# AGENDA CUMBERLAND COUNTY BOARD OF COMMISSIONERS COURTHOUSE – ROOM 118 OCTOBER 15, 2012 6:45 PM

INVOCATION - Commissioner Marshall Faircloth, Chairman

PLEDGE OF ALLEGIANCE -

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

Cumberland County Cares Award:

Michael Brown, Muzzle Loader Instructor, Cumberland County Sharpshooters 4-H Club

Employee Recognition Award

Recognition of J. Lee Warren, Jr. Inducted as President of the North Carolina Association of Register of Deeds

Presentation of North Carolina Housing Finance Agency Award to Thanena Wilson, Cumberland County Community Development Director for the HOPE VI Development Project

Presentation by Mark Culbreth of the Cumberland County School System on the "Reading Rocks" Program. (Pg. 6)

- 1. Approval of Agenda
- 2. Consent Agenda
  - A. Approval of minutes for the October 1, 2012 regular Board of Commissioners meeting.
  - B. Approval to Extinguish a Deed of Easement between Martha D. West and the County of Cumberland regarding the Averasboro Battlefield. (Pg. 8)

- C. Approval of Report and Recommendation of the Cumberland County Facilities Committee: (Pgs. 13-23)
  - 1) Lease of the Robeson S&L Building to the FACVB and Adoption of the Resolution of Intent (Pg. 13)
  - 2) Lease of the J.P. Riddle Stadium to Hometown Sport Inc. (Swamp Dogs) and Adoption of Resolution of Intent (Pg. 21)
- D. Approval of Report and Recommendation of the Cumberland County Finance Committee: (Pg. 24-34)
  - 1) Regarding the Treatment for Effective Community Supervision (TECS) (**Pg. 24**)
- E. Approval of Report and Recommendation of the Cumberland County Policy Committee: (Pgs. 35-63)
  - 1) Revised Noise Ordinance (Pg. 35)
  - 2) Rules and Regulations of the Cumberland County Public Utilities Division (Pg. 48)
- F. Approval of a Proclamation Proclaiming October 24, 2012 as "Ammie McRae Jenkins Appreciation Day" for her service to our State and our County. (Pg. 64)
- G. Approval of a Proclamation Proclaiming the Week of October 22-27, 2012 as "Red Ribbon Week" in Cumberland County. (Pg. 65)
- H. Budget Revisions: (Pgs. 66-73)
  - (1) General Government Other (**Pg. 66**)

Revision in the amount of \$81,840 to appropriate fund balance to re-budget unexpended Public Response funds from FY12. (B13-131) **Funding Source** – **General Fund Fund Balance** 

- (2) Health (Pgs. 67-74)
  - a. Family Planning Clinic Revision in the amount of \$39,584 to reallocate revenue due to an unanticipated reduction in state funding. (B13-124) Funding Source Reallocation in Budgeted Revenues (Pg. 67)

- b. Health Education Revision in the amount of \$5,000 to recognize the Wolfe Mini Grant that will fund training for health department staff to implement the community-based volunteer program- The Friendship Project. The goal is to increase the likelihood of pregnant women having a full-term, healthy pregnancy. (B13-126) Funding Source Grant (Pg. 68)
- c. Bioterrorism Preparedness & Response Revision in the amount of \$30,023 to budget additional state funding. (B13-125) Funding Source State (Pg. 69)
- (3) Child Support Enforcement (Pg. 70)

Revision in the total amount of \$204,750 to budget Federal revenue of \$135,135 and fund balance appropriated of \$69,615 to fund Clerk of Court filing fees on behalf of Child Support clients. (B13-134) **Funding Source – Federal and Fund Balance Appropriated** 

(4) Sheriff- Federal Forfeiture (Pg. 71)

Revision in the amount of \$150,000 to appropriate federal forfeiture fund balance to purchase five patrol vehicles. (B13-135) **Funding Source – Federal Forfeiture Fund Balance Appropriated** 

5) Eastover Sanitary District Phase II/Eastover Sanitary District General Fund (Pg. 73)

Revision in the net amount of \$18,318 to facilitate the close out of the Eastover Sanitary District Phase II capital project by recognizing additional revenue of \$18,318 and reallocating expenses. Remaining funds of \$44,669 will be transferred to the Eastover Sanitary District's General Fund. (B13-132 and B13-132A) **Funding Source – Fees** 

3. Public Hearings (**Pgs. 75-105**)

#### **Uncontested Rezoning Case**

A. Case P12-51: Rezoning of 20.38+/- acres from CD Conservancy and A1 Agricultural to A1 Agricultural or to a more restrictive zoning district; located at 1554 and 1622 Yarborough Road; submitted by James S. Stewart Sr., Lenise E. Stewart, James S. Stewart Jr. and William T. Stewart (owners). (Pg. 75)

#### **Contested Rezoning Case**

B. Case P12-28: Rezoning of 1.00+/- acre from RR Rural Residential to C2(P) Planned Service and Retail or to a more restrictive zoning district, located at 4446 Clinton Road, submitted by Janice Ivey and Tommy D. Faircloth (owners) and Garris Neil Yarborough, Esq. (Pg. 78)

#### **Contested Conditional Zoning Case**

C. Case P12-26: Rezoning of 1.75+/- acres from C1(P) Planned Local Business and A1 Agricultural to C(P) Planned Commercial/ CZ Conditional Zoning District for a convenience store, restaurant and for profit indoor recreation/amusement or to a more restrictive zoning district, located at 3634 Chicken Foot Road, submitted by Dharmesh Patel on behalf of Grays Creek Groceries, LLC. (owner). (Pg. 82)

#### **Zoning Ordinance Text Amendments**

- D. Case P12-33: Revision and amendment to the Cumberland County Zoning Ordinance amending Article II, Interpretations, Calculations, and Definitions, Section 203 Definitions of Specific Terms and Words; amending Article IV, Permitted, Conditional and Special Uses, Section 403, Use Matrix by inserting internet café/video gaming as a permitted use in the C(P) Planned Commercial district column; amending Article IX, Individual Uses, by creating Section 911.1, entitled: Internet Café/Video Gaming and listing specific development standards; and updating the table of contents as appropriate. (Pg. 93)
- E. Case P12-61: Revision and amendment to the Cumberland County Zoning Ordinance amending Article II, Interpretations, Calculations and Definitions; Section 203, Definition of Specific Terms and Words, specifically: Kennel; Article IV, Permitted, Conditional, and Special Uses, Section 403, Kennel Operations; and Article IX, Individual Uses; Section 912, Kennel Operations; repealing provisions authorizing approval of the Temporary Housing/Boarding of Dogs in Residential Districts and updating the Table of Contents if appropriate. (Pg. 99)

#### **Subdivision Ordinance Text Amendment**

F. Case P12-60: Revision and amendment to the Cumberland County Subdivision Ordinance amending Article XXIII, Improvement and Design Standards; Section 2304, Streets; sub-section C, Private Streets; allowing for the land area within a Class "C" private street to be counted for density purposes; and updating the Table of Contents if appropriate. (**Pg. 104**)

#### **ITEMS OF BUSINESS**

- 4. Report by Buck Wilson, Public Health Director on Mental Health Clinic Services for Quarter Ending September 30, 2012. (Pg. 106)
- 5. Report on Status of the Delivery of Mental Health Services in Cumberland County. (Pg. 111)
- 6. Consideration of Request from Mental Health for \$1,217,894 in Additional Funding through December 31, 2012. (Pg. 118)
- 7. Discussion of the Cumberland County Travel Policy. (Pg. 131)
- 8. Nominations to Boards and Committees (Pgs. 142-155)
  - A. Cumberland County Home and Community Care Block Grant Committee (3 Vacancies) (Pg. 142)
  - B. Joint Senior Citizens Advisory Committee (1 Vacancy) (**Pg. 150**)
- 9. Appointments to Boards and Committees (Pgs. 156-166)
  - A. Air Quality Stakeholders' Committee (2 vacancies) (Pg. 156)

Nominees: Town of Linden Stakeholder: Janice Lucas (Reappointment)

FTCC Stakeholder: Richer Rice

B. Cumberland County Juvenile Crime Prevention Council (1 Vacancy) (**Pg. 160**)

Nominee: Member of Faith Community: Shawn Withy-Allen

C. Library Board of Trustees (3 Vacancies) (**Pg. 165**)

Nominees: Daisy D. Maxwell (Reappointment)

Mary e. Thomas (Reappointment) Sara VanderClute (Reappointment)

10. Closed Session: If Needed

**ADJOURN** 

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

MEETINGS: November 5, 2012 (Monday) - 9:00 AM

November 19, 2012 (Monday) – 6:45 PM December 3, 2012 (Monday) – 9:00 AM December 17, 2012 (Monday) – 6:45 PM JAMES E. MARTIN County Manager

AMY H. CANNON Deputy County Manager



JAMES E. LAWSON Assistant County Manager

#### OFFICE OF THE COUNTY MANAGER

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

#### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF OCTOBER 15, 2012

TO:

BOARD OF COMMISSIONERS

FROM:

JAMES E. MARTIN, COUNTY MANAGER

DATE:

**OCTOBER 9, 2012** 

SUBJECT:

PRESENTATION BY MR. MARK CULBRETH OF THE

**CUMBERLAND COUNTY SCHOOL SYSTEM ON THE** 

"READING ROCKS" PROGRAM

Mr. Mark Culbreth, of the Cumberland County School System will be attending the October 15, 2012 Board of Commissioners meeting to make a presentation on the "Nifty 9<sup>th</sup> Year" Reading Rocks! Walk-a-thon which is scheduled for Saturday, October 20, 2012.

/ct

Attachment

CM100912-1



LARRY LANCASTER, CHAIR ALICIA S. CHISOLM, VICE CHAIR MICHAEL BOOSE KIMBERLY P. FISHER MACKY HALL P.O. Box 2357 Fayetteville, North Carolina 28302 910-678-2300

JAMES A. MCLAUCHLIN MARY EMILY ROYAL CARRIE SUTTON GREG WEST

DR. FRANK TILL SUPERINTENDENT

September 27, 2012

Mr. Marshall Faircloth Chairman, Cumberland County Board of Commissioners P.O. Box 1829 Fayetteville, NC 28302

Ref: Reading Rocks Walk-a-thon

Dear Chairman Faircloth:

This year Cumberland County Schools, in partnership with the Cumberland County Education Foundation, is pleased to announce our "Nifty Ninth Year" Reading Rocks! Walk-a-thon on October 20, 2012 at 9:00 a.m. in Festival Park, Downtown Fayetteville. Last year law enforcement officials estimated that over 20,000 walkers participated, and over \$100,000 was raised by our schools and donated by many generous sponsors. All money has gone directly back to our schools to support literacy efforts throughout our school system. Our slogan for this year is "Nifty Ninth Year...25,000 Walkers!"

The Cumberland County Schools have consistently enjoyed the support of the Cumberland County Board of Commissioners, and we know you will want to be involved in this event if your schedule allows. Please accept our invitation to join us as local dignitaries on stage as we kick off this community-wide program. Please contact Nancy Kebort at 910-678-2613 to let her know if you or other members of the Cumberland County Board of Commissioners will be able to attend.

On behalf of over 54,000 Cumberland County School students, we thank you for your support of our schools and hope to see you on October 20 as we celebrate literacy and its power to create an informed citizenry.

With warmest regards,

Mark Culbreth Member, *Reading Rocks* Walk-a-thon Planning Team

cc: James Martin



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PHYLLIS P. JONES
Assistant County Attorney

ITEM NO. 28

#### OFFICE OF THE COUNTY ATTORNEY

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

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

To:

Board of Commissioners; Co. Manager

From:

County Attorney R. Moorefield

Date:

October 10, 2012

Subject:

Request of Averasboro Battlefield Commission to Extinguish an Easement

Granted to the County by Martha D. West

Attachments: Letter from Mac Williams, President of Averasboro Battlefield Commission;

Copy of Deed of Easement Granted by Martha D. West

#### **BACKGROUND:**

See the attached letter from the Averasboro Battlefield Commission requesting the county to extinguish the easement granted to the county by Martha D. West by the instrument recorded in Book 7904 at page 225 because it is no longer needed. The easement was for the placement of historical markers but the markers have been moved out of the easement area by the Commission.

#### **RECOMMENDATION:**

Authorize the chairman to execute an instrument conveying all the county's rights in the easement back to Ms. West, the grantor, thereby extinguishing the easement on her property.

### **Averasboro Battlefield Commission, Inc.**

PO Box 1811, Dunn, NC 28335-1811 Telephone: (910) 891-5019

www.averasboro.com



September 28, 2012

Mr. James Martin, Manager County of Cumberland P.O. Box 1829 Fayetteville, N.C. 28302

Dear Mr. Martin,

The Averasboro Battlefield Commission meeting in regular session on May 17, 2012 approved requesting the Commissioners of Cumberland County to <a href="extinguish">extinguish</a> the Deed of Easement executed between the County of Cumberland and Martha D. West who resides at Ross West Road, Dunn, N.C. 28334.

This Deed of Easement was executed on April 28, 2008 at the request of the Battlefield Commission with Ms. West concurring. The purpose of this request was to permit the Commission to further develop the site which at that time had located on it the historical marker relating to the battle. Since then the markers have been located to the William Smith House making them more easily available to site visitors negating the need for the easement.

If additional information is needed, please call me at (910)483-1694 or (910)261-5898.

Sincerely,

Mac Williams, President

Averasboro Battlefield Commission, Inc.

FILED CUMBERLAND COUNTY NC J. LEE WARREN, JR. REGISTER OF DEEDS FILED Jun 03, 2008 AT 08:15:00 am 07904 BOOK 0225 START PAGE 0227 **END PAGE** 

22735 **INSTRUMENT#** RECORDING \$20.00

(None)

EXCISE TAX

North Carolina Cumberland County

Prepared By & Returne To: Billy R. Godwin, Jr., P.A., 406 W. BroadST. Dunn, NC 28334

A Revenue

DEED OF EASEMENT

THIS EASEMENT, made and entered into this 38 Day of April 2008, by and between MARTHA D. WEST, single, 49 Ross West Road, Dunn, N.C. 28334, (hereinafter referred to as "Grantor"); and the COUNTY OF CUMBERLAND, (hereinafter referred to as "Grantee");

#### WITNESSETH:

WHEREAS, Grantor owns a certain tract or parcel of land located on the West Side of N.C. Hwy 82 (Burnett Road) near its intersection with N.C.S.R. 1801 (Ross West Road) as shown on an unrecorded map entitled "Monument Easement: survey for Averasboro Battlefield Commission. Inc.," dated February 21, 2008, revised February 28, 2008, by Joyner Piedmont Surveying.

WHEREAS, Grantors source of title for the tract herein described is that 111.42 Acres in the Fourth Tract as described in Deed Book 3206, Page 451, Cumberland County Registry.

WHEREAS. The Grantee and The Averasboro Battlefield Commission, Inc. (ABCI), were joint recipients of a North Carolina Department of Transportation ("NCDOT") Transportation Enhancement Grant for a project (designated *E-4768*) to make improvements to the historic William Smith Plantation House (Smith House) located along N.C.S.R. 1801 (Ross West Road) on the Averasboro Civil War Battlefield in Cumberland County, N.C.; and

WHEREAS, part of the Project involves the restoration of and access improvement to, an Averasboro Battlefield wayside information sign located on Grantor's property on the West side of N.C. Hwy 82. To facilitate this restoration and access improvement, Grantor has agreed to grant to Grantee a perpetual easement on a 3,829 square foot tract for public improvement, maintenance, access, ingress, and egress to the said wayside information sign.

WHEREAS, due to the use of public funds to relocate the sign as heretofore mentioned, assurance must be given by Grantors that there are no restrictions prohibiting access of the general public to the easement site other than reasonable restrictions as to time of access.

NOW, THEREFORE, Grantor, for \$10.00 and other good and valuable consideration including consideration of the mutual promises herein, does hereby give, grant, bargain and convey unto the Grantee, its successors and assigns, a perpetual right and easement to run with the land, on the property described in Schedule A for the restoration, improvement, maintenance, and viewing by the general public, of the Averasboro Civil War Battlefield informational sign and Grantors do further agree that the easement herein conveyed shall be open to the general public at large provided however, that Grantee agrees that the operating hours for said public access shall generally be during daylight hours and shall not extend after dark.

TO HAVE AND TO HOLD, said easement to Grantee, its successors and assigns as such, it being agreed that the right of access as established herein runs with the land. The Grantor covenants herein that they are seized of the premises in fee simple, have the right to convey said easement, that the title is marketable and free of all encumbrances, and that the Grantor will warrant and defend the title against the lawful claims of all persons whomsoever.

IN TESTIMONY WHEREOF, Grantors have caused this instrument to be executed, by them as of the day and year first above-written.

MARTHA. WEST

\*\*\*\*\*\*\*\*

Cumberland COUNTY
STATE OF NORTH CAROLINA

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purposes stated therein and in the capacity indicated: MARTHA. WEST

This the 284h day of April, 2008.

Notary Públic

My Commission Expires: 11

(N.P. SEAL)

#### SCHEDULE A

BEGINNING at a Found P.K. Nail in the centerline in the intersection of NCSR 1801 ("Ross West Road") and NC Highway 82 (Burnett Road), and running as the center of N.C Highway 82, South 09 deg. 07 min. 55 sec. West 39.44 feet to a Set P.K. Nail; thence North 86 deg. 15 min. 22 sec. West 34.85 feet to a Set Rebar; thence North 03 deg. 30 min. 44 sec. East 80.04 feet to a Set Rebar; thence North 88 deg. 46 min. 40 sec. West 68.55 feet to a Set Rebar; thence North 05 deg. 59 min. 49 sec. West 36.40 feet to a Set Rebar; thence North 89 deg. 52 min. 29 sec. East 106.80 feet to a Set P.K. Nail in the centerline of NC Highway 82; thence South 03 deg. 52 min. 09 sec. East 30.34 feet to a Found P.K. Nail in the centerline of NC Highway 82; thence South 00 deg. 24 min. 38 sec. West 50.85 feet to the point and place of beginning and containing 3,829 square feet more or less as shown on that map by Joyner Piedmont Surveying, Dunn, North Carolina, entitled "Monument Easement Survey for Averasboro Battlefield Commission, Inc." dated February 21, 2008, Revised February 28, 2008.

This easement is part of that 111.42 Acre tract described in Deed Book 3206, Page 451, Cumberland County Registry.

PHYLLIS P. JONES Assistant County Attorney

ITEM NO. 20(1

#### OFFICE OF THE COUNTY ATTORNEY

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

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

TO:

Board of Commissioners; Co. Manager; Asst. Co. Manager; John Meroski,

**FACVB** 

FROM:

Co. Atty. R. Moorefield

DATE:

October 10, 2012

SUBJECT:

Lease of Both Floors of the Robeson S & L Bldg. to the FACVB

#### **BACKGROUND:**

At its October 4, 2012 meeting, the Facilities Committee voted to recommend the lease of both floors of the Robeson S & L Bldg, to the FACVB pursuant to the following terms:

**Premises:** 

Robeson S & L Bldg. located on Person Street across from the Courthouse

Lessee:

**FACVB** 

**Notice of Intent:** 

will be required

Use:

to conduct activities to promote tourism and the use of convention facilities in

**Cumberland County** 

Term:

ten years commencing upon approval by Board of Commissioners

Renewal Terms:

none

Rent:

7,049 s.f. @ 10.50 for annual rent of \$74,015

**Utilities:** lessee's responsibility

Regular Inside Maintenance:

lessee's responsibility

Janitorial:

lessee's responsibility

Maintenance of Exterior, Parking Lot and Landscaping:

County's responsibility

Insurance:

\$1 million general liability provided by lessee

Improvements:

at lessee's cost, subject to county's approval

Early Termination Provision:

none

There is a statutory requirement that the Board publish a notice of its intent to enter into this lease before voting to approve it. Final approval will be on the agenda of the November 5, 2012 meeting.

#### RECOMMENDATION/PROPOSED ACTION:

Adopt the following resolution:

**BE IT RESOLVED** that the Cumberland County Board of Commissioners finds that the real property known as the Robeson S & L Bldg. located at 245 Person Street, Fayetteville, NC, will not be needed for government purposes for the term proposed for the lease of the property to the FACVB and this Board intends to adopt a resolution at its next regular meeting to be held on November 5, 2012, approving the lease pursuant to the terms to be advertised as follows:

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

TAKE NOTICE that the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its meeting to be held on November 5, 2012, approving the lease of the old Fayetteville S & L Bldg. located at 245 Person Street, Fayetteville, NC, to the FACVB, a non-profit corporation, for a term of 10 years commencing December 1, 2012, at an annual rental rate of \$74,015.

# CUMBERLAND COUNTY FACILITIES COMMITTEE NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564 OCTOBER 4, 2012 - 8:30 A.M. MINUTES

MEMBERS PRESENT:

Commissioner Jimmy Keefe, Chair

Commissioner Kenneth Edge

Commissioner Billy King (arrived at 8:34 a.m.)

OTHER COMMISSIONERS

PRESENT:

Commissioner Marshall Faircloth (arrived at 8:53 a.m.)

Commissioner Jeannette Council (arrived at 9:20 a.m.)

Commissioner Ed Melvin

OTHERS PRESENT:

Amy Cannon, Deputy County Manager

James Lawson, Assistant County Manager Sally Shutt, Chief Public Information Officer

Rick Moorefield, County Attorney

Jeffery Brown, Engineering and Infrastructure Director

Howard Abner, Assistant Finance Director Darrell Handelsman, Favetteville Swampdogs

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

Press

Commissioner Jimmy Keefe called the meeting to order.

1. APPROVAL OF MINUTES – SEPTEMBER 6, 2012 MEETING

MOTION:

Commissioner Edge moved to approve the minutes.

SECOND:

Commissioner Keefe

VOTE:

**UNANIMOUS (2-0)** 

2. CONSIDERATION OF REQUEST TO LEASE BOTH FLOORS OF THE ROBESON S & L BUILDING TO THE FACVB

Amy Cannon, Deputy County Manager, stated this item was on the September Facilities Committee agenda and management had requested additional time to discuss details of the lease with Mr. Meroski from the FACVB. Ms. Cannon stated there had been additional discussion with Mr. Meroski and Rick Moorefield, County Attorney, regarding a new proposed rate for the committee's consideration.

Mr. Moorefield stated since the discussion at the September 6, 2012 Facilities Committee meeting, management has agreed to recommend a rental term of ten (10) years and a

rental rate of \$10.50 per square foot for the lease of the old Robeson S & L Building to the FACVB, subject to the Board of Commissioner's finding that the building will not be needed for government purposes during that lease term.

Mr. Moorefield stated the other terms of the existing arrangement will remain in place with the essential lease terms being as follows:

Premises:

Robeson S & L Building, located on Person Street across from the

Courthouse.

Lessee:FACVB Notice of Intent:

Will be required

Use:

To conduct activities to promote tourism and the use of convention

facilities in Cumberland County

Term:

Ten (10) years commencing upon approval by Board of

Commissioners

Renewal Terms:

None

Rent:

7,049 square feet @ \$10.50 per square foot for annual rent of

\$74,015

Utilities:

Lessee's responsibility

Regular Inside Maintenance:

Lessee's responsibility

Janitorial:

Lessee's responsibility

Maintenance of Exterior, Parking Lot and Landscaping:

County's responsibility

Insurance:

\$1 million general liability provided by lessee

Improvements:

At lessee's cost, subject to county's approval

Early Termination Provision:

None

MOTION:

Commissioner Edge moved to approve the lease agreement as presented

by the county attorney.

SECOND:

Commissioner Keefe

VOTE:

**UNANIMOUS (2-0)** 

3. UPDATE ON THE STATUS OF THE FORMER BOARD OF ELECTIONS BUILDING AND BOARD OF ELECTIONS MOVE TO THE E. NEWTON SMITH BUILDING

James Lawson, Assistant County Manager, stated he had no significant information to report since the update provided to the Facilities Committee last month on the status of the former Board of Elections building and the Board of Elections move to the E. Newton Smith building. Mr. Lawson stated he had received three phone calls in reference to the

former Board of Elections building from brokers. Mr. Lawson stated an advertisement ran in the Fayetteville Observer in June publicizing the sale of the former Board of Elections building and an ad ran in the July edition of the Up & Coming. Mr. Lawson further stated there continues to be an ad running on Cumberland County's website and there are several signs located on the property advertising the sale.

Mr. Lawson stated the Board of Elections started the move to the E. Newton Smith building on Monday, August 20<sup>th</sup>, the move was completed on Friday, August 24<sup>th</sup>, and the Board of Elections was fully on Monday, August 27<sup>th</sup>. Mr. Lawson stated once the former Board of Elections building was vacated he performed a walk-through of the building and stated it was in great condition. Mr. Lawson stated there had been no disruption in service and the Board of Elections staff has been pleased with the entire moving process.

Commissioner King inquired about the asking price and how long the former Board of Elections building would be on the market. Mr. Lawson stated the asking price of the former Board of Elections building is \$675,000 and the plan is to keep the building on the market for six (6) months until December of 2012. Commissioner Keefe stated if no offers are received on the building, it will revert back to county's inventory. Commissioner Keefe asked county management to bring suggestions on how to best utilize the building to include remodeling costs should no offers be received.

Commissioner Edge asked about the status of the former Legal Aid building on the corner of Russell Street and Gillespie Street. Ms. Cannon stated she thought action was taken by the Board of Commissioners to have the building demolished. Ms. Cannon further stated the former county engineer had also developed a cost estimate to renovate the building. Commissioner Keefe asked that an update to include recommendations for the former Legal Aid be provided to the Facilities Committee at its meeting on November 1, 2012.

## 4. UPDATE ON THE STATUS OF THE EMPLOYEE WELLNESS CENTER AND PHARMACY

Ms. Cannon stated the Employee Clinic opened on Monday, August 13<sup>th</sup> and stated the clinic is mainly seeing patients with acute illnesses and averages eight to nine patients per day plus daily phone consultations. Ms. Cannon stated clinic staff is working hard to assist county employees in a cost-conscious way.

Ms. Cannon stated the Employee Pharmacy opened on Monday, August 20<sup>th</sup> and the pharmacy has filled over 1,000 prescriptions since opening. Ms. Cannon stated there had been a transition in pharmacy staffing but there has been no disruption in service. Ms. Cannon stated county management is pleased with the Employee Clinic and Employee Pharmacy at this point.

Commissioner King asked how well the Employee Wellness Center is being advertised. Ms. Cannon stated the county's Chief Public Information Officer Sally Shutt has

provided mass information to employees thru email and the intranet. Ms. Cannon stated it may take six to nine months to get a good perspective on the Employee Wellness Center.

Commissioner Edge asked if anything is being done to incentivize county employees to use the Employee Pharmacy. Ms. Cannon stated the county employees that choose to use the Employee Pharmacy pay a lower co-payment than at a retail pharmacy. Ms. Shutt stated county employees have access to the pharmacy pricing on the county's website. Ms. Cannon stated updates have been sent almost on a weekly basis to county employees promoting the Employee Wellness Center. Commissioner Edge stated he would like to see the progress being tracked.

Ms. Cannon stated the Employee Wellness Center is currently only open to county employees and retirees covered under the healthcare plan. Ms. Cannon stated the goal is to eventually open the Employee Wellness Center to dependants of county employees covered under the healthcare plan. Ms. Cannon stated this will help maximize cost savings.

#### 5. UPDATE ON THE LEASE FOR THE J.P. RIDDLE STADIUM

Mr. Moorefield stated the current lease for the J.P. Riddle Stadium expires at the end of 2012. Mr. Moorefield stated the Swampdogs wish to continue to lease the stadium under the same general terms and conditions. Mr. Moorefield further stated that due to the language in the agreements between the city and the county for the operation of the joint recreation department, a request was made to the City of Fayetteville to clarify what the city regarded as its maintenance responsibilities for the stadium.

Mr. Moorefield stated the essential terms of the proposed lease are as follows:

Premises:

J.P. Riddle Stadium

Lessee: Hometown Sports America, Inc.

Notice of Intent:

Will be required

Use:

As the home field for an amateur baseball club playing in the

Coastal Plains League

Term:

Four years commencing January 1, 2013

Renewal Term:

One 4-year renewal term to be exercised at the option of the club

Rent:

Total amount (including concession rights) is \$12,000 annually

Utilities:

County to pay all utilities, including parking lot security lights, sign lighting, water for playing field and irrigation, all other water, sewer, electric and telephone with the club to reimburse flat amount of \$150 per game during the playing season and \$250 per month for the months of the off-season when no games are played

Maintenance by the Club:

- Dragging and lining the field for its games and clean-up of concessions and locker areas
- HVAC system for the club office
- Field tarp and batter's cage and batter's/pitcher's tunnel
- All concession equipment, including cookers, grills, coolers, freezers, drink dispensers, food and beverage handling equipment
- Signage used for advertising/marketing (not the stadium identification sign)

#### Maintenance by the County:

- All regular maintenance
- · Mowing, edging, fertilizing playing surface
- Maintaining parking lot, mowing and landscaping outside the ballpark
- · Post-game clean-up
- All electrical and mechanical systems including field lighting, parking lot lighting, scoreboard, plumbing, stadium identification sign, backstops, dugouts, foul poles, outfield fence
- All structures and buildings including the clubhouse, public restrooms, concession buildings, press box, ticket booths, bleachers and box seats

Mr. Moorefield stated the city is proposing that all maintenance will be provided by the city, which will be fully funded by the county out of the county's general fund, and that the county to retain all liability for maintenance performed by the city.

Janitorial:

Club's responsibility

Insurance:

As required by the County Risk Manager

Early Termination Provision: None

Mr. Moorefield explained in the existing agreement the city is responsible for all maintenance but the county pays for the maintenance. Mr. Moorefield further explained in the existing agreement the city has no liability for the stadium or the maintenance of the stadium because the liability is assumed by the county.

Mr. Moorefield stated it would make more sense if the county assumed responsibility for the maintenance at the stadium since the county assumes the liability. Commissioner Edge and Commissioner King concurred.

MOTION:

Commissioner Edge moved to approve the lease agreement as presented with the note that the city be taken out of the agreement and the county be

solely responsible for the maintenance of the stadium.

SECOND:

Commissioner King

VOTE:

**UNANIMOUS (3-0)** 

#### 6. OTHER ITEMS OF BUSINESS

There were no other items of business.

MEETING ADJOURNED AT 9:23 AM.



PHYLLIS P. JONES
Assistant County Attorney

ITEM NO. \_ 20(2)

#### OFFICE OF THE COUNTY ATTORNEY

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

## MEMO FOR THE AGENDA OF THE OCTOBER 15, 2012 MEETING OF THE BOARD OF COMMISSIONERS

TO:

Board of Commissioners; Co. Manager; Asst. Co. Manager

FROM:

Co. Atty. R. Moorefield

DATE:

October 10, 2012

SUBJECT:

Lease of J. P. Riddle Stadium to Swampdogs

#### **BACKGROUND:**

J. P. Riddle Stadium has been leased to Hometown Sports America, Inc., (the Swampdogs) since December 23, 2004 under two lease terms of 4 years each. The current lease expires at the end of 2012. The Swampdogs wish to continue to lease the stadium under the same general terms and conditions. Due to the language in the agreements between the city and the county for the operation of the joint recreation department, a request was made to the city to clarify what the city regarded as its maintenance responsibilities for the stadium. A copy of the letter from the city attorney's office is attached.

At its October 4, 2012 meeting, the Facilities Committee voted to recommend the continued lease of the stadium to the Swampdogs with the county assuming complete responsibility for maintenance rather than continuing the maintenance agreement with the city Parks and Recreation Department, pursuant to the following terms:

**Premises:** 

J. P. Riddle Stadium

Lessee:

Hometown Sports America, Inc. (the Sweampdogs)

**Notice of Intent:** 

will be required

Use:

as the home field for an amateur baseball club playing in the Coastal Plains League

Term:

four years commencing January 1, 2013

Renewal Term:

one 4-year renewal term to be exercised at the option of the club

Rent:

total amount (including concession rights) is \$12,000 annually

**Utilities:** county to pay all utilities, including parking lot security lights, sign lighting, water for playing field and irrigation, all other water, sewer, electric and telephone with the club to reimburse flat amount of \$150 per game during the playing season and \$250 per month for the months of the off-season when no games are played

#### Maintenance by the Club:

- dragging and lining the field for its games and clean-up of concessions and locker areas
- > HVAC system for the club office
- > field tarp and batter's cage and batter's/pitcher's tunnel
- > all concession equipment, including cookers, grills, coolers, freezers, drink dispensers, food and beverage handling equipment
- > signage used for advertising/marketing (not the stadium identification sign)

#### Maintenance by the County:

- \* all regular maintenance
- mowing, edging, fertilizing playing surface
- \* maintaining parking lot, mowing and landscaping outside the ballpark
- spost-game clean-up
- all electrical and mechanical systems including field lighting, parking lot lighting, scoreboard, plumbing, stadium identification sign, backstops, dugouts, foul poles, outfield fence
- all structures and buildings including the clubhouse, public restrooms, concession buildings, press box, ticket booths, bleachers and box seats

Note: The City is proposing that all maintenance will be provided by the City and will be fully funded by the County out of County's General Fund, with the County to retain all liability for maintenance performed by the City.

Janitorial: club's responsibility

Insurance: as required by the County Risk Manager

Early Termination Provision: none

There is a statutory requirement that the Board publish a notice of its intent to enter into this lease before voting to approve it. Final approval will be on the agenda of the November 5, 2012 meeting.

#### RECOMMENDATION/PROPOSED ACTION:

Adopt the following resolution:

**BE IT RESOLVED** that the Cumberland County Board of Commissioners finds that the real property known as the J. P Riddle Stadium located on Legion Road in the City of Fayetteville

will not be needed for government purposes for the term proposed for the lease of the property to Hometown Sports America, Inc, (the Swampdogs) and this Board intends to adopt a resolution at its next regular meeting to be held on November 5, 2012, approving the lease pursuant to the terms to be advertised as follows:

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

TAKE NOTICE that the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its meeting to be held on November 5, 2012, approving the lease of the J. P. Riddle Stadium on Legion Road, Fayetteville, to Hometown Sports America, Inc, (the Swampdogs) for a term of not more than 8 years commencing January 1, 2013 at an annual rental rate of \$12,000.

JAMES E. MARTIN County Manager

AMY CANNON Deputy County Manager



JAMES E. LAWSON Assistant County Manager

ITEM NO.

20(1)

#### OFFICE OF THE COUNTY MANAGER

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

#### **MEMORANDUM**

TO:

**BOARD OF COMMISSIONERS** 

FROM:

JAMES LAWSON, ASSISTANT COUNTY MANAGER

DATE:

**OCTOBER 10, 2012** 

SUBJECT:

FINANCE COMMITTEE REPORT AND RECOMMENDATION

REGARDING THE TREATMENT FOR EFFECTIVE COMMUNITY

SUPERVISION (TECS) PROGRAM

#### BACKGROUND

On June 23, 2011, House Bill 642, the "Justice Reinvestment Act of 2011" was signed into law, enacting significant changes to the criminal justice system, including the Criminal Justice Partnership Program (CJPP). Specifically, effective July 1, 2011, general statutes concerning the CJPP were abolished and the Treatment for Effective Community Supervision (TECS) Program was created in place of the CJPP. The Act also directed the NC Department of Public Safety to enter into contractual agreements through a competitive bid process to provide evidence-based programs, particularly cognitive behavioral intervention (CBI) and substance abuse (SA) programs. Consequently, the CJPP funding which fully funded our Day Reporting Center (DRC) terminated on June 30, 2012.

The County submitted and was recently awarded the bid for funding under the TECS program to continue DRC services under the new program requirements. However, the County was awarded only \$101,542 of the requested \$241,234 amount that we submitted, which raised immediate concerns about our ability to effectively administer services under the TECS program. We learned that other counties receiving bid awards were also granted funding significantly less than the amounts they requested, and as a result chose not to accept the award since it was insufficient to administer the TECS program. We were also informed by the State that there were no provisions to request supplemental funding if the award amount granted was inadequate to sustain the program for an entire year.

It is important to emphasize that under the CJPP, the funding provided covered all of the costs of the program to include administrative, staffing, operational and other related expenses. Under the TECS program, the funding only covers reimbursement costs for service units provided to participants, which focuses purely on CBI and SA services. The expectation of the State is that the services provided be comprised of 90% CBI services and 10% SA, with very limited funding to cover administrative costs and no funding to cover other operational expenses previously funded by the CJPP.

The funding amount awarded to Cumberland County will not allow us to effectively administer a TECS program that meets the needs of our community. Callie Gardner, the DRC Director, and I contacted the State to discuss this issue and to find out what other options they had to ensure that the needs of our community were met. We further expressed the importance of having a local program to serve the best interests of our population. We were assured that there are several other local vendors who submitted bid packages that the State is confident would effectively administer the TECS program in Cumberland County.

Regrettably, based on our assessment, we have determined that Cumberland County is not the best option for providing services under the TECS program. It is therefore that we believe it would be in the best interests of our community to not accept the bid award. Consequently, the DRC would cease to exist as a County department. Fortunately, we have identified other vacant positions to transfer the three (3) employees impacted, so no County employee would lose their job should the DRC be eliminated.

It would also be our intent to pursue potential opportunities to lease the office space that would become available from the vacancy created by the DRC at the Community Corrections Center at 412 W. Russell Street. We would anticipate that due to the relationship of the TECS services to the other agencies residing in that facility, there might be interest by the agency administering the TECS program to be housed in the space utilized by the DRC.

#### RECOMMENDATION

County Management recommends that we not accept the bid award and allow the State to consider another vendor with the understanding that it will be offered to another local vendor.

cc: James Martin, County Manager Amy Cannon, Deputy County Manager Callie Gardner, Director, Criminal Justice Systems Support Unit

Celebrating Our Past... Embracing Our Future

# CUMBERLAND COUNTY FINANCE COMMITTEE NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564 OCTOBER 4, 2012 - 9:30AM MINUTES

MEMBERS PRESENT:

Commissioner Kenneth Edge, Chairman

Commissioner Jeannette Council

Commissioner Ed Melvin

OTHER COMMISSIONERS

PRESENT:

Commissioner Jimmy Keefe

Commissioner Marshall Faircloth

OTHERS:

Amy Cannon, Deputy County Manager

James Lawson, Assistant County Manager

Rick Moorefield, County Attorney

Howard Abner, Assistant Finance Director Buck Wilson, Health Department Director Daniel Ortiz, Environmental Health Supervisor

Tony Ferguson, Environmental Health

Callie Gardner, Day Reporting Center/Pre-Trial Sally Shutt, Chief Public Information Director

Candice H. White, Clerk to the Board

Press

Commissioner Edge called the meeting to order.

1. APPROVAL OF MINUTES – September 6, 2012 Regular Meeting

MOTION:

Commissioner Melvin moved to approve the minutes.

SECOND:

Commissioner Edge

VOTE:

**UNANIMOUS (3-0)** 

2. PRESENTATION ON FOOD AND LODING SECTION OF THE ENVIRONMENTAL HEALTH DIVISION

Commissioner Edge called on Buck Wilson, Health Department Director, who provided the following presentation. Mr. Wilson stated Commissioner Edge requested that he provide a presentation of food and lodging services provided by the county, the cost to the county to provide those services and what the state provides for the same.

Food and Lodging Division Handles:

- · Permitting and Inspections
- Special Events
- · Complaints
- Food Borne Illness Investigations
- Smoke Free Investigations NC
- Plan Reviews for Restaurants/Food Establishments

#### Environmental Health Food and Lodging Division Handles:

- Writing Permits for All New Food Handling Establishments
- Temporary Food Establishments (TFE's) and Mobile Food Units
- Performs Quarterly, Bi-annual, and Annual Inspections Depending on the Establishment

#### Total Establishments:

•	Restaurants	665
•	Food Stands	146
•	Schools/Cafeterias	248
•	Seafood Markets	7
•	Meat Markets	32
•	Motels and Hotels	60
•	Institutions	36
•	Day Cares	371
•	Residential Cares	221
•	Totals:	1,786

#### Total Inspections:

	iliopootiono.	
•	Restaurants	1927
•	Food Stands	271
•	Schools	436
•	Seafood Markets	17
•	Meat Markets	96
•	Motels and Hotel	55
•	Institutions	94
•	Day Cares	713
٠	Residential Care	113
•	Other Inspections	454
•	Totals:	4176

#### Establishment Site Visits:

•	Transitional Visits	31
•	Construction Visits	417
•	Provisional and Critical	
	Violation Visits	516
	Total Site Visits:	964

#### Additional Duties:

- · Teach Food Service Class in Conjunction with FTCC
- · Educational Classes for School System
- · Non-Profit Tax Exempt Organizations
- Daycare Sanitation Class
- Answer Questions for the Public and Other Agencies

#### Total Cost for Food and Lodging Program:

- 11 Employees Salary/Benefits
  - \$666,524
- Travel
  - \$19,097.32
- · Total Cost
  - \$685,621.32

#### State Reimbursement:

- State Reimbursement 2012
  - \$28,900 Fairly Standard Across the State

Mr. Wilson explained there is a \$75.00 inspection charge per establishment and the state keeps one-third and sends two-thirds to the county. Mr. Wilson stated it costs much more than \$75.00 to provide the inspections.

#### County Funding:

• 95 % County Funded (Roughly \$656,000)

#### Program Funding:



■ COUNTY 95%

5%

Mr. Wilson explained the Environmental Health fees as presented below are set by the Board of Health and the Board of Commissioners determines whether it wants to approve the fees.

#### Current Fees:

	Septic Tank Permit & Soil Evaluation/Expansion Permit	\$400.00
•	Repair Permit	\$25.00
•	Redraw Plot Plan without visit	\$25.00
•	Redraw Plot Plan with visit	\$125.00
•	Call Back Fee	\$75.00
•	New Well Permit (Irrigation/Agricultural) No Water Sample	\$275.00
•	Expansion w/Pool or Room Addition	\$230.00
	New Well Permit, Inspection & Water Samples (Chem; Bact & Nitrate)	\$320.00
•	Water Sample - Compliance Bacteriological	\$100.00
•	Water Sample – Bacteriological	\$45.00

	Water Sample - Organic	\$45.00
•	Water Sample – Petroleum/Pesticide	\$50.00
	Water Sample – Nitrate	\$40.00
	Inspection of Existing Septic Tank in Mobile Home Park (AIW)	\$90.00
	Inspection of Existing Septic Tank for MH for relocation (occupancy)	\$90.00
•	Inspection of Existing Septic Tank for Reuse or Change of Use	\$90.00
	Public Swimming Pool/Seasonal	\$200.00
	Public Swimming Pool/Year Round	\$225.00
	Public Swimming Pool Plan Review	\$150.00
	Tattoo License – Permanent Location	\$250.00
	Tattoo License – Conventions	\$150.00
•	Solid Waste Transporter Permit	\$50.00
	Inspection per Vehicle	\$10.00
	Swill Feeder Permit	\$5.00
	Building Demolition/Relocation (Rodent Inspection)	\$50.00
	Plan Review Food Service Establishment	\$200.00

#### Food and Lodging Fee

- Currently Not Established by County Commissioners
- Legislative Plans

Mr. Wilson explained the Board of Commissioners is not responsible for setting the food and lodging fees because they are set by the state. Mr. Wilson stated were a law to be enacted that would enable the Board of Commissioners to set the food and lodging fees, the Board could decide it did not want to raise the fees on restaurants and continue to contribute the \$656,000. Mr. Wilson further stated he did feel the total cost for the program could be recouped but there might be a reduction in the cost to the county with the implementation of a user fee.

Mr. Wilson stated he has been working with the Environmental Health Division on the state level for about ten years in an effort to give Boards of Commissioners local control; however, efforts have frequently been tabled due to the political influence of restaurant association lobbyists. Mr. Wilson stated this is the first year in which the restaurant association appears to want to try figure out a way to recoup some of the costs through fees; however, he disagrees with the direction the restaurant association is taking. Mr. Wilson stated the restaurant association's direction is to raise the state fee because the state retains a certain amount of the dollars and were the fees to be set at the local level, their concern is that the state will not get its money. Mr. Wilson stated efforts for local control over the past ten years have always included holding the state harmless so it would continue to receive 10% to cover its administrative costs. Mr. Wilson stated he feels Boards of Commissioners should decide the fees and suggested that this effort could be supported by the North Carolina Association of County Commissioners (NCACC). Mr. Wilson responded to questions.

Commissioner Edge stated he would like to see a comparison of how much money the state collects statewide and how it is relative to Cumberland County. Commissioner Edge stated were Boards of Commissioners able to set food and lodging fees, the state could continue to be held harmless and counties could then charge some fee for their inspections.

#### 3. DISCUSSION REGARDING COMMUNITY FUNDING

Amy Cannon, Deputy County Manager, stated during the Board of Commissioners' June 11 and 12, 2012 budget work session, there had been considerable discussion regarding funding for community organizations. Ms. Cannon referenced Cumberland County's community funding list as indicated below:

Account No	o.			FY2012	FY2012
	Gener	al Fund	Organization	Adopted	Adopted
442	4440	5026	Airborne Special	200,000	200,000
			Operations		
			Museum		
442	4440	5004	Arts Council	80,000	80,000
437	4380	344G	Boys and Girls	0	10,000
1700			Club		
412	4195	3419	<b>BRAC-Regional</b>	20,500	35,000
70.000	10000	S. 158	Alliance	15	5
442	4440	5067	Cape Fear	6,642	6,642
112		200.	Botanical Garden		( ) - ( ) -
412	4195	3419	Cape Fear	100,000	0
712	4175	5,17	Botanical Garden-	****	(100)
			Capital Project		
432	4333	5066	Cape Fear	12,150	12,150
432	4333	3000	Regional Bureau	12,130	12,100
			for Community		
			Action		
442	4440	315T	Cape Fear River	0	11,674
442	4440	3131	Assembly	· ·	11,074
127	1290	5038	Center for	10,625	10,625
437	4380	3038	Economic	10,023	10,023
			Empowerment &		
	1200	5014	Development	02.004	105 490
437	4380	5014	CC Coordinating	93,004	105,489
			Council on Older		
			Adults/RSVP	1 000	1.000
412	4195	315D	CC Veterans	1,000	1,000
The same and			Council	20.760	20.760
437	4380	5010	Child Advocacy	39,768	39,768
		U. 152	Center	40.000	10.000
437	4380	345R	Communicare	40,000	40,000
432	4333	5070	Contact	6,874	6,874
450	4520	5050	Fayetteville-	410,000	410,000
			Cumberland		
			County Chamber		
			of Commerce	nunumaa nassaanan	100
450	4529	350T	Fay-Cumberland	125,000	0
			County Chamber		
			Commerce- shell		
			building		
432	4333	5069	HIV Task Force	5,978	5,978
450	4520	3419	Hope Mills	0	35,000

			Chamber of		
			Commerce		
412	4195	5080	Mid Carolina	189,554	195,746
			Council of	3 Maria 2011 - 10 Maria 2011 -	The Armen Day Williams
			Governments		
412	4195	5080	Mid Carolina	0	24,734
107	1.50	5000	Council of		
			Governments- In		
			Home Aides		
432	4333	3851	N.C. Division of	59,214	63,276
752	1000	5001	Vocational	5-5-2-T-1-1-1	15.50 <b>2</b> 7701.150
			Rehabilitation		
426	4295	5606	N.C. Forest	122,200	135,596
420	4273	5000	Service	122,200	150,050
437	4380	5015	Salvation Army	29,700	29,000
437	4380	5030	Salvation Army	6,277	6,000
437	4500	3030	Seasonal	J,=	0,000
442	4440	3393	SE NC Radio	7,500	7,500
772	7770	5575	Reading	7,500	,,,,,,
437	4380	5013	Second Harvest	15,000	15,000
437	4500	3013	Food Bank of	10,000	10,000
			Southeast NC		
450	4529	3123	Southeastern	31,943	31,943
430	4327	5125	Economic	× 1,5 1,5	5.227 15
			Development		
			Commission		
450	4520	315E	Spring Lake	35,000	35,000
430	4320	3131	Chamber of	55,000	55,000
			Commerce		
437	4380	5036	Teen Involvement	5,978	5,978
437	4300	5050	Program	5,570	0,570
442	4440	3419	T.J. Robinson	0	0
774	7770	5415	Life Center	57	7
437	4380	5017	United Way - 211	0	5,500
	neral Fund	55.7	omica way 211	1,653,907	1,565,473
Total General Fund				-,,,	-,,

Ms. Cannon stated each year the county's Finance Department works closely with the Legal Department and when funding packets are sent to outside agencies during the February timeframe, and in order for an agency to be considered for funding, the agencies have to have a non-profit status or 501(c)(3) which is kept on file along with a list of the agency's board members and their mission. Ms. Cannon stated the county looks at the type of services and functions the agency provides to see whether they fit the county's mission for a public purpose before bringing forward to the Board of Commissioners. Ms. Cannon stated if an agency is selected for funding, the county enters into a contractual agreement through the Legal Department which includes specific requirements such as financial accountability through an annual audit. Ms. Cannon stated agencies selected for funding must submit to the county on a quarterly basis a written report or form that lists all of their funding sources, the amount received from those funding sources and a detailed listing of expenditures. Ms. Cannon stated the county reimburses agencies based on what they have spent and the services that have been provided during the quarter based on the contractual agreement. Ms. Cannon stated

Cumberland County's process is fairly similar to that of Durham and Wake counties but the county does not have a written policy to reduce or limit funding.

Commissioner Keefe referenced community funding as adopted in FY2012 and FY2013 and stated it appears that funding for some of the agencies may roll over from year to year. Commissioner Keefe he would like to know the amount of their fund balances because many of the agencies may have significant fund balances and yet the county continues to fund them. Commissioner Keefe stated this could include for example the Fayetteville Regional Chamber, the Airborne and Special Operations Museum, the Arts Council, and the Boys and Girls Club. Commissioner Keefe stated in-kind contributions have value and in order to have a true picture, in-kind contributions should be shown.

Ms. Cannon advised the county has contractual agreements to provide funding for the N. C. Forestry Service, the Division of Vocational Rehabilitation and the Mid-Carolina Council of Governments.

Commissioner Edge stated community funding is a topic of discussion each year as part of the budget process and if cuts are to be made to organizations, they need to be notified ahead of time and the cuts need to be done in increments. Ms. Cannon stated over the years as funding for county departments has had to be cut, efforts have been made to apply the same percentage reductions to outside agencies whose funding could be cut.

Commissioner Edge noted many counties have removed funding for economic development from their community funded agencies and have established it as a separately funded item. Commissioner Keefe stated the county could fund economic development as a separate item, find out where the funds go, and get away from Chambers of Commerce which are funded by businesses.

Consensus of the Finance Committee was for Ms. Cannon to request fund balance amounts on the application, and take the ideas as discussed and bring to the Board at budget time. Ms. Cannon stated the county will restructure the funding list and draft a policy for review by the Finance Committee.

## 4. UPDATE REGARDING THE TREATMENT FOR EFFECTIVE COMMUNITY SUPERVISION (TECS) PROGRAM

James Lawson, Assistant County Manager, referenced previous updates provided to the Finance Committee regarding the Criminal Justice Partnership Program (CJPP) and the Treatment for Effective Community Supervision (TECS) Program to include correspondence from the Department of Public Safety (DPS) that the bid for TECS Program had been awarded to the Cumberland County Day Reporting Center (DRC). Mr. Lawson recalled the DRC submitted a bid for \$241,234; however, the bid award was only for \$101,542.

Mr. Lawson stated when the DRC was funded through the CJPP, the funding included personnel and operational costs. Mr. Lawson advised under the TECS Program, funding

is only provided as a reimbursement for services provided to the offenders and the services focus only on Cognitive Behavioral Intervention (CBI) and substance abuse.

Mr. Lawson stated after accessing the program and the limited amount of funds provided in the bid award, the county became concerned about its ability to provide a service that will effectively serve the population in Cumberland County, especially when it learned it would have to bear the administrative and operational costs. Mr. Lawson stated the county also has concerns about the formula the State has handed down as to how to administer the services. Mr. Lawson stated after discussing the matter with Callie Gardner, Day Reporting Center, and individuals at the state and district levels, he does not believe the county can provide the services for more than a few months over the course of year and will fall short of meeting the demands of the local population. Mr. Lawson further stated there are no provisions for supplemental funding and the county was informed it would have to do the best it could with the monies it was awarded. Mr. Lawson stated he has also learned that a lot of counties have turned the bid award down or have turned the bid award back over to the state, and that larger private organizations are in the best position to provide the services.

Mr. Lawson stated the state is confident one of the four local bidders can take on the TECS Program and provide a good service. Mr. Lawson further stated when considering all things, to include the best interest of the community, his recommendation is that the county not accept the bid award and give the state an opportunity to award the bid to a local vendor. A brief discussion followed.

MOTION: Commissioner Melvin moved to follow the recommendation of Assistant

County Manager James Lawson and turn the bid award back over to the

state.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (3-0)

Commissioner Council stated she did not expect the local vendor to ask the county for one penny. Mr. Lawson stated this will free up space within the courthouse and since the local vendor will need close coordination to the probation office, there may be an opportunity for the space to be leased.

#### 5. REVIEW OF MONTHLY FINANCIAL REPORT

Howard Abner, Assistant Finance Director, advised this is the final financial report for FY2013 with the exception of the audit that will be presented in the second meeting in December.

For expenditures and obligations, Mr. Abner reported all transactions except the final audit entries have been recorded in the county's financial system. Mr. Abner stated year-end obligations stand at 94.15% of budget versus 96.17% last year at this time, and total dollars obligated are \$3.8M less than last year.

Mr. Abner reported most functional areas are well within the 90% spending range. Mr. Abner stated Emergency Protective Services is low due to \$1.2M of unspent Viper funds and for the current year, these funds have been re-appropriated as part of the funding for the Detention Center Expansion. Mr. Abner also stated in Economic Development, the Water and Sewer Fund is under spent by \$1.0M due to the Vander W&S project. Mr. Abner further stated contracts have not been encumbered and there is \$700K of contingency funds budgeted.

With regard to revenue, Mr. Abner reported there have not been any changes in Category 10 Ad Valorem Taxes from the last report and the Ad Valorem Tax category brought in \$4M more than last year.

Mr. Abner reported in Category 20 Other Taxes, all the sales tax distributions are in and the year ended with \$2.3M over FY11 for a 6.6% increase.

Mr. Abner reported in Category 30 Unrestricted Intergovernmental, sales tax equalizations payments, which are tied in part to collections, increased \$284K or 4.4%.

Mr. Abner reported for Category 40 Restricted Intergovernmental, revenue collected as a percent of the budget will never be 100% since these revenues generally represent a reimbursement of expenditures which will never be 100%.

Mr. Abner reported for Category 50 Licenses and Permits, this category ended well at 123% from a budgetary standpoint. Mr. Abner stated Register of Deeds fees increased but that was offset by the \$75K decrease in Inspections fees.

Mr. Abner reported for Category 60 Sales and Services, fees for service were good in all areas and in total the county collected 101% of the budgeted amount for the first seven categories of revenue.

With regard to the Crown, Mr. Abner stated he believed Operating Revenue over Operating Expenses was the key financial indicator and while the numbers were in the negative, this year is showing a smaller loss than last year, \$338K.

#### 6. OTHER MATTERS OF BUSINESS

There were no other matters of business.

There being no further business, the meeting adjourned at 10:35 a.m.

OF CUMP COUNTY TO THE CAROLINA

PHYLLIS P. JONES
Assistant County Attorney

ITEM NO. <u> 2E(I)</u>

#### OFFICE OF THE COUNTY ATTORNEY

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

## MEMO FOR THE AGENDA OF THE OCTOBER 15, 2012 MEETING OF THE BOARD OF COMMISSIONERS

TO:

Bd. of Commissioners; Co. Manager; Ronnie Mitchell

FROM:

Co. Atty. R. Moorefield

DATE:

October 10, 2012

SUBJECT:

**Revision to Noise Ordinance** 

**Attachments: Proposed Revisions to Noise Ordinance** 

#### **BACKGROUND:**

The current noise ordinance requires the measurement of the offending noise with a decibel meter to determine if it exceeds the threshold allowed by the ordinance. The measurements usually occur at a property line or location that is some distance from the source of the noise, and typically do not register any noise that exceeds the threshold. The Sheriff has requested that the noise ordinance be revised to eliminate the necessity for measurement by a decibel meter and simply use an "unreasonably loud" or "disturbing" standard. The proposed revisions were prepared by Ronnie Mitchell and reviewed by the County Attorney.

At its October 4, 2012 meeting, the Policy Committee voted to recommend the proposed revisions.

#### RECOMMENDATION/PROPOSED ACTION:

County Attorney recommends the proposed revisions be adopted.

#### Sec. 9.5-29. - Barking dogs.

- (a) It shall be unlawful for anyone to permit any dog or dogs which he or she owns, possesses or which may be a dog or dogs over which he or she has the authority to exercise control to bark, bay, cry, howl, or make any other noise continuously and/or excessively for a period of ten minutes or more, or who barks, bays, cries, howls or makes any other noise intermittently for one-half hour or more, to the disturbance of any person at any time.
- (b) It shall not be a violation of this section if, at the time the dog is barking, baying, crying, howling, or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any legitimate cause which teased or provoked the dog.
- (c) Any resident, owner, occupant, or tenant of property upon which the dog is situated shall be deemed a person in charge or otherwise exercising control over such dog.

#### Sec. 9.5-30. - Noise from radios, tape players, loud speakers, sound amplifiers.

- (a) Notwithstanding any other provision of this Article, and as a separate and alternative provision, no person shall play, use, or operate, or permit to be played, used, or operated, any radio, tape recorder, cassette player, CD player, mp-3 player, digital music player, amplifier, speaker, or other machine or device for reproducing sound, if it is located in or on any of the following:
  - (1) Any public property, including any public street, highway, building, sidewalk, park, thoroughfare, or public or private parking lot; or
  - (2) Any motor vehicle on a public street, highway, public space or within the motor vehicular area of any public or private parking lot or park;

and if, at the same time, the sound generated is audible at a distance of 30 feet from the radio, tape recorder, cassette player, or other machine or device that is producing the sound.

(b) Possession by a person or persons of any radio, tape recorder, cassette player, CD player, mp-3 player, digital music player, amplifier, speaker or other machine or device for reproducing sound, enumerated or contemplated under subsection (a) above, shall be *prima facie* evidence that such person operates, or those persons operate, the radio, tape recorder, cassette player, CD player, mp-3 player, digital music player, amplifier, speaker or other machine or device for reproducing sound.

#### Sec. 9.5-30.1. - Loud and disturbing noise.

- (a) Notwithstanding any other provisions of this article, the creation, causing, or allowing of any unreasonably loud or disturbing noise in the county is prohibited and the determination of whether a noise is unreasonably loud or disturbing may be made without regard to measurement by a sound meter or other measurement of the decibel level.
- (b) For the purposes of this section, the following definitions shall apply:

- (l) Unreasonably Loud. Noise which is substantially incompatible with the time and location
- where created to the extent that it creates an actual or imminent interference with peace, order, or calm of the area or which is obnoxious to or unreasonably disturbing to a person whose residence, work or commercial enterprise is within a reasonable proximity to the point, place or person from which such noise is emanating or emanated and the noise is of such a kind, nature, duration or extent that a reasonable person would consider the noise to be unreasonably loud or disturbing.
- (2) Disturbing. Noise which is perceived by a person of reasonable and ordinary firmness and sensibilities as interrupting the normal peace, order, and calm of such person or persons or that of the proximal area or tending to annoy, disturb, or frighten such persons in such proximity to the point, place or person from which such noise is emanating or emanated, that a person of reasonable and ordinary firmness and sensibilities would reasonably be or reasonably be expected to be disturbed in his or her use, occupation, or pursuits.
- (c) In determining whether a noise is unreasonably loud or disturbing, the following non-exclusive factors incident to such noise are to be considered: time of day; proximity to residential structures; whether the noise is consistent with the nature of the surrounding area (that is, within a reasonable degree of proximity such that the noise could reasonably be expected to affect the person or persons who occupy, live or dwell in such proximity); the range or distance from the point of emanation that the sound may be unreasonably loud or disturbing; whether the noise is recurrent, repetitive, intermittent, or constant; the volume or intensity of the noise; whether the noise has been enhanced in volume or range by any type of mechanical, electronic, or other similar means; the nature and zoning of the area; whether the noise is related to the normal operation of a business or other labor activity, whether the noise is subject to being controlled without unreasonable effort or expense to the creator or person or entity causing or allowing the emanation of such noise; and any other factor which reasonably should be considered in determining whether a noise is unreasonably loud or disturbing.
- (d) The following acts, among others, are declared to be loud and disturbing noises in violation of this article, but such enumeration shall not be deemed to be exclusive:
- (1) The use of any loud, boisterous or raucous language or shouting so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity or otherwise to be a loud or disturbing noise as defined under this ordinance;
- (2) The sounding of any horn or signal device on or from any automobile, motorcycle, bus or other vehicle, except as a danger signal or as required by law, so as to create any unreasonable loud or harsh sound; or the sounding of such device for an unreasonable period of time.
- (3) The playing of any radio, television set, record player, musical instrument or sound-producing or sound-amplifying device in such manner or with such volume, particularly, but not limited to, between the hours of 11:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, including comfort or repose of persons of reasonable and ordinary firmness and sensibilities or

normal capabilities in any dwelling, motel, hotel or other type of residence.

- (4) The keeping of any animal, except livestock and poultry maintained and kept consistent with the zoning applicable to the property where kept, which by causing frequent or long continued noise on a regular basis, shall disturb the comfort and repose of any person of reasonable and ordinary firmness and sensibilities in the vicinity or which may otherwise be a loud or disturbing noise as defined under this ordinance. With respect to this subsection only, if the violation continues or complaints are received from other households, the owner shall be granted ten working
- days to remedy and rectify the situation before issuance of a citation.
- (5) The use of any automobile, motorcycle or other motor vehicle or vehicle of any kind which may be out of repair, so loaded, so equipped or operated in such a manner as to create loud grating, grinding, rattling or other noise caused by or emanating from such vehicle or its operation or which otherwise shall be or create or cause a loud or disturbing noise as defined under this ordinance.
- (6) The discharge of a firearm or firearms in such a manner as to create an unreasonably loud or disturbing noise as defined or contemplated under this Article or in this section.

#### Sec. 9.5-30.2. - Exceptions.

The following provisions shall apply to or exempt the following under the circumstances:

- (1) Noises generated, made or created during the regular operations of a manufacturing or industrial facility, defined as any premises where goods or wares are made, processed, warehoused or stored or where manufacturing is legally permitted and carried on and the owner of such manufacturing or industrial facility takes or has taken reasonable steps not to cause, create or allow unreasonably loud or disturbing noise not necessarily inherent to such manufacturing or industrial facility.
- (2) Noises generated, made or created by fire, law enforcement, ambulance, rescue or other emergency vehicles while such vehicles are engaged in their proper functions.
- (3) Parades, fairs, circuses, other similar public entertainment events, sanctioned sporting events, athletic contests, sporting events and sporting activities taking place in areas set aside for such activities, or any activities normally associated with any of the above, when such events and activities take place between the hours of 7:00 a.m. and 11:30 p.m. After 11:30 p.m., persons engaged in these events and activities who create noise which is prohibited by section 9.5-31.1 shall be in violation of this article or of such ordinance.
- (4) Construction operations for which building permits have been issued or construction operations not requiring permits due to ownership of the project by an agency of government; provided all equipment is operated in accordance with manufacturer's specifications and with all standard equipment, manufacturer's mufflers and noise-reducing equipment in use and in proper operating condition.

- (5) All noises coming from the normal operations of properly equipped aircraft, not including scale model aircraft.
- (6) Lawnmowers and agricultural equipment and landscape maintenance equipment when operated with all the manufacturer's standard mufflers and noise-reducing equipment in use and in reasonable operating condition.
- (7) Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster, or to restore public utilities, or to protect persons or property from an imminent danger.
- (8) Noises resulting from the provision of government services.
- (9) Noise from noisemakers and fireworks on holidays or at times allowed under a pyrotechnics permit issued pursuant to N.C.G.S. §14-410 et seq.
- (10) Noise from trains and associated railroad rolling stock when operated in proper repair and manner.
- (11) Noise from the discharge of a firearm or firearms when the firearm is being used to take birds or animals pursuant to N.C. Gen. Stat. Chapter 113, Subchapter IV, or when lawfully used in defense of person or property, or when used pursuant to lawful directions of law-enforcement officers. It is further, provided, however, that a firearm discharged for the purpose of taking birds or animals within a distance of less than 500 hundred feet of a residence, business, or commercial establishment located in an established or dedicated subdivision, regardless of the zoning applicable to such dwelling or residence, or if such dwelling, residence or establishment is located within an area zoned as residential or, in the case of a business or commercial establishment within an area zoned for such purposes, shall not be exempt and any such discharge shall be subject to the provisions of Section 9-5-30.1.

#### Sec. 9.5-31. - Enforcement responsibility.

- (a) The sheriff of the county shall have primary enforcement responsibility for sections 9.5-21 through 9.5-30 as they relate to stationary sources and as they relate to motor vehicle sources.
- (b) Powers of arrest or citation. Any sheriff shall issue a citation for any violation under this article, except they may arrest for instances when:
  - (1) The alleged violator refuses to provide the sheriff or deputy with such person's name and address and any proof thereof as may be reasonably available to the alleged violator; or
  - (2) The alleged violator wilfully fails or refuses to cease the violating activity after being issued a citation or after having been directed by the Sheriff or a deputy or employee of the Sheriff to desist from the creation, emanation, maintenance, or allowing of such unreasonably loud or disturbing noise or activity in violation of this Article.

#### Sec. 9.5-32. - Penalties for violation.

- (a) Civil penalties and remedies. Civil penalties may be imposed as provided in this section and civil remedies may be sought as provided in this section or as may be available at law or in equity, as follows:
  - (1) Any person, firm or corporation violating any provision of sections 9.5-21 through 9.5-31 of this Code of Ordinances shall be subject to a civil penalty in the amount of one hundred dollars (\$100.00) for each offense, and separate offenses shall be deemed committed on each day during or on which a violation occurs or continues. Any subsequent violation within a 12-month period of a first violation after the effective date of this ordinance, shall subject the violator to a civil penalty of one hundred fifty dollars (\$150.00) for each subsequent violation. For purposes of determining subsequent violations within a twelve-month period, the date of the first violation from and after January 1, 2013, shall be the anniversary date from which a new 12-month period shall begin.
  - (2) Any person, firm, or corporation violating any provision of sections 9.5-21 through 9.5-31 shall be issued a citation which shall, among other things, state upon its face the amount of the civil penalty and that it shall be paid within 72 hours from and after such violations; notify such offender that failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of a debt for the stated penalty plus the cost of the action to be taxed in the court; and further provide that the penalty may be paid at the Cumberland County Sheriff's Office, 131 Dick Street, Fayetteville, North Carolina 28301. If the penalty prescribed in subsection (1) above is not paid within 72 hours, the County may initiate a civil action in the nature of a debt and recover the civil penalty and the cost of the action.
  - (3) As an additional remedy, this article may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction to restrain or enjoin the violation. The action shall be brought in the appropriate division of the general court of justice of the county. Further, the rights and duties created or permitted under this Article may also be enforced by a civil action brought by the County or the Sheriff of the County or by any citizen of the county, seeking, among other things, abatement and restraint of the creation, causation, or allowing such unreasonably loud or disturbing noise, including injunctive relief under Rule 65 of the Rules of Civil Procedure and the recovery of any damages which a court may award. The institution of an action for equitable relief shall not relieve any party to such proceeding from any civil remedy or civil or criminal penalty prescribed or permitted for violations of this article.
- (b) Criminal penalties. A violation of any provision of this article shall be deemed a misdemeanor punishable to the extent provided in North Carolina General Statutes, Section 14-4, and the fine for such violation shall be in a sum imposed in the discretion of the court but in an amount less than five hundred dollars (\$500.00). Any person or corporation or other legal entity violating this ordinance shall be guilty of a Class 3 misdemeanor and, as provided, shall be fined not more than five hundred dollars (\$500.00). The maximum fine, for such violation, therefore, shall be in excess of fifty dollars (\$50.00) in accordance with the provisions of N.C.G.S. § 14-

- 4(a). Each day's continuing violation shall constitute a separate offense.
- (c) Effective date. The provisions of this ordinance and of this part shall be 12:01 a.m January 1, 2013.

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## CUMBERLAND COUNTY POLICY COMMITTEE NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564 OCTOBER 4, 2012 – 10:30 A.M. MINUTES

MEMBERS PRESENT:

Commissioner Jeannette Council, Chairman

Commissioner Charles Evans Commissioner Jimmy Keefe

OTHER COMMISSIONERS

PRESENT:

Commissioner Kenneth Edge

Commissioner Ed Melvin (left at 11:00 a.m.)

Commissioner Marshall Faircloth (left at 12:10 p.m.)

Commissioner Billy King (left at 12:00 p.m.)

OTHERS PRESENT:

Amy Cannon, Deputy County Manager

James Lawson, Assistant County Manager

Rick Moorefield, County Attorney

Phyllis Jones, Assistant County Attorney Howard Abner, Assistant Finance Director Sally Shutt, Chief Public Information Officer

Jeffery Brown, Engineering and Infrastructure Director

Debbie Miller, Purchasing/Buyer

Thelma Matthews, Purchasing/Accounts Manager

Sharon Sanders, Veterans Services

Andrea Harris, NC Institute of Minority Economic

Development

Tony Dodson, NC Institute of Minority Economic

Development

Bridget Wall-Lennon, Director of Office for HUB

Val Applewhite, Fayetteville City Council

Bill Crisp, Fayetteville City Council

Susan Monroe, Cumberland Regional Improvement

Corporation

Augustus Webber, Cumberland Regional Improvement

Corporation

Rev. Rosie McMillan, Citizen Candice White, Clerk to the Board

Kellie Beam, Deputy Clerk to the Board

Press

Commissioner Council called the meeting to order.

Amy Cannon, Deputy County Manager, requested Item 6 – Discussion on Proposed Print Management Policy be removed from the agenda and tabled until the November 1, 2012 meeting of the Policy Committee.

#### 1. APPROVAL OF MINUTES – JUNE 7, 2012

MOTION: C

Commissioner Keefe moved to approve the minutes as presented.

SECOND:

Commissioner Council

VOTE:

**UNANIMOUS (3-0)** 

Commissioner Evans asked that Item 2 – Discussion on Economic Development for Minorities and Women and Item 3 – Discussion on Purchasing Opportunities for Local Businesses be consolidated to one agenda item and renamed Consideration of the Hire Fayetteville/Cumberland County First Job Creation Policy Information. Commissioner Keefe stated he would like Item 2 and Item 3 to remain separate because he placed Item 3 – Discussion on Purchasing Opportunities for Local Businesses on the agenda.

### 2. DISCUSSION ON ECONOMIC DEVELOPMENT FOR MINORITIES AND WOMEN

Commissioner Evans stated he would first like to applaud Cumberland County for establishing a local preference for purchasing goods and services and Commissioner Keefe for promoting local preference. Commissioner Evans stated the City of Favetteville City Council recently adopted the "Hire Fayetteville First Job Creation Policy" and the goal of the policy is to create economic opportunity for Fayetteville and Cumberland County businesses and to support job creation. Commissioner Evans further stated the policy would be implemented by using the City of Fayetteville's spending power in a manner that would promote fiscal responsibility and maximize the effectiveness of local tax dollars by ensuring that the city's spending for goods and services provide business opportunities to Fayetteville and Cumberland County and historically underutilized businesses as measures to support our local economy. Commissioner Evans stated he feels the county's current policy is a notable start but does not go far enough. Commissioner Evans further stated the city's policy encourages utilization of locally owned businesses and specifically includes veterans, women, minorities and disabled-owned businesses.

Commissioner Evans stated he recommends the definition of a local business means a business with a principle place of business in Cumberland County and the business must be headquartered or have an established place of business in Cumberland County in which 20% or more of the business work force are residents of Cumberland County. Commissioner Evans stated he would like to see the county's performance monitored with respect to utilizing locally owned businesses, especially for veteran, women, minority and disabled-owned businesses. Commissioner Evans stated he would also like

to see a joint disparity study conducted to include Cumberland County, City of Fayetteville, Board of Education, PWC, educational institutions and major medical centers. Commissioner Evans stated during these tough economic times he would like to demand that everyone in local government do everything in their power to support locally owned small businesses.

Commissioner Evans asked Fayetteville City Council Member Val Applewhite to explain what the City of Fayetteville adopted and how it would benefit county government. Ms. Applewhite stated the main focus is economic development and job creation and the Fayetteville City Council adopted the "Hire Fayetteville First Job Creation Policy" with a goal to look internally at what the city can do with their own spending dollars to improve economic development and job creation in Cumberland County. Ms. Applewhite stated the city would like to see money infused back into the local economy through local businesses to give them the opportunity to expand or hire and create jobs internally in Cumberland County. Ms. Applewhite stated she would also like to see the City of Fayetteville and Cumberland County partner together to have a joint disparity study conducted and adopt a joint policy to support local businesses. Ms. Applewhite stated the goal would also be to use joint spending dollars to create more jobs in this community by supporting local businesses.

Bill Crisp, Fayetteville City Council Member, stated the city has not kept a good track record of where their dollars have gone and the economic impact of those dollars. Mr. Crisp stated the "Hire Fayetteville First Job Creation Policy" will include Cumberland County and not just the City of Fayetteville.

Commissioner Council stated she applauds the City of Fayetteville's efforts and feels the city is following the lead Cumberland County set. Commissioner Council further stated she would like to continue to receive information from the City of Fayetteville on the policy.

Commissioner Evans asked if the county keeps track of the money spent on local businesses in Cumberland County. Ms. Cannon stated that Cumberland County does keep track of money spent on local businesses and this information can even be sorted by zip code. Ms. Cannon further stated the Cumberland County Finance Department is working on developing an additional monitoring system to keep track of more specific information in dealing with local businesses.

Commissioner Keefe stated he feels it is important to define what constitutes a minority. Andrea Harris, North Carolina Institute of Minority Development, stated the definition of minority comes from the results of a disparity study because the study is based on everyone that does business with the county.

Commissioner Council stated she appreciated everyone attending the meeting and would like for the City of Fayetteville to keep Cumberland County informed throughout the process.

3. DISCUSSION ON PURCHASING OPPORTUNITIES FOR LOCAL BUSINESSES

Commissioner Keefe stated he would like to briefly discuss purchasing opportunities for local businesses. Commissioner Keefe further stated he was interested in Executive Order #50 issued by Governor Perdue and asked what options the county had to implement Executive Order #50 on a local level. Rick Moorefield, County Attorney, stated for informal bids between \$0 and \$90,000, the county already has similar flexibility. Commissioner Keefe asked Mr. Moorefield to get clarification on informal bids.

Ms. Cannon stated the latest information she has been given by Cumberland County Purchasing is that roughly 61% of the county's expenditures are local when you take out payments to the school system and Fayetteville Technical Community College. Ms. Cannon further stated some county purchases will never be with local businesses, especially when it related to computer software and maintenance, which is a major expense to the county.

4. CONSIDERATION OF PROPOSED REVISED NOISE ORDINANCE REQUESTED BY SHERIFF BUTLER

Mr. Moorefield stated the existing noise ordinance is enforced by the Sheriff's Office and the current enforcement mechanisms are not working. Mr. Moorefield stated the Sheriff's Office is asking the Board of Commissioners to adopt the proposed revised noise ordinance.

MOTION: Commissioner Council moved to approve the proposed revised noise

ordinance as presented by the county attorney.

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

5. DISCUSSION ON PUBLIC USE OF COUNTY-OWNED FACILITIES POLICY WITH SEPARATE DISCUSSION ON THE USE OF HISTORIC COURTHOUSE

Commissioner Keefe stated there has been an ongoing discussion about the public use of county-owned facilities. Commissioner Keefe stated he would like to discuss having a separate policy on the use of the Historic Courthouse because a lot of money has been spent to renovate the Historic Courthouse and he does not feel it should be restricted from public use that would not be in line with the reason the courthouse was renovated in the first place. Commissioner Keefe stated he feels the Historic Courthouse should not be used for political or religious events but should be available to the public for other community events.

Commissioner Evans asked if there would be a fee charged for individuals requesting to use the Historic Courthouse. Commissioner Keefe stated he feels there should be a fee charged to pay for additional staffing and other costs involved with the use of the building. Commissioner Evans stated he feels citizens should be entitled to use the facility and wants to make sure the fee is reasonable.

Mr. Moorefield stated he would draft a policy for the committee's consideration that would allow non-religious and non-political use of the Historic Courthouse subject to a fee.

- 6. DISCUSSION ON PROPOSED PRINT MANAGEMENT POLICY TABLED UNTIL NOVEMBER 1, 2012 MEETING
- 7. REPORT ON COUNTY HUMAN SERVICE DEPARTMENTS EMPLOYMENT APPLICATION

Phyllis Jones, Assistant County Attorney, stated at the June Policy Committee meeting, the Policy Committee requested staff to research the issue of whether county departments that fall under the State Personnel Act (SPA) and use the state job application could be required to use the county job application or whether the departments even have that option. Ms. Jones noted county departments that fall under the SPA are the Department of Social Services, Mental Health and Public Health.

Ms. Jones stated the North Carolina Administrative Code provides that "persons applying for a local vacancy must complete and submit the official application form designated by the hiring authority and approved by the reviewing state agency". Ms. Jones further stated the hiring authority for each department with employees subject to the SPA is the director of the agency. Ms. Jones stated the statutes and code provision lead her to the conclusion that the director of each county department subject to the SPA may choose the application form required of applicants so long as the choice is approved by the reviewing state agency.

James Lawson, Assistant County Manager, stated Mental Health and Department of Social Services are still using the state application at this time and Public Health is using the county application.

8. CONSIDERATION OF APPROVAL OF THE RULES AND REGULATIONS OF THE CUMBERLAND COUNTY PUBLIC UTILITIES DIVISION

Jeffery Brown, Engineering and Infrastructure Director, stated the purpose of the Rules and Regulations is to set uniform requirements for all Cumberland County Water Districts. Mr. Brown stated the Rules and Regulations also establish the rate schedule, billing policy and connections fees for the connected and non-connected users in the District. Mr. Brown explained the Rules and Regulations are needed to create guidelines and procedures for both the county and customers to adhere to.

Mr. Brown stated construction in the Southpoint area will begin soon and the Public Utilities Division would like the Rules and Regulations to be established prior to construction in order for customers to project the cost of their future water bills. Mr. Brown stated he feels that having the Rules and Regulations in place prior to construction will allow potential customers to make a more informed decision about connecting to the system.

Mr. Brown stated he and county management recommend that the Policy Committee approve the Rules and Regulations and place it on the October 15, 2012 Board of Commissioner's agenda for consideration of adoption.

MOTION:

Commissioner Council moved to approve the Rules and Regulations of the

Public Utilities Division as presented.

SECOND:

Commissioner Keefe

VOTE:

**UNANIMOUS (3-0)** 

#### 9. OTHER ITEMS OF BUSINESS

Commissioner Council stated she would like any proposed agenda items to be submitted in writing before they are placed on the agenda in order to clear up any confusion on the agenda.

MEETING ADJOURNED AT 12:20 PM



#### **ENGINEERING & INFRASTRUCTURE DEPARTMENT** PUBLIC UTILITIES DIVISION

#### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF OCTOBER 15, 2012

TO:

BOARD OF COUNTY COMMISSIONERS

FROM:

JEFFERY P. BROWN, ENGINEERING & INFRASTRUCTURE DIRECTOR

THROUGH: JAMES MARTIN, COUNTY MANAGER

DATE:

**OCTOBER 8, 2012** 

SUBJECT:

RULES AND REGULATIONS OF THE CUMBERLAND COUNTY

PUBLIC UTILITIES DIVISION

#### **BACKGROUND**

The purpose of the Rules and Regulations is to set uniform requirements for all Cumberland County Water Districts. The Rules and Regulations establish the rate schedule, billing policy and connections fees for the connected and non-connected users in the District. This document creates needed guidelines and procedures for both the County and customers to adhere to. Construction will begin soon in the Southpoint area and the Public Utilities Division would like the Rules and Regulations to be established prior to construction, in order for customers to project the cost of their future water bills. It is my feeling that having the Rules and Regulations in place prior to construction, will certainly allow the potential customers to make a more informed decision about connecting to the system.

#### RECOMMENDATION

The Engineering and Infrastructure Director, County Management and Policy Committee recommend that the Board of Commissioners approve the Rules and Regulations of the Cumberland County Public Utilities Division.

Attachments:

#### RULES AND REGULATIONS OF THE

## CUMBERLAND COUNTY PUBLIC UTILITIES DIVISION CUMBERLAND COUNTY, NORTH CAROLINA

#### I. Classification of Service

All services are classified under one of two categories:

Residential- Includes all 3/4" and 1" residential meters.

Commercial- Includes all businesses regardless of meter size, and singlefamily or multi-family residential properties with meter size greater than 1".

#### II. Rate Schedule and Tap-On Fees

#### (A) Rate Schedule

All customers will be billed at the rate currently in effect and approved by the Board of Commissioners of Cumberland County. Said rate schedule is attached hereto as Appendix "A" and is incorporated herein by reference.

#### (B) Tap-On Fees

All customers will be charged the tap-on fee currently in effect at the time of application for water service. Tap-on fees are approved by the County Commissioners of Cumberland County. Said tap-on fee schedule is attached hereto as Appendix "B" and is incorporated herein by reference.

(C) Commercial and Rental properties do not qualify for the exceptions and exemptions listed in Appendix A and B.

#### III. Sprinkler Service for Fire Protection

Connection to the system for service to sprinkler systems to provide fire protection may be secured upon application of the customer and upon payment of all charges involved in making the connection. For sprinkler connections to the system the customer shall pay annual charges based on the following schedule:

SIZE	ESTABLISHED FEE
6 inch sprinkler connection	\$250.00
8 inch sprinkler connection	\$400.00
12 inch sprinkler connection	\$700.00

No service other than for fire protection shall be tapped on to or taken from a sprinkler system.

#### IV. Multiple Unit Connections

General practice dictates one meter per living unit and water is used for that unit only. Specifically,

Single Family Homes (One living unit per structure):

One meter per living unit.

Duplexes/Apartments (Two or more living units per structure):

One meter per living unit. Meters shall be placed closely together and each meter will represent a separate and individual account.

Subdivisions (Two or more residences within a developed project):

One meter per living unit. Plans must be submitted to the county for approval and must be shown to be compatible with the plans for the ultimate development of the County's utility system. (See section XIII-Extensions)

#### Mobile Home Parks:

Park owners have two options:

- a. Trailers will not be individually metered and billed. County will install a meter (size to be determined by Park Owner and Utilities Director) at street. County will read meter and bill accordingly. Park Owner will be responsible for lines, maintenance, and consumption on owner's side of the meter.
- b. Trailers may be individually metered and must follow the same criteria as subdivisions. See Section XIII-Extensions.

Multiple use of a meter will not be allowed except where a customer shall make a special application for permit for such installation and each such permit shall be subject to review and approval by the Utilities Director and the County Manager. The County reserves the right to size the meter for multiple unit connections.

#### V. Application for Services

Customers may make application for service in person at the Cumberland County Public Utilities Division.

Service will be supplied only to those who provide proper documentation, pay all applicable fees, execute a Water User Agreement, and make the deposit required.

Cumberland County may reject any application for service when the applicant is delinquent in payment of bills incurred for service previously supplied at any location. (All outstanding balances, including late fees and reconnect fees must be paid in full.)

Cumberland County may reject any application for service not available under a standard rate or which may affect the supply of service to other customers or for other good and sufficient reasons, in such case the tap-on fee will be refunded.

#### VI. Deposit

All residential water customers will be required to make a minimum deposit of \$100.00.

All commercial water customers will be required to make a deposit equal to the value of three months estimated usage of water, but not less than \$100.00.

The individual, partnership and/or corporation in whose name the deposit is made shall be responsible for all bills incurred in connection with the service furnished.

The deposit shall be held by the County and the customer shall not be entitled to any interest earnings upon refund of the deposit.

A separate deposit is required for each meter installed.

No refunds will be authorized without request for discontinuance of service and all bills are paid for consumption through date of discontinuance.

Relocation to a new property within the Cumberland County Water and Sewer Service District by an existing customer shall not be considered a discontinuation of service. In the event of a re-location, a customer with a good credit history shall have his or her original deposit transferred to the new account. At that point the customer will be billed within the next billing cycle schedule established by the department and the bill will include both the bill representing the ending balance on the original account and the bill representing the balance on the new account. In the event the customer relocates from a property with water service only to a property with water and sewer service the customer shall pay an additional \$50.00 sewer deposit. In the event a customer relocates from a property with water and sewer services to a property with water only, the department shall refund the portion of the deposit designated for sewer. In the event that a customer with a poor credit history and an outstanding overdue balance relocates, the customer will be required to pay the outstanding overdue balance and any additional deposits or fees established herein.

#### VII. Minimum Charge

The minimum charge, as provided in the rate schedule, shall be made for each meter installed, regardless of location. Each meter requires a separate account, and each account shall cover a separate and individual meter.

Water furnished for a given installation shall be used for that installation only. Each customer's service must be separately metered at a single delivery and metering point. Each commercial unit used for businesses purposes shall have a separate meter.

All commercial use for business purposes, shall be metered separately from any residential use, and vice-versa, whether now in service or to be installed in the future.

#### VIII. Meter Reading-Billing-Collecting

Meters will be read and bills rendered as follows:

Meters will be read once per month and bills mailed once per month; but the County reserves the right to vary the dates or length of period covered, temporarily or permanently if necessary or desirable.

Bills for water will be figured in accordance with the County's published rate schedule then in effect and will be based on the water consumed for the period by the meter readings.

Charge for service commences when meter is installed and the County's connection made, whether used or not. If not used, the customer will be charged the minimum rate each month.

Readings from different meters will not be combined for billing, even if said meters may be for the same or different premises, or for the same or different customer, or for the same or different services.

Bills are due within 28 days of meter reading and become delinquent thereafter, whereupon the late penalty currently in effect will be added to the account. If bill is not paid within 42 days from date rendered, the County may discontinue service.

Failure to receive bills or notices <u>shall</u> <u>not</u> prevent such bills from becoming delinquent or relieve the consumer from payment.

#### IX. Access to Premises

Duly authorized agents of the County shall have access at all reasonable hours to the premises of the customer for the purpose of installing or removing County property, inspecting piping, reading or testing meters, or for any other purpose in connection with the County's service and facilities.

Each customer shall grant or convey or shall cause to be granted or conveyed to the County a perpetual easement and right of way across any property owned or controlled by the customer wherever said perpetual easement and right of way is necessary for the County water facilities and lines in order to furnish service to the customer.

#### X. Change of Occupancy

Not less than three days' notice must be given in person or in writing at the Utilities Division to discontinue service for a change of occupancy.

The outgoing party shall be responsible for all water consumed up to the time of departure, or the time specified for departure, whichever period is longer.

#### XI. Suspension of Service

When services are discontinued and all bills are paid, the deposit will be refunded.

Upon discontinuance for non-payment of bills, the deposit will be applied by the County toward settlement of the account. Any balance will be refunded to the customer; but if the deposit is not sufficient to cover the bill, the County may proceed to collect the balance in the usual way provided by law for the collection of debts.

Service discontinued for non-payment of bills will be restored only after bills are paid in full, redeposit made, and a reconnect charge paid for each meter reconnected.

The County reserves the right to discontinue its service without notice for the following additional reasons:

- (a) To prevent fraud or abuse
- (b) Customer's willful disregard of County's rules
- (c) Emergency repairs
- (d) Insufficiency of supply due to circumstances beyond the County's control.
- (e) Legal procedures
- (f) Direction of public authorities
- (g) Strikes, riot, fire, flood, accident or any unavoidable cause.

The County may, in addition to prosecution by law under N.C.G.S. 14-151.1, permanently refuse service to any customer who tampers with a meter or other measuring device.

The County reserves the right to remove the meter from a discontinued service, requiring a complete reconnection with applicable tap-on fee.

#### XII. Complaints and Adjustments

If the customer believes his bill to be in error, he shall present his claim, in person, at the Utilities Department, <u>before</u> the bill becomes delinquent.

Such claim if made after the bill has become delinquent shall not be effective in preventing discontinuance of service as heretofore provided. The customer may pay such bill under protest and said payment shall not prejudice his claim.

The customer is entitled to be heard by a designated County employee (at any time prior to termination of service) at a specified time and address if there is any question about the accuracy or legitimacy of the customer's meter readings or billing. See Appendix "C" for the Adjustment Policy.

The County will make special meter readings at the request of the customer for a "Special Meter Reading Fee" provided, however, that if such special reading discloses that the meter was over-read, no charge will be made.

Meters will be tested at the written request of the customer upon payment to the County of the actual cost to the County of making the test provided; however, that if the meter is found to over-register beyond five percent (5%) of the correct volume, no charge will be made.

If the seal of a meter is broken by anyone other than the County's representative or if the meter fails to register correctly or is stopped for any cause, the customer shall pay an amount estimated from the record of his previous bills and/or from other proper data.

#### XIII. Extensions

Extensions to the county water system may be allowed under the following conditions:

- (1) Extensions will be allowed (or undertaken) after they are shown to conform to County standards and after the projected extension(s) are shown to be compatible with the plans for the ultimate development of the County.
- (2) Proposed extensions shall be designed to provide orderly growth of the County.
- (3) Proposed extensions must be determined to be feasible from the standpoint of maintaining a self-supporting water system.
- (4) Extensions may be made by the County only when funds are available and then only upon the approval and direction of the Board of County Commissioners.
- (5) Extensions may be allowed by individuals, firms, partnerships or developers at their expense or under an agreed upon shared cost with the County under the following conditions:
  - (a) County construction standards are met and plans approved by the Board of County Commissioners as set out under subarticles 1, 2, and 3 above.
  - (b) All installations shall be made according to specifications of County, including line sizes and their location, grade, and materials, etc.
  - (c) All extensions will be designed and constructed in accordance with all applicable North Carolina state laws.
  - (d) All lines constructed and connected with the facilities of the County under these policies shall become the property of the County upon their completion and connection to the County system. The County shall have exclusive control of all such lines and will assume responsibility for maintenance, repair, and operation.

#### XIV. Cumberland County Responsibility and Liability

Cumberland County shall run a service line from its distribution line to the property line where the distribution line runs immediately adjacent and parallel to the property to be served, and for which a tap-on fee then in effect for each size of meter will be charged.

Cumberland County reserves the right to require payment for any service line extending more than immediately adjacent and parallel to the main at the actual cost of installation of the added line; this in addition to the tap-on fee hereto specified.

The County shall install its meter at the property or in a location mutually agreed upon with the property owner.

When two or more meters are to be installed on the same property for different customers, they shall be closely grouped and each clearly designated to which service it applies.

Cumberland County's responsibility for maintenance ends at the meter.

Cumberland County reserves the right to refuse service unless the customer's lines and/or piping are installed in such a manner that prevents cross-connection or backflow.

The County shall not be liable for damage of any kind whatsoever resulting from water or the use of water on the customer's premises, unless such damage results directly from negligence on the part of the County. The County shall not be responsible for the negligence of third persons or forces beyond the control of the County resulting in any interruption of service, or from interruption of service to make repairs and/or other connections.

When possible, the customer will be notified of any anticipated interruption of service.

#### XV. Customer's Responsibility

Piping on the customer's premises must be arranged so that the connections are conveniently located with respect to the County's lines or mains.

If the arrangement of the customer's piping requires the County to provide multiple meters to provide service, each meter placed will be considered a separate and individual account.

Where a meter is placed on the premises of a customer by mutual agreement, a suitable place shall be provided and accessible at all times to a meter reader.

The customer shall furnish and maintain a pressure reducing valve on their side of the meter.

The customer shall furnish and maintain a private cutoff valve on their side of the meter; the County will provide likewise on its side of the meter.

The customer's piping and apparatus shall be installed and maintained by the customer at their expense in a safe and efficient manner in accordance with the County's rules and regulations and in full compliance with the sanitary regulations of the state.

The customer shall guarantee proper protection for the County's property placed on the customer's premises and shall permit access to it only by authorized representatives of the County.

In the event that any loss or damage to the property of the County or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the customer, his/her agents or employees, the cost of the necessary repairs or replacements shall be paid by the customer to the County; any liability otherwise resulting shall be assumed by the customer.

The amount of such loss or damage or the cost of repairs shall be added to the customer's bill; and if not paid, services may be discontinued by the County.

#### XVI. Prohibited Activities:

A customer shall not:

- (1) Supply or sell water from the County's system to other persons or carry water away from any hydrant or other such public outlet;
- (2) Manipulate, tamper with, or harm in any manner whatsoever any water line, main, or appurtenance or any other part of the water system; per G.S. 14-151.1
- (3) Tamper with the water meter so as to alter the true reading for the amount of water consumed; per G.S. 14-151.1
- (4) Attach or cause to be attached any connection to the water line before the water meter; and
- (5) Knowingly make any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under the Rules and Regulations.

#### XVII. Abridgement or Modification of Rules

No promise, agreement, or representation of any employee of the County shall be binding upon the County except as it shall have been agreed upon in writing and signed and accepted by the County Board of Commissioners through proper governmental channels.

No modification of rates or any of the rules and regulations shall be made by any agent of the County. This can be done only by the Cumberland County Board of Commissioners.

All prices included in these rules and regulations or their appendices are subject to change at any time, when deemed necessary, by action of the Cumberland County Board of Commissioners.

#### **XVIII. Notification and Connection**

#### Notification:

Cumberland County will notify water users when the lines in their area have been accepted by the County and are available for service.

#### Connection:

After notification, a connection can be made between the structure and the meter. The Customer will be required to obtain a permit from the Cumberland County Inspections Department. The Cumberland County Inspections Department will then make a physical inspection of the connection and service line. Upon approval, the County will turn on the water connections between the meter and the water user's plumbing system. The user's plumbing system shall meet all applicable requirements of the State Building Code (as it relates to plumbing) including the use of 160-psi service line at a minimum. An approved cut-off valve shall be installed between the meter and the structure. Each user's existing well must be physically disconnected from the County system. State law prohibits the installation of water lines through a septic tank drain field or within ten feet of a septic tank. Water shall not be turned on by anyone other than the County.

#### XIX. Property Protection

By applying for and receiving water service from Cumberland County, a customer agrees to comply with all applicable county rules, regulations and policies. Each service constitutes a separate service and agreement even if a single customer receives multiple services. The customer agrees to pay for their billing in a timely manner and that the service(s) should have a protective device on it to protect the appliances and property of the customer.

It is the further responsibility of the customer to install a proper water - pressure control device to prevent too much pressure from entering the plumbing lines. (There is a minimum pressure of 30 PSI but no maximum pressure supply.)

# XX. Adoption of Rules: Until further notice of the Board of Commissioners of the County of Cumberland, the rules and regulations hereinabove set out, are hereby adopted as of the date hereof to become effective on and after \_\_\_\_\_\_.

COUNTY OF CUMBERLAND
BOARD OF COMMISSIONERS

BY:

Marshall Faircloth
Chairman

Attest:

Candace White

#### APPENDIX "A"

#### AVAILABILITY FEE

\$12.00

Availability Fee — Non-connected customers (As referenced in the Cumberland County Water Use Ordinance)

#### WATER RATE SCHEDULE

RESIDENTIAL RATE First 2,000 Gallons Next 4,000 Gallons Next 2,000 Gallons Next 2,000 Gallons Next 40,000 Gallons Next 50,000 Gallons All Over 100,000 Gallons  COMMERCIAL RATE User Fee: First 50,000 Gallons: Next 50,000 Gallons: Next 900,000 Gallons: All Over 1,000,000 Gallons	MONTHLY CHARGE \$22.00 Minimum \$11.00 per 1,000 Gallons \$12.00 per 1,000 Gallons \$13.00 per 1,000 Gallons \$14.00 per 1,000 Gallons \$15.00 per 1,000 Gallons \$16.00 per 1,000 Gallons MONTHLY CHARGE \$33.50 \$13.00 per 1,000 Gallons \$14.00 per 1,000 Gallons \$15.00 per 1,000 Gallons \$15.00 per 1,000 Gallons
Late Penalty	\$10.00
Activation/Transfer Fee (One-time fee for creating new account or Transferring service to another location)	\$20.00
Reconnect Fee- Business hours (Administrative charge to re-establish service after discontinuance for non-payment)	\$25.00
After-Hours Reconnect Fee (Available until 9:00 pm)	\$75.00
Special Meter Reading (Performed at request of customer; no charge if initial reading was over-read)	\$10.00
Meter Verification Fee (Meter removed and taken to testing facility; performed at written request of customer; no charge if meter over-registers by more than 5%)	\$50.00
Flow Test	\$50.00
*Returned Check Fee	\$25.00 + Amount of check - Cash, money order or certified check only

#### APPENDIX "B"

#### TAP FEE SCHEDULE

#### **TAP-ON FEES (To Include Irrigation)**

#### (1) Construction-Phase Rate:

The tap-on fee during the construction of the water distribution system will be as follows:

Meter SizeEstablished Fee¾ inch\$50.001 inch\$100.00Larger than 1"Standard Rate

#### (2) Future Services:

Customers not wishing an immediate connection to the water system, but who wish to take advantage of the discounted tap-on fees available during the construction phase may sign up for a "future service" tap at the following rates:

 Meter Size
 Established Fee

 ¾ inch
 \$150.00

 1 inch
 \$250.00

 Larger than 1"
 Standard Rate

Future Service rates apply only during the construction phase of the distribution system. With a "Future Service" tap, a meter is not installed until requested by the customer.

#### (3) Water Laterals

An estimate shall be given to the applicant prior to installation and shall be paid by the applicant prior to any installation of laterals to be connected to the water system. All charges include labor, equipment and materials required for the installation of the specified pipe size or sizes.

#### (4) Main Extension Charges:

An estimate shall be given to the applicant prior to installation and shall be paid by the applicant prior to extending the main in the water district. All charges include labor, equipment and materials required for the installation of the specified pipe size or sizes.

#### **BILLING POLICY**

In order to insure that all customers have a thorough understanding of our policies and procedures for water billing and collections, the Public Utilities Division has prepared the following information. A complete set of the Rules and Regulations for the Public Utilities Division is available upon request.

#### **Meter Reading**

Meters are to be read every 28 to 30 days.

#### **Billing**

Bills are calculated and mailed as soon as possible after meters are read.

The Public Utilities Division reserves the right to vary billing dates as needed. If you do not receive your bill, please call the Public Utilities Division. We will verify your address and tell you how much you owe. If you desire a duplicate bill, we will mail one to you.

Please make sure that we have your correct address, so that you will receive your bill in a timely manner. Failure to receive your bill will not prevent such bill from becoming delinquent.

#### **Payments**

Remit payments to the Public Utilities Division, located in the Historic Courthouse at 130 Gillespie Street, Room 215, Fayetteville, NC 28301. You may pay in the office, or you may mail your payment to **Public Utilities Division**, **P.O. Box 1829**, **Fayetteville**, **NC 28302**.

All returned checks are subject to a \$25.00 collection charge.

#### Late Fees

If payment is not received within **28 days of the billing date**, which is shown on your bill, a \$10.00 late fee will be added to your account.

#### **Cutoffs**

Service will be disconnected if payment of your bill is not received in the Public Utilities Division office within 42 days of the billing date. It is not our policy to call customers prior to disconnection of service. In order to maintain fairness to all our customers, we cannot give extensions on bills.

The cutoff list will be generated at 5:01 pm on the day prior to disconnection. If your account is on the cutoff list you will be charged a \$25.00 reconnect fee in addition to the total amount due shown on your bill. This reconnect fee applies to all accounts shown on the cutoff list. Reconnects after hours are available from 5:00 pm until 9:00 pm for a fee of \$75.00.

#### Questions

If you have any questions regarding billing or service, please call the Public Utilities Division staff at (910) 678-7682.

#### ADJUSTMENT POLICY

#### Purpose:

Circumstance may arise where high water consumption occurs due to events beyond a customer's control. Upon a customer's request, Cumberland County Public Utilities will review the facts and consider a billing adjustment on a case-by case basis. Adjustments are limited to one occurrence in a twelve month period per customer account or location. Adjustment requests shall be submitted to the Public Utilities staff at 130 Gillespie Street, Room 215, Fayetteville, NC 28301. Adjustments shall be made as follows:

#### To qualify:

- 1. The customer must have been out of town at the time of the leak or the leak must not have been readily evident to a reasonable person (ex.: underground [excluding irrigation], inside a wall or concealed location, crawlspace.).
- 2. Basic facility fees (flat rate, O&M rider, RSF) still apply.
- 3. Proper documentation that the leak has been repaired or corrected must accompany the adjustment request (receipt for parts, contractors invoice, etc.).
- 4. Water only customers- The water consumption must be greater than 200% of the customers previous three month average.

#### Calculation:

If the conditions above are met, the bill will be reduced to 200% of the average consumption plus 1/3 of the overage. Example: When a customer has an average consumption of 5,000gal and because of a qualifying leak has a consumption of 13,000gal, the bill will be calculated at 200% of 5,000gal = 10,000gal + 1,000gal (1/3 of 3000) = 11,000gal adjusted bill. The adjusted amount over 200% will be billed at the lowest tiered rate.

#### Other adjustments:

The utilities management staff, at their discretion, shall be authorized to adjust late fees and penalties for customers who are in good standing and have no history of late payments or disconnects.

#### Adjustments to commercial accounts:

Adjustments must be approved by the Engineering and Infrastructure Director.

#### Exclusions:

Adjustments will not be made for water loss associated with irrigation systems. Adjustments will apply to no more than 2 consecutive billing cycles. Premises left abandoned or vacated without reasonable care for the plumbing system. Homes under construction or renovation.

IMPORTANT NOTE: A large leak may cost a customer thousands of dollars, whereas a smaller leak may be less than a \$100. A leak adjustment may be requested only once within a 12 month period. If you request an adjustment for any size leak, you will be ineligible for another adjustment for the next 12 months regardless of the size of the future leak.

#### COUNTY OF CUMBERLAND

NORTH CAROLINA



#### Celebrating Ammie McRae Jenkins

WHEREAS, African-Americans are a vital part of North Carolina's life, and men and women of all races have contributed significantly to the lives and experiences of African-Americans in North Carolina, supporting efforts to ensure equality and opportunity for all; and

WHEREAS, there is a need for our children and future generations to honor these remarkable individuals while learning more about and celebrating their achievements; and

WHEREAS, AT&T, along with the support of partner organizations, has developed The Heritage Calendar: Celebrating the North Carolina African-American Experience, which will spotlight individuals whose commitment and dedication have enriched the diversity fabric of this State; and

WHEREAS, among the inaugural honorees listed on this calendar will be Ammie McRae Jenkins, who has significant ties to Cumberland County; and

WHEREAS, Ammie McRae Jenkins founded the Sandhills Family Heritage Association (SFHA) in Cumberland County in 2001 to address and rectify the issue of other African-Americans who lived near her ancestral home and lost their land through racial intimidation; and

WHEREAS, the SFHA under Jenkins' leadership has implemented several successful programs including community education and a farmer's market, with the knowledge of community elders and the hard work of volunteers; and

NOW, THEREFORE, we, the Cumberland County Board of Commissioners, do hereby applaud the service of Ammie McRae Jenkins to our state and our county, and proudly proclaim October 24, 2012 as "Ammie McRae Jenkins Appreciation Day."

Adopted this 15th day of October, 2012.

W. MARSHALL FAIRCLOTH, Chairman Cumberland County Board of Commissioners

#### 2012 National Red Ribbon Campaign

WHEREAS, gun violence, alcohol, and drug abuse have been identified as significant dangers to young people and our communities today; and

WHEREAS, violence and substance abuse among the nation's youth have emerged as some of the nation's greatest threats to a healthy lifestyle among our young people; and

WHEREAS, the National Family Partnership for a Drug-free North Carolina and the C.A.R.E.S Coalition (Coalition for Awareness, Resources, and Education of Substances) are sponsoring the local Red Ribbon Campaign, October 22-27, 2012, which offers community members the opportunity to display their commitment to a drug-free lifestyle by wearing a red ribbon; and

WHEREAS, Local government, businesses, law enforcement, school systems, citizens, and students will express their commitment to a lifestyle free of youth substance usage by signing the Red Ribbon Pledge and by wearing a red ribbon during the campaign.

NOW, THEREFORE, the Board of Commissioners of Cumberland County PROCLAIMS the week of October 22-27, 2012 "Red Ribbon Week" and encourages all citizens to take active roles in preventing substance abuse and gun violence among youth in our communities during these dates and indeed, throughout the year.

Adopted this 15th day of October, 2012

Chairman, Cumberland County Board of Commissioners

**Budget Office Use** 

**Budget Revision No.** 

**Date Received Date Completed** 

Ы	3-131	
10	/2/2012	

101 Agency No. 412 Organ. No. ITEM NO. Organization Name: General Government Other REVENUE Revenue Current Increase Revised Source Description **Budget** (Decrease) **Budget** Code 9901 Fund Balance Appropriated 81,840 Total 81,840 **EXPENDITURES** Object Current Appr Increase Revised Description Code Unit **Budget** (Decrease) **Budget** 459X 088 Public Response 0 81,840 81,840 Total 0 81,840 81,840 Justification: Appropriate fund balance in the amount of \$81,840 to rebudget unexpended Public Response funds from FY12. **Funding Source: Fund Balance:** County: State: Federal: New: Other: Other: Fees: Prior Year: 81,840 Submitted By: Date: Approved By: **Department Head** Reviewed By: Date: 10-2-12 Date: **County Manager** Reviewed By: **Board of County** Commissioners Date:

**Funding Source:** 

Federal:

Fees:

39,584

Department Head

State:

Other:

Submitted By:

Reviewed By:

**Budget Office Use** 

**Budget Revision No.** 

**Date Completed** 

**Date Received** 

Other:

Date:

Date:

Approved By:

**County Manager** 

**Board of County** Commissioners

Fund No.	101	Agency No431Organ. No	o. <u>4323</u>		5.11	(5)	
Organizati	on Name:	Family Planning Clinic		ITEM NO. <u>2H(2)</u> a			
		RE	VENUE				
Revenue Source Code		Description	7	Current Budget	Increase (Decrease)	Revised Budget	
4145 6045	¥	NC Family Planning Escrow Child/Maternal Health		397,351 121,956	(39,584) 39,584	357,767 161,540	
	·		Total	519,307	-	11	
		EXPE	NDITURES				
Object Code	APRs Unit	Description	e .	Current Budget	Increase (Decrease)	Revised Budget	
			,			φ.	
		(4)					
			Total				
Justificatio							
i nis budget	revision red	quests to reallocate revenue in order to p	orovide for an una	nticipated reduc	tion in state funding.		

**Fund Balance:** 

New:

Prior Year:

County:

Other: 5000

Submitted By:

Reviewed By:

Fees:

Department Head

Deputy/Assistant County Mgr

**Budget Office Use** 

Approved By:

**County Manager** 

**Board of County** 

Commissioners

Date:

Date:

**Budget Revision No. Date Received** 

**Date Completed** Fund No. 101 Agency No. 431 Organ. No. 4318 ITEM NO. \_2 H Health Education **Organization Name: REVENUE** Revenue Current Increase Revised Description Source **Budget** (Decrease) **Budget** Code 7670 Miscellaneous 5,000 5,000 5,000 Total **EXPENDITURES** Current Revised Object Increase **APRs Unit Description** Code Budget (Decrease) Budget new Wolfe Mini Grant 5,000 5,000 new Total 5,000 5,000 Justification: This budget revision requests to budget for the Wolfe Mini Grant that the department has received. **Funding Source: Fund Balance:** State: Federal: County: New: Other:

Prior Year:

Date: 10/2/12

Date/0.3-12

Deputy/Assistant County Mgr

Reviewed By:

**Budget Office Use** 

**Board of County** Commissioners

**Budget Revision No. Date Received** 

**Date Completed** 

Fund No. 101 431 432B Agency No. Organ, No.

Fund No. Organizat	ganization Name: Bioterrorism Preparedness & Response		ITEM NO 2H(2)c			
			REVENUE			
Revenue Source Code		Description		Current Budget	Increase (Decrease)	Revised Budget
4187		Bio-Terror		64,019	30,023	94,042
	2	424				
A-18-5	,		Total	64,019	30,023	
			EXPENDITURES			
Object Code	APRs Unit	Description		Current Budget	Increase (Decrease)	Revised Budget
2992 3390 3419 3445 3470 3474	199 199 199 199 199	Dept Supply Contracted Services Miscellaneous Telephone Travel Training	20	1,000 48,080 5,000 3,125 4,000 1,794	2,000 15,000 5,023 2,000 4,000 2,000	3,000 63,080 10,023 5,125 8,000 3,794
<b>Justificatio</b> This budge to receive.		uests to budget for addition	Total onal state funding that the Health	62,999 n Department ha	30,023 as been notified that	93,022
Funding S State: Other:	ource: 30,023	Federal: Fees:	Fund Balance: County: New: Prior Year:		Other:	
Submitted Hed Reviewed	<u> </u>	Department Ho	Date: 10/2/12	Co	Approved By:Dat	te:

Budget Office Use

Budget Revision No. 313-134

Date Received

Date Completed

Fund No	101	Agency No.	439	Organ. No.	4396		13
Organization Name		CC CHILD SI	UPPORT	ENFORCE	/IENT	ITEM NO	2H(3)
				DE	/ENILIE		

		RI	EVENUE			
Revenue Source Code		Description		Current Budget	Increase (Decrease)	Revised Budge
4034 9901		CSE IV-D FUND BALANCE APPROPRIATED		267,462	135,135 69,615	402,597 69,615
			25.7			170.040
			Total	267,462	204,750	472,212
		EXPE	NDITURES	5000/7310**** JANUARIA		
Object Code	Appr Unit	Description		Current Budget	Increase (Decrease)	Revised Budget
3311	278	COURT COST		34,852	204,750	239,602
						Į
					*	
		*				
			Total	34,852	204,750	239,602

Due to Legislative Mandate, court fees that have been waived in the past by the Clerk of Court must now be collected effective 9-4-12. The filing fee is \$150 per case. Based on prior year annual activity of 1,638 Civil Complaints, the cost for 12 months is projected at \$245,700. Funds needed for the remaining 10 months of this fiscal year are \$204,750. Federal reimbursement at 66% is available, \$135,135.

Funding Source: State: Other:	Federal:	Fund Balance: County: New: Prior Year:	Other: _	
Submitted By: Har	Us Austin Cent	ad / Date: 0/9//2	Approved By:	
Reviewed By:	werd Bre Finance	Date: 10/9/10	County Manager	Date:
Reviewed By:	Deputy/Assistant Coun	ty Mgr Date: 10 10 12	Board of County Commissioners	Date:

Edition of Dec 2003

Budget Office Use

Budget Revision No. B13—135

Date Received
Date Completed

Fund No. Organization	n Name		n. No. <u>422P</u>	ITEM N	10 2H	(4)
			REVENUE		Don laf	2.
Revenue Source Code		Description		Current Budget	Increase (Decrease)	Revised Budget
9901		Fund Balance Appropriated		å	150,000	
				ek U		
			Total	0	150,000	-
			EXPENDITURES		100,000	
Object Code	Appr Unit	Description		Current Budget	Increase (Decrease)	Revised Budget
3603	653	Cap Outlay-Vehicles		0	150,000	150,000
						-
				0	150,000	150,000
Justification Establish Ex		udget for purchase of patrol vehic	les for Sheriff's Office.			
Funding So State: _ Other <u>:</u>	urce:		Balance: ınty: New: Prior Year:		Other: <u>150</u>	,000
Submitted E	ву: 💋	al R. But	ble Date:		Approved By:	
Reviewed B	y: _	Hawa & Chra Bydget Analyst	Date: 109/12	Cc	Dounty Manager	ate:
Reviewed B	y:	Deputy/Assistant County Mgr	Date: 10/10/12	Вс	oard of County	ate:
Reviewed B	y:	Information Services	Date:		1	

## COUNTY OF CUMBERLAND REQUEST FOR CAPITAL OUTLAY

DEPT: Sheriff Fed	Forf Justice		FUND: 230	AGENCY: 422	Org: 42 <u>2P</u>
ORGAN MGR:	Earl R. Butler		_ PRIORITY: _		
SIGNATURE:	Eas	PR	Butl	5-Oct-12 <b>DATE</b>	2
DESCRIPTION OF	REQUEST:			Ç.	
Patrol Vehicle \$30,000 x 5 each Vehicle, NC tax & tag	gs, accessories, in-car ca	amera.			\$150,000
	vehicle purchase dollars		e initial budget for	the Sheriff's Office.	
REVE	ENUE		EXPE	ENDITURE	
Code 230-9901	Funding Source Fund Bal	Amount \$150,000	Object Code	Object Name CO-Vehicles	Amount \$150,000
	natives if <b>NOT</b> Approver properly answer calls from		nesting assistance.	i a	
Replacement Item:		Property #	Location	Disposition o	f Equipment

#### **COUNTY OF CUMBERLAND BUDGET REVISION REQUEST**

**Budget Office Use** 

Budget Revision No.

B13-132

**Date Received Date Completed**  10/6/2012

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

ITEM NO. \_ 2H(5)

	R	EVENUE		per 10/2	
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		156,000	1,000	157,000
7002	Interest Income		6,185	0	6,185
7670	Miscellaneous		2,000	6	2,006
7685	Contractor Sale Tax Refunds		222,372	17,312	239,684
9135	Transfer from ESD General Fund		100,000	0	100,000
		Total	8,461,257	18,318	8,479,575

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3110	TBA	Legal	10,000	3,811	13,811
3113	TBA	Bond Counsel	21,311	(3,811)	17,500
3419	TBB	Miscellaneous (Engineer Reimburseables)	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
3714	TBB	Geotechnical	42,041	0	42,041
3747	TBB	Engineering	828,865	2,816	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	153,505	44,669	198,174
3903	TBE	Contingency	29,167	(29,167)	2
		Total	8,461,257	18,318	8,479,575

#### Justification:

Revision to facilitate close-out of the ESD Water II Project by adjusting revenues to amounts received (or pending in the case of contractor sales tax refunds and miscellaneous revenue), by reallocating the legal expense budget, and by adjusting the engineering budget to the final amount as approved by the USDA based on the established fee curve. The amount due for engineering services fluctuates with changes in the construction contracts. Construction is complete and all four construction contracts contracts have been fully paid. At project completion remaining cash (anticipated to be \$44,668.40) will be transfered to the ESD General Fund

State:Other:		d Balance: bunty: New: Prior Year:	Other:
Submitted By:	Department Head	Date:	Approved By:
Reviewed By: _	Box Such Finance Department	Date: /6//0/12	Date: County Manager
Reviewed By:	Assistant County Mgr	Date: 10/10/12	Board of County Commissioners Date:

#### COUNTY OF CUMBERLAND BUDGET REVISION REQUEST

**Budget Office Use** 

**Board of County** 

Commissioners

**Budget Revision No.** 

B13-132A

Date Received

10/6/2012

Date Completed

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

Reviewed By:

Deputy County Mgr

Organizati	ion Name	Eastover Sanitary District G	eneral Fund		pg Zof	2-
			REVENUE		1920	
Revenue Source Code		Description		Current Budget	Increase (Decrease)	Revise Budge
9136		Transfer from Fund 020 (ESD	Water II Project)	0	44,669	44,669
					¥.	
					(4)	
			Total	0	44,669	44,669
Object Code	Appr Unit	Description	EXPENDITURES	Current Budget	Increase (Decrease)	Revised Budge
3154 3903	688 688	Professional Services Contingency		30,000 9,347	10,000 34,669	40,000 44,016
06 8 8	8					
		1			E	
				18)		
		14	Total	39,347	44,669	84,016
Justification Revision to General Fu	budget t	ransfer of the residual cash bala	nce at completion of	the ESD Water	II Project (Fund 02	0) to the ESC
Funding So State: _ Other: _	ource:		Balance: inty: New: Prior Year:		Other:	- 12   - 1
Submitted / /	Ву:	Department Head	Date:	9	Approved By:	,
Reviewed E	зу:	856 Sucher Finance Department	Date: <u>/ 0//0/1</u> 7	Co	Da unty Manager	te:

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



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

**OCTOBER 5, 2012** 

MEMO TO:

**Cumberland County Board of Commissioners** 

ITEM NO.

3A

FROM:

Cumberland County Joint Planning Board

SUBJECT:

Case P12-51: Rezoning of 20.38+/- acres from CD Conservancy and A1 Agricultural to A1 Agricultural or to a more restrictive zoning district; located at 1554 and 1622 Yarborough Road; submitted by James S. Stewart Sr., Lenise E.

Stewart, James S. Stewart Jr. and William T. Stewart (owners).

ACTION:

Members present at the September 18, 2012 meeting recommended adoption and approval of the consistency and reasonableness statements and to approve A1 Agricultural district for that portion of the subject property located outside the *Special Flood Hazard Area* (SFHA) & CD Conservancy for all area within the SFHA. The motion passed with a unanimous vote.

SITE PROFILE: Frontage & Location: 692.60'+/- on SR 2251 (Yarborough Road); Depth: 1,600.00'+/-; Jurisdiction: Cumberland County; Adjacent Property: Yes, west of subject property (Robeson County); Current Use: 2 residential structures & 2 accessory structures; Initial Zoning: CD & A1 - June 25, 1980 (Area 13); Nonconformities: None; Zoning Violation(s): None; Surrounding Zoning: North & South: CD & A1; East: CD, R40 & A1; West: CD; Surrounding Land Use: Residential (including manufactured homes) & woodlands; 2030 Growth Strategy Map: Rural & Conservation Area: Special Flood Hazard Area (SFHA): Yes; base flood varies from 142.20 msl (NAVD) to 143 msl (NAVD); Water/Sewer Availability: Well/Septic; Soil Limitations: Yes, hydric – JT Johnston loam; School Capacity/Enrolled: Gray's Creek Elementary: 495/393; Gray's Creek Middle: 1,000/959; Gray's Creek High: 1,270/1,284; Subdivision/Site Plan: If approved, new construction will require a review and approval; Average Daily Traffic Count (2010): 920 on SR 2251 (Yarborough 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 – 10 lots/units; Minimum Yard Setback Regulations: A1: Front yard: 50', Side yard: 20', Rear yard: 50'.

#### MINUTES OF SEPTEMBER 18, 2012

The Planning & Inspections Staff recommends approval of the A1 Agricultural district for that portion of the subject property located outside the *Special Flood Hazard Area* (SFHA) & CD Conservancy for all area within the SFHA, based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural and conservation area" at this location, as well as meeting the location criteria for "rural density development," with the exception of the land area within the SFHA;

- The recommendation for the CD Conservancy for the portion of the subject property within the SFHA ensures that this environmentally sensitive area will be protected and preserved; and
- 3. The request is reasonable as the location and character of use will be in harmony with the surrounding area.

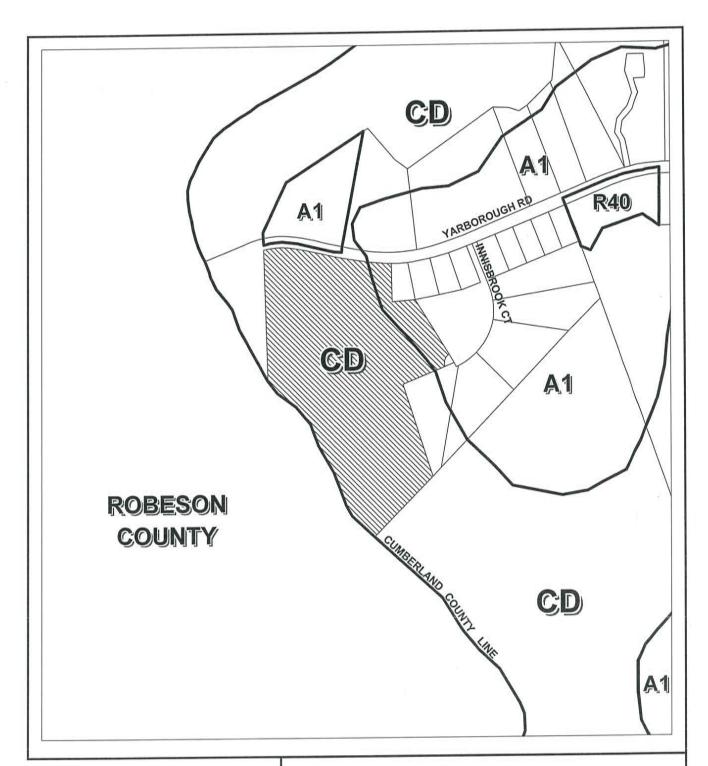
There are no other districts suitable regarding this request.

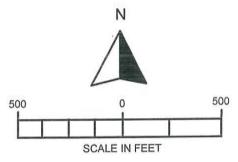
The property owner/applicant has verbally agreed with this staff recommendation.

Mrs. Piland made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve A1 Agricultural district for that portion of the subject property located outside the *Special Flood Hazard Area* (SFHA) & CD Conservancy for all area within the SFHA, seconded by Mr. Hall. 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 & CD TO A1

ACREAGE: 20.38 AC.+/-	HEARING NO	: P12-51
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



Planning and 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

OCTOBER 5, 2012

MEMO TO:

**Cumberland County Board of Commissioners** 

ITEM NO. \_ 3B

FROM:

Cumberland County Joint Planning Board

SUBJECT:

Case P12-28: Rezoning of 1.00+/- acre from RR Rural Residential to C2(P) Planned Service and Retail or to a more restrictive zoning district, located at 4446 Clinton Road, submitted by Janice Ivey and Tommy D. Faircloth (owners) and Garris Neil Yarborough, Esq.

ACTION:

Members present at the June 19, 2012 meeting recommended denial of the consistency and reasonableness statements agreeing that the request is not reasonable and will not be in harmony with the surrounding area. The motion passed with Mr. Clark voting in opposition.

SITE PROFILE: Frontage & Location: 186.00'+/- on SR 1006 (Clinton Road) & 242.02'+/- on SR 2013 (Old Vander Road); Depth: 253.02'+/-; Jurisdiction: Cumberland County; Adjacent Property: Yes, south of subject property: Current Use: 1 residential structure: Initial Zoning: RR - September 3, 1996 (Area 20); Nonconformities: None; Zoning Violation(s): None; Surrounding Zoning: North: C(P), C1(P), RR, SF-15 (Fayetteville) & R10; South: RR & R20; East: RR; West: RR/CU (billboard) & RR; Surrounding Land Use: Residential (including manufactured homes), substations (2), farmland & woodlands; 2030 Land Use Plan: Community Growth Area; Special Flood Hazard Area (SFHA): None; Water/Sewer Availability: PWC/PWC; Soil Limitations: None; School Capacity/Enrolled: Sunnyside Elementary: 300/362; Mac Williams Middle: 1,274/1,221; Cape Fear High: 1,400/1,575; Subdivision/Site Plan: If approved, any new construction or change in use will require a review and approval; Municipal Influence Area: Town of Stedman; Average Daily Traffic Count (2010): 5,600 on SR 1006 (Clinton Road) & 1,900 on SR 2013 (Old Vander Road); Highway Plan: Clinton Road and Old Vander Road are identified in the Highway Plan Major Thoroughfares with adequate right-of-ways; Notes: Density: RR - 2 lots/units; Minimum Yard Setback Regulations: RR: Front yard: 30', Side yard: 15', Rear yard: 35'; C1(P): Front yard: 45', Side yard: 15', Rear yard: 20', C2(P): Front yard: , Side yard: 30', Rear yard: 30'.

MINUTES OF JUNE 19, 2012

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

- 1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "community growth area" at this location, as well as meeting the location criteria for light commercial development as listed in the Land Use Policies Plan;
- The request for the C2(P) Planned Service and Retail district is reasonable due to the recent rezonings in the general area; and

3. Public utilities are available to the subject property.

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

There were people signed up to speak in favor and in opposition.

Mr. Neil Yarborough spoke in favor on behalf of the owners. Mr. Yarborough stated that the subject property, not only according to the 2030 Plan, is designated as a community growth area, but is also actually growing, as evidenced by the recent rezonings and development. It's served by PWC for both water and sewer and it's a corner lot, which his clients feel it is appropriate for future development on the commercial level.

Mr. Michael Williams spoke in opposition. Mr. Williams stated that his concerns are with the traffic in the area and the increase that this rezoning could cause. The last time that this came before the board there was a recommendation that a traffic analysis be done, and was not sure if that had been done, but stated that was the reason for the case previously being pulled.

Mrs. Mary Williams spoke in opposition. Mrs. Williams stated that she spoke with Gary Burton, with the Department of Transportation (DOT), and he stated that access had been denied to Clinton Road for the strip mall area across the street because of the traffic patterns, there are numerous accidents in that area. There are no plans to realign Old Vander and Baywood Roads at the Clinton Road intersection to decrease the difficulty with traffic. Mrs. Williams stated that Gary Burton said that DOT would require that the Faircloth's would never develop that property and if they did, right and left turn lanes would be required if it were developed for commercial use.

Chair Turner asked if a traffic count had been done.

Mr. Lloyd stated yes and that the count was listed on the data sheet, and that was as of 2010.

Mr. Yarborough spoke in rebuttal. Mr. Yarborough stated that as far as traffic is concerned we all know that roads follow development and the traffic statement is true for every rezoning. As far as any turn lanes, that would come off of the Faircloth property. This is a perfect location for some kind of small community commercial facility. Access issues are all controlled by DOT, and there are several different ways access can be obtained and the applicants would comply with any DOT requirements. Mr. Yarborough asked the board for approval of the request.

Public Hearing closed.

Mrs. Epler asked if C2(P) allowed alcohol sales and internet games

Ms. Speicher responded yes alcohol sales would be allowed, and if the text amendment is approved they would be allowed to have one game.

#### Mr. Clark made a motion to approve the request.

Mrs. Epler how many lots were in the new subdivision that was approved?

Ms. Speicher stated roughly 80 or 88 and across the street about 300 lots.

Mrs. Epler stated that she was concerned about the traffic on Old Vander Road.

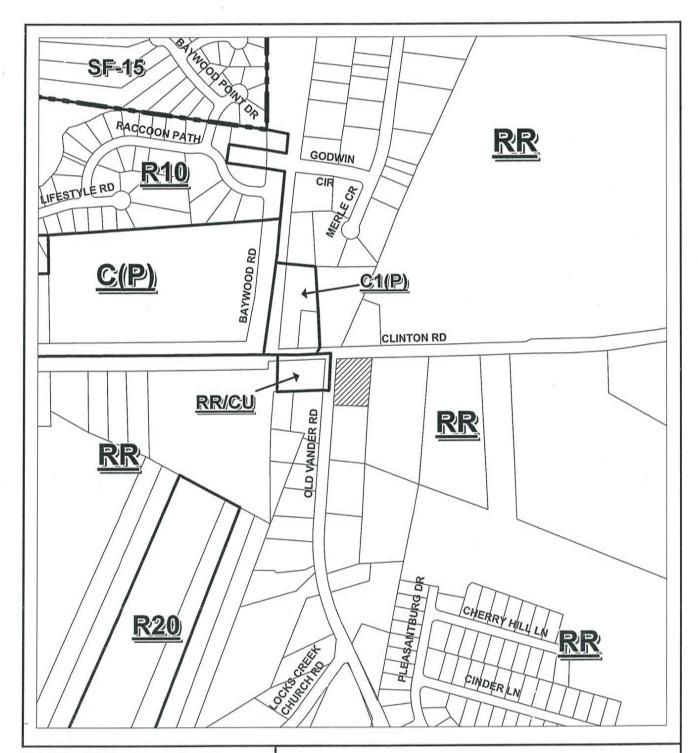
Mrs. Piland asked if there was a residence right beside the subject property and if the residences continued down Old Vander Road.

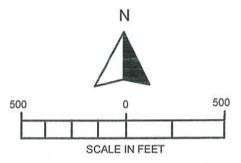
Mr. Lloyd said there was a residence next to the subject property.

- Mrs. Piland asked about buffering, and what kind of buffer would be in place.
- Mr. Lloyd stated the standard buffer, fence or vegetation.
- Mr. Piland if Conditional Zoning was discussed with the applicant.
- Ms. Speicher stated they were not interested. Ms. Speicher clarified that they did not speak with the owner they spoke with their agent.
- Mrs. Piland stated that it always concerns school officials when there are a lot of commercial areas in close proximity to schools. Students are inclined to stop there on their way to and from school and sometimes they do purchase items that should not come on school property.
- Mrs. Epler stated that any access on and off of this property is going to be on Old Vander Road and all of those houses to the south of Clinton Road, that is their only way into Fayetteville, all of them go through that intersection to get to Fayetteville, and doesn't feel like she can support a recommendation.
- Mr. Tommy Faircloth, the property owner, stated that the strip mall was approved across the street, and doesn't understand why his application cannot be approved. When he tried five years ago he was denied and other rezoning requests have been approved since then.
- Mr. McLaurin stated that his biggest concern was the same as what had been talked about, the traffic.
- Mrs. Epler made a motion to recommend not to adopt or approve the consistency and reasonableness statements agreeing that the request is not reasonable and will not be in harmony with the surrounding area, seconded by Mrs. Piland to deny the request for rezoning. The motion passed with Mr. Clark voting in opposition.

#### 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: 0466-88-1035

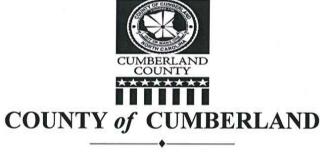
# REQUESTED REZONING RR TO C2(P)

ACREAGE: 1.00 AC.+/-	HEARING NO: P12-28		
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



Planning and 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

ITEM NO. \_\_30

**OCTOBER 5, 2012** 

MEMO TO:

**Cumberland County Board of Commissioners** 

FROM:

**Cumberland County Joint Planning Board** 

SUBJECT:

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

ACTION:

Members present at the May 15, 2012 meeting recommended adoption and approval of the inconsistency and unreasonableness statements agreeing that the request is not reasonable and will not be in harmony with the surrounding area and that the request for C(P)/CZ for a convenience store, restaurant, and for profit indoor recreation be denied. The motion passed unanimously.

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

MINUTES OF MAY 15, 2012

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

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

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

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

The applicant was present to speak in favor.

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

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

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

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

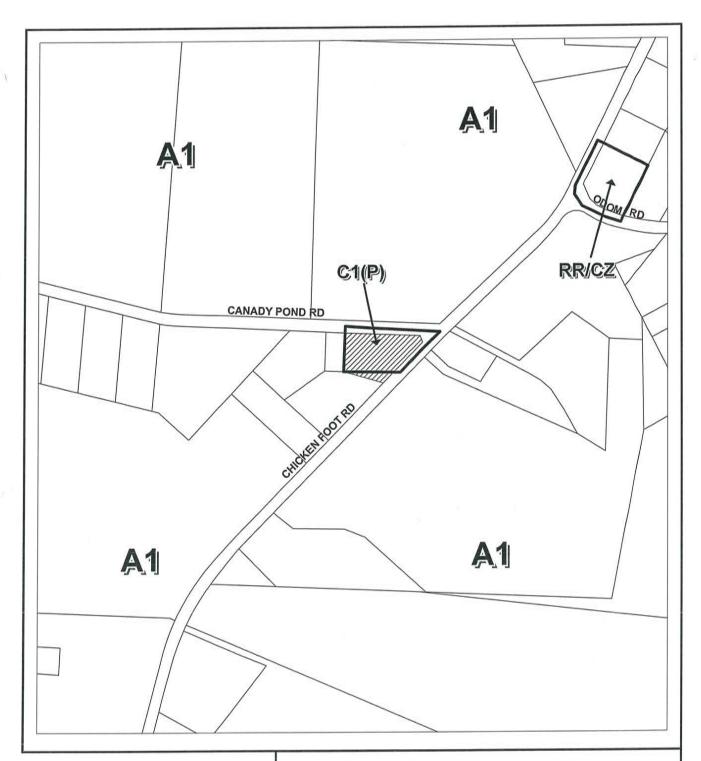
Mr. Patel said someone from the County told him he needed to apply for a conditional zoning district.

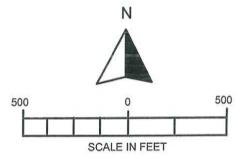
Mr. Lloyd clarified that Mr. Patel was not in violation and that there is no permit for the sweepstakes machines.

Mr. McLaurin made a motion to recommend to adopt and approve the inconsistency and unreasonableness statements agreeing that the request is not reasonable and will not be in harmony with the surrounding area, seconded by Mr. Morris to deny the request for rezoning. The motion passed with a unanimous vote.

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

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

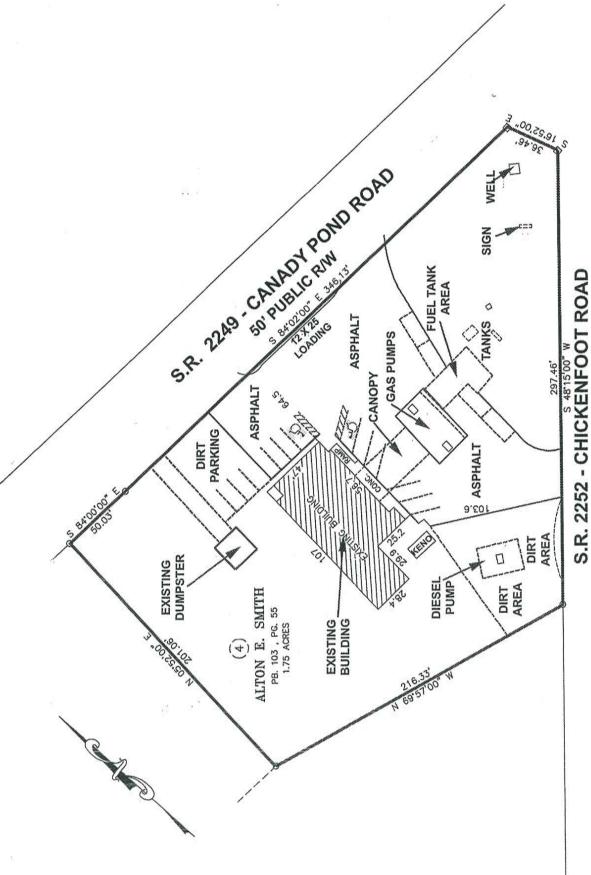




PORT. OF PIN: 0430-08-6805

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

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



60' PUBLIC R/W

# CONDITIONAL ZONING DISTRICT

REQUEST: A CONVENIENCE STORE, RESTAURANT AND

FOR PROFIT INDOOR RECREATION/AMUSEMENT ACREAGE: 1.75AC+/-SCALE: NTS ZONED: A1 & C1(P) CASE: P12-26

\*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST PARKING: AS SHOWN

Case: P12-26 May 8, 2012

#### **Conditional Zoning District**

DRAFT

#### **Ordinance Related Conditions**

#### Pre- Permit Related:

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

#### Watershed-Related:

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

#### Permit-Related:

- 4. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
- 5. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
- 6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
- 7. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's Post-Construction Permit must be provided to County Code Enforcement.
- 8. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
- The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

#### Site-Related:

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

- 11. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
- 12. This conditional approval is not approval of any new freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
  - This conditional approval is not approval of the current sign location. In the event the sign is removed or destroyed, any replacement sign will be required to meet the ordinance standards.
- 13. Reservation of 25 feet of right-of way along SR 2252 (Chicken Foot Road) is required and the metes and bounds for reservation must be reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line. (Section 2302 F, Planned Public Right-of-Way, County Subdivision Ordinance)
- 14. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) Manual on Best Management Practices and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
- For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
- 16. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
- 17. Turn lanes may be required by the NC Department of Transportation (NCDOT).
- All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
- 19. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
- 20. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of 17 off-street parking spaces are required for this development. [Note: This calculation is based on the 10 required spaces for the gas station and the 4 required spaces for the restaurant (12 seats) and 3 required spaces for the indoor recreation (6 person capacity 6 machines).]
- 21. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
- 22. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

#### Advisories:

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

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

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

Watershed Review Officer:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Food & Lodging Env. Health:	Tony Ferguson	433-3678
Ground Water Issues:	Matt Rooney	678-7625
County Public Utilities:	Amy Hall	678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

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

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

1.	APPLICANT/AGENT: Dharmesh (Danny) Patel
2.	ADDRESS: 3634 Chickenfoot Road ZIP CODE: 18348
3.	TELEPHONE: (Home) 803-460-9833 (Work) 910-425-0313
4.	Location of Property: 3634 Chickenfoot Road Hope Mills, NC
5.	Parcel Identification Number (PIN #) of subject property:O430-08-6805-(Part of) (also known as Tax ID Number or Property Tax ID)
6.	Acreage: 1.75 Frontage: 297' Depth: 216'
7.	Water Provider: Private well
8.	Septage Provider: Private septic tank
9.	Deed Book 7875, Page(s) 70, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10.	Existing use of property: Convenience store, deli, games
11.	Proposed use(s) of the property: Convenience Store, deli/kitchen,
	A A A A A A A A A A A A A A A A A A A
	NOTE: Be specific and list all intended uses.
12.	NOTE: Be specific and list all intended uses.  It is requested that the foregoing property be rezoned FROM: C1P & A1 AH Nullle  TO: (select one)
	Conditional Use District, with an underlying zoning district of  (Article V)  Mixed Use/Conditional Use District (Article VI)
	Planned Neighborhood District/Conditional Use District (Article VII)
	Density Development/Conditional Use District, at the Density  (Article VIII)

# APPLICATION FOR CONDITIONAL USE PERMIT

#### 1. PROPOSED USE(S):

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

Convenience storej deli/Kitchen; indoor recreation.

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

see site plans

#### 2. DIMENSIONAL REQUIREMENTS:

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

See site plan.

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

See site plan.

#### 3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

#### 4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

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

see site plan

#### 5. MISCELLANEOUS:

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

Monday - Friday 6:00 am to 11:00pm Saturday Sunday 6:00 am to 12:00pm Three employees

#### 6. SITE PLAN REQUIREMENTS:

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

#### ACKNOWLEDGEMENT:

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

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

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

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

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

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

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GIRAYSCREEK BIROCERIES	
NAME OF OWNERS (PRINT OR TYPE	
7590 Phillipi church	Road, Raeford, N.L 28376
ADDRESS OF OWNER(S)	and the second s
910-578-8039	910-578-8039
HOME TELEPHONE #	WORK TELEPHONE #
All	and
SIGNATURE OF OWNER(S)	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



Planning and 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

**OCTOBER 5, 2012** 

ITEM NO. \_ 3D

MEMO TO:

**Cumberland County Board of Commissioners** 

FROM:

Cumberland County Joint Planning Board

SUBJECT:

Case P12-33: Revision and amendment to the Cumberland County Zoning Ordinance amending Article II, Interpretations, Calculations, and Definitions, Section 203 Definitions of Specific Terms and Words; amending Article IV, Permitted, Conditional and Special Uses, Section 403, Use Matrix by inserting internet café/video gaming as a permitted use in the C(P) Planned Commercial district column; amending Article IX, Individual Uses, by creating Section 911.1, entitled: Internet Café/Video Gaming and listing specific development standards:

and updating the table of contents as appropriate.

ACTION:

Members present at the September 18, 2012 meeting recommended adoption and approval of the Text Amendment as submitted and recommended by the Land Use Codes Committee. The motion passed with a unanimous vote.

#### MINUTES OF SEPTEMBER 18, 2012

On August 20, 2012 the County Board of Commissioners sent the above referenced Zoning Ordinance text amendment back to the Joint Planning Board, requesting the board propose hours of operation for internet café/video gaming facilities. The Land Use Codes Committee has reconsidered the proposed amendment and inserted a provision addressing operating hours to be prohibited between 2:00 am and 7:00 am. The committee also proposed a change to the offstreet parking provisions recommending that one space for each machine be required. The committee recommends approval of the proposed amendment as attached with the changes noted.

In addition to the re-consideration of the amendment, the commissioners also requested information concerning police involved activity related to internet café/video gaming. Attached is a compilation of documented incidents in the unincorporated area of the county.

Mrs. Piland made a motion to recommend the adoption and approval of the Text Amendment as submitted and recommended by the Land Use Codes Committee, seconded by Ms. Hall. The motion passed with a unanimous vote.

MINUTES OF JUNE 19, 2012

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

The proposed amendment is offered due to the proliferation of this type of use throughout the County and the committee finds it necessary for internet cafés/video gaming facilities to be appropriately regulated to minimize any potential adverse impact to affected communities. To date, the staff is approving this use under the ordinance criteria of "for profit indoor recreation" because the specific use *internet café/video gaming* is not listed in the County Zoning Ordinance as a use by right or as a use that can be approved under prescribed conditions.

If the proposed amendment is adopted, land use impacts resulting from internet cafés/video gaming facilities will be specifically addressed, the most crucial being the provision of adequate off-street parking. In addition, the provisions of the amendment will aid in preventing communities from becoming oversaturated with these facilities by specifying a zoning district where the use is to be permitted and implementing separation requirements as contained within the text. The amendment also includes provisions that require separation from uses typically protected such as religious worship facilities, day cares, residential neighborhoods, public or non-profit recreation and schools.

Mrs. Piland made a motion to recommend the adoption and approval of the Text Amendment as submitted and recommended by the Land Use Codes Committee, seconded by Mr. McLaurin. The motion passed with a unanimous vote.

#### P12-33 Cumberland County

#### Zoning Ordinance Amendment (Internet café/video gaming)

P12-33: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203 DEFINITIONS OF SPECIFIC TERMS AND WORDS; AMENDING ARTICLE IV, PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 403, USE MATRIX BY INSERTING INTERNET CAFÉ/VIDEO GAMING AS A PERMITTED USE IN THE C(P) PLANNED COMMERCIAL DISTRICT COLUMN; AMENDING ARTICLE IX, INDIVIDUAL USES, BY CREATING SECTION 911.1, ENTITLED: INTERNET CAFÉ/VIDEO GAMING AND LISTING SPECIFIC DEVELOPMENT STANDARDS; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

AMEND Article II, Interpretations, Calculations and Definitions, Section 203, Definition of Specific Terms and Words, by INSERTING in alphabetical order the definition as written below for "Internet café/video gaming":

#### SECTION 203. DEFINITION OF SPECIFIC TERMS AND WORDS.

Internet café/video gaming: Any for profit business enterprise, whether as a principal, accessory or incidental use, providing two or more computers and/or other electronic devices for access to the internet, email, applications, video games, or any other similar activity for a fee that either rewards the user in currency or in any manner capable of being converted to currency whether immediate or future or any other form of compensation. This term includes but is not limited to "internet cafes," "cybercafés," "sweepstakes," or "business center." This term does not include any governmental use.

AMEND Article IV, Permitted, Conditional and Special Uses, Section 403, Use Matrix, by INSERTING in alphabetical order into the *Land Uses* column "Internet café/video gaming" with the use being allowed in the C(P) Planned Commercial zoning district as a Permitted Use requiring staff site plan approval, indicated by INSERTING an "P" in the *Zoning Classification* column under the heading *C(P)*.

AMEND Article IX, Individual Uses, by CREATING Section 911.1, entitled: Internet café/video gaming, and INSERTING the standards for internet café/video gaming operations as follows:

#### SECTION 911.1. INTERNET CAFÉ/VIDEO GAMING.

The following standards apply regardless whether the internet café or video gaming facility is operated as a principal use, accessory use or incidental use:

- (a) The detailed site plan accompanying the application shall comply with the provisions of Article XIV and when the internet café/video gaming facility is to be located on a lot with other existing uses, all existing uses on the same lot must be labeled on the appropriate building footprint as shown on the detailed site plan;
- (b) Each such establishment shall be located no closer than 2,500 feet from another internet café/video gaming facility, regardless of the jurisdiction in which the facility is located;
- (c) Each such establishment shall not be located within 500 feet of any area zoned for residential use, properties containing residential unit(s), religious worship activity, nursery school, day care facility, educational facilities, any public or non-profit recreation or amusement and any public or private school regardless of the zoning district in which located and shall be measured from the property line(s) containing such regulated use;
- (d) In the event there is a change in the operational characteristics of the facility in which the internet café/video gaming operation is located, re-submittal of an updated complete application and site plan for re-review and approval prior to enacting the proposed change;
- (e) This establishment shall not be located within the same facility as a commercial entity in the business of providing open alcoholic beverages (to include: liquor, fortified wine, unfortified wine and beer), for sale or otherwise provided and alcohol sales within the establishment shall not be permitted;
- (f) No establishment shall contain any computer, computer program or gaming machine that has been declared to be banned in the State of North Carolina;
- (g) Off-street parking shall be provided at the rate of one space for each gaming machine four persons in design capacity independent of the off-street parking required for all/any other use on the same property; and
- (h) Signage shall be as regulated in Article XII; and
- (i) Internet cafés/video gaming facilities shall not operate between the hours of 2:00 am to 7:00 am.

2

# COMPILED INCIDENT REPORTS OF KNOWN INTERNET CAFÉ CALLS FOR SERVICE PAST 2 YEARS

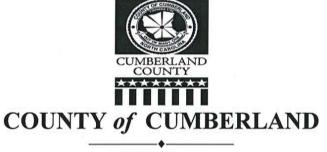
NATURE OF CALL	CALLS
Area Check	1
Assault Individual/Small Group	1
Assist	1
Audible Alarm	3
Burglary/Intrusion Alarm	9
Business Robbery	6
Community Policing	1
Found Property/Property Pickup	1
Follow up	1
Fraud Forgery	1
Harassment	1
ID Call	5
Information	1
Investigating Suspicious Vehicle	6
Investigate Suspicious Subject	2
Larceny	1
Nuisance Abatement	1
Panic Alarm	1
Past Assault	1
Past Damage/Vandalism	1
Past Prescription Fraud	1

NATURE OF CALL	CALLS
Personal Robbery	1
Physical Disturbance Individual/Group	2
Physical Disturbance Large Group	1
Serve Papers (Warrants, Etc)	2
Suspicious Circumstances	4
Suspicious Person	1
Traffic Stop	5
Trespassing/Unwanted	1
Vehicle Theft	1
Verbal Disturbance Small Group	2
Verbal Disturbance Individual/Group	1
Wanted Subject	1
Suspicious Person  Traffic Stop  Trespassing/Unwanted  Vehicle Theft  Verbal Disturbance Small Group  Verbal Disturbance Individual/Group	1
	Total Calls 69

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



Planning and Inspections Department

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

Benny Pearce, Town of Eastover

Donovan McLaurin, Wade, Falcon & Godwin

**OCTOBER 5, 2012** 

МЕМО ТО:

**Cumberland County Board of Commissioners** 

ITEM NO.

3E

FROM:

**Cumberland County Joint Planning Board** 

SUBJECT:

Case P12-61: Revision and amendment to the Cumberland County Zoning Ordinance amending Article II, Interpretations, Calculations and Definitions; Section 203, Definition of Specific Terms and Words, specifically: Kennel; Article IV, Permitted, Conditional, and Special Uses, Section 403, Kennel Operations; and Article IX, Individual Uses; Section 912, Kennel Operations; repealing provisions authorizing approval of the Temporary Housing/Boarding of Dogs in Residential Districts and updating the Table of Contents if appropriate.

ACTION:

Members present at the September 18, 2012 meeting recommended adoption and approval of the Text Amendment as submitted and recommended by the Land Use Codes Committee. The motion passed with a unanimous vote.

#### MINUTES OF SEPTEMBER 18, 2012

The Land Use Codes Committee has considered the above referenced text amendment to the County Zoning Ordinance and recommends approval of the proposed amendment as attached. If approved, the amendment will ensure consistency between the County's Zoning Ordinance and the Animal Control Ordinance (Chapter 3, Animals, of the Cumberland County Code).

On May 21, 2012 the County Board of Commissioners adopted a comprehensive revision of the County's Animal Control Ordinance. Included in the revision are provisions prohibiting more than three dogs, five months of age or older to be kept, harbored or maintained at any premises located in any area with a zoning classification for single-family residential lots of 20,000 square feet or less. The attached amendment proposes to repeal conflicting provisions currently included in the County Zoning Ordinance.

Mrs. Piland made a motion to recommend the adoption and approval of the Text Amendment as submitted and recommended by the Land Use Codes Committee, seconded by Ms. Hall. The motion passed with a unanimous vote.

# P12-61 Cumberland County Zoning Ordinance Amendment (Kennels)



P12-61: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS AND DEFINITIONS; SECTION 203, DEFINITION OF SPECIFIC TERMS AND WORDS, SPECIFICALLY: KENNEL; ARTICLE IV, PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403, KENNEL OPERATIONS; AND ARTICLE IX, INDIVIDUAL USES; SECTION 912, KENNEL OPERATIONS; REPEALING PROVISIONS AUTHORIZING APPROVAL OF THE TEMPORARY HOUSING/BOARDING OF DOGS IN RESIDENTIAL DISTRICTS AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

AMEND Article II, Interpretations, Calculations and Definitions; Section 203, Definition of Specific Terms and Words; definition for the term "Kennel" as indicated below:

#### SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS.

Kennel: Any premises where four or more dogs which are five months old or older are kept permanently commercially or as pets, or temporarily housed/boarded if approved under Section 912.G, excluding pet grooming shops, veterinary clinics and veterinary hospitals. (Section 912) (Amd. 01-19-10)

AMEND Article IV, Permitted, Conditional, and Special Uses, Section 403, Use Matrix, row entitled: Kennel Operations<sup>3</sup> (Section 912) by removing the "S" in the RR zoning classification column and the footnote <sup>3</sup> at the bottom of the page as indicated on the next page:

SECTION 403 USE MATRIX
CUMBERLAND COUNTY ZONING ORDINANCE

- P = PERMITTED USE
- S = SPECIAL USE (Sec. 1606 Board of Adjustment approval required)
  Z = CONDITIONAL ZONING (Article V County Commissioners

approval required) (Amd. 04-11-18)

LAND USES	ZONING CLASSIFICATIONS																					
	CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P
HOME OCCUPATIONS, Incidental (Sec. 1002A)	P	Р	P	Р	Р	Р	Р	P	P	P	P	Р	Р	P	P	Р	P					
HOTEL/MOTEL, except as regulated by Sec. 924						1		1			Ē,								Р	Р		
INDUSTRIAL OPERATIONS NOT OTHERWISE PROHIBITED																14	Sur S				FILE	P
INDUSTRIAL SALES OF EQUIPMENT OR REPAIR SERVICE						13															Р	P
JANITORIAL SERVICE	19-33		1		2	100				9				1000					P	P	P	P
KENNEL OPERATIONS (Sec. 912)		Р	S	S	S			S	150						4.33				P	P	P	P
LABORATORY OPERATIONS, medical or dental					1:												Р	Р	Р	Р		
LABORATORY, RESEARCH			7.8		1 - 2	1			Medi		1	110					P	P	P	P	P	P
LANDFILL, DEMOLITION/INERT DEBRIS																					Р	P
LIBRARY (SEC. 916)		Р	P	P	Р	P	P	P	P	Р	P	P	P	. b	P	P	P	P	P	Р		
LIVESTOCK SALES & AUCTIONING (SEC. 916)		Р				NA S															Р	P
LOCKSMITH, GUNSMITH	6 30	1	1												1111			V - 28	P	P	P	
MACHINE TOOL MANUFACTURING OR WELDING																						P
MANUFACTURED HOME CLASS A, for residential occupancy		Р	Р		Р		Р	Р		Р				P <sup>4</sup>				\$ 3				
MANUFACTURED HOME CLASS B, for residential occupancy	P. Y	P			Р			Р					0.5	P <sup>4</sup>				A TO	4			
MANUFACTURED HOME CLASS C, for residential occupancy (Sec. 913)											-		1	P <sup>4</sup>								
MANUFACTURED HOME PARK (County Subdivision Ordinance), excluding any manufactured home sales												ACTUAL DESCRIPTION OF THE PERSON OF THE PERS		Р						an a		
MANUFACTURED HOME SALES	DES.	- 1	Silly			00.00			1	4	E III						the same	6 3		P	P	P
MASSAGE & BODYWORKS THERAPY	-					0					TEN S				01	1000	C But	P	P	P	E .01 2V	
MILLING OR GRINDING GRAIN AND SEED INTO FOOD (SEC. 916)		Р									1111				-						Р	P
MINI-WAREHOUSING (SELF-STORAGE FACILITY) (no outside commercial storage of motor vehicles (Sec. 914)		Р								985						s	s	Р	Р	Р	Р	F
MINI-WAREHOUSING (SELF-STORAGE FACILITY) (including outside commercial storage of motor vehicles)		s		7																Р	Р	F



County Zoning Ordinance Text Amendment - Kennels LUCC Recommendation, August 21, 2012

<sup>\*</sup> Repealed See Section 912.G for allowed temporary housing/boarding of dogs in all residential zoning districts. (Amd. 01-19-10)

4 Group developments in the R6A Residential district shall not be approved for more than one manufactured dwelling unit. (Amd. 08-20-12)

AMEND Article IX, Individual Uses; Section 912, Kennel Operations; by repealing subsection G which are provisions for temporary housing/boarding of dogs in residential districts as indicated below:

#### SECTION 912. KENNEL OPERATIONS.

- A. The site plan for kennel operations shall include information as to any outside pen area, shelters, fencing, runs, etc. pertaining to the kennel operations.
- B. Shelters, runs, and pen areas shall not be located any closer than fifteen feet to any property line for kennels located in agricultural and residentially zoned districts.
- C. The required shelter shall be fully enclosed on three sides, roofed, and have a solid floor.
- D. A vegetative buffer shall be required along the side and rear property lines and must comply with the provisions of Section 1102.G. In addition, a privacy fence may be required if it is determined the fence would alleviate any detrimental effects on neighboring properties.
- E. Kennel operations shall not be allowed in residential districts if the minimum lot size required by the zoning district of the subject tract has been compromised or otherwise reduced in area as required by the zoning district, i.e., Zero Lot Line developments. (Amd. 02-19-08)
- F. Kennel operations including all pens, shelters, etc., are required to meet the setbacks as required by the zoning district. (Amd. 11-20-06; Amd. 02-19-08)
- G. Repealed. Occupants of property in residential districts which do not allow kennel operations may submit an application to the Director to allow the temporary housing/boarding of four or more dogs, but in no circumstance more than six dogs, more than five months of age or older, for a period not to exceed 12 calendar months, renewable for a maximum period of 12 additional calendar months. The Director shall consider other relevant County Code of Ordinances pertaining to the housing of dogs including but not limited to noise, sanitation, etc. when permitting or denying any request under this section. Factors that the Director shall consider include, but shall not be limited to:
- 1. The nature of the hardship and purpose of the request:
- 2. Duration of housing/boarding the dogs;
- 3. The accommodations available for housing/boarding the dogs to be temporarily housed;



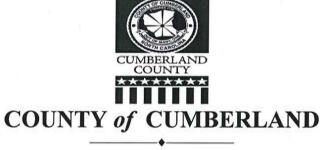
- 4. Whether the dogs to be temporarily housed/boarded are neutered;
- 5. Any history the applicant has of being cited for violations of the County's noise, zoning or animal control ordinances or of animal cruelty laws;
- 6. Any history the dog(s) to be temporarily housed/boarded have of aggressive behavior towards other pets or towards people, and
- 7. The effect on and character of surrounding property.
- All applications must list the number of dogs, provide verification that the dogs are listed with the County Tax Department and all vaccinations are current. A zoning permit will be required for all approved temporary housing or boarding.
- Any application for the temporary housing/boarding of dogs allowed under the provisions of this section shall be revoked if the temporary permit is found to be issued in error or due to fraud, or if at any time, the situation is found to be in contradiction with the factors considered by the Director which enabled or supported the issuance of the temporary permit. In the event that the Director denies or revokes the request for temporary housing/boarding of dogs, any aggrieved person/persons may file an appeal with the County Board of Adjustment pursuant to Section 1604 of this ordinance.

(Amd. 09-16-08)

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



Planning and 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

**OCTOBER 5, 2012** 

MEMO TO:

**Cumberland County Board of Commissioners** 

ITEM NO.

3F

FROM:

Cumberland County Joint Planning Board

SUBJECT:

Case P12-60: Revision and amendment to the Cumberland County Subdivision Ordinance amending Article XXIII, Improvement and Design Standards; Section 2304, Streets; sub-section C, Private Streets; allowing for the land area within a Class "C" private street to be counted for density purposes; and updating the

Table of Contents if appropriate.

ACTION:

Members present at the September 18, 2012 meeting recommended adoption and approval of the Text Amendment as submitted and recommended by the Land Use Codes Committee. The motion passed with a unanimous vote.

#### MINUTES OF SEPTEMBER 18, 2012

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

The proposed amendment will allow property owners the benefit of using land area within the right-of-way of a Class "C" private street for density calculations. The committee members agreed with the staff recommended amendment based on the following:

- The NC Department of Transportation will not consider acceptance of a Class "C" private street, approved after September 30, 1975, for addition to the State system for maintenance purposes;
- 2. The land area within other easements, such as utility, drainage, buffers, and access, can be used for density calculations; and
- Individual lot owners pay property taxes on the land area within a Class "C" private street rightof-way, unlike other private streets and public streets.

Mrs. Piland made a motion to recommend the adoption and approval of the Text Amendment as submitted and recommended by the Land Use Codes Committee, seconded by Ms. Hall. The motion passed with a unanimous vote.

( 28/24/n

#### P12-60 Cumberland County

## Subdivision Ordinance Amendment (Class "C" private street right-of-way)

P12-60: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE AMENDING ARTICLE XXIII, IMPROVEMENT AND DESIGN STANDARDS; SECTION 2304, STREETS; SUB-SECTION C, PRIVATE STREETS; ALLOWING FOR THE LAND AREA WITHIN A CLASS "C" PRIVATE STREET TO BE COUNTED FOR DENSITY PURPOSES; AND UPDATING THE TABLE OF CONTENTS IF APPROPRIATE.

AMEND Article XXIII, Improvement and Design Standards; Section 2304, Streets; subsection C, Private streets, as indicated below:

#### SECTION 2304. STREETS.

- C. Private streets. Private streets will be permitted to serve as access within subdivisions or other developments; however, dedication of public streets and other rights-of-way or easements may be required if such are indicated on the official plans as adopted by the County Board of Commissioners, a governing body of a municipality in Cumberland County or the Planning Board. Public streets and/or other rights-of-way or easements or public access over private streets will be required where the Planning Board, the NCDOT, or public utility agency determines that such are necessary in order to promote the continuity of existing streets or utility systems or otherwise protect and promote the public health, safety and welfare.
- 1. NCDOT specifications. Unless otherwise approved, the developer shall reserve enough area along all private streets to meet NCDOT specifications for right-of-way width requirements on secondary roads. Except for Class "C" private streets, the land Such area within the private street right-of-way as is required to be reserved may not be used toward lot area requirements. The area within any private street right-of-way, regardless of class or type of street shall not or be included in any required yard space.



#### DEPARTMENT OF PUBLIC HEALTH

#### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF OCTOBER 15, 2012

TO:

**Board of Commissioners** 

FROM:

Buck Wilson, Health Director

DATE:

October 10, 2012

SUBJECT:

Report on Mental Health Clinic Services for Quarter Ending September 30, 2012

#### BACKGROUND:

Enclosed are four (4) productivity reports on Mental Health Clinic Services, to include:

Productivity Report FY July 2012

Productivity Report FY August 2012

• Productivity Report FY September 2012

Productivity Report FY 1<sup>st</sup> Quarter FY 2012 (July – September)

Should you have questions, I can be reached at (910) 433-3705.

cc: James Lawson, Assistant County Manager

/tlb

## Mental Health Clinic Jul-12 Productivity

	Per Clinician	Clinic
July 2012 Target Hours	147	2499
July 2011 Target Hours	140	2380

	Adult	Child
# Services Performed	1121	499
# Patients Served	687	340

		Jul-	-12		Jul	-11		
<u>Staff</u>		Total	Total	%	Direct	Direct	Billable %	
	<u>Title</u>	<b>Direct Hours</b>	<b>Direct Time %</b>	No Shows	Hours	<u>%</u>	<u>Variance</u>	
Sherry Smith	Court Psychologist	99.00	67%	43%	0	0%	67%	
Gwen Franklin	LCSW	53.00	36%	33%	52.75	38%	-2%	
Ken Dittmar	Psychologist	91.25	62%	37%	86.5	62%	0%	
Dana Nash	Psychologist	53.25	36%	32%	34.75	25%	11%	
Sandy Sportsman	LCSW	119.50	81%	36%	90	64%	17%	
Amy Smith	LCSW	71.25	48%	39%	79.25	57%	-8%	
Carlotta Ray	LPC	93.50	64%	41%	59	42%	21%	
Carol Trimmer	RN	13.75	9%	8%	9.5	7%	3%	
Jill Fisk	RN	19.25	13%	11%	12.5	9%	4%	
Dr. Kantesaria	Adult MD	73.25	50%	25%	141.75	101%	-51%	
Dr. Chang	Adult MD	46.00	31%	17%	50.25	36%	-5%	
Dr. Chandler	Medical Director	27.25	19%	19%	20	14%	4%	
Dr. Singh	Adult MD	97.75	66%	32%	159.75	114%	-48%	
Dr. Gluck	Adult MD	72.50	49%	24%	135.5	97%	-47%	
Laurie Powers	PA- Child	71.25	48%	29%	62	44%	4%	
Dr. Lesica	Child MD	79.00	54%	31%	129.5	93%	-39%	
Dr. Hessenthaler	Child MD	97.75	66%	32%	<u>73</u>	<u>52%</u>	14%	
Protection South Association (Co. 1975)	- The second	1178.50	47%		1196	50%	-3%	

#### Notes:

Dr. Chang works 19 hours per week. Laurie Powers, PA works 32 hours per week.

### Mental Health Clinic Aug-12 Productivity

	Per Clinician	Clinic
August 2012 Target Hours	161	2737
August 2011 Target Hours	161	2737

	Adult	Child
# Services Performed	1306	598
# Patients Served	740	410

		Aug	<b>-12</b>		Aug	g-11		
		Total	Total	%	Direct	Direct	Billable %	
<u>Staff</u>	<u>Title</u>	<b>Direct Hours</b>	<b>Direct Time %</b>	No Shows	<b>Hours</b>	<u>%</u>	Variance	
Sherry Smith	Court Psychologist	113.25	70%	33%	0	0%	70%	
Gwen Franklin	LCSW	75.00	47%	30%	60.25	37%	9%	
Ken Dittmar	Psychologist	116.75	73%	28%	80	50%	23%	
Dana Nash	Psychologist	81.50	51%	39%	36.75	23%	28%	
Sandy Sportsman	LCSW	115.00	71%	29%	95.5	59%	12%	
Amy Smith	LCSW	103.50	64%	39%	103	64%	0%	
Carlotta Ray	LPC	74.75	46%	34%	81	50%	-4%	
Carol Trimmer	RN	12.00	15%	8%	5.75	4%	11%	
Jill Fisk	RN	30.50	19%	5%	17.5	11%	8%	
Dr. Kantesaria	Adult MD	79.50	49%	32%	206	128%	-79%	
Dr. Chang	Adult MD	47.25	54%	27%	76.75	48%	7%	
Dr. Chandler	Medical Director	23.50	15%	9%	44.75	28%	-13%	
Dr. Singh	Adult MD	106.25	66%	25%	119.5	74%	-8%	
Dr. Gluck	Adult MD	132.75	82%	25%	145.25	90%	-8%	
Laurie Powers	PA- Child	78.75	49%	29%	74.25	46%	3%	
Dr. Lesica	Child MD	110.50	69%	22%	118.75	74%	-5%	
Dr. Hessenthaler	Child MD	102.50	64%	32%	102.75	64%	0%	
	A PARTIE OF THE	1403.25	51%		1367.75	50%	1%	

#### Notes:

Dr. Chang works 19 hours per week. Laurie Powers, PA works 32 hours per week.

### Mental Health Clinic Sep-12 Productivity

	Per Clinician	Clinic	
Sept 2012 Target Hours	133	2261	
Sept 2011 Target Hours	147	2499	

1	Adult	Child
# Services Performed	1172	582
# Patients Served	689	374

		Sep-12			Sep	Sep-11	
		Total	Total	%	Direct	Direct	Billable %
<u>Staff</u>	<u>Title</u>	<b>Direct Hours</b>	<b>Direct Time %</b>	No Shows	<b>Hours</b>	<u>%</u>	Variance
Sherry Smith	Court Psychologist	85.50	64%	18%	0	0%	64%
Gwen Franklin	LCSW	64.25	48%	39%	76.25	52%	-4%
Ken Dittmar	Psychologist	117.75	89%	33%	108.25	74%	15%
Dana Nash	Psychologist	54.75	41%	33%	48.75	33%	8%
Sandy Sportsman	LCSW	113.25	85%	21%	120	82%	4%
Amy Smith	LCSW	106.00	80%	27%	72.5	49%	30%
Carlotta Ray	LPC	91.75	69%	25%	71.5	49%	20%
Carol Trimmer	RN	13.25	17%	13%	7	5%	13%
Jill Fisk	RN	30.50	23%	8%	11.75	8%	15%
Dr. Kantesaria	Adult MD	60.00	45%	2%	158	107%	-62%
Dr. Chang	Adult MD	50.00	66%	20%	57.25	39%	27%
Dr. Chandler	Medical Director	24.50	18%	25%	22.5	15%	3%
Dr. Singh	Adult MD	36.75	28%	36%	88.75	60%	-33%
Dr. Gluck	Adult MD	90.75	68%	18%	151.5	103%	-35%
Laurie Powers	PA- Child	80.50	61%	16%	54.5	37%	23%
Dr. Lesica	Child MD	90.75	68%	25%	97.75	66%	2%
Dr. Hessenthaler	Child MD	90.75	68%	29%	119.25	81%	-13%
		1201.00	53%		1265.50	51%	2%

#### Notes:

Dr. Chang works 19 hours per week. Laurie Powers, PA works 32 hours per week.

## Mental Health Clinic 1st Quarter Analysis Productivity

	Per Clinician	Clinic
1st Quarter Target Hours		
2012	441	7497
1st Quarter Target Hours		
2011	448	7616

	Adult	Child
# Services Performed	3599	1679
# Patients Served	1497	683

Γ		1st Quart	er 2012		1st Quar	ter 2011	
22. (22.	97-967a)	Total	Total	%	Direct	Direct	Billable %
<u>Staff</u>	<u>Title_</u>	<u>Direct Hours</u>	Direct Time %	No Shows	<b>Hours</b>	<u>%</u>	<u>Variance</u>
Sherry Smith	Court Psychologist	297.75	68%	18%	0	0%	68%
Gwen Franklin	LCSW	192.25	44%	39%	189.25	42%	1%
Ken Dittmar	Psychologist	325.75	74%	33%	274.75	61%	13%
Dana Nash	Psychologist	189.50	43%	33%	120.25	27%	16%
Sandy Sportsman	LCSW	347.75	79%	21%	305.5	68%	11%
Amy Smith	LCSW	280.75	64%	27%	254.75	57%	7%
Carlotta Ray	LPC	260.00	59%	25%	211.5	47%	12%
Carol Trimmer	RN	39.00	14%	13%	22.25	5%	9%
Jill Fisk	RN	80.25	18%	8%	41.75	9%	9%
Dr. Kantesaria	Adult MD	212.75	48%	2%	505.75	113%	-65%
Dr. Chang	Adult MD	143.25	51%	20%	184.25	41%	10%
Dr. Chandler	Medical Director	75.25	17%	25%	87.25	19%	-2%
Dr. Singh	Adult MD	240.75	55%	36%	368	82%	-28%
Dr. Gluck	Adult MD	296.00	67%	18%	432.25	96%	-29%
Laurie Powers	PA- Child	230.50	52%	16%	190.75	43%	10%
Dr. Lesica	Child MD	280.25	64%	25%	346	77%	-14%
Dr. Hessenthaler	Child MD	291.00	66%	29%	295	66%	<u>0%</u>
		3782.75	50%	The second secon	3829.25	50%	0%

#### Notes:

Dr. Chang works 19 hours per week. Laurie Powers, PA works 32 hours per week.

County Attorney



PHYLLIS P. JONES
Assistant County Attorney

ITEM NO. <u>5</u>

#### OFFICE OF THE COUNTY ATTORNEY

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

## MEMORANDUM FOR THE AGENDA OF THE 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 <u>and</u> 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 <u>or</u> 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.

## Mental Health

## County Funds Usage

	FY 2012	FY 2011
Fee for Service Contracts	991,543	1,271,835
MH OP Clinic	2,819,502	2,385,620
Volunteer Services	90,000	84,249
PATH	50,600	63,245
Detention Center	6,000	6,000
Guardianship	182,000	
Collaborative	16,000	25,000
Housing Coordinator	40,531	39,210
Workfirst DSS	7,427	8,900
System of Care Coord.	23,000	20,583
Smart Start	50,265	
Court Ordered Eval	85,579	93,018
Court Liasion	66,096	64,704
Respite	•	321,782
Tot	als 4,428,543	4,384,146

## Fund Balance Usage/Client Care

		FY 2012	FY 2011
Sobriety Court		80,315	80,315
Mini Grants		80,000	80,000
CFV Detox		350,000	
Smart Start			25,222
TASC	_	<u> </u>	38,331
	Totals	510,315	223,868

JAMES E. MARTIN County Manager

AMY H. CANNON Deputy County Manager



JAMES E. LAWSON Assistant County Manager

ITEM NO.

6

#### OFFICE OF THE COUNTY MANAGER

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

#### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF OCTOBER 15, 2012

TO:

**BOARD OF COMMISSIONERS** 

FROM:

AMY H. CANNON, DEPUTY COUNTY MANAGER MY (COUNTY MANAGER

DATE:

**OCTOBER 11, 2012** 

SUBJECT:

REQUEST FROM MENTAL HEALTH FOR \$1,217,894

IN ADDITIONAL FUNDING THROUGH DECEMBER 31, 2012

#### **BACKGROUND**

Commissioner King was contacted by a mental health substance abuse provider concerning a reduction in funding for the period ending December 31, 2012 and on Monday, October 8, 2012 management met with this provider, Commissioner King and representatives from Mental Health. The provider expressed concern that based upon a reduction in funding for substance abuse services, the number of approved units of services were significantly reduced in the month of October. The provider discussed increased demand for services and the need for intensive treatment as a justification for increased substance abuse funding. As an example, this particular provider was approved for 134 units of service for September and was reduced to 20 in October. A letter was sent to all providers (substance abuse and developmental disabilities) indicating that units of services would be reduced due to a reduction in local funding. Additional factors that have contributed to the reduction of units for this provider, is that four new substance abuse providers were added this fiscal year to provide the same services.

At your October 1, 2012 meeting, budget revisions were approved in the total amount of \$310,910, which increased local funding due to reductions in federal/state funding and to restore local dollars requested by Mental Health for services through December 31, 2012. County management reported to the Board that the restoration of this local funding and the replacement of the federal/state dollars would provide the same level of services, as provided in the first six months last year.

Celebrating Our Past...Embracing Our Future

As the discussion continued at this October 8th meeting regarding the reduction of units allotted for substance abuse services, it became clear that the restoration of the local dollars would not provide the same level of services, as provided in the same period last year. The budget revision only increased the local dollars to the level that was originally requested by Mental Health in the requested budget. Upon further review of the financial statements and discussion with Mr. Debnam, we realize that the mental health fund balance has been utilized for the past four fiscal years to provide additional units of service. In fact, \$7,750,317 of fund balance has been used in fiscal years 2009 through 2012 for additional services. This fund balance has been utilized in addition to the county appropriation of approximately \$4.1M per year. It is important to note that from FY1998 through FY2008, the county appropriation of \$4.4M was not fully expended each year and in fact these local dollars that were not used, increased fund balance during this period, totaling approximately \$20.5M. Listed below is a detail of the local dollars and fund balance expended for the prior five fiscal years:

<u></u>	FY08	FY09	FY10	FY11	FY12
Local Appropriation Spent	\$1,423,101	\$4,456,053	\$4,165,964	\$4,043,901	\$4,043,901
Fund Balance Spent	\$0	\$2,171,448	\$2,815,750	\$1,142,418	\$1,620,701
Total Local Dollars Spent	\$1,423,101	\$6,627,501	\$6,981,714	\$5,186,319	\$5,664,602

There appears to be several reasons for this dramatic change in local funding actually utilized for mental health services. Based on the discussion with this particular provider, demand for substance abuse services has been on the rise. However, more significantly, there has been a major shift in the philosophy of dollars that were committed to service delivery. This is illustrated by the fact that, as mentioned above, fund balance was actually used in addition to the local appropriated dollars in only four of the last 15 years. In addition, I believe that three other factors have attributed to this increased spending for service delivery; (1) expansion of the provider network; (2) level of services provided; and (3) increases in the authorization of units of services.

In addition to a change in funding philosophy, the provider network has been expanded "to allow any willing and capable provider," the opportunity to participate. Expansion in the provider network at this particular time is significant since one of the expected outcomes of the managed care system is a reduction in the numbers of service providers, with a concentration on larger and more efficient providers. The level of service has also changed. We are now providing many higher level, intensive services which are more expensive and at the same time, we are increasing the number of authorized units of services. It appears that the focus was primarily on

providing larger numbers of high end services from many providers, without an emphasis on budgetary limitations. The combination of these factors is attributable to the sharp increase in the total local dollars which have been spent for services in the last four years. Basically, we have been providing additional recurring services with one time funding (which amounts to \$7.75M in the last four years).

Mental Health staff is aware that this trend cannot not continue, especially after the Managed Care Organization (MCO) transition in January. In September 2012, letters were sent to all providers to begin the process of reducing authorized services to match the limited dollars available. At some point, the county needs to determine the level of services that can be provided on a recurring basis through annual recurring revenues. If this current pattern continues, the fund balance will be fully depleted in just a few years.

Attached you will find several budget revisions in which Mental Health is requesting to use additional fund balance for three areas:

(1)	Additional Services	\$595,199
(2)	MCO Start-Up Funds	\$533,940
(3)	LME Positions (Jan through June)	\$88,755
Total	Additional Fund Balance Requested:	\$1,217,894

To assist the Board in reviewing this request, a recap of the local dollars already allocated for mental health services is below:

Included in the Adopted Budget:	
LME Functions thru 12/31	\$628,371
MH Guardianship Positions at DSS	\$184,092
Sobriety Court	\$40,157
Roxie Avenue	\$175,000
Funds Set Aside for Other MH Services	\$825,000
Total Adopted	\$1,852,620
County Risk for Psychiatric Clinic	\$2,700,000
Budget Revision Approved October 1, 2012	\$310,910
Total Local Funds Budgeted /At Risk (Currently)	\$4,863,530

It is important to note that the \$4,863,530 which represents local funds currently currently and the projected amount the county is at risk for with the clinic, only provides additional service delivery dollars for the six month period ending December 31, 2012.

As noted above, Mental Health is now requesting additional local dollars/fund balance appropriation in the amount of \$1,217,894, which added to the \$4,863,530 would bring the local dollars to a total of \$6,081,424. Please also note that the additional service delivery dollars now being requested would again, only provide additional units for the period ending December 31, 2012.

Included with the budget revisions is a request for three locally paid positions through June 30, 2013. Management was not provided a detail of the \$386,616 requested for MCO start-up costs under the category of Other Service.

#### CONCLUSION

- Service providers in this community will face significant changes in the managed care environment. The number of providers will be reduced, the level of services provided may be reduced, the units of services provided will be reduced and the unit cost reimbursement rate will change. This is inevitable under a managed care system with capitated rates.
- 2) The current budgeted funding and the requested funding will only provide funds for additional services through the period ending December 31, 2012.
- 3) If the Board desires to provide the same services in the last six months of this fiscal year, a minimum of \$1.0M in additional local funding will be necessary. The local dollars committed for Mental Health would then exceed \$7M for this fiscal year.
- 4) The Board needs to identify the level of funding to be made available and then limit the authorized units of services to the recurring funds, and discontinue the practice of using one time funds for recurring service delivery expenditures.

#### RECOMMENDATION

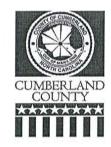
Refer this item to the Finance Committee, which will allow additional time for Management to meet with Mental Health to understand and fully review this request.

AC/ct

cc: Hank Debnam, Area Director

Ellen Holliman, Area Director, Alliance Behavioral Healthcare

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

#### **MEMORANDUM**

TO:

Amy Cannon, Deputy County Manager

FROM: Hank Debnam, Area Director

DATE: October 10, 2012

RE:

FY 12-13 Budget Request Justification

As requested we are submitting the following justification to support our request for county funding.

#### Funding Request for Services:

The attached budget revision requests for services in the amount of \$595,199 is to maintain access to Physician services and Basic Outpatient Evaluation for all disability groups; ensure funding availability for crisis services for all disabilities; continue the level of services in county based on historical use patterns as well as increased demand for services in all disability areas. The amount requested is based on calculations of funds paid out, funds encumbered and projected service demands through December 31, 2012.

Adult Mental Health	Maintain basic outpatient services for Adult Mental Health consumers	\$ 7,790.00
Substance Abuse	Accommodate increased utilization of services and requests for authorization of Substance Abuse Intensive Outpatient, Half Way House, Basic Outpatient, Medication Management and Substance Abuse Comprehensive Outpatient Treatment	250,033.00
Developmental Disabilities	Accommodate increased utilization of services and restore funds for consumers based on historic utilization for Group Living Low, Adult Developmental Vocational Program, Long Term Vocational Supports, Supported Employment and Day Activity	275,679.00
Crisis	Restore funds for consumers based on historic utilization for Mobile Crisis, Detox, Facility Based Crisis	61,697.00
	Total	595,199.00

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#### MENTAL HEALTH CENTER

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

#### **Start Up Funding Request:**

Based on the interlocal agreement by January 1, 2013 each Area Authority contracting to perform MCO functions should be prepared to carry out the duties of the contract. In order to be prepared the Area Authority must hire and train staff prior to the "go live" date. Additionally, waiver preparedness requires upgrading computer software/hardware, telephones, communications (wireless) to qualify to perform duties of the agreement and to comply with waiver contract requirements.

Start Up Funding	\$533,940.00
Start Op I thiding	\$555,540.00

#### **Non-MCO Funded Position Request:**

We are requesting local county funded positions effective January 1, 2013 to provide continued administrative operation of the Area Authority, to minimize disruption of services to county consumers, perform legacy obligations of the Area Authority to close out claims, manage Client Protected Health Information and ensure accountability to Area Board and county interests.

County Funded Positions	3	\$88,755

Cc: Claretta Johnson Candi York

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Reviewed By:

Budget Office Use

Budget Revision No. B13-136

Date Received

Date Completed

Fund No.	101	Agency No435 Organ.	No436V			
Organizat	ion Nam	e: MH Adult Contracts	*		*	
			REVENUE			
Revenue			KEVENOE	722 - 731		
Source		Description		Current Budget	Increase (Decrease)	Revise Budge
Code				Budget	(Decrease)	
9911		Fund Balance Appropriated	翻	259,538	7,790	267,328
						-
						-
						E
8		8	Total	259,538	7,790	- 267,328
		EX	PENDITURES			
Object	Appr	Description		Current	Increase	Revise
Code	Unit			Budget	(Decrease)	Budge
3390	499	Contracted Services		495,284	7,790	503,074
						_
						<u> </u>
						-
						-
	*		δ			V_
			Total	40E 204	7 700	- 503,074
Justification	on:		Total	495,284	7,790	503,074
		d to provide payment to Service Pro	oviders that contrac	t with the LME	to provide direct s	ervices to
consumers	•					
				₹		
		Fund Ba	alanca:			
State:		Federal: Count	y: New:		Other:	
Other:	3	Fees:	Prior Year: 7,79	90		
Submitted	By:		Date:		Approved By:	
		Department Head	1.1			
Reviewed	Ву:	Howard Homa	Date: 10/11/13	×		Date:
		Budget Analyst		Co	unty Manager	
Reviewed	By:	AMUDIC JULIANI	Date: 10 11 12	Во	ard of County	
		Deputy/Assistant County Mgr	- / /		]	ate:

Date:

**Information Services** 

Deputy/Assistant County Mgr

Information Services

Reviewed By:

Budget Office Use

Budget Revision No. 8/3-137

Date Received

Date Completed

Commissioners Date:

Fund No.	101	Agency No. 135 Organ	ı. No. 436S	-	•	
Fund No. Organizat		Agency No435 Organ e:_MH Substance Abuse Cont	POLICE PORTER DE			
			REVENUE			
Revenue Source Code	:	Description	Þ	Current Budget	Increase (Decrease)	Revised Budge
9911		Fund Balance Appropriated		121,820	250,033	371,853 -
				NI.		
			Total	121,820	250,033	- 371,853
		E	XPENDITURES			
Object Code	Appr Unit	Description		Current Budget	Increase (Decrease)	Revised Budge
3390	490	Contracted Services		528,592	250,033	778,625 -
			2 20			- - -
			Total	528,592	250,033	778,625
consumers	be utilize		Balance:	ot with the LME	to provide direct ser	vices to
Other:		Federal: Cou _ Fees:	Prior Year: 250	0,033		
Submitted	Ву:	Department Head	Date:	f	Approved By:	
Reviewed	Ву:	Budget Analyst	_ Date://////	Co	Da unty Manager	ite:
Reviewed	By:	Amyor Courson	Date: 10 (1/12	Во	ard of County	207

Date: \_

Budget Office Use

Budget Revision No. 213-138

Date Received

				Date Con	ipieted	
Fund No.	101	Agency No435	Organ. No436U			
Organizati	on Nam	e: MH Developmental D	isabilties			
			REVENUE			
			KEVENOE			
Revenue Source Code		Description		Current Budget	Increase (Decrease)	Revised Budget
9911		Fund Balance Appropria	ted	52,447	275,679	328,126 - -
Ÿ						Ě
						2
			Total	52,447	275,679	328,126
¥			EXPENDITURES			
Object Code	Appr Unit	Description		Current Budget	Increase (Decrease)	Revised Budget
3390	496	Contracted Services	1	125,911	275,679	401,590 -
						2
						( <del>#</del>
76						*
						-
			Total	125,911	275,679	401,590
<b>Justificatio</b> Funds will b consumers.	e utilized	d to provide payment to Se	rvice Providers that contrac	t with the LME	to provide direct ser	vices to
State: _ Other:_		Federal: Fees:	Fund Balance: County: New: Prior Year: 275	,679	Other:	

Approved By: Submitted By: Date: Department Head Reviewed By: tozan Date: **County Manager Budget Analyst Board of County** Reviewed By: Deputy/Assistant County Mgr Commissioners Date: Reviewed By: Date:

Information Services

Budget Office Use

Budget Revision No. 3 13–137

Date Received

Date Completed

						Date Completed	
Fund No	101	Agency No	435	_ Organ. No.	436T		
Organizațio	n Nam	MH Crisis Se	ervices				

			REVENUE			
Revenue Source Code		Description		Current Budget	Increase (Decrease)	Revised Budge
9911		Fund Balance Appropriated		253,500	61,697	315,197
						9 <del></del>
						-
		9				_
						-
			Total	253,500	61,697	315,197
			XPENDITURES			
Object Code	Appr Unit	Description		Current Budget	Increase (Decrease)	Revised Budge
3390	493	Contracted Services		367,388	61,697	429,085
		10 a				<del></del>
						_
			*			×
						-
						72
*			Total	367,388	61,697	429,085

#### Justification:

Funds will be utilized to provide payment to Service Providers that contract with the LME to provide direct services to consumers.

State: Other:		Balance: nty: New: Prior Year: 61,697	Other:
Submitted By:	, Department Head	Date:	Approved By:
Reviewed By:	Haward Abra Budget Analyst	Date: 10 11 17	Date: County Manager
Reviewed By:	Deputy/Assistant County Mgr		Board of County Commissioners Date:
Reviewed By:	Information Services	Date:	

Budget Office Use

Budget Revision No. 313-140

Date Received

Date Completed

Fund No	101	Agency No.	433	Organ. No.	434J	
Organization	Namo:	MH MCO				

			REVENUE			
Revenue Source Code		Description		Current Budget	Increase (Decrease)	Revised Budge
9911		Fund Balance Appropriated		0	533,940	533,940
			31			1.
						(4
						-
						177
			Total	0	533,940	533,940
		EXF	PENDITURES			
Object	Appr	D		Current	Increase	Revised
Code	Unit	Description		Budget	(Decrease)	Budget
1010		0.1.1		•	100 700	

Code	Unit			Budget	(Decrease)	Budget
1210		Salaries		0	100,769	100,769
1810		FICA		0	7,709	7,709
1820		Retirment		0	6,953	6,953
1824		401K		0	1,008	1,008
1830		Medical Insurance		0	14,877	14,877
1860		Worker Comp		0	1,008	1,008
2995		Computer Software		0	15,000	15,000
3360		Other Service		0	386,616	386,616
			Total	0	533,940	533,940

Justification:

Budgeting Fund Balance to provide Start Up Funding for MCO. Funds will be utilitized to support salaries/fringes for MCO staff to be hired approximately by 11/5/12. Additional funds are necessary to provide infrastructure upgrades.

State: Other:	Fund B Federal: Coun Fees:	alance: ty: New: Prior Year: 533,940	Other:
Submitted By:		Date:	Approved By:
Reviewed By:	Department Head  Hower C Han  Budget Analyst	Date: 10/11/17	Date: County Manager
Reviewed By:	Deputy/Assistant County Mgr	Date: 10 11 12	Board of County Commissioners Date:
Reviewed By:	Information Services	Date:	

## MCO Start Up Postions

DEPARTMENT	POSITION TITLE	Position #	START DATE	NAME	SALARY
Care Coord	Hospital Liaison	New	11/05/2012	Vacant	50,000
Care Coord	I/DD Care Coordinator	New	11/05/2012	Vacant	45,000
Care Coord	I/DD Care Coordinator	New	11/05/2012	Vacant	45,000
Care Coord	I/DD Care Coordinator	New	11/05/2012	Vacant	45,000
Care Coord	I/DD Care Coordinator	New	11/05/2012	Vacant	45,000
Care Coord	I/DD Care Coordinator	New	11/05/2012	Vacant	45,000
Care Coord	I/DD Care Coordinator	New	11/05/2012	Vacant	45,000
Care Coord	I/DD Care Coordinator	New	11/05/2012	Vacant	45,000
Care Coord	I/DD Care Coordinator	New	11/05/2012	Vacant	45,000
Care Coord	I/DD Care Coordinator	New	11/05/2012	Vacant	45,000
Care Coord	MH/SA Care Coordinator	New	11/05/2012	Vacant	50,000
Care Coord	MH/SA Care Coordinator	New	11/05/2012	Vacant	50,000
Care Coord	MH/SA Care Coordinator	New	11/05/2012	Vacant	50,000
Care Coord	MH/SA Care Coordinator -CCNC (RN, LPC, LCSW)	New	11/05/2012	Vacant	50,000
				Total	655,000
				Per Pay Period	25,192
27				X 4 pp	100,769

## LME POSITIONS (NON-MCO FUNDED) FISCAL YEAR 2013

Position #	<u># Position End Date</u>		Cost To Restore thru 6/30/13	
New	Quality Assurance/Management	Indefinite	40,219	
M070102	Accounting Specialist I	Indefinite	25,831	
M040701	Lead Worker/Records Management	Indefinite	22,705	

Total

88,755

#### MARSHALL FAIRCLOTH Chairman

JIMMY KEEFE Vice Chairman

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



CANDICE WHITE Clerk to the Board

KELLIE BEAM Deputy Clerk

#### **BOARD OF COMMISSIONERS**

TO:

James Martin, County Manager

FROM:

Candice H. White, Clerk to the Board &

DATE:

October 10, 2012

SUBJECT:

Item for October 15, 2012 Board of Commissioners' Agenda

Chairman Marshall Faircloth requested the placement of "Discussion of County Travel Policy" on the Board of Commissioners' agenda for their October 15, 2012 regular meeting. Cumberland County Travel Policy CP-06 as attached can be provided as backup for this item. Thank you.

## County of Cumberland Policies & Procedures

Subject: CUMBERLAND COUNTY TRAVEL POLICY

Policy No. CP-06

Revision No.

2

Date: 12/15/2010

Approved By: 1 Moruf

County Attorney

County Manager

#### I. PURPOSE

The purpose of this policy is to establish standards and guidelines to help ensure that public funds are expended for travel only when it serves a public purpose. It is the intent of this policy to establish a reference regarding the payment or reimbursement of travel expense pertaining to official travel and subsistence for the County of Cumberland. Article V, Section 2(1) of the Constitution of the State of North Carolina requires that funds generated by taxation be spent for public purposes only.

An employee or board member traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds.

#### II. SCOPE

The scope of this policy should include the following: 1) the parties covered by the policy; 2) the definition of travel; 3) the procedures for approval; and 4) the rates for reimbursement. In addition the following applies:

- An employee or board member traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Excess costs, circuitous routes, luxury accommodations, and services unnecessary in the performance of official business are not acceptable under this standard. Employees and board members will be responsible for unauthorized cost and any additional expenses incurred for personal preference or convenience.
- Non-employees (i.e. board members) traveling on County business shall be subject to the same policies and requirements as employees if the county is paying the expenses.

- Travel advances represent a payment of public funds to an employee or official for travel costs, which have not yet been incurred. Advances should be made for the minimum amount necessary, paid just prior to travel, and reconciled immediately at the conclusion of the travel. They are not to be used as interest-free loans.
- G.S. 14-247 states that it is illegal for a publicly owned vehicle to be used for a private purpose.
- G.S. 159-181 (a) states that any officer or employee of a local government or public authority who submits a written claim or approves a claim for funds that he/she knows to be false is guilty of a misdemeanor.

#### III. DEFINITIONS

A general term that will have a specific meaning within the context of the travel policy should be defined. Once the term is defined, that definition becomes part of the travel policy.

- A. <u>Authorizing Party</u> An individual authorized by this policy to approve or disapprove requests for travel, cash advances, travel reimbursements, etc. (Usually a department head).
- B. <u>Employee's Duty Station</u> "Duty Station" is defined as the job location at which the employee spends the majority of his or her working hours. For an employee in travel status, the duty station should be the point where traveling begins the majority of the time (home or office).
- C. <u>Reimbursements</u> To pay back previously incurred expenses to requesting parties. All reimbursement requests shall be submitted to finance within ten working days after the travel.
- **D.** Requesting Party The person who will be reimbursed for travel costs incurred while conducting County business.
- **E.** <u>Subsistence (Meals and Lodging)</u> Subsistence is an allowance related to lodging, meal costs, incidental expenses, and gratuities thereon.
- F. <u>Transportation Expenses</u> Transportation expenses include personal vehicle, county vehicle, taxi, bus, train, airplane, auto rentals, tolls, and parking fees. All transportation expenses must be incurred by and for employees, board members or other eligible travelers while conducting official County business in order to be eligible for reimbursement.

G. Travel – Travel is defined as going to and from the normal duty station to a site located outside the County to conduct County business. Authorization of travel requests will be based upon need and cost/benefit of travel as determined by the authorizing party. All travel costs except airline tickets will be paid directly by the requesting party, and will be reimbursed by the County. The requesting party will be reimbursed for actual costs incurred only, subject to the limitations established in this policy.

#### IV. GENERAL GUIDELINES

#### A. In-State/Out-of -State Travel

Travel is contingent upon the availability of funds in the departmental budget. Department heads are responsible for ensuring funds are available for travel within their departmental budgets and approving travel. Department heads shall ensure that all charges and expenses are in compliance with this policy.

#### B. Multiple Employees Traveling to the Same Destination

Two or more travelers traveling to the same destination are expected to make maximum use of joint transportation including taxicabs, County owned, leased, or privately owned vehicles.

#### V. PROCEDURES

Specific Guidelines Relating to Travel Advances, Registration, Transportation, and Subsistence:

#### A. Travel Advances

The requesting party must submit an approved Check Request (by the Department Head) to the County Finance Department (Finance) no later than the closing date of the check run with an issue date just prior to the start of travel. (Note: The Check Request should have supporting documentation such as a conference agenda.) The amount of the advance will not exceed eighty percent of the projected meals and the total cost of the lodging. The minimum advance will be \$50. After returning to work the employee shall submit an approved Travel Reimbursement form with appropriate receipts to Finance within ten working days. Excess travel advance funds will be repaid at this time. If the employee does not submit the Travel Reimbursement Form within ten working days then the advance amount will be deducted from the employee's next paycheck at the discretion of the Finance Director. If travel expenses exceed the travel advance, payment will be made on the next scheduled check run.

#### B. Registration

The County allows for registration fees to be reimbursed at the actual amount as shown by a valid receipt or invoice. They may be paid directly by the department or paid by the employee and then reimbursed. These fees are charged to a training line item. Charges resulting from the cancellation of conference registration shall be the County's obligation if the employee's registration has been approved in advance and the cancellation or change is made at the direction of and for the convenience of the County. If the cancellation or change is made for the personal benefit of the employee, it shall be the employee's obligation to reimburse the County for registration fees paid. However, in the event of accidents, serious illness or death within the employee's immediate family, or other critical circumstances beyond the control of the employee, the employee is not expected to reimburse the County.

#### C. Transportation

Air Line Travel – Tickets for airline travel will be purchased through the County approved travel agency. Penalties and charges resulting from the cancellation of airline reservations (or other travel reservations) shall be the County's obligation if the employee's travel has been approved in advance and the cancellation or change is made at the direction of and for the convenience of the County. If the cancellation or change is made for the personal benefit of the employee, it shall be the employee's obligation to pay the penalties and charges. However, in the event of accidents, serious illness or death within the employee's immediate family, or other critical circumstances beyond the control of the employee, the County will be obligated to pay the penalties and charges.

<u>Personal Vehicle</u> — A requesting party may use his/her personal vehicle for travel and be reimbursed for actual mileage. The County reimburses mileage expenses at the IRS standard mileage rate. The Finance Director is authorized to make periodic adjustments for automobile mileage rates in accordance with current IRS regulations. Normal parking charges are reimbursable. Parking receipts or an explanation of why there is no receipt should be attached to the reimbursement request. Travel from your home to an out-of-town conference or training session is eligible for reimbursement from your home to the conference site and back home. See the section on **Daily Travel** for details on mileage reimbursement for daily travel.

<u>Rental Vehicle</u> – Must be authorized in advance by department head. Rental vehicles are to be used only in conjunction with approved transportation other than automobile, and a receipt is necessary for reimbursement.

<u>County Vehicles</u> – County vehicles may be used for any authorized travel. The requesting party must obey all laws of the jurisdiction in which the vehicle is being operated. The vehicle will be used in conducting County business only. A minimal amount of personal use, such as driving the vehicle to and from dinner, is permissible, when a County vehicle is utilized for overnight travel related to official County business.

#### D. Overnight Travel - Subsistence

The per diem rate for meals and incidentals for both in-state and out-of-state travel is based upon the standard rate or the rate specified by the primary destination. These rates are published by the US General Services Administration (GSA) for all destinations within the Continental United States (CONUS). Employees may be eligible for a higher per diem rate depending on the travel destination. A listing of the current rate is available on the County Intranet. If the travel destination has a rate above the standard rate, print the page that details the daily rate for that destination and attach it to the travel voucher.

The County will not require any receipts under the per diem method. The subsistence rate is inclusive of personal gratuities except baggage handling tips that may be claimed for porters at terminals and hotels, under the category of "other expenses".

Meals included as part of a conference will not be included in the daily meal reimbursement. For example, if dinner for one day of the conference is included in the conference registration fee the requesting party cannot claim the dinner reimbursement for that day. A breakout of the meals and incidentals for the various per diem rates is provided in the table below.

M&IE Total	\$39 Standard	\$44	\$49	\$54	\$59	\$64
Breakfast	\$7	\$8	\$9	\$10	\$11	\$12
Lunch	\$11	\$12	\$13	\$15	\$16	\$18
Dinner	\$18	\$21	\$24	\$26	\$29	\$31
Incidentals	\$3	\$3	\$3	\$3	\$3	\$3

<u>Partial Days of Travel</u> - Employees may receive allowances for meals for partial days of travel when the partial day is the day of departure or the day of return.

For employees in an overnight travel status, the per diem will reduced to 75% of the normal amount on the days of departure and return. For example, if the destination has a per diem of \$39.00, the employee will receive \$29.25 on the days of departure and return. As noted above, the \$29.25 will be reduced by any meals included as part of the conference registration fee.

#### E. Motel/Hotel:

Employee will be reimbursed for actual cost of motel/hotel at single occupancy rate. Receipts are required.

#### F. Telephone:

Work Related Long Distance Phone Calls – Work related long distance phone calls are reimbursable if approved by the Department Head in advance. However, where possible a phone card should be obtained from the Information Services Department for official use instead of hotel room phones. Individual calls over \$3.00 must be identified as to point of origin and destination.

Personal – Personal calls are not reimbursable.

#### G. Internet Connection:

Internet connection charges may be incurred only if approved in advance by the Department Head and be deemed necessary in conducting County business while away from the office.

#### H. Daily Travel (Not Overnight)

There will not be Reimbursement for meals under daily travel.

#### I. Mileage Reimbursement

The County reimburses mileage expense at the IRS standard mileage rate. The Finance Director is authorized to make periodic adjustments for automobile mileage rates in accordance with current IRS regulations. The IRS approved rate may change on a calendar year basis and generally becomes effective January 1 of each year. Normal parking charges are reimbursable. Parking receipts or an explanation of why there is no receipt should be attached to the reimbursement request.

To the extent possible, trips should be planned out in advance so that mileage is minimized. In order for mileage to be reimbursed, it must be substantiated with enough detail that the mileage claimed can be verified.

Transportation expenses between your home and your regular place of work are personal commuting expenses and are not eligible for mileage reimbursement. Employees who are called back into work on the same day will be eligible for mileage reimbursement. If you are required to travel from your regular place of work to client or job sites during the day, that travel is eligible for mileage reimbursement.

Example	Eligible for Mileage Reimbursemen		
Home to office or first work site	NO		
Office or last work site to home	NO		
First work site to subsequent work sites	YES		
Employee called back to work after regular work hours	YES		
Employee is called into work on the weekend	NO		

Home is Principal Place of Business			
Example	Eligible for Mileage Reimbursemen		
Home to office or first work site	NO		
Office or last work site to home	NO		
First work site to subsequent work sites	YES		
Employee called back to work after regular work hours	YES		
Employee is called into work on the weekend	NO		

#### J. Processing and Approval of Reimbursement Requests

<u>Submitting Expense Reports</u>: The requesting party will submit an approved (by the Department Head) Travel Reimbursement Form with attached receipts for expenses requiring reimbursement to Finance within ten working days after returning from travel. Advances will be deducted from reimbursable costs. (Note: If the purpose of the travel was to attend a conference/seminar, the program for the conference/seminar should be attached to the Travel Reimbursement Form.)

Finance will determine that the reimbursement form has been properly approved, that it is mathematically correct, that the requested reimbursements agree with submitted receipts or per diem amounts, and are within the limits set by this policy. If an error in the reimbursement request is found, the requesting party will be informed and the error will be corrected before payment is made.

Before the reimbursement is made, Finance will determine that there is a sufficient unexpended appropriation in the expenditure line item to pay the request for payment. The Finance Director will immediately inform the authorizing party and requesting party if payment cannot be made.

Reimbursements to the requesting party will be made in the next scheduled check run after the Travel Reimbursement is filed.

The following items are NOT reimbursable:

- Any miscellaneous expense not supported by a receipt.
- Meals included as part of a conference.
- Travel to and from duty station.
- Non-employee expense. (Unless non-employee is traveling on official County business.)
- Laundry, newspaper, entertainment, alcoholic beverages and snacks.
- Paid room service, valet and personal gratuities (exclusive of baggage handling tips).
- Any traffic fines.
- Any item which is not deemed a necessary or reasonable business expense.

A requesting party submitting a falsified Travel Reimbursement form will be subject to disciplinary action and criminal prosecution. An authorizing party or Finance Director who approves a falsified reimbursement form that they know to be false will be subject to disciplinary action or criminal prosecution. Violations of the County's travel policy may result in dismissal from County employment.

#### K. Responsibilities of Travel Approvers

Although the Finance Director is statutorily charged with stewardship of all taxpayer dollars, the fiscal integrity and credibility of our organization is the responsibility of all County employees and supervisors.

If you are approving a travel reimbursement request, whether or not you are the traveling employee's direct supervisor, you are attesting to the following:

- That you have reviewed the reimbursement request in its entirety;
- 2. That the reimbursement request is accurate; and
- That the travel is for a public (County business-related) purpose.

#### L. Responsibilities of Finance Director

The Finance Director is responsible for implementing and enforcing this Travel Policy, and to interpret it consistent with its spirit and intent, fiscal prudence and accountability. The Finance Director is authorized to approve travel reimbursements not specifically set forth above when he or she determines on the basis of substantial evidence that such reimbursement is necessary or appropriate to accomplish business of the County and is warranted in the circumstances. He or she shall document all such reimbursements and the justification therefore.

#### ACKNOWLEDGEMENT

#### CUMBERLAND COUNTY TRAVEL POLICY

#### POLICY NO. CP-06

I,	, an employee of Cumberland
County,	Agency / Department / Office, hereby
certify that I have received, read, and under	stand the Cumberland County Travel Policy
(CP-06 - Revision 2 - 12/15/2010).	
Employee Name	Employee Signature
Employee Title	Date
20	
Department Head / Register of Deeds / Sher	riff Date

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

October 10, 2012

#### October 15, 2012 Agenda Item

TO:

**Board of Commissioners** 

FROM:

Kellie Beam, Deputy Clerk to the Board KB

SUBJECT:

Cumberland County Home and Community Care Block Grant Committee

The Cumberland County Home and Community Care Block Grant Committee has the following (3) vacancies.

Civic Representative Position:

Crystal McNair – completed second term. Not eligible for reappointment. The Cumberland County Home and Community Care Block Grant Committee recommends **Robin Kivett** to fill this position. (See attached)

Aging Service Provider:

Toney McCray – completed second term. Not eligible for reappointment. The Cumberland County Home and Community Care Block Grant Committee recommends **Antoinette**Hernandez to fill this position. (See attached)

Older Consumer:

Ethel Hennessee – completed first term. Not interested in serving a second term. The Cumberland County Home and Community Care Block Grant Committee recommends Cassandra McMillion to fill this position. (See attached)

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

PROPOSED ACTION: Nominate individuals to fill the (3) vacancies above.

Attachments

pc: Glenda Dye, Mid-Carolina Area Agency on Aging

Celebrating Our Past...Embracing Our Future

#### Kellie Beam

From: Glenda Dye [gdye@mccog.org]

Sent: Thursday, September 20, 2012 11:56 AM

To: Kellie Beam

Subject: Home and Community Care Block Grant Committee

The Cumberland County Home and Community Care Block Grant Committee recommends Robin Kivett for the Civic Representative Position, Antoinette Hernandez for the Aging Service Provider Position, and Cassandra McMillion for the Older Consumer Position.

#### Glenda Dye

Director, Area Agency on Aging Mid-Carolina Council of Governments 130 Gillespie Street, PO Drawer 1510 Fayetteville, NC 28302 Phone 910-323-4191 Ext. 22 Fax 910-323-9330 gdye@mccog.org

AGING WELL through advocacy and purpose.

# CUMBERLAND COUNTY HOME AND COMMUNITY CARE BLOCK GRANT COMMITTEE (PLANNING COMMITTEE FOR AGING SERVICES) 4 Year Term

Name/Address	<u>Date</u> Appointed	Term	Expires	Eligible For Reappointment
Older Consumer Elma Jorgensen 2321 Colgate Drive Fayetteville, NC 28305	12/10	2nd	Dec/14 12/31/14	No
VACANT (vacated by G. D.	Praughon)12/10	1st	Dec/14 12/31/14	Yes
Mary Mack 5471 Maplewood Fayetteville, NC 28314 867-9533	4/08	1 <sup>st</sup>	April/12 4/30/12	Yes
Edwin Deaver P.O. Box 127 Hope Mills, NC 28348	5/10	2nd	May/14 5/31/14	No
Deborah J. Atkinson (B/F) 217 Andover Road Fayetteville, NC 28311 822-5441/494-1288 (C)	5/09	1 <sup>st</sup>	May/13 5/31/13	Yes
Barbara Marshall (B/F) 7640 Wilkins Drive Fayetteville, NC 28311 488-2615/977-2303 (C)	4/08	1 <sup>st</sup>	Apr/12 4/30/12	Yes
Ethel Hennessee 647 Edgehill Road Fayetteville, NC 28314 ( 867-8910	12/07 serving first full term)	1 <sup>st</sup>	Dec/11 12/31/11	Yes
Annie R. Hasan 1340 McArthur Road Fayetteville, NC 28311 630-0688/482-3513 (W)	2/08	1 <sup>st</sup>	Feb/12 2/28/12	Yes

## Home and Community Care Block Grant Committee, page 2

Name/Address	<u>Date</u> Appointed	Term	Expires	Eligible For Reappointment
Aging Service Provider Karin Simkin Department of Social Services PO Box 2429 Fayetteville, NC 28302-2429	4/09	2 <sup>nd</sup>	April/13 4/30/13	No
Rosa Crowe PO Box 64526 Fayetteville, NC 28306 424-2993	4/09	2 <sup>nd</sup>	April/13 4/30/13	No
Mary Brymer Fayetteville-Cumberland Senior Ce 739 Blue Street Fayetteville, NC 28301	4/09 enter	1 <sup>st</sup>	April/13 4/30/13	Yes
Toney McCray Bethel Adult Day Health Care 1065 Progress Street Fayetteville, NC 28306 484-8727	12/07	2 <sup>nd</sup>	Dec/11 12/31/11	No
Catherine VanSickle CCCCOA, INC. 339 Devers Street Fayetteville, NC 28303 484-0111	12/09	1 <sup>st</sup>	Dec/13 12/31/13	No
Tina Dicke Legal Aid of NC PO Box 1268 Fayetteville, NC 28302	4/09	2 <sup>nd</sup>	April/13 4/30/13	No
Donald Wire 540 Nottingham Dr Fayetteville, NC 28311 717-0769 (H)	8/11	1st	Aug/15 8/31/15	Yes
Doris Snider Spring Lake Senior Enrichment Cer 301 Ruth Street Spring Lake, NC 28390	12/10 nter	1st	Dec/14 12/31/14	Yes

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
Aging Service Provider				
Kristine Wagner (W/F) 130 Gillespie Street Fayetteville, NC 28301 436-0340/678-7624 (W)	12/10	2nd	Dec/14 12/31/14	No
Civic Representative Crystal McNair United Way of Cumberland Co. PO Box 303 Fayetteville, NC 28302-0303	11/07	$2^{\mathrm{nd}}$	Nov/11 11/30/11	No
Elected Official Richard Higgins Town of Spring Lake 1309 Mack Street Spring Lake, NC 28390 497-1027	12/10	2nd	Dec/14 12/31/14	No
County Representative Amy Cannon Deputy County Manager PO Box 1829 Fayetteville, NC 28302-1829	02/11	NA	NA	NA

Meets the 3rd Thursday of January, April, August and November at 2:00 PM at various service providers within Cumberland County

Contact: Glenda Dye - 323-4191 x22 - Fax 323-9330 - gdye@mccog.org

## APPLICANTS FOR HOME AND COMMUNITY CARE BLOCK GRANT COMMITTEE

**EDUCATIONAL** BACKGROUND OCCUPATION NAME/ADDRESS/PHONE ADJUNCT FACULTY HS CARLYSLE, TONYA DR (B/F) 607 MCALPHIN DRIVE CAMPBELL UNIVERSITY BBA **FAYETTEVILLE NC 28301** DOCTORATE-CHIROPRACTIC 678-481-6541 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: VICK HACKLEY MENTORSHIP PROGRAM - FSU CRIMINAL DEFENSE JD COTTON, NICHOLE ATTORNEY - THE COTTON **MBM** 6455 HIDDEN LAKE LOOPE LAW FIRM, PLLC BS **FAYETTEVILLE NC 28304** 988-7115(H)/988-8920 (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 **FTCC** COUNCIL, SONJA (-/F) NURSE CAPE FEAR VALLEY FSU 950 STEWARTS CREEK DR **FAYETTEVILLE NC 28314** 864-1651 (H) / 615-6139 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 COLUMBUS UNIVERSITY DODSON, CATHERINE B (W/F) NURSE 2537 FORDHAM DR **FAYETTEVILLE NC 28304** 486-8143 (H) / 309-4690 (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: FAYETTEVILLE'S CITIZENS ACADEMY CHURCH PASTOR SOME COLLEGE FLEMING JR., DR REV JOE (B/M) 7235 RYAN STREET FAYETTEVILLE, NC 28304 FRYE, WILLIAM F (C/M) **GENERAL MANAGER** HIGH SCHOOL SOME COLLEGE 610 WILKES ROAD SUBSTANCE ABUSE FAYETTEVILLE, NC 28306 COUNSELOR 484-8337 (H) / 486-8718 (W) Graduate-County Citizens' Academy: N/A \*\*SERVES ON THE WORKFORCE DEVELOPMENT\* Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No

Graduate-United Way's Multi-Cultural Leadership Program: No

Graduate-other leadership academy: No

#### APPLICANTS FOR HOME AND COMMUNITY CARE BLOCK GRANT COMMITTEE - Page 2

NAME/ADDRESS/PHONE

OCCUPATION

**EDUCATIONAL** BACKGROUND

GOODE, ANTHONY (B/M)

AIRCRAFT MECHANIC

NONE LISTED

6477 PERICAT DR

**UNEMPLOYED** 

**FAYETTEVILLE NC 238306** 

717-6005 (H) / 551-1370 (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: US ARMY ADVANCED NON COMMISSIONED OFFICER ACADEMY

HAIRE, CASSANDRA W. (B/F)

SELF EMPLOYED

**PURSUING MBA** 

515 ALBANY STREET

FAYETTEVILLE, NC 28301 \*\*SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE\*\* 728-0175

HAYWOOD, KENDRA (B/F)

INSTRUCTOR

PHD-IN PROGESS

603 SUGARIDGE LANE

FTCC

MA-POLITICAL SCIENCE **BA-POLITICAL SCIENCE** 

FAYETTEVILLE, NC 28311

354-6743

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

HEGAMIN, VICTORIA (B/F)

ADMIN. ASST.

146 ALOHA DRIVE

WILLIE COOPER JR, CPA

**COMMUNITY COLLEGE** 

FAYETTEVILLE, NC 28311 813-0354 (H) / 829-9873 (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

KIVETT, ROBIN (W/F)

REGISTERED NURSE CAPE FEAR VALLEY

**BS-NURSING** 

4042 PLEASANT VIEW DRIVE

**FAYETTEVILLE NC 28312** 483-6964/615-5649

Graduate-County Citizens' Academy: N/A

Graduate-Institute for Community Leadership: No

Graduate-Leadership Favetteville: NO

Graduate-United Way's Multi-Cultural Leadership Program: NO

Graduate-other leadership academy: No

LOWE, CHERYL (W/F)

DISPATCHER

NONE LISTED

6554 ALAMANCE ROAD

HOPE MILLS, NC 28348 366-7506/630-7267 (W)

Graduate-County Citizens' Academy: N/A

Graduate-Institute for Community Leadership: No

Graduate-Leadership Fayetteville: No Graduate-other leadership academy: No

METHODIST UNIVERSITY

MCNEILL, TERESA RENA (B/F) 3918 METEOR DRIVE HOPE MILLS, NC 28348 480-0090/483-3648

COMPUTER SYSTEMS ANALYST FAY METROPOLITAN HOUSING

BA-PUBLIC ADMIN. MA STUDENT

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

O'KELLEY, SHEILA 2325 GREYGOOSE LOOP FAYETTEVILLE, NC 28306 213-4161/364-5246

NONPROFIT DIRECTOR THE JEMS PROJECT INC HS

ROGERS, TERRESA 313 HAMILTON STREET FAYETTEVILLE, NC 28301 822-4289 / 488-2120 ext. 7494 (W) RN-VA MEDICAL CENTER

COLLEGE **GRADUATE** 

WILSON, SHELIA (B/F) 1839 BRAWLEY AVENUE FAYETTEVILLE, NC 28314 PRINCIPAL **NEW LIFE CHRISTIAN ACADEMY** 

MA-EDUCATIONAL **LEADERSHIP** 

**BA-PSYCHOLOGY** 

764-0638/551-4708 (W)

Graduate-County Citizens' Academy: N/A

Graduate-Institute for Community Leadership: No

Graduate-Leadership Fayetteville: No Graduate-other leadership academy: No MARSHALL FAIRCLOTH Chairman

> JIMMY KEEFE Vice Chairman

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



CANDICE WHITE Clerk to the Board

KELLIE BEAM Deputy Clerk

#### **BOARD OF COMMISSIONERS**

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

October 10, 2012

ITEM NO. 8B

#### October 15, 2012 Agenda Item

TO:

**Board of Commissioners** 

FROM:

Kellie Beam, Deputy Clerk to the Board

SUBJECT:

Joint Senior Citizens Advisory Commission

BACKGROUND: The Joint Senior Citizens Advisory Commission has the following

one (1) vacancy:

**Glenda Dye** – completing first term. Eligible for reappointment.

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

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

pc:

Mary Brymer, Director

Senior Citizens Center

Attachments

## SENIOR CITIZENS ADVISORY COMMISSION

## (Joint Fayetteville/Cumberland County)

## 2 Year Term

(County Appointees)

	(County A	ppointees)		
Name/Address	<u>Date</u> Appointed	Term	Expires	Eligible For Reappointment
William J. Watson (B/M) 1881 Gola Drive Fayetteville, NC 28301 488-6600	01/11	2nd	Feb/13 2/28/13	No
Judy Dawkins 2004 Morganton Road Fayetteville, NC 28305 323-4974/433-1136(W)	12/10	1st	Dec/12 12/31/12	Yes
Dwight Palmer Jr. 1139 Helmsley Drive Fayetteville, NC 28314 867-8136/535-5325 (W) **	9/11 *serving an unexpired terr	1 <sup>st</sup>	Sept/12 9/30/12	Yes
Marlene Jacobs (W/F) 324 Glenburney Drive Fayetteville, NC 28303 484-5920	9/10	2nd	Sept/12 9/30/12	No
Carl E. Mitchell 2704 Compton Place Fayetteville, NC 28304 437-9909/678-8373(W)	12/10	1st	Dec/12 12/31/12	Yes
Tom Cain (/M) 2786 Baywood Road Fayetteville, NC 28312 630-3970 (H)	9/11	2nd	Sept/13 9/30/13	No
Brenda Brown (B/F) 1606 Dolphin Drive Spring Lake, NC 28390 497-9315 (H) / 866-6390 ext	9/11 :. 21953 (W) / 818-1604 (	2nd C)	Sept/13 9/30/13	No
Albert Munoz (/M) 7208 Montoro Court Fayetteville, NC 28314 714-398-1657 **serv	9/11 ring an unexpired term, eli	1st	Dec/12 12/31/12 ne additional two	Yes -yr term**

## Senior Citizens Advisory Commission, page 2

	<u>Date</u>			Eligible For	
Name/Address	Appointed	Term	Expires	Reappointment	
Glenda Dye 1683 Hazel Hurst Drive Fayetteville, NC 28314	9/10	1st	Sept/12 9/30/12	Yes	
323-4191 Ext. 22 (W)	(serving first full term; eligible for an additional two-year tern				
Daisy D. Maxwell 7113 Fillyaw Road Fayetteville, NC 28303 868-5611	12/10	1st	Dec/12 12/31/12	Yes	

Contact: Mary Brymer - Senior Citizens Center Director - Phone: 433-1574

(Interoffice - Parks and Recreation)

Commissioner Liaison: Commissioner Charles Evans

Regular Meetings:

2nd Tuesday of each month at 2:30 PM

LaFayette Room - City Hall

\*NOTE: This Board was expanded in 2006. The City and County agreed to expand from 10 to 20 members. The Board of County Commissioners had responsibility to appoint 2 new members to a 1 year term and 3 new members to a 2 year term.

## APPLICANTS FOR SENIOR CITIZENS ADVISORY BOARD

**EDUCATIONAL OCCUPATION BACKGROUND** NAME/ADDRESS/TELEPHONE ASHTON, LAWRENCE (W/M) RETIRED SOME COLLEGE 3420 MCCHOEN DR FAYETTEVILLE, NC 28311 910-488-4042 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 BA; JD DEVORE, LINDA S. (W/F) RETIRED P/T TRP CPA 2616 DARTMOUTH DRIVE FAYETTEVILLE, NC 28304 484-8948/584-1633 DODSON, CATHERINE (W/F) NURSE COLUMBUS UNIVERSITY 2537 FORDHAM DR **FAYETTEVILLE NC 28304** 486-8143/309-4690 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: Fayetteville Citizens Academy FROWNER, JAMES (M/-) **INSTRUCTOR FTCC CURRENT STUDENT** 1744 DAISY LN **PHOTOGRAPHER** FAYETTEVILLE, NC 28303 910-229-7524 Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO FRYE, WILLIAM F (C/M) GENERAL MANAGER HIGH SCHOOL 610 WILKES ROAD SOME COLLEGE FAYETTEVILLE, NC 28306 SUBSTANCE ABUSE 484-8337 (H) / 486-8718 (W) COUNSELOR Graduate-County Citizens' Academy: N/A \*\*SERVES ON THE WORKFORCE DEVELOPMENT\* Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-United Way's Multi-Cultural Leadership Program: No Graduate-other leadership academy: No

CC SCHOOLS

ASST PRINICPAL

GARRISON, CYNTHIA (B/F) 1887 SPIRALWOOD DRIVE

FAYETTEVILLE, NC 28304

868-8981 (H)/321-0398 (W)/527-4673 (C)

BA, MA

# APPLICANTS FOR SENIOR CITIZENS ADVISORY BOARD Page 2

NAME/ADDRESS/TELEPHO	NE	OCCUPATION	EDUCATIONAL BACKGROUND
GIVENS, PEARL (B/F) 1310 SALTWELL PLACE FAYETTEVILLE, NC 28314 867-7766 (H) / 210-279-4055 (C) Graduate-County Citizens' Academy Community Graduate-Institute for Community Graduate-Leadership Fayettevilly Graduate-United Way's Multi-Cu Graduate-other leadership academy	emy: N/A y Leadership: e: No ıltural Leadersh		BA MA (WEBSTER UNIV) MA (SUMMIT UNIV)
GLADDEN, ELLEN (B/F) 3512 CLEARWATER FAYETTEVILLE, NC 28311 488-2659/483-4290		MANAGER PAYNE FUNERAL HOME	ВА
HAIRE, CASSANDRA W. (B/F) 515 ALBANY STREET FAYETTEVILLE, NC 28301 ** 728-0175	SERVES ON TH	SELF EMPLOYED  E ADULT CARE HOME COMMUN	PURSUING MBA
JONES, ERIC F. (B/M) 123 N. PLYMOUTH FAYETTEVILLE, NC 28312 263-3054/487-0204 (W)	FITZGI	ESS OWNER ERALDS CAR COMPANY IINIMUM HOUSING APPEALS BO	HS; SOME COLLEGE
LANGSTON, VERONICA (B/F) 223 MURRAY FORD DRIVE FAYETTEVILLE, NC 28314 867-7098 (H) / 483-4037 (W)	**SERVES ON N	EDUCATOR	BS; MA IN EDUCATION
LEE, ANGELA (B/F) 2065 CORINNA STREET FAYETTEVILLE, NC 28301 587-7794/488-8477		QUALIFIED PROFESSIONAL PIERCE & ASSOC., INC.	BA, MS
MACK, DAVID J. (B/M) 5479 LYNBROOK COURT FAYETTEVILLE, NC 27314 867-1214		N/A	MA-EDUCATIONAL ADMINISTRATION
RUFFIN, NAOMI 2019 SPRUCE ST FAYETTEVILLE NC 28303 486-6442 Graduate-County Citizens' Acade Graduate-Institute for Community Graduate-Leadership Fayetteville Graduate-United Way's Multi-Cul Graduate-other leadership acade	/ Leadership:  N e: NO tural Leadership		HIGH SCHOOL SOME COLLEGE

# APPLICANTS FOR SENIOR CITIZENS ADVISORY BOARD Page 3

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
SORCE, JOSEPH F. (W/M) 3839 MARKSBURY DRIVE APT. 303 FAYETTEVILLE, NC 27314 495-5265/483-8288	TEACHER CUMBERLAND COUNTY SCHOOLS	BS; MS
WADE, PAMELA (W/F) 2728 HELAMAN CT #9 FAYETTEVILLE NC 28303 910-977-7504 Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadershi Graduate-Leadership Fayetteville: No Graduate-United Way's Multi-Cultural Leade Graduate-other leadership academy: No	C 43 C 5000 Store	BACHELORS MASTERS

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. \_

#### **BOARD OF COMMISSIONERS**

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

October 8, 2012

### October 15, 2012 Agenda Item

TO:

**Board of Commissioners** 

FROM:

Kellie Beam, Deputy Clerk to the Board KB

SUBJECT:

Air Quality Stakeholders' Committee

BACKGROUND: On October 1, 2012, the Board of Commissioners nominated the following individuals to fill two (2) vacancies on the Air Quality Stakeholders' Committee:

Town of Linden Stakeholder: Janice Lucas (reappointment)

FTCC Stakeholder:
Richard Rice (new appointment)

I have attached the current membership list for this committee.

PROPOSED ACTION: Appoint individuals to fill the two (2) vacancies above.

Attachment

pc: Maurizia Chapman, FAMPO

Celebrating Our Past...Embracing Our Future

## AIR QUALITY STAKEHOLDERS COMMITTEE 3-year terms

		3-year term					
	NAME	STAKEHOLDER	DATE <u>APPT'D</u>	TERM	EXPIRES	ELIGIBLE FOR REAPPOINT.	
	Commissioner Peggy Raymes PO Box 220 Stedman, NC 28391 323-1892	Town of Stedman	4/12	2nd	April/15 4/30/15	No	
9	Councilman Keith Bates 5404 Chesapeake Road Fayetteville, NC 28311 488-6315/494-2256 (c) Kbates05@nc.rr.com	City of Fayetteville	12/09	1 <sup>st</sup>	Dec/12 12/31/12	No	
	Alderman Napoleon Hogans PO BOX 617 Spring Lake, NC 28390	Town of Spring Lake	6/12	1 <sup>st</sup>	Mar/13 3/31/13	Yes	
		ving unexpired term; e	eligible fo	r two ad	dditional teri	ns**	
	Commissioner Pat Edwards Town of Hope Mills PO Box 367	of Hope Mills	6/12	1st	Feb/13 2/28/13	Yes	
		ving unexpired term; e	eligible fo	r two ac	dditional terr	ms**	
	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 Jhl0717@aol.com	Town of Falcon	9/09	1 <sup>st</sup>	Sept/12 9/30/12	Yes	
	Natalee Ezzell 7650 Sisk Culbreth Road Godwin, NC 28344 273-5457 (C) Njezzell0331@mail.campbell.edu	Town of Godwin	6/12	2nd	Jun/15 6/30/15	No	
	Commissioner Johnny Lanthorn 6841 Main Street Wade, NC 28395 484-7467 Johnny.lanthorn@faypwc.com	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) htew@nc.rr.com	Town of Eastover	2/11	1 <sup>st</sup>	Feb/14 2/28/14	Yes	

## AIR QUALITY STAKEHOLDERS COMMITTEE - Page 2

NAME	STAKEHOLDER	DATE <u>APPT'D</u>	<u>TERM</u>	EXPIRES	ELIGIBLE FOR REAPPOINT.
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		April/15 4/30/15	No
Christopher Frank Cumberland County Dept of 1235 Ramsey Street Fayetteville, NC 28301 433-3705	Board of Health Public Health	1/12		pril/13 /30/13	Yes
John Gillis 128 S Churchill Drive Fayetteville, NC 28303 484-9828 (H)/308-4255 (W)	Homebuilders Association	4/12		April/15 /30/15	No

#### AIR QUALITY STAKEHOLDERS COMMITTEE - Page 3

NAME	STAKEHOLDER	DATE <u>APPT'D</u>	TERM	EXPIRES	ELIGIBLE FOR REAPPOINT.
Joe Levister, Jr. FTCC PO Box 35236	FTCC	4/09	2 <sup>nd</sup>	April/12 4/30/12	No
Fayetteville, NC 28303 678-8321 levistej@faytechcc.edu					
Gary Slater Clear Path Recycling, LLC 3500 Cedar Creek Road Fayetteville, NC 28312 920-2441 (H)/689-2118 (W gary.slater@clearpathrecyc		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)

#### 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.

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#### **BOARD OF COMMISSIONERS**

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

October 8, 2012

### October 15, 2012 Agenda Item

TO:

**Board of Commissioners** 

FROM:

Kellie Beam, Deputy Clerk to the Board KB

SUBJECT:

Cumberland County Juvenile Crime Prevention Council

BACKGROUND: On October 1, 2012, the Board of Commissioners nominated the following individual to fill one (1) vacancy for an unexpired term on the Juvenile Crime Prevention Council:

Member of Faith Community:
Shawn Withy-Allen (new appointment)

I have attached the current membership list for this council.

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

Attachment

pc:

Lee Roberts, Cumberland County Communicare

Sarah Hallock, Cumberland County Communicare

## **CUMBERLAND COUNTY** JUVENILE CRIME PREVENTION COUNCIL

(Two year terms)

Eligible For Date Reappointment Name/Address Appointed Term **Expires** 

Local School Superintendent or designee

Bruce Morrison

1/12

Cumberland County Schools

P.O. Box 2357

Fayetteville, North Carolina 28302

Phone: 678-2495

Chief of Police or designee

Captain Charles Hunter

2/10

Fayetteville Police Department

467 Hay Street

Phone: 433-1910

Local Sheriff or designee

Matthew Hurley

9/11

Cumberland County Sheriff's Office

131 Dick Street

Fayetteville, North Carolina 28301

Phone: 677-5474

District Attorney or designee

Cheri Siler-Mack

1/99

Assistant District Attorney

District Attorney's Office

117 Dick Street, Suite 427

Fayetteville, North Carolina 28301

Phone: 678-2915

Chief Court Counselor or designee

Michael Strickland

08/07

Department of Juvenile Justice

P.O. Box 363

Fayetteville, North Carolina 28302

Phone: 678-2947

Director of Mental Health or designee

Debbie Jenkins

10/03

Cumberland County Mental Health Center

P.O. Box 3069

Fayetteville, North Carolina 28302

Phone: 323-0510

### Cumberland County Juvenile Crime Prevention Council Page 2

Director of Social Services or designee

Barbara Williams-Gray

10/10

Social Work Supervisor III - Group Care and LINKS Program

Cumberland County Department of Social Services

P.O. Box 2429

Fayetteville, North Carolina 28302-2429

Phone: 677-2061

County Manager or designee

James Lawson, Assis. Co. Mgr.

02/11

Cumberland County Courthouse

P.O. Box 1829

Fayetteville, North Carolina 28302-1829

Phone: 678-7726

Chief District Judge or designee

Judge Ed Pone

1/99

P.O. Box 363

Fayetteville, North Carolina 28302

Phone: 678-2901

Health Director or designee

Archie Malloy

3/06

Jail Health Administrator

205 Gillespie Street

Fayetteville, North Carolina 28301

Phone: 672-5723

Parks and Recreation Representative

Melvin Lindsay

2/05

City of Fayetteville

Parks and Recreation Dept.

433 Hay Street

Fayetteville, North Carolina 28301

Phone: 433-1547

County Commissioner

Billy R. King

1/99

P.O. Box 1829

Fayetteville, NC 28302-1829

Phone: 678-7771

## Cumberland County Juvenile Crime Prevention Council, Page 3

Name/Address	<u>Date</u> Appointed	Term	Expires	Eligible For Reappointment
Substance Abuse Professional Robin Black TASC 412 West Russell Street Fayetteville, NC 28302-3069 321-6792	4/12	2nd	Apr/14 4/30/14	No
Member of Faith Community VACANT (vacated by Fred Hendle	ey) 9/09	1st	Sept/11 9/30/11	Yes
Person Under Age 21 VACANT (vacated by J. Hassell)	01/11	1 <sup>st</sup> full term	Feb/13 2/28/13	Yes
Juvenile Defense Attorney Sarita Mallard 4508 Weaverhall Drive (PO Box 18) Fayetteville, NC 28314 257-0847(Cell)/485-2201	8/12 32-28302)	2nd	Aug/14 8/31/14	No
Member of Business Community La-Lisa Hewett-Robinson S. Regional Area Health Education 1601 Owen Drive Fayetteville, NC 28304 678-7293	4/12 Ctr.	2nd	Apr/14 4/30/14	No
United Way or Non-Profit Linda Blanton 5753 Bear Creek Cir Fayetteville, NC 28304 (serving ur 574-6522/826-3109	8/12 nexpired term; eligible	1 <sup>st</sup> e for two addition	Aug/14 8/31/14 nal two year to	Yes erms)
At Large Representatives Lee Roberts 3027 Stedman Cedar Creek Road Fayetteville, NC 28301	9/11	2nd	Sept/13 9/30/13	No

### Cumberland County Juvenile Crime Prevention Council, Page 4

Name/Address	<u>Date</u> Appointed	Term	Expires	Eligible For Reappointment
VACANT (vacated by K Reeves)	6/10	2nd	Aug/12 8/31/12	No
Tobias M. Dillard, Sr. US Department of Labor 6500 Windy Grove Court Fayetteville, NC 28314 919-455-3506	8/10	1st	Aug/12 8/31/12	Yes
Douglas R. Parrish 5789 Cotton Valley Drive Fayetteville, NC 28314 484-8256/609-3770 (W)	6/11	2nd	Aug/13 8/31/13	No
Margarita Dostall Cumberland County Board of Educ 2465 Gillespie Street Fayetteville, NC 28306 484-1176	8/12 eation	2nd	Aug/14 8/31/14	No
Stephanie Glover 3801 Chadbourne Drive Fayetteville, NC 28312 263-0494/907-5755	10/11	1st	Oct/13 10/31/13	Yes
Joan Blanchard 7230 Sandcastle Lane Linden, North Carolina 28356 Phone: 487-0510/322-9097 (C)	6/10	2nd	Aug/12 8/31/12	No

Non-Voting Member

Ronald Tillman

**DJJDP** Regional Consultant

100 Dillion Drive

Butner, North Carolina 27509

Phone: 919-575-3166 (W)

Meetings: Second Wednesday of each month at 8:00 AM. CC CommuniCare Conference Room – 226 Bradford Ave, Fayetteville NC 28301

Contact: Cumberland County Communicare - Phone: 829-9017 Fax: 485-4752

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.

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#### **BOARD OF COMMISSIONERS**

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

October 8, 2012

### October 15, 2012 Agenda Item

TO:

**Board of Commissioners** 

FROM:

Kellie Beam, Deputy Clerk to the Board KB

SUBJECT:

**Cumberland County Library Board of Trustees** 

BACKGROUND: At their meeting on October 1, 2012, the Board of Commissioners nominated the following individuals to fill three (3) upcoming vacancies on the Cumberland County Library Board of Trustees:

Daisy D. Maxwell (reappointment)

Mary E. Thomas (reappointment)

Sara VanderClute (reappointment)

I have attached a current membership list for this board.

PROPOSED ACTION: Appoint individuals to fill the three (3) vacancies above.

Attachment

pc: Jody Risacher, Library Director

Celebrating Our Past...Embracing Our Future

#### LIBRARY BOARD OF TRUSTEES

#### 3 Year Term

All terms expire in December and begin in January. Recommendations for nominations placed on first meeting in October agenda and appointments placed on second meeting in October agenda. Although terms will not begin until the following January, the Library takes their new appointees through an orientation process in December before they begin serving in January.

20 N 2 S	<u>Date</u>	200	ا د صد	Eligible For
Name/Address	Appointed	Term	Expires (12)	Reappointment
Daisy D. Maxwell 7113 Fillyaw Road	10/10	1st	Dec/12 12/31/12	Yes
Fayetteville, NC 28303			12/31/12	
[	xpired term-eligible fe	or an additional	3-year term)	
(berving the	apired term engione is	or air additional	s year termy	
Mary E. Thomas	11/09	1st	Dec/12	Yes
217 Cecil Avenue			12/31/12	
Spring Lake, NC 28390-2522	(first full term)			
497-7574/436-0000 (W)				
Ole Sorensen	11/11	24	Dag/14	No
2817 Briarcreek Place	11/11	2nd	Dec/14 12/31/14	No
Fayetteville, NC 28304-3879		*	12/31/17	
867-9403/309-0000 (C)				
SSSSSSSS SAN STRATEMENHOUSE ACCUSIONANCE. NO CONTRACTOR				
Sara VanderClute	11/09	1st	Dec/12	Yes
7669 Heriot Drive			12/31/12	
Fayetteville, NC 28311-9409				
488-9202 (H) / 494-1405 (C)				
Willie Wright	10/10	2nd	Dec/13	No
196 Darrock Court	10/10	Ziid	12/31/13	110
Fayetteville, NC 28311-2914			12/31/13	
822-6415/424-8589 x 232 (W)				
Total court our cours as because				
Gail A. Riddle	11/11	2nd	Dec/14	No
3175 Odom Road			12/31/14	
Hope Mills, NC 28348				
322-1935 (C) / 425-8181 ext. 355				
Susan Mills	10/10	1st	Dec/13	Yes
4158 Bent Grass Drive	10/10	150	12/31/13	103
Fayetteville, NC 28312			A. MIT. W. A. ( A. W.	
485-1385/308-2409 (W)				

Contact: Jody Risacher, Library Director (or Marili Melchionne – 483-1580 x106)
Meeting Date: 3rd Thursday of each monthat 9:05 AM; (exception would be 2nd Thursday in December and no regularly scheduled meetings in July and August) – Meeting locations are different libraries within the County.