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

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INVOCATION - Commissioner Billy King

Minister:

Pledge of Allegiance – Alannah McMillan - Ed Baldwin Elementary School

Recognition of the Cumberland County Public Library & Information Center Award of the  
2012 National Medal for Museum and Library Service

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

1. Approval of Agenda
  
2. Consent Agenda
  - A. Approval of minutes for the November 5, 2012 regular meeting and the October 29, 2012 special joint meeting with the Mental Health Authority.
  - B. Approval to Amendment to Hospital Transfer Agreement. **(Pg. 8)**
  - C. Report on Cedar Creek Pilot Transportation Project. **(Pg. 12)**
  - D. Approval of Resolution Regarding Alliance Behavioral Healthcare Board Structure. **(Pg. 13)**
  - E. Approval of Consideration of Declaration of Surplus County Property and Authorization to Accept Insurance Settlements. **(Pg. 16)**

F. Approval of Proposed Additions to the State Secondary Road System: **(Pg. 22)**

East Ridge Subdivision:      East Gate St.  
   Crosshill St.  
   High St.

G. Approval of Report and Recommendation of the Cumberland County Facilities Committee:

- 1) Demolition of Former Legal Aid Building. **(Pg. 25)**

H. Approval of Report and Recommendation of the Cumberland County Policy Committee:

- 1) Print Management Policy **(Pg. 26)**
- 2) Public Use of Historic Courtroom Policy **(Pg. 30)**
- 3) Committee Agenda Policy **(Pg. 33)**
- 4) Scheduling Board of Commissioner Meetings on National Holidays **(Pg. 36)**

I. Approval of Ordinance Assessing Property for the Cost of Demolition:

- 1) Case Number: MH 6646-2012 **(Pg. 37)**  
Property Owner: Patricia Lessane  
Property Location: 4612 Desert Ridge Road, Parkton NC  
Parcel Identification Number: 9493-46-0194
- 2) Case Number: MH 6644-2012 **(Pg. 39)**  
Property Owner: Steven Graham  
Property Location: 7332 Hypony Trail, Parkton, NC  
Parcel Identification Number: 9493-44-4782
- 3) Case Number: MH 6642-2012 **(Pg. 41)**  
Property Owner: John Wallace  
Property Location: 7124 Hypony Trail, Parkton , NC  
Parcel Identification Number: 9493-46-9017
- 4) Case Number: MH 6643-2012 **(Pg. 43)**  
Property Owner: James C Shaw  
Property Location: 4611 Balducci Drive, Parkton, NC  
Parcel Identification Number: 9493-45-2804

- 5) Case Number: MH 6645-2012 **(Pg. 45)**  
Property Owner: Charles McIntyre & Stephanie Foster  
Property Location: 4741 Desert Ridge Road, Parkton, NC  
Parcel Identification Number: 9493-55-5245

J. Budget Revisions:

- 1) Emergency Service Grants **(Pg. 47)**  
  
Revision in the amount of \$9,901 to de-obligate funds for Homeland Security Grant that was not spent. (B13-167) **Funding Source – State**
- 2) Library Grants **(Pg. 48)**  
  
Revision in the amount of \$2,000 to recognize state funds for the Raising the Bar @ Your Library Grant. (B13-166) **Funding Source – State**
- 3) Library **(Pg. 49)**  
  
Revision in the amount of \$25,737 to reduce state library funding for FY2013. (B13-165) **Funding Source – State**
- 4) Planning and Inspections **(Pg. 50)**  
  
Revision in the amount of \$54,600 to appropriate fund balance to increase the demolition and rehabilitation expenditure estimated to be used in FY2013. (B13-163) **Funding Source – General Fund Fund Balance**
- 5) Mental Health
- a. Substance Abuse Contracts: Revision in the amount of \$80,000 to recognized additional state authorization of Workfirst funds. (B13-168) **Funding Source – Federal (Pg. 51)**
- b. Child & Youth Contracts: Revision in the amount of \$550,000 to recognize additional Medicaid pass-through payments to provide Foster Care Level II services to children. (B13-169) **Funding Source - Fees (Pg. 52)**
- 6) Eastover Sanitary District Water Project II/ESD General Fund  
  
Revision to reallocate budget project expenditures of \$12,567; close the project; and transfer balance of funds to the ESD General Fund. (B13-170 and B13-170A) **Funding Source – Other (Pg. 53)**

3. Public Hearings

**Uncontested Initial Zoning Case**

- A. Case P12-59: Initial zoning of the county portion of Gates Four (Irongate) subdivision, containing 780.68+/- acres to CD Conservancy, R5A Residential and R7.5 Residential, or to a more restrictive zoning district; located between SR 1108 (Lakewood Drive) and SR 1109 (Dundle Road), north of SR 1112 (Stoney Point Road); submitted by Cumberland County. **(Pg. 55)**

**Uncontested Rezoning Cases**

- B. **\*\*\*CASE P12-58 HAS BEEN DEFERRED TO DECEMBER 17, 2012\*\*\***  
Case P12-58: Rezoning of 2.41+/- acres from A1 Agricultural to R40A Residential, or to a more restrictive zoning district, located at 6370 Murphy Road, submitted by Doene Carter (owner). **(Pg. 58)**
- C. Case P12-66: Rezoning of 1.96+/- acres from A1 Agricultural to R40A Residential, or to a more restrictive zoning district, located at 3348 and 3352 Blossom Road, submitted by Dennis M. and Angela E. Addesso (owners). **(Pg. 62)**

**Uncontested Conditional Zoning Cases**

- D. Case P11-56: Rezoning of 34.55+/- acres from A1 Agricultural to R20 Residential/DD Density Development/CZ Conditional Zoning District for a 56 lot residential subdivision, or to a more restrictive zoning district; located east of SR 2252 (Chicken Foot Road), southwest of SR 2233 (School Road); submitted by Roger Shah on behalf of OM NAMH SHIVAAY, LLC (owner). **(Pg. 65)**
- E. Case P12-64: Rezoning of 228.39+/- acres from A1 Agricultural to A1 Agricultural/CZ Conditional Zoning District for a quarry, or to a more restrictive zoning district; located on the northeast side of SR 1707 (Carlos Road), southwest of SR 1706 (Durant Nixon Road); submitted by Luinda C. Bailey and Teresa B. Gilchrist on behalf of Glenard W. Bailey Limited Partnership (owner) and American Materials Company LLC. **(Pg. 79)**

### **Other Public Hearings - Minimum Housing Code Enforcement**

- F. Case Number: MH 6656-2012 **(Pg. 92)**  
Property Owner: Rizz Edmund Pittman  
Property Location: 1129 Jossie Street, Fayetteville, NC  
Parcel Identification Number: 0520-98-1949
- G. Case Number: MH 6853-2012 **(Pg. 98)**  
Property Owner: Margaret Martin  
Property Location: 7365 Third Street, Wade, NC  
Parcel Identification Number: 0581-15-3854
- H. Case Number: MH 6831-2012 **(Pg. 105)**  
Property Owner: Sundust, LLC & Mark A. Stout  
Property Location: 3301 Clinton Road, Fayetteville, NC  
Parcel Identification Number: 0456-78-3194
- I. Case Number: MH 6759-2012 **(Pg. 112)**  
Property Owner: William & Rebecca Wilson  
Property Location: 8008 Twisted Oaks Drive, Fayetteville, NC  
Parcel Identification Number: 0471-58-4354
- J. Case Number: MH6751-2012 **(Pg. 119)**  
Property Owner: Stephen A. Byrnes  
Property Location: 4710 Tippet Trail, Fayetteville, NC  
Parcel Identification Number: 0433-77-5571
- K. Case Number: MH 6806-2012 **(Pg. 125)**  
Property Owner: John D. Williams  
Property Location: 313 Charles Street, Fayetteville, NC  
Parcel Identification Number: 0426-90-4406
- L. Case Number: MH 6858-2012 **(Pg. 131)**  
Property Owner: James & Margaret McKoy  
Property Location: 1051 Andrews Road, Fayetteville, NC  
Parcel Identification Number: 0521-81-6161

### **Other Public Hearings**

- M. Public Hearing on FTCC Installment Financing Project. **(Pg. 138)**
- N. Public Hearing on Closure of a Portion of Wade-Stedman Road. **(Pg. 139)**
- O. Public Hearing on Proposed Economic Development Incentive for Sykes Enterprises.  
**(Pg. 145)**

## **Items of Business**

4. Mental Health Clinic Report by Buck Wilson, Health Director. **(Pg. 147)**
5. Consideration of Mental Health Matters: **(Pg. 151 – 158)**
  - A. Ownership and Future Use of Portion of General Fund Balance “Assigned for Mental Health Services” **(Pg. 151)**
  - B. Future Delivery of Mental Health Services in Cumberland County **(Pg. 152)**
6. Consideration of Adoption of 2013 Board of Commissioners Regular Meeting Dates. **(Pg. 159)**
7. Nominations to Boards and Committees **(Pg. 161-175)**
  - A. Air Quality Stakeholders’ Committee (1 Vacancy) **(Pg. 161)**
  - B. Cumberland County Mental Health, Developmental Disabilities and Substance Abuse Services Area Board (7 Vacancies) **(Pg. 167)**
8. Appointments to Boards and Committees **(Pg. 176-181)**
  - A. Board of Health (1 Vacancy) **(Pg. 176)**

Nominee:

General Public Representative: Vikki Andrews
  - B. Farm Advisory Board (3 Vacancies) **(Pg. 179)**

Nominee(s):

Farmer Positions: Wayne Beard  
Wayne Coller, Jr. (Reappointment)  
Vance Tyson

9. Closed Session:
- A. Economic Development Matter (s)  
Pursuant to NCGS 143-318.11(a)(4) (If Needed)
  - B. Attorney-Client Matter(s)  
Pursuant to NCGS 143-318.11(a)(3)
  - C. Personnel Matter(s) Pursuant  
to NCGS 143-318.11(A)(6).

**ADJOURN**

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

**MEETINGS:           December 3, 2012 (Monday) - 9:00 AM  
                          December 17, 2012 (Monday) - 6:45 PM  
                          January 7, 2013 (Monday) – 9:00 AM**



ITEM NO. 23

**OFFICE OF THE COUNTY ATTORNEY**

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

**MEMO FOR THE AGENDA OF THE NOVEMBER 19, 2012  
MEETING OF THE BOARD OF COMMISSIONERS**

**TO:** Board of Commissioners; Co. Manager  
**FROM:** Co. Atty. *R. Moorefield*  
**DATE:** November 15, 2012  
**SUBJECT:** First Amendment to Transfer Agreement between the County and  
Cumberland County Hospital System, Inc.

**BACKGROUND:**

The Hospital Board has already voted to approve the attached First Amendment to the Transfer Agreement and has requested that the County also approve this amendment. The amendment continues the requirement that the Hospital Board shall act in compliance with the Open Meetings Law but removes the contract provision that votes of the Corporation's governing board on the salary and incentive bonus of the chief executive officer of the Corporation shall be taken in open session.

**RECOMMENDATION/PROPOSED ACTION:**

County Attorney advises the amendment will promote the opportunity for more discussion and debate of the annual compensation decision and recommends that the amendment be approved.

FIRST AMENDMENT TO THE  
TRANSFER AGREEMENT

This FIRST AMENDMENT TO THE TRANSFER AGREEMENT (hereinafter referred to as "First Amendment"), is made and entered into on this \_\_\_\_\_ day of November 2012 between the COUNTY OF CUMBERLAND, a political subdivision of the State of North Carolina (the "County"), acting by and through its Board of County Commissioners (the "County Board"), and CUMBERLAND COUNTY HOSPITAL SYSTEM, INC., a North Carolina nonprofit corporation (the "Corporation"), acting by and through its Board of Directors (the "Hospital Board");

WITNESSETH:

WHEREAS, the parties hereto previously entered into a Transfer Agreement (hereinafter referred to as "Agreement") dated May 4, 2006; and

WHEREAS, the Hospital Board voted unanimously to delete the second paragraph of Section 13 of the Agreement, subject to the County's agreement, during its regularly scheduled Hospital Board meeting held on April 25, 2012; and

WHEREAS, the County Board voted unanimously to delete the second paragraph of Section 13 of the Agreement during its regularly scheduled County Board meeting held on November 19, 2012.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties do hereby agree as follows:

1. Section 13 of the Agreement shall be deleted in its entirety and replaced with the following language:

Section 13. Open Meetings. The Corporation shall operate in accordance with the Open Meetings Act, as set forth in NCGS Section 143.318-10 on the date hereof, for meetings of its governing board.

2. In all other respects, the Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the County and the Corporation have caused this First Amendment to be executed on the day and year above written.

**[SIGNATURE PAGE FOLLOWS]**

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment as of the date first written above.

**CUMBERLAND COUNTY**

By: \_\_\_\_\_  
Chairman, Board of County Commissioners

ATTEST:

\_\_\_\_\_  
Deputy Clerk

(SEAL)

**CUMBERLAND COUNTY HOSPITAL SYSTEM, INC.**

By: \_\_\_\_\_  
Chief Executive Officer

ATTEST:

\_\_\_\_\_  
Secretary

(SEAL)

STATE OF NORTH CAROLINA   )  
COUNTY OF CUMBERLAND    )

I, the undersigned Notary Public for the aforesaid jurisdiction, certify that \_\_\_\_\_ personally came before me this day and acknowledged that he or she is the Deputy Clerk of the Board of County Commissioners of the County of Cumberland, North Carolina, a political subdivision of the State of North Carolina, and that by authority duly given and as the act of said County, the foregoing First Amendment to the Transfer Agreement was signed in its name by the Chairman of the Board of County Commissioners, sealed with its seal, and attested by him or her as the Deputy Clerk of the Board of County Commissioners.

Witness my hand and official seal, this \_\_\_\_ day of November 2012.

(Official Seal)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

STATE OF NORTH CAROLINA   )  
COUNTY OF CUMBERLAND    )

I, the undersigned Notary Public for the aforesaid jurisdiction, certify that \_\_\_\_\_ personally came before me this day and acknowledged that he or she is Secretary of Cumberland County Hospital System Inc., a North Carolina nonprofit corporation, and that by authority duly given and as the act of the corporation, the foregoing First Amendment to the Transfer Agreement was signed in its name by its Chief Executive Officer, sealed with its corporate seal, and attested by him or her as its Secretary.

Witness my hand and official seal, this \_\_\_\_ day of November 2012.

(Official Seal)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Walter Clark,  
Chair  
Cumberland County

Patricia Hall,  
Vice-Chair  
Town of Hope Mills

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



# CUMBERLAND ★ COUNTY ★ NORTH CAROLINA

## *Planning & Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Lori Epler,  
Sara E. Piland,  
Vikki Andrews,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

November 14, 2012

Memorandum

ITEM NO. 2C

To: Board of Commissioners  
From: Tom Lloyd, Planning and Inspections Director  
Subject: Cedar Creek Van Service Mid-Term Update

The Cedar Creek van service started on October 15, 2012, as scheduled, after some initial problem with the pick-up and drop off location. Originally scheduled to start and end at the Short Stop located at the intersection of Cedar Creek and Tabor Church Roads, the location was changed to Cedar Creek Baptist Church located approximately 200 feet from the Short Stop. The original pick up times were 5:00 am and 6:00 am, but after a request by area residents, the morning pick up times were moved up one hour to 6:00 am and 7:00 am. The numbers below reflect this change. Reported ridership is as follows:

October 15 through October 30

5:00 am – 7 total riders / 12 days = .58 daily ridership

6:00 am – 76 total riders / 12 days = 6.3 daily ridership

October 31 (new times)

6:00 am – 3 riders / 1 day = 3 daily ridership

7:00 am – 2 riders / 1 day = 2 daily ridership

The evening times have remained constant from October 15 through October 31:

6:00 pm – 56 riders / 13 days = 4.3 daily ridership

7:00 pm – 5 riders / 13 days = .385 daily ridership

Accuracy of the reported ridership data must be verified by staff and may be adjusted.



ITEM NO. 2D

**OFFICE OF THE COUNTY ATTORNEY**

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

**MEMO FOR THE AGENDA OF THE NOVEMBER 19, 2012  
MEETING OF THE BOARD OF COMMISSIONERS**

**TO:** Board of Commissioners; Co. Manager; Hank Debnam  
**FROM:** Co. Atty. *R. Moorefield*  
**DATE:** November 14, 2012  
**SUBJECT:** Resolution Regarding Alliance Board Representative  
(Carried Forward from November 5, 2012 Meeting)

**BACKGROUND:**

At the October 1, 2012 meeting of the Board of Commissioners, Ellen Holliman requested the Board to adopt a resolution authorizing the Alliance to establish the alternative governing board structure authorized by Senate Bill 191. The alternative board structure was approved by the Johnston County Board of Commissioners on that date. Ms. Holliman has stated that the alternative board structure allows the Alliance Board to be constituted with members who have business and financial experience commensurate with the \$300 million business to be conducted by the Alliance. Without the alternative board structure, Senate Bill 191 mandates the occupational categories of 13 members of the board. Senate Bill 191 establishes that the Secretary of DHHS must receive and approve the resolution by January 1, 2013 in order for the alternative structure to be established. This is a very important issue to the Alliance Board and Ms. Holliman has requested the Cumberland County Board to approve the resolution before December 1, 2012, in order to meet the January 1, 2013 deadline. After that deadline, there is no statutory mechanism to establish the alternative structure.

On October 30, 2012 the county manager asked Ms. Holliman to support a request from the Cumberland County Board of Commissioners for more seats on the Alliance Board under the existing interlocal agreement. Ms. Holliman advised that she was not opposed to this request but there simply was not enough time to take this back to the Boards of Commissioners of the other three counties and re-open negotiations on the numbers of board seats allocated for each county. She asked that the Cumberland County Board continue its consideration and approval of the resolution and stated that she would support our continued efforts to attain more board seats.

At the November 5, 2012 meeting of the Board of Commissioners, Deputy DHHS Secretary Beth Melcher discussed the functions of the MCO in the delivery of mental health services. Deputy Secretary Melcher stated the MCO would operate in the same manner as a large insurance company. This is the best description of the need for the alternative board structure. The Alliance board seeks to maintain a board comprised of members with the most financial and managerial expertise to direct the operation of this newly formed insurance business entity.

**RECOMMENDATION:**

This is a time-sensitive issue and the county manager and county attorney recommend that the resolution be approved as requested.

Board of County Commissioners  
of  
Cumberland County Resolution Approving Alternative  
Board Structure for the Alliance Behavioral Healthcare  
Area Authority pursuant to N.C. Gen. Stat. § 122C-  
118.1

WHEREAS, the General Assembly revised 122C-118.1- Structure of area board to allow Boards of County Commissioners within a multicounty area with a catchment population of at least 1,250,000 to have the option to appoint members of the area board in a manner or with a composition other than as required by this Section by each county unanimously adopting a resolution to that effect and receiving written approval from the Secretary of DHHS; and

WHEREAS, the Boards of County Commissioners of Durham and Wake Counties approved by joint resolution the creation of Alliance Behavioral Healthcare, a multicounty area authority pursuant to N.C. General Statute 122C-115 for the provision of mental health, developmental disabilities and substance abuse services effective April 23, 2012;

**NOW, THEREFORE, BE IT RESOLVED** by the Cumberland County Board of Commissioners that comprises the catchment area for Alliance Behavioral Healthcare that the Board of Directors for the area authority shall be appointed as follows:

The Area Board will consist of Eight (8) members shall be appointed by Durham County, six (6) members shall be appointed by Wake County and Two seats shall be at large. No member shall serve more than three (3) consecutive full terms. The process for appointment shall be according to the following general terms and conditions:

- a. Eight (8) Area Board members shall be appointed by the Durham County Board of Commissioners. Seated members now serving on the The Durham Center Board shall transition to the new Area Board and serve terms consistent with the requirements set forth in N.C. Gen. Stat. § 122C-118.1(d). Board representatives will include one (1) with business expertise, one (1) with financial expertise and one (1) person who represents the interest of children as required

by G.S. 122C-118.1(a). Additionally two (2) consumers/ families/ advocates will be appointed. A Board member may concurrently represent two categories of membership.

- b. Six (6) Area Board members shall be appointed by the Wake County Board of Commissioners. Board representatives will include one (1) with business expertise, one (1) with financial expertise and one (1) person who represents the interest of children as required by N.C. Gen. Stat. § 122C-118.1(a). Additionally two (2) consumers/ families/ advocates will be appointed. A Board member may concurrently represent two categories of membership.
- c. The area authority shall fill the two (2) at large seats consistent with the criteria currently required by the Alliance Behavioral Healthcare by-laws. The at large seats shall initially be filled by one (1) representative from each Johnston and Cumberland counties and said appointees shall hold their seat for the duration of the contract agreement between the Alliance Area Authority and the respective counties. Upon termination of the contract agreement between the new Alliance and Johnston and Cumberland counties, the at large seats shall be filled in accordance with needs and wishes of Alliance Behavioral Healthcare. Other Area Board requirements will be jointly developed consistent with the requirements of N.C. Gen. Stat. § 122C-118.1. Alliance Behavioral Healthcare Area Authority will accept applications, interview and recommend appointments to the Board of County Commissioners.

The Chairman of the Board declared this Resolution adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

Cumberland County Board of Commissioners

By: \_\_\_\_\_  
Chairman



ITEM NO. 2E

**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

**OFFICE OF THE RISK MANAGER**

**MEMORANDUM**

**TO:** BOARD OF COUNTY COMMISSIONERS

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

**DATE:** NOVEMBER 9, 2012

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

**BACKGROUND**

DATE OF ACCIDENT	July 31, 2012	September 25, 2012
VEHICLE	2011 Ford Crown Victoria	2011 Toyota Camry
VIN	2FABP7BV6BX138366	4T1BB3EK2BU131520
FLEET #	FL492	FL464
DEPARTMENT	Sheriff's Office	Sheriff's Office
SETTLEMENT OFFER	\$16,630.92	\$19,450.00
INSURANCE COMPANY	Travelers	Universal
DATE OF ACCIDENT	October 2, 2012	October 11, 2012
VEHICLE	2010 Ford Crown Victory	2007 Ford Expedition
VIN	2FABP7BV1AX117259	1FMFU15527LA67826
FLEET #	FL 432	FL352
DEPARTMENT	Sheriff's Office	Sheriff's Office
SETTLEMENT OFFER	\$13,049.61	\$11,374.83
INSURANCE COMPANY	Travelers	Travelers

These are a total loss settlement offers.

**RECOMMENDATION/PROPOSED ACTION**

Management recommends that the Board of Commissioners:

1. declare the vehicles described above as surplus

2. authorize the Risk Manager to accept the settlement offers by the insurance companies
3. allow Travelers and Universal Insurance to take possession of the wrecked (surplus) vehicles.



Dan Vogley  
215 Shuman Blvd  
Naperville, IL 60563  
(800) 842-6172 X7416  
(877) 229-6174 (fax)

October 31, 2012

Cumberland County  
C/O Chico Silman  
P.O. Box 1829  
Fayetteville, NC 28302

RE: Our Claim No.: ESE5436-001  
Date of Loss: 7/31/2012  
Vehicle: 2011 Ford Crown Victoria  
VIN #: 2FABP7BV6BX138366

Dear Mr. Silman:

As a result of the accident on the above stated date, THE TRAVELERS INDEMNITY COMPANY (Travelers) deemed your car to be total loss. We have determined the actual cash value of the total loss vehicle from CCC, a computerized valuation service, using current market data. The actual cash value of your vehicle, including options, has been determined to be: \$17,064.00

Actual Cash Value:	\$ 17,064.00
Additional allowance for use tax:	\$ 511.92
Additional allowance for fees:	\$ 55.00
Deductible:	\$ 1,000.00
=====	
Total Settlement:	\$ 16,630.92

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

Sincerely,

Daniel J. Vogley  
Travelers – Total Loss Department

## Chico Silman

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**From:** Verona Long [Verona.Long@uicnc.com]

**Sent:** Tuesday, October 30, 2012 2:19 PM

**To:** Chico Silman

**Subject:** OFFER ON CLAIM JS12000762

2011 Toyoto Camry

VIN: 4T1BB3EK2BU131520

Our offer for the above vehicle is \$19,450.00. If you wish to retain the vehicle there will be a deduction of \$5,000.00 for the salvage value bringing the net total to \$14,450.00.

### ***Verona Long, LPCS***

*Total Loss Adjuster*

*1-800-288-8050 ext 18278*

*Fax: 1-866.338.9310*

*Universal Insurance Company*

*770 Highland Oaks Drive*

*Winston-Salem, NC 27103-7105*

*a subsidiary of TMIC Holdings, LLC.*



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10/30/2012



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

November 5, 2012

RE: Our Insured: Cumberland County  
Our Claim No.: ERH2330-001  
Date of Loss: 10/2/2012

To Whom It May Concern:

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

Actual Cash Value:	13587.00
Fees:	55.00
Tax:	407.61
Deductible:	(1000.00)
Total:	13049.61

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

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

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

Very truly yours,

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



Dan Vogley  
215 Shuman Blvd  
Naperville, IL 60563  
(800) 842-6172 X7416  
(877) 229-6174 (fax)

May 17, 2012

Cumberland County  
C/O Chico Silman  
P.O. Box 1829  
Fayetteville, NC 28302

RE: Our Claim No.: ESE5436-001  
Date of Loss: 10/11/2012  
Vehicle: 2007 Ford Expedition

Dear Mr. Silman:

As a result of the accident on the above stated date, THE TRAVELERS INDEMNITY COMPANY (Travelers) deemed your car to be total loss. We have determined the actual cash value of the total loss vehicle from CCC, a computerized valuation service, using current market data. The actual cash value of your vehicle, including options, has been determined to be: \$11,961.00

Actual Cash Value:	\$ 11,961.00
Additional allowance for use tax:	\$ 358.83
Additional allowance for fees:	\$ 55.00
Deductible:	\$ 1,000.00

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Total Settlement:	\$ 11,374.83
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In order for Travelers to comply with the salvage title law, this offer of settlement is contingent upon our receipt of the properly endorsed lien free title to the vehicle that we spoke about. Such title must presently be issued in the name (s) of the person (s) to whom we are obligated to make payment. Our settlement check cannot be issued until we receive the correctly executed title from you or your lien holder(s).

Sincerely,

Daniel J. Vogley  
Travelers – Total Loss Department

JAMES E. MARTIN  
County Manager

AMY H. CANNON  
Deputy County Manager



JAMES E. LAWSON  
Assistant County Manager

ITEM NO. 2F

OFFICE OF THE COUNTY MANAGER

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

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 19, 2012**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JAMES E. MARTIN, COUNTY MANAGER**

**DATE: NOVEMBER 14, 2012**

**SUBJECT: APPROVAL OF 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):

East Ridge Subdivision: Eastgate Street, Crosshill Street, High Street

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

**RECOMMENDATION**

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

**PROPOSED ACTION**

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

/ct  
Attachments

*Celebrating Our Past...Embracing Our Future*



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

November 8, 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.

**East Ridge Subdivision**

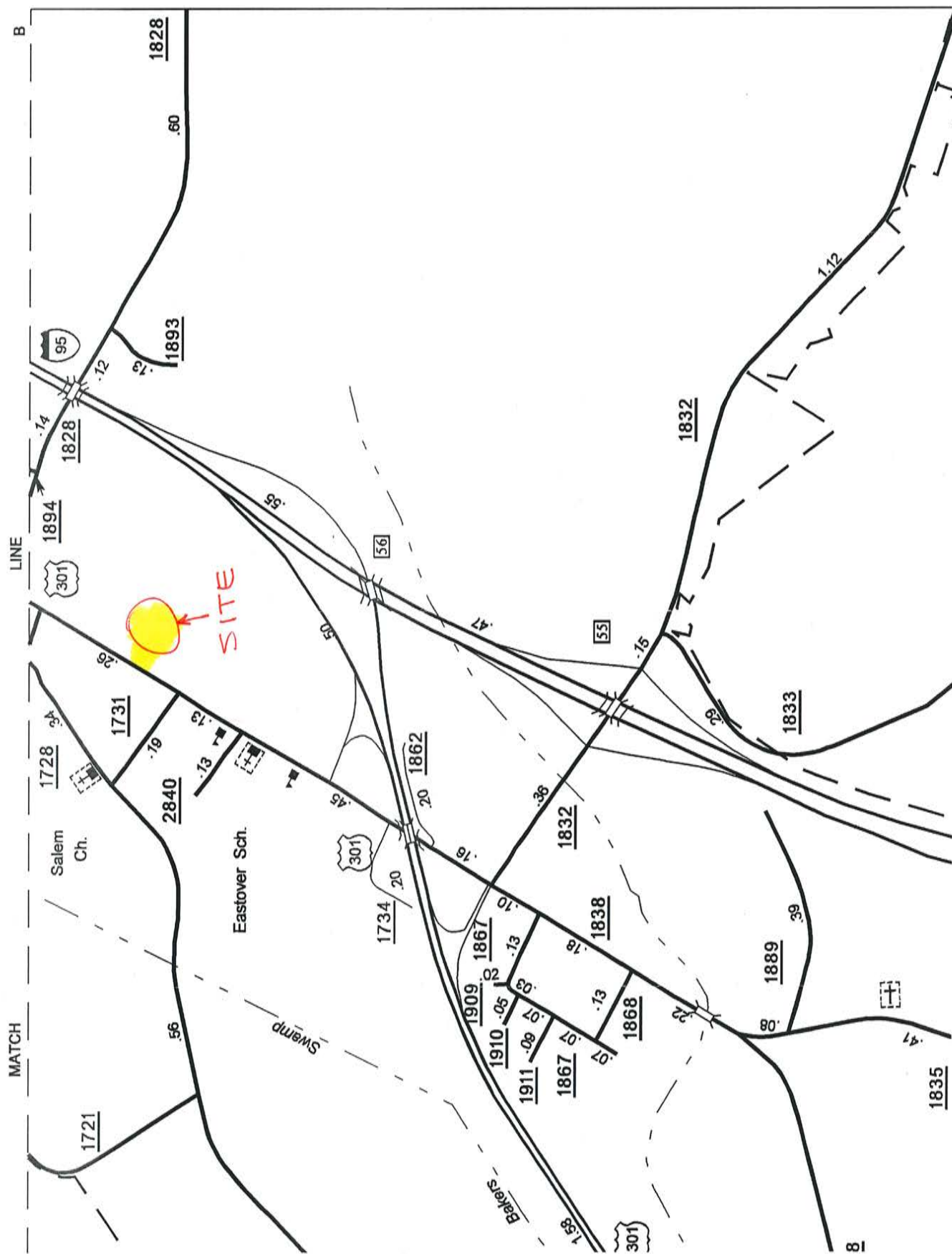
- Eastgate St.
- Crosshill St.
- High St.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "David Plummer".

David Plummer  
Transportation Tech. IV





ITEM NO. 2G(1)

**CUMBERLAND  
COUNTY**  
NORTH CAROLINA

**ENGINEERING & INFRASTRUCTURE DEPARTMENT**

**JEFFERY P. BROWN, PE**  
Engineering & Infrastructure Director

**MEMORANDUM FOR BOARD OF COMMISSIONERS**  
**INFORMATIONAL UPDATE ITEM**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JEFFERY P. BROWN, ENGINEERING & INFRASTRUCTURE DIRECTOR**

**THROUGH: JAMES MARTIN, COUNTY MANAGER**

**DATE: NOVEMBER 9, 2012**

**SUBJECT: UPDATE ON DEMOLITION OF LEGAL AID BUILDING**

**BACKGROUND**

At the October Facilities Committee Meeting, the status of the Legal Aid building was brought up by one of the committee members. At the time, it was unsure what action, if any, had been taken by the Board concerning the building. The committee requested that this become an agenda item for the November meeting.

The following information was presented at the November Facilities Committee Meeting. In reviewing previous meeting minutes, it was discovered that at the December 21, 2009 Commissioners Meeting, the Board approved the following motion unanimously; approve to instruct staff to move forward with demolition of the Legal Aid Building and conversion of the property into paved parking. Unfortunately, based on the fact that other projects were given higher priority, this building has not been demolished. However, since this project was brought to my attention, the County has acquired the services of ECS Carolinas, LLP to complete an asbestos survey and lead paint assessment of the entire building.

This testing was completed on November 6<sup>th</sup> and we are awaiting laboratory results at this time. Once the lab results are received, the Engineering Division will move forward with completing the request for proposal and specifications necessary to secure a contractor to demolish the structure.

**RECOMMENDATION**

Once the demolition of the building has been completed, then a proposed layout of additional parking spaces will be brought before the Facilities Committee for approval.

JAMES E. MARTIN  
County Manager

AMY H. CANNON  
Deputy County Manager



JAMES E. LAWSON  
Assistant County Manager



ITEM NO. 24(1)

**OFFICE OF THE COUNTY MANAGER**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 19, 2012**

**TO: BOARD OF COUNTY COMMISSIONERS**

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

**DATE: NOVEMBER 14, 2012**

**SUBJECT: APPROVAL OF PRINT MANAGEMENT POLICY**

**BACKGROUND**

Attached you will find a copy of the proposed print management policy which was approved by the Policy Committee on November 1, 2012. The purpose of this policy is to implement a uniform and consistent approach to allocation, access and usage of printing devices. The intent is to reduce costs, create a sustainable strategy and improve business efficiencies.

While printing is necessary in certain circumstances, it should be limited and carried out in the most efficient manner. Multi-function devices (MFD's) are more cost effective to operate than printers therefore the provision of printers must be based on the business need and parameters outlined in the attached policy. This policy encourages the utilization of electronic storage means where possible.

**RECOMMENDATION**

Approve the attached Print Management Policy.

AC/ct

CM111412-1

**Subject: Cumberland County Print Management Policy**

**Policy No. CP-16**                      **Revision No. 0**                      **Date: 11/20/2012**

## 1.0 PURPOSE

## 2.0 BACKGROUND

### 3.0 SCOPE

## 4.0 POLICY

- 4.1 Requests for printer approval will only be allocated to an individual or work group in exceptional circumstances, based on a business need substantiated and recommended by the Department Head/Director, justified by the respective IT Department, reviewed by County IT and approved by County Management.
- 4.2 The procurement card program guidelines prohibit the use of County credit cards for the purchase of printers and printer supplies.

## **5.0 ACCESS AND USAGE**

- 5.1 Printers should be used for business purposes only. Only the necessary pages in the document are to be printed and double sided printing is to occur where possible.
- 5.2 Network printers will be made available to staff within close proximity to their work area.
- 5.3 A MFD should be used in preference to printers when producing a large number of copies. Substantial copies exceeding a volume of 500 should be directed to the County Print Shop.
- 5.4 Black-and-white prints should be made in preference to color prints.
- 5.5 The IT Department can work with the unit to create pass codes to release confidential information routed to MFDs upon request.
- 5.6 All MFDs have “scan to email” and “scan to folder” functions available which may limit hardcopies and manual distribution.

## **6.0 COLOR PRINTS**

- 6.1 Access to color prints will be allocated to staff identified by the Department Head/Director to process work related color print jobs.
- 6.2 MFDs with color copying/printing capability will be set to print in black-and-white only, with the ability to change the default setting for color printing allocated to the identified staff through an access code.
- 6.3 Documents, when deemed necessary, can be printed by the identified staff in color. In these circumstances, the following should occur:
  - Only the necessary pages in the document be printed in color
  - Color printing only be utilized where it is required to convey important information that may not be captured in black and white.

## **7.0 PROCUREMENT**

- 7.1 All printers must be purchased in accordance with Cumberland County Finance guidelines.
- 7.2 Requests for the purchase and allocation of printers will require the completion of a printer request form.
- 7.3 A printer request form should be completed by the requesting Department Head/Director which will substantiate the business purpose for the request. The completed form should then be provided to the respective IT department for justification prior to submission to County IS for review and to County Management for approval.

## **8.0 IMPLEMENTATION**

Existing Personal/Desktop printers may be continued to be used until they no longer work or existing printer supplies such as toner are depleted. Cumberland County Information Services and Departmental Information Services Department will audit the location and volume of all existing printers and make recommendations based on the criteria outlined in the policy. Department Heads and Directors are responsible for ensuring compliance within the provisions of this policy.



ITEM NO. \_\_\_\_\_

24(2)

**OFFICE OF THE COUNTY ATTORNEY**

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

**MEMO FOR THE AGENDA OF THE NOVEMBER 19, 2012  
MEETING OF THE BOARD OF COMMISSIONERS**

**TO:** Board of Commissioners; Co. Manager  
**FROM:** Co. Atty. *R. Moorefield*  
**DATE:** November 13, 2012  
**SUBJECT:** Policy for Public Use of the Courtroom in the Historic Courthouse

**BACKGROUND:**

At the October 4, 2012 meeting of the Policy Committee, Commissioner Keefe requested that the Policy Committee consider a policy for the public use of the courtroom in the Historic Courthouse. Commissioner Keefe directed the county attorney to draft a policy which did not permit religious and political uses and included a reasonable fee. The county attorney considered the following issues in preparing the draft:

- the availability of privately-owned meeting facilities, such as the Sky Room on Hay Street only two blocks from the Historic Courthouse, the Pate Room at the library, and the meeting facilities available at the Crown Complex
- the need to protect the courtroom from potential damage
- the need for security during any function or event;
- the need to secure the building after any function or event

The proposed minimum and additional fees are based on the cost of providing two (2) deputies in an overtime status with a minimal charge for utilities and janitorial services. The proposed policy makes the courtroom available to all uses except for political and religious purposes, which are defined in the policy.

At its November 1, 2012 meeting the Policy Committee considered a proposed draft. The Policy Committee voted to recommend the following policy to the Board of Commissioners:

**1.0 PURPOSE**

The purpose of this policy is to establish the conditions under which the courtroom in the Historic Courthouse may be used by groups, organizations and agencies other than county government. This policy is intended to make this historically significant facility available for the use of the citizens of Cumberland County, to which it belongs.

## **2.0 SCOPE**

This policy shall apply to the use of the courtroom in the Historic Courthouse for any purpose by anyone other than county government or such other governmental agencies as the county may allow. Only the courtroom may be used. No other floors or portions of the Historic Courthouse shall be available for public use.

## **3.0 STATEMENT OF THE POLICY**

- 3.1 This policy shall be administered by a county employee whom the county manager shall designate as the Facility Manager for the Historic Courthouse.
- 3.2 The facility may not be used for any political or religious purpose. For the purposes of this policy a political purpose is any purpose, function or event that is sponsored by, on behalf of, or against any candidate for elected office, any political party, or any political action committee. For the purposes of this policy a religious purpose is any purpose, function or event that is intended to promote the beliefs, ideology or tenets of a particular religion, religious group or religious sect.
- 3.3 The facility may only be used for purposes, functions or events that are available to the general public, with or without an admission charge.
- 3.4 Any group, organization or agency wishing to use the facility shall make a written application to the facility manager at least thirty (30) days in advance of the requested use in such form as may be prescribed by the facility manager.
- 3.5 The facility shall only be made available during such times as it is not being used for government purposes by the county or such other governmental agencies as the county may allow.
- 3.6 No foods or beverages may be dispensed or consumed within the facility at any function or event permitted under this policy.
- 3.7 No products, goods or services intended for off-premises consumption shall be sold or distributed at any function or event permitted under this policy.
- 3.8 No materials deemed to be hazardous by the facility manager, in consultation with the Director of Emergency Management and the County Fire Marshal, shall be allowed in the facility.
- 3.9 The furniture and fixtures within the courtroom shall not be moved unless approved by the facility manager in advance and only in accordance with the conditions under which this approval is granted.

- 3.10 Adequate security shall be provided for any function or event for which the facility is used. The facility manager shall arrange for security through the Sheriff's Office and the cost of the on-duty or off-duty officers used for security shall be included in the facility charge.
- 3.11 A facility use fee shall be charged for each use of the facility. The fee is intended to cover the cost of utilities and security for each event. The fee shall be established by the Board of Commissioners from time to time. The minimum fee shall be \$250 for functions and events that do not exceed two (2) hours. An additional fee of \$100 per hour shall be charged for each hour or portion of an hour that a function or event exceeds two (2) hours. If the facility manager determines that more than two (2) security officers shall be needed for any use, the use fee shall be increased by \$50 per hour of use for each additional security officer needed. All fees shall be paid in advance with the application.

#### **4.0 IMPLEMENTATION**

Implementation of this policy shall be the responsibility of Facility Manager for the Historic Courthouse as designated by the county manager.

#### **RECOMMENDATION/PROPOSED ACTION:**

Consider whether to adopt the proposed policy.



ITEM NO. 24(3)

**OFFICE OF THE COUNTY ATTORNEY**

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

**MEMO FOR THE AGENDA OF THE NOVEMBER 19, 2012  
MEETING OF THE BOARD OF COMMISSIONERS**

**TO:** Board of Commissioners; Co. Manager  
**FROM:** Co. Atty. *R. Moorefield*  
**DATE:** November 13, 2012  
**SUBJECT:** Policy for Placing a Matter on the Agenda of a Standing Committee of the Board of Commissioners

**BACKGROUND:**

After the October 4, 2012 meeting of the Policy Committee, Policy Committee Chair Council requested the county attorney to draft a policy for the placement of matters on an agenda of the Policy Committee. Chair Council's concern was to avoid another meeting at which a different topic was presented than the topic identified on the agenda, persons traveled from out-of-town to make a presentation without there being any notice that they were going to speak or what they were going to speak about, and matters were placed on the agenda by individual commissioners without regard for the time constraints of the meeting. After the notice for submission of matters for the agenda was sent out, Commissioner Keefe expressed that he also wanted an agenda policy developed for all the committees.

The county attorney drafted a proposed policy just for application to the Policy Committee which could be adopted for the other committees if the Board of Commissioners desired to do so.

The county manager commented that the requests of individual commissioners might have a higher priority than the requests of the county manager. The county attorney believes the priority should remain with the requests of individual commissioners being lower than the requests of the county manager for the reason that the county manager is generally an advocate for the full Board of Commissioners.

At its November 1, 2012 meeting, the Policy Committee voted to recommend that the agenda policy be applied to all three committees.

The proposed policy is as follows:

**1.0 PURPOSE**

The purpose of this policy is to establish a standardized procedure for the placement of matters on the agenda for any meeting of a standing committee of the Board of Commissioners.

Currently the standing committees are Facilities, Finance, Policy and Personnel. The policy is intended to avoid circumstances in which the committee cannot reach all items placed on the agenda during the time allotted for the meeting, with the result that the participation by persons in attendance is frustrated. The policy is further intended to promote the efficient use of the county's resources, including staff time.

## **2.0 SCOPE**

This policy will apply to the placement of all matters on an agenda for any meeting of a standing committee of the Board of Commissioners.

## **3.0 STATEMENT OF THE POLICY**

- 3.1 The clerk to the board shall be responsible for preparing and publishing the agenda for each standing committee of the Board of Commissioners, subject to the further terms of this policy.
- 3.2 The clerk shall place matters on the agenda in the following order of priority:
  - 3.2.1 A matter which has been directed by a vote of the board of commissioners, regardless of the staff person presenting the matter;
  - 3.2.2 A matter which has been directed by a vote of any standing committee, regardless of the staff person presenting the matter;
  - 3.2.3 A matter which has been requested by the county manager, regardless of the staff person presenting the matter;
  - 3.3.4 A matter which has been requested by an individual commissioner, regardless of the staff person presenting the matter.
- 3.3 No persons or organizations other than those listed in Section 3.2 shall be allowed to request the placement of a matter on an agenda. All other persons or organizations wishing to request that a matter be placed on an agenda may do so through the county manager or an individual commissioner, subject to the willingness of the county manager or an individual commissioner to do so.
- 3.4 No matter shall be placed on the agenda unless it is supported with a memorandum signed by the county manager or one of the persons who will present the matter. The memorandum shall provide the following:
  - 3.4.1 A statement of sufficient background information for the committee members to understand the reason the committee is being requested to consider the matter;
  - 3.4.2 A concise statement of what is being requested of the committee;

- 3.4.3 The identity of who is requesting the matter;
- 3.4.4 The identity of every person other than a staff person who will address the committee about the matter; and
- 3.4.5 An estimate of the amount of time it will take the committee to consider the matter.
- 3.5 The clerk shall only place the number of matters on the agenda which can be considered in the one hour of time allotted for a committee meeting using the time estimates stated in the memorandum for each matter and the priorities established in Section 3.2.
- 3.6 The clerk shall establish and publish the deadline for the submission of matters for each agenda.
- 3.7 At each meeting, the clerk shall advise the committee of any matters that were not placed on that meeting's agenda due to the time limitation. The committee may vote to direct that such matters be placed on the next available agenda. If the committee does not vote to direct the placement of those matters on the next agenda, such matters shall be placed on any subsequent agenda in accordance with the terms of this policy.

#### **4.0 IMPLEMENTATION**

The clerk to the board shall be responsible for the implementation of this policy.

#### **RECOMMENDATION/PROPOSED ACTION:**

Consider whether to adopt the proposed policy.

MARSHALL FAIRCLOTH  
Chairman

JIMMY KEEFE  
Vice Chairman

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



CUMBERLAND  
★ COUNTY ★  
NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE  
Clerk to the Board

KELLIE BEAM  
Deputy Clerk

ITEM NO. 2H(4)

**MEMORANDUM FOR BOARD OF COMMISSIONERS MEETING**  
**MONDAY, NOVEMBER 19, 2012**

TO: Board of Commissioners

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

DATE: November 15, 2012

SUBJECT: Board of Commissioners' Regular Meeting Dates

**BACKGROUND:**

The Board of Commissioners at its March 18, 2002 meeting amended its regular meeting schedule so meetings that fall on the Monday designated as President's Day and Easter Monday would be held on the following day or Tuesday.

Since that time there had been mention by some Board members of further amending the regular meeting schedule so those meetings would be held on Monday.

The Policy Committee at its November 1, 2012 meeting considered the matter and by unanimous vote recommended that the Board of Commissioners' amend its regular meeting schedule so that meetings are held on the Monday designated as President's Day and meetings that fall on Easter Monday continue to be held on the following day or Tuesday.

**RECOMMENDATION/PROPOSED ACTION:**

Consider whether to approve the recommendation of the Policy Committee.

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY

CASE NUMBER: MH6646-2012

PROPERTY OWNER: Patricia Lessane

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 20, 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Patricia Lessane, located at 4612 Desert Ridge Drive, Parkton, NC, PIN: 9493-46-0194, said ordinance being recorded in Book 8979, page 353, 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 \$2200.00.
- (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 \$2200.00, 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 August 20, 2012, 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 4612 Desert Ridge Drive, Parkton, NC, as described in Deed Book 6973, page 787, of the Cumberland County Registry and identified in County tax records as PIN 9493-46-0194.

(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 November, 2012, at 6:45 p.m. o'clock.

---

Cumberland County Clerk

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH6644-2012  
PROPERTY OWNER: Steven Graham

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 20, 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Steven Graham, located at 7332 Hypony Trail, Parkton, NC, PIN: 9493-44-4782, said ordinance being recorded in Book 8979, page 356, 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 \$2,200.00.
- (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 \$2,200.00, 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 August 20, 2012, 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 7332 Hypony Trail, Parkton, NC, as described in Deed Book 7170, page 378, of the Cumberland County Registry and identified in County tax records as PIN 9493-44-4782.

- (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 November, 2012, at 6:45 p.m. o'clock.

---

Cumberland County Clerk

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH6642-2012  
PROPERTY OWNER: John Wallace

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 20, 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) John Wallace, located at 7124 Hypony Trail, Parkton, NC, PIN: 9493-46-9017, said ordinance being recorded in Book 8979, page 359, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$1,600.00.
- (3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$1,600.00, 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 August 20, 2012, 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 7124 Hypony Trail, Parkton, NC, as described in Deed Book 5330, page 262, of the Cumberland County Registry and identified in County tax records as PIN 9493-46-9017.

- (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 November, 2012, at 6:45 p.m. o'clock.

---

Cumberland County Clerk

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH6643-2012  
PROPERTY OWNER: James C. Shaw

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 20, 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) James C. Shaw, located at 4611 Balducci Drive, Parkton, NC, PIN: 9493-45-2804, said ordinance being recorded in Book 8979, page 362, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$1,700.00.
- (3) There were no salable materials resulting from said work.

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

- (1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$1,700.00, 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 August 20, 2012, 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 4611 Balducci Drive, Parkton, NC, as described in Deed Book 4623, page 484, of the Cumberland County Registry and identified in County tax records as PIN 9493-45-2804.

- (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 November, 2012, at 6:45 p.m. o'clock.

---

Cumberland County Clerk

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH6645-2012  
PROPERTY OWNER: Charles McIntyre & Stephanie Foster

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 20, 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Charles McIntyre and Stephanie Foster, located at 4741 Desert Ridge Drive, Parkton, NC, PIN: 9493-55-5245, said ordinance being recorded in Book 8979, page 347, 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 \$2,100.00.
- (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 \$2,100.00, 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 August 20, 2012, 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 4741 Desert Ridge Drive, Parkton, NC, as described in Deed Book 6842, page 780, of the Cumberland County Registry and identified in County tax records as PIN 9493-55-5245.

- (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 November, 2012, at 6:45 p.m. o'clock.

---

Cumberland County Clerk

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

<b>Budget Office Use</b>	
Budget Revision No.	<u>B13-167</u>
Date Received	<u>11-13-12</u>
Date Completed	

Fund No. 101 Agency No. 420 Organ. No. 4215

Organization Name: Emergency Services

ITEM NO. 25(1)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
402F	DHS-2009 Exercise	9,901	(9,901)	-
Total		9,901	(9,901)	-

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
459Q	106	DHS-2009 Training-Exercise Grant - 2009-SS-T9-0046 MOA#1053	9,901	-9,901	-
Total			9,901	(9,901)	-

**Justification:**

To close out and de-obligate Department of Homeland Security (DHS) - Emergency Management grant funds.

**Funding Source:**

State: \$9,901  
Other: \_\_\_\_\_

Federal: \_\_\_\_\_  
Fees: \_\_\_\_\_

**Fund Balance:**

County: \_\_\_\_\_ New: \_\_\_\_\_  
Prior Year: \_\_\_\_\_

Other: \_\_\_\_\_

Submitted By: [Signature]  
Department Head

Date: 11-8-2012

Reviewed By: [Signature]  
Finance

Date: 11-13-12

Reviewed By: [Signature]  
Deputy/Assistant County Mgr

Date: 11/13/12

<b>Approved By:</b>	
_____	Date: _____
County Manager	
_____	Date: _____
Board of County Commissioners	
_____	Date: _____

<b>Budget Office Use</b>	
Budget Revision No.	<u>B13-166</u>
Date Received	<u>11/8/2012</u>
Date Completed	

ITEM NO. 25(2)

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4402	NC Library Program Grants	25,000	2,000	27,000
		25,000	2,000	27,000

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3419	297	Misc. ("LSTA Raising the Bar" Grant)	5,500	2,000	7,500
					-
		Total	5,500	2,000	7,500

**Funding Source:** State: 2,000 Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

Submitted By: Jody Rosache Date: 11/9/12  
Department Head

Reviewed By: HGA Kelly Austry Date: 11-13-12  
Finance Department

Reviewed By: Amber Cannon Date: 11/13/12  
Deputy/Assistant County Mgr

**Approved By:**

\_\_\_\_\_ **Date:** \_\_\_\_\_

**County Manager**

**Board of County Commissioners**

**Date:** \_\_\_\_\_

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B13-165</u>
Date Received	<u>11/6/2012</u>
Date Completed	

Fund No. 101 Agency No. 440 Organ. No. 4402  
 Organization Name: Library

ITEM NO. 25(3)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4402	NC Library Programs Grant	333,854	(25,737)	308,117
		333,854	(25,737)	308,117

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2996	292	Books and Periodicals	779,003	(25,737)	753,266
Total			779,003	(25,737)	753,266

**Justification:**

The Library received a letter from the State Library indicating there was a reduction in State Aid for this fiscal year. Budget revision to reflect this reduction.

Funding Source: State: (25,737) Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

Submitted By: <u>[Signature]</u> Department Head	Date: <u>11/7/12</u>	Approved By: _____ Date: _____ County Manager Board of County Commissioners Date: _____
Reviewed By: <u>[Signature]</u> Finance Department	Date: <u>11-13-12</u>	
Reviewed By: <u>[Signature]</u> Deputy/Assistant County Mgr	Date: <u>11/13/12</u>	

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B13-163
Date Received	11/13/2012
Date Completed	

Fund No. 101 Agency No. 450 Organ. No. 4502  
 Organization Name: Planning and Inspections

ITEM NO. 2J(4)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901 (101-999-9999)	Fund Balance Appropriated		54,600	

Total 54,600

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3310	327	Demolition and Rehabilitation	45,400	54,600	100,000

Total 45,400 54,600 100,000

**Justification:**

Revision to appropriate fund balance to increase the demolition and rehabilitation budget to \$100,000.

**Funding Source:**

State: \_\_\_\_\_ Federal: \_\_\_\_\_ Fund Balance: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

Submitted By: \_\_\_\_\_  
 Department Head

Date: \_\_\_\_\_

Reviewed By: HeA  
Bob Incher  
 Finance Department

Date: 11/13/12

Reviewed By: Amy D. Cannon  
 Assistant County Mgr

Date: 11/13/12

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

COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST

Budget Office Use	
Budget Revision No.	B13-168
Date Received	
Date Completed	

Fund No. 101 Agency No. 435 Organ. No. 436S  
Organization Name: MH Substance Abuse Contracts

ITEM NO. 2 J(5)a

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4202	NC Workfirst Federal	0	80,000	80,000

Total 0 80,000 80,000

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3390	490	Contracted Services	815,483	80,000	895,483

Total 815,483 80,000 895,483

Justification:

Federal Funds allocated to MH-LME for the Workfirst Program.

Fund Balance:  
State: \_\_\_\_\_ Federal: 80,000 County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

Submitted By: Candi Yurk Date: 11/14/12  
Department Head  
Reviewed By: Howard R. Ror Date: 11/13/12  
Budget Analyst  
Reviewed By: Amy H. Cannon Date: 11/13/12  
Deputy/Assistant County Mgr  
Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Information Services

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

COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST

Budget Office Use	
Budget Revision No.	B13-169
Date Received	
Date Completed	

Fund No. 101 Agency No. 435 Organ. No. 436Q  
Organization Name: Mh Child and Youth Contracts

ITEM NO. 2J(5)b

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
6260	Medicaid Other	2,000,000	550,000	2,550,000

Total 2,000,000 550,000 2,550,000

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3360	483	Other Services	2,000,000	550,000	2,550,000

Total 2,000,000 550,000 2,550,000

Justification:

Service Payments to Providers that render Foster Care Level II Services to children. Medicaid payments for this level of service is paid directly to the LME.

State: \_\_\_\_\_ Federal: \_\_\_\_\_ Fund Balance: \_\_\_\_\_  
Other: \_\_\_\_\_ Fees: 550,000 County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
Prior Year: \_\_\_\_\_

Submitted By: Cardi York  
Department Head

Date: 11/14/12

Reviewed By: Hawesell Boer  
Budget Analyst

Date: 11/13/12

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

Date: 11/13/12

Reviewed By: \_\_\_\_\_  
Information Services

Date: \_\_\_\_\_

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B13-170
Date Received	11/13/2012
Date Completed	

Fund No. 020 Agency No. 450 Organ. No. 450G  
 Organization Name ESD Water Project - Phase II

ITEM NO. 2J(6)

**REVENUE**

*Pg. 1 of 2*

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9296	Bond Anticipation Note Proceeds	6,177,000	0	6,177,000
4008	USDA Grant	1,797,700	0	1,797,700
6681	Tap Fees	157,000	0	157,000
7002	Interest Income	6,185	0	6,185
7670	Miscellaneous	2,006	0	2,006
7685	Contractor Sale Tax Refunds	239,684	0	239,684
9135	Transfer from ESD General Fund	100,000	0	100,000
Total		8,479,575	0	8,479,575

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3110	TBA	Legal	13,811	0	13,811
3113	TBA	Bond Counsel	17,500	0	17,500
3419	TBB	Miscellaneous (Engineer Reimbursables)	23,665	0	23,665
3487	TBB	Settlements	2,000	0	2,000
3488	TBB	Administrative	4,764	0	4,764
3610	TBB	Capital Outlay Equipment	7,500	0	7,500
3630	TBB	Capital Outlay Land	7,235	0	7,235
3650	TBB	Capital Outlay Other	0	12,567	12,567
3714	TBB	Geotechnical	42,041	0	42,041
3747	TBB	Engineering	831,681	0	831,681
379F	TBB	Construction - Contract 1	1,971,271	0	1,971,271
379G	TBB	Construction - Contract 2	2,393,269	0	2,393,269
379H	TBB	Construction - Contract 3	1,771,360	0	1,771,360
379J	TBB	Construction - Contract 4	790,808	0	790,808
3809	TBD	Capitalized Interest	404,496	0	404,496
389F	TBF	Transfer to ESD General Fund	198,174	(12,567)	185,607
3903	TBE	Contingency	0	0	-
Total			8,479,575	0	8,479,575

**Justification:**

Revision to reallocate expenditure budget in order to process final two payments related to the ESD Water II Project including the purchase of 178 feet of existing in-ground pipe from PWC (\$10,000) and relocating the 2-inch tap for Baywood Church which will be installed by Envirolink (\$2,567). The balance of funds remaining will be transferred to the ESD General Fund.

**Fund Balance:**

State: \_\_\_\_\_ Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

Submitted By: \_\_\_\_\_

Date: \_\_\_\_\_

Reviewed By: Bob Sucher  
 Department Head

Date: 11/13/12

Reviewed By: Amory Cannon  
 Finance Department  
 Deputy County Mgr

Date: 11/13/12

**Approved By:**

Date: \_\_\_\_\_

County Manager

Board of County  
Commissioners

Date: \_\_\_\_\_

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B13-170A
Date Received	11/13/2012
Date Completed	

Fund No. 252 Agency No. 452 Organ. No. 4517

Organization Name: Eastover Sanitary District General Fund

**REVENUE**

*pg 2 of 2*

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9136	Transfer from Fund 020 (ESD Water II Project)	44,669	(12,567)	32,102

Total	44,669	(12,567)	32,102
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**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3903	688	Contingency	51,735	(12,567)	39,168

Total	51,735	(12,567)	39,168
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**Justification:**

Revision to adjust budget for the transfer of the residual cash balance at completion of the ESD Water II Project (Fund 020) to the ESD General Fund.

**Funding Source:**

State: \_\_\_\_\_  
Other: \_\_\_\_\_

Federal: \_\_\_\_\_  
Fees: \_\_\_\_\_

**Fund Balance:**

County: \_\_\_\_\_ New: \_\_\_\_\_  
Prior Year: \_\_\_\_\_

Other: \_\_\_\_\_

Submitted By: \_\_\_\_\_  
Department Head

Date: \_\_\_\_\_

Reviewed By: *Bob Tucker*  
Finance Department

Date: 11/13/12

Reviewed By: *Amber Caution*  
Deputy County Mgr

Date: 11/13/12

**Approved By:**

County Manager

Board of County  
Commissioners

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Walter Clark,  
Chair  
Cumberland County

Patricia Hall,  
Vice-Chair  
Town of Hope Mills

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



CUMBERLAND  
★ COUNTY ★  
NORTH CAROLINA

*Planning & Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Lori Epler,  
Sara E. Piland,  
Vikki Andrews,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

NOVEMBER 9, 2012

ITEM NO. 3A

**MEMO TO:** Cumberland County Board of Commissioners

**FROM:** Cumberland County Joint Planning Board

**SUBJECT:** **Case P12-59:** Initial zoning of the county portion of Gates Four (Irongate) subdivision, containing 780.68+/- acres to CD Conservancy, R5A Residential and R7.5 Residential or to a more restrictive zoning district; located between SR 1108 (Lakewood Drive) and SR 1109 (Dundle Road), north of SR 1112 (Stoney Point Road); submitted by Cumberland County.

**ACTION:** Members present at the October 16, 2012 meeting recommended adoption and approval of the consistency and reasonableness statements and to approve CD Conservancy, R5A Residential and R7.5 Residential district.

**SITE PROFILE:** **Frontage & Location:** 60.00'+/- on SR 1108 (Lakewood Drive), 420.00'+/- on SR 1109; (Dundle Road) & 580.00'+/- on SR 1104 (Strickland Bridge Road); **Depth:** 8,300.00'+/-; **Jurisdiction:** Cumberland County (City of Fayetteville de-annexation effective July 1, 2012); **Adjacent Property:** No; **Current Use:** Residential (to include multi-family), golf course & club house; **Initial Zoning:** CD, RR, R10 & R5A – February 6, 1976 (Area 5); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: MU/C (F), LC (F), SF-15 (F), SF-10 (F), AR (F) & CD (F); South: MXD/CUD (HM), C2(P), C1(P), NC (F), RR, SF-10 (F), R10, SF-6 (F) & AR (F); East: MR-5/C (F), LC (F), OI (F), RR, SF-10 (F), R10, SF-6 (F), MR-5 (F), R5A, AR (F) & CD; West: AR/MHO (F), NC (F), SF-15 (F), SF-10 (F) & SF-6 (F) (unofficial database); **Surrounding Land Use:** Residential (including multi-family), & woodlands; **2030 Land Use Plan:** Urban & Conservation Area; **Proposed South West Cumberland Land Use Plan:** Low & medium density residential & open space; **Special Flood Hazard Area (SFHA):** Yes; base flood varies from 131 msl (NAVD) to 141 msl (NAVD); **Water/Sewer Availability:** PWC/PWC; **Soil Limitations:** Yes, hydric – RA Rains sandy loam, JT Johnston loam & TR Torhunta and Lynn Haven soils; **School Capacity/Enrolled:** Stoney Point Elementary: 900/725; John R. Griffin Middle: 1,274/939; Jack Britt High: 1,870/1,940; **Subdivision/Site Plan:** If approved, any new development may require review and approval; **Average Daily Traffic Count (2010):** 7,700 on SR 1108 (Lakewood Drive), 9,400 on SR 1104 (Strickland Bridge Road) & 5,400 on SR 1109 (Dundle 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; **Note:** Minimum Yard Setback Regulations: **R5A:** Front yard: 25', Side yard: 10', Rear yard: 35', **R7.5:** Front yard: 30', Side yard: 15', Rear yard: 35', **CD:** Front yard: 50', Side yard: 50', Rear yard: 50'.

MINUTES OF OCTOBER 16, 2012

The County Planning Staff recommends approval of the initial zoning to the CD Conservancy, R5A Residential and R7.5 Residential Districts of the subject properties as shown on the attached sketch map, based on the following:

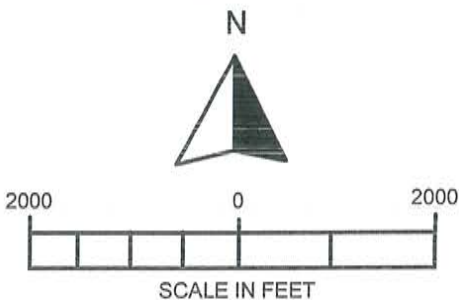
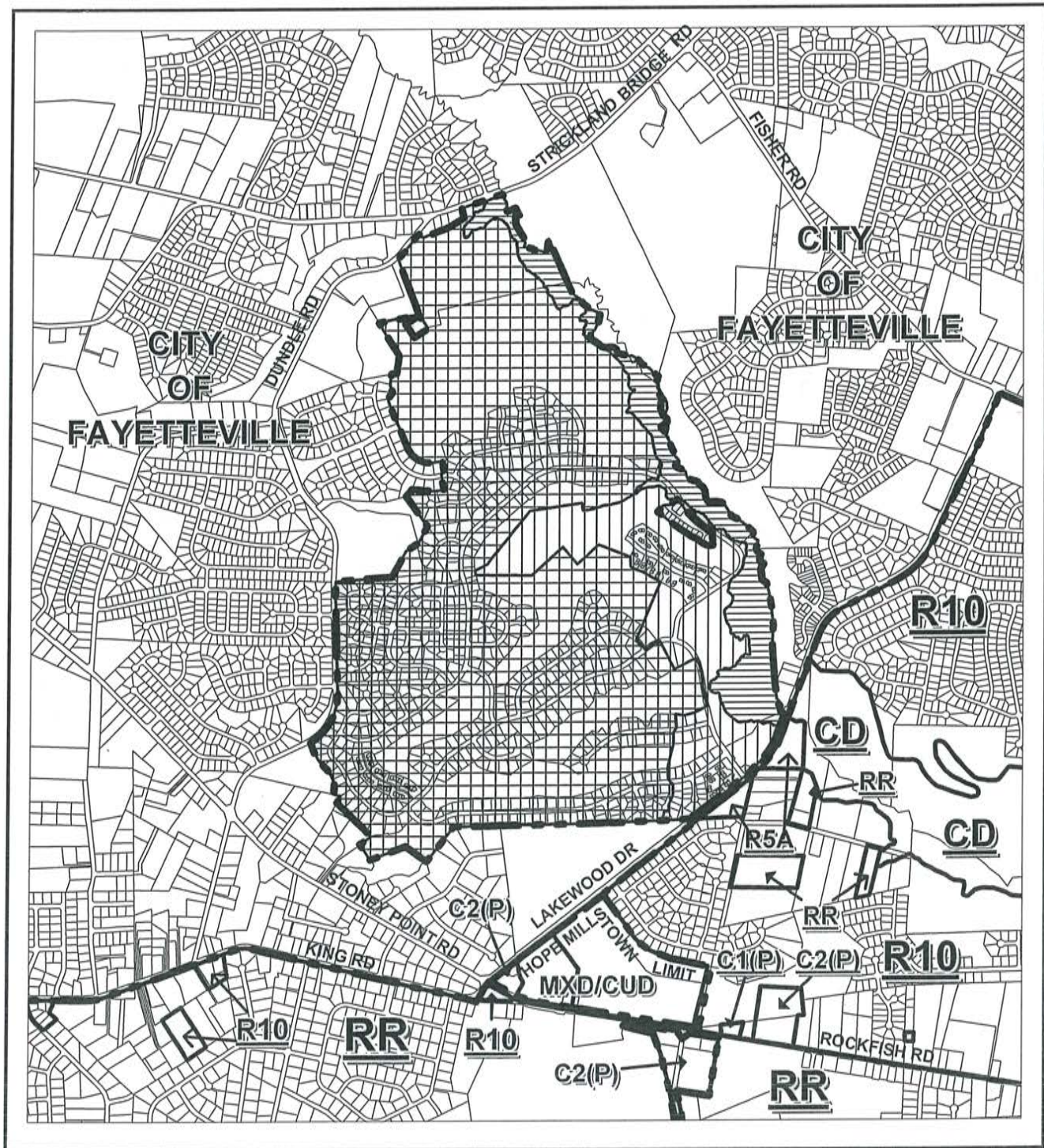
1. The districts requested are consistent with the 2030 Growth Vision Plan, which calls for "urban" and "conservation area" at this location, as well as meeting the location criteria for "low" and "medium" density development as listed in the Land Use Policies Plan. The request is also consistent with the newly proposed Southwest Cumberland Land Use Plan which calls for "low" and "medium" density residential and "open space" at this location;
2. The request is reasonable as public utilities are available to the subject properties; and
3. This request is the result of House Bill 5, adopted by the North Carolina General Assembly, which de-annexes the major portion of the Gates Four (Irongate) community from the City of Fayetteville.

The effective date of de-annexation was July 1, 2012. There are no other suitable districts to be considered for this request.

**Mrs. Epler made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve CD Conservancy, R5A Residential and R7.5 Residential district, seconded by Mr. Cain. 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.*



PIN: SEE FILE

## INITIAL ZONING TO



ACREAGE: 780.68 AC.+/-

HEARING NO: P12-59

ORDINANCE: COUNTY  
STAFF RECOMMENDATION  
PLANNING BOARD  
GOVERNING BOARD

HEARING DATE

ACTION

AM

ITEM NO. 3B

## BEHAVIORAL HEALTH CARE

CAPE FEAR VALLEY  
MEDICAL CENTERCAPE FEAR VALLEY  
REHABILITATION CENTER

HEALTH PAVILION NORTH

HIGHSMITH-RAINEY  
SPECIALTY HOSPITAL

BLOOD DONOR CENTER

BREAST CARE CENTERS

CANCER CENTER

CARCLINK

CAPE FEAR VALLEY  
HOME HEALTH & HOSPICECUMBERLAND COUNTY  
EMS

FAMILY BIRTH CENTER

HEART & VASCULAR  
CENTER

HEALTHPLEX

LIFELINK  
CRITICAL CARE TRANSPORT

PRIMARY CARE PRACTICES

SLEEP CENTER

November 13, 2012

To Whom It May Concern

Donie Carter is currently a patient at Highsmith Rainey Hospital. His scheduled discharge date is 11-27-12 so please reschedule any appointments after this date. If you have any questions you may contact me at your convenience.

Sincerely

Sheilah Gray RN CCM  
150 Robeson Street  
Fayetteville, NC 28301  
910-615-1274

Case # P12-58  
\*Deferred to  
December 17, 2012\*

Walter Clark,  
Chair  
Cumberland County

Patricia Hall,  
Vice-Chair  
Town of Hope Mills

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



# CUMBERLAND COUNTY NORTH CAROLINA

## Planning & Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Lori Epler,  
Sara E. Piland,  
Vikki Andrews,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

NOVEMBER 9, 2012

MEMO TO: Cumberland County Board of Commissioners

ITEM NO. \_\_\_\_\_

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P12-58:** Rezoning of 2.41+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 6370 Murphy Road, submitted by Doene Carter (owner).

ACTION: Members present at the October 16, 2012 meeting recommended adoption and approval of the consistency and reasonableness statements and to approve R40A Residential district.

**SITE PROFILE:** **Frontage & Location:** 165.83'+/- on SR 1832 (Murphy Road); **Depth:** 504.46'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** 1 residential structure; **Initial Zoning:** A1 – August 19, 1994 (Area 19); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: R40A & A1; South, East & West: A1; **Surrounding Land Use:** Residential (including manufactured homes), farmland & woodlands; **2030 Growth Strategy Map:** Rural; **Eastover Land Use Plan:** Farmland; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** ESD/Septic; **Soil Limitations:** Yes, hydric – NA Nahunta loam; **School Capacity/Enrolled:** Eastover-Central Elementary: 540/470; Mac Williams Middle: 1,270/1,223; Cape Fear High: 1,425/1,595; **Subdivision/Site Plan:** If approved, review and approval may be required; **Average Daily Traffic Count (2010):** 700 on SR 1832 (Murphy Road); **Highway Plan:** Murphy Road is identified in the Highway Plan as a Major Thoroughfare. This proposal calls for a multi-lane facility with a right-of-way of 110 feet. Road improvements are not included in the 2012-2018 MTIP; **Notes:** Density: A1 – 1 lot/unit, 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 OCTOBER 16, 2012

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

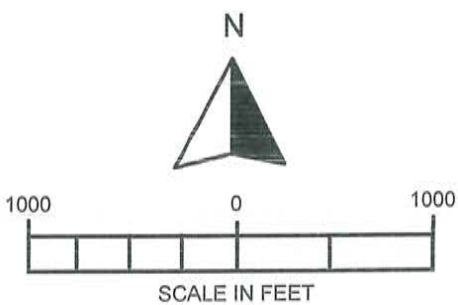
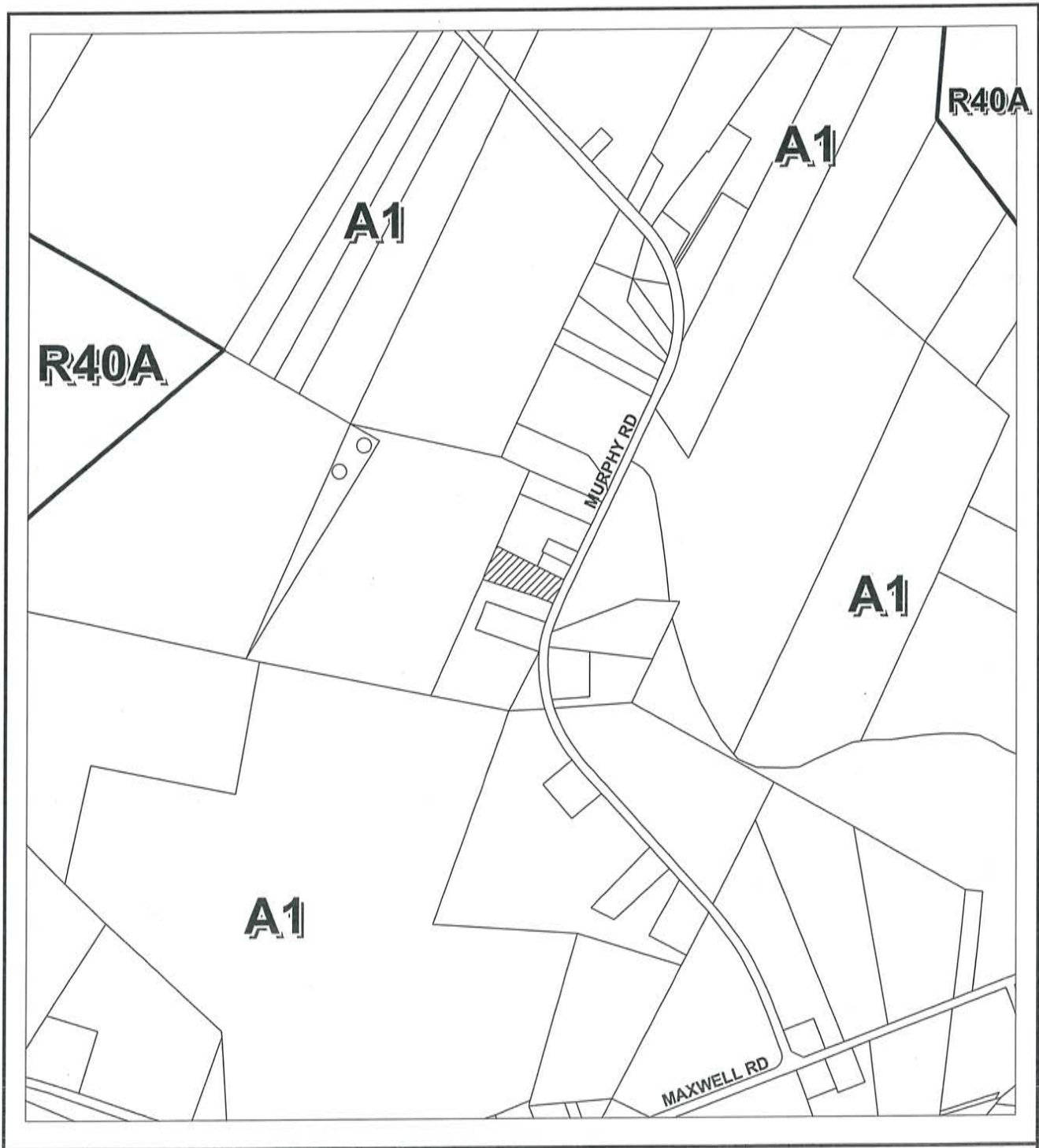
1. Although the request is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for "farmland" at this location, the district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location, as well as meeting the location criteria for "rural density residential" development as listed in the Land Use Policies Plan; and
2. The location and character of the use is reasonable and will be in harmony with the surrounding area.

There are no other districts considered suitable for this request.

**Mrs. Epler made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve R40A Residential district, seconded by Mr. Cain. The motion passed with a unanimous vote.**

**First Class and Record Owners' Mailed Notice Certification**

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



# **REQUESTED REZONING A1 TO R40A**

ACREAGE: 2.41 AC.+/-		HEARING NO: P12-58	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Walter Clark,  
Chair  
Cumberland County

Patricia Hall,  
Vice-Chair  
Town of Hope Mills

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



# CUMBERLAND COUNTY NORTH CAROLINA

## Planning & Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Lori Epler,  
Sara E. Piland,  
Vikki Andrews,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

NOVEMBER 9, 2012

MEMO TO: Cumberland County Board of Commissioners

ITEM NO. 3C

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P12-66:** Rezoning of 1.96+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 3348 and 3352 Blossom Road, submitted by Dennis M. and Angela E. Adesso (owners).

ACTION: Members present at the October 16, 2012 meeting recommended adoption and approval of the consistency and reasonableness statements and to approve R40A Residential district.

**SITE PROFILE:** **Frontage & Location:** 218.08'+/- on SR 2234 (Blossom Road); **Depth:** 461.18'+/- ; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** 1 residential structure; **Initial Zoning:** A1 – March 1, 1994 (Area 17); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: RR & A1; South & East: R40A & A1; West: A1; **Surrounding Land Use:** Residential (including manufactured homes), club & woodlands; **2030 Land Use Plan:** Rural; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** None; **School Capacity/Enrolled:** Alderman Road Elementary: 750/646; Gray's Creek Middle: 1,000/1,001; Gray's Creek High: 1,270/1,234; **Subdivision/Site Plan:** If approved, new development will require a review and approval ; **Average Daily Traffic Count (2010):** 2,000 on SR 2234 (Blossom 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 lot/unit, R40A – 2 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 OCTOBER 16, 2012

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

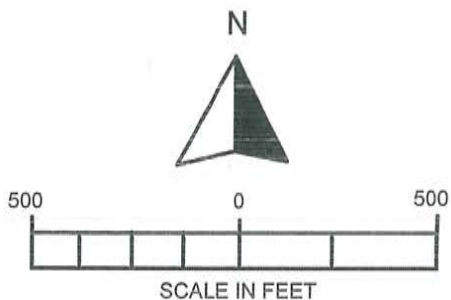
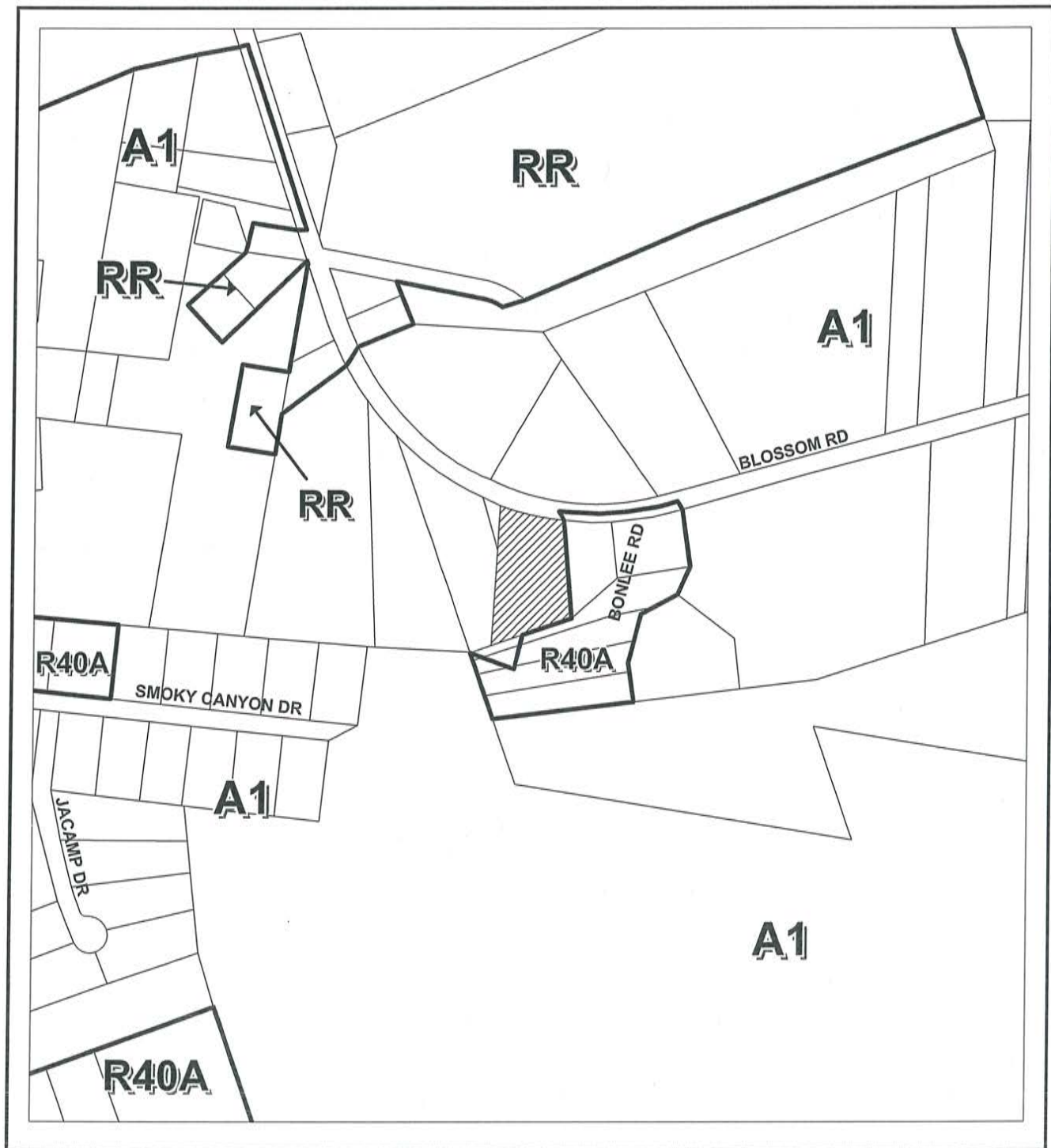
1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location, as well as meeting the location criteria for "rural density residential" development as listed in the Land Use Policies Plan; and
2. The location and character of the use is reasonable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

There are no other districts considered suitable for this request.

**Mrs. Epler made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve R40A Residential district, seconded by Mr. Cain. 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.*



PIN: 0442-90-1773

## REQUESTED REZONING A1 TO R40A

ACREAGE: 1.96 AC.+/-

HEARING NO: P12-66

ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

AM

Walter Clark,  
Chair  
Cumberland County

Patricia Hall,  
Vice-Chair  
Town of Hope Mills

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



# CUMBERLAND COUNTY NORTH CAROLINA

## Planning & Inspections Department

Thomas J. Lloyd,  
Director

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Deputy Director

Lori Epler,  
Sara E. Piland,  
Vikki Andrews,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

NOVEMBER 9, 2012

ITEM NO. 3D

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P11-56:** Rezoning of 34.55+/- acres from A1 Agricultural to R20 Residential/DD Density Development/CZ Conditional Zoning District for a 56 lot residential subdivision or to a more restrictive zoning district; located east of SR 2252 (Chicken Foot Road), southwest of SR 2233 (School Road); submitted by Roger Shah on behalf of OM NAMH SHIVAAY, LLC (owner).

ACTION: Members present at the October 16, 2012 meeting recommended adoption and approval of the consistency and reasonableness statements and to approve the 32 residential lot R40 Density Development Conditional Zoning application.

**SITE PROFILE: Frontage & Location:** 60.00'+/- on SR 2252 (Chicken Foot Road) & 1891.01'+/- on SR 2233 (School Road); **Depth:** 1,019.53'+/-; **Jurisdiction:** County; **Adjacent Property:** Yes, west of subject property; **Current Use:** 1 residential structure (not part of request) and farmland; **Initial Zoning:** A1 – June 25, 1980 (Area 13); portion rezoned to A1/CU (convenience store, car wash, mini-warehouse & outdoor storage) September 20, 2004; **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1/CU (35 lot subdivision), R40A, R40 & A1; South: R40A & A1; East & West: A1; **Surrounding Land Use:** Residential (including manufactured homes), vacant school, farmland & woodlands; **2030 Growth Strategy Map:** Rural; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/ Septic; **Soil Limitations:** Yes, hydric – WO Woodington loamy sand; **School Capacity/Enrolled:** Gray's Creek Elementary: 495/422; Gray's Creek Middle: 1,000/1,001; Gray's Creek High: 1,270/1,24; **Subdivision/Site Plan:** If approved, "Ordinance Related Conditions" apply; **Average Daily Traffic Count (2010):** 5,600 on SR 2252 (Chicken Foot Road) & 1,600 on SR 2233 (School 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 minus 4.6027 acres for R/W: A1 – 15 lots/units, A1A – 30 lots/units, R40 – 33 lots/units, R30 – 44 lots/units, R20 – 65 lots/units; Minimum Yard Setback Regulations: **A1 & A1A:** Front yard: 50', Side yard: 20', Rear yard: 50'; **R40, R30 & R20:** Front yard: 30', Side yard: 15', Rear yard: 35'; Contents of Amended Application and Site Plan: 1. Lot sizes range from 21,572 sq. ft to 23,841 sq. ft, 2. Requesting maximum 32 lots (33 lots allowed at R40), 3. Site Plan provides 40.69% as open space where 40% is required, 4. 1.07 units per acre (minus 4.6027 acres for R/W).

### MINUTES OF OCTOBER 16, 2012

This case was deferred from the board's April 17, 2012 meeting because the property owner amended the original application and is now requesting your consideration of a favorable

recommendation for a R40 Density Development Conditional Zoning (R40/DD/CZ) for a 32 lot residential subdivision for the subject property. The Planning and Inspections Staff recommends approval of the request for the 32 residential lot R40 Density Development Conditional Zoning application based on the following:

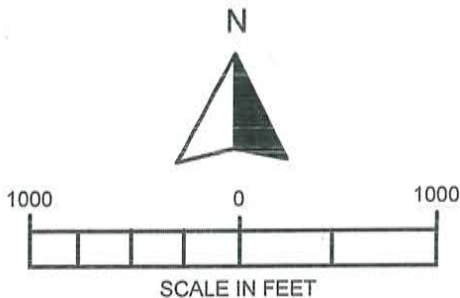
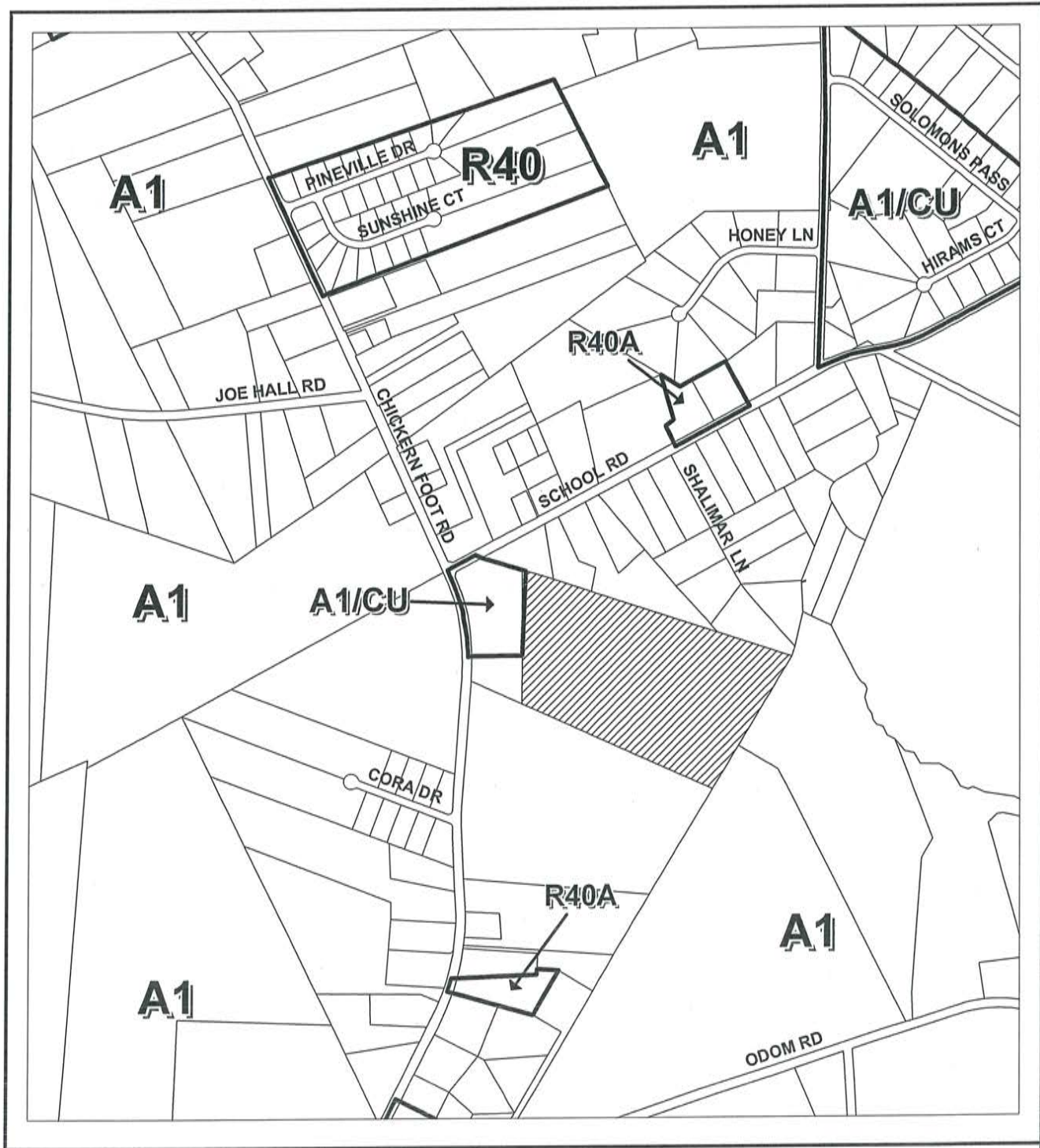
1. The request is consistent with the location criteria for rural density as listed in the Land Use Policies of the 2030 Growth Vision Plan, specifically because this development has direct access to a public street, public well and septic systems are allowed, and development in this area should be limited to 1 unit per acre, with hydric and severe septic tank limitations soils;
2. The proposed development plan along with the ordinance related conditions provide a means of protecting and retaining the rural character of the area by providing the 40 foot wide front buffer, a 20 foot wide perimeter buffer and ensuring the permanent retention of 40 percent of the tract as open space;
3. Consideration of the R40/CZ district for the subject property is reasonable because the request is comparable to development and rezonings approved within the general area in the recent past.

There are no other suitable zoning districts to be considered for this request. The property owner has voluntarily agreed to this staff recommendation and all attached "Ordinance Related Conditions".

**Mrs. Epler made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve the 32 residential lot R40 Density Development Conditional Zoning application, seconded by Mr. Cain. The motion passed with a unanimous vote.**

**First Class and Record Owners' Mailed Notice Certification**

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

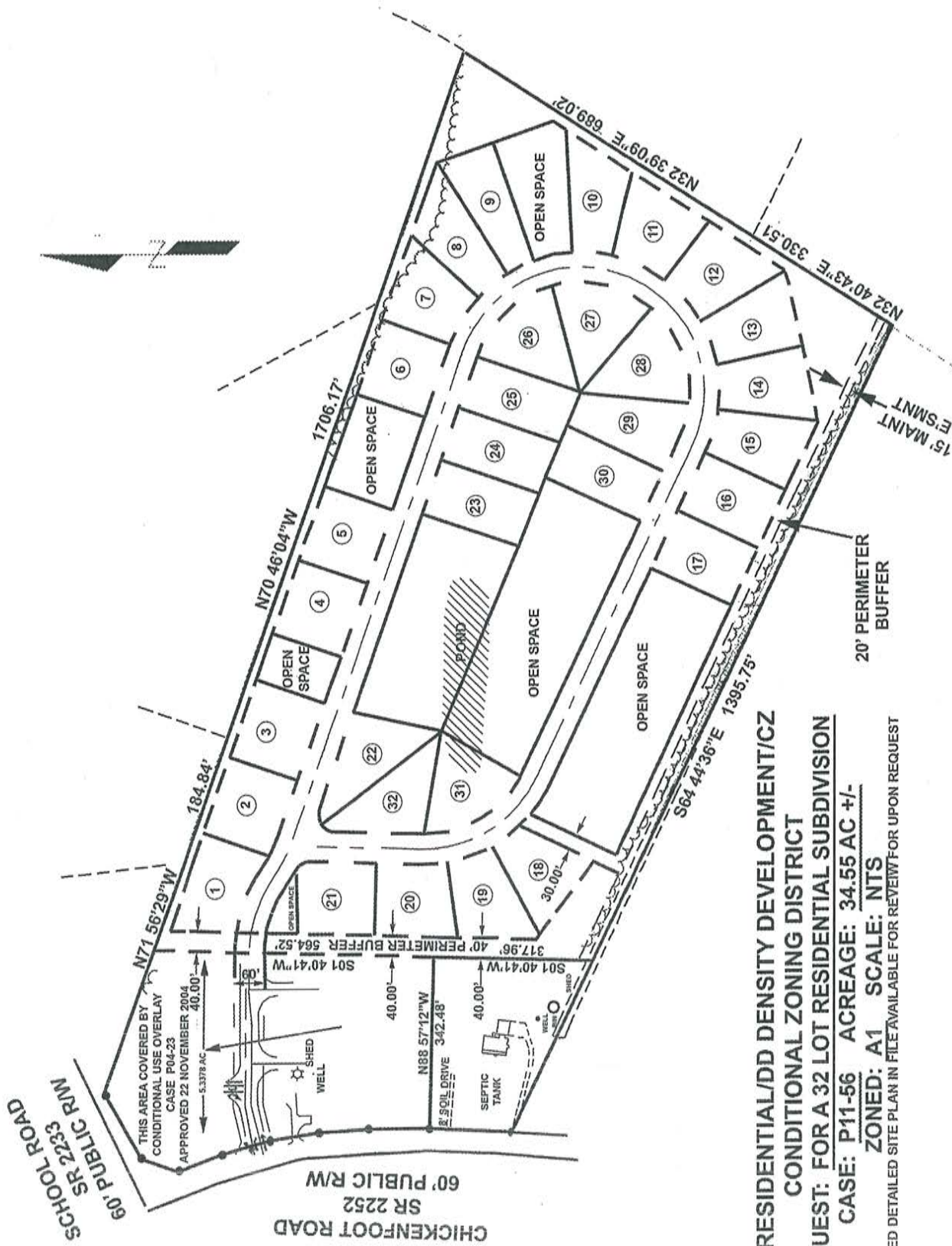


PORT. OF PIN: 0431-32-4901

## REQUESTED REZONING A1 TO R40/DD/CZ

ACREAGE: 34.55 AC.+/-		HEARING NO: P11-56	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

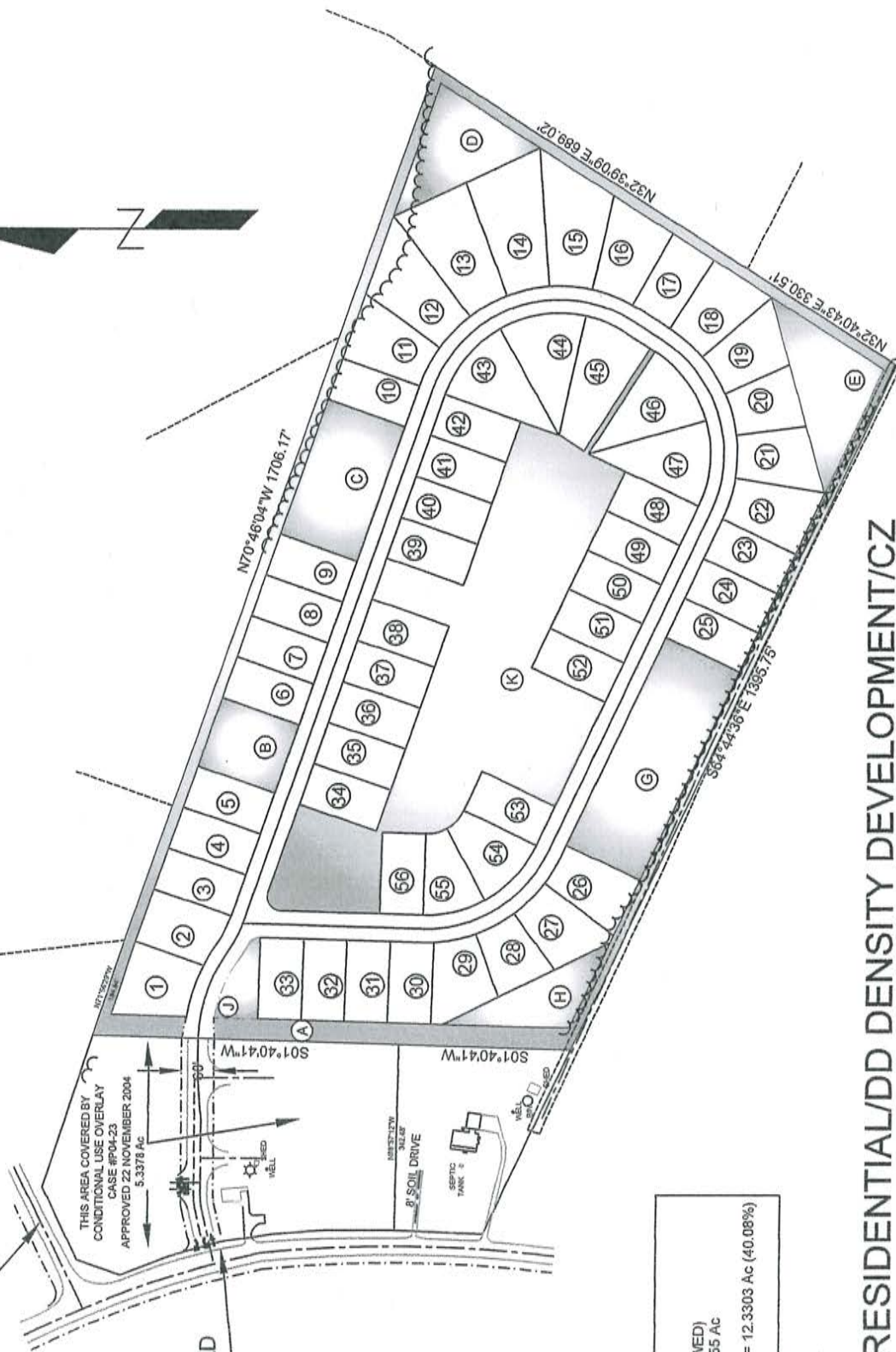
11/09/2011  
09/17/2012  
AM



R40 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ  
 CONDITIONAL ZONING DISTRICT  
 REQUEST: FOR A 32 LOT RESIDENTIAL SUBDIVISION  
 CASE: P11-56 ACREAGE: 34.55 AC +/-  
 ZONED: A1 SCALE: NTS  
 \*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW FOR UPON REQUEST

SCHOOL ROAD  
SR 2233  
60' PUBLIC RW

CHICKENFOOT ROAD  
SR 2252  
60' PUBLIC R/W



OPEN SPACE AREAS	118,999 SF
PERIMETER BUFFER	20,008 SF
B	39,355 SF
C	27,819 SF
D	30,760 SF
E	63,669 SF
G	18,663 SF
H	7,936 SF
J	20,989 SF
K	20,989 SF
TOTAL	537,107 SF = 12.3303 Ac

TOTAL AREA 34.5460 Ac (1,504,826 SF)  
R/W AREA 3.7823 Ac (164,757 SF)  
NET AREA 30.7637 Ac (AT R20 - 67 LOTS ALLOWED)  
OPEN AREA REQUIRED: 30.7637 x 40% = 12.3055 Ac  
PERIMETER BUFFER: 118,999 SF = 2.7318 Ac  
OPEN AREA PROVIDED: 9.5984 Ac + 2.7318 Ac = 12.3303 Ac (40.08%)  
56 LOTS PLANNED

## R20 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT REQUEST: FOR A 56 LOT RESIDENTIAL SUBDIVISION

CASE: P11-56 ACERAGE: 34.55±

ZONED: A1 SCALE: 1"=300'

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

## **R40 Density Development/Conditional Zoning District**

**DRAFT**

### **Ordinance Related Conditions**

#### **Pre-Plat/Permit Related:**

1. Prior to submission for final plat approval of any portion of this development, the developer must submit a revised preliminary plan for staff review and approval. The developer must consult with the NC Department of Transportation (NCDOT) and the County Planning Staff and determine the safest location for the subdivision entrance due to the School Road (SR 2233) intersection and the curve in Chicken Foot Road (SR 2252) at this location – the relocation of the proposed development entrance must be reflected on the revision.

Note: The relocation of the entrance drive will also require a revised plan submitted for staff review and approval to the approved Conditional Use Overlay on the front portion of the tract – Case No. P04-23, approved on September 20, 2004.

#### **Watershed-Related:**

2. An application for watershed approval must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits. (Note: This approval may require additional conditions restricting the development of this property.) A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.
3. Prior to application for the building final inspection, a Watershed Occupancy Permit must be issued for each lot/tract within this development.

#### **Permit-Related:**

4. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
5. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
8. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.

9. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
10. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.

11. 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 75% 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.

**Site-Related:**

12. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R40/DD/CZ zoning district, along with the site plan and the contents of the application, must be complied with, as applicable.
13. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
14. This conditional approval is not approval of the freestanding sign. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)

**(Note: The proposed entrance sign as addressed in the application will require a modification of the site plan for the previously approved Conditional Use Overlay district and the revised plan must be submitted to staff for review and approval prior to the permitting of the sign – see Case No. P04-023.)**

15. All applicable provisions of Section 2401, "Group Developments", County Subdivision Ordinance, must be complied with.
16. 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)
17. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
18. 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.
19. 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.
20. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
21. 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.
22. Turn lanes may be required by the NC Department of Transportation (NCDOT).

23. The perimeter buffer (40' wide front/20' remainder) is required to be a vegetative strip which is required to be maintained in accordance with the provisions of Section 803 E, Perimeter Buffer, County Zoning Ordinance. (Note: If plantings are necessary to satisfy the buffer provisions, the plantings must be three feet at time of planting and capable of reaching a minimum height of six feet within three years as required in Section 803 E.1 of the County Zoning Ordinance.)

Note: The developer is encourage to retain as much existing vegetation as possible.

**Plat-Related:**

24. The final plat must be labeled as a "Zero Lot Line" development.
25. All open space/recreational/perimeter buffers areas must be labeled as "Common Area" on the final plat.
26. The developer is required to submit to Land Use Codes:
- Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the maintenance and upkeep of all common area, including the streets until such time as accepted for maintenance by the NC Department of Transportation by the owners' association for the development;
  - One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
  - One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
  - 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.

27. The developer must contact the Location Services Section of the Planning & Inspection Department for approval of the proposed street names. The approved street names must be reflected on the final plat.
28. 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.
29. If the developer proposes to obtain final approval of this development in phases or sections, each phase or section must contain sufficient land area to satisfy Section 2308, Parks, Recreation and Open Space, of the County Subdivision Ordinance for the number of lots in which the developer is seeking final approval – 800 square feet of common area per lot included on final plat.
30. 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; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
31. 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.
32. A 10' x 70' sight distance easement is required at the intersection of SR 2252 (Chicken Foot Road) with the proposed public street entrance to this development and must be reflected on the final plat.
33. 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)
34. 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.

35. 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)
36. The developer is reminded that the improvements must be in place (and note that **the perimeter buffer is a required "improvement"**) 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.)
37. 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.
38. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.
39. Any addition and/or revision to this development will require a modification to the approved conditional zoning district as allowed under Section 506 of the County Zoning Ordinance or may require re-submittal to the Board of Commissioners for public hearing prior to submission for final plat approval of any revised plan.

**Plat-Required Statements:**

40. Since this development does not have public water/sewer, the following disclosure statement is required to be provided on the final plat (Section 2504 C, On-Site Water and/or Sewer Discloser, County Subdivision Ordinance):

"The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording."

41. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement is required to be provided on the final plat (Section 2504 B, Farmland Protection Area Discloser, County Subdivision Ordinance):

"This property or neighboring property may be subject to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides."

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. This approval is not an approval for any changes to the existing Conditional Use Overlay located on the western portion of this property fronting on SR 2252 (Chicken Foot Road) which is not part of this request. The location of the proposed street is located

in the same location of the proposed drive which was shown on the approved site plan. All conditions of approval for the existing conditional use overlay still apply to that development.

45. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
46. 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.
47. 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.
48. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

"Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department."

*Thank you for developing in Cumberland County!*

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

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

Watershed Officer/Improvements:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
County Public Utilities:	Amy Hall	678-7637
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

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

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

1. Applicant/Agent Mr Roger Shah
2. Address: 7590 Phillipi Ch Rd <sup>Raeford, NC</sup> Zip Code 28376
3. Telephone: (<sup>Cell</sup>~~Home~~) 910-578-8039 (Work) 910-875 2261
4. Location of Property: 3125 Chickenfoot Rd/SR2252
5. Parcel Identification Number (PIN #) of subject property: 0431-32-4901  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 34.547 Frontage: 60.00 ft Depth: 1550. ft
7. Water Provider: On site
8. Septage Provider: On site
9. Deed Book 6580, Page(s) 131, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Vacant
11. Proposed use(s) of the property: Residential, Single Family

**NOTE: Be specific and list all intended uses.**

12. It is requested that the foregoing property be rezoned FROM: A-1  
TO: (Select one)
  - ☒ Conditional Zoning District, with an underlying zoning district of R-40 DD/CZ  
(Article IV)
  - ☐ Mixed Use District/Conditional Zoning District (Article VI)
  - ☐ Planned Neighborhood District/Conditional Zoning District (Article VII)
  - ☒ Density Development/Conditional Zoning District, at the R-40 DD/CZ Density  
(Article VIII)

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

APPLICATION FOR  
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

*Residential, R-40 DD*

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

*Total Ac - 34.547 Ac*

*Rights-of-way, 4.6027 Ac*

*Open Space, 12.1856 Ac (40.69%)*

*Residential Lots 29.9433 Ac (32 Lots)*

2. DIMENSIONAL REQUIREMENTS:

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

*R-40 Setbacks w/ ZLL*

**RMB**

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

*2 spaces per DU, Asph or Conc*

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

*A subdivision sign near chicken foot Rd. is proposed - will comply with County Ordinance Sec 1305C*

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.**

*Existing natural vegetation  
will remain in open areas*

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

*Perimeter Buffer: 40ft along side  
facing Chickensfoot Rd, 20ft  
around remainder of property  
Additional open spaces to remain  
natural*

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.

*N/A*

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

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

I further understand I must voluntarily agree to all ordinance related prior to the first hearing on the case. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

✓ Om Namk Shivaay, LLC (Roger Shah)  
NAME OF OWNER(S) (PRINT OR TYPE)

7590 Phillipi Ch Rd, Raeford NC  
ADDRESS OF OWNER(S) 28326

E-MAIL

910 378-8039  
HOME TELEPHONE  
cell

910 875 2201  
WORK TELEPHONE

[Signature]  
SIGNATURE OF OWNER(S)

[Signature]  
SIGNATURE OF OWNER(S)

Walter Clark,  
Chair  
Cumberland County

Patricia Hall,  
Vice-Chair  
Town of Hope Mills

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



# CUMBERLAND COUNTY NORTH CAROLINA

## Planning & Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Lori Epler,  
Sara E. Piland,  
Vikki Andrews,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

NOVEMBER 9, 2012

ITEM NO. 3E

**MEMO TO:** Cumberland County Board of Commissioners

**FROM:** Cumberland County Joint Planning Board

**SUBJECT:** **Case P12-64:** Rezoning of 228.39+/- acres from A1 Agricultural to A1 Agricultural/CZ Conditional Zoning District for a quarry or to a more restrictive zoning district; located on the northeast side of SR 1707 (Carlos Road), southwest of SR 1706 (Durant Nixon Road); submitted by Luinda C. Bailey and Teresa B. Gilchrist on behalf of Glenard W. Bailey Limited Partnership (owner) and American Materials Company LLC.

**ACTION:** Members present at the October 16, 2012 meeting recommended adoption and approval of the consistency and reasonableness statements and to approve A1 Agricultural/CZ Conditional Zoning district for a quarry.

**SITE PROFILE:** **Frontage & Location:** 3,016.12'+/- on SR 1707 (Carlos Road) & 1,694.01 on SR 1706 (Durant Nixon Road); **Depth:** 3,340.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Farmland & woodlands; **Initial Zoning:** A1 – December 17, 2001 (Area 16); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: R40A & A1; South: R40A & RR; East & West: A1; **Surrounding Land Use:** Residential (including manufactured homes), farmland & woodlands; **2030 Growth Strategy Map:** Rural; **North Central Cumberland Land Use Plan:** Farmland; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** Yes, hydric – LD Lenoir, CF Cape Fear loam, RO Roanoke & Wahee loams, WMB Wickham fine sandy & DGA Dogue fine sandy loam; **School Capacity/Enrolled:** Raleigh Road Elementary (K-1): 220/230; Long Hill Elementary (2-5): 460/475; Pine Forest Middle: 820/760; Pine Forest High: 1,750/1,620; **Subdivision/Site Plan:** If approved, "Ordinance Related Conditions" apply; **Average Daily Traffic Count (2010):** 150 on SR 1707 (Carlos Road) & 510 on SR 1706 (Durant Nixon 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; **Note:** Minimum Yard Setback Regulations: **A1:** Front yard: 50', Side yard: 20', Rear yard: 50'.

### MINUTES OF OCTOBER 16, 2012

The Planning & Inspections Staff recommends approval of the requested rezoning to A1 Agricultural/CZ Conditional Zoning district for a quarry based on the following:

1. The request 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;

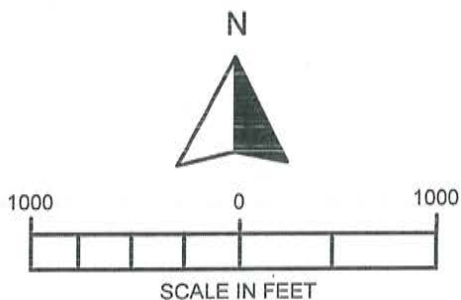
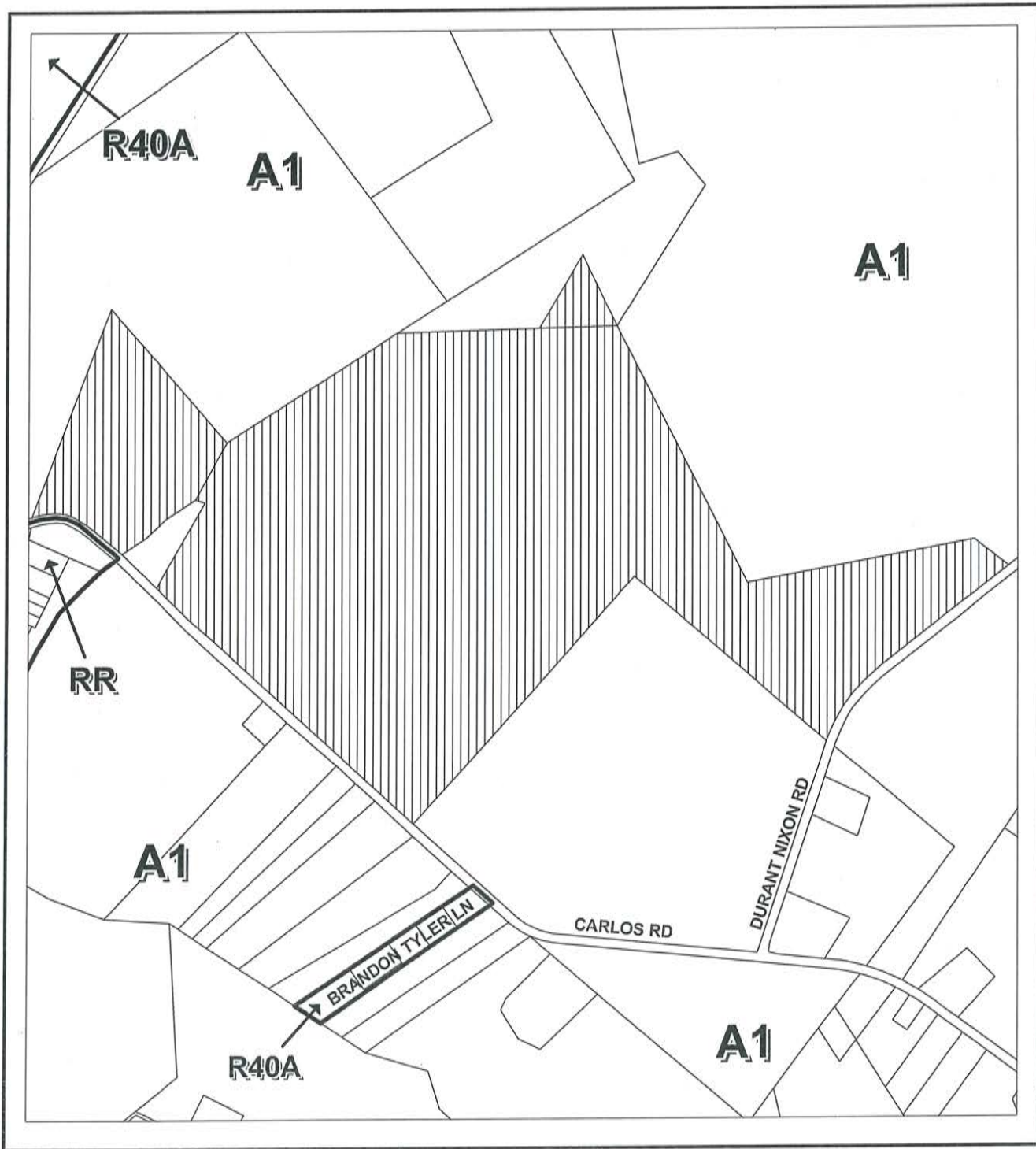
2. Although the request is not entirely consistent with the North Central Cumberland Land Use Plan which calls for "farmland" at this location, the quarry will provide a vast open and undeveloped area which could be found consistent with farmland;
3. The use will meet all required conditions and specifications if constructed according to all federal, state and local mandates, and the attached Ordinance Related Conditions, the requirements of which are attached to this recommendation; and
4. The location and character of the use, if developed according to the plan as submitted, is reasonable as it will be in harmony with the area in which it is to be located.

There are no other zoning districts suitable as related to this request. The applicant has verbally agreed to all Ordinance Related Conditions.

**Mrs. Epler made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve A1 Agricultural/CZ Conditional Zoning district for a quarry, seconded by Mr. Cain. The motion passed with a unanimous vote.**

**First Class and Record Owners' Mailed Notice Certification**

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



## REQUESTED REZONING A1 TO A1/CZ

ACREAGE: 228.39 AC.+/-

HEARING NO: P12-64

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

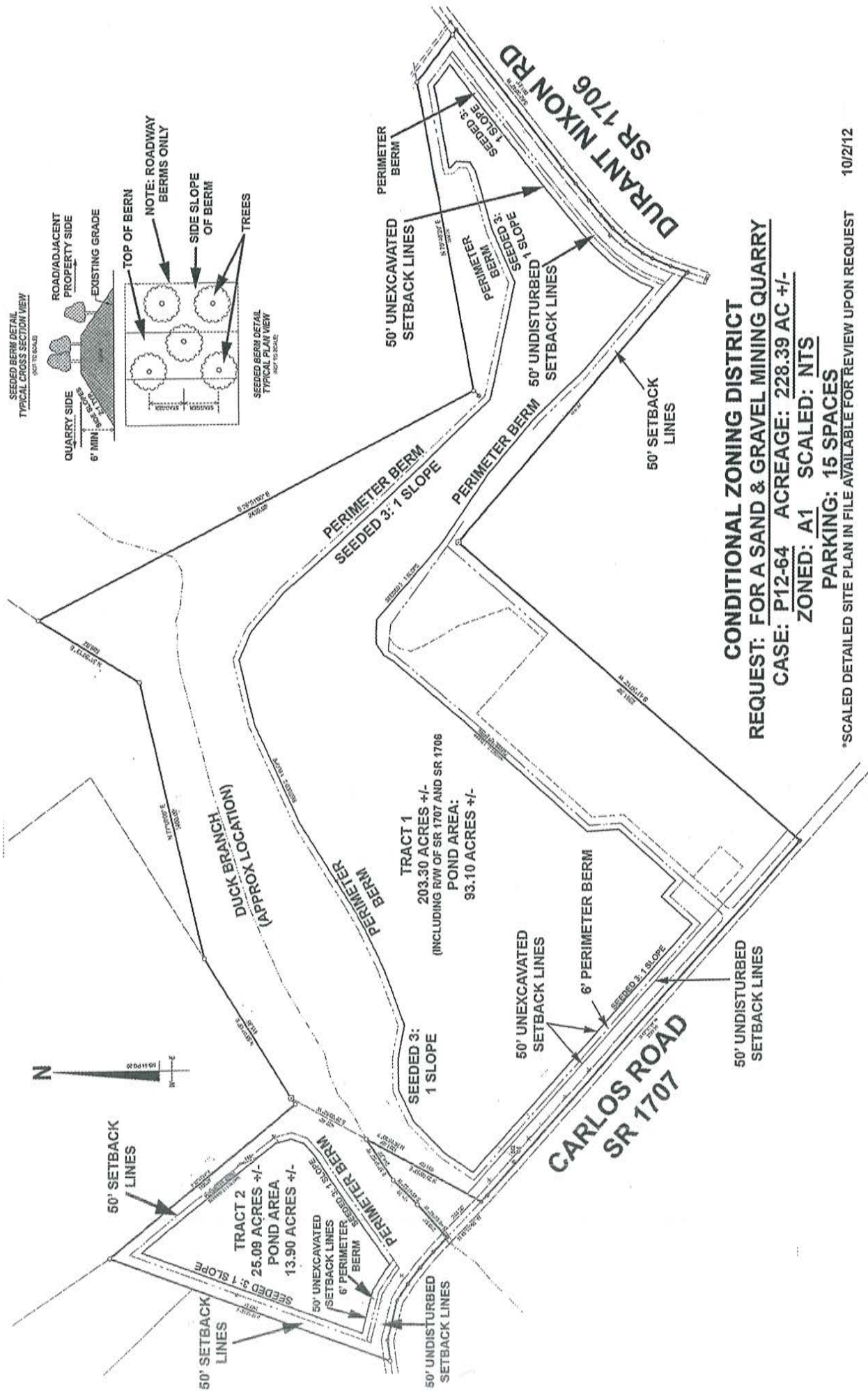
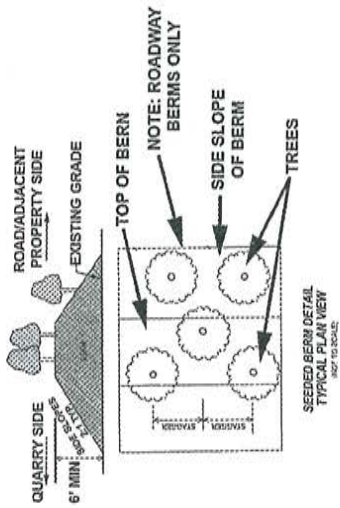
PORT OF PIN: 0573-31-0470

PIN: 0573-02-5008

PORT OF PIN: 0573-33-9634(CONFLICT)

09/19/2012  
AM

SEEDING BERM DETAIL  
TYPICAL CROSS SECTION VIEW  
NOT TO SCALE



**CONDITIONAL ZONING DISTRICT**  
**REQUEST: FOR A SAND & GRAVEL MINING QUARRY**

**CASE: P12-64 ACREAGE: 228.39 AC +/-**

**ZONED: A1 SCALED: NTS**

**PARKING: 15 SPACES**

\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST 10/2/12

## A1Conditional Zoning District

### Quarry

DRAFT

#### Ordinance Related Conditions

#### Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to 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. In addition applicant is responsible to obtain all other federal, state and local permits required for quarry operations.

Note: This conditional approval is not approval of the permitting of any structures for this site; re-submittal of the site plan for staff review and approval is required prior to application for permits for any structure to be located on this site.

2. The applicant must keep an updated copy of the state permit and conditions on record with the County Planning & Inspections Department.
3. Prior to issuance of a zoning permit, the applicant must provide to Code Enforcement an acknowledged copy – to include the County Manager James Martin - of the *Affidavit of Notification* which is required as part of the state application for a mining permit and a copy of the state mining permit application.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. The developer must provide the Code Enforcement Section with an approved NC Department of Environmental and Natural Resources (NCDENR) mining permit prior to any application for permits. A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any zoning permits. Proper erosion and sediment control measures shall be installed and maintained in accordance with North Carolina State standards during mining/quarry operations.
8. The 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.

9. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.

**Site-Related:**

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1/CZ zoning district, including the contents of the application and site plan, must be complied with, as applicable.
11. All equipment used for excavation, quarrying and permitted processing shall be constructed, maintained and operated in such a manner as to eliminate, as far as practicable, noise, vibration, or dust which would injure or annoy persons living or working in the vicinity.
12. No excavation shall be made closer than 200 feet from the bank of any river, stream, creek or waterway except by submission of documentation, verified by the County Engineer, that such excavation or quarrying shall not impair the lateral support needed for permanent stream levees.
13. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired as stated in the written application, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
14. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. *Also see related Condition No. 11 above.*
15. 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)
16. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
17. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
18. All access ways or drives within the premises shall be maintained in a dust-free condition at all times during operation.
19. Turn lanes may be required by the NC Department of Transportation (NCDOT).
20. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
21. The proposed perimeter berm to be constructed around the excavated areas shall be a minimum of six feet in height and planted with a double row of quick growing vegetative landscaping in accordance with the provisions of Section 919.G, County Zoning Ordinance.

22. The owner/developer is responsible and liable for maintenance and upkeep of this site, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers/berms and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
23. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.
24. The developer must contact the County Engineer's office at the conclusion of operation to inspect the site for compliance with the provisions of Section 919.J.3.c, County Zoning Ordinance and that the site must be reclaimed in accordance with the reclamation plan included in the case file.
25. All equipment must be removed within three months of the completion of the extraction of materials.

**Other Relevant Conditions:**

26. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
27. 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.
28. This conditional approval is contingent upon continued compliance with the County's Subdivision and Zoning Ordinances.

*Thank you for doing business in Cumberland County!*

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer:	Jeff Brown	678-7633
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
County Public Utilities:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

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

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

1. Applicant/Agent AMERICAN MATERIALS COMPANY, LLC
2. Address: 6131 OLEANDER DR., WILMINGTON, NC Zip Code 28403
3. Telephone: (Home) \_\_\_\_\_ (Work) 910 799 1411
4. Location of Property: NORTHWEST OF INTERSECTION OF  
CARLOS RD. AND DURANT NIXON RD.
5. Parcel Identification Number (PIN #) of subject property: 0573-31-0470, 0573-02;5008  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 228.39 Frontage: 3058' - CARLOS RD Depth: APPROX 3000'  
1694' - DURANT-NIXON
7. Water Provider: \_\_\_\_\_
8. Septage Provider: \_\_\_\_\_
9. Deed Book 05972, Page(s) 00289, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: AGRICULTURAL
11. Proposed use(s) of the property: QUARRYING - SAND + GRAVEL MINE

**NOTE: Be specific and list all intended uses.**

12. It is requested that the foregoing property be rezoned FROM: A-1  
TO: (Select one)  
☒ Conditional Zoning District, with an underlying zoning district of A-1  
(Article IV)  
☐ Mixed Use District/Conditional Zoning District (Article VI)  
☐ Planned Neighborhood District/Conditional Zoning District (Article VII)  
☐ Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density  
(Article VIII)

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

APPLICATION FOR  
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

QUARRYING

- SAND + GRAVEL MINE

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

228.39 ACRES :- TOTAL TO BE USED FOR MINING AND  
UNDISTURBED BUFFERS

- APPROXIMATELY 1/3 OF TOTAL AREA TO BE  
LEFT AS BUFFER / SETBACK

2. DIMENSIONAL REQUIREMENTS:

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

50 FT. SETBACK (BUFFER) FROM PROPERTY LINES

100 FT. SETBACK (BUFFER) FROM ROADS

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

0.69 ACRE PARKING AREA ADJACENT TO ENTRANCE AND OFFICE

- UNPAVED GRAVEL

- UNDESIGNATED PARKING SPACES

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

CUMBERLAND COUNTY ZONING ORDINANCE

ARTICLE XIII, SECTION 1306, PART A; #4a

- ONE FREESTANDING SIGN

- 4 FT x 8 FT

- 15 FT. IN HEIGHT, 5 FT SETBACK FROM ROAD RIGHT OF WAY

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.

- AS REQUIRED IN ARTICLE IX, SECTION 919, PART G:

- A 6 FT HIGH BARRIER BERM WILL ENCLOSE THE MINE
- A "DOUBLE-ROW OF QUICK GROWING LANDSCAPING" WILL BE PLANTED ALONG BARRIER BERM
- TREES SPACED AT 25 FT, OR AS RECOMMENDED BY SPECIES

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

- 50 FT BUFFER - PARALLEL TO PROPERTY LINES - UNDISTURBED
- 100 FT BUFFER - PARALLEL TO ROADS - 50' UNDISTURBED, 50' UNEXCAVATED

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.

5-6 DAYS PER WEEK, DAWN TO DUSK

15 EMPLOYEES - ESTIMATED

DUST TO BE CONTROLLED BY WATER SPRAY

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

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

I further understand I must voluntarily agree to all ordinance related prior to the first hearing on the case. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

↓ GLENARD W. BAILEY LIMITED PARTNERSHIP

NAME OF OWNER(S) (PRINT OR TYPE)

7800 TWIN PINES WAY FUQUAY-VARINA, NC 27526

ADDRESS OF OWNER(S)

LuluBailey@me.com

E-MAIL

919-434-3288

HOME TELEPHONE

WORK TELEPHONE

Quinda C Bailey

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

7. STATEMENT OF ACKNOWLEDGMENT:

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

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Teresa Bailey Gilchrist  
NAME OF OWNER(S) (PRINT OR TYPE)

3681 Rock Bridge Dr. Conover, NC 28613  
ADDRESS OF OWNER(S)

tgilchrist@pruittmachinery.com  
E-MAIL

828.459.7900  
HOME TELEPHONE

828.328.2641  
WORK TELEPHONE

Teresa Bailey Gilchrist  
SIGNATURE OF OWNER(S)

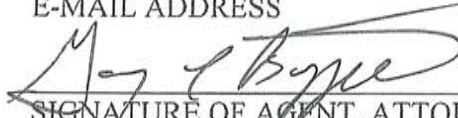
\_\_\_\_\_  
SIGNATURE OF OWNER(S)

↓ AMERICAN MATERIALS COMPANY, LLC - GARY T. BIZZELL  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

6131 OLEANDER DR, WILMINGTON, NC 28403  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE \_\_\_\_\_ WORK TELEPHONE 910 799 1411

TIMBIZZELL@AMERICANMATERIALSCO.COM  
E-MAIL ADDRESS FAX NUMBER

  
SIGNATURE OF AGENT, ATTORNEY,  
OR APPLICANT

- \* ALL record property owners must sign this petition.
- \* The contents of this application, upon submission, becomes "public record."

**CUMBERLAND COUNTY ZONING ORDINANCE  
FEE SCHEDULE**

REQUESTED ZONING DISTRICTS <sup>1</sup>	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
CONDITIONAL ZONING DISTRICTS <sup>2</sup> RESIDENTIAL DD/CZ	\$500	\$500	\$500	\$500
CONDITIONAL ZONING DISTRICTS <sup>2</sup> NONRESIDENTIAL PND/CZ MXD/CZ	\$700	\$800	\$800	\$800

- 1 If more than one zoning district is requested in the same application, the highest fee for the district requested will apply.
- 2 If a general rezoning is requested and based on recommendations of the Planning Board or County Commissioners, the applicant desires to submit a Conditional Zoning District application; the original application fee will be credited towards the Conditional Zoning application fee.

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6656-2012.

Property Owner: Rizz Edmund Pittman

Home Owner: Rizz Edmund Pittman

Property Address: 1129 Jossie Street, Fayetteville, NC


Tax Parcel Identification Number: 0520-98-1949

SYNOPSIS: This property was inspected on 1/11/2012. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 2/23/2012. Rizz Pittman attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 5/23/2012. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 11/9/2012, the required corrective action had not been made to the structure. The structure is presently reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

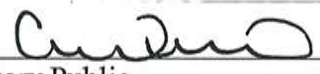
The estimated cost to repair the structure to a minimum standard for human habitation is \$45,000.00. The Assessor for Cumberland County has the structure presently valued at \$810.00.

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

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

  
George Hatcher  
Code Enforcement Officer  
County of Cumberland

Sworn to and Subscribed to by me this  
the 9th day of November 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: \_\_\_\_\_

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Ken Sykes,  
Inspections Coordinator

Carol M. Post  
Planning and Inspections  
Office Support



Kim Reeves,  
Inspector  
Angela Perrier,  
Inspector  
George Hatcher,  
Inspector  
Joey Lewis,  
Inspector  
Joan Fenley,  
Inspector

## COUNTY of CUMBERLAND

*Planning & Inspections Department*

### FINDINGS OF FACT AND ORDER

March 9, 2012

CASE #: MH 6656-2012

91 7108 2133 3939 1047 6335

TO: Rizz Edmund Pittman  
C/O R & P Electronics & Parties of Interest  
851 Bragg Blvd.  
Fayetteville, NC 28301

91 7108 2133 3939 1047 6328

Property at: 1129 Jossie Street, Fayetteville, NC


A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 2/7/2012.

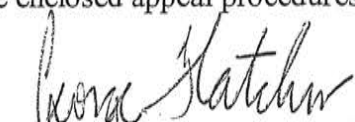
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 2/23/2012 at 9:45:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Rizz Pittman
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 2/2/2012. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
  - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6656-2011, dated 1/11/2012.
  - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
  - ☒ c. The dwelling is unfit for human habitation.

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 5/23/2012. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
  - ☐ b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
  - ☐ c. The structure shall be/remain secured to prevent entry by \_\_\_\_\_ and shall remain secured.
  - ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after \_\_\_\_\_.
  - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 5/23/2012. The cost of said demolition will be assessed against the real property in the form of a lien.

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


  
Ken Sykes  
Hearing Officer

  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc: Rizz Edmund Pittman, 1129 Jossie Street, Fayetteville, NC 28311

Sworn to and Subscribed to by me  
this the 9<sup>th</sup> day of March, 2012

  
Notary Public  
My Commission Expires: 11-03-14





Date: 03/26/2012

GEORGE HATCHER:

The following is in response to your 03/26/2012 request for delivery information on your Certified Mail(TM) item number 7108 2133 3939 1047 6328. The delivery record shows that this item was delivered on 03/17/2012 at 09:19 AM in FAYETTEVILLE, NC 28311. The scanned image of the recipient information is provided below.

*George Hatcher*

Signature of Recipient:

*George Hatcher*

Address of Recipient:

*1428 Foster St*

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

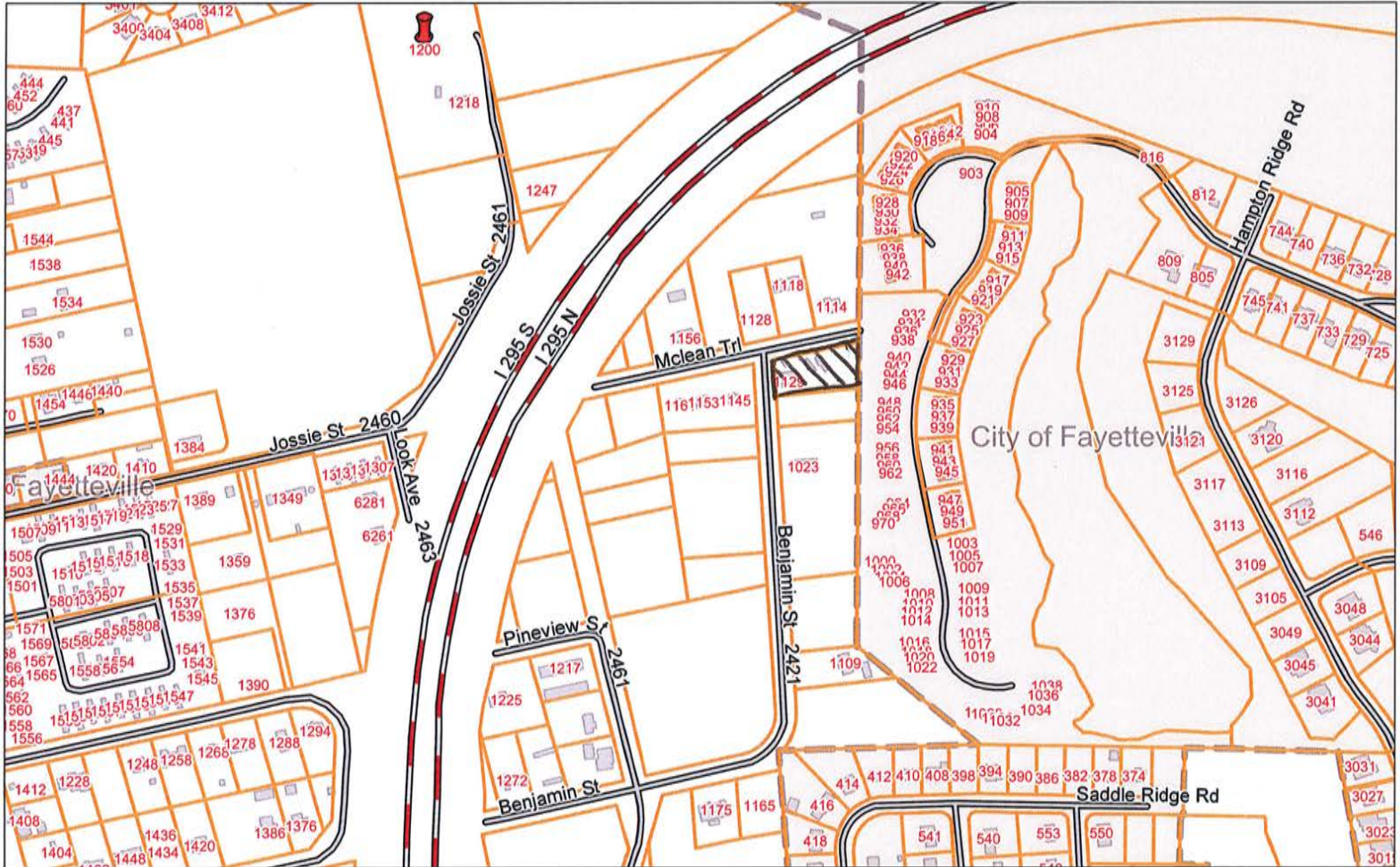
Sincerely,

United States Postal Service

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**  
DATED MARCH 9, 2012 CASE NUMBER **MH 6656 -2012**

**EXHIBIT A**

**MAP DEPICTING LOCATION OF PROPERTY**  
**Property Owner: Rizz Edmund Pittman**  
1129 Jossie Street, Fayetteville, NC  
Minimum Housing Case # MH 6656-2012  
**TAX PARCEL IDENTIFICATION NUMBER 0520-98-1949**



**EXHIBIT B**

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6853-2012.

Property Owner: Margaret Martin

Home Owner: Margaret Martin

Property Address: 7365 Third Street, Wade, NC


Tax Parcel Identification Number: 0581-15-3854

SYNOPSIS: This property was inspected on 7/25/2012. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 8/30/2012. Margaret Martin attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 11/30/2012. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 11/9/2012, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

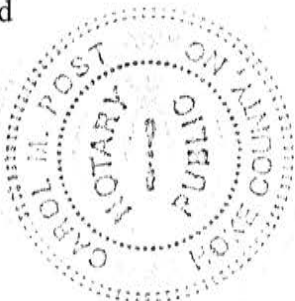
The estimated cost to repair the structure to a minimum standard for human habitation is \$38,000.00. The Assessor for Cumberland County has the structure presently valued at \$ 0.00.

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

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


  
George Hatcher

Code Enforcement Officer  
County of Cumberland



Sworn to and Subscribed to by me this

the 9th day of November 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: \_\_\_\_\_

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Ken Sykes,  
Inspections Coordinator

Carol M. Post  
Planning and Inspections  
Office Support



Kim Reeves,  
Inspector  
Angela Perrier,  
Inspector  
George Hatcher,  
Inspector  
Joey Lewis,  
Inspector  
Joan Fenley,  
Inspector

## COUNTY of CUMBERLAND

*Planning & Inspections Department*

### FINDINGS OF FACT AND ORDER

September 4, 2012

CASE #: MH 6853-2012

91 7199 9991 7031 6120 2503

TO: Margaret Martin & Parties of Interest  
1308 Carolee Court  
Fayetteville, NC 28314

Property at: 7365 Third Street, Wade, 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 8/9/2012.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 8/30/2012 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Margaret Martin
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 7/31/2012. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
  - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6853-2012, dated 7/25/2012.
  - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
  - ☒ c. The dwelling is unfit for human habitation.

Findings and Facts of Order

Case #: MH 6853-2011

Page 2

☒ 4. Due to facts presented above, the Hearing Officer orders as follows:

- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 11/30/2012. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
- ☐ b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
- ☐ c. The structure shall be/remain secured to prevent entry by \_\_\_\_\_ and shall remain secured.
- ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after \_\_\_\_\_.
- ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 11/30/2012. The cost of said demolition will be assessed against the real property in the form of a lien.

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


  
Ken Sykes  
Hearing Officer

  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:

Sworn to and Subscribed to by me  
this the 4<sup>th</sup> day of September, 2012

  
Notary Public  
My Commission Expires:





Date: 09/25/2012

GEORGE HATCHER:

The following is in response to your 09/25/2012 request for delivery information on your Certified Mail(TM) item number 7199 9991 7031 6120 2503. The delivery record shows that this item was delivered on 09/11/2012 at 02:55 PM in FAYETTEVILLE, NC 28314. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery Section  
re  
Margaret Martin  
Margaret Martin & parties of interest

Address of Recipient:

1308 carolee court

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

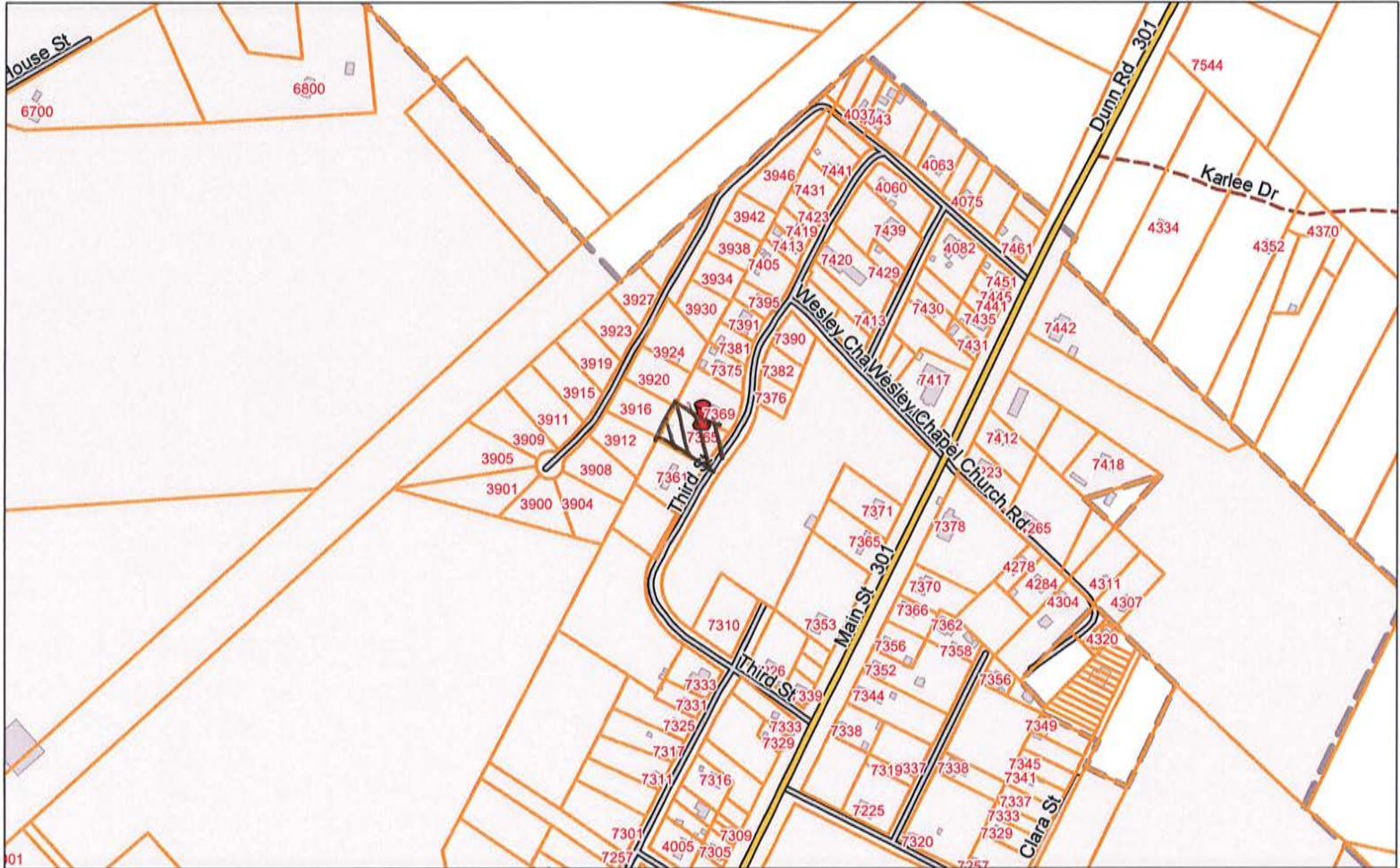
Sincerely,

United States Postal Service

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**  
DATED SEPTEMBER 4, 2012 CASE NUMBER **MH 6853 -2012**

**EXHIBIT A**

**MAP DEPICTING LOCATION OF PROPERTY**  
**Property Owner: Margaret Martin**  
7365 Third Street, Wade, NC  
Minimum Housing Case # MH 6853-2012  
**TAX PARCEL IDENTIFICATION NUMBER 0581-15-3854**



**EXHIBIT B**

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Ken Sykes,  
Inspections Coordinator

Carol M. Post  
Planning and Inspections  
Office Support



Angela Perrier,  
Inspector

George Hatcher,  
Inspector

Joey Lewis,  
Inspector

Joan Fenley,  
Inspector

## COUNTY of CUMBERLAND

Planning & Inspections Department

### CONSENT TO DEMOLISH

I, Margaret A. Martin, property owner of  
<sup>M.A.M.</sup> 1308 Carolee Ct Fay, NC 2834  
~~7365 Third St Wade NC~~, identified by Tax Parcel Identification

Number 0581-15-3854, and more particularly described as  
7365 Third St Wade NC 28395

do hereby consent to the Cumberland County Planning and Inspection Department demolishing the structure(s) as described above and thereafter clearing all the debris from the premises, leaving the lot free and clear of any rubbish and debris or pockets or holes that will collect water.

I further understand that the cost for said demolition and debris removal will be placed in the form of a lien against the real property identified by Tax Parcel Identification Number

<sup>M.A.M.</sup> ~~7365 Third St~~ 0581-15-3854, and will be collected by the Cumberland County Tax Collector. Failure to pay the tax lien or assessment can result in the Tax Administrator's Office taking action to cause a mortgage style foreclosure of the property, to garnish my wages or to levy on my bank account.

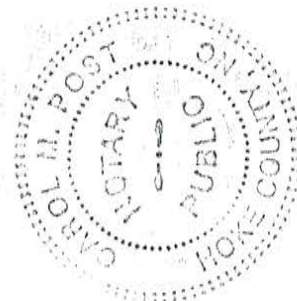
Margaret A. Martin  
Property Owner

10-31-2012  
Date

Sworn to and Subscribed to by me this  
The 31<sup>st</sup> day of October, 2012

[Signature]  
Notary Public

My Commission Expires: 11-23-14



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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6831-2012.

Property Owner: Sundust, LLC. & Mark A. Stout

Home Owner: Sundust, LLC. & Mark A. Stout

Property Address: 3301 Clinton Road, Fayetteville, NC


Tax Parcel Identification Number: 0456-78-3194

SYNOPSIS: This property was inspected on 7/13/2012. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 8/23/2012. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 9/23/2012. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 11/9/2012, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.


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

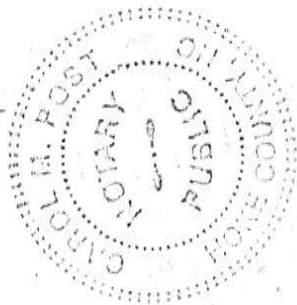
**RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.**

  
George Hatcher  
Code Enforcement Officer  
County of Cumberland

Sworn to and Subscribed to by me this

the 9th day of November 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: \_\_\_\_\_

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Ken Sykes,  
Inspections Coordinator

Carol M. Post  
Planning and Inspections  
Office Support



Angela Perrier,  
Inspector

George Hatcher,  
Inspector

Joey Lewis,  
Inspector

Joan Fenley,  
Inspector

## COUNTY of CUMBERLAND

*Planning & Inspections Department*

### FINDINGS OF FACT AND ORDER

August 24, 2012

91 7199 9991 7031 6071 0337

**TO:** Sundust, LLC & Parties of Interest  
PO Box 210  
Fayetteville, NC 28302-0210

&

**CASE #: MH 6831-2012**

91 7199 9991 7031 6071 0320

Mark A. Stout & Parties of Interest  
726 Ramsey Street  
Fayetteville, NC 28301

**Property at:** 3301 Clinton Road, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 8/8/2012.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 8/23/2012 at 9:30:00 AM. The items identified below took place at the Hearing:

- ☒ 1. No owner or party of interest, or their agent, or representative appeared.
- ☐ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were: \_\_\_\_\_
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 7/19/2012. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
  - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6831-2012, dated 7/13/2012.
  - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
  - ☒ c. The dwelling is unfit for human habitation.

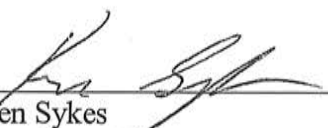
Findings and Facts of Order

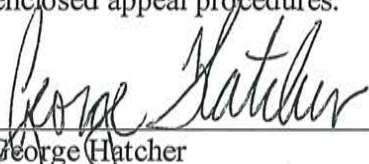
Case #: MH 6831-2012

Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than **9/23/2012**. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
  - ☐ b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
  - ☐ c. The structure shall be/remain secured to prevent entry by \_\_\_\_\_ and shall remain secured.
  - ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after \_\_\_\_\_.
  - ☒ 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 **9/23/2012**. The cost of said demolition will be assessed against the real property in the form of a lien.

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


  
Ken Sykes  
Hearing Officer

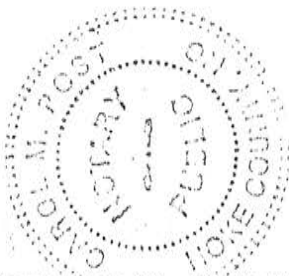
  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:

Sworn to and Subscribed to by me  
this the 24<sup>th</sup> day of August, 2012

  
Notary Public  
My Commission Expires: 11-03-14





Date: 10/11/2012

GEORGE HATCHER:

The following is in response to your 10/11/2012 request for delivery information on your Certified Mail(TM) item number 7199 9991 7031 6071 0337. The delivery record shows that this item was delivered on 08/30/2012 at 02:04 PM in FAYETTEVILLE, NC 28301. The scanned image of the recipient information is provided below.

Signature of Recipient:

A handwritten signature in cursive script that reads "E. Noble Gibbens, II".

E. Noble Gibbens, II

Address of Recipient:

P.O. Box 210  
Fargo

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

Sincerely,

United States Postal Service

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**  
DATED AUGUST 24, 2012 CASE NUMBER **MH 6831 -2012**

**EXHIBIT A**

NORTH CAROLINA  
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: Sundust, LLC & Mark A. Stout  
Name of Violator

MH 6831-2012  
Case Number

**AFFIDAVIT OF RETURN OF SERVICE**  
(Personal Service to Individual)

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

personally served Sundust, LLC & Mark A. Stout, a copy of the FINDINGS OF FACT AND ORDER AND APPEALS  
(name of violator)

PROCEDURES FORM citing violations of Article IV, CHAPTER 4 of the Cumberland County Ordinance by

mailing said notice(s) via 1<sup>st</sup> class mail and certified mail to the following addresses:

PO Box 210, Fayetteville, NC 28302-0210 & 726 Ramsey Street, Fayetteville, NC 28301

and by posting at: 3301 Clinton Road, Fayetteville, NC

I further certify that said service was completed on this the 30<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
George Hatcher  
Code Enforcement Officer

Sworn to and subscribed to before me

this the 30<sup>th</sup> day of August, 20 12.

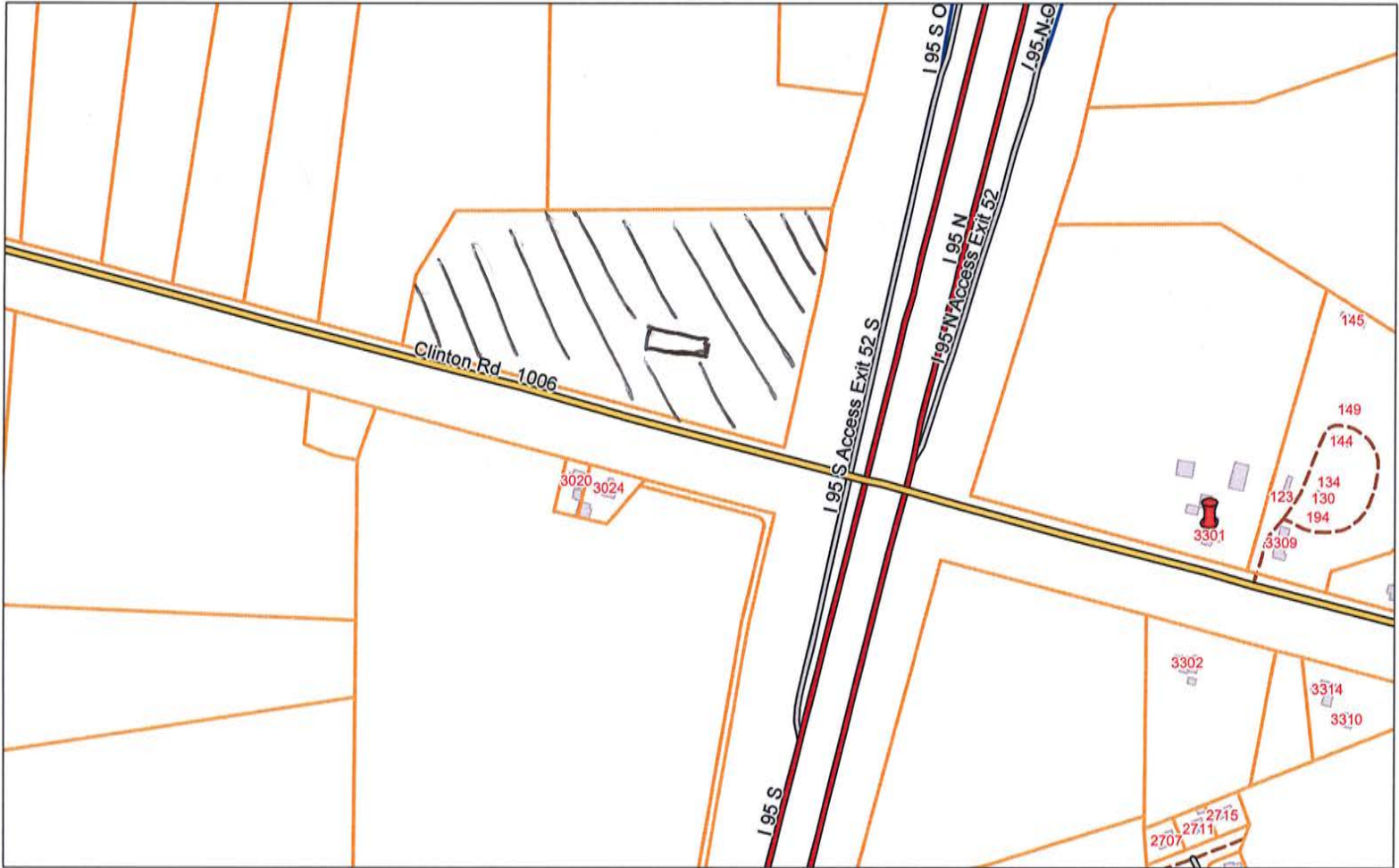
  
\_\_\_\_\_  
Notary Public

My Commission Expires: 11-03-14

PROOF OF SERVICE OF ***FINDINGS OF FACT AND ORDER***  
DATED AUGUST 24, 2012 CASE NUMBER ***MH 6831-2012***

**EXHIBIT A**

**MAP DEPICTING LOCATION OF PROPERTY**  
**Property Owner: Sundust, LLC & Mark A. Stout**  
3301 Clinton Road, Fayetteville, NC  
Minimum Housing Case # MH 6831-2012  
**TAX PARCEL IDENTIFICATION NUMBER 0456-78-3191**



**EXHIBIT B**

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6759-2012.

Property Owner: William & Rebecca Wilson

Home Owner: William & Rebecca Wilson

Property Address: 8008 Twisted Oaks Drive, Fayetteville, NC

Tax Parcel Identification Number: 0471-58-4354

SYNOPSIS: This property was inspected on 5/1/2012. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 6/7/2012. William Wilson 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 9/7/2012. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 11/9/2012, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$45,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

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

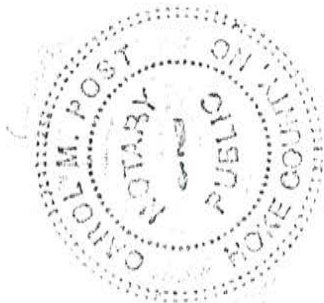
**RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.**

  
George Hatcher  
Code Enforcement Officer  
County of Cumberland

Sworn to and Subscribed to by me this

the 9th day of November 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: \_\_\_\_\_

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Ken Sykes,  
Inspections Coordinator

Carol M. Post  
Planning and Inspections  
Office Support



Kim Reeves,  
Inspector

Angela Perrier,  
Inspector

George Hatcher,  
Inspector

Joey Lewis,  
Inspector

Joan Fenley,  
Inspector

## COUNTY of CUMBERLAND

*Planning & Inspections Department*

### FINDINGS OF FACT AND ORDER

June 8, 2012

91 7108 2133 3936 1773 6084 Rebecca

91 7108 2133 3936 1773 6077 William

CASE #: MH 6759-2012

TO: William & Rebecca Wilson & Parties of Interest  
1471 Carl Freeman Road  
Stedman, NC 28391

Property at: 8008 Twisted Oaks Drive, Fayetteville, NC


A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 5/17/2012.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 6/7/2012 at 9:45:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were: William Wilson
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 5/15/2012. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
  - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6759-2012, dated 5/1/2012.
  - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
  - ☒ c. The dwelling is unfit for human habitation.

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 9/7/2012. **All required permits must be obtained. A copy of this order must be presented when obtaining permits. Engineer repair report required before issuance of renovation permit.**
  - ☐ 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 6/30/2012 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 8/7/2012.
  - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 8/7/2012. The cost of said demolition will be assessed against the real property in the form of a lien.

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

  
Ken Sykes  
Hearing Officer


  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me  
this the 8<sup>th</sup> day of June, 2012

  
Notary Public  
My Commission Expires: 11-03-14

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YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
9171082133393617736077	First-Class Mail®	Delivered	June 13, 2012, 10:03 am	STEDMAN, NC 28391	Return Receipt Electronic
		Notice Left	June 13, 2012, 9:02 am	STEDMAN, NC 28391	
		Undeliverable as Addressed	June 13, 2012, 8:58 am	STEDMAN, NC 28391	
		Arrival at Unit	June 13, 2012, 7:15 am	STEDMAN, NC 28391	
		Depart USPS Sort Facility	June 13, 2012	FAYETTEVILLE, NC 28302	
		Processed at USPS Origin Sort Facility	June 13, 2012, 1:48 am	FAYETTEVILLE, NC 28302	
		Accepted at USPS Origin Sort Facility	June 13, 2012, 12:33 am	FAYETTEVILLE, NC 28301	
		Electronic Shipping Info Received	June 12, 2012		

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PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**  
DATED JUNE 8, 2012 CASE NUMBER **MH 6759-2012**

### EXHIBIT A

<https://tools.usps.com/go/TrackConfirmAction.action>

11/7/2012

5

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Notice Left

Undeliverable as Addressed

Arrival at Unit

Depart USPS Sort Facility

Processed at USPS Origin Sort Facility

Accepted at USPS Origin Sort Facility

Electronic Shipping Info Received

**DATE & TIME**

June 13, 2012, 10:03 am

June 13, 2012, 9:02 am

June 13, 2012, 8:58 am

June 13, 2012, 7:15 am

June 13, 2012

June 13, 2012, 1:48 am

June 13, 2012, 12:33 am

June 12, 2012

**LOCATION**

STEDMAN, NC 28391

STEDMAN, NC 28391

STEDMAN, NC 28391

STEDMAN, NC 28391

FAYETTEVILLE, NC 28302

FAYETTEVILLE, NC 28302

FAYETTEVILLE, NC 28301

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PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**  
DATED JUNE 8, 2012 CASE NUMBER **MH 6759 -2012**

**EXHIBIT A**



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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6751-2012.

Property Owner: Stephen A. Byrnes

Home Owner: Stephen A. Byrnes

Property Address: 4710 Tippit Trail, Fayetteville, NC


Tax Parcel Identification Number: 0433-77-5571

SYNOPSIS: This property was inspected on 4/25/2012. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 5/31/2012. Stephen A. Byrnes 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 8/31/2012. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 11/9/2012, no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. 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 \$45,000.00. The Assessor for Cumberland County has the structure presently valued at \$1,998.00.

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

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

  
George Hatcher  
Code Enforcement Officer  
County of Cumberland

Sworn to and Subscribed to by me this  
the 9th day of November 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: \_\_\_\_\_

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Ken Sykes,  
Inspections Coordinator

Carol M. Post  
Planning and Inspections  
Office Support



Kim Reeves,  
Inspector  
Angela Perrier,  
Inspector  
George Hatcher,  
Inspector  
Joey Lewis,  
Inspector  
Joan Fenley,  
Inspector

## COUNTY of CUMBERLAND

*Planning & Inspections Department*

### FINDINGS OF FACT AND ORDER

June 8, 2012

CASE #: MH 6751-2012

91 7108 2133 3936 1773 6039

TO: Stephen A. Byrnes, C/O Donna Small & Parties of Interest  
5211 Doc Bennett Road  
Fayetteville, NC 28306-6019

Resent 7-26-12 - Cert / 1st / Post  
91 7108 2133 3936 1771 2217

Property at: 4710 Tippet Trail, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 5/18/2012.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 5/31/2012 at 10:00:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were: Stephen A. Byrnes
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 5/8/2012. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
  - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6751-2012, dated 5/31/2012.
  - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
  - ☒ c. The dwelling is unfit for human habitation.

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 8/31/2012. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
  - ☐ b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
  - ☒ c. The structure shall be/remain secured to prevent entry by 7/15/2012 and shall remain secured.
  - ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after \_\_\_\_\_.
  - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 8/31/2012. The cost of said demolition will be assessed against the real property in the form of a lien.

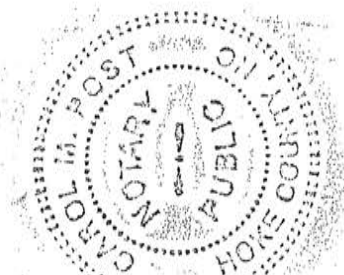
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me  
this the 8<sup>th</sup> day of June, 2012

  
Notary Public  
My Commission Expires: 11-03-14

NORTH CAROLINA  
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: Stephen A. Byrnes C/O Donna Small  
Name of Violator

MH 6751-2012  
Case Number

**AFFIDAVIT OF RETURN OF SERVICE**  
(Personal Service to Individual)

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

personally served Stephen A. Byrnes C/O Donna Small a copy of the FINDINGS OF FACT AND ORDER AND  
(name of violator)

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

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

5211 Doc Bennett Road, Fayetteville, NC 28306-6019

and by posting at: 4710 Tippi Trail, Fayetteville, NC 28306

I further certify that said service was completed on this the 31<sup>st</sup> day of July, 2012.

  
\_\_\_\_\_  
George Hatcher  
Code Enforcement Officer

Sworn to and subscribed to before me

this the 31<sup>st</sup> day of July, 2012.

  
Notary Public

My Commission Expires: 11-03-14

PROOF OF SERVICE OF ***FINDINGS OF FACT AND ORDER***  
DATED JUNE 8, 2012 CASE NUMBER ***MH 6751-2012***

**EXHIBIT A**

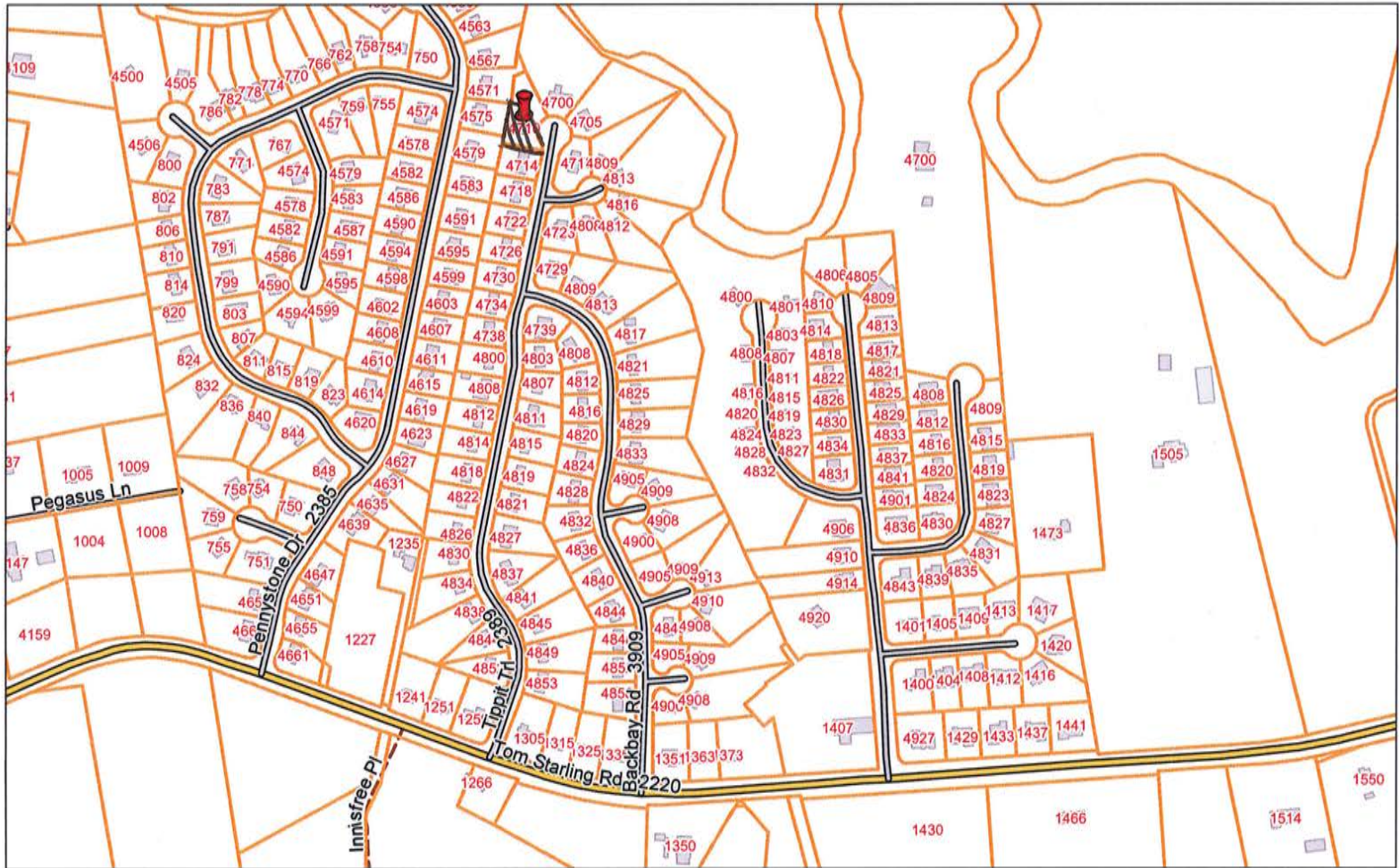
**MAP DEPICTING LOCATION OF PROPERTY**

**Property Owner: Stephen A. Byrnes**

**4710 Tippet Trail, Fayetteville, NC**

**Minimum Housing Case # MH 6751-2012**

**TAX PARCEL IDENTIFICATION NUMBER 0433-77-5571**



**EXHIBIT B**

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 6806-2012.

Property Owner: John D. Williams

Home Owner: John D. Williams

Property Address: 313 Charles Street, Fayetteville, NC

Tax Parcel Identification Number: 0426-90-4406

SYNOPSIS: This property was inspected on 6/21/2012. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 7/19/2012. John D. Williams 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 9/27/2012. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 11/9/2012, no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. 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 \$2,537.00.

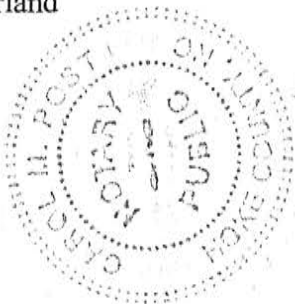
Attached is a map depicting the location of the property. (See Exhibit B.)

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

Joey Lewis  
Joey Lewis  
Code Enforcement Officer  
County of Cumberland

Sworn to and Subscribed to by me this  
the 9th day of November 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: \_\_\_\_\_

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Ken Sykes,  
Inspections Coordinator

Carol M. Post  
Planning and Inspections  
Office Support



Angela Perrier,  
Inspector  
George Hatcher,  
Inspector  
Joey Lewis,  
Inspector  
Joan Fenley,  
Inspector

## COUNTY of CUMBERLAND

*Planning & Inspections Department*

### FINDINGS OF FACT AND ORDER

August 28, 2012

CASE #: MH 6806-2012

TO: John D. Williams & Parties of Interest  
PO Box 64664  
Fayetteville, NC 28306

Property at: 313 Charles Street, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 8/2/2012.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 8/27/2012 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: John Williams, Joey Lewis, & George Hatcher
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 7/31/2012. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
  - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6806-2012, dated 6/21/2012.
  - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
  - ☒ c. The dwelling is unfit for human habitation.

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 9/27/2012. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
  - ☐ b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
  - ☐ c. The structure shall be/remain secured to prevent entry by \_\_\_\_\_ and shall remain secured.
  - ☒ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after 9/27/2012.
  - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 9/27/2012. The cost of said demolition will be assessed against the real property in the form of a lien.

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


  
\_\_\_\_\_  
Ken Sykes  
Hearing Officer

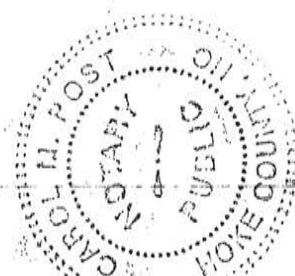
  
\_\_\_\_\_  
Joey Lewis  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:

Sworn to and Subscribed to by me  
this the 28<sup>th</sup> day of August, 2012

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 11-03-14



NORTH CAROLINA  
COUNTY OF CUMBERLAND

**RETURN TO:**

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

RE: John D. Williams  
Name of Violator

MH 6806-2012  
Case Number

DELIVERY ADDRESS: 327 Charles Street, Fayetteville, NC 28306

**AFFIDAVIT OF RETURN OF SERVICE**  
(By Sheriff)

I, David Dowless, a Deputy Sheriff with the Cumberland  
(name of sheriff serving affidavit)

County Sheriff's Department, personally served John D. Williams a copy of the  
(name of violator)

Findings of Fact and Order and Appeals Procedures Form citing violations of Article IV, Chapter 4 of the Cumberland  
County Code. Said notice(s) were in fact left with a person of suitable age and discretion, namely

John D Williams, at the address shown below:

327 Charles STREET  
street address

Fayetteville, NC 28306  
city, state, zip

I further certify that said notice(s) was left at the above residence on this the 30<sup>th</sup> day of August, 20 12.

David Dowless  
Deputy,  
Cumberland County Sheriff's Dept.

Sworn to and subscribed to before me

this the 30<sup>th</sup> day of August, 20 12.

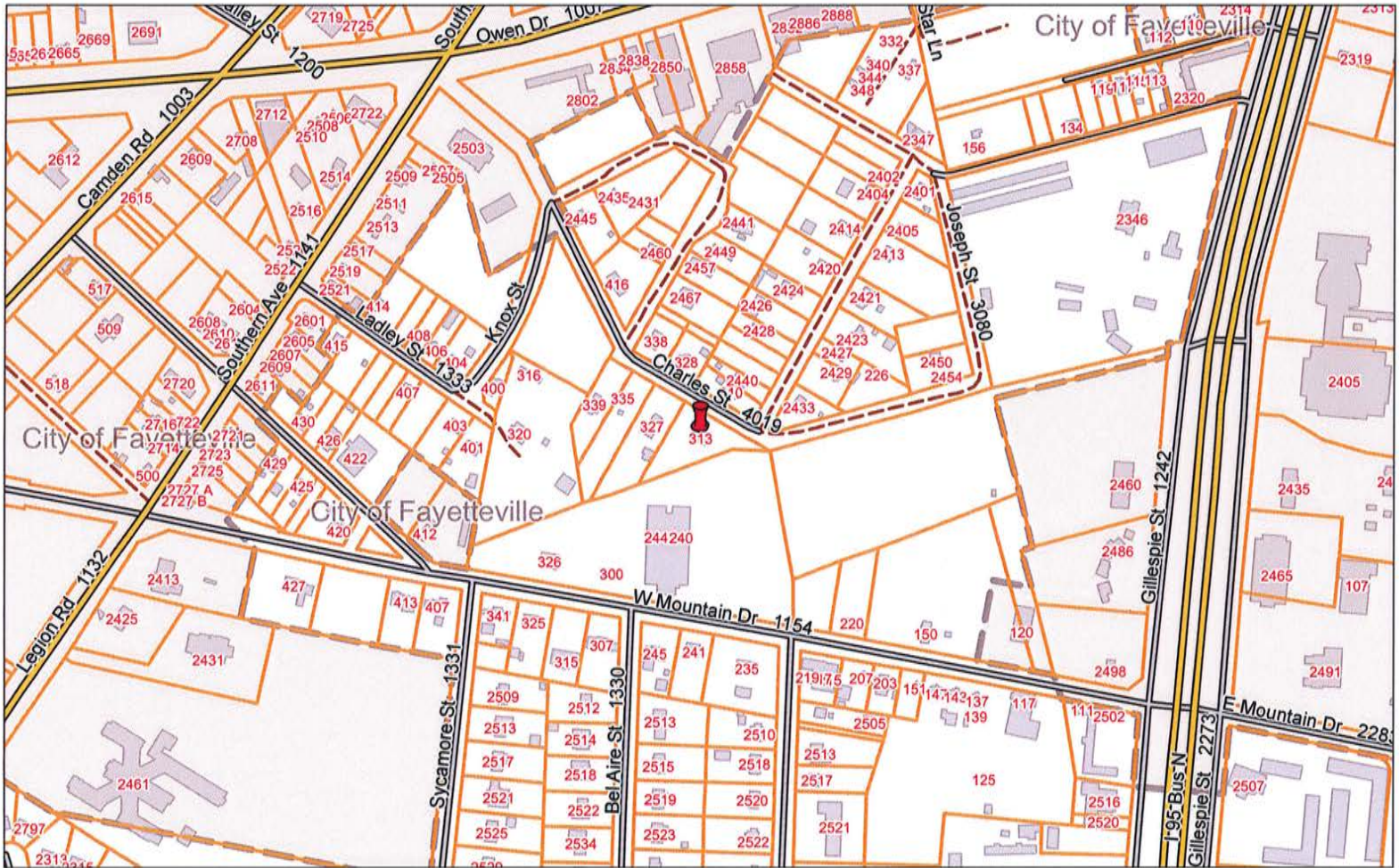
Andrew  
Notary Public

My Commission Expires: 11-03-14

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**  
DATED AUGUST 28, 2012 CASE NUMBER MH 6806-2012

**EXHIBIT A**

**MAP DEPICTING LOCATION OF PROPERTY**  
**Property Owner: John D. Williams**  
313 Charles Street, Fayetteville, NC  
Minimum Housing Case # MH 6806-2012  
**TAX PARCEL IDENTIFICATION NUMBER 0426-90-4406**



**EXHIBIT B**

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 6858-2012.

Property Owner: James W. & Margaret G. McKoy

Home Owner: James W. & Margaret G. McKoy

Property Address: 1051 Andrews Road, Fayetteville, NC


Tax Parcel Identification Number: 0521-81-6161

SYNOPSIS: This property was inspected on 8/1/2012. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 8/27/2012. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 9/28/2012. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 11/9/2012, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.


The estimated cost to repair the structure to a minimum standard for human habitation is \$60,000.00. The Assessor for Cumberland County has the structure presently valued at \$1926.00.

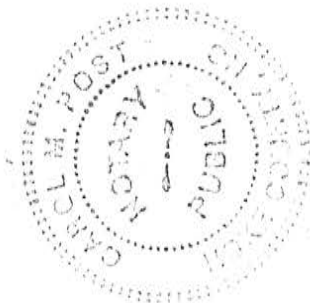
Attached is a map depicting the location of the property. (See Exhibit B.)

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

  
Joey Lewis  
Code Enforcement Officer  
County of Cumberland

Sworn to and Subscribed to by me this  
the 9th day of November 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: \_\_\_\_\_

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Ken Sykes,  
Inspections Coordinator

Carol M. Post  
Planning and Inspections  
Office Support



Angela Perrier,  
Inspector

George Hatcher,  
Inspector

Joey Lewis,  
Inspector

Joan Fenley,  
Inspector

## COUNTY of CUMBERLAND

*Planning & Inspections Department*

### FINDINGS OF FACT AND ORDER

August 28, 2012

91 7199 9991 7031 6071 0115

CASE #: MH 6858-2012

91 7199 9991 7031 6071 0122

TO: James W. & Margaret G. McKoy & Parties of Interest  
PO Box 238  
Sterling, VA 20167

Property at: 1051 Andrews Road, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 8/11/2012.


Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 8/27/2012 at 9:30:00 AM. The items identified below took place at the Hearing:

- ☒ 1. No owner or party of interest, or their agent, or representative appeared.
- ☐ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: \_\_\_\_\_
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 8/7/2012. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
- ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6858-2012, dated 8/1/2012.
- ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
- ☒ c. The dwelling is unfit for human habitation.

JAMES Report  
91 7199 9991 7031 6124 0529 to 124  
cut / 1st Regina  
MARGARET - Reser  
91 7199 9991 7031 6124 0512 to 124  
cut / 1st Regina

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 9/28/2012. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
  - ☐ b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
  - ☐ c. The structure shall be/remain secured to prevent entry by \_\_\_\_\_ and shall remain secured.
  - ☒ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after 9/28/2012.
  - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 9/28/2012. The cost of said demolition will be assessed against the real property in the form of a lien.

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


  
\_\_\_\_\_  
Ken Sykes  
Hearing Officer

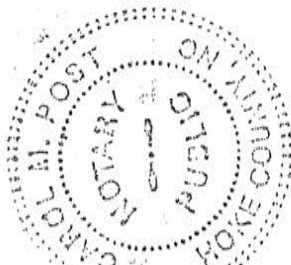
  
\_\_\_\_\_  
Joey Lewis  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:

Sworn to and Subscribed to by me  
this the 28<sup>th</sup> day of August, 2012

  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 11-03-14





Date: 09/24/2012

J LEWIS:

The following is in response to your 09/24/2012 request for delivery information on your Certified Mail(TM) item number 7199 9991 7031 6124 0512. The delivery record shows that this item was delivered on 09/21/2012 at 10:54 AM in STERLING, VA 20165. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery Section  
no  
d  
J. W. McLeod

Address of Recipient:

ry  
is  
124 REGINA DR

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

Sincerely,

United States Postal Service

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**  
DATED AUGUST 28, 2012 CASE NUMBER **MH 6858 -2012**

**EXHIBIT A**

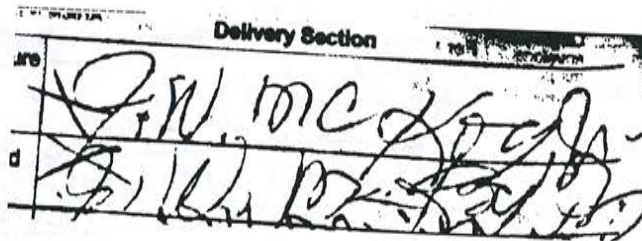


Date: 09/24/2012

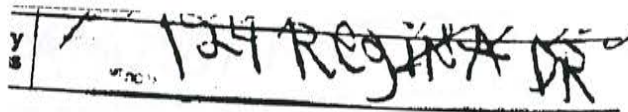
J LEWIS:

The following is in response to your 09/24/2012 request for delivery information on your Certified Mail(TM) item number 7199 9991 7031 6124 0529. The delivery record shows that this item was delivered on 09/21/2012 at 10:55 AM in STERLING, VA 20165. The scanned image of the recipient information is provided below.

Signature of Recipient:



Address of Recipient:



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

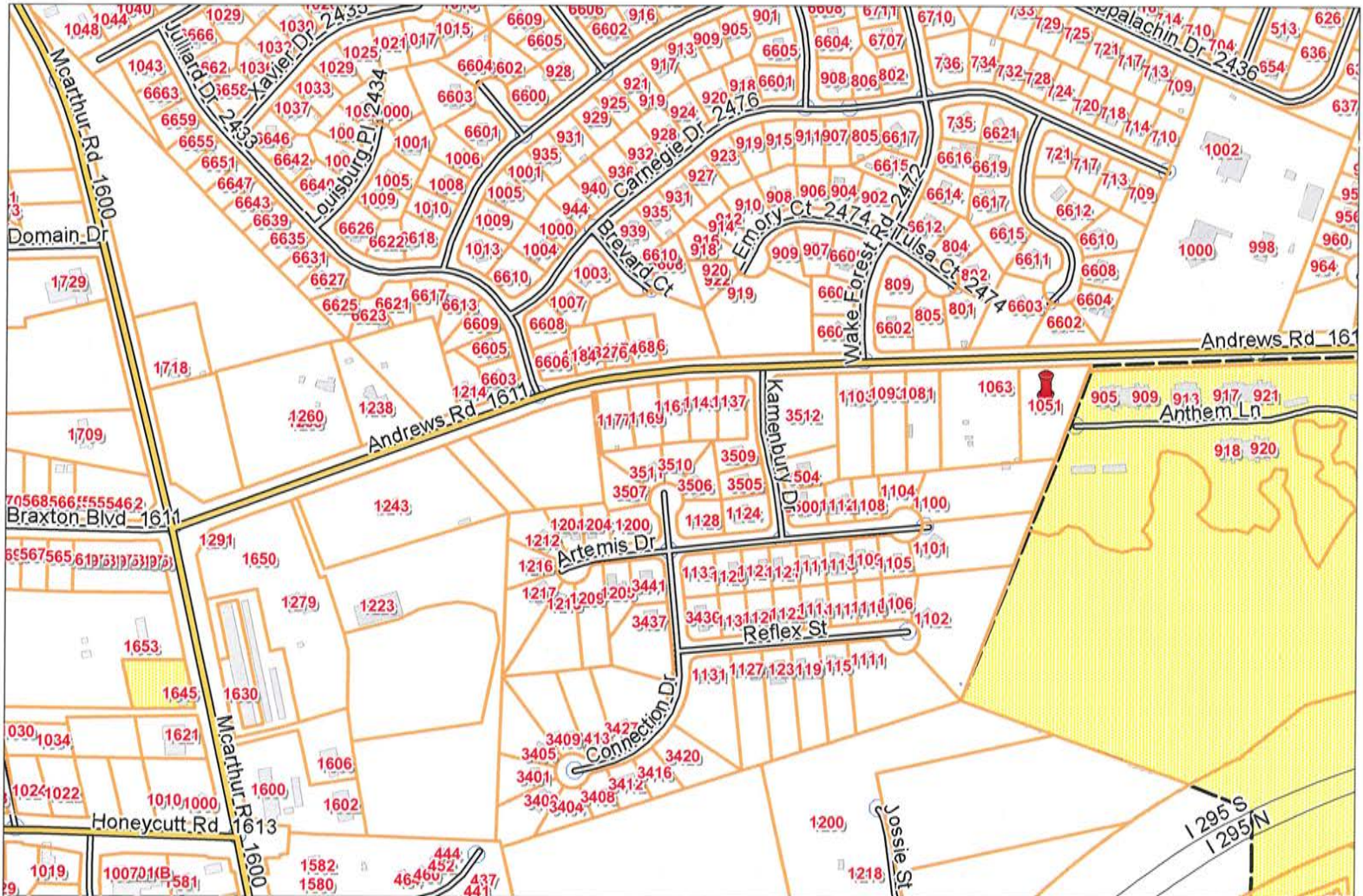
Sincerely,

United States Postal Service

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**  
DATED AUGUST 28, 2012 CASE NUMBER **MH 6858 -2012**

EXHIBIT A

**MAP DEPICTING LOCATION OF PROPERTY**  
**Property Owner: James W. & Margaret G. McKoy**  
1051 Andrews Road , Fayetteville, NC  
Minimum Housing Case # MH 6858-2012  
**TAX PARCEL IDENTIFICATION NUMBER 0521-81-6161**



**EXHIBIT B**

JAMES E. MARTIN  
County Manager

AMY H. CANNON  
Deputy County Manager



JAMES E. LAWSON  
Assistant County Manager

ITEM NO. 3M

OFFICE OF THE COUNTY MANAGER

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

**MEMORANDUM**

**November 14, 2012**

**TO: BOARD OF COUNTY COMMISSIONERS**

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

*Amy H. Cannon*

**SUBJECT: 1. HOLD A PUBLIC HEARING ON THE PROPOSED FINANCING AUTHORIZED BY G.S. 159-151.**

**2. AUTHORIZE THE COUNTY MANAGER, COUNTY ATTORNEY, AND THE COUNTY FINANCE DIRECTOR TO EXECUTE THE DOCUMENTS NECESSARY TO FINALIZE THIS INSTALLMENT FINANCING TRANSACTION.**

**BACKGROUND**

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

Their request was for the County to pursue options available to finance these capital costs. FTCC would then use their normal capital allocation for the principal and interest payments. We believe the most viable option is an installment financing agreement with a financial institution. Since these improvements will "attach" to real property, this financing must be approved by the Local Government Commission (LGC).

At your last meeting, a resolution was approved which authorized the filing of an application to the LGC for this financing. The resolution also documented certain findings that are required for the transaction under G.S. 159-151. Additionally, you authorized publication of a notice of the public hearing on the proposed installment financing contract.

**RECOMMENDATION**

1. Hold the public hearing on the proposed financing as authorized by G.S. 159-151.
2. Authorize the County Manager, County Attorney, and the County Finance Director to execute the documents necessary to finalize this installment financing transaction.

AHC:cas



ITEM NO. 3N

**OFFICE OF THE COUNTY ATTORNEY**

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

**MEMO FOR THE AGENDA OF THE NOVEMBER 19, 2012  
MEETING OF THE BOARD OF COMMISSIONERS**

**TO:** Board of Commissioners; Co. Manager  
**FROM:** Co. Atty. *R. Moorefield*  
**DATE:** November 13, 2012  
**SUBJECT:** Order Closing a Portion of Wade-Stedman Road

**ATTACHMENTS:** Order, Including:  
**EXHIBIT A** - Legal description prepared by Moorman, Kizer & Reitzel  
**EXHIBIT B** - Publisher's Affidavit  
**EXHIBIT C** - Affidavit of Notice  
**EXHIBIT D** - Certificate of Posting

**BACKGROUND:**

At its October 1, 2012 meeting, the Board received the petitions of the adjoining property owners, adopted a resolution of intent to close the requested portion of Wade-Stedman Road, and called for a public hearing on the question to be conducted on November 19, 2012. The Department of Transportation has reported that it has abandoned this portion and removed it from State maintenance. The attached order makes the requisite findings pursuant to G.S. 153A-241 for the Board to order the closure. The order must be recorded in the register of deeds.

**RECOMMENDATION/PROPOSED ACTION:**

Conduct the public hearing to hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual property rights. NOTE: If any person speaks in opposition to the closure, the proposed Order must be modified to reflect those comments.

After conducting the public hearing, if the Board is satisfied that the closure is not contrary to the public interest and that no individual owning property in the vicinity of the road would thereby be deprived of reasonable means of ingress and egress to his property, adopt the order of closure.

**ORDER OF THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY  
CLOSING A PORTION OF WADE-STEDMAN ROAD PURSUANT TO G.S. 153A-241**

At its regular meeting held on October 1, 2012, the Board of Commissioners adopted a resolution of intent to close that portion of Wade-Stedman Road (S.R. 1826) as requested by adjoining property owners, Ali Alsaidi and Alfiah Alsaidi, Clarence Lee Tart, Jr., and Mary Lee B. Tart, and Joan W. Peacock, and as described in the legal description prepared by Moorman, Kizer & Reitzel attached to this order as **Exhibit A**; and further calling for a public hearing on the question to be conducted at the Board's regular meeting on November 19, 2012.

After conducting the public hearing on this date, the Board of Commissioners finds the following:

1. Notice of the public hearing on the question reasonably calculated to give full and fair disclosure of the proposed closing was published in the *Fayetteville Observer* once a week for three successive weeks as shown in the Publisher's Affidavit attached hereto as **Exhibit B**.
2. A copy of the resolution was sent by registered or certified mail to each owner shown on the county tax records of property adjoining the portion of the public road to be closed who did not join in the request to have the road closed as shown on the Affidavit of Notice attached hereto as **Exhibit C**.
3. Notice of the closing and public hearing was prominently posted in at least two places along the road as shown in the Affidavit of Posting attached hereto as **Exhibit D**.
4. No one spoke in opposition to closing the portion of Wade-Stedman Road described herein at the public hearing.

Based on the foregoing findings of fact, the Board of Commissioners is satisfied that closing the portion of Wade-Stedman Road described herein is not contrary to the public interest and no individual owning property in the vicinity of the road would thereby be deprived of reasonable means of ingress and egress to his property.

The Cumberland County Board of Commissioners does hereby order that the portion of Wade-Stedman Road (S.R. 1826) described in the legal description prepared by Moorman, Kizer & Reitzel attached hereto as **Exhibit A**, consisting of approximately 265' in length at the terminus of its centerline with the boundary of U.S. Highway 13 and located in Black River Township, Cumberland County, be and is closed to public use.

It is further ordered that a certified copy of this order shall be filed in the office of the register of deeds.

Adopted in regular meeting held the 19<sup>th</sup> day of November, 2012.

April 04, 2012

Legal Description

15,900 Sq. Ft. (0.365 acre) Tract

Portion of old Wade-Stedman Road to be abandoned

BEGINNING at a point where the western right-of-way margin of old Wade-Stedman Road (now Center Church Road) (60' R/W) intersects the southeastern right-of-way margin of U.S. 13 (60' R/W) and running with said right-of-way margin of U.S. 13 North 51 degrees 46 minutes 32 seconds East, 118.59 feet to a point;

thence with the eastern right-of-way margin of old Wade-Stedman Road (now Center Church Road) South 21 degrees 22 minutes 55 seconds West, 316.15 feet to a point;

thence North 68 degrees 37 minutes 05 seconds West, 60.00 feet to a point;

thence with the western right-of-way margin of old Wade-Stedman Road (now Center Church Road) North 21 degrees 22 minutes 55 seconds East, 213.85 feet to the POINT AND PLACE OF BEGINNING.

Containing 15,900 Sq. Ft. (0.365 acres), more or less.

The above description is based on recorded plats and mapping by the North Carolina Dept. of Transportation.

Reference: Plat Book 53, Page 29; Plat Book 70, Page 87; Plat Book 129, Page 153 and N.C.D.O.T. mapping (Project # 41174.2.1 - I.D. # W-5001).

Prepared by Moorman, Kizer & Reitzel, Inc., Fayetteville, North Carolina.

Order Confirmation

CUMBERLAND COUNTY  
BOARD OF COMMISSIONERS  
NOTICE OF PUBLIC HEARING PURSUANT  
TO NCGS 153A-241

TAKE NOTICE that at its October 1, 2012, meeting the Cumberland County Board of Commissioners adopted a resolution declaring its intent to close that portion of Wade-Stedman Road (S.R. 1826), now Center Church Rd, consisting of approximately 265' in length at the terminus of its centerline with the boundary of U.S. Highway 13 and located in Black River Township, Cumberland County. The Board shall conduct a public hearing on the 19th day of November, 2012 at 6:45 p.m. in the Commissioners Meeting Room (Room 118), First Floor, New Courthouse, 117 Dick Street, Fayetteville, North Carolina, to hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual's property rights.

Clerk to the Board

11/1, 8, 15

3816077

Ad Order Number

0003816077

Sales Rep.

0090

Order Taker

webFPC

Order Source

Web

Order Invoice Text

Notice of public hearing-Intent to close |

Customer

CUMB CO ATTORNEY'S

Customer Account

017971203

Customer Address

PO BOX 1829, ,  
FAYETTEVILLE NC 28302 USA

Customer Phone

910-678-7762

Payor Customer

CUMB CO ATTORNEY'S

PO Number

Payor Account

017971203

Ordered By

Tim

Payor Address

PO BOX 1829, ,  
FAYETTEVILLE NC 28302 USA

Customer Fax

910-678-7758

Customer EMail

ctyndall@co.cumberland.nc.us

Payor Phone

910-678-7762

Special Pricing

None

Net Amount

\$270.00

Tax Amount

\$0.00

Total Amount

\$270.00

Amount Due

\$270.00

Payment Method

Payment Amount

\$0.00

Ad Number

0003816077-01

Ad Type

CL Legal Line

Ad Size

: 1.0 X 25 cl

Color

<NONE>

Product

FO::

Placement/Classificatio

401 - Legals

Run Dates

11/1/2012, 11/8/2012,  
11/15/2012

# Inserts

3

Cost

\$258.75

OL::

401 - Legals

11/1/2012, 11/8/2012,  
11/15/2012

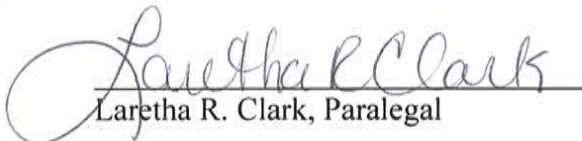
3

\$11.25

**AFFIDAVIT OF SERVICE  
BY CERTIFIED MAIL**

Laretha R. Clark, being duly sworn depose and says:

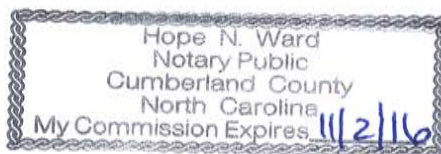
That on or about the 5<sup>th</sup> day of November, 2012, I deposited in the County's Mailroom, Certified copies of the Notice of Public Hearings regarding the closing of a portion of Wade-Stedman Rd to six adjacent property owners as their address were listed in the Cumberland County Tax Department. Said Notices were addressed to the last known address of Ms. Joan W. Peacock, Mr. James R. Nance, Jr, Attorney for Mr. Ali Alsaidi, Ms. Martha Ann Barfield, Ms. Phyllis W. Faircloth, Mr. & Mrs. Roland McDaniel and Mr. & Mrs. Clarence Tart, Jr. Said mail was reported as delivered by The United States Postal Service web site.

  
Laretha R. Clark, Paralegal

Sworn to and subscribed before me

This the 13<sup>th</sup> day of November, 2012


  
Hope N. Ward, Notary Public



My commission expires: 11/2/16

## CERTIFICATION

THIS IS TO CERTIFY THAT THE UNDERSIGNED ON THE 7 DAY OF ~~NOVEMBER~~ 2012, POSTED TWO (2) COPIES OF THE ATTACHED NOTICES ON WADE-STEDMAN RD, NOW CENTER CHURCH ROAD, (SR1826). THESE NOTICES ADVERTISE A PUBLIC HEARING TO BE HELD ON NOVEMBER 19, 2012 AT 6:45 P.M., CONCERNING THE PROPOSED CLOSING OF A PORTION OF WADE-STEDMAN ROAD, NOW CENTER CHURCH RD, IN BLACK RIVER TOWNSHIP.

BY:   
TITLE: Sgt. G. Morrison



ITEM NO. 30

**OFFICE OF THE COUNTY ATTORNEY**

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

**MEMO FOR THE AGENDA OF THE NOVEMBER 19, 2012  
MEETING OF THE BOARD OF COMMISSIONERS**

**TO:** Board of Commissioners; Co. Manager; Russ Rogerson  
**FROM:** Co. Atty. *R. Moorefield*  
**DATE:** November 13, 2012  
**SUBJECT:** Proposed Economic Development Incentives Agreement for Sykes Enterprises

**BACKGROUND:**

In a closed session, the Board has indicated its intent to approve an economic development incentives agreement for an unnamed company identified as Project 500. Russ Rogerson has reported the company to be Sykes Enterprises and the public hearing was advertised for that company. The details of the project are set out in the attached summary prepared by Russ Rogerson. The name of the company is not mentioned in Mr. Rogerson's summary.

Although the summary indicates that the company has scored 32 points for the jobs to be created, the county attorney notes that none of the jobs qualify under the joint economic development incentives policy because they have been reported to be below the median wage for the county. Also, the proposal is to extend the grant-backs to seven rather than five years allowed by the policy.

The proposed agreement would provide an incentive in the amount of 50% of the taxes paid at the general property tax on the Direct Taxable Investment for a period of seven years. To be eligible for the incentive payments, the Company would be obligated to create and maintain 150 new jobs at its business location in Cumberland County. The county attorney notes that the City of Fayetteville has tentatively approved an incentives agreement for Sykes Enterprises, Inc., for a 50% grant-back for five years for the creation of 150 jobs with the grant-back to be extended for two additional years if the company creates 300 jobs.

Notice of the public hearing was advertised in the *Fayetteville Observer* on November 9, 2012. Mr. Rogerson has also reported that Mr. Dave Binnie, Golbal VP of HR Operations, will appear at the public hearing on behalf of the company.

**RECOMMENDATION:**

Consider the approval of the terms of this agreement after conducting a public hearing.

## Project 500

Telecommunications / Call Center

### Project Summary

Industry Sector:	Telecommunications / Call Center
Capital Investment:	\$12,500,000
Job Creation:	150 - 500

### Project Overview:

Project 500 represents a telecommunications company specializing in customer contact management solutions in the business process outsourcing (BPO) arena by providing an array of sophisticated customer contact management solutions for Fortune 1000 companies around the world, primarily in the communications, financial services, healthcare, technology, transportation, and leisure industries. Project representatives have indicated a short timeline and are currently exploring temporary space in which they can begin operations while their permanent facility would be constructed.

### Land Requirements:

50,000 SF of call center office space on 10 acres of land – this is a 500 seat call center operation. The site is located on Raeford Road and the parcel pin # is 0406-09-0781.

### Investment Breakdown:

The total capital investment of **\$12,500,000** is divided as follows: **\$9,000,000** for the construction of the new commercial facility, and **\$3,500,000** for the purchase of equipment.

### Estimated Community Impact:

This project will generate a capital investment of **\$12,500,000** and create 150 full-time, direct impact jobs, with a payroll in excess of \$3,000,000. Further the building will be a 500-seat call center and the company will be the sole tenant and expects to fill those seats in 5 years.

### Incentive Recommendation:

Based on the points scored for the qualifying items as listed in the table below, it is The Alliance's recommendation that Project 500 is approved for the Tier I Property Tax Grant Back Incentive. Further, we recommend that the incentive term be lengthened from 5 years to 7 years with the additional 2 years based on a 50% incentive. The total value of real and personal property taxes collected are estimated to be \$612,000 during the incentive period and the incentive amount is estimated to be \$306,000.

QUALIFYING ITEM	MAXIMUM POINTS POSSIBLE	POINTS SCORED
Jobs (Number, Quality, Hiring Residents)	40	32
Project Location	25	0
Capital Investment	20	10
Environmental Impact	10	0
Industry Cluster/Business Type	10	6
Public Benefit	10	10
TOTAL		58



ITEM NO. 4

**CUMBERLAND  
COUNTY**  
NORTH CAROLINA

**DEPARTMENT OF PUBLIC HEALTH**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA, NOVEMBER 19,  
2012**

**TO:** Board of Commissioners  
**FROM:** Buck Wilson, Public Health Director  
**DATE:** November 15, 2012  
**SUBJECT:** Update on Mental Health Services

*L. B. Wilson for Buck Wilson*

**BACKGROUND**

Per the request of the Board of Commissioners at the October 15, 2012 meeting, a monthly update on Mental Health services was requested.

Enclosed are the following reports:

- Productivity Report for October 2012
- Productivity Report – Full Time Staff for October 2012
- Productivity Report – Other/Exceptions for October 2012

Should you have questions, I can be reached at (910) 433-3707.

cc: James Lawson, Assistant County Manager  
Dr. Mark Chandler, Medical Director for Mental Health  
Candi York, Business/Finance Manager for Mental Health (LME)  
File

/tlb

**Mental Health Clinic  
Oct-12  
Productivity**

	<i>Per Clinician</i>	<i>Clinic</i>
Oct 2012 Target Hours	161	2737
Oct 2011 Target Hours	147	2499

	<i>Adult</i>	<i>Child</i>
# Services Performed	1526	873
# Patients Served	768	471

		Oct-12														Oct-11	
Clinician #	Title	# Hours	# Hours	Total	Total	%	Total Patients	Patient Count by Payor								Direct	Direct
		Worked	Paid	Direct Hours	Direct Time %	No Shows	Served	Medicaid	Medicare	IPRS	3rd Party	Tricare	County	Self Pay	Hours	%	
8	Court Psychologist	67.5	159	0.00	0%	0%	0	0	0	0	0	0	0	0	96.25	65%	
1360	LCSW	169.75	184	102.50	64%	34%	74	13	11	48	2	0	0	0	83	56%	
2225	Psychologist	131.75	184	96.75	60%	43%	63	25	0	32	3	3	0	0	101	69%	
2229	Psychologist	152.75	184	95.25	59%	35%	51	12	0	31	6	2	0	0	93	63%	
2332	LCSW	208	184	142.50	89%	33%	105	38	3	46	11	7	0	0	115.5	79%	
2507	LCSW	157	184	88.00	55%	34%	67	23	0	33	6	5	0	0	114.75	78%	
3154	LPC	192.75	184	138.50	86%	29%	83	33	1	37	10	2	0	0	74.75	51%	
3453	RN	92	92	18.75	23%	16%	56	46	3	0	5	2	0	0	8	5%	
3457	RN	191.5	184	41.50	26%	9%	81	45	5	17	9	5	0	0	12.5	9%	
5101	Vacant MD	0	0	0.00	0%	0%	0	0	0	0	0	0	0	0	140.5	96%	
5104	MD	92	92	52.75	69%	24%	97	41	23	22	10	1	0	0	63	43%	
5124	Medical Director	180	184	36.00	37%	32%	15	4	6	5	0	0	0	0	26.5	18%	
5126	MD	163.5	184	85.75	53%	30%	135	52	29	46	5	3	0	0	117.5	80%	
5150	MD	164	184	119.75	74%	50%	83	9	3	64	4	3	0	0	123	84%	
5112	PA- Child	112.25	112.25	78.00	61%	28%	117	57	0	11	28	21	0	0	61.5	42%	
5129	MD	151.25	184	92.50	57%	28%	105	64	0	9	13	19	0	0	128.75	88%	
5135	MD	205.25	184	108.50	67%	28%	107	63	3	17	9	15	0	0	107.25	73%	
		2431.25	2663.25	1297.00	47%	27%	1239	525	87	418	121	88	0	0	1466.75	59%	

Mental Health Clinic  
Oct-12  
Productivity  
Full Time Staff

	Per Clinician	Clinic
Oct 2012 Target Hours	161	1771
Oct 2011 Target Hours	147	1617

		Oct-12													Oct-11		
Clinician #	Title	# Hours	# Hours	Total	Total	%	Total Patients	Patient Count by Payor								Direct	Direct
		Worked	Paid	Direct Hours	Direct Time %	No Shows	Served	Medicaid	Medicare	IPRS	3rd Party	Tricare	County	Self Pay	Hours	%	
1360	LCSW	169.75	184	102.50	64%	34%	74	13	11	48	2	0	0	0	83	56%	
2225	Psychologist	131.75	184	96.75	60%	43%	63	25	0	32	3	3	0	0	101	69%	
2229	Psychologist	152.75	184	95.25	59%	35%	51	12	0	31	6	2	0	0	93	63%	
2332	LCSW	208	184	142.50	89%	33%	105	38	3	46	11	7	0	0	115.5	79%	
2507	LCSW	157	184	88.00	55%	34%	67	23	0	33	6	5	0	0	114.75	78%	
3154	LPC	192.75	184	138.50	86%	29%	83	33	1	37	10	2	0	0	74.75	51%	
5101	Vacant MD	0	0	0.00	0%	0%	0	0	0	0	0	0	0	0	140.5	96%	
5126	MD	163.5	184	85.75	53%	30%	135	52	29	46	5	3	0	0	117.5	80%	
5150	MD	164	184	119.75	74%	50%	83	9	3	64	4	3	0	0	123	84%	
5129	MD	151.25	184	92.50	57%	28%	105	64	0	9	13	19	0	0	128.75	88%	
5135	MD	205.25	184	108.50	67%	28%	107	63	3	17	9	15	0	0	107.25	73%	
		1696	1840	1070.00	60%	31%	873	332	50	363	69	59	0	0	1199.00	74%	

### Mental Health Clinic

Oct-12

## Productivity

### Other/Exceptions

		Oct-12													Oct-11	
<u>Clinician #</u>	<u>Title</u>	<u># Hours Worked</u>	<u># Hours Paid</u>	<u>Total Direct Hours</u>	<u>Total Direct Time %</u>	<u>% No Shows</u>	<u>Total Patients Served</u>	<u>Patient Count by Payor</u>							<u>Direct Hours</u>	<u>Direct %</u>
								<u>Medicaid</u>	<u>Medicare</u>	<u>IPRS</u>	<u>3rd Party</u>	<u>Tricare</u>	<u>County</u>	<u>Self Pay</u>		
8	Court Psychologist	67.5	159	0.00	0%	0%	0	0	0	0	0	0	0	0	96.25	65%
*Position is fully funded by County to perform Court Ordered Evaluations.																
3453	RN	92	92	18.75	N/A	16%	56	46	3	0	5	2	0	0	8	5%
3457	RN	191.5	184	41.50	N/A	9%	81	45	5	17	9	5	0	0	12.5	9%
*Nurses perform injections and provide additional support to Psychiatrists.																
5104	MD	92	92	52.75	69%	24%	97	41	23	22	10	1	0	0	63	43%
*Part-time Psychiatrist (works 19 hours per week)																
5124	Medical Director	180	184	36.00	37%	32%	15	4	6	5	0	0	0	0	26.5	18%
*Medical Director is scheduled at 60% Productivity.																
5112	PA- Child	112.25	112.25	78.00	61%	28%	117	57	0	11	28	21	0	0	61.5	42%
*Contract Physician Assistant works 32 hours per week.																

JAMES E. MARTIN  
County Manager

AMY H. CANNON  
Deputy County Manager



CUMBERLAND  
★ COUNTY ★  
NORTH CAROLINA


JAMES E. LAWSON  
Assistant County Manager

ITEM NO. 5A

OFFICE OF THE COUNTY MANAGER

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 19, 2012**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JAMES E. MARTIN, COUNTY MANAGER** 

**DATE: NOVEMBER 7, 2012**

**SUBJECT: CONSIDERATION OF OWNERSHIP AND FUTURE USE OF GENERAL FUND BALANCE "ASSIGNED FOR MENTAL HEALTH SERVICES"**

**BACKGROUND**

For many years the County has identified unspent annual local mental health appropriations in its General Fund Balance as "Reserved for Mental Health". The FY2012 annual audit will identify these funds as "Assigned for Mental Health Services" due to GASB 54 requirements. County fiscal policies require that state and federal funds be expended prior to expending County funds.

The annual audit for FY 2012 will reflect \$14,364,212 to be "Assigned for Mental Health Services".

It should be noted that this balance has been reduced by Board of Commissioner approved appropriations of \$1,517,549 since the FY13 budget was adopted. It is further noted this balance will need to be reduced by the revenue shortfall of the mental health clinic and to address any service delivery needs not covered by Federal and State funds.

**RECOMMENDATION / PROPOSED ACTION**

Management recommends the Board of Commissioners continue to retain these funds as a part of the General Fund Balance "Assigned for Mental Health Services" to be utilized for direct mental health services, administered by the Alliance MCO, as from time-to-time approved and appropriated by the Board of Commissioners.

JM/ct  
CM110712-4

JAMES E. MARTIN  
County Manager

AMY H. CANNON  
Deputy County Manager



JAMES E. LAWSON  
Assistant County Manager

CUMBERLAND  
COUNTY  
NORTH CAROLINA

ITEM NO. 5B

OFFICE OF THE COUNTY MANAGER

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 19, 2012**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JAMES E. MARTIN, COUNTY MANAGER**

**DATE: NOVEMBER 7, 2012**

**SUBJECT: CONSIDERATION OF FUTURE DELIVERY OF MENTAL HEALTH SERVICES IN CUMBERLAND COUNTY**

**BACKGROUND**

At the Board's October 15, 2012 meeting, the County Attorney presented a comprehensive Report on the Status of the Delivery of Mental Health Services in Cumberland County.

Attached is a copy of said report. Please refer to the sections on Interlocal Agreement beginning on page three (Pg. 3) and Potential Merger beginning on page four (Pg. 4). As pointed out in the County Attorney's report, mental health services will be delivered through the MCO contractual arrangement through June 30, 2013 based on the LME previously approved Interlocal Agreement.

**RECOMMENDATION / PROPOSED ACTION**

Determine what action, if any, the Board wishes to take at this time with regard to the future delivery of mental health services in Cumberland County.

JM/ct

CM110712-5



ITEM NO. 5

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

10/15/12  
(Board of Commissioners  
Agenda)

**MEMORANDUM FOR THE AGENDA OF THE OCTOBER 15, 2012**  
**MEETING OF THE BOARD OF COMMISSIONERS**

**TO: BOARD OF COMMISSIONERS; CO. MANAGER; DEP. CO. MANAGER;  
ASST. CO. MANAGER; MENTAL HEALTH DIRECTOR**  
**FROM: COUNTY ATTORNEY *R. Moorefield***  
**DATE: OCTOBER 10, 2012**  
**SUBJECT: REPORT ON THE STATUS OF THE DELIVERY OF MENTAL HEALTH  
SERVICES IN CUMBERLAND COUNTY**

At the October 1, 2012 meeting, Chairman Faircloth requested that the Board be provided with a report on the status of the delivery of mental health services in Cumberland County. This report is presented in response to that directive by addressing the significant financial issues, the interlocal agreement between the Cumberland County Authority and the Durham Center, and the potential merger of the Cumberland County Authority into a multi-county area authority.

**FINANCIAL ISSUES:**

There are two recurring financial issues that need to be addressed regardless of the organizational structure by which mental health services are delivered. These are the continued level of current funding in the amount of approximately \$4.3 million and the approximately fund balance that has been carried forward in the county's audited financial statement as restricted for mental health. The current amount of that designated fund balance is approximately \$14 million. The reason these are significant issues is that each is subject to some degree of statutory or regulatory control.

**Continuance of Current Funding:**

G.S. 122C-115(d) states:

[c]ounties shall not reduce county appropriations and expenditures for current operations and ongoing programs and services of area authorities or county programs because of the availability of State-allocated funds, fees, capitation amounts, or fund balance to the area authority or county program. Counties may reduce county appropriations by the amount previously appropriated by the county for one-time, nonrecurring special needs of the area authority or county program.

For the past four fiscal years, the amount of the county appropriation to the mental health authority has been approximately \$4.3 million and it has all been spent. The details of how local funds have been used are provided in the comparison of FY 11 and FY 12 prepared by the mental health finance officer and attached to this memo. The transfer of the out-patient psychiatric clinic from the mental health authority to the county health department and the shift to the MCO system through a contract with Alliance have significantly impacted the Mental Health Authority's local funds budget for the current fiscal year.

County management has pulled the local funding for the clinic out of the mental health budget because it is now a county operated service and the county is responsible for any deficit in the clinic's operating budget to the same extent it is responsible for the operating deficit in any health department clinic. Mental health management reports that local funds were used to make up the clinic's operating deficit in the amount of \$2.3 million for FY 11 and \$2.8 million for FY 12. The Health Director is scheduled to report on the clinic's performance for the first quarter of operations in the Health Department at the October 15, 2012 meeting of the Board of Commissioners and this should provide a better indication of the clinic's projected use of local funds for the current fiscal year.

Local funding for fee-for-service contracts is the second largest single category of the local funds in the Mental Health Authority's budget. Mental health management reports that \$1.2 million of local funding was used for these services in FY 11 and almost \$1 million in FY 12. These are the local dollars that are paid to local vendors for the direct provision of substance abuse and developmental disability services. After the \$174,000 budget adjustment approved by the Board on October 1, 2012, the current county fiscal year budget fully funds the amount of local dollars for these fee-for-service contracts requested by the Mental Health Authority for the first half of the fiscal year.

County management budgeted the local fee-for-service funds this way in anticipation of the MCO being funded directly the second half of the fiscal year. These funds will ultimately be paid to the same service providers contracting for Medicaid and state funded services and county management believed it to be duplicative and inefficient for dual contracts to be awarded by the MCO and the local Mental Health Authority for the same services to be provided by the same vendors. The remaining local funds were budgeted the same way for the reason that there was not a contract in place between the Mental Health Authority and Alliance prior to adoption of the budget. County management has been advised by mental health management that the contract between the Mental Health Authority and the Alliance will be finalized in November, 2012.

Mental health management regards this splitting of the former local funds budget as a reduction in the county appropriation and a violation of the statute quoted above. It is the expectation of mental health management that all local funding will be appropriated to the local Mental Health Authority for the authority to then appropriate funding back to the county for the out-patient clinic operated by the county public health department and to the contracted vendors for which the local authority is going to contract to provide MCO functions. Although there has been a reduction in the amount of local funds appropriated to the Mental Health Authority, it is because there has been a reduction in the current amount of operations and ongoing services conducted by the Mental Health Authority. The outpatient clinic used 65% of the local funds. That

expenditure has been directly absorbed by the county. The fee-for-service contracts used 23% of the local funds. It is the intention of county management that those services will be continued through the MCO. The approval of the budget adjustment to fund the state funding cuts on October 1, 2012, actually increases the local funding obligation for the current fiscal year.

### **Fund Balance:**

Until July 3, 2012, a single county area authority was declared by G.S.122C-116 to be a department of the county for purposes of budgeting and fiscal control. Consistently with that statute, the Division of Mental Health in the state Department of Health and Human Resources has maintained an administrative regulation since 1996 which states, “[s]ince single county area programs are considered a department of the county for budgetary and financial reporting, separate fund balances for the single county area programs are not required.” See 10A NCAC 27A.0111(a)(1). The Mental Health Authority has operated under the county’s financial policies until this fiscal year for that reason and has reported its fund balance to the state as \$0.

Under the county’s policies, the fund balance that has been carried forward as “reserved for mental health” was accumulated solely from county funds because the county policies require state and federal funds to be expended before county funds. In a meeting between county management and mental health management held on October 2, 2012, the finance officer for mental health reported for the first time that the mental health fund balance contained a substantial amount of state funds. This presents a critically important issue because Senate Bill 191, adopted on July 3, 2012, removed the county’s fiscal control from a single county authority with the result that a single county authority is fully accountable to the state. The reason this is critical is that the administrative regulation also states, “If the unrestricted fund balance is over 15 percent of the current annual budget, the Division shall recoup in an amount equal to the fund balance in excess of 15 percent.” See 10A NCAC 27A.0111(a)(5). If the entire county fund balance restricted to mental health is actually subject to this regulation, the amount of that excess is approximately \$10 million. For this reason it is critical that the Mental Health Authority and the county reach an accord as to the ownership of this fund balance as soon as possible.

It is significant that this shift in financial accountability only applies to Cumberland and Johnston Counties because these are the only single county authorities remaining in the state. The fund balance is also a significant issue with respect to any potential merger of Cumberland County into a multi-county area authority because G.S. 122C-115.3(f) requires that the fund balance of an area authority which is dissolved, be placed into the fund balance of the multi-county authority which is subsequently joined.



### **THE INTERLOCAL AGREEMENT:**

The interlocal agreement is the agreement among the Durham Center and the Johnston and Cumberland Mental Health Authorities to establish the MCO contracting arrangement. This interlocal agreement was assumed by the Alliance when the Durham Center merged with Wake County. This interlocal agreement establishes that the parties will further agree to a contractual arrangement for the provision of the Durham Center’s MCO functions by the Cumberland and

Johnston Authorities. That is the contract that is expected to be executed in November, 2012. On April 19, 2012 the Secretary of the Department of Health and Human Services approved this interlocal agreement as the method by which public mental health services will be administered in Cumberland County. The Secretary's approval states,

All the funding, including administrative funds, is sent to the Lead LME, in this case, The Durham Center. The Durham Center would then allocate funding as it sees fit and so as to be in accord with the Interlocal Agreement. The amount of funding for these four counties would not change regardless of whether Johnston and Cumberland Counties chose to dissolve their single county AA's [Area Authorities] or whether the county commissioners chose to retain their single county AA's. For the purpose of calculating the yearly allocation of State funds (IPRS), and in calculations to determine the Medicaid per member per month, the State will consider the three (3) entities of the Interlocal Agreement — Wake/Durham, Johnston and Cumberland — as a single entity.

The significance of this statement is that the State is regarding all of the three entities as a single entity whether or not the Cumberland and Johnston Authorities even remain in existence. If the Board of Commissioners wishes to pursue a merger with the Alliance or another MCO, clarification should be sought from the Secretary as to whether this agreement precludes any other form of statutorily authorized structure.

Because it is not a member of the area authority constituting the Alliance, Cumberland County does not have any legal right to representation on the governing board for the Alliance. The Alliance is requesting the resolution consenting to the alternate governing board structure because it has interpreted Senate Bill 191 to require the unanimous approval of each county board within its catchment area even though all of those counties are not constituents of the area authority. Regardless of whether or not the Alliance needs the Cumberland County Board's unanimous consent to adopt the alternate Alliance Board structure, the impact on Cumberland County is the same — neither the Cumberland County Board of Commissioners nor the Mental Health Authority has any right to appoint any board members to the Alliance. There is no detriment to Cumberland County to approve the resolution.



#### **POTENTIAL MERGER:**

There are statutory processes which must be followed to merge with an existing multi-county authority/MCO. Any merger must be approved by the Secretary of the Department of Health and Human Services. Since the Mental Health Authority has stated its opposition to any merger, it is unlikely that a merger could be accomplished unless the Board of Commissioners takes the first step of assuming the powers, responsibilities and duties of the Board of the Mental Health Authority pursuant to G.S. 153A-77(a). The process of assuming the powers and duties of the Mental Health Authority Board only requires a public hearing on the issue after 30 days public notice. Currently, the dissolution of the local authority and merger into a multi-county authority cannot be accomplished before the end of a fiscal year. Commencing July 1, 2013, that process can be accomplished at any time during a fiscal year. See G.S. 122C-115.3.

Merger into an existing multi-county authority does not ensure any degree of proportional representation on the governing board. Senate Bill 191 provides that an area board shall have no fewer than 11 and no more than 21 members and the process for appointing members shall ensure participation from each of the constituent counties. Thus, the number of appointees the Cumberland Board of Commissioners would make to any multi-county authority would be negotiated with the Boards of Commissioners of the other constituent counties. At least one commissioner has suggested consideration of each of the following merger possibilities:

**Alliance Behavioral Healthcare, Inc. (Durham & Wake Counties):**

Because of the existing relationship with Alliance, it is a logical choice to consider for a potential merger. With Durham having already negotiated two more seats on the governing board than held by Wake, it is the opinion of the county attorney that it will be a difficult negotiation process for Cumberland County to join the Alliance; however, it certainly should be one of the merger options to be explored because there are certainly advantages to a merger with only two existing counties. Ellen Holliman, Area Director for the Alliance, has advised county management that the Alliance Board has already voted to endorse the merger with Cumberland County and is willing to begin discussions of the process with the Boards of Commissioners of all three counties. That is a significant first step.

**Johnston County:**

The combined population of Johnston and Cumberland is now slightly above the 500,000 threshold that comes into effect on July 1, 2013. The association of both of these counties through the interlocal agreement with the Durham Center also makes Johnston a logical choice to consider. Mr. Debnam has advised the county attorney that he and his counterpart in Johnston have discussed merger but are of the opinion that it would not be approved by the Secretary because the population would just barely be above the threshold.

**Eastpointe (Duplin, Lenoir, Sampson, Wayne, Edgecombe, Greene, Nash, Wilson, Bladen, Columbus, Robeson, Scotland Counties):**

The Beacon Center and Southeastern Regional were merged into Eastpointe effective July 1, 2012, creating a twelve county authority. Robeson, with a population of 134,000, and Wayne, with 123,000, are the largest constituent counties. Three of the constituent counties border Cumberland. The Charleston Group provides legal services to both the Cumberland County Mental Health Authority and Eastpointe. These are factors that certainly make Eastpointe an option to consider; however, there have been no discussions with Eastpointe.

**CONCLUSIONS/RECOMMENDATIONS:**

For the reasons discussed above, the county attorney advises and/or recommends the following:

- (1) The Board of Commissioners has no legal control over the decision of the Mental Health Authority to go forward with the contractual arrangement with the Alliance. Nor is there sufficient time for the Board of Commissioners to assume the authority of the Mental Health Board before that contract is executed. For these reasons, mental health services will be delivered by that anticipated contractual arrangement through at least the end of the current fiscal year.
- (2) Because the anticipated contractual arrangement will go forward and it does not impact Cumberland County's position on the governing board of the Alliance, there is no detriment to the county for the Board of Commissioners to approve the resolution requested by the Alliance to establish the alternate board structure and the Board should consider doing so.
- (3) The amount of the mental health fund balance that is derived from county funds must be determined and the ownership of the fund balance must be established to avoid the potential reporting of that fund balance to the state by the Mental Health Authority and to avoid it from becoming an issue with any potential merger.
- (4) If the Board of Commissioners is satisfied with the contractual arrangement with the Alliance and the resolution of the fund balance issue, the Board does not need to take further action.
- (5) If the Board of Commissioners is not satisfied with the contractual arrangement or the resolution of the fund balance issue, then the Board should first take action to assume the duties and responsibilities of the Board of the Mental Health Authority.
- (6) If the Board of Commissioners does assume the duties and responsibilities of the Board of the Mental Health Authority, then the Board may proceed to resolve the fund balance issue and explore merger options as it deems prudent.

MARSHALL FAIRCLOTH  
Chairman

JIMMY KEEFE  
Vice Chairman

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



CUMBERLAND  
★ COUNTY ★  
NORTH CAROLINA

CANDICE WHITE  
Clerk to the Board

KELLIE BEAM  
Deputy Clerk

ITEM NO. 6

BOARD OF COMMISSIONERS

**MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA - NOVEMBER 19, 2012**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: CANDICE H. WHITE, CLERK TO THE BOARD** *cu*

**DATE: NOVEMBER 9, 2012**

**SUBJECT: CONSIDERATION OF ADOPTION OF 2013 BOARD OF COMMISSIONERS  
REGULAR MEETING DATES**

**BACKGROUND:**

Each year the Board of Commissioners considers adoption of its regular meeting dates for the upcoming year, and each year there are exceptions that have to be considered. These exceptions include the following:

The second meeting in January (January 22, 2013) and the first meeting in September (September 3, 2013) have been moved to a Tuesday because the first Monday in these months is observed as a holiday (Martin Luther King, Jr. Birthday and Labor Day respectively).

The second meeting in February is traditionally moved to a Tuesday because the Cumberland County Schools are closed for President's Day; however, the recommendation of the Policy Committee at their November 1, 2012 meeting was for the Board of Commissioners to hold its regular meeting on Monday, February 4, 2013 rather than the following Tuesday.

Additionally, the Policy Committee at their November 1, 2012 meeting recommended that the Board of Commissioners hold its regular meeting on Tuesday, April 2, 2013 since Monday, April 1, 2013 is being observed as Easter Monday.

Lastly, the first meeting in March has been cancelled because the NACo Legislative Conference will be held March 2-6, 2013 in Washington, DC.

**RECOMMENDATION/PROPOSED ACTION:**

Consider whether to adopt the 2013 Board of Commissioners regular meeting dates as proposed.

Attachment



2013 BOARD OF COMMISSIONERS  
REGULAR MEETING DATES

January 7, 2013, 9:00AM  
January 22, 2013, 6:45PM (Tuesday)

February 4, 2013, 9:00AM  
February 18, 2013, 6:45PM

March 4, 2013, 9:00AM (NO MEETING – NACo Legislative Goals Conference)  
March 18, 2013, 6:45PM

April 2, 2013, 9:00AM (Tuesday)  
April 15, 2013, 6:45PM

May 6, 2013, 9:00AM  
May 20, 2013, 6:45PM

June 3, 2013, 9:00AM  
June 17, 2013, 6:45PM

July – NO MEETINGS

August 5, 2013, 9:00AM  
August 19, 2013, 6:45PM

September 3, 2013, 9:00AM (Tuesday)  
September 16, 2013, 6:45PM

October 7, 2013, 9:00AM  
October 21, 2013, 6:45PM

November 4, 2013, 9:00AM  
November 18, 2013, 6:45PM

December 2, 2013, 9:00AM  
December 16, 2013, 6:45PM

NOTE: ALL MEETINGS ARE ON HELD MONDAY EXCEPT AS NOTED ABOVE.

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. 7A

BOARD OF COMMISSIONERS

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

November 15, 2012

**November 19, 2012 Agenda Item**

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

The Air Quality Stakeholders' Committee has the following one (1) upcoming vacancy:

City of Fayetteville Stakeholder:

Keith Bates – completing second term. Not eligible for reappointment.  
Recommendation is for **Kady-Ann Davy** to fill the City of Fayetteville Stakeholder position. (See attached)

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

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

Attachment

pc: Maurizia Chapman, FAMPO

*Celebrating Our Past...Embracing Our Future*



**Maurizia Chapman**

Air Quality Principal Planner  
130 Gillespie Street, Fayetteville, NC 28301  
Telephone (910) 678-7615  
E-mail: [mchapman@co.cumberland.nc.us](mailto:mchapman@co.cumberland.nc.us)

## AIR QUALITY STAKEHOLDERS OF CUMBERLAND COUNTY

**GARY SLATER**  
Chairman

**CAROLYN HINSON**  
Vice-Chairman

November 7, 2012

### Memorandum

To: Kellie Beam, Deputy Clerk,  
Cumberland County Board of Commissioners

Through: Thomas J. Lloyd, Planning and Inspections Director  
Richard D. Heicksen, FAMPO Executive Director

From: Maurizia Chapman, AICP, Air Quality Principal Planner

Subject: Air Quality Stakeholders Representative for the City of Fayetteville

The current Air Quality Stakeholders representative for the city of Fayetteville is Council Member Keith Bates, whose term will expire on December 31, 2012. Because he is not eligible for reappointment, he recommended as his successor Council Member Kady-Ann Davy. Mayor Chavonne approved the selection of Ms. Davy.

Please Submit Council Member Kady-Ann Davy for nomination and appointment to the Cumberland County Air Quality Stakeholders as the City of Fayetteville Representative by The Cumberland County Board of Commissioners.

Her contact Information is as follows:

KADY-ANN DAVY  
Council Member District 2  
P.O. Box 58561  
Fayetteville, NC 28305  
(910) 322-0780  
[kdavy@ci.fay.nc.us](mailto:kdavy@ci.fay.nc.us)

Please contact me at 678-7615 or via e-mail at [mchapman@co.cumberland.nc.us](mailto:mchapman@co.cumberland.nc.us) if you require additional information or clarifications.

AIR QUALITY STAKEHOLDERS COMMITTEE  
3-year terms

<u>NAME</u>	<u>STAKEHOLDER</u>	<u>DATE APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>ELIGIBLE FOR REAPPOINT.</u>
Commissioner Peggy Raymes PO Box 220 Stedman, NC 28391 323-1892	Town of Stedman	4/12	2nd	April/15 4/30/15	No
Councilman Keith Bates 5404 Chesapeake Road Fayetteville, NC 28311 488-6315/494-2256 (c) <a href="mailto:Kbates05@nc.rr.com">Kbates05@nc.rr.com</a>	City of Fayetteville	12/09	2nd	Dec/12 12/31/12	No
Alderman Napoleon Hogans PO BOX 617 Spring Lake, NC 28390 436-0241 Town Hall	Town of Spring Lake	6/12	1 <sup>st</sup>	Mar/13 3/31/13	Yes
**serving unexpired term; eligible for two additional terms**					
Commissioner Pat Edwards Town of Hope Mills PO Box 367 Hope Mills, NC 28348 424-4555	Town of Hope Mills	6/12	1st	Feb/13 2/28/13	Yes
**serving unexpired term; eligible for two additional terms**					
Elizabeth Small 4835 Main Street Linden, NC 28356-0228 980-0821	Town of Linden	6/12	2nd	Aug/15 8/31/15	No
Janice Lucas 7370 N. West Street Falcon, NC 28342 980-1296 <a href="mailto:Jhl0717@aol.com">Jhl0717@aol.com</a>	Town of Falcon	9/12	2nd	Sept/15 9/30/15	No
Natalee Ezzell 7650 Sisk Culbreth Road Godwin, NC 28344 273-5457 (C) <a href="mailto:Njezzell0331@mail.campbell.edu">Njezzell0331@mail.campbell.edu</a>	Town of Godwin	6/12	2nd	Jun/15 6/30/15	No
Commissioner Johnny Lanthorn 6841 Main Street Wade, NC 28395 484-7467 <a href="mailto:Johnny.lanthorn@faypwc.com">Johnny.lanthorn@faypwc.com</a>	Town of Wade	6/12	2nd	Jun/15 6/30/15	No
Henry L. Tew 1013 Ashbury Road Eastover, NC 28312 483-5062/977-1288 (c) <a href="mailto:htew@nc.rr.com">htew@nc.rr.com</a>	Town of Eastover	2/11	1 <sup>st</sup>	Feb/14 2/28/14	Yes

<u>NAME</u>	<u>STAKEHOLDER</u>	<u>DATE APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>ELIGIBLE FOR REAPPOINT.</u>
Gregory Bean 2175 Reilly Road Stop A Fort Bragg, NC 28310-5000	Fort Bragg	4/12	1 <sup>st</sup>	April/15 4/30/15	Yes
Carolyn Hinson Public Works Commission 6253 Lakehaven Drive Fayetteville, NC 28304 423-5940 (H)/223-4015 (W)	PWC	4/12	2nd	April/15 4/30/15	No
Daniel Rodriguez 2634 Franciscan Drive Fayetteville, NC 28306 425-2746 (H)/432-9701 (W)	Citizen	4/12	2nd	April/15 4/30/15	No
Jamison Stewart 3533 Godwin Circle Fayetteville, NC 28312 874-5930(H) 678-9897 (W)	Citizen	4/12	2nd	April/15 4/30/15	No
Ana McDowell, MD Allergy Partners 1317 Medical Drive Fayetteville, NC 28304 487-9395 (H)/323-3890 (W)	Medical Rep.	4/12	2nd	April/15 4/30/15	No
Doug Peters Chamber of Commerce 1019 Hay Street Fayetteville, NC 28305 484-4242	Chamber of Commerce	4/12	2nd	April/15 4/30/15	No
Jon Parsons FSU Energy Manager 1200 Murchison Road Fayetteville, NC 28301 483-2669 (H)/672-1403 (W)	Environmental Rep	4/12	2nd	April/15 4/30/15	No
Christopher Frank Cumberland County Dept of Public Health 1235 Ramsey Street Fayetteville, NC 28301 433-3705	Board of Health	1/12	1st	April/13 4/30/13	Yes
John Gillis 128 S Churchill Drive Fayetteville, NC 28303 484-9828 (H)/308-4255 (W)	Homebuilders Association	4/12	2nd	April/15 4/30/15	No

<u>NAME</u>	<u>STAKEHOLDER</u>	<u>DATE APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>ELIGIBLE FOR REAPPOINT.</u>
Richard Rice FTCC PO Box 35236 Fayetteville, NC 28303 678-1055 ricer@faytechcc.edu	FTCC	10/12	1st	Oct/15 10/31/15	Yes
Gary Slater Clear Path Recycling, LLC 3500 Cedar Creek Road Fayetteville, NC 28312 920-2441 (H)/689-2118 (W) gary.slater@clearpathrecycling.com	Industry	4/12	2nd	April/15 4/30/15	No
Kenneth Edge Board of Commissioners PO Box 1829 Fayetteville, NC 28302 425-0918	County of Cumberland (Elected Official)	4/12	2nd	April/15 4/30/15	No

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

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

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

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

**APPLICANTS FOR**  
**AIR QUALITY STAKEHOLDERS**

<b><u>NAME/ADDRESS/TELEPHONE</u></b>	<b><u>OCCUPATION</u></b>	<b><u>EDUCATIONAL BACKGROUND</u></b>
KATER, ROBERT (W/M) 714 BLAWELL STREET STEDMAN, NC 28391 484-3434 (H)	RETIRED	HIGHSCHOOL
<b>**SERVES ON THE MINIMUM HOUSING APPEALS BOARD**</b>		
SUBLETT, KIMBERLY 4517 HEADWIND DRIVE FAYETTEVILLE, NC 28306 424-9524/237-2390	CORPORATE SYSTEMS ANALYST-CFVHS	BS; MBA

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. 7B

BOARD OF COMMISSIONERS

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

**November 19, 2012 Agenda Item**

TO: Board of Commissioners

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

SUBJECT: Cumberland County Mental Health, Developmental Disabilities and Substance Abuse Services Area Board

The Cumberland County Mental Health, Developmental Disabilities and Substance Abuse Services Area Board has the following seven (7) upcoming vacancies:

County Attorney, Rick Moorefield, will address the Cumberland County Mental Health, Developmental Disabilities and Substance Abuse Services Area Board with relation to Senate Bill 191 at the meeting on November 19, 2012.

CFAC Family Representative Individuals in Recovery from Addiction:

**Jo Beth Cain** – completing first term. Eligible for reappointment. The Area Mental Health Board recommends the reappointment of Jo Beth Cain. (See attached)

CFAC Family Representative Individual with Intellectual or other Developmental Disabilities:

**Lodies Gloston** – completing first term. Eligible for reappointment. The Area Mental Health Board recommends the reappointment of Lodies Gloston. (See attached)

Openly Declared CFAC Member Representative Individual with Mental Illness:

**Alejandro Vazquez** – completing first term. Eligible for reappointment. The Area Mental Health Board recommends the reappointment of Alejandro Vazquez. (See attached)

Individual with Health Care Expertise:

**Dr. Zane Walsh** – completing first term. Eligible for reappointment. The Area Mental Health Board recommends the reappointment of Dr. Zane Walsh. (See attached)

Individual with Social Services Expertise:

**Allie Wiggins** – completing first term. Eligible for reappointment. The Area Mental Health Board recommends the reappointment of Allie Wiggins. (See attached)

Openly Declared CFAC Representative Individual in Recovery from Addiction:

**Gladys Hunt** – completing second term. The Area Mental Health Board recommends the reappointment of Gladys Hunt for a third term. (See attached)

Member Representative General Public:

**Liliana Parker** – completing second term. The Area Mental Health Board recommends the reappointment of Liliana Parker for a third term. (See attached)

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

**PROPOSED ACTION: Nominate individuals to fill the seven (7) vacancies above.**

Attachments pc: Hank Debnam, Mental Health Director & Yvette Lofton, Mental Health

*Celebrating Our Past...Embracing Our Future*

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



**MENTAL HEALTH CENTER**

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

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**MEMORANDUM**

TO: Kellie Beam, Deputy Clerk  
Board of County Commissioners

FROM: Yvette Lofton, Clerk to the Area Board

DATE: November 8, 2012

RE: Cumberland County Mental Health, Developmental Disabilities and  
Substance Abuse Services Area Board Recommendations for  
Reappointment

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At its, November 7, 2012 meeting, the Cumberland County Mental Health, Developmental Disabilities and Substance Abuse Services Area Board unanimously approved the following recommendations for reappointments to the Mental Health Board:

Second Term Appointment: *(In accordance to SB 191 Section 3.(a)(d) Structure of Area Board)*

*Dr. Jo Beth Cain (CFAC Family Representative Individuals in Recovery from Addiction)*

*Mrs. Lodies Gloston (CFAC Family Representative Individual with Intellectual or other Developmental Disabilities)*

*Mr. Alejandro Vazquez (Openly Declared CFAC Member Representative Individual with Mental Illness)*

*Dr. Zane Walsh (Individual with Health Care Expertise)*

*Ms. Allie D. Wiggins (Individual with Social Services Expertise)*

Third Term Appointment: *(In accordance to SB 191 Section 3.(a)(d) Structure of Area Board)*

*Ms. Gladys Hunt (Openly Declared CFAC Representative Individual in Recovery from Addiction)*

*Mrs. Liliana Parker (Member Representative General Public)*

**The above named reappointment considerations will bring these board members into compliance with S.B. 191.**

Celebrating Our Past...Embracing Our Future

The Area Board would like to request that these recommendations be presented to the Commissioners for their consideration at the November 19, 2012 County Commissioners' meeting.

The remaining board/board members will be in compliance by the statutory deadline of October, 2013.

If you have any questions, please contact me at 222-6133. Thank you.

cc: Lodies Gloston, Area Board Chair  
Marshall Faircloth, Cumberland County Commissioner  
Billy R. King, Cumberland County Commissioner  
Hank Debnam, Area Director  
Rick Moorefield, County Attorney  
Candice White, Clerk to the Board of Commissioners  
Jonathan Charleston, Area Authority Attorney

# MENTAL HEALTH CENTER AREA BOARD

(Cumberland County Area Mental Health, Developmental Disabilities and Substance Abuse Board)

4 Year Term (for current members as of 6-06)

3 Year Term (for members appointed after 6-06)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Licensed Physician/Individual with Health Care Expertise</u>				
Dr. Zane Walsh, Jr. (-/M) 2810 Huntington Road Fayetteville, NC 28303 484-3436/323-9010 (W)	12/09	1st	Dec/12 12/31/12	Yes
(serving first full term; eligible for 1 additional term)				
<u>Individual with Financial Expertise</u>				
Christopher Bostock (M) 424 Kingsford Road Fayetteville, NC 28314 864-6501/486-0415(W)	12/09	2nd	Dec/12 12/31/12	No
VACANT (vacated by Willie Cooper Jr)	12/09	2nd	Dec/12 12/31/12	No
<u>At-Large Representative</u>				
Sanjay Shah 308 Forest Creek Drive Fayetteville, NC 28303 864-4080/987-2571	12/11	1st	Dec/14 12/31/14	Yes
<u>Family Member Representing the Interests of Individuals with Developmental Disabilities/CFAC Family Representative Individual with Intellectual or other Developmental Disabilities</u>				
Lodies Gloston (B/F) 2000 Greendale Drive Fayetteville, NC 28304 867-5724 (H) / 624-9878 (W)	12/09	1st	Dec/12 12/31/12	Yes
<u>At-Large Representative</u>				
VACANT (Vacated by Ahusa)	12/10	1st	Dec/13 12/31/13	Yes
<u>Family Member Representing the Interest of Individuals with Developmental Disabilities</u>				
Annie A. Owens (B/F) 186 Wolfpoint Drive Fayetteville, NC 28311 488-2028/483-0153 (W)	6/10	2nd	June/13 6/30/13	No

Mental Health Board – page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Openly Declared Consumer in Recovery from Addiction/Openly Declared CFAC Representative</u>				
<u>Individual in Recovery from Addiction</u>				
Gladys Hunt (I/F) 2173 Downing Road Fayetteville, NC 28312 425-7409/483-8442(W)	12/09	2nd	Dec/12 12/31/12	No
<u>Individual from a Citizen's Group Representing the Interests of Consumers</u>				
Amy Garner 4502 Day Court Fayetteville, NC 28314 583-6519 (H) / 864-8739 (W)	12/11	1st	Dec/14 12/31/14	Yes
<u>Family Member Representing the Interests of Individuals with Mental Illness</u>				
Dr. Mary A. Hales (B/F) 3490 Hastings Drive Fayetteville, NC 28311 482-3390/822-2570 (W)	1/12	2nd	Jan/15 1/31/15	No
<u>Family Member Representing the Interests of Individuals in Recovery from Addiction/CFAC Family Representative</u>				
Jo Beth Cain (W/F) 5814 Rainsford Drive Fayetteville, NC 28311 488-4841/850-7892 (W)	12/09	1 <sup>st</sup>	Dec/12 12/31/12	Yes
(serving first full term; eligible for 1 additional term)				
<u>Openly Declared Consumer in Recovery from Addiction</u>				
Ernest Gore (W/M) 2724 Bennington Road Fayetteville, NC 28303 822-5988/891-7062 (W)	1/12	2nd	Jan/15 1/31/15	No
<u>Individual with Management or Business Expertise/Member Representative General Public</u>				
Liliana C. Parker (H/F) 6300 Hall Park Road Fayetteville, NC 28306 433-0791/551-4611 (W)	12/09	2nd	Dec/12 12/31/12	No
<u>Clinical Professional from Fields of Mental Health, Developmental Disabilities or Substance Abuse/Individual with Social Services Expertise</u>				
Allie Wiggins 5222 Brookfield Road Fayetteville, NC 28303 868-4219/988-4267 (Cell)	6/10	1st	Dec/12 12/31/12	Yes
(serving unexpired term-eligible to serve an additional term)				

Mental Health Board, page 3

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Individual Representing the Interests of Children</u>				
Janice Smith 606 Stonington Drive Fayetteville, NC 28311 488-0459/822-6353 (W)	6/10	1 <sup>st</sup>	June/13 6/30/13	Yes
<u>Openly Declared Consumer with Mental Illness/Openly Declared CFAC Member Representative</u>				
<u>Individual with Mental Illness</u>				
Vazquez, Alejandro 1923 United Drive Apt. A Fayetteville, NC 28301 488-5616 (H)	12/09	1 <sup>st</sup>	Dec/12 12/31/12	Yes

Chairman Appointed Voting Members (2) – Commissioners Billy King and Marshall Faircloth  
Contact: Hank Debnam, Mental Health Director, Phone 222-6126, Fax 323-0096

Yvette Lofton, Clerk to the Mental Health Board, Phone 222-6133

Meetings: 1<sup>st</sup> Wednesday of the month at 5:15 PM, 711 Executive Place, Board Room 124.

- Board expanded to 18 members 11-06-02
- Board terms changed to 3 year terms as of 6-06
- Positions aligned to bring the Board into compliance with GS 122C-118.1 in February 2010

**APPLICANTS FOR  
MENTAL HEALTH BOARD**

<b><u>NAME/ADDRESS/TELEPHONE</u></b>	<b><u>OCCUPATION</u></b>	<b><u>EDUCATIONAL BACKGROUND</u></b>
BETHEA, RASHAUNA (B/F) 1226 SKYLINE DRIVE FAYETTEVILLE, NC 28314 910-354-9520 Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-United Way's Multi-Cultural Leadership Program: No Graduate-other leadership academy: No	PRINT SHOP TECHNICIAN	BS-CRIMINAL JUSTICE MASTERS-PROFESSIONAL MENTAL HEALTH COUNSELING
BREWER, PATRICIA (W/F) 909 CALAMINT LANE FAYETTEVILLE, NC 28305 484-1524/818-0908	PHYSICIAN ASSISTANT WOMACK	MASTERS – PHYSICIAN ASST DOCTORATE – VETERINARY MEDICINE
CAPPELLA, DENISE O. (W/F) 4311 DRAUGHON ROAD EASTOVER, NC 28312-8488 485-8147	RETIRED	COLLEGE GRADUATE
CASHION, STEVEN P. (W/M) 6390 ABBOTTS PARK DR FAYETTEVILLE NC 28311 779-5358 (H) / 485-6843 (W) Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	PEER SUPPORT SPECIALIST & FIREMAN EVERGREEN BEHAVIORAL MANAGEMENT	HS
COHEN, TYRA C. 6509 BROOKSTONE LANE FAYETTEVILLE, NC 28314 257-9979 (H)	PUBLIC HEALTH EDUCATOR	BA; MASTERS
COUNCIL, SONJA (-/F) 950 STEWARTS CREEK DR APT. 1 FAYETTEVILLE, NC 28314 864-1651 (H) / 609-6139 (W) <b>**SERVES ON NURSING HOME ADVISORY BOARD**</b> Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	NURSE CAPE FEAR VALLEY	FTCC-ATTENDING METHODIST UNIV
DAURIA, DAVID (_/M) 6437 PERICAT DRIVE FAYETTEVILLE, NC 28306 425-5771/797-9688 <b>**SERVES ON THE EQUALIZATION AND REVIEW BOARD**</b>	INSTRUCTOR FTCC	ASSOCIATE OF SCIENCE HEATING & AIR
FRANCIS, VINCENT S. (B/M) 341 ABBOTTSWOOD DRIVE FAYETTEVILLE, NC 28301 488-2608/497-1175 <b>**SERVES ON HUMAN RELATIONS COMMISSION**</b>	SCHOOL COUNSELOR CUMBERLAND COUNTY SCHOOLS	BA; MS

**APPLICANTS FOR**  
**MENTAL HEALTH BOARD Page 2**

<b><u>NAME/ADDRESS/TELEPHONE</u></b>	<b><u>OCCUPATION</u></b>	<b><u>EDUCATIONAL BACKGROUND</u></b>
GAINEY, CHERYL (W/F) 4685 VIRSALLI LOOPE HOPE MILLS, NC 28348 486-4351/672-1062 (W)	ACCTS PAYABLE, SUPERVISOR – FSU	MASTER OF DIVINITY
HICKS, MARYBETH (W/F) 936 McKIMMON ROAD FAYETTEVILLE, NC 28303 229-3145/ (614)595-3857 (C)	HOMEMAKER	SOME COLLEGE
<b>**SERVES ON MID-CAROLINA AGING ADVISORY COMMITTEE**</b>		
ISON, JR, ROGER (W/M) 2200 DUNN ROAD EASTOVER NC 28312 485-0639/ 580-3928 Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	DISABLED	BS-BUSINESS ADMIN BA-GEOGRAPHY AS-INTERNET TECH AS-IS
JONES, ERIC F. (B/M) 123 N. PLYMOUTH FAYETTEVILLE, NC 28312 263-3054/487-0204 (W)	BUSINESS OWNER FITZGERALDS CAR COMPANY	HS; SOME COLLEGE
<b>**SERVES ON MINIMUM HOUSING APPEALS BOARD**</b>		
MAXWELL, PAUL ( /M) 439 WESTWOOD CIR FAYETTEVILLE NC 28314 977-1112 Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: CITIZENS POLICY ACADEMY	GRAD STUDENT	2 <sup>ND</sup> YEAR GRADUATE LEVEL
MURCHISON, KARLENE 623 DEVOE AVENUE FAYETTEVILLE, NC 28314 868-2199 (H) / 920-5420 (W)	ACCOUNTING TECHNICIAN	HS, FSU
PICKETT-WADDELL, AUDREY (B/F) 1202-A SLEEPY HOLLOW DRIVE FAYETTEVILLE, NC 28311 224-8785/488-7461 (W)	DAY CARE LEAD TEACHER HOJACK CHILD DEV. CTR.	BA – SOCIOLOGY
POWELL, LINWOOD (W/M) 6032 IVERLEIGH CIRCLE FAYETTEVILLE, NC 28311 488-1616-273-7178 (C)	RETIRED EDUCATOR	BS; MS ED; EdD
SACCO-TALLY, CARRIE 414 VISTA DRIVE FAYETTEVILLE, NC 28305 580-5534 (H)	STUDENT	BA PSYCHOLOGY; MSW MAY 2010

**APPLICANTS FOR**  
**MENTAL HEALTH BOARD Page 3**

<b><u>NAME/ADDRESS/TELEPHONE</u></b>	<b><u>OCCUPATION</u></b>	<b><u>EDUCATIONAL BACKGROUND</u></b>
SCARBOROUGH, MONICA 835 APPLEWOOD LANE FAYETTEVILLE, NC 28303 551-7063 (H)	UNEMPLOYED	HS; SOME COLLEGE TRADE SCHOOLS
SHORT, LYDIA FREWEN (W/F) 7529 AMBERLY WAY DRIVE FAYETTEVILLE, NC 28303 783-4006 (H)	SELF-EMPLOYED STRING INSTRUMENT REPAIR	BA – LIBERAL ARTS
SOIGNOLI, TIFFANY (W/F) 310 RAY STREET FORT BRAGG, NC 28307 436-1978	N/A	GRADUATE STUDENT
STUERTZ, KAY 112 DEVANE STREET FAYETTEVILLE, NC 28305 433-2877	FT. BRAGG SCHOOL PSYCHOLOGIST	MA – EDUCATION
WILLIAMS, MICHAEL D. (W/M) 516 LEVENHALL DRIVE FAYETTEVILLE NC 28314 (919) 868-8443/987-1016 (C)	RETIRED INSURANCE AGENT	BS – BUSINESS ADMIN. ENROLLED FOR MBA- HEALTH CARE PROGRAM
WIRE, DONALD DR (W /M) 540 NOTTINGHAM DR FAYETTEVILLE, NC 28311 910-223-1205 <b>**SERVES ON THE HOME &amp; COMMUNITY CARE COMMITTEE**</b> Graduate-County Citizens' Academy: No Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	RETIRED	BA – POLITICAL SCIENCE MA-POLITICAL SCIENCE PHD-EDUCATION

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. 8A

BOARD OF COMMISSIONERS

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

November 14, 2012

**November 19, 2012 Agenda Item**

TO: Board of Commissioners  
FROM: Kellie Beam, Deputy Clerk to the Board KB  
SUBJECT: Board of Health

BACKGROUND: On November 5, 2012, the Board of Commissioners nominated the following individual to fill one (1) vacancy for an unexpired term on the Board of Health:

General Public Representative:  
**Vikki Andrews** (new appointment)

I have attached the current membership list for this Board.

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

Attachment

pc: Buck Wilson, Public Health Director

*Celebrating Our Past...Embracing Our Future*

## BOARD OF HEALTH

3 Year Term

*(All terms expire on December 31<sup>st</sup> per NCGS § 130A-35)*

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
<u>Veterinarian</u>				
Heather Burkhardt (W/F) 5226 Lacross Point Parkton, NC 28371 (serving unexpired term; eligible for two additional three-year terms) 910-489-2336	12/11	1st	Dec/12 <b>12/31/12</b>	Yes
<u>Physician</u>				
Dr. Sanjay Shah 308 Forest Creek Drive Fayetteville, NC 28303 864-4080 / 987-2571	12/11	1st	Dec/14 <b>12/31/14</b>	Yes
<u>Dentist</u>				
Dr. Walter S. Scott, III (B/M) 686 Stockbridge Court Fayetteville, NC 28311 811-3543/323-3133(W)	01/10	2nd	Dec/12 <b>12/31/12</b>	No
<u>Registered Nurse</u>				
Pamela Pollock 1321 General Lee Avenue Fayetteville, NC 28305 481-9968 / 907-9091	03/10	1 <sup>st</sup>	Dec/12 <b>12/31/12</b>	Yes
<u>Optometrist</u>				
Barbara Ciampa (W/F) 3006 Metthame Drive Fayetteville, NC 28306 678-0680/484-7139(W)	12/10	2nd	Dec/13 <b>12/31/13</b>	No
<u>Pharmacist</u>				
Tom Nicholson (W/M) 274 Saint Johns Wood Fayetteville, NC 28303 485-1059/609-6839	12/11	2nd	Dec/14 <b>12/31/14</b>	No
<u>Engineer</u>				
Jimmy Kizer (W/M) 214 Woodcrest Road Fayetteville, NC 28305 484-0508/484-5191(W)	12/10	2nd	Dec/13 <b>12/31/13</b>	No

*(All terms expire on December 31<sup>st</sup> per NCGS § 130A-35)*

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Cumberland County Commissioner</u>				
Billy R. King	1/12	1 <sup>st</sup>	Dec/14	Yes
PO Box 1829			<b>12/31/14</b>	
Fayetteville, NC 28302				
822-6676 (W)/ 822-0892 (H)				
<u>General Public Reps.</u>				
Barbara Stelly (B/F)	12/11	1st	Dec/14	Yes
3219 Broadview Drive			<b>12/31/14</b>	
Fayetteville, NC 28301				
488-9590 (H) / 488-3098 (W)				
Christopher Frank	11/10	1st	Dec/12	Yes
2506 Torcross Drive			<b>12/31/12</b>	
Fayetteville, NC 28304				
339-4851/485-4108 (W)				
(serving unexpired term-eligible for one additional three-year term)				
<b>VACANT</b> (Vacated by C. Schaeffer)	1/10	2nd	Dec/12	No
			<b>12/31/12</b>	

Contact: Buck Wilson, Health Director  
 Trisha Barfield, Administrative Assistant  
 Phone: 433-3705  
 Fax: 433-3659

Meetings: 3rd Tuesday of the month - 6:00 PM - Board Room, Health Department, 1235 Ramsey Street  
 (July and September meetings take place only if desired).

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. 8B

BOARD OF COMMISSIONERS

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

November 14, 2012

**November 19, 2012 Agenda Item**

TO: Board of Commissioners

FROM: Kellie Beam, Deputy Clerk to the Board KB

SUBJECT: Farm Advisory Board

BACKGROUND: On November 5, 2012, the Board of Commissioners nominated the following individuals to fill three (3) vacancies on the Farm Advisory Board:

Farmer Position:

**Wayne Beard** (new appointment)

**Wayne Collier, Jr.** (reappointment)

**Vance Tyson** (new appointment)

I have attached the current membership list for this board.

**PROPOSED ACTION: Appoint individuals to fill the three (3) vacancies above.**

Attachment

pc: Deloma West, Planning Department

*Celebrating Our Past...Embracing Our Future*

## FARM ADVISORY BOARD

The Farm Advisory Committee was created by Resolution approved by the Board of Commissioners on April 5, 2004. Committee members were appointed by the Commissioners on June 7, 2004. Bylaws were adopted by the Commissioners on November 30, 2006 and the Farm Advisory Committee became the Farm Advisory Board. **Initial terms for the Farm Advisory Board began on December 31, 2006.** The initial term was for 3 years with an expiration date of December 31, 2009. (All second terms were staggered as outlined in the bylaws with 1/3 of the members appointed for a 1-year term; 1/3 of the members appointed for a 2-year term; and 1/3 of the members appointed to a 3-year term.) Determination was made at the membership meeting during the final quarter of the 3<sup>rd</sup> year by drawing lots. **(Bylaws specify that terms begin January 1st and expire December 31st; members may serve an unexpired term and 2 additional terms.)**

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible for Reappointment</u>
<u>Farmers:</u>				
Britt Riddle 7397 Riddle Road St. Pauls, NC 28384 425-8532/ 818-1049	12/11	1st	Dec/14 12/31/14	Yes
David Collier 3785 South River School Road Wade, NC 28395 483-6806/263-0418 (C)	12/7/09 Initial term for position began 12/31/06 Collier reappointed to 3-year term in 2009	2nd	Dec/12 12/31/12	No
Collins Bullard 2280 Stedman-Cedar Creek Road Stedman, NC 28391 303-3795	01/03/11	1st	Dec/13 12/31/13	Yes
Wayne Collier, Jr. 5489 Indian Ridge Road Linden, NC 28356 980-0066/308-9197 (C)	12/7/09 appointed to an unexpired term 11/3/08 for an initial term that began in 12/31/06 Collier reappointed to a 3-year term in 2009; eligible for an additional 3-year term	1 <sup>st</sup>	Dec/12 12/31/12	Yes
Craig Tyson 5648 NC Highway 87 S Fayetteville, NC 28306 484-9866/303-2651 (C)	12/7/09 Initial term for position began 12/31/06 Tyson reappointed to a 3-year term in 2009	2nd	Dec/12 12/31/12	No
<u>Natural Resource Conservation Service:</u>				
Clifton McNeill, Jr. 1404 Clifton McNeill Road Hope Mills, NC 28348	5/31/12 *serving unexpired term, eligible for two additional terms*	1st	Dec/13 12/31/13	Yes

**(Bylaws specify that terms begin January 1st and expire December 31st; members may serve an unexpired term and 2 additional terms.)**

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible for Reappointment</u>
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Farm Bureau Representative:

David Gillis 7775 Climbing Tree Lane Fayetteville, NC 28306 487-0684	01/03/11	1st	Dec/13 12/31/13	Yes
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Planning Board Representative:

Walter Clark 1124 Pony Drive Hope Mills, NC 28348 485-2228 / 818-4968	1/12 (eligible for an additional three-year term)	1st	Dec/13 12/31/13	Yes
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Cooperative Extension Service Representative:

Colby Lambert NC Cooperative Extension Service 301 East Mountain Drive Fayetteville, NC 28306 321-6875(W)	12/11 Initial term for position began 12/31/06	2nd	Dec/14 12/31/14	No
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Meetings: Quarterly – Second Tuesday of the first month of each quarter (Jan, Apr, July, Oct) at 7:00 PM  
Historic Cumberland County Courthouse, 130 Gillespie Street, Room 107C

Contact: Deloma West – 678-7611 (Planning and Inspections)