1. Increase the duties & involvement of the Farm Advisory Board

Seek recommendations	✓				
Formalize information sharing procedures		✓			
Provide resources to Farm Advisory Board	✓				

Strategy 3.2. Increase the participation in community affairs by members of the agricultural community

Communicate public hearings, etc.	✓				
Recruit members for advisory boards	✓				

Recommendation 4.
 Promote widespread support for agriculture.

Year that action is first implemented.	1st Year	2nd Year	3rd Year	4th Year	5th Year
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Strategy 4.1. Publicize this plan and the County's commitment to agriculture

Presentations	✓				
Print media	✓				
Community television	✓				
Fayetteville Portal		✓			

Strategy 4.2 Provide ongoing education & information to the public about agricultural issues

Media relations & presentations		✓			
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Strategy 4.3 Develop a program in the schools to teach children about agriculture

Guest speakers, farm tours, etc.					✓
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ITEM NO. 2B(2)

COMMUNITY DEVELOPMENT

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

MEMORANDUM

TO: JUANITA PILGRIM, DEPUTY COUNTY MANAGER

FROM: THANENA S. WILSON, COMMUNITY DEVELOPMENT DIRECTOR 

DATE: SEPTEMBER 27, 2010

SUBJECT: SERVICING POLICY REVISION

Community Development has a loan portfolio of 256 loans for a total outstanding balance of \$11,068,465.00 (principal and interest). The loan portfolio is comprised of loans from the following programs:

- Affordable Housing Development;
- Housing Rehabilitation (owner –occupied);
- Rental Rehabilitation (rental);
- Homebuyer Assistance; and
- Economic Development.

Whereas, the overall collection rate is good for the size of our loan portfolio, the department has found that loan repayments lag from time to time. A review of the department's current servicing policy revealed that although it makes reference to payments being "past due" if not received by the 15th of each month; it does not address what punitive measures may be taken if a payment is received after that date.

As an additional servicing tool to address late payments, the department proposes to implement late fees to its current servicing policy. Late fees will be structured as follows:

An account is considered past due if the scheduled payment has not been received by the 15th of each month, after which time the account is assessed a late fee of 5% of the principal and interest payment.

The department proposes to incorporate the late fees into its policy effective November 1, 2010. Please let me know if you have questions or need additional information on this policy change.

Attachment – CCCD Servicing Policy

Celebrating Our Past... Embracing Our Future

Cumberland County Community Development Loan Programs

CHAPTER 1 - SPECIAL SERVICING (11/01/10)

OVERVIEW OF SPECIAL SERVICING

The majority of Department borrowers repay their loans without the need for special servicing. However, some borrowers will encounter financial or personal problems that make it difficult or impossible for them to meet the terms and conditions of the loan. Other borrowers may prove unwilling to do so. In either case, the Department's response begins with special servicing activities that are designed to help the borrower become current and succeed in repaying the loan. Exhibit 1 of this chapter summarizes the special servicing tools that can be used to help a borrower succeed in repaying a loan. Each of these tools is discussed in detail in this policy. If, even with the special servicing assistance the Department can offer, the borrower is unable or unwilling to continue with the loan, the Department must take action to liquidate the loan in the most cost-effective manner.

I. TIME FRAME FOR SERVICING ACTION

An account is considered past due if the scheduled payment has not been received by the 15th of each month, after which time the account is assessed a late fee of 5% of the principal and interest payment. Monthly-pay accounts may be liquidated without further servicing when:

- A. An amount equal to three scheduled payments is past due; or
- B. An amount equal to two scheduled payments has been past due for at least 3 consecutive months.

For annual-pay borrowers, the account may be accelerated without further servicing when at least three-twelfths of one scheduled payment has not been received by its due date. See Exhibit 2, Acceleration Notice.

II. IDENTIFYING SPECIAL SERVICING ACCOUNTS

Accounts that require special servicing should be identified well before either of these thresholds has been reached. In some instances, the borrower may notify the CCCD staff of a problem, such as the loss of employment, even before a single payment has been missed. In other cases, CCCD will initiate regular follow-up and counseling with the borrower because of past due amounts. Generally, any borrower with past due amounts equal to two scheduled payments should be referred to a counselor for special servicing.

III. DEVELOPING A SERVICING STRATEGY

The circumstances of each borrower are unique, and the servicing strategy for each should be tailored to the individual circumstances. The special servicing tools in this chapter often may be used in combination. For each special servicing account, CCCD must work with the borrower to develop a reasonable servicing strategy with the

borrower. Servicers must carefully document the strategy and each contact with the borrower.

IV. **BORROWERS WHO HAVE FILED BANKRUPTCY**

All servicing actions connected with a borrower who has filed for bankruptcy protection under any Chapter of the Bankruptcy Code should be handled on a case-by-case basis, with advice from the Department's Legal Counsel. This paragraph summarizes the key concepts surrounding the types of bankruptcies that most frequently affect Department servicing actions. When a borrower files a petition under the Bankruptcy Code, the court initially prohibits further collection actions by creditors by entering a stay. If CCCD receives the petition, it should be forwarded to legal counsel with any supporting materials. When a borrower has filed for bankruptcy protection, CCCD should obtain a Notice of Commencement of Bankruptcy from the bankruptcy court to document the bankruptcy activity for the borrower's file. CCCD should continue to send monthly statements to borrowers who have filed for bankruptcy unless notified by Legal Counsel to stop sending statements to borrowers in a particular jurisdiction. All other collection actions must be discontinued until approved by legal counsel. Payments made voluntarily by the borrower should be accepted.

The Department does not need to attend bankruptcy proceedings unless legal counsel advises it. If a Department presence is required, CCCD Staff should attend the proceedings.

- A. **Proof of Claim.** *Official Bankruptcy Form 10, Proof of Claim* is used to itemize the Department's claims against the borrower for the bankruptcy court. It must be filed within 180 days after the date the bankruptcy was filed, unless the bankruptcy court changes the date. No *Proof of Claim* needs to be submitted for Chapter 7 no-asset cases or in cases where legal counsel determines that the Department's claim, exclusive of recapture, is fully secured.
- B. **Chapter 13 Cases.** Under a Chapter 13 bankruptcy plan, the borrower will continue to make scheduled monthly payments during the life of the plan. If the borrower was in default on a Department debt at the time the plan was developed, the plan should specify a schedule under which the borrower will repay the delinquent amount during the term of the plan. CCCD may use special servicing actions to help the borrower make scheduled monthly payments. If a borrower does not make scheduled payments according to the plan, CCCD should request legal counsel guidance in working with the bankruptcy court to resolve the problem. The Department is not permitted to accelerate the account without the consent of the bankruptcy court, even if the borrower meets the Department's criteria for liquidation. Normal servicing may be resumed when the stay is terminated and the trustee has released any interest in the Department's security. This will automatically occur when the bankruptcy case is dismissed and closed or the plan is complete and the case is closed.
- C. **Chapter 7 Cases.** Under Chapter 7 bankruptcy, the borrower is given the option to liquidate property that he or she can no longer financially retain which may include the Department's security property. The Department is not permitted to accelerate the account without the consent of the bankruptcy court, even if the borrower

meets the Department's criteria for liquidation, until the property is no longer property of the bankruptcy estate. Property will cease to be part of the bankruptcy estate if the property is abandoned by the bankruptcy trustee and the borrower receives a discharge or, if the property has not been abandoned, on the earliest to occur of: (1) the date the case is closed; (2) the date the bankruptcy is dismissed; or (3) the date the debtor receives a discharge.

If the borrower will retain the security property, CCCD should request that the borrower execute a "reaffirmation agreement." Under this agreement, the borrower promises to resume payments to the Department once the bankruptcy case is discharged and would again be personally liable for the debt. If the borrower does not execute a reaffirmation agreement before discharge, *Continuation with Unreaffirmed Debt After Discharge in Bankruptcy*, must be sent to the borrower after discharge. CCCD should resume normal servicing procedures for borrowers who have received discharges under Chapter 7, and who have executed a reaffirmation agreement. A borrower who is discharged under Chapter 7 of the Bankruptcy Code and has not signed a reaffirmation agreement is no longer personally liable for the debt.

V. DEVELOPING A PROBLEM CASE REPORT

When **special servicing** is required, the borrower's case will typically be referred to a Servicer who specializes in counseling. In order to become familiar with the case, the Counselor should review the borrower's information and begin a problem case report. The problem case report consolidates basic information about the loan and borrower. While some information may not be available when the problem case report is started, all information should be provided before a recommendation for liquidation is made. The problem case report:

- Summarizes the status of the loan and the servicing actions taken or considered;
- Identifies delinquent taxes and other liens against the security, all borrowers and cosigners, and any others who may have an interest in the property;
- Provides information on borrower income and assets and the value of the security property;
- Makes recommendations regarding foreclosure and how other lien holders will be handled.

The problem case report is a living document. It should be updated at key points in the servicing process to summarize all servicing actions that are taken. In this way, the problem case report can serve as an organized reference to the status of the account - making it easy for the Counselor to review the case and discuss it with supervisors. When the Counselor determines that the borrower cannot be successful or if the borrower fails to cooperate by refusing: (1) to provide information; (2) to agree to a reasonable repayment schedule for the deficiency; or (3) to meet the terms of the agreed upon delinquency workout agreement, the Counselor will complete the problem case report and make a recommendation for liquidation when it is in the best interest of the County. The problem case report will be submitted to the Counselor's supervisor for review and approval.

VI. DELINQUENCY WORKOUT AGREEMENTS

Delinquency workout agreements permit borrowers to stop liquidation action by agreeing to pay, in addition to the scheduled payment, an extra amount that will bring the account current within 2 years or the remaining term of the loan, whichever is shorter.

A. **Eligibility.** Delinquent borrowers may be eligible for a delinquency workout agreement. However, a Servicer cannot approve more than one agreement with a particular borrower within a 2-year period without approval from a supervisor. As a condition for approval of a delinquency workout agreement, annual-pay borrowers with monthly income must convert to a monthly payment schedule.

B. **Related Servicing Actions.** Before proceeding with a delinquency workout agreement, it is important to understand the reasons for the delinquency. If the borrower has had difficulty making regular payments because the borrower lost income or had unexpected expenses, a delinquency workout agreement alone will not solve the problem.

C. Processing Delinquency Workout Agreements

1. **Determining a Reasonable Payment** - Any time a borrower requires over 60 days to repay a delinquency, CCCD conducts an analysis of the borrower's financial circumstances based upon necessary and essential **Realistic Promises to Pay**. An important aspect of a Servicer's counseling role is to help borrowers avoid entering into unrealistic delinquency workout agreements. Delinquency workout agreements should not be used unless available information supports the borrower's promise to pay family expenses to determine a reasonable monthly payment amount and repayment term (not to exceed 24 months). The borrower should provide to CCCD the necessary information for the analysis. To determine an amount for the delinquency workout agreement, a ratio of 43 percent of annual income will be used. After determining 43 percent of the borrower's annual income, subtract the annual amount for principal, interest, real estate taxes, and insurance, child support payments, and installments on consumer and medical debts that will require longer than 6 months to repay. The amount remaining will be used to establish a delinquency workout agreement. In situations where the balance will not pay off the delinquency within 24 months, or there is a negative balance, a delinquency workout agreement will not be established, unless the borrower firmly asserts that they can repay the delinquency within 24 months.
2. **Confirming the Agreement** - For borrowers who agree to pay delinquent amounts within 30 days, the reaffirmation agreement must be documented. Borrowers who need more than 30 days to repay a delinquency must be sent a letter confirming the repayment agreement. Borrowers who require a formal delinquency workout agreement (any agreement that exceeds 60 days) will receive adjusted coupons that reflect the additional amount to be paid.
3. **Borrower Failure to Pay** - If a borrower that is required to make payments under a delinquency workout agreement is more than 30 days past due, the

agreement is automatically canceled. If the borrower's failure to comply with the terms of the agreement is the result of additional financial problems, additional servicing options may be considered. If the borrower is unwilling to comply with the agreement or if, even with all available servicing options, the account cannot be brought current, the loan should be liquidated.

4. **Bringing the Account Current Through Re-amortization** - Borrowers who have been successfully paying the amounts due under a delinquency workout agreement may be offered the opportunity to have the outstanding balance re-amortized over the remaining term of the loan. To be eligible for re-amortization: (1) the remaining term of the delinquency workout agreement must be at least 12 months; and (2) the borrower must have been making full payments on time for at least 6 months. As a condition of re-amortization, annual-pay borrowers with monthly income must convert to a monthly payment schedule. Annual-pay borrowers without monthly income will be encouraged to convert to a monthly payment schedule, but are not required to convert to a monthly schedule.

VII. PROTECTIVE ADVANCES

The Department may advance funds to pay for fees and services that are needed to protect the County's interest in program or nonprogram property. Protective advances are generally only considered when the Department cannot provide a subsequent loan for such purpose to the borrower. This could occur because the borrower does not meet current eligibility requirements, a lack of funds, or an unwillingness of the borrower to cooperate. The Department recovers the amounts advanced by charging the borrower's account. Amounts advanced are due with the next scheduled payment. If the borrower is unable to repay the advance in a lump sum, CCCD may schedule repayment consistent with the borrower's ability to pay or re-amortize the loan.

- A. **Advances for Property Repairs.** Protective advances for property repairs are made only to protect the County's interest in the security property and should be considered only if the repairs cannot be financed through a subsequent loan. Advances will bear interest at the promissory note rate of the loan against which they are charged. Advances for borrowers with multiple loans secured by the same property should be charged against the largest loan.
 1. **Determining the Need for Repairs** - Either the borrower or the CCCD Rehabilitation Staff may identify the need for repairs. Rehab staff is responsible for completing an inspection of the property, an environmental review, developing a description of the work required, preparing a cost estimate. The loan officer is responsible for approving the protective advance.
 2. **Alternative Sources of Funding** - Before processing the advance, CCCD must first determine whether it appears that the borrower qualifies for a subsequent loan. If a subsequent loan appears feasible, the loan officer will process a loan application immediately. If the need for a protective advance is so urgent or if it is clearly apparent that the borrower would not qualify for a loan, is uncooperative, or that a protective advance is more appropriate, CCCD may proceed immediately with an advance.

- B. **Advances for Other Purposes.** In order to protect the County's interest, protective advances also may be used for other purposes. These types of advances will be processed and approved by CCCD, as appropriate. Protective advances for other purposes include such items as:
1. Paying off a senior lien holder who intends to foreclose in cases where the County is a junior lien holder;
 2. Paying ~~taxes or~~ insurance premiums that are past due; or
 3. Paying for local assessments, in accordance with 24 CFR 570.200(c).

VIII. INSURANCE SERVICING

CCCD will monitor accounts to assure appropriate insurance coverage. As part of the terms of the loan the borrower will contact his or her insurance agent and have CCCD added as mortgagee on the policy. In the event of a loss greater than \$1,000.00 the County will deposit the check in a balance sheet account on which manual checks may be drawn. An initial advance may be made to begin work. Subsequent advances and /or reimbursements may be made for repairs after CCCD staff inspects the property.

IX. THE LIQUIDATION RECOMMENDATION

At any point during the special servicing process, it may become clear that the borrower will be unable to succeed and that liquidation is appropriate. The Servicer should discuss this issue openly with the borrower and encourage the borrower to consider voluntary liquidation. After discussing the situation with the borrower, the Servicer should use the problem case report to recommend liquidation and submit it to a supervisor for approval. The problem case report should document that the Counselor has pursued all appropriate servicing actions and summarize the reasons for the liquidation recommendation.

Exhibit 1

Special Servicing Tools

General Servicing

- Regular follow-up and counseling for delinquent accounts.
- Conversion of delinquent annual-pay borrowers to monthly payment borrowers.

Delinquency Workout Agreements

- Through delinquency workout agreements of up to 2 years, borrowers agree to make the required monthly payment plus an amount that will bring the account current.

Cumberland will take action to foreclose the above described real estate instrument(s) and to pursue any other available remedies.

Payment should be made by cashier's check, certified check, or postal money order, to the Cumberland County Community Development. If you submit to Cumberland County Community Development any payment insufficient to pay the entire indebtedness or insufficient to comply with any arrangements agreed to between the County of Cumberland and yourself, such payments WILL NOT CANCEL the effect of this notice. If such insufficient payments are received and credited to your account, no waiver or prejudice to any right which the County of Cumberland may have for breach of any Promissory Note or covenant in the Deed(s) of Trust will result, and the County of Cumberland may proceed as though no such payment had been made.

***This is the second time we have found it necessary to accelerate your account. We may accept less than payment in full this time; however, YOU ARE HEREBY NOTIFIED THAT IF WE HAVE TO ACCELERATE YOUR ACCOUNT A THIRD TIME WE WILL ACCEPT NOTHING LESS THAN PAYMENT IN FULL.**

However, you have the opportunity to have an informal meeting with the decision maker, Thanena S. Wilson, before the foreclosure takes place. This is an opportunity to discuss why you believe the County of Cumberland is in error in accelerating your account(s) and proceeding with foreclosure. If you desire to have an informal meeting with decision maker or have any questions concerning the decision and/or facts used in making our decision, you should contact this office in writing to request a meeting. The request for an informal meeting must be sent to the undersigned no later than **VARIABLE**. Requests which are postmarked by the U.S. Postal Service on or before that date will be considered as timely received.

If you fail to comply with the requirement outlined herein the County of Cumberland plans to proceed with foreclosure.

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, handicap, or age (provided that the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal Agency that administers compliance with the law concerning this creditor is the Federal Trade Commission, Equal Credit Opportunity, Washington DC 20580.

Sincerely,

THANENA S. WILSON, Director
Cumberland County Community Development

Cumberland County Community Development Loan Programs

CHAPTER 2 - SPECIAL COLLECTIONS

(11/01/10)

INTRODUCTION

Although most borrowers fulfill their obligations, special collection efforts are sometimes required. This chapter describes the procedures for collecting debts owed the Department due through debt settlement. When all other collection attempts have failed, the Agency may elect to accept a portion of the remaining debt to settle and close the account.

I. DEBT SETTLEMENT

Debt settlement should be pursued when all other attempts to collect outstanding debt have failed. If the outstanding debt is secured, debt settlement cannot be pursued until the loan is accelerated or fully matured. If the outstanding debt is unsecured, debt settlement may be pursued at any time, whether or not it is due and payable. Settlement may be requested by the debtor or initiated by the Department. Debt settlement, when complete, closes the debtor's account. Debt settlement may take one of the following forms.

- A. **Compromise.** An agreement that permits the debtor to retain the security property and be released from further liability upon receipt of a specified lump sum that is less than the total amount due.
- B. **Adjustment.** An agreement to release a debtor from liability, generally upon receipt of an initial lump sum and the promise of additional periodic payments over a period up to 5 years. The debtor is not permitted to retain the security property, except in cases of valueless liens.
- C. **Charge-off.** An action taken by the Department when a compromise or adjustment cannot be negotiated, but the debtor is not to be released from liability.
- D. **Cancellation.** An action taken by the Department to cease collection activities and release the debtor from personal liability for any remaining amounts owed. Exhibit 1 - CCCD Form, Application for Settlement of Indebtedness, will be used to process all four forms of debt settlement. However, CCCD may enter into a verbal agreement for a compromise offer that will be documented on LOANS (Loan Originating and Accounting Software) and confirmed by letter within 5 days to the borrower. The verbal agreement for the compromise should generally require payment within 30 days. Adjustment offers must always be documented on CCCD Form, Application for Settlement of Indebtedness.

II. COMPROMISE AND ADJUSTMENT OF DEBT

The Department may agree to a compromise or adjustment for less than the debt owed and cancel the remaining debt. The debtor may request a compromise or adjustment by completing *CCCD Form Application for Settlement of Indebtedness*. No payment should be accepted until an agreement has been approved; any payment submitted with *completed application* must be returned to the debtor.

Before accepting a compromise or adjustment offer, the Department must establish that the offer represents the maximum amount the debtor is able to pay based on available financial information as described in this policy. The Department will not agree to a compromise or an adjustment if there is doubt about a debtor's ability to pay.

- A. **Compromise.** A compromise involves the acceptance of a lump-sum payment of less than the total amount owed and cancellation of the remaining debt. A debtor may retain the security property under a compromise offer, except in the case of a valueless lien.
- B. **Adjustment.** An adjustment provides for payment of an initial lump sum representing the maximum amount the debtor can afford to pay and a new schedule of regular payments over the shortest period the debtor can afford, but no longer than 5 years. If the adjustment offer is for less than the full outstanding debt, any remaining balance is canceled once all payments under the adjustment agreement have been made. The debtor is not permitted to retain the security property, except in the case of a valueless lien.

When an adjustment offer is approved, CCCD must establish an adjustment account, send payment coupons, and archive any account balance in excess of the adjustment offer. In the event of default on the agreement, the entire debt should be reinstated. The archived account balances should not be written off and reported to the IRS until the adjustment offer has been fulfilled or the entire remaining debt is canceled because the debtor has defaulted on the adjustment agreement.

A debtor whose adjustment account becomes past due should be contacted as soon as a payment is missed to determine their circumstances and to aggressively seek collection. Any account under an adjustment agreement that becomes past due should immediately be referred to the Director.

Based on an analysis of the debtor's present circumstances, CCCD's Director may decide to modify the adjustment agreement. CCCD may approve only one amendment to an adjustment agreement. If the adjustment agreement is modified, it must be documented on *LOANS* and confirmed by letter to the borrower.

If the debtor is unable or unwilling to repay the debt, CCCD must notify the debtor, in writing, that the adjustment agreement is canceled. If an adjustment agreement is canceled, the Department retains payments made by the debtor, prior to the cancellation.

III. CHARGE-OFF OF DEBT

A debt is charged off when a compromise or adjustment cannot be negotiated with a debtor. CCCD should use CCCD *Application for Settlement of Indebtedness* to charge off a debt.

A charge-off does not release the debtor from liability. An account that has been charged off can be settled through a compromise, adjustment, or cancellation at any time. The debtor is not permitted to retain the security property, except in the case of a valueless lien.

IV. CANCELLATION OF DEBT

Debt will be canceled only if other means of debt settlement cannot be used and there is no security remaining. CCCD Form, *Application for Settlement of Indebtedness* is used to cancel a debt.

- A. **Application from Debtor.** Upon application by the debtor, the debt may be canceled when there is no deficiency judgment or the debtor is unable to pay any part of the debt and has no reasonable prospects of doing so in the future.
- B. **No Application from Debtor.** Without an application from the debtor, the debt may be canceled in the circumstances listed below:
1. Legal Counsel has provided a written opinion indicating that the claim is not legally enforceable.
 2. The debtor is deceased. There is no known security. There are no other known assets from which collection could be made if: (a.) a final settlement has been made and confirmed by the probate court, and the Department has received all the funds to which it is entitled; or (b.) a final settlement has not been made and confirmed by the probate court, but there are no assets from which there is reasonable prospect of recovery.
 3. The debtor has been discharged from the debt through bankruptcy. Such debtors are not personally liable for the debt, and no attempt should be made to collect. However, if debts were discharged, but the debtor executed a new promise to pay prior to the discharge that was properly affirmed by the court, the debtor is liable for the debt and cancellation would not be appropriate.
 4. The debt is part of an unsecured claim under a confirmed Chapter 11 plan. For such debts, the grounds for cancellation will be substantiated with a copy of the organization plan and a copy of the court order confirming the plan.
 5. A judgment has been obtained, the Department of Justice (DOJ) file is closed, the debtor has no known assets or future debt-paying ability, has disappeared and cannot be found without undue expense, and there is no existing security for the debt; or
 6. Three years have elapsed since any collections were made on the judgment and the debtor has no equity in the subject property.
 7. A property sold at a foreclosure sale does not generate sufficient proceeds to satisfy the outstanding debt and no deficiency judgment was obtained.

V. NEGOTIATING A SETTLEMENT

Settlements must be negotiated consistently to avoid disparate treatment. If a living debtor is unable to act, an offer of debt settlement may be made by a party having legal authority to act for the debtor.

A. **Assessing the Debtor's Financial Condition.** CCCD must assess the financial condition of the debtor before negotiating a settlement. Only the financial situation of signatories to the note and any cosigners should be considered, except in common property States. The Servicer should consider the following factors in evaluating offers:

1. Prior liens against the security;
2. Value of the existing security, as determined by a current appraisal;
3. Debtor's equity in assets not pledged as security for the Department's debt;
4. Debtor's total present income and probable income over the next 5 years, including any possible inheritances; and
5. Amount of other debt.

This information can be obtained from *CCCD Form, Application for Settlement of Indebtedness* which includes a section on household expenses and provides a formula by which the amount of income available for debt payments can be established. *Application for Settlement of Indebtedness* may be completed either by the debtor, by CCCD (in the absence of the debtor), or as a joint effort between CCCD and the debtor.

Once application has been completed, CCCD should send a letter requesting that the debtor submit additional information within 30 days, so that their financial situation can be verified. CCCD should review the following information as part of the financial assessment:

- Verification of income such as pay stubs or copies of Social Security checks;
- Debtors' expense verifications such as medical expenses;
- Tax returns and bank statements;
- County records, such as personal property tax rolls, to determine what other assets the debtor has or may have recently disposed of; and
- Department of Labor wage information, where available.

Some of this information may already be available if there has been a recent subsidy re-certification. Any costs involved in obtaining the needed financial information are charged to the debtor's account. Credit reports will only be obtained if there is reason to believe the debtor has not provided complete and accurate financial information.

B. **Reviewing the Financial Information and Reaching a Decision.** Once the financial documents have been reviewed, CCCD should contact the debtor to discuss the information gathered and to ascertain the debtor's ability to pay. In addition to a debtor's current ability to pay, the debtor's likely financial condition in the future and the possibility of recovering funds from offsets should be considered. Where a spouse is not a signatory to the note and is not considered with respect to payment ability, the spouse's income should be considered to be available for meeting the family's living expenses.

After reviewing the debtor's financial information, CCCD will determine what type of settlement will provide the greatest return to the County. CCCD must inform the debtor of tax liabilities that may occur as a result of debt settlement.

C. **Joint Debtors.** Settlements should not be approved for one joint debtor without settlement approval for all debtors without consulting with Legal Counsel. When it is in the best interest of the County, settlement may be approved without the participation of all debtors; however, the action taken for one or more joint debtors will effectively settle the account for all the debtors. Joint debtors include all parties such as individuals, partnerships, cooperatives, corporations, estates, and cosigners that are legally liable for payment of the debt. Whenever there is a cosigner to the note, the Agency should attempt to locate and collect the debt from the cosigner, using any and all remedies available under the law, before consideration is given to settling the debt. Settlements involving joint debtors are to be handled as discussed below:

1. Separate compromise or adjustment offers from individual joint debtors must be accepted and processed only as a joint offer unless Legal Counsel advises other action. Joint debtors must be advised that all debtors remain liable for the balance of the debt until all payments due under the joint compromise or adjustment offer have been made.
2. A separate CCCD Form, *Application for Settlement of Indebtedness* must be completed by each debtor, unless the debtors are members of the same family and all necessary financial information for each debtor can be shown clearly on a single application. Separate applications will be processed together.
3. If a compromise, adjustment, or cancellation agreement is to be reached with one of several joint debtors because the other parties will not or cannot join the application, the CCCD must document the reasons the other parties are not included on the application in order to justify settlement with those joint debtors. Joint debtors cannot be included on the application if they are deceased, discharged in bankruptcy, or have disappeared.

D. **Special Case Debtors**

1. **Deceased Debtors** - An offer to settle the debt of a deceased debtor may be made by a duly appointed executor or administrator. Claims against estates are to be settled based on the value of the security property and the expected value of the estate after paying expenses that have priority over Agency claims, such as; the cost of administration, allowances of minor children and/or surviving spouse, allowable funeral expenses, and dower or curtesy rights.
2. **Debtors Who Have Disappeared** - Before charging off the debt of a debtor who has disappeared, reasonable efforts must be made to locate the debtor. Such efforts generally include contact with Post Offices,

motor vehicle licensing authorities, telephone or city directories, utility companies, local, State, and other Federal Government agencies (such as Health and Human Services and the Department of Labor). Also, contact known relatives and friends, former neighbors and employers, the children's schools, skip-tracing agencies, and the Social Security Administration. Efforts to locate the debtor must be thoroughly documented.

4. **Settlement Where Debtor Owes More than One Type of Department Loan** - A loan on a property should not be settled while other County liens exist on the same security property, unless settlement is in the best interest of the County.
5. **No Settlement When Legal or Investigative Action is Involved** – Debts cannot be settled if:
 - a. The case has been referred to Legal Counsel because of suspected criminal violation or if criminal prosecution is in process because of illegal actions by the debtor in connection with the Department debt or security property;
 - b. The case has been referred to Legal Counsel requesting civil action to protect the Agency's interests; or
 - c. The debtor's account is involved in a fiscal irregularity investigation in which final action has not been taken or if such an investigation is to be requested.

VI. PROCESSING DEBT SETTLEMENTS

- A. **Approved Settlements.** Once a settlement has been approved, CCCD must take the following actions:
 1. Execute CCCD *Form, Application for Settlement of Indebtedness*.
 2. Notify the debtor, in writing, that a settlement offer has been approved. The notification should outline the specific terms and conditions of the settlement and *application* should be attached.
 3. In the case of a cancellation that has not been requested by the debtor, notify the debtor that the debt has been canceled.
- B. **Rejected Settlements.** When a settlement offer is rejected, CCCD must document the reasons for rejection on application and execute the form. The debtor must be notified, in writing, of the reasons that his or her settlement offer has been rejected. The original application form should be filed in the debtor's case file and a copy should be attached to the debtor's settlement rejection letter.

VII. DISPOSITION OF PROMISSORY NOTES AND RELEASE OF SECURITY INSTRUMENTS

When the debt is satisfied through any of the debt settlement mechanisms, CCCD must generate the appropriate satisfaction and/or release letter. If the debtor requested the settlement, CCCD should indicate on the note the method by which it was satisfied and return it to the debtor, along with the satisfaction and/or release letter and the mortgage.

If the debtor did not request settlement and the Department chooses to cancel the debt, the satisfaction letter should be retained in the debtor's case file. In cases of cancellation or charge-off, the note will not be returned to the debtor.

Exhibit 1

**CUMBERLAND COUNTY COMMUNITY DEVELOPMENT
APPLICATION FOR SETTLEMENT OF INDEBTEDNESS**

[] COMPROMISE [] ADJUSTMENT [] CHARGE-OFF [] CANCELLATION

NAME OF DEBTOR(S)	
AND	
ADDRESS(ES)	

PART 1

Community Development Debts	Final Due Date	Original Amount
Unpaid Balance		

TOTALS	\$	\$	\$
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PART 2 - MONTHLY INCOME AND EXPENSES OF BORROWERS

Gross Monthly Income	Column A Borrower	Column B Co-Borrower	Grand Total (Column A + Column B)
Base Empl. Income	\$	\$	\$
Overtime	\$	\$	
Bonuses	\$	\$	
Commissions	\$	\$	
Dividend Interest	\$	\$	
Total Gross Income	\$	\$	\$
Monthly expenses	Amount	Monthly Debt Payments	Amount
Food	\$	CCCD Housing	\$
Clothing	\$	Car/Truck	\$
		Car/Truck	\$
Medical	\$	Other (Credit cards, loans, personal debts)	\$
Personal Care	\$	Other	\$
Utilities	\$	Other	\$
Other	\$	Other	\$
School/Charities/ Recreation	\$	Other	\$
Car/Transportation Expenses	\$	Total Monthly Debt	\$

Monthly expenses	Amount		
Insurance	\$		
Car	\$		
Health/Life	\$		
Taxes	\$		
Social Security	\$		
Income Taxes	\$		
Personal Property	\$		
Child Care	\$		
Child support/Alimony	\$		
Total Monthly Expenses	\$	1. Total Income	\$
		2. Total Expenses	\$
		3. Total Debt Payments	\$
		4. Balance Available to Pay CCCD Debt (=Line #1-Line #2 – Line #3)	\$

PART 3 - FINANCIAL STATEMENT

Assets	Value	Unpaid Debt	Creditor/Lien Holder
Dwelling			
Other real estate			
Car (year & model)			
Car (year & model)			
Truck (year & model)			
Other vehicles/equipment			
Cash on Hand (Bonds, Certificates, etc.)			
Total Assets			

PART 4 - OFFER AND CERTIFICATION

As a borrower, I individually state that:

1. I am unable to pay in full the indebtedness described in Part I hereof;
2. I have acted in good faith in an effort to pay said indebtedness; and
3. I have no reasonable prospects of being able to do so. Therefore, I and any co-borrowers, jointly offer the total sum of _____ dollars (\$ _____) in full and complete settlement of said indebtedness, to be paid as follows:

\$ _____	on _____,	20 _____
\$ _____	on _____,	20 _____
\$ _____	on _____,	20 _____
4. I understand that if I do not pay any of the above payments when due, the total indebtedness listed in Part I of this application will be immediately due and payable and that any payments paid pursuant to this agreement will be applied to the total indebtedness.
5. I have not transferred, for less than its value, any property to any relative or another party during the past 5 years except (*Explain*).
6. I have not disposed of any mortgaged property in violation of the requirements of the Cumberland County Community Development Department (CCCD), or its predecessor agencies, except _____.
7. I have read, or I have had read to me, all of this application, which is made for the purpose of obtaining final settlement of indebtedness described in Part I.
8. I understand that CCCD is required to report any written off indebtedness to the Internal Revenue Service except debts forgiven in bankruptcy or debts for less than \$600.
9. In making this offer of settlement, I understand and agree that: (a) if the offer is accepted I will be notified and the offered amount will be immediately submitted to CCCD. (b) If the offer is rejected, I will be notified and if a payment in connection with the offer was submitted with the settlement application, CCCD will return the payment to me.
10. All of the debts referred to in Part I have been discharged in bankruptcy. [] Yes [] No

I hereby certify that all of the statements and representations contained herein are true in all respects to the best of my knowledge and belief.

BORROWER _____
(Signature) / Date

CO-BORROWER _____
(Signature) / Date

PART 6 - JUSTIFICATION TO SUPPORT CANCELLATION OR CHARGE-OFF

- _____ 1. Borrower is deceased and there are no reasonable prospects of recovering from Borrower's estate.
- _____ 2. Borrower has been discharged in bankruptcy and is otherwise entitled to cancellation pursuant to Regulations. *(Copies of relevant supporting documents are attached).*
- _____ 3. Borrower's whereabouts are unknown; Borrower cannot be located without undue expense; Borrower has no known assets or future debt-paying ability; and there is not any existing security for the debt.
- _____ 4. There is no existing security for the debt; Borrower has no known assets from which collection could be made; and Borrower is unable to pay any part of the debt and has no reasonable prospect of being able to do so.
- _____ 5. The Legal Counsel has advised by memorandum *(copy attached)* that the claim is *legally without merit.*
- _____ 6. The Legal Counsel has advised by memorandum *(copy attached)* that the claim cannot be substantiated because evidence necessary to prove the claim in court cannot be produced.
- _____ 7. Cumberland County Attorney obtained judgment and their file is now closed; a period of 2 years has elapsed since any collections were made on the judgment. The borrower has no equity in property on which the judgment is a lien or on which it can presently be made a lien; and the judgment is cannot be collected in whole or in part.
- _____ 8. Other _____

PART 7 - RECOMMENDATION AND APPROVAL

This settlement is [] recommended [] approved [] rejected under the authority contained in pertinent law and regulations.

Approval Official (<i>Signature</i>)	Date
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This settlement is [] approved [] rejected under the authority contained in pertinent law and regulations.

Administrator (<i>Signature</i>)	Date
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Cumberland County Community Development

CHAPTER 3 - INSURANCE SERVICING (11/01/10)

INTRODUCTION

Besides loan payments, other costs associated with being a homeowner include real estate taxes, hazard and flood insurance premiums, and related costs such as street or water assessments. CCCD has an interest in making sure that these costs are paid in order to protect the property from tax sale or foreclosure, and to make sure that funds will be available to repair the property should it be damaged.

The borrower is responsible for obtaining and continuously maintaining insurance on the security property until the loan is paid in full. During the applicant orientation the Loan Originator must counsel the applicant about CCCD's requirements and the borrower's responsibilities. After the loan is closed, CCCD is responsible for servicing all insurance issues.

I. EVIDENCE OF INSURANCE

For loans secured by a first lien, the applicant must provide the original policy or declaration page, and evidence that 1 full year's premium has been paid. For loans secured by other than a first lien, a copy of the policy or declaration page, or other evidence of insurance, is acceptable. The applicant may submit a written binder in lieu of the policy or declaration page, as long as the policy will be submitted to CCCD within 60 days of closing.

II. AUTHORIZED INSURANCE PROVIDERS

Borrowers must purchase their policies from approved insurance companies licensed to do business in the State where the property is located. If the required insurance is not available at comparable rates from a State-licensed insurance company, the Loan Originator may accept insurance from another company if:

- A. The County Legal Department confirms that policies issued by the company are enforceable despite the fact that the company is not licensed to conduct business in the State, and the company is a legal entity that may be sued in the State where the property is located; and
- B. The Director determines that the company is reputable and financially sound, based on the company's financial statements, industry rating standards, or information available from the State insurance authority, or other lending institutions.

III. REVIEWING INSURANCE POLICIES

The borrower must submit evidence of insurance to the closing agent before closing. The closing agent will review the policy, declaration page, or binder to ensure that it meets CCCD requirements. If it is acceptable, the evidence of coverage should be kept in the borrower's case file after closing. If the borrower's policy or evidence is insufficient, the closing agent should explain why it is not acceptable (for example, there is not an adequate amount of coverage, it is not in the correct name, or the

premium has not been paid). The closing will be postponed until suitable evidence has been provided to the closing agent, with certain exceptions for Housing Rehabilitation Programs.

IV. **INSURANCE REQUIREMENTS**

Borrowers are responsible for obtaining and continuously maintaining insurance on the security property until the loan is paid in full. Evidence of insurance coverage for the first year of a loan must be provided at closing, or for Housing Rehabilitation Loans, within thirty days from date of final inspection. Borrowers are required to pay insurance premiums and send proof of premium payment to CCCD annually.

A. **Policy Requirements.** Borrowers must purchase policies from approved insurance companies. When a loan is made, CCCD Staff are responsible for reviewing the applicant's proposed insurance coverage to determine whether it is adequate. CCCD also reviews these policies for adequacy when closing documents are forwarded from the CCCD Office and approves any subsequent changes to borrower insurance policies. Borrowers may need to obtain three types of insurance.

1. **Hazard Insurance** - Borrowers are required to maintain hazard insurance to protect the property against fire and weather-related damage. These policies may also be called "Fire and Extended Coverage," "Homeowner's," "All Physical Loss," or "Broad Form" policies.
2. **Flood Insurance** - Flood insurance is required for all properties located in a Special Flood Hazard Area (SFHA), as identified by the Federal Emergency Management Agency (FEMA). *FEMA Form 81-93, Standard Flood Hazard Determination* is used to document whether a property is in a SFHA and whether flood insurance is available under FEMA's National Flood Insurance Program. If the property is in a SFHA, the borrower should be notified immediately. If the borrower in a SFHA cannot secure flood insurance through FEMA's National Flood Insurance Program, the property is not eligible for Federal financial assistance.
3. **Builder's Risk Policies** - The borrower may elect to obtain a builder's risk policy that meets CCCD's requirements while the dwelling is under construction. An acceptable policy either: (1) names the borrower as the insured; or (2) contains a builder's risk endorsement for a policy issued to the borrower. A policy issued only to a contractor is not an acceptable substitute for the property insurance a borrower is required to provide. CCCD should ensure that the builder's risk policy automatically converts to full coverage when the dwelling is completed. Otherwise, acceptable insurance must be obtained to coincide with the expiration of the builder's risk provisions of the policy.

Insurance will be carried on all properties acquired by CCCD. After a foreclosure sale has been held or after a deed in lieu of foreclosure has been filed for record, insurance will be obtained for the property. If the property becomes uninsured between the time when the borrower defaults on the loan

and the time when CCCD obtains title, CCCD will force place insurance to protect its interests.

- B. **Acceptable Evidence of Insurance.** For loans secured by a first lien, the borrower must provide the original policy or declaration page. For loans secured by other than a first lien, a copy of the policy or declaration page, or other evidence of insurance, is acceptable. At loan closing the applicant may submit a written binder in lieu of the policy or declaration page, as long as the policy will be submitted to CCCD within 60 days of closing.
- C. **Force Placed Insurance.** Force placed insurance is insurance coverage CCCD obtains for a security property when the borrower is unable or unwilling to provide adequate and acceptable insurance coverage. If CCCD force places insurance, CCCD will make an advance to pay for the coverage and will inform the borrower of the new insurance. The cost of the insurance will be charged to the borrower's account. Borrowers must submit acceptable evidence of other insurance before the force placed insurance can be removed.

V. **SERVICING ACTIONS RELATED TO INSURANCE**

- A. **Reviewing Policies for Acceptability.** After loan closing, CCCD should review the policy to ensure that it meets CCCD's requirements. If the policy is acceptable, CCCD should notate the policy expiration date and policy information in the LOANS tracking system. If the borrower's policy is not acceptable, CCCD should notify the borrower, explain why the policy is unacceptable, and request that the borrower submit an acceptable policy.
- B. **Reviewing Changes in Insurance Coverage.** Borrowers who wish to change insurance policies must submit a replacement policy and evidence of payment to CCCD prior to the expiration of the current policy. CCCD must review the replacement policy to ensure that it meets CCCD's requirements and may contact the applicable State Office to verify whether the insurance carrier is authorized to conduct business in the State. If the borrower's policy is not acceptable, CCCD should inform the borrower of the reason (for example, there is not an adequate amount of coverage, it is not in the correct name, or the premium has not been paid) and request that the borrower submit an acceptable policy. If necessary, CCCD will force place insurance.
- C. **Cancellation of Insurance.** If the borrower does not submit a new hazard or flood policy within 30 days of the old policy's cancellation CCCD will initiate action to force place insurance coverage on the property. If a borrower receives a notice of cancellation or nonrenewal, the borrower must secure new insurance coverage before the current policy expires. The borrower must submit proof of insurance coverage and evidence of payment to CCCD before the policy expires. Borrowers who cannot secure new insurance coverage should contact CCCD immediately. CCCD will then force place insurance for the security property.

D. Transfer of Property

1. **Assumptions** - In a transfer with assumption, insurance will be required in the same amount and according to the same provisions as for an initial loan of the same type. The new owner may obtain a new policy or have the current insurance company issue an endorsement to the current insurance policy, changing the name of the insured to that of the new owner.
2. **Payment in Full** - When a borrower pays off CCCD's debt in full, CCCD releases its insurance interest in the security property. CCCD should notify the insurance agency of record to remove CCCD's interests from the mortgagee or loss payable clause.
3. **Transfers Without Satisfying Agency Debt** - If CCCD becomes aware that the borrower has transferred title to the property without satisfying CCCD's debt, CCCD should immediately notify the new owner that the mortgage requires the owner to provide and maintain adequate, acceptable insurance with CCCD listed as the mortgagee. In addition, the new owner should be informed that evidence of coverage and payment must be received by CCCD within 30 days. If the evidence is not received in that time frame, CCCD will force place insurance. CCCD will notify the borrower and new owner that acceptance of the new policy or endorsement will not constitute consent by the Government to the transfer.

VI. FILING THE INSURANCE CLAIM

The borrower is responsible for submitting a claim to the insurance company. The insurance company will send an adjuster to evaluate the borrower's loss, establish the work to be completed, and develop an estimated cost to complete the work (by individual work item). To document the information, the adjuster will complete an adjuster's worksheet. The borrower must negotiate the adjustment of the loss with the insurance company. The borrower may consult with CCCD, but CCCD will not enter into the negotiations with the insurance adjusters, make commitments, or sign any forms in connection with the adjustment. CCCD will not waive any rights that it may have against the company, except when the borrower's claim has been settled. If, after the borrower has settled the claim, CCCD determines that the adjustment agreed to by the borrower is significantly less than the amount to which the borrower is entitled under the terms of the policy, CCCD may consider reopening negotiations with the insurance company.

VII. ADMINISTERING INSURANCE PROCEEDS

The mortgagee or loss payable clause of borrower insurance policies ensures that the County's interest is protected. Checks for insurance proceeds (also called "loss drafts") are made payable jointly to the borrower and CCCD. Other lien holders also may be parties to the loss draft. Borrowers with insurance claims must contact CCCD to establish a plan to repair or rebuild the security property. Depending upon the amount of the loss, CCCD may require that the expenditure of insurance payments be supervised.

- A. **Loans Secured by a First Lien.** Once insurance proceeds are received, the borrower should endorse the loss draft and send it, along with the adjuster's worksheet, to CCCD. CCCD generally deposits the funds into a balance sheet account. However, when the amount of the loss claim check is \$1,000 or less and the borrower's account is current, County Finance is authorized to endorse the insurance claim check without recourse provided the borrower submits the adjuster's worksheet along with documentation that the repairs will be made, or have been completed.

If the check is greater than \$1,000, CCCD and the borrower will establish an individual plan to complete and pay for the work. In general, the plan will include three installment payments for work completed. However, at its discretion, CCCD may advance a portion of the funds for materials and supplies. CCCD will request Rehab support in developing the plan as necessary.

- B. **Loans Secured by Other Than a First Lien.** If the loss draft does not include the interest of the prior mortgagee or if all other payees have endorsed the draft, CCCD administers the claim as described above for loans secured by a first lien. When the loss draft includes the interest of the prior mortgagee, oversight of repairs of any supervised account may be conducted by the prior mortgagee.
- C. **If CCCD is Not Listed as a Mortgagee.** CCCD must always be listed in the mortgagee or loss payable clause. However, if through some oversight CCCD is not listed as mortgagee, CCCD must contact the borrower to determine if loss proceeds have been received. If the borrower has not yet received the funds, CCCD should contact the insurance carrier to request that the loss proceeds be made payable jointly to CCCD and the borrower. If the borrower already has received the proceeds but has not yet paid for repairs, CCCD should notify the borrower that the loss proceeds must be used for repairs or other uses as required by CCCD. If the borrower fails to make required repairs, the account should be accelerated as soon as practical if the County's security interest is threatened.
- D. **When CCCD has No Claim on Insurance Proceeds.** If the indebtedness secured by the insured property has been paid in full, or the draft is in payment for a loss of property on which CCCD has no claim, any loss draft which includes CCCD as a payee may be endorsed and released without recourse and delivered to the borrower.

VIII. **INSPECTING REPAIRS AND AUTHORIZING PAYMENTS**

All repairs and replacements will be planned, performed, inspected, and paid for in accordance with CCCD Housing Rehabilitation Program Standards. Payment schedules will be established in the individual repair plan.

- A. **Progress Inspections and Payments.** When the loss claim is under the purview of CCCD, CCCD should request that the Rehab Staff inspect the repair work and complete an Inspection Report form regarding same before requesting payment for same. Request for payments should be routed through the Accounting Department where a manual check from Finance will be requested. The check should be made payable to the borrower unless a contractor is involved. If work has been

satisfactorily completed, Rehab Staff will instruct the borrower to endorse the check and give it to the contractor (if applicable). If the inspection reveals that the work was not completed satisfactorily, Rehab Staff will void the check and return it to CCCD. After each periodic inspection, Rehab Staff will send the inspection report to CCCD and maintain a copy in the borrower's case file. Rehab Staff will follow up on the adjustment of all losses until satisfactory settlement has been made.

- B. Final Payment.** When all work has been satisfactorily completed, Rehab Staff will release the final check to the borrower and submit to Loan Officials a final inspection report signed by the borrower, along with a builder's warranty signed by the contractor (if applicable).
- C. Repairs That Require More than 30 Days to Complete.** If the repairs cannot be completed within 30 days and the insurance proceeds exceed the outstanding debt against the property, CCCD may release to the borrower an amount equal to the difference between the amount of the insurance proceeds and the debt against the property. CCCD will retain the balance of the proceeds for disbursement according to the borrower's individual plan.

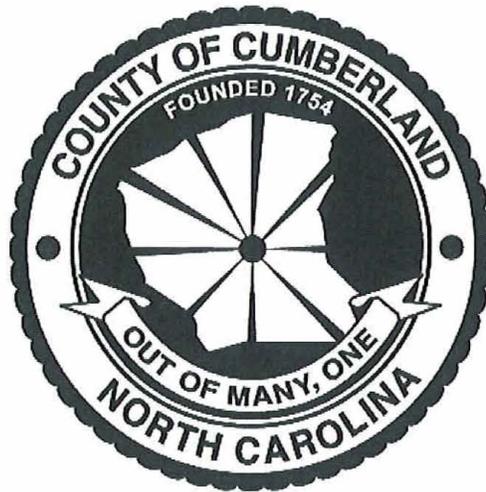
IX. LOSSES NOT COVERED BY INSURANCE

If a loss occurs while insurance is not in force, CCCD should notify the borrower that failure to maintain insurance is a violation of the security agreement and instruct the borrower to make the needed repairs or replacements. If the borrower is unable or unwilling to make needed repairs or replacements, the Servicer will prepare a problem case report and make recommendations on the following items:

- A.** The advisability and possibility of making a subsequent loan to pay for needed repairs;
- B.** Subordination of CCCD's real estate lien to permit the borrower to obtain funds from another source for needed repairs;
- C.** The possibility of the borrower obtaining funds secured by a junior lien from another lender; and
- D.** Whether a protective advance is necessary to protect the Government's interest. When preparing the report, the CCCD Servicer should consider such factors as the borrower's previous repayment history, the amount of the loss, the nature of the repairs, and the threat to CCCD's security interest. Recommendations to accelerate the loan should be processed in accordance with Special Servicing Guidelines.

CUMBERLAND COUNTY

PURCHASING PROCEDURES MANUAL



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PURPOSE

This manual was developed as a source for Cumberland County employees to become familiar with the policies and procedures for procuring goods and services. The policies provided in this manual were established to ensure the fair and equitable treatment of all persons involved in public purchasing, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.

DEFINITIONS

1. Addenda/Addendum – Additional requirements, specifications, or instructions to the originally issued Invitation To Bid or Request For Proposals. All contents for the addendum are incorporated into the original document.
2. Appropriation – An authorization granted by the Board of County Commissioners to make expenditures and to incur obligations for specific purposes.
3. Bidder – Any person, firm, partnership, corporation, association, or joint venture seeking award of a public contract with the County of Cumberland, or their agents.
4. Contract – A legally binding document, which specifies and defines the performance requirements and expectations for a purchase or project administered by the County or their agents.
5. Contractor – The person, firm, partnership, joint venture, corporation, or association, who performs a trade or service agreement at any level with the County or for their agents.
6. Discrimination – An action or series of activities which sets apart or causes separate and unequal treatment of a person or group of persons solely on the basis of their age, gender, ethnic background, national origin, and/or disability. Acts of discrimination are illegal in the performance of projects for the County.
7. Documentation – A written or audiotape record of all efforts and activity related to creation and performance of a contract.
8. Encumbrance – Expenditure commitments created by purchase orders or contracts that have been issued, but for which no goods or services have been received.

9. Formal Bid – Procedure required for awarding contracts pursuant to N.C.G.S 143-120 over \$90,000 by sealed competitive bid. They must be advertised, opened in public, and recorded on the minutes of the governing body. Award will be made to the lowest responsible bidder(s) taking into consideration quality, performance, and the time specified for the performance of the contract. County manager makes final award on bids up to \$99,999. Board of County Commissioners make final award on bids \$100,000 and over.
10. Informal Bid – Procedure used for expenditures greater than \$5,000 and less than \$90,000. Department will submit specifications to purchasing division for purchases in the category.
11. Purchase Order – A legal document issued by the purchasing department to a vendor for goods or services.
12. Request for Proposals (RFP) – A request written as a performance specification, outlining the desired result and asking the responders to propose a method for reaching that result.
13. Requisition – A written request from a using department to purchasing to obtain specific goods and services.
14. Specifications – The parameters, requirements, and instructions that define the exact item or service that is desired and provide the basis for comparing bids. Specifications are generally incorporated into a contract, by reference, to become the successful bidder's legal obligations under the contract.

RESPONSIBILITIES

It is the Purchasing Department's responsibility to ensure that all purchases are made in accordance with the standard procedures of Cumberland County and North Carolina General Statutes. Successful purchasing requires active cooperation between purchasing and the County departments.

OBJECTIVES

1. To conduct business with integrity and fairness so as to maintain public trust and reduce the County's exposure to criticism and legal action.
2. To secure the right materials, equipment and services at the right quality and quantity, on a timely basis, as efficiently as possible, and at the lowest overall cost.
3. To conserve public funds by obtaining the best products and services for the dollars spent.

4. To provide all customers with quality service in a manner that is courteous, responsive and accessible.
5. To furnish timely information to management and appropriate departments covering market conditions and trends, and probable effect on supply and price.
6. To assure vendors that impartial and equal treatment is afforded to all that wish to do business with the County.
7. To secure, whenever possible, competitive prices on purchases.
8. To be receptive to changes in material and requirements and new products and procedures.

DEPARTMENTAL RESPONSIBILITIES

- Accept the purchasing authorities delegated to County Purchasing.
- Put forth an effort in good faith to comply with the policies and established purchasing procedures without reservation or evasion.
- Prepare acceptable specifications that define the quantity and quality of goods and services needed to perform a specific function without undue influence or personal preference.
- Allow the time necessary for Purchasing to select a vendor and for the vendor to deliver.
- Receive and inspect items delivered and report vendor performance good or bad.
- Cooperate with Purchasing in the process of fulfilling departmental requisitions.
- Work with Purchasing to promote good will between the County and its vendors.

COUNTY DEPARTMENTS PURCHASING FUNCTION

1. Initiate a purchase requisition to purchase specified supplies, materials and equipment.
2. Determine needed quantity and general type of character of supplies, materials, equipment and date by which the delivery is required.
3. Anticipate the needs in advance and initiate requisitions allowing adequate time for the process.
4. Refuse to accept any shipment or delivery that fails to meet the terms of the purchase.
5. Report any failure to deliver by the designated time to appropriate Purchasing personnel.
6. Make all emergency purchases through Purchasing during normal business hours whenever possible.
7. Advise the Purchasing Officer of any change in plans or programs that may affect the purchase or use of supplies, materials, or equipment.

8. Advise the Purchasing Director of the appropriateness and suitability of commodities, equipment, and services furnished.

METHODS OF PROCUREMENT

FORMAL BIDS

The purchase of apparatus, supplies, materials, or equipment for expenditures of \$90,000 or more are secured through the competitive sealed bid process governed by the North Carolina statutes.

The formal bid process may take eight (8) to twelve (12) weeks to complete once a request has been received by Purchasing, therefore, planning and scheduling is very important

-Written specifications must be prepared. Good, clear specifications are an essential aspect of competitive bidding. Quality and service can be as important as price; therefore, specifications are needed that will fulfill, but not exceed the requirements for which the items and/or services are intended. Specifications are prepared by the ordering department. Brand names or equal should only be used when no other description would be equally satisfactory.

-A pre-bid conference may be scheduled to review specifications, pertinent terms and conditions, and to answer vendor questions pertaining to the bid process. Pre-bid conferences can be mandatory.

-Addenda are prepared, if necessary due to a change in the bid specifications, or for additional clarification and sent via regular, priority or certified mail (according to time and importance of addendum) to all vendors on the original bid list. If the pre-bid conference is mandatory, any addenda are sent only to the vendors who attended the meeting.

-All bids are opened and the total dollar amount with the corresponding name of the company submitting the bid is read aloud. All bids are manually recorded. A tabulation of all bids received is made and retained in the Purchasing department's files for public inspection upon request. No statement about the apparent successful bidder is required at the bid opening.

-Bids shall be evaluated based on the requirements set forth in the invitation for bid, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. No criteria may be used in bid evaluations that are not set forth in the invitation for bid. Cumberland County

reserves the right to waive formalities, technicalities and inequalities and to make awards according to the best interest of the County.

-A recommendation for award is submitted in the required standard format to the Board of County Commissioners. The governing body may accept or reject any or all bids.

INFORMAL BIDS

Informal bids are required for any purchase of apparatus, supplies, materials, or equipment that requires an expenditure of \$5,000 but less than \$90,000.

-Informal bids can be met by sealed bids, opened at a set time, date and place or accomplished by written quotations, by fax or e-mail.

-While the law does not specify a minimum number of informal quotes, the general policy of the County has been to obtain at least three (3) informal quotes.

-N.C.G.S. does require that contracts in the informal bidding category be awarded to the "lowest responsible bidder, taking into consideration quality, performance, and the time specified in the bids for the performance of the contract."

-Written specifications must be prepared. Good, clear specifications are an essential aspect of competitive bidding. Quality and service can be as important as price; therefore, specifications are needed that will fulfill, but not exceed the requirements for which the items and/or services are intended. The ordering department prepares specifications. Brand names or equal should only be used when no other description would be equally satisfactory.

-A pre-bid conference may be scheduled to review specifications, pertinent terms and conditions, and to answer vendor questions pertaining to the bid process. Pre-bid conferences can be mandatory.

-Bids are received and opened, but are not read aloud. Bids are not released until a contract is awarded or purchase order is issued.

-Contracts for the provision of services in any amount and all contracts for the purchase of apparatus, materials, supplies and equipment in which the aggregate purchase price in any single contract is less than \$30,000 shall be awarded to local vendors or suppliers, to the greatest extent possible, in accordance with the further conditions set out herein. Local vendors or suppliers shall be those who demonstrate that they pay business personal or real property taxes and are either self-employed residents of Cumberland County or employ at least one resident of Cumberland County as an employee or officer of the contracting business entity.

PROCUREMENT CARDS

The procurement card program was established to provide a more rapid turnaround of requisitions for low dollar value goods, and to reduce paperwork and handling costs. Those who have been issued procurement cards may initiate transactions in person, or by telephone, within the established limits of these procedures. Department heads can designate individuals to have procurement cards after they attend a class in purchasing addressing the guidelines involved in the responsibility associated with the card.

JAMES E. MARTIN
County Manager

JUANITA PILGRIM
Deputy County Manager



AMY H. CANNON
Assistant County Manager

JAMES E. LAWSON
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 1, 2010

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES LAWSON, ASSISTANT COUNTY MANAGER

DATE: OCTOBER 26, 2010

SUBJECT: APPROVAL OF TRANSFER OF SURPLUS HEALTH DEPARTMENT MEDICAL EQUIPMENT AND FURNITURE TO STEDMAN-WADE HEALTH SERVICES

BACKGROUND:

Margaret Covington, CEO of Stedman-Wade Health Services, Inc., has requested surplus medical equipment and furniture. Stedman-Wade Health Services, Inc. is a 501(c) (3) organization operating in Cumberland County. Their mission is to provide quality accessible, affordable primary and preventive medical and dental care in a compassionate and cost effective manner to all populations.

Stedman-Wade Health Services will be opening a satellite site in downtown Fayetteville and needs assistance to furnish/equip the site. They have requested the following items:

17 Blue Waiting Room Chairs	\$ 170.00	4 Children Waiting Room Chairs	\$ 12.00
3 Wall Cabinets	\$ 150.00	1 Privacy Screen	\$ 10.00
3 Bulletin Boards	\$ 6.00	3 Exam Tables	\$ 1,500.00
2 Wooden Desks	\$ 100.00	2 4-Drawer File Cabinets	\$ 50.00
1 Small Metal Desk	\$ 15.00	1 Blue Side Chair	\$ 15.00
2 Bookshelves	\$ 40.00	5 Office Chairs	\$ 125.00
3 Small Metal Tables	\$ 45.00	TOTAL VALUES	\$ 2,238.00

RECOMMENDATION/PROPOSED ACTION:

Staff and Management recommend that said furniture & medical equipment be declared surplus to the needs of Cumberland County Health Department and that same be transferred to Wade-Stedman Health Services, Inc.

Celebrating Our Past...Embracing Our Future



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
NOVEMBER 1, 2010, MEETING OF THE BOARD OF COMMISSIONERS**

TO: Board of Commissioners; Co. Manager
FROM: Co. Atty. *RM*
DATE: October 25, 2010
SUBJECT: Swap of Land by Bd. of Education

BACKGROUND:

NCGS 115C-518 requires school boards to offer any real property deemed unnecessary for education purposes to the board of county commissioners at a fair market or negotiated price before selling the property to another party. The Cumberland County Board of Education wishes to swap Parcel 3 shown on the subdivision survey for K & G Developers, LLC, and consisting of 0.80 acres for Parcel 2, owned by K & G Developers, LLC, shown on the same plat and also containing 0.80 acres. Parcel 3 lies on the south side of E. E. Miller Elementary School and Parcel 2 lies on the north side of the school. Such exchanges of real property are authorized by Article 12 of Chapter 160A, applicable to school boards.

Request from Bd. of Education is attached.

RECOMMENDATION:

Decline the offer by adopting following resolution:

Be it resolved that the Board of Commissioners declines the offer of the Board of Education for the acquisition of a 50' wide strip of land at the south end of the property of E. E. Miller Elementary School which the Board of Education proposes to swap for another strip of land adjoining this school property to the north.

Celebrating Our Past... Embracing Our Future



Cumberland County Schools

MACKY HALL, CHAIR
CARRIE SUTTON, VICE CHAIR
ALICIA S. CHISOLM
KIMBERLY P. FISHER
LARRY L. LANCASTER

P.O. Box 2357
Fayetteville, North Carolina 28302
910-678-2300

JAMES A. MCLAUCHLIN
MARY EMILY ROYAL
GREGORY E. WEST
MAC WILLIAMS

DR. FRANK TILL
SUPERINTENDENT

October 21, 2010

Mr. James Martin, County Manager
County of Cumberland
P. O. Box 1829
Fayetteville, NC 28302

Re: Real Estate Transaction
E. E. Miller Elementary School property

Dear Mr. Martin,

The Cumberland County Board of Education has agreed to convey a 50' wide tract of land (0.8 acre) on the south edge of the E. E. Miller Elementary School property to K & G Developers in exchange for a 0.8 acre tract on the north edge of the property, contingent upon the satisfaction of general statute requirements for such transactions. As per North Carolina General Statutes, if the Board of Education is offering the property to the County for acquisition. If the County declines the property, we will proceed with the necessary steps to execute the land trade.

Please present this matter to the County Commissioners at their next meeting for consideration. Your assistance in this matter is appreciated.

Sincerely,

Tim H. Kinlaw, Associate Superintendent
Auxiliary Services
Cumberland County Schools

K & G Developers, LLC

6885 Cliffdale Road
Fayetteville, NC 28314
910-864-9727
910-868-6796 Fax

September 22, 2010

To: Mr. Tim Kinlaw
Associate Superintendent of Cumberland County Schools

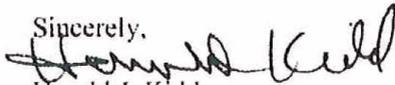
Subject: Land for land swap at E.E. Miller Elementary, Rim Road, Fayetteville, NC
.80 acre on south side for .80 acres on north side

Dear Mr. Kinlaw:

Please be advised that we agree to pay for any deed prep/expense related to this transaction. Also, we understand that we are responsible for the moving and or relocating of utilities as needed.

We appreciate your assistance in this matter. If further information or agreements are needed, please let us know.

Sincerely,



Harold J. Kidd
Member/Manager

Fayetteville  Cumberland
PARKS & RECREATION

September 15, 2010

Memorandum

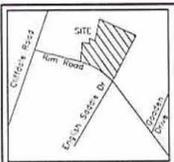
To: Tim Kinlaw, Assistant Superintendent

From: Michael Gibson, PRM Director 

Subject: Lake Rim North Subdivision Easement

The Fayetteville – Cumberland Parks & Recreation Department agrees to allow Kidd Construction and Development Company's the authority to reduce the size of one baseball/softball field located on Rim Road at the address of E.E. Miller Elementary School and recreation center campus. The field designated for this reduction is the one closes to Rim Road. The course of action will be that KCDC (at no cost to FCPR) will move field lights, scoreboard, panel boxes, fencing, Irrigation, and landscaping. KCDC will then re-install said items at the new field design of 150ft. All work to be approved by FCPR parks staff.

An Equal Opportunity Employer



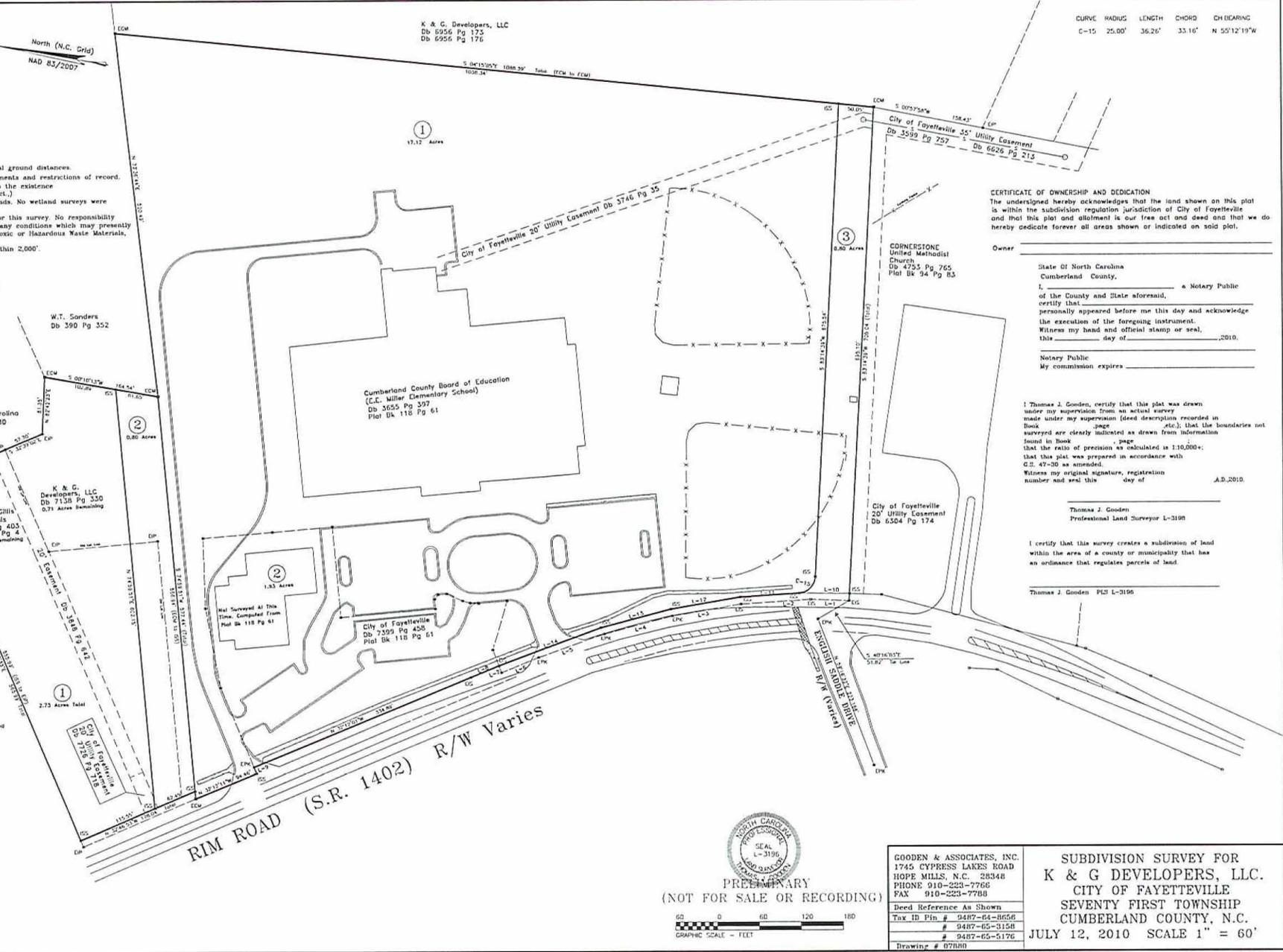
VICINITY MAP
(NOT TO SCALE)

NOTES:

- 1) All distances shown are horizontal ground distances.
- 2) This property is subject to easements and restrictions of record.
- 3) This surveyor does not certify to the existence of underground utilities (tanks, ect.)
- 4) This property may contain wetlands. No wetland surveys were completed at this time.
- 5) No title search was completed for this survey. No responsibility is assumed by this surveyor for any conditions which may presently exist but are unknown such as Toxic or Hazardous Waste Materials, Cemeteries and Flood Areas.
- 6) No horizontal control located within 2,000'.

COURSE	BEARING	DISTANCE
L-1	N 07°52'43"W	54.90'
L-2	N 13°39'18"W	100.00'
L-3	N 10°30'17"W	99.00'
L-4	N 24°44'46"W	100.00'
L-5	N 20°37'02"W	100.00'
L-6	N 31°42'02"W	27.18'
L-7	N 60°04'14"E	10.21'
L-8	N 02°11'20"W	43.33'
L-9	S 37°41'31"W	9.94'
L-10	N 09°11'00"W	72.96'
L-11	N 13°39'18"W	94.61'
L-12	N 19°30'17"W	100.00'
L-13	N 24°44'46"W	103.12'
L-14	N 30°24'40"W	155.47'

LEGEND:
 CIP --- Existing Iron Pipe
 CIS --- Existing Iron Stake
 ISS --- Iron Stake Set
 ECM --- Existing Concrete Monument
 EPC --- Existing P.C. Nail
 MNS --- Magnalite Nail Set
 PP --- Power Pole
 --- Line Surveyed
 --- Lines Not Surveyed



CERTIFICATE OF OWNERSHIP AND DEDICATION
 The undersigned hereby acknowledges that the land shown on this plat is within the subdivision regulation jurisdiction of City of Fayetteville and that this plat and allotment is our free act and deed and that we do hereby dedicate forever all areas shown or indicated on said plat.

Owner _____
 State Of North Carolina
 Cumberland County,
 I, _____ a Notary Public
 of the County and State aforesaid,
 certify that _____
 personally appeared before me this day and acknowledge
 the execution of the foregoing instrument.
 Witness my hand and official stamp or seal,
 this _____ day of _____, 2010.
 Notary Public _____
 My commission expires _____

I, Thomas J. Gooden, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____ page _____ etc.); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____ page _____ that the ratio of precision as calculated is 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____, A.D. 2010.

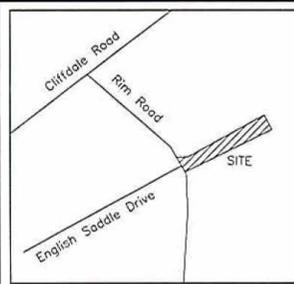
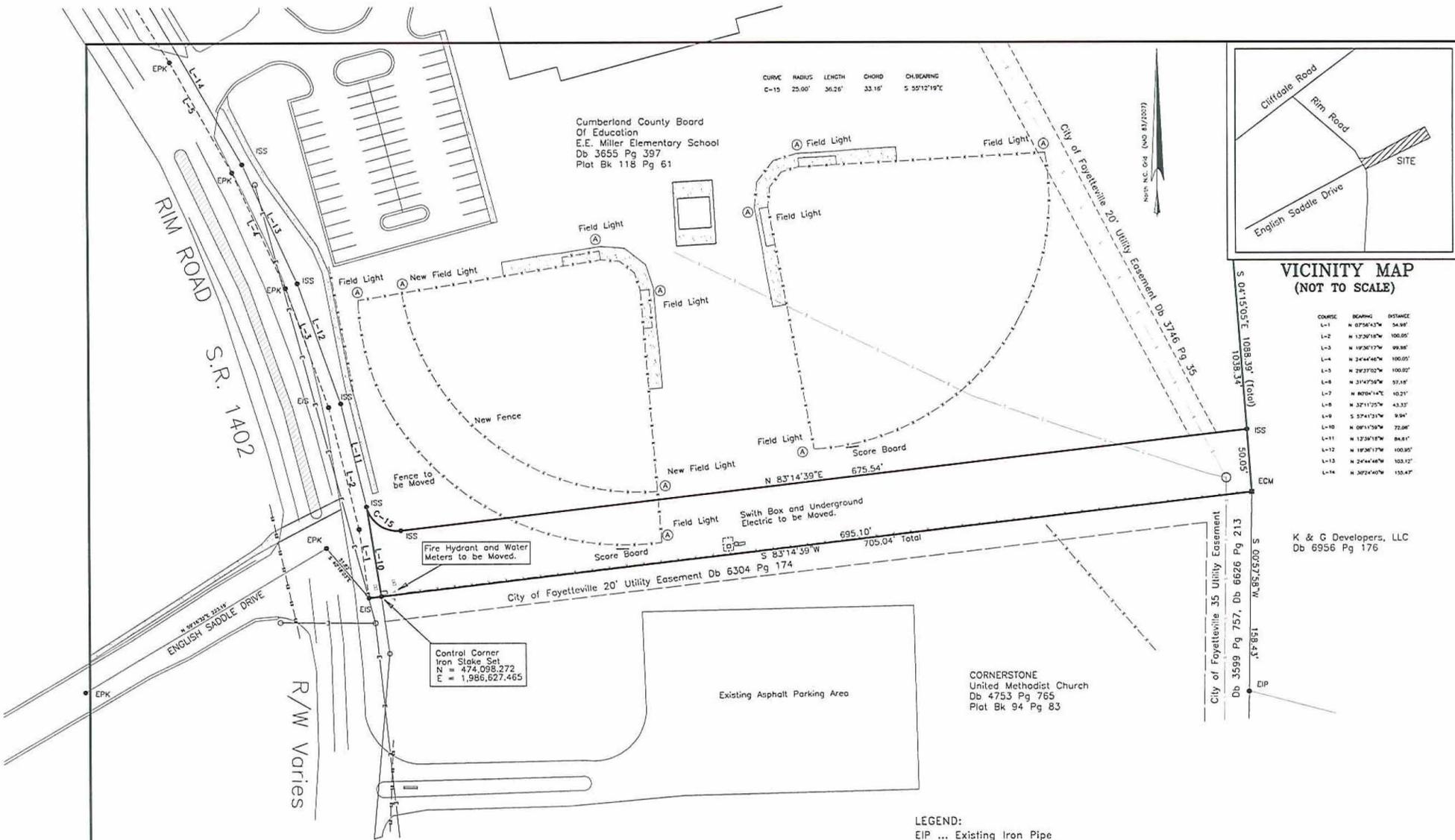
Thomas J. Gooden
 Professional Land Surveyor L-3196
 I certify that this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
 Thomas J. Gooden PL2 L-3196

NORTH CAROLINA
 PROFESSIONAL LAND SURVEYOR
 SEAL
 L-3196
 PRELIMINARY
 (NOT FOR SALE OR RECORDING)



GOODEN & ASSOCIATES, INC.
 1745 EYEPRESS LAKES ROAD
 HOPE MILLS, N.C. 28348
 PHONE 910-223-7766
 FAX 910-223-7768
 Deed Reference As Shown
 Tax ID Pin # 9487-64-8656
 # 9487-65-3158
 # 9487-65-5176
 Drawing # 67880

SUBDIVISION SURVEY FOR
 K & G DEVELOPERS, LLC.
 CITY OF FAYETTEVILLE
 SEVENTH FIRST TOWNSHIP
 CUMBERLAND COUNTY, N.C.
 JULY 12, 2010 SCALE 1" = 60'



VICINITY MAP
(NOT TO SCALE)

COURSE	BEARING	DISTANCE
L-1	N 07°54'37\"	54.98'
L-2	N 17°30'18\"	100.05'
L-3	N 19°30'17\"	99.88'
L-4	N 24°44'46\"	100.05'
L-5	N 29°37'02\"	100.02'
L-6	N 31°47'59\"	97.18'
L-7	N 30°04'14\"	10.21'
L-8	N 32°11'25\"	43.37'
L-9	S 37°17'31\"	9.94'
L-10	N 09°11'39\"	72.06'
L-11	N 17°30'18\"	84.81'
L-12	N 19°30'17\"	100.05'
L-13	N 24°44'46\"	103.12'
L-14	N 30°04'40\"	155.47'

K & G Developers, LLC
Db 6956 Pg 176

Control Corner
Iron Stake Set
N = 474,098,272
E = 1,986,627,465

CORNERSTONE
United Methodist Church
Db 4753 Pg 765
Plat Bk 94 Pg 83

I, Thomas J. Gooden, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____ page _____ etc.); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____ page _____ that the ratio of precision as calculated is 1:10,000+; that this plat was prepared in accordance with G.S. 47-30 as amended.
Witness my original signature, registration number and seal this _____ day of _____, A.D. 2010.

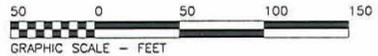
Thomas J. Gooden
Thomas J. Gooden
Professional Land Surveyor L-3196



I certify that this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
Thomas J. Gooden
Thomas J. Gooden PLS L-3196

- NOTES:
- 1) All distances shown are horizontal ground distances.
 - 2) This property is subject to easements and restrictions of record.
 - 3) This surveyor does not certify to the existence of underground utilities (sewers, etc.).
 - 4) This property may contain wetlands. No wetland surveys were completed at this time.
 - 5) No title search was completed for this survey. No responsibility is assumed by this surveyor for any conditions which may presently exist but are unknown such as Toxic or Hazardous Waste Materials, Cemeteries and Flood Areas.

- LEGEND:
- EIP ... Existing Iron Pipe
 - EIS ... Existing Iron Stake
 - ISS ... Iron Stake Set
 - EPK ... Existing P.K. Nail
 - PP ... Power Pole
 - Line Surveyed
 - - - Lines Not Surveyed



GOODEN & ASSOCIATES, INC.
1745 CYPRESS LAKES ROAD
HOPE MILLS, N.C. 28348
PHONE 910-223-7766
FAX 910-223-7788

Deed Reference Db 3655 Pg 397
Plat Bk 118 Pg 61
Tax Id # 9487-64-8056
Drawing 07880A

SURVEY FOR
K & G DEVELOPERS, LLC
CITY OF FAYETTEVILLE
SEVENTY FIRST TOWNSHIP
CUMBERLAND COUNTY NORTH CAROLINA
SEPTEMBER 21, 2010 SCALE 1" = 50'



ITEM NO. 2E

OFFICE OF THE RISK MANAGER

P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 223-3327 / (910) 323-6107 • Fax: (910) 323-6106

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES B. SILMAN, RISK MANAGEMENT DIRECTOR *BS*

DATE: OCTOBER 25, 2010

SUBJECT: CONSENT ITEM - CONSIDERATION OF DECLARATION OF SURPLUS COUNTY PROPERTY AND AUTHORIZATION TO ACCEPT INSURANCE SETTLEMENT

BACKGROUND

DATE OF ACCIDENT	October 15, 2010
VEHICLE	2007 Dodge Grand Caravan
VIN	1D4GP24E97B251600
FLEET #	SS8
MILEAGE	103,538
DEPARTMENT	Social Services
SETTLEMENT OFFER	\$8413.58
INSURANCE COMPANY	Travelers

This is a total loss settlement offer.

RECOMMENDATION/PROPOSED ACTION

Management recommends that the Board of Commissioners:

1. declare the vehicle described above as surplus
2. authorize the Risk Manager to accept \$8,413.58 as settlement
3. allow Travelers Insurance to take possession of the wrecked (surplus) vehicle.

Celebrating Our Past... Embracing Our Future



Charles Bolf
215 Shuman Blvd.
Naperville IL 60563-7095
630-961-8695 Office
877-223-8835 Attn: CRB Fax

RE: Our Insured: Cumberland County
Our Claim No.: EJN0153-001
Date of Loss: 10/15/2010

To Whom It May Concern:

We have determined the actual cash value of your total loss vehicle from CCC, a computerized valuation service, using current market data. The actual cash value of your vehicle, including options, has been determined to be:

Actual Cash Value:	9086.00
Tax:	272.58
Fees:	55.00
Deductible:	(1000.00)
Total:	8413.58

In order for The Travelers Indemnity Company (Travelers) to comply with the salvage title law, this offer of settlement is contingent upon our receipt of the properly endorsed lien free title to the vehicle. Such title must presently be issued in the name (s) of the person (s) to whom we are obligated to make payment. Our settlement check cannot be issued until we receive the executed title from you or your lien holder(s).

We recognize it may take time for you to secure and present the title to us. We will pay reasonable tow and storage charges incurred to date.

Upon receipt of the correctly signed title and the vehicle has been moved to our salvage facility, a check will be sent to you as outlined above, less your lien holder's payoff amount if there is a lien on the vehicle.

Very truly yours,

Charles Bolf
The Travelers Indemnity Company
Total Loss Claim Handler

Cc: file



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

October 25, 2010

MEMORANDUM FOR BOARD OF COMMISSIONERS' NOVEMBER 1, 2010 AGENDA:

TO: BOARD OF COMMISSIONERS
FROM: RICK L. MOOREFIELD, COUNTY ATTORNEY *LM*
SUBJECT: APPROVAL OF SALE OF SURPLUS-COUNTY OWNED REAL
PROPERTY ACQUIRED BY TAX FORECLOSURE

1 ACRE DIXON LAND
(LOCATED VACANT LOT OFF ANKON DR. NEAR SUDBURY DR.)
PIN 9496-31-8373; SEVENTY-FIRST TOWNSHIP

BACKGROUND: On or about December 4, 2007, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and cost for the property is \$2,731.22.

Gloria Ray Whitted has offered to purchase the County's interest in the property for **\$2,731.22** and has deposited \$273.12 in the Finance Office. The tax value of the property is \$10,000.00.

This property is surplus to the needs of the County and, according to N.C.G.S. §153A-176 and N.C.G.S. §105-376, the County has the authority to sell such property. Management has reviewed this offer and it is now being submitted for the Board to consider whether or not to accept Gloria Ray Whitted's bid. The property has been advertised and this office has not received any upset bids. The bid period is now closed.

RECOMMENDATION AND PROPOSED ACTION: That the Board of Commissioners consider whether to accept the offer of Gloria Ray Whitted to purchase the above property for the sum of **\$2,731.22**, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

RLM/hnw

Celebrating Our Past. . . Embracing Our Future



PIN: 9496-31-8373

SUDBU



Site Map



SEVENTY FIRST TOWNSHIP

100 0 100 Feet



THE COUNTY OF CUMBERLAND AND ITS GIS DEPARTMENT DISCLAIMS ACCOUNTABILITY FOR THIS PRODUCT AND MAKES NO WARRANTY EXPRESS OR IMPLIED CONCERNING THE ACCURACY THEREOF. RESPONSIBILITY FOR INTERPRETATION AND APPLICATION OF THIS PRODUCT LIES WITH THE USER.



ITEM NO. 26

OFFICE OF THE COUNTY ATTORNEY

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

October 25, 2010

MEMORANDUM FOR BOARD OF COMMISSIONERS' NOVEMBER 1, 2010 AGENDA:

TO: BOARD OF COMMISSIONERS
FROM: RICK L. MOOREFIELD, COUNTY ATTORNEY *RM*
SUBJECT: APPROVAL OF SALE OF SURPLUS-COUNTY OWNED REAL
PROPERTY ACQUIRED BY TAX FORECLOSURE

LOTS 98 & 99; 419 NEVILLE STREET
(LOCATED ON NEVILLE STREET)
PIN 0438-81-8972; CROSS CREEK TOWNSHIP

BACKGROUND: On or about May 3, 2005, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and cost for the property is \$10,910.88.

Kataya Randall has offered to purchase the County's interest in the property for **\$10,910.88** and has deposited \$1,092.00 in the Finance Office. The tax value of the property is \$26,900.00.

This property is surplus to the needs of the County and, according to N.C.G.S. §153A-176 and N.C.G.S. §105-376, the County has the authority to sell such property. Management has reviewed this offer and it is now being submitted for the Board to consider whether or not to accept Kataya Randall's bid. The property has been advertised and this office has not received any upset bids. The bid period is now closed.

RECOMMENDATION AND PROPOSED ACTION: That the Board of Commissioners consider whether to accept the offer of Kataya Randall to purchase the above property for the sum of **\$10,918.88**, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

RLM/hnw

Celebrating Our Past... Embracing Our Future

ITEM NO. 24

Cumberland County Board of Commissioners
Office of the County Commissioners

Homeless & Hunger Stand Down 2010

PROCLAMATION

WHEREAS, it is the intent of the Fayetteville-Cumberland Ministerial Council to fulfill its philosophy to promote unity surrounded by diversity-with inclusiveness for all people and to support all creeds religious groups, with regards to community service involvement and awareness; ***AND***

WHEREAS, the Homeless and Hunger Stand Down 2010 (formerly known as the F.E.E.D. Fayetteville Project) has been established as a transitional initiative from the Fayetteville-Cumberland Human Relations Commission to the Fayetteville-Cumberland Ministerial Council, to provide a mass community feeding event for homeless and disadvantaged residents of the Fayetteville-Cumberland County community; ***AND***

WHEREAS, The mission of the project is to provide a mass community service event whereby homeless and disadvantaged residents of the Fayetteville-Cumberland County community will receive food, clothing, as well as, health information and services; ***AND***

WHEREAS, the U.S. Department of Veteran Affairs has combined its Homeless Stand Down Project with the Homeless & Hunger Stand Down 2010 to provide needed services for veterans within Cumberland County; ***AND***

WHEREAS, we join all citizens of Fayetteville and Cumberland County in recognizing the impact the Fayetteville-Cumberland Ministerial Council, the Homeless & Hunger Stand Down Committee and the Veterans Affairs Office have made in providing for citizens in need in our community.

NOW THEREFORE, I, Billy R. King, Chair, by virtue of the authority vested in me as Chairman of the Cumberland County Board of Commissioners, do hereby proclaim:

November 16, 2010 as
Homeless and Hunger Stand Down Day

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Cumberland County, North Carolina to be affixed this 16th day of November, 2010.

Billy R. King, Chairman
Cumberland County Board of Commissioners

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B11-165
Date Received	10/13/2010
Date Completed	

Fund No. 486 Agency No. 429 Organ. No. 4278
 Organization Name: Lake Rim Fire District

ITEM NO. 21(1)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
1000	Taxes Current Year	9,173	500	9,673
Total		9,173	500	9,673

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4027	854	Tax Refunds	100	500	600
Total			100	500	600

Justification:

Increase expenditure line to cover unanticipated refunds to taxpayers.

Funding Source:

State: _____ Federal: _____ County: _____ New: _____ Other: _____
 Other: 500 Fees: _____ Prior Year: _____

Fund Balance:

Submitted By: _____ Date: _____
 Department Head
 Reviewed By: Kelly Autry Date: 10-13-10
 Finance
 Reviewed By: Amy Cannon Date: 10/26/10
 Deputy/Assistant County Mgr

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B11-172</u>
Date Received	<u>10-19-10</u>
Date Completed	

Fund No. 101 Agency No. 440 Organ. No. 4408
 Organization Name: Library Grants- Erate

ITEM NO. 2I(2)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4641	E-Rate Local	0	61,978	61,978

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
349A	298	E-rate funds	110,921	61,978	172,899

Justification:

Budget Revision of \$9,600 to recognize E-Rate check received from MCNC, \$10,560 E-rate check from Deltacom, \$24,806.40 check from CenturyLink, \$17,011.20 check from Centurylink

Funding Source: State: _____ Federal: _____ County: _____ New: _____ Other: _____ 61,978
 Other: _____ Fees: _____ Prior Year: _____

Submitted By: [Signature] Date: 10/18/10
 Department Head
 Reviewed By: [Signature] Date: 10-19-10
 Finance Department
 Reviewed By: [Signature] Date: 10/26/10
 Deputy/Assistant County Mgr

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B11-173
Date Received	10/22/2010
Date Completed	

Fund No. 101 Agency No. 450 Organ. No. 4509

Organization Name: Soil & Water Conservation District

ITEM NO. 21(3)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated		2,246	
7757	Fundraisers	0	1,848	1,848
Total			4,094	

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2757	366	Fundraisers	0	4,094	4,094
Total			0	4,094	4,094

Justification:

Revision in the amount of \$4,094 to appropriate fund balance (\$2,245.72) to roll forward the net profit from Soil & Water Conservation fundraiser activities at June 30, 2010 and to budget current year fundraiser revenues (\$1,848.00) received in FY 2011.

Funding Source:

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

Fund Balance:

Submitted By: Kay B Bullard Date: 10/25/10
Department Head

Reviewed By: HEA Bob Tucher Date: 10/25/10
Finance Department

Reviewed By: Amey Cannon Date: 10/26/10
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.	B11-174
Date Received	10/22/2010
Date Completed	

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

ITEM NO. 2I(4)

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	0	1,210,000	1,210,000
Total		0	1,210,000	1,210,000

pg 1 of 6

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3836	406	School Capital Outlay Category I	1,550,000	1,210,000	2,760,000
Total			1,550,000	1,210,000	2,760,000

Justification:

Revision in the amount of \$1,210,000 to appropriate fund balance (sales tax) to budget Capital Outlay Category I expenditures as approved by the Cumberland County Board of Education on October 12, 2010.

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

Submitted By: _____ Date: _____
WJA Department Head
 Reviewed By: Bob Incher Date: 10/22/10
 Finance Department
 Reviewed By: Amyl Cannon Date: 10/26/10
 Assistant County Mgr

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

BUDGET AMENDMENT

11-4004

CUMBERLAND COUNTY ADMINISTRATIVE UNIT

CAPITAL OUTLAY

The Cumberland County Board of Education at a meeting on the 12th day of October, 2010 passed the following resolution.

Be it resolved that the following amendments be made to the Budget Resolution for the fiscal year ending June 30, 2011.

CODE NUMBER	DESCRIPTION OF CODE	INCREASE	AMOUNT	
			INCREASE	DECREASE
4-4140-077-000-000-000-00	Sales Tax Revenue	\$ 1,210,000.00		
	see attached expenditures	1,210,000.00		

Explanation: To budget the carryover from 2009-2010 capital outlay budget for category I projects.

Total Appropriation in Current Budget	\$ 19,302,109.00
Amount of Increase/Decrease of above amendment	1,210,000.00
Total Appropriation in Current Amended Budget	<u>\$ 20,512,109.00</u>

Passed by majority vote of the Board of Education of Cumberland County on the 12th day of October, 2010

We the Board of County Commissioners of Cumberland County hereby approve the changes in the County School Funds Budget as indicated above, and have made entry of these changes on the minutes of said Board, this the 12th day of October, 2010.


Chairman, Board of Education

Chairman, Board of County Commissioners


Secretary, Board of Education

Secretary, Board of County Commissioners

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B11-174A
Date Received	10/22/2010
Date Completed	

Fund No. 106 Agency No. 470 Organ. No. 4706
 Organization Name: School C.O. Category II - Equipment

pg 3 of 6

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated (Sales Tax)	0	1,348,550	1,348,550
Total		0	1,348,550	1,348,550

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3837	407	School Capital Outlay - Category II	2,585,000	1,348,550	3,933,550
Total			2,585,000	1,348,550	3,933,550

Justification:

Revision in the amount of \$1,348,550 to appropriate fund balance (Sales Tax) to budget Capital Outlay Category II expenditures as approved by the Cumberland County Board of Education on October 12, 2010.

Funding Source:

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

Fund Balance:

Submitted By: _____ Date: _____
HeA Department Head
 Reviewed By: *Bob Sucher* Date: *10/22/10*
 Finance Department
 Reviewed By: *Amy Cannon* Date: *10/26/10*
 Assistant County Mgr

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

BUDGET AMENDMENT

11-4002

CUMBERLAND COUNTY ADMINISTRATIVE UNIT

CAPITAL OUTLAY

The Cumberland County Board of Education at a meeting on the 12th day of October, 2010 passed the following resolution.

Be it resolved that the following amendments be made to the Budget Resolution for the fiscal year ending June 30, 2011.

CODE NUMBER	DESCRIPTION OF CODE	INCREASE	AMOUNT	
			INCREASE	DECREASE
4-4140-077-000-000-000-00	Sales Tax Revenue	\$ 1,488,550.00		
	see attached expenditures	1,488,550.00		

Explanation: To budget the carryover from 2009-2010 capital outlay budget for category II and category III projects.

Total Appropriation in Current Budget	\$ 17,313,559.00
Amount of Increase/Decrease of above amendment	1,488,550.00
Total Appropriation in Current Amended Budget	<u>\$ 18,802,109.00</u>

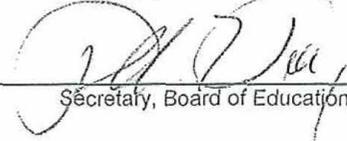
Passed by majority vote of the Board of Education of Cumberland County on the 12th day of October, 2010

We the Board of County Commissioners of Cumberland County hereby approve the changes in the County School Funds Budget as indicated above, and have made entry of these changes on the minutes of said Board, this the 12th day of October, 2010.



Chairman, Board of Education

Chairman, Board of County Commissioners



Secretary, Board of Education

Secretary, Board of County Commissioners

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B11-174B
Date Received	10/22/2010
Date Completed	

Fund No. 106 Agency No. 470 Organ. No. 4708
 Organization Name: School C.O. Category III - Vehicles

pg 5 of 6

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	0	140,000	140,000
Total		0	140,000	140,000

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3838	408	School Capital Outlay Category III	460,000	140,000	600,000
Total			460,000	140,000	600,000

Justification:

Revision in the amount of \$140,000 to appropriate fund balance (sales tax) to budget Capital Outlay Category III expenditures as approved by the Cumberland County Board of Education on October 12, 2010.

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

Submitted By: _____ Date: _____
 Reviewed By: Bob Sucher Date: 10/22/10
 Department Head
 Finance Department
 Reviewed By: Annalynn Cannon Date: 10/20/10
 Assistant County Mgr

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

BUDGET AMENDMENT

11-4002

CUMBERLAND COUNTY ADMINISTRATIVE UNIT

CAPITAL OUTLAY

The Cumberland County Board of Education at a meeting on the 12th day of October, 2010 passed the following resolution.

Be it resolved that the following amendments be made to the Budget Resolution for the fiscal year ending June 30, 2011.

CODE NUMBER	DESCRIPTION OF CODE	INCREASE	AMOUNT	
			INCREASE	DECREASE
4-4140-077-000-000-000-00	Sales Tax Revenue	\$ 1,488,550.00		
	see attached expenditures	1,488,550.00		

Explanation: To budget the carryover from 2009-2010 capital outlay budget for category II and category III projects.

Total Appropriation in Current Budget	\$ 17,313,559.00
Amount of Increase/Decrease of above amendment	1,488,550.00
Total Appropriation in Current Amended Budget	<u>\$ 18,802,109.00</u>

Passed by majority vote of the Board of Education of Cumberland County on the 12th day of October, 2010

We the Board of County Commissioners of Cumberland County hereby approve the changes in the County School Funds Budget as indicated above, and have made entry of these changes on the minutes of said Board, this the 12th day of October, 2010.


Chairman, Board of Education

Chairman, Board of County Commissioners


Secretary, Board of Education

Secretary, Board of County Commissioners

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B11-175
Date Received	10/22/2010
Date Completed	

Fund No. 454 Agency No. 450 Organ. No. 457B
 Organization Name: Rural Operating Assistance Program

ITEM NO. 2I(5)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4361	Employment Transportation	70,273	22,343	92,616
4545	Elderly & Handicapped Transportation (EDTAP)	179,912	(1,353)	178,559
453D	Rural General Public Transportation (RGP)	154,965	(1,885)	153,080
Total		405,150	19,105	424,255

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3367	799	Taxi	180,365	(1,353)	179,012
4361	801	Employment Transportation	70,273	22,343	92,616
5052	802	Rural General Public Transportation (RGP)	154,965	(1,885)	153,080
Total			405,603	19,105	424,708

Justification:

Revision to adjust ROAP Grant revenues from the estimated amounts budgeted in the FY 2011 adopted budget to the actual final State approved amounts.

Funding Source:

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

Fund Balance:

Submitted By: _____
 Department Head

Date: _____

Reviewed By: Bob Sucler
 Finance Department

Date: 10/26/10

Reviewed By: Ameyl Dawson
 Assistant County Mgr

Date: 10/26/10

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B11-190
Date Received	10/26/2010
Date Completed	

Fund No. 430 Agency No. 438 Organ. No. 4385
 Organization Name: Juvenile Crime Prevention Program

ITEM NO. 2I(6)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
438M	Gang Prevention-ARRA	24,782	62,500	87,282
669E	Gang Prevention-Inkind	0	55,481	55,481
Total		24,782	117,981	142,763

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
438M	728	Gang Prevention-ARRA	24,782	62,500	87,282
348B	728	Gang Prevention-Inkind	0	55,481	55,481
Total			-	117,981	55,481

Justification:

Revision to recognize the second year allocation of the Gang Prevention Grant and related inkind revenue and expenditures.

Funding Source:

State: _____
 Other: _____

Fund Balance:

Federal: _____
 Fees: _____

County: _____
 New: _____
 Prior Year: _____

Other: _____

Submitted By: _____
 Department Head

Reviewed By: Howard C. Bar
 Finance Department

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

Date: _____
 Date: 10/26/10
 Date: 10/26/10

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

JAMES E. MARTIN
County Manager

JUANITA PILGRIM
Deputy County Manager



AMY H. CANNON
Assistant County Manager

JAMES E. LAWSON
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

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

MEMORANDUM

TO: BOARD OF COMMISSIONERS

FROM: AMY H. CANNON, ASSISTANT COUNTY MANAGER
RICK MOREFIELD, COUNTY ATTORNEY

DATE: OCTOBER 27, 2010

SUBJECT: CONSIDERATION OF RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF AN INSTALLMENT FINANCING CONTRACT AUTHORIZED BY THE NC G.S. 160A-20 MAKING CERTAIN FINDINGS REQUIRED BY G.S. 159-151 AND CALLING FOR A PUBLIC HEARING ON THE PROPOSED FINANCING FOR NOVEMBER 15, 2010

BACKGROUND

The County received a second allocation of Qualified School Construction Bonds (QSCB's) under the American Recovery and Reinvestment Act (ARRA). This second allocation of \$14.8M will be used for construction of the Western Middle School. The Board of Education will receive bids early in November.

Additionally, a current evaluation of the municipal market indicates that we have two prior debt issues in the amount of \$44.5M that are eligible for refunding. The most current analysis shows potential savings of \$2.5M or 6% in net present value savings or approximately \$240,000 in annual savings through 2028. This refunding will replace the original 2008 debt issues for the Public Health Center and Grays Creek Middle School.

Management recommends combining the sale of the QSCB's with this refunding opportunity if market conditions remain favorable. Attached you will find a resolution that authorizes the Finance Officer to file an application for the proposed combined financing in a total amount not to exceed \$60M authorized under General Statute 160A-20. The resolution also establishes other findings required under General Statute 159-151 and calls for a public hearing on the financing on November 15, 2010.

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RECOMMENDATION/PROPOSED ACTIONS

Approve the attached resolution authorizing the filing of an application for approval of an installment financing contract authorized by the N.C. General Statutes 160A-20, making certain findings required by G.S. 159-151 and call for a public hearing on the proposed financing for November 15, 2010.

AHC:cas

/attachment

Celebrating Our Past...Embracing Our Future

BOARD OF COMMISSIONERS
OF CUMBERLAND COUNTY

Excerpt of Minutes
of Meeting on
November 1, 2010

Present: Chairman _____ presiding, and

Commissioners: _____

Absent: _____

* * * * *

The following resolution was discussed and its title was read:

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF AN INSTALLMENT FINANCING CONTRACT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTES § 160A-20, MAKING CERTAIN FINDINGS REQUIRED BY NORTH CAROLINA GENERAL STATUTE § 159-151, AND CALLING A PUBLIC HEARING ON THE PROPOSED FINANCING FOR NOVEMBER 15, 2010, IN CONNECTION THEREWITH

WHEREAS, the Board of Commissioners of the County of Cumberland, North Carolina (the "County") has decided to pursue the (a) refinancing of two installment purchase agreements entered into in 2008 for Gray's Creek Middle School and a public health center, improvements to an animal control center, a mental health facility and a central maintenance building, and (b) financing of the new Western Middle School (the "Project") pursuant to an installment financing agreement, as permitted under N.C.G.S. § 160A-20; and

WHEREAS, it is anticipated that the portion of the cost the Project to be financed or refinanced will be up to \$60,000,000, including furniture and fixtures, information technology assets, and issuance expenses in connection with the financing; and

WHEREAS, financing of the Project pursuant to § 160A-20 must be approved by the North Carolina Local Government Commission (the "LGC") and will only be approved if the findings of N.C.G.S. § 159-151(b) have been made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners ("the Board") of the County, as follows:

1. After consideration, the Board has determined that the most advantageous manner of financing the Project is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;

2. Pursuant to Section 160A-20, the County is authorized to finance the Project by entering into an installment contract and a deed of trust or other security instrument that creates a security interest in some or all of the property financed to secure repayment of the financing.

3. The proposed financing is necessary and expedient because of the pressing need to save debt service costs and provide a new school for the County.

4. The proposed financing is preferable to general obligation bond financing for the same purposes because of the urgency of particular needs to be financed, the aggregate volume of financings to be accomplished and the desirability of having available the alternative financing structures and repayment provisions possible in the proposed structure.

5. The cost of the proposed undertaking exceeds the amount of funds that can be prudently raised from currently available appropriations, unappropriated fund balances, and non-voted general obligation bonds that could be issued by the County in the fiscal year pursuant to Article V, Section 4, of the North Carolina Constitution. The Project is non-revenue producing so revenue bonds are not an option.

6. The cost of financing under the proposed financing will not be materially greater than the cost of issuing general obligation bonds.

7. The sums proposed to be provided under the financing are adequate and not excessive for the stated purposes of acquiring, constructing and equipping the Project and refinancing prior agreements therefor.

8. The County's debt management procedures and policies are good and have been carried out in strict compliance with law and will henceforth be so carried out.

9. There will be no tax increase to meet the sums due under the proposed financing.

10. The County is not in default in any of its debt service obligations.

11. An attorney for the County has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.

12. The Chairman of the Board, the County Manager, the County Finance Director and other officers of the County are hereby authorized and directed to proceed with the Project.

13. The County Manager, the County Finance Director, and other appropriate officers of the County, are authorized and directed to prepare and submit to the North Carolina Local Government Commission an application for approval of such financing as described above for the Project in an amount not to exceed \$60,000,000.00, and the actions of the County Manager, County Finance Director and other officers of the County in connection therewith are hereby approved and confirmed.

14. The officers of the County are hereby directed to call a public hearing with respect to the proposed financing to be held on November 15, 2010, and to publish notice of such hearing not less than ten days prior to such date as required by § 160A-20.

15. All other acts of the Board and the officers of the County which are in conformity with the purposes and intent of this resolution and in furtherance of the financing of the Project are hereby ratified, approved and confirmed.

16. All resolutions or parts thereof in conflict herewith are hereby repealed.

Commissioner _____ moved the passage of the foregoing resolution and Commissioner _____ seconded the motion, and the resolution was passed by the following vote:

Ayes: Commissioners _____

Nays: _____

Not Voting: _____

I, Marie Colgan, Clerk for the Board of Commissioners for Cumberland County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners for said County at a regular meeting duly called and held November 1, 2010, as it relates in any way to the resolution hereinabove set forth, and that said proceedings are recorded in Minute Book _____ of the minutes of said Board. Pursuant to N.C.G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Board of Commissioners for said County is on file in my office.

I DO HEREBY FURTHER CERTIFY that due notice of such meeting, stating its time and place and the subjects to be considered was posted, mailed or delivered as required by G. S. § 143-318.12(b)(2).

WITNESS my hand and the common seal of said County, this ____ day of November,
2010.

Clerk to the Board of Commissioners

(SEAL)

JAMES E. MARTIN
County Manager

AMY H. CANNON
Assistant County Manager

JUANITA PILGRIM
Deputy County Manager

JAMES E. LAWSON
Assistant County Manager



OFFICE OF THE COUNTY MANAGER

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

MEMORANDUM

TO: BOARD OF COMMISSIONERS ACTING AS GOVERNING BOARD OF GRAY'S CREEK WATER & SEWER DISTRICT

**FROM: AMY H. CANNON, ASSISTANT COUNTY MANAGER
RICK MOREFIELD, COUNTY ATTORNEY**

DATE: OCTOBER 27, 2010

SUBJECT: CONSIDERATION OF RESOLUTION PROVIDING FOR PUBLIC HEARING ON BOARD AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AMOUNT UP TO \$21M FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF PUBLIC WATER DISTRIBUTION AND STORAGE FACILITIES IN THE DISTRICT AND OTHER ACTIONS AS REQUIRED UNDER THE GENERAL STATUTES

BACKGROUND

Attached you will find a resolution introducing the bond order for the Gray's Creek Water and Sewer District which authorizes issuance of General Obligation Bonds for the district in an amount not to exceed \$21M. These funds will be used for the purpose of financing the acquisition, construction, and installation of a public water distribution and storage facilities within the district. Additionally, the bond order authorizes the Finance Officer to file an application to the Local Government Commission, provides for the publication of the bond order, and calls for a public hearing on the proposed financing on November 15, 2010.

RECOMMENDATION/PROPOSED ACTIONS

Approve the attached resolution and authorize the publication of the bond order and call for a public hearing on the proposed financing for the Gray's Creek Water and Sewer District on November 15, 2010.

AHC:cas
/attachment

Celebrating Our Past...Embracing Our Future

BOARD OF COMMISSIONERS OF
CUMBERLAND COUNTY
ACTING AS THE GOVERNING BODY OF
GRAY'S CREEK WATER AND SEWER DISTRICT

Extracts of Meeting of
November 1, 2010

Present: Chairman _____ presiding and

Commissioners _____

Absent: _____

* * * * *

The following Bond Order was discussed and its title was read:

BOND ORDER AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS OF GRAY'S CREEK WATER AND SEWER DISTRICT IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$21,000,000 FOR THE PURPOSE OF FINANCING, IN PART, THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF PUBLIC WATER DISTRIBUTION AND STORAGE FACILITIES IN THE DISTRICT

WHEREAS, The Board of Commissioners of Cumberland County (the "Board") acting as the governing body of Gray's Creek Water and Sewer District, Cumberland County, North Carolina, (the "District") desires to provide for the issuance of \$21,000,000 General Obligation Sanitary Sewer Bonds, Series 2010 (the "Bonds") under the Local Government Bond Act (the "Act") to finance, in part, to pay capital costs of acquiring, constructing and installing public water distribution and storage facilities in the District; and

WHEREAS, the Board has filed an application with the Local Government Commission of North Carolina for approval of such bonds as required by the Act;

BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY ACTING AS THE GOVERNING BODY OF GRAY'S CREEK WATER AND SEWER DISTRICT, CUMBERLAND COUNTY, NORTH CAROLINA:

1. It is hereby determined necessary and expedient for the District to borrow money, and there are hereby authorized to be issued general obligation bonds of the District for the purpose of providing money to finance, in part, the acquisition, construction and installing public water distribution and storage facilities in the District (the "Facilities").

2. The bonds shall be in an aggregate principal amount not to exceed 21,000,000.

3. The bonds shall be general obligations of the District for the payment of principal of and interest on which its full faith and credit shall be irrevocably pledged and taxes will be levied in an amount sufficient to pay the principal of and interest on the bonds. The revenues of the Facilities may be pledged to the payment of principal of and interest on the bonds as permitted by N.C.G.S. § 159-54(4).

4. A sworn statement of debt has been filed with the Clerk to the Board pursuant to N.C.G.S. § 159-55 and is open to public inspection.

5. This Bond Order will take effect when approved by the voters of the District pursuant to N.C.G.S. § 159-61.

Commissioner _____ then moved the foregoing Bond Order be "introduced", such motion was seconded by Commissioner _____, and a vote thereon was as follows:

Ayes: Commissioner _____

Nays: _____

Not voting: _____

The resolution entitled as follows was introduced and its title was read:

RESOLUTION PROVIDING FOR PUBLIC HEARING ON
BOND ORDER FOR \$21,000,000 GENERAL OBLIGATION OF
GRAY'S CREEK WATER AND SEWER DISTRICT,
CUMBERLAND COUNTY, NORTH CAROLINA, IN THE
AGGREGATE PRINCIPAL AMOUNT OF \$21,000,000 AND
PUBLICATION OF BOND ORDER AND NOTICE OF
HEARING AND OTHER ACTION

WHEREAS: There has been introduced to the Board of Commissioners of Cumberland County (the "Board") acting as the governing body of Gray's Creek Water and Sewer District, Cumberland County, North Carolina ("District") a Bond Order entitled, "BOND ORDER AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS OF GRAY'S CREEK WATER AND SEWER DISTRICT IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$21,000,000 FOR THE PURPOSE OF FINANCING, IN PART, THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF PUBLIC WATER DISTRIBUTION AND STORAGE FACILITIES IN THE DISTRICT;" and

WHEREAS: G.S. § 159-54 provides there shall be a public hearing on the Bond Order and G.S. § 159-56 provides for publication of the Bond Order and notice of the hearing; and

WHEREAS, the Board intends to make certain capital expenditures relating to the acquisition, construction and equipping of public water distribution and storage facilities in the District (the "Facilities") to be financed with proceeds of the bonds prior to the issuance of the bonds, and to reimburse Cumberland County for such expenditures out of the proceeds of the bonds when issued;

NOW, THEREFORE, the Board of Commissioners of Cumberland County (the "Board") acting as the governing body of Gray's Creek Water and Sewer District, Cumberland County, North Carolina, meeting in regular session in Fayetteville, North Carolina, on November 1, 2010,

do the following:

588-006.00030072.v1

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY ACTING AS THE GOVERNING BODY OF GRAY'S CREEK WATER AND SEWER DISTRICT, CUMBERLAND COUNTY, NORTH CAROLINA:

1. A public hearing on the Bond Order shall be held at _____ .m. in the Board's meeting room in the Cumberland County Courthouse, Fayetteville, North Carolina on November 15, 2010.

2. The Clerk shall cause the Bond Order, with a statement appended in form described by G.S. § 159-56, to be published in *The Fayetteville Observer*.

3. The County Manager or County Finance Director is hereby designated to file the statement of debt required by G.S. § 159-55.

4. The completed form of application to the Local Government Commission with respect to the proposed bonds is hereby approved.

5. This resolution shall take effect immediately.

Commissioner _____ moved the passage of the resolution and Commissioner _____ seconded the motion, and the resolution was passed by the following vote:

Ayes: Commissioner _____

Nays: _____

Not voting: _____

I, Marie Colgan, Clerk for the Board of Commissioners of Cumberland County, acting as the governing body of the Gray's Creek Water and Sewer District of Cumberland County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners of Cumberland County, North Carolina acting as the governing body for said District at a regular meeting duly called and held November 1, 2010, as it relates in any way to the resolution hereinabove set forth and that said proceedings are recorded in Minute Book _____ of the minutes of said District. Pursuant to NCGS § 143-318.12, a current copy of a schedule of regular meetings of the Board of Commissioners for said District is on file in my office.

WITNESS my hand and the common seal of said District, this ____ day of November, 2010.

(SEAL)

Clerk to the Board of Commissioners

JAMES E. MARTIN
County Manager

AMY H. CANNON
Assistant County Manager

JUANITA PILGRIM
Deputy County Manager

JAMES E. LAWSON
Assistant County Manager



OFFICE OF THE COUNTY MANAGER

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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 1, 2010

TO: BOARD OF COMMISSIONERS
FROM: JAMES E. MARTIN, COUNTY MANAGER 
DATE: OCTOBER 26, 2010
SUBJECT: PRESENTATION BY KAREN LONG, GENERAL MANAGER OF THE CUMBERLAND COUNTY CROWN COLISEUM REGARDING CROWN CENTER ACTIVITIES AND PROJECTS

BACKGROUND

Karen Long, General Manager, of the Cumberland County Crown Coliseum will be making a presentation at the November 1, 2010 Board of Commissioners meeting to discuss the Crown Center's activities and projects.

RECOMMENDATION / PROPOSED ACTION

Receive the information provided by Karen Long at the November 1, 2010 Board of Commissioners meeting.

/ct

CM102210-5

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www.AtTheCrown.com
910-438-4100

**CROWN
CENTER**

1960 Coliseum Drive
Fayetteville, NC 28306

MEMORANDUM

TO: JAMES E. MARTIN, COUNTY MANAGER
FROM: KAREN LONG, GENERAL MANAGER 
DATE: OCTOBER 26, 2010
SUBJECT: CROWN CENTER ACTIVITIES AND PROJECTS

I would like the opportunity to present current Crown Center events and projects to the Cumberland County Board of Commissioners at the November 1, 2010, meeting.

Brief Power Point presentation will include upcoming event information, event revenue and expenses for FY 2010, year-to-date event information and update on current project.



FAYETTEVILLE
NORTH CAROLINA

JAMES E. MARTIN
County Manager

JUANITA PILGRIM
Deputy County Manager



ITEM NO. 6

AMY H. CANNON
Assistant County Manager

JAMES E. LAWSON
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

5th Floor, New Courthouse • PO Box 1829 • Suite 512, • Fayetteville, North Carolina 28302-1829
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MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 1, 2010

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: OCTOBER 26, 2010

SUBJECT: PRESENTATION OF THE CUMBERLAND COUNTY
PUBLIC LIBRARY'S 2010 ANNUAL REPORT

Ms. Jody Risacher, Library Director will make a presentation of the Cumberland County Public Library's 2010 Annual Report to the Board of Commissioners on November 1, 2010.

/ct

CM102610-3

Celebrating Our Past...Embracing Our Future

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

October 22, 2010

ITEM NO. 7A

November 1, 2010 Agenda Item

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

BACKGROUND: The Board of Adjustment has the following one (1) vacancy:

John Swanson – resigned. Recommendation of the Board of Adjustment is for alternate member **Ed Donaldson** to fill the regular member unexpired term (See attached.)

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

PROPOSED ACTION: Nominate individual to fill the one (1) vacancy above.

Attachments

pc: Tom Lloyd, Planning and Inspections Director
Patti Speicher, Planner III

Celebrating Our Past...Embracing Our Future

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

October 22, 2010

MEMORANDUM

TO: Candice White, Deputy Clerk to Cumberland County Commissioners

THRU: Tom Lloyd, Director *TJL*

FROM: Patti Speicher, Land Use Codes *ps8*

SUBJECT: Recommendation for Nomination - Vacant Regular Position on County Board of Adjustment

The Cumberland County Board of Adjustment (BOA) would like to offer a recommendation for nomination to the County Board of Commissioners concerning the vacant regular member position on the BOA.

At their October 21, 2010 meeting, the board members present voted unanimously to recommend that Mr. Ed Donaldson be appointed to fill this position. I spoke to Mr. Donaldson today and he confirmed to me that he is willing to serve in this position if appointed.

Please contact me if you have any questions at pspeicher@co.cumberland.nc.us or 678-7605.

cc: Cumberland County Board of Adjustment

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) 5764 Pepperbush Drive Fayetteville, NC 28304 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
VACANT (vacated by J. Swanson)	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
Ed Donaldson 4606 Hoe Court Fayetteville, NC 28314 484-3640	08/10	1st	Aug/13 8/31/13	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

Board of Adjustment, page 2

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

Randy A. Newsome (W/M) 232 Croydon Avenue Fayetteville, NC 28311 717-5754 (H) / 436-0414 (W)	1/10 (first full term)	1 st	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	2nd	Aug/12 8/31/12	No

Meets 3rd 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

APPLICANTS FOR
BOARD OF ADJUSTMENT

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
CHESTNUTT, A. JOHNSON (W/M) 578 MILDEN ROAD FAYETTEVILLE, NC 28314 484-6365/323-1040(W)	ACCOUNTANT FAIRCLOTH & CO.	BSBA
HOGAN, VICTOR (AA/M) 4024 WINDY FIELDS DRIVE FAYETTEVILLE, NC 28306 778-9433/305-726-3188	MILITARY OFFICER	BA
McHENRY, WINTON G. (W/M) 3648 LAKESHORE DRIVE HOPE MILLS NC 28348 429-1101/308-3987 (C)	VP OPERATIONS MGT. ROLANDS DANCE STUDIO	BIBLE COLLEGE, AIR FORCE INSTITUTE OF TECHNOLOGY EMERGENCY RESPONSE MARKET DRIVEN MGT
MCMANUS, LUTHER M. (B/M) 3472 THORNDIKE DRIVE FAYETTEVILLE, NC 28311 488-1314 (H)	RETIRED – FEDERAL GOVT/ DC HOUSING AUTHORITY **SERVES ON MINIMUM HOUSING APPEALS BOARD**	MA-ELEMENTARY ED
WADDLE, ROBERTA (W/F) 3941 GAINEY ROAD FAYETTEVILLE, NC 28306 484-7938	RETIRED	BS; MS

BILLY R. KING
Chairman

KENNETH S. EDGE
Vice Chairman

JEANNETTE M. COUNCIL
MARSHALL FAIRCLOTH
PHILLIP GILFUS
JIMMY KEEFE
EDWARD G. MELVIN



CUMBERLAND
COUNTY



MARIE COLGAN
Clerk to the Board

CANDICE WHITE
Deputy Clerk

BOARD OF COMMISSIONERS

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October 22, 2010

ITEM NO. 7B

November 1, 2010 Agenda Item

TO: Board of Commissioners
FROM: Candice H. White, Deputy Clerk to the Board ^{ew}
SUBJECT: Board of Health

The Board of Health has the following one (1) vacancy:

General Public Representative

Barbara Marshall – resigned. Recommendation from the Board of Health is for **Christopher Frank** to fill this vacancy for an unexpired term. (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.

Attachments

pc: Buck Wilson, Public Health Director

Celebrating Our Past...Embracing Our Future

Candice White

From: Buck Wilson
Sent: Wednesday, October 20, 2010 3:07 PM
To: Candice White
Subject: Board of Health

The Board of Health would like to recommend Chris Frank to replace Barbara Marshall on the Board of Health.

Jimmy Kizer and Barbara Ciampa would like to be considered for reappointment.

Here is Chris's info:

Chris Frank, Architect
The LSV Partnership
Architects/Planners, AIA
209 Fairway Dr.
Fayetteville, NC 28305
910.485.4108 p.
910.485.8389 f.
386.689.9241 c.

Thanks,

Buck Wilson

BOARD OF HEALTH

3 Year Term

(All terms expire on December 31st per NCGS § 130A-35)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Veterinarian</u>				
Captain Ross Free (PAFB) 2535 Huntington Road Fayetteville, NC 28303 704-519-7434 / 394-2052	04/10	1st	Dec/12 12/31/12	Yes
<u>Physician</u>				
Dr. Cynthia Norris (W/F) 6525 Windy Creek Way Fayetteville, NC 28306 429-3258/323-9111 (W)	12/08	2 nd	Dec/11 12/31/11	No
<u>Dentist</u>				
Dr. Walter S. Scott, III (B/M) 686 Stockbridge Court Fayetteville, NC 28311 811-3543/323-3133(W)	01/10	2nd	Dec/12 12/31/12	No
<u>Registered Nurse</u>				
Pamela Pollock 1321 General Lee Avenue Fayetteville, NC 28305 481-9968 / 488-2120 Ext. 5030	03/10	1 st	Dec/12 12/31/12	Yes
<u>Optometrist</u>				
Barbara Ciampa (W/F) 3006 Metthame Drive Fayetteville, NC 28306 648-0680/484-7139(W)	12/07	1 st	Dec/10 12/31/10	Yes
<u>Pharmacist</u>				
Tom Nicholson (W/M) 274 Saint Johns Wood Fayetteville, NC 28303 485-1059/609-6839	12/08	1 st	Dec/11 12/31/11	Yes
<u>Engineer</u>				
Jimmy Kizer (W/M) 214 Woodcrest Road Fayetteville, NC 28305 484-0508/484-5191(W)	12/07	1 st	Dec/10 12/31/10	Yes

(All terms expire on December 31st per NCGS § 130A-35)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>General Public Reps.</u>				
Rev. Dr. Cureton L. Johnson (AA/M) 1909 Bellemeade Road Fayetteville, NC 28303 485-3025/483-6505(W)	12/08	2 nd	Dec/11 12/31/11	No
VACANT (B. Marshall resigned) 7640 Wilkins Drive Fayetteville, NC 28311 488-2615/977-2303 (W)	01/10	2nd	Dec/12 12/31/12	No
Carol E. Schaeffer (W/F) 809 Camwheel Drive Hope Mills, NC 28348 223-3030/483-1437 (W)	01/10	2nd	Dec/12 12/31/12	No

COMMISSIONER APPOINTED VOTING MEMBER: Commissioner Billy King

Contact: Buck Wilson, Health Director
Tracy Gurganus, Secretary
Phone: 433-3721
Fax: 433-3659

Meetings: 3rd Tuesday of the month 6:00 PM, Board Room, Health Department (July and August meetings take place only if desired).

APPLICANTS FOR
BOARD OF HEALTH

NAME/ADDRESS/TELEPHONE	OCCUPATION	<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 **SERVES ON ANIMAL SERVICES BOARD**	PhD; MA
BREWER, PATRICIA (W/F) 909 CALAMINT LANE FAYETTEVILLE, NC 28305 484-1524/818-0908	PHYSICIAN ASSISTANT WOMACK	MASTERS – PHYSICIAN ASST DOCTORATE – VETERINARY MEDICINE
COHEN, TYRA C. 6509 BROOKSTONE LANE FAYETTEVILLE, NC 28314 257-9979 (H)	PUBLIC HEALTH EDUCATOR	BA; MASTERS
EATMAN-JACKSON, REBECCA (W/F) 6061 CLINTON ROAD STEDMAN, NC 28391 323-4663 / 862-2018 (W)	REGIONAL SALES MGR LAMAR ADVERTISING	BA; MASTERS
FRANK, CHRISTOPHER (W/M) 2506 TORCROSS DRIVE FAYETTEVILLE, NC 28304 339-4851/485-4108 (W)	ARCHITECT	BA; MS ARCHITECTURE
JACKSON, DIANE (W/F) 3501 KENNICOT COURT FAYETTEVILLE, NC 28311 822-8342/822-333 (W)	CLINICAL SOCIAL WORKER SELF EMPLOYED	BSW; MSW
MURCHISON, KARLENE 623 DEVOE AVENUE FAYETTEVILLE, NC 28314 868-2199 (H) / 920-5420 (W)	ACCOUNTING TECHNICIAN	HS, FSU
PKONKWOR, IFEANYI (B/) 4041 WINDY FIELDS DRIVE FAYETTEVILLE, NC 28306 339-6114 / 672-1638	ENGINEERING OPERATIONS HEALTHCARE/DUPONT	BS; MBA; PhD
SUBLETT, KIMBERLY 4517 HEADWIND DRIVE FAYETTEVILLE, NC 28306 424-9524/237-2390	CORPORATE SYSTEMS ANALYST-CFVHS	BS; MBA
WILLIAMS, MICHAEL D. (W/M) 516 LEVENHALL DRIVE FAYETTEVILLE NC 28314 (919) 868-8443/987-1016 (C)	RETIRED INSURANCE AGENT	BS – BUSINESS ADMIN. ENROLLED FOR MBA- HEALTH CARE PROGRAM

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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October 22, 2010

ITEM NO. 7C

November 1, 2010 Agenda Item

TO: Board of Commissioners
FROM: Candice H. White, Deputy Clerk to the Board *cu*
SUBJECT: Cumberland County Criminal Justice Partnership Advisory Board

BACKGROUND: The Board of County Commissioners at their September 7, 2010 meeting reappointed Assistant Chief Charles Kimble to serve a first full term on the Criminal Justice Partnership Advisory Board. Due to a recent promotion, Assistant Chief Kimble is unable to serve the term to which he was reappointed.

Police Chief or Designee

Assistant Chief Charles Kimble – unable to serve first full term. Recommendation of Fayetteville Chief of Police Tom Bergamine and the Cumberland County Criminal Justice Partnership Advisory Board is for **Captain Lars Paul** to fill this position. (See attached.)

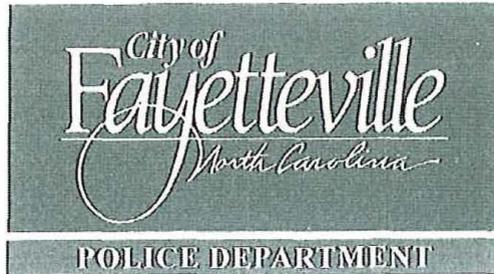
I have attached the current membership list and applicant list for this board.

PROPOSED ACTION: Nominate individual to fill the one (1) vacancy above.

Attachments

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

Celebrating Our Past...Embracing Our Future



October 17, 2010

Chief District Court Judge
A. Elizabeth Keever
State of North Carolina
General Court of Justice
12th Judicial District
117 Dick Street, Suite 211
Fayetteville, NC 28301

ATTN: The Board of County Commissioners

Dear Judge Keever:

Due to the recent promotion of Assistant Chief Kimble, Captain Lars Paul will be the new replacement as the representative for the Fayetteville Police Department on the Criminal Justice Partnership Advisory Board. Captain Paul will be notified of this appointment by copy of this letter and will contact your office for more details regarding this assignment.

If I can be of any further assistance, please do not hesitate to contact me at 433-1819.

Sincerely,


Tom Bergamine
Chief of Police

TB/clp

cc: Assistant Chiefs
Captain Lars Paul

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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</u>				
Sharon T. Phillips, JDM Div. of Community Correction 412-A W. Russell Street Fayetteville, NC 28301 486-1161(W)	9/10	1st	June/11 6/30/11	Yes
(serving unexpired term; eligible for two additional three-year terms)				
<u>Superior Court Judge (Representative)</u>				
Gregory A. Weeks Cumberland County Courthouse 117 Dick Street Fayetteville, NC 28301	6/10	1 st	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 th	June/12 6/30/12	No
<u>Police Chief or Designee</u>				
VACANT (vacated by Chief Kimble) Fayetteville Police Department 467 Hay Street Fay., NC 28301 433-1861	5/09	1 st	Sept/10 9/30/10	Yes
<u>Sheriff or Designee</u>				
Major John McRainey Cumberland County Sheriff's Office Law Enforcement Center 131 Dick Street Fay., NC 28301 323-1500(W)	6/08	4 th	June/11 6/30/11	No

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD PG. 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Community-Based Corrections Programs Representative</u>				
Sue Horne (/F) Fayetteville Area Sentencing 310 Green Street, Suite 110 Fay., NC 28301 323-5852	4/09	2 nd	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 th	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
Kristin Jones Continuing Education 2201 Hull Road Fayetteville, NC 28301 678-8351	9/10	1st	June/12 6/30/12	Yes
(serving unexpired term; eligible for one additional three-year term)				

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD PG. 3

<u>Name/Address</u>	<u>Date</u> Appointed	<u>Eligible For</u> Term	<u>Expires</u>	<u>Reappointment</u>
<u>At-Large</u>				
Kraig Brown (B/M) 2909 Wycliffe Court Fay., NC 28306 964-0503/424-7678 (W)	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 st	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 th	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

NOTE: Second position for a Probation Officer/Assistant JDM not filled in 2010 upon retirement of individual holding that position; there is no requirement in the bylaws for two positions; position classification also changed to Probation Officer as bylaws only suggest that a probation officer be included in the membership.

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

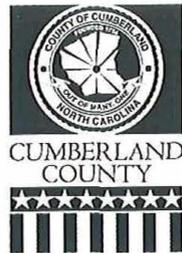
APPLICANTS FOR
CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
DEES, JULIE ANNETTE (W/F) 5630 WALKING TRAIL WAY HOPE MILLS, NC 28348 476-9418/484-9031	ASST PRINCIPAL CUMBERLAND CO SCHOOLS	BS; MS; PHD
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 (-/M) 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

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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

October 22, 2010

ITEM NO. 7D

November 1, 2010 Agenda Item

TO: Board of Commissioners
FROM: Candice H. White, Deputy Clerk to the Board
SUBJECT: Transportation Advisory Board

BACKGROUND: The Transportation Advisory Board has the following eight (8) vacancies upcoming on November 30, 2010:

City of Fayetteville Representative

Adolphus Thomas – completing first term. Eligible for reappointment.

Vocational Rehab Representative

Tammy Jackson – completing second term. Not eligible for reappointment
Recommendation of the Transportation Advisory Board is for **Shelton Clark**. (See attached.)

County Planning Department Director or Designee

Cecil Combs – completing first term. Eligible for reappointment.

County Health Director or Designee

Terresio Pope – completing first term. Eligible for reappointment.

At-Large Representatives

Charles Luther, Jr. – completing second term. Not eligible for reappointment.
Recommendation of the Transportation Advisory Board is for **Dorothy Harris**. (See attached.)

Dianne Grumelot – completing second term. Not eligible for reappointment.
Recommendation of the Transportation Advisory Board is for **Marlon Watson**. (See attached.)

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Timothy Joel Strickland – completing second term. Not eligible for reappointment.
Recommendation of the Transportation Advisory Board is for **Faye Lewis**. (See attached.)

Ifetayo Farrakhan – completing first term. Eligible for reappointment.

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

PROPOSED ACTION: Nominate individuals to fill the eight (8) vacancies above.

pc: Kristine Wagner, Transportation Program Coordinator
Planning and Inspections Department

Tom Lloyd
Chairman

Victor Sharpe, AICP
Vice Chairman



Kristine Wagner
Transportation Coordinator

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

CUMBERLAND COUNTY

TRANSPORTATION ADVISORY BOARD

October 19, 2010

MEMORANDUM

TO: Candice White

FROM: Kristine Wagner, Transportation Program Coordinator

SUBJECT: TAB Member Terms

The Transportation Advisory Board voted unanimously at their October 19, 2010 meeting to nominate the following individuals for reappointment on the TAB to the Board of Commissioners:

Mr. Adolphus Thomas
Mr. Cecil Combs
Ms. Terresio Pope
Ms. Ifetayo Farrakhan

The Transportation Advisory Board also voted unanimously to nominate the following individuals:

Mr. Shelton Clark (to replace Tammy Jackson)
Ms. Dorothy Harris (to replace Charles Luther)
Mr. Marlon Watson (to replace Dianne Grumelot)
Ms. Faye Lewis (to replace Timothy Joel Strickland)

The following board members are yet to be replaced. Their positions shall remain vacant until a replacement nominee is made:

Mr. Michael Roye

If you have any questions or need any additional information please contact me.

TRANSPORTATION ADVISORY BOARD

2 Year Term

(Staggered 2 & 3 Year Terms Initially)

(All terms expire November 30th and begin December 1st according to the TAB bylaws.)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>City of Fayetteville Representative</u>				
Adolphus Thomas Community Relations Specialist City of Fayetteville 433 Hay Street Fayetteville, NC 28301 433-1935	12/08	1 st	Nov/10 11/30/10	Yes
<u>Urban Transit Provider Representative</u>				
Wendy Nunnery Fayetteville City Transit 2816 Bears Den Way Fayetteville, NC 28301 484-8612/433-1748 (W)	5/09	1 st	Nov/11 11/30/11	Yes
<u>Mid-Carolina Council of Governments Director or Designee</u>				
Glenda Dye Mid-Carolina Council of Governments P.O. Box 1510 Fayetteville, North Carolina 28302-1510 323-4191 ext. 22 (W)	11/09	1 st	Nov/11 11/30/11	Yes
<u>County DSS Director or Designee</u>				
Sheila Stevenson 1704 Pristine Lane Fayetteville, NC 28348 425-2989 / 677-2423 (W)	2/10	1 st	Nov/11 11/30/11	Yes
<u>DSS Work First Representative</u>				
Cheryl Campbell Cumberland County DSS P.O. Box 2429 Fayetteville, North Carolina 28302-2429	11/09	1 st	Nov/11 11/30/11	Yes
<u>Workforce Development Center Director or Designee</u>				
Lorria Troy Workforce Development Center 410 Ray Avenue Fayetteville, North Carolina 28301	11/09	1 st	Nov/11 11/30/11	Yes

(All terms expire November 30th and begin December 1st according to the TAB bylaws.)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Vocational Rehab Representative</u>				
Tammy Jackson Vocational Rehab – Independent Living 1200 Fairmont Court Fayetteville, NC 28304 486-1717	11/08	2nd	Nov/10 11/30/10	No
<u>Sheltered Workshop Director or Designee</u>				
Betsy Torsell Employment Source 600 Ames Street Fayetteville, NC 28301	11/09	2nd	Nov/11 11/30/11	No
<u>Aging Programs Representative</u>				
Sybil Sloan Cumberland County Coordinating Council On Older Adults 339 Devers Street Fayetteville, North Carolina 28303	11/09	1st	Nov/11 11/30/11	Yes
<u>County Mental Health Director or Designee</u>				
William H. Robinson CC Area Mental Health Center 109 Bradford Avenue Fayetteville, North Carolina 28301-5496 323-0601(W)	11/09	2nd	Nov/11 11/30/11	No
<u>Emergency Medical Services Representative</u>				
VACANT (vacated by Michael Roye)5/09 Cape Fear Valley – EMC PO Box 2000 Fayetteville, NC 28302 615-5651		1 st	Nov/10 11/30/10	Yes
<u>County Representative</u>				
VACANT (not required)				
<u>County Planning Department Director or Designee</u>				
Cecil Combs Cumberland County Planning Department P.O. Box 1829 Fayetteville, North Carolina 28302-1829 678-7606 (W)	12/08	1 st	Nov/10 11/30/10	Yes

(All terms expire November 30th and begin December 1st according to the TAB bylaws.)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>County Health Director or Designee</u>				
Terresio Pope Cumberland County Health Dept. 1235 Ramsey Street Fayetteville, NC 28301	12/08	1 st	Nov/10 11/30/10	Yes
<u>At-Large Representatives</u>				
Charles Luther, Jr. LaFayette Council of the Blind 1509 Cardiff Drive Fayetteville, NC 28304 867-5554	11/08	2 nd	Nov/10 11/30/10	No
Dianne Grumelot Cumberland County Schools 1014 Gillespie Street Fayetteville, North Carolina 28306 678-2586	11/08	2 nd	Nov/10 11/30/10	No
Timothy Joel Strickland Mid-Carolina COG P.O. Drawer 1510 Fayetteville, NC 28302 323-4191, ext. 34(W)	11/08	2 nd	Nov/10 11/30/10	No
Ifetayo Farrakhan Dept. of Social Services 1225 Ramsey Street Fayetteville, North Carolina 28301 677-2531	11/08	1 st	Nov/10 11/30/10	Yes

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

Meetings: Second Tuesday in first month of Quarter at 10:00 AM.

Location: Historic Courthouse, Courtroom #3

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

APPLICANTS FOR
TRANSPORTATION ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BUSSEY, LESTER (-/M) 673 STONEYKIRK DRIVE FAYETTEVILLE, NC 28314 868-9322	RETIRED	HS – SOME COLLEGE
SERVES ON MID-CAROLINA AGING ADVISORY COMMITTEE		
COLLINS, RICKEY (W/M) 4876 US HWY 3015 HOPE MILLS, NC 28348 425-9990	RETIRED ELECTRICIAN NC	SOME COLLEGE ELEC. LICENSE
MCMANUS, LUTHER M. (B/M) 3472 THORNDIKE DRIVE FAYETTEVILLE, NC 28311 488-1314 (H)	RETIRED – FEDERAL GOVT/ DC HOUSING AUTHORITY	MA-ELEMENTARY ED
SERVES ON MINIMUM HOUSING APPEALS BOARD		
MITCHELL, GEORGE W. (B/M) 6607 ABBEY LANE FAYETTEVILLE, NC 28311 261-6951 (W)	SECURITY OFFICER FT. BRAGG	NONE LISTED
SERVES ON ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE		
PICKETT-WADDELL, AUDREY (B/F) 1202-A SLEEPY HOLLOW DRIVE FAYETTEVILLE, NC 28311 224-8785/488-7461 (W)	DAY CARE LEAD TEACHER HOJACK CHILD DEV. CTR.	BA – SOCIOLOGY
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

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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October 22, 2010

ITEM NO. BA

November 1, 2010 Agenda Item

TO: Board of Commissioners
FROM: Candice H. White, Deputy Clerk to the Board *ew*
SUBJECT: Cumberland County Local Emergency Planning Committee

BACKGROUND: On October 18, 2010, the Board of Commissioners nominated the following individual to fill one (1) upcoming vacancy on the Cumberland County Local Emergency Planning Committee:

First Aid Representative
Kevin Brunson (reappointment)

I have attached the current membership list for this committee.

PROPOSED ACTION: Appoint individual to fill the one (1) vacancy above.

Attachment

pc: Kenny Currie, Emergency Services Director

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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>				
Jackie Tuckey City of Fayetteville Environmental Services 455 Grove Street Fayetteville, NC 28301 Phone: 433-1854	8/10	1 st	Aug/13 8/31/13	Yes
Sally Shutt CC Communications Manager P.O. Box 1829 Fayetteville, NC 28302 Phone: 437-1921	6/10	1 st 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 st	Nov/11 11/30/11	Yes
	(serving unexpired term)			
VACANT (vacated by Gene Smith) Goodyear Tire and Rubber 6650 Ramsey Street Fayetteville, NC 28311 893-8213/630-5678 (W)	8/09	1 st	Aug/12 8/31/12	Yes
Mark Faircloth (Eaton Corporation) 338 Hilliard Drive Fayetteville, NC 28311 482-4266/677-5219	10/10	1st	Oct/13 10/31/13	Yes
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 st full term-eligible for another 3-year term)			

<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 st 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 st	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	9/10	2nd	Sept/13 9/30/13	No
<u>Community Group Representative</u>				
Jeffrey Womble Fayetteville State University Office of Public Relations 1200 Murchison Road Fayetteville, NC 28301	8/07	2 nd	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 nd	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 st	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 st	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 st	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>
Andrew Moore Directorate of Public Works Environmental Compliance Brance 2175 Reilly Road, Stop A Fort Bragg, NC 28310 813-8506	8/10	1 st	Aug/13 8/31/13	Yes

Ex-Officio Members:

Elected Official Representative (Liaison)

Ed Melvin, County Commissioner

Emergency Management

Kenny Currie, Cumberland County Emergency Services

Fayetteville Fire/Emergency Management

Bennie Nichols, Chief, Fayetteville Fire Department

Dale Iman, City Manager

James Martin, County Manager

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

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

BILLY R. KING
Chairman

KENNETH S. EDGE
Vice Chairman

JEANNETTE M. COUNCIL
MARSHALL FAIRCLOTH
PHILLIP GILFUS
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MARIE COLGAN
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Deputy Clerk

BOARD OF COMMISSIONERS

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October 22, 2010

ITEM NO. 8B

November 1, 2010 Agenda Item

TO: Board of Commissioners
FROM: Candice H. White, Deputy Clerk to the Board ^{cu}
SUBJECT: Human Relations Commission

BACKGROUND: On October 18, 2010, the Board of Commissioners nominated the following individual to fill one (1) upcoming vacancy on the Human Relations Commission:

Roger "Bryan" Wright (new appointment)

I have attached the current membership list for this commission.

PROPOSED ACTION: Appoint an individual to fill the one (1) vacancy.

Attachment

pc: Ron McElrath, Human Relations Director (City of Fayetteville)
Human Relations Commission Chair

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HUMAN RELATIONS COMMISSION
 (County Commissioner Appointees)
 2Year Term

Name/Address	Date Appointed	Term	Expires	Eligible for Reappointment
Vincent S. Francis 341 Abbottswood Drive Fayetteville, NC 28301 488-2608/497-1175	10/10	1st	Nov/12 11/01/12	Yes
Elvin McNeill (B/M) 2280 Spindletree Drive Fayetteville, NC 28304 423-7027/677-2552	12/08	1 st	Dec/10 12/01/10	Yes
Dr. Rev. Joe Fleming, Jr. (B/M) 7235 Ryan Street Fayetteville, NC 28304 339-5648	6/09	1st	July/11 07/01/11	Yes
Muhammad A. Lodhi (A/M) 2008 Ashridge Drive Fayetteville, NC 28304 401-2137/672-1658 (W)	6/09	1st	July/11 07/01/11	Yes

Contact: Ronald McElrath – 433-1605 – Fax # 433-1535
 Human Relations Director
 City of Fayetteville

Meetings: 2nd Thursday of every month – 5:30 pm
 City Hall – Lafayette Room