AGENDA MREDI AND COUNTY ROADI

CUMBERLAND COUNTY BOARD OF COMMISSIONERS COURTHOUSE – ROOM 118 APRIL 16, 2012

6:45 PM

INVOCATION - Commissioner Kenneth Edge

MINISTER:

PLEDGE OF ALLEGIANCE – Abby Twaddell, 3rd Grade

Alderman Road Elementary School

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

Recognition of Retired County Employee: Barbara Candler, Department of Social Services

- 1. Approval of Agenda
- 2. Consent Agenda
 - A. Approval of minutes for the April 2, 2012 regular meeting.
 - B. Approval of Community Development Grant Award for Robin's Meadow Transitional Housing Program.
 - C. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure PIN: 0427-81-9722.
 - D. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement.
 - E. Approval of a Resolution to Re-Convey Certain Public School Properties to the Board of Education.
 - F. Approval of a Resolution Regarding Certain Funding to the Cumberland County Board of Education.

G. Approval of Ordinance Assessing Property for the Costs of Demolition:

1) Case Number: MH 6490-2011

Property Owners: Elbert Scott Bullard

Property Location: 4625 Butler Nursery Road, Fayetteville, NC

Parcel Identification Number: 0453-62-0085

- H. Approval of a Proclamation Proclaiming the month of May 2012 as "Air Quality Awareness Month" in Cumberland County.
- I. Approval of a Proclamation Proclaiming May 2012 as "Industry Appreciation Month" in Cumberland County.
- J. Budget Revisions:
 - (1) Health

Care Coordination for Children – Revision in the amount of \$33,715 to budget additional State. (B12-294) **Funding Source- State**

(2) Tax Administration

Revision in the amount of \$54,451 to appropriate fund balance to pay Tax Management Association for tax audits. (B12-286) **Funding Source** – **General Fund Balance**

(3) Mental Health

Adult Contracts – Revision in the amount of \$64,858 to recognize additional funding for crisis counseling outreach services to the survivors of and responders to tornado victims. (B12-297) **Funding Source-State**

(4) Cooperative Extension Programs

Revision in the amount of \$2,500 to reallocate budgeted revenues and expenditures to better track the commercial horticulture program. (B12-292) Funding Source – Reallocation of Budgeted Revenues and Expenditures

3. Public Hearings

Uncontested Conditional Zoning Case

A. Case P12-04: Rezoning of .89+/- acre from RR Rural Residential to C(P) Planned Commercial, or to a more restrictive zoning district, located at 8171 Godwin Falcon Road, submitted by Barney B. Jr. & Carol Holder Goff (owners).

Minimum Housing Code Enforcement

B. Case Number: MH 6609-2011

Property Owners: Lanny Ray and Billy K. Marler

Property Location: 5917 Kelly's Landing Road, Fayetteville, NC

Parcel Identification Number: 0454-52-1756

C. Case Number: MH 6610-2011

Property Owners: Tony A. & Twilla C. Carr

Property Location: 5923 St. Patrick Drive, Fayetteville, NC

Parcel Identification Number: 0454-52-3908

D. Case Number: MH 6658-2012

Property Owners: C & A/GFSP Joint Venture

Property Location: 6414 Canadian Avenue, Hope Mills, NC

Parcel Identification Number: 0442-45-8565

Other Public Hearings

E. 2012 Draft Community Development Annual Action Plan.

Items of Business

4. Presentation, Public Hearing and Request for Approval of a Resolution of the North Carolina Department of Transportation 2011-2012 Secondary Roads Improvement Program for Cumberland County - Lee R. Hines, Jr., District Engineer.

- 5. Consideration of Cumberland County Facilities Committee Report and Recommendation(s):
 - A) Detention Center Expansion Project
 - B) Lease of Alphin House (Office Use Only) at 2736 Cedar Creek Road to the Fort Bragg Regional Alliance
- 6. Report of Cumberland County Finance Committee (See Attached Minutes For Information).
- 7. Consideration of Cumberland County Policy Committee Report and Recommendation(s):
 - A) Increase Animal Control Department Shelter Fees
 - B) Smoke-Free Campus at Public Health Building, Department of Social Services and Historic Courthouse
 - C) Planning & Inspections Department Proposed Minimum Housing Ordinance Changes
- 8. Consideration of Proposed Schedule for Fiscal Year 2013 Budget Work Sessions and Budget Public Hearing.
- 9. Nominations to Boards and Committees
 - **There are no Nominations for this agenda**
- 10. Appointments to Boards and Committees
 - **There are no Appointments for this agenda**
- 11. Closed Session: A) Economic Development Matters
 Pursuant to NCGS 143-318.11(a)(4).

ADJOURN

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

MEETINGS: May 7, 2012 (Monday) - 9:00 AM

May 21, 2012 (Monday) - 6:45 PM June 4, 2012 (Monday) - 9:00 AM June 18, 2012 (Monday) - 6:45 PM





COMMUNITY DEVELOPMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA APRIL 16, 2012

TO:

BOARD OF COUNTY COMMISSIONERS

THRU:

AMY CANNON, DEPUTY COUNTY MANAGER

FROM:

THANENA WILSON, COMMUNITY DEVELOPMENT DIRECTOR

DATE:

April 3, 2012

SUBJ:

GRANT AWARD - ROBIN'S MEADOW TRANSITIONAL HOUSING

PROGRAM

Background

Cumberland County has been awarded an \$84,134 Supportive Housing Program (SHP) grant for Robin's Meadow Transitional Housing Program. This program will offer transitional housing and supportive services for homeless families. Community Development will oversee the administration of the grant and enter into an agreement with Fayetteville Metropolitan Housing Authority, who serves as the project sponsor, for day-to-day operation of the program.

In order to recognize these grant funds in FY 2011-12 budget, it is necessary for the Board of Commissioners to approve the acceptance of these funds.

Recommendation and Proposed Action

That the Board of County Commissioners:

- 1. Approve acceptance of the \$84,134 Supportive Housing Program grant from the Department of Housing and Urban Development for the Robin's Transitional Housing Program;
- 2. Authorize the County Manager to sign the Grant Agreements; and
- 3. Approval of associated budget revision.

/SHM

Attachments:

Grant Amendment (3) Budget Revision

CC:

Sylvia H.-McLean, CD Accountant

Project File

Budget Office Use

Budget Revision No.

312-289

Date Received

Date Completed

Fund No	448	Agency No.	450	Organ. No.	4589
Organization	n Name:	Community	Developm	ent - SHP G	rant

runa No.	440	_Agency No430Organi. N	10. 4303			
Organizati	ion Name	: Community Development - SH	P Grant			
			REVENUE			
Revenue Source Code		Description		Current Budget	Increase (Decrease)	Revised Budget
4535		Supportive Housing Grants		73,438	84,134	157,572
	odenný gyvene se příce mědí	EX	Total PENDITURES	73,438	84,134	157,572
Object Code	Appr Unit	Description		Current Budget	Increase (Decrease)	Revised Budget
341 U	781	Robins Meadow - FMHA		73,438	84,134	157,572
			T ()	70.400	04.404	457.570
Justificati	ion	:	Total	73,438	84,134	157,572
To approp	riate the asservices t	ewarded SHP Grant funds for Robins to homeless families provided by Fay Fund Ba Federal: x Count Fees:	etteville Metropolitia alance:			ns and
Submitted	d By:	MANUAL Subun Department Head	Date: 4/3/12		Approved By:	
Reviewed	niemann	Finance	Date: 4/3/17		ounty Manager	Date:
Reviewed	i By:	Deputy/Assistant County Mgr	Date: 4/10/12		oard of County commissioners	Date:



U.S. Department of Housing and Urban Development Office of Community Planning and Development 1500 Pinecroft Road Greensboro, NC 27407

Grant Number: NC0104B4F111104

Project Name: NC-511 - REN - Robin's Meadow Transistional Housing Program

Total Award Amount: \$84,134

Component: TH

Recipient: Cumberland County, NC

Contact Person and Title: James Martin, County Manager

Telephone Number: (910) 678-7723 Fax Number: (910) 678-7717

E-mail Address: jmartin@co.cumberland.nc.us

EIN/Tax ID Number: 56-6000291 DUNS Number: 098235539 Effective Date: April 1, 2012

Project Location(s): Cumberland County, NC

2011 SUPORTIVE HOUSING PROGRAM RENEWAL GRANT AGREEMENT

This Grant Agreement is made by and between the United States Department of Housing and Urban Development (HUD) and the Recipient, which is described in section 1 of Attachment A, attached hereto and made a part hereof.

The assistance which is the subject of this Grant Agreement is authorized by the McKinney-Vento Homeless Assistance Act 42 U.S.C. 11381 (hereafter "the Act"). The term "grant" or "grant funds" means the assistance provided under this Agreement. This grant agreement will be governed by the Act; the Supportive Housing rule codified at 24 CFR 583, which is attached hereto and made a part hereof as Attachment B, and the Notice of Funding Availability (NOFA), that was published in two parts. The first part was the Policy Requirements and General Section of the NOFA, and the second part was the Continuum of Care Homeless Assistance Programs section of the NOFA, which are located at http://archives.hud.gov/funding/ 2011/fundsavail.cfm. The term "Application" means the original and renewal application submissions, including the certifications and assurances, the Technical Submission, and any information or documentation required to meet any grant award conditions, on the basis of which HUD approved a grant. The Application is incorporated herein as part of this Agreement, however, in the event of a conflict between any part of the Application and any part of the Grant Agreement, the latter shall control. The Secretary agrees, subject to the terms of the Grant Agreement, to provide the grant funds in the amount specified at section 2 of Attachment A for the approved project described in the application. The Recipient agrees, subject to the terms of the Grant Agreement, to use the grant funds for eligible activities during the term specified at section 3 of Attachment A.

The Recipient must provide a 25 percent cash match for supportive services.

The Recipient agrees to comply with all requirements of this Grant Agreement and to accept responsibility for such compliance by any entities to which it makes grant funds available.

The Recipient agrees to participate in a local Homeless Management Information System (HMIS) when implemented.

The Recipient and project sponsor, if any, will not knowingly allow illegal activities in any unit assisted with grant funds.

The Recipient agrees to draw grant funds at least quarterly.

For any project funded by this grant, which is also financed through the use of the Low Income Housing Tax Credit, the following applies:

HUD recognizes that the Recipient or the project sponsor will or has financed this project through the use of the Low-Income Housing Tax Credit. The Recipient or project sponsor shall be the general partner of a limited partnership formed for that purpose. If grant funds were used for acquisition, rehabilitation or construction, then, throughout a period of twenty years from the date of initial occupancy or the initial service provision, the Recipient or project sponsor shall continue as general partner and shall ensure that the project is operated in accordance with the requirements of this Grant Agreement, the applicable regulations and statutes. Further, the said limited partnership shall own the project site throughout that twenty-year period. If grant funds were not used for acquisition, rehabilitation or new construction, then the period shall not be twenty years, but shall be for the term of the grant agreement and any renewal thereof. Failure to comply with the terms of this paragraph shall constitute a default under the Grant Agreement.

A default shall consist of any use of grant funds for a purpose other than as authorized by this Grant Agreement, failure in the Recipient's duty to provide the supportive housing for the minimum term in accordance with the requirements of the Attachment A provisions, noncompliance with the Act or Attachment B provisions, any other material breach of the Grant Agreement, or misrepresentations in the application submissions which, if known by HUD, would have resulted in this grant not being provided. Upon due notice to the Recipient of the occurrence of any such default and the provision of a reasonable opportunity to respond, HUD may take one or more of the following actions:

- (a) direct the Recipient to submit progress schedules for completing approved activities; or
- (b) issue a letter of warning advising the Recipient of the default, establishing a date by which corrective actions must be completed and putting the Recipient on notice that more serious actions will be taken if the default is not corrected or is repeated; or
- (c) direct the Recipient to establish and maintain a management plan that assigns responsibilities for carrying out remedial actions; or
- (d) direct the Recipient to suspend, discontinue or not incur costs for the affected activity; or

Page 2

- (e) reduce or recapture the grant; or
- (f) direct the Recipient to reimburse the program accounts for costs inappropriately charged to the program; or
- (g) continue the grant with a substitute Recipient of HUD's choosing; or
- (h) other appropriate action including, but not limited to, any remedial action legally available, such as affirmative litigation seeking declaratory judgment, specific performance, damages, temporary or permanent injunctions and any other available remedies.

No delay or omission by HUD in exercising any right or remedy available to it under this Grant Agreement shall impair any such right or remedy or constitute a waiver or acquiescence in any Recipient default.

The Grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS), the Central Contractor Registration (CCR) database, and the Federal Funding Accountability and Transparency Act, including Appendix A to Part 25 of the *Financial Assistance Use of Universal Identifier and Central Contractor Registration*, 75 Fed. Reg. 55671 (Sept. 14, 2010)(to be codified at 2 CFR part 25) and Appendix A to Part 170 of the *Requirements for Federal Funding Accountability and Transparency Act Implementation*, 75 Fed. Reg. 55663 (Sept. 14, 2010) (to be codified at 2 CFR part 170).

This Grant Agreement constitutes the entire agreement between the parties hereto, and may be amended only in writing executed by HUD and the Recipient. More specifically, the Recipient shall not change recipients, location, services, or population to be served nor shift more than 10 percent of funds from one approved type of eligible activity to another without the prior written approval of HUD. The effective date of this Grant Agreement shall be the date of execution by HUD, except with prior written approval by HUD.

SIGNATURES

This Grant Agreement is hereby executed as follows:

UNITED STATES OF AMERICA Secretary of Housing and Urban Development

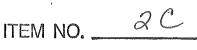
By:
Dan Dunne 3/29/2012
Signature and Date
Gary Dimmick Print name of signatory
Director
Title
RECIPIENT
Cumberland County, NC Name of Organization
By:
Authorized Signature and Date
James Martin Print name of signatory
County Manager Title

ATTACHMENT A

- 1. The Recipient is Cumberland County, NC.
- 2. HUD's total fund obligation for this project is \$84,134, which shall be allocated as follows:

a.	Leasing	\$0
ь.	Supportive services	\$38,129
c.	Operating costs	\$46,005
d.	HMIS	\$0
e	Administration	\$0

3. Although this agreement will become effective only upon the execution hereof by both parties, upon execution, the term of this agreement shall run from the end of the Recipient's final operating year under the original Grant Agreement or, if the original Grant Agreement was amended to extend its term, the term of this agreement shall run from the end of the extension of the original Grant Agreement term for a period of twelve (12) months. Eligible costs, as defined by the Act and Attachment B, incurred between the end of Recipient's final operating year under the original Grant Agreement, or extension thereof, and the execution of this Renewal Grant Agreement may be paid with funds from the first operating year of this Renewal Grant.





OFFICE OF THE COUNTY ATTORNEY

Courthouse, II7 Dick Street - Suite 551 • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829 (910) 678-7762 • Fax: (910) 678-7758

March 14, 2012

MEMORANDUM FOR BOARD OF COMMISSIONERS' APRIL (2012 AGENDA:

TO:

BOARD OF COMMISSIONERS

FROM:

RICK L. MOOREFIELD, COUNTY ATTORNEY

SUBJECT:

APPROVAL OF SALE OF SURPLUS-COUNTY OWNED REAL

PROPERTY ACQUIRED BY TAX FORECLOSURE

STORE S/S TURNPIKE (LOCATED ON TURNPIKE RD.)

PIN: 0427-81-9722; CROSS CREEK TOWNSHIP

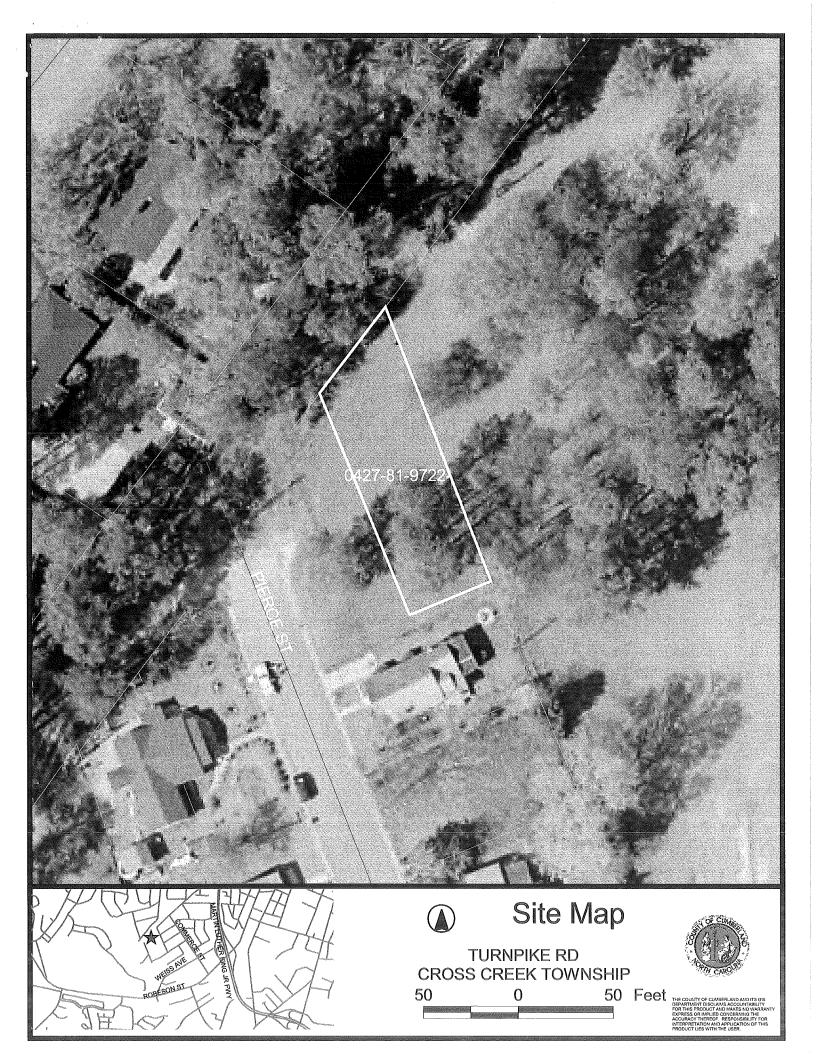
BACKGROUND: On or about April 23, 2007, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and costs for the property is \$3,108.72.

Walter Hadley has offered to purchase the County's interest in the property for \$3,108.72 and has deposited \$310.87 in the Finance Office. The tax value of the property is \$3,750.00.

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

RECOMMENDATION AND PROPOSED ACTION: That the Board of Commissioners consider whether to accept the offer of Walter Hadley to purchase the above property for the sum of \$3,108.72, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

RLM/hnw





OFFICE OF THE RISK MANAGER

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

MEMORANDUM

TO:

BOARD OF COUNTY COMMISSIONERS

FROM:

JAMES B. SILMAN, RISK MANAGEMENT DIRECTOR

DATE:

APRIL 9, 2012

SUBJECT:

CONSENT ITEM - CONSIDERATION OF DECLARATION OF SURPLUS COUNTY PROPERTY AND AUTHORIZATION TO

ACCEPT INSURANCE SETTLEMENT

BACKGROUND

DATE OF ACCIDENT

April 2, 2012

VEHICLE

2007 Ford Crown Victoria

VIN

2FAHP71V18X145018

FLEET#

FL60

DEPARTMENT

Sheriff Office

SETTLEMENT OFFER

\$6,891.24

INSURANCE COMPANY

Travelers

This is a total loss settlement offer.

RECOMMENDATION/PROPOSED ACTION

Management recommends that the Board of Commissioners:

- 1. declare the vehicle described above as surplus
- 2. authorize the Risk Manager to accept \$6,891.24 as settlement
- 3. allow Travelers Insurance to take possession of the wrecked (surplus) vehicle.



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

April 9, 2012

RE:

Our Insured: Cumberland County

Our Claim No.: ENQ8688-001

Date of Loss: 4/2/12

To Whom It May Concern:

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

 Actual Cash Value:
 7608.00

 Fees:
 55.00

 Tax:
 228.24

 Deductible:
 (1000.00)

 Total:
 6891.24

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

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

Travelers Attn: Charles Bolf 215 Shuman Blvd. Naperville IL 60563

Very truly yours,

Charles Bolf
The Travelers Indemnity Company
Total Loss Claim Handler
Cc: file

RICKEY L. MOOREFIELD
County Attorney



PHYLLIS P. JONES
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

5th Floor, New Courthouse • PO Box 1829 • Suite 551 • Fayetteville, North Carolina 28302-1829 (910) 678-7762

MEMORANDUM FOR THE AGENDA OF THE APRIL 16, 2012 MEETING OF THE BOARD OF COMMISSIONERS

TO:

BOARD OF COMMISSIONERS; CO. MANAGER; DEP. CO.

MANAGER

FROM:

RICK MOOREFIELD, COUNTY ATTORNEY

DATE:

APRIL 10, 2012

SUBJECT:

RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF

COMMISSIONERS TO RE-CONVEY CERTAIN PUBLIC SCHOOL PROPERTIES TO THE CUMBERLAND COUNTY BOARD OF

EDUCATION

BACKGROUND:

By email dated January 31, 2012, Beth Maynard, Internal Auditor for the Cumberland County Schools, requested that certain school sites on which all construction projects have been completed be re-conveyed to the school system in accordance with the sales tax agreements dated December 12, 2007 and December 8, 2009. The requested school sites are identified in the attached resolution. The County Attorney has determined that none of these properties are subject to any deeds of trust and that the re-conveyance of these properties will not be a detriment to any current construction financing.

RECOMMENDATION:

Approve the attached resolution.

RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS TO RE-CONVEY CERTAIN PUBLIC SCHOOL PROPERTIES TO THE CUMBERLAND COUNTY BOARD OF EDUCATION

WHEREAS, incident to the construction financing of certain public schools, the Cumberland County Board of Commissioners and the Cumberland County Board of Education entered into certain Sales Tax Agreements on October 15, 2007 (amended December 12, 2007) and December 8, 2009 (the "Agreements") by which the Board of Education conveyed certain school sites to the County in order for the County to reclaim sales and use taxes paid by the various contractors and vendors of equipment and materials used in such construction projects; and

WHEREAS, the Agreements provided that the County should transfer the school sites back to the Board of Education after close out of the identified projects; and

WHEREAS, the Board of Education has requested the County to re-convey the following school sites pursuant to the Agreements: Elizabeth Cashwell Elementary, Mary McArthur Elementary, Cumberland Road Elementary, William H. Owen Elementary, Douglas Byrd Middle, Long Hill Elementary, Rockfish Elementary, Manchester Elementary, Cape Fear High School and Terry Sanford High School; and

WHEREAS, the County Attorney has advised the Board of Commissioners that he has determined that all liens and deeds of trusts placed on above mentioned properties pursuant to the Agreements have now been canceled or satisfied of record in the Cumberland County Registry of Deeds and the re-conveyance of these school sites to the Board of Education does not cause any detriment to the financing of these projects.

THEREFORE BE IT RESOLVED, that the Board of Commissioners does hereby approve the re-conveyance of those school sites commonly known as Elizabeth Cashwell Elementary, Mary McArthur Elementary, Cumberland Road Elementary, William H. Owen Elementary, Douglas Byrd Middle, Long Hill Elementary, Rockfish Elementary, Manchester Elementary, Cape Fear High School and Terry Sanford High School to the Board of Education by deed executed by the County in due form and in accordance with the complete terms of the Agreements.

Adopted this 16th day of April, 2012

By:
•

ITEM NO. 2F

RICKEY L. MOOREFIELD
County Attorney



PHYLLIS P. JONES
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

5th Floor, New Courthouse • PO Box 1829 • Suite 551 • Fayetteville, North Carolina 28302-1829 (910) 678-7762

MEMORANDUM FOR THE AGENDA OF THE APRIL 16, 2012 MEETING OF THE BOARD OF COMMISSIONERS

TO:

BOARD OF COMMISSIONERS; CO. MANAGER; DEP. CO.

MANAGER

FROM:

RICK MOOREFIELD, COUNTY ATTORNEY

RM

DATE:

APRIL 10, 2012

SUBJECT: RES

RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF

COMMISSIONERS REGARDING CERTAIN FUNDING TO THE

CUMBERLAND COUNTY BOARD OF EDUCATION

BACKGROUND:

Cumberland County Schools intends to enter into a guaranteed energy savings contract and must purchase energy saving equipment for that purpose. The purchase is to be financed through an installment purchase contract. To insure that the energy cost savings can be used to pay for the financing, the Board of Education has requested the Board of Commissioners to adopt a resolution of assurance that the Board of Commissioners will not decrease school funding for the purpose of capturing the potential savings in energy costs. The County Attorney advises that this assurance is reasonable to obtain the financing.

RECOMMENDATION:

Approve the attached resolution.

RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS REGARDING CERTAIN FUNDING TO THE CUMBERLAND COUNTY BOARD OF EDUCATION

WHEREAS, the Cumberland County Board of Education has given the Cumberland County Board of Commissioners notice that the Board of Education intends to enter into a guaranteed energy savings contract and finance the purchase of necessary energy saving equipment through an installment purchase contract; and

WHEREAS, in order to insure that the savings in energy costs is sufficient to pay the cost of purchasing the energy saving equipment, the Board of Education has requested the Board of Commissioners to assure the Board of Education that the Board of Commissioners will not decrease funding to the Board of Education by the amount of any savings in energy costs incurred by the Board of Education; and

WHEREAS, the Board of Commissioners has been advised by the County Attorney that the Board of Education has full authority to enter into the energy savings contract pursuant to N.C.G.S. 143-64.17B and to finance the purchase of energy saving equipment though an installment purchase contract pursuant to N.C.G.S. 160A-20(h)(6); and

WHEREAS, the Board of Commissioners has been further advised by the County Attorney that this request of the Board of Education is reasonable and necessary for the financing of this energy saving equipment.

THEREFORE BE IT RESOLVED that the Board of Commissioners shall not decrease local funding to the Board of Education specifically to off-set any savings in energy costs created by any guaranteed energy savings contract entered into between the Board of Education and any other entity.

BE IT FURTHER RESOLVED that this funding assurance shall not be construed to limit the authority of the Board of Commissioners to decrease local funding to the Board of Education for any other reasons the Board of Commissioners deems prudent.

Adopted this 16th day of April, 2012

Cumberland County Board of Commissioners
By:
Marshall Faircloth Chairman

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6490-2011
PROPERTY OWNER: ELBERT SCOTT BULLARD

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on November 21,2011, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Elbert Scott Bullard, located at 4625 Butler Nursery Road, Fayetteville, NC, PIN: 0453-62-0085, said ordinance being recorded in Book 8775, page 121, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$1,800.00.
- (3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$1,800.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated November 21, 2011, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at $\underline{4625}$ Butler Nursery \underline{Road} , $\underline{Fayetteville}$, NC, as described in Deed Book $\underline{7676}$, page $\underline{694}$, of the Cumberland County Registry and identified in County tax records as PIN 0453-62-0085.

- (3) That as further provided in Section 160A-443(6) of the General Statutes of North Carolina, such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of said General Statutes;
- (4) That one copy of this resolution be filed in the minutes of this Board of County Commissioners and another copy certified and delivered by the Clerk as a charge to the Tax Collector, who shall thereupon enter the amount of the assessment set forth above upon the Tax Books of the County as a special assessment against the above described property.

* * * * * * * * * * * * * * * *

I certify that the foregoing Ordinance was adopted and ordered by the Board of Commissioners of Cumberland County, North Carolina, this 16th day of April, 2012, at 6:45 p.m. o'clock.

Cumberland County Clerk

COUNTY OF CUMBERLAND

NORTH CAROLINA



Air Quality Awareness Month

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, as part of the Clean Air Act, the EPA is reviewing current standards and 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, Cumberland County is attaining the current ozone standards with a reading of the 2009-2011 average of 0.071 parts per million; **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 begin carpooling during the month of May 2012; **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 2012 the campaign will be the entire month of May.

NOW, THEREFORE, BE IT RESOLVED, that the County of Cumberland Board of Commissioners proclaims the month of May 2012, as "AIR QUALITY AWARENESS MONTH" and encourages 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 on April 16, 2012.

W. MARSHALL FAIRCLOTH, Chairman Cumberland County Board of Commissioners

ITEM	NO.	2I
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COUNTY OF CUMBERLAND

NORTH CAROLINA



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 2012 "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.

Presented this 16th day of April, 2012.

W. MARSHALL FAIRCLOTH, Chairman Cumberland County Board of Commissioners

Budget Office Use

Budget Revision No. Date Received

Date Completed

Fund No. 101

432N 431

Care Coordination for Children Organization Name:

ITEM NO. _

REVENUE						
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget		
4166	N.C. Care Coordination for Children	-	33,715	33,715		

Total

33,715 33,715

EXPENDITURES							
Object Code	APRs Unit	Description		Current Budget	Increase (Decrease)	Revised Budget	
3390	213	Contracted Services		34,200	15,000	49,200	
299A	213	Computer Hardware		1,500	12,600	14,100	
2995	213	Computer Software		730	2,275	3,005	
3440	213	Postage		500	500	1,000	
2992	213	Department Supplies		150	1,500	1,650	
2601	213	Office Supplies		1,200	500	1,700	
3419	213	Miscellaneous Expenses		<u>-</u>	1,340	1,340	
			Total	38,280	33,715	71,995	

Justification:

This budget revision requests to budget for additional revenue that the Health Department has been notified that it can expect to receive in order to fund the Contract with Jane B. Stevens for the months of April , May and June 2012 as well as purchase five (5) new laptop computers and to increase the budgeted amounts for certain other expenditures line items.

Funding Source State:3 Other:	: 33,715	Fund Balance: County: New: Prior Year:	Other:
Submitted By:	Den	Date:3/28/12	Approved By:
Reviewed By:	Department Ho	Date: 4.5.12	Date:
Reviewed By:	Deputy Assistant Count	Date:	County Manager Board of County Commissioners Date:

Budget Office Use

Budget Revision No. Date Received

B13-386

Date Completed

Fund No.	101	Agency No.	410	Organ. No.	4152

Organization Name: Tax Administration

ITEM NO. __

21(2)

	REVENUE						
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget			
9901	Fund Balance Appropriated		54,451				

			EXPENDITURES			-
Object Code	Appr Unit	Description		Current Budget	Increase (Decrease)	Revised Budget
3101	30	Audit		318,371	54,451	372,822

Total 318,371

54,451

372,822

Justification:

Revision in the amount of \$54451.00 to budget completed Audits conducted by Tax Management Associates that have been paid through 1/11/2012, based upon additional tax collections received as a result of completed Audits per agreement signed the 26th day of March 1997.

Funding Source State: Other:	: Federal: Fees:	Fund Balance: County: New: \$ Prior Year:	54,451.00 Other:	
Submitted By:		On Date: 3-27-12	Approved By:	
Hey- Reviewed By:	Department Head Surgert Analy Budget Analy	Date 5-28.13	County Manager	Date:
Reviewed By:	Deputy/Assistant Count	W Date: 4/10/12	Board of County Commissioners	Date:
Reviewed By:	Information Serv	Date:		

Budget Office Use

Budget Revision No.

Bl2-37

Date Received

9-10-12

Date Completed

Fund No.		Agency No43EOrgan. No44EOrgan. No44E_	o. 434R	ITEM N	ın aj	(3)
			REVENUE	R A Agent V L & V		
Revenue Source Code		Description	NL V LINOL	Current Budget	Increase (Decrease)	Revised Budge
4009		FEMA Crisis Counseling Grant		554,980	64,858	- 619,838 - -
hand the same of t		EX	Total PENDITURES	554,980	64,858	- 619,838
Object Code	Appr Unit	Description		Current Budget	Increase (Decrease)	Revised Budge
3391	486	Other Services		554,980	64,858	619,838 -
						- - - -
			Total	554,980	64,858	619,838
tornado vid	sis Couns otims.	eling Grant received to provide crisis	ılance:	ch services to t	he survivors of ar Other:	nd responders to
State: Other:	64,858	Federal: Count	y: New: Prior Year:		Other: _	
Submitted HeA Reviewed		Department Head	Date: 4/9/12		Approved By:	Date:
Reviewed	l By:	Budget Analyst MULLIM Deputy/Assistant County Mgr	Date:4/10/12	В	ounty Manager oard of County ommissioners	Date:

Date:

Information Services

Reviewed By:

Budget Office Use

Budget Revision No.

Date Received

B12-292 4/5/2012

				Date Com	pleted	
Fund No.	Fund No. 101 Agency No. 450 Organ. No. 4507 Organization Name: Cooperative Extension Programs		ITEM NO 25(4)			
			REVENUE			
Revenue Source Code		Description		Current Budget	Increase (Decrease)	Revised Budget
460E 460Y		Field Crops Commercial Horticulture		6,500 0	(2,500) 2,500	2,500 2,500
Bendantes sandrades como birlado la como a mara		FXE	Total PENDITURES	6,500	0	5,000
Object Code	Appr Unit	Description	ENDITOREO	Current Budget	Increase (Decrease)	Revised Budget
460E 460Y	346 349	Field Crops Commercial Horticulture		6,500 0	(2,500) 2,500	4,000 2,500
			Total	6,500	-	6,500

Justification:

Revision to move \$2,500 of budgeted revenue and expenditures from Field Crops to a new revenue and expenditure line called Commercial Horticulture in order to better track commercial horticulture revenue and expenditures that were previously combined into Field Crops.

Funding Source: State: Other:		Balance: Inty: New: Prior Year:	Other:
Submitted By:	Lux B. Childens Department Head	Date: <u>4 29/12</u>	Approved By:
Reviewed By:	Bob Such Finance Department	Date: <u>4/9//</u> 2	Date: County Manager
Reviewed By: _	Assistant County Mgr	_ Date: 4/10/12	Board of County Commissioners Date:

Roy Turner, Chair Cumberland County

Walter Clark, 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



Thomas J. Lloyd, Director

Cecil P. Combs, Deputy Director

Lori Epler, Sara E. Piland, Cumberland County

Benny Pearce, Town of Eastover

Donovan McLaurin, Wade, Falcon & Godwin

APRIL 5, 2012

ITEM NO. _

3A

MEMO TO:

Cumberland County Board of Commissioners

FROM:

Cumberland County Joint Planning Board

SUBJECT:

Case P12-04: Rezoning of .89+/- acre from RR Rural Residential to C(P) Planned Commercial or to a more restrictive zoning district, located at 8171 Godwin Falcon Road, submitted by Barney B. Jr. & Carol Holder Goff (owners).

ACTION:

Recommended approval of the C(P) Planned Commercial/CZ Conditional Zoning

district for a motor vehicle repair business.

SITE INFORMATION: Frontage & Location: 200.00'+/- on SR 1810 Godwin Falcon Road; Depth: 180.00'+/-; Jurisdiction: Cumberland County; Adjacent Property: No; Current Use: Vacant: Initial Zoning: C(P) - November 25, 1980 (Area 14); rezoned to RR on October 22, 1985; Nonconformities: None; Zoning Violation(s): None; Surrounding Zoning: North: R40 (Godwin), R40A, RR & A1; South: R6A & A1; East: C(P); West: R40A & A1; Surrounding Land Use: Residential (including manufactured homes), motor vehicle repair, convenience retail w/ gasoline sales, vacant commercial & woodlands; 2030 Growth Vision Plan: Community Growth Area; Northeast Cumberland Plan: Commercial; Special Flood Hazard Area (SFHA): None; Water/Sewer Availability: Falcon/Godwin; Soil Limitations: Yes hydric - WO Woodington loamy sand; School Capacity/Enrolled: District 7 Elementary: 300/268; Mac Williams Middle: 1,270/1,210; Cape Fear High: 1,425/1,585; Subdivision/Site Plan: If approved, any new development may require review and approval; Municipal Influence Area: Towns of Godwin & Falcon; Average Daily Traffic Count (2008): 890 on SR 1810 (Godwin Falcon Road); Highway Plan: Godwin Falcon Road is identified in the Highway Plan as a Major Thoroughfare. 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: RR - 1 lot/unit; Minimum Yard Setback Regulations: RR: Front yard: 30', Side yard: 15', Rear yard: 35'; **C(P):** Front yard: 50', Side yard: 30', Rear yard: 30'.

MINUTES OF MARCH 20, 2012

This case was deferred from the board's February 21, 2012 meeting because the property owner amended the original application and is now requesting your consideration of a favorable recommendation for a C(P) Planned Commercial/CZ Conditional Zoning District [C(P)/CZ] for a motor vehicle repair business on the subject property. The Planning and Inspections Staff recommends approval of the requested rezoning to C(P)/CZ for "motor vehicle repair" based on the following:

 The request is consistent with the location criteria for heavy commercial as listed in the Land Use Policies of the 2030 Growth Vision Plan, specifically because this development has direct access to a major thoroughfare and public water and sewer are available; the request is also consistent with the adopted Northeast Cumberland Plan which calls for commercial at this location;

- 2. The request is reasonable because the subject property is of a size and shape that the yard setbacks for the C(P) zoning district can be met and all required improvements such as off-street parking, landscaping, buffering, etc. can be provided on-site; and
- 3. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and the site in general will be developed in conformance with the development ordinances and adopted planning policies.

There are no other zoning districts suitable as related to this request and the property owner/developer has verbally agreed to all attached Ordinance Related Conditions.

Mr. McLaurin made a motion to follow the staff recommendation and approve C(P) Planned Commercial/CZ Conditional Zoning for a motor vehicle repair business, seconded by Mrs. Epler. The motion passed with a unanimous vote.

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.

MOTIONS ON CONDITIONAL USE DISTRICT AND PERMIT REZONING APPLICATIONS

IF TO APPROVE CONDITIONAL USE DISTRICT:

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

IF TO <u>DENY</u> CONDITIONAL USE DISTRICT:

I MOVE THAT THE BOARD OF COMMISSIONERS FAILS TO FIND THAT THIS APPLICATION FOR A CONDITIONAL USE DISTRICT DESIGNATED AS CASE NUMBER

IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, IN THE PUBLIC INTEREST, OR CONSISTENT WITH THE CURRENT LAND USE PLAN ADOPTED BY THIS BOARD OF COMMISSIONERS AND THAT IT THEREFORE BE DENIED.

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

IF TO APPROVE CONDITIONAL USE PERMIT:

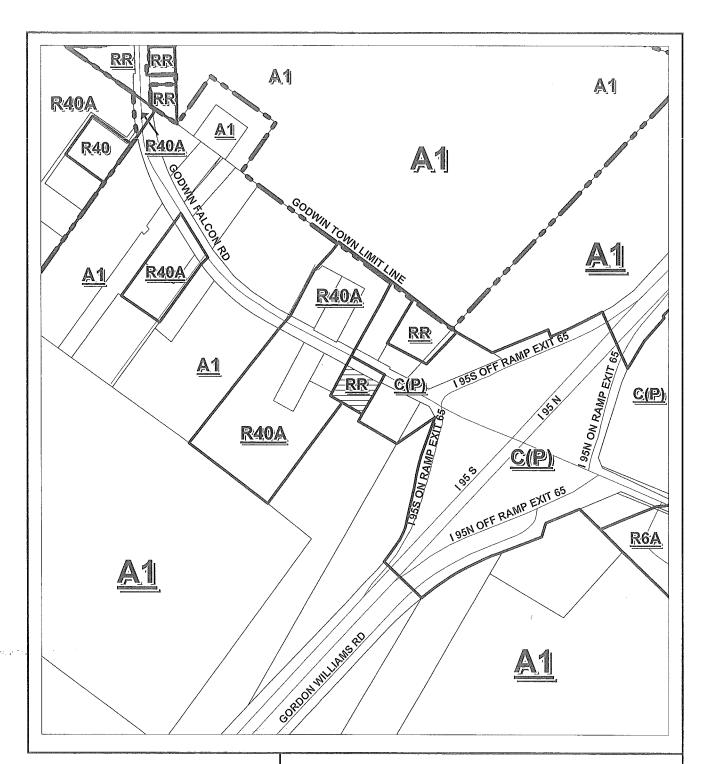
I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS APPLICATION FOR A CONDITIONAL USE PERMIT DESIGNATED AS CASE NUMBER ______, IF COMPLETED AS PROPOSED AND SUBJECT TO THE CONDITIONS RECOMMENDED BY THE JOINT PLANNING BOARD AND APPROVED BY THIS BOARD OF COMMISSIONERS:

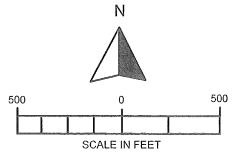
- (I) WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH OR SAFETY, AND
- (II) WILL MEET ALL REQUIRED CONDITIONS AND SPECIFICATIONS; AND
- (III) WILL MAINTAIN OR ENHANCE THE VALUE OF ADJOINING OR ABUTTING PROPERTIES,

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

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

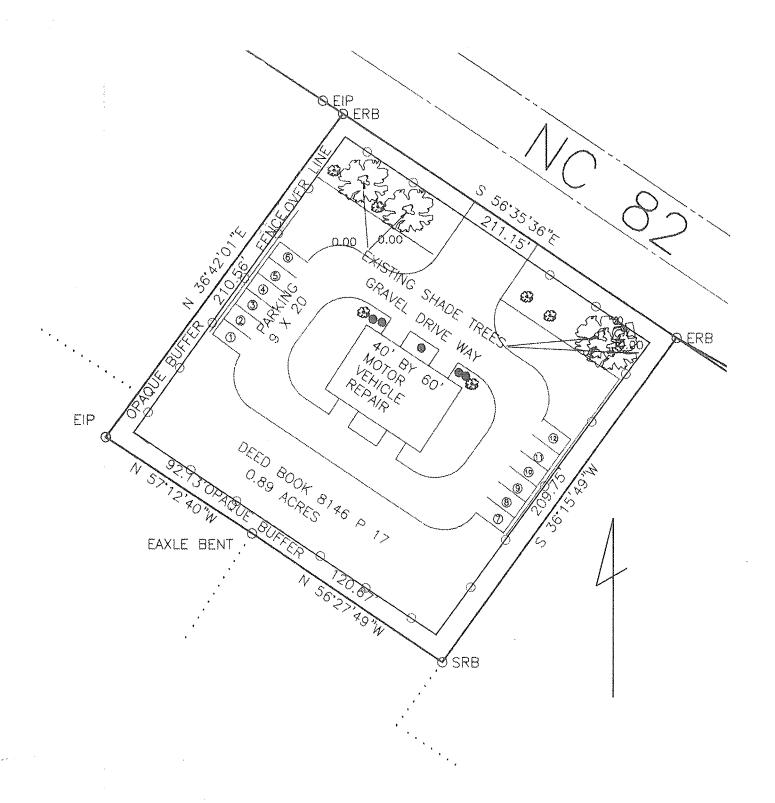
Approved by R. Moorefield 02/08/2010





REQUESTED REZONING RR TO C(P)/CZ

ACREAGE: 0.89 AC.+/-	HEARING NO: P12-04		
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			



CONDITIONAL ZONING

REQUEST: TO ALLOW FOR A MOTOR VEHICLE REPAIR

CASE: <u>P12-04</u> ACREAGE: <u>0.89 +/-</u> ZONED: RR SCALE: 1" = 50'

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

Case: P12-04 March 12, 2012

Conditional Zoning District

DRAFT
Ordinance Related Conditions

Pre-Permit Related:

- 1. Prior to application for permits, a revised plan must be submitted for staff review and approval that addresses the following:
 - a. The off-street parking spaces on the site plan do not measure at 9' x 20" as required by the ordinance, and the back out room does not appear to provide sufficient back out and turning area; a minimum of 12 off-street parking spaces are required for this development.
 - b. Any motor vehicles stored on-site and awaiting repairs must be screened from public view the site plan must reflect the storage area, if any, and the type and location of screening material.
 - c. If the property owner desires a freestanding sign, the sign location must be reflected on the site plan see related Condition No. 10 below.
 - d. Twelve shrubs must be planted and shown on the site plan in the building yard area see related Condition No. 6 below.
 - e. The specific type of opaque buffer (vegetation or fencing) and the exact buffer location must be reflected on the site plan see related Condition No. 17 below.
 - f. The outside trash receptacle, i.e., dumpster location must be reflected on the site plan see related Condition No. 18 below.
 - g. A minimum of one off-street loading spaces measuring 12' x 25' with 14' overhead clearance must be provided for this development.

Permit-Related:

- 2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
- 3. Connection to public sewer is required, NORCRESS must approve sewer plans prior to application for any permits. A copy of NORCRESS approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
- 4. Connection to public water is required, the Town of Falcon must approve water plans prior to application for any permits. A copy of the Town of Falcon approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
- 5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
- 6. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan also see Condition No. 1.d. above. The following are the minimum standards for the required landscaping of this site:
 - Four large shade trees or eight small ornamental trees within the front yard setback area along NC HWY 82 (Godwin-Falcon Road); and
 - o. One ornamental tree and 12 shrubs are required in the building yard area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
- b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
- 7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

- 8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C(P)/CZ zoning district must be complied with, as applicable. Note: This conditional approval is for motor vehicle repair only; any future and/or additional uses will require re-submittal of the application and re-approval by the Board of Commissioners prior to commencement of any new and/or additional use.
- 9. Storage of junked vehicles on this site is not permitted; the temporary storage of motor vehicles awaiting repairs must be temporarily stored in such an area that the vehicles are screened from view and cannot be seen from a public street or the adjacent residential property.
- 10. This conditional approval is not approval of any freestanding signs also see related Condition No. 1.c. above. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
- 11. "NC 82" must be labeled as "NC HWY 82 (Godwin-Falcon Road)" on all future plans.
- 12. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
- 13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
- 14. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
- 15. Turn lanes may be required by the NC Department of Transportation (NCDOT).
- 16. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
- 17. A solid buffer must be provided and maintained along the side and a portion of the rear property lines where this tract/site abuts a residentially zoned property in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance also see related Condition No. 1.e. above. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
- 18. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides see related Condition No. 1.f. above..
- 19. All required off-street parking spaces are required to be a minimum of 9' x 20'; a minimum of 12 off-street parking spaces are required for this development.
- 20. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

21. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

Other Requirements:

- 22. The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 23. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
Town of Falcon:	Belinda White (Town Clerk)	980-1355
Town of Godwin:	Deborah Godwin, Mayor	980-1674
County Public Utilities/NORCRESS:		678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

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

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

1.	APPLICANT/AGENT: BOYNEY G COYO COL
2.	ADDRESS: 7839 Smithfield Rd Godwin ZIP CODE: 28344
3.	TELEPHONE: (Home) 980-1634 (Work) 818-6851
4.	Location of Property: 8171 Falcon Godwin
5. 6. 7.	Parcel Identification Number (PIN #) of subject property: <u>0592-89-0368</u> (also known as Tax ID Number or Property Tax ID) Acreage: <u>0,89</u> Frontage: <u>2 1</u> Depth: <u>2 0</u> Water Provider: <u>City</u> Septage Provider: <u>City</u>
8. 9.	Septage Provider:, Page(s), Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. 11.	Existing use of property:
10	NOTE: Be specific and list all intended uses.
12.	It is requested that the foregoing property be rezoned FROM: TO: (select one) Conditional Use District, with an underlying zoning district of (Article V) Mixed Use/Conditional Use District (Article VI) Planned Neighborhood District/Conditional Use District (Article VII) Density Development/Conditional Use District, at the

APPLICATION FOR CONDITIONAL USE PERMIT

- 1. PROPOSED USE(S):
 - A. List the use(s) proposed for the Conditional Use Permit. (Use of the underlying district will be restricted only to the use(s) specified in this application.)

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

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

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

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

See Site Plan

B. Indicate the type of buffering and approximate location, width and setback from the property lines.

See Site Plan

5. MISCELLANEOUS:

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

M.- Sat Days of Operation
No-Employees exceptowner

6. SITE PLAN REQUIREMENTS:

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

7. ACKNOWLEDGEMENT:

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

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request, not incompatible with existing neighborhood zoning patterns.

In order for the Planning Board to offer a favorable recommendation, and for the Board of Commissioners to approve, any Conditional Use District and Permit they must find from the evidence presented at their respective public hearing that:

- A. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- B. The use meets all required conditions and specifications;
- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- D. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use Plan and adopted planning policies.

I further understand I must voluntarily agree to all conditions proposed for the Conditional Use Permit.

The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Barney + Carol Goff	
NAME OF OWNERS (PRINT OR TYPE)	. 1
7839 Sinthfield Rd ADDRESS OF OWNER(S)	Godwin N.C. 28344
980-1634 HOME TELEPHONE #	WORK TELEPHONE #
SIGNATURE OF OWNERS)	Borney B. Holf Motherin Fact SIGNATURE OF OWNER(S) Chalful off

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing case number MH 6609-2011.

Property Owner:

Lanny Ray & Billy K. Marler

Home Owner:

Lanny Ray & Billy K. Marler

Property Address: 5917 Kelly's Landing Road, Fayetteville, NC

Tax Parcel Identification Number: 0454-52-1756

SYNOPSIS: This property was inspected on 10/24/2011. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 12/1/2011. Billy K. Marler & Skeet Marler attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 3/1/2012. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 3/23/2012, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$0.00.

Attached is a map depicting the location of the property. (See Exhibit B.)

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

George Hatcher

Code Enforcement Officer

County of Cumberland

Sworn to and Subscribed to by me this

the 26th day of March

Notary Public

My Commission Expires: \\ \03 \ \9

BOARD FINDINGS AND ACTION CHECK LIST MINIMUM HOUSING REHABILITATION AND/OR DEMOLITION ORDINANCE

Na	me(s) of Owner(s)
Ap	pearances:
Ins	pection Dept. Case No.:
ВС	OARD OF COUNTY COMMISSIONERS MOTION:
1.	If the Board feels that the structure should be demolished, the Board's motion should be:
	To adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and
	To order the property owner to remove or demolish the dwelling within days.
	To order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.
	To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.
2.	If the Board feels that the property can be rehabilitated, the Board's motion should be:
	To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.
	To order the property owner to rehabilitate the property within days.
	To order the property owner to vacate and secure the property within days pending rehabilitation.
	To order the Inspector to rehabilitate the property or remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.
	To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.
3.	If the Board wishes to delay action on the case, the Board's motion should be:
	To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.
	To delay a decision on the case until (date) in order to give the owner or party of interest time to:

Thomas J. Lloyd, Director

Cecil P. Combs, Deputy Director

Ken Sykes, Inspections Coordinator

Carol M. Post Planning and Inspections Office Support



Kim Reeves, Inspector

Angela Perrier,
Inspector

George Hatcher, Inspector

> Joey Lewis, Inspector

Joan Fenley, Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

December 9, 2011

91 7108 2133 3939 1047 4157 Lam

CASE #: MH 6609-2011

91 7108 2133 3939 1047 4140 Bien Kany

TO: Lanny Ray & Billy Kay Marler & Parties of Interest 3508 F. Town Street
Hope Mills, NC 28348

Property at: 5917 Kelly's Landing Road, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on <u>11/3/2011</u>.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 12/1/2011 at 10:15:00 AM. The items identified below took place at the Hearing:

- 1. No owner or party of interest, or their agent, or representative appeared.
- In a signed inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 10/26/2011. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6609-2011, dated 10/24/2011.

 - □ C. The dwelling is unfit for human habitation.

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	D	rue to facts presented above, the Hearing Officer orders as follows:	
	a.	The owners and/or parties of interest of the dwelling named above are required to be such dwelling into compliance with the Cumberland County Housing Ordinance by eigenpairing, altering, and improving the dwelling up to a minimum standard or by demolish the structure and then causing the debris to be removed from the premises by a date later than 3/1/2012. All required permits must be obtained. A copy of this order materials be presented when obtaining permits.	ither hing not
· .	ъ.	The dwelling shall remain vacated until compliance with this order is completed removed by the inspector, and the lot must be continuously maintained.	and
	c.	The structure shall be/remain secured to prevent entry by and shall remain secured	Į .
	d.	By authority of North Carolina General Statutes 14-4, violation of the County code punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violate after 3/1/2012.	r to
	e.	The County Planning/Inspection Department may immediately begin procedures to see demolition ordinance from the Cumberland County Board of Commissioners for failure bring the property into compliance by The cost of said demolition will be asses against the real property in the form of a lien.	e to
		hay be made to the Cumberland County Housing Board of Appeals. If an appeal is requested and within the time limits specified in the enclosed appeal procedures.	ed,
Ken Syk Hearing	es	Syl Mond Mutuh George Hatcher	•
Enclosed	1: A	appeals Procedures & Form	
cc:	· 学	Sworn to and Subscribed to by me this the 9th day of December, 2011 Notary Public My Commission Expires: 17-03-	

131 Gillespie Street, Old Courthouse, Room 101 = Fayetteville, North Carolina 28301 - Telephone (910) 321-6640 - Fax (910) 321-6637

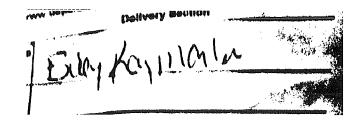


Date: 12/20/2011

GEORGE HATCHER:

The following is in response to your 12/20/2011 request for delivery information on your Certified Mail(TM) item number 7108 2133 3939 1047 4157. The delivery record shows that this item was delivered on 12/17/2011 at 09:28 AM in HOPE MILLS, NC 28348. The scanned image of the recipient information is provided below.

Signature of Recipient:



Address of Recipient:



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*DATED December 9, 2011 CASE NUMBER *MH* 6609-2011

MAP DEPICTING LOCATION OF PROPERTY

Property Owner: Lanny Ray & Billy Kay Marler

5917 Kelly's Landing Road, Fayetteville, NC Minimum Housing Case # MH 6609-2011 TAX PARCEL IDENTIFICATION NUMBER 0454-52-1756



AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing case number MH 6610-2011.

Property Owner:

Tony A. & Twilla C. Carr

Home Owner:

Tony A. & Twilla C. Carr

Property Address: 5923 St. Patrick Drive, Fayetteville, NC

Tax Parcel Identification Number: 0454-52-3908

SYNOPSIS: This property was inspected on 10/24/2011. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 12/1/2011. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 3/1/2012. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 3/23/2012, no corrective action had been made to the structure. The structure is presently vacant and <u>unsecured</u>. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$189.00.

Attached is a map depicting the location of the property. (See Exhibit B.)

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

George Hatcher

Code Enforcement Officer

County of Cumberland

Sworn to and Subscribed to by me this

the aloth day of March

Notary Public

My Commission Expires: 11-03-14

BOARD FINDINGS AND ACTION CHECK LIST MINIMUM HOUSING REHABILITATION AND/OR DEMOLITION ORDINANCE

N	ame(s) of Owner(s)
Αj	ppearances:
In	spection Dept. Case No.:
В	OARD OF COUNTY COMMISSIONERS MOTION:
1.	If the Board feels that the structure should be demolished, the Board's motion should be:
	To adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and
	To order the property owner to remove or demolish the dwelling within days.
	To order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.
	To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.
2.	If the Board feels that the property can be rehabilitated, the Board's motion should be:
	To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.
	To order the property owner to rehabilitate the property within days.
	To order the property owner to vacate and secure the property within days pending rehabilitation.
	To order the Inspector to rehabilitate the property or remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.
	To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.
3.	If the Board wishes to delay action on the case, the Board's motion should be:
	To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.
	To delay a decision on the case until (date) in order to give the owner
	or party of interest time to:
	In addition there is imposed a civil penalty in the amount of \$ per day (up to a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

Thomas J. Lloyd, Director

Cecil P. Combs, Deputy Director

Ken Sykes, Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support

 \square 1.



Kim Reeves, Inspector

Angela Perrier, Inspector

George Hatcher, Inspector

> Joey Lewis, Inspector

Joan Fenley, Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

December 9, 2011

71 7108 2133 3739 1047 4195 Dany

CASE #: MH 6610-2011

91 7108 2133 3939 1047 4188 Dwels

TO: Tony A. & Twilla C. Carr & Parties of Interest PO Box 220

. . . :

Garland, NC 28441-0220

Property at: 5923 St. Patrick Drive, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 11/2/2011.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 12/1/2011 at 10:00:00 AM. The items identified below took place at the Hearing:

2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were:

No owner or party of interest, or their agent, or representative appeared.

- In a undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 10/26/2011. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6610-2011, dated 10/24/2011.

 - □ C. The dwelling is unfit for human habitation.

Findings and Facts of Order Case #: MH 6610-2011 Page 2

\boxtimes	4.	Dı	ue to facts presented above, the Hearing Officer orders as follows:
		a.	The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date no later than 3/1/2012. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
		b.	The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
		c.	The structure shall be/remain secured to prevent entry by and shall remain secured.
		d.	By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after
		e.	The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 3/1/2012. The cost of said demolition will be assessed against the real property in the form of a lien.
An a	appea ast b	al m e m	ay be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, ade in writing and within the time limits specified in the enclosed appeal procedures.
1	l Syko	es	George Hatcher
Encl	osed	: A	ppeals Procedures & Form
cc:			Sworn to and Subscribed to by me this the 9th day of December, 2011 Notary Public My Commission Expires: 11-03-14

131 Gillespie Street, Old Courthouse, Room 101 - Fayetteville, North Carolina 28301 - Telephone (910) 321-6640 - Fax (910) 321-6637

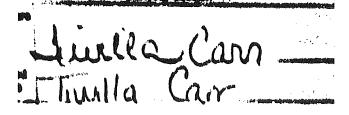


Date: 12/20/2011

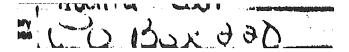
GEORGE HATCHER:

The following is in response to your 12/20/2011 request for delivery information on your Certified Mail(TM) item number 7108 2133 3939 1047 4188. The delivery record shows that this item was delivered on 12/17/2011 at 10:39 AM in GARLAND, NC 28441. The scanned image of the recipient information is provided below.

Signature of Recipient:



Address of Recipient:



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER* DATED December 9, 2011 CASE NUMBER *MH 6610-2011*

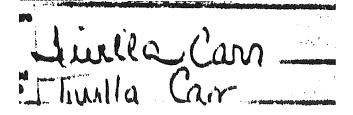


Date: 12/20/2011

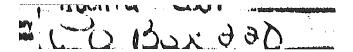
GEORGE HATCHER:

The following is in response to your 12/20/2011 request for delivery information on your Certified Mail(TM) item number 7108 2133 3939 1047 4195. The delivery record shows that this item was delivered on 12/17/2011 at 10:39 AM in GARLAND, NC 28441. The scanned image of the recipient information is provided below.

Signature of Recipient:



Address of Recipient:



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*DATED December 9, 2011 CASE NUMBER *MH* 6610-2011

MAP DEPICTING LOCATION OF PROPERTY

Property Owner: Tony A. & Twilla C. Carr 5923 St Patrick's Drive, Fayetteville, NC Minimum Housing Case # MH 6610-2011 TAX PARCEL IDENTIFICATION NUMBER 0454-52-3908

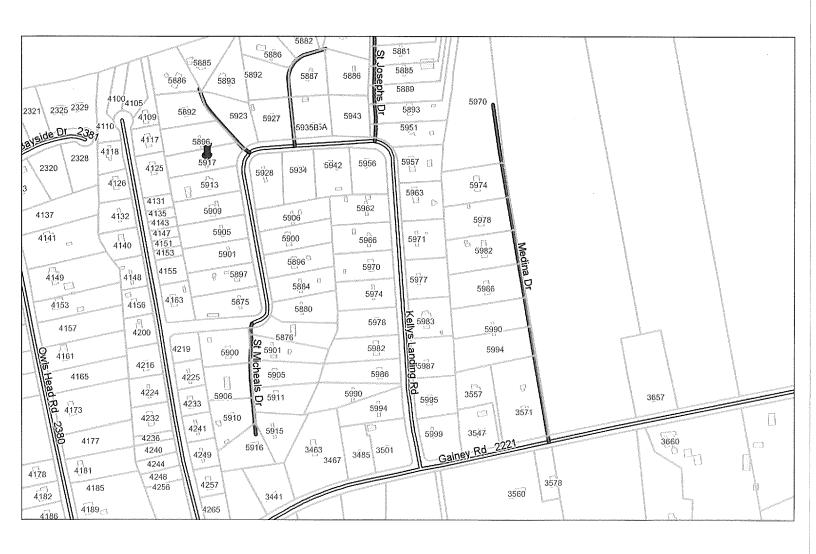


EXHIBIT B

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing case number MH 6658-2012.

Property Owner:

C & A / GFSP Joint Venture

Home Owner:

C & A / GFSP Joint Venture

Property Address: 6414 Canadian Avenue, Hope Mills, NC

Tax Parcel Identification Number: 0442-45-8565

SYNOPSIS: This property was inspected on 1/30/2012. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 2/23/2012. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 3/23/2012. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 3/22/2012, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$0.00.

Attached is a map depicting the location of the property. (See Exhibit B.)

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

George Hatcher

Code Enforcement Officer

County of Cumberland

Sworn to and Subscribed to by me this

the 210th day of 1100ch

Notary Public

My Commission Expires:

BOARD FINDINGS AND ACTION CHECK LIST MINIMUM HOUSING REHABILITATION AND/OR DEMOLITION ORDINANCE

Name(s) of Owner(s)
Appearances:
Inspection Dept. Case No.:
BOARD OF COUNTY COMMISSIONERS MOTION:
1. If the Board feels that the structure should be demolished, the Board's motion should be:
To adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and
To order the property owner to remove or demolish the dwelling withindays.
To order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.
To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.
2. If the Board feels that the property can be rehabilitated, the Board's motion should be:
To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.
To order the property owner to rehabilitate the property withindays.
To order the property owner to vacate and secure the property within days pending rehabilitation.
To order the Inspector to rehabilitate the property or remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.
To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.
3. If the Board wishes to delay action on the case, the Board's motion should be:
To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.
To delay a decision on the case until (date) in order to give the owner
or party of interest time to:
4. In addition there is imposed a civil penalty in the amount of \$ per day (up to a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

Thomas J. Lloyd, Director

Cecil P. Combs, Deputy Director

Ken Sykes, Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



COUNTY of CUMBERLAND

Kim Reeves,
Inspector

Angela Perrier,
Inspector

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

February 24, 2012

CASE #: MH 6658-2012

91 7108 2133 3939 1167 1722

TO: C&A/GFSP Joint Venture & Parties of Interest 641 University Blvd.
Jupiter, FL 33458

Property at: 6414 Canadian Avenue, Hope Mills, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on <u>2/9/2012</u>.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on <u>2/23/2012</u> at <u>10:00:00 AM</u>. The items identified below took place at the Hearing:

\boxtimes	1.	No owner or party of interest, or their agent, or representative appeared.
	2.	An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were:
\boxtimes	3.	The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, <u>2/3/2012</u> . Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
		a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6658-2011, dated 1/30/2012.
	\boxtimes	b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
	П	c. The dwelling is unfit for human habitation

131 Gillespie Street, Old Courthouse, Room 101 - Fayetteville, North Carolina 28301 - Telephone (910) 321-6640 - Fax (910) 321-6637

⊠ 4		Dt	ne to facts presented above, the Hearing Officer orders as follows:
∑	₫	a.	The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 3/23/2012. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
]	b.	The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
]	c.	The structure shall be/remain secured to prevent entry by and shall remain secured.
] (d.	By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after 3/23/2012.
			The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by The cost of said demolition will be assessed against the real property in the form of a lien.
An appoint must	eal be	ma ma	by be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, de in writing and within the time limits specified in the enclosed appeal procedures.
Ken Syl Hearing	/ kes	?	George Hatcher
Enclose	d:	Ap	peals Procedures & Form
cc:			Sworn to and Subscribed to by me this the 24 th day of February, 2012 Notary Public
			My Commission Expires: 17-03-14

131 Gillespie Street, Old Courthouse, Room 101 Payetteville, North Carolina 28301 - Telephone (910) 321-6640 - Fax (910) 321-6637



Date: 03/08/2012

GEORGE HATCHER:

The following is in response to your 03/08/2012 request for delivery information on your Certified Mail(TM) item number 7108 2133 3939 1167 1722. The delivery record shows that this item was delivered on 03/01/2012 at 11:43 AM in JUPITER, FL 33458 to A MULLINS. The scanned image of the recipient information is provided below.

Signature of Recipient:

H-Mulling man

Address of Recipient:

1641 Univ. #209

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER* DATED February 24, 2012 CASE NUMBER *MH 6658-2012*

MAP DEPICTING LOCATION OF PROPERTY

Property Owner: C&A/ Joint Venture

6414 Canadian Avenue, Hope Mills, NC Minimum Housing Case # MH 6658-2012 TAX PARCEL IDENTIFICATION NUMBER 0442-45-8565

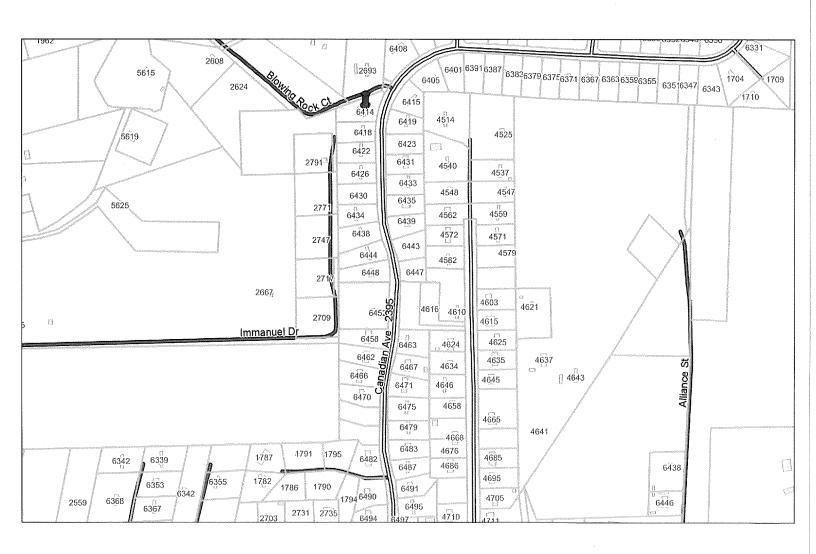


EXHIBIT B



COMMUNITY DEVELOPMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA APRIL 16, 2012

TO:

BOARD OF COMMISSIONERS

THRU:

AMY CANNON, DEPUTY COUNTY MANAGER

FROM:

THANENA S. WILSON, COMMUNITY DEVELOPMENT DIRECTOR

DATE:

APRIL 5, 2012

SUBJECT:

PUBLIC HEARING – 2012 DRAFT COMMUNITY DEVELOPMENT ANNUAL

ACTION PLAN

BACKGROUND

The Community Development 2012 Annual Action Plan must be submitted to the U.S. Department of Housing and Urban Development (HUD) by May 15, 2012. The draft 2012 Annual Action Plan has been made available for a 30-day citizens review and comment period throughout Cumberland County since April 4, 2012. 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 2012 Annual Action Plan. No other action is necessary.

Attachment:

Draft 2012 Annual Action Plan

Public Hearing Notice



2012 ANNUAL ACTION PLAN

Program Year July 1, 2012 through June 30, 2013



Public Review Period: April 4, 2012 – May 3, 2012 (Public Hearing 4/16/2012)



CUMBERLAND COUNTY 2012-2013 ACTION PLAN BUDGET

2012 PROGRAM YEAR (7/1/12 - 6/30/13)

HOUSING ACTIVITIES	CDBG	HOME
Emergency Repair	\$ 28,750	The state of the s
Housing Rehabilitation	\$413,655	\$ 468,894
New Construction		•
Homeownership Assistance		\$ 13,750
CHDO Set-Aside		\$ 60,543
Housing Project Delivery	\$234,724	
PUBLIC SERVICES		
• RFP	\$64,800	
 Homeless Services (SHP Projects) 	\$20,000	
Activity Delivery	\$75,440	
ADMINISTRATION / PLANNING	\$282,855	\$ 52,362
	44.455.55	.
TOTAL	\$1,120,224	\$595,549
REVENUE SOURCES	#055 400	ф. 000, 00.4
GRANT FUNDS	\$855,428	\$ 322,894
PROGRAM INCOME	\$150,000 \$ 81,770	\$ 200,000
GENERAL FUNDS	\$ 81,770 \$ 33,026	
TRANSFER FROM SHP TO PS COUNTY MATCH REQUIREMENT	φ 33,020	\$ 72,655
COUNT I WATCH REQUIREMENT		Ψ / Σ,000
TOTAL	\$1,120,224	\$595,549
1	I 1	

COMPETITIVE GRANT FUNDS

PROJECT	SHP	GRANT AWARD PERIOD
Care Center Trans. Housing Program	\$139,261	2/1/12 – 1/31/13
Ashton Woods Trans. Housing Program	\$252,863	2/1/12 - 1/31/13
Step Up Semi Indep Living Trans. Hsg Prog.	\$33,775	2/1/12 - 1/31/13
Robins Meadow Trans. Housing Program	\$84,134	4/1/12 - 3/31/13
Safe Homes Perm. Housing Program	\$49,231	7/1/12 - 6/30/13
Leath Commons Perm Housing Program	\$110,702	9/1/12 - 8/31/13
Bonanza Perm Housing Program	\$77,239	11/1/12 - 10/31/13
Disabled Women Veterans Program	\$47,844	9/1/12 - 8/31/13
Transfer SHP to CDBG PS	\$33,026	
Emergency Solution Grant Program	\$177,424	
TOTAL	\$1,005,499	

^{*}IDIS note - PI HOME - Admin budget 10% FY 12-13
*IDIS note - PI CDBG - Admin budget 20% FY 12-13 and Gen Fund

CUMBERLAND COUNTY COMMUNITY DEVELOPMENT 2012 ANNUAL ACTION PLAN

A. PURPOSE

Cumberland County Community Development's (CCCD) Annual Action Plan provides a narrative description of the projects and activities that are expected to be implemented and funded with entitlement funding and competitive awards that Cumberland County will receive from the United States Department of Housing and Urban Development for the 2012 Program Year. The projects described on the following pages will be provided by Community Development with Community Development Block Grant (CDBG), Home Investment Partnership Act (HOME), Emergency Solutions Grant (formerly Emergency Shelter Grant), and the Supportive Housing Program (SHP) funds. In addition, the County receives Urgent Repair Program funding through the North Carolina Housing Finance Agency which is administered through CCCD.

The 2012 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

FEDERAL SOURCES: The following information describes the sources and amounts that will be made available to Cumberland County for the implementation of 2012-2013 program goals and objectives:

Entitlement Grants & Competitive Awards

Source: Community Development Block Grant (CDBG) - Amount \$855,428 Source: Home Investment Partnership Act (HOME) - Amount \$322,894 Source: Emergency Solutions Grant (ESG) - Amount \$177,424

Source: Supportive Housing Program (SHP – Amount \$1,005,499

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 \$72,655; general funds for support of the CDBG program - \$33,026.

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: \$150,000HOME Entitlement Program: \$200,000

Funding received through the Community Development Block Grant, Home Investment Partnership Act, Emergency Solutions Grants, Supportive Housing Program, local sources match, and program income will be used to address priority needs identified in the 2010 Consolidated Plan. Details outlining the goals and priorities can be found in the 2010 Consolidated Plan for which the following eligible activities will be conducted.

D. DESCRIPTION OF PROJECTS

1. HOUSING ACTIVITIES

Housing Rehabilitation Program

Priority Need: Affordable Housing; Housing Goals 1, 2, 3 and 4CDBG: \$677,129. National Objective: Low/Mod Housing and/or Urgent Need, Eligibility Citation: 24 CFR Part 570.202; HOME: \$468,894. Eligibility Citation: 24 CFR Part 92.205(a)(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.

In addition, CCCD will administer the Urgent Repair Program (URP) which is funded through the North Carolina Housing Finance Agency. The purpose of the URP is to alleviate conditions that pose an imminent threat to the life and safety of the very low income and low income homeowners with special needs. The program provides accessibility modifications and other energy repairs necessary to prevent the imminent displacement of the very low income and low income individuals who are elderly, frail or physically disabled, single-parents with at least one child in the residence, or households with five or more persons are also eligible.

<u>Rental Rehabilitation (Investor-Owner)</u>: 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.

<u>Purchase/Rehab/Resale</u>: 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.

Homeownership Assistance Program

Priority Need: Affordable Housing; Housing Goal 2 – HOME: \$13,750. Eligibility Citation: 24 CFR Part 92.205(a) (1):

Down Payment/Closing Costs Assistance (DAP)

This program coordinates with local financial institutions in order to provide up to \$5,000 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.

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 a 4% interest rate 10-year term which is deferred for the first 5 years (for DAP) or a 30-year term (for GAP) having a 0-4% interest rate depending on the amount of subsidy needed by the homeowner. This approach offers the benefit of significant leverage of private lender money while providing program income for CCCD. 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

<u>Principal Residence</u>: 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.

<u>Refinance:</u> 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. The recapture provision is enforced through the execution of a Declaration of Deed Restrictions, which identifies the period of affordability, primary residency requirement, and terms and conditions required when using the recapture provision.

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 statue 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):

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

<u>Homeownership Counseling</u>: 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

<u>Marketing</u>: 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.

Community Housing Development Organization (CHDO) Set-Aside

Priority Need: Affordable Housing; Housing Goal 2 - HOME: \$60,543 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. During the 2011 request for proposal period, CCCD received one application from an agency for CHDO designation.

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 Outcome

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 2012 to 2013.	
Goal 2: Increase the availability and accessibility of decent, safe, and affordable housing in Cumberland County.	Objective 2 : Provide assistance to 15 low/moderate income citizens to become first-time home buyers from 2012 to 2013.	
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 2012-2013.	
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 2012-2013.	
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 2012-2013.	

FAIR HOUSING ACTION PLAN: 2012-2013

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 2012 – 2013 program year.

> Impediment 1: Lack of awareness of fair housing laws.

- Goal 1: To eliminate housing discrimination in Cumberland County.
- **Objective 1:** Increase awareness of fair housing law for **5** housing and service providers serving minorities and special populations groups from 2012-2013. 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:** Use of Social Network mediums such as Cumberland County's Facebook page to announce fair housing related activities and public events.

2. PUBLIC SERVICES

Public Services Program. Community Development/Public Services Goal 1 - CDBG: \$160,240. 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:

Project	Activity	Funding Amount/ Grant Term
Better Health of Cumberland County	Prescription medication and dental	\$30,000/
	assistance	1 year
Coordinating Council on Older Adults	In-home aide services	\$20,000/
		1 year
Cumberland County Treatment Courts	Medical assistance and	\$10,000/
	transportation	1 year
Veterans Empowering Veterans	Job skills / employment training and	\$4,800/
	transportation	1 year
Homeless Services (SHP Projects)	Operations and supportive services	\$20,000/
		1 year
Activity Delivery	Program oversight and provision of	\$75,440/
	technical assistance	1 year

<u>Public Services Project Delivery Costs</u> – 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 Outcome

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 2012-2013.	

3. PUBLIC FACILITIES/INFRASTRUCTURE

Public Facilities/Infrastructure: Non-Housing Community Development Goal 1, Objective 1, CDBG: prior year funding. National Objective: Slum & blight/Low mod limited clientele/Urgent Need; Eligibility Citation: 24 CFR Part 570.201(c).

Due to funding limitations, Request for Proposals was not solicited for the upcoming Program Year 2012. However, since public facilities are listed as a priority, CCCD will consider applications in the future should additional funding become available. This activity will be funded through prior year funding that is currently available.

Improvements and repairs will be made to the Robin's Meadow Transitional Housing Program apartments during the 2012-2013 program year. There are currently no water and/or sewer improvements projects identified.

Public Facilities / Infrastructure Outcome

Non-Housing Community Development No	eeds - Objective: Suitable Living Environment/ Decent
Housing/Economic Opportunity	
Priority Need: Water and Sewer Improvemen	ts
Goal 1: To make public water and sewer	Objective 1: Make public water/sewer available to 1 low to
facilities available to low to moderate income	moderate income neighborhoods from 2010-2015.
neighborhoods located within our participating	
jurisdiction.	

4. ECONOMIC DEVELOPMENT ACTIVITIES

Economic Development Activities: Non-Housing Community Development Goal 1, Objective 1, CDBG: prior year funding. National Objective: Slum & blight/Low mod limited clientele/Urgent Need; Eligibility Citation: 24 CFR Part 570.203.

No economic development projects have been identified. However, this activity will be funded through prior year funding that is currently available and will be carried forward into the 2012-2013 program year, should a viable project be presented for consideration.

Economic Development Outcome

Non-Housing Community Development Needs – Objective: Suitable Living Environment/ Economic Opportunity Priority Need: Employment Services / Job Training		
•	Objective 1: Creation of 5 new full-time permanent jobs for low/moderate residents of Cumberland County from 2012-2013.	

5. ACQUISITION/DISPOSITION

Acquisition/Disposition: Affordable Housing Goal 3, Objective 3, CDBG/HOME: prior year funding.

No acquisition projects have been identified. However, this activity will be funded through prior year funding that is currently available and will be carried forward into the 2012-2013 program year, should a viable project be presented for consideration.

CCCD currently maintains four properties that were acquired through a deed-in-lieu of foreclosure, therefore, reasonable costs for property management are incurred.

Acquisition/Disposition Outcome

Housing Needs – Objective: Suitable Living Environment/ Decent Housing/Economic Opportunity Priority Need: Affordable Housing	
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-moderate income residents from 2012-2013.

6. GENERAL ADMINISTRATION/PLANNING

General Administration: CDBG: \$282,855, Eligibility Citation: 24 CFR Part 570.206; HOME: \$52,362, 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 2012-2013 program years. Eligible administrative costs may include, but not be limited to:

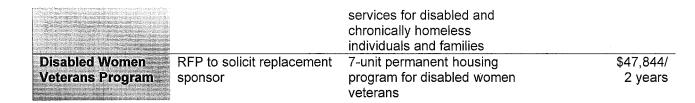
- a. General management, oversight, and coordination;
- b. Salaries, wages, and related costs of the participating jurisdiction's staff;
- c. Fair Housing activities;
- d. 10 Year Plan to End Homelessness activities;
- e. Monitoring progress and compliance with program requirements;
- f. Preparing reports 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.

5. COMPETITIVE GRANTS

Source: Supportive Housing Program (SHP) Amount \$780,231

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:

Project	Project Sponsor	Activity	Funding Amount/Grant Term
Ashton Woods	Cumberland County	20-unit transitional housing program with supportive services for homeless families	\$262,736 / 1 year
Bonanza	Community Health Interventions and Sickle Cell Agency, Inc.	7-unit permanent housing program with supportive services for disabled homeless persons	\$80,057 / 1 year
Leath Commons	Cumberland County	5-unit permanent housing program with supportive services for disabled homeless families	\$120,588 / 1 year
Robin's Meadow	Fayetteville Metropolitan Housing Authority	12-unit transitional housing program with supportive services for homeless families	\$84,134 / 1 year
Step-Up Semi- Independent Living	Community Health Interventions and Sickle Cell Agency, Inc.	2-unit transitional housing program with supportive services for 6 single homeless men	\$35,470 / 1 year
The Care Center	Community Health Interventions and Sickle Cell Agency, Inc.	14-unit transitional housing program with supportive services for victims of domestic violence	\$148,015 / 1 year
Safe Homes for New Beginnings	Cumberland County	5-unit permanent housing program with supportive	\$49,231 / 1 year



Source: Emergency Solutions Grant (ESG) Amount \$177,424

Recently the Office of Economic Opportunity (OEO) created a new process for distributing the Emergency Solutions Grant (ESG), formerly the Emergency Shelter Grant, to reflect the program rules of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), which was enacted into law on May 20, 2009. The HEARTH Act consolidates three of the previous homeless assistance programs administered by HUD under the McKinney-Vento Homeless Assistance Act into a single grant program. In addition, the HEARTH Act codifies into law the Continuum of Care (CoC) planning process, which will assist homeless persons by providing greater coordination in responding to their needs. The ESG will focus primarily on assisting people to quickly regain stability in permanent housing after experiencing a housing crisis and/or homelessness. Previously the Emergency Shelter Grant focused on the needs of homeless people in emergency or transitional shelters. Under the HEARTH Act, the local CoC must now be involved in determining how ESG funds will be distributed within its jurisdiction. On March 29, 2012, the Cumberland County CoC on Homelessness recommended CCCD to serve as the lead agency and fiscal sponsor. As lead agency and fiscal sponsor, CCCD would submit the ESG application to the State on behalf of the CoC jurisdiction as well as contract with the State in carrying out ESG funded activities.

The ESG allocation is estimated to be \$177,424*. The ESG funds must be allocated for projects that are eligible under the following six (6) ESG Components:

- 1) **Street Outreach** is for the unsheltered homeless persons which includes:
 - engagement
 - case management
 - emergency health and mental health services
 - transportation services for special populations
- 2) **Emergency Shelter –** is divided into two (2) sub-categories: Essential Services and Shelter for the sheltered homeless persons.

Essential Services include:

- case management
- childcare
- education
- employment
- life skills services
- legal services
- health
- mental health
- substance abuse services
- transportation services for special population

Shelter includes:

- renovation including major rehabilitation or conversion
- operations cost including maintenance, utilities, furniture, food, etc.

- 3) **Homeless Prevention** includes the following items to prevent and stabilize an individual or family from becoming homeless:
 - Housing Relocation and Stabilization Services
 - Short- and Medium-Term Rental Assistance
- 4) **Rapid Re-housing** includes the following items to assist the actual homeless:
 - housing relocation and stabilization services
 - short- and medium-term rental assistance
 - permanent housing
- 5) **Homeless Management Information System (HMIS)** includes payment of the costs of establishing, hosting, customizing, and upgrading the HMIS.
- 6) **Administration** Up to 7.5 percent can be allocated for the payment of administrative cost relating to the planning and execution of the ESG activities.

Up to 60% of each fiscal year's ESG grant allocation can be used for Street Outreach and Emergency Shelter expenditures. The remaining 40% is for Homeless Prevention, Rapid Re-housing, HMIS, and Administration.

*Note: This amount includes both FY2011-B (\$40,782) and FY2012 (\$136,642) funds. For FY2011, HUD divided ESG funding into two allotments. The first allotment, FY2011-A (\$50,491) was dispersed under the Emergency Shelter Grant rules. The Salvation Army in Fayetteville and the Care Center received funding from the first allotment through the NC ESG office in the amounts of \$39,824 and \$10,667 respectively. HUD held the second allotment back until after the new Emergency Solutions Grants program regulations were published. The second allotment will be dispersed around the same time as the FY2012 funds. CCCD will serve as the lead agency and fiscal sponsor in administering the FY2011-B and FY2012 funds on behalf of the CoC.

In addition to administering the SHP and ESG programs, CCCD will be the contracted provider for the Project for Assistance in Transition from Homelessness (PATH) program. PATH is a component of the Substance Abuse and Mental Health Services Administration (SAMHSA) which provide services for people with serious mental illness, including those with co-occurring substance use disorders, who are experiencing homelessness or at risk of becoming homeless. PATH staff will be responsible for community-based outreach by connecting homeless persons to services related to mental health, substance abuse, case management and other support services, as well as housing services.

Homeless Needs Outcome

Homeless Needs – Objective: Suitable living environments/Decent Housing		
Priority Need: Human Services (specifically health care and homeless services)		
Goal 1: Increase available funding for	Objective 1: Provide financial stability for local homeless	
local homeless service/housing providers	initiatives in order to eliminate potential gaps in services by setting aside at least 25% of the Public Services annual	
Goal also addresses 10-Year Plan to End Homelessness Priority 3 (Identify additional funding sources for local program).	allocation to create 2 beds in priority homeless categories from 2012-2013.	

Special Populations Outcome

Special Populations Needs – Objective: Suitable living environments Priority Need: Services for the Disabled

Goal 1: Increase supportive services and activities in Cumberland County for the disabled (mental and physical).

Objective 1: Provide funding to programs that will assist **20** disabled persons for the 2012-2013 program year.

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.

IE. ANTIEPOVERTY STRATICCY

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 2012-2013 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 2012-2013 Program year:

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.
- Due to national trends and shifts in public funding from emergency shelter and transitional housing to permanent housing, Cumberland County has an undersupply of decent, safe, and affordable permanent housing units to address local needs.

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.

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, the Implementation Guide has been updated to ensure compliance with federal requirements.

J. MONITORING

Cumberland County will continue to improve its established monitoring system of CDBG, HOME, SHP, ESG, and other 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:

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.

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.

Monitoring Records

For each sub-recipient, the staff maintains 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.

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.

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.
- <u>Affordable Housing Commitment</u> 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.
- <u>Not Controlled by Public or For-profit</u> The CHDO must continue to be free of external controls, either from public or for-profit interests.

- <u>Capacity</u> 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.
- <u>Board Composition</u> 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

- Environmental review, and

- HOME subsidy limits,

- 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) addendum/change order.

- Compliance with contract deadlines;
- Comparison of payment requests with eligible costs
- Completed items on work item lists or an

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.).

COMMUNITY DEVELOPMENT SUBGRANTEE MONITORING PLAN

Grantee:

Cumberland County

Period:

PY 2012

Subject:

CDBG, HOME & SHP

Contact:

Delores Taylor

Subrecipients

MONITORING OBJECTIVES

Primary:

To ensure that subrecipients are:

- 1) complying with all applicable Federal requirements under the above named programs and local regulations, when applicable.
- 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.

PROCEDURES

Step #1 In-house reviews (desk audits) of subrecipient materials & regulations review

Step #2 Pre-monitoring visits with subrecipients

Step #3 Conduct visit as follows:

- a) Notify of date, scope, focus of review
- b) Hold entrance conference with chief official
- c) Document, gather & analyze
- d) Hold exit conference to report results, hear reaction & form conclusions

Step #4 Follow-up with letter that both praises & raises finding/concerns

RISK ASSESSMENT

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 2012, the risk assessment is as follows:

Agency	Score	Risk Level	Main Factors Considered
Gentry Group, LLC	25	High	a,b,c,d,e
Supportive Housing Program - New Project Sponsors	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,		High	
Southview Villas, Southview Villas II	17		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 Apts.	12	Moderate	c,e
A Taste of Europe	12	Moderate	c,d
Blue Sky Grading	7	Low	С
Happy Hound	7	Low	С
Public Services (Returning Recipients)	nez.	-	-

SCHEDULE

Pre-monitoring: A pre-monitoring visit will be scheduled with each subrecipient receiving funds for PY2012. 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 2012 – September 2012	Program/Financial Management (Desk) Reviews for All
	Subgrantees
October 20112- December 2012	Gentry Group, LLC
	Supportive Housing Program – New Project Sponsors
	 United Management
	New Affordable Housing Program(s)
	New Public Services/Public Facilities Program(s)
January 2012 – June 2012	 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:

CCCD 2012 Annual Action Plan and Public Review & Comment Period

410 Public Notice

PUBLIC NOTICE

Cumberland County Community Development 2012 Annual Action Plan and Public Review & Comment Period

In continuing our efforts to enhance citizen participa-tion among County rest-dents, Cumberland County Community Development has made available for your review and comment a draft of the 2012 Annual Action Plan.

The 2012 Annual Action Plan, which has to be sub-mitted to the United States Department of Housing and Urban Development (HUD), describes the specific projects that will be undertaken in the 2012 Program Year (July 1, 2012–June 30, 2013)

A draft of the 2012 Annual Action Plan will be placed at the following locations for review from April 4:2012 through May 3, 2012:

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

East Regional Branch Library 4809 Clinton Rd., Fayetteville

Falcon Town Hall 7156 Southwest St., Falcon

Godwin Town Hall 4924 Markham St., Godwin

Hope Mills Branch Library 3411 Golfview Road Hope Mills

Linden Town Hall 9456 Academy Street Linden

North Reg. 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 16, 2012 in the
Commissioners Meeting
Room, at the New County
Courthouse, 117 Dick St.
The Board of Commissioners meeting will begin at
6:45 p.m.

If you have questions or comments concerning the 2012 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, NC 28301. Office hours are from 8:00 am to 5:00 pm Monday through Friday.

JAMES E. MARTIN County Manager

AMY H. CANNON
Deputy County Manager



ITEM NO. _____

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 16, 2012

TO:

BOARD OF COUNTY COMMISSIONERS

FROM:

JAMES E. MARTIN, COUNTY MANAGER

DATE:

MARCH 27, 2012

SUBJECT:

PUBLIC HEARING, PRESENTATION AND APPROVAL OF A RESOLUTION ON THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION 2011-2012 SECONDARY ROADS IMPROVEMENT PROGRAM FOR CUMBERLAND

COUNTY

BACKGROUND

The Department of Transportation has requested a Public Hearing on the North Carolina Department of Transportation 2011-2012 Secondary Roads Improvement Program for Cumberland County at the April 16, 2012 Board of Commissioners Meeting.

Mr. Lee R. (Richie) Hines, Jr., District Engineer with of the North Carolina Department of Transportation will be making the presentation.

A resolution is attached and is required by the North Carolina Department of Transportation indicating approval of the 2011-2012 Secondary Road Construction Program.

RECOMMENDATION / PROPOSED ACTION

NCDOT recommends that the 2011-2012 Secondary Roads Improvement Program and the attached resolution for Cumberland County be approved.

/ct

Attachments

CM032712-2

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	* 3				

RESOLUTION APPROVING FY 2011-2012 SECONDARY ROAD PROGRAM COUNTY OF CUMBERLAND

BE IT RESOLVED that the Cumberland County Board of Commissioners does hereby approve the FY 2011-2012 Secondary Road Program for Cumberland County as presented by the North Carolina Department of Transportation. The program is attached to this resolution.

Board of County Commissioners

Adopted on this 16 day of April, 2	012.
	By:
	Marshall Faircloth, Chairman



STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR. SECRETARY

March 26, 2012

Mr. James E. Martin, County Manager Post Office Box 1829 Fayetteville, NC 28302

Dear Mr. Martin:

This will confirm my appointment to appear before the Board of County Commissioners on April 16, 2012 at 6:45 P.M. The purpose of this meeting will be for representatives of the North Carolina Department of Transportation - Division of Highways to present and discuss publicly the proposed 2011-2012 Secondary Roads Improvement Program for Cumberland County. I will deliver to your office prior to this date twenty-one (21) copies of the proposed program.

Please note that a Resolution from the Board will be required indicating approval of the 2011-2012 Secondary Road Construction Program.

If I may provide additional information, please advise.

Sincerely,

Lee R. (Richie) Hines, Jr. P.E.

District Engineer

LRH:elp

cc: G. W. Burns, P.E., Division Engineer
Bill Hammond, Highway Maintenance Engineer
File



STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR. SECRETARY

March 26, 2012

District II
Cumberland County

MEMORANDUM TO: The Fayetteville Observer-Times

Subject:

Public Notice-Expenditure of Secondary

Road Construction Funds

Gentlemen:

We request that you publish the following Public Notice in your newspaper once during the week of April 2, 2012 and once during the week of April 9, 2012. We will require a copy of the affidavit of publication along with a clipping and the invoice.

PUBLIC NOTICE

THE DIVISION OF HIGHWAYS OF THE N. C. DEPARTMENT OF TRANSPORTATION WILL HOLD A PUBLIC HEARING WITH THE CUMBERLAND COUNTY COMMISSIONERS AND OTHER INTERESTED COUNTY RESIDENTS IN REGARD TO EXPENDITURES OF SECONDARY CONSTRUCTION FUNDS FOR IMPROVEMENTS OF SECONDARY ROADS IN CUMBERLAND COUNTY. THIS HEARING WILL BE HELD APRIL 16, 2012, AT 6:45 P. M. IN THE CUMBERLAND COUNTY COURTHOUSE, FIRST FLOOR, ROOM 118 IN FAYETTEVILLE, N.C. RECOMMENDATIONS FOR EXPENDITURES OF THE SECONDARY ROAD CONSTRUCTION FUNDS ARE POSTED ON A MAP IN THE COUNTY ADMINISTRATION BUILDING.

Very truly yours,

Lee R. (Richie) Hines, Jr., P. E.

District Engineer

LRH:elp

cc: Mr. Ed Grannis, Board of Transportation Member Cumberland County Board of Commissioners G. W. Burns, P.E., Division Engineer

2011 - 2012

North Carolina Department of Transportation Proposed Secondary Road Program Cumberland County

Allocation and Funding

Highway Fund	\$ 581,975.83
Trust Fund	<u>\$ 1,356,750.18</u>
Total Allocation	\$ 1,938,726.01

Funds to Cover Overruns in Previously Approved Projects

\$ 929,611.00

Total Funding Available

\$ 1,009,115.01

Paving Program

\$ 0.00.00

Funds used to build and pave unpaved roads in priority order from the Rural and Residential/Subdivision List

There are no unpaved roads scheduled for improvement and paving in this Program because of Right of Way issues on all remaining unpaved roads.

Spot Improvements

\$865,000.00

Funds used to supplement secondary road maintenance operations such as unpaved road stabilization with stone or local materials, shoulder repair, widening of paved secondary roads, drainage improvements, and safety projects.

Map	Road Name	Description	Length	Estimate
Number		-	(mi.)	Of Cost
1	SR 2257	NC 87 to SR 2252	2.78	\$ 350,000
	County Line Road	Full Depth Reclamation		
2	SR 1593	US 401 to SR 1400	2.40	\$ 100,000
	Hoke Loop Road	Addition of 2 Ft Paved Shoulders		
3	SR 2010	NC 53 / NC 210 to SR 2012	2.60	\$ 105,000
	John B Carter Road	Addition of 2 Foot Paved Shoulders		
4	SR 2023	NC 53 to NC 210	2.70	\$ 110,000
	Stedman Cedar Creek Rd	Addition of 2 Foot Paved Shoulders		
	Various Routes	Crack Sealing	N/A	\$ 200,000

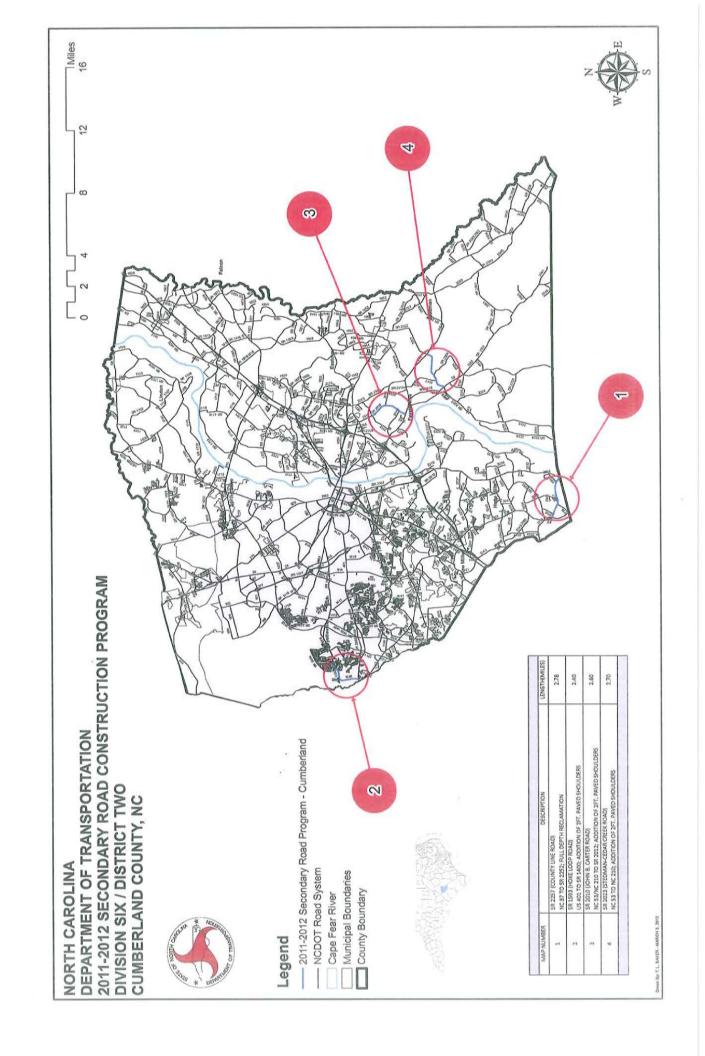
Contingency Reserve

\$ 144,115.01

Funds used for unpaved road surveying and right of way acquisition, unpaved road additions, property owner participation, paving driveways of rural fire or rescue departments, and overdrafts.

Grand Total

\$ 1,938,726.01



ROBERT N. STANGER, P.E. County Engineer



SAM LUCAS

Engineering Technician II

WAYNE DUDLEY, CFM Engineering Technician I

ENGINEERING DEPARTMENT

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

April 10, 2012

ITEM NO. ___ 5A

MEMORANDUM

TO:

BOARD OF COUNTY COMMISSIONERS

FROM:

ROBERT N. STANGER, COUNTY ENGINEER

THROUGH: AMY H. CANNON, DEPUTY COUNTY MANAGER

SUBJECT:

STATUS OF DETENTION CENTER EXPANSION PROJECT

BACKGROUND

The following information was presented to the County Facilities Committee at its April 5, 2012 meeting regarding the Detention Center Expansion Project.

On March 15, 2012, the Detention Center Expansion Project Committee met with the Design Team and Construction Management Team to:

- Review the CMaR construction and project budget based on the latest cost reductions associated with the value engineering (VE) items accepted by the Project Committee (copy attached).
- Review the progress on the construction drawings and submittal to reviewing agencies.
- Discuss the status of permits required for construction.
- Discuss the project schedule and CMaR activities through development of the Guaranteed Maximum Price (GMP).
- Discuss the security system upgrades in the existing facility and integration with the security systems in the expansion.

As previously reported to the County Facilities Committee, the Project Committee, Design Team and CMaR were able to identify about \$1.35 Million in cost reductions to bring the estimated construction cost to \$13,449,638 and the estimated project budget to \$15,384,800. We also advised the Facilities Committee that there were other VE items the team was evaluating which may provide some additional cost savings including having dedicated mechanical and electrical systems for the expansion in luie of tying into the mechanical and electrical systems in the existing facility.

Items 39 through 44 on the attached Budget Revision Tracker are new items since the last update was provided to the Facilities Committee and represent \$390,773 in potential cost reductions of which \$309,644 is associated with the dedicated mechanical and electrical systems for the expansion (Items 42-44). The revised construction budget is \$13,058,864 and the revised project budget is \$14,994,026. However, the Project Committee revisited Item 24 which eliminated the glass walls in the dayrooms in the maximum security housing unit. The jail staff feels very strongly that the glass partitions in each dayroom are necessary for the safe and proper operation of

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the housing unit and recommend that this VE item not be accepted. Doing so adds \$138,800 back into the estimated construction and project budgets which become \$13,197,664 and \$15,132,826, respectively.

Moseley Architects reported to the Project Committee that the plans and specifications have been sent to NC Department of Health and Human Services (DHHS) and NC Department of Insurance (DOI) for review and approval. Plans and specifications have also been delivered to Fayetteville City Inspections Department for its review. All applications for permits required for construction have been submitted to the appropriate agencies and we are awaiting approvals. It was reported to the Facilities Committee in February that the expectation of the Project Team was to have the project bid in April, however, this is not likely to happen given the time necessary for the regulatory agencies to review and comment on the final construction documents and any subsequent revisions to documents by Moseley prior to releasing them to the CMaR for competitive bidding.

Metcon-Balfour Beatty reviewed its preliminary schedule beginning with advertising the initial contractor outreach meeting through presentation of the Guaranteed Maximum Price and Notice To Proceed. See attached schedule. The initial contractor outreach informational meeting was held on March 29th at which time contracting opportunities and the pre-qualifying procedures for MWBE and local subcontractors were discussed. Subcontractor bids are expected in late May and the GMP developed and presented to the County in early June for approval. Construction will begin shortly thereafter and is still anticipated to take 13 to 14 months.

Balfour Boatty INCTCOM

CUMBERLAND COUNTY DETENTION CENTER EXPANSION Fayetteville, North Carolina

11/30/2011 Bid Date:

BUDGET REVISION TRACKER - 2 STORY DAYROOM (BASE DESIGN)

Starting Budget = \$14,803,205 Revised Budget = \$13,058,864	7	TPSOF STATE	Parking necess space	which occur at the facility. Parking Lot as designed is necessary to meet new program space and additional activities	which occur at the facility. This minimal paving system cost is incorporated into the Base Bid Pricing Already.	Storm Drainage System as designed is necessary to meet code. Civil Engineering will evaluate design further to see if there is a potential for cost	14,803,205 Minimal Savings is indicated, so	we are staying with all sodding. 14,803,205 NOTE: No Cost Savings.	14,803,205 NOTE: No Cost Savings.	14,774,176	14,709,735	User Group rejected the reduction in the Masonry Privacy Walls because of Female
	9		θ-	€	θ	₩	69	ν	₩	\$	8	₩
	ACCEPTED" BRT" PRICING									(29,029)	(64,441)	
	PENDING "BRT" PRICING		and the state of t		,	,	1		,	1	.!	1
	REJECTED "BRT" PRICING		(76,492)	(179,109)	,	(172,129)	(10,003)	218,755	17,649			(6,669)
	P=Pending A=Accepted R=Rejected		R	ď		c .	œ	ď	ĸ	∢	∢	CC.
	"BRT" ITEM NO. PRICING		(76,492)	(179,109)	1	(172,129)	(10,003)	218,755	17,649	(29,029)	(64,441)	(699'9)
	n Description	Starting Budget	Asphalt Paving (Eliminate Entry Road and Parking Lot as currently designed and redirect the Entry Road to the North Side of the Site	Asphalt Paving (Eliminate Entry Road and Parking Lot Completely)	Asphalt Paving (Evaluate other Asphalt Wearing Surface and Base Course Options) (NOTE: ALREADY BID PER MINIMUM REQUIREMENT)	Storm Drainage System (Eliminate Storm Drainage System Completely and provide Surface Drainage)	Sodding (Eliminate a percentage of the Sodding and replace with Seeding)	Exterior Walls (Evaluate the use of Insulated Precast Concrete Wall Panels with Integral Thin Brick ILO CMU Back-Up Block and Brick / Metal Siding Veneer)	Precast Concrete Cells (Provide Precast Concrete Cells ILO of Masonry Walls and Precast Hollow Core @ Segregation Unit)	Masonry Bond Beams (Eliminate the requirement for the Masony Bond Beams @ 4'0" O.C. Vertically in all walls)	Segregation Second Level Elevation (Lower the Segregation Unit at the Ground Level by 2'0" and add Mechanical Chases in the Outdoor Recreation Yards for Duct Work distribution)	Dayroom Toilet Room Water Closet Privacy Walls (Reduce the length of the Water Closet half high masonry walls in the Dayroom
	"BRT" ITEM NO.		-	4t	2	ю	4	ĸ	ω	7	ω	ത

Construction

11/30/2011 Bid Date:

CUMBERLAND COUNTY DETENTION CENTER EXPANSION Fayetteville, North Carolina

BUDGET REVISION TRACKER - 2 STORY DAYROOM (BASE DESIGN)

									Starting Budget = \$14,803,205 Revised Budget = \$13,058,864
	DESCRIPTION	"BRT" ITEM NO. PRICING	P=Pending A=Accepted R=Rejected	REJECTED "BRT" PRICING	PENDING "BRT" PRICING	ACCEPTED" BRT" PRICING		TOTAL	品
Sta	Starting Budget						S	14,803,205	Deliverable Type
Exte	Exterior Building Veneer (Provide all Brick Veneer and Eliminate Metal Siding)	(49,349)	∢			(49,349)	<u> </u>	14,660,386	
Meta Sho spec	Metal Stairs (Open Specifications to allow Shop-Fabricated Stairs ILO Manufacturer as specified)	(38,920)	<		3	(38,920)	υs	14,621,466	
Sec in S	Security Caulking (Provide Security Caulking in Segregation Unit and Day Room Restrooms ONLY)	(26,478)	∢	1		(26,478)	€	14,594,988	
Roo Opti Stru Sho Colc	Roofing System (Evaluate Roofing System Options) (TPO 60 mil Membrane, Sloped Structure, Cricket Insulation @ Perimeter, Shop-Fabricated Flashing/Coping Standard Color, 20 Year Warranty) (IN BASE BID)	,		,		•	€9	14,594,988	This roof system cost is incorporated into the Base Bid Pricing (NOTE: NEED TO CONFIRM FOR THE OWNER THE "TPO" WILL LAST FOR THE WARDSANTY PERIORS
Program	Roof Drain System (Elimination of Roof Drains and slope roof to a Scupper and Downspout System)	(8,945)	œ	(8,945)			69	14,594,988	
Roc	Roof Walkway Pads (Eliminate Walkway Pads at Roof)	(24,191)	c c	(24,191)	t		€	14,594,988	<u> </u>
Sky to o	Skylights @ Segregation (Open Specifications to other Manufacturer's)	(60,315)	4		ı	(60,315)	69	14,534,673	TO KOO System is utilized.
S F F F F F F F F F F F F F F F F F F F	Resinous Flooring (Eliminate Resinous Flooring System @ Dayroom Outdoor Recreation Yards and provide Broom Finish Concrete Slabs with Clear Sealer)	(71,641)	∢	1		(71,641)	€	14,463,032	
Gyp Boa Day	Gypsum Board Ceilings (Eliminate Gypsum Board Ceilings in the 2 EA - 2nd Level Dayrooms and Paint Exposed Structure and M.E.P. Systems)	(52,364)	¥ .			(52,364)	€	14,410,668	
Elevand	Elevators (Eliminate One [1] Elevator if Code and User Group Allows)	(51,499)	œ	(51,499)	,		es .	14,410,668	User Group requested both Elevators remain as designed to meet daily operation activities and the potential for an Elevator
Det	Detention Furniture (Evaluate Options)	,		1	1		U	14 410 GES DENIGHT	breakdown.
Dete Day	Detention Furniture (Eliminate Dayroom - Dayroom Tables [Owner's FF&E Package])	(72,729)	∢		-	(72,729)	<u>.i</u> _	14,337,939	DING

Balfour Boatty INCICON

BUDGET REVISION TRACKER - 2 STORY DAYROOM (BASE DESIGN)

Fayetteville, North Carolina CUMBERLAND COUNTY DETENTION CENTER EXPANSION

11/30/2011 Bid Date:

Starting Budget = \$14,803,205

									Sevised Budget = \$14,805,205
งา:" ITEM NO.	l DESCRIPTION	"BRT" ITEM NO. PRICING	P=Pending A=Accepted R=Rejected	REJECTED "BRT" PRICING	PENDING "BRT" PRICING	ACCEPTED" BRT" PRICING	TOTAL	JAL	MEN
	Starting Budget						\$ 14.8	14,803,205	Deliverable Type
21	Detention Toilet Accessories (Evaluate Options)			•	1	-	\$	14,337,939 PENDING	PENDING
22	Detention Doors, Frames and Hardware (Evaluate Options)	1		1			€	14,337,939 PENDING	PENDING
23	Detention Glazing (Evaluate Options)	•			1		es	14,337,939	PENDING
24	Segregation Area (Eliminate Glass Walls and Doors and replace with Security Mesh Wall and Door Assemblies)	(138,800)	A	1	1	(138,800)			This Item will be bid as an ADD Alternate.
25	Dayroom Multipurpose Room Glazing (Eliminate Detention Grade Frames and Glazing and provide an Hollow Metal Framed Storefront System)	(31,394)	∢			(31,394)	€	14,167,745	The Frame for this assembly has been changed to Hollow Metal vs. Aluminum as originally described
26	Dayroom Outdoor Recreation Yard Glazing (Eliminate Detention Grade Frames and Glazing and provide an Hollow Metal Framed Storefront System)	(58,079)	A		•	(58,079)	€	14,109,667	The Frame for this assembly has been changed to Hollow Metal vs. Aluminum as originally described.
27	Prefabricated S.S. Showers (Eliminate Prefabricated Stainless Steel Showers and provide a Gang Shower Application)	(98,905)	∢	,	•	(95,905)	€.	14,013,762	User Group requested 4'0" high Masonry Privacy Walls be added because of Female Officer's on staff.
28	Building Underground Sewer Piping (Provide PVC Piping in lieu of Cast-Iron Piping)	(43,005)	A	•		(43,005)	8	13,970,756	
29	Connecting Corridor (Eliminate the Enclosed Corridor and provide an Open-Air Prefinished Covered Walkway with Chain Link Fencing Sidewalls)	(122,218)	ď	(122,218)	1		₩	13,970,756	User Group rejected this Item 13,970,756 because of Staff and Inmate Safety concerns.
30	One (1) Story Dayroom Option (Move the 2nd Level Dayrooms to the Ground Level) and Eliminate Partial 2nd Level Cells in the Segregation Unit.	147,529	c	147,529	ı		₩	13,970,756	13,970,756 NOTE: No Cost Savings.
31	Segregation Unit 2nd Level Cell Reduction (Eight [8] Cell Reduction)	(409,376)	4	1	1	(409,376)	89	13,561,381	This Item will be bid as an ADD Alternate.
32	Segregation Exterior Enclosed Stairwell (Provide an Exterior Stair System in lieu of and Enclosed Stairwell)	(32,839)	۵	ı	(32,839)		€	13,561,381	This Item can not be taken if Item No.31 is Accepted.

Baltour Boatty ITIETCOM

CUMBERLAND COUNTY DETENTION CENTER EXPANSION

Fayetteville, North Carolina

Bid Date: 11/30

BUDGET REVISION TRACKER - 2 STORY DAYROOM (BASE DESIGN)

in the existing facility is available Need confirmation if HVAC Duct the Noise Control requirements S 14/803/205 Deliverable Type User Group rejected, the space User Group rejected, they want the system as specified. This Item was added to suffice \$14,803,205 distribution will still work if this Change the Alternate Material \$13,058,864 for tie-in into the New Facility. Carpeting is eliminated from 13,466,572∥in the Open Dayrooms if all 13,466,572 from VCT to Clear Sealed Potential ADD Altenate if COMMENTS tem is "Accepted", Starting Budget = Concrete Floors. Revised Budget = necessary them. 13,561,381 13,561,381 13,480,287 13,466,572 13,449,638 13,405,087 13,394,312 13,368,509 13,282,498 13,241,637 TOTAL v ↔ ₩ H 69 Ø H H G ₩ υ υ (10,775) (86,011) (40,860) (81,094) (13,715) (16,934) (44,551) (25,803)ACCEPTED" BRT" PRICING (295,556)PRICING "BRT" (47,843)(86,118) 'BRT" PRICING REJECTED œ ⋖ ⋖ ۵. Д. ⋖ ∢. ⋖ ⋖ ⋖ ⋖ α (81,094) (13,715) (25,803) (47,843)(86,118) (295,556)(16,934)(44,551)(10,775)(86,011) (40,860)BRT" ITEM NO. PRICING Ceilings is Accepted @ Decrease Roof Height in lieu of Upgrading the Existing Central Plant) Acoustical Treatment in the Four (4) Opening Dayrooms if all Carpeting is Removed in Item adjacent Program Space Square Footage (8" Security Glass (Provide SG-2 Glass in lieu of Building Electric Secondary Service (Provide Compound adjacent to the New Construction Decrease Masonry Wall Height @ 2nd Level Monitors with equipment to be wired through White-Box a 2nd Level Dayroom (Deductive Service from a New Primary Transformer in Video Visitation System (Simplified System: Reduce Segregation Cells Square Footage Eliminate Carpeting (Provide Clear Sealed Provide "Traditional" CCTV Cameras and Concrete Floors in lieu of Carpeting at all Corridors and provide Exposed Structural Video Visitation System (Eliminate Video Dayrooms (If Removal of Gypsum Board Gypsum Board Ceilings in the Circulation (Reduced from 80 Sqft to 70 Sqft by 1'-4" Dayroom Acoustical Treatment (Provide Reduce Segregation Main Dayroom and Wide Reduction through the Cell Areas) Visitation Completely and include in the Fixed Multiplexers and Recorders Less Wide Strip Reduction in each direction) Gypsum Board Ceilings (Eliminate the Mechnical Yard (Provide a Mechanical Cost to White-Box One [1] Dayroom) ieu of Existing Facility Switchgear) Starting Budget Upgrade of the Existing Facility) DESCRIPTION Flexibility and Control) Carpet Locations) SG-1 Glass) Ceilings) by 2'0" No.36) 36A Š 33 35 36 38 33 6 42 5 8 37 4

BUDGET REVISION TRACKER - 2 STORY DAYROOM (BASE DESIGN)

CUMBERLAND COUNTY DETENTION CENTER EXPANSION Fayetteville, North Carolina

(

11/30/2011 \$14,803,205 Starting Budget = Revised Budget = Bid Date:

Neviseu budget - \$15,056,864	COMMENTS	Deliverable Type								(2) (2) (2) (2) (3) (3) (4) (4) (4) (4) (4) (5) (5) (5) (5) (5) (6) (6) (6) (6) (6) (6) (6) (6) (6) (6
	TOTAL	\$ 14,803,205	13,058,864	13,058,864	13,058,864	13,058,864	13,058,864	13,058,864	13,058,864	13,058,864
		S	₩.	€	€\$	8	မာ	₩	\$	s
	ACCEPTED" BRT" PRICING		(182,773)				•	•		** (1744341) \$
	PENDING "BRT" PRICING		1	1	-	-		_	-	(328)396)
	REJECTED "BRT" PRICING		'				•		•	(401, 284)
and the second s	P=Pending A=Accepted R=Rejected		A						-	
	"BRT" ITEM NO. PRICING		(182,773)	_	ľ	1	1	•	•	(2,474,021)
	DESCRIPTION	Starting Budget	Increased Efficiency in Electrical of not having to run Electrical Services through the Existing Facility.							派部 Revised Construction Budget
of Palabolic and the case of the participation of the case of the	"BRT" ITEM NO.	S	44 E to F,	45	46	47	48	49	50	R

Cost / SQFT **Building GBA**

Owner Construction Budget	Remaining V.E. Target
13,064,838	(5,974)
↔	₩

CM Construction Estimate w/Accepted V.E. Above	13,058,864
CM Construction Contingency	In Above
Construction Cost: \$	13,058,864
Design Fees	1,148,432
Surveying	5,625
Geotechnical/Special Inspections \$	154,800
F.F.&.E. (Owner's Budget)	\$ 540,000
Operations & Transition Services \$	\$ 66,305
Miscellaneous Permit Fees \$	\$ 20,000
Subtotal: \$	1,935,162
Current Budget Estimate Total: \$	\$ 14,994,026
OWNER TOTAL BUDGET: \$	15,000,000

CUMBERLAND COUNTY DETENTION CENTER Fayetteville, North Carolina

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GMP Presentation to Cumberland County Commissioners	7	4-Jun-12	4-Jun-12					与 有数	
Notice To Proceed from Cumberland County	1	8-Jun-12	8-Jun-12	電影		編者			· · · · · · · · · · · · · · · · · · ·

CUMBERLAND COUNTY DETENTION CENTER Fayetteville, North Carolina

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CUMBERLAND COUNTY DETENTION CENTER Fayetteville, North Carolina

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CUMBERLAND COUNTY FACILITIES COMMITTEE NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564 APRIL 5, 2012 - 8:30 A.M. MINUTES

MEMBERS PRESENT:

Commissioner Jimmy Keefe, Chair

Commissioner Kenneth Edge

Commissioner Billy King (arrived at 8:40 a.m.)

OTHER COMMISSIONERS

PRESENT:

Commissioner Ed Melvin

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 Phyllis Jones, Assistant County Attorney Robert N. Stanger, County Engineer

Al Brunson, Facilities Maintenance Manager

Sam Lucas, Engineering Technician

Greg Taylor, Executive Director - Ft. Bragg Regional

Alliance

Kellie Beam, Deputy Clerk to the Board Candice White, Clerk to the Board

Press

Commissioner Jimmy Keefe called the meeting to order.

1. APPROVAL OF MINUTES – MARCH 1, 2012 MEETING

MOTION:

Commissioner Edge moved to approve the minutes.

SECOND:

Commissioner Keefe

VOTE:

UNANIMOUS (2-0)

2. UPDATE ON STATUS OF DETENTION CENTER EXPANSION PROJECT

Bob Stanger, County Engineer stated the Detention Center Expansion Project Committee met with the Design Team and Construction Management Team on March 15, 2012 to:

- Review the Construction Manager at Risk (CMaR) construction and project budget based on the latest cost reductions associated with the value engineering items accepted by the Project Committee.
- Review the progress on the construction drawings and submittal to reviewing agencies.
- Discuss the status of permits required for construction.
- Discuss the project schedule and CMaR activities through development of the guaranteed maximum price.
- Discuss the security system upgrades in the existing facility and integration with the security systems in the expansion.

Mr. Stanger stated as previously reported to the Facilities Committee, the Project Committee and Design Team were able to identify about \$1.35 million dollars in cost reductions to bring the estimated construction cost to \$13,449,638 and the estimated project budget to \$15,384,800. Mr. Stanger further stated the Facilities Committee was also advised there were other value engineering items the Design Team would be evaluating which may provide additional cost savings including having dedicated mechanical and electrical systems for the expansion as opposed to tying into the mechanical and electrical systems in the existing facility.

Mr. Stanger stated budget revisions to the two-story day room since the last update was provided to the Facilities Committee represent \$390,773 in potential cost reductions of which \$309,644 is associated with the dedicated mechanical and electrical systems for the expansion. Mr. Stanger stated the Project Committee revisited the item and eliminated the glass walls in the dayrooms in the maximum security housing unit because jail staff feels very strongly that the glass partitions in each dayroom are necessary for safety and proper operation of the housing unit. Mr. Stanger stated adding this item will add \$138,800 back into the estimated construction and project budgets which leaves an estimated construction budget of \$13,197,664 and an estimated project budget of \$15,132,826 at this time.

Mr. Stanger stated Moseley Architects reported the plans and specifications have been sent to the North Carolina Department of Health and Human Services and the North Carolina Department of Insurance for review and approval. Mr. Stanger further stated plans and specifications have also been delivered to the City of Fayetteville Inspections Department for review. Mr. Stanger stated subcontractor bids are expected in late May 2012 and the guaranteed maximum price will be developed and presented to the Facilities Committee in early June 2012 for approval. Mr. Stanger explained the construction time is still anticipated to be thirteen (13) to fourteen (14) months and the estimated completion date is August 2013.

3. UPDATE ON RENOVATIONS AT E. NEWTON SMITH CENTER

Mr. Stanger stated the Board of Elections and the County Wellness Center, which includes the clinic and pharmacy, will be moving in the E. Newton Smith Center by June

2012. Mr. Stanger further stated the HVAC renovation work on the first floor is 98% complete. Mr. Stanger stated items pending completion include painting, electrical work, floor coverings and ceiling repairs. Mr. Stanger stated good progress is being made using in-house resources to the maximum extent possible to keep the project cost down.

James Martin, County Manager, stated James Lawson, Assistant County Manager, discovered additional space on the first floor of the E. Newton Smith Center and is investigating the idea of possibly using the space for a Human Resources Training Center.

4. CONSIDERATION OF LEASING COUNTY OWNED PROPERTY AT 2736 CEDAR CREEK ROAD TO THE FORT BRAGG REGIONAL ALLIANCE

Mr. Martin introduced Greg Taylor, Executive Director of Fort Bragg Regional Alliance. Mr. Martin stated he and Mr. Taylor have had ongoing discussions about the potential for Fort Bragg Regional Alliance to lease the county-owned property at 2736 Cedar Creek Road. Mr. Martin further stated the property has been vacant for about ten (10) years and is deteriorating. Mr. Martin stated management's recommendation to the Facilities Committee is to consider allowing the Fort Bragg Regional Alliance to enter into a twelve (12) month lease then continue on a month to month basis with the county giving the Fort Bragg Regional Alliance a sixty (60) day notice should the property need to be vacated. Mr. Martin stated the Fort Bragg Regional Alliance would provide janitorial and trash removal service and pay the utilities, and the county will continue to maintain the grounds for a lease amount of \$1,500 a month.

Mr. Taylor stated the Fort Bragg Regional Alliance is grant funded and is looking to downsize and suggested a lease amount of \$1,000 a month. Commissioner King suggested an eighteen (18) month lease at \$1,200 a month. Commissioner Keefe stated based on what he knows he feels \$1,500 a month is fair.

MOTION: Commissioner Edge moved to follow management's recommendation of

\$1,500 a month under the conditions discussed by the county manager.

SECOND: Commissioner Keefe

VOTE: PASSED (2-1) (Commissioners Edge and Keefe voted in favor;

Commissioner King voted in opposition)

5. OTHER ITEMS OF BUSINESS

Commissioner Edge asked the status of alterations in the county attorney's office. Al Brunson, Facilities Maintenance Manager, stated the renovations are scheduled to be completed the weekend of April 13, 2012.

MEETING ADJOURNED AT 9:25 AM.

County Attorney



PHYLLIS P. JONES **Assistant County Attorney**

ITEM NO. _

OFFICE OF THE COUNTY ATTORNEY

5th Floor, New Courthouse • PO Box 1829 • Suite 551 • Fayetteville, North Carolina 28302-1829 (910) 678-7762

MEMORANDUM FOR THE AGENDA OF THE APRIL 16, 2012 MEETING OF THE BOARD OF COMMISSIONERS

TO:

BOARD OF COMMISSIONERS

FROM:

RICK MOOREFIELD, COUNTY ATTORNEY

DATE:

APRIL 11, 2011

SUBJECT:

CONSIDERATION OF RESOLUTION OF INTENT TO LEASE CERTAIN REAL PROPERTY

TO FORT BRAGG REGIONAL ALLIANCE

BACKGROUND:

At its April 5, 2010 meeting the Facilities Committee voted to recommend to the Board of Commissioners that the county lease the Alphin House located at 2736 Cedar Creek Road to the Fort Bragg Regional Alliance for offices. The county will up-fit the HVAC system and install appropriate wiring for data and communications systems. The county will continue to maintain the grounds and the tenant will provide all utilities, janitorial and garbage service. The rent will be \$1500 per month for a lease term of 12 months, then becoming a month to month tenancy which can be terminated by either party with 60 days' notice.

A notice of intent to enter into the proposed lease must be published at least 10 days in advance of a regular meeting to approve the lease.

RECOMMENDATION/PROPOSED ACTION:

Adopt the following resolution:

BE IT RESOLVED that the Cumberland County Board of Commissioners finds that the dwelling located at 2736 Cedar Creek Road will not be needed for government purposes for the term proposed for the lease of the property to the Fort Bragg Regional Alliance and this Board intends to adopt a resolution at its next regular meeting to be held on May 7, 2012, approving the lease pursuant to the terms to be advertised as follows:

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, 2012, approving the lease of the Alphin House located at 2736 Cedar Creek Road to the Fort Bragg Regional Alliance for a term of 12 months commencing July 1, 2012, then converting to a month to month tenancy terminable by either party upon 60 days' notice at a monthly rental rate of \$15000.

CUMBERLAND COUNTY FACILITIES COMMITTEE NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564 APRIL 5, 2012 - 8:30 A.M. MINUTES

MEMBERS PRESENT:

Commissioner Jimmy Keefe, Chair

Commissioner Kenneth Edge

Commissioner Billy King (arrived at 8:40 a.m.)

OTHER COMMISSIONERS

PRESENT:

Commissioner Ed Melvin

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 Phyllis Jones, Assistant County Attorney Robert N. Stanger, County Engineer

Al Brunson, Facilities Maintenance Manager

Sam Lucas, Engineering Technician

Greg Taylor, Executive Director - Ft. Bragg Regional

Alliance

Kellie Beam, Deputy Clerk to the Board Candice White, Clerk to the Board

Press

Commissioner Jimmy Keefe called the meeting to order.

1. APPROVAL OF MINUTES – MARCH 1, 2012 MEETING

MOTION:

Commissioner Edge moved to approve the minutes.

SECOND:

Commissioner Keefe

VOTE:

UNANIMOUS (2-0)

2. UPDATE ON STATUS OF DETENTION CENTER EXPANSION PROJECT

Bob Stanger, County Engineer stated the Detention Center Expansion Project Committee met with the Design Team and Construction Management Team on March 15, 2012 to:

- Review the Construction Manager at Risk (CMaR) construction and project budget based on the latest cost reductions associated with the value engineering items accepted by the Project Committee.
- Review the progress on the construction drawings and submittal to reviewing agencies.
- Discuss the status of permits required for construction.
- Discuss the project schedule and CMaR activities through development of the guaranteed maximum price.
- Discuss the security system upgrades in the existing facility and integration with the security systems in the expansion.

Mr. Stanger stated as previously reported to the Facilities Committee, the Project Committee and Design Team were able to identify about \$1.35 million dollars in cost reductions to bring the estimated construction cost to \$13,449,638 and the estimated project budget to \$15,384,800. Mr. Stanger further stated the Facilities Committee was also advised there were other value engineering items the Design Team would be evaluating which may provide additional cost savings including having dedicated mechanical and electrical systems for the expansion as opposed to tying into the mechanical and electrical systems in the existing facility.

Mr. Stanger stated budget revisions to the two-story day room since the last update was provided to the Facilities Committee represent \$390,773 in potential cost reductions of which \$309,644 is associated with the dedicated mechanical and electrical systems for the expansion. Mr. Stanger stated the Project Committee revisited the item and eliminated the glass walls in the dayrooms in the maximum security housing unit because jail staff feels very strongly that the glass partitions in each dayroom are necessary for safety and proper operation of the housing unit. Mr. Stanger stated adding this item will add \$138,800 back into the estimated construction and project budgets which leaves an estimated construction budget of \$13,197,664 and an estimated project budget of \$15,132,826 at this time.

Mr. Stanger stated Moseley Architects reported the plans and specifications have been sent to the North Carolina Department of Health and Human Services and the North Carolina Department of Insurance for review and approval. Mr. Stanger further stated plans and specifications have also been delivered to the City of Fayetteville Inspections Department for review. Mr. Stanger stated subcontractor bids are expected in late May 2012 and the guaranteed maximum price will be developed and presented to the Facilities Committee in early June 2012 for approval. Mr. Stanger explained the construction time is still anticipated to be thirteen (13) to fourteen (14) months and the estimated completion date is August 2013.

3. UPDATE ON RENOVATIONS AT E. NEWTON SMITH CENTER

Mr. Stanger stated the Board of Elections and the County Wellness Center, which includes the clinic and pharmacy, will be moving in the E. Newton Smith Center by June

2012. Mr. Stanger further stated the HVAC renovation work on the first floor is 98% complete. Mr. Stanger stated items pending completion include painting, electrical work, floor coverings and ceiling repairs. Mr. Stanger stated good progress is being made using in-house resources to the maximum extent possible to keep the project cost down.

James Martin, County Manager, stated James Lawson, Assistant County Manager, discovered additional space on the first floor of the E. Newton Smith Center and is investigating the idea of possibly using the space for a Human Resources Training Center.

4. CONSIDERATION OF LEASING COUNTY OWNED PROPERTY AT 2736 CEDAR CREEK ROAD TO THE FORT BRAGG REGIONAL ALLIANCE

Mr. Martin introduced Greg Taylor, Executive Director of Fort Bragg Regional Alliance. Mr. Martin stated he and Mr. Taylor have had ongoing discussions about the potential for Fort Bragg Regional Alliance to lease the county-owned property at 2736 Cedar Creek Road. Mr. Martin further stated the property has been vacant for about ten (10) years and is deteriorating. Mr. Martin stated management's recommendation to the Facilities Committee is to consider allowing the Fort Bragg Regional Alliance to enter into a twelve (12) month lease then continue on a month to month basis with the county giving the Fort Bragg Regional Alliance a sixty (60) day notice should the property need to be vacated. Mr. Martin stated the Fort Bragg Regional Alliance would provide janitorial and trash removal service and pay the utilities, and the county will continue to maintain the grounds for a lease amount of \$1,500 a month.

Mr. Taylor stated the Fort Bragg Regional Alliance is grant funded and is looking to downsize and suggested a lease amount of \$1,000 a month. Commissioner King suggested an eighteen (18) month lease at \$1,200 a month. Commissioner Keefe stated based on what he knows he feels \$1,500 a month is fair.

MOTION: Commissioner Edge moved to follow management's recommendation of

\$1,500 a month under the conditions discussed by the county manager.

SECOND: Commissioner Keefe

VOTE: PASSED (2-1) (Commissioners Edge and Keefe voted in favor;

Commissioner King voted in opposition)

5. OTHER ITEMS OF BUSINESS

Commissioner Edge asked the status of alterations in the county attorney's office. Al Brunson, Facilities Maintenance Manager, stated the renovations are scheduled to be completed the weekend of April 13, 2012.

MEETING ADJOURNED AT 9:25 AM.

ITEM	NO	6
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CUMBERLAND COUNTY FINANCE COMMITTEE NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564 APRIL 5, 2012 - 9:30AM MINUTES

MEMBERS PRESENT:

Commissioner Kenneth Edge, Chairman

Commissioner Jeannette Council

Commissioner Ed Melvin

OTHER COMMISSIONERS

PRESENT:

Commissioner Jimmy Keefe

Commissioner Charles Evans

Commissioner Marshall Faircloth (arrived 9:45 a.m.)

OTHERS:

James Martin, County Manager

Amy Cannon, Deputy County Manager James Lawson, Assistant County Manager

Rick Moorefield, County Attorney Phyllis Jones, Assistant County Attorney Howard Abner, Assistant Finance Director

Sally Shutt, Communication and Strategic Initiatives Manager

Karen Long, Crown Coliseum General Manager

Chris Ragland, Crown Coliseum AGM/Director of Operations

Lisa Foster, Crown Coliseum Director of Finance

Ryan C. Aul and Wayne Beard, Sr., Civic Center Commissioner

Members

Rita Perry, Crown Coliseum Administrative Support

Candice H. White, Clerk to the Board

Press

Commissioner Edge called the meeting to order at 9:30 a.m.

1. APPROVAL OF MINUTES – MARCH 1, 2012 REGULAR MEETING

MOTION:

Commissioner Melvin moved to approve the minutes.

SECOND:

Commissioner Council

VOTE:

UNANIMOUS (3-0)

2. PRESENTATION OF CROWN CENTER BUSINESS PLAN AND BI-ANNUAL REPORT

James Martin, County Manager, called on Karen Long, Crown Coliseum General Manager, who introduced members of her staff and the Civic Center Commission. Ms. Long provided the following overview of the Crown Coliseum's Business Plan Bi-Annual Report. The full report is included herein as Attachment A.

Chronological Summary

November 2010:

The County Finance Committee requested that the Crown Center develop

a business plan.

April 6, 2011:

The Business Plan was presented to and approved by the Civic Center

Commission. The Commission instructed the General Manager to develop

a strategic plan.

June 28, 2011:

The Crown Strategic Plan was presented to and approved by the Civic

Center Commission.

September 1, 2011:

Crown Business and Strategic Plans were presented to the County Finance

Committee. The Finance Committee requested bi-annual reports outlining

marketing and promotion strategies and financial goals.

February 9 and

Executive Committee meetings were held to discuss the Business Plan.

March 9, 2012:

March 27, 2012:

Presentation made to Civic Center Commission.

April 2, 2012:

Executive Committee approved the business plan and bi-annual report.

April 5, 2012:

The first bi-annual presentation was made to the County Finance

Committee.

Business Plan Updates and Additions

Ms. Long briefly reviewed updates and additions to the business plan and referenced page numbers of the report on which the information could be found.

Administrative:

Pages 2 & 7:

Change of the indoor football information to Cape Fear Heroes (Arena Indoor

Football).

Page 4:

Update of Civic Center Commission board members

Page 5:

Update of Crown Center organizational chart

Financial Graphs:

Pages 24-33 and Page 35-37 (Fiscal year data updates)

Addition:

Pages 28:

Debt Services Requirement FY2012-2025 Graph

Finance Objectives

- Manage the resources of the Crown Center in a fiscally responsible manner
- Ensure efficient and effective staffing for events
- Increase the number of visitors/patrons to the Crown Center
- Ensure equitable contracts with promoters
- Ensure risk assessment is measureable for programming in relation to sponsored events

Ms. Long reported the Executive Committee at their February and March 9, 2012 meetings directed her to use drop counts or attendance numbers and event contributions and budget contributions as a means to most accurately represent performance indicators for the business plan report.

Ms. Long stated in accordance with the direction of the Executive Committee, the Crown Coliseum will use a 1.5% increase or drop count or attendance numbers as a performance measurement tool. Ms. Long explained if the performance management tool was based on the FY2010-2011 drop count, the goal would be an increase of just over 8,500 attendees.

Performance Indicators

Drop Count (Attendance)

FISCAL YEAR	DROP COUNT
2010-2011	567,937
2009-2010	533,092
2008-2009	577,733

Goal: 1.5% increase for FY2011-2012

Ms. Long stated in also accordance with the direction of the Executive Committee, the Crown Coliseum will use a 1% increase for event contributions as a performance measurement tool. Ms. Long further explained if the performance measurement tool was based on the FY2010-2011 event contributions, the goal would be an increase of just over \$14,000.

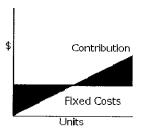
Event Contributions

FISCAL YEAR	EVENT CONTRIBUTIONS
2010-2011	\$1,406,851
2009-2010	\$1,436,393
2008-2009	\$1,129,775

Goal: 1% increase for FY2011-2012

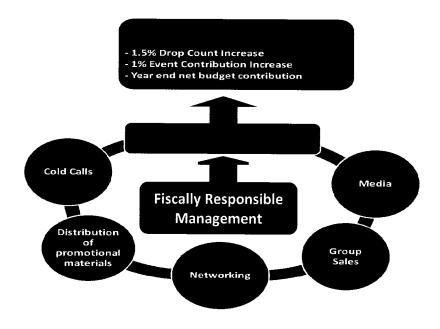
Ms. Long stated that third performance measurement or indicator will be to strive for a year-end net contribution of 8% to the budget; this will include both combined event and non-event revenue. Ms. Long explained net contributions to budget consist of revenues less expenses of the general operations of the Crown Coliseum; this excludes capital, major maintenance and repairs greater than \$30,000, encumbered items and associated revenue assigned for those expenses. Mr. Long also explained major maintenance and repairs and encumbered items were not itemized on previous financial reports so there is a lack of historical data for net contributions to the budget.

Year-End Net Contributions to Budget



Goal: 8%

Ms. Long explained ways in which the goals as designated by the performance indicators will be achieved and also provided cost savings estimates.



Fiscally Responsible Management

- Monitor overtime and adjust schedules when necessary to reduce overtime, contracted services, and on-call employees
- Regularly scheduled equipment evaluation performed by staff and outside contractors
- Yearly software updates to ensure proper control of equipment and increase energy efficiency
- Equipment upgrades to ensure complex is working as efficiently and effectively as possible
- Coliseum and Expo florescent lighting retrofitting
- Arena lighting updating
- In-house maintenance and repairs (i.e., carpentry, painting, electrical lighting upgrades and repairs, welding and landscaping)
- Event and Operating policy and procedure updates

(Internal Controls)

- Purchasing Policy
- Cash Receipts Policy
- Petty Cash Policy
- Sponsored Events
- Comply with All Cumberland County Policies

Marketing and Sales

Cold Calls:

- Website inquiries
- Promoters
- Suite Lease
- Signage

Distribution of Promotional Materials:

- Cumberland County municipalities
- Various county departments
- Surrounding counties
- Colleges

Networking/Industry Related:

- IAVM International Association of Venue Managers, Inc.
- RCMA Religious Conference Management Association
- Venue Coalition
- TEAMS Travel, Events, and Management in Sports
- IEBA International Entertainment Buyers Association

Networking/Local and Regional:

- FACVB Fayetteville Area Convention and Visitors Bureau
- NC Sports Association
- AENC Association Executives of North Carolina

- MWR Morale, Welfare and Recreation
- NCDBA North Carolina Defense Business Association
- FAHA Fayetteville Area Hospitality Association

Group Sales:

Present

Cape Fear Valley Hospital

Potential

- Cumberland County employees
- City of Fayetteville employees
- PWC
- Goodyear
- Local and area colleges
- Current suite holders and businesses that have signage

Media:

- Crown Center website
- Facebook
- Twitter
- E-mail blasts
- Ticketmaster
- Digital marquees
- Digital billboards
- Radio
- Network and cable television

MOTION: Commissioner Council moved to reduce the Crown Coliseum's number of annual

reports to one report.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (3-0)

Questions followed. Lisa Foster, Crown Coliseum Director of Finance, explained food and beverage tax projections and transfers, fund balance expensed for operating expenses, and capital projects under the plan. Consensus of the Finance Committee was for the Crown Coliseum to provide its annual report in October.

3. DISCUSSION OF FINANCIAL IMPACT OF MENTAL HEALTH DIVESTITURE

Mr. Martin called on Amy Cannon, Deputy County Manager, who referenced Mental Health Director Hank Debnam's presentation at the Board's February 17, 2012 planning retreat regarding changes for the Mental Health Authority related to continued mental health reform and divestiture of services. Ms. Cannon stated the Mental Health Authority will no longer provide direct services to clients but will move to a capitated funding model which will establish a Managed Care Organization (MCO). Ms. Cannon stated Wake and Durham counties merged into one unit and Cumberland County is combining with Durham and Johnson counties with

Durham being the new MCO for the four-county region. Ms. Cannon stated each county will have designated MCO funded staff and there will be forty-six and one-half positions at the local level paid for by the MCO.

Ms. Cannon stated during discussion at the February 17, 2012 planning retreat, Mr. Debnam mentioned the movement of some clinical services to other county departments in an effort to preserve employee positions within the county infrastructure. Ms. Cannon stated one of the concerns is that Mr. Debnam is proposing to retain about twenty-two of the former Local Management Entity (LME) positions that would be county-funded. Ms. Cannon stated there will be no LME funding to offset the salary costs of the positions and these positions will not be revenue generating. Ms Cannon stated these positions will cost the county \$1 million annually.

Ms. Cannon stated additionally, the guardianship function for Mental Health clients can no longer be serviced by the Mental Health Authority and this function and three Mental Health employees will be transferred to the Department of Social Services to maintain this service. Ms. Cannon stated this appears to be a good fit although there may be some financial impact to Social Services revenues for a certain time period since the positions will not be allowed to draw down Block Grant monies.

Ms. Cannon stated also of significance is the transfer of the psychiatric clinical services from the Mental Health Authority to the Public Health Department. Ms. Cannon stated there are about twenty-six positions that are proposed to be transferred to and managed by the Public Health Department and located in the Bradford Avenue facility. Ms. Cannon stated the makeup of the unit will be one medical director, six psychiatrists and support positions for the unit. Ms. Cannon stated a considerable amount of supplemental money will be needed to support the unit's \$3 million budget and the unit's revenue potential is less than one-third the budget. Ms. Cannon stated this unit has not been self sustaining in Mental Health and when this unit is moved to the Public Health, it will be a standalone unit and if the unit does not bring in revenues to fully cover its expenditures, the unit will require county funding.

Ms. Cannon stated as budgets are being submitted, there are probably more questions than answers and staff are evaluating these issues. Ms. Cannon stated a meeting with staff from the Mental Health Authority has been scheduled to work through some of the issues. Ms. Cannon stated the conclusion is there will be new fiscal challenges to the general fund, especially in combination with funding for the Detention Center and its staffing. Ms. Cannon stated she felt it would be appropriate to bring this matter to the attention of the Board since the budget process will begin next month. Ms. Cannon concluded her discussion by stating at some point, staff may request a special meeting with the Board to discuss service levels, productivity and the financial implications.

Commissioner Council stated the Cumberland County community has needs for mental health services but is underserved by psychiatrists and she did not understand why the unit could not be revenue producing. Commissioner Council stated she felt psychiatric services should have extended hours and weekend hours and should be provided in collaboration with the Public Health Department, the school system and the Cape Fear Valley Hospital System. Commissioner Council stated there are also problems at the Detention Center that require extensive mental health services. Commissioner Council stated it is incumbent on the County

Commissioners to see that the taxpayers' dollars are being used in a more fruitful manner and it did not make sense to her that the county should carry the psychiatric clinical services unit at an annual cost of \$4 million.

Mr. Martin stated he recently met with Mr. Debnam and they discussed the transfer of the unit and the need for the unit to be sustainable in terms of generating revenue to cover its expenses. Mr. Martin stated during their discussion, Mr. Debnam indicated he has had ongoing concerns about the productivity level of this unit. Mr. Martin stated this unit must make major gains in productivity to generate the revenue necessary for it to be sustainable. Discussion followed.

Commissioner Faircloth asked what the county was required to do by the state. Commissioner Edge asked what would be accomplished by combining the four counties into an MCO. Ms. Cannon stated the MCO will perform the billing and draw down of state funding and will theoretically reduce administrative staff outside of those functions. Rick Moorefield, County Attorney, stated the state has forced all counties to go to the Piedmont Behavioral Health model that was created to administer managed care operations with funds provided only through Medicaid.

Commissioner Edge requested clarification regarding eliminated positions. Ms. Cannon stated at this point there are forty-three positions in the requested budget that will be eliminated December 31, 2012. Ms. Cannon stated at present there are eighty-seven positions and the Mental Health Authority's goal is to retain about twenty-two of those positions which would be county-funded plus forty-six new positions created and funded by the MCO. Ms. Cannon stated theoretically some of the individuals in the eliminated positions may be able to move to MCO positions.

Additional questions and discussion followed. Commissioner Council asked about Mental Health's fund balance. Ms. Cannon advised several years ago the Local Government Commission (LGC) told the county's finance office that the Mental Health fund does not meet the definition to be a special revenue fund and moving the Mental Health fund into the general fund makes it just like any other county department whose fund balance is combined with the county's fund balance.

Commissioner Edge asked if the county could legally say it would not fund psychiatric clinical services. Mr. Moorefield responded in the affirmative. Mr. Martin stated he is not sure whether Mental Health staff has looked at the possibility of privatizing these services but he had mentioned this option to Mr. Debnam. Commissioner Faircloth suggested that Mr. Martin suggest to Mr. Debnam that the board is not receptive to taking on psychiatric clinical services and that he may need another plan. Commissioner Faircloth stated he did not see the county taking on psychiatric clinical services unless it halts the jail expansion.

Mr. Moorefield advised Mental Health is requesting that the county work out the transfer of these programs through a Memorandum of Understanding between Mental Health and the Health Department. Mr. Moorefield stated if this is accomplished, then it will be a commitment from the county to provide the additional funding indefinitely and it will also be an acknowledgement that there is not a private market to provide the services.

4. REVIEW OF MONTHLY FINANCIAL REPORT

For expenditures and obligations Howard Abner, Assistant Finance Director, reported for eight months the county's year-to-date obligations were 64.90% of budget which is 1.25% greater than this time last year. Mr. Abner further reported the total spending rate is 64.47% and is in line with last year's 64.31%. Mr. Abner advised one of the two biggest areas for expenditures is for personnel and typically the under spending for personnel can approach \$4 million; some of that under spending is offset by the hiring of temporary personnel which brings the figure closer to \$3 million. Mr. Abner advised the other big spending area is basic operating for departments that house people which approaches 99% to 99.5%. Mr. Abner stated the trend for departments to spend a higher and higher percentage of their budget continues.

For revenue, Mr. Abner reported ad valorem taxes were on track to collect about 101.2% of budget which equates to \$1.6 million, and motor vehicle tax collections were doing well. Mr. Abner reported monthly collections of \$1 million were a good sign and the county now has four consecutive \$1 million months. Mr. Abner also reported February's sales tax distributions of \$3 million were for sales in Novembers and collections for these November sales were up .8% from November 2010. Mr. Abner stated overall year-end estimates were projected at just .98% increase over the budget. Mr. Abner reported Register of Deeds fees were showing a slight overall increase over last year and the hope was this is part of a positive trend. Mr. Abner further reported sales and services were doing quite well with both the total collection and percent of budget collected being well above last year. Mr. Abner concluded his report by stating that these categories were at 77.66% of budget which was 1.4% above last year.

5. OTHER MATTERS OF BUSINESS

There were no other matters of business.

There being no further business, the meeting adjourned at 10:43 a.m.



COUNTY of CUMBERLAND

Animal Control Department

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF APRIL 16, 2012

TO:

BOARD OF COUNTY COMMISSIONERS

THRU:

JAMES LAWSON, ASSISTANT COUNTY MANAGER

FROM:

DR. JOHN A. LAUST, DIRECTOR

DATE:

APRIL 9, 2012

SUBJECT:

PROPOSAL TO INCREASE SHELTER FEES

BACKGROUND

Cumberland County Animal Control currently charges shelter fees as listed below:

Current Shelter Fees:

\$ 7.00 per day of impoundment

The above fees were established many years ago.

I would like to request an increase in shelter fees as follows:

Proposed Shelter Fees:

\$30.00 for 1st day of impoundment, \$10.00 per day thereafter. It should be noted that all animals that come into the shelter with no proof of vaccination are administered the distemper vaccine, parvo

vaccine, bordatella vaccine and are de-wormed.

RECOMMENDATION/PROPOSED ACTION

This proposal was discussed and approved at the Policy Committee held on Thursday, April 5, 2012. The Policy Committee and Animal Control request that Board of County Commissioners approve increasing shelter fees in order to recoup some of the increased cost in maintaining shelter and providing vaccines/medications for the animals.

CUMBERLAND COUNTY POLICY COMMITTEE NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564 APRIL 5, 2012 – 10:30 A.M. MINUTES

MEMBERS PRESENT:

Commissioner Jeannette Council, Chairman

Commissioner Charles Evans Commissioner Jimmy Keefe

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 Phyllis Jones, Assistant County Attorney

Sally Shutt, Communications and Strategic Initiatives

Manager

Tom Lloyd, Planning Director

Cecil Combs, Deputy Planning Director Dr. John Lauby, Animal Control Director Buck Wilson, Public Health Director

Rodney Jenkins, Deputy Public Health Director

Kellie Beam, Deputy Clerk to the Board Candice White, Clerk to the Board

Press

Commissioner Council called the meeting to order.

1. APPROVAL OF MINUTES – MARCH 1, 2012

MOTION:

Commissioner Evans moved to approve the minutes as presented.

SECOND:

Commissioner Keefe

VOTE:

UNANIMOUS (3-0)

2. CONSIDERATION OF APPROVAL TO INCREASE ANIMAL CONTROL DEPARTMENT SHELTER FEES

James Martin, County Manager, called on Dr. Lauby, Animal Control Director, to discuss the proposed increase to Animal Control's shelter and privilege license fees.

Dr. Lauby stated the current fees are:

• Privilege License = \$7.00 if spayed or neutered \$25.00 if not altered

• Shelter Fees = \$7.00 per day of impoundment

Dr. Lauby stated Animal Control is requesting an increase as follows:

• Privilege License = \$10.00 if spayed or neutered \$30.00 if not altered

• Shelter Fees = \$30.00 for first day of impoundment, \$10.00 per day thereafter.

Dr. Lauby stated the reason for the request of the increase in the privilege license fee is because the Animal Control Department is more involved in licensing process now and there is an added expense in trying to enforce and keep track of the licenses. Dr. Lauby stated the reason for the request of the increase in the shelter fees is because of the added responsibilities involved in the first day of impoundment. Dr. Lauby further stated all animals that come into the shelter with no proof of vaccination are administered the distemper vaccine, parvo vaccine, bordatella vaccine, and are de-wormed.

Commissioner Council asked Dr. Lauby if the increase in fees would cover an increase in personnel. Dr. Lauby stated the increase in fees would not cover an increase in personnel. Commissioner Keefe stated he would support the increase in shelter fees without a problem. Commissioner Keefe further stated he hoped for a reduction in the privilege license fee because there would be an increase in the number of documented animals. Commissioner Keefe stated he would like to see a delay on the privilege license fee until the new program is set up.

MOTION: Commissioner Keefe moved to increase the shelter fee as requested and

take no action on the privilege fee with the understanding the privilege fee will be brought back to the Policy Committee within the next year once

the new licensing program is up and running.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (3-0)

3. CONSIDERATION OF RECOMMENDATION FOR A SMOKE FREE CAMPUS FOR CERTAIN COUNTY FACILITIES

Mr. Martin called on Buck Wilson, Public Health Director, and Rodney Jenkins, Deputy Public Health Director, to discuss the recommendation for a smoke-free campus for the following county facilities: Public Health Department, Historic Courthouse (which houses Public Health Department employees), and Department of Social Services. Mr. Jenkins stated the Public Health Department will begin a mandatory accreditation process

on January 1, 2013. Mr. Jenkins stated the accreditation process requires a benchmark that includes ensuring that all facilities involved with the Public Health Department shall provide safe and accessible facilities and services to include prohibiting the use of tobacco within the facility and grounds. Mr. Wilson stated the Board of Health and the Social Services Board support the effort under certain guidelines.

Commissioner Evans asked if a smoke-free campus needed be approved in order for the Public Health Department to receive accreditation. Mr. Wilson stated an effort and request for a smoke-free campus had to be made but the request did not have to be approved in order for the Public Health Department to receive their accreditation. Commissioner Evans stated he believes requiring county departments to be smoke-free would be infringing on smokers' rights. Mr. Jenkins stated there will be an educational component to inform employees of the risk factors involved with smoking along with smoking cessation programs. Commissioner Keefe stated his only issue would be the enforcement aspect and asked if there could be any adjustments made. Mr. Wilson stated there is major flexibility on this issue.

MOTION:

Commissioner Council moved to approve the smoke-free campus policy

as recommended by the health director.

SECOND:

Commissioner Keefe

DISCUSSION: Commissioner Keefe stated if an ordinance is put together he wants to make sure it is clear and enforceable. Commissioner Keefe stated he will vote to approve this policy since it only covers the Public Health Department, Historic Courthouse, and Department of Social Services. Commissioner Evans confirmed there would be a gazebo set up for the smokers during the transition. Mr. Wilson stated the policy can be written to include the specific details requested. Mr. Martin asked Mr. Wilson to speak with the county attorney to work out details on how the policy will be written.

VOTE:

UNANIMOUS (3-0)

4. CONSIDERATION OF PLANNING AND INSPECTIONS DEPARTMENT PROPOSED MINIMUM HOUSING ORDINANCE CHANGES

Tom Lloyd, Planning and Inspections Director, stated he would like to address two issues. Mr. Lloyd stated the first issue is the appearance and safety of manufactured homes which can be addressed by the minimum housing ordinance proposed changes. Mr. Lloyd stated the second issue is the appearance of mobile homes based on zoning regulations.

Cecil Combs, Deputy Director Planning and Inspections, stated the proposed changes to the minimum housing ordinance will enhance the living conditions of the dwelling and grounds as well as overall appearance.

Mr. Combs stated the proposed changes are:

- Sec. 4-67 Definitions: Add definition of "garbage receptacle". Garbage shall be stored in a durable, rust resistant, non-absorbent, watertight, rodent proof and easily cleanable container with a close-fitting, insect tight cover. Container must be large enough to contain one full weeks refuse.
- Sec. 4-72 Space and Use Standards: Add requirement for carbon monoxide detectors if a gas appliance exists in the dwelling.
- Sec. 4-75 Heating Standards: Add that the installation of more than one portable heating appliance shall not be constructed as meeting the minimum standard for the heating of an occupied dwelling.
- Sec. 4-79 Property Maintenance: Add "protective treatment". All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. The elements and decay by painting or other protective covering or treatment, peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
- Sec. 4-79 Liability, Responsibility of Owner: Strengthen section to include adding "should it become necessary to board the windows and/or doors, it must be done with boards fitted to the openings, screwed in place and painted a color consistent with the surrounding wall area". This provision will aid in the continued enforcement of unoccupied dwellings that are not necessarily uninhabitable but pose a threat to the surrounding community by being left unsecured by owners and thus attracting undesirables.

Mr. Combs stated the majority of complaints received are in reference to the appearance of manufactured homes and quality of living issues. Mr. Combs confirmed the proposed changes would apply to all housing in Cumberland County. Mr. Lloyd stated he would like to add "skirting" to the list.

Mr. Lloyd stated the second issue pertains to the Colonial Heights area. Mr. Lloyd stated lots in older pre-existing neighborhoods such as Colonial Heights are 100' x 150', and three or more of those lots could be combined as long as the set back requirements were met.

Mr. Lloyd stated the Zoning Ordinance addresses density and Colonial Heights is zoned R6A which means for the first three units, there needs to be 6,000 SF per unit. Mr. Lloyd explained under R6A, if a lot was 18,000 SF it could contain one house and two manufactured homes.

Mr. Lloyd stated under the subdivision ordinance, a group development is two or more units on one lot and a mobile home park (MHP) is defined as three or more mobile homes on the same

tract. Mr. Lloyd stated there can not be three mobile homes in a group development because if there are three or more on one tract, then it is considered a MHP.

Mr. Lloyd stated under the existing ordinance, one land owner can own ten lots in a row all zoned R6A and if each lot was 12,000 SF there could be two mobile homes per lot stacked ten deep. Mr. Lloyd explained this would give the appearance of a MHP but would actually be a group development with lots that allow two manufactured homes on each lot.

Mr. Lloyd stated no manufactured homes are allowed on smaller lots except in a R6A zoning district and to allow mobile homes otherwise the zoning districts have to be A1 or RR or R40A meaning one-half, one acre or two acre lots. Mr. Lloyd stated a proposal that could be taken to the Codes Committee and Joint Planning Board would be not to allow a group development consisting of manufactured homes in the R6A district. Mr. Lloyd explained this would take away the ability to stack two mobile homes on one lot in an area which could give the appearance of a MHP. Mr. Lloyd further explained this would treat the R6A zoning district different but it is already singled out as being different because it allows MHPs which no other district allows. Mr. Lloyd stated this proposal may not help the occupied lots in Colonial Heights or in any other subdivision but it would help lots that are still vacant or lots that contain only one manufactured home.

Commissioner Council expressed concerns regarding the appearance and safety of manufactured homes and suggested that the guidelines for the age of mobile homes be considered. Mr. Lloyd stated zoning could not be used to regulate the age of manufactured homes. Mr. Moorefield stated staff could look into it but the regulations regarding age were not cut and dry.

Commissioner Evans stated he would like for staff to look into developing an ordinance aimed at rental properties so there are no slum lords or excessive criminal activities in particular areas. Mr. Lloyd stated areas such as Colonial Heights contain manufactured homes that meet minimum housing requirements but tend to draw law enforcement problems. Mr. Lloyd stated complaints regarding minimum housing have been reduced because of the existence of Environmental Court. Commissioner Keefe stated areas within the county such as Colonial Heights with low-income, high-crime areas should be addressed in some way other than by the adoption of an ordinance because that would be punitive on 95% of the county's rental property owners.

Mr. Moorefield stated the current minimum housing code applies to all dwelling units and the concerns addressed by Commissioner Evans regarding rental units are already covered and being effectively enforced by the Environmental Court. Mr. Moorefield advised the direction should not be the adoption of a new ordinance or something that would apply just to rental units but the imposition of additional requirements under the minimum housing ordinance. Mr. Lloyd stated the county Planning Department can not regulate through land use the element of rental property residents or law enforcement issues. Commissioner Edge stated he felt the Board could strengthen its minimum housing ordinance by addressing these safety issues.

Commissioner Council called on Gary Blackwell whose mother is a forty-eight year resident of Colonial Heights. Mr. Blackwell offered comments regarding landlords and conditions in the Colonial Heights area.

MOTION: Commissioner Council moved that the Policy Committee send forward to the full

Board the minimum housing proposed changes to include skirting requirements

for mobile homes.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (3-0)

Commissioner Keefe asked whether staff's proposal was to eliminate the R6A zoning district. Mr. Lloyd responded staff's proposal was to eliminate a group development in R6A consisting of two manufactured homes on one lot. Commissioner Evans asked that Mr. Lloyd take the proposal to the Joint Planning Board and report back to the Policy Committee with its recommendation. There was consensus from members of the Policy Committee.

5. OTHER ITEMS OF BUSINESS

There were no further items of business.

MEETING ADJOURNED AT 12:10 PM

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
APRIL 5, 2012 – 10:30 A.M.
MINUTES

MEMBERS PRESENT:

Commissioner Jeannette Council, Chairman

Commissioner Charles Evans Commissioner Jimmy Keefe

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

Phyllis Jones, Assistant County Attorney

Sally Shutt, Communications and Strategic Initiatives

Manager

Tom Lloyd, Planning Director

Cecil Combs, Deputy Planning Director Dr. John Lauby, Animal Control Director Buck Wilson, Public Health Director

Rodney Jenkins, Deputy Public Health Director

Kellie Beam, Deputy Clerk to the Board Candice White, Clerk to the Board

Press

Commissioner Council called the meeting to order.

1. APPROVAL OF MINUTES – MARCH 1, 2012

MOTION:

Commissioner Evans moved to approve the minutes as presented.

SECOND:

Commissioner Keefe

VOTE:

UNANIMOUS (3-0)

2. CONSIDERATION OF APPROVAL TO INCREASE ANIMAL CONTROL DEPARTMENT SHELTER FEES

James Martin, County Manager, called on Dr. Lauby, Animal Control Director, to discuss the proposed increase to Animal Control's shelter and privilege license fees.

Dr. Lauby stated the current fees are:

• Privilege License = \$7.00 if spayed or neutered \$25.00 if not altered

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Dr. Lauby stated Animal Control is requesting an increase as follows:

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Dr. Lauby stated the reason for the request of the increase in the privilege license fee is because the Animal Control Department is more involved in licensing process now and there is an added expense in trying to enforce and keep track of the licenses. Dr. Lauby stated the reason for the request of the increase in the shelter fees is because of the added responsibilities involved in the first day of impoundment. Dr. Lauby further stated all animals that come into the shelter with no proof of vaccination are administered the distemper vaccine, parvo vaccine, bordatella vaccine, and are de-wormed.

Commissioner Council asked Dr. Lauby if the increase in fees would cover an increase in personnel. Dr. Lauby stated the increase in fees would not cover an increase in personnel. Commissioner Keefe stated he would support the increase in shelter fees without a problem. Commissioner Keefe further stated he hoped for a reduction in the privilege license fee because there would be an increase in the number of documented animals. Commissioner Keefe stated he would like to see a delay on the privilege license fee until the new program is set up.

MOTION: Commissioner Keefe moved to increase the shelter fee as requested and

take no action on the privilege fee with the understanding the privilege fee will be brought back to the Policy Committee within the next year once

the new licensing program is up and running.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (3-0)

3. CONSIDERATION OF RECOMMENDATION FOR A SMOKE FREE CAMPUS FOR CERTAIN COUNTY FACILITIES

Mr. Martin called on Buck Wilson, Public Health Director, and Rodney Jenkins, Deputy Public Health Director, to discuss the recommendation for a smoke-free campus for the following county facilities: Public Health Department, Historic Courthouse (which houses Public Health Department employees), and Department of Social Services. Mr. Jenkins stated the Public Health Department will begin a mandatory accreditation process

on January 1, 2013. Mr. Jenkins stated the accreditation process requires a benchmark that includes ensuring that all facilities involved with the Public Health Department shall provide safe and accessible facilities and services to include prohibiting the use of tobacco within the facility and grounds. Mr. Wilson stated the Board of Health and the Social Services Board support the effort under certain guidelines.

Commissioner Evans asked if a smoke-free campus needed be approved in order for the Public Health Department to receive accreditation. Mr. Wilson stated an effort and request for a smoke-free campus had to be made but the request did not have to be approved in order for the Public Health Department to receive their accreditation. Commissioner Evans stated he believes requiring county departments to be smoke-free would be infringing on smokers' rights. Mr. Jenkins stated there will be an educational component to inform employees of the risk factors involved with smoking along with smoking cessation programs. Commissioner Keefe stated his only issue would be the enforcement aspect and asked if there could be any adjustments made. Mr. Wilson stated there is major flexibility on this issue.

MOTION:

Commissioner Council moved to approve the smoke-free campus policy

as recommended by the health director.

SECOND:

Commissioner Keefe

DISCUSSION: Commissioner Keefe stated if an ordinance is put together he wants to make sure it is clear and enforceable. Commissioner Keefe stated he will vote to approve this policy since it only covers the Public Health Department, Historic Courthouse, and Department of Social Services. Commissioner Evans confirmed there would be a gazebo set up for the smokers during the transition. Mr. Wilson stated the policy can be written to include the specific details requested. Mr. Martin asked Mr. Wilson to speak with the county attorney to work out details on how the policy will be written.

VOTE:

UNANIMOUS (3-0)

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Tom Lloyd, Planning and Inspections Director, stated he would like to address two issues. Mr. Lloyd stated the first issue is the appearance and safety of manufactured homes which can be addressed by the minimum housing ordinance proposed changes. Mr. Lloyd stated the second issue is the appearance of mobile homes based on zoning regulations.

Cecil Combs, Deputy Director Planning and Inspections, stated the proposed changes to the minimum housing ordinance will enhance the living conditions of the dwelling and grounds as well as overall appearance.

Mr. Combs stated the proposed changes are:

- Sec. 4-67 Definitions: Add definition of "garbage receptacle". Garbage shall be stored in a durable, rust resistant, non-absorbent, watertight, rodent proof and easily cleanable container with a close-fitting, insect tight cover. Container must be large enough to contain one full weeks refuse.
- Sec. 4-72 Space and Use Standards: Add requirement for carbon monoxide detectors if a gas appliance exists in the dwelling.
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Commissioner Council called on Gary Blackwell whose mother is a forty-eight year resident of Colonial Heights. Mr. Blackwell offered comments regarding landlords and conditions in the Colonial Heights area.

MOTION: Commissioner Council moved that the Policy Committee send forward to the full

Board the minimum housing proposed changes to include skirting requirements

for mobile homes.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (3-0)

Commissioner Keefe asked whether staff's proposal was to eliminate the R6A zoning district. Mr. Lloyd responded staff's proposal was to eliminate a group development in R6A consisting of two manufactured homes on one lot. Commissioner Evans asked that Mr. Lloyd take the proposal to the Joint Planning Board and report back to the Policy Committee with its recommendation. There was consensus from members of the Policy Committee.

5. OTHER ITEMS OF BUSINESS

There were no further items of business.

MEETING ADJOURNED AT 12:10 PM

Roy Turner, Chair Cumberland County

Walter Clark, Vice-Chair Cumberland County

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



COUNTY of CUMBERLAND

Planning & Inspections Department

April 9, 2012

Thomas J. Lloyd, Director

Cecil P. Combs, Deputy Director

Lori Epler, Sara E. Piland, Cumberland County

Benny Pearce, Town of Eastover

Donovan McLaurin, Wade, Falcon & Godwin

MEMORANDUM FOR THE AGENDA OF THE APRIL 16, 2012 MEETING OF THE BOARD OF COMMISSIONERS

To: Cumberland County Board of Commissioners

Thru: Thomas Lloyd, Director Planning & Inspection

From: Cecil P. Combs, Deputy Director Planning & Inspection

Re: Minimum Housing Ordinance Proposed Changes

Reviewed and approved by County Attorney. A Montpublic

BACKGROUND:

In response to inquiries concerning Cumberland County's Minimum Housing Ordinance and its effectiveness, planning staff has suggested changes based on field observations and complaints received from tenants. These changes are intended to enhance the habitability of dwellings, promote the public welfare, and enhance the overall appearance of communities. The proposed changes were reviewed by the Policy Committee on April 5, 2012 and the committee recommended the changes be forwarded to the Board of Commissioners for consideration. The recommended changes to the Minimum Housing Ordinance are as follows:

Sec. 4-67 Definitions: Add definition of "garbage receptacle" as follows:

Garbage shall be stored in a durable, rust resistant, non absorbent, watertight, rodent proof and easily cleanable container with a close-fitting, insect tight cover. Container must be large enough to contain one full week's refuse that must be lawfully discarded weekly.

Sec. 4-67 Definitions: Add definition of "manufactured home" as follows:

Manufactured home means a manufactured building designed to be used exclusively as a single-family dwelling, which has been constructed and labeled indicating compliance with the

Department of Housing and Urban Development (HUD) administered National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.

Sec. 4-72 Space and Use Standards: Create new Sec. 4-72 (5) (c) as follows:

There shall be installed a minimum of one operable carbon monoxide detector on every level of any dwelling unit that is rented to a tenant. The carbon monoxide detector may be either battery operated or wired into the electrical circuit, shall be listed by a nationally recognized testing laboratory, and shall be installed in accordance with either the standards of the NFPA or the minimum protection designated in the manufacturer's instructions. A carbon monoxide detector may be combined with smoke detectors if the combined detector does both of the following: (i) complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide alarms and ANSI/UL 217 for smoke detectors; and (ii) emits an alarm in a manner that clearly differentiates between detecting the presence of carbon monoxide and the presence of smoke. This section only applies to dwelling units having a fossil-fuel burning heater, appliance, or fireplace and in any dwelling having an attached garage. Any operable carbon monoxide detector installed prior to January 1, 2010 shall be deemed to be in compliance with this section.

Sec. 4-72 Space and Use Standards: Create new Sec. 4-72(9) follows:

Manufactured homes placed, erected or located on any parcel or lot, must have been constructed after July 1, 1976 and meet or exceed the standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction in order to qualify for any permits. In addition all manufactured homes shall be provided with skirting material that is acceptable for exterior construction. Skirting material shall be durable and suitable for exterior exposures. Any wood framing used in support of skirting shall be approved pressure treated wood. Manufactured skirting material shall be installed in accordance with the skirting manufacturer's requirements. The skirting requirement shall apply to all manufactured homes sited after the date of the adoption of this subsection. All existing manufactured homes shall be brought into compliance with this skirting requirement on or before July, 1, 2013.

Sec. 4-75 Heating Standards: Create a new Sec. 4-75(1) as follows:

The installation or use of more than one portable heating appliance shall not be construed as meeting the minimum standard for the heating of an occupied dwelling

Sec. 4-79 Property Maintenance: Create a new Sec 4-79(e) as follows:

Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather-resistant and water-tight. All metal surfaces subject to rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Sec. 4-82 Liability, Responsibility of Owner: Add the following language at the end of Sec. 4-82(g): Should it become necessary to board the windows and/or doors, it must be done with boards fitted to the openings, screwed in place and painted a color consistent with the surrounding wall area.

RECOMMENDATION:

The proposed changes have been reviewed by the County Attorney. Planning staff and the County Attorney recommend adoption of the amendment to the Minimum Housing Ordinance.

CUMBERLAND COUNTY POLICY COMMITTEE NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564 APRIL 5, 2012 – 10:30 A.M. MINUTES

MEMBERS PRESENT:

Commissioner Jeannette Council, Chairman

Commissioner Charles Evans Commissioner Jimmy Keefe

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 Phyllis Jones, Assistant County Attorney

Sally Shutt, Communications and Strategic Initiatives

Manager

Tom Lloyd, Planning Director

Cecil Combs, Deputy Planning Director Dr. John Lauby, Animal Control Director Buck Wilson, Public Health Director

Rodney Jenkins, Deputy Public Health Director

Kellie Beam, Deputy Clerk to the Board Candice White, Clerk to the Board

Press

Commissioner Council called the meeting to order.

1. APPROVAL OF MINUTES – MARCH 1, 2012

MOTION:

Commissioner Evans moved to approve the minutes as presented.

SECOND:

Commissioner Keefe

VOTE:

UNANIMOUS (3-0)

2. CONSIDERATION OF APPROVAL TO INCREASE ANIMAL CONTROL DEPARTMENT SHELTER FEES

James Martin, County Manager, called on Dr. Lauby, Animal Control Director, to discuss the proposed increase to Animal Control's shelter and privilege license fees.

Dr. Lauby stated the current fees are:

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MOTION: Commissioner Keefe moved to increase the shelter fee as requested and

take no action on the privilege fee with the understanding the privilege fee will be brought back to the Policy Committee within the next year once

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MOTION:

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as recommended by the health director.

SECOND:

Commissioner Keefe

DISCUSSION: Commissioner Keefe stated if an ordinance is put together he wants to make sure it is clear and enforceable. Commissioner Keefe stated he will vote to approve this policy since it only covers the Public Health Department, Historic Courthouse, and Department of Social Services. Commissioner Evans confirmed there would be a gazebo set up for the smokers during the transition. Mr. Wilson stated the policy can be written to include the specific details requested. Mr. Martin asked Mr. Wilson to speak with the county attorney to work out details on how the policy will be written.

VOTE:

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Mr. Lloyd stated under the existing ordinance, one land owner can own ten lots in a row all zoned R6A and if each lot was 12,000 SF there could be two mobile homes per lot stacked ten deep. Mr. Lloyd explained this would give the appearance of a MHP but would actually be a group development with lots that allow two manufactured homes on each lot.

Mr. Lloyd stated no manufactured homes are allowed on smaller lots except in a R6A zoning district and to allow mobile homes otherwise the zoning districts have to be A1 or RR or R40A meaning one-half, one acre or two acre lots. Mr. Lloyd stated a proposal that could be taken to the Codes Committee and Joint Planning Board would be not to allow a group development consisting of manufactured homes in the R6A district. Mr. Lloyd explained this would take away the ability to stack two mobile homes on one lot in an area which could give the appearance of a MHP. Mr. Lloyd further explained this would treat the R6A zoning district different but it is already singled out as being different because it allows MHPs which no other district allows. Mr. Lloyd stated this proposal may not help the occupied lots in Colonial Heights or in any other subdivision but it would help lots that are still vacant or lots that contain only one manufactured home.

Commissioner Council expressed concerns regarding the appearance and safety of manufactured homes and suggested that the guidelines for the age of mobile homes be considered. Mr. Lloyd stated zoning could not be used to regulate the age of manufactured homes. Mr. Moorefield stated staff could look into it but the regulations regarding age were not cut and dry.

Commissioner Evans stated he would like for staff to look into developing an ordinance aimed at rental properties so there are no slum lords or excessive criminal activities in particular areas. Mr. Lloyd stated areas such as Colonial Heights contain manufactured homes that meet minimum housing requirements but tend to draw law enforcement problems. Mr. Lloyd stated complaints regarding minimum housing have been reduced because of the existence of Environmental Court. Commissioner Keefe stated areas within the county such as Colonial Heights with low-income, high-crime areas should be addressed in some way other than by the adoption of an ordinance because that would be punitive on 95% of the county's rental property owners.

Mr. Moorefield stated the current minimum housing code applies to all dwelling units and the concerns addressed by Commissioner Evans regarding rental units are already covered and being effectively enforced by the Environmental Court. Mr. Moorefield advised the direction should not be the adoption of a new ordinance or something that would apply just to rental units but the imposition of additional requirements under the minimum housing ordinance. Mr. Lloyd stated the county Planning Department can not regulate through land use the element of rental property residents or law enforcement issues. Commissioner Edge stated he felt the Board could strengthen its minimum housing ordinance by addressing these safety issues.

Commissioner Council called on Gary Blackwell whose mother is a forty-eight year resident of Colonial Heights. Mr. Blackwell offered comments regarding landlords and conditions in the Colonial Heights area.

MOTION: Commissioner Council moved that the Policy Committee send forward to the full

Board the minimum housing proposed changes to include skirting requirements

for mobile homes.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (3-0)

Commissioner Keefe asked whether staff's proposal was to eliminate the R6A zoning district. Mr. Lloyd responded staff's proposal was to eliminate a group development in R6A consisting of two manufactured homes on one lot. Commissioner Evans asked that Mr. Lloyd take the proposal to the Joint Planning Board and report back to the Policy Committee with its recommendation. There was consensus from members of the Policy Committee.

5. OTHER ITEMS OF BUSINESS

There were no further items of business.

MEETING ADJOURNED AT 12:10 PM

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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF APRIL 16, 2012

TO:

BOARD OF COUNTY COMMISSIONERS

FROM:

JAMES E. MARTIN, COUNTY MANAGER

DATE:

APRIL 11, 2012

SUBJECT:

CONSIDERATION OF PROPOSED SCHEDULE FOR FISCAL YEAR 2013

BUDGET WORK SESSIONS AND BUDGET PUBLIC HEARING

BACKGROUND

Management anticipates submitting the FY13 Proposed Budget to the Commissioners on Thursday, May 31, 2012. 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.

Thursday, May 31, 2012	7:00 PM	Budget Presentation	Room 564
Tuesday, June 5, 2012	5:30 PM	Department Head Appeals/Work Sessions	Room 564
Thursday, June 7, 2012	5:30 PM	Budget Work Session	Room 564
Monday, June 11, 2012	7:00 PM	Budget Public Hearing	Room 118
Tuesday, June 12, 2012	5:30 PM	Budget Work Session	Room 564
Thursday, June 14, 2012	5:30 PM	Budget Work Session	Room 564
Monday, June 18, 2012	6:45 PM	Adopt Budget	Room 118

PROPOSED ACTION

Adopt a schedule for FY13 budget work sessions and public hearing as recommended or modified.

/ct

CM041112-2

KENNETH S. EDGE Chairman

MARSHALL FAIRCLOTH Vice Chairman

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



CANDICE WHITE Clerk to the Board

KELLIE BEAM Deputy Clerk

ITEM NO.

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BOARD OF COMMISSIONERS

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

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA APRIL 2, 2012

TO:

BOARD OF COUNTY COMMISSIONERS

FROM:

KELLIE BEAM, DEPUTY CLERK TO THE BOARD VS

DATE:

MARCH 28, 2012

SUBJECT:

CUMBERLAND COUNTY BOARD/COMMISSION NOMINATIONS

BACKGROUND

At this time, there are no nominations scheduled for your April 16, 2012 meeting. It is anticipated that nominations will be placed on the agenda for your May 7, 2012 meeting for terms expiring on May 31, 2012.

RECOMMENDATION/PROPOSED ACTION

For information only.

Celebrating Our Past...Embracing Our Future

MARSHALL FAIRCLOTH

Chairman

JIMMY KEEFE Vice Chairman

JEANNETTE M. COUNCIL KENNETH S. EDGE CHARLES E. EVANS BILLY R. KING EDWARD G. MELVIN



CANDICE WHITE Clerk to the Board

KELLIE BEAM
Deputy Clerk

BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA APRIL 16, 2012

TO:

BOARD OF COUNTY COMMISSIONERS

FROM:

KELLIE BEAM, DEPUTY CLERK TO THE BOARD KB

DATE:

APRIL 11, 2012

SUBJECT:

CUMBERLAND COUNTY BOARD/COMMITTEE APPOINTMENTS

BACKGROUND

At this time, there are no appointments scheduled for your April 16, 2012 meeting. Any nominations made during this meeting will be carried forward to the May 7, 2012 agenda for your consideration of appointment.

RECOMMENDATION/PROPOSED ACTION

For information only.