
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
AUGUST 15, 2016
6:45 PM

INVOCATION - Commissioner Jimmy Keefe

PLEDGE OF ALLEGIANCE –

NCACC Recognition

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

1. Approval of Agenda

2. Consent Agenda
 - A. Approval of minutes for the August 1, 2016 regular meeting.

 - B. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlements.
 - 1) Sheriff's Office **(Pg. 10)**

 - 2) Solid Waste Enterprise Fund **(Pg. 12)**

 - C. Approval of Offer to Purchase Surplus Property Located at 5950 Abco Lane, Fayetteville, and Being Lot 60 McNeill Sands, Sec 4 (2.77 Acs), Plat Book 100, Page 161. **(Pg. 15)**

 - D. Approval of Offer of L&I Investments, LLC, to Purchase Certain Real Property Located at 1114 Morgan Street, Fayetteville, NC. **(Pg. 16)**

 - E. Approval of Offer of L&I Investments, LLC, to Purchase Certain Real Properties, Being a Lot Containing 0.19 ac. Ashley Street; Lot 204 Savoy Heights, 1112 Turnpike Road; and Lot 206 Savoy Heights, Turnpike Road. **(Pg. 17)**

- F. Approval of Sale of Surplus Real Property, Being Lot 8 McNeill Sands, Sec. 2. **(Pg. 19)**
- G. Approval of Cumberland County Facilities Committee Report and Recommendations: **(Pg. 21)**
- 1) Winding Creek Facility Renovation Bid **(Pg. 28)**
 - 2) Resolution of Intent to Lease Certain Real Property to Hometown Sports America, Inc. and Conduct Statutorily Required Advertising **(Pg. 30)**
 - 3) Lease Agreement Renewal for the Williams Solid Waste Container Site **(Pg. 32)**
- H. Approval of Cumberland County Finance Committee Report and Recommendations: **(Pg. 37)**
- 1) Request for Proposals for the Cumberland County Workforce Development Program **(Pg. 55)**
 - 2) Business Process Recommendations for the Food and Nutrition Program at the Department of Social Services **(Pg. 93)**
- I. Approval of Cumberland County Policy Committee Report and Recommendations: **(Pg. 94)**
- 1) Community Transportation Title VI Plan **(Pg. 117)**
 - 2) Community Transportation System Safety Plan Update **(Pg. 118)**
- J. Approval of Demolition of County-Owned Property:
- 1) Case Number: BI-2016-001 **(Pg. 125)**
Property Owner: Cumberland County
Property Location: 324 E. Jenkins Street, Fayetteville, NC
Parcel Identification Number: 0436-33-7038

- K. Approval of Ordinance Assessing Property for the Cost of Demolition:
- 1) Case Number: MH 1224-2015 (Pg. 128)
 Property Owner: Barbara M. Johnson
 Property Location: 6821 Camden Road, Fayetteville, NC
 Parcel Identification Number: 0404-04-8665
 - 2) Case Number: MH 1254-2015 (Pg. 130)
 Property Owner: Isaac Rowland Williams
 Property Location: 2402 Moody Street, Fayetteville, NC
 Parcel Identification Number: 0426-91-8266
- L. Approval of a Proclamation Designating August 26, 2016 as “Women’s Equality Day”. (Pg. 132)
- M. Approval of Budget Revisions: (Pg. 133)

General Fund 101

1) Emergency Services - Budget Ordinance Amendment B170002 to recognize grant amount of \$1,000 for the Tier II Grant

The Board is requested to approve Budget Ordinance Amendment B170002 in the amount of \$1,000 representing grant funds from the state of North Carolina, Department of Public Safety, Emergency Management. These funds are to be used for hazardous materials emergency response planning, training and related exercises.

Please note this amendment requires no additional county funds.

2) Sheriff Grants - Budget Ordinance Amendment B170286 to recognize grant amount of \$40,003 for the ICAC Grant

The Board is requested to approve Budget Ordinance Amendment B170286 in the amount of \$40,003 representing grant funds from the state of North Carolina, Department of Public Safety, Governor’s Crime Commission. These funds are to be used in conjunction with initiatives relating to Internet Crimes Against Children (ICAC).

Please note this amendment requires no additional county funds.

REGARDING THE FOLLOWING ITEMS 3 – 4 PLEASE NOTE:

Each fiscal year County departments may have projects that are not complete by the fiscal year end (6/30/16) or items ordered that have not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2016 budget however the money was not spent by June 30, 2016. The following amendments seek to bring those funds forward from FY 2016 into the current fiscal year, allowing departments to complete and pay for these items. These revisions are not using ‘new’ funds, but are recognizing the use of FY16 funds in FY17.

General Fund 101

3) Library - Budget Ordinance Amendment B170019 to appropriate FY16 fund balance in the amount of \$8,496

The Board is requested to approve Budget Ordinance Amendment B170019 in the amount \$8,496 to appropriate fund balance. These funds are to be used to purchase self-checkout swipe card replacements, however the project was not completed in FY16 but is scheduled for the current year.

Please note this amendment requires a re-appropriation of FY16 fund balance to the current year.

Crown Fund 600

4) Crown - Budget Ordinance Amendment B170486 to appropriate FY16 fund balance in the amount of \$120,273

The Board is requested to approve Budget Ordinance Amendment B170486 in the amount of \$120,273 to appropriate fund balance. The majority of these funds will be used to purchase hand held radio equipment to be used by staff. The remaining balance will be used towards contracted services.

Please note this amendment requires a re-appropriation of FY16 fund balance to the current year.

Contingency Funds Report

5) The County Manager approved a decrease in contingency funds of \$6,961. This decrease was due to an increase of Cumberland County’s portion of the hazardous materials response unit that is part of our Interlocal Agreement with the City of Fayetteville. At the time the FY17 budget was prepared, the final amount requested by was unknown. The total county portion of the hazardous materials response budget is \$87,961.

3. Public Hearings (Pgs. 135-162)

Uncontested Rezoning Cases

- A. **Case P16-29:** Rezoning of 2.81+/- acres from A1 Agricultural to R40 Residential, or to a more restrictive zoning district, located at 6309 NC Highway 87 South, submitted by Edmon & Eva Horn (owners). (Pg. 135)

Staff Recommendation:

1st motion for Case P16-29: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

2nd motion for Case P16-29: Move to approve the rezoning for R40 Residential as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve the staff recommendation

- B. **Case P16-30:** Rezoning of 7.87+/- acres from RR Residential & CD Conservancy District to A1 Agricultural, or to a more restrictive zoning district, located at 8175 McCormick Bridge Rd, submitted by Tom Brooks (agent) on behalf of McCormick Farms Limited Partnership (owner). (Pg. 138)

Staff Recommendation:

1st motion for Case P16-30: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

2nd motion for Case P16-30: Move to approve the rezoning for A1 Agricultural and CD Conservancy (where the SFSH exists) as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve the staff recommendation

- C. **Case P16-34:** Rezoning 20.90+/- acres from A1 Agricultural to R20 Residential, or to a more restrictive zoning district; located at the northeast quadrant of US HWY 401 (Ramsey Street) & SR 1704 (Palestine Road); submitted by Glenda Little (owner) & Brian Raynor (agent). **(Pg. 141)**

Staff Recommendation:

1st motion for Case P16-34: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

2nd motion for Case P16-34: Move to approve the rezoning for R20 Residential as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve the staff recommendation

- D. **Case P16-37:** Rezoning of 3.01+/- acres from A1 Agricultural to A1A Agricultural, or to a more restrictive zoning district; located on the west side of SR 2243 (Roslin Farm Road), south of Running Fox Road; submitted by Ada Faye C. Bramble (owner). **(Pg. 144)**

Staff Recommendation:

1st motion for Case P16-37: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

2nd motion for Case P16-37: Move to approve the rezoning for A1 Agricultural as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve the staff recommendation

Contested Rezoning Case

- E. **Case P16-32:** Rezoning of 2.01+/- acre from A1 Agricultural to A1A Agricultural, or to a more restrictive zoning district, located at 1430 Port Richey Lane, submitted by Joy Pittman (owner). **(Pg. 147)**

Staff Recommendation:

1st motion for Case P16-32: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

2nd motion for Case P16-32: Move to approve the rezoning for A1 Agricultural as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Deny the rezoning request

Minimum Housing Code Enforcement

- F. Case Number: MH 1389-2016 **(Pg. 151)**
Property Owner: Peggy Jones & Harry Hales
Property Location: 5025 Cumberland Road, Fayetteville, NC
Parcel Identification Number: 0405-85-2535
- G. Case Number: MH 1414-2016 **(Pg. 157)**
Property Owner: Donald D. Diamond, Sr.
Property Location: 5505 Gilcrest Sands Drive, Hope Mills, NC
Parcel Identification Number: 0413-35-7819

ITEMS OF BUSINESS

- 4. Nominations to Boards and Committees **(Pgs. 163-186)**
 - A. Alliance Behavioral Healthcare Board of Directors (3 Vacancies) **(Pg. 163)**
 - B. Cumberland County Workforce Development Board (4 Vacancies) **(Pg. 168)**

- 5. Appointments to Boards and Committees **(Pgs. 187-195)**
 - A. Cumberland County Workforce Development Board (3 Vacancies) **(Pg. 187)**

Nominees:

Representative of Business: Jamerus Payton

Representative of Workforce: Crystal Bennett
Carl Manning

- B. Transportation Advisory Board (2 Vacancies) **(Pg. 192)**

Nominees:

Sheltered Workshop Director of Designee: Dwayne Beason

County Health Director or Designee: Barbara Carraway

RECESS THE BOARD OF COMMISSIONERS' MEETING

OVERHILLS PARK WATER & SEWER DISTRICT GOVERNING BOARD:

CONVENE THE OVERHILLS PARK WATER & SEWER DISTRICT GOVERNING BOARD MEETING (SEE SEPARATE AGENDA) **(Pg. 196)**

ADJOURN THE OVERHILLS WATER & SEWER DISTRICT GOVERNING BOARD MEETING

CONVENE THE BOARD OF COMMISSIONERS' MEETING

6. Closed Session: A. 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.

IT WILL BE REBROADCAST ON WEDNESDAY, AUGUST 17, AT 7:00 P.M. AND FRIDAY, AUGUST 19, AT 10:30 A.M.

THE MEETING VIDEO WILL BE AVAILABLE AT YOUTUBE.COM/CUMBERLANDCOUNTYNC ON WEDNESDAY, AUGUST 17.

REGULAR BOARD MEETINGS:

**September 6, 2016 (Tuesday) – 9:00 AM
September 19, 2016 (Monday) – 6:45 PM
October 3, 2016 (Monday) – 9:00 AM
October 17, 2016 (Monday) – 6:45 PM**



ITEM NO. 2B(1)

**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

OFFICE OF THE RISK MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS
MEETING OF AUGUST 15, 2016

TO: BOARD OF COUNTY COMMISSIONERS

THRU: MELISSA CARDINALI, ASST. COUNTY MANAGER –
FINANCIAL/ADMINISTRATIVE SERVICES

FROM: PATRICIA LUCAS, RISK MANAGEMENT COORDINATOR *PL*

DATE: AUGUST 1, 2016

SUBJECT: CONSENT ITEM – APPROVAL OF DECLARATION OF
SURPLUS COUNTY PROPERTY AND AUTHORIZATION TO
ACCEPT INSURANCE SETTLEMENT

BACKGROUND

DATE OF ACCIDENT: JUNE 10, 2016

VEHICLE: 2013 DODGE CHARGER

VIN: 2C3CDXAT8DH642393

FLEET#: FL175

DEPARTMENT: Sheriff's Office

SETTLEMENT OFFER: \$23,885.60

INSURANCE COMPANY: NORTH CAROLINA FARM BUREAU

This is a total loss settlement offer.

RECOMMENDATION/PROPOSED ACTION

Management recommends that the Board of Commissioners:

1. declare the vehicle described above as surplus
2. authorize the Risk Management Coordinator to accept \$23,885.60 as settlement
3. allow NC FARM BUREAU to take possession of the wrecked (surplus) vehicle



North Carolina Farm Bureau Insurance Group

Telephone (910) 867-7115
Facsimile (919) 783-4344

PO Box 27947
Raleigh, NC 27611

August 1, 2016

Via Email *Via Fax 323-6106*
Cumberland County

Re:	Our Insured:	Barbara Ann Scott
	Policy/Claim Number:	11100488453
	Date of Loss:	06/10/2016
	Claimant:	Cumberland County
	Claimant Vehicle:	2013 Dodge Charger

Dear Sir/Madam

In regards to the claim noted above, we have determined the 2013 Dodge Charger to be a total loss. As such, we are offering \$23,885.60 to settle the claim. We will need a clear title along with a signed Power of Attorney and a Release of All Claims. Please advise if this offer is accepted and I will forward the appropriate forms to finalize the claim.

If you have any questions, please contact me at 910-867-7115, or toll free outside the local dialing area at 800-736-1141.

Very truly yours,
NORTH CAROLINA FARM BUREAU MUTUAL INSURANCE COMPANY, INC.

Lisa Foreman
Field Adjuster



ITEM NO. 2B(2)

**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

OFFICE OF THE RISK MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS
MEETING OF AUGUST 15, 2016

TO: BOARD OF COUNTY COMMISSIONERS

THRU: MELISSA CARDINALI, ASST. COUNTY MANAGER –
FINANCIAL/ADMINISTRATIVE SERVICES *rec*

FROM: PATRICIA LUCAS, RISK MANAGEMENT COORDINATOR *PL*

DATE: AUGUST 5, 2016

SUBJECT: CONSENT ITEM – APPROVAL OF DECLARATION OF
SURPLUS COUNTY PROPERTY AND AUTHORIZATION TO
ACCEPT INSURANCE SETTLEMENT

BACKGROUND

DATE OF ACCIDENT: JULY 13, 2016

VEHICLE: 2011 MCCLOSKEY 621 TROMMEL SCREEN

VIN: SERIAL #12874

FLEET#: SW0324

DEPARTMENT: SOLID WASTE

SETTLEMENT OFFER: \$186,642.00 (less \$1,000 deductible)

INSURANCE COMPANY: CHUBB GROUP OF INSURANCE COMPANIES

This is a total loss settlement offer.

RECOMMENDATION/PROPOSED ACTION

Management recommends that the Board of Commissioners:

1. declare the EQUIPMENT described above as surplus
2. authorize the Risk Management Coordinator to accept \$186,642.00 (less \$1,000 deductible) as settlement
3. allow CHUBB to take possession of the wrecked (surplus) equipment

Patsy Lucas

From: Ludlow, James R [jludlow@chubb.com]
Sent: Thursday, August 04, 2016 3:59 PM
To: Patsy Lucas
Subject: Fire Damage - Claim NO: 040516042271 - Writing Company: Federal Insurance Company

Patsy:

Per our conversation today, we are proposing to settle the claim for the fire damage to the 2011 McCloskey model 621Trommel Screener serial number 12874. The settlement is as follows:

\$186642.00 ACV
-\$1000.00 Deductible
\$185642.00 Payout

Please advise so we can settle the loss.

Thanks

Jim Ludlow
Property Claims

CHUBB

PO Box 4700 Chesapeake VA23327
Phone: 704-540-6648 | Fax: 704-540.6702 jludlow@chubb.com

ACE and Chubb are now one.

I strive to take care of all issues and questions directly with you. If you need to speak with my manager Jonathan Smith, you can reach him at (404)364-2511, or via email. His email is jonathansmith@chubb.com

This email (including any attachments) is intended for the designated recipient(s) only, and may be confidential, non-public, proprietary, and/or protected by the attorney-client or other privilege. Unauthorized reading, distribution, copying or other use of this communication is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) should not be deemed a waiver of any privilege or protection. If you are not the intended recipient or if you believe that you have received this email in error, please notify the sender immediately and delete all copies from your computer system without reading, saving, printing, forwarding or using it in any manner. Although it has been checked for viruses and other malicious software ("malware"), we do not warrant, represent or guarantee in any way that this communication is free of malware or potentially damaging defects. All liability for any actual or alleged loss, damage, or injury arising out of or resulting in any way from the receipt, opening or use of this email is expressly disclaimed.

RICKEY L. MOOREFIELD
County Attorney



ITEM NO. 2C

PHYLLIS P. JONES
Assistant County Attorney

ROBERT A. HASTY, JR.
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

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

**MEMO FOR THE AGENDA OF THE AUGUST 15, 2016,
MEETING OF THE BOARD OF COMMISSIONERS**

TO: Board of Commissioners; Co. Manager; Myra Brooks
FROM: Co. Atty. *R. Moorefield*
DATE: August 8, 2016
SUBJECT: Offer to Purchase Surplus Property Located at 5950 Abco Lane, Fayetteville, and Being Lot 60 McNeill Sands Sec 4 (2.77 Acs), Plat Book 100 Page 161

BACKGROUND:

The County acquired the real property with PIN 0462-99-0762 located at 5950 Abco Lane, Fayetteville, being Lot 60, McNeill Sands, Section 4 (2.77 acs.), from a tax foreclosure sale in 2013 for a purchase price of \$9,815.44. The tax value is \$10,000. Based on the County GIS Mapping system, there is not a structure on the property. Ms. Shirleen Sinclair has made an offer to purchase the property for \$9,815.44. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is attached.

RECOMMENDATION/PROPOSED ACTION:

The County Attorney recommends that the Board consider the offer of Shirleen Sinclair and if the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
ADVERTISEMENT OF PROPOSAL TO ACCEPT AN OFFER TO PURCHASE
CERTAIN REAL PROPERTY PURSUANT TO N.C.G.S § 160A-269**

Take notice that the Board of Commissioners finds the real property described herein is not needed for governmental purposes and proposes to accept an offer to purchase the property with PIN 0462-99-0762, located at 5950 Abco Lane, Fayetteville, being Lot 60, McNeill Sands, Section 4 (2.77 acs.), Plat Book 100 at Page 161, for \$9,815.44. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

August __, 2016

Candice White, Clerk to the Board

RICKEY L. MOOREFIELD
County Attorney



ITEM NO. 21

PHYLLIS P. JONES
Assistant County Attorney

ROBERT A. HASTY, JR.
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

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

**MEMO FOR THE AGENDA OF THE AUGUST 15, 2016,
MEETING OF THE BOARD OF COMMISSIONERS**

TO: Board of Commissioners; Co. Manager; Myra Brooks
FROM: Co. Atty. R. Moorefield
DATE: August 8, 2016
**SUBJECT: Offer of L & I Investments, LLC, to Purchase Certain Real Property
Located at 1114 Morgan Street, Fayetteville, NC**

BACKGROUND:

The County and the City of Fayetteville acquired the real property with the PIN 0437-03-2562 located at 1114 Morgan Street Fayetteville, NC, at a tax foreclosure sale in 2014 for a purchase price of \$6,222.88. The property is zoned MR5 with a tax value of \$29,800.00. The City conveyed its interest in the property to the County on July 20, 2016, by a quitclaim deed recorded in Book 9904 at page 139. Based on the GIS Mapping and the tax records, there is a structure on the lot. L & I Investments, LLC, has made an offer to purchase the property for \$6,222.88. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is attached.

RECOMMENDATION/PROPOSED ACTION:

The County Attorney recommends the Board consider the offer of L & I Investments, LLC. If the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

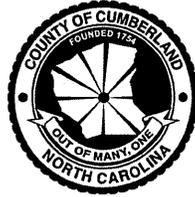
**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
ADVERTISEMENT OF PROPOSAL TO ACCEPT AN OFFER TO PURCHASE
CERTAIN REAL PROPERTY PURSUANT TO N.C.G.S § 160A-269**

Take notice that the Board of Commissioners finds the real property located at 1114 Morgan Street, Fayetteville, NC, with PIN 0437-03-2562 not needed for governmental purposes and proposes to accept an offer to purchase the property for \$6,222.88. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

August _____, 2016

Candice White, Clerk to the Board

RICKEY L. MOOREFIELD
County Attorney



PHYLLIS P. JONES
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ROBERT A. HASTY, JR.
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**MEMO FOR THE AGENDA OF THE AUGUST 15, 2016,
MEETING OF THE BOARD OF COMMISSIONERS**

TO: Board of Commissioners; Co. Manager; Myra Brooks
FROM: Co. Atty. *R. Moorefield*
DATE: August 9, 2016
SUBJECT: Offer of L & I Investments, LLC, to Purchase Certain Real Properties, Being a Lot Containing 0.19 ac. Ashley Street; Lot 204 Savoy Heights, 1112 Turnpike Road; and Lot 206 Savoy Heights, Turnpike Road

BACKGROUND:

The County and the City of Fayetteville acquired the following real properties at a tax foreclosure sale in 2012 for the purchase prices indicated for each:

Description	Tax Value	County's Purchase Price	Deed	PIN No.
0.19 ac land Location: 000 Ashley St	\$7,500.00	\$3,180.88	8832/371	0437-12-3815
Res 1112 Turnpike Rd. Lot 204 Savoy Hgts Location: 1112 Turnpike Rd	\$10,000.00	\$4,241.18		0437-03-1242
VAC Turnpike Rd. Lot 206 Savoy Hgts Location: 0000 Turnpike Rd	\$10,000.00	\$4,241.18		0437-03-1109

Based on GIS Mapping and the tax records, each property is a vacant lot with MR5 zoning. The City conveyed its interest in these properties to the County July 20, 2016, by a deed recorded in Book 9904 at page 139.

L&I Investments, LLC, has made an offer to purchase the properties for the amount of the County's purchase price for each in the total amount of \$11,781.05. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is attached.

RECOMMENDATION/PROPOSED ACTION:

County attorney recommends the Board consider the offer of L&I Investments, LLC, and if the Board proposes to accept the offer, resolve the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

The proposed advertisement follows.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
ADVERTISEMENT OF PROPOSAL TO ACCEPT AN OFFER TO PURCHASE
CERTAIN REAL PROPERTY PURSUANT TO N.C.G.S § 160A-269

Take notice that the Board of Commissioners finds the following real properties not needed for governmental purposes and proposes to accept an offer to purchase the following properties for the prices indicated: PIN 0437-12-3815, being 0.19 ac. vacant land, Ashley Street, Fayetteville, for \$3,180.88; PIN 0437-03-1242, being Lot 204 Savoy Heights, 1112 Turnpike Road, Fayetteville, for \$4,241.18; and Lot 206 Savoy Heights, VAC Turnpike Road, for a purchase price of \$4,241.18. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

August __, 2016

Candice White, Clerk to the Board

RICKEY L. MOOREFIELD
County Attorney



ITEM NO. 2F

PHYLLIS P. JONES
Assistant County Attorney

ROBERT A. HASTY, JR.
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

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(910) 678-7762

**MEMO FOR THE AGENDA OF THE AUGUST 15, 2016,
MEETING OF THE BOARD OF COMMISSIONERS**

TO: Board of Commissioners; Co. Manager; Myra Brooks
FROM: Co. Atty. *R. Moorefield*
DATE: August 8, 2016
SUBJECT: Approval of Sale of Surplus Real Property, Being Lot 8 McNeill Sands, Sec 2

Attachment: Publisher's Affidavit

BACKGROUND:

On June 6, 2016, the Board adopted a resolution of its intent to accept the offer of Mr. Arthur Thomas to purchase the property with PIN 0472-08-5670, being Lot 8, McNeill Sands, Section 2 (0.44 acs.), Plat Book 99 at Page 52, for \$3,223.15. Based on the GIS Map, it is a vacant lot. It is zoned A1 with a tax value of \$7,500.

Notice of the proposed sale was advertised in the *Fayetteville Observer* on June 14, 2016, subject to the upset bid process required by G. S. § 160A-269. The publisher's affidavit is attached. More than 10 days have elapsed since the notice was published. No upset bid was received.

RECOMMENDATION/PROPOSED ACTION:

County Attorney recommends the Board accept this offer and authorize the Chair to execute a deed for the property upon the County's receipt of the balance of the purchase price.

AFFIDAVIT OF PUBLICATION

NORTH CAROLINA
Cumberland County

CUMBERLAND COUNTY
BOARD OF COMMISSIONERS
ADVERTISEMENT OF PROPOSAL TO
ACCEPT AN OFFER TO PURCHASE
CERTAIN REAL PROPERTY PURSUANT TO
N.C.G.S. § 160A-269

Take notice that the Board of Commissioners finds the real property described herein is not needed for governmental purposes and proposes to accept an offer to purchase the property with PIN 0472-08-5670, being Lot 8, McNeill Sands, Section 2, Plat Book 99 at Page 52 and containing 0.44 acs., more or less, for a purchase price of \$3,223.15. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.
June 6, 2016

Candice White, Clerk to the Board
6/14 4737910

Before the undersigned, a Notary Public of said County and state, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared. CINDY O. MCNAIR Who, being duly sworn or affirmed, according to law, doth depose and say that he/she is LEGAL SECRETARY of THE FAYETTEVILLE PUBLISHING COMPANY, a corporation organized and doing business under the Laws of the State of North Carolina, and publishing a newspaper known as the FAYETTEVILLE OBSERVER, in the City of Fayetteville, County and State aforesaid, and that as such he/she makes this affidavit; that he/she is familiar with the books, files and business of said Corporation and by reference to the files of said publication the attached advertisement of CL Legal Line CUMBERLAND COUNTY BOARD OF COMMISSIONERS ADVERTISEMENT OF PROPOSAL... of CUMB CO ATTORNEY'S was inserted in the aforesaid newspaper in space, and on dates as follows:

6/14/2016

and at the time of such publication The Fayetteville Observer was a newspaper meeting all the requirements and qualifications prescribed by Sec. No. 1-597 G.S. of N.C.

The above is correctly copied from the books and files of the aforesaid corporation and publication.

Cindy O. Mcnair

LEGAL SECRETARY

Title

Cumberland County, North Carolina

Sworn or affirmed to, and subscribed before me, this 14 day of June, A.D., 2016.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Pamela H. Walters

Pamela H. Walters, Notary Public

My commission expires 5th day of December, 2020.

MAIL TO: CUMB CO ATTORNEY'S
PO BOX 1829, ,
FAYETTEVILLE, NC 28302

0004737910

AMY H. CANNON
County Manager

JAMES E. LAWSON
Deputy County Manager



MELISSA C. CARDINALI
Assistant County Manager

W. TRACY JACKSON
Assistant County Manager



ITEM NO. 26

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 15, 2016

TO: BOARD OF COUNTY COMMISSIONERS
FROM: AMY H. CANNON, COUNTY MANAGER *atw*
DATE: AUGUST 8, 2016
SUBJECT: APPROVAL OF THE CUMBERLAND COUNTY FACILITIES COMMITTEE REPORT AND RECOMMENDATIONS

BACKGROUND

The Cumberland County Facilities Committee met on Thursday, August 4, 2016 and discussed the following agenda:

- 1) Approval of Winding Creek Facility Renovation Bid
- 2) Resolution of Intent to Lease Certain Real Property to Hometown Sports America, Inc. and Conduct Statutorily Required Advertising
- 3) Lease Agreement Renewal for the Williams Solid Waste Container Site

Separate memos for these items are attached and the draft minutes of the Cumberland County Facilities Committee are attached for your convenience.

RECOMMENDATION/PROPOSED ACTION

Accept the Cumberland County Facilities Committee report and recommendations.

/ct

Attachments

CM080816-1

DRAFT

CUMBERLAND COUNTY FACILITIES COMMITTEE
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
AUGUST 4, 2016 - 8:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Glenn Adams
Commissioner Charles Evans
Commissioner Kenneth Edge

MEMBERS ABSENT: Commissioner Jimmy Keefe

COMMISSIONERS PRESENT:
Commissioner Larry Lancaster
Commissioner Jeannette Council

OTHERS PRESENT: Amy Cannon, County Manager
James Lawson, Deputy County Manager
Tracy Jackson, Assistant County Manager
Melissa Cardinali, Assistant County Manager
Sally Shutt, Governmental Affairs Officer
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Jeffery Brown, Engineering & Infrastructure Director
Deborah Shaw, Budget Analyst
Heather Harris, Budget Analyst
Kim Cribb, Budget Analyst
Jeremy Aagard, Fayetteville Swampdogs
Lew Handelsman, Fayetteville Swampdogs
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Glenn Adams called the meeting to order.

1. APPROVAL OF MINUTES – JUNE 2, 2016 FACILITIES COMMITTEE MEETING

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

2. CONSIDERATION OF APPROVAL OF WINDING CREEK FACILITY RENOVATION BID

DRAFT

BACKGROUND:

At the February 1, 2016 Board of Commissioners meeting, the Board approved an agreement with Alliance Behavioral Healthcare regarding the proposed improvements to the portion of property the organization currently leases at the Winding Creek Facility located at 711 Executive Place. As part of that agreement, Alliance Behavioral Healthcare has agreed to pay for improvements estimated to be \$1,300,000.

Formal bids are scheduled to be received on August 1, 2016 at 2:00 p.m. for the proposed renovations at the Winding Creek Facility for Alliance Behavioral Healthcare. The received bids will be presented to the Facilities Committee on August 4, 2016 along with the certified bid tab provided by the project architect with a recommendation to award a contract to the lowest responsible and responsive bidder. The Committee will also be asked to establish a contingency amount for the project.

RECOMMENDATION/PROPOSED ACTION

The Engineering and Infrastructure Director along with County Management recommended that the Facilities Committee approve the following recommendations and forward to the Board of Commissioners for consideration at its August 15, 2016 meeting.

1. Award a contract to the lowest responsible and responsive bidder.
2. Establish a contingency amount to be used for additional work recommended by the E&I Director and approved by the County Manager.



Bid Tabulation for Cumberland County
Winding Creek Interior Renovations for Alliance Behavioral Healthcare
Architect's Project Number: 01602.000

<i>General Contractors</i>	<i>Base Bid w/substantial completion date of 03/10/17</i>	<i>Cost of Plumbing</i>	<i>Cost of Mechanical</i>	<i>Cost of Electrical</i>	<i>Alt. 1 Add work associated with replacing DDC Panels</i>	<i>Alt. 2 Add work associated with Workroom Cabinetry</i>	<i>Base Bid plus Alternates</i>
Construction Systems Inc.	\$753,000	\$17,500	\$92,962	\$219,200	\$5,465	\$11,550	\$770,015
Hayes Inc.	\$598,849	\$4,550	\$92,962	\$223,000	\$5,465	\$11,793	\$616,107
M&E Contracting, Inc.	\$634,857	\$26,060	\$92,962	\$223,000	\$6,510	\$12,844	\$654,211
Player, Inc.	\$715,000	\$26,060	\$92,962	\$223,000	\$5,000	\$11,500	\$731,500
Shaw Construction Company, Inc.	\$719,000	\$26,060	\$92,962	\$219,200	\$6,800	\$13,427	\$739,227

DRAFT

Jeffery Brown, Engineering and Infrastructure Director reviewed the background information, certified bid tab and recommendation as recorded above.

- MOTION: Commissioner Edge moved to recommend to the full board approval to award a contract to Hayes, Inc. for \$616,107 and establish a \$106,000 contingency amount to be used for additional work recommended by the Engineering and Infrastructure Director and approved by the County Manager.
- SECOND: Commissioner Evans
- VOTE: UNANIMOUS (3-0)

3. CONSIDERATION OF APPROVAL OF EXTENSION OF J.P. RIDDLE STADIUM LEASE TO HOMETOWN SPORTS AMERICA, INC.

BACKGROUND

Hometown Sports America, Inc. wishes to renew an existing lease agreement with Cumberland County for J.P. Riddle Stadium located at 2823 Legion Road in Fayetteville. This agreement will expire December 31, 2016. The lease includes J.P. Riddle Stadium, all associated parking, and related facilities for use as a home field for the Fayetteville Swampdogs Baseball Team. The lease terms would be as follows: up to four (4) consecutive one (1) year terms; annual rent shall be in the amount of \$12,000; the lessee shall maintain current concession rights; the lessor will pay utilities with the lessee paying a flat sum of One Hundred Fifty Dollars (\$150.00) per game in-season for any sponsored event at which baseball games are played and Two Hundred Fifty Dollars (\$250.00) per month, each month no games are played, during the off-season. Maintenance responsibilities will be split as agreed upon in the current lease agreement.

RECOMMENDATION/PROPOSED ACTION

Staff recommends approval of the intent to lease and required advertising. It is proposed that staff would subsequently bring a resolution to the Board of Commissioners at their September 19, 2016 meeting with a second and final resolution, and the actual lease agreement, being brought to the Board of Commissioners at their October 3, 2016 meeting.

Tracy Jackson, Assistant County Manager, reviewed the background information and recommendation as recorded above.

Commissioner Edge stated he would like to see the certificate of insurance. Mr. Jackson stated he would have that information available by the August 15, 2016 full board meeting.

DRAFT

MOTION: Commissioner Edge moved to recommend to the full board approval of the intent to lease and required advertising regarding the J.P. Riddle Stadium lease to Hometown Sports America, Inc. extension with the insurance information being provided at the regular board meeting on August 15, 2016.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (3-0)

4. CONSIDERATION OF APPROVAL OF A LEASE AGREEMENT RENEWAL FOR THE WILLIAMS SOLID WASTE CONTAINER SITE

BACKGROUND:

The Solid Waste Department operates the Williams Container site located at 5746 Kennel Road, Eastover, NC. Cumberland County leases the property for this site from Mr. Charlie Wayne Williams. This container site has been in operation for over thirty years at the same location, and it is important that this site remain open in order to provide the necessary service to the citizens within the surrounding community. The current lease agreement is set to expire on September 30, 2016.

The property owner has agreed to renew the lease with Cumberland County for an additional five years with the only change being the lease amount. The current lease amount is \$3,500 for the full five-year lease agreement which is to be paid promptly after the execution of the lease agreement. The new agreement proposes an increase to the lease amount to \$4,000. The Solid Waste Department will be able to absorb the increased cost of the agreement in its FY17 Budget.

RECOMMENDATION/PROPOSED ACTION:

The Interim Solid Waste Director along with County Management recommends that the Facilities Committee approve the lease renewal and forward it to the Board of Commissioners for its consideration at their August 15, 2016 meeting.

STATE OF NORTH CAROLINA

**LEASE
AGREEMENT**

COUNTY OF CUMBERLAND

THIS LEASE AGREEMENT, made and entered into this ____ day of _____, 2016 by and between CHARLIE WAYNE WILLIAMS, of Cumberland County, North Carolina, party of the first part, hereinafter called OWNER, and CUMBERLAND COUNTY, party of the second part, hereinafter called COUNTY.

WITNESSETH:

DRAFT

That subject to the terms and conditions herein contained, the OWNER does hereby lease and let unto the COUNTY, and the COUNTY accepts as LESSEE, that certain tract or parcel of land in Eastover Township, Cumberland County, North Carolina, being described as follows:

Containing 0.31 acres, more or less.

BEGINNING at a point, said point being the point of intersection of the southern margin of State Road No. 1821 (60 feet right-of-way) and the eastern margin of A.C. Williams First Tract Property Line as recorded in Deed Book 398, Page 298 Cumberland County Registry; and running thence with the eastern margin of said A.C. Williams Property South 07 degrees 30 minutes West 75.78 feet to a point; thence North 74 degrees 15 minutes West 185.89 feet to a point; thence North 15 degrees 45 minutes East 75.00 feet to a point in the southern margin of said State Road No. 1821 South 74 degrees 15 minutes East 175.00 feet to the point and place of BEGINNING and containing 0.31 acres more or less and being a part of Tract No. 1 described in a Deed recorded in Deed Book 3034, page 709, of the Cumberland County Registry.

To have and to hold said lands for the term and upon the conditions as follows:

I.

The term of this lease shall be for a period of five (5) years beginning on October 1, 2016 unless sooner terminated by mutual agreement of the parties herein or if continued performance by either or both parties will result in a violation of any county, state or federal law. The COUNTY is granted the option to renew this lease for an additional period of five (5) years upon the same terms and conditions as herein contained by its payment of the same rental rate provided for in paragraph III thirty (30) days prior to expiration of the original term.

II.

The COUNTY will use this property for the purpose of maintaining a solid waste container site on said property with the necessary solid waste containers, ramps, pads, driveways, and fences for public use.

III.

The rental to be paid by the COUNTY to OWNER for said property shall be FOUR THOUSAND DOLLARS (\$4,000.00) for the full five (5) year lease term which shall be paid promptly after the execution of this lease agreement.

IV.

The COUNTY agrees to accept the said property in its present condition and make all improvements required to place said solid waste containers on property.

V.

The COUNTY will maintain said property in an orderly manner.

DRAFT

VI.

At the expiration of this lease or any renewal term, the COUNTY shall remove any pads, ramps, fences, fill, or other materials placed on said property by the COUNTY if so required by the OWNER.

VII.

The OWNER warrants that he is the owner of the above described property, and has the authority to enter into this Lease.

VIII.

The County agrees that it shall indemnify and hold harmless the OWNER from any claims for damages, to either persons or property, made by the employees, agents or contractors of the County arising out of or in connection with the County's operation in maintaining the Solid Waste Container Site on said property.

IX.

This Agreement shall be governed by the internal laws of the State of North Carolina without regard to the conflict of interest provisions thereof.

X.

This Agreement may be modified only by an instrument duly executed by the parties or their respective successors in interest.

IN WITNESS WHEREOF, this instrument is duly executed the day and year first above written.

Mr. Brown reviewed the background information, recommendation and lease agreement as recorded above.

MOTION: Commissioner Evans moved to recommend to the full board approval of the Williams Container Site Solid Waste Lease Agreement Renewal.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (3-0)

5. OTHER ITEMS OF BUSINESS

There were no other items of business.

MEETING ADJOURNED AT 8:45 AM.



ITEM NO. 26(1)

CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

ENGINEERING & INFRASTRUCTURE DEPARTMENT

Engineering Division · Facilities Management Division · Landscaping & Grounds Division · Public Utilities Division

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 15, 2016

TO: BOARD OF COUNTY COMMISSIONERS
FROM: JEFFERY P. BROWN, PE, E & I DIRECTOR
THROUGH: AMY H. CANNON, COUNTY MANAGER *[Signature]*
DATE: AUGUST 5, 2016
SUBJECT: APPROVAL OF BID AWARD FOR THE WINDING CREEK FACILITY RENOVATION PROJECT

BACKGROUND:

At the February 1, 2016 Board of Commissioners meeting, the Board approved an agreement with Alliance Behavioral Healthcare regarding the proposed improvements to the portion of property the organization currently leases at the Winding Creek Facility located at 711 Executive Place. As part of that agreement, Alliance Behavioral Healthcare has agreed to pay for improvements estimated to be \$1,300,000.

Formal bids were received on August 1st at 2:00 PM for the proposed renovations at the Winding Creek Facility for Alliance Behavioral Healthcare. The certified bid tabulation from SFL+A has been attached along with a letter of recommendation to award the contract to the lowest responsible and responsive bidder. The lowest bid was submitted by Hayes, Inc. in the amount of \$616,107 which includes two alternates that have been elected to be included in the overall renovation project.

The Board of Commissioners approved a budget revision at the March 21, 2016 meeting that establishes a contingency in the amount of \$106,030 for the project.

This was presented and approved at the Facilities Committee on August 4th.

RECOMMENDATION/PROPOSED ACTION:

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

1. Award a contract to Hayes, Inc. in the amount of \$616,107 for the renovation of the Winding Creek Facility for Alliance Behavioral Healthcare.
2. Establish a contingency in the amount of \$106,030 for the project.



August 1, 2016

Jeffery P. Brown, PE
Engineering & Infrastructure Director
Cumberland County Engineering & Infrastructure Department
130 Gillespie St, Fayetteville, NC 28301

RE: Winding Creek Interior Office Renovations for Alliance Behavioral Healthcare

Dear Jeffery:

Enclosed is a copy of the Certified Bid Tab and Bid Proposal form and supporting documentation for the low-bid contractor for the Winding Creek Interior Office Renovations for Alliance Behavioral Healthcare

It is our recommendation to the Cumberland County Commissioners that they accept the low bid proposal submitted by Hayes, Inc. They submitted a low bid proposal of \$598,849 for Base Bid; \$5,465 for Alternate #1 and \$11,793 for Alternate #2, for a total possible contract amount of \$616,107. Hayes Inc. is the low bid contractor regardless of which alternates are accepted. Pending the determination of the accepted alternates and confirmation of funding, we will prepare the Notice of Award to the Contractor.

If I can be of any further assistance, please feel free to call at any time.

Sincerely,

Chris Frank, AIA, Project Architect

Attachments:

Certified Bid Tab
Bid Proposal

Principals

Robert W. Ferris, AIA,
REFP, LEED® AP

Eric J. Lindstrom, AIA
LEED® AP

Ronald A. Rice

Thomas W. Hughes, AIA,
REFP, LEED® AP

Barry H. Backman, AIA

Associates

James C. Dean

Offices

Fayetteville, NC

Raleigh, NC

AMY H. CANNON
County Manager

JAMES E. LAWSON
Deputy County Manager



MELISSA C. CARDINALI
Assistant County Manager

W. TRACY JACKSON
Assistant County Manager



ITEM NO. 26(2)

OFFICE OF THE COUNTY MANAGER

**MEMO FOR THE AGENDA OF THE AUGUST 15, 2016
BOARD OF COMMISSIONERS' MEETING**

TO: BOARD OF COMMISSIONERS

FROM: W. TRACY JACKSON, ASST. COUNTY MANAGER FOR SUPPORT SERVICES (TJ)

THROUGH: AMY H. CANNON, COUNTY MANAGER (AC)

DATE: AUGUST 5, 2016

SUBJECT: CONSIDERATION OF A RESOLUTION OF INTENT TO LEASE CERTAIN REAL PROPERTY TO HOMETOWN SPORTS AMERICA, INC. AND CONDUCT STATUTORILY REQUIRED ADVERTISING

BACKGROUND

Hometown Sports America, Inc. wishes to renew an existing lease agreement with Cumberland County for J.P. Riddle Stadium. This agreement will expire December 31, 2016. The lease includes J.P. Riddle Stadium, all associated parking, and related facilities for use as a home field for the Fayetteville Swampdogs Baseball Team. A notice of intent to lease must be published at least thirty (30) days in advance of a regular Board of Commissioners' meeting prior to approving any proposed lease.

RECOMMENDATION/PROPOSED ACTION:

As recommended by the Facilities Committee at its August 4, 2016, meeting, adopt the following resolution:

BE IT RESOLVED that the Cumberland County Board of Commissioners finds that the real property known as J.P. Riddle Stadium and associated facilities located at 2823 Legion Road will not be needed for government purposes for the term proposed for the lease of the property to Hometown Sports America, Inc., and this Board intends to adopt a resolution at its regular meeting to be held on September 19, 2016, approving the lease pursuant to the terms to be advertised as follows:

TAKE NOTICE that the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its regular meeting to be held on September 19, 2016, approving the lease of J.P. Riddle Stadium and associated facilities located at 2823 Legion Road to Hometown Sports America, Inc. for up to four years, in one year consecutive terms, commencing on January 1, 2017 at an annual rental rate of \$12,000.

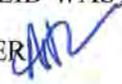


ITEM NO. 26(3)

**CUMBERLAND
COUNTY**
NORTH CAROLINA

SOLID WASTE MANAGEMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 15, 2016

TO: BOARD OF COUNTY COMMISSIONERS
FROM: JEFFERY P. BROWN, PE, INTERIM SOLID WASTE DIRECTOR
THROUGH: AMY H. CANNON, COUNTY MANAGER 
DATE: AUGUST 5, 2016
SUBJECT: CONSIDERATION OF APPROVAL OF WILLIAMS CONTAINER SITE SOLID WASTE LEASE AGREEMENT RENEAL

BACKGROUND:

The Solid Waste Department operates the Williams Container site located at 5746 Kennel Road, Eastover, NC. Cumberland County leases the property for this site from Charlie Wayne Williams. This container site has been in operation for over thirty years at the same location and it is critical that this site remain open in order to provide the necessary service to the citizens within the surrounding community. The current lease agreement is set to expire on September 30, 2016.

The property owner has agreed to renew the lease with Cumberland County for an additional five years with the only change being the lease amount. The current lease amount is \$3,500 for the full five-year lease agreement which is to be paid promptly after the execution of the lease agreement. The new lease agreement proposes an increase to the lease amount to \$4,000. The Solid Waste Department will be able to absorb the increased cost of the agreement in its FY 17 budget.

This was presented and approved by the Facilities Committee on August 4th.

RECOMMENDATION/PROPOSED ACTION:

The Interim Solid Waste Director, County Management and the Facilities Committee recommend that the Board of Commissioners approve the attached lease renewal for the Williams Container Site located at 5746 Kennel Road, Eastover, NC.

STATE OF NORTH CAROLINA

LEASE AGREEMENT

COUNTY OF CUMBERLAND

THIS LEASE AGREEMENT, made and entered into this ____ day of _____, 2016 by and between CHARLIE WAYNE WILLIAMS, of Cumberland County, North Carolina, party of the first part, hereinafter called OWNER, and CUMBERLAND COUNTY, party of the second part, hereinafter called COUNTY.

WITNESSETH:

That subject to the terms and conditions herein contained, the OWNER does hereby lease and let unto the COUNTY, and the COUNTY accepts as LESSEE, that certain tract or parcel of land in Eastover Township, Cumberland County, North Carolina, being described as follows:

Containing 0.31 acres, more or less.

BEGINNING at a point, said point being the point of intersection of the southern margin of State Road No. 1821 (60 feet right-of-way) and the eastern margin of A.C. Williams First Tract Property Line as recorded in Deed Book 398, Page 298 Cumberland County Registry; and running thence with the eastern margin of said A.C. Williams Property South 07 degrees 30 minutes West 75.78 feet to a point; thence North 74 degrees 15 minutes West 185.89 feet to a point; thence North 15 degrees 45 minutes East 75.00 feet to a point in the southern margin of said State Road No. 1821 South 74 degrees 15 minutes East 175.00 feet to the point and place of BEGINNING and containing 0.31 acres more or less and being a part of Tract No. 1 described in a Deed recorded in Deed Book 3034, page 709, of the Cumberland County Registry.

To have and to hold said lands for the term and upon the conditions as follows:

I.

The term of this lease shall be for a period of five (5) years beginning on October 1, 2016 unless sooner terminated by mutual agreement of the parties herein or if continued performance by either or both parties will result in a violation of any county, state or federal law. The COUNTY is granted the option to renew this lease for an additional period of five (5) years upon the same terms and conditions as herein contained by its payment of the same rental rate provided for in paragraph III thirty (30) days prior to expiration of the original term.

II.

The COUNTY will use this property for the purpose of maintaining a solid waste container site on said property with the necessary solid waste containers, ramps, pads, driveways, and fences for public use.

III.

The rental to be paid by the COUNTY to OWNER for said property shall be FOUR THOUSAND DOLLARS (\$4,000.00) for the full five (5) year lease term which shall be paid promptly after the execution of this lease agreement.

IV.

The COUNTY agrees to accept the said property in its present condition and make all improvements required to place said solid waste containers on property.

V.

The COUNTY will maintain said property in an orderly manner.

VI.

At the expiration of this lease or any renewal term, the COUNTY shall remove any pads, ramps, fences, fill, or other materials placed on said property by the COUNTY if so required by the OWNER.

VII.

The OWNER warrants that he is the owner of the above described property, and has the authority to enter into this Lease.

VIII.

The County agrees that it shall indemnify and hold harmless the OWNER from any claims for damages, to either persons or property, made by the employees, agents or contractors of the County arising out of or in connection with the County's operation in maintaining the Solid Waste Container Site on said property.

IX.

This Agreement shall be governed by the internal laws of the State of North Carolina without regard to the conflict of interest provisions thereof.

X.

This Agreement may be modified only by an instrument duly executed by the parties or their respective successors in interest.

IN WITNESS WHEREOF, this instrument is duly executed the day and year first above written.

ATTEST

COUNTY OF CUMBERLAND

BY: _____
CANDICE WHITE, Clerk

BY: _____
MARSHALL FAIRCLOTH, Chairman
Board of Commissioners

OWNER

CHARLIE WAYNE WILLIAMS

THIS INSTRUMENT HAS BEEN PRE-AUDITED IN THE MANNER REQUIRED BY THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.

APPROVED FOR LEGAL SUFFICIENCY

BY: _____
Vicki Evans, County Finance Director

BY: _____
County Attorney's Office

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, _____, a Notary Public in and for the State of North Carolina, certify that CANDICE WHITE personally appeared before me this day and acknowledged that she is the Clerk to the Cumberland County Board of Commissioners; that MARSHALL FAIRCLOTH is the Chairman of said Board; that the seal affixed to the foregoing Instrument is the Official Seal of said Board; that said Instrument was signed and sealed by said Chairman and attested by her on behalf of the said Board, all by its authority duly granted; and that said CANDICE WHITE acknowledged the said Instrument to be the act and deed of the said Board.

WITNESS my hand and seal this the ____ day of _____, 2016.

Notary Public

My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, _____, a Notary Public in and for the State of North Carolina, certify that CHARLIE WAYNE WILLIAMS personally appeared before me this day and acknowledged the due execution of the foregoing Lease Agreement for the purposes therein expressed.

WITNESS my hand and notarial seal this the ___ day of _____, 2016.

Notary Public

My Commission Expires: _____

AMY H. CANNON
County Manager

JAMES E. LAWSON
Deputy County Manager



MELISSA C. CARDINALI
Assistant County Manager

W. TRACY JACKSON
Assistant County Manager



ITEM NO. 24

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 15, 2016

TO: BOARD OF COUNTY COMMISSIONERS
FROM: AMY H. CANNON, COUNTY MANAGER 
DATE: AUGUST 8, 2016
SUBJECT: APPROVAL OF THE CUMBERLAND COUNTY FINANCE COMMITTEE REPORT AND RECOMMENDATIONS

BACKGROUND

The Cumberland County Finance Committee met on Thursday, August 4, 2016 and discussed the following agenda:

- 1) Request for Proposals for the Cumberland County Workforce Development Program
- 2) Business Process Recommendations for the Food and Nutrition Program at the Department of Social Services

Separate memos for these items are attached and the draft minutes of the Cumberland County Finance Committee are attached for your convenience.

RECOMMENDATION/PROPOSED ACTION

Accept the Cumberland County Finance Committee report and recommendations.

/ct

Attachments

CM080816-2

DRAFT

CUMBERLAND COUNTY FINANCE COMMITTEE
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
AUGUST 4, 2016 – 9:00 AM
SPECIAL MEETING MINUTES

MEMBERS PRESENT: Commissioner Larry Lancaster, Chairman
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Jimmy Keefe

OTHER COMMISSIONERS
PRESENT:

Commissioner Glenn Adams
Commissioner Faircloth

OTHERS:

Amy Cannon, County Manager
James Lawson, Deputy County Manager
Tracy Jackson, Assistant County Manager
Melissa Cardinali, Assistant County Manager
Sally Shutt, Governmental Affairs Officer
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Deborah Shaw, Budget Analyst
Heather Harris, Budget Analyst
Kim Cribb, Budget Analyst and Grants Coordinator
Tammy Gillis, Director of Internal Audit and Wellness Services
Jeffrey Brown, Engineering and Infrastructure Director
Jim Lott, Workforce Development Director
Joe Utley, Tax Administrator
Candice H. White, Clerk to the Board
Press

Commissioner Lancaster called the meeting to order.

1. APPROVAL OF MINUTES – JUNE 2, 2016 FINANCE COMMITTEE REGULAR MEETING

MOTION: Commissioner Council moved to approve the June 2, 2016 minutes.
SECOND: Commissioner Edge
VOTE: UNANIMOUS (4-0)

Melissa Cardinali, Assistant County Manager, stated Tammy Gillis, Director of Internal Audit and Wellness Services, is now a Certified Government Auditing Professional having passed the exam issued by the Institute of Internal Auditors Certified Government Auditing Professional. Ms. Cardinali also introduced Kim Cribb as the new budget analyst and Juvenile Crime Prevention Council coordinator.

DRAFT

2. CONSIDERATION OF REQUEST FOR PROPOSALS FOR THE CUMBERLAND COUNTY WORKFORCE DEVELOPMENT PROGRAM

BACKGROUND:

Workforce Development staff have prepared the Request for Proposals (RFP) for FY17 programs and services. These important services are focused on the following groups: local employers, the unemployed, underemployed adults, veterans, dislocated workers, In-School Youth (age 14-21) and Out-of-School Youth (age 16-24). This RFP seeks service providers who will work collaboratively with Cumberland County Workforce Development and the North Carolina Department of Commerce’s Division of Workforce Solutions as part of an integrated services model. All program funding originates from the federal government via the Workforce Innovation and Opportunity Act (WIOA) and is passed through to the State of North Carolina to local Workforce Development Boards. Estimated allocations for FY17 are anticipated to be as follows for these specific program areas in Cumberland County:

- 1) \$800,000 for adult services programs
- 2) \$700,000 for dislocated worker programs
- 3) \$900,000 for youth services programs

These amounts may be subject to change as it is based upon a prior estimate of available funds. It is anticipated that the exact funding amount will be known at or about the time of the final contract negotiations. All contracts for services will be on a cost-reimbursement basis, based upon performance, and may be extended for two additional years at the discretion of the County.

RECOMMENDATION/PROPOSED ACTION:

Approval to move forward with the RFP process for youth, adult and dislocated worker workforce services in Cumberland County.

Tracy Jackson, Assistant County Manager, recognized Jim Lott, Workforce Development Director, who stated Cumberland County received about \$3 million per year in federal funds that come through the state to the County to serve those who are unemployed and looking for a better job. Mr. Lott stated two years ago the state passed a law requiring that the Career Center bid out the service programs. Mr. Lott stated the Request for Proposals (RFP) for FY17 programs and services will be released in the next few days and the bidders can be a government agency, nonprofit agency or a private for-profit agency. Mr. Lott stated bids will be due the end of August, the Workforce Development Board will review and approve on September 7 and the Board of Commissioners will give final approval in mid September.

MOTION: Commissioner Edge moved to go forward with the RFP process for youth, adult and dislocated worker workforce services in Cumberland County.

SECOND: Commissioner Council

VOTE: UNANIMOUS (4-0)

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3. PRESENTATION ON THE 2017 TAX REVALUATION PROCESS BY JOE UTLEY

BACKGROUND:

NCGS 105-286 required counties to reappraise all real property every eight years. Cumberland County's next general reappraisal is scheduled for January 1, 2017.

This is the first of two presentations meant to serve as informational session prior to the October 3, 2016 Board of Commissioners' meeting. This presentation will inform the Finance Committee members about the revaluation process, the current status and future timeline.

RECOMMENDATION/PROPOSED ACTION:

This presentation is for informational purposes only. No action by the Finance Committee is required.

Amy Cannon, County Manager, recognized Joe Utley, Tax Administrator, and stated he will provide information on the revaluation process; however, there are no numbers available at this point in the revaluation process. Ms. Cannon stated it will likely be late November or early December before there are any conclusions. Mr. Utley introduced Tami Botello, Real Estate Division Manager, and provided the following presentation on the 2017 revaluation to include background information, steps involved in the revaluation process, timetable of key events and plans for citizen education.

What is Revaluation?

Revaluation is simply...

- The process of appraising all real estate at the fair market value or present use value, as of January 1st of a specific year

Why Conduct a Revaluation?

- A general revaluation is conducted to equalize all property values at 100% of fair market value
 - NCGS 105-283: Uniform Appraisal Standards
 - All Property, Real and Personal
 - Valued at "True Value" in money = "Market Value"
- To reestablish tax equity and fairness between all properties, which increase or decrease in value due to various factors
- Ensures that all property owners are paying their fair share of the property tax burden

How Often is a Revaluation Conducted?

- North Carolina law requires all counties to perform a countywide real property Revaluation at least once every 8 years (G.S. 105-286)
- Cumberland County Revaluation cycle has varied; however, we are currently on an 8 year cycle; our last revaluation was January 1, 2009
- 56 Counties remain on an 8 year cycle
 - To include: Cumberland, Durham and Mecklenburg
- 40 Counties are on a 4 year cycle
 - Wake County BOC approved a 4 year cycle on March 21, 2016

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Commissioner Adams asked why some counties are on a 4 year cycle versus an 8 year cycle and whether one cycle was better than the other. Mr. Utley stated a 4 year cycle is too quick for some counties and some of the smaller counties are on an 8 year cycle due to funding considerations. Chairman Faircloth stated Cumberland County was on a 4 year cycle when real estate values were growing and went back to an 8 year cycle when growth slowed down. Mr. Utley stated a permanent revaluation team would have to be established if the county went back to a 4 year cycle which would require additional staff. Mr. Utley continued his presentation.

Time and Staff to Conduct a Revaluation

Our assignment is to estimate fair market value as of January 1, 2017 by analyzing sales, cost and income data.

- To conduct a successful revaluation, we need a minimum of 2 ½ to 3 years
- Two primary teams – Commercial and Residential
- All staff members are involved at one time or another conducting specialized tasks

Current Real Estate Staffing

- Revaluations are completed by our own in-house staff (every revaluation since 1992)
- All appraisers with more than one year of service are certified by the NC Department of Revenue as Real Property Appraisers
- There are 14 appraisal positions in Real Estate
 - RE Division Manager
 - Appraisal Supervisor
 - 12 Appraisers

Steps Involved in a Revaluation

- Neighborhood Reviews (boundary, lot size; quality; characteristics)
- Cost Studies are conducted & Cost Models developed
- Conduct a Review of Vacant & Improved Property Sales
 - Our staff analyzes the actions of buyers and sellers in the market
 - We maintain a county wide sales file and have an active sales verification process
- Market models are then established to value residential properties
- The models are developed based on similarities between the neighborhoods, to include: location, age and quality
- A majority of the commercial property will be valued using the cost approach; however, income producing properties will use the income approach to value:
 - Apartments, Motels, Shopping Centers and Mobile Home Parks
- Collect Income & Expense Data
 - Income surveys are sent to the property owners
 - On-site visits are conducted to talk with owners and tenants
 - Resource guides for the property types
 - Marshall and Swift Valuation Services
 - Smith Travel Research (Hotels)
 - Institute of Real Estate Management (Shopping Ctrs/Apartments)
- Collect Income & Expense Data

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- From these sources stabilized or market rents, vacancy and expense ratios are established to create income models
- The income properties are grouped to ensure like properties are assigned to the same income model
- Income models are applied to establish an income value

Commissioner Keefe stated apartments are valued using the income approach; however, people who live in apartments use the County's services such as education, social services, public health and libraries at a higher level than other income producing properties that do not use the County's services such as hotels, shopping centers or mobile home parks. Commissioner Keefe asked why apartments could not be valued comparable to residential properties. Mr. Utley stated in accordance with the general statute, efforts are to reach the true value or market value, and apartment complexes are going to be bought and sold by investors based on their income producing capability. Mr. Utley stated although he is required to consider all approaches, were he to go to Raleigh with an appeal on the valuation set for an apartment complex and had not used the income approach, he would lose the appeal. A brief discussion followed. Commissioner Edge asked to have the number of rental properties in Cumberland County provided. Mr. Utley continued his presentation.

Time Table for Revaluation

- October 2016 – Presentation of Schedule of Values (SOV) to the Board of Commissioners and a Public Hearing is held
 - To be discussed in more detail at the September Finance Meeting
- November 2016 – Adoption of the SOV by the Board of Commissioners
- December 2016 – Last opportunity for the SOV's to be appealed to the NC Property Tax Commission
- January 1, 2017 – Values become final
- January Time Frame – 2017 notices are mailed
- February/March 2017 – Informal Hearings begin
 - Valuation Notices will have a mail in section
 - Questions answered and appointments made by phone
 - Walk-ins accepted – Appraisers on duty
 - Appraisers meet with taxpayers and begin site visits
- April 2017 – Begin sending 2nd notices with the results from the informal appeals
 - The vast majority of appeals will be resolved through the informal hearing process
- April/May 2017 – Board of Equalization and Review (BER) convenes with day and night meetings as needed

Citizen Education on Revaluation

- County Website – Link to a Revaluation Page
 - Frequently Asked Questions
 - Explanation of Revaluation
 - Link to the Brochure
 - Cumberland Matters
- Meetings with Municipalities as Requested
- Other Meetings
 - NC Board of Realtors

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- Cape Fear Appraisal Group
- Public Libraries

September Finance Committee

- What to Expect:
 - Factors that affect the Tax Base and Revenue
 - More Information on the Appeals Process
 - Overview of the Schedule of Values (SOV)

Commissioner Council asked whether this presentation be provided during a meeting of the Mayor's Coalition. Chairman Faircloth stated the presentation would be timely if provided during the next meeting which will be in November.

4. MONTHLY FINANCIAL REPORT

BACKGROUND:

There was a delay in providing reports because additional time was needed to validate reports as a result of transitioning to new system reporting layouts to ensure accuracy.

The attached financial report is as of May 31, 2016. Highlights include:

- Revenues
 - Ad Valorem tax collections are continuing to appear strong
 - Revenues exceeded the annual budget allocation for this line, consistent with May of 2015
 - May year-to-date collections reached 98.97% of the tax levy for the year
 - Sales and other taxes and other revenue categories remain in line with budget and previous year patterns
- Expenditures
 - General Fund expenditures remain in line with budget and previous year patterns
- Crown center expense summary/prepared food and beverage and motel tax
 - Total year-to-date event income and expenditures are slightly higher than this time last fiscal year

RECOMMENDATION/PROPOSED ACTION:

No action needed – for information purposes only.

Vicki Evans, Finance Director, reviewed the background information recorded above and stated ad valorem tax collections exceeded budget reaching 98.97% of the tax levy for the year which is .05% better than last year. Ms. Evans stated Crown Center expenditures and prepared food and beverage and motel tax are trending slightly higher than last year but still within budget.

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5. PRESENTATION ON THE FOOD AND NUTRITION PROGRAM BUSINESS PROCESS REVIEW CONDUCTED BY THE ENTERPRISE SOLUTIONS DIVISION OF INFORMATION SERVICES

BACKGROUND:

As a part of the Board of Commissioners approved Business Intelligence Initiative, the Enterprise Solutions Division within Information Services recently conducted a comprehensive business process review for the Department of Social Services. The business process review concentrated on the Food and Nutrition Services within the Economic Services Division. Through this business process review, several opportunities for business process improvements were discovered.

The presentation will review the current processes, business process improvement opportunities and recommended solutions to improve these business processes.

RECOMMENDATION/PROPOSED ACTION:

Information Services asks that the Finance Committee endorse the Enterprise Solutions Division's continued work on a phased-in approach and monitoring of the business process improvements for FNS and provide bi-monthly reports to the Finance Committee.

Ms. Cardinali reviewed the background information recorded above and introduced Enterprise Solutions Division Manager Kim Honan and team members Sabrina Patterson, Jimmy Platter and Lynn Smith. Ms. Cardinali stated the team worked with DSS in three areas: applications, certification and training. Ms. Cardinali stated the presentation that follows will be on the applications portion and the certification and training portions will be brought to the Finance Committee at a later time. Ms. Cannon recognized Social Services staff Claretta Johnson, Vivian Tooks and Gail Bullard.

Ms. Honan provided the following overview of the Enterprise Solutions Division and process reviews:

The Enterprise Solutions Division (ESD) was created to conduct business process reviews to analyze and identify process improvements and efficiency opportunities with a technology focus around the County enterprise systems, such as Tyler Munis for Financials, HR, Payroll, Benefits and Utility Billing, and Laserfiche, the County's content management system.

The Business Intelligence initiative expands the business process reviews to include all business processes to maximize efficiency opportunities. ESD's initial business process reviews included the Jury process and Veteran Services, and the majority of those recommendations have been implemented with great success. The Jury summons processing time was projected to be reduced by 50.52%, however ESD recently completed its 6-month evaluation and observed a reduction of 81.05%. In Veterans Services, 22 of 44 steps were eliminated from their intake process.

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The business process reviews are comprehensive and many techniques are used. They include:

- A Voice of Customer questionnaire that's provided to the department head prior to our kick-off meeting to gain insight into their department and processes
- An initial kick-off meeting to review the questionnaire, obtain input and feedback, and to explain our process
- Observation visits and one on one discussions with subject matter experts
- Additional research using internal and external resources
- Site visits and web meetings with other County agencies
- Ongoing internal collaboration with our Information Services team to obtain input and feedback from the Applications and Infrastructure teams. This helps us get an understanding of what's been done in the past, what technology plans may be in progress or in consideration for the future, and determine any relationships or dependencies that we need to know about.

Some of our upcoming initiatives include Animal Control, DSS Medicaid and the Tax office. Currently, ESD is conducting business process reviews for the Mail Room, Print Shop and Graphics, the Commissioners' agenda process, Central Permits and Environmental Health, and the Food and Nutrition Services areas of DSS.

Ms. Honan recognized Ms. Patterson who provided the following presentation which detailed the division's business process review and collaboration with DSS relating to FNS Applications and Central Records.

Ms. Patterson stated the agenda for presentation includes:

- Organizational Structure
- Current Applications
- Fact Findings
- Statistical Data
- Known Pain Points
- Applications Improvement Areas
- Central Records
- NCFAST Help Desk
- Value Added Summary
- Recommended Rollout Phases
- Operational Support Team (OST) Comments
- Strategic Goals
- Future Endeavors

Ms. Patterson reviewed the organizational structure as follows:

- Program Manager
- 2 – Supervisors
- 2 – Lead Workers
- 24 – Income Maintenance Case Workers

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- 12 – Process EPASS, Dropbox, Mail-in and Faxed Applications
- 6 – Resource Center Staff to conduct interviews and process customer's applications for expedite service
- 6 – Time Limited Staff
- 2 – Vacant Approved Full-time Case Workers as of May 1st Organizational Chart
- 2 – Vacant Time Limited Case Workers as of May 1st Organizational Chart

Ms. Patterson stated it is important to note that the above information is just in time data and is subject to change based on FNS workloads. Ms. Patterson stated the Department of Social Services (DSS) has approximately 701 employees and Economic Services has approximately 272 employees.

Ms. Paterson stated FNS currently uses at least 5 of the 8 software applications to complete FNS applications:

- North Carolina Families Accessing Services through Technology (NCFAST) for FNS, Medicaid and TANF
- Online Application System known as Electronic Pre-Assessment Screening Service (EPASS)
- Document Imaging System (EAGLE) with Laserfiche to be implemented
- Web Identity Role Management/Online Verification System (WIRM/OLV)
- Electronic Benefit Transfer Edge (EBT) or food stamp card
- Data Warehouse
- Microsoft Access – Client Tracking
- Microsoft Excel – Reports, Workflows, etc.

Ms. Patterson stated discovery produced the following fact findings:

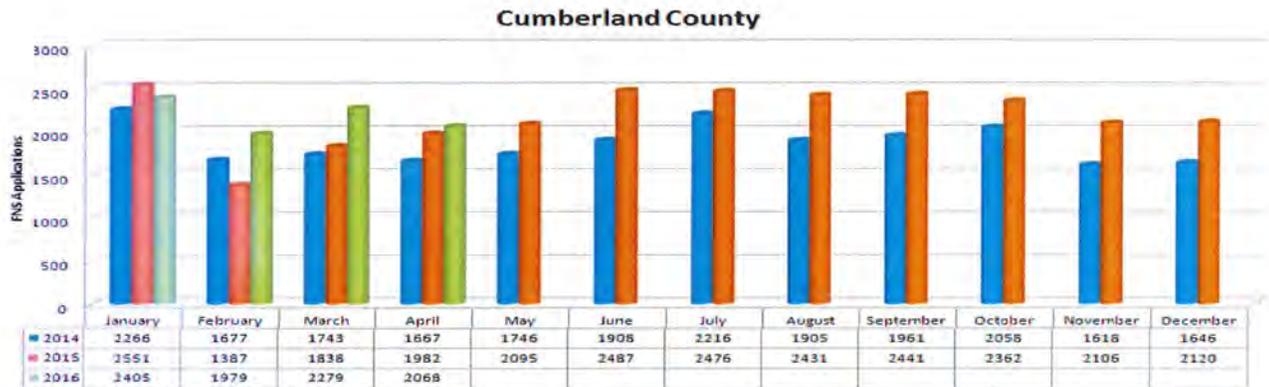
- As of May 2016, according to the North Carolina Department of Health and Human Services (DHHS) there were approximately 69,005 individuals receiving FNS, which makes up 33,240 active cases. This represents 21% of the Cumberland County population (329,403) receiving assistance in Economic Services and DSS.
- In FY2015, DSS Call Center handled approximately 271,805 calls of which 117,809 (43.3%) were for Economic Services; whereas, FNS made up 57,768 (21.3%) of those calls.
- DHHS did a full implementation of NCFAST to all 100 North Carolina counties in Fall 2013 and stopped using Food Stamps Information System (FSIS) in December 2013.
- Over 17,300 NCFAST Help Desk tickets were received across the state when NCFAST first went live. A total of 16,900 of those tickets were closed, but the remaining 400 help desk tickets were placed on a backlog which continues to grow.
- DHHS plans to implement the Subsidized Child Care Assistance (SCCA) and Energy in early 2017 and plans to implement Child Services and Aging and Adult Services portal between now and June 2017.
- For the FY15-16 Proposed Budget (March 18, 2015), 38 Income Maintenance positions were requested to support Medicaid and FNS workload.*
 - Time Limited Staff members were reduced from 45 to 35.*
 - 13 full-time FNS positions were approved (6 for Applications and 7 for Recertification).*

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- In order to meet the June 2016 federal deadline it was estimated that an additional 15 full-time FNS positions were needed.*
- On January 9, 2016, County Commissioners approved overtime/exempt time payment for employees whose work was related to the United States Department of Agriculture (USDA) mandate for FNS until June 30, 2016.
- From January 4th through May 6th, 2016, DSS timeliness and accuracy rate has increased by 10.27%.

*Source: Buncombe Business Enterprise Model – Revised FNS Staffing Analysis October 5, 2015

Ms. Patterson provided the following overview of FNS application monthly totals for CY2014 – 2016* and stated the statistical data was acquired from Data Warehouse.



*For CY2015 Expedited Applications averaged approximately 45% of the applications received, which equals to 11,824

*Total for 2014: 22,411

*Total for 2015: 26,276

*Increase of 3,865 applications

In response to a question posed by Commissioner Keefe, Ms. Patterson stated these are straight numbers but there can be changes as a result of Turbo Tax, when school is out and teacher assistants apply for supplemental services, from the Affordable Care Act and changes in income levels.

Staffing Analysis

Ms. Patterson stated a business process review will need to be completed in all areas of DSS Economic Services Division before staff recommendations can be determined and staffing formulas such as the one below will be used as part of the process.

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CY2015	FNS Apps Taken	State Average Processing Time	Staff Required	Current Staffing	Staffing Differential
January	2551	2	36.44	18	-18.44
February	1387	2	19.81	18	-1.81
March	1838	2	26.26	18	-8.26
April	1982	2	28.31	18	-10.31
May	2095	2	29.93	18	-11.93
June	2487	2	35.53	18	-17.53
July	2476	2	35.37	18	-17.37
August	2431	2	34.73	18	-16.73
September	2441	2	34.87	18	-16.87
October	2362	2	33.74	18	-15.74
November	2106	2	30.09	18	-12.09
December	2120	2	30.29	18	-12.29
Average	2190		31.28		-13.28

*The Staffing Formula used was taken from the Buncombe Study of 2014 (Work Days per Month: 20; Work Hours per Day: 7; Work Hours per Month: 140; Work Days per Year: 245)

*Processing Time

(1 hr 45 mins would equal to a staffing differential of -9.37)

(1 hr 30 mins would equal to a staffing differential of -5.46)

*Observed Processing Time: 1 hour to 1 hour and 52 minutes (This time varied due to the Household Composition and the length of the phone interview)

Ms. Patterson reviewed overtime/exempt time compensation totals as outlined below.

Pay Periods	Comp & Exempt Time Hours	Overtime Hours
Jan 10th - Jan 23rd, 2016	87.9	7
Jan 24th - Feb 6th, 2016	353.56	0
Feb 7th - Feb 20th, 2016	18.45	12
Feb 21st - Mar 5th, 2016	167.2	103.8
Mar 6th - Mar 19th, 2016	58.9	24
Mar 20th - Apr 2nd, 2016	63.38	37.3
Apr 3rd - Apr 16th, 2016	0	0
Apr 17th - Apr 30th, 2016	130.08	97.6
May 1st - May 14th, 2016	50.6	39.15
Total	930.07	320.85

- The overall total for overtime and comp/exempt time hours equal 1,250.92 hours.
- This graph represents only the FNS Applications employees who were identified by the FNS Manager and the Lead Supervisor.
- These hours were accumulated from employees working one or two Saturdays a pay period and a few hours over the normal 8 hour work day.
- After reviewing the bi-weekly timesheets it showed that 18 FNS employees accumulated overtime hours and 31 FNS employees and other qualified staff (Lead Workers & Supervisors) accumulated comp/exempt hours during the above payroll periods.

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Ms. Patterson presented the following timeliness and accuracy rates and stated USDA requires a 95% timeliness and accuracy rate for completed FNS applications.

Date	County	All Approved			
		Timely		Untimely	
		Pct	Count	Pct	Count
Dec 28th - Jan 1st, 2016	Cumberland	89.89%	235	10.31%	27
Jan 4th - Jan 8th, 2016	Cumberland	86.18%	393	13.82%	63
Jan 11th -15th, 2016	Cumberland	85.24%	387	14.76%	67
Jan 18th - 22nd, 2016	Cumberland	82.69%	234	17.31%	49
Jan 25th - 29th, 2016	Cumberland	78.73%	322	21.27%	87
Feb 1st - 5th, 2016	Cumberland	83.90%	344	16.10%	66
Feb 8th - 12th, 2016	Cumberland	85.68%	341	14.32%	57
Feb 15th - 19th, 2016	Cumberland	90.00%	279	10.00%	31
Feb 22nd - 26th, 2016	Cumberland	82.50%	297	17.50%	63
Feb 29 - Mar 4th, 2016	Cumberland	92.79%	399	7.21%	31
Mar 7th - 11th, 2016	Cumberland	92.89%	413	7.81%	35
Mar 14th - 18th, 2016	Cumberland	90.00%	382	9.91%	42
Mar 21st - 25th, 2016	Cumberland	92.84%	316	7.06%	24
Mar 28th - Apr 1st, 2016	Cumberland	90.49%	238	9.51%	25
Apr 4th - 8th, 2016	Cumberland	97.14%	403	2.66%	11
Apr 11th - 15th, 2016	Cumberland	95.41%	395	4.59%	19
Apr 18th - 22nd, 2016	Cumberland	95.59%	347	4.41%	16
Apr 25th - 30th, 2016	Cumberland	96.68%	291	3.32%	10
May 2nd - 6th, 2016	Cumberland	96.45%	408	3.55%	15

Ms. Patterson outlined the following known pain points discussed with her during observation:

- Staff members are overwhelmed
 - Heavy caseload volume.
 - Lack of personal leave coverage.
 - Working late evenings, one mandatory Saturday per month, and two voluntary Saturdays.
 - High amount of reorganizational movement and staff turnover driven by demands associated with state and federal mandates, state issues with NCFAST, etc.
 - \$80 million in federal funding is at risk statewide and \$2 million for Cumberland County if the 95% accuracy rate is not met.
- Processing time limit constraints due to change in state mandates and policy
 - State requirements for Expedite application processing time. (Must be processed by the 4th day).
 - State requirements for Non-Expedite application processing time. (Must be processed by the 25th day).
- NCFAST issues
 - Slowness or unavailability of the NCFAST system, which produces unplanned downtime and reduces productivity.
 - NCID and Log in problems to include not being able to locate server.
 - Receiving error messages while processing applications.

In response to a question posed by Commissioner Keefe, Ms. Patterson stated there have been improvements in the NCFAST system so that it now stays open until around 9:00 p.m.

Ms. Patterson outlined areas for improvement as follows and stated these do not mean staff have not doing their jobs and there has not been a reason behind what they have been doing.

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- Staffing Workload
 - To cross train case workers in the two major program sections (FNS and Medicaid)
 - To eliminate the need for customers to see two different case workers.
 - To enhance FNS case workers' ability to efficiently serve customers better.
 - To continue to improve the organization's timeliness and accuracy rate.
 - To have the ability to do same day processing as best practice.
 - To reduce the need to work evenings and mandatory Saturdays.
- Applications Teams
 - FNS Pending Applications Team - To allow external FNS applications (mail-in and faxes) to be pended within NCFAST the same day as they are received instead of going to the End of Day report for processing the following day.
 - FNS Expedite Team (2nd floor) – To ensure all expedite FNS applications that are mailed in, dropped off, or faxed are entered and processed within the state mandated four days.
- Customer Phone Interviews
 - To reduce the average application processing time for FNS case workers by 15-30 minutes.
 - To reduce the number of applications closed due to not being able to conduct the phone interview.
- Standard Phone Interview Template
 - To ensure all FNS case workers are asking the same questions in the same order so it's quicker and easier to reference.
 - To allow FNS case workers to copy and paste questions and customer answers directly into NCFAST.
- Phase out internal and external drop boxes
 - To encourage timely submittals.
 - To avoid missing opportunities to conduct face-to-face interviews as the FNS applications are being dropped off.
 - To minimize need to call customers for phone interviews.
 - To eliminate the need to add them to the End of Day report for processing the next day.

Ms. Patterson outlined of central records are for all divisions and stated even though records are scanned, they are still copied and placed in folders. Ms. Patterson stated some of the records cannot be destroyed.

- There are approximately 1,007 – 5 drawer file cabinets which contain customers' file records.
- There is approximately 7,455 square footage that is being utilized for the 4 storage areas: (Room G16: 205 sq ft; Room G19F: 550 sq ft; Room G19G: 550 sq ft; Room N101E: 6,150 sq ft).
- There are an enormous number of boxes in all of the file storage areas.
- Keeping up with "Retention Schedule" is a big issue.

Ms. Patterson reviewed storage costs for DSS to use the Patterson Storage facility:

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- DSS has been using Patterson Storage facility since 1999.
- Being utilized for purchasing storage boxes, shredding/destruction of documents, and storage.
- The monthly charge ranges from \$1,100 to \$1,300.
- Payment history:
 - FY2013 (\$12,824.00)
 - FY2014 (\$13,766.50)
 - FY2015 (\$16,687.90)
 - FY2016 (\$13,886.25) As of March 21, 2016
- In October 2015, 1,500 boxes of FNS documents were shredded by Patterson Storage.
- There are exactly 5,367 file boxes over at Patterson Storage.

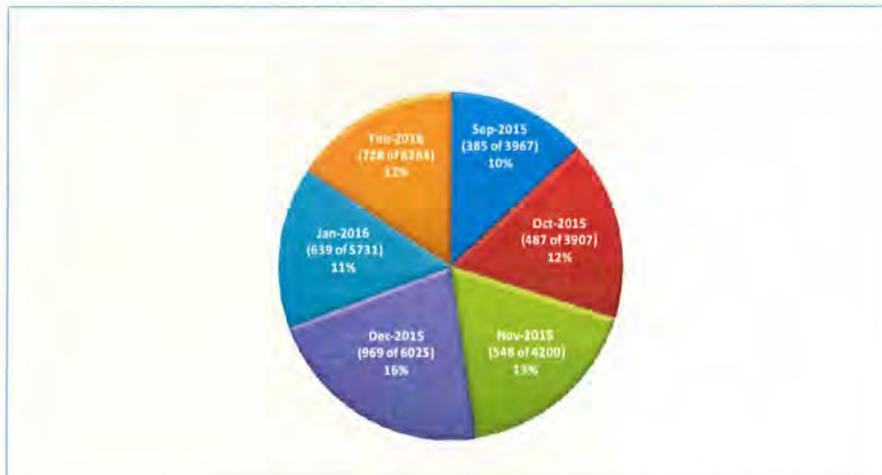
Ms. Patterson outlined central records improvement areas:

- Minimize overcrowded file cabinets
 - To reduce the amount of documents being scanned and saved.
 - To improve records management, reduce file maintenance, and decrease storage requirements and related cost.
 - To free up 7,455 space for future growth.

Ms. Patterson reviewed central records recommendations and stated the state is trying to encourage all counties to work towards going paperless.

- Continue to implement Laserfiche
 - To create green efficiencies by reducing paper and to increase operational efficiencies and assist in records retention.
 - To incorporate the county electronic content management system.
 - To follow the state initiative for all counties to work toward becoming paperless.
 - To provide document management in one central location.
 - Fail safe security and auditing features.
 - Provide consistent and reliable information on demand.

Ms. Patterson reviewed usage of the NCFAS help desk stating there are only two people that can open tickets and one of those had 45 tickets open in January, 66 open in February and 34 open in March. Ms. Patterson stated in February, 728 of the 6264 tickets were for FNS only.



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Ms. Patterson reviewed NCFAST help desk improvement areas:

- NCFAST help desk submittal process
 - To reduce the need to email help desk request to the NCFAST Help Desk Administrators.
 - To improve how help desk tickets are being tracked inefficiently.
 - NCFAST Problem Solving Manual
 - To enable employees to resolve NCFAST issues themselves, eliminate wait times and reduce the number of duplicated help desk tickets.
 - To reduce delays in FNS applications processing.

Ms. Patterson reviewed NCFAST help desk recommendations and stated a lot of problems arise from simple errors that can be avoided.

- Create a problem solver/resolution manual for previous help desk issues for reference.
- Create a “What-If” this happens then “Do-That” or “Check This” manual.
- Recommend case workers, lead workers, and supervisors to use the Troubleshooting Job Aid within NCFAST before submitting a help desk ticket to the NCFAST Help Desk Administrator.
- Add NCFAST Help Desk Administrators to the existing internal help desk system (SpiceWorks).
 - To eliminate the personal email communication going back and forth.
 - To provide the ability to track and monitor issues.

Value Added Summary

Ms. Patterson summarized the process improvements as presented during her presentation and the value added from those improvements as outlined below.

Process Improvement	Value Added
Enhance file maintenance (Laserfiche)	<ul style="list-style-type: none"> • Reduces the number of paper files. • Ability to dispose of approximately 1,007 file cabinets. • Redeems approximately 7,455 square footage of space for future growth. • Enables the ability to be notified when files are reaching the state retention date. • Ability to share information across various county agencies while limiting access.
Enhance intake process (Laserfiche)	<ul style="list-style-type: none"> • Ability to search and query specific files and data. • Ability to provide faster customer service. • Reduces redundancy of entering information. • Reduces the number of duplicated errors.
Develop a Phone Interview Team & Create a Phone Interview template	<ul style="list-style-type: none"> • Decreases and streamline the current FNS application processing time by approximately 15 to 30 minutes for case workers. • Enhances FNS case workers ability to focus on processing the application. • Ability to complete more phone interviews in a timely manner. • Ensures that all FNS case workers are asking the same questions in the same order so it's quicker and easier to reference.
Develop a Pending Applications Team	<ul style="list-style-type: none"> • Enables all external FNS applications (mailed-in, faxed, and dropped off) to be pended within NCFAST the same day it is received. • Improves employee productivity rate. (Average of 593 applications are pended on a daily basis)

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Process Improvement	Value Added
Develop an Expedite Team (2 nd floor)	<ul style="list-style-type: none"> Enhances the ability to process the expedite FNS application the same day but no later than the 4th day. (Expedites makes up 45% of FNS applications.)
Universal workers (Cross train employees in two programs: FNS and Medicaid)	<ul style="list-style-type: none"> Enables the ability for same day processing and improves the organization's timely and accuracy rate in both areas. Improves the business processes and improves the level of customer service.
Phase out internal and external drop boxes	<ul style="list-style-type: none"> Increases the ability to conduct same day face-to-face interviews. Reduces the need to call the customers for a phone interview. Reduces the need to enter the customer's information onto the End of Day log for next day review. Reduces the number of unsuccessful phone interview attempts.
Develop a NCFAST problem solving manual on the intranet	<ul style="list-style-type: none"> Enables employees to resolve the NCFAST issues themselves. Reduces the number of help desk tickets submitted to allow for faster processing times.
Add NCFAST Help Desk Administrators to the current IT help desk Spiceworks application	<ul style="list-style-type: none"> Provides an internal tracking system for NCFAST issues. Ability to run reports.

Ms. Patterson outlined the recommended rollout phases for FNS.

Rollout Phases	Recommended Suggestions
1 st	Continue to implement Laserfiche
2 nd	Add NCFAST Help Desk Administrators to the internal help desk system (Spiceworks)
3 rd	Develop a Phone Interview and a Pending Applications Team
4 th	Develop an Expedite Team for the 2 nd floor
5 th	Train employees in two programs (FNS and FCH/Adult Medicaid)
6 th	Phase out internal and external drop boxes
7 th	Create a NCFAST problem solving manual

Ms. Patterson stated the ESD team and employees visited Mecklenberg, Guilford and Onslow counties and talked with Wake, Forsyth and Buncombe counties. Ms. Cannon stated other counties have adopted many of the recommendations presented. Ms. Patterson stated for the universal concept, Mecklenberg stated on January 1, 2016 the accuracy rate was 83.82% and by March 11, 2016 the accuracy rate increased to 94.42% which was a 10.6% increase; by April 8, 2016 the accuracy rate was 96.9% or 13.8% increase. Ms. Patterson shared overall comments received from Operational Support Team Representatives with NC-DHHS.

Ms. Patterson than shared the following DSS and County strategic goals:

County and DSS Strategic Goals

- ❖ Goal 2 – Objective 3: Advance the county's automation and technology capabilities (County)

DRAFT

Continue implementation of digital records system to include Child Support, DSS and Veterans Services.

- ❖ Goal 2 – Objective 1-2: Defining and measuring our department’s effectiveness (DSS)

To obtain a clear picture of staffing, outcomes, and efficiency.

To identify programmatic needs.

- ❖ Goal 4 – Objective 1: Sustaining a combined workforce in an ever changing world (DSS)

To hire, develop and promote employees who support the mission, vision, value and core standards.

- ❖ Goal 5 – Objective 1: Optimize service delivery through innovation, automation and technology to enhance current services and create new service opportunities (County)

Ms. Patterson stated future endeavors of the ESD team are to:

- Continue to review, evaluate and recommend changes to the department business processes to make workflow more efficient, more effective and more client friendly.
- Conduct evaluations every three months after the implementation of the accepted recommendations.
- Benchmark improvements against the baseline measurables (monitor improvement results).
- Evaluate how the July 2016 roll out of Able-Bodied Adults without Dependents (ABAWDs) will affect FNS.

Comments followed. Ms. Cannon stated Deputy County Manager James Lawson will work with the ESD team and Social Services Director Brenda Jackson on an aggressive implementation plan and as part of the recommendation, bring bimonthly status reports to the Finance Committee.

MOTION: Commissioner Council moved that the Enterprise Solutions Division move forward to begin working with DSS on the implementation plan and provide bimonthly progress reports.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (4-0)

At the request of Chairman Faircloth, Ms. Johnson, Ms. Tooks and Ms. Bullard spoke to future challenges that may affect DSS Economic Services. Ms. Cannon explained the ESD team will lead the implementation process in collaboration with DSS which is critical because the next phase includes a review of the Medicaid program. Commissioner Adams stated monthly reports might work better to keep things on track.

AMENDED MOTION: Commissioner Lancaster moved that the Enterprise Solutions Division move forward to begin working with DSS on the implementation plan and provide monthly rather than bimonthly progress reports.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (4-0)

6. OTHER MATTERS OF BUSINESS

There were no other matters of business.

There being no further business, the meeting adjourned at 10:30 a.m.

AMY H. CANNON
County Manager

JAMES E. LAWSON
Deputy County Manager



MELISSA C. CARDINALI
Assistant County Manager

W. TRACY JACKSON
Assistant County Manager



ITEM NO. _____

24 (1)

OFFICE OF THE COUNTY MANAGER

**MEMO FOR THE AGENDA OF THE AUGUST 15, 2016
MEETING OF THE BOARD OF COMMISSIONERS**

TO: BOARD OF COMMISSIONERS

FROM: W. TRACY JACKSON, ASST. COUNTY MGR. FOR SUPPORT SERVICES *(TJ)*

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

DATE: AUGUST 9, 2016

SUBJECT: CONSIDERATION OF REQUEST FOR PROPOSALS (RFP) FOR WORKFORCE DEVELOPMENT

BACKGROUND

Workforce Development staff have prepared the Request for Proposals (RFP) for FY17 programs and services. These important services are focused on the following groups: local employers, the unemployed, underemployed adults, veterans, dislocated workers, In-School Youth (age 14-21) and Out-of-School Youth (age 16-24). This RFP seeks service providers who will work collaboratively with Cumberland County Workforce Development and the North Carolina Department of Commerce's Division of Workforce Solutions as part of an integrated services model. All program funding originates from the federal government via the Workforce Innovation and Opportunity Act (WIOA) and is passed through to the State of North Carolina to local Workforce Development Boards. Estimated allocations for FY17 are anticipated to be as follows for these specific program areas in Cumberland County:

- 1) \$800,000 for adult services programs
- 2) \$700,000 for dislocated worker programs
- 3) \$900,000 for youth services programs

These amounts may be subject to change as it is based upon a prior estimate of available funds. It is anticipated that the exact funding amount will be known at or about the time of the final contract negotiations. All contracts for services will be on a cost-reimbursement basis, based upon performance, and may be extended for two additional years at the discretion of the County.

This item was reviewed and recommended for approval by the Finance Committee at their August 4, 2016 meeting.

RECOMMENDATION/PROPOSED ACTION:

Approval to move forward with the RFP process for youth, adult and dislocated worker workforce services in Cumberland County.

Offeror's Company Name: _____

Solicitation (RFP) No. XX-XXX

THIS PAGE IS TO BE FILLED OUT AND RETURNED WITH YOUR BID. FAILURE TO DO SO MAY SUBJECT YOUR BID TO REJECTION.

ATTENTION

Federal Employer Identification Number or alternate identification number (e.g., Social Security Number) is used for internal processing, including bid tabulation. Enter ID number here: _____

Pursuant to N.C.G.S. 132-1.10(b) this identification number shall not be released to the public.

This page will be removed and shredded, or otherwise kept confidential, before the procurement file is made available for public inspection.

SECTION I – INTRODUCTION AND BACKGROUND

A. Purpose of Request for Proposals

Cumberland County and the Cumberland County Workforce Development Board (CCWFDB) announce the release of Workforce Innovation Opportunity Act of 2014 (WIOA) funding to organizations interested in providing the delivery of workforce services to: Cumberland County employers, unemployed or underemployed adults whose income is less than 200% of the Lower Living Standard, veterans, dislocated workers who have lost their job since January 1, 2009 and have no immediate prospects for returning to that occupation, In-School Youth (ages 14-21) and Out-of-School Youth (ages 16-24). The RFP is released to seek proposals for delivery of services in the Cumberland County Career Center in a collaborative Integrated Services Model working with the staff of the NC Department of Commerce's Division of Workforce Solutions (DWS).

This RFP covers a nine month period, beginning October 1, 2016, through June 30, 2017. Contracts will be cost reimbursement based upon performance and may be extended for two additional years at the discretion of the CCWFDB and/ Cumberland County. An option for extension may be executed in consideration of funding availability and contractor performance. If extended, the second year budget is anticipated to be at the same budget level, contingent upon actual future WIOA allocations. Budgets submitted to support a proposal may reflect a line-item for profit or for a federally-approved indirect cost rate. The selected contractor(s) will be required to transition those youth, adults, and dislocated workers who are enrolled or in follow-up under WIOA Program services, as of September 30, 2016.

B. Estimated Allocations

For purposes of this RFP, the allocation is based upon an estimate of available funds as of March 31, 2016. It is anticipated that the projected exact funding amount will become known on or about the time of the final contract negotiations. At the time of the RFP release, anticipated total amounts will be \$800,000 for adults, \$700,000 for dislocated workers, and \$900,000 for youth. Cumberland County and the CCWFDB reserve the right to adjust these anticipated allocations, as part of the contract negotiations process.

Respondent's proposed budgets must be within the amounts indicated above and must be reasonably based on proposed service level and service delivery plans. The amount awarded will be determined on a competitive basis, but not necessarily based on the lowest proposed cost. The leveraging of additional funds and services while not required, will enhance a proposal.

C. Eligible Applicants

Proposals will be accepted from any private for-profit entity, private non-profit entity, government agency, or educational institution that can demonstrate the capacity to successfully provide the integrated WFS and WFD services identified in this RFP. Proposals from consortia, partnerships, or other combinations of organizations are encouraged, but one organization must be designated as the lead agency/ prime contractor. Service delivery cannot be subcontracted without prior written approval from Cumberland County.

D. Organization

The Cumberland County Commissioners have been responsible for the federally-funded workforce development programs since 1974, and have had direct oversight of the WIOA workforce development programs in the "One-Stop" Career Center since the law was originally passed in July, 2014.

The Cumberland County Commissioners select the members of the Cumberland County Workforce Development Board (CCWFDB), and have also designated Cumberland County government as the Program and Fiscal Agent. Cumberland County government support staff will continue to provide internal controls and oversight of the One-Stop Career Center, which is known in North Carolina as NCWorks Career Center. Cumberland County, in collaboration with the CCWFDB, will competitively select a contractor to deliver program services to the participants and local employers from Cumberland County.

E. Workforce Investment Act Overview

The federal Workforce Innovation and Opportunity Act of 2014 (WIOA), P.L. 113-128 was enacted by Congress in July, 2014. For more information, refer to <https://www.doleta.gov/WIOA/>.

The overall purpose of these programs is to provide employers with value-added employees and to provide jobseekers with job search assistance, assessment and counseling, and training in order to gain employment that allows them to be self-sufficient.

These services are provided in a One-Stop Career Center through a coordinated sequence consisting of:

1. Initial eligibility
2. Intake and assessment
3. Career Services
4. Training

SECTION II – ADULT AND DISLOCATED WORKER PROGRAM SERVICES

A. Integrated Services

The State of North Carolina has mandated that all services provided from the Division of Workforce Solutions and the Workforce Development staff be integrated to increase effectiveness and efficiency of operations. WIOA and Wagner-Peyser Services are both expected to be delivered in the integrated services model and all participants must be co-enrolled through the state's reporting system, NCWorks Online. All integrated services will be provided at the One-Stop Career Center (CC) located at 410/414 Ray Avenue, in Fayetteville, NC. All selected contractor staff, along with the remaining WFS and WFD Board Support staff, will be initially co-located at this site; however, if the CCWFDB or Cumberland County decide to relocate services at some future point, the contractor will be expected to support the move to a new facility. There will be no facility cost assessed to the contractor.

B. Local CC Division of Work

Selected Contractor: Staff of the selected contractor will work closely with the DWS staff to integrate Wagner-Peyser and Workforce Investment Act services using a product-box (team-based) structure. The selected contractor is responsible for all WIOA services and deliverables. Additionally, the contractor staff will integrate their staff with DWS staff to provide the team-based, product-box services. The contractor will be responsible for providing their own supervisory staff, accounting and fiscal management staff, and support/operation staff in appropriate numbers to ensure that the contractor properly delivers integrated services. The contractor will report to the Career Center Manager who will provide functional oversight for contract compliance.

CCWFDB Support Staff: Cumberland County will retain administrative and fiscal management support responsibilities in direct support of the CCWFDB. Cumberland County will retain adequate WFD staff, including a Director of Workforce Development, to fulfill these Board support functions. The Career Center Manager will provide contract administration and functional oversight of the contractor to ensure that integrated services are provided at the appropriate level, or a higher level, than those services currently being provided. The staff will provide internal monitoring and conduct periodic internal control audits of the contractor services to ensure the contractor-provided services remain at or above the contract provisions/deliverables. Staff will also provide periodic internal control updates to Cumberland County and the CCWFDB. The contractor is expected to support the internal control measures and processes as it relates to services provided, numbers of clients served, and growth of program participation and other related items of interest to the CCWFD.

DWS Manager and associated staff: The local Director of Workforce Services will continue to formally report to the North Carolina Department of Commerce, Division of Workforce Solutions but will receive functional oversight from the CCWFDB Career Center Manager. The DWS Manager and staff will provide technical advice and assistance, as required, to the contractor. The Workforce Development Board Director will formally report to an Assistant County Manager for Cumberland County. The Career Center Manager and local DWS manager will conduct, analyze, and report on the status of integrated services following their internal audits of the processes, services, and deliverables of the contractor.

Career Center Manager: The primary duty of the Career Center Manager is to ensure the ongoing participation, support, collaboration, and consensus-building needed for success among the three primary groups working at the Center (DWS staff, WFD staff, and Contractor staff). Accordingly, the Career Center Manager will have functional supervision authority over the three primary groups, as necessary, to ensure ongoing growth of client enrollments and increases in numbers of services provided to those clients. This RFP is not soliciting for the Career Center Manager.

The purpose of this RFP is to receive proposals for the operational-level delivery of mandated integrated WIOA and Wagner-Peyser services, maintenance of client and service records, and proper updating of mandatory client information in the NCWorks on-line system including, but not limited to, reporting requirements as listed below:

1. Compliance with all Federal, State, and local Statutes, rules, guidelines and policies, including provisions of the Workforce Innovation and Opportunity Act Titles I (Adult, Dislocated Worker and Youth formula programs) and III (Wagner-Peyser Act employer services).
2. Compliance with eligibility certification requirements and maintenance of client records to achieve high

Offeror's Company Name: _____

success on internal and external monitoring visits, including monitoring visits from the NC Department of Commerce, Division of Workforce Solutions.

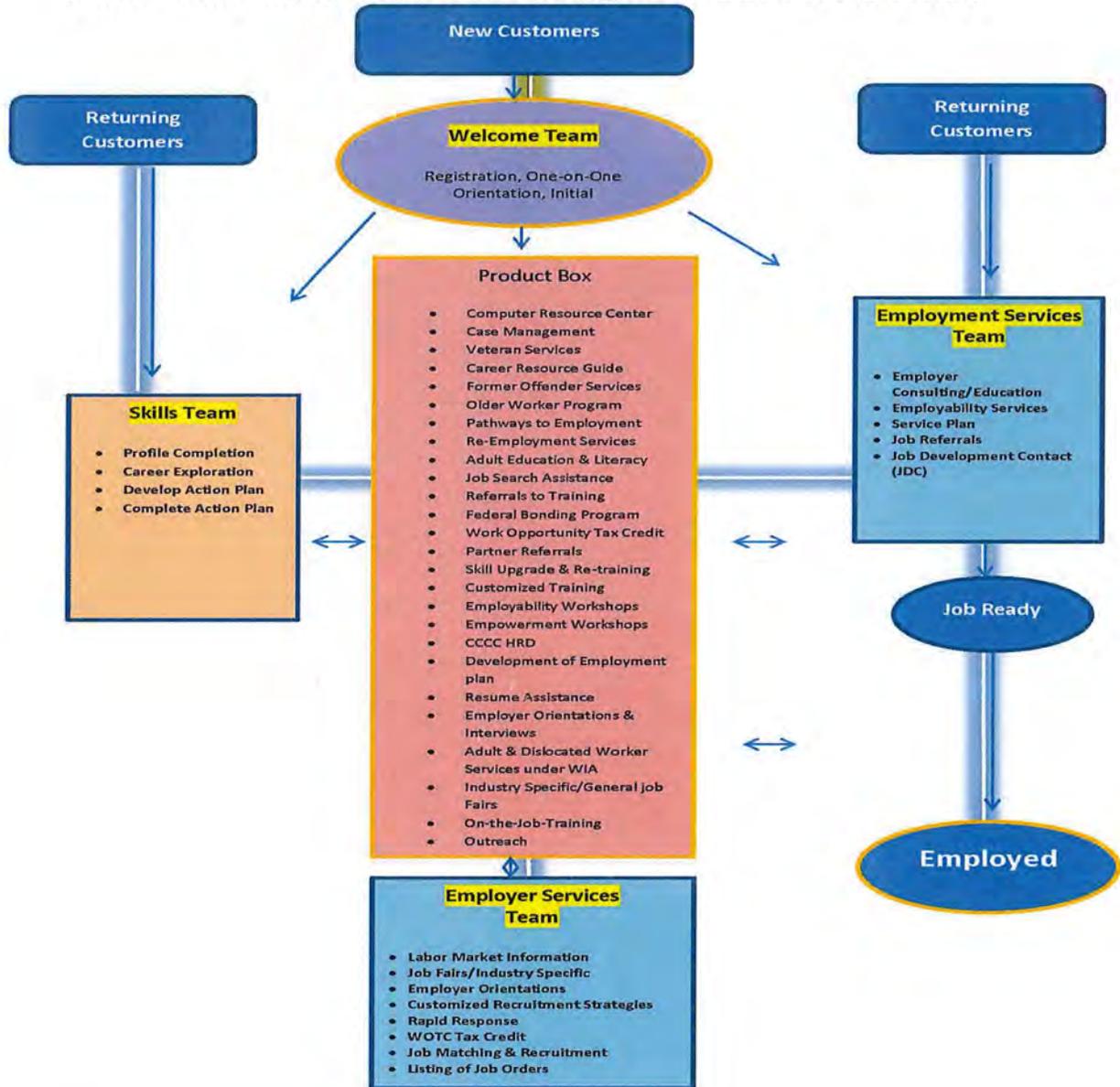
3. Compliance with CCWFDB and Cumberland County policies and procedures. Contractors may wish to consider interviewing and possibly hiring trained local current program staff that are already familiar with local policies, procedures and Federal, State, and local laws.

All provisions of the proposed contract deliverables and compliance expectations are further discussed in the remaining portions of this RFP.

C. Integrated Services Model/Approach

All services will be provided in an integrated, coordinated approach with the Division of Workforce Services Office, co-located at Ray Avenue. All participants will be jointly served, and will be co-enrolled in WIOA and Wagner-Peyser. The following flow chart is designed to meet the expectations of the NC Department of Commerce for integrated services, with job placement of the participants remaining the overarching goal at every step. The contractor will be part of this team process, while ensuring ongoing compliance, with all the rules for WIOA eligibility (as well as Wagner-Peyser).

Cumberland County Career Center Integrated Customer Flow Chart



D. Description of Teams and Jobs Shown in Previous Flowchart

Welcome Team: Due to Cumberland County's NCWorks Career Center's high customer volume including program participants and service support requirements from employers, we established Center Greeters who welcome each person and determine the customer's immediate/initial needs. First-time customers are assisted by members of the Welcome Team, providing initial assessments, and providing an orientation to the Center's many services. The Welcome Team also co-enrolls the individuals into Wagner-Peyser and WIOA Basic Services using the NCWorks Online System. The customer is then scheduled to meet with one of the other teams, depending on their individualized needs assessment.

Employment Services Team (ET): The ET places participants in jobs, provides resume assistance, including preparation, and other job search assistance necessary to place customers into jobs that are likely to provide a self-sufficient wage. This team also maintains job orders from employers with position vacancies.

Skills Team (ST): If it is determined that more assistance is required, the customer is referred to the ST,

who provides basic WIOA services including case management, assessments, interest inventories, and career exploration. As part of intensive services, an Individual Employability Plan (IEP) must be developed. The decision may be made at this point to enroll the customer in individualized training, either short-term or long-term, using a list of eligible training providers. All customers who have an IEP must receive follow-up services from the contractor's staff for at least one year following their program service completion date. If the participant is in training, under an Individual Training Account (ITA), contractor case managers must maintain ongoing contact, at least on a monthly basis until such time as that training is completed.

Employer Services Team (EST): The EST is focused on the needs of employers, including filling job orders, developing job orders, assisting in economic development, and offering subsidies to encourage current and future hiring, through Work Experience or On-The-Job Training (to be described later in the RFP).

E. (WIOA) Eligibility Criteria (Mandatory Compliance Required)

The selected contractor and its staff must ensure eligibility, as follows:

1. Customers

In coordination with the other Career Center partners, the selected contractor, as the program operator, must provide WIOA services to the following customers, as appropriate, and within funding/eligibility guidelines:

- The general public (the universal customer) seeking Basic Career Services
- Adults and Dislocated Workers (including displaced homemakers) who meet requirements for WIOA services
- Individuals seeking specialized services such as veterans, former offenders, high school dropouts, mature workers, people with limited English-speaking ability, people with disabilities, and other individuals with barriers to employment
- Exited WIOA participants for whom follow-up services are to be provided for one year.

2. Adult and Dislocated Worker Eligibility

The following eligibility rules are relevant for all customers enrolled in WIOA Career and Training services:

Adult Eligibility

1. 18 years of age or older;
2. US citizen or eligible non-citizen; and
3. In compliance with Selective Service registration requirements

If the CCWFDB decides to operate under a Priority of Services for the Adult program, the following eligibility rules also apply.

The following target groups receive priority for Adult services: Low Income persons (refer to definitions that follow for low income), Public Assistance recipients, and Veterans. Under the federal Jobs for Veterans Act, priority of services also applies to eligible spouses of veterans.

Low income individuals are defined as:

- a. Receiving public assistance, i.e., Temporary Assistance to Needy Families (TANF) or Supplemental Security Income (SSI);
- b. Family income for the 6-month period prior to application, in relation to family size, that does not exceed the higher of the poverty level or 70% of the lower living standard guidelines;
- c. Member of a household receiving Food Stamps or eligible to receive Food Stamps within the 6-month period prior to application;
- d. Qualifies as a Homeless person;
- e. Qualifies as a Foster child;
- f. An individual with a disability whose own income does not exceed the poverty level or 70% of the lower living standard guidelines.

A Veteran is defined as:

- a. An individual who served active duty in the military, naval or air service, and who was discharged from such service under conditions other than dishonorable.
- b. Note: When the veterans' priority is applied in conjunction with another statutory priority such as recipients of public assistance with low income persons, "veterans and eligible spouses who are members of the Recovery Act priority group must receive the highest priority within that priority group."

Dislocated Worker Eligibility

1. 18 years of age or older;
2. US citizen or eligible non-citizen;
3. In compliance with Selective Service registration requirements;
4. Qualifies in one of the following categories (since January 1, 2009):
 - a. An individual who has been terminated or laid off from employment, or received a notice of termination or layoff, and is eligible for, or has exhausted unemployment compensation, and is unlikely to return to previous occupation.
 - b. An individual who has been terminated or laid off from employment, or received a notice of termination or layoff, and has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings.
 - c. An individual who has been terminated from employment as a result of permanent closure of a plant or facility.
 - d. An individual who is employed at a facility that has made a general announcement that the facility will close within 180 days.
 - e. An individual who is self-employed, but is unemployed as a result of general economic conditions or a natural disaster.
 - f. An individual who qualifies as a displaced homemaker.

Priority of Services under the Dislocated Worker Program - Priority of services under the Dislocated Worker Program applies to veterans and eligible spouses of veterans.

F. WIOA Program Design Elements

A contractor's proposed program will include the following design elements:

Basic Services

Basic career services are available to the general public and all individuals seeking services in the one-stop delivery system. Customers visiting the Career Center are dual enrolled in Wagner-Peyser and WIOA. Basic career services must be made available to all individuals seeking services served in the one-stop delivery system, and include, but are not limited to:

- Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs;
- Outreach, intake (including identification through the state's Worker Profiling and Reemployment Services system of unemployment insurance (UI) claimants likely to exhaust benefits), and orientation to information and other services available through the one-stop delivery system;
- Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and support service needs;
- Labor exchange services, including-
 - Job search and placement assistance, and, when needed by an individual, career counseling, including-
 - Provision of information on in-demand industry sectors and occupations (as defined in sec. 3(23) of WIOA); and,
 - Provision of information on nontraditional employment (as defined in sec. 3(37) of

Offeror's Company Name: _____

WIOA);

- Provision of referrals to and coordination of activities with other programs and services, including those within the one-stop delivery system and, when appropriate, other workforce development programs;
- Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including-
 - Job vacancy listings in labor market areas;
 - Information on job skills necessary to obtain the vacant jobs listed; and,
 - Information relating to local occupations in demand and the earning, skill requirements, and opportunities for advancement for those jobs;
- Provision of performance information and program cost information on eligible providers of training services by program and type of providers.
- Provision of information about how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the area's one-stop delivery system;
- Provision of information relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including: child care; child support; medical or child health assistance available through the State's Medicaid program and Children's Health Insurance Program; benefits under the Supplemental Nutrition Assistance Program (SNAP); assistance through the earned income tax credit; housing counseling and assistance services sponsored through the U.S. Department of Housing and Urban Development (HUD); and assistance under a State program for Temporary Assistance for Needy Families (TANF), and other supportive services and transportation provided through that program;
- Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA; and
- Provision of information and assistance regarding filing claims under UI programs, including meaningful assistance to the individuals seeking assistance in filing a claim-
 - Meaningful assistance means providing assistance:
 - On-site using staff who are properly trained in UI claims, filing, and/or the acceptance of information necessary to file a claim, or
 - By phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time;
 - The costs associated in providing meaningful assistance may be paid for by the State's UI program, the WIOA Adult or Dislocated Worker programs, the Wagner-Peyser Employment Service, or some combination thereof these funding sources.

All customers are to receive basic career WIOA and Wagner-Peyser services, such as an initial assessment or job search and placement assistance, before proceeding to individualized career services.

The Contractor's proposed services to basic services customers will include the following:

Orientation for the One-Stop Career Center and its partner services will be available via video, printed materials, and the internet. The orientation will provide an overview of One-Stop Career Center services, processes, and policies/procedures.

Registration requires job seeker customers to complete an online registration. The online registration process will require job seekers to provide personal information such as name, address, date of birth, etc. The job seeker will also be asked a series of short questions regarding their employment history, education level, and other questions in order to obtain a high-level assessment of their individualized needs.

An Online Profile will assess skill levels, aptitudes, abilities, and the need for additional services. In some cases the Test for Adult Basic Education will be administered to determine if there are basic skill deficiencies.

An Individual Employment Plan (IEP) is used to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve their employment goals.

Computer Lab/Resource Room providing self-service information to customers in selecting future careers, job searching efforts, job matching processes, job-placement, retention and advancement services.

Offeror's Company Name: _____

Additional Basic Career Services that would enhance a proposal include, but are not limited to:

- Labor market information including job vacancy listings, job skill requirements for any information on employment trends and career options, available training, and employment laws.
- Information on resume writing, interview techniques, and completing an application.
- Information on One-Stop Career Center's partner services.
- Information on supportive services.
- Information regarding filing for Unemployment Compensation.
- Access to employability workshops, including workshops that develop "soft skills", such as effective oral communication, team-building and problem solving, and workshops on the use of technology for the job search.

Individualized Career Services

If one-stop center staff determine that individualized career services are appropriate for an individual to obtain or retain employment, these services must be made available to the individual. A contractor staff person or case manager is assigned to each qualified customer entering individualized career services that include, but are not limited to:

- Comprehensive and specialized assessments of the skill levels and service needs to adults and dislocated workers, which may include-
 - Diagnostic testing and use of other assessment tools; and
 - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- Development of an individual employment plan (IEP) to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, eligible training providers;
- Group and/or individual counseling and mentoring;
- Career planning (e.g. case management);
- Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training, in some instances pre-apprenticeship programs may be considered as short-term pre-vocational services;
- Internships and work experiences that are linked to careers;
- Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, or training, or employment;
- Financial literacy services;
- Out-of-area job search assistance and relocation assistance; and
- English language acquisition and integrated education and training programs.

Follow-up services must be provided as appropriate for participants who are placed in unsubsidized employment, for up to 12 months after the first day of employment. Counseling about the work place is an appropriate type of follow-up service.

Training Services

Customers who are unable to obtain work through Individualized Career Services may continue into Training Services in order to improve their marketable skills. Training resources are limited by federal funding allocations to the state and local area. There is no sequence of service requirement for "career services" and training. One-stop center staff may determine training is appropriate regardless of whether the individual has received basic or individualized career services first. Available funding is a primary limitation for financial assistance. ITA's are generally provided for a period of two years or less. Customers should be encouraged to consider short term training to quickly return to the labor market. Customers seeking WIOA scholarships are expected to research training programs and training providers and job opportunities in their chosen career field in order to make informed choices about education and training. Training providers that are authorized for WIOA training funds must offer

Offeror's Company Name: _____

training programs that have been approved by the CCWFDB. Contractor Career Center staff will assist customers in exploring other funding options beyond the limited dollars available through WIOA. Additional training services may include:

- Occupational skills training, including training for nontraditional employment
- On-the-Job training
- Work Experience or transitional jobs
- Programs that combine workplace training with related instruction, which may include cooperative education programs
- Training programs operated by the private sector
- Skill upgrading and retraining
- Entrepreneurial training
- Job readiness training
- Customized training conducted with a commitment by an employer or group of employers to employ the individual upon successful completion of the training.

Employer Services

The business customer is one of the keys to the success of the Cumberland County Career Center, which operates under the concept of a "Center of Excellence". The list below provides a menu of services available to employers through a talent employment solution function that the contractor will need to provide, in addition to the basic and individualized career services described earlier. Business services may include, but are not limited to:

- Support in filling open positions
- Meeting facilities for conducting interviews
- Assistance with understanding why one or more existing positions are not being filled or where there is a high amount of turnover for these positions
- Training for existing employees
- Job postings
- Connection to business resources
- Recruitment and prescreening
- Pre-employment training
- Job profiling
- Labor market data
- Career fairs
- Interview days
- Networking
- Training seminars
- Industry roundtable meetings
- Referral to business services partners

Employment Services

Once a job seeker has been identified as "work ready", the contractor will provide employment services that include, but are not limited to:

- Career workshops
- Employment assistance
- Career assessment
- Resume support and development
- Job matching support
- On-the-job training
- Work experience/internships
- Network opportunities with business professionals and peers

Offeror's Company Name: _____

- Mock interviews
- Targeted referral of current job openings
- Volunteer opportunities

WIOA Specific Requirements (Contractor compliance priorities)

Please refer to CCWFDB Policies (Attachment A) for further information.

The selected contractor must ensure the following documentation and WIOA Application requirements are fulfilled by the participant before delivery of services:

a. Eligibility Documentation and WIOA Application Requirements:

Applicants must be certified as eligible adults or dislocated workers under WIOA eligibility guidelines. For core services, a limited amount of documentation is needed. However, for training services additional documentation is required. The contractor is responsible for determining, verifying, and certifying eligibility for each adult or dislocated worker applicant by obtaining acceptable records/documents to verify each required eligibility item. These verification documents must be maintained in hard-copy participant files and will be reviewed periodically by the Board Support staff and by the NC Department of Commerce during internal reviews and compliance monitoring visits. 100% verification of all applicable eligibility items is required. The selected contractor will use NCWorks as designated by the NC Department of Commerce, to complete a standardized application form and to certify eligibility. Only adults or dislocated workers who have been certified as eligible by proper completion of the required forms and whose documentation verifying eligibility has been obtained, in hard-copy, may be enrolled. As we move to a paperless system, all documents will be electronically scanned.

b. Initial/Entry Assessment

The selected contractor's staff is expected to conduct an initial high-level assessment during the registration process. The assessment should determine the educational and employment background, current skill levels, and service needs of each adult and dislocated worker at the time of enrollment into WIOA activities. The assessment should be carefully planned and administered to collect specific, relevant information leading to an appropriate mix and sequence of services and interventions. The selected contractor will use only assessment tools that are valid for adults. Initial assessment may include: basic skills, work readiness skills, occupational skills, barriers to employment, career interests and aptitudes, financial resources and needs, and supportive service needs. This information should be acquired through various means, including, but not limited to, standardized tests, structured interviews, inventories, and/or career guidance instruments. The CCWFDB recommends that the selected contractor continue use of the Test of Adult Basic Education (TABE) for basic skills testing, and the CareerScope Assessment and Reporting System or the Career Key assessment for assessing career interests and aptitudes. The proposer may recommend other tools for assessments.

Assessment instruments, especially on-line tools must be adequately researched by the Contractor's staff, and approved by the CCWFDB Support Staff, prior to use to determine that they are objective, conform to widely accepted standards for validity and reliability, and are appropriate for the testing of adults.

c. Individual Employment Plan (IEP)

Each adult and dislocated worker enrolled into WIOA services will have a written, individualized plan of services based on entry assessment information, career goals, and supportive service needs. The IEP is designed to be a plan of services leading to unsubsidized, gainful employment for the customer. The CCWFDB will provide the contractor with an IEP form for recording relevant personal information, as well as historical and current circumstances in a standardized format. Additional information regularly included in an IEP include the client's goals and timeframes for entering and completing classroom training, work experience or OJT, identifying supportive service needs, addressing assistance required with job seeking skills such as resume preparation and interviewing

practice, and a job search assistance plan which will maximize chances for unsubsidized employment.

d. Case Management

The selected contractor will provide case management services to adults and dislocated workers to support and assist them in completing WIOA-funded activities and in attaining meaningful outcomes. Contractor staff is expected to work closely with each customer to provide professional support and guidance, address individual needs and barriers, resolve problems, and assist the client in reaching agreed upon goals reflected in the IEP. The IEP will be reviewed periodically to arrange for needed support services, address changes if necessary, and document progress throughout participation. Regular personal contact between contractor staff and the WIOA customer is expected. Based on the case management relationship, the customer should be aware that he/she has support and accountability while achieving his/her workforce development goals.

All selected contractor staff is expected to be informed of, and adhere to, professional standards of client confidentiality. Contractor staff with access to or control over WIOA customer records or other confidential information is expected to safeguard such information. No staff member, volunteer, or other person associated with the contractor shall release or disclose information concerning an adult or dislocated worker without securing a signed release of information authorization. This includes information sharing that is verbal, written or electronic. Exchange of information is generally to be used for eligibility verification, coordination of services and activities, tracking progress and participation, securing additional services, and for post-training follow-up purposes.

e. Information and Referrals to other Service Providers

The contractor will ensure that adults and dislocated workers are provided information about services and opportunities available from local agencies, including the Career Center partners, and other appropriate community-based organizations that provide workforce development, social services, and/or education and training opportunities in the community. Records of these referrals and the outcome of the referral must be recorded in case management records.

f. Job Search and Job Readiness

Upon completion of training or work-related services, the contractor will continue to work closely with the customer as they go through their job search effort. Some customers may need assistance with resume preparation, interviewing skills, researching the local job market, Internet job search tactics, etc. Job Search and Job Readiness services may be one-on-one or include group activities such as workshops, job clubs, and staff assisted computer labs. Some WIOA customers may successfully obtain employment during training via the employment contacts at job locations. Whether the training continues or if a participant locates employment, the contractor's staff is required to document appropriate data in NCWorks.

g. WIOA Data Validation and Record Keeping

The US Department of Labor has issued a data validation policy that establishes record keeping requirements to ensure the accuracy and integrity of information collected and reported on WIOA activities and program outcomes. The federal policy mandates that States "demonstrate the validity of reported data," and conduct data validation annually. North Carolina sets statewide policy for data validation, and CCWFDB develops guidelines and instructions for participant records/files that include required file content and structure, data validation labeling requirements, and file maintenance. The CCWFDB Support Staff will provide initial training and technical assistance on data validation to the selected contractor. It is expected that the contractor will provide subsequent training to their new staff, as the contractor's staff changes over time.

Specialized Services for WIOA Adults and Dislocated Workers

Training

Eligible adults and dislocated workers who will benefit from occupational skills training programs or

Offeror's Company Name: _____

courses of study and who possess the requisite skills and abilities to successfully complete the program, may be enrolled in a WIOA-funded program at a community college or other approved eligible training provider. WIOA funding will cover classroom training costs for registration, tuition, textbooks, instructional materials, required fees, and required supplies. Occupational skills training funded under WIOA must be directly linked to employment opportunities in the local area or the region. The selected contractor must maintain appropriate records to show compliance with these eligibility requirements.

Adult Work Experience/Transitional Jobs

Work experience, or transitional job, is a planned, paid or unpaid, structured learning experience that takes place in a workplace for a limited period of time. A work experience may be in the private for profit, non-profit, or public sector. Work experience services are designed to promote the development of soft skills, good work habits, and basic work skills for individuals that have never worked, those who have very limited work history, and individuals who have been out of the labor force for an extended period of time. As part of their IEP, work experience can be a benefit in acquiring personal attributes, knowledge, and skills needed to retain a job and/or advance in employment. Participation in a WIOA-subsidized work experience must be based on the initial/entry assessment of the customer's work history, job skills, financial needs, supportive service needs, employment goals, and other factors affecting the likelihood of success.

A subsidized work experience must be for a reasonable length of time, generally up to three months in duration, based on the customer's need and the worksite demands. The contractor will serve as the "employer of record" for work experience activities, and will be responsible for required employment records and for payroll processing for clients enrolled in the program. Fair labor standards apply in any work experience where an employee/employer relationship, as defined in the Fair Labor Standards Act, exists. Health and safety standards under Federal and State law otherwise applicable to working conditions of employees are equally applicable to working conditions of WIOA participants engaged in work experience. Workers' compensation insurance coverage must be secured by the contractor for WIOA customers engaged in subsidized work experience. A written work experience agreement between the contractor and the worksite employer must be executed for each subsidized work experience.

In some cases, it may be appropriate to provide an adult customer with a combination of classroom training and subsidized work experience in order to enhance their skills and make them more competitive.

On-the-Job Training (OJT)

On-the-Job Training is designed to provide occupational/professional skills and job-specific knowledge that is essential to the full and adequate performance of a job. A regular (not temporary) job opening must exist where the OJT customer can be retained in a full-time unsubsidized job upon successful completion of the subsidized training. OJT is limited in duration, based on the occupation for which the WIOA customer is being trained, the content of the OJT training, and taking into account the skills gap of the customer. Trainees in this program must be certified as both WIOA-eligible and OJT-eligible prior to the final hire decision by an employer.

Training content for the OJT period must go beyond general orientation content that may be given to all employees to include job-specific learning objectives and skills training. The CCWFDB has a policy (see attachment A) that gives more specific details as it relates to OJT eligibility.

Supportive Services

WIOA funds may be used to provide WIOA-enrolled Adults and Dislocated workers with needed supportive services if the following conditions apply:

- a) the WIOA customer is unable to obtain supportive services through other programs
- b) Supportive services are necessary to enable the individual to participate in WIOA training or work activities.

The contractor is responsible for ensuring that transportation and childcare supportive services are paid

only for the actual days of participation in a WIOA activity. The use of a timesheet or other attendance record is required to document attendance and authorize supportive service payments.

G. Performance and Case Management Tracking - NCWorks Online (www.ncworks.gov) is the system that must be used for client tracking. The contractor will be required to record and track all client activities and program services in this electronic tracking system and maintain back-up hard-copy documents in client files. Reports generated from NCWorks Online will be utilized to determine program performance by the contractor. Therefore, knowledge of this system, along with accuracy of data input, and timely data entry is critical. System training will be initially provided to contractor staff by the CCWFDB Support staff, but it is the contractor's responsibility to ensure on-going staff expertise via training to any additional hires after the initial training is provided.

H. Performance Measures - As a federally funded Title I program, the Workforce Investment Boards across North Carolina are each responsible for meeting performance measures. The Contractor will be responsible for meeting metrics outlined in "Program Metrics". The selected contractor will maintain currency and accuracy of data released to the public using the current CCWFDB website.

I. Performance Process and Review Criteria

a. Proposal Overview and Evaluation Process for Adult and Dislocated Worker Programs

Phase I: Each proposal will initially be evaluated for acceptability, with an emphasis placed on completeness and responsiveness to requisite program criteria identified earlier in the RFP. The following minimum criteria will be used to determine which proposals will continue on to Phase II:

- All required services for the program for which they are bidding are addressed;
- All requested information and documentation is included in the application package; and
- The proposal is submitted in accordance with the RFP.

Phase II: Proposals that have met the minimum criteria, as stated above, will then be reviewed and ranked by a review team of CCWDB members and staff.

Proposals will be ranked based on evaluation criteria outlined in the next section. These rankings will be used as a guide for discussion and determination of recommendations to the Cumberland County and the full Cumberland County Workforce Development Board.

b. Proposal Evaluation Criteria

The RFP Committee will evaluate each Phase II proposal based on the following criteria:

- | | |
|---|----------------------------|
| 1. Customer Flow, Staffing, Statement of Work, and Program Design | 40% of Evaluation Criteria |
| 2. Organizational Experience, Past Performance, References | 25% of Evaluation Criteria |
| 3. Transition and Staff Training Plan | 10% of Evaluation Criteria |
| 4. Program Cost/Budget Proposal | 15% of Evaluation Criteria |
| 5. Program Metrics (to include projected performance) | 10% of Evaluation Criteria |

1. Customer Flow, Staffing, Statement of Work, and Program Design (*Maximum of 20 pages*)

Based on the WIOA description of Basic, Career, and Training Services, and the Integrated Services Model that North Carolina has adopted, the contractor's proposed Customer Flow will be:

- A. Welcome, determination of need, and Wagner-Peyser Registration are required.
- B. Required Job Search assistance.
- C. If it is determined at Job Search that more intensive services are required, group orientation will take place. Talent Assessment will take place **after initial WIOA eligibility is determined**. Basic documentation consists of proof of birth, residence, and citizenship, and selective service registration for males.
- D. If Talent Assessment determines that training, work experience, or OJT is needed, then an Individual Employment Plan (IEP) is required. After completing the IEP, **then full Eligibility is required, including documentation of income, or determination if the individual fits the definition of Dislocated Worker**.
- E. Follow-up Services are required for everyone who completes an IEP.
- F. Business Services will be available to any employer. This will include outreach and promotion of the full array of WIOA and Wagner-Peyser Services.

Please describe in detail the overall program design and its individual components that will meet the above criteria. Please describe each component for staffing and customer flow using the above information to create your proposed design template. Each component will be reviewed and graded.

In the Statement of Work, please include any additional program innovation, such as Soft-Skills training, resume workshops, mock interviews, and short-term training that may occur in the Career Center. Please describe the IEP process, and attach an example of a proposed IEP that could be considered in lieu of the in-house IEP currently being used. Also describe the use of any additional assessment tools.

Training Costs: At least 35% of total costs in the proposed budget must be spent on participant training as defined by the Division of Workforce Solutions.

Resource materials relating to the Workforce Innovation and Opportunity Act programs which may aid in preparing proposals are available online at the following sites.

- For U.S. DOL Employment and Training - Employment Guidance Letters: <http://wdr.doleta.gov/directives/>
- For NCWorks: <https://www.ncworks.gov/vosnet/Default.aspx>
- Refer to attachment A for CCWDB's Local Policies

2. Organizational Experience, Past Performance, References (*Maximum 7 pages not including reference pages*)

- A. Organizational Stability. Describe your organization's fiscal/accounting systems including the ability to pay participants of the program. Describe your organization's Human Resources systems ensuring compliance with federal, state and local employment laws. Describe your organization's system for tracking participants and reporting outcomes.
- B. Describe your agency's vision, mission, staffing and service expertise, services currently provided, current customer base, funding sources, and funding stability. Describe how this proposal relates to your organization's goals and to the purpose of WIOA funded programs. Describe your organization's methodology for delivering integrated services in a model and customer flow similar to that provided earlier in the RFP.
- C. Describe your organization's experience and outcomes in operating WIOA programs and/or related programs that assist jobseekers in finding jobs and/or employers in gaining value-added employees and corresponding maintenance of a website for public disclosure of those services and marketing techniques used to attract new clients eligible for services. If you have experience in delivering Integrated Services, please describe.
- D. Staff Experience and Qualifications. Describe your organization's and staff's experience related to workforce development program design, delivery, and program management. List the staff positions and the qualifications including a two-year work history. Describe the organization's performance management and capacity to carry out your proposed program design for integrated services. Include the number of people that would work as part of your proposed program/service delivery and the skill sets of each (counselor, case manager, eligibility specialist, etc.). If your company plans to recruit and possibly interview current WFD Center employees to be considered as part of your future service delivery, please include the titles and anticipated numbers of additional staff likely to be contacted.
- E. Describe your organization's experience in managing federally subsidized programs, including knowledge and experience with federal funding sources and performance measures. If you have no experience with federal subsidized funding, describe your experience managing workforce development programs from other funding sources. Demonstrate how you previously partnered with other organizations to achieve your necessary outcomes.
- F. Please provide no less than **three and no more than five references** for organizations that have contracted with you or used your services involving projects of a similar scope and nature as identified in this RFP. Include the following information for each reference: company name, point of contact name, company address, company email address, company phone number, point of contact phone number, years of comparable service provided to the reference, and title of program or services provided for stated reference.

3. Transition and Staff Training Plan (*Maximum of 7 pages*)

Describe your transition plan for beginning services no later than October 1, 2016, and the process for transferring current participants to your program. Describe plans for initial training of your staff and ongoing training of staff following such initial training.

4. Program Cost/Budget Proposal Budget Summary

- Please use up to \$800,000 as an estimate for Adult Programs
- Please use up to \$700,000 as an estimate for Dislocated Worker Programs
- Please complete two Budget Summaries, one for Adult and one for Dislocated Workers

Offeror's Company Name: _____

Budget Detail Form

BUDGET DETAIL CATEGORY	ADULT WORKERS	DISLOCATED WORKERS	TOTAL
Personnel Expenses	\$	\$	\$
Operating Expenses	\$	\$	\$
Total Personnel and Operating Expenses	\$	\$	\$
Participant Wages	\$	\$	\$
Fringe Benefits	\$	\$	\$
Transportation	\$	\$	\$
Stipends	\$	\$	\$
Incentives	\$	\$	\$
Follow-up Services	\$	\$	\$
Total Participant Expenses	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
TOTAL	\$	\$	\$

Budget Narrative (*Maximum of 5 pages*)

Funds awarded under this RFP will be made available to a selected contractor under a fixed rate contract. The initial contract term is nine months beginning October 1, 2016 and ending June 30, 2017. An option for a one-year extension, if approved, may be executed contingent upon funding availability and contractor performance. A third-year option will also be included.

Please use this section to describe:

1. Other costs listed in the Budget Detail Form
2. Justification of the percent of total funds spent on participant expenses
3. Budget assumptions
4. Sources of leveraged funds, if any
5. Unique expenditures
6. In-kind resources
7. Detail for Participant Expenses should include an explanation of instructional costs, work experience, OJT, and description of participant support for transportation, fees for testing and certifications, etc.
8. Since Sub-contracts must be approved in writing in advance, please detail contracting costs for items like third-party payroll expenses, leasing of transportation, etc.
9. Other budget information you would like the evaluation committee to consider

Respondent's proposed budgets must be within the amounts indicated above and must be reasonable based on proposed service level and service delivery plans. The amount awarded will be determined on a competitive basis, but not necessarily based on the lowest proposed cost. The leveraging of additional funds, while not required, will enhance a proposal.

Subsequent revisions and negotiations of final contract budgets may be required due to funding award decisions.

5. Program Metrics (*Maximum of 5 pages*)

The following measure must be attained as part of the Cost Reimbursement Contract:

- Placement – at least 50% of all those who complete an IEP will achieve job placement success
- Job Retention – 70% after six months are still employed
- Completion of Classroom Training – 80% of participants will complete training and be awarded certificates for attendance
- If applicable, please include performance metrics in other WIA/WIOA programs for the past three years

SECTION III – WIOA YOUTH PROGRAM SERVICES

A. Youth Standing Committee

Section 107 (b)(4)(A)(ii) of WIOA permits, and the Department of Labor encourages, Local Boards to establish “a standing committee to provide information and to assist with planning, operational, and other issues relating to the provision of services to youth, which shall include community-based organizations with a demonstrated record of success in serving eligible youth.” The duties of the youth council as outlined by WIOA include, but aren't limited to:

- Recommending to the CCWDB eligible providers of youth activities to be awarded grants or contracts on a competitive basis
- Conducting oversight with respect to the eligible providers of youth activities in the local area
- Coordinating youth activities
- Any other duties determined to be appropriate by the chairperson of the local workforce board

B. WIOA Youth Service Delivery

Currently Youth Services are administered out of the Cumberland County NCWorks Career Center. If the contractor chooses to stay in the Career Center the budget does not have to include occupancy costs. If the contractor chooses to provide services from alternate locations, occupancy costs must be included in the budget proposal.

C. WIOA Eligibility Criteria

To be eligible to receive WIOA youth services an individual must:

- Be a citizen or noncitizen authorized to work in the United States;
- Meet military Selective Service registration requirements (males only); and
- Be an In-School Youth (ISY) or an Out-of-School Youth (OSY).

In School Youth

An **in school youth** is an individual who is:

- Not younger than 14 and not older than 21 years;
- Attending school;
- Low-income, or lives in a high poverty area; **and**
- One or more of the following:
 - Basic skills deficient;
 - An English language learner;
 - An offender;
 - A homeless individual, a homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under 477 of the Social Security Act (42 USC 677), or in an out-of-home placement;
 - Pregnant or parenting;
 - Individuals with disabilities; or
 - Requires additional assistance to enter or complete an education program or to secure or hold employment.

Out-of-School Youth

An **out-of-school youth** is an individual who is:

- Not younger than 16 and not older than 24 years;
- Not attending school; **and**
- One or more of the following:
 - A school dropout, (a youth attending an alternative school at the time of enrollment is not considered to be a dropout);
 - Within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year's calendar quarter;
 - A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either:
 - Basic skills deficient; or
 - An English language learner;
 - Subject to the juvenile or adult justice system;
 - A homeless individual, a homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under 477 of the Social Security Act (42 USC 677), or in an out-of-home placement;
 - Pregnant or parenting;
 - Individuals with disabilities; or
 - A low-income individual who require additional assistance to enter or complete an educational program or to obtain or retain employment.

School

For the purpose of determining ISY or OSY eligibility, a youth is attending school if the youth is enrolled in a school that leads to the attainment of a state-recognized credential, including a:

- Public or private school;
- Charter school; or
- Home school; or
- Alternative school; or
- Public or private colleges and universities; or
- Other credential or degree skills training programs.

The following programs are not considered to be schools under WIOA:

- Adult education provided under Title II;
- Youth Build programs;
- Job Corps programs.

D. WIOA Youth Program Design Elements

Coordinate and collaborate to ensure that youth have access to the required 14 WIOA elements.

Programs must specify which of the 14 WIOA elements will be addressed:

- i. Tutoring, study skills training, instruction, and evidence-based dropout prevention and recovery strategies that lead to completion of the requirements for a secondary school diploma, or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential;
- ii. Alternate secondary school services, or dropout recovery services, as appropriate;
- iii. Paid and unpaid work experiences that have academic and occupational education as a component of the work experience, which may include the following types of work experiences:

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- Summer employment opportunities and other employment opportunities available throughout the school year;
- Pre-apprenticeship programs—a program or set of strategies designed to prepare individuals to enter and succeed in a registered apprenticeship program and has a documented partnership with at least one, if not more, registered apprenticeship programs;
- Internships and job shadowing;
- OJT opportunities, as defined in WIOA §3(44)
- iv. Occupational skills training, which includes priority consideration for training programs that lead to recognized postsecondary credentials that align with in-demand industry sectors or occupations in the workforce area involved, if the Board determines that the programs meet the quality criteria described in WIOA §123;
- v. Education offered concurrently with and in the same context as workforce preparations activities and training for a specific occupation or occupational cluster- Training that integrates adult and literacy activities (programs, activities, and services such as English language services to achieve competence in reading, writing, speaking, and comprehension) with workforce preparation activities, basic academic skills, and hands-on occupational skills to be taught within the same time frame and connected to training in a specific occupation, occupational cluster, or career pathway;
- vi. Leadership development opportunities, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate;
- vii. Supportive services, as defined in WIOA §3(59), which enable an individual to participate in WIOA activities.
- viii. Adult mentoring for a duration of at least 12 months that may occur both during and after program participation;
- ix. Follow-up services for not fewer than 12 months after the completion of participation. Follow-up is required and should be documented in NCWorks Online by entering data in the quarterly follow-up boxes and case notes. If services are provided during the follow-up quarters, an "F" service/activity should be entered in NCWorks Online;
- x. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling, and referrals to counseling, as appropriate to the needs of the individual youth;
- xi. Financial literacy education- Activities that assist with improving financial literacy and/or personal budgeting skills;
- xii. Entrepreneurial skills training- Training that provides the basics of starting and operating a small business;
- xiii. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the workforce area, such as career awareness, career counseling, and career exploration services;
- xiv. Activities that help youth prepare for and transition to postsecondary education and training- Activities that may include information about time managements, practice interviews, independent living, and how to prepare for post-secondary education (applications, financial aid, scholarships), and legal responsibilities after the age of 18.

E. Partner with school districts (In-School Youth only) by articulating and providing evidence of how school districts will be leveraged as an integral resource to ensure youth are graduating high school on time, receiving a wealth of career exploration resources and experiences, and are successfully placed in sustainable employment/post-secondary education.

F. Performance and Case Management Tracking NCWorks Online (www.ncworks.gov) is the system that will be used for client tracking. All successful bidders will be required to record and track all client activities and program services. Reports generated from NCWorks Online will be utilized to determine program performance by the service provider. Therefore, knowledge of the system, accuracy, and timely entry of information is critical. System training will be facilitated by the current Career Center staff, but it is the

contractor's responsibility to ensure on-going staff training, expertise, and cooperation.

G. Performance Measures - As a federally funded program, the Workforce Investment Boards of North Carolina are each responsible for meeting certain performance measures in order to continue receiving funds for the WIOA program in North Carolina. The Youth Performance Measures are as follows:

1. **Placement in Employment or Education** – The percentage of program participants who are in employment, the military, post-secondary education, and/or advanced training/occupational training in the second and fourth quarters after exiting WIOA.
2. **Median Earnings** – Measures median earnings in the second quarter after exit from the program.
Credential Rate – Measures post-secondary credential attainment and high school completion during participation in the program or within one year after exit.
3. **In-Program Skills Gain** – Measures the percentage of participants who are in education or training programs that lead to a recognized post-secondary credential or employment and who are achieving measurable skills gains during a program year.

H. Performance Process and Review Criteria

a. Proposal Overview and Evaluation Process for Youth Programs

Phase I: Each proposal will initially be evaluated for acceptability, with an emphasis placed on completeness and responsiveness to requisite program criteria identified earlier in the RFP. The following minimum criteria will be used to determine which proposals will continue on to Phase II:

- All required services for the program for which they are bidding are addressed;
- All requested information and documentation is included in the application package; and
- The proposal is submitted in accordance with the RFP.

Phase II: Proposals that have met the minimum criteria, as stated above, will then be reviewed and ranked by a review team of CCWDB members and staff.

Proposals will be ranked based on evaluation criteria outlined in the next section. These rankings will be used as a guide for discussion and determination of recommendations to the Cumberland County and the full Cumberland County Workforce Development Board.

b. Proposal Evaluation Criteria

The RFP Committee will evaluate each Phase II proposal based on the following criteria:

- | | |
|---|----------------------------|
| 1. Customer Flow, Staffing, Statement of Work, and Program Design (Addressing fully how the company will deliver all required WIOA services addressed in Section III, Part D) | 40% of Evaluation Criteria |
| 2. Organizational Experience, Past Performance, References | 25% of Evaluation Criteria |
| 3. Transition and Staff Training Plan | 10% of Evaluation Criteria |
| 4. Program Cost/Budget Proposal | 15% of Evaluation Criteria |
| 5. Program Metrics (to include projected performance) | 10% of Evaluation Criteria |

1. Customer Flow, Staffing, Statement of Work, and Program Design (Maximum of 20 pages)

- A. Describe your programs service methodology and program design.
- B. Describe strategies and techniques to recruit Out-of-School youth, and In-School Youth.
- C. Describe the experiences youth will have in your program and proven past success with your delivery model. Be specific in describing how many staff people the youth will see, when and how the youth will be referred for other services, and the length of the program before the youth attains a job or postsecondary education.
- D. Describe how the program will address each of the program elements that you propose to serve.
- E. How will the development of individual service strategies for every participant be carried out to ensure that all youth are receiving the services needed? Additionally, how will the program identify the needs of the at-risk populations being served and assist participants in overcoming barriers through the use of an individual service strategy?
- F. Describe how the proposed program provides In-School Youth with ongoing support and encouragement toward the attainment of a degree or certificate, or how the proposed program assists Out-of-School Youth through classroom instruction in the obtainment of a degree or certificate?
- G. Describe how you will develop a plan to deliver academic assistance to raise the skill level of youth who are identified as basic skills deficient, (Out-of-school youth programs only)
- H. Describe how the program is designed to serve at risk populations including: high school dropouts, adjudicated youth, youth in foster-care, and youth with disabilities.
- I. Describe how your organization has or may potentially leverage funding with strategic management of resources for any program administered within your organization.

2. Organizational Experience, Past Performance, References (Maximum 7 pages, not including reference pages)

- A. Describe your agency's vision, mission, staffing and service expertise, services provided current customer base, funding sources, and funding stability. Describe how this proposal relates to your organization's goals and to the purpose of WIOA funded programs.
- B. Describe your organization's experience and outcomes for serving youth who are economically disadvantaged and have little or no work experience. If you don't have experience serving these types of youth, describe your proposed service delivery plan and projected outcomes.
- C. Describe your organization's and staff's experience related to workforce development program design, delivery, program management, financial management (including use of acceptable accounting practices and controls), performance management and capacity to carry out your proposed program design. Include the number of people that would work on your proposed program and the skill sets of each (counselor, case manager, career interest coach, etc.).
- D. Describe your organization's experience in managing WIOA-funded/government programs, including knowledge and experience with federal funding sources, and local performance measures. If you have no experience with WIOA funding, describe your experience managing youth workforce development programs. Demonstrate how you partnered with other organizations to achieve your necessary outcomes.
- E. Describe other programs that your organization has run that serve youth, ages 16 – 24.
- F. Please provide no less than **three and no more than five references** for organizations that have contracted with you or used your services involving projects of a similar scope and nature as identified in this RFP.

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Include the following information for each reference: company name, point of contact name, company address, company email address, company phone number, point of contact phone number, years of comparable service provided to the reference, and title of program or services provided for stated reference.

3. Transition and Staff Training Plan (*Maximum of 7 pages*)

Describe your transition plan for beginning services no later than October 1, 2016, and the process for transferring current participants to your program. Describe plans for initial training of your staff and ongoing training of staff following such initial training.

4. Program Cost/Budget Proposal

Please summarize your total budget for all areas for which you are proposing in Section 1. Please complete a separate budget detail form for each area you are proposing to serve in Section 2.

Section 1: Budget Summary

Final budget negotiations will occur after the potential contractor is selected.

- Please use up to \$900,000 as an estimate for October 1, 2016 – June 30, 2017.
- At least 75 % of the funds must be directed toward Out-of-School Youth
- Summarize total WIOA funds requested from Section 2 below.

Summarize total non-WIOA funds from Section 2 below. State the sources and specific purpose of the funds in Section 3 – Budget Narrative. Please use real dollars, not in-kind services.

	In-School Youth	Out-of-School Youth	Total
WIOA			
Non-WIOA (other leveraged funds)			
Total			
TOTAL WIOA			
TOTAL Non-WIOA			
GRAND TOTAL			

Offeror's Company Name: _____

Section 2 – Budget Detail Form – Please complete one budget detail form for each population of youth (ISY/OSY) you are proposing to serve.

<input type="checkbox"/> Out of School Youth			Total
<input type="checkbox"/> In-School Youth			
Personnel Expenses	\$	\$	\$
Operating Expenses	\$	\$	\$
Total Personnel and Operating Expenses	\$	\$	\$
Participant Wages	\$	\$	\$
Fringe Benefits	\$	\$	\$
Transportation	\$	\$	\$
Stipends	\$	\$	\$
Incentives	\$	\$	\$
Follow-up Services	\$	\$	\$
Total Participant Expenses	\$	\$	\$
Total Cost for Lease of Property/Office Space	\$	\$	\$
Other- please describe	\$	\$	\$
TOTAL	\$	\$	\$

Section 3: Budget Narrative- Please use this section to describe your budget assumptions, sources of leveraged funds, unique expenditures, or other budget information you would like the evaluation committee to know. (1 page maximum)

This section should describe:

1. Other costs listed in the Budget Detail Form
2. Justification of the percent of total funds spent on participant expenses
3. Budget assumptions
4. Sources of leveraged funds, if any
5. Unique expenditures
6. In-kind resources

5. Program Metrics

The WIOA Youth Program is transitioning from a strong focus on Summer Youth Work Experience to a year-round program that will emphasize education, work-based learning, employment, and work experience. These proposed metrics will be subject to final contract negotiation. The performance goals are minimum expectations.

Offeror's Company Name: _____

Total number of participants:

200 new enrollments
100 in follow-up status

Out-of-school youth served: 240
In-school youth served: 60

Placement in work experience or work-based learning: 100
Placement in unsubsidized employment: 100
Placement in education or skills attainment: 100
Median earnings for one quarter: \$2800
In-Program skills gain: 60% will show at least one grade improvement as measured by the TABE

Offeror's Company Name: _____

SECTION IV – TERMS AND CONDITIONS

Prohibited Communications: FROM THE ISSUANCE DATE OF THIS RFP THROUGH THE DATE THE CONTRACT IS AWARDED, EACH OFFEROR (INCLUDING ITS SUBCONTRACTORS AND/OR SUPPLIERS) IS PROHIBITED FROM HAVING ANY COMMUNICATIONS WITH ANY PERSON INSIDE OR OUTSIDE THE USING AGENCY, ISSUING AGENCY, OTHER GOVERNMENT AGENCY OFFICE, OR BODY (INCLUDING THE PURCHASER NAMED ABOVE, DEPARTMENT SECRETARY, AGENCY HEAD, MEMBERS OF THE GENERAL ASSEMBLY AND/OR GOVERNOR'S OFFICE), OR PRIVATE ENTITY, AND THE COMMUNICATION DISCUSSES THE CONTENT OF OFFEROR'S PROPOSAL OR QUALIFICATIONS, THE CONTENTS OF ANOTHER OFFEROR'S PROPOSAL, ANOTHER OFFEROR'S QUALIFICATIONS OR ABILITY TO PERFORM THE CONTRACT, AND/OR THE TRANSMITTAL OF ANY OTHER COMMUNICATION OF INFORMATION THAT HAS THE EFFECT OF DIRECTLY OR INDIRECTLY INFLUENCING THE EVALUATION OF PROPOSALS AND/OR THE AWARD OF THE CONTRACT. OFFERORS NOT IN COMPLIANCE WITH THIS PROVISION SHALL BE DISQUALIFIED FROM CONTRACT AWARD, UNLESS IT IS DETERMINED THAT THE BEST INTEREST OF CUMBERLAND COUNTY GOVERNMENT WOULD NOT BE SERVED BY THE DISQUALIFICATION. AN OFFEROR'S PROPOSAL MAY BE DISQUALIFIED IF IT'S SUBCONTRACTOR AND SUPPLIER ENGAGE IN ANY OF THE FOREGOING COMMUNICATIONS DURING THE TIME THAT THE PROCUREMENT IS ACTIVE (I.E., THE ISSUANCE DATE OF THE PROCUREMENT TO THE DATE OF CONTRACT AWARD). ONLY THE DISCUSSIONS, COMMUNICATIONS OR TRANSMITTALS OF INFORMATION AUTHORIZED BY THE ISSUING AGENCY IN THIS RFP OR GENERAL INQUIRIES TO THE PURCHASER REGARDING THE STATUS OF THE CONTRACT AWARD ARE EXEMPT FROM THIS PROVISION.

SECTION V - THE PROCUREMENT PROCESS

The following is a general description of the process by which a firm will be selected to provide services.

1. Request for Proposals (RFP) is issued to prospective contractors.
2. There will be a Bidders' Conference that can be attended in person or by telephone. Participation is not required.
3. A summary of the discussion will be issued on the website.
4. A deadline for written questions is set. (See the cover sheet of this RFP for details.)
5. Proposals in one original and **two** copies will be received from each offeror in a sealed envelope or package. Each original shall be signed and dated by an official authorized to bind the firm. Unsigned proposals will not be considered.
6. All proposals must be received by the issuing agency not later than the date and time specified on the cover sheet of this RFP.
7. At that date and time the package containing the proposals from each responding firm will be opened publicly and the name of the offeror and cost(s) offered will be announced. Interested parties are cautioned that these costs and their components are subject to further evaluation for completeness and correctness and therefore may not be an exact indicator of an offeror's pricing position.
8. At their option, the evaluators may request oral presentations or discussion with any or all offerors for the purpose of clarification or to amplify the materials presented in any part of the proposal. However, offerors are cautioned that the evaluators are not required to request clarification; therefore, all proposals should be complete and reflect the most favorable terms available from the offeror.
9. **Proposals will be evaluated by a best value trade-off method based on the criteria previously identified in SECTIONS II (for Adult and Dislocated Worker Program Services) and III (for Youth Program Services) – PROPOSAL PROCESS AND REVIEW CRITERIA - B. Proposal Evaluation Criteria.** Cumberland County retains the right to reject, in its sole discretion, any and all proposals and/or responses to this Request for Proposals. Cumberland County reserves the right to select a vendor based on factors other than lowest bidder to ensure the highest quality performance that best meet the needs of the College.

Evaluators will randomly select at least three of offeror's references. Evaluators reserve the right to contact all listed references if information from the three references contacted warrant further inquiry. The failure of the offeror to list all similar contracts in the specified period may result in the rejection of the offeror's proposal. The evaluators may check all public sources to determine whether offeror has listed all contracts for similar work within the designated period. If the evaluators determine that references for other public contracts for similar contracts were not listed, the evaluators may contact the public entities to make inquiry into offeror's performance of those contracts and the information obtained may be considered in evaluating offeror's proposal. Award of a contract to one offeror does not mean that the other proposals lacked merit, but that, all factors considered, the selected proposal was deemed most advantageous to Cumberland County government.

In addition to any other evaluation criteria identified in Cumberland County government agency's solicitation document, the agency shall, for purposes of evaluating proposed or actual contract performance outside of the United States, consider the following factors to ensure that any award will be in the best interest of Cumberland County government:

- Total cost to Cumberland County government
- Level of quality provided by the vendor
- Process capability across multiple jurisdictions
- Protection of Cumberland County government's information and intellectual property
- Availability of pertinent skills
- Ability to understand Cumberland County government's business requirements and internal operational culture
- Risk factors such as the security of Cumberland County government's information technology
- Relations with citizens and employees
- Contract enforcement
- jurisdictional issues

10. Offerors are cautioned that this is a request for offers, not a request to contract, and Cumberland County government reserves the unqualified right to reject any and all offers when such rejection is deemed to be in the best interest of Cumberland County government.

Offeror's Company Name: _____

SECTION VI - EXECUTION OF PROPOSAL

By submitting this proposal, the potential Contractor certifies the following:

- o This proposal is signed by an authorized representative of the firm.
- o It can obtain insurance certificates as required within 10 calendar days after notice of award.
- o The cost and availability of all equipment, materials, and supplies associated with performing the services described herein have been determined and included in the proposed cost.
- o All labor costs, direct and indirect, have been determined and included in the proposed cost.
- o The offeror can and will provide the specified performance bond or alternate performance guarantee *(if applicable)*.
- o The potential Contractor has read and understands the conditions set forth in this RFP and agrees to them with no exceptions.
- o The offeror is registered in NC E-Procurement @ Your Service or agrees to register within two days after notification of contract award.

Therefore, in compliance with this Request for Proposal and subject to all conditions herein, the undersigned offers and agrees, if this proposal is accepted within 90 days from the date of the opening, to furnish the subject services for a total cost as detailed on the Budget Summary and Budget Detail forms.

OFFEROR: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE NUMBER: _____ FAX: _____

E-MAIL: _____

Principal Place of Business if different from above (See General Information on Submitting Proposals, Item 18.):

Will any of the work under this contract be performed outside the United States? Yes No (If yes, describe in technical proposal.)

BY: _____ TITLE: _____ DATE: _____
(Authorized Offeror's Printed Name)

(Authorized Offeror's Signature)

**This page must be signed and included in your proposal.
Unsigned proposals will not be considered.**

ACCEPTANCE OF PROPOSAL (Cumberland County)

BY: _____ TITLE: _____ DATE: _____

SECTION VII - GENERAL INFORMATION ON SUBMITTING PROPOSALS

1. **EXCEPTIONS:** All proposals are subject to the terms and conditions outlined herein. All responses shall be controlled by such terms and conditions and the submission of other terms and conditions, price lists, catalogs, and/or other documents as part of an offeror's response will be waived and have no effect either on this Request for Proposals or on any contract that may be awarded resulting from this solicitation. Offeror specifically agrees to the conditions set forth in the above paragraph by signature to the proposal.
2. **CERTIFICATION:** By executing the proposal, the signer certifies that this proposal is submitted competitively and without collusion (G.S. 143-54), that none of our officers, directors, or owners of an unincorporated business entity has been convicted of any violations of Chapter 78A of the General Statutes, the Securities Act of 1933, or the Securities Exchange Act of 1934 (G.S. 143-59.2), and that we are not an ineligible vendor as set forth in G.S. 143-59.1. False certification is a Class I felony.
3. **ORAL EXPLANATIONS:** Cumberland County government shall not be bound by oral explanations or instructions given at any time during the competitive process or after award.
4. **REFERENCE TO OTHER DATA:** Only information which is received in response to this RFP will be evaluated; reference to information previously submitted shall not be evaluated.
5. **ELABORATE PROPOSALS:** Elaborate proposals in the form of brochures or other presentations beyond that necessary to present a complete and effective proposal are not desired.

In an effort to support the sustainability efforts of Cumberland County government of North Carolina we solicit your cooperation in this effort.

It is desirable that all responses meet the following requirements:

- All copies are printed **double sided**.
 - All submittals and copies are printed on **recycled paper with a minimum post-consumer content of 30%** and indicate this information accordingly on the response.
 - Unless absolutely necessary, all proposals and copies should **minimize or eliminate use of non-recyclable or non-re-usable materials** such as plastic report covers, plastic dividers, vinyl sleeves, and GBC binding. Three-ringed binders, glued materials, paper clips, and staples are acceptable.
 - Materials should be submitted in a format which allows for **easy removal and recycling** of paper materials.
6. **COST FOR PROPOSAL PREPARATION:** Any costs incurred by offerors in preparing or submitting offers are the offeror's sole responsibility; Cumberland County government of North Carolina will not reimburse any offeror for any costs incurred prior to award.
 7. **TIME FOR ACCEPTANCE:** Each proposal shall state that it is a firm offer which may be accepted within a period of 90 days.
Although the contract is expected to be awarded prior to that time, the 90 day period is requested to allow for unforeseen delays.
 8. **TITLES:** Titles and headings in this RFP and any subsequent contract are for convenience only and shall have no binding force or effect.
 9. **CONFIDENTIALITY OF PROPOSALS:** In submitting its proposal the offeror agrees not to discuss or otherwise reveal the contents of the proposal to any source outside of the using or issuing agency, government or private, until after the award of the contract. Only those communications with the using agency or issuing agency authorized by this RFP are permitted. All offerors are advised that they are not to have any communications with the using or issuing agency during the evaluation of the proposals (i.e., after the public opening of the proposals and before the award of the contract), unless Cumberland County government's purchaser contacts the offeror(s) for purposes of seeking clarification. An offeror shall not: transmit to the issuing and/or using agency any information commenting on the ability or qualifications of other offerors to perform the advertised contract and/or the other offeror's proposals and/or prices at any time during the procurement process; or engage in any other communication or conduct attempting to influence the evaluation and/or award of the contract that is the subject of this RFP. Offerors not in compliance with this provision may be disqualified, at the option of Cumberland County government, from contract award. Only discussions authorized by the issuing agency are exempt from this provision.
 10. **RIGHT TO SUBMITTED MATERIAL:** All responses, inquiries, or correspondence relating to or in reference to the RFP, and all other reports, charts, displays, schedules, exhibits, and other documentation submitted by the offerors shall become the property of Cumberland County government when received.
 11. **OFFEROR'S REPRESENTATIVE:** Each offeror shall submit with its proposal the name, address, and telephone number of the person(s) with authority to bind the firm and answer questions or provide clarification concerning the firm's proposal.

Offeror's Company Name: _____

12. **SUBCONTRACTING:** Offerors may propose to subcontract portions of the work provided that their proposals clearly indicate what work they plan to subcontract and to whom and that all information required about the prime contractor is also included for each proposed subcontractor.
13. **PROPRIETARY INFORMATION:** Trade secrets or similar proprietary data which the offeror does not wish disclosed to other than personnel involved in the evaluation or contract administration will be kept confidential to the extent permitted by NCAC T01:05B.1501 and G.S. 132-1.3 if identified as follows: Each page shall be identified in boldface at the top and bottom as "CONFIDENTIAL". Any section of the proposal which is to remain confidential shall also be so marked in boldface on the title page of that section. Cost information may not be deemed confidential. In spite of what is labeled as confidential, the determination as to whether or not it is shall be determined by North Carolina law.
14. **HISTORICALLY UNDERUTILIZED BUSINESSES:** Pursuant to General Statute 143-48 and Executive Order #150, Cumberland County government invites and encourages participation in this procurement process by businesses owned by minorities, women, disabled, disabled business enterprises and non-profit work centers for the blind and severely disabled.
15. **PROTEST PROCEDURES:** When an offeror wants to protest a contract awarded by the Secretary of Administration or by an agency over \$25,000 resulting from this solicitation, they must submit a written request to the State Purchasing Officer at Purchase and Contract, 1305 Mail Service Center, Raleigh, NC 27699-1305. This request must be received in the Division of Purchase and Contract within thirty (30) consecutive calendar days from the date of the contract award. When an offeror wants to protest a contract awarded by an agency or university resulting from this solicitation that is over \$10,000 but less than \$25,000 for any agency, or any contract awarded by a university, they must submit a written request to the issuing procurement officer at the address of the issuing agency. This request must be received in that office within thirty (30) consecutive calendar days from the date of the contract award. Protest letters must contain specific reasons and any supporting documentation for the protest. Note: Contract award notices are sent only to those actually awarded contracts, and not to every person or firm responding to this solicitation. Contract status and Award notices are posted on the Internet at <http://www.pandc.nc.gov/>. All protests will be handled pursuant to the North Carolina Administrative Code, Title 1, Department of Administration, Chapter 5, Purchase and Contract, Section 5B.1519. (See Protest Information at <http://www.pandc.nc.gov/protests.pdf> for more information.)
16. **TABULATIONS:** The Division has implemented an Interactive Purchasing System (IPS) that allows the public to retrieve bid tabulations electronically from our Internet web site: <http://www.pandc.nc.gov/>. Click on the IPS BIDS icon, click on Search for Bid, enter the RFP number, and then search. Tabulations will normally be available at this web site not later than one working day after opening. Lengthy tabulations may not be available on the Internet and requests for these verbally or in writing cannot be honored.
17. **VENDOR REGISTRATION AND SOLICITATION NOTIFICATION SYSTEM:** Vendor Link NC allows vendors to electronically register free with the State to receive electronic notification of current procurement opportunities for goods and services available on the Interactive Purchasing System. Online registration and other purchasing information are available on our Internet web site: <http://www.pandc.nc.gov/>.
18. **RECIPROCAL PREFERENCE:** G.S. 143-59 establishes a reciprocal preference law to discourage other states from applying in-state preferences against North Carolina's resident offerors. The "Principal Place of Business" is defined as the principal place from which the trade or business of the offeror is directed or managed.

**SECTION VIII - NORTH CAROLINA GENERAL CONTRACT TERMS AND CONDITIONS
(Contractual and Consultant Services)**

1. **PERFORMANCE AND DEFAULT:** If, through any cause, Vendor shall fail to fulfill in timely and proper manner the obligations under this contract, Cumberland County government shall have the right to terminate this contract by giving written notice to the Vendor and specifying the effective date thereof. In that event, all finished or unfinished deliverable items under this contract prepared by the Vendor shall, at the option of Cumberland County government, become its property, and the Vendor shall be entitled to receive just and equitable compensation for any acceptable work completed on such materials. Notwithstanding, Vendor shall not be relieved of liability to Cumberland County government for damages sustained by Cumberland County government by virtue of any breach of this contract, and Cumberland County government may withhold any payment due the Vendor for the purpose of setoff until such time as the exact amount of damages due Cumberland County government from such breach can be determined. Cumberland County government reserves the right to require at any time a performance bond or other acceptable alternative performance guarantees from a Vendor without expense to Cumberland County government.

In case of default by the Vendor, Cumberland County government may procure the goods and services necessary to complete performance hereunder from other sources and hold the Vendor responsible for any excess cost occasioned thereby. In addition, in the event of default by the Vendor under this contract, or upon the Vendor filing a petition for bankruptcy or the entering of a judgment of bankruptcy by or against the Vendor, Cumberland County government may immediately cease doing business with the Vendor, immediately terminate this contract for cause, and may act to debar the Vendor from doing future business with Cumberland County government.

2. **GOVERNMENTAL RESTRICTIONS:** In the event any Governmental restrictions are imposed which necessitate alteration of the material, quality, workmanship or performance of the goods or services offered prior to their delivery, it shall be the responsibility of the Vendor to notify, in writing, the Contract Lead at once, indicating the specific regulation which required such alterations. Cumberland County government reserves the right to accept any such alterations, including any price adjustments occasioned thereby, or to cancel the Contract.
3. **AVAILABILITY OF FUNDS:** Any and all payments to the Vendor shall be dependent upon and subject to the availability of funds to the agency for the purpose set forth in this contract.
4. **TAXES:** Any applicable taxes shall be invoiced as a separate item.
- a. G.S. §143-59.1 bars the Secretary of Administration from entering into Contracts with Vendors if the Vendor or its affiliates meet one of the conditions of G. S. §105-164.8(b) and refuses to collect use tax on sales of tangible personal property to purchasers in North Carolina. Conditions under G. S. §105-164.8(b) include: (1) Maintenance of a retail establishment or office, (2) Presence of representatives in Cumberland County government that solicit sales or transact business on behalf of the Vendor and (3) Systematic exploitation of the market by media-assisted, media-facilitated, or media-solicited means. By execution of the proposal document the Vendor certifies that it and all of its affiliates, (if it has affiliates), collect(s) the appropriate taxes.
 - b. All agencies participating in this Contract are exempt from Federal Taxes, such as excise and transportation. Exemption forms submitted by the Vendor will be executed and returned by the using agency.
 - c. Prices offered are not to include any personal property taxes, nor any sales or use tax (or fees) unless required by the North Carolina Department of Revenue.
5. **SITUS:** The place of this Contract, its situs and forum, shall be North Carolina, where all matters, whether sounding in Contract or tort, relating to its validity, construction, interpretation and enforcement shall be determined.
6. **GOVERNING LAWS:** This Contract is made under and shall be governed, construed and enforced in accordance with the laws of Cumberland County government of North Carolina, without regard to its conflict of laws rules.
7. **PAYMENT TERMS:** Payment terms are Net not later than 30 days after receipt of correct invoice or acceptance of goods, whichever is later. The using agency is responsible for all payments to the Vendor under the Contract. Payment by some agencies may be made by procurement card, if the Vendor accepts that card (Visa, MasterCard, etc.) from other customers, and it shall be accepted by the Vendor for payment under the same terms and conditions as any other method of payment accepted by the Vendor. If payment is made by procurement card, then payment may be processed immediately by the Vendor.
8. **AFFIRMATIVE ACTION:** The Vendor will take affirmative action in complying with all Federal and State requirements concerning fair employment and employment of people with disabilities, and concerning the treatment of all employees without regard to

Offeror's Company Name: _____

discrimination by reason of race, color, religion, sex, national origin or disability.

9. **INTELLECTUAL PROPERTY INDEMNITY:** Vendor shall hold and save Cumberland County government, its officers, agents and employees, harmless from liability of any kind, including costs and expenses, resulting from infringement of the rights of any third party in any copyrighted material, patented or unpatented invention, articles, device or appliance delivered in connection with this contract.
10. **ADVERTISING:** Vendor agrees not to use the existence of this Contract or the name of Cumberland County government of North Carolina as part of any commercial advertising or marketing of products or services. A Vendor may inquire whether Cumberland County government is willing to act as a reference by providing factual information directly to other prospective customers.
11. **ACCESS TO PERSONS AND RECORDS:** During and after the term hereof, Cumberland County government Auditor and any using agency's internal auditors shall have access to persons and records related to this Contract to verify accounts and data affecting fees or performance under the Contract, as provided in G.S. §143-49(9).

12. **ASSIGNMENT:** No assignment of the Vendor's obligations nor the Vendor's right to receive payment hereunder shall be permitted.

However, upon written request approved by the issuing purchasing authority and solely as a convenience to the Vendor, Cumberland County government may:

- a. Forward the Vendor's payment check directly to any person or entity designated by the Vendor, and
- b. Include any person or entity designated by Vendor as a joint payee on the Vendor's payment check.

In no event shall such approval and action obligate Cumberland County government to anyone other than the Vendor and the Vendor shall remain responsible for fulfillment of all Contract obligations. Upon advance written request, Cumberland County government may, in its unfettered discretion, approve an assignment to the surviving entity of a merger, acquisition or corporate reorganization, if made as part of the transfer of all or substantially all of the Vendor's assets. Any purported assignment made in violation of this provision shall be void and a material breach of this Contract.

13. **INSURANCE:**

COVERAGE - During the term of the Contract, the Vendor at its sole cost and expense shall provide commercial insurance of such type and with such terms and limits as may be reasonably associated with the Contract. As a minimum, the Vendor shall provide and maintain the following coverage and limits:

- a. **Worker's Compensation** - The Vendor shall provide and maintain Worker's Compensation Insurance, as required by the laws of North Carolina, as well as employer's liability coverage with minimum limits of \$500,000.00, covering all of Vendor's employees who are engaged in any work under the Contract. If any work is sub-contracted, the Vendor shall require the sub-Contractor to provide the same coverage for any of his employees engaged in any work under the Contract.
- b. **Commercial General Liability** - General Liability Coverage on a Comprehensive Broad Form on an occurrence basis in the minimum amount of \$1,000,000.00 Combined Single Limit. (Defense cost shall be in excess of the limit of liability.)
- c. **Automobile** - Automobile Liability Insurance, to include liability coverage, covering all owned, hired and non-owned vehicles, used in connection with the Contract. The minimum combined single limit shall be \$250,000.00 bodily injury and property damage; \$250,000.00 uninsured/under insured motorist; and \$2,500.00 medical payment.

REQUIREMENTS - Providing and maintaining adequate insurance coverage is a material obligation of the Vendor and is of the essence of this Contract. All such insurance shall meet all laws of Cumberland County government of North Carolina. Such insurance coverage shall be obtained from companies that are authorized to provide such coverage and that are authorized by the Commissioner of Insurance to do business in North Carolina. The Vendor shall at all times comply with the terms of such insurance policies, and all requirements of the insurer under any such insurance policies, except as they may conflict with existing North Carolina laws or this Contract. The limits of coverage under each insurance policy maintained by the Vendor shall not be interpreted as limiting the Vendor's liability and obligations under the Contract.

14. **GENERAL INDEMNITY:** The Vendor shall hold and save Cumberland County government, its officers, agents, and employees, harmless from liability of any kind, including all claims and losses accruing or resulting to any other person, firm, or corporation furnishing or supplying work, services, materials, or supplies in connection with the performance of this Contract, and from any and all claims and losses accruing or resulting to any person, firm, or corporation that may be injured or damaged by the Vendor in the performance of this Contract and that are attributable to the negligence or intentionally tortious acts of the Vendor provided that the Vendor is notified in writing within 30 days that Cumberland County government has knowledge of such claims. The Vendor represents and warrants that it shall make no claim of any kind or nature against Cumberland County government's agents who are

Offeror's Company Name: _____

involved in the delivery or processing of Vendor goods or services to Cumberland County government. The representation and warranty in the preceding sentence shall survive the termination or expiration of this Contract.

15. **INDEPENDENT CONTRACTOR:** Vendor shall be considered to be an independent contractor and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. Vendor represents that it has, or will secure at its own expense, all personnel required in performing the services under this contract. Such employees shall not be employees of, or have any individual contractual relationship with Cumberland County government.
16. **KEY PERSONNEL:** Vendor shall not substitute key personnel assigned to the performance of this contract without prior written approval by Cumberland County government's assigned Contract Lead. The individuals designated as key personnel for purposes of this contract are those specified in the RFP and persons identified in Vendor's proposal.
17. **SUBCONTRACTING:** Work proposed to be performed under this contract by the Vendor or its employees shall not be subcontracted without prior written approval of Cumberland County government's assigned Contract Administrator. Unless otherwise indicated, acceptance of a Vendor's proposal shall include approval to use the subcontractor(s) that have been specified therein in accordance with paragraph 20 of Attachment A: Instructions to Vendor.
18. **TERMINATION FOR CONVENIENCE:** Cumberland County government may terminate this contract at any time by providing 30 days' notice in writing from Cumberland County government to the Vendor. In that event, all finished or unfinished deliverable items prepared by the Vendor under this contract shall, at the option of Cumberland County government, become its property. If the contract is terminated by Cumberland County government as provided in this section, Cumberland County government shall pay for services satisfactorily completed by the Vendor, less any payment or compensation previously made.
19. **CONFIDENTIALITY:** Any State information, data, instruments, documents, studies or reports given to or prepared or assembled by or provided to the Vendor under this contract shall be kept as confidential, used only for the purpose(s) required to perform this contract and not divulged or made available to any individual or organization without the prior written approval of Cumberland County government.
20. **CARE OF PROPERTY:** The Vendor agrees that it shall be responsible for the proper custody and care of any property furnished it by Cumberland County government for use in connection with the performance of this contract or purchased by or for Cumberland County government for this contract, and Vendor will reimburse Cumberland County government for loss or damage of such property while in Vendor's custody.
21. **PROPERTY RIGHTS:** All deliverable items and materials produced for or as a result of this contract shall be and become the property of Cumberland County government, and Vendor hereby assigns all ownership rights in such deliverables, including all intellectual property rights, to Cumberland County government; provided, however, that as to any preexisting works imbedded in such deliverables, Vendor hereby grants Cumberland County government a fully-paid, perpetual license to copy, distribute and adapt the preexisting works.
22. **OUTSOURCING:** Any Vendor or subcontractor providing call or contact center services to Cumberland County government of North Carolina shall disclose to inbound callers the location from which the call or contact center services are being provided.

If, after award of a contract, the contractor wishes to relocate or outsource any portion of the work to a location outside the United States, or to contract with a subcontractor for the performance of any work, which subcontractor and nature of the work has not previously been disclosed to Cumberland County government in writing, prior written approval must be obtained from Cumberland County government agency responsible for the contract.

Vendor shall give notice to the using agency of any relocation of the Vendor, employees of the Vendor, subcontractors of the Vendor, or other persons performing services under a State contract to a location outside of the United States.
23. **COMPLIANCE WITH LAWS:** Vendor shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business and its performance in accordance with this contract, including those of federal, state, and local agencies having jurisdiction and/or authority.
24. **ENTIRE AGREEMENT:** This RFP and any documents incorporated specifically by reference represent the entire agreement between the parties and supersede all prior oral or written statements or agreements. This RFP, any addenda thereto, and the Vendor's proposal are incorporated herein by reference as though set forth verbatim.

All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the contract expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable Federal or State statutes of limitation.
25. **AMENDMENTS:** This contract may be amended only by a written amendment duly executed by Cumberland County government Cumberland County Workforce Development Board RFP No. XXX WIOA Program Services

Offeror's Company Name: _____

and the Vendor. The NC Division of Purchase and Contract shall give prior approval to any amendment to a contract awarded through that office.

- 26. **WAIVER:** The failure to enforce or the waiver by Cumberland County government of any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.
- 27. **FORCE MAJEURE:** Neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations as a result of events beyond its reasonable control, including without limitation, fire, power failures, any act of war, hostile foreign action, nuclear explosion, riot, strikes or failures or refusals to perform under subcontracts, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.
- 28. **SOVEREIGN IMMUNITY:** Notwithstanding any other term or provision in this contract, nothing herein is intended nor shall be interpreted as waiving any claim or defense based on the principle of sovereign immunity that otherwise would be available to Cumberland County government under applicable law.

After selecting the proposer, the program agent will negotiate a detailed statement of work before the contract is signed.

***** End of RFP No. XX-XXX *****

AMY H. CANNON
County Manager

JAMES E. LAWSON
Deputy County Manager



MELISSA C. CARDINALI
Assistant County Manager

W. TRACY JACKSON
Assistant County Manager



ITEM NO. 24(2)

OFFICE OF THE COUNTY MANAGER

MEMO FOR THE CONSENT AGENDA OF THE
AUGUST 15, 2016 MEETING OF THE BOARD OF COMMISSIONERS

TO: BOARD OF COUNTY COMMISSIONERS

FROM: MELISSA C. CARDINALI, ASSISTANT COUNTY MANAGER
mcc

DATE: AUGUST 5, 2016

SUBJECT: APPROVAL OF BUSINESS PROCESS RECOMMENDATIONS FOR
THE FOOD AND NUTRITION PROGRAM AT THE DEPARTMENT
OF SOCIAL SERVICES

BACKGROUND

As a part of the Board of Commissioners approved Business Intelligence Initiative, the Enterprise Solutions Division within Information Services recently conducted a comprehensive business process review for the Department of Social Services. The business process review concentrated on the Food and Nutrition Services (FNS) within the Economic Services Division. Through this business process review, several opportunities for business process improvements were discovered.

A presentation was provided to the Finance Committee to review the current processes, business process improvement opportunities, and recommended solutions to improve these business processes in the area of FNS applications.

RECOMMENDATION

Request the Board of Commissioners accept and approve the Finance Committee recommendation to move forward with a phased-in implementation plan of the process improvements for FNS and that the Enterprise Solutions Division provide monthly progress reports to the Finance Committee.

AMY H. CANNON
County Manager

JAMES E. LAWSON
Deputy County Manager



MELISSA C. CARDINALI
Assistant County Manager

W. TRACY JACKSON
Assistant County Manager



ITEM NO. 21

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 15, 2016

TO: BOARD OF COUNTY COMMISSIONERS
FROM: AMY H. CANNON, COUNTY MANAGER 
DATE: AUGUST 8, 2016
SUBJECT: APPROVAL OF THE CUMBERLAND COUNTY POLICY COMMITTEE REPORT AND RECOMMENDATIONS

BACKGROUND

The Cumberland County Policy Committee met on Thursday, August 4, 2016 and discussed the following agenda:

- 1) Community Transportation Title VI Plan
- 2) Community Transportation System Safety Plan Update

Separate memos for these items are attached and the draft minutes of the Cumberland County Policy Committee are attached for your convenience.

RECOMMENDATION/PROPOSED ACTION

Accept the Cumberland County Policy Committee report and recommendations.

/ct

Attachments

CM080816-3

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CUMBERLAND COUNTY POLICY COMMITTEE
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
AUGUST 4, 2016 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Jeannette Council
Commissioner Glenn Adams
Commissioner Charles Evans
Commissioner Larry Lancaster

OTHER COMMISSIONERS
PRESENT: Commissioner Marshall Faircloth
Commissioner Kenneth Edge
Commissioner Jimmy Keefe

OTHERS PRESENT: Amy Cannon, County Manager
James Lawson, Deputy County Manager
Tracy Jackson, Assistant County Manager
Melissa Cardinali, Assistant County Manager for Finance/
Administrative Services
Sally Shutt, Governmental Affairs and Public Information
Officer
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Deborah Shaw, Budget Analyst
Heather Harris, Budget Analyst
Kim Cribb, Budget Analyst
Jeffery Brown, Engineering and Infrastructure Director
Joel Strickland, FAMPO
Ifetayo Farrakhan, Transportation Coordinator
Tom Lloyd, Planning and Inspections Director
Cecil Combs, Deputy Planning and Inspections Director
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Council called the meeting to order.

1. APPROVAL OF MINUTES – JUNE 2, 2016 POLICY COMMITTEE REGULAR
MEETING

MOTION: Commissioner Lancaster moved to approve the minutes.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (4-0)

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2. CONSIDERATION OF APPROVAL OF STEERING COMMITTEE RECOMMENDATION FOR THE COMMUNITY TRANSPORTATION SERVICE PLAN (CTSP)

BACKGROUND

This scope of work is developed around the central theme of making a strategically planned response to the projected mobility needs of the general public and targeted populations in Cumberland County, and continuously improving service delivery and management within the region. The CTSP will be developed through public education and involvement process that includes the general public, private and non-profit transportation providers, human service providers and targeted populations that include individuals with disabilities, low incomes and limited English proficiency.

A Consultant Team will present and discuss the Community Transportation Service Plan and engage steering committee members to provide comments and input. The Steering Committee will have the opportunity to share their knowledge or perception of unmet needs and the problems and/or concerns associated with the operation and/or management of the existing transportation system.

Six (6) individuals from among the target service providers here in Cumberland County have been identified and have agreed to serve on the steering committee which is to consist of 10 to 15 individuals. (1). Mr. Sam Hutchison (Cape Fear Valley Health), (2). Ms. Kasey E. Ivey (Sunshine Senior Center), (3). Ms. Meagan Honaker (St. Joseph of the Pines), (4). Ebou Sankareh (Famiks Transport, Inc.), (5). Barbara Canady (B & W Transporting, Inc.), and (6). Ms. Rosalind Woods (RDL Therapeutic Solutions & Action Pathways, Inc.). County Commissioners have expressed their desire to make further recommendations and final approvals for the steering committee members.

RECOMMENDATION/PROPOSED ACTION

Consider the six (6) individuals as recommended and approve 10 to 15 individuals to serve on the steering committee to provide input for the Community Transportation Service Plan.

Tracy Jackson, Assistant County Manager, introduced Joel Strickland and Ifetayo Farrakhan, both with the Community Transportation Department, and Ms. Farrakhan reviewed the background information and recommendation as recorded above.

Ms. Farrakhan stated the State is seeking to create a regional transportation coordination effort and create a steering committee which would involve elected officials and various stakeholders throughout the community. Ms. Farrakhan further stated she has attended several meetings regarding the State's proposal and has met several candidates that have agreed to serve on the steering committee. Ms. Farrakhan stated she would also like the full board to submit any other recommendation to fill the 15 spots.

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Commissioner Council stated she would like to suggest there be a diverse group of committee members. Commissioner Evans stated he would be interested in serving on the steering committee.

Ms. Cannon stated no formal action is needed today but the committee members should consider the six names Ms. Farrakhan suggested and to begin to think of any names as the board goes through a formal nomination process at the next full board meeting on August 15, 2016.

3. APPROVAL OF THE COMMUNITY TRANSPORTATION TITLE VI PLAN

BACKGROUND:

In previous years the Community Transportation Program was allowed to submit grant applications for the Section 5311 Administration Grants with the understanding that while using the FAMPO Title VI Plan that the Community Transportation Program was working on adopting its own Title VI Plan. This year along with other changes NCDOT has made the requirement that Community Transportation Program must have its Title VI Plan in place.

It is the policy of the Cumberland County Community Transportation Program (CTP) to ensure that no person shall, on the grounds of race, color, sex, age, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and any other related non-discrimination Civil Rights laws and authorities.

This plan was developed to guide CTP in its administration and management of Title VI-related activities conducted by both the Cumberland County CTP and its contractors.

RECOMMENDATION:

Approve the Community Transportation Program Title VI Plan to meet the requirements from the North Carolina Department of Transportation – Public Transportation Division.

Title VI Plan

Agency Name:

Community Transportation Program

Title VI Coordinator:

Ifetayo Farrakhan

Date Adopted:

April 19, 2016

I. Plan Statement

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Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” (42 U.S.C. Section 2000d).

The Cumberland County Community Transportation Program (CTP) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, Executive Order 13166 *Improving Access to Services for Persons with Limited English Proficiency*, and related nondiscrimination statutes and regulations in all programs and services.

This plan was developed to guide CTP in its administration and management of Title VI-related activities conducted by both the Cumberland County CTP and its contractors.

Title VI Coordinator Contact Information

Community Transportation Program
Ifetayo Farrakhan, Title VI Coordinator
130 Gillespie Street
Fayetteville, NC 28301
Phone: 910-678-7624
Email: ifarrakhan@co.cumberland.nc.us.

II. Title VI Information Dissemination

The Title VI Policy Statement shall be prominently and publicly displayed on the CTP website and on the CTP office bulletin board. The name of the Title VI Coordinator is available on the CTP Web site, at <http://www.co.cumberland.nc.us/planning/ctp.aspx>

Title VI information shall be disseminated to CTP employees by the Title VI Coordinator outlining their responsibilities in their daily work. During New Employee Orientation, new employees shall be informed of the provisions of Title VI, and CTP’s expectations to perform their duties accordingly.

All employees shall be provided a copy of the Title VI Plan and are required to sign the Acknowledgement of Receipt (see Attachment A).

III. Subcontracts and Vendors

All subcontractors and vendors who receive payments from CTP and where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended.

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IV. Record Keeping:

The Title VI Coordinator will maintain permanent records, which include but are not limited to, signed acknowledgements of receipt from the employees indicating the receipt of the CTP's Title VI Plan(employee file); copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants and Title VI investigations.

V. Title VI Complaint Procedures

How to file a Title VI Complaint

1. **Applicability** – The complaint procedures apply to the beneficiaries of CTP's programs, activities, and services, including but not limited to the public, contractors, subcontractors, consultants, and other sub-recipients of federal and state funds.
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complaint with CTP's Title VI Coordinator. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
 - The date of the alleged act of discrimination; or
 - The date when the person(s) became aware of the alleged discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Title VI complaints may be submitted to the following entities:

- **Cumberland County Community Transportation Program**, Title VI Coordinator, 130 Gillespie Street, Fayetteville, NC 28301; (910) 678-7624 or <http://www.co.cumberland.nc.us/planning/ctp.aspx>
- **North Carolina Department of Transportation**, Office of Civil Rights, Title VI/EO Contract Compliance Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
- **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
 - Federal Highway Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8th Floor, E81-314, Washington, DC 20590, 202-366-0693 / 366-0752

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Federal Highway Administration, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010

Federal Transit Administration, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590

- **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228

4. Format for Complaints – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant’s name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed, however, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 180 days from the alleged date of discrimination. Complaints will be accepted in other languages.

5. Complaint Basis – Allegations must be based on issues involving race, color, national origin, sex, age, or disability. The term “basis” refers to the complainant’s membership in a protected group category.

Protected Categories	Definition	Examples
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White
Color	Color of skin, including shade of skin within a racial group	Black, White, light brown, dark brown, etc.
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person’s accent is also covered by national origin.	Mexican, Cuban, Japanese, Vietnamese, Chinese
Sex	Gender	Women and Men
Age	Persons of any age	21 year old person
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic

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COMPLAINT PROCESS

1. **Initial Contact** – The Title VI Coordinator will provide complainants with an explanation of the filing options, information concerning the discrimination complaint process and a Title VI Discrimination Complaint Form. (see Attachment C)
2. **The Complaint Review Process**
 - a. The Title VI Coordinator will review complaints upon receipt to ensure that relevant information is provided, the complaint is timely, and satisfies jurisdictional requirements.
 - b. All complaints shall be investigated unless:
 - The complaint is withdrawn;
 - The complainant fails to provide required information in a timely manner;
 - The complaint is not filed timely; and
 - Any issues that do not involve discrimination, or are not based on a protected basis will be directed to the appropriate entity. Under no circumstances will complainants be discouraged from filing a complaint.
 - c. The Title VI Coordinator will investigate all complaints filed against CTP's contractors, subcontractors, consultants, and other sub-recipients.
 - d. Complaints filed against CTP will be forwarded to the North Carolina Department of Transportation for processing and investigation.
 - e. Upon determination that the complaint warrants an investigation, the complainant is sent a letter acknowledging receipt of the complaint within 7 days of receipt of the complaint. (see Attachment D)
 - f. The respondent is notified by mail that he/she has been named in a complaint and is provided with his/her rights under Title VI and related statutes.

Note: CTP encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily.

CTP shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, CTP shall make every effort to address all complaints in an expeditious and thorough manner.

How will the complainant be notified of the outcome of the complaint?

CTP will send a final written response letter (see Attachment E or F) to the complainant. In the letter notifying the complainant that the complaint is not substantiated (Attachments F), the complainant is also advised of his or her right to 1) appeal within seven calendar days of receipt of the final written decision from CTP, and/or 2) file a complaint externally with any applicable State and/or Federal offices listed above. Every effort will be made to respond to Title VI complaints within 60 working days of receipt of such complaints, if not sooner.

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VI. Limited English Proficiency (LEP) Plan

CTP provides a training program for new hires and an annual refresher for existing employees. This program makes employees aware that our organization's practices and procedures cannot have the effect of restricting meaningful participation in our program by an LEP person.

In addition CTP has an LEP Policy and a separate LEP Plan that includes a four factor analysis based on Department of Justice guidance on how to address the requirements of Executive Order 13166.

VII. Community Outreach

As an agency receiving federal financial assistance, CTP has made the following community outreach efforts:

Along with other programs, The CTP provides community outreach with regular meetings publicized under the guidance of NCGS §143-318.12. Public notice of official meetings, including posting of meetings and notice, can be found on the CTP's website <http://www.co.cumberland.nc.us/planning/ctp.aspx>.

Limited English Proficiency (LEP) Policy

Executive Order (E.O.)13166 and Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating based on national origin by, among other things, failing to provide meaningful access to individuals who are Limited English Proficient (LEP).

All recipients and sub-recipients of federal funding are required to take reasonable steps to provide meaningful access to LEP individuals. The Cumberland County Community Transportation Program is a recipient of federal funds and executes its Title VI and LEP plans and policies.

It is important to ensure that written materials routinely provided by CTP in English also are provided in regularly encountered languages other than English. It is particularly important to ensure that vital documents are translated into the non-English language of each regularly encountered LEP group eligible to be served or likely to be affected by the program or activity. A document will be considered vital if it contains information that is critical for obtaining the federal services and/or benefits, or is required by law. Vital documents include, for example: applications, consent and complaint forms, notices of rights and disciplinary action, notices advising LEP persons of the availability of free language assistance, and letters or notices that require a response from the beneficiary or client.

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Vital documents must be translated when 1000 people or 5% (whichever is less) of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively. For many larger documents, translation of vital information contained within the document will suffice and the documents need not be translated in their entirety.

It may sometimes be difficult to draw a distinction between vital and non-vital documents, particularly when considering outreach or other documents designed to raise awareness of rights or services. It is impossible from a practical and cost effective perspective to translate every piece of outreach material into every language, and Title VI and EO 13166 do not require this of their recipients. However, in some circumstances lack of awareness of the existence of a particular program may effectively deny LEP individuals meaningful access. It is important for recipients, sub-recipients and contractors to continually survey/assess the needs of eligible service populations in order to determine whether certain critical outreach materials should be translated into other languages.

The obligation to provide meaningful opportunity to individuals who are LEP is not limited to written translations. Oral communications between recipients and beneficiaries often is a necessary part of the exchange of information. Thus, a recipient that limits its language assistance to the provisions of written materials may not be allowing LEP persons "effectively to be informed of or to participate in the program."

There are several steps which can assist recipients in providing such oral assistance. They range from hiring bilingual staff or staff interpreters competent in the skill of interpreting, to contracting qualified outside in-person or telephonic interpreter services, to arranging formally for the services of qualified voluntary community interpreters who are bound by confidentiality agreements. Generally, it is not acceptable for agencies or recipients to rely upon an LEP individual's family members or friends to provide the interpreter services. The agency or recipient should meet its obligations under EO 13166 and Title VI by supplying competent language service free of cost.

CTP will comply with this federal requirement by assigning responsibility for LEP assistance as follows:

- **Requests for Translation of Vital Documents** -- LEP services will be provided by CTP in accordance with that CTP's LEP policy and plan.
- **Requests for Oral Interpretation Assistance at Public Meetings and Workshops** -
- All ads for a public meeting sponsored by the CTP will contain the following language: "Persons who require special accommodations under the Americans with Disabilities Act or persons who require interpretation services (free of charge) should contact (*name of CTP contact*) at (*telephone number of contact*) at least 10 working days in advance of the Public Meeting."

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As covered under Title VI requirements for nondiscrimination, at each meeting CTP will provide the Title VI material and will include this material in an alternate language when applicable.

- **Maintaining Files** – CTP’s will maintain LEP status for its communities in files to assure consistent communication in the appropriate language. The CTP will maintain a follow-up report as to how individual LEP requests, complaints or issues were resolved and/or what assistance was provided.
- **Review Process** -- CTP will review its delivery process to determine whether any program process denies or limits participation by LEP persons within CTP’s community.
- **Discrimination-Complaint Procedures** -- LEP persons should be provided notice of their opportunity to file a discrimination complaint in accordance with Title VI. LEP persons may be advised orally of the opportunity to file a discrimination complaint pursuant to the regulations using an interpreter. LEP persons should be made aware of the free, oral interpretation/translation of vital information that CTP will provide upon request.
- **LEP Update** -- Assessment of language needs will be conducted by CTP when this policy is updated by review of census and/or other demographic data, or at a minimum upon update of CTP’s Public Involvement Plan.

Limited English Proficiency (LEP) Plan

Introduction

The purpose of this Limited English Proficiency (LEP) plan is to clarify CTP’s (as recipient of federal financial assistance from the U.S. Department of Transportation) responsibilities and duties to its customers, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. It was prepared in accordance with **Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq.**; and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance.

Executive Order 13166 “Improving Access to Services for Persons With Limited English Proficiency,” directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice’s (DOJ’s) Policy Guidance entitled “Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English

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Proficiency." (See 65 FR 50123, August 16, 2000 DOJ's General LEP Guidance). Different treatment based upon a person's inability to speak, read, write or understand English may be a type of national origin discrimination.

E.O. 13166 applies to all federal agencies and all programs and operations of entities that receive funding from the federal government, including state agencies, local agencies and governments, private and non-profit entities and sub-recipients.

Definitions

Limited English Proficiency - The LEP program provides assistance for people whom English is not their primary language and who have a limited ability to read, speak, write or understand English.

Vital Document – Forms that include (but are not limited to) applications, consent forms, all compliance plans, public participation plans, letters containing important information regarding participation in a program, appeal forms, other outreach materials.

Substantial Number of LEP – 1000 people or 5% (whichever is less) of the population eligible to be served or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively.

Title VI Officer – The person or persons responsible for compliance of Title VI LEP policies, in the case of the CTP, the Title VI Coordinator.

Plan Summary

This document will describe CTP's responsibilities to offer language assistance and to support the LEP activities of the local programs.

All documents that are vital are included under the LEP provision. A document will be considered vital if it contains information that is critical for obtaining the federal services and/or benefits, or is required by law.

Identification of LEP Population

An LEP Person does not speak English as a primary language AND has limited ability to read, speak, write or understand English. The threshold for translation services is 1,000 persons or 5% of the population (whichever is less) eligible to be served based on CTP's LEP Policy. The US Census Bureau's American Community Survey 5-year estimates are the basis for determination.

- Hearing or visual impairments - sign language interpretation and Braille texts are accommodations of disabilities provided under the Americans with Disabilities Act and/or Section 504 of the Rehabilitative Acts of 1973.
- Illiteracy - LEP individuals protected by the Executive Order and Title VI are those who not only cannot speak, read, or write English, but primarily speak, read or write in a language other than English

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CTP will use the following to gauge LEP population participation in its activities:

- Examine records requests for language assistance from past events
- Have the U.S. Department of Justice's "I Speak" cards" at each CTP's reception area or area at which CTP employees greet the general public.
- LEP requests for translation/oral interpretation services

When CTP sponsors events, workshops or conferences where it is anticipated that LEP people will attend and may need assistance, staff will:

- Set up a sign-in sheet table, have a staff member greet and briefly speak to each attendee in order to informally gauge the attendee's ability to speak and understand English. (see Attachment H)
- Have the Census Bureau's "I Speak" cards at the event. While staff may not be able to provide translation assistance at that particular day's meeting, the cards are an excellent tool to identify language needs for future meetings. (see Attachment H)

Vital Documents or Materials included for Translation

Vital documents must be translated when the LEP population meets the threshold described above. For the purposes of CTP, the following documents will be translated:

- an Executive Summary of the Public Involvement Plan,
- the Title VI Plan,
- this LEP Plan,
- meeting schedules for all committees and subcommittees of CTP,
- CTP's informational brochure, and
- an informational pamphlet about translation services.

Public Meetings / Workshops / MPO Website and Social Media

All ads for a public meeting will contain the following language: "Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact CTP at 910.678.7624 at least 10 working days in advance of the Public Meeting".

All ads for public meetings will also be published in the language of the qualifying LEP population.

Monitoring and Updating the LEP Plan

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This plan is designed to be flexible and easily updated. CTP will review and update LEP policies and procedures every third year beginning in January, 2015, and will review and update LEP Plan on an as needed basis.

CTP Staff Training

All CTP staff will be provided with the LEP Policy and Plan during regularly scheduled staff meetings. Handouts containing access information of LEP individuals and providers will be distributed to all staff and updated as necessary. CTP will also canvass and maintain a list of employees with translation/interpreter capabilities, to be called upon whenever their specific services are needed.

Dissemination of the CTP Limited English Proficiency Plan

Copies of the LEP Policy and Plan will be provided on request to any one requesting the document via phone, in person, by mail, or by e-mail, and by website, <http://www.co.cumberland.nc.us/planning/ctp.aspx>. CTP will also post the offer for translation services for LEP individuals. CTP will also create and maintain its Spanish language resources at <http://www.co.cumberland.nc.us/planning/ctp.aspx>.

Any person or agency, including social service, non-profit and law enforcement agencies and other community partners with internet access will be able to access the plan. Copies of the CTP's LEP Plan will also be made available to the North Carolina Department of Transportation, Federal Highway Administration, the Federal Transit Administration, and to any person or agency requesting a copy.

Any questions or comments regarding this plan should be directed to:

Ifetayo Farrakhan
CTP Title VI Coordinator
130 Gillespie Street,
Fayetteville, NC 28301
Phone: (910) 678-7624
E-mail: ifarrakhan@co.cumberland.nc.us.

Four-Factor Analysis

The U.S. Department of Justice LEP Guidance advises each federal agency to “take reasonable steps to ensure meaningful access to the information and services they provide.” The DOJ guidance document instructs agencies to consider four factors in developing LEP guidance and plans:

1. the number of LEP persons in the eligible service population or likely to be encountered in recipient activities and programs;
2. the frequency with which LEP individuals come into contact with the program;
3. the importance of the service or information provided by the program; and
4. the resources available to the recipient of the federal funds.

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Analysis of Factors for the CTP area

- Factor 1: Number or Proportion of LEP Individuals in the Eligible Population

CTP examined the 2008-2012 American Community Survey Estimates and was able to determine that one significant language usage population exists which speaks a language other than English and that population is Spanish. Of the people who indicated they spoke Spanish, approximately 8,775 indicated they spoke English "not well" or "not at all", meaning that those 8,775 likely qualify as LEP people. CTP evaluated non-English speakers in the counties that make up the Metropolitan Area (Cumberland, portions of Harnett and Hoke) and generated a table of LEP persons by language, number and percentage of the population (see Attachment I) and a map (Attachment J).

- Factor 2: Frequency of Contact with the Program

All contacts with CTP are made through its office in Fayetteville or at public outreach meetings that support a specific project. These contacts are potentially made through telephone calls, mail, Internet web site, e-mail, and in person. The CTP estimates that fewer than five persons with limited English proficiency have contacted the agency in the past five years.

- Factor 3: Nature and Importance of the Program

According to the United States Census bureau, 2008 – 2012 American Community Survey, CTP has no large geographic concentration of any one type of LEP individuals in its service area. The overwhelming majority of the population speaks only English. The Spanish speaking population is predominantly bi-lingual, however, 8,775 Spanish speaking people indicated they speak English "not well", or "not at all." The "safe harbor" provisions stated in Federal LEP guidelines require that service providers translate vital documents into languages which are spoken by populations of LEP persons greater than 5% of the total population, or populations greater than 1,000 people.

- Factor 4: Resources Available

In public meetings where there is need to handle languages other than English, the CTP staff is assisted by a staff member from the Cumberland County Joint Planning Board who is fluent in Spanish. We are able to assist callers who are better served by speaking with staff in a language (Spanish) other than English. This staff member fluent in the language (Spanish) of callers or correspondents is asked to deal directly with LEP persons in responding to inquiries. Technical staff is called upon as necessary in order to assist in providing requested information. Thus, the CTP's current policy of using multi-lingual staff members is an efficient and effective use of resources.

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Ms. Farrakhan reviewed the background information, recommendation and Community Transportation Title VI Plan recorded above.

MOTION: Commissioner Lancaster moved to recommend to the full board approval of the Community Transportation Program Title VI Plan to meet the requirements from the North Carolina Department of Transportation – Public Transportation Division.

SECOND: Commissioner Council

VOTE: UNANIMOUS (4-0)

4. APPROVAL OF THE COMMUNITY TRANSPORTATION SYSTEM SAFETY PLAN UPDATE

BACKGROUND:

This plan has been updated in order to meet requirements from the North Carolina Department of Transportation – Public Transportation Division. The purpose of this plan is to ensure that our transportation through private contractors provide safe and reliable transportation for Cumberland County residents.

The plan includes six core elements: Driver/Employee Selection, Driver/Employee Training, Safety Data Acquisition/Analysis, Drug and Alcohol Abuse Programs, Vehicle Maintenance and Security.

RECOMMENDATION/PROPOSED ACTION:

Approve the Community Transportation System Safety Program Plan to meet the requirements from the North Carolina Department of Transportation – Public Transportation Division.

GENERAL SYSTEM SAFETY PLAN MANAGEMENT DESCRIPTIONS OF ELEMENTS

1. POLICY STATEMENT AND AUTHORITY FOR SYSTEM SAFETY PROGRAM PLAN

A. Effective October 2012, Moving Ahead for Progress in the 21st Century (MAP-21) mandated requirements for all public transportation to develop and implement a safety plan. As defined by MAP-21 public transportation is regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income.

B. North Carolina Board of Transportation 2003 Resolution established the requirement for each transit system to develop and implement a System Safety Program Plan (SSPP).

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- C. Establish the SSPP as an operating document that has been prepared for and approved by the transit system top management, chief executive officer or the governing board.
- D. The authority statement in the SSPP should define, as clearly as possible, the following:
 - 1. The authority for establishment and implementation of the SSPP
 - 2. How that authority has been delegated through the organization
- E. The SSPP must adequately address the SIX CORE ELEMENTS.

2. DESCRIPTION OF PURPOSE FOR SYSTEM SAFETY PROGRAM PLAN

- A. Address the intent of the *SSPP* and define why it is being written.
- B. Establish the safety philosophy of the whole organization and provide a means of implementation.
- C. A *SSPP* could be implemented for the following reasons:
 - To establish a safety program on a system wide basis.
 - To provide a medium through which a system can display its commitment to safety.
 - To provide a framework for the implementation of safety policies and the achievement of related goals and objectives.
 - To satisfy federal and state requirements.
 - To meet accepted industry standards and audit provisions.
 - To satisfy self-insurance or insurance carrier provisions.
- D. The relationship of system safety to system operations should be defined.
- E. All departments involved must have a clear definition of their individual responsibilities relative to the scope of the *SSPP*.
- F. This section should also contain system safety definitions applicable to the operating systems.

3. CLEARLY STATED GOALS FOR VEHICLE SAFETY MANAGEMENT PROGRAM

- A. The overall goal of a *SSPP* is to identify, eliminate, minimize and control safety hazards and their attendant risks by establishing requirements, lines of authority, levels of responsibility and accountability, along with methods of documentation for the organization.
- B. These goals should be system-specific, tailored to the individual needs of the system, as well as being:
 - 1. Long term - the goal must have broad and continuing relevance.
 - 2. Meaningful - they must not be so broad as to be meaningless; desired results must be identified.
 - 3. Realizable - any goal that meets the first two criteria but cannot be attained is meaningless.
- C. Example:
 - 1. A goal might be to establish a high level of safety comparable to other transit systems in the U.S.
 - 2. Identify, eliminate, minimize, and/or control all safety hazards

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3. Provide appropriate action and measures to obtain necessary safety-related agreements, permits and approvals from outside agencies, where applicable.

4. IDENTIFIABLE AND ATTAINABLE OBJECTIVES

A. Objectives are the working elements of the *SSPP*, the means by which the identified goals are achieved.

1. Must be quantifiable and meaningful.
2. Met through the implementation of policies.

B. Policies are central to the *SSPP* and must be established by top management.

1. They set the framework for guiding the safety program, on a relatively long-term basis.
2. Policies are measurable.
3. Policies are methods for reaching a specified objective.

C. Example:

The establishment of a safety program incorporating public, patron, employee, and property safety including fire protection, loss prevention and life safety requirements.

- **Policies depend on the goals defined by the transit system and its safety philosophy.**

5. SYSTEM DESCRIPTION/ORGANIZATIONAL STRUCTURE

A. System Description

1. Briefly describe the system's characteristics. The information should be sufficient to allow non-technical person and those not employed in transit to understand the system and its basic operation.
2. Components that should be included in the system description:
 - a. History
 - b. Scope of service
 - c. Physical features
 - d. Operations
 - e. Maintenance
 - f. System Modifications

B. Organizational Structure

1. Organizational diagrams showing the title of each position.
2. Diagram showing the structure of the system safety unit identifying the key positions.
3. Diagrams showing the relationships and lines of communication between the system safety unit and other departments in the organization.
4. Describe the relationship of the transit system to local political jurisdictions.

SYSTEM SAFETY PROGRAM PLAN

Program Description:

The System Safety Program Plan (SSPP) was developed utilizing established guidance listed in the procedural manuals of the North Carolina Department of Transportation

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Standard Operating Procedure SSPP-001 and the State Management Plan. The SSPP consists of and addresses the required six (6) core elements:

1. Driver/Employee Selection
2. Driver/Employee Training
3. Safety Data Acquisition Analysis
4. Drug, Alcohol and Abuse Program
5. Vehicle Maintenance
6. Security

The Cumberland County Community Transportation Program's number one priority is adherence to policies and procedures of the core elements. All of the elements listed are equal in importance and the policies and procedures must be met. The compliance will ensure that we meet all Federal Transportation Administration (FTA) and North Carolina Department of Transportation Public Transportation Division (NCDOT/PTD) policies and regulations.

Driver/Employee Selection Element:

Fair hiring practices are used to select employees. Each potential employee will complete a written application. The Contracted Owner and/or supervisor shall interview each potential employee.

Driver/Employee Training Element:

The minimum requirements for vehicle operator training are Defensive Driving, Americans with Disabilities Act, Bloodborne Pathogens and Emergency Procedures for Vehicle Operators. In addition to the minimum requirements the follow actions must be completed:

1. The training must be completed annually
2. The training material must be on file for review by NCDOT/PTD
3. Records of each individual trained must be retained on file for five (5) years
4. Each driver must have an annual driver's performance evaluation to provide refresher training, assess skills, techniques, knowledge, etc...

Safety Data Acquisition Analysis Element:

The goal of the Safety Program is the reduction of accidents and injuries to customers, employees and the general public. Safety is a shared responsibility between system management and employees. It is the policy of the Cumberland County Community Transportation Program to provide a place of employment that is free from recognized hazards that could result in death or serious injury to employees, customers or the general public. It is the responsibility of each employee to report all incidents or unsafe conditions to their supervisor. Supervisors must immediately take necessary corrective action to prevent unsafe conditions.

Prohibited behaviors are behaviors that are in violation of the System Safety Policy. Such behaviors include behaviors that threaten the safety of employees, customers and

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the general public. Other unacceptable behaviors include those that result in damage to system, employee and public and/or private property. An employee who intentionally violates the safety policy and procedures will be subject to appropriate disciplinary action, as determined by the findings of an investigation. Such discipline may include a warning, demotion, suspension or immediate dismissal. In addition, such actions may cause the employee to be held legally liable under State or Federal Law.

Drug Alcohol and Abuse Program Element:

The goal is to provide a safe, healthy and productive drug-free work environment for all employees. A person being under the influence of a drug or alcohol while on the job poses serious safety and health risk to the user, co-workers, and passengers. The Cumberland County Community Transportation Program has established a policy of a drug-free work environment. A standard of zero tolerance for use of alcohol, illegal substances, or the misuse of prescription medications during work hours or the presence of these substances in the body during work hours regardless of when consumed. Random drug testing will be administered.

Vehicle Maintenance Element:

The goal is to ensure each vehicle and wheelchair lift is properly maintained to maximize the service life, maintain reliability, mitigate high maintenance costs and sustain proper safety and mechanical condition. To accomplish this goal we will at a minimum adhere to the vehicle manufacturer's maintenance/service manual and the wheelchair lift service manual.

Security Element:

The overall purpose of the Security Program is to optimize -- within the constraints of time, cost, and operational effectiveness -- the level of protection afforded to vehicles, equipment, passengers, employees, and contractors, and any other individuals who come into contact with the system during normal operations.

The security of passengers and employees is paramount to promoting the objectives of FTA and NCDOT. We will take all reasonable and prudent actions to minimize the risk associated with intentional acts against passengers, employees and equipment. To further this objective, we have developed security plans and procedures.

The SSPP will be updated as changes occur. An annual review is required to ensure all information is current. The annual review must be adopted by the board and certified by NCDOT/PTD.

This operational policy was adopted by the Cumberland County Board of Commissioners.

Date _____

Month _____

DRAFT

Year _____

System Manager (Signature) _____

Governing Board Chairman (Signature) _____

RESOLUTION FOR APPROVAL OF REQUIREMENT FOR COMMUNITY TRANSPORTATION SYSTEMS TO IMPLEMENT SYSTEM SAFETY PROGRAM PLANS

WHEREAS, the Federal Transit Administration's strategic safety goal is to promote the public health and safety by working toward the elimination of transportation related deaths, injuries and property damage;

WHEREAS, the Federal Transit Administration and the National Transportation Safety Board require the reporting of certain transportation related accidents;

WHEREAS, the vision for public transportation services in North includes the provision of safe, affordable transportation choices, statewide to those who have travel options and to those whose options are limited;

WHEREAS, the development and implementation of System Safety Program Plans by Community Transportation systems is a fundamental step toward these goals;

WHEREAS, the North Carolina Department of Transportation, Public Transportation Division recognizes the safety implications of the development of System Safety Program Plans and provides training and technical assistance to transit systems to assist in the development and implementation of their System Safety Program Plans;

WHEREAS, rural transit systems receiving federal and state funds are not currently required to have a System Safety Program Plan;

WHEREAS, the Public Transportation Division, in an effort to promote safe public transportation services recommends requiring that each rural transit system in the state that receives federal and/or state funds must have an approved System Safety Program Plan which includes provision for local system safety data collection and reporting;

WHEREAS, the Transit, Rail and Ferry Committee has concurred in this recommendation.

THEREFORE BE IT RESOLVED AS FOLLOWS:

That the North Carolina Board of Transportation approves the recommended requirement that each Community Transportation System that receives federal and/or state funds must have an approved System Safety Program Plan which includes provision for local system safety data collection and reporting.

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Ms. Farrakhan reviewed the background information, recommendation and Community Transportation System Safety Plan Update key elements as recorded above.

MOTION: Commissioner Lancaster moved to recommend to the full board approval of the Community Transportation System Safety Program Plan to meet the requirements from the North Carolina Department of Transportation – Public Transportation Division.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (4-0)

5. CONSIDERATION OF OPTIONS TO ADDRESS TALL WEED COMPLAINTS

BACKGROUND:

Approximately, 20-30 times per year on average, the County receives complaints about tall weeds on residential lots in unincorporated areas. The majority of the time, officials are able to work with the property owner to resolve the issue, but it can be troublesome and frustrating to neighbors in situations where it is hard to locate and notify a property owner. Staff has looked into this matter and developed the following suggestions based upon current state law and processes utilized by municipalities for handling tall weed complaints.

1. Continue the current practice of contacting property owners and requesting the lot be mowed. Voluntary compliance is utilized as a first step in lieu of more stringent enforcement measures.
2. Create a specific ordinance, as provided by NCGS 153A-121, which prohibits: “The uncontrolled growth of weeds, grass or noxious growth to a height of twelve (12) inches or more within one hundred (100) feet of any residential structure or any occupied nonresidential structure.” Noxious growth is defined as: uncontrolled growth of grasses or vines (such as kudzu, honeysuckle, ivy or similar vines), and any growth of poisonous plants (poison ivy, poison oak, or related vegetation).
3. Seek assistance from the NCACC and the local Legislative Delegation to create a statute that allows counties the same authority as municipalities to address nuisances such as noxious growth/tall weeds. It is difficult to address this type of nuisance in a timely manner when a property owner cannot be located and properly notified. This problem will likely become more widespread as growth continues across North Carolina and more residential development occurs in unincorporated areas.

RECOMMENDATION/PROPOSED ACTION:

For information only. No formal action is requested at this time.

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Ms. Cannon stated the County periodically receives complaints from citizens regarding tall weeds especially during the summer months. Ms. Cannon further stated there has been one specific area this summer that has been addressed and staff would like to provide some options for future considerations when dealing with tall weed complaints.

Mr. Jackson reviewed the background information and recommendation as recorded above. Mr. Jackson stated complaints are typically from residential areas in the unincorporated areas of the County. Mr. Jackson further stated staff have been looking into this issue and talking with other counties across the state. Mr. Jackson reviewed the three different options recorded above.

Commissioner Evans stated he has received many calls regarding tall weeds and he feels this is a nuisance to the community as well as some of the rental properties in the County. Commissioner Evans stated he had the opportunity to visit some of the areas and he feels some of the houses are not conducive for people to live comfortably and safely in and he would like to see something brought back to the Policy Committee regarding upkeep and maintenance of rental properties to make sure the property owners maintain the properties to the best of their abilities.

Rick Moorefield, County Attorney, stated the County's existing minimum housing code applies to rental properties. Mr. Moorefield stated the minimum housing code does not provide for an inspection program. Commissioner Council stated she would like the County to continue to observe tall weed and rental complaints and keep the full board informed.

No action taken.

6. OTHER ITEMS OF BUSINESS

No other items of business.

MEETING ADJOURNED AT 11:16 AM

Patricia Hall,
Chair
Town of Hope Mills

Charles Morris,
Vice-Chair
Town of Linden

Jami McLaughlin,
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. 2I(1)

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 15, 2016

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JOEL STRICKLAND, FAMPO EXECUTIVE DIRECTOR *TJS*

THRU: THOMAS J. LLOYD, DIRECTOR *TL*

DATE: AUGUST 8, 2016

SUBJECT: APPROVAL OF THE COMMUNITY TRANSPORTATION
TITLE VI PLAN

BACKGROUND

The Community Transportation Title VI Plan was presented to the Policy Committee on August 4, 2016 for review and approval. In previous years the Community Transportation Program was allowed to submit grant applications for the Section 5311 Administration Grants with the understanding that while using the FAMPO Title VI Plan that the Community Transportation Program was working on adopting its own Title VI Plan. This year along with other changes NCDOT has made the requirement that Community Transportation Program must have its Title VI Plan in place.

It is the policy of the Cumberland County Community Transportation Program (CTP) to ensure that no person shall, on the grounds of race, color, sex, age, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and any other related non-discrimination Civil Rights laws and authorities.

This plan was developed to guide CTP in its administration and management of Title VI-related activities conducted by both the Cumberland County CTP and its contractors.

RECOMMENDATION/PROPOSED ACTION

Approve the Community Transportation Program Title VI Plan to meet the requirements from the North Carolina Department of Transportation – Public Transportation Division.

The full version of the Community Transportation Program Title VI Plan will be available for review in the Clerk to the Board's office and is also available by accessing the following link:

<http://www.co.cumberland.nc.us/planning/ctp.aspx>

/if



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

Benny Pearce,
Town of Eastover

Patricia Hall,
Chair
Town of Hope Mills

Charles Morris,
Vice-Chair
Town of Linden

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin,
Wade, Falcon & Godwin

**CUMBERLAND
COUNTY**
NORTH CAROLINA

Planning & Inspections Department

ITEM NO. 2I(2)

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 15, 2016

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JOEL STRICKLAND, FAMPO EXECUTIVE DIRECTOR *TJS*

THRU: THOMAS J. LLOYD, DIRECTOR *TJL*

DATE: AUGUST 8, 2016

SUBJECT: APPROVAL OF THE COMMUNITY TRANSPORTATION
SYSTEM SAFETY PROGRAM PLAN UPDATE

BACKGROUND

The Community Transportation System Safety Program Plan Update was presented to the Policy Committee on August 4, 2016 for review and approval. This plan has been updated in order to meet requirements from the North Carolina Department of Transportation – Public Transportation Division. The purpose of this plan is to ensure that our transportation through private contractors provide safe and reliable transportation for Cumberland County residents.

The plan includes six core elements: Driver/Employee Selection, Driver/Employee Training, Safety Data Acquisition/Analysis, Drug and Alcohol Abuse Programs, Vehicle Maintenance and Security.

RECOMMENDATION/PROPOSED ACTION

Approve the Community Transportation System Safety Program Plan to meet the requirements from the North Carolina Department of Transportation – Public Transportation Division.

The full version of the Cumberland County Community Transportation System Safety Program Plan will be available for review in the Clerk to the Board's office and is also available by accessing the following link: <http://www.co.cumberland.nc.us/planning/ctp.aspx>

/if

**CUMBERLAND COUNTY
COMMUNITY
TRANSPORTATION
PROGRAM**

**SYSTEM SAFETY
PROGRAM PLAN**

(PLAN UPDATED MAY 2016)

GENERAL SYSTEM SAFETY PLAN MANAGEMENT DESCRIPTIONS OF ELEMENTS

1. POLICY STATEMENT AND AUTHORITY FOR SYSTEM SAFETY PROGRAM PLAN

- A. Effective October 2012, Moving Ahead for Progress in the 21st Century (MAP-21) mandated requirements for all public transportation to develop and implement a safety plan. As defined by MAP-21 public transportation is regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income.
- B. North Carolina Board of Transportation 2003 Resolution established the requirement for each transit system to develop and implement a System Safety Program Plan (SSPP).
- C. Establish the SSPP as an operating document that has been prepared for and approved by the transit system top management, chief executive officer or the governing board.
- D. The authority statement in the SSPP should define, as clearly as possible, the following:
 - 1. The authority for establishment and implementation of the SSPP
 - 2. How that authority has been delegated through the organization
- E. The SSPP must adequately address the SIX CORE ELEMENTS.

2. DESCRIPTION OF PURPOSE FOR SYSTEM SAFETY PROGRAM PLAN

- A. Address the intent of the *SSPP* and define why it is being written.
- B. Establish the safety philosophy of the whole organization and provide a means of implementation.
- C. A *SSPP* could be implemented for the following reasons:
 - To establish a safety program on a system wide basis.
 - To provide a medium through which a system can display its commitment to safety.
 - To provide a framework for the implementation of safety policies and the achievement of related goals and objectives.
 - To satisfy federal and state requirements.
 - To meet accepted industry standards and audit provisions.
 - To satisfy self-insurance or insurance carrier provisions.
- D. The relationship of system safety to system operations should be defined.
- E. All departments involved must have a clear definition of their individual responsibilities relative to the scope of the *SSPP*.
- F. This section should also contain system safety definitions applicable to the operating systems.

3. CLEARLY STATED GOALS FOR VEHICLE SAFETY MANAGEMENT PROGRAM

- A. The overall goal of a *SSPP* is to identify, eliminate, minimize and control safety hazards and their attendant risks by establishing requirements, lines of authority, levels of responsibility and accountability, along with methods of documentation for the organization.
- B. These goals should be system-specific, tailored to the individual needs of the system, as well as being:
 - 1. Long term - the goal must have broad and continuing relevance.
 - 2. Meaningful - they must not be so broad as to be meaningless; desired results must be identified.
 - 3. Realizable - any goal that meets the first two criteria but cannot be attained is

meaningless.

C. Example:

1. A goal might be to establish a high level of safety comparable to other transit systems in the U.S.
2. Identify, eliminate, minimize, and/or control all safety hazards
3. Provide appropriate action and measures to obtain necessary safety-related agreements, permits and approvals from outside agencies, where applicable.

4. IDENTIFIABLE AND ATTAINABLE OBJECTIVES

A. Objectives are the working elements of the *SSPP*, the means by which the identified goals are achieved.

1. Must be quantifiable and meaningful.
2. Met through the implementation of policies.

B. Policies are central to the *SSPP* and must be established by top management.

1. They set the framework for guiding the safety program, on a relatively long-term basis.
2. Policies are measurable.
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The establishment of a safety program incorporating public, patron, employee, and property safety including fire protection, loss prevention and life safety requirements.

- **Policies depend on the goals defined by the transit system and its safety philosophy.**

5. SYSTEM DESCRIPTION/ORGANIZATIONAL STRUCTURE

A. System Description

1. Briefly describe the system's characteristics. The information should be sufficient to allow non-technical person and those not employed in transit to understand the system and its basic operation.

2. Components that should be included in the system description:

- a. History
- b. Scope of service
- c. Physical features
- d. Operations
- e. Maintenance
- f. System Modifications

B. Organizational Structure

1. Organizational diagrams showing the title of each position.
2. Diagram showing the structure of the system safety unit identifying the key positions.
3. Diagrams showing the relationships and lines of communication between the system safety unit and other departments in the organization.
4. Describe the relationship of the transit system to local political jurisdictions.

SYSTEM SAFETY PROGRAM PLAN

Program Description:

The System Safety Program Plan (SSPP) was developed utilizing established guidance listed in the procedural manuals of the North Carolina Department of Transportation Standard Operating Procedure SSPP-001 and the State Management Plan. The SSPP consists of and addresses the required six (6) core elements:

1. Driver/Employee Selection
2. Driver/Employee Training
3. Safety Data Acquisition Analysis
4. Drug, Alcohol and Abuse Program
5. Vehicle Maintenance
6. Security

The Cumberland County Community Transportation Program's number one priority is adherence to policies and procedures of the core elements. All of the elements listed are equal in importance and the policies and procedures must be met. The compliance will ensure that we meet all Federal Transportation Administration (FTA) and North Carolina Department of Transportation Public Transportation Division (NCDOT/PTD) policies and regulations.

Driver/Employee Selection Element:

Fair hiring practices are used to select employees. Each potential employee will complete a written application. The Contracted Owner and/or supervisor shall interview each potential employee.

Driver/Employee Training Element:

The minimum requirements for vehicle operator training are Defensive Driving, Americans with Disabilities Act, Bloodborne Pathogens and Emergency Procedures for Vehicle Operators. In addition to the minimum requirements the follow actions must be completed:

1. The training must be completed annually
2. The training material must be on file for review by NCDOT/PTD
3. Records of each individual trained must be retained on file for five (5) years
4. Each driver must have an annual driver's performance evaluation to provide refresher training, assess skills, techniques, knowledge, etc...

Safety Data Acquisition Analysis Element:

The goal of the Safety Program is the reduction of accidents and injuries to customers, employees and the general public. Safety is a shared responsibility between system management and employees. It is the policy of the Cumberland County Community Transportation Program to provide a place of employment that is free from recognized hazards that could result in death or serious injury to employees, customers or the general public. It is the responsibility of each employee to report all incidents or unsafe conditions to their supervisor. Supervisors must immediately take necessary corrective action to prevent unsafe conditions.

Prohibited behaviors are behaviors that are in violation of the System Safety Policy. Such behaviors include behaviors that threaten the safety of employees, customers and the general public. Other unacceptable behaviors include those that result in damage to system, employee and public

and/or private property. An employee who intentionally violates the safety policy and procedures will be subject to appropriate disciplinary action, as determined by the findings of an investigation. Such discipline may include a warning, demotion, suspension or immediate dismissal. In addition, such actions may cause the employee to be held legally liable under State or Federal Law.

Drug Alcohol and Abuse Program Element:

The goal is to provide a safe, healthy and productive drug-free work environment for all employees. A person being under the influence of a drug or alcohol while on the job poses serious safety and health risk to the user, co-workers, and passengers. The Cumberland County Community Transportation Program has established a policy of a drug-free work environment. A standard of zero tolerance for use of alcohol, illegal substances, or the misuse of prescription medications during work hours or the presence of these substances in the body during work hours regardless of when consumed. Random drug testing will be administered.

Vehicle Maintenance Element:

The goal is to ensure each vehicle and wheelchair lift is properly maintained to maximize the service life, maintain reliability, mitigate high maintenance costs and sustain proper safety and mechanical condition. To accomplish this goal we will at a minimum adhere to the vehicle manufacturer's maintenance/service manual and the wheelchair lift service manual.

Security Element:

The overall purpose of the Security Program is to optimize -- within the constraints of time, cost, and operational effectiveness -- the level of protection afforded to vehicles, equipment, passengers, employees, and contractors, and any other individuals who come into contact with the system during normal operations.

The security of passengers and employees is paramount to promoting the objectives of FTA and NCDOT. We will take all reasonable and prudent actions to minimize the risk associated with intentional acts against passengers, employees and equipment. To further this objective, we have developed security plans and procedures.

The SSPP will be updated as changes occur. An annual review is required to ensure all information is current. The annual review must be adopted by the board and certified by NCDOT/PTD.

This operational policy was adopted by the Cumberland County Board of Commissioners.

Date _____

Month _____

Year _____

System Manager (Signature) _____

Governing Board Chairman (Signature) _____

**RESOLUTION FOR APPROVAL OF REQUIREMENT FOR COMMUNITY
TRANSPORTATION SYSTEMS TO IMPLEMENT SYSTEM SAFETY
PROGRAM PLANS**

WHEREAS, the Federal Transit Administration's strategic safety goal is to promote the public health and safety by working toward the elimination of transportation related deaths, injuries and property damage;

WHEREAS, the Federal Transit Administration and the National Transportation Safety Board require the reporting of certain transportation related accidents;

WHEREAS, the vision for public transportation services in North includes the provision of safe, affordable transportation choices, statewide to those who have travel options and to those whose options are limited;

WHEREAS, the development and implementation of System Safety Program Plans by Community Transportation systems is a fundamental step toward these goals;

WHEREAS, the North Carolina Department of Transportation, Public Transportation Division recognizes the safety implications of the development of System Safety Program Plans and provides training and technical assistance to transit systems to assist in the development and implementation of their System Safety Program Plans;

WHEREAS, rural transit systems receiving federal and state funds are not currently required to have a System Safety Program Plan;

WHEREAS, the Public Transportation Division, in an effort to promote safe public transportation services recommends requiring that each rural transit system in the state that receives federal and/or state funds must have an approved System Safety Program Plan which includes provision for local system safety data collection and reporting;

WHEREAS, the Transit, Rail and Ferry Committee has concurred in this recommendation.

THEREFORE BE IT RESOLVED AS FOLLOWS:

That the North Carolina Board of Transportation approves the recommended requirement that each Community Transportation System that receives federal and/or state funds must have an approved System Safety Program Plan which includes provision for local system safety data collection and reporting.

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

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

BACKGROUND: That the following is a report on case number BI-2016-001 and is identified as Item Number _____.

Property Owner: Cumberland County

Property Address: 324 E. Jenkins Street, Fayetteville, NC (wood frame single family dwelling)

Tax Parcel Identification Number: 0436-33-7038

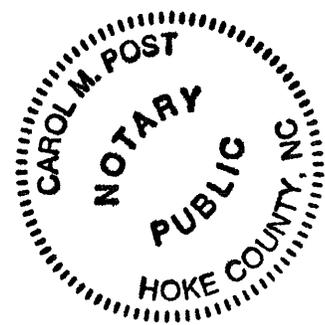
SYNOPSIS: This property was inspected on June 23, 2016. The structures are presently vacant and unsecure. In their present state, these structures constitute a fire, health, and safety hazard. The estimated cost to repair these structures to a minimum standard for human habitation is \$58,016. The Assessor for Cumberland County has these structures presently valued at \$0.00 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.

George Hatcher
Affiant
Housing Inspector/County of Cumberland

Sworn to and Subscribed to by me this
the 3rd day of August 2016.
Carol M. Post
Notary Public

My Commission Expires: 11/06/2019



REPORT OF BUILDING INSPECTION
CASE # BI-2016-001

DATE OF INSPECTION: 6/23/16

PROPERTY LOCATION: 324 E. Jenkins Street, Fayetteville, NC

OWNER/AGENT: Cumberland County, PO Box 449, Fayetteville, NC
28312

OCCUPANT: Vacant

PARCEL ID. NO. 0436-33-7038

BUILDING USE: Residential
BUILDING CLASSIFICATION: Residential
ZONING CLASSIFICATION: R6A

APPRAISED TAX VALUE: (STRUCTURE: \$0.00)

APPRAISAL DATE: 2009

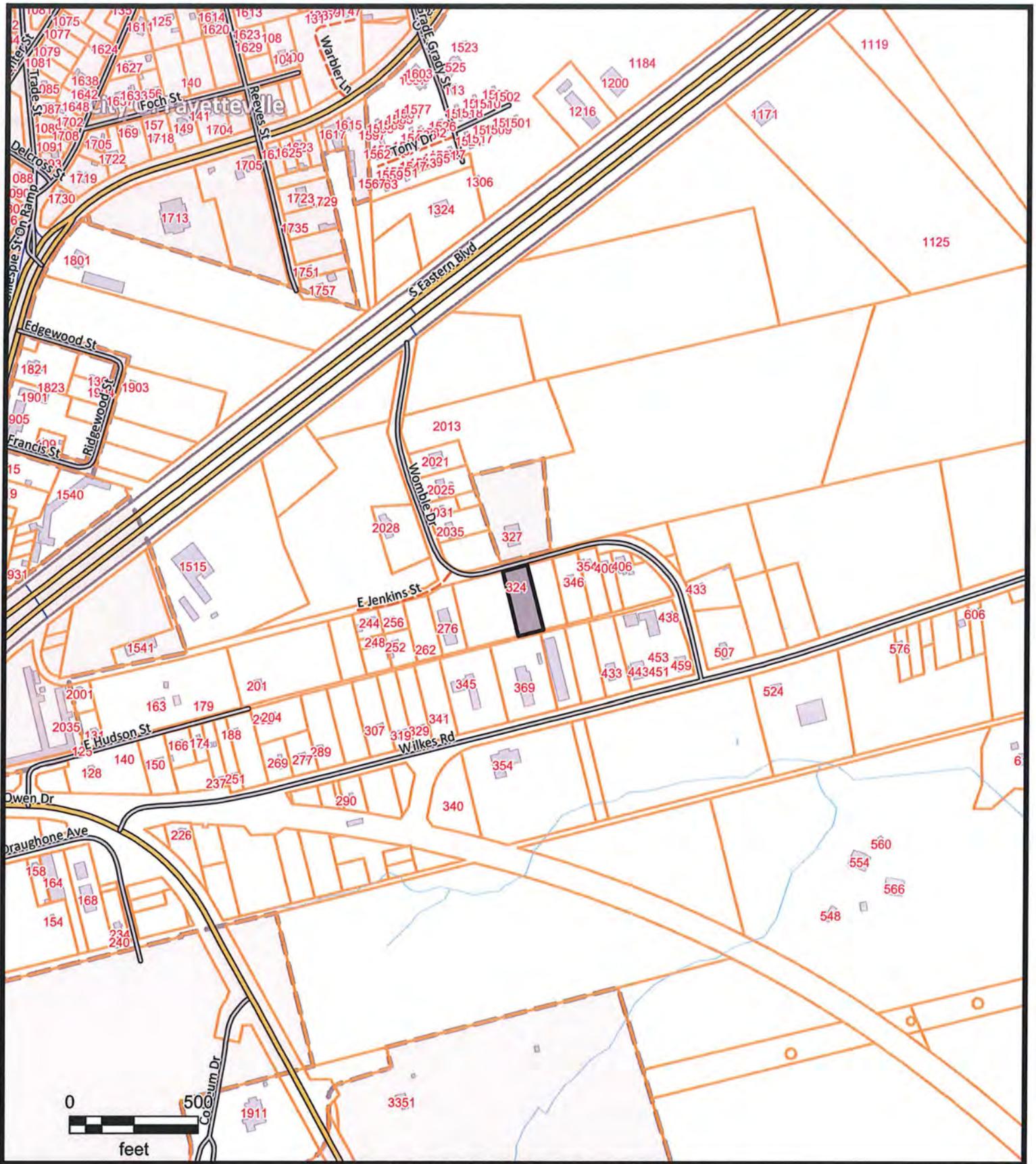
**DOES DAMAGE OR DETERIORATION OF THE STRUCTURE EXCEEDS 50%
OF ITS PHYSICAL VALUE YES**

DOES STRUCTURE CONFORM WITH ZONING REGULATIONS? NO

ITEMS DETERMINED TO BE UNSAFE BY INSPECTOR:

A county owned wood frame single family dwelling 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: _____



Cumberland County Planning - Inspections Department
 130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631

Map Depicting Location of Property

Property Owner: Cumberland County
Address: 324 E. Jenkins Street, Fayetteville, NC
Minimum Housing Case#: BI-2016-001
Tax Parcel Number: 0436-33-7038-



ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 1224-2015
PROPERTY OWNER: Barbara M. Johnson

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on December 21, 2015, enacted an ordinance directing the demolition by the owner of the structure Barbara M. Johnson, located at 6821 Camden Road, Fayetteville, NC, PIN: 0404-04-8665, said ordinance being recorded in Book 9783, page 0675, 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 \$6,349.00.
- (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 \$6,349.00, 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 December 21, 2015, 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 6821 Camden Road Fayetteville, NC, as described in Deed Book 2856, page 539, of the Cumberland County Registry and identified in County tax records as PIN 0404-04-8665.

(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 15th day of August, 2016, 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 1254-2015
PROPERTY OWNER: Isaac Rowland Williams

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on March 21, 2016, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Isaac Roland Williams, located at 2402 Moody Street, Fayetteville, NC PIN: 0426-91-8266, said ordinance being recorded in Book 9834, page 139, 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 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 \$1,500.00, 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 March 21, 2016, 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 2402 Moody Street, Fayetteville, NC, as described in Deed Book 2634, page 0449, of the Cumberland County Registry and identified in County tax records as PIN 0426-91-8266.

(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 21st day of March 2016, at 6:45 p.m. o'clock.

Cumberland County Clerk

COUNTY OF CUMBERLAND

NORTH CAROLINA

Proclamation

WHEREAS, American women of every race, class and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play critical economic, cultural and social roles in every sphere of the life of our Nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, American women of every race, class and ethnic background have served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, other movements and especially the peace movement, which has created a more fair and just society for all; and

WHEREAS, on August 26, 1920, the 19th Amendment to the Constitution of the United States gave women the right to vote.

NOW THEREFORE, We, the Board of Commissioners of Cumberland County, do hereby proclaim August 26, 2016 to be "Women's Equality Day" and urge all citizens in our community to participate in this observance.

This 15th day of August, 2016.

*W. Marshall Faircloth, Chairman
Cumberland County Board of Commissioners*

Approval of Budget Revisions for August 15, 2016 Board of Commissioners Agenda

General Fund 101

- 1) **Emergency Services - Budget Ordinance Amendment B170002 to recognize grant amount of \$1,000 for the Tier II Grant**

The Board is requested to approve Budget Ordinance Amendment B170002 in the amount of \$1,000 representing grant funds from the state of North Carolina, Department of Public Safety, Emergency Management. These funds are to be used for hazardous materials emergency response planning, training and related exercises.

Please note this amendment requires no additional county funds.

- 2) **Sheriff Grants - Budget Ordinance Amendment B170286 to recognize grant amount of \$40,003 for the ICAC Grant**

The Board is requested to approve Budget Ordinance Amendment B170286 in the amount of \$40,003 representing grant funds from the state of North Carolina, Department of Public Safety, Governor's Crime Commission. These funds are to be used in conjunction with initiatives relating to Internet Crimes Against Children (ICAC).

Please note this amendment requires no additional county funds.

REGARDING THE FOLLOWING ITEMS 3 – 4 PLEASE NOTE:

Each fiscal year County departments may have projects that are not complete by the fiscal year end (6/30/16) or items ordered that have not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2016 budget however the money was not spent by June 30, 2016. The following amendments seek to bring those funds forward from FY 2016 into the current fiscal year, allowing departments to complete and pay for these items. These revisions are not using 'new' funds, but are recognizing the use of FY16 funds in FY17.

General Fund 101

- 3) **Library - Budget Ordinance Amendment B170019 to appropriate FY16 fund balance in the amount of \$8,496**

The Board is requested to approve Budget Ordinance Amendment B170019 in the amount \$8,496 to appropriate fund balance. These funds are to be used to purchase self-checkout swipe card replacements, however the project was not completed in FY16 but is scheduled for the current year.

Please note this amendment requires a re-appropriation of FY16 fund balance to the current year.

Crown Fund 600

- 4) Crown - Budget Ordinance Amendment B170486 to appropriate FY16 fund balance in the amount of \$120,273**

The Board is requested to approve Budget Ordinance Amendment B170486 in the amount of \$120,273 to appropriate fund balance. The majority of these funds will be used to purchase hand held radio equipment to be used by staff. The remaining balance will be used towards contracted services.

Please note this amendment requires a re-appropriation of FY16 fund balance to the current year.

Contingency Funds Report

- 5) The County Manager approved a decrease in contingency funds of \$6,961. This decrease was due to an increase of Cumberland County's portion of the hazardous materials response unit that is part of our interlocal agreement with the City of Fayetteville. At the time the FY17 budget was prepared, the final amount requested by was unknown. The total county portion of the hazardous materials response budget is \$87,961.**

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
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,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

AUGUST 5, 2016

ITEM NO. 3A

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P16-29:** Rezoning of 2.81+/- acres from A1 Agricultural to R40 Residential or to a more restrictive zoning district, located at 6309 NC Highway 87 South, submitted by Edmon & Eva Horn (owners).

ACTION: 1st motion for Case P16-29: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff.

2nd motion for Case P16-29: Move to deny the rezoning for R40 Residential as recommended by the Planning Staff.

SITE PROFILE: **Frontage & Location:** 400'+/- on NC HWY 87 S; **Depth:** 300'+/-; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential (one "stick-built" home); **Initial Zoning:** A1 – March 1, 1994 (Area 17); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1 & R30; South: A1, R40 & RR; East: A1 & R40A; West: A1; **Surrounding Land Use:** Residential (including manufactured homes), farmland, vacant commercial building (2); **2030 Growth Vision Plan:** Rural area; **South Central Land Use Plan:** Farmland; **School Capacity/Enrolled:** Alderman Road Elementary: 750/731; Gray's Creek Middle: 1100/1025; Gray's Creek High: 1270/1368; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** None; **Subdivision/Site Plan:** If approved, subdivision review may be required; **Average Daily Traffic Count (2014):** 11000 on NC HWY 87 S; **Highway Plan:** NC HWY 87 S is an existing freeway. There are no road improvements/construction specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Plan; **Notes:** Density: A1 – 1 lot/unit, A1A – 2 lots/3 units, R40 – 3 lots/units; Minimum Yard Setbacks: **A1 & A1A:** Front yard: 50', Side yard: 20', Rear yard: 50'; **R40:** Front yard: 30', Side yard: 15', Rear yard: 35'.

MINUTES OF JUNE 21, 2016

Mr. Lloyd presented the case information and photos.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "rural" development at this location, because the district requested will allow for single family dwelling units on relatively large lots in a rural area. Although the request is not entirely consistent with the South Central Land Use Plan which calls for "farmland," the requested district follows the plan's recommendation "to allow rezoning to one acre lots on tracts ten acres or less in the farmland area."

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the

adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

2nd MOTION

The Planning and Inspections Staff recommends the board approve Case No. P16-29 for R40 Residential, in addition to the information above, based on the following:

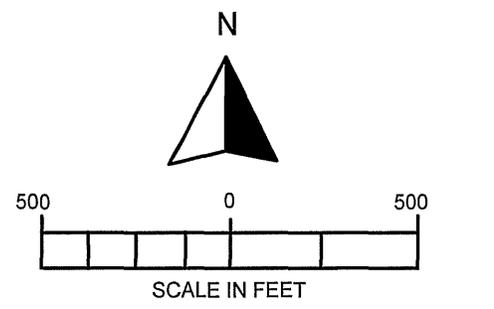
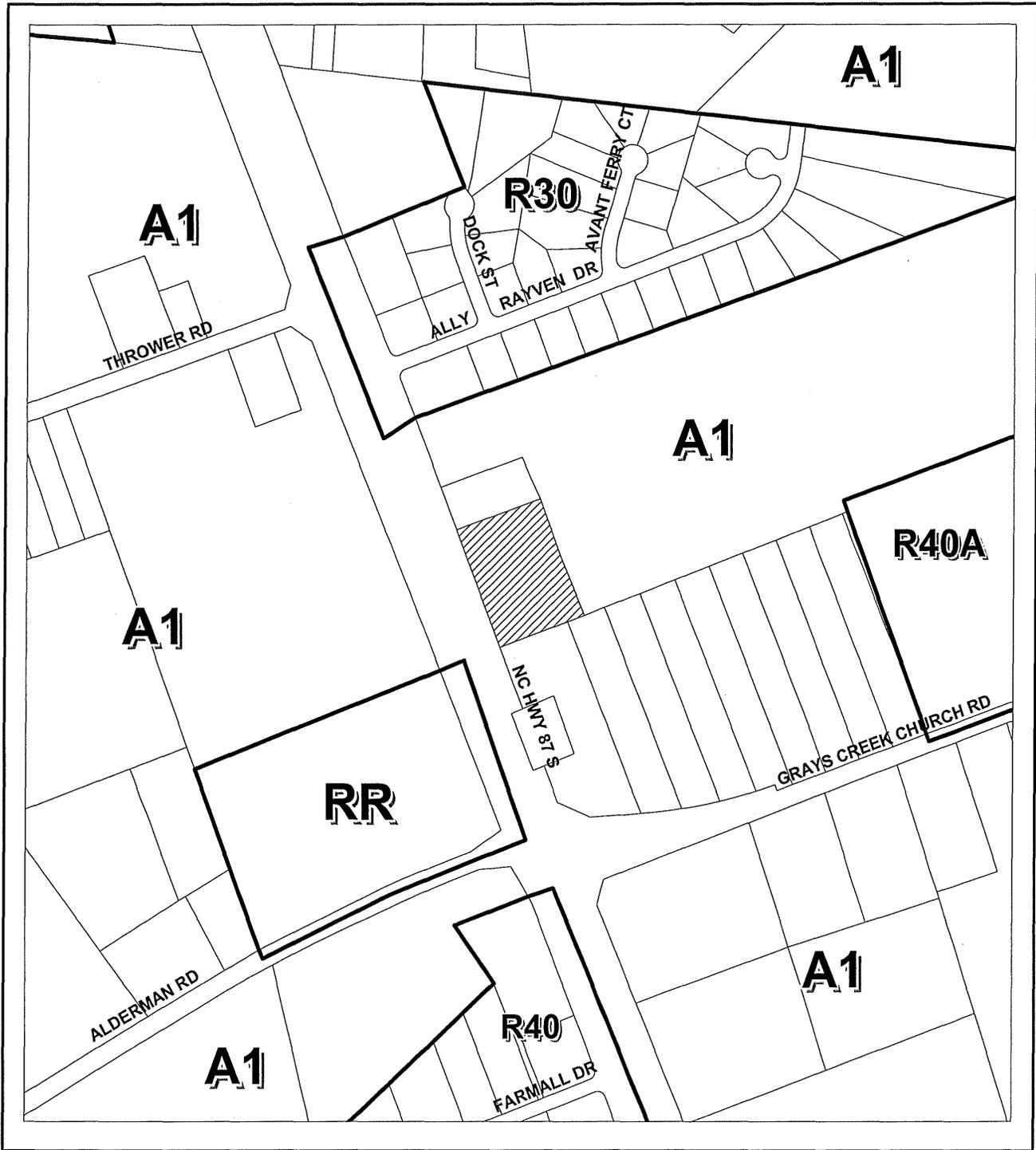
- The R40 Residential district will allow for land uses and lot sizes that exist in the general area.

The A1A district could also be considered suitable at this location.

Mrs. Wheatley made both of the motions referenced above, seconded by Dr. Andrews, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING A1 TO R40

ACREAGE: 2.81 AC.+/-		HEARING NO: P16-29	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
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,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

AUGUST 5, 2016

ITEM NO. 3B

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P16-30:** Rezoning of 7.87+/- acres from RR Residential & CD Conservancy District to A1 Agricultural or to a more restrictive zoning district, located at 8175 McCormick Bridge Rd, submitted by Tom Brooks (agent) on behalf of McCormick Farms Limited Partnership (owner).

ACTION: 1st motion for Case P16-30: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff.

2nd motion for Case P16-30: Move to approve the rezoning for A1 Agricultural and CD Conservancy (where the SFSH exists) as recommended by the Planning Staff.

SITE PROFILE: Frontage & Location: 370'+/- on SR 1600 (McCormick Bridge Rd); **Depth:** 1067'+/-; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Agricultural w/ log cabin; **Initial Zoning:** RR & CD – January 7, 1977 (Area 11); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North & East: A1/CU, RR/CU & CD/CU (quarry) and A1 & C1(P); South: CD, A1, & RR; West: CD, RR & R6A; **Surrounding Land Use:** Quarry, woodlands & farmland; **2030 Growth Vision Plan:** Urban fringe & conservation area; **Spring Lake Land Use Plan:** Open space & suburban residential; **Municipal Influence Area:** Spring Lake; **School Capacity/Enrolled:** Lillian Black Elementary: 265/224; Spring Lake Middle: 700/468; Pine Forrest High: 1750/1616; **RLUAC:** Does not object to the request but advises that the area is listed as "Critically Important to Conserve" and is identified as "highly suitable" for natural areas, working farmland and working forest; **US Fish & Wildlife:** No objection to rezoning; however, recommends cavity tree search before any habitat is removed since the parcel is within one mile of two active red-cockaded woodpecker clusters; **Special Flood Hazard Area (SFHA):** Yes; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** Yes, hydric – Ro Roanoke and wahee loams; **Subdivision/Site Plan:** Subdivision conditionally approved on 6-27-16, see Case No. 16-082; **Average Daily Traffic Count (2014):** 5800 on SR 1600 (McCormick Bridge Rd); **Highway Plan:** McCormick Bridge Rd is 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 Plan; **Notes: Density (minus 15% for R/W):** A1– 3 lots/units, A1A – 6 lots/7 units, R40 & R40A – 7 lots/units, R30 & R30A – 9 lots/10 units, RR, R20 & R20A – 14 lots/15 units; **Minimum Yard Setbacks: A1 & A1A:** Front yard: 50', Side yard: 20', Rear yard: 50'; **R40, R40A, R30, R30A, R20, R20A & RR:** Front yard: 30', Side yard: 15', Rear yard: 35'.

MINUTES OF JULY 19, 2016

1st MOTION

The staff recommends the board find that approval of the request is not consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban fringe and conservation area" at this location; however, if the Special Flood Hazard Area (SFHA) were to be zoned CD, the request would be more consistent with the plan. Also, the request is not consistent with the Spring Lake Land Use Plan that calls for "open space and suburban density residential.

The staff recommends the board further find that approval of this rezoning could only be reasonable if the SFHA were protected by being zoned CD conservancy district. The A1 Agricultural zoning for that portion not in the SFHA is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area – the subject property is located in an area that is "critically important to conserve;" desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

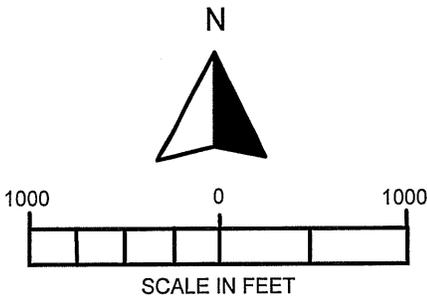
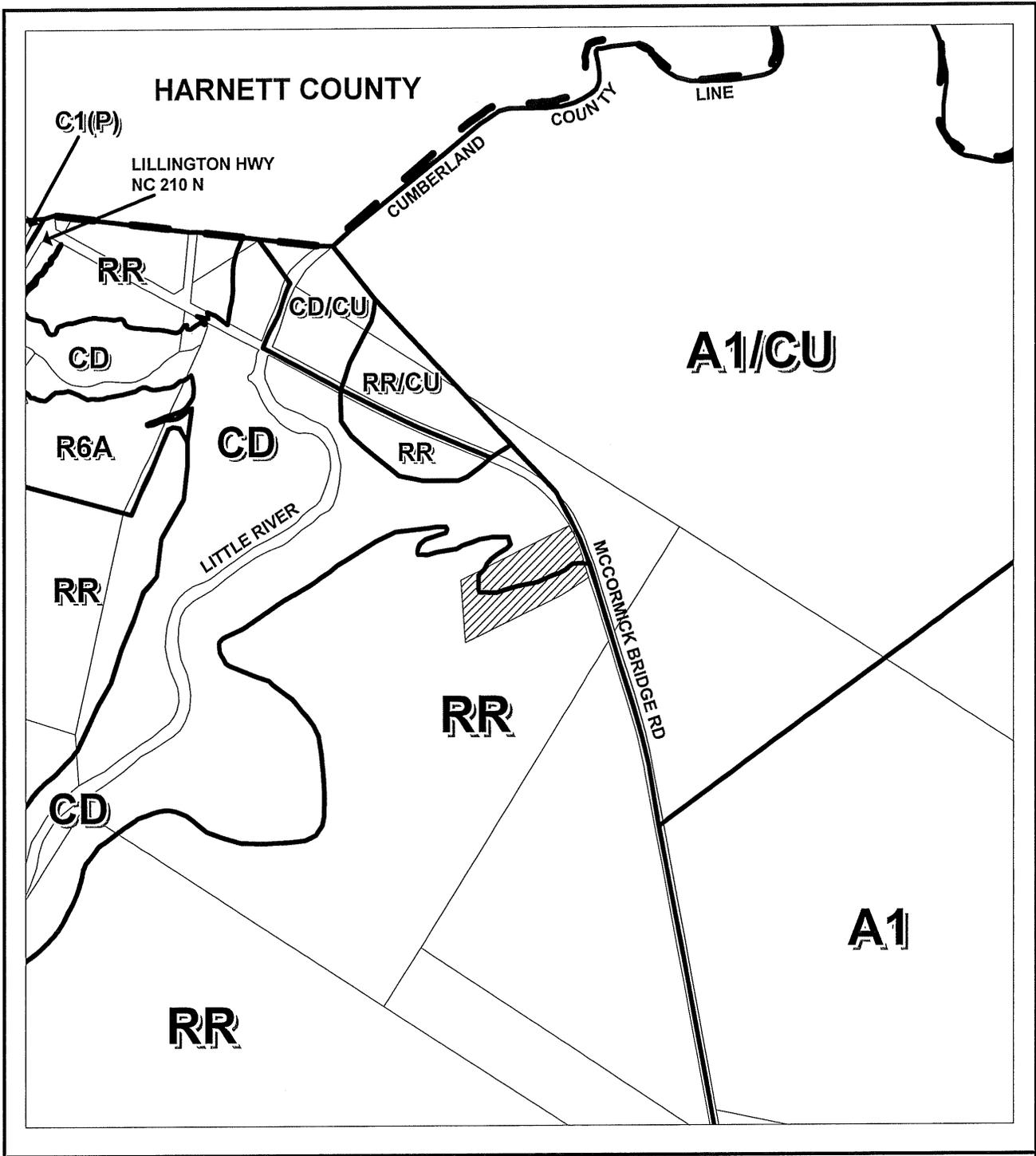
2nd MOTION

In addition to the information above, the staff recommends the board approve Case No. P16-30 for A1 Agricultural and CD Conservancy (where the SFHA exists) because the requested A1 zoning coupled with the conservancy district will ensure that limited development may occur on the subject property thus affording the suitability and compatibility of the military missions performed on nearby bases and be consistent with zoning and development within the general area.

Mrs. McLaughlin made both of the motions referenced above, seconded by Mrs. Epler, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

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 RR & CD TO A1

ACREAGE: 7.87 AC.+/-	HEARING NO: P16-30	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0523-02-5337

JM
7/01/2016

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin,
Wade, Falcon & Godwin



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

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Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

AUGUST 5, 2016

ITEM NO. 3C

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P16-34:** Rezoning 20.90+/- acres from A1 Agricultural to R20 Residential or to a more restrictive zoning district; located at the northeast quadrant of US HWY 401 (Ramsey Street) & SR 1704 (Palestine Road); submitted by Glenda Little (owner) & Brian Raynor (agent).

ACTION: 1st motion for Case P16-34: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff.

2nd motion for Case P16-34: Move to approve the rezoning for R20 Residential as recommended by the Planning Staff.

SITE PROFILE: Frontage & Location: 1100'+/- on US HWY 401 (Ramsey St) & 1030'+/- on SR 1704 (Palestine Rd); **Depth:** 948'+/-; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Vacant; **Initial Zoning:** A1 – December 17, 2001 (Area 15); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: C3, A1, R30, R20, RR, R15 & PND/CZ; South: C(P), MXD/CZ (single & multi-family residential & commercial) A1, R40 & PND; East: A1, R20, RR & R15; West: R40, R30 & R15; **Surrounding Land Use:** Residential, elementary school & religious worship; **2030 Growth Vision Plan:** Rural area; **North Central Cumberland Land Use Plan:** Low density residential; **School Capacity/Enrolled:** Raleigh Road Elementary: 220/224; Long Hill Elementary: 460/484; Pine Forest Middle: 820/734; Pine Forest High: 1750/1583; **US Fish & Wildlife:** No objection, but advises that parcel is located within 2 miles of an active red-cockaded woodpecker cluster. Developer needs to have a survey completed of this property before any habitat is removed.; **RLUAC:** No objection, but advises that the parcel is located within a military aircraft 1,000 foot fly limit area; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Linden/Septic; **Soil Limitations:** None; **Watershed Review Officer:** Small portion of lot in watershed; **Subdivision/Site Plan:** If approved, subdivision or group development review may be required; **Average Daily Traffic Count (2014):** 8700 on US HWY 401 (Ramsey St), 1800 on SR 1704 (Palestine Rd); **Highway Plan:** This portion of Ramsey St has been identified as a boulevard needing improvement. Recommended improvement is four lane divided; **Notes:** Density (minus 15% for RM): A1 – 8 lots/units, A1A – 17 lots/ 18 units, R40 & R40A – 19 lots/units, R30 & R30A – 25 lots/ 26 units, R20 – 38 lots/ 39 units; Minimum Yard Setbacks: **A1 & A1A:** Front yard: 50', Side yard: 20', Rear yard: 50'; **R40, R40A, R30, R30A & R20:** Front yard: 30', Side yard: 15', Rear yard: 35'.

MINUTES OF JUNE 21, 2016

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is not consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "rural", but is consistent with the North Central Cumberland Land Use Plan which calls for "low density residential" at this location.

The staff also recommends the board approve this rezoning request as it is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *septic system allowed based on soil type, lot size, and distance from public sewer*, public sewer is not available to this site; *must have direct access to a public street*, Palestine Road and US HWY 401 are public streets; and *must not be located in any defined critical area as defined by the Fort Bragg Small Area Study*.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-34 for the R20 Residential district for residential use based on the following:

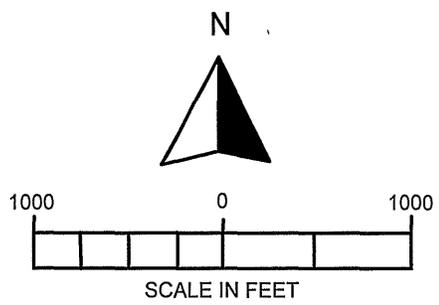
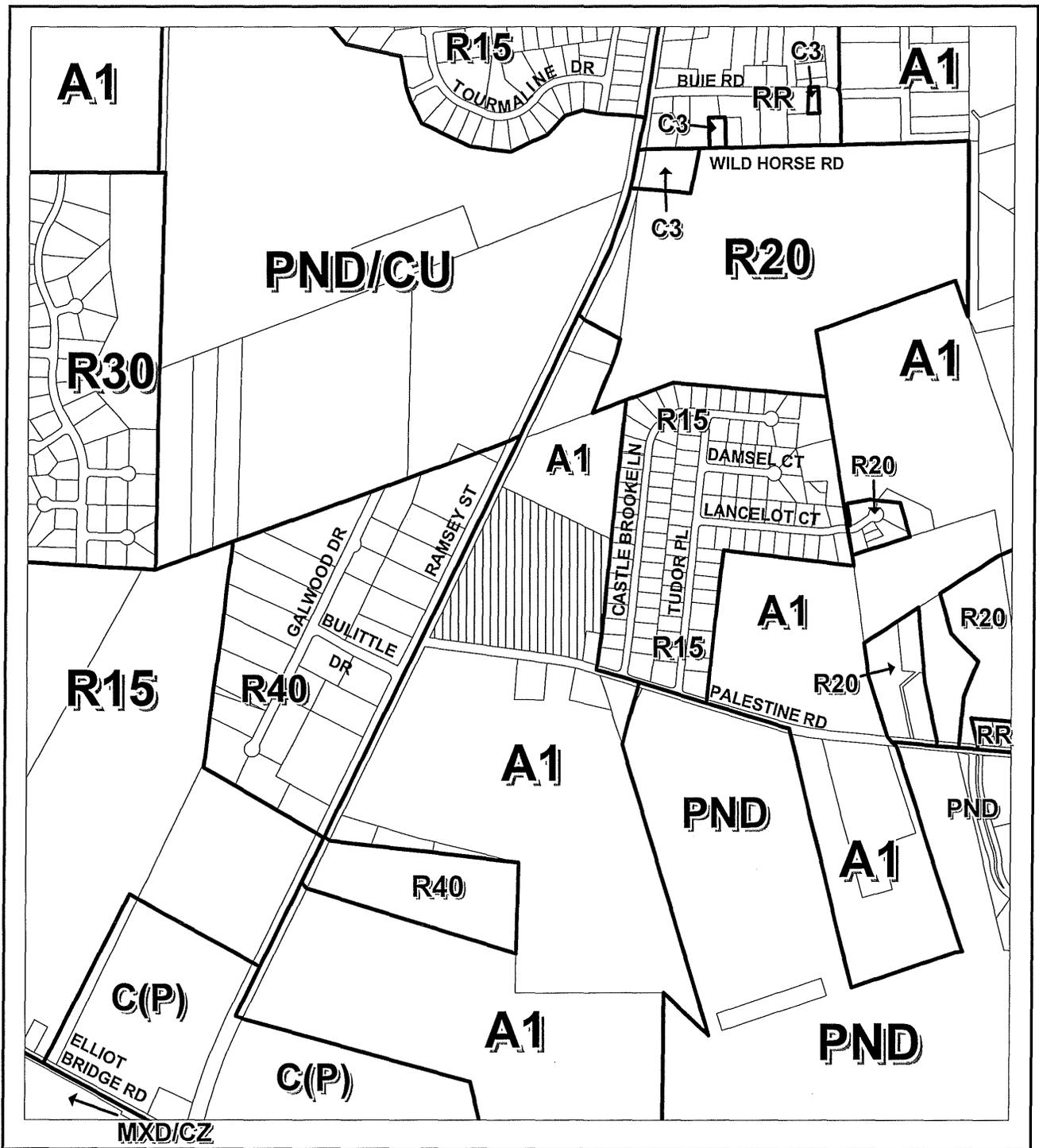
- The location and character of the requested district will be in harmony with the general area.

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

Mrs. Wheatley made both of the motions referenced above, seconded by Dr. Andrews, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING A1 TO R20

ACREAGE: 20.90 AC.+/-		HEARING NO: P16-34	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PORT. OF PIN: 0543-73-3389

AM

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin,
Wade, Falcon & Godwin



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

—◆—
Planning & Inspections Department

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Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

AUGUST 5, 2016

ITEM NO. 3D

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P16-37:** Rezoning of 3.01+/- acres from A1 Agricultural to A1A Agricultural or to a more restrictive zoning district; located on the west side of SR 2243 (Roslin Farm Road), south of Running Fox Road; submitted by Ada Faye C. Bramble (owner).

ACTION: 1st motion for Case P16-37: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff.

2nd motion for Case P16-37: Move to approve the rezoning for A1A Agricultural as recommended by the Planning Staff.

SITE PROFILE: Frontage & Location: 359.92'+/- on SR 2243 (Roslin Farm Rd); **Depth:** 400.16'+/-; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Vacant; **Initial Zoning:** A1 – June 25, 1980 (Area 13); **Nonconformities:** Yes – illegal subdivision from parent tract; **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1 & R40A; South: A1, R40A & RR; East: A1 & R40/CU (conservation subdivision & horse farm); West: A1, CD & RR/DD/CUD (234 lot subdivision); **Surrounding Land Use:** Residential (including manufactured homes) & farmland; **2030 Growth Vision Plan:** Urban fringe; **South Central Land Use Plan:** Suburban residential; **School Capacity/Enrolled:** Gray's Creek Elementary: 495/429; Gray's Creek Middle: 1100/1025; Gray's Creek High: 1270/1368; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Robeson County/Septic; **Soil Limitations:** Yes, hydric – Wo Woodington loamy sand; **Subdivision/Site Plan:** Subdivision conditionally approved on April 21, 2016 – see County Case No. 16-081; **Average Daily Traffic Count (2014):** 2400 on SR 2243 (Roslin Farm Rd); **Highway Plan:** Roslin Farm Rd is an existing thoroughfare with no road improvements/ construction planned. This case has no impact on the current Highway plan or Transportation Improvement Program; **Notes:** Density: A1 – 1 lot/ 2 units, A1A – 3 lots/units; Minimum Yard Setbacks: **A1 & A1A:** Front yard: 50', Side yard: 20', Rear yard: 50'.

MINUTES OF JULY 19, 2016

1st MOTION

The Planning and Inspections Staff recommends the board find that while approval of the request is not consistent with the map of the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban fringe" at this location, it is consistent with the text of the plan in that approval would be keeping with the existing character of the area. The request is also not

consistent with the South Central Land Use Plan which calls for "suburban residential," but could be found suitable as stated above.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-37 for A1A Agricultural based on the following:

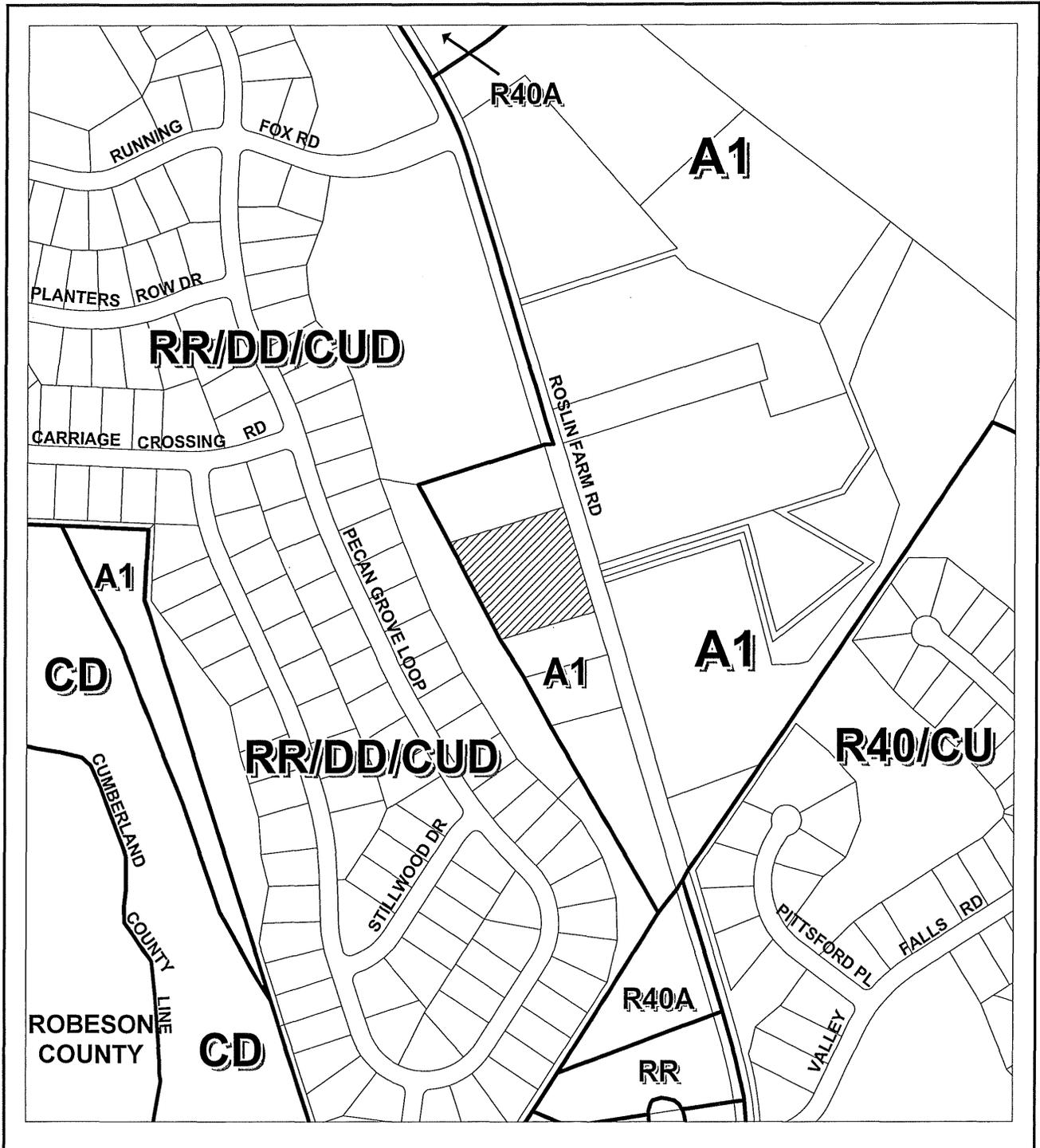
- The district requested will allow for land uses and lot sizes that exist in the general area.

There are no other suitable zoning districts to be considered at this location at this time.

Mrs. McLaughlin made both of the motions referenced above, seconded by Mrs. Epler, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

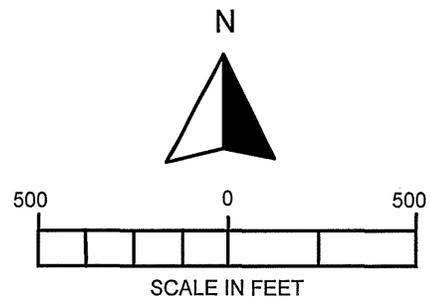
First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING A1 TO A1A

ACREAGE: 3.01 AC.+/-		HEARING NO: P16-37	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			



PIN: 0412-90-2413

AM

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
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,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

AUGUST 5, 2016

ITEM NO. 3E

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P16-32:** Rezoning of 2.01+/- acre from A1 Agricultural to A1A Agricultural or to a more restrictive zoning district, located at 1430 Port Richey Lane, submitted by Joy Pittman (owner).

ACTION: 1st motion for Case P16-32: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, but not reasonable or in the public interest because approval could cause extra traffic on a Class "C" private street.

2nd motion for Case P16-32: Move to deny the rezoning for A1A Agricultural as recommended by the Planning Staff.

SITE PROFILE: **Frontage & Location:** 70'+/- on SR 2262 (Fennell Rd) & 570'+/- on Port Richey Ln; **Depth:** 587'+/-; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential (Class "A" manufactured home); **Initial Zoning:** A1 – June 25, 1980 (Area 13); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1, RR & R15; South: A1, RR & R15; East: A1, A1/CU (second dwelling, less than 2 acs) & R40A; West: A1 & RR; **Surrounding Land Use:** Residential (including manufactured homes), upholstery shop, farmlands, & woodlands; **2030 Growth Vision Plan:** Urban area; **South Central Land Use Plan:** Low density residential; **School Capacity/Enrolled:** Alderman Road Elementary: 750/731; Gray's Creek Middle: 1100/1025; Gray's Creek High: 1270/1368; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Sewer Service Area:** Yes; **Soil Limitations:** None; **Subdivision/Site Plan:** If approved, subdivision or group development review may be required; **Average Daily Traffic Count (2014):** 1600 on SR 2262 (Fennell Rd); **Highway Plan:** Port Richey Lane is a local road with no road improvements/construction specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Plan; **Notes:** Density: A1 – 1 lot/unit, A1A – 2 lots/units; Minimum Yard Setbacks: A1 & A1A: Front yard: 50', Side yard: 20', Rear yard: 50'; Port Richey Lane is an approved 60' wide Class "C" private street; under current standards, no new lots may be created with access to Port Richey Lane.

MINUTES OF JUNE 21, 2016

Mr. Lloyd presented the case information and photos.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is not consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban" development at this location; however, because the area is not served by public water and/or sewer, the requested district is appropriate for single family dwelling units on relatively large lots in a rural area. The request is also not consistent with the South Central Land Use Plan which calls for "low density residential."

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-32 for A1A Agricultural based on the following:

- The district requested will ensure that any new development will be comparable to the lot sizes and type that exists in the area.

There are no other suitable zoning districts to be considered at this location at this time.

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

Mr. David Martin spoke in favor. Mr. Martin stated that the splitting of the subject property will not change the number of cars going down Port Richey Road. The access will be from Fennell Road, the driveway will be built facing Fennell Road.

Charles Martin spoke in favor. Mr. Martin stated that they only wanted to put a dwelling on the subject property so that they could have a place to retire.

Elaine Martin spoke in favor and said she was in the same position as her as her husband, the previous speaker.

Ms. Becky Garcia spoke in opposition. Ms. Garcia stated they purchased in this area was because of the zoning, it wouldn't get so congested. Ms. Garcia said there was already a double wide on the property and didn't understand why the applicants want to split the property.

James Freeman spoke in opposition. Mr. Freeman stated that he bought his land thinking that the zoning was going to stay the same.

Mr. McLaurin asked if the subject property was on a Class C road.

Mr. Lloyd said no, most of those lots existed before the new standards.

Mr. McLaurin stated that a Class C road now is basically a dirt road, and asked how many houses are allowed on a Class C road? And how many are on this road?

Mr. Lloyd stated four on the Class C roads, and there are many houses on the subject property.

Mr. Freeman presented a letter from another property owner in opposition.

Marie Cox spoke in opposition. Ms. Cox stated that she would like the zoning to stay the way it is.

Mr. Martin spoke in rebuttal. Mr. Martin stated that there is already a lot that has five doublewides on it, and doesn't understand why that is okay. Mr. Martin restated that access will be on to Fennell Road, Port Richey will not be affected.

Mr. Lloyd said that there would be a no access easement put onto Port Richey if it was approved.

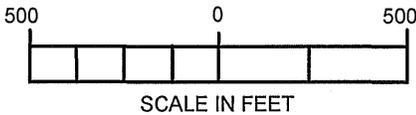
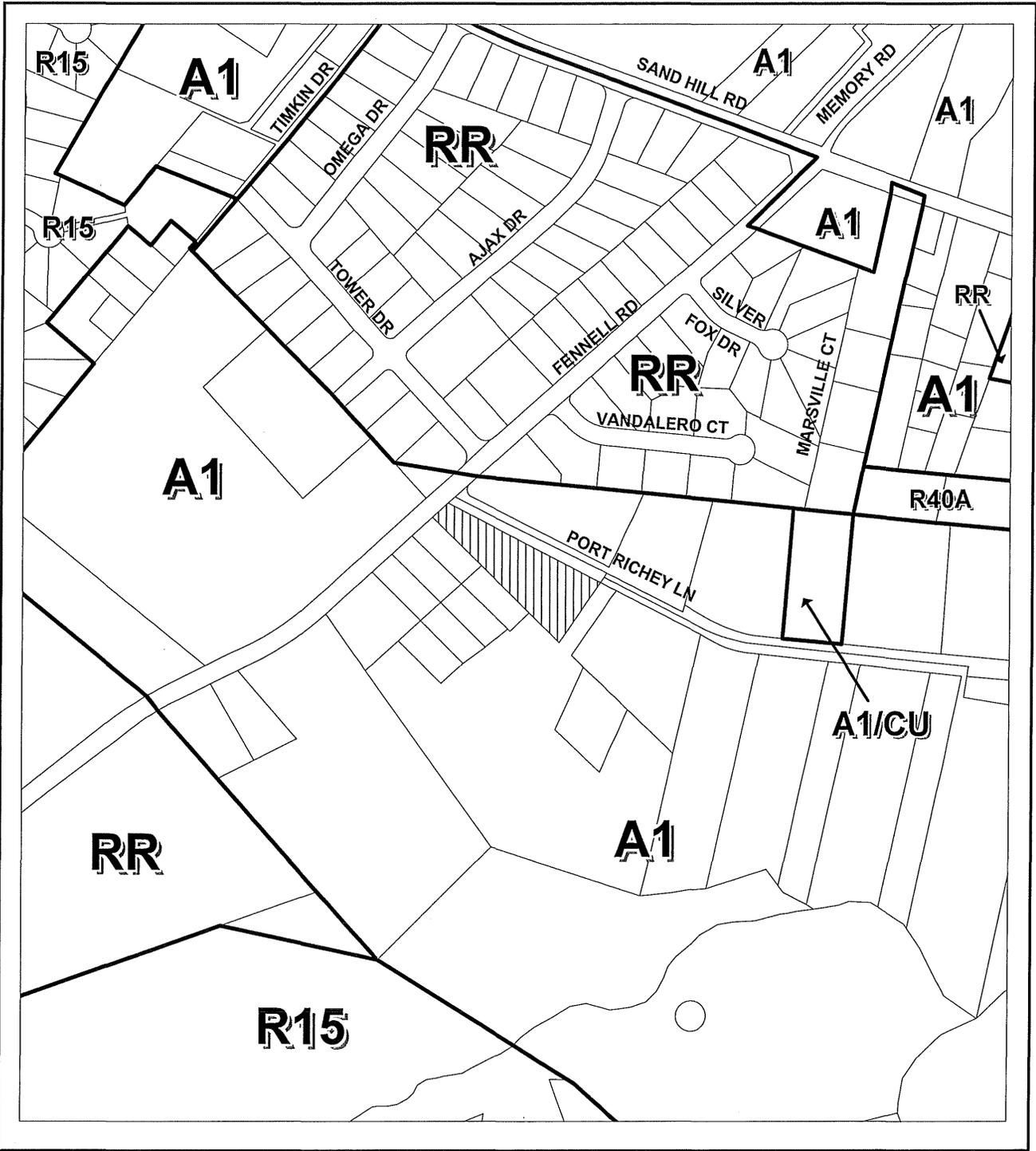
Public Hearing closed.

Mr. McLaurin said that if you look at the map there are about eighteen or nineteen dwellings in this area, and the current subdivision ordinance, only four lots or dwellings are allowed on a Class C street, this is not really a Class C street, and what the board has to look at is this lot as it is now, would not be counted as being on Port Richey Lane because it has direct access to Fennell Road. If we approve this request this will create another lot, on a street that is not even up to the standard of a Class C street. So we are in essence going against what we are supposed to be upholding which is the Subdivision Ordinance. Mr. McLaurin said he could not support creating another lot out there.

Mr. McLaurin made a motion to deny the request due to creating another lot on a substandard street which goes against the Subdivision Ordinance, seconded by Dr. Andrews. The motion passed unanimously.

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING A1 TO A1A

ACREAGE: 2.01 AC.+/-		HEARING NO: P16-32	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

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 1389-2016.

Property Owner: Peggy Jones & Harry Hales & Parties of Interest

Property Address: 5025 Cumberland Road, Fayetteville, NC

Tax Parcel Identification Number: 0405-85-2535

SYNOPSIS: This property was inspected on 3/9/2016. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/28/2016. Peggy Jones & Randy Allen 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 6/16/2016. 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 8/2/2016, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$49,588.00. The Assessor for Cumberland County has the structure presently valued at \$510.00. Attached is a map depicting the location of the property. (See Exhibit B.)

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

Joey Lewis
Joey Lewis
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 2nd day of August 2016.
Carol M. Post
Notary Public
My Commission Expires:

**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.

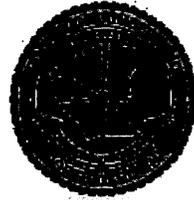
To delay a decision on the case until _____ (date) in order to give the owner or party of interest time to: _____

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Scott Walters,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

5/17/2016

George Hatcher,
Inspector

Joey Lewis,
Inspector

Debra Johnson,
Inspector

Christopher Fulton,
Inspector

Peggy Jones & Parties of Interest
6436 Roslin Farm Road
Hope Mills, NC, 28348

91 7108 2133 3939 1166 9781

CIP

CASE # MH-1389-2016

PROPERTY AT: 5025 Cumberland Road,

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 4/8/2016.

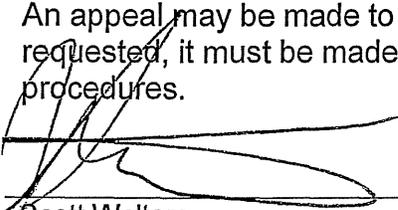
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 4/28/2016 at 9:15 AM. The items identified below took place at the Hearing:

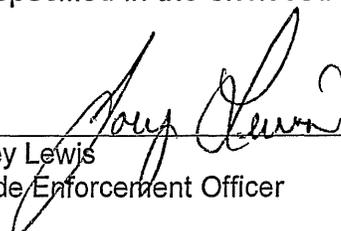
- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Peggy Jones & Randy Allen
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 4/5/16. 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-1389-2016, dated 3/9/2016.
 - 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 6/16/2016. **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 6/16/2016 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 6/16/2016.
 - 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 6/16/2016. 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.


 Scott Walters
 Hearing Officer


 Joey Lewis
 Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:

Sworn to and Subscribed to by me
 this the 17th day of May, 2016

Hope W. Page
 Notary Public
 Cumberland County
 North Carolina
 My Commission Expires 11/2/16


 Notary Public
 My Commission Expires 11/2/16

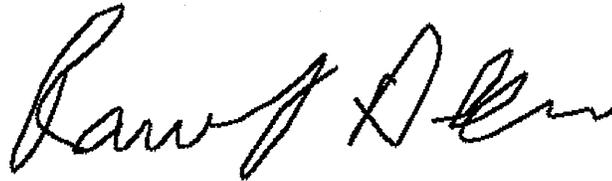
4

Date: May 23, 2016

j lewis:

The following is in response to your May 23, 2016 request for delivery information on your Certified Mail™ item number 9171082133393911669781. The delivery record shows that this item was delivered on May 20, 2016 at 1:01 pm in HOPE MILLS, NC 28348. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

6434 Roslin
Farm Rd

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 17, 2016 CASE NUMBER *MH 1389-2016*

EXHIBIT A

5

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: Peggy Jones & Harry Hale & Parties of Interest
5025 Cumberland Road, Fayetteville, NC
Minimum Housing Case # MH 1389-2016
TAX PARCEL IDENTIFICATION NUMBER: 0405-85-2535

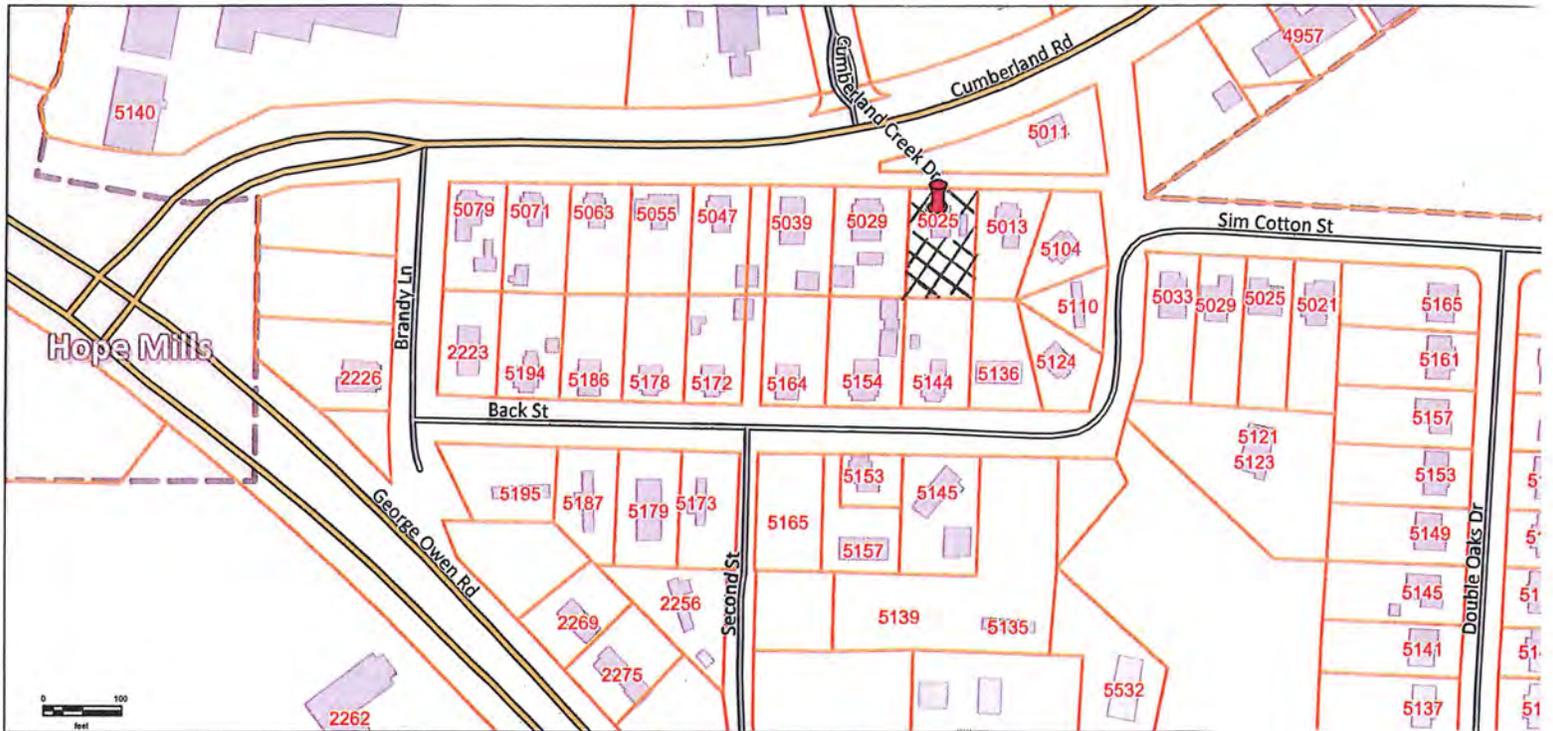


EXHIBIT B

ce

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 1414-2016.

Property Owner: Donald D. Diamond Sr. & Parties of Interest

Property Address: 5505 Gilcrest Sands Drive, Hope Mills, NC

Tax Parcel Identification Number: 0413-35-7819

SYNOPSIS: This property was inspected on 4/15/2016. The property owner and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 5/19/2016. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 6/19/2016. 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 8/2/2016, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$46,648.00. The Assessor for Cumberland County has the structure presently valued at \$500.00 (Salvage Value). Attached is a map depicting the location of the property. (See Exhibit B.)

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

Joey Lewis
Joey Lewis
Code Enforcement Officer
County of Cumberland

Sworn to and Subscribed to by me this
the 2nd day of August 2016.

Carole Post
Notary Public
My Commission Expires: 11-06-19



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: _____

2

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Scott Walters,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

George Hatcher,
Inspector

Joey Lewis,
Inspector

Debra Johnson,
Inspector

Christopher Fulton,
Inspector

5/23/2016

91 7108 2133 3939 1166 9644 CIP

Donald D. Sr Diamond & Parties of Interest
2131 Roosevelt Boulevard
Middletown OH, 45044

PROPERTY AT: 5505 Gilcrest Sands Drive,
Case# MH-1414-2016

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 5/7/2016.

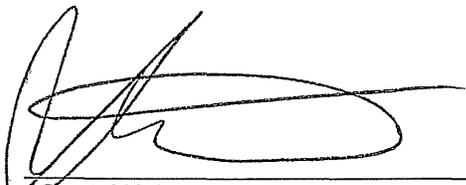
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 5/19/2016 at 9:30 AM. The items identified below took place at the Hearing:

- 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: Donald D. Diamond Sr.
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 4/18/2016. 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-1414-2016, dated 4/15/2016.
 - 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 6/19/2016. **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 6/19/2016 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 6/19/2016.
 - 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 6/19/2016. 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.



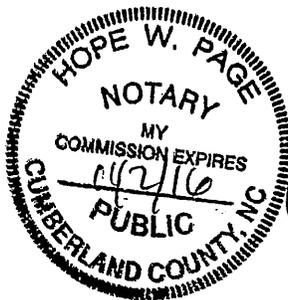
 Scott Walters
 Hearing Officer



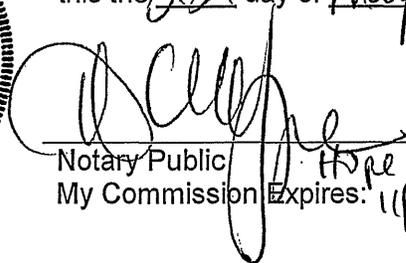
 Joey Lewis
 Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:



Sworn to and Subscribed to by me,
 this the 23rd day of May, 2016



 Notary Public Hope W. Page
 My Commission Expires: 11/2/16

Date: June 1, 2016

J LEWIS:

The following is in response to your June 1, 2016 request for delivery information on your Certified Mail™ item number 9171082133393911669644. The delivery record shows that this item was delivered on May 28, 2016 at 10:56 am in MIDDLETOWN, OH 45042. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



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

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

Sincerely,
United States Postal Service

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED May 23, 2016 CASE NUMBER *MH 1414-2016*

EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: Donald D. Diamond Sr. & Parties of Interest
5505 Gilcrest Sands Drive, Hope Mills, NC
Minimum Housing Case # MH 1414-2016
TAX PARCEL IDENTIFICATION NUMBER: 0413-35-7819

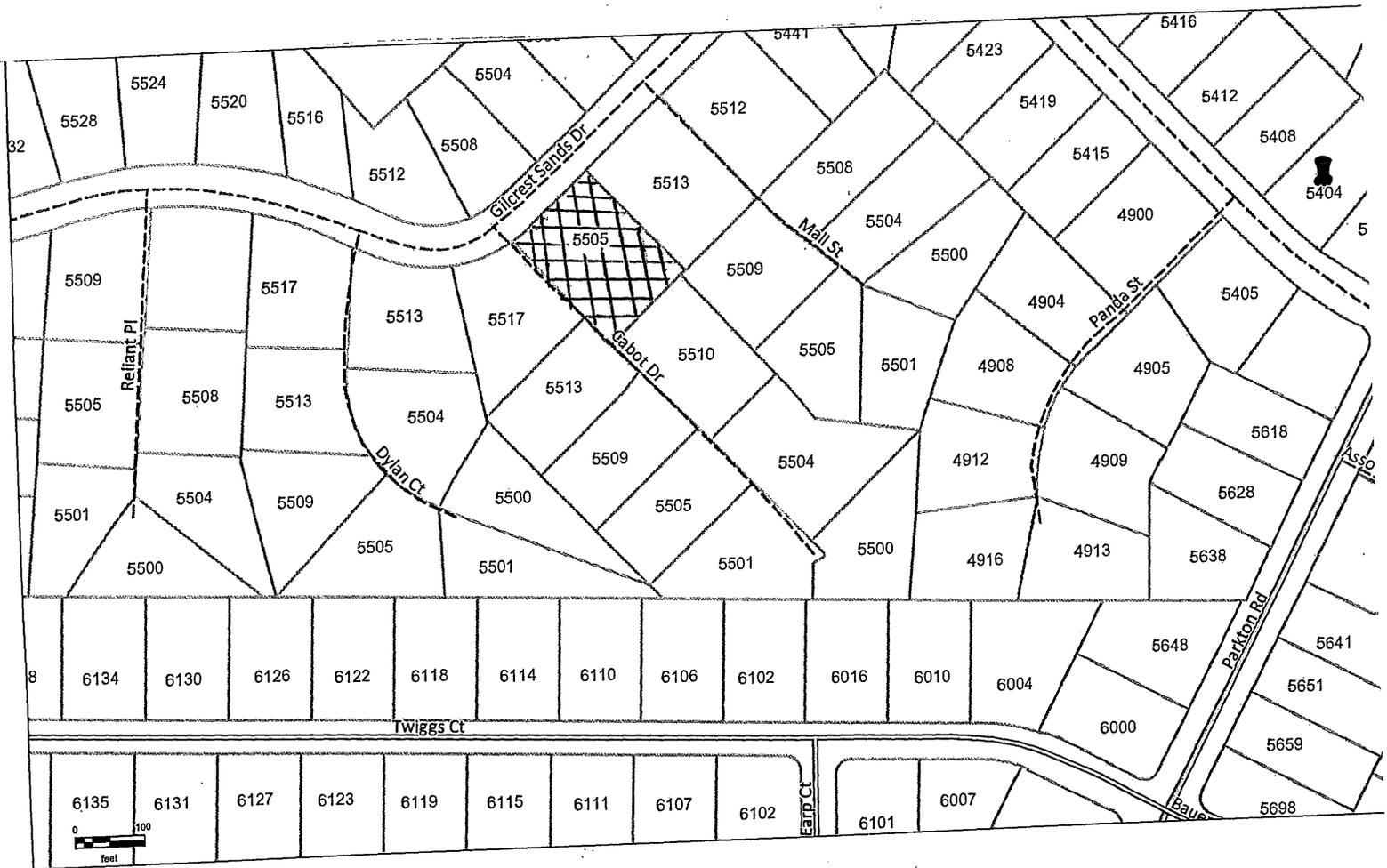


EXHIBIT B

W. MARSHALL FAIRCLOTH
Chairman

GLENN B. ADAMS
Vice Chairman

JEANNETTE M. COUNCIL
KENNETH S. EDGE
CHARLES E. EVANS
JIMMY KEEFE
LARRY L. LANCASTER



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

BOARD OF COMMISSIONERS ITEM NO. 4A

August 5, 2016

August 15, 2016 Agenda Item

TO: Board of Commissioners
FROM: Kellie Beam, Deputy Clerk to the Board *KB*
SUBJECT: Alliance Behavioral Healthcare Board of Directors

Alliance Behavioral Healthcare is governed by a Board of Directors responsible for comprehensive planning, budgeting, implementing and monitoring of community-based mental health, developmental disability and substance abuse services to meet the needs of individuals in the Alliance region. The Alliance Board consists of community stakeholders from Durham, Wake and Cumberland counties appointed by their respective County Commissioners, as well as representation from Johnston County.

As outlined in the Joint Resolution between Cumberland, Durham and Wake Counties effective July 8, 2013, the Alliance will advertise, accept applications, conduct interviews and recommend individual(s) to the Cumberland County Board of Commissioners.

The Alliance Board notified the Board of Commissioners on August 5, 2016 of their unanimous vote to recommend the reappointment of Christopher Bostock, Lodies Gloston and Commissioner Kenneth Edge for a three-year term representing Cumberland County.

The current membership roster for the Alliance Board representing Cumberland County is attached.

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

Attachments

ALLIANCE BEHAVIORAL HEALTHCARE
BOARD OF DIRECTORS

3 Year Term

Name/Address	<u>Date</u> Appointed	Term	Expires	<u>Eligible For</u> Reappointment
Dr. John Griffin (W/M) 3481 Thamesford Road Fayetteville, NC 28311 630-4346 (H) eddgriff@aol.com	5/16	2nd	May/19 5/31/19	No
Christopher Bostock 424 Kingsford Road Fayetteville, NC 28314 486-0415 (W) / 273-4936 (C) Chris_bostock@ml.com	9/13	1 st	Sept/16 9/30/16	Yes
Lodies Gloston 2000 Greendale Drive Fayetteville, NC 28304 867-5724 (H) lodiesgloston@nc.rr.com	9/13	1 st	Sept/16 9/30/16	Yes
Commissioner Kenneth Edge 6874 Towbridge Road Fayetteville, NC 28306 425-0918 (H) / 850-9957 (C) kedge@co.cumberland.nc.us	9/13	1 st	Sept/16 9/30/16	Yes

Alliance Behavioral Healthcare is governed by a Board of Directors that is responsible for comprehensive planning, budgeting, implementing and monitoring of community-based mental health, developmental disability and substance abuse services to meet the needs of individuals in the Alliance region.

The Alliance Board consists of community stakeholders from Durham, Wake and Cumberland counties that are appointed by their respective County Commissioners, as well as representation from Johnston County. Service providers do not serve as members of the Board.

Board meets on the first Thursday of the month at 4:00 p.m. at 4600 Emperor Blvd Ste 200, Durham, North Carolina 27703. (July and January meeting only as needed).

Contact: Rob Robinson – 919-651-8411 (office)/rrobinson@alliancebhc.org

Alliance

BEHAVIORAL HEALTHCARE



All Offices:
(919) 651-8401



Online:
AllianceBHC.org

August 5, 2016

Sent via Electronic Mail

Cumberland Board of County Commissioners
Attn: W. Marshal Faircloth
P.O. Box 1829
Fayetteville, NC 28302
wmfaircloth@co.cumberland.nc.us

RE: Request for Reappointment

Dear Chairman Faircloth,

I am pleased to share with you and your colleagues that Alliance's Area Board voted unanimously at its August 4 meeting to recommend Christopher Bostock's reappointment to Alliance's Board for a three-year term, representing Cumberland County.

Mr. Bostock currently serves as Chair of Alliance's Area Board; his previous experience with the Cumberland County LME, his background as a financial advisor, and his leadership are strong assets. He brings commitment, experience and expertise to the Area Board and we respectfully request his reappointment.

Sincerely,

Cynthia Binanay, Area Board Vice-Chair

cc: Candice White, Clerk to the Board of County Commissioners
Kellie Beam, Deputy Clerk to the Board of County Commissioners
Robert Robinson, Alliance CEO
Kenneth Edge, Cumberland Board of County Commissioners/Alliance Board Member



August 5, 2016

Sent via Electronic Mail

Cumberland Board of County Commissioners

Attn: W. Marshal Faircloth

P.O. Box 1829

Fayetteville, NC 28302

wmfaircloth@co.cumberland.nc.us

RE: Request for Reappointment

Dear Chairman Faircloth,

I am pleased to share with you and your colleagues that Alliance's Area Board voted unanimously at its August 4 meeting to recommend Lodies J. Gloston's reappointment to Alliance's Board for a three-year term, representing Cumberland County.

Her background as a special education teacher/school administrator, advocate for mental health/developmental disabilities and previous experience as Chairperson of the Cumberland County LME are valuable assets. Ms. Gloston currently serves as Chair of Alliance's Human Rights Committee. This committee's function is to oversee the protection of client rights and identify/report to the Board issues which may negatively impact the rights of persons served.

Ms. Gloston brings commitment and a unique perspective to the Area Board and we respectfully request her reappointment.

Sincerely,

Chris Bostock, Board Chairman

cc: Candice White, Clerk to the Board of County Commissioners
Kellie Beam, Deputy Clerk to the Board of County Commissioners
Robert Robinson, Alliance CEO
Kenneth Edge, Cumberland Board of County Commissioners/Alliance Board Member



August 5, 2016

Sent via Electronic Mail

Cumberland Board of County Commissioners

Attn: W. Marshal Faircloth

P.O. Box 1829

Fayetteville, NC 28302

wmfaircloth@co.cumberland.nc.us

RE: Request for Reappointment

Dear Chairman Faircloth,

I am pleased to share with you and your colleagues that Alliance's Board of Directors voted unanimously at its August 4 meeting to recommend Kenneth S. Edge for reappointment to Alliance's Board for a three-year term, representing Cumberland County.

Commissioner Edge currently serves on Alliance's County Commissioner Advisory Committee. This committee serves as the chief advisory board to Alliance on matters pertaining to the delivery of services for individuals with mental illness, intellectual or other developmental disabilities and substance abuse disorders in the catchment area.

Commissioner Edge's background as a public servant, member of Cape Fear Valley Hospital System Board of Trustees, and former school administrator are strong assets. He brings unique insight and experience to the Board; we respectfully request his reappointment.

Sincerely,

Chris Bostock, Board Chairman

cc: Candice White, Clerk to the Board of County Commissioners
Kellie Beam, Deputy Clerk to the Board of County Commissioners
Robert Robinson, Alliance CEO
Kenneth Edge, Cumberland Board of County Commissioners/Alliance Board Member



W. MARSHALL FAIRCLOTH
Chairman

GLENN B. ADAMS
Vice Chairman

JEANNETTE M. COUNCIL
KENNETH S. EDGE
CHARLES E. EVANS
JIMMY KEEFE
LARRY L. LANCASTER



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

ITEM NO. _____

43

August 9, 2016

August 15, 2016 Agenda Item

TO: Board of Commissioners
FROM: Kellie Beam, Deputy Clerk to the Board **KB**
SUBJECT: Cumberland County Workforce Development Board

BACKGROUND: The Cumberland County Workforce Development Board will have the following four (4) vacancies:

Representative of Business:

Lee Caulder – Resigned. The Workforce Development Board recommends **Joy Miller**.
(See attached.)

The Workforce Development Board recommends **Jimmy Driscoll** to create one (1) new Representative of Business position on the Workforce Development Board in order to comply with the Majority Business Requirement per WIOA Section 107(b)(2)(A). (See attached.)

Representative of Workforce:

The Workforce Development Board recommends **David Servie** to create one (1) new Representative of Workforce position on the Workforce Development Board in order to comply with the not less than 20% requirement for representation of "Workforce" related organizations per the Workforce Innovation and Opportunity Act of 2014 (WIOA). (See attached.)

Representative – Other:

Jody Risacher – completing second term. Eligible for reappointment. Ms. Risacher has indicated she is willing to serve an additional term.

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

PROPOSED ACTION: Nominate individuals to fill the four (4) vacancies above.

Attachments

pc: Jim Lott, Workforce Development Director

Kellie Beam

From: Peggy Aazam
Sent: Tuesday, August 09, 2016 10:42 AM
To: Kellie Beam
Subject: FW: Recommendations for Cumberland County WDB

The Cumberland County Workforce Development Board recommends the following individuals for nomination and appointment by the Board of Commissioners:

- Jimmy Driscoll (Project Manager, Ivey Mechanical) to fill current vacancy for Representative of Business position in order to comply with the Majority Business requirement per WIOA Section 107(b)(2)(A)
- Joy Miller (Corporate Director Training & Development, Cape Fear Valley Health) to fill Representative of Business position vacated by Lee Caulder
- David Servie (Police Captain, Hope Mills Police Department) to fill the Representative of Workforce (Apprenticeship) position in order to comply with the not less than 20% requirement for representation of "Workforce"-related organizations (i.e. Labor, Apprenticeship, Community-Based Organizations) per WIOA Section 107(b)(2)(B)

*Please note that Josephus Thompson (current representative of the State Employment Office, appointed by the State; no current term limit) will also assume the second required Representative of Workforce (Labor) position due to his membership with the State Employees Association of North Carolina (SEANC). North Carolina has made it a practice to allow individuals with a SEANC membership to represent the required Representative of Workforce (Labor) category requirement on local Boards; an existing WDB member may hold dual representation if they meet the requirements for specific categories.

*Jody Risacher is willing to serve a second term on the Cumberland County Workforce Development Board

Thank you both for your assistance with this process! Please let me know if you need anything else in order to add the recommendations to the agenda for the August 15th BOC meeting.

Thank you!

Peggy

Peggy Aazam
Administrative Support II
Cumberland County
Workforce Development Board

(910) 678-7711
paazam@co.cumberland.nc.us

410 Ray Ave
Fayetteville, NC 28301



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

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>Representative of Business:</u>				
David McCune (W/M) 106 Penmark Pl Fayetteville, NC 28301 476-2976/424-2978 (W)	10/14	2nd	Oct/17 10/31/17	No
Linda Hoppmann (W/F) 5331 Rimrock Ct Fayetteville, NC 28303 826-4939/483-5016 (W)	11/14	3 rd	Nov/17 11/30/17	No
John Jones (NA/M) 4104 Bonfield Road Fayetteville, NC 28312 303-0444/222-1506	3/16	2nd	Mar/19 3/31/19	No
Randall Newcomer (W/M) 109 Cypress Lakes Circle Hope Mills, NC 28348 308-5432/424-1776 (W)	10/14	2nd	Oct/17 10/31/17	No
Esther Thompson (/F) 511 Forest Lakes Rd Fayetteville, NC 28305 323-9687 (H) / 670-5515 (W)	11/14	2nd	Nov/17 11/30/17	No
Jensen McFadden (B/M) 1717 Sykes Pond Rd Fayetteville, NC 28304 868-9067/850-8409	1/15	1 st	Jan/18 1/31/18	Yes
Rodney Anderson (B/M) 4321 Huntsfield Rd Fayetteville, NC 28314 826-0366/922-1214	4/14	1st	Apr/17 4/30/17	Yes
VACANT (Vacated by L. Caulder)	2/16	1 st	Feb/19 2/28/19	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>
Jesse A. Brayboy Jr. 105 Ruritan Drive Fayetteville, NC 28314 527-9717/822-1700	2/16	1 st	Feb/19 2/28/19	Yes
Chad Kormanek (-/M) 4437 Bent Grass Drive Fayetteville, NC 28312 213-6329/916-3125	2/16	1 st	Feb/19 2/28/19	Yes
Dina Simcox (W/F) 421 Foxwood Drive Hope Mills, NC 28348 728-3910/868-7668	2/16	1 st	Feb/19 2/28/19	Yes
Jonathan Warren (H/M) 5815 Rainsford Drive Fayetteville, NC 28311 354-0676/307-3050	2/16	1 st	Feb/19 2/28/19	Yes
R. Jonathan Charleston (B/M) 132 Great Oaks Drive Fayetteville, NC 28303 488-3368/485-2500	2/16	1 st	Feb/19 2/28/19	Yes

VACANT (*Tiffany Taylor did not accept her appointment*)

Representative of Workforce:

Charlene Cross (B/F) 1949 Culpepper Lane Fayetteville, NC 28304 630-1450/308-9413	3/16	2nd	Mar/19 3/31/19	No
Cynthia Wilson (B/F) 228 Summertime Road Fayetteville, NC 28303 864-9602/485-6131	11/14	1st	Nov/17 11/30/17	Yes

Representative of Education/Training:

Pamela Gibson (W/F) 7526 Hammersley Road Fayetteville, NC 28306 423-1830/678-2416	3/16	2nd	Mar/19 3/31/19	No
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<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Carl Mitchell (W/M) 2704 Compton Place Fayetteville, NC 28304 437-9909-678-8373	2/16	1 st	Feb/19 2/28/19	Yes
<u>Representative of Economic Development:</u>				
Catherine Johnson (W/F) FCCCC 524 Deerpath Drive Fayetteville, NC 28311 822-4809/484-4242 x247 (W)	1/14	3 rd	Aug/17 8/31/17	No
<u>Representative – Other:</u>				
Richard Everett (W/M) 408 Mirror Lake Drive Fayetteville, NC 28303 484-0432/677-2360 (W)	6/14	3 rd	Oct/17 10/31/17	No
Jody Risacher (W/F) 3533 Sweetbay Circle Fayetteville, NC 28311 630-5102/483-7727	8/13	1 st	Aug/16 8/31/16	Yes
Dallas Mack Freeman (B/M) 961 Kaywood Drive Fayetteville, NC 28311 488-9478/391-4177	2/16	1 st	Feb/19 2/28/19	Yes
<u>Representative of Labor:</u>				
Charles Royal (W/M) 3054 Hayfield Road Wade, NC 28395 584-8993/822-1906	2/16	1 st	Feb/19 2/28/19	Yes
Ellen Morales (/F) North Carolina Department of Human Resources Division of Vocational Rehabilitation Services 1200 Fairmont Court Fayetteville, NC 28304				(unlimited term - replaced by state agency)
Josephus Thompson Employment Security Commission 414 Ray Avenue Fayetteville, NC 28301 486-1010				(unlimited term – replaced by state agency)

Contact: Jim Lott (Workforce Development Director) 323-3421 – jlott@co.cumberland.nc.us.
Peggy Aazam (Administrative Support) 323-3421 x2126 paazam@co.cumberland.nc.us

Regular Meetings: 2nd Wednesday, every other month beginning in February 2016, 11:00 AM,
meetings take place at various locations

Name Changed to Cumberland County Workforce Development Board, November, 1995

The Cumberland County Workforce Development Board reconstituted its membership composition to comply with the workforce Innovation and Opportunity Act of 2014 (WIOA) on February 1, 2016.

**APPLICANTS FOR
WORKFORCE DEVELOPMENT BOARD**

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ADGER, MARQUITA (B/F) 6072 LAKEWAY DRIVE FAYETTEVILLE NC 28306 491-5526/570-9306 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	ELECTRONIC SYSTEMS SECURITY ADMINISTRATOR US ARMY RESERVE COMMAND	MA-COMPUTER RESOURCES
BECK, REBECCA EILEEN (W/F) 3605 PERSIMMON RD HOPE MILLS NC 28348 286-0759/826-3045 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: CITY OF FAYETTEVILLE CITIZENS ACADEMY	INFORMATION TECH MANAGER PARTNERSHIP FOR CHILDREN	PUBLIC ADMIN. DEGREE CURRENT STUDENT
BENNETT, CRYSTAL (W/F) 2654 RIVERCLIFF RD FAYETTEVILLE NC 28301 429-4930/630-0106 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 ANSON 2005	EXECUTIVE DIRECTOR CONNECTIONS OF CC	BA-SOCIOLOGY MASTERS-PUBLIC ADMIN.
BETHEA, ORA L (B/F) 339 NEVILLE STREET FAYETTEVILLE NC 28301 910-483-7436 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	RETIRED CONTRACTING FEDERAL GOV'T	BS-BUSINESS ADMIN.
BOATWRIGHT, SHANNON T. (B/F) 608 MISSENBURG COURT FAYETTEVILLE NC 28314 527-1797/672-2889 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	EMPLOYMENT MANAGER FSU	BS-BUSINESS ADMIN.

**APPLICANTS FOR
WORKFORCE DEVELOPMENT BOARD Page 2**

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BROOKS, KEVIN (B/M) 3616 DAUGHTRIDGE DRIVE FAYETTEVILLE NC 28311 488-0408/551-9031	BUSINESS OWNER/BARBER TRIMMERZ BARBER SHOP	HS DIPLOMA LICENSED BARBER
SERVES ON THE HUMAN RELATIONS COMMISSION		
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		
BROWN, JOSEPH C. SR (B/M) 150 RIDGEWAY DRIVE FAYETTEVILLE NC 28311 910-488-7254	MINISTER A.M.E. ZION CHURCH	GRADUATE OF SHAW UNIVERSITY
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		
BUFORD, RISHAUNDA (B/F) 238 MICAHS WAY SPRING LAKE NC 28390 210-343-9833/910-849-8098	INSURANCE AGENT NATIONWIDE INSURANCE	MA-ORGANIZATIONAL MGMT BA-HUMAN RESOURCE MGT
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		
CAMPBELL, AUSTIN (W/M) 5316 SANDSTONE DRIVE FAYETTEVILLE NC 28311 488-6637/849-5768	ADMINISTRATIVE ASSISTANT BILL MAXWELL REAL ESTATE	NONE LISTED
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: Fayetteville Citizens Academy		
CAMPBELL, DR. REBECCA (W/F) 7027 DARNELL STREET FAYETTEVILLE NC 28314 910-487-1555	RETIRED DIRECTOR DEPT. OF EDUCATION	DOCTORATE
SERVES ON THE MID-CAROLINA AGING ADVISORY COUNCIL		
Graduate-County Citizens' Academy: No Graduate-Institute for Community Leadership: Yes Graduate-Leadership Fayetteville: No Graduate-United Way's Multi-Cultural Leadership Program: Yes Graduate-other leadership academy: No		

**APPLICANTS FOR
WORKFORCE DEVELOPMENT BOARD Page 3**

NAME/ADDRESS/PHONE	OCCUPATION	EDUCATIONAL BACKGROUND
COLEMAN, ARTHUR (B/M) 2633 PLUM RIDGE RD FAYETTEVILLE NC 28306 644-7599/868-9996 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	PROGRAM MANAGER FDR INC	BACHELOR-LIBERAL ARTS ASSOCIATES - CRIMINAL JUSTICE
DRISCOLL, JIMMY (W/M) 5622 WALKING TRAIL WAY HOPE MILLS NC 28348 425-8567/483-7171 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	ESTIMATOR/PROJECT MANAGER IVEY MECHANICAL CO, LLC	BA-BUSINESS MGMT
DUNLAP, ANNETTE MORITT (W/F) 3845 BEAVER DAM CHURCH RD ROSEBORO NC 28382 910-988-5576 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	AGRIBUSINESS DEVELOPER NC DEPT. OF AGRICULTURE	BA MBA
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
GASTON, JAMES (B/M) 1101 TORREY DRIVE FAYETTEVILLE NC 28301 910-977-9037 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	FTCC

**APPLICANTS FOR
WORKFORCE DEVELOPMENT BOARD Page 4**

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
GAUSON, SADIE (B/F) 1722 FLINT DRIVE FAYETTEVILLE NC 28304 738-9228/436-7500 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: YES Graduate-other leadership academy: NO	RECEPTIONIST	SOME COLLEGE
GREENE, AMIR (B/M) 6899 KINGSGATE DRIVE FAYETTEVILLE, NC 28314 263-8953/978-9388 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	CAR DETAILER	SOME COLLEGE
GREGGS, KATHY (B/F) 848 HILTON DRIVE FAYETTEVILLE, NC 28311 910-494-6914/910-488-2120 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: YES Graduate-other leadership academy: NO	EXECUTIVE ADMIN ASSISTANT VETERAN AFFAIRS HOSPITAL	DOCTORATE-BUSINESS ADMIN
HARDY, LAURA (B/F) 6720 WILLOWBROOK DR #1 FAYETTEVILLE NC 28314 224-7255/867-6857 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 AGENT AIG FINANCIAL NETWORK	BACHELOR'S DEG. CURRENT MBA STUDENT
HAYES, DEMARIO (B/M) 404 SELZNICK PLACE FAYETTEVILLE NC 28311 339-8495/703-899-0620 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	ANALYST ODAR/SSA	MA

**APPLICANTS FOR
WORKFORCE DEVELOPMENT BOARD Page 5**

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
HAYNES, WESLEY (B/M) 1608 ROGERS DRIVE FAYETTEVILLE NC 28303 252-259-3934 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	COMPUTER TECHNICIAN SELF-EMPLOYED	SOME COLLEGE
HIGGS, JUDITH A. (-/F) 6402 GREENGATE HILL ROAD FAYETTEVILLE, NC 28303 901-361-6172/396-4612 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	HUMAN RESOURCE SPECIALIST FORT BRAGG	BA-PUBLIC ADMIN.
HINDS, TRACEY (B/F) 6724 WATER TRAIL DRIVE #304 FAYETTEVILLE NC 28311 578-8244/630-7059 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	INSTRUCTOR METHODIST UNIVERSITY	BSW MSW
HOUSE, KORI (B/F) 1127 CAPE HARBOR CT #34 FAYETTEVILLE NC 28314 229-7998/429-3501 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	CRIME ANALYST TOWN OF HOPE MILLS	MASTERS-PUBLIC ADMIN. BA-POLITICAL SCIENCE
HUX, MARQUITA BLACKWELL (B/F) 6604 FLEMING STREET FAYETTEVILLE NC 28311 417-365-3432/436-7886 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	SENIOR TAX ADVISOR H&R BLOCK	COLLEGE STUDENT

**APPLICANTS FOR
WORKFORCE DEVELOPMENT BOARD Page 6**

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
JAMES, ASHA (B/F) 2545 QUAIL FOREST DRIVE FAYETTEVILLE NC 28306 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	CALL CENTER AGENT SYKES	ASSOCIATES DEGREE
JOHN-WILLIAMS, MARY (B/F) 2921 BAKERS MILL RD FAYETTEVILLE NC 28306 527-5571/323-3377 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: FAYETTEVILLE CITIZENS ACADEMY	EMPLOYMENT & HOUSING DIRECTOR CEED	MBA
JOHNSON, RAYMOND JR. (B/M) 736 PECAN GROVE LOOP HOPE MILLS NC 28348 706-464-8120 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: YES Graduate-other leadership academy: NO	REGIONAL ACCOUNT MANAGER	BS-ACCOUNTING
KEELS, LATARSHIA (B/F) 628 HICKORY VIEW CT FAYETTEVILLE NC 28314 705-2015 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 3-TY VIRTUAL GROUP	SOME COLLEGE
KELLEY, HEIDI J (W/F) 101 PERSON STREET FAYETTEVILLE NC 28301 239-888-0189/222-3382 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	EXECUTIVE DIRECTOR FAY. DOWNTOWN ALLIANCE	MBA - MARKETING BA-ADVERTISING

**APPLICANTS FOR
WORKFORCE DEVELOPMENT BOARD Page 7**

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
KELLY, IVA MARIE (B/F) 1844 GOLA DRIVE FAYETTEVILLE, NC 28301 910-488-5302 Graduate-County Citizens' Academy: N/A *SERVES ON THE PARKS & RECREATION BOARD* 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
LAWSON, BURTON (W/M) 895 MIDDLE ROAD FAYETTEVILLE, NC 28312 723-2142/433-2161 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	CONSTRUCTION SUPERVISOR OPERATION INASMUCH	BS-COMMUNICATIONS
LEE, JAMES SOK HUI (ASIAN/M) 810 CHERRY LAUREL DRIVE APT 303 FAYETTEVILLE NC 28314 583-1371/867-6857 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 AIG FINANCIAL NETWORK	BA GRADUATE STUDY
LONG, JAMES ADAM (W/M) 495 CORONATION DRIVE 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	CONTRACTOR FT. BRAGG	SOME COLLEGE
MANLEY, DANIEL E. (W/M) 7323 SCENIC VIEW DRIVE FAYETTEVILLE NC 28306 426-0131/394-2465 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	FIREFIGHTER CAPTAIN FORT BRAGG FIRE	AAS BS MLS

**APPLICANTS FOR
WORKFORCE DEVELOPMENT BOARD Page 8**

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
MANNING, CARL (B/M) 328 KIMBERWICKE DRIVE FAYETTEVILLE NC 28311 818-9810/436-2426 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	DIRECTOR DEVELOPMENT KINGDOM CDC	BACHELOR'S
MATURO, JAMES L III (W/M) 1848 FABER ST FAYETTEVILLE NC 28304 910-491-8258 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 VET	HS SOME COLLEGE
MCNEIL, SHEBA (B/F) 2968 CUMBERLAND ROAD FAYETTEVILLE, NC 28306 978-1518/568-5005 *SERVES ON THE CIVIC CENTER COMMISSION* Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	TEACHER CUMBERLAND LEARNING ACADEMY	BA
MCNEILL, TERESA (B/F) 3918 METEOR DRIVE HOPE MILLS NC 28348 429-4482/483-3648 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: YES Graduate-other leadership academy: NO	COMPUTER SYSTEMS ANALYST FAY. METROPOLITAN HOUSING	BA-PUBLIC ADMIN. GRADUATE STUDENT
MEHTA, NAYNESH (ASIAN INDIAN/M) 229 FOREST CREEK DRIVE FAYETTEVILLE NC 28303 910-494-2037/689-0799 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	HOTEL MANAGEMENT FIVE POINTS HOSPITALITY INC.	BS-COMPUTER ENGINEERING

**APPLICANTS FOR
WORKFORCE DEVELOPMENT BOARD Page 9**

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
MELLOTT, DENNIS PAUL JR (W/M) 1647 DUNN ROAD FAYETTEVILLE NC 28312 689-7983/689-6046 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	DRYWALL FINISHER	HIGH SCHOOL
MELVIN, MELISSA (W/F) 517 LANCASTER RD FAYETTEVILLE NC 28303 864-3191/263-2674 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: MILITARY LEADERSHIP	RETIRED MILITARY	SOME COLLEGE
MILLER, JOY (W/F) 210 QUEENSBERRY DRIVE FAYETTEVILLE NC 28303 864-1955/309-3645/615-6799 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	CORPORATE DIRECTOR TRAINING CAPE FEAR VALLEY HEALTH SYSTEM	BA, BSN, MSN, RN
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
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

**APPLICANTS FOR
WORKFORCE DEVELOPMENT BOARD Page 10**

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
<p>NEWMAN, AUGUSTA (B/F) 450 BLADEN CIRCLE FAYETTEVILLE NC 28312 709-8344/555-5555 Graduate-County Citizens' Academy: YES Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: YES Graduate-other leadership academy: NO</p>	<p>RETIRED ACCOUNTING AUDITOR</p>	<p>FSU</p>
<p>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</p>	<p>PROFESSOR OF MANAGEMENT FSU</p>	<p>BS-BUSINESS ADMIN MBA & PHD - MANAGEMENT</p>
<p>PAYTON, JAMERUS R. (B/M) 1425 GENERAL LEE AVE FAYETTEVILLE NC 28305 214-274-0911/677-5388 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: YES Graduate-other leadership academy: NO</p>	<p>PRODUCTION SUPERVISOR EATON</p>	<p>MS - MANAGEMENT BS-ELECTRONICS BS-MANUFACTURING SYSTEMS</p>
<p>PIERCE, PHYLLIS (-/F) 1516 THOROUGHbred TRAIL PARKTON NC 28371 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</p>	<p>UNEMPLOYED</p>	<p>HIGH SCHOOL</p>
<p>REYNOLDS, THERESA J (W/F) 104 LAKE CLAIR PLACE APT 1 FAYETTEVILLE NC 28304 336-575-4431/433-1310 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</p>	<p>PROJECT MANAGER CITY OF FAYETTEVILLE</p>	<p>MASTERS OF SCIENCE</p>

**APPLICANTS FOR
WORKFORCE DEVELOPMENT BOARD Page 11**

NAME/ADDRESS/PHONE	OCCUPATION	EDUCATIONAL BACKGROUND
SERVIE, DAVID (W/M) 1063 MOHAWK AVENUE FAYETTEVILLE NC 28303 703-1846/429-3506 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: LAW ENFORCEMENT PROGRAMS	POLICE CAPTAIN HOPE MILLS POLICE DEPARTMENT	HIGH SCHOOL
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
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

**APPLICANTS FOR
WORKFORCE DEVELOPMENT BOARD Page 12**

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
STROUD-MELVIN, OCIE J (B/M) 3305 SANFORD DRIVE FAYETTEVILLE, NC 28301 299-8489/672-1201 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	ADMINISTRATIVE ASST FSU	BACHELORS-CRIMINAL JUSTICE MASTERS STUDENT
SULLIVAN, LARRY D. (B/M) 616 SPY GLASS DRIVE FAYETTEVILLE NC 28311 868-1227/273-8247 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	AAS-CRIMINAL JUSTICE
TAYLOR, PAUL (-/M) 3283 FLORIDA DRIVE FAYETTEVILLE NC 28301 910-751-0434/751-0435 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 NON-COMMISSION OFFICER ACADEMY	OPERATION MANAGER VETERANS SAFEHAVEN	4 YEAR DEGREE
TUCKER, GAY C (B/F) 604 LUFKIN CIRCLE FAYETTEVILLE, NC 28311 644-8265/703-8905 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	ACCOUNTS PAYABLE SPECIALIST TOWN OF SPRING LAKE	SOME COLLEGE
WARNER, TEDDY (W/M) 1440 PAISLEY AVE FAYETTEVILLE NC 28304 309-7774/633-0685 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	REGIONAL INDUSTRY MANAGER ECONOMIC DEVELOPMENT PARTNERSHIP	BS

**APPLICANTS FOR
WORKFORCE DEVELOPMENT BOARD Page 13**

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
WASHINGTON, ANDRE TYRONE (B/M) 274 WATERDOWN DRIVE #10 FAYETTEVILLE NC 28314 867-9301/627-5264 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: CUMBERLAND COUNTY DEMOCRATIC PARTY LEADERSHIP INSTITUTE	STUDENT	BS-POLITICAL SCIENCE
WESLEY, WILLIAM L. (B/M) 1702 SEABROOK ROAD FAYETTEVILLE NC 28301 261-6468/483-3101 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: No	EDUCATOR CC SCHOOLS	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-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

W. MARSHALL FAIRCLOTH
Chairman

GLENN B. ADAMS
Vice Chairman

JEANNETTE M. COUNCIL
KENNETH S. EDGE
CHARLES E. EVANS
JIMMY KEEFE
LARRY L. LANCASTER



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

ITEM NO. SA

August 4, 2016

August 15, 2016 Agenda Item

TO: Board of Commissioners

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

SUBJECT: Cumberland County Workforce Development Board

BACKGROUND: On August 1, 2016, the Board of Commissioners nominated the following individuals to fill three (3) vacancies on the Cumberland County Workforce Development Board:

Representative of Business

Jamerus Payton (new appointment)

Representative of Workforce:

Crystal Bennett (new appointment)

Carl Manning (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: Jim Lott, Workforce Development Director

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>Representative of Business:</u>				
David McCune (W/M) 106 Penmark Pl Fayetteville, NC 28301 476-2976/424-2978 (W)	10/14	2nd	Oct/17 10/31/17	No
Linda Hoppmann (W/F) 5331 Rimrock Ct Fayetteville, NC 28303 826-4939/483-5016 (W)	11/14	3 rd	Nov/17 11/30/17	No
John Jones (NA/M) 4104 Bonfield Road Fayetteville, NC 28312 303-0444/222-1506	3/16	2nd	Mar/19 3/31/19	No
Randall Newcomer (W/M) 109 Cypress Lakes Circle Hope Mills, NC 28348 308-5432/424-1776 (W)	10/14	2nd	Oct/17 10/31/17	No
Esther Thompson (F) 511 Forest Lakes Rd Fayetteville, NC 28305 323-9687 (H) / 670-5515 (W)	11/14	2nd	Nov/17 11/30/17	No
Jensen McFadden (B/M) 1717 Sykes Pond Rd Fayetteville, NC 28304 868-9067/850-8409	1/15	1 st	Jan/18 1/31/18	Yes
Rodney Anderson (B/M) 4321 Huntsfield Rd Fayetteville, NC 28314 826-0366/922-1214	4/14	1st	Apr/17 4/30/17	Yes
Lloyd Lee Caulder III (W/M) 4512 Bent Grass Drive Fayetteville, NC 28312 910-630-5222	2/16	1 st	Feb/19 2/28/19	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>
Jesse A. Brayboy Jr. 105 Ruritan Drive Fayetteville, NC 28314 527-9717/822-1700	2/16	1 st	Feb/19 2/28/19	Yes
Chad Kormanek (-/M) 4437 Bent Grass Drive Fayetteville, NC 28312 213-6329/916-3125	2/16	1 st	Feb/19 2/28/19	Yes
Dina Simcox (W/F) 421 Foxwood Drive Hope Mills, NC 28348 728-3910/868-7668	2/16	1 st	Feb/19 2/28/19	Yes
Jonathan Warren (H/M) 5815 Rainsford Drive Fayetteville, NC 28311 354-0676/307-3050	2/16	1 st	Feb/19 2/28/19	Yes
R. Jonathan Charleston (B/M) 132 Great Oaks Drive Fayetteville, NC 28303 488-3368/485-2500	2/16	1 st	Feb/19 2/28/19	Yes

VACANT (*Tiffany Taylor did not accept her appointment*)

Representative of Workforce:

Charlene Cross (B/F) 1949 Culpepper Lane Fayetteville, NC 28304 630-1450/308-9413	3/16	2nd	Mar/19 3/31/19	No
Cynthia Wilson (B/F) 228 Summertime Road Fayetteville, NC 28303 864-9602/485-6131	11/14	1st	Nov/17 11/30/17	Yes

Representative of Education/Training:

Pamela Gibson (W/F) 7526 Hammersley Road Fayetteville, NC 28306 423-1830/678-2416	3/16	2nd	Mar/19 3/31/19	No
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<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Carl Mitchell (W/M) 2704 Compton Place Fayetteville, NC 28304 437-9909-678-8373	2/16	1 st	Feb/19 2/28/19	Yes
<u>Representative of Economic Development:</u>				
Catherine Johnson (W/F) FCCCC 524 Deerpath Drive Fayetteville, NC 28311 822-4809/484-4242 x247 (W)	1/14	3 rd	Aug/17 8/31/17	No
<u>Representative – Other:</u>				
Richard Everett (W/M) 408 Mirror Lake Drive Fayetteville, NC 28303 484-0432/677-2360 (W)	6/14	3 rd	Oct/17 10/31/17	No
Jody Risacher (W/F) 3533 Sweetbay Circle Fayetteville, NC 28311 630-5102/483-7727	8/13	1 st	Aug/16 8/31/16	Yes
Dallas Mack Freeman (B/M) 961 Kaywood Drive Fayetteville, NC 28311 488-9478/391-4177	2/16	1 st	Feb/19 2/28/19	Yes
<u>Representative of Labor:</u>				
Charles Royal (W/M) 3054 Hayfield Road Wade, NC 28395 584-8993/822-1906	2/16	1 st	Feb/19 2/28/19	Yes
Ellen Morales (/F) North Carolina Department of Human Resources Division of Vocational Rehabilitation Services 1200 Fairmont Court Fayetteville, NC 28304				(unlimited term - replaced by state agency)
Josephus Thompson Employment Security Commission 414 Ray Avenue Fayetteville, NC 28301 486-1010				(unlimited term – replaced by state agency)

Contact: Jim Lott (Workforce Development Director) 323-3421 – jlott@co.cumberland.nc.us.
Peggy Aazam (Administrative Support) 323-3421 x2126 paazam@co.cumberland.nc.us

Regular Meetings: 2nd Wednesday, every other month beginning in February 2016, 11:00 AM,
meetings take place at various locations

Name Changed to Cumberland County Workforce Development Board, November, 1995

The Cumberland County Workforce Development Board reconstituted its membership composition to
comply with the workforce Innovation and Opportunity Act of 2014 (WIOA) on February 1, 2016.

W. MARSHALL FAIRCLOTH
Chairman

GLENN B. ADAMS
Vice Chairman

JEANNETTE M. COUNCIL
KENNETH S. EDGE
CHARLES E. EVANS
JIMMY KEEFE
LARRY L. LANCASTER



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

ITEM NO. 5B

August 4, 2016

August 15, 2016 Agenda Item

TO: Board of Commissioners
FROM: Kellie Beam, Deputy Clerk to the Board *KB*
SUBJECT: Transportation Advisory Board

BACKGROUND: On August 1, 2016, the Board of Commissioners nominated the following individuals to fill two (2) vacancies on the Transportation Advisory Board:

Sheltered Workshop Director or Designee:
Dwayne Beason (new appointment)

County Health Director or Designee:
Barbara Carraway (new appointment)

I have attached a current membership list for this board.

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

Attachment

pc: Ifetayo Farrakhan, Planning & Inspections

TRANSPORTATION ADVISORY BOARD

2 Year Term

(All terms expire November 30th and begin December 1st according to the TAB bylaws.)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>City of Fayetteville Representative</u>				
Adolphus Thomas 820 Our Street Fayetteville, NC 28314 364-8515/433-1935	6/16	1st	June/18 6/30/18	Yes
<u>Urban Transit Provider Representative</u>				
James Roper Fayetteville City Transit 455 Grove Street Fayetteville, NC 28301 433-1476/391-9953	11/15	2nd	Nov/17 11/30/17	No
<u>Mid-Carolina Council of Governments Director or Designee</u>				
Carla Smith Mid-Carolina Council of Governments 1004 Willow Street Fayetteville, NC 28303 273-5124/323-4191	11/15	2nd	Nov/17 11/30/17	No
<u>County DSS Director or Designee</u>				
Lisa Chance 5309 Ballester Street Hope Mills, NC 28348 677-2356/425-5650	11/15	2nd	Nov/17 11/30/17	No
<u>DSS Work First Representative</u>				
Angelita Marable Cumberland County DSS 839 Abilene Road Fayetteville, North Carolina 28303 864-1108/677-2489	11/15	2nd	Nov/17 11/30/17	No
<u>Workforce Development Center Director or Designee</u>				
Jim Lott 2203 Morganton Road Fayetteville, NC 28303 910-678-7676	6/16	1st	June/18 6/30/18	Yes

(All terms expire November 30th and begin December 1st according to the TAB bylaws.)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Vocational Rehab Representative</u>				
Ellen Morales 3606 Wyatt Street Fayetteville, NC 28304 429-3001/486-1101	6/16	1st	June/18 6/30/18	Yes
<u>Sheltered Workshop Director or Designee</u>				
VACANT (Vacated by D. Shuler)	6/16	1st	June/18 6/30/18	Yes
<u>Aging Programs Representative</u>				
Kenneth Dye 291 Steamboat Court Fayetteville, North Carolina 28314 308-6609/484-0111	11/15	1st	Nov/17 11/30/17	Yes
<u>Mental Health Representative</u>				
William H. Robinson 615 Riverfront Lane Fayetteville, NC 28314 910-491-4823	6/16	1st	June/18 6/30/18	Yes
<u>Emergency Medical Services Representative</u>				
Robyn McArdle 3618 Sugar Cane Circle Fayetteville, NC 28303 850-1156/615-3430	6/16	1 st	June/18 6/30/18	Yes
<u>County Planning Department Director or Designee</u>				
Tom Lloyd Cumberland County Planning Department P.O. Box 1829 Fayetteville, North Carolina 28302-1829 678-7606 (W)	11/14	2nd	Nov/16 11/30/16	No

(All terms expire November 30th and begin December 1st according to the TAB bylaws.)

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
<u>County Health Director or Designee</u> VACANT (Vacated by O. Harris)	11/14	2nd	Nov/16 11/30/16	No
<u>At-Large Representatives</u>				
Anne Morrison 3061 Stone Carriage Cir #C Fayetteville, NC 28304 339-2123/973-943-3334	11/14	1st	Nov/16 11/30/16	Yes
Kenneth Washington 1538 Cypress Lakes Rd Hope Mills, NC 28348 425-2242/424-2312	11/14	1st	Nov/16 11/30/16	Yes
Joel Strickland 1611 Bluffside Drive #205 Fayetteville, NC 28312 853-8975/323-4191	11/14	1st	Nov/16 11/30/16	Yes
Alfred Foote 5912 Rehoboth Road Hope Mills, NC 28348 910-578-5687	11/14	2nd	Nov/16 11/30/16	No
<u>MPO Representative</u>				
Deloma West Cumberland County Planning Department 8355 Judy Drive Fayetteville, NC 28314 910-977-8146	11/14	1 st full term	Nov/16 11/30/16	Yes
(serving unexpired term; eligible for one additional term)				
<u>Dialysis Center Representative</u>				
Antionette Wiggins 6210 Pinto Court Fayetteville, NC 28303 977-5871/867-2602	11/14	1 st	Nov/16 11/30/16	Yes

**Board was created by the Commissioners on 11/6/00.

Meetings: Third Tuesday in first month of each quarter (Jan., Apr., July, Oct.) at 10:00 AM – Special meeting held in June.

Location: Historic Courthouse, Courtroom 3B

Contact: Ifetayo Farrakhan (Planning & Inspections) x7624, fax # 678-7601

OVERHILLS PARK WATER & SEWER DISTRICT GOVERNING BOARD
AGENDA
COURTHOUSE – ROOM 118
AUGUST 15, 2016
6:45 PM

1. Items of Business
 - A. Approval of minutes of August 1, 2016 meeting.
 - B. Consideration of Overhills Park Water & Sewer District Required Bond Actions:
(Pg. 197)
 - 1) Bond Order of the Overhills Park Water and Sewer District Authorizing the Issuance of Water and Sewer System Revenue Bonds **(Pg. 199)**
 - 2) Resolution Authorizing the Issuance and Sale of Water and Sewer System Revenue Bond Anticipation Notes in the Aggregate Principal Amount of \$1,379,000 **(Pg. 230)**

ADJOURN THE MEETING OF THE OVERHILLS PARK WATER & SEWER DISTRICT GOVERNING BOARD.

RECONVENE THE REGULAR BOARD OF COMMISSIONERS' MEETING.



ITEM NO. 113
OVERHILLS GOVERNING BOARD

FINANCE OFFICE

4th Floor, Room No. 45I, Courthouse • PO Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7753 • Fax (910) 323-6120

**MEMO FOR THE AGENDA OF THE AUGUST 15, 2016
MEETING OF THE OVERHILLS PARK WATER & SEWER DISTRICT
GOVERNING BOARD**

TO: BOARD OF OVERHILLS PARK WATER & SEWER DISTRICT

FROM: VICKI EVANS, FINANCE DIRECTOR *vje*

DATE: AUGUST 10, 2016

**SUBJECT: 1. BOND ORDER OF THE OVERHILLS PARK WATER AND
SEWER DISTRICT AUTHORIZING THE ISSUANCE OF WATER
AND SEWER SYSTEM REVENUE BONDS**

**2. RESOLUTION AUTHORIZING THE ISSUANCE AND SALE
OF WATER AND SEWER SYSTEM REVENUE BOND
ANTICIPATION NOTES IN THE AGGREGATE PRINCIPAL
AMOUNT OF \$1,379,000**

BACKGROUND

Previously the District Board has taken action to proceed with the Overhills Park sewer project. On August 2, 2016, the Local Government Commission of North Carolina approved the application of the District for the issuance of revenue bonds in an amount not exceeding \$1,379,000 for the purpose of providing funds, together with any other available funds to pay the costs of the project and any related financing expenses.

The LGC solicited proposals for the revenue bond anticipation notes. Three proposals were received, with Carter Bank and Trust coming in with the best rate of one percent. A bond order and a resolution authorizing the issuance and sale of water and sewer system revenue bonds are attached with details within.

RECOMMENDATION/PROPOSED ACTION

- 1. Introduce the following bond order as follows and adopt the bond order:
Bond order of the Overhills Park Water and Sewer District authorizing the issuance of water and sewer system revenue bonds to provide funds to construct improvements to**

its water and sewer system; providing for the issuance of revenue bond anticipation notes in anticipation of the issuance of revenue bonds; providing for the creation of certain special funds; pledging to the payment of the principal of and the interest on the revenue bonds and notes certain revenues of the water and sewer system; setting forth the rights and remedies of holders; and setting forth the details of certain related matters.

- 2. Adopt the resolution authorizing the issuance and sale of water and sewer system revenue bond anticipation notes of the Overhills Park Water and Sewer District in the aggregate principal amount of \$1,379,000.**

Celebrating Our Past...Embracing Our Future

BOARD OF COMMISSIONERS
OF CUMBERLAND COUNTY
ACTING AS THE GOVERNING BODY OF
THE OVERHILLS PARK WATER AND SEWER DISTRICT

Extracts from Minutes
of Meeting on
August 15, 2016

Present: Chairman _____ presiding, and Commissioners: _____

Absent: _____

Commissioner _____ introduced the following bond order, the title of which was read:

BOND ORDER OF THE OVERHILLS PARK WATER AND SEWER DISTRICT AUTHORIZING THE ISSUANCE OF WATER AND SEWER SYSTEM REVENUE BONDS TO PROVIDE FUNDS TO CONSTRUCT IMPROVEMENTS TO ITS WATER AND SEWER SYSTEM; PROVIDING FOR THE ISSUANCE OF REVENUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF REVENUE BONDS; PROVIDING FOR THE CREATION OF CERTAIN SPECIAL FUNDS; PLEDGING TO THE PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON THE REVENUE BONDS AND NOTES CERTAIN REVENUES OF THE WATER AND SEWER SYSTEM; SETTING FORTH THE RIGHTS AND REMEDIES OF HOLDERS; AND SETTING FORTH THE DETAILS OF CERTAIN RELATED MATTERS

WHEREAS, the Board of Commissioners of Cumberland County, North Carolina (the "County"), acting as the governing body of the Overhills Park Water and Sewer District (the "District"), is authorized by The State and Local Government Revenue Bond Act, as amended, to issue its revenue bonds to provide moneys for the acquisition, construction, reconstruction, extension, improvement or payment of the cost of one or more revenue bond projects, including water systems or facilities; and

WHEREAS, the District desires to finance the cost of improvements to its water and sewer system in the District (the "Project"); and

WHEREAS, the Local Government Commission of North Carolina has approved the application of the District for the issuance of revenue bonds in an amount not exceeding \$1,379,000 for the purpose of providing funds, together with any other available funds, to pay the costs of the Project and any related financing expenses;

NOW, THEREFORE, BE IT ORDERED by the Board of Commissioners of Cumberland County, North Carolina, acting as governing body of the District, as follows:

**ARTICLE I
GENERAL PROVISIONS AND DEFINITIONS**

Section 1.01. Contract with Holders. In consideration of the purchase and acceptance of the Bonds by those who shall hold the same from time to time, the provisions of this Bond Order shall be deemed to be and shall constitute a contract between the District and the Holders from time to time of the Bonds; and the covenants and agreements herein set forth to be performed by or on behalf of the District shall be for the equal benefit, protection and security of the Holders of any and all of the Bonds so issued or to be issued, without preference, priority or distinction as to lien or otherwise, except as otherwise hereinafter provided, of any one Bond over any other Bond by reason of priority in the issue, sale or negotiation thereof, or otherwise.

Section 1.02. Definitions. The following capitalized words and terms as used in this Bond Order shall have the following meanings, unless some other meaning is expressly intended:

“Act” means The State and Local Government Revenue Bond Act, constituting Article 5 of Chapter 159 of the General Statutes of North Carolina, as amended.

“Additional Bonds” means any bonds, notes or other evidences of indebtedness secured by and payable from Net Revenues issued under this Bond Order pursuant to the provisions of Article III, including notes issued prior to issuance of the Initial Bonds.

“Annual Budget” means any budget or amended budget adopted or in effect pursuant to Section 7.07.

“Auditors” means the independent firm of certified public accountants that is employed by the District to audit the District’s books and accounts at the end of each Fiscal Year.

“Board” means the Board of Commissioners of the County, acting as the governing body of the District.

“Bond” or “Bonds” means, collectively, the Initial Bonds and any Additional Bonds, and also includes any bond anticipation note or notes authorized and issued pursuant to Section 2.10.

“Bondholder” or “Holder” or any similar term, when used with reference to a Bond or Bonds means any person who shall be the registered owner of any outstanding Bond or Bonds.

“Bond Order” means this Bond Order, together with all orders amendatory hereof and all orders supplemental hereto as herein permitted.

“Bond Registrar” means the person serving in the capacity of the finance officer of the District, regardless of any particular title, or any successor registrar for the Bonds as appointed by the Governing Body.

“Clerk” means the Clerk to the District or his or her designated assistant.

“Commission” means the Local Government Commission of North Carolina.

“Consulting Engineers” means an independent engineer or engineering firm at the time employed by the District to perform the functions and duties imposed on the Consulting Engineers by this Bond Order.

“Counsel” means an attorney or firm of attorneys selected by the District.

“County” means Cumberland County, North Carolina.

“District” means the Overhills Park Water and Sewer District.

“Debt Service Requirement” means, with respect to Bonds in any Fiscal Year, the sum of (a) the amount required to pay the interest on the Bonds then outstanding which is payable in such Fiscal Year and (b) the amount required to pay the principal of the Bonds then outstanding which is payable in such Fiscal Year; provided, however, that computation of such amount shall exclude any interest which is funded from proceeds of the Bonds; and provided further that the computation of such amount shall be based on the assumption that (i) the Bonds at the time outstanding will be retired according to their stated maturities or mandatory redemption requirements, (ii) any bond anticipation notes issued pursuant to this Bond Order and maturing during such Fiscal Year will be refunded with Additional Bonds such that the principal amount of such bond anticipation notes is not due and payable by the District in such Fiscal Year and (iii) if the Bonds bear interest at a variable rate, the rate is the maximum rate.

“Debt Service Reserve Fund” means the fund created and so designated by Section 5.03.

“Debt Service Reserve Fund Requirement” means an amount equal to the maximum Debt Service Requirement for any Fiscal Year during which Bonds will be outstanding.

“Depository” means any bank or trust company duly authorized under the laws of the United States of America or the State of North Carolina to engage in the banking business within such State and designated by the Governing Body as a depository of moneys under the provisions of this Bond Order.

“District Representative” means the County Manager, the Finance Director and any other person or persons designated to act on behalf of the District in such capacity by resolution of the Governing Body.

“Existing Facilities” means the existing water and sewer system facilities and improvements owned and operated by the District as of the date of adoption of this Bond Order.

“Finance Director” means the person serving in the capacity of the finance officer of the County, regardless of any particular title, or the officer succeeding to or exercising his or her principal functions and duties.

“Fiscal Year” means the period of twelve months commencing on July 1 of any year and ending on June 30 of the following year.

“Governing Body” means the Board of County Commissioner of the County in which the general legislative powers of the District shall now or hereafter be vested.

“Initial Bonds” means the Bonds authorized under Section 2.01.

“Initial Notes” means notes issued in anticipation of the Initial Bonds.

“Issuer Representative” means the District Manager, the Finance Director and any other person or persons designated to act on behalf of the District in such capacity by resolution of the Governing Body.

“Net Revenues” means the Revenues received by the District during any period less the Operating Expenses paid by the District during such Fiscal Year.

“Operating Expenses” means the District’s reasonable and necessary current expenses of maintaining, repairing and operating the System, including, without limiting the generality of the foregoing, all administrative, general and commercial expenses, insurance and surety bond premiums, payments for the billing and collection of Service Charges, architectural and engineering expenses, fees and expenses of the Bond Registrar and any trustee appointed hereunder, legal expenses, any taxes which may be lawfully imposed on the District or its income or operations or the property under its control, ordinary and current rentals of equipment or other property, usual expenses of maintenance and repair, and any other current expenses required to be paid by the District under the provisions of this Bond Order or by law, all to the extent properly and directly attributable to the System, but not including any reserves for operation, maintenance or repair or any allowance for depreciation, amortization, interest or similar charges.

“Project” means Project as defined in the preamble to this Bond Order.

“Project Costs” means all costs of the design, planning, constructing, acquiring, installing and equipping of the Project as determined in accordance with generally accepted accounting principles and that will not adversely affect the exclusion from gross income for federal income tax purposes of the interest on the bonds or notes payable by the District, including (a) sums required to reimburse the District or its agents for advances made for any such costs, (b) interest during the construction process and for up to six months thereafter, and (c) all costs related to the financing of the Project and all related transactions.

“Qualified Investments” means any investments of political subdivisions of the State permitted under Section 159-30 of the General Statutes of North Carolina, as amended and as may be amended from time to time, or any successor statute.

“Revenue Fund” means the fund created and so designated by Section 5.03.

“Revenues” means all income received by the District from, in connection with, or as a result of, its ownership or operation of the System, including all moneys received in payment of

rates, fees and other charges for the use of and for the services furnished by the System and investment income, but excluding the proceeds of any borrowing for payment of the costs of, or grants or donations intended for, specific System Improvements and also excluding any income received in payment of fees or charges that are intended to be set aside specifically for a particular capital project and that are not available for payment of Operating Expenses or debt service on the Bonds.

“Secretary” means the Secretary of The North Carolina Local Government Commission or any deputy secretary.

“Series Resolution” means the resolution of the Governing Body providing for the issuance of any Bonds and fixing the details thereof.

“Service Charges” means rates, fees and charges, including service, connection and other charges, for the use of, and for the services and facilities furnished or to be furnished by the System, as prescribed or fixed by the Governing Body.

“State” means the State of North Carolina.

“State Treasurer” means the Treasurer of the State of North Carolina or his designated assistant.

“Subordinated Indebtedness” means indebtedness the terms of which shall provide that it shall be subordinate and junior in right of payment to the prior payment in full of the Bonds. For purposes of this Bond Order, obligations or debt instruments issued to the State as part of the State Revolving Loan Program or State Clean Water Bond Program are deemed to be Subordinated Indebtedness. Such Subordinated Indebtedness shall comply with the requirements of Section 11.10 hereof.

“Subordinated Indebtedness Debt Service Requirement” means, with respect to Subordinated Indebtedness in any Fiscal Year, the sum of (a) the amount required to pay the interest on the Subordinate Indebtedness then outstanding which is payable in such Fiscal Year and (b) the amount required to pay the principal of the Subordinated Indebtedness then outstanding which is payable in such Fiscal Year, the computation of such amount to be based on the assumption that (i) the Subordinated Indebtedness at the time outstanding will be retired according to its stated maturity or mandatory redemption requirements and (ii) if the Subordinated Indebtedness bears interest at a variable rate, the rate is the ceiling rate.

“System” means the Existing Facilities, the Project and any System Improvements.

“System Improvements” means any construction, reconstruction, improvement, enlargement, betterment or extension of the System, including all plants, works, instrumentalities and properties relating thereto.

Section 1.03. Rules of Construction. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, the words “bond”, “owner”, “Holder” and “person” shall include corporations and associations, including public bodies, as well as natural persons.

Unless the context shall otherwise indicate, words used herein shall include the plural as well as the singular number. References herein to particular articles or sections are references to articles or sections of this Bond Order unless some other reference is indicated.

ARTICLE II
AUTHORIZATION OF PROJECT AND INITIAL BONDS; TERMS,
EXECUTION, AUTHENTICATION, DELIVERY AND REGISTRATION
OF BONDS

Section 2.01. Authorization of Project and Initial Bonds. The District shall issue, in accordance with and pursuant to the Act and this Bond Order, its water and sewer system revenue bonds in an aggregate principal amount not to exceed \$1,379,000 (the "Initial Bonds") for the purpose of providing funds, together with any other available funds, to pay the costs of the Project and certain fees and expenses related to the authorization, issuance and sale of the Initial Bonds. The Initial Bonds shall be issued pursuant to the Act, this Bond Order and a Series Resolution authorizing and setting forth the details of the Initial Bonds. The Initial Bonds are expected to be issued after the issuance of notes for the Project and, at least in part, the proceeds of the Initial Bonds will be used to refund such notes.

Section 2.02. Character of Bonds. The Bonds shall be special revenue obligations of the District payable solely from Net Revenues.

Section 2.03. Terms of Bonds. The Bonds are issuable as fully registered bonds without coupons. The Bonds shall be dated, shall bear interest until their payment, such interest to the maturity thereof being payable at such rate or rates and at such time or times, and shall be stated to mature (subject to the right of prior redemption) at such times as set forth in the Series Resolution providing for the issuance of each series of Bonds. Both principal of and interest on the Bonds shall be paid by wire transfer of immediately available funds or by check mailed to the Holder thereof unless otherwise specified in the applicable Series Resolution for such Bonds. Interest shall be sent to the person shown as the Holder of the Bonds on the registration books on the 15th day of the month preceding each interest payment date (whether or not such 15th day is a business day). Each Bond shall be payable with respect to principal, redemption premium if any, and interest, in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts. The Bonds shall be redeemable prior to their respective maturities as provided in Article IV and in the Series Resolution providing for the issuance of such Bonds.

Section 2.04. Execution of Bonds. Each Bond shall be executed in the name of the District by manual or facsimile signatures of the County Manager and the Clerk and the Finance Director (or such other officers of the County as shall be designated by the Governing Body for such purpose) and shall have impressed or printed thereon the official seal of the District or a facsimile thereof; provided, however, that at least one manual signature must appear on each Bond (which may be the signature of the Secretary to the Commission's certificate). Any Bond may be signed, sealed or attested on behalf of the District by any person who, at the date of such act, shall hold the proper office, notwithstanding that at the date of such Bond or the date of

delivery thereof such person shall not have held such office. In case any officer who shall have signed or sealed any of the Bonds shall cease to be such officer of the District before the Bonds so signed or sealed shall have been delivered, such Bonds may nevertheless be delivered as herein provided as if the person who so signed or sealed such Bonds had not ceased to be such officer.

Section 2.05. Registration and Transfer of Bonds. The District shall cause books for the registration of and for the registration of transfers of the Bonds as provided in this Bond Order to be kept by the Bond Registrar. The transfer of any Bond shall be registered upon the books kept for the registration of and registration of transfers of Bonds upon surrender thereof to the Bond Registrar, together with an assignment duly executed by the Holder or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the District shall execute and the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond of the same series registered in the name of the transferee in an aggregate principal amount equal to the unpaid principal amount of such Bond, having maturities corresponding to the principal installments of such Bond and bearing interest at the same rate.

In all cases in which the Bonds shall be transferred hereunder, the District shall execute, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this Bond Order. The District and the Bond Registrar may make a charge for every such transfer of Bonds sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to such transfer. Neither the District nor the Bond Registrar shall be required to make any such registration of transfer of Bonds during the fifteen (15) days immediately preceding an interest payment date on the Bonds or in the case of any proposed redemption of Bonds, immediately preceding the date of mailing of notice of such redemption, or after such Bond or any portion thereof has been selected for redemption.

Notwithstanding any other provisions of this Bond Order or any Series Resolution to the contrary, the Bond Registrar shall not register the transfer of any Bond to any person other than a bank, insurance company or similar financial institution or to the United States of America, acting by and through Rural Development, an agency of the United States Department of Agriculture (formerly Farmers Home Administration) (“USDA”) unless such transfer has been previously approved by the Commission. The provisions of this paragraph may not be amended without the prior written consent of the Commission.

Section 2.06. Ownership of Bonds. As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of and the interest on any such Bond shall be made only to the Holder thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond including the interest thereon to the extent of the sum or sums so paid.

Section 2.07. Mutilated, Destroyed, Stolen or Lost Bonds. In case any outstanding Bond shall become mutilated or be destroyed, stolen or lost, the District may prepare and cause to be executed, authenticated and delivered a new Bond of like tenor, number and amount as the Bond

so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond and upon surrender of such mutilated Bond or in lieu of and substitution for the Bond destroyed, stolen or lost, upon the owner furnishing to the satisfaction of the Bond Registrar, the Commission and the District evidence that such Bond has been destroyed, stolen or lost, proof of the ownership thereof, a surety Bond or other indemnification instrument in twice the face amount of the Bond or in such other amount required by applicable law, payment of the cost of preparing and issuing any new Bonds, including the reasonable expenses and charges of the District and the Bond Registrar in connection therewith and evidence of compliance with such other reasonable regulations as the Bond Registrar and Governing Body may prescribe. All Bonds surrendered hereunder shall be surrendered to the Bond Registrar and shall be cancelled. All Bonds issued in accordance with this Section shall be signed by the Mayor and the Clerk (or such other officers of the District as shall be designated by the Governing Body for such purpose) who are in office at the time and shall contain a recital to the effect that they are issued in exchange for or in place of certain Bonds and are to be deemed a part of the same series as such Bonds.

Section 2.08. Authentication of Initial Bonds. The Initial Bonds shall be executed substantially in the manner hereinabove set forth and shall be deposited with the Bond Registrar for authentication, but prior to or simultaneously with the authentication by the Bond Registrar and delivery of the Initial Bonds by the State Treasurer there shall be filed with the Bond Registrar and delivered to the initial purchaser of the Initial Bonds the following:

(a) copies, certified by the Clerk to be true and correct copies, of this Bond Order and the Series Resolution authorizing and prescribing the details of the Initial Bonds, including form, maturities and redemption provisions;

(b) a certificate of the Commission showing the award of the Initial Bonds and specifying the interest rate or rates thereof;

(c) a copy, certified by the Clerk to be a true and correct copy, of the resolution (which may be incorporated in the Series Resolution) of the Governing Body directing the authentication of the Initial Bonds and the delivery thereof to or upon the order of the purchasers therein named upon payment of the purchase price therein set forth and

(d) an opinion of Counsel to the effect that the issuance of the Initial Bonds has been duly authorized, executed and delivered by the District and such other matters as may be requested by the initial purchaser of the Initial Bonds.

When the documents mentioned in clauses (a) to (d), inclusive, of this Section shall have been filed with the Bond Registrar and when the Initial Bonds shall have been executed and authenticated as required by this Bond Order, the Bond Registrar shall authenticate and deliver the Initial Bonds to or upon the order of the purchasers thereof, but only upon payment to, or upon the order of, the State Treasurer of the purchase price of the Initial Bonds. The Bond Registrar shall be entitled to rely upon the foregoing certificates with respect to the matters contained therein.

The Initial Bonds shall not be valid or obligatory for any purpose unless authenticated by the Bond Registrar.

Section 2.09. Approval of Issuance and Sale of Initial Bonds. None of the Initial Bonds shall be issued unless they are approved and sold by the Commission and until the Secretary shall have endorsed thereon a certificate evidencing approval in accordance with the provisions of the Act.

Section 2.10. Issuance of Revenue Bond Anticipation Notes. The District is authorized to issue, in anticipation of the receipt of the net proceeds of any Bonds, water and sewer system revenue bond anticipation notes, including the Initial Notes, for the purpose of providing funds to pay the cost of the Project or any System Improvements. The payment of the principal of, redemption premium, if any, and interest on such notes shall be secured by a pledge, charge and lien upon the proceeds of any Bonds, including the Initial Bonds, if and when issued, and by the pledge of the Net Revenues pursuant to Section 5.01. The Revenues, as received by the District, shall immediately be subject to the lien of the pledge of the Net Revenues without any physical delivery thereof or further act. All covenants, obligations and agreements of the District contained in this Bond Order shall be deemed to be covenants, obligations and agreements of the District with the Holders of any notes hereafter issued.

ARTICLE III ADDITIONAL BONDS

Section 3.01. Refunding of Outstanding Bonds. The District may, to the extent permitted by the Act and the provisions of this Section, issue, from time to time, bonds, notes and other evidences of indebtedness secured by and payable from Net Revenues (herein referred to as “Additional Bonds”) for the purpose of refunding all or any portion of the Initial Bonds or any Additional Bonds for the purpose of achieving aggregate debt savings; provided, however, that bond anticipation notes issued pursuant to Section 2.10 may be refunded without evidence of aggregate debt savings. Except as to any difference in the maturities thereof or in the rate or rates of interest or the provisions for redemption, such refunding obligations shall be on a parity with and shall be entitled to the same benefit and security of this Bond Order as other Bonds. The Bond Registrar shall not authenticate and deliver any Additional Bonds for this purpose unless theretofore or simultaneously therewith there shall have been filed with the Bond Registrar the following:

(a) a copy, certified by the Clerk to be a true and correct copy, of the Series Resolution authorizing the issuance of the Additional Bonds and prescribing the details thereof;

(b) a certificate of the Commission showing the award of the Additional Bonds and specifying the interest rate or rates thereof;

(c) a copy, certified by the Clerk to be a true and correct copy, of the resolution (which may be incorporated in the Series Resolution) of the Governing Body directing the authentication of the Additional Bonds and the delivery thereof to or upon the order of the purchasers therein named upon payment of the purchase price therein set forth;

(d) an opinion of Counsel to the effect that the issuance of the Additional Bonds has been duly authorized, executed and delivered, that all conditions precedent to the delivery of the Additional Bonds have been fulfilled and such other matters as may be requested by the initial purchaser of the Additional Bonds; and

(e) such documents as shall be required by the Bond Registrar to evidence that provision has been satisfactorily made for the redemption of the Bonds to be refunded.

When the documents mentioned in clauses (a) to (e), inclusive, of this Section shall have been filed with the Bond Registrar and when the Additional Bonds shall have been executed and authenticated as required by this Bond Order, the Bond Registrar shall deliver the Additional Bonds to or upon the order of the purchasers thereof, but only upon payment to the State Treasurer of the purchase price of the Additional Bonds.

No Additional Bonds shall be valid or obligatory for any purpose unless authenticated by the Bond Registrar.

Section 3.02. Financing of System Improvements. The District may, to the extent permitted by the Act and the provisions of this Section, issue Additional Bonds which shall be secured by and payable from the same funds as previously issued Bonds for the purpose of financing System Improvements. Except as to any difference in the maturities thereof or in the rate or rates of interest or the provisions for redemption, such obligations shall be on a parity with and shall be entitled to the same benefit and security of this Bond Order as all other Bonds. The Bond Registrar shall not authenticate and deliver any Additional Bonds for this purpose unless theretofore or simultaneously therewith there shall have been filed with the Bond Registrar, the following:

(a) a copy, certified by the Clerk to be a true and correct copy, of the Series Resolution authorizing the issuance of the Additional Bonds and prescribing the details thereof and providing that the System Improvements to be financed with the proceeds thereof are thereby made a part of the System and that the Revenues of such System Improvements are thereby pledged to the Additional Bonds and as additional security for the outstanding Bonds;

(b) a certificate of the Commission showing the award of the Additional Bonds and specifying the interest rate or rates thereof;

(c) a copy, certified by the Clerk to be a true and correct copy, of the resolution (which may be incorporated in the Series Resolution) of the Governing Body directing the authentication of the Additional Bonds and the delivery thereof to or upon the order of the purchasers therein named upon payment of the purchase price therein set forth;

(d) an opinion of Counsel to the effect that the issuance of the Additional Bonds has been duly authorized, executed and delivered, that all conditions precedent to the delivery of the Additional Bonds have been fulfilled and such other matters as may be requested by the initial purchaser of the Additional Bonds;

(e) a certificate, signed by a District Representative stating that (i) all payments required by Section 5.04 to pay debt service and all deposits into the Debt Service Reserve Fund prior to the beginning of the month during which the Additional Bonds are issued have been made and (ii) to his or her knowledge, no event of default shall have occurred and be continuing under this Bond Order;

(f) except for notes issued prior to the issuance of the Initial Bonds, a certificate, signed by a District Representative, stating that the Net Revenues for each of the two complete Fiscal Years next preceding the issuance of the proposed Additional Bonds were equal to at least 110% of the Debt Service Requirement on all Bonds then outstanding during each such Fiscal Year, 100% of the amount necessary to pay annual debt service obligations on Subordinated Indebtedness, if any, and 100% of the amount necessary to pay annual debt service obligations coming due in that Fiscal Year with respect to the District's general obligation bonds and installment financing obligations, if any, used to finance System Improvements; and

(g) except for notes issued prior to the issuance of the Initial Bonds, including the Initial Notes, a statement, signed by a District Representative, to the effect that the estimated Net Revenues for each of the first two complete Fiscal Years following the date of issuance of the Additional Bonds will be at least 110% of the Debt Service Requirements on all outstanding Bonds and the proposed Additional Bonds for each such Fiscal Year, 100% of the amount necessary to pay annual debt service obligations on Subordinated Indebtedness, if any, and 100% of the amount necessary to pay annual debt service obligations coming due in that Fiscal Year with respect to the District's general obligation bonds and installment financing obligations, if any, used to finance System Improvements.

When the applicable documents mentioned in clauses (a) to (g), inclusive, of this Section shall have been filed with the Bond Registrar and when the Additional Bonds shall have been executed and authenticated as required by this Bond Order, the Bond Registrar shall deliver the Additional Bonds to or upon the order of the purchasers thereof, but only upon payment of the purchase price of the Additional Bonds.

No Additional Bonds shall be valid or obligatory for any purpose unless authenticated by the Bond Registrar.

Section 3.03. Approval by Local Government Commission. Additional Bonds shall not be issued unless they are approved and sold by the Commission and until the Secretary shall have endorsed thereon a certificate evidencing approval in accordance with the Act.

Section 3.04. Waiver of Additional Bonds Limitations. The limitations hereinabove set forth with respect to the issuance of Additional Bonds may be waived or modified by the written consent of Holders owning sixty percent (60%) or more of the aggregate principal amount of the outstanding Bonds. No such waiver or modification will be effective without a statement, signed by a District Representative, to the effect that the estimated Net Revenues for the first two complete Fiscal Years following the date of issuance of the Additional Bonds will be at least 100% of the Debt Service Requirements on all outstanding Bonds and the proposed Additional Bonds for each such Fiscal Year.

**ARTICLE IV
REDEMPTION OF BONDS BEFORE MATURITY**

Section 4.01. Terms and Conditions. The Bonds, and the respective installments of principal corresponding thereto, shall be subject to redemption, both in whole and in part, at such times and prices, as may be provided by the Series Resolution authorizing the issuance of such Bonds.

Section 4.02. Notice of Redemption. Whenever the District shall elect to redeem Bonds notice thereof shall be given in the manner provided in the Series Resolution authorizing the issuance of such Bonds.

Section 4.03. Payment of Redeemed Bonds. Notice having been given in the manner provided in this Bond Order and the applicable Series Resolution, the Bonds so called for redemption shall become due and payable on the redemption date so designated at the redemption price set forth in such notice. Upon presentation and surrender of the Bonds so called for redemption at the place of payment specified in such notice, together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the Holder or his duly authorized attorney, such Bonds shall be paid at the aforementioned redemption price. In case part but not all of an outstanding bond shall be selected for redemption, the Holder thereof or his attorney or legal representative shall present and surrender such Bond to the Bond Registrar for payment of the applicable redemption price and the District shall execute and the Bond Registrar shall authenticate and deliver to or upon the order of such Holder or his legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a registered Bond of the same series and maturity, bearing interest at the same rate and of any authorized denomination.

If, on the redemption date, moneys for payment of the redemption price of all the Bonds to be redeemed shall be available therefor at the place of payment specified in the notice of redemption, then from and after the redemption date, the Bonds or the installments of principal thereof so called for redemption shall cease to bear interest. All moneys held for the redemption of particular Bond or for the prepayment of particular installments thereof shall be held in trust for the account of the Holders of the Bonds so to be redeemed or prepaid.

If such moneys shall not be so available on the redemption date, the Bonds called for redemption shall continue to bear interest until paid at the same rate as they would have borne had they not been called for redemption.

Section 4.04. Cancellation of Redeemed Bonds. All Bonds redeemed prior to maturity shall be cancelled forthwith in the manner provided by applicable law.

**ARTICLE V
REVENUES AND FUNDS**

Section 5.01. Pledge of Net Revenues. The District hereby pledges the Net Revenues to secure the payment of the principal of, redemption premium, if any, and interest on the Bonds

and the Initial Notes. The Net Revenues, as received by the District, shall immediately be subject to the lien of this pledge without any physical delivery thereof or further act and the lien of this pledge shall have priority over any or all other obligations and liabilities of the District, including any general obligation bonds, or notes issued in anticipation thereof, heretofore or hereafter issued by the District for the purpose of providing water and sewer systems or facilities and the lien of this pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the District irrespective of whether such parties have notice thereof.

Section 5.02. Rate Covenant. (a) The District covenants to fix, charge and collect rates, fees, rentals and charges for the use of and for services furnished or to be furnished by the System, and that from time to time and as often as it shall appear necessary, it shall revise such rates, fees, rentals and charges as may be necessary or appropriate, in order that for each Fiscal Year the Net Revenues (calculated in accordance with generally accepted accounting principles) will be not less than one hundred and ten percent (110%) of the Debt Service Requirement for such Fiscal Year and one hundred percent (100%) of the Subordinated Indebtedness Debt Service Requirement for such Fiscal Year and one hundred percent (100%) the amount necessary to meet annual debt service obligations coming due in that Fiscal Year with respect to the District's general obligation bonds and installment financing obligations, if any, used to finance System Improvements.

(b) In addition to the covenant set forth in subsection (a) above, the District also covenants to fix, charge and collect rates, fees, rentals and charges for the use of and for the services furnished or to be furnished by the System, and that from time to time and as often as it shall appear necessary, it shall revise such rates, fees, rentals and charges as may be necessary or appropriate, in order that the Revenues will be sufficient in each Fiscal Year (i) to pay Operating Expenses, (ii) to pay the Debt Service Requirements and (iii) to make such other deposits or payments as may be required under the provisions of this Bond Order or any Series Resolution.

(c) The District covenants that all users will pay for services at the rates, fees and charges established by the District from time to time in accordance with the District's customary billing practices and policies.

(d) If the District fails to comply with the covenants set forth in subsections (a) and (b) above, it shall, within thirty (30) days of the receipt by the District of the audit report required by Section 7.08, request a Consulting Engineer to make its recommendations, if any, as to a revision of the District's rates, fees, rentals and charges for the System, its Operating Expenses or the method of operation of the System in order to satisfy the foregoing requirements of this Section. Copies of such request and of the recommendations of the Consulting Engineer, if any, shall be filed by the District with the Commission. Promptly upon its receipt of the recommendations of the Consulting Engineer, the District shall, after giving due consideration to the recommendations, revise its rates, fees, rentals and charges for the System or its Operating Expenses or alter its methods of operation, which revisions or alterations need not comply with the Consulting Engineer's recommendations but which are projected by the District to result in compliance with the covenants set forth in subsections (a) and (b) of this Section. If the District shall comply with all of the recommendations of the Consulting Engineer, failure to comply with the provisions of subsections (a) and (b) above shall not constitute an event of default under the

provisions of clause (f) of Section 8.01. Compliance with all of the recommendations of the Consulting Engineer shall have no effect on any event of default other than an event of default under the provisions of clause (f) of Section 8.01. In the event of any failure to comply with the provisions of subsections (a) and (b) above and the failure of the District to comply with all of the recommendations of the Consulting Engineer, and in addition to the remedies elsewhere provided in this Bond Order, the Holders of not less than 50% in aggregate principal amount of the Bonds then outstanding may institute and prosecute in a court of competent jurisdiction an appropriate action to compel the District to comply with all of the recommendations of the Consulting Engineer in order to satisfy the foregoing requirements of this Section. The District covenants that it will adopt and charge rates, fees, rentals and charges for the System and revise its Operating Expenses or the method of operation of the System in compliance with any final order, decree or judgment entered in any such proceeding or modification thereof.

(e) Notwithstanding any of the foregoing provisions of this Section, contracts and agreements for the use of the System, or any component thereof, in effect on the date of issuance of the Initial Bonds shall not be subject to revision for purposes of compliance with the covenants set forth in subsections (a) and (b) of this Section except in accordance with their terms. The District may enter into new contracts or agreements or amend or rescind existing contracts or agreements for the use of the System on such terms and for such periods of time as the District shall determine to be proper.

(f) The District also covenants to fix and charge rates, fees, rentals and charges for the System which rates, fees, rentals and charges shall be reasonable and non-discriminatory. Nothing contained in this Section shall obligate the District to take any action in violation of any applicable requirements imposed by law.

Section 5.03. Creation of Funds. There is hereby created the following designated special funds: (a) "Overhills Park Water and Sewer District, North Carolina Water and Sewer Fund" (which is the existing enterprise fund of the District relating to the System and which shall hereinafter be called the "Revenue Fund"); and the (b) Overhills Park Water and Sewer District, North Carolina Water and Sewer System Debt Service Reserve Fund" (hereinafter called the "Debt Service Reserve Fund"). The moneys in each Fund shall be held by the District in trust with a Depositary and applied as hereinafter provided in this Article. The funds in each Fund are hereby pledged to the payment of principal of, premium, if any, and interest on the Bonds. Each Fund shall be maintained as long as any of the Bonds are outstanding.

Section 5.04. Application of Revenues Received by the District. (a) All Revenues collected by or on behalf of the District shall be deposited by the District with one or more Depositaries as soon as practicable following the receipt thereof and held in the Revenue Fund. The District shall withdraw and transfer or expend moneys held in the Revenue Fund only for the purposes and in the manner set forth in this Section.

(b) Operating Expenses shall be paid by the District from, and shall be a first charge and lien against, the Revenue Fund. The Operating Expenses shall be paid from amounts held in the Revenue Fund as the same become due and payable in conformity with the applicable budgetary and payment procedures of the District.

(c) At such time or times as are specifically provided for herein or in any Series Resolution, the District shall, after payment of such Operating Expenses then due and payable, withdraw from the Revenue Fund the amount necessary to make the following payments or deposits in the following manner and order:

(i) At such time or times as provided in any Series Resolution, the Issuer shall pay to such persons an amount sufficient for the payment of the principal of, premium, if any, and interest on the Bonds then due and payable; provided, however, that if there shall not be sufficient Net Revenues to satisfy all such deposits and payments, such deposits and payments shall be made to each Holder ratably according to the amount so required to be deposited or paid;

(ii) At such time or times as provided in any Series Resolution, the Issuer shall transfer to the Debt Service Reserve Fund an amount equal to the debt service reserve fund requirement therefor; provided, however, that if there shall not be sufficient Net Revenues to satisfy all such deposits, such deposits shall be made to each such debt service reserve ratably according to the amount so required to be deposited.

(iii) Provided no event of default exists under this Bond Order, if any general obligation debt incurred to finance or refinance all or any part of the System is outstanding, the Issuer may, in its sole discretion, pay interest on and principal of such general obligation debt as the same becomes due and payable.

(iv) Provided no event of default exists under this Bond Order, if any installment purchase, lease purchase, conditional sale or other similar types of debt or obligations incurred to finance or refinance all or any part of the System are outstanding, the Issuer, in its sole discretion, may pay interest on and principal of such debt, or corresponding installment, lease or other similar type payments, as the same become due and payable.

Notwithstanding anything in this subsection (c) to the contrary, failure by the Issuer to make any deposits required by clauses (iii) and (iv) of this subsection (c) shall not in and of itself be an event of default under this Bond Order.

Provided, however, that if the amount so deposited in any month to the credit of any Fund mentioned in Section 5.04 hereof shall be less than the required amount, the requirement therefor shall nevertheless be cumulative and the amount of any deficiency in any month shall be added to the amount otherwise required to be deposited to the credit of such Fund in each month thereafter until such time as such deficiency shall be made up.

(d) At the end of each month, after making all deposits or payments required by this Section (including setting aside sufficient funds to pay principal and interest due on the Bonds on the next interest payment date), the Issuer may transfer any balance remaining in the Revenue Fund to any other fund or account designated by the Issuer to be used for any lawful purpose, including, without limitation, to any capital project fund or capital revenue fund established for the System, but only if the following conditions are met: (i) no event of default shall exist and be continuing; (ii) in the opinion of the Finance Director of the Issuer, such transfer will not have a

material adverse effect on the Issuer's ability over the next twelve calendar months to pay the Operating Expenses, to make all deposits and payments required by this Section and to meet all other financial obligations imposed by this Bond Order or any Series Resolution; and (iii) the cumulative amount so transferred in any Fiscal Year shall not exceed the total amount budgeted to be transferred from the Revenue Fund in such Fiscal Year as shown in the Annual Budget for such Fiscal Year, as amended. Any funds transferred from the Revenue Fund in accordance with this subsection (d), other than transfers made to any fund or account for the payment of the principal of, premium, if any, or interest on the Bonds (including the Debt Service Reserve Fund), shall no longer be subject to the pledge, charge and lien upon the Net Revenues created by this Bond Order.

Section 5.05. Application of Moneys in Debt Service Reserve Fund. Moneys held for the credit of the Debt Service Reserve Fund shall be used for the purpose of paying interest on the Bonds and maturing principal of Bonds whenever and to the extent that the moneys held in the Revenue Fund to pay debt service on the Bonds shall be insufficient for such purpose, and the District shall transfer funds from the Debt Service Reserve Fund to the Revenue Fund as necessary to make such payments. Any moneys so withdrawn from such Fund shall be restored from available moneys in the Revenue Fund, subject to the same conditions as are prescribed for deposits to the credit of such Fund under the provisions of Section 5.04 hereof. If at any time the moneys held for the credit of the Debt Service Reserve Fund shall exceed the requirement for such Fund under the provisions of clause (b) of Section 5.04 hereof, such excess may be transferred by the credit of the Revenue Fund.

Section 5.06. Unclaimed Moneys. All moneys which the District shall have withdrawn from the Revenue Fund or shall have received from any other source and set aside for the purpose of paying the principal of, premium, if any, or interest on the Bonds hereby secured, either at the maturity thereof or upon call for redemption shall be held in trust for the respective Holders of such Bonds. Any moneys which shall be set aside and which shall remain unclaimed by the Holders of such Bonds for the period of five years after the date on which such Bonds shall have become payable shall be treated as abandoned property pursuant to the provisions of G.S. 116B-18, and the District shall report and remit this property to the Escheat Fund according to the requirements of Article 3 of Chapter 116B of the North Carolina General Statutes. Thereafter the Holders of such Bonds shall look only to the Escheat Fund for payment and then only to the extent of the amounts so received without any interest thereon, and the District shall have no responsibility with respect to such moneys.

Section 5.07. Cancellation. All Bonds paid, redeemed or purchased either at or before maturity, shall, at the direction of the District, be delivered to the Bond Registrar or to the District when such payment, redemption or purchase is made and such Bonds shall thereupon be cancelled in the manner provided by applicable law. All Bonds cancelled under any of the provisions of this Bond Order shall be destroyed by the Bond Registrar which shall execute a certificate in duplicate describing the Bonds so destroyed, and one executed certificate shall be filed with the District and the second executed certificate shall be retained by the Bond Registrar.

ARTICLE VI SECURITY FOR DEPOSITS AND INVESTMENT OF FUNDS

Section 6.01. Security for Deposits. All moneys deposited with the District or any other Depository designated by the Governing Body hereunder in excess of the amount guaranteed by the Federal Deposit Insurance Corporation or other Federal agency shall be continuously secured, for the benefit of the District and the Holders of the Bonds, in such manner as may then be required by applicable state or Federal laws and regulations regarding the security for, or granting a preference in the case of, the deposit of trust funds, including applicable regulations of the Commission.

Section 6.02. Investment of Funds. Moneys held for the credit of any fund or account established under this Bond Order or any Series Resolution, including the Revenue Fund, shall, as nearly as may be practicable, be continuously invested and reinvested in Qualified Investments which shall mature, or which shall be subject to redemption by the holder thereof at the option of such holder, not later than the respective dates when the moneys held for the credit of such fund or account will be required for the purposes intended. Obligations and certificates of deposit purchased as investments of moneys in any such fund or account shall be deemed at all times to be part of such fund or account, and the interest accruing thereon and any profit realized therefrom shall be credited to such fund or account, and any loss resulting therefrom shall be charged to such fund or account. The District shall sell at the best price obtainable or present for redemption any obligations so purchased whenever it shall be necessary so to do in order to provide moneys to meet any payment or transfer from such fund or account. Neither the District nor any District Representative shall be liable or responsible for any loss resulting from any such investment in a Qualified Investment. For the purpose of determining the amount on deposit to the credit of any such fund or account, obligations in which moneys in such fund or account have been invested shall be valued at the fair market value of such investment.

ARTICLE VII PARTICULAR COVENANTS

Section 7.01. Payment of Bonds and Observance of Covenants. The District covenants that it will promptly pay the principal of and the interest on every Bond issued under the provisions of this Bond Order at the places, on the dates and in the manner provided herein and in the Bonds and any premium required for the retirement of the Bonds by purchase or redemption, according to the true intent and meaning thereof. Except as in this Bond Order otherwise provided, the principal, interest and premiums shall be secured solely by the Net Revenues, which are hereby pledged to the payment thereof in the manner and to the extent hereinabove particularly specified. Nothing in the Bonds or in this Bond Order shall be construed as pledging the faith and credit of the District to payment of the Bonds or as obligating the District, directly or indirectly or contingently, to levy or to pledge any form of ad valorem tax whatever therefor. The District covenants that it shall faithfully do and perform and at all times fully observe any and all covenants, undertakings, stipulations and provisions contained herein or in the Bonds.

Section 7.02. Construction of Project and System Improvements. The District covenants that it will forthwith diligently proceed to complete the Project and any System Improvements in accordance with plans and specifications therefor in conformity with law and all requirements of

all governmental authorities having jurisdiction thereover, and that it will complete such construction with all expedition practicable.

The District further covenants and agrees that it will require each person, firm or corporation with whom it may contract for labor or materials in connection with the construction of the Project or any System Improvements to furnish a performance bond as required by law to insure completion and performance of such contract, or, in lieu thereof, to deposit with a Depository marketable securities having a market value equal to the amount of such contract and eligible as security for the deposit of trust funds under regulations of the Comptroller of the Currency of the United States, and to carry such workmen's compensation or employers' liability insurance as may be required by law and such builders' risk insurance, if any, as may be required by law. The District further covenants and agrees that in the event of any default under any such contract and the failure of the surety to complete the contract, the proceeds of any such performance bond or securities shall forthwith, upon receipt of such proceeds, be applied toward the completion of the contract in connection with which such performance bond or securities shall have been furnished.

Section 7.03. Operation and Maintenance of System. The District covenants that it shall at all times operate the System properly and in a sound and economical manner, and shall maintain, preserve and keep the System or cause the System to be so maintained, preserved and kept, with the appurtenances and every part and parcel thereof, in good repair, working order and condition, and shall from time to time make or cause to be made, all necessary and proper repairs, replacements and renewals so that at all times the operation of the System may be properly and advantageously conducted.

Section 7.04. Rules, Regulations and Other Details. The District covenants that it shall establish and shall enforce reasonable rules and regulations governing the operation, use and services of the System and all other property and assets owned and operated by the District and that all compensations, salaries, fees and wages paid by the District in connection with the maintenance, repair and operation of the System shall be reasonable. The District shall observe and perform or shall cause to be observed and performed all of the terms and conditions contained in the Act, and shall comply with all valid acts, rules, regulations, orders and directions of any legislative, executive, administrative or judicial body applicable to the System and all other property and assets owned and operated by the District.

Section 7.05. Payment of Lawful Charges. The District covenants that, from Revenues, it will pay all taxes and assessments or other municipal or governmental charges lawfully levied or assessed upon or in respect of the System or upon any part and that, from such Revenues, it will pay or cause to be discharged, or will make adequate provision to satisfy and discharge, within sixty days after the same shall accrue, all lawful claims and demands for labor, materials, supplies or other objects which, if unpaid, might by law become a lien upon the System or any part thereof or upon such Revenues; provided, however, that nothing in this Section contained shall require the District to pay or cause to be discharged, or make provision for, any such lien or charge so long as the validity thereof shall be contested in good faith and by appropriate legal proceedings.

Section 7.06. Insurance and Reconstruction. The District covenants that it will obtain and maintain insurance, with reasonable terms, conditions, provisions and costs, which the District determines will afford adequate protection against such risks as are customarily insured against in connection with the operation of sewer systems of the type and size comparable to the System. All such insurance policies shall be carried in an insurance company or companies authorized and qualified under the laws of the State of North Carolina to assume the risks thereof.

The proceeds of all such insurance covering damage to or destruction of the System shall be deposited with the District and shall be available for and shall, to the extent necessary, be applied to the repair, replacement or reconstruction of the damaged or destroyed property, and shall be paid out in the manner determined by the District. If such proceeds shall be insufficient for such purpose, the deficiency may be supplied out of any other available funds of the District in its sole discretion. The proceeds of all insurance covering loss of Revenues shall be deposited to the credit of the Revenue Fund.

Section 7.07. Annual Budget. The District covenants that it shall develop an Annual Budget for each Fiscal Year consistent with the budget preparation schedule set forth in the State's applicable fiscal control statutes. If for any reason the Governing Body shall not have adopted the Annual Budget before the first day of any Fiscal Year, the budget for the preceding Fiscal Year shall, until the adoption of the Annual Budget, be deemed to be in force.

The Governing Body may at any time adopt an amended or supplemental Annual Budget for the remainder of the then current Fiscal Year, but no such amended or supplemental budget shall be effective until it shall be approved in the manner hereinbefore prescribed for the Annual Budget.

The District covenants that the Operating Expenses incurred in any Fiscal Year will not exceed the reasonable and necessary amount thereof, and that it will not expend any amount or incur any obligations for maintenance, repair and operation in excess of the amounts provided for Operating Expenses in the Annual Budget.

Section 7.08. Records, Books and Audits. The District covenants that it will keep each of the funds of the System separate from all other funds of the District and that it will keep accurate records and accounts of all items of cost and of all expenditures relating to the System and of the Revenues collected and the application of such Revenues. Such records and accounts shall at all times during normal business hours be open to the inspection of the Commission and the Holders of the Bonds.

The District shall cause its independent certified public accountant to prepare and deliver to the District within 180 days after the close of each Fiscal Year, beginning with the Fiscal Year ending June 30, 2017, an audit of the District's books and accounts. Reports of each such audit shall be filed with the Commission and, upon written request to the Finance Director, to each Bondholder and shall be made available for inspection at the office of the Finance Director. Included in each such audit report shall be a calculation of the rate covenant described in Section 5.02 for such Fiscal Year. Each such audit report shall be accompanied by an opinion of the independent certified public accountant stating that the examination of the financial statements

was conducted in accordance with generally accepted auditing standards and stating whether such financial statements present fairly the financial position of the System and the results of its operations and a statement of cash flows for the period covered by such audit report in conformity with generally accepted accounting principles applied on a consistent basis. If for any reason beyond its control, the District is unable to obtain the foregoing opinion as to compliance with generally accepted accounting principles, the District shall be deemed to be in compliance with this Section if it is taking all reasonable and feasible action to obtain such opinion in subsequent Fiscal Years, and if, in lieu of a statement as to compliance and conformity, such opinion states the reasons for such noncompliance or non-conformity.

Section 7.09. Sale or Encumbrance. (a) The District covenants that it will not sell, lease or otherwise dispose of or encumber the System or any part thereof except as expressly permitted by this Section or as agreed to by one hundred percent (100%) of the Holders.

(b) The District may, from time to time, sell or otherwise dispose of such property forming part of the System, including machinery, fixtures, apparatus, tools, instruments or other property, as the Governing Body may determine is obsolete or no longer needed for the proper maintenance and operation of such System. The proceeds from any sale, lease or disposition of the System, in whole or in part, shall be applied to the replacement of the properties so sold or otherwise disposed of or shall be deposited in the Revenue Fund or otherwise used to pay or redeem Bonds.

(c) The District may incur obligations secured by a lien on (a) rolling stock comprising a part of the System without limitation and (b) other property, plant and equipment comprising a part of the System; provided, however, that the principal amount of such obligations outstanding at any one time shall not exceed 20% of the net book value of the property, plant and equipment of the System (not taking into account any outstanding obligations with respect to rolling stock that is a part of the System) as shown on the audited financial statements of the District for the most recent Fiscal Year for which audited financial statements are available.

Section 7.10. Limitation on Liens. The District covenants that it will not create or permit to be created any charge or lien on the System or the Net Revenues ranking equally with or prior to the charge or lien on the Net Revenues of the Bonds issued and secured hereunder unless otherwise expressly permitted by this Bond Order or required by applicable law. The District shall discharge or cause to be discharged, or shall make adequate provision to satisfy and discharge, within sixty (60) days after the same become due and payable, all lawful costs, expenses, liabilities and charges relating to the maintenance, repair, replacement or improvement of the properties constituting the System and the operation of the System and lawful claims and demands for labor, materials, supplies or other objects that might by law become a lien upon the System or the Net Revenues if unpaid. Nothing contained in this Section shall require the District to pay or cause to be discharged, or make provision for the payment, satisfaction and discharge of, any lien, charge, cost, liability, claim or demand so long as the validity thereof is contested in good faith and by appropriate legal proceedings. The District may issue Subordinated Indebtedness secured by a charge or lien on the System or Net Revenues that is expressly subordinate to any Bonds issued hereunder.

Section 7.11. Instruments of Further Assurance. The District covenants that at any and all times it shall, so far as it may be authorized by law, pass, make, do, execute, acknowledge and deliver all and every such further orders, resolutions, acts, conveyances, transfers and assurances as may be reasonably necessary or desirable for the better assuring, conveying, granting and confirming all and singular the rights, Net Revenues and other funds hereby pledged or intended so to be, or which the District may hereafter become bound to pledge or as may be reasonable and required to carry out the purposes of the Bond Order and comply with the Act. The District further covenants that it shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of the Net Revenues and all the rights of the Holders against all claims and demands of all persons whomsoever.

ARTICLE VIII DEFAULTS AND REMEDIES

Section 8.01. Events of Default. Each of the following events is hereby declared an “event of default” hereunder:

(a) payment of the principal of or, premium, if any, on the Bonds shall not be made when the same shall become due and payable, either at maturity or by proceedings for redemption or otherwise; or

(b) payment of any installment of interest on the Bonds shall not be made when the same shall become due and payable; or

(c) final judgment for the payment of money in excess of \$500,000 is rendered against the District as a result of its ownership, control or operation of the System, and any such judgment is not discharged within one hundred twenty (120) days from the entry thereof or an appeal is not taken therefrom or from the order, decree or process upon which or pursuant to which such judgment shall have been granted or entered, in such manner as to stay the execution of or levy under such judgment, order, decree or process or the enforcement thereof;

(d) the District (i) becomes insolvent or the subject of insolvency proceedings; or (ii) is unable, or admits in writing its inability, to pay its debts as they mature; or (iii) makes a general assignment for the benefit of creditors or to an agent authorized to liquidate any substantial amount of its property; or (iv) files a petition or other pleading seeking reorganization, composition, readjustment, or liquidation of assets, or requesting similar relief; or (v) applies to a court for the appointment of a receiver for it or for the whole or any part of the System; or (vi) has a receiver or liquidator appointed for it or for the whole or any part of the System (with or without the consent of the District) and such receiver is not discharged within ninety (90) consecutive days after his appointment; or (vii) becomes the subject of an “order for relief” within the meaning of the United States Bankruptcy Code; or (viii) files an answer to a creditor’s petition admitting the material allegations thereof for liquidation, reorganization, readjustment or composition or to effect a plan or other arrangement with creditors or fail to have such petition dismissed within sixty (60) consecutive days after the same is filed against the District;

(e) a court of competent jurisdiction assumes custody or control of the District or of the whole or any substantial part of its property under the provisions of any other law for the relief or aid of debtors, and such custody or control is not terminated within ninety (90) days from the date of assumption of such custody or control; and

(f) the District defaults in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds, this Bond Order or any Series Resolution, and such default continues for thirty (30) days after receipt by the District of a written notice from the Holders of not less than twenty-five percent (25%) of the aggregate principal amount of the Bonds then outstanding specifying such default and requesting that it be corrected; provided, however, that if prior to the expiration of such 30-day period the District institutes action reasonably designed to cure such default, no "event of default" shall be deemed to have occurred upon the expiration of such 30-day period for so long as the District pursues such curative action with reasonable diligence.

Section 8.02. Bonds Declared Due and Payable. Upon the happening and continuance of any event of default specified in Section 8.01, then and in every such case, the Holders of a majority in principal amount of the Bonds then outstanding may, by a notice in writing to the District, declare the principal of all of the Bonds then outstanding (if not then due and payable) to be due and payable immediately, and upon such declaration the same shall become and be immediately due and payable, anything contained in the Bonds or in this Bond Order to the contrary notwithstanding; provided, however, that if at any time after the principal of the Bonds shall have been so declared to be due and payable, and before the entry of final judgment or decree in any suit, action or proceeding instituted on account of such default, or before the completion of the enforcement of any other remedy under this Bond Order, moneys shall become available to pay the principal of all matured Bonds and all arrears of interest, if any, upon all the Bonds then outstanding (except the principal of any Bonds not then due by their terms and the interest accrued on such Bonds since the last interest payment date), and all other amounts then payable by the District hereunder shall have been paid or a sum sufficient to pay the same shall have been deposited with a Depository, and every other default in the observance or performance of any covenant, condition or agreement contained in the Bonds or in this Bond Order (other than a default in the payment of the principal of such Bonds then due only because of a declaration under this Section), shall have been remedied to the satisfaction of the Holders, then and in every such case the Holders may, and upon the written request of the Holders of a majority in principal amount of the Bonds not then due by their terms and then outstanding shall, by written notice to the District, rescind and annul such declaration and its consequences, but no such rescission or annulment shall extend to or affect any subsequent default or impair any right consequent thereon.

If at any time moneys are insufficient to pay the interest on or the principal of the Bonds as the same become due and payable, all moneys held in the Revenue Fund, together with any moneys then available or thereafter becoming available for such purpose, after payment of all Operating Expenses then due and payable, shall be applied as provided in Section 11.02.

Section 8.03. Additional Remedies. Upon the happening and continuance of any event of default specified in Section 8.01, then and in every case the Holders may proceed to protect and enforce their rights hereunder and under the laws of the State of North Carolina, including

the Act, by such suits, actions or special proceedings in equity or at law, either for the specific performance of any covenant or agreement contained herein or in aid or execution of any power herein granted or for the enforcement of any proper legal or equitable remedy, as the Holders, shall deem most effectual to protect and enforce such rights.

Section 8.04. No Remedy Exclusive. No remedy herein conferred upon or reserved to the Holders is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

Section 8.05. Waiver of Default. No delay or omission of the Holders of the Bonds to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or an acquiescence therein; and every power and remedy given by this Article to the Holders of the Bonds, respectively, may be exercised from time to time and as often as may be deemed expedient.

The Holders of a majority of the Bonds may waive any default which shall have been remedied before the entry of final judgment or decree in any suit, action or proceeding instituted by it under the provisions of this Bond Order or before the completion of the enforcement of any other remedy under this Bond Order, but no such waiver shall extend to or affect any other existing or any subsequent default or defaults or impair any rights or remedies consequent thereon.

Section 8.06. Notice of Default. The District shall mail to the Commission and to the Holder of each Bond then outstanding written notice of the occurrence of any event of default set forth in Section 8.01 as soon as practical, but in no event later than thirty (30) days, after the District shall have notice that any such event of default has occurred.

ARTICLE IX THE TRUSTEE

Section 9.01. Designation of Trustee. The District may at any time, with the approval of the Commission, appoint a Trustee to administer the provisions of this Bond Order and may adopt such supplements to this Bond Order in accordance with Section 9.01 as shall be necessary or desirable to effectuate such appointment.

Any Trustee appointed shall be capable of exercising trust powers in the State, which must be a bank or trust company with a combined capital (exclusive of borrowed capital) and surplus of at least \$100,000,000, and subject to supervision or examination by federal or state authority, so long as any Bonds are outstanding hereunder. If such bank or trust company publishes a report of condition at least annually pursuant to law or to the requirements of any supervising or examining authority above referred to, then for the purpose of this Section the combined capital and surplus of such bank or trust company shall be deemed to be its combined capital and surplus as set forth in its most recent report of condition so published.

**ARTICLE X
SUPPLEMENTAL ORDERS**

Section 10.01. Without Consent of Holders. The Governing Body may amend this Bond Order in any respect without the consent of any Holders of the Bonds prior to the delivery of the Initial Bonds.

The Governing Body may also, from time to time and at any time following delivery of the Initial Bonds, without the consent of any Holders of the Bonds, adopt such orders supplemental hereto as shall not be inconsistent with the terms and provisions hereof (which supplemental orders shall thereafter form a part hereof) as shall be substantially consistent with the terms and provisions of this Bond Order and shall not materially and adversely affect the interest of the Holders:

(a) to cure any ambiguity or formal defect or omission or to correct any inconsistent provisions in this Bond Order or in any supplemental order, or

(b) to grant to or confer upon the Holders any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the Holders, or

(c) to add to the conditions, limitations and restrictions on the issuance of Bonds under the provisions of this Bond Order other conditions, limitations and restrictions thereafter to be observed, or

(d) to add to the covenants and agreements of the District in this Bond Order other covenants and agreements thereafter to be observed by the District or to surrender any right or power herein reserved to or conferred upon the District.

At least thirty (30) days prior to the adoption of any supplemental order for any of the purposes set forth in the clauses (a) through (d) in this Section, the Bond Registrar, at the expense of the District, shall cause a notice of the proposed adoption of such supplemental order to be mailed, postage prepaid, to the Holder of each Bond at the address appearing on the registration books and to the Commission. Such notice shall briefly set forth the nature of the proposed supplemental order and shall state that copies thereof are on file at the principal office of the Bond Registrar for inspection by all Holders. A failure on the part of the Bond Registrar to mail the notice required by this Section shall not affect the validity of such supplemental order.

Section 10.02. With Consent of Holders. Subject to the terms and provisions contained in this Section, and not otherwise, the Holders of not less than a majority in aggregate principal amount of the Bonds then outstanding shall have the right, from time to time following delivery of any Bonds, anything contained in this Bond Order to the contrary notwithstanding, to consent to and approve the adoption, of such order or orders supplemental hereto as shall be deemed necessary or desirable by the Governing Body for the purpose of modifying, altering, amending, adding to or rescinding, in particular, any of the terms or provisions contained in this Bond Order or in any supplemental order; provided, however, that nothing herein contained shall permit, or be construed as permitting, (a) an extension of the maturity of the principal of or the interest on any Bond issued hereunder without the consent of the Holder of such Bond, or (b) a reduction in

the principal amount of any Bond or the redemption premium or the rate of interest thereon without the consent of the Holder of such Bond, or (c) the creation of a lien upon or a pledge of Revenues or Net Revenues other than the lien and pledge created by this Bond Order without the consent of the Holders of all Bonds outstanding, or (d) a preference or priority of any Bond over any other Bond without the consent of the Holders of all Bonds outstanding or (e) a reduction in the aggregate principal amount of the Bonds required for consent to such supplemental order without the consent of the Holders of all Bonds outstanding.

Section 10.03. Obtaining Consent of Holders. If at any time the Governing Body shall determine that it is necessary or desirable to adopt any supplemental order for any of the purposes of Section 10.02, the Bond Registrar, at the expense of the District, shall cause notice of the proposed adoption of such supplemental order to be mailed, postage prepaid, to each Holder of Bonds at the addresses appearing on the registration books. Such notice shall briefly set forth the nature of the proposed supplemental order and shall state that copies thereof are on file at the principal corporate trust office of the Bond Registrar for inspection by all Holders. The Bond Registrar shall not, however, be subject to any liability to any Holder by reason of its failure to cause the notice required by this Section to be mailed and any such failure shall not affect the validity of such supplemental order when consented to and approved as provided in this Section.

Whenever, at any time within one year after the date of the first mailing of such notice, the District shall deliver to the Bond Registrar an instrument or instruments in writing purporting to be executed by the Holders of not less than a majority in aggregate principal amount of the Bonds then outstanding, which instrument or instruments shall refer to the proposed supplemental order described in such notice and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice, thereupon, but not otherwise, the Governing Body may adopt such supplemental order in substantially such form, without liability or responsibility to any Holder of any Bond, whether or not such Holder shall have consented thereto.

If the Holders of not less than a majority in aggregate principal amount of the Bonds outstanding at the time of the adoption of such supplemental order shall have consented to and approved the adoption thereof as herein provided, no Holder of any Bond shall have any right to object to the adoption of such supplemental order, or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Governing Body from adopting the same or from taking any action pursuant to the provisions thereof.

Upon the adoption of any supplemental order pursuant to the provisions of this Section, this Bond Order shall be and be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations under this Bond Order of the District, the Bond Registrar and all Holders of Bonds then outstanding shall thereafter be determined, exercised and enforced in all respects under the provisions of this Bond Order as so modified and amended.

Bonds owned or held by or for the account of the District shall not be deemed outstanding and shall be excluded for the purpose of any consent or any calculation provided for in this Article.

Bonds delivered after the effective date of any action taken as in this Article provided may bear a notation by endorsement or otherwise in form approved by the District and Bond Registrar as to such action. If the District and Bond Registrar shall so determine, new Bonds modified to conform to any such action shall be prepared, authenticated and delivered to the Holder of any Bond then outstanding without cost to such Holder in exchange for and upon surrender of such outstanding Bonds.

Section 10.04. Unanimous Consent of Holders. Notwithstanding anything contained in the foregoing provisions of this Article, the terms and provisions of this Bond Order or any order supplemental hereto and the rights and obligations of the District and of the Holders of the Bonds may be modified or amended in any respect upon the adoption by the Governing Body of an order to that effect, approved by the Bond Registrar, and the filing with the Governing Body of the written consent of the Commission and the Holders of all the Bonds. No notice to Holders shall be required.

ARTICLE XI MISCELLANEOUS PROVISIONS

Section 11.01. Discharge of Bond Order. If, when the Bonds secured hereby shall have become due and payable in accordance with their terms or shall have been duly called for redemption and the whole amount of the principal and the interest and premium, if any, so due and payable upon all of the Bonds then outstanding shall be paid, then and in that case the right, title and interest of the Holders of the Bonds secured hereby in the Net Revenues and funds mentioned in this Bond Order shall thereupon cease, terminate and become void, and the District, in such case, may apply any and all balances remaining in any funds or accounts to any lawful purpose of the District as the Governing Body shall determine; otherwise this Bond Order shall be, continue and remain in full force and effect.

Section 11.02. Payments When Funds are Insufficient. Anything in this Bond Order to the contrary notwithstanding, if at any time moneys are insufficient to pay the interest on or the principal of the Bonds as the same become due and payable (either by their terms or by acceleration of maturities), all moneys in the Revenue Fund, together with any moneys then available or thereafter becoming available for such purpose, after payment of all Operating Expenses then due and payable, shall be applied as follows:

(a) Unless the principal of all the Bonds shall have become or shall have been declared due and payable, all such moneys shall be applied

first: to the payment to the persons entitled thereto of all installments of interest then due, in the order of the maturity of the installments of such interest, and if the amount available shall not be sufficient to pay in full any particular installment, then to the payment ratably, according to the amounts due on such installment, to the persons

entitled thereto, without any discrimination or preference except as to any difference in the respective rates of interest specified in the Bonds;

second: to the payment to the persons entitled thereto of the unpaid principal of any of the Bonds which shall have become due (other than Bonds called for redemption for the payment of which moneys are held pursuant to the provisions of this Bond Order), in the order of their due dates, with interest on such Bonds from the respective dates upon which they became due, and, if the amount available shall not be sufficient to pay in full Bonds due on any particular date, together with such interest, then to the payment ratably, according to the amount of principal due on such date, to the persons entitled thereto without any discrimination or preference; and

third: to the payment of the interest on and the principal of the Bonds, to the purchase and retirement of Bonds and to the redemption of Bonds, all in accordance with the provisions of Article IV.

(b) If the principal of all the Bonds shall have become due or shall have been declared due and payable, all such moneys shall be applied to the payment of the principal and interest then due and unpaid upon the Bonds without preference or priority of principal over interest or of interest over principal, or of any installment of interest over any other installment of interest, or of any Bond over any other Bond, ratably, according to the amounts due respectively for principal and interest, to the persons entitled thereto without any discrimination or preference except as to any difference in the respective rates of interest specified in the Bonds.

(c) If the principal of all of the Bonds shall have been declared due and payable and if such declaration shall thereafter have been rescinded and annulled, then the moneys then remaining in and thereafter accruing to the Revenue Fund shall be applied in accordance with the provisions of paragraph (a) of this Section.

Section 11.03. Effect of District's Undertakings. All of the covenants, stipulations, obligations and agreements contained in this Bond Order shall be deemed to be covenants, stipulations, obligations and agreements of the District to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations and agreements shall be binding upon the successor or successors thereof from time to time, and upon any officer, Council, commission, authority, agency or instrumentality to whom or to which any power or duty affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law.

The District shall have the right to enter into a contract with any public or private agency for the maintenance, operation and improvement of the System for such periods of time and under such terms and conditions which are not inconsistent with the provisions of this Bond Order as the Governing Body shall determine to be in the best interests of the District and of the Holders of Bonds issued pursuant to the provisions of this Bond Order.

Section 11.04. Notices. Any notice, demand, direction, request or other instrument authorized or required by this Bond Order to be given to or filed with the District or the Bond Registrar shall be deemed to have been sufficiently given or filed for all purposes of this Bond

Order if and when sent by registered or certified mail, return receipt requested, to the District or the Bond Registrar if addressed to Board of Commissioners, Cumberland County, North Carolina, 117 Dick Street, Fayetteville, NC 28301, Attention: Finance Director; and to the Commission, if addressed to the Secretary, Local Government Commission, Albemarle Building, 325 N. Salisbury Street, Raleigh, North Carolina 27603-1385.

Section 11.05. Execution of Instruments by Holders and Proof of Ownership of Bonds. Any request, direction, consent or other instrument in writing required or permitted by this Bond Order to be signed or executed by Holders may be in any number of concurrent instruments of similar tenor and may be signed or executed by such Holders in person or by agent appointed by an instrument in writing. Proof of the execution of any such instrument and of the ownership of Bonds shall be sufficient for any purpose of this Bond Order, and shall be conclusive in favor of the Bond Registrar with regard to any action taken by it under such instrument, if in accordance with the registration books maintained for the bonds.

Any request or consent of the Holder of any Bond shall bind every future Holder of the same Bond in respect of anything done by the Bond Registrar in pursuance of such request or consent.

Section 11.06. Parties Interested Herein. Except as herein otherwise expressly provided, nothing in this Bond Order expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the District, the Bond Registrar and the Holders of the Bonds issued under and secured by this Bond Order any right, remedy or claim, legal or equitable, under or by reason of this Bond Order or any provision hereof, this Bond Order and all its provisions being intended to be and being for the sole and exclusive benefit of the parties hereto and the Holders from time to time of the Bonds issued hereunder.

Section 11.07. Limited Obligations on Bonds. Nothing in the Bonds or in this Bond Order shall be construed as pledging either the faith and credit or the taxing power of the District for their payment, or to create any debt against the District except as payable from Net Revenues, or as conveying or mortgaging the System or any part thereof. No Holder of Bonds has the right to compel the exercise of the taxing power of the District or the forfeiture of any of its property, other than Net Revenues, in connection with any default hereunder.

Section 11.08. No Recourse Against Members, Officers or Employees of the District or the Commission. No recourse under, or upon, any statement, obligation, covenant or agreement contained in this Bond Order, or in any Bond or bond anticipation note hereby secured, or in any document or certification whatsoever, or under any judgment obtained against the District or the Commission, or by the enforcement of any assessment, or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise or under any circumstances, shall be had against any member, officer or employee of the District or the Commission, either directly or through the District for the payment for or to, the District or the Commission or any receiver of either of them, or for, or to, any owner or holder of Bonds or bond anticipation notes or otherwise, of any sum that may be due and unpaid upon any such Bond or bond anticipation note. Any and all personal liability of every nature, whether at common law or in equity or by statute or by constitution or otherwise, of any such member, officer or employee to respond by

reason of any act or omission on his or her part or otherwise, for the payment for, or to, the District or the Commission or any receiver of either of them, or for, or to, any owner or holder of Bonds, bond anticipation notes or otherwise, of any sum that may remain due and unpaid upon the Bonds or bond anticipation notes hereby secured or any of them, is hereby expressly waived and released as an express condition of, and in consideration for, the adoption of this Bond Order and the issuance of the Bonds.

Section 11.09. Severability of Invalid Provisions. In case any one or more of the provisions of this Bond Order or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Bond Order or of the Bonds, but this Bond Order and the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein. In case any covenant, stipulation, obligation or agreement contained in the Bonds or in this Bond Order shall for any reason be held to be in violation of law, then such covenant, stipulation, obligation or agreement shall be deemed to be the covenant, stipulation, obligation or agreement of the District to the full extent permitted by law.

Section 11.10. Issuance of Subordinate Obligations and Expenditures for System Improvements. Nothing in this Bond Order express or implied shall be construed as preventing the District from financing System Improvements (or acquisition or improvement of assets of the District other than the System) by the issuance of obligations which are not secured under the provisions of this Bond Order or from making expenditures for System Improvements from moneys received by the District solely for such purpose. Any Subordinate Indebtedness shall include a provision prohibiting acceleration thereof while any Bonds are Outstanding hereunder.

Section 11.11. Applicable Law. This Bond Order is adopted with the intent that the laws of the State of North Carolina shall govern its construction.

Section 11.12. Headings, Etc. Any headings preceding the texts hereof and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Bond Order, nor shall they affect its meaning, construction or effect.

Section 11.13. Officers' Authority. The officers and agents of the District are hereby authorized and directed to do all the acts and things required of them by the Bonds and this Bond Order for the full, punctual and complete performance of all of the terms, covenants, provisions and agreements contained in the Bonds and this Bond Order.

Section 11.14. Inconsistent Matters. All orders and resolutions and parts thereof, which are in conflict or inconsistent with any provisions of this Bond Order are hereby repealed and declared to be inapplicable to the provisions of this Bond Order.

Section 11.15. Effective Date. This Bond Order shall be effective immediately upon its adoption.

Commissioner _____ moved adoption of the foregoing bond order and
Commissioner _____ seconded the motion and the bond order was adopted by the
following vote:

Ayes: Commissioners _____
Nays: Commissioners _____
Not voting: Commissioners _____

I, _____, Clerk for the County of Cumberland, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of County Commissioners of the County acting as the governing body of the Overhills Park Water and Sewer District at a regular meeting duly called and held on August 15, 2016, as it relates in any way to the resolution hereinabove referenced and that such proceedings are recorded in the minutes of the Board. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Board is on file in my office.

WITNESS my hand and the common seal of the County this ____ day of August, 2016.

Clerk
Cumberland County, North Carolina

(SEAL)

BOARD OF COMMISSIONERS
OF CUMBERLAND COUNTY
ACTING AS THE GOVERNING BODY OF
THE OVERHILLS PARK WATER AND SEWER DISTRICT

Extracts from Minutes
of Meeting on
August 15, 2016

Present: Chairman _____ presiding, and Commissioners: _____

Absent: Commissioners _____

Commissioner _____ introduced the following resolution, the title of which was read:

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF WATER AND SEWER SYSTEM REVENUE BOND ANTICIPATION NOTES OF THE OVERHILLS PARK WATER AND SEWER DISTRICT IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,379,000

WHEREAS, the Board of Commissioners of Cumberland County, North Carolina (the "County"), acting as the governing body of the Overhills Park Water and Sewer District (the "District"), is authorized by The State and Local Government Revenue Bond Act, as amended, to issue its revenue bonds to provide moneys for the acquisition, construction, reconstruction, extension, improvement or payment of the cost of one or more revenue bond projects, including water systems or facilities and has determined to finance the cost of improvements to its water and sewer system (the "Project"); and

WHEREAS, on August 15, 2016, the Board of Commissioners of the County, acting as governing body of the District, adopted a bond order (the "Bond Order") entitled:

"BOND ORDER OF THE OVERHILLS PARK WATER AND SEWER DISTRICT AUTHORIZING THE ISSUANCE OF WATER AND SEWER SYSTEM REVENUE BONDS TO PROVIDE FUNDS TO CONSTRUCT IMPROVEMENTS TO ITS WATER AND SEWER SYSTEM; PROVIDING FOR THE ISSUANCE OF REVENUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF REVENUE BONDS; PROVIDING FOR THE CREATION OF CERTAIN SPECIAL FUNDS; PLEDGING TO THE PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON THE REVENUE BONDS AND NOTES CERTAIN REVENUES OF THE WATER AND SEWER SYSTEM; SETTING FORTH THE RIGHTS AND REMEDIES OF

HOLDERS; AND SETTING FORTH THE DETAILS OF CERTAIN RELATED MATTERS”; and

WHEREAS, on August 2, 2016, the North Carolina Local Government Commission (the “Commission”) approved the issuance of bonds up to an aggregate principal amount of \$1,379,000 under the Bond Order when adopted; and

WHEREAS, the Bond Order authorizes the issuance of Additional Bonds (as defined in the Bond Order) and bond anticipation notes in accordance with Section 3.02 thereof in order to finance System Improvements (as defined in the Bond Order), including notes issued prior to issuance of the Initial Bonds under the Bond Order; and

WHEREAS, the Board proposes issuing bond anticipation notes in order to finance the Project;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County, acting as the governing body of the District:

**ARTICLE I
DEFINITIONS**

Section 1.01. Meaning of Words and Terms. Unless otherwise required by the context, capitalized words and terms used herein which are defined in the Bond Order shall have the meanings assigned to them therein, and the following capitalized words and terms shall have the following meanings:

“Bond Order” means the Bond Order adopted by the District on August 15, 2016, authorizing and securing the issuance of Bonds, including the Notes, together with all orders amendatory thereof and all orders supplemental thereto as herein permitted.

“Bond Registrar” means the Finance Director of County, as designated by Section 2.01.

“Business Day” means a day that is not a Saturday or a Sunday and is a day that the Bond Registrar is open for the conducting of business.

“Closing” means the delivery of and payment for the Notes.

“Closing Date” means the date of the Closing.

“Interest Payment Date” means the date of final maturity of the Notes, which is August 17, 2017.

“Notes” means the \$1,379,000 Overhills Park Water and Sewer District, North Carolina Water and Sewer System Revenue Bond Anticipation Notes, Series 2016 issued pursuant to the Bond Order and this Series Resolution.

“Project Fund” means the fund created and held by Depository for the County as set forth in Section 4.01.

“Purchaser” means Carter Bank & Trust, as the original purchaser of the Notes.

“Regular Record Date” means the Business Day next preceding any Interest Payment Date.

Section 1.02. Rules of Construction. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, words used herein shall include the plural as well as the singular number. References herein to particular articles or sections are references to articles or sections of this Series Resolution unless some other reference is indicated.

ARTICLE II AUTHORIZATION, FORM, ISSUANCE AND DELIVERY OF THE NOTES

Section 2.01. Authorization and Issuance of the Notes. The District hereby authorizes the issuance of the Notes designated “Overhills Park Water and Sewer District Water and Sewer System Revenue Bond Anticipation Notes, Series 2016” in the aggregate principal amount of \$1,379,000 for the purpose of providing funds, together with any other available funds, to (a) pay the costs of the Project and (b) pay the other costs and expenses incurred in connection with the issuance of the Notes. The Notes shall be issued under and pursuant to the Constitution and the laws of the State, including the Act, the Bond Order and this Series Resolution, subject to the conditions set forth herein and therein. The Notes constitute Additional Bonds under the Bond Order.

The Finance Director of the County is hereby appointed as Bond Registrar for the Notes pursuant to the provisions of the Bond Order and this Series Resolution.

Section 2.02. Form of Notes. The definitive Notes shall be initially issued as one fully registered note without coupons numbered R-1 in the aggregate principal amount of \$1,379,000, and shall be initially registered in the name of the Purchaser. The definitive Notes shall be substantially in the form set forth in Exhibit A attached hereto and made a part hereof, with such appropriate variations, omissions and insertions as are permitted or required by the Bond Order or this Series Resolution. Notwithstanding anything in the Bond Order to the contrary, the Notes may be transferred in the manner specified in the Bond Order, but may not be exchanged for any denomination other than the outstanding principal amount thereof.

Notwithstanding any other provisions of the Bond Order or this Series Resolution to the contrary, the Bond Registrar shall not register the transfer of the Notes to any person other than a bank, insurance company or similar financial institution unless such transfer has been previously approved by the Commission. The provisions of this paragraph may not be amended without the prior written consent of the Commission.

Section 2.03. Details of Notes. The Notes shall be dated the Closing Date, shall bear interest at a rate of 1.00% per annum (computed on the basis of a 360-day year consisting of twelve 30-day months), except as provided below, such principal and interest being payable on the final maturity date of August 17, 2017, all as set forth in the form of the Notes included in Exhibit A attached hereto and made a part hereof.

Principal of and interest on the Notes are payable, to such account in the United States as the Holder may designate, by wire transfer or other immediately available funds delivered on the payable date.

Section 2.04. Terms and Condition for Issuance of Notes. The Notes shall be executed substantially in the form and in the manner herein and in the Bond Order set forth and shall be deposited with the Bond Registrar for authentication, but before the Notes shall be authenticated and delivered to the State Treasurer for redelivery to the Purchaser, there shall be filed with the Bond Registrar and the Purchaser, the following:

- (a) copies, certified by the Clerk to be true and correct copies, of the Bond Order and this Series Resolution;
- (b) a certificate of authorizing the award of the Notes;
- (c) an opinion of bond counsel to the District to the effect that the Notes have been validly issued in accordance with the provisions of the Bond Order and this Series Resolution in form and substance satisfactory to the Purchaser;
- (d) an opinion of the counsel to the District in form and substance satisfactory to the Purchaser and bond counsel to the District; and
- (e) such other documentation or opinions as may reasonably be requested by the Bond Registrar, the Purchaser or bond counsel.

When the documents mentioned in Section 3.02 of the Bond Order and subsections (a) to (d), inclusive, of this Section shall have been filed with the Bond Registrar and the Purchaser, and when the Notes shall have been executed and authenticated as required by the Bond Order and this Series Resolution, the Notes shall be delivered to or upon the order of the State Treasurer for redelivery to or upon the order of the Purchaser, but only upon the deposit with the Bond Registrar of the purchase price of the Notes.

ARTICLE III REDEMPTION OF NOTES

Section 3.01. Redemption of Notes. The Notes shall not be subject to redemption prior to maturity without the consent of the Purchaser.

ARTICLE IV ACCOUNTS, REVENUES AND FUNDS; OTHER COVENANTS

Section 4.01. Payment of Notes. The District shall, subject to the provisions of Section 5.04 of the Bond Order, cause the Net Revenues deposited in the Revenue Fund to be used to pay the principal of, premium, if any, and interest on the Notes on each Interest Payment Date or any redemption date for the Notes.

Section 4.02. Establishment of Project Fund; Deposit of Note Proceeds to the Project Fund; Disbursement of Money in Project Fund. Simultaneously with the Closing the Purchaser

will deposit the purchase price for the Notes in the Project Fund held by a Depositary selected by the County. Such funds will be disbursed to pay costs of the Project in accordance with requisitions therefor as follows:

[Form of Requisition]

_____ direct dial: _____ fax: _____

_____, North Carolina _____

RE: Request for disbursement of funds from the Project Fund related to the Overhills Park Water and Sewer District’s Water and Sewer System Revenue Bond Anticipation Note (the “Note”) issued pursuant to a Series Resolution adopted by the County Commissioners of Cumberland County, North Carolina acting as the governing body of the District on August 15, 2016 (the “Series Resolution”)

Dear _____,

Pursuant to the terms and conditions of the Series Resolution, the District hereby requests the disbursement of funds from the Project Fund for the following Project Costs:

This is requisition number _____ from the Project Fund.

Disbursements will be to the Overhills Park Water and Sewer District

Amount: \$

Applicable Vendor Invoices:

Project Description:

Location of Equipment/Facilities:

To receive funds via wire transfer please include:

ABA Routing Number:

Account Number:

The Overhills Park Water and Sewer District makes this requisition pursuant to the following representations:

1. The purpose of this disbursement is for partial payment of the costs of the Project as described in the Series Resolution.
2. The requested disbursement has not been subject to any previous requisition.
3. No notice of any lien, right to lien or attachment upon, or claim affecting the right to receive payment of, any of the moneys payable herein to any of the persons, firms or corporations named herein has been received, or if any notice of any such lien, attachment or claim has been received, such lien, attachment or claim has been released or discharged or will be released or discharged upon payment of this requisition.
4. This requisition contains no items representing payment on account of any percentage entitled to be retained on the date of this requisition.
5. No event of default is continuing under the Bond Order or the Series Resolution, and no event or condition exists which, with notice or lapse of time or both, would become an event of default under the Bond Order.
6. The District has in place insurance on this portion of the Project that complies with the insurance provisions of the Bond Order or the Series Resolution.

Each amount requested for payment in this requisition either (a) represents reimbursement to the District for a Project Cost expenditure previously made, or (b) will be used by the District promptly upon the receipt of funds to make the payments to third parties described in this requisition.

Attached is evidence of approval of the requisition by the United States Department of Agriculture.

Overhills Park Water and Sewer District

By: _____

Title: _____

If the moneys held in the Project Fund and any other moneys provided by the District are insufficient to pay all of the costs of the Project and costs and expenses incurred in connection with the issuance of the Notes, the District shall provide any balance of the funds needed to complete the acquisition, construction and equipping of the Project. Any moneys remaining in the Project Fund after completion of the acquisition, construction and equipping of the Project, as evidenced by a written certificate of completion executed by a District Representative and

delivered to the Purchaser stating that the Project has been completed and there are no mechanic's or other liens against the Project for labor or materials furnished in connection with the Project, may be applied to the repayment of interest on the maturity date of the Notes.

Section 4.03. Investment of Money. Money held for the credit of the Project Fund shall be continuously invested and reinvested by the District in Qualified Investments to the extent practicable. Any such Qualified Investments shall mature not later than the dates when the money held for the credit of the Project Fund will be required for the purposes intended. The District shall sell or reduce to cash in a commercially reasonable manner a sufficient amount of such Qualified Investments whenever it is necessary to do so in order to provide money to make any payment from the Project Fund.

Section 4.04. Payment of Principal and Interest and Premium and Pledge of Net Revenues. The District covenants that it will promptly pay the principal of and the interest on the Notes issued under the provisions of this Series Resolution at the place, on the dates and in the manner provided herein and in the Notes and any premium required for the retirement of the Notes in whole or in part by purchase or redemption of the Notes, according to the true intent and meaning thereof. The District further covenants that it will faithfully perform at all times all of its covenants, undertakings and agreements contained in this Series Resolution and the Bond Order, or in any Notes executed, authenticated and delivered hereunder or in any proceedings of the District pertaining thereto. Pursuant to NCGS Section 159-163, the District hereby pledges as security for the Notes, and grants a charge and lien on, the proceeds of Bonds issued for the Project, and agrees to take such action as may be required to issue the Bonds in order to provide funds to pay the principal of the Notes upon maturity. The District represents and covenants that it is duly authorized under the Constitution and laws of the State, particularly the Act, to issue the Notes authorized hereby and to pledge the proceeds of Bonds and Net Revenues in the manner and to the extent herein and in the Bond Order set forth; that all action on its part for the issuance of the Notes has been duly and effectively taken; and that such Notes in the hands of the Holders thereof are and will be valid and binding special revenue obligations of the District payable according to their terms. The Notes shall also be secured pari passu as to the pledge of Net Revenues and shall be entitled to the same benefit and security under the Bond Order as all other Bonds issued or incurred thereunder and then outstanding.

The District covenants, for the benefit of the owners of the Notes, to act with due diligence and commercial reasonableness in undertaking the Project, and will take such actions as may be reasonably required so that the Bonds are issued in a timely manner.

Section 4.05. Tax Covenants. The District covenants to do and perform all acts and things permitted by law in order to assure that interest paid on the Notes which is excludable from the gross income of its Holders for federal income taxes on the date of its issuance shall continue to be so excludable.

The District hereby represents that it reasonably expects that the District, all entities issuing obligations on behalf of the District and all subordinate entities of the District will not issue in the aggregate more than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined by the Code) during the calendar

year that the Notes are being issued. The District hereby designates the Notes as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code.

ARTICLE V
THE TRUSTEE

Section 5.01. Designation of Trustee. The District may at any time, with the approval of the Commission and the Holder, appoint a Trustee to administer the provisions of the Bond Order and this Series Resolution and may adopt such supplements to the Bond Order and this Series Resolution as shall be necessary or desirable to effectuate such appointment. Such Trustee shall meet the requirements set forth in Section IX of the Bond Order.

ARTICLE VI
SUPPLEMENTAL RESOLUTIONS

Section 6.01. Modification Without Consent of Holders. The District may, from time to time and at any time, without the consent of any Holders of the Notes, execute and deliver such resolutions supplemental hereto (which supplemental resolutions shall thereafter form a part hereof) as shall be substantially consistent with the terms and provisions of this Series Resolution and shall not materially and adversely affect the interest of the Holders:

(a) to cure any ambiguity or formal defect or omission, to correct or supplement any provision herein that may be inconsistent with any other provision herein, to make any other provisions with respect to matters or questions arising under this Series Resolution or to modify, alter, amend, add to or rescind, in any particular manner, any of the terms or provisions contained in this Series Resolution, as is substantially consistent with the terms and provisions of this Series Resolution and does not materially and adversely affect the interest of the Holders;

(b) to grant or to confer upon the Holders any additional rights, remedies, powers, authority or security that may lawfully be granted to or conferred upon the Holders;

(c) to add to the covenants and agreements of the District in this Series Resolution other covenants and agreements thereafter to be observed by the District or to surrender any right or power herein reserved to or conferred upon the District; or

(d) to permit the qualification of this Series Resolution under any federal statute now or hereafter in effect or under any state blue sky laws, and, in connection therewith, if the District so determines, to add to this Series Resolution or any supplemental series resolution such other terms, conditions and provisions as may be permitted or required by such federal statute or blue sky laws.

At least thirty (30) days prior to the execution and delivery of any supplemental series resolution for any of the purposes of this Section, the Bond Registrar shall cause a notice of the proposed supplemental series resolution to be mailed first-class, postage prepaid, to the Commission and to the Holders of the Notes. Such notice shall briefly set forth the nature of the proposed supplemental series resolution and shall state that copies thereof are on file at the principal office of the Bond Registrar for inspection by the Holders of the Notes. A failure on

the part of the Bond Registrar to mail the notice required by this Section shall not affect the validity of such supplemental series resolution.

Notwithstanding the foregoing or anything contained in the Bond Order, so long as Carter Bank & Trust is the sole owner of the Note, the District shall not amend or supplement this Series Resolution without the consent of Carter Bank & Trust.

Section 6.02. Modification of Series Resolution With Consent of Holders. Subject to the terms and provisions contained in this Section, and not otherwise, the Holders of the Notes shall have the right, from time to time, anything contained in this Series Resolution to the contrary notwithstanding, to consent to and approve the adoption by the District of such supplemental series resolutions as shall be deemed necessary or desirable by the District for the purpose of modifying, altering, amending, adding to or rescinding, in any particular, any of the terms or provisions contained in this Series Resolution or in any supplemental series resolution. Nothing herein contained, however, shall be construed as making necessary the approval by the Holders of the Notes of the execution and delivery of any supplemental series resolution as authorized in Section 601.

The Bond Registrar shall, at the expense of the District, such expense to be paid from the Revenue Fund or from any other available moneys, cause notice of the proposed supplemental series resolution to be mailed, postage prepaid, to the Commission and the Holders of the Notes as of the date such notice is mailed. Such notice shall briefly set forth the nature of the proposed supplemental series resolution and shall state that copies thereof are on file at the principal office of the Bond Registrar for inspection by such Holders.

Whenever, at any time after the date of the mailing of such notice, the District receives an instrument in writing purporting to be executed by the Holders of the Notes, which instrument shall refer to the proposed supplemental series resolution described in such notice and shall specifically consent to and approve the adoption thereof in substantially the form of the copy thereof referred to in such notice, thereupon, but not otherwise, the District may adopt such supplemental series resolution in substantially such form, without liability or responsibility to such Holders.

If the Holders of the Notes have consented to and approved the adoption thereof as herein provided, to the extent permitted by law, the Holders shall have no right to object to the adoption of such supplemental series resolutions, to object to any of the terms and provisions contained therein or the operation thereof, to question the propriety of the adoption thereof, or enjoin or restrain the District from adopting the same or from taking any action pursuant to the provisions thereof.

Upon the adoption of any supplemental series resolution pursuant to the provisions of this Section or Section 601, this Series Resolution shall be and be deemed to be modified and amended in accordance therewith, and the respective rights, duties and obligations under this Series Resolution of the District, the Bond Registrar and the Holders of the Notes shall thereafter be determined, exercised and enforced in all respects pursuant to the provisions of this Series Resolution, as so modified and amended.

Section 6.03. Responsibilities of District Under this Article. The District shall be entitled to exercise its discretion in determining whether or not any proposed supplemental series resolution or any term or provision therein contained is desirable, after considering the purposes of such instrument, the needs of the District and the rights and interests of the Holders of the Notes.

ARTICLE VII
MISCELLANEOUS PROVISIONS

Section 7.01. Manner of Giving Notice. All notices, demands and requests to be given to or made hereunder by the District, the Commission or the Bond Registrar shall be given or made in writing and shall be deemed to be properly given if sent by United States registered or certified mail, return receipt requested, or by national overnight delivery service addressed as follows:

- (a) As to the District or Bond Registrar --

County of Cumberland, North Carolina
117 Dick Street
Fayetteville, North Carolina 28301
Attention: Finance Director

- (b) As to the Local Government Commission --

North Carolina Local Government Commission
3200 Atlantic Avenue
Raleigh, North Carolina 27604
Attention: Secretary

- (c) As to the Purchaser --

Carter Bank & Trust
1300 Kings Mountain Road
Martinsville, Virginia 24112

Any such notice, demand or request shall be deemed to be properly given on the date such notice, demand or request is received, as evidenced by the receipt or other tracking information provided by the U.S. Postal Service or the overnight delivery service.

Any of such addresses may be changed at any time upon written notice of such change sent by United States registered or certified mail, postage prepaid, to the other parties by the party effecting the change.

Section 7.02. District, Bond Registrar and Holder Alone Have Rights Under Series Resolution. Except as herein otherwise expressly provided, including, without limitation, nothing in this Series Resolution, express or implied, is intended or shall be construed to confer upon any person, firm or corporation, other than the District, the Bond Registrar and the Holder

of the Notes, any right, remedy or claim, legal or equitable, under or by reason of this Series Resolution or any provision being intended to be and being for the sole and exclusive benefit of the District, the Bond Registrar and the Holder of the Notes.

Section 7.03. Application to the Commission. The Local Government Commission of North Carolina was requested to sell the Notes at private sale and without advertisement pursuant to G.S. 159-123 to the Purchaser.

Section 7.04. Effect of Partial Invalidity. In case any one or more of the provisions of this Series Resolution or the Notes shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Series Resolution or the Notes, but this Series Resolution and the Notes shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. In case any covenant, stipulation, obligation or agreement contained in this Series Resolution or the Notes shall for any reason be held to be in violation of law, then such covenant, stipulation, obligation or agreement shall be deemed to be the covenant, stipulation, obligation or agreement of the District to the full extent permitted by law.

Section 7.05. Effect of Covenants; Governing Law. All covenants, stipulations, obligations and agreements of the District contained in this Series Resolution shall be deemed to be covenants, stipulations, obligations and agreements of the District to the full extent permitted by the Constitution and laws of the State. This Series Resolution is executed and delivered with the intent that the laws of the State shall govern this construction.

Section 7.06. Headings. Any heading preceding the text of the several articles hereof, any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Series Resolution, nor shall they affect its meaning, construction or effect.

Section 7.07. Further Authority. The officers, attorneys, employees and other agents of the District are hereby authorized to do all acts and things required of them by this Series Resolution for the full, punctual and complete performance of all of the terms, covenants and agreements contained in the Notes and this Series Resolution.

The Mayor, the District Manager, the Finance Director and the Clerk, or any of them or their deputies, are further authorized and directed (without limitation except as expressly provided herein) to take such action and to execute and deliver such documents, certificates, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by the Bond Order and this Series Resolution.

Section 7.08. Payment Due on Holidays. If the date for making any payment or the last day for performance of any act or the exercising of any right as provided in this Series Resolution is not a Business Day, such payment may be made or act performed or right exercised on the next Business Day with the same force and effect as if done on the date provided in this Series Resolution.

Section 7.09. Series Resolution Effective. This Series Resolution shall take effect upon its adoption.

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 for the County of Cumberland, North Carolina, DO
HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted by
the Board of County Commissioners of the County acting as the governing body of the Overhills
Park Water and Sewer District at a regular meeting duly called and held on August 15, 2016, and
that the proceedings of such meeting are recorded in the Minutes of the Board. Pursuant to G.S.
§ 143-318.12, a current copy of a schedule of regular meetings of the Board is on file in my
office.

WITNESS my hand and the official seal of the District this ____ day of August, 2016.

Clerk
Cumberland County, North Carolina

(SEAL)

FORM OF NOTES

R-1

\$1,379,000

United States of America
State of North CarolinaOVERHILLS PARK WATER AND SEWER DISTRICT, NORTH CAROLINA
WATER AND SEWER SYSTEM REVENUE BOND ANTICIPATION NOTE
SERIES 2016

The Overhills Park Water and Sewer District, North Carolina (the "District"), a municipal corporation validly organized and existing under the laws of the State of North Carolina, for value received, hereby promises to pay, but solely from the sources and in the manner hereinafter provided, to Carter Bank & Trust or registered assigns or legal representative, the principal sum of ONE MILLION THREE HUNDRED SEVENTY-NINE THOUSAND DOLLARS (\$1,379,000) in a single payment of principal due on the date of maturity which is August 17, 2017 (the "Maturity Date"), and to pay, but solely from said sources, interest from the date hereof on the unpaid portion of said principal sum until payment thereof (computed on the basis of a 360-day year consisting of twelve 30-day months) at the rate of 1.00% per annum, such interest being payable on the Maturity Date.

The interest so payable and punctually paid or duly provided for on the Maturity Date will be paid to the person in whose name this note is registered at the close of business on the Regular Record Date for such interest, which shall be the Business Day next preceding such date. Any such interest not so punctually paid or duly provided for shall forthwith cease to be payable to the registered owner on such Regular Record Date, and may be paid to the person in whose name this note is registered at the close of business on a special record date for the payment of such defaulted interest to be fixed by the Finance Director of the District (the "Bond Registrar"), notice thereof being given to the registered owners not less than ten (10) days prior to such special record date, or may be paid at any time in any other lawful manner not inconsistent with the requirements of any securities exchange on which the notes (hereinafter mentioned) may be listed and upon such notice as may be required by such exchange, or as more fully provided in the Bond Order (hereinafter defined). All such payments shall be made in such coin or currency of the United States of America as at the time of payment is legal tender for payment of public and private debts. Principal of and interest on this are payable, to such account in the United States as the Holder may designate, by wire transfer or other immediately available funds delivered on the payable date. Upon payment in full of principal and interest on this note, the Holder shall mark this note paid in full and shall deliver the note so marked to the Bond Registrar.

This note is a duly authorized revenue bond anticipation note of the District designated "Overhills Park Water and Sewer District, North Carolina Water and Sewer System Revenue Bond Anticipation Notes, Series 2016" (the "Notes") issued under and pursuant to the Constitution and laws of the State of North Carolina, including the Act, an order of the District

adopted on August 15, 2016 (the “Bond Order”), and a Series Resolution adopted on August 15, 2016 (the “Series Resolution”), authorizing the issuance of the Notes. The Notes are being issued in anticipation of the issuance of Bonds issued for the purpose of providing funds, together with any other available funds, to (a) pay the costs of acquiring, constructing and equipping the Project (as defined in the Series Resolution) and (b) pay the costs and expenses incurred in connection with the issuance of the Bonds. Capitalized terms used herein and not otherwise defined have the meanings given such terms in the Bond Order and the Series Resolution.

The Bond Order provides for the issuance or incurrence from time to time under the conditions, limitations and restrictions set forth therein of bonds, notes or other evidences of indebtedness secured by a pledge of Net Revenues. The Notes are a special revenue obligation of the District secured by a pledge, charge and lien on the proceeds of Bonds to be issued for the Project and by a pledge of Net Revenues on a pari passu basis with any other Outstanding Bonds hereafter issued or incurred pursuant to the Bond Order. Pursuant to NCGS Section 159-163, the District hereby pledges as security for the Notes, and grants a charge and lien on, the proceeds of Bonds issued for the Project. The District is not obligated to pay the principal of or the interest on the Notes except as provided in the Bond Order from the proceeds of Bonds, Net Revenues or certain other monies made available therefor under the Bond Order, and neither the faith and credit nor the taxing power of the State of North Carolina or any political subdivision thereof or the District is pledged to the payment of the principal of and the interest on the Notes.

Reference is made to the Bond Order and the Series Resolution for a more complete statement of the provisions thereof and of the rights of the District and the registered owner of the Notes. Copies of the Bond Order and the Series Resolution are available for inspection by the registered owner of the Notes at all reasonable times at the principal office of the Bond Registrar. By the purchase and acceptance of the Notes, the registered owner hereof signifies assent to all of the provisions of the Bond Order and the Series Resolution.

The Bond Registrar shall keep at its principal office books for the registration of transfer of the Notes. The transfer of the Notes may be registered only upon such books and as otherwise provided in the Bond Order upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for the Notes a new bond registered in the name of the transferee in an aggregate principal amount equal to the principal amount of the Notes, containing the same principal installments and bearing interest at the same rate. The Notes may not be exchanged for any denomination other than the outstanding principal amount thereof.

Notwithstanding any other provisions of the Bond Order or the Series Resolution to the contrary, the Bond Registrar shall not register the transfer of the Notes to any person other than a bank, insurance company or similar financial institution unless such transfer has been previously approved by the Commission.

The principal of the Notes is not subject to redemption prior to the stated maturity.

The registered owner of the Notes shall have no right to enforce the provisions of the Bond Order or to institute action to enforce the covenants therein, or to take any action with respect to any event of default under the Bond Order, or to institute, appear in or defend any suit or other proceeding with respect thereto, except as provided in the Bond Order.

Modifications or alterations of the Bond Order and the Series Resolution or in any supplement series resolution thereto may be made only to the extent and in the circumstances permitted by the Bond Order and the Series Resolution, as the case may be.

The Notes, notwithstanding the provisions for registration of transfer stated herein and contained in the Bond Order and the Series Resolution, at all times shall be, and shall be understood to be, an investment security within the meaning of and for all the purposes of Article 8 of the Uniform Commercial Code of North Carolina. The Notes are issued with the intent that the laws of the State of North Carolina shall govern their construction.

All acts, conditions and things required to happen, exist and be performed precedent to and in the issuance of the Notes and the execution and delivery of the Bond Order and the Series Resolution have happened, exist and have been performed as so required.

The Notes shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Order or the Series Resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the Overhills Park Water and Sewer District, North Carolina, by order duly passed by its Governing Body, has caused this Note to be manually signed by the Chairman and its official seal to be impressed hereon, all as of the ___ day of August, 2016.

Board of County Commissioners acting as the governing body of the Overhills Park Water and Sewer District

By _____

Chairman

[SEAL]

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within Note has been approved under the provisions of The State and Local Government Revenue Bond Act.

Secretary, Local Government Commission

CERTIFICATE OF AUTHENTICATION

The Note is a bond anticipation note of the series designated therein and issued under the provisions of the within mentioned Bond Order and Series Resolution.

By: _____
Bond Registrar

Date of authentication: August __, 2016

L.G.C. No. _____

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____

PLEASE INSERT SOCIAL SECURITY NUMBER
OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS OF TRANSFEREE

the within note and all right thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to transfer the within note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

In the presence of:

NOTICE: Signature must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.