
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
APRIL 18, 2011
6:45 PM

INVOCATION - Commissioner Kenneth Edge, Chairman

MINISTER: Reverend "Doc" Wylie, Associate Minister at Highland Presbyterian Church

PLEDGE OF ALLEGIANCE –

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

Presentation by Fayetteville Mayor Tony Chavonne Regarding the North Carolina Veteran's Park

Special Recognition of Sally Shutt, Communications and Strategic Planning Manager for Awards of Excellence in Communications from the North Carolina City & County Communicators:

2nd Place – Electronic Employee Newsletter for the County Connection
2nd Place for TV & Videos Interview/Talk Show for Cumberland Matters

1. Approval of Agenda
2. Consent Agenda
 - A. Approval of minutes for the April 4, 2011 regular meeting.
 - B. Approval of Correction to March 21, 2011 Minutes.
 - C. Approval of Proposed Additions to the State Secondary Road System :

<u>Dalton's Ridge Subdivision:</u>	Heartpine Drive
<u>Gallberry Farms Subdivision:</u>	Possum Trot Lane, Derby Lane Foxwood Drive
 - D. Approval of Request from Cumberland County Mental Health Auxiliary, Inc. for Vending Machine Franchise Agreement (Second Reading).

- E. Approval of a Proclamation Proclaiming the week of April 25 – April 29, 2011 as “Arbor Week” and Friday April 29, 2011 to be “Arbor Day” in Cumberland County.
- F. Approval of a Proclamation Proclaiming April 25-30, 2011 as “Community Development Week” in Cumberland County.
- G. Approval of a Proclamation Proclaiming the month of May 2011 as “Air Quality Awareness Month” in Cumberland County.
- H. Approval of a Proclamation Proclaiming May 2011 as “Industry Appreciation Month” in Cumberland County.
- I. Budget Revisions:
 - (1) Health

Revision in the amount of \$250 to recognize additional Health Quality Improvement Grant funds. (B11-344) **Funding Source – Grant**
 - (2) Community Development- Supportive Housing Program

Revision in the amount of \$84,134 to recognize additional grant funds for the Robbins Meadow Transitional Housing Program. (B11-342) **Funding Source – Federal**

3. Public Hearings

Uncontested Cases

- A. Case P11-06: Rezoning of 10.12+/- acres from R6 Residential to M(P) Planned Industrial or to a more restrictive zoning district; located northwest of SR 2311 (Gillespie Street), southeast of NC HWY 87 (Martin Luther King Jr. Freeway); submitted by Tim Kinlaw on behalf of Cumberland County Board of Education (owner).
- B. Case P11-09: Rezoning of .43+/- acres from R6A Residential to C2(P) Planned Service and Retail or to a more restrictive zoning district; located at 4966 and 4976 Cumberland Road; submitted by Glen Jernigan, Jr. and Holden Reaves on behalf of Jernigan Holdings, LLC. and Reaves Holdings, LLC. (owners).

Zoning Ordinance Text Amendment

- C. Case P11-10: Revisions, amendments and updates to the Cumberland County Zoning Ordinance for the Cumberland County Joint Planning Board's annual review of the June 20, 2005 ordinance.

Other Public Hearings

- D. 2011 Draft Community Development Annual Action Plan.
- E. Public Hearing for the FY 2012-2014 Federal Transportation Section 5316 Grant Application Regarding the NCDOT Community Transportation Program.

Items of Business

- 4. Presentation of Cumberland County's 2011-2012 Strategic Plan by Sally Shutt.
- 5. Consideration of Cumberland County Facilities Committee Report and Recommendation(s):
 - A) Report on Lease Agreement between the County and Employment Source, Inc.
 - B) Report on Lease Agreement between the County and Coastal Horizons Center, Inc.
 - C) Consideration of Revised Conceptual Design for Detention Center Expansion Project.
- 6. Consideration of Cumberland County Finance Committee Report and Recommendation(s):
 - A) Three Year Audit Contract with Cherry, Bekaert & Holland, CPA.
 - B) Resolution Opposing House Bill 642 Regarding Local Confinement of Any Convicted Misdemeanants.
- 7. Consideration of Cumberland County Policy Committee Report and Recommendation(s):
 - A) Proposed Revision to Articles I, II and III of the Animal Control Ordinance.
- 8. Consideration of Proposed Schedule for Fiscal Year 2012 Budget Work Sessions and Budget Public Hearing.

9. Nominations to Boards and Committees:
 - A. Adult Care Community Advisory Committee (1 Vacancy)
 - B. Wrecker Review Board (1 Vacancy)
10. Appointments to Boards and Committees
 - A. Equalization & Review Board – Appointment of Officers

George Turner	Chairman
Kathy Olsen	First Vice Chairman
Curtis Alexander	Second Vice Chairman
11. Closed Session: If Needed

ADJOURN

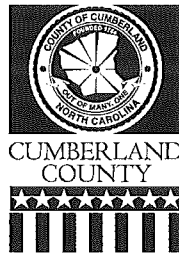
THIS MEETING WILL BE BROADCAST LIVE ON TIME WARNER COMMUNITY CHANNEL 7.

MEETINGS: May 2, 2011 (Monday) - 9:00 AM
May 16, 2011 (Monday) - 6:45 PM

KENNETH S. EDGE
Chairman

MARSHALL FAIRCLOTH
Vice Chairman

JEANNETTE M. COUNCIL
CHARLES E. EVANS
JIMMY KEEFE
BILLY R. KING
EDWARD G. MELVIN



MARIE COLGAN
Clerk to the Board

CANDICE WHITE
Deputy Clerk

BOARD OF COMMISSIONERS

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

ITEM NO. 2B

CONSENT AGENDA ITEM FOR APRIL 18, 2011 MEETING

MEMO TO: Board of Commissioners
MEMO FROM: Marie Colgan, Clerk *MC*
DATE: March 8, 2010
RE: Approval of Correction to Minutes

BACKGROUND: On April 4, 2011, the Board approved the minutes from the earlier Board of Commissioners' regular/rezoning meeting for March 21, 2011. However, under Item 3.A., the minutes did not include the motion for Case No. P11-04. The minutes should read as follows:

Motion for Item 3.A

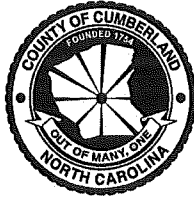
MOTION: Commissioner Faircloth moved to RECOMMEND DENIAL OF THE r6a Residential district but to approve the RR Rural Residential district.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

ACTION: Approve the corrections to the March 21, 2011 Board of Commissioners' Regular/Rezoning Minutes.

Celebrating Our Past...Embracing Our Future

JAMES E. MARTIN
County Manager

AMY H. CANNON
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

ITEM NO. 2C

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF APRIL 18, 2011

TO: BOARD OF COUNTY COMMISSIONERS
FROM: JAMES E. MARTIN, COUNTY MANAGER 
DATE: APRIL 8, 2011
SUBJECT: PROPOSED ADDITIONS TO THE STATE SECONDARY ROAD SYSTEM

BACKGROUND

The North Carolina Department of Transportation has received petitions requesting the following streets be placed on the State Secondary Road System for maintenance (see attached):

<u>Dalton's Ridge Subdivision:</u>	Heartpine Drive
<u>Gallberry Farms Subdivision:</u>	Possum Trot Lane, Derby Lane Foxwood Drive

DOT has determined that the above streets are eligible for addition to the state system.

RECOMMENDATION

NCDOT recommends that the above named streets be added to the State Secondary Road System. County Management concurs.

PROPOSED ACTION

Approve the above listed streets for addition to the State Secondary Road System.

/ct
Attachments

Celebrating Our Past...Embracing Our Future



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

April 5, 2011

Division Six - District Two
Cumberland County

Mr. Kenneth S. Edge, Chairman
Cumberland County Board of Commissioners
Post Office Box 1829
Fayetteville, North Carolina 28302

Subject: Secondary Road Addition

Dear Mr. Edge,

This is in reference to a petition submitted to this office requesting street(s) in Cumberland County be placed on the State's Secondary Road System. Please be advised that these street(s) have been investigated and our findings are that the below listed street(s) are eligible for addition to the State System.

Dalton's Ridge Subdivision

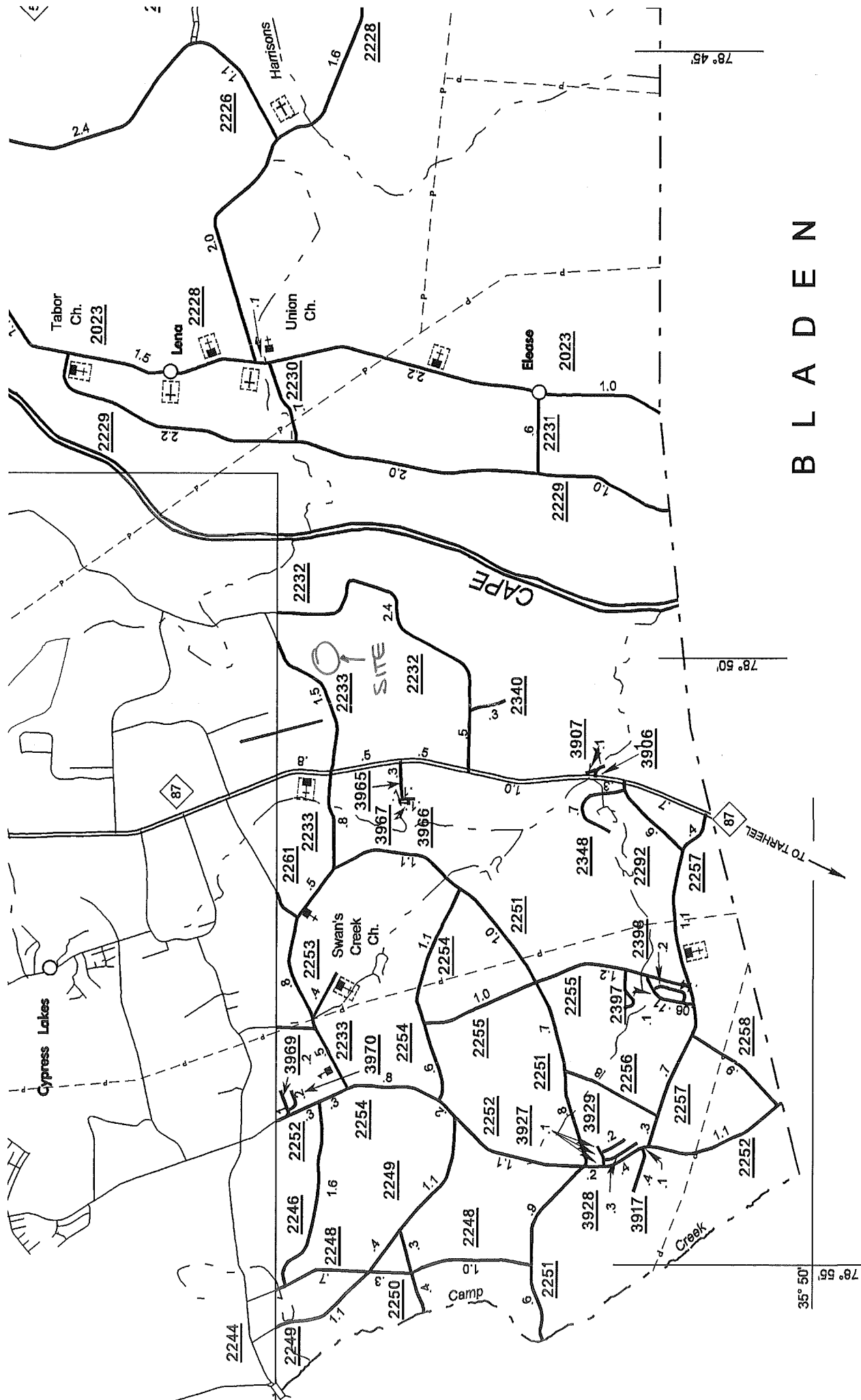
- Heartpine Drive

It is our recommendation that the above named street(s) be placed on the State's Secondary Road System. If you and your Board concur in our recommendation, please submit a resolution to this office.

Sincerely,

A handwritten signature in cursive script that reads "David Plummer".

David Plummer
Transportation Tech. IV





STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

April 5, 2011

Division Six - District Two
Cumberland County

Mr. Kenneth S. Edge, Chairman
Cumberland County Board of Commissioners
Post Office Box 1829
Fayetteville, North Carolina 28302

Subject: Secondary Road Addition

Dear Mr. Edge,

This is in reference to a petition submitted to this office requesting street(s) in Cumberland County be placed on the State's Secondary Road System. Please be advised that these street(s) have been investigated and our findings are that the below listed street(s) are eligible for addition to the State System.

Gallberry Farms Subdivision

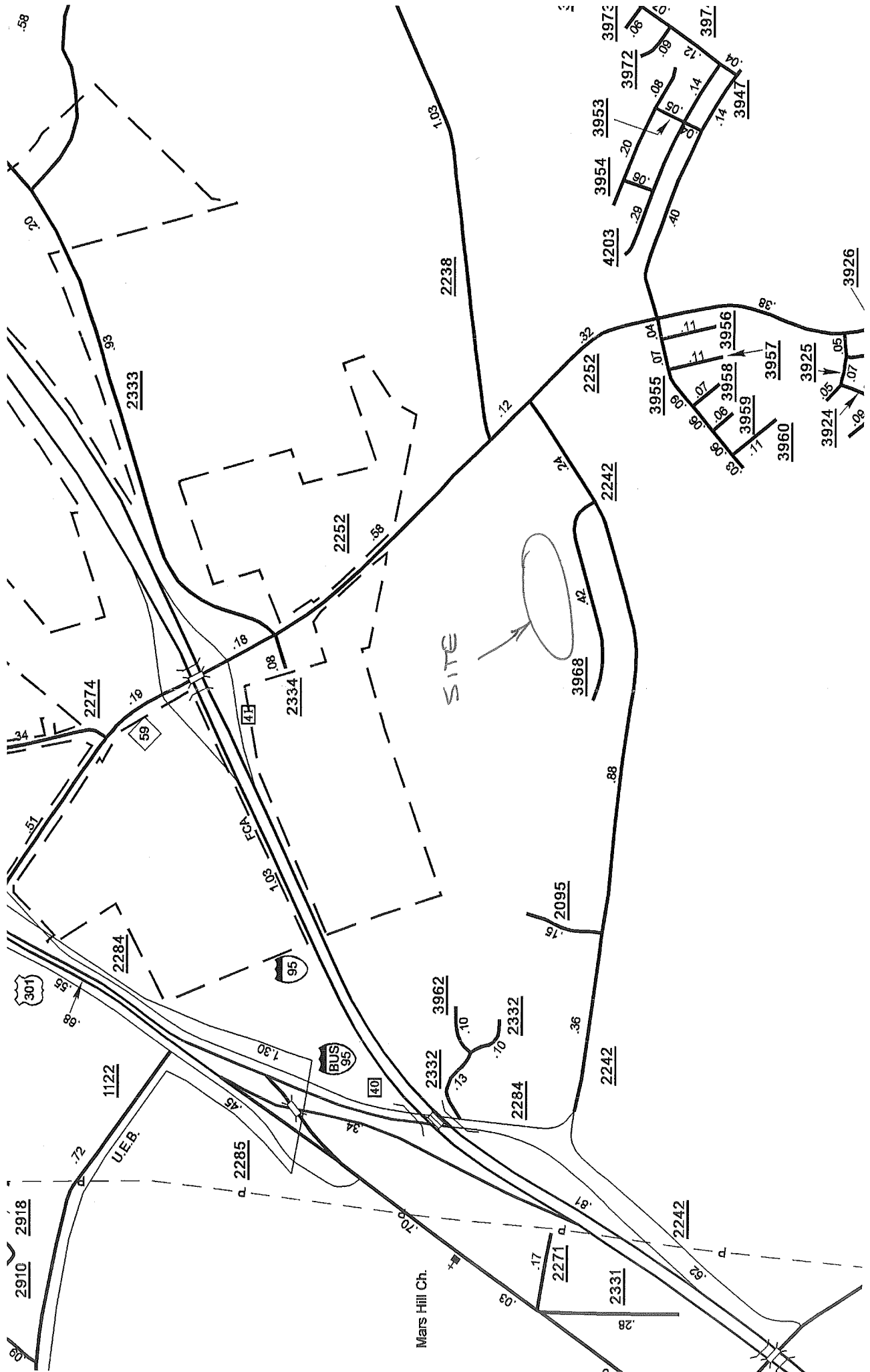
- Possum Trot Ln.
- Derby Ln.
- Foxwood Dr.

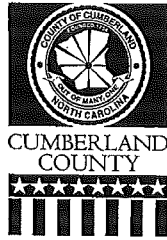
It is our recommendation that the above named street(s) be placed on the State's Secondary Road System. If you and your Board concur in our recommendation, please submit a resolution to this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Plummer".

David Plummer
Transportation Tech. IV



**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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF APRIL 18, 2011

TO: BOARD OF COMMISSIONERS
FROM: RICK MOOREFIELD, COUNTY ATTORNEY *R. Moorefield*
DATE: APRIL 12, 2011
SUBJECT: APPROVAL OF REQUEST FROM CUMBERLAND COUNTY MENTAL HEALTH AUXILIARY, INC., FOR VENDING MACHINE CONTRACT FRANCHISE AGREEMENT – SECOND READING

ATTACHMENTS: (1) FRANCHISE AGREEMENT

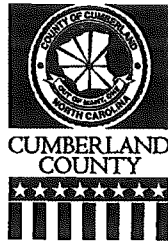
BACKGROUND:

Cumberland County Mental Health Auxiliary, Inc., has had a franchise to locate vending machines in the buildings occupied by the Mental Health Authority since before 1990. The Auxiliary provides the machines through a contract with a third-party vendor. The Auxiliary uses the commissions it receives from the contract to support the activities of the Mental Health Authority. The successive franchise agreements have been granted for five-year terms. Current term expired June 30, 2010. The request is approved by the Director of the Mental Health Authority. Because this is a franchise agreement, it will have to be approved at two meetings of the Board. First reading was approved April 4, 2011.

RECOMMENDATION/PROPOSED ACTION:

Approve the franchise agreement on second reading to complete grant of franchise.

Celebrating Our Past...Embracing Our Future



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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF APRIL 4, 2011

TO: BOARD OF COMMISSIONERS
FROM: RICK MOOREFIELD, COUNTY ATTORNEY *R. Moorefield*
DATE: MARCH 29, 2011
SUBJECT: APPROVAL OF REQUEST FROM CUMBERLAND COUNTY MENTAL HEALTH AUXILIARY, INC., FOR VENDING MACHINE CONTRACT FRANCHISE AGREEMENT

ATTACHMENTS: (1) FRANCHISE AGREEMENT
(2) LETTER FROM HANK DEBNAM
(3) LETTER FROM CASSANDRA HAIRE

BACKGROUND:

Cumberland County Mental Health Auxiliary, Inc., has had a franchise to locate vending machines in the buildings occupied by the Mental Health Authority since before 1990. The Auxiliary provides the machines through a contract with a third-party vendor. The Auxiliary uses the commissions it receives from the contact to support the activities of the Mental Health Authority. The successive franchise agreements have been granted for five-year terms. Current term expired June 30, 2010. The request is approved by the Director of the Mental Health Authority. Because this is a franchise agreement, it will have to be approved at two meetings of the Board.

RECOMMENDATION/PROPOSED ACTION:

Approve the franchise agreement on first reading and direct Clerk to place it on next agenda for second reading.

Celebrating Our Past...Embracing Our Future

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

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

VENDING MACHINE CONTRACT
FRANCHISE AGREEMENT

THIS AGREEMENT, made and entered into this first day of July 2010, by and between the CUMBERLAND COUNTY MENTAL HEALTH AUXILIARY, INC., a North Carolina non-profit corporation, with a place of business located at 109 Bradford Avenue, Fayetteville, North, 28301, (hereinafter referred to as "AUXILIARY") and the COUNTY OF CUMBERLAND, a body politic and corporate of North Carolina, (hereinafter referred to as "COUNTY".) (AUXILIARY AND COUNTY OF CUMBERLAND, collectively "PARTIES").

WITNESSETH:

WHEREAS, the COUNTY desires to grant a franchise for the purpose of providing food and drink vending machines to the clients, employees, and visitors of the Cumberland County Mental Health Center's various premises and facilities throughout the county; and

WHEREAS, the AUXILIARY, a 501 (c) (3) non-profit corporation whose function is to provide charitable support to the Cumberland County Mental Health Center and its clients, has expressed an interest in providing said vending machine services at the location listed in paragraph 1.and,

WHEREAS, the Board of Commissioners of Cumberland County, North Carolina has granted the AUXILIARY a franchise to use the premises and facilities of the Cumberland County Mental Health Center to provide food and drink vending machines to the clients, employees, and visitors of the Mental Health Center;

AND, WHEREAS, said franchise requires that the terms and conditions of such services be set forth in an agreement;

NOW, THEREFORE, for and in consideration of the promises and agreements hereafter set forth and the mutual benefits to be derived by the Parties therefrom, the AUXILIARY and the COUNTY agree as follows:

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

1. **PURPOSE.** During the term of this Agreement, the COUNTY agrees that the AULIXIARY shall have exclusive right to provide all food and drink vending machine services at the following Cumberland County Mental Health locations: Adult Services located at 109 Bradford Avenue; Child and Family Services /Administration located at 711 Executive Place and the Roxie Avenue Center located at 1724 Roxie Avenue, Fayetteville, North Carolina.
2. **TERM OF AGREEMENT.** The term of this Agreement shall be for a period of five (5) years beginning July 1, 2010 and shall terminate on June 30, 2015, unless sooner terminated as hereinafter provided.
3. **AGENCY AND AUTHORITY.** The COUNTY hereby designates the Area Director of the Cumberland County Mental Health Center as its exclusive agent with respect to this Agreement. The Area Director is authorized, on behalf of the COUNTY, to negotiate directly with the AUXILIARY on all matters pertaining to this Agreement. The AUXILIARY agrees that all of its dealings with COUNTY regarding this Agreement shall be exclusively with the Area Director. Further, the AUXILIARY specially agrees that is shall not modify any of the

services subject to this Agreement except as described in the paragraph entitled MODIFICATION.

4. SERVICES.

- a. Equipment Provided. The AUXILIARY will provide, by lease or purchase, the food and drink vending equipment described in **Appendix A** attached hereto during the term of this Agreement at the locations indicated. Equipment may be replaced or substituted as provided herein or may be changed to any type equipment which is acceptable to both the AUXILIARY and the Director of the Cumberland County Mental Health Center as agent for the COUNTY for such purpose.
- b. Revenue Collection and Utilization. COUNTY agrees that the AUXILIARY or its designed agent (the lessor in the case of leased equipment) shall collect all revenues directly from the vending units. The AUXILIARY shall keep an account of such collections and such account shall be available to the COUNTY or the Director of the Cumberland County Mental Health Center for inspection, upon request. The AUXILIARY agrees that all net revenues received from the operation of the vending machines in the Mental Health Center shall be expended as provided in its Articles of Incorporation and By-Laws for charitable purposes in support of the Mental Health Center shall be conducted unless approved by the Director.
- c. Supplies. All inventory and other supplies necessary for the operation of the vending machines shall be provided by the AUXILIARY or its designed agent (the lessor in the case of leased equipment) and the COUNTY shall have no responsibility in that regard.
- d. Service and Repairs. The AUXILIARY or its designed agent (the lessor in the case of leased equipment), during the time of the Agreement and without charge to the COUNTY, shall keep the vending equipment in good working order, make required inspections, adjustments, and repair and replace machine parts as necessary.
- e. Usual Hours of Service. The AUXILIARY shall provide vending machine services at the Mental Health Center twenty-four (24) hours per day.
- f. Electrical Requirements. COUNTY shall permit the use of suitable existing electrical outlets for the operation of the vending equipment and shall not be liable to the AUXILIARY or its designated agents (the lessor in the case of leased equipment) or the public for any harm resulting from such use or any cessation of electrical service to the Mental Health Center. The AUXILIARY shall hold the COUNTY harmless from any such liability.

5. NOTIFICATION OF SERVICES NEEDS. The COUNTY, through the Mental Health Center, agrees to notify the AUXILIARY or its designated agent immediately of any equipment malfunction or any repairs needed on any vending equipment to the telephone number and to the individuals as may be designated by the AUXILIARY.

6. INSURANCE AND HOLD HARMLESS PROVISIONS. In the event the AUXILIARY leases vending equipment from commercial vendors, the AUXILIARY shall require the lessor to have or obtain a contract of insurance, and provide for the same in the lease agreement for the equipment, under which the lessor, the AUXILIARY, and the COUNTY shall be indemnified for any liability to the public proximately caused by the malfunction of the leased vending machines and resulting in personal injury or property damage to Mental

Health Center employees or visitors, and to otherwise hold the COUNTY harmless for such injury or damage.

7. **RENEWAL.** This Agreement shall be renewed at the end of said Term for a period of five (5) years unless the COUNTY gives the AUXILIARY written notice of termination at least sixty (60) days, but no more than one hundred eighty (180) days before the end of the term. The AUXILIARY may terminate this Agreement by giving the COUNTY at least sixty (60) days written notice of termination before the expiration of said term. All provisions of the Agreement shall remain in effect for any renewal periods.
8. **NOTICES.** All notices, requests, and approvals required or permitted to be given, shall be in writing and shall be deposited in the United States Mail, postage prepaid, registered or certified mail, return receipt requested, and addressed as follows:

AUXILIARY:

Attention: President
Cumberland County Mental Health Auxiliary, Inc.
109 Bradford Avenue
Fayetteville, NC 28301

CUMBERLAND COUNTY MENTAL HEALTH CENTER

Hank Debnam, Area Director
Cumberland County Mental Health Center
P. O. Box 3069
Fayetteville, NC 28302-3069

9. **ASSIGNMENT.** The AUXILIARY shall not assign all or part of its contract rights under this Agreement; or delegate any performance; or subcontract; without first obtaining the COUNTY'S written approval.
10. **TERMINATION.** This Agreement may be terminated immediately by the COUNTY or the COUNTY may pursue any other remedy recognized in law or equity upon the violation of any of the terms of this Agreement. Either party may terminate this Agreement upon thirty (30) days notice in writing to the other party. Upon the entering of a judgment of bankruptcy or insolvency by or against the AUXILIARY shall immediately terminate any lease agreement it any have with a lessor for vending machines at the Mental Health Center locations.
11. **MISCELLANEOUS.** The Parties hereto, for themselves, their agents, officials, employees, and servants shall not discriminate in any manner on the basis of race, sex, color, creed, handicap, disability, gender, or national origin in the course of fulfilling any obligation, duty, or service that arises under this Agreement. More specifically, the AUXILIARY shall comply with Title VI and VII of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990 (ADA), as amended; and all requirements imposed by Federal regulations, rules, and guidelines issued pursuant to these Titles for both personnel employed and customers served.

12. **MODIFICATION.** This Franchise Agreement may be modified only by an instrument duly executed by the Parties or their respective successors.

13. **ENTIRE AGREEMENT.** This Franchise Agreement may be modified only by an instrument duly executed by the Parties or the respective successors.

IN WITNESS WHEREOF, each Party has caused this Contract to be executed in triple copies, each of which shall be deemed an original, as the act of said Parties. Each individual signing below warrants he/she is duly authorized by the Parties to sign this Agreement and to bind the Parties to the terms and conditions of this Agreement.

ATTEST:

COUNTY OF CUMBERLAND:

BY: _____
MARIE COLGAN, Clerk

BY: _____
KENNETH EDGE, Chairman
Board of Commissioners

ATTEST:

CUMBERLAND COUNTY MENTAL
HEALTH AUXILIARY, INC.

BY: _____
CHRISTINA RAMIREZ, Treasurer

BY: _____
KATHRYN ISHAM, President

BY: _____
RICK MOOREFIELD, County Attorney

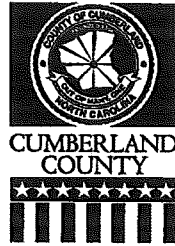
Per N.C.G.S. § 159-28, this Contract has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

BY: _____
AMY H. CANNON
Deputy County Manager

APPENDIX A

The Cumberland County Mental Health Auxiliary, Inc. leases snack and drink machines from Carolina Quality Snacks, Inc. These snack and drink machines are placed at each location noted in the paragraph entitled "Purpose" on page 1 of the Vending Machine Franchise Agreement between the County of Cumberland and the Cumberland County Mental Health Auxiliary. The machines vend canned drinks and /or wrapped or bagged snacks.

Hank Debnam,
M.P.H.
Area Director
Telephone:
(910) 323-0601
Fax: (910) 323-0096



MENTAL HEALTH CENTER

P.O. Box 3069 • 711 Executive Place, Fayetteville, NC 28302-3069



February 16, 2011

County of Cumberland North Carolina
James Lawson, Assistant County Manager
PO Box 1829
Fayetteville, NC 28302

Dear Mr. Lawson:

The Cumberland County Mental Health Auxiliary, Inc. has used Carolina Quality Snacks Vending for over 13 years. They have provided excellent services to our organization and consumers. We strongly support their continuance to provide vending services. Thank you for your favorable consideration of this request.

If you have any questions, please contact Deborah McMillan, Director, Volunteer Services at (910) 222-6155.

Sincerely,

A handwritten signature in black ink that reads "Hank Debnam".

Hank Debnam, M.P.H.
Area Director

Celebrating Our Past...Embracing Our Future

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

Hank Debnam, M.P.H.
Area Director
Telephone:
(910) 323-0601
Fax: (910) 323-0096



FEB 23 2011



MENTAL HEALTH CENTER

P.O. Box 3069 • 711 Executive Place, Fayetteville, NC 28302-3069

February 21, 2011

Ms. Christy Tyndall, Legal Department
County of Cumberland
P. O. Box 1829
Fayetteville, NC 28302

Dear Ms. Tyndall:

Attached are three (3) originals of the Vending Machine Franchise Agreement with Cumberland County Area Mental Health Authority and the County of Cumberland. Please forward to Rick Moorefield and James Lawson for review. Attached is also a letter of request for Mr. Lawson to review along with the proposed Vending Machine Franchise Agreement.

Please obtain all signatures were flagged once the agreements have been approved by the Board of Commissioners, then return all three (3) originals agreements back to the Contracts Office for further processing. Once all signatures have been obtained, a signed agreement will be mailed to you for your records.

If you have any questions, please do not hesitate to contact me at 910-222-6087.

Sincerely,

Cassandra W. Haire
Contracts Manager

src

Enclosures: One (1) Letter
Three (3) Original Agreements

Celebrating Our Past... Embracing Our Future

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

Office of the Board of Commissioners

PROCLAMATION

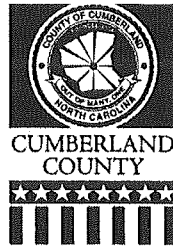
- WHEREAS,** *the County of Cumberland recognizes the importance of trees to the economic, aesthetic, and ecological well-being of our community; AND*
- WHEREAS,** *it is recognized that planting and maintaining healthy trees in our ever-changing society are both desirable and necessary; AND*
- WHEREAS,** *Arbor Day is a long-standing American tradition that represents an important element of our national heritage; AND*
- WHEREAS,** *the Cumberland County Cooperative Extension is a leader in the encouragement of environmental stewardship and is assisting with the planting of trees in our community by our youth ; AND*
- WHEREAS,** *Cumberland County-Cooperative Extension and the Cumberland County Schools are community partners with the Cape Fear Botanical Garden in the effort to restore our trees; AND*
- WHEREAS,** *individuals can act in this county to improve the environment by planting trees and ensuring that these trees are protected and receive proper maintenance in the years ahead;*

NOW, THEREFORE, *I, Kenneth S. Edge, Chairman of the Board of Commissioners, Cumberland County, North Carolina, do hereby proclaim the week of April 25 to April 29, 2011 as Arbor Week and Friday April 29, 2011 to be*

Arbor Day in Cumberland County

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

Mr. Kenneth S. Edge, Chairman, Board of Commissioners



ITEM NO. 2F

COMMUNITY DEVELOPMENT

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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA
APRIL 18, 2011

TO: BOARD OF COUNTY COMMISSIONERS

THRU: AMY CANNON, DEPUTY COUNTY MANAGER

FROM: THANENA S. WILSON, COMMUNITY DEVELOPMENT DIRECTOR

DATE: APRIL 8, 2011

SUBJECT: COMMUNITY DEVELOPMENT WEEK PROCLAMATION

BACKGROUND

This year marks the 37th anniversary of the Community Development Block Grant (CDBG) Program which is celebrated nationally. In order to commemorate the anniversary and the impact that the CDBG Program has had on Cumberland County, we would like for the Board to proclaim April 25 – April 30, 2011 as Community Development Week.

RECOMMENDATION AND PROPOSED ACTION

The Community Development Department recommends that the Board of County Commissioners proclaims April 25 – April 30, 2011 as Community Development Week in Cumberland County.

Attachment – Proclamation

Celebrating Our Past...Embracing Our Future

Community Development Week Proclamation

Whereas, the Community Development Block Grant (CDBG) Program has operated since 1974 to provide local governments with the resources required to meet the needs of persons of low and moderate income; and

Whereas, the CDBG Program has had a significant impact on our local economy through job creation and retention, physical redevelopment and improved local tax bases; and

Whereas, CDBG funds are used by thousands of neighborhood-based, non-profit organizations throughout the nation to address pressing neighborhood and human service needs; and

Whereas, Cumberland County, North Carolina and other local governments have clearly demonstrated the capacity to administer and customize the CDBG Program to identify, prioritize and resolve local issues such as the provision of decent, affordable housing; neighborhood and human service needs; job creation and retention; and physical redevelopment.

Now, Therefore I, Mr. Kenneth S. Edge, by virtue of the authority vested in me as Chairman of the Cumberland County Board of Commissioners, do hereby proclaim:

*The week of April 25 – April 30, 2011 as
Community Development Week*

in Cumberland County, and urge all citizens to join us in recognizing the Community Development Block Grant Program and the important role it plays in our community.

In Witness Whereof, I have hereunto set my hand and caused the seal of Cumberland County, North Carolina to be affixed this _____ day of _____ 2011.

Kenneth S. Edge, Chairman

**Proclamation
Air Quality Awareness Month
May 2011
Fayetteville, North Carolina**

WHEREAS, clean air is essential to public health, the environment and the economy in Cumberland County;

AND

WHEREAS, we need clean air to protect and improve the quality of our forests, streams and lakes for public recreation and wildlife;

AND

WHEREAS, we need clean air to sustain tourism, agriculture and other aspects of the economy;

AND

WHEREAS, following a requirement of the Clean Air Act, the EPA is considering revising the national air quality standard for ozone from 0.075 to 0.060-0.070 parts per million for improved human health and safety;

AND

WHEREAS, continued action to improve air quality is of major concern to the Cumberland County Board of Commissioners and all the Municipal Governments;

AND

WHEREAS, businesses and residents of Cumberland County are encouraged to participate in an idle reduction campaign for the month of May, 2011;

AND

WHEREAS, the ozone forecast season is from April 1 to October 31, but the first week of May has been historically designated as *Air Quality Awareness Week* and for 2011 the campaign will be the entire month of May;

AND

NOW, THEREFORE, BE IT RESOLVED, that Cumberland County proclaim the month of May 2011, as "AIR QUALITY AWARENESS MONTH" and encourage all government employees, citizens and businesses in Cumberland County to observe the month with activities that promote clean air, and take part in making our community a cleaner, healthier place to live, work, and play.

Adopted April____, 2011.

Kenneth S. Edge, Chairman

ATTEST:

Marie Colgan, Clerk

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, the existing industries of Fayetteville and Cumberland County are an essential segment of the area's economy, providing employment for local residents, contributing revenues and greatly enhancing the area's quality of life; and

WHEREAS, the various industries existing in Fayetteville and Cumberland County have an influence either directly or indirectly upon the lives of every one of the county's citizens; and

WHEREAS, the potential for growth comes in part from within through the expansion of existing industries and the establishment of new, homegrown industries; and

WHEREAS, public awareness and understanding of the importance of industry to our local economy and quality of life are vital to the preservation of a favorable industrial climate; and

WHEREAS, a favorable industrial climate is a major factor in the decision made by officials of existing plants to expand their operations and in our area's ability to attract new industry.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County proclaims the month of **May 2011 "INDUSTRY APPRECIATION MONTH"** in Cumberland County and urges its citizens to salute the industries located in our area and the employees of those industries for their important role in the growth and prosperity of Cumberland County.

Adopted this ____ day of May 2011

Kenneth Edge
Board of Commissioners

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B11.344</u>
Date Received	<u>4-11-11</u>
Date Completed	

Fund No. 101 Agency No. 431 Organ. No. 4301

Organization Name: Administration

ITEM NO. 21(1)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
463A	Health Quality Improvement Grant	1,500	250	1,750
		1,500	250	1,750

EXPENDITURES

Object Code	APRs Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
413A	151	Health Quality Improvement Grant	1,500	250	1,750
Total			1,500	250	1,750

Justification:

This budget revision requests to budget for additional funding received from the North Carolina Center for Public Health Quality.

State: _____ Federal: _____ Fund Balance: _____ County: _____ New: _____ Other: _____
Other: _____ Fees: _____ Prior Year: _____ 250

Submitted By: [Signature] 4.6.11 Date: _____
Department Head
Reviewed By: [Signature] 4-11-11 Date: _____
Finance Department
Reviewed By: [Signature] 4/13/11 Date: _____
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>B11-342</u>
Date Received	<u>4/5/11</u>
Date Completed	

Fund No. 448 Agency No. 450 Organ. No. 4589
 Organization Name: Community Development - SHP Grant

ITEM NO. 2I(2)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4535	Supportive Housing Grants	76,491	84,134	160,625

Total 76,491 84,134 160,625

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
341 U	781	Robins Meadow - FMHA	76,491	84,134	160,625

Total 76,491 84,134 160,625

Justification:

To appropriate the awarded SHP Grant funds for Robins Meadow Transitional Housing Program for operations and supportive services to homeless families provided by Fayetteville Metro Housing Authority.

Funding Source:

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

Fund Balance:

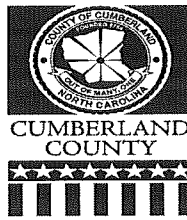
Submitted By: Thamara S. Stoltz Date: 4/5/11
 Department Head
 Reviewed By: [Signature] Date: 4/5/11
 Finance
 Reviewed By: Amber Cannon Date: 4/13/11
 Deputy/Assistant County Mgr

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

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

APRIL 8, 2011

ITEM NO. 3A

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P11-06:** Rezoning of 10.12+/- acres from R6 Residential to M(P) Planned Industrial or to a more restrictive zoning district; located northwest of SR 2311 (Gillespie Street), southeast of NC HWY 87 (Martin Luther King Jr. Freeway); submitted by Tim Kinlaw on behalf of Cumberland County Board of Education (owner).

ACTION: Members present at the March 15, 2011 meeting voted to recommend approval of M(P) Planned Industrial district.

SITE INFORMATION: **Frontage & Location:** 40.00'+/- on Homewood Street & 50.00'+/- on Puritan Street; **Depth:** 920.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** Yes, north & east of subject property; **Current Use:** Motor vehicle & equipment storage lot; **Initial Zoning:** R6 – November 17, 1975 (Area 4); **Nonconformities:** Motor vehicle storage lot not a permitted use in current district; **Zoning Violation(s):** None; **Surrounding Zoning:** North: M2, C3, C1, R6, R5 & R5A; South: M2, M(P), C3, C1 & R6; East: C3; West: C3, C1, R6, R5 & R5A Note: All Fayetteville except M(P); **Surrounding Land Use:** Residential (including multi-family), religious worship (3), truck terminal activities, motor vehicle repair (3), school, farm machinery sales & industrial operations not otherwise permitted; **2030 Land Use Plan:** Urban; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/PWC; **Soil Limitations:** None; **School Capacity/Enrolled:** Cumberland Road Elementary: 457/428; Ireland Drive Middle (6): 340/362; Douglas Byrd Middle (7-8): 600/708; Douglas Byrd High: 1,280/1,291; **Subdivision/Site Plan:** If approved, development will require a review and approval; **Municipal Influence Area:** City of Fayetteville; **Fayetteville Regional Airport:** No objection; **Average Daily Traffic Count (2008):** 8,300 on SR 2311 (Gillespie Street); **Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Notes:** Density: R6 – 75 lots/units, Density minus 15% for R/W: R6 – 64 lots/units; Minimum Yard Setback Regulations: **R6:** Front yard: 25', Side yard: 10', Rear yard: 30'; **M(P):** Front yard: 100', Side yard: 50', Rear yard: 50'.

MINUTES OF MARCH 15, 2011

The Planning & Inspections Staff recommends approval of the M(P) Planned Industrial district for this request based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban" at this location, as well as meeting the location criteria for "heavy industrial/manufacturing" development as listed in the Land Use Policies Plan;

2. The location and character of the use will be in harmony with the surrounding area; and
3. Public utilities are available to the subject property.

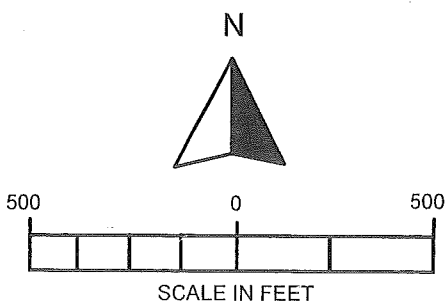
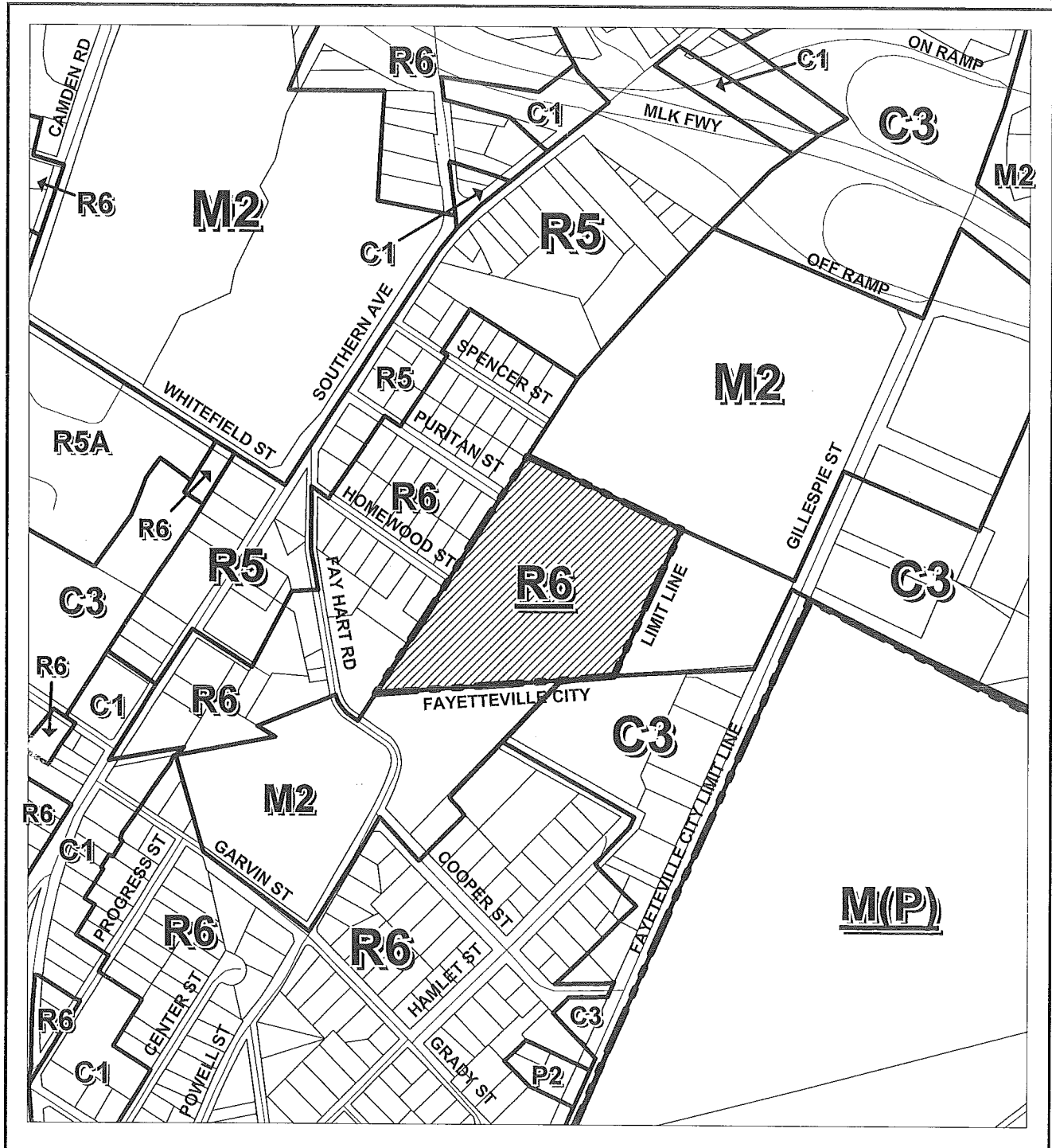
There are no other suitable districts to be considered for this request.

Mrs. Piland made a motion, seconded by Mr. Hostetter to follow the staff recommendation and approve case P11-06 for M(P) Planned Industrial district. Unanimous approval.

First Class and Record Owners' Mailed Notice Certification

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

NOTE: IN AOD AREA



PIN: 0436-37-3490

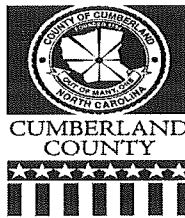
REQUESTED REZONING R6 TO M(P)

ACREAGE: 10.12 AC. +/-	HEARING NO: P11-06	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

APRIL 8, 2011

ITEM NO. 3B

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P11-09:** Rezoning of .43+/- acres from R6A Residential to C2(P) Planned Service and Retail or to a more restrictive zoning district; located at 4966 and 4976 Cumberland Road; submitted by Glen Jernigan, Jr. and Holden Reaves on behalf of Jernigan Holdings, LLC. and Reaves Holdings, LLC. (owners).

ACTION: Members present at the March 15, 2011 meeting voted to recommend approval of C2(P)Planned Service and Retail district.

SITE INFORMATION: **Frontage & Location:** 149.70'+/- on SR 1141 (Cumberland Road); **Depth:** 136.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** 2 residential structures; **Initial Zoning:** R6A – August 1, 1975 (Area 3); **Nonconformities:** Existing residential dwelling does not appear to meet side yard setbacks; if approved, nonconformity would increase; **Zoning Violation(s):** None; **Surrounding Zoning:** North: C(P), RR, PND (Fay & County) & R6A; South: C3 (Hope Mills), C(P), C1(P), R6 (Hope Mills), R6A & CD; East: C3 (Hope Mills), C(P), C2(P) & R6A; West: M2, C(P), & R6A; **Surrounding Land Use:** Residential (including manufactured homes & multi-family), club, manufactured home park, retailing, day care, religious worship, office, school & manufacturing; **2030 Land Use Plan:** Urban; **Special Flood Hazard Area (SFHA):** No; **Water/Sewer Availability:** PWC/PWC (Pending); **Soil Limitations:** None; **School Capacity/Enrolled:** Cumberland Mills Elementary: 630/628; Ireland Drive Middle (6): 340/362; Douglas Byrd Middle (7-8): 600/708; Douglas Byrd High: 1,280/1,291; **Subdivision/Site Plan:** If approved, development will require a review and approval; **Municipal Influence Area:** Town of Hope Mills; **Average Daily Traffic Count (2008):** 14,000 on SR 1141 (Cumberland Road); **Highway Plan:** Cumberland Road is identified in the Highway Plan as a major thoroughfare. This is a multi-lane facility (U-2304) with an adequate right-of-way of 90 feet. Road improvements have been completed; **Notes:** Density: R6A – 5 lots/units; Minimum Yard Setback Regulations: **R6A:** Front yard: 25', Side yard: 10', Rear yard: 15'; **C2(P):** Front yard: 50', Side yard: 30', Rear yard: 30'.

MINUTES OF MARCH 15, 2011

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

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

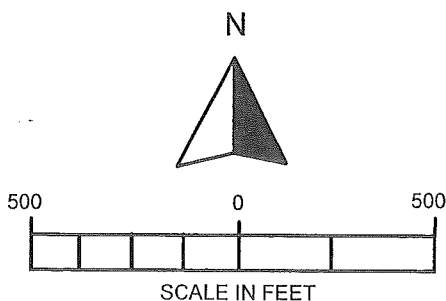
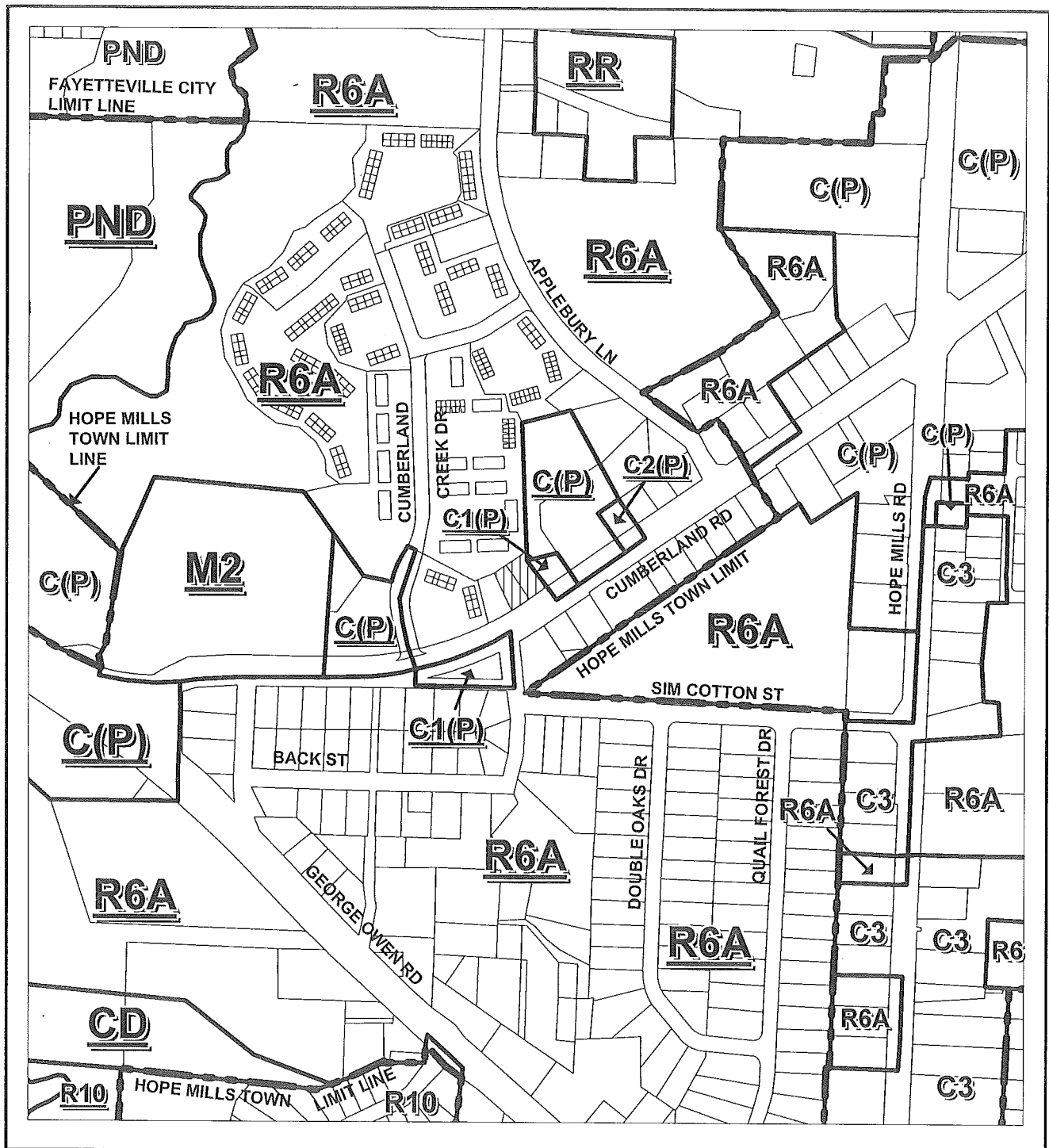
2. The subject property meets the location criteria for "light commercial" as recommended in the Land Use Policies Plan.

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

Mrs. Piland made a motion, seconded by Mr. Hostetter to follow the staff recommendation and approve case P11-09 for C2(P) Planned Service and Retail district. Unanimous approval.

First Class and Record Owners' Mailed Notice Certification

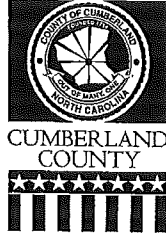
A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.



PIN: 0405-85-5918,4954

REQUESTED REZONING R6A TO C2(P)

ACREAGE: 0.43 AC.+/-		HEARING NO: P11-09	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			



ITEM NO. 30

Case P11-10

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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF APRIL 18, 2011

TO: BOARD OF COMMISSIONERS; PLANNING DIRECTOR
FROM: RICK MOOREFIELD, COUNTY ATTORNEY *R. Moorefield*
DATE: APRIL 12, 2011
SUBJECT: CONSIDERATION OF ZONING ORDINANCE AMENDMENTS
REGARDING DEFINITION AND APPLICATION OF TERM “SCHOOL”

BACKGROUND:

The Planning Board reviews the zoning and subdivision ordinances annually. One of the proposed amendments to the county's zoning ordinance resulting from the most recent annual review is a clarification of the definition of schools, types of schools, and the districts in which schools are allowed in the Use Matrix. This clarification was needed generally and also was intended to specifically address the application of the term “school” to training facilities such as TigerSwan.

Outside the scope of the annual review, planning staff has been working with a citizens' committee to develop standards for the regulation of outdoor shooting ranges. It is likely that the regulation of outdoor shooting ranges will require any use that includes an outdoor shooting range to be regulated as an outdoor shooting range, regardless of the additional uses. It is anticipated that these regulations will be considered by the Planning Board before the end of the fiscal year.

Because TigerSwan's use does include an outdoor shooting range and the plaintiffs who sued the county over the interpretation of “private school” have appealed the judge's decision upholding the staff interpretation to the Court of Appeals, the county attorney recommends that the amendment regarding the definition and application of the term “school” be considered in conjunction with the proposed amendments for the regulation of outdoor shooting ranges.

RECOMMENDATION/PROPOSED ACTION:

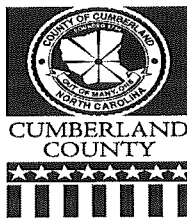
- (1) Conduct the advertised public hearing on the proposed amendments to the county's zoning ordinance; and

- (2) Adopt the Planning Board's recommendation for amendments except those related to the definition and application of schools, types of schools, and the districts in which schools are allowed in the Use Matrix; and
- (3) Direct the Planning Board to reconsider the proposed amendments related to the definition and application of schools, types of schools, and the districts in which schools are allowed in the Use Matrix in conjunction with its consideration of the regulation of outdoor shooting ranges for further recommendation to the Board of Commissioners.

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

APRIL 8, 2011

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P11-10:** Revisions, amendments and updates to the Cumberland County Zoning Ordinance for the Cumberland County Joint Planning Board's annual review of the June 20, 2005 ordinance.

ACTION: Members present at the March 15, 2011 meeting voted to recommend approval of the Land Use Codes Committee report adopted as is with the exception of schools, business, commercial, post secondary type schools - keep them in the zoning districts they are currently in and do not add any additional districts.

Major Changes

1. Convert **Conditional Use District and Permit to Conditional Zoning** – If approved, this amendment will allow for rezoning with conditions as a legislative matter and since quasi-judicial hearing would no longer be required for this type of application, the two part motion requirement would be eliminated. (p. 35, Sec. 308, Art. III, Zoning Districts; p. 48, Art. V, Companion Districts – Conditional Zoning Districts; several other general references throughout the ordinance such as in the definitions for **Conditional Use** (p. 12) and **Quasi-Judicial** (p. 24) and Art. XV, Amendments)
2. Delete references to **all uses not listed are prohibited** concerning uses listed in the Use Matrix to ensure consistency with recent NC Court of Appeals case, specifically *Land v. Village of Wesley Chapel* (Aug, 2010) (p. 39, Sec. 401 & Sec. 402, Art. IV, Permitted, Conditional and Special Uses)
3. Clarified **schools** and **types of schools** and **districts where the schools are allowed** in the Use Matrix (p. 46, Sec. 403, Art. IV, Permitted, Conditional and Special Uses)
4. Modify the provisions for **attached signs** so that the requirements are consistent for all non-residential uses in non-residential zoning districts (pp 141-144, Art. XIII, Sign Regulations)
5. Repeal provisions allowing Planning Board to approve **alternate yard requirements** for planned zoning districts (p. 150, Sec. 1404, Art. XIV, Planned Districts)

Minor Changes

1. Add definition for **Fences or Walls, Solid** (p. 15, Sec. 203, Art. II, Definitions)
2. Add definition for **Lateral Access** (p. 18, Sec. 203, Art. II, Definitions)

3. Add definition for **Mobile Storage Units** (p. 21, Sec. 203, Art. II, Definitions)
4. Change reference for **RR Rural Residential classification** that currently identifies this district as "low" density to "**suburban**" for consistency with Land Use Policies Plan (p. 32, Sec. 304, Art. III, Zoning Districts)
5. Clarify **type of street access** for non-residential uses allowed in residential and agricultural districts (p. 91, Sec. 916, Art. IX, Individual Uses)
6. Clarify when **outside storage** is allowed it must be buffered from view from public right-of-ways (p. 107, Sec. 1002, Art. X, Other Uses)
7. Revised the method for calculation of off-street parking spaces required for **lodges, fraternal and social organizations** so that the amount of spaces required are based on capacity rather than size of building (p. 129, Sec. 1202, Art. XII, Off-Street Parking and Loading)
8. Repeal the **mandatory permanent surfacing** requirement for required **off-street parking spaces** and drives (p. 131, Sec. 1202.D, Art. XII, Off-Street Parking and Loading)
9. Ensure that provisions addressing **temporary signs** are content neutral (p. 138, Sec. 1304, Art. XIII, Sign Regulations)
10. Add and clarify the provisions governing **entrance signs for developments** (p. 139, Sec. 1304, Art. XIII, Sign Regulations)

In addition to the above listed changes, the staff is currently working with a citizen committee to establish standards for outdoor shooting ranges. This amendment will be considered separately by the committee at a later date.

MINUTES OF MARCH 15, 2011

Mr. Lloyd reviewed the changes to schools that were proposed by the Land Use Codes Committee. Mr. Lloyd stated that firing ranges were not included in these changes, the reason it's not included is that there is a special committee that has been convened of experts dealing with firing ranges that are coming up with standards; they will then be brought back to the Codes Committee. Part of what will be recommended outside of those standards is, if in fact there is a firing range included with any other use, it will then not only have to follow the standards for firing ranges it would then be essentially a firing range in the fact that it would have to go to, if it's a special use, to the Board of Adjustment. The big change will be that there will be standards for firing ranges and then if in fact there is a principle use that has a firing range, it will be treated as a firing range with respect to that.

Chair Epler recapped for the audience the changes that Mr. Lloyd reviewed.

Mr. McLaurin stated that what was discussed prior to the meeting, if a use falls in RR or in A1, as it's permitted now, instead of being a use that would go before the Board of Adjustment we would put it in an "X" (conditional use) which would make it come before the Planning Board, then it would also have to go to the Commissioners' that would make the school possible in that area and give the people that have property around it the assurance that it would go before the Board and there would be a public hearing.

Mr. Lloyd stated that there was one other suggestion and that would be not including schools as a use in post secondary in those districts and leave it in the districts that are shown in the existing table, that is the other option.

Chair Epler reminded all speakers that what was before the Board to be voted on was the Text Amendments to the Ordinance, not any specific projects or cases.

Public hearing opened.

Mr. Kevin West spoke in opposition. Mr. West stated that he had several concerns over some of the proposed changes. First, the change in A1 to allow for basically any type of school, secondly, following this concern would be allowing such schools to be permitted and thus allowing the planning director or his staff to approve such operations, which in effect would do away with this board in that particular instance and also do away with the people who are being affected by whatever the operation might be. Thirdly, deleting references in the paper work where all uses not listed are prohibited, this would allow in our opinion, far too much freedom for so called schools to get permitted for one thing and then kind of tweak what they want to do once they get their initial permit. Mr. West referenced Section 101, 2nd paragraph and Sec 105 of the County Ordinance and stated that he doesn't see where any of the changes would benefit the residents of the County. Mr. West addressed the last issue under minor changes, the citizen committee working on the standards for firing ranges. He stated that there were concerns about the criteria and who was on the committee and if they were qualified. Mr. West stated that his property adjoins the TigerSwan property, and he can get within 300 yards of where they are shooting, and that is a concern. Finally, Mr. West stated that all of the proposed changes should concern all property owners in the County and hopes that the Board will follow their purpose in application as stated in the administrative provisions when considering these changes.

Mrs. Doris Fort spoke in opposition. Mrs. Fort addressed two concerns in the proposed changes to the ordinance. The first issue is on page 50 and 51, "action by the Planning Board"; Mrs. Fort asked why those five items were being removed. On page 51 about the Board of Commissioners' deletes references requiring disclosure of any site visit or any incidental ex parte contact with any affected party. Mrs. Fort asked why these safeguards would be removed, and in removing them makes it look like they are trying to avoid transparency, and surely that is not what is intended. The second issue is major change #3, concerning the definition of schools and districts where they are allowed. Extreme broadening of schools and then making it a permitted use in all A1 and RR zones is dangerous and can have unintended consequences. The planning staff could approve any activity that could call itself a school in all A1 and RR zones. Not all County citizens are aware of the possible result of this type of change of definition, but all these people here from Cedar Creek know very well, last June the Planning Department decided that a military type training facility is a school and approved one in the middle of a rural area with close residents. Without your review or notification to residents, the Planning Department approved 7 outdoor firing ranges, one ½ mile sniper range in a proposed 60 foot tower for firing from an elevated position, firing 7 – 15 million rounds a year.....

Chair Epler reminded Mrs. Fort that TigerSwan would not be discussed at this meeting.

Mrs. Fort asked the board to consider that currently if someone wants to put two houses on a one acre lot it has to be rezoned, neighbors are notified, signs are put up and public notices made. Public hearing is conducted and citizens concerns are heard, you'll do that for one house, yet with these proposed changes any operation that calls itself a school, will be approved with none of these procedures. All it takes is Planning Department sign off and you as a Planning Board will not be able to review it, and how much sense does that make? We depend on your good judgment and beg you not to approve these changes that will be detrimental to the future of our County and especially to those citizens who live or own property in or anywhere near A1 or RR zones.

Mr. Robi Mulier spoke in opposition. Mr. Mulier stated that he was confused about what was being considered and asked if how schools would be addressed in the ordinance was what the discussion was about.

Chair Epler stated that there were several changes to the ordinance that were before the board and asked if he received a packet with all of the changes.

Mr. Mulier stated that he did receive a packet and was opposed to all of the changes and was in agreement with the previous speakers. Mr. Mulier stated that in regard to schools, he doesn't understand why the definition of the word school is being changed. In his research, a recent Superior Court case, a judge sided with the County on their current interpretation of school, why does it need to be changed? Mr. Mulier said that he hadn't seen a clear and convincing business case that has been presented this evening nor that he's read about that proves that the current ordinance as written is ineffective and does not serve its intended purpose, nor has it been shown that the current ordinance contradicts or is in conflict with the adopted 2030 Cumberland County Growth Vision Plan. To the contrary the proposed amendments, he believes, are inconsistent with and in conflict with the adopted 2030 Growth Vision Plan. Mr. Mulier stated that he believes when major amendments are proposed to the zoning ordinance, clear and convincing fact based business cases should be made for them. These cases should show why the current ordinance is ineffective and how they have impaired economic development in accordance with the adopted 2030 plan, and then they should show how the proposed amendments will improve upon the zoning ordinances. The cases haven't been made here this evening. Furthermore, in accordance with the direction of the adopted 2030 Growth and Vision Plan public participation should be central and an ongoing feature of planning. It has not been shown that public participation was central to these amendments, nor has it been shown that there is a consensus among all parties. As such, the community represented here asks that the board reject and deny the proposed major amendments to the ordinance on the agenda presented to the board this evening.

Chair Epler explained to Mr. Mulier that the board regularly visits the ordinances. There is a committee formed by the board and members of the board with the help of county counsel and planning staff. We routinely visit the ordinances and in order to clarify those ordinances and keep up with development that is going on, on a daily, weekly, and monthly, yearly basis, there is a need to revise our ordinances. I would dare say, that you would not be happy if we were operating under the ordinance we had 10 or 15 years ago. We do that on a regular basis.

Mr. Mulier stated that he agreed, but also thinks that there also needs to be a clear and convincing case.

Mr. McLaurin stated that the change in the schools, as far as the public, private, elementary, and secondary, the reason that change is being proposed is just to make it your K, 1 through 12th grade is a case that has been discussed, thinks that possibly the private part of that was used possibly for that school to be put into the A1 zone. So what we're trying to do is to take any vagueness, anything that is not transparent out of that part and just say that is just going to be the school as you know that your children go to from K, 1 up through high school, so there will be no confusion. The private part will be out, even though there are private schools, but the kind of schools we are talking about we are better defining it are just your regular educational schools for children. That's really clarifying it and taking some vagueness out. So that way it will be spelled out, cut and dry.

Mr. Mulier stated that he is an educator and understands what Mr. McLaurin said, but thought he also heard Mr. McLaurin say that post secondary would come before the Board of Adjustment.

Mr. McLaurin stated that wasn't what he said, what he said was the proposed change was why it was brought up, would be to make it an "X" just like a quarry or a prison, so that it would have to go before the Planning Board and also go to the commissioners' which would also give citizens plenty of input, contact with their commissioners, and the commissioners' will have the final say.

Mr. Lloyd addressed some of the questions that were presented to the board. The first question was about "delete references to all uses not listed are prohibited"; well a recent court case said if

the uses aren't listed as being prohibited, you can't prohibit them. So we did it because of a court case, if it's not specifically listed as prohibited then it's allowed, NC Court of Appeals case *Land v. Village of Wesley Chapel* (Aug, 2010), so we did that because of a court case. Hopefully, this is one reason the audience will understand why we revisit this every year is because there are new uses every year. There is always something new coming up that we don't have a classification for, if nothing else we have to include it somehow in this table or you get to the situation where the administrator of the ordinance has to interpret what's the closest thing to that. Case in point firing ranges. Secondly, what we're doing is conditional zoning; everything that was taken out about ex parte communication doesn't need to be in there. It's no longer going to be quasi-judicial so you and the commissioner's can talk to citizens and citizens can talk to you, you can talk to each other. There's no need in you saying you talked to this person because it will be treated like any zoning case, you will be able to talk to the citizen's and the commissioner's now. The City of Fayetteville has conditional zoning, Charlotte, Greensboro, most cities have it. All we're doing is taking out the conditional use zoning process you have now, not making it quasi-judicial, we're making it like a regular zoning case and everybody can talk to everybody. That's why that is taken out, because there will be no need to reveal who you're talking to.

Mr. McLaurin said as far as the points made about protecting the neighborhood, if you go back, as Mr. West read all those things are basically covered in the definition of zoning more or less, they're already there.

Mr. Lloyd said there's not going to be a district and a permit, that's why there's no reason to list that, they were listed under permit. Now it's either you're going to have it or you're not going to have it. That's why it's taken out because we're changing it from one type of conditional use zoning to another.

Mr. McLaurin said it will be more transparent because of the ability for citizens to call anyone on the board or talk to the commissioner's, where the way it is now, generally, they are not supposed to talk to anyone or even go out and look around and get knowledge about a case.

Mr. Lloyd said as far as public input, this was advertised the way these zoning amendments and all zoning is advertised. The whole community, the County had an opportunity to come here, you're representatives, that's what you're up there for, you are appointed by the Commissioners to represent the citizens of all of the municipalities in the County and so are the Commissioners, so obviously there is public input, it's going on tonight, so the process is working.

Mr. Lloyd made a suggestion about using an "X" for schools, as you can see this conditional use is really only two uses in there, and they are two noxious uses really when it comes to being anywhere residential; prisons and quarry's. It would probably be a better suggestion, and feels that staff would agree; if instead of "X" for schools in A1 and RR, just not allowing them in those districts and not including schools in the same categories you would prisons and quarry's. The board agreed that in light of the Commissioners' having the final approval the "X" would be a better idea.

Public hearing closed.

Mrs. Piland asked where there are the two categories of schools, one with elementary and secondary and then there is another category of schools listed post secondary, trade, vocational, avocational, and fine arts, what is being suggested now rather than allowing those in A1 and RR we would delete those two from this matrix and only allow them in O&I, C1(P) and the commercial.

Mr. Lloyd stated that was correct.

Mrs. Piland said so the two that are highlighted on the matrix would be deleted (Mr. Lloyd responded yes), Mrs. Piland said she would agree with that.

Mr. McLaurin asked the firing ranges now are permitted under recreation and amusement outdoor for profit.....

Mr. Lloyd stated if a straight firing range came in and we had at this point and time to make some interpretation, which would, like I say, we're going to hold off until the standards come back.

Mrs. Piland stated that firing ranges weren't being discussed in the two categories highlighted in the matrix. So we have just schools elementary and secondary and then schools for these other purposes, but not firing ranges.

Mr. Lloyd stated that was correct, and if someone comes in with a firing range, the Codes Committee will be in front of this board before that gets processed to come in front of the board. So it will be subject to the new amendment on firing ranges, if an application came through.

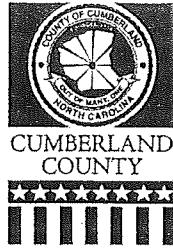
Mr. Morris asked Mr. McLaurin if he would bring the committee report forward as a motion, with the exception of eliminating the A1 and RR in post secondary.

Mr. McLaurin said yes.

Mr. McLaurin made a motion to follow the Land Use Codes Committee report adopted as is with the exception of eliminating the schools business, commercial, post secondary type schools, keep them in the zones they are currently in and do not add any additional zones, seconded by Mr. Morris. Unanimous approval.

First Class and Record Owners' Mailed Notice Certification

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



ITEM NO. 3D

COMMUNITY DEVELOPMENT

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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA
APRIL 18, 2011

TO: BOARD OF COUNTY COMMISSIONERS

THRU: AMY CANNON, DEPUTY COUNTY MANAGER

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

DATE: APRIL 6, 2011

**SUBJECT: PUBLIC HEARING – 2011 DRAFT COMMUNITY DEVELOPMENT
ANNUAL ACTION PLAN**

BACKGROUND

The Community Development 2011 Annual Action Plan must be submitted to HUD by May 15, 2011. The draft 2011 Annual Action Plan has been available for a 30-day citizen's review and comment period throughout Cumberland County since April 6, 2011. All comments received regarding the plan will be addressed by the Community Development Director within 15 days of receipt and then forwarded to HUD with the Action Plan.

As part of the citizen participation process, a public hearing must be held during the comment period. The draft plan is also available for review in the office of the Clerk to the Board of Commissioners.

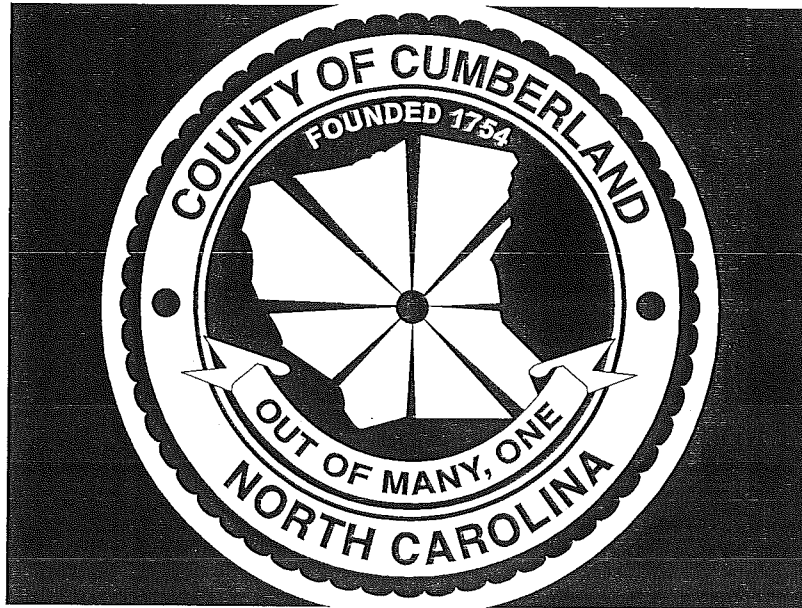
RECOMMENDATION AND PROPOSED ACTION

Community Development requests that the Board of County Commissioners hold a public hearing on the draft 2011 Annual Action Plan. No other action is necessary

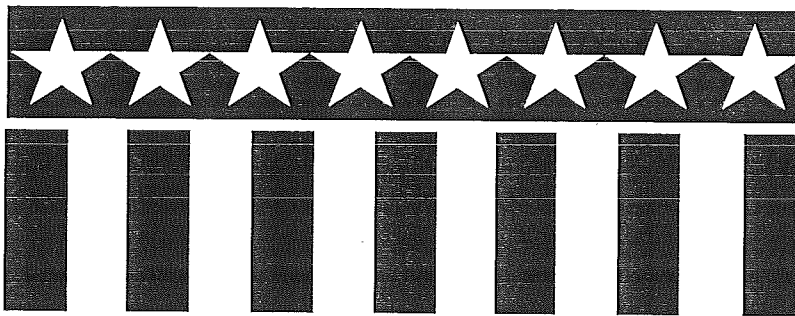
Attachment: Draft 2011 Annual Action Plan
Public Hearing Notice

Celebrating Our Past...Embracing Our Future

DRAFT



CUMBERLAND COUNTY



2011 ANNUAL ACTION PLAN

Prepared by: Cumberland County Community Development
Public Review Period: April 6, 2011 – May 5, 2011
(Public Hearing 4/18/2011)

CUMBERLAND COUNTY
2011-2012 ACTION PLAN BUDGET
 2011 PROGRAM YEAR (7/1/11 – 6/30/12)

<u>HOUSING ACTIVITIES</u>	<u>CDBG</u>	<u>HOME</u>
• Housing Rehabilitation	\$ 395,000	\$460,488
• Homebuyer Assistance Program		\$ 25,000
• Emergency Repair	\$30,000	
• CHDO Set-Aside		\$96,098
• Affordable Housing/New Construction		\$175,000
• Housing Project Delivery	\$273,542	
<u>CLEARANCE/DEMOLITION</u>		
• Fayetteville State University/Washington Drive School Project (demolition)	\$25,000	
<u>ECONOMIC DEVELOPMENT</u>		
• Economic Development Loans	\$ 100,000	
• Activity Delivery	\$ 13,617	
<u>PUBLIC SERVICES</u>		
• Agencies to be determined upon receipt of funding allocation	\$ 150,300	
• Activity Delivery	\$15,198	
ADMINISTRATION/PLANNING	\$ 348,971	\$ 71,250
TOTAL	\$1,351,628	\$827,836
<u>REVENUE SOURCES</u>		
GRANT FUNDS	\$1,103,317	\$512,518
PROGRAM INCOME	\$150,000	\$200,000
COUNTY MATCH REQUIREMENT/GENERAL FUND	\$98,311	\$115,318
TOTAL	\$1,351,628	\$827,836

COMPETITIVE GRANT FUNDS

PROJECT	TYPE FUNDS	GRANT TERM	GRANT AWARD Estimated Balance
Robin's Meadow Transitional Housing Program	SHP	1 YR 4/1/11-3/31/12	\$84,134

CUMBERLAND COUNTY COMMUNITY DEVELOPMENT 2011 ANNUAL ACTION PLAN

A. PURPOSE

Cumberland County Community Development's Annual Action Plan provides a narrative description of the projects and activities that are expected to be implemented and funded with entitlement funding that Cumberland County Community Development will receive from the United States Department of Housing and Urban Development for the 2011 Program Year. The projects described on the following pages will be provided by Community Development with Community Development Block Grant (CDBG), and Home Investment Partnership Act (HOME) entitlement funds.

The 2011 Annual Action Plan strives to reflect the County's continued efforts and commitment to address Affordable Housing issues, public facility and infrastructure improvements, and the provision of homeless services as a part of the Continuum of Care for the residents of Cumberland County. Additionally, Cumberland County will continue to undertake specific actions in order to address the National Objectives outlined by the U.S. Department of Housing and Urban Development by providing for increased activity involving resident initiatives, evaluation and reduction of lead-based paint hazards, increased employment opportunities, the further development of community based institutional facilities and the enhancement of coordination between public, private housing and human service agencies.

B. GEOGRAPHIC DISTRIBUTION

The towns of Eastover, Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman, and Wade have all elected to remain parties to Cumberland County's designation as an Urban County. All of the programs described on the following pages, with the exception of certain Public Service Program and Supportive Housing Program projects, will be accomplished in one of these municipal areas of the County or the unincorporated areas of the County.

C. SOURCES OF FUNDS

(**Please note that due to budget delays at the federal level, Cumberland County has not received notification of its funding allocation for the 2011 Program Year, as of the date of this publication. The figures listed below are an estimate based on funding guidance provided by the Department of Housing and Urban Development for planning purposes.)

FEDERAL SOURCES: The following information describes the sources and amounts that will be made available to Cumberland County for the implementation of 2011-2012 program goals and objectives:

Entitlement Grants

Source: Community Development Block Grant (CDBG) - Amount \$1,103,317

Source: Home Investment Partnership Act (HOME) - Amount \$512,518

Local Sources

Matching Requirements/General Fund - As a federal requirement, Cumberland County is to provide matching funds for the HOME entitlement program in the amount of **\$115,318**; general funds for support of the CDBG program - **\$98,311**.

Program Income

Cumberland County Community Development projects that it will receive program income from repayment of loans for the housing rehabilitation, homebuyer assistance, affordable housing and economic development programs:

- CDBG Entitlement Program: **\$150,000**
- HOME Entitlement Program: **\$200,000**

Community Development Block Grant, Home Investment Partnership Act [including American Dream Down payment Initiative (ADDI)] Funds, local sources match, and program income will be used to address priority needs identified in the Consolidated Plan by conducting the following eligible activities:

D. DESCRIPTION OF PROJECTS

1. HOUSING ACTIVITIES

- a. **Housing Rehabilitation Program - Priority Need: Affordable Housing; Housing Goals 1, 2, 3 and 4 - CDBG: \$698,542. National Objective: Low/Mod Housing, Eligibility Citation: 24 CFR Part 570.202; HOME: \$460,488. Eligibility Citation: 24 CFR Part 92.205(a)(1);**

1) Owner-Occupied Rehabilitation: This program will address housing repair needs of households whose annual income is at or below 80% of the median income for Cumberland County based on household size (\$52,500 for a family of four). Households in need of repairs to meet Minimum Housing Code Standards and general property improvements will receive a deferred payment loan, with household re-certification every five years. Housing rehabilitation repairs that do not exceed \$7,500 will be given in the form of a grant. Applications for this program are accepted on an on-going basis.

2) Rental Rehabilitation (Investor-Owner): Property owners with 10 or fewer units are able to access low-interest housing rehabilitation loans for rental property. The types of repairs to be addressed are those items that do not meet Minimum Housing Code Standards and general property improvements. Loan terms are as follows:

- 3% amortized loan for 15 years (standard rehabilitation, refinance/rehabilitation, or acquisition/rehabilitation)
- 5% amortized loan for 30 years (refinance/rehabilitation or acquisition/rehabilitation).

Property owners are required to lease to renters with incomes at or below 80% of the median income for Cumberland County. Applications for this program are accepted on an on-going basis.

3) Purchase/Rehab/Resale: This program establishes a mechanism that may be used to acquire properties for future development as affordable housing. The objectives of the program are to remove blighting conditions in low and moderate income neighborhoods, increase the county's stock of standard affordable housing units, increase the county's tax base, and create homeownership opportunities for first-time homebuyers. Properties will be acquired through donation, deed and tax sales, the foreclosure of government liens, and through private purchases. Community Development will acquire substandard single-family units, rehabilitate the units to meet Community Development Rehabilitation Standards, and then sell the units to income eligible first-time homebuyers. Community Development may also acquire vacant lots or substandard units not suitable for rehabilitation for demolition. This will allow the Department to take advantage of infill housing opportunities to further stabilize and strengthen our low and moderate-income neighborhoods through homeownership.

- b. **Homeownership Assistance Program. Priority Need: Affordable Housing; Housing Goal 2 – HOME: \$25,000. Eligibility Citation: 24 CFR Part 92.205(a) (1);**

1) Down Payment/Closing Costs Assistance (DAP). This program coordinates with local financial institutions in order to provide up to \$10,000 to first time homebuyers for down payment and/or closing costs. Applicants must meet income requirements (earning no more than 80% of the median income) as well as attend a class on homeownership. Applications for this program are accepted on an on-going basis.

2) Gap Financing (GAP). CCCD will continue to offer Gap financing assistance to very low and low-income residents seeking homeownership. The amount of assistance that can be provided will not exceed \$20,000 per applicant. Such assistance will be used as a subsidy to make up the difference between the market value of the property and the sales price that is affordable to the purchaser. Applications for this program are accepted on an on-going basis.

For any of the subsidies provided, CCCD will secure a first or second mortgage on the property with an interest free 15-year (for DAP) or 30-year (for GAP) forgivable deferred loan, forgiving an equal amount of the deferred portion on the 6th anniversary of the loan and on each anniversary thereafter throughout the remainder of the loan term. The deferred payment loan is attractive because it does not add to the monthly carrying costs while permitting repayment at a future date. This approach offers the benefit of significant leverage of private lender money while providing program income for CCCD when the promissory note is triggered to be repaid. Events that would trigger early repayment of the loan would be if the borrower(s) died, ceased to occupy the property as his/her primary residence, or sold or transferred title of the property to someone else. While CCCD would partner with anyone offering an affordable mortgage product, our primary focus would be to work with those lenders whose products are most affordable.

GENERAL PROGRAM GUIDELINES

Principal Residence: The property must be occupied by the homebuyer and retained as the principal residence by the owners for the full period of affordability, which is contingent upon the amount of per unit subsidy received and may be 5, 10, or 15 years (20 if new construction). The property owner agrees to allow Cumberland County Community Development to verify principle residence status annually. Homeowner agrees to provide Community Development with a written certification of residence status to become a permanent part of the applicant file. Subletting or renting is not permitted.

Refinance: During the period of affordability, a homebuyer will not be permitted to refinance the property without the approval of Cumberland County Community Development.

Recapture Provision: In accordance with the applicable homebuyer recapture/resale provision outlined in 24 CFR Part 92, Cumberland County has adopted the recapture provision for its HOME-assisted homeownership housing. The County requires the recapture of its HOME-funded homeownership housing assistance from net sales proceeds when the original homebuyer sells the property during the affordability period. Net proceeds are the funds remaining from the sale of the property by the original homebuyer less the repayment of the outstanding balance on any superior mortgage, sales commission, the original homebuyer's down payment and the cost of any property improvements made by the original homebuyer. To the extent that net proceeds are available at closing, all or a portion of the HOME funds are due and payable. In the event of foreclosure, the Lender may not require the Borrower to repay an amount greater than the net proceeds available after the foreclosure sale.

Recaptured HOME funds by Community Housing Development Organizations (CHDO), on behalf of Cumberland County, are not considered to be CHDO proceeds but shall be used by the CHDO's to provide affordable housing for Cumberland County. Not more than 10 percent of recaptured funds may be used for CHDO administration.

Recaptured HOME funds provided by an agency other than a CHDO, will be recaptured by Cumberland County to be used for eligible HOME activities in accordance with the requirements of the HOME statute and regulations, in the same manner as program income. Not more than 10 percent of the recaptured funds may be used by the County for administrative or planning costs.

All homeowner assistance involving HOME funds shall be provided as a deferred or amortized loan as evidenced by a note secured by a deed of trust on the property. The entire amount of the loan shall be due and payable, if the homebuyer does not continue to occupy the property as their principal residence for the duration of the period of affordability ("recapture provision"). During the period of affordability, the homebuyer shall not be permitted to refinance the property without the approval of the County.

The recapture provision shall be revoked, if an ownership interest is terminated during the period of affordability by foreclosure, transfer in lieu of foreclosure, or assignment of a FHA-insured mortgage to HUD. If the owner thereafter obtained a redemptive interest in the property, the original affordability period resumes and continues until its term expires. The amount due to Cumberland County may also be forgiven to the extent allowed in the HUD regulations.

The recapture provision will ensure that each housing unit will remain affordable for a period of time determined by the recapture schedule below, established in accordance with 24 CFR 92.254(a)(4):

<u>HOME Funds Provided</u>	<u>Period of Affordability</u>
Less than \$15,000	5 years
\$15,000 - \$40,000	10 years
More than \$40,000	15 years
New Construction	20 years

Homeownership Counseling: As a requirement of the CCCD First-time Homebuyers Program, applicants are required to successfully complete a First-time Homebuyers Class prior to being awarded community development funding. CCCD may contract with a local agency qualified to provide homeownership education classes. The following services would be included in the scope of services of the contract:

- Provide monthly homeownership education workshops
- Coordinate all preparation of the workshops, including advertising
- Conduct the workshop with certified housing counselors
- Provide evaluations of workshop effectiveness

Marketing: In keeping with special outreach activities outlined in CCCD's Affirmative Marketing Plan, certain marketing efforts (i.e. direct mailings, postings on community bulletins, PSA's, coordination with the Fayetteville Area Metropolitan Housing Authority and the Fayetteville Apartment Association, etc.) will be undertaken to ensure that residents and tenants of public and manufactured housing, and other families assisted by public housing agencies, are aware of the CCCD's housing assistance programs.

c. Community Housing Development Organization (CHDO) Set-Aside. Priority Need: Affordable Housing; Housing Goal 2 - HOME: \$96,098 Eligibility Citation: 24 CFR Part 92.300

Federal regulations require that 15% of the HOME entitlement funds be set-aside for affordable housing development by CHDOs. In order to be designated a CHDO, a non-profit organization must meet the qualifying criteria as established by HUD. CCCD continues to meet and seek qualified organizations to identify possible CHDOs.

d. Affordable Housing/New Construction. Priority Need: Affordable Housing; Housing Goal 3 - HOME: \$175,000 Eligibility Citation: 24 CFR Part 92.205(a)(1)

This program provides funds to local housing developers to assist with acquisition, rehabilitation and/or construction costs of affordable housing development for low/moderate income residents. A solicitation for requests for proposal was held in February 2011; however, projects will not be selected for potential funding until federal allocation awards have been received.

- e. **Housing Project Delivery Costs** – CCCD staff and overhead costs directly related to carrying out housing projects, such as work specifications preparation, loan processing, inspections, and other services related to assisting potential owners, tenants, and homebuyers. Staff and overhead costs directly related to providing advisory and other relocation services to persons displaced by the project, including timely written notices to occupants, referrals to comparable and suitable replacement property, property inspections, counseling and other assistance necessary to minimize hardship.

HOUSING ACTIVITIES OUTCOMES

Housing Needs - Objective: Decent housing Priority Need: Affordable Housing	
Goal 1: Increase the availability and accessibility of decent, safe, and affordable housing in Cumberland County.	Objective 1: To rehabilitate 25 owner-occupied units and 5 rental units from 2011 to 2012.
Goal 2: Increase the availability and accessibility of decent, safe, and affordable housing in Cumberland County.	Objective 2: Provide assistance to 5 low/moderate income citizens to become first-time home buyers from 2011 to 2012.
Goal 3: A County in which all rental housing is affordable and in standard condition.	Objective 3: Provide 25 additional standard rental units that are affordable to very low-and-income residents from 2011-2012.
Goal 4: Alleviate lead-based paint hazards in Cumberland County's housing inventory.	Objective 4: Make available educational literature to at least 100 households that may be potentially affected by lead-based paint from 2011-2012.
Goal 5: To eliminate housing discrimination in Cumberland County. (*see Fair Housing Action Plan below)	Objective 5: Increase awareness of fair housing law for 5 providers serving minorities and special populations groups from 2011-2012.

***FAIR HOUSING ACTION PLAN: 2011-2012**

In our commitment to affirmatively further fair housing, Cumberland County Community Development will implement the following actions to address the identified impediments to fair housing choice during the **2011 – 2012** program year.

➤ **Impediment 1: Lack of awareness of fair housing laws.**

Goal 1: To eliminate housing discrimination in Cumberland County (*same as Housing Goal 5 above*).

Objective 1: Increase awareness of fair housing law for **5** housing and service providers serving minorities and special populations groups from 2011-2012. Develop partnerships with **2** local housing service providers to further fair housing awareness.

Strategy 1.1: Partner with the Fayetteville Metropolitan Housing Authority to provide quarterly fair housing education classes to residence transitioning to home ownership or other housing opportunity.

Strategy 1.2: Partner with the Cumberland County Mental Health Departments Housing Division to connect persons with specific disabilities acquire to housing. Persons with mental disabilities that contact the Fayetteville-Cumberland Human Relations Department seeking housing assistance will be connected with the housing specialist of the Mental Health Department to obtain housing that is decent, safe and secure.

Strategy 1.3: Conduct **1** symposium on Fair Housing and Equal Opportunity during April's Fair Housing Month. Invite HOME Funds Recipients that require annual fair housing training.

Strategy 1.4: Conduct an end of program year (fourth quarter) fair housing awareness survey to gauge effectiveness of outreach efforts.

Strategy 1.5: Use of Cumberland County's social media outlets (i.e. Facebook, Twitter, etc.) to announce fair housing related activities and public events.

2. CLEARANCE ACTIVITIES

Clearance Activities/Demolition: Community Development/Economic Development Goal 1, Objective 2, Strategy 1 - CDBG: \$25,000. National Objective: Low/Mod Income Area Benefit; Eligibility Citation: 24 CFR Part 570.201(d).

The County will provide funds to assist Fayetteville State University in the demolition of the old Washington Drive School for redevelopment purposes during the 2011-2012 program year.

3. ECONOMIC DEVELOPMENT

Business Loan Program: Community Development/Economic Development Goal 1 - CDBG: \$113,617; National Objective: Low/Mod Jobs; Eligibility Citation: 24 CFR Part 570.201(o).

Low interest business loans are offered to for-profit business that will create viable/permanent job opportunities for low to moderate-income residents. Loans are available for property acquisition, site improvements, capital equipment, machinery, and/or inventory and working capital. Loan interest rates are at 5% for a maximum term of 15 years.

Economic Development Project Delivery Costs – CCCD staff costs directly related to carrying out economic development projects, such as application intake, eligibility review; loan processing, and other technical assistance necessary to ensure program compliance.

ECONOMIC DEVELOPMENT OUTCOMES

Non-Housing Community Development Needs - Objective: Economic opportunities	
Priority Need: Employment Services / Job Training	
Goal 1: Improve self-sufficiency for Cumberland County residents by increasing the number of new private sector full time permanent jobs, available to, or taken by, low and moderate income persons.	Objective 1: Creation of 5 new full-time permanent jobs for low/moderate residents of Cumberland County from 2011-2012.

4. PUBLIC SERVICES

Public Services Program: Community Development/Public Services Goal 1 - CDBG: \$165,498. National Objective: Low/Mod Limited Clientele; Eligibility Citation: 24 CFR Part 570.201(e).

All projects funded will be selected based on identified needs in the community. Final determination of funding amounts will be based on receipt of final funding allocations from the Department of Housing and Urban Development. The following agencies were conditionally selected for funding:

Agency

- Better Health of Cumberland County
- Cumberland County Drug Court
- Myrover Reese Fellowship Home

Service Provided

health care assistance
counseling, housing and other support services for low/mod offenders with substance abuse issues
literacy and life skills services for homeless individuals recovering from substance abuse

Public Services Project Delivery Costs – CCCD staff costs directly related to carrying out public services projects, such as eligibility review and processing of pay requests, and other technical assistance necessary to ensure program compliance.

PUBLIC SERVICES OUTCOMES

Non-Housing Community Development Needs – Objective: Suitable living environments Priority Need: Human Services (specifically health care and homeless services)	
Goal 1: Maximize use, coordination, and delivery of human services.	Objective 1: Work with human services agencies to maximize use, coordination and delivery of human services for 1000 residents, with a priority given to agencies providing health care services and services to the homeless from 2011-2012.

5. **GENERAL ADMINISTRATION/PLANNING**

GENERAL ADMINISTRATION: CDBG: \$348,971, Eligibility Citation: 24 CFR Part 570.206;
HOME: \$71,250, Eligibility Citation: 24 CFR Part 92.207.

Funds have been allocated under this activity for costs related to the administration and execution of Community Development projects under each of the entitlement programs for the 2011-2012 program year. Eligible administrative costs may include, but not be limited to:

- a. General management, oversight, and coordination;
- b. Salaries, wages, and related costs of the participating jurisdiction's staff;
- c. Fair Housing activities;
- d. 10 Year Plan to End Homelessness activities;
- e. Monitoring progress and compliance with program requirements;
- f. Preparing reports and other documents related to the program for submission to HUD;
- g. Evaluating program results against stated objectives;
- h. Travel costs incurred for official business in carrying out the program;
- i. Administrative services performed under third party contracts or agreements;
- j. Capacity building and training for staff and non-profits; and
- k. Activities to affirmatively further fair housing.

6. **COMPETITIVE GRANTS**

Source: Supportive Housing Program (SHP) Amount \$84,134

The Supportive Housing Program grant funds will be used specifically to continue the implementation of several projects as a part of the Continuum of Care process for Cumberland County. Those projects include the operation of the following projects:

Project	Project Sponsor	Activity
ROBIN'S MEADOW*	Cumberland County Community Development	12 unit transitional housing with supportive services for homeless families
AMOUNT AWARDED: \$84,134		

*Grant Start-up: 1/99. Project renewed for additional 1 year period effective 4/1/11.

E. **NEEDS OF PUBLIC HOUSING**

Based on consultation with the Fayetteville Metropolitan Housing Authority (FMHA) during the consolidated planning process, all of the public housing developments are located outside of Cumberland County's geographic area. The only public housing properties located within our jurisdiction are scattered site single-family housing units used as a part of FMHA's Section 8 Program. The FMHA is not designated as "troubled." During the 2011 Program Year, CCCD plans to expand its marketing and outreach efforts to include coordination with the FMHA to make presentations to public housing/Section 8 program residents, specifically related to the Homebuyer Assistance Program.

F. **ANTI-POVERTY STRATEGY**

Throughout the development of the plan, the coordination of programs and services to assist the poorest members of our community was always a part of the development process. The long-term solution to poverty is a complex one and requires us to wrestle with social and economic issues that have persisted for decades. There is a need to alleviate the problem of excessive rent burdens for the poor by providing an increased number of available, decent, safe, and

affordable housing units. Job training must be provided for skills improvement, social services with a caring heart, better education, and comprehensive health care for the indigent and more economic opportunities for people who live in Cumberland County. All of these must be components of comprehensive community planning and economic development.

The County's 2011-2012 Annual Action Plan addresses poverty issues throughout all sections of the plan. The Goals, Objectives, and Strategies in the plan were developed based on the results of citizen and agency surveys as well as consultations with local health, social service, and public housing agencies. Concerns of the poorest members of our community were considered throughout the development of the plan and are an integral part of the plan itself. Refer to Section B above for relevant goals, objectives, and strategies.

G. LEAD-BASED PAINT HAZARDS

Based on the 2000 Census, there are 118,425 housing units in Cumberland County. Approximately 55% of the County's housing stock was built prior to 1979. Lead paint is typically found in homes that were constructed prior to 1978. Lead-based paint is an environmental concern particularly in households with children seven years of age and younger. All Community Development housing rehabilitation staff has been trained in lead-based paint safe work practices and interim controls. Cumberland County Community Development will undertake the following strategies to educate and abate lead-based paint hazards:

- Develop and run periodic public service announcements to make households with children under seven aware that they may qualify for funding to assist with lead-based paint abatement;
- Promote National Lead Poisoning Prevention Week in October of each year through PSA's and a proclamation approved by the Cumberland County Board of Commissioners to increase education and awareness on lead hazards;
- Ensure that all households applying for funds from CCCD's Housing Rehabilitation, Emergency Repair, or First-Time Home Buyer's Programs are given brochures on the hazards of lead-based paint; and
- Conduct workshops for new contractors so that they are trained to perform lead hazard control work as required by the Lead Safe Housing Rules.

H. OTHER ACTIONS

The following additional actions are projected to be undertaken by Cumberland County Community Development during the 2011-2012 Program year:

1. Development of Institutional Structure

- There is still an under supply of seasoned non-profit housing development organizations in Cumberland County that have hands-on experience in real estate development. A small number of private for profit developers are active in the local low-income housing tax credit market. In order, however, for Cumberland County to make advances in affordable housing, it must nurture the growth and development of non-profit developers that can access the full range of State, Federal and other subsidies needed to finance affordable housing. Non-profit organizations must develop the necessary background and experience in real estate development and affordable housing finance in order to serve the housing needs of Cumberland County over the long term.
- Cumberland County Community Development will continue to provide technical assistance to non-profit agencies through staff and the use of technical assistance funding provided by HUD.

2. Foster and Maintain Affordable Housing

- Offer affordable mortgage products through the Down payment Assistance Program (DAP) and the Gap Assistance Program (GAP).

- Partner with local lenders and the U.S. Department of Agriculture Rural Development to maximize the use of HOME funds for the Homebuyer Assistance Program.
- Acquire and renovate substandard single family units that will ultimately be sold to low to moderate income homebuyers through the Department's Buy Rehab Resale Program.
- Acquire vacant lots or substandard units not suitable for rehabilitation for demolition in order to eliminate blighting conditions in neighborhoods as well as provide additional affordable housing through the construction of housing for low to moderate income homebuyers or renters.
- To preserve affordable rental housing, offer low interest loans for rehabilitation of rental property through the Rental Rehabilitation Program.
- Seek eligible organizations for designation as Community Housing Development Organizations (CHDOs) to increase the production and supply of affordable housing.
- Low interest loans for non-profit and for-profit developers to build affordable rental and homeownership units.

3. Remove Barriers to Affordable Housing

- Interagency partnership to provide homebuyer counseling will provide increased knowledge and resources for low to moderate-income citizens seeking to purchase a home.
- Continue participation in the 10 Year planning efforts to end homeless by serving as one of the lead agencies in the community-driven process.
- Unemployment in Cumberland County is on the rise and for those who are employed, many households in the community work for low wages, which limits their housing choices and their ability to maintain their housing. Community Development will provide economic development funds, specifically geared toward job creation, to help attract higher paying industry to Cumberland County. We will continue to work with local companies as well as County Management and the other area economic development agencies in developing incentive packages to attract business to the area.
- Lack of adequate infrastructure greatly impacts the type and location of development in Cumberland County. With the use of CDBG funds, Community Development will work with the County Public Utilities Department to identify low- and moderate-income areas that may be assisted with installation of water and sewer facilities.
- Lack of awareness of fair housing laws has been identified as an impediment to fair housing choice in the 2010 Analysis of Impediments. Cumberland County Community Development will use the following strategies to affirmatively further fair housing choice:
 - Partner with the Fayetteville Metropolitan Housing Authority to provide quarterly fair housing education classes to residence transitioning to home ownership or other housing opportunity.
 - Partner with the Cumberland County Mental Health Departments Housing Division to connect persons with specific disabilities acquire to housing. Persons with mental disabilities that contact the Fayetteville-Cumberland Human Relations Department seeking housing assistance will be connected with the housing specialist of the Mental Health Department to obtain housing that is decent, safe and secure.
 - Conduct 1 symposium on Fair Housing and Equal Opportunity during April's Fair Housing Month. Invite HOME Funds Recipients that require annual fair housing training.
 - Conduct an end of program year (fourth quarter) fair housing awareness survey to gauge effectiveness of outreach efforts.
 - Use of Cumberland County's social media outlets (i.e. Facebook, Twitter, etc.) to announce fair housing related activities and public events.

I. SECTION 3 REQUIREMENTS

Cumberland County Community Development is required to comply with the Section 3 provision of the Housing and Urban Development Act of 1968. Section 3 requires that, to the greatest extent feasible, training and employment opportunities arising out of a project assisted under a program providing direct federal financial assistance from the US Department of Housing and Urban Development (HUD) be given to low and very low income residents of the service area and, where appropriate, contracts for work in connection with the project be awarded to business concerns (firm) which are located in or owned in substantial part by persons residing in the area of the project.

While CCCD adheres to Section 3 requirements, a Section 3 Policy and Procedures Guide will be approved by the Cumberland County Board of Commissioners prior to June 30, 2011 as further program implementation guidance for staff and the citizens of our community.

J. MONITORING

Cumberland County will continue to improve its established monitoring system of CDBG, HOME, and SHP housing and community development activities to ensure both short-term and long-term contract and regulatory compliance. Monitoring is the responsibility of the Cumberland County Community Development Department.

1. Subrecipient Projects:

Monitoring of sub-recipient projects has five major components:

- a. Grant Applications: Requests for funding application is made on a standard form and is carefully reviewed and evaluated. Points are given for each of 19 criteria covering community need, program effectiveness, financial record, and capacity. Recommendations for funding are based on evaluation of the above criteria.
- b. Contractual Agreements: Cumberland County Community Development enters into a two-part contractual grant agreement with each sub-recipient. Part I of the agreement describes the tasks to be performed with the grant funds, the results to be achieved, and other conditions specific to the project. Part II lists all Federal standards with which the agency must comply. Each funded activity is assigned to the Compliance Officer. The Compliance Officer conducts pre-monitoring, desk monitoring, and on-site monitoring visits at least once a year to review for contractual and regulatory compliance.
- c. Monitoring Records: For each sub-recipient, the staff maintain monitoring records that include the following:
 - 1) Basic information.
 - 2) Monitoring Plan - A risk assessment is carried out to determine the appropriate frequency of on-site visits, and the areas to be reviewed, including some or all of: financial management, client eligibility, program effectiveness, property, procurement, program income, fair housing and equal opportunity.
 - 3) Sub-recipient training and technical assistance provided.
 - 4) Review of the agency's CPA audit (if required).
 - 5) Quarterly financial reports and monthly draw requests from the sub-recipient.
 - 6) Quarterly programmatic reports.
 - 7) On-site monitoring reports.
 - 8) Correspondence and notes of significant telephone conversations.
2. On-Site Visits: Staff performs on-site monitoring reviews at least annually, depending on the assessment of risks for non-compliance. Program operations are observed, sub-recipient staff interviewed, client eligibility confirmed, and financial and programmatic reports verified from original documentation.

3. Long-Term Compliance: Activities involving real property acquisition or improvement require long-term compliance with the original purpose of the federal assistance. Cumberland County Community Development maintains a CDBG Real Property Inventory that is updated annually, and confirms that such property is still being used for the intended purpose. Cumberland County Community Development also carries out an annual review of HOME-assisted rental units, to ensure compliance with Housing Quality Standards, tenant eligibility, and rent ceilings.

The CCCD staff has developed detailed written guidelines for monitoring sub-recipients to ensure more uniform and comprehensive reviews. CCCD monitors the federally funded projects that are implemented by the department through a simple project tracking and management reporting system. This process includes monthly management reports, frequent inter-departmental reports and meetings, and financial reports. Project expenditures are compared with budgets on a monthly basis.

CCCD relies heavily on standard operating procedures that have been designed to be in compliance with federal standards, for example, its purchasing policy. HUD monitoring and CCCD's Single Audit provide annual independent checks on compliance by both CCCD and sub-recipients.

SPECIAL MONITORING FOR PARTICULAR ACTIVITIES

Rehabilitation 24 CFR 570.202 (Eligible Activities)

Review of File Records and Progress

Regulatory Compliance

- Location (census tract, redevelopment area)
- Type of housing (SF/MF), commercial
- Number of units per structure
- Historic preservation
- Lead-based paint (inspection/remediation)
- Household income (L/M benefit)
- Procurement and Bonding
- Labor Standards Review
- Relocation and Real Property Acquisition
- Environmental Review (date/findings)
- Project in Special Flood Hazard Area
- Section 504/ADA compliance

Comparison of Performance Records with Agreement/Application

- Scope of Work (work write-up, plans and specs, and original cost estimate)
- Contract award date, date work began
- Date final inspection; completion notice
- Number of dwelling units completed, comparison with Application/Agreement
- Actual delivery schedule v. Application and Agreement

In-House Cost and Productivity Review

- Method used to assure reasonable costs
- Direct construction costs (per unit)
- Indirect/administrative costs; comparison with cost allocation plan; percent of total
- Costs within 10% of in-house estimate
- Cost per unit v/ Budget

Community Housing Development Organizations 24 CFR Part 92 Subpart G

- .300 Set-Aside for Community Housing Development Organizations
- .301 Project-Specific Assistance to Community Housing Development Organizations
- .302 Housing Education and Organizational Support
- .303 Tenant Participation Plan

Community Housing Development Organization (CHDO) Monitoring Activities

All CHDOs will be monitored annually for recertification purposes using the following criteria:

- **Non-profit Status** – The CHDO must maintain its status as a non-profit corporation with a 501(c)(3) or 501(c)(4) IRS tax-exempt ruling.
- **Affordable Housing Commitment** – The CHDO must have a stated commitment to the development or affordable housing in the community it serves. The commitment must continue to be in at least one of the following: a) articles of incorporation, b) by-laws of the organization, c) board resolution, or d) charter.
- **Not Controlled by Public or For-profit** – The CHDO must continue to be free of external controls, either from public or for-profit interests.
- **Capacity** – The CHDO must have its own staff and must be capable of engaging in the housing development activity it intends to pursue. The CHDO must currently have adequate capacity or must have demonstrated capacity building activities.
- **Board Composition** – The CHDO's board structure must continue to reflect the community that it intends to serve and otherwise meet the regulatory requirements of the HOME program.

ON-SITE REVIEWS

Staff will perform on-site monitoring reviews at least annually, depending on the risk assessment for non-compliance. Program operations are observed, CHDO staff interviewed, client eligibility confirmed, and financial and programmatic reports verified from original documentation.

MONITORING CHDO PROJECTS

Eligible CHDO activities include: acquisition and/or rehabilitation of rental housing; new construction of rental housing; acquisition and/or rehabilitation of homebuyer property; new construction of homebuyer property; provide direct homebuyers assistance.

Monitoring activities will be conducted in accordance with Special Monitoring for Particular Activities as outlined in Item G, *Monitoring*, of the Annual Action Plan. Monitoring activities specified for rehabilitation and rental housing projects will be followed. Staff will also ensure that the Uniform Relocation Act and 49 CFR Part 24 are adhered to for acquisition projects.

**Staff will use the handbook Monitoring HOME Program Performance (HUD-2030-CPD, October 2000) as its primary guide and resource in conducting monitoring for CHDOs and all HOME program projects.

Rental Housing Monitoring Process

Project Eligibility Determination

HOME program staff should determine whether a project is eligible for HOME funding:

- Property type eligibility
- HOME subsidy limits,
- Environmental review, and
- Site and Neighborhood standards (if applicable)

Project Tracking

HOME program staff should track progress through all stages of a project's development. When a project is in the construction phase, monitoring staff should be reviewing all documents to check the following:

- Subcontractor management and review; and
- Labor standards, Davis-Bacon (if applicable)
- Section 3 (if applicable)
- Compliance with contract deadlines;
- Comparison of payment requests with eligible costs
- Completed items on work item lists or an addendum/change order.

All work should be inspected before a payment is processed. If a project appears to be experiencing difficulties, monitoring staff should perform an on-site visit.

Project Completion Review

When a project is complete, monitoring staff should make an on-site visit to monitor compliance with the following requirements:

- Property standards,
- Only eligible costs have been reimbursed,
- Construction management records,
- Lien waivers from both general contractor and all subcontractors,
- Proper data is collected to prepare women business enterprise and minority business enterprise (WBE/MBE) reports, and
- If match is being provided, the monitor should check that all proper documents have been submitted for review and calculation.

Initial Rent and Occupancy Review

Before a project reaches stabilized occupancy (95 percent or more), monitoring staff must review the Project Compliance Report and conduct an on-site visit to confirm that rent and occupancy standards have been met.

Ongoing Monitoring

Monitoring staff must review annual Project Compliance Reports and perform regular on-site visits throughout the affordability period to ensure continued compliance with:

- Rent and occupancy requirements;
- Property standards;
- Other Federal requirements (fair housing, lead-based paint, affirmative marketing, etc.).

Grantee:	Cumberland County	Period:	PY 2011
Subject:	CDBG, HOME & SHP Subrecipients	Contact:	Sonya Green/Delores Taylor

Primary: To ensure that subrecipients are:

- 1) **complying with all applicable Federal requirements under the above named programs and local regulations, when applicable.**
- 2) complying with administrative and financial management standards.
- 3) performing and delivering services in a timely manner.

Secondary: To identify any potential areas of non-compliance and offer technical assistance to the subrecipient to ensure the continued success of both the subrecipient and Cumberland County.

Step #1	In-house reviews (desk audits) of subrecipient materials & regulations review
Step #2	Pre-monitoring visits with subrecipients
Step #3	<p>Conduct visit as follows:</p> <ol style="list-style-type: none"> Notify of date, scope, focus of review Hold entrance conference with chief official Document, gather & analyze Hold exit conference to report results, hear reaction & form conclusions
Step #4	Follow-up with letter that both praises & raises finding/concerns

Factors:

- a) New subrecipients and/or new programs
- b) Subrecipients receiving multiple Federal funding and carrying out multiple activities
- c) Subrecipients carrying out high risk activities (housing development, leasing, homeless activities, economic development)
- d) Subrecipients with previous compliance or performance problems
- e) Subrecipients that have experienced turnover in key personnel/personnel new to federal funding

Ranking: Ranking is applied based on the above criteria. A maximum of 5 points is given for each factor considered (5 being considered the lowest risk). Subrecipients may receive a maximum score of 25 (highest risk).

For the PY 2011, the risk assessment is as follows:

Agency	Score	Risk Level	Main Factors Considered
RHA Health Services, Inc. (Transitional Housing)	20	High	a,b,c,e
Affordable Housing Program (New Recipient(s) TBD)	20	High	a,b,c,e
United Management - Blanton Green, Crosswinds Green, Golfview, Haymount Manor, Legion Crossings, Legion Manor, Spring Lake Green, Alfred Street, Curtis Lane, Southview Green, Southview Villas, Southview Villas II	17	High	a,b,c
Kingdom Community Development (Balsawood)	17	High	a,b,c
Public Services/Public Facilities (New Recipient(s) TBD)	17	High	a, b,c,e
Bragg Hospitality, LLC (Candlewood Suites / IHOP)	16	High	a,b,c
Fayetteville Metropolitan Housing Authority	15	Moderate	a,b,c
Terry Spell Realty - Pine Ridge Manor	12	Moderate	c,e
A Taste of Europe	12	Moderate	c,d
Blue Sky Grading	8	Low	c,d
Happy Hound	7	Low	c
Public Services (Returning Recipients)	-	-	-

SCHEDULE

Pre-monitoring: A pre-monitoring visit will be scheduled with each subrecipient receiving funds for PY2011. These visits will be conducted at the beginning of the program year.

Desk Monitoring: Desk monitoring will be conducted throughout the program year on all subrecipients.

Program/Financial Monitoring	Agency
July 2011 – September 2011	<ul style="list-style-type: none"> Program/Financial Management (Desk) Reviews for All Subgrantees
October 2011 – December 2011	<ul style="list-style-type: none"> RHA Health Services, Inc. United Management New Affordable Housing Program(s) New Public Services/Public Facilities Program(s)
January 2012 – June 2012	<ul style="list-style-type: none"> Kingdom Community Development Corp. (Balsawood) Bragg Hospitality, LLC (IHOP/Candlewood Suites) Fayetteville Metropolitan Housing Authority Terry Spell Realty/Excel Property Management, Inc. A Taste of Europe Blue Sky Grading Happy Hound Public Services (Returning Recipient)

Monitoring plan is subject to change if certain issues should arise during the program year.

For more information on the Annual Action Plan, contact:

Cumberland County Community Development
P.O. Drawer 1829, 245 Person Street
Fayetteville, NC 28302
Telephone: (910) 323-6112 Facsimile: (910) 323-6114

Public Notice

Topic: CCCD Annual Action Plan Public Review & Comment Period

PUBLIC HEARING NOTICE

**CUMBERLAND COUNTY
COMMUNITY
DEVELOPMENT**

**2011 ANNUAL ACTION
PLAN PUBLIC REVIEW &
COMMENT PERIOD**

In continuing our efforts to enhance citizen participation among County residents, Cumberland County Community Development has made available for your review and comment a draft of the 2011 Annual Action Plan which may be viewed from April 6 – May 5, 2011.

The 2011 Annual Action Plan, which has to be submitted to the United States Department of Housing and Urban Development (HUD), describes the specific projects that will be undertaken in the 2011 Program Year (July 1, 2011 – June 30, 2012).

A draft of the 2011 Annual Action Plan will be placed at the following locations for review from April 6, 2011 through May 5, 2011:

Cumberland County
Community Development
245 Person Street
(2nd Floor)
Fayetteville

East Regional Branch Library
4809 Clinton Road,
Fayetteville

Falcon Town Hall
7156 Southwest Street,
Falcon

Godwin Town Hall
4924 Markham Street,
Godwin

Hope Mills Branch Library
3411 Golfview Road,
Hope Mills

Linden Town Hall
9456 Academy Street,
Linden

North Regional Branch
Library
855 McArthur Road,
Fayetteville

Spring Lake Branch Library
101 Laketree Blvd.,
Spring Lake

Stedman Town Hall
5110 Front Street,
Stedman

Wade Town Hall
7128 Main Street,
Hwy 301 N.,
Wade

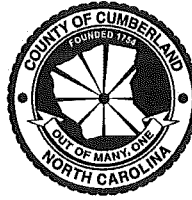
PUBLIC HEARING

All citizens of Cumberland County are invited to attend a public hearing that will be held on April 18, 2011 in the Commissioners' Meeting Room, at the New County Courthouse, 117 Dick Street. The hearing will start at 6:45 p.m.

If you have questions or comments concerning the 2011 Annual Action Plan or the public hearing, call (910) 323-6112, or visit the Cumberland County Community Development office located at 245 Person Street, 2nd Floor, Fayetteville, North Carolina 28301. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday.

JAMES E. MARTIN
County Manager

AMY H. CANNON
Deputy County Manager



ITEM NO. 4

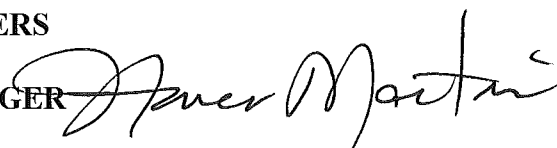
JAMES E. LAWSON
Assistant County Manager

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 APRIL 18, 2011

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: APRIL 12, 2011

SUBJECT: CONSIDERATION OF THE 2011-2012 CUMBERLAND COUNTY STRATEGIC PLAN

BACKGROUND

The Board of Commissioners along with county management and department heads started a strategic planning initiative in January. Mr. Ed Emory, Dr. Stan Dixon and Dr. Wanda Sykes, who are all retired from Cooperative Extension and now run their own consulting company, facilitated the strategic planning at no cost to the county, thanks to the Cooperative Extension and N.C. State University.

Commissioners, county administration and department heads met on January 14 for a training session that provided an overview of the strategic planning process, as well as some team-building exercises. On January 27, the Board of Commissioners met for a day-long session to review the county mission and vision statements and develop a set of core values and establish county goals.

On February 8, the Commissioners, management and department heads met for a day-long session with Dixon and Sykes to develop objectives and action steps for the five goals. The department heads were asked to go back to their departments and develop action plans based on the county's goals and to submit them to the strategic planning writing team. In early March, the writing team consolidated the information into a draft plan, which was reviewed by County management and Department Heads before being presented to the Commissioners for review during a special meeting on March 21.

The attached Strategic Plan outlines the county's Mission, Vision, Core Values, Goals and Objectives. It will be available to the public on the county's web site.

RECOMMENDATION/PROPOSED ACTION

Approve the 2011-2012 Strategic Plan.

/ss
CM041211-3

Celebrating Our Past...Embracing Our Future

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

Mission statement: To provide quality services to our citizens while being fiscally responsible.

Vision statement: To grow as a regional destination for employment, economic development, commerce and cultural pursuits.

Core values: Serving Cumberland County citizens with PRIDE:

Professionalism

Respect

Integrity with accountability

Diversity

Excellent Customer Service

Recognizing that all people are different, we treat everyone with dignity and serve our diverse population with professionalism, respect, integrity, diversity and excellent customer service (PRIDE).

Goals and Objectives

GOAL 1: Ensure a safe and healthy community by providing needed services to our citizens in a timely manner.

Objective 1: *Assist with reducing youth crimes and gang involvement by providing youth development program opportunities.*

Objective 2: *Assist with efforts to reduce crime by repeat offenders.*

Objective 3: *Improve emergency response services to citizens.*

Objective 4: *Promote a healthy community by providing educational, health and human services programs and resources to citizens.*

Objective 5: *Strengthen the County's green and energy-efficiency initiatives.*

GOAL 2: Provide adequate infrastructure consistent with orderly growth of a dynamic county.

Objective 1: *Explore strategies to address the County's need for more office space, and ensure facilities are well-maintained.*

Objective 2: *Improve transportation services in rural areas and promote expansion of van, rail and air systems.*

Objective 3: *Increase gateway and other beautification efforts to create a more aesthetically appealing community.*

Objective 4: *Continue efforts to provide safe water to all citizens.*

GOAL 3: Promote economic development by creating and retaining jobs, and providing career opportunities, quality education, cultural and recreational services.

Objective 1: *Ensure effective economic development incentives and practices are in place to attract and retain business and industry.*

Objective 2: *Promote economic development through the preservation of natural resources, farmland and the county's agricultural industry.*

Objective 3: *Provide quality cultural and recreational services.*

GOAL 4: Educate, inform and engage employees, citizens, elected and appointed officials through effective and efficient communications.

Objective 1: *Increase citizen engagement as evidenced by increased applications for county boards and committees and attendance at public forums and meetings.*

Objective 2: *Enhance communications systems and transparency so citizens can readily access information.*

Objective 3: *Improve internal communications.*

Objective 4: *Develop and promote the County's strategic plan to employees and the public.*

Objective 5: *Enhance collaboration between county government and other boards, committees and commissions.*

GOAL 5: Employ motivated, professional and well-trained personnel who offer excellent customer service with PRIDE – Professionalism, Respect, Integrity with accountability, Diversity and Excellent Customer Service.

Objective 1: *Optimize service delivery through innovation, automation and technology to enhance current services and create new service opportunities. .*

Objective 2: *Encourage citizen engagement and provide feedback opportunities through various outlets as it relates to service delivery.*

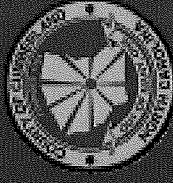
Objective 3 – *Implement staff development and training program that includes classroom and online delivery methods.*

Objective 4: *Recognize employees for their achievements*

Objective 5: *Explore competitive pay based on labor market analysis and update classification system.*

CUMBERLAND

County



2011-2012 *Strategic Plan*

April 18, 2011



CUMBERLAND

County

Mission Statement

To provide quality services to our
citizens while being fiscally
responsible.



Vision Statement

To grow as a regional destination for
employment, economic
development, commerce and
cultural pursuits.



CUMBERLAND

Core Values

Serving Cumberland County Citizens with PRIDE!

Professionalism

Respect

Integrity with accountability

Diversity

Excellent Customer Service

Recognizing that all people are different, we treat everyone with dignity and serve our diverse population with professionalism, respect, integrity, diversity and excellent customer service (PRIDE).



Goals

- ✓ Ensure a safe and healthy community by providing needed services to our citizens in a timely manner.
- ✓ Provide adequate infrastructure consistent with orderly growth of a dynamic county.
- ✓ Promote economic development by creating and retaining jobs, and providing career opportunities, quality education, cultural and recreational services.



CUMBERLAND

Goals

- ✓ Educate, inform and engage employees, citizens, elected and appointed officials through effective and efficient communications.
- ✓ Employ motivated, professional and well-trained personnel who offer excellent customer service with PRIDE – Professionalism, Respect, Integrity with accountability, Diversity and Excellent Customer Service.



CUMBERLAND

Ensure a safe and healthy community by providing needed services to our citizens in a timely manner.

Objectives:

- *Assist with reducing youth crimes and gang involvement by providing youth development program opportunities.*
- *Assist with efforts to reduce crime by repeat offenders.*
- *Improve emergency response services to citizens.*
- *Promote a healthy community by providing educational, health and human services programs and resources to citizens.*
- *Strengthen the County's green and energy-efficiency initiatives.*



CUMBERLAND

Provide adequate infrastructure consistent
orderly growth of a dynamic county.

Objectives:

- *Explore strategies to address the County's need for more office space, and ensure facilities are well-maintained.*
- *Increase gateway and other beautification efforts to create a more aesthetically appealing community.*
- *Improve transportation services in rural areas and promote expansion of van, rail and air systems.*
- *Continue efforts to provide safe water to all citizens.*



CUMBERLAND

Promote economic development by creating and retaining jobs, and providing career opportunities, quality education, cultural and recreational services.

Objectives:

- *Ensure effective economic development incentives and practices are in place to attract and retain business and industry.*
- *Promote economic development through the preservation of natural resources, farmland and the county's agricultural industry.*
- *Provide quality cultural and recreational services.*



CUMBERLAND

Educate, inform and engage employees, citizens, elected and appointed officials through effective and efficient communications.

Objectives:

- *Increase citizen engagement as evidenced by increased applications for county boards and committees and attendance at public forums and meetings.*
- *Enhance communications systems and transparency so citizens can readily access information.*
- *Improve internal communications.*
- *Develop and promote the County's strategic plan to employees and the public.*



Employ motivated, professional and well-trained personnel
who offer excellent customer service with PRIDE –
Professionalism, Respect, Integrity with accountability, Diversity and Excellent
Customer Service.

Objectives:

- *Optimize service delivery through innovation, automation and technology to enhance current services and create new service opportunities.*
- *Encourage citizen engagement and provide feedback opportunities through various outlets as it relates to service delivery.*
- *Implement staff development and training program that includes classroom and online delivery methods.*
- *Recognize employees for their achievements*
- *Explore competitive pay based on labor market analysis and update classification system.*



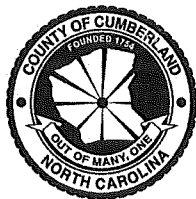
CUMBERLAND

County

For more information on the Strategic Plan,
including action steps for each objective,
visit www.co.cumberland.nc.us.

JAMES E. MARTIN
County Manager

AMY H. CANNON
Deputy County Manager



ITEM NO. SA, B, C


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 APRIL 18, 2011

TO: BOARD OF COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: APRIL 13, 2011

SUBJECT: CONSIDERATION OF THE CUMBERLAND COUNTY FACILITIES COMMITTEE REPORT AND RECOMMENDATION(S)

BACKGROUND:

The Cumberland County Facilities Committee met on Thursday, April 7, 2011. "DRAFT" minutes for the Cumberland County Facilities Committee are included as attachments.

The following information is provided for this meeting:

- A) Report on Lease Agreement between the County and Employment Source, Inc.
- B) Report on Lease Agreement between the County and Coastal Horizons Center, Inc.
- C) Consideration of Revised Conceptual Design for Detention Center Expansion Project.

RECOMMENDATION/PROPOSED ACTION:

Accept the Cumberland County Facilities Committee report and recommendation.

/ct

Attachments

/ct

Celebrating Our Past...Embracing Our Future

DRAFT

CUMBERLAND COUNTY FACILITIES COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
APRIL 7, 2011 – 8:30 AM
MINUTES

MEMBERS PRESENT: Commissioner Jimmy Keefe, Chair
Commissioner Marshall Faircloth
Commissioner Jeannette Council

OTHER COMMISSIONERS
PRESENT: Commissioner Kenneth Edge

OTHERS PRESENT: James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Howard Abner, Assistant Finance Director
Sally Shutt, Communications and Strategic Initiatives
Manager
Rick Moorefield, County Attorney
Robert N. Stanger, County Engineer
Sam Lucas, Engineering Technician II
Al Brunson, Facilities Maintenance Manager
Earl "Moose" Butler, Sheriff
Paul Hinson, Sheriff's Office Chief Deputy
Major John McRainey, Detention Center Chief Jailer
Jake Regennas, Johnson Controls, Inc. (JCI)
Andy Miller, Coastal Horizon's, Inc.
Candice H. White, Deputy Clerk to the Board
Press

Commissioner Keefe called the meeting to order.

1. APPROVAL OF MINUTES – MARCH 3, 2011 REGULAR MEETING

MOTION: Commissioner Council moved to approve the minutes.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS

2. JOHNSON CONTROLS, INC. (JCI) GUARANTEED ENERGY SAVINGS PROJECT ANNUAL REPORT

Jake Regennas, Johnson Controls, Inc. (JCI), reported the annual avoidance for the fifth year performance was \$694,838. Mr. Regennas compared energy and dollar savings for Years 4 and 5, and stated the total project target or guarantee over twelve years is \$6.2 million. Mr. Regennas noted that as of Year 5, the county was at \$3.7 million and

DRAFT

barring any unforeseen changes in the years to come, would likely exceed the \$6.2 million target/guarantee.

Mr. Regennas reported electrical and gas energy savings for Year 5 equated to 4,012 tons of greenhouse emissions and noted the county's energy efficiency efforts resulted in a reduction of pollutants such as mercury, sulfur dioxide, and nitrogen oxides.

Mr. Regennas stated during Year 6, JCI will explore facility improvement measures to increase utility conservation through demand limiting at the courthouse and Law Enforcement Center (LEC), and expanded thermostat control of newer heat pumps at the courthouse. Mr. Regennas explained modifications made to some of the baseline values for the Mental Health building, various library buildings, LEC/courthouse, Agri-Expo, old courthouse building and the former Health Department building. Mr. Regennas then reviewed future objectives and responded to questions regarding anomalies that existed between performances for Years 4 and 5.

3. PRESENTATION OF COUNTY SPACE NEEDS ANALYSIS

Robert N. Stanger, County Engineer, referenced the 2008 Feasibility Study/Needs Assessment for Consideration of Relocating County Administrative Functions from the Courthouse and stated at that time, management and staff concluded the most cost effective alternative for additional space was renovation of the former Public Health Center. Mr. Stanger noted copies of the building program and conceptual schematic design were completed by Gordon Johnson Architects in 2010 and were available in the office of the Clerk to the Board. Mr. Stanger explained due to budget constraints, the need to expand the Detention Center, and lack of commitment from the City of Fayetteville for a consolidated emergency dispatch center, no action was taken on the former Public Health Center renovation project.

Mr. Stanger stated since that time, management and staff were asked to undertake a more comprehensive space needs analysis to include additional county departments. Mr. Stanger further stated a revised space needs assessment was developed based on the detailed information in the building program for the proposed renovations to the former Public Health Center and responses from the surveys. Mr. Stanger reviewed the departments involved in the survey and the specific needs for additional space. Mr. Stanger stated in the revised assessment, it is assumed that Emergency Services will continue operating from the LEC until such time as a consolidated plan is enacted. Mr. Stanger explained in this event, a new 8,000 SF facility meeting seismic loading criteria would be required. Mr. Stanger stated for planning purposes, the projected space needs are roughly the same as those from the earlier study. Mr. Stanger responded to questions.

Mr. Stanger stated there are essentially three options to meeting the county's space needs: 1) purchase and renovate existing building(s) for sale in the downtown area; 2) renovate an existing county-owned building that has sufficient vacant floor space; and 3) build a new facility. Mr. Stanger advised no search had been conducted for private buildings for

DRAFT

sale in the downtown area and the only county-owned facility of sufficient size is the former Public Health Center.

Mr. Stanger responded to additional questions and discussion followed. Commissioner Edge suggested consideration be given to a Capital Improvement Plan (CIP) in which departments could be relocated in the former Public Health Center in phases. Mr. Martin stated the idea could be explored and seemed to be a possibility. Mr. Stanger stated phasing of building renovations could certainly be accomplished. Mr. Stanger further stated he would recommend that the first phase be total interior demolition and installation of glass fronts on the east and west side, followed by renovations to the first and second floors. Mr. Stanger advised thought should also be given to functional areas that would need to be relocated at the same time because of their co-dependent relationships.

Commissioner Keefe spoke to the similarity in costs for renovations and new construction, and stated there is validity in looking at a new building rather than attempting to make an existing facility work. Commissioner Keefe stated the only consideration would be whether the former Public Health Center would sell. Discussion then ensued regarding the addition of two floors to the courthouse and whether state seismic codes would prevent the same. Mr. Stanger stated he could research whether adding two additional floors would place the courthouse in a different category, but the courts would likely shut down construction because of the noise interference.

Mr. Stanger stated a potential scenario for building a new facility would be for the county to acquire the remaining three tracts in the block bound by Russell Street, Dick Street, Otis Jones Parkway and Gillespie Street. Mr. Stanger further stated the appraised value of the three tracts was \$1.1 million and construction of a four-story building would likely be \$22 to \$25 million, which was clearly more expensive than renovating the former Public Health Center with an estimated project budget of \$13 million.

Commissioner Keefe asked whether the committee needed to take action at this time. Mr. Martin responded the presentation was intended to be a "report back" to the committee. Mr. Martin also stated he wanted to be sure the committee understood that the former Public Health Center would not fully accommodate all of the potential uses identified in the report without some form of addition. Discussion continued. Mr. Stanger confirmed the projection for the county's space needs had not changed much since the programming document prepared by Gordon Johnson Architects; however, grossing factors had changed from 1.4 to 1.35.

Commissioner Keefe stated he would like to see a decision made fairly quickly. Commissioner Edge stated he felt a plan, to include a financing plan, was needed. Consensus of the committee was for the county manager and the finance department to look at opportunities for a long term plan to finance both proposals, to include positives and negatives for each, with a report back to the committee in sixty to ninety days.

DRAFT

4. CONSIDERATION OF APPROVAL OF RENEWAL OF LEASE AGREEMENT BETWEEN THE COUNTY AND EMPLOYMENT SOURCE, INC.

Mr. Martin referenced correspondence dated March 15, 2011 from Employment Source, Inc., formerly known as the Sheltered Workshop, in which they expressed interest in renewing their lease of the current property. Mr. Martin stated the lease term would expire on April 30, 2011 and was a ten-year lease at a rate of \$1 per year. Mr. Martin stated Employment Source, Inc. employs a number of handicapped citizens from Cumberland County and he recommends that the committee consider approval of a new lease.

MOTION: Commissioner Council moved to recommend approval of a new lease agreement.

SECOND: Commissioner Faircloth

Mr. Moorefield advised the lease would need to be legally advertised at least ten days in advance of the Board of Commissioners' vote. In response to a question from Commissioner Keefe, Mr. Moorefield stated counties can provide job training for adults with disabilities and it is the service that qualifies for the lease rate of \$1 per year, not the agency. Commissioner Edge asked that emphasis be placed on maintaining the premises due to its proximity to the old Washington Drive School and the potential FSU campus expansion. Discussion followed regarding the lease term and whether the lease agreement contained a termination provision for the county. Mr. Moorefield stated he would take a closer look at the lease agreement and suggested the possibility of an annual lease.

Commissioner Council withdrew her motion.

MOTION: Commissioner Faircloth moved to table (the lease agreement) until the committee's concerns have been addressed.

RESTATED MOTION: Commissioner Faircloth moved to table (the lease agreement) until the next meeting.

SECOND: Commissioner Council

Mr. Martin requested clarification of the motion and the request being made of staff. Mr. Moorefield reminded the committee that the intent of the lease would have to be published ten days in advance of the Board of Commissioners' vote on the lease agreement. Discussion ensued regarding the April 30th lease expiration date and the date the lease agreement could be brought before the full board for consideration.

Commissioner Faircloth withdrew his motion.

MOTION: Commissioner Council moved to recommend a one-year lease agreement.

SECOND: Commissioner Faircloth

DRAFT

Mr. Martin asked that the lease agreement contain a termination provision for the county. Commissioner Keefe suggested the inclusion of a ninety-day notice prior to termination by either party.

RESTATED MOTION: Commissioner Council moved to recommend a one-year lease agreement to include a provision for a ninety-day notice prior to termination by either party.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

5. CONSIDERATION FOR APPROVAL OF RENEWAL OF LEASE AGREEMENT BETWEEN THE COUNTY AND COASTAL HORIZONS CENTER, INC.

Mr. Martin stated Coastal Horizons Center, Inc. has interest in renewing their lease agreement for 1,505 SF for the Day Reporting Center on Russell Street. Mr. Martin noted the lease agreement has a thirty-day termination notice provision. Andy Miller, Coastal Horizon's, Inc., briefly explained functions provided by the Day Reporting Center and stated the program is legislatively mandated by the state to do assessments and mental health screenings, and to appropriately connect persons to services within the community in order to prevent them from being incarcerated. Mr. Martin recommended that the county enter into a three-year lease with Coastal Horizons Center, Inc., from July 1, 2011 through June 30, 2014, at \$14.57 per SF.

MOTION: Commissioner Council moved to recommend renewal of the lease agreement at \$14.57 per SF for three years.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

6. OTHER MATTERS OF BUSINESS

Mr. Stanger recalled that the Board of Commissioners at their March 21, 2011 meeting charged staff with doing a conceptual redesign of the Detention Center in order to bring costs under \$15 million. Mr. Stanger reviewed the PowerPoint slides included herein as Attachment A beginning with a review of the original floor plan of 380 beds (256 dorms; 64 medium security; 60 maximum security) and a second floor design. Mr. Stanger then reviewed the original schematic plan for the future build-out of 764 additional beds for a total of 1,332 beds. Mr. Stanger stated the original 380 bed expansion had an estimated project budget of \$18.8 million and the original 764 additional bed build-out had an estimated project budget of \$33 million.

Mr. Stanger stated staff reviewed alternatives with Moseley Architects and Scheme 2 is a 316 bed expansion (256 dorms; 60 maximum security single cells), which removed the

DRAFT

64 medium security cells. Mr. Stanger then reviewed the Scheme 2 second floor plan and stated the estimated project budget for this option is a little over \$15 million.

Mr. Stanger stated Scheme 3 is a 252 bed expansion (128 dorms; 64 medium security; 60 maximum security), which eliminated the two 64-bed dorms on the southwest corner of the schematic plan. Mr. Stanger then reviewed the Scheme 3 second floor plan and stated the estimated project budget for this option is \$14.7 million.

Mr. Stanger stated Schemes 2 and 3 both preserve the opportunity for build-out as per the original plan. Mr. Stanger further stated Scheme 2 provides more bed spaces initially and comes closest to the architect's recommendations for 890 beds in 2030. Mr. Stanger stated Scheme 2 sacrifices 60 medium security beds; however, the Sheriff's Office feels that it is more important to maximize the number of beds and maximize the maximum security cells due to the critical need for these cells. Mr. Stanger stated the 60 medium security beds could be put back at a later date.

Major John McRaney, Detention Center Chief Jailer, stated there is a proposal before the General Assembly that would compel county jails to accommodate misdemeanor sentences lasting two years or longer.

Mr. Stanger stated staffs' recommendation to forward to the Board of Commissioners is to consider and approve Scheme 2. A brief discussion followed. Commissioner Keefe asked Earl "Moose" Butler, Sheriff, if Scheme 2 was also recommended by his office. Sheriff Butler responded in the affirmative.

MOTION: Commissioner Council moved to take a recommendation to the full Board
for the Scheme 2 design.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS

There being no further business,

MEETING ADJOURNED AT 10:55 AM

C O U N T Y of Cumberland

Architectural Services

Detention Facility Expansion Project

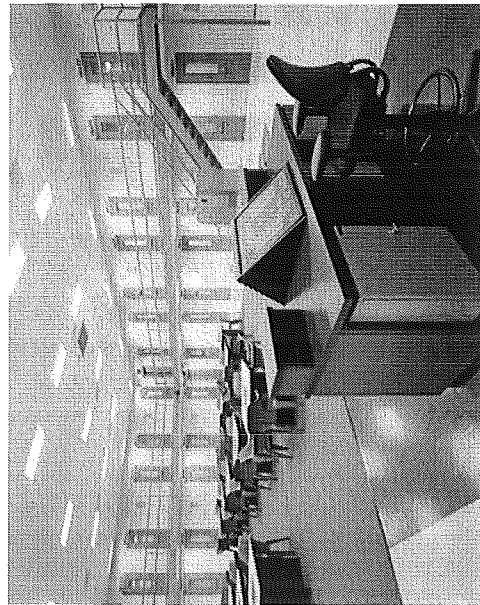
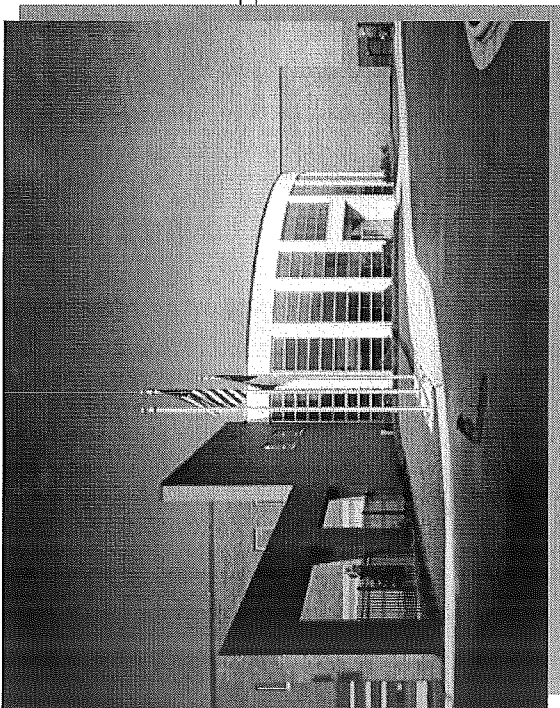
Fayetteville, North Carolina

April 7, 2011

MOSELEYARCHITECTS

And

sfi+a
ARCHITECTS



Future Bed Space Recommendations

- 2030 Need 890 minus current capacity of 568 = 322 additional beds
- Need Special Management beds
- Sheriff's Office confident 30% of inmate population is manageable in dormitory space
- Cognizant of expenses

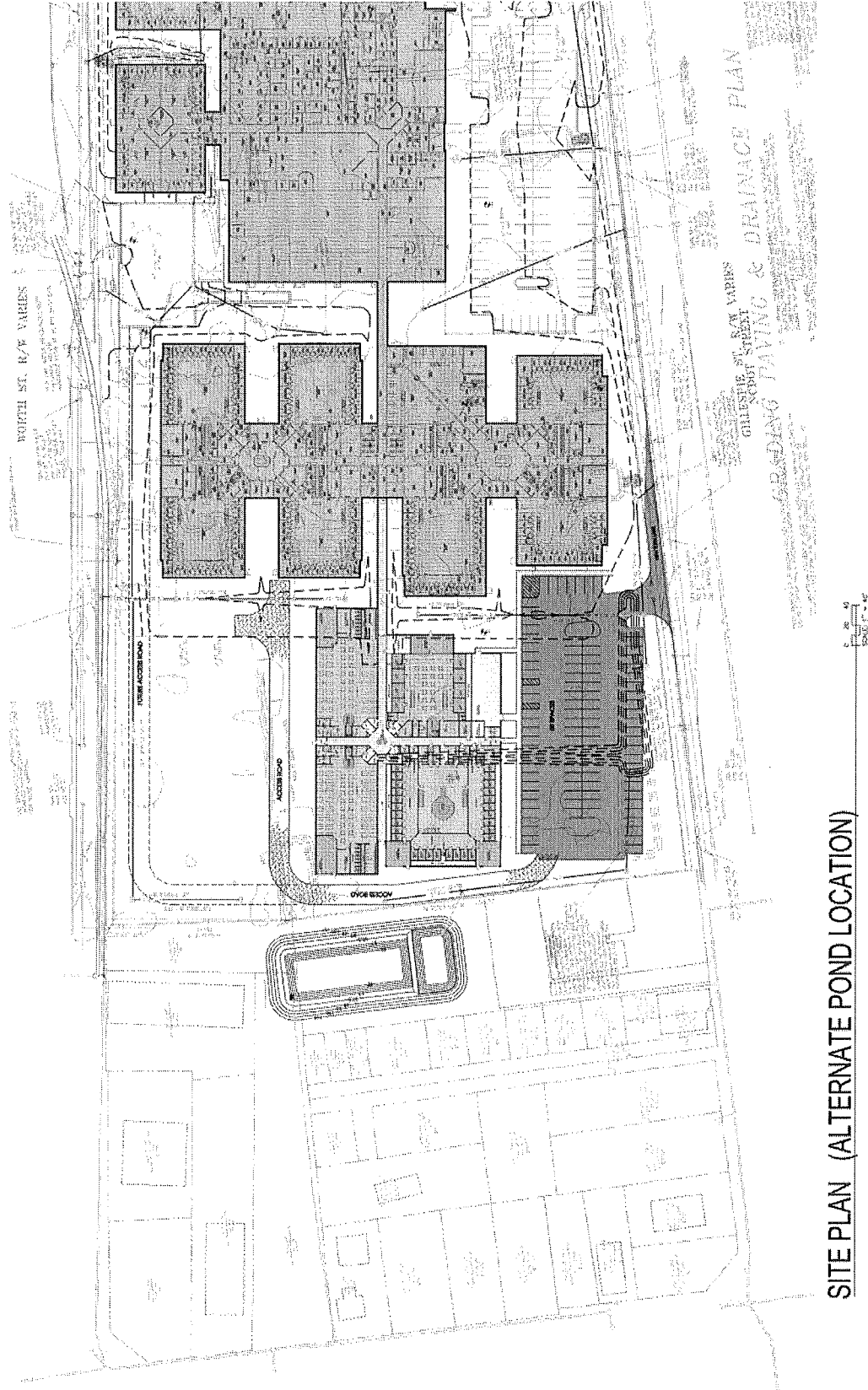
CUMBERLAND COUNTY DETENTION CENTER
FAYETTEVILLE, NORTH CAROLINA
3-03-2011



MOSELEYARCHITECTS

SCHEMATIC SITE PLAN – ALTERNATE POND LAYOUT 100 ADDITIONAL PARKING SPACES

CUMBERLAND COUNTY DETENTION CENTER
FAYETTEVILLE, NORTH CAROLINA
3-03-2011



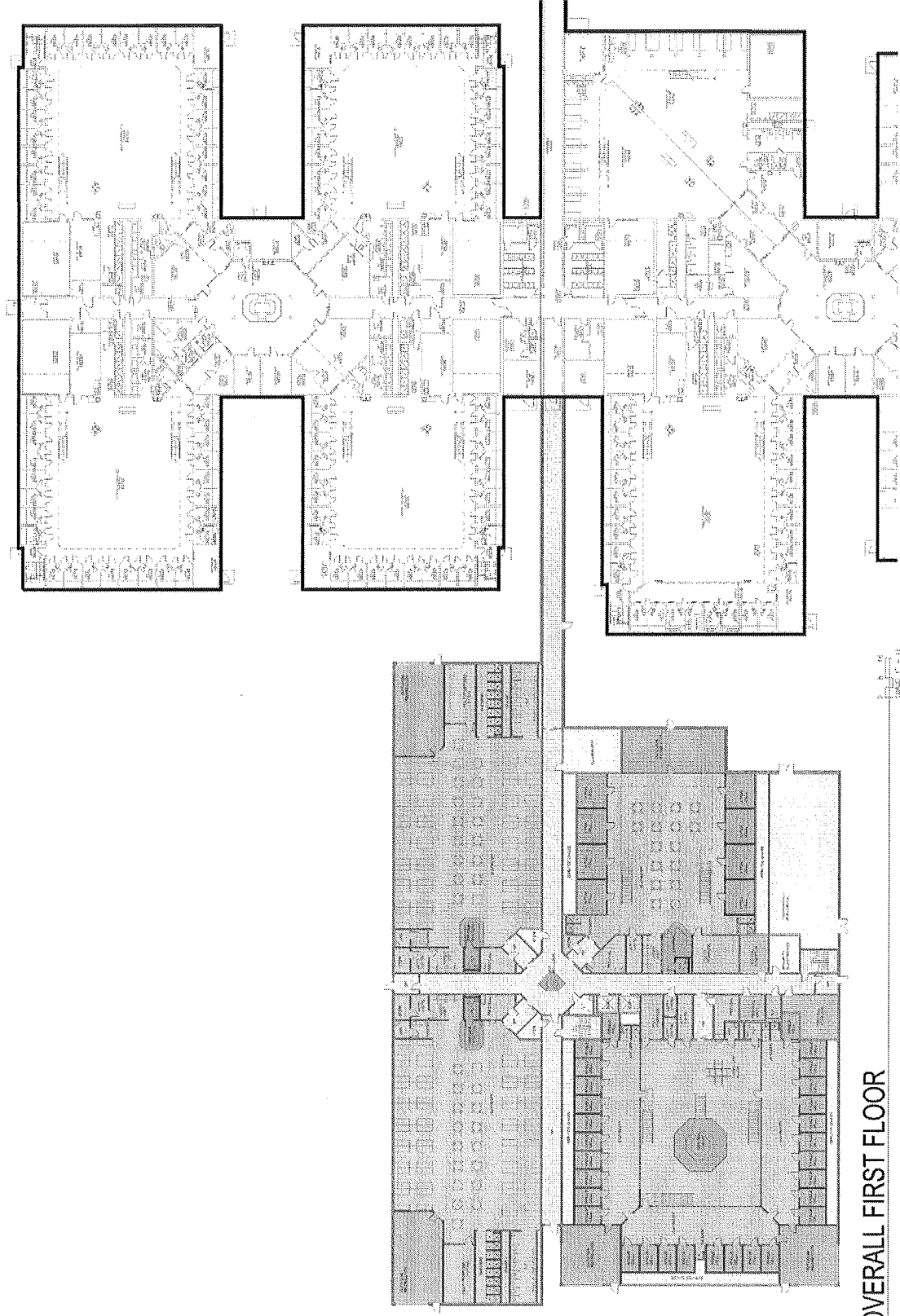
SITE PLAN (ALTERNATE POND LOCATION)

MOSELEYARCHITECTS

SCHEMATIC DESIGN - FIRST FLOOR - 380 BEDS (256 DORM/64 MEDIUM/60 MAXIMUM)

CUMBERLAND COUNTY DETENTION CENTER

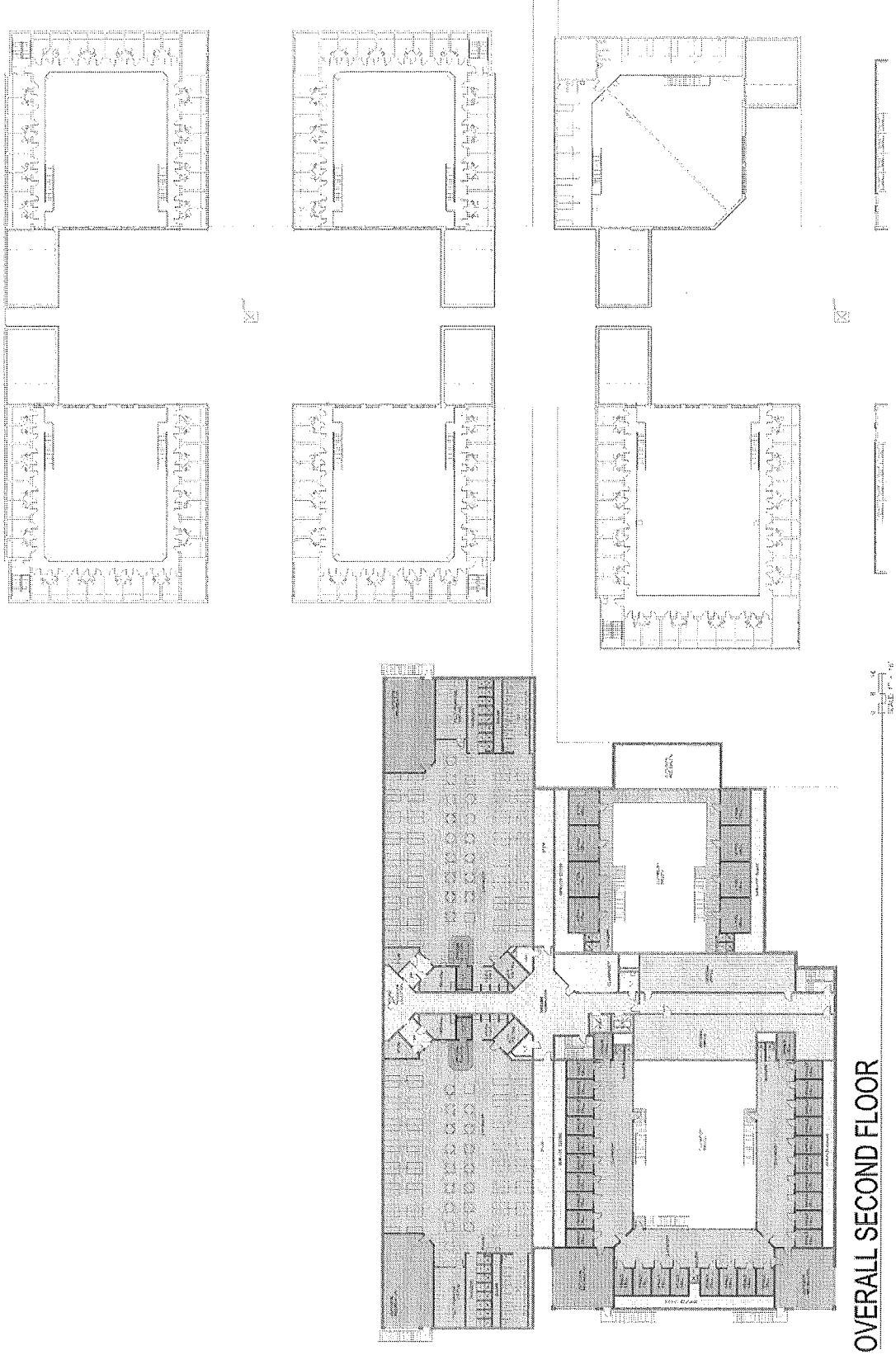
FAYETTEVILLE, NORTH CAROLINA
3-03-2011



MOSELEYARCHITECTS

SCHEMATIC DESIGN – SECOND FLOOR

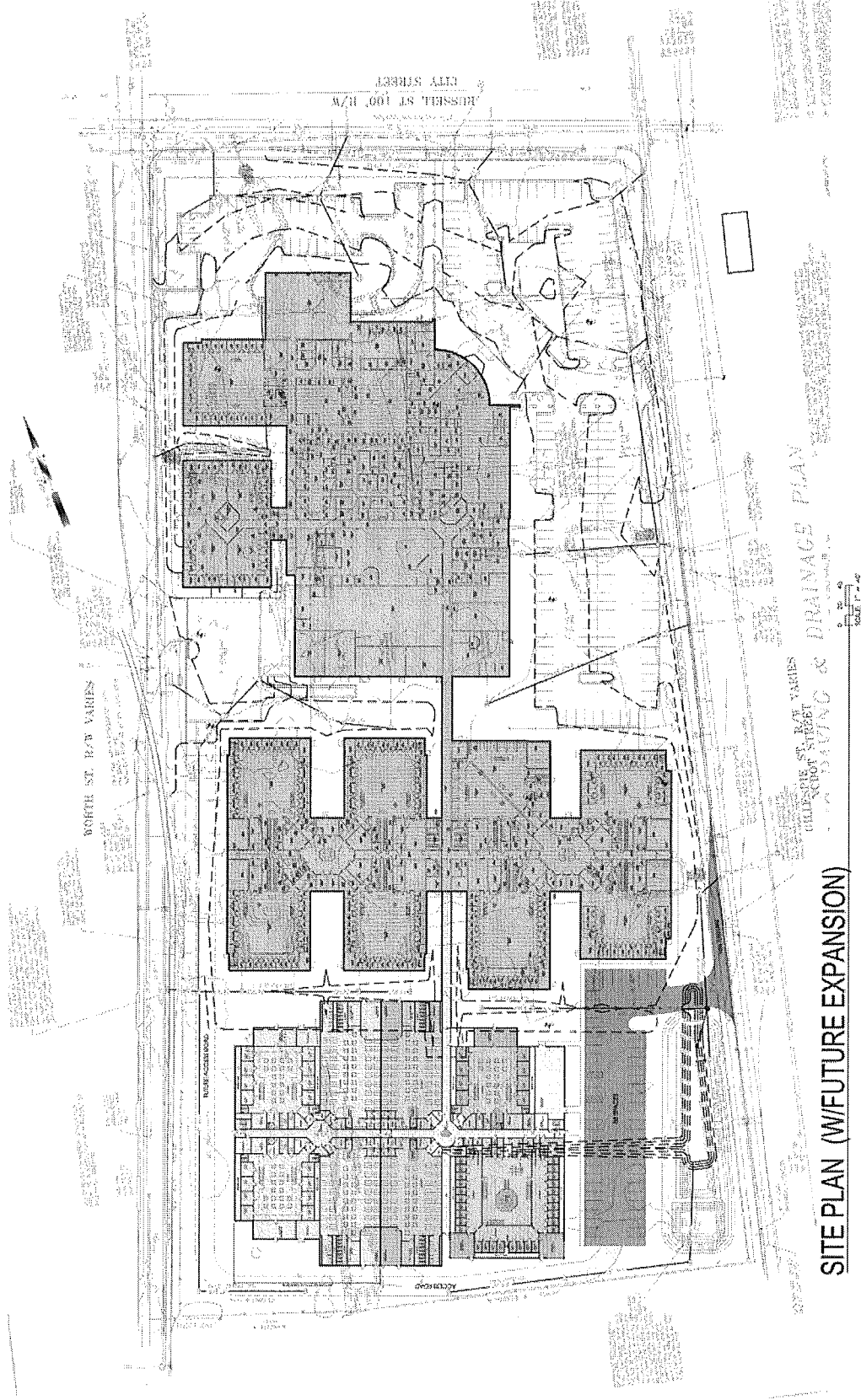
CUMBERLAND COUNTY DETENTION CENTER
FAYETTEVILLE, NORTH CAROLINA
3-03-2011



MOSELEYARCHITECTS

SCHEMATIC SITE PLAN – FUTURE BUILD-OUT (764 TOTAL ADDITIONAL BEDS – 1332 BEDS)

CUMBERLAND COUNTY DETENTION CENTER
FAYETTEVILLE, NORTH CAROLINA
3-03-2011



MOSELEYARCHITECTS

OPINION OF PROBABLE TOTAL PROJECT COST

MOSELEYARCHITECTS A PROFESSIONAL CORPORATION

Client:	Cumberland County, NC	Date:	February 24, 2011
Project Name:	Cumberland County Jail Expansion	Computed By:	DRM
Description:	380 bed expansion Facility	Checked By:	DRM
Project #502610	New Construction - 80,390 SF - OPTION A	Sheet Number:	1 of 1

Item No.	Description	Area	Unit	Unit Cost	Total Cost
Construction Costs					
1	Jail Facility "conditioned walkable space" - 2 story structure	74,360	SF	\$185.00	\$13,756,600.00
2	Recreation Yards	6,030	SF	\$100.00	\$603,000.00
3	Site Development	N/A	SF	lump sum est.	\$500,000.00
4	Demolition	N/A	SF	lump sum est.	\$50,000.00
5	Minor upfit to existing core - property storage	N/A	SF	lump sum est.	\$50,000.00
6	Construction / Design Contingency			5.00%	\$747,980.00
7	Cost Escalation Contingency (1 year)			6.00%	\$942,454.80
	Subtotal				\$16,650,034.80
	Estimated Construction Cost	80,390	SF	\$207.12	\$16,650,034.80
Project Costs					
1	Fixtures, Furnishings & Equipment (FF&E of finished space)	N/A	N/A	5.00%	\$687,830.00
2	Site and Construction Testing	N/A	N/A	0.50%	\$83,250.17
3	Misc. Fees	N/A	N/A	8.00%	\$1,332,002.78
4	Document printing cost estimate	N/A	N/A	lump sum est.	\$25,000.00
5	Operations and Transition Services	N/A	N/A	0.50%	\$83,250.17
6	Property Acquisition Costs	0	ACRES	\$0.00	\$0.00
	Subtotal				\$2,211,333.13
	TOTAL ESTIMATED PROJECT BUDGET				\$18,861,367.93

OPINION OF PROBABLE TOTAL PROJECT COST

MOSELEYARCHITECTS A PROFESSIONAL CORPORATION

Client:	Cumberland County, NC	Date:	February 24, 2011
Project Name:	Cumberland County Jail Expansion	Computed By:	DRM
Description:	764 bed "build-out" Jail Facility	Checked By:	DRM
Project #502610	New Construction - 141,790 SF - OPTION B	Sheet Number:	1 of 1

Item No.	Description	Area	Unit	Unit Cost	Total Cost
Construction Costs					
1	Jail Facility "conditioned walkable space" - 2 story structure	131,260	SF	\$185.00	\$24,283,100.00
2	Recreation Yards	10,530	SF	\$100.00	\$1,053,000.00
3	Site Development	N/A	SF	lump sum est.	\$600,000.00
4	Demolition	N/A	SF	lump sum est.	\$100,000.00
5	Upfit existing core Kitchen and Staff Dining	N/A	SF	lump sum est.	\$250,000.00
6	Construction / Design Contingency			5.00%	\$1,314,305.00
7	Cost Escalation Contingency (1 year)			6.00%	\$1,656,024.30
	Subtotal				\$29,256,429.30
	Estimated Construction Cost	141,790	SF	\$206.34	\$29,256,429.30
Project Costs					
1	Fixtures, Furnishings & Equipment (FF&E of finished space)	N/A	N/A	5.00%	\$1,214,155.00
2	Site and Construction Testing	N/A	N/A	0.35%	\$102,397.50
3	Misc. Fees	N/A	N/A	8.00%	\$2,340,514.34
4	Document printing cost estimate	N/A	N/A	lump sum est.	\$35,000.00
5	Operations and Transition Services	N/A	N/A	0.35%	\$102,397.50
6	Property Acquisition Costs	0	ACRES	\$0.00	\$0.00
	Subtotal				\$3,794,464.35
	TOTAL ESTIMATED PROJECT BUDGET				\$33,050,893.65

750

OUTDOOR RECREATION

750

OUTDOOR RECREATION

575

OUTDOOR RECREATION

575

OUTDOOR RECREATION

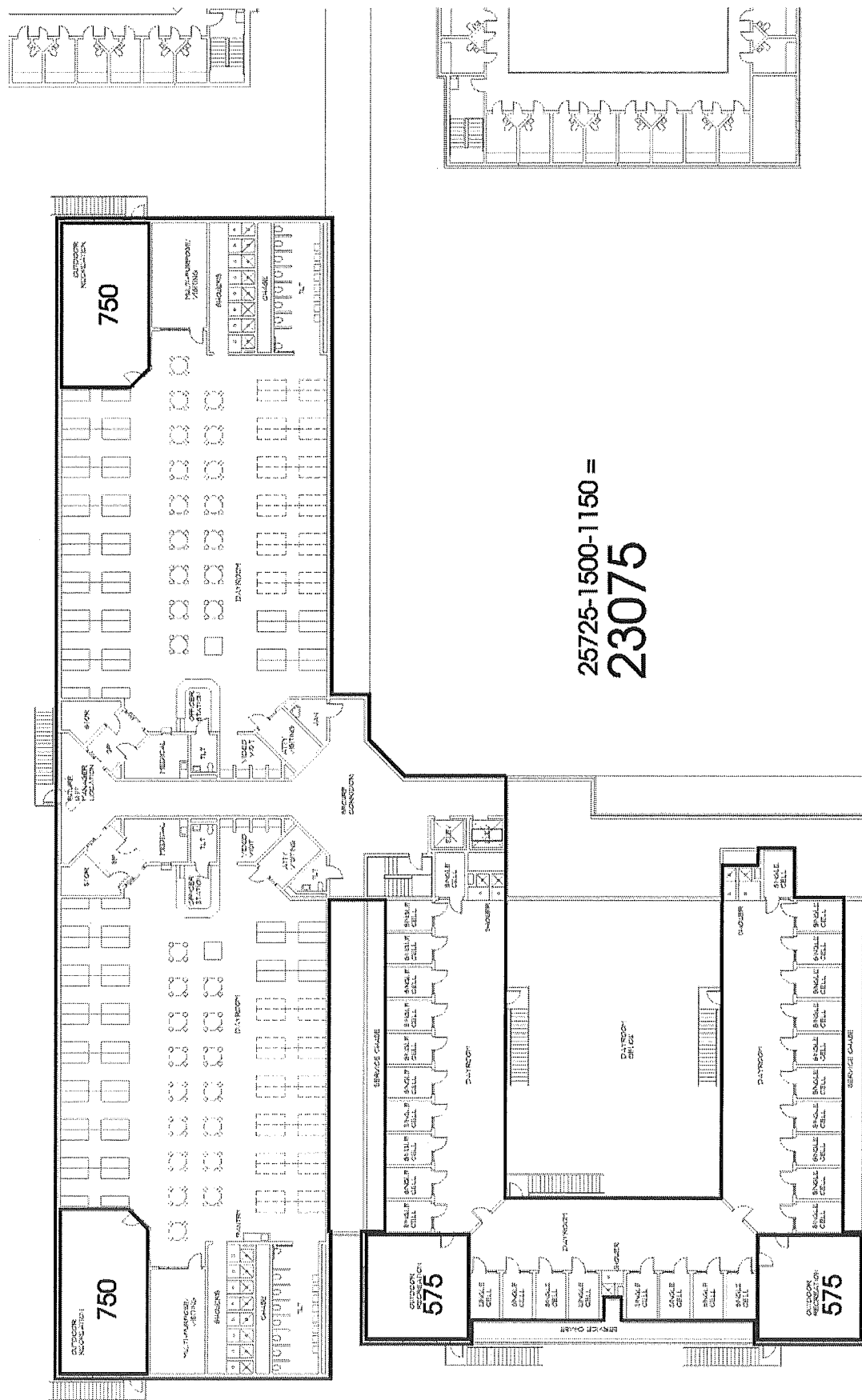
36940-1500-1150 = 34290

SCHEME 2
WALKABLE = 57365
OUTDR RECS = 5300
BEDS = 316

MOSELEY ARCHITECTS
A PROFESSIONAL CORPORATION

MOSELEY ARCADES

SCHEME 2 – SECOND FLOOR – 316 BED EXPANSION



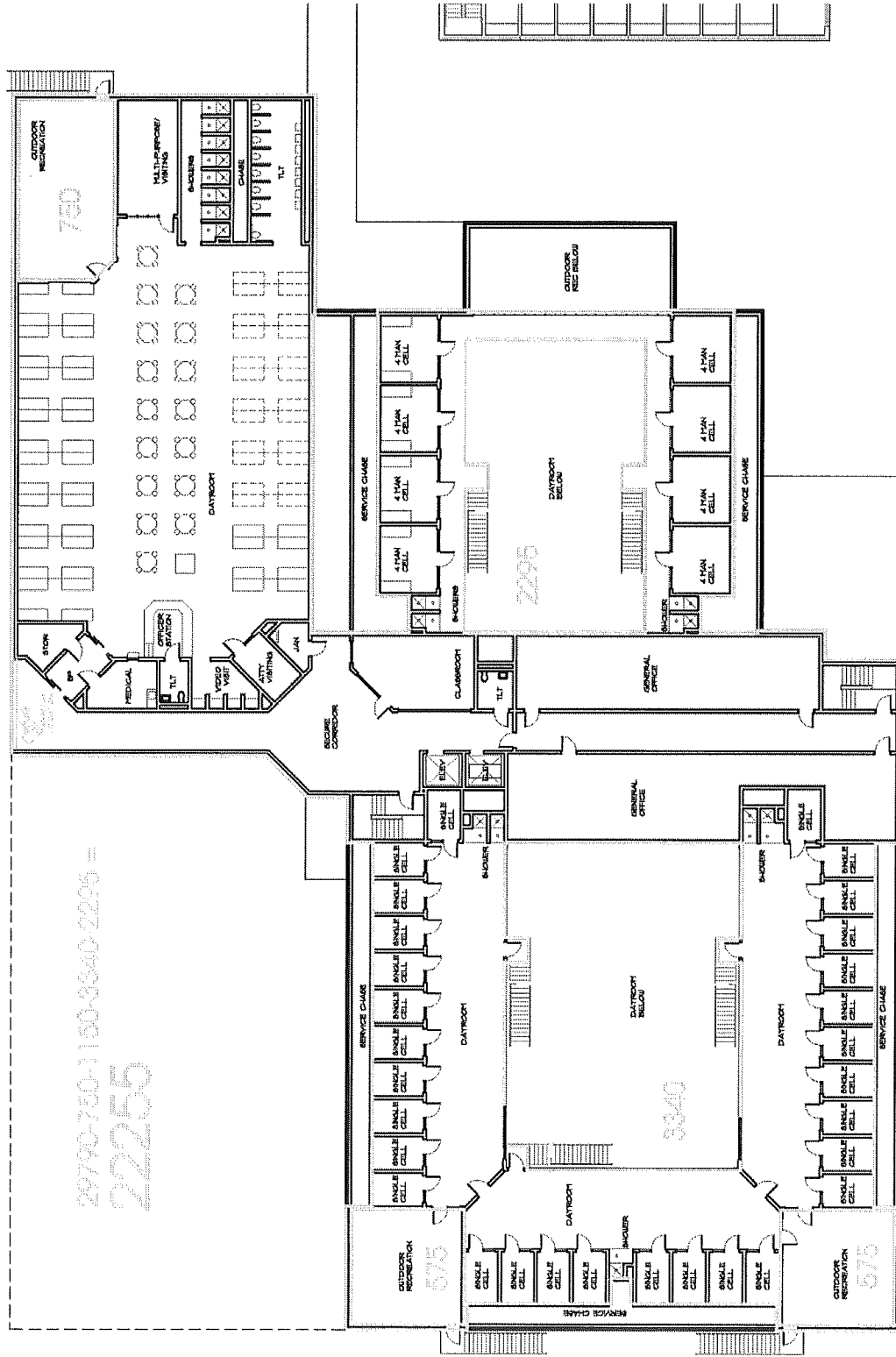
OPINION OF PROBABLE TOTAL PROJECT COST

MOSELEYARCHITECTS A PROFESSIONAL CORPORATION

Client:	Cumberland County, NC	Date:	April 5, 2011
Project Name:	Cumberland County Jail Expansion	Computed By:	DRM
Description:	316 Bed Expansion Facility	Checked By:	DRM
Project #502610	New Construction - 62,665 SF - Scheme 2	Sheet Number:	1 of 1

Item No.	Description	Area	Unit	Unit Cost	Total Cost
Construction Costs					
1	Jail Facility "conditioned walkable space" - 2 story structure	57,365	SF	\$188.00	\$10,784,620.00
2	Recreation Yards	5,300	SF	\$100.00	\$530,000.00
3	Site Development	N/A	SF	lump sum est.	\$500,000.00
4	Demolition	N/A	SF	lump sum est.	\$50,000.00
5	Minor upfit to existing core - property storage	N/A	SF	lump sum est.	\$50,000.00
6	Construction / Design Contingency			5.00%	\$595,731.00
7	Cost Escalation Contingency (1 year)			6.00%	\$750,621.06
	Subtotal				\$13,260,972.06
	Estimated Construction Cost	62,665	SF	\$211.62	\$13,260,972.06
Project Costs					
1	Fixtures, Furnishings & Equipment (FF&E of finished space)	N/A	N/A	5.00%	\$539,231.00
2	Site and Construction Testing	N/A	N/A	0.50%	\$66,304.86
3	Misc. Fees	N/A	N/A	8.00%	\$1,060,877.76
4	Document printing cost estimate	N/A	N/A	lump sum est.	\$25,000.00
5	Operations and Transition Services	N/A	N/A	0.50%	\$66,304.86
6	Property Acquisition Costs	0	ACRES	\$0.00	\$0.00
	Subtotal				\$1,757,718.49
	TOTAL ESTIMATED PROJECT BUDGET				\$15,018,690.55

SCHEME 3 - SECOND FLOOR - 252 BED EXPANSION

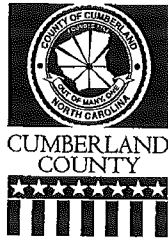


OPINION OF PROBABLE TOTAL PROJECT COST

MOSELEYARCHITECTS A PROFESSIONAL CORPORATION

Client:	Cumberland County, NC	Date:	April 5, 2011
Project Name:	Cumberland County Jail Expansion	Computed By:	DRM
Description:	252 Bed Expansion Facility	Checked By:	DRM
Project #502610	New Construction - 60,590 SF - Scheme 3	Sheet Number:	1 of 1

Item No.	Description	Area	Unit	Unit Cost	Total Cost
Construction Costs					
1	Jail Facility "conditioned walkable space" - 2 story structure	56,040	SF	\$190.00	\$10,647,600.00
2	Recreation Yards	4,550	SF	\$100.00	\$455,000.00
3	Site Development	N/A	SF	lump sum est.	\$500,000.00
4	Demolition	N/A	SF	lump sum est.	\$50,000.00
5	Minor upfit to existing core - property storage	N/A	SF	lump sum est.	\$50,000.00
6	Construction / Design Contingency			5.00%	\$585,130.00
7	Cost Escalation Contingency (1 year)			6.00%	\$737,263.80
	Subtotal				\$13,024,993.80
	Estimated Construction Cost	60,590	SF	\$214.97	\$13,024,993.80
Project Costs					
1	Fixtures, Furnishings & Equipment (FF&E of finished space	N/A	N/A	5.00%	\$532,380.00
2	Site and Construction Testing	N/A	N/A	0.50%	\$65,124.97
3	Misc. Fees	N/A	N/A	8.00%	\$1,041,999.50
4	Document printing cost estimate	N/A	N/A	lump sum est.	\$25,000.00
5	Operations and Transition Services	N/A	N/A	0.50%	\$65,124.97
6	Property Acquisition Costs	0	ACRES	\$0.00	\$0.00
	Subtotal				\$1,729,629.44
TOTAL ESTIMATED PROJECT BUDGET					
					\$14,754,623.24

**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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF APRIL 18, 2011

TO: BOARD OF COMMISSIONERS
FROM: RICK MOOREFIELD, COUNTY ATTORNEY *R. Moorefield*
DATE: APRIL 12, 2011
**SUBJECT: CONSIDERATION OF ONE YEAR LEASE TO EMPLOYMENT
SOURCE, INC., FOR SHELTERED WORKSHOP SITE ON
WASHINGTON DRIVE SCHOOL PROPERTY**

(LEASE ATTACHED)

BACKGROUND:

At its April 7, 2011 meeting, Facilities Committee considered a request for lease renewal from Employment Source, Inc. Lease is for the sheltered workshop site on the Washington Drive School Property. There is no rent charged. The previous lease had been for 10 years. Facilities Committee recommended renewal of the lease with only a one year term.

RECOMMENDATION/PROPOSED ACTION:

Approve the recommendation of the Facilities Committee to renew the lease with Employment Source, Inc., for one year to April 30, 2012.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

LEASE AGREEMENT WITH
EMPLOYMENT SOURCE, INC.

This Lease Agreement, made and entered into this ___ day of _____, 2011, by and between the COUNTY OF CUMBERLAND, North Carolina, referred to herein as LESSOR, and EMPLOYMENT SOURCE, INC., a non-profit North Carolina corporation, referred to herein as LESSEE.

W I T N E S S E T H:

WHEREAS, the County of Cumberland owns certain buildings and tract of land known as the Cumberland Sheltered Workshop Property which has been declared surplus and is not needed for currently budgeted governmental activity; and

WHEREAS, LESSEE, a non-profit corporation, comprised of local citizens, desires to operate a sheltered workshop on said premises for the benefit of all the citizens of Cumberland County; and

WHEREAS, such a sheltered workshop carries out a public purpose and will provide a substantial public benefit to the Cumberland County community; and

WHEREAS, the parties hereto have mutually agreed to the terms of this Lease Agreement as set forth below.

NOW THEREFORE, in consideration of the premises and covenants contained in the terms and conditions hereinafter set forth, the parties agree as follows:

1. LESSOR does hereby rent, lease, and demise to LESSEE for and during the term and under the terms and conditions set forth herein, the premises described below (the "leased premises"), with all rights, privileges, and appurtenances thereto belonging, lying and being in the Cross Creek Township, County of Cumberland, North Carolina, and more particularly described as follows: SEE EXHIBIT 'A' ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

2. LESSEE shall have and hold the leased premises for a term of one (1) year, commencing the 1st day of May, 2011, or as soon thereafter as possession of the leased premises is ceded to LESSEE, and terminating on the 30th day of April, 2012, provided that either party may terminate this lease before the end of the lease term by giving thirty (30) days written notice to the other party.

3. LESSEE shall pay the LESSOR as rental for the leased premises the sum of ONE DOLLAR (\$1.00) annually, the entire sum to be payable in advance of the commencement date of the lease term.

4. LESSEE shall use the leased premises at all times during the term hereof in compliance with all building and fire codes, and with all other rules, regulations, ordinances or laws of any governmental authority, entity, board or department having jurisdiction over the same. LESSEE shall, at its sole expense, obtain all required licenses or permits for the conduct of its business within the leased premises. LESSEE shall use its best efforts in good faith not to permit, allow, cause or suffer any act or deed to be performed upon the

leased premises which shall cause or be likely to cause injury to any person on the premises. LESSEE will comply with all federal, state, and local laws regulating the conduct of its activities and use of the leased premises.

5. LESSEE shall acquire, pay for, and at all times during the term of this Lease maintain Fire and Extended Coverage or All Risks Insurance on all buildings and leased premises in the amount of at least \$1,500,000.00, with the County of Cumberland being a named insured thereon. Proof of insurance shall be delivered to the Cumberland County Attorney, Cumberland County Courthouse, 117 Dick Street, 5th Floor, Fayetteville, N.C. 28301 upon execution of this Lease. LESSEE shall acquire, pay for, and maintain General Liability Insurance on the leased premises in the amount of at least \$2,000,000.00. Proof of insurance shall be delivered to the Cumberland County Attorney, Cumberland County Courthouse, 117 Dick Street, 5th Floor Courthouse, Fayetteville, N.C. 28301 upon execution of this Lease. Failure of the LESSEE to maintain a current policy of any required insurance shall immediately terminate this Lease.

6. LESSEE shall provide its current financial statement, certified as accurate by the LESSEE's treasurer, to LESSOR's County Manager prior to execution of this Lease.

7. LESSEE shall provide LESSOR with an annual audit of provided by an independent auditor of LESSEE'S choosing, and at LESSEE'S expense, within 90 days after the close of LESSEE'S fiscal year, which audit shall accurately and completely reflect LESSEE's financial position and results of operation for the annual period covered.

8. LESSEE shall be responsible for all utility bills and other expenses incurred in the use of the leased premises.

9. LESSEE ACCEPTS THE LEASED PREMISES "AS IS". LESSOR MAKES NO WARRANTIES OF ANY KIND, INCLUDING OF HABITABILITY OR OTHERWISE, CONCERNING ANY BUILDING OR ANY OF THE IMPROVEMENTS LOCATED ON THE LEASED PREMISES. LESSOR shall not be responsible for any maintenance, repairs, renovations or other work of any kind on the leased premises.

10. LESSEE shall pay for any improvements it may make to the leased premises. Any improvements, construction, substantial renovations or similar alterations shall be submitted at least thirty (30) prior to the anticipated commencement of such activity for consideration and prior approval of the County Manager, which he or she shall not unreasonably withhold.

11. At the end of the Lease term or any extension thereof, LESSEE may recover such of its trade fixtures, equipment or any other of its improvements which can be so removed without substantial damage to the leased premises, but LESSEE shall be responsible for and shall reimburse and hold LESSOR harmless for any such damage caused to the leased premises resulting in said removal. Any such fixtures, equipment or improvements not so removed shall become the property of LESSOR, at its discretion. In the alternative, LESSOR may require LESSEE to remove the same.

12. LESSEE shall adequately maintain the premises in a clean, orderly, safe, and attractive manner.

13. The County Inspections Department, Health Department, and Fire Marshal shall have free and open access to the leased premises during all hours of operation for the purpose of implementing or enforcing rules, regulations and laws within their respective authority and jurisdiction.

14. At the end of this Lease term, or upon the termination of this Lease by LESSEE's default, LESSEE shall relinquish possession of the leased premises immediately upon LESSOR's written demand. The leased premises shall be returned to the LESSOR in clean and proper order, undamaged, normal wear and tear excepted. Without limiting the foregoing, all duties and responsibilities imposed by this Lease on LESSEE shall remain in full force and effect during any holdover period that LESSEE remains on the leased premises after the expiration of the Lease term or after termination for default.

15. This Lease may not be assigned or sub-leased in whole or in part without the prior approval of the Cumberland County Board of Commissioners.

16. LESSEE shall at all times hereunder retain its status as a non-profit, tax-exempt corporation. LESSEE shall use the leased premises only for the primary purpose of operating a sheltered workshop providing employment opportunities for persons with mental, developmental or physical disabilities, and those other purposes ancillary and subordinate thereto.

17. LESSEE'S failure to comply with any provision of this Lease shall constitute a material breach hereof and LESSEE shall be in default hereunder. In such event, this Lease shall terminate automatically 10 days after LESSOR shall hand deliver or mail by certified mail, return receipt requested, written "NOTICE OF DEFAULT" to LESSEE and LESSEE shall not have cured such default within such ten (10) day period.

18. LESSEE shall defend, indemnify and hold harmless the LESSOR from and against any actual or threatened claim, loss, expense or damage (including attorney fees) to Cumberland County arising out of any act or neglect of the LESSEE or its servants, employees, agents, or invitees, or any change, alteration, or improvement, including but not limited to demolition made by the LESSEE in the leased premises, excepting only claims arising out of acts caused by the affirmative negligence of the LESSOR or its representatives.

19. LESSEE shall give LESSOR at least thirty (30) days prior notice of its intent to change, alter, restore, improve, renovate, or demolish any structure on the leased premises, and LESSEE shall not commence any such action without the County Manager's prior written approval, which shall not be unreasonably withheld.

20. All notices to the LESSOR shall be delivered personally to the County Manager's Office or mailed to:

Office of the County Manager
County of Cumberland

P. O. Drawer 1829
Fayetteville, N. C. 28302

21. All notices to the LESSEE shall be delivered personally to the LESSEE'S office on the leased premises, or mailed to:

Employment Source, Inc.
600 Ames Street
Fayetteville, N. C. 28301

22. This lease shall be governed by the internal laws of the State of North Carolina without reference to the conflict of laws provisions thereof, and any action or proceeding relating hereto shall only be brought in the Superior Court of Cumberland County, North Carolina.

23. This Lease contains the entire agreement of the parties hereto as to its subject matter and may not be altered, amended or modified except by a writing signed by both parties. No waiver of or delay in exercising any right or power under this Lease shall impair any such right or power, or shall be construed as a waiver of any breach or default, or acquiescence thereto. One or more waivers of any covenant, term or condition of this Lease by either party shall not be construed by the other party as a waiver of a continuing or subsequent breach or default of the same covenant, provision or condition. The consent or approval by either party of any act by the other party of a nature requiring consent or approval shall not be deemed to waive or render unnecessary consent or approval of any subsequent similar act. No provision of this Lease shall be deemed to have been waived unless such waiver be in writing and signed by the waiving party. The receipt by LESSOR of rent with knowledge of or during the existence of any breach or default shall not be deemed a waiver of such breach or default.

This the _____ day of _____, 2011.

LESSOR: COUNTY OF CUMBERLAND

ATTEST

BY: _____
MARIE COLGAN, Clerk

BY: _____
KENNETH S. EDGE, Chairman
Board of Commissioners

LESSEE: EMPLOYMENT SOURCE, INC.

ATTEST

BY: _____
Secretary

BY: _____
_____, Director

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

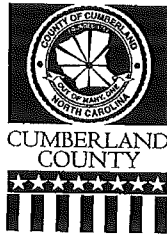
Approved for legal sufficiency.

By: _____
County Finance Director

By: _____
County Attorney

EXHIBIT "A"

BEGINNING at a point in the eastern right of way of Ames Street which is approximately 132 feet north of its intersection with Bragg Boulevard in the City of Fayetteville, North Carolina, also being the southwest corner of Tax Map Lot PIN 0437-19-4006; thence in a northerly direction along said eastern boundary of Ames street 748 feet more or less to a point which is the northwestern corner of the intersection of Tax Map Lot PIN 0437-19-4006 and Tax Map Lot PIN 0428-90-6947; thence in a easterly direction along the southern boundary of Tax Map Lots PIN 0428-90-6947 and 0437-19-6419 to a point in the western boundary of the right of way of Washington Drive; thence generally south a distance of 85 feet more or less, along the western boundary of the right of way of Washington Drive as shown on that certain plat recorded at Plat Book 7, Page 143 (the "Plat") in the Cumberland County Registry to a point which is its intersection with Jackson Avenue as Jackson Avenue runs generally north and south; thence along the western boundary of said Jackson Drive a distance of 995.46 feet more or less to a point which is the intersection of the southwest corner of Tax Map Lot PIN 0437-19-4006 with the northeast corner of Tax Map Lot 0437-18-6406; thence in a westerly direction along the southern property line of Tax Map Lot PIN 0437-18-5444 to a point which is its intersection with the southeast corner of Tax Map Lot PIN 0437-18-4651; thence with the eastern property line of Tax Map Lot PIN 0437-18-4651 a distance of 75 feet more or less to a point which is the northeastern corner of Tax Map Lot PIN 0437-18-4651; thence with the northern property line of Tax Map Lot PIN 0437-18-4651 a distance of 100 feet more or less to the northwestern corner of Tax Map Lot 0437-18-4651 where it intersects the eastern property line of Tax Map Lot PIN 0437-18-3544; thence with the northern property line of Tax Map Lot PIN 0437-18-2559 to a point which is the northeast corner of Tax Map Lot PIN 0437-18-0772; thence with the northern property line of Tax Map Lot PIN 0437-18-2559 a distance of 154.17 feet more or less to a point which is the northwest corner of Tax Map Lot PIN 0437-18-1644 and the northeast corner of Tax Map Lot PIN 0437-18-0772; thence with the northern property line of Tax Map Lot PIN 0437-18-0772 a distance of 276.73 feet more or less to a point in the eastern boundary of the right of way of Ames Street, also being the southwest corner of Tax Map Lot 0437-19-4006, the point and place of BEGINNING, containing 16 acres more or less.



ITEM NO. SB

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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF APRIL 18, 2011

TO: BOARD OF COMMISSIONERS
FROM: RICK MOOREFIELD, COUNTY ATTORNEY *R. Moorefield*
DATE: APRIL 12, 2011
SUBJECT: CONSIDERATION OF THREE YEAR LEASE TO COASTAL HORIZONS CENTER, INC., FOR TASC PROGRAM AT 412 RUSSELL ST.

BACKGROUND:

At its April 7, 2011 meeting, Facilities Committee considered a request for lease renewal from Coastal Horizons Center, Inc. Lease is for approximately 1506 sq. ft. of office space at 412 Russell St. (Day Reporting Center). The current lease has been month-to-month since October 1, 2010, and expires on June 30, 2011. The rent is based on the rental rate the state pays for office space and is \$14.57 per sq. ft. or \$21,942 annually. The rent includes electric, water, sewer, garbage and janitorial services.

Facilities Committee recommended renewal of the lease with a three year term. Since this term is greater than one year, the Board must determine that the property is not needed for government purposes and advertise its intent to grant this lease 10 days in advance of a regular meeting.

RECOMMENDATION/PROPOSED ACTION:

- (1) Declare that the described office space located at 412 Russell Street, Fayetteville, NC, is not needed for government purposes until June 30, 2014; and
- (2) Approve the recommendation of the Facilities Committee to lease the space to Coastal Horizons Center, Inc., on the terms set out in the public notice set out below; and
- (3) Direct the publication of the following notice of intent to grant this lease at the May 2, 2011, regular meeting of the Board:

PUBLIC NOTICE OF PROPOSED LEASE PURSUANT TO G.S. 160A-272

TAKE NOTICE that the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its meeting to be held on May 2, 2011, approving the lease of approximately 1506 sq. ft. of office space located at 412 Russell Street, Fayetteville, NC, to Coastal Horizons Center, Inc., for a term of 3 years at an annual rental rate of \$21,942 to include electric, water, sewer, garbage and janitorial services.

Celebrating Our Past... Embracing Our Future



ENGINEERING DEPARTMENT

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

April 11, 2011

MEMORANDUM

ITEM NO. 5C

TO: BOARD OF COUNTY COMMISSIONERS

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

THROUGH: AMY H. CANNON, DEPUTY COUNTY MANAGER

SUBJECT: CONSIDERATION OF ALTERNATIVE SCHEMES FOR EXPANSION
OF COUNTY DETENTION CENTER

BACKGROUND

Moseley Architects, presented to the Board of Commissioners at its March 21, 2011 meeting, a conceptual schematic design for a 380 bed expansion to the County Detention Center at an estimated total project cost of \$18.9 Million. The Board rejected this plan as cost prohibitive, established a project budget not to exceed \$15 Million, and instructed Management and staff to work with the project architect to develop alternative expansion plans.

The County Engineer presented to the County Facilities Committee at its April 8, 2011 meeting, two alternative schemes developed by the architects in consultation with the project committee. Refer to the PowerPoint presentation attached with the minutes of the Facilities Committee meeting. Scheme #1, the original 380 bed design, was shown as a point of comparison. Scheme #2 is a 316 bed expansion consisting of 4-64 bed dormitory units for 256 beds and 1-60 bed maximum security unit. The estimated project cost of Scheme #2 is \$15.02 Million. Scheme #3 is a 252 bed expansion consisting of 2-64 bed dormitory units for 128 beds, 1-60 bed maximum security unit and 1-64 bed medium security unit. The estimated project cost of Scheme #3 is \$14.75 Million. Each of the alternate schemes preserves the ability to expand to 380 beds as indicated in the original conceptual design (Scheme #1).

The recommendation of Management, Sheriff's Office and staff was to move forward with Scheme #2 because it provided the maximum number of beds, maintained the maximum security housing unit and was very close to the budget cap set by the Board. The Facilities Committee endorsed Scheme #2 and recommended forwarding it to the Board for its consideration.

Moseley Architects will present the alternate expansion schemes to the Board. Should the Board approve the recommended conceptual expansion plan (Scheme #2), the next step is to negotiate a

Celebrating Our Past...Embracing Our Future

fee for the balance of the design services, amend the architectural agreement and bring it back to Board for its consideration.

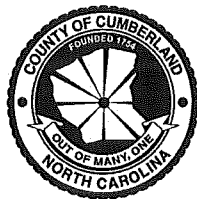
RECOMMENDATION/PROPOSED ACTION

The recommendation of the County Facilities Committee, County Engineer, Sheriff's Office and Management is to approve the 318 bed expansion plan, Scheme #2, for the County Detention Facility. In addition, Management recommends that the Board authorize staff to negotiate an amendment to the architectural agreement with Moseley Architects for the balance of the design services and bring it back to Board as soon as possible for its consideration.

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

JAMES E. MARTIN
County Manager

AMY H. CANNON
Deputy County Manager



ITEM NO. 16A, B


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 APRIL 18, 2011

TO: BOARD OF COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: APRIL 13, 2011

SUBJECT: CONSIDERATION OF THE CUMBERLAND COUNTY FINANCE COMMITTEE REPORT AND RECOMMENDATION(S)

BACKGROUND:

The Cumberland County Finance Committee met on Thursday, April 7, 2011. "DRAFT" minutes for the Cumberland County Finance Committee are included as attachments.

The following information is provided for this meeting:

- A) Consideration of Three Year Audit Contract with Cherry, Bekaert & Holland, CPA.
- B) Consideration of a Resolution Opposing House Bill 642 Regarding Local Confinement of Any Convicted Misdemeanants.

RECOMMENDATION/PROPOSED ACTION:

Accept the Cumberland County Finance Committee report and recommendation.

/ct

Attachments

/ct

Celebrating Our Past...Embracing Our Future

DRAFT

CUMBERLAND COUNTY FINANCE COMMITTEE APRIL 7, 2011, 9:30AM, ROOM 564 MINUTES

MEMBERS PRESENT: Commissioner Marshall Faircloth
Commissioner Jeannette Council

MEMBERS ABSENT: Commissioner Billy King

OTHER COMMISSIONERS: Chairman Kenneth Edge
ATTENDING: Commissioner Jimmy Keefe

OTHERS: James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communications Manager
Howard Abner, Assistant Finance Director
Marie Colgan, Clerk to the Board

Commissioner Faircloth called the meeting to order at 10:00 am as the Facilities Committee meeting which met prior to this meeting did not finish at 9:30 am.

1. Approve Minutes: March 3, 2011

MOTION: Commissioner Council moved to approve the minutes.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS

2. Consideration of Three Year Audit Contract with Cherry, Bekaert & Holland, CPA's

Deputy County Manager Amy Cannon stated she is requesting the Finance Committee's consideration of a three-year contract renewal with Cherry, Bekaert & Holland, CPA's stating they have proposed an audit fee of \$115,000 for three years, which is a \$14,000 decrease from the prior year. One of the reasons for the decrease is that an increase took place in the last couple of years due to the Statement of Auditing Standards 112 which required additional work up front. The upfront work can now be handled internally and then the auditors can review the work. Additionally, there are other pieces of the audit that the Finance Office is picking up on and does not change the scope of the audit. Deputy County Manager Cannon noted the biggest risk the county has is the Human Services agencies which is the bulk of the cost of the audit. Some other counties do have lower costs by as much as \$20,000, but it is due to their writing their own reports. Cumberland does not have the expertise or staff to do this. Otherwise, the cost is reasonable and in line with others. Deputy County Manager Cannon stated under the

DRAFT

General Statutes this is a service and does not have to be formally bid and the county should not let price drive the decision.

MOTION: Commissioner Council moved to recommend to the full Board to authorize the County Manager and Deputy County Manager to execute a three-year contract with Cherry, Bekaert & Holland, CPA's.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS

3. Presentation of the Crown Center Business Plan

County Manager Martin advised this item is being pulled from this agenda at the request of the Crown Center Board of Directors who met yesterday and will be placed on the next agenda. The Crown Center Board of Directors requested it be pulled until they have had a chance to review the elements of the business plan. The Board is working on a marketing plan at this time and would like to include this element in the final plan. Commissioner Keefe questioned whether the draft plan came to Mr. Martin before it went to the Crown Center Board. County Manager Martin confirmed that it did. The consensus of the committee was to allow the business plan to be pulled because they also prefer it include the marketing plan before considering. County Manager Martin added that the proposed budget for FY 2012 does remove the general fund contribution to the Crown's operation and it has already been acted on by their board.

4. Review of Monthly Financial Report

Howard Abner provided information on the monthly financial report by stating the current expenditures show 63.65% as compared to 60.82% of the prior year. Spending closer to the end of the year is expected to be closer to the 97% level. County Manager Martin stated this is true as the county is doing tighter budgets every year and has asked departments to hold the line on spending to a certain amount. Mr. Abner added that when this is done, departments tend to spend most of their budget. In answer to a question posed by Commissioner Council, Mr. Howard stated if the federal government shuts down, it would delay reimbursements, but should not stop operations of the county.

Commissioner Keefe commented on category 30 (Unrestricted Intergovernmental), questioning how the sales taxes for the municipalities works. Mr. Abner advised that municipalities are not billed for sales tax until after December since it is done on a quarterly basis and the first figures are not received until after December. Mr. Abner added that we are only ½ percent off from what is expected and reminded members it is strictly decided on by what amount of sales tax is brought in. Commissioner Faircloth praised the County Finance Department stating it provides a great service to these municipalities.

Chairman Edge questioned whether any other information had been received on the state looking at county fund balances. Deputy County Manager Cannon stated she had not received anything further. Mr. Abner added that the state was furnished the information

DRAFT

they requested but he wanted the Finance Committee members to understand the state asked for "total available fund balance" which is a statutory number the Local Government Commission uses. However that is not money actually available to the county to spend as there are reserved uses which is over \$30M. Mr. Abner added that monies are set aside in assigned reserve accounts; such as, for the monies set aside for the potential upgrade of the Public Health Department. Mr. Abner reminded members these are one-time monies and are not recurring and things the state will pass down will be re-occurring. Commissioner Council voiced her frustration with informing the public about these issues.

5. Other Matters of Concern

Commissioner Keefe stated the Sheriff had mentioned to the board there is a real push for misdemeanor convicted criminals to be housed in our jail facility for up to two years. Commissioner Keefe stated the board should let the legislators know this move is not supported as it will significantly increase the cost to the county. Chairman Edge advised the NCACC is fighting it already. Commissioner Faircloth stated he believes that the board may need to re-think the jail expansion if the state will be looking at facilities that have available space. Commissioner Council voiced her concern about the recurring cost of housing them and how it will affect services to our citizens.

MOTION: Commissioner Council moved to recommend to the full Board a prepared resolution opposing the recurring cost for convicted misdemeanor criminals to be housed in our local jail facility.

DISCUSSION: County Manager Martin reminded members the county already houses those who terms are for up to 90 days, but through some research Sgt. McRainey had completed, he stated the jail facility will increase his average-daily population by a minimum of 150 beds if the convicted misdemeanor criminals are required to stay in-county jail facilities. He also understood it could be up to six years and that the county in which the individual was convicted would be required to house them and if that county does not have the space, they would have to pay for bed space in another county that does have room. County Attorney Moorefield added the convicted inmates must be segregated from the non-convicted individuals and females are segregated from males.

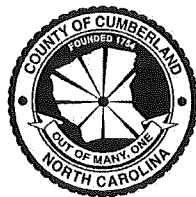
SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

MEETING ADJOURNED AT 10:25 AM

JAMES E. MARTIN
County Manager

AMY H. CANNON
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

April 12, 2011

ITEM NO. 64

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMY H. CANNON, DEPUTY COUNTY MANAGER *Amy H Cannon*

**SUBJECT: APPROVAL OF THREE-YEAR AUDIT CONTRACT WITH
CHERRY, BEKAERT & HOLLAND, CPA'S**

BACKGROUND

The County has had a long standing professional relationship with Cherry, Bekaert & Holland (CBH) and has received excellent service in the past. They have extensive knowledge of the County, its systems, and programs. CB&H has an extensive governmental practice and experience statewide in the GFOA Certificate of Achievement Program. Due to continued changes in governmental auditing standards, Management believes that it is prudent to continue our relationship with CB&H by executing a three-year contract. Implementation of new accounting standards may be more efficiently completed through an audit firm that has experience with the County and comprehensive knowledge of the new standards and related procedures.

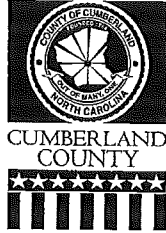
CB&H has agreed to reduce the annual audit fee to \$115,000 which is a \$14,000 decrease from the prior year. Additionally, they have agreed to hold this fee for the term of this three-year agreement. We believe this fee is very reasonable in comparison with fees charged to similar sized local governments.

This item was presented to the Finance Committee on April 7, 2011 and the Committee unanimously approved this three-year contract with Cherry Bekaert & Holland.

RECOMMENDATION

Based on the approval of the Finance Committee, authorize the County Manager and the Deputy County Manager to execute this agreement.

Celebrating Our Past...Embracing Our Future

**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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF APRIL 18, 2011

TO: BOARD OF COMMISSIONERS
FROM: RICK MOOREFIELD, COUNTY ATTORNEY *R. Moorefield*
DATE: APRIL 12, 2011
SUBJECT: RESOLUTION IN OPPOSITION TO PART VII, HOUSE BILL 642
REGARDING LOCAL CONFINEMENT OF ANY CONVICTED
MISDEMEANANTS

ATTACHMENTS: (1) RESOLUTION
(2) COPY OF PROPOSED PART VII, H642

BACKGROUND:

At the April 7, 2011 meeting of the Finance Committee, Chairman Edge reported on proposed legislation which would require convicted misdemeanants to be confined in local jails. The Committee members discussed their concerns that this legislation would eliminate any public safety benefit to be gained from the expansion of the detention center due to the expansion beds being used for convicted inmates which have formerly been the responsibility of the state Department of Correction. The Committee voted to recommend that the Board of Commissioners adopt a resolution in opposition to this proposed legislation.

RECOMMENDATION/PROPOSED ACTION:

Consider and adopt the attached resolution and direct that it be forwarded to the county's legislative delegation.

Celebrating Our Past... Embracing Our Future

**RESOLUTION OF
THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY
OPPOSING PART VII OF PROPOSED HOUSE BILL 642 REQUIRING
JAIL CONFINEMENT OF ANY CONVICTED MISDEMEANANTS**

WHEREAS, the Cumberland County Board of Commissioners recognizes that the county's jail has often been operated at, or in excess of, its maximum capacity for the past year; and

WHEREAS, the Cumberland County Board of Commissioners acknowledges the public's demand for a local jail large enough to confine repeat offenders who continue to commit crimes while bonded out of jail awaiting trial; and

WHEREAS, the Cumberland County Board of Commissioners has heard the concerns of the county's law enforcement agencies, judges and district attorney that the strained capacity of the current jail limits the confinement options available for defendants currently awaiting trial; and

WHEREAS, in response to the public's need for an expanded jail, the Cumberland County Board of Commissioners has employed an architect to design an expansion to accommodate the current jail population and its projected growth; and

WHEREAS, this project is estimated to cost in excess of Fifteen Million Dollars and will take more than two and one-half years to construct and will add in excess of Three Million Dollars in annual operating costs to the county's budget; and

WHEREAS, if the General Assembly adopts Part VII of proposed House Bill 642 requiring convicted misdemeanants to serve sentences of up to six months in the local jail, there will be no public advantage gained to the citizens of Cumberland County for the expansion of the county's jail, as the expansion capacity will likely be used fully for confinement of convicted misdemeanants formerly serving sentences in the N. C. Department of Correction prisons; and

WHEREAS, if multiple counties are immediately forced by legislation into the market for construction or expansion of their jails, construction costs will escalate at a much higher rate than normal for construction activities.

THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners respectfully requests the members of the North Carolina General Assembly to fully reject Section VII of proposed House Bill 624 or any other proposal to shift the confinement of any convicted misdemeanants from the state Department of Correction prisons to the local jails.

ADOPTED at the regular meeting of the Cumberland County Board of Commissioners held on the 18th day of April, 2011.

Cumberland County Board of Commissioners

By: _____
Kenneth S. Edge, Chairman

ATTEST:

Marie Colgan, Clerk to the Board

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

PART VII. MISDEMEANANTS TO SERVE SENTENCES IN JAIL

SECTION 7.(a) Article 81B of Chapter 15A of the General Statutes is amended by adding a new section to read:

"§ 15A-1340.24. Local government confinement facility; sentence.

A defendant convicted solely on a misdemeanor or misdemeanor charges under this Article, with an imposed sentence less any time credited for time served that results in a period of confinement of six months or less, shall serve the period of confinement in a local confinement facility."

SECTION 7.(b) G.S. 148-32.1(b) reads as rewritten:

"(b) In the event that the custodian of the local confinement facility certifies in writing to the clerk of the superior court in the county in which said local confinement facility is located that the local confinement facility is filled to capacity, or that the facility cannot reasonably accommodate any more prisoners due to segregation requirements for particular prisoners, or that the custodian anticipates, in light of local experiences, an influx of temporary prisoners at that time, or if the local confinement facility does not meet the minimum standards published pursuant to G.S. 153A-221, any judge of the district court in the district court district as defined in G.S. 7A-133 where the facility is located, or any superior court judge who has jurisdiction pursuant to G.S. 7A-47.1 or G.S. 7A-48 in a district or set of districts as defined in G.S. 7A-41.1 where the facility is located may order that the prisoner be transferred to any other qualified local confinement facility within that district or within another such district where space is available, including a satellite jail unit operated pursuant to G.S. 153A-230.3 if

the prisoner is a non-violent misdemeanor, which local facility shall accept the transferred prisoner, if the prison population has exceeded a manageable level as provided for in G.S. 148-4.1(a). If no such local confinement facility is available, then any such judge may order the prisoner transferred to such camp or facility as the proper authorities of the Department of Correction shall designate, notwithstanding that the term of imprisonment of the prisoner is ~~90 days~~ six months or less. In no event, however, shall a prisoner whose term of imprisonment is less than ~~30~~ 90 days be assigned or ordered transferred to any such camp or facility."

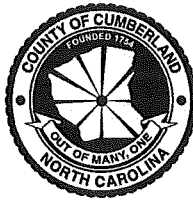
SECTION 7.(c) G.S. 15A-1352(a) reads as rewritten:

"(a) A person sentenced to imprisonment for a misdemeanor under this Article or for nonpayment of a fine under Article 84 of this Chapter shall be committed for the term designated by the court to the custody of the Department of Correction or to a local confinement facility. If the sentence imposed for a misdemeanor less any time credited for time served that results in a period of confinement of is for a period of 90 days ~~six months~~ or less, the commitment must be to a facility other than one maintained by the Department of Correction, except as provided in G.S. 148-32.1(b).

If a person is sentenced to imprisonment for a misdemeanor under this Article or for nonpayment of a fine under Article 84 of this Chapter, the sentencing judge shall make a finding of fact as to whether the person would be suitable for placement in a county satellite jail/work release unit operated pursuant to G.S. 153A-230.3. If the sentencing judge makes a finding of fact that the person would be suitable for placement in a county satellite jail/work release unit and the person meets the requirements listed in G.S. 153A-230.3(a)(1), then the custodian of the local confinement facility may transfer the misdemeanor to a county satellite jail/work release unit."

JAMES E. MARTIN
County Manager

AMY H. CANNON
Deputy County Manager



ITEM NO. 7A

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 APRIL 18, 2011

TO: BOARD OF COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER

DATE: APRIL 13, 2011

SUBJECT: CONSIDERATION OF THE CUMBERLAND COUNTY POLICY COMMITTEE REPORT AND RECOMMENDATION(S)

BACKGROUND:

The Cumberland County Policy Committee met on Thursday, April 7, 2011. "DRAFT" minutes for the Cumberland County Policy Committee are included as attachments.

The following information is provided for this meeting:

- A) Proposed Revision to Articles I, II and III of the Animal Control Ordinance.

RECOMMENDATION/PROPOSED ACTION:

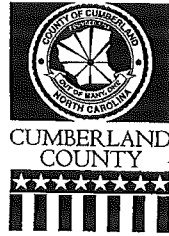
Accept the Cumberland County Policy Committee report and recommendation.

/ct

Attachments

/ct

Celebrating Our Past...Embracing Our Future



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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF APRIL 18, 2011

TO: BOARD OF COMMISSIONERS
FROM: RICK MOOREFIELD, COUNTY ATTORNEY *R. Moorefield*
DATE: APRIL 12, 2011
SUBJECT: REVISION OF ARTICLES I, II, AND III OF THE ANIMAL CONTROL ORDINANCE

ATTACHMENTS: Working Draft of Revised Articles I, II, and III

BACKGROUND:

Due to the volume of the material and the need for discussion the county attorney presented only the first three articles to the Policy Committee for its April meeting. This is more than half of the ordinance and contains the provisions that need the most discussion. The remainder of the ordinance revision will be presented to the Policy Committee in May. The numbering and organization of the revised ordinance has been maintained consistent with the current ordinance since the officers have been working with those numbered code sections for more than a decade. The county attorney solicited input from the animal control officers as to the issues they needed addressed from their enforcement perspective. Although this revision has not been a collaborative effort between county and city staff, both the Fayetteville City Attorney and John Jackson, who serves as town attorney for several of the smaller municipalities, were provided the proposed revision and invited to make comments or suggestions. The proposed revision has also been provided to Sarah O'Hanlon for FAPS at her request. The significant changes in each article are discussed as follows:

DISCUSSION:**Article I:**

The name of the program is returned to "Animal Control" rather than "Animal Services." There is a separate appeal board established to hear the appeals of declarations of potentially dangerous dogs. The structure of the appeal board needs to be established by the board of commissioners. The county attorney recommends that at least one member of the appeal board be appointed by the Animal Control Board. Otherwise, the appeal board is being started from scratch.

DRAFT

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
APRIL 7, 2011 –10:30 AM
MINUTES

MEMBERS PRESENT: Commissioner Ed Melvin, Chairman
Commissioner Jimmy Keefe
Commissioner Charles Evans

OTHER COMMISSIONERS
PRESENT: Commissioner Kenneth Edge

OTHERS PRESENT: James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communications and Strategic Initiatives
Manager
Dr. John Lauby, Animal Control Director
Brian Leonard, Assistant City Attorney, City of Fayetteville
Candice White, Deputy Clerk to the Board
Press

Commissioner Melvin called the meeting to order.

1. APPROVAL OF MINUTES: MARCH 3, 2011 MEETING

MOTION: Commissioner Keefe moved to approve the minutes as presented.
SECOND: Commissioner Evans
VOTE: UNANIMOUS

2. CONSIDERATION OF COMMISSIONER REQUEST TO ESTABLISH
GUIDELINES FOR STAFF RETURNING TO WORK AFTER RETIREMENT

James Martin, County Manager, referenced Commissioner King's request that the Policy Committee look at the possibility of establishing guidelines, to include a time limit, for retirees to return to work for the county on a contract basis. Mr. Martin stated administration/staff are seeking input and direction from the committee and, although he understands some of the concerns, the rehiring of retirees meets the county's needs and is not done for the convenience of retired employees. Mr. Martin further stated staff returns to work after retirement on a limited/on-call/supplemental basis or when there is a need for less than full-time personnel. Mr. Martin stated with only minor exceptions, the county's use of retirees does not prevent the hire of full-time employees and relates to issues of costs.

DRAFT

Commissioner Evans stated the periods of time for which some of the retirees have returned to work are indicative of more than fill-in employment and the Board should set guidelines. James Lawson, Assistant County Manager, clarified the figures represent the period of time retirees have been on the county's payroll in their retirement status and available to work part-time.

Commissioner Evans clarified that he did not have a problem with retirees working for the county, but he did have a problem with retirees working within the same department they worked in prior to their retirement. Commissioner Evans stated for the most part, department heads have a pretty good indication of when an employee is going to retire so steps should be taken to groom someone for that position.

Commissioner Keefe asked how many departments the county manager could affect and whether county management had the authority to make a broad-brush policy to which all county departments would have to adhere. Rick Moorefield, County Attorney, responded in the negative and stated some of the county departments are subject to the county's personnel policies only to the extent that the departments choose for them to be. Mr. Moorefield further stated Public Health and Social Services employees are subject to the State Personnel Act and these departments could not be compelled to participate in a county policy, even though they may choose to participate. Mr. Moorefield advised there is a legal basis for this in each department.

Mr. Martin advised county department heads are instructed to analyze whether vacant positions need to be filled and if so, whether they should be filled on a permanent part-time basis or on a part-time/as-needed basis. Mr. Martin emphasized in most instances the mind set involves costs and what the county can do to get the job done in the least costly way.

Discussion followed regarding what constitutes work on a part-time basis, benefits associated with working twenty plus and thirty plus hours per week, and restrictions placed on retirees by the retirement system. Commissioner Keefe questioned the wisdom of enacting a policy for which the county has no hammer to enforce. Commissioner Evans stated the hammer for enforcement lies with the funds the county gives to departments across the board. Commissioner Edge stated department heads have a better understanding of the knowledge/skill level involved with jobs under their purview and the Board's setting of an arbitrary time limit could restrict or tie up certain positions, to possibly include the delivery of services.

Commissioner Evans stated the practice of staff returning to work in the same department after retirement gives the appearance of favoritism and, with the current unemployment rate, the county should not encounter a problem filling positions. Commissioner Edge spoke to situations in which succession planning may not be desired, the flexibility that is required when filling certain positions and the cost saving benefits to the county of allowing staff to return to work after retirement. Commissioner Edge further stated he did not feel the county should tie its hands by setting time limits.

DRAFT

Mr. Martin explained differences in filling retirement positions, certified/licensed positions and temporary/fill-in positions.

MOTION: Commissioner Evans moved that staff should be directed to look into creating a policy regarding retirees being hired as part-time workers in the same department for no more than three months.

The motion died due to lack of a second.

MOTION: Commissioner Keefe moved that the county manager come back with some guidelines for certified and non-certified positions on temporary hires and part-time employees, regardless of whether they are retired.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

Commissioner Melvin turned the meeting over to Commissioner Keefe and excused himself from the meeting.

3. CONSIDERATION OF PROPOSED REVISIONS TO ARTICLES I, II AND III OF THE ANIMAL CONTROL ORDINANCE

Mr. Moorefield introduced Brian Leonard, Assistant City Attorney with the City of Fayetteville, and stated he kept most of the municipalities in the loop during the ordinance revision process. Mr. Moorefield stated Articles I, II and III have presented the most issues over time and the revisions as proposed are the result of more than a year of direct communication with animal control officers and their supervisors, citizens, People for the Ethical Treatment of Animals (PETA) and the Fayetteville Area Protection Society (FAPS). Mr. Moorefield further stated he had input from Animal Control Director Dr. John Lauby, but unfortunately not with all members Animal Control Board as they had experienced difficulties establishing a quorum for their meetings.

Mr. Moorefield stated he basically ended up rewriting Articles I, II and III and his memorandum contained in the meeting packet outlined the fundamental changes. Mr. Moorefield stated feedback from animal control officers was that they were unsure as to how to proceed when it came to Article III-Dangerous Dogs, so that article was changed significantly. Mr. Moorefield further stated there were several duplicative provisions throughout Articles I, II and II, as well as the remainder of the ordinance, and he indicated those as having been repealed and cited the reason for the repeal. Mr. Moorefield also stated he retained the numbering and structuring of the existing ordinance because the animal control officers are already familiar with the format.

With regard to Article I, Mr. Moorefield stated the name of the program is going to revert back to "Animal Control", which is a significant change from a policy perspective in

DRAFT

terms of the imagine the department presents. Mr. Moorefield proposed that a separate and smaller appeal board be established to hear the appeals or declarations of potentially dangerous dogs and that the structure of the appeal board be established from scratch by the Board of Commissioners. Mr. Moorefield stated the Animal Control Board will continue to have responsibility for the other civil aspects of appeals in the ordinance, with the exception of “dangerous dogs”. Mr. Moorefield proposed that the Animal Control Board appoint one member of the appeal board with the other two members being appointed as the Board of Commissioners determines. Mr. Moorefield stated the appeal board would be responsible to the Board of Commissioners with no real relation to the Animal Control Board. Mr. Moorefield explained the appeal board’s authority would be the proceedings as contained within the animal control ordinance and Chapter 67 of the general statutes. Mr. Moorefield responded to questions.

With regard to Article III-Dangerous Dogs, Mr. Moorefield stated the process for making dangerous dog declarations under Chapter 67 has not been used in the past because the county has held to the provisions under its ordinance. Mr. Moorefield stated when a dog inflicts serious injury on a person or another animal, the best approach is to go under the state statute which requires the Board of Commissioners to appoint a dangerous dog appeal board. Mr. Moorefield explained should the dog owner not like the decision of the appeal board, the process under state statute would be for the appeal to go directly into superior court with a trial before a superior court judge; this would not be an appellate proceeding. Mr. Moorefield stated the county would then have the ruling as issued by the superior court judge.

Mr. Moorefield stated the biggest issue within Cumberland County has not been serious dog cases, but situations in which a dog has inflicted injury on a person or another animal that is not a “severe” injury under state statute. Mr. Moorefield stated his proposal under the ordinance revision is to reduce the threshold of the injury required from “severe” to requiring “medical care more than first aid”. Mr. Moorefield explained this proposal would cover about eighty percent of the cases and proceedings would be entirely under the ordinance. Mr. Moorefield stated the appeal board would make the final decision, the animal control director would make the initial declaration, and a dog owner could appeal to superior court. Mr. Moorefield explained the superior court would sit as an appellate tribunal and only review the records created by the county to determine whether there was competent evidence on the record to support the decision.

Mr. Moorefield responded to additional questions and stated it is specific under the ordinance that the animal control director would have the discretion/authority to impound a dog he has declared “potentially dangerous” while an investigation is being conducted and the issue is resolved.

In response to a question posed by Commissioner Keefe, Mr. Moorefield explained the first step is for the county to clean up its ordinance and his hope is that the municipalities will enter into an interlocal agreement with the county by which they will consent to the ordinance being applied in their jurisdiction. Mr. Moorefield stated he plans to present

DRAFT

the first part of the ordinance to the Board in April, the second part of the ordinance to the Board in May, and the entire ordinance to the Board in June for adoption.

Mr. Moorefield pointed out "dangerous dogs" is the most serious issue the county has to deal with; however, complaints regarding nuisance animals are the most time consuming issue. Mr. Moorefield stated under Article II, the section on nuisance animals has been substantially rewritten because there was previously no practical way to enforce the provision. Mr. Moorefield further stated he also eliminated the different penalty provisions consistent with the request of animal control officers for a more uniform system of penalties.

Mr. Moorefield advised civil penalties are difficult to collect, do not support the activities of animal control as most people think, and are turned over to the school board. Mr. Moorefield stated his proposal is that enforcement of penalty provisions be primarily accomplished through the issuance of criminal summons for any violation as a Class III misdemeanor.

Mr. Moorefield also stated the anti-tethering section was reworded to address the tethering of dogs and a section was added under Article III to authorize the impoundment of tethered dogs but the decision of the animal control director to impound would be subject to an appeal process under Article X.

Mr. Moorefield invited Assistant City Attorney Brian Leonard to comment. Mr. Leonard stated that neither he nor the city attorney had any significant comments at this time and would continue to review the ordinance revisions. Mr. Leonard further stated following adoption of the ordinance by the Board of Commissioners, a presentation would be made to the Fayetteville City Council.

MOTION: Commissioner Evans moved to present to the Board of Commissioners at their next meeting.

SECOND: Commissioner Keefe

Mr. Moorefield requested permission from the committee to incorporate four additional changes that had been brought to his attention by Dr. Lauby. Commissioner Keefe asked that the four changes be highlighted when brought to the full Board.

VOTE: UNANIMOUS

4. OTHER ITEMS OF BUSINESS

There were no additional items of business.

MEETING ADJOURNED AT 11:50 AM

Article II:

The definitions will likely be altered upon final adoption of the entire ordinance due to some existing sections being dropped from the ordinance. That is more apparent with the remainder of the ordinance.

The most significant change in Article II is the elimination of a number of different penalty provisions. The officers requested a uniform system of penalties. A single system of penalties, including civil and criminal enforcement, is in Article X of the current ordinance. The county attorney proposes that a uniform system of penalties be established in Article X with enforcement being primarily accomplished through the issuance of criminal summons for any violation as a Class III misdemeanor. The penalty section will require discussion in May.

Section 3-10 on nuisance animals has been significantly revised. The current ordinance states that the Animal Control Officers will abate any nuisance and the owner of a nuisance animal is to bring the animal to the shelter within 48 hours if the nuisance is not abated. This is not a practical way to enforce this provision. No owner has ever brought a nuisance animal to the shelter in compliance with the current provision.

Sections 3-13 and 3-14 are identified as repealed because each of these is a rabies vaccination requirement duplicated in Article IV on rabies control. The rabies vaccination requirements should logically be addressed in Article IV.

Section 3-16 is identified as repealed because it is a duplicative section on dogs running at large which is addressed in Section 3-18.

Section 3-20 is identified as repealed because it required the spaying or neutering of any dog or cat released from the shelter. Animal control officers reported this was simply impractical to accomplish and was never done.

Section 3-21.H. Anti-tethering, is changed by using the word "dog" in H.1 rather than "pet" because the entire subsection only addresses the tethering of dogs. H.5 is added at the request of Animal Control staff because they cannot adequately enforce the tethering provision unless they have the authority to remove a tethered dog at some point and the attempts to enforce this provision due to a large number of complaints continues to be an issue which takes a lot of their time. Dr. Lauby has requested that Animal Control be given the authority to seize and impound a tethered dog if the owner does not comply with a notice of violation within 14 days. That seizure will require an appeal process before the Animal Control Board which will be covered in Article X.

Section 3-21.I is identified as repealed because it is a leash law which prohibits animals from running at large and is covered in Section 3-18.

Section 3-22.C. is identified as repealed because it has been merged into Section 3-22.B.

Article III:

Article III, Dangerous Dogs, has been significantly changed. The appeal hearing has been structured and the roles of the Director, the appeal board, the appellant and the county attorney have been specified. The scope of the hearing has been made administrative in nature with the decision of the appeal board being final. That means any appeal to Superior Court is only in the nature of an appellate process through a writ of certiorari rather than as a full-blown hearing. The other significant change in the revision is that the dangerous dog process is directed only to the declaration of a "potentially dangerous dog." The current ordinance's provisions for declarations of aggressive and vicious dogs are eliminated. Again, this was done at the request of the Animal Control staff. The revision retains the provision for enforcement of the state law under Chapter 67 because that process is really a more effective enforcement mechanism for cases involving severe injury to a person or an animal as a result of a dog attack. The difference between the state law and the ordinance is the ordinance reduces the threshold of the injury required from "severe" to simply requiring "medical care more than first aid." The state law also provides that any appeal to Superior Court is by a full-blown evidentiary hearing. By using the broadened definition of injury, there is no real need to include additional aggressive and vicious categories. By both the statutory and the ordinance definitions, a "potentially dangerous dog" is also a "dangerous dog."

Sections 3-28.B and 3-32.A give the Director authority to impound a dog he has declared "potentially dangerous" while the investigation is being conducted and during the pendency of any appeal.

The remaining portions of Articles I, II and III contain some changes in language which do not really change the substance of the provisions.

New Developments since Policy Committee Consideration:

Section 3-12 governing the possession of exotic and wild animals was amended by the Board on March 21, 2011, at the request of James Bass. Mr. Bass has criminal charges pending for violations of Section 3-12 alleged to have occurred before March 21, 2011. The county attorney sent a letter to the District Attorney on April 8, 2011, regarding that amendment which was copied to the Board of Commissioners. Commissioner Evans has told the county attorney that he wants to propose that the Board re-consider Section 3-12 since it seems that Mr. Bass is the only possessor of wild and exotic animals in the county.

The county attorney advises that in his opinion, Section 3-12 has never applied to the bear possessed by Mr. Bass because that bear is a hybrid that cannot "normally be found in the wild state." If the Board wishes to re-consider Section 3-12, it should be completely re-written to clarify and more broadly define the animals to which it is intended to apply.

RECOMMENDATION/PROPOSED ACTION:

The county attorney requests the Board's direction on the following:

- (1) Composition of the Dangerous Dog Appeal Board; and
- (2) Any further changes in Articles I, II, or III; and
- (3) Any matters in Articles I, II, or III which the Board wants to consider further.

Once that direction is received, the county attorney recommends that the Board complete the review of revisions to the remainder of the ordinance in May with the goal of adopting the entire ordinance in May or June.

**AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
REPEALING AND RE-ADOPTING ARTICLES I, II, AND III OF CHAPTER 3, ANIMAL
CONTROL, OF THE CODE OF ORDINANCES OF THE COUNTY OF CUMBERLAND,
NORTH CAROLINA**

WHEREAS, the Cumberland County Board of Commissioners adopted a revised County Animal Control Ordinance in August, 2000, and has amended it from time to time; and

WHEREAS, the Board of Commissioners wishes to make a comprehensive revision of the Cumberland County Animal Control Ordinance and has commenced that revision by the repeal and re-adoption of Articles I, II and III as set forth below; and

Whereas, the Board of Commissioners intends to repeal and re-adopt the remainder of Chapter 3 at a later date and finds the comprehensive revision of Chapter 3 to be in the public interest and to promote the public health, safety and welfare,

NOW, THEREFORE, BE IT ORDAINED by the Cumberland County Board of Commissioners that:

Articles I, II, and III, Chapter 3, Animal Control, of the Code of Ordinances of the County of Cumberland, North Carolina, are hereby repealed in their entirety, and the following substituted and adopted in their stead:

**CHAPTER 3
ANIMAL CONTROL**

- Art. I. Administration**
- Art. II. General Provisions**
- Art. III. Dangerous Dogs.**
- Art. IV. Rabies and Animal Bites**
- Art. V. Licenses and Permits for Kennels, Keeping Large/Small Animals**
- Art. VI. Licensing of Dogs and Cats**
- Art. VII. Public Hazard Dogs**
- Art. VIII. Injured Animal Stabilization Fund**
- Art. IX. Miscellaneous**
- Art. X. Enforcement**

ARTICLE I. ADMINISTRATION

Sec. 3-1. Animal Control Department established.

There is hereby established in the government of the County an Animal Control Department.

Sec. 3-2. Animal Control Director.

The Animal Control Department shall be supervised by the Animal Control Director, who shall be the director of that department, appointed by the county manager.

Sec. 3-3. Functions of Animal Control Department.

The Animal Control Department shall have and perform the duties and responsibilities set forth herein, shall enforce the provisions of this chapter and of state law relating to animal control and animal welfare,

shall administer and enforce an animal control program within such municipalities within the county as by interlocal agreement may contract with the County for such services, and shall maintain and operate the county animal shelter.

Sec. 3-4. Animal Control Board established; Dangerous Dog Appeal Board established.

- A. There is established the Cumberland County Animal Control Board.
- B. The Animal Control Board shall be composed of seven (7) members to be appointed by the Board of Commissioners. Of the seven members, two shall be residents of the City of Fayetteville appointed by the Board of Commissioners from among the names of four persons nominated by the Fayetteville City Council, that is, two nominations for each seat. At least one member shall be a person with knowledge and experience in dog behavior and/or handling, one member shall be *ex officio* the veterinarian on contract to the Animal Control Department, one member shall have an interest in promoting the goals of the Animal Protection Society or the Humane Society or another such broadly-based and representative organization interested in the care and protection of animals, and the other members shall represent the public at large. The members shall serve staggered two-year terms; four members shall have terms that expire on June 30 in even-numbered years following the year of their initial appointment and three members shall have terms that expire on June 30 of odd-numbered years.
- C. The powers and duties of the Animal Control Board shall include:
 - (1) Appointing one of its members to sit on the Dangerous Dog Appeal Board;
 - (2) Hearing any appeals provided for in this ordinance other than the Director's determinations of potentially dangerous dogs;
 - (3) Providing advice and information to the Animal Control Department;
 - (4) Upon coordination with the Animal Control Director, making recommendations to the Board of Commissioners or the Fayetteville City Council, as appropriate, for the betterment of the County's animal control program;
 - (5) In conjunction with the Animal Control Department and the County's Public Information Director, providing for a program of public education, information and outreach concerning responsible pet ownership, animal cruelty, and the County's animal control program; and
 - (6) Selecting officers of the board, including a chairperson, and adopting rules of procedure.
- D. A majority of the members shall constitute a quorum for the Animal Control Board to transact business. The Animal Control Board shall adopt a schedule of regular meetings and post and file it with the Clerk to the Board of Commissioners and otherwise as required by the Open Meetings Law. The Animal Control Board shall schedule as least four quarterly regular meetings annually, at which meetings the Animal Services Director or his delegate shall appear and participate. In addition, the Animal Control Board may hold such special or emergency meetings, upon the call of the chairperson or any three members, as may be appropriate in the circumstances, subject to compliance with the Open Meeting Law.
- E. There is established the Dangerous Dog Appeal Board.
- F. The Dangerous Dog Appeal Board shall consist of _____ members, appointed as follows: one shall be appointed by the Animal Control Board from among its members; one shall be appointed

by _____; and one shall be appointed by _____.

The members shall serve staggered two-year terms with the member appointed by the Animal Control Board having a term that expires on June 30 in even-numbered years and the remaining members shall have terms that expire on June 30 of odd-numbered years.

G. The powers and duties of the Dangerous Dog Appeal Board shall include:

- (1) Selecting a chairperson to preside over its appeal hearings;
- (2) Hearing the appeals of the determinations of potentially dangerous dogs by the Animal Control Director (or his designee) pursuant to Article III of this ordinance or Chapter 67 of the General Statutes.

H. The administrative assistant to the Animal Control Director shall be the Clerk to the Animal Control Board and the Dangerous Dog Appeal Board.

ARTICLE II. GENERAL PROVISIONS.

Sec. 3-5. Definitions

A. As used in this ordinance, the following terms shall have the meanings respectively ascribed to them in this section:

"Abandon" means to cease providing for the care, control or maintenance of an animal without the transfer of ownership of such animal.

"Altered" means any cat or dog, which has been neutered or spayed.

"Animal Shelter or Department's Shelter" means the premises operated by the Animal Control Department for the purposes of impounding, sheltering or caring for animals or any other premises operated by another entity with which the county contracts for such purposes.

"Animal Control Department" means the Cumberland County Animal Control Department.

"Animal Control Director" means the Director from time to time of the Animal Control Department, or his designee.

"Animal Control Officer" means the person or persons employed by the Animal Control Department as its enforcement officer[s] in the impoundment of animals, controlling of animals running at large, and as otherwise provided or required in this chapter.

"At large" or "running at large" means any animal which is not confined on the property of its owner, the leased premises of the animal's owner, or under the actual physical control of a competent person, other than a licensed, currently privilege tax paid, hunting dog under supervision while engaged in a lawful actual or simulated hunt.

"Confinement" means to secure an animal in a locked house, run, enclosure or fenced yard within the boundaries of the owner's, leaseholder's, or keeper's property (i.e., house, fenced yard).

"County Manager" shall mean the duly appointed County Manager of the County of his/her designee.

"Cruelty" means to endanger by any act of omission or commission the life, health or safety of an animal.

"Director" means the Director of the Animal Control Department.

"Exposed to rabies" means any animal that has been bitten by or exposed in a manner proven to be able to transmit rabies, to any other animal known to have been infected with rabies or any other animal reasonably suspected of being infected with rabies that is not available for laboratory diagnosis.

"Fee Schedule" means any schedule of fees related to the administration of this ordinance, which may be adopted by the Board of Commissioners. [**"FROM TIME TO TIME" REMOVED**]

"Fowl" means chickens, guineas, geese, ducks, pigeons, and other avian animals.

"Harboring" means regularly feeding, sheltering or caring for an animal.

"Impoundment" means any person, acting in the capacity of the owner or at the owner's request, who is responsible for the care, welfare and maintenance of the animal.

"Keeper" means any person, acting in the capacity of the owner, or at the owner's request, who is responsible for the care, welfare and maintenance of the animal.

"Kennel" means any place where any combination of eight (8) or more dogs or cats more than six (6) months of age are sheltered, fed and watered.

"Neuter" means to render a male dog or cat unable to reproduce.

"Livestock" includes, but is not limited to, equine animals, bovine animals, sheep, goats, llamas and swine.

"Nuisance" means the conduct or behavior resulting from any act of omission or commission by the owner or keeper of any small or large animal, fowl, cat or dog which molests passersby or passing vehicles, damages private or public property; barks, whines, howls, crows or makes other noises in an habitual or continuous fashion which annoys the comfort, repose, health or safety of the people in the community; is unconfined in season; habitually defecates on the property of someone other than the owner; habitually eats or otherwise destroys the plants, shrubs or similar landscaping on the property of someone other than the owner. [**"FOWL" ADDED TO DEFINITION**]

"Nuisance animal" means any animal that commits any of the acts, conduct or behaviors defined as nuisance in this ordinance.

"Owner" shall mean anyone taking care of having custody of an animal, such as by providing food, water, shelter or medical care, but shall not include taking care or having custody of the animal for compensation.

"Permit" means a permit issued by the Animal Control Department or similar agency of any applicable governmental unit having jurisdiction.

"Potentially Dangerous Dog" and "Dangerous Dog" shall have the meanings set forth in Section 3-25 hereof.

"Provoke" or "provocation" means, with respect to an attack by an animal, the animal was hit, kicked or agitated by teasing or struck by a person with an object or part of a person's body or that any part of the animal's body is pulled, pinched or squeezed by a person.

"Public Hazard Dog" shall mean a dog that, off its owner's property (or a stray or abandoned dog) and not restrained, approaches a person so as to put such person in reasonable fear of the threat of an imminent attack, when such dog has the apparent ability to carry out such an attack and inflict injury on such person, whether or not it is demonstrated that such dog had an actual intent to attack such person.

"Rat proof" means the state of being constructed so as to effectively prevent entry of rats.

"Restraint" means that an animal is actually physically controlled by leash or tether held by a competent person or within any vehicle, trailer or other conveyance being driven, pulled or parked on the street or confined within the property limits of its owner or keeper.

"Run" means an area used to confine a dog or dogs of a size that complies with Section 3-42 hereof.

"Sanitary" means any condition of good odor and cleanliness, which precludes the probability of disease transmission and insect breeding and which preserves the health of the public.

"Spay" means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce.

"State law" means the General Statutes of North Carolina.

"Stray" means any animal reasonably presumed not to have any owner, including but not limited to an animal running at large or not under restraint.

"Tethered" or "tethering" means attaching an animal to a stationary object by means of a chain, cable, rope or similar device.

"Vaccination" means an injection of United States Department of Agriculture approved rabies vaccine administered by a licensed veterinarian or certified rabies vaccinator as defined in G.S. 130A-186.

"Transfer" means to convey or change ownership from one person to another with or without the exchange of money or other consideration.

"Unaltered" means any cat or dog which has not been spayed or neutered.

- B. All other words or phrases used herein shall be defined and interpreted according to their common usage.

Sec. 3-6. Applicability of state laws to custody of animals.

No person owning or having in his custody any animal shall violate any laws, rules, or regulations of the state applicable thereto. The provisions of this ordinance shall govern where the provisions of the rules and regulations of the state are less restrictive than the provisions of this chapter.

Sec. 3-7. Injuring, poisoning or trapping animals prohibited.

- A. A person who accidentally or otherwise strikes an animal with an automobile and injures it shall promptly notify the Animal Control Department or any law enforcement agency having jurisdiction.
- B. No person shall knowingly expose or give to any animal any poisonous substance, whether

mixed with food or not. This provision, however, does not apply to the eradication or population control of certain species of rodents.

- C. No person shall set or expose an open jaw type trap, leg hold trap, snare trap or any type trap which would likely cause physical harm or injury to any animal. This provision shall not apply to persons who are licensed by the state to trap animals, to Animal Control Officers or to persons using humane live capture traps.

Sec. 3-8. Diseased animals, injured or sick animals.

- A. Every person owning or having any animal under his charge which he knows or suspects to be sick or injured shall isolate the animal from other animals, shall obtain or provide appropriate treatment for such animal within two business days or may have the animal humanely euthanized; or
- B. Any animal which comes into possession of the Department's shelter which is terminally injured, sick or exhibiting symptoms of contagious disease may be humanely euthanized by the shelter personnel without waiting for the expiration of the period in which such animal may be placed for adoption. Provided, however, that before such sick, diseased or injured animal is euthanized, the shelter personnel shall contact the owner, if known, of such animal to determine the disposition of such animal. If the owner indicates that the animal will be reclaimed but fails to reclaim the animal within two business days of such notification, or if the owner of such animal is not known, the sick or injured animal shall be euthanized by the shelter personnel. The shelter supervisor shall keep a record of such animal, to include breed and sex of the animal, when the animal came into possession of the shelter, the type of injury, disease or sickness of such animals, the date the animal was destroyed, and any other information relevant to the health, condition and description of such animal.

Sec. 3-9. Property owner may impound animal.

- A. Any person who finds an animal on his property to his injury or annoyance may:
 - (1) Take such animal to the Department's shelter except that stray animals shall be handled as provided by subsection 3-9.B below; or
 - (2) Retain possession of such animal or fowl and, within one business day, notify the Animal Control Department of this custody, giving a description of the animal and the owner's name, if known. Any person removing the animal from the impounder's property shall remove the animal in such a manner so as not to cause injury to the animal.
- B. No person shall knowingly and intentionally harbor, feed or keep in possession by confinement or otherwise any stray animal which does not belong to him, unless he shall have within one business day from the time such animal came into his possession notified the Animal Control Department of his intention either to: (i) surrender the animal to the animal shelter, or (ii) advertise for five (5) consecutive days such stray animal in the local newspaper with the greatest average daily circulation in the community. If the person possessing such stray animal elects to so advertise and the owner thereof shall not have responded by the tenth (10) day after the date of the first publication, the person so advertising shall be presumed the legal owner of such animal. If the advertisement of a stray animal shall not have been first published within seventy-two (72) hours after so notifying the Animal Control Department, then the animal shall be surrendered to the Animal Control Department .

Sec. 3-10. Nuisance animals.

No person shall keep any animal which causes a nuisance as defined in this ordinance. Any animal determined to be a nuisance animal shall be required to be micro-chipped by the Animal Control Department at the owner's expense.

Sec. 3-11. Animal fighting and animal fighting paraphernalia prohibited.

- A. No person shall permit or conduct any dog fights, cock fights, or other combat between animals, or between animal and human.
- B. It shall be unlawful for any owner or person to keep, own, possess, maintain, control, or use materials used or intended to be used in dog fighting or cock fighting. Such items shall include but are not limited to treadmills; fighting or fight training pit; wooden sticks or handles used or capable of being used to pry open jaws; magazines, photographs, film, or videotapes depicting animal fighting or animal fight training; breeding stands; jaw strengthening devices; spurs; gaffs or slasher cases; gaff or knife gauges; mounting blocks; leather wraps; scabbards and leg or wing bands; training, conditioning, or fight contracts or records; veterinary drugs; suture kits, needles; and syringes and other veterinary supplies used for the administration of veterinary treatment for wounds or injuries from animal fighting or animal fight training.
- C. Upon bringing any criminal charges for violations of this section, the Animal Control Director shall petition the court for the confiscation of any animals kept or involved, or materials used or intended to be used in such fighting.

Sec. 3-12. Keeping of wild or exotic animals.

- A. For the purpose of this section, a wild or exotic animal means an animal which is usually not a domestic animal and which can normally be found in the wild state, including, but not limited to lions, tigers, leopards, panthers, wolves, foxes, lynxes or any hybrid of like animals, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, bears, all forms of poisonous snakes, raccoons, skunks, monkeys, bats and like animals.
- B. It is unlawful to keep or harbor or breed or sell or trade any wild or exotic animal as a pet, for display or for exhibition purposes, whether gratuitously or for a fee, except as may be licensed by the state Wildlife Resources Commission under its regulations pertaining to wildlife rehabilitators.
- C. This section shall not apply to zoological parks, zoos, educational or medical institutions, or circuses that perform in Cumberland County for not more than seven (7) days. If a circus is scheduled to be in Cumberland County for more than seven (7) days, then the circus may apply to the Animal Services Director for an extension permit for a period not to exceed an additional seven (7) days, on such terms as the Animal Services Director shall determine will protect the public health, safety and welfare.
- D. The owner or possessor of any exotic animals shall liable to the County for reimbursement of any expenses incurred by the County in enforcing this section by causing such animal[s] to be removed from Cumberland County.

Sec. 3-13. Repealed.

Sec. 3-14. Repealed.

Sec. 3-15. Control of animals required, at large, strays, confinement in season.

A. It is unlawful for any owner or person to:

- (1) Perform, do or carry out any inhumane or cruel treatment against any animal;
- (2) Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal or animals which by reason of noise, odor or sanitary conditions become offensive to a reasonable and prudent person of ordinary tastes and sensibilities or which constitute or become a health hazard as determined by the Animal Control Director, the Inspections Director or the Cumberland County Environmental Health Supervisor, as appropriate; or
- (3) Permit or negligently allow any domestic animal or livestock to run at large. Any dog or cat that is not confined as provided in this ordinance, and not under the actual physical control or restraint of its owner, leaseholder, or keeper, shall be presumed to be running at large. Any such animal found running at large shall be either:
 - (a) Impounded by an Animal Control Officer, with such animal shall be kept at the Department's shelter and to be reclaimed as provided in this ordinance; or
 - (b) In the discretion of the Animal Control Officer, a dog or cat found at large which is licensed by the county and vaccinated for rabies, except a dangerous dog, as that term is defined in Article III of this ordinance, may be released to its owner, upon such terms and conditions as the Animal Control Officer deems appropriate.

B. No impounded animal shall be returned to its owner until any applicable impoundment and boarding, vaccination and/or micro-chipping fees or costs and any penalties are paid.

C. Stray animals shall be treated in the manner provided in this ordinance.

D. Every female dog or cat in season (heat) shall be kept confined in such a manner that such female dog or cat cannot come in contact with other animals, except for controlled breeding purposes. Female animals picked up by the Animal Services Department which are in season (heat) shall be kept separate from male animals at all times.

Sec. 3-16. Repealed.

Sec. 3-17. Dogs prohibited from park trails.

Dogs are prohibited, whether running at large or restrained, from the jogging trails at any public park within the jurisdiction of this ordinance which has an established jogging trail. Dogs may be walked in such parks when on a leash under the control of a competent person.

Sec. 3-18. Impoundment, records, disposition of animals, adoption, licensing of dogs and cats.

A. Any dog or cat or other small animal kept as a house pet and found running at large shall be picked up and immediately impounded in the Department's animal shelter and there confined in a humane manner. Dogs and cats and other small animals not claimed by their owner after a three day holding period, exclusive of Sundays and county-observed holidays, shall become the property of the animal shelter and shall be humanely disposed of at the discretion of the Director.

- B. Small unvaccinated animals, other than dogs or cats, shall be impounded when found running at large and humanely disposed of in accordance with the provisions of this ordinance or the Department's shelter policies.
- C. An Animal Control Officer, upon receiving any animal for impoundment, shall record or cause to be recorded the description, breed, color and sex of the animal and whether or not it is licensed and the date and time of impoundment. If the animal is licensed or if the owner is known, the officer shall enter the name and address of the owner or the county license or rabies tag number as may be shown on the impoundment records. If the owner is known, the Animal Control Department shall telephone the owner or, if unsuccessful in attempting to telephone such owner, shall mail notice at the address shown on the Department's records to notify the owner that unless reclaimed in accordance with this ordinance within seventy-two (72) hours after impoundment, Sundays and county-observed holidays excluded, the animal will be humanely disposed of by the Department's shelter. Attempts to contact the owner will be recorded on the impoundment record.
- D. At the end of the period prescribed in this section, animals that have not been reclaimed by the owner thereof shall be adopted or otherwise disposed of in a humane manner and as required by law. Any animal which is eligible for adoption may be adopted or humanely disposed of at any time more than seventy-two hours after the statutory holding period. Provided, however, in the discretion of the Animal Control Director, a healthy animal that has been well maintained may be retained for an additional period for the purpose of adoption or transferred to an approved local animal adoption or rescue agency.
- E. Before any dog or cat is released for adoption from the Department's shelter, the adopter shall pay such fee(s) as may be prescribed therefore in any fee schedule adopted from time to time by resolution by the board of commissioners. Such dog or cat also shall be issued any required city or county license, as provided for in this chapter, if such dog or cat has not previously been licensed, and vaccinated for rabies, if not affirmatively shown to have a current vaccination.
- F. No employee may adopt an animal from the Department's shelter, nor may any employee of the shelter adopt, give away, or sell any animal from the shelter except as provided in this ordinance, provided, however, any employee may adopt one cat and one dog per employee in any calendar year and such number of other animals as the Animal Control Director may by uniform written policy prescribe.
- G. There is hereby established a grace period of five (5) days beginning on the day of adoption and ending at the close of business of the fifth (or the first business day which falls after the fifth day if such fifth day is a Sunday or legal holiday) day thereafter, during which period an animal adopted from the animal shelter may be returned to the animal shelter without refund for a replacement animal, conditioned solely upon the presentation of written certification of a licensed veterinarian that the adopted animal is in poor health.

Sec. 3-19. Redemption of impounded animals; licensing of dogs and cats.

- A. An owner shall be entitled to resume possession of his impounded dog or cat or other small animal kept as a house pet, upon compliance with the vaccination provisions of this code and payment of any applicable impoundment, boarding, vaccination or micro-chipping fees. Such dog or cat also shall be issued any required city or county license, as provided for in this ordinance, if such dog or cat has not previously been licensed, vaccinated for rabies, or micro-chipped. Owners of unvaccinated animals returned to them after impoundment shall have three (3) business days from the time the animal reaches the age of four (4) months in which to have the animal vaccinated against rabies by a licensed veterinarian and return proof of same to the Department's shelter. New owners of adopted animals shall have three (3) business days from the

time that the animal reaches the age of four (4) months, in which to have the animal vaccinated against rabies and return the proof to the Department's shelter. Failure to obtain the required rabies vaccination shall constitute a violation of this section.

- B. When a law enforcement officer arrests a person in possession of an animal, who is taken into custody, and no other competent person is immediately present at the scene to take care of an animal, the animal will be impounded for its welfare. The animal will be impounded at the Department's shelter until contact can be made with the animal's owner and an appropriate disposition of the animal determined. Once an Animal Control Officer makes contact with the owner, the owner will have seventy-two (72) hours to arrange for the appropriate disposition of the animal. After the seventy-two (72) hour period expires, the animal shall become the property of the Department's shelter and may be humanely disposed of as provided in this chapter.

Sec. 3-20. Repealed.

Sec. 3-21. Keeping of animals; mistreatment, abandonment prohibited; care; restraining of dogs; exercise area for dogs.

- A. All dogs, cats and other small animals kept as house pets shall be housed, fed and protected from the weather in such a manner as not to create a nuisance.
- B. No person shall willfully or negligently:
 - (1) Torture, cruelly beat, injure, maim, mutilate or without good cause destroy or kill any animal belonging to himself or to another;
 - (2) Deprive any animal of food, drink or shelter;
 - (3) Without good cause administer any poison or noxious drug or substance to any animal;
 - (4) Without good cause expose any drug or substance with the intent that the same shall be taken by an animal, whether such animal be the property of that owner or another person; or
 - (5) Cause any other person to do any of the above acts.
- C. If an animal is found by any Animal Control Officer to be in one of the above described conditions in subsection 3-21.B, the officer shall take appropriate measures, including civil or criminal enforcement, to protect the welfare of the animal. If the Animal Control Officer determines that a confined animal's life is in immediate danger or the animal has been abandoned, the Animal Control Officer shall seize such animal if such seizure is not prohibited by applicable law and shall report the conditions to an appropriate law enforcement agency if seizure is not permitted. The Animal Control Officer shall leave a notice for the owner advising why the animal has been taken, and shall issue a notice of violation to the owner.
- D. No dog, cat or other small animal shall be confined within or on a motor vehicle under such conditions as may endanger the health or well-being of the animal, including, but not limited to, dangerous temperature, or lack of adequate food or water.
- E. No person shall abandon or cause or be abandoned any dog, cat or any other type of animal.
- F. Owners and keepers of dogs, cats and other small animals shall provide food, shelter and medical attention to such animals, including but not limited to the following:

- (1) Sufficient wholesome food that is nutritious for the species;
- (2) Fresh, potable drinking water;
- (3) Medical attention to relieve such animals from suffering;
- (4) Shade from the sun; and
- (5) Shelter to allow the animal to remain dry and protected from the elements. Such shelter shall be fully enclosed on three (3) sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the animal's entry and exit, and sturdy enough to block entry of wind or rain. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and in good repair.

G. In addition to the foregoing provisions of this section, it shall be unlawful and constitute a public nuisance for any person to:

- (1) willfully or maliciously overdrive, overload, torture, destroy or kill, or cruelly beat or injure, maim or mutilate any animal in subjugation or captivity, whether wild or tame, and whether belonging to himself or to another, or
- (2) deprive any such animal of necessary food, drink or shelter; or
- (3) cause, procure or permit any such animal to be so overdriven, overloaded, tortured, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink or shelter; or
- (4) willfully initiate, instigate, engage in or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty. Any law enforcement officer or Animal Control Officer finding an animal so maltreated or abused shall impound the animal, and the charges shall be assessed against the violator as a cost of abatement.

H. Anti-tethering.

- (1) No dog shall be tethered outdoors unless the keeper or owner of the dog is holding the tether.
- (2) It shall be an affirmative defense to a violation of this subsection that the tethering is required to protect the safety or welfare of a person or the dog, provide that the keeper or owner of the dog remains with the dog throughout the period of tethering.
- (3) The provisions of this subsection shall not apply to a temporary tether:
 - (a) during a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity, or
 - (b) to a keeper or owner walking a dog with a hand-held leash, or during lawful hunting activities if reasonably necessary for the safety of the dog, or while a dog is actively engaged in shepherding or herding livestock, or
 - (c) when meeting the requirements of a camping or recreation facility, or
 - (d) when the animal's caretaker is outside and within eyesight of the animal, or

- (e) after taking possession of a dog that appears to be a stray dog and after having advised the Animal Control Department of the stray.
- (4) The provisions of subsection 2 and 3 above shall apply only if:
 - (a) the tether is not placed directly round the dog's neck and is attached to a properly fitting collar or harness of nylon or leather worn by the dog, and
 - (b) the weight of the tether does not exceed more than 'one-tenth of the dog's body weight, and
 - (c) the tether is unlikely to become tangled or twisted, and
 - (d) the tether is arranged to be free of any obstacles which may limit the moveable length of the tether, and
 - (e) the dog is tethered in a manner that permits access to necessary shelter and water.
- (5) Any dog that remains tethered in violation of this subsection for more than **fourteen (14)** days after the owner receives a notice of violation may be seized by an Animal Control Officer or law enforcement officer and impounded at the Department's shelter. If the dog's owner does not show that an adequate confinement enclosure complying with the requirements of this ordinance has been installed on the owner's property within 72 hours of the impoundment, exclusive of Sundays and county government holidays, the dog shall be deemed to have been forfeited to the Department's shelter and shall be humanely disposed of in accordance with the Department's shelter policy. **[DR. LAUBY REQUESTED THAT THIS PERIOD BE REDUCED TO 14 DAYS]**

I. Repealed.

J. Any dog confined within a fenced yard or run must have an adequate space for exercise. Provided, further that where dogs are kept or housed on property without a fenced yard and such dogs are kept in an enclosure or run, such enclosure or run shall provide adequate space for exercise. Such an enclosure or run shall be constructed of chain link or similar type of materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. The top of such enclosure shall be sufficiently covered to provide the dog with adequate shade and protection from the elements.

Sec. 3-22. Dead animal pickup; relinquishing animals to the shelter.

- A. Dead animals may be picked up from residences by waste/ sanitation haulers as provided by the Cumberland County Solid Waste Department's policies as in effect from time to time.
- B. Owners may relinquish their animals to the Department's shelter provided the owner signs an impoundment card releasing custody of the animal to the shelter. Once the animal is released to the shelter, the animal shall become the property of the Department's shelter and may be adopted or humanely disposed of as provided in this ordinance or by the Department's shelter policies.
- C. Repealed.

Sec. 3-23. Apprehension of wild dogs.

If the Animal Control Director shall determine that:

- (a) a dog or dogs are running wild in any area within the jurisdiction of this ordinance; such dogs are feral and do not have an owner, keeper or custodian; such dogs appear not to have been vaccinated for rabies because such dogs are not wearing current and valid rabies tags; such dogs are substantially interfering with the use and enjoyment of property or business of , or are harassing or threatening persons; and that such dogs cannot after extraordinary effort be apprehended, or
- (b) a wild animal or animals are running wild and appear to be rabid or terminally diseased, present an imminent threat to any person or to livestock or domestic pets, or are harassing and threatening persons, and cannot be apprehended without extraordinary effort,

then the Director shall be authorized to cause deadly force to be used to humanely euthanize said dogs or wild animals. Prior to making such a determination, in case of wild dogs, the Director shall have documented that persistent and repeated efforts to apprehend such dogs through use of traps, baited food, and tranquilizer darts have been ineffective. After making such a determination, the Animal Services Director may:

- (c) authorize any Animal Control Officer, that has received the same training and certification in firearms as is required of certified law enforcement officers by the State of North Carolina, and has maintained as current and renewed such certification as may be required of such law enforcement officers, to apply such deadly force, or
- (d) in the alternative, he shall be authorized to request assistance from the Sheriff or from appropriate municipal police authorities in order that the application of deadly force shall be effected by a sworn law enforcement officer that has a marksman rating and/or qualification.

If such deadly force is proposed to be effected, the Animal Services Director shall take every precaution to assure the safety of persons and property in the area within which the dogs or animals are running wild.

Sec. 3-24. Reserved.

ARTICLE III. DANGEROUS DOGS

Sec. 3-25. Definitions.

For the purposes of this article, the following words and phrases shall have the following meanings:

“Attack by a dog” means any behavior or action by a dog which could reasonably be expected to cause physical injury to a person or domestic animal, to include biting, felling or toppling, tearing of clothing, or provoking flight to escape attack.

“Bite by a dog” means any seizing, gripping or grasping, no matter how slight or momentary by a dog between its jaws of the body parts of a person or domestic animal, so as to cause physical injury to such person or domestic animal.

“Dangerous dog” means any of the following dogs:

- (a) A dog that without provocation has killed or inflicted severe injury on a person; or
- (b) A dog that has been determined as provided herein to be potentially dangerous; or
- (c) A dog that is owned or harbored primarily, or in part, for the purpose of dog fighting, or a dog trained for dog fighting.

“Dog” means a domesticated animal (*canis familiaris*) of the Canidae family; provided that no wild specie of the Canidae family, such as a wolf, fox, coyote, shall be considered a domesticated animal, even though raised by humans in domestic surroundings.

“Guard dog” means a dog trained by a skilled trainer to recognized security industry or other reasonable standards and presently used under the control of trained handlers to protect persons and property.

“Law enforcement dog” means a dog, trained for police work to recognized law enforcement standards and presently used by and under the control of a law enforcement officer to carry out the law enforcement officer's official duties.

“Lawful hunt” means a hunt for lawful game conducted on private or public property with the consent of the owner or custodian of the property by a person with a valid license (if required) during the lawful season for the game concerned using dogs customarily employed and suitable for such game.

“Owner of a dog” or “owning a dog” means any person or legal entity that has a possessory property right in a dog, including the harbinger or keeper of a dog with the consent of the owner or of a dog that has been abandoned by or escaped the custody of its owner.

“Owner or keeper's real property” means any real property owned or leased by the owner or keeper of the dog, not including any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

“Potentially dangerous dog” means a dog that had been determined, as provided herein, to have:

- (a) Inflicted a bite on a person that required medical care more than first aid,
- (b) Killed or inflicted severe injury upon a domestic animal when not on the real property of the owner of the dog; or
- (c) Attacked a person or approached a person in an area of the keeper's property open and accessible to invitees, or when not on the owner's property, in a vicious or terrorizing manner in an apparent attitude of attack.

“Severe injury” means any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.

“Territorial jurisdiction of Cumberland County” means all territory within the boundaries of the County of Cumberland, North Carolina, except the incorporated area of a municipality, unless such municipality has consented to the application and enforcement of this article in such areas.

Sec. 3-26. Application of ordinance; exceptions.

The provisions of this ordinance do not apply to:

- (a) A law enforcement dog or guard dog being used by a law enforcement officer or bona fide professional security guard's official duties or professional responsibilities;
- (b) A dog being used in a lawful hunt;
- (c) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under control of its owner and the damage or injury was to a species or type domestic animal appropriate to the work of the dog; or
- (d) A dog where the injury inflicted by the dog was sustained by a person who at the time of the injury, was tormenting, abusing, or cruelly treating the dog, or had tormented, abused, or cruelly the dog, or was committing or attempting to commit a crime.

Sec. 3-27. Reporting requirements.

- A. Reporting required. (i) An owner of a dog that has attacked or bitten a person or domestic animal; (ii) a victim of an attack or biting by a dog; (iii) the owner of any domestic animal that has been attacked or bitten by a dog; (iv) any person witnessing such an attack or biting; (v) a veterinarian treating a domestic animal for such an attack or biting; or (vi) a health care professional treating a person for such an attack or biting, shall report the following events to the Animal Services Department within three (3) business days after the event has occurred:
 - (1) Any attack or biting by a dog upon any person or domestic animal, or
 - (2) The transfer, gift, sale or other conveyance of ownership or possession of a dangerous or potentially dangerous dog, (ii) its confinement in a veterinary facility, (iii) its removal from the territorial jurisdiction of the county, or (iv) its death.
- B. Report data required. The data required in the report and the format thereof shall be as set forth in administrative procedures promulgated by the Director.

Sec. 3-28. Determination that a dog is potentially dangerous; appeals.

- A. Generally. Upon receipt of a report submitted in accordance with subsection 3-27, or upon the receipt of any other complaint, or when he has reasonable suspicion that a dog is potentially dangerous, the Director or his designee shall make a determination whether or not such dog is a potentially dangerous. Any determination that a dog is potentially dangerous shall be made in a writing stating the facts relied upon by the Director to make his determination. The written declaration shall be personally delivered to the owner of the subject dog or shall be mailed by certified mail, return receipt requested, to the owner. If the determination is made that the subject dog is potentially dangerous, the written determination shall order compliance with the appropriate provisions of this ordinance and the Director may impose reasonable conditions to maintain the public health and safety. The Director may pursue such other civil or criminal penalties and remedies as authorized by this ordinance or state law.
- B. If, at any time after the receipt of any report or complaint made pursuant to subsection 3-28, the Director determines that the conditions under which the subject dog is being kept or confined do not adequately protect the public health or safety, the Director shall require that the subject dog

be impounded at the Department's shelter until completion of the investigation and any appeal of the decision of the Director or the Appeal Board.

C. Appeals from determinations.

- (1) The owner of any dog determined by the Director to be potentially dangerous may appeal the decision of the Director to the Appeal Board within three (3) business days of receiving notice of the determination. Appeal to the Appeal Board may be taken by filing written objections to the Director's determination with the Clerk for the Appeal Board.
- (2) The Appeal Board shall schedule and hear such appeal within ten (10) days of the filing of the written objections or at such later time as the appellant consents.
- (3) The vote of the Appeal Board shall be taken, and the announcement of its decision shall be made, in an open public meeting. A written statement of the decision of the Appeal Board shall be delivered to the Director and the appellant. The notice shall be sent by certified mail, return receipt requested, and filed concurrently with the Director and the Cumberland County Attorney.
- (4) An appeal hearing before the Appeal Board shall be conducted as follows:
 - (a) The hearing shall be subject to the Open Meetings Law, and the notice required thereunder shall be posted and given as applicable;
 - (b) The Chairperson of the Appeal Board shall preside at the hearing;
 - (c) The Director shall be represented by the County Attorney;
 - (d) The County Attorney shall present the Director's case;
 - (e) The appellant may be represented by an attorney;
 - (f) The Director and the appellant may make any statements, present any evidence, or offer any witnesses on their behalf, on any relevant issue;
 - (g) The Chairperson of the Appeal Board shall rule on the admissibility of any evidence and on any procedural issues that might arise;
 - (h) The Director and the appellant shall be entitled to cross-examine any witnesses;
 - (i) The hearing shall be quasi-judicial in nature and all testimony shall be under oath;
 - (j) The appellant shall be entitled to obtain a transcript of the proceeding at his own cost;
 - (k) The Appeal Board shall announce its decision at an open meeting and render it in writing as expeditiously as possible at or following the hearing. Its decision shall contain findings of fact and conclusions in support of its decision.
- (5) The purpose of the hearing before the Appeal Board shall be to determine whether or not the determination of the Director is in the best interests of the public health, safety and welfare.

- (6) The function of the Appeal Board shall be to affirm, deny, or modify the determination of the Director which has been appealed. Any conditions imposed by the Appeal Board shall be reasonable, relevant to the issues in the matter, and have the effect of promoting the public health, safety and welfare.
- (7) The hearing shall be administrative in nature and the decision of the Appeal Board shall be final

Sec. 3-29. Registration required.

- A. Generally. Any person owning a dangerous dog as defined by this ordinance or Chapter 67 of the General Statutes, shall register such dog with the Animal Control Department within five (5) days of such event which established the dog to be dangerous or may, in lieu of any hearing, register such dog voluntarily, which shall constitute an admission and final determination that the dog is dangerous.
- B. Permanent identification mark required. Each dog registered pursuant to this section shall be assigned a registration number by the Animal Control Department, which shall be affixed to the dog by permanent chip implant, tattoo or some other permanent means by or at the expense of its owner. No person shall remove such identification mark once it is assigned and affixed.

Sec. 3-30. Permit required.

- A. Generally. After registration of a dangerous dog, or after a final determination that such dog is potentially dangerous in accordance with this ordinance or Chapter 67 of the General Statutes, no person shall own such dog thereafter within the territorial jurisdiction of this ordinance without applying for and obtaining a permit from the Animal Control Department.
- B. Issuance of permit. The Animal Control Department shall issue a permit for a dangerous dog only upon submission of a complete, verified application, payment of the permit fee and a finding by the Director or his designee that: (i) the required conditions for keeping and housing the dog and other public health and safety protective measures are in effect, and (ii) the dog for which a permit is issued does not pose an unreasonable threat to the public health, safety and general welfare if the permittee shall comply with the provisions of this article and the conditions of the permit. Issuance of a permit shall be conditioned on continued compliance with the provisions of this article and other provisions of state law, on continued compliance with and maintenance of the conditions for housing the dog and public safety set forth in the permit, and any special conditions the Director may deem reasonably necessary to protect the public health, safety and welfare in view of the particular circumstances and history of the dog for which the permit is issued.
- C. Temporary permits. Following the registration of a dangerous dog or the impoundment of a dog declared to be potentially dangerous, upon application therefore and for good cause, the Director may issue a temporary permit allowing the owner of a registered dangerous dog or a dog declared to be potentially dangerous to retain possession of such dog or to confine such dog at a veterinary facility or kennel approved by the Director. The Director may also issue a temporary permit to allow the transport of a dangerous or potentially dangerous dog from the territorial jurisdiction if this ordinance. A temporary permit shall be issued subject to the same conditions to which a regular permit is subject and to any other conditions the Director may deem necessary to protect the public health, safety and welfare consistent with the provisions of this ordinance. A temporary permit shall be valid only until the earlier of its expiration, revocation or the issuance or denial of a permit under the provisions of this section.

- D. Term of permits and renewal thereof. No permit shall be issued under this section for a term of more than three (3) years but may, in the Director's discretion, be issued for a shorter period. Permits may be renewed, subject to the same terms and conditions required for initial permits.
- E. Revocation of permits. The Director may, upon notice and hearing and for good cause shown, revoke any permit or modify any terms, conditions or provisions thereof. If the Director deems it necessary to protect the public health or safety from any imminent threat or danger thereto, he may, without hearing, suspend any permit or any portion thereof for not more than thirty (30) days. Good cause for revocation or modification of a permit shall include, without limitation, violation of or failure to comply with any provision of this article or with any term, condition or provision of a permit.
- F. Inspections. The Director shall cause periodic inspections to be made of the premises of a permittee to assure compliance with the provisions of this article and the applicable permit.
- G. Insurance. Every person owning a dangerous dog, as determined in accordance with this ordinance or Chapter 67 of the General Statutes, shall purchase and maintain a policy of liability insurance covering any injury or property damage caused by the dog. Minimum policy limits shall be one hundred thousand dollars (\$100,000.00) for personal injury or property damage, per occurrence. Such owner shall cause a certificate or declaration of insurance to be furnished to the Director annually. Every calendar day that the required insurance is not in full force and effect shall constitute a violation of this article.

Sec. 3-31. Regulation of dangerous dogs; security and restraint requirements.

No person shall own a dangerous dog except in compliance with all provisions of this ordinance, including the following regulations:

- A. While on the real property of its owner, such dog shall be kept, secured and restrained as follows:
 - (1) In a building with doors, windows and other exits securely fastened shut and under the supervision and control of a responsible, capable adult person; or
 - (2) Securely kept in a locked enclosure which has secure sides, top and bottom and is constructed out of materials and in a manner which will preclude escape by the dog and prevent entry by small children; or
 - (3) While outside a building or enclosure described above, securely leashed with a leash no longer than four (4) feet in length in the hands of and under the control of a responsible competent person capable of such control and muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- B. Such dog shall only be removed from the real property of its owner as follows:
 - (1) For transportation to and from a veterinarian or the Department's shelter; or
 - (2) For its permanent removal from the territorial jurisdiction of this ordinance; or
 - (3) To provide bona fide exercise necessary for its continued good health.
- C. While off its owner's real property such dog shall be securely leashed with a leash no longer than four (4) feet in length in the hands of and under the control of a responsible competent person capable of such control and muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

- D. Notwithstanding the foregoing, no person shall own a dangerous dog that has killed a person, except in the care and custody of a veterinarian for the purposes of treatment or quarantine; or in the custody of the Department's shelter pending disposition in accordance with the provisions of this ordinance, the Department's policies, or the order of any court.
- E. Signage. The owner of a dangerous dog shall erect a sign with dimensions of at least 2' x 2' on the enclosure housing such dog which shall read:

BEWARE OF DOG
THIS DOG IS DANGEROUS
STAY AWAY!

Sec. 3-32. Impoundment of dangerous dogs.

- A. Apprehension and surrender. Upon an initial determination of a dog as potentially dangerous or upon registration of a dog to be dangerous, or if the Director has reasonable suspicion to believe that a dangerous, or potentially dangerous dog is being kept or harbored within the territorial jurisdiction of this ordinance in violation of it or of a permit issued hereunder, Animal Control Officers and law enforcement officers of Cumberland County and of any municipality subject to this ordinance shall impound such dog. It shall be a violation of this ordinance to fail or refuse to surrender such dog to such officers upon their lawful demand. The officer impounding such a dog shall deliver the same to the animal shelter.
- B. Surrender. Hiding, removing or failing to surrender a dangerous or potentially dangerous dog, or impeding any investigation concerning the same shall be a violation of this ordinance.
- C. Confinement. A dog impounded by or surrendered to an Animal Control Officer or law enforcement officer as provided herein shall be confined in the Department's shelter or, upon request of the owner or a permittee hereunder, and at such person's expense, at a private veterinary facility or kennel approved by the Director, subject to the following conditions:
 - (1) Costs of impoundment. Impoundment shall be at the expense of the owner of the dog or of the permittee. Costs of impoundment at the Department's shelter shall be paid by the person liable therefore at the daily rate therefore. The costs of impoundment at a veterinary facility or kennel shall be paid by the person liable therefore pursuant to the terms of the agreement between such person and the proprietor of such facility or kennel. In no event shall Cumberland County or any municipality subject to this ordinance be liable for or pay for impoundment at such private facility or kennel.
 - (2) Release from impoundment. No such dog shall be released from impoundment as provided herein except upon registration of such dog and issuance of a permit or temporary permit allowing such release. No such dog shall be released from the animal shelter until costs of confinement of such dog, any registration and permit fees for such dog, and any civil penalties assessed in connection with such dog have been paid in full.
 - (3) Disposition of unclaimed or abandoned dogs. The following dogs impounded at the Department's shelter pursuant to this article shall be deemed abandoned and disposed of in accordance with the provisions of this ordinance and the rules and regulations of the Department:
 - (i) Any dog which remains unclaimed by its owner or permittee thereof for a period more than ten (10) days or a period of lawful quarantine, whichever is longer; and

- (ii) Any dog claimed by its owner or permittee which is confined for a period in excess of ten (10) days, or a period of lawful quarantine, whichever is longer, during which no application has been made for a permit or temporary permit; provided, however, the Director shall extend such time upon a showing of justifiable delay in such action by the owner or permittee thereof.

Sec. 3-33. Violations, penalties and other remedies.

- A. Violations. Each act or conduct prohibited by this article and each failure to comply with a mandatory provision hereby and each day's continuing failure to comply shall constitute a separate and distinct offense.
- B. State law violations.
 - (1) Nothing in this ordinance shall be constructed to prevent an Animal Control Officer or any other person from pursuing remedies under Chapter 67, Article IA, of the North Carolina General Statutes.
 - (2) The Director or his designee is designated as the person responsible for making the determination required under Section 67-4.1(c) of the North Carolina General Statutes. In making such determinations, the Director or his designee shall follow the procedure set forth herein for determinations.
 - (3) The Appeal Board is designated as the appellate board to hear appeals of determinations made pursuant to N.C.G.S., Section 67-4.1(c).

Sec. 3-34. Administrative provisions.

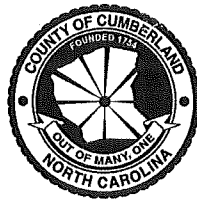
- A. Responsibility. The Director shall administer and enforce this article and shall promulgate rules and regulations for such administration and enforcement as may be necessary or desirable to such end.
- B. Authority to enter upon premises. Animal Control Officers shall have authority to enter into and inspect any premises, dwellings, rooming units, barns and other outbuildings any part of the curtilage thereof, or any yard or other enclosure to:
 - (1) conduct any investigation of a dog alleged or suspected of being potentially dangerous or dangerous, or
 - (2) apprehend a dog determined to be potentially dangerous or dangerous or as to which there is reasonable suspicion to believe is potentially dangerous or dangerous, or
 - (3) to investigate any violation of this article, or
 - (4) to serve a citation upon a person for violation of this article.
- C. Notwithstanding the foregoing, an Animal Control Officer shall only make such entry upon consent, pursuant to an administrative search warrant under G.S. 15-27.2, or otherwise as authorized by law.

D. Authority to immobilize or kill a dangerous or vicious dog.

- (1) If in the course of investigating, apprehending or otherwise taking custody of a potentially dangerous or dangerous or vicious dog, or a dog as to which there is reasonable suspicion to believe is potentially dangerous or dangerous, such dog is not securely restrained and an Animal Control Officer or a law enforcement officer has reasonable cause to believe the dog poses an imminent risk of serious physical injury or death to any person or domestic animal, said officer shall have authority to render such dog immobile by means of tranquilizers or other safe drugs or, if that is not safely or timely possible under the circumstances, then the officer may humanely dispose of said dog.
- (2) If a potentially dangerous or dangerous dog impounded in the Department's shelter cannot be cared for or handled without risk of serious physical injury or death to persons caring for or handling such dog or to other animals, the Department shall have the authority to render such dog immobile by means of tranquilizers or other safe drugs or, if that is not safely or timely possible under the circumstances, then the Department may humanely dispose of said dog.
- (3) The Animal Control Department may humanely dispose of any dog being investigated under the provisions of this article at the request of or with the consent of its owner.

JAMES E. MARTIN
County Manager

AMY H. CANNON
Deputy County Manager



ITEM NO. 8

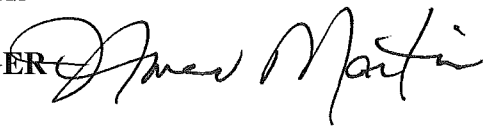
JAMES E. LAWSON
Assistant County Manager

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 APRIL 18, 2011

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: APRIL 8, 2011

**SUBJECT: CONSIDERATION OF PROPOSED SCHEDULE FOR FISCAL YEAR 2012
BUDGET WORK SESSIONS AND BUDGET PUBLIC HEARING**

BACKGROUND

Management anticipates submitting the FY12 Proposed Budget to the Commissioners on Tuesday, May 31, 2011. Several work sessions may be needed for your review.

RECOMMENDATION/PROPOSED ACTION

The following schedule is recommended for your consideration with all meetings to be held in the Cumberland County Courthouse, 117 Dick Street, Fayetteville, NC.

Tuesday, May 31, 2011	7:00 PM	Budget Presentation	Room 564
Thursday, June 2, 2011	5:30 PM	Department Head Appeals/Work Sessions	Room 564
Monday, June 13, 2011	5:30 PM	Budget Work Session	Room 564
Tuesday, June 14, 2011	7:00 PM	Budget Public Hearing	Room 118
Thursday, June 16, 2011	5:30 PM	Budget Work Session	Room 564
Monday, June 20, 2011	6:45 PM	Adopt Budget	Room 118

PROPOSED ACTION

Adopt a schedule for FY12 budget work sessions and public hearing as recommended or modified.

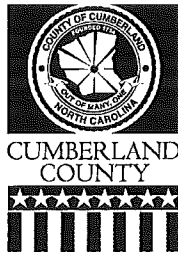
/ct
CM040811-2

Celebrating Our Past...Embracing Our Future

KENNETH S. EDGE
Chairman

MARSHALL FAIRCLOTH
Vice Chairman

JEANNETTE M. COUNCIL
CHARLES E. EVANS
JIMMY KEEFE
BILLY R. KING
EDWARD G. MELVIN



MARIE COLGAN
Clerk to the Board

CANDICE WHITE
Deputy Clerk

BOARD OF COMMISSIONERS

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

April 8, 2011, 2011

ITEM NO. 9A

April 18, 2011 Agenda Item

TO: Board of Commissioners
FROM: Candice H. White, Deputy Clerk to the Board
SUBJECT: Adult Care Home Community Advisory Committee

BACKGROUND: The Adult Care Home Community Advisory Committee has one (1) upcoming vacancy on May 31, 2011:

George W. Mitchell— completing first term. Eligible for reappointment.

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

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

Attachments

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

Celebrating Our Past...Embracing Our Future

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Mary Ann Ayars 804 Juniper Drive Fayetteville, NC 28304 426-9258/483-0191 #338	8/10	Initial	Aug/11 8/31/11	Yes
Toney Edwards (B/M) 3622 Clearwater Drive Fayetteville, NC 28311 822-4261/391-7910 (C)	04/09	1 st	Apr/12 4/30/12	Yes
Mary Ann Brown-Jackson 1959B James Hamner Way Fayetteville, NC 28311 822-1311/893-8151 x330 (W)	1/09	2 nd	Jan/12 1/31/12	No
Sandra Ebron (B/F) PO Box 65306 Fayetteville, NC 28306 424-3932/922-9446(C)	12/09	1st	Dec/12 12/31/12	Yes
Herma Jean Bradley (/F) 714 Topeka Street Fayetteville, NC 28301 822-3689	5/09	2 nd	June/12 6/30/12	No
Mexie Fields (/F) 1815 Primrose Drive Fayetteville, NC 28301 488-8432	1/10	2nd	Jan/13 1/31/13	No
Yvonne Booth (B/F) 4568 Turquoise Road Fayetteville, NC 28311 488-7260	8/09	1st	Aug/12 8/31/12	Yes
Daniel Rodriguez (H/M) 2634 Franciscan Drive Fayetteville, NC 28306 425-2746/432-9701 (W)	5/10	1st	May/13 5/31/13	Yes
Mary Dillon 3209 McChoen Drive Fayetteville, NC 28301 822-2045	8/10	Initial	Aug/11 8/31/11	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
George W. Mitchell 6609 Abbey Lane Fayetteville, NC 28311 261-6951 (W)	5/10	Initial	May/11 5/31/11	Yes
Wynella A. Myers 706 Sarazan Drive Fayetteville, NC 28303 822-5526/273-8483 (C)	6/10	2nd	Aug/13 8/31/13	No
Rasheedah Reid 4217 Edward E. Maynor Drive Hope Mills, NC 28348 703-1075	8/10	Initial	Aug/11 8/31/11	Yes
Ralph T. Cascasan (A/M) 910 Alexwood Drive Hope Mills, NC 28348-1695 425-9704/433-1039 (W)	7/10	1st	June/13 6/30/13	Yes
Alfonso Ferguson, Sr. 3329 Eastgate Street Eastover, NC 28312-9311 401-2313/483-9916 ext. 5551235 (W)	6/10	1st	Aug/13 8/31/13	Yes
Cassandra W. Haire (B/F) 515 Albany Street Fayetteville, NC 28301 728-0175	12/09	1st	Dec/12 12/31/12	Yes
Kim Howard (_/F) 6018 Lakaway Drive Fayetteville, NC 28306 308-5974	4/08	1 st	Apr/11 4/30/11	Yes

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

MEETINGS: Quarterly: 3rd Thursday of the last month of each quarter (March, June, September,
December) - 10:00 am - various adult care homes in Cumberland County

APPLICANTS FOR
ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ANQUISET, ANEL S. (H/M) 1407 STANSFIELD DRIVE FAYETTEVILLE, NC 28303 482-0443	NONE LISTED	HS; AS
BRUNSON, FRANCES (B/F) 1308 DEEP CREEK ROAD FAYETTEVILLE, NC 28312 578-3825/671-5147 (W)	CASE MANAGER SOUTHEASTERN REGIONAL	LTC ASSISTED LIVING ADMIN. LICENSE, EMT
BURNETTE, MARIO (B/M) 1207 COLLEN DRIVE FAYETTEVILLE, NC 28304 587-4951	COLLECTIONS SUPERVISOR FRESENIUS MEDICAL	MA-BUSINESS ADMINISTRATION
CHAVIS, KAREN R. 2122 CALISTA CIRCLE FAYETTEVILLE, NC 28304 423-6590	RETIRED RN CFVHS	ASN
DOUGLAS, BRENDA 6109 GARDEN COURT FAYETTEVILLE, NC 28311 488-1663/677-2078 (W)	SOCIAL WORKER III DSS	ASSOC & BACHERLORS DEGREE
DUDLEY, HERMAN (B/M) 613 YORK ROAD FAYETTEVILLE, NC 28303 864-3817/286-6597	AMERICAN GENERAL LIFE	HS; SOME COLLEGE
GARRISON, CYNTHIA 1887 SPIRALWOOD DRIVE FAYETTEVILLE, NC 28304 868-8981 (H)/321-0398 (W)/527-4673 (C)	CC SCHOOLS ASST PRINICPAL	BA, MA
GLADDEN, ELLEN (B/F) 3512 CLEARWATER FAYETTEVILLE, NC 28311 488-2659/483-4290	MANAGER PAYNE FUNERAL HOME	BA
LEE, ANGELA (B/F) 2065 CORINNA STREET FAYETTEVILLE, NC 28301 587-7794/488-8477	QUALIFIED PROFESSIONAL SB PIERCE & ASSOC., INC.	BA, MS
MURCHISON, KARLENE 623 DEVOE AVENUE FAYETTEVILLE, NC 28314 868-2199 (H) / 920-5420 (W)	ACCOUNTING TECHNICIAN	HS, FSU

SOUTHERLAND, HARRY (B/M)
3191 BRADDY ROAD
FAYETTEVILLE, NC 28306
978-9118

BUSINESS OWNER

BA-BUSINESS MGMT; JD

VINSON, LINDA
7494 ELKHORN DRIVE
FAYETTEVILLE, NC 28314
309-7225/919-733-9733 EXT. 245

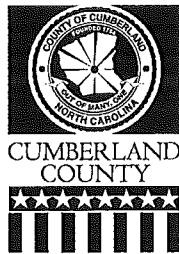
SOCIAL SVCS PROGRAM
DIRECTOR

BS, MPA

KENNETH S. EDGE
Chairman

MARSHALL FAIRCLOTH
Vice Chairman

JEANNETTE M. COUNCIL
CHARLES E. EVANS
JIMMY KEEFE
BILLY R. KING
EDWARD G. MELVIN



MARIE COLGAN
Clerk to the Board

CANDICE WHITE
Deputy Clerk

BOARD OF COMMISSIONERS

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

April 8, 2011

ITEM NO. 9B

April 18, 2011 Agenda Item

TO: Board of Commissioners

FROM: Candice H. White, Deputy Clerk to the Board *cu*

SUBJECT: Wrecker Review Board

BACKGROUND: Section 9-70 of the Cumberland County ordinances states the Wrecker Review Board shall be composed of a chairman who shall be selected by the County Board of Commissioners, and shall be a disinterested person who is not an Operator, wrecker owner or Operator, or a county employee. It further states all members shall serve for a term of two years, and no member shall serve more than two (2) consecutive terms.

The Wrecker Review Board has one (1) vacancy for an unexpired term:

County Appointee

Garbiel Grant – resigned. Recommendation is for **Jay Barr** to fill the 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.

Attachment

pc: Deputy Greg Gwarek, Sheriff's Office

Celebrating Our Past...Embracing Our Future

Candice White

Subject: FW: Resignation --- Found an error om the first one. Plese use this one. Thanks.

From: Gabriel, Grant, Dr., CIV, OSD/DoDEA-Americas [mailto:Grant.Gabriel@am.dodea.edu]

Sent: Monday, February 14, 2011 10:21 AM

To: Harvey Raynor

Cc: Gwarek, Gregory; Gabriel, Grant, Dr., CIV, OSD/DoDEA-Americas; Gabriel, Martha, Dr., CIV, OSD/DoDEA-Americas

Subject: FW: Resignation --- Found an error om the first one. Plese use this one. Thanks.

February 14, 2011

Harvey W. Raynor, III
Deputy County Attorney
P.O Box 1829
Fayetteville, North Carolina 28302-1829

Dear Mr. Raynor:

I hereby resign immediately from the Chairmanship of the Cumberland County Wrecker Review Board.

We have entered the next level with having routine meetings, handling wrecker issues and normal and procedural protocols have been reestablished. We also have initiated an AD HOC committe to review the I-95 issues and fees, both of which I considered critical since I became chairman given BRAC and the increase in I-95 traffic. I will of course, be available for your office concerning any lingering issues as needed.

I enjoyed the position very much, especially meeting the drivers/company owners and am glad of the progress that has been made. Deputy Gregory Gwarek has been outstanding and he has brought wrecker issues into alignment with the regulations and takes good care of the wrecker drivers in Cumberland County.

Sincerely,

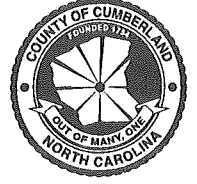
Grant A. Gabriel

Grant A. Gabriel, Ed.D.
Chairman,
Cumberland County Wrecker Review Board

2/14/2011



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



An Internationally Accredited Law Enforcement Agency

March 31, 2011

Mr. Kenneth Edge, Chairman
Cumberland County Board of Commissioners

Mr. Chairman,

I would like to offer my support to Mr. Jay Barr for the nomination to the Wrecker Review Committee.

Mr. Barr is the Service Manager at Cross Creek Lincoln Mercury and a local minister in the community. I feel that Mr. Barr's background in the automotive industry and repair business would provide him a knowledge base to sit on this committee. Mr. Barr is very community oriented and has expressed a desire to service on this committee.

Thank you in advance for any support that you might give to this request.

Sincerely,


Earl R. Butler
Sheriff

WRECKER REVIEW BOARD
2 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>County Appointee</u>				
VACANT (vacated by G.Grant) 3890 Raeburn Court Fayetteville, NC 28314 678-8995/907-0203 (W)	04/10	2nd	Apr/12 04/30/12	No
<u>Sheriff's Appointees</u>				
Sgt. William Martin Cumberland County Sheriff's Office 131 Dick Street Fayetteville, NC 28301	11/10	2nd	Nov/12 11/30/ 12	No
<u>Wrecker Licensee Appointees</u>				
Johnny Schantz Cross Creek Towing 6010 Raeford Road Fayetteville, NC 28304 391-8700	3/10	1st	Mar/12 03/31/12	Yes
Janine Seals Carolina Wrecker Service 1615 Gillespie Street Fayetteville, NC 28306 485-3955	3/10	1 st	Mar/12 03/31/12	Yes
<u>State Highway Patrol Appointee</u>				
Sgt. Tracy T. Coleman State Highway Patrol 2435 Gillespie Street Fayetteville, NC 28306 486-1334	02/10	2nd	Feb/12 02/28/12	No

Contact: Deputy Greg Gwarek, Sheriff's Office
Phone: 321-6767
Fax: 321-6969
ggwarek@ccsonc.org

Meetings: Quarterly on the first Wednesday– 6:00 PM – New Courthouse Room 112

APPLICANTS FOR
WRECKER REVIEW BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ANQUISET, ANEL S. (H/M) 1407 STANSFIELD DRIVE FAYETTEVILLE, NC 28303 482-0443	NONE LISTED	HS; AS
BARR, JAY (W/M) 432 KAREN STREET FAYETTEVILLE, NC 28312 678-8686/818-2184 Graduate-County Citizens' Academy: NA Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-other leadership academy: Advantage U. (Ford Motor Company)	FIXED OPS MANAGER CROSS CREEK LINCOLN SUBARU-PASTOR	SOME COLLEGE
COLEMAN, STEVEN (B/M) 271 KINGS CREEK DRIVE FAYETTEVILLE, NC 28311 229-8043 (W) / 583-4488 (W)	MANAGEMENT	COLLEGE

****SERVES ON JOINT APPEARANCE COMMISSION****

KENNETH S. EDGE
Chairman

MARSHALL FAIRCLOTH
Vice Chairman

JEANNETTE M. COUNCIL
CHARLES E. EVANS
JIMMY KEEFE
BILLY R. KING
EDWARD G. MELVIN



MARIE COLGAN
Clerk to the Board

CANDICE WHITE
Deputy Clerk

BOARD OF COMMISSIONERS

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

April 8, 2011

ITEM NO. 10A

April 18, 2011 Agenda Item

TO: Board of Commissioners

FROM: Candice H. White, Deputy Clerk to the Board

SUBJECT: Equalization and Review Board – Appointment of Officers

BACKGROUND: The Board of Commissioners is responsible for the appointment of the Chairman, First Vice Chairman and Second Vice Chairman for the Equalization and Review Board. In 2010 the Board of Commissioners appointed W. Carroll Beard, Jr. as the Chairman, George Turner as the First Vice Chairman and Kathy Olsen as the Second Vice Chairman.

The Equalization and Review Board recommends the following as their officers for 2011-2012. (See attached.)

George Turner	Chairman
Kathy Olsen	First Vice Chairman
Curtis Alexander	Second Vice Chairman

I have attached the current membership list for this board.

PROPOSED ACTION: Appoint a Chairman, First Vice Chairman and Second Vice Chairman.

Attachments

pc: Aaron Donaldson, Tax Administrator

Celebrating Our Past...Embracing Our Future

Candice White

Subject: FW: E&R Officers

From: Aaron Donaldson
Sent: Tuesday, April 05, 2011 9:18 AM
To: Candice White
Subject: RE: E&R Officers

Candice White:

Here is the Board's recommendation for officers for the 2011/2012 session.

Current Officers: 2010/2011

Chairman: W. Carroll Beard, Jr.

1st Vice Chairman: George Turner

2nd Vice Chairman: Kathy Olsen

Recommended Proposed: 2011/2012

Chairman: George Turner

1st Vice Chairman: Kathy Olsen

2nd Vice Chairman: Curtis Alexander

The Board of Commissioner's favorable approval would be appreciated. No revaluation is needed nor required to occur during this three year period.

Thanks,

Aaron Donaldson
Tax Administrator

4/5/2011

EQUALIZATION AND REVIEW BOARD

3 Year Term

(All terms expire in March with no more than five expiring in the same year; consistent with the resolution establishing the board as adopted by the Board of Commissioners on September 5, 1989.)

Name/Address	<u>Date</u> Appointed	Term	Expires	<u>Eligible For</u> Reappointment
<u>Appraiser</u>				
Steven A. Parsons (W/M) 3701 Clearwater Drive Fayetteville, NC 28311 822-4155/988-3879 (W)	3/10	2nd	Mar/13 3/31/13	No
<u>At Large</u>				
David J. Mack (B/M) 5479 Lynbrook Court Fayetteville, NC 28314 867-1214	3/09	2 nd	Mar/12 3/31/12	No
Curtis Alexander (W/M) 1743 Daisy Lane Fayetteville, NC 28303 488-9537/977-9537	3/09	1 st	Mar/12 3/31/12	Yes
David Duria (M) 6437 Pericat Drive Fayetteville, NC 425-5771/797-9688 (C)	3/10	1 st	Mar/13 3/31/13	Yes
<u>Businessman</u>				
George Turner (W/M) 1012 Cain Road Fayetteville, NC 28303 484-4069/867-2116	3/09	1 st	Mar/12 3/31/12	Yes
<u>Farmer</u>				
Sherrill Jernigan (W/M) 6717 Sisk Culbreth Road Godwin, NC 28344 980-1698/237-5065	3/09	1 st	Mar/12 3/31/12	Yes
<u>Home Builder</u>				
Rodney W. Sherrill (W/M) 820 Brighton Road Fayetteville, NC 28314 978-1010/480-1010	3/09	2 nd	Mar/12 3/31/12	No

(All terms expire in March with no more than five expiring in the same year; consistent with the resolution establishing the board as adopted by the Board of Commissioners on September 5, 1989.)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Industrialist</u>				
W. Carroll Beard, Jr. (W/M) 2524 Fordham Drive Fayetteville, NC 28304 485-7050/818/9797	3/10	2nd	Mar/13 3/31/13	No
<u>Real Estate Agent</u>				
Kathy Olsen (W/F) 854 S. Reilly Road Fayetteville, NC 28314-1820 867-4659/864-1459 (W)	3/11	2nd	Mar/14 3/31/14	No

Chairman: W. Carroll Beard, Jr.
1st Vice Chairman: George Turner
2nd Vice Chairman: Kathy Olsen

Meetings: 2nd Wednesday of every month – 3:30 PM (except July)
Courthouse – Room 564
(No meetings in July)

Contact: Aaron Donaldson
Tax Admin.