
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
JUNE 18, 2012
6:45 PM

INVOCATION - Commissioner Jeannette Council

PLEDGE OF ALLEGIANCE – Jaylen Blue, Third Grader, Cumberland Mills Elementary School

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

Recognition of 2011 Cumberland County Agricultural Hall of Fame Inductees:

George Edmund Bullard Jr.

Ted Maxton Bunce, Sr. (Posthumous) Award to be Accepted by Maxton Bunce, Jr.

Recognition of 2011 Cumberland County Young Farmer of the Year - William John Gillis

Recognition of Cumberland County Cares Award –

Mable Murray, Cumberland County 4-H Volunteer

Recognition of Outgoing Board Members:

Certificates of appreciation to members of the
Criminal Justice Partnership Advisory Board

1. Approval of Agenda
2. Consent Agenda
 - A. Approval of minutes for the May 31, 2012 Special Meeting for the FY2013 Budget Presentation, June 4, 2012 regular meeting, June 5, 2012 Special Meeting for Department Head Appeals, June 6, 2012 Special Meeting with Board of Education and June 7, 2012 Special Meeting for FY2013 Budget Public Hearing.

- B. Approval of Rejection of Bid for Electronic Medical Records for the Cumberland County Health Department.
- C. Approval of Sole Source Purchase for Ice Floor Expansion Joints at the Cumberland County Crown Coliseum.
- D. Approval of Bid Award to Internetwork Engineering for the Expansion of Cisco Voice Over IP Telephone System for the Cumberland County Public Library.
- E. Approval of Alcoholic Beverage Control (ABC) Board Travel Policy.
- F. Approval of Amendment to the Engineering Services Contract for the Southpoint Water Project.
- G. Approval of Declaration of Surplus County-Owned Property and Authorization to Dispose of Armored Vehicle Used by the Cumberland County Sheriff's Office.
- H. Approval of the FY13 Home and Community Care Block Grant for Older Adults Agreement Between County of Cumberland and Mid-Carolina Area Agency on Aging and 2012-2013 County Funding Plan.
- I. Approval of Cumberland County Finance Committee Report and Recommendations:
 - 1) Approval of a Resolution Authorizing Reimbursement for Fayetteville Technical Community College Capital Financing.
- J. Approval of Cumberland County Policy Committee Report and Recommendations:
 - 1) Consideration of Approval of Proposed Personnel Code Changes for Implementation of Classification and Pay Plan Recommendation.
- K. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure: 1.51 Acs Alice Dixon Land; 4007 Dolittle Road, PIN: 9494-45-8818, Rockfish Township.
- L. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure: Lot 5 Handy Fisher Est., Located Off Tabor Church Road, PIN: 0460-36-0178, Cedar Creek Township.

M. Budget Revisions:

(1) Eastover Sanitary District/ESD Water Project Phase II

Revision in the amount of \$108,000 to reallocate budgeted expenditures and transfer funds to Eastover Sanitary District General Fund to pay for the second 100,000 gallons per day capacity allocation in the Eastover Approach Main. (B12-347 and B347A) **Funding Source – Reallocation of Budgeted Expenditures**

(2) Injured Animal Stabilization Fund

Revision in the amount of \$4,000 to budget actual revenues earned through donations in FY2012. (B12-364) **Funding Source – Donations**

(3) Soil and Water Conservation District

Revision in the amount of \$2,196 to budget actual revenues earned through fundraiser activities in FY2012. (B12-362) **Funding Source – Fundraisers**

(4) Mental Health

Child and Youth Contracts - Revision in the amount of \$750,000 to budget additional Medicaid pass thru billing for remainder of FY12. (B12-360) **Funding Source – Fees**

(5) Animal Control

Revision in the amount of \$10,285 to recognize grant received from Pet Smart Charities to host an adoption clinic. (B12-359) **Funding Source – Grant**

(6) Health

a. Dental Clinic - Revision in the amount of \$2,000 to recognize additional fees earned during FY2012. (B12-355) **Funding Source – Fees**

- b. Jail Health – Revision in the amount of \$25,000 to appropriate fund balance to cover overtime pay and contracted services for the remainder of FY2012. (B12-358) **Funding Source – Fund Balance**
- c. Employee Pharmacy – Revision in the amount of \$180,898 to appropriate fund balance to create an initial inventory of medications, supplies and equipment so the Pharmacy can be operational on July 1, 2012. (B12-365) **Funding Source – Group Insurance Fund Balance**
- d. Employee Clinic – Revision in the amount of \$11,656 to appropriate fund balance and to reallocate expenditures to purchase equipment and so the Clinic can be operational on July 1, 2012. (B12-366) **Funding Source – Group Insurance Fund Balance and Reallocation of Budget Expenditures**

(7) Recreation and Parks

Revision in the amount of \$200,000 to recognize additional revenue anticipated to earn for the remainder of FY2012. (B12-370) **Funding Source – Recreation Tax**

3. Public Hearings

Uncontested Rezoning Case

- A) Case P12-31: Rezoning of 7.06+/- acres from A1 Agricultural to O&I(P) Planned Office and Institutional, or to a more restrictive zoning district, located at 2736 Cedar Creek Road, submitted by Cumberland County (owner) and Fayetteville-Cumberland County Chamber of Commerce.

Uncontested Conditional Zoning Case

- B) Case P12-16: Rezoning of 1.00+/- acre from A1 Agricultural and A1/CU Agricultural/ Conditional Use Overlay for a restaurant and catering business to A1 Agricultural or to a more restrictive zoning district, located at 10785 Dunn Road, submitted by David and Susan Wall (owners).

Contested Rezoning Case

- C) Case P12-15: Rezoning of 1.05+/- acres from R10 Residential to C2(P) Planned Service and Retail, or to a more restrictive zoning district, located at the southwest quadrant of SR 1003 (Camden Road) and SR 1113 (Waldos Beach Road), submitted by Ruth Mason Curl (owner).

Contested Conditional Zoning Case

- D) Case P12-26: Rezoning of 1.75+/- acres from C1(P) Planned Local Business and A1 Agricultural to C(P) Planned Commercial/ CZ Conditional Zoning District for a convenience store, restaurant and for profit indoor recreation/ Amusement, or to a more restrictive zoning district, located at 3634 Chicken Foot Road, submitted by Dharmesh Patel on behalf of Grays Creek Groceries, LLC. (owner).

Zoning Ordinance Text Amendment

- E) Case P12-32: Revision and amendment to the Cumberland County Zoning Ordinance, creating standards for riparian buffers by amending Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words; amending Article IX Individual Uses, Section 901. Development Standards for Individual Uses, sub-section D; amending Article XI Lot and Yard Regulations, Section 1102. Yard Regulations, sub-section G. Buffer Requirements and sub-section H. Reserved for future use; and updating the table of contents as appropriate.

Minimum Housing Code Enforcement

- | | | |
|----|-------------------------------|---|
| F. | Case Number: | MH 6649-2012 |
| | Property Owner: | Bobbie Jacobs |
| | Property Location: | 3104 Smith Road, Fayetteville, NC |
| | Parcel Identification Number: | 0415-37-2354 |
| G. | Case Number: | MH 6672-2012 |
| | Property Owner: | Patricia Moore |
| | Property Location: | 5521 Jackson Street, Hope Mills, NC |
| | Parcel Identification Number: | 0413-98-7349 |
| H. | Case Number: | MH 6550-2011 |
| | Property Owner: | Mildred G. & Charlesene McNeill |
| | Property Location: | 4904 Wall Street, Linden, NC |
| | Parcel Identification Number: | 0574-65-9691 |
| I. | Case Number: | MH 6431-2011 |
| | Property Owner: | David Levi & Rita Morneault Pait |
| | Property Location: | 6815 Cooper Creek Drive, Hope Mills, NC |
| | Parcel Identification Number: | 0432-70-0086 |

Items of Business

4. Consideration of Cumberland County Facilities Committee Report and Recommendations:
 - A) Consideration of Options Regarding Board of Elections Building.
 - B) Consideration of Request of New Century Solar, LLC, for an Easement Agreement.

5. Nominations to Boards and Committees
 - A. Board of Adjustment (1 Vacancy)
 - B. Fayetteville Area Convention and Visitors Bureau (1 Vacancy)

6. Appointments to Boards and Committees
 - A) ABC Board (1 Vacancy)
Nominee: Wade Hardin

 - B) Adult Care Home Community Advisory Committee (4 Vacancies)
Nominees: Toney Edwards (Reappointment)
Yvonne Booth (Reappointment)
Harry Southerland (Reappointment)
Herman Dudley (Reappointment)

C) Air Quality Stakeholders (16 Vacancies)

Nominees:

<u>Citizen Stakeholder:</u>	Daniel Rodriguez (Reappointment) Jamison Stewart (Reappointment)
<u>Fort Bragg Stakeholder:</u>	Gregory Bean
<u>Homebuilders Association Stakeholder:</u>	John Gillis (Reappointment)
<u>Industry Stakeholder:</u>	Gary Slater (Reappointment)
<u>PWC Stakeholder:</u>	Carolyn Hinson (Reappointment)
<u>Medical Rep. Stakeholder:</u>	Dr. Ana McDowell (Reappointment)
<u>Town of Stedman Stakeholder:</u>	Commissioner Peggy Raymes (Reappointment)
<u>Fayetteville-Cumberland Chamber of Commerce Stakeholder</u>	Doug Peters (Reappointment)
<u>Fayetteville Technical Community College Stakeholder:</u>	Phillip Jackson
<u>Environmental Rep. Stakeholder:</u>	Jon Parsons (Reappointment)
<u>Town of Hope Mills Stakeholder:</u>	Commissioner Pat Edwards
<u>Town of Godwin Stakeholder:</u>	Natalee Ezzell (Reappointment)
<u>Town of Linden Stakeholder:</u>	Commissioner Elizabeth Small (Reappointment)
<u>Town of Wade Stakeholder:</u>	Commissioner Johnny Lanthorn (Reappointment)
<u>Town of Spring Lake Stakeholder:</u>	Alderman Napoleon Hogans

7. Closed Session:
- A. Attorney Client Matter
Pursuant to NCGS 143-318.11(a)(3).
 - B. Personnel Matter(s) Pursuant
To NCGS 143-318.11(a)(6).

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

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

MEETINGS:

- August 6, 2012 - (Monday) – 9:00 AM**
- August 20, 2012 - (Monday) - 6:45 PM**
- September 4, 2012 – (Tuesday) – 9:00 AM**
- September 17, 2012 – (Monday) – 6:45 PM**

George Edmund Bullard, Jr.
2011

Edmund Bullard was an early leader in irrigated crop production, especially in the tobacco production field. One crowning accomplishment of Mr. Bullard's is that he achieved high tobacco yields on sandy soils. Contributing factors to his success was his intensive management of fertility, irrigation, labor, and curing.

Mr. Bullard was very involved in both the South River community and Center Baptist Church's baseball and basketball teams. He coached both the Little League division and the youth league division. He was the driving force behind of creation and construction of the South River Community ballpark, which served the South River Community as well as adjacent communities, prior to the establishment of the county park system.

Mr. Bullard served many years as a member of the ASCS/FSA county committee.

A graduate of Central High School in 1952, Mr. Bullard attended North Carolina State University, obtaining a Bachelor's degree in Agriculture Education in 1956.

Very active in his church, Mr. Bullard was ordained as a Deacon at Center Baptist Church and continues as an active member.

Ted Maxton Bunce Sr.
2011

Ted Bunce farmed for practically all his life. When he was very young, he and his younger brother, Dearl, would drive the tractor together, one at the steering wheel, one at the pedals. The twelfth of thirteen children, Ted and some of his brothers and brothers-in-law established Bunce Brothers Farms in 1961. Mr. Bunce farmed with his sons Maxton and Jeffrey, and his nephew, David Bunce. They farm over 900 acres of produce and 500 acres of row crops each season of the year. The farm employs 20 full-time employees and over 75 seasonal employees. Ted was one of the first farmers in North Carolina to grow cherry and grape tomatoes. He was also one of the first farmers to use plastic and drip irrigation. Bunce Brothers Farms regularly ships their harvest throughout the east coast to markets as far away as Boston and inland to Chicago and St. Louis.

Ted's passion for farming led his wife Ann, son Jeffrey, and himself to establish an annual Farmer's Day celebration in Stedman. This event is held every third weekend in September and has been held the past fifteen years. This community fun-filled event honors farmers and promotes farming through exhibits and displays. Concerned with the decline of the family farm (during his lifetime he has seen the number of family farms go from fifty-two to just two from the Bethany area to the Stedman area) he arranged that the funds raised during the Farmer's Day event be used to assist area farmers in need. With the trend of the family farm's decline, the funds now are used to provide scholarships to prospective college students, attending North Carolina institutions, and taking agriculture or horticulture classes. Over \$25,000 in scholarship funds have been awarded to date.

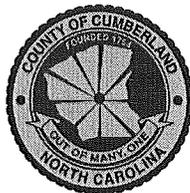
Ted served in the Air Force from 1954-1957. During his time of service he received an Air Force Commendation for saving the lives of two pilots, by redirecting them out of Soviet airspace during the Cold War.

Very active in his church, Ted was ordained as a Deacon at Center Baptist Church in 1958 and served as a Deacon at Stedman Baptist Church.

With the untimely death of Mr. Bunce on April 29, 2012, his son, Maxton Bunce, will be representing the family as the accomplishments of Mr. Bunce are recognized by the Cumberland County Board of Commissioners.

**2011 Cumberland County Young Farmer
William John Gillis**

This year's young farmer and rancher of the year, William John Gillis, comes from a family that has deep agricultural roots in western Cumberland County. He graduated from the Agricultural Institute at NC State University in 2007 with an associate's degree in field crop technology. While at North Carolina State University he worked part-time in the USDA ARS Plant science research facility. Upon returning home from the University he began farming in partnership with his father and brother on their 2000 acre row crop farm, making him the eighth generation of his family to continue the tradition on the same land that his family settled in the mid to late 1700s. Since returning to the farm, he helped to expand the row crops of corn and soybeans being farmed to include wheat, which has not been planted on his family farm for several of generations. He has helped to bring new technologies to the farm including agricultural management systems software and the use of guided systems in the field. In addition to traditional row crops, he has helped to expand their beef operation to include retail sales of no added hormone, no steroids, and no antibiotics beef, which has become very popular to the thousands of people living in the neighborhoods just minutes from the farm. He along with his family has embraced the community growing around them by introducing the area to Agritourism. Their family farm entertains thousands of school children and adults each year, while teaching them the importance of agriculture to our community. Our young farmer of the year is not only active in the farming industry but is active in his community as well. He is a deacon at his church, Cross Creek Presbyterian Church and is active politically as well, serving on local political boards and state organizations, defending liberty and freedom for farmers and property owners. He was married on December 10, 2011 to Hannah Merkel of the Maxton area. He is the son of Mr. and Mrs. John D. Gillis II and brother of Mr. Andrew Gillis. He has been a true advocate for agriculture and we are proud to have selected him as this year's young farmer of the year, please join me in applauding Mr. William John Gillis.



ITEM NO. 2B

CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

DEPARTMENT OF PUBLIC HEALTH

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 18, 2012

TO: James Martin, County Manager

THROUGH: Thelma Matthews, Purchasing Accounts Manager *TM*

FROM: Buck Wilson, Health Director *BW*

DATE: June 6, 2012

SUBJECT: Request to reject bids for Electronic Health Records and be added to the Board of Commissioners agenda for June 18, 2012

BACKGROUND:

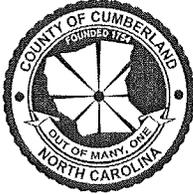
The Cumberland County Department of Public Health only received one (1) bid from NetSmart for Electronic Health Records. In an effort to assure that we have the most competitive pricing, we have decided to go back to the market for bids.

RECOMMENDATION/PROPOSED ACTION:

Approval to reject bid from NetSmart due to lack of competitive bids and be added to the Board of Commissioners agenda for approval of this request on June 18, 2012. Should you have questions, I can be reached at (910) 433-3705.

/tlb

cc: James Lawson, Assistant County Manager



**Cumberland County
Finance Department
Purchasing Division**

Memo

To: James Martin, Cumberland County Manager
From: Thelma S. Matthews, Purchasing Accounts Manager *JM*
Date: 6/6/2012
Re: Reject bid for Electronic Health Records

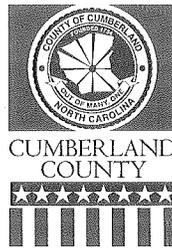
On April 16, 2012 Cumberland County received Formal Bids on Electronic Health Records for the Cumberland County Health Department.

I concur with Buck Wilson that the bid we received should be rejected and rebid in an effort to receive additional bids.

I request this item be on the next Commissioners agenda, June 18, 2012.

Thank you.

THELMA S. MATTHEWS
Purchasing Accounts Manager
(910) 678-7743



ITEM NO. 20

DEBBIE H. MILLER
Buyer
(910) 678-7746

FINANCE DEPARTMENT
PURCHASING DIVISION

4th Floor, Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829 • Fax (910) 323-6120

MEMO

TO: James E. Martin, County Manager

From: Thelma S. Matthews, Purchasing/Accounts Manager 

Date: June 7, 2012

Re: Sole Source

Attached you will find a request from Cumberland County Crown Center for replacement of the expansion joint (sealant) around the ice floor located in the coliseum. The total cost for labor and material will be \$31,500.00 with freight running between \$600 - \$800.

I request this item be on the next County Commissioners agenda for approval of sole source exception (GS 143-129(e)(6) when standardization or compatibility is the overriding consideration.

Thank you.

Celebrating Our Past... Embracing Our Future



www.AtTheCrown.com
910-438-4100

**CROWN
CENTER**

1960 Coliseum Drive
Fayetteville, NC 28306



*Checking to see
if Purchasing has
been contacted
regarding this
request. ct*

MEMORANDUM

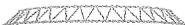
DATE: May 30, 2012
TO: James Martin, County Manager
FROM: Karen Long, General Manager
SUBJECT: SOLE SOURCE FOR ICE FLOOR EXPANSION JOINT

This is a formal request to procure the replacement of the expansion joint (sealant) around the ice floor located in the coliseum by means of sole sourcing. The justification for this request is price competition for the repair is not available and needed repair is available from only one source.

The contractor of choice to perform this project is Cimco as the floor is a Cimco product and Cimco performed the original installation. At the conclusion of staff's research of refrigeration contractors, it was founded that Cimco is the only refrigeration contractor that installs and repairs ice rink floors and possesses the knowledge of the floor and materials involved for this specific project. Any diversions from properly repairing and failure to utilize exact materials required could result in irreparable damage to the ice rink, with the only recourse being that of replacement at an estimated cost of \$1,000,000.

Additionally, Cimco has the knowledge and expertise to identify and repair minor issues prior to those issues becoming severe enough to cause irreparable damage to the ice rink floor. Cimco will conduct this inspection simultaneously during the expansion joint replacement process, which will extend the life of the ice rink floor. Cimco will complete all work in accordance with the original manufacturer's specifications to maintain the integrity of the ice rink floor and will provide a one year warranty on the labor and materials.

Should this meet with your approval, the Crown Center requests this item be placed on the June 18, 2012 Cumberland County Board of Commissioners meeting's consent agenda for approval of the sole source of repairs to the ice floor and the acceptance of the Cimco quote.





May 17, 2012

Crowne Coliseum
Attn: Rick Swann
1960 Coliseum Drive
Fayetteville, NC 28306

Subject: Expansion Joint Replacement

Dear Mr. Swann:

After a discussion with our corporate engineer concerning expansion joints he said that Cimco's standard material of installation is the Wabo WE-225. We have used many products in the past but have found this to be the most reliable material that we could find and that is our company standard. I have prepared pricing based off our discussion and his recommendations.

Pricing

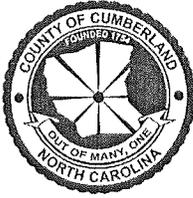
Total price for the below scope is (Labor & Materials): \$31,500.00

Exclusions

- Sales Tax
- Freight
- Any back filling or insulation if it is determined during the removal and installation of the new expansion joint

Scope of Work

We plan of removing the existing expansion joint material on the 85' x 200' ice rink and remove all dirt and debris that may be detrimental to effective joint sealing. After the joint is prepped to accept the new Wabo we will install the material utilizing the manufacture's Prima-Lube adhesive. The joint components will be installed in strict accordance with the manufacturer's details and instructions.



**Cumberland County
Finance Department
Purchasing Division**

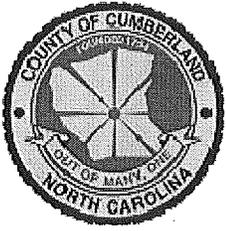
Memo

To: James Martin, Cumberland County Manager
From: Thelma S. Matthews, Purchasing Accounts Manager *jm*
Date: 6/13/2012
Re: Expansion of Cisco IP telephone system

Formal bids were received June 11, 2012 for the expansion of Cisco Voice over IP telephone system for the Cumberland County Library System. Attached you will find a recommendation from Cumberland County I.T. Department to award the bid to the lowest vendor, Internetwork Engineering at the cost of \$263,313.00

This memo is to request this item be on the agenda for the next County Commissioners' meeting June 18, 2012.

Thank you.



County of Cumberland
INFORMATION SERVICES DEPARTMENT

MEMORANDUM

TO: James Martin, County Manager

THRU: Thelma Matthews, Purchasing Accounts Manager

FROM: Betty M. Clark, Information Systems Director *BMC*

Date: June 12, 2012

SUBJECT: Telephony Bids

A formal bid was held on Monday, May 29, 2012 for the expansion of the IP Telephony System.

Attached for your review are the bids received. It is our recommendation that we accept the bid provided by Internetwork Engineering.

We are now requesting that this information be added to the commissioner's agenda for their next meeting on June 18, 2012.

If you have any questions or concerns, please contact me anytime.

Cumberland County Library

Bid #12-35-PL-F

Due: June 11, 2012 @ 9:00 a.m.

BID TABULATION

TOTAL BID AMOUNT

Internetwork Engineering

\$ 263,313.00

Windstream

\$ NO RESPONSE

Infranet Technologies

\$ 274,733.00

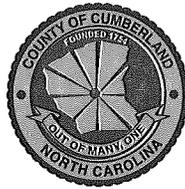
Shelma S. Matthews

6/11/12

MARSHALL FAIRCLOTH
Chairman

JIMMY KEEFE
Vice Chairman

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



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

ITEM NO. 2E

BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS'
CONSENT AGENDA OF JUNE 18, 2012

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CANDICE H. WHITE, CLERK TO THE BOARD *(CW)*

DATE: JUNE 12, 2012

SUBJECT: ALCOHOLIC BEVERAGE CONTROL (ABC) BOARD TRAVEL POLICY

BACKGROUND:

According to the attached correspondence from Eddie Maynor, Chairman of the Cumberland County ABC Board, the ABC Board is requesting that the Board of County Commissioners approve the ABC Board's adoption of Cumberland County's Travel Policy, CP-06, in accordance with House Bill 1717, Section 13.

RECOMMENDATION/PROPOSED ACTION:

Approve the ABC Board's request to adopt Cumberland County Travel Policy, CP-06, and direct the Clerk to the Board to send to the ABC Commission written confirmation of said action and a copy of Cumberland County's Travel Policy, CP-06.

Attachment

CUMBERLAND COUNTY
ALCOHOLIC BEVERAGE CONTROL BOARD

1705 OWEN DRIVE • P.O. BOX 64957

FAYETTEVILLE, N.C.
28306

June 12, 2012

Subject: Board Travel Policy

Chairman Marshall Faircloth:

The ABC Board voted at the June 11, 2012 meeting to request the permission and approval from the County Commissioners to adopt the County's Travel Policy according to House Bill 1717: Modernization of the State ABC System. The House Bill 1717 is a result of recommendations by a joint legislative study committee on Alcoholic Beverage Control issues. House Bill 1717, Section 13 (see below) requires that the local board annually submit a copy of the County's travel policy and the authorization to the ABC Board to be forwarded to the ABC Commission.

Section 13 of the bill provides for members and employees of local ABC boards to be reimbursed for travel on official business in accordance with the statutory travel allowances of State officers and employees. With approval of the appointing authority, a local board may adopt a travel policy that conforms to the travel policy of the appointing authority. The local board would be required to annually provide to the Commission a copy of its travel policy along with the appointing authority's written confirmation of its approval. Excess expenses not covered by the local board's travel policy would be paid only with written authorization of the appointing authority's finance officer, and the local board would be required to submit a copy of the authorization to the ABC Commission within 30 days of approval.

The Board would greatly appreciate the Commissioners support and appreciate in advance the approval of the bill. The Board is working hard to ensure that the ABC System is in high standards and is in compliance with the NC ABC Commission statutes.

Thank you,



Eddie Maynor
Chairman



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

ITEM NO. 2F

ENGINEERING & INFRASTRUCTURE DEPARTMENT
PUBLIC UTILITIES DIVISION

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 18, 2012

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JEFFERY P. BROWN, ENGINEERING & INFRASTRUCTURE DIRECTOR 

THROUGH: JAMES MARTIN, COUNTY MANAGER

DATE: JUNE 11, 2012

SUBJECT: INCREASE PURCHASE ORDER TO REFLECT ADDITIONAL
WORK FROM ENGINEER THAT WAS NOT INCLUDED IN THE
CONTRACT

BACKGROUND

After meeting with the local NCDENR Public Water Supply section, it has come to the Public Utilities Department's attention that in order to operate the Southpoint Water Project there must be a Water System Management Plan on file and approved by NCDENR. The engineering firm of Koonce, Noble and Associates completed the design of the system and is providing construction management for the installation of the system. Koonce, Noble, and Associates has adequate knowledge of preparing such plans and has stated that they will prepare the Water System Management Plan, Operation and Management Plan and the Emergency Management Plan for the Southpoint Project for a total cost of \$2,450, which will be added to their existing contract for a total of \$57,450.

There is enough money available in the budget line to increase the purchase order to cover the above mentioned increase to the engineer.

RECOMMENDATION

The Engineering and Infrastructure Director and County Management recommend that the Board of Commissioners approve the increase to the purchase order in the amount of \$2,450.

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

Attachment(s):

Koonce, Noble & Associates, Inc.
Consulting Engineers

TO: Ms. Amy Hall
FROM: Sam R. Noble, Jr., P. E.
DATE: June 8, 2012
SUBJECT: Water System Improvements to Serve Southpoint Subdivision

We will complete the following for Southpoint Subdivision:

Water System Management Plan - \$1650

Operation and Management Plan - \$400

Emergency Management Plan - \$400

Total of \$2,450.00



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



An Internationally Accredited Law Enforcement Agency

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 18, 2012

TO: BOARD OF COUNTY COMMISSIONERS

FROM: SHERIFF EARL R. BUTLER, CUMBERLAND COUNTY SHERIFF *ERB*

DATE: JUNE 5, 2012

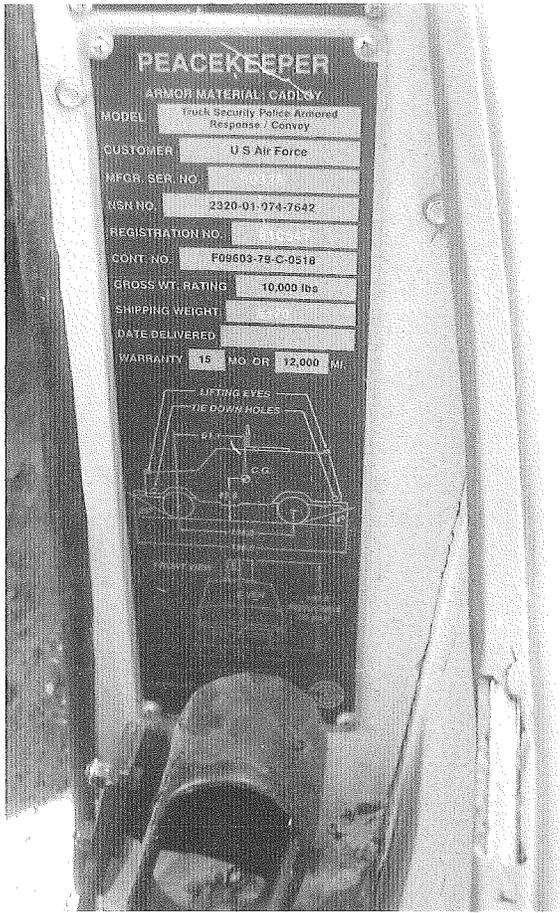
SUBJECT: PERMISSION TO DECLARE ARMORED VEHICLE AS SURPLUS

BACKGROUND

We obtained a Military Peacekeeper Armored Vehicle from the Law Enforcement Support Service in Garner, NC at no cost to the county. This vehicle was loaned to us for our use as long as we needed it. Even though this vehicle was obtained at no cost to the county the vehicle must either be turned in to a Military Installation, Law Enforcement Support Services or transferred to another Law Enforcement Agency per the policy and agreement with the Law Enforcement Support Services. This vehicle was obtained on January 26, 2001, and had a value of \$65,070.00 at that time. Enclosed within is the Law Enforcement Support Services Excess Property Report attesting to its value and included are pictures of the Peacekeeper. This vehicle has become a mechanical nuisance. It is not cost effective to retain this vehicle. The actual model name is Truck Security Police Armored Response/Convoy, National Stock Number is 2310-01-074-7642, Manufactures Serial Number is 50336 and the Registration Number is 81C547.

RECOMMENDATION/PROPOSED ACTION

We no longer have a need for this vehicle, therefore, we asked the Law Enforcement Support Services to find an agency that needed a Peacekeeper. The Greenville, NC Police Department has shown an interest in the Peacekeeper and they want to take possession of it. Therefore we are asking your approval in the transfer of this vehicle. Their point of contact is Sgt Richard Tyndall, Greenville, NC Police Department, 500 South Green Street, Greenville, NC 27835 (252) 329-4357.



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100_3519.JPG



100_3523.JPG

Excess Property Issued Report

for the period from 01/01/1994 to 6/18/2008

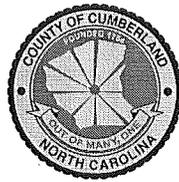
<u>Item</u>	<u>LESS No.</u>	<u>Unit of Issue</u>	<u>Item Cost</u>	<u>Number Requested</u>	<u>Number Issued</u>	<u>Total Cost</u>	<u>Request Date</u>	<u>Issue Date</u>	<u>Days to fill Request</u>
Helmet, Flight	16167	Each	\$268.00	4	4	\$1,072.00	10/12/1998	1/1/1999	81
Truck, Humvee	18314	Each	\$34,735.00	2	1	\$34,735.00	8/1/2000	1/24/2008	2732
Computer, w/ monitor	27008	Each	\$1,200.00	1	1	\$1,200.00	11/5/2007	11/5/2007	0
Baton	18087	Each	\$18.00	343	343	\$6,174.00	4/4/2000	4/6/2000	2
Shield, Face	18086	Each	\$18.00	343	343	\$6,174.00	4/4/2000	4/6/2000	2
Helmet, Kevlar	18085	Each	\$149.40	343	300	\$44,820.00	4/4/2000	3/30/2006	2186
HELMET, KEVLAR	18057	Each	\$139.00	75	75	\$10,425.00	3/30/2000	6/28/2001	455
TRUCK, 2.5-TON	17156	Each	\$46,750.00	1	1	\$46,750.00	7/15/1999	10/21/1999	98
GENERATOR	17072	Each	\$3,000.00	1	1	\$3,000.00	6/14/1999	7/15/1999	31
Truck, Armored, Peacekeeper	17000	Each	\$65,070.00	1	1	\$65,070.00	5/10/1999	1/26/2001	627
BODY ARMOR, VEST	16766	Each	\$810.00	6	6	\$4,860.00	3/8/1999	5/15/1999	68
Rifle, M14	21364	Each	\$143.00	50	50	\$7,150.00	8/28/2002	1/27/2004	517

Total cost for agency

Cumberland County Sheriff's Office \$365,268.69

JAMES E. MARTIN
County Manager

AMY H. CANNON
Deputy County Manager



JAMES E. LAWSON
Assistant County Manager

CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

ITEM NO. 2H

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 18, 2012

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMY H. CANNON, DEPUTY COUNTY MANAGER *AKC*

DATE: JUNE 12, 2012

SUBJECT: APPROVAL OF THE FY13 HOME AND COMMUNITY CARE BLOCK GRANT FOR OLDER ADULTS AGREEMENT BETWEEN COUNTY OF CUMBERLAND AND MID-CAROLINA AREA AGENCY ON AGING AND 2012-2013 COUNTY FUNDING PLAN

BACKGROUND

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

The Funding plan is a means to provide coordination through community-based resources in the delivery of comprehensive agency services to older adults and their families.

RECOMMENDATION/PROPOSED ACTION

Cumberland County Management and Ms. Glenda Dye, Aging Director -- Area Agency on Aging, and the Home and Community Block Grant Committee recommends that the FY 2012-2013 Funding Plan for the Home and Community Block Grant for Older Adults and the FY13 Home and Community Block Grant for Older Adults Agreement be approved at the June 18, 2012 Board of Commissioners meeting.

/ct
CM061212-1

Mid-Carolina Area Agency on Aging

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

June 1, 2012

Ms. Amy Cannon
Deputy County Manager
County of Cumberland
P.O. Box 1829
Fayetteville, NC 28302

Dear Ms. Cannon:

Cumberland County's total Federal and State Home & Community Care Block Grant funding for FY 2012-13 is \$1,501,106.

You will find enclosed:

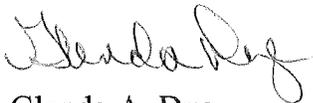
Lead Agency Designation, DOA-730
County Services Summary, DOA-731
Provider Services Summary, DOA-732 (for each provider)
Agreement for the Provision of County-Based Aging Services, DOA-735

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

Also enclosed is a breakdown of the match requirements.

If you have any questions, please call me.

Thank you,



Glenda A. Dye
Aging Director

Enclosures

Service Providers
 Cumberland County
 with match paid through MCCOG
 (As of July 1, 2012)

<u>Providers</u>	<u>F/S Funds</u>	<u>Match</u>
Cumberland County Coordinating Council on Older Adults*		
In-home Aide, Level 2	\$267,757	\$29,751
In-home Aide, Level 3	\$178,504	\$19,834
Congregate Nutrition	\$101,459	\$11,273
Home Delivered Meals	\$263,686	\$29,298
Housing and Home Improvement	\$ 81,000	\$ 9,000
Information and Case Assistance	\$ 50,472	\$ 5,608
Mid-Carolina Council of Governments*		
Care Management	\$177,735	\$19,751
Care Management Consumer Directed Care	\$ 20,000	\$ 2,222
Cumberland County Planning Department		
Transportation, General	\$ 52,658	\$ 5,851
Transportation, Medical	\$134,904	\$ 14,989
Cape Fear Adult Day Health Care Center		
Adult Day Health Care	\$ 63,408	\$ 7,045
Adult Day Health Care Transportation	\$ 1,000	\$ 111
Southern Hospitality Adult Day Care Center		
Adult Day Health Care	\$ 64,408	\$ 7,156
Peace of Mind Adult Day Care Center		
Adult Day Care	\$ 8,115	\$ 902
Fayetteville/Cumberland Senior Center		
Senior Center Operations	\$ 12,000	\$ 1,333
Hope Mills Sunshine Senior Center		
Senior Center Operations	\$ 12,000	\$ 1,333
Spring Lake Senior Enrichment Center		
Senior Center Operations	<u>\$ 12,000</u>	<u>\$ 1,333</u>
Total H&CCBG Funds	<u>\$1,501,106</u>	
Total Match		<u>\$166,790</u>
* Total Match Provided by Cumberland County		\$126,737
Total Match Provided by Community Service Providers		\$ 40,053

Home and Community Care Block Grant for Older Adults

County Funding Plan

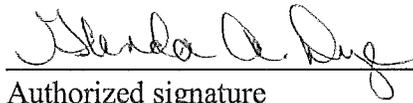
Identification of Agency or Office with Lead Responsibility for County Funding Plan

County Cumberland July 1, 2012 through June 30, 2013

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

Mid-Carolina Area Agency on Aging

(Name of agency/office with lead responsibility)



Authorized signature

06-01-12

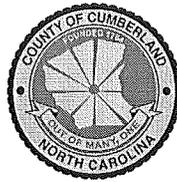
(date)

Glenda A. Dye, Aging Director

(Type name and title of signatory agent)

JAMES E. MARTIN
County Manager

AMY H. CANNON
Deputy County Manager



JAMES E. LAWSON
Assistant County Manager

CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

ITEM NO. 21(1)

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 18, 2012

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMY H. CANNON, DEPUTY COUNTY MANAGER

DATE: JUNE 12, 2012

SUBJECT: APPROVAL OF RESOLUTION OF OFFICIAL INTENT TO PURSUE TAX EXEMPT FINANCING AND TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING

BACKGROUND

The Finance Committee met on June 7, 2012 and received an update on the status of the Capital Financing for Fayetteville Technical Community College (FTCC). The capital improvements and renovations needed at FTCC are to completely replace the aging mechanical systems for Lafayette Hall (\$2,500,000) and to replace the roofs on the YMCA building, Neil Currie Building and the Library (\$1,000,000). Their request was for the County to pursue options available to finance these capital costs. FTCC would then use their normal capital allocation for the principal and interest payments. County Finance had explored alternatives for funding the needed improvements and believes that the most viable option is an installment financing plan. Because the improvements will "attach" to real property, the financing must be approved by the Local Government Commission (LGC). The costs of the Project amount are not expected to exceed \$3,600,000.

The County intends that the proceeds of the indebtedness be used to reimburse the County for expenditures with respect to the project made on or after the date that is no more than 60 days prior to the date of the attached resolution.

There are several steps necessary in pursuing this financing and the following schedule is recommended. The Board of Commissioners must first approve the attached reimbursement resolution at the June 18, 2012 Board meeting. The next steps would include a request for proposals for bank financing and a public hearing would be called at the August 6, 2012 Board Meeting. The actual Public Hearing on the financing will be scheduled for the August 20, 2012 Board of Commissioners meeting for final approval by the LGC in September.

RECOMMENDATION/PROPOSED ACTION

Cumberland County Management requests approval of the attached resolution at the June 18, 2012 Board of Commissioners meeting to pursue tax exempt financing for capital improvements and renovations at FTCC, including completely replacing the aging mechanical systems for Lafayette Hall and replace the roofs on the YMCA building, Neil Currie Building and the Library.

/ct

CM061212-2

BOARD OF COMMISSIONERS
OF CUMBERLAND COUNTY

Excerpt of Minutes
of Meeting on
June 18, 2012

Present: Chairman _____ presiding, and

Commissioners: _____

Absent: _____

* * * * *

The following resolution was discussed and its title was read:

RESOLUTION OF OFFICIAL INTENT TO PURSUE
TAX EXEMPT FINANCING AND TO REIMBURSE
EXPENDITURES WITH PROCEEDS OF A BORROWING

WHEREAS, the Board of Commissioners of Cumberland County, North Carolina (the "County") intends to finance a portion of the cost of acquisition, construction and equipping of capital improvements and renovations to Fayetteville Technical Community College (the "Project") during the next several years;

WHEREAS, the County may advance its own funds to pay expenditures related to the Project, may borrow funds on a short term taxable or tax exempt basis in order to pay such expenditures or may enter into contracts obligating third parties to make certain expenditures relating to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt obligations or taxable debt, or both;

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY, NORTH CAROLINA:

1. The County intends to utilize the proceeds of tax-exempt indebtedness, including but not limited to installment finance agreements and limited obligation bonds (collectively, the "Indebtedness") or to incur other debt, to pay the costs of the Project in an amount not currently expected to exceed \$3,600,000.

2. The County intends that the proceeds of the Indebtedness be used to reimburse the County for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this resolution. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Indebtedness or other debt.

3. The County intends that the adoption of this resolution confirms its "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

4. This resolution shall take effect immediately upon its passage.

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

Ayes: _____

Nays: _____

Not Voting: _____

* * * * *

I, _____, Clerk to the Board of Commissioners for Cumberland County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners for the County at a regular meeting duly called and held June 18, 2012, as it relates in any way to the resolution hereinabove set forth and that such proceedings are recorded in Minute Book _____ of the minutes of the County. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Board of Commissioners for the County is on file in my office.

WITNESS my hand and the common seal of the County, this ___ day of June, 2012.

Clerk to the Board of Commissioners
Cumberland County, North Carolina

(SEAL)

DRAFT

CUMBERLAND COUNTY FINANCE COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
JUNE 7, 2012 - 9:30AM
MINUTES

MEMBERS PRESENT: Commissioner Kenneth Edge, Chairman
Commissioner Jeannette Council

OTHER COMMISSIONERS
PRESENT: Commissioner Jimmy Keefe

OTHERS: James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Howard Abner, Assistant Finance Director
Sally Shutt, Communication and Strategic Initiatives Manager
Chico Silman, Risk Management Director
Callie Gardner, Day Reporting Center
Candice H. White, Clerk to the Board
Press

ABSENT: Commissioner Ed Melvin

Commissioner Edge called the meeting to order.

1. APPROVAL OF MINUTES – MAY 3, 2012 REGULAR MEETING

MOTION: Commissioner Council moved to approve the minutes.
SECOND: Commissioner Edge
VOTE: UNANIMOUS (2-0)

2. DISCUSSION REGARDING VISION BENEFITS OFFERED UNDER OUR
CAFETERIA BENEFIT PLAN

BACKGROUND:

At a recent regional meeting of the N.C. Association of County Commissioners, a presentation was given regarding a vision plan offered by Community Eye Care. Currently, the county does offer a vision plan through our cafeteria benefits plan and our vision plan provider is Superior Vision.

The county's cafeteria benefits plan is managed by Mark III Brokerage. The cafeteria benefits plan offers many products to employees; such as, dental, life insurance, cancer

DRAFT

coverage, disability, etc. Each year Mark III Brokerage reviews the products which are being offered to county employees as part of open enrollment each year. The county's goal is to offer its employees the best products available in the market at the lowest possible cost.

The plans offered by (Superior Vision) and Community Eye Care are very similar with one major difference in the materials (eye wear) allowance. As an example, Superior Vision covers the total cost of lenses for eyeglasses. Community Eye Care has an allowance for lenses up to \$130.

No changes were recommended regarding vision providers for the upcoming fiscal year. Based upon the review of vision benefits offered, and the monthly costs, it appears that Superior Vision provides more coverage for eyeglass lenses. We will continue to work with Mark III Brokerage to determine the most cost effective benefit solutions for county employees.

RECOMMENDATION:

Information only; no action is necessary.

Amy Cannon, Deputy County Manager, reviewed the above background information. Ms. Cannon stated Superior Vision had a deeper provider network than Community Eye Care two years ago; however, it is believed that Superior Vision still has the greater provider network. James Martin, County Manager, confirmed cafeteria plan benefits are at the employees' option and expense. Chico Silman, Risk Management Director, responded to questions regarding employee participation in the cafeteria plan stating that 1,800 out of 2,400 employees participate in the cafeteria plan and approximately 300 participate in the vision plan. Mr. Silman stated Superior Vision upgraded its plan between 2010 and 2011 whereas Community Eye Care made no changes or upgrades. Mr. Silman stated Mark III Brokerage also works with Community Eye Care and is familiar with their products.

3. UPDATE ON STATUS OF THE CAPITAL FINANCING FOR FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE AS APPROVED IN THE FY2012 BUDGET

BACKGROUND:

The Board of Trustees from Fayetteville Technical Community College (FTCC) requested funding in the amount of \$3,500,000 for major capital projects in their FY2012 budget request. These funds are needed to completely replace the aging mechanical systems for Lafayette Hall (\$2,500,000) and to replace the roofs on the YMCA building, Neil Currie Building, and the Library (\$1,000,000).

Their request was for the County to pursue options available to finance these capital costs. FTCC would then use their normal capital allocation and reimburse the county for

DRAFT

the principal and interest payments. County Finance has been exploring alternatives for funding these needed improvements. At this point, the county believes the most viable option is an installment financing plan. Since these improvements will “attach” to real property, this financing must be approved by the Local Government Commission (LGC).

FTCC has been gathering specifications for these projects over the last year and anticipate going out for bid in September or October, 2012. Indicated below is a tentative schedule for the proposed financing:

- June 18th Approval of a reimbursement resolution
- July Request for Proposal for bank financing
- August 6th BOCC calls for a public hearing on the proposed financing
- August 20th Public hearing on the financing
- September LGC approval

RECOMMENDATION:

Update only; therefore, no action is necessary.

Ms. Cannon reviewed the above background information. Ms. Cannon explained the reimbursement resolution would allow that any prior expenses before the financing would be reimbursed by the financing. In response to a question from Commissioner Edge regarding rates, Ms. Cannon stated the county’s financial advisory performed a tentative review two weeks ago and rates were from 1.3% to 1.48%. Ms. Cannon stated rates have risen slightly since then but the hope is that they will come back down. Ms. Cannon stated this is why she believes installment financing is the most appropriate method. Ms. Cannon also stated the hope is that if the county can reach out in early July, it can obtain a thirty to sixty day lock. Ms. Cannon stated financing would be for five years. Consensus of the Finance Committee was for Ms. Cannon to proceed as presented.

4. UPDATE REGARDING DAY REPORTING CENTER (DRC)

James Lawson, Assistant County Manager, recalled the report he made at the May 3, 2012 meeting of the Finance Committee about the Criminal Justice Partnership Program (CJPP) being abolished and the Treatment for Effective Community Supervision (TECS) Program being created in place of the CJPP. Mr. Lawson stated the understanding at that time about the Request for Proposal (RFP) process for the TECS Program was that the DRC did not meet the criteria for administering the services which included 90% cognitive behavioral intervention (CBI), 10% substance abuse and the remainder administrative services.

Mr. Lawson stated since then he has learned that the RFP was pulled back and a new RFP was issued on June 5, 2012. Mr. Lawson stated he has been told that the DCR may be able to submit a grant application that will meet the criteria. Callie Gardner, Day Reporting Center, stated the services can be contracted and her staff are in the process of

DRAFT

talking with the Alternative Care Treatment (ACT) and a state certified CBI facilitator with whom the DRC has been working. Ms. Gardner stated support services such as transportation and General Educational Development (GED) will be put into the RFP which will be submitted on behalf of Cumberland County.

Mr. Lawson stated a lot of what had been thought would be counted as administrative services will in fact be counted as support services to the CBI and substance abuse which is acceptable. Ms. Gardner stated she will coordinate getting the contracts together before June 29, 2012. Mr. Lawson stated it will still change the way the DRC does business because the focus will be CBI and substance abuse. Mr. Martin confirmed the program would still be funded by a state grant. Mr. Lawson stated he has been told that there is no expectation for a lag in services but should something not be known by July 1, 2013, a contingency plan will be developed.

Commissioner Council asked about employees of the DRC and whether there would be a need for action by the Board. Mr. Martin stated there should be an understanding with the Board that should the program be awarded to the county, there may be a need to do some things during the month of July. Mr. Martin stated since the Board does not have a meeting in July, the budget for the program could be approved by the Board at its first meeting in August. Mr. Martin stated this arrangement would allow things to move forward without creating any disruptions. Questions and discussion followed.

MOTION: Commissioner Council moved to recommend to the full Board that it approve the submission of the grant application and if awarded, continue with implementation until such time as the Board meets and the financial piece can be put in place.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (2-0)

5. REVIEW OF MONTHLY FINANCIAL REPORT

Howard Abner, Assistant Finance Director, reported with two months to go, spending is at 76.4% compared to 75.8% for this time last year. Mr. Abner stated there are no large or abnormal variances.

As it pertains to revenue, Mr. Abner stated Category 10 – Ad Valorem Taxes are still on track to collect about 101% of budget and motor vehicle taxes continue to do well. Mr. Abner stated \$1 million is the county's target. Mr. Abner stated for Category 20 – Other Taxes sales tax distributions were down \$672,000 in April due to the timing of refunds to non-profits. Mr. Abner stated in total sales taxes are \$846,848 above last year and he would project sales taxes to continue to out-perform last year. Mr. Abner stated with regard to Category 30 – Unrestricted Intergovernmental, the ABC Store 3.5% required distribution and store profits have caught up and are on target to hit the budgeted amount. Mr. Abner stated the first half of the sales tax equalization payments are above budget. For Category 40 – Restricted Intergovernmental, Mr. Abner stated the "other" line is low due to a number of grants that were budgeted but not expended. Mr. Abner stated for

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Category 50 – Licenses and Permits, the Register of Deeds is slightly above last year's but inspection permits continue to lag behind last year. With regard to Category 60 – Sales and Services, Mr. Abner stated this category is pretty much in line with last year. Mr. Abner stated while the revenue collection is \$6.9 million greater than last year, the budget is also \$5 million more. With regard to the Crown Coliseum' operating revenue over operating expenses, Mr. Abner stated while all the numbers are in the negative, this year is showing a lesser loss than last year, \$453,737 to be exact, which means the Crown Coliseum is moving in the right direction. Mr. Abner responded to questions regarding the report.

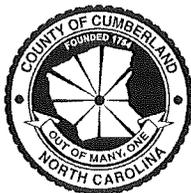
6. OTHER MATTERS OF BUSINESS

Commissioner Keefe asked whether there was a requirement that all agencies requesting money provide an audit to the county. Ms. Cannon stated only for those agencies with whom the county funds and has contracts. Mr. Martin stated the contract reflects the way the funds will be used. Commissioner Keefe asked whether the county reviewed the financial status of the agencies and/or looked at the need. Mr. Martin stated there may be an exception but that is generally the case.

There were no other matters of business.

There being no further business, the meeting adjourned at 10:30 a.m.

JAMES E. MARTIN
County Manager



JAMES E. LAWSON
Assistant County Manager

AMY CANNON
Deputy County Manager

OFFICE OF THE COUNTY MANAGER

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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 18, 2012

TO: BOARD OF COMMISSIONERS

**FROM: JAMES LAWSON, ASSISTANT COUNTY MANAGER
JULEAN SELF, ASSISTANT HUMAN RESOURCES DIRECTOR**

DATE: JUNE 14, 2012

**SUBJECT: PROPOSED CODE CHANGES FOR IMPLEMENTATION OF
CLASSIFICATION AND PAY PLAN RECOMMENDATION**

BACKGROUND

At the May 11, 2012 Budget Planning Session, the Study Team responsible for conducting phase 1 of the Classification and Pay Study presented the results of their study, including the findings and the recommendations endorsed by Management and Human Resources. Subject to Board approval of recommended Pay Plan, changes to Personnel Code are proposed to support the Plan, and to better manage pay issues including pay equity and salary progression.

The proposed changes are summarized on the attachment.

At its June 7, 2012 meeting, the Policy Committee recommended approval of these amendments.

RECOMMENDATION

Consider whether to approve the proposed County Personnel Code provisions as recommended by the Policy Committee.

cc: County Management Team

Celebrating Our Past...Embracing Our Future

Cumberland County Code Proposed Revisions

Chapter 10 – PERSONNEL

ARTICLE I. IN GENERAL

Sec. 10-6. Responsibility of department heads.

(a) Department heads shall be responsible for bringing to the attention of the ~~personnel director~~**Human Resources Director** any condition of these regulations which, in their opinion, is inconsistent with the efficient operation of the department or proper maintenance of employee morale. Appropriate recommendations will accompany any such reportings.

~~(b) Department heads shall report all personnel actions taken with their department to the personnel director as soon as such actions are taken. These actions shall be reported on form CCPD-2 for all agencies except those under competitive services. Those agencies under competitive services will submit the PD-100 HR form for personnel actions. These forms must be signed by the personnel director before any such action shall be valid and binding and the employee paid.~~

(b) Department heads, to include human services, shall report all personnel actions taken within their department to the Human Resources Director prior to implementation. These actions must have the Human Resources Director's approval prior to any action being taken by department heads.

(c) All anticipated vacancies shall be reported by the department head to the ~~personnel~~**Human Resources D**epartment. The procedure for handling vacancies shall be as follows:

- ~~(1) Employees shall be required to submit in writing their intention of terminating employment two weeks in advance of the actual separation date.~~
- ~~(2) The department head shall notify the personnel department immediately upon receipt of such written intention of employment termination.~~
- ~~(3) The personnel director will meet with the terminating employee for the purpose of an exit interview.~~
- ~~(4) The department head and the personnel director shall together perform a job audit of the vacancy in order to recruit and select a suitable employee. (Comp. Ords., § 9-1.4)~~

Sec. 10-7. Responsibility of ~~personnel director~~**Human Resources Director**.

The ~~personnel director~~ shall be responsible for preparation and maintenance of the personnel regulations, including also the position classification plan and perform such other related duties as the County Manager may direct. All matters dealing with personnel shall be routed through the ~~personnel director~~, who shall maintain a complete system of personnel files and records. The ~~director~~ shall also develop and implement an affirmative action program providing equal employment opportunity for all applicants in the county.

The Human Resources Director shall be responsible for preparation and maintenance of the personnel regulations and perform such related duties as the County Manager may direct. All matters dealing with personnel actions which may result in documentation being placed in an employee's personnel file shall be discussed and approved by the Human Resources Director. The Human Resources Director shall maintain a complete system of personnel files and records. The Human Resources Director shall audit the personnel functions and records of all personnel functions throughout the county and report any finding to the County Manager and Board of Commissions annually. The Human Resources Director shall also develop, implement, and maintain talent acquisition, talent management, equal employment, and discipline and grievance policies and procedures for the county.

ARTICLE II. POSITION CLASSIFICATION PLAN*

Sec. 10-26. Coverage of the classification plan.

~~(a) A position classification plan shall be maintained for all permanent positions and shall be based on the reviewing of duties and functions of the jobs, giving consideration to the relative strength of related positions, difficulty, responsibility, conditions of the work environment, and other factors relative to job responsibilities.~~

~~(b) Job classification is the reviewing of the duties and functions of the job and, based on duties and responsibilities, a title and grade may be assigned. Job reclassification may result in:~~

- ~~(1) Allocation of position, if it does not exist.~~
- ~~(2) Lateral transfer of existing position requiring title and/or grade change at the same salary.~~
- ~~(3) Reallocation of existing position to a higher or lower classification.~~

~~(d) Comprehensive salary surveys or studies shall be conducted to gather data on rates being paid for comparable work in determining level of compensation assigned to positions within the county's financial ability.~~

The county shall maintain a current position classification plan that ensures the accuracy of position duties and responsibilities and consolidates similar job functions into defined classifications. The County Manager or designee shall determine the duties of each position and shall promulgate procedures to establish, revise and maintain the classification plan to ensure it reflects the duties performed by each employee in the classification system. The County Manager or designee shall make amendments to the classification plan which reflects new types, areas or level of work. The Board of Commissioners shall be notified of all such amendments at its next meeting following the date of the amendment.

Comprehensive salary surveys or studies shall be conducted to gather data on rates of pay for comparable work to determine the level of compensation assigned to positions within the county's financial ability.

Sec. 10-28. Administration of Classification Plan Authority of County Manager; responsibility of department directors.

(a) ~~The county manager shall be responsible for the administration and maintenance of the position classification plan and shall have authority to allocate new classifications and reallocate existing classifications within the salary plan for all existing county positions. Positions governed by state personnel are exempt from this policy.~~

(b) ~~Department directors shall be responsible for making reclassification requests to the personnel director when significant changes have occurred in position duties and responsibilities.~~

The County Manager or designee shall be responsible for the administration and maintenance of the position classification plan and shall have authority to establish new classifications and reallocate existing positions to the appropriate classifications within the classification plan for all county positions. Positions governed by the State Personnel Act must also be submitted to the Human Resources Director prior to any action regarding the establishment of new classifications and the reallocation of existing positions.

Sec. 10-29. Same-Changes in existing positions.

When the county manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, he shall:

- (1) ~~Direct that the existing class specification be revised,~~
- (2) ~~Reallocate the position to the appropriate class within the existing classification plan,~~
~~or~~
- (3) ~~Recommend that the board of county commissioners amend the position classification plan to establish a new class to which the position may be allocated. (Comp. Ords., § 9-2.2)~~

Sec. 10-30. Same-New positions.

New positions shall be established by the board of county commissioners **Board of Commissioners** based on the recommendations of the County Manager. ~~who shall either:~~

- (1) ~~Allocate the new position to the appropriate class within the existing classification plan, or~~
- (2) ~~Ask the board to amend the position classification plan to establish a new class to which the new position may be allocated. (Comp. Ords., § 9-2.2)~~

ARTICLE III. SALARY PLAN*

Sec. 10-46. Coverage.

~~The schedule of salary ranges and assignment of classes to salary ranges, attached to the ordinance from which this section is derived, shall be the salary plan of the county. The salary plan shall include all permanent classes of positions included in the classification plan. (Comp. Ords., § 9-3.1)~~

A salary plan shall be established by the Board of Commissioners and shall be maintained on a current basis. The County Manager or designee shall be responsible for the administration and maintenance of the salary plan. The plan will include salary ranges commensurate with the responsibilities and difficulty of the work, and will take into account the prevailing compensation for comparable positions in the other agencies of government and other relevant factors. Also, it will provide for special compensation programs which enhance the county's competitive position for the purpose of talent acquisition, retention, and productivity. It will provide for the salary advancement of employees based upon changes in job responsibilities, equity, prevailing market conditions, and performance depending upon the availability of funds.

All salary ranges will have a minimum, midpoint and maximum rate of pay. Employees shall be paid in compliance with all federal and state laws.

Sec. 10-47. Maintenance.

~~The county manager shall be responsible for the administration and maintenance of the salary plan. Each year, prior to the preparation of the annual budget, the personnel director shall secure information concerning the general level of salaries paid and fringe benefits provided comparable municipal, county and state employees, and any change in the cost of living in the area during the fiscal year. The personnel director shall conduct continuing studies of the relationships between classes in order to reduce or eliminate inequities between classes of positions. Based on the studies and recommendations of the personnel director and the general financial condition of the county, the county manager shall recommend to the board of county commissioners such increases, reductions or amendments of the salary plan as he deems necessary to maintain the fairness and adequacy of the salary plan.~~

~~(Comp. Ords., § 9-3,2)~~

~~State law reference Responsibilities of county manager relative to pay plan, G.S. § 153A-92(e).~~

Sec. 10-48. Employee Compensation.

~~Each new employee shall be appointed at the minimum salary which has been established for~~

the classification in which he is employed except:

- (1) If the employee does not meet the minimum requirements of the position, and qualified applicants for the position are not available, the county manager may designate the employee as a trainee to be appointed at a salary below the minimum;
- (2) When the county manager shall determine that there has been a demonstrated inability to recruit at the minimum salary, or if an applicant possesses exceptional qualifications or prior experience, the county manager may authorize the employment of the applicant at a salary level up to and including the maximum of the salary range provided for that position classification, subject to the availability of appropriated salary and benefit funds;

*State law reference Board of commissioners to fix or approve pay schedules, expense allowances and other compensation of county employees, G.S. § 153A-92(a).

- (3) When the county manager shall identify, critical staffing levels of a particular work unit within a department, or when unusual or peak work demands cannot be met, the county manager may authorize the emergency assignment of employees normally assigned to another work unit in that department to temporarily [staff] the critically staffed work unit. These employees must be permanently assigned to the same or similar job classification as the position for which they will be temporarily performing duties. The county manager shall determine the rate of supplemental pay for work performed during the emergency assignment, based upon the critical nature of the work to be performed and the limited resources available to perform the work;
- (4) When the county manager shall identify a developing trend indicating unusual or persistent difficulty in turnover and/or retention of sufficient staffing in a particular job classification or work unit or when the county manager shall identify a specific concern regarding the retention of a critical position, the county manager may authorize a salary increase up to and including the maximum of the salary range provided for the affected position(s) subject to the availability of appropriated salary and benefit funds. Or, the county manager may authorize a separate supplemental payment to employees in the applicable positions. The annual amount of these payments shall not exceed more than ten percent of the midpoint salary of the position classification. Employees must meet performance expectations to be eligible for salary increases or supplemental payments. Supplemental payments shall terminate when the county manager shall determine and notify in writing that the turnover and/or retention trend justifying the salary increases or supplemental payments has terminated. When determining appropriate salary or supplemental payment amounts, the county manager shall take into consideration relevant factors including salaries paid in comparable and competitive job markets, and liability impact for failure to meet state staffing mandates. (Comp. Ords., § 9-3.5; Ord. of 5-17-93; Ord. of 2-7-94; Res. of 4-3-2000; Amend. of 12-1-2003)

The County Manager or designee shall establish policies and procedures governing compensation of employees within the approved classification and pay plan as adopted by the Board of Commissioners. This includes new hires, reinstatements,

reclassifications, promotions, demotions or transfers and in-range salary adjustments. The County Manager or designee shall establish these policies and procedures not inconsistent with state, federal and local laws governing compensation and employment. The Board of Commissioners must adopt any amendments to the classification and pay plan or benefits before the change can become effective.

Each new employee shall be compensated at a rate of pay within the assigned salary range. The County Manager or designee is responsible for ensuring salary inequities are not created with the rates of pay for existing employees.

To the extent that longevity, career development, and/or law enforcement step plan are funded in each fiscal year's budget, the County Manager or designee shall maintain procedures for awarding such payment(s) to eligible employees. Employees who are hired or re-employed on or after 7-1-2012 will not be eligible for longevity pay and/or the law enforcement career development payment.

Sec. 10-49. Salary of trainee.

~~A new employee who does not meet all of the established qualifications for a position may be appointed, with the approval of the county manager, at a training salary no more than two steps below the minimum salary established for the position. The employee shall continue to receive a reduced salary during the probationary period until the appointing department head shall determine that the trainee is qualified to assume the responsibilities of the position, or until the end of the probationary period when the employee is either discharged or moved to a listed rate in the salary range established for the position. The probationary period shall not exceed six months.~~

~~(Comp. Ords., § 9-3.6)~~

Sec. 10-50. Payment at a listed rate.

~~All employees covered by the salary plan shall be paid at a listed rate within the salary ranges established for their respective job classifications except employees in a trainee status or employees whose present salaries are above the established maximum rate following transition to a new pay plan.~~

~~(Comp. Ords., § 9-3.4)~~

Sec. 10-51. Salary of part-time employee.

~~The pay plan established by this chapter is for full-time service. An employee appointed for less than full-time service shall be paid at an hourly rate or at a part-time/monthly salary if one is established for the position in question, whichever is applicable.~~

~~(Comp. Ords., § 9-3.12)~~

Sec. 10-52. Salary of promoted employee.

An employee promoted to a position in a grade having a higher salary range shall receive a one-step salary increase or an increase to the minimum step of the new grade, whichever is higher.

(Comp. Ords., § 9-3.9; Ord. of 7-1-85)

Sec. 10-53. Salary of demoted employee.

A demoted employee shall be reinstated to his former position or similar position at his former grade and step, provided a vacancy exists and if qualified. (Comp. Ords., § 9-3.11; Ord. of 7-1-85; Ord. of 8-1-88)

Sec. 10-54. Salary of reclassified employee.

An employee whose position is reclassified to a class having a higher pay range shall receive a one-step salary increase or an increase to the minimum step of the new salary range, whichever is higher. An employee whose position is reclassified to a class having a lower pay range shall not receive a reduction in salary as a result of the reclassification.

(Comp. Ords., § 9-3.8)

Sec. 10-55. Salary of transferred employee.

The salary of an employee transferring to a position of the same grade shall not be affected by the transfer. The salary of an employee transferring to a lower position shall be reduced to the grade and minimum step of the lower position, subject to the provisions of section 10-48(2).

(Comp. Ords., § 9-3.10; Ord. of 7-1-85)

Sec. 10-56. Earned salary increments.

(a) — Salary increases above the minimum established for each class of positions shall be granted only in recognition of superior or improved performance. The board of county commissioners shall each year provide funds for earned salary increments. Insofar as practical, each department shall receive a share of the salary increment funds based upon salary levels within salary ranges in the department.

(b) — A salary increment given to any employee shall consist of no less than one full step in the salary range established for this class. Salary increments shall be effective upon the recommendation of the supervising department head and approved by the county manager. (Comp. Ords., § 9-3.7)

Sec. 10-57. Travel allowances. (Move to Finance)

Allowances for travel, meals, and room rates for employees conducting official business shall be paid at the rate established by the board of county commissioners. Tips, not exceeding 15 percent of the meal cost, may be reimbursed.

(Ord. of 8-20-84; Ord. of 2-12-86)

Editor's note—An ordinance of Aug. 20, 1984, amended § 10-57 to read as herein set forth. Prior to such amendment, § 10-57 pertained to an automobile allowance and derived from Comp. Ords. § 9-3.15.

Sec. 10-59. Pay periods. (Move to Finance)

All employees shall be paid according to the pay schedule approved by the county manager.
(Comp. Ords., § 9-3.13; Ord. of 8-20-84)

Sec. 10-62. Transition to New Salary Plan.

The following principles shall govern the transition to a new salary plan:

- (1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- (2) All employees, receiving salary at a rate less than the minimum rate established for their respective grade, shall have their salaries raised to ~~that~~ **the minimum rate** of the new grade. (Comp. Ords., § 9-3.3; Ord. of 7-1-85)

Sec. 10-63. Merit awards.

~~A program of merit increases shall be developed whereby all employees are eligible for consideration for merit salary increases based on meritorious work performance subject to board of county commissioners' appropriation of funds.~~

- ~~(1) — *Eligibility.* All employees having permanent status shall be eligible for consideration for merit salary increases.~~
 - ~~(2) — *Salary plan.* An employee's salary cannot be raised by merit increases to exceed the maximum salary rate of the job classification assigned.~~
 - ~~(3) — *Performance evaluation.* Employees given consideration for meritorious increases shall, at a minimum, be evaluated on meritorious work performance based on quality, quantity, knowledge of work as measured by results, relationships with others, initiative and application of time, and amount of guidance required.~~
- ~~(Ord. of 8-20-84)~~

Sec. 10-64. Longevity pay.

~~Longevity pay shall be granted to all permanent and probationary employees working 30 or more hours per week.~~

- (1) — *Completion of service.* Employees with three or more years of completed consecutive service by November 30 are eligible for longevity pay.
- (2) — *Payment for longevity.* The amount of longevity payment shall be based on employee's current annual salary and paid on the first pay day in the month of December. This payment shall not be made a part of the employee's base salary. Employees that separate prior to the processing of the longevity payment forfeit their entitlement.
- (3) — *Completed consecutive service.* Employees are eligible for longevity pay under the following plan:

<i>Completed Consecutive Service</i>	<i>Percentage of Annual Salary</i>
3 years	0.75
5 years	1.00
7 years	1.25
10 years	1.50
15 years	2.25
20 years	3.25
25 years	4.50

(Ord. [of] 8-20-84; Ord. of 10-2-89; Ord. of 8-26-97; Amend. of 11-5-2001)

Secs. 10-66-10-75. **Reserved.**

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CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
JUNE 7, 2012 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Jeannette Council, Chairman
Commissioner Charles Evans (arrived at 10:45 a.m.)
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
Howard Abner, Assistant Finance Director
Sally Shutt, Communications and Strategic Initiatives
Manager
Julean Self, Assistant Human Resources Director
Dan Domico, Human Resources Department
Thomas Wright, Human Resources Consultant
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Council called the meeting to order.

1. APPROVAL OF MINUTES – MAY 3, 2012

MOTION: Commissioner Keefe moved to approve the minutes as presented.
SECOND: Commissioner Council
VOTE: UNANIMOUS (2-0)

2. APPROVAL OF PROPOSED PERSONNEL CODE CHANGES FOR IMPLEMENTATION OF CLASSIFICATION AND PAY PLAN RECOMMENDATION

James Martin, County Manager, introduced the item and stated the proposed personnel code changes relate to the classification and pay plan that is being recommended in the upcoming FY 2013 budget.

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BACKGROUND:

At the May 11, 2012 Budget Planning Session, the Study Team responsible for conducting phase 1 of the Classification and Pay Study presented the results of their study, including the findings and the recommendations endorsed by management and Human Resources. Subject to Board approval of the recommended pay plan, changes to personnel code are proposed to support the plan, and to better manage pay issues including pay equity and salary progression.

RECOMMENDATION:

Consider whether to approve the proposed county personnel code provisions (subject to Board approval of the pay study recommendations).

Rick Moorefield, County Attorney, provided a detailed review of the proposed revisions to Cumberland County Code, Chapter 10 - Personnel as indicated below:

Cumberland County Code Proposed Revisions Chapter 10 – PERSONNEL

ARTICLE I. IN GENERAL

Sec. 10-6. Responsibility of department heads.

(a) Department heads shall be responsible for bringing to the attention of the personnel director any condition of these regulations which, in their opinion, is inconsistent with the efficient operation of the department or proper maintenance of employee morale. Appropriate recommendations will accompany any such reportings.

~~(b) Department heads shall report all personnel actions taken with their department to the personnel director as soon as such actions are taken. These actions shall be reported on form CCPD-2 for all agencies except those under competitive services. Those agencies under competitive services will submit the PD-100 HR form for personnel actions. These forms must be signed by the personnel director before any such action shall be valid and binding and the employee paid.~~

(b) Department heads, to include human services, shall report all personnel actions taken within their department to the Human Resources Director prior to implementation. These actions must have the Human Resources Director's approval prior to any being action taken by department heads.

(c) All anticipated vacancies shall be reported by the department head to the ~~personnel~~ **Human Resources D**epartment. ~~The procedure for handling vacancies shall be as follows:~~

- ~~(1) Employees shall be required to submit in writing their intention of terminating employment two weeks in advance of the actual separation date.~~
- ~~(2) The department head shall notify the personnel department immediately upon receipt of such written intention of employment termination.~~
- ~~(3) The personnel director will meet with the terminating employee for the purpose of~~

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an exit interview.

(4) ~~The department head and the personnel director shall together perform a job audit of the vacancy in order to recruit and select a suitable employee. (Comp. Ords., § 9-1.4)~~

Sec. 10-7. Responsibility of ~~personnel director~~ Human Resources Director.

~~The personnel director shall be responsible for preparation and maintenance of the personnel regulations, including also the position classification plan and perform such other related duties as the County Manager may direct. All matters dealing with personnel shall be routed through the personnel director, who shall maintain a complete system of personnel files and records. The director shall also develop and implement an affirmative action program providing equal employment opportunity for all applicants in the county.~~

The Human Resources Director shall be responsible for preparation and maintenance of the personnel regulations and perform such related duties as the County Manager may direct. All matters dealing with personnel actions which may result in documentation being placed in an employee's personnel file shall be discussed and approved by the Human Resources Director. The Human Resources Director shall maintain a complete system of personnel files and records. The Human Resources Director shall audit the personnel functions and records of all personnel functions throughout the county and report any finding to the County Manager and Board of Commissions annually. The Human Resources Director shall also develop, implement, and maintain talent acquisition, talent management, equal employment, and discipline and grievance policies and procedures for the county.

ARTICLE II. POSITION CLASSIFICATION PLAN*

Sec. 10-26. Coverage of the classification plan.

~~(a) A position classification plan shall be maintained for all permanent positions and shall be based on the reviewing of duties and functions of the jobs, giving consideration to the relative strength of related positions, difficulty, responsibility, conditions of the work environment, and other factors relative to job responsibilities.~~

~~(b) Job classification is the reviewing of the duties and functions of the job and, based on duties and responsibilities, a title and grade may be assigned. Job reclassification may result in:~~

- ~~(1) Allocation of position, if it does not exist.~~
- ~~(2) Lateral transfer of existing position requiring title and/or grade change at the same salary.~~
- ~~(3) Reallocation of existing position to a higher or lower classification.~~

~~(d) Comprehensive salary surveys or studies shall be conducted to gather data on rates being paid for comparable work in determining level of compensation assigned to positions within the county's financial ability.~~

The county shall maintain a current position classification plan that ensures the accuracy of position duties and responsibilities and consolidates similar job

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functions into defined classifications. The County Manager or designee shall determine the duties of each position and shall promulgate procedures to establish, revise and maintain the classification plan to ensure it reflects the duties performed by each employee in the classification system. The County Manager or designee shall make amendments to the classification plan which reflects new types, areas or level of work. The Board of Commissioners shall be notified of all such amendments at its next meeting following the date of the amendment.

Comprehensive salary surveys or studies shall be conducted to gather data on rates of pay for comparable work to determine the level of compensation assigned to positions within the county's financial ability.

Sec. 10-28. Administration of Classification Plan Authority of County Manager; ~~responsibility of department directors.~~

~~(a) The county manager shall be responsible for the administration and maintenance of the position classification plan and shall have authority to allocate new classifications and reallocate existing classifications within the salary plan for all existing county positions. Positions governed by state personnel are exempt from this policy.~~

~~(b) Department directors shall be responsible for making reclassification requests to the personnel director when significant changes have occurred in position duties and responsibilities.~~

The County Manager or designee shall be responsible for the administration and maintenance of the position classification plan and shall have authority to establish new classifications and reallocate existing positions to the appropriate classifications within the classification plan for all county positions. Positions governed by the State Personnel Act must also be submitted to the Human Resources Director prior to any action regarding the establishment of new classifications and the reallocation of existing positions.

Sec. 10-29. ~~Same Changes in existing positions.~~

~~When the county manager finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, he shall:~~

- ~~(1) Direct that the existing class specification be revised,~~
- ~~(2) Reallocate the position to the appropriate class within the existing classification plan, or~~
- ~~(3) Recommend that the board of county commissioners amend the position classification plan to establish a new class to which the position may be allocated.~~
~~(Comp. Ords., § 9-2.2)~~

Sec. 10-30. ~~Same-New positions.~~

New positions shall be established by the ~~board of county commissioners~~ **Board of Commissioners** based on the recommendations of the County Manager. ~~who shall either:~~

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- ~~(1) Allocate the new position to the appropriate class within the existing classification plan, or~~
- ~~(2) Ask the board to amend the position classification plan to establish a new class to which the new position may be allocated. (Comp. Ords., § 9-2.2)~~

ARTICLE III. SALARY PLAN*

Sec. 10-46. Coverage.

~~The schedule of salary ranges and assignment of classes to salary ranges, attached to the ordinance from which this section is derived, shall be the salary plan of the county. The salary plan shall include all permanent classes of positions included in the classification plan. (Comp. Ords., § 9-3.1)~~

A salary plan shall be established by the Board of Commissioners and shall be maintained on a current basis. The County Manager or designee shall be responsible for the administration and maintenance of the salary plan. The plan will include salary ranges commensurate with the responsibilities and difficulty of the work, and will take into account the prevailing compensation for comparable positions in the other agencies of government and other relevant factors. Also, it will provide for special compensation programs which enhance the county's competitive position for the purpose of talent acquisition, retention, and productivity. It will provide for the salary advancement of employees based upon changes in job responsibilities, equity, prevailing market conditions, and performance depending upon the availability of funds.

All salary ranges will have a minimum, midpoint and maximum rate of pay. Employees shall be paid in compliance with all federal and state laws.

Sec. 10-47. Maintenance.

~~The county manager shall be responsible for the administration and maintenance of the salary plan. Each year, prior to the preparation of the annual budget, the personnel director shall secure information concerning the general level of salaries paid and fringe benefits provided comparable municipal, county and state employees, and any change in the cost of living in the area during the fiscal year. The personnel director shall conduct continuing studies of the relationships between classes in order to reduce or eliminate inequities between classes of positions. Based on the studies and recommendations of the personnel director and the general financial condition of the county, the county manager shall recommend to the board of county commissioners such increases, reductions or amendments of the salary plan as he deems necessary to maintain the fairness and adequacy of the salary plan.~~

~~(Comp. Ords., § 9-3,2)~~

~~State law reference Responsibilities of county manager relative to pay plan, G.S. § 153A-92(c).~~

Sec. 10-48. Employee Compensation.

~~Each new employee shall be appointed at the minimum salary which has been established for the classification in which he is employed except:~~

- ~~(1) If the employee does not meet the minimum requirements of the position, and~~

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~~qualified applicants for the position are not available, the county manager may designate the employee as a trainee to be appointed at a salary below the minimum;~~

- ~~(2) When the county manager shall determine that there has been a demonstrated inability to recruit at the minimum salary, or if an applicant possesses exceptional qualifications or prior experience, the county manager may authorize the employment of the applicant at a salary level up to and including the maximum of the salary range provided for that position classification, subject to the availability of appropriated salary and benefit funds;~~

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- ~~(4) When the county manager shall identify a developing trend indicating unusual or persistent difficulty in turnover and/or retention of sufficient staffing in a particular job classification or work unit or when the county manager shall identify a specific concern regarding the retention of a critical position, the county manager may authorize a salary increase up to and including the maximum of the salary range provided for the affected position(s) subject to the availability of appropriated salary and benefit funds. Or, the county manager may authorize a separate supplemental payment to employees in the applicable positions. The annual amount of these payments shall not exceed more than ten percent of the midpoint salary of the position classification. Employees must meet performance expectations to be eligible for salary increases or supplemental payments. Supplemental payments shall terminate when the county manager shall determine and notify in writing that the turnover and/or retention trend justifying the salary increases or supplemental payments has terminated. When determining appropriate salary or supplemental payment amounts, the county manager shall take into consideration relevant factors including salaries paid in comparable and competitive job markets, and liability impact for failure to meet state staffing mandates.~~

~~{Comp. Ords., § 9-3.5; Ord. of 5-17-93; Ord. of 2-7-94; Res. of 4-3-2000; Amend. of 12-1-2003}~~

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~~All employees covered by the salary plan shall be paid at a listed rate within the salary ranges established for their respective job classifications except employees in a trainee status or employees whose present salaries are above the established maximum rate following transition to a new pay plan.~~
(Comp. Ords., § 9-3.4)

~~Sec. 10-51. Salary of part time employee.~~

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(Comp. Ords., § 9-3.12)

~~Sec. 10-52. Salary of promoted employee.~~

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~~An employee promoted to a position in a grade having a higher salary range shall receive a one step salary increase or an increase to the minimum step of the new grade, whichever is higher.~~

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~~A demoted employee shall be reinstated to his former position or similar position at his former grade and step, provided a vacancy exists and if qualified. (Comp. Ords., § 9-3.11; Ord. of 7-1-85; Ord. of 8-1-88)~~

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Sec. 10-55. Salary of transferred employee.

~~The salary of an employee transferring to a position of the same grade shall not be affected by the transfer. The salary of an employee transferring to a lower position shall be reduced to the grade and minimum step of the lower position, subject to the provisions of section 10-48(2). (Comp. Ords., § 9-3.10; Ord. of 7-1-85)~~

Sec. 10-56. Earned salary increments.

~~(a) Salary increases above the minimum established for each class of positions shall be granted only in recognition of superior or improved performance. The board of county commissioners shall each year provide funds for earned salary increments. Insofar as practical, each department shall receive a share of the salary increment funds based upon salary levels within salary ranges in the department.~~

~~(b) A salary increment given to any employee shall consist of no less than one full step in the salary range established for this class. Salary increments shall be effective upon the recommendation of the supervising department head and approved by the county manager. (Comp. Ords., § 9-3.7)~~

Sec. 10-57. Travel allowances. (Move to Finance)

Allowances for travel, meals, and room rates for employees conducting official business shall be paid at the rate established by the board of county commissioners. Tips, not exceeding 15 percent of the meal cost, may be reimbursed.

(Ord. of 8-20-84; Ord. of 2-12-86)

Editor's note-An ordinance of Aug. 20, 1984, amended § 10-57 to read as herein set forth. Prior to such amendment, § 10-57 pertained to an automobile allowance and derived from Comp. Ords. § 9-3.15.

Sec. 10-59. Pay periods. (Move to Finance)

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All employees shall be paid according to the pay schedule approved by the county manager. (Comp. Ords., § 9-3.13; Ord. of 8-20-84)

Sec. 10-62. Transition to New Salary Plan.

The following principles shall govern the transition to a new salary plan:

- (1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- (2) All employees, receiving salary at a rate less than the minimum rate established for their respective grade, shall have their salaries raised to that **the minimum rate** of the new grade. (Comp. Ords., § 9-3.3; Ord. of 7-1-85)

Sec. 10-63. Merit awards.

~~A program of merit increases shall be developed whereby all employees are eligible for consideration for merit salary increases based on meritorious work performance subject to board of county commissioners' appropriation of funds.~~

- ~~(1) *Eligibility.* All employees having permanent status shall be eligible for consideration for merit salary increases.~~
- ~~(2) *Salary plan.* An employee's salary cannot be raised by merit increases to exceed the maximum salary rate of the job classification assigned.~~
- ~~(3) *Performance evaluation.* Employees given consideration for meritorious increases shall, at a minimum, be evaluated on meritorious work performance based on quality, quantity, knowledge of work as measured by results, relationships with others, initiative and application of time, and amount of guidance required.~~
(Ord. of 8-20-84)

Sec. 10-64. Longevity pay.

~~Longevity pay shall be granted to all permanent and probationary employees working 30 or more hours per week.~~

- ~~(1) *Completion of service.* Employees with three or more years of completed consecutive service by November 30 are eligible for longevity pay.~~
- ~~(2) *Payment for longevity.* The amount of longevity payment shall be based on employee's current annual salary and paid on the first pay day in the month of December. This payment shall not be made a part of the employee's base salary. Employees that separate prior to the processing of the longevity payment forfeit their entitlement.~~
- ~~(3) *Completed consecutive service.* Employees are eligible for longevity pay under the following plan:~~

<i>Completed Consecutive Service</i>	<i>Percentage of Annual Salary</i>
3 years	0.75
5 years	1.00
7 years	1.25

DRAFT

10 years	1.50
15 years	2.25
20 years	3.25
25 years	4.50

~~(Ord. of 8-20-84; Ord. of 10-2-89; Ord. of 8-26-97; Amend. of 11-5-2001) Secs. 10-66-10-75. **Reserved.**~~

Commissioner Keefe posed questions regarding the elimination of Section 10-49 – Salary of Trainee. Mr. Lawson explained the previous provision was included in the event no one could be found that met the minimum qualifications required to perform the job. Mr. Lawson stated it is really not applicable because the county usually finds candidates to meet the qualifications. Commissioner Keefe asked whether there was a separate job classification for part-time and full-time employees doing the same job. Mr. Lawson responded it is based on job classification.

Mr. Moorefield explained that the language under Section 10-48 – Employee Compensation, “to the extent that longevity, career development, and/or law enforcement step plan are funded in each fiscal year’s budget, the County Manager or designee shall maintain procedures for awarding such payment(s)”, was intended to give the county more flexibility in addressing the county’s overall budget needs. Mr. Moorefield clarified the language was not intended to do away with longevity for existing employees or intended to do away with the law enforcement step plan for existing employees. Mr. Moorefield advised that the language at the end of the first sentence should be revised to add “procedures for awarding such payments to eligible employees” because of the language that employees hired after July 1, 2012 will no longer be eligible.

Mr. Moorefield stated other than the change in wording he suggested, he recommended that the personnel code as proposed be adopted.

Commissioner Evans asked whether county departments that fall under the State Personnel Act (SPA) and use the state job application could be required to use the county job application, or whether the departments even have that option. Mr. Martin stated the issue is not totally clear. Commissioner Keefe asked whether the state job application contained a question regarding felony convictions and whether employees of those departments were considered county employees. Mr. Martin confirmed that the state job application contained the question regarding felony conviction although they are subject to other controls. Commissioner Keefe asked whether the county could mandate that the county job application be used for those departments. Mr. Martin stated the directors of those departments have been encouraged to utilize the county job application; however, he believed it to be their call. A brief discussion followed. Mr. Martin asked that staff be provided the opportunity to research the legal side of the matter and report back to the Policy Committee at its August meeting.

Commissioner Keefe asked if the attempt of the classification and pay plan study was to significantly decrease the number of job titles. Mr. Lawson responded in the affirmative. Commissioner Keefe asked whether any employees of the county received additional benefits that are not available to all employees. Mr. Lawson explained there is a career development plan in place for sworn law enforcement officers so they can receive a step increase each year.

DRAFT

Mr. Martin explained canine officers receive supplemental pay for maintaining their dog 24-hours a day. In response to a question from Commissioner Keefe, Mr. Lawson stated the mid-point of the salary range was local.

Commissioner Council asked how employees would be made aware of any changes that are affected. Mr. Lawson stated department heads would be made aware of the changes and they in turn would communicate them to their employees who will also be given something that will tell them how their position and pay have been affected.

Commissioner Keefe confirmed that employees who are reclassified to a lower classification would not receive a cut in pay. Commissioner Keefe asked whether some employees could potentially receive a 7% raise when taking into consideration the 2% Cost of Living Adjustment (COLA) and the reclassification to the new minimum or 5%, whichever is more. Mr. Martin responded in the affirmative. Additional questions followed. Mr. Martin stated the proposed personnel code changes needed to be placed on the Board's June 18, 2012 agenda.

MOTION: Commissioner Council moved to approve the proposed personnel code provisions subject to Board approval of the pay schedule.

SECOND: Commissioner Evans

VOTE: PASSED (2-1) (Commissioners Council and Evans voted in favor; Commissioner Keefe voted in opposition)

3. OTHER ITEMS OF BUSINESS

Ms. Cannon provided information related to a preview and analysis of printing on desktop printers versus network copiers. Ms. Cannon reported the Finance Department and Information Services are working on a new print management initiative to find the most cost effective manner to print documents. Ms. Cannon stated studies have shown that it is more effective to print off of a network printer than a desktop printer. Ms. Cannon stated print cartridges for desktop printers do not last long and the inexpensive desktop printers are very expensive in the long term when the cost of print cartridges is taken into consideration. Ms. Cannon stated the Department of Social Services has already gone through this initiative with Systel and they have removed many desktop printers and replaced them with network copies. Ms. Cannon stated this needs to be reviewed and studied county wide. Ms. Cannon stated a proposed print management policy will be drafted and returned to the Policy Committee at its August meeting. Ms. Cannon stated the proposed policy will address electronic storage as much as possible but there are business needs for printing. Ms. Cannon stated although she believes it is prudent to have such a policy; it may be met with some resistance from employees and department heads who are accustomed to having desktop printers. Commissioner Keefe stated he would also like to see a policy that goes out on email communications to the effect that "only print items that are necessary" in order to increase savings. Ms. Cannon stated that could be included in the policy.

DRAFT

Commissioner Council referenced comments she made during the meeting for the budget public hearing and stated the county's human services agencies need to have hours that are conducive to providing services that are effective for the people the Board of Commissioners represent. Commissioner Council stated she is not talking about spending more county dollars and would be appalled if anyone told her extended hours would cost more money. Commissioner Council stated she wanted the county to look at flexible scheduling and in the case of mental health; she wanted the county to look at program cost versus program services being rendered. Commissioner Council stated if services are not being rendered to citizens, then the services need to be contracted to agencies that can provide them. Commissioner Council suggested that a trial program be put in place so affected employees can be informed and not experience any hardships associated with flexible scheduling.

Commissioner Evans stated he would like to know how many people are utilizing the county's human services facilities.

Commissioner Keefe stated he also had a problem with the lack of extended hours at the courthouse and he would like for staff to consider a pilot program to accommodate extended hours there as well.

A brief discussion followed. Commissioner Council stated the county has to do more with less in order to provide the needed services and be innovative in doing so. Commissioner Council reiterated she is not trying to wreck the budget but operate within available funds.

Commissioner Evans voiced his concerns regarding transportation.

Mr. Martin asked whether the request for flexible scheduling was county wide. Commissioner Council stated she would like to hold Commissioner Keefe's request in order to determine whether it will work with the direct service agencies such as Public Health. Mr. Martin stated he had engaged in discussions with the Public Health Director about providing proposals from the medical side but discussions have not been held with the Mental Health Director or the Department of Social Services Director. Commissioner Council stated her thoughts were regarding public health and mental health services, and she had not really considered social services. Commissioner Council stated if the county is going to do anything about the health of the community, it needs to start with the Public Health Department. Commissioner Council stated there are people in the hospital emergency room that should be seen at the Public Health Department.

Mr. Martin stated the county is up to the challenge and will be prepared to work towards the intent as expressed, although there may be a need for further clarification regarding some of the specifics. Mr. Martin explained some of the logistical issues that may be involved and stated to some extent, it may be more effective and efficient to retool or move the entire workday for employees involved in those areas. Comments followed.

DRAFT

Commissioner Edge suggested that a request be made of department heads as to how they can more efficiently provide their services to the public at no additional cost. Commissioner Keefe stated it might be easier for the county to lead these agencies if it is also willing to offer extended hours, so he would like to see recommendations for this as well.

MEETING ADJOURNED AT 11:50 AM



ITEM NO. 2K

OFFICE OF THE COUNTY ATTORNEY

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

June 11, 2012

MEMORANDUM FOR BOARD OF COMMISSIONERS' JUNE 18, 2012 AGENDA:

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

1.51 ACS ALICE DIXON LAND; 4007 DOLITTLE RD
(LOCATED ON DOLITTLE RD)
PIN 9494-45-8818; ROCKFISH TOWNSHIP

BACKGROUND: On or about August 6, 2011, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and cost for the property is \$5,255.41.

Mark and Carrie-Ann Michel were the last and highest bidders offering to purchase the County's interest in the property for **\$7,694.46** and has deposited \$769.45 in the Finance Office. The tax value of the property is \$23,438.00.

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 Michel's bid. The property has been advertised and has received several bids; however, Mark and Carrie-Ann Michel were the final and highest bidders. The bid period is now closed.

RECOMMENDATION AND PROPOSED ACTION: That the Board of Commissioners consider whether to accept the offer of Mark and Carrie-Ann Michel to purchase the above property for the sum of **\$7,694.46**, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

RLM/hnw
Attachment

Celebrating Our Past... Embracing Our Future



9494-45-8818-

REDSPIRE LN

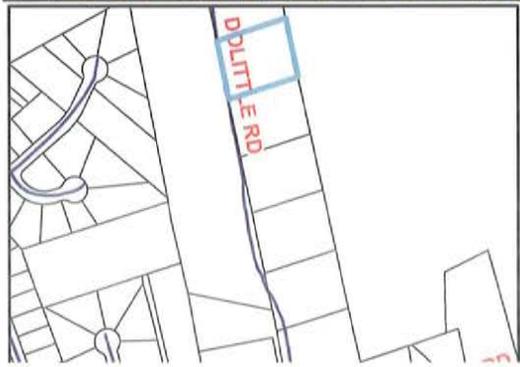
JAKES ALY

DOLLITTLE RD

FLOWERING BRADFORD WAY

BARTLET GLEN LN

CHAMBERS CT



SITE MAP
DOLLITTLE RD
ROCKFISH TOWNSHIP



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ITEM NO. 2L

OFFICE OF THE COUNTY ATTORNEY

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

June 14, 2012

MEMORANDUM FOR BOARD OF COMMISSIONERS' JUNE 18, 2012 AGENDA:

TO: BOARD OF COMMISSIONERS

FROM: RICK L. MOOREFIELD, COUNTY ATTORNEY *RM*

SUBJECT: APPROVAL OF SALE OF SURPLUS-COUNTY OWNED REAL
PROPERTY ACQUIRED BY TAX FORECLOSURE

LOT 5 HANDY FISHER EST. (12.0 ACS); LOCATED OFF TABOR CHURCH RD
PIN: 0460-36-0178; CEDAR CREEK TOWNSHIP

BACKGROUND: On or about June 23, 2009, 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 \$4,985.37.

Charles Cogdell IV has offered to purchase the County's interest in the property for \$4,985.67 and has deposited \$498.54 in the Finance Office. The tax value of the property is \$15,777.00.

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. Cogdell'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 Charles Cogdell IV to purchase the above property for the sum of \$4,985.37, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

RLM/hnw

Celebrating Our Past... Embracing Our Future

0460-36-0178-



Site Map

CEDAR CREEK TOWNSHIP

300 0 300 Feet



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**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>812-347</u>
Date Received	<u>5/24/2012</u>
Date Completed	

Fund No. 252 Agency No. 452 Organ. No. 4517
 Organization Name ESD General Fund

ITEM NO. 2M(1)

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9136	Transfer from Project Fund 020	45,505	108,000	153,505
Total		45,505	108,000	153,505

Pg 1 of 2

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3717	706	Capacity Sewer	0	108,000	108,000
Total			0	108,000	108,000

Justification:

Revision to transfer funds from the ESD Water II Project to the ESD General Fund to pay PWC for the second 100,000 gallons per day capacity allocation in the Eastover Approach Main. The funds used are the District's funds and no grant funds are being used to make this purchase of additional capacity.

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

Submitted By: Morgan L. Johnson Date: 5/30/12
 Department Head

Reviewed By: Bob Secker Date: 5/30/12
 Finance Department

Reviewed By: Amy Williams Date: 5/30/12
 Assistant County Mgr

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B12-364</u>
Date Received	<u>6.12.12</u>
Date Completed	

Fund No. 240 Agency No. 424 Organ. No. 4251
 Organization Name: Injured Animal Stabilization Fund

ITEM NO. 2M(2)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4697	Injured Animal	6,000	4,000	10,000
Total		6,000	4,000	10,000

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3204	671	Medical	6,000	4,000	10,000
Total			6,000	4,000	10,000

Justification:

To recognize revenue from the Injured Animal Stabilization Fund has earned to fund unanticipated expenditures through the remainder of the current fiscal year.

Funding Source:

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

Fund Balance:

Submitted By: John A. Saubey / BM Date: 6/11/12
 Department Head
 Reviewed By: Kelly Catron Date: 6.12.12
 Finance
 Reviewed By: Amyl Cannon Date: 6/13/12
 Deputy/Assistant County Mgr

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B12-362
Date Received	6/11/2012
Date Completed	

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

Organization Name: Soil & Water Conservation District

ITEM NO. 2M(3)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
7757	Fundraisers	3,542	2,196	5,738

Total 2,196

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2757	366	Fundraisers	4,886	2,196	7,082

Total 4,886 2,196 7,082

Justification:

Revision in the amount of \$2,196 to adjust budget to actual revenues earned through fundraiser activities in FY 2012 to date.

Funding Source:

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

Fund Balance:

Submitted By: Kay B Bullard Date: 6/11/12
Department Head

Reviewed By: Bob Incher Date: 6/11/12
Finance Department

Reviewed By: Amy D. Cannon Date: 6/12/12
Assistant County Mgr

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B12-360</u>
Date Received	<u>6.8.12</u>
Date Completed	

Fund No. 112 Agency No. 43A Organ. No. 4336
 Organization Name: MH- CHILD AND YOUTH CONTRACTS

ITEM NO. 2M(4)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
6260	Medicaid Other	4,000,000	750,000	4,750,000
Total		4,000,000	750,000	4,750,000

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3360	421	Other Service	4,000,000	750,000	4,750,000
Total			4,000,000	750,000	4,750,000

Justification:

Higher than anticipated Medicaid Pass Thru Billing from Level II Foster Care Providers.

State: _____ Federal: _____ County: _____ New: _____ Other: _____
 Other: _____ Fees: 750,000 Prior Year: _____

Submitted By: Candi York Date: 6/6/12
 Department Head
 Reviewed By: Kelly Outrey Date: 6.8.12
 Budget Analyst
 Reviewed By: Amy Dawson Date: 6/13/12
 Deputy/Assistant County Mgr
 Reviewed By: _____ Date: _____
 Information Services

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B12-359</u>
Date Received	<u>6.8.12</u>
Date Completed	

Fund No. 101 Agency No. 424 Organ. No. 4250
 Organization Name: ANIMAL CONTROL

ITEM NO. 2M(5)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
7631	Pet Smart Charities	10,000	10,285	20,285
Total		-		

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2992	132	SUPPLIES	63,254	10,285...	73,539.
Total			63,254	10,285	73,539.

Justification:

To appropriate revenue from Pet Smart Charities for hosting an adoption clinic on-site weekend event and to realign appropriate expenditure codes for expenses incurred to host the event.

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

Submitted By: Linda B. Morrison Date: 6/7/12
 FOR - Department Head
 Reviewed By: Kelly A. Centry Date: 6.8.12
 Finance
 Reviewed By: Amy G. Cannon Date: 6/12/12
 Deputy/Assistant County Mgr

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B12-355</u>
Date Received	<u>5-30-12</u>
Date Completed	

Fund No. 101 Agency No. 431 Organ. No. 4316
 Organization Name: Dental Clinic

ITEM NO. 2M(6)a

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
603A	Dental Fees	23,000	2,000	25,000
Total		23,000	2,000	25,000

EXPENDITURES

Object Code	APRs	Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2391	187		Dental Supplies	13,500	2,000	15,500
Total				13,500	2,000	15,500

Justification:

This budget requests to budget for additional revenue that has been earned in order to purchase dental supplies needed to serve patients for the remainder of the current fiscal year .

Funding Source: State: _____ Federal: _____ Fund Balance: County: _____ New: _____ Other: _____
 Other: _____ Fees: 2,000 Prior Year: _____

Submitted By: [Signature]
 Department Head
 Reviewed By: [Signature]
 Finance
 Reviewed By: [Signature]
 Deputy/Assistant County Mgr

Date: 5/29/12
 Date: 5-30-12
 Date: 6/13/12

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B12-358</u>
Date Received	<u>6.6.12</u>
Date Completed	

Fund No. 101 Agency No. 431 Organ. No. 4306
 Organization Name: Jail Health

ITEM NO. 2M(6)b

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated		25,000	

Total

EXPENDITURES

Object Code	APRs	Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1220	160		Salaries - Overtime	40,000	15,000	55,000
3390	161		Contracted Services	305,200	10,000	315,200

Total 345,200 25,000 370,200

Justification:

This budget revisions requests additional county funding in order to provide overtime pay for staff and contracted services for nurses from Cape Fear Staffing for the remainder of the current fiscal year . Vacant positions and staff on FMLA have caused currently budgeted funds to be depleted . Additional justification is attached.

Funding Source: State: _____ Federal: _____ Other: _____
Fund Balance: County: _____ New: 25,000 Other: _____
 Prior Year: _____

Submitted By: [Signature]
 Department Head
 Reviewed By: [Signature]
 Finance
 Reviewed By: [Signature]
 Deputy/Assistant County Mgr

Date: 5/31/12
 Date: 6-6-12
 Date: 6/13/12

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B12-365</u>
Date Received	<u>6-12-12</u>
Date Completed	

Fund No. 115 Agency No. 412 Organ. No. 4197
 Organization Name: Employee Pharmacy

ITEM NO. 2M(6)c

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated		180,898	
Total		-	180,898	

EXPENDITURES

Object Code	APRs	Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2381	606		Prescription Drugs	20,000	180,000	200,000
299A	606		Computer Hardware	4,800	12,320	17,120
2992	606		Department Supplies	2,315	3,185	5,500
2994	606		Miscellaneous Furniture / Equipment	6,182	(4,682)	1,500
2995	606		Computer Software	2,650	(1,450)	1,200
3445	606		Telephone	1,475	(475)	1,000
3610	607		C.O. Equipment	8,000	(8,000)	-
Total				45,422	180,898	226,320

Justification:

This budget requests an additional \$ 180,898. in order to provide for an initial amount of inventory, supplies and equipment so the program will be fully operational on July 1, 2012.

Funding Source: State: _____ Federal: _____ Fund Balance: County: _____ New: 180,898 Other: _____
 Other: _____ Fees: _____ Prior Year: _____

Submitted By: [Signature]
 Department Head
 Reviewed By: [Signature]
 Finance
 Reviewed By: [Signature]
 Deputy/Assistant County Mgr

Date: 6/11/12
 Date: 6-12-12
 Date: 6/13/12

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B12-366</u>
Date Received	<u>6.12.12</u>
Date Completed	

Fund No. 115 Agency No. 412 Organ. No. 4198
 Organization Name: Employee Clinic

ITEM NO. 2M(6)d

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated		11,656	
Total		-	11,656	

EXPENDITURES

Object Code	APRs	Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
299A	609		Computer Hardware	6,100	5,700	11,800
2992	609		Department Supplies	4,735	12,265	17,000
2994	609		Miscellaneous Furniture / Equipment	15,124	(5,299)	9,825
2995	609		Computer Software	975	1,165	2,140
3445	609		Telephone	2,175	(2,175)	-
Total				29,109	11,656	40,765

Justification:

This budget requests an additional \$ 11,656. in order to provide for an initial amount of inventory, supplies and equipment so the program will be fully operational on July 1, 2012.

Funding Source: State: _____ Federal: _____ Fund Balance: County: _____ New: 11,656 Other: _____
 Other: _____ Fees: _____ Prior Year: _____

Submitted By: [Signature] Date: 6/11/12
 Department Head
 Reviewed By: [Signature] Date: 6/12/12
 Finance
 Reviewed By: [Signature] Date: 6/13/12
 Deputy/Assistant County Mgr

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B12-370
Date Received	6/13/2012
Date Completed	

Fund No. 420 Agency No. 442 Organ. No. 4441
 Organization Name: Recreation and Parks

ITEM NO. 2M(7)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
1000	Taxes Current Year	3,107,849	200,000	3,307,849
		3,107,849	200,000	3,307,849

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3390	726	Contracted Services	3,055,258	200,000	3,255,258
		Total	3,055,258	200,000	3,255,258

Justification:

Revision in the amount of \$200,000 to recognize additional revenue anticipated to be earned in FY2012 to pay City of Fayetteville contract for services.

Funding Source:

State: _____
 Other: _____

Federal: _____
 Fees: _____

Fund Balance:

County: _____ New: _____
 Prior Year: _____

Other: _____

Submitted By: _____

Date: _____

Department Head

Reviewed By: Kelly Outrey

Date: 6.13.12

Finance

Reviewed By: Amy H. Cunniff

Date: _____

Deputy Assistant County Mgr

Approved By:

Date: _____

County Manager

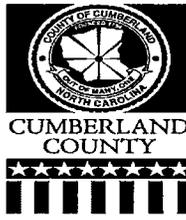
Board of County
Commissioners

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



CUMBERLAND
COUNTY
COUNTY of CUMBERLAND
Planning and Inspections Department

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

JUNE 8, 2012

ITEM NO. 3A

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P12-31:** Rezoning of 7.06+/- acres from A1 Agricultural to O&I(P) Planned Office and Institutional or to a more restrictive zoning district, located at 2736 Cedar Creek Road, submitted by Cumberland County (owner) and Fayetteville-Cumberland County Chamber of Commerce.

ACTION: Members present at the May 15, 2012 meeting recommended adoption and approval of the consistency and reasonableness statements and to approve O&I(P) Planned Commercial district. The motion passed unanimously.

SITE INFORMATION: **Frontage & Location:** 626.33'+/- on NC 53 (Cedar Creek Road); **Depth:** 37.71'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** Yes, southeast of subject property; **Current Use:** 1 residential dwelling & 2 accessory structures; **Initial Zoning:** A1 – September 14, 1979 (Area 9); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1/CU (motor vehicle sales), R40, A1 & R15; South: M(P) & A1; East: R20/DD/CUD (125 lot subdivision), M(P) & A1; West: A1; **Surrounding Land Use:** Residential, religious worship, farmland & woodlands; **2030 Land Use Plan:** Urban; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/PWC; **Soil Limitations:** Yes, hydric – ST Stallings loamy sand; **School Capacity/Enrolled:** J.W. Seabrook Elementary: 340/283; Mac Williams Middle: 1,274/1,221; Cape Fear High: 1,400/1,575; **Subdivision/Site Plan:** If approved, any new construction may require a review and approval; **Average Daily Traffic Count (2010):** 9,500 on NC 53 (Cedar Creek Road); **Highway Plan:** Cedar Creek Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for widening to a multi-lane facility with a proposed right-of-way of 100 feet. Road improvements are not included in the 2012-2018 MTIP; **Notes:** Density: A1 – 3 lots/units; Minimum Yard Setback Regulations: **A1:** Front yard: 50', Side yard: 20', Rear yard: 50'; **O&I(P):** Front yard: 35', Side yard: 15', Rear yard: 20'.

MINUTES OF MAY 15, 2012

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

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban" at this location, as well as meeting the location criteria for Office & Institutional development as listed in the Land Use Policies Plan;
2. The request is reasonable because the location and character of the use will serve as a buffer between industrial and residential development; and

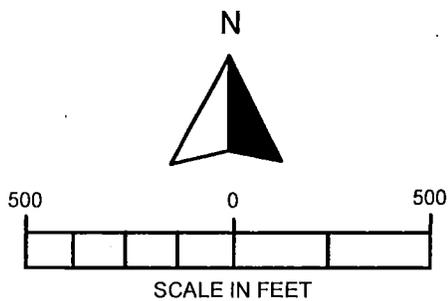
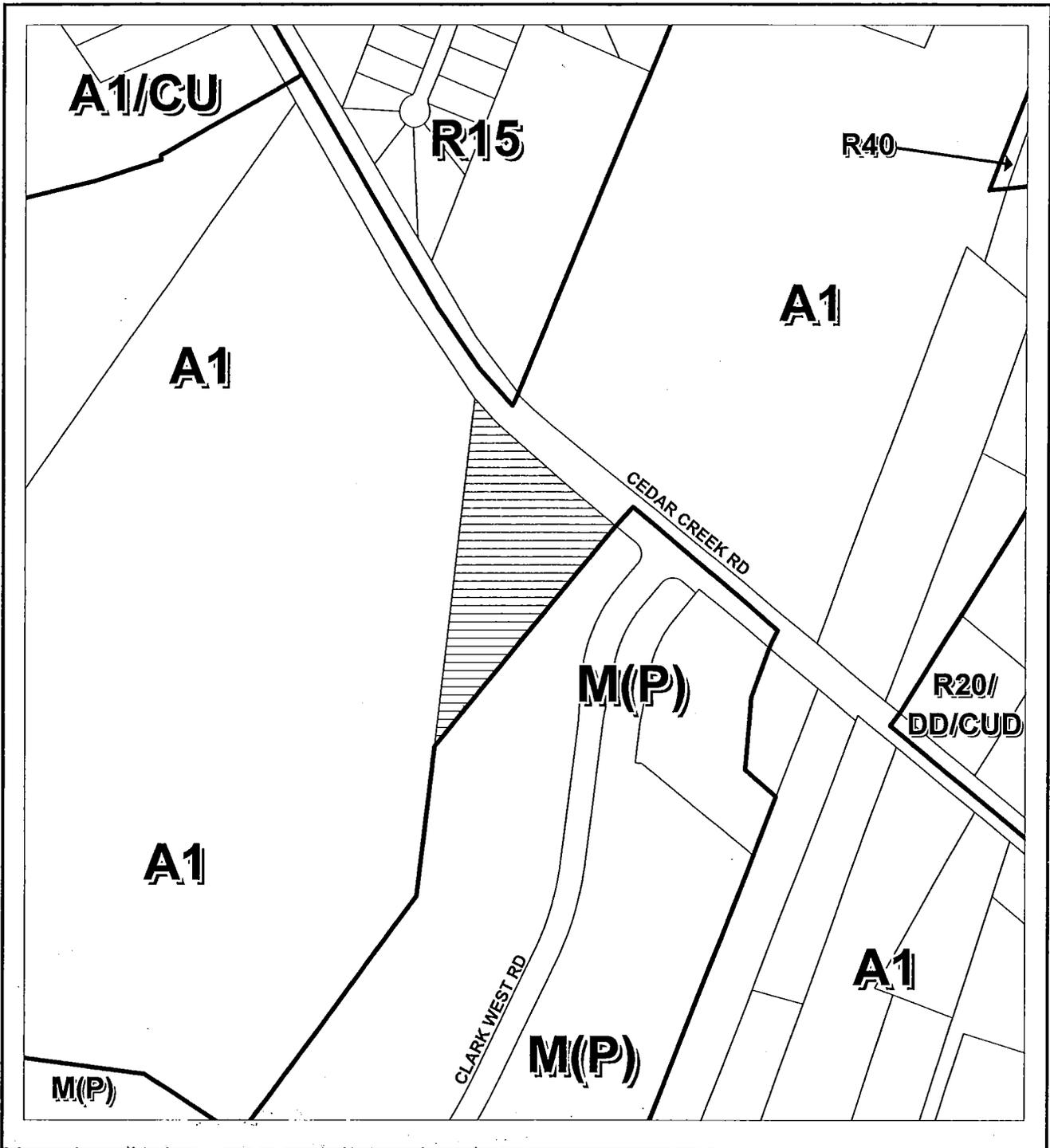
3. Public water and sewer is available to the subject property.

There are no other districts considered suitable for this request.

Mr. McLaurin made a motion to recommend the adoption and approval of the consistency and reasonableness statements and to approve O&I(P) Planned Commercial district, seconded by Mr. Pearce. 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.



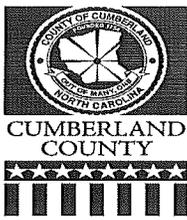
REQUESTED REZONING A1 TO O&I(P)

ACREAGE: 7.06 AC. +/-	HEARING NO: P12-31	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

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 and Inspections Department

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Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

JUNE 8, 2012

MEMO TO: Cumberland County Board of Commissioners

ITEM NO. 313

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P12-16:** Rezoning of 1.00+/- acre from A1 Agricultural and A1/CU Agricultural/Conditional Use Overlay for a restaurant and catering business to A1 Agricultural or to a more restrictive zoning district, located at 10785 Dunn Road, submitted by David and Susan Wall (owners).

ACTION: Members present at the May 15, 2012 meeting recommended adoption and approval of the consistency and reasonableness statements and to approve A1 Agricultural/CZ Conditional Zoning for assemblies, outdoor recreation (for profit) and religious worship but denial of the bed and breakfast use. The motion passes with a unanimous vote.

SITE INFORMATION: **Frontage & Location:** 435.00'+/- on US 301 (Dunn Road); **Depth:** 210.00'+/- ; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Vacant non-residential; **Initial Zoning:** A1 – November 25, 1980 (Area 14); rezoned to A1/CU for a restaurant on September 22, 1992; modified A1/CU to add a catering business on April 22, 2003; **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: RR & A1; South: R40, A1 & CD; East: A1; West: R40A & A1; **Surrounding Land Use:** Residential (including manufactured homes), farmland & woodlands; **2030 Growth Vision Plan:** Conservation area; **Northeast Cumberland Plan:** Open space; **Special Flood Hazard Area (SFHA):** Yes, base flood is 134.40 MSL (NAVD); **Water/Sewer Availability:** Falcon/Septic; **Soil Limitations:** Yes, hydric – JT Johnston loam & PA Pactolus 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, "Ordinance Related Conditions" apply; **Average Daily Traffic Count (2010):** 1,700 on US 301 (Dunn Road); **Highway Plan:** Dunn Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for widening to a multi-lane facility with a ROW of 110 feet. There is a 25 foot reservation for this site. No road improvements are included in the 2012-2018 MTIP; **Notes:** Density: A1 – 1 lot/unit; Minimum Yard Setback Regulations: **A1:** Front yard: 50', Side yard: 20', Rear yard: 50'.

MINUTES OF MAY 15, 2012

On April 20, 2012 the property owner/applicant amended the original application and is now requesting your consideration of a favorable recommendation for an A1 Agricultural/CZ Conditional Zoning District [A1/CZ] for **assemblies, bed and breakfast, outdoor recreation (for profit) and religious worship** on the subject property. The Planning and Inspections Staff recommends approval of the requested rezoning to A1 Agricultural/CZ Conditional Zoning for assemblies, outdoor recreation (for profit) and religious worship but denial of the bed and breakfast use based on the following:

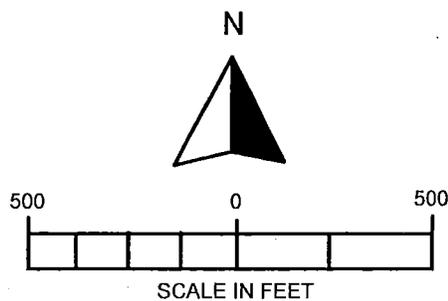
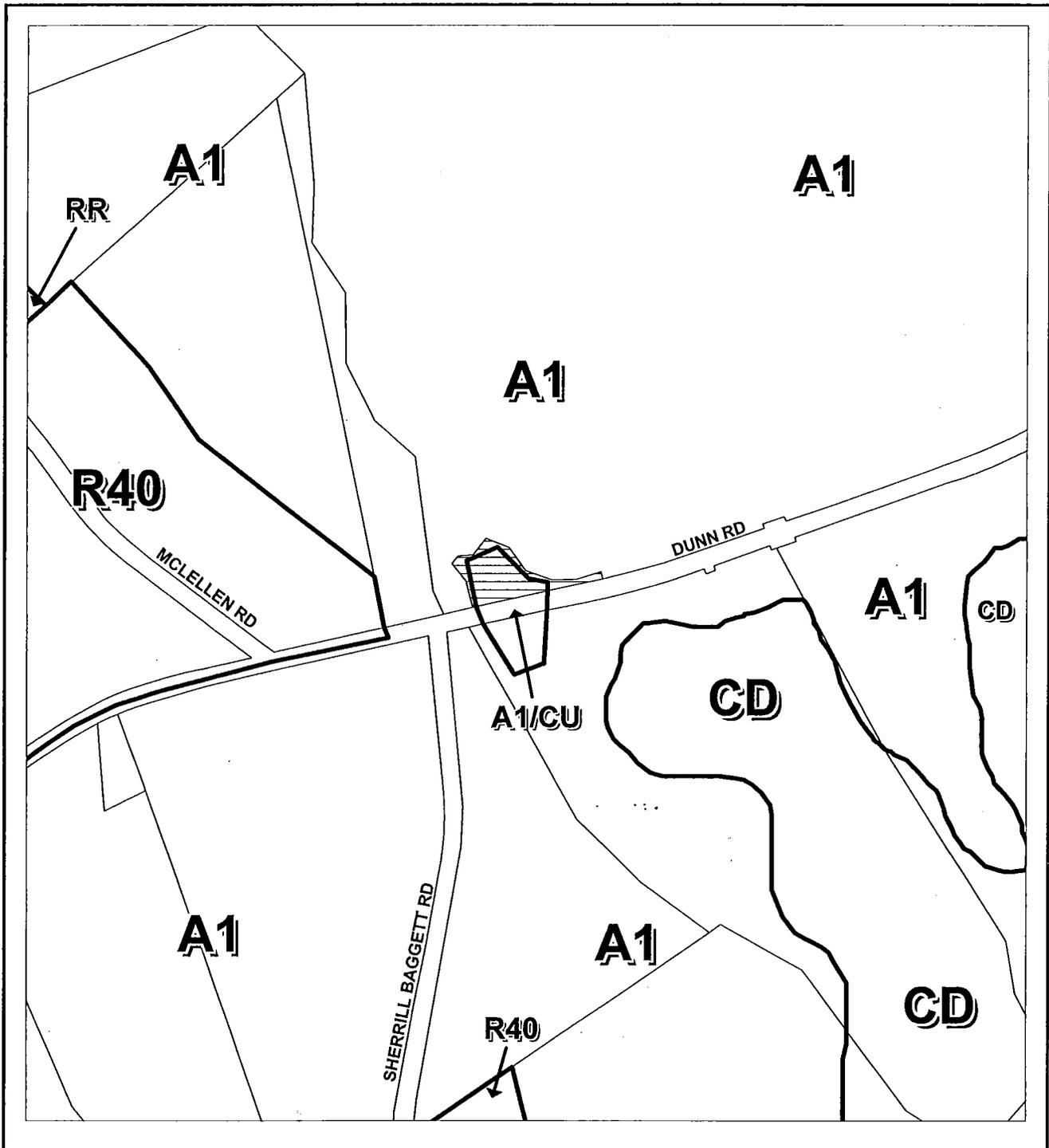
1. Although the request is not consistent with the 2030 Growth Vision Plan or the Northeast Cumberland Plan, which calls for conservation area/open space at this location, the request is consistent with an objective of the Land Use Policies Plan for agricultural areas in that the A1 zoning district is designed to preserve the rural character of the County;
2. The requested use of bed and breakfast is not consistent with Article IX Individual Uses of the county zoning code, section 903 which states "the use must be located in a structure originally constructed for use as a residence"; and
3. The request is reasonable because the uses conditionally approved (restaurant/catering) are no longer in operation at this location and rezoning to the A1 Agricultural/CZ Conditional Zoning district for assemblies, outdoor recreation and religious worship uses will ensure appropriate uses for the surrounding area.

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 and this staff recommendation.

Mr. McLaurin made a motion to recommend the adoption and approval of the consistency and reasonableness statements and to approve A1 Agricultural/CZ Conditional Zoning for assemblies, outdoor recreation (for profit) and religious worship but denial of the bed and breakfast use, seconded by Mr. Pearce. The motion passed with a unanimous vote.

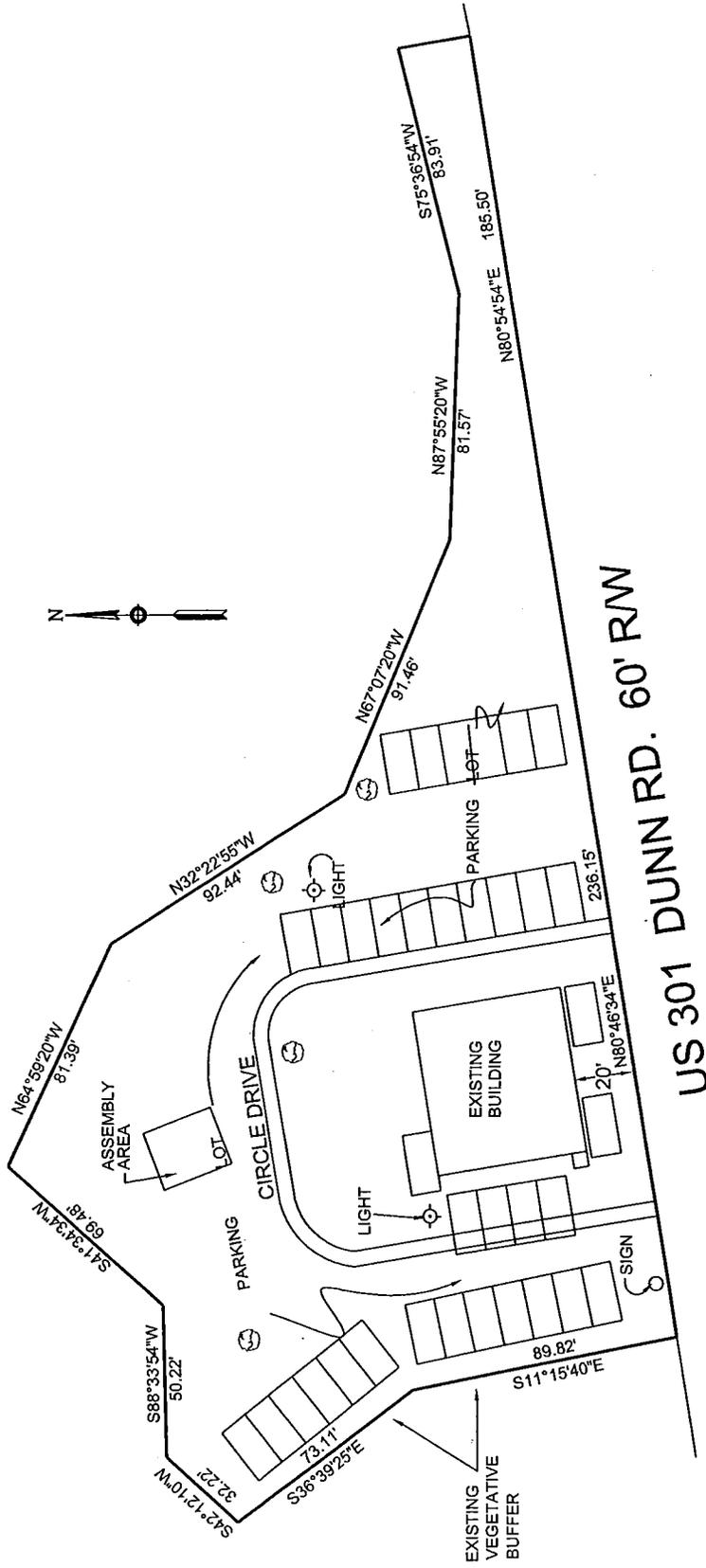
First Class and Record Owners' Mailed Notice Certification

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.



REQUESTED REZONING A1/CU & A1 TO A1/CZ

ACREAGE: 1.00 AC.+/-	HEARING NO: P12-16	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		



CONDITIONAL ZONING DISTRICT
REQUEST: TO ALLOW FOR AN ASSEMBLIES, BED & BREAKFAST, OUTDOOR RECREATION AND RELIGIOUS WORSHIP ACTIVITIES

CASE: P12-16 ACREAGE: 1.00AC +/-

ZONED: A1/CU SCALE 1"=60'

PARKING: 35 SPACES

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

Conditional Zoning District

DRAFT

Ordinance Related Conditions

(Assembly, For Profit Outdoor Recreation & Religious Worship Activities)

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to open for business and/or 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.
2. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
3. 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's 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. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications. **Note: Flood information - 134.40 MSL (NAVD) Base Flood Elevation; 136.40 MSL (NAVD) Regulatory Flood Elevation (2 foot freeboard).**
8. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - a. Two large shade trees or three small ornamental trees are required within the parking 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.
9. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

10. All uses (assembly, for profit outdoor recreation and religious worship), dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1/CZ zoning district must be complied with, as applicable.
11. This conditional approval is not approval of any new freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
12. "US 301 Dunn Rd." must be labeled as "US HWY 301 (Dunn Road)" on all future plans.
13. Reservation of 25 feet of right-of way along US HWY 301 (Dunn Road) is required and the metes and bounds for the reservation must be reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line. (Section 2302 F, Planned Public Right-of-Way, County Subdivision Ordinance)
14. 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)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
16. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
17. Turn lanes may be required by the NC Department of Transportation (NCDOT).
18. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
19. All dumpster, garbage, and utility areas are required to be located on concrete pads and screened on a minimum of three sides.
20. All required off-street parking spaces shall be a minimum of 9' x 20'. A minimum of 35 off-street parking spaces is required for the assembly and outdoor recreational uses. This is based on the occupancy of 140 as stated in the application. The religious worship activities are based on one off-street parking space for each five seats, 35 parking spaces will allow for a maximum of 175 persons.
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 Relevant Conditions:

22. Under current standards, if the existing structure is ever removed or destroyed more than 50%, any replacement structure must meet the setback requirement for the A1 district and the front yard must be setback an additional 25 feet due to the reservation of the right-of-way – see Condition No. 13.

23. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
24. 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
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680
Food & Lodging Env. Health:	Tony Ferguson	433-3678
Town of Falcon:	Belinda White (Town Clerk)	980-1355
County Public Utilities/NORCRESS:	Amy Hall	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
Transportation Planning:	Bobby McCormick	678 7632
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 Susan Wall
2. Address: 615 East H Street, Erwin, NC Zip Code 28339
3. Telephone: (Home) 910-242-0495 (Work) 919-795-4902
4. Location of Property: 10785 Dunn Rd, Dunn, NC 28334
5. Parcel Identification Number (PIN #) of subject property: 1503-27-9048
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1 Frontage: 240 Depth: 155
7. Water Provider: Falcon Water
8. Septage Provider: Septic tank
9. Deed Book 08779, Page(s) 0597-0588, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: vacant - non-residential
11. Proposed use(s) of the property: _____

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: AI/cu + AI
TO: (Select one)
- Conditional Zoning District, with an underlying zoning district of AI
(Article IV)
- _____ Mixed Use District/Conditional Zoning District (Article VI)
- _____ Planned Neighborhood District/Conditional Zoning District (Article VII)
- _____ Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.

APPLICATION FOR
CONDITIONAL ZONING PERMIT

1. PROPOSED USE(S):

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

*Assemblies
Bed + Break
Outdoor Recreation
Religious Worship Activities*

- 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.

see site plan

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

see site plan

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

see site plan

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.

Sun. - Sat. 10AM - 12 pm.

Max. occ 140

no employees

6. SITE PLAN REQUIREMENTS:

The application must 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. STATEMENT OF ACKNOWLEDGMENT:

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 (rezoning) rest 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 Zoning District, they must find from the evidence presented at their respective 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 ordinance related prior to the first hearing on the case.

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.

Susan + David Wall
NAME OF OWNER(S) (PRINT OR TYPE)

615 East H. Street, Erwin, NC 28339
ADDRESS OF OWNER(S)

Susan @ Susan Wall. com
E-MAIL

910-292-0495 919-795-4902
HOME TELEPHONE WORK TELEPHONE

Susan L Wall David Wall
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

Roy Turner,
Chair
Cumberland County

Walter Clark,
Vice-Chair
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Donovan McLaurin,
Wade, Falcon & Godwin

JUNE 8, 2012

ITEM NO. 3C

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P12-15:** Rezoning of 1.05+/- acres from R10 Residential to C2(P) Planned Service and Retail or to a more restrictive zoning district, located at the southwest quadrant of SR 1003 (Camden Road) and SR 1113 (Waldos Beach Road), submitted by Ruth Mason Curl (owner).

ACTION: Members present at the May 15, 2012 meeting recommended adoption and approval of the inconsistency and unreasonableness statements agreeing that the request is not reasonable and will not be in harmony with the surrounding area and that the request for C2(P) be denied. The motion passed unanimously.

SITE INFORMATION: Frontage & Location: 200.00'+/- on SR 1003 (Camden Road) & 190.00'+/- on SR 1113 (Waldos Beach Road); **Depth:** 213.88'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Vacant; **Initial Zoning:** RR – February 6, 1976 (Area 5); rezoned to R10 on October 16, 2006; **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: C2(P) (Hope Mills), RR, R10 & R5 (Hope Mills); South & East: RR & R10; West: R10; **Surrounding Land Use:** Residential (including multi-family), school, farmland & woodlands; **2030 Land Use Plan:** Urban; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/ PWC; **Soil Limitations:** None; **School Capacity/Enrolled:** Stoney Point Elementary: 865/683; John Griffin Middle: 1,274/1,212; Jack Britt High: 1,870/1,872; **Subdivision/Site Plan:** If approved, new development will require a review and approval; **Municipal Influence Area:** Town of Hope Mills; **Average Daily Traffic Count (2010):** 7,900 on SR 1003 (Camden Road); **Highway Plan:** Camden Road is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility (U-3422) with a right-of-way of 100 feet. Road improvements are included in the 2012-2018 MTIP; **Notes:** Density: R7.5 – 6 lots/units; Minimum Yard Setback Regulations: **R7.5:** Front yard: 30', Side yard: 10', Rear yard: 35'; **C1(P):** Front yard: 45', Side yard: 15', Rear yard: 20', **C2(P):** Front yard: 50', Side yard: 30', Rear yard: 30'.

MINUTES OF MAY 15, 2012

Mr. Lloyd stated the Planning and Inspections Staff recommends denial of the request for C2(P) Planned Service and Retail district based on the following:

1. The district requested is inconsistent with the location criteria for "light commercial" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan as it would not serve as a transition between heavy commercial, office and institutional or residential development;

2. The request, if approved, would be "spot zoning" initiating the encroachment of commercial into a residential area without a legitimate public interest and would benefit one owner at the expense of the community; and
3. The request is not reasonable as it is not in character with immediate surrounding land uses.

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

There was one person to speak in favor and one person to speak in opposition.

Mark Candler spoke in favor. Mr. Candler stated that he was the realtor for the property owner. Mr. Candler stated that they were seeking the highest and best use for the sale of the property. The CVS Drug Store and Harris Teeter was also residential around that zone, prior to zoning; and the Food Lion is seeking C2(P) which is noted on the map. Ultimately, the best zoning and best use Mr. Candler and the applicant feel is C2(P).

Mr. James Betz spoke in opposition. Mr. Betz stated that he was a board member of the Camden Woods Homeowners Association (HOA) and had a protest petition signed by seventy percent of all of the homeowners. Mr. Betz stated that the concerns were not knowing what type of business would be going in, how property values would be effected, and traffic being increased.

Mr. Morris asked if the subject property is part of the homeowners association.

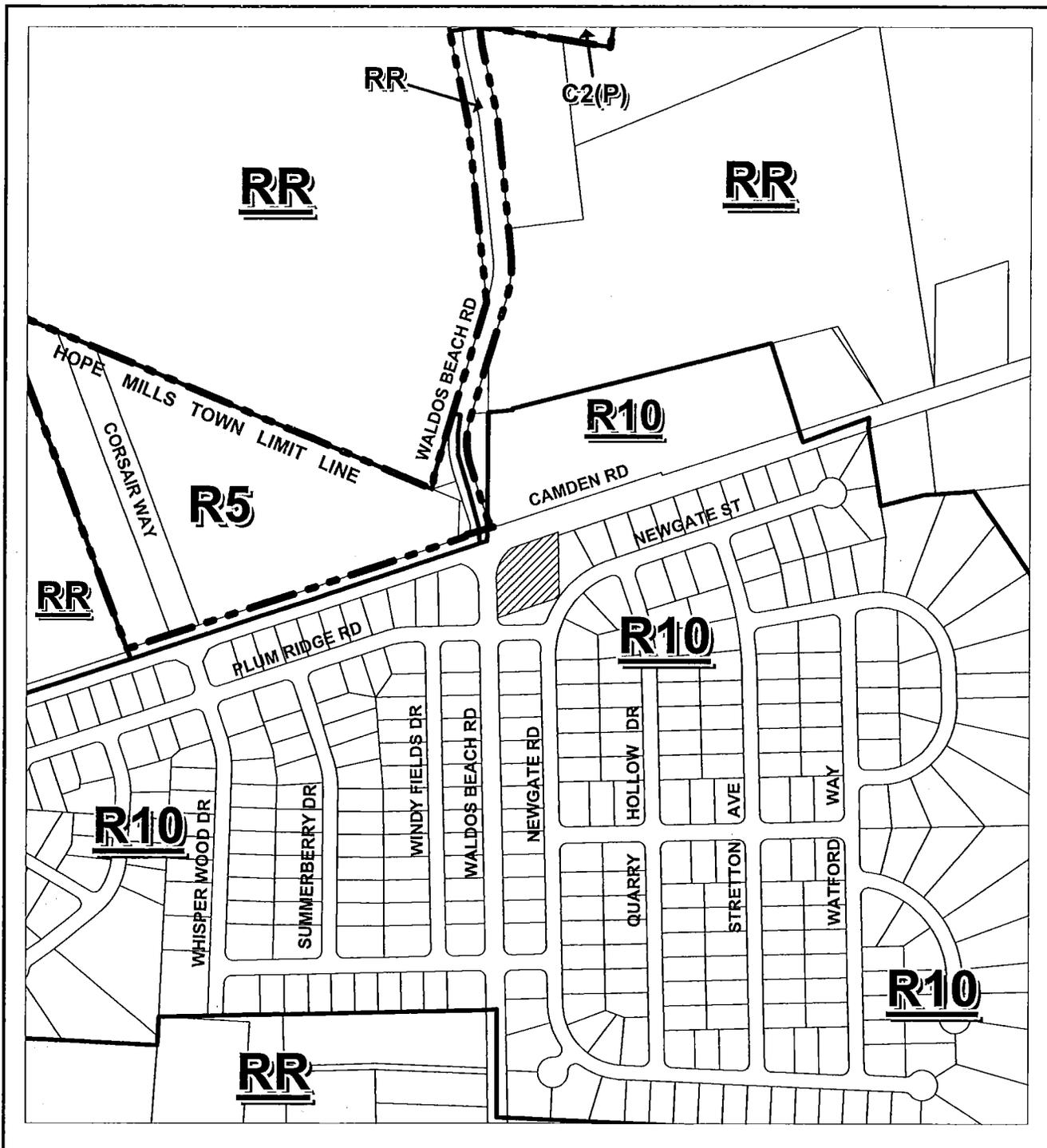
Mr. Betz stated no, the subject property is not in the Estates of Camden HOA, most of the signatures are from the residents of the Estates of Camden.

Mr. Candler spoke in rebuttal. Mr. Candler stated that he respected the concerns of the residents. Mr. Candler stated that he believed Camden Road would be widened sometime in the future. Mr. Candler stated that commercial was nonexistent a year ago and growth has happened in the area. What they are looking at doing is looking for something in the convenience realm, retail space, businesses that can offer a service.

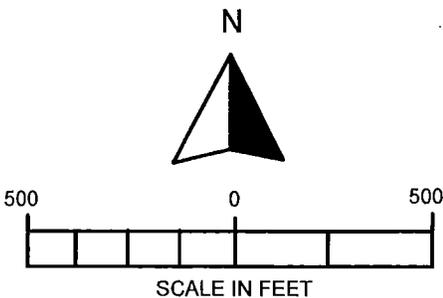
Mr. McLaurin made a motion to recommend to adopt and approve the inconsistency and unreasonableness statements agreeing that the request is not reasonable and will not be in harmony with the surrounding area and that the request for C2(P) be denied, seconded by Mr. Morris to deny the request for rezoning. 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.



REQUESTED REZONING R10 TO C2(P)



ACREAGE: 1.05 AC.+/-

HEARING NO: P12-15

ORDINANCE: COUNTY
STAFF RECOMMENDATION
PLANNING BOARD
GOVERNING BOARD

HEARING DATE

ACTION

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



CUMBERLAND
COUNTY



COUNTY of CUMBERLAND

Planning and Inspections Department

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

JUNE 8, 2012

ITEM NO. 3D

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P12-26:** Rezoning of 1.75+/- acres from C1(P) Planned Local Business and A1 Agricultural to C(P) Planned Commercial/ CZ Conditional Zoning District for a convenience store, restaurant and for profit indoor recreation/amusement or to a more restrictive zoning district, located at 3634 Chicken Foot Road, submitted by Dharmesh Patel on behalf of Grays Creek Groceries, LLC. (owner).

ACTION: Members present at the April 17, 2012 meeting recommended adoption and approval of the inconsistency and unreasonableness statements agreeing that the request is not reasonable and will not be in harmony with the surrounding area and that the request for C(P)/CZ for a convenience store, restaurant, and for indoor recreation be denied. The motion passed unanimously.

SITE INFORMATION: **Frontage & Location:** 297.46'+/- on SR 2252 (Chicken Foot Road) & 396.13'+/- on SR 2249 (Canady Pond Road); **Depth:** 396.13'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Convenience retail w/ gasoline sales & deli; **Initial Zoning:** C1(P) – June 25, 1980 (Area 13); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: C2(P)/CZ (Internet Sweepstakes) & A1; South, East & West: A1; **Surrounding Land Use:** Residential (including manufactured homes), farmland & woodlands; **2030 Land Use Plan:** Rural; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** None; **School Capacity/Enrolled:** Gray's Creek Elementary: 495/393; Gray's Creek Middle: 1,000/953; Gray's Creek High: 1,270/1,284; **Subdivision/Site Plan:** If approved, "Ordinance Related Conditions" apply; **Average Daily Traffic Count (2010):** 3,100 on SR 2252 (Chicken Foot Road) & 800 on SR 2249 (Canady Pond Road); **Highway Plan:** Chicken Foot Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for widening to a multi-lane facility with a right-of-way of 110 feet. There is a 25 foot reservation for this site. No road improvements are included in the 2012-2018 MTIP; **Note: Minimum Yard Setback Regulations: C1(P):** Front yard: 45', Side yard: 15', Rear yard: 20'; **C(P):** Front yard: 50', Side yard: 30', Rear yard: 30'.

MINUTES OF MAY 15, 2012

Mr. Lloyd stated the Planning & Inspections Staff recommends denial of the requested rezoning to C(P) Planned Commercial /CZ Conditional Zoning district [C(P)/CZ] for a convenience store, restaurant and indoor recreation for profit at this location based on the following:

1. The request is not consistent with the location criteria for heavy commercial as listed in the Land Use Policies of the 2030 Growth Vision Plan, specifically, public water and sewer is not available in this area;

2. The request is not reasonable because the proposed additional use of "for profit indoor recreation" can be used to permit internet café/video gaming which the Codes Committee is currently proposing an amendment to regulate; and
3. Consideration of this request for this location is arbitrary and would not serve a viable public purpose – the non-residential structure on the subject property is currently an existing convenience store and restaurant that are permitted uses in the C1(P) zoning district.

There are no other zoning districts suitable as related to this request.

The applicant was present to speak in favor.

Mr. Dharmesh Patel spoke in favor and stated that he would have no more than six machines in his store. In the store across the street from him, about one thousand feet, there are thirty-five sweepstakes machines and they have been approved for them. The only reason for applying for the rezoning is because it is an existing convenience store and can only use the site for what it was permitted for. Mr. Patel stated that he wanted to be in compliance.

Mrs. Epler asked Mr. Patel how many machines he had now and how long had he had them.

Mr. Patel said he has six machines and has had them for about a year and a half.

Mr. Morris asked if he had received any citations for the sweepstakes machines.

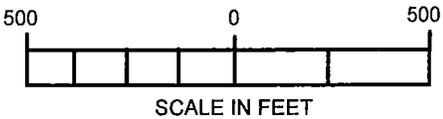
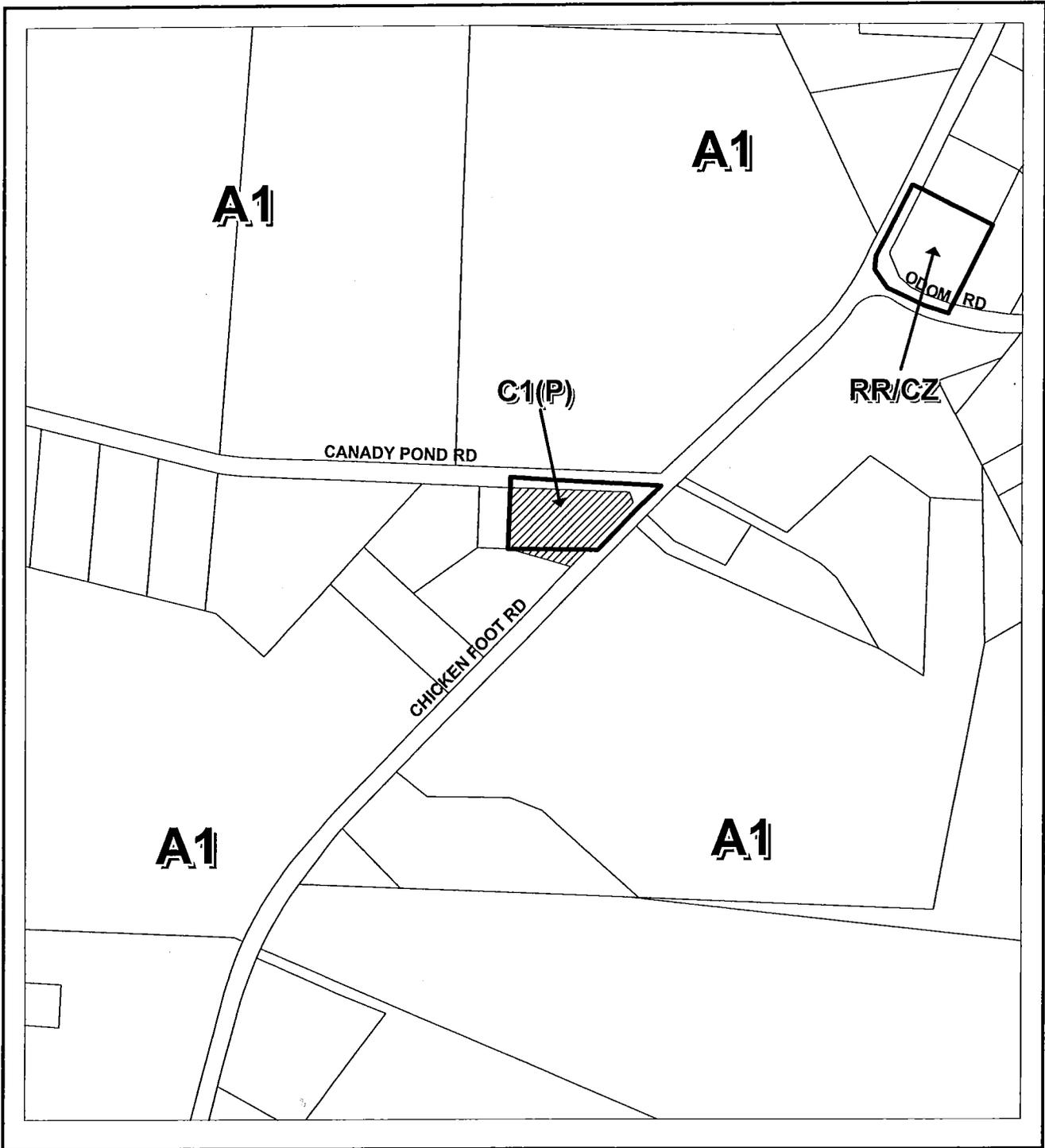
Mr. Patel said someone from the County told him he needed to apply for a conditional zoning district.

Mr. Lloyd clarified that Mr. Patel was not in violation and that there is no permit for the sweepstakes machines.

Mr. McLaurin made a motion to recommend to adopt and approve the inconsistency and unreasonableness statements agreeing that the request is not reasonable and will not be in harmony with the surrounding area and that the request for C(P)/CZ for a convenience store, restaurant, and for profit indoor recreation be denied, seconded by Mr. Morris to deny the request for rezoning. 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.

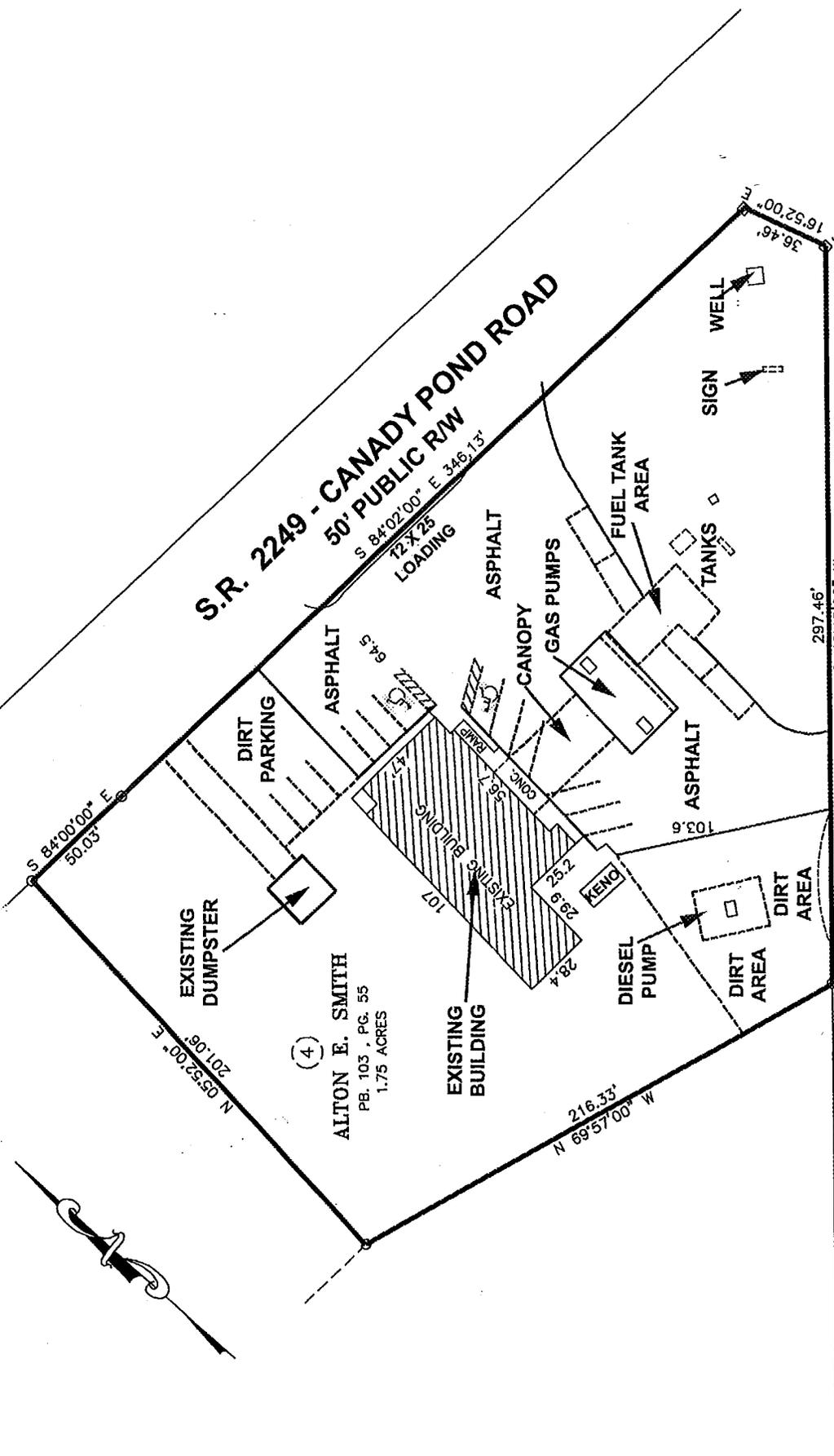


PORT. OF PIN: 0430-08-6805

REQUESTED REZONING A1 & C1(P) TO C(P)/CZ

ACREAGE: 1.75 AC.+/-		HEARING NO: P12-26	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

5/15/2012
AM



S.R. 2252 - CHICKENFOOT ROAD
60' PUBLIC R/W

CONDITIONAL ZONING DISTRICT
REQUEST: A CONVENIENCE STORE, RESTAURANT AND
FOR PROFIT INDOOR RECREATION/AMUSEMENT

CASE: P12-26 ACREAGE: 1.75AC+/-
ZONED: A1 & C1(P) SCALE: NTS
PARKING: AS SHOWN

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

Conditional Zoning District

DRAFT

Ordinance Related Conditions

Pre- Permit Related:

1. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for this development. (Note: Three copies of a revised site plan depicting the required loading space(s) must be submitted and approved prior to application for any building/zoning permits.)

Watershed-Related:

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

Permit-Related:

4. 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.
5. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
8. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
9. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C(P)/CZ zoning district must be complied with, as applicable.

11. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
12. This conditional approval is not approval of any new freestanding signs. 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.)

This conditional approval is not approval of the current sign location. In the event the sign is removed or destroyed, any replacement sign will be required to meet the ordinance standards.

13. Reservation of 25 feet of right-of way along SR 2252 (Chicken Foot Road) is required and the metes and bounds for reservation must be reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line. (Section 2302 F, Planned Public Right-of-Way, County Subdivision Ordinance)
14. 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)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
16. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
17. Turn lanes may be required by the NC Department of Transportation (NCDOT).
18. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
19. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
20. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of 17 off-street parking spaces are required for this development. [Note: This calculation is based on the 10 required spaces for the gas station and the 4 required spaces for the restaurant (12 seats) and 3 required spaces for the indoor recreation (6 person capacity - 6 machines).]
21. 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.
22. 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.

Advisories:

23. The applicant is advised to consult an expert on wetlands before proceeding with any development.
24. 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):

Watershed Review Officer:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Food & Lodging Env. Health:	Tony Ferguson	433-3678
Ground Water Issues:	Matt Rooney	678-7625
County Public Utilities:	Amy Hall	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
Transportation Planning:	Bobby McCormick	678 7632
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: Dharmesh (Danny) Patel
- 2. ADDRESS: 3634 Chickenfoot Road ZIP CODE: 28348
- 3. TELEPHONE: ^{Cell} (Home) 803-460-9833 (Work) 910-425-0313
- 4. Location of Property: 3634 Chickenfoot Road, Hope Mills, NC
- 5. Parcel Identification Number (PIN #) of subject property: 0430-08-6805-(Part of)
(also known as Tax ID Number or Property Tax ID)
- 6. Acreage: 1.75 Frontage: 297' Depth: 216'
- 7. Water Provider: Private well
- 8. Septage Provider: Private septic tank
- 9. Deed Book 7875, Page(s) 70, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- 10. Existing use of property: Convenience store, deli, games
- 11. Proposed use(s) of the property: Convenience store, deli/kitchen, indoor recreation

NOTE: Be specific and list all intended uses.

- 12. It is requested that the foregoing property be rezoned FROM: C1P & A1 *JH/Redden*

TO: (select one)

- Conditional Use District, with an underlying zoning district of ~~C1P~~ CP
(Article V)
- Mixed Use/Conditional Use District (Article VI)
- Planned Neighborhood District/Conditional Use District (Article VII)
- Density Development/Conditional Use District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL USE 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.)

Convenience store; deli / kitchen; indoor recreation.

- 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.

See site plan.

2. DIMENSIONAL REQUIREMENTS:

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

See site plan.

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

See site plan.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

See site plan (100 sq. ft. detached)
(210± Attached)

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.**

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.

Monday - Friday 6:00 am to 11:00 pm

Saturday - Sunday 6:00 am to 12:00 pm

Three employees

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.

✓ GRAYSCREEK GROCERIES LLC.
NAME OF OWNERS (PRINT OR TYPE)
7590 Phillipi church Road, Raeford, N.C 28376
ADDRESS OF OWNER(S)
910-578-8039 HOME TELEPHONE # 910-578-8039 WORK TELEPHONE #
 SIGNATURE OF OWNER(S)  SIGNATURE OF OWNER(S)

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



CUMBERLAND
COUNTY



COUNTY of CUMBERLAND

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Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

JUNE 8, 2012

ITEM NO. 3E

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P12-32:** Revision and amendment to the Cumberland County Zoning Ordinance, creating standards for riparian buffers by amending Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words; amending Article IX Individual Uses, Section 901. Development Standards for Individual Uses, sub-section D; amending Article XI Lot and Yard Regulations, Section 1102. Yard Regulations, sub-section G. Buffer Requirements and sub-section H. Reserved for future use; and updating the table of contents as appropriate.

ACTION: Members present at the May 15, 2012 meeting recommended adoption and approval of the Text Amendment as submitted and recommended by the Land Use Codes Committee. The motion passed with a unanimous vote.

MINUTES OF MAY 15, 2012

The Land Use Codes Committee has considered the above referenced text amendment to the County Zoning Ordinance and recommends approval of the proposed amendment as attached.

The proposed amendment will help in protecting the water resources of the Cape Fear and South rivers, and Rockfish, Little Rockfish, Little and Lower Little creeks. This proposed amendment intends to protect the rivers and creeks from nonpoint source pollution by ensuring adequate area for sufficient filtering of stormwater runoff prior to the runoff reaching the surface water. Leaving the trees and other vegetation undisturbed along the water's edge will provide for bank stabilization thus preventing erosion, and also allow for regulation of water temperature and light control preserving the aquatic and wildlife habitat.

The two-tiered buffer as proposed is consistent with the minimum standard recommended by the NC Department of Environment and Natural Resources for certain river basins in North Carolina, specifically the Neuse and Tar-Pamlico. This buffer consists of two zones: Zone One is proposed to be 30 feet in width and in this zone, the existing vegetation cannot be disturbed; Zone Two is proposed to be 20 feet in width where vegetation can be cleared, but the area must remain grassed. The amendment proposes to exempt pre-existing lots of two acres or less in size.

Mr. McLaurin made a motion to recommend the adoption and approval of the Text Amendment as submitted and recommended by the Land Use Codes Committee, seconded by Mr. Pearce. 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.

P12-32
County Zoning Ordinance
Text Amendment
(Riparian Buffers)

OEM 2 of 3

P12-32: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, CREATING STANDARDS FOR RIPARIAN BUFFERS BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203 DEFINITIONS OF SPECIFIC TERMS AND WORDS; AMENDING ARTICLE IX INDIVIDUAL USES, SECTION 901. DEVELOPMENT STANDARDS FOR INDIVIDUAL USES, SUB-SECTION D; AMENDING ARTICLE XI LOT AND YARD REGULATIONS, SECTION 1102. YARD REGULATIONS, SUB-SECTION G. BUFFER REQUIREMENTS AND SUB-SECTION H. RESERVED FOR FUTURE USE; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

AMEND Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words, by INSERTING in alphabetical order the term BUFFER, RIPARIAN with the definition as follows:

Buffer, Riparian: A strip of land adjacent to and extending parallel with certain rivers or creeks in Cumberland County consisting of vegetation or woodlands or a combination thereof for purposes of filtering stormwater and providing wildlife habitat. (Section 1102.H)

AMEND Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words, by AMENDING the term BUFFER as indicated below:

Buffer, Screening: An opaque fence, wall, berm, hedge or other natural planting, or a combination thereof, which will restrict the view from adjoining streets and/or abutting properties. (Section 1102.G)

AMEND Article IX Individual Uses, Section 901. Development Standards for Individual Uses, sub-section D. as indicated below:

D. When any non-residential use is adjacent to residentially ~~property~~ zoned properties ~~for residential uses~~, a screening buffer shall be provided in accordance with Section 1102.G of this ordinance;

AMEND the title of Article XI Lot and Yard Regulations, Section 1102. Yard Regulations, sub-section G. Buffer Requirements as indicated below:

G. Screening Buffer Requirements.

AMEND Article XI Lot and Yard Regulations, Section 1102. Yard Regulations, sub-section H. Reserved for future use as indicated below:

H. Riparian Buffer. Reserved for future use. For purposes of protecting the aquatic and wildlife habitat and to ensure bank stabilization, the Cape Fear River,

Little River, Lower Little River, Rockfish Creek, Little Rockfish Creek and South River shall be protected from development by means of riparian buffer. The riparian buffer shall consist of two zones, a combined width of 50 feet, as follows:

1. Zone One.

a. Zone One shall include the existing vegetated area that is undisturbed except for minimal encroachment for purposes of river or creek access, provided that residential developments shall have no more than one such access point. Where Zone One has been or is to be disturbed for purposes of utility installation, the area disturbed shall count as the access point.

b. The location of Zone One shall begin at the common property line with the river or creek, or at the top of the bank and where the top of the bank is not easily discernable Zone One shall begin at the root growth area closest to the surface water, and extend landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to a vertical line marking the top of the bank or the root growth area closest to the surface water.

2. Zone Two.

a. Zone Two shall consist of a stable, vegetated area that is preferably left undisturbed; however, grading and revegetating in Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised.

b. Zone Two shall begin at the outer edge of Zone One and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water.

Developments proposed and adjacent to the aforementioned rivers and creeks shall have the riparian buffer designated as "common area" with maintenance and upkeep by the owners' association in the same manner as required for common areas in zero lot line developments – see Section 2402, County Subdivision Ordinance. Each zone shall be demarcated on the ground, shown on the preliminary plan and final plat, in addition to the declaration of covenants addressing the purpose of the riparian buffer zones and maintenance requirements.

The provisions of this sub-section are not intended to supersede or minimize the buffer areas required for high density developments – see Section 31A-23, County Water Supply Watershed Management and Protection Ordinance. In addition, lots with single-family dwelling units consisting of two acres or less in area that pre-exist the adoption date of this amendment (<add date>) shall be exempt from these riparian buffer provisions.

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

I, Joey Lewis, 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 6649-2012.

Property Owner: **Bobbie Jacobs**

Property Address: **3104 Smith Road, Fayetteville, NC**

Tax Parcel Identification Number: 0415-37-2354

SYNOPSIS: This property was inspected on 1/11/2012. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 2/8/2012. 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 4/8/2012. 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 6/8/2012, the required 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 \$500.00.

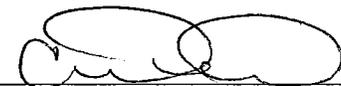
Attached is a map depicting the location of the property. (See Exhibit B.)

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

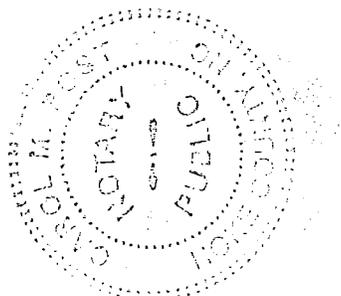


Joey Lewis
Code Enforcement Officer
County of Cumberland

Sworn to and Subscribed to by me this
the 8th day of July 2012.



Notary Public
My Commission Expires: 11-03-14



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 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: _____

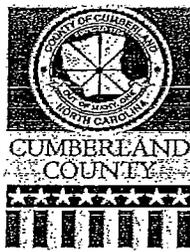
4. In addition there is imposed a civil penalty in the amount of \$ _____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



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

February 10, 2012

CASE #: MH 6649-2012

91 7108 2133 3939 1163 1092

TO: Bobbie Jacobs & Parties of Interest
Po Box 3193
Pembroke, NC 28372

Property at: 3104 Smith Road, Fayetteville, NC

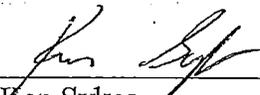
A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 1/27/2012.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 2/8/2012 at 9:15:00 AM. The items identified below took place at the Hearing:

- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were: _____
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 1/17/2012. 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 6649-2012, dated 1/11/2012.
 - b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

4. Due 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 4/8/2012. **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 4/8/2012.
 - 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 4/8/2012. The cost of said demolition will be assessed against the real property in the form of a lien.

An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.



Ken Sykes
Hearing Officer

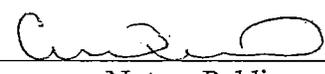


Joey Lewis
Code Enforcement Officer

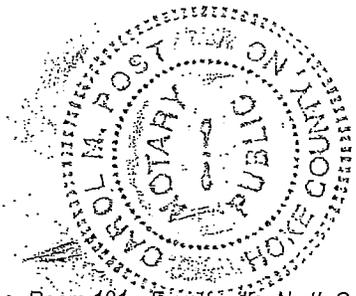
Enclosed: Appeals Procedures & Form

cc:

Sworn to and Subscribed to by me
this the 10th day of February, 2012



Notary Public
My Commission Expires: 11-03-14





Date: 02/16/2012

j lewis:

The following is in response to your 02/16/2012 request for delivery information on your Certified Mail(TM) item number 7108 2133 3939 1163 1092. The delivery record shows that this item was delivered on 02/15/2012 at 12:39 PM in PEMBROKE, NC 28372. The scanned image of the recipient information is provided below.

Signature of Recipient:

A handwritten signature in black ink, appearing to be "A. Lewis".

Address of Recipient:

PO. Box 3173
Pembroke 28372

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 10, 2012 CASE NUMBER **MH 6649-2012**

EXHIBIT A

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

I, Joey Lewis, 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 6672-2012.

Property Owner: Patricia Moore

Property Address: 5521 Jackson Street, Hope Mills, NC

Tax Parcel Identification Number: 0413-98-7349

SYNOPSIS: This property was inspected on 2/17/2012. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 3/21/2012. 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 5/23/2012. 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 6/8/2012, the required 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 \$500.00.

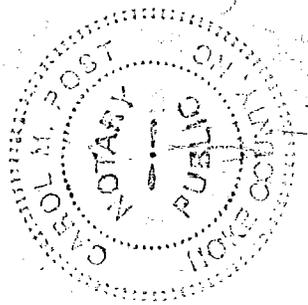
Attached is a map depicting the location of the property. (See Exhibit B.)

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

Joey Lewis
Joey Lewis
Code Enforcement Officer
County of Cumberland

Sworn to and Subscribed to by me this
the 8th day of June 2012.

[Signature]
Notary Public
My Commission Expires: 11-03-14



**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 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: _____

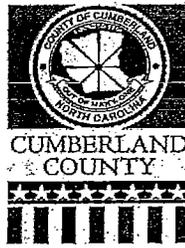
4. In addition there is imposed a civil penalty in the amount of \$ _____ per day (up to a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



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

March 26, 2012

91 7108 2133 3939 1047 6311

CASE #: MH 6672-2012

TO: Patricia Moore & Parties of Interest
PO Box 23
Lumber Bridge, NC 28357-0023

Property at: 5521 Jackson Street, Hope Mills, NC

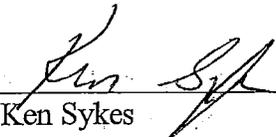
A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 2/27/2012.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 3/21/2012 at 9:30:00 AM. The items identified below took place at the Hearing:

- 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 answering by phone were: _____
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 2/20/2012. 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 6672-2012, dated 2/17/2012.
 - b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

- 4. Due 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 5/23/2012. **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 5/23/2012.
 - 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 5/23/2012. The cost of said demolition will be assessed against the real property in the form of a lien.

An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.



 Ken Sykes
 Hearing Officer



 Joey Lewis
 Code Enforcement Officer

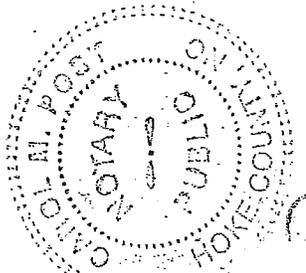
Enclosed: Appeals Procedures & Form

cc:

Sworn to and Subscribed to by me
this the 26th day of March, 2012



 Notary Public
 My Commission Expires: 11-03-14



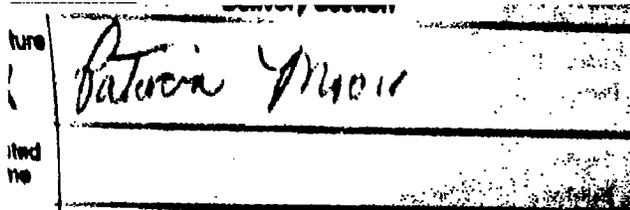


Date: 04/18/2012

J LEWIS:

The following is in response to your 04/18/2012 request for delivery information on your Certified Mail(TM) item number 7108 2133 3939 1047 6311. The delivery record shows that this item was delivered on 04/16/2012 at 01:18 PM in LUMBER BRIDGE, NC 28357. 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 March 26, 2012 CASE NUMBER **MH 6672-2012**

EXHIBIT A

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 6550-2011.

Property Owner: Mildred G. & Charlesene McNeill

Home Owner: Mildred G. & Charlesene McNeill

Property Address: 4904 Wall Street, Linden, NC

Tax Parcel Identification Number: 0574-65-9691

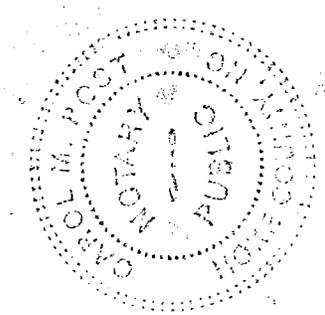
SYNOPSIS: This property was inspected on 7/27/2011. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 8/15/2011. Tim Blue attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 11/25/2011. 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 6/6/2012, the required corrective action had been made to the structure. The structure is presently vacant and reasonably secure. 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 \$50,000.00. 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
George Hatcher
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 10th day of June 2012.

C. [Signature]
Notary Public
My Commission Expires: 11-03-14

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 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

August 29, 2011

91 7108 2133 3939 1348 8991 *Mildred - 9144*

91 7108 2133 3939 1348 8984 *Charles - 9144*

CASE #: MH 6550-2011

TO: Mildred G. & Charlesene McNeill & Parties of Interest

9144 Collier Chapel Road

Linden, NC 28356

91 7108 2133 3939 1348 8977 *Tim Blue*

91 7108 2133 3939 1348 8960 *Mildred POBx 4*

Property at: 4904 Wall Street, Linden, NC

91 7108 2133 3939 1348 8939 *Charles - POBx 4*

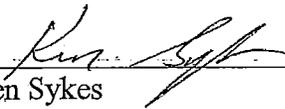
A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 8/15/2011.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 8/25/2011 at 9:15:00 AM. The items identified below took place at the Hearing:

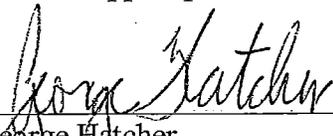
- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Tim Blue
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 8/1/2011. 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 6550-2011, dated 7/27/2011.
 - b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

- 4. Due 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 **11/25/2011**. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
 - b. The dwelling shall be vacated by **9/15/2011** and remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - c. The dwelling 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 **11/25/2011**. The cost of said demolition will be assessed against the real property in the form of a lien.

An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.



 Ken Sykes
 Hearing Officer



 George Hatcher
 Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc: Mildred G. & Charlesene McNeill, PO Box 4, Linden, NC 28356-0004
Tim Blue, PO Box 423, Linden, NC 28356



Sworn to and Subscribed to by me
this the 29th day of August, 2011



 Notary Public
 My Commission Expires: 11-03-14



Date: 09/07/2011

GEORGE HATCHER:

The following is in response to your 09/07/2011 request for delivery information on your Certified Mail(TM) item number 7108 2133 3939 1348 8991. The delivery record shows that this item was delivered on 08/31/2011 at 09:40 AM in LINDEN, NC 28356. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery Section	
0	<i>Mildred McNeil</i>
1	<i>Mildred McNeil</i>

Address of Recipient:

9124 Collier Church Rd

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 August 29, 2011 CASE NUMBER **MH 6550-2011**

EXHIBIT A



Date: 09/07/2011

GEORGE HATCHER:

The following is in response to your 09/07/2011 request for delivery information on your Certified Mail(TM) item number 7108 2133 3939 1348 8984. The delivery record shows that this item was delivered on 08/31/2011 at 09:40 AM in LINDEN, NC 28356. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery Section	
0	<i>Mildred McNeill</i>
1	<i>Mildred McNeill</i>

Address of Recipient:

RECEIVED IN OFFICE	
BY 38	<i>9144 Colliers Church Road</i>

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 August 29, 2011 CASE NUMBER **MH 6550-2011**

EXHIBIT A

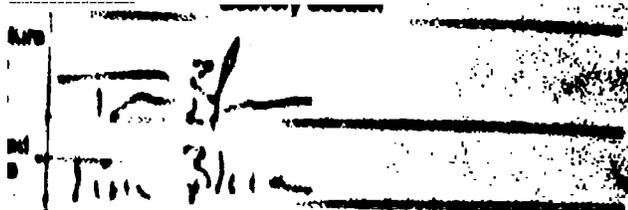


Date: 09/07/2011

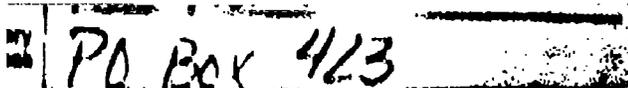
GEORGE HATCHER:

The following is in response to your 09/07/2011 request for delivery information on your Certified Mail(TM) item number 7108 2133 3939 1348 8977. The delivery record shows that this item was delivered on 09/01/2011 at 03:52 PM in LINDEN, NC 28356. The scanned image of the recipient information is provided below.

Signature of Recipient:



Address of Recipient:



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Sincerely,

United States Postal Service

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*
DATED August 29, 2011 CASE NUMBER *MH 6550-2011*

EXHIBIT A

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 6431-2011.

Property Owner: David Levi & Rita Morneault Pait

Home Owner: David Levi & Rita Morneault Pait

Property Address: 6815 Cooper Creek Drive, Hope Mills, NC

Tax Parcel Identification Number: 0432-70-0086

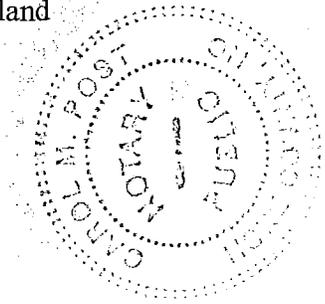
SYNOPSIS: This property was inspected on 2/14/2011. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 3/24/2011. David L. Pait attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 6/24/2011. 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 6/6/2012, the required corrective action had been made to the structure. The structure is presently vacant and reasonably secure. 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 \$35,000.00. The Assessor for Cumberland County has the structure presently valued at \$10,000.00.

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
George Hatcher
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 10th day of June 2012.

[Signature]
Notary Public
My Commission Expires: 11-03-14

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 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: _____

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



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

March 29, 2011

CASE #: MH 6431-2011

TO: David Levi & Rita Morneau Pait & Parties of Interest
3670 Heartpine Drive
Fayetteville, NC 28306

Property at: 6815 Cooper Creek Drive, 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 3/8/2011.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 3/24/2011 at 9:15:00 AM. The items identified below took place at the Hearing:

- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were: David L. Pait
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 3/4/2011. 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 6431-2011, dated 2/14/2011.
 - b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

4. Due 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 6/24/2011. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**

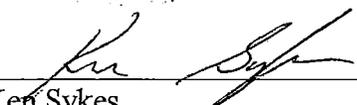
b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.

c. The structure shall be/remain secured to prevent entry by _____ and shall remain secured.

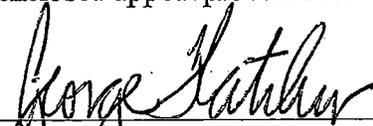
d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after _____.

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 6/24/2011. The cost of said demolition will be assessed against the real property in the form of a lien.

An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.



Ken Sykes
Hearing Officer



George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

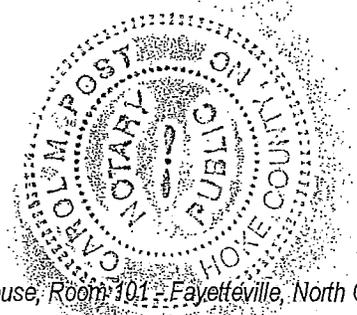
cc:

Sworn to and Subscribed to by me
this the 29th day of March, 2011



Notary Public

My Commission Expires: 11-03-14



NORTH CAROLINA
COUNTY OF CUMBERLAND

RETURN TO:

PLANNING/INSPECTION DEPARTMENT
OLD COURTHOUSE, ROOM 101
130 GILLESPIE STREET
FAYETTEVILLE, NC 28301

RE: David Levi & Rita Morneault Pait
Name of Violator

Case Number : MH 6431-11

AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Individual)

I, George Hatcher a code enforcement officer with the Cumberland County Planning & Inspection Department, personally served David Levi & Rita Morneault Pait a copy of the Findings of Fact and Order and Appeals Procedures Form citing violations of Article IV, Chapter 4, of the Cumberland County Code by delivering said notice(s) to the violator at the address shown below:

6815 Cooper Creek Drive
street name

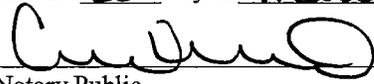
Hope Mills, NC 28348
city, state, zip

I further certify that said service was completed on this the 30th of March, 2011


George Hatcher
Code Enforcement Officer

Sworn to and subscribed to before me

this the 30th day of March, 20 11


Notary Public

My Commission Expires: 11-03-14

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**
DATED March 29, 2011 CASE NUMBER **MH 6431-2011**

EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: David Levi & Rita Morneault Pait
6815 Cooper Creek Dr, Hope Mills, NC
Minimum Housing Case # MH 6431-2011
TAX PARCEL IDENTIFICATION NUMBER 0432-70-0086

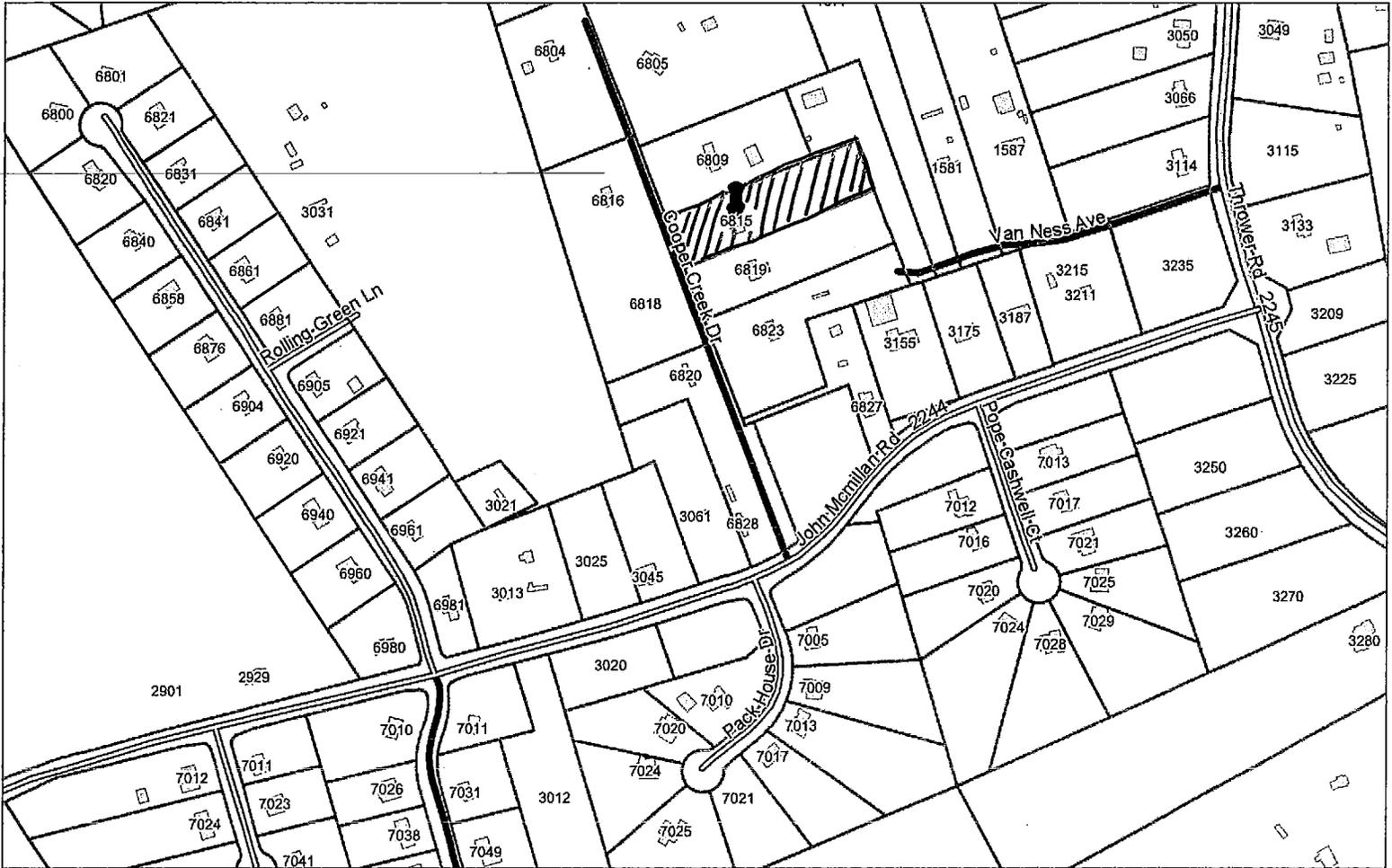


EXHIBIT B

JAMES E. MARTIN
County Manager

AMY CANNON
Deputy County Manager



JAMES E. LAWSON
Assistant County Manager

ITEM NO. 4A

OFFICE OF THE COUNTY MANAGER

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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 18, 2012

TO: BOARD OF COMMISSIONERS

FROM: JAMES LAWSON, ASSISTANT COUNTY MANAGER 

DATE: JUNE 13, 2012

SUBJECT: CONSIDERATION OF THE CUMBERLAND COUNTY FACILITIES COMMITTEE REPORT REGARDING THE BOARD OF ELECTIONS BUILDING

BACKGROUND

At the June 7, 2012 Facilities Committee meeting, a report was provided regarding the potential commercial use for the building located at 301 E. Russell Street, which currently houses the Board of Elections. As you are aware the Board of Elections will soon be relocating to the E. Newton Smith Center. In recent months, there have been discussions with the Facilities Committee regarding the future use of that building once it becomes vacant. Specifically at issue is whether to retain the property to serve the needs of another County function or to pursue the sale of the building.

The report included considerations that took into account the value and the potential use of the building (see attached memo). A key consideration is the value of the proceeds that could be potentially generated from the sale of this building vs. the value of retaining the building for needed County office space, which is a particular challenge created by shortages in available facilities.

Following the report, the Facilities Committee referred this matter for further consideration by the Board of Commissioners.

RECOMMENDATION

Consider the following options for the building located at 301 E. Russell Street:

- 1) Retain property for internal County office space needs, or
- 2) Place the building on the market for sale or lease.

cc: Management Team

Celebrating Our Past... Embracing Our Future

DRAFT

CUMBERLAND COUNTY FACILITIES COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
JUNE 7, 2012 - 8:30 A.M.
MINUTES

- MEMBERS PRESENT: Commissioner Jimmy Keefe, Chair
Commissioner Kenneth Edge
- MEMBERS ABSENT: Commissioner Billy King
- OTHERS PRESENT: James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Sally Shutt, Communications and Strategic Initiatives
Manager
Rick Moorefield, County Attorney
Jeffery Brown, Engineering and Infrastructure Director
Al Brunson, Facilities Maintenance Manager
Sam Lucas, Engineering Technician
Chuck James, Johnson Controls, Inc.
Robert Ferris, SFL&A Architects
Eric Lindstrom, SFL&A Architects
Wilson Lacy, PWC Commissioner
Brian Herndon, Attorney
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Jimmy Keefe called the meeting to order.

1. APPROVAL OF MINUTES – APRIL 5, 2012 MEETING

- MOTION: Commissioner Edge moved to approve the minutes.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (2-0)

2. REPORT ON JCI GUARANTEED ENERGY SAVINGS PROJECT

Chuck James, Johnson Controls, Inc. (JCI), reported the annual avoidance for the sixth year performance was \$788,342. Mr. James compared energy and dollar savings for years five and six, and stated the total project target or guarantee over twelve years remains at \$6.2 million.

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Mr. James reported electrical and gas energy avoidance savings for year six equated to 8,146 tons of greenhouse emissions and noted the county's energy efficiency efforts resulted in a reduction of pollutants such as mercury, sulfur dioxide, and nitrogen oxides. Mr. James further reported to date, JCI has reduced Cumberland County's emissions by 38,000 tons. Mr. James stated by reducing emissions, the environment in Cumberland County has become a cleaner, more comfortable place.

Mr. James stated during year seven JCI will continue to verify the building automated system is working correctly to increase the integrity and reliability of system performance and energy savings. Mr. James stated JCI will also continue to conduct a proactive design review and analysis of upcoming projects based upon operation and energy management savings.

3. UPDATE ON BOARD OF ELECTIONS BUILDING

James Lawson, Assistant County Manager, stated at the February 2, 2012 Policy Committee meeting there was a discussion regarding the future use of the building located at 301 E. Russell Street which currently houses the county Board of Elections. Mr. Lawson stated the Board of Elections will be relocating to the E. Newton Smith Center after the runoff election is complete in July 2012. Mr. Lawson stated there are several options available regarding the use of the building to include housing county departments that have outgrown their space or putting the property on the market to sell.

Mr. Lawson explained challenges the Veterans Services office is facing at their current location to include the lack of privacy, inconveniences associated with parking, and accessibility for disabled veterans. Mr. Lawson further explained the county Human Resources office has outgrown its space and has temporarily relocated training staff to vacant offices in the Probation and Parole Departments until other provisions can be made.

Mr. Lawson stated he sought input from Tom Keith, an experienced local commercial real estate appraiser, regarding the marketability of the building. Mr. Lawson stated he also requested that County Tax Administration staff conduct an analysis of the commercial property sales in and around the downtown area. Mr. Lawson shared the following key points from the information gathered:

- The building is a brick structure, in excellent condition, with a fairly new roof that was installed in 2009.
- In general, the building is in a desirable location, on a highly visible corner lot, in close proximity to the County Courthouse, a building heavily utilized by the public.
- The physical layout of the building has an open area, along with individual office spaces and ample storage areas, providing flexibility for up-fitting and adaptive re-use.

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- Because of the proximity to the Courthouse, the building would probably generate its greatest interest from the legal community, and likely more interest in purchasing versus leasing.
- At approximately 4,860 square feet, the available office space is sufficient to comfortably house a legal practice, as well as many other commercial office operations.
- In Mr. Keith's opinion, the demand from the legal community for downtown property has declined to some extent, since a great deal of research can now be conducted online versus having to come to the Courthouse, as was the typical practice up until approximately 10 to 15 years ago with the rise of the internet.
- Based on sales data provided by the tax office, there are a few buildings/spaces that sold in or near the downtown area. Properties located on Hay Street, Maxwell Street, Robeson Street, and Donaldson Street sold at an average of \$125.502 per square foot.
- There is an office building located at 308 Person Street built in 1915 that is currently listed for sale at \$649,000. At 5,714 total square feet, the cost per square foot is \$113.58. According to tax records, it last sold in April 2006 for \$520,000. The current tax value assessed from the last revaluation is \$576,147.
- The current tax value for the County's building at 301 E. Russell Street is \$476,450.
- A key factor to consider is the value of the proceeds that could be potentially generated from the sale of this building as compared to the value of retaining the building for needed County office space, especially with challenges by shortages in available facilities. Further, consideration should be given to costs we could incur for up-fitting/renovating or procuring other available space (such as the E. Newton Smith Center) to house County operations in need of space.

Mr. Lawson stated staff is seeking direction on whether the building should be placed on the market for sale or retained for internal county office space needs.

Commissioner Edge asked if the Board of Elections building is the only alternative for internal office space. Mr. Lawson stated there is one space remaining on the bottom level of the E. Newton Smith Center and it will be more ideal for county Human Resources. Mr. Lawson stated the Board of Elections building would be more ideal for Veterans Services because of the individual office spaces and available space for files. Commissioner Edge stated at this time, he feels the value of retaining the Board of Elections building for needed county office space trumps the value of selling the building.

Commissioner Keefe stated he feels the location of the Board of Elections building is very attractive and he would like to see staff look into a perfectly designed building for Veterans Services and Human Resources in a location that is not beside the Courthouse. Mr. Lawson stated Veterans Services feels the Board of Elections building is an ideal set-up for what they need. Commissioner Keefe stated if the Board of Elections building was placed on the market, funds from the sell could be used to build a first class office building in another area designed for disabled veterans and county Human Resources.

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There being a lack of consensus for either of the options as recommended for the Board of Elections building, the following motion was made.

MOTION: Commissioner Edge moved to send both options to the full Board for consideration.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (2-0)

4. UPDATE ON STATUS OF E. NEWTON SMITH CENTER

Jeffery Brown, Engineering and Infrastructure Director, stated the E. Newton Smith Center is currently being renovated to relocate various county departments in an effort to adaptively reuse existing facilities. Mr. Brown stated the first floor of the E. Newton Smith Center will house the county pharmacy and Board of Elections while a portion of the second floor will house the new county Wellness Program and Employee Express Care Clinic.

Mr. Brown reported that the following items have been completed to date:

- HVAC upgrades have been completed with the exception of cleaning and sealing some existing duct lines.
- All areas have been equipped with computer and phone drops.
- Painting is complete.
- Carpet and vinyl tile have been installed.
- Pharmacy shelving is complete.

Mr. Brown reported that the following items remain to be completed to date:

- Install new ceiling tiles.
- Final inspections from the City of Fayetteville.
- Interior signing of building.
- Security installation and updates.
- Changing out the existing locks.
- Thorough cleaning of the building.

Mr. Brown stated all renovations will be completed in order for the Board of Elections, county pharmacy, and employee clinic to be operational in their allotted space by July 1, 2012, although the Board of Elections will not relocate until after the runoff election on July 17, 2012.

5. UPDATE ON STATUS OF DETENTION CENTER EXPANSION PROJECT

Mr. Brown stated at the April 5, 2012, Facilities Committee meeting it was reported that subcontractor bids were to be received in May 2012, and the Guaranteed Maximum Price

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(GMP) would be developed and presented to the Board of Commissioners in early June 2012 for approval. Mr. Brown further stated unfortunately this was not able to occur due to not having received final approval from all the regulatory agencies involved in reviewing and approving the construction drawings.

Mr. Brown stated the county received comments back from the Department of Health and Human Services on May 1, 2012, and Mosley Architects submitted their response on May 15, 2012. Mr. Brown further stated the county has also received comments from the Department of Insurance and their comments have been addressed by Mosley Architects. Mr. Brown stated Mosley Architects submitted revisions to the City of Fayetteville on May 25, 2012, and Mr. Brown communicated directly with the City of Fayetteville expressing the urgency in getting these plans reviewed and approved as soon as possible.

Mr. Brown stated a weekly conference call with the construction manager and Mosley Architects has been occurring for the past three weeks to discuss issues as they arise to ensure they are handled in a timely manner. Mr. Brown stated the weekly conference calls will continue until no longer needed.

Mr. Brown reported the final construction drawings are anticipated to be completed within the next two weeks which will allow the project to be advertised for bids. Mr. Brown stated the construction manager will then develop the GMP which will be presented to the Board of Commissioners on August 6, 2012 for approval.

6. CONSIDERATION OF APPROVAL OF MAINTENANCE OF COUNTY PARKING LOTS

Mr. Brown stated some of the county's parking lots are in immediate need of repairs. Mr. Brown stated the county needs to establish a preventative maintenance program to address parking lots at county facilities similar to what was completed for roofs in previous years.

Mr. Brown stated the first step that has to be taken is to complete a comprehensive inventory to include an overall condition rating of all parking lots the county is responsible for maintaining. Mr. Brown further stated once the inventory has been completed, a plan can be developed which prioritizes all parking lots based on the overall condition rating. Mr. Brown explained the condition rating would take into account the amount of potholes, block cracking, alligator cracking, striping appearance and other things. Mr. Brown stated once this information is received, the county can develop and implement a Capital Improvement Plan (CIP) to address parking lots on a yearly basis.

Mr. Brown stated during the process of developing a CIP, deficiencies will be identified so immediate corrective actions can be taken to prevent the identified problems from getting worse. Mr. Brown further stated in order to address these deficiencies, some level of funding needs to be appropriated.

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Mr. Brown stated the recommendation of staff is for a budget revision in the amount of \$100,000 to be used for making critical repairs within parking lots at county facilities as identified by the Engineering and Infrastructure Department. Ms. Cannon stated the \$100,000 could come from the roofing and pavement line item.

MOTION: Commissioner Edge moved to recommend to the full Board to approve staffs' recommendation for a budget revision in the amount of \$100,000 to be used for critical repairs within county parking lots.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (2-0)

7. CONSIDERATION OF REQUEST OF NEW CENTURY SOLAR, LLC. FOR AN EASEMENT AGREEMENT

Rick Moorefield, County Attorney, stated New Century Solar, LLC, has again requested an easement to install solar panels on the roofs at the New Century Elementary School and New Century Library. Mr. Moorefield explained this same request was considered by the Board of Commissioners on September 19, 2011 and the Board took no action at that time.

Mr. Moorefield stated he advised the attorney for New Century Solar, LLC that the county would require any roof maintenance or removal to be the obligation of a public utility company because a newly formed LLC is essentially judgment-proof. Mr. Moorefield also advised the attorney for New Century Solar, LLC that the county would require the following terms:

- Termination of the easement if the roofs are destroyed by any casualty;
- Roof maintenance;
- Removal and re-installation of the panels to accommodate any maintenance or repair not performed pursuant to the agreement; and
- Removal of the panels with the roof returned in good repair in the event the system is abandoned without the intent to continue to generate electricity.

Mr. Moorefield stated New Century Solar, LLC has provided an easement agreement which addresses the terms the county attorney advised the county would require as follows:

- As to the destruction of the roof, Section 13 (c) requires the county to give written notice of its intent to restore or not restore the roof within 90 days of the event causing the building to be damaged. The county attorney stated this is acceptable.
- As to the roof maintenance, Section 13 (b) states New Century Solar, LLC will be responsible for any roof puncture, leak, malfunction or any other event which is caused by the system and requires repairs to the property, including the building. The county attorney stated it is not clear this includes the damage to the roof. The

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county attorney stated New Century Solar, LLC, is a newly formed LLC and advises against accepting this maintenance being the obligation of this LLC.

- As to the removal of roof maintenance by the county or the school system, Section 13 (c) states the LLC will be responsible for the removal and replacement upon 120 days advance notice, except in the case of an emergency, and the removal will not exceed 20 days. The county attorney advises against accepting this removal being the obligation of this LLC.
- As to the removal of the solar panels if the system is abandoned, section 13 (f) states that the LLC will have this responsibility. The county attorney advises against accepting this removal being the obligation of this LLC.

Mr. Moorefield stated the installation of this system on the roof creates the potential that any roof maintenance will become more difficult. Mr. Moorefield stated the LLC has agreed to be responsible for the repairs caused by the system and for the removal of the panels if necessary for other repairs. Mr. Moorefield further explained the LLC is newly formed and has no assets other than this system which will be fully encumbered by financing.

Mr. Moorefield stated these circumstances create the potential for additional maintenance costs to be borne by the school system with county funding. Mr. Moorefield stated the agreement further creates potential liabilities and obligations on the county which otherwise do not exist. Mr. Moorefield explained although the county's bond counsel has indicated this transaction does not impair the financing associated with this school, Mr. Moorefield advises that the county should receive a formal opinion from bond counsel in that regard. Mr. Moorefield stated some of these conditions must really be met by the school system and the school system needs to be a party to this agreement for that reason.

Mr. Moorefield stated he recommends advising against entering into this agreement for the reasons stated above. Mr. Moorefield stated if some of the strong language can be modified, he would have no objection to the agreement.

Robert Ferris, SFL&A Architects, presented photographs of New Century Elementary School and New Century Library and gave a brief explanation of the project. Mr. Ferris stated the next step in the project is to install solar panels in order to achieve net-zero status and in order to do so, they need an executed easement from the county. Mr. Ferris presented a copy of a letter received from the roof manufacturer that states if there is a leak in the roof they are required under warranty to take the solar panels off, fix the leak, and put the solar panels back on the building.

Mr. Ferris stated he feels all of the county attorney's concerns can be addressed. Mr. Ferris responded to questions and discussion followed. Mr. Ferris stated the LLC has a net worth of roughly \$3 million dollars.

Commissioner Edge stated he understands that there is no cost to the county, no cost to the school system, and no cost to PWC regarding this project. Commissioner Edge further stated PWC and the school system have written letters supporting this project.

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MOTION: Commissioner Edge moved to recommend to the full Board to enter into an easement agreement with New Century Solar, LLC.

SECOND: Commissioner Keefe

DISCUSSION:

Commissioner Keefe asked the county attorney if his concerns had been alleviated. Mr. Moorefield stated if the maintenance responsibility language of the agreement can be cleaned up, he will have no objection to entering into an easement agreement. Mr. Ferris stated they will add a clause stating New Century Solar, LLC will cover the cost if any solar panels that have to be removed to perform routine maintenance.

VOTE: UNANIMOUS (2-0)

8. OTHER ITEMS OF BUSINESS

There were no other items of business.

MEETING ADJOURNED AT 9:50 AM.



ITEM NO. 4B

OFFICE OF THE COUNTY ATTORNEY

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

**MEMO FOR THE AGENDA OF THE JUNE 18, 2012,
MEETING OF THE BOARD OF COMMISSIONERS**

TO: Bd. of Commissioners; Co. Manager; Dep. Co. Manager
FROM: Co. Atty. *R.M.*
DATE: June 13, 2012
SUBJECT: Request of New Century Solar, LLC, for an Easement Agreement

BACKGROUND:

The county attorney has prepared this memo in order to explain and summarize a 17 page agreement which New Century Solar, LLC, has requested the county to sign. New Century Solar, LLC is making the presentation to the committee.

New Century Solar, LLC, has again requested an easement to install solar panels on the roofs at the New Century Elementary School and library to generate electricity to be supplied to the electric grid. The members of New Century Solar, LLC, are Robert Ferris and Eric Lindstrom of the architectural firm, SFL+A. This firm was the architect for the school project.

This same request was considered by the Board of Commissioners on September 19, 2011. The Board took no action as reflected in the following excerpt from the minutes:

Commissioner Keefe stated as chair of the Facilities Committee, he was not comfortable taking action at this time due to the differences in what was presented, what was intended in the present document, and until such time as the county would not be held responsible for rooftop maintenance costs. Mr. Moorefield advised under the present document, the county would remain responsible for maintaining the roof at what he feels would be an additional cost to the county. Commissioner Faircloth stated the new information negates the vote he made at the Facilities Committee meeting in favor of the solar panels. The consensus of the board was to take no action.

The county attorney advised the attorney for New Century Solar, LLC that the county would require the following terms:

- (1) Termination of the easement if the roofs are destroyed by any casualty;
- (2) Roof maintenance;
- (3) Removal and re-installation of the panels to accommodate any maintenance or repair not performed pursuant to the agreement; and
- (4) Removal of the panels with the roof returned in good repair in the event the system is abandoned without the intent to continue to generate electricity.

The county attorney advised the attorney for New Century Solar, LLC that the county would require any maintenance or removal to be the obligation of a public utility company because a newly formed LLC is essentially judgment-proof.

New Century Solar, LLC has provided an easement agreement which addresses the terms the county attorney advised the county would require as follows:

- (1) As to destruction of the roof, Section 13(c) requires the county to give written notice of its intent to restore or not restore the roof within 90 days of the event causing the building to be damaged. This is acceptable to the county attorney.
- (2) As to roof maintenance, Section 13(b) states New Century Solar, LLC will be responsible for any roof puncture, leak, malfunction or any other event which is caused by the system and requires repairs to the property, including the building or the roof. New Century Solar, LLC, is a newly formed LLC. This is acceptable to the Facilities Committee.
- (3) As to removal for roof maintenance by the county or the school system, Section 13(c) states the LLC will be responsible for the removal and replacement upon notice as far in advance as is reasonably practicable, except in the case of an emergency, and the removal will not exceed 20 days. This is acceptable to the Facilities Committee.
- (4) As to removal of the solar panels if the system is abandoned, section 13(f) states that the LLC will have this responsibility. This is acceptable to the Facilities Committee.

The other material terms in the agreement are summarized as follows:

Section 1(a): Initial term is 20 years with grantee having the right to renew for additional 10 years.

Section 1(b): Compensation of \$5,000 annually during first five years; \$7,500 annually for second 5 years; \$10,000 for each year thereafter.

Section 1(e): Grantee may assign its rights and obligations to third parties.

Section 4(c): Grants additional right to install and operate inverters and any additional equipment necessary to generate and transmit electrical power anywhere else on the property.

Section 4(d): Grants additional right to connect to any electric transformer on the property.

Section 4(f): Prohibits planting of any trees or constructing any improvements on the property which would interfere with the receipt of sunlight.

Section 6(b): Gives New Century access to and the use of the building's electric power and high-speed internet.

- Section 12:** Creates an obligation for the county to maintain the roof in such a way that it supports the electrical generating system.
- Section 13:** Creates an obligation for county to pay for any damage to the system caused by the willful misconduct of its agents, employees, contractors, invitees or representatives.
- Section 15:** Requires county to carry commercial general liability insurance in amount of coverage not less than what it carries with respect to other similar properties it owns.
- Section 16:** Requires county to defend and indemnify grantee for any claims made against grantee which are proximately caused by county's ownership of the property.
- Section 24:** States that if county defaults on any of its obligations, damages which may be sought by grantee include loss of tax benefits, including any interest and penalties thereon, derived from the system.
- Section 27(e):** States that the county is assuring there are no hazardous materials contaminating the property.
- Section 27(f):** States that the county cannot receive or make any use of the electrical output.
- Section 34:** Provides that grantee may designate some materials as trade secrets and county must comply with certain conditions before disclosing those trade secrets; however; nothing has been designated as a trade secret.
- Section 35(g):** States the agreement has been negotiated by the parties. The county attorney advises it has not.

SUMMARY:

The installation of this system on this roof creates the potential that any roof maintenance will become more difficult. The LLC has agreed that it will be responsible for the repairs caused by the system and for removal of the panels if necessary for other repairs. The LLC is newly-formed and has no assets other than this system which will be fully encumbered by financing. No financial information has been requested of the LLC. The LLC has the right to assign all of its rights and obligations to another entity. These circumstances create the potential for additional maintenance costs to be borne by the school system with county funding. The agreement further creates potential liabilities and obligations on the county which otherwise do not exist. Finally, although the county's bond counsel has indicated this transaction does not impair the financing associated with this school, the county attorney advises that the county should receive a formal opinion from bond counsel in that regard. Some of these conditions must really be met by the school system and the school system needs to be a party to this agreement for that reason. A document has been provided in which the school system consents to the agreement.

RECOMMENDATION:

The Facilities Committee recommends approval of the agreement because the building was designed for it, the educational value of the project for the school system, the positive image it creates for the county and the potential risks are not significant.

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CUMBERLAND COUNTY FACILITIES COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
JUNE 7, 2012 - 8:30 A.M.
MINUTES

- MEMBERS PRESENT: Commissioner Jimmy Keefe, Chair
Commissioner Kenneth Edge
- MEMBERS ABSENT: Commissioner Billy King
- OTHERS PRESENT: James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Sally Shutt, Communications and Strategic Initiatives
Manager
Rick Moorefield, County Attorney
Jeffery Brown, Engineering and Infrastructure Director
Al Brunson, Facilities Maintenance Manager
Sam Lucas, Engineering Technician
Chuck James, Johnson Controls, Inc.
Robert Ferris, SFL&A Architects
Eric Lindstrom, SFL&A Architects
Wilson Lacy, PWC Commissioner
Brian Herndon, Attorney
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Jimmy Keefe called the meeting to order.

1. APPROVAL OF MINUTES – APRIL 5, 2012 MEETING

- MOTION: Commissioner Edge moved to approve the minutes.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (2-0)

2. REPORT ON JCI GUARANTEED ENERGY SAVINGS PROJECT

Chuck James, Johnson Controls, Inc. (JCI), reported the annual avoidance for the sixth year performance was \$788,342. Mr. James compared energy and dollar savings for years five and six, and stated the total project target or guarantee over twelve years remains at \$6.2 million.

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Mr. James reported electrical and gas energy avoidance savings for year six equated to 8,146 tons of greenhouse emissions and noted the county's energy efficiency efforts resulted in a reduction of pollutants such as mercury, sulfur dioxide, and nitrogen oxides. Mr. James further reported to date, JCI has reduced Cumberland County's emissions by 38,000 tons. Mr. James stated by reducing emissions, the environment in Cumberland County has become a cleaner, more comfortable place.

Mr. James stated during year seven JCI will continue to verify the building automated system is working correctly to increase the integrity and reliability of system performance and energy savings. Mr. James stated JCI will also continue to conduct a proactive design review and analysis of upcoming projects based upon operation and energy management savings.

3. UPDATE ON BOARD OF ELECTIONS BUILDING

James Lawson, Assistant County Manager, stated at the February 2, 2012 Policy Committee meeting there was a discussion regarding the future use of the building located at 301 E. Russell Street which currently houses the county Board of Elections. Mr. Lawson stated the Board of Elections will be relocating to the E. Newton Smith Center after the runoff election is complete in July 2012. Mr. Lawson stated there are several options available regarding the use of the building to include housing county departments that have outgrown their space or putting the property on the market to sell.

Mr. Lawson explained challenges the Veterans Services office is facing at their current location to include the lack of privacy, inconveniences associated with parking, and accessibility for disabled veterans. Mr. Lawson further explained the county Human Resources office has outgrown its space and has temporarily relocated training staff to vacant offices in the Probation and Parole Departments until other provisions can be made.

Mr. Lawson stated he sought input from Tom Keith, an experienced local commercial real estate appraiser, regarding the marketability of the building. Mr. Lawson stated he also requested that County Tax Administration staff conduct an analysis of the commercial property sales in and around the downtown area. Mr. Lawson shared the following key points from the information gathered:

- The building is a brick structure, in excellent condition, with a fairly new roof that was installed in 2009.
- In general, the building is in a desirable location, on a highly visible corner lot, in close proximity to the County Courthouse, a building heavily utilized by the public.
- The physical layout of the building has an open area, along with individual office spaces and ample storage areas, providing flexibility for up-fitting and adaptive re-use.

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- Because of the proximity to the Courthouse, the building would probably generate its greatest interest from the legal community, and likely more interest in purchasing versus leasing.
- At approximately 4,860 square feet, the available office space is sufficient to comfortably house a legal practice, as well as many other commercial office operations.
- In Mr. Keith's opinion, the demand from the legal community for downtown property has declined to some extent, since a great deal of research can now be conducted online versus having to come to the Courthouse, as was the typical practice up until approximately 10 to 15 years ago with the rise of the internet.
- Based on sales data provided by the tax office, there are a few buildings/spaces that sold in or near the downtown area. Properties located on Hay Street, Maxwell Street, Robeson Street, and Donaldson Street sold at an average of \$125.502 per square foot.
- There is an office building located at 308 Person Street built in 1915 that is currently listed for sale at \$649,000. At 5,714 total square feet, the cost per square foot is \$113.58. According to tax records, it last sold in April 2006 for \$520,000. The current tax value assessed from the last revaluation is \$576,147.
- The current tax value for the County's building at 301 E. Russell Street is \$476,450.
- A key factor to consider is the value of the proceeds that could be potentially generated from the sale of this building as compared to the value of retaining the building for needed County office space, especially with challenges by shortages in available facilities. Further, consideration should be given to costs we could incur for up-fitting/renovating or procuring other available space (such as the E. Newton Smith Center) to house County operations in need of space.

Mr. Lawson stated staff is seeking direction on whether the building should be placed on the market for sale or retained for internal county office space needs.

Commissioner Edge asked if the Board of Elections building is the only alternative for internal office space. Mr. Lawson stated there is one space remaining on the bottom level of the E. Newton Smith Center and it will be more ideal for county Human Resources. Mr. Lawson stated the Board of Elections building would be more ideal for Veterans Services because of the individual office spaces and available space for files. Commissioner Edge stated at this time, he feels the value of retaining the Board of Elections building for needed county office space trumps the value of selling the building.

Commissioner Keefe stated he feels the location of the Board of Elections building is very attractive and he would like to see staff look into a perfectly designed building for Veterans Services and Human Resources in a location that is not beside the Courthouse. Mr. Lawson stated Veterans Services feels the Board of Elections building is an ideal set-up for what they need. Commissioner Keefe stated if the Board of Elections building was placed on the market, funds from the sell could be used to build a first class office building in another area designed for disabled veterans and county Human Resources.

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There being a lack of consensus for either of the options as recommended for the Board of Elections building, the following motion was made.

MOTION: Commissioner Edge moved to send both options to the full Board for consideration.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (2-0)

4. UPDATE ON STATUS OF E. NEWTON SMITH CENTER

Jeffery Brown, Engineering and Infrastructure Director, stated the E. Newton Smith Center is currently being renovated to relocate various county departments in an effort to adaptively reuse existing facilities. Mr. Brown stated the first floor of the E. Newton Smith Center will house the county pharmacy and Board of Elections while a portion of the second floor will house the new county Wellness Program and Employee Express Care Clinic.

Mr. Brown reported that the following items have been completed to date:

- HVAC upgrades have been completed with the exception of cleaning and sealing some existing duct lines.
- All areas have been equipped with computer and phone drops.
- Painting is complete.
- Carpet and vinyl tile have been installed.
- Pharmacy shelving is complete.

Mr. Brown reported that the following items remain to be completed to date:

- Install new ceiling tiles.
- Final inspections from the City of Fayetteville.
- Interior signing of building.
- Security installation and updates.
- Changing out the existing locks.
- Thorough cleaning of the building.

Mr. Brown stated all renovations will be completed in order for the Board of Elections, county pharmacy, and employee clinic to be operational in their allotted space by July 1, 2012, although the Board of Elections will not relocate until after the runoff election on July 17, 2012.

5. UPDATE ON STATUS OF DETENTION CENTER EXPANSION PROJECT

Mr. Brown stated at the April 5, 2012, Facilities Committee meeting it was reported that subcontractor bids were to be received in May 2012, and the Guaranteed Maximum Price

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(GMP) would be developed and presented to the Board of Commissioners in early June 2012 for approval. Mr. Brown further stated unfortunately this was not able to occur due to not having received final approval from all the regulatory agencies involved in reviewing and approving the construction drawings.

Mr. Brown stated the county received comments back from the Department of Health and Human Services on May 1, 2012, and Mosley Architects submitted their response on May 15, 2012. Mr. Brown further stated the county has also received comments from the Department of Insurance and their comments have been addressed by Mosley Architects. Mr. Brown stated Mosley Architects submitted revisions to the City of Fayetteville on May 25, 2012, and Mr. Brown communicated directly with the City of Fayetteville expressing the urgency in getting these plans reviewed and approved as soon as possible.

Mr. Brown stated a weekly conference call with the construction manager and Mosley Architects has been occurring for the past three weeks to discuss issues as they arise to ensure they are handled in a timely manner. Mr. Brown stated the weekly conference calls will continue until no longer needed.

Mr. Brown reported the final construction drawings are anticipated to be completed within the next two weeks which will allow the project to be advertised for bids. Mr. Brown stated the construction manager will then develop the GMP which will be presented to the Board of Commissioners on August 6, 2012 for approval.

6. CONSIDERATION OF APPROVAL OF MAINTENANCE OF COUNTY PARKING LOTS

Mr. Brown stated some of the county's parking lots are in immediate need of repairs. Mr. Brown stated the county needs to establish a preventative maintenance program to address parking lots at county facilities similar to what was completed for roofs in previous years.

Mr. Brown stated the first step that has to be taken is to complete a comprehensive inventory to include an overall condition rating of all parking lots the county is responsible for maintaining. Mr. Brown further stated once the inventory has been completed, a plan can be developed which prioritizes all parking lots based on the overall condition rating. Mr. Brown explained the condition rating would take into account the amount of potholes, block cracking, alligator cracking, striping appearance and other things. Mr. Brown stated once this information is received, the county can develop and implement a Capital Improvement Plan (CIP) to address parking lots on a yearly basis.

Mr. Brown stated during the process of developing a CIP, deficiencies will be identified so immediate corrective actions can be taken to prevent the identified problems from getting worse. Mr. Brown further stated in order to address these deficiencies, some level of funding needs to be appropriated.

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Mr. Brown stated the recommendation of staff is for a budget revision in the amount of \$100,000 to be used for making critical repairs within parking lots at county facilities as identified by the Engineering and Infrastructure Department. Ms. Cannon stated the \$100,000 could come from the roofing and pavement line item.

MOTION: Commissioner Edge moved to recommend to the full Board to approve staffs' recommendation for a budget revision in the amount of \$100,000 to be used for critical repairs within county parking lots.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (2-0)

7. CONSIDERATION OF REQUEST OF NEW CENTURY SOLAR, LLC. FOR AN EASEMENT AGREEMENT

Rick Moorefield, County Attorney, stated New Century Solar, LLC, has again requested an easement to install solar panels on the roofs at the New Century Elementary School and New Century Library. Mr. Moorefield explained this same request was considered by the Board of Commissioners on September 19, 2011 and the Board took no action at that time.

Mr. Moorefield stated he advised the attorney for New Century Solar, LLC that the county would require any roof maintenance or removal to be the obligation of a public utility company because a newly formed LLC is essentially judgment-proof. Mr. Moorefield also advised the attorney for New Century Solar, LLC that the county would require the following terms:

- Termination of the easement if the roofs are destroyed by any casualty;
- Roof maintenance;
- Removal and re-installation of the panels to accommodate any maintenance or repair not performed pursuant to the agreement; and
- Removal of the panels with the roof returned in good repair in the event the system is abandoned without the intent to continue to generate electricity.

Mr. Moorefield stated New Century Solar, LLC has provided an easement agreement which addresses the terms the county attorney advised the county would require as follows:

- As to the destruction of the roof, Section 13 (c) requires the county to give written notice of its intent to restore or not restore the roof within 90 days of the event causing the building to be damaged. The county attorney stated this is acceptable.
- As to the roof maintenance, Section 13 (b) states New Century Solar, LLC will be responsible for any roof puncture, leak, malfunction or any other event which is caused by the system and requires repairs to the property, including the building. The county attorney stated it is not clear this includes the damage to the roof. The

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county attorney stated New Century Solar, LLC, is a newly formed LLC and advises against accepting this maintenance being the obligation of this LLC.

- As to the removal of roof maintenance by the county or the school system, Section 13 (c) states the LLC will be responsible for the removal and replacement upon 120 days advance notice, except in the case of an emergency, and the removal will not exceed 20 days. The county attorney advises against accepting this removal being the obligation of this LLC.
- As to the removal of the solar panels if the system is abandoned, section 13 (f) states that the LLC will have this responsibility. The county attorney advises against accepting this removal being the obligation of this LLC.

Mr. Moorefield stated the installation of this system on the roof creates the potential that any roof maintenance will become more difficult. Mr. Moorefield stated the LLC has agreed to be responsible for the repairs caused by the system and for the removal of the panels if necessary for other repairs. Mr. Moorefield further explained the LLC is newly formed and has no assets other than this system which will be fully encumbered by financing.

Mr. Moorefield stated these circumstances create the potential for additional maintenance costs to be borne by the school system with county funding. Mr. Moorefield stated the agreement further creates potential liabilities and obligations on the county which otherwise do not exist. Mr. Moorefield explained although the county's bond counsel has indicated this transaction does not impair the financing associated with this school, Mr. Moorefield advises that the county should receive a formal opinion from bond counsel in that regard. Mr. Moorefield stated some of these conditions must really be met by the school system and the school system needs to be a party to this agreement for that reason.

Mr. Moorefield stated he recommends advising against entering into this agreement for the reasons stated above. Mr. Moorefield stated if some of the strong language can be modified, he would have no objection to the agreement.

Robert Ferris, SFL&A Architects, presented photographs of New Century Elementary School and New Century Library and gave a brief explanation of the project. Mr. Ferris stated the next step in the project is to install solar panels in order to achieve net-zero status and in order to do so, they need an executed easement from the county. Mr. Ferris presented a copy of a letter received from the roof manufacturer that states if there is a leak in the roof they are required under warranty to take the solar panels off, fix the leak, and put the solar panels back on the building.

Mr. Ferris stated he feels all of the county attorney's concerns can be addressed. Mr. Ferris responded to questions and discussion followed. Mr. Ferris stated the LLC has a net worth of roughly \$3 million dollars.

Commissioner Edge stated he understands that there is no cost to the county, no cost to the school system, and no cost to PWC regarding this project. Commissioner Edge further stated PWC and the school system have written letters supporting this project.

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MOTION: Commissioner Edge moved to recommend to the full Board to enter into an easement agreement with New Century Solar, LLC.

SECOND: Commissioner Keefe

DISCUSSION:

Commissioner Keefe asked the county attorney if his concerns had been alleviated. Mr. Moorefield stated if the maintenance responsibility language of the agreement can be cleaned up, he will have no objection to entering into an easement agreement. Mr. Ferris stated they will add a clause stating New Century Solar, LLC will cover the cost if any solar panels that have to be removed to perform routine maintenance.

VOTE: UNANIMOUS (2-0)

8. OTHER ITEMS OF BUSINESS

There were no other items of business.

MEETING ADJOURNED AT 9:50 AM.

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

ITEM NO. SA

BOARD OF COMMISSIONERS

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

June 13, 2012

June 18, 2012 Agenda Item

TO: Board of Commissioners

FROM: Kellie Beam, Deputy Clerk to the Board **KB**

SUBJECT: Board of Adjustment

BACKGROUND: The Board of Adjustment will have the following one (1) vacancy on June 30, 2012:

Joseph Dykes – completing first term. Eligible for reappointment.

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

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

Attachments

pc: Tom Lloyd, Planning and Inspections Director
Patti Speicher, Planning and Inspections Assistant Director/Municipal Liaison

Celebrating Our Past...Embracing Our Future

BOARD OF ADJUSTMENT
3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Joseph M. Dykes (B/M) 5764 Pepperbush Drive Fayetteville, NC 28304 813-4193 (C)	6/09	1st	June/12 6/30/12	Yes
Horace Humphrey (- /M) 1852 Cascade Street Fayetteville, NC 28301 488-5143	06/10	1st	June/13 6/30/13	Yes
Melree Hubbard Tart (W/F) 300 Andrews Road Fayetteville, NC 28311 488-1208/497-3712 (W)	6/10	2nd	Aug/13 8/31/13	No
Ed Donaldson 4606 Hoe Court Fayetteville, NC 28314 484-3640	11/10 (serving unexpired term)	1st	Sept/12 9/30/12	Yes
George Quigley (W/M) 616 Blawell Circle Stedman, NC 28391 485-2980	6/09	2nd	June/12 6/30/12	No
<u>Alternate Members:</u> Carrie Tyson-Autry (/F) 5951 NC Hwy 87 South Fayetteville, NC 28306-379 483-0087	6/10	2nd	Aug/13 8/31/13	No
Yvette Carson (B/F) 8712 Tangletree Drive Linden, NC 28356 339-9232 (H)	6/11 (serving unexpired term)	1st	Aug/13 8/31/13	Yes
William Lockett Tally (W/M) 414 Vista Drive Fayetteville, NC 28305 489-3533/483-4175 (W)	6/10	2nd	June/13 6/30/13	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Alternate Members Continued:</u>				
Randy A. Newsome (W/M) 232 Croydon Avenue Fayetteville, NC 28311 717-5754 (H) / 436-0414 (W)	1/10 (first full term)	1 st	Jan/13 1/31/13	Yes
Martin J. Locklear (I/M) 1611 Four Wood Drive Fayetteville, NC 28312 672-0323/893-7525(W)	8/09	2 nd	Aug/12 8/31/12	Yes No

Meets 3rd Thursday of each month at 7:00 PM – Historic Cumberland County Courthouse, 130 Gillespie Street, Second Floor Hearing Room

Contact: Tom Lloyd, County Planning Department - 678-7627

Patti Speicher – 678-7605

**APPLICANTS FOR
BOARD OF ADJUSTMENT**

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
CHESTNUTT, A. JOHNSON (W/M) 578 MILDEN ROAD FAYETTEVILLE, NC 28314 484-6365/323-1040(W)	ACCOUNTANT FAIRCLOTH & CO. **SERVES ON THE ABC BOARD**	BSBA
McHENRY, WINTON G. (W/M) 3648 LAKESHORE DRIVE HOPE MILLS NC 28348 429-1101/308-3987 (C)	VP OPERATIONS MGT. ROLANDS DANCE STUDIO	BIBLE COLLEGE, AIR FORCE INSTITUTE OF TECHNOLOGY EMERGENCY RESPONSE MARKET DRIVEN MGT MA-ELEMENTARY ED
MCMANUS, LUTHER M. (B/M) 3472 THORNDIKE DRIVE FAYETTEVILLE, NC 28311 488-1314 (H)	RETIRED – FEDERAL GOVT/ DC HOUSING AUTHORITY **SERVES ON MINIMUM HOUSING APPEALS BOARD**	
MULLINS, VICKIE (-/F) 5905 TURNBULL RD FAYETTEVILLE NC 28312 910-484-8967 Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NC State University Leadership	RETIRED NC COOPERATIVE EXTENSION	FTCC-APPLIED SCIENCE
ORTIZ, ALBERTA (W/F) 325 W. SUMMERCHASE DRIVE FAYETTEVILLE, NC 28311 323-3871 (W)	A-1 SUPPLY CO	VARIOUS SALES, MANAGEMENT, ACCOUNTING COURSES
SMALLS, KIMBERLY C. (AA/F) 5200 KILLDEER DRIVE FAYETTEVILLE, NC 28303 867-1370/243-1677 (W) Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-other leadership academy: No	TECHNICAL WRITER L-3 COMMUNICATIONS	NONE LISTED

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

ITEM NO. 5B

BOARD OF COMMISSIONERS

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

June 13, 2012

June 18, 2012 Agenda Item

TO: Board of Commissioners
FROM: Kellie Beam, Deputy Clerk to the Board *KB*
SUBJECT: Fayetteville Area Convention and Visitors Bureau

BACKGROUND: The Fayetteville Area Convention and Visitors Bureau will have the following one (1) vacancy on June 30, 2012:

At-Large:

Gwen Holloman – completing first term. Eligible for reappointment.

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

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

pc: John Meroski, FACVB

Celebrating Our Past...Embracing Our Future

FAYETTEVILLE AREA CONVENTION AND VISITORS BUREAU
BOARD OF DIRECTORS
3 Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Hotel/Motels under 100 rooms Representatives:</u>				
Dan Roberts (-/-) Wingate Inn 4182 Sycamore Dairy Road Fayetteville, NC 28303	12/11	2nd	Dec/14 12/31/14	No
Manish Mehta 229 Forest Creek Drive Fayetteville, NC 28303 494-1918	01/11	1st	Dec/13 12/31/13	Yes
<u>Hotel/Motel over 100 rooms Representatives:</u>				
Annette Cogburn Holiday Inn 4583 Cripple Creek Drive Fayetteville, NC 28306	12/11	1st	Dec/14 12/31/14	Yes
William S. Wellons, Jr. 406 Overton Place Fayetteville, NC 28303 868-5425/436-3131 (W)	2/11	1 st	Feb/14 02/28/14	Yes
<u>At Large</u>				
Gwen Holloman (B/F) 721 Edgehill Road Fayetteville, NC 28314 868-1691/261-7813 (C)	6/09	1st	June/12 6/30/12	Yes
<u>Representative, Hotel/Motel with meeting space in excess of 6,000 square feet</u>				
<u>Board of Directors Appointee:</u>				
Balbir S. (Bill) Brar, Owner Fayetteville Doubletree Hotel 1965 Cedar Creek Road Fayetteville, NC 28312 323-8282	12/09			

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
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Hotel/Motel Representative

Board of Directors Appointee:

Subodh Thakur 7/97

Villager Lodge and Shangri La Motel

521 Ramsey Street

Fayetteville, NC 28301-4911

483-2621(W)

Chamber of Commerce Representative:

Henry Holt

Holt Oil

P. O. Box 53157

Fayetteville, NC 28303

Ex-officio Members:

James Martin, County Manager

Karen Long, CEO/Coliseum Complex Manager

Dale Iman, City Manager

Contact: John Meroski (or Tammy Johnson), Fayetteville Area Convention & Visitors' Bureau – 483-5311

Meetings: Second Thursday of every other month (starting in January) at 12:00 pm – Fayetteville Area Convention and Visitors Bureau, Board Room, 245 Person Street

APPLICANTS FOR
FAYETTEVILLE AREA AND VISITORS BUREAU
BOARD OF TRUSTEES

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BARNARD, JEAN JEAN (W/F) 211 AZALEA BLUFF DRIVE FAYETTEVILLE, NC 28301 263-8320 (H) / (443) 454-5177 (W)	BUSINESS CONSULTANT COLLEGE INSTRUCTOR	BS, M.HR. BUSINESS LEADERSHIP CERTIFICATE
DURDEN, KIMBERLY B. (AA/F) 2573 CUMBERLAND CREEK DRIVE APT. 102 FAYETTEVILLE, NC 28306 584-4430/672-2029 (W)	DEVELOPMENT DIRECTOR WFSS 91.9FM	BA
FAIRLEY, ROLAND A., SR (B/M) 219 MURRAY FORK DRIVE FAYETTEVILLE, NC 28314 764-1598/678-2016	ASSESSMENT CLERK	HS, SOME COLLEGE
FORD, STANLEY (B/M) 4013 POLK DRIVE HOPE MILLS, NC 28348 910-425-5639 Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	BANKING/MORTGAGES NOT LISTED	BACHELORS
FROWNER, JAMES (M/-) 1744 DAISY LN FAYETTEVILLE, NC 28303 910-229-7524 Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	INSTRUCTOR FTCC PHOTOGRAPHER	CURRENT STUDENT
GAINEY, CHERYL (W/F) 4685 VIRSALLI LOOPE HOPE MILLS, NC 28348 486-4351/672-1062 (W)	ACCTS PAYABLE, SUPERVISOR – FSU	MASTER OF DIVINITY
HAIRE, CASSANDRA W. (B/F) 515 ALBANY STREET FAYETTEVILLE, NC 28301 728-0175	SELF EMPLOYED	PURSUIING MBA
HERRING, TERRY (W/M) 212 FOUNTAINHEAD LANE #102 FAYETTEVILLE, NC 28301 717-1100/678-8358	FTCC-HEALTH DEPT CHAIRPERSON	BS; MA; MED

SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

APPLICANTS FOR
FAYETTEVILLE AREA CONVENTION AND VISITORS BUREAU
BOARD OF TRUSTEES Page 2

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
MCNEIL, SHEBA (B/F) 162 TALLSTONE DRIVE FAYETTEVILLE, NC 28311 203-809-8185/977-4788 (W)	CHILD CARE WONDERLAND CHILD CARE	BA
O'KELLEY, SHEILA 2325 GREYGOOSE LOOP FAYETTEVILLE, NC 28306 213-4161/364-5246	NONPROFIT DIRECTOR THE JEMS PROJECT INC	HS
PALMER, DWIGHT E., JR. (B/M) 1139 HELMSLEY DRIVE FAYETTEVILLE, NC 28314 867-8136/535-5325 (W)	GENERAL MANAGER CHEVROLET DEALERSHIP	BA, MBA
	SERVES ON THE SENIOR CITIZENS ADVISORY COMMISSION	
PERSON, ELECTA E. (AA/F) 1851 GOLA DRIVE FAYETTEVILLE, NC 28301 482-2772	RETIRED	SOME COLLEGE
REID, SUSAN PO Box 53797 FAYETTEVILLE, NC 28305 964-3996	RETIRED	BS
	SERVES ON THE JOINT APPEARANCE COMMISSION	
SHELTON SR., MICHAEL TORAIN (-/M) 3529 THAMESFORD RD FAYETTEVILLE, NC 28311 482-4495/630-3830	TRAVEL AGENT SELF EMPLOYED	AS-BANKING/FINANCE
STEWART, JAMESON C. (W/M) 3533 GODWIN CIRCLE FAYETTEVILLE, NC 28312 874-5930/678-9897 (W)	SENIOR AUDIO VISUAL TECH – FTCC	AAA – ELECTRONICS ENG.
WRIGHT, ROGER "BRYAN" 2212 WESTHAVEN DRIVE FAYETTEVILLE, NC 28303 920-3354/339-2494 (W)	MORTGAGE LENDER	COLLEGE
	SERVES ON HUMAN RELATIONS COMMISSION	

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

ITEM NO. 6A

BOARD OF COMMISSIONERS

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

June 11, 2012

June 18, 2012 Agenda Item

TO: Board of Commissioners
FROM: Kellie Beam, Deputy Clerk to the Board ^{KB}
SUBJECT: ABC Board Appointment

BACKGROUND: On June 4, 2012, the Board of Commissioners nominated the following individual to fill one (1) vacancy on the ABC Board:

Wade Hardin (new appointment)

I have attached the current membership list for this board.

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

Attachment

pc: Gene Webb, ABC Board General Manager

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ABC BOARD

3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
A. Johnson Chestnutt (W/M) 578 Milden Road Fayetteville, NC 28314 484-6365/323-1040 (W)	6/11	1st	June/14 6/30/14	Yes
Edward Maynor (I/M) 3718 Floyd Drive Hope Mills, NC 28348 424-4214/485-5668(W)	6/09	2nd	June/12 6/30/12	No
Bob Lewis (W/M) 3011 Bankhead Drive Fayetteville, NC 28306 426-6999	6/12	1st	June/13 6/30/13	Yes
serving unexpired term, eligible for two additional terms				
Alice Stephenson 464 Kingsford Road Fayetteville, NC 28314 864-2062/483-5009(W)	6/10	1st	June/13 6/30/13	Yes
Terri Thomas (B/F) 508 Spaulding Street Fayetteville, NC 28301 485-4765/483-2719 (W)	6/11	1st	June/14 6/30/14	Yes

Commissioner Liaison: Commissioner Charles Evans

Regular Meetings: 2nd Monday of the month at 6:00 PM in the conference room at the ABC office at 1705 Owen Drive, Fayetteville, NC 28304.

Contact: ABC Board General Manager Gene Webb
PO Box 64957
Fayetteville, NC 28306
484-8167
carolyn.parker@cumberlandabc.com

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

ITEM NO. 6B

BOARD OF COMMISSIONERS

5th Floor, New Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
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June 11, 2012

June 18, 2012 Agenda Item

TO: Board of Commissioners
FROM: Kellie Beam, Deputy Clerk to the Board *KB*
SUBJECT: Adult Care Home Community Advisory Committee

BACKGROUND: On June 4, 2012, the Board of Commissioners nominated the following individuals to fill four (4) vacancies on the Adult Care Home Community Advisory Committee:

Toney Edwards (reappointment)

Yvonne Booth (reappointment)

Harry Southerland (reappointment)

Herman Dudley (reappointment)

I have attached the current membership list for this committee.

PROPOSED ACTION: Appoint individuals to fill the four (4) vacancies above.

Attachment

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

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Mary Ann Ayars 804 Juniper Drive Fayetteville, NC 28304 426-9258/483-0191 #338	6/11	1st	Aug/14 8/31/14	Yes
Toney Edwards (B/M) 3622 Clearwater Drive Fayetteville, NC 28311 822-4261/391-7910 (C)	04/09	1 st	Apr/12 4/30/12	Yes
Mary Ann Brown-Jackson 1959B James Hamner Way Fayetteville, NC 28311 822-1311/893-8151 x330 (W)	1/09	2 nd	Jan/12 1/31/12	No
Sandra Ebron (B/F) PO Box 65306 Fayetteville, NC 28306 424-3932/919-922-9446(C)	12/09	1st	Dec/12 12/31/12	Yes
Herma Jean Bradley (/F) 714 Topeka Street Fayetteville, NC 28301 822-3689	5/09	2 nd	June/12 6/30/12	No
Mexie Fields (/F) 1815 Primrose Drive Fayetteville, NC 28301 488-8432	1/10	2nd	Jan/13 1/31/13	No
Yvonne Booth (B/F) 4568 Turquoise Road Fayetteville, NC 28311 488-7260	8/09	1st	Aug/12 8/31/12	Yes
Daniel Rodriguez (H/M) 2634 Franciscan Drive Fayetteville, NC 28306 425-2746/432-9701 (W)	5/10	1st	May/13 5/31/13	Yes
Harry Southerland (B/M) 3191 Braddy Road Fayetteville, NC 28306 978-9118	8/11	Initial	Aug/12 8/31/12	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
George W. Mitchell 6609 Abbey Lane Fayetteville, NC 28311 261-6951 (W)	4/10	1st	May/14 5/31/14	Yes
Wynella A. Myers 706 Sarazan Drive Fayetteville, NC 28303 822-5526/273-8483 (C)	6/10	2nd	Aug/13 8/31/13	No
Rasheedah Reid 4217 Edward E. Maynor Drive Hope Mills, NC 28348 703-1075	6/11	1st	Aug/14 8/31/14	Yes
Ralph T. Cascasan (A/M) 910 Alexwood Drive Hope Mills, NC 28348-1695 425-9704/433-1039 (W)	7/10	1st	June/13 6/30/13	Yes
Alfonso Ferguson, Sr. 3329 Eastgate Street Eastover, NC 28312-9311 401-2313/483-9916 ext. 5551235 (W)	6/10	1st	Aug/13 8/31/13	Yes
Cassandra W. Haire (B/F) 515 Albany Street Fayetteville, NC 28301 728-0175	12/09	1st	Dec/12 12/31/12	Yes
Herman Dudley 613 York Road Fayetteville, NC 28303 864-3817(H)/286-6597(W)	4/11	Initial	Apr/12 4/30/12	Yes

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

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

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

ITEM NO. 6C

BOARD OF COMMISSIONERS

5th Floor, New Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
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June 11, 2012

June 18, 2012 Agenda Item

TO: Board of Commissioners
FROM: Kellie Beam, Deputy Clerk to the Board *KB*
SUBJECT: Air Quality Stakeholders' Committee

BACKGROUND: On June 4, 2012, the Board of Commissioners nominated the following individuals to fill sixteen (16) vacancies on the Air Quality Stakeholders' Committee:

Citizen Stakeholder:

Daniel Rodriguez (reappointment)
Jamison Stewart (reappointment)

Fort Bragg Stakeholder:

Gregory Bean (new appointment)

Homebuilders Association Stakeholder:

John Gillis (reappointment)

Industry Stakeholder:

Gary Slater (reappointment)

PWC Stakeholder:

Carolyn Hinson (reappointment)

Medical Rep. Stakeholder:

Dr. Ana McDowell (reappointment)

Town of Stedman Stakeholder:

Commissioner Peggy Raymes (reappointment)

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Fayetteville-Cumberland Chamber of Commerce Stakeholder:
Doug Peters (reappointment)

Fayetteville Technical Community College Stakeholder:
Phillip Jackson (new appointment)

Environmental Rep. Stakeholder:
Jon Parsons (reappointment)

Town of Hope Mills Stakeholder:
Commissioner Pat Edwards (new appointment)

Town of Godwin Stakeholder:
Natalee Ezzell (reappointment)

Town of Linden Stakeholder:
Commissioner Elizabeth Small (reappointment)

Town of Wade Stakeholder:
Commissioner Johnny Lanthorn (reappointment)

Town of Spring Lake Stakeholder:
Alderman Napoleon Hogans (new appointment)

I have attached the current membership list for this committee.

PROPOSED ACTION: Appoint individuals to fill the sixteen (16) vacancies above.

Attachment

pc: Maurizia Chapman, FAMPO

AIR QUALITY STAKEHOLDERS COMMITTEE
3-year terms

<u>NAME</u>	<u>STAKEHOLDER</u>	<u>DATE APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>ELIGIBLE FOR REAPPOINT.</u>
Commissioner Peggy Raymes PO Box 220 Stedman, NC 28391 323-1892	Town of Stedman	4/09	1 st	April/12 4/30/12	Yes
Councilman Keith Bates 5404 Chesapeake Road Fayetteville, NC 28311 488-6315/494-2256 (c) Kbates05@nc.rr.com	City of Fayetteville	12/09	1 st	Dec/12 12/31/12	No
Alderman Debora Hudson 1223 Wilderness Drive Spring Lake, NC 28390 583-2053/436-0241 Town Hall deboraj48@yahoo.com	Town of Spring Lake	3/10	1 st	Mar/13 3/31/13	Yes
Commissioner Eddie Maynor Town of Hope Mills PO Box 367 Hope Mills, NC 28348 424-4555/484-4214/286-3214 pregister@town.hope-mills.nc.us	Town of Hope Mills	2/10	2nd	Feb/13 2/28/13	No
Elizabeth Small 4835 Main Street Linden, NC 28356-0228 980-0821	Town of Linden	8/09	1 st	Aug/12 8/31/12	Yes
Janice Lucas 7370 N. West Street Falcon, NC 28342 980-1296 Jhl0717@aol.com	Town of Falcon	9/09	1 st	Sept/12 9/30/12	Yes
Natalee Ezzell 7650 Sisk Culbreth Road Godwin, NC 28344 273-5457 (C) Njezzell0331@mail.campbell.edu	Town of Godwin	6/09	1 st	Jun/12 6/30/12	Yes
Commissioner Johnny Lanthorn 6841 Main Street Wade, NC 28395 484-7467 Johnny.lanthorn@faypwc.com	Town of Wade	6/09	1 st	Jun/12 6/30/12	Yes
Henry L. Tew 1013 Ashbury Road Eastover, NC 28312 483-5062/977-1288 (c) htew@nc.rr.com	Town of Eastover	2/11	1 st	Feb/14 2/28/14	Yes

<u>NAME</u>	<u>STAKEHOLDER</u>	<u>DATE APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>ELIGIBLE FOR REAPPOINT.</u>
Michael Lynch Director of Plans, Training & Mobilization 2175 Reilly Road, Stop A Fort Bragg, NC 28310-5000 396-4523	Fort Bragg	4/09	1 st	April/12 4/30/12	Yes
Carolyn Hinson Public Works Commission 6253 Lakehaven Drive Fayetteville, NC 28304 423-5940 (H)/223-4015 (W)	PWC	4/09	1 st	April/12 4/30/12	Yes
Daniel Rodriguez 2634 Franciscan Drive Fayetteville, NC 28306 425-2746 (H)/432-9701 (W)	Citizen	4/09	1 st	April/12 4/30/12	Yes
Jamison Stewart 3533 Godwin Circle Fayetteville, NC 28312 874-5930(H) 678-9897 (W)	Citizen	4/09	1 st	April/12 4/30/12	Yes
Ana McDowell, MD Allergy Partners 1317 Medical Drive Fayetteville, NC 28304 487-9395 (H)/323-3890 (W)	Medical Rep.	4/09	1 st	April/12 4/30/12	Yes
Doug Peters Chamber of Commerce P.O. Box 9 Fayetteville, NC 28302 484-4242	Chamber of Commerce	4/09	1 st	April/12 4/30/12	Yes
Jon Parsons FSU Energy Manager 1200 Murchison Road Fayetteville, NC 28301 483-2669 (H)/672-1403 (W)	Environmental Rep	4/09	1 st	April/12 4/30/12	Yes
Christopher Frank Cumberland County Dept of Public Health 1235 Ramsey Street Fayetteville, NC 28301 433-3705	Board of Health	1/12	1st	April/13 4/30/13	Yes
John Gillis 128 S Churchill Drive Fayetteville, NC 28303 484-9828 (H)/308-4255 (W)	Homebuilders Association	4/09	1 st	April/12 4/30/12	Yes

<u>NAME</u>	<u>STAKEHOLDER</u>	<u>DATE APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>ELIGIBLE FOR REAPPOINT.</u>
Joe Levister, Jr. FTCC PO Box 35236 Fayetteville, NC 28303 678-8321 levistej@faytechcc.edu	FTCC	4/09	2 nd	April/12 4/30/12	No
Gary Slater Clear Path Recycling, LLC 3500 Cedar Creek Road Fayetteville, NC 28312 920-2441 (H)/689-2118 (W) gary.slater@clearpathrecycling.com	Industry	4/09	1 st	April/12 4/30/12	Yes
Kenneth Edge Board of Commissioners PO Box 1829 Fayetteville, NC 28302 425-0918	County of Cumberland (Elected Official)	4/12	2 nd	April/15 4/30/15	No

Original appointments made March 17, 2003. Committee will be active for about 3 years.

Major Industry position (Goodyear Tire and Rubber) and Citizen position removed August 31, 2009 per Maurizia Chapman.

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

Meetings: 2nd Thursday, Quarterly (Jan, Apr, July, Oct) at 6:00 pm (Hearing Room 3, Historic Courthouse)