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**AGENDA**  
**CUMBERLAND COUNTY BOARD OF COMMISSIONERS**  
**COURTHOUSE – ROOM 118**  
**AUGUST 18, 2014**  
**6:45 PM**

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INVOCATION - Commissioner Billy King

PLEDGE OF ALLEGIANCE – Joshua D. Morrisey - 4<sup>th</sup> Grader, Lake Rim Elementary School

Recognition of Mr. Willie S. Geddie, Longtime Volunteer Inducted into State 4-H Hall of Fame

Recognition of Outgoing Board Members:

John D. Pone, Sr.- Parks and Recreation Advisory Board  
Dean Smelcer, Jr.- Parks and Recreation Advisory Board

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

1. Approval of Agenda
2. Consent Agenda
  - A. Approval of minutes for the July 28, 2014 Special Meeting for the Consideration of Resolutions Endorsing NCDOT Installation of Road Improvements and the August 4, 2014 regular meeting.
  - B. Approval of Contract with Existing Vendor to Meet New Legislative Requirements. **(Pg. 9)**
  - C. Approval of Bid Award to Internet Engineering for Networking Equipment for the Information Services Department. **(Pg. 11)**

D. Approval of Cumberland County Facilities Report and Recommendations: **(Pg. 14)**

- 1) Approval of FTCC's Request to Utilize Space at Spring Lake Family Resource Center. **(Pg. 24)**
- 2) Approval of Bid Award to Classic Window and Glass, Inc. for Department of Social Services Window Project. **(Pg. 25)**
- 3) Approval of the Alliance Behavioral Healthcare Lease. **(Pg. 27)**

E. Approval of Cumberland County Finance Report and Recommendations (For Information Purposes Only). **(Pg. 34)**

F. Approval of Demolition of County County-Owned Property Located at 4900 Panda Street, Hope Mills, North Carolina. **(Pg. 49)**

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

- 1) Case Number: MH 116-2013 **(Pg. 52)**  
Property Owner: Alecia & David McLaughlin  
Property Location: 1609 Halsey Loop, Hope Mills, NC  
Parcel Identification Number: 0443-02-5775
- 2) Case Number: MH 379-2013 **(Pg. 54)**  
Property Owner: Rick Garcia  
Property Location: 4909 Panda Street, Hope Mills, NC  
Parcel Identification Number: 0413-45-4527
- 3) Case Number: MH 7025-2013 **(Pg. 56)**  
Property Owner: Mary W. Sutton  
Property Location: 3563 Camden Road, Fayetteville, NC  
Parcel Identification Number: 0425-36-6692

H. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure: **(Pg. 58)**

- 1) Lots 114 & 116 Savoy Hgts Sec 1 PIN : 0437-11-4516
- 2) Lots 216 Weiss Ave PIN: 0437-11-0345
- 3) Lot 311 Savoy Hgts PIN: 0437-00-6970
- 4) Lots 403 & 405 Savoy Hgts & Vac to Creek PIN: 0437-00-0500
- 5) Lot 104 Savoy Hgts PIN: 0437-12-4190
- 6) 4.05 ac Land adj Briarwood Hills Sec 3 PIN: 0426-54-8992



I. Approval of a Proclamation proclaiming August 24-30, 2014 to be “Human Trafficking Awareness Week” in Cumberland County. **(Pg. 66)**

J. Budget Revisions: **(Pgs. 67-68)**

(1) Library Grants **(Pg. 67)**

Revision in the amount of \$8,684 to rebudget remainder of LSTA NC Cardinal Grant from FY2014 to FY2015, not yet received. (B15-034)  
Funding Source - State

(2) Senior Aides **(Pg. 68)**

Revision in the amount of \$14,004 to reconcile county budget with state allocations for FY2015. (B15-038) **Funding Source - State**

3. Public Hearings **(Pgs. 69-139)**

**Uncontested Rezoning Case**

A. Case P14-26: Rezoning of 1.92+/- acres from A1 Agricultural to R40 Residential, or to a more restrictive zoning district, located at 1105 John McMillan Road, submitted by Brian S. and Lisa M. Alger (owners). **(Pg. 69)**

**Staff Recommendation: 1st Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2nd Motion: Approve R40**

**Planning Board Recommendation: Approve Staff Recommendation**

B. Case P14-30: Rezoning of 2.65+/- acres from R6 Residential to C2(P) Planned Service and Retail, or to a more restrictive zoning district, located at 1223 Andrews Road, submitted by Jacqueline C. Andrews (owner). **(Pg. 72)**

**Staff Recommendation: 1st Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2nd Motion: Approve C2(P)**

**Planning Board Recommendation: Approve Staff Recommendation**

- C. Case P14-31: Rezoning of 5.62+/- acres from A1 Agricultural/CU Conditional Use Overlay and the Permit to allow a trucking business and storage of equipment to A1 Agricultural, or to a more restrictive zoning district, located at 2690 Indiana Court and 5742 Matt Hair Road, submitted by Dolman P. and Mary L. Garces (owners) and Carla Emmons. **(Pg. 75)**

**Staff Recommendation: 1st Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2nd Motion: Approve A1**

**Planning Board Recommendation: Approve Staff Recommendation**

- D. Case P14-32: Rezoning of 4.75+/- acres from M(P) Planned Industrial to A1 Agricultural, or to a more restrictive zoning district, located at 2679 Wilmington Hwy; submitted by Charles T. Gardner on behalf of Indoor Warehouse Storage, LLC. (owner). **(Pg. 78)**

**Staff Recommendation: 1st Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2nd Motion: Approve A1 and CD (where the floodway exists)**

**Planning Board Recommendation: Approve staff recommendation**

- E. Case P14-35: Rezoning of 2.23+/- acres from A1 Agricultural to R40A Residential, or to a more restrictive zoning district, located at 879 and 883 Remley Court, submitted by Bryan Thomas Lawrence (owner). **(Pg. 81)**

**Staff Recommendation: 1st Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2nd Motion: Approve R40A**

**Planning Board Recommendation: Approve Staff Recommendation**

#### **Contested Zoning Ordinance Text Amendment**

- F. Case P14-38: Revision and amendment to the Cumberland County Zoning Ordinance, by amending Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words, inserting in alphabetical order the term vocational school, defining the same, and updating the table of contents as appropriate. **(Pg. 84)**

**Staff Recommendation: 1st Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2nd Motion: Approve the text amendment defining the term vocational school**

**Planning Board Recommendation: Approve Staff Recommendation**

### **Contested Conditional Zoning Case**

- G. Case P14-37: Rezoning of 12.20+/- acres from C(P) Planned Commercial/CUD Conditional Use District for a crematory and the Permit and A1 Agricultural to C(P) Planned Commercial/CZ Conditional Zoning for a crematorium, office, meditation room, gazebo and display of equipment and services, or to a more restrictive zoning district, located at 6761 and 6765 Sandy Creek Road, submitted by Karen L. Campbell (owner). **(Pg. 93)**

**Staff Recommendation: 1st Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2nd Motion: Approve C(P)/CZ for a crematorium, meditation room, gazebo and display of equipment and services**  
**Planning Board Recommendation: Approve staff recommendation**

### **Minimum Housing Code Enforcement**

- H. Case Number: MH 537-2014 **(Pg. 108)**  
Property Owner: Acie J. Melvin  
Property Location: 1114 McLean Trail, Fayetteville NC  
Parcel Identification Number: 0520-99-0322
- I. Case Number: MH 527-2014 **(Pg. 115)**  
Property Owner: Charles Crockett  
Property Location: 1109 Shaw Road, Fayetteville, NC  
Parcel Identification Number: 0419-74-4268
- J. Case Number: MH 519-2014 **(Pg. 122)**  
Property Owner: Reginald Adams  
Property Location: 6000 Abco Lane, Fayetteville, NC  
Parcel Identification Number: 0462-99-2389
- K. Case Number: MH 508-2014 **(Pg. 128)**  
Property Owner: Renee Wagner  
Property Location: 4001 Baird Court, Fayetteville, NC  
Parcel Identification Number: 0462-98-4988

### **Other Public Hearings**

- L. Public Hearing for the Bullard Circle Preliminary Assessment Resolution and Adoption of the Final Assessment Resolution. **(Pg. 134)**

## ITEMS OF BUSINESS

4. Presentation by Brenda Jackson, Department of Social Services Director on the NC Fast Program and Approval of Associated Budget Revision. **(Pg. 140)**
5. Consideration of Resolution Authorizing the Filing of an Application for Approval of an Installment Financing Agreement Authorized by NCGS 160A-20. **(Pg. 159)**
6. Nomination and Appointment of Cumberland County Workforce Development Board (1 Vacancy) **(Pg. 164)**

Nominee: Dr. Curtis Charles

7. Nominations to Boards and Committees **(Pgs. 176-204)**
  - A) Adult Care Home Community Advisory Committee (5 Vacancies) **(Pg. 176)**
  - B) Animal Control Board (1 Vacancy) **(Pg. 185)**
  - C) Southeastern Economic Development Commission (1 Vacancy) **(Pg. 193)**
8. Appointments to Boards and Committees **(Pgs. 197-204)**
  - A. Board of Health (1 Vacancy) **(Pg. 197)**

Nominee: David Greyshock
  - B. Mid-Carolina Aging Advisory Committee (1 Vacancy) **(Pg. 200)**

Nominee: Willie McKoy Jr.
  - C. Nursing Home Advisory Board (3 Vacancies) **(Pg. 202)**

Nominees: Sonja Council (Reappointment)  
Michael Blake (Reappointment)  
Ron Rooks

## RECESS THE BOARD OF COMMISSIONERS' MEETING.

**CONVENE THE KELLY HILLS / SLOCUMB ROAD WATER & SEWER  
DISTRICT GOVERNING BOARD MEETING (SEE SEPARATE AGENDA) /  
ADJOURN **(Pg. 205)****

**RECONVENE THE REGULAR BOARD OF COMMISSIONERS MEETING.**

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

**ADJOURN**

**WATCH THE MEETING LIVE**

**THIS MEETING WILL BE STREAMED LIVE THROUGH THE COUNTY'S WEBSITE, 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 CHANNEL 5 AND 97-3 ON THE DIGITAL TIER.**

**IT WILL BE REBROADCAST ON WEDNESDAY, AUGUST 20, AT 7 P.M. AND FRIDAY, AUGUST 22, AT 10:30 A.M.**

**THE MEETING VIDEO WILL BE AVAILABLE AT YOUTUBE.COM/CUMBERLANDCOUNTYNC ON TUESDAY, AUGUST 19.**

**REGULAR BOARD MEETINGS:**

**September 2, 2014 – (Tuesday) – 9:00 AM  
September 15, 2014 – (Monday) – 6:45 PM  
October 6, 2014 – (Monday) – 9:00 AM  
October 20, 2014 – (Monday) – 6:45 PM**



# News Release

**FOR IMMEDIATE RELEASE**

July 9, 2014

Cooperative Extension  
Contact: Lisa Childers, Director  
Telephone: 910-321-6860  
E-mail: [lisa\\_childers@ncsu.edu](mailto:lisa_childers@ncsu.edu)

## **Longtime Volunteer Inducted Into State 4-H Hall of Fame**

FAYETTEVILLE – A longtime Cumberland County 4-H Volunteer has been inducted into the North Carolina 4-H Hall of Fame. Willie S. Geddie of Wade was inducted June 23 during the N.C. 4-H Congress at the McKimmon Center on the campus of North Carolina State University.

Geddie was nominated by Cumberland County Cooperative Extension and was inducted into the state 4-H Hall of Fame by the North Carolina 4-H Alumni and Friends Association. The association established the Hall of Fame as a way to specifically recognize individuals who have played critical roles in the development of the contemporary 4-H program in our state.

Geddie is a lifelong resident of the Wade community and currently serves on the Cumberland County Cooperative Extension Board of Advisors. His work with the 4-H Youth Development and Cooperative Extension in Cumberland County has spanned four decades. Geddie led one of the largest 4-H clubs in Cumberland County while supporting youth by traveling all over the state in a 4-H drama troupe.

“As a 4-H leader, Mr. Geddie was well known around the Extension office. He could always be counted on to lend a helping hand with any activity that would benefit youth and the 4-H program,” Cooperative Extension Director Lisa Childers said. “It is an honor to recognize Mr. Geddie for his exemplary service to 4-H in Cumberland County.”

**-more-**



## OFFICE OF THE TAX ADMINISTRATOR

117 Dick Street, 5<sup>th</sup> Floor, New Courthouse • PO Box 449 • Fayetteville, North Carolina • 28302  
Phone: 910-678-7507 • Fax: 910-678-7582 • [www.co.cumberland.nc.us](http://www.co.cumberland.nc.us)

## MEMORANDUM

To: Board of County Commissioners

From: Aaron Donaldson, Tax Administrator *AD*

Date: August 6, 2014

Re: Approval of Contract With Existing Vendor to Meet New Legislative Requirements

**Background:** Previously County Tax Services, Inc. was compensated for services performed based on a percentage or contingency fee basis. A revision of N.C. 105-299 states that any person or firm employed to assist the assessor in the performance of the assessor's duties may not be compensated, in whole or in part, on a contingent fee basis or any other similar method that may impair the assessor's independence or the perception of the assessor's independence by the public. This contract establishes a graduated fee scale for each audit assigned. Under G.S. 105-299 the board of county commissioners may employ appraisal firms, mapping firms or other persons or firms having expertise in one or more of the duties of the assessor to assist the assessor in the performance of these duties. In the employments of these firms, primary consideration must be given to the firms registered with the Department of Revenue pursuant to G. S. 105-289(i) (registration documentation attached). Auditing firms are employed for the purpose of auditing business personal property returns and gross receipts subject to property tax in Cumberland County. These audits are performed in accordance with professionally accepted auditing and accounting standards.

**Recommendations:** Approve the following contract that establishes a set fee per audit performed by County Tax Services, Inc. to be in compliance with North Carolina Property Tax Statutes.

The County Attorney has indicated the contract is legally sufficient only if approved by the Board of Commissioners because the statute requires the Board's authorization to enter into the contract.



**FIRMS REGISTERED WITH  
THE NORTH CAROLINA DEPARTMENT OF REVENUE**

**Auditing Firms**

Revised February 19, 2014

**Analytical Consultants / Hunt, Smith & Snow, LLC**

[snowpaul@bellsouth.net](mailto:snowpaul@bellsouth.net)

Paul L. Snow

125 Kingston Drive, Suite 206

Chapel Hill, NC 27514

919-929-9539

919-929-9543 fax

**County Tax Services, Inc.**

[www.CTSInc.us](http://www.CTSInc.us)

Tonia Bowen, Owner/President

[tbowen@ctsinc.us](mailto:tbowen@ctsinc.us)

P. O. Box 37642

Raleigh, NC 27627

919-781-4666

866-316-2874 toll-free

**Evans & Associates Consulting Group, Inc.**

[www.evanstaxconsulting.com](http://www.evanstaxconsulting.com)

Phillip Evans, President/Owner

[pevans@evanstaxconsulting.com](mailto:pevans@evanstaxconsulting.com)

3050-B Senna Dr.

Matthews, NC 28105

704-847-4709

704-847-9606 fax

**Tax Management Associates Inc.**

2225 Coronation Blvd

Charlotte, NC 28227

704-847-1234

**Turner Business Appraisers**

Jim Turner, CPA - President

P. O. Box 1857

Matthews, NC 28106

800-873-3040

704-821-0590 fax





ITEM NO. 2C

## CUMBERLAND COUNTY

Thelma S. Matthews  
Purchasing Manager  
910.678.7743

*Finance Office*  
*Purchasing Division*

Debbie H. Miller  
Buyer  
910.678.7746

### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 18, 2014

TO: BOARD OF COUNTY COMMISSIONERS

FROM: THELMA S. MATTHEWS, PURCHASING MANAGER *jm*

DATE: AUGUST 12, 2014

SUBJECT: APPROVAL OF BID AWARD FOR NETWORKING EQUIPMENT

#### BACKGROUND

Formal bids were received in Purchasing for Networking Equipment for the Information Services Department.

Two bids were received. They were as follows:

Internet Engineering	\$133,432.55
Howard Technology	\$252,123.00

Please find additional detailed information from Information Services requesting the bid be awarded to Internet Engineering.

#### RECOMMENDATION / PROPOSED ACTION

Purchasing supports the recommendation of Information Services in awarding the bid to Internet Engineering in the amount of \$133,432.55 for Networking Equipment for Information Services.



County of Cumberland  
INFORMATION SERVICES DEPARTMENT

# Memo

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**TO:** Thelma Matthews  
Purchasing Manager

**FROM:** David Wilkes  
I.S. Infrastructure Manager

**DATE:** August 11, 2014

**SUBJ:** RFQ 15-08-IS

## Background

### **Cumberland County Core**

The Core switches are the most critical networking devices on the Cumberland County network because they provide the connectivity to all the critical computing services on the County network. These network devices are Cisco Catalyst 4500 series switches. They have been in service for over 7 years. On January 30, 2010, Cisco announced the EOL for this product line for July 31, 2015. On this date these devices will no longer be supported. In order to ensure that we have the support for our critical infrastructure, these devices will need to be replaced. These new switches will bring faster traffic processing, stability and upgraded bandwidth to 10gigs between the Core and Server Switches.

### **Cumberland County Server Switch Replacement in County Computer Room**

The Server switches provide the connectivity for all the County Servers located in the County Computer Room. These network devices are Cisco Catalyst 4948 switches. These have been in service for over 6 years. On February 29, 2012, Cisco announced the EOL for this product line for February 28, 2017. Although the support for these devices last for several more years, Information Services has determined they need to be replaced. Due to the current network design, the addition of servers, upgraded fault tolerated server design and processing requirements, these switches have reached capacity. To provide increase processing, redundancy and increased bandwidth, Information Services has decided to collapse these switches into the core switches.

## **Recommendation**

We received two (2) quotes; one from Internet Engineering and one from Howard Technology Solutions.

The Internet Engineering quote totaled at \$133,432.55

The Howard Technology quote totaled at \$252,123.00

We would like to accept the quote from Internet Engineering as the lowest bidder.

AMY H. CANNON  
County Manager

JAMES E. LAWSON  
Deputy County Manager



MELISSA C. CARDINALI  
Assistant County Manager

ITEM NO. 2D

**OFFICE OF THE COUNTY MANAGER**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 18, 2014**

**TO: BOARD OF COUNTY COMMISSIONERS**

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

**DATE: AUGUST 13, 2014**

**SUBJECT: APPROVAL OF CUMBERLAND COUNTY FACILITIES COMMITTEE  
REPORT AND RECOMMENDATION(S)**

**BACKGROUND**

The Cumberland County Facilities Committee met on Thursday, August 7, 2014 and discussed the following:

- 1) Approval of FTCC's Request to Utilize Space at Spring Lake Facility Resource Center.
- 2) Approval of Bid Award to Classic Window and Glass, Inc. for Department of Social Services Window Project.
- 3) Approval of Alliance Behavioral Healthcare Lease.

Separate memos for each item are attached and the minutes of the Policy Committee are also attached for your convenience.

**RECOMMENDATION/PROPOSED ACTION**

Approve the recommendations of the Cumberland County Facilities Committee.

/ct

CM081314-1



# DRAFT

CUMBERLAND COUNTY FACILITIES COMMITTEE  
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564  
AUGUST 7, 2014 - 8:30 A.M.  
MINUTES

MEMBERS PRESENT: Commissioner Billy King, Chairman  
Commissioner Kenneth Edge

MEMBERS ABSENT: Commissioner Charles Evans

OTHER COMMISSIONERS  
PRESENT: Chairman Jeannette Council

OTHERS PRESENT: Amy Cannon, County Manager  
James Lawson, Deputy County Manager  
Melissa Cardinali, Assistant County Manager for Finance /  
Administrative Services  
Sally Shutt, Governmental Affairs Officer  
Phyllis Jones, Assistant County Attorney  
Jeffery Brown, Engineering and Infrastructure Director  
Vicki Evans, Finance Accounting Manager  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Commissioner Billy King called the meeting to order.

## 1. APPROVAL OF MINUTES – MAY 8, 2014 MEETING

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

## 2. CONSIDERATION OF APPROVAL OF FTCC'S REQUEST TO UTILIZE SPACE AT THE SPRING LAKE FAMILY RESOURCE CENTER

### BACKGROUND:

Within the last month, the County has received two separate requests from representatives at Fayetteville Technical Community College (FTCC) for the use of space within the Spring Lake Family Resource Center to conduct continuing education classes.

On Wednesday, July 30, 2014, the Engineering and Infrastructure Director met with representatives from FTCC to review the space that could possibly be utilized to conduct the classes that FTCC is proposing. There is a small conference room along with a larger

## DRAFT

conference room located in the facility. Currently the Health Department and Social Services are located within the building and utilize the larger conference room for training and meetings. The smaller conference room is very rarely used and according to FTCC, this area could be utilized for the class that meets daily. The larger conference room can be utilized for the class that meets just one week per month. It does not appear that the use of both of these conference rooms by FTCC would have any negative impacts to the departments within the facility. FTCC is flexible and can utilize space occasionally at the Library next door for any potential scheduling conflicts that could arise in the future for the larger conference room.

### RECOMMENDATION/PROPOSED ACTION:

The Facilities Committee is being asked to provide County staff direction as to what their wishes are in allowing FTCC to utilize the conference rooms for the purposes of conducting continuing education classes.

\*\*\*\*\*

Jeffery Brown, Engineering and Infrastructure Director, reviewed the background information and recommendation as recorded above and responded to questions.

Commissioner Edge asked if the agreement would just be for one year. Mr. Brown indicated to his understanding this is a one year agreement and if FTCC desires to use the space after the year agreement expires, then FTCC would need to bring the request back to the Facilities Committee for consideration.

MOTION: Commissioner Edge moved to recommend to the full board consideration of approval of FTCC's request to utilize space at the Spring Lake Family Resource Center for the next year.

SECOND: Commissioner King

VOTE: UNANIMOUS (2-0)

### 3. UPDATE ON THE DEVELOPMENT OF A COMPREHENSIVE CAPITAL IMPROVEMENT PLAN

#### BACKGROUND:

In September of last year the Facilities Committee was presented with a plan of action in which the Engineering and Infrastructure Department had composed in order to move forward with the development of a comprehensive Capital Improvement Plan. The purpose of this item is to provide the Facilities Committee an update as to what steps have been completed to date.

Listed below are the critical actions that were presented to the Facilities Committee last fall as steps that must be taken in order to develop a comprehensive Capital Improvement Plan along with a brief update for each.



# DRAFT

Have the Departments update the space utilization survey that was previously completed in 2007 to determine if their space allocation was currently sufficient or if they would need additional space in the coming years.

- *The survey was sent back out to the departments. A summary of these results will be presented to the Facilities Committee on August 7<sup>th</sup>.*

Compile a list of all unoccupied space within all County buildings and develop a proposed plan of action to occupy this space either with County personnel or lease the space to an outside agency that could coincide with the existing use(s) of the building.

- *The first part of this has been completed and Engineering and Infrastructure Staff are in the process of trying to determine how best to utilize the available space for the various Departments that need space. A list of the available space will be presented to the Committee on August 7<sup>th</sup>.*

Complete a comprehensive facility assessment (inventory) of all County buildings to include the following:

A roof survey by a Registered Roof Consultant (RRC):

- *The RFQ will be advertised by Friday, August 1<sup>st</sup> and submittal deadline is set for August 27<sup>th</sup>.*

Pavement evaluation of parking lots and sidewalk/walkway assessment:

- *The RFQ was advertised and qualifications were received. US Infrastructure of Carolina, Inc. was selected based on their qualifications and cost negotiations are underway.*

An inclusive building assessment that evaluates windows, interior and exterior walls, painting, carpet, lights, plumbing fixtures etc.:

- *At the current time, there has been no movement on this item as it will be the last phase of the four step plan.*

A detailed equipment evaluation to include HVAC units, chillers, boilers, generators, etc.:

- *The Facilities Management Division of the Engineering and Infrastructure Department began this process last fiscal year with evaluating chillers and generators. This fiscal year we will continue our efforts to gather the information on the mechanical equipment associated with each facility. The FacilityDude Software is being utilized to capture and track this idea.*

Once all the above actions have been completed, then the necessary steps can begin to develop a comprehensive Capital Improvement Plan that addresses building construction, building renovations, and maintenance and repairs. It is not possible to develop a comprehensive Capital Improvement Plan until these assessments and evaluations are completed. Currently the Engineering and Infrastructure Department is in a reactive mode to deal with challenges as they surface. A comprehensive Capital Improvement Plan will give us the opportunity to have a paradigm shift to becoming more proactive in

## DRAFT

the way we conduct business. This document will allow us to effectively plan and adequately budget the identified cost needed for each fiscal year.

The Engineering and Infrastructure Department is not as far along as we would have hoped to have been at this point in the overall development of the comprehensive Capital Improvement Plan due to shifting priorities, however County Management along with the Engineering and Infrastructure Director felt that it was imperative to provide the Facilities Committee an update as to what steps had been taken.

### RECOMMENDATION/PROPOSED ACTION:

The Facilities Committee is not being asked to take action at this time. The purpose of this item was to simply provide an update to the Facilities Committee on what actions had been taken by the Engineering and Infrastructure Department in the development of a comprehensive Capital Improvement Plan.

\*\*\*\*\*

Jeffery Brown, Engineering and Infrastructure Director, reviewed the background information and recommendation as recorded above and responded to questions.

Mr. Brown discussed the 2013 Space Utilization Survey Results below:

Department	Square Ft.	Space Ok	Space Efficient	Anticipate Growth	Anticipate Reorganization
Animal Control	28,872	No	No	Yes	Yes
Board of Elections	10,750	No	Yes	Yes	No
Emergency Services	4,340	No	No	Maybe Yes, Short	Maybe
Finance	3750	No	No	Term	No
Governing Body (BOC)	5,480	No	No	No	No
Human Resources	2,500	No	No	Yes	Yes
Information Services	3,740	No	No	Yes	Maybe
Legal	1,600	No	No	Maybe	No
Pretrial Services (Rm. 214)	704	No	No	Yes	Yes
Public Library	190,240	No	No	Yes	Maybe
Register of Deeds	6,239	No	No	Maybe	Maybe
Tax Administration	13,330	No	No	Yes	Yes

**Note:** 8 of the 12 Departments needing additional space are located within the New Courthouse

Mr. Brown further referenced the following information:

### COMPLETELY VACANT BUILDINGS:



## DRAFT

- Arnette Park Admin. Building (2165 Wilmington Hwy)
  - 2,990/SF available
- Communicare Building (226 Bradford Ave)
  - 4,965/SF available
- Wells House (111 Bradford Ave)
  - 3,398/SF available

### PARTIALLY VACANT BUILDINGS:

- Community Corrections Center (412 W Russell St.)
  - 2,619/SF available
  - Occupies Probation/TASC
- E. Newton Smith Center (227 Fountainhead Lane)
  - 54,900/SF available
  - Occupies Board of Elections/Wellness Clinic/Pharmacy
- Spring Lake Resource Center (103 Laketree Blvd)
  - 3,420/SF available
  - Occupies DSS/WIC
- Winding Creek Executive Place (711 Executive Place)
  - 8,196/SF available
  - Occupies Alliance Behavioral Healthcare/Cape Fear Valley

Commissioner King asked about Judge Keever's request and need for additional space in the courthouse and what would be done with the county offices. Mr. Brown stated initially the plan was for the county offices in the courthouse to be moved to the E. Newton Smith Center but money programmed for the renovations of the E. Newton Smith Center had to be used for the Jail Expansion Project.

Amy Cannon, County Manager, stated this is preliminary information and the Capital Improvement Plan will be extremely comprehensive. Ms. Cannon stated she feels Judge Keever's request will stay at the forefront but feels the County does not have the financial resources to move forward in the near future due to the significant amount of money it will take to renovate the E. Newton Smith Center along with the courthouse up fits for the needs of the court system. Ms. Cannon stated Judge Keever's request will need to be placed in the County's long term capital project plan.

Commissioner Edge stated a Capital Improvement Plan really needs to be put in place as soon as possible. Commissioner Edge stated he feels we need this plan in place to visualize where we are going with capital improvements. Mr. Brown stated there have been several other developing needs arise since the plan was first discussed about a year ago but still wanted to give the Facilities Committee an update on the progress of what plans have been made. Mr. Brown stated he hopes some breaks will come over the next few months to really give this plan more attention. Commissioner Edge stated he feels like some of the renovations should be done by in-house employees or sub-contractors that may be a little cheaper rather than major companies.

# DRAFT

Mr. Brown summarized the status of the Capital Improvement Plan by stating the available space has been identified, the needs have been identified, the evaluation of roofs and parking lots has been done and an RFQ has been issued on the parking lots and a firm has been selected. Mr. Brown further stated an RFQ was issued August 1<sup>st</sup> as far as roofs and a firm will be selected.

No action was necessary from the Facilities Committee. This item was for information only.

## 4. UPDATE ON FRONT STEPS OF NEW COURTHOUSE

### BACKGROUND:

At the Facilities Committee meeting in May, the committee was briefed on the issue with the front steps of the courthouse and the failures that were taking place. Over the last two months, Engineering and Infrastructure Staff have been researching various alternatives that could be utilized for the necessary repairs. During this time, Gordon Johnson, the architect of record for the original design has been consulted and provided feedback on the various alternatives. Staff is in the process of preparing bid documents at the current time. The plan is to advertise a base bid of using a concrete repair product and utilize the existing substructure. This would provide a concrete finished surface as compared to the original terrazzo treads and risers. A very similar approach was used to repair the steps on the north and south entrances of the courthouse almost 20 years ago. An alternate bid will include the complete demolition of the substructure and a complete rebuild of the steps using concrete. An alternate bid is being utilized to determine if it is more cost effective to simply remove and replace the existing steps. Once bids are received, the bids will be evaluated and a decision will be made on how to move forward.

While things have not progressed as expeditiously as we would have liked, we felt it was important to take the necessary time to identify and assess all potential solutions in order to make an informed decision.

### RECOMMENDATION/PROPOSED ACTION:

The Facilities Committee is not being asked to take action at this time. The purpose for this item was to update the Facilities Committee on what actions were being taken by the Engineering and Infrastructure Department to address the issue.

\*\*\*\*\*

Mr. Brown reviewed the background information as an update and responded to questions.

Mr. Brown stated the courthouse steps pre-bid is scheduled for August 14, 2014 and the bids are scheduled to open on August 26, 2014. Mr. Brown stated he anticipates the project to take about forty-five (45) days to repair.



# DRAFT

Chairman Jeannette Council stated the public is complaining about the steps of the courthouse and she would like to see this project completed in less than 45 days. Chairman Council stated the County is being criticized and are liable for the safety of the citizens.

No action was taken by the Facilities Committee. This item was for information only.

## 5. CONSIDERATION OF APPROVAL OF BID AWARD TO CLASSIC WINDOW AND GLASS, INC. FOR DEPARTMENT OF SOCIAL SERVICES WINDOW PROJECT

### BACKGROUND:

As you are aware, there have been issues with the windows on the north side of the Department of Social Services (DSS) building basically since it was constructed. At the Facilities Committee meeting in March, the Facilities Committee was informed that Walter Vick, architect of record, was going to be working with the Engineering and Infrastructure Department to determine the most feasible solution to address the long standing issue.

It has been determined that the most cost effective approach would be to remove all glass and re-work the exterior gaskets, setting blocks and water deflectors. All fogged glass will be replaced with new glass. In addition to the windows, additional measures will be taken to caulk the sills of the window frames as well. To ensure quality control for the work to be performed, the County will secure the services of a third party testing firm to complete a static pressure test after the first section of windows have been removed and reinstalled. Thereafter, a hose test will be conducted at various stages to ensure the windows are being properly installed.

Bids were received on July 9<sup>th</sup> for the work described above. The low base bid was submitted by Carolina Classic Window and Glass, Inc. in the amount of \$383,900. In addition to the base bid, all three alternate bids are being recommended for a total contract price of \$464,505. There is a total of \$700,000 budgeted for this project within the FY 2015 Budget.

### RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director along with County Management recommend that the Facilities Committee approve the following recommendations and forward them to the Board of Commissioners for its consideration at their August 18, 2014 meeting.

1. Award a contract to Carolina Classic Window and Glass, Inc. in the amount of \$464,505 for the DSS Window Replacement Project.
2. Establish a contingency in the amount of \$46,000 to be used for additional work recommended by the Engineering and Infrastructure Director and approved by the County Manager.

# DRAFT

\*\*\*\*\*

Mr. Brown reviewed the background information and recommendation as recorded above and responded to questions.

MOTION: Commissioner Edge moved to recommend to the full board consideration of approval to award a contract to Carolina Classic Window and Glass, Inc. in the amount of \$464,505 for the DSS Window Replacement Project and establish a contingency in the amount of \$46,000 to be used for additional work recommended by the Engineering and Infrastructure Director and approved by the County Manager.

SECOND: Commissioner King

VOTE: UNANIMOUS (2-0)

## 6. CONSIDERATION OF APPROVAL OF THE DURHAM ALLIANCE BEHAVIORAL HEALTHCARE LEASE

### BACKGROUND:

On July 1, 2013, Cumberland County and Alliance Behavioral Healthcare ("Alliance") entered into an Interlocal Merger/Consolidation agreement which included provisions for the Alliance to locate their Cumberland County site at 711 Executive Place. The Parties acknowledged and agreed that the Alliance would occupy the space rent-free from July 1, 2013 through June 30, 2014, and that the County would continue to pay utilities during this timeframe.

In accordance with the agreement, the Alliance has provided notice of its intent to remain in the building and to commence paying rent at a rate not to exceed \$12 per square foot, effective July 1, 2014. The County has established an agreement with the Alliance that they shall pay \$12 per square foot for 18,713 square feet of finished office space and \$4 per square foot for 323 square feet of unfinished space utilized for files storage. The annual lease amount totals \$225,848, which shall be paid in equal monthly installments of \$18,820.67. Since the Alliance is leasing a portion of the building, they are to pay a prorated share of utilities costs based on the floor space leased. In addition, since the agreement did not include janitorial services, the Alliance shall also pay those costs on a pro-rata basis, with the exception of shared conference room space.

### RECOMMENDATION/PROPOSED ACTION:

Authorize County Management to lease to the Alliance designated space located at 711 Executive Place for one year, from July 1, 2014 to June 30, 2015, in accordance with the terms set forth above.

\*\*\*\*\*

## DRAFT

James Lawson, Deputy County Manager, reviewed the background information and recommendation as recorded above and responded to questions.

MOTION: Commissioner Edge moved to recommend to the full board consideration of approval to authorize County Management to lease to the Alliance the designated space located at 711 Executive Place for one year, from July 1, 2014 to June 30, 2015, in accordance with the terms set forth above.

SECOND: Commissioner King

VOTE: UNANIMOUS (2-0)

### 7. OTHER ITEMS OF BUSINESS

Commissioner Edge stated he attended a meeting in Durham, North Carolina, with James Lawson and the Alliance Behavioral Healthcare Board. Commissioner Edge stated he heard a two hour presentation from the staff there in which they were giving an update and also asking for help. Commissioner Edge stated he would like to see the Alliance Behavioral Healthcare Board meet with each county and give an update and educational session on what is going on with the Alliance and include county staff, administrators, board of commissioners, court systems, Communicare, DSS, Health Services, CIT, local staff and the general public. Commissioner Edge stated he feels this would be very meaningful. Commissioner Edge stated he would like to involve the legislative delegation as much as possible in the process. Commissioner Edge stated he tasked County staff to work on setting this meeting up.

There were no other items of business.

MEETING ADJOURNED AT 9:35 AM.





ITEM NO. 2D(1)

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

**ENGINEERING & INFRASTRUCTURE DEPARTMENT**

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

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 18, 2014**

**TO:** BOARD OF COUNTY COMMISSIONERS

**FROM:** JEFFERY P. BROWN, PE, E & I DIRECTOR

**THROUGH:** AMY H. CANNON, COUNTY MANAGER *AHC*

**DATE:** AUGUST 11, 2104

**SUBJECT:** FTCC REQUEST TO UTILIZE SPACE AT THE SPRING LAKE  
FAMILY RESOURCE CENTER

**BACKGROUND:**

Within the last month, the County has received two separate requests from representatives at Fayetteville Technical Community College (FTCC) for the use of space within the Spring Lake Family Resource Center to conduct continuing education classes. The letters have been attached for your review outlining their requests.

On Wednesday, July 30<sup>th</sup>, the Engineering and Infrastructure Director met with representatives from FTCC to review the space that could possibly be utilized to conduct the classes that FTCC is proposing. There is a small conference room along with a larger conference room located in the facility. Currently the Health Department and Social Services are located within the building and utilize the larger conference room for training and meetings. The smaller conference room is very rarely used and according to FTCC, this area could be utilized for the class that meets daily. The larger conference room can be utilized for the class that meets just one week per month. It does not appear that the use of both of these conference rooms by FTCC would have any negative impacts to the Departments within the facility. FTCC is flexible and can utilize space occasionally at the Library next door for any potential scheduling conflicts that could arise in the future for the larger conference room.

This was presented and approved by the Facilities Committee on August 7<sup>th</sup>.

**RECOMMENDATION/PROPOSED ACTION:**

The Engineering and Infrastructure Director, County Management and the Facilities Committee recommend that the Board of Commissioners approve the usage of available space over the next year within the Spring Lake Family Resource Center by Fayetteville Technical Community College for the purposes of providing educational opportunities for the public.



ITEM NO. 2D(2)

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

**ENGINEERING & INFRASTRUCTURE DEPARTMENT**

JEFFERY P. BROWN, PE  
Engineering & Infrastructure Director

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 18, 2014**

**TO:** BOARD OF COUNTY COMMISSIONERS

**FROM:** JEFFERY P. BROWN, PE, E & I DIRECTOR

**THROUGH:** AMY H. CANNON, COUNTY MANAGER *AKC*

**DATE:** AUGUST 11, 2014

**SUBJECT:** APPROVAL OF BID AWARD TO CLASSIC WINDOW AND GLASS, INC FOR DEPARTMENT OF SOCIAL SERVICES WINDOW PROJECT

**BACKGROUND:**

As you are aware, there have been issues with the windows on the north side of the Department of Social Services (DSS) building basically since it was constructed. At the facilities committee meeting in March, the committee was informed that Walter Vick, architect of record, was going to be working with the Engineering & Infrastructure Department to determine the most feasible solution to address the long standing issue.

It has been determined that the most cost effective approach would be to remove all glass and re-work the exterior gaskets, setting blocks and water deflectors. All fogged glass will be replaced with new glass. In addition to the windows, additional measures will be taken to caulk the sills of the window frames as well. To ensure quality control for the work to be performed, the County will secure the services of a third party testing firm to complete a static pressure test after the first section of windows have been removed and reinstalled. Thereafter, a hose test will be conducted at various stages to ensure the windows are being properly installed.

Bids were received on July 9<sup>th</sup> for the work described above. Attached is the certified bid tabulation along with The LSV Partnership's letter of recommendation. The low base bid was submitted by Carolina Classic Window and Glass, Inc. in the amount of \$383,900. In addition to the base bid, all three alternate bids are being recommended for a total contract price of \$464,505. There is a total of \$700,000 budgeted for this project within the FY 2015 Budget.

This was presented and approved by the Facilities Committee on August 7<sup>th</sup>.

**RECOMMENDATION/PROPOSED ACTION:**

The Engineering and Infrastructure Director, County Management and the Facilities Committee recommend that the Board of Commissioners vote to approve the following recommendations.

1. Award a contract to Carolina Classic Window and Glass, Inc. in the amount of \$464,505 for the DSS Window Replacement Project.
2. Establish a contingency in the amount of \$46,000 to be used for additional work recommended by the E&I Director and approved by the County Manager.



AMY H. CANNON  
County Manager

JAMES E. LAWSON  
Deputy County Manager



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

MELISSA C. CARDINALI  
Assistant County Manager

ITEM NO. 2 D(3)

**OFFICE OF THE COUNTY MANAGER**

**MEMORANDUM FOR THE BOARD OF COMMISSIONERS AGENDA OF AUGUST 18, 2014**

**TO: BOARD OF COMMISSIONERS**  
**FROM: JAMES LAWSON, DEPUTY COUNTY MANAGER**  
**DATE: AUGUST 13, 2014**  
**SUBJECT: ALLIANCE BEHAVIORAL HEALTHCARE LEASE**

**BACKGROUND**

On July 1, 2013, Cumberland County and Alliance Behavioral Healthcare ("Alliance") entered into an Interlocal Merger/Consolidation agreement which included provisions for the Alliance to locate their Cumberland County site at 711 Executive Place. The Parties acknowledged and agreed that the Alliance would occupy the space rent-free from July 1, 2013 through June 30, 2014, and that the County would continue to pay utilities during this timeframe.

In accordance with the agreement, the Alliance has provided notice of its intent to remain in the building and to commence paying rent at a rate not to exceed \$12 per square foot, effective July 1, 2014. The County has established an agreement with the Alliance that they shall pay \$12 per square foot for 18,713 square feet of finished office space and \$4 per square foot for 323 square feet of unfinished spaced utilized for files storage. The annual lease amount totals \$225,848, which shall be paid in equal monthly installments of \$18,820.67. Since the Alliance is leasing a portion of the building, they are to pay a prorated share of utilities costs based on the floor space leased. In addition, since the agreement did not include janitorial services, the Alliance shall also pay those costs on a pro-rata basis, with the exception of shared conference room space.

The Facilities Committee approved County Management's recommendation for the proposed lease at its August 7, 2014 meeting.

**RECOMMENDATION**

Approve the Facilities Committee recommendation to lease designated space at 711 Executive Place in accordance with the terms set forth above.

cc: Amy Cannon, County Manager  
Melissa Cardinali, Assistant County Manager  
Rick Moorefield, County Attorney  
Jeffery Brown, Engineering and Infrastructure Director

Attachments

## Winding Creek - Alliance Lease Space

### First Floor (Entire Floor)

8447 SF

8159 SF (exluding elevator and front stairwell)

### Second Floor (Entire Floor)

9124 SF

8836 SF (exluding elevator and front stairwell)

### Third Floor

<u>Room #</u>	<u>Use</u>	<u>Square Footage</u>
318	Server Room	390
324	Electrical/Phone Room (HALF SF)	<u>30</u>
Total		420

### Fourth Floor

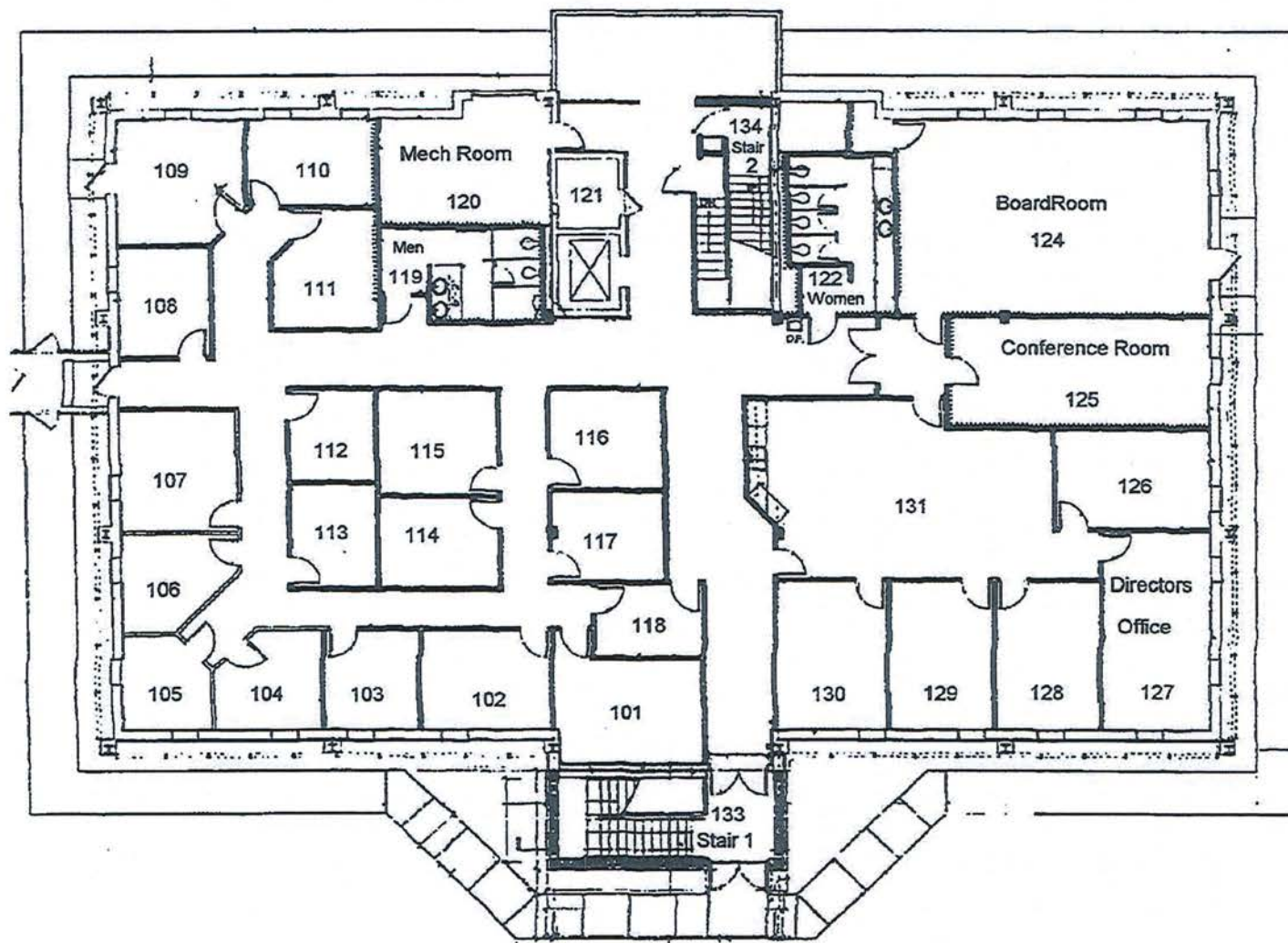
<u>Room #</u>	<u>Use</u>	<u>Square Footage</u>
403	Break Room (DON'T INCLUDE)	144
419	Men's Restroom	154
422	Women's Restroom	216
426	Training Room	<u>928</u>
Total		1298

### Fifth Floor (unfinished)

<u>Room #</u>	<u>Use</u>	<u>Square Footage</u>
	Storage of Medical Records	323

TOTAL FINISHED SF                      18713

TOTAL UNFINISHED SF                      323



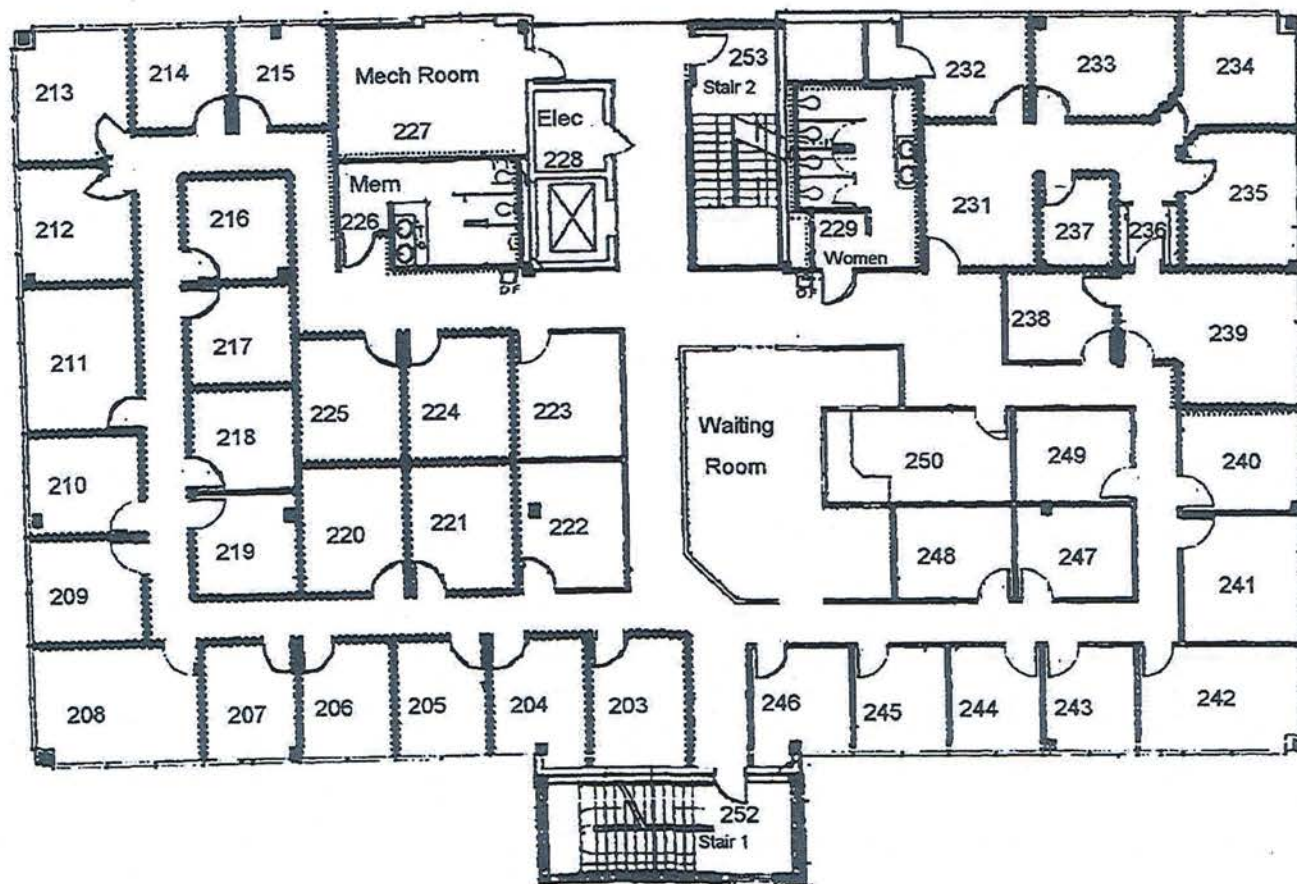
### Winding Creek 1st Floor

711 EXECUTIVE PLACE

SQ. FT. 8447

TOTAL BUILDING 39,850 SQ. FT.

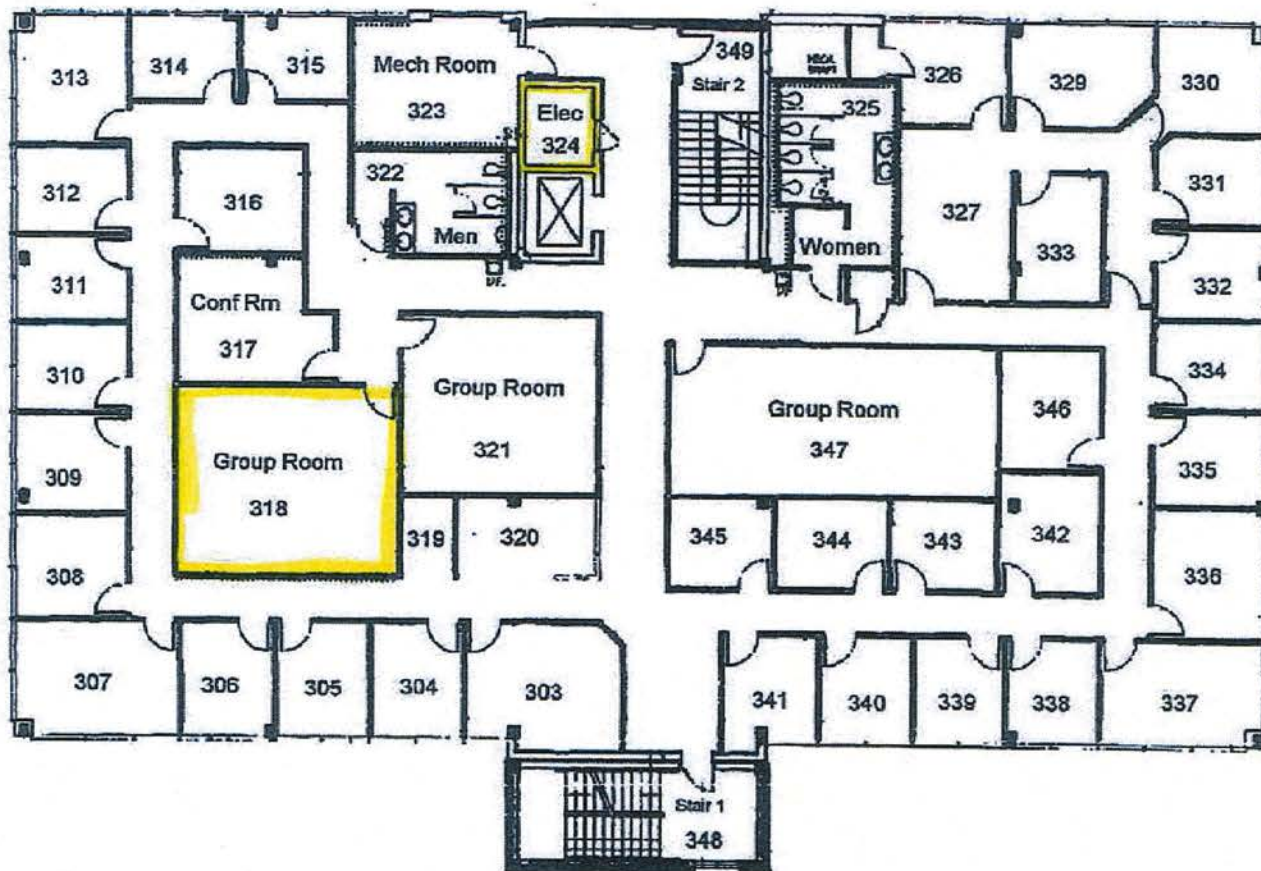




### Winding Creek 2nd Floor

711 EXECUTIVE PLACE

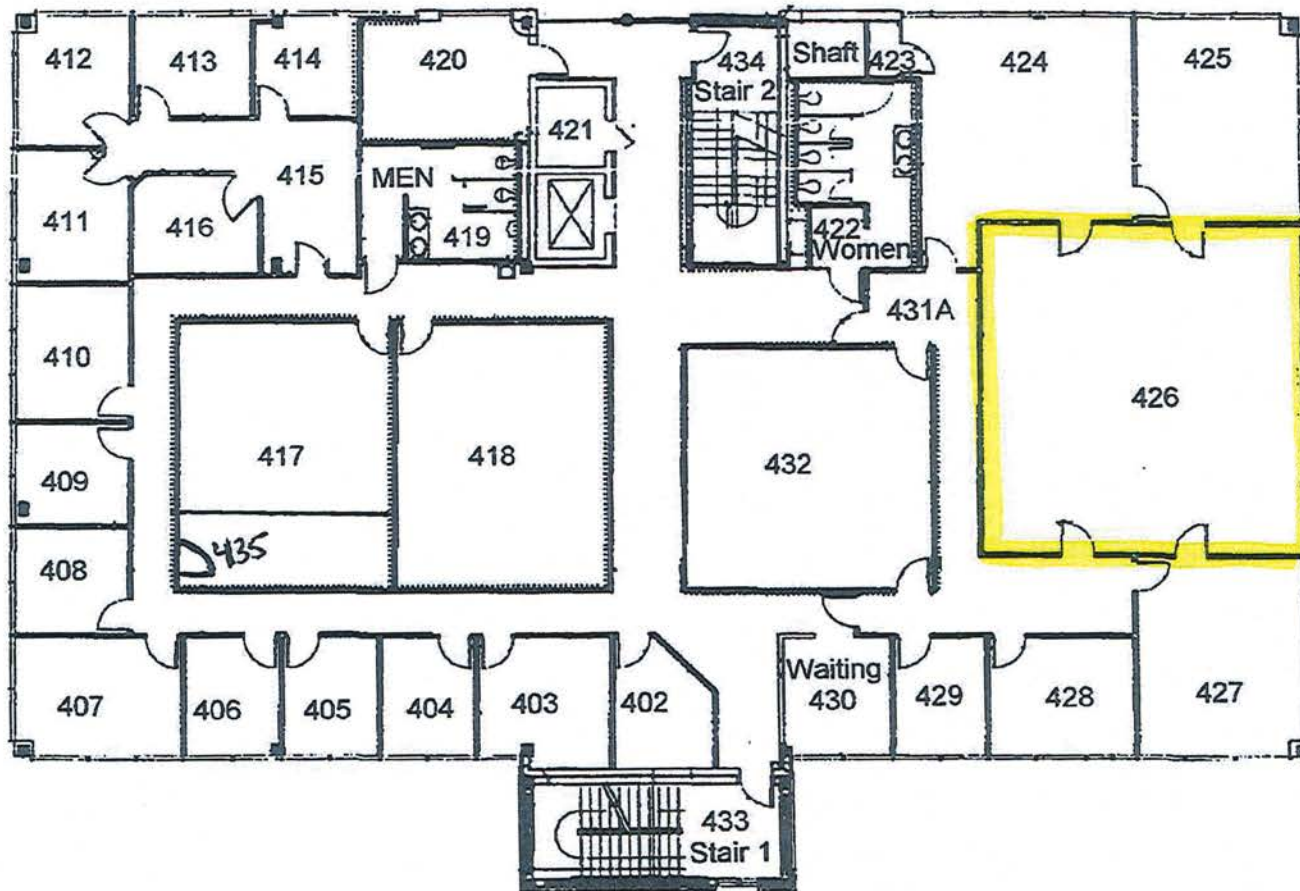
SQ. FT. 9124



### Winding Creek 3rd Floor

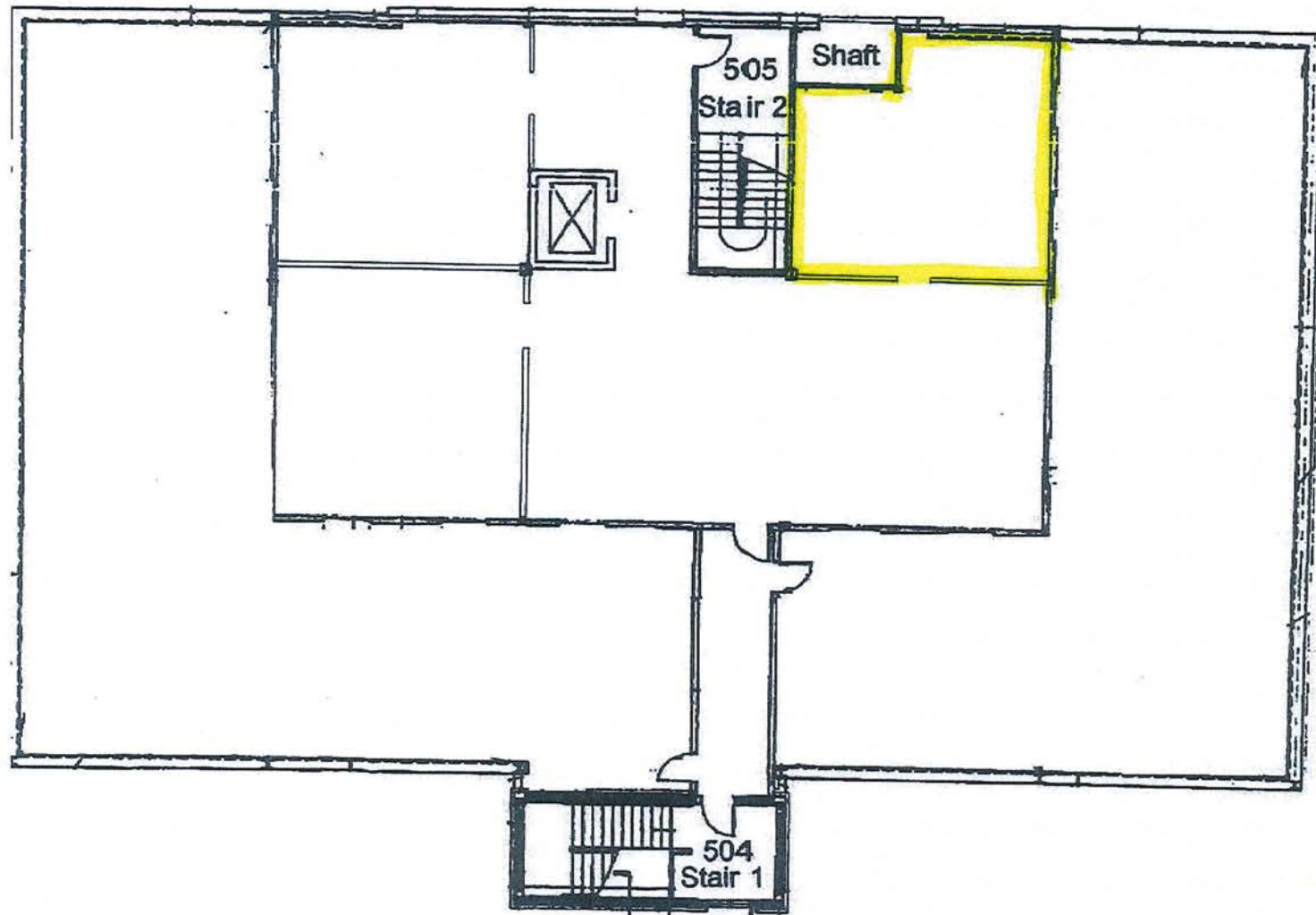
711 EXECUTIVE PLACE

SQ. FT. 9124



Winding Creek 4th Floor  
711 EXECUTIVE PLACE  
SQ. FT. 9124





## Winding Creek 5th Floor

711 EXECUTIVE PLACE

SQ. FT. 4031

# DRAFT

ITEM NO. 2E

CUMBERLAND COUNTY FINANCE COMMITTEE  
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564  
AUGUST 7, 2014 - 9:30 AM  
MINUTES

MEMBERS PRESENT: Commissioner Marshall Faircloth, Chairman  
Commissioner Kenneth Edge  
Commissioner Billy King

OTHER COMMISSIONERS

PRESENT: Commissioner Jeannette Council

OTHERS: Amy Cannon, County Manager  
James Lawson, Deputy County Manager  
Melissa Cardinali, Assistant County Manager  
Phyllis Jones, Assistant County Attorney  
Vicki Evans, Accounting Manager  
Sally Shutt, Government Affairs Officer  
Jeffrey Brown, Engineering and Infrastructure Director  
Candice White, Clerk to the Board  
Press

Commissioner Faircloth called the meeting to order.

1. APPROVAL OF MINUTES – MAY 8, 2014 SPECIAL MEETING

MOTION: Commissioner Edge moved to approve the minutes.  
SECOND: Commissioner King  
VOTE: UNANIMOUS (3-0)

2. PRESENTATION ON WOUNDED WARRIOR CENTER, A LIVING MONUMENT  
BY RICK HOUP, YMCA CEO/PRESIDENT

Rick Houpp, YMCA CEO/President, gave a three minute video presentation on a proposed Wounded Warrior Center in Cumberland County. Mr. Houpp stated there are 300 wounded warriors in the county which is the second largest population behind Houston, Texas. Mr. Houpp stated there are not enough aquatic centers in Cumberland County and there is no year-round aquatic center, and there is no national museum that recognizes the sacrifices of wounded warriors and tells their stories. Mr. Houpp shared his vision for a \$20 million Wounded Warrior Center and stated he is asking the county, the city, the school system and other organizations to pledge \$3 million over the next two years towards construction. Mr. Houpp stated he will also seek national support for the project; admission will be charged for the museum and membership sales will pay for the facility.



# DRAFT

Mr. Houpp stated he would like for representatives from the county to attend a three to four hour session in September to find a way to make the center happen. Mr. Houpp responded to questions.

Commissioner Council stated while this is a worthwhile project, the county strains to budget the school system in order to keep teachers in the classroom and Mr. Houpp's request totals \$6 million from the county and school system combined.

Commissioner Edge outlined some of the pressing needs before the county and noted the recent reduction in the county's sales tax revenue. Commissioner Edge also referenced county government's responsibilities as outlined in the general statutes and stated although he supports the concept of the center and it is a worthwhile project, county government cannot support everything that comes along.

Commissioner Faircloth stated the project has the moral support of the Board of Commissioners but the purse strings are not open at this point because of the county's ongoing needs and obligations. Commissioner Faircloth stated although he would not designate any staff to attend, a commissioner or two may attend the session in September. Commissioner Faircloth stated this is a worthwhile project and encouraged Mr. Houpp to continue his efforts.

## 3. APPROVAL OF THE KELLY HILLS WHOLESALE SEWER AND OPERATION AND MAINTENANCE AGREEMENT

### BACKGROUND:

The Public Utilities Division is in the process of taking over the billing for the Kelly Hills/Slocumb Road Water and Sewer District from PWC. The first step in moving forward is to execute a new interlocal agreement between PWC and Kelly Hills for the sewer treatment and operation and maintenance of the system. The execution of the new agreement will replace the existing agreement. Cumberland County currently has \$800,975 in available Facility Investment Fee (FIF) credits with \$633,745 of those credits expiring in October 2015. As part of this agreement, the County will purchase additional capacity with a portion of the FIF credits. An additional 67,570 gallons will be purchased at a price of \$2.98/gpd for a total price of \$201,358.60. This will bring the total purchased capacity of the system to 100,000 gpd. The entire system has a capacity of 150,000 gpd.

### RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Finance Committee recommend to the Kelly Hills/Slocumb Road Governing Board to:

1. Approve the wholesale sewer and operation and maintenance agreement between PWC and Kelly Hills following review and approval of the County Attorney.
2. Approve the use of available PWC FIF credits to purchase additional capacity.

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND  
SANITARY SEWER WHOLESALE AGREEMENT

# DRAFT

THIS AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014 by and between the City of Fayetteville acting by and through its Public Works Commission of the City of Fayetteville (hereinafter referred to as "Commission" or "PWC") and the County of Cumberland, a North Carolina body politic acting by and through its Kelly Hills/Slocumb Road Water & Sewer District, (hereinafter referred to as "Kelly Hills").

## WITNESSETH

THAT, WHEREAS, Kelly Hills owns and operates a wastewater collection system, as described in Exhibit B, that currently serves approximately 115 customers in the Kelly Hills/Slocumb Road area; and,

WHEREAS, Commission owns and operates wastewater treatment facilities (the "Municipal Wastewater System") and provides wholesale wastewater treatment services; and,

WHEREAS, Kelly Hills wishes to contract with Commission for PWC to furnish wholesale wastewater treatment service to Kelly Hills for the treatment of Kelly Hills wastewater; and ,

WHEREAS, Commission agrees to furnish wastewater treatment service pursuant to the terms of this agreement; and,

WHEREAS, Kelly Hills wishes to contract with Commission for PWC to provide operation and maintenance services to Kelly Hills for the Kelly Hills Sanitary Sewer system; and,

WHEREAS, Commission agrees to furnish operation and maintenance services to Kelly Hills for the Kelly Hills Sanitary Sewer system pursuant to the terms of this agreement; and,

WHEREAS, both parties recognize the Commission must implement and enforce a pretreatment program to control wastewater discharges from Significant Industrial Users("SIUs") under 40 CFR Part 403 or other dischargers who require issuance of SIU or local permits.

NOW THEREFORE, Commission and Kelly Hills agree to the following terms and conditions:

1. Discharge Points:

As of the Effective Date, wastewater from Kelly Hills existing sanitary sewer collection system will be discharged into the Commission's Municipal Wastewater System at the existing entry point listed in this Section 1 and thence treated at Commission's plants as deemed appropriate. Existing entry point is PWC Lift station at 355 Bethune Drive . Kelly Hills shall not discharge into Commission's Municipal Wastewater System at any other entry point without prior written approval from the Commission. Exhibit A shows the approved discharge points.

2. Flow Measurement:

Within one hundred and twenty (120) business days from the Effective Date of this agreement, Commission shall install at Kelly Hills' expense a flow measurement device at the Kelly Hills approach main where Kelly Hills discharges wastewater into the Commission's Municipal Wastewater System. Commission at its expense, shall be responsible for maintenance and calibration of the flow measurement device and calibration shall be done annually and shall operate within the accuracy tolerances as specified by the manufacturer. Commission shall provide Kelly Hills a copy of the calibration records of the flow measurement device.



# DRAFT

## 3. Basic Operations and Maintenance

A. The cost of basic operation and maintenance of the sanitary sewer collection system is built into the sanitary sewer rate being charged to Kelly Hills. Basic operation and maintenance includes:

1. Rights-of-way and/or easement maintenance to allow for accessibility to the sanitary sewer collection system.
2. Cleaning of at least 10% of the sanitary sewer collection system each year.
3. A general observation of the entire sanitary sewer collection system throughout the course of every year.
4. Semiannual inspections of all high priority lines (i.e. aerial, sub-waterway crossing, line contacting surface waters, siphon, line positioned parallel to stream banks subject to eroding, or line designated as high priority in a permit if applicable).
5. Point repair to a damaged or broken sanitary sewer main pipe, not to include replacement of multiple pipe joints.
6. Point repair to a damaged or broken sanitary sewer lateral or cleanout, not to include outright renewal of entire lateral.
7. Cleaning and rodding of clogged sanitary sewer mains and laterals.
8. Repair of manholes to include resetting of manhole ring and cover, not to include adjustments to or replacement of manhole or ring and cover; not to include repairs warranted to address I&I or corrosion issues.

B. Other extraordinary work required or requested by Kelly Hills will be NU billed at the appropriate rate to include applicable overtime and overhead for labor, equipment and materials ( to include an amount for all direct and indirect charges) plus 10%. Examples of extraordinary work are: SSO remediation and post cleaning and inspection, work consider as a capital improvement under Financial Accounting Standards Board (FASB) standards, replacement of multiple joints of sanitary sewer pipe, renewal of a sanitary sewer lateral, installation of a new sanitary sewer lateral, elder valve installation, smokedye testing and CCTV inspection. Kelly Hills shall have the right to install themselves or to hire a contractor(s) to perform this work to PWC standards.

C. The Commission shall at its discretion exercise the right to decline or subcontract any work required or requested by Kelly Hills that would conflict with the Commission's responsibilities and requirements for the operation and maintenance of the Commissions' sanitary sewer collection system.

D. Commission will provide other services, upon request, but which will be billed separately and not included in the Wholesale Sewer Rate. A partial list of the other services that may be available to Kelly Hills include the following:

1. Promote participation agreements with other benefitted parties;
2. Participation and administration of utility extension contracts;
3. Right-of-way acquisition for land and easement requirements to be secured in the name of Kelly Hills within the limits permitted by law but not to include actions in eminent domain;
4. Inspection services during construction;
5. Miscellaneous services such as GIS mapping as requested.

E. Other services requested by Kelly Hills will be NU billed at the appropriate rate to include applicable overtime and overhead for labor, equipment and materials ( to include an amount for all direct and indirect charges) plus 10%.



# DRAFT

4. Upsizing Mains  
Commission will be responsible for the cost associated with upsizing mains within the delineated Kelly Hills service as may be deemed necessary in order to meet Commission's existing and future sanitary sewer needs which would not be otherwise required for the sanitary sewer collection system being installed by Kelly Hills pursuant to this Agreement.
5. Ownership of Sewer Lines
  - A. All sanitary sewer lines installed within the boundaries of the Kelly Hills Sanitary Sewer District shall be owned and operated by Kelly Hills subject to Commission's right to upsize such mains at its expense and to transmit sanitary sewer through such mains to areas beyond the Kelly Hills area.
  - B. Commission shall own and operate the lift station located at 355 Bethune Drive, Fayetteville, NC and the associated force main.
6. Rights-of-way and encroachments  
Kelly Hills will acquire all rights-of-way and/or encroachments as may be needed for construction and maintenance of the sanitary sewer collection system as referenced herein.
7. Extension of Mains Outside Kelly Hills Service Area  
Commission reserves the right to extend or continue sanitary sewer mains from such mains as initially constructed by Kelly Hills to points outside of the delineated Kelly Hills service area. Future connections or main extensions that occur outside of the delineated Kelly Hills area are not subject to this Agreement and shall be the property of Commission unless the Kelly Hills boundary is expanded by law to serve development of contiguous properties. If such extensions occur, then the Commission shall install a flow measurement device at its expense to measure all flow being generated by customers outside of the Kelly Hills Service Area. A map of showing the boundaries of the Kelly Hills service is show as Exhibit B.
8. Extension of Mains Within Kelly Hills Service Area The further extension of or connection to mains within the delineated Kelly Hills service area will be pursuant to applicable extension and connection policies and procedures of Kelly Hills in effect at the time a request for service is made.
9. Compliance with Commission Policies and Procedures  
Kelly Hills may by resolution adopt a policy whereby future customers and/or extenders of sanitary sewer infrastructure in the Kelly Hills service area will be subject to the then current applicable Commission Policies and Procedures to simplify the application process for customers with the understanding that such customers remain responsible to Kelly Hills for compliance with such policies and procedures.
10. Notification of Excessive Inflow/Infiltration  
Upon notification by Commission that volumes of Kelly Hills wastewater entering Commission's lines, based on flow measuring data, exceed one hundred twenty-five percent (125%) of the average volume of sewer measured at the Discharge Point during any consecutive three-month billing period, Kelly Hills shall initiate an infiltration/inflow study to be conducted or supervised by a professional consulting engineer. Such study will provide Kelly Hills with recommendations designed to reduce infiltration/inflow to acceptable levels as delineated by the United States Environmental Protection Agency. Said study shall be made during the fiscal year immediately following notification. Corrective measures shall be taken by Kelly Hills upon receipt of and based on said



# DRAFT

infiltration/inflow study. Kelly Hills shall be responsible for all costs associated with any required infiltration/inflow study and corrective measures. Results of any infiltration/inflow study and proposed corrective measures shall be sent to Commission for review and approval.

11. New Laterals

- A. At Kelly Hills request, Commission will install new laterals in the Kelly Hills Sanitary Sewer District at Kelly Hills expense. Commission will NU bill Kelly Hills for such laterals at the appropriate rate to include applicable overtime and overhead for labor, equipment and materials (to include an amount for all direct and indirect charges) plus 10%.
- B. Kelly Hills, at its sole discretion, may install or contract for the installation of new laterals in the Kelly Hills Sanitary Sewer District.
- C. All new laterals will be designed and built to the PWC standards in effect at the time of the design and construction.

12. Monthly Billing:

- A. As of the Effective Date, the flow measuring device at the Kelly Hills connective main will be read, as nearly as practical, at regular monthly intervals. The period of time between device readings shall not be less than twenty-seven (27) days and not more than thirty-three (33) days. If Commission is unable to read the flow measuring device, for any reason, the wastewater flow shall be estimated by Commission on the basis of Kelly Hills wastewater flow for the preceding three billing periods for which readings were obtained. Bills rendered on the basis of such estimates shall be as valid as if made from actual device readings and appropriate adjustment of Kelly Hills bill shall be made at first actual reading of the flow measuring device subsequent to such estimate.
- B. The term "month" or "monthly" refers to the interval(s) transpiring between the previous meter reading date and the current meter reading date, and bills shall be rendered accordingly.
- C. The Commission will submit bills to Kelly Hills on a monthly basis for the prior month's sewer treatment service.
- D. If at the time of this Agreement's Effective Date, the flow measurement device at Kelly Hills approach main is not installed, the parties agree that billing shall continue under the existing arrangement, as specified in the Kelly Hills/Slocumb Road Water & Sewer District Sanitary Sewer Service Agreement as amended October 24, 2005 until such time that the flow measurement device is installed and calibrated.
- E. The Commission will, annually, or such time as shall be determined by Commission, perform a rate analysis to determine the rates which are applicable to serving Commission's various classes of water and sanitary sewer service. Among those classes of service will be wholesale sanitary sewer service classes, a class which includes Kelly Hills.
- F. Commission will use audited balance sheets, income statements, comparable wholesale market rate data, and return on investment financial information as the basis for determining the rates applicable to this Agreement. Commission may at its option, adjust audited financial data for changes to such financial data known or reasonably expected to occur during the period in which the billing rate will be in effect.
- G. Commission will provide at least 30 days' notice to Kelly Hills of any rate changes.



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- H. The initial Wholesale Sewer Rate to be charged to Kelly Hills, including the cost of O&M, is \$ 4.1267 per 1,000 gallons, or \$ .0041267 per gallon, the rate effective January 1, 2014. This cost includes the cost of basic operation and maintenance of the sanitary sewer collection system as described in paragraph 3.
13. Capacity Charges
- A. Commission shall receive and treat up to 100,000 gallons per day of Kelly Hills wastewater, representing the projected average daily usage generated from sources within the Kelly Hills Sanitary Sewer District. Kelly Hills has purchased 32,430 gallons per day sanitary sewer treatment capacity using \$ 92,640 of FIF credits. Upon execution of this agreement Kelly Hills will purchase an additional 67,570 gallons per day of sanitary sewer treatment capacity using \$ 201,358.60 of their existing FIF credits that expire in October 2015. Kelly Hills has the option, in the future, to purchase any or all of the remaining 50,000 gallons per day force main capacity at the then current FIF charge. Such purchases will be made in increments of at least 5% of the then current contract capacity.
- B. Kelly Hills shall, advise Commission of any anticipated growth in number of connections to its sanitary sewer system, population served and anticipated volume of wastewater as Kelly Hills becomes aware of such growth.. Commission does not anticipate any restriction on annual increase in flow from Kelly Hills, if within limits of the contract demand of 100,000 gallons per day. However, flow limits may be imposed if a regulatory agency having jurisdiction over Commission's treatment facilities requires restriction on flow increases on Commission's system.
- C. Commission shall notify Kelly Hills if the measured average daily usage in gallons per day of wastewater reaches 80% of the contract demand.
- D. If the measured average daily usage in gallons per day of wastewater from Kelly Hills exceeds 90% of the contract demand, Kelly Hills shall purchase additional contract demand at the current Commission capacity rate in increments of at least 5% of the existing contract demand.
14. Surcharges for Carbonaceous Biochemical Oxygen Demand (CBOD) and Suspended Solids (SS) and Total Kjeldhal Nitrogen (TKN):
- A. A surcharge for CBOD, Suspended Solids or NH<sub>3</sub> will be applied to those customers of Kelly Hills who are issued SIU or local permits ("Industrial Users"). These surcharges will be determined in accordance with the Commission Rate Schedule "Sanitary Sewer Surcharges" currently indexed as 620.05. Such surcharge billing will be determined by testing samples of wastewater from each Industrial Users' discharge at Commission's laboratories pursuant to standard test requirements and procedures of the State and Federal governments. Commission shall bill surcharges directly to the Industrial Users. The additional costs to treat wastewater in excess of limits stated above are determined by the Commission and published annually. The Commission will, from time-to-time, review and revise the surcharge applicable to Industrial Users based on testing.
- B. Kelly Hills shall terminate sewer service to any Industrial User upon notice from the Commission that said Industrial User has failed to pay surcharges pursuant to Sections 5 or 7 or any additional fees or penalties under the City of Fayetteville's Sewer Use Ordinance.



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15. Sewer Use Ordinance Requirement:

A. The Sanitary Sewer Ordinance of the City of Fayetteville, as amended from time-to-time, shall be applicable to all Kelly Hills customers whose wastewater is discharged to Commission's Municipal Wastewater System.

B. Kelly Hills shall be responsible for regulation of all customers who discharge wastewater through Kelly Hills system to the Commission's Municipal Wastewater System. Kelly Hills shall be responsible for enforcement of the requirements of the City of Fayetteville's Sanitary Sewer Ordinance.

16. Sewer Use Ordinance, and Pretreatment Requirements and Costs:

A. The Sanitary Sewer Use Ordinance of the City of Fayetteville and subsequent revisions of such Ordinance to include pretreatment requirements and cost, both incorporated herein by reference, shall be applicable to the effluent of Kelly Hills' sanitary sewer being discharged into the Commission's sanitary sewer system.

B. Kelly Hills hereby designates Commission as the agent of Kelly Hills for the purposes of implementation and enforcement of the pretreatment requirements of Kelly Hills for industrial users located in Kelly Hills' jurisdiction. Commission hereby accepts the designation of agent of Kelly Hills' jurisdiction for purposes of implementation and enforcement of the pretreatment requirements. If Commission determines the pretreatment requirements are not enforceable by Commission, then Kelly Hills shall provide timely enforcement. Kelly Hills shall continue to enforce all other provisions of the City's Sanitary Sewer Use Ordinance.

C. Commission, on behalf of and as an agent for Kelly Hills', agrees to perform technical and administrative duties necessary to implement and enforce the pretreatment requirements, including but not limited to the following:

1. Updating industrial waste survey no less than once every five (5) years;
2. Providing technical services such as sampling and analysis;
3. Permitting of Significant Industrial Users (SIU's);
4. Conducting inspection and compliance monitoring at permitted SIU's and certain commercial users; and
5. Performing enforcement activities.

In addition, Kelly Hills authorizes the Commission, as its agent, to take emergency action to stop or prevent any discharge which presents or may present an imminent danger to the health or welfare of humans, reasonably appears to threaten the environment, threatens to interfere with the operation of Commission's sanitary sewer treatment system (including the collection system and its workers' safety), or which could pass through the treatment plant and threaten the integrity of the publicly owned treatment works receiving stream.

D. Kelly Hills, as with other Commission customers, shall be responsible for additional cost associated with treatment of sanitary sewer in excess of published limits as determined by Commission. Such pretreatment surcharge billing will be determined by testing of samples of sanitary sewer from the Kelly Hills sanitary sewer collection system at Commission's laboratories pursuant to standard test requirements and procedures of the State and Federal governments. The pretreatment surcharge procedure as it applies to commercial industrial customers is described in Commission's Rates and Policies Manual and is incorporated herein by reference.

E. Kelly Hills shall pay Commission for actual costs incurred by Commission, including all reasonably allocated overhead costs, implementing and enforcing pretreatment requirements on behalf of Kelly Hills'. Commission shall bill Kelly Hills



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monthly for pretreatment costs incurred by Commission in implementing and enforcing Kelly Hills' pretreatment requirements, which shall be payable within 30 days of date of invoice.

17. Corrosion Control:

Kelly Hills shall be responsible for ensuring compliance with hydrogen sulfide discharge limits at the point(s) of discharge to the Commission's Municipal Wastewater System. The discharge of dissolved sulfide by Kelly Hills to Commission's Municipal Wastewater System at the discharge point(s) identified in Section 1 of this Agreement, are limited to the following: a daily average of 5mg/l in solution and/or 10 ppm in atmosphere and a maximum of 10 mg/l in solution and/or 30 ppm in atmosphere per day. PWC, at its own expense, shall perform all testing and as needed shall coordinate with Kelly Hills. Kelly Hills, at its own expense, shall be responsible for the addition of any chemicals or additional treatment necessary to comply with the hydrogen sulfide limit. Any addition of chemicals to control hydrogen sulfide shall be coordinated with Commission prior to introduction into the system.

18. Indemnity and Responsibilities:

Kelly Hills assumes responsibility for and shall indemnify (or defend at Commission's sole option) Commission, its successors and assigns, and hold it harmless against all injuries, liabilities, claims, damages, losses, costs and expenses, including reasonable attorney's fees and costs, personal injury or property damage, arising out of or related to 1) the construction, maintenance and operation of Kelly Hills sanitary sewer system, 2) Kelly Hill's discharge into the Commission's Municipal Wastewater System, 3) this Agreement, or 4) fines or penalties by any Federal, State or local agency or body.. Kelly Hills will not indemnify PWC for intentional or negligent acts solely attributable to PWC, its employees, agents, or contractors.

19. Suspension or Termination of Sanitary Wastewater Treatment Service:

Commission, in addition to all other legal remedies, may either terminate this Agreement or suspend sanitary sewer treatment service to Kelly Hills for:

- a) Any material default or breach of this Agreement by Kelly Hills; Fraudulent or unauthorized use of the sanitary sewer treatment service or discharge of sanitary sewer in such manner as to circumvent Commission's meter(s) serving Kelly Hills; or,
- b) Failure to pay monthly sanitary sewer bills when due and payable.
- c) No such termination or suspension, however, will be made by Commission without thirty (30) days written notice delivered to Kelly Hills personally or by mail, within which time Kelly Hills may cure any such alleged default or breach or commence in good faith to cure any such default or breach which cannot reasonably be cured within thirty (30) days, except that only seven (7) days' notice need be given under subsection (b) above.
- d) Commission's suspension of sanitary sewer service or termination of this Agreement upon any authorized grounds shall not relieve Kelly Hills of:
  - 1) Liability for the payment of sanitary sewer treatment service to the date of suspension or termination of this Agreement; nor
  - 2) Liability for any actual damages sustained by Commission.



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20. Payment:  
Monthly bills are payable within thirty (30) days from date thereof at P.O. Box 1089, Fayetteville, North Carolina, 28302, or its successors. A late payment charge in accordance with PWC's Schedule of Deposits, Fees, and Charges shall be applicable to all bills rendered pursuant to this Agreement except when notified within fifteen (15) days by Kelly Hills in writing of an invoice dispute, but Kelly Hills shall pay the undisputed amount pursuant to this contract.
21. Term of Agreement:  
The term of this Agreement is for twenty (20) years from \_\_\_\_\_, 2014 until \_\_\_\_\_, 2034 (the "Initial Term"). This Agreement shall automatically renew at the end of the Initial Term for a period of one (1) year, and shall automatically renew each year thereafter for a period of one year, unless terminated pursuant to the terms of Paragraph 10, or by either party by giving not less than one (1) year written notice to the other party, or upon mutual consent of both parties. Either party may terminate this Agreement during the Initial Term by giving the other party one (1) year written notice.
22. Prior Agreements: This Sanitary Sewer Wholesale Agreement shall replace the Sanitary Sewer Service Agreement by and between the City of Fayetteville acting by and through its Public Works Commission of the City of Fayetteville and the Kelly Hills /Slocomb Road Sanitary Sewer District dated April 19, 2004 and amended October 24, 2005.
23. Continuity of Service:  
Commission does not guarantee continuous utility service, but shall use reasonable diligence in providing uninterrupted services. Having used such reasonable diligence, Commission shall not be liable to Kelly Hills or its customers for failure to provide continuous services. The performance of Commission's obligations under this Agreement shall be excused during such times and to the extent such performance is prevented by reason of any event beyond the control of Commission, including without limitation, flood, earthquake, storm, lightning, fire, explosion, war, riot, civil disturbances, terrorist act, strikes, sabotage, or act of God.
24. Dispute Resolution:  
Commission and Kelly Hills will attempt in good faith to resolve any dispute or claim arising out of or in relation to this Agreement through direct negotiations between Commission and Kelly Hills' staff. If the dispute is not settled through such negotiations, then Commission and Kelly Hills agree to attend voluntary mediation prior to initiating formal legal proceedings. Said voluntary mediation shall be initiated by either party giving notice of the same, and shall be concluded within 30 days of such notice. Said voluntary mediation shall be conducted pursuant to the North Carolina Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions in effect at the time said notice is given. The requirements of this Section 25 shall not apply to emergency situations where the dispute involves potential harm to the Commission's Municipal Wastewater System.
25. Amendment Proceedings:  
This Agreement may be amended, changed, modified, altered, or assigned only by written consent of Commission and Kelly Hills.
26. Notices:  
All notices hereunder, other than monthly invoices and payment of the same, shall be sent to the following addresses using regular mail unless otherwise specified in writing:

# DRAFT

Commission: General Manager  
Public Works Commission  
P.O. Box 1089  
Fayetteville, NC 28302

Kelly Hills: Chairman, Board of Governors  
Kelly Hills/Slocumb Road Water and Sewer District  
P. O. Box 1829  
Fayetteville, NC 28302-1829

27. Binding Effect:

This Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.

28. Entire Agreement:

This Agreement contains the entire Agreement of the parties and there are no representations, inducements, or other provisions other than those expressed in writing.

29. Kelly Hills acknowledges that, in carrying out the terms of this agreement, PWC will disclose certain confidential customer information to Kelly Hills (the "Confidential Information"). Kelly Hills agrees not to disclose the Confidential Information to third parties, except as may be reasonably necessary to carry out the terms of this Agreement. Kelly Hills will advise PWC of any such disclosure prior to disclosure and obtain PWC's consent. In the event Kelly Hills inadvertently discloses Confidential Information, Kelly Hills will immediately notify PWC of such inadvertent disclosure and will take all appropriate actions to prevent further dissemination or disclosure of the Confidential Information.

29. Governing Law:

This Agreement shall be governed by the laws of the State of North Carolina.

30. Severability:

It is hereby declared to be the intention of Commission and Kelly Hills that the paragraphs, sentences, clauses, and phrases of this Agreement are severable. If one or more paragraphs, sections, sentences, clauses, or phrases shall be declared void, invalid, or otherwise unenforceable for any reason by valid and final judgment or decree of any court of competent jurisdiction, such judgment or decree shall not affect the remaining provisions of this Agreement and the same shall continue to be fully effective and enforceable on the basis that said remaining provisions would have been agreed to by Commission and Kelly Hills without the incorporation of such void, invalid, or otherwise unenforceable paragraph, section, sentence, clause, or phrase.

31. Effective Date:

The Effective Date, as that term is used in this Agreement, shall be the date that the Agreement is fully executed by both parties.

IN WITNESS WHEREOF, the parties hereto, through their duly authorized officers, have executed this contract as to the date and year first above written.

Exhibit A – Kelly Hills Discharge Points

The approved discharge point(s) for Kelly Hills are:



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1. The flow measurement device at the Kelly Hills force main.

## Exhibit B – Wastewater Collection System

Incorporated by reference herein.

\*\*\*\*\*

Jeffrey Brown, Engineering and Infrastructure Director, reviewed the background information as recorded above and stated the county has interest in taking over the billing for the sewer system in Kelly Hills. Mr. Brown explained the county is losing money under the current agreement because it cannot recover costs for which it is billed by PWC when homeowners do not pay. Mr. Brown also explained the county has acquired the necessary software to bill customers directly. Mr. Brown stated the request of the Finance Committee is to approve the wholesale interlocal agreement and to allow the county to move forward using additional FIF credits to purchase additional capacity in the system. Mr. Brown responded to questions and discussion followed about the county's involvement in the water/sewer service business. Mr. Brown stated the county has learned not to enter into contracts in which the county will be responsible for paying customers' unpaid sewer bills. Mr. Brown stated if customers do not pay their sewer bills, the county can shut off the valve so there is no sewer service and notify the Health Department that there is no sewer service. Mr. Brown stated the customer will then be evicted.

MOTION: Commissioner Edge moved to approve the wholesale sewer and operation and maintenance agreement between PWC and Kelly Hills and to approve the use of available PWC FIF credits to purchase additional capacity.  
SECOND: Commissioner King  
VOTE: UNANIMOUS (3-0)

## 4. UPDATE ON EMPLOYEE WELLNESS CLINIC

### BACKGROUND:

At the May 8, 2014 Finance Committee meeting, Mark Browder of Mark III Employee Benefits presented an update on the employee clinic. At that time, Mr. Browder was instructed by the Committee to seek requests for proposals for the operation of the employee clinic. We anticipated the results would be available for the August Finance Committee meeting.

In June the vendors were asked to present their proposals. At that time it was decided that additional clarification was needed in order to make the most informed and best decision for the County.

Due to scheduling difficulties, the management team was unable to meet with Mark III until August. Therefore, we anticipate Mark Browder attending the September 4 Finance Committee meeting with a recommendation regarding the clinic.

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## RECOMMENDATION:

No action needed. Item is for information only.

\*\*\*\*\*

Melissa Cardinali, Assistant County Manager, reviewed the background information as recorded above. Ms. Cardinali stated it was discovered that the RFP did not get to the appropriate party at Cape Fear Valley Health System and staff wanted to ensure that Cape Fear Valley had an opportunity to respond.

## 5. UPDATE ON LEGISLATIVE ACTION REGARDING SALES TAXING AUTHORITY FOR COUNTIES

### ADDITIONAL SALES TAX AUTHORITY

- Article 46 additional quarter-cent tax
  - Transit
  - Public education
  - General purposes
- Caps overall county sales tax at 2.5 cents
  - Cumberland County currently at 2.25 cents
- Does not apply to food sales
- Not shared with municipalities within county

Tax Levy	Tax Amount	Restrictions on Use
County Sales & Use Tax for Public Education	New levy Up to .5%	Public school capital or indebtedness; teacher or teachers' assistants' salaries or teacher supplements; community college financial support
Local Government Sales and Use Taxes for Public Transportation	Restructured Levy Up to .5%	Public transportation systems only—bill does not change current use restrictions
One-Quarter Cent or One-Half Cent	Restructured levy Up to .5% (was at .25%)	Any public purpose

\*Chart information per NCACC legislative bulletin August 1, 2014

\*\*\*\*\*

Ms. Cardinali reviewed the background information as recorded above. Ms. Cardinali stated this information is based on what is available at this time and clarification may be available in



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the next few weeks from the NCACC and School of Government through webinars aimed at deciphering legislation that passed during the session. Ms. Cardinali stated should there be a desire, Cumberland County can only add a quarter cent tax.

Commissioner Faircloth stated he asked to have this items added to the agenda for information and discussion should the Board decide to move forward with a referendum for a sales tax increase.

Commissioner Edge stated his understanding was that the General Assembly passed legislation such that special elections can be held only at the same time of a State, county, or municipal general election and not at times in between. Commissioner Edge asked that this be confirmed because citizens probably will not have enough time to understand putting a quarter cent on by the November 2014 election. Commissioner Edge asked whether the quarter cent sales tax could supplant educational funding. Commissioner Faircloth stated it could be used for general purposes and then the county could designate how it would be used. Commissioner Edge invited everyone to check out the fund balance of school systems in North Carolina and stated this is something that is not often brought out. Commissioner Faircloth asked that consideration be given to shooting for the next municipal election and that in the meantime, determine what needs to be done to move it forward and how the revenue will be used.

## 6. MONTHLY FINANCIAL REPORT

### BACKGROUND:

The financial report is included as of June 30, 2014. Highlights include:

- Revenues
  - Ad valorem taxes: Collections are just above budget for the year. Another strong year of consistent collections by our tax department.
  - Sales taxes: Collections remain behind fiscal year 2012-13 to date. However, the July 2014 distribution was consistent with the July 2013 distribution.
- Expenditures
  - Expenditures for all departments remain in line with previous years and show no unusual patterns.
- Crown Coliseum
  - Financial statements as presented to the CCCC Board are included.

### RECOMMENDATION:

No action needed – for information purposes only.

\*\*\*\*\*

Ms. Cardinali reviewed the background information as recorded above and stated the July sales tax distribution was in line with the July 2013 distribution; however, this did not heal the \$2.4 million hurt. Ms. Cardinali stated there are three more months to collect taxes that will be applied to FY 2014. Ms. Cardinali stated there is no significant change in sales tax.

# DRAFT

Consensus of the Finance Committee was that the financial information for the Crown Complex be reported in a more easily understood format.

## 7. OTHER MATTERS OF BUSINESS

Commissioner Edge shared the request he presented at the Facilities Committee meeting for special educational sessions about Managed Care Organizations (MCOs) for the Board either before or after regularly scheduled Board of Commissioner meetings.

There being no further business, the meeting adjourned at 10:40 a.m.

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 BI-2014-001 and is identified as Item Number \_\_\_\_\_.

Property Owner: Cumberland County

Property Address: 4900 Panda St Hope Mills, NC (Single wide manufactured home and accessory structure)

Tax Parcel Identification Number: 0413-45-4990

SYNOPSIS: This property was inspected on June 30, 2014. The structures are presently vacant and unsecure. 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 \$51,450. 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 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 28<sup>th</sup> day of July 2014.  
Carol M. Post  
Notary Public



My Commission Expires: 11/03/2014

**REPORT OF BUILDING INSPECTION**  
**CASE # BI-2014-001**

**DATE OF INSPECTION:** June 30, 2014

**PROPERTY LOCATION:** 4900 Panda St, Hope Mills, NC 28348

**OWNER/AGENT:** Cumberland County, PO Box 449, Fayetteville, NC 28302

**OCCUPANT:** Vacant

**PARCEL ID. NO.** 0413-45-4990

<b>BUILDING USE:</b>	<u>Residential</u>
<b>BUILDING CLASSIFICATION:</b>	<u>Residential</u>
<b>ZONING CLASSIFICATION:</b>	<u>RR</u>

**APPRAISED TAX VALUE: (STRUCTURE: \$0.00)**

**APPRAISAL DATE:** 01/01/2003

**DOES DAMAGE OR DETERIORATION OF THE STRUCTURE EXCEEDS 50% OF ITS PHYSICAL VALUE** YES

**DOES STRUCTURE CONFORM WITH ZONING REGULATIONS?** YES

**ITEMS DETERMINED TO BE UNSAFE BY INSPECTOR:**

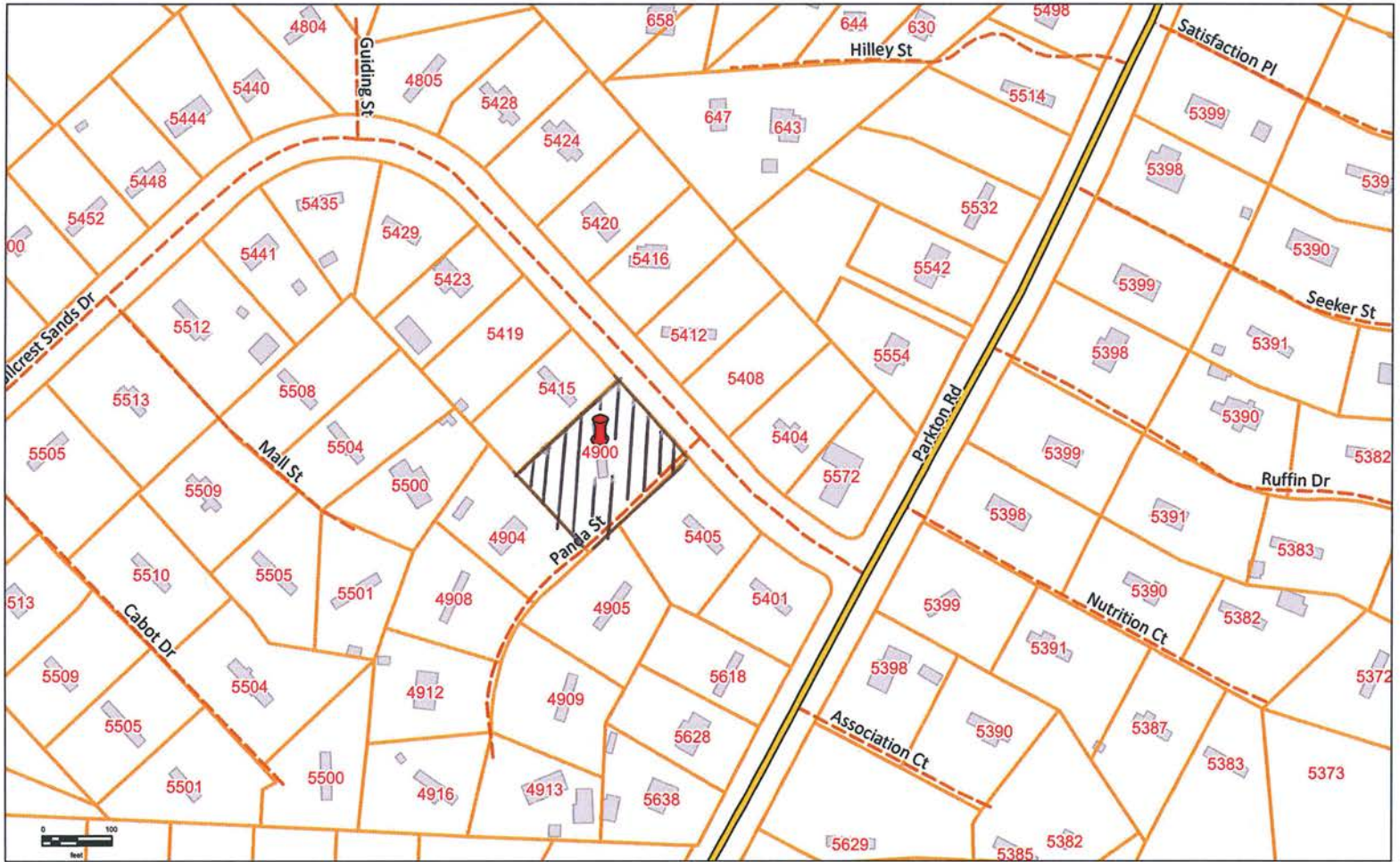
A county owned single wide manufactured home and one accessory structure that is vacant, unsecure, collapsing and overgrown with vegetation creating a fire, health and safety hazard in a residential neighborhood.

**Inspection Certified by Building Inspector:** \_\_\_\_\_





**MAP DEPICTING LOCATION OF PROPERTY**  
**Property Owner: Cumberland County**  
4900 Panda St, Hope Mills, NC  
Minimum Housing Case # BI-2014-001  
TAX PARCEL IDENTIFICATION NUMBER: 0413-45-4990



**EXHIBIT B**

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 116-2013  
PROPERTY OWNER: Alecia & David McLaughlin

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on November 18, 2013, enacted an ordinance directing the demolition by the owner of the structure Alecia & David McLaughlin, located at 1609 Halsey Loop; Hope Mills, NC, PIN: 0443-02-5775, said ordinance being recorded in Book 9335, page 0584, 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 \$1,500.00.
- (3) There were no salable materials resulting from said work.

NOW THEREFORE, the above report coming on to be considered and the Board of County Commissioners 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 \$1,500.00, said sum



being the unpaid balance of the cost of the work set forth in the Inspector's Report;

- (2) That as provided in the Ordinance of Cumberland County dated November 18, 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 1609 Halsey Loop, Hope Mills, NC, as described in Deed Book 5647, page 215, of the Cumberland County Registry and identified in County tax records as PIN 0443-02-5775.

- (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 18th day of August, 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 379-2013  
PROPERTY OWNER: Rick Garcia

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on January 21, 2014, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Rick Garcia, located at 4909 Panda Street Street, Hope Mills, NC, PIN: 0413-45-4527, said ordinance being recorded in Book 9372, page 386, 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 \$1,750.00.
- (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 \$1,750.00, 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 January 21, 2014, 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 4909 Panda Rd Hope Mills, NC, as described in Deed Book 6526, page 0753, of the Cumberland County Registry and identified in County tax records as PIN 0413-45-4527.

(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 18th day of August 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 7025-2013  
PROPERTY OWNER: Mary W. Sutton

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) Mary W. Sutton, located at 3563 Camden, Fayetteville, NC, PIN: 0425-36-6692, said ordinance being recorded in Book 9278, page 382, 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 \$21,000.00.
- (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 \$21,000.00, 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 3563 Camden Rd Fayetteville, NC, as described in Deed Book 8994, page 0889, of the Cumberland County Registry and identified in County tax records as PIN 0425-36-6692.

(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 18th day of August 2014, at 6:45 p.m. o'clock.

---

Cumberland County Clerk



ITEM NO. 24

**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

August 5, 2014

**MEMORANDUM FOR BOARD OF COMMISSIONERS' AUGUST 18, 2014 AGENDA:**

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

Lots 114 & 116 Savoy Hgts Sec 1	PIN 0437-11-4516
Lot 216 Weiss Ave	PIN 0437-11-0345
Lot 311 Savoy Hgts	PIN 0437-00-6970
Lots 403 & 405 Savoy Hgts & Vac to Creek	PIN 0437-00-0500
Lot 104 Savoy Hgts	PIN 0437-12-4190
4.05 ac Land adj Briarwood Hills Sec 3	PIN 0426-54-8992

**(All are Cross Creek Township)**

**BACKGROUND:** On or about August 16, 2011, the County acquired by tax foreclosure the above properties. The amount currently owed on the foreclosure judgment including interest and cost for the properties is \$9,227.47.

Joe Fleming Jr., has offered to purchase the County's interest in the property for **\$9,830.00** and have deposited \$983.00 in the Finance Office.

The tax values of the properties are as follows:

**(All are Cross Creek Township)**

**PIN 0437-11-4516; Lots 114 & 116 Savoy Hgts Sec 1;** **VALUE: \$22,700.00**  
(Located on Weiss Ave off Martin Luther King Jr FWY Off Ramp)

**PIN 0437-11-0345; Lot 216 Weiss Ave;** **VALUE: \$10,000.00**  
(Located on Weiss Ave)

**PIN 0437-00-6970; Lot 311 Savoy Hgts;** **VALUE: \$ 5,625.00**  
(Located on Weiss Ave off Commerce St)

**PIN 0437-00-0500; Lots 403 & 405 Savoy Hgts & Vac to Creek;** **VALUE: \$ 6,250.00**  
(Located on Weiss Ave)

**PIN 0437-12-4190; Lot 104 Savoy Hgts;** **VALUE: \$ 3,500.00**  
(Located off Ashley St off Martin Luther King Jr FWY)

**PIN 0426-54-8992; 4.05 ac Land adj Briarwood Hills Sec 3;** **VALUE: \$55,688.00**  
(Located on Eldorado Rd behind Colgate Dr)

*Celebrating Our Past... Embracing Our Future*

These properties are surplus to the needs of the County and, according to N.C.G.S. §153A-176 and N.C.G.S. §105-376, the County has the authority to sell such property. Management has reviewed this offer and it is now being submitted for the Board to consider whether or not to accept Mr. Fleming's bid. The properties have been advertised and this office has not received any upset bids. The bid period is now closed.

**RECOMMENDATION AND PROPOSED ACTION:** That the Board of Commissioners consider whether to accept the offer of Mr. Joe Fleming Jr. to purchase the above properties for the sum of **\$9,830.00**, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

RLM/hnw  
Attachment





## Site Map

WEISS AVE  
CROSS CREEK TOWNSHIP

50 0 50 Feet



THE COUNTY OF CUMBERLAND, NORTH CAROLINA, HAS REVIEWED THIS MAP AND HAS DETERMINED THAT THE INFORMATION CONTAINED HEREIN IS ACCURATE AND RELIABLE. THE COUNTY OF CUMBERLAND, NORTH CAROLINA, DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.





## Site Map

WEISS AVE  
CROSS CREEK TOWNSHIP

50 0 50 Feet

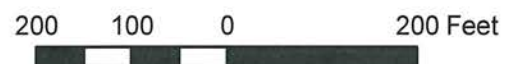


THE COUNTY OF CUMBERLAND HAS BEEN DESIGNATED AS A FLOOD HAZARD AREA BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) IN 1981. THE COUNTY OF CUMBERLAND HAS BEEN DESIGNATED AS A FLOOD HAZARD AREA BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) IN 1981. THE COUNTY OF CUMBERLAND HAS BEEN DESIGNATED AS A FLOOD HAZARD AREA BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) IN 1981.





SITE MAP  
WEISS AVE  
CROSS CREEK TOWNSHIP



**CUMBERLAND**  
★ COUNTY ★  
NORTH CAROLINA

THE COUNTY OF CUMBERLAND AND ITS GIS DEPARTMENT  
DISCLAIMS ACCOUNTABILITY FOR THIS PRODUCT AND MAKES  
NO WARRANTY EXPRESSED OR IMPLIED CONCERNING THE  
ACCURACY THEREOF. RESPONSIBILITY FOR INTERPRETATION  
AND APPLICATION OF THIS PRODUCT LIES WITH THE USER.





## Site Map

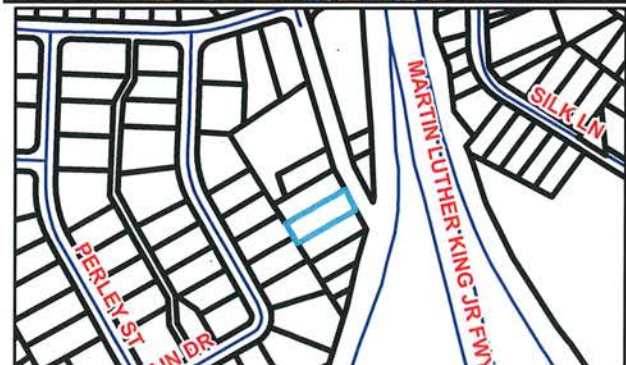
WEISS AVE  
CROSS CREEK TOWNSHIP

50 0 50 Feet



THE COMMISSIONERS OF CROSS CREEK TOWNSHIP DO NOT WARRANT THE ACCURACY OF THIS MAP. THE COMMISSIONERS OF CROSS CREEK TOWNSHIP DO NOT WARRANT THE ACCURACY OF THIS MAP. THE COMMISSIONERS OF CROSS CREEK TOWNSHIP DO NOT WARRANT THE ACCURACY OF THIS MAP.





SITE MAP  
ASHLEY ST  
CROSS CREEK TOWNSHIP

250 125 0 250 Feet



CUMBERLAND  
★ COUNTY ★  
NORTH CAROLINA

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ACCURACY THEREOF. RESPONSIBILITY FOR INTERPRETATION  
AND APPLICATION OF THIS PRODUCT LIES WITH THE USER.





## Site Map

ELDORADO RD  
CROSS CREEK TOWNSHIP

200 0 100 Feet 200 Feet



THE COUNTY OF CUMBERLAND RESOLVES TO USE THE INFORMATION CONTAINED HEREIN FOR THE PURPOSES OF THE CROSS CREEK TOWNSHIP ZONING ORDINANCE. THE INFORMATION IS PROVIDED AS IS AND DOES NOT CONSTITUTE A WARRANTY OF ANY KIND. THE COUNTY OF CUMBERLAND IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY APPEAR HEREIN.



COUNTY OF CUMBERLAND

NORTH CAROLINA

## Proclamation

**WHEREAS,** human trafficking is a human rights violation and public health issue as well as a global criminal enterprise totaling \$32 billion dollars a year; and

**WHEREAS,** the Federal Bureau of Investigation estimates that human trafficking victims consist of 80% women, with at least 200,000 American children at risk of being enslaved each year and nearly 25% of all trafficking victims are transported to the southeastern United States, and North Carolina as one of the top ten states for incidents related to human trafficking; and

**WHEREAS,** human trafficking is defined as the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of forced labor or sexual servitude; and

**WHEREAS,** traffickers force victims into lives of involuntary servitude and frequent subjection to rape, beatings, debt bondage, confinement, and psychological and emotional abuse; these victims are frequently found in domestic labor situations, construction, farm work, hotel, restaurant and tourist industries, janitorial work, and the commercial sex industry; and

**WHEREAS,** the United States Congress adopted the Trafficking Victims Protection Act in 2000 with current reauthorizations and North Carolina enacted the NC Trafficking Victims Protection Act in 2007, signing into law the NC Safe Harbor Act in 2013, to protect minors and to better prosecute offenders and contributors; and

**WHEREAS,** systematic approaches to detect trafficking, create protocols for response and provide services to trafficked victims, while holding traffickers accountable for their crimes, are crucial in order to eradicate human trafficking; and

**WHEREAS,** multiple governments, nonprofit, and faith-based organizations, as well as concerned individual citizens of Fayetteville currently provide leadership, philanthropy, advocacy, and dedication to end human trafficking in the County of Cumberland and North Carolina.

**NOW, THEREFORE, We,** the Cumberland County Board of Commissioners, do hereby honorably proclaim August 24 – 30, 2014 to be

### HUMAN TRAFFICKING AWARENESS WEEK

Adopted this 18<sup>th</sup> day of August 2014.

---

JEANNETTE M. COUNCIL, Chairman  
Cumberland County Board of Commissioners



**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B15-034</u>
Date Received	<u>8-7-14</u>
Date Completed	

Fund No. 101 Agency No. 440 Organ. No. 4408

Organization Name: Library Grants

ITEM NO. 25(1)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4402	NC Library Program Grants	31,880	8,684	40,564
Total		31,880	8,684	40,564

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
349C	273	LSTA NC Cardinal Grant		8,684	8,684
Total			0	8,684	8,684

**Justification:**

Budget revision to "roll over" remainder of LSTA NC Cardinal Grant from FY 2014 to FY 2015, not yet received.

**Funding Source:**

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

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

**Fund Balance:**

County: \_\_\_\_\_ New: \_\_\_\_\_  
Prior Year: 8,684

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

Submitted By: [Signature]  
Department Head

Date: 8/1/14

Reviewed By: [Signature]  
Finance

Date: 8-7-14

Reviewed By: [Signature]  
Finance Director

Date: 8-12-14

Reviewed By: \_\_\_\_\_  
Assistant County Manager

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

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

<b>Budget Office Use</b>	
Budget Revision No.	<u>B15-038</u>
Date Received	<u>8.11.14</u>
Date Completed	

Fund No. 139 Agency No. 450 Organ. No. 4560

Organization Name: SENIOR AIDE PROGRAM

ITEM NO. 2J(2)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4680	Senior Aide	580,140	12,770	592,910
9110	TRF from 101	68,127	(456)	67,671
6698	In-Kind	7,560	1,690	9,250
Total		655,827	14,004	669,831

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210	363	SALARIES- REGULAR	88,637		88,637
1266	363	P/T NONCNTY	442,292	15,837	458,129
1270	363	LONGEVITY	1,662		1,662
1810	363	FICA MATCH	51,852	(6,538)	45,314
1820	363	RETIREMENT	6,384		6,384
1830	363	MEDICAL INSURANCE	15,340		15,340
1824	363	401K COUNTY	903		903
1860	363	WORKERS COMP	1,683	37	1,720
2201	364	FOOD & PROVISIONS	1,500	175	1,675
2992	364	DEPT. SUPPLIES	1,890	260	2,150
2995	364	COMP SOFTWARE	250	100	350
3204	364	MEDICAL	50	350	400
3360	364	OTHER SERVICES	1,200	1,364	2,564
3406	364	DUES & SUBSCRIP	25	0	25
3411	364	IN-KIND SVS	8,550	700	9,250
3420	364	INS & BONDS	23,768	0	23,768
3440	364	POSTAGE	1,232	1,268	2,500
3445	364	TELEPHONE	700	100	800
3450	364	COPIERCHANGE	1,000	0	1,000
3455	364	PRINTING	400	100	500
3470	364	TRVL EMPLOYEE	6,509	1	6,510
3474	364	TRAINING	0	250	250
Total			655,827	14,004	669,831

**Justification:**

The Senior Community Service Employment Program (SCSEP) is a community service and training program for authorized seniors, low income participants ranging from the ages of 55 and older. It is authorized by the Older Americans Act. We have received from the Sponsor Agreement for th proformance period of July 1, 2014 through June 30, 2015, FY 15, budget of \$669,831 total spending.

**Funding Source:**

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

**Fund Balance:**

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

Department Head

Reviewed By: Billy Outry Date: 8.11.14

Finance

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Finance Director

revised 7-1-14

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Assistant County Manager

**Approved By:**

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

County Manager

Board of County

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



Patricia Hall,  
Chair  
Town of Hope Mills

Charles Morris,  
Vice-Chair  
Town of Linden

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

Donovan McLaurin,  
Wade, Falcon & Godwin



# CUMBERLAND COUNTY NORTH CAROLINA

## Planning & Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

ITEM NO. 3A

AUGUST 8, 2014

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P14-26:** Rezoning of 1.92+/- acres from A1 Agricultural to R40 Residential or to a more restrictive zoning district, located at 1105 John Mcmillan Road, submitted by Brian S. and Lisa M. Alger (owners).

ACTION: 1<sup>st</sup> Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2<sup>nd</sup> Motion: Approve R40.

**SITE PROFILE: Frontage & Location:** 121.57'+/- on SR 2244 (John Mcmillan Road); **Depth:** 648.25'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** 1 residential structure; **Initial Zoning:** A1 – June 25, 1980 (Area 13); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: R40/CU (80 lot subdivision), RR/DD/CUD (234 lot subdivision), R40A, RR & A1; South: CD & A1; East: A1; West: R40, CD & A1; **Surrounding Land Use:** Residential (including manufactured dwellings), farmland & woodlands; **2030 Growth Strategy Map:** Urban fringe; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** None; **School Capacity/Enrolled:** Gray's Creek Elementary: 495/440; Gray's Creek Middle: 1,100/1,067; Gray's Creek High: 1,270/1,271; **Subdivision/Site Plan:** If approved, new development may require review and approval; **Average Daily Traffic Count (2010):** 770 on SR 2244 (John Mcmillan Road); **Highway Plan:** John Mcmillan is identified in the Highway Plan as a Local Road. There are no road improvements/construction specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Notes:** Density: A1 – 1 unit, A1A – 1 lot/ 2 units, R40 – 2 lots/units; Minimum Yard Setback Regulations: **A1 & A1A:** Front yard: 50', Side yard: 20', Rear yard: 50'; **R40:** Front yard: 30', Side yard: 15', Rear yard: 35'.

MINUTES OF JUNE 17, 2014

### CONSISTENCY WITH LAND USE PLAN STATEMENT

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

### REASONABLENESS & IN THE PUBLIC INTEREST

The location and character of the district is reasonable and in the public interest by allowing for lot sizes and uses comparable to those in the surrounding area.

The Planning and Inspections Staff recommends approval of the R40 Residential district because of the foregoing and based on the following:

- If approved, the rezoning would be consistent with recent rezonings in the general area.

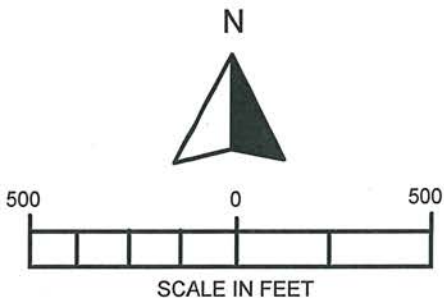
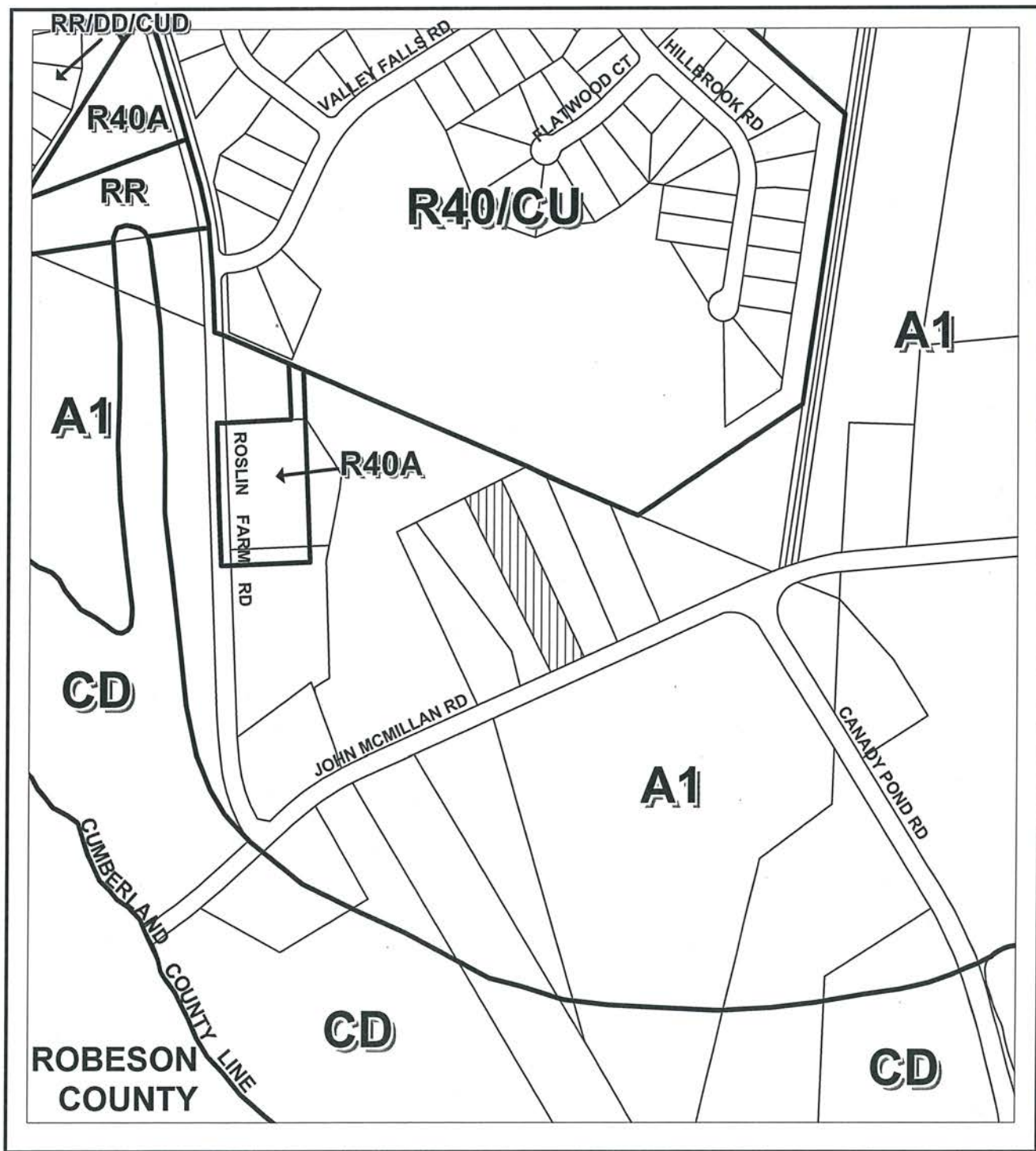
There are no other districts considered suitable for this request.

**Mr. Morris made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve R40 Residential district, seconded by Mrs. Wheatley. 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.*





PIN: 0421-17-0516

## REQUESTED REZONING A1 TO R40

ACREAGE: 1.92 AC.+/-		HEARING NO: P14-26	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

5-20-14  
AM

Patricia Hall,  
Chair  
Town of Hope Mills

Charles Morris,  
Vice-Chair  
Town of Linden

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

Donovan McLaurin,  
Wade, Falcon & Godwin



# CUMBERLAND COUNTY NORTH CAROLINA

## Planning & Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

AUGUST 8, 2014

ITEM NO.

3B

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P14-30:** Rezoning of 2.65+/- acres from R6 Residential to C2(P) Planned Service and Retail or to a more restrictive zoning district, located at 1223 Andrews Road, submitted by Jacqueline C. Andrews (owner).

ACTION: 1<sup>st</sup> Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2<sup>nd</sup> Motion: Approve C2(P)

**SITE PROFILE:** **Frontage & Location:** 20.00'+/- on SR 1611 (Andrews Road); **Depth:** 1,000.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Trade contractor, servicing w/ outside storage; **Initial Zoning:** R6 – August 21, 1972 (Area 1); **Nonconformities:** Trade contractor & service related activities not permitted in the R6 district; **Zoning Violation(s):** None issued; **Surrounding Zoning:** North: M(P), R10 & R6; South: C1(P)/CU (thrift store), C1(P)/CU (motor vehicle sales), C(P), C1(P), LC (Fay), OI (Fay), RR, R6 & R6A; East: PND & R6; West: C(P)/CU (mini-warehousing), C(P), LC (Fay), R6 & R6A; **Surrounding Land Use:** Residential (including multi-family), mini-warehousing, second hand sales, motor vehicle repair, barbering, restaurant & woodlands; **2030 Land Use Plan:** Urban; **North Fayetteville Land Use Plan:** Medium density residential; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** Yes, hydric – JT Johnston loam; **Watershed:** Yes; **School Capacity/Enrolled:** Howard Hall Elementary: 550/586; Pine Forest Middle: 820/760; Pine Forest High: 1,750/1,642; **Subdivision/Site Plan:** If approved, new development will require review and approval; **Municipal Influence Area:** City of Fayetteville; **Average Daily Traffic Count (2010):** 13,000 on SR 1611 (Andrews 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 ROW): R6 – 62 lots/units (53 lots/units); Minimum Yard Setback Regulations: **R6:** Front yard: 25', Side yard: 10', Rear yard: 30', **C1(P):** Front yard: 45', Side yard: 15', Rear yard: 20', **C2(P):** Front yard: 50', Side yard: 30', Rear yard: 30'.

MINUTES OF JULY 15, 2014

### 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 commercial" development as listed in the Land Use Policies Plan. Although the request is not entirely consistent with the North Fayetteville Land Use Plan, which calls for "medium density residential" at this location, the request is consistent with the objectives for commercial development listed in the Land Use Policies Plan by promoting the re-development of a commercial area as the subject property contains a commercial structure previously used for trade contracting activities.



**REASONABLENESS & IN THE PUBLIC INTEREST**

Consideration of the C2(P) Planned Service and Retail district for the subject property is reasonable and in the public interest because the requested district will be in harmony with surrounding area.

The Planning and Inspections Staff recommends approval of the C2(P) Planned Service and Retail district because of the foregoing and based on the following:

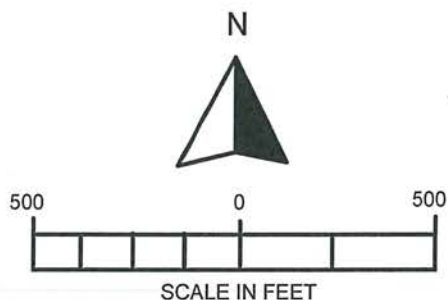
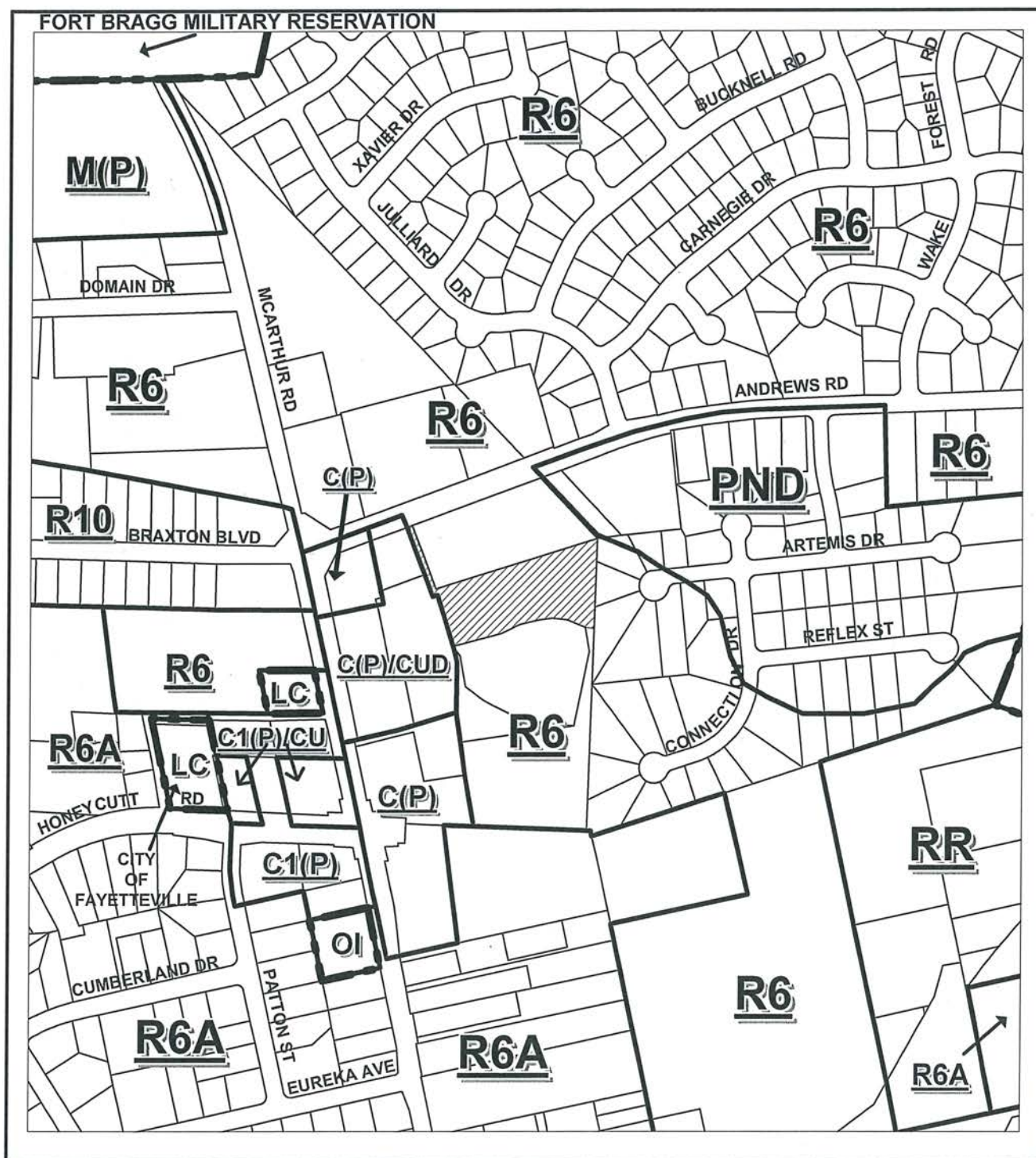
1. Public utilities are available to the subject property; and
2. The subject property is adjacent to heavy commercial.

There are no other districts considered suitable for this request.

**Mr. Pearce made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve C2(P) Planned Service and Retail district, seconded by Mr. Clark. 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  
R6 TO C2(P)**

<b>ACREAGE: 2.65 AC.+/-</b>		<b>HEARING NO: P14-30</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>	
<b>STAFF RECOMMENDATION</b>			
<b>PLANNING BOARD</b>			
<b>GOVERNING BOARD</b>			



Patricia Hall,  
Chair  
Town of Linden

Charles Morris,  
Vice-Chair  
Town of Linden

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

Donovan McLaurin,  
Wade, Falcon & Godwin



# CUMBERLAND ★ COUNTY ★ NORTH CAROLINA

## Planning & Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

AUGUST 8, 2014

ITEM NO.

3C

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P14-31:** Rezoning of 5.62+/- acres from A1 Agricultural/CU Conditional Use Overlay and the Permit to allow a trucking business and storage of equipment to A1 Agricultural or to a more restrictive zoning district, located at 2690 Indiana Court and 5742 Matt Hair Road, submitted by Dolman P. and Mary L. Garces (owners) and Carla Emmons.

ACTION: 1<sup>st</sup> Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2<sup>nd</sup> Motion: Approve A1

**SITE PROFILE:** **Frontage & Location:** 385.73'+/- on SR 2229 (Matt Hair Road) & 530.92'+/- on Indiana Court; **Depth:** 554.05'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** 2 residential structures & 1 accessory structure; **Initial Zoning:** A1 – September 3, 1996 (Area 17A); rezoned to A1/CU for a trucking business and storage of equipment on February 17, 2004; **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1/CU (trucking business), R40A, RR, CD & A1; South & West: CD & A1; East: A1; **Surrounding Land Use:** Residential (including manufactured dwellings), farmland & woodlands; **2030 Growth Strategy Map:** Rural & conservation (where SFHA exists); **Special Flood Hazard Area (SFHA):** Yes, base flood is 70.5 msl (NAVD); **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** Yes, hydric – RO Roanoke and Wahee loams; **School Capacity/Enrolled:** J.W. Seabrook Elementary: 310/281; Mac Williams Middle: 1,270/1,163; Cape Fear High: 1,425/1,570; **Subdivision/Site Plan:** If approved, new development may require review and approval; **Average Daily Traffic Count (2010):** 190 on SR 2229 (Matt Hair Road); **Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Notes:** Density: A1 – 2 lots/units; Minimum Yard Setback Regulations: **A1:** Front yard: 50', Side yard: 20', Rear yard: 50'.

MINUTES OF JULY 15, 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 "rural density residential" development as listed in the Land Use Policies Plan.

### REASONABLENESS & IN THE PUBLIC INTEREST

The location and character of the district is reasonable and in the public interest by allowing for lot sizes and uses comparable to those in the surrounding area.

The Planning and Inspections Staff recommends approval of the A1 Agricultural district because of the foregoing and based on the following:

- If approved, the rezoning would remove the conditional use overlay district allowing for a trucking business and storage of equipment that is no longer in use.

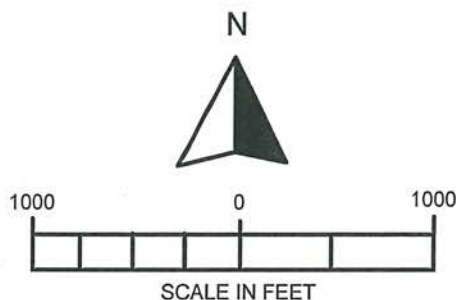
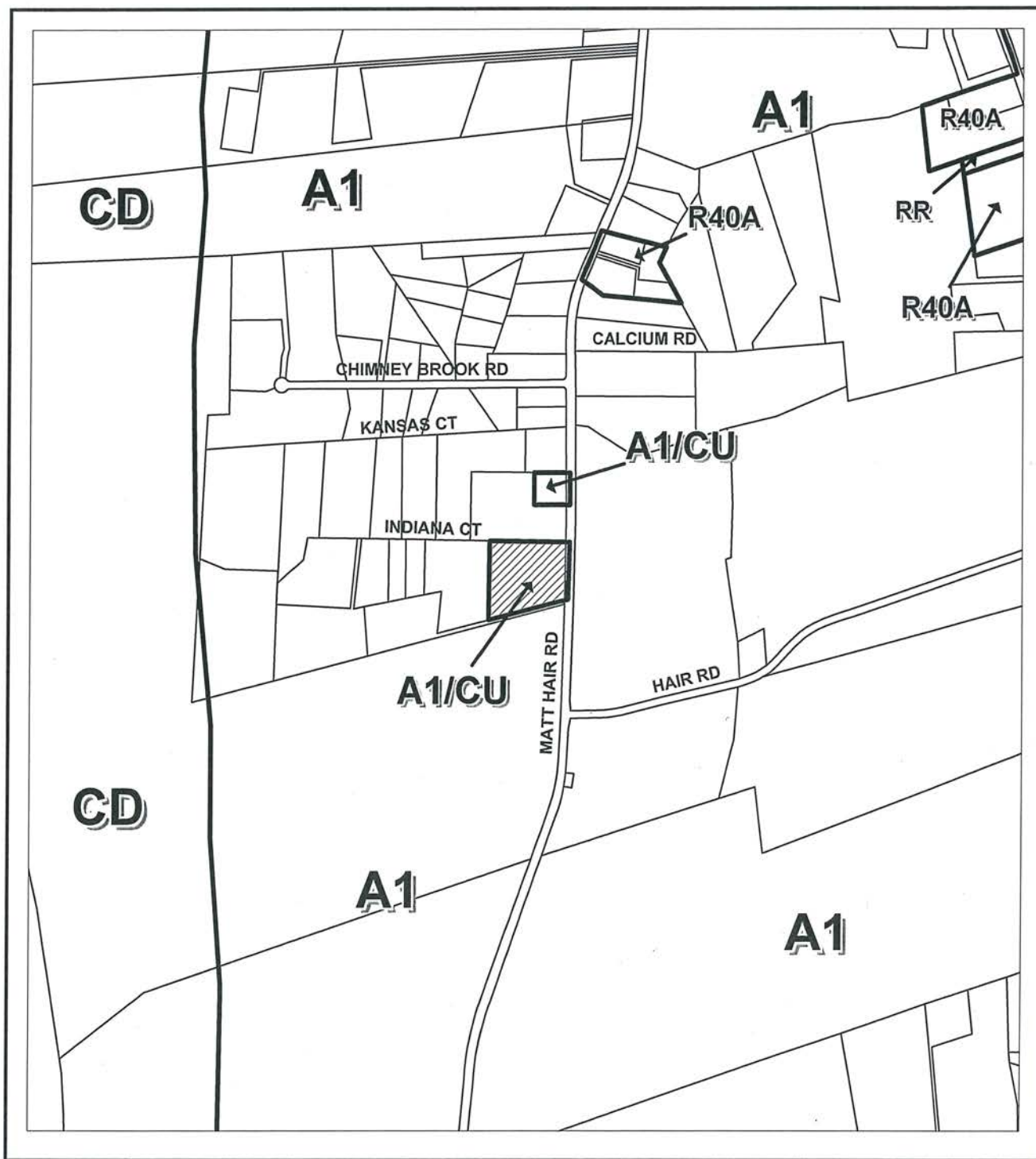
There are no other districts considered suitable for this request.

**Mr. Pearce made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve A1 Agricultural district, seconded by Mr. Clark. 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.*





PIN: 0451-86-5695

## REQUESTED REZONING A1/CU TO A1

ACREAGE: 5.62 AC.+/-		HEARING NO: P14-31	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

AM

Patricia Hall,  
Chair  
Town of Hope Mills

Charles Morris,  
Vice-Chair  
Town of Linden

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

Donovan McLaurin,  
Wade, Falcon & Godwin



# CUMBERLAND COUNTY NORTH CAROLINA

## Planning & Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

AUGUST 8, 2014

ITEM NO.

3D

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

**FROM:** Cumberland County Joint Planning Board

**SUBJECT:** **Case P14-32:** Rezoning of 4.75+/- acres from M(P) Planned Industrial to A1 Agricultural or to a more restrictive zoning district, located at 2679 Wilmington Hwy; submitted by Charles T. Gardner on behalf of Indoor Warehouse Storage, LLC. (owner).

**ACTION:** 1<sup>st</sup> Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2<sup>nd</sup> Motion: Approve A1 and CD (where the floodway exists)

**SITE PROFILE:** **Frontage & Location:** 199.92'+/- on SR 2337 (Wilmington Hwy); **Depth:** 632.10'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Vacant land; **Initial Zoning:** M(P) – March 15, 1979 (Area 6); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: M(P)/CU (church), C1(P)/CU (church), M(P), M2, C1(P), RR, R15, R6A, CD & A1; South: M(P), RR, CD, M/A (military/agricultural Fay) & A1; East: RR & CD; West: M(P) & RR; **Surrounding Land Use:** Residential (including manufactured dwellings), religious worship, farmland & woodlands; **2030 Land Use Plan:** Urban & conservation (where SFHA exists); **Special Flood Hazard Area (SFHA):** Yes, base flood is 80 msl (NAVD); **Water/Sewer Availability:** PWC/Septic; **Soil Limitations:** Yes – RO Roanoke & Wahee loams; **School Capacity/Enrolled:** Elizabeth Cashwell Elementary: 800/707; Ireland Drive Middle (6): 340/364; Douglas Byrd Middle (7-8): 702/743; Douglas Byrd High: 1,280/1,225; **Subdivision/Site Plan:** If approved, new development may require a review and approval; **Fayetteville Regional Airport:** Does not object to the request but advises that there will be aircraft traffic and noise as the subject property is just outside the approach to RW 28 and is on the downwind leg of RW 22; **Municipal Influence Area:** City of Fayetteville; **Average Daily Traffic Count (2010):** 1,500 on SR 2337 (Wilmington Hwy); **Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Notes:** Density: A1 – 2 lots/units; Minimum Yard Setback Regulations: **A1:** Front yard: 50', Side yard: 20', Rear yard: 50'; **M(P):** Front yard: 100', Side yard: 50', Rear yard: 50'.

MINUTES OF JULY 15, 2014

### CONSISTENCY WITH LAND USE PLAN STATEMENT

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



**REASONABLENESS & IN THE PUBLIC INTEREST**

The location and character of the district is reasonable and in the public interest by allowing for lot sizes and uses comparable to those in the surrounding area.

The Planning and Inspections Staff recommends approval of the A1 Agricultural district and CD Conservancy district where the floodway exists because of the foregoing and based on the following:

- The request is logical as the subject and surrounding properties were initially zoned M(P) in 1979 but have mostly remained legal nonconforming residential or are undeveloped.

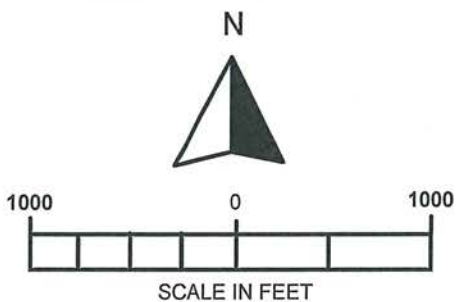
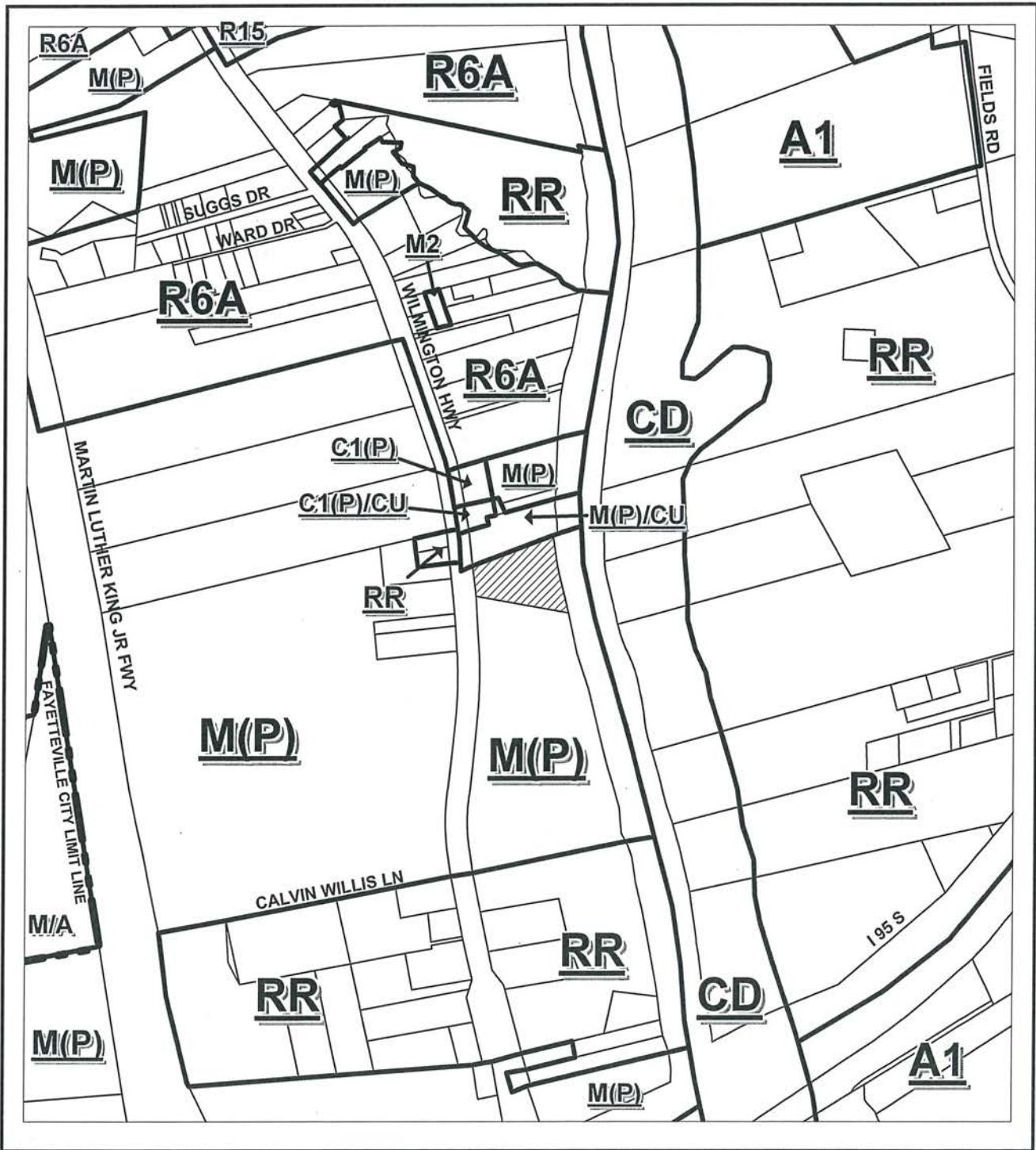
The applicant has verbally agreed with the staff recommendation. There are no other districts considered suitable for this request.

**Mr. Pearce made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve A1 Agricultural district and CD Conservancy district where the floodway exists, seconded by Mr. Clark. 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.*

NOTE: IN AOD AREA



## REQUESTED REZONING M(P) TO A1

ACREAGE: 4.75 AC.+/-

HEARING NO: P14-32

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

PIN: 0445-41-3968

AM



Patricia Hall,  
Chair  
Town of Hope Mills

Charles Morris,  
Vice-Chair  
Town of Linden

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

Donovan McLaurin,  
Wade, Falcon & Godwin



# CUMBERLAND ★ COUNTY ★ NORTH CAROLINA

## Planning & Inspections Department

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

AUGUST 8, 2014

ITEM NO. 3E

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P14-35:** Rezoning of 2.23+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 879 and 883 Remley Court, submitted by Bryan Thomas Lawrence (owner).

ACTION: 1<sup>st</sup> Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2<sup>nd</sup> Motion: Approve R40A

**SITE PROFILE:** **Frontage & Location:** 321.46'+/- on Remley Court; **Depth:** 304.27'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** 1 manufactured dwelling; **Initial Zoning:** A1 – June 25, 1980 (Area 13); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North, South & West: CD & A1; East: A1; **Surrounding Land Use:** Residential (including manufactured dwellings), farmland & woodlands; **2030 Growth Strategy Map:** Rural; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** None; **School Capacity/Enrolled:** Gray's Creek Elementary: 495/440; Gray's Creek Middle: 1,100/1,067; Gray's Creek High: 1,270/1,271; **Subdivision/Site Plan:** If approved, new development may require review and approval; **Average Daily Traffic Count (2010):** 770 on SR 2244 (John Mcmillan Road); **Highway Plan:** Remley Court is identified in the Highway Plan as a Local Road. There are no road improvements/construction specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Notes:** Density: A1 – 1 lot/unit, A1A – 2 lots/units, R40 – 2 lots/units; Minimum Yard Setback Regulations: **A1 & A1A:** Front yard: 50', Side yard: 20', Rear yard: 50', **R40:** Front yard: 30', Side yard: 15', Rear yard: 35'.

MINUTES OF JULY 15, 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 "rural density residential" development as listed in the Land Use Policies Plan.

### REASONABLENESS & IN THE PUBLIC INTEREST

The location and character of the district is reasonable and in the public interest by allowing for lot sizes and uses comparable to those in the surrounding area.

The Planning and Inspections Staff recommends approval of the R40A Residential district because of the foregoing and based on the following:

- If approved, the rezoning would be consistent with recent rezonings in the general area.

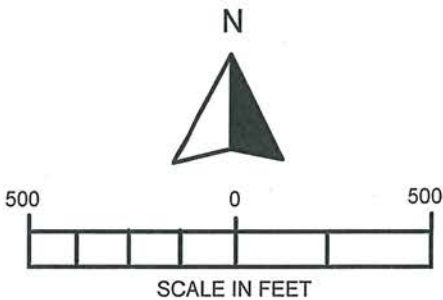
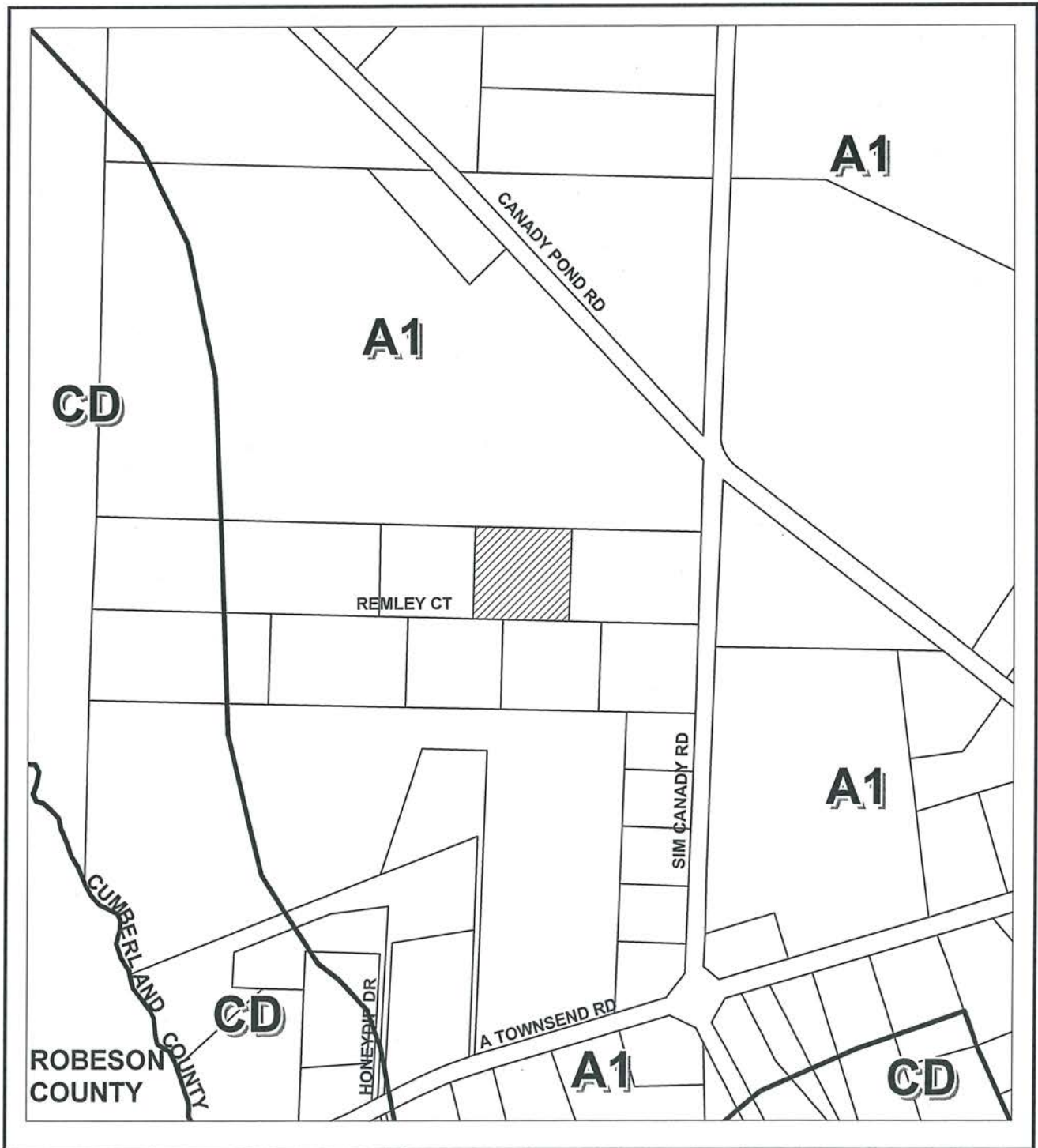
There are no other districts considered suitable for this request.

**Mr. Pearce made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve R40A Residential district, seconded by Mr. Clark. 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.*





PIN: 0421-42-0360

## REQUESTED REZONING A1 TO R40A

ACREAGE: 2.23 AC.+/-

HEARING NO: P14-35

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

AM



**OFFICE OF THE COUNTY ATTORNEY**

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

**MEMO FOR THE AGENDA OF THE AUGUST 18, 2014  
MEETING OF THE BOARD OF COMMISSIONERS**

**TO:** Bd. of Commissioners; Co. Manager; Tom Lloyd  
**FROM:** Co. Atty. *R. Moorefield*  
**DATE:** August 12, 2014  
**SUBJECT:** Recommended Form of Motions for Case P14-38, Text Amendment to Define "Vocational School"

**BACKGROUND:**

On February 3, 2014 the Board of Commissioners approved the county attorney's recommendation to request the Planning Board to define *vocational school* in the County's Zoning Ordinance to indicate the Board's intent that a *vocational school* be classified as a separate and distinct use from an *outdoor firing range*. The county attorney made this recommendation because *vocational school* is not defined in the ordinance and the interpretation of its meaning continues to be argued in the on-going litigation about the zoning permits for the outdoor shooting range formerly known as Tigerswan.

The county attorney advises that due to the decision of the Court of Appeals in *Atkinson v. City of Charlotte* last month, the motions to approve text amendments and re-zonings must "include an 'explanation' as to why the amendment is reasonable and in the public interest under the plain meaning of that term." For that reason, the county attorney has advised planning staff that staff recommendations should include the explanation to be incorporated in the statement of consistency and reasonableness. The Board of Commissioners is certainly not bound by the staff recommendations; however, if the Board wishes to adopt a different explanation for its statement of consistency and reasonableness, the explanation should be specifically stated in the motion. This will make the motions lengthier and more cumbersome but it is a legal necessity.

**RECOMMENDATION/PROPOSED ACTION:**

The county attorney recommends the adoption of the text amendment defining *vocational school* in the County's Zoning Ordinance with the statement of consistency and reasonableness to include an explanation as follows:



First Motion:

That the Board finds that approval of the text amendment in Case P14-38 is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan because the zoning location of vocational schools is impacted by the policies contained in the Growth Vision Plan to promote a more diversified local economy, well-managed growth and development, the preservation of open space and rural character, and compatible commercial development; and that the Board further finds that the approval of this text amendment is reasonable and in the public interest because the principal impacts of vocational schools are the traffic congestion created by potentially large numbers of students attending classes, and the need for the efficient and adequate provision of transportation, water and sewerage services for the facilities providing these services to the public.

Second Motion:

To approve and adopt the text amendment in Case P14-38 as recommended by the Planning Board and planning staff.

Patricia Hall,  
Chair  
Town of Hope Mills

Charles Morris,  
Vice-Chair  
Town of Linden

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

Donovan McLaurin,  
Wade, Falcon & Godwin



# CUMBERLAND COUNTY NORTH CAROLINA

## *Planning & Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

AUGUST 8, 2014

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P14-38:** Revision and amendment to the Cumberland County Zoning Ordinance, by amending Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words, inserting in alphabetical order the term *vocational school*, defining the same, and updating the table of contents as appropriate.

ACTION: 1<sup>st</sup> Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2<sup>nd</sup> Motion: Approve the text amendment defining the term vocational school

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

**Vocational School:** A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills primarily within classrooms or work sites enclosed in buildings to prepare individuals to enter the workforce; to obtain a two-year degree and transfer to a four-year college or university after graduation; or to seek a diploma or certificate program to quickly obtain knowledge and expertise in specialized areas. Incidental instructional services in conjunction with a principal use listed in Section 403 shall not be considered a vocational school and nor shall any use that includes an outdoor shooting range be considered a vocational school.

MINUTES OF JULY 15, 2014

### **CONSISTENCY WITH LAND USE PLAN**

The proposed amendment is consistent with the 2030 Growth Vision Plan, in particular with the Policies and Actions of:

- Policy Area 1: A More Diversified Local Economy
- Policy Area 2: Well Managed Growth and Development
- Policy Area 7: Preserved Open Space and Rural Character
- Policy Area 9: Compatible Commercial Development

The Planning and Inspections Staff recommends approval of the amendment because of the foregoing and based on the on the following:



1. If approved, the amendment will clearly define *vocational school* in the County Zoning Ordinance; and
2. The amendment was requested by the Cumberland County Board of Commissioners.

Mr. Lloyd explained that at the February 3, 2014 Board of Commissioners' meeting, the Commissioners voted that the definition of vocational school in the Zoning Ordinance be made to make it clear that an outdoor firing range and a vocational school were intended to be separate, distinct issues. So staff was instructed to add a definition for vocational school, that's what was in front of the board to be voted on.

Public hearing opened.

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

Mr. Steve Swierkowski spoke in favor. Mr. Swierkowski stated that he was in favor of the definition of vocational school. There has been a big push to have his firing range considered a vocational school, but the firearm training done at their range is a skill that people use in support of their trade. We are also open to the public to come out and shoot, it is a public range. We are not a vocational school; we do not issue any type of certificate.

Mr. David Cook spoke in favor. Mr. Cook stated that he was the general manager of The Range Complex. Mr. Cook said that none of the courses offered at The Range Complex are recognized by any academic body in the country, with one exception, they offer North Carolina concealed carry training in partnership with Fayetteville Technical Community College, which is a State mandated one day course. Mr. Cook said that he supports the new definition.

Mr. Sam Fort spoke in opposition. Mr. Fort stated his concerns and went over some of the previous court cases regarding TigerSwan. Mr. Fort asked the Board to not support this definition.

Mr. Clark asked if this definition would have any impact on current legal cases.

Mr. Lloyd stated that if the courts came out with something that said that we would have to amend something then we would, but this has no effect on the current court case.

Ms. Julia Faircloth spoke in opposition. Ms. Faircloth stated that she agreed with the previous speaker, and asked the members of the audience who were there from their community to stand if they also agreed with the previous speakers comments (they stood). Ms. Faircloth asked the board to postpone the vote until the court case has been decided.

Public hearing closed.

Mr. McLaurin said that he was on the committee that defined schools in 2005. Somewhere along the way this got off to a bad start. Mr. McLaurin stated that with all that has happened, he could not vote in support of the definition.

Ms. Hall stated that it was her understanding that this was not to circumvent any court case it's to clarify the definitions in the ordinance and to prevent any legal entanglements in the future.

Mr. Lloyd said that was the Commissioners' intent.

Mr. Hasty said that this issue will probably come up again and the definition will make it easier, so the Court of Appeals won't have to figure things out that we could do ourselves.

Mr. McLaurin pointed out the reason for the definition being placed in the ordinance is in the Board of Commissioner meeting minutes.

**Mr. Manning made a motion, to recommend the approval and adoption of the Text Amendment as submitted by the Planning & Inspections staff, seconded by Mr. Clark. The motion passed with Mr. McLaurin voting in opposition.**

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

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



**P14-38**  
**County Zoning Ordinance**  
**Text Amendment**  
**(Vocational School)**

REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS, INSERTING IN ALPHABETICAL ORDER THE TERM *VOCATIONAL SCHOOL*, DEFINING THE SAME, AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

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

**Vocational School:** A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills primarily within classrooms or work sites enclosed in buildings to prepare individuals to enter the workforce; to obtain a two-year degree and transfer to a four-year college or university after graduation; or to seek a diploma or certificate program to quickly obtain knowledge and expertise in specialized areas. Incidental instructional services in conjunction with a principal use listed in Section 403 shall not be considered a vocational school and nor shall any use that includes an outdoor shooting range be considered a vocational school.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MONDAY, FEBRUARY 3, 2014 – 9:00 AM  
117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118  
REGULAR MEETING  
MINUTES



PRESENT: Commissioner Jeannette Council, Chair  
Commissioner Kenneth Edge, Vice Chair  
Commissioner Charles Evans  
Commissioner Marshall Faircloth  
Commissioner Jimmy Keefe  
Commissioner Billy King  
Commissioner Ed Melvin  
James Martin, County Manager  
Amy Cannon, Deputy County Manager  
James Lawson, Assistant County Manager  
Quentin McPhatter, Assistant County Manager  
Rick Moorefield, County Attorney  
Melissa Cardinali, Finance Director  
Sally Shutt, Public Information Director  
Brenda Reed Jackson, Department of Social Services Director  
Candice H. White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Chairman Council called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE – Chairman Council provided the invocation followed by the Pledge of Allegiance to the American Flag.

Recognition of Retired County Employee:  
Violet Baker-Johnson  
Cumberland County Department of Social Services

On behalf of the Board of Commissioners, Commissioner Melvin recognized Violet Baker-Johnson with a plaque honoring her thirty-two years of service with Cumberland County.

James Martin, County Manager, requested an amendment to Item 2.C. so the listing period for taxpayers for the 2014 tax year is extended to February 10, 2014 at 5:00 p.m.

MOTION: Commissioner King moved to approve the amendment to Item 2.C. as requested.  
SECOND: Commissioner Melvin  
VOTE: UNANIMOUS (7-0)

1. Approval of Agenda

MOTION: Commissioner Melvin moved to approve the agenda.  
SECOND: Commissioner King  
VOTE: UNANIMOUS (7-0)



1. The request for A1 Agricultural and the use as an outdoor firing range coupled with the continued farming of the subject property is consistent with the 2030 Growth Vision Plan and Growth Strategy Map, which designates the area where the subject property is located as "rural" and is also consistent with the mandated location criteria for "agricultural" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan;
2. The specific requested use of an outdoor firing range, evidenced by the application, site plan and supplemental documents, along with the attached Ordinance Related Conditions is reasonable as all of the provisions listed in the text amendment approved by the County Commissioners on June 17, 2013, including all other zoning ordinance standards, for outdoor firing ranges is met or exceeded; and
3. If developed according to the recommended plan, the use will not materially endanger the public health or safety as it is designed and constructed to be consistent with the safety guidelines of the US Department of Energy's Range Design Criteria as documented by a licensed professional engineer and included with the application and the range complex is in harmony with the area in which it is to be located.

SECOND: Commissioner Edge

DISCUSSION: Commissioner Evans stated the motion contradicts what citizens in that area want.

VOTE: PASSED (4-3) (Commissioners Edge, Council, King and Keefe voted in favor; Commissioners Evans, Faircloth and Melvin voted in opposition)

MOTION: Commissioner Keefe moved that in case number P13-45, the Board ratifies and confirms its action taken on October 21, 2013, to follow the recommendation of the Joint Planning Board to approve A1/CZ for outdoor firing range and agricultural uses with conditions and to specifically adopt and approve all of the Planning Board's findings of reasonableness and consistency with the LUP and to impose the additional condition regarding hours of operation as consented to by the applicant.

SECOND: Commissioner Edge

VOTE: PASSED (4-3) (Commissioners Edge, Council, King and Keefe voted in favor; Commissioners Evans, Faircloth and Melvin voted in opposition)

7. Consideration of Recommendation from County Attorney to Define "Vocational School" in the Cumberland County Zoning Ordinance


BACKGROUND:

The judge in the second TigerSwan lawsuit ruled that the TigerSwan facility was a vocational school under the county ordinance. That decision has been appealed to the Court of Appeals, the ordinance has been amended to define outdoor firing range, and that definition clearly applies

to the TigerSwan facility; however; the plaintiffs in the third suit still argue that the facility is a vocational school. In order to minimize further litigation on this issue, the county attorney recommends that the Board requests the Planning Board to recommend a definition of vocational school in the zoning ordinance that makes it clear that the Board of Commissioners intended that an outdoor firing range be a separate and distinct use from a vocational school.

**RECOMMENDATION/PROPOSED ACTION:**

Consider whether to request the Planning Board to recommend a definition of vocational school in the zoning ordinance to make it clear that an outdoor firing range and a vocational school are intended to be separate and distinct uses.

**MOTION:** Commissioner King moved that a definition of vocational school in the zoning ordinance be made to make it clear that an outdoor firing range and a vocational school are intended to be separate and distinct uses. 

**SECOND:** Chairman Council.

**VOTE:** PASSED (5-2) (Commissioners Edge, Council, Faircloth, King and Keefe voted in favor; Commissioners Evans and Melvin voted in opposition)

**8. Nominations to Boards and Committees**

**A. Cape Fear Valley Hospital System Board of Trustees (2 Vacancies)**

Commissioner Keefe nominated Earnest Curry.

Commissioner King nominated Wilson Lacy.

Commissioner Evans nominated Michael Williford.

**9. Appointments to Boards and Committees**

**A. Minimum Housing Appeals Board (2 Vacancies)**

Nominee(s): Eric F. Jones (Reappointment)  
Veronica Langston (Reappointment)

There being an equal number of vacancies and nominees,

**MOTION:** Commissioner Edge moved to appoint by acclamation the nominees to the Minimum Housing Appeals Board.

**SECOND:** Chairman Council

**VOTE:** UNANIMOUS (7-0)

**10. Closed Session: No closed session was held.**

**MOTION:** Commissioner Edge moved to recess the Board of Commissioners meeting to the Cumberland County Detention Center located at 204 Gillespie Street at 10:20 a.m. for the dedication ceremony of the Detention Center expansion.

**SECOND:** Chairman Council



Patricia Hall,  
Chair  
Town of Hope Mills

Charles C. Morris,  
Vice-Chair  
Town of Linden

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

Donovan McLaurin  
Wade, Falcon & Godwin



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

*Planning & Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

August 11, 2014

ITEM NO. 36

**TO:** County Board of Commissioners  
**FROM:** Tom Lloyd, Director *TL*  
**SUBJECT:** Rezoning Case P14-37 – Consistency & Reasonableness Statements

**P14-37.** REZONING OF 12.20+/- ACRES FROM C(P) PLANNED COMMERCIAL/CUD CONDITIONAL USE DISTRICT FOR A CREMATORY AND THE PERMIT AND A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR A CREMATORIUM, OFFICE, MEDITATION ROOM, GAZEBO AND DISPLAY OF EQUIPMENT AND SERVICES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6761 AND 6765 SANDY CREEK ROAD, SUBMITTED BY KAREN L. CAMPBELL (OWNER).

This memorandum is provided in an effort to further clarify the required consistency with the Land Use Plan, and reasonableness and in the public interest statements as required by the general statutes for the above referenced case.

**CONSISTENCY WITH THE LAND USE PLAN STATEMENT**

The board finds that approval of the request for rezoning in Case P14-37 is not consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” at this location; however, the request is consistent with the pre-existing and previously approved use as a crematorium that is centered on a relatively large tract and not in close proximity to any property owned by a different owner.

**REASONABLENESS AND IN THE PUBLIC INTEREST STATEMENT**

The board further finds that approval of this request for rezoning is reasonable and in the public interest because the location and character of the use requested with the site developed according to the site plan included in the application and meeting or exceeding all ordinance related conditions, protection to the public health, safety and welfare will be afforded. The crematorium structure (process) is not being expanded, only ancillary uses to include: an office, mediation room, gazebo and display of equipment/services are proposed within the current application.

**Background Information:**

Documentation in public records indicates the crematorium was in existence since at least 1992; however, initial zoning in this area did not occur September 20, 1996. In 2008 the property owner submitted for approval under the Conditional Use District and Permit (CUD) process for an expansion of the crematorium structure on a portion of the subject property, which the commissioners approved on April 21, 2008. On April 18, 2011 the Board of Commissioners approved a text amendment to the zoning ordinance replacing the CUD (quasi-judicial) rezoning process with the Conditional Zoning (CZ) legislative process that is still in effect today. Even though the current application does not include any expansion to the crematorium structure or process, staff encouraged the property owner to consider for submission that portion of the subject property zoned C(P)/CUD so that all operations associated with the crematorium would be consistently zoned, if approved, to C(P)/CZ.

cc: Rick Moorefield, County Attorney

Patricia Hall,  
Chair  
Town of Hope Mills

Charles Morris,  
Vice-Chair  
Town of Linden

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

Donovan McLaurin,  
Wade, Falcon & Godwin



# CUMBERLAND ★ COUNTY ★ NORTH CAROLINA

## *Planning & Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

AUGUST 8, 2014

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P14-37:** Rezoning of 12.20+/- acres from C(P) Planned Commercial/CUD Conditional Use District for a crematory and the Permit and A1 Agricultural to C(P) Planned Commercial/CZ Conditional Zoning for a crematorium, office, meditation room, gazebo and display of equipment and services or to a more restrictive zoning district, located at 6761 and 6765 Sandy Creek Road, submitted by Karen L. Campbell (owner).

ACTION: 1<sup>st</sup> Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2<sup>nd</sup> Motion: Approve C(P)/CZ for a crematorium, meditation room, gazebo and display of equipment and services

**SITE PROFILE: Frontage & Location:** 506.43'+/- on SR 1847 (Sandy Creek Road); **Depth:** 1,008.77'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** Yes, north & east of subject property; **Current Use:** Crematorium, office & vacant land; **Initial Zoning:** A1 – September 20, 1996 (Area 20); portion rezoned to C(P)/CUD for a crematorium on April 21, 2008; **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: R40, R40A & A1; South: R40A, RR, R6A & A1; East: A1; West: R40A, RR & R20A; **Surrounding Land Use:** Residential (including manufactured dwellings), farmland & woodlands; **2030 Land Use Plan:** Rural; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** Yes – LE Leon sand; **School Capacity/Enrolled:** Stedman Primary: 200/163; Stedman Elementary: 300/298; Mac Williams Middle: 1,270/1,163; Cape Fear High: 1,425/1,570; **Subdivision/Site Plan:** If approved, "Ordinance Related Conditions" apply; **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:** A1 – 6 lots/units; **Minimum Yard Setback Regulations: A1:** Front yard: 50', Side yard: 20', Rear yard: 50'; **C(P):** Front yard: 50', Side yard: 30', Rear yard: 30'.

MINUTES OF JULY15, 2014

### CONSISTENCY WITH LAND USE PLAN STATEMENT

Although the district requested is not consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location, the request is consistent with the existing and approved use for a crematorium which is centered on a large tract and not in close proximity to any adjacent or abutting properties.



**REASONABLENESS & IN THE PUBLIC INTEREST**

The location and character of the district is reasonable and in the public interest if developed according to the plan as submitted and will be in harmony with the surrounding area.

The Planning and Inspections Staff recommends approval of the C(P) Planned Commercial/CZ Conditional Zoning district for a crematorium, office, meditation room, gazebo and display of equipment and services because of the foregoing and based on the following:

- If approved, the rezoning would allow the already approved crematorium to expand the operation to a size more suitable for all facets involved with the services offered.

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

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

Public hearing opened.

Mr. Robert Bennett spoke in favor for the owner. Mr. Bennett stated that there have been no complaints concerning operations of the business; they have met all federal and state regulations for operation of a crematorium. Construction is several hundred feet back from Sandy Creek Road they think it's a good fit for conditional zoning. The remainder of the land will remain open space for the time being.

Mr. Preston Dunn spoke in opposition. Mr. Dunn stated that in 2008 they had doubled the capacity of the facility with no zoning. That's the only reason they came before the board to request zoning. Now they are requesting to rezone twelve more acres, which seems like rewarding bad behavior. Mr. Dunn stated that he doesn't feel this is appropriate for the area.

Ms. Henrietta Jutson spoke in opposition. Ms. Jutson stated that she owns property adjacent to the subject property where the ovens burn human remains. Ms. Jutson stated that her concerns were with the effects this business could have on her property.

Mr. Clark asked how long the facility was there.

Ms. Jutson responded that it had been there for about twenty two years, and she didn't even know it was there.

Ms. Hall asked Ms. Jutson if she lived near the subject property.

Ms. Justson stated her address and said she owned property in the community.

Mr. Clark asked if this business had presently been a nuisance.

Ms. Jutson said she does not live there but could only be concerned with the future, for farming and the community.

Public hearing closed.

Mr. McLaurin asked Mr. Bennett why the owner wanted to rezone such a large part of the tract.

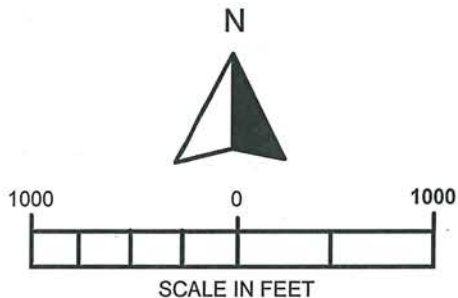
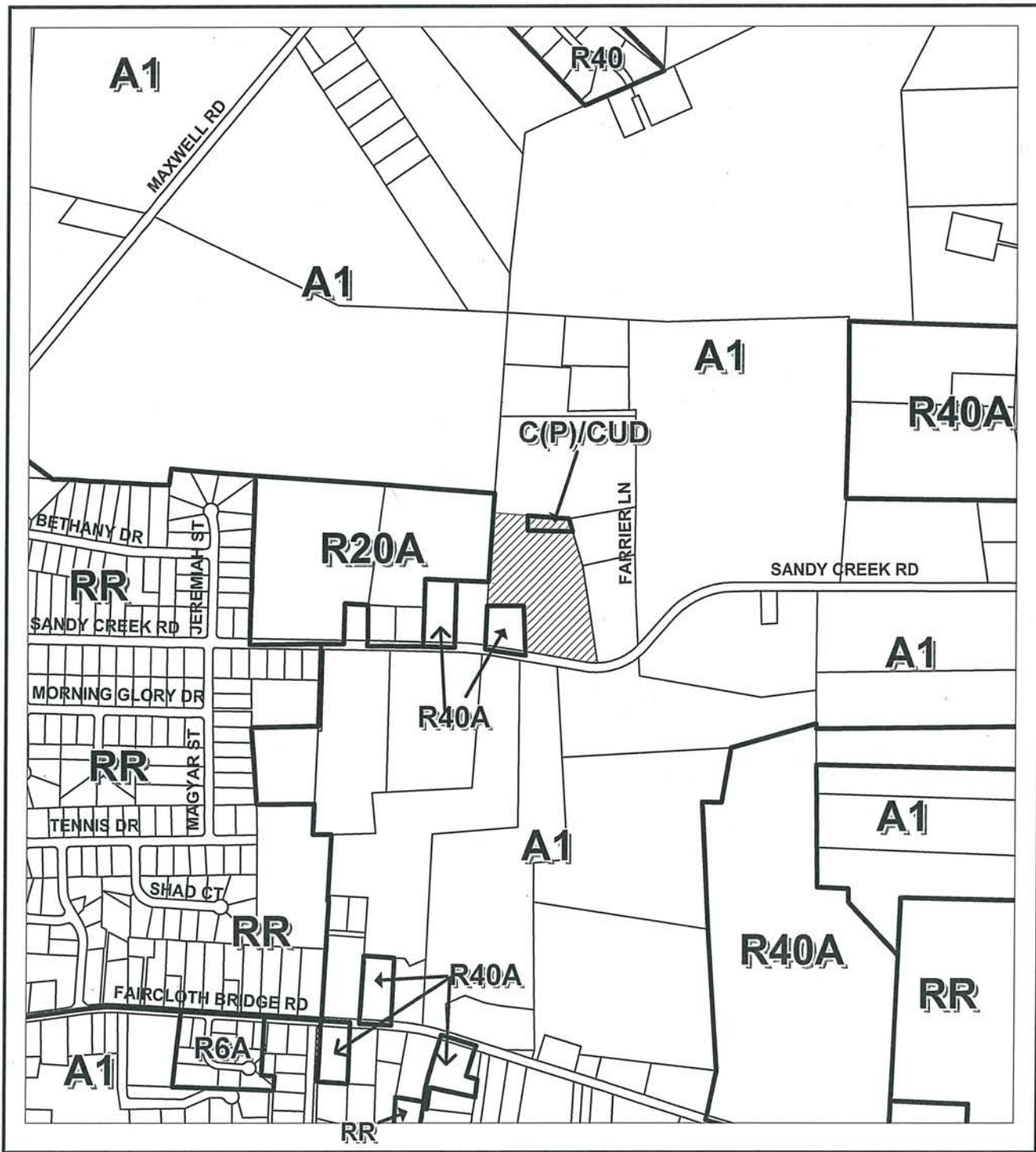
Mr. Bennett stated that the initial rezoning was very costly for a small tract and that proved not to be large enough, she has the land and doesn't have any present plans for expansion and even if she does she wants to be several hundred feet back from the road and from any neighbors, and have room for expansion if the future.

Mr. Clark made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve C(P) Planned Commercial/CZ Conditional Zoning district for a crematorium, office, meditation room, gazebo and display of equipment and services, seconded by Mr. Clark. The motions passed with Mr. Pearce voting in opposition.

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

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





PORT. of PIN: 0497-69-2341

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

ACREAGE: 12.20 AC.+/-

HEARING NO: P14-37

ORDINANCE: COUNTY

HEARING DATE

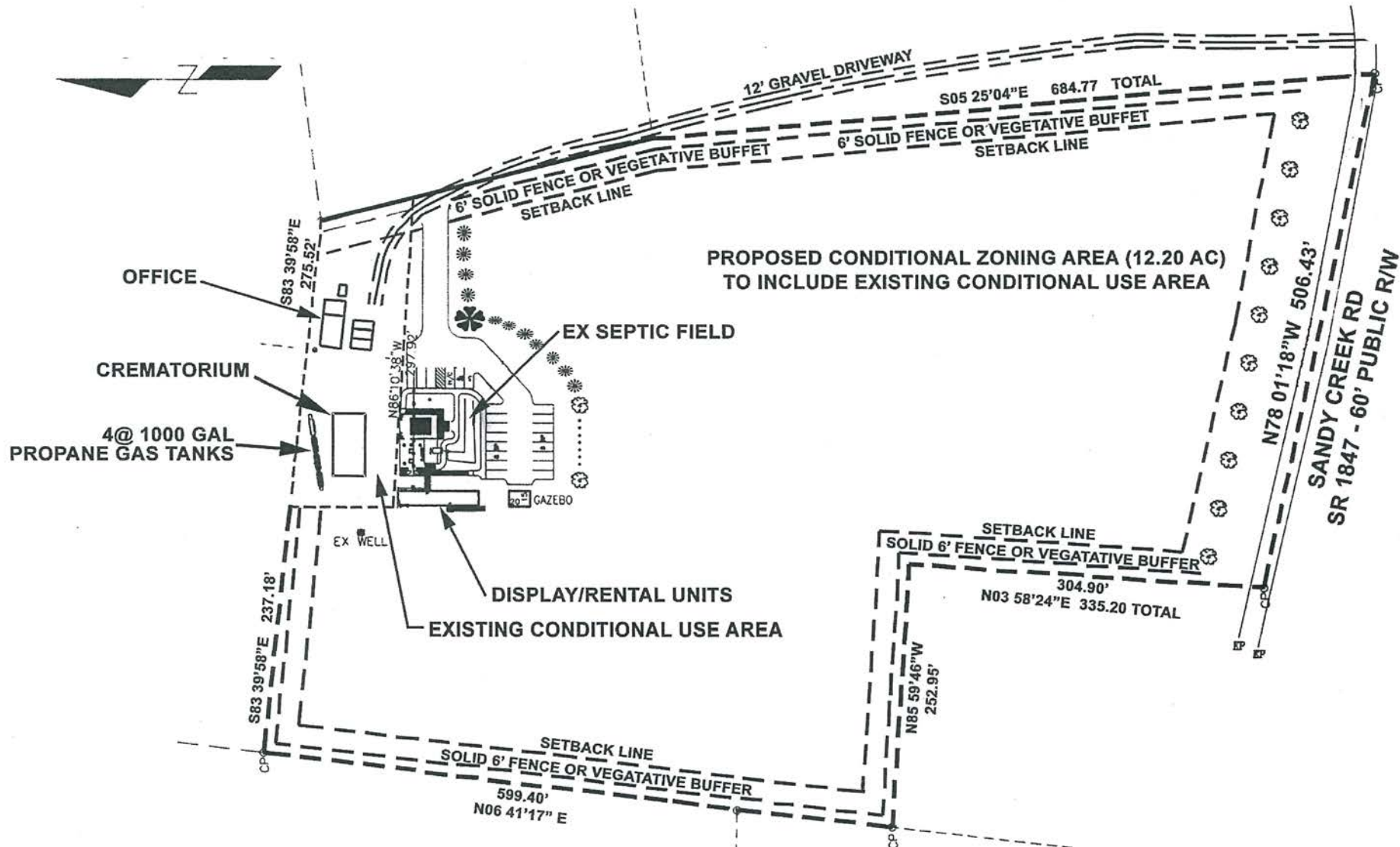
ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

AM



**CONITIONAL ZONING DISTRICT**  
**REQUEST: FOR A CREMATORIUM, OFFICE, MEDITATION ROOM,**  
**GAZEBO AND DISPLAY OF EQUIPMENT AND SERVICES**

**CASE: P14-37 ACREAGE: 12.20 AC +/-**

**ZONED: A1 & C(P)/CUD SCALES: NTS**

**PARKING: 25 SPACES**

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





**P14-37**  
**SITE PROFILE**

**P14-37.** REZONING OF 12.20+/- ACRES FROM C(P) PLANNED COMMERCIAL/CUD CONDITIONAL USE DISTRICT FOR A CREMATORY AND THE PERMIT AND A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR A CREMATORIUM, OFFICE, MEDITATION ROOM, GAZEBO AND DISPLAY OF EQUIPMENT AND SERVICES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6761 AND 6765 SANDY CREEK ROAD, SUBMITTED BY KAREN L. CAMPBELL (OWNER).

**Site Information:**

**Frontage & Location:** 506.43'+/- on SR 1847 (Sandy Creek Road)

**Depth:** 1,008.77'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes, north & east of subject property

**Current Use:** Crematorium, office & vacant land

**Initial Zoning:** A1 – September 20, 1996 (Area 20); portion rezoned to C(P)/CUD for a crematorium on April 21, 2008

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R40, R40A & A1; South: R40A, RR, R6A & A1; East: A1; West: R40A, RR & R20A

**Surrounding Land Use:** Residential (including manufactured dwellings), farmland & woodlands

**2030 Land Use Plan:** Rural

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** Well/Septic

**Soil Limitations:** Yes – LE Leon sand

**School Capacity/Enrolled:** Stedman Primary: 200/163; Stedman Elementary: 300/298; Mac Williams Middle: 1,270/1,163; Cape Fear High: 1,425/1,570

**Subdivision/Site Plan:** If approved, "Ordinance Related Conditions" apply

**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:**

1. Density:  
A1 – 6 lots/units
2. Minimum Yard Setback Regulations:

<u>A1</u>	<u>C(P)</u>
Front yard: 50'	Front yard: 50'
Side yard: 20'	Side yard: 30'
Rear yard: 50'	Rear yard: 30'

**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.*



**C(P) Planned Commercial District/CZ Conditional Zoning**

**DRAFT**

Ordinance Related Conditions  
for

Crematorium, Office, Meditation Room, Gazebo and Display of Equipment and Related Services

**Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The proposed structure must meet all building and fire code requirement for the proposed used. The developer should contact a Building Inspector and Fire Marshall for any questions regarding their requirements.
3. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
  - a. Ten large shade trees or 20 small ornamental trees within the front yard setback area along SR 1847 (Sandy Creek Road);
  - b. One ornamental tree and 12 shrubs are required in the building yard area;
  - c. One large shade tree or two small ornamental trees are required within the parking area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
  - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
8. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the C(P)/CZ zoning district for the crematorium and related facilities, to include the contents of the application and site plan, must be complied with, as applicable.
10. This conditional approval is not approval of any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
11. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
12. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
13. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
14. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
15. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
16. A solid buffer must be provided and maintained along the side and rear property with the exception of the drive way location where this tract/site abuts residentially zoned properties in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
17. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
18. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of 23 off-street parking spaces is required for this development.
19. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

**Other Relevant Conditions:**

20. The applicant is advised to consult an expert on wetlands before proceeding with any development.
21. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
22. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

***Thank you for choosing Cumberland County for your business location!***



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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Building Inspections:	Gary Faulkner	321-6648
Fire Marshal – Emergency Services	Rodney Ward	321-6625
County Health Department:	Daniel Ortiz	433-3680
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

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

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

1. Applicant/Agent Cape Fear Crematory, Inc
2. Address: 6771 Sandy Creek Rd Stedman Nc Zip Code 28391
3. Telephone: (Home) 910-485-0846 (Work) cell 910-309-8341
4. Location of Property: 6765 Sandy Creek Rd/SR1847  
Stedman, NC 28391
5. Parcel Identification Number (PIN #) of subject property: 0497-69-2341  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: ~~± 29.74~~ <sup>12.20</sup> Ac Frontage: ± 506.43 Depth: ~~± 1233.80~~ <sup>974.45</sup>
7. Water Provider: well
8. Septage Provider: Septic
9. Deed Book 4663, Page(s) 663, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Cape Fear Crematory
11. Proposed use(s) of the property: Crematory, Office

Mediation Room, Gazebo, Display of  
NOTE: Be specific and list all intended uses. Equipment & services

12. It is requested that the foregoing property be rezoned FROM: C(P)/COD + A1  
TO: (Select one)

☒ Conditional Zoning District, with an underlying zoning district of C(P)/CZ  
(Article IV)  
☐ Mixed Use District/Conditional Zoning District (Article VI)  
☐ Planned Neighborhood District/Conditional Zoning District (Article VII)  
☐ Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density  
(Article VIII)



APPLICATION FOR  
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Crematory, office, Meditation Room, Garage

Display of equipment & services

Occupancy: 76  
per Bennett Eng.

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

Ex Conditional Zoned - 0.60 Ac  
" " - 12.24 Ac (Incl Ex Conditional)  
Proposed " - 17.54 Ac  
Unchanged " - 17.54 Ac

2. DIMENSIONAL REQUIREMENTS:

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

C(P) Setbacks

Front - 50'

Side - 30'

Rear - 30'

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

21 spaces; 9'x20'; 1 H/c & Ramp will have Asphalt Pavement. All other parking and driveways will have a gravel surface

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

~~Section 1306 B-2~~ No signed planned

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

- B. Indicate the type of buffering and approximate location, width and setback from the property lines. (Sec. 1102G). **NOTE: All required buffers must be included on the site plan.**

*See site plan*

5. MISCELLANEOUS:

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

6. SITE PLAN REQUIREMENTS:

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



7. STATEMENT OF ACKNOWLEDGMENT:

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

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

✓ Karen L. Campbell  
NAME OF OWNER(S) (PRINT OR TYPE)

6771 Sandy Creek Rd, Stedman, NC 28391  
ADDRESS OF OWNER(S)

www.capefearcrematory.com  
E-MAIL

910-485-0846  
HOME TELEPHONE

Cell 910 309-8341  
WORK TELEPHONE

✓ Karen Campbell  
SIGNATURE OF OWNER(S)

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

✓ Robert  
NAME OF AGENT

ENGINEERING PLANNING SURVEYING  
Project Management, Subdivisions, Water, Sewers,  
Drainage, Pumping Stations, Street/Highway Design,  
Paving, Traffic, Parking

\_\_\_\_\_  
OR TYPE)

120 Gillespie  
ADDRESS OF AGENT

**BENNETT ENGINEERING, PLLC**  
Robert M. (Bob) Bennett, P.E. PLS

120 Gillespie St., 2nd Floor  
Fayetteville, NC 28301-5644

910  
HOME TELEPHONE

120 Gillespie St., 2nd Floor  
Fayetteville, N.C.  
28301-5644  
email bengineering@embarqmail.com

Office Phone (910) 484-5523  
Cel Ph (910) 624-8293  
Fax (910) 485-1077  
Res. Phone (910) 425-2689

\_\_\_\_\_  
E-MAIL ADDRESS

\_\_\_\_\_  
FAX NUMBER

✓ Robert M. Bennett  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 537-2014.

Property Owner: Acie J. Melvin

Home Owner: Acie J. Melvin

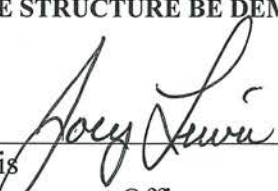
Property Address: 1114 McLean Trail, Fayetteville, NC

Tax Parcel Identification Number: 0520-99-0322

SYNOPSIS: This property was inspected on 3/17/2014. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 5/20/2014. Acie J. Melvin attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 6/19/2014. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 8/7/2014, 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 the structure to a minimum standard for human habitation is \$73,304.00. The Assessor for Cumberland County has the structure presently valued at \$339.00. Attached is a map depicting the location of the property. (See Exhibit B.)

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

  
Joey Lewis  
Code Enforcement Officer  
County of Cumberland



Sworn to and Subscribed to by me this  
the 7<sup>th</sup> day of June 2014.

  
Notary Public  
My Commission Expires: 11-03-14



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

**BOARD OF COUNTY COMMISSIONERS MOTION:**

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

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

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

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

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

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

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

To order the property owner to rehabilitate the property within \_\_\_\_\_ days.

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

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

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

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

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

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

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Ken Sykes,  
Code Enforcement Manager

Carol M. Post  
Office Processing Assistant



**CUMBERLAND  
★ COUNTY ★  
NORTH CAROLINA**

*Planning & Inspections Department*

**FINDINGS OF FACT AND ORDER**

5/20/2014

George Hatcher,  
Inspector

Joey Lewis,  
Inspector

Joan Fenley,  
Inspector

Debra Johnson,  
Inspector

Christopher Fulton,  
Inspector

91 7199 9991 7033 4096 3256

Acie J. Melvin & Parties of Interest  
1118 McLean Trail  
Fayetteville, NC 28311-1970

**CASE # MH-537-2014**

**PROPERTY AT:** 1114 McLean Trail, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 4/28/2014.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 5/20/2014 at 9:30 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: Acie J. Melvin
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 4/22/2014. 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-537-2014, dated 3/17/2014.
  - ☒ 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 6/19/2014. **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 6/19/2014 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 6/19/2014.
- ☒ 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 6/19/2014. 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.

  
Keri Sykes  
Hearing Officer

  
Joey Lewis  
Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:

Sworn to and Subscribed to by me  
this the 20<sup>th</sup> day of May 2014




  
Notary Public  
My Commission Expires: 11-03-14

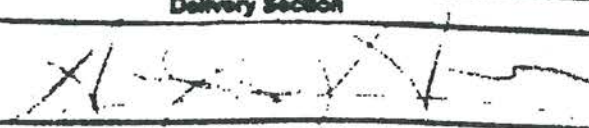
EXHIBIT "A"

Date: May 29, 2014

J LEWIS:

The following is in response to your May 29, 2014 request for delivery information on your Certified Mail™ item number 9171999991703340963256. The delivery record shows that this item was delivered on May 23, 2014 at 1:35 pm in FAYETTEVILLE, NC 28301. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
Signature	
Date	May 23 2014

Address of Recipient :

Address	118 McLean Trail
---------	------------------

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 May 20, 2014 CASE NUMBER *MH 537-2014*

EXHIBIT A



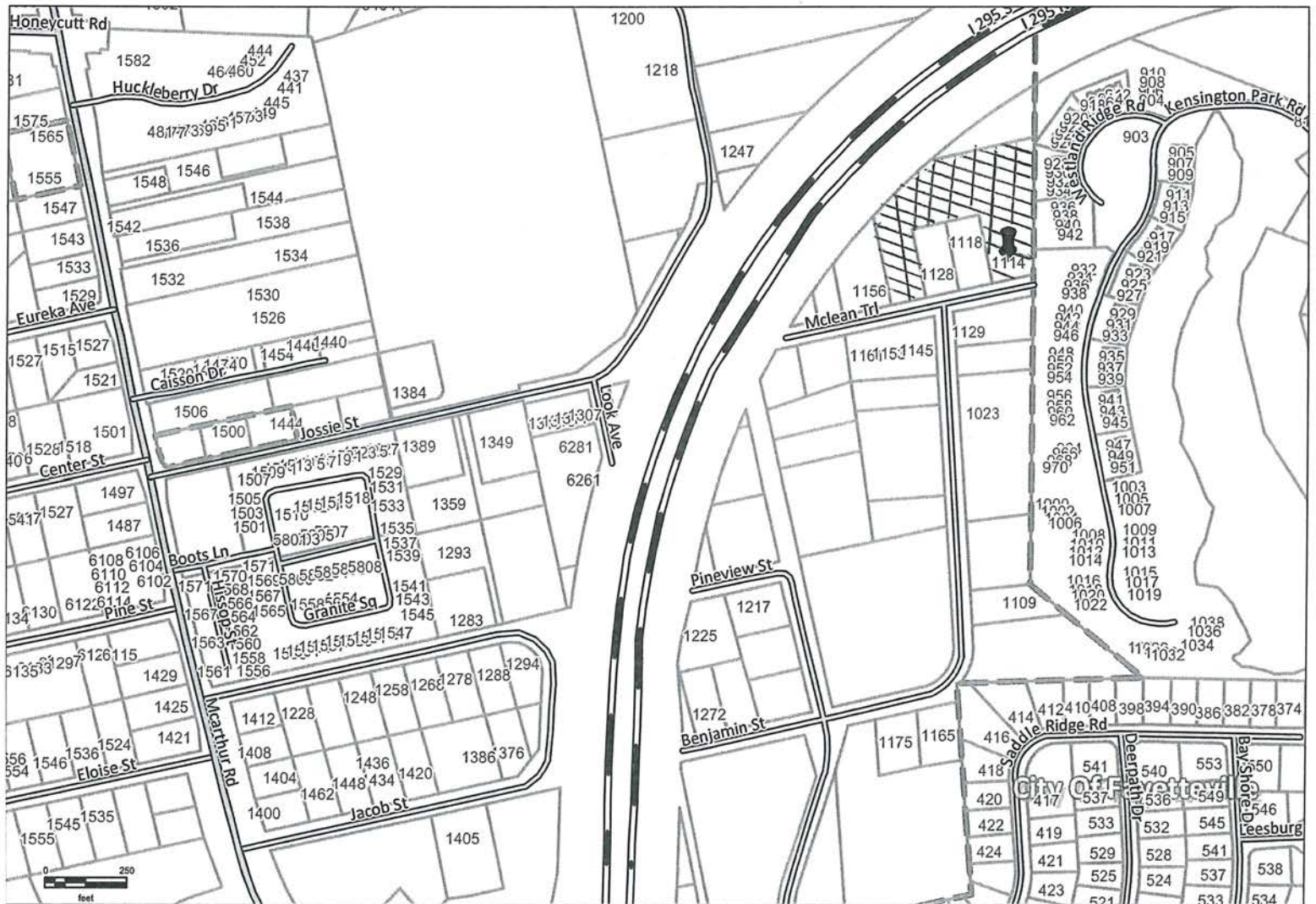
**MAP DEPICTING LOCATION OF PROPERTY**

**Property Owner: Acie J. Melvin**

**1114 McLean Trail, Fayetteville, NC**

**Minimum Housing Case # MH 537-2014**

**TAX PARCEL IDENTIFICATION NUMBER: 0520-99-0322**



**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

**Planning & Inspections Department**

**CONSENT TO DEMOLISH**

I, Acie J. Melvin, property owner of  
1114 MCLEAN TRL FAY, NC 28311, identified by Tax Parcel Identification  
Number 0520-99-0322, and more particularly described as  
1114 MCLEAN TRL FAY, NC 28311

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  
0520-99-0322, 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.

[Signature]  
Property Owner

5-20-14  
Date

Sworn to and Subscribed to by me this

The 20<sup>th</sup> day of May, 2014

[Signature]

Notary Public

My Commission Expires: 11-03-14





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 Minimum Housing case number MH 527-2014.

Property Owner: Charles Crockett

Home Owner: Charles Crockett


Property Address: 1109 Shaw Road, Fayetteville, NC

Tax Parcel Identification Number: 0419-74-4268

SYNOPSIS: This property was inspected on 3/18/2014. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 6/4/2014. Charles Crockett attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 6/4/2014. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 8/7/2014, 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 the structure to a minimum standard for human habitation is \$41,785.00. The Assessor for Cumberland County has the structure presently valued at \$5,120.00 (for salvage). Attached is a map depicting the location of the property. (See Exhibit B.)


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

  
Debra Johnson  
Code Enforcement Officer  
County of Cumberland



Sworn to and Subscribed to by me this

the 7<sup>th</sup> day of July 2014.

  
Notary Public  
My Commission Expires: 11-03-14

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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

**BOARD OF COUNTY COMMISSIONERS MOTION:**

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

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

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

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

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

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

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

To order the property owner to rehabilitate the property within \_\_\_\_\_ days.

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

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

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

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

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

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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Ken Sykes,  
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

Christopher Fulton,  
Inspector

**FINDINGS OF FACT AND ORDER**

91 7199 9991 7033 3999 8436 6/11/2014

91 7199 9991 7033 3999 8429

Brenda Tearry & Parties of Interest  
1109 Shaw Road  
Fayetteville NC, 28311

**CASE # MH-527-2014**

**PROPERTY AT:** 1109 Shaw 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 5/27/2014.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 6/4/2014 at 9:30 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: Charles Crockett
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 5/19/2014. 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-527-2014, dated 3/18/2014.
  - ☒ 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 6/4/2014. **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.

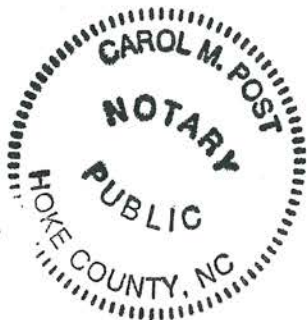
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

  
Debra Johnson  
Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:



Sworn to and Subscribed to by me  
this the 11th day of June, 2014


  
Notary Public  
My Commission Expires: 11-03-14

EXHIBIT "A"



Date: July 10, 2014

d j:

The following is in response to your July 10, 2014 request for delivery information on your Certified Mail™ item number 9171999991703339998429. The delivery record shows that this item was delivered on June 14, 2014 at 12:12 pm in JACKSONVILLE, NC 28546. The scanned image of the recipient information is provided below.

Signature of Recipient :

ure	Sheryl Crockett
d	Sheryl Crockett

Address of Recipient :

ry ss	0
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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 June 11, 2014 CASE NUMBER *MH 527-2014*

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, Charles D Crockett, property owner of  
1109 Shaw Rd Fayette, identified by Tax Parcel Identification  
Number 0419-74-4268, and more particularly described as  
Lot 2 Peele St Sub Div 1109 Shaw Rd

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

0419-74-4268, 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.

Charles D. Crockett  
Property Owner

7/12/14  
Date

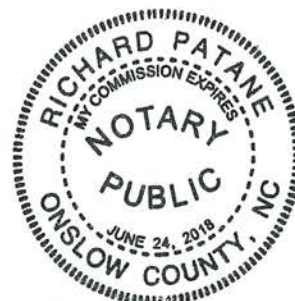
Sworn to and Subscribed to by me this

The 7 day of July 2014

Richard Patane

Notary Public

My Commission Expires: June 24, 2018



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 Minimum Housing case number MH 519-2014.

Property Owner: Reginald Adams

Home Owner: Reginald Adams

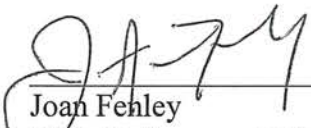
Property Address: 6000 Abco Lane, Fayetteville, NC

Tax Parcel Identification Number: 0462-99-2389

SYNOPSIS: This property was inspected on 3/4/2014. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 5/19/2014. Reginald Adams attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 6/11/2014. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 8/7/2014, 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 the structure to a minimum standard for human habitation is \$56,635.00. The Assessor for Cumberland County has the structure presently valued at \$2,832.00. Attached is a map depicting the location of the property. (See Exhibit B.)

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

  
Joan Fenley  
Code Enforcement Officer  
County of Cumberland



Sworn to and Subscribed to by me this  
the 7<sup>th</sup> day of June 2014.

  
Notary Public  
My Commission Expires: 11-03-14



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

**BOARD OF COUNTY COMMISSIONERS MOTION:**

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

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

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

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

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

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

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

To order the property owner to rehabilitate the property within \_\_\_\_\_ days.

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

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

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

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

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

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

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Ken Sykes,  
Code Enforcement Manager

Carol M. Post  
Office Processing Assistant



**CUMBERLAND  
★ COUNTY ★**  
NORTH CAROLINA

*Planning & Inspections Department*

**FINDINGS OF FACT AND ORDER**

5/15/2014

George Hatcher,  
Inspector

Joey Lewis,  
Inspector

Joan Fenley,  
Inspector

Debra Johnson,  
Inspector

Christopher Fulton,  
Inspector

Reginald Adams & Parties of Interest  
647 Southpark Street  
Elizabeth NJ, 07206

91 7199 9991 7033 4000 1521 CIP 5/15/2014

**CASE # MH-519-2014**

**PROPERTY AT:** 6000 Abco Lane, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 5/5/2014.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 5/19/2014 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: Reginald Adams
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 5/14/2014. 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-519-2014, dated 3/4/2014.
  - ☒ 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.

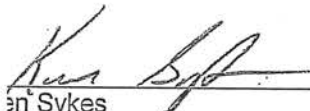
**EXHIBIT "A"**



☒ 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 6/11/2014. **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 6/11/2014. 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.

  
Karen Sykes  
Hearing Officer

  
Joan Fenley  
Code Enforcement Officer

Enclosed: Appeals Procedure Form

Sworn to and Subscribed to by me  
this the 15<sup>th</sup> day of May, 2014



  
Notary Public  
My Commission Expires:

EXHIBIT "A"

NORTH CAROLINA  
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: Reginald Adams & Parties of Interest  
Name of Violator

MH 519-2014  
Case Number

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

I, Joan Fenley, Code Enforcement Officer, with the Cumberland County Inspections Department, personally  
(name & title)

served Reginald Adams, 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 Minimum Housing Ordinance

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

647 Southpark Street, Elizabeth, NJ 07206 and by posting said notice(s) at the following address:

6000 Abco Lane, Fayetteville, NC

I further certify that said service was completed on this the 27<sup>th</sup> day of May, 2014.

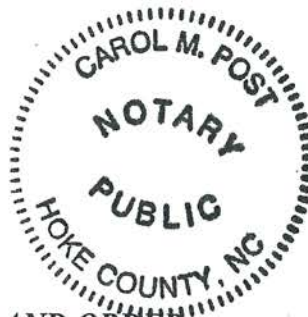
  
Joan Fenley  
Code Enforcement Officer

Sworn to and subscribed to before me

this the 27<sup>th</sup> day of May, 2014.

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

My Commission Expires: 11-03-14



PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*  
DATED May 15, 2014 CASE NUMBER *MH 519-2014*

EXHIBIT A



**Property Owner: Reginald Adams**  
6000 Abco Lane, Fayetteville, NC  
Minimum Housing Case # MH519-2014  
TAX PARCEL IDENTIFICATION NUMBER: 0462-99-2389

TAX PARCEL IDENTIFICATION NUMBER: 0462-99-2389



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 Minimum Housing case number MH 508-2014.

Property Owner: Renee Wagner

Home Owner: Renee Wagner


Property Address: 4001 Baird Court, Fayetteville, NC

Tax Parcel Identification Number: 0462-98-4988

SYNOPSIS: This property was inspected on 3/4/2014. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 5/12/2014. Renee Wagner & Larry Wagner attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 6/11/2014. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 8/7/2014, 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 the structure to a minimum standard for human habitation is \$60,000.00. The Assessor for Cumberland County has the structure presently valued at \$2,500.00. Attached is a map depicting the location of the property. (See Exhibit B.)

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

  
Joan Fenley  
Code Enforcement Officer  
County of Cumberland

Sworn to and Subscribed to by me this

the 7<sup>th</sup> day of August 2014.

  
Notary Public  
My Commission Expires: 11-03-14





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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

**BOARD OF COUNTY COMMISSIONERS MOTION:**

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

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

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

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

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

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

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

To order the property owner to rehabilitate the property within \_\_\_\_\_ days.

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

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

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

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

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

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

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Ken Sykes,  
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

Christopher Fulton,  
Inspector

**FINDINGS OF FACT AND ORDER**

5/19/2014

91 7199 9991 7033 4096 3393

Renee Wagner & Parties of Interest  
6335 Rannock Drive  
Fayetteville NC, 28306

**CASE # MH-508-2014**

**PROPERTY AT:** 4001 Baird Court, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 5/5/2014.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 5/12/2014 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 present were: Renee & Larry Wagner
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 3/4/2014. 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-508-2014, dated 3/4/2014.
  - ☒ 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 6/11/2014. **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 6/11/2014. 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

  
Joan Fenley  
Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:



Sworn to and Subscribed to by me  
this the 19<sup>th</sup> day of May 2014


  
Notary Public  
My Commission Expires: 11-03-14

EXHIBIT "A"



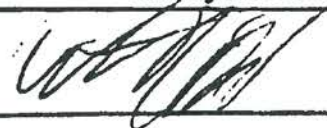
UNITED STATES  
POSTAL SERVICE™

Date: May 27, 2014

j fenley:

The following is in response to your May 27, 2014 request for delivery information on your Certified Mail™ item number 9171999991703340963393. The delivery record shows that this item was delivered on May 21, 2014 at 10:47 am in FAYETTEVILLE, NC 28304. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
Signature	
Name	Art K. H. I.

Address of Recipient :

Address	6335 Rannock
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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 May 19, 2014 CASE NUMBER *MH 508-2014*

EXHIBIT A

5



**MAP DEPICTING LOCATION OF PROPERTY**  
**Property Owner: Renee Wagner**  
4001 Baird Court, Fayetteville, NC  
Minimum Housing Case # MH 508-2014  
TAX PARCEL IDENTIFICATION NUMBER: 0462-98-4988



**EXHIBIT B**




ITEM NO. 3L

ENGINEERING & INFRASTRUCTURE DEPARTMENT  
PUBLIC UTILITIES DIVISION

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 18, 2014**

**TO:** BOARD OF COUNTY COMMISSIONERS

**FROM:** JEFFERY P. BROWN, PE, E & I DIRECTOR 

**THROUGH:** AMY H. CANNON, COUNTY MANAGER

**DATE:** AUGUST 4, 2014

**SUBJECT:** PUBLIC HEARING FOR THE BULLARD CIRCLE  
PRELIMINARY ASSESSMENT RESOLUTION AND  
ADOPTION OF THE FINAL ASSESSMENT  
RESOLUTION

**BACKGROUND**

The Board of Commissioners at their June 16, 2014 meeting adopted a Preliminary Assessment Resolution and authorized the Engineering and Infrastructure Director to move forward with an assessment project to provide public water service to the Bullard Circle area. At that time, a public hearing was scheduled for the August 18, 2014 Board of Commissioners meeting, so that the Commissioners shall hear all interested persons who appear with respect to any matter covered by the preliminary assessment resolution. Notice of the public hearing was published in the Fayetteville Observer on August 6, 2014 and a copy of the Preliminary Assessment Resolution was mailed to each owner of property, as shown on the County tax records. Copies of the Affidavit of Publication and the certification stating that the resolutions were mailed are attached.

**RECOMMENDATION**

Following the Public Hearing, the Engineering and Infrastructure Director and County Management recommend that the Board of Commissioners adopt the attached Final Assessment Resolution to provide public water service to the Bullard Circle area.



STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

FINAL  
SPECIAL ASSESSMENT RESOLUTION  
BULLARD CIRCLE  
WATER EXTENSION PROJECT

**WHEREAS**, 22 of the individual groundwater wells, which are used by the property owners in the Bullard Circle, Vann Street, Stonecoal Dive, and Diamond Point Trail area, contain arsenic levels greater than 10 ppb; and

**NOW THEREFORE**, the Board of Commissioners, pursuant to Article 9 of Chapter 153A of North Carolina General Statutes, hereby adopts the following special assessment resolution:

- I. Need for Project: The Board of Commissioners of Cumberland County hereby undertakes a project to extend public water to the Bullard Circle area. This project is required to eliminate the use of individual groundwater wells for consumptive and hygienic purposes. The Cumberland County Health Department and the State's Epidemiologist's Office conducted a review of water quality reports in the above-referenced area and found arsenic in concentrations greater than 10 ppb in the well water at 22 residences within the subdivision.
- II. General Description of the Project: This project is to bring potable, public water to the area and will include installation of approximately 5,414 total linear feet of water main extending from an existing Fayetteville Public Works Commission (PWC) water main located along Ramsey Street near Bullard Circle, including all appurtenances, to serve 76 parcels within the Bullard Circle area attached hereto as Exhibit A.
- III. Ownership: The water line extensions will become the property of the Fayetteville Public Works Commission and will be operated and maintained by PWC as part of its comprehensive public water system throughout its service area.
- IV. Proposed Basis of Assessment: The proposed basis of assessment will be at an equal rate per lot in the project area.
- V. Percentage of Cost to be Assessed: Fifty percent (50%) of the total engineering, construction and administrative costs shall be assessed against the benefited properties in this special assessment project and the County and PWC shall pay the remaining fifty (50%) per an interlocal agreement between to the two entities.
- VI. Abeyance: No assessment will be held in abeyance.
- VII. Terms of Payment: The assessment will be payable in fifteen (15) annual installments and the first installment with interest will be due sixty (60) days after the date that the assessment roll is confirmed. One installment with interest is due on the anniversary date in each successive year until the assessment is paid in full. The interest rate shall be set at six percent (6%) per annum. The assessment may be paid in full without interest anytime up to thirty (30) days after the confirmation of the assessment roll is published.
- VIII. Public Hearing: A public hearing on all matters covered by this resolution was held at 6:45 pm on Monday, August 18, 2014 in Room 118 of the Cumberland County Courthouse at the regularly scheduled meeting of the Board of Commissioners

IN WITNESS WHEREOF, this resolution adopted this the 18th day of AUGUST 2014.

COUNTY OF CUMBERLAND

BY: \_\_\_\_\_  
Jeannette M. Council, Chair  
Board of County Commissioners

ATTEST

BY: \_\_\_\_\_  
Candice White, Clerk



ENGINEERING & INFRASTRUCTURE DEPARTMENT  
PUBLIC UTILITIES DIVISION

Bullard Circle Water Extension Project

I, Amy Hall, Cumberland County Public Utilities Administrative Program Officer, hereby certify that a copy of the Preliminary Special Assessment Resolution for the Bullard Circle Water Extension Project was mailed out on August 4, 2014, by first-class mail to each of the seventy-six (76) property owners, as shown on the county tax records, subject to assessment if the project is undertaken. I further certify that the Notice of Public Hearing was published on August 6, 2014 in the Fayetteville Observer, a newspaper of general circulation in Cumberland County, stating that the preliminary special assessment resolution was adopted on June 16, 2014 and that a public hearing on it will be held at 6:45pm on August 18, 2014, as required by G.S. 153A-191.

Amy Hall  
Administrative Program Officer  
Cumberland County Public Utilities

Date



Page: 1  
Date: AUG 04 2014  
Time: 3:33P  
Station:

Trans		Trans			
ID	Account	Pieces	Postage	Surcharge	Total Type
1762	PUBLIC UTILITIES	76	34.960	0.000	34.960 I
=====					
Grand Total:		76	34.960	0.000	34.960
End of Report					

**Bullard Circle Community  
Owner List Mailing of the Notice of Public Hearing 8-1-14**

AD83_PIN	ST NUM	ST_NAME	ST SUFIX	CITY	STATE	ZIP	TITLE	OWNER FIRST NAME	OWNER LAST NAME	COMPANY NAME	COMPANY TITLE	SITUS_NAME	SITUS SUFIX	SITUS NUM
41-06-1377-	181	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR.	KEITH	MILLIKEN			BULLARD	CIR	000181
41-06-1750-	215	BULLARD	CIR	FAYETTEVILLE	NC	28311	MS.	GWENDOLYN	ANDERSON			BULLARD	CIR	000215
41-06-1951-	237	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR.	GARY	SHAVER			BULLARD	CIR	000237
41-06-2203-	173	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR.	THOMAS	COPPEDGE			BULLARD	CIR	000672
41-06-3019-	155	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR.	DANNY	AVERITT			BULLARD	CIR	000155
41-06-3267-	173	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR.	THOMAS	COPPEDGE			BULLARD	CIR	000173
41-06-3594-	200	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR.	KENNETH	NETTLES			BULLARD	CIR	000200
41-06-4432-	6257	CHURCH	ST	FAYETTEVILLE	NC	28311	MR. & MRS.	JERRY & JOYCE	TUBERVILLE			BULLARD	CIR	000186
41-06-4936-	240	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR. & MRS.	CRAIG & NORA	MACDONALD			BULLARD	CIR	000240
41-06-5347-	6257	CHURCH	ST	FAYETTEVILLE	NC	28311	MR. & MRS.	JERRY & JOYCE	TUBERVILLE			BULLARD	CIR	000000
41-07-0641-	258	STONECOAL	DR	FAYETTEVILLE	NC	28311				GERALD KINDER, DONALD KINDE	TO WHOM IT MAY CON	N/A	N/A	000000
41-07-0830-	367	BULLARD	CIR	FAYETTEVILLE	NC	28311	MS.	LAURA	GUTIERREZ			BULLARD	CIR	000367
41-07-1152-	259	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR. & MRS.	HOSEA & ALEETA	WILLIAMS			BULLARD	CIR	000259
41-07-1367-	281	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR. & MRS.	PAUL & CYNTHIA	WILLIAMS			BULLARD	CIR	000281
41-07-2723-	325	BULLARD	CIR	FAYETTEVILLE	NC	28311				NORWEST BANK MINNESOTA TR	TO WHOM IT MAY CON	BULLARD	CIR	000325
41-07-4116-	260	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR. & MRS.	GLENN & HELEN	BRINSON			BULLARD	CIR	000260
41-07-4236-	PO	BOX 9172		FAYETTEVILLE	NC	28311	MS.	CONNIE	HAYES			BULLARD	CIR	000000
41-07-4449-	308	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR. & MRS.	WILLIAM & MARTHA	BENFIELD			BULLARD	CIR	000308
41-07-4660-	316	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR.	JAMES	STEWART			BULLARD	CIR	000316
41-07-4960-	4560	RUSTIC HAVEN		FAYETTEVILLE	NC	28311	MR. & MRS.	LEON & MELODY	BROWN			BULLARD	CIR	000000
41-07-5841-	215	DIAMOND POINT	TRL	FAYETTEVILLE	NC	28311	MR. & MRS.	JERRY & GENNIE	ENNIS			DIAMOND POINT	TRL	000215
41-08-0096-	345	VANN	ST	FAYETTEVILLE	NC	28311	MR. & MRS.	TIMOTHY & YEE	SIMMONS			BULLARD	CIR	000644B
41-08-2190-	340	BULLARD	CIR	FAYETTEVILLE	NC	28311	MS.	DOROTHY	DANIEL			BULLARD	CIR	000647
41-08-3097-	340	BULLARD	CIR	FAYETTEVILLE	NC	28311	MS.	DOROTHY	DANIEL			BULLARD	CIR	000340
41-16-0758-	6643	RAMSEY	ST	FAYETTEVILLE	NC	28311	MR. & MRS.	LOUIS & JANETH	VIPPERMAN			?	N/A	000000
41-16-0990-	6643	RAMSEY	ST	FAYETTEVILLE	NC	28311	MR. & MRS.	LOUIS & JANETH	VIPPERMAN			RAMSEY	ST	006643
31-98-7342-	1916	WILLIAMSON	RD	FAIRMONT	NC	28340	MS.	MARY	CURRY			RAMSEY	ST	006635
41-06-8319-	1916	WILLIAMSON	RD	FAIRMONT	NC	28340	MS.	MARY	CURRY			BULLARD	CIR	000000
41-06-9863-	1916	WILLIAMSON	RD	FAIRMONT	NC	28340	MS.	MARY	CURRY			?	N/A	000000
41-06-9995-	1916	WILLIAMSON	RD	FAIRMONT	NC	28340	MS.	MARY	CURRY			RAMSEY	ST	006647
41-16-0623-	1916	WILLIAMSON	RD	FAIRMONT	NC	28340	MS.	MARY	CURRY			RAMSEY	ST	006635
41-07-1266-	4405	CLIFTON	DR	HOPE MILLS	NC	28348	MR.	WILLIAM	ADAMS			BULLARD	CIR	000271
41-06-4846-	8784	COATS	RD	LINDEN	NC	28356	MR.	MARK	GATES			BULLARD	CIR	000000
41-07-2833-	8825	RAMSEY	ST	LINDEN	NC	28356	MR. & MRS.	DAVID & PATRICIA	MULLINS			BULLARD	CIR	000645
41-07-4016-	8825	RAMSEY	ST	LINDEN	NC	28356	MR. & MRS.	DAVID & PATRICIA	MULLINS			N/A	N/A	000000
41-07-8051-	550	E LAKE	RD	RAEFORD	NC	28376	MR. & MRS.	BILL & TATIANA	MORGAN			RAMSEY	ST	006651
41-06-1850-	213	W 2ND	AVE	RED SPRINGS	NC	28377	MS.	MARGARET	JOHNSON	C/O MARGARET MORLEY	MS. MORLEY	BULLARD	CIR	000225
41-05-6993-	601	PINETREE	DR	DECATUR	GA	30030	MR.	DALE	GLENDENING			RAMSEY	ST	000000



**Bullard Circle Community**  
**Owner List Mailing of the Notice of Public Hearing 8-1-14**

AD83_PIN	ST NUM	ST_NAME	ST SUFIX	CITY	STATE	ZIP	TITLE	OWNER FIRST NAME	OWNER LAST NAME	COMPANY NAME	COMPANY TITLE	SITUS_NAME	SITUS SUFIX	SITUS NUM
31-98-5073-	101	NORWOOD	ST	NEWARK	NJ	07106	MS.	SABRENA	WALKER			BULLARD	CIR	000408
31-06-1549-	398	N MAIN	ST	MILLTOWN	NJ	08850	MR. & MRS.	KENNETH & JOVANI	REAVES			BULLARD	CIR	000000
31-07-1598-	9803	FRANKLIN	AVE	LANHOM	MD	20706	MR.	CHRISTOPHER	MOORE			BULLARD	CIR	000000
31-06-4726-	215	RESOLUTION	DR	YORKTOWN	VA	23692	MS.	TAMMY	WOLFE			BULLARD	CIR	000220
31-06-8152-	109	SCOTLOW	WAY	MORRISVILLE	NC	27560	MR. & MRS.	NARENDRA & PUSHPA	SINGH			BULLARD	CIR	000000
31-97-3767-	7200	STONEHENGE	DR	RALEIGH	NC	27613				CATHOLIC SOCIAL MINISTRIES	TO WHOM IT MAY CON	BULLARD	CIR	000000
31-06-4605-	511	ARGYLL	RD	FAYETTEVILLE	NC	28303	MR. & MRS.	ROBERT & MARY JO	ANDERSON			BULLARD	CIR	000210
31-07-4317-	710	EMELINE	AVE	FAYETTEVILLE	NC	28303	MR. & MRS.	DAVID & WIFE	NEWTON			BULLARD	CIR	000000
31-07-7613-	710	EMELINE	AVE	FAYETTEVILLE	NC	28303	MR. & MRS.	DAVID & WIFE	NEWTON			DIAMOND POINT	TRL	000000
31-97-1901-	PO	BOX 53587		FAYETTEVILLE	NC	28305				BROADWELL LAND CO	TO WHOM IT MAY CON	N/A	N/A	000000
31-97-2693-	PO	BOX 53587		FAYETTEVILLE	NC	28305				BROADWELL LAND CO	TO WHOM IT MAY CON	N/A	N/A	000000
31-97-3301-	PO	BOX 58375		FAYETTEVILLE	NC	28305				GREAT SOUTHEASTERN PROPERT	TO WHOM IT MAY CON	BULLARD	CIR	000000
31-97-3442-	PO	BOX 53587		FAYETTEVILLE	NC	28305				BROADWELL LAND CO	TO WHOM IT MAY CON	BULLARD	CIR	000000
31-98-1814-	PO	BOX 53587		FAYETTEVILLE	NC	28305				BROADWELL LAND COMPANY	TO WHOM IT MAY CON	N/A	N/A	000000
31-08-2008-	360	BULLARD	CIR	FAYETTEVILLE	NC	28306	MR.	GEORGE	DOUGLAS			BULLARD	CIR	000360
31-87-9127-	394	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR. & MRS.	YEE & TIMOTHY	SIMMONS			VANN	ST	000345
31-96-2991-	280	MCCLOSKEY	RD	FAYETTEVILLE	NC	28311				LOCAL 959 UNITED WORKERS AS	TO WHOM IT MAY CON	VANN	ST	000000
31-96-5464-	280	MCCLOSKEY	RD	FAYETTEVILLE	NC	28311				LOCAL 959 UNITED WORKERS AS	TO WHOM IT MAY CON	MCCLOSKEY	RD	000280
31-96-5856-	281	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR.	PAUL	WILLIAMS			VANN	ST	000000
31-96-7856-	281	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR. & MRS.	PAUL & CYNTHIA	WILLIAMS			VANN	ST	000000
31-96-9856-	281	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR.	PAUL	WILLIAMS			VANN	ST	000000
31-97-2099-	484	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR. & MRS.	STEPHEN & CARLEEN	JOYNER			?	N/A	000000
31-97-2290-	484	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR. & MRS.	STEPHEN & CARLEEN	JOYNER			BULLARD	CIR	000484
31-97-5163-	284	VANN	ST	FAYETTEVILLE	NC	28311	MS.	PATRICIA	STOVER			VANN	ST	000284
31-97-5384-	465	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR. & MRS.	JEFF & KATHY	STAFFORD			BULLARD	CIR	000465
31-97-6670-	713	DALMORE	DR	FAYETTEVILLE	NC	28311	MS.	MELODY	HANEY			BULLARD	CIR	000000
31-97-6786-	345	VANN	ST	FAYETTEVILLE	NC	28311	MR. & MRS.	YEE & TIMOTHY	SIMMONS			BULLARD	CIR	000000
31-97-7113-	284	VANN	ST	FAYETTEVILLE	NC	28311	MS.	PATRICIA	STOVER			VANN	ST	000000
31-97-7375-	3519	ROSEHILL	RD	FAYETTEVILLE	NC	28311	MS.	LULA	GROVER			?	N/A	000000
31-97-8113-	259	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR. & MRS.	HOSEA & ALEETA	WILLIAMS			VANN	ST	000000
31-97-8631-	258	STONECOAL	DR	FAYETTEVILLE	NC	28311	MS.	JENNIFER	GATES			STONECOAL	DR	000258
31-97-8832-	397	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR. & MRS.	YEE & TIMOTHY	SIMMONS			BULLARD	CIR	000397
31-97-9153-	259	BULLARD	CIR	FAYETTEVILLE	NC	28311	MR. & MRS.	HOSEA & ALEETA	WILLIAMS			VANN	ST	000000
31-97-9364-	243	STONECOAL	DR	FAYETTEVILLE	NC	28311	MR. & MRS.	JAMES & DONNA	BRYSON			STONECOAL	DR	000243
31-97-9631-	258	STONECOAL	DR	FAYETTEVILLE	NC	28311				GERALD KINDER, DONALD KINDE	TO WHOM IT MAY CON	N/A	N/A	000000
31-98-7100-	345	VANN	ST	FAYETTEVILLE	NC	28311	MR. & MRS.	TIMOTHY & YEE	SIMMONS			?	N/A	000000
31-98-9005-	345	VANN	ST	FAYETTEVILLE	NC	28311	MR. & MRS.	TIMOTHY & YEE	SIMMONS			BULLARD	CIR	000394
31-06-0326-	280	MCCLOSKEY	RD	FAYETTEVILLE	NC	28311				LOCAL 959 HOME ASSOCIATION	TO WHOM IT MAY CON	N/A	N/A	000000

**BRENDA REID JACKSON**  
Director

**HEATHER SKEENS**  
Deputy Director



**CUMBERLAND  
COUNTY**  
NORTH CAROLINA

**DEPARTMENT OF SOCIAL SERVICES**

**CLARETTA JOHNSON**  
Assistant Director

**BOBBIE REDDING**  
Managing Attorney

**MEMORANDUM FOR BOARD OF COMMISSIONERS**  
**August 18, 2014 - AGENDA**

ITEM NO. 4

TO: BOARD OF COUNTY COMMISSIONERS  
FROM: BRENDA REID JACKSON, DSS DIRECTOR *BR*  
DATE: AUGUST 12, 2014  
SUBJECT: NC FAST UPDATE

**BACKGROUND**

First let me begin by expressing on behalf of the Social Services Board, leaders and staff of Cumberland County Department of Social Services our sincere appreciation for the continual support and commitment you and County Management have shown us during this very difficult and costly transition of the new mandated service delivery model. Most importantly you have demonstrated your commitment to the well-being of our most vulnerable citizens.

We look forward to providing a brief update on the roll out of the state's NC FAST system and continual need for temporary staff to address backlogged work associated with the local implementation of NC FAST during your August 18, 2014 meeting.

Please know that we continue to make every attempt to keep the Social Services Board, County Management and Community Partners aware of NC FAST related issues. Again, we look forward to meeting with you.

**RECOMMENDATION/PROPOSED ACTION**

Accept the report and update as presented and approve the associated budget revision.

CC: CC County Management  
CC Social Services Board  
CCDSS Management Team  
File

*We stand united to strengthen individuals and families and to protect children and vulnerable adults...*



# **Cumberland County Department of Social Services**

## **Presentation to Board of County Commissioners**



## **NC FAST Projects, Work Support Strategies & Affordable Care Act**

**August 18, 2014**

**Brenda Reid Jackson, Director**

# County DSS Role

2

- **County Departments of Social Services are:**
  - Federally mandated
  - State supervised
  - Locally administered
- **Public Assistance:**
  - FNS (food stamps) – 33,000 ongoing cases; 2,900 new applications; \$9 million federal benefits issued that is spent in the local economy monthly
  - Medicaid – 50,000 ongoing cases; 3,500 new applications
  - Child Care Subsidy – 4,100 children; \$1.5 million paid to local child care providers monthly



# **New State & Federal Mandates**



# Work Support Strategies (WSS)

4

## State tenets:

- A new service delivery model for eligibility programs that maximizes customer self-sufficiency and reduces administrative churn
- A method to incorporate changes related to the federal Affordable Care Act and State NC FAST implementation
- It aligns with county and agency strategic goals
- For more information: [www.ncwss.com](http://www.ncwss.com)



# North Carolina Families Accessing Services through Technology (NC FAST)

5

NC FAST is the new way the State has mandated that counties determine eligibility for public assistance programs. State's implementation schedule:

- **Project 1 – Food and Nutritional Services (food stamps)**
  - Began in July 2012 with applications. There were major system functionality problems. January 27, 2014 Federal USDA mandated that all program applications (1,766) and recertifications be up-to-date by March 31, 2014. Federal USDA pays 50% of the cost to administer the program locally
- **Project 2/6 – Medicaid, Work 1<sup>st</sup> Cash and Refugee Assistance**
  - Began October 2013 with new applications
  - October/November 2013 for current active cases. Delayed with statewide staggered launch date in July 2014. Interface with new automated reimbursement system for medical providers called NCTracks
- **Project 7 – Affordable Care Act including new MAGI Program applications**
  - Federal Facilitated Marketplace began accepting applications October 1, 2013 for an effective date of January 1, 2014. Local counties did not begin receiving these applications until late February 2014
- **Project 3 – Child Care & Energy Assistance**
  - Expected to launch early 2014. Delayed with no anticipated new launch date



# Federal Mandates – Affordable Care Act

6



**Effective October 1, 2013:**

- **Medicaid Expansion**
  - North Carolina opted not to participate in the expansion program
  - Approximately 500,000 NC citizens may not qualify for healthcare benefits
- **Federal Qualified Health Programs – [www.healthcare.gov](http://www.healthcare.gov)**
  - Medicaid – DSS
  - Health Choice – DSS
  - Advance Payment Tax Credit – Federally Facilitated Marketplace
  - Cost Sharing Reduction (Subsidy) – Federally Facilitated Marketplace
- **“No Wrong Door Concept”**
  - Citizens can apply for services anywhere through the Federal Marketplace
  - Cannot force the citizen to come into the office
  - Telephonic & electronic access will be linked to North Carolina through ePASS
- **Navigator or Certified Application Counselors Program**
  - Local group of medical providers, county departments & community agencies working together to provide services in the community ex. Legal Aid of NC, Stedman Wade Health, and Community Health & Sickle Cell Agency
- **Will be up to local communities to build the coalition**
  - Ongoing Information Session for community partners provided August 2013 at DSS and Public Libraries across the county



# Other Federal Mandates

7

## Modified Adjustable Gross Income (MAGI) – October 1, 2013

- New program re-design of the Medicaid for Family and Children's programs including pregnant women, infant/children, family planning, foster care and health choice
- Use income tax methodology to determine eligibility for Medicaid in the Family and Children's programs
- Citizens could be approved for eligibility for the old and new Medicaid for Family and Children's programs during the same application process
- **New applications received beginning October 1, 2013 had to be assessed under the old eligibility criteria for October through December 2013 and the new MAGI criteria beginning January 1, 2014**

## Sequestration – October 1, 2013

- Overall DSS is funded 50% by federal reimbursement. The October 2013 federal shutdown created delays in hiring temporary staff and processing food stamps, child care subsidy & Work First cash assistance cases
- Federal funds pay for 100% of direct services administered by DSS to citizens and local businesses ex. day care facilities, grocery stores, rental property



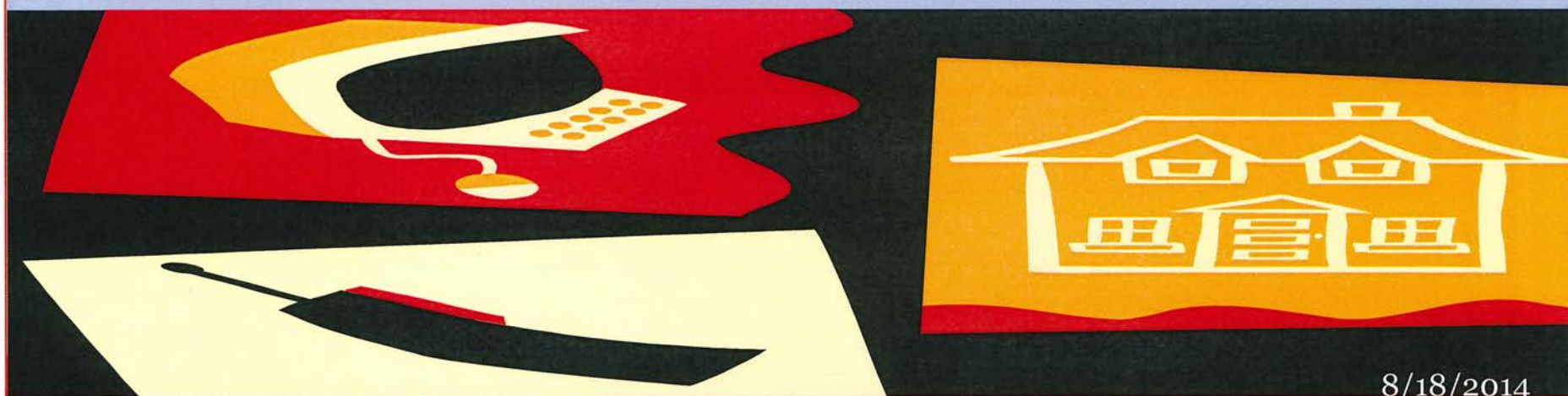
# North Carolina ePASS

8

**Electronic Pre-Assessment Screening Services (ePASS) is the public portal for citizens to apply for services on-line using NC FAST.**

## **State's ePASS implementation schedule:**

- April 2013 launched Food & Nutrition Services (food stamps)
- June 2013 expanded to include Medicaid applications
- October 1, 2013 expanded to Affordable Care Act
- Allows for duplicate applications for all programs

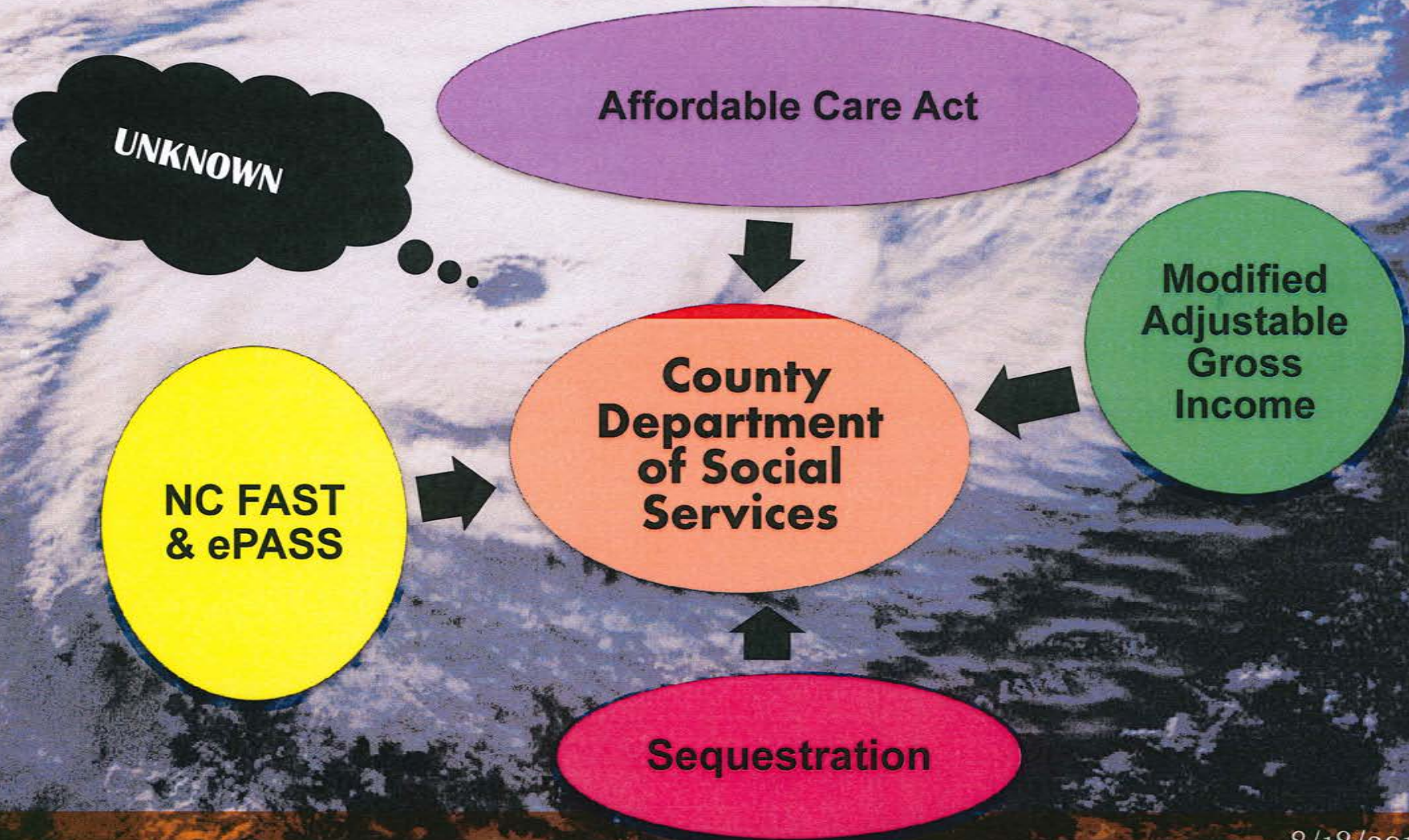


8/18/2014



# THE PERFECT STORM

August 1, 2013



8/18/2014

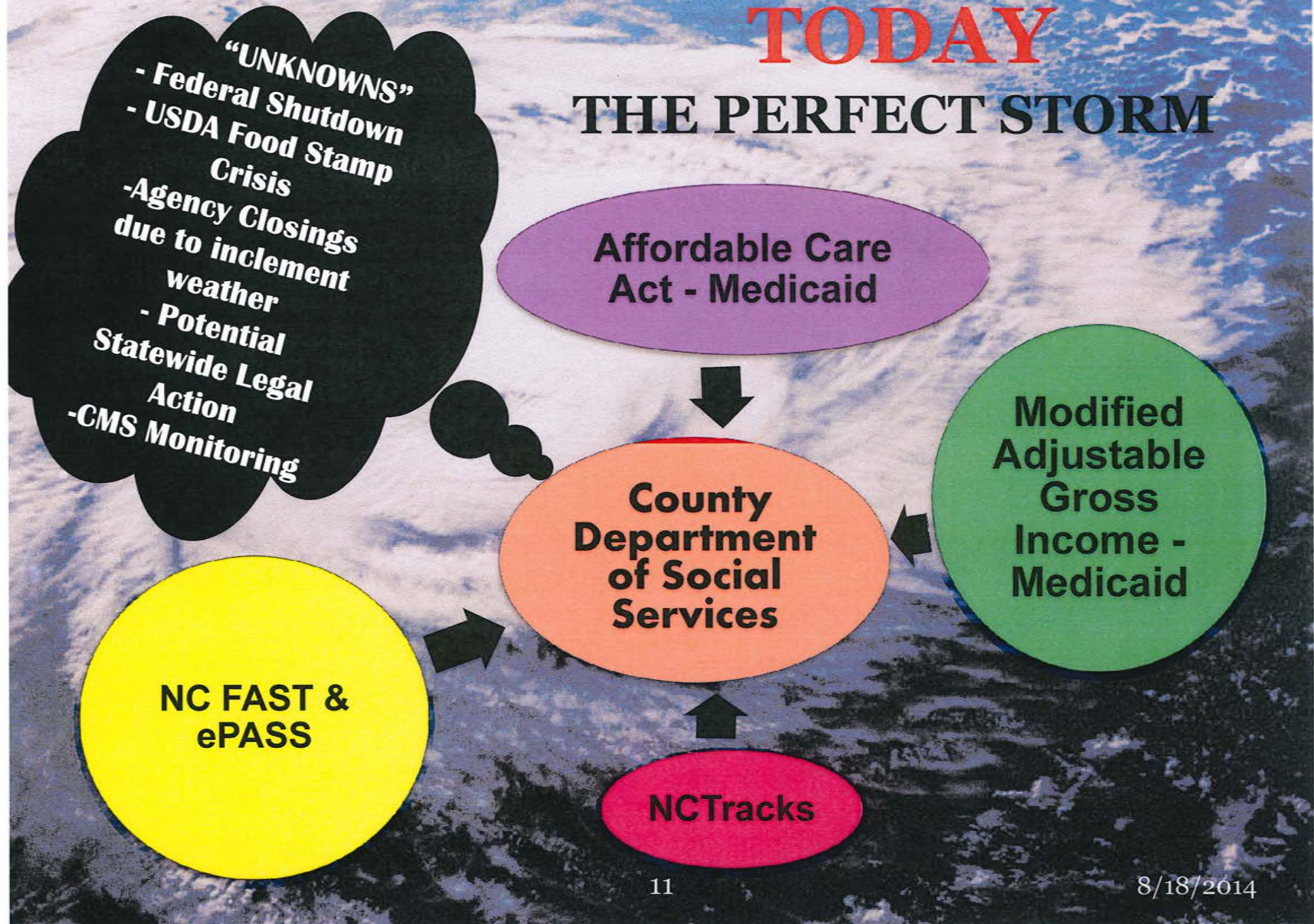


**NC FAST PROJECTS 2/6/7:**  
**Medicaid Applications**  
**“STORM DAMAGES”**



# TODAY

## THE PERFECT STORM



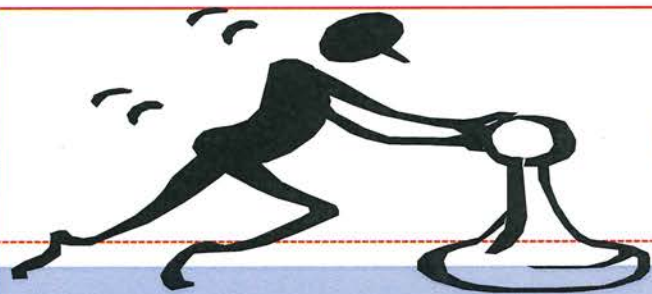


# NC FAST Projects 2/6/7 – Storm Damages

12

- **Citizens applied for the New MAGI program beginning October 2013; counties did not start receiving those applications locally until February 2014 (received over 2,000 cases)**
  - June 1, 2014 we received 5,048 applications of which 3,977 were untimely
  - August 4, 2014 we had 3,056 applications with 2,004 untimely
- **Traditional Medicaid applications in the old system**
  - June 1, 2014 we received 2,165 applications of which 1,026 were untimely
  - August 4, 2014 we had 1,531 applications with 783 untimely
- **Traditional Medicaid applications in the new NC FAST system**
  - June 1, 2014 we received 2,049 applications of which 1,352 were untimely
  - August 4, 2014 we had 983 applications with 605 untimely



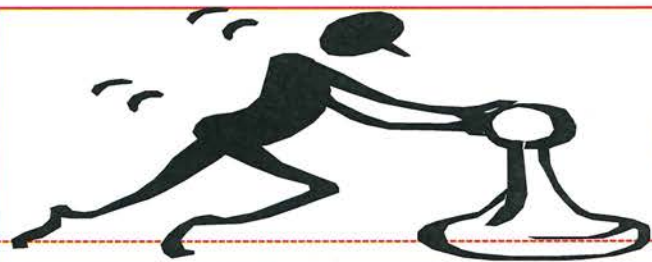


## CHALLENGES

13

- No edits in the ePASS system to prevent multiple applications; therefore, duplicate cases are in the system
- Cases are complex and require many types of assessments based on the various Medicaid programs
- Takes higher level of Medicaid expertise to do this work
- Medicaid cases are housed in both EIS and NC FAST which makes data reliability and workload management difficult
- Anticipate major errors and quality assurance issues
- Training is difficult as the operational function has been problematic and NC FAST roll-out is incomplete
- Preventing staff burn-out, low morale, and increased staff turnover





## CHALLENGES

14

- **Problems with NCTracks (provider services including payment) interfaces with NC FAST (eligibility); therefore, citizens may not receive medical services timely and providers may see a delay in financial reimbursement through Medicaid**
- **Project 2/6/7 NC FAST roll-out of Medicaid is incomplete. Phase 2 of this roll-out is set to kick off beginning August 2014. The next roll-out will involve 50,000 ongoing cases**
- **Anticipate 6-10 months remaining until Medicaid is completely hard launched. Next program will be child care subsidy. Anticipate 2-3 years before full implementation**
- **Affordable Care Act open enrollment starts again November 15, 2014 which will increase workloads**
- **Must continue to maintain timely food stamp applications and recertification processing (approximately 33,000)**
- **Lawsuit and/or CMS issuing an immediate compliance mandate will create fiscal, administrative, and manpower issues**



# **Budget Revision**

**Cumberland County Department of Social Services  
Presentation to Board of County Commissioners**

16

- **Our intent is not to cause panic but to promote awareness and preparedness for what might be forthcoming as we transition to a new service delivery model**
- **We ask for your continued patience, understanding and support as we strive to improve access to benefits for our customers**
- **Finally, the continual need for temporary employees to address the workload demands is critical to our success moving forward**



## Questions and Answers



**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B15-037</u>
Date Received	<u>8/11/14</u>
Date Completed	

Fund No. 101 Agency No. 437 Organ. No. 4365  
 Organization Name: SOCIAL SERVICES

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4346	NC MEDICAID ADMIN	5,084,065	400,000	5,484,065
Total		5,084,065	400,000	5,484,065

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3390	241	CONTRACTED SERVICES	387,008	400,000	787,008
Total			387,008	400,000	787,008

**Justification:**

To budget projected costs and recognize revenue for NC FAST/special projects.

Funding Source: State: \_\_\_\_\_ Federal: \$400,000 County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

Submitted By: *Brenda Cox* Date: 8/11/14  
 Department Head

Reviewed By: *Bob Tischer* Date: 8/11/14  
 Finance

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Finance Director

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Assistant County Manager

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



AMY H. CANNON  
County Manager

JAMES E. LAWSON  
Deputy County Manager



MELISSA C. CARDINALI  
Assistant County Manager



ITEM NO. 5

**OFFICE OF THE COUNTY MANAGER**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA**

**TO:** BOARD OF COUNTY COMMISSIONERS

**FROM:** MELISSA C. CARDINALI, ASSISTANT COUNTY MANAGER  
*MCC*

**DATE:** AUGUST 12, 2014

**SUBJECT:** RESOLUTION AUTHORIZING THE FILING OF AN  
APPLICATION FOR APPROVAL OF AN INSTALLMENT  
FINANCING AGREEMENT AUTHORIZED BY NCGS 160A-20

In order to proceed with the installment purchase financing of the building recently purchased by Fayetteville Technical Community College, a resolution authorizing the installment purchase application as well as making certain findings is required.

The purpose of the resolution is to make the findings of fact which include: the installment purchase is preferable to issuing bonds, the amount proposed is not excessive for the stated purpose, the County's debt management procedures and policies are good and in strict compliance with the law, a tax increase is not necessary, and the County is not in default on any existing debt.

Finally, this resolution authorizes the County Manager and Assistant County Manager for Finance to proceed with preparing and filing an application with the Local Government Commission (LGC). At this time it is anticipated the application will be submitted to the October 7, 2014 LGC meeting.

BOARD OF COMMISSIONERS  
OF THE  
CUMBERLAND COUNTY, NORTH CAROLINA

Excerpt of Minutes  
of Meeting of  
August 18, 2014

Present: Chairman \_\_\_\_\_ presiding, and

Commissioners: \_\_\_\_\_

Absent: \_\_\_\_\_

\* \* \* \* \*

Commissioner \_\_\_\_\_ introduced the following resolutions, the title of which was read:

\* \* \* \* \*

RESOLUTION AUTHORIZING THE FILING OF AN  
APPLICATION FOR APPROVAL OF AN INSTALLMENT  
FINANCING AGREEMENT AUTHORIZED BY NORTH  
CAROLINA GENERAL STATUTE §160A-20 AND MAKING  
CERTAIN FINDINGS REQUIRED BY NORTH CAROLINA  
GENERAL STATUTE §159-151, AND NOTIFICATION TO  
THE JOINT LEGISLATIVE COMMITTEE ON LOCAL  
GOVERNMENT OF ITS INTENT TO FINANCE THE PROJECT

WHEREAS, the Board of Trustees of Fayetteville Technical Community College ("FTCC") has requested Cumberland County, North Carolina (the "County") to assist it in financing (i) the acquisition, construction and equipping of a new building to be located on its campus and used for educational instruction and (ii) improvements to the Horticultural Center located on the FTCC campus (the "Project") pursuant to an installment financing agreement, as permitted under N.C.G.S. § 160A-20; and

WHEREAS, it is anticipated that the cost of the Project to be financed will be approximately \$3,000,000, which may include issuance expenses in connection with the financing; and

WHEREAS, financing of the Project pursuant to § 160A-20 must be approved by the North Carolina Local Government Commission (the "LGC") and will only be approved if the findings of N.C.G.S. § 159-151(b) have been made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners (the "Board") of the County, as follows:



1. After consideration, the Board has determined that the most advantageous manner of financing the Project is by an installment financing contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended. In support of thereof, the Board hereby makes the following findings of fact:

- a) The proposed financing is necessary or expedient because of the pressing need to acquire, construct and equip the renovations and improvements to FTCC.
- b) The proposed financing is preferable to general obligation bond financing for the same purposes because of the urgency of particular needs to be financed.
- c) The cost of the proposed undertaking exceeds the amount of funds that can be prudently raised from currently available appropriations, unappropriated fund balances, and non-voted general obligation bonds that could be issued by the County in the fiscal year pursuant to Article V, Section 4, of the North Carolina Constitution. The Project is non-revenue producing so revenue bonds are not an option.
- d) The cost of financing under the proposed financing will be less than the cost of issuing general obligation bonds.
- e) The sums proposed to be provided under the financing are adequate and not excessive for the stated purposes of acquiring, constructing and improving the Project.
- f) The County's debt management procedures and policies are good and have been carried out in strict compliance with law and will henceforth be so carried out.
- g) There will be no increase in taxes necessary to meet the sums to fall due under the proposed financing.
- h) The County is not in default in any of its debt service obligations.

2. Pursuant to Section 160A-20 of the North Carolina General Statutes, the County is hereby authorized to finance the Project by entering into an installment financing contract and a deed of trust or other security instrument that creates a security interest in some or all of the property financed to secure repayment of the financing.

3. Pursuant to Section 120-157.2(a) of the North Carolina General Statutes, the County is directed to notify the Joint Legislative Committee on Local Government of its intent to utilize an installment financing contract under North Carolina General Statutes Chapter 160A, Article 3, Section 20.

4. The attorney for the County will render an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

5. The County Manager, the Assistant County Manager for Finance and other appropriate officers of the County are hereby authorized and directed to file an application with the LGC for its approval of the financing of the Project in the amount of approximately \$3,000,000, to work with the Board of Trustees and the staff of FTCC as to the implementation of the Project (including the transfer of the property that is to be collateral for the installment financing contract to the County), to send out an request for proposals to financial institutions seeking terms and interest rates for such financing, and the actions of the County Manager, the Assistant County Manager for Finance and other officers of the County in connection therewith are hereby approved and confirmed.

6. All other acts of the Board and the officers of the County which are in conformity with the purposes and intent of this Resolution and in furtherance of the financing of the Project are hereby ratified, approved and confirmed.

7. This resolution shall take effect immediately.

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

Ayes: Commissioner \_\_\_\_\_

Nays: Commissioner \_\_\_\_\_

Not voting: Commissioner \_\_\_\_\_

\* \* \* \* \*



I, \_\_\_\_\_, Clerk to the Board of Commissioners for Cumberland County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted by the Board of Commissioners of the County at a regular meeting duly called and held on August 18, 2014, and that the proceedings of such meeting are recorded in the Minutes of said Board. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Board of Commissioners of the County is on file in my office.

WITNESS my hand and the official seal of the County this \_\_\_\_ day of August, 2014.

---

Candice White, Clerk  
Board of Commissioners  
County of Cumberland, North Carolina

(SEAL)

JEANNETTE M. COUNCIL  
Chairman

KENNETH S. EDGE  
Vice Chairman

CHARLES E. EVANS  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
BILLY R. KING  
EDWARD G. MELVIN



CUMBERLAND  
★ COUNTY ★  
NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE  
Clerk to the Board

KELLIE BEAM  
Deputy Clerk

ITEM NO. 6

August 12, 2014

**August 18, 2014 Agenda Item**

TO: Board of Commissioners

FROM: Kellie Beam, Deputy Clerk to the Board KB

SUBJECT: Cumberland County Workforce Development Board

The Cumberland County Workforce Development Board will have the following one (1) vacancy:

Gwen Holloman – completing second term. Recommendation of the Workforce Development Board and Dr. Larry Keen is for the nomination and appointment of **Dr. Curtis Charles.** (See attached)

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

**PROPOSED ACTION: Make nomination and appointment to fill the one (1) vacancy above.**

Attachment

pc: Jim Lott, Workforce Development  
Dr. Larry Keen, FTCC President  
Carl Mitchell, FTCC VP for HR and Institutional Effectiveness/Assessment



## **Cumberland County Workforce Development**

The Cumberland County Workforce Development Board promotes the full development and utilization of the state's employment and training resources.

### **Member Specifications:**

23 Members with Specific Categories:

- Private Sector (12)
- Social Services (1)
- Rehabilitation (1)
- Community Based Organizations (3)
- Economic Development (1)
- Employment Service (1)
- Labor (1)
- Education and Other (2)
- County Representative (1)

**Term:** 3 Years

**Compensation:** None

### **Duties:**

Works to develop employment and training programs for the residents of Cumberland County.

**Meetings:** Second Tuesday of every other month at 12:00 PM

**Meeting Location:** FTCC Thomas McLean Administration Bld Room 170 2001 Hull Road  
Fayetteville NC 28303



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# FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE

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

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*Dr. J. Larry Keen, President*

August 7, 2014

Cumberland County Board of Commissioners  
ATTN: Clerk to the Board (Kellie Beam)  
P.O. Box 1829  
Fayetteville, North Carolina 28302

Dear Ms. Beam,

Thank you for recently assisting Dr. Curtis Charles, from Fayetteville State University (FSU), with his application to serve as a member of the Cumberland County Workforce Development Board. Dr. Charles will represent the public sector as a new appointment to the Board. I would like to personally endorse Dr. Charles' request for appointment.

Dr. James Anderson, Chancellor of FSU, also fully supports this appointment. Dr. Charles will provide valuable advice to the Workforce Development Center staff relating to FSU's initiatives and future activities benefiting the residents of Cumberland County, including the many active and retired military personnel and their families residing the local area. His knowledge, insight, business partnerships, and advocacy of workforce development activities will be extremely valuable to the Workforce Development Board.

Mr. David McCune, Workforce Development Board Chairperson also supports this request for appointment. Mr. McCune would like to have a FSU representative on the Board as quickly as possible.

Should you have any questions, please contact Mr. Carl Mitchell, FTCC Vice President for Human Resources, Workforce Development, and Institutional Effectiveness by calling 910-678-8373 or you may contact him via email at [mitchelc@faytechcc.edu](mailto:mitchelc@faytechcc.edu).

Sincerely,

J. Larry Keen, Ed.D  
President

Cc: Ms. Candice White, Clerk to the Board of Commissioners  
Mr. Tony Rand, FTCC Associate Vice President and Career Center Manager  
Mr. David McCune, Workforce Development Board Chairpers  
Mr. Jim Lott, Workforce Development Director  
Mr. Carl Mitchell, FTCC VP for Human Resources and Institutional Effectiveness

#### BOARD OF TRUSTEES

Board Chair Dr. Dallas M. Freeman • Vice-Chair Mr. Charles E. Koonce • Secretary Mrs. Sheryl J. Lewis  
Members Dr. Breeden Blackwell, Mr. Dohn B. Broadwell, Jr., Mr. Ronald C. Crosby, Jr., Mr. Charles J. Harrell  
Mrs. Delores P. Ingram, Dr. Marye J. Jeffries, Mr. David McCune, Mrs. Esther R. Thompson, Mr. William S. Wellons, Jr.

MAIN CAMPUS: PHONE (910) 678-8400 • FAX (910) 484-6600  
SPRING LAKE CAMPUS: PHONE (910) 678-1000 • FAX (910) 436-5184  
[www.faytechcc.edu](http://www.faytechcc.edu)

*An Equal Opportunity Institution*





Office of the Chancellor

August 4, 2014

Dr. Larry Keen  
President, Fayetteville Technical Community College  
2201 Hull Road  
Fayetteville, NC 28302

Dr. Keen,

Thank you so very much for your continued support of FSU's efforts to educate the next generation of leaders and your advocacy for FSU's past representation on the Workforce Development Board. Since the departure of Emily Dickens, FSU has not had official representation on the Board. Therefore, I am seeking your assistance by nominating Dr. Curtis Charles, Executive Director of FSU's Center for Defense and Homeland Security (CDHS), as FSU's official member of the Workforce Development Board.

Dr. Charles regularly attends the Board meetings and is well informed of the functions of the Board. As it relates to Workforce Development to train Cybersecurity Warriors, he has fostered a partnership with FSU's CDHS and the University of Maryland Baltimore County Training Centers (UMBC) and Operation PAVE (Paving Access for Veteran Employment) to offer two certificates in Cybersecurity. Assistance with job placement is given to veterans and transitioning service members upon completion of these cybersecurity courses. We are also engaged in similar job placement partnerships with General Dynamics, IBM, Lockheed Martin, and Oak Ridge Associated Universities. The FSU-UMBC professional training Certificate in Cyber Foundations and the Certificate in Cybersecurity provides participants with the competencies necessary to address issues of compelling interest to the security of the United States. Additionally, the Workforce Board recently approved FSU to accept Workforce Investment Act (WIA) funding which will allow qualifying civilians and military veterans to receive financial aid to participate in these programs.

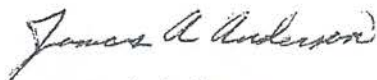
As the Senior Associate Vice Chancellor for Institutional Transformation & Outreach, and the Executive Director for CDHS, I believe that Dr. Charles is well qualified to represent FSU as an official voting member on the Workforce Development Board. Attached, please find also a brief resume delineating his qualifications for this appointment.

---

1200 Murchison Road, Fayetteville, NC 28301-4252  
Tel: 910.672.1141 Fax: 910.672.1200

Should you have questions regarding this nomination, please advise. Your immediate consideration of this request in time for the August 12, 2014 meeting is greatly appreciated.

Sincerely,



James A. Anderson  
Chancellor

Enc: Resume Dr. Curtis Charles



CUMBERLAND COUNTY WORKFORCE DEVELOPMENT BOARD  
(FORMERLY, PRIVATE INDUSTRY COUNCIL)

3 Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Private Sector:</u>				
Barbara Spigner (B/F) 5701 Cloister Ct Fayetteville, NC 28314 864-1807	11/11	1 <sup>st</sup>	Nov/14 11/30/14	Yes
Gwen Holloman (B/F) VA Hospital 721 Edgehill Road Fayetteville, NC 28314 868-1691/261-7813 (C)	10/11	2nd	Oct/14 10/31/14	No
David McCune (W/M) 106 Penmark Pl Fayetteville, NC 28301 476-2976/424-2978 (W)	10/11	1st	Oct/14 10/31/14	Yes
Rosie G. McMillan (B/F) FSU 1972 Culpepper Lane Fayetteville, NC 28304 864-0158/671-1105 (W)	10/11	2nd	Oct/14 10/31/14	No
Richard Everett(W/M) 408 Mirror Lake Drive Fayetteville, NC 28303 484-0432/677-2360 (W)	6/14	3rd	Oct/17 10/31/17	No
John Jones (NA/M) 4104 Bonfield Road Fayetteville, NC 28312 303-0444/222-1506	3/13	1st	Mar/16 3/31/16	Yes
Linda Hoppmann (W/F) 5331 Rimrock Ct Fayetteville, NC 28303 826-4939/483-5016 (W)	11/11	2nd	Nov/14 11/30/14	No
Rodney Anderson (B/M) 4321 Huntsfield Rd Fayetteville, NC 28314 826-0366/922-1214	4/14	1st	Apr/17 4/30/17	Yes

Cumberland County Workforce Development Board, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Sara Jean Hicks (W/F) Aberdeen & Rockfish Railroad 655 Winslow Street Fayetteville, NC 28306 417-9072/483-8309 (W)	2/12	2nd	Feb/15 2/28/15	No
Randall Newcomer (W/M) 109 Cypress Lakes Circle Hope Mills, NC 28348 308-5432/424-1776 (W)	10/11	1 <sup>st</sup>	Oct/14 10/31/14	Yes
Jody Risacher (W/F) 3533 Sweetbay Circle Fayetteville, NC 28311 630-5102/483-7727	8/13	1 <sup>st</sup>	Aug/16 8/31/16	Yes
Charlene Cross (B/F) 1949 Culpepper Lane Fayetteville, NC 28304 630-1450/308-9413	3/13	1st	Mar/16 3/31/16	Yes
<u>Public Sector:</u>				
Pamela Gibson (W/F) 7526 Hammersley Road Fayetteville, NC 28306 423-1830/678-2416	3/13	1st	Mar/16 3/31/16	Yes
<u>Rehabilitation:</u>				
Ellen Morales ( /F) North Carolina Department of Human Resources Division of Vocational Rehabilitation Services 1200 Fairmont Court Fayetteville, NC 28304	11/06	(unlimited term - replaced by state agency)		
<u>Community Based Organization:</u>				
Esther Acker (W/F) 301 Coolee Circle Fayetteville, NC 28311 488-1402/323-3192 x32 (W)	10/11	2nd	Oct/14 10/31/14	No



<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Sara Hemingway Hallock (W/F) Communicare, Inc. 711B Executive Place Fayetteville, NC 28305 829-9017	2/12	2nd	Feb/15 2/28/15	No
J. Carl Manning (B/M) Kingdom CDC PO Box 1402 Fayetteville, NC 28302 630-1000/484-2722	5/11	2nd	May/14 5/31/14	No
<u>Economic Development:</u> Catherine Johnson (W/F) FCCCC 524 Deerpath Drive Fayetteville, NC 28311 822-4809/484-4242 x247 (W)	1/14	3 <sup>rd</sup>	Aug/17 8/31/17	No
<u>Employment Service:</u> Edith Edmond Employment Security Comm. 414 Ray Avenue Fayetteville, NC 28301 486-1010	12/11	(unlimited term - replaced by state agency)		
<u>Labor:</u> Joseph M. Smith (W/M) Goodyear 6005 Loudon Circle Hope Mills, NC 28348 424-6238/488-9295 x321 (W)/578-9933 (C)	10/11	2nd	Oct/14 10/31/14	No
<u>Education:</u> Brian (T.J.) Haney (W/M) FTCC 1660 Rock Creek Lane Fayetteville, NC 28301 488-4664/678-1068	8/13	1st	Aug/16 8/31/16	Yes
Esther Thompson (F) 511 Forest Lakes Rd Fayetteville, NC 28305 323-9687 (H) / 670-5515 (W)	11/11	1 <sup>st</sup>	Nov/14 11/30/14	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>County Representative:</u> Amy Cannon County Manager P. O. Box 1829 Fayetteville, NC 28302 678-7726	02/11	N/A	N/A	N/A

Contact: Carl Mitchell – FTCC – 910-678-8373 – Email: mitchelc@faytechcc.edu  
Jim Lott (interoffice mail) 323-3421, CC: Dr. Larry Keen-FTCC

Regular Meetings: 2<sup>nd</sup> Tuesday, every other month beginning in February, 11:00 AM, FTCC – Thomas McLean Administration Bld Room 170, 2001 Hull Road, Fayetteville, NC 28303

(Name Changed to Cumberland County Workforce Development Board, November, 1995)

\*Recommendations for the WFD Board should come from FTCC.



**APPLICANTS FOR  
WORKFORCE DEVELOPMENT BOARD**

<b><u>NAME/ADDRESS/PHONE</u></b>	<b><u>OCCUPATION</u></b>	<b><u>EDUCATIONAL BACKGROUND</u></b>
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
CHARLES, DR. CURTIS (B/M) 4402 PING COURT FAYETTEVILLE NC 28312 263-7308/672-2954 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	EDUCATION FSU	PHD MS-ARCHITECTURE BA-ARCHITECTURE
FORD, STANLEY (B/M) 4013 POLK DRIVE HOPE MILLS, NC 28348 910-425-5639 Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	BANKING/MORTGAGES NOT LISTED	BACHELORS
KELLY, IVA MARIE (B/F) 1844 GOLA DRIVE FAYETTEVILLE, NC 28301 910-488-5302 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	RETIRED EDUCATOR	BS-EDUCATION MASTERS-EDUCATION MASTERS-LIBRARY SCIENCE
MINER, JOHN (B/M) 6753 CANDLEWOOD DRIVE FAYETTEVILLE, NC 28314 224-0650(H)/483-6056 (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	FOUNDER OF THE MINER FOUNDATION	NONE LISTED

**APPLICANTS FOR  
WORKFORCE DEVELOPMENT BOARD Page 2**

<b>NAME/ADDRESS/PHONE</b>	<b>OCCUPATION</b>	<b>EDUCATIONAL BACKGROUND</b>
MURRELL, CHARMAINE F (B/F) 313 BRYAN STREET FAYETTEVILLE, NC 28305 286-3533 (H) / 678-8363 (W) 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	ALUMNI RELATIONS & PROGRAM COORDINATOR FTCC	BA-COMMUNICATION MS-INTERNATIONAL RELATIONS
OKHOMINA, DON DR. (B/M) 494 DUNLOE CT FAYETTEVILLE, NC 28311 868-1618/ 672-2148 (W) Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	PROFESSOR OF MANAGEMENT FSU	BS-BUSINESS ADMIN MBA & PHD - MANAGEMENT
SESSOMS, JR, DAVID (W/M) 221 ½ HAY STREET FAYETTEVILLE NC 28301 584-3884/354-1901 Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	COLLEGE PRESIDENT MILLER-MOTTE COLLEGE	NONE LISTED
SIMMONS, ANGELIQUE 6632 BROOKSTONE LN APT 302 FAYETTEVILLE, NC 28314 202-590-6273/485-2955 (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	LIBRARIAN II CUMBERLAND CO LIBRARY	MASTERS-LIBRARY SCIENCE BS-CRIMINAL JUSTICE
SMITH, II, LESTER J. (B/M) 1836-4 SARDONYX RD FAYETTEVILLE, NC 28303 501-264-4699/396-1808 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: NO	LOGISTICS MANAGEMENT SPECIALIST FT. BRAGG	ASSOCIATES-ARTS BS-ORGANIZATIONAL LEADERSHIP



**APPLICANTS FOR  
WORKFORCE DEVELOPMENT BOARD Page 3**

<b>NAME/ADDRESS/PHONE</b>	<b>OCCUPATION</b>	<b>EDUCATIONAL BACKGROUND</b>
STANLEY, LASHONDA (B/F) 6211 CARVER PINE LOOP #6303 FAYETTEVILLE NC 28311 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	STAFF DEVELOPMENT CONSULTANT NC DEPT OF HEALTH & HUMAN SERVICES	BA-HUMAN RESOURCES BA-PUBLIC RELATIONS
WHITE, ROBERT L. (AA/M) 1956 KENMORE DRIVE FAYETTEVILLE, NC 28304 476-1387 Graduate-County Citizens' Academy: NA Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-other leadership academy: Military Academy	RETIRED MILITARY	UNDERGRADUATE; MA
WIRE, DONALD DR ( /M) 540 NOTTINGHAM DR FAYETTEVILLE, NC 28311 779-2312 **SERVES ON THE HOME & COMMUNITY CARE COMMITTEE** Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	RETIRED	BA – POLITICAL SCIENCE MA-POLITICAL SCIENCE PHD-EDUCATION

JEANNETTE M. COUNCIL  
Chairman

KENNETH S. EDGE  
Vice Chairman

CHARLES E. EVANS  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
BILLY R. KING  
EDWARD G. MELVIN



**CUMBERLAND  
★ COUNTY ★**  
NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE  
Clerk to the Board

KELLIE BEAM  
Deputy Clerk

ITEM NO. 7A

August 12, 2014

**August 18, 2014 Agenda Item**

TO: Board of Commissioners

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

SUBJECT: Adult Care Home Community Advisory Committee

BACKGROUND: The Adult Care Home Community Advisory Committee has the following five (5) vacancies:

**Mary Ann Ayars** – completing first term. Eligible for reappointment.

**George W. Mitchell** – completing first term. Eligible for reappointment.

**Latara Ray** – completing initial term. Eligible for reappointment.

**Rasheedah Reid** – completing first term. Eligible for reappointment.

Pamela Wade – Resigned. Recommendation of the Adult Care Home Community Advisory Committee is for **Carla Fagan** to fill the unexpired term.  
(See attached)

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

**PROPOSED ACTION:** Nominate individuals to fill the five (5) vacancies above.

Attachments

pc: Kareem Strong  
Mid-Carolina Area Agency on Aging



### **Adult Care Home Community Advisory Committee**

The Adult Care Home Community Advisory Committee promotes community education and awareness of the needs of the aging in facilities.

**Statutory Authorization:** NCGS 131D-31

**Member Specifications:**

18 Members

**Term:** 3 Years (Members serve an initial one-year term, after which they may be appointed to a three-year term.)

**Compensation:** None

**Duties:**

- Visits to assigned Adult Care homes each quarter to include completion of a quarterly report by each sub-committee;
- Promotes community involvement in facilities;
- Promotes community education and awareness of the needs of the aging in facilities;
- Serves as a resource of volunteers;
- Helps to maintain the intent of the Residents' Bill of Rights;
- Becomes aware of conditions in facilities and assists grievance processes.

**Meetings:** Third Thursday of the last month of each quarter at 10:00 AM. There is an initial training period of 15 hours to include study of a committee handbook and orientation visits to long-term care facilities. Additional training of 10 hours per year is required. Visits in the assigned facilities are of the utmost importance in the participation on this committee. A commitment of at least one day per quarter to visit facilities and 4 hours per quarter for business and training meetings.

**Meeting Location:** Various adult care homes in Cumberland County

**Kellie Beam**

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**Subject:** FW: Adult Care Committee

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**From:** Kareem Strong [<mailto:kstrong@mccog.org>]

**Sent:** Tuesday, August 12, 2014 2:21 PM

**To:** Kellie Beam

**Subject:** Re: Adult Care Committee

Kellie,

The adult care home board would like to submit Carla Fagan for the ACH committee.

Sincerely,

Kareem R. Strong

Regional LTC Ombudsman

Sent from my iPhone (with tiny keyboard)



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	8/11	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)	10/13	Initial	Oct/14 10/31/14	Yes
<b>VACANT</b> (Vacated by P. Wade)	8/11	1st	Aug/14 8/31/14	Yes
Donna Atkins 6480 Faircloth Bridge Rd Stedman, NC 28391 910-818-3977	4/14	1st	May/17 5/31/17	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

<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)	8/11	1st	Aug/14 8/31/14	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	8/11	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 <sup>st</sup>	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: 3<sup>rd</sup> Thursday of the last month of each quarter (March, June, September, December) - 10:00 am - various adult care homes in Cumberland County



**APPLICANTS FOR**  
**ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**

<b><u>NAME/ADDRESS/TELEPHONE</u></b>	<b><u>OCCUPATION</u></b>	<b><u>EDUCATIONAL BACKGROUND</u></b>
BEAN, KENNETH JOSEPH (B/M) 6115 INDEPENDENTS PLACE DR #731 FAYETTEVILLE, NC 28303 347-290-2577 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	RETIRED ARMY	NONE LISTED
BLACKWELL, CYNTHIA (W/F) 1588 BEARD RD WADE NC 28395 824-9446/475-3052 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: Clerks of Superior Court Catalyst Leadership Summit	ASST CLERK OF SUPERIOR COURT CLERK OF SUPERIOR COURT	NONE LISTED
BLACKWELL, GARY (W/M) 3107 BLANTYRE WAY FAYETTEVILLE NC 28306 425-2708/764-3488 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	BUSINESS OWNER B&B AUTO	NONE LISTED
EVERETT, CLARENCE SR (B/M) 1513 WOODBERRY LANE FAYETTEVILLE NC 28303 822-1525/494-1656 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	RETIRED ARMY PASTOR	14 YEARS
FAGAN, CARLA (B/F) 6235 CARVER PINE LOOP APT 8107 FAYETTEVILLE NC 28311 920-3580/630-7699 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	ASSISTANT PROFESSOR METHODIST UNIVERSITY	PHD-SOCIAL WELFARE MASTERS-SOCIAL WORK BS-PSYCHOLOGY

**APPLICANTS FOR**  
**ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE Page 2**

<b><u>NAME/ADDRESS/TELEPHONE</u></b>	<b><u>OCCUPATION</u></b>	<b><u>EDUCATIONAL BACKGROUND</u></b>
FORD, STANLEY (B/M) 4013 POLK DRIVE HOPE MILLS, NC 28348 910-425-5639 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: ARMY LEADERSHIP COURSE	BANKING/MORTGAGES NOT LISTED	BACHELORS
HAES, TYSHANNA (B/F) 1812 ARMSTRONG ST FAYETTEVILLE NC 28301 318-542-8805 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	NONE LISTED	COLLEGE STUDENT
HERNANDEZ, ANTOINETTE (B/F) 7661 BEVERLY DRIVE FAYETTEVILLE, NC 28314 263-1833 (H) / 323-4424, 864-8085 (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	ADMIN. ASST & GENERAL MANAGER – CAPE FEAR ADULT DHCC, SYLVESTER LOVING, LLC.	HS FTCC-ACCOUNTING
LEWIS, BABATUNDE (B/M) 1708 BLUFFSIDE DRIVE FAYETTEVILLE NC 28312 832-257-2440 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: NO	SMALL BUSINESS OWNER JOBS AND CAREERS INC.	MS-INDUSTRIAL & LABOR RELATIONS BS-SOCIOLOGY
LONG, ADAM (W/M) 495 CORONATION DR FAYETTEVILLE NC 28311 910-364-6410 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	PRODUCTION MANAGER CAROLINA PAINT & BODY	SOME COLLEGE



**APPLICANTS FOR**  
**ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE Page 3**

<b><u>NAME/ADDRESS/TELEPHONE</u></b>	<b><u>OCCUPATION</u></b>	<b><u>EDUCATIONAL BACKGROUND</u></b>
MCMILLION, CASSANDRA (B/F) 1905 EICHELBERGER DR FAYETTEVILLE, NC 28303 910-488-8336	WEDDING CONSULTANT	BA MASTERS-EDUCATION
<b>**SERVES ON THE JOINT SENIOR CITIZENS ADVISORY COMMISSION**</b>		
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		
PARKER, DIANE (B/F) 1200 MURCHISON RD FAYETTEVILLE NC 28301 252-452-5640	NONE LISTED	BS-BUSINESS ADMIN. MASTERS- IN PROCESS
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		
RUSSELL, MONICA (B/F) 116 PARTRIDGE RD FAYETTEVILLE NC 28306 910-818-4172	NONE LISTED	BA-PSYCHOLOGY MBA-HEALTHCARE MANAGEMENT
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		
STORY, PAMELA SUGGS (B/F) 631 WEST COCHRAN AVE FAYETTEVILLE NC 28301 286-0783/678-2621	SOCIAL WORK COORDINATOR CC SCHOOLS	BA MSW
Graduate-County Citizens' Academy: YES		
Graduate-Institute for Community Leadership: YES		
Graduate-Leadership Fayetteville: No		
Graduate-United Way's Multi-Cultural Leadership Program: YES		
Graduate-other leadership academy: Police Citizens Academy; Fayetteville Citizens Academy		
STUCKEY, DEBORAH (B/F) 5578 ARAPAHOE COURT FAYETTEVILLE, NC 28304 910-826-6747/ 910-224-6786	LAB INSTRUCTOR FTCC	BACHELORS
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**  
**ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE Page 4**

<b><u>NAME/ADDRESS/TELEPHONE</u></b>	<b><u>OCCUPATION</u></b>	<b><u>EDUCATIONAL BACKGROUND</u></b>
THOMPSON, JOHN (B/M) 8533 CLIFFDALE RD FAYETTEVILLE NC 28314 864-1043 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	SELF EMPLOYED RETIRED MILITARY	BA-SOCIOLOGY
WHITE, LILLIE (B/F) 6496 TARRYTOWN DR FAYETTEVILLE NC 28314 910-867-3178 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	RETIRED	BS-BUSINESS ADMIN.
WILLIAMS, ROBERT (W/M) 2517 N EDGEWATER DR FAYETTEVILLE NC 28303 433-2191/527-6993 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	INSURANCE SENIOR RESOURCE SERVICES	COLLEGE GRADUATE



JEANNETTE M. COUNCIL  
Chairman

KENNETH S. EDGE  
Vice Chairman

CHARLES E. EVANS  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
BILLY R. KING  
EDWARD G. MELVIN



**CUMBERLAND  
★ COUNTY ★  
NORTH CAROLINA**  
**BOARD OF COMMISSIONERS**

CANDICE WHITE  
Clerk to the Board

KELLIE BEAM  
Deputy Clerk

ITEM NO. 7B

August 12, 2014

**August 18, 2014 Agenda Item**

TO: Board of Commissioners  
FROM: Kellie Beam, Deputy Clerk to the Board *KB*  
SUBJECT: Animal Control Board

The Animal Control Board will have the following one (1) vacancy:

City of Fayetteville Resident Position:

**Melissa Katzengerger** – completed first term. Eligible for reappointment.

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

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

pc: Dr. John Lauby, Animal Control Director

## **Animal Control Board**

The purpose of the Animal Control Board is to hear appeals pursuant to Section 3-91e of the Cumberland County Code.

**Statutory Authorization:** Section 3-28.1 of the Cumberland County Code

### **Member Specifications:**

7 Members with Specific Categories:

- Person with knowledge and experience in dog behavior and/or handling position (1)
- Person who works in promoting goals of the animal protection society or the humane society or another such broadly-based and representative organization interested in the care and protection of animals position (1)
- Ex-Officio, the veterinarian on contract to the Animal Control Department position (1)
- At-Large positions (2)
- City of Fayetteville resident positions (2)

**Term:** 3 Years

**Compensation:** None

### **Duties:**

- Hear appeals from determinations of the Animal Control Director (or his designee) concerning potentially dangerous, dangerous or vicious dogs;
- Hear any other appeals provided for by ordinance concerning determinations of the Animal Control Department;
- Provide advice and information to the Animal Control Department;
- Upon coordination with the Animal Control Director, make recommendations to the Board of Commissioners for the betterment of the county's animal control program;
- In conjunction with the Animal Control Department and the county's Communications Manager, provide for a program of public education, information and outreach concerning responsible pet ownership, animal cruelty, and the county's animal control program;
- Select officers of the board, including a chairperson, and adopt rules of procedure.

**Meetings:** First Monday of every other month (Feb./Apr./June/Aug./Oct./Dec.) at 6:00 PM. (No meetings held on first or last day of any month.) The average length of a meeting varies.

**Meeting Location:** Animal Control Department 4704 Corporation Drive Fayetteville, NC



ANIMAL CONTROL BOARD  
3 Year Term  
(Terms extended from 2 to 3 years on 8/5/02)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Knowledge &amp; Experience in Dog Behavior and/or Handling Position</u>				
Tolulope Adeyemi 8118 French Horn Lane Fayetteville, North Carolina 28314 583-9408/487-3959	8/12	2nd	Aug/15 8/31/15	No
<u>Promoting Goals of the Animal Protection Society or the Humane Society or Another Such Broadly-Based and Representative Organization Interested in the Care and Protection of Animals Position</u>				
Cristobal S. Berry-Caban 412 City View Lane Fayetteville, North Carolina 28301 813-451-3004/907-8844 (W)	8/12	2nd	Aug/15 8/31/15	No
<u>Ex-Officio - The Veterinarian on Contract to the Animal Services Department Position</u>				
VACANT (Dr. J. Lauby resigned)	6/07	4 <sup>th</sup>	June/10 6/30/10	Yes
<u>At-Large Positions</u>				
Shelly Bryant 5444 Arnette Rd Hope Mills, NC 28348 910-916-1320	3/14	1st	Mar/17 3/31/17	Yes
Cindy Jackson Collins 3526 Rittenour Drive Hope Mills, NC 28348 424-9585/670-0633	3/14	1st	Mar/17 3/31/17	Yes
<u>City of Fayetteville Resident Positions</u>				
Melissa Katzenberger 7709 Charring Cross Ln Fayetteville, NC 28314 709-0729/222-2800	5/13	1 <sup>st</sup>	Oct/14 10/31/14	Yes
(serving unexpired term; eligible for two additional terms)				
Daniel Montoya 3505 Cokefield Court Fayetteville, North Carolina 28306	9/12	1st	Sept/15 9/30/15	Yes

Board was established by ordinance adopted on January 4, 1999.

Meetings: Bi monthly (Feb./Apr./June/Aug./Oct./Dec.) – 1<sup>st</sup> Monday (*no meetings held on first or last day of any month*) - 6:00 PM - 4704 Corporation Dr. Contact: Linda Morrison/or Dr. John Lauby, Animal Services Director 321-6851

**APPLICANTS FOR  
ANIMAL CONTROL BOARD**

<b><u>NAME/ADDRESS/TELEPHONE</u></b>	<b><u>OCCUPATION</u></b>	<b><u>EDUCATIONAL BACKGROUND</u></b>
BLACKWELL, GARY (W/M) 3107 BLANTYRE WAY FAYETTEVILLE NC 28306 425-2708/764-3488 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	BUSINESS OWNER B&B AUTO	NONE LISTED
BOYD, CAROL (W/F) 5510 TOURNAMENT LANE HOPE MILLS, NC 28348 910-723-5365 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: Multi-Cultural Initiative in Marine Sciences Program	PETSMART OPERATIONS MANAGER	BACHELORS - BIOLOGY ZOOLOGY
CARLYLE, BOB (-M) 3213 PLAYER AVE FAYETTEVILLE NC 28304 910-221-1845 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	SELF-EMPLOYED PRINTING INDUSTRY CONSULTANT	BS-COMPUTER SCIENCE ENGINEERING
DEES, JULIE DR. (W/F) 5630 WALKING TRAIL WAY HOPE MILLS NC 28348 476-9418/484-9031 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	PUBLIC SCHOOL ADMINISTRATOR CC SCHOOLS	MASTERS-EDUCATION MASTERS-ADMIN. DOCTORATE
GALBREATH, NATHAN (W/M) 230 NANDINA COURT FAYETTEVILLE, NC 28311 815-990-8393/570-9250 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: Moore County Leadership Institute	DA CIVILIAN US ARMY	BS-FINANCE BS-HUMAN RESOURCES



**APPLICANTS FOR**  
**ANIMAL CONTROL BOARD Page 2**

<b><u>NAME/ADDRESS/TELEPHONE</u></b>	<b><u>OCCUPATION</u></b>	<b><u>EDUCATIONAL BACKGROUND</u></b>
HUTCHINS, RONNIE (B/M) 5690 MURPHY ROAD STEDMAN, NC 28391 922-8467/322-5346 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: WARRANT OFFICER ADVANCE COURSE	HOMICIDE DETECTIVE FAYETTEVILLE POLICE	ASSOCIATE-AVIATION STUDIES LAW ENFORCEMENT TRAINING
JENNINGS, WILLIAM (BILL) (W/M) 705 BROUGHAM RD FAYETTEVILLE, NC 28311 910-964-8844 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: Military Senior Non Commissioned Officers School (Air Force)	UNEMPLOYED	BS-PROFESSIONAL AERONAUTICS EMBRY RIDDLE AS-FLIGHT ENGINEERING
KATER, ROBERT (W/M) 714 BLAWELL STREET STEDMAN, NC 28391 910-484-3434 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	RETIRED	HIGH SCHOOL
LANE, PEGGY 2652 NOXON ST FAYETTEVILLE NC 28306 910-423-7127 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	RETIRED	HIGH SCHOOL
MCMILLAN, FRED C. (W/M) 4608 NIX ROAD FAYETTEVILLE, NC 28314 339-0076/261-0015 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: CENTERS FOR CREATIVE LEADERSHIP	DIRECTOR OF ENGINEERING SOME COLLEGE GENERAL BUILDERS	

**APPLICANTS FOR**  
**ANIMAL CONTROL BOARD Page 3**

<b><u>NAME/ADDRESS/TELEPHONE</u></b>	<b><u>OCCUPATION</u></b>	<b><u>EDUCATIONAL BACKGROUND</u></b>
MYERS, SUSAN E. (W/F) 5135 FOXFIRE RD FAYETTEVILLE NC 28303 910-779-2932 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: US ARMY	UNEMPLOYED	BUSINESS ADMIN.
PUGH, VIRGINIA (W/F) 2522 ELMHURST DR FAYETTEVILLE NC 28304 323-0934/678-2300 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	RETIRED EDUCATOR PART TIME CC SCHOOLS	BACHELORS
RAY, HOSEA M (W/M) 703 KOOLER CIRCLE FAYETTEVILLE NC 28305 484-2251/494-2825 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: Military Academy	RETIRED MILITARY	GRADUATE DEGREE MA MANAGEMENT
REMSON, APRIL ANN (-/F) 4958 PINWOOD DRIVE HOPE MILLS NC 28348 910-988-6541 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	STUDENT	CURRENT STUDENT
RODRIGUEZ, JOSE A. (H/M) 265 KENWOOD DRIVE FAYETTEVILLE NC 28311 213-3570/483-3101 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: VARIOUS MILITARY LEADERSHIP ACADEMIES	SOCIAL STUDIES TEACHER DOUGLAS BYRD MIDDLE SCHOOL RETIRED ARMY	BS-SOCIAL SCIENCES MA-BUSINESS



**APPLICANTS FOR**  
**ANIMAL CONTROL BOARD Page 4**

<b><u>NAME/ADDRESS/TELEPHONE</u></b>	<b><u>OCCUPATION</u></b>	<b><u>EDUCATIONAL BACKGROUND</u></b>
<b>ROWELL, MICHAEL (W/M)</b> 5618 WALKING TRAIL WAY HOPE MILLS NC 28348 425-6625/987-4560 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: NO	<b>EMERGENCY MGMT OFFICER</b> <b>NC DEPT OF PUBLIC SAFETY</b>	<b>BS-FIRE SCIENCE</b> <b>AAS-ELECTRONIC</b> <b>SYSTEMS TECH.</b> <b>AAS-AVIATION</b> <b>OPERATIONS</b>
<b>SAULNIER, STEVEN (W/M)</b> 117 GRANDE OAKS DRIVE FAYETTEVILLE, NC 28314 910-639-0602/907-1186 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	<b>ASST PROJECT MANAGER</b> <b>CHIMES D.C.</b>	<b>BS-BUSINESS ADMIN.</b>
<b>SHACKETT, PATRICIA LYNN (W/F)</b> 5014 INVERNESS DR FAYETTEVILLE NC 28304 644-1596/354-6938 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	<b>HOME HEALTH AIDE</b>	<b>NONE LISTED</b>
<b>SHOTWELL, KAREN (W/F)</b> 425 FOXWOOD DRIVE HOPE MILLS NC 28348 922-0231/223-4104 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	<b>LEAD ACCOUNTING TECHNICIAN</b> <b>PWC</b>	<b>BS-BUSINESS MGMT</b> <b>AAS-ACCOUNTING</b> <b>AAS-BUSINESS ADMIN.</b>
<b>SIMMONS, MICHAEL (B/M)</b> 2720 CREEKDEW COURT FAYETTEVILLE NC 28306 443-866-0020/570-5426 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	<b>RETIRED MILITARY/PROJECT</b> <b>MANAGER</b> <b>FORSCOM, FT BRAGG</b>	<b>SOME COLLEGE</b>

**APPLICANTS FOR**  
**ANIMAL CONTROL BOARD Page 5**

<b><u>NAME/ADDRESS/TELEPHONE</u></b>	<b><u>OCCUPATION</u></b>	<b><u>EDUCATIONAL BACKGROUND</u></b>
STEINMAN, CHARLES (W/M) 2836 BRENDA CIRCLE SPRING LAKE, NC 28390 910-694-6489 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	DISABLED SERVED AS ANIMAL CONTROL SUPERVISOR	SOME ANIMAL CONTROL COURSES
ZOLMAN, ZACHARY SCOTT (-/M) 718 SARAZEN DRIVE FAYETTEVILLE, NC 28303 419-566-7167 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	STUDENT/COMPUTER LAB COORDINATOR FT. BRAGG	CURRENT STUDENT



JEANNETTE M. COUNCIL  
Chairman

KENNETH S. EDGE  
Vice Chairman

CHARLES E. EVANS  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
BILLY R. KING  
EDWARD G. MELVIN



**CUMBERLAND  
★ COUNTY ★**  
NORTH CAROLINA

**BOARD OF COMMISSIONERS**

CANDICE WHITE  
Clerk to the Board

KELLIE BEAM  
Deputy Clerk

ITEM NO. 7C

August 12, 2014

**August 18, 2014 Agenda Item**

TO: Board of Commissioners  
FROM: Kellie Beam, Deputy Clerk to the Board *KB*  
SUBJECT: Southeastern Economic Development Commission (SEDC)

The Southeastern Economic Development Commission will have the following vacancy on September 30, 2014:

**Commissioner Jeannette Council** – Completed first term. Eligible for reappointment.

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

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

pc: Pam Bostic, Southeastern Economic Development Commission

**Southeastern Economic Development Commission**

**Member Specifications:**

4 Members from Each Representative County

**Term:** 4 Years

**Compensation:** None

**Duties:**

**Meetings:** Full Board meets one time annually - Usually in April

**Meeting Location:** 707 West Broad Street, Elizabethtown, NC



SOUTHEASTERN ECONOMIC DEVELOPMENT COMMISSION  
COUNTY APPOINTEES  
(4 year terms)

**(Minority and elected official requirements. )**

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
*Amy Cannon Deputy County Manager P.O. Box 1829 Fayetteville, North Carolina 28302 678-7723	9/13	2nd	Sept/17 9/30/17	No
Russ Rogerson (W/M) Fayetteville-Cumberland Chamber of Commerce 1019 Hay Street Fayetteville, North Carolina 28305 483-8133 x 245	09/12	1 <sup>st</sup>	Sept/16 9/30/16	Yes
Ed Melvin (W/M) County Commissioner P.O. Box 1829 Fayetteville, North Carolina 28302 678-7771 or 678-7772	10/11	2nd	Oct/15 10/31/15	No
Jeannette M. Council (B/F) County Commissioner PO Box 1829 Fayetteville, NC 28302 678-7771 or 678-7772	09/10	1 <sup>st</sup>	Sept/14 09/30/14	Yes

\*Designated to serve on the Executive Committee.

707 West Broad Street, Elizabethtown, NC

*(Commissioners only attend the annual meeting-usually in April)*

Members appointed by the Board of Commissioners in November of 2001.

Terms were staggered initially when members were appointed on 11/5/01.

Contact: [info@sedcnc.org](mailto:info@sedcnc.org); Linda Melvin [lmelvin@sedcnc.org](mailto:lmelvin@sedcnc.org); Pam Bostic [pbostic@sedcnc.org](mailto:pbostic@sedcnc.org)

Address: PO Box 921, Elizabethtown, NC 28337

Phone: 910-862-6985

Fax: 910-862-1482

Contact persons are: Amy Cannon or Pamela Bostic

**APPLICANTS FOR**  
**SOUTHEASTERN ECONOMIC DEVELOPMENT COMMISSION**

<b><u>NAME/ADDRESS/TELEPHONE</u></b>	<b><u>OCCUPATION</u></b>	<b><u>EDUCATIONAL BACKGROUND</u></b>
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
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
FLEMING, JOE, DR REV. ( /M) 7235 RYAN ST FAYETTEVILLE, NC 28314 910-339-2608 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	RETIRED SELF-EMPLOYED	SOME COLLEGE
WHITE, ROBERT L. (AA/M) 1956 KENMORE DRIVE FAYETTEVILLE, NC 28304 476-1387 Graduate-County Citizens' Academy: NA Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-United Way's Multi-Cultural Leadership Program: No Graduate-other leadership academy: Military Academy	RETIRED MILITARY	UNDERGRADUATE; MA
WIRE, DONALD RICHARD (W/M) 540 NOTTINGHAM DRIVE FAYETTEVILLE, NC 28311 717-0769 (H) Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: Yes Graduate-Leadership Fayetteville: No Graduate-other leadership academy: No	RETIRED COLLEGE DEAN AND INSTRUCTOR-RED CROSS VOLUNTEER	BS; MA; PhD

**\*\*SERVES ON THE HOME & COMMUNITY CARE COMMITTEE\*\***



JEANNETTE M. COUNCIL  
Chairman

KENNETH S. EDGE  
Vice Chairman

CHARLES E. EVANS  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
BILLY R. KING  
EDWARD G. MELVIN



**CUMBERLAND  
★ COUNTY ★**  
NORTH CAROLINA

**BOARD OF COMMISSIONERS**

CANDICE WHITE  
Clerk to the Board

KELLIE BEAM  
Deputy Clerk

ITEM NO. 8A

August 12, 2014

**August 18, 2014 Agenda Item**

TO: Board of Commissioners

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

SUBJECT: Board of Health

BACKGROUND: On August 4, 2014, the Board of Commissioners nominated the following individual to fill one (1) vacancy on the Board of Health:

Engineer:

**David Greyshock** (new appointment)

I have attached the current membership list for this Board.

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

Attachment

pc: Buck Wilson, Public Health Director

## BOARD OF HEALTH

3 Year Term

*(All terms expire on December 31<sup>st</sup> per NCGS § 130A-35)*

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Veterinarian</u>				
Dr. Heather Burkhardt (W/F) 5226 Lacross Point Parkton, NC 28371 (served an unexpired term; eligible for one additional three-year term) 910-489-2336	12/12	1 <sup>st</sup> full term	Dec/15 <b>12/31/15</b>	Yes
<u>Physician</u>				
Dr. Sanjay Shah 308 Forest Creek Drive Fayetteville, NC 28303 864-4080 / 987-2571	12/11	1st	Dec/14 <b>12/31/14</b>	Yes
<u>Dentist</u>				
Dr. Oliver L. Hodge Jr. (B/M) 537 Old Farm Rd Fayetteville, NC 28314 487-0886/483-0409	12/12	1st	Dec/15 <b>12/31/15</b>	Yes
<u>Registered Nurse</u>				
Pamela Pollock, RN 1321 General Lee Avenue Fayetteville, NC 28305 481-9968 / 907-9091	12/12	2nd	Dec/15 <b>12/31/15</b>	No
<u>Optometrist</u>				
Dr. William Philbrick (W/M) 321 Springbrook Place Fayetteville, NC 28305 485-4580/484-6178	12/13	1st	Dec/16 <b>12/31/16</b>	Yes
<u>Pharmacist</u>				
Tom Nicholson (W/M) 274 Saint Johns Wood Fayetteville, NC 28303 485-1059/609-6839	12/11	2nd	Dec/14 <b>12/31/14</b>	No
<u>Engineer</u>				
<b>VACANT</b> (Vacated by D. Price)	12/13	1st	Dec/16 <b>12/31/16</b>	Yes



*(All terms expire on December 31<sup>st</sup> per NCGS § 130A-35)*

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Cumberland County Commissioner</u>				
Billy R. King PO Box 1829 Fayetteville, NC 28302 822-6676 (W)/ 822-0892 (H)	1/12	1 <sup>st</sup>	Dec/14 <b>12/31/14</b>	Yes
<u>General Public Reps.</u>				
Barbara Stelly (B/F) 3219 Broadview Drive Fayetteville, NC 28301 488-9590 (H) / 488-3098 (W)	12/11	1st	Dec/14 <b>12/31/14</b>	Yes
Christopher Frank (W/M) 2506 Torcross Drive Fayetteville, NC 28304 339-4851/485-4108 (W)	12/12	2nd	Dec/15 <b>12/31/15</b>	No
Dr. Vikki Andrews (B/F) 2913 Beringer Drive Fayetteville, NC 28306 910-964-5828	11/12	1st	Dec/15 <b>12/31/15</b>	Yes

Contact: Buck Wilson, Health Director  
 Trisha Barfield, Administrative Assistant  
 Phone: 433-3705  
 Fax: 433-3659

Meetings: 3rd Tuesday of the month - 6:00 PM - Board Room, Health Department, 1235 Ramsey Street  
 (July and September meetings take place only if desired).

JEANNETTE M. COUNCIL  
Chairman

KENNETH S. EDGE  
Vice Chairman

CHARLES E. EVANS  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
BILLY R. KING  
EDWARD G. MELVIN



**CUMBERLAND  
★ COUNTY ★**  
NORTH CAROLINA

**BOARD OF COMMISSIONERS**

CANDICE WHITE  
Clerk to the Board

KELLIE BEAM  
Deputy Clerk

ITEM NO. 83

August 12, 2014

**August 18, 2014 Agenda Item**

TO: Board of Commissioners  
FROM: Kellie Beam, Deputy Clerk to the Board *KB*  
SUBJECT: Mid-Carolina Aging Advisory Committee

BACKGROUND: On August 4, 2014, the Board of Commissioners nominated the following individual to fill one (1) vacancy on the Mid-Carolina Aging Advisory Committee:

Volunteers:  
**Willie McKoy Jr.** (new appointment)

I have attached the current membership list for this committee.

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

Attachment

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



MID-CAROLINA AGING ADVISORY COMMITTEE  
3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Volunteers</u>				
Edna A. Cogdell 734 Ashburton Drive Fayetteville, NC 28301 488-4582	8/13	2nd	Aug/16 8/31/16	No
VACANT (vacated by M. Hicks)	8/11	1 <sup>st</sup>	Aug/14 8/31/14	Yes
Rebecca Campbell 7027 Darnell Street Fayetteville, NC 27314 487-1555 (H)	8/13	2nd	Aug/16 8/31/16	No
<u>Consumers</u>				
Beverly Davis Sanders 605 Levenhall Drive Fayetteville, NC 28314 868-9788	8/13	2nd	Aug/16 8/31/16	No
Lester Bussey 673 Stoneykirk Drive Fayetteville, NC 28314 868-9322	8/13	2nd	Aug/16 8/31/16	No
<u>Elected Official</u>				
Frances Collier PO Box 47 Linden, NC 28356 980-0536 (H)	3/13	2nd	Mar/16 3/31/16	No
<u>Veterans Hospital Rep.</u>				
VACANT (vacated by Nina Davis)				

Contact: Mid-Carolina Council of Governments (Contact: Glenda Dye; Phone 323-4191 ext. 22;  
gdye@mccog.org; Fax 323-9330)

Meetings: 1<sup>st</sup> Tuesday, 2:00 PM, Various Locations  
Meetings are held the last month of each quarter.

JEANNETTE M. COUNCIL  
Chairman

KENNETH S. EDGE  
Vice Chairman

CHARLES E. EVANS  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
BILLY R. KING  
EDWARD G. MELVIN



**CUMBERLAND**  
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NORTH CAROLINA

**BOARD OF COMMISSIONERS**

CANDICE WHITE  
Clerk to the Board

KELLIE BEAM  
Deputy Clerk

ITEM NO. 8C

August 12, 2014

**August 18, 2014 Agenda Item**

TO: Board of Commissioners

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

SUBJECT: Nursing Home Advisory Board

BACKGROUND: On August 4, 2014, the Board of Commissioners nominated the following individuals to fill three (3) vacancies on the Nursing Home Advisory Board:

**Sonja Council** (reappointment)

**Michael Blake** (reappointment)

**Ron Rooks** (new appointment)

I have attached the current membership list for this board.

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

Attachment

pc: Kareem Strong, Mid-Carolina Area Agency on Aging



## NURSING HOME ADVISORY BOARD

3 Year Term

(Initial Appointment One Year)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Barbara Spigner 5701 Cloister Court Fayetteville, NC 28314 864-1807/286-0245	02/13	1st	Feb/16 02/28/16	Yes
Tom Lloyd (W/M) 1306 Berkshire Road Fayetteville, NC 28305 574-3177/678-7618(W)	6/11	2nd	Aug/14 8/31/14	No
Mitchell Guy (W/M) 205 Bethune St Fayetteville, NC 28305 964-7390 (H/W)	9/12	1 <sup>st</sup>	Sept/15 9/30/15	Yes
Dr. John Briggs (W/M) 104 Stedman Street Fayetteville, NC 28305 867-1493	2/12	2nd	Feb/15 2/28/15	No
Sonja Council 950 Stewarts Creek Drive Apt. 1 Fayetteville, NC 28314 864-1651/609-6139 (W)	6/11	1st	Aug/14 8/31/14	Yes
Michael Blake 4194 Longview Ave Hope Mills, NC 28348 425-5933/797-9291	8/13	Initial	Aug/14 8/31/14	Yes
Clyde E. Hammond (W/M) 1802 Flintshire Road Fayetteville, NC 28304 425-2774	6/11	2nd	Aug/14 8/31/14	No
<b>VACANT</b> (Vacated by C. McLaughlin)	10/12	1st	Oct/15 10/31/15	Yes
Toney Edwards (B/M) 3622 Clearwater Drive Fayetteville, NC 28311 822-4261/864-6262	1/12	2nd	Jan /15 1/31/15	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<b>VACANT</b> (by N. Campbell)	10/12	1st	Oct/15 10/31/15	Yes
Cassandra White Haire (B/F) 515 Albany Street Fayetteville, NC 28301 728-0175 (C)	4/13	2nd	Apr/16 4/30/16	No

CONTACT: Kareem Strong, Mid-Carolina Area Agency on Aging  
P. O. Box 1510, Fayetteville, NC 28302, (Phone: 323-4191, ext. 25)

3<sup>rd</sup> Thursday of the last month of each quarter (March, June, September and December) at 1:00 PM - at various nursing homes in the county.



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**KELLY HILLS/SLOCOMB ROAD WATER & SEWER DISTRICT  
GOVERNING BOARD AGENDA  
SPECIAL MEETING  
CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
COURTHOUSE – ROOM 118  
AUGUST 18, 2014  
6:45 PM**

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1. Items of Business
  - A. Approval of minutes for the June 6, 2011 special meeting.
  - B. Approval of the Kelly Hills/Slocumb Road Wholesale Sewer and Operation and Maintenance Agreement. **Pg. 207**
  - C. Ratification of Adoption of Changes to the Kelly Hills/Slocumb Road Water & Sewer District Rate Schedule and Administration Policy Previously Approved at the March 19, 2012 Regular Board of Commissioners Meeting. **Pg. 224**

**ADJOURN THE AUGUST 18, 2014 SPECIAL MEETING OF THE KELLY HILLS/SLOCOMB ROAD WATER & SEWER DISTRICT GOVERNING BOARD.**

**WATCH THE MEETING LIVE**

**THIS MEETING WILL BE STREAMED LIVE THROUGH THE COUNTY’S WEBSITE, 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 CHANNEL 5 AND 97-3 ON THE DIGITAL TIER.**

**IT WILL BE REBROADCAST ON WEDNESDAY, AUGUST 20, AT 7 P.M. AND FRIDAY, AUGUST 22, AT 10:30 A.M.**

**THE MEETING VIDEO WILL BE AVAILABLE AT YOUTUBE.COM/CUMBERLANDCOUNTYNC ON TUESDAY, AUGUST 19.**

# DRAFT

KELLY HILLS/SLOCOMB ROAD WATER & SEWER DISTRICT MEETING  
GOVERNING BOARD  
SPECIAL MEETING  
JUNE 6, 2011, 9:00PM

PRESENT: Marshall Faircloth, Vice-Chairman  
Commissioner Jeannette Council  
Commissioner Charles Evans  
Commissioner Jimmy Keefe  
Commissioner Billy King  
Commissioner Ed Melvin  
James Martin, County Manager  
Amy Cannon, Assistant County Manager  
James Lawson, Assistant County Manager  
Rick Moorefield, County Attorney  
Sally Shutt, Communications Manager  
Marie Colgan, Clerk to the Board

ABSENT: Kenneth Edge, Chairman

Vice Chairman Faircloth called the meeting to order.

1. CONSENT AGENDA ITEMS

A. Approval of Minutes: August 20, 2007

MOTION: Commissioner King moved to approve the minutes as presented.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS

MEETING ADJOURNED

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Marie Colgan, Clerk to the Board







ITEM NO. 2B  
KELLY HILLS/SLOCOMB ROAD  
AGENDA  
(8/18/14)

ENGINEERING & INFRASTRUCTURE DEPARTMENT  
PUBLIC UTILITIES DIVISION

MEMORANDUM FOR KELLY HILLS/SLOCOMB ROAD WATER AND SEWER  
DISTRICT GOVERNING BOARD AGENDA OF AUGUST 18, 2014

TO: KELLY HILLS/SLOCOMB RD WATER & SEWER DISTRICT GOVERNING BOARD

FROM: JEFFERY P. BROWN, ENGINEERING & INFRASTRUCTURE DIRECTOR 

THROUGH: AMY H. CANNON, COUNTY MANAGER 

DATE: AUGUST 13, 2014

SUBJECT: APPROVAL OF THE KELLY HILLS/SLOCOMB ROAD WHOLESALE SEWER AND OPERATION AND MAINTENANCE AGREEMENT

BACKGROUND

The Public Utilities Division is in the process of taking over the billing for the Kelly Hills/Slocumb Road Water and Sewer District from PWC. The first step in moving forward is to execute a new interlocal agreement between PWC and Kelly Hills for the sewer treatment and operation and maintenance of the system. The execution of the new agreement will replace the existing agreement. Cumberland County currently has \$800,975 in available Facility Investment Fee (FIF) credits with \$633,745 of those credits expiring in October 2015. As part of this agreement, the County will purchase additional capacity with a portion of the FIF credits. An additional 67,570 gallons will be purchased at a price of \$2.98/gpd for a total price of \$201,358.60. This will bring the total purchased capacity of the system to 100,000 gpd. The entire system has a capacity of 150,000 gpd.

RECOMMENDATION

The Engineering and Infrastructure Director, Finance Committee and County Management recommend that the Governing Board:

1. Approve the wholesale sewer and operation and maintenance agreement between PWC and Kelly Hills.
2. Approve the use of available PWC FIF credits to purchase additional capacity.





ITEM NO. 2B  
KELLY HILLS/SLOCOMB ROAD  
AGENDA  
(8/18/14)

ENGINEERING & INFRASTRUCTURE DEPARTMENT  
PUBLIC UTILITIES DIVISION

**MEMORANDUM FOR KELLY HILLS/SLOCOMB ROAD WATER AND SEWER  
DISTRICT GOVERNING BOARD AGENDA OF AUGUST 18, 2014**

TO: KELLY HILLS/SLOCOMB RD WATER & SEWER DISTRICT GOVERNING BOARD

FROM: JEFFERY P. BROWN, ENGINEERING & INFRASTRUCTURE DIRECTOR 

THROUGH: AMY H. CANNON, COUNTY MANAGER 

DATE: AUGUST 13, 2014

SUBJECT: APPROVAL OF THE KELLY HILLS/SLOCOMB ROAD WHOLESALE SEWER AND OPERATION AND MAINTENANCE AGREEMENT

**BACKGROUND**

The Public Utilities Division is in the process of taking over the billing for the Kelly Hills/Slocumb Road Water and Sewer District from PWC. The first step in moving forward is to execute a new interlocal agreement between PWC and Kelly Hills for the sewer treatment and operation and maintenance of the system. The execution of the new agreement will replace the existing agreement. Cumberland County currently has \$800,975 in available Facility Investment Fee (FIF) credits with \$633,745 of those credits expiring in October 2015. As part of this agreement, the County will purchase additional capacity with a portion of the FIF credits. An additional 67,570 gallons will be purchased at a price of \$2.98/gpd for a total price of \$201,358.60. This will bring the total purchased capacity of the system to 100,000 gpd. The entire system has a capacity of 150,000 gpd.

**RECOMMENDATION**

The Engineering and Infrastructure Director, Finance Committee and County Management recommend that the Governing Board:

1. Approve the wholesale sewer and operation and maintenance agreement between PWC and Kelly Hills.
2. Approve the use of available PWC FIF credits to purchase additional capacity.



**STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND  
SANITARY SEWER WHOLESALE AGREEMENT**

**THIS AGREEMENT** made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2014 by and between the City of Fayetteville acting by and through its Public Works Commission of the City of Fayetteville (hereinafter referred to as "Commission" or "PWC") and the County of Cumberland, a North Carolina body politic acting by and through its Kelly Hills/Slocumb Road Water & Sewer District, (hereinafter referred to as "Kelly Hills").

**WITNESSETH**

**THAT, WHEREAS,** Kelly Hills owns and operates a wastewater collection system, as described in Exhibit B, that currently serves approximately 115 customers in the Kelly Hills/Slocumb Road area; and,

**WHEREAS,** Commission owns and operates wastewater treatment facilities (the "Municipal Wastewater System") and provides wholesale wastewater treatment services; and,

**WHEREAS,** Kelly Hills wishes to contract with Commission for PWC to furnish wholesale wastewater treatment service to Kelly Hills for the treatment of Kelly Hills wastewater; and ,

**WHEREAS,** Commission agrees to furnish wastewater treatment service pursuant to the terms of this agreement; and,

**WHEREAS,** Kelly Hills wishes to contract with Commission for PWC to provide operation and maintenance services to Kelly Hills for the Kelly Hills Sanitary Sewer system; and,

**WHEREAS,** Commission agrees to furnish operation and maintenance services to Kelly Hills for the Kelly Hills Sanitary Sewer system pursuant to the terms of this agreement; and,

**WHEREAS,** both parties recognize the Commission must implement and enforce a pretreatment program to control wastewater discharges from Significant Industrial Users ("SIUs") under 40 CFR Part 403 or other dischargers who require issuance of SIU or local permits.

**NOW THEREFORE,** Commission and Kelly Hills agree to the following terms and conditions:

1. Discharge Points:

As of the Effective Date, wastewater from Kelly Hills existing sanitary sewer collection system will be discharged into the Commission's Municipal Wastewater System at the

existing entry point listed in this Section 1 and thence treated at Commission's plants as deemed appropriate. Existing entry point is PWC Lift station at 355 Bethune Drive. Kelly Hills shall not discharge into Commission's Municipal Wastewater System at any other entry point without prior written approval from the Commission. Exhibit A shows the approved discharge points.

2. Flow Measurement:

Within one hundred and twenty (120) business days from the Effective Date of this agreement, Commission shall install at Kelly Hills' expense a flow measurement device at the Kelly Hills approach main where Kelly Hills discharges wastewater into the Commission's Municipal Wastewater System. Commission at its expense, shall be responsible for maintenance and calibration of the flow measurement device and calibration shall be done annually and shall operate within the accuracy tolerances as specified by the manufacturer. Commission shall provide Kelly Hills a copy of the calibration records of the flow measurement device.

3. Basic Operations and Maintenance

A. The cost of basic operation and maintenance of the sanitary sewer collection system is built into the sanitary sewer rate being charged to Kelly Hills. Basic operation and maintenance includes:

1. Rights-of-way and/or easement maintenance to allow for accessibility to the sanitary sewer collection system.
2. Cleaning of at least 10% of the sanitary sewer collection system each year.
3. A general observation of the entire sanitary sewer collection system throughout the course of every year.
4. Semiannual inspections of all high priority lines (i.e. aerial, sub-waterway crossing, line contacting surface waters, siphon, line positioned parallel to stream banks subject to eroding, or line designated as high priority in a permit if applicable).
5. Point repair to a damaged or broken sanitary sewer main pipe, not to include replacement of multiple pipe joints.
6. Point repair to a damaged or broken sanitary sewer lateral or cleanout, not to include outright renewal of entire lateral.
7. Cleaning and rodding of clogged sanitary sewer mains and laterals.
8. Repair of manholes to include resetting of manhole ring and cover, not to include adjustments to or replacement of manhole or ring and cover; not to include repairs warranted to address I&I or corrosion issues.



- B. Other extraordinary work required or requested by Kelly Hills will be NU billed at the appropriate rate to include applicable overtime and overhead for labor, equipment and materials ( to include an amount for all direct and indirect charges) plus 10%. Examples of extraordinary work are: SSO remediation and post cleaning and inspection, work consider as a capital improvement under Financial Accounting Standards Board (FASB) standards, replacement of multiple joints of sanitary sewer pipe, renewal of a sanitary sewer lateral, installation of a new sanitary sewer lateral, elder valve installation, smokedye testing and CCTV inspection. Kelly Hills shall have the right to install themselves or to hire a contractor(s) to perform this work to PWC standards.
- C. The Commission shall at its discretion exercise the right to decline or subcontract any work required or requested by Kelly Hills that would conflict with the Commission's responsibilities and requirements for the operation and maintenance of the Commissions' sanitary sewer collection system.
- D. Commission will provide other services, upon request, but which will be billed separately and not included in the Wholesale Sewer Rate. A partial list of the other services that may be available to Kelly Hills include the following:
  - 1. Promote participation agreements with other benefitted parties;
  - 2. Participation and administration of utility extension contracts;
  - 3. Right-of-way acquisition for land and easement requirements to be secured in the name of Kelly Hills within the limits permitted by law but not to include actions in eminent domain;
  - 4. Inspection services during construction;
  - 5. Miscellaneous services such as GIS mapping as requested.
- E. Other services requested by Kelly Hills will be NU billed at the appropriate rate to include applicable overtime and overhead for labor, equipment and materials ( to include an amount for all direct and indirect charges) plus 10%.

4. Upsizing Mains

Commission will be responsible for the cost associated with upsizing mains within the delineated Kelly Hills service as may be deemed necessary in order to meet

Commission's existing and future sanitary sewer needs which would not be otherwise required for the sanitary sewer collection system being installed by Kelly Hills pursuant to this Agreement.

5. Ownership of Sewer Lines

A. All sanitary sewer lines installed within the boundaries of the Kelly Hills Sanitary Sewer District shall be owned and operated by Kelly Hills subject to Commission's right to upsize such mains at its expense and to transmit sanitary sewer through such mains to areas beyond the Kelly Hills area.

B. Commission shall own and operate the lift station located at 355 Bethune Drive, Fayetteville, NC and the associated force main.

6. Rights-of-way and encroachments

Kelly Hills will acquire all rights-of-way and/or encroachments as may be needed for construction and maintenance of the sanitary sewer collection system as referenced herein.

7. Extension of Mains Outside Kelly Hills Service Area

Commission reserves the right to extend or continue sanitary sewer mains from such mains as initially constructed by Kelly Hills to points outside of the delineated Kelly Hills service area. Future connections or main extensions that occur outside of the delineated Kelly Hills area are not subject to this Agreement and shall be the property of Commission unless the Kelly Hills boundary is expanded by law to serve development of contiguous properties. If such extensions occur, then the Commission shall install a flow measurement device at its expense to measure all flow being generated by customers outside of the Kelly Hills Service Area. A map of showing the boundaries of the Kelly Hills service is show as Exhibit B.

8. Extension of Mains Within Kelly Hills Service Area

The further extension of or connection to mains within the delineated Kelly Hills service area will be pursuant to applicable extension and connection policies and procedures of Kelly Hills in effect at the time a request for service is made.

9. Compliance with Commission Policies and Procedures

Kelly Hills may by resolution adopt a policy whereby future customers and/or extenders of sanitary sewer infrastructure in the Kelly Hills service area will be subject to the then current applicable Commission Policies and Procedures to simplify the application process for customers with the understanding that such customers remain responsible to Kelly Hills for compliance with such policies and procedures.



10. Notification of Excessive Inflow/Infiltration

Upon notification by Commission that volumes of Kelly Hills wastewater entering Commission's lines, based on flow measuring data, exceed one hundred twenty-five percent (125%) of the average volume of sewer measured at the Discharge Point during any consecutive three-month billing period, Kelly Hills shall initiate an infiltration/inflow study to be conducted or supervised by a professional consulting engineer. Such study will provide Kelly Hills with recommendations designed to reduce infiltration/inflow to acceptable levels as delineated by the United States Environmental Protection Agency. Said study shall be made during the fiscal year immediately following notification. Corrective measures shall be taken by Kelly Hills upon receipt of and based on said infiltration/inflow study. Kelly Hills shall be responsible for all costs associated with any required infiltration/inflow study and corrective measures. Results of any infiltration/inflow study and proposed corrective measures shall be sent to Commission for review and approval.

11. New Laterals

- A. At Kelly Hills request, Commission will install new laterals in the Kelly Hills Sanitary Sewer District at Kelly Hills expense. Commission will NU bill Kelly Hills for such laterals at the appropriate rate to include applicable overtime and overhead for labor, equipment and materials (to include an amount for all direct and indirect charges) plus 10%.
- B. Kelly Hills, at its sole discretion, may install or contract for the installation of new laterals in the Kelly Hills Sanitary Sewer District.
- C. All new laterals will be designed and built to the PWC standards in effect at the time of the design and construction.

12. Monthly Billing:

- A. As of the Effective Date, the flow measuring device at the Kelly Hills connective main will be read, as nearly as practical, at regular monthly intervals. The period of time between device readings shall not be less than twenty-seven (27) days and not more than thirty-three (33) days. If Commission is unable to read the flow measuring device, for any reason, the wastewater flow shall be estimated by Commission on the basis of Kelly Hills wastewater flow for the preceding three billing periods for which readings were obtained. Bills rendered on the basis of such estimates shall be as valid as if made from actual device readings and appropriate adjustment of Kelly Hills bill shall be made at first actual reading of the flow measuring device subsequent to such estimate.
- B. The term "month" or "monthly" refers to the interval(s) transpiring between the previous meter reading date and the current meter reading date, and bills shall be rendered accordingly.

- C. The Commission will submit bills to Kelly Hills on a monthly basis for the prior month's sewer treatment service.
- D. If at the time of this Agreement's Effective Date, the flow measurement device at Kelly Hills approach main is not installed, the parties agree that billing shall continue under the existing arrangement, as specified in the Kelly Hills/Slocumb Road Water & Sewer District Sanitary Sewer Service Agreement as amended October 24, 2005 until such time that the flow measurement device is installed and calibrated.
- E. The Commission will, annually, or such time as shall be determined by Commission, perform a rate analysis to determine the rates which are applicable to serving Commission's various classes of water and sanitary sewer service. Among those classes of service will be wholesale sanitary sewer service classes, a class which includes Kelly Hills.
- F. Commission will use audited balance sheets, income statements, comparable wholesale market rate data, and return on investment financial information as the basis for determining the rates applicable to this Agreement. Commission may at its option, adjust audited financial data for changes to such financial data known or reasonably expected to occur during the period in which the billing rate will be in effect.
- G. Commission will provide at least 30 days' notice to Kelly Hills of any rate changes.
- H. The initial Wholesale Sewer Rate to be charged to Kelly Hills, including the cost of O&M, is \$ 4.1267 per 1,000 gallons, or \$ .0041267 per gallon, the rate effective January 1, 2014. This cost includes the cost of basic operation and maintenance of the sanitary sewer collection system as described in paragraph 3.

13. Capacity Charges

- A. Commission shall receive and treat up to 100,000 gallons per day of Kelly Hills wastewater, representing the projected average daily usage generated from sources within the Kelly Hills Sanitary Sewer District. Kelly Hills has purchased 32,430 gallons per day sanitary sewer treatment capacity using \$ 92,640 of FIF credits. Upon execution of this agreement Kelly Hills will purchase an additional 67,570 gallons per day of sanitary sewer treatment capacity using \$ 201,358.60 of their existing FIF credits that expire in October 2015.

Kelly Hills has the option, in the future, to purchase any or all of the remaining 50,000 gallons per day force main capacity at the then current FIF charge. Such purchases will be made in increments of at least 5% of the then current contract capacity.



- B. Kelly Hills shall, advise Commission of any anticipated growth in number of connections to its sanitary sewer system, population served and anticipated volume of wastewater as Kelly Hills becomes aware of such growth.. Commission does not anticipate any restriction on annual increase in flow from Kelly Hills, if within limits of the contract demand of 100,000 gallons per day. However, flow limits may be imposed if a regulatory agency having jurisdiction over Commission's treatment facilities requires restriction on flow increases on Commission's system.
  - C. Commission shall notify Kelly Hills if the measured average daily usage in gallons per day of wastewater reaches 80% of the contract demand.
  - D. If the measured average daily usage in gallons per day of wastewater from Kelly Hills exceeds 90% of the contract demand, Kelly Hills shall purchase additional contract demand at the current Commission capacity rate in increments of at least 5% of the existing contract demand.
14. Surcharges for Carbonaceous Biochemical Oxygen Demand (CBOD) and Suspended Solids (SS) and Total Kjeldhal Nitrogen (TKN):
- A. A surcharge for CBOD, Suspended Solids or NH<sub>3</sub> will be applied to those customers of Kelly Hills who are issued SIU or local permits ("Industrial Users"). These surcharges will be determined in accordance with the Commission Rate Schedule "Sanitary Sewer Surcharges" currently indexed as 620.05. Such surcharge billing will be determined by testing samples of wastewater from each Industrial Users' discharge at Commission's laboratories pursuant to standard test requirements and procedures of the State and Federal governments. Commission shall bill surcharges directly to the Industrial Users. The additional costs to treat wastewater in excess of limits stated above are determined by the Commission and published annually. The Commission will, from time-to-time, review and revise the surcharge applicable to Industrial Users based on testing.
  - B. Kelly Hills shall terminate sewer service to any Industrial User upon notice from the Commission that said Industrial User has failed to pay surcharges pursuant to Sections 5 or 7 or any additional fees or penalties under the City of Fayetteville's Sewer Use Ordinance.
15. Sewer Use Ordinance Requirement:
- A. The Sanitary Sewer Ordinance of the City of Fayetteville, as amended from time-to-time, shall be applicable to all Kelly Hills customers whose wastewater is discharged to Commission's Municipal Wastewater System.

- B. Kelly Hills shall be responsible for regulation of all customers who discharge wastewater through Kelly Hills system to the Commission's Municipal Wastewater System. Kelly Hills shall be responsible for enforcement of the requirements of the City of Fayetteville's Sanitary Sewer Ordinance.

16. Sewer Use Ordinance, and Pretreatment Requirements and Costs:

- A. The Sanitary Sewer Use Ordinance of the City of Fayetteville and subsequent revisions of such Ordinance to include pretreatment requirements and cost, both incorporated herein by reference, shall be applicable to the effluent of Kelly Hills' sanitary sewer being discharged into the Commission's sanitary sewer system.
- B. Kelly Hills hereby designates Commission as the agent of Kelly Hills for the purposes of implementation and enforcement of the pretreatment requirements of Kelly Hills for industrial users located in Kelly Hills' jurisdiction. Commission hereby accepts the designation of agent of Kelly Hills' jurisdiction for purposes of implementation and enforcement of the pretreatment requirements. If Commission determines the pretreatment requirements are not enforceable by Commission, then Kelly Hills shall provide timely enforcement. Kelly Hills shall continue to enforce all other provisions of the City's Sanitary Sewer Use Ordinance.
- C. Commission, on behalf of and as an agent for Kelly Hills', agrees to perform technical and administrative duties necessary to implement and enforce the pretreatment requirements, including but not limited to the following:
  - 1. Updating industrial waste survey no less than once every five (5) years;
  - 2. Providing technical services such as sampling and analysis;
  - 3. Permitting of Significant Industrial Users (SIU's);
  - 4. Conducting inspection and compliance monitoring at permitted SIU's and certain commercial users; and
  - 5. Performing enforcement activities.

In addition, Kelly Hills authorizes the Commission, as its agent, to take emergency action to stop or prevent any discharge which presents or may present an imminent danger to the health or welfare of humans, reasonably appears to threaten the environment, threatens to interfere with the operation of Commission's sanitary sewer treatment system (including the collection system and its workers' safety), or which could pass through the treatment plant and threaten the integrity of the publicly owned treatment works receiving stream.



- D. Kelly Hills, as with other Commission customers, shall be responsible for additional cost associated with treatment of sanitary sewer in excess of published limits as determined by Commission. Such pretreatment surcharge billing will be determined by testing of samples of sanitary sewer from the Kelly Hills sanitary sewer collection system at Commission's laboratories pursuant to standard test requirements and procedures of the State and Federal governments. The pretreatment surcharge procedure as it applies to commercial industrial customers is described in Commission's Rates and Policies Manual and is incorporated herein by reference.
- E. Kelly Hills shall pay Commission for actual costs incurred by Commission, including all reasonably allocated overhead costs, implementing and enforcing pretreatment requirements on behalf of Kelly Hills'. Commission shall bill Kelly Hills monthly for pretreatment costs incurred by Commission in implementing and enforcing Kelly Hills' pretreatment requirements, which shall be payable within 30 days of date of invoice.

17. Corrosion Control:

Kelly Hills shall be responsible for ensuring compliance with hydrogen sulfide discharge limits at the point(s) of discharge to the Commission's Municipal Wastewater System. The discharge of dissolved sulfide by Kelly Hills to Commission's Municipal Wastewater System at the discharge point(s) identified in Section 1 of this Agreement, are limited to the following: a daily average of 5mg/l in solution and/or 10 ppm in atmosphere and a maximum of 10 mg/l in solution and/or 30 ppm in atmosphere per day. PWC, at its own expense, shall perform all testing and as needed shall coordinate with Kelly Hills. Kelly Hills, at its own expense, shall be responsible for the addition of any chemicals or additional treatment necessary to comply with the hydrogen sulfide limit. Any addition of chemicals to control hydrogen sulfide shall be coordinated with Commission prior to introduction into the system.

18. Indemnity and Responsibilities:

Kelly Hills assumes responsibility for and shall indemnify (or defend at Commission's sole option) Commission, its successors and assigns, and hold it harmless against all injuries, liabilities, claims, damages, losses, costs and expenses, including reasonable attorney's fees and costs, personal injury or property damage, arising out of or related to 1) the construction, maintenance and operation of Kelly Hills sanitary sewer system, 2) Kelly Hill's discharge into the Commission's Municipal Wastewater System, 3) this Agreement, or 4) fines or penalties by any Federal, State or local agency or body.. Kelly Hills will not indemnify PWC for intentional or negligent acts solely attributable to PWC, its employees, agents, or contractors.

19. Suspension or Termination of Sanitary Wastewater Treatment Service:

Commission, in addition to all other legal remedies, may either terminate this Agreement or suspend sanitary sewer treatment service to Kelly Hills for:

- a) Any material default or breach of this Agreement by Kelly Hills; Fraudulent or unauthorized use of the sanitary sewer treatment service or discharge of sanitary sewer in such manner as to circumvent Commission's meter(s) serving Kelly Hills; or,
- b) Failure to pay monthly sanitary sewer bills when due and payable.
- c) No such termination or suspension, however, will be made by Commission without thirty (30) days written notice delivered to Kelly Hills personally or by mail, within which time Kelly Hills may cure any such alleged default or breach or commence in good faith to cure any such default or breach which cannot reasonably be cured within thirty (30) days, except that only seven (7) days' notice need be given under subsection (b) above.
- d) Commission's suspension of sanitary sewer service or termination of this Agreement upon any authorized grounds shall not relieve Kelly Hills of:
  - 1) Liability for the payment of sanitary sewer treatment service to the date of suspension or termination of this Agreement; nor
  - 2) Liability for any actual damages sustained by Commission.

20. Payment:

Monthly bills are payable within thirty (30) days from date thereof at P.O. Box 1089, Fayetteville, North Carolina, 28302, or its successors. A late payment charge in accordance with PWC's Schedule of Deposits, Fees, and Charges shall be applicable to all bills rendered pursuant to this Agreement except when notified within fifteen (15) days by Kelly Hills in writing of an invoice dispute, but Kelly Hills shall pay the undisputed amount pursuant to this contract.

21. Term of Agreement:

The term of this Agreement is for twenty (20) years from \_\_\_\_\_, 2014 until \_\_\_\_\_, 2034 (the "Initial Term"). This Agreement shall automatically renew at the end of the Initial Term for a period of one (1) year, and shall automatically renew each year thereafter for a period of one year, unless terminated pursuant to the terms of Paragraph 10, or by either party by giving not less than one (1) year written notice to the other party, or upon mutual consent of both parties. Either party may terminate this Agreement during the Initial Term by giving the other party one (1) year written notice.



22. Prior Agreements: This Sanitary Sewer Wholesale Agreement shall replace the Sanitary Sewer Service Agreement by and between the City of Fayetteville acting by and through its Public Works Commission of the City of Fayetteville and the Kelly Hills /Slocumb Road Sanitary Sewer District dated April 19, 2004 and amended October 24, 2005.

23. Continuity of Service:

Commission does not guarantee continuous utility service, but shall use reasonable diligence in providing uninterrupted services. Having used such reasonable diligence, Commission shall not be liable to Kelly Hills or its customers for failure to provide continuous services. The performance of Commission's obligations under this Agreement shall be excused during such times and to the extent such performance is prevented by reason of any event beyond the control of Commission, including without limitation, flood, earthquake, storm, lightning, fire, explosion, war, riot, civil disturbances, terrorist act, strikes, sabotage, or act of God.

24. Dispute Resolution:

Commission and Kelly Hills will attempt in good faith to resolve any dispute or claim arising out of or in relation to this Agreement through direct negotiations between Commission and Kelly Hills' staff. If the dispute is not settled through such negotiations, then Commission and Kelly Hills agree to attend voluntary mediation prior to initiating formal legal proceedings. Said voluntary mediation shall be initiated by either party giving notice of the same, and shall be concluded within 30 days of such notice. Said voluntary mediation shall be conducted pursuant to the North Carolina Rules Implementing Statewide Mediated Settlement Conferences in Superior Court Civil Actions in effect at the time said notice is given. The requirements of this Section 25 shall not apply to emergency situations where the dispute involves potential harm to the Commission's Municipal Wastewater System.

25. Amendment Proceedings:

This Agreement may be amended, changed, modified, altered, or assigned only by written consent of Commission and Kelly Hills.

26. Notices:

All notices hereunder, other than monthly invoices and payment of the same, shall be sent to the following addresses using regular mail unless otherwise specified in writing:

Commission:           General Manager  
                              Public Works Commission  
                              P.O. Box 1089  
                              Fayetteville, NC 28302

Kelly Hills: Chairman, Governing Board  
Kelly Hills/Slocumb Road Water and Sewer District  
P. O. Box 1829  
Fayetteville, NC 28302-1829

27. Binding Effect:

This Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.

28. Entire Agreement:

This Agreement contains the entire Agreement of the parties and there are no representations, inducements, or other provisions other than those expressed in writing.

29. Kelly Hills acknowledges that, in carrying out the terms of this agreement, PWC will disclose certain confidential customer information to Kelly Hills (the "Confidential Information"). Kelly Hills agrees not to disclose the Confidential Information to third parties, except as may be reasonably necessary to carry out the terms of this Agreement. Kelly Hills will advise PWC of any such disclosure prior to disclosure and obtain PWC's consent. In the event Kelly Hills inadvertently discloses Confidential Information, Kelly Hills will immediately notify PWC of such inadvertent disclosure and will take all appropriate actions to prevent further dissemination or disclosure of the Confidential Information.

29. Governing Law:

This Agreement shall be governed by the laws of the State of North Carolina.

30. Severability:

It is hereby declared to be the intention of Commission and Kelly Hills that the paragraphs, sentences, clauses, and phrases of this Agreement are severable. If one or more paragraphs, sections, sentences, clauses, or phrases shall be declared void, invalid, or otherwise unenforceable for any reason by valid and final judgment or decree of any court of competent jurisdiction, such judgment or decree shall not affect the remaining provisions of this Agreement and the same shall continue to be fully effective and enforceable on the basis that said remaining provisions would have been agreed to by Commission and Kelly Hills without the incorporation of such void, invalid, or otherwise unenforceable paragraph, section, sentence, clause, or phrase.

31. Effective Date:

The Effective Date, as that term is used in this Agreement, shall be the date that the Agreement is fully executed by both parties.



IN WITNESS WHEREOF, the parties hereto, through their duly authorized officers, have executed this contract as to the date and year first above written.

PUBLIC WORKS COMMISSION  
OF THE CITY OF FAYETTEVILLE

By: \_\_\_\_\_  
Michael G. Lallier, Chairman

ATTEST:

\_\_\_\_\_  
Lynne Greene, Secretary

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
J. Dwight Miller  
PWC Chief Financial Officer

KELLY HILLS/SLOCOMB ROAD WATER AND SEWER DISTRICT

By: \_\_\_\_\_  
Jeannette M. Council, Chair

ATTEST:

\_\_\_\_\_  
Candice White, Clerk to the Board

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Kelly Hills/Slocomb Road Water and Sewer District  
Finance Officer

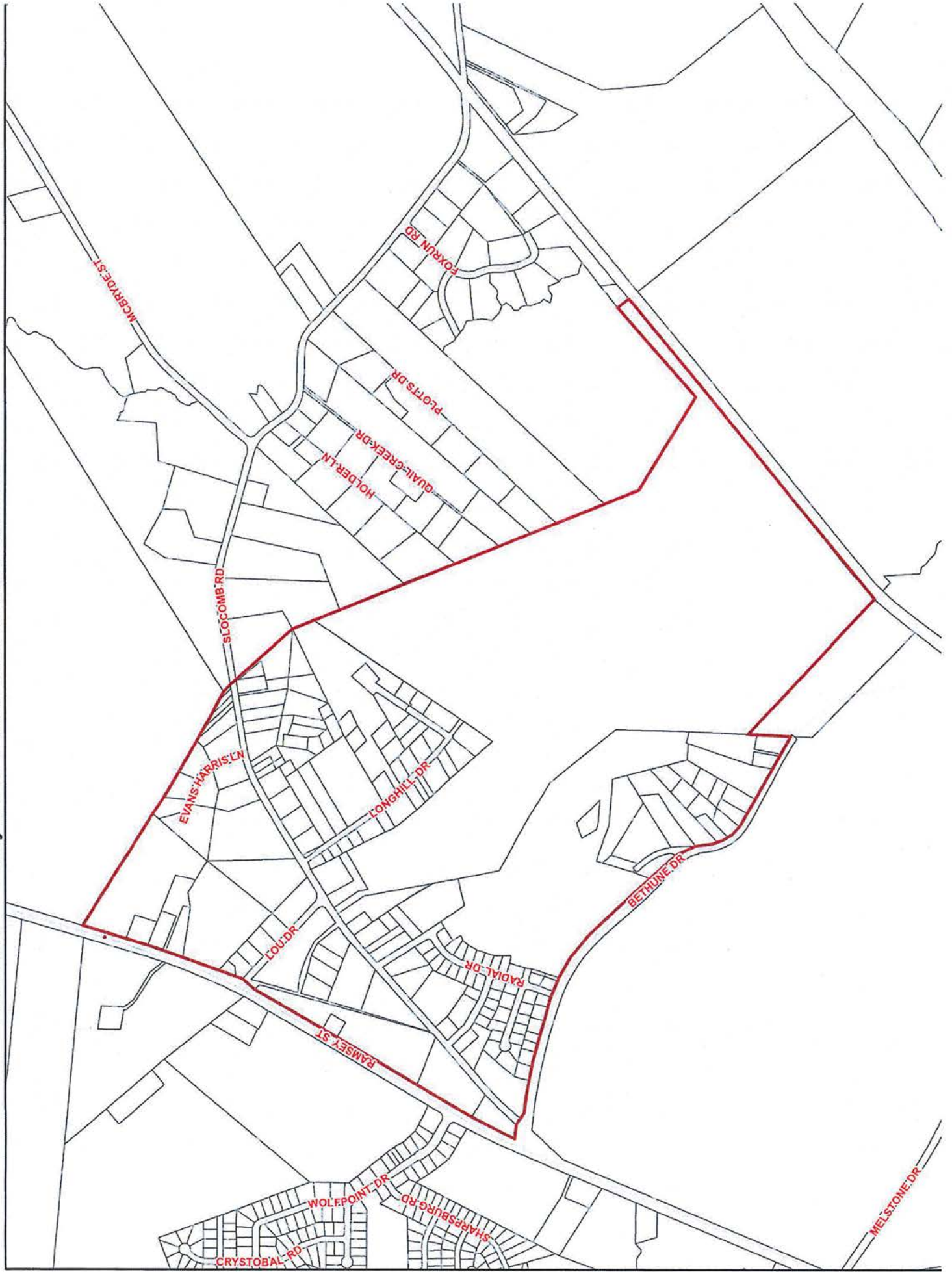
## **Exhibit A – Kelly Hills Discharge Points**

The approved discharge point(s) for Kelly Hills are:

1. The flow measurement device at the Kelly Hills force main.



EXHIBIT -B- Kelly Hills Water and Sewer District



# KELLY HILLS SLOCUMBS ROAD AGENDA

AUGUST 18, 2014

ITEM NO.

2C

March 19, 2012 BOC Regular Meeting Minutes

\*Item 2I(3) - Adoption

## CUMBERLAND COUNTY BOARD OF COMMISSIONERS

MARCH 19, 2012 - 6:45 PM

117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118

REGULAR/REZONING MEETING

MINUTES

of Changes to  
the Kelly Hills/  
Slocumb Road  
Water & Sewer  
District Rate  
Schedule and  
Administration  
Policy (Pg. 10)  
(Motion Highlighted  
on Page 32  
(Included))

### PRESENT:

Commissioner Marshall Faircloth, Chairman  
Commissioner Jimmy Keefe, Vice Chairman  
Commissioner Jeannette Council  
Commissioner Kenneth Edge  
Commissioner Charles Evans  
Commissioner Billy King  
Commissioner Ed Melvin  
James Martin, County Manager  
Amy Cannon, Deputy County Manager/Finance Officer  
James Lawson, Assistant County Manager  
Rick Moorefield, County Attorney  
Sally Shutt, Communication and Strategic Initiatives Manager  
Tom Lloyd, Planning and Inspections Director  
George Hatcher, Planning and Inspections  
Doug Peters, Fayetteville/Cumberland County Chamber of Commerce  
President  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Chairman Marshall Faircloth called the meeting to order.

### INVOCATION

Commissioner Melvin called on Dr. Mike Martin of Biblical Counseling Services who provided the invocation followed by the Pledge of Allegiance to the American flag led by Corey Powell, a junior at Fayetteville Christian School.

Chairman Faircloth recognized the following elected officials in attendance: Lee Warren, Cumberland County Register of Deeds; Sara Piland, Town of Eastover Councilman; Mayor Chris Ray, Town of Spring Lake; James Christian, Town of Spring Lake Alderman; and Wayne Goodwin, North Carolina Commissioner of Insurance and State Fire Marshal. Chairman Faircloth also recognized Mayor Deborah Godwin, Town of Godwin.

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

James Martin, County Manager, read the public comment period policy. Chairman Faircloth opened the public comment period and the Clerk to the Board called the following speakers:

Mayor Deborah Godwin - Mayor Godwin thanked the Board of County Commissioners for their support of the Town of Godwin's recent park project. Mayor Godwin expressed appreciation to county administration and county finance staff for their role



RECOMMENDATION/PROPOSED ACTION:

Consider approval of the Disaster Management Recovery Services bid award.



- 3) Adoption of Changes to the Kelly Hills/Slocomb Road Water and Sewer District Rate Schedule and Administration Policy

BACKGROUND:

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

The rate schedule has been updated to accurately reflect that Kelly Hills' customers are subject to rates that the sewer service provider charges to outside city limit customers. The item was approved unanimously.

RECOMMENDATION / PROPOSED ACTION:

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

- J. Consideration of Report and Recommendation of the Cumberland County Facilities Committee Meeting on March 1, 2012. (For Information)
- K. Consideration of Report and Recommendation of the Cumberland County Policy Committee Meeting on March 1, 2012

- 1) Revised Wrecker and Tow Service Ordinance

BACKGROUND:

At its February 2, 2010 meeting, the Wrecker Review Board voted unanimously to recommend the attached draft of revisions to the Wrecker and Tow Service Ordinance, codified as Chapter 9, Article IV of the *Cumberland County Code*; a revised Fee Schedule; and revisions to the Rules and Regulations adopted pursuant to the ordinance. The Wrecker Review Board has been studying these revisions since August, 2011. At its March 1, 2012 meeting, the Policy Committee voted to recommend these changes to the Board of Commissioners.

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

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

Section 9-52. Policy. No changes.

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


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

roofing, paving, and other renovations. (B12-247) Funding Source – Sales Tax Fund Balance Appropriated

- b. Category II – Revision in the amount of \$379,000 to appropriate sales tax fund balance to budget additional capital outlay equipment for furniture, playground equipment, art education equipment and bus cameras. (B12-247A) Funding Source – Sales Tax Fund Balance Appropriated
- c. Category III – Revision in the amount of \$86,000 to appropriate sales tax fund balance to budget additional capital outlay vehicles for activity buses. (B12-247B) Funding Source – Sales Tax Fund Balance Appropriated

(8) General Government Other/Detention Center Expansion Project

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

 MOTION: Commissioner King moved to approve all consent items 2.A. – 2.M.(8).  
SECOND: Commissioner Melvin  
VOTE: UNANIMOUS (7-0)

3. Public Hearings

Mr. Martin explained the Board of Commissioners' procedures for public hearings and advised that Cases P12-05 and P12-09 remained uncontested.

Uncontested Cases

Rezoning

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

RECOMMENDATION: Members of the Cumberland County Joint Planning Board present at the February 21, 2012 meeting voted to recommend approval of the R40A Rural Residential district.

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



JAMES E. MARTIN  
County Manager

AMY H. CANNON  
Deputy County Manager



ITEM NO. 21(3)

JAMES E. LAWSON  
Assistant County Manager

MARCH 19, 2012  
REGULAR BOARD OF  
COMMISSIONERS MEETING

OFFICE OF THE COUNTY MANAGER

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

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

**TO: BOARD OF COMMISSIONERS**

**FROM: AMY HALL, ENGINEERING TECHNICIAN**

**THRU: AMY H. CANNON, DEPUTY COUNTY MANAGER** *Amy H. Cannon*

**DATE: MARCH 14, 2012**

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

**BACKGROUND**

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

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

**RECOMMENDATION / PROPOSED ACTION**

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

/ct

CM031412-3

*Celebrating Our Past...Embracing Our Future*

JAMES E. MARTIN  
County Manager

AMY H. CANNON  
Deputy County Manager



ITEM NO. 5

MARCH 1, 2012

JAMES E. LAWSON  
Assistant County Manager

FINANCE COMMITTEE  
MEETING

OFFICE OF THE COUNTY MANAGER

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

**TO: FINANCE COMMITTEE**

**FROM: AMY HALL, ENGINEERING TECHNICIAN**

**THRU: AMY H. CANNON, DEPUTY COUNTY MANAGER** *Amy H. Cannon*

**DATE: FEBRUARY 24, 2012**

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

**BACKGROUND**

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

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

**RECOMMENDATION / PROPOSED ACTION**

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

*Celebrating Our Past...Embracing Our Future*



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



**CUMBERLAND COUNTY  
NORTH CAROLINA**

**KELLY Sanitary Sewer  
Rates and Administration Policy**

Revised 2-24-12

# KELLY Sanitary Sewer Rates and Administration Policy

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## **Definitions:**

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

## **I. AVAILABILITY OF SERVICE**

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

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

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

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

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

## KELLY Sanitary Sewer Rates and Administration Policy

### II. APPLICABILITY OF RATE SCHEDULES

#### A. General:

The KELLY District has established a Sanitary Sewer rate schedule as shown in Appendix A.

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

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

#### B. SANITARY SEWER SCHEDULES:

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

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



## KELLY Sanitary Sewer Rates and Administration Policy

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

### III. CHARACTER OF SERVICE

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

### IV. BILLING

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

### V. MONTHLY RATES AND CHARGES

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

## KELLY Sanitary Sewer Rates and Administration Policy

### C. Debt Reduction Charges

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

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

### D. CONSUMPTION (DISCHARGE) RATES.

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

### E. SANITARY SEWER SURCHARGES

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

## VI. CONNECTION FEES AND CHARGES

### A. CONNECTING TO SEWER MAINS OF COMPLETED PUBLIC PROJECTS

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

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

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

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



## KELLY Sanitary Sewer Rates and Administration Policy

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

- b. The Standard Tap Fee as described below.
- c. A Debt Charge equaling the sum of Debt Charges that would have been paid had the customer connected when main was first available (This applies only to customers outside the KELLY Boundary—Customers inside the boundary will automatically pay the monthly debt charge from the date that the main is available).

B. CONNECTING TO EXTENDED MAINS. KELLY may extend mains to serve additional customers with non-public funding such as using its own capital account, a bank loan, private funding, or a combination of these. If the extension is within the KELLY boundary, then the mandatory connection policy will apply. If outside the KELLY boundary, connection will be voluntary. Connection fees to such extensions will be as follows:

1. Main Charges\*

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

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

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

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

## KELLY Sanitary Sewer Rates and Administration Policy

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

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<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

- a. Standard Tap Fee Credit. KELLY will provide a Standard Tap Fee Credit to developers on a dollar for dollar basis for extension of approach mains and collectors. **(See: Standard Tap Fee Procedure).** A main extension is considered an approach main if it passes through or abuts other parcels and allows service to those parcels. Developers must notify KELLY of their intent to construct sanitary sewer that will qualify for a credit as part of their request for acceptance of the waste from the proposed project. Credits must be used within five years from the date issued by KELLY.
- b. Existing customers connected to sanitary sewer and needing additional connections (taps) to the system will pay the appropriate Standard Tap Fee.
- c. Existing customers needing to up-size their water meter will pay the difference between the Standard Tap Fee for the existing meter and the larger meter.
- d. If a parcel is redeveloped and existing sewer laterals are utilized, no Standard Tap Fee is due. If a parcel is being redeveloped and new sewer laterals are needed, the appropriate Standard Tap Fee for sewer is required.



## Appendix A-1. Rate Schedule SSR-3

### RESIDENTIAL SANITARY SEWER ONLY (Schedule SSR-3) SERVICE

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

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

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

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

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

**CONTRACT PERIOD** - The contract period shall be continuous from the date of connection through the date of disconnection.

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

SCHEDULE SSR

## **KELLY Sanitary Sewer Rates and Administration Policy**

### **Appendix A-2. Rate Schedule SSC**

#### **COMMERCIAL SANITARY SEWER (Schedule SSC) SERVICE**

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

**APPLICABILITY** - To commercial service customers using a ¾ inch, or larger, water meter and where the customer is billed monthly for metered water service by PWC and where all wastewater is discharged into the sanitary sewer system at a single discharge point.

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

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

<b><i>Usage Charge</i></b>	<b><i>\$4.03 per MGAL</i></b>
<b><i>Capital Reserve Fund Fee</i></b>	<b><i>\$2.10</i></b>
<b><i>Debt Charge</i></b>	<b><i>To be determined if debt is incurred by Kelly</i></b>

**Basic Facilities Charges:**

<b><u>Meter Size:</u></b>	<b><u>KELLY</u></b>
¾"	2.58
1"	3.26
1 ½"	4.20
2"	6.78
3"	11.37
4"	17.92
6"	34.15
8"	53.70

**CONTRACT PERIOD** - The contract period shall be continuous from the date of connection through the date of disconnection.

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



## **KELLY Sanitary Sewer Rates and Administration Policy**

### **Appendix A-4. Rate Schedule SS-0**

#### **AVAILABILITY CHARGE (Schedule SS-0)**

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

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

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

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

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

***Capital Reserve Fund Fee:***                      ***\$2.10***

***Debt Charge***                                      ***To Be Determined if the District incurs debt.***

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

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

# DRAFT

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

MEMBERS PRESENT: Commissioner Kenneth Edge, Chairman  
Commissioner Jeannette Council  
Commissioner Ed Melvin (arrived 9:33)

## OTHER COMMISSIONERS

PRESENT: Commissioner Jimmy Keefe  
Commissioner Charles Evans

## OTHERS:

James Martin, County Manager  
Amy Cannon, Deputy County Manager  
James Lawson, Assistant County Manager  
Rick Moorefield, County Attorney  
Elizabeth Keever, District Court Judge  
Howard Abner, Assistant Finance Director  
Sally Shutt, Communication and Strategic Initiatives Manager  
Amy Hall, Public Utilities  
Gene Booth, Emergency Management Officer  
Candice H. White, Clerk to the Board  
Press

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

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

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

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

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



# DRAFT

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

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

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

MOTION: Commissioner Council moved for the court system to go forward with the veteran's treatment court initiative.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (3-0)

### 3. CONSIDERATION OF REQUEST TO REIMBURSE LEGAL DEFENSE EXPENSES

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

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

# DRAFT

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

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

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

SECOND: Commissioner Melvin

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

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

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

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (3-0)

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

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



# DRAFT

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

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

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

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

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

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

MOTION: Commissioner Melvin moved to approve the revised Kelly Hills/Slocomb Road rates schedule to agree with the administration policy.  
SECOND: Commissioner Melvin  
VOTE: UNANIMOUS (3-0)

## 6. REVIEW OF MONTHLY FINANCIAL REPORT

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

# DRAFT

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

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

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

## 7. OTHER MATTERS OF BUSINESS

There were no other matters of business.

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