AGENDA CUMBERLAND COUNTY BOARD OF COMMISSIONERS COURTHOUSE – ROOM 118 MARCH 19, 2012 6:45 PM

INVOCATION Commissioner Edward G. Melvin

Minister: Mike Martin, Biblical Counseling Services

PLEDGE OF ALLEGIANCE

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

Recognition and Presentation by Mr. Wayne Goodwin, North Carolina Commissioner of Insurance and State Fire Marshal, to the Stoney Point Fire Department for Achieving the Accredited Agency Status from the Commission on Fire Accreditation International

- 1. Approval of Agenda
- 2. Consent Agenda
 - A. Approval of minutes for the February 17, 2011 special meeting and the February 21, 2012 regular meeting.
 - B. Approval of Proposed Additions to the State Secondary Road System:

Tyndallwood Subdivision: Tyndallwood Drive, Auger Lane

- C. Approval of Redemption of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – PIN: 0502-70-3699, Cross Creek Township.
- D. Approval of a Resolution Appointing Robert M. Tucker as the Deputy Finance Director for the Eastover Sanitary District.
- E. Approval of a Proclamation Celebrating 100 Years of Girl Scouting and Proclaiming 2012 as "Year of the Girl" in Cumberland County.

- F. Approval of a Proclamation Proclaiming March 19-24, 2012 as "Arbor Week and Tuesday, March 20, 2012 as "Arbor Day" in Cumberland County.
- G. Approval of Proclamation Proclaiming April 2012 as Child Abuse Prevention and Awareness Month in Cumberland County.
- H. Approval of a Proclamation Proclaiming April 2012 as "National County Government Month" and Encouraging Citizens to Participate in the "Healthy Counties, Healthy Families" Activities.
- I. Report and Recommendation of the Cumberland County Finance Committee Meeting on March 1, 2012.
 - 1) Request to Reimburse Legal Defense Expenses.
 - 2) Disaster Management Recovery Services Bid Award
 - 3) Adoption of Changes to the Kelly Hills/Slocomb Road Water and Sewer District Rate Schedule and Administration Policy.
- J. Consideration of Report and Recommendation of the Cumberland County Facilities Committee Meeting on March 1, 2012. (For Information)
- K. Consideration of Report and Recommendation of the Cumberland County Policy Committee Meeting on March 1, 2012.
 - 1) Revised Wrecker and Tow Service Ordinance.
- L. Approval of Ordinance Assessing Property for the Costs of Demolition:
 - Case Number: MH 6398-2011
 Property Owners: Mary E. Morris Heirs, c/o Douglas C. Morris
 Property Location: 1103 Riverside Circle, Spring Lake, NC
 Parcel Identification Number: 9592-66-5280
- M. Budget Revisions:
 - (1) Health
 - a. Community Transformation Grant Revision in the amount of \$183,920 to budget a Community Transformation Grant for the purpose of creating a healthier community and to establish a Lead Community Coordinator position and an Accounting Tech I part-time position. (B12-262) Funding Source Grant

- b. Employee Clinic Revision in the amount of \$54,216 to appropriate Group Insurance Fund Fund Balance to establish an Employee Clinic to include three new positions; one Physician Extender II, one Public Health Nurse I and one Medical Office Assistant. (B12-265) Funding Source – Group Insurance Fund Balance
- c. Employee Pharmacy Program Revision in the amount of \$45,759 to appropriate Group Insurance Fund Balance to establish an Employee Pharmacy to include two new positions; one Pharmacist and one Pharmacy Tech. (B12-264) Funding Source Group Insurance Fund Balance
- d. Jail Health Revision in the amount of \$140,000 to appropriate fund balance for additional expenditures anticipated for the remainder of the fiscal year. (B12-257) Funding Source General Fund Fund Balance
- (2) Tax Administration

Revision in the amount of \$92,324 to appropriate fund balance to pay Tax Management Association for tax audits per March 26, 1997 agreement. (B12-255) Funding Source – General Fund Fund Balance

(3) NC Controlled Substance Tax

Revision in the amount of \$85,000 to appropriate NC Controlled Substance Tax fund balance to purchase a large capacity commercial freezer and for other operating. (B12-261) Funding Source – NC Controlled Substance Tax Fund Balance

(4) Federal Forfeiture – Justice

Revision in the amount of \$263,100 to appropriate Federal Forfeiture fund balance to purchase video equipment, body armor and shot guns. (B12-260) Funding Source – Federal Forfeiture Fund Balance

(5) Juvenile Crime Prevention Programs

Revision in the amount of \$121,757 to recognize new grant funding (\$128,638), reduce State funding (\$19,262) and appropriate fund balance (\$12,381) for grant matches. (B12-253) Funding Source – Grant, State, Fund Balance Appropriated

(6) Social Services

Revision in the amount of \$1,049,249 to recognize additional Federal funding for the Energy and Crisis Intervention Programs. (B12-251) **Funding Source – Federal**

- (7) School Capital Outlay
 - a. Category I Revision in the amount of \$2,187,400 to appropriate sales tax fund balance to budget additional capital outlay buildings for huts, roofing, paving, and other renovations. (B12-247) Funding Source Sales Tax Fund Balance Appropriated
 - b. Category II Revision in the amount of \$379,000 to appropriate sales tax fund balance to budget additional capital outlay equipment for furniture, playground equipment, art education equipment and bus cameras. (B12-247A) Funding Source Sales Tax Fund Balance Appropriated
 - c. Category III Revision in the amount of \$86,000 to appropriate sales tax fund balance to budget additional capital outlay vehicles for activity buses. (B12-247B) Funding Source Sales Tax Fund Balance Appropriated
- (8) General Government Other/Detention Center Expansion Project

Revision to reallocate budgeted reserve funds to transfer \$500,000 to the Detention Center Capital Project. The reservation of these funds were included in the FY2012 Adopted Budget. (B12-256 and B12-256A) **Funding Source – Reallocation of Budgeted Expenditures.**

3. Public Hearings

Uncontested Cases

Rezoning

A. Case P12-05: Rezoning of 2.56+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 6228 Kennel Road, submitted by Listen Owen and Pamela H. Lockamy (owners).

B. Case P12-09: Rezoning of .42+/- acre from RR Rural Residential to C1(P)
 Planned Local Business or to a more restrictive zoning district, located at 4427
 Clinton Road, submitted by Jing Mester on behalf of Right Star Properties LLC. (owner).

Contested Conditional Zoning Case

C. <u>**NOTE: CASE P12-03 WITHDRAWN BY JOHN KOENIG (3/6/12)**</u> Case P12-03: Rezoning 116.77+/- acres from R40 Residential to R20 Residential or to a more restrictive zoning district; located on the south side of SR 1730 (Underwood Road), northwest of SR 1728 (Middle Road); submitted by John Koenig on behalf of Estate Builders LLC. (owner).

Contested Rezoning Case

D. Case P12-07: Rezoning of 2.00+/- acres from A1 Agricultural to C(P) Planned Commercial or to a more restrictive zoning district, located at 2112 River Road, submitted by Nathaniel L. Gienger (owner).

Subdivision Ordinance Text Amendment

E. Case P12-08: Revision and amendment to the Cumberland County Subdivision Ordinance, amending Article XXIII, Improvement and Design Standards, Section 2304. Streets, sub-section B. Public Streets, 4. Curbs and Gutters; and updating the Table of Contents as appropriate.

Minimum Housing Code Enforcement

F. Case Number: MH 6586-2011
Property Owner: Crysandra Inc., Irrevocable Trust
Property Location: 3134 Duck Pond Road, Linden, NC
Parcel Identification Number: 0553-87-7716

Items of Business

- 4. Nominations to Boards and Committees
 - A. Fayetteville Technical Community College Board of Trustees (1 Vacancy)

- 5. Appointments to Boards and Committees
 - A. Equalization & Review Board Appointment of Officers

	<u>Chairman</u> : <u>First Vice (</u> <u>Second Vic</u>		
6.	Closed Session	А.	Economic Development Matter(s) Pursuant to NCGS 143-318.11(a)(4).
		В.	Attorney-Client Matter Pursuant to NCGS 143-318.11(a)(3).
		C.	Personnel Matters Pursuant to NCGS 143-318.11(a)(6).

ADJOURN

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

MEETINGS: April 2, 2012 (Monday) - 9:00 AM April 16, 2012 (Monday) - 6:45 PM May 7, 2012 (Monday) – 9:00 AM May 21, 2012 (Monday) – 6:45 PM JAMES E. MARTIN County Manager

AMY H. CANNON Deputy County Manager



ITEM NO. _____

JAMES E. LAWSON Assistant County Manager

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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF MARCH 19, 2012

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER

DATE: FEBRUARY 14, 2012

SUBJECT: PROPOSED ADDITIONS TO THE STATE SECONDARY ROAD SYSTEM

BACKGROUND

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

Tyndallwood Subdivision: Tyndallwood Drive, Auger Lane

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

RECOMMENDATION

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

PROPOSED ACTION

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

/ct Attachments

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STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE GOVERNOR EUGENE A. CONTI, JR. Secretary

March 5, 2012

Division Six - District Two Cumberland County

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

Subject: Secondary Road Addition

Dear Mr. Edge,

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

Tyndallwood Subdivision

- Tyndallwood Drive
- Auger Lane

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

Sincerely,

David Plummer Transportation Tech. IV



County Boundary information provid agencies, and art locations. ເປັ

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TEM	NO.	Conversion of



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

March 5, 2012

MEMORANDUM FOR BOARD OF COMMISSIONERS' MARCH 19, 2012 AGENDA:

TO: BOARD OF COMMISSIONERS

FROM: RICK MOOREFIELD, COUNTY ATTORNEY

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

BACKGROUND: On or about January 19, 2000, the County acquired, by tax foreclosure sale, property previously owned by Sarah J. Robinson at:

2 LOTS MCNEILL ST.; (LOCATED ON MCNEILL ST.) PIN: 0502-70-3699; CROSS CREEK TOWNSHIP

The amount owed on the foreclosure judgment plus interest and costs is \$4,576.88.

Mrs. Robinson, who is the former owner, has offered as the former owner to purchase the County's interest in such property and exercise her equity of redemption for \$4,576.88 and have deposited the \$4,726.88 with the Finance Office.

North Carolina General Statutes §105-376 and §160A-267 authorize the Board to resell property acquired by tax foreclosure to the former owner(s) or any person having an interest in the property for an amount not less than the costs associated with the foreclosure and subsequent resale. This allows former owner(s) or any person with an interest in the property to re-purchase their property, so long as the County is made whole, rather than putting the property on the open market.

PROPOSED RECOMMENDATION AND ACTION: That the Board of Commissioners' consider whether to accept the offer of Sarah J. Robinson to exercise her equity of redemption to repurchase the property described above for \$4,576.88.

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ITEM NO. _

AMY H. CANNON Assistant County Manager

JAMES E. LAWSON Assistant County Manager

JAMES E. MARTIN County Manager

JUANITA PILGRIM Deputy County Manager



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MEMORANDUM

то:	BOARD OF COUNTY COMMISSIONERS
FROM:	AMY H. CANNON, DEPUTY COUNTY MANAGER AND COUNTY
DATE:	MARCH 5, 2012
SUBJECT:	DEPUTY FINANCE OFFICER – EASTOVER SANITARY DISTRICT

BACKGROUND:

North Carolina General Statutes Chapter 159, Article 3, entitled, "The Local Government Budget and Fiscal Control Act", requires all checks drawn on an official depository be signed by the Finance Officer or a properly designated Deputy Finance Officer and countersigned by another official of the local government designated for this purpose by the Governing Board. The act also requires the Eastover Sanitary District Deputy Finance Officer to have a faithful performance bond in an amount not less than \$10,000 or more than \$250,000.

I recommend that Robert Tucker, Accountant II, be appointed as a Deputy Finance Officer for Eastover Sanitary District effective April 1, 2012.

RECOMMENDATION/PROPOSED ACTION:

- 1. Approve the appointment of Robert Tucker as Deputy Finance Officer for the Eastover Sanitary District;
- 2. Provide a faithful performance bond in the amount of \$20,000 for Robert Tucker;
- 3. Approve the attached resolution implementing the above recommendations.

/Attachment (Resolution)

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STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

RESOLUTION

WHEREAS, due to the operation requirements unique to the Eastover Sanitary District; and

WHEREAS, the timing, amounts, or payees of these checks cannot be anticipated and, in most cases, the checks must be issued immediately; and

WHEREAS, the timing of the checks requires the appointment of a Deputy Finance Officer and, in addition, more than one person must be authorized to countersign each check; and

WHEREAS, North Carolina General Statute Chapter 159, Article 3, entitled "The Local Government Budget and Fiscal Control Act", authorizes the Governing Board to appoint Deputy Finance Officers to designate individual(s) to countersign the checks, and to fix the amount of the faithful performance bond to be provided by the appointee.

NOW THEREFORE, to facilitate the operational requirement of the Eastover Sanitary District, the Board of County Commissioners hereby RESOLVES that:

- 1. Robert Tucker is appointed a Deputy Finance Officer and is authorized to sign the checks/drafts issued on the checking and savings accounts maintained by Eastover Sanitary District.
- 2. The appointee will provide a faithful performance bond in the amount of \$20,000.00.

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COUNTY OF CUMBERLAND

NORTH CAROLINA



A Proclamation Celebrating 100 Years of Girl Scouting

WHEREAS, March 12, 2012, marks the 100th anniversary of Girl Scouts of the USA, which began in 1912 when Juliette "Daisy" Gordon Low gathered 18 girls in Savannah, Georgia, to provide them the opportunity to develop physically, mentally, and spiritually; and,

WHEREAS, for 100 years, Girl Scouting has helped build millions of girls and women of courage, confidence, and character who act to make the world a better place; and,

WHEREAS, the award-winning Girl Scout Leadership Program helps girls <u>discover</u> themselves and their values, <u>connect</u> with others, and <u>take action</u> to make the world a better place; and,

WHEREAS, the Girl Scout Gold Award, the highest honor in Girl Scouting, requires girls to make a measurable and sustainable difference in their community and honors leadership in the Girl Scout tradition; and,

WHEREAS, core programs around Science, Technology, Engineering, and Math (STEM), environmental stewardship, healthy living, financial literacy, and global citizenship help girls develop a solid foundation in leadership; and,

WHEREAS, through the dedication, time, and talent of thousands of volunteers of different backgrounds, abilities, and areas of expertise, the Girl Scout Program is brought to more than 70,000 girls in grades K-12 across the state of North Carolina; and,

NOW, THEREFORE, we, the commissioners of Cumberland County, do hereby applaud the Girl Scouts of the USA for their 100 years of leadership and expertise as the voice for and of girls, and salute them as they proudly proclaim 2012 as "Year of the Girl."

Presented this 19th day of March, 2012.

W. MARSHALL FAIRCLOTH, Chairman Cumberland County Board of Commissioners

ITEM NO. _2F

COUNTY OF CUMBERLAND

NORTH CAROLINA



WHEREAS,	the County of Cumberland recognizes the importance of trees to the economic, aesthetic, and ecological well-being of our community; AND
WHEREAS,	it is recognized that planting and maintaining healthy trees in our ever-changing society are both desirable and necessary; AND
WHEREAS,	Arbor Day is a long-standing American tradition that represents an important element of our national heritage; AND
WHEREAS,	a day is set aside each year in North Carolina to show just how much trees are appreciated and to encourage the planting of trees in our community, AND
WHEREAS,	Cumberland County-Cooperative Extension is a community partner with the Cape Fear Botanical Garden in the effort to restore our trees; AND
WHEREAS,	individuals can act in this county to improve the environment by planting trees and ensuring that these trees are protected and receive proper maintenance in the years ahead;

NOW THEREFORE, We, the Board of County Commissioners of Cumberland County, North Carolina, do hereby proclaim the week of March 19-24, 2012 as Arbor Week and Tuesday, March 20, 2012 to be

Arbor Day in Cumberland County

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

Presented this 19th day of March, 2012.

W. Marshall Faircloth, Chairman Cumberland County Board of Commissioners

ITEM NO. _2C

COUNTY OF CUMBERLAND

NORTH CAROLINA



April 2012 Child Abuse Prevention Month

Whereas, Based on national best practice and research, The Child Advocacy Center (CAC) was founded in 1993 by a group of concerned local professionals seeking to coordinate services to child abuse victims and their families; and

Whereas, The primary goal of the CAC is to alleviate the trauma children experience once a disclosure of sexual abuse or serious physical abuse occurs; and

Whereas, The CAC provides a safe and child-friendly environment where professionals from 19 community agencies come together to interview, investigate and provide support for abused children and their families; and

Whereas, The CAC reduces the number of interviews for child victims of abuse by providing specially trained professionals to conduct forensic interviews in a centralized location; and

Whereas, The CAC provides continuing education to professionals who serve child abuse victims and child abuse prevention and awareness programs to the entire community; and

Whereas, The CAC coordinates Multidisciplinary Team case reviews where professionals from multiple agencies come together to plan the best course of legal and supportive action for the child abuse victim; and

Whereas, National research has determined that this type of coordinated approach can help alleviate trauma for children, increase the prosecution rate of perpetrators, and be fiscally beneficial to the community; and

Whereas, The Child Advocacy Center provided services to 595 child victims of physical and/or sexual abuse during 2011 which saved the community over \$500,000.

Now, Therefore, We, the Cumberland County Board of Commissioners, on behalf of the citizens of Cumberland County, do hereby proclaim April 2012 as Child Abuse Prevention and Awareness Month in Cumberland County, NC and recognize the Child Advocacy Center and the work of its community partners in creating a safer community for all and protecting our community's children.

Presented this 19th day of March, 2012.

W. MARSHALL FAIRCLOTH, Chairman Cumberland County Board of Commissioners

COUNTY OF CUMBERLAND

NORTH CAROLINA

ITEM NO.



National County Government Month - April 2012 "Healthy Counties, Healthy Families"

WHEREAS, the nation's 3,068 counties provide a variety of essential public services to communities serving more than 300 million Americans; and

WHEREAS, Cumberland County and all counties take seriously their responsibility to protect and enhance the health, welfare and safety of its residents in sensible and cost-effective ways; and

WHEREAS, county governments are essential to America's healthcare system and are unique in their responsibility to both finance and deliver health services through public hospitals and clinics, local health departments, long-term care facilities, mental health services and substance abuse treatment, and coverage programs for the uninsured; and

WHEREAS, National Association of Counties President Lenny Eliason is encouraging counties to promote healthy living and lifestyle choices in communities across the country through his 2011-12 "Healthy Counties" presidential initiative; and

WHEREAS, each year since 1991 the National Association of Counties has encouraged counties across the country to actively promote their own programs and services to the public they serve;

WHEREAS, during the month of April 2012, Cumberland County will conduct public awareness events to educate citizens about the role and functions county government performs and will recognize its veteran county employees for their years of service.

NOW, THEREFORE, BE IT RESOLVED THAT We, the Board of County Commissioners of Cumberland County, do hereby proclaim April 2012 as **National County Government Month** and encourage all County officials, employees, schools and residents to participate in county government celebration activities.

Presented this 19th day of March, 2012.

W. MARSHALL FAIRCLOTH, Chairman Cumberland County Board of Commissioners JAMES E. MARTIN County Manager

AMY H. CANNON Deputy County Manager



ITEM NO. 2t(i)

JAMES E. LAWSON Assistant County Manager

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

MEMORANDUM FOR BOARD OF COMMISSIONERS MARCH 19, 2012 AGENDA

TO: BOARD OF COMMISSIONERS

FROM: AMY H. CANNON, DEPUTY COUNTY MANAGER AMULT CAUMAN

DATE: MARCH 14, 2012

SUBJECT: CONSIDERATION OF REQUEST TO REIMBURSE LEGAL DEFENSE EXPENSES

BACKGROUND

The Finance Committee met on March 1, 2012, and discussed a memorandum from the Sheriff requesting reimbursement of legal expenses incurred in defending the Sheriff's Office in pending litigation. These expenditures have been paid out of the Sheriff's budget.

The request is to reimburse the Sheriff's budget for the amount already incurred and any future expenditures by transferring the expenditures to the General Litigation Fund.

The meeting minutes are attached for your review.

RECOMMENDATION/PROPOSED ACTION

Consider approval of request to reimburse the Sheriff's Office for legal defense expenses incurred in the course of defending legal actions against the County or Sheriff's Office.

/ct

CM031412-1

Celebrating Our Past...Embracing Our Future

JAMES E. MARTIN County Manager

AMY H. CANNON Deputy County Manager



ITEM NO. _____

JAMES E. LAWSON Assistant County Manager

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

TO: FINANCE COMMITTEE

FROM: AMY H. CANNON, DEPUTY COUNTY MANAGER

DATE: FEBRUARY 24, 2012

SUBJECT: CONSIDERATION OF REQUEST TO REIMBURSE LEGAL DEFENSE EXPENSES

BACKGROUND

Attached is a memorandum from the Sheriff requesting reimbursement of legal expenses incurred in defending the Sheriff's Office in pending litigation. These expenditures have been paid out of the Sheriff's budget.

The request is to reimburse the Sheriff's budget for the amount already incurred and any future expenditures from funds in the General Litigation Fund.

RECOMMENDATION/PROPOSED ACTION

Consider approval of request to reimburse the Sheriff's Office for legal defense expenses incurred in the course of defending legal actions against the County or Sheriff's Office.

/ct

CM022412-2

Celebrating Our Past...Embracing Our Future



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



An Internationally Accredited Law Enforcement Agency

TO: Ms. Amy Cannon, Assistant County Manager

FROM: Earl R. Butler, Sheriff

DATE: February 22, 2012

SUBJECT: Legal Defense of County and Sheriff's Office

In previous years, the County Attorney's Office contracted with various local law firms to defend the county and Sheriff's Office and deputies. The actions included preparing motions, taking depositions, trial preparation, and courtroom work. These expenses were charged in the Litigation account, managed by the County Attorney's Office.

In July 2011, the Sheriff's Office replaced its Legal Advisor with an individual who has the knowledge and skills to take depositions and represent the County and Sheriff's Office in courtrooms. The addition of this individual relieved the County Attorney from seeking outside legal experts to defend those suits.

In preparing for defense of suits, expenses have arisen for which the Sheriff's Office operating budget is not funded. Types of expenses to date include: expert witness deposition fees, video recording of depositions, travel to obtain the depositions, and related activities.

To cover these expenses of defending the County and the Sheriff's Office not previously encountered by the Sheriff's Office budget, I propose that authority be approved to charge the Litigation Account managed by the County

CUMBERLAND COUNTY FINANCE COMMITTEE NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564 MARCH 1, 2012 - 9:30AM MINUTES

MEMBERS PRESENT:	Commissioner Kenneth Edge, Chairman
	Commissioner Jeannette Council
	Commissioner Ed Melvin (arrived 9:33)
OTHER COMMISSIONERS	
PRESENT:	Commissioner Jimmy Keefe
	Commissioner Charles Evans
OTHERS:	James Martin, County Manager
	Amy Cannon, Deputy County Manager
	James Lawson, Assistant County Manager
	Rick Moorefield, County Attorney
	Elizabeth Keever, District Court Judge
	Howard Abner, Assistant Finance Director
	Sally Shutt, Communication and Strategic Initiatives Manager
	Amy Hall, Public Utilities
	Gene Booth, Emergency Management Officer
	Candice H. White, Clerk to the Board
	Press

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

1. APPROVAL OF MINUTES – FEBRUARY 2, 2012 REGULAR MEETING

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

2. PRESENTATION BY JUDGE KEEVER REGARDING VETERAN'S TREATMENT COURT GRANT SUBMISSION TO THE BUREAU OF JUSTICE

James Martin, County Manager, called on District Court Judge Elizabeth Keever who had requested an opportunity to discuss the veterans' treatment court initiative and the submittal of a grant application to the Bureau of Justice. Judge Keever stated the court system has a number of treatment courts designed to put more emphasis on court interaction with defendants who have substance abuse or mental health issues, and several years ago the Sheriff expressed concern for individuals who come in and out of the jail with what appear to be mental health issues. Judge Keever stated the mental health system continues to be somewhat problematic and a number of courts around the country have begun veterans' courts so they can work in collaboration with the Veterans Administration. Judge Keever stated Cumberland County has the Veterans

Administration Hospital and a court can be created solely for these individuals so the services they need can be provided at no cost other than what is provided by the federal government. Judge Keever stated the court system has decided to pursue a veterans' court to target those individuals in an effort to keep them out of jail. Judge Keever stated the whole purpose of veterans' court is to monitor those individuals needing to take medications and to make sure they are receiving services such as transitional housing and other benefits available to them through the Veterans Administration. Judge Keever stated the purpose is also to help them become productive citizens.

Judge Keever spoke to a week-long training conducted by the U. S. Department of Justice's Bureau of Justice that Deputy County Manager Amy Cannon and Veterans Services Director Sharon Sanders attended. Judge Keever stated the court system has asked the county to be the agent to apply for the \$350,000 36-month grant. Judge Keever stated if received, the effective date would be October 1, 2012 although the team wants to begin in July 2012. Judge Keever explained there would be a 25% match requirement with only 3% of that match being cash; the remainder of the match would be in-kind which the court system has provided in the past.

Judge Keever responded to questions and stated individuals with violent offenses would not be eligible for the veterans' court and discussion is ongoing as to whether individuals with domestic violence issues would be included. Judge Keever stated veterans' court will not only serve those coming through the court system, but will also get the word out about services provided by the Veterans Administration. Judge Keever stated the court system will be able to mandate that individuals go to the Veterans Administration and judges will be able to monitor every two to three weeks what individuals have done.

- MOTION: Commissioner Council moved for the court system to go forward with the veteran's treatment court initiative.
- SECOND: Commissioner Melvin
- VOTE: UNANIMOUS (3-0)

3. CONSIDERATION OF REQUEST TO REIMBURSE LEGAL DEFENSE EXPENSES

Amy Cannon, Deputy County Manager, referenced the memorandum from Cumberland County Sheriff Earl Butler requesting reimbursement of legal expenses incurred in defending the Sheriff's Office in pending litigation. Ms. Cannon stated these expenditures have been paid out of the Sheriff's budget which did not include funds for these legal expenses. Ms. Cannon stated in July 2011, the Sheriff's Office hired legal counsel with courtroom experience and significant expenses in preparing for lawsuits and related activities have been incurred. Ms. Cannon stated when the county was paying local attorneys to defend the county and the Sheriff's Office, these type expenses were paid from the general litigation fund.

Ms. Cannon stated the request is to reimburse the Sheriff's budget for the amount incurred to date and any future litigation expenditures from the general litigation fund. Ms. Cannon also stated because the general litigation fund was created by authority of the Board, she felt the Board should grant authority to transfer expenses.

Mr. Moorefield advised the use of the funds has not changed; the issue is that the funds are no longer being used to reimburse payments made to local attorneys outside the county because Ronnie Mitchell, legal counsel for the Sheriff's Office, is a county employee. Mr. Moorefield stated his suggestion is to transfer a portion of the fund to the Sheriff's Office for these expenses.

Ms. Cannon stated the current request is for \$10,700 which reflects expenses incurred from July 2011 through November 2011. Ms. Cannon stated her recommendation was that these expenditures to continue to be paid out of the Sheriff's budget and that there be a transfer of funds quarterly or semi-annually as reimbursement of legal expenses incurred in defending the Sheriff's Office. Concern was expressed that these expenses not become excessive. A brief discussion followed.

MOTION: Commissioner Council moved to approve \$25,000 for the entire year through June 30, 2012, and at budget time include in the Sheriff's budget \$25,000 to \$30,000 and that the Sheriff's Office be responsible for any overage. SECOND: Commissioner Melvin

Mr. Moorefield stated as long as the Board is aware the funds are being expended in this manner, one option would be to leave the general litigation fund as is but authorize draws as long as funds are available. Commissioner Edge suggested that a motion be made to reimburse the Sheriff's budget in the amount currently being requested and that management bring a proposal to the Board during its budget discussions. Commissioner Edge stated should reimbursement requests be submitted prior to July 1, 2012, they could be considered. Commissioner Council requested that the amount of \$25,000 be included at budget time.

Commissioner Council withdrew her motion, to which Commissioner Melvin agreed.

MOTION: Commissioner Council moved to approve the request to reimburse the Sheriff's Office for legal defense expenses incurred in the course of defending legal actions against the county or the Sheriff's Office, and that county management put together a proposal for the Board to consider during its budget discussions.

SECOND: Commissioner Melvin VOTE: UNANIMOUS (3-0)

4. CONSIDERATION OF REQUEST TO FORWARD BID APPROVAL TO THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS FOR DISASTER MANAGEMENT RECOVERY SERVICES

Mr. Martin stated Disaster Management, Recovery and Consulting Services are services needed in the event Cumberland County experiences a disaster that results in the need for extensive clean up such as the April 2011 tornados. Mr. Martin explained these services would support the oversight and management of debris recovery contractors and provide a range of related services. Mr. Martin further explained the type of disaster and the severity of the event would determine which services may actually be needed.

Mr. Martin acknowledged the attendance of Gene Booth, Emergency Management Officer, who concurred with what had been presented. Ms. Cannon stated these services would also facilitate coordination to obtain FEMA reimbursement, and the management side of the contract would help ensure the county has the appropriate documentation from the contractor level which is a piece the county is removed from on a day by day basis when dealing with disaster recovery. Commissioner Keefe asked if the county could also apply for reimbursement of the contract were reimbursement.

Commissioner Edge recognized the need to have these recovery services in place should they be needed and confirmed O'Brien's Response Management was the lowest responsive, responsible bidder.

MOTION:	Commissioner Council moved to forward the bid for Disaster Management,
	Recovery, and Consulting Services to the full Board.
SECOND:	Commissioner Melvin
VOTE:	UNANIMOUS (3-0)

5. CONSIDERATION OF ADOPTION OF CHANGES TO THE KELLY HILLS/SLOCOMB ROAD RATE SCHEDULE AND ADMINISTRATION POLICY

Ms. Cannon stated after reviewing the Kelly Hills/Slocomb Road rates and the administration policy, it has come to the attention of management that the rate schedule has not been updated since it was initially adopted before project completion. Ms. Cannon advised the rate schedule has been updated to accurately reflect the rate the sewer service provider charges to Kelly Hill's customers and all other outside city limit customers.

Ms. Cannon called the committee's attention to the administration policy and the rate schedule in Appendix A-1. Ms. Cannon responded to questions and explained the language in the administration policy was revised to reflect the prevailing rate charged by the sewer service provider. Ms. Cannon further explained this will eliminate the need come back to the Board each time the sewer service provider changes rates. Ms. Canon advised the sewer service provider rates are outside the control of the county.

MOTION: Commissioner Melvin moved to approve the revised Kelly Hills/Slocomb Road rates schedule to agree with the administration policy.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (3-0)

6. REVIEW OF MONTHLY FINANCIAL REPORT

Howard Abner, Assistant Finance Director, reported for year-to-date obligations the county was at 56.35% of budget and the current spending rate would put year-end spending at around 96.5% versus 97% for the prior year. Mr. Abner stated spending for the four largest departments

(Sheriff's Office, Health Department, Department of Social Services and the Library) were on target with current and historical averages.

Mr. Abner called attention to Category 10 and reported ad valorem taxes were on track to collect about 101.2% of budget. Mr. Abner stated this was a drop from last month's 101.6%, but with motor vehicle tax collections growing in the 2% range. Mr. Abner called attention to Category 20 and reported sales tax distributions of \$2.8 million as collected in January were for sales in November. Mr. Abner stated collections for these November sales were up .8% from November 2010 and overall year-end estimates were projected at just .98% increase over budget. Mr. Abner called attention to Category 30 and reported the first quarter sales tax equalization dollars were in and just shy of 25%. With regard to Category 50, Mr. Abner reported both the Register of Deeds and inspection fees were below last year and not only was the percent of budget recognized lower than last year, but also the actual dollars collected were lower. Mr. Abner stated the first seven categories were at 72.69% of budget which is just .9% above the prior year.

With regard to the Crown Coliseum, Mr. Abner reported January was a good month for operating revenue with the total operating revenue starting to catch up to last year. Mr. Abner stated for non-operating revenues, the Prepared Food and Beverage Tax transfer totaled \$2.2 million. Mr. Abner stated the combined bottom line of \$530,000 was better than the prior year.

7. OTHER MATTERS OF BUSINESS

There were no other matters of business.

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

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JAMES E. MARTIN County Manager

AMY H. CANNON Deputy County Manager



JAMES E. LAWSON Assistant County Manager

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

MEMORANDUM FOR BOARD OF COMMISSIONERS MARCH 19, 2012 AGENDA

TO: BOARD OF COMMISSIONERS

FROM: AMY H. CANNON, DEPUTY COUNTY MANAGER AWY (Caulus)

DATE: MARCH 14, 2012

SUBJECT: CONSIDERATION OF REQUEST TO FORWARD BID APPROVAL TO THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS FOR DISASTER MANAGEMENT RECOVERY SERVICES

BACKGROUND

The Finance Committee met on March 1, 2012, and discussed an item pertaining to the rebid of the Management Recovery Services bid on January 31, 2012. The original bid was rejected based on only receiving one bid. Three bids were received for Management Recovery and Consulting Services which were reviewed by Emergency Services and Solid Waste.

Disaster Management, Recovery and Consulting Services are services that are needed in the event that Cumberland County experiences a "disaster" i.e., hurricane, tornado, etc. resulting in the need for extensive clean up. They would "support the oversight and management of debris recovery contractors". This service provides a range of related services, i.e., damage assessment, training, emergency planning, infrastructure restoration, facilitate communication with FEMA, MHWA, state and federal agencies, County insurance representatives, pre-event planning, post-event reconstruction, grant funding and reimbursement services. The type of disaster and the severity of the event determine which services may actually be needed.

Kenny Currie, Tim Mitchell, Gene Booth and Robert Howard reviewed and analyzed the bids and recommend that the contract be awarded to O'Brien's Response Management, the lowest responsive, responsible bidder. The item was approved unanimously and meeting minutes are attached for your review.

RECOMMENDATION/PROPOSED ACTION

Consider approval of the Disaster Management Recovery Services bid award.

/ct CM031412-2

Celebrating Our Past...Embracing Our Future

JAMES E. MARTIN County Manager

AMY H. CANNON Deputy County Manager



ITEM NO.

JAMES E. LAWSON Assistant County Manager

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

TO: FINANCE COMMITTEE

FROM: AMY H. CANNON, DEPUTY COUNTY MANAGER AMY (NCUMM)

DATE: FEBRUARY 24, 2012

SUBJECT:CONSIDERATION OF REQUEST TO FORWARD BID APPROVAL
TO THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
FOR DISASTER MANAGEMENT RECOVERY SERVICES

BACKGROUND

Cumberland County Emergency Services and Purchasing rebid the Management Recovery Services bid on January 31, 2012. The original bid was rejected based on only receiving one bid. Three bids were received for Management Recovery and Consulting Services which were reviewed by Emergency Services and Solid Waste.

Disaster Management, Recovery and Consulting Services are services that are needed in the event that Cumberland County experiences a "disaster" i.e., hurricane, tornado, etc. resulting in the need for extensive clean up. They would "support the oversight and management of debris recovery contractors". This service provides a range of related services, i.e., damage assessment, training, emergency planning, infrastructure restoration, facilitate communication with FEMA, MHWA, state and federal agencies, County insurance representatives, pre-event planning, post-event reconstruction, grant funding and reimbursement services. The type of disaster and the severity of the event determine which services may actually be needed.

Kenny Currie, Tim Mitchell, Gene Booth and Robert Howard reviewed and analyzed the bids and recommend that the contract be awarded to O'Brien's Response Management, the lowest responsive, responsible bidder.

RECOMMENDATION/PROPOSED ACTION

Consider forwarding the Disaster Management Recovery Services bid to the Board of Commissioners for approval.

/ct

CM022412-1

Celebrating Our Past. . . Embracing Our Future

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



FINANCE DEPARTMENT PURCHASING DIVISION

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

То:	James Martin, County Manager
From:	Thelma S. Matthews, Purchasing Accounts Manager
Date:	February 23, 2012
RE:	Disaster Management, Recovery and Consulting Services

In 2009, Cumberland County Emergency Services began searching federal and state guidelines and recommendations to prepare specifications to seek bids for Disaster Debris Clearance and Removal Services and Management Recovery Services. The first effort resulted in rejection of bids for both services and further research was conducted.

On September 2, 2011, Bid No: 11-35-ES (F) was awarded to Byrd Brothers Emergency Services for Disaster Debris Clearance and Removal. Emergency Services and Purchasing recommended to reject Bid No: 11-34-ES (F) for Management Recovery Services because only one bid was received. It was approved by the Board of Commissioners on September 2, 2011.

Emergency Services and Purchasing recommended to reject Bid No: 12-08-ES (F) for Management Recovery Services because only one bid was received. It was approved by the Board of Commissioners on December 5, 2011.

On January 31, 2012, three (3) bids were received for Management Recovery and Consulting Services. Bids were forwarded to Emergency Services and Solid Waste Management for review.

On February 13, 2012, I met with Kenny Currie, Tim Mitchell, Gene Booth and Robert Howard to review and analyze the bids. All in attendance agreed to recommend that award of contract be made to O'Brien's Response Management, the lowest responsive, responsible bidder. The bid tabulation is attached.

Gene Booth, Emergency Management Officer, contacted a number of their references and received good reviews.

This memo is to request this item be on the agenda for the next County Commissioner's meeting scheduled for March 19, 2012.

Thank you.

TSM/dhm

Celebrating Our Past. ... Embracing Our Future



James "Timmy" Mitchell Deputy Director

COUNTY OF CUMBERLAND

EMERGENCY SERVICES DEPARTMENT P.O. DRAWER 1829 FAYETTEVILLE, NORTH CAROLINA Phone (910) 678-7688 Fax (910) 677-5552

-γ-

February 14, 2012

Memorandum

To: James Martin, County Manager

Thru: Thelma Matthews, Purchasing Agent

From: Kenny Currie, Emergency Service Director

Subject: RFP Disaster Management - No. 12-20-ES (F)

Mr. Martin, after consulting with Finance and the Solid Waste staff, it is our recommendation

to award the RFP disaster manage contract (Proposal No: 12-20-ES-F) to O'Briens Response

Management Inc. We have checked their references and received good reviews.

Please contact me if you have questions or concerns.

Attachment

/gs



Disaster Management, Recovery, and Consulting Services Bid #12-20-ES-F January 31, 2012 @ 1:00 pm

Bid Tabulation Sheet

<u>Atkins</u>	<u>O'Brien</u>	Johnson
105.00	78.20	9500
8500	65.00	9500
7000	54.00	6405
8500	.54.00	70 35
7000	52.00	6405
4000	34,00	35-28
8500		70 35
4000	3600	<u>35 28</u>
35@	2700	3900
7000	5900	39.00
3000	25 <u>∞</u>	39.00
4000	36 20_	35 28
Reimblappeals 31480 Uner/ Manner \$9000	FEMA PROGAM Specialist 1890 Trainer/Planner \$ 8900	
	105.00 <u>8500</u> <u>7000</u> <u>8500</u> <u>7000</u> <u>4000</u> <u>8500</u> <u>4000</u> <u>3500</u> <u>7000</u> <u>3500</u> <u>7000</u> <u>3000</u> <u>4000</u> <u>8500</u>	105.00 78.00 8500 65.00 7000 54.00 8500 54.00 7000 52.00 7000 52.00 4000 3600 4000 3600 4000 3600 4000 3600 4000 3600 3500 3700 1000 5900 3500 27500 4000 3600 3500 27500 1000 5900 3500 37400 1000 5900 1000 5900 1000 5900 1000 5900 1000 5900 1000 5900 1000 5900 1000 5900 1000 5900 1000 5900 1000 5900 1000 5900 1000 5900 1000 5900 1000 5900 1000 5900 <t< td=""></t<>

Julma S. Matthews

Thelma S. Matthews January 31, 2012

CUMBERLAND COUNTY FINANCE COMMITTEE NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564 MARCH 1, 2012 - 9:30AM MINUTES

MEMBERS PRESENT:	Commissioner Kenneth Edge, Chairman
	Commissioner Jeannette Council
	Commissioner Ed Melvin (arrived 9:33)
OTHER COMMISSIONERS	
PRESENT:	Commissioner Jimmy Keefe
	Commissioner Charles Evans
OTHERS:	James Martin, County Manager
	Amy Cannon, Deputy County Manager
	James Lawson, Assistant County Manager
	Rick Moorefield, County Attorney
	Elizabeth Keever, District Court Judge
	Howard Abner, Assistant Finance Director
	Sally Shutt, Communication and Strategic Initiatives Manager
	Amy Hall, Public Utilities
	Gene Booth, Emergency Management Officer
	Candice H. White, Clerk to the Board
	Press

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

1. APPROVAL OF MINUTES – FEBRUARY 2, 2012 REGULAR MEETING

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

2. PRESENTATION BY JUDGE KEEVER REGARDING VETERAN'S TREATMENT COURT GRANT SUBMISSION TO THE BUREAU OF JUSTICE

James Martin, County Manager, called on District Court Judge Elizabeth Keever who had requested an opportunity to discuss the veterans' treatment court initiative and the submittal of a grant application to the Bureau of Justice. Judge Keever stated the court system has a number of treatment courts designed to put more emphasis on court interaction with defendants who have substance abuse or mental health issues, and several years ago the Sheriff expressed concern for individuals who come in and out of the jail with what appear to be mental health issues. Judge Keever stated the mental health system continues to be somewhat problematic and a number of courts around the country have begun veterans' courts so they can work in collaboration with the Veterans Administration. Judge Keever stated Cumberland County has the Veterans

Administration Hospital and a court can be created solely for these individuals so the services they need can be provided at no cost other than what is provided by the federal government. Judge Keever stated the court system has decided to pursue a veterans' court to target those individuals in an effort to keep them out of jail. Judge Keever stated the whole purpose of veterans' court is to monitor those individuals needing to take medications and to make sure they are receiving services such as transitional housing and other benefits available to them through the Veterans Administration. Judge Keever stated the purpose is also to help them become productive citizens.

Judge Keever spoke to a week-long training conducted by the U. S. Department of Justice's Bureau of Justice that Deputy County Manager Amy Cannon and Veterans Services Director Sharon Sanders attended. Judge Keever stated the court system has asked the county to be the agent to apply for the \$350,000 36-month grant. Judge Keever stated if received, the effective date would be October 1, 2012 although the team wants to begin in July 2012. Judge Keever explained there would be a 25% match requirement with only 3% of that match being cash; the remainder of the match would be in-kind which the court system has provided in the past.

Judge Keever responded to questions and stated individuals with violent offenses would not be eligible for the veterans' court and discussion is ongoing as to whether individuals with domestic violence issues would be included. Judge Keever stated veterans' court will not only serve those coming through the court system, but will also get the word out about services provided by the Veterans Administration. Judge Keever stated the court system will be able to mandate that individuals go to the Veterans Administration and judges will be able to monitor every two to three weeks what individuals have done.

- MOTION: Commissioner Council moved for the court system to go forward with the veteran's treatment court initiative.
- SECOND: Commissioner Melvin
- VOTE: UNANIMOUS (3-0)

3. CONSIDERATION OF REQUEST TO REIMBURSE LEGAL DEFENSE EXPENSES

Amy Cannon, Deputy County Manager, referenced the memorandum from Cumberland County Sheriff Earl Butler requesting reimbursement of legal expenses incurred in defending the Sheriff's Office in pending litigation. Ms. Cannon stated these expenditures have been paid out of the Sheriff's budget which did not include funds for these legal expenses. Ms. Cannon stated in July 2011, the Sheriff's Office hired legal counsel with courtroom experience and significant expenses in preparing for lawsuits and related activities have been incurred. Ms. Cannon stated when the county was paying local attorneys to defend the county and the Sheriff's Office, these type expenses were paid from the general litigation fund.

Ms. Cannon stated the request is to reimburse the Sheriff's budget for the amount incurred to date and any future litigation expenditures from the general litigation fund. Ms. Cannon also stated because the general litigation fund was created by authority of the Board, she felt the Board should grant authority to transfer expenses.

Mr. Moorefield advised the use of the funds has not changed; the issue is that the funds are no longer being used to reimburse payments made to local attorneys outside the county because Ronnie Mitchell, legal counsel for the Sheriff's Office, is a county employee. Mr. Moorefield stated his suggestion is to transfer a portion of the fund to the Sheriff's Office for these expenses.

Ms. Cannon stated the current request is for \$10,700 which reflects expenses incurred from July 2011 through November 2011. Ms. Cannon stated her recommendation was that these expenditures to continue to be paid out of the Sheriff's budget and that there be a transfer of funds quarterly or semi-annually as reimbursement of legal expenses incurred in defending the Sheriff's Office. Concern was expressed that these expenses not become excessive. A brief discussion followed.

MOTION: Commissioner Council moved to approve \$25,000 for the entire year through June 30, 2012, and at budget time include in the Sheriff's budget \$25,000 to \$30,000 and that the Sheriff's Office be responsible for any overage. SECOND: Commissioner Melvin

Mr. Moorefield stated as long as the Board is aware the funds are being expended in this manner, one option would be to leave the general litigation fund as is but authorize draws as long as funds are available. Commissioner Edge suggested that a motion be made to reimburse the Sheriff's budget in the amount currently being requested and that management bring a proposal to the Board during its budget discussions. Commissioner Edge stated should reimbursement requests be submitted prior to July 1, 2012, they could be considered. Commissioner Council requested that the amount of \$25,000 be included at budget time.

Commissioner Council withdrew her motion, to which Commissioner Melvin agreed.

MOTION: Commissioner Council moved to approve the request to reimburse the Sheriff's Office for legal defense expenses incurred in the course of defending legal actions against the county or the Sheriff's Office, and that county management put together a proposal for the Board to consider during its budget discussions.

SECOND: Commissioner Melvin VOTE: UNANIMOUS (3-0)

4. CONSIDERATION OF REQUEST TO FORWARD BID APPROVAL TO THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS FOR DISASTER MANAGEMENT RECOVERY SERVICES

Mr. Martin stated Disaster Management, Recovery and Consulting Services are services needed in the event Cumberland County experiences a disaster that results in the need for extensive clean up such as the April 2011 tornados. Mr. Martin explained these services would support the oversight and management of debris recovery contractors and provide a range of related services. Mr. Martin further explained the type of disaster and the severity of the event would determine which services may actually be needed.

Mr. Martin acknowledged the attendance of Gene Booth, Emergency Management Officer, who concurred with what had been presented. Ms. Cannon stated these services would also facilitate coordination to obtain FEMA reimbursement, and the management side of the contract would help ensure the county has the appropriate documentation from the contractor level which is a piece the county is removed from on a day by day basis when dealing with disaster recovery. Commissioner Keefe asked if the county could also apply for reimbursement of the contract were reimbursement.

Commissioner Edge recognized the need to have these recovery services in place should they be needed and confirmed O'Brien's Response Management was the lowest responsive, responsible bidder.

MOTION:	Commissioner Council moved to forward the bid for Disaster Management,
	Recovery, and Consulting Services to the full Board.
SECOND:	Commissioner Melvin
VOTE:	UNANIMOUS (3-0)

5. CONSIDERATION OF ADOPTION OF CHANGES TO THE KELLY HILLS/SLOCOMB ROAD RATE SCHEDULE AND ADMINISTRATION POLICY

Ms. Cannon stated after reviewing the Kelly Hills/Slocomb Road rates and the administration policy, it has come to the attention of management that the rate schedule has not been updated since it was initially adopted before project completion. Ms. Cannon advised the rate schedule has been updated to accurately reflect the rate the sewer service provider charges to Kelly Hill's customers and all other outside city limit customers.

Ms. Cannon called the committee's attention to the administration policy and the rate schedule in Appendix A-1. Ms. Cannon responded to questions and explained the language in the administration policy was revised to reflect the prevailing rate charged by the sewer service provider. Ms. Cannon further explained this will eliminate the need come back to the Board each time the sewer service provider changes rates. Ms. Canon advised the sewer service provider rates are outside the control of the county.

MOTION: Commissioner Melvin moved to approve the revised Kelly Hills/Slocomb Road rates schedule to agree with the administration policy.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (3-0)

6. REVIEW OF MONTHLY FINANCIAL REPORT

Howard Abner, Assistant Finance Director, reported for year-to-date obligations the county was at 56.35% of budget and the current spending rate would put year-end spending at around 96.5% versus 97% for the prior year. Mr. Abner stated spending for the four largest departments

(Sheriff's Office, Health Department, Department of Social Services and the Library) were on target with current and historical averages.

Mr. Abner called attention to Category 10 and reported ad valorem taxes were on track to collect about 101.2% of budget. Mr. Abner stated this was a drop from last month's 101.6%, but with motor vehicle tax collections growing in the 2% range. Mr. Abner called attention to Category 20 and reported sales tax distributions of \$2.8 million as collected in January were for sales in November. Mr. Abner stated collections for these November sales were up .8% from November 2010 and overall year-end estimates were projected at just .98% increase over budget. Mr. Abner called attention to Category 30 and reported the first quarter sales tax equalization dollars were in and just shy of 25%. With regard to Category 50, Mr. Abner reported both the Register of Deeds and inspection fees were below last year and not only was the percent of budget recognized lower than last year, but also the actual dollars collected were lower. Mr. Abner stated the first seven categories were at 72.69% of budget which is just .9% above the prior year.

With regard to the Crown Coliseum, Mr. Abner reported January was a good month for operating revenue with the total operating revenue starting to catch up to last year. Mr. Abner stated for non-operating revenues, the Prepared Food and Beverage Tax transfer totaled \$2.2 million. Mr. Abner stated the combined bottom line of \$530,000 was better than the prior year.

7. OTHER MATTERS OF BUSINESS

There were no other matters of business.

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

ITEM NO. _

JAMES E. MARTIN County Manager

AMY H. CANNON Deputy County Manager



JAMES E. LAWSON Assistant County Manager

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

MEMORANDUM FOR BOARD OF COMMISSIONERS MARCH 19, 2012 AGENDA

TO: BOARD OF COMMISSIONERS

FROM: AMY HALL, ENGINEERING TECHNICIAN

THRU: AMY H. CANNON, DEPUTY COUNTY MANAGER ANY H CAMMON

DATE: MARCH 14, 2012

SUBJECT: CONSIDERATION OF ADOPTION OF CHANGES TO THE KELLY HILLS / SLOCOMB ROAD RATE SCHEDULE AND ADMINISTRATION POLICY

BACKGROUND

After reviewing the Kelly Hills/Slocomb Road rates and administration policy, it has come to my attention that the rate schedule has not been updated since it was initially adopted before project completion. Kelly Hills customers are being charged the outside city limits, flat monthly sewer rate in accordance with the contract with the provider.

The rate schedule in Appendix A-1 has been updated to accurately reflect that Kelly Hills customers are subject to rates that the sewer service provider charges to outside city limit customers. The item was approved unanimously and meeting minutes are attached for your review.

RECOMMENDATION / PROPOSED ACTION

Consider approval of the Finance Committee's recommendation of the revised Kelly Hills/Slocomb Road Rates Schedule to agree with the Administration Policy.

/ct

CM031412-3

Celebrating Our Past...Embracing Our Future
JAMES E. MARTIN County Manager

AMY H. CANNON Deputy County Manager



ITEM NO.

JAMES E. LAWSON Assistant County Manager

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

TO: FINANCE COMMITTEE

FROM: AMY HALL, ENGINEERING TECHNICIAN

THRU: AMY H. CANNON, DEPUTY COUNTY MANAGER AWIN

DATE: FEBRUARY 24, 2012

SUBJECT: CONSIDERATION OF ADOPTION OF CHANGES TO THE KELLY HILLS / SLOCOMB ROAD RATE SCHEDULE AND ADMINISTRATION POLICY

BACKGROUND

After reviewing the Kelly Hills/Slocomb Road rates and administration policy, it has come to my attention that the rate schedule has not been updated since it was initially adopted before project completion. Kelly Hills customers are being charged the outside city limits, flat monthly sewer rate in accordance with the contract with the provider.

The rate schedule in Appendix A-1 has been updated to accurately reflect that Kelly Hills customers are subject to rates that the sewer service provider charges to outside city limit customers.

RECOMMENDATION / PROPOSED ACTION

The Public Utilities Department and Management recommend that the Finance Committee approve the revised Kelly Hills/Slocomb Road Rates Schedule to agree with the Administration Policy.

Celebrating Our Past...Embracing Our Future

Kelly Hills / Slocomb Road Water and Sewer District (KELLY)



CUMBERLAND COUNTY NORTH CAROLINA

KELLY Sanitary Sewer Rates and Administration Policy

Revised 2-24-12

KELLY Sanitary Sewer Rates and Administration Policy

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VI. Connection Fees and Charges	4
Appendix Rate Schedules	
Residential Sanitary Sewer Only (SSR-3)	1
Commercial Sanitary Sewer (SSC)	2
Availability Charge (SS-0)	3

Definitions:

Availability:	Sanitary Sewer is considered to be available when a gravity main line has been extended to a location adjacent to a property and when a dwelling on the property can be serviced by a gravity service line less than or equal to 400 feet that meets State building code requirements.
Lateral:	Shall be defined as the installation which joins a KELLY main located in a public street or KELLY right-of-way and the point of delivery for service (usually at or near the property line of the applicant).
Mobile Home Park:	Shall be defined as any site or tract of land upon which is (are) located three (3) or more mobile home dwellings capable of being occupied for dwelling or sleeping purposes.
Public Projects:	For use in this document, Public Projects are considered as those projects undertaken by KELLY to provide sewer services to currently unsewered areas and are typically funded by a combination of government loans and grants and local funds. Loans for these projects are typically repaid through the collection of "Debt Service" charges to customers after construction.
Public Utility:	Shall be defined as electric, water, sewer, gas, or telephone company.

I. <u>AVAILABILITY OF SERVICE</u>

Sanitary Sewer (SS) Service is provided from the KELLY District in accordance with the rules established in the <u>KELLY Sewer Use Ordinance</u> (SUO) and herein.

Within the KELLY District boundaries, hook up to the Sanitary Sewer System is **mandatory** when it is made available (See definitions). Within KELLY boundaries, failure to pay required fees and make the mandatory connection will result in a monthly charge to the property owner and possibly higher connection charges if the owner connects in the future.

Currently all rates are the same for customers within the District Boundaries and those outside. The KELLY Board reserves the right to adopt different rates for customers outside the District.

Currently, the District does not provide water service. All existing water customers that will receive Sanitary Sewer Service from KELLY will continue to receive water from their local provider. New water customers will also receive water from the local provider.

Fees for sanitary sewer service will be collected by the Sewer Service Provider.

II. <u>APPLICABILITY OF RATE SCHEDULES</u>

A. <u>General</u>:

The KELLY District has established a Sanitary Sewer rate schedule as shown in Appendix A. The District reserves the right to change a customer's rate classification according to those circumstances described under "Availability of Service". The customer, in certain instances upon establishing a billing history of no less than twelve months, may apply in writing for a review of his current rate classification. The customer will be promptly reclassified if such reclassification is justified.

The District endeavors to classify all of its customers accurately. However, the District does not guarantee that each customer will be served under the most favorable rate schedule at all times. The District shall not be held responsible for a customer's financial damages in the event that service is billed under a rate schedule, which does not most accurately represent the customer's circumstances. Therefore, no refunds or credits shall be issued representing the difference between previously billed rate schedule charges and charges which would have been billed had the customer been served under the most appropriate rate schedule.

B. SANITARY SEWER SCHEDULES:

The District has three categories of retail sanitary sewer service rate schedules. They are:

- 1. Sanitary Sewer Service-Residential (SSR).
 - a. <u>Schedule SSR-3</u> is applicable to <u>residential</u> sanitary sewer service where the customer receives all water from sources other than the Sewer Service Provider. A flat monthly rate for service is assessed under this schedule which includes a fee for the Sewer Service Provider to provide Billing Services as well as a capital reserve fund fee to help cover the costs of future work and major repairs.
- 2. <u>Sanitary Sewer-Commercial (SSC)</u>. Commercial Sanitary Sewer Service is a category of schedules consisting of two rate schedules. Commercial "sewer only" customers will be required to install a sewer flow meter and will be charged based on their usage and the schedules described below (basic rate for sewer only commercial customers will be the same as a two inch water meter customer).
 - a. <u>Schedule SSC</u> is applicable to commercial customers who use a ³/₄ inch or larger water meter and the customer is billed monthly for metered water service by the sewer service provider. Sanitary sewer discharge is billed under this schedule using the customer's measured water consumption during the corresponding billing period or their sewage flow for sewer only customers.

- b. <u>Schedule SSS</u> (Sanitary Sewer Surcharge) is applied in conjunction with Schedule SSC in situations where the customer's discharge of Biochemical Oxygen Demand, Suspended Solids or Ammonia Nitrogen exceeds, on a parts per million gallons basis, the limits established by the Sewer Use Ordinance of the District.
- 3. <u>Sanitary Sewer Available But Not Connected (SS-0)</u>. This category applies to residential and commercial building owners within the KELLY District boundary for whom sanitary sewer has been made available, but have not connected. They will be billed monthly, from the date of availability, at a rate equal to the sum of the applicable Flat Rate, Sewer Service Provider Billing Services Fee and the Capital Reserve Fund Fee as described in Section V and Appendix A.

III. CHARACTER OF SERVICE

Wastewater shall be collected and treated in accordance with the Sewer Use Ordinance of the KELLY District.

IV. BILLING

- **A.** Billing is made on a monthly basis by the Sewer Service Provider.
- **B**. Billing adjustments resulting from meter reading, billing, customer classification, or any other errors shall be resolved by the Sewer Service Provider.

V. MONTHLY RATES AND CHARGES

- **A.** <u>**FLAT MONTHLY RATES:**</u> Flat Monthly Rates are used in billing residential sanitary sewer service, where the customer receives all water requirements from other than a metered service provider.
- **B.** <u>**BASIC FACILITIES CHARGES:</u>** Basic Facilities Charges are assessed independent of and in addition to all consumption or discharge rates. Basic Facilities Charges are graduated according to meter size to reflect the various levels of KELLY investment costs.</u>

C. <u>Debt Reduction Charges</u>

Debt Reduction Charges are used to collect funds for the repayment of debts associated with the construction of the KELLY Sanitary Sewer System. Note that debt charges will begin when customers are notified that the main is available for connection.

- All SSR and SSR-3 Schedule customers will pay the same rate.
- All SSC Schedule customers will pay a consumptive rate.
- For the initial KELLY Project there are no Debt Reduction Charges.

D. <u>CONSUMPTION (DISCHARGE) RATES.</u>

Consumption or Discharge Rates apply to SSR and SSC customers. They are based upon the customer usage and expressed in a cost per 1,000 gallons used.

E. SANITARY SEWER SURCHARGES

Sanitary Sewer Surcharges are limited to Schedule SSS. Sanitary Sewer Surcharges will be billed directly by KELLY's pretreatment agent—the Fayetteville Public Works Commission (PWC). PWC will surcharge the customers when their discharges exceed allowances established by the PWC.

VI. <u>CONNECTION FEES AND CHARGES</u>

A. <u>CONNECTING TO SEWER MAINS OF COMPLETED PUBLIC PROJECTS</u>

1. <u>Main Charge, Lateral Charges, and Standard Tap Fees</u>: There will usually be no <u>Sewer Main Charge, Lateral Charge, or Standard Tap Fees</u> if customers pay the reduced tap fee by the specified date and connect within the first ninety days that the main is available for connection.

2. <u>Reduced Tap Fees</u>: There will usually be a <u>Reduced Tap Fee</u> for public projects based on the specifics of the project funding. This Tap Fee will usually be less than the Standard Tap Fee described below if paid within a specified time. For the initial <u>KELLY Sanitary Sewer System</u> project there are no Tap Fee's.

3. <u>Connections After 90 Days.</u> Customers who wish to connect to an existing main after the first 90 days that the main is available for connection will have to pay the following fees:

a. <u>A Lateral Charge</u> as described in paragraph "VI, B, 2," if no lateral was installed during the public project. Note that customers will be required to pay the Reduced Tap Fee for Public Projects prior to a specified date in order for a lateral to be installed at their property. If they do not pay the reduced tap fee by the specified date then no

KELLY Sanitary Sewer Rates and Administration Policy

lateral will be installed and they will have to pay the full lateral charge in order to connect.

- b. <u>The Standard Tap Fee</u> as described below.
- c. A <u>Debt Charge</u> equaling the sum of Debt Charges that would have been paid had the customer connected when main was first available (This applies only to customers outside the KELLY Boundary— Customers inside the boundary will automatically pay the monthly debt charge from the date that the main is available).
- **B.** <u>CONNECTING TO EXTENDED MAINS.</u> KELLY may extend mains to serve additional customers with non-public funding such as using its own capital account, a bank loan, private funding, or a combination of these. If the extension is within the KELLY boundary, then the mandatory connection policy will apply. If outside the KELLY boundary, connection will be voluntary. Connection fees to such extensions will be as follows:
 - 1. <u>Main Charges*</u>

Residential 4-inch Sewer\$1,188.00

Commercial 4 inch Sewer	& Mobile Home Park	\$13.20 per front foot
Minimum Main Charge:	•••••••••••••••••••••••••••••••••••••••	\$1,188.00

2. <u>Lateral Charges</u>. A sanitary sewer service lateral is the installation which joins a KELLY main located in a public street or right-of-way and the point of delivery for service (usually at or near the property line of the applicant). The appropriate charge in the table below shall be paid by the applicant prior to an initial connection to the KELLY system of mains. All charges include labor, equipment and materials required for the installation of the specified pipe size or sizes at a depth not to exceed ten feet. Common exceptions to the standard charges are also noted.

Standard Charges*	Per Installation (Cost)
4-inch	\$ 505.00
6-inch	\$ 625.00

*Charges shown are "Standard." Some common exceptions are: Charges for other depths of bury, pipe sizes and pipe size combinations, unusually difficult construction conditions, etc., and will be computed using time and material basis.

KELLY Sanitary Sewer Rates and Administration Policy

3. <u>Standard Tap Fee.</u> The <u>Standard Tap Fee</u> will provide KELLY with funds for long-term system replacement and upgrade. They are in addition to the Main Charge and Service Lateral Charge. Standard Tap Fees per equivalent customer (per water meter size) are:

Size of Water Meter	Standard Tap Fee	
5/8"	\$670.00	
1"	\$1,670.00	
1-1/2"	\$3,350.00	
2"	\$5,360.00	
3"	\$11,720.00	
4"	\$20,100.00	
6"	\$41,880.00	
8"	\$60,310.00	

a. <u>Standard Tap Fee Credit</u>. KELLY will provide a <u>Standard Tap Fee</u> <u>Credit</u> to developers on a dollar for dollar basis for extension of approach mains and collectors. (<u>See: Standard Tap Fee Procedure</u>). A main extension is considered an approach main if it passes through or abuts other parcels and allows service to those parcels. Developers must notify KELLY of their intent to construct sanitary sewer that will qualify for a credit as part of their request for acceptance of the waste from the proposed project. Credits must be used within five years from the date issued by KELLY.

b. Existing customers connected to sanitary sewer and needing additional connections (taps) to the system will pay the appropriate Standard Tap Fee.

c. Existing customers needing to up-size their water meter will pay the difference between the Standard Tap Fee for the existing meter and the larger meter.

d. If a parcel is redeveloped and existing sewer laterals are utilized, no Standard Tap Fee is due. If a parcel is being redeveloped and new sewer laterals are needed, the appropriate Standard Tap Fee for sewer is required. Appendix A-1. Rate Schedule SSR-3

RESIDENTIAL SANITARY SEWER ONLY (Schedule SSR-3) SERVICE

AVAILABILITY - Available throughout the territory served by KELLY in accordance with KELLY's established service regulations.

<u>APPLICABILITY</u> - To residential sanitary sewer service where the customer receives all water requirements from sources other than from the water mains of the PWC and where all wastewater is discharged into the sanitary sewer system at a single discharge point. Note commercial sewer only customers will be required to install a meter and will be billed according to Schedule SSC.

<u>**CHARACTER OF SERVICE</u>** - Wastewater shall be collected and treated in accordance with the KELLY Sanitary Sewer Use Ordinance.</u>

MONTHLY RATE: The monthly rate billed by KELLY shall be the sum of the Basic, Flat Monthly Charge, and the Debt Charge.

Flat Monthly Charge	Prevailing Flat rate charged by the Sewer Service Provider
Sewer Service Provider Billing Services Charge	\$2.00
KELLY Capital Reserve Fund Fee	\$2.10
Debt Charge	Will be determined if Kelly incurs debt.

<u>CONTRACT PERIOD</u> - The contract period shall be continuous from the date of connection through the date of disconnection.

<u>PAYMENTS</u> – Bills are due in accordance with the established policies of the Sewer Service Provider.

SCHEDULE SSR

Appendix A-2. Rate Schedule SSC

COMMERCIAL SANITARY SEWER (Schedule SSC) SERVICE

<u>AVAILABILITY</u> - Available throughout the territory served by KELLY in accordance with KELLY's established service regulations.

<u>APPLICABILITY</u> - To commercial service customers using a ³/₄ inch, or larger, water meter and where the customer is billed monthly for metered water service by PWC and where all wastewater is discharged into the sanitary sewer system at a single discharge point.

<u>CHARACTER OF SERVICE</u> - Wastewater shall be collected and treated in accordance with KELLY's Sewer Use Ordinance.

MONTHLY RATE - The monthly rate billed by Sewer Service Provider shall be the sum of the Usage Charges, Debt Charge, and the Basic Facilities Charge.

Usage Charge	\$4.03 per MGAL
Capital Reserve Fund Fee	\$2.10
Debt Charge	To be determined if debt is incurred by Kelly
Basic Facilities Charges:	

<u>ueie i ueinitee enargee</u> .	
Meter Size:	<u>KELLY</u>
3/4"	2.58
1"	3.26
1 1/2"	4.20
2"	6.78
3"	11.37
4"	17.92
6"	34.15
8"	53.70

<u>CONTRACT PERIOD</u> - The contract period shall be continuous from the date of connection through the date of disconnection.

PAYMENTS – Bills are due in accordance with the established policies of the Sewer Service Provider.

KELLY Sanitary Sewer Rates and Administration Policy

Appendix A-4. Rate Schedule SS-0

AVAILABILITY CHARGE (Schedule SS-0)

<u>APPLICABILITY</u> – The Availability Charge is assessed to residential and commercial properties at the same rate under three sets of conditions:

1. <u>Developed Property Within the KELLY District Boundary</u>: To Owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the property--where sewer service is available but not connected. Under these conditions, the charge applies from the date the owner is notified that sewer is available regardless of whether or not a service lateral has been placed and regardless of whether or not the property is connected to the local water system. This charge will only apply to newly created areas of the KELLY District outside of the original project area due to the mandatory hookup requirement in the original project area.

2. <u>Undeveloped Property Within the KELLY District Boundary</u>: The Availability Charge is assessed to Owners of undeveloped properties only if the owner has requested and received a service lateral but has not yet connected. Under these conditions, the charge applies from the date the Owner is notified that the lateral is in place and service is available.

3. <u>Properties Outside the KELLY District Boundary</u>: The Availability Charge is assessed to Owners outside the District Boundary only if the owner has requested and received a service lateral but has not yet connected. Under these conditions, the charge applies from the date the Owner is notified that the lateral is in place and service is available.

MONTHLY RATE: The monthly rate billed by KELLY shall be the sum of the Basic and the Debt Charge.

Capital Reserve Fund Fee: \$2.10

Debt Charge To Be Determined if the District incurs debt.

<u>CONTRACT PERIOD</u> - The contract period shall be continuous from the date of availability through the date of connection--at which time another rate schedule will apply.

<u>PAYMENTS</u> – Bills are due in accordance with the established policies of the Sewer Service Provider.

CUMBERLAND COUNTY FINANCE COMMITTEE NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564 MARCH 1, 2012 - 9:30AM MINUTES

MEMBERS PRESENT:	Commissioner Kenneth Edge, Chairman
	Commissioner Jeannette Council
	Commissioner Ed Melvin (arrived 9:33)
OTHER COMMISSIONERS	
PRESENT:	Commissioner Jimmy Keefe
	Commissioner Charles Evans
OTHERS:	James Martin, County Manager
	Amy Cannon, Deputy County Manager
	James Lawson, Assistant County Manager
	Rick Moorefield, County Attorney
	Elizabeth Keever, District Court Judge
	Howard Abner, Assistant Finance Director
	Sally Shutt, Communication and Strategic Initiatives Manager
	Amy Hall, Public Utilities
	Gene Booth, Emergency Management Officer
	Candice H. White, Clerk to the Board
	Press

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

1. APPROVAL OF MINUTES – FEBRUARY 2, 2012 REGULAR MEETING

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

2. PRESENTATION BY JUDGE KEEVER REGARDING VETERAN'S TREATMENT COURT GRANT SUBMISSION TO THE BUREAU OF JUSTICE

James Martin, County Manager, called on District Court Judge Elizabeth Keever who had requested an opportunity to discuss the veterans' treatment court initiative and the submittal of a grant application to the Bureau of Justice. Judge Keever stated the court system has a number of treatment courts designed to put more emphasis on court interaction with defendants who have substance abuse or mental health issues, and several years ago the Sheriff expressed concern for individuals who come in and out of the jail with what appear to be mental health issues. Judge Keever stated the mental health system continues to be somewhat problematic and a number of courts around the country have begun veterans' courts so they can work in collaboration with the Veterans Administration. Judge Keever stated Cumberland County has the Veterans

Administration Hospital and a court can be created solely for these individuals so the services they need can be provided at no cost other than what is provided by the federal government. Judge Keever stated the court system has decided to pursue a veterans' court to target those individuals in an effort to keep them out of jail. Judge Keever stated the whole purpose of veterans' court is to monitor those individuals needing to take medications and to make sure they are receiving services such as transitional housing and other benefits available to them through the Veterans Administration. Judge Keever stated the purpose is also to help them become productive citizens.

Judge Keever spoke to a week-long training conducted by the U. S. Department of Justice's Bureau of Justice that Deputy County Manager Amy Cannon and Veterans Services Director Sharon Sanders attended. Judge Keever stated the court system has asked the county to be the agent to apply for the \$350,000 36-month grant. Judge Keever stated if received, the effective date would be October 1, 2012 although the team wants to begin in July 2012. Judge Keever explained there would be a 25% match requirement with only 3% of that match being cash; the remainder of the match would be in-kind which the court system has provided in the past.

Judge Keever responded to questions and stated individuals with violent offenses would not be eligible for the veterans' court and discussion is ongoing as to whether individuals with domestic violence issues would be included. Judge Keever stated veterans' court will not only serve those coming through the court system, but will also get the word out about services provided by the Veterans Administration. Judge Keever stated the court system will be able to mandate that individuals go to the Veterans Administration and judges will be able to monitor every two to three weeks what individuals have done.

- MOTION: Commissioner Council moved for the court system to go forward with the veteran's treatment court initiative.
- SECOND: Commissioner Melvin
- VOTE: UNANIMOUS (3-0)

3. CONSIDERATION OF REQUEST TO REIMBURSE LEGAL DEFENSE EXPENSES

Amy Cannon, Deputy County Manager, referenced the memorandum from Cumberland County Sheriff Earl Butler requesting reimbursement of legal expenses incurred in defending the Sheriff's Office in pending litigation. Ms. Cannon stated these expenditures have been paid out of the Sheriff's budget which did not include funds for these legal expenses. Ms. Cannon stated in July 2011, the Sheriff's Office hired legal counsel with courtroom experience and significant expenses in preparing for lawsuits and related activities have been incurred. Ms. Cannon stated when the county was paying local attorneys to defend the county and the Sheriff's Office, these type expenses were paid from the general litigation fund.

Ms. Cannon stated the request is to reimburse the Sheriff's budget for the amount incurred to date and any future litigation expenditures from the general litigation fund. Ms. Cannon also stated because the general litigation fund was created by authority of the Board, she felt the Board should grant authority to transfer expenses.

Mr. Moorefield advised the use of the funds has not changed; the issue is that the funds are no longer being used to reimburse payments made to local attorneys outside the county because Ronnie Mitchell, legal counsel for the Sheriff's Office, is a county employee. Mr. Moorefield stated his suggestion is to transfer a portion of the fund to the Sheriff's Office for these expenses.

Ms. Cannon stated the current request is for \$10,700 which reflects expenses incurred from July 2011 through November 2011. Ms. Cannon stated her recommendation was that these expenditures to continue to be paid out of the Sheriff's budget and that there be a transfer of funds quarterly or semi-annually as reimbursement of legal expenses incurred in defending the Sheriff's Office. Concern was expressed that these expenses not become excessive. A brief discussion followed.

MOTION: Commissioner Council moved to approve \$25,000 for the entire year through June 30, 2012, and at budget time include in the Sheriff's budget \$25,000 to \$30,000 and that the Sheriff's Office be responsible for any overage. SECOND: Commissioner Melvin

Mr. Moorefield stated as long as the Board is aware the funds are being expended in this manner, one option would be to leave the general litigation fund as is but authorize draws as long as funds are available. Commissioner Edge suggested that a motion be made to reimburse the Sheriff's budget in the amount currently being requested and that management bring a proposal to the Board during its budget discussions. Commissioner Edge stated should reimbursement requests be submitted prior to July 1, 2012, they could be considered. Commissioner Council requested that the amount of \$25,000 be included at budget time.

Commissioner Council withdrew her motion, to which Commissioner Melvin agreed.

MOTION: Commissioner Council moved to approve the request to reimburse the Sheriff's Office for legal defense expenses incurred in the course of defending legal actions against the county or the Sheriff's Office, and that county management put together a proposal for the Board to consider during its budget discussions.

SECOND: Commissioner Melvin VOTE: UNANIMOUS (3-0)

4. CONSIDERATION OF REQUEST TO FORWARD BID APPROVAL TO THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS FOR DISASTER MANAGEMENT RECOVERY SERVICES

Mr. Martin stated Disaster Management, Recovery and Consulting Services are services needed in the event Cumberland County experiences a disaster that results in the need for extensive clean up such as the April 2011 tornados. Mr. Martin explained these services would support the oversight and management of debris recovery contractors and provide a range of related services. Mr. Martin further explained the type of disaster and the severity of the event would determine which services may actually be needed.

Mr. Martin acknowledged the attendance of Gene Booth, Emergency Management Officer, who concurred with what had been presented. Ms. Cannon stated these services would also facilitate coordination to obtain FEMA reimbursement, and the management side of the contract would help ensure the county has the appropriate documentation from the contractor level which is a piece the county is removed from on a day by day basis when dealing with disaster recovery. Commissioner Keefe asked if the county could also apply for reimbursement of the contract were reimbursement.

Commissioner Edge recognized the need to have these recovery services in place should they be needed and confirmed O'Brien's Response Management was the lowest responsive, responsible bidder.

MOTION:	Commissioner Council moved to forward the bid for Disaster Management,
	Recovery, and Consulting Services to the full Board.
SECOND:	Commissioner Melvin
VOTE:	UNANIMOUS (3-0)

5. CONSIDERATION OF ADOPTION OF CHANGES TO THE KELLY HILLS/SLOCOMB ROAD RATE SCHEDULE AND ADMINISTRATION POLICY

Ms. Cannon stated after reviewing the Kelly Hills/Slocomb Road rates and the administration policy, it has come to the attention of management that the rate schedule has not been updated since it was initially adopted before project completion. Ms. Cannon advised the rate schedule has been updated to accurately reflect the rate the sewer service provider charges to Kelly Hill's customers and all other outside city limit customers.

Ms. Cannon called the committee's attention to the administration policy and the rate schedule in Appendix A-1. Ms. Cannon responded to questions and explained the language in the administration policy was revised to reflect the prevailing rate charged by the sewer service provider. Ms. Cannon further explained this will eliminate the need come back to the Board each time the sewer service provider changes rates. Ms. Canon advised the sewer service provider rates are outside the control of the county.

MOTION: Commissioner Melvin moved to approve the revised Kelly Hills/Slocomb Road rates schedule to agree with the administration policy.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (3-0)

6. REVIEW OF MONTHLY FINANCIAL REPORT

Howard Abner, Assistant Finance Director, reported for year-to-date obligations the county was at 56.35% of budget and the current spending rate would put year-end spending at around 96.5% versus 97% for the prior year. Mr. Abner stated spending for the four largest departments

(Sheriff's Office, Health Department, Department of Social Services and the Library) were on target with current and historical averages.

Mr. Abner called attention to Category 10 and reported ad valorem taxes were on track to collect about 101.2% of budget. Mr. Abner stated this was a drop from last month's 101.6%, but with motor vehicle tax collections growing in the 2% range. Mr. Abner called attention to Category 20 and reported sales tax distributions of \$2.8 million as collected in January were for sales in November. Mr. Abner stated collections for these November sales were up .8% from November 2010 and overall year-end estimates were projected at just .98% increase over budget. Mr. Abner called attention to Category 30 and reported the first quarter sales tax equalization dollars were in and just shy of 25%. With regard to Category 50, Mr. Abner reported both the Register of Deeds and inspection fees were below last year and not only was the percent of budget recognized lower than last year, but also the actual dollars collected were lower. Mr. Abner stated the first seven categories were at 72.69% of budget which is just .9% above the prior year.

With regard to the Crown Coliseum, Mr. Abner reported January was a good month for operating revenue with the total operating revenue starting to catch up to last year. Mr. Abner stated for non-operating revenues, the Prepared Food and Beverage Tax transfer totaled \$2.2 million. Mr. Abner stated the combined bottom line of \$530,000 was better than the prior year.

7. OTHER MATTERS OF BUSINESS

There were no other matters of business.

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

ITEM NO. _____J

CUMBERLAND COUNTY FACILITIES COMMITTEE NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564 MARCH 1, 2012– 8:30 A.M. MINUTES

MEMBERS PRESENT:	Commissioner Jimmy Keefe, Chair Commissioner Kenneth Edge Commissioner Billy King (arrived at 8:40 a.m.)
OTHER COMMISSIONERS PRESENT:	Commissioner Charles Evans (arrived at 8:45 a.m.) Commissioner Ed Melvin
OTHERS PRESENT:	James Martin, County Manager Amy Cannon, Deputy County Manager James Lawson, Assistant County Manager Howard Abner, Assistant Finance Director Sally Shutt, Communications and Strategic Initiatives Manager Rick Moorefield, County Attorney Robert N. Stanger, County Engineer Al Brunson, Facilities Maintenance Manager Candice White, Clerk to the Board Kristoff Bauer, City of Fayetteville Assistant City Manager Michael Gibson, Parks and Recreation Director J.D. Pone, Joint Parks and Recreation Advisory Board Carey Berg, Joint Senior Citizens Advisory Commission Kellie Beam, Deputy Clerk to the Board Press

Commissioner Jimmy Keefe called the meeting to order.

1. APPROVAL OF MINUTES – FEBRUARY 2, 2012 MEETING

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

2. PRESENTATION REGARDING PARKS AND RECREATION BOND REFERENDUM

James Martin, County Manager, introduced Assistant City Manager Kristoff Bauer and Parks and Recreation Director Michael Gibson, Mr. Bauer stated his presentation of the Parks and Recreation bond referendum would focus more on the financial side of the referendum. Mr. Bauer further stated he has been working with Amy Cannon, Deputy County Manager, and Howard Abner, Assistant Finance Director, to try and figure out what financial options were possible to fund the Parks and Recreation bond referendum. Mr. Bauer explained there have been some changes made to the overall plan that will bring the total cost down to something he felt would be more reasonable. Mr. Bauer further explained the changes included: removing the East Regional Recreation Center, removing the Performing Arts Center, and reducing funding for acquisition of greenways and additional parkland.

Mr. Bauer stated the total estimated project cost at this time is \$65.7 million dollars. Mr. Bauer stated the estimated amount of a tax increase that would need to be imposed in order to fund the project would be approximately 2.25 cents. Mr. Gibson stated the city would primarily use current workers to staff the new facilities rather than hire new employees. Mr. Bauer stated Hope Mills and Spring Lake are not included in the current financial analysis. Questions and discussion followed.

Commissioner Edge asked who would be responsible for the operational costs. Mr. Bauer stated the next step in this process will be putting together an inter-local agreement or Memorandum of Understanding (MOU) and all responsibilities would be spelled out in the agreement. Mr. Bauer further stated before the significant work of an inter-local agreement is put together he wants to make sure they have something worth pursuing.

Commissioner Keefe asked what would be the length of the debt service. Mr. Bauer stated the length of the debt service would be approximately seventeen (17) years.

Mr. Bauer stated the Cumberland County Board of Commissioners and the Fayetteville City Council advised there should be a public vote on this issue. Mr. Bauer further stated the ballot has to identify the amount of debt but it is not required to state how the county will pay for the debt. Mr. Bauer explained it will not be a vote to authorize tax, rather a vote to authorize debt. Mr. Bauer stated the entire county must vote even if only a portion participates in the district. Mr. Bauer stated the City of Fayetteville proposes to schedule a special election for February 2013. Mr. Bauer further stated this will give the county time to educate the voters on all the details of the bond referendum. Mr. Bauer stated the next step in the process is to start work on the Memorandum of Understanding (MOU), which defines the responsibilities of all parties and addresses any detailed questions. Questions and discussion followed.

Commissioner Edge asked Ms. Cannon if Cumberland County currently has enough bonding capacity to support the bond referendum and if so, how will it affect the county's bond rating. Ms. Cannon stated she is currently working with the county's financial advisor to address these questions so she does not have concrete answers at this time. Ms. Cannon stated the key to answering those questions will be the operational cost piece because the bond rating agencies are going to look for operational impact and will question whether the 2.25 cents is adequate to fund the debt service cost and operational costs. Ms. Cannon explained she will continue to work with the county's financial advisor to address Commissioner Edge's questions in addition to what the county's future capital needs will be.

Commissioner Edge asked how many months ahead would this have to go to the Local Government Commission. Ms. Cannon stated at least six to eight months in advance. Commissioner Edge stated he hopes these questions will be answered and would like to see a MOU developed to clarify responsibilities. Questions and discussion followed.

Mr. Martin stated once the Facilities Committee is comfortable with the information they have been given, the next critical step is developing the MOU. Mr. Martin further stated he feels the MOU is a very critical piece for everyone to understand, and feels it should be done before anyone starts to educate the community on the bond referendum. Commissioner Keefe stated it would be premature to make any commitment until the Facilities Committee receives the information from Ms. Cannon and the financial advisor. Mr. Martin stated after the information from Ms. Cannon is received it may be appropriate for the Board of Commissioner's to ask the Parks and Recreation staff and advisory board to bring back a proposed MOU. No action was taken.

3. OTHER MATTERS OF BUSINESS

There were no other matters of business.

MEETING ADJOURNED AT 9:35 AM.

ITEM	NO.	2	<u>K(</u>	<u>')</u>	

PHYLLIS P. JONES Assistant County Attorney

RICKEY L. MOOREFIELD County Attorney



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

MEMORANDUM FOR THE AGENDA OF THE MARCH 19, 2012 MEETING OF THE BOARD OF COMMISSIONERS

то:	BOARD; CO. MANAGER; WRECKER INSPECTOR
FROM:	COUNTY ATTORNEY LIM
DATE:	MARCH 15, 2012
SUBJECT:	CONSIDERATION OF REVISED WRECKER AND TOW SERVICE ORDINANCE

ATTACHMENTS: Draft of Revised Ordinance; Draft of Revised Rules; Draft of Proposed Fee Changes

BACKGROUND:

At its February 2, 20102 meeting, the Wrecker Review Board voted unanimously to recommend the attached draft of revisions to the Wrecker and Tow Service Ordinance, codified as Chapter 9, Article IV of the *Cumberland County Code*; a revised Fee Schedule; and revisions to the Rules and Regulations adopted pursuant to the ordinance. The Wrecker Review Board as been studying these revisions since August, 2011. At its March 1, 2012 meeting, the Policy Committee voted to recommend these changes to the Board of Commissioners.

Below is a summary of the changes in each section of the proposed revised ordinance. The proposed Rules have been revised to reflect these changes.

Section 9-51. Definitions. Omits definitions not used in the revised ordinance.

Section 9-52. Policy. No changes.

Section 9-53. Rotation lists established; use by Sheriff and Highway Patrol. New title to section but no significant changes.

Section 9-54. Wrecker inspector; office created. No significant changes.

Section 9-55. Application for permit. No longer called "license" but called "permit" instead. Otherwise, no significant changes.

Section 9-56. Permitting. No longer called "license" but called "permit" instead. Otherwise, no significant changes.

Memo on Wrecker and Tow Service Ordinance Amendments - Page 1 of 3

Section 9-57. Mandatory refusal of application. No significant changes.

Section 9-58. Conditions precedent to issuance of permit. No significant changes.

Section 9-59. Duties and requirements of permitted operators under this article. Significant changes are as follows:

- References recovery vehicles by the definitions used in Section 9-51.
- Allows phone listing outside normal phone book.
- Eliminates the requirement of attendant on duty on storage lot and allows 30 minute response time to meet someone at storage lot.
- Moves prohibition on referral of business to another section.
- Adds new requirement of 8 hours of approved training for all employees to be completed within 180 days of employment.

Old Section 9-60 on additional equipment authorized is removed. Can be handled by Rules.

Section 9-60. Storage of vehicles and personal property. Removes section on reimbursement by county and state for impoundment and storage of vehicles held for evidence in certain circumstances. The state is not bound by our ordinance and there is a judicial process for addressing this.

Section 9-61. Wrecker Review Board. No significant changes.

Section 9-62. Regulations/Rules. Makes it clear that Wrecker Review Board is advisory only with regard to establishing regulations/rules.

Section 9-63. Insurance. Increases garage and auto liability from \$300,000 to \$1,000,000. Prohibits coverage of multiple businesses on the required policies.

Section 9-64. Hold harmless provision. No significant changes.

Section 9-65. Cost and inspections. Eliminates the waiver of administrative fees for vehicles with zero salvage value. Otherwise, no significant changes.

Section 9-66. Fees. Gives the Board of Commissioners authority to adopt new fee schedule. Eliminates requirement of consultation with operators and public hearing.

Section 9-67. Solicitation of business; referral of business. Moves the referral of business section from the former section on duties of operators because operators have no control over the persons covered by the prohibition on referring services.

Section 9-68. Suspension or revocation of permit. Significant changes are as follows:

- Requires any notice of violation from wrecker inspector to be in writing rather than verbal warning.
- Adds failure to timely respond or unprepared responses as basis for suspension.
- Adds failure to comply with non-compliance notice from wrecker inspector within 60 days as additional grounds for revocation.
- Increases suspension period for first violation from 7 days to 30 days.

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• Increases suspension period for second violation to 60 days.

Section 9-69. Appeal. No changes.

Section 9-70. Action pending appeal; lapse of time; waiver. No changes.

Section 9-71. Hearing; action of wrecker review board. No changes.

Section 9-72. Hearing procedures. No changes.

Section 9-73. Applicability of amendments to previously permitted operators; noncompliance. No changes.

Section 9-74. Operators prohibited from holding a permit. Clarifies that prohibition applies only to county employees directly involved in the administration of this article and adds their spouses to the list of persons prohibited from participating in rotation.

Section 9-75. Enforcement. Adds that failure to pay civil penalty results in suspension of permit until paid. Otherwise, no significant changes.

RECOMMENDATION/PROPOSED ACTION:

County Attorney recommends that the proposed changes be adopted.

ARTICLE IV. WRECKER & TOW SERVICE

Section 9-51. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means a person, firm or corporation that has submitted an application for placement on the Rotation List, for the County of Cumberland.

Sheriff of Cumberland County or Office of the Sheriff means the elected Sheriff of Cumberland County or anyone designated by him to act on his behalf to administer and enforce this article.

County means Cumberland County.

Driver means any person driving a recovery vehicle upon the streets, roads and public highways of the County of Cumberland.

Heavy Duty Wrecker means a wrecker having tandem-axles and equipped with an apparatus rated a minimum of twenty-five (25) tons by the manufacturer and, in addition, a minimum of one hundred twenty-five (125) feet of 5/8" diameter cable on each winch.

Operator means a person, firm or corporation engaged in and operating the business of, or offering the services of, a vehicle wrecker or towing service whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle manufactured and designed for the primary purpose of removing and towing disabled motor vehicles and has been placed by the county on the rotation list.

Recovery Vehicle means any wrecker or rollback as defined herein.

Rollback means a truck chassis having a minimum gross vehicle weight rating of 14,000 pounds, a minimum deck length of 18 feet, and being constructed of steel or aluminum. The deck must have a minimum load capacity of 7,000 pounds, a deck winch with a minimum capacity of 6,000 pounds, and a winch cable with a minimum diameter of 3/8" and a minimum length of 50 feet.

Rotation calls means calls for towing services made by the County of Cumberland, the Sheriff or the North Carolina State Highway Patrol using operators from the rotation list.

Rotation List means the two lists maintained by the county and used by the Sheriff or the North Carolina State Highway Patrol pursuant to this ordinance, containing the names of those operators authorized by the county to respond to requests made by either of the above agencies for the towing of vehicles and designated as follows:

(1) There shall be a wrecker list for the towing of vehicles with a vehicle weight of eight thousand (8000) pounds or less and a heavy-duty wrecker rotation list for the towing of vehicles with a gross vehicle weight in excess of eight thousand (8000) pounds.

(2) An operator, to qualify for the heavy duty wrecker list, must provide a heavy duty wrecker and in addition, a vehicle having a cab to axle distance of at least 102 inches, a wrecker apparatus rated at a minimum of fifteen (15) tons by the manufacturer, and at least one hundred twenty five (125) feet of 2" diameter cable on each winch.

Tow or **towing** means the act of moving damaged, disabled, or illegally parked vehicles, vehicles that must be moved for safekeeping and evidentiary purposes, and abandoned, wrecked, dismantled or inoperative vehicles constituting a nuisance.

Wrecker means a truck chassis having a minimum gross vehicle weight of fourteen thousand (14,000) pounds, a boom assembly having a minimum lifting power of sixteen thousand (16,000) pounds, a wheel lift having a minimum lifting power of three thousand (3000) pounds, as rated by the manufacturer, and any additional safety equipment required by the Rules & Regulations.

Wrecker Inspector means the person appointed by the Sheriff pursuant to Section 9-54 of this ordinance.

Section 9-52. Policy.

In order to protect persons who operate motor vehicles inside the county, it is desirable and necessary to adopt this article to ensure licensing, storage, availability, and other controls over persons and firms providing towing service.

Section 9-53. Rotation lists established; use by Sheriff and Highway Patrol.

(a) The county, through the North Carolina State Highway Patrol and Sheriff's Office, shall maintain a rotation list for wreckers and heavy duty wreckers, respectively. The North Carolina State Highway Patrol or Sheriff's Office, as applicable, shall ensure that wreckers are called to the scene of an accident or to impound vehicles on a rotating basis, distributing the calls in consecutive order from the wrecker rotation list or the heavy duty wrecker rotation list, as applicable.

(b) Operators on either rotation list shall respond to the scene of an accident or impoundment when they are called and shall work the accident or impoundment with appropriate equipment. Failure to respond or to respond in a timely manner shall result in the loss of the operator's then position on the rotation list. Multiple failures to respond or to respond in a timely manner may result in suspension of the operator's permit by the wrecker inspector.

(c) The applicable agency shall not call or cause to be called any wrecker operator not on the appropriate rotation list, unless no rotation list wrecker is available, or unless the owner of the vehicle to be towed, or the owner's agent, who is present on the scene, requests that a specific operator be called. The applicable agency may call a wrecker out of sequence on the rotation list where, due to a life-threatening or other emergency situation, proximity to the wreck, estimated response time or equipment needs make it advisable to do so. Out of sequence calls shall count as rotation calls.

Section 9-54. Wrecker inspector; office created.

There is hereby created the Office of Wrecker Inspector in the Sheriff's Office. The Sheriff

shall appoint the wrecker inspector, who shall be a sworn law enforcement officer. The wrecker inspector shall be responsible for:

- (1) The administration and enforcement of the wrecker ordinance and regulations/rules, and the safety and welfare of the public in connection with the operation and use of rotation wreckers;
- (2) The inspection of recovery vehicles;
- (3) Investigating complaints of violations by the operators on the rotation list and, for all appeals of suspensions or revocations, presenting the results of his investigations to the Wrecker Review Board;
- (4) Advising the Sheriff and the Wrecker Review Board with respect to matters governed by, or related to, the operation or administration of this article;
- (5) Making recommendations for consideration to the North Carolina State Highway Patrol, Sheriff and Wrecker Review Board with respect to the adequacy of wrecker service in the county to serve the public convenience and necessity and to further the policy stated in this article; and
- (6) All other duties as required by this article.

Section 9-55. Application for permit.

Any operator desiring to be placed on the rotation list to perform towing work at the request of the Sheriff's Office or North Carolina State Highway Patrol, shall submit a Wrecker and Tow Service Application or Annual Renewal Form in duplicate to the county wrecker inspector. Such forms shall be obtained from the Office of the Wrecker Inspector. This form shall state:

- (1) The name of the applicant/owner and name of the business if different from the name of the owner, as well as home and business address and telephone numbers;
- (2) That the storage lot on which towed vehicles will be stored is located within the county along with the lot's physical address and additional information concerning the lot size and security features for the lot;
- (3) The towing equipment available, specifying its size and capacity;
- (4) A complete listing of the insurance policies complying with Section 9-63 which the applicant would place into effect upon permit approval, including the name and telephone number of the agent;
- (5) The name, address and copy of appropriate valid NC driver's license along with a certified DMV driving record for each driver employed by the operator; and
- (6) Such other information as the wrecker inspector may find reasonably necessary to determine whether or not the applicant will comply with the requirements of this article

and that it is in the best interest of the public health, safety and welfare to issue the applicant a permit.

Section 9-56. Permitting.

(a) Within sixty (60) days after receiving a complete "Wrecker and Tow Service Application or Renewal Form" the wrecker inspector shall conduct an investigation to determine if the applicant has complied with the requirements of this article, and that it is in the best interest of the public health, safety and welfare, that the applicant's name shall be placed on the rotation list. If the wrecker inspector denies an application, the applicant may appeal the denial to the county Wrecker Review Board in accordance with Section 9-69.

(b) After the initial permit is issued, the operator shall submit an annual renewal application and the wrecker inspector shall conduct annual inspections to insure that the operator continues to comply with the requirements of this article.

Section 9-57. Mandatory refusal of application.

The wrecker inspector shall deny any permit application if he finds that within the last three (3) years the applicant has been convicted of, entered a plea of no contest to, or received a prayer for judgment continued for a felony, a misdemeanor involving moral turpitude, driving under the influence of an intoxicating liquor or drug, reckless driving, death by motor vehicle, or has had his driver's license revoked for any reason.

Section 9-58. Conditions precedent to issuance of permit.

When an application is approved, a permit will be issued when the applicant has complied with the following conditions precedent to issuance of a permit:

- (1) Insurance policies required by this article have been procured from a company licensed to do business in North Carolina and proof of each such policy submitted to the wrecker inspector. Each policy shall be issued in the name of the operator.
- (2) The applicant has complied with all the other requirements of this article and other applicable laws and ordinances.

Section 9-59. Duties and requirements of permitted operators under this article.

(a) The operator shall provide and maintain an approved and appropriate recovery vehicle as defined in Section 9-51 and shall operate said vehicle pursuant to the manufacturer's operation manual.

(b) All recovery vehicles shall be equipped with warning lights required under state law. Recovery vehicles shall operate all warning devices while stopped in or near a street, highway, public vehicular area, or any other area where vehicles may travel. Recovery vehicles are not required to operate warning lights while in tow unless the vehicle is oversized or existing conditions require towing the vehicle substantially below the speed limit. A wrecker or rollback with a vehicle in tow must have auxiliary tow lights attached to the towed vehicle in a manner that allows following traffic to observe whether the towing unit is turning or braking. If a rollback is transporting a vehicle on the bed and the turn and brake lights are visible to the rear, no auxiliary tow lights are necessary. Recovery vehicles shall be marked in accordance with N.C. General Statute 20-101.

(c) The operator shall provide storage space to properly accommodate and protect a minimum of fifteen (15) motor vehicles, towed or otherwise. The storage lot shall be located in Cumberland County. The storage space shall be enclosed by a minimum six (6) feet-high chain link fence, or a fence of similar strength, and shall have all entrances and exits secure from public access. If the operator is on the heavy duty wrecker rotation list, the storage lot must be large enough to accommodate at least one tandem axle tractor truck, one fifty-three (53) foot box trailer and fifteen (15) other vehicles at the same time.

(d) The operator will maintain an office for the towing business at the storage lot location, and will provide a lockable storage room or vault to secure and protect personal property which may have been left in vehicles towed. Operators are prohibited from sharing any office space, employees or equipment with other operators who are on either rotation list.

(e) The operator will maintain a business within the County of Cumberland and shall at a minimum maintain a white-pages telephone listing, yellowbook.com listing or yellowpages.com listing, that includes the full name of the operator, a twenty four (24) hour phone number and the physical address of the business and storage lot.

(f) The operator shall provide continuous 24-hour-a-day tow and pick-up service each day of the year, and there shall be a sign posted at the entrance of the storage lot with the name of the business and a direct phone number for the operator. Standard business hours for a storage lot shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday. Holidays recognized by Cumberland County may be excluded from standard business hours for a storage lot. The operator shall respond at the storage lot during standard business hours within thirty (30) minutes of receiving a phone call from a person requesting to pick up personal property or a vehicle. An operator may charge an after hours access charge only when responding to the storage lot outside of standard business hours and only after advising the person making the request that an afterhours fee will be charged.

(g) The operator shall not release any vehicle directly impounded by Cumberland County, the Cumberland County Sheriff's Office or the North Carolina State Highway Patrol without authorization from the impounding officer or a representative from the impounding agency.

(h) The operator shall ensure that all drivers responding to rotation calls hold an appropriate North Carolina driver's license. The operator shall immediately inform the wrecker inspector of any suspension or revocation of the driver's license of any of its employees responding to rotation calls.

(i) Drivers employed by operators are required to attend and successfully complete eight
(8) hours training and pass a written test pertaining to the towing and recovery of vehicles. This training shall be conducted by a recognized training facility or by a trained and certified instructor. In order to qualify, any training must be approved in advance in writing by the

wrecker inspector. The operator shall provide proof of the driver's successful completion of this training to the wrecker inspector within 180 days of the employment of such driver.

(j) The operator shall assume all liability for and indemnify and save the county, Sheriff and North Carolina State Highway Patrol harmless from liability for damages sustained by vehicles or personal property while being towed or stored, and for all personal injuries occurring to any of the operator's employees or other persons.

(k) The operator shall maintain the insurance policies required by Section 9-63.

(1) The operator shall charge no more for towing services pursuant to this article than such maximum rates as may be set by the Cumberland County Board of Commissioners.

(m) Operators shall perform towing services for the North Carolina State Highway Patrol and the Sheriff's Office on a rotation basis from the rotation lists in accordance with this article and any rules or regulations approved by the Cumberland County Board of Commissioners for the implementation and administration of this article.

(n) No operator shall use information received by short wave, microwave communication or by other radio frequency device to solicit business subject to being dispatched as a rotation call. This shall include the use of cell phones, radios or any device that can be used to receive or send communications.

(o) Operators shall not, without the express authorization of a law enforcement agency, move any vehicle from a highway or street or from public property when such vehicle is abandoned or stolen, or has been involved in an accident resulting in property damage in excess of five hundred dollars (\$500.00) or personal injury or a death.

Section 9-60. Storage of vehicles and personal property.

Every operator shall secure in a safe manner any vehicle or personal property contained in or attached to a towed vehicle that comes into the operator's custody pursuant to this article. The area within which towed vehicles and/or personal property shall be stored will meet the minimum requirements of Section 9-59 (c). If at the time the vehicle is towed, the operator's storage area is full, the operator shall secure the vehicle and/or personal property elsewhere as designated by the North Carolina State Highway Patrol or the Sheriff's Office. If a vehicle or personal property in the operator's custody has been confiscated under any statutes or is evidence in a criminal investigation, and the operator's area storage is full, then the operator shall immediately contact the wrecker inspector, or the Highway Patrol sergeant on duty and follow their written instructions to secure the vehicle and/or personal property in a safe manner. The operator shall take reasonable precautions to secure and keep safe from damage vehicles and personal property in the operator's possession. An operator shall not be deemed in violation of this article if the operator has taken such reasonable precautions and a vehicle is nevertheless damaged or property is stolen from the storage area.

Section 9-61. Wrecker Review Board.

(a) There is hereby established a Wrecker Review Board to hear appeals from any decision of the wrecker inspector pursuant to this article, to advise the wrecker inspector as to the regulations needed to enforce this ordinance, and to recommend amendments to the fee schedule, regulations/rules and this article to the Board of Commissioners. The board shall be composed of a chairman, two (2) individual operators selected by a majority vote of all operators, one (1) individual appointed by the Sheriff holding the rank of sergeant or higher, and one (1) individual appointed by the Commander, Troop B North Carolina State Highway Patrol. The chairman shall be selected by the County Board of Commissioners, and shall be a disinterested person who is not a, wrecker owner or operator, or a county employee. All members shall serve for terms of two (2) years, and no member shall serve more than two (2) consecutive terms. The wrecker inspector shall serve as an advisor to and shall present complaints and make recommendations to the Wrecker Review Board.

(b) Any operator who is a Wrecker Review Board member and whose permit is suspended is eligible to continue service as a Board member during any period of suspension. Any operator who is a Wrecker Review Board member and whose permit is revoked shall not be eligible to be a member of the Board during the revocation period.

(c) The Wrecker Review Board shall meet at least annually, and as needed upon the determination of the Chairman or as scheduled by the Board.

Section 9-62. Regulations/Rules.

The Board of Commissioners, from time to time, may adopt such regulations and rules as deemed advisable for the administration of this article, whether on the recommendation of the Wrecker Review Board or on the initiative of the Board of Commissioners.

Section 9-63. Insurance.

The following are the minimum insurance requirements to be kept and maintained by any permitted operator under this article at all times such permit is in effect:

- (1) Garage and Auto Liability policy. A garage liability policy covering the operation of the operator's business equipment, or other vehicles for any bodily injury or property damage. This policy shall be in the minimum amount of \$1,000,000.00
- (2) Garage Keeper's and On-Hook Coverage policy. A garage keeper's liability policy for each storage premises covering fire, theft, windstorm, vandalism and explosion in the amount of \$100.000.00 (\$20,000.00 per claim per vehicle). This shall not be a requirement for open storage areas. Similarly, each operator must have its own "on hook" insurance policy in the minimum amount of \$100,000.00.
- (3) Notice of change. Each policy required under this section must contain an endorsement by the carrier providing ten (10) days' notice to both the Sheriff's Office, and the insured in the event of any change in coverage under this policy.
- (4) All insurance policies shall be issued in the name of the permitted operator. Operators are prohibited from including multiple businesses on one policy, or having any other business listed as additional insured on any required policies.

Section 9-64. Hold harmless provision.

The operator shall indemnify, save and hold harmless Cumberland County; the Sheriff; the Sheriff's Office; the employees, agents, officers and deputies of the county, the Sheriff and the Sheriff's Office; the North Carolina State Highway Patrol and its troopers, agents and employees, from any and all claims, actions, defenses, suits, and proceedings arising out of any act by an operator, or on behalf of an operator by any employee or agent of the operator, which act is the proximate cause of damage to any vehicle or loss to personal property stored or towed by a operator or to any person incident to the recovery and or towing of any vehicle pursuant to this article.

Section 9-65. Costs and inspections.

(a) All costs incident to towing and storage shall be the responsibility of and paid by the owner, or person in charge or possession of the towed and stored vehicle, to the operator and a written receipt shall be issued to the person or entity paying the costs and charges.

(b) Neither the county, the Sheriff nor the North Carolina State Highway Patrol shall assume any liability or responsibility for any vehicle removed from any place without the authority of the North Carolina State Highway Patrol or Sheriff. Each operator shall maintain approved records and a claim check system to assure release of vehicles to the rightful owner or authorized person. Such records shall be open to the authorized agency and the wrecker inspector for the investigation of specific written complaints and for compiling surveys under this article. Any operator shall permit any person delegated by the wrecker inspector to inspect its records, vault, security room, or storage area at such reasonable times as the wrecker inspector shall deem appropriate.

(c) Each operator shall collect any administrative cost payable to the county and imposed by this article at the same time that costs of towing and/or storage are collected and this administrative cost shall be remitted to the county Finance Office by the operator when billed by the county. Fees will be paid by the due date. Operators which are more that thirty (30) days late with their fees, will be removed from the rotation, until their fees are paid up to date.

Section 9-66. Fees.

Upon the recommendation of the Wrecker Review Board, the Board of Commissioners may, from time to time, establish the fees that may be charged for services provided by permitted operators, including any administrative or operational fee necessary to administer this article.

Section 9-67. Solicitation of business; referral of business.

(a) It shall be unlawful for the operator of any wrecker or person acting on behalf of any wrecker or towing service, whether that vehicle or towing service holds a permit under the provisions of this article or not, to stop within fifteen hundred (1500) feet of the scene of an accident or disabled vehicle either for the purpose of soliciting an engagement for towing service and/or repair service in connection therewith, either directly or indirectly, or to contact the owner/operator or legal possessor of a disabled or wrecked vehicle, either directly or indirectly, for the purpose of soliciting business or to furnish any towing service and/or any repair service in connection therewith, unless the wrecker operator has been summoned to such scene by the owner/operator or legal possessor of a disabled or wrecked vehicle, or a relative thereof, or has been requested to perform such service at the request of a law enforcement officer or agency

pursuant to that agency's procedures. For the purpose of this section, unlawful solicitation shall include, but not be limited to, the distributing of business cards, tokens, or items of any kind bearing the name of a wrecker or towing firm within fifteen hundred (1500) feet of the scene of an accident or disabled vehicle by a business not summoned to such scene as provided herein.

(b) No employee, volunteer or person associated with any entity, including but not limited to any volunteer fire department or rescue squad, that receives funding from or through the county shall directly or indirectly solicit business for or refer anyone to a wrecker operator to receive towing services that otherwise would be subject to a rotation call. A violation of this subsection shall subject the violator to a civil penalty to the same extent as any other violation of this article as provided in Section 9-76.

Section 9-68. Suspension or revocation of permit.

(a) The wrecker inspector may suspend or revoke a permit issued under this article as provided in subsection (b) for the following grounds:

- (1) Any permit was secured by fraud or by the concealment of a material fact by the operator and such fact, if known, would have caused a refusal to issue a permit.
- (2) The operator has materially violated any of the provisions of this article or the regulations/rules adopted by the Cumberland County Board of Commissioners for the administration of this article after having been issued a written warning from the wrecker inspector for a prior violation of the same provisions, regulations or rules.
- (3) Services rendered by the operator are determined by the wrecker inspector to be detrimental to the public health, safety, or welfare.
- (4) The operator paid any third person a gratuity for information, or received and acted on information from any county employee or county volunteer as to the location of an accident or disabled vehicle.
- (5) The operator violated the fee schedule by overcharge, charges not listed on the Fee Schedule for Rotation Wreckers, or false charges for services not rendered.
- (6) The operator has failed to maintain a wrecker in good working condition.
- (7) The operator has failed to pay any applicable permit fee due pursuant to this article.
- (8) The operator has failed to provide a copy of an appropriate and valid NC driver's license and a certified copy of the driver's DMV record within thirty (30) days of the driver's employment or has used a driver on a rotation call who has not received the training required in Section 9-59(i) within 180 days of the driver's employment.
- (9) The operator has failed to report accidents while towing rotation call vehicles or to furnish such records and reports as may be required by this article and/or the Wrecker Inspector.
- (10) The operator has failed to comply with any of the provisions of state law related to the

operation of wreckers and/or provision of wrecker service.

- (11) The operator has repeatedly failed to timely respond to rotation calls or has repeatedly responded in an unprepared manner.
- (12) The operator has failed to comply with any provision of this chapter within sixty (60) days of written notice of noncompliance or the decision of the Wrecker Review Board on an appeal of the noncompliance determination by the wrecker inspector.

(b) If the wrecker inspector determines that any of the above violations have occurred he may revoke or suspend an operator as follows:

- (1) For a violation of Section 9-69(a) (1) or (12), revocation;
- (2) For a first time violation of Section 9-69(a) (2) through (11), suspension for thirty (30) days;
- (3) For a second violation of Section 9-69(a) (2) through (11), within a period of two (2) years from the date of the first suspension, suspension for sixty (60) days; and
- (4) For a third violation of Section 9-69(a) (2) through (12), within a period of two (2) years from the date of the first, revocation.

(c) Any operator who has his permit revoked shall be eligible to apply for a new permit two (2) years from the date of the revocation.

(d) The notice of revocation or suspension by the wrecker inspector shall be in writing and notify the operator of:

- (1) The nature of the violation;
- (2). The wrecker inspector's decision whether the operator should remain on the rotation wrecker list, should be suspended or its permit revoked; and

(3) That the operator has a right to appeal the decision of the wrecker inspector to the Wrecker Review Board.

Section 9-69. Appeal.

An operator may appeal a revocation or suspension of the wrecker inspector in writing within ten (10) calendar days of receipt of the notice of such revocation or suspension. Any appeal may be filed either with the wrecker inspector or with the chairperson of the Wrecker Review Board. Such appeal shall briefly state the basis for the appeal.

Section 9-70. Action pending appeal; lapse of time; waiver.

If an appeal is not taken within the time prescribed, then the action of the wrecker inspector shall become final upon the expiration of the time within which an appeal could have been taken. The timely filing of a notice of appeal shall stay the effect of the wrecker inspector's decision until a final action by the Wrecker Review Board on such appeal.

Section 9-71. Hearing; action of wrecker review board.

(a) The hearing before the Wrecker Review Board shall be limited to a determination of whether the action of the wrecker inspector, as reflected in the notice served on the operator, was in the best interest of public health, safety, and welfare of the public served by wrecker operators. The appellant shall be permitted to present any evidence relevant to the subject matter of the appeal. The hearing shall be administrative in nature, and the action of the Wrecker Review Board shall be final. The Wrecker Review Board shall announce its decision at such hearing or any continuation thereof.

(b) The Wrecker Review Board may continue any hearing upon forty-eight (48) hours written notice prior to the date of the hearing; however; if the Wrecker Review Board affirms the decision of the wrecker inspector, then the effective date of its decision shall be the date of the hearing.

Section 9-72. Hearing procedures.

An appeal hearing before the Wrecker Review Board shall comply with the following procedures:

- (1) The hearing shall be subject to the Open Meetings law;
- (2) The appellant may elect to represent himself or be represented by an attorney of his own choice at his own cost;
- (3) The appellant shall be entitled to make any statements or present any witnesses on his behalf that he desires;
- (4) The hearing shall be administrative in nature, and there shall be a right of crossexamination; and
- (5) The appellant shall be entitled to record and/or transcribe the proceedings at his own cost.

Section 9-73. Applicability of amendments to previously permitted operators; noncompliance.

Whenever this article is amended from time to time by the Board of Commissioners and any amendment shall render any then-approved operator in noncompliance with this article upon the amendment's effective date, a non-complying operator shall have a period of one (1) year from the effective date of the amendment of the article within which to comply.

Section 9-74. Operators prohibited from holding a permit.

No operator which employs any of the following persons, or in which any financial interest is owned by any of the following persons, shall be permitted to provide towing services under this article:

- (1) A Cumberland County Commissioner;
- (2) An employee of Cumberland County or the Cumberland County Sheriff's Office who is directly involved with the administration of this article;
- (3) An employee of the North Carolina State Highway Patrol who is directly involved in the administration of this article; or
- (4) The spouse of any of the above persons.

Section 9-75. Enforcement.

(a) Any violation of this article shall subject the violator to a civil penalty in the nature of a debt. The amount of the penalties shall be as follows:

- (1) For a violation of Section 9-67 by solicitation or referral of business for towing a vehicle with a gross vehicle weight of over eight thousand (8000) pounds, the amount of the civil penalty shall be Three Thousand Dollars (\$3,000);
- (2) For a violation of Section 9-67 by solicitation or referral of business for towing a vehicle with a gross vehicle weight of eight thousand (8000) pounds or less, the amount of the civil penalty shall be Five Hundred Dollars (\$500); and
- (3) For all other violations of this article, the amount of the civil penalty shall be One Hundred Dollars (\$100).

(b) This civil penalty shall be imposed by a citation served by the wrecker inspector personally or by certified mail, return receipt requested. If the civil penalty is not paid as set forth in the citation within thirty (30) days of receipt thereof, the wrecker inspector may institute an action for collection of the debt pursuant to N.C.G.S. 153A-123(c).

(c) If any permitted operator shall receive a citation and not pay the civil penalty as directed, the permit of such operator shall be suspended thirty (30) days after such operator has received the citation and shall remain suspended as long as the civil penalty remains unpaid.

Sections 9-76 through 9-79 Reserved.

Proposed Regulation/Rule Change November 14, 2011

Cumberland County Code Chapter 9, Article IV-Wrecker and Tow Service Rules and Regulations Adopted Pursuant to Section 9-62

Rule 1: Wreckers on the County Rotation Wrecker list, must be registered to the owner of the business and the registration must state the actual address of the business on the registration. All registrations must have a Cumberland County address.

Rule 2: Each Wrecker on the County Rotation Wrecker list must be equipped with the following service equipment:

Ax

Large Broom Fire Extinguisher that contains a charge gauge. Shovel Three (3) reflective triangles or three (3) traffic cones at least 18 inches in height. Two (2) snatch blocks Two (2) scotch blocks Dollies capable of highway speeds. Go-Jack type dollies do not qualify. Forty (40) pound bag of "Speedi-Dry" or similar type absorbent material. A minimum of one hundred (100) feet of cable measuring 3/8 inch in diameter. Rollbacks must have a minimum of fifty (50) feet of cable measuring 3/8 inch in diameter, plus recovery straps and or chains to reach a total distance of one hundred (100) feet. If chains are used, no more than three chains can be used at one time.

Rule 3: Each operator of a recovery vehicle must possess a valid North Carolina driver's license for the class of vehicle that he/she is operating.

Rule 4: The name of the Wrecker or Tow Service shall be clearly painted or stenciled on both sides of the wrecker or tow truck. The vehicle will be maintained in good working order and appearance. All required equipment must be in working order as designed by the manufacturer.

Rule 5: The rotation wrecker operator shall be responsible for clearing the debris (vehicle parts, glass, etc.) from the street or highway and removing that debris from the scene of the accident. No debris will be swept or placed on the side of the roadway and left at the scene of the accident.

Note: Rotation wreckers will not be responsible for removing "Speedy-dry" or other similar type materials. This material is to be applied to the roadway for the sole purpose se of preventing further accidents due to lubricating fluids, grease, etc that is left on the
road surface to an accident or vehicle malfunction. Regular rotation wrecker operators are not required to perform environmental type clean-ups at the accident scene, unless the company has received special training and possess the proper equipment to do so.

Rule 6: Rotation wreckers must respond to the scene of a call within thirty (30) minutes from the time they are contacted by either Cumberland County dispatch or State Highway Patrol dispatch. If the rotation wrecker fails to respond within the prescribed time, the officer on the scene may request the next rotation wrecker to be called and the original wrecker will be turned back.

Rule 7: Rotation wreckers may refuse calls, however if they do, the call will be considered their rotation call and the next rotation wrecker operator will be called.

Rule 8: Wrecker safety and service equipment shall be subject to inspection by the wrecker inspector or his designee as deemed necessary to insure compliance with the County Code.

Rule 9: Rotation wrecker operators will maintain a file of all paperwork for rotation calls, and will at a minimum consist of billing paperwork, name and address of the owner if known, and dates and times the vehicle was picked up by the owner of the vehicle. This file will be subject to inspection by the wrecker inspector if deemed necessary to insure compliance with the County Code or to investigate complaints.

Rule 10: There will be a list maintained for "large wreckers' for the purpose of handling large truck wrecks, disabled trucks, etc. In order to be placed on the Large Wrecker list an operator must meet the following specifications:

- A. A towing company must meet all requirements for the regular rotation plus each towing company must have a minimum of two (2) large wreckers. One of the large wreckers must be equipped with tandem axles and be equipped with a wrecker apparatus rated at a minimum of twenty-five (25) tons by the manufacturer. This wrecker must have a minimum of one hundred twenty-five (125) feet of cable measuring 5/8 inch on each winch.
- **B.** The additional large wreckers can be a single or tandem axle truck. A single axle wrecker must have a minimum cab to axle length of one hundred two inches (102") in a wrecker apparatus rated at a minimum of (15) fifteen tons by the manufacturer. All additional wreckers must have a minimum of one hundred twenty-five feet of cable ½ inch in diameter on each winch.
- **C.** The "large wreckers" will be equipped with all service equipment listed in Rule 2, with the exception of dollies.
- **D.** All "large wreckers" on the Large Rotation list must be equipped with air brakes and air hookup to provide air to the vehicle being towed including air for trailer brakes and trailer(s) in tow.

E. Each Operator on the large wrecker rotation list must have a minimum of one large wrecker equipped with an underlift rated at a minimum of twelve thousand (12,000) pounds lift when extended seventy-five (75) inches as rated by the manufacturer.

Rule 11: An operator on the rotation list under the County Code, may respond to rotation calls only with a wrecker that has been inspected and displaying a current permit of inspection by the Wrecker Inspector. If a company replaces or purchases a different vehicle, it must be inspected prior to being used to respond to County or State rotation calls.

Rule 12: Operators shall store vehicles at their designated storage yards unless the wrecker and tow service is instructed to carry the vehicle to another location. The wrecker inspector must be notified thirty (30) days prior to an operator changing its storage lot location. The storage lot shall be inspected and approved by the wrecker inspector prior to any rotation wrecker calls being stored at a location other than that which was previously designated by the wrecker or tow service company.

Rule 13: If an operator is arrested for violation of oriminal statutes regarding the possession, sale, transportation or use of narcotics, that wrecker and tow service company will be suspended or revoked from the rotation list as follows:

- A. For a first offense, suspension for a period of ninety (90).
- **B.** For a second offense within five (5) years of the date of the first violation, revocation.
- **C.** If the operator is arrested for violation of trafficking in narcotics the company will be immediately revoked from the rotation list.
- **D.** If an employee, while operating a wrecker operating under this article commits any offenses listed above, the same suspension or revocation shall apply.

Rule 14: Companies on the rotation list, will only have one (1) phone number listed with the dispatchers. That number will be called by the dispatchers. Dispatchers will let the phone ring for a minimum of five rings. If there is no answer, the company will lose that rotation call and the next company on rotation will be called.

Rule 15: A wrecker company will receive a make up call or be placed back on top of the rotation list, only under the following conditions:

- **A.** Circumstances beyond the control of the requesting agency.
- **B.** At the direction of the wrecker inspector.

Rule 16: All complaints received from an operator shall be in writing and will be addressed to:

Sheriff Earl Butler Attn: Wrecker Inspector 131 Dick Street Fayetteville, NC 28301

If the complaint concerns the actions of a Deputy Sheriff, the complaint can be made to the supervisor in the Office of Professional Standards at phone number 677-5419 or mailed to:

Sheriff Earl Butler Office of Professional Standards 131 Dick Street Fayetteville, NC 28301

Rule 17: Operators must respond to each rotation call only with the correct rotation tow truck from the rotation company called. The operator cannot have another towing company recover or tow the rotation call for them. Companies that attempt to have another company pick up a rotation call, will be turned back and will lose that rotation call. Operators may receive assistance on a recovery from another towing company, but the assisting company must use tow trucks approved as rotation wreckers by the County or Highway Patrol. The operator given the call, must be involved one hundred percent (100%) in the recovery and only use another company if needed.

Rule 18: Operators will not call the Communications Departments to determine their current standing on the rotation wrecker list.

Rule 19: If an operator on suspension from the wrecker list is called in error by the communications department, that company will refuse the call and notify the wrecker inspector. Response to a rotation wrecker call for service while on suspension will be considered a secondary violation.

Rule 20: Complaints of overcharge will be investigated by the wrecker inspector when those complaints are received in writing from citizens. Upon completion of the investigation the findings will be provided to the complainant and the operator (citizen and wrecker company). If the complaint is registered by another rotation wrecker company, the operator will be called upon to testify at any Wrecker Review Board Hearing.

Rule 21: Owners will be allowed only a maximum of two companies on the rotation wrecker list. If the business has two (2) companies at the same location, each business must maintain a separate office with a separate public entrance and a separate storage lot with separate street access.

Rule 22: Companies wishing to remain on the County and Highway Patrol rotation must pay their renewal fees by January 1st of each year. Companies which are delinquent in

the payment of renewal fees will be dropped from the rotation after thirty (30) days. Companies paying after they have been dropped will remain off the rotation for an additional thirty (30) days.

Rule 23: Companies failing to pay dispatch fees after thirty (30) days will be removed from the County and Highway Patrol rotation until the delinquent fees are paid in full.

Rule 24: Upon request or demand, the rotation wrecker companies will return personal property stored in or with the vehicle, whether or not the towing, repair, or storage fee on the vehicle has been or will be paid. Personal property for the purposes of this provision, includes any goods, wares, freight or any other property not requiring tools to remove from the vehicle.

Rule 25: The wrecker companies shall tow disabled vehicles to any destination within the county requested by the vehicle owner or other person with apparent authority, after financial obligations have been finalized by the owner or other person with apparent authority.

Proposed Fee Schedule Change August 29, 2011

FEE SCHEDULE FOR ROTATION WRECKERS

TYPE OF SERVICE	<u>AMOUNT</u>
Towing service call, 24-Hours a Day	\$175.00
Use of dollies	\$ 75.00
Labor charge for recovery	\$180.00 per hour
Use of Speedi-Dry or other absorbent	\$25.00
Recharge Fire Extinguisher	\$25.00
Vehicle storage inside building or under shelter	\$35.00 per day
Vehicle storage outside	\$25.00 per day
Administrative fee	\$40.00
Tow mileage fee	\$2.00 per mile
Wait charge (Does not include hook-up. Time starts 10 minutes after hook-up	\$1.50 per minute complete)
After hours charge (Access to lot after hours)	\$75.00

FEE CHARGED TO WRECKER AND TOWING SERVICE

FEE FOR:

Initial application and inspection

\$100.00 Plus \$100.00 per wrecker

AMOUNT

Annual inspection and license renewal \$50.00 Plus \$100.00 per wrecker

Administrative / Dispatch Fee Paid by towing customer to Cumberland County (Collected by Towing Firm on each rotation call) \$15.00

DRAFT

CUMBERLAND COUNTY POLICY COMMITTEE NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564 MARCH 1, 2012 – 10:30 A.M. MINUTES

MEMBERS PRESENT:	Commissioner Jeannette Council, Chairman
	Commissioner Charles Evans
	Commissioner Jimmy Keefe

OTHER COMMISSIONERS PRESENT:	G Commissioner Kenneth Edge Commissioner Marshall Faircloth
OTHERS PRESENT:	James Martin, County Manager Amy Cannon, Deputy County Manager James Lawson, Assistant County Manager Rick Moorefield, County Attorney Sally Shutt, Communications and Strategic Initiatives Manager Candice White, Clerk to the Board Tom Lloyd, Planning Director Cecil Combs, Deputy Planning Director Kellie Beam, Deputy Clerk to the Board Press

Commissioner Council called the meeting to order.

1. APPROVAL OF MINUTES – JANUARY 5, 2012

MOTION:Commissioner Keefe moved to approve the minutes as presented.SECOND:Commissioner EvansVOTE:UNANIMOUS (3-0)

2. CONSIDERATION OF THE PLANNING BOARD'S RECOMMENDATION TO TERMINATE THE INTERLOCAL AGREEMENT WITH THE CITY OF FAYETTEVILLE REGARDING THE MUNICIPAL INFLUENCE AREA

James Martin, County Manager, stated this item is a recommendation from the Cumberland County Joint Planning Board to terminate the Inter-local Agreement with the City of Fayetteville regarding the Municipal Influence Area (MIA). Mr. Martin introduced Tom Lloyd and Cecil Combs from the Cumberland County Planning Department to further discuss this item.

DRAFT

Mr. Lloyd referenced a map showing the MIA. Mr. Lloyd stated the Joint Planning Board feels the inter-local agreement with the City of Fayetteville regarding the MIA is outdated and no longer serves the needs of the city or the county. Mr. Lloyd further stated the Joint Planning Board recommends terminating the inter-local agreement because only three of the city's development standards currently apply and with the new annexation policy adopted by the city, all of the city's standards will apply. Mr. Lloyd stated the city no longer needs this inter-local agreement in order to enforce its standards.

Following discussion regarding the Joint Planning Board's recommendation, Mr. Lloyd suggested the Board of Commissioner's consider renegotiating the agreement with the City of Fayetteville. Mr. Lloyd stated this issue came up when the City of Fayetteville developed a new annexation policy due to the new statute on annexation. Questions and discussion followed.

Commissioner Keefe stated he does not think the county needs to look at abolishing the MIA. Commissioner Council asked if there have been any discussions between the city and county about terminating the agreement. Mr. Lloyd stated there has been some discussion between the city and county in reference to terminating the agreement. Mr. Lloyd further stated if you have an agreement based on existing policy and the policy is changed, it would be beneficial to revisit the agreement and address new policy. Questions and discussion followed.

Rick Moorefield, County Attorney, stated it would be beneficial for the city and county to discuss how to handle the MIA issues because it is a different set of rules now because the legislation has been changed. Mr. Moorefield further stated the legislation is not over. Mr. Moorefield stated it is time for the city and county to discuss details of the MIA. Commissioner Edge stated he feels the best approach is to renegotiate the agreement rather than terminate the agreement. Questions and discussion followed.

The consensus of the Policy Committee was to direct county management and county staff to meet with the city and come back to the Policy Committee within six (6) months, with an alternate approach.

3. DISCUSSION REGARDING MOBILE HOMES

Commissioner Council informed the Policy Committee that Commissioner Evans would like to table the discussion regarding mobile homes to the April 5, 2012, Policy Committee meeting. Consensus favored the request.

DRAFT

4. CONSIDERATION OF REVISED WRECKER AND TOW SERVICE ORDINANCE

Mr. Moorefield referenced the memorandum that detailed a summary of changes in each section of the proposed revised Wrecker and Tow Service Ordinance. Mr. Moorefield stated there are not any significant changes in the revised Wrecker and Tow Service ordinance. Mr. Moorefield stated the Wrecker Review Board voted unanimously to recommend the draft revisions to the Wrecker and Tow Service Ordinance, a revised fee schedule, and revisions to the Rules and Regulations adopted pursuant to the ordinance. Mr. Moorefield further stated the Wrecker Review Board has been studying the revisions since August, 2011.

Mr. Moorefield stated he recommends to the Policy Committee that the proposed changes be adopted. Questions and discussion followed.

MOTION:	Commissioner Keefe moved to approve the proposed changes as presented
	by the county attorney.
SECOND:	Commissioner Evans
VOTE:	UNANIMOUS (3-0)

5. OTHER ITEMS OF BUSINESS

There were no further items of business.

MEETING ADJOURNED AT 11:28 AM

ITEM NO. _____

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ORDINANCE ASSESSING PROPERTY FOR THE COSTS OF DEMOLITION OF A STRUCTURE PURSUANT TO THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY CASE NUMBER: MH6398-2011 PROPERTY OWNER: MARY E. MORRIS HEIRS C/O DOUGLAS C. MORRIS

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on <u>November 21,2011</u>, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Mary E. Morris Heirs, c/o Douglas C. Morris, located at <u>1103 Riverside</u> <u>Circle, Spring Lake, NC, PIN:</u> <u>9592-66-5280, said ordinance being</u> recorded in Book <u>8775</u>, page <u>118</u>, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$2,500.00.
- (3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$2,500.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

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

The structure and premises located at <u>1103 Riverside Circle,</u> <u>Spring Lake, NC</u>, as described in Deed Book <u>2046</u>, page <u>251</u>, of the Cumberland County Registry and identified in County tax records as PIN 9592-66-5280.

(3) That as further provided in Section 160A-443(6) of the General Statutes of North Carolina, such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of said General Statutes;

(4) That one copy of this resolution be filed in the minutes of this Board of County Commissioners and another copy certified and delivered by the Clerk as a charge to the Tax Collector, who shall thereupon enter the amount of the assessment set forth above upon the Tax Books of the County as a special assessment against the above described property.

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

I certify that the foregoing Ordinance was adopted and ordered by the Board of Commissioners of Cumberland County, North Carolina, this 19th day of March, 2012, at 6:45 p.m. o'clock.

Cumberland County Clerk

COUNTY OF CUMBERLAND BUDGET REVISION REQUEST Fund No. 101 Agency No. 431 Organ. No. Organization Name: Community Transformation Grant				Budget Re Date Rece Date Com	ived 🕉	·262 12.12
		REVEN			182	2
Revenue Source Code		Description		Current Budget	Increase (Decrease)	Revised Budget
		Community Transformation Grant		<u>_</u> `	183,920	183,920
		EXPENDIT	Total		183,920	183,920
Object Code	APRs Unit	Description		Current Budget	Increase (Decrease)	Revised Budget
1210 1270 1810 1820 1824 1830 1860 2379 2393	,	Salaries - Regular Longevity Fica Match Retirement 401K - County Medical Insurance Workers Compensation Incentives Educational Supplies		- - - - - - - - - - - - - - - -	18,404 1,408 1,283 184 2,125 44 234 12,500	18,404 - 1,408 1,283 184 2,125 44 234 12,500 225
2601 299A		Office Supplies Computer Hardware		-	325 3,400	325 3,400

Justification:

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This budget revision requests to budget for additional state funding that the Health Department has received notification that it can expect to receive for the Community Transformation Grant.

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Total

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39,907

39,907

Funding Source State: 18 Other:	e: 83,920 Federal: Fees:	Fund Balance: County: New: Prior Year:	Other:
Submitted By:	Channe Cult	m_DoffD Date: 3/9/12-	Approved By:
Reviewed By:	King.	Date:3.12.12	Date: County Manager
Reviewed By:	Deputy/Assistant Cour	M Dat <u>e: 3 13 12</u>	Board of County Commissioners Date:

COUNTY	1 OF	CUME	BERLA	ND
BUDGET	REV	ISION	REQU	JEST

Budget Office Use

Budget Revision No. Date Received Date Completed

Fund No.	101	_Agency No.	431	_Organ. No.	
Organizatio	n Name:	<u>Community</u> T	ransform	ation Grant	

		REVENUE		a 5].	<u>ג</u>
Revenue Source Code	Description	\ \	Current Budget	Increase (Decrease)	Revised Budget

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		Total	-	-	-
	EXP	ENDITURES			
Object Code	APRs Unit Description		Current Budget	Increase (Decrease)	Revised Budget
2992	Department Supplies		-	325	325
2995	Computer Software		-	650	650
3390	Contracted Services		-	134,478	134,478
3401	Advertising		-	950	950
3419	Miscellaneous Expenses		-	1,250	1,250
3420	Insurance and Bonds		-	60	60
3440	Postage		-	313	313
3445	Telephone		-	450	450
3455	Printing		-	875	875
3470	Travel		-	4,037	4,037
3474	Training		-	625	625
0.114		Total	-	144,013	144,013

Justification:

Funding Source State:18 Other:	e: 83,920 Federal: Fees:	Fund Balance: County: New: _ Prior Year:	Other:
Submitted By:	Continues Configure Department Hea	_ 1240 Date: 3/9/12-	Approved By:
Reviewed By:	Finance	Date:	Date: County Manager
Reviewed By:	Deputy/Assistant County	Date: y Mgr	Board of County Commissioners Date:

COUNTY OF CUMBERLAND REQUEST FOR NEW POSITIONS/ CHANGE IN POSITION

Submitted By	Buck	Date: <u>March 1 2012</u>				
Organization: <u>CCHealth DepartmentCommunity Transformation</u> Grant						
Position Requ	ested:	Lead Community Coordinator	Full Time	Grade 70		
		Current FY		Upcoming FY		
Salary: Fringe Benefi	ha .	\$14,133		\$42,399		
FICA Retirer 401-K Medica	nent	\$ <u>1,081</u> \$ <u>985</u> \$ <u>141</u> \$ <u>2,125</u> \$ <u>34</u> \$ <u>2,025</u> \$ <u>20,524</u>		\$ 3,244 \$ 2,955 \$ 424 \$ 6,376 \$ 102 \$ \$ \$55,500		
Other associa	ited cost (list):				
	oject Code	Amount		Description		
2. 29	601 9A	1,700		Office Supplies Computer Hardware		
4. 2	992 995	325		Department Supplies Computer Software		
6. 3	420 440			Insurance and Bonds Postage		
8. 3	445 455			Telephone Printing		
	470 474			Travel Training		
Position's Fu	nding Source	e: Current FY	Upcoming FY			
50 1. 2. 3.	ource Code	Amount	Amount	<u>Description</u> Community Transformation Grant		

Justification for Request:

The request to establish this new position is in response to our recent award of the Community Transformation Grant funds from the North Carolina Division of Public Health (DPH). This funding was authorized through the Affordable Care Act of 2010 to bring about system and environmental changes that support tobacco free living, active living, healthy eating and high impact evidence-based clinical preventive services over a five-year period. A major goal of this grant is to increase the health of our communities and to decrease health disparaties. By applying for and accepting these funds, the Health Department has agreed to serve as the lead agency over a 10 county collaborative including Anson, Harnett, Hoke, Lee, Montgomery, Moore, Randolph, Richmond ,Scotland and Cumberland. The establishment of this lead/supervisory Community Coordinator/Health Educator position allows the CC Health Department to comply with the terms of accepting these funds which includes \$429,146 for Region 6 (and one other county)for the first of five years. It will include \$183,919 in State Fiscal Year (SFY) 2011-2012 and \$245,227 in SFY (2012-2012). Based on the availibility of funding, the HD will receive an average of 400,000 each state fiscal year for the next five years. The project period began March 1, 2012.

This new position will report directly to the Local Public Health Administrator in CC Health Department and will serve as lead Community Coordinator supervising three other community coordinators or health educators. These other Community Coordinators or Health Educators will be based out of other Health Departments in our collaborative and collectively they will serve the entire 10 county collaborative.

COUNTY OF CUMBERLAND REQUEST FOR NEW POSITIONS/ CHANGE IN POSITION

Submitted E	By: <u>Buck</u>	Wilson, Health Director	Date:	1-Mar-12	
Organizatio	n: <u>CCHealt</u>	DepartmentCommunity Transfor	mation Grant		
Position Re	quested:	Accounting Tech. I	.50 fte	Grade 59	<u>.</u>
		Current FY		Upcoming F	Υ
Salary:		\$4,271		\$12,812	
Fringe Benefits: 327 FICA \$ 327 Retirement \$ 298 401-K Match \$ 43 Medical Insurance \$ - Workers' Comp \$ 10 Other: \$ 2,025			\$ <u>980</u> \$ <u>893</u> \$ <u>128</u> \$ <u>-</u> \$ <u>30</u>		
Total:		\$6,974		\$14,843	
Other asso	ciated cost (list):			
	Object Code	Amount		Description	
1.	2601			Office Supplies	
2.	299A	1,700		Computer Hardware	
3.	2992			Department Supplies	
4.	2995	325		Computer Software	
5.	3420			Insurance and Bonds	
6.	3440			Postage	
7.	3445			Telephone	
8.	3455			Printing	
9	3470			Travel	
10	3474			Training	
Position's	Funding Source	Current FY	Upcoming FY		
	Source Code	Amount	Amount	Description	
1.				Community Transformation G	rant
2.					
3.					

Justification for Request:

The request to establish this new position is in response to our recent award of the Community Transformation Grant funds from the North Carolina Division of Public Health (DPH). This funding was authorized through the Affordable Care Act of 2010 to bring about system and environmental changes that support tobacco free living, active living, healthy eating and high impact evidence-based clinical preventive services over a five-year period. A major goal of this grant is to increase the health of our communities and to decrease health disparaties. By applying for and accepting these funds, the Health Department has agreed to serve as the lead agency with lead financial responsibility over a 10 county collaborative including Anson, Harnett, Hoke, Lee, Montgomery, Moore, Randolph, Richmond ,Scotland and Cumberland. The establishment of this fiscal position allows the CC Health Department to comply with the terms of accepting these funds which includes \$429,146 for Region 6 (and one other county)for the first of five years. It will include \$183,919 in State Fiscal Year (SFY) 2011-2012 and \$245,227 in SFY (2012-2012). Based on the availibility of funding, the HD will receive an average of 400,000 each state fiscal year for the next five years. The project period began March 1, 2012.

Per the Statement of Assurances, the CC Health Department agreed to designate a fiscal position to carry out the following duties in support of the grant: 1) Monitor expenditures monthly, including salaries, fringe, contracts and operating line items, 2) Monitor additional funds leveraged through CTG; 3) Monitor subcontracts awareded through CTG grant; and, 4) Project unspent funds by 3rd quarter of each year. The fiscal position will compile financial data and write financial reports necessary to keep managment up-to-date regarding fiscal related activity and to meet federal, state, local and related compliance requirements for the grant. The position will also recommending and initiate budget revisions and related activities to ensure the smooth and seamless financial operations of the grant.

COUNTY OF CUMBERLAND BUDGET REVISION REQUEST Fund No. 115 Agency No. 412 Organ. No. 4198 Organization Name: Employee Clinic				Budget Office Use Budget Revision No. <u>B/2,265</u> Date Received <u>3.13.12</u> Date Completed		
Revenue		RE	VENUE			
Source Code		Description		Current Budget	Increase (Decrease)	Revised Budget
9901		Fund Balance Appropriated		- 54,216		54,216
		EYDE	Total	-	54,216	54,216
Object Code	APRs Unit	Description		Current Budget	increase (Decrease)	Revised Budget
1210 1810 1820 1824 1830 1860		Salaries - Regular Fica Match Retirement 401k County Medical Insurance Workers Compensation		- - - -	42,481 3,250 2,961 425 4,782 317	42,481 3,250 2,961 425 4,782 317
			Total	-	54,216	54,216

Justification:

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This budget revision requests to establish three (3) new positions in the Employee Clinic effective April 1, 2012.

Funding Source: State: Other:	Federal: Fees:	Fund Balance: County: New: Prior Year:	54,216Other:	
Submitted By: _	Department Hea	Dat <u>e:</u>	_ Approved By:	
Reviewed By:	Kelly autre	L Date: 3.13.16	County Manager	_Date:
Reviewed By: _	Amy A CIUMM Deputy/Assistant County	Date: 31312	Board of County Commissioners	Date:

COUNTY OF CUMBERLAND EMPLOYEE CLINIC ORG. # 4198 FY 2012

4/1/12 - 6/30/2012 TOTAL	42481	3250	2961	. 425	4782	317	54,216
FY 2012 ANNUAL TOTAL	169,922	12,999	11,845	1,698	19,128	1,266	216,858
MEDICAL OFFICE ASST. GRADE 57	23,443	1,793	1,634	234	6,376	47	33,527
PUBLIC HEALTH NURSE 1 M GRADE 70	46,639	3,568	3,251	466	6,376	679	61,279
PHYSICIAN EXTENDER II GRADE 81	99,840	7,638	6,960	966	6,376	240	122,052
	SALARY (PROJECTED)	FICA MATCH	RETIREMENT	401K COUNTY	MEDICAL INSURANCE	WORKERS COMP	
	1210	1810	1820	1824	1830	1860	

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3 MONTHS

COUNTY OF CUMBERLAND BUDGET REVISION REQUEST			Budget Re Date Rece	Budget Office Use Budget Revision No. Date Received Date Completed			
Fund No11	15	Agency No. 412 Organ. No. 4197					
Organization Na	me:	Employee Pharmacy Program	ITEN	1 NO. 22	1(1)		
		REVENUE					
Revenue Source Code		Description	Current Budget	Increase (Decrease)	Revised Budget		
9901		Fund Balance Appropriated	-	45,759	45,759		
		Total EXPENDITURES	-	45,759	45,759		
Object Code APRs	Unit	Description	Current Budget	Increase (Decrease)	Revised Budget		
1210 1810 1820 1824 1830 1860		Salaries - Regular Fica Match Retirement 401k County Medical Insurance Workers Compensation	- - - -	36,750 2,812 2,562 359 3,188 88	36,750 2,812 2,562 359 3,188 88		
Justification:		Total	-	45,759	45,759		

This budget revision requests to establish two (2) new positions in the Employee Pharmacy effective April 1, 2012.

Funding Source: State: Other:	Federal: Fees:	Fund Balance: County: New: 45 Prior Year:	759 Other:
Submitted By: _	Department Hea	Date:	Approved By:
Reviewed By:	Helly autry	Date 3-13-12	Date: County Manager
Reviewed By:	DeputyAssistant County	1 Date: 3/13/17 Mgr	Board of County Commissioners Date:

COUNTY OF CUMBERLAND	EMPLOYEE PHARMACY	ORG. # 4197	FY 2012
8	Ш	Б	노

3 MONTHS	4/1/12 - 6/30/2012 TOTAL 36750 2812 2562 359 3188 88 3188 88	
	FY 2012 ANNUAL TOTAL 147,000 11,246 10,248 1,435 12,752 353 183,034	
,	PHARMACIST GRADE 82 115,000 8,017 1,115 6,376 276 276	
	PHARMACY TECH GRADE 60 32,000 2,448 2,231 320 6,376 77 73	
	SALARY (PROJECTED) FICA MATCH RETIREMENT 401K COUNTY MEDICAL INSURANCE WORKERS COMP	
	1210 1810 1820 1830 1860	

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COUNTY OF CUMBERLAND BUDGET REVISION REQUEST						eived	17.257 3.9.12
Fund No.	101	Agency No. 431	_Organ. No.	4306			
Organizat	ion Name:	Jail Health Program		<u>_</u>	ITEM	NO. <u>2</u> M	
	_		REVI	ENUE			<u>.</u>
Revenue Source Code	-	Description			Current Budget	Increase (Decrease)	Revised Budget
9901	FUND	BALANCE APPROPR				140,000	
				Total	_'	-	-
			EXPEN	DITURES		_	
Object Code	APRs Unit	Description			Current Budget	Increase (Decrease)	Revised Budget
2381 3390	161 161	Prescription Drugs Contracted Services			65,000 215,200	50,000 90,000	115,000 305,200
				Total	280,200	140,000	420,200
Justification: This budget revision requests additional county funding in order to pay estimated expenditures for the remainder of the current fiscal year .							
Funding Source: Fund Balance: State: State: Other: Prior Year:							
Submitte	d By:	/ Department He		Date:2/2412		Approved By:	
Réviewed	і ву: К	ully autrip		Date: 39.12	C	ounty Manager	_Date:
Reviewed	i By:/	Deputy/Assistant Count		Date: 3 3 12	В	oard of County ommissioners	Date:

.

Budget Office Use			
Budget Revision No.	B12.255		
Date Received	3-6.12		
Date Completed			

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

Organization Name: Tax Administration

		1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 - 1919 -
ITEM	NO	2M1
116-111	NU.	

	REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget	
9901	Fund Balance Appropriated	\$	92,324.		

		E	EXPENDITURES		
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3101	30	Audit	226,047	92,32 4 -	318,371

	Total	226,047	92,324	318,371.00
luchific eti con				

Justification:

Request a revision in the amount of \$92,324 to pay Tax Management Assoc. for audit bills that have been paid through 1/11/12, based upon additional taxes collected and received as a result of TMA Audits, per agreement signed the 26th day of March 1997.

Funding Source State: Other:	: Federal: Fund B Federal: Cour	alance: hty: New: \$ Prior Year:	92,324.00 Other:
Submitted By		Date: <u>3-5-12</u>	Approved By:
HeA Reviewed By:	Department Head	Date: <u>3-6-12</u>	Date:
Reviewed By:	Budget Analyst	Date: 3/13/12	County Manager Board of County Commissioners Date:
Reviewed By:	Information Services	_ Date:	

Fund No. <u>23</u> Organization:	COUNTY OF CUMBERLAND BUDGET REVISION REQUEST <u>Agency No. 422</u> Organ. No. 4208 Sheriff's Office NC Controlled Substance Tax	Date R Date C	Budget Office U t Revision No. eceived ompleted M NO.	M(3)
·	REVENUE			
Revenue Source Code	Description	Current Budget		Revised Budget
9901	Fund Balance Appropriated		85,000	- - -
		otal 0	85,000	0
	EXPENDITURE			
Object Ap Code Ur	· Description	Current Budget		Revised Budget
3610 65	6 Cap OutlayEquipment	0	30,000	30,000
4001 65	5 Information & Evidence	0	55,000	- 55,000 -
	т	⁻ otal 0	85,000	- - - - 85,000

Justification:

۰. ا

Establish Expense Budget. Purchase large capacity freezer to enable Jail Food Service to take advantage of buying in bulk for lower per pound/case prices. Budget funds to support counter-narcotics detectives in purchasing drugs and countering legal pill diversion to illicit use.

Funding Source:	I	⁻ und Balance:		
State:	Federal:	County: New:	Other: <u>85,000</u>	
Other:	Fees:	Prior Year:		
Submitted By:	Earl R &	Butter Date: 3 . 7. 12	Approved By:	
Reviewed By:	Hawa Chre A Budget Analys	Date: 3/9/12	Date: County Manager	
Reviewed By:	Deputy/Assistant County	Mgr Date: 31312	Board of County Commissioners Date: _	
Reviewed By:	Information Serv	Date:		

Edition of Dec 2003

DEPT: <u>Sheriff</u>	ORGAN: <u>NC Controlled Subs Ta FUND: 232</u> AGENCY: <u>422</u> Org: 42 <u>08</u>
ORGAN MGR:	Earl R. Butler PRIORITY:
SIGNATURE:	Earl R Butles 3.7112

DESCRIPTION OF REQUEST:

Purchase large capacity freezer for Detention Center Food Service Operation.

\$30,000

JUSTIFICATION:

The inmate population continually increases; the cost of food and provisions continually increase.

With additional freezer capacity, the Food Service Manager can take advantage of truck-load opportunities for cost savings.

REVE	NUE		EXPENDITURE		
Code	Funding Source	Amount	Object Code	Object Name	Amount
232-422-4208-4588	Fed Forf Justice	\$30,000	3610 (CO-Equipment	\$30,000

Expected Results/Alternatives if NOT Approved:

Pay higher cost for frozen foodstuffs because we cannot take advantage of bulk purchases.

Replacement Item:

Property #

Location

Disposition of Equipment

N/A

Budget Office Use Budget Revision No. Date Received Date Completed

812-260

Organ. No. 422P 230 Agency No. 422 Fund No. Organization Name: Federal Forfeiture--Justice

Fund No. 230 Agency No. 422 Organ. No. 422P Organization Name: Federal ForfeitureJustice		ITEM	ITEM NO2M(4)_			
		REVENUE				
Revenue Source Code		Description	Current Budget	Increase (Decrease)	Revise Budge	
9901		Fund Balance Appropriated		263,100	-	
		Total	0	263,100		
		EXPENDITURES				
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revise Budge	
2994	652	Misc Furn & Equipment	9,895	11,100	20,99	
3433	652	MaintenanceEquipment	2,305	1,500	3,80	
3610	653	Cap OutlayEquipment	53,000	250,500	303,50	
		:				
			65,200	263,100	328,30	

Justification:

Purchase rifles for Deputies, to supplement the pistol and shotgun short-range weapons currently carried. Upgrade the video and audio analysis system purchasesd in 2005 and used by the Crime Scene Investigations Photo Technician to develop clear, useable photos from security camera systems used by businesses. Purchase Level III body armor and helmets to replace items at end of manufacturer's warranty.

Funding Source: State: Other:	Federal: Fees:	Fund Balance: County:	New: Prior Year:	Other: <u>263,100</u>	
Submitted By:	Earl R Bri	Tele_	Date: 3-7.12	Approved By:	
Reviewed By:	1 DCR		Date: 3/9/12	Date: County Manager	
Reviewed By:	Deputy/Assistant Count		Date: 3/13/12	Board of County Commissioners Date:	
Reviewed By:	Information Ser		Date:L		

Edition of Dec 2003

DEPT: Sheriff	_ ORGAN:	Fed ForfJustice FUND: 230 AGENCY: 42	2Org: 42 <u>2P</u>
ORGAN MGR:	Earl R. Butler	PRIORITY:	_
SIGNATURE:	E	and R. Butter	3.7.12
DESCRIPTION OF R	EQUEST:		

Rifle, M-16 16 inch barrel with accessories

100 x \$2,150

\$215,000.00

JUSTIFICATION:

Deputies on patrol and other duties in the county are armed with pistols and shotguns, both short-range weapons. A recent incident in Fayetteville where a person inside an apartment fired at responding fire and police with a rifle shows that each deputy must be armed to counter such a threat.

REVE	NUE		EXPE		
Code	Funding Source	Amount	Object Code	Object Name	Amount
230-422-422P-4005	Fed Forf Justice	\$215,000	3610	CO-Equipment	\$215,000

Expected Results/Alternatives if **NOT** Approved:

Deputies would be facing situations at a significant disadvantage.

Replacement Item:

Property #

Location

Disposition of Equipment

n/a

DEPT: <u>Sheriff</u>	ORGAN: Fed Forf-Justice	FUND: <u>230</u> AGENCY: <u>42</u>	2 Org:	42 <u>2P</u>
ORGAN MGR:	Earl R. Butler	PRIORITY:	-	
SIGNATURE:	Earl R.	Butles	3.7.12	

DESCRIPTION OF REQUEST:

Upgrade Ocean System Video and Audio Analysis system

\$8,500

JUSTIFICATION:

Equipment purchased originally in 2005 requires hardware and software upgrade to efficiently process security camera video and audio that show crimes in progress.

Technology improvements over the years have made current equipment significantly inadequate to produce quality images of perpetrators.

REVE	NUE		EXPE	ENDITURE	
Code	Funding Source	Amount	Object Code	Object Name	Amount
230-422-422P-4005	Fed Forf Justice	\$8,500	3610	CO-Equipment	\$8,500
		i			

Expected Results/Alternatives if **NOT** Approved:

The Detectives will be hampered in their ability to identify persons depicted due to blurry, dark, or fuzzy images.

Replacement Item:

Property #

Location

Disposition of Equipment

N/A

DEPT: Sheriff	ORGAN: Fed Forf-Justice	FUND: <u>230</u> AGENCY: <u>422</u>	Org: 42 <u>2P</u>
ORGAN MGR:	Earl R. Butler	PRIORITY:	
SIGNATURE:	Earl 1	R Butter	3.7.12

DESCRIPTION OF REQUEST:

Level III Body Armor Sets 18 x \$1,500

\$27,000

JUSTIFICATION:

NUE		EXPE	ENDITURE	
Funding Source	Amount	Object Code	Object Name	Amount
Fed Forf Justice	\$27,000	3610 CO-Equipment \$27,0		\$27,000
		Funding Source Amount	Funding Source Amount Object Code	Funding Source Amount Object Code Object Name

Expected Results/Alternatives if NOT Approved:

Pay higher cost for frozen foodstuffs because we cannot take advantage of bulk purchases.

Replacement Item:

Property #

<u>Location</u>

Disposition of Equipment

N/A

Budget Office Use

B12-253

Date Received

Budget Revision No.

ITEM NO. __

ZM

Date Completed

430 Agency No. 438 Organ. No. 4385 Fund No.

Organization Name: JCPC Programs

		REVEN	IUE			
Revenue Source Code		Description		Current Budget	Increase (Decrease)	Revised Budge
438F		NC Find-A-Friend GATE Grant		0	50,000	50,000
669Q		Find-A-Friend GATE In-Kind		Ō	25,000	25,000
438G		NC Level II Dispositional Alternatives		0	50,000	50,000
669V		Level II Dispositional Alternatives In-Kind		0	3,638	3,638
669F		Dispute Resolution (Teen Court) In-Kind		17,136	960	18,096
9901		Fund Balance Appropriated		9,845	12,381	22,226
6694		Juvenile Assessment Center In-Kind		26,082	3,708	29,790
669C		Juvenile Restitution In-Kind		37,081	(23,930)	13,151
			Total	90,144	121,757	211,901
·		EXPENDI	TURES			
Object Code	Appr Unit	Description		Current Budget	Increase (Decrease)	Revise Budge
438F	728	NC Find-A-Friend GATE Grant		0	50,000	50,000
348Q	728	Find-A-Friend GATE In-Kind		0	25,000	25,000
438G	728	Level II Dispositional Alternatives		0	52,691	52,691
348L	728	Level II Dispositional Alternatives In-Kind		Ō	3,638	3,638
5018	728	Dispute Resolution (Teen Court)	P.	63,781	9,690	73,47 [,]
348K	728	Dispute Resolution (Teen Court) In-Kind		17,136	960	18,096
348C	728	Juvenile Assessment Center- In-Kind		26,082	3,708	29,790
348E	728	Juvenile Restitution In-Kind		37,081	(23,930)	13,15
			Total	144,080	121,757	265,837

Justification:

Revision to recognize new funding for the Find-A-Friend GATE Grant and Juvenile Court Outreach Level II Dispositional Alternatives programs. Revision to adjust JCP grants based on State budget revisions and to appropriate fund balance of \$12,381 for grant matches.

Funding Source: State: Other:	Fund B Federal: Coun Fees:		Other:
Submitted By:	/ Department Head	Date:	Approved By:
Reviewed By:	Howard Bron	Date:	Date: County Manager
Reviewed By: _	Deputy/Assistant County Mgr	Date: 3/13/12	Board of County Commissioners Date:

Budget Office Use

<u>B12-251</u> 2/21/12

Date Received Date Completed

Budget Revision No.

Fund No. 101 Agency No. 437 Organ. No. 4365

Organization Name: SOCIAL SERVICES

ITEM NO. <u>2M(U</u>

1,049,249

3,985,285

		RE				
Revenue Source Code		Description		Current Budget	Increase (Decrease)	Revised Budget
4335		NC ENERGY PROGRAM		214,427	88,962	303,389
4355		NC CRISIS INTERVENTION		2,500,025	960,287	3,460,312
						-
						-
			Total	2,714,452	1,049,249	3,763,701
		EXPE	NDITURES			
Object Code	Appr Unit	Description		Current Budget	Increase (Decrease)	Revised Budget
3390	262	CONTDSERVICE		436,011	88,962	524,973
4394	262	LIEAP		454,157	188,440	642,597
4389	262	CRISIS INTER		2,045,868	771,847	2,817,715
						-
		· · · · ·				-
,						-
						-

To recognize additional funding.

Funding Source State: Other:	: Fund Ba Federal: <u>1,049,249</u> Count Fees:		Other:
Submitted By:	Munda au	Date: 2-/1/2	Approved By:
Reviewed By:	Department Head Bob Juch	Date: 2/2//12-	Date: County Manager
Reviewed By:	Budget Analyst	Date: 3/13/12	Board of County Commissioners Date:
Reviewed By:	Information Services	L Date:	

Total

2,936,036

B12-247 2/17/2012

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Fund No.	106	_Agency No.	470	Organ. No.	4/04	_
Organizatio	on Name:	School C.O.	Category	/I - Buildings		_
				DE\		

Assistant County Mgr

ITEM NO. _ 2 M(7) @

Commissioners

Date:

			REVENUE		<i>.</i>	
Revenue Source Code		Description		Current Budget	Increase (Decrease)	Revised Budge
9901		Fund Balance Appropriated (Sales	Tax)	0	2,187,400	2,187,400
			Total PENDITURES	0	2,187,400	2,187,400
Object Code	Appr Unit	Description		Current Budget	Increase (Decrease)	Revise Budge
3836	406	School Capital Outlay Category I		1,700,500	2,187,400	3,887,900
Justificati		·	Total	1,700,500	2,187,400	3,887,900
Revision i	n the ar es as app Source:	nount of \$2,187,400 to appropriate proved by the Cumberland County Bo Fund Ba Federal: County Fees:	oard of Education			tlay Category
Submitted	l By:	Department Head	Date:	-	Approved By:	
Reviewed	Ву:	Bit Juch Finance Department	Date: <u>2/וין/ו2</u> כובורכ		 ounty Manager	Date:
Reviewed	Ву:	1 ANDER CHIMMON	Date: 3/13/12	В	oard of County	

Budget Office Use Budget Revision No.

B12-247A

Date Received **Date Completed** 2/17/2012

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

ITEM NO. _ 2M(7)

			REVENUE			<u>_</u>
Revenue Source Code		Description		Current Budget	Increase - (Decrease)	Revised Budget
9901		Fund Balance Appropriated (Sale	es Tax)	0	379,000	379,000
		E	Total XPENDITURES	0	379,000	379,000
Object Code	Appr Unit	Description		Current Budget	Increase (Decrease)	Revised Budget
3837	407	School Capital Outlay - Category	411	2,585,000	379,000	2,964,000
Justificati	00.		Total	2,585,000	379,000	2,964,000
Revision i expenditur Funding S State:	n the an es as app Source:	Federal: Cour	Board of Education Balance: hty: New:			ay Category II
Other:		Fees:	Prior Year:		· · · · · · · · · · · · · · · · · · ·	
Submitted HWT Reviewed Reviewed	By:	Department Head Bob Jucker Finance Department Assistant County Mgr	Date: <u>2/17/12</u> Date: <u>2/17/12</u> Date: <u>3</u> 18[12	B	ounty Manager oard of County	Pate:

Budget Office Use Budget Revision No. B1

Date Received

Date Completed

B12-247B 2/14/2012

Fund No. <u>106</u> Agency No. <u>470</u> Organ. No. <u>4708</u>

Organization Name: School C.O. Category III - Vehicles

Assistant County Mgr

ITEM NO. _2M(

Commissioners

Date:

			REVENUE			~
Revenue Source Code		Description		Current Budget	Increase (Decrease)	Revised Budge
9901		Fund Balance Appropriated (Sale	s Tax)	0	86,000	86,000
			Total	0	86,000	86,000
<u></u>		EX	PENDITURES	0	t	Devilee
Object Code	Appr Unit	Description		Current Budget	Increase (Decrease)	Revise Budge
3838	408	School Capital Outlay Category II	I	460,000	86,000	546,000
			Total	460,000	86,000	546,000
Justificati	on:		Total	400,000	00,000	0+0,000
expenditur Fundina S	es as app Source:	mount of \$86,000 to appropriate proved by the Cumberland County B Fund B Federal:Coun Fees:	loard of Education of alance:			y Category I
Submitted	l By:	Department Head	Date:		Approved By:	
Reviewed	Т Ву: _	Both Sucher	Date: 2/17/12			ate:
Reviewed	Bv:	Finance Department	Date: 3/13/12		ounty Manager bard of County	
11011010000		Assistant County Mar			ommissioners D	ator

COUNTY OF CUMBERLAND BUDGET REVISION REQUEST				Budget Office UseBudget Revision No.B12-256Date ReceivedDate Completed			
Fund No	101	_Agency No412Organ.	No. <u>4195</u>		ר. יי	10	
Organizatio	on Name	: General Government Other		ITEN	NO. <u>21</u>	9(8)	
			REVENUE				
Revenue Source Code		Description		Current Budget	Increase (Decrease)	Revised Budget	
			Total				
		E	XPENDITURES			Deviced	
Object Code	Appr Unit	Description		Current Budget	Increase (Decrease)	Revised Budget	
		· · · _ · · · · · · · · ·					
3905 3887	088 88	Detention Center Expansion Re Transfer to Detention Center Ca		500,000 0	(500,000) 500,000	- 500,000	
			Total	500,000		500,000	
Justificati Revision to	on: o transfer	funds approved in the FY2012 Ac	dopted Budget to the [Detention Cer	nter Capital Project		
	,						
Funding S State: Other:		Fund Federal: Cou Fees:	Balance: nty: New: Prior Year:		Other:		
Submittee	d By:	, Department Head	Date:	<u> </u>	Approved By:		
Reviewed	By:	Leward Alan	Date: 2617			_Date:	
Reviewed	-	Finance Am A Muller Deputy/Assistant County Mg		1	County Manager Board of County Commissioners	Date:	
			Ĺ				

Budget Office Use			
Budget Revision No.	B12		
Date Received			
Date Completed			

B12-256A

Fund No.	002	Agency No.	422	Organ. No.	42CC
Organization Name: Detention Center Expansion Capital Project					

		R	EVENUE			
Revenue Source Code		Description		Current Budget	Increase (Decrease)	Revised Budget
9110		Transfer from General Fund		1,800,000	500,000	2,300,000
			Total	1,800,000	500,000	2,300,000
Object Code	Appr Unit	Description	ENDITURES	Current Budget	Increase (Decrease)	Revised Budge
3799	XXA	Construction Other		2,962,926	500,000	3,462,926
Justificati		funds approved in the FY2012 Adopt	Total	2,962,926	500,000 ter Capital Project	3,462,926
Funding S State: Other:	Source:	Fund Bala Federal:County: Fees:	ance:		Other:	
Submitted	d By:	Department	Date:		Approved By:	
Reviewed Reviewed	•	A (Einance	Date: <u>36(</u> 7 Date: <u>3</u> [13][2	В	ounty Manager coard 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

MARCH 9, 2012



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

ITEM NO.

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P12-05:** Rezoning of 2.56+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 6228 Kennel Road, submitted by Listen Owen and Pamela H. Lockamy (owners).

ACTION: Members present at the February 21, 2012 meeting voted to recommend approval of the R40A Residential district.

SITE INFORMATION: Frontage & Location: 305.00'+/- on SR 1821 (Kennel Road); Depth: 334.45'+/-; Jurisdiction: Cumberland County; Adjacent Property: No; Current Use: 1 manufactured home; Initial Zoning: A1 – August 23, 1994 (Area 19); Nonconformities: Existing structure does not appear to meet rear yard setbacks; Zoning Violation(s): None; Surrounding Zoning: North, East & West: A1; South: R40 & A1; Surrounding Land Use: Residential (including manufactured homes) farmland & woodlands; 2030 Growth Strategy Map: Rural; Special Flood Hazard Area (SFHA): None; Water/Sewer Availability: ESD/Septic; Soil Limitations: None; School Capacity/Enrolled: District 7 Elementary: 300/268; Mac Williams Middle: 1,270/1,210; Cape Fear High: 1,425/1,585; Subdivision/Site Plan: If approved, any new development may require a review and approval; Average Daily Traffic Count (2008): 110 on SR 1821 (Kennel Road); Highway Plan: There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; Notes: Density: A1 – 1 lots/units, R40A – 3 lots/units; Minimum Yard Setback Regulations: A1: Front yard: 50', Side yard: 20', Rear yard: 50'; R40A: Front yard: 30', Side yard: 15', Rear yard: 35'.

MINUTES OF FEBRUARY 21, 2012

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

- 1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location, as well as meeting the location criteria for rural density residential development as listed in the Land Use Policies Plan; and
- 2. The location and character of the use will be in harmony with the surrounding area.

There are no other districts considered suitable for this request.

Mrs. Piland made a motion, seconded by Mr. McLaurin to follow the staff recommendation and approve Case P12-05 for R40A Residential. Unanimous approval.

First Class and Record Owners' Mailed Notice Certification

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



PIN: 0590-81-5154

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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

MARCH 9, 2012

Thomas J. Lloyd, Director

Cecil P. Combs, Deputy Director

Lori Epler, Sara E. Piland, Cumberland County

Benny Pearce, Town of Eastover

Donovan McLaurin, Wade, Falcon & Godwin

3B

ITEM NO.

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

- SUBJECT: **Case P12-09:** Rezoning of .42+/- acre from RR Rural Residential to C1(P) Planned Local Business or to a more restrictive zoning district, located at 4427 Clinton Road, submitted by Jing Mester on behalf of Right Star Properties LLC. (owner).
- ACTION: Members present at the February 21, 2012 meeting voted to recommend approval of the C1(P) Planned Local Business district.

SITE INFORMATION: Frontage & Location: 117.00'+/- on SR 1006 (Clinton Road); Depth: 198.95'+/-; Jurisdiction: Cumberland County; Adjacent Property: Yes, west of subject property; Current Use: Residential; Initial Zoning: RR – August 23, 1994 (Area 19); Nonconformities: None; Zoning Violation(s): None; Surrounding Zoning: North: RR, R10 & R5A; South: RR/CU (billboard), R20 & RR; East: RR; West: C(P) & C1(P); Surrounding Land Use: Residential, substations (2), farmland & woodlands; 2030 Land Use Plan: Community Growth Area; Special Flood Hazard Area (SFHA): None; Water/Sewer Availability: PWC/PWC; Soil Limitations: None; School Capacity/Enrolled: Sunnyside Elementary: 300/362; Mac Williams Middle: 1,274/1,221; Cape Fear High: 1,425/1,575; Subdivision/Site Plan: If approved, any new construction or change in use will require a review and approval; Municipal Influence Area: Town of Stedman; Average Daily Traffic Count (2008): 4,900 on SR 1006 (Clinton Road); Highway Plan: Clinton Road is identified in the Highway Plan as a Major Thoroughfare with adequate right-of-way; Notes: Density: RR – 1 lot/unit; Minimum Yard Setback Regulations: RR: Front yard: 30', Side yard: 15', Rear yard: 35'; C1(P): Front yard: 45', Side yard: 15', Rear yard: 20'.

MINUTES OF FEBRUARY 21, 2012

The Planning & Inspections Staff recommends approval of the C1(P) Planned Local Business district for this request based on the following:

- 1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "commercial" at this location, as well as meeting the location criteria for light commercial development as listed in the Land Use Policies Plan;
- The C1(P) Planned Local Business district is consistent with the zoning for adjacent property under the same ownership;
- 3. The location and character of the use will be in harmony with the surrounding area; and
- 4. Public utilities are available to the subject property.

130 Gillespie Street - Post Office Box 1829 - Fayetteville, North Carolina 28302-1829 - (910) 678-7600 - Fax: (910) 678-7631



Planning and Inspections Department

There are no other districts considered suitable for this request.

Mrs. Piland made a motion, seconded by Mr. McLaurin to follow the staff recommendation and approve Case P12-09 for C1(P). Unanimous approval.

First Class and Record Owners' Mailed Notice Certification

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



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1/24/12 2/13/12 AM

ITEM NO.

CASE P12 -03 WITHDRAWN ON 3/6/12

Estate Builders, LLC

235 Green Street Fayetteville, NC 28301 910-864-1978/910-864-0015(fax)

March 6, 2012

JOHNNY H. SCOTT Planning & Inspections 130 Gillespie Street Fayetteville, NC 28301

Dear Mr. Scott,

Please withdraw my request for rezoning on my Underwood Road Property.

Thank you,

300 John Koenig

President

Roy Turner, Chair Cumberland County

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MARCH 9, 2012



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

ITEM NO.

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

- SUBJECT: Case P12-03: Rezoning 116.77+/- acres from R40 Residential to R20 Residential or to a more restrictive zoning district; located on the south side of SR 1730 (Underwood Road), northwest of SR 1728 (Middle Road); submitted by John Koenig on behalf of Estate Builders LLC. (owner).
- ACTION: Members present at the February 21, 2012 meeting voted to recommend denial of the R20 Density Development/Conditional Zoning district (R20/DD/CZ).

SITE INFORMATION: Frontage & Location: 1,700.00'+/- on SR 1730 (Underwood Road). 1,260.00'+/- on Pep Cush Drive & 50'+/- on Willowbrae Drive; Depth: 2,650.00'+/-; Jurisdiction: Cumberland County; Adjacent Property: Yes, south east of subject property; Current Use: Vacant; Initial Zoning: A1 - December 14, 1979 (Area 10); rezoned to R40 December 19, 2005: Nonconformities: None; Zoning Violation(s): None; Surrounding Zoning: North: M(P), R40, RR & A1; South: R40 (Eastover), RR (Eastover) & A1; East: RR (Eastover) & A1; West: RR & A1; Surrounding Land Use: Residential (including manufactured homes), milling or grinding, farmland & woodlands; 2030 Land Use Plan: Rural; Eastover Land Use Plan: One acre residential lots & open space; Special Flood Hazard Area (SFHA): Yes; base flood is 83 msl (NAVD); Water/Sewer Availability: ESD/ESD; Soil Limitations: Yes, hydric - RO Roanoke and Wahee loams & WmB Wickham fine sandy loam; School Capacity/Enrolled: Armstrong Elementary: 450/444; Mac Williams Middle: 1,270/1,210; Cape Fear High: 1,425/1,585; Subdivision/Site Plan: If approved, "Ordinance Related Conditions" apply: RLUAC: Encourages the developer to make every possible effort to preserve as much of the existing forest as possible and to coordinate any new development with US Fish and Wildlife to destruction of any Red Cockaded Woodpecker habitats; Average Daily avoid the possible Traffic Count (2008): 530 on SR 1730 (Underwood Road); Highway Plan: Underwood Road is identified in the Highway Plan as a major thoroughfare with adequate right- of-way; Notes: Density minus 12.70 acres for R/W: R40 - 111 lots/units, R30 - 148 lots/units, R20 - 223 lots/units; Minimum Yard Setback Regulations: R40, R30 & R20: Front yard: 30', Side yard: 15', Rear yard: 35'.

MINUTES OF FEBRUARY 21, 2012

Ms. Speicher stated this case was deferred from the board's January 17, 2012 meeting because the property owner amended the original application and is now requesting your consideration of a favorable recommendation for a R20 Density Development Conditional Zoning (R20/DD/CZ) for the subject property. The Planning and Inspections Staff recommends approval of the request for the 223 residential lot density development conditional zoning application based on the following:

- Although the amended request is not entirely consistent with the Eastover Area Detailed Land Use Plan adopted in September 2000, which calls for one acre residential lots and open space at this location, many changes in the Eastover area have occurred since the plan was adopted, in that:
 - a. Extension of public water was in the initial planning stages but not available and public sewer was not contemplated for this area; however, other properties within the study area were designated as low density residential solely because those properties already had public water and sewer serving the development;
 - b. After the Town of Eastover was incorporated in October 2007, an interlocal agreement between the County and the City of Fayetteville was adopted reinstating the Municipal Influence Area (MIA) for the city and designating this specific area being in a *Fayetteville Sewer Service Area* where specific Fayetteville development standards are required at this location the interlocal agreement was adopted by the parties on June 9, 2008;
 - c. During the time that the Eastover area citizens were actively participating in establishing the goals of the plan, this area was specified for one-half acre lots but later changed to one acre lots; the text of the document demonstrates this change because there were no existing zoning districts allowing for one half acre lots that did not also include manufactured homes in June 2005, the zoning ordinance was amended to prohibit manufactured homes in the R20 Residential zoning district.
 - d. The first segment of the Outer Loop (I-295) was constructed and open north of the subject property.
- 2. The primary stated goal of the Eastover Land Use Plan is to retain the rural character of the area and this specific area is designated as an *Urban Services Area* the amended request supports the goal by permanently restricting over 40% of the development as open space and providing a 40 foot wide buffer along Underwood Road along with a 20 foot wide perimeter buffer thus ensuring the appearance of the area remains rural and at the same time meets the plan's recommended definition for *Urban Services Area* as inserted below:

"The Urban Services Area is defined as an area where higher density development will be promoted based upon existing or proposed urban services. These urban services include public or community water, sanitary sewer, storm drainage, street lighting, police and fire protection, recreation and garbage collection."

- The request is consistent with all of the location criteria of Land Use Policies Plan of the 2030 Growth Vision Plan, adopted by County Board of Commissioners on April 20, 2009 and the Town of Eastover on August 4, 2009.
- 4. The proposed development far exceeds the requisite 800 square feet per lot recreation area typically required for a residential subdivision in the County (4.1 acres for 223 lots) the developer is proposing to permanently restrict 46.02+/- acres of the 116 acre tract, slightly over 40%, as open space and also provides significantly more open space than the Eastover Plan has designated, in addition every proposed lot is adjacent to an open space area thus visually the individual lots will appear much larger than their actual size.

There are no other zoning districts suitable as related to this request; however, the staff did find that with a revised plan, R30 density would be appropriate for this area.

The property owner/developer has verbally agreed to all attached Ordinance Related Conditions.

There were people present to speak in favor and in opposition.

Mr. John Koenig, applicant, spoke in favor. Mr. Koenig stated that the subject property had been zoned R40 in December 2005 which was the catalyst for Eastover becoming incorporated. The initial zoning called for a bridge to be designed by the Department of Transportation (DOT), to bridge the canal that is there. DOT designed the bridge which makes that land and the lots unaffordable. Mr. Koenig stated that he submitted an application for R20 and got a recommendation from the planning staff to go for a different zoning that would require more green space, and thought that would be a good layout. This zoning would cut out through traffic; over forty acres would stay wooded and it will be a nice development.

Mrs. Epler asked Mr. Koenig if he put the lift station in.

Mr. Koenig stated yes he did and that the lift station has been put in.

Mr. Matthew Wilson spoke in opposition. Mr. Wilson explained that he is in the military and moved here from overseas. He and his wife wanted a quiet, rural community to live and raise their family and did a lot of research prior to buying in Eastover. Mr. Wilson stated that they are disappointed that it seems like all of a sudden there is talk about doubling the population, increased commercialization, and school enrollment will increase. Mr. Wilson stated that he wonders if this development is legal, but knows that it is not right.

Mrs. Epler asked Mr. Wilson what size lot he had.

Mr. Wilson stated he had just over an acre, but not sure of the dimensions of the lot.

Mr. Lawrence Buffaloe spoke in opposition. Mr. Buffaloe stated that he appreciated everyone's effort that is put in for the service of the County and Eastover. The Eastover community has demonstrated its desire to get the people involved and of all of the initiatives that the people have been involved in, the number one thing that they wanted was to maintain the rural character of the area. There is a tendency to say or think that water and sewer, public utilities, will accommodate and allow for urban development with a higher density. That happened in western Cumberland County and we don't want that. However, in our area, with the soil density, we've already pointed out that it's a flood plain, and a high water table and poor drainage all those things are a problem. Even the 2030 Plan supports that. The rural character can be maintained with one acre lots. We want to maintain what we have. Mr. Buffaloe asked the people in the audience who were present in opposition and in support of maintaining R40 to stand.

Mr. Morgan Johnson spoke in opposition. Mr. Johnson stated that he was present representing the Eastover Sanitary District (ESD). Mr. Johnson stated that they were strongly opposed to changing the zoning, they will be providing water and sewer to the subject property, there is a lift station it was put in based on an R40 design, it can be upgraded but it would be expensive. Mr. Johnson stated that they request that the subject property remain R40 based on the character of the neighborhood and if that's not done and start putting more houses on pieces of property like this, eventually we will have to spend a great deal of money to upsize the lines. Our water mains are based on the Eastover Land Use Plan also based on sixty percent of development of other land over the next forty years that's how the system was designed. Mrs. Piland asked Mr. Johnson if the ESD was the service provider for both water and sewer to the subject property.

Mr. Johnson stated yes, anything in the sanitary district we provide services for, not PWC.

Mrs. Piland asked Mr. Johnson if the ESD received information from the planning staff, prior to their meeting to make a decision on this case and if they provided input back to staff about ESD's concerns.

Mr. Johnson stated that he received an email saying that the property was going to be rezoned to R20 at that time, not R20 Density Development, we opposed that. We will concede to density development of R40, not R20. We are still concerned about the number of houses that we will be servicing that will eventually cause someone to have to pay to upsize the lines.

Mr. Tom Grubb spoke in opposition. Mr. Grubb stated that the requested density doesn't exist anywhere around the subject property. We fought a long fight trying to get Eastover incorporated, this was a long fight to get all of this R40, and it was planned this way. If this is approved there will be a lot more developments like this one. The canal in the area will not take this kind of runoff, in the future higher density should be considered. Mr. Grubb stated that he supports the zoning remaining R40.

Ms. Liz Reeser spoke in opposition. Ms. Reeser stated that when the MIA came up, ESD as an entity was not considered to give an opinion. There are concerns about how the MIA will affect the district. Ms. Reeser stated that the Commissioners approved R40 and feels that the zoning should not change.

Ms. Speicher stated that she wanted to clarify one thing for the board, on the site profiles they have the minimum yard setbacks for basic setbacks for a standard straight subdivision, however, those are not the setbacks that would apply to a zero lot line.

Mr. Koenig declined the opportunity for rebuttal.

Public Hearing closed.

Mrs. Piland stated that she had several concerns. She understands Mr. Koenig's interest in developing this property and making the request to the planning staff and board. But doesn't understand the staff's recommendation to approve that request, there are several reasons for her confusion on this. The first relates to the Eastover Detailed Land Use Plan although the staff recommendation included several pieces of information about changes that have occurred since 2000, they failed to include a critical piece of information which is in the 2030 Growth Plan adopted by the Board of Commissioners and on the strategy map in the document there is a section that reads "small area plans take precedence, adopted small areas or special area plans shall take precedence over the 2030 plan". So that clearly indicates that the Eastover Detailed Land Use Plan was still in place and it was reinforced by the adoption of the 2030 because the County Commissioners approved this plan less than three years ago. If the staff's recommendation or their rationale for making a recommendation of approval to us is to make changes to the Eastover Land Use Plan, she suggests that they are going about it in the wrong way. Mrs. Piland does not support changing the small area plan on a case by case basis. If the plan needs to be changed it needs to be done by the people affected. Another concern is related to ESD, again in staff's recommendation they failed to report that ESD is an authorized public service provider and that the comments to them from ESD were not included in report to us, another concern is the hydric soils. almost seventy percent is affected by hydric soils, it's not just wetlands, it's how the area

can tolerate storm runoff and the canal is a good example of that. None of the canals have been drained in a long time. Another concern is the traffic pattern; Middle Road can't handle the increased traffic. Also, the recommendation stated that the request is consistent with all the location criteria of the Land Use Policies Plan of the 2030 Growth Vision Plan and that the County and Eastover adopted the Land Use Policies Plan; the property is not in the Town of Eastover, so that rationale has no place in this case. The bottom line is, as someone else stated density is a primary concern for all the reasons given. There isn't any way any R20 development can help Eastover maintain its rural character, for that reason Mrs. Piland cannot support the staff recommendation.

Mr. Pearce pointed out two policies from the 2030 Growth Vision Plan, policy 813 which states that "all forms of housing development should be discouraged from leapfrogging into the countryside therefore destroying the rural character of the County..." and 814 " detailed neighborhood and small area planning shall be supported so as to encourage greater resident involvement...". He also pointed out that the Progress Eastover Committee before Eastover was incorporated sent a resolution to the 2030 planners and part of that resolution that was sent, stated their thoughts on the current situation and backs up with documentation what Mr. Johnson had stated. Mr. Pearce stated that he could not support the request.

Mr. McLaurin stated that in the staff recommendations the MIA was referenced, but Mr. Lloyd had drafted a letter to terminate the MIA agreement with the City of Fayetteville signed by Chairman Turner and approved by the Planning Board requesting that the Commissioners terminate the agreement due to the City's Unified Development Ordinance and new annexation policy. That makes paragraph b unimportant and paragraph c, the area was zoned A1, but doesn't know how it was specified for half acre lots.

Ms. Speicher stated it's not referring to the way it was zoned.

Mr. McLaurin said he could not support R20 either.

Mrs. Piland made a motion to deny the request for R20 Density Development/ Conditional Zoning, 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.







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, the following facts are submitted:

	Requested Rezoning from $R-40$ to $R-20$
	Address of Property to be Rezoned: UNDERWOOD ROAD FAYETTEVILLE
•	Location of Property: BETWEEN UNDERWOOD ROAD & MIDDLE RD.
ŀ.	Parcel Identification Number (PIN #) of subject property: <u>0448-96-1424</u> (also known as Tax ID Number or Property Tax ID)
5.	Acreage: 118. 31 Frontage: NIA Depth: NIA
б.	Water Provider: Well PWC Other (name)
8.	Septage Provider: Septic Tank PWC
9.	Deed Book 7113, Page(s) 723, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10.	Existing use of property: To BE DEVELOPED (RESIDENTIAL)
11.	Proposed use(s) of the property: RESIDENITIAL
12.	Do you own any property adjacent to or across the street from this property?
	Yes No If yes, where?
13.	Has a violation been issued on this property? Yes No
	and the second destination reported alor man(s) must be provided. If the area is

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and hounds, showing acreage must accompany the deed and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

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

Revised: 1-29-07

APPLICATION FOR CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

B

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.)

Residential

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.

216 foto 223 lots per site plan ps

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

Site Plan

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

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Sec 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.

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

See Site Place

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.

AL/A

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:

- The use will not materially endanger the public health or safety if located according A. to the plan submitted and recommended;
- The use meets all required conditions and specifications; Β.
- The use will maintain or enhance the value of adjoining or abutting properties, or that C. the use is a public necessity; and
- The location and character of the use, if developed according to the plan as submitted D. 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.

JOHN KOENIG NAME OF OWNERS (PRINT OR TYPE)

ADDRESS OF OWNER(S) AWY

<u>910 - 3 Pl-29</u> HOME TELEPHÓNE #

SIGNATURE OF OWNER(S)

WORK TELEPHONE #

SIGNATURE OF OWNER(S)

R20 / Density Development / Conditional Zoning

DRAFT

Ordinance Related Conditions

Permit-Related:

- 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.
- 2. At the time of application for permits, the developer must provide to Code Enforcement approval from the entity that owns and/or regulates the type water and sewer serving the proposed development.
- 3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
- 4. 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.
- 5. 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.
- 6. 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.
- 7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
- 8. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 80% of the lots shown on the platted portion of the development, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application and their satisfaction of any noted deficiencies impeding the NCDOT's acceptance of the streets.

Site-Related:

- All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R20/DD/CZ zoning district must be complied with, as applicable.
- 10. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.

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- 11. This conditional approval is not approval of the permit for any development entrance signs. If a development entrance sign is desired, re-submittal of the site plan is required for staff review prior to application for any freestanding sign permits and/or prior to installation of the sign. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
- 12. All applicable provisions of Section 2401, "Group Developments", County Subdivision Ordinance, must be complied with.
- For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
- 14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
- 15. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
- 16. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
- 17. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). <u>A copy of the approved</u> driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
- The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
- 19. Turn lanes may be required by the NC Department of Transportation (NCDOT).
- 20. The required vegetative perimeter buffer must be provided and maintained 20' in width along the periphery and 40' in width along the frontage right-of-way as shown on the proposed site plan and in accordance with the provisions of Section 803.E, Perimeter Buffer, County Zoning Ordinance.
- 21. The cul-de-sac length of Street B appears to exceed 1,400 feet the maximum length allowed by the ordinance. Staff recommends approval of this design because the design ensures that all proposed lots abut the open space (common) areas. If the proposed design of the cul-de-sac is required to be reduced down to meet the 1,400 foot requirement, three copies of a revised plan showing the change is required to be submitted to the Land Use Codes for staff review and approval.

Plat-Related:

- 22. Prior to submission for final plat approval, fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision Ordinance)
- 23. Prior to submission for final plat approval of any portion of this development, a cul-de-sac or hammerhead type turnaround must be constructed to ordinance standards at the northern end of Willowbrae Drive.
- 24. The final plat must be labeled as a "Zero Lot Line" development.
- 25. The perimeter buffers and open space areas must be labeled as "Common Area" on the final plat.
- 26. The proposed development is located in a Special Flood Hazard Area (SFHA). The final plat must show the limits of the SFHA; information may be obtained from the County Engineer's office or the Federal Emergency Management Agency's (FEMA) website at <u>www.ncfloodmaps.com</u>. Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department.
- 27. A concrete sidewalk must be constructed along SR 1730 (Underwood Road) and the sidewalk must be constructed to the specifications of the City of Fayetteville contact the City Engineer for more information regarding this condition. (Co. Page 2 of 5

Subdivision Ord., Sec. 2302, Area Specific Standards, B. Sewer Service Area and County-City Interlocal Agreement dated June 9, 2008)

- 28. The developer is required to submit to Land Use Codes:
 - a. Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for maintenance and upkeep of the perimeter buffers and the open space/common areas by the owners' association for the development;
 - b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
 - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
 - d. Two copies of each proposed final plat prior to the submission for final approval can be a phase of the approved development or the complete development as approved.

These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.

- 29. The developer must contact the Location Services Section of the Planning & Inspections Department for approval of street names and the approved street names must be reflected on the final plat.
- 30. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
- 31. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; <u>or</u> at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
- 32. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
- 33. All lots within this development must be served by an internal street system and a "no access" easement must be reflected on the final plat along SR 1730 (Underwood Road).
- 34. A 10' x 70' sight distance easement is required at the intersection of SR 1730 (Underwood Road) with proposed Street "A" and must be reflected on the final plat.
- 35. The proposed median portion of Street "A" must have a minimum right-of-way 70 feet with the median strip being a minimum of 10 feet wide and this must be reflected on the final plat.
- 36. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision Ordinance)
- 37. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
- 38. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
- 39. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat Guarantees of Improvements, Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)

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- 40. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
- 41. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.

Plat-Required Statements:

42. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision Ordinance):

"Nonconforming structures have not been created by this subdivision."

43. Because the streets in this development have been approved as "public" streets and the streets do not yet qualify for acceptance by the NC Department of Transportation to the State system for maintenance purposes, the following statement is required to be included on the final plat:

"The streets shown on this plat though labeled as "public" – unless otherwise noted – have not been accepted by the NC Department of Transportation as of the date of this recording. Until such time that the streets are accepted and formally added to the State system, maintenance and liability of the streets are the responsibility of the developer and any future lot owner(s)."

Other Relevant Conditions:

- 44. The applicant is advised to consult an expert on wetlands before proceeding with any development.
- 45. 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.
- 46. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.

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):

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
Fayetteville Planning:	Marsha Bryant	433-1416
Fayetteville Engineer (Sidewalks):	Jeff Riddle	433-1661
Eastover Sanitary District:	Morgan Johnson	323-3973
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
Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NCDOT (subdivision roads):	David Plummer	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Marsha Bryant, Fayetteville Planning

Page 5 of 5

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

MARCH 9, 2012



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

ITEM NO.

- MEMO TO: Cumberland County Board of Commissioners
- FROM: Cumberland County Joint Planning Board
- SUBJECT: **Case P12-07:** Rezoning of 2.00+/- acres from A1 Agricultural to C(P) Planned Commercial or to a more restrictive zoning district, located at 2112 River Road, submitted by Nathaniel L. Gienger (owner).
- ACTION: Members present at the February 21, 2012 meeting voted to recommend denial of the RR Rural Residential district. **Note:** The applicant voluntarily amended the request from C(P) Planned Commercial to RR Rural Residential.

SITE INFORMATION: Frontage & Location: 253.39'+/- on SR 1714 (River Road); Depth: 389.73'+/-; Jurisdiction: Cumberland County: Adjacent Property: No: Current Use: Structure & outdoor for profit recreation; Initial Zoning: A1 - December 14, 1979 (Area 10); Nonconformities: Indoor recreation is not permitted in the A1 district; Zoning Violation(s): Yes, notice not issued due to this application being submitted; Surrounding Zoning: North, East & West: A1; South: M(P) & A1; Surrounding Land Use: Residential, farmland & woodlands; 2030 Land Use Plan: Rural; Eastover Land Use Plan: One acre residential lots; Special Flood Hazard Area (SFHA): None; Water/Sewer Availability: ESD/Septic; Soil Limitations: Yes, hydric – RO Roanoke and Wahee loams & WmB Wickham fine sandy loam; School Capacity/Enrolled: Armstrong Elementary: 450/444; Mac Williams Middle: 1,270/1,210; Cape Fear High: 1,425/1,585; Subdivision/Site Plan: If approved, new development will require a review and approval; Municipal Influence Area: City of Fayetteville; RLUAC: Does not object to the request; Average Daily Traffic Count (2008): 710 on SR 1714 (River Road); Highway Plan: River Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for a multi-lane facility with a right-of-way of 110 feet. No road improvements are included in the 2012-2018 MTIP; Notes: Density: A1 – 1 lot/unit (residential); Minimum Yard Setback Regulations: A1: Front yard: 50', Side yard: 20', Rear yard: 50'; RR: Front yard: 30', Side yard: 15', Rear yard: 35'; C1(P): Front yard: 45', Side yard: 15', Rear yard: 20'; C2(P) & C(P): Front yard: 50', Side yard: 30', Rear yard: 30'.

MINUTES OF FEBRUARY 21, 2012

On February 15, 2012 the applicant amended the request from "A1 Agricultural to C(P) Planned Commercial" to "A1 Agricultural to RR Rural Residential".

Ms. Speicher stated the Planning & Inspections Staff recommends approval of the RR Rural Residential district for this request based on the following:

1. Although the amended request is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for one acre residential lots at this location, the request is consistent with the location criteria listed in the Land Use Policies of the 2030 Growth Vision

Plan because the subject property has direct access to a public street and septic systems are allowed dependent upon soil types where public sewer is not available; and

2. The subject property is located within the Fayetteville MIA and public water is available to the site.

There are no other districts considered suitable for this request.

There were people present to speak in favor and in opposition.

Mr. Nathaniel Gienger, owner, spoke in favor. Mr. Gienger stated that he has been in Fayetteville for seven years, graduated from Methodist University with a degree in Business Administration. Mr. Gienger stated that he was really excited about opening a paintball facility, the site plan has already been approved for the outdoor portion and the soft opening is on Saturday, February 25th. He has been working fifteen hour days improving the area and has spent thousands of dollars on landscaping. Since the site plan has already been approved for outdoor recreation, they already have built a league style PSP style field, the only one in the state. There are over seventy people signed up for the opening, this is a very healthy form of recreation for the community, it's a drug and alcohol free activity, family atmosphere. The only reason for the change in zoning for the property is because of the existing farm building that we'd like to use for an indoor field.

Mr. Lee Warren spoke in opposition. Mr. Warren thanked the board and staff for the work and time and energy put into this for the citizens of Cumberland County. Mr. Warren lives to the north of the subject property. His main concern is that this request is not consistent with the Eastover Land Use Plan that calls for forty thousand square foot lot sizes, this zoning is for RR Rural Residential zoning which calls for twenty thousand square foot lot sizes and the closest RR zoning is to the north two miles and to the south one mile. Mr. Warren stated that he was opposed to RR zoning.

Mrs. Epler asked if he was opposed to the use or just the zoning.

Mr. Warren stated that he was opposed to RR zoning.

Mr. Stewart Williams spoke in opposition. Mr. Williams stated that he opposed the rezoning to commercial and RR.

Mr. McLaurin asked if Mr. Williams if he objected to the business or the rezoning.

Mr. Williams said he hadn't given that a whole lot of thought, he raised three children playing paintball, doesn't have a fair assessment having a paintball facility across from him versus it being a bar or other entertainment. But knows some of the other implications of RR, but if he had to pick one he would say he was opposed to paintball indoor recreational use and the rezoning.

Mrs. Epler asked if he would be as opposed to the RR zoning, if it were an RR zoning with a conditional use.

Mr. Williams stated he would be opposed either way.

Mr. Johnson spoke in opposition. Mr. Johnson stated that the Eastover Sanitary District (ESD) is opposed to this. They are opposed to both the use and the change of zoning. A paintball facility is totally out of character for the neighborhood, which is a rural farm area. That kind of facility demolishes the Eastover Land Use Plan. Mr. Johnson stated that he feels the applicant has duped the County because the farm building was put there for A1 then did a site plan after the building was up and the land was cleared for paintball. Now he's trying to have it rezoned, with the grand opening on Saturday.

Mr. Lloyd stated for clarification that the outdoor recreation is set to open not the indoor.

Mr. Warren had one more statement to make. He said that the neighborhood is quiet and rural, within the last six or seven months there has been gunfire at about 10:00 at night. He got in his truck and drove to the site and there would be people firing weapons on the site. One of the houses in the neighborhood had been hit with a bullet from the discharging of firearms from the subject property. Mr. Warren stated that he wanted to make the board aware of that.

Mr. Gienger spoke in rebuttal. Mr. Gienger stated that he objects to being accused of duping the County. He had no intention of starting a paintball business until recently; he had been approached by a friend and thought it was a good idea. Mr. Gienger stated that he is also a carpenter and was going to use the building as a shop to work on equipment and he went about that the correct way and talked to zoning first. He stated that he's not trying to dupe anyone and has been very straightforward. The paintball field has been approved but the indoor will not change what the neighbors see. The changing of the zoning will not affect them whatsoever. The 30 year plan calls for one acre development and Cargill, right next door has acquired another forty acres of A1 to turn into another industrial plant which will have far more negative implications on the community than his request. The gunfire is all hearsay, weapons haven't been fired for some time and there have been no police reports filed and he had not been approached by anyone about this issue.

Ms. Speicher reminded the board that they have to consider all of the uses around the RR district.

Mr. Morris stated that they shouldn't be talking about what's going on inside the building; it's irrelevant, only outside. But looking at the map, there is no RR to be seen and to go in there and to do that would be arbitrary.

Mr. Morris made a motion, seconded by Mrs. Piland to deny the request for Case P12-07 for RR Rural Residential. 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.



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

MARCH 9, 2012



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

ITEM NO.

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

- SUBJECT: **Case P12-08:** Revision and amendment to the Cumberland County Subdivision Ordinance, amending Article XXIII, Improvement and Design Standards, Section 2304. Streets, sub-section B. Public Streets, 4. Curbs and Gutters; and updating the Table of Contents as appropriate.
- ACTION: Members present at the February 21, 2012 meeting voted to recommend approval of the Text Amendment.

MINUTES OF FEBRUARY 21, 2012

The staff recommended the attached amendment to the Land Use Codes Committee via email due to time constraints. A majority of the committee members responded and all recommended approval of the proposed amendment.

The amendment was proposed based upon a recommendation from a local engineer and past Planning Board member and is supported by the Planning Staff. The current ordinance could cause conflict between the County's requirements and the NC Department of Transportation (NCDOT) regulations; therefore, the proposed amendment was drafted to require developers to comply with the NCDOT requirements.

Mrs. Epler made a motion, seconded by Mr. Morris to follow the staff recommendation and approve Case P12-08. Unanimous approval.

P12-08

County Subdivision Ordinance Text Amendment (Curbs and Gutters)

P12-08: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE, AMENDING ARTICLE XXIII, IMPROVEMENT AND DESIGN STANDARDS, SECTION 2304. STREETS, SUB-SECTION B. PUBLIC STREETS, 4. CURBS AND GUTTERS; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

AMEND ARTICLE XXIII, SECTION 2304, SUB-SECTION B.4 AS FOLLOWS:

ARTICLE XXIII IMPROVEMENT AND DESIGN STANDARDS

SECTION 2304. STREETS.

B. Public streets.

4. Curbs and gutters. Unless otherwise regulated by this ordinance, curb and gutter is required as follows:

a. Subdivisions or other developments with a proposed density of five or more units per acre, concrete curb and gutter is required;

b. Subdivisions or other developments with a proposed density of more than two but less than five units per acre, concrete or asphalt rolled curb and gutter is required;

o. Subdivisions or other developments with a proposed density of two units or less per acre, curb and gutter requirements, if any, must meet NCDOT standards.

All curbs and gutters installed shall meet the NCDOT approved standards and specifications and any rolled concrete curb and gutter, if required by this ordinance, shall not be less than 24 inches.

ITEM NO. _____

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 6586-2011.

Property Owner: Crysandra Inc., Irrevocable Trust

Home Owner: Crysandra Inc., Irrevocable Trust

Property Address: 3134 Duck Pond Road, Linden, NC

Tax Parcel Identification Number: 0553-87-7716

SYNOPSIS: This property was inspected on <u>09/15/2011</u>. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on <u>11/16/2012</u>. Mack W. Gwinn 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 <u>2/16/2012</u>. The property owners and parties of interest were notified of the appeal procedures when they were served with the <u>Findings of Fact and Order</u>. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on <u>3/6/2012</u>, no corrective action had been made to the structure. The structure is presently vacant and <u>unsecured</u>. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$50,000.00. The Assessor for Cumberland County has the structure presently valued at \$2,770.00.

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 AND ACCESSORY STRUCTURES 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 1th day of March 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.

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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

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COUNTY of CUMBERLAND

Planning & Inspections Department

CORRECTED FINDINGS OF FACT AND ORDER

December 6, 201d

CASE #: <u>MH 6586-2011</u>

91 7108 2133 3939 1047 4218

TO: Crysandra Inc. Irrevocable Trust & Parties of Interest 102 Cottage Street Bangor, ME 04401

JT 2709 5733 3434 7763 7076

Property at: 3134 Duck Pond Road, Linden, 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 10/29/2011.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on <u>11/16/2011</u> at <u>9:15:00 AM</u>. The items identified below took place at the Hearing:

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

- ☑ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, <u>10/21/2011</u>. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:

 - b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - \boxtimes c. The dwelling is unfit for human habitation.

131 Gillespie Street, Old Courthouse, Room 101 - Fayetteville, North Carolina 28301 - Telephone (910) 321-6640 - Fax (910) 321-6637 EXHIBIT A Findings and Facts of Order Case #: MH 6586-2011 Page 2

- 4. Due to facts presented above, the Hearing Officer orders as follows:
 - \boxtimes 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 <u>2/16/2012</u>. 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 2/16/2012.
 - \boxtimes 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 <u>2/16/2012</u>. 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

cc:

Enclosed: Appeals Procedures & Form

Joey Lewis

Code Enforcement Officer

Sworn to and Subscribed to by me this the 6^{th} day of <u>December</u>, 2011

Notary Public My Commission Expires: 11-03-14

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

EXHIBIT A

PLANNING/INSPECTIONS DEPARTMENT

NORTH CAROLINA COUNTY OF CUMBERLAND

RE: CRYSANDRA INC. IRREVOCABLE TRUST Name of Violator

<u>MH 6586-2011</u>

Case Number

AFFIDAVIT OF RETURN OF SERVICE (Personal Service to Individual)

I, Joey Lewis, Code Enforcement Officer, with the Cumberland County Inspections Department, (name & title)

personally served <u>Crysandra Inc. Irrevocable Trust</u>, a copy of the <u>CORRECTED FINDINGS OF FACT AND ORDER</u> (name of violator)

AND APPEALS PROCEDURES, citing violations of Article IV, CHAPTER 4 of the Cumberland County

Ordinance by mailing said notice(s) via 1st class mail and certified mail to the following address:

102 Cottage Street, Bangor, Maine 04401

and by posting at: 3134 Duck Pond Road, Linden, NC.

I further certify that said service was completed on this the 17^{th} day of January, 2012.

Joey Lewi

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Code Enforcement Officer

Sworn to and subscribed to before me

this the 19th day of

Notary Public

My Commission Expires: <u>1-03-14</u>

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER DATED DECEMBER 6, 2011 CASE NUMBER MH 6586-2011

EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY Property Owner: Crysandra Inc. Irrevocable Trust 3134 Duck Pond Road, Linden , NC Minimum Housing Case # MH 6586-2011 TAX PARCEL IDENTIFICATION NUMBER 0553-87-7716



EXHIBIT B

6

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. <u>4</u>A

BOARD OF COMMISSIONERS

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

March 13, 2012

March 19, 2012 Agenda Item

TO: Board of Commissioners

FROM: Kellie Beam, Deputy Clerk to the Board 🔑

SUBJECT: Fayetteville Technical Community College Board of Trustees

The Fayetteville Technical Community College Board of Trustees will have the following one (1) vacancy:

David McCune Sr. - completing first term. Eligible for reappointment.

The Fayetteville Technical Community College Board of Trustees recommends the reappointment of David McCune Sr. (See attached.)

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

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

pc: Dr. J. Larry Keen, FTCC President

Celebrating Our Past...Embracing Our Future



FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE P.O. BOX 35236 • FAYETTEVILLE, NORTH CAROLINA 28303-0236

Dr. J. Larry Keen, President

March 5, 2012

Ms. Kellie Beam Deputy Clerk Cumberland County Cmmissioners P. O. Box 1829 Fayetteville, NC 28302

Dear Ms. Beam:

Mr. David McCune was appointed to Fayetteville Technical Community College's Board of Trustees by the Cumberland County Commissioners on July 1, 2008. Mr. McCune's term expires on June 30, 2012. We are requesting that Mr. McCune be reappointed to FTCC's Board of Trustees. He has been an excellent Board member and serves as Chairman of the Board's Building and Grounds Committee.

Please let me know if you need additional information.

Sincerely,

J. Larry Keen

President

JLK:bps

BOARD OF TRUSTEES

 Board Chair Mr. William S. Wellons, Jr. • Vice-Chair Dr. Dallas M. Freeman • Secretary Mrs. Sheryl J. Lewis Members Dr. Breeden Blackwell, Mr. Ronald C. Crosby, Jr., Mr. Charles J. Harrell, Dr. Marye J. Jeffries
Mr. Charles E. Koonce, Mr. John M. Lennon, Mr. David McCune, Mrs. Susie S. Pugh, Mrs. Esther R. Thompson

> MAIN CAMPUS: PHONE (910) 678-8400 • FAX (910) 484-6600 SPRING LAKE CAMPUS: PHONE (910) 678-1000 • FAX (910) 436-5184 www.faytechcc.edu An Equal Opportunity Institution

FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE BOARD OF TRUSTEES (County Appointees) 4 Year Terms

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
Dr. Marye Jeffries (B/F) 6895 Fox Run Road Linden, NC 28356 822-4042	6/10	1 st	June/14 6/30/14	Yes
Breeden Blackwell (W/M) 1201 Haymount Court Fayetteville, NC 28305 483-4493/615-5130(W)	6/11	1st	June/15 6/30/15	Yes
David McCune Sr. (W/M) 4801 Research Drive Fayetteville, NC 28306 476-2976/424-2978 (W)	6/08	1 st	June/12 6/30/12	Yes
Sheryl Lewis (W/F) 3011 Bankhead Drive Fayetteville, NC 28306 426-6999	6/09	1 st	June/13 6/30/13	Yes

155D-12(b1) – No person who has been employed full time by the community college within the prior five (5) years and no spouse or child of a person currently employed full time by the community college shall serve on the board of trustees of that college. (See file.)

Contact person: Dr. J. Larry Keen, President, or Betty Shackelford PO Box 35236 Fayetteville, NC 28303 Phone: 678-8222 Fax: 678-8269 E-mail: shackelb@faytechcc.edu

Meetings: Board has been meeting the 3rd Monday of each month at 12:45 pm – Tony Rand Student Center Board Room. No meetings in July or December. (Bylaws require one meeting per month.) Written notification is sent for all regularly-called meetings.

* Terms extended by the General Assembly.

APPLICANTS FOR FTCC BOARD OF TRUSTEES

NAME/ADDRESS/PHONE		OCCUPATION	EDUCATIONAL BACKGROUND	
ANDREWS-MCCALL, MAXINE 5637 MUM CREEK LANE FAYETTEVILLE, NC 28304 423-1727	(B/F)	RETIRED EDUCATOR	BS; MEd; EdD	
BEYER, FRED L. 1709 HATHERLEIGH PLACE FAYETTEVILLE, NC 28304-25 860-0610 (H) / 818-6855 (C)	10	RETIRED CC SCHOOL SYSTEM	BS/MEd	
BUSH-McMANUS, PATRICIA (E 3472 THORNDIKE DRIVE FAYETTEVILLE, NC 28311	-	SITE DIRECTOR – TROY UNIVERSITY/FAYETTEVILLE	DOCTORAL STUDENT	
488-1314/484-6839 (W)	**SERVES ON THE TOURISM DEVELOPMENT AUTHORITY**			
CARSON, YVETTE (B/F) 8712 TANGLETREE DRIVE LINDEN, NC 28356		EDUCATOR HARNETT CTY SCHOOLS	BA	
339-9232 (H)	**SERVES ON	THE BOARD OF ADJUSTMEN	T**	
CHESTNUTT, A. JOHNSON (W 578 MILDEN ROAD FAYETTEVILLE, NC 28314	//M)	ACCOUNTANT FAIRCLOTH & CO.	BS/BA	
484-6365/323-1040(W)	**SERVES ON THE ABC BOARD**			
COUNCIL, SONJA (-/F) 950 STEWARTS CREEK DR AI FAYETTEVILLE, NC 28314	PT. 1	NURSE	FTCC-ATTENDING METHODIST UNIV	
864-1651 (H) / 609-6139 (W)	**SERVES ON NURSING HOME ADVISORY BOARD**			
CUSTER, SCOTT (W/M) 108 SHADOW OAK LANE FAYETTEVILLE, NC 28303 238-9897 (H) / 570-5119 (W) Graduate-County Citizens' Acad Graduate-Institute for Communi Graduate-Leadership Fayettevil Graduate-United Way's Multi-Co Graduate-other leadership acad	ty Leadership: N le: NO ultural Leadershi		BS-ENGINEERING MS-EDUCATION Course	
DEBNAM, HANK 705 WOODSTONE COURT FAYETTEVILLE, NC 28311-25 488-0522/323-0601 (W)	00	HEALTH SVCS ADMINISTRATOR	BS, MASTERS PUBLIC HEALTH	
DONALDSON, ED (W/M) 4606 HOE COURT FAYETTEVILLE, NC 28314 484-3640	**SERVES ON B	RETIRED JUDGE	LAW DEGREE POLITICAL SCIENCE	

FTCC BOARD OF TRUSTEES APPLICANTS, PAGE 2

EDUCATIONAL NAME/ADDRESS/PHONE	OCCUPATION	BACKGROUND			
FARRIOR, HELEN HOOKS (B/F) 1707 ELDRIDGE STREET FAYETTEVILLE, NC 28301 488-2975 Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: Graduate-Leadership Fayetteville: No response Graduate-other leadership academy: NC Board	BA; Med				
GARRISON, CYNTHIA 1887 SPIRALWOOD DRIVE FAYETTEVILLE, NC 28304 868-8981 (H)/321-0398 (W)/527-4673 (C)	CC SCHOOLS ASST PRINICPAL	BA, MA			
GIBBS, GERALD B. (W/M) 6078 LEXINGTON DRIVE HOPE MILLS, NC 28348 425-3915 (H)	MEDICALLY RETIRED NAVAL AIR TRAFFIC CONTRO LAW STUDENT				
HALES, DR. MARY A. (B/F) 3490 HASTINGS DRIVE FAYETTEVILLE, NC 28311 482-3390/822-5100 **SERVES ON THE MEN	CC SCHOOLS - ADMINISTRATOR	BS – PSYCHOLOGY MA – ELEM. EDUCATION MS – SCHOOL ADMIN. EDUC. LEADERSHIP			
HIGHT, ROBERT K. (W/M) 3210 PLAYER AVENUE FAYETTEVILLE, NC 28304 322-2414/484-1151 X620 (W)	TEACHER TERRY SANFORD HS	BA & MA – POLITICAL SCIENCE			
LODHI, MUHAMMAD A. (A/M) 2008 ASHRIDGE DRIVE FAYETTEVILLE, NC 28304 401-2137/672-1658 (W)	ASSOCIATES PROF. FSU	DOCTORATE – PLANT BREEDING & MOLECULAR GENETICS			
MITCHELL, RONNIE JR (B/M)RETIRED ARMYBA6430 MILFORD RDSELF EMPLOYEDHOTEL RESTAURANTFAYETTEVILLE NC 28303MANAGEMENT336-3037 (H) / 339-4959 (W)MANAGEMENTGraduate-County Citizens' Academy: N/AMANAGEMENTGraduate-Institute for Community Leadership: NOSecond Second Secon					
OATMAN, LEWIS SCOTT 5575 HALLWOOD DRIVE HOPE MILLS, NC 28348 425-8450/822-7119 (W) **SERVES ON S	HEALTH CARE ADMINISTRATOR SENIOR CITIZENS ADVISORY COM	BS IN BUSINESS ADMIN MSA IN BUSINESS IMISSION**			
O'DONNELL, DAWN	RETIRED ARMY	AA – ACCOUNTING			

O'DONNELL, DAWN 2072 BIRCHCREFT DRIVE FAYETTEVILLE, NC 28304 425-3619/916-1207 (W) RETIRED ARMY AA – ACCOUNTING TAX PREPARER -H&R BLOCK

FTCC BOARD OF TRUSTEES APPLICANTS, PAGE 3

EDUCATIONAL NAME/ADDRESS/PHONE	OCCUPATION	BACKGROUND		
OKHOMINA, DON DR. (B/M) 494 DUNLOE CT FAYETTEVILLE, NC 28311 868-1618/ 672-2148 (W) Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadersh Graduate-other leadership academy: NO		ENT BS-BUSINESS ADMIN MBA & PHD - MANAGEMENT		
PERSON, ELECTA E. (AA/F) 1851 GOLA DRIVE FAYETTEVILLE, NC 28301 482-2772	RETIRED	SOME COLLEGE		
PREWITT, MRS. A. N. (W/F) 416 DEVANE STREET FAYETTEVILLE NC 28305 484-1615	ARTIST-HOMEMAKER	BA – MATHEMATICS		
STACKHOUSE, EUGENE (B/M) 652 SUGARIDGE LANE FAYETTEVILLE, NC 28311 822-4782 (H)	RETIRED PUBLIC EDUCATION	BS; MA; EdS		
WADDLE, ROBERTA (W/F) 3941 GAINEY ROAD FAYETTEVILLE, NC 28306 484-7938	RETIRED	BS; MS		
WILLIAMS, TERRY (B/_) 674 BAYWOOD ROAD FAYETTEVILLE, NC 28312 435-0960	DISABLED VETERAN	BS		
WIRE, DONALD DR (/M)RETIREDBA – POLITICAL SCIENCE MA-POLITICAL SCIENCE PHD-EDUCATION540 NOTTINGHAM DR FAYETTEVILLE, NC 28311BA – POLITICAL SCIENCE MA-POLITICAL SCIENCE PHD-EDUCATION779-2312**SERVES ON THE HOME & COMMUNITY CARE COMMITTEE**Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO				

MARSHALL FAIRCLOTH Chairman

JIMMY KEEFE Vice Chairman

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



CANDICE WHITE Clerk to the Board

> KELLIE BEAM Deputy Clerk

BOARD OF COMMISSIONERS

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

March 13, 2012

ITEM NO. __5A

March 19, 2012 Agenda Item

TO: Board of Commissioners

FROM: Kellie Beam, Deputy Clerk to the Board K

SUBJECT: Equalization and Review Board – Appointment of Officers

BACKGROUND: The Board of Commissioners is responsible for appointment of the Chairman, First Vice Chairman and Second Vice Chairman for the Equalization and Review Board. In 2011 the Board of Commissioners appointed George Turner as the Chairman, Kathy Olsen as the First Vice Chairman and Curtis Alexander as the Second Vice Chairman.

The Equalization and Review Board recommends the following as their officers for 2012-2013. (See attached.)

Kathy OlsenChairmanCurtis AlexanderFirst Vice ChairmanSteven ParsonsSecond Vice Chairman

I have attached the current membership list for this board.

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

Attachment

Cc: Aaron Donaldson, Tax Administrator

Celebrating Our Past...Embracing Our Future



OFFICE OF THE TAX ADMINISTRATOR 117 Dick Street, 5th Floor, New Courthouse • PO Box 449 • Fayetteville, North Carolina • 28302 Phone: 910-678-7507 • Fax: 910-678-7582 • www.co.cumberland.nc.us

Date: March 8, 2012

To: Kellie Beam, Deputy Clerk

From: Aaron Donaldson, Clerk to the Board, Tax Administrator

Re: Board of Equalization and Review - Officer Recommendations

At the next Commissioners meeting the Board of Equalization and Review and I, as Clerk to the Board and Tax Administrator, would like to request and recommend the following officers be appointed. In keeping with past tradition the Commissioners have rotated-up the current members and appointed a new 2nd Vice Chairman.

Below is a list of the current 2011 officers and the recommended names for the 2012 officers.

<u>Office</u> Chairman: 1st Vice Chair 2nd Vice Chair 2011 Current Officers: George Turner Kathy Olsen Curtis Alexander 2012 Recommendation Kathy Olsen (Real Estate Agent) Curtis Alexander (At Large) Steven Parsons (Appraiser)

EQUALIZATION AND REVIEW BOARD 3 Year Term

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

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

Equalization and Review Board, Page 2

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

Name/Addres	S	Date Appointed	Term	Expires	Eligible For Reappointment	
<u>Industrialist</u> W. Carroll Be 2524 Fordhan Fayetteville, 1 485-7050/818	NC 28304	3/10	2nd	Mar/13 3/31/13	No	
<u>Real Estate Agent</u> Kathy Olsen (W/F) 854 S. Reilly Road Fayetteville, NC 28314-1820 867-4659/864-1459 (W)		3/11	2nd	Mar/14 3/31/14	No	
Chairman: George Turner 1st Vice Chairman: Kathy Olsen 2nd Vice Chairman: Curtis Alexander						
Meetings: 2nd Wednesday of every month – 3:30 PM (except July) Courthouse – Room 564 (No meetings in July)						
Contact:	Aaron Donaldson Tax Admin.					