
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
APRIL 22, 2014 (TUESDAY)
6:45 PM

INVOCATION - Commissioner Edward Melvin

MINISTER:

PLEDGE OF ALLEGIANCE –

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

1. Approval of Agenda

2. Consent Agenda
 - A. Approval of minutes for the April 7, 2014 regular meeting, April 11, 2014 special meeting for Safe Streets Symposium, April 14, 2014 special meeting of the Board of Commissioners acting as Overhills Park Water / Sewer Governing Board, and the April 14, 2014 special meeting for National County Government Month Employee Recognitions.

 - B. Approval of Corrections to the Cumberland County Smoking Ordinance Adopted on March 17, 2014. **(Pg. 7)**

 - C. Approval of Cumberland County Finance Committee Report and Recommendation(s). **(Pg. 9)**

 - D. Approval of Ordinance Assessing Property for the Costs of Demolition: **(Pgs. 16-23)**
 - 1) Case Number: MH 6961-2012 **(Pg. 16)**
Property Owner: Marco Garcia
Property Location: Colonial Park Drive, Fayetteville, NC
Parcel Identification Number: 0520-66-9057

- 2) Case Number: MH 35-2013 (Pg. 18)
 Property Owner: Citimortgage, Inc.
 Property Location: 7910 Pinebuff Court, Fayetteville, NC
 Parcel Identification Number: 0533-96-4835

- 3) Case Number: MH 6529-2011 (Pg. 20)
 Property Owner: Isia Johnson, Willie D. Crumpler & Gina Logan
 Property Location: 8238 NC Highway 210S, Autryville, NC
 Parcel Identification Number: 1403-29-7383

- 4) Case Number: MH 7020-2013 (Pg. 22)
 Property Owner: Deborah C. Lucas
 Property Location: 1220 McNeill Street, Spring Lake, NC
 Parcel Identification Number: 0502-60-9759

- E. Approval of a Proclamation Proclaiming April 26-May 10, 2014 as “Spring Litter Sweep” in Cumberland County. (Pg. 24)

- F. Budget Revisions: (Pgs. 25-31)

- (1) Cotton Fire District (Pg. 25)

Revision in the amount of \$22,000 to cover unanticipated refunds to taxpayers in the amount of \$1,000 and to increase contract for additional revenue anticipated to be earned for remainder of fiscal year in the amount of \$21,000. (B14-327) **Funding Source – Cotton Fire Tax**

- (2) Solid Waste (Pg. 26)

Revision in the amount of \$351,520 to appropriate fund balance to fund indirect cost. (B14-324) **Funding Source – Solid Waste Fund Balance Appropriated**

- (3) Juvenile Crime Prevention/Social Services (Pg. 27)

Revision in the amount of \$23,416 to reallocate budgeted revenues and expenditures increasing the transfer from the General Fund to cover projected shortfall due to decrease in average number of placements. (B14-325 and B14-325A) **Funding Source – Reallocation of Budgeted Revenues and Expenditures and State**

- (4) Health (Pgs. 29-30)

- a. Dental - Revision in the amount of \$90,000 to appropriate fund balance to fund settlement agreement. (B14-326) **Funding Source –Health Fund Balance Appropriated** (Pg. 29)

b. Maternal Health – Revision in the amount of \$2,000 to recognize donation received for the “Baby Store” program. (B14-321) **Funding Source – Miscellaneous** (Pg. 30)

(5) Federal Forfeiture – Justice (Pg. 31)

Revision in the amount of \$43,500 to recognize additional revenue received from federal drug forfeitures to purchase a replacement K-9 dog, equipment for Narcotics and Search and Rescue teams, document management software and Wi-fi for Detective Division. (B14-230) **Funding Source – Federal Drug Forfeitures**

3. Public Hearings (Pgs. 32-149)

Uncontested Conditional Zoning Case

A. Case P14-10: Rezoning of 32.93+/- acres from A1 Agricultural to R20A Residential or to a more restrictive zoning district; located at 6631 Sandy Creek Road and on the north side of SR 1847 (Sandy Creek Road), east of SR 2084 (Jeremiah Street); submitted by Phillip T. and Deborah F. Davis (owners) and Michael J. Adams. (Pg. 32)

Staff Recommendation: 1st Motion: Approve and adopt the consistency with the LUP and reasonableness statements; 2nd Motion: Approve R20A
Planning Board Recommendation: Approve Staff Recommendation

B. Case P13-50: Rezoning of 1.37+/- acres from R20 Residential to M(P) Planned Industrial or to a more restrictive zoning district, located at 725 and 729 Snow Hill Road, submitted by Huxley A. and Ahuilda J. Jones (owners). (Pg. 35)

Staff Recommendation: 1st Motion: Approve and adopt the consistency with the LUP and reasonableness statements; 2nd Motion: Approve M(P)/CZ for ammunition remanufacturing, assembly and distribution subject to conditions
Planning Board Recommendation: Approve Staff Recommendation

Contested Zoning Ordinance Text and Map Amendment

C. Case P14-17: Revisions and amendments to the Cumberland County Zoning Ordinance by adoption and establishment of a Coliseum Tourism Overlay District (CTOD) amending the County zoning map, creating the overlay district layer on 327.98+/- acres generally bounded by US HWY 301 (Gillespie Street), SR 2283 (East Mountain Drive), SR 1007 (Owen Drive) and NC HWY 87 (Martin Luther King Jr Freeway); and amending Article II Interpretations, Calculations, and Definitions Section 203 Definition of Specific Terms and Words, specifically

defining the terms *hotel* and *motel*; amending and creating Article III Zoning Districts Section 308.1. Overlay Districts, sub-section B, to be entitled *Coliseum Tourism Overlay District (CTOD)*; Article VIII.I Overlay Districts, Section 8.102, entitled *Coliseum Tourism Overlay District (CTOD)*; and amending Article XIII Sign Regulations, Section 1307. Billboards (Off-Premises Signs), sub-section A. General Provisions, paragraph 1. **(Pg. 41)**

Staff Recommendation: 1st Motion: Approve and adopt the consistency with the LUP and reasonableness statements; 2nd Motion: Approve the text and map amendment creating the CTOD

Planning Board Recommendation: 1st Motion: Approve and adopt the consistency with the LUP and reasonableness statements; 2nd Motion: Approve the text and map amendment creating the CTOD except allowing for screening of existing outdoor storage as opposed to prohibiting it; and removing the residential area generally known as Dogwood Acres from the CTOD, rezoning the same from R6A to R6

Minimum Housing Code Enforcement **(Pgs. 59-129)**

- D. Case Number: MH 9-2012 **(Pg. 59)**
Property Owner: Cheryl Ruffin & Cynthia Ruffin
Property Location: 1111 Alco Circle, Fayetteville, NC
Parcel Identification Number: 0419-73-5994

- E. Case Number: MH 11-2012 **(Pg. 65)**
Property Owner: Cheryl Ruffin & Cynthia Ruffin
Property Location: 1121 Alco Circle, Fayetteville, NC
Parcel Identification Number: 0419-73-5994

- F. Case Number: MH 267-2013 **(Pg. 72)**
Property Owner: E. Jean Smith
Property Location: 1141 & 1145 Alco Circle, Fayetteville, NC
Parcel Identification Number: 0419-73-5994

- G. Case Number: MH 259-2013 **(Pg. 79)**
Property Owner: Joseph Martin
Property Location: 2725 Chimney Brook Road, Fayetteville, NC
Parcel Identification Number: 0451-78-4097

- H. Case Number: MH 487-2014 **(Pg. 84)**
Property Owner: Latisha McCrimon
Property Location: 5560 Leitha Lane, Godwin, NC
Parcel Identification Number: 1503-02-3486

- I. Case Number: MH 483-2014 (Pg. 91)
Property Owner: Nellie A. Torres, Pearlie Lee Montoya, & Kathleen A. Decipulo
Property Location: 2246 Waco Drive, Fayetteville, NC
Parcel Identification Number: 0426-21-9689

- J. Case Number: MH 484-2014 (Pg. 99)
Property Owner: Nellie A. Torres, Pearlie Lee Montoya, & Kathleen A. Decipulo
Property Location: 2256 Waco Drive, Fayetteville, NC
Parcel Identification Number: 0426-21-8673

- K. Case Number: MH 437-2013 (Pg. 111)
Property Owner: Bank of America, NA
Property Location: 6364 Canadian Ave, Fayetteville, NC
Parcel Identification Number: 0442-65-1945

- L. Case Number: MH 156-2013 (Pg. 117)
Property Owner: Frank Lee Fisher
Property Location: on lot to rear of 5916 Mack Simmons Road, Fayetteville, NC
Parcel Identification Number: 0471-79-4925

- M. Case Number: MH 195-2013 (Pg. 123)
Property Owner: Sharon & Michael Davis
Property Location: 7846 Amesbury Road, Fayetteville, NC
Parcel Identification Number: 0543-07-4492

Other Public Hearings

- N. 2014 Draft Community Development Annual Action Plan. (Pg. 130)

Items of Business (Pgs. 150-159)

- 4. Consideration of Proposed Schedule for Fiscal Year 2015 Budget Work Sessions and Budget Public Hearing. (Pg. 150)

- 5. Nominations to Boards and Committees (Pgs. 151-156)
 - A. Human Relations Commission (2 Vacancies) (Pg. 151)

6. Appointments to Boards and Committees **(Pgs. 157-159)**
- A. Adult Care Home Community Advisory Committee (1 Vacancy) **(Pg. 157)**
- Nominee: Donna Atkins (Reappointment)

RECESS THE BOARD OF COMMISSIONERS' MEETING.

CONVENE THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD MEETING (SEE SEPARATE AGENDA) / ADJOURN (Pgs. 160-164)

RECONVENE THE REGULAR BOARD OF COMMISSIONERS MEETING.

7. Closed Session: A. Economic Development Matter(s)
Pursuant to NCGS 143-318.11(a)(4)

ADJOURN

THIS MEETING WILL BE STREAMED LIVE THROUGH THE COUNTY'S WEBSITE – WWW.CO.CUMBERLAND.NC.US. LOOK FOR THE LINK AT THE TOP OF THE HOMEPAGE.

THE MEETING WILL ALSO BE BROADCAST LIVE ON FAYETTEVILLE/ CUMBERLAND EDUCATIONAL TV (FCETV) TIME WARNER CABLE CHANNEL 5 AND 97-3 ON THE DIGITAL TIER. IT WILL BE REBROADCAST ON WEDNESDAY, APRIL 23, 2014 AT 7:30 P.M.

REGULAR BOARD MEETINGS:

**May 5, 2014 - (Monday) – 9:00 AM
May 19, 2014 – (Monday) – 6:45 PM**

**June 2, 2014 – (Monday) – 9:00 AM
June 16, 2014 – (Monday) – 6:45 PM**



ITEM NO. 2B

OFFICE OF THE COUNTY ATTORNEY

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

April 11, 2014

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: PHYLLIS JONES, ASSISTANT COUNTY ATTORNEY *PPJ*

SUBJECT: REVISED SMOKING ORDINANCE

Background

On May 6, 2013, the Board adopted an ordinance extending its prohibition of smoking to the grounds of designated facilities including the Department of Social Services, all facilities where Health Department services are provided, and all county library facilities. On March 17, 2014, the Board amended the ordinance to prohibit smoking on the grounds of all buildings where the county conducts its business. Due to proofreading error, both the ordinance and amendment contain an erroneous citation. Both refer to "Chapter 9.5 Article III. Smoking of the Cumberland County Code." The correct citation is "Chapter 9.5 Article VIII. Smoking of the Cumberland County Code."

The attached amendment corrects the errors.

RECOMMENDATION

The Board adopt the attached amendment.

Celebrating Our Past . . . Embracing Our Future

AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS AMENDING THE ORDINANCE ADOPTED MAY 6, 2013 AND THE AMENDMENT ADOPTED MARCH 17, 2014 REFERENCING CHAPTER 9.5, ARTICLE III. SMOKING, OF THE CUMBERLAND COUNTY CODE TO REFLECT THE CORRECT CODE REFERENCE AS CHAPTER 9.5, ARTICLE VIII. SMOKING, OF THE CUMBERLAND COUNTY CODE

WHEREAS, Cumberland County adopted an ordinance on May 6, 2013 (Cumberland County Code §9.5-91-98) prohibiting smoking in all county leased and owned buildings and vehicles, within 25 feet of the entrance or exit to any public building and on designated grounds; and,

WHEREAS, the Cumberland County Board of Commissioners amended the ordinance on March 17, 2014; and

WHEREAS both the ordinance and subsequent amendment refer to “Chapter 9.5, Article III, Smoking” as where the ordinance is codified in the Cumberland County Code

WHEREAS the correct code reference is Chapter 9.5, Article VIII; and

Whereas, the Board of Commissioners wishes to amend the ordinance adopted on May 6, 2013 and the amendment adopted on March 17, 2014 to reflect the correct code reference; and

WHEREAS, the Board of Commissioners finds the amendment of the ordinance adopted on May 6, 2013 and the amendment adopted on March 17, 2014 to be in the public interest and to promote the public health, safety, and welfare,

NOW, THEREFORE, BE IT ORDAINED by the Cumberland County Board of Commissioners that:

The ordinance adopted May 6, 2013 repealing Chapter 9.5 Article III. Smoking of the Cumberland County Code and Adopting a Revised Chapter 9.5 Article III. Smoking of the Cumberland County Code is amended by replacing all mention of “Article III” with “Article VIII”; and

The ordinance adopted March 17, 2014 Repealing Section 9.5-93 of Chapter 9.5, Article III. Smoking, of the Cumberland County Code and Amending Section 9.5-92 of Chapter 9.5, Article III Smoking of the Cumberland County Code is amended by replacing all mention of “Article III” with “Article VIII”.

Adopted this _____ day of _____, 2014 .

_____, Chairperson
Cumberland County Board of Commissioners

ATTEST:

Clerk to Board of Commissioners

Approved as to Form:

_____ County Attorney

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CUMBERLAND COUNTY FINANCE COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
APRIL 3, 2014 - 9:30 AM
MINUTES

MEMBERS PRESENT: Commissioner Marshall Faircloth, Chairman
Commissioner Kenneth Edge

MEMBER ABSENT: Commissioner Billy King

OTHER COMMISSIONERS
PRESENT: Chairman Jeannette Council

OTHERS: Amy Cannon, Interim County Manager
James Lawson, Assistant County Manager
Quentin McPhatter, Assistant County Manager
Rick Moorefield, County Attorney
Melissa Cardinali, Finance Director
Sally Shutt, Chief Public Information Director
Buck Wilson, Health Department Director
Rodney Jenkins, Health Department Assistant Director
Kendra Manning, Employee Wellness Coordinator
Mark Browder, Mark III Brokerage Services
Jeffrey Brown, Engineering and Infrastructure Director
Julean Self, Human Resources Assistant Director
Dan Domico, Human Resources Consultant
Candice White, Clerk to the Board
Press

Commissioner Faircloth called the meeting to order.

1. APPROVAL OF MINUTES – MARCH 6, 2014 REGULAR MEETING

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

2. MEDICAL PLAN UPDATE

Amy Cannon, Interim County Manager, called on Mark Browder, Mark III Brokerage Services, for the presentation on the county’s wellness strategies moving forward. Mr. Browder stated the purpose of his presentation is for the board of commissioners to consider amending the county’s initial wellness program. Mr. Browder reviewed the following information on the county’s medical plan performance:

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Medical Plan Performance

- The Cumberland County Wellness program is a dynamic and organic program designed to improve the health of the employees at Cumberland County.
- The goals and standards of the program may need to be flexible.
- The ultimate goal of employee health improvement remains in place.
- Accountability is an integral part of achieving overall employee health improvement.
- Since the program was created in the spring of 2013, several environmental factors have occurred, that require adjustments to the program.
 - Federal Wellness rules have changed.
Using the physician solely as the alternate standard to qualify is no longer allowed.
 - Cape Fear Hospital System was uncomfortable tracking and reporting biometric results to the county (whether someone qualified or not).
 - The glucose biometric goal is being re-evaluated (whether fasting or non-fasting standards used)
- Given these structural challenges, a resetting of the program is required.
- In addition to reviewing clinic options, reviewing potential wellness partners will be part of this review process.
- Coming out of this bid process, the core partner will be identified and engaged.
- The spring 2014 screening will be deferred.
- Accountability standards will be re-engaged in the future, as a strategy for continued health improvement.
- In the end, the County needs an integrated partner, who is willing to support and efficiently facilitate the County's wellness goals.

Mr. Browder stated the bulk of the Request for Proposal (RFP) is written for a vendor to handle the screenings, coaching and tracking/reporting of data to the county. Mr. Browder stated having a more comprehensive review process is important to coming up with the right overall solution/package.

Commissioner Edge requested more specific information. Mr. Browder stated he wants to be sure the screening partner is willing to track and report results back to the county. Mr. Browder stated he also wants to make sure there is a good coaching solution in place for employees who are identified as at-risk and to make sure the clinic solution is responsive to and has the confidence of employees and can be both a partner in episodic care as well as help as a wellness resource. Mr. Browder also stated the partner should be able to report who did and did not qualify, identify health issues and integrate claims data to give a more global view.

Commissioner Edge asked whether it was still the intent for an employee who participates to get a reduced rate. Ms. Cannon responded in the affirmative and stated the intent is to reschedule the wellness fair as soon as possible through the Health Department with Cape Fear Valley Health System (CFVHS) to again set the base line for next year when there will be a comparison of the two. Ms. Cannon stated there will also need to be creative measures taken relative to the timing of glucose screenings.

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In response to a question posed by Commissioner Faircloth regarding improvements to the productivity of the clinic, Ms. Cannon stated during a meeting with Buck Wilson, Health Department Director, and Rodney Jenkins, Health Department Assistant Director, they expressed some frustration with the numbers but had some ideas about increasing participation; however, her hesitation in rolling it out is that it takes on a completely different mission than that originally created for the clinic. Ms. Cannon stated the clinic was created as a wellness piece and acute care clinic to save money for the employees and also to have a financial impact on the health plan. Ms. Cannon stated some employees cannot afford the co-pay and there is a great benefit to the clinic. Ms. Cannon stated she was hesitate to restructure the mission of the clinic on top of the RFP in the event it needed to be changed again because this might create some confusion among employees.

Commissioner Edge stated the wellness clinic has been operating a year and asked whether there was data to determine whether the number of claims had been reduced. Mr. Browder stated he does not have the data but it will be built into the RFP process because it can be tracked through available software packages. Commissioner Edge stated that was the original intent of the program and if the county is to continue the program, it needs to know the results. Mr. Browder stated the original expectation was that CFVHS would be comfortable gathering the data, but it was not.

Commissioner Faircloth stated this presentation was intended as an update and more concrete results are expected at the May meeting. Ms. Cannon stated one of the things that can be done is to open a line of communication between Mr. Browder, Mr. Wilson and the clinic to try to enhance participation based on the mission as it currently stands. Ms. Cannon stated there are things that can be improved before the RFP. Mr. Wilson stated data reflects about 50% are participating, with library and Sheriff's staff participating at about 35%. Mr. Wilson stated his staff can go to the various county departments and speak with supervisors and their employees in an effort to increase participation. Mr. Wilson also stated it would be beneficial to know what percentage of employee participation is needed for the county to reach its target because this will also help determine the number of employees that have to be seen in the clinic.

3. APPROVAL OF THE LOCAL TOWN FEE RATE INCREASE FOR THE NORCRESS SANITARY SEWER SYSTEM

BACKGROUND:

There was a meeting of the NORCRESS Advisory Board and it was brought to the Public Utilities Division's attention that the Local Town Fee has not been increased since 2007. The Local Town Fee is used to defray the administrative costs incurred by the Towns of Godwin, Falcon and Wade for billing the NORCRESS customers. There have been increases in the cost of postage, printing, paper, etc., but the Local Town Fee has not increased to cover these costs.

The NORCRESS Advisory Board suggested the Local Town fee be increased from \$1.50 per customer per month to \$1.75 per customer per month.

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RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director, the NORCRESS Advisory Board and County Management recommend that the Finance Committee recommend to the NORCRESS Governing Board the new Local Town fee of \$1.75 per customer per month.

Ms. Cannon called on Jeffrey Brown, Engineering and Infrastructure Director, who reviewed the background information and recommendation/proposed action as recorded above. Mr. Brown stated the effective date of the increase would be July 1, 2014.

MOTION: Commissioner Edge moved to approve the requested increase to \$1.75 to be effective July 1, 2014.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (2-0)

4. CONSIDERATION OF AN AMENDMENT TO TRANSPORTATION ENHANCEMENT GRANT FOR TRANSPORTATION MUSEUM AT AVERASBORO BATTLEFIELD

BACKGROUND:

On May 1, 2000, the Board of Commissioners approved the County's participation in a grant agreement among the County, the Averasboro Battlefield Commission, Inc., and NCDOT for the restoration or preservation of historic elements of the Battlefield. The Battlefield Commission agreed to provide matching funds and manage the project. The County obligated to assure that all grant requirements were met. Budget revisions B05-267 and B05-267A were approved on February 7, 2005 to establish a separate fund for the grant funds received for this project in prior years. In the fall of 2013, the Battlefield Commission reported that it could not complete the project. The County, the Battlefield Commission, NCDOT and the Federal Highway Administration have engaged in discussions since that time to resolve the issues created by non-completion.

The Supplemental Agreement was negotiated by the parties. The Supplemental Agreement changes the scope of the project from developing a transportation museum to developing a scenic byway through the Battlefield Site. The Battlefield Commission is obligated to sell the William Smith House through The Historic Preservation Foundation of North Carolina. The County is obligated to move the historic markers and prepare a driveway and parking site for the relocation of the markers. Bobby Howard has inspected the site and has determined that his crew can do this work. The County will remain obligated to maintain the marker site. If the terms of the Supplemental Agreement are met, the County will be relieved of any liability for the repayment of the grant funds.

RECOMMENDATION/PROPOSED ACTION:

County Manager and County Attorney recommend approval of the Supplemental Agreement.

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Ms. Cannon advised this item relates to an issue regarding the Averagesboro Battlefield in which the county acts as the conduit for the grant. Rick Moorefield, County Attorney, reviewed the background information as recorded above and stated basically the Battlefield Commission is unable to complete the project and the agencies involved have agreed to change the scope of the project to be a scenic byway project rather than a transportation museum. Mr. Moorefield advised the county's obligation is to move the historic markers and prepare a driveway and parking site for the relocation of the markers; the county will remain obligated to maintain the market site. Mr. Moorefield stated if everything falls into place, this will reduce the county's cost from \$430,000 down to the cost of minimal maintenance which Bobby Howard has indicated his crew can do. Mr. Moorefield advised the Historic Preservation Foundation of North Carolina has indicated it can sell the William Smith House property and the option as proposed appears to be the only option at present. Mr. Moorefield responded to questions and explained the property has been divided into a one acre site for the historic marker and a two acre site for the William Smith House, which will be sold as a private residence subject to restrictive covenants. Mr. Moorefield stated because the Battlefield Commission as the property owner has no source of revenue, the county will probably have to maintain the one acre site for a long time but maintenance costs should be minimal. Ms. Cannon explained no funds have been appropriated in the budget and the county will need to reimburse Solid Waste since it is an enterprise fund. Mr. Moorefield stated the cost will not likely exceed \$15,000. Mr. Moorefield stated although this is not a guarantee, it can probably work. Mr. Moorefield stated the NCDOT and the Federal Highway Commission are willing to continue to work with the county, and the supplemental agreement states that in the event the property is not sold with the fiscal year, they will negotiate an extension. Mr. Moorefield stated he does not feel there will be an expectation for the county to pay the money back.

MOTION: Commissioner Edge moved to approve the supplemental agreement.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (2-0)

5. REVIEW OF MONTHLY FINANCIAL REPORT

BACKGROUND:

The financial report is included as of February 28, 2014. Highlights include:

Revenues

- o Ad valorem taxes: collections are consistent with the prior fiscal year
- o Sales taxes: collections are currently 4% behind the prior year. At the existing pace revenue could be \$2,300,000 less than budget. We will continue to monitor as we expect a positive impact from internet sales beginning with the April distribution.
- o Pet registration fees: 43.6% of budget has been collected as of February 28.

Expenditures

- o Expenditures remain in line with budget and show no unusual patterns

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RECOMMENDATION/PROPOSED ACTION:

No action needed – for information purposes only.

Melissa Cardinali, Finance Director, reviewed highlights of the February financial report as recorded above. Ms. Cardinali stated in last month's report an initial concern was highlighted about sales tax collections being behind the prior year and the February sales tax collections are not where the county would like for them to be. Ms. Cardinali stated collections are down in about one fourth of North Carolina counties while another fourth are experiencing an increase. Ms. Cardinali stated she does not have an explanation for this but is monitoring the situation. Ms. Cardinali stated there has not been a lot of feedback from the State on this revenue line. Ms. Cardinali stated the February report reflects six months of sales tax which is through December sales and January sales will be reported in April. Ms. Cardinali stated the county was just a little above budget last year and there may be an issue with the current budget being too optimistic. Ms. Cardinali cautioned that the county needs to remain aware but not alarmed. Ms. Cardinali stated the April report will be the first report reflecting the impact of Amazon internet sales and she is hopeful this will have a positive impact even though it will only reflect six months or halfway through the year. Ms. Cardinali stated the greatest impact will likely be to the county's use of one time funds in next year's budget and not necessarily a significant impact on the current year's budget. Ms. Cardinali stated she will keep the board apprised and not necessarily wait until the next meeting of the Finance Committee should she observe anything out of the ordinary.

Commissioners Edge and Faircloth asked that the Finance Committee continue to receive a financial summary of the Crown Center. Ms. Cardinali stated she would be sure it was included.

6. OTHER MATTERS OF BUSINESS

Commissioner Edge inquired regarding the schedule for budget meetings. Ms. Cannon stated the budget schedule is in the process of being coordinated and it should be submitted for consideration at the April 22nd board meeting. Ms. Cannon advised the intent is to introduce the recommended budget at a televised meeting.

Ms. Cannon recalled information received from the District Attorney about the position the county funds to help move individuals out of the jail system and stated she reviewed a draft of a document that will be disseminated to the full board.

Ms. Cannon called on James Lawson, Assistant County Manager, to provide an update on the Department of Social Services (DSS) classification and pay study. Mr. Lawson stated in September, 2013 recommendations were provided regarding Phase II positions in the Health Department and DSS. Mr. Lawson stated at that time, the plan was to delay approximately 220 income maintenance positions until December, 2014 because the positions were impacted by the NC FAST roll out. Mr. Lawson stated Human Resources began the study in January working with the DSS director and her staff, and the process is completed and

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recommendations have been processed through the state level human resources; Brenda Jackson, DSS Director, was on board with the recommendations.

Mr. Lawson stated because challenges continue with the rollout of NC Fast, Ms. Jackson recognized the need to do something different and now has staff focused on recertification. Mr. Lawson stated because of this, the recommendation is to proceed with the Phase II positions effective May 4th with the exception of the 50 income maintenance positions that are focused on recertification. Mr. Lawson stated several counties have come to the same conclusion and have gotten the State to agree that before the universal worker concept can be implemented, counties need to have a core group of positions focused on recertification. Mr. Lawson stated January, 2015 is projected for the remaining 50 positions but they may be considered a head of that time depending on feedback from Ms. Jackson.

Mr. Lawson stated the board allocated \$1.3 million to cover Phase II and the budget is well below the funding that was allocated; this includes the remaining 50 positions. A brief discussion followed.

Consensus of the Finance Committee was to schedule the three May committee meetings for May 8th pending communication with the Policy and Facilities committee chairs; committee meetings will be followed by a brief lunch and a meeting of the full board with The Mercer Group.

There being no further business, the meeting adjourned at 10:12 a.m.

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 6961-2012
PROPERTY OWNER: Marco Garcia

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 19, 2013, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Marco Garcia located at Colonial Park Drive, Fayetteville, NC, PIN: 0520-66-9057, said ordinance being recorded in Book 9278, page 370, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$26,000.00.
- (3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$26,000.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated August 19, 2013, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at Colonial Park Drive, Fayetteville, NC, as described in Deed Book 9033, page 170, of the Cumberland County Registry and identified in County tax records as PIN 0520-66-9057.

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

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

* * * * *

I certify that the foregoing Ordinance was adopted and ordered by the Board of Commissioners of Cumberland County, North Carolina, this 22th day of April 2014, at 6:45 p.m. o'clock.

Cumberland County Clerk

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 35-2013
PROPERTY OWNER: Citimortgage Inc.

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on September 16, 2013, enacted an ordinance directing the demolition by the owner of the structure Citimortgage Inc., located at 7910 Pinebuff Court; Fayetteville, NC, PIN: 0533-96-4835, said ordinance being recorded in Book 9297, page 0746, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$2,900.00.
- (3) There were no salable materials resulting from said work.

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

- (1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$2,900.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

- (2) That as provided in the Ordinance of Cumberland County dated September 16, 2013, and in Section 153A-372 of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 7910 Pinebuff Ct, Fayetteville NC, as described in Deed Book 9036, page 356, of the Cumberland County Registry and identified in County tax records as PIN 0533-96-4835.

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

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

* * * * *

I certify that the foregoing Ordinance was adopted and ordered by the Board of Commissioners of Cumberland County, North Carolina, this 22nd day of April, 2014, at 6:45 p.m. o'clock.

Cumberland County Clerk

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 6529-2011

PROPERTY OWNER: Isia Johnson, Willie D. Crumpler & Gina Hogan

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 19, 2013, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Isia Johnson, Willie D. Crumpler & Gina Hogan located at 8238 NC Highway 210S, Autryville, NC, PIN: 1403-29-7383, said ordinance being recorded in Book 9278, page 364, of the Cumberland County Registry of Deeds;

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

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

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

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

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

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

(2) That as provided in the Ordinance of Cumberland County dated August 19, 2013, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 8238 NC Highway 210S, Autryville, NC, as described in Deed Book 5308, page 690, of the Cumberland County Registry and identified in County tax records as PIN 1403-29-7383.

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

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

* * * * *

I certify that the foregoing Ordinance was adopted and ordered by the Board of Commissioners of Cumberland County, North Carolina, this 22th day of April 2014, at 6:45 p.m. o'clock.

Cumberland County Clerk

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 7020-2013
PROPERTY OWNER: Deborah C. Lucas

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 19, 2013, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Debra C. Lucas, located at 1220 McNeil Street, Spring Lake, NC, PIN: 0502-60-9759, said ordinance being recorded in Book 09278, page 0385, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$2,400.00.
- (3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$2,400.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated August 19, 2013, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 1220 McNeil Street, Spring Lake, NC, as described in Deed Book 5416, page 813, of the Cumberland County Registry and identified in County tax records as PIN 0502-60-9759.

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

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

* * * * *

I certify that the foregoing Ordinance was adopted and ordered by the Board of Commissioners of Cumberland County, North Carolina, this 22th day of April 2014, at 6:45 p.m. o'clock.

Cumberland County Clerk

CUMBERLAND COUNTY

NORTH CAROLINA

PROCLAMATION

WHEREAS, the North Carolina Department of Transportation organizes an annual Spring statewide roadside cleanup to ensure clean beautiful roads in North Carolina; and

WHEREAS, the 2014 "**SPRING LITTER SWEEP**" roadside cleanup will take place April 26 through May 10, 2014, and encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during 2014 "**SPRING LITTER SWEEP**" and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the 2014 Spring cleanup will celebrate the 26th Anniversary of the North Carolina Adopt-A-Highway program and its 4,400 volunteer groups that donate their labor and time year round to keep our roadsides clean; and

WHEREAS, the 2014 "**SPRING LITTER SWEEP**" cleanup will be part of educating the children of this Great State and County regarding the importance of a clean environment to the quality of life in North Carolina;

NOW THEREFORE, the Cumberland County Board of Commissioners hereby proclaim April 26 through May 10, 2014 as "**SPRING LITTER SWEEP**" in Cumberland County and encourages all citizens to take an active role in making the County cleaner and more beautiful.

This 22nd day of April, 2014.

Jeannette M. Council, Chairman
Cumberland County Board of Commissioners

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

| Budget Office Use | |
|---------------------|-----------|
| Budget Revision No. | B14-327 |
| Date Received | 4/11/2014 |
| Date Completed | |

Fund No. 474 Agency No. 429 Organ. No. 4266

Organization Name: Cotton Fire District

ITEM NO. 2F(1)

REVENUE

| Revenue Source Code | Description | Current Budget | Increase (Decrease) | Revised Budget |
|---------------------|-----------------------|----------------|---------------------|----------------|
| 1011 | Motor Vehicle DOT Tax | 22,000 | 22,000 | 44,000 |
| Total | | 22,000 | 22,000 | 44,000 |

EXPENDITURES

| Object Code | Appr Unit | Description | Current Budget | Increase (Decrease) | Revised Budget |
|-------------|-----------|---------------------------|----------------|---------------------|----------------|
| 4022 | 840 | Motor Vehicle Tax Refunds | 1,000 | 1,000 | 2,000 |
| 5552 | 840 | Fire Protection Contract | 817,144 | 21,000 | 838,144 |
| Total | | | 818,144 | 22,000 | 840,144 |

Justification:

Increase expenditure line to cover unanticipated refunds to taxpayers in the amount of \$1,000 and to increase contract for additional revenue anticipated to earn for remainder of fiscal year in the amount of \$21,000.

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

Submitted By: _____ Date: _____

Department Head

Reviewed By: Kelly Auntry Date: 4-11-14

mac
Finance

Reviewed By: _____ Date: _____

Deputy/Assistant County Mgr

Approved By:

County Manager

Board of County Commissioners

Date: _____

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

| | |
|---------------------|----------------|
| Budget Office Use | |
| Budget Revision No. | <u>B14-325</u> |
| Date Received | <u>4/8/14</u> |
| Date Completed | |

Fund No. 430 Agency No. 438 Organ. No. 4388
 Organization Name: JCP Residential Group Care

ITEM NO. 2 F(3)

| REVENUE | | | | |
|---------------------|-------------------|----------------|---------------------|----------------|
| Revenue Source Code | Description | Current Budget | Increase (Decrease) | Revised Budget |
| 432J | FOSTER CARE | 252,888 | (23,416) | 229,472 |
| 9110 | TRANSFER FROM 101 | 169,702 | 23,416 | 193,118 |
| Total | | | 0 | |

| EXPENDITURES | | | | | |
|--------------|-----------|----------------------------|----------------|---------------------|----------------|
| Object Code | Appr Unit | Description | Current Budget | Increase (Decrease) | Revised Budget |
| 2201 | 730 | FOOD & PROVISIONS | 16,800 | (3,116) | 13,684 |
| 2510 | 730 | FUEL VEHICLE | 9,000 | (3,821) | 5,179 |
| 2994 | 730 | MISC FURNITURE & EQUIPMENT | 2,000 | (2,000) | - |
| 3430 | 730 | MAINT & REPAIR BUILDING | 4,149 | 9,937 | 14,086 |
| 3445 | 730 | TELEPHONE | 3,670 | (1,000) | 2,670 |
| Total | | | 35,619 | - | 35,619 |

Justification:

To better align the budget with projected expenditures and revenue. The projected foster care board revenue is less than currently budgeted due to a decrease in the average number of placements and a lower reimbursement percentage for some of the placements based on their funding source. In addition, expenditures are being reallocated to cover cost of repairs due to vandalism.

Funding Source:

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

| | | |
|---|---------------------|---|
| Submitted By: <u>[Signature]</u> Department Head | Date: <u>4/4/14</u> | Approved By: County Manager Board of County Commissioners |
| Reviewed By: <u>[Signature]</u> Budget Analyst | Date: <u>4/8/14</u> | |
| Reviewed By: _____ Deputy/Assistant County Mgr | Date: _____ | |
| Reviewed By: _____ Information Services | Date: _____ | |

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

| Budget Office Use | |
|---------------------|-----------------|
| Budget Revision No. | <u>B14-325A</u> |
| Date Received | <u>4/8/14</u> |
| Date Completed | |

Fund No. 101 Agency No. 437 Organ. No. 4366
 Organization Name: SOCIAL SERVICES OTHER

| REVENUE | | | | |
|---------------------|-------------|----------------|---------------------|----------------|
| Revenue Source Code | Description | Current Budget | Increase (Decrease) | Revised Budget |
| | | | <u>272</u> | |
| | | 0 | 0 | - |

| EXPENDITURES | | | | | |
|--------------|-----------|------------------------|----------------|---------------------|----------------|
| Object Code | Appr Unit | Description | Current Budget | Increase (Decrease) | Revised Budget |
| 4380 | 265 | AID TO AGED & DISABLED | 2,264,109 | (23,416) | 2,240,693 |
| 3874 | 266 | TRANSFER TO JCPC 430 | 169,702 | 23,416 | 193,118 |
| | | Total | 2,433,811 | - | 2,433,811 |

Justification:
 To shift available funds needed to balance the Org 4388 budget.

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

| | | |
|--|---------------------|---|
| Submitted By: <u><i>Melinda Gault</i></u> Department Head | Date: <u>4/4/14</u> | Approved By: County Manager Board of County Commissioners |
| Reviewed By: <u><i>Bob Tucker</i></u> Budget Analyst | Date: <u>4/8/14</u> | |
| Reviewed By: _____ Deputy/Assistant County Mgr | Date: _____ | |
| Reviewed By: _____ Information Services | Date: _____ | |

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

| | |
|---------------------|----------------|
| Budget Office Use | |
| Budget Revision No. | <u>B14-326</u> |
| Date Received | <u>4-8-14</u> |
| Date Completed | |

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

ITEM NO. 2F(4)a

REVENUE

| Revenue Source Code | Description | Current Budget | Increase (Decrease) | Revised Budget |
|---------------------|--------------------------|----------------|---------------------|----------------|
| 9903 | Health Dept Fund Balance | 32,293 | 90,000 | 122,293 |
| Total | | 32,293 | 90,000 | |

EXPENDITURES

| Object Code | APRs | Unit Description | Current Budget | Increase (Decrease) | Revised Budget |
|-------------|------|--------------------|----------------|---------------------|----------------|
| 1870 | 186 | Lawsuit Settlement | - | 80,000 | 80,000 |
| 3110 | 187 | Legal | - | 10,000 | 10,000 |
| Total | | | - | 90,000 | 90,000 |

Justification:

Settlement Agreement - Case No. 13 OSP 19659

Funding Source:

State: _____ Federal: _____ Fund Balance: _____ Other: _____
 County: _____ New: _____
 Other: _____ Fees: _____ Prior Year: 90,000

Submitted By: [Signature] Date: 4.1.14
 Department Head

Reviewed By: [Signature] Date: 4.8.14
 Finance

Reviewed By: _____ Date: _____
 Deputy/Assistant County Mgr

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

| | |
|---------------------|----------------|
| Budget Office Use | |
| Budget Revision No. | <u>B14.321</u> |
| Date Received | <u>4.2.14</u> |
| Date Completed | |

Fund No. 101 Agency No. 431 Organ. No. 4319
 Organization Name: Health- Maternal Health

ITEM NO. 2 F(4) b

REVENUE

| Revenue Source Code | Description | Current Budget | Increase (Decrease) | Revised Budget |
|---------------------|-------------|----------------|---------------------|----------------|
| 7670 | MISC | - | 2,000 | 2,000 |
| Total | | - | 2,000 | 2,000 |

EXPENDITURES

| Object Code | APRs | Unit | Description | Current Budget | Increase (Decrease) | Revised Budget |
|-------------|------|------|-------------|----------------|---------------------|----------------|
| 4123 | 195 | | Baby Store | - | 2,000 | 2,000 |
| Total | | | | - | 2,000 | 2,000 |

Justification:

The Health Department received a donation from a local non-profit organization to purchase additional items for The Baby Store.

Funding Source:

State: _____ Federal: _____ Other: 2,000

Fund Balance:

County: _____ New: _____ Other: _____
 Prior Year: _____

Submitted By: [Signature]
 Department Head

Date: 4.1.14

Reviewed By: [Signature]
 Finance

Date: 4.2.14

Reviewed By: _____
 Deputy/Assistant County Mgr

Date: _____

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

| | |
|--------------------------|----------------|
| Budget Office Use | |
| Budget Revision No. | <u>B14-230</u> |
| Date Received | <u>4-1-14</u> |
| Date Completed | _____ |

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

ITEM NO. 2F(5)

REVENUE

| Revenue Source Code | Description | Current Budget | Increase (Decrease) | Revised Budget |
|---------------------|--------------------------|----------------|---------------------|----------------|
| 4005 | Federal Drug Forfeitures | 282,325 | 43,500 | 325,825 |
| | Total | 282,325 | 43,500 | 325,825 |

EXPENDITURES

| Object Code | Appr Unit | Description | Current Budget | Increase (Decrease) | Revised Budget |
|-------------|-----------|-------------------|----------------|---------------------|----------------|
| ✓ 2994 | 652 | Misc Furn & Equip | 247,875 | 10,000 | 257,875 |
| ✓ 3445 | 652 | Telephone | 0 | 3,500 | 3,500 |
| ✓ 3610 | 653 | CO-Equipment | 401,525 | 53,000 | 454,525 |
| ✓ 4003 | 652 | PIN | 24,000 | (23,000) | 1,000 |
| | | Total | 678,090 | 43,500 | 721,590 |

Justification:

To recognize receipt of federal drug forfeiture funds in excess of budgeted amount. Funding will be used to install Wi-Fi in Detective Division and to purchase K-9 to replace dog that has been deemed no longer fit for duty by veterinarian; needed equipment for Search and Rescue, Special Response team, and Narcotics; document management software for accreditation and Penlink phone intercept and data link analysis system for Narcotics.

Funding Source:

Fund Balance:

State: _____ Federal: _____ County: _____ New: _____ Other: 43,500
 Other: _____ Fees: _____ Prior Year: _____

Submitted By: Earl R. Butler 3-28-14
 Sheriff Date

Reviewed By: Deborah W. Shaw 4-1-14
 Budget Analyst Date

Reviewed By: _____
 Deputy/Assistant County Mgr Date

Reviewed By: _____
 Information Services Date

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

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

APRIL 11, 2014

ITEM NO. 3A

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P14-10:** Rezoning of 32.93+/- acres from A1 Agricultural to R20A Residential or to a more restrictive zoning district; located at 6631 Sandy Creek Road and on the north side of SR 1847 (Sandy Creek Road), east of SR 2084 (Jeremiah Street); submitted by Phillip T. and Deborah F. Davis (owners) and Michael J. Adams.

ACTION: 1st Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2nd Motion: Approve R20A

SITE PROFILE: **Frontage & Location:** 1,003.56'+/- on SR 1847 (Sandy Creek Road); **Depth:** 1,070.00'+/- ; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Vacant residential structure; **Initial Zoning:** A1 – September 3, 1996 (Area 20); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: R40 & A1; South: C(P), R40A, RR, R6A & A1; East: C(P)/CUD (crematorium), R40A & A1; West: RR & A1; **Surrounding Land Use:** Residential (including manufactured dwellings), crematorium, farmland & woodlands; **2030 Growth Strategy Map:** Rural; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** ESD/Septic; **Soil Limitations:** Yes, hydric – LE Leon sand & WO Woodington loamy sand; **School Capacity/Enrolled:** ; **Subdivision/Site Plan:** If approved, new development may require review and approval; **Average Daily Traffic Count (2010):** 390 on SR 1847 (Sandy Creek Road); **Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Notes:** Density (minus 15% for R/W): A1 – 17 lots/units (14 lots/units), R40 – 36 lots/units (31 lots/units), R30 – 48 lots/units (41 lots/units), R20A – 72 lots/units (61 lots/units); Minimum Yard Setback Regulations: **A1:** Front yard: 50', Side yard: 20', Rear yard: 50'; **R40, R30 & R20A:** Front yard: 30', Side yard: 15', Rear yard: 35'.

MINUTES OF MARCH 18, 2014

CONSISTENCY WITH LAND USE PLAN STATEMENT

The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location, as well as meeting the location criteria for "suburban density residential" development as listed in the Land Use Policies Plan.

REASONABLENESS & IN THE PUBLIC INTEREST

The location and character of the district requested is reasonable and in the public interest, because it will be in harmony with the surrounding area, allowing lot sizes and uses comparable to those existing in the area.

The Planning and Inspections Staff recommends approval of the R20A Residential district because of the foregoing and based on the following:

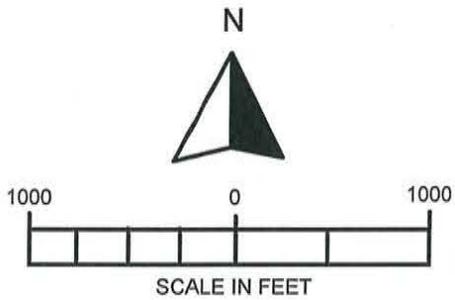
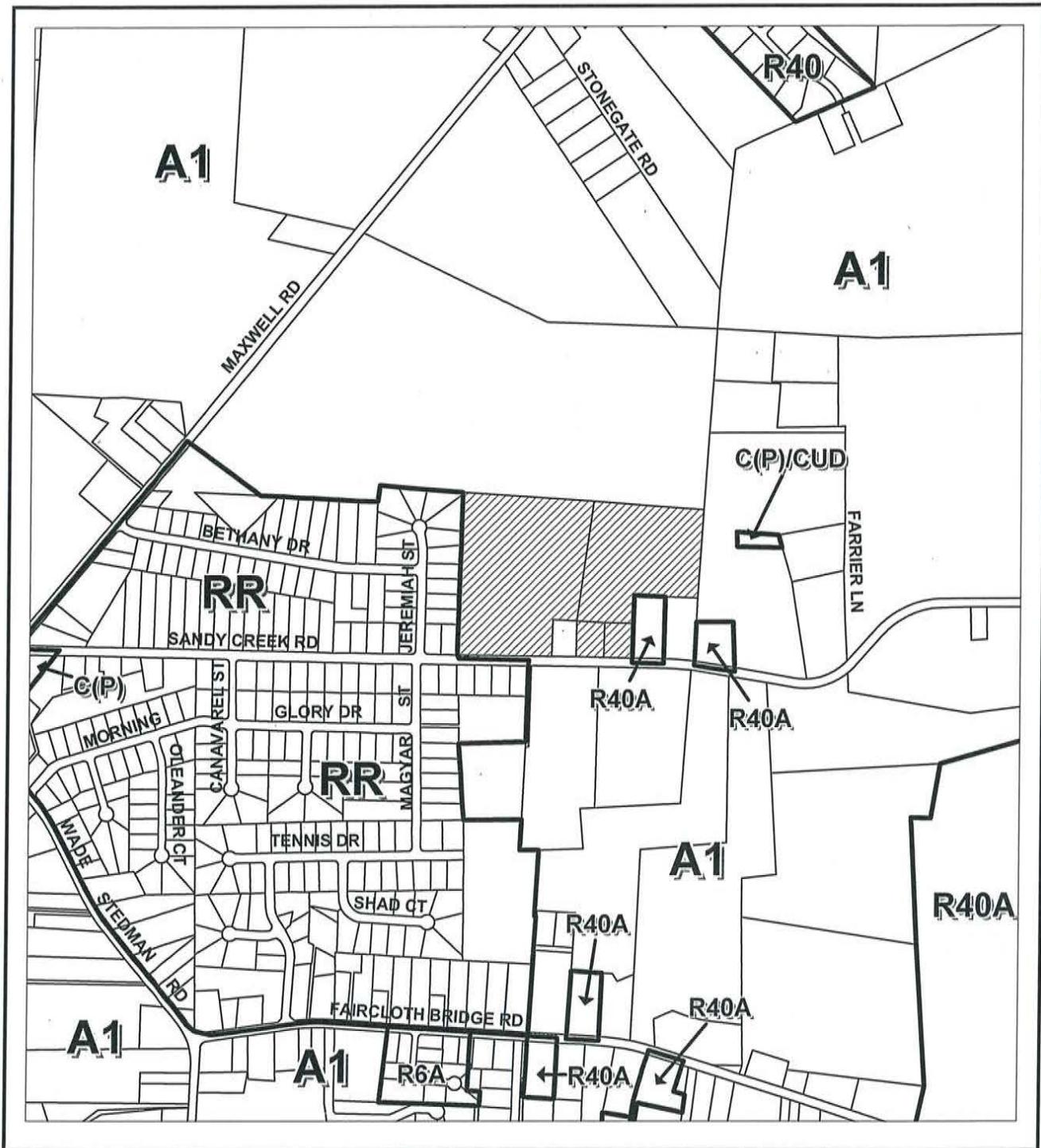
- Public Water (ESD) is available to the subject properties.

The R40, R30 and R20 Residential districts could also be considered suitable for this request.

Mr. Pearce made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve R20A Residential district, seconded by Mr. McLaurin. The motions 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.



REQUESTED REZONING A1 TO R20A

| | | |
|------------------------------|---------------------------|--------|
| ACREAGE: 32.93 AC.+/- | HEARING NO: P14-10 | |
| ORDINANCE: COUNTY | HEARING DATE | ACTION |
| STAFF RECOMMENDATION | | |
| PLANNING BOARD | | |
| GOVERNING BOARD | | |

PIN: 0497-58-2673,0684
 PIN: 0497-59-4107
 PIN: 0497-49-6018

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



CUMBERLAND
★ COUNTY ★
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Vikki Andrews,
Diane Wheatley,
Carl Manning,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

APRIL 11, 2014

ITEM NO. 3B

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P13-50:** Rezoning of 1.37+/- acres from R20 Residential to M(P) Planned Industrial or to a more restrictive zoning district, located at 725 and 729 Snow Hill Road, submitted by Huxley A. and Ahuilda J. Jones (owners).

ACTION: 1st Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2nd Motion: Approve M(P) Planned Industrial/CZ Conditional Zoning district [M(P)/CZ] for ammunition remanufacturing, assembly and distribution with conditions

SITE PROFILE: Frontage & Location: 176.31'+/- on SR 2341 (Claude Lee Road) & 344.83'+/- on SR 2219 (Snow Hill Road); **Depth:** 425.84'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** 1 residential structure (permit issued August 23, 2013); **Initial Zoning:** M(P) – March 15, 1979 (Area 6); rezoned to R20 on December 17, 2012; **Nonconformities:** If approved, residential structure and use will be made nonconforming; **Zoning Violation(s):** None; **Surrounding Zoning:** North: M(P), RR, R15 & M/A (Fay); South: M(P), RR, R10 & R6A; East: M(P) & HS(P); West: M(P), RR, R15 & R10; **Surrounding Land Use:** Residential (including manufactured homes), truck terminal activities, quarry & woodlands; **2030 Land Use Plan:** Urban; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/PWC (residential structure served by well & septic); **Soil Limitations:** None; **School Capacity/Enrolled:** Alderman Road Elementary: 750/644; South View Middle: 900/713; South View High: 1,800/1,813; **Subdivision/Site Plan:** If approved, "Ordinance Related Conditions" apply; **Fayetteville Regional Airport:** Subject property is located in the APZ approximately 5,000 feet from pavement (on approach) to main runway (4). Concerned about explosion potential in the event of a crash; **Municipal Influence Area:** City of Fayetteville; **Average Daily Traffic Count (2010):** 3,100 on SR 2341 (Claude Lee Road) & 1,400 on SR 2219 (Snow Hill 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: R20 – 2 lots/3units; Minimum Yard Setback Regulations: **R20:** Front yard: 30', Side yard: 15', Rear yard: 35'; **M(P):** Front yard: 100', Side yard: 50', Rear yard: 50'

MINUTES OF MARCH 18, 2014

Mr. Lloyd presented the case information and stated on February 17, 2014 the Board of Commissioners sent this case back to staff to allow the property owner/applicant to amend their application and site plan. On February 21, 2014 the property owner/applicant amended their previously modified application (December 20, 2013) and revised their site plan. The property

owner/applicant are now requesting your consideration of a favorable recommendation for a M(P) Planned Industrial/CZ Conditional Zoning district [M(P)/CZ] for ammunition remanufacturing, assembly and distribution.

CONSISTENCY WITH LAND USE PLAN STATEMENT

The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban" at this location, as well as meeting the location criteria for "heavy industrial" development as listed in the Land Use Policies Plan.

REASONABLENESS & IN THE PUBLIC INTEREST

The location and character of the district requested is reasonable and in the public interest, as it will be in harmony with the surrounding area.

The Planning and Inspections Staff recommends approval of the M(P) Planned Industrial/CZ Conditional Zoning district [M(P)/CZ] for ammunition remanufacturing, assembly and distribution because of the foregoing, subject to the ordinance related conditions and based on the following:

- On January 14, 2014 staff recommended denial of the aforementioned case because the subject property was not big enough to accommodate M(P) setbacks, provide adequate area for buffering, screening and landscaping. Staff also cited the Fayetteville Regional Airport's comments/concerns regarding ammunition remanufacturing in close proximity to the airport's primary runway. However, the revised plan reduces the number of buildings from 3 to 2 and the ordinance related conditions require a zero-lot-line agreement between the subject property and the adjacent property (PIN 0434-15-5205) that would satisfy the minimum zoning ordinance standards. Regarding the airport's concerns, the property owner/applicant spoke at the January 21, 2014 Planning Board meeting and addressed the fact that the propellant used in this type of operation is not explosive nor would it be stored in high quantities.

There are no other districts considered suitable for this request. The applicant/owner has verbally agreed all Ordinance Related Conditions.

There was one person present to speak in favor.

Mr. Huxley Jones spoke in favor. Mr. Jones explained the process of how they got to this point. He said that he went about everything the wrong way and if he had it to do over again, he would do things differently. Mr. Jones apologized for wasting the staff's time and the Board's time.

Mr. Morris made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve M(P) Planned Industrial/CZ Conditional Zoning district [M(P)/CZ] for ammunition remanufacturing, assembly and distribution , seconded by Mr. Pearce. The motions passed with a unanimous vote.

MINUTES OF JANUARY 21, 2014

Ms. Speicher presented the case information and stated that on December 17, 2013 the property owner/applicant requested to amend the original application and is now requesting your consideration of a favorable recommendation for a M(P) Planned Industrial/CZ Conditional Zoning district [M(P)/CZ] for ammunition remanufacturing, assembly and distribution. The Planning & Inspections Staff recommends denial of the requested rezoning to M(P) Planned Industrial/CZ Conditional Zoning district for ammunition remanufacturing, assembly and distribution based on the following:

1. The district requested is inconsistent with the location criteria for "heavy industrial" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan primarily due to the tract not being of

sufficient size to accommodate the M(P) setbacks and does not provide adequate area for buffering, screening, and landscaping in addition to any proposed buildings;

2. As evidenced by the request to vary the minimum zoning ordinance standards, specifically the required setbacks, the subject property is not suitable to accommodate the proposed uses; and

3. The proposed uses of ammunition remanufacturing, assembly and distribution are not logical given the subject property's close proximity (4,972 feet) to Fayetteville Regional Airport's primary instrument runway (on approach).

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

There were people signed up to speak.

Mr. Huxley Jones spoke in favor. Mr. Huxley presented copies of his PowerPoint presentation to the Board and explained a little bit about himself and his background. Mr. Huxley proceeded on with his presentation. Mr. Huxley's presentation covered the Land Use Plan for the proposed site, the tax revenue that the County stands to receive from his proposed project and that they plan on bringing 25 jobs to the County. Mr. Huxley also addressed the concerns that the Planning staff had that resulted in their recommendation of denial of the request.

Mr. Brad Whitted spoke in opposition. Mr. Whitted is the Director of the Fayetteville Regional Airport and he stated that he put together a presentation based on their concerns; the FAA has traditionally considered height regulations in the past as what they are concerned about when it comes to zoning around airports. They are starting an effort to create some new guidelines to advise local planning organizations on appropriate zoning uses around airports. Mr. Whitted's presentation indicated the concerns with the proximity of the subject property to the approach of the airport and the potential for harm.

Mr. Craig Harmon, Senior Planner with City Planning spoke in opposition. Mr. Harmon stated the City's concerns with the request: the small size of the property and multiple frontages limits the approaches site for non-residential uses, heavy industrial uses should not be encouraged without public water and sewer, and there is not enough area for adequate buffering.

Mr. Jones spoke in rebuttal. Mr. Jones stated that aircraft could hit the building but there would be less harm done than if it hit Southeastern Freight or a propane tank, a plane could crash anywhere, there won't be any passenger exposure, the smokeless powder will not explode, unless in a pressurized capsule or chamber. ATF prohibits storing smokeless powder like that. Mr. Jones requested that the Board approve the request to go back to M(P) zoning.

Public Hearing closed.

Mrs. Wheatley asked if the lot was divided after the last rezoning.

Ms. Speicher stated that it was not. The lot was the same then as it is today.

Mrs. Wheatley stated that she was wondering what was different now than when it was rezoned R20, what changed.

Ms. Speicher stated that from the staff's perspective a residential building permit was pulled for the structure complying with the residential setbacks after the property was rezoned to residential.

Mrs. Wheatley said and the structure wasn't there.

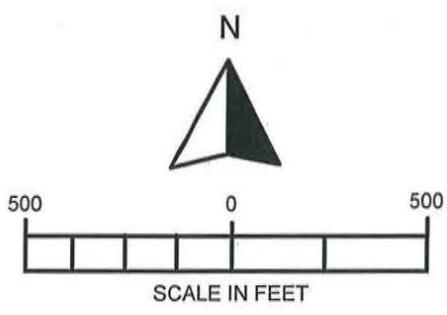
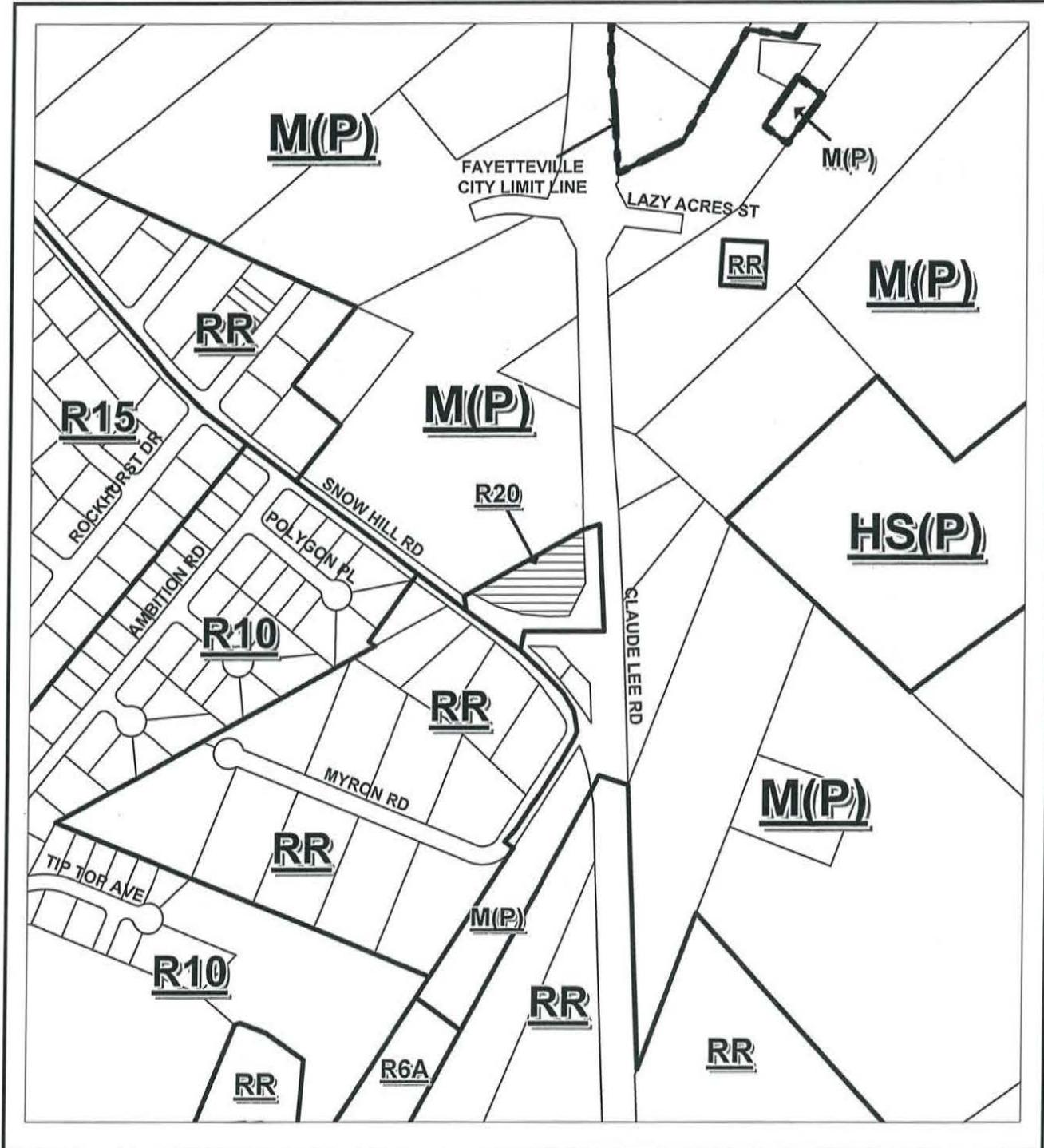
Ms. Speicher responded "exactly".

Mrs. Wheatley said that she understood the applicant's struggle, but there are specific guidelines that staff has followed and it's up to the Board to uphold, but wishes there was something that they could do to be helpful.

Dr. Andrews made a motion, seconded by Mrs. Wheatley to follow the staff recommendation and deny the request for M(P) Planned Industrial/CZ Conditional Zoning district [M(P)/CZ] for ammunition remanufacturing, assembly and distribution. The motion passed with a unanimous vote.

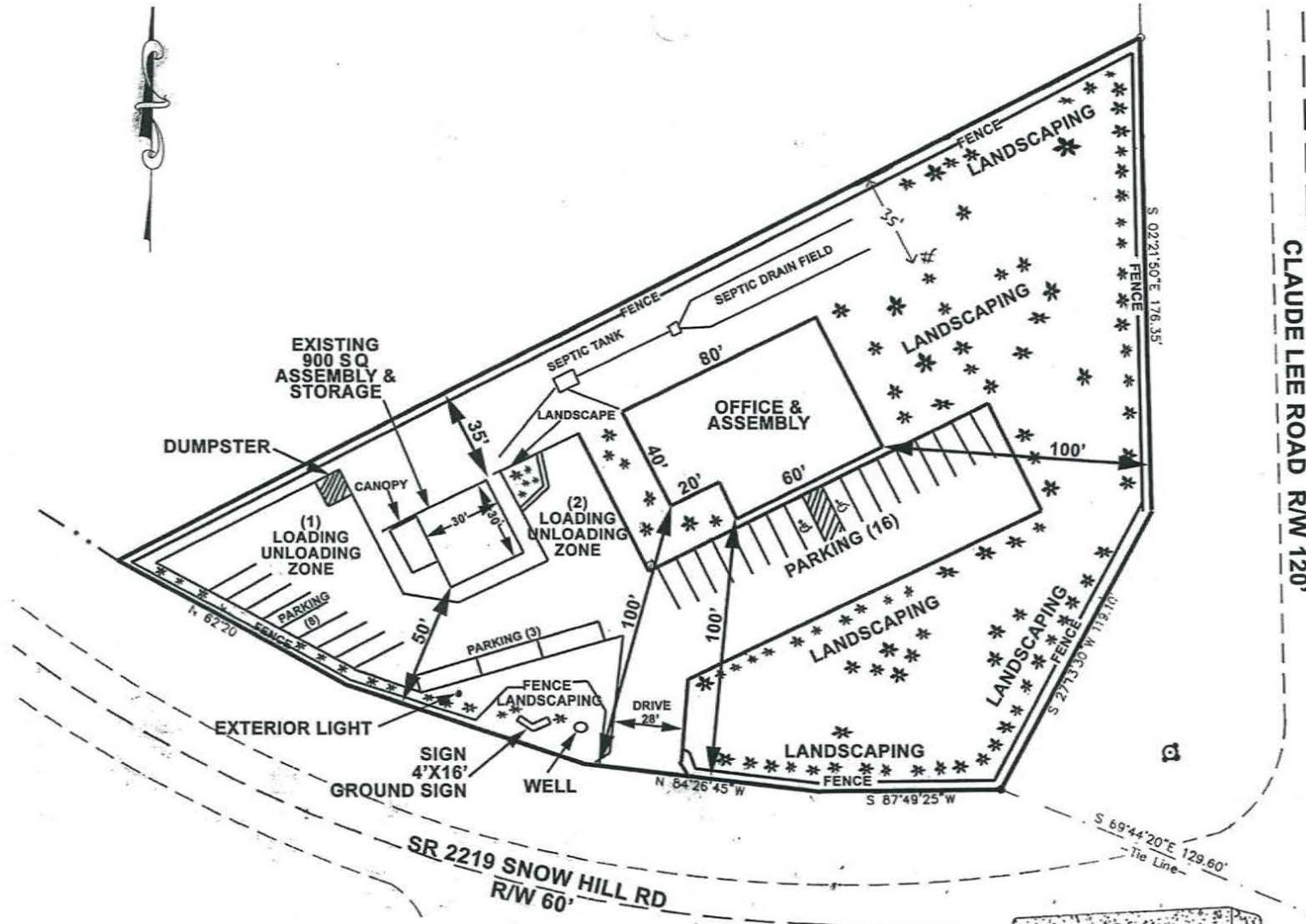
First Class and Record Owners' Mailed Notice Certification

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.



REQUESTED REZONING R20 TO M(P)/CZ

| | | |
|----------------------|--------------------|--------|
| ACREAGE: 1.37 AC.+/- | HEARING NO: P13-50 | |
| ORDINANCE: COUNTY | HEARING DATE | ACTION |
| STAFF RECOMMENDATION | | |
| PLANNING BOARD | | |
| GOVERNING BOARD | | |



CLAUDE LEE ROAD R/W 120'

SR 2219 SNOW HILL RD
R/W 60'

Myron Road

CONDITIONAL ZONING DISTRICT
REQUEST: TO ALLOW AMMUNITION REMANUFACTURING,
ASSEMBLY, AND DISTRIBUTION IN AN M(P) INDUSTRIAL
DISTRICT

CASE: P13-50 ACREAGE: 1.37 AC +/-
 ZONED: R20 SCALE: NTS

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

2/25/2014

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

APRIL 11, 2014

ITEM NO. 3C

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P14-17:** Revisions and amendments to the Cumberland County Zoning Ordinance by adoption and establishment of a Coliseum Tourism Overlay District (CTOD) amending the County zoning map, creating the overlay district layer on 327.98+- acres generally bounded by US HWY 301 (Gillespie Street), SR 2283 (East Mountain Drive), SR 1007 (Owen Drive) and NC HWY 87 (Martin Luther King Jr Freeway); and amending Article II Interpretations, Calculations, and Definitions Section 203 Definition of Specific Terms and Words, specifically defining the terms *hotel* and *motel*; amending and creating Article III Zoning Districts Section 308.1. Overlay Districts, sub-section B, to be entitled *Coliseum Tourism Overlay District (CTOD)*; Article VIII.I Overlay Districts, Section 8.102, entitled *Coliseum Tourism Overlay District (CTOD)*; and amending Article XIII Sign Regulations, Section 1307. Billboards (Off-Premises Signs), sub-section A. General Provisions, paragraph 1.

ACTION: 1st Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2nd Motion: Approve the Text Amendment with the following exceptions: approve rezoning for creation of the CTOD district with the exception of Dogwood Acres Subdivision and rezoning of Dogwood Acres Subdivision from R6A Residential district to R6 Residential district and approve the Text Amendment for CTOD, with the exception that outside storage be properly screened and buffered from adjacent property and public rights-of-way to be included in the Text Amendment, and Billboard amendment

MINUTES OF MARCH 18, 2014

Mr. Lloyd presented the case information and stated that on March 6, 2014, the County Board of Commissioners' Policy Committee directed the Planning Staff to set the attached zoning ordinance text and map amendment establishing a Coliseum Tourism Overlay District and limiting billboards along US HWY 301 for public hearing.

Mr. Lloyd went over some of the highlights of the amendment, first he showed the boundaries, which is the County portion. Next Mr. Lloyd went over the uses and stated that all uses in the district will be conditional uses which will have to be reviewed by the Planning Board and Board of Commissioners, and outdoor storage will be prohibited.

Next Mr. Lloyd addressed Item III Nonconformities – any existing use not listed in the amendment will be legal nonconforming, if destroyed more than forty percent it will have to come into compliance. Outside storage will have to be gone within one year of the effective date of the ordinance. Mr. Lloyd went on to explain the changes to nonconforming uses, the billboard portion of the amendment, and the definition for hotel and motel.

CONSISTENCY WITH LAND USE PLAN

The proposed amendment is consistent with the 2030 Growth Vision Plan and is an effort to ensure that *better, more quality-conscious development standards are applied consistently throughout the county, resulting in higher quality developments* (Vision Statement from 2030 Growth Vision Plan). The provisions contained in the proposed amendment are supported by many policies and actions of the Plan to include Policy Areas: 1, A More Diversified Local Economy; 2, Well-Managed Growth and Development; Infrastructure That Keeps Pace; 9, Compatible Commercial Development; 10, Community Appearance and Image; 11, A Healthy, Sustainable Environment; and 16, Intergovernmental Cooperation and Efficiency (this is a joint endeavor between the Cumberland County and the City of Fayetteville).

REASONABLENESS AND IN THE PUBLIC INTEREST

A favorable recommendation from the Planning Board would be reasonable and in the public interest by promoting the Crown Center complex and re-development of surrounding properties, the area within the proposed district will be established as a contemporary, vibrant retail area that is harmonious with the complex events and increased tourism.

In addition to the above statements:

1. Approval of the overlay district and billboard amendment should encourage new construction and re-development that is oriented to serving the users of the Crown Center complex, particularly the traveling public, and increasing the economic well being of the county.
2. The provisions prohibiting billboards within 1,000 feet on each side of US HWY 301 will not affect the 18 existing (and one proposed) billboards along this corridor; however, if approved the ordinance regulations will prevent any increase in the number of billboards in an area that is oversaturated with signage. Billboards are also not proposed as an allowed use within the overlay district.

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

Mr. Bradley Whited, Director of the Fayetteville Regional Airport, spoke in favor. Mr. Whited stated that he was in favor of the ordinance because it does incorporate a good portion of the airport gateway. His main concern was trying to improve the gateway. They have spent quite a bit of federal, state, and airport funds upgrading the facility over the years and are looking at more upgrades in the future. Mr. Whited feels that this amendment will be a benefit to the community.

Ernest J. Darden, representative of the Cumberland County Wildlife Club, spoke in opposition. Mr. Darden stated that they own ten acres of land, and the ordinance the way it is proposed is too restrictive. Mr. Darden feels that property owners will not be able to make changes to their property. Mr. Darden asked the Board to make this ordinance less restrictive so it is less of a burden on property and homeowners in the area.

Mr. Lloyd stated that improvements can be made it just can't make the use more nonconforming. Things like handicap parking or access would not be making the use more nonconforming. Building on to the structure and increasing the magnitude of the use would make it more nonconforming. But you will still be able to get permits and do improvements.

Richard Breeden spoke in opposition. Mr. Breeden stated that the neighborhood consists of military veterans, retirees, and people who have been there since the sixties. There is a

tremendous amount of history there. The verbiage has taken many things out; historical hotels on I-95 and Business 95 have been left out of authorized buildings altogether. It doesn't affect homeowners, but it affects Cumberland County in general.

Mr. Bruce Tyson spoke in opposition. Mr. Tyson stated that he felt the amendment is unfair and doesn't feel homes should be involved in the amendment.

Mr. Lloyd stated that there were 74 dwelling units in the County portion of the proposed amendment.

Ms. Esther B. Lane spoke in opposition. Ms. Lane said that she owns a single-wide mobile home, but her husband made it look like a house. Ms. Lane said that her neighborhood is a wonderful neighborhood; the neighbors look after her since her husband died and they are like family. Ms. Lane said that the neighborhood should be left out of the proposed area.

Sanat Naik owner of the Coliseum Inn spoke in opposition. Mr. Naik stated that he and other friends own other motels and they are happy and excited about improving the area. They have been in business and lived in the area for years; this change will be detrimental to their survival. At this point we feel like we are no longer welcome in this corridor. Mr. Naik stated that if they were for some reason driven out they should be entitled to some kind of compensation.

Mr. Morris asked Mr. Naik if he and his group represented the five motels in the area and if they were encountering any criminal issues.

Mr. Naik said they don't have a good quality of clientele. He blamed City & County law enforcement for the problem.

Mr. Morris reminded Mr. Naik that if forty percent of his business were destroyed, by the guidelines of this amendment he would not be able to rebuild his business.

Mr. Thomas Barbour spoke in opposition. Mr. Barbour owns a plumbing company in the subject area; he stated that he had more questions than statements. Mr. Barbour said that they do have some outside storage; pipe racks and things to keep their material outside that do not need to be kept inside due to weather or theft. He stated that he was concerned about that type of product that is kept outside and if they will we be forced to pull it inside or even able to build on the land.

Mr. Lloyd said that Mr. Barbour's business is not a use listed in the proposed district. The purpose of this district is to promote tourism, so the uses that the Commissioners and/or City Council see as uses that aren't those that would promote tourism, would eventually be gone. Mr. Lloyd stated that the intent of this is not to put anybody out of business; the intent is that when you are through with your business it will matriculate out. Mr. Lloyd stated that the Planning Board might want to add screening of outside storage as opposed to one year rule.

Ms. Mary Packer spoke in opposition. Ms. Packer asked if property is damaged more than forty percent what happens to the property?

Mr. Lloyd said the property would remain vacant after being demolished.

Ms. Packer read a statement with statistics on the Crown Coliseum. Ms. Packer stated that the neighborhood had worked hard to build their homes and live in them. Ms. Packer asked that the neighborhood be left out of the district.

The board recognized Mr. Allen Phillips to come forward and speak in opposition. Mr. Phillips said his concerns were if they were going to be pushed out.

Public hearing closed.

Mr. Morris asked if there were any way to leave the neighborhood and mobile home park down the road out of the district.

Mr. Lloyd said that they could with some recommendations; he knew there were some problems with manufactured homes along Airport Road, quite frankly, and didn't hear anyone from that area, but we need to get that type of housing off of Owen Drive, because of the problems and pressure that is being put on the County right now by the City on Airport Road.

Mr. Morris said that existing businesses should have any outside storage properly screened and buffered instead of having to remove any outside storage within a year.

Mr. Morris made motion to recommend the adoption and approval of the consistency and reasonableness statements; and to approve the Text Amendment with the exception that outside storage be properly screened and buffered from adjacent property and public rights-of-way to be included in the Text Amendment, seconded by Ms. Hall. The motion passed with a unanimous vote.

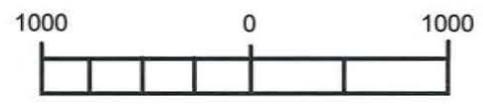
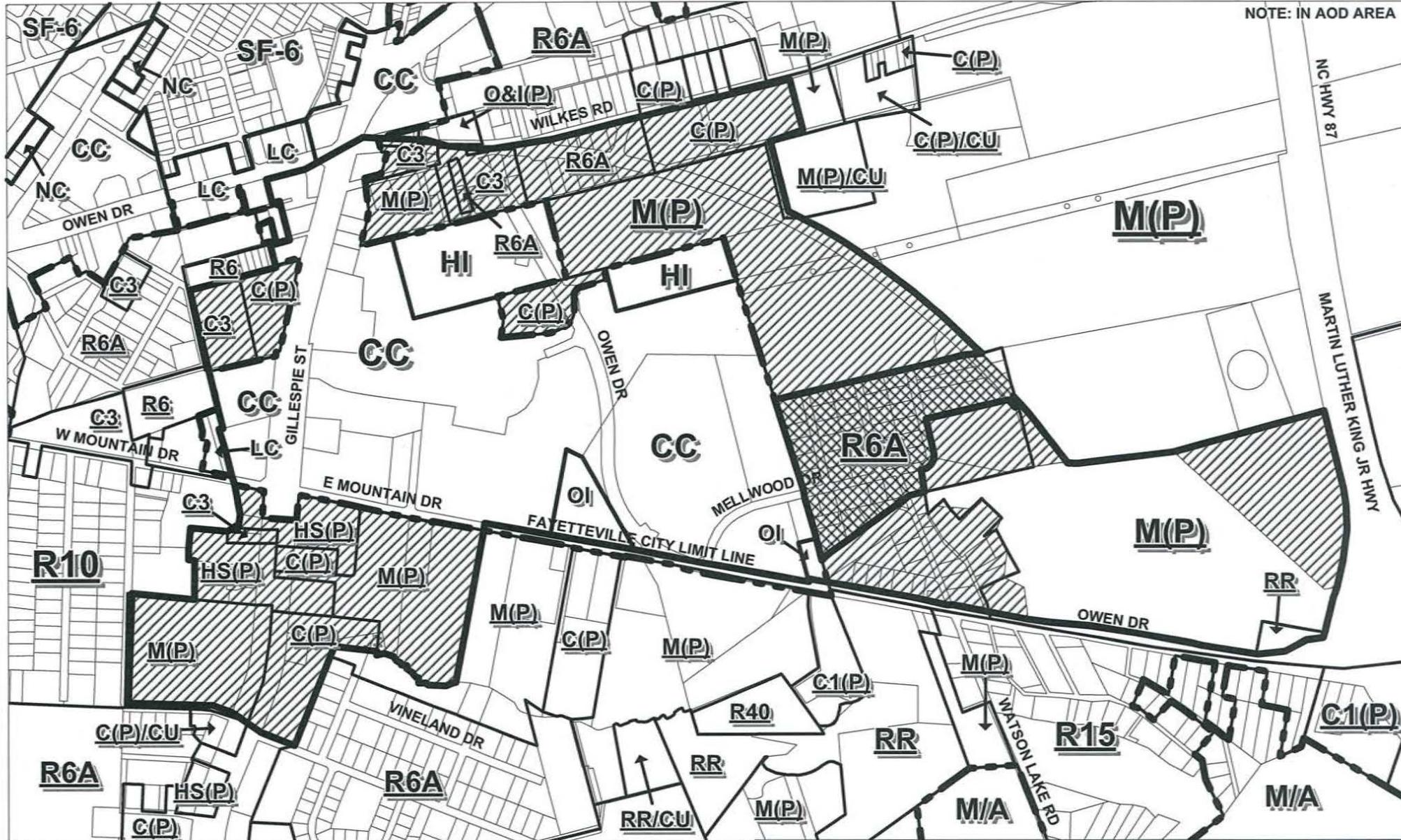
Mr. Morris made a motion to recommend the adoption and approval of the consistency and reasonableness statements; and to approve rezoning for creation of the CTOD district with the exception of Dogwood Acres Subdivision and rezoning of Dogwood Acres Subdivision from R6A Residential district to R6 Residential district, seconded by Mr. Manning. The motion passed with a unanimous vote.

Mr. Morris made a motion to recommend the adoption and approval of the consistency and reasonableness statements; and to approve the Text Amendment for the billboard amendment, seconded by Mr. Pearce. The motion passed with a unanimous vote.

First Class and Record Owners' Mailed Notice Certification

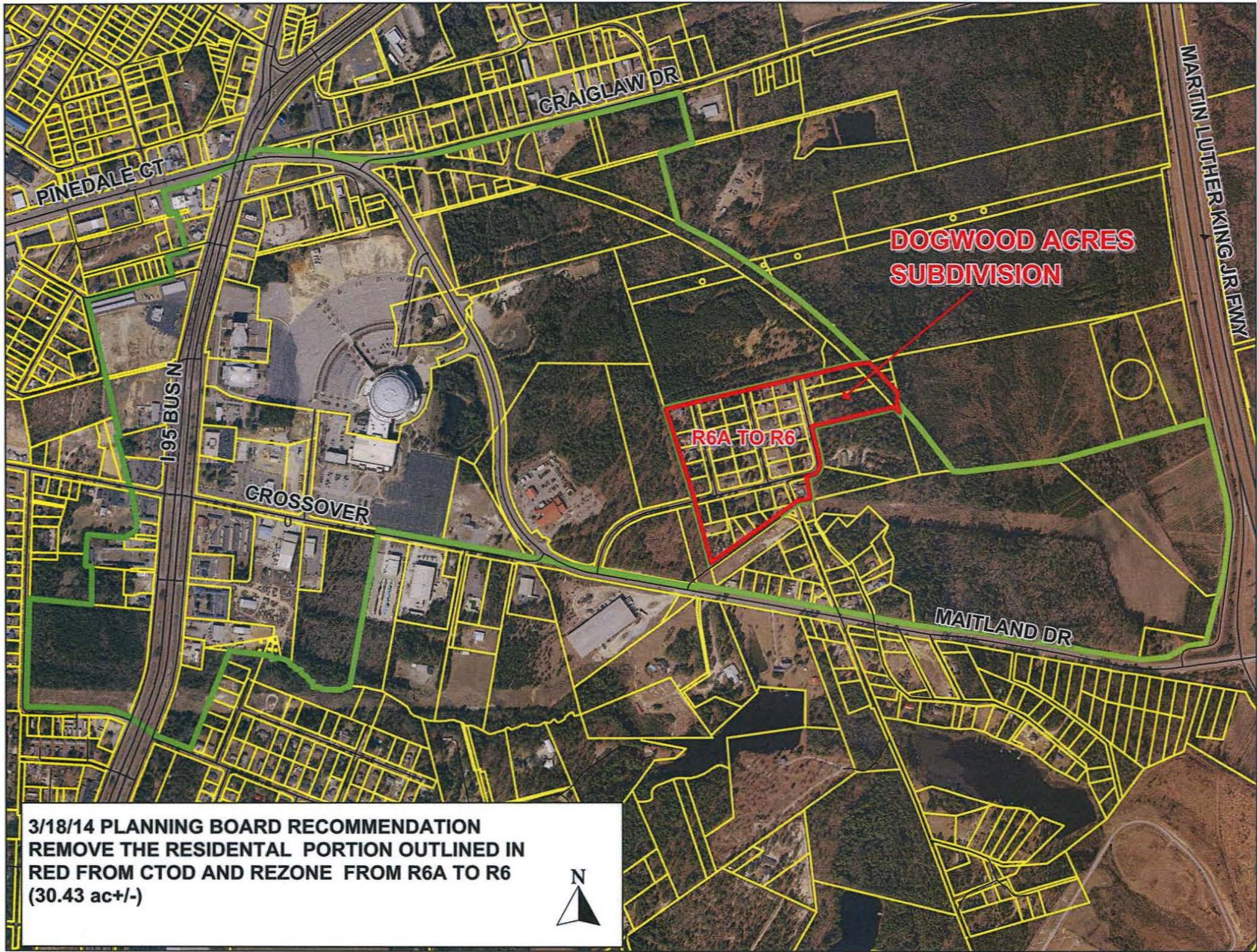
A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.

NOTE: IN AOD AREA



**COLISEUM TOURISM OVERLAY DISTRICT
REZONING**

| | | |
|---|--------------|---------------------------|
|  R6A to R6 (30.43 AC +/-) | | |
| ACREAGE: 327.98 AC +/- | | HEARING NO: P14-17 |
| ORDINANCE: COUNTY | HEARING DATE | ACTION |
| STAFF RECOMMENDATION | | |
| PLANNING BOARD | | |
| GOVERNING BOARD | | |



**3/18/14 PLANNING BOARD RECOMMENDATION
REMOVE THE RESIDENTIAL PORTION OUTLINED IN
RED FROM CTOD AND REZONE FROM R6A TO R6
(30.43 ac+/-)**



Coliseum Tourism Overlay District

Total Area: 533.5 +/- acres (County = 327.98 +/- acs) (Fayetteville = 205.52 +/- acs)

Total Number of Parcels: 162 (County + 136 w/ two conflicts) (Fayetteville = 26)

Total Property Owners: 121 (Combined County and Fayetteville)

Total Existing Structures or Developed Lots: 98

County Jurisdiction Only – for complete inventory, see attached

Dwelling Units: 74

50 Stick Built

18 SW Manufactured Homes

5 DW Manufactured Homes

1 Abandoned Stick Built

Residential remaining w/ PB recommendation

Dwelling Units: 31

Government Facilities/Operations: 1

Religious Worship Facilities: 2

Commercial: 8 plus 2 vacant structures

Motels: 4

Non-Profit Club: 1

Industrial: 6

Billboards: 1 proposed; 0 existing

Proposed nonconforming provisions:

- If nonconforming use ceases for 180 calendar days, cannot resume
- Damage exceeding 40% of reproducible value, structure cannot be replaced
- One year to cease existing outdoor storage (**Note: Planning Board recommends this be changed to require screening – see page 3 of text amendment**)

Existing non-residential uses within proposed district in County jurisdiction that would become nonconforming if amendment is approved:

12 Commercial:

- 4 motels – Coliseum Inn, Carolina Motor Inn, Relax Inn, Crown Inn
- 1 U-Haul (mini-warehousing portion)
- 2 motor vehicle repair – Stubb's Body Shop and Black's Tire
- 1 motor vehicle sales – G&H Motors
- 2 retail/service – Todd's Furniture and Rainbow International Restoration
- 2 trade contractors – Wade Hardin Plumbing and Budget Rooter

6 Industrial:

- Applied
- Norandex
- Machine Welding
- Utec
- Salvage Yard behind Norandex
- Open storage in residential area off of Mellwood Dr

2 Religious Worship:

- Body of Christ Church
- Spirit and Truth Church

Notes:

1. Bona fide farms are exempt from zoning
2. Outdoor firing range amendment, adopted June 2013, requires minimum of 200 acres, Wildlife Club's range is legal nonconforming now
3. If damaged or destroyed, or desire to upgrade, generally existing billboards can be reconstructed unless compensated by county
4. Government sanctioned events are exempt under the proposed ordinance
5. Dogwood Acres recorded in Plat Book 19, page 47 on February 18, 1957
6. Residential area w/ manufactured homes – deeds reference unrecorded plat dated August 1965; also, appears to be 12 rentals, 7 unknown (PO Box address), 7 owner occupied, 6 vacant lots

Coliseum Tourism Overlay District Land Use Inventory

Nonconformities w/in County Jurisdiction

*Use will become nonconforming due to overlay district provisions

**Use already nonconforming with existing ordinance provisions

Dwellings – 74 Total (All County)

50 Stick Built

18 SW Manufactured Homes

5 DW Manufactured Homes

1 Abandoned Stick Built

**Four stick built dwellings already nonconforming - one in C3,two in M(P) & one abandoned;

*remainder will become nonconforming.

Dry Cleaning/Laundry, Commercial – 1 Total

Smitty's Cleaners (Fay)

Gas Station/Convenience Store – 1 Total

Exxon (Fay)

Government – 9 Total

County:

Crown Center w/ Agri-Expo (Fay)

Arena (Fay)

Theatre (Fay)

Cumberland County School Administration (5 buildings) (Fay)

Sheriff's Outdoor Firing Range (Fay)

State:

*Juvenile Detention (County)

NC National Guard Armory (Fay)

State Highway Patrol (Fay)

NC DMV (Fay)

Industrial Uses – 4 Total

*Applied (County)

*Norandex (County)

*Machine Welding (County)

*Utec (County)

Junk Yard/Salvage Yard & Open Storage – 2 Total

*Behind Norandex (County)

*Residential Area near Mellwood Dr & Watson Lake Rd, n of Owen Dr (County)

Modular Home Sales – 1 Total

Home Works (Fay)

Motel – 5 Total

- *Coliseum Inn (County)
- *Carolina Motor Inn (County)
- *Relax Inn (County)
- *Crown Inn (County)
- Mt Rose (Fay)

Motor Parts & Accessories Sales – 2 Total

- Chrome Motor Sports (Fay)
- Auto Zone (Fay)

Mini-Warehousing (Self Storage) (also Motor Vehicle Rentals) – 1 Total

- *U-Haul (County)

(mini-warehousing is not proposed as a permitted use in the CTOD; mv rental is proposed to be allowed)

Motor Vehicle Repair – 4 Total

- Fayetteville Auto Body (Fay)
- Colony Tire (Fay)
- *Stubb's Body Shop (County)
- *Black's Tire (County)

Motor Vehicle Sales – 2 Total

- Thee Car Lot (Fay)
- *G&H Motors (County)

Other Non-Profit – 1 Total

- **Wildlife Club w/ Outdoor Firing Range (County)

Religious Worship – 3 Total

- *Body of Christ Church (US Hwy 301) (County)
- *Spirit and Truth Church (US HWY 301) (County)
- Wesleyan Pentecostal Church (E Mountain Dr) w/ Parsonage (Fay)

Restaurant – 3 Total

- Waffle House (Fay)
- Popeye's (Fay)
- Hardee's (Fay)

Retailing or Servicing – 2 Total

- *Todd's Furniture (County)
- *Rainbow International Restoration & Cleaning (County)

Trade Contractor – 2 Total

- *Wade Hardin Plumbing (County)

*Budget Rooter (County)

Vacant Commercial Structure – Two Total

Previously Bar/Nightclub beside Coliseum Inn (County)

*Garage near Rainbow International, behind sw manufactured home (County)

P14-17
Cumberland County Zoning Ordinance Text Amendment
(Coliseum Tourism Overlay District and Billboards)

AMEND Article II Interpretations, Calculations, and Definitions; Section 203. Definition of Specific Terms and Words by INSERTING the terms *Hotel* and *Motel* with definitions as follows:

ARTICLE II
INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS

SECTION 203. DEFINITION OF SPECIFIC TERMS AND WORDS.

Hotel: An establishment which provides compensated lodging on a short-term basis with access to units from interior lobbies or hallways, and provides numerous amenities intended to increase guests' lodging satisfaction.

Motel: An establishment that provides short-term and long-term lodging for compensation, usually with less guest amenities than a hotel, has independent exterior entrances/exits to each unit from the off-street parking area and is typically one or two stories.

AMEND Article III Zoning Districts, Section 308.1. Overlay Districts by ESTABLISHING sub-section "B" to be entitled: *Coliseum Tourism Overlay District (CTOD)*, with contents to read as follows:

ARTICLE III
ZONING DISTRICTS

SECTION 308.1. OVERLAY DISTRICTS.

~~B. -Reserved for future use-~~ **Coliseum Tourism Overlay District (CTOD).** The primary purpose of this district is to ensure development within the district boundary is compatible with the objective of promoting the Crown Coliseum Complex and establishing the image as a contemporary, vibrant retail area that is harmonious with the complex events. Ensuring that new construction and re-development is oriented to serving the users of the coliseum complex, particularly the traveling public, the economic well being of the county will be maximized.

C. Reserved for future use.

AMEND Article VIII.I Overlay Districts, by CREATING Section 8.102. to be entitled: Coliseum Tourism Overlay District (CTOD), with contents to read as follows:

**ARTICLE VIII.I
OVERLAY DISTRICTS**

SECTION 8.102. COLISEUM-TOURISM OVERLAY DISTRICT (CTOD).

A. Applicability. The provisions of this section shall apply to the proposed development and any re-development of properties within the Coliseum-Tourism Overlay District, including any addition, remodeling, relocation or construction requiring a zoning or building permit. In the event there is a conflict between the requirements of provisions of this ordinance and this overlay district, the overlay provisions shall prevail.

B. Coliseum-Tourism Overlay District Map. The boundary of the CTOD is established as a layer on the Official Zoning Map, Cumberland County North Carolina in digital format and is hereby adopted and made a part of the provisions of this section as if the map itself were contained herein – see Appendix 3 for informational sketch maps.

C. Land Uses.

1. Principal Uses. All new uses of property and any change in an existing use shall first require approval of a Conditional Zoning application subject to the provisions of Article V prior to commencement of the proposed or change in use. To ensure the primary objective of the district is attained and not including officially sanctioned government events, land uses within the district are limited to the following:

a. Alcoholic Beverage Control Sales;

b. Apparel and Accessory Sales;

c. Assemblies, Community, Assembly Hall, Armory, Stadium, Coliseum, Community Center, Fairgrounds, and similar uses;

d. Banks, Savings and Loan Company and Other Financial Activities;

[Highlighted area – sub-section “e” below indicate a change recommended by the Civic Center Commission on 3-25-14.]

e. Billboards in compliance with Sec 1307 except that any proposed billboard located within the CTOD shall be no closer than 1,000 feet to an existing billboard regardless where the existing billboard is located;

f. Books & Printed Matter Sales, not including those regulated by Section 924;

g. Convenience Retail with Gasoline Sales, including drive through motor vehicle washing;

h. Dry Cleaning/Laundry, self service;

i. Farmers' Market;

j. Flower Shop;

k. Hotel, except as regulated by Section 924;

l. Motor Vehicle Rentals;

m. Office Use – with no on-premises stock or goods for sale to the general public and the operations and services of which are customarily conducted and concluded by means of written, verbal or mechanically reproduced communications material;

n. Public/Community Utility Stations/Sub-stations;

o. Recreation/Amusement Indoor (Section 920) conducted inside building for profit, not otherwise listed and not regulated by Section 924;

p. Recreation or Amusement Public/Private (Section 920) not operated as a business for profit including playgrounds, neighborhood center buildings, parks, museums, swimming pools, and similar uses, and not regulated by Section 924;

q. Restaurant, operated as commercial enterprise, not including those regulated by Section 924;

r. Swimming Pools, incidental to a principal use (Section 1002.C);

s. Veterinarian.

2. Accessory, Ancillary and Incidental Uses. In conjunction with the above allowed principal uses as listed in sub-section 1,

a. Permanent outdoor sales and displays shall be permitted only within a physically defined area that is delineated on the site plan as approved by the Board of Commissioners, and all physical improvements defining the sales/display area shall be constructed of materials comparable to the primary

building(s) on site – this provision shall not apply to a farmers’ market, see Section 907.1 for specific regulations pertaining to farmers’ markets;

b. Outdoor storage shall be completely screened from view from any street and all adjacent properties in accordance with Section 1102.G prohibited within this district; [Highlight indicates change recommended by PB, 3-18-14]

c. Temporary or promotional events conducted outside must have the prior approval of the Planning & Inspections Director, or the director’s designee;

3. Nonconformities. To ensure the primary objective of the district is attained, strict implementation of the below provisions regulating nonconformities within the district is paramount. For purposes of this section, permissible repair is defined as those repairs, not replacement, that are limited to routine or ordinary maintenance and which would not result in the extension of the normal life of the structure. Impermissible replacement is defined as maintenance, construction or re-construction of a nonconforming structure or part thereof or structure housing a nonconforming use within the district that is damaged by fire, storm or other causes including natural deterioration to an extent exceeding 40 percent of the structure’s reproducible value or its bulk (including foundations)

a. All nonconforming uses not carried on within a structure, except those which are specifically allowed as an accessory, ancillary or incidental to an allowed use subject to the provisions of this section, shall be discontinued within one calendar year from the effective date of this ordinance, regardless whether or not the nonconforming use status applies to structure(s) and premises in combination with the nonconforming outdoor use – any subsequent use of the land and structures placed thereon shall conform to the provisions of this section.

b. A nonconforming use may not be changed or expanded, or resumed if the nonconforming use has ceased for a period of 180 calendar days within the district.

c. Any structure that is nonconforming due to noncompliance with dimensional requirements, but which houses an allowed use within the district may continue provided that its nonconformity is not increased, except where specifically approved by the County Board of Commissioners, and provided that prior to any upgrades to any nonconforming structure housing an allowed use beyond permissible repairs, the minimum landscaping and pedestrian improvements are implemented on the site.

d. Owners of properties within the district shall not allow for the impermissible replacement of any nonconforming structure located inside the district unless specifically approved by the County Board of Commissioners.

D. Site Design/Site Layout.

1. Yard Setbacks. The lot and yard setback provisions of Article XI as applied to the C2(P) district shall apply to properties fronting on Gillespie Street (US HWY 301/I-95 Bus) and Owen Drive (SR 1007), except that for proposed buildings with a height of greater than 25 feet, the front yard setback shall be a minimum distance equaling twice the building height. For developments along all other streets, regardless whether public or private and including new or proposed streets, the yard setbacks shall be as follows:

a. Minimum of 35 feet from each street right-of-way/property line for the front yard setbacks, except that for structures more than 25 feet in height, the front yard setback shall be a minimum distance equaling twice the height of the building;

b. Minimum of 15 feet from a side or rear property line where the adjacent property is also within the district or zoned for non-residential use; and

c. Minimum of 30 feet from a side or rear property line where the adjacent property is zoned residential.

In the event development is proposed for a property without direct frontage on a public or approved private street, the yard setbacks as requested by the developer must afford public safety and be delineated on the site plan. In addition, the plan for ingress/egress must clearly be shown on the site plan, addressed in the application and the requisite easements provided to the Code Enforcement Manager at the time of permit application.

2. Off-Street Parking, Loading and Drives. Off-street parking and loading shall be provided as required by Article XII; however, all required parking shall be surfaced with asphalt, concrete or pervious material and shall be maintained in proper repair. Interconnectivity between parcels within the district is mandatory and shall be included on the site plan indicating the location and width of the proposed interconnecting drive areas along with all driveways to the street right-of-way.

3. Signs. Signage shall be allowed in the district consistent with the provisions for the C1(P) zoning district, to include all related regulations of Article XIII, except that the maximum height of any freestanding sign shall be 25 feet within the overlay district.

4. Buffers. The provisions of Section 1102.G shall apply along the periphery of every developed lot within the district that is also adjacent to a residentially-zoned property.

5. Dumpster and Utility Screening. All dumpster and utility areas shall be located on concrete pads and screened on a minimum of three sides with a solid

fence between the dumpster or utility and complimented with vegetative plantings.

6. Fencing. Any fencing proposed must be specifically identified as to type and location on the site plan; if not included on the plan, the permit for said fence shall be denied – this provision includes open fences as well as solid.

7. Landscaping. Landscaping shall be provided in accordance with the provisions of Section 1102.N, except that for the streetscape landscaping a minimum of four small ornamental trees per 50 linear feet of street frontage shall be required. Healthy existing large shade trees may be utilized for calculation of landscaping compliance in lieu of the ornamental streetscape trees only if they are in the appropriate area on the subject lot and a minimum of eight inch caliper. The developer is strongly encouraged to retain as many existing trees of significant stature as possible.

8. Stormwater Utility Structures. Any stormwater utility structure proposed within the front yard or within view from the public or private street shall be integrated into the proposed project design and aesthetically pleasing. The burden shall be on the developer to address the stormwater utility structure aesthetic design plans proposed within the application or on the site plan.

9. Underground Utilities. All utilities shall be located underground except where specifically prohibited by the utility provider.

10. Other Regulations. The developer/property owner shall ensure compliance with all applicable Federal, State and local regulations.

AMEND Article XIII Sign Regulations, Section 1307. Billboards (Off-Premises Signs), sub-section A. General Provisions, paragraph 1 as indicated below:

ARTICLE XIII SIGN REGULATIONS

SECTION 1307. BILLBOARDS (OFF-PREMISES SIGNS)

In addition to other applicable standards contained within this article, the following provisions shall apply to all billboards:

A. General Provisions.

1. Billboards shall be allowed only along rights-of-way with full-control or limited control of access, such as freeways and major thoroughfares, except that billboards shall be prohibited within 1,000 feet of either side of the right-of-way of the following:

a. US Highway 301 (South Eastern Boulevard/Gillespie Street) from NC Highway 87 (Martin Luther King Jr Freeway) south to SR 2286 (Seven Mountain Drive); and

b. Reserved for future use.

2. Billboards shall not face or be oriented toward any adjoining or abutting residentially-zoned or residentially-used property and shall not be located within 200 feet of a residential zoning district boundary line;

(Amd. 02-19-08)

3. Billboards shall not exceed a sign height of 35 feet;

4. All billboards are considered as a principal use of property, not accessory, and shall be allowed in the C(P) Planned Commercial District, upon approval of a Special Use Permit (Section 1606), and M(P) Planned Industrial District, upon approval of the site plan (Article XIV) as a permitted use, provided that the dimensional criteria outlined below is complied with;

(Amd. 01-19-10)

5. All Federal, State, and other local regulations shall be complied with and

(Amd. 01-19-10)

6. Billboards are exempt from the landscaping and buffering provisions of this ordinance.

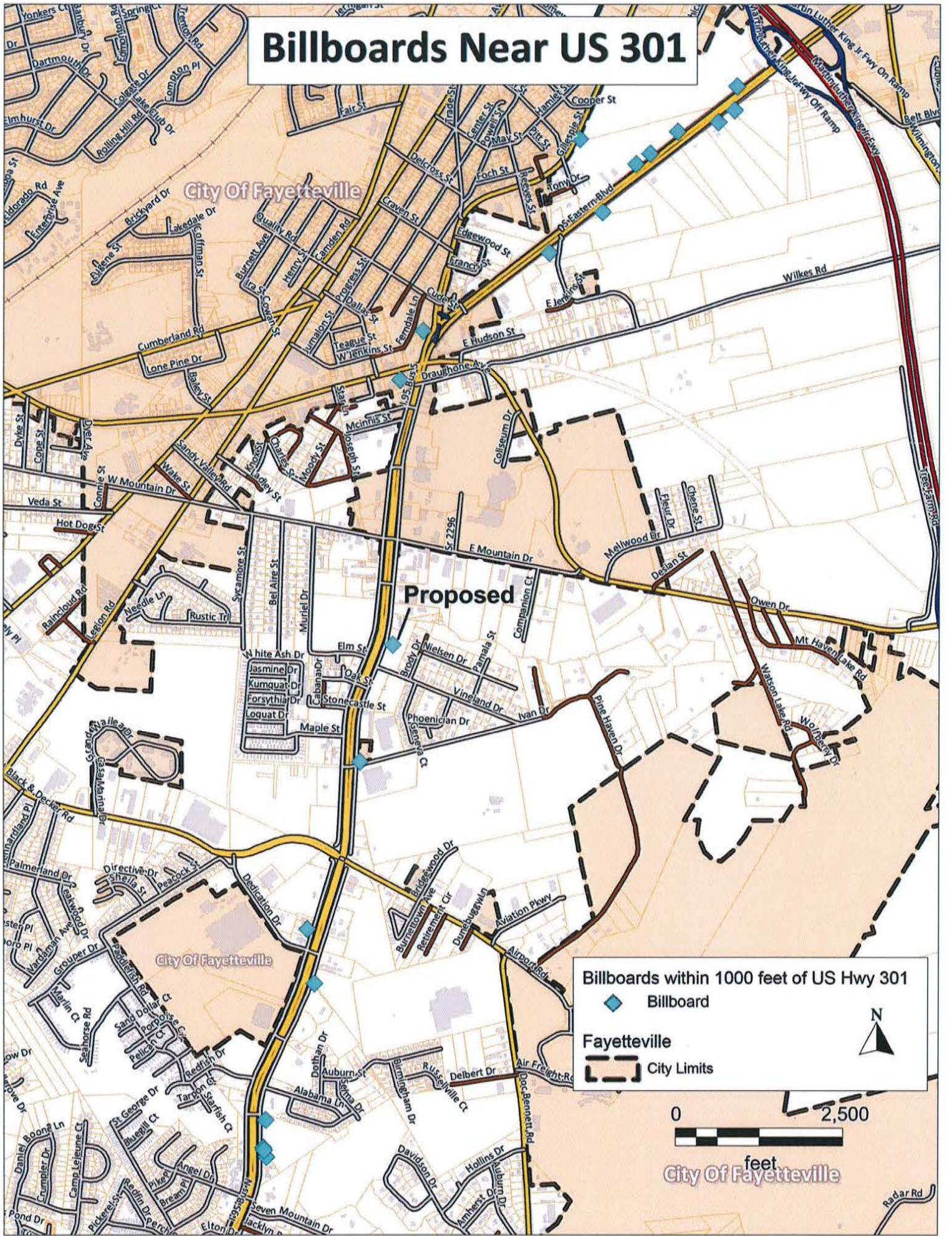
(Amd. 01-19-10)

B. Dimensional Criteria by District.

1. C(P) Planned Commercial Districts. Billboards constructed and located in this zoning district shall have a maximum sign area of 500 square feet and shall be located at least 50 feet from a street right-of-way line; five feet from any property line not a right-of-way line; 50 feet from any other freestanding sign, building or structure on the same lot; and be a minimum of 500 feet from another billboard.

2. M(P) Planned Industrial District. Billboards constructed and located in this zoning district shall have a maximum sign area of 700 square feet and shall be located at least 50 feet from a street right-of-way line; five feet from a property line, not a of-way line; 50 feet from any other freestanding sign, building or structure on the same lot; and be a minimum of 500 feet from another billboard.

Billboards Near US 301



Billboards within 1000 feet of US Hwy 301

- ◆ Billboard
- City Limits



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

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

BACKGROUND: That the following is a report on case number MH 9-2012 and is identified as Item Number _____.

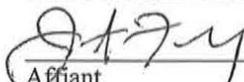
Property Owner: Cheryl Ruffin

Property Address: 1111 Alco Circle; Fayetteville, NC 28311

Tax Parcel Identification Number: 0419-73-5994.

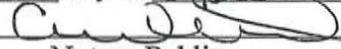
SYNOPSIS: This property was inspected on October 11, 2012. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on November 8, 2012. Cheryl Ruffin and Cynthia Ruffin attended the Hearing. It was ordered that the structure(s) be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than January 7, 2013. The property owner(s) and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on April 10, 2014, the required corrective action has not been made to this structure. The structure is presently vacant and reasonably secured. In their present state, this structure constitutes a fire, health, and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has this structure presently valued at \$500.00 each for salvageable materials. Attached is a map depicting the location of the property. (See Exhibit B.)

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



Affiant
Housing Inspector/County of Cumberland

Sworn to and Subscribed to by me this
the 10th day of April 2014.



Notary Public

My Commission Expires: 11/03/2014



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

1. If the Board feels that the structure should be demolished, the Board's motion should be:

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and

To order the property owner to remove or demolish the dwelling within _____ days.

To order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

2. **If the Board feels that the property can be rehabilitated, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To order the property owner to rehabilitate the property within _____ days.

To order the property owner to vacate and secure the property within _____ days pending rehabilitation.

To order the Inspector to rehabilitate the property or remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

3. **If the Board wishes to delay action on the case, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To delay a decision on the case until _____ (date) in order to give the owner or party of interest time to: _____

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



COUNTY of CUMBERLAND

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

December 5, 2012

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

CASE #: MH 9-2012

TO: Cheryl Ruffin & Parties of Interest
1919 Stanberry Street
Fayetteville, NC 28301

Property at: 1111 Alco Circle, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 10/13/2012.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 11/8/2012 at 10:00:00 AM. The items identified below took place at the Hearing:

- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Joan Fenley, Cheryl Ruffin, and Cynthia Ruffin
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 10/11/2012. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 9-2012, dated 10/11/2012.
 - b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

EXHIBIT "A"

Findings and Facts of Order

Case #: MH 9-2012

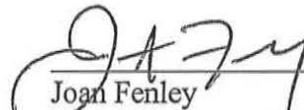
Page 2

4. Due to facts presented above, the Hearing Officer orders as follows:
- a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 1/7/2013. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
 - b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - c. The structure shall be/remain secured to prevent entry by _____ and shall remain secured.
 - d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after _____.
 - e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 1/7/2013. The cost of said demolition will be assessed against the real property in the form of a lien.

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



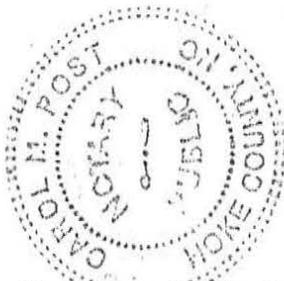
Ken Sykes
Hearing Officer



Joan Fenley
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me
this the 5th day of December, 2012.



Notary Public
My Commission Expires: 11-03-14

EXHIBIT "A"



Date: 12/14/2012

J FENLEY:

The following is in response to your 12/14/2012 request for delivery information on your Certified Mail(TM) item number 7199 9991 7031 5988 3059. The delivery record shows that this item was delivered on 12/08/2012 at 03:24 PM in FAYETTEVILLE, NC 28301. The scanned image of the recipient information is provided below.

Signature of Recipient:

| Delivery Section | |
|------------------|-----------------------|
| re | <i>Cynthia Ruffin</i> |
| d | <i>Cynthia Ruffin</i> |

Address of Recipient:

| | |
|--------|---------------------------|
| NY 153 | <i>1919 Stanberry St.</i> |
|--------|---------------------------|

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

Sincerely,

United States Postal Service

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*
DATED December 5, 2012 CASE NUMBER *MH 9-2012*

EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY

Property Owner: E. Jean Smith

1111, 1121, 1141 & 1145 Alco Circle; Fayetteville, NC 28311
Minimum Housing Case # 's MH 267-2013, MH 11-2012 & MH 9-2012
TAX PARCEL IDENTIFICATION NUMBER 0419-73-5994



Exhibit B

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

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

BACKGROUND: That the following is a report on case number MH 11-2012 and is identified as Item Number _____.

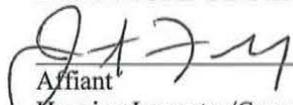
Property Owner: Cynthia Ruffin, E. Jean Smith

Property Address: 1121 Alco Circle; Fayetteville, NC 28311

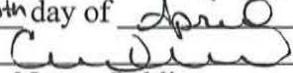
Tax Parcel Identification Number: 0419-73-5994.

SYNOPSIS: This property was inspected on **October 11, 2012**. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on **November 8, 2012**. **Cynthia Ruffin and Cheryl Ruffin** attended the Hearing. It was ordered that the structure(s) be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than **January 7, 2013**. The property owner(s) and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on **April 10, 2014**, the required corrective action has not been made to the structure. The structure is presently vacant and reasonably secured. In their present state, this structure constitutes a fire, health, and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has this structure presently valued at \$500.00 each for salvageable materials. Attached is a map depicting the location of the property. (See Exhibit B.)

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



Affiant
Housing Inspector/County of Cumberland

Sworn to and Subscribed to by me this
the 10th day of April 2014.


Notary Public

My Commission Expires: 11/03/2014



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

1. If the Board feels that the structure should be demolished, the Board's motion should be:

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and

To order the property owner to remove or demolish the dwelling within _____ days.

To order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

2. **If the Board feels that the property can be rehabilitated, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To order the property owner to rehabilitate the property within _____ days.

To order the property owner to vacate and secure the property within _____ days pending rehabilitation.

To order the Inspector to rehabilitate the property or remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

3. **If the Board wishes to delay action on the case, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To delay a decision on the case until _____ (date) in order to give the owner or party of interest time to: _____

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



Angela Perrier,
Inspector

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

September 25, 2013

Cynthia Ruffin & Parties of Interest
1919 Stanberry St
Fayetteville NC, 28301

E. Jean Smith
800 9th Ave. S.
N. Myrtle Beach, SC 29582

CASE # MH-11-2012

PROPERTY AT: 1121 Alco Cir, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 10/13/2012.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 11/8/2012 at 10:30:00 AM. The items identified below took place at the Hearing:

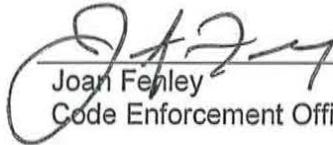
- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Joan Fenley, Cheryl Ruffin, Cynthia Ruffin, and Kenneth Sykes.
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 10/11/2012. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH-11, dated 10/11/2012.
 - b. Due to these findings, the dwellings are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

4. Due to facts presented above, the Hearing Officer orders as follows:
- a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 1/7/2013. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
 - b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - c. The structure shall be/remain secured to prevent entry by ____ and shall remain secured.
 - d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after _____.
 - e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by _____. The cost of said demolition will be assessed against the real property in the form of a lien.

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



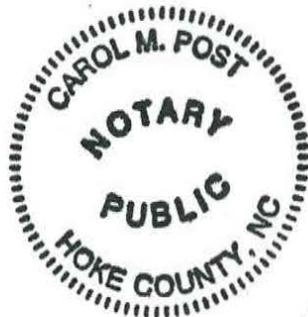
Ken Sykes
Hearing Officer



Joan Fehley
Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:



Sworn to and Subscribed to by me
this the 25th day of September, 2013



Notary Public
My Commission Expires: 11-03-14

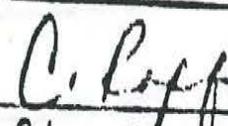
EXHIBIT "A"

Date: November 18, 2013

j fenley:

The following is in response to your November 18, 2013 request for delivery information on your Certified Mail™ item number 9171082133393913184008. The delivery record shows that this item was delivered on October 15, 2013 at 4:48 pm in FAYETTEVILLE, NC 28301. The scanned image of the recipient information is provided below.

Signature of Recipient :

| | |
|-----------|---|
| Signature |  |
| Name | Cheryl Ruffin |

Address of Recipient :

| | |
|---------|---|
| Address | 1919 ^N Stanberry St Fayetteville, NC |
|---------|---|

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**
DATED September 25, 2013 CASE NUMBER **MH 11-2012**

EXHIBIT A

Date: November 18, 2013

j fenley:

The following is in response to your November 18, 2013 request for delivery information on your Certified Mail™ item number 9171082133393913183995. The delivery record shows that this item was delivered on October 2, 2013 at 10:59 am in NORTH MYRTLE BEACH, SC 29582. The scanned image of the recipient information is provided below.

Signature of Recipient :

| Delivery Section | |
|------------------|-------------------------|
| Signature | <i>Ernie Jean Smith</i> |
| Printed Name | E Jean Smith |

Address of Recipient :

| | |
|---------|---------------|
| Address | 800 9th Ave S |
|---------|---------------|

Thank you for selecting the Postal Service for your mailing needs.

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Sincerely,
United States Postal Service

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**
DATED September 25, 2013 CASE NUMBER **MH 11-2012**

EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY

Property Owner: E. Jean Smith

1111, 1121, 1141 & 1145 Alco Circle; Fayetteville, NC 28311
Minimum Housing Case # 's MH 267-2013, MH 11-2012 & MH 9-2012
TAX PARCEL IDENTIFICATION NUMBER 0419-73-5994

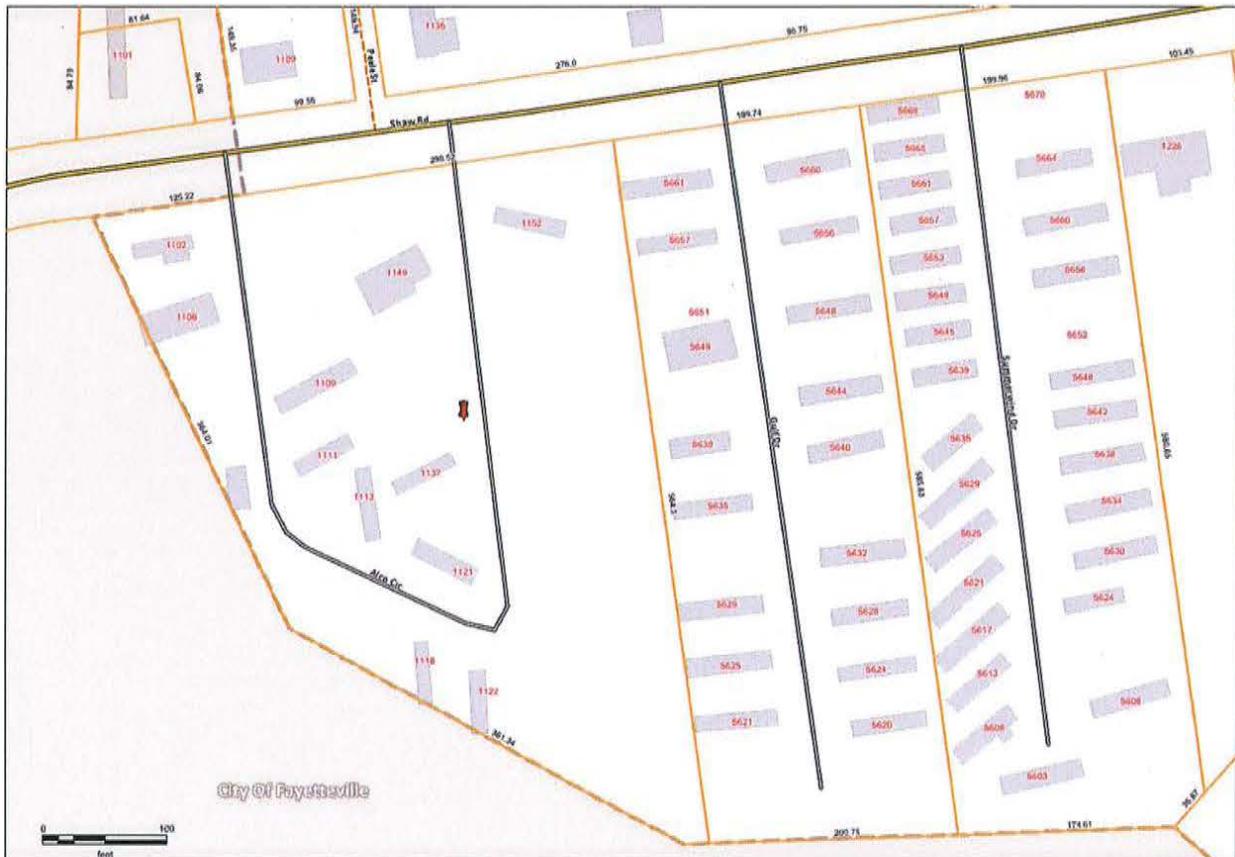


Exhibit B

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

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

BACKGROUND: That the following is a report on case number MH 267-2013 and is identified as Item Number _____.

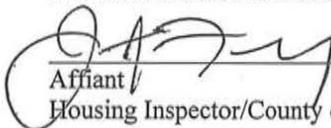
Property Owner: E. Jean Smith

Property Address: 1141 & 1145 Alco Circle; Fayetteville, NC 28311

Tax Parcel Identification Number: 0419-73-5994.

SYNOPSIS: This property was inspected on August 27, 2013. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on September 23, 2013. E. Jean Smith and David Wagner (Smith) attended the Hearing. It was ordered that the structures be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than December 23, 2013. The property owner(s) and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on April 10, 2014, the required corrective action has not been made to the structures. The structures are presently vacant and reasonably secured. In their present state, these structures constitute a fire, health, and safety hazard. The estimated cost to repair these structures to a minimum standard for human habitation is \$30,000.00 each. The Assessor for Cumberland County has these structures presently valued at \$500.00 each for salvageable materials. Attached is a map depicting the location of the property. (See Exhibit B.)

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE INSPECTION DEPARTMENT THE STRUCTURES BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.



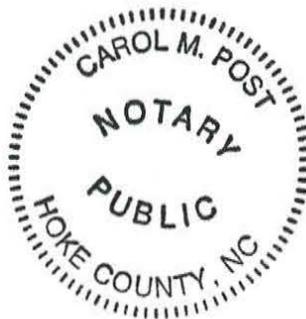
Affiant
Housing Inspector/County of Cumberland

Sworn to and Subscribed to by me this
the 10th day of April 2014.



Notary Public

My Commission Expires: 11/03/2014



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

1. If the Board feels that the structure should be demolished, the Board's motion should be:

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and

To order the property owner to remove or demolish the dwelling within _____ days.

To order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

2. **If the Board feels that the property can be rehabilitated, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To order the property owner to rehabilitate the property within _____ days.

To order the property owner to vacate and secure the property within _____ days pending rehabilitation.

To order the Inspector to rehabilitate the property or remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

3. **If the Board wishes to delay action on the case, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To delay a decision on the case until _____ (date) in order to give the owner or party of interest time to: _____

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

10/3/2013

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Chris Fulton,
Inspector

E Jean Smith & Parties of Interest
800 9th Ave N-3
North Myrtle Beach SC, 29582

CASE # MH-267-2013

PROPERTY AT: 1101, 1105, 1141, &1145 Alco Circle, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 9/13/2013.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 9/23/2013 at 9:00 AM. The items identified below took place at the Hearing:

- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were: E Jean Smith, David Smith, & Joan Fenley
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 8/28/2013. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH-267-2013, dated 8/27/2013.
 - b. Due to these findings, the dwellings are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

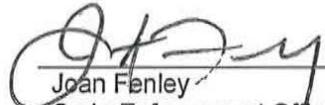
EXHIBIT "A"

4. Due to facts presented above, the Hearing Officer orders as follows:
- a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 12/23/2013. **All required permits must be obtained. A copy of this order must be presented when obtaining permits. Permits were issued for 1101, 1105, & 1141 Alco Circle. Seeking demolition of 1145 Alco Circle.**
 - b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - c. The structure shall be/remain secured to prevent entry by ___ and shall remain secured.
 - d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after ___.
 - e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 12/23/2013. The cost of said demolition will be assessed against the real property in the form of a lien.

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



Ken Sykes
Hearing Officer



Joan Fenley
Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc: Charles Dent, 5657 Bragg Blvd.,
Fayetteville, NC 28303



Sworn to and Subscribed to by me

this the 3rd day of October, 2013



Notary Public
My Commission Expires: 11-03-14

EXHIBIT "A"

Date: March 12, 2014

j fenley:

The following is in response to your March 12, 2014 request for delivery information on your Certified Mail™ item number 9171082133393819988908. The delivery record shows that this item was delivered on October 10, 2013 at 11:38 am in NORTH MYRTLE BEACH, SC 29582. The scanned image of the recipient information is provided below.

Signature of Recipient :

| Delivery Section | |
|------------------|--------------|
| Signature | E Jean Smith |
| Printed Name | E Jean Smith |

Address of Recipient :

| | |
|---------|---------------|
| Address | 800 9th Ave S |
|---------|---------------|

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*
DATED October 3, 2013 CASE NUMBER *MH 267-2013*

EXHIBIT A

Date: March 12, 2014

j fenley:

The following is in response to your March 12, 2014 request for delivery information on your Certified Mail™ item number 9171082133393819988908. The delivery record shows that this item was delivered on October 10, 2013 at 11:38 am in NORTH MYRTLE BEACH, SC 29582. The scanned image of the recipient information is provided below.

Signature of Recipient :

| Delivery Section | |
|------------------|--------------|
| Signature | E Jean Smith |
| Delivered to | E Jean Smith |

Address of Recipient :

| | |
|------------------|---------------|
| Delivery Address | 800 9th Ave S |
|------------------|---------------|

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*
DATED October 3, 2013 CASE NUMBER *MH 267-2013*

EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY

Property Owner: E. Jean Smith

1111, 1121, 1141 & 1145 Alco Circle; Fayetteville, NC 28311

Minimum Housing Case # 's MH 267-2013, MH 11-2012 & MH 9-2012

TAX PARCEL IDENTIFICATION NUMBER 0419-73-5994



Exhibit B

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

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

BACKGROUND: That the following is a report on case number MH 259-2013 is identified as Item Number _____.

Property Owner: Joseph Martin

Property Address: 2725 Chimney Brook Rd, Fayetteville, NC 28312

Tax Parcel Identification Number: 0451-78-4097

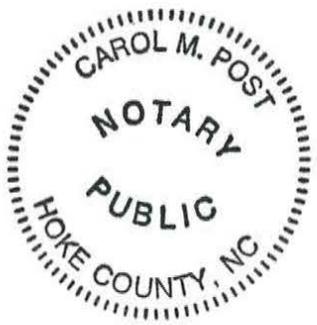
SYNOPSIS: This property was inspected on August 12, 2013. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on October 9, 2013. Joseph Martin attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than January 10, 2014. The property owner(s) and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on April 10, 2014, no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, this structure constitutes a fire, health, and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$70,560.00. The Assessor for Cumberland County has this structure presently valued at \$1000.00 for salvageable materials. Attached is a map depicting the location of the property. (See Exhibit B.)

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

Debra Johnson
Affiant
Housing Inspector/County of Cumberland

Sworn to and Subscribed to by me this
the 10th day of April 2014.
Carole Post
Notary Public

My Commission Expires: 11/03/2014



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

1. If the Board feels that the structure should be demolished, the Board's motion should be:

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and

To order the property owner to remove or demolish the dwelling within _____ days.

To order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

2. **If the Board feels that the property can be rehabilitated, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To order the property owner to rehabilitate the property within _____ days.

To order the property owner to vacate and secure the property within _____ days pending rehabilitation.

To order the Inspector to rehabilitate the property or remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

3. **If the Board wishes to delay action on the case, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To delay a decision on the case until _____ (date) in order to give the owner or party of interest time to: _____

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

10/10/2013

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Chris Fulton,
Inspector

Joseph Martin & Parties of Interest
2028 Chimney Brook Road
Fayetteville, NC 28312

91 7108 2133 3938 8545 6998

CASE # MH-259-2013

PROPERTY AT: 2725 Chimney Brook Rd, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 9/11/2013.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 10/9/2013 at 9:00 AM. The items identified below took place at the Hearing:

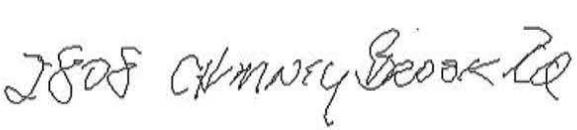
- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Joseph Martin
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 9/5/2013. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH-259-2013, dated 8/12/2013.
 - b. Due to these findings, the dwellings are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

Date: January 24, 2014

debra johnson:

The following is in response to your January 24, 2014 request for delivery information on your Certified Mail™ item number 9171082133393885456998. The delivery record shows that this item was delivered on October 17, 2013 at 12:32 pm in FAYETTEVILLE, NC 28301. The scanned image of the recipient information is provided below.

Signature of Recipient : 


Address of Recipient : 

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*
DATED October 10, 2013 CASE NUMBER *MH 259-2013*

EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: Joseph Martin
2725 Chimney Brook Road, Fayetteville, NC
Minimum Housing Case # MH 259-2013
TAX PARCEL IDENTIFICATION NUMBER: 0451-78-4087

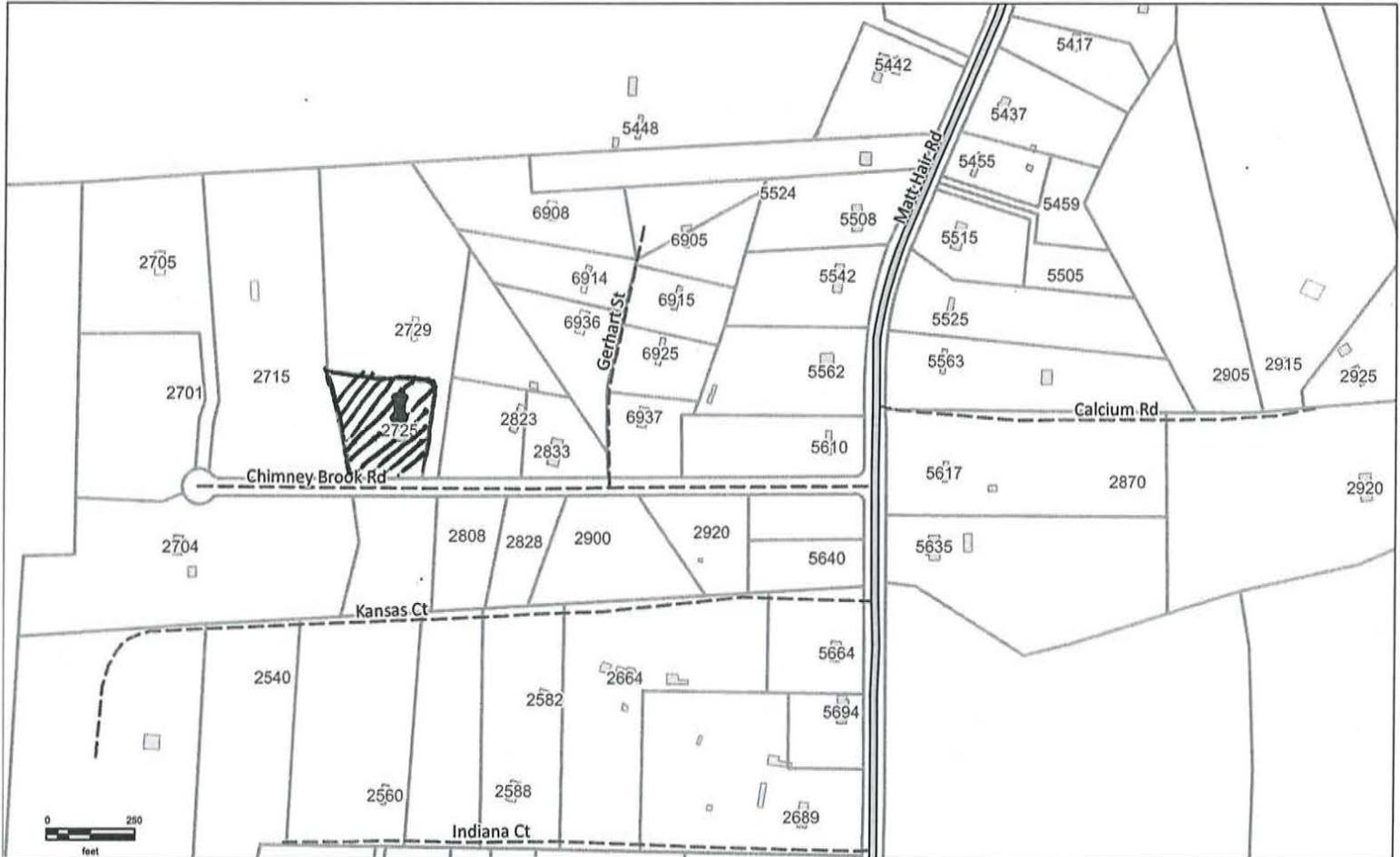


EXHIBIT B

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

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

BACKGROUND: That the following is a report on case number MH 487-2014 and is identified as Item Number _____.

Property Owner: Lahtisha McCrimon

Property Address: 5560 Leitha Lane, Godwin NC

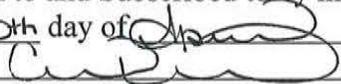
Tax Parcel Identification Number: 1503-02-3486

SYNOPSIS: This property was inspected on **February 7, 2014**. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on **February 26, 2014**. **Latisha McCrimon** attended the Hearing. It was ordered that the structure(s) be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than **March 26, 2014**. The property owner(s) and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on **April 10, 2014**, no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, this structure constitutes a fire, health, and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$48,900.00. The Assessor for Cumberland County has this structure(s) presently valued at \$3,022.00 for utility condition. Attached is a map depicting the location of the property. (See Exhibit B.)

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



Affiant
Housing Inspector/County of Cumberland

Sworn to and Subscribed to by me this
the 10th day of April 2014.


Notary Public

My Commission Expires: 11/03/2014



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

1. If the Board feels that the structure should be demolished, the Board's motion should be:

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and

To order the property owner to remove or demolish the dwelling within _____ days.

To order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

2. **If the Board feels that the property can be rehabilitated, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To order the property owner to rehabilitate the property within _____ days.

To order the property owner to vacate and secure the property within _____ days pending rehabilitation.

To order the Inspector to rehabilitate the property or remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

3. **If the Board wishes to delay action on the case, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To delay a decision on the case until _____ (date) in order to give the owner or party of interest time to: _____

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

2/27/2014

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Chris Fulton,
Inspector

Latisha Mccrimon & Parties of Interest
7051 Zepher Road
Fayetteville NC, 28311

CASE # MH-487-2014

PROPERTY AT: 5560 Leitha Lane, Godwin, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 2/19/2014.

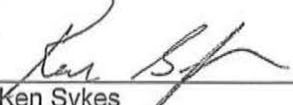
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 2/26/2014 at 10:00 AM. The items identified below took place at the Hearing:

- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were: Ms. McCrimon
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 2/7/2014. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH-487-2014, dated 2/7/2014.
 - b. Due to these findings, the dwellings are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

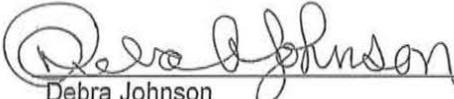
EXHIBIT "A"

4. Due to facts presented above, the Hearing Officer orders as follows:
- a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 3/26/2014. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
 - b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - c. The structure shall be/remain secured to prevent entry by ____ and shall remain secured.
 - d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after ____.
 - e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by _____. The cost of said demolition will be assessed against the real property in the form of a lien.

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



Ken Sykes
Hearing Officer



Debra Johnson
Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:



Sworn to and Subscribed to by me
this the 27th day of February 2014



Notary Public
My Commission Expires: 11-03-14

EXHIBIT "A"

NORTH CAROLINA
COUNTY OF CUMBERLAND

INSPECTION DEPARTMENT

RE: Latisha McCrimon & Parties of Interest
Name of Violator

MH 487-2014
Case Number

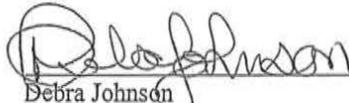
AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Individual)

I, Debra Johnson, Code Enforcement Officer with the Cumberland County Inspection Department,
personally served Latisha McCrimon a copy of the Findings of Fact and Order and Appeals Procedures Form
name of violator
citing violations of Article IV, Chapter 4 of the Cumberland County by delivering said notice(s) to a person of suitable
age and discretion, namely, Latisha McCrimon, address shown below:

130 Gillespie Street
street name

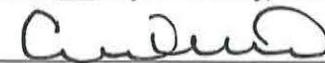
Fayetteville, NC 28301
city, state, zip

I further certify that said service was completed on this the 28th day of February, 2014.


Debra Johnson
Code Enforcement Officer

Sworn to and subscribed to before me

this the 28th day of February, 2014.


Notary Public

My Commission Expires: 11/03/2014



PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**
DATED February 27, 2014 CASE NUMBER **MH 487-2014**

EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: Latish McCrimon
5560 Leitha Ln; Godwin, NC
Minimum Housing Case # 's MH 487-2014
TAX PARCEL IDENTIFICATION NUMBER 1503-02-3486



Exhibit B

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



CUMBERLAND ★ COUNTY ★ NORTH CAROLINA

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Christopher Fulton,
Inspector

Planning & Inspections Department

CONSENT TO DEMOLISH

I, Latisha McCrimon, property owner of

5560 Leitha Ln, identified by Tax Parcel Identification

Number 1503-02-3486, and more particularly described as
Part of Lot 4 Marion Lockamy Div .46 Acres

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

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

1503-02-3486, and will be collected by the Cumberland County Tax Collector. Failure to pay the tax lien or assessment can result in the Tax Administrator's Office taking action to cause a mortgage style foreclosure of the property, to garnish my wages or to levy on my bank account.

Latisha McCrimon
Property Owner

2-28-14
Date

Sworn to and Subscribed to by me this

The 28th day of February, 2014

Carol M. Post
Notary Public

My Commission Expires: 11-03-14



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

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

BACKGROUND: That the following is a report on case number MH 483-2014 and is identified as Item Number _____.

Property Owner: Nellie A. Torres, Pearlie Lee Montoya & Kathleen A. Decipulo

Property Address: 2246 Waco Drive, Fayetteville, NC

Tax Parcel Identification Number: 0426-21-9689.

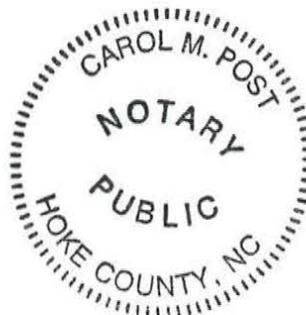
SYNOPSIS: This property was inspected on January 23, 2014. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on March 4, 2014. Kathleen A. Decipulo attended the Hearing. It was ordered that the structure(s) be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than April 3, 2014. The property owner(s) and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on April 10, 2014 no corrective action had been made to the structure(s). The structure(s) is presently vacant and unsecured. In its present state, this structure constitutes a fire, health, and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$30,000.00 The Assessor for Cumberland County has this structure(s) presently valued at \$500.00 for salvageable materials. Attached is a map depicting the location of the property. (See Exhibit B.)

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

Joey Lewis
Affiant
Housing Inspector/County of Cumberland

Sworn to and Subscribed to by me this
the 10th day of April 2014.
Carol M. Post
Notary Public

My Commission Expires: 11/03/2014



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

1. If the Board feels that the structure should be demolished, the Board's motion should be:

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and

To order the property owner to remove or demolish the dwelling within _____ days.

To order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

2. **If the Board feels that the property can be rehabilitated, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To order the property owner to rehabilitate the property within _____ days.

To order the property owner to vacate and secure the property within _____ days pending rehabilitation.

To order the Inspector to rehabilitate the property or remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

3. **If the Board wishes to delay action on the case, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To delay a decision on the case until _____ (date) in order to give the owner or party of interest time to: _____

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

Planning & Inspections Department

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Chris Fulton,
Inspector

WJ

FINDINGS OF FACT AND ORDER

91 7199 9991 7033 4112 1877

3/4/2014

91 7199 9991 7033 4112 1853

Nellie A & Pearlie Lee Torres & Parties of Interest
1858 Frenchtown Road
Port Deposit MD, 21904

&

Kathleen A Decipulo & Parties of Interest
2916 Frontera Place
Fayetteville, NC 28306

91 7199 9991 7033 4112 1860

CASE # MH-483-2014

PROPERTY AT: 2246 Waco Drive, Fayetteville, NC

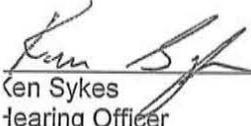
A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 2/11/2014.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 3/4/2014 at 9:15 AM. The items identified below took place at the Hearing:

- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were: Kathy Decipulo
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 2/5/2014. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH-483-2014, dated 1/23/2014.
 - b. Due to these findings, the dwellings are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

4. Due to facts presented above, the Hearing Officer orders as follows:
- a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 4/3/2014. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
 - b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - c. The structure shall be/remain secured to prevent entry by 4/3/2014 and shall remain secured.
 - d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after 4/3/2014.
 - e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 4/3/2014. The cost of said demolition will be assessed against the real property in the form of a lien.

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


Ken Sykes
Hearing Officer


Joey Lewis
Code Enforcement Officer

Enclosed: Appeals Procedure Form

cc:

Sworn to and Subscribed to by me
this the 4th day of March, 2014




Notary Public
My Commission Expires: 11-03-14

EXHIBIT "A"

Date: April 8, 2014

j lewis:

The following is in response to your April 8, 2014 request for delivery information on your Certified Mail™ item number 9171999991703341121853. The delivery record shows that this item was delivered on March 27, 2014 at 4:31 pm in FAYETTEVILLE, NC 28306. The scanned image of the recipient information is provided below.

Signature of Recipient : *Kathleen Decipulo*

Kathleen Decipulo

Address of Recipient : *2916 Frontiera Pl.
Fayetteville, NC
28306*

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**
DATED March 4, 2014 CASE NUMBER **MH 483-2014**

EXHIBIT A

Date: April 8, 2014

j lewis:

The following is in response to your April 8, 2014 request for delivery information on your Certified Mail™ item number 9171999991703341121860. The delivery record shows that this item was delivered on March 24, 2014 at 4:57 pm in PORT DEPOSIT, MD 21904. The scanned image of the recipient information is provided below.

Signature of Recipient :


manuel Torres

Address of Recipient :

1858 Frenchtowne

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*
DATED March 4, 2014 CASE NUMBER *MH 483-2014*

EXHIBIT A



Date: April 8, 2014

j lewis:

The following is in response to your April 8, 2014 request for delivery information on your Certified Mail™ item number 9171999991703341121877. The delivery record shows that this item was delivered on March 24, 2014 at 4:57 pm in PORT DEPOSIT, MD 21904. The scanned image of the recipient information is provided below.

Signature of Recipient :


manuel Torres

Address of Recipient :

1858 Frenchtown

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*
DATED March 4, 2014 CASE NUMBER *MH 483-2014*

EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: Nellie A. Torres, Pearlie Lee Montoya & Kathleen A. Decipulo

2246 Waco Drive, Fayetteville, NC
Minimum Housing Case # MH 483-2014
TAX PARCEL IDENTIFICATION NUMBER: 0426-21-9689



EXHIBIT B

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

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

BACKGROUND: That the following is a report on case number MH 484-2014 and is identified as Item Number _____.

Property Owner: Nellie A. Torres, Pearlie Lee Montoya & Kathleen A. Decipulo

Property Address: 2256 Waco Drive, Fayetteville, NC

Tax Parcel Identification Number: 0426-21-8673

SYNOPSIS: This property was inspected on **January 23, 2014**. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on **March 4, 2014**. **Kathleen A. Decipulo** attended the Hearing. It was ordered that the structure(s) be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than **April 3, 2014**. The property owner(s) and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on **April 10, 2014** no corrective action had been made to the structure(s). The structure(s) is presently vacant and unsecured. In its present state, this structure(s) constitutes a fire, health, and safety hazard. The estimated cost to repair this structure(s) to a minimum standard for human habitation is \$30,000.00 The Assessor for Cumberland County has this structure(s) presently valued at \$1,575.00 for utility condition. Attached is a map depicting the location of the property. (See Exhibit B.)

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

Joey Lewis
Affiant
Housing Inspector/County of Cumberland

Sworn to and Subscribed to by me this
the ____ day of _____ 2014.

Notary Public

My Commission Expires: 11/03/2014

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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

1. If the Board feels that the structure should be demolished, the Board's motion should be:

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and

To order the property owner to remove or demolish the dwelling within _____ days.

To order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

2. **If the Board feels that the property can be rehabilitated, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To order the property owner to rehabilitate the property within _____ days.

To order the property owner to vacate and secure the property within _____ days pending rehabilitation.

To order the Inspector to rehabilitate the property or remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

3. **If the Board wishes to delay action on the case, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To delay a decision on the case until _____ (date) in order to give the owner or party of interest time to: _____

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Chris Fulton,
Inspector

FINDINGS OF FACT AND ORDER

91 7199 9991 7033 4112 1846 4/2014

91 7199 9991 7033 4112 1822

Nellie A & Pearlie Lee Torres & Parties of Interest
1858 Frenchtown Road
Port Deposit MD, 21904

&

Kathleen Decipulo & Parties of Interest
2916 Frontera Place
Fayetteville, NC 28306

91 7199 9991 7033 4112 1839

CASE # MH-484-2014

PROPERTY AT: 2256 Waco Drive, Fayetteville, NC

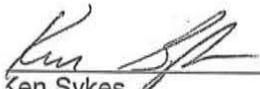
A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 2/11/2014.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 3/4/2014 at 9:15 AM. The items identified below took place at the Hearing:

- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were: Kathy Decipulo
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 2/5/2014. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH-484-2014, dated 1/23/2014.
 - b. Due to these findings, the dwellings are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

4. Due to facts presented above, the Hearing Officer orders as follows:
- a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 4/3/2014. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
 - b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - c. The structure shall be/remain secured to prevent entry by 4/3/2014 and shall remain secured.
 - d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after 4/3/2014.
 - e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 4/3/2014. The cost of said demolition will be assessed against the real property in the form of a lien.

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


Ken Sykes
Hearing Officer

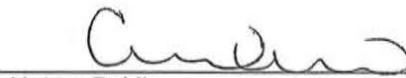

Joey Lewis
Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:



Sworn to and Subscribed to by me
this the 4th day of March, 2014

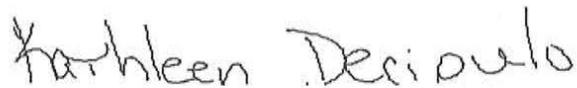

Notary Public
My Commission Expires: 11-03-14

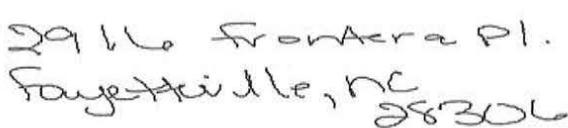
Date: April 8, 2014

j lewis:

The following is in response to your April 8, 2014 request for delivery information on your Certified Mail™ item number 9171999991703341121822. The delivery record shows that this item was delivered on March 27, 2014 at 4:31 pm in FAYETTEVILLE, NC 28306. The scanned image of the recipient information is provided below.

Signature of Recipient : 



Address of Recipient : 

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED March 4, 2014 CASE NUMBER *MH 484-2014*

EXHIBIT A

Date: March 25, 2014

j lewis:

The following is in response to your March 25, 2014 request for delivery information on your Certified Mail™ item number 9171999991703341121839. The delivery record shows that this item was delivered on March 24, 2014 at 4:57 pm in PORT DEPOSIT, MD 21904. The scanned image of the recipient information is provided below.

Signature of Recipient :


MANUEL TORRES

Address of Recipient :

1858 FRENCHTOWN

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*
DATED March 4, 2014 CASE NUMBER *MH 484-2014*

EXHIBIT A

Date: March 25, 2014

J LEWIS:

The following is in response to your March 25, 2014 request for delivery information on your Certified Mail™ item number 9171999991703341121846. The delivery record shows that this item was delivered on March 24, 2014 at 4:57 pm in PORT DEPOSIT, MD 21904. The scanned image of the recipient information is provided below.

Signature of Recipient :


MANUEL TORRES

Address of Recipient :

1858 Frenchtowne

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*
DATED March 4, 2014 CASE NUMBER *MH 484-2014*

EXHIBIT A

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Planning & Inspections Department

CONSENT TO DEMOLISH

I, Nellie Torres, property owner of
2250 Waco Dr Fayetteville, NC, identified by Tax Parcel Identification
Number MH 484-2014, and more particularly described as
Human unfit habitation

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

I further understand that the cost for said demolition and debris removal will be placed in
the form of a lien against the real property identified by Tax Parcel Identification Number
MH 484-2014, and will be collected by the Cumberland County
Tax Collector. Failure to pay the tax lien or assessment can result in the Tax
Administrator's Office taking action to cause a mortgage style foreclosure of the
property, to garnish my wages or to levy on my bank account.

Nellie Torres
Property Owner

4-2-14
Date

Sworn to and Subscribed to by me this

The 2nd day of April, 2014

Gerry S Taylor
Notary Public

My Commission Expires: July 16, 2016



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



CUMBERLAND ★ COUNTY ★ NORTH CAROLINA

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Planning & Inspections Department

CONSENT TO DEMOLISH

I, Kathleen Decipulo, property owner of
2250 Wood Dr. Fayetteville, NC, identified by Tax Parcel Identification
Number MH-484-2014, and more particularly described as
unfit for human habitation

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

I further understand that the cost for said demolition and debris removal will be placed in
the form of a lien against the real property identified by Tax Parcel Identification Number
MH-484-2014, and will be collected by the Cumberland County
Tax Collector. Failure to pay the tax lien or assessment can result in the Tax
Administrator's Office taking action to cause a mortgage style foreclosure of the
property, to garnish my wages or to levy on my bank account.

Kathleen Decipulo
Property Owner

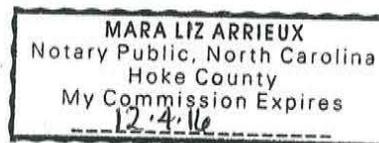
4-7-2014
Date

Sworn to and Subscribed to by me this

The 7th day of April 2014

Mara Liz Arrieux
Notary Public

My Commission Expires: 12.4.16



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



CUMBERLAND ★ COUNTY ★ NORTH CAROLINA

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Planning & Inspections Department

CONSENT TO DEMOLISH

I, Kathleen Decipulo, property owner of
225D Waco Dr. Fayetteville, NC, identified by Tax Parcel Identification
Number MH-483-2014, and more particularly described as
unfit for human habitation

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

I further understand that the cost for said demolition and debris removal will be placed in
the form of a lien against the real property identified by Tax Parcel Identification Number
MH-483-2014, and will be collected by the Cumberland County
Tax Collector. Failure to pay the tax lien or assessment can result in the Tax
Administrator's Office taking action to cause a mortgage style foreclosure of the
property, to garnish my wages or to levy on my bank account.

Kathleen Decipulo
Property Owner

4-7-2014
Date

Sworn to and Subscribed to by me this

The 7th day of April 2014

Mara Liz Arrieux
Notary Public

MARA LIZ ARRIEUX
Notary Public, North Carolina
Hoke County
My Commission Expires
12.4.16

My Commission Expires: 12.4.16

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



CUMBERLAND ★ COUNTY ★ NORTH CAROLINA

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Planning & Inspections Department

CONSENT TO DEMOLISH

I, Pearlie Lee Montoya, property owner of
2246 Waco Dr Jay N.C., identified by Tax Parcel Identification
Number MH-484-2014, and more particularly described as
the dwelling is unfit for human habitation

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

I further understand that the cost for said demolition and debris removal will be placed in
the form of a lien against the real property identified by Tax Parcel Identification Number
MH-484-2014, and will be collected by the Cumberland County
Tax Collector. Failure to pay the tax lien or assessment can result in the Tax
Administrator's Office taking action to cause a mortgage style foreclosure of the
property, to garnish my wages or to levy on my bank account.

Pearlie Lee Montoya
Property Owner

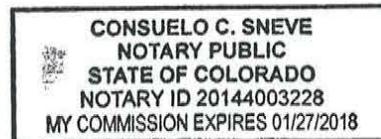
3-29-2014
Date

Sworn to and Subscribed to by me this

The 29th day of March

Consuelo C. Sney
Notary Public

My Commission Expires: 01/27/2018



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

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

BACKGROUND: That the following is a report on case number MH437-2013 and is identified as Item Number _____.

Property Owner: Bank of America, NA

Property Address: 6364 Canadian Avenue, Hope Mills, NC

Tax Parcel Identification Number: 0442-65-1945

SYNOPSIS: This property was inspected on November 20, 2013. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on February 20, 2014. No one attended the Hearing. It was ordered that the structure(s) be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than March 20, 2014. The property owner(s) and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on April 10, 2014 no corrective action had been made to the structure(s). The structure(s) is presently vacant and reasonable secured. In it's present state, this structure(s) constitute a fire, health, and safety hazard. The estimated cost to repair this structure(s) to a minimum standard for human habitation is \$70,560. The Assessor for Cumberland County has this structure(s) presently valued at \$1000.00 for salvageable materials. Attached is a map depicting the location of the property. (See Exhibit B.)

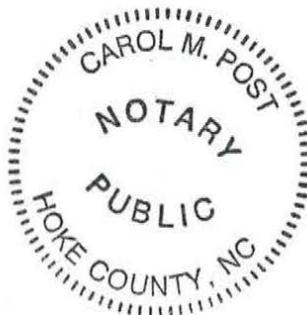
RECOMMENDATION: IT IS THE RECOMMENDATION OF THE INSPECTION DEPARTMENT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

George Hatcher
Affiant
Housing Inspector/County of Cumberland

Sworn to and Subscribed to by me this
the 10th day of April 2014.

Carol M. Post
Notary Public

My Commission Expires: 11/03/2014



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

1. If the Board feels that the structure should be demolished, the Board's motion should be:

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and

To order the property owner to remove or demolish the dwelling within _____ days.

To order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

2. **If the Board feels that the property can be rehabilitated, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To order the property owner to rehabilitate the property within _____ days.

To order the property owner to vacate and secure the property within _____ days pending rehabilitation.

To order the Inspector to rehabilitate the property or remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

3. **If the Board wishes to delay action on the case, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To delay a decision on the case until _____ (date) in order to give the owner or party of interest time to: _____

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

2/20/2014

91 7199 9991 7033 4000 3570

Bank Of America N A
By and Through Their Registered Agent
CT Corporation System & Parties of Interest
150 Fayetteville Street, Ste 1011
Raleigh, NC 27601-2957

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Chris Fulton,
Inspector

CASE # MH-437-2013

PROPERTY AT: 6364 Canadian Avenue, Hope Mills, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 2/6/2014.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 2/20/2014 at 9:45 AM. The items identified below took place at the Hearing:

- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were: _____
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 1/31/2014. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH-437-2013, dated 11/20/2013.
 - b. Due to these findings, the dwellings are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

EXHIBIT "A"

4. Due to facts presented above, the Hearing Officer orders as follows:
- a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 3/20/2014. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
 - b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - c. The structure shall be/remain secured to prevent entry by ___ and shall remain secured.
 - d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after ___.
 - e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 3/20/2014. The cost of said demolition will be assessed against the real property in the form of a lien.

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



Ken Sykes
Hearing Officer

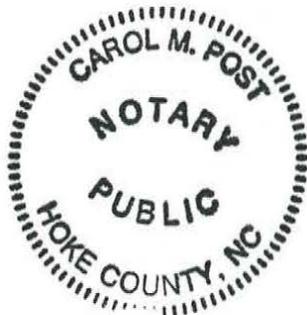


George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:

Sworn to and Subscribed to by me
this the 20th day of February, 2014





Notary Public
My Commission Expires: 11-03-14

EXHIBIT "A"

Date: March 24, 2014

George Hatcher:

The following is in response to your March 24, 2014 request for delivery information on your Certified Mail™ item number 9171999991703340003570. The delivery record shows that this item was delivered on February 25, 2014 at 9:23 am in RALEIGH, NC 27601. The scanned image of the recipient information is provided below.

Signature of Recipient :

| Delivery Section | |
|------------------|-------------|
| Signature X | Holly Frost |
| Printed Name | Holly Frost |

BANK OF
AMERICAN
CANADIAN

Address of Recipient :

| | |
|------------------|-------------------------------|
| Delivery Address | 150 Fayetteville St. Ste. 10. |
|------------------|-------------------------------|

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*
DATED February 20, 2014 CASE NUMBER *MH 437-2013*

EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: Bank of America, NA
6364 Canadian Avenue, Hope Mills, NC
Minimum Housing Case # MH 437-2013
TAX PARCEL IDENTIFICATION NUMBER: 0442-65-1945

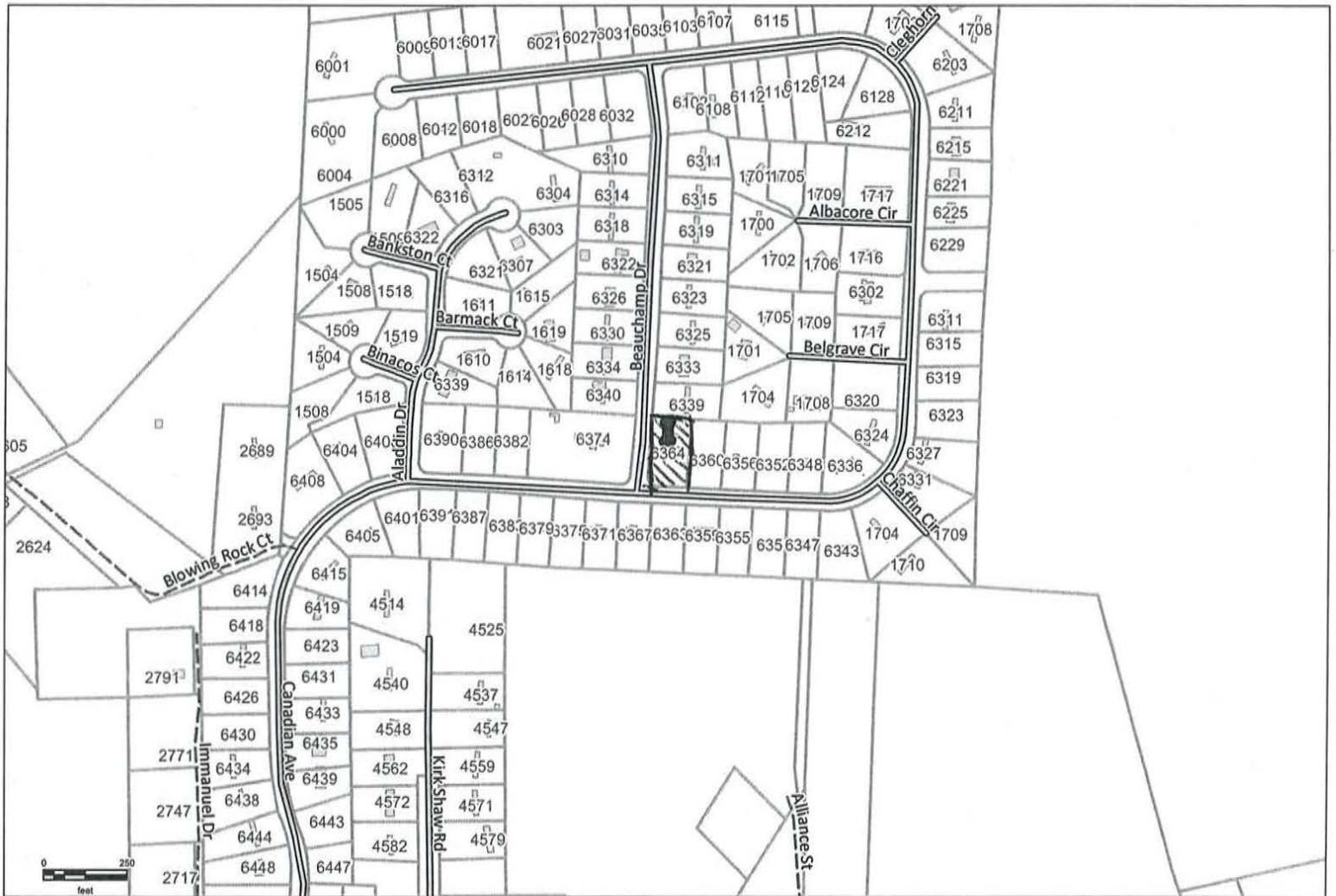


EXHIBIT B

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

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

BACKGROUND: That the following is a report on case number MH 156-2013 and is identified as Item Number _____.

Property Owner: Frank Lee Fisher

Property Address: on lot to rear of 5916 Mack Simmons Road, Fayetteville, NC

Tax Parcel Identification Number: 0471-79-4925

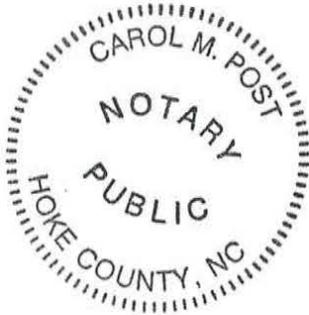
SYNOPSIS: This property was inspected on **June 19, 2013**. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on **July 18, 2013**. **No one** attended the Hearing. It was ordered that the structure(s) be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than **September 18, 2013**. The property owner(s) and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on **April 10, 2014** no corrective action had been made to the structure(s). The structure(s) is presently vacant and reasonable secured. In it's present state, this structure(s) constitutes a fire, health, and safety hazard. The estimated cost to repair this structure(s) to a minimum standard for human habitation is **\$41,160**. The Assessor for Cumberland County has this structure(s) presently valued at **\$500.00** for salvageable materials. Attached is a map depicting the location of the property. (See Exhibit B.)

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

George Hatcher
Affiant
Housing Inspector/County of Cumberland

Sworn to and Subscribed to by me this
the 10th day of April 2014.
[Signature]
Notary Public

My Commission Expires: 11/03/2014



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

1. If the Board feels that the structure should be demolished, the Board's motion should be:

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and

To order the property owner to remove or demolish the dwelling within _____ days.

To order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

2. **If the Board feels that the property can be rehabilitated, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To order the property owner to rehabilitate the property within _____ days.

To order the property owner to vacate and secure the property within _____ days pending rehabilitation.

To order the Inspector to rehabilitate the property or remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

3. **If the Board wishes to delay action on the case, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To delay a decision on the case until _____ (date) in order to give the owner or party of interest time to: _____

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

7/19/2013

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Chris Fulton,
Inspector

Frank Lee Fisher & Parties of Interest
5886 Mack Simmons Rd
Fayetteville NC, 28312

91 7199 9991 7033 0131 2741

CASE # MH-156-2013

PROPERTY AT: Lot to right of 5916 Mack Simmons Road, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 7/1/2013.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 7/18/2013 at 9:45 AM. The items identified below took place at the Hearing:

- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were: _____
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 6/24/2013. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH-156-2013, dated 6/19/2013.
 - b. Due to these findings, the dwellings are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

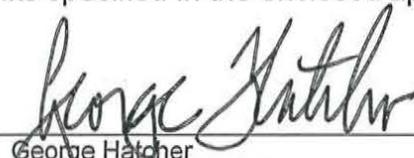
EXHIBIT "A"

4. Due to facts presented above, the Hearing Officer orders as follows:
- a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 9/18/2013. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
 - b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - c. The structure shall be/remain secured to prevent entry by _____ and shall remain secured.
 - d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after _____.
 - e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 9/18/2013. The cost of said demolition will be assessed against the real property in the form of a lien.

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



Ken Sykes
Hearing Officer



George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:

Sworn to and Subscribed to by me
this the 19th day of July, 2013





Notary Public
My Commission Expires: 11-03-14

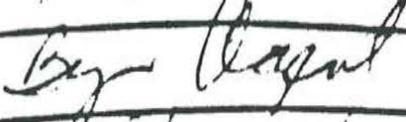
EXHIBIT "A"

Date: August 1, 2013

George Hatcher:

The following is in response to your August 1, 2013 request for delivery information on your Certified Mail™ item number 9171999991703301312741. The delivery record shows that this item was delivered on July 24, 2013 at 10:42 am in FAYETTEVILLE, NC 28312. The scanned image of the recipient information is provided below.

Signature of Recipient :

| | |
|--------------|--|
| Signature |  |
| Delivered to |  |

Address of Recipient :

| | |
|------------------|--|
| Delivery address |  |
|------------------|--|

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*
DATED July 19, 2013 CASE NUMBER *MH 156-2013*

EXHIBIT A

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

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

BACKGROUND: That the following is a report on case number MH 195-2013 and is identified as Item Number _____.

Property Owner: Sharon & Michael R.Davis

Property Address: 7846 Amesbury Road, Fayetteville, NC

Tax Parcel Identification Number: 0543 -07-4492

SYNOPSIS: This property was inspected on **June 25, 2013**. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on **February 6, 2014**. **Sharon Davis** attended the Hearing. It was ordered that the structure(s) be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than **March 6, 2014**. The property owner(s) and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on **April 10, 2014** no corrective action had been made to the structure(s). The structure(s) is presently vacant and reasonable secured. In it's present state, this structure(s) constitutes a fire, health, and safety hazard. The estimated cost to repair this structure(s) to a minimum standard for human habitation is undeterminable. (irreparable septic system rendering house uninhabitable). The Assessor for Cumberland County has this structure(s) presently valued at \$114,000. Attached is a map depicting the location of the property. (See Exhibit B.)

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

George Hatcher
Affiant
Housing Inspector/County of Cumberland

Sworn to and Subscribed to by me this
the 10th day of April 2014.
Carol M. Post
Notary Public

My Commission Expires: 11/03/2014



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

1. If the Board feels that the structure should be demolished, the Board's motion should be:

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and

To order the property owner to remove or demolish the dwelling within _____ days.

To order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

2. **If the Board feels that the property can be rehabilitated, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To order the property owner to rehabilitate the property within _____ days.

To order the property owner to vacate and secure the property within _____ days pending rehabilitation.

To order the Inspector to rehabilitate the property or remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

3. **If the Board wishes to delay action on the case, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To delay a decision on the case until _____ (date) in order to give the owner or party of interest time to: _____

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

Planning & Inspections Department

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Chris Fulton,
Inspector

FINDINGS OF FACT AND ORDER

2/6/2014

Sharon A & Michael R Davis & Parties of Interest
1979 Merrimac Drive
Fayetteville NC, 28304

91 7199 9991 7033 4000 3747

91 7199 9991 7033 4000 3730

CASE # MH-195-2013

PROPERTY AT: 7846 Amesbury Road, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 1/18/2014.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 2/6/2014 at 9:15 AM. The items identified below took place at the Hearing:

- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were: Sharon Davis
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 1/16/2014. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH-195-2013, dated 6/25/2013.
 - b. Due to these findings, the dwellings are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

EXHIBIT "A"

4. Due to facts presented above, the Hearing Officer orders as follows:
- a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 3/6/2014. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
 - b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - c. The structure shall be/remain secured to prevent entry by 3/6/2014 and shall remain secured.
 - d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after ____.
 - e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by _____. The cost of said demolition will be assessed against the real property in the form of a lien.

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



Ken Sykes
Hearing Officer



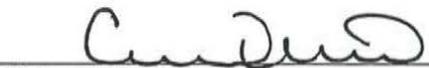
George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:



Sworn to and Subscribed to by me
this the 16th day of February, 2014



Notary Public
My Commission Expires: 11-03-14

EXHIBIT "A"

Date: April 8, 2014

George Hatcher:

The following is in response to your April 8, 2014 request for delivery information on your Certified Mail™ item number 9171999991703340003730. The delivery record shows that this item was delivered on February 21, 2014 at 12:24 pm in FAYETTEVILLE, NC 28304. The scanned image of the recipient information is provided below.

Signature of Recipient :

| Delivery Section | |
|------------------|---|
| Signature |  |
| Name | Sharon Davis |

Address of Recipient :

| | |
|---------|-----------------|
| Address | 1979 Mercine Dr |
|---------|-----------------|

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*
DATED February 6, 2014 CASE NUMBER *MH 195-2013*

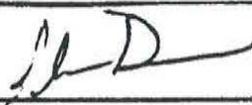
EXHIBIT A

Date: April 8, 2014

George Hatcher:

The following is in response to your April 8, 2014 request for delivery information on your Certified Mail™ item number 9171999991703340003747. The delivery record shows that this item was delivered on February 21, 2014 at 12:24 pm in FAYETTEVILLE, NC 28304. The scanned image of the recipient information is provided below.

Signature of Recipient :

| Delivery Section | |
|------------------|---|
| Signature |  |
| Address | 3600 Davis |

Address of Recipient :

| | |
|---------|-----------------|
| Address | 1979 Mercine Dr |
|---------|-----------------|

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: Sharon & Michael Davis
7846 Amesbury Road, Fayetteville NC
Minimum Housing Case # MH 195-2013
TAX PARCEL IDENTIFICATION NUMBER: 0543-07-4492

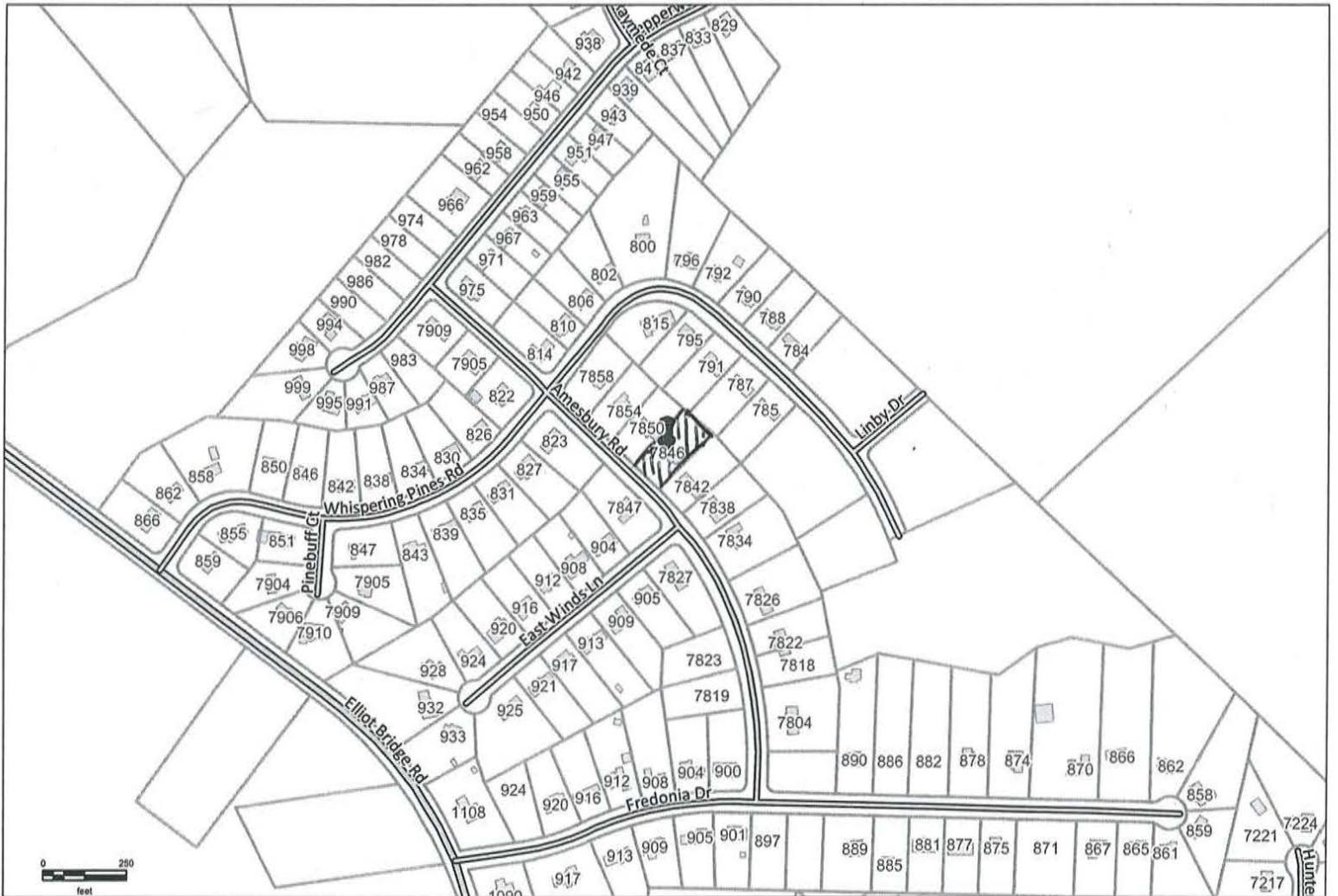


EXHIBIT B



ITEM NO. 3N

**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

COMMUNITY DEVELOPMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA
APRIL 22, 2014

TO: BOARD OF COUNTY COMMISSIONERS

FROM: SYLVIA H.-MCLEAN, COMMUNITY DEVELOPMENT DIRECTOR
S.H. McLean

THRU: AMY H. CANNON, INTERIM COUNTY MANAGER

DATE: APRIL 10, 2014

**SUBJECT: PUBLIC HEARING – 2014 DRAFT COMMUNITY DEVELOPMENT
ANNUAL ACTION PLAN**

BACKGROUND

The Community Development 2014 Annual Action Plan must be submitted to HUD by May 15, 2014. The draft 2014 Annual Action Plan has been available for a 30-day citizen's review and comment period throughout Cumberland County since April 4, 2014. All comments received regarding the plan will be addressed by the Community Development Director within 15 days of receipt and then forwarded to HUD with the Action Plan.

As part of the citizen participation process, a public hearing must be held during the comment period. The draft plan is also available for review in the office of the Clerk to the Board of Commissioners.

RECOMMENDATION AND PROPOSED ACTION

Community Development requests that the Board of County Commissioners hold a public hearing on the draft 2014 Annual Action Plan. No other action is necessary

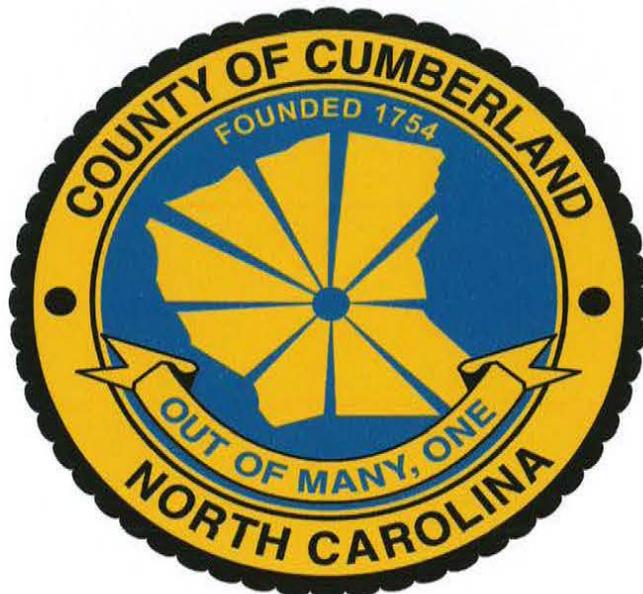
Attachment: Draft 2014 Annual Action Plan
Public Hearing Notice

DRAFT

Cumberland County
Community Development

2014 ANNUAL ACTION PLAN

Program Year July 1, 2014 through June 30, 2015



Public Review Period: April 4, 2014 – May 4, 2014

**Public Hearing: April 22, 2014, 6:45 p.m.
Cumberland County Board of Commissioners**

**CUMBERLAND COUNTY
2014-15 ACTION PLAN BUDGET
2014 PROGRAM YEAR (7/1/14 – 6/30/15)**

| | | |
|--|--------------------|--------------------|
| <u>HOUSING ACTIVITIES</u> – 1,011,952 | <u>CDBG</u> | <u>HOME</u> |
| • Emergency Repair | \$ 30,000 | \$ 380,090 |
| • Housing Rehabilitation | \$229,118 | \$ 50,000 |
| • New Construction | | \$ 20,000 |
| • First Time Homebuyer | \$ 3,000 | \$ 54,018 |
| • CHDO Set-Aside | | |
| • Housing Project Delivery | | |
| | \$245,726 | |
| | \$507,844 | \$504,108 |
| PUBLIC FACILITY | \$100,000 | |
| INFRASTRUCTURE | \$ 50,000 | |
| ECONOMIC DEVELOPMENT | \$ 25,000 | |
| | \$175,000 | |
| <u>PUBLIC SERVICES</u> – 119,358 | | |
| • RFP | \$66,023 | |
| • Homeless Services | \$30,000 | |
| • Activity Delivery | \$23,335 | |
| | \$119,358 | |
| ADMINISTRATION / PLANNING | \$263,512 | \$ 48,810 |
| TOTAL | \$1,065,714 | \$552,918 |
| <u>REVENUE SOURCES</u> | | |
| GRANT FUNDS | \$795,714 | \$ 288,096 |
| PROGRAM INCOME | \$200,000 | \$ 200,000 |
| GENERAL FUNDS | \$ 70,000 | |
| COUNTY MATCH REQUIREMENT | | \$ 64,822 |
| TOTAL | \$1,065,714 | \$552,918 |

| <u>HOMELESS PROGRAMS/PROJECTS</u> | <u>MATCH SOURCE</u> | <u>COMPETITIVE GRANT FUNDS</u> | <u>GRANT AWARD PERIOD</u> |
|---|----------------------------|---------------------------------------|----------------------------------|
| CoC - Robins Meadow Trans. Housing Prog. CD Local / Homeless Services (RM match-448) | \$21,455 | \$85,817 | 4/1/15– 3/31/16 |
| CoC - Safe Homes Perm. Housing Program CD Local / Homeless Services (SH match-448) | \$3,031 | \$53,048 | 12/1/14 –11/30/15 |
| CoC – Planning Grant CD Local / Homeless Services (match-448) | \$2,486 | \$9,942 | 1/1/15-12/31/16 |
| ESG Grant – State CD Public Services (match-446) | \$14,620 | \$150,403 | 10/1/14 –11/30/15 |
| PATH Grant - State General Funds MH –(match 101) | \$68,393 | \$202,208 | 7/1/14 – 6/30/15 |

CUMBERLAND COUNTY COMMUNITY DEVELOPMENT 2014 ANNUAL ACTION PLAN

A. PURPOSE

Cumberland County Community Development's (CCCD) Annual Action Plan provides a narrative description of the projects and activities that are expected to be implemented and funded with entitlement funding and competitive awards that Cumberland County will receive from the United States Department of Housing and Urban Development (HUD) for the 2014 Program Year. The projects described on the following pages will be provided by Community Development using Community Development Block Grant (CDBG), Home Investment Partnership Act (HOME), Emergency Solutions Grant, and the Continuum of Care Homeless Assistance funds.

Through the 2014 Annual Action Plan, we strive to reflect the County's continued efforts and commitment to address Affordable Housing issues, public facility and infrastructure improvements, and the provision of homeless services as a part of the Continuum of Care for the residents of Cumberland County. Additionally, Cumberland County will continue to undertake specific actions in order to address the National Objectives outlined by the U.S. Department of Housing and Urban Development by providing for increased activity involving resident initiatives, evaluation and reduction of lead-based paint hazards, increased employment opportunities, the further development of community based institutional facilities and the enhancement of coordination between public, private housing and human service agencies.

B. GEOGRAPHIC DISTRIBUTION

The towns of Eastover, Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman, and Wade have all elected to remain parties to Cumberland County's designation as an Urban County. All of the programs described on the following pages, with the exception of certain Public Service Program and Continuum of Care Program projects, will be accomplished in one of these municipal areas of the County or the unincorporated areas of the County.

C. SOURCES OF FUNDS

FEDERAL SOURCES: The following information describes the sources and amounts that will be made available to Cumberland County for the implementation of 2014-2015 program goals and objectives:

Entitlement Grants & Competitive Awards

Source: Community Development Block Grant (CDBG) - Amount \$795,714

Source: Home Investment Partnership Act (HOME) - Amount \$288,096

Source: Emergency Solutions Grant (ESG) – Amount \$150,403

Source: Continuum of Care (COC) – Amount \$148,807

Local Sources

Matching Requirements/General Fund - As a federal requirement, Cumberland County is to provide matching funds for the HOME entitlement program in the amount of **\$64,822**; and in the proposed budget, general funds for support of the CDBG program - **\$70,000**.

Program Income

Cumberland County Community Development projects that it will receive program income from repayment of loans for the housing rehabilitation, homebuyer assistance, affordable housing and economic development programs:

- CDBG Entitlement Program: **\$200,000**

- HOME Entitlement Program: **\$200,000**

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

D. DESCRIPTION OF PROJECTS

1. HOUSING ACTIVITIES

Housing Rehabilitation Program

Priority Need: Affordable Housing; Housing Goals 1, 2, 3 and 4 CDBG: \$229,118. National Objective: Low/Mod Housing and/or Urgent Need, Eligibility Citation: 24 CFR Part 570.202; HOME: \$380,090. Eligibility Citation: 24 CFR Part 92.205(a)(1);

Owner-Occupied Rehabilitation: This program will address housing repair needs of households whose annual income is at or below 80% of the median income for Cumberland County based on household size (\$52,800 for a family of four). Households in need of repairs to meet Minimum Housing Code Standards and general property improvements will receive a deferred payment loan, with household re-certification every five years. Housing rehabilitation repairs that do not exceed \$7,500 will be given in the form of a grant. Applications for this program are accepted on an on-going basis.

Rental Rehabilitation (Investor-Owner): Property owners with 10 or fewer units are able to access low-interest housing rehabilitation loans for rental property. The types of repairs to be addressed are those items that do not meet Minimum Housing Code Standards and general property improvements. Loan terms are as follows:

- 3% amortized loan for 15 years (standard rehabilitation, refinance/rehabilitation, or acquisition/rehabilitation)
- 5% amortized loan for 30 years (refinance/rehabilitation or acquisition/rehabilitation).

Property owners are required to lease to renters with incomes at or below 80% of the median income for Cumberland County. Applications for this program are accepted on an on-going basis.

Purchase/Rehab/Resale: This program establishes a mechanism that may be used to acquire properties for future development as affordable housing. The objectives of the program are to remove blighting conditions in low and moderate income neighborhoods, increase the county's stock of standard affordable housing units, increase the county's tax base, and create homeownership opportunities for first-time homebuyers. Properties will be acquired through donation, deed and tax sales, the foreclosure of government liens, and through private purchases. Community Development will acquire substandard single-family units, rehabilitate the units to meet Community Development Rehabilitation Standards, and then sell the units to income eligible first-time homebuyers. Community Development may also acquire vacant lots or substandard units not suitable for rehabilitation for demolition. This will allow the Department to take advantage of infill housing opportunities to further stabilize and strengthen our low and moderate-income neighborhoods through homeownership.

Homeownership Assistance Program

Priority Need: Affordable Housing; Housing Goal 2 – HOME: \$20,000. Eligibility Citation: 24 CFR Part 92.205(a) (1):

Down Payment/Closing Costs Assistance (DAP)

This program coordinates with local financial institutions in order to provide up to \$5,000 to first time homebuyers for down payment and/or closing costs. Applicants must meet income requirements (earning no more than 80% of the median income) as well as attend a class on homeownership. Applications for this program are accepted on an on-going basis.

Gap Financing (GAP)

CCCD will continue to offer Gap financing assistance to very low and low-income residents seeking homeownership. The amount of assistance that can be provided will not exceed \$20,000 per applicant. Such assistance will be used as a subsidy to make up the difference between the market value of the property and the sales price that is affordable to the purchaser. Applications for this program are accepted on an on-going basis.

For any of the subsidies provided, CCCD will secure a first or second mortgage on the property with a 4% interest rate 10-year term which is deferred for the first 5 years (for DAP) or a 30-year term (for GAP) having a 0 – 4 % interest rate depending on the amount of subsidy needed by the homeowner. This approach offers the benefit of significant leverage of private lender money while providing program income for CCCD. While CCCD would partner with anyone offering an affordable mortgage product, our primary focus would be to work with those lenders whose products are most affordable.

General Program Guidelines

Principal Residence: The property must be occupied by the homebuyer and retained as the principal residence by the owners for the full period of affordability, which is contingent upon the amount of per unit subsidy received and may be 5, 10, or 15 years (20 if new construction). The property owner agrees to allow Cumberland County Community Development to verify principle residence status annually. Homeowner agrees to provide Community Development with a written certification of residence status to become a permanent part of the applicant file. Subletting or renting is not permitted.

Refinance: During the period of affordability, a homebuyer will not be permitted to refinance the property without the approval of Cumberland County Community Development.

Recapture Provision: In accordance with the applicable homebuyer recapture/resale provision outlined in 24 CFR Part 92, Cumberland County has adopted the policy at Appendix A in implementing its HOME-assisted homeownership housing.

Homeownership Counseling: As a requirement of the CCCD First-time Homebuyers Program, applicants are required to successfully complete a First-time Homebuyers Class prior to being awarded community development funding. CCCD may contract with a local agency qualified to provide homeownership education classes. The following services would be included in the scope of services of the contract:

- Provide monthly homeownership education workshops
- Coordinate all preparation of the workshops, including advertising
- Conduct the workshop with certified housing counselors
- Provide evaluations of workshop effectiveness

Marketing: In keeping with special outreach activities outlined in CCCD's Affirmative Marketing Plan, certain marketing efforts (i.e. direct mailings, postings on community bulletins, PSA's, coordination with the Fayetteville Area Metropolitan Housing Authority and the Fayetteville Apartment Association, etc.) will be undertaken to ensure that residents and tenants of public and manufactured housing, and other families assisted by public housing agencies, are aware of the CCCD's housing assistance programs.

Community Housing Development Organization (CHDO) Set-Aside

Priority Need: Affordable Housing; Housing Goal 2 - HOME: \$54,018 Eligibility Citation: 24 CFR Part 92.300

Federal regulations require that at least 15% of the HOME entitlement funds be set-aside for affordable housing development by CHDOs. In order to be designated a CHDO, a non-profit organization must meet the qualifying criteria as established by HUD. CCCD continues to meet and seek qualified organizations to identify possible CHDOs.

Housing Project Delivery Costs

Housing services activity delivery costs: CDBG - \$245,726 - CCCD staff and overhead costs directly related to carrying out housing projects, such as work specifications preparation, loan processing, inspections, and other services related to assisting potential owners, tenants, and homebuyers. Staff and overhead costs directly related to providing advisory and other relocation services to persons displaced by the project, including timely written notices to occupants, referrals to comparable and suitable replacement property, property inspections, counseling and other assistance necessary to minimize hardship.

Housing Activities Outcome

| Housing Needs - Objective: Decent housing | |
|--|--|
| Priority Need: Affordable Housing | |
| Goal 1: Increase the availability and accessibility of decent, safe, and affordable housing in Cumberland County. | Objective 1: To rehabilitate 20 owner-occupied units and 2 rental units from 2014 to 2015. |
| Goal 2: Increase the availability and accessibility of decent, safe, and affordable housing in Cumberland County. | Objective 2: Provide assistance to 2 low/moderate income citizens to become first-time home buyers from 2014 to 2015. |
| Goal 3: A County in which all rental housing is affordable and in standard condition. | Objective 3: Provide 3 additional standard rental units that are affordable to very low-and-income residents from 2014-2015. |
| Goal 4: Alleviate lead-based paint hazards in Cumberland County's housing inventory. | Objective 4: Make available educational literature to at least 100 households that may be potentially affected by lead-based paint from 2014-2015. |
| Goal 5: To eliminate housing discrimination in Cumberland County. (see Fair Housing Action Plan below) | Objective 5: Increase awareness of fair housing law for 5 providers serving minorities and special populations groups from 2014-2015. |

FAIR HOUSING ACTION PLAN: 2014-2015

In our commitment to affirmatively further fair housing, Cumberland County Community Development will implement the following actions to address the identified impediments to fair housing choice during the **2014 – 2015** program year.

➤ *Impediment 1: Lack of awareness of fair housing laws.*

Goal 1: To eliminate housing discrimination in Cumberland County.

Objective 1: Increase awareness of fair housing law for **2** public service organizations.

Strategy 1.1: Partner the Fair Housing Project, Legal Aid on NC (Raleigh) Fair Housing Education and Training.

Strategy 1.2: Conduct **1** symposium on Fair Housing and Equal Opportunity during April's Fair Housing Month. Invite HOME Funds Recipients that require annual fair housing training.

Strategy 1.4: Use of Social Network mediums such as Cumberland County's Facebook page to announce fair housing related activities and public events.

➤ **Impediment 1: Lack of affordable housing in Cumberland County.**

Goal 2: Increase the availability and accessibility of decent, safe, and affordable housing in Cumberland County.

Strategy 2.1: Efforts to provide 125 affordable housing units (homeowner and rental) by 2015 is currently on-going.

2. PUBLIC SERVICES

Public Services Program: Community Development/Public Services Goal 1 - CDBG: \$119,358. National Objective: Low/Mod Limited Clientele; Eligibility Citation: 24 CFR Part 570.201(e).

All projects funded will be selected based on identified needs in the community. Potential agencies are currently under review and final determination of agencies and funding have not yet.

| Project | Activity | Funding Amount/ Grant Term |
|--|---|-------------------------------|
| Public Services RFP (subrecipients are to be determined) | Provision of various human services for Cumberland County residents | \$66,023 |
| Homeless Services (CoC Program) | Operations, supportive services, HMIS | \$30,000 |
| Activity Delivery | Program oversight and provision of technical assistance | \$23,335 |

Public Services Activity Delivery Costs – CCCD staff costs directly related to carrying out public services projects, such as eligibility review and processing of pay requests, and other technical assistance necessary to ensure program compliance.

Public Services Outcome

| | |
|--|---|
| Non-Housing Community Development Needs – Objective: Suitable living environments | |
| Priority Need: Human Services (specifically health care and homeless services) | |
| Goal 1: Maximize use, coordination, and delivery of human services. | Objective 1: Work with human services agencies to maximize use, coordination and delivery of human services for 1000 residents, with a priority given to agencies providing health care services and services to the homeless from 2014-2015. |

3. PUBLIC FACILITIES/INFRASTRUCTURE

Public Facilities/Infrastructure: Non-Housing Community Development Goal 1, Objective 1, CDBG: \$150,000. National Objective: Slum & blight/Low mod limited clientele/Urgent Need; Eligibility Citation: 24 CFR Part 570.201(c).

Since public facilities are listed as a priority, CCCD will consider applications in the future should additional funding become available. This activity may be assisted through prior year funding that can be reprogrammed.

There are currently 2 requests for water/sewer projects (within Spring Lake and Westarea Communities) under review for funding commitments.

Public Facilities / Infrastructure Outcome

| | |
|---|---|
| Non-Housing Community Development Needs – Objective: Suitable Living Environment/ Decent Housing/Economic Opportunity | |
| Priority Need: Water and Sewer Improvements | |
| Goal 1: To make public water and sewer facilities available to low to moderate income neighborhoods located within our participating jurisdiction. | Objective 1: Make public water/sewer available to 1 low to moderate income neighborhoods from 2014-2015. |

4. ECONOMIC DEVELOPMENT ACTIVITIES

Economic Development Activities: Non-Housing Community Development Goal 1, Objective 1, CDBG: \$25,000. National Objective: Slum & blight/Low mod limited clientele/Urgent Need; Eligibility Citation: 24 CFR Part 570.203.

Currently, no economic development projects have been identified. However, funding for this activity has been appropriated should a viable project be presented for consideration for the 2014-2015 program year.

Economic Development Outcome

| | |
|--|--|
| Non-Housing Community Development Needs – Objective: Suitable Living Environment/ Economic Opportunity | |
| Priority Need: Employment Services / Job Training | |
| Goal 1: Improve self-sufficiency for Cumberland County residents by increasing the number of new private sector full time permanent jobs, available to, or taken by, low and moderate income persons. | Objective 1: Provide funding to a project that will provide goods and services to low/moderate income areas and/or create or retain jobs for low/moderate income persons of Cumberland County from 2014-2015. |

5. GENERAL ADMINISTRATION/PLANNING

General Administration: CDBG: \$263,512, Eligibility Citation: 24 CFR Part 570.206; HOME: \$48,810, Eligibility Citation: 24 CFR Part 92.207.

Funds have been allocated under this activity for costs related to the administration and execution of Community Development projects under each of the entitlement programs for the 2014-2015 program years. Eligible administrative costs may include, but not be limited to:

- a. General management, oversight, and coordination;
- b. Salaries, wages, and related costs of the participating jurisdiction's staff;
- c. Fair Housing activities;
- d. Coordinating homeless related activities;
- e. Monitoring progress and compliance with program requirements;
- f. Preparing reports and other documents related to the program for submission to HUD;
- g. Evaluating program results against stated objectives;
- h. Travel costs incurred for official business in carrying out the program;
- i. Administrative services performed under third party contracts or agreements;
- j. Capacity building and training for staff and non-profits; and
- k. Activities to affirmatively further fair housing.

6. COMPETITIVE GRANTS

Source: Continuum of Care (CoC) Program (for Homeless Assistance) Award: \$816,914 of the project applications submitted in the 2013 CoC Homeless Assistance competition.

The CoC Homeless Assistance Program grant funds will be used specifically to continue the implementation of several projects as a part of the Continuum of Care process for Cumberland County. Those projects include the operation of the following:

| Project | Project Grantee/Sponsor | Activity | Funding Amount/Grant Term |
|--|---|--|---------------------------|
| Ashton Woods | Cumberland Interfaith Hospitality Network | 20-unit transitional housing program with supportive services for homeless families | \$267,745 / 1 year |
| Bonanza | The Salvation Army | 7-unit permanent housing program with supportive services for disabled homeless persons | \$86,403 / 1 year |
| Leath Commons | Cumberland Interfaith Hospitality Network | 5-unit permanent housing program with supportive services for disabled homeless families | \$126,877 / 1 year |
| Robin's Meadow | Fayetteville Metropolitan Housing Authority | 12-unit transitional housing program with supportive services for homeless families | \$85,817 / 1 year |
| Step-Up Semi-Independent Living | The Salvation Army | 2-unit transitional housing program with supportive services for 6 single homeless men | \$36,167 / 1 year |
| The Care Center | The Salvation Army | 14-unit transitional housing program with supportive services for victims of domestic violence | \$150,915 / 1 year |
| Safe Homes for New Beginnings | Cumberland County | 5-unit permanent housing program with supportive services for disabled and chronically homeless individuals and families | \$53,048 / 1 year |
| CoC Planning | Cumberland County | CoC planning and coordination of homeless services and activities. | \$9,942 / 1 year |

Source: Emergency Solutions Grant (ESG) Amount \$TBD

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

In 2013, Cumberland County was awarded \$150,403 Emergency Solution Grant funds to carry out activities eligible under the ESG Components. The 2014 ESG allocation is to be determined, but it is anticipated the same level of funding allocation in 2013 will be allocated in 2014. The ESG funds must be allocated for projects that are eligible under the following six (6) ESG Components:

1) **Street Outreach** – is for the unsheltered homeless persons which includes:

- engagement
- case management
- emergency health and mental health services
- transportation services for special populations

2) **Emergency Shelter** – is divided into two (2) sub-categories: Essential Services and Shelter for the sheltered homeless persons.

Essential Services include:

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

Shelter includes:

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

3) **Homeless Prevention** – includes the following items to prevent and stabilize an individual or family from becoming homeless:

- Housing Relocation and Stabilization Services
- Short- and Medium-Term Rental Assistance

4) **Rapid Re-housing** – includes the following items to assist the actual homeless:

- housing relocation and stabilization services
- short- and medium-term rental assistance
- permanent housing

5) **Homeless Management Information System (HMIS)** – includes payment of the costs of establishing, hosting, customizing, and upgrading the HMIS.

6) **Administration** – Up to 7.5 percent can be allocated for the payment of administrative cost relating to the planning and execution of the ESG activities.

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

PATH – State grant (SAMHSA): \$202,208; local general funds: \$68,393

Homeless Needs Outcome

| | |
|--|---|
| Homeless Needs – Objective: Suitable living environments/Decent Housing | |
| Priority Need: Human Services (specifically health care and homeless services) | |
| Goal 1: Increase available funding for local homeless service/housing providers | Objective 1: Provide financial stability for local homeless initiatives in order to eliminate potential gaps in services by setting aside at least 25% of the Public Services annual allocation to create 2 beds in priority homeless categories from 2014-2015. |

Special Populations Outcome

| | |
|---|--|
| Special Populations Needs – Objective: Suitable living environments | |
| Priority Need: Services for the Disabled | |
| Goal 1: Increase supportive services and activities in Cumberland County for the disabled (mental and physical). | Objective 1: Provide funding to programs that will assist 20 disabled persons for the 2014-2015 program year. |

E. NEEDS OF PUBLIC HOUSING

Based on consultation with the Fayetteville Metropolitan Housing Authority (FMHA) during the consolidated planning process, all of the public housing developments are located outside of Cumberland County's geographic area. The only public housing properties located within our jurisdiction are scattered site single-family housing units used as a part of FMHA's Section 8 Program. The FMHA is not designated as "troubled." During the 2014 Program Year, CCCD plans to expand its marketing and outreach efforts to include coordination with the FMHA to make presentations to public housing/Section 8 program residents, specifically related to the Homebuyer Assistance Program.

F. ANTI-POVERTY STRATEGY

Throughout the development of the plan, the coordination of programs and services to assist the poorest members of our community was always a part of the development process. The long-term solution to poverty is a complex one and requires us to wrestle with social and economic issues that have persisted for decades. There is a need to alleviate the problem of excessive rent burdens for the poor by providing an increased number of available, decent, safe, and affordable housing units. Job training must be provided for skills improvement, social services with a caring heart, better education, and comprehensive health care for the indigent and more economic opportunities for people who live in Cumberland County. All of these must be components of comprehensive community planning and economic development.

The County's 2014-2015 Annual Action Plan addresses poverty issues throughout all sections of the plan. The Goals, Objectives, and Strategies in the plan were developed based on the results of citizen and agency surveys as well as consultations with local health, social service, and public housing agencies. Concerns of the poorest members of our community were considered throughout the development of the plan and are an integral part of the plan itself. Refer to Section D above for relevant goals, objectives, and strategies in addressing the needs and carrying out relevant programs.

G. LEAD-BASED PAINT HAZARDS

Based on the 2000 Census, there are 118,425 housing units in Cumberland County. Approximately 55% of the County's housing stock was built prior to 1979. Lead paint is typically found in homes that were constructed prior to 1978. Lead-based paint is an environmental concern particularly in households with children seven years of age and younger. All Community Development housing rehabilitation staff has been trained in lead-based paint safe work practices and interim controls. Cumberland County Community Development will undertake the following strategies to educate and abate lead-based paint hazards:

- Develop and run periodic public service announcements to make households with children under seven aware that they may qualify for funding to assist with lead-based paint abatement;
- Promote National Lead Poisoning Prevention Week in October of each year through PSA's and a

proclamation approved by the Cumberland County Board of Commissioners to increase education and awareness on lead hazards;

- Ensure that all households applying for funds from CCCD's Housing Rehabilitation, Emergency Repair, or First-Time Home Buyer's Programs are given brochures on the hazards of lead-based paint; and
- Conduct workshops for new contractors so that they are trained to perform lead hazard control work as required by the Lead Safe Housing Rules.

H. OTHER ACTIONS

The following additional actions are projected to be undertaken by Cumberland County Community Development during the 2014-2015 Program year:

Development of Institutional Structure

- There is still an under supply of seasoned non-profit housing development organizations in Cumberland County that have hands-on experience in real estate development. A small number of private for profit developers are active in the local low -income housing tax credit market. In order, however, for Cumberland County to make advances in affordable housing, it must nurture the growth and development of non-profit developers that can access the full range of State, Federal and other subsidies needed to finance affordable housing. Non-profit organizations must develop the necessary background and experience in real estate development and affordable housing finance in order to serve the housing needs of Cumberland County over the long term.
- Cumberland County Community Development will continue to provide technical assistance to non-profit agencies through staff and the use of technical assistance funding provided by HUD.
- Due to national trends and shifts in public funding from emergency shelter and transitional housing to permanent housing, Cumberland County has an undersupply of decent, safe, and affordable permanent housing units to address local needs.

Foster and Maintain Affordable Housing

- Offer affordable mortgage products through the Down payment Assistance Program (DAP) and the Gap Assistance Program (GAP).
- Partner with local lenders and the U.S. Department of Agriculture Rural Development to maximize the use of HOME funds for the Homebuyer Assistance Program.
- Acquire and renovate substandard single family units that will ultimately be sold to low to moderate income homebuyers through the Department's Buy Rehab Resale Program.
- Acquire vacant lots or substandard units not suitable for rehabilitation for demolition in order to eliminate blighting conditions in neighborhoods as well as provide additional affordable housing through the construction of housing for low to moderate income homebuyers or renters.
- To preserve affordable rental housing, offer low interest loans for rehabilitation of rental property through the Rental Rehabilitation Program.
- Seek eligible organizations for designation as Community Housing Development Organizations (CHDOs) to increase the production and supply of affordable housing.
- Low interest loans for non-profit and for-profit developers to build affordable rental and homeownership units.

Remove Barriers to Affordable Housing

- Interagency partnership to provide homebuyer counseling will provide increased knowledge and resources for low to moderate-income citizens seeking to purchase a home.
- Continue participation in the 10 Year planning efforts to end homeless by serving as one of the lead agencies in the community-driven process.
- Unemployment in Cumberland County is on the rise and for those who are employed, many households in the community work for low wages, which limits their housing choices and their ability to maintain their housing. Community Development will provide economic development funds, specifically geared toward job creation, to help attract higher paying industry to Cumberland County. We will continue to work with local companies as well as County Management and the other area economic development agencies in

- developing incentive packages to attract business to the area.
- Lack of adequate infrastructure greatly impacts the type and location of development in Cumberland County. With the use of CDBG funds, Community Development will work with the County Public Utilities Department to identify low- and moderate-income areas that may be assisted with installation of water and sewer facilities.
- Lack of awareness of fair housing laws has been identified as an impediment to fair housing choice in the 2010 Analysis of Impediments. Cumberland County Community Development will use the following strategies to affirmatively further fair housing choice:
 - Partner with the Fayetteville Metropolitan Housing Authority to provide quarterly fair housing education classes to residence transitioning to home ownership or other housing opportunity.
 - Partner with the local mental health providers to connect persons with specific disabilities acquire to housing. Persons with mental disabilities that contact the Fayetteville-Cumberland Human Relations Department seeking housing assistance will be connected with local mental health providers to obtain housing that is decent, safe and secure.
 - Conduct 1 symposium on Fair Housing and Equal Opportunity during April's Fair Housing Month. Invite HOME Funds Recipients that require annual fair housing training.
 - Conduct an end of program year (fourth quarter) fair housing awareness survey to gauge effectiveness of outreach efforts.
 - Use of Cumberland County's social media outlets (i.e. Facebook, Twitter, etc.) to announce fair housing related activities and public events.

I. SECTION 3 REQUIREMENTS

Cumberland County Community Development is required to comply with the Section 3 provision of the Housing and Urban Development Act of 1968. Section 3 requires that, to the greatest extent feasible, training and employment opportunities arising out of a project assisted under a program providing direct federal financial assistance from the US Department of Housing and Urban Development (HUD) be given to low and very low income residents of the service area and, where appropriate, contracts for work in connection with the project be awarded to business concerns (firm) which are located in or owned in substantial part by persons residing in the area of the project.

CCCD adheres to Section 3 requirements and maintains the activities outlined in our Implementation Guide to ensure compliance with federal requirements.

J. MONITORING

Cumberland County will continue to improve its established monitoring system of CDBG, HOME, CoC Program, ESG, and other housing and community development activities to ensure both short-term and long-term contract and regulatory compliance. Monitoring is the responsibility of the Cumberland County Community Development Department.

1. Subrecipient Projects:

Monitoring of sub-recipient projects has five major components:

Grant Applications

Requests for funding application is made on a standard form and is carefully reviewed and evaluated. Points are given for each of 19 criteria covering community need, program effectiveness, financial record, and capacity. Recommendations for funding are based on evaluation of the above criteria.

Contractual Agreements

Cumberland County Community Development enters into a two-part contractual grant agreement with each sub-recipient. Part I of the agreement describes the tasks to be performed with the grant funds, the results to be achieved, and other conditions specific to the project. Part II lists all Federal standards with which the agency

must comply. Each funded activity is assigned to the designated staff. Staff conducts pre-monitoring, desk monitoring, and on-site monitoring visits at least once a year to review for contractual and regulatory compliance.

Monitoring Records

For each sub-recipient, the staff maintains monitoring records that include the following:

- 1) Basic information.
- 2) Monitoring Plan - A risk assessment is carried out to determine the appropriate frequency of on-site visits, and the areas to be reviewed, including some or all of: financial management, client eligibility, program effectiveness, property, procurement, program income, fair housing and equal opportunity.
- 3) Sub-recipient training and technical assistance provided.
- 4) Review of the agency's CPA audit (if required).
- 5) Financial reports and draw requests from the sub-recipient.
- 6) Programmatic reports.
- 7) On-site monitoring reports.
- 8) Correspondence and notes of significant telephone conversations.

On-Site Visits

Staff performs on-site monitoring reviews at least annually, depending on the assessment of risks for non-compliance. Program operations are observed, sub-recipient staff interviewed, client eligibility confirmed, and financial and programmatic reports verified from original documentation.

Long-Term Compliance

Activities involving real property acquisition or improvement require long-term compliance with the original purpose of the federal assistance. Cumberland County Community Development maintains a CDBG Real Property Inventory that is updated annually, and confirms that such property is still being used for the intended purpose. Cumberland County Community Development also carries out an annual review of HOME-assisted rental units, to ensure compliance with Housing Quality Standards, tenant eligibility, and rent ceilings.

The CCCD staff has developed detailed written guidelines for monitoring sub-recipients to ensure more uniform and comprehensive reviews. CCCD monitors the federally funded projects that are implemented by the department through a simple project tracking and management reporting system. This process includes monthly management reports, frequent inter-departmental reports and meetings, and financial reports. Project expenditures are compared with budgets on a monthly basis.

CCCD relies heavily on standard operating procedures that have been designed to be in compliance with federal standards, for example, its purchasing policy. HUD monitoring and CCCD's Single Audit provide annual independent checks on compliance by both CCCD and sub-recipients.

SPECIAL MONITORING FOR PARTICULAR ACTIVITIES

Rehabilitation 24 CFR 570.202 (Eligible Activities)

Review of File Records and Progress / Regulatory Compliance

- Location (census tract, redevelopment area)
- Type of housing (SF/MF), commercial
- Number of units per structure
- Historic preservation
- Lead-based paint (inspection/remediation)
- Household income (L/M benefit)
- Procurement and Bonding
- Labor Standards Review
- Relocation and Real Property Acquisition
- Environmental Review (date/findings)
- Project in Special Flood Hazard Area
- Section 504/ADA compliance

Comparison of Performance Records with Agreement/Application

- Scope of Work (work write-up, plans and specs, and original cost estimate)
- Contract award date, date work began
- Date final inspection; completion notice
- Number of dwelling units completed, comparison with Application/Agreement
- Actual delivery schedule v. Application and Agreement

In-House Cost and Productivity Review

- Method used to assure reasonable costs
- Direct construction costs (per unit)
- Indirect/administrative costs; comparison with cost allocation plan; percent of total
- Costs within 10% of in-house estimate
- Cost per unit v/ Budget

Community Housing Development Organizations 24 CFR Part 92 Subpart G

- .300 Set-Aside for Community Housing Development Organizations
- .301 Project-Specific Assistance to Community Housing Development Organizations
- .302 Housing Education and Organizational Support
- .303 Tenant Participation Plan

Community Housing Development Organization (CHDO) Monitoring Activities

All CHDOs will be monitored annually for recertification purposes using the following criteria:

- Non-profit Status – The CHDO must maintain its status as a non-profit corporation with a 501(c)(3) or 501(c)(4) IRS tax-exempt ruling.
- Affordable Housing Commitment – The CHDO must have a stated commitment to the development or affordable housing in the community it serves. The commitment must continue to be in at least one of the following: a) articles of incorporation, b) by-laws of the organization, c) board resolution, or d) charter.
- Not Controlled by Public or For-profit – The CHDO must continue to be free of external controls, either from public or for-profit interests.
- Capacity – The CHDO must have its own staff and must be capable of engaging in the housing development activity it intends to pursue. The CHDO must currently have adequate capacity or must have demonstrated capacity building activities.
- Board Composition – The CHDO's board structure must continue to reflect the community that it intends to serve and otherwise meet the regulatory requirements of the HOME program.

MONITORING CHDO PROJECTS

Eligible CHDO activities include: acquisition and/or rehabilitation of rental housing; new construction of rental housing; acquisition and/or rehabilitation of homebuyer property; new construction of homebuyer property; provide direct homebuyers assistance.

Monitoring activities will be conducted in accordance with Special Monitoring for Particular Activities as outlined in monitoring section of the Annual Action Plan. Monitoring activities specified for rehabilitation and rental housing projects will be followed. Staff will also ensure that the Uniform Relocation Act and 49 CFR Part 24 are adhered to for acquisition projects.

**Staff will use various HUD resources in conducting monitoring for CHDOs and all HOME program projects.

Rental Housing Monitoring Process

Project Eligibility Determination

HOME program staff should determine whether a project is eligible for HOME funding:

- Property type eligibility
- HOME subsidy limits,
- Environmental review, and
- Site and Neighborhood standards (if applicable)

Project Tracking

HOME program staff should track progress through all stages of a project's development. When a project is in the construction phase, monitoring staff should be reviewing all documents to check the following:

- Subcontractor management and review; and
- Labor standards, Davis-Bacon (if applicable)
- Section 3 (if applicable) addendum/change order.
- Compliance with contract deadlines;
- Comparison of payment requests with eligible costs
- Completed items on work item lists or an

All work should be inspected before a payment is processed. If a project appears to be experiencing difficulties, monitoring staff should perform an on-site visit.

Project Completion Review

When a project is complete, monitoring staff should make an on-site visit to monitor compliance with the following requirements:

- Property standards,
- Only eligible costs have been reimbursed,
- Construction management records,
- Lien waivers from both general contractor and all subcontractors,
- Proper data is collected to prepare women business enterprise and minority business enterprise (WBE/MBE) reports, and
- If match is being provided, the monitor should check that all proper documents have been submitted for review and calculation.

Initial Rent and Occupancy Review

Before a project reaches stabilized occupancy (95 percent or more), monitoring staff must review the Project Compliance Report and conduct an on-site visit to confirm that rent and occupancy standards have been met.

Ongoing Monitoring

Monitoring staff must review annual Project Compliance Reports and perform regular on-site visits throughout the affordability period to ensure continued compliance with:

- Rent and occupancy requirements;
- Property standards;
- Other Federal requirements (fair housing, lead-based paint, affirmative marketing, etc.).

COMMUNITY DEVELOPMENT SUBGRANTEE MONITORING PLAN

Grantee: Cumberland County Community Development (CCCD)

Period: PY 2014

Subject: CDBG, HOME, ESG & CoC Subrecipients

Contact: Delores Taylor

MONITORING OBJECTIVES

Primary: To ensure that subrecipients are:

- 1) complying with all applicable Federal requirements under the above named programs and local regulations, when applicable.
- 2) complying with administrative and financial management standards.
- 3) performing and delivering services in a timely manner.

Secondary: To identify any potential areas of non-compliance and offer technical assistance to the subrecipient to ensure the continued success of both the subrecipient and Cumberland County Community Development.

PROCEDURES

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

Step #2 Pre-monitoring visits with subrecipients

Step #3 Conduct visit as follows:

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

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

RISK ASSESSMENT

Factors:

- a) New subrecipients and/or new programs
- b) Subrecipients receiving multiple Federal funding and carrying out multiple activities
- c) Subrecipients carrying out high risk activities (housing development, leasing, homeless activities, economic development)
- d) Subrecipients with previous compliance or performance problems
- e) Subrecipients that have experienced turnover in key personnel/personnel new to federal funding

Ranking:

Ranking is applied based on the above criteria. The score for each factor ranges from 2 to 7 (2 considered the lowest risk). Subrecipients may receive a maximum total score of 25 (highest risk).

For the PY 2014, the risk assessment is as follows:

| Subrecipients | Score | Risk Level | Main Factors Considered |
|--|-------|------------|-------------------------|
| New Affordable Housing Development Projects (More than 4 units) | - | High | all |
| New Economic Development Projects | - | High | all |
| New CoC Program Projects and/or Sponsors | - | High | all |
| United Management - Blanton Green, Crosswinds Green I and II, Dogwood Manor, Golfview, Haymount Manor, Legion Crossings, Legion Manor, Spring Lake Green, Southview Green, Southview Villas, Sycamore Park | 14 | High | a,b,c |
| ESG Recipients Managing Housing Stabilization Programs | | | |
| Kingdom Community Development (Balsawood) | 13 | High | a,b,c |
| Public Services/Public Facilities (New Recipient(s) TBD) | - | Moderate | a,b,d,e |
| Bragg Hospitality, LLC (Candlewood Suites / IHOP) | 13 | Moderate | b,c |
| Fayetteville Metropolitan Housing Authority – Robin's Meadow | 13 | Moderate | a,b,c |
| A Taste of Europe | 13 | Moderate | c,d |
| Excel Property Management - Pine Ridge Manor Apts. | 13 | Moderate | c |
| A Taste of Europe | 13 | Moderate | c,d |
| Blue Sky Grading | 7 | Low | c |
| Happy Hound | 7 | Low | c |
| Public Services (Returning Recipients) | - | Low | - |

REMOTE / ON-SITE MONITORING VISITS

CCCD will perform an annual desk review and, when necessary, an on-site monitoring visit for each subrecipient during the program year to ensure that subrecipients are in compliance with federal regulations, statutory requirements, and the terms of their subrecipient agreement with CCCD. Subrecipients managing multifamily housing projects will require on-site monitoring annually during the affordability period. On-site monitoring visits for selected subrecipients will be scheduled during the Program Year beginning with those with the highest risk level.

This monitoring plan is subject to change.

For more information on the Annual Action Plan, contact:

**Cumberland County Community Development
707 Executive Place
Fayetteville, NC 28305
Telephone: (910) 323-6112 Facsimile: (910) 323-6114
(Mailing address: PO Box 1829, Fayetteville, NC 28302-1829)**

Public Notice:

410 Public Notice

**PUBLIC NOTICE
CUMBERLAND COUNTY
COMMUNITY DEVELOPMENT
2014 ANNUAL ACTION PLAN
PUBLIC REVIEW & COMMENT PERIOD**

In continuing our efforts to enhance citizen participation among County residents, Cumberland County Community Development (CCCD) has made available for your review and comment a draft of the 2014 Annual Action Plan.

The 2014 Annual Action Plan, which has to be submitted to the United States Department of Housing and Urban Development (HUD), describes the specific projects that will be undertaken in the 2014 Program Year (July 1, 2014 - June 30, 2015).

A draft of the 2014 Annual Action Plan will be placed at the following locations for review from April 4, 2014 through May 4, 2014:

- Cumberland County Community Development
707 Executive Place, Fayetteville
- East Regional Branch Library
4809 Clinton Road, Fayetteville
- Falcon Town Hall
7156 Southwest Street, Falcon
- Godwin Town Hall
4924 Markham Street, Godwin
- Hope Mills Branch Library
3411 Golfview Road, Hope Mills
- Linden Town Hall
9456 Academy Street, Linden
- North Regional Branch Library
855 McArthur Road, Fayetteville
- Spring Lake Branch Library
101 Laketree Blvd., Spring Lake
- Stedman Town Hall
5110 Front Street, Stedman
- Wade Town Hall
7128 Main Street, Hwy 301 N., Wade

PUBLIC HEARING

All citizens of Cumberland County are invited to attend a public hearing that will be held on April 22, 2014 in the Commissioners Meeting Room, at the New County Courthouse, 117 Dick Street. The Board of Commissioners meeting will begin at 6:45 p.m.

CCCD is committed to providing equal access to its facilities, programs and services for persons with disabilities by holding all meetings in locations that are handicapped accessible. Individuals requesting any form of reasonable accommodations for public meetings/hearings should do so five (5) business days prior to the advertised meeting. However, if a request is made within the five (5) business days, every reasonable effort will be made to accommodate the request.

If you have questions or comments concerning the 2014 Annual Action Plan or the public hearing, call (910) 323-6112, or visit the Cumberland County Community Development office located at 707 Executive Place, Fayetteville, North Carolina 28305. Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

AMY H. CANNON
Interim County Manager



JAMES E. LAWSON
Assistant County Manager

QUENTIN T. McPHATTER
Assistant County Manager



ITEM NO. 4

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF APRIL 22, 2014

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMY H. CANNON, INTERIM COUNTY MANAGER *Altz*

DATE: APRIL 14, 2014

**SUBJECT: CONSIDERATION OF PROPOSED SCHEDULE FOR FISCAL YEAR 2015
BUDGET WORK SESSIONS AND BUDGET PUBLIC HEARING**

BACKGROUND

Management anticipates submitting the FY15 Proposed Budget to the Commissioners on Thursday, May 29, 2014. Several work sessions may be needed for your review.

RECOMMENDATION/PROPOSED ACTION

The following schedule is recommended for your consideration with all meetings to be held in the Cumberland County Courthouse, 117 Dick Street, Fayetteville, NC.

| | | | |
|-------------------------|---------|---------------------------------------|----------|
| Thursday, May 29, 2014 | 7:00 PM | Budget Presentation | Room 118 |
| Wednesday, June 4, 2014 | 5:30 PM | Budget Work Session | Room 564 |
| Monday, June 9, 2014 | 7:00 PM | Budget Public Hearing | Room 118 |
| Tuesday, June 10, 2014 | 5:30 PM | Budget Work Session/Dept. Head Appeal | Room 564 |
| Thursday, June 12, 2014 | 5:30 PM | Budget Work Session | Room 564 |
| Monday, June 16, 2014 | 6:45 PM | Adopt Budget | Room 118 |

PROPOSED ACTION

Adopt a schedule for FY15 budget work sessions and public hearing as recommended or modified.

/ct

CM041114-1



JEANNETTE M. COUNCIL
Chairman

KENNETH S. EDGE
Vice Chairman

CHARLES E. EVANS
MARSHALL FAIRCLOTH
JIMMY KEEFE
BILLY R. KING
EDWARD G. MELVIN

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

CUMBERLAND
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NORTH CAROLINA

ITEM NO. 5A

BOARD OF COMMISSIONERS

April 15, 2014

April 22, 2014 Agenda Item

TO: Board of Commissioners
FROM: Kellie Beam, Deputy Clerk to the Board *KB*
SUBJECT: Human Relations Commission

BACKGROUND: The Human Relations Commission has the following two (2) vacancies for an unexpired term:

Noelle Kendrick – Resigned. The Human Relations Commission does not have a recommendation at this time.

Sandra Mitchell – Resigned. The Human Relations Commission does not have a recommendation at this time.

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

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

pc: Ron McElrath, Human Relations Director – City of Fayetteville

Attachments

Human Relations Commission

The Human Relations Commission is an eighteen member body comprised of both county, city and military representatives. The Human Relations Commission's Mission Statement is "To facilitate and advocate programs, projects, and actions to ensure a better quality of life and the civil and human rights of all citizens, without regard to race, sex, religion, creed, national origin, age, familial status, or disability."

Member Specifications:

18 Members

- Appointed by the Board of Commissioners (4)

Term: 2 Years

Compensation: None

Duties:

Meetings: Second Thursday of every month at 5:30 PM

Meeting Location: City Hall LaFayette Room 433 Hay Street Fayetteville, NC

HUMAN RELATIONS COMMISSION
 (County Commissioner Appointees)
 2Year Term

| <u>Name/Address</u> | <u>Date Appointed</u> | <u>Term</u> | <u>Expires</u> | <u>Eligible for Reappointment</u> |
|---|-----------------------|-----------------|-------------------|-----------------------------------|
| VACANT (Vacated by N. Kendrick) | 8/13 | 1st | Aug/15 8/31/15 | Yes |
| Mario Burnette 1207 Collen Drive Fayetteville, NC 28304 910-587-4951 | 8/13 | 1 st | Aug/15 8/31/15 | Yes |
| VACANT (Vacated by S. Mitchell) | 7/13 | 2nd | Jul/15 7/31/15 | No |
| Mitchell Guy 205 Bethune St Fayetteville, NC 28305 964-7390 | 7/13 | 2nd | Jul/15 7/31/15 | No |

(serving unexpired term; eligible for an additional two-year term)

Contact: Ronald McElrath – 433-1605 – Fax # 433-1535
 Human Relations Director
 City of Fayetteville

Meetings: 2nd Thursday of every month – 5:30 pm
 City Hall – Lafayette Room

**APPLICANTS FOR
HUMAN RELATIONS COMMISSION**

| <u>NAME/ADDRESS/PHONE</u> | <u>OCCUPATION</u> | <u>EDUCATIONAL BACKGROUND</u> |
|---|---|--|
| AMOS, LINDA 917 BASHLOT PLACE FAYETTEVILLE NC 28303 860-4280 / 486-1010 X 2201 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 LEADERSHIP TRAINING | TAX AUDITOR DEPT OF COMMERCE RETIRED - ARMY *SERVES ON THE MINIMUM HOUSING APPEALS BOARD* | NONE LISTED |
| BECK, REBECCA E. (I/F) 3605 PERSIMMON RD HOPE MILLS, NC 28348 286-0759 (H) / 867-9700 X 2579 (W) Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO | INFORMATION SYSTEMS MANAGER PARTNERSHIP FOR CHILDREN | AAS-PUBLIC ADMIN. |
| BOZEMAN, DAVID (W/M) 768 PINE HAVEN DRIVE FAYETTEVILLE NC 28306 860-0627/818-6807 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO | BED BATH & BEYOND RETAIL ASSOCIATE | SOME COLLEGE |
| BROWN, JOSEPH C. SR (B/M) 150 RIDGEWAY DRIVE FAYETTEVILLE NC 28311 910-488-7254 Graduate-County Citizens' Academy: No Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-United Way's Multi-Cultural Leadership Program: No Graduate-other leadership academy: Church | MINISTER A.M.E. ZION CHURCH | GRADUATE OF SHAW UNIVERSITY |
| DAUNTAIN, TIMOTHY (B/M) 5780 FRANKLIN ST HOPE MILLS NC 28348 527-6479/630-7000 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: LEADERSHIP DEVELOPMENT COURSE & POLICE ACADEMY | CUSTODIAN SUPERVISOR METHODIST UNIVERSITY | HS SOME COLLEGE |

APPLICANTS FOR HUMAN RELATIONS COMMISSION Page 2

FEINBERG, NATHAN PETER (W/M) SOLDIER CURRENT STUDENT
7090 RAMSEY STREET FT. BRAGG
FAYETTEVILLE, NC 28311 ****SERVES ON THE BOARD OF ADJUSTMENT****
910-527-1723

Graduate-County Citizens' Academy: NO
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: NO

HARPER, STEVE (B/M) RETIRED HS
5707 BASHFORD COURT SOME COLLEGE
FAYETTEVILLE NC 28304
910-425-9643 ****SERVES ON THE PARKS & RECREATION BOARD****

Graduate-County Citizens' Academy: YES
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

JONES, MONICA (B/F) RESEARCH ANALYST NONE LISTED
4640 DUDLEY ROAD DELTEK, INC
FAYETTEVILLE NC 28312
486-7933/571-306-5600

Graduate-County Citizens' Academy: N/A
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: YES
Graduate-other leadership academy: NO

KASSEM, ABDELMAJID DR (W/M) PROFESSOR & DEPT CHAIR BS-PLANT BIOLOGY
971 PEPPERWOOD DR FSU MS-PLANT BIOLOGY
FAYETTEVILLE, NC 28311 PHD-PLANT BIOLOGY
728-4239 (H) / 672-1692 (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

MORRISON, SHERRYCE (B/F) N/A HS
504 ANONA DRIVE SOME COLLEGE
FAYETTEVILLE, NC 28314
764-0200/224-1803

Graduate-County Citizens' Academy: NO
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: NO

SMALLS, KIMBERLY (B/F) TECHNICAL WRITER HS
5200 KILDEER DRIVE L-3 COMMUNICATIONS BA-ENGLISH
FAYETTEVILLE, NC 28303
867-1370 (H) / 243-1677 (W)

Graduate-County Citizens' Academy: No
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 HUMAN RELATIONS COMMISSION Page 3

SOBERS, TOMEZIA (B/F) INSTRUCTOR MA-SOCIOLOGY
980 CREEK SIDE RUN FTCC
FAYETTEVILLE NC 28303
494-6872/678-9805

Graduate-County Citizens' Academy: N/A
Graduate-Institute for Community Leadership: Yes
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: No

STANLEY, LASHONDA (B/F) STAFF DEVELOPMENT CONSULTANT BA-HR
6211 CARVER PINE LOOP #6303 NC DEPT OF HEALTH & HUMAN SERVICES BA-PUBLIC
FAYETTEVILLE NC 28311 RELATIONS

Graduate-County Citizens' Academy: No
Graduate-Institute for Community Leadership: No
Graduate-Leadership Fayetteville: No
Graduate-United Way's Multi-Cultural Leadership Program: No
Graduate-other leadership academy: No

JEANNETTE M. COUNCIL
Chairman

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Vice Chairman

CHARLES E. EVANS
MARSHALL FAIRCLOTH
JIMMY KEEFE
BILLY R. KING
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BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

ITEM NO. 6A

April 15, 2014

April 22, 2014 Agenda Item

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

BACKGROUND: On April 7, 2014, the Board of Commissioners nominated the following individual to fill one (1) vacancy on the Adult Care Home Community Advisory Committee:

Donna Atkins (reappointment)

I have attached the current membership list for this committee.

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

Attachment

pc: Kareem Strong, Mid-Carolina Area Agency on Aging

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

| <u>Name/Address</u> | <u>Date Appointed</u> | <u>Term</u> | <u>Expires</u> | <u>Eligible For Reappointment</u> |
|--|-----------------------|-------------|-------------------|-----------------------------------|
| Mary Ann Ayars 804 Juniper Drive Fayetteville, NC 28304 426-9258/483-0191 #338 | 6/11 | 1st | Aug/14 8/31/14 | Yes |
| Toney Edwards (B/M) 3622 Clearwater Drive Fayetteville, NC 28311 822-4261/391-7910 (C) | 04/12 | 2nd | Apr/15 4/30/15 | No |
| Rebecca Campbell 7027 Darnell Street Fayetteville, NC 28314 487-1555 | 5/13 | 2nd | May/16 5/31/16 | No |
| Sheba McNeill 162 Tallstone Drive Fayetteville, NC 28311 203-809-8185/977-4788 (W) | 5/13 | Initial | May/14 5/31/14 | Yes |
| VACANT (Vacated by P. Wade) | 8/12 | 1st | Aug/13 8/31/13 | Yes |
| Donna Atkins 6480 Faircloth Bridge Rd Stedman, NC 28391 910-818-3977 | 5/13 | Initial | May/14 5/31/14 | Yes |
| Yvonne Booth (B/F) 4568 Turquoise Road Fayetteville, NC 28311 488-7620 | 7/12 | 2nd | Aug/15 8/31/15 | No |
| Daniel Rodriguez (H/M) 2634 Franciscan Drive Fayetteville, NC 28306 425-2746/432-9701 (W) | 5/13 | 2nd | May/16 5/31/16 | No |
| Harry Southerland (B/M) 3191 Braddy Road Fayetteville, NC 28306 978-9118 | 7/12 | 1st | Aug/15 8/31/15 | Yes |

Adult Care Home Community Advisory Committee, page 2

| <u>Name/Address</u> | <u>Date Appointed</u> | <u>Term</u> | <u>Expires</u> | <u>Eligible For Reappointment</u> |
|--|-----------------------|-----------------|-------------------|-----------------------------------|
| George W. Mitchell 6609 Abbey Lane Fayetteville, NC 28311 261-6951 (W) | 4/10 | 1st | May/14 5/31/14 | Yes |
| Latara Ray 5823 Nessee Street Fayetteville, NC 28314 910-587-7795 | 8/13 | Initial | Aug/14 8/31/14 | Yes |
| Rasheedah Reid 4217 Edward E. Maynor Drive Hope Mills, NC 28348 703-1075 | 6/11 | 1st | Aug/14 8/31/14 | Yes |
| Ralph T. Cascasan (A/M) 910 Alexwood Drive Hope Mills, NC 28348 425-9704/433-1039 | 5/13 | 2nd | May/16 5/31/16 | No |
| Alfonso Ferguson Sr. 3329 Eastgate Street Eastover, NC 28312 401-2313/483-9916 | 8/13 | 2nd | Aug/16 8/31/16 | No |
| Cassandra W. Haire (B/F) 515 Albany Street Fayetteville, NC 28301 728-0175 | 5/13 | 2nd | May/16 5/31/16 | No |
| Herman Dudley 613 York Road Fayetteville, NC 28303 864-3817(H)/286-6597(W) | 4/12 | 1 st | Apr/15 4/30/15 | Yes |

CONTACT: Kareem Strong, Mid-Carolina Area Agency on Aging,
P. O. Box 1510, Fayetteville, NC 28302 - Phone: 323-4191, ext. 25 – Fax: 323-9330

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

**NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD AGENDA
SPECIAL MEETING
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
APRIL 22, 2014 (TUESDAY)
6:45 PM**

1. Items of Business
 - A. Approval of minutes for the January 22, 2013 regular meeting.
 - B. Approval of the Local Town Fee Rate Increase for the NORCRESS Sanitary Sewer System. **(Pg. 161)**
 - C. Any Other Matters of Interest

ADJOURN THE APRIL 22, 2014 SPECIAL MEETING OF THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD.

THIS MEETING WILL BE STREAMED LIVE THROUGH THE COUNTY’S WEBSITE – WWW.CO.CUMBERLAND.NC.US. LOOK FOR THE LINK AT THE TOP OF THE HOMEPAGE.

THE MEETING WILL ALSO BE BROADCAST LIVE ON FAYETTEVILLE/ CUMBERLAND EDUCATIONAL TV (FCETV) TIME WARNER CABLE CHANNEL 5 AND 97-3 ON THE DIGITAL TIER. IT WILL BE REBROADCAST ON WEDNESDAY, APRIL 23, 2014 AT 7:30 P.M.



NORCRESS AGENDA

ITEM NO. 1B

**ENGINEERING & INFRASTRUCTURE DEPARTMENT
PUBLIC UTILITIES DIVISION**

MEMORANDUM FOR NORCRESS GOVERNING BOARD AGENDA OF MAY 5, 2014

TO: NORCRESS GOVERNING BOARD

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

THROUGH: AMY CANNON, INTERIM COUNTY MANAGER *AC*

DATE: APRIL 11, 2014

**SUBJECT: APPROVAL OF THE LOCAL TOWN FEE RATE INCREASE
FOR THE NORCRESS SANITARY SEWER SYSTEM**

BACKGROUND

There was a meeting of the NORCRESS Advisory Board and it was brought to the Public Utilities Division's attention that the Local Town Fee has not been increased since 2007. The Local Town Fee is used to defray the administrative costs incurred by the Towns of Godwin, Falcon and Wade for billing the NORCRESS customers. There have been increases in the cost of postage, printing, paper, etc., but the Local Town Fee has not increased to cover these costs.

The NORCRESS Advisory Board suggested the Local Town fee be increased from \$1.50 per customer per month to \$1.75 per customer per month.

RECOMMENDATION

The Engineering and Infrastructure Director, the NORCRESS Advisory Board, County Management and the Finance Committee recommend to the NORCRESS Governing Board to increase the Local Town fee to \$1.75 per customer per month effective July 1, 2014.

NORCRESS Sanitary Sewer Rate Schedule

MONTHLY RATE

The monthly rate shall be the sum of the Usage Charge, Debt Charge and the Basic Facilities Charges.

RESIDENTIAL SANITARY SEWER RATE SCHEDULE

Usage Charge \$6.50 per MGAL
(Usage Charges per 1,000 gallons = 1 MGAL)

Debt Charge \$9.65 per customer

Basic Facilities Charges:

| <u>Meter Size:</u> | <u>NORCRESS</u> | <u>Local Town Fee</u> | <u>Lift Station Maintenance Fee</u> |
|--------------------|-----------------|-----------------------|---|
| 5/8" | \$1.58 | \$1.75 | \$2.00 |
| 3/4" | \$1.58 | \$1.75 | \$2.00 |
| 1" | \$2.26 | \$1.75 | \$2.00 |
| 1 1/2" | \$3.20 | \$1.75 | \$2.00 |
| 2" | \$5.78 | \$1.75 | \$2.00 |
| 3" | \$9.89 | \$1.98 | \$2.00 |
| 4" | \$15.59 | \$2.83 | \$2.00 |
| 6" | \$29.70 | \$4.95 | \$2.00 |
| 8" | \$46.70 | \$7.50 | \$2.00 |

COMMERCIAL SANITARY SEWER RATE SCHEDULE

Usage Charge \$7.00 per MGAL

Debt Charge \$1.00 per MGAL

Basic Facilities Charges:

| <u>Meter Size:</u> | <u>NORCRESS</u> | <u>Local Town Fee</u> | <u>Lift Station Maintenance Fee</u> |
|--------------------|-----------------|-----------------------|---|
| 3/4" | \$1.58 | \$1.75 | \$1.00 per MGAL |
| 1" | \$2.26 | \$1.75 | \$1.00 per MGAL |
| 1 1/2" | \$3.20 | \$1.75 | \$1.00 per MGAL |
| 2" | \$5.78 | \$1.75 | \$1.00 per MGAL |
| 3" | \$9.89 | \$1.98 | \$1.00 per MGAL |
| 4" | \$15.59 | \$2.83 | \$1.00 per MGAL |
| 6" | \$29.70 | \$4.95 | \$1.00 per MGAL |
| 8" | \$46.70 | \$7.50 | \$1.00 per MGAL |

NORCRESS Sanitary Sewer Rate Schedule

FLAT RATE SANITARY SEWER SERVICE

The monthly flat rate shall be the sum of the Flat Monthly Charge, Debt Charge and the Basic Facilities Charges.

| | |
|---|------------|
| Flat Monthly Charge | \$31.42 |
| OTHER FEES | |
| Deposit | \$100.00 |
| Late Penalty | \$10.00 |
| 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 |
| *Returned Check Fee (Amount of check plus return fee - CASH, MONEY ORDER OR CERTIFIED CHECK ONLY) | \$25.00 |
| Court Costs | Actual |
| Elder Valve | \$1,000.00 |

CONNECTION FEES AND CHARGES

1. Standard Tap Fee:

The Standard Tap Fee will be based on the customer's water meter size and will provide NORCRESS Water and Sewer District with funds for long-term system replacement and upgrade.

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

2. Sewer 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 sewer system. All charges include labor, equipment and materials required for the installation of the specified pipe size or sizes.

NORCRESS Sanitary Sewer Rate Schedule

3. 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 sewer district. All charges include labor, equipment and materials required for the installation of the specified pipe size or sizes.

4. Debt Charge:

A Debt Charge equaling the sum of the Availability Charges that would have been paid had the customer connected when the main was first available.