

---

---

**AGENDA**  
**CUMBERLAND COUNTY BOARD OF COMMISSIONERS**  
**COURTHOUSE – ROOM 118**  
**JUNE 20, 2016**  
**6:45 PM**

---

---

INVOCATION - Commissioner Marshall Faircloth, Chairman

PLEDGE OF ALLEGIANCE –

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

Recognition of Fayetteville-Cumberland Youth Council (FCYC) on receiving two distinguished awards at the North Carolina State Youth Council Spring Conference. The Fayetteville-Cumberland Youth Council received the award for Most Outstanding Project of the Year and also received the highest honor of the conference: 2016 Most Outstanding Youth Council Award.

**(Pg. 14)**

Recognition of Fayetteville-Cumberland Human Relations Commission's 2016 Martin Luther King Scholarship Award Recipients **(Pg. 15)**

Grant D. Bennett, Pine Forest High School  
Anise M. Butler, E. E. Smith High School  
Cedric D. Craig, Cumberland International Early College High School  
Isaiah L. Downing, Seventy-First High School  
Danielle R. Graham, Cross Creek Early College  
Kenneth C. Hubbard, Jack Britt High School  
Isaiah J. McKoy, Jack Britt High School  
Bryce L. Perry-Martin, Pine Forest High School  
Eleeza C. Thomas, Terry Sanford High School  
Daphne N. Wall, Terry Sanford High School

1. Approval of Agenda

2. Consent Agenda **(Pgs. 16-177)**

- A. Approval of minutes for the May 31, 2016 Special Meeting/Budget Work Session, June 2, 2016 Special Meeting/Budget Work Session, June 6, 2016 Regular Meeting, the June 7, 2016 Special Meeting/Budget Work Session Department Head Appeals and the June 13, 2016 Special Meeting FY17 Budget Public Hearing/Work Session
- B. Approval of Ordinance Assessing Property for the Costs of Demolition: **(Pg. 16)**
- 1) Case Number: MH 1075-2015 **(Pg. 16)**  
Property Owner: Peggy L. & James D. Hair, Etal  
Property Location: 3538 McKinnon Road, Fayetteville, NC  
Parcel Identification Number: 0473-33-9419
- 2) Case Number: MH 1135-2015 **(Pg. 18)**  
Property Owner: Mary Melvin Locke Heirs  
Property Location: 2307 L.A. Dunham Road, Fayetteville, NC  
Parcel Identification Number: 0446-92-9317
- C. Approval of Sale of Surplus Real Property Located at 212 Dallas Street, Fayetteville. **(Pg. 20)**
- D. Approval of the FY 2016-2017 Home and Community Care Block Grant for Older Adults Agreement Between County of Cumberland and Mid-Carolina Area Agency on Aging. **(Pg. 22)**
- E. Approval of Resolution to Lease Certain Real Property to Cumberland County Hospital System, Inc. – 711 Executive Place. **(Pg. 45)**
- F. Approval of Resolution to Lease Certain Real Property to Cumberland County Hospital System, Inc. – 227 Fountainhead Lane. **(Pg. 53)**
- G. Approval of Request for a Sole Source Purchase for a Logging Recorder Upgrade for the Cumberland County Emergency Services Department. **(Pg. 61)**
- H. Approval of Alcoholic Beverage Control (ABC) Board Travel Policy. **(Pg. 64)**
- I. Approval of Revised FY2016-2017 Agreement of Conditions and Local Governmental Resolution for Continued Funding of the Governor’s Highway Safety Program Grant for Cumberland County Sobriety Court (Funded at 100%). **(Pg. 75)**

- J. Approval of Cumberland County Facilities Committee Report and Recommendation(s): **(Pgs. 83)**
- 1) Detention Center Hot Water Heater Replacement Project Bid Award **(Pg. 89)**
  - (2) Request of CRA Timber Management LLC to Relocate Access Parcel to McKinnon Farm Road **(Pg. 92)**

- K. Approval of Cumberland County Finance Committee Report and Recommendation(s): **(Pgs. 97)**

- (1) Request for Proposal for Bond Counsel **(Pg. 118)**
- (2) Policy to Authorize the Write-Off Internal Audit Discrepancies **(Pg. 120)**
- (3) Consideration of Incurred But Not Reported (IBNR) Budget Revision

Finance Department Budget Ordinance Amendment B160061 to Recognize Incurred But Not Reported (IBNR) Claims of \$2,430,000

The Board is requested to approve Budget Ordinance Amendment number B160061 to recognize health insurance claims that are incurred by June 30, 2016 but have not been billed to BCBS as of that date. The revision will move funds in the amount of \$2,430,000 from the general fund to the health insurance fund to cover the projected shortfall as a result of the IBNR claims. It is anticipated the total will be moved back into the general fund during the second quarter of fiscal year 2017. **(Pg. 122)**

- L. Approval of Cumberland County Policy Committee Report and Recommendation(s): **(Pgs. 124)**

- (1) Jail Health Medical Plan Changes **(Pg. 135)**
- (2) Revised Cumberland County Personnel Ordinance **(Pg. 138)**
- (3) Wrecker and Tow Service Rules and Regulations **(Pg. 177)**

- M. Budget Revisions: **(Pgs. 178-181)**

- (1) **Health Department Budget Ordinance Amendment B160821 to request scanning services in the amount of \$70,233**

The Board is requested to approve Budget Ordinance Amendment number B160821 for scanning services in the amount of \$70,233. The medical records will be scanned, indexed, and uploaded to the existing system. This project will be completed in phases with FY11 being the first year. Once FY11 is scanned and verified, FY12 and FY13 will be scanned. All records on and after FY14 have already been scanned into the current system.

Please note that this amendment requires the use of Fund Balance Appropriated – Health Department.

(2) **Sheriff's Office Budget Ordinance Amendment B160224 to Recognize Grant Funds of \$40,003**

The Board is requested to approve Budget Ordinance Amendment number B160224 to recognize Governor's Crime Commission Grant in the amount of \$40,003. This grant will be used for personnel costs related to overtime, travel, and equipment.

Please note that this amendment requires no additional County funds.

(3) **Board of Education Budget Ordinance Amendment B160318 per Cumberland County School Funding Agreement of \$453,000**

The Board is requested to approve Budget Ordinance Amendment number B160318 to appropriate the adjustment for the actual revenues realized and collected by the County in excess of those estimated for FY16 budget from its ad valorem taxes per the Cumberland County School Funding Agreement Item 3(b).

Additional Fund Balance in the amount of \$453,000 is requested.

(4) **Board of Education Budget Ordinance Amendment B160354 to Appropriate Fund Balance – Sales Tax \$202,358**

The Board is requested to approve Budget Ordinance Amendment number B160354 for \$202,358 to appropriate fund balance (sales tax) to budget Capital Outlay I expenditures as approved by the Cumberland County Board of Education on September 8, 2015 (\$200,000) and June 14, 2016 (\$2,358).

Please note that this amendment requires Fund Balance Appropriated Schools (Sales Tax)

(5) **Court Ordered Evaluations Budget Ordinance Amendment B160378 to Reallocate Funds of \$18,500**

The Board is requested to approve Budget Ordinance Amendment number B160378 to increase Contracted Services – Personnel in the amount of \$18,500. The identified funds are being reallocated from operating expenditures- educational supplies (\$5,000), departmental supplies and materials (\$5,000) and miscellaneous (\$8,500). Contracted Services- Personnel has increased due to the number of court cases.

Please note that this amendment requires no additional County funds.

(6) **Parks and Recreation Budget Ordinance Amendment B160396 to Recognize Additional Tax Revenue of \$100,000**

The Board is requested to approve Budget Ordinance Amendment number B160396 to recognize additional tax revenue to be used, as required, towards all expenses, with the exception of capital projects.

Please note that this amendment requires no additional County funds.

(7) **Hope Mills Recreation Budget Ordinance Amendment B160397 to Recognize Additional Tax Revenue of \$10,000**

The Board is requested to approve Budget Ordinance Amendment number B160397 to recognize additional tax revenue to be used, as required, towards all expenses, with the exception of capital projects.

(8) **Cotton Fire District Budget Ordinance Amendment B160398 to Recognize Additional Tax Revenue of \$20,000**

The Board is requested to approve Budget Ordinance Amendment number B160398 to recognize additional tax revenue (excluding refunds) to be used, as required, towards all expenses associated with the fire district.

Please note that this amendment requires no additional County funds.

(9) **Eastover Fire District Budget Ordinance Amendment B160399 to Recognize Additional Tax Revenue of \$7,500**

The Board is requested to approve Budget Ordinance Amendment number B160399 to recognize additional tax revenue (excluding refunds) to be used, as required, towards all expenses associated with the fire district.

Please note that this amendment requires no additional County funds.

(10) **Godwin Falcon Fire District Budget Ordinance Amendment B160400 to Recognize Additional Tax Revenue of \$3,000**

The Board is requested to approve Budget Ordinance Amendment number B160400 to recognize additional tax revenue (excluding refunds) to be used, as required, towards all expenses associated with the fire district.

Please note that this amendment requires no additional County funds.

(11) **Facilities Management, Facilities Maintenance, Public Buildings Janitorial, Carpenter Shop, Landscaping and Grounds, Public Utilities, and Engineering Budget Ordinance Transfer B160422 to Reallocate Expenditures of \$18,600**

- The Board is requested to approve Budget Ordinance Transfer number B160422 to reallocate \$15,000 from Facilities Management over to Facilities Maintenance. Facilities Maintenance had an increase in HVAC repairs which was not anticipated. Funds were identified in Facilities Management to cover these additional expenditures.
- The Board is requested to approve Budget Ordinance Transfer number B160422 to reallocate \$300 from Public Buildings Janitorial over to Carpenter Shop. Carpentry vehicles had extensive repairs this year outside of the normal service. Funds were identified from Public Buildings Janitorial to be utilized to cover these additional cost.
- The Board is requested to approve Budget Ordinance Transfer number B160422 to reallocate \$3,300 from Landscaping and Grounds over to Public Utilities (\$200), Engineering (\$1,100), Public Buildings Janitorial (\$1,000) and Carpenter Shop (\$1,000) to cover the final pay period of FY16.

Please note that these transfers requires no additional County funds. The engineering director for the above referenced organizations utilized funds within his other organizations to avoid using Fund Balance Appropriated.

(12) **Soil Conservation District Budget Ordinance Amendment B160451 to Reallocate Expenditures of \$1,000**

The Board is requested to approve Budget Ordinance Amendment number B160451 to reallocate \$1,000 from operating expenditures to salary appropriations to cover the final pay period of FY16.

Please note that this amendment requires no additional County funds

(13) **Employee Pharmacy Budget Ordinance Amendment B160503 to Recognize Additional Insurance Rebates of \$500,000**

The Board is requested to approve Budget Ordinance Amendment number B160503 to recognize \$500,000 from Insurance Rebates to offset the cost of drugs in the operating expenditures.

Please note that this amendment requires no additional County funds. There has been a 40% increase in the volume of prescriptions. This amendment is to recognize the correlated insurance rebates in order to offset the cost of drugs.

(14) **Schools Special Sales Tax and Capital Outlay Lottery Budget Ordinance Amendment B160517 to Reallocate Source of Debt Payment of \$429,951**

The Board is requested to approve Budget Ordinance Amendment number B160517 to recognize the use of school lottery proceeds of \$429,951 instead of school sales tax. Funds are to be used to pay school debt.

Please note that this amendment requires no additional County funds.

(15) **Library - Law Budget Ordinance Amendment B160528 to Reallocate Expenditures to Cover Personnel Cost of \$152.**

The Board is requested to approve Budget Ordinance Amendment number B160528 to reallocate \$152 from operating expenditures to salary appropriations to cover the final pay period of FY16.

Please note that this amendment requires no additional County funds.

N. Approval of Request from NCDOT for Concurrence to Abandon a Portion of Underwood Road (SR 1730). **(Pgs.182)**

3. Public Hearings **(Pgs. 185-236)**

**Uncontested Rezoning Cases**

A. **Case P16-20:** Rezoning of 1.50+/- acres from M(P) Planned Industrial & R6A Residential to R6 Residential, or to a more restrictive zoning district; located on the west side of SR 2337 (Wilmington Highway), north side of SR 3904 (Stanley Street); submitted by Sherlene M. Ethridge (owner) and William S. Ethridge (agent). **(Pg. 185-187)**

**Staff Recommendation:**

**1<sup>st</sup> motion for Case P16-20:** 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.

**2<sup>nd</sup> motion for Case P16-20:** Move to approve the rezoning for R6 Residential district 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 P16-21:** Rezoning of 3.40+/- acres from A1 Agricultural/CU Conditional Use for an additional dwelling & A1 Agricultural to R40A Residential, or to a more restrictive zoning district, located at 6833 Roslin Farm Road, submitted by Joyce G. Canady (owner) and Christina Pate (agent). **(Pg. 188-190)**

**Staff Recommendation:**

**1<sup>st</sup> motion for Case P16-21:** 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.

**2<sup>nd</sup> motion for Case P16-21:** Move to approve the rezoning for R40A 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

- C. **Case P16-22:** Rezoning of 88.50+/- acres from A1 Agricultural to R40 Residential/DD Density Development/CZ Conditional Zoning for a 56 lot subdivision, or to a more restrictive zoning district; located on the southeast side of SR 2253 (Swans Creek Church Road), south of SR 2233 (School Road); submitted by Michael S. Bryant and Curtis C. Powell (owners) and Jimmy Kizer, Moorman, Kizer & Reitzel, Inc. (agent). **(Pg. 191-204)**

**Staff Recommendation:**

**1<sup>st</sup> motion for Case P16-22:** 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.

**2<sup>nd</sup> motion for Case P16-22:** Move to approve the rezoning for R40 Residential/DD Density Development/CZ Conditional Zoning for a 56 lot subdivision 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 P16-24:** Rezoning of 31.60+/- acres from M(P) Planned Industrial to A1 Agricultural, or to a more restrictive zoning district, located at 2901 Wilmington Highway, submitted by Carolyn Jeanette Tyson (owner) & Lori S. Epler, Larry King & Associates (agent). **(Pg. 205-207)**

**Staff Recommendation:**

**1<sup>st</sup> motion for Case P16-24:** 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.

**2<sup>nd</sup> motion for Case P16-24:** Move to approve the rezoning for A1 Agricultural and CD Conservancy district where the Special Flood Hazard Area (SFHA) and floodway 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

- E. **Case P16-25:** Rezoning 1.14+/- acres from RR Residential to C2(P) Planned Service & Retail District, or to a more restrictive zoning district; located on the south side of SR 1112 (Rockfish Road), west of SR 1113 (Waldos Beach Road); submitted by Barbara M. Johnson (owner) & Aby Varghese (agent). **(Pg. 208-210)**

**Staff Recommendation:**

**1<sup>st</sup> motion for Case P16-25:** 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.

**2<sup>nd</sup> motion for Case P16-25:** Move to deny the requested district of C2(P) Planned Service and Retail but approval of the C1(P) Planned Local Business district 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 Zoning Case**

- F. **Case P15-59:** Rezoning of 4.72+/- acres from A1 Agricultural to R20 Residential, or to a more restrictive zoning district; located on the southeast side SR 4518 (Dulles Road), west of SR 2376 (South Forty Drive); submitted by Robert and Stephanie Vaughn (owners) and Chris Roberts(agent). **(Pg. 211-226)**

**Staff Recommendation:**

**1<sup>st</sup> motion for Case P15-59:** 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.

**2<sup>nd</sup> motion for Case P15-59:** Move to approve the rezoning for R20 Residential/CZ Conditional Zoning district for an eight lot subdivision 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

**Other Public Hearings**

- G. Public Hearing on the Preliminary Assessment Roll for the Bullard Circle Water Extension Project. **(Pg. 227-236)**

**ITEMS OF BUSINESS** **(Pgs. 237-245)**

4. Consideration of a Resolution Authorizing Reallocation of the County's Qualified Energy Conservation Bond Allocation to the State of North Carolina. **(Pg. 237)**
5. Consideration of a Joint Resolution Between Cumberland County and the City of Fayetteville in Support of a Consolidated 9-1-1 Communications Center. **(Pg. 242)**
6. Nominations to Boards and Committees **(Pgs. 246)**

**\*\*There are no Nominations for this Board Meeting\*\***

7. Appointments to Boards and Committees **(Pgs. 247-254)**

- A. ABC Board (2 Vacancies) **(Pg. 247)**

Nominee(s): Bob Lewis (Reappointment)  
Frances Jackson

- B. Fayetteville Technical Community College Board of Trustees (1 Vacancy) **(Pg. 249)**

Nominee: Charles Harrell

- C. Joint Planning Board (2 Vacancies) **(Pg. 251)**

Nominees: Dr. Vikki Andrews (Reappointment)  
Lori Epler  
Paul Johnson

- D. Joint Senior Citizens Advisory Commission (1 Vacancy) **(Pg. 253)**

Nominee: Meagan Honaker

**RECESS THE BOARD OF COMMISSIONERS' MEETING**

**GRAY'S CREEK WATER & SEWER DISTRICT GOVERNING BOARD:**

CONVENE THE GRAY'S CREEK WATER & SEWER DISTRICT GOVERNING BOARD MEETING (SEE SEPARATE AGENDA) **(Pg. 255)**

ADJOURN THE GRAY'S CREEK WATER & SEWER DISTRICT GOVERNING BOARD MEETING

**CONVENE AND RECESS THE BOARD OF COMMISSIONERS' MEETING**

**NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD:**

CONVENE THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD MEETING (SEE SEPARATE AGENDA) **(Pg. 260-271)**

ADJOURN THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD MEETING

**CONVENE AND 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. 272)**

ADJOURN THE OVERHILLS WATER & SEWER DISTRICT GOVERNING BOARD MEETING

**RECONVENE THE REGULAR BOARD OF COMMISSIONERS MEETING**

8. 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.**

**THE MEETING VIDEO WILL BE AVAILABLE AT YOUTUBE.COM/CUMBERLANDCOUNTYNC ON WEDNESDAY, JUNE 22.**

**IT WILL BE REBROADCAST ON FRIDAY, JUNE 24, AT 10:30 A.M.**

**\*\*\*THERE WILL BE NO BOARD OF COMMISSIONERS MEETINGS IN JULY\*\*\***

**August 1, 2016 (Monday) – 9:00 AM**  
**August 15, 2016 (Monday) – 6:45 PM**  
**September 6, 2016 (Tuesday) – 9:00 AM**  
**September 19, 2016 (Monday) – 6:45 PM**



## ***MEDIA RELEASE***

**Kevin V. Arata**, Corporate Communications Director

Release: IMMEDIATE

Contact: Nathan Walls, Public Information Specialist

Date: 4/19/2016

Phone: (910) 433-1578

---

### **Youth Council Honored with State Awards**

(Fayetteville, N.C.) – The Fayetteville-Cumberland Youth Council (FCYC) received two distinguished awards this weekend at the North Carolina State Youth Council Spring Conference. This conference is for North Carolina state-chartered youth councils to compete for various awards for the work they have done all year.

The Fayetteville-Cumberland Youth Council received the award for Most Outstanding Project of the Year. This award is voted on by their peers after each council presents a 10-minute project presentation. The other youth councils vote on whose project/presentation was most outstanding. The FCYC project was the Fayetteville-Cumberland Glow Fest: A Race for the Change. Information and photos about the event can be seen at this link: <http://www.fayettevilleglow.com/>.

The Fayetteville-Cumberland Youth Council also received the highest honor of the conference: 2016 Most Outstanding Youth Council Award. The award is exemplary because FCYC competes with all other youth councils in the state, including those from larger cities.

For more information about the North Carolina State Youth Council, click on:

<https://ncadmin.nc.gov/advocacy/youth-advocacy-involvement-office/state-youth-councils>.

For all items related to Fayetteville-Cumberland Youth Development, log onto:

[http://www.fcpr.us/youth\\_development.aspx](http://www.fcpr.us/youth_development.aspx).

###

The City of Fayetteville, North Carolina does not discriminate on the basis of race, sex, color, age, national origin, religion, or disability in its employment opportunities, programs, services, or activities.

Fayetteville City Hall • 433 Hay Street, Fayetteville, NC 28301  
[www.FayettevilleNC.gov](http://www.FayettevilleNC.gov)



May 18, 2016

Ms. Amy Cannon, County Manager  
County of Cumberland  
PO Box 1829  
Fayetteville, NC 28302

**RE: Request for Recognition of the Fayetteville-Cumberland Human Relations Commission's 2016 MLK Scholarship Award Recipients at the June 20, 2016 Cumberland County Commissioners Meeting**

Dear Ms. Cannon:

The Fayetteville-Cumberland Human Relations Commission (FCHRC) is pleased to present the names of the 2016 Dr. Martin Luther King Jr. Scholarship Award Recipients for your information and review. It is also respectfully requested that favorable consideration be given to recognition of these recipients at the June 20, 2016 scheduled board meeting of the Cumberland County Commissioners.

The awarding of the scholarships occurred during a ceremony for the students and their families on Thursday, May 12, 2016 in the City Council Chambers, 433 Hay Street in Fayetteville. Because of the excellent fund raising efforts of the members, the Commission was able to award scholarships of \$1000.00 each to ten (10) deserving high school seniors across Cumberland County. Selection was based upon a number of factors including, but not limited to, financial need, written essay content related to the applicability of Dr. King's principles of non-violence to current social or economic issues in today's society; community/school involvement, and academic achievement.

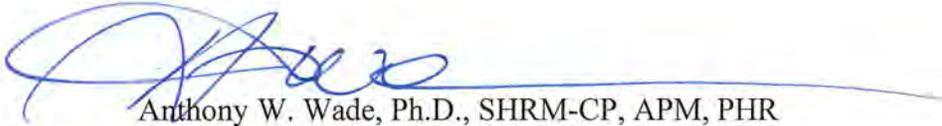
The 2016 MLK Scholarship Award recipients are:

- Danielle R. Graham of Cross Creek Early College
- Anise M. Butler of E. E. Smith Senior High
- Eleeza C. Thomas of Terry Sanford High School
- Isaiah L. Downing of Seventy-First High School
- Kenneth C. Hubbard of Jack Britt High School
- Daphne N. Wall of Terry Sanford High School
- Cedric D. Craig of Cumberland International Early College High School
- Isaiah J. McKoy of Jack Britt High School
- Grant D. Bennett of Pine Forest High School
- Bryce L. Perry-Martin of Pine Forest High School

A May 9, 2016 Fayetteville Observer article about the award recipients can be found at the following link [http://www.fayobserver.com/news/local/fayetteville-cumberland-human-relations-names-scholarships/article\\_daa3ebe4-5c43-535c-85ec-5e0fef6fcfee.html](http://www.fayobserver.com/news/local/fayetteville-cumberland-human-relations-names-scholarships/article_daa3ebe4-5c43-535c-85ec-5e0fef6fcfee.html). Additionally, the ceremony was broadcasted live on the City of Fayetteville's government access channel FayTV7 and can presently be viewed on the City of Fayetteville's Facebook page (<https://www.youtube.com/user/CityOfFayettevilleNC>)

I hope that you will give favorable consideration to this request to recognize these deserving students at the upcoming County Commissioners meeting on June 20, 2016. Please feel free to contact me if there are any questions and/or further information is required. I can be reached at 910-433-1696 or at [awade@ci.fay.nc.us](mailto:awade@ci.fay.nc.us).

Sincerely,



Anthony W. Wade, Ph.D., SHRM-CP, APM, PHR  
Director  
Fayetteville-Cumberland Human Relations Department

cc: Rochelle Small-Toney, Deputy City Manager, City of Fayetteville  
Cathy Waddell, Ed.D., Chair, Fayetteville-Cumberland Human Relations Commission

AWW:war

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 1075-2015  
PROPERTY OWNER: Peggy L. & James D. Hair, Etal

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 17, 2015, enacted an ordinance directing the demolition by the owner of the structure Peggy L. & James D. Hair, Etal, located at 3538 McKinnon Road, Fayetteville, NC, PIN: 0473-33-9419, said ordinance being recorded in Book 9710, page 0638, 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 \$4,450.00.
- (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 \$4,450.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated August 17, 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 3538 McKinnon Road, Fayetteville, NC, as described in Deed Book 959, page 181, of the Cumberland County Registry and identified in County tax records as PIN 0473-33-9419.

(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 20th day of June, 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 1135-2015  
PROPERTY OWNER: Mary Melvin Locke Heirs

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on November 16, 2015, enacted an ordinance directing the demolition by the owner of the structure Mary Melvin Locke Heirs, located at 2307 L. A. Dunham Road, Fayetteville, NC, PIN: 0446-92-9317, said ordinance being recorded in Book 9765, page 0305, 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 \$8,500.00.
- (3) There were no salable materials resulting from said work.

NOW THEREFORE, the above report coming on to be considered

and the Board of County Commissioners find it to be a true and accurate accounting, the said Board hereby ORDAINS:

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$8,500.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated November 16, 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 2307 L. A. Dunham Road, Fayetteville, NC, as described in Deed Book 2503, page 799, of the Cumberland County Registry and identified in County tax records as PIN 0446-92-9317.

(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.

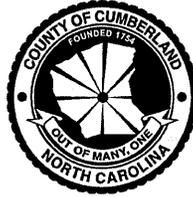
\* \* \* \* \*

I certify that the foregoing Ordinance was adopted and ordered by the Board of Commissioners of Cumberland County, North Carolina, this 20th day of June, 2016, at 6:45 p.m. o'clock.

---

Cumberland County Clerk

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**

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

**MEMO FOR THE AGENDA OF THE JUNE 20, 2016,  
MEETING OF THE BOARD OF COMMISSIONERS**

**TO:** Board of Commissioners; Co. Manager; Myra Brooks  
**FROM:** Co. Atty. *R. Moorefield*  
**DATE:** June 14, 2016  
**SUBJECT:** Sale of Surplus Real Property Located at 212 Dallas Street, Fayetteville

**Attachment: Publisher's Affidavit**

**BACKGROUND:**

On May 5, 2016, the Board adopted a resolution of its intent to accept the offer of Mr. Carlomar Negrón on behalf of the Yashab Church of God to purchase the property with PIN 0436-02-5629 located at 212 Dallas Street, Fayetteville, NC 28306, for \$6,300.79. According to Mr. Negrón, it is a vacant lot. It is zoned residential with a tax value of \$7,000.

Notice of the proposed sale was advertised in the *Fayetteville Observer* May 20, 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.

FAYETTEVILLE PUBLISHING COMPANY

458 Whitfield Street, Fayetteville, NC 28306

Phone (910) 678-9000 Toll Free 1-800-345-9895 Fax (910) 323-1451

**Order Confirmation**

**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 0436-02-5629 being 212 Dallas St, Maj Pt Lt 19 Helena S. Perry Property, for a purchase price of \$6,300.79. 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.  
May 16, 2016

Candice White, Clerk to the Board  
5/20 4725127

**Ad Order Number**  
0004725127

**Customer**  
CUMB CO ATTORNEY'S

**Sales Rep.**  
0090

**Customer Account**  
017971203

**Order Taker**  
webFPC

**Customer Address**  
PO BOX 1829, ,  
FAYETTEVILLE NC 28302 USA

**Order Source**  
Web

**Customer Phone**  
910-678-7762

**Order Invoice Text**  
ADVERTISEMENT OF PROPOSAL TO

**Payor Customer**  
CUMB CO ATTORNEY'S

**PO Number**

**Payor Account**  
017971203

**Ordered By**

**Payor Address**  
PO BOX 1829, ,  
FAYETTEVILLE NC 28302 USA

**Customer Fax**  
910-678-7758

**Customer EMail**  
ctyndall@co.cumberland.nc.us

**Payor Phone**  
910-678-7762

**Special Pricing**  
None

| <u>Net Amount</u> | <u>Tax Amount</u> | <u>Total Amount</u> | <u>Amount Due</u> |
|-------------------|-------------------|---------------------|-------------------|
| \$138.88          | \$0.00            | \$138.88            | \$138.88          |

| <u>Payment Method</u> | <u>Payment Amount</u> |
|-----------------------|-----------------------|
|                       | \$0.00                |

| <u>Ad Number</u> | <u>Ad Type</u> | <u>Ad Size</u> | <u>Color</u> |
|------------------|----------------|----------------|--------------|
| 0004725127-01    | CL Legal Line  | : 1.0 X 31 cl  | <NONE>       |

| <u>Product</u> | <u>Placement/Classificatio</u> | <u>Run Dates</u> | <u># Inserts</u> | <u>Cost</u> |
|----------------|--------------------------------|------------------|------------------|-------------|
| FO::           | 401 - Legals                   | 5/20/2016        | 1                | \$134.23    |
| OL::           | 401 - Legals                   | 5/20/2016        | 1                | \$4.65      |

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. 2 D

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 20, 2016

TO: BOARD OF COMMISSIONERS

FROM: AMY H. CANNON, COUNTY MANAGER *Amy H Cannon*

DATE: JUNE 15, 2016

SUBJECT: APPROVAL OF THE FY2016-2017 HOME & COMMUNITY CARE BLOCK GRANT FOR OLDER ADULTS AGREEMENT BETWEEN COUNTY OF CUMBERLAND AND MID-CAROLINA AREA AGENCY ON AGING

BACKGROUND

Grant funding allocations for the Home & Community Care Block Grant for Cumberland County have not yet been finalized for FY2016-2017, however, the County has been instructed to use the current funding levels for planning purposes at this time. Mid-Carolina Area Agency on Aging has provided committee recommendations that the service provider allocations be maintained as currently distributed. Backup material regarding the abovementioned information is attached.

RECOMMENDATION/PROPOSED ACTION

Approve the County Summary and County Agreement for the Provision of County-Based Aging Services which require the signatures of the Chairman of the Board and the County Finance Director.

/ct

Attachments

CM061516-1

# Mid-Carolina Area Agency on Aging

130 Gillespie Street • Post Office Drawer 1510 • Telephone (910) 323-4191 • Fax (910) 323-9330  
Fayetteville, North Carolina 28302

June 1, 2016

Ms. Melissa Cardinali  
Assistant County Manager  
County of Cumberland  
P.O. Box 1829  
Fayetteville, NC 28302

Dear Ms. Cardinali:

Home and Community Care Block Grant funding allocations have not been finalized for FY 2016-2017 as of yet. For planning purposes at this time, the Committee is recommending that the service program allocations be maintained as currently distributed.

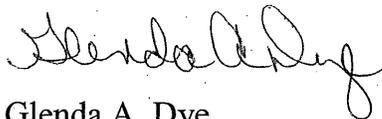
You will find enclosed:

Lead Agency Designation, DAAS-730  
County Services Summary, DAAS-731  
Provider Services Summaries, DAAS-732 (8-for each provider)  
Agreement for the Provision of County-Based Aging Services, DAAS-735

The County Summary and the County Agreement require the signature of the Chairman of the Board of Commissioners. The Provider Summaries need the signature of the Chairman and the County Finance Officer.

If you have any questions, please call me.

Thank you,



Glenda A. Dye  
Aging Director

Enclosures

Home and Community Care Block Grant for Older Adults

County: CUMBERLAND

County Funding Plan

July 1, 2016 through June 30, 2017

County Services Summary

| Services                         | A                   |               |               |                | B                       | C                   | D               | E                | F                           | G                                 | H                             | I                           |
|----------------------------------|---------------------|---------------|---------------|----------------|-------------------------|---------------------|-----------------|------------------|-----------------------------|-----------------------------------|-------------------------------|-----------------------------|
|                                  | Block Grant Funding |               |               |                | Required<br>Local Match | Net<br>Service Cost | USDA<br>Subsidy | Total<br>Funding | Projected<br>HCCBG<br>Units | Projected<br>Reimbursemen<br>Rate | Projected<br>HCCBG<br>Clients | Projected<br>Total<br>Units |
|                                  | Access              | In-Home       | Other         | Total          |                         |                     |                 |                  |                             |                                   |                               |                             |
| Adult Day Care                   |                     | 24899         |               |                | 2767                    | 27666               |                 | 27666            | 746                         | 37.0700                           | 5                             | 746                         |
| Adult Day Health*                |                     | 157035        |               |                | 17448                   | 174483              |                 | 174483           | 3935                        |                                   | 27                            |                             |
| Adult Day Health Transportation  |                     | 2500          |               |                | 278                     | 2778                |                 | 2778             | 1852                        | 1.5000                            | 12                            | 1852                        |
| Care Management                  | 131080              |               |               |                | 14564                   | 145644              |                 | 145644           |                             |                                   | 30                            |                             |
| Care Mgmt Consumer Directed      | 95000               |               |               |                | 10556                   | 105556              |                 | 105556           |                             |                                   | 12                            |                             |
| In-home Aide, LV1                |                     | 24278         |               |                | 2698                    | 26976               |                 | 26976            | 1200                        | 22.4800                           | 14                            | 1200                        |
| In-home Aide, LV2                |                     | 147467        |               |                | 16385                   | 163852              |                 | 163852           | 7284                        | 22.4800                           | 47                            | 7284                        |
| In-home Aide, LV3                |                     | 110410        |               |                | 12268                   | 122678              |                 | 122678           | 5462                        | 22.4800                           | 29                            | 5462                        |
| Home Improvement                 |                     | 97602         |               |                | 10845                   | 108447              |                 | 108447           |                             |                                   | 100                           |                             |
| Nutrition-Congregate             |                     |               | 93440         |                | 10382                   | 103822              | 15000           | 118822           | 19505                       | 5.3230                            | 150                           | 20000                       |
| Nutrition-Home Delivered Meals   |                     |               | 336774        |                | 37419                   | 374193              | 67000           | 441193           | 70300                       | 5.3230                            | 425                           | 90000                       |
| Information & Options Counseling | 55659               |               |               |                | 6184                    | 61843               |                 | 61843            |                             |                                   | 2150                          |                             |
| Transportation-General           | 51188               |               |               |                | 5688                    | 56876               |                 | 56876            | 3721                        | 15.1050                           | 25                            | 3721                        |
| Transportation-Medical           | 156936              |               |               |                | 17437                   | 174373              |                 | 174373           | 7232                        | 24.1113                           | 250                           | 7232                        |
| Senior Center Operations**       |                     |               | 36000         |                | 4000                    | 40000               |                 | 40000            |                             |                                   |                               |                             |
| <b>Total</b>                     | <b>489863</b>       | <b>564191</b> | <b>466214</b> | <b>1520268</b> | <b>168919</b>           | <b>1689187</b>      | <b>82000</b>    | <b>1771187</b>   | <b>121237</b>               | <b>       </b>                    | <b>3276</b>                   | <b>137497</b>               |

\*Adult Day Health

|                                 |       |  |  |  |      |       |  |       |      |         |    |      |
|---------------------------------|-------|--|--|--|------|-------|--|-------|------|---------|----|------|
| Cape Fear Adult Day Health Care | 89717 |  |  |  | 9969 | 99686 |  | 99686 | 2273 | 43.8500 | 12 | 2273 |
| RDL Senior Care of Fayetteville | 67318 |  |  |  | 7480 | 74798 |  | 74798 | 1662 | 45.0000 | 15 | 1662 |

\*\*Senior Center Operations

|                                       |  |  |       |  |      |       |  |  |  |  |  |  |
|---------------------------------------|--|--|-------|--|------|-------|--|--|--|--|--|--|
| Fayetteville-Cumberland Senior Center |  |  | 12000 |  | 1333 | 13333 |  |  |  |  |  |  |
| Hope Mills Sunshine Senior Center     |  |  | 12000 |  | 1333 | 13333 |  |  |  |  |  |  |
| Spring Lake Senior Enrichment Center  |  |  | 12000 |  | 1333 | 13333 |  |  |  |  |  |  |

Signature, Chairman, Board of Commissioners      Date





NAME AND ADDRESS  
 COMMUNITY SERVICE PROVIDER  
 Mid-Carolina Council of Governments  
 P.O. Drawer 1510  
 Fayetteville, NC 28302

Home and Community Care Block Grant for Older Adults

County Funding Plan

Provider Services Summary

DAAS-732 (Rev. 2/16)  
 County Cumberland  
 July 1, 2016 through June 30, 2017  
 Revision # , Date:

| Services                         | Ser. Delivery |          | A                   |         |       |                      | B           | C         | D       | E       | F           | G              | H             | I           |
|----------------------------------|---------------|----------|---------------------|---------|-------|----------------------|-------------|-----------|---------|---------|-------------|----------------|---------------|-------------|
|                                  | (Check One)   |          | Block Grant Funding |         |       |                      | Required    | Net*      | NSIP    | Total   | Projected   | Projected      | Projected     | Projected   |
|                                  | Direct        | Purch.   | Access              | In-Home | Other | Total                | Local Match | Serv Cost | Subsidy | Funding | HCCBG Units | Reimburse Rate | HCCBG Clients | Total Units |
| Care Management                  | X             |          | 131080              |         |       | //////////////////// | 14564       | 145644    |         | 145644  |             |                | 30            |             |
| Care Mgmt Consumer Directed Care | X             |          | 95000               |         |       | //////////////////// | 10556       | 105556    |         | 105556  |             |                | 12            |             |
|                                  |               |          |                     |         |       | //////////////////// | 0           | 0         |         | 0       |             |                |               |             |
|                                  |               |          |                     |         |       | //////////////////// | 0           | 0         |         | 0       |             |                |               |             |
|                                  |               |          |                     |         |       | //////////////////// | 0           | 0         |         | 0       |             |                |               |             |
|                                  |               |          |                     |         |       | //////////////////// | 0           | 0         |         | 0       |             |                |               |             |
|                                  |               |          |                     |         |       | //////////////////// | 0           | 0         |         | 0       |             |                |               |             |
|                                  |               |          |                     |         |       | //////////////////// | 0           | 0         |         | 0       |             |                |               |             |
|                                  |               |          |                     |         |       | //////////////////// | 0           | 0         |         | 0       |             |                |               |             |
|                                  |               |          |                     |         |       | //////////////////// | 0           | 0         |         | 0       |             |                |               |             |
| <b>Total</b>                     | ////////      | //////// | 226080              | 0       | 0     | 226080               | 25120       | 251200    | 0       | 251200  | 0           | ////////       | 42            | 0           |

\*Adult Day Care & Adu ADC      ADHC

|                     |       |       |
|---------------------|-------|-------|
| Daily Care          | _____ | _____ |
| Transportation      | _____ | _____ |
| Administrative      | _____ | _____ |
| Net Ser. Cost Total | _____ | _____ |

Certification of required minimum local match availability.  
 Required local match will be expended simultaneously  
 with Block Grant Funding.

\_\_\_\_\_  
 Signature, County Finance Officer      Date

*Henda ...*  
 Authorized Signature, Title      Date  
 Community Service Provider

\_\_\_\_\_  
 Signature, Chairman, Board of Commissioners      Date

NAME AND ADDRESS  
 COMMUNITY SERVICE PROVIDER  
 Cumberland County Council on Older Adults  
 339 Devers Street  
 Fayetteville, NC 28303

Home and Community Care Block Grant for Older Adults

County Funding Plan

Provider Services Summary

DAAS-732 (Rev. 2/16)  
 Cumberland County  
 July 1, 2016 through June 30, 2017

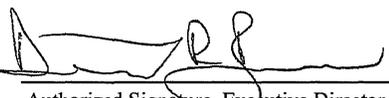
REVISION # , DATE :

| Services                         | Ser. Delivery |          | A                   |         |        |                      | B           | C         | D       | E         | F              | G               | H             | I              |
|----------------------------------|---------------|----------|---------------------|---------|--------|----------------------|-------------|-----------|---------|-----------|----------------|-----------------|---------------|----------------|
|                                  | (Check One)   |          | Block Grant Funding |         |        |                      | Required    | Net*      | NSIP    | Total     | Projected      | Projected       | Projected     | Projected      |
|                                  | Direct        | Purch.   | Access              | In-Home | Other  | Total                | Local Match | Serv Cost | Subsidy | Funding   | HCCBG Units    | Reimburse. Rate | HCCBG Clients | Total Units    |
| In-Home Aide Services            | X             |          |                     | 282,155 |        | //////////////////// | 31,351      | 313,506   |         | 313,506   | 13,946         | 22.4800         | 90            | 14,500         |
| Home Delivered Meals             | X             |          |                     | 336,774 |        | //////////////////// | 37,419      | 374,193   | 67,000  | 441,193   | 70,300         | 5.3230          | 425           | 90,000         |
| Congregate Nutrition             | X             |          |                     |         | 93,440 | //////////////////// | 10,382      | 103,822   | 15,000  | 118,822   | 19,505         | 5.3230          | 150           | 20,000         |
| Information & Options Counseling | X             |          | 55,659              |         |        | //////////////////// | 6,184       | 61,843    |         | 61,843    | non-unit based | non-unit based  | 2,150         | non-unit based |
| Home Improvement Services        | X             |          |                     | 97,602  |        | //////////////////// | 10,845      | 108,447   |         | 108,447   | non-unit based | non-unit based  | 100           | non-unit based |
|                                  |               |          |                     |         |        | //////////////////// | -           | -         |         | -         |                |                 |               |                |
|                                  |               |          |                     |         |        | //////////////////// | -           | -         |         | -         |                |                 |               |                |
|                                  |               |          |                     |         |        | //////////////////// | -           | -         |         | -         |                |                 |               |                |
|                                  |               |          |                     |         |        | //////////////////// | -           | -         |         | -         |                |                 |               |                |
|                                  |               |          |                     |         |        | //////////////////// | -           | -         |         | -         |                |                 |               |                |
|                                  |               |          |                     |         |        | //////////////////// | -           | -         |         | -         |                |                 |               |                |
|                                  |               |          |                     |         |        | //////////////////// | -           | -         |         | -         |                |                 |               |                |
|                                  |               |          |                     |         |        | //////////////////// | -           | -         |         | -         |                |                 |               |                |
|                                  |               |          |                     |         |        | //////////////////// | -           | -         |         | -         |                |                 |               |                |
| <b>Total</b>                     | ////////      | //////// | 55,659              | 716,531 | 93,440 | 865,630              | 96,181      | 961,811   | 82,000  | 1,043,811 | 103,751        | ////////        | 2,915         | 124,500        |

\*Adult Day Care & Adult Day Health Care Net Service Cost

|                     | ADC | ADHC |
|---------------------|-----|------|
| Daily Care          |     |      |
| Transportation      |     |      |
| Administrative      |     |      |
| Net Ser. Cost Total |     |      |

Certification of required minimum local match availability.  
 Required local match will be expended simultaneously  
 with Block Grant Funding.

  
 Authorized Signature, Executive Director  
 Community Service Provider  
 Date: 5/20/2016

\_\_\_\_\_  
 Signature, County Finance Officer Date

\_\_\_\_\_  
 Signature, Chairman, Board of Commissioners Date

NAME AND ADDRESS  
 COMMUNITY SERVICE PROVIDER  
 Cumberland County  
 Community Transportation Program  
 PO Box 1829  
 Fayetteville, NC 28302

Home and Community Care Block Grant for Older Adults

County Funding Plan

Provider Services Summary

DAAS-732 (Rev. 2/16)  
 County Cumberland  
 July 1, 2016 through June 30, 2017  
 REVISION # , DATE :

| Services            | A                            |        |                     |         |       | B                       | C                 | D               | E                | F                           | G                              | H                             | I                           |
|---------------------|------------------------------|--------|---------------------|---------|-------|-------------------------|-------------------|-----------------|------------------|-----------------------------|--------------------------------|-------------------------------|-----------------------------|
|                     | Ser. Delivery<br>(Check One) |        | Block Grant Funding |         |       | Required<br>Local Match | Net*<br>Serv Cost | NSIP<br>Subsidy | Total<br>Funding | Projected<br>HCCBG<br>Units | Projected<br>Reimburse<br>Rate | Projected<br>HCCBG<br>Clients | Projected<br>Total<br>Units |
|                     | Direct                       | Purch. | Access              | In-Home | Other |                         |                   |                 |                  |                             |                                |                               |                             |
| Transportation-Med. |                              | X      | 156936              |         |       | 17437                   | 174373            |                 | 174373           | 7232                        | 24.1113                        | 250                           | 7232                        |
| Transportation-Gen. |                              | X      | 51188               |         |       | 5688                    | 56876             |                 | 56876            | 3721                        | 15.105                         | 25                            | 3721                        |
|                     |                              |        |                     |         |       | 0                       | 0                 |                 | 0                |                             |                                |                               |                             |
|                     |                              |        |                     |         |       | 0                       | 0                 |                 | 0                |                             |                                |                               |                             |
|                     |                              |        |                     |         |       | 0                       | 0                 |                 | 0                |                             |                                |                               |                             |
|                     |                              |        |                     |         |       | 0                       | 0                 |                 | 0                |                             |                                |                               |                             |
|                     |                              |        |                     |         |       | 0                       | 0                 |                 | 0                |                             |                                |                               |                             |
|                     |                              |        |                     |         |       | 0                       | 0                 |                 | 0                |                             |                                |                               |                             |
|                     |                              |        |                     |         |       | 0                       | 0                 |                 | 0                |                             |                                |                               |                             |
|                     |                              |        |                     |         |       | 0                       | 0                 |                 | 0                |                             |                                |                               |                             |
|                     |                              |        |                     |         |       | 0                       | 0                 |                 | 0                |                             |                                |                               |                             |
|                     |                              |        |                     |         |       | 0                       | 0                 |                 | 0                |                             |                                |                               |                             |
|                     |                              |        |                     |         |       | 0                       | 0                 |                 | 0                |                             |                                |                               |                             |
|                     |                              |        |                     |         |       | 0                       | 0                 |                 | 0                |                             |                                |                               |                             |
|                     |                              |        |                     |         |       | 0                       | 0                 |                 | 0                |                             |                                |                               |                             |
| Total               |                              |        | 208124              | 0       | 0     | 208124                  | 23125             | 231249          | 0                | 231249                      | 10953                          | 275                           | 10953                       |

\*Adult Day Care & Adult Day Health Care Net Service Cost

|                     | ADC | ADHC |
|---------------------|-----|------|
| Daily Care          |     |      |
| Transportation      |     |      |
| Administrative      |     |      |
| Net Ser. Cost Total |     |      |

Certification of required minimum local match availability.  
 Required local match will be expended simultaneously  
 with Block Grant Funding.

*Thomas J. Jell* 5/19/16  
 Authorized Signature, Title Date  
 Community Service Provider

Signature, County Finance Officer Date

Signature, Chairman, Board of Commissioners Date







**Home and Community Care Block Grant for Older Adults**

**County Funding Plan**

Identification of Agency or Office with Lead Responsibility for County Funding Plan

County Cumberland July 1, 2016 through June 30, 2017

The agency or office with lead responsibility for planning and coordinating the County Funding Plan recommends this funding plan to the Board of Commissioners as a coordinated means to utilize community-based resources in the delivery of comprehensive aging services to older adults and their families.

Mid-Carolina Area Agency on Aging

(Name of agency/office with lead responsibility)

Glenda A. Dye 05-26-16  
Authorized signature (date)

Glenda A. Dye, Aging Director

(Type name and title of signatory agent)

**July 1, 2016 through June 30, 2017**

**Home and Community Care Block Grant for Older Adults**

**Agreement for the Provision of County-Based Aging Services**

This Agreement, entered into as of this 1<sup>st</sup> day of July, 2016, by and between the County of Cumberland (hereinafter referred to as the "County") and the Mid-Carolina Area Agency on Aging, (hereinafter referred to as the "Area Agency").

Witnesseth That:

WHEREAS, the Area Agency and the County agree to the terms and conditions for provision of aging services in connection with activities financed in part by Older Americans Act grant funds, provided to the Area Agency from the United States Department of Health and Human Services through the North Carolina Division of Aging and Adult Services (DAAS) and state appropriations made available to the Area Agency through the North Carolina Division of Aging and Adult Services, as set forth in a) this document, b) the County Funding Plan, as reviewed by the Area Agency and the Division of Aging and Adult Services, c) the Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, d) the Division of Aging and Adult Services Service Standards Manual, Volumes I through IV, and, e) the Division of Aging and Adult Services Community Service Providers Monitoring Guidelines.

NOW THEREFORE, in consideration of these premises, and mutual covenants and agreements hereinafter contained, the parties hereto agree as follows:

1. As provided in the Area Plan, community service providers specified by the County to encourage maximum collocation and coordination of services for older persons are as follows:  
  
Cumberland County Council on Older Adults, Inc.
- 1(a) The Community Service Provider(s), shall be those specified in the County Funding Plan on the Provider Services Summary format(s) (DAAS-732) for the period ending June 30 for the year stated above.
2. Availability of Funds. The terms set forth in this Agreement for payment are contingent upon the receipt of Home and Community Care Block Grant funding by the Area Agency.
3. Grant Administration. The grant administrator for the Area Agency shall be Glenda Dye, Aging Director. The grant administrator for the County shall be the County Manager.

It is understood and agreed that the grant administrator for the County shall represent the County in the performance of this Agreement. The County shall notify the Area Agency in writing if the administrator changes during the grant period. Specific responsibilities of the grant administrator for the County are provided in paragraph seven (7) of this Agreement.

4. Services authorized through the County Funding Plan, as specified on the Provider Services Summary format(s) (DAAS-732) are to commence no later than July 1 of the state fiscal year and shall be undertaken and pursued in such sequence as to assure their expeditious completion. All services required hereunder shall be completed on or before the end of the Agreement period, June 30 of the state fiscal year.
5. Assignability and Contracting. The County shall not assign all or any portion of its interest in this Agreement. Any purchase of services with Home and Community Care Block Grant for Older Adults funding shall be carried out in accordance with the procurement and contracting policy of the community services provider or, where applicable, the Area Agency, which does not conflict with procurement and contracting requirements contained in 45 CFR Part 75, Subpart D-Post Federal Award Requirements, Procurement Standards. Federal funds shall not be awarded to any subrecipients who have been suspended or debarred by the Federal government. In addition, Federal funds may not be used to purchase goods or services costing over \$100,000 from a vendor that has been suspended or debarred from Federal grant programs.
6. Compensation and Payments to the County. The County shall be compensated for the work and services actually performed under this Agreement by payments to be made monthly by the Area Agency. Total reimbursement to the community service providers under this Agreement may not exceed the grand total of Block Grant funding, as specified on the Provider Services Summary format (DAAS-732).

(a) Interim Payments to the County

Upon receipt of a written request from the County, the Division of Aging and Adult Services, through the Area Agency, will provide the County Finance Officer with an interim payment equivalent to seventy percent (70%) of one-twelfth (1/12) of the County's Home and Community Care Block Grant allocation.

(b) Reimbursement of Service Costs

Reimbursement of service costs are carried out as provided in Section 3 of the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, revised February 17, 1997.

(c) Role of the Area Agency

The Area Agency shall be responsible for disbursing Home and Community Care Block Grant Funding to Community Service Providers in accordance with procedures

specified in the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Manual for Community Service Providers, revised February 17, 1997.

(d) Payment of Administration on Aging Nutrition Services Incentive Program (NSIP) Subsidy

NSIP subsidy for congregate and home delivered meals will be disbursed by the Division of Aging and Adult Services through the Area Agency to the County on a monthly basis, subject to the availability of funds as specified in Section 3 of the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Services Providers, revised February 17, 1997.

If through the US Department of Agriculture Area Agency on Aging Elections Project, the County elects to receive a portion of its USDA entitlement in the form of surplus commodity foods in lieu of cash, the Area Agency will notify the County in writing of its community valuation upon notification from the Division of Aging and Adult Services. The delivery of commodity and bonus foods is subject to availability. The County will not receive cash entitlement in lieu of commodities that are unavailable or undelivered during the Agreement period.

7. Reallocation of Funds and Budget Revisions. Any reallocation of Block Grant funding between counties shall be voluntary on the part of the County and shall be effective only for the period of the Agreement. The reallocation of Block Grant funds between counties will not affect the allocation of future funding to the County. If during the performance period of the Agreement, the Area Agency determines that a portion of the Block Grant will not be expended, the grant administrator for the County shall be notified in writing by the Area Agency and given the opportunity to make funds available for reallocation to other counties in the Planning and Service Area or elsewhere in the state.

The Area Agency may authorize community service providers to implement budget revisions which do not cause the County to fall below minimum budgeting requirements for access, in-home, congregate, and home delivered meals services, as specified in Division of Aging and Adult Services budget instructions issued to the County. If a budget revision will cause the County to fall below minimum budgeting requirements for any of the aforementioned services, as specified in Division of Aging and Adult Services budgeting instructions issued to the County, the grants administrator for the County shall obtain written approval for the revision from the Area Agency prior to implementation by the community service provider, so as to assure that regional minimum budgeting requirements for the aforementioned services will be met.

Unless community services providers have been given the capacity to enter data into the Aging Resources Management System (ARMS), Area Agencies on Aging are responsible for entering

amended service data into the Division of Aging and Adult Services Management Information System, as specified in the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, revised February 17, 1997.

8. Monitoring. This Agreement will be monitored to assure that services are being provided as stated in the Division of Aging and Adult Service Monitoring Policies and Procedures at <http://www.ncdhhs.gov/aging/monitor/mpolicy.htm> .

The monitoring of services provided under this Agreement shall be carried out by the Area Agency on Aging in accordance with its Assessment Plan and as specified in Administrative Letter 12-08. As of July 1, 2012, DAAS Program Compliance Representatives (PCRs) are no longer monitoring HCCBG services provided through county departments of social services.

Counties and community service providers will receive a written report of monitoring findings in accordance with procedures established in Section 308 of the AAA Policies and Procedures Manual (<http://www.ncdhhs.gov/aging/monitor/mpolicy.htm>). Any areas of non-compliance will be addressed in a written corrective action plan with the community service provider.

9. Disputes and Appeals. Any dispute concerning a question of fact arising under this Agreement shall be identified to the designated grants administrator for the Area Agency. In accordance with Lead Regional Organization (LRO) policy, a written decision shall be promptly furnished to the designated grants administrator for the County.

The decision of the LRO is final unless within twenty (20) days of receipt of such decision the Chairman of the Board of Commissioners furnishes a written request for appeal to the Director of the North Carolina Division of Aging and Adult Services, with a copy sent to the Area Agency. The request for appeal shall state the exact nature of the complaint. The Division of Aging and Adult Services will inform the Chairman of the Board of Commissioners of its appeal procedures and will inform the Area Agency that an appeal has been filed. Procedures thereafter will be determined by the appeals process of the Division of Aging and Adult Services. The state agency address is as follows:

Director  
North Carolina Division of Aging and Adult Services  
2101 Mail Service Center  
693 Palmer Drive  
Raleigh, North Carolina 27699-2101

10. Termination for Cause. If through any cause, the County shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or the County has or shall violate any of the covenants, agreements, representations or stipulations of this Agreement, the Area Agency

shall have the right to terminate this Agreement by giving the Chairman of the Board of Commissioners written notice of such termination no fewer than fifteen (15) days prior to the effective date of termination. In such event, all finished documents and other materials collected or produced under this Agreement shall at the option of the Area Agency, become its property. The County shall be entitled to receive just and equitable compensation for any work satisfactorily performed under this Agreement.

11. Audit. The County agrees to have an annual independent audit in accordance with North Carolina General Statutes, North Carolina Local Government Commission requirements, Division of Aging and Adult Services Program Audit Guide for Aging Services and Federal Office of Budget and Management (OMB) Uniform Guidance 2 CFR Part 200.

Community service providers, as specified in paragraph one (1), who are not units of local government or otherwise subject to the audit and other reporting requirements of the Local Government Commission are subject to audit and fiscal reporting requirements, as stated in NC General Statute 143C-6-22 and 23 and OMB Uniform Guidance CFR 2 Part 200, where applicable. Applicable community service providers must send a copy of their year-end financial statements, and any required audit, to the Area Agency on Aging. Home and Community Care Block Grant providers are not required to submit Activities and Accomplishments Reports. For-profit corporations are not subject to the requirements of OMB Uniform Guidance 2 CFR Part 200, but are subject to NC General Statute 143C-6-22 and 23 and Yellow Book audit requirements, where applicable. **Federal funds** may not be used to pay for a **Single or Yellow Book audit** unless it is a federal requirement. **State funds** will not be used to pay for a **Single or Yellow Book audit** if the provider receives less than \$500,000 in state funds. The Department of Health and Human Services will provide confirmation of federal and state expenditures at the close of the state fiscal year. Information on audit and fiscal reporting requirements can be found at <https://www.ncgrants.gov/NCGrants/PublicReportsRegulations.jsp>

The following provides a summary of reporting requirements under NCGS 143C-6-22 and 23 and OMB Uniform Guidance 2 CFR Part 200 based upon funding received and expended during the service provider's fiscal year.

| <u>Annual Expenditures</u>   | <u>Report Required to AAA</u>  | <u>Allowable Cost for Reporting</u> |
|--|--|-------------------------------------|
| <ul style="list-style-type: none"> <li>• Less than \$25,000 in State or Federal funds</li> </ul> | Certification form and State Grants Compliance Reporting <\$25,000 (item # 11, Activities and Accomplishments does <u>not</u> have to be completed)<br>OR<br>Audited Financial Statements in | N/A                                 |

Compliance with GAO/GAS  
(i.e. Yellow Book)

- Greater than \$25,000 and less than \$500,000 in State Funds or \$750,000 in Federal Funds
- Certification form and Schedule of Grantee Receipts >\$25,000 and Schedule of Receipts and Expenditures
- N/A

OR

Audited Financial Statements in Compliance with GAO/GAS  
(i.e. Yellow Book)

- \$500,000 + in State funds but Federal pass through in an amount less than \$750,000
- Audited Financial Statement in compliance with GAO/GAS (i.e. Yellow Book)
- May use State funds, but not Federal Funds
- \$500,000+ in State funds and \$750,000+ in Federal pass through funds
- Audited Financial Statement in compliance with OMB Uniform Guidance 2 CFR Part 200 (i.e. Single Audit)
- May use State and Federal funds
- Less than \$500,000 in State funds and \$750,000+ in Federal pass through funds
- Audited Financial Statement in compliance with OMB Uniform Guidance 2 CFR Part (i.e. Single Audit)
- May use Federal funds, but not State funds.

12. Audit/Assessment Resolutions and Disallowed Cost. It is further understood that the community service providers are responsible to the Area Agency for clarifying any audit exceptions that may arise from any Area Agency assessment, county or community service provider single or financial audit, or audits conducted by the State or Federal Governments. In the event that the Area Agency or the Department of Health and Human Services disallows any expenditure made by the community service provider for any reason, the County shall promptly repay such funds to the Area Agency once any final appeal is exhausted in accordance with paragraph nine (9). The only exceptions are if the Area Agency on Aging is designated as a community service provider through the County Funding Plan or, if as a part of a procurement process, the Area Agency on Aging enters into a contractual agreement for service provision with a provider which is in addition to the required County Funding Plan formats. In these exceptions, the Area Agency is responsible for any disallowed costs. The County or Area

Agency on Aging can recoup any required payback from the community service provider in the event that payback is due to a community service provider's failure to meet OMB Uniform Guidance CFR 2 Part 200, 45 CFR Part 1321 or state eligibility requirements as specified in policy.

13. Indemnity. The County agrees to indemnify and save harmless the Area Agency, its agents, and employees from and against any and all loss, cost, damages, expenses, and liability arising out of performance under this Agreement to the extent of errors or omissions of the County.
14. Equal Employment Opportunity and Americans With Disabilities Act Compliance. Both the County and community service providers, as identified in paragraph one (1), shall comply with all federal and state laws relating to equal employment opportunity and accommodation for disability.
15. Data to be Furnished to the County. All information which is existing, readily available to the Area Agency without cost and reasonably necessary, as determined by the Area Agency's staff, for the performance of this Agreement by the County shall be furnished to the County and community service providers without charge by the Area Agency. The Area Agency, its agents and employees, shall fully cooperate, with the County in the performance of the County's duties under this Agreement.
16. Rights in Documents, Materials and Data Produced. The County and community service providers agree that at the discretion of the Area Agency, all reports and other data prepared by or for it under the terms of this Agreement shall be delivered to, become and remain, the property of the Area Agency upon termination or completion of the work. Both the Area Agency and the County shall have the right to use same without restriction or limitation and without compensation to the other. For the purposes of this Agreement, "data" includes writings, sound recordings, or other graphic representations, and works of similar nature. No reports or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the County.
17. Interest of the Board of Commissioners. The Board of Commissioners covenants that neither the Board of Commissioners nor its agents or employees presently has an interest, nor shall acquire an interest, direct or indirect, which conflicts in any manner or degree with the performance of its service hereunder, or which would prevent, or tend to prevent, the satisfactory performance of the service hereunder in an impartial and unbiased manner.
18. Interest of Members of the Area Agency, Lead Regional Organization, and Others. No officer, member or employee of the Area Agency or Lead Regional Organization, and no public official of any local government which is affected in any way by the Project, who exercises any function or responsibilities in the review or approval of the Project or any component part thereof, shall participate in any decisions relating to this Agreement which affects his personal

interest or the interest of any corporation, partnership or association in which he is, directly or indirectly, interested; nor shall any such persons have any interest, direct or indirect, in this Agreement or the proceeds arising there from.

19. Officials not to Benefit. No member of or delegate to the Congress of the United States of America, resident Commissioner or employee of the United States Government, shall be entitled to any share or part of this Agreement or any benefits to arise here from.
20. Prohibition Against Use of Funds to Influence Legislation. No part of any funds under this Agreement shall be used to pay the salary or expenses of any employee or agent acting on behalf of the County to engage in any activity designed to influence legislation or appropriations pending before Congress.
21. Confidentiality and Security. Any client information received in connection with the performance of any function of a community service provider or its subcontractors under this Agreement shall be kept confidential. The community service provider acknowledges that in receiving, storing, processing, or otherwise handling any confidential information, the agency and any subcontractors will safeguard and not further disclose the information except as provided in this Agreement and accompanying documents.
22. Record Retention and Disposition. All state and local government agencies, nongovernmental entities, and their subrecipients, including applicable vendors, that administer programs funded by federal sources passed through the NC DHHS and its divisions and offices are expected to maintain compliance with the NC DHHS record retention and disposition schedule and any agency-specific program schedules developed jointly with the NC Department of Cultural Resources, Division of Archives and Records. Retention requirements apply to the community service providers funded under this Agreement to provide Home and Community Care Block Grant services. Information on retention requirements is posted at <http://www.ncdhhs.gov/control/retention/retention.htm> and updated semi-annually by the NC DHHS Controller's Office. By funding source and state fiscal year, this schedule lists the earliest date that grant records in any format may be destroyed. The Division of Archives and Records provides information about destroying confidential data and authorized methods of record destruction (paper and electronic) at <http://archives.ncdcr.gov/For-Government/Retention-Schedules/Authorized-Destruction>.

The NC DHHS record retention schedule is based on federal and state regulations and pertains to the retention of all financial and programmatic records, supporting documents, statistical records, and all other records supporting the expenditure of a federal grant award. Records legally required for ongoing official proceedings, such as outstanding litigation, claims, audits, or other official actions, must be maintained for the duration of that action, notwithstanding the instructions of the NC DHHS record retention and disposition schedule.

In addition to record retention requirements for records in any format, the long-term and/or permanent preservation of electronic records require additional commitment and active management by agencies. The community service provider will comply with all policies, standards, and best practices published by the Division of Aging and Adult Services regarding the creation and management of electronic records.

This page will be utilized when the Area Agency is designated by County to write checks to community service providers.

23. Payment to Community Service Providers by the Area Agency on Aging. The County authorizes the Area Agency on Aging, in lieu of the County Finance Officer, to provide interim and reimbursement payments to community service providers as prescribed in paragraphs 6(a) and (c) of this Agreement. Services applicable to this authorization are as follows:

| <u>Community Service Provider</u>                  | <u>Service</u>  |
|--|---|
| Cumberland County Council<br>on Older Adults, Inc. | In-Home Aide Level I<br>In-Home Aide Level II<br>In-Home Aide Level III<br>Information and Options Counseling<br>Housing and Home Improvement<br>Congregate Nutrition<br>Home Delivered Nutrition |
| Cumberland Co. Community<br>Transportation Program | General Transportation<br>Medical Transportation  |
| Cape Fear Adult Day Health Care Center             | Adult Day Health<br>Adult Day Health Transportation   |
| RDL Senior Care of Fayetteville                    | Adult Day Care<br>Adult Day Health  |
| Fayetteville-Cumberland Senior Center              | Senior Center Operations  |
| Town of Hope Mills                                 | Senior Center Operations  |
| Town of Spring Lake                                | Senior Center Operations  |

This authorization by the County shall be in compliance with requirements set forth in the North Carolina Budget and Fiscal Control Act. The County Finance Officer shall establish controls to account for the receipt and expenditure of Home and Community Care Block Grant Funds.

24. Applicable Law. This Agreement is executed and is to be performed in the State of North Carolina, and all questions of interpretation and construction shall be construed by the laws of such State.

In witness whereof, the Area Agency and the County have executed this Agreement as of the day first written above.

**Cumberland County**

Attest:

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

**Area Agency**

Attest:

Blenda A. Day By: J. E. Caswell  
Area Agency Director Executive Director,  
Lead Regional Organization

Provision for payment of the monies to fall due under this Agreement within the current fiscal year have been made by appropriation duly authorized as required by the Local Government Budget and Fiscal Control Act.

BY: J. E. Caswell  
FINANCE OFFICER, Lead Regional Organization

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. 2E

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 20, 2016

TO: BOARD OF COMMISSIONERS

FROM: AMY H. CANNON, COUNTY MANAGER 

DATE: JUNE 14, 2016

SUBJECT: CONSIDERATION OF A RESOLUTION TO LEASE CERTAIN REAL PROPERTY TO CUMBERLAND COUNTY HOSPITAL SYSTEM, INC. – 711 EXECUTIVE PLACE

BACKGROUND

The Board adopted the required resolution of intent at its May 16, 2016 meeting. Pursuant to G.S. 160A-272, the notice of intent was advertised in the *Fayetteville Observer* May 20, 2016. The publisher's affidavit is attached. Adoption of the following resolution will authorize the chairman to execute the lease.

RECOMMENDATION/PROPOSED ACTION:

Adopt the following resolution:

The Cumberland County Board of Commissioners finds:

The real property located at 711 Executive Place will not be needed for government purposes for the term proposed for the lease of the property to Cumberland County Hospital System, Inc.;

The Board adopted a resolution of intent to lease the property described herein at its regular meeting held May 16, 2016; and

The notice of intent to lease the property was advertised in the *Fayetteville Observer* on May 20, 2016.

BE IT THEREFORE RESOLVED that the chairman is authorized to execute a lease to Cumberland County Hospital System, Inc., for that property consisting of approximately 16,530 square feet of office space located at 711 Executive Place, Fayetteville, NC, for a term of five years (5) years commencing July 1, 2016, at an annual rental rate of One Hundred Eight Thousand Seven Hundred Sixty Two Dollars (\$108,762).

# AFFIDAVIT OF PUBLICATION

NORTH CAROLINA  
Cumberland County

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

TAKE NOTICE the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its meeting to be held on June 20, 2016, approving the lease of approximately 16,530 square feet of office space located at 711 Executive Place, Fayetteville, NC, to Cumberland County Hospital System, Inc., for a term of five (5) years commencing July 1, 2016, at an annual rental rate of \$168,762.

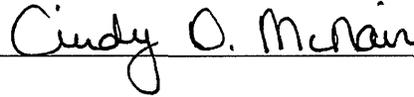
Candice H. White, Clerk  
Board of County Commissioners 4725516  
5/20

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 PUBLIC NOTICE OF PROPOSED LEASE PURSUANT TO G.S. 160A-27 of CUMB CO ATTORNEY'S was inserted in the aforesaid newspaper in space, and on dates as follows:

5/20/2016

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.



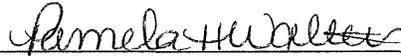
LEGAL SECRETARY

Title

Cumberland County, North Carolina

Sworn or affirmed to, and subscribed before me, this 20 day of May, 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, Notary Public

My commission expires 5th day of December, 2020.

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

0004725516

STATE OF NORTH CAROLINA

LEASE AGREEMENT

COUNTY OF CUMBERLAND

*Notice of Intent Published* \_\_\_\_\_  
*Approved by Board of Commissioners on* \_\_\_\_\_

This Lease Agreement, is made and entered into to be effective July 1, 2016, by and between Cumberland County Hospital System, Inc., having a principal office at \_\_\_\_\_, Fayetteville, North Carolina, hereinafter referred to as "LESSEE," and the County of Cumberland, a body politic and corporate of the State of North Carolina, having a principal office at 117 Dick Street, Fayetteville, North Carolina, hereinafter referred to as "LESSOR".

WITNESSETH:

IN CONSIDERATION of the mutual promises and subject to the terms and conditions contained or referred to herein, LESSOR does hereby lease and demise to LESSEE, the following portions of the office building located at 711 Executive Place, Fayetteville, North Carolina, as more fully described as follows (hereinafter referred to as the "Leased Premises"):

Fourth Floor Room Numbers 402 - 418, 427 - 430, and 432;  
Third Floor Room Numbers 303 - 317, 319-323, 325 - 347, and 351; together with the shared use of the common area entrance to the building on the first floor and the elevator enclosures and stairwells connecting each of the floors and the shared use of the parking lots contiguous to the building with the other tenants of the building and their guests, customers and invitees

The Leased Premises is only a portion of the total building and all common areas of the building and the associated parking lots are to be shared with other tenants and users of the building.

TO HAVE AND TO HOLD said Leased PREMISES, together with all privileges and appurtenances thereto belonging including easements of ingress and egress, to the said LESSEE, under the following terms and conditions:

1. TERM: The Lease shall commence the 1st day of July, 2016, and unless sooner terminated, continue for a term of five years.

2. RENT: The rent for Rooms 303 - 317, 319-323, 325 - 347, and 351 constituting 8,704 square feet shall be at an annual rate of \$8.00 per square foot in the total amount of \$69,632. The rent for Rooms 402 - 418, 427 - 430, and 432 constituting 7,826 square feet shall be at an annual rate of \$5.00 per square foot in the total amount of \$39,130. The rent shall be paid in equal monthly installments of \$9,063.50 on or before the 1st day of each month commencing July 1, 2016.

3. DEPOSIT: LESSOR shall not require a security deposit from the LESSEE.

4. CONDITION OF PREMISES: The parties have agreed that LESSEE shall make certain renovations and improvements to the Leased Premises and shall execute a separate agreement to govern the construction of the renovations and improvements. LESSEE shall return the Leased Premises to LESSOR at the termination or expiration hereof in as good condition and state of repair as the same was at the commencement of the term hereof, except for loss, damage, or depreciation occasioned by reasonable wear and tear or damage by fire or other casualty.

5. PARKING LOT: The parking lot adjacent to the building shall be included in the Leased Premises for the shared use of LESSEE and its visitors and invitees with any other occupants of the building or the adjacent building and their respective visitors and invitees.

6. ASSIGNMENT OR SUB-LEASE: The LESSEE shall not assign this lease or sublet the Leased Premises or any part thereof, without the written consent of the LESSOR. Such written consent will not be unreasonably withheld by LESSOR.

7. USE AND POSSESSION: The Leased Premises are to be used by LESSEE exclusively for LESSEE'S activities to conduct certain functions as are normally conducted in a general office.

8. DESTRUCTION OF PREMISES: In the event that said building including the Leased Premises is damaged by fire, explosion, accident or any act of God, so as to materially affect the use of the building and Leased Premises, this Lease shall automatically terminate as of the date of such damage or destruction, provided, however, that if such building and Leased Premises are repaired so as to be available for occupancy and use within sixty (60) days after said damage, then this lease shall not terminate; provided further, that the LESSEE shall pay no rent during the period of time that the Leased Premises are unfit for occupancy and use.

9. CONDEMNATION: If during the term of this lease, the whole of the Leased Premises, or such portion thereof as will make the Leased Premises unusable for the purpose leased, be condemned by public authority for public use, then the term hereby granted shall cease and come to an end as of the date of the vesting of title in such public authority, or when possession is given to such public authority, whichever event occurs last. Upon such occurrence the rent shall be apportioned as of such date and any rent paid in advance at the due date for any space condemned shall be returned to LESSEE. LESSOR shall be entitled to reasonable compensation for such taking except for any statutory claim of LESSEE for injury, damage or destruction of LESSEE'S business accomplished by such taking. If a portion of the Leased Premises is taken or condemned by public authority for public use so as not to make the remaining portion of the leased premises unusable for the purpose leased, this lease will not be terminated but shall continue. In such case, the rent shall be equitably and fairly reduced or abated for the remainder of the term in proportion to the amount of leased premises taken. In no event shall LESSOR be liable to LESSEE for any interruption of business, diminution in use or for the value of any unexpired term of this lease.

10. INTERRUPTION OF SERVICE: LESSOR shall not be or become liable for

damages to LESSEE alleged to be caused or occasioned by, or in any way connected with, or the result of any interruption in service, or defect or breakdown from any cause whatsoever in any of the electric, water, plumbing, fire suppression, heating, air conditioning, ventilation or elevator systems, or any other structural component of the building, unless such damage arises from an intentional or grossly negligent act or omission of LESSOR, its employees or officers.

11. LESSOR'S RIGHT TO INSPECT: LESSOR shall have the right, at reasonable times during the term of this lease, to enter the Leased Premises, for the purposes of examining and inspecting same and of making such repairs or alterations therein as LESSOR shall deem necessary.

12. INSURANCE: LESSOR will be responsible for insuring its interest in the building and LESSEE will be responsible for insuring its personal property within the leased premises. LESSEE shall at all times during the term hereof, at its own expense, maintain and keep in force a policy or policies of general and premises liability insurance against claims for bodily injury, death or property damage occurring in, on, or about the demised premises in a coverage amount of no less than \$1,000,000 per occurrence and naming LESSOR as an additional named insured. LESSEE shall provide current copies of all such policies of insurance to LESSOR'S office of risk management.

13. LESSOR'S RESPONSIBILITY FOR MAINTENANCE: LESSOR shall be responsible for the maintenance and good condition of the roof, windows and exterior walls of the building; the parking lot; the landscaping; and the repair or replacement of the electrical system; overhead lighting system, including bulbs; plumbing system; fire suppression system; heating, air conditioning and ventilation system components; and elevator systems. LESSOR shall provide all services related to the landscaping and grassed areas, including trimming, mowing, planting, mulching and fertilizing as needed.

14. LESSEE'S RESPONSIBILITY FOR ALL OTHER MAINTENANCE: LESSEE shall be responsible for all other maintenance of the Leased Premises not specified as the responsibility of LESSOR above. LESSEE shall be responsible for the regular maintenance in good condition of all interior surfaces including floors, doors, ceilings, walls and windows. LESSEE shall not be responsible for ordinary wear and tear or for major damage or destruction caused by casualty or disaster for which there is insurance coverage.

15. JANITORIAL SERVICES: LESSEE shall provide for its own janitorial service in the Leased Premises. During any period when there is any other tenant, occupant or user of the building, LESSOR shall provide commercially reasonable trash removal from the premises and shall invoice LESSEE for LESSEE'S pro rata share of the cost of trash removal based on the ratio of the square footage occupied by LESSEE to the total square footage occupied by all tenants or users of the building. During any period when LESSEE shall be the only tenant or user of the building, LESSEE shall be responsible to obtain commercially reasonable trash removal services. LESSOR shall invoice LESSEE for the reimbursement of the costs of this service not less than quarterly.

16. PERSONAL PROPERTY AND IMPROVEMENTS: Any additions, fixtures, or improvements placed or made by the LESSEE in or upon the leased premises, which are permanently affixed to the Leased Premises and which cannot be removed without

unreasonable damage to said premises, shall become the property of the LESSOR and remain upon the premises as a part thereof upon the termination of this Lease. All other additions, fixtures, or improvements, to include trade fixtures, office furniture and equipment, and similar items, which can be removed without irreparable damage to the leased premises, shall be and remain as the property of the LESSEE and may be removed from the leased premises by the LESSEE upon the termination of this lease. LESSEE shall bear the expense of any repairs of the Leased Premises, other than reasonable wear and tear caused by such removal. LESSEE shall obtain LESSOR'S written consent before making any alterations or changes to the building or Leased Premises, other than those leasehold improvements for which the parties have already agreed upon.

17. TAXES: LESSOR acknowledges that all business personal property owned by LESSEE is exempt from property taxation. Notwithstanding the foregoing, in the event any property of LESSEE becomes taxable, LESSEE will list and pay all business personal property taxes on its taxable personal property located within the Leased Premises.

18. NOTICE: Any notices to be given by either party to the other under the terms of this Agreement shall be in writing and shall be deemed to have been sufficiently given if delivered by hand, with written acknowledgement of receipt, or mailed by certified mail, return receipt requested, or delivered by receipt controlled express service, to the other party at their respective business addresses.

19. ADA AND OSHA REQUIREMENTS: LESSOR shall make such repairs and perform such maintenance as is necessary to keep the Leased Premises in compliance with all ADA and OSHA requirements. LESSEE shall keep the Leased Premises in good condition and repair and in a good, clean, and safe condition at all times during the term of this lease.

20. SUCCESSORS AND ASSIGNS: This lease shall bind and inure to the benefit of the successors and assigns of the parties hereto.

21. UTILITIES: Electrical power and water and sewer services are not metered separately for the different tenants in the building. LESSEE shall reimburse LESSOR for LESSEE'S pro rata share of the cost of these services. LESSEE'S pro rata share shall be computed as the ratio of the square footage occupied by LESSEE to the total square footage occupied by all tenants or users of the building. LESSOR shall invoice LESSEE for the reimbursement of the costs of these services not less than quarterly. LESSOR shall not be liable for any failure of any public utility to provide utility services over such connections and such failure shall not constitute a default by LESSOR in performance of this Lease. The installation, maintenance and service charges for any other utilities or services such as telephone, cable television, internet, or wireless connectivity shall be the sole responsibility of LESSEE.

22. RISK OF LOSS: As between the LESSOR and the LESSEE, any risk of loss of personal property placed by the LESSEE in or upon the Leased Premises shall be upon and the responsibility of the LESSEE, regardless of the cause of such loss.

23. DESTRUCTION OF PREMISES: If the Leased Premises should be completely destroyed or damaged so that more than fifty percent (50%) of the Leased Premises are rendered unusable, this Lease shall immediately terminate as of the date of such

destruction or damage.

24. TERMINATION: If LESSEE shall fail to pay any installment of rent when due and payable or fail to perform any of the terms and conditions heretofore set forth and shall continue in such default for a period of thirty (30) days after written notice of default, LESSOR, at its discretion, may terminate this Lease and take possession of the Leased Premises without prejudice to any other remedies provided by law. If LESSOR shall fail to perform any of the terms and conditions heretofore set forth and shall continue such default thirty (30) days after written notice of such default, LESSEE, at its discretion, may terminate this Lease and vacate the Leased Premises without further obligation to pay rent as theretofore provided from date of said termination, without prejudice to any other remedies provided by law.

25. OCCUPANCY AND QUIET ENJOYMENT: LESSOR promises that LESSEE shall have quiet and peaceable possession and occupancy of the Leased Premises in accordance with the terms of this Lease, and that LESSOR will defend and hold harmless the LESSEE against any and all claims or demands of others arising from LESSEE'S occupancy of the premises or in any manner interfering with the LESSEE'S use and enjoyment of said premises

26. MODIFICATION: This Agreement may be modified only by an instrument duly executed by the parties or their respective successors.

27. MERGER CLAUSE: This instrument is intended by the parties as a final expression of their agreement and as a complete and exclusive statement of its terms. No course of prior dealings between the parties and no usage of trade shall be relevant or admissible to supplement, explain, or vary any of the terms of this Lease. Acceptance of, or acquiescence in, a course of performance rendered under this or any prior agreement shall not be relevant or admissible to determine the meaning of this Lease even though the accepting or acquiescing party has knowledge of the nature of the performance and an opportunity to make objection. No representations, understandings or agreements have been made or relied upon in the making of this Lease other than those specifically set forth herein.

IN WITNESS WHEREOF, LESSOR and LESSEE have caused this Lease Agreement to be executed in duplicate originals by their duly authorized officers, to be effective for the term as stated above.

[SIGNATURE PAGE FOLLOWS]

LESSOR:  
County of Cumberland  
By:

---

Marshall Faircloth, Chair  
Cumberland County Board of Commissioners

ATTEST:

---

Candice White, Clerk to the Board

LESSEE:  
Cumberland County Hospital System, Inc.  
By:

---

Approved for legal sufficiency:

---

County Attorney

*Drafted by R. Moorefield April 27, 2016*

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. \_\_\_\_\_

2F

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 20, 2016

**TO:** BOARD OF COMMISSIONERS

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

**DATE:** JUNE 14, 2016

**SUBJECT:** CONSIDERATION OF A RESOLUTION TO LEASE CERTAIN REAL PROPERTY TO CUMBERLAND COUNTY HOSPITAL SYSTEM, INC. – 227 FOUNTAINHEAD LANE

**BACKGROUND**

The Board adopted the required resolution of intent at its May 16, 2016 meeting. Pursuant to G.S. 160A-272, the notice of intent was advertised in the *Fayetteville Observer* May 20, 2016. The publisher's affidavit is attached. Adoption of the following resolution will authorize the chairman to execute the lease.

**RECOMMENDATION/PROPOSED ACTION:**

Adopt the following resolution:

The Cumberland County Board of Commissioners finds:

The real property located at 227 Fountainhead Lane will not be needed for government purposes for the term proposed for the lease of the property to Cumberland County Hospital System, Inc.;

The Board adopted a resolution of intent to lease the property described herein at its regular meeting held May 16, 2016; and

The notice of intent to lease the property was advertised in the *Fayetteville Observer* on May 20, 2016.

BE IT THEREFORE RESOLVED that the chairman is authorized to execute a lease to Cumberland County Hospital System, Inc., for that property consisting of approximately 18,911 square feet of office space located at 227 Fountainhead Lane, Fayetteville, NC, for a term of five years (5) years commencing July 1, 2016, at an annual rental rate of Ninety Four Thousand Five Hundred Fifty Five Dollars (\$94,555).

# AFFIDAVIT OF PUBLICATION

NORTH CAROLINA  
Cumberland County

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

TAKE NOTICE the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its meeting to be held on June 20, 2016, approving the lease of approximately 18,911 square feet of office space located at 227 Fountainhead Lane, Fayetteville, NC, to Cumberland County Hospital System, Inc., for a term of five (5) years commencing July 1, 2016, at an annual rental rate of \$94,555.

Candice H. White, Clerk  
Board of County Commissioners  
5/20 4725504

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

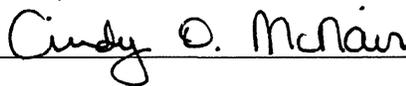
PUBLIC NOTICE OF PROPOSED LEASE PURSUANT TO G.S. 160A-272 of CUMB CO ATTORNEY'S

was inserted in the aforesaid newspaper in space, and on dates as follows:

5/20/2016

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.



LEGAL SECRETARY

Title

Cumberland County, North Carolina

Sworn or affirmed to, and subscribed before me, this 20 day of May, 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, Notary Public

My commission expires 5th day of December, 2020.

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

0004725504

STATE OF NORTH CAROLINA

LEASE AGREEMENT

COUNTY OF CUMBERLAND

*Notice of Intent Published* \_\_\_\_\_

*Approved by Board of Commissioners on* \_\_\_\_\_

This Lease Agreement, is made and entered into to be effective July 1, 2016, by and between Cumberland County Hospital System, Inc., having a principal office at \_\_\_\_\_, Fayetteville, North Carolina, hereinafter referred to as "LESSEE," and the County of Cumberland, a body politic and corporate of the State of North Carolina, having a principal office at 117 Dick Street, Fayetteville, North Carolina, hereinafter referred to as "LESSOR".

WITNESSETH:

IN CONSIDERATION of the mutual promises and subject to the terms and conditions contained or referred to herein, LESSOR does hereby lease and demise to LESSEE, the complete fourth floor of the E. Newton Smith Building located at Fountainhead Lane, Fayetteville, North Carolina, as more fully described as follows (hereinafter referred to as the "Leased Premises"):

the complete fourth floor of the E. Newton Smith Building, except the elevator enclosures and the stairwells, constituting 18,911 square feet, together with the shared use of the common area entrance to the building on the first floor and the elevator enclosures and stairwells connecting each of the floors and the shared use of the parking lots contiguous to the building with the other tenants of the building and their guests, customers and invitees

The Leased Premises is only a portion of the total building and all common areas of the building and the associated parking lots are to be shared with other tenants and users of the building.

TO HAVE AND TO HOLD said Leased PREMISES, together with all privileges and appurtenances thereto belonging including easements of ingress and egress, to the said LESSEE, under the following terms and conditions:

1. TERM: The Lease shall commence the 1st day of July, 2016, and unless sooner terminated, continue for a term of five years.

2. RENT: The rent shall be at an annual rate of \$5.00 per square foot in the total amount of NINETY FOUR THOUSAND, FIVE HUNDRED FIFTY FIVE DOLLARS. Rent shall be payable in equal monthly installments of SEVEN THOUSAND EIGHT HUNDRED SEVENTY NINE and 58/100 DOLLARS (\$7,879.58) on or before the 1st day of each month commencing July 1, 2016.

3. DEPOSIT: LESSOR shall not require a security deposit from the LESSEE.
4. CONDITION OF PREMISES: The parties have agreed that LESSEE shall make certain renovations and improvements to the Leased Premises and shall execute a separate agreement to govern the construction of the renovations and improvements. LESSEE shall return the Leased Premises to LESSOR at the termination or expiration hereof in as good condition and state of repair as the same was at the commencement of the term hereof, except for loss, damage, or depreciation occasioned by reasonable wear and tear or damage by fire or other casualty.
5. PARKING LOT: The parking lot adjacent to the building shall be included in the Leased Premises for the shared use of LESSEE and its visitors and invitees with any other occupants of the building or the adjacent building and their respective visitors and invitees.
6. ASSIGNMENT OR SUB-LEASE: The LESSEE shall not assign this lease or sublet the Leased Premises or any part thereof, without the written consent of the LESSOR. Such written consent will not be unreasonably withheld by LESSOR.
7. USE AND POSSESSION: The Leased Premises are to be used by LESSEE exclusively for LESSEE'S activities to conduct certain financial functions as are normally conducted in a general office.
8. DESTRUCTION OF PREMISES: In the event that said building including the Leased Premises is damaged by fire, explosion, accident or any act of God, so as to materially affect the use of the building and Leased Premises, this Lease shall automatically terminate as of the date of such damage or destruction, provided, however, that if such building and Leased Premises are repaired so as to be available for occupancy and use within sixty (60) days after said damage, then this lease shall not terminate; provided further, that the LESSEE shall pay no rent during the period of time that the Leased Premises are unfit for occupancy and use.
9. CONDEMNATION: If during the term of this lease, the whole of the Leased Premises, or such portion thereof as will make the Leased Premises unusable for the purpose leased, be condemned by public authority for public use, then the term hereby granted shall cease and come to an end as of the date of the vesting of title in such public authority, or when possession is given to such public authority, whichever event occurs last. Upon such occurrence the rent shall be apportioned as of such date and any rent paid in advance at the due date for any space condemned shall be returned to LESSEE. LESSOR shall be entitled to reasonable compensation for such taking except for any statutory claim of LESSEE for injury, damage or destruction of LESSEE'S business accomplished by such taking. If a portion of the Leased Premises is taken or condemned by public authority for public use so as not to make the remaining portion of the leased premises unusable for the purpose leased, this lease will not be terminated but shall continue. In such case, the rent shall be equitably and fairly reduced or abated for the remainder of the term in proportion to the amount of leased premises taken. In no event shall LESSOR be liable to LESSEE for any interruption of business, diminution in use or for the value of any unexpired term of this lease.
10. INTERRUPTION OF SERVICE: LESSOR shall not be or become liable for damages to LESSEE alleged to be caused or occasioned by, or in any way connected with, or

the result of any interruption in service, or defect or breakdown from any cause whatsoever in any of the electric, water, plumbing, fire suppression, heating, air conditioning, ventilation or elevator systems, or any other structural component of the building, unless such damage arises from an intentional or grossly negligent act or omission of LESSOR, its employees or officers.

11. LESSOR'S RIGHT TO INSPECT: LESSOR shall have the right, at reasonable times during the term of this lease, to enter the Leased Premises, for the purposes of examining and inspecting same and of making such repairs or alterations therein as LESSOR shall deem necessary.

12. INSURANCE: LESSOR will be responsible for insuring its interest in the building and LESSEE will be responsible for insuring its personal property within the leased premises. LESSEE shall at all times during the term hereof, at its own expense, maintain and keep in force a policy or policies of general and premises liability insurance against claims for bodily injury, death or property damage occurring in, on, or about the demised premises in a coverage amount of no less than \$1,000,000 per occurrence and naming LESSOR as an additional named insured. LESSEE shall provide current copies of all such policies of insurance to LESSOR'S office of risk management.

13. LESSOR'S RESPONSIBILITY FOR MAINTENANCE: LESSOR shall be responsible for the maintenance and good condition of the roof, windows and exterior walls of the building; the parking lot; the landscaping; and the repair or replacement of the electrical system; overhead lighting system, including bulbs; plumbing system; fire suppression system; heating, air conditioning and ventilation system components; and elevator systems. LESSOR shall provide all services related to the landscaping and grassed areas, including trimming, mowing, planting, mulching and fertilizing as needed.

14. LESSEE'S RESPONSIBILITY FOR ALL OTHER MAINTENANCE: LESSEE shall be responsible for all other maintenance of the Leased Premises not specified as the responsibility of LESSOR above. LESSEE shall be responsible for the regular maintenance in good condition of all interior surfaces including floors, doors, ceilings, walls and windows. LESSEE shall not be responsible for ordinary wear and tear or for major damage or destruction caused by casualty or disaster for which there is insurance coverage.

15. JANITORIAL SERVICES: LESSEE shall provide for its own janitorial service in the Leased Premises. During any period when there is any other tenant, occupant or user of the building, LESSOR shall provide commercially reasonable trash removal from the premises and shall invoice LESSEE for LESSEE'S pro rata share of the cost of trash removal based on the ratio of the square footage occupied by LESSEE to the total square footage occupied by all tenants or users of the building. During any period when LESSEE shall be the only tenant or user of the building, LESSEE shall be responsible to obtain commercially reasonable trash removal services. LESSOR shall invoice LESSEE for the reimbursement of the costs of this service not less than quarterly.

16. PERSONAL PROPERTY AND IMPROVEMENTS: Any additions, fixtures, or improvements placed or made by the LESSEE in or upon the leased premises, which are permanently affixed to the Leased Premises and which cannot be removed without unreasonable damage to said premises, shall become the property of the LESSOR and remain

upon the premises as a part thereof upon the termination of this Lease. All other additions, fixtures, or improvements, to include trade fixtures, office furniture and equipment, and similar items, which can be removed without irreparable damage to the leased premises, shall be and remain as the property of the LESSEE and may be removed from the leased premises by the LESSEE upon the termination of this lease. LESSEE shall bear the expense of any repairs of the Leased Premises, other than reasonable wear and tear caused by such removal. LESSEE shall obtain LESSOR'S written consent before making any alterations or changes to the building or Leased Premises, other than those leasehold improvements for which the parties have already agreed upon.

17. TAXES: LESSOR acknowledges that all business personal property owned by LESSEE is exempt from property taxation. Notwithstanding the foregoing, in the event any property of LESSEE becomes taxable, LESSEE will list and pay all business personal property taxes on its taxable personal property located within the Leased Premises.

18. NOTICE: Any notices to be given by either party to the other under the terms of this Agreement shall be in writing and shall be deemed to have been sufficiently given if delivered by hand, with written acknowledgement of receipt, or mailed by certified mail, return receipt requested, or delivered by receipt controlled express service, to the other party at their respective business addresses.

19. ADA AND OSHA REQUIREMENTS: LESSOR shall make such repairs and perform such maintenance as is necessary to keep the Leased Premises in compliance with all ADA and OSHA requirements. LESSEE shall keep the Leased Premises in good condition and repair and in a good, clean, and safe condition at all times during the term of this lease.

20. SUCCESSORS AND ASSIGNS: This lease shall bind and inure to the benefit of the successors and assigns of the parties hereto.

21. UTILITIES: Electrical power and water and sewer services are not metered separately for the different tenants in the building. LESSEE shall reimburse LESSOR for LESSEE'S pro rata share of the cost of these services. LESSEE'S pro rata share shall be computed as the ratio of the square footage occupied by LESSEE to the total square footage occupied by all tenants or users of the building. LESSOR shall invoice LESSEE for the reimbursement of the costs of these services not less than quarterly. LESSOR shall not be liable for any failure of any public utility to provide utility services over such connections and such failure shall not constitute a default by LESSOR in performance of this Lease. The installation, maintenance and service charges for any other utilities or services such as telephone, cable television, internet, or wireless connectivity shall be the sole responsibility of LESSEE.

22. RISK OF LOSS: As between the LESSOR and the LESSEE, any risk of loss of personal property placed by the LESSEE in or upon the Leased Premises shall be upon and the responsibility of the LESSEE, regardless of the cause of such loss.

23. DESTRUCTION OF PREMISES: If the Leased Premises should be completely destroyed or damaged so that more than fifty percent (50%) of the Leased Premises are rendered unusable, this Lease shall immediately terminate as of the date of such destruction or damage.

24. TERMINATION: If LESSEE shall fail to pay any installment of rent when due and payable or fail to perform any of the terms and conditions heretofore set forth and shall continue in such default for a period of thirty (30) days after written notice of default, LESSOR, at its discretion, may terminate this Lease and take possession of the Leased Premises without prejudice to any other remedies provided by law. If LESSOR shall fail to perform any of the terms and conditions heretofore set forth and shall continue such default thirty (30) days after written notice of such default, LESSEE, at its discretion, may terminate this Lease and vacate the Leased Premises without further obligation to pay rent as theretofore provided from date of said termination, without prejudice to any other remedies provided by law.

25. OCCUPANCY AND QUIET ENJOYMENT: LESSOR promises that LESSEE shall have quiet and peaceable possession and occupancy of the Leased Premises in accordance with the terms of this Lease, and that LESSOR will defend and hold harmless the LESSEE against any and all claims or demands of others arising from LESSEE'S occupancy of the premises or in any manner interfering with the LESSEE'S use and enjoyment of said premises

26. MODIFICATION: This Agreement may be modified only by an instrument duly executed by the parties or their respective successors.

27. MERGER CLAUSE: This instrument is intended by the parties as a final expression of their agreement and as a complete and exclusive statement of its terms. No course of prior dealings between the parties and no usage of trade shall be relevant or admissible to supplement, explain, or vary any of the terms of this Lease. Acceptance of, or acquiescence in, a course of performance rendered under this or any prior agreement shall not be relevant or admissible to determine the meaning of this Lease even though the accepting or acquiescing party has knowledge of the nature of the performance and an opportunity to make objection. No representations, understandings or agreements have been made or relied upon in the making of this Lease other than those specifically set forth herein.

IN WITNESS WHEREOF, LESSOR and LESSEE have caused this Lease Agreement to be executed in duplicate originals by their duly authorized officers, to be effective for the term as stated above.

[SIGNATURE PAGE FOLLOWS]

LESSOR:  
County of Cumberland  
By:

\_\_\_\_\_  
Marshall Faircloth, Chair  
Cumberland County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Candice White, Clerk to the Board

LESSEE:  
Cumberland County Hospital System, Inc.  
By:

\_\_\_\_\_

Approved for legal sufficiency:

\_\_\_\_\_  
County Attorney

*Drafted by R. Moorefield April 27, 2016*

Thelma S. Matthews  
Purchasing Manager



Amanda Bullard  
Buyer

ITEM NO. 26

**FINANCE DEPARTMENT  
PURCHASING DIVISION**

4<sup>th</sup> Floor, New Courthouse • PO Box 1829 • Suite 451, • Fayetteville, North Carolina 28302-1829  
(910) 678-7743 / (910) 678-7746 • Fax (910) 323-6120

**MEMORANDUM FOR BOARD OF COMMISSIONERS CONSENT AGENDA OF  
JUNE 20, 2016**

TO: BOARD OF COUNTY COMMISSIONERS

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

THROUGH: VICKI EVANS, FINANCE DIRECTOR *vse*

DATE: JUNE 2, 2016

SUBJECT: APPROVAL OF SOLE SOURCE PURCHASE FOR A LOGGING RECORDER UPGRADE

**BACKGROUND:**

Cumberland County Emergency Services Department must replace a recorder for the communications center which is no longer functioning; the new system will aid the dispatch system, which includes the computer hardware and software needed to update and expand the system currently in place.

**RECOMMENDATION:**

The purchase of the Motorola MCC7500 logger (recorder) allows direct connection to the Motorola radio and Motorola console system currently at the communications center. Therefore; it is recommended that this item be procured by sole-source according to formal bidding exceptions stated in G.S. 143-129(e) (6), based on standardization and compatibility.

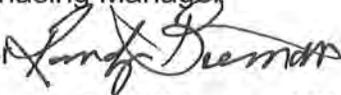


**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

**EMERGENCY SERVICES DEPARTMENT**

May 20, 2016

MEMORANDUM

TO: Thelma Matthews, Purchasing Manager  
FROM: Randy Beeman, Director   
SUBJECT: Replacement and Purchase of NICE Logger MCC7500 Component

BACKGROUND:

Emergency Services- communication center must replace one of two NICE recorders due to end of service life, no maintenance support as the unit has been discontinued. The MCC7500 NICE Logger is a recorder system that stores all radio activity and texting information. The recorder is replacing an outdated recorder that is at end of life with no maintenance or technical support available. The purchase of the MCC7500 Logger allows direct connection to the Motorola radio and Motorola console system. There is no other recording equipment that can directly record all the features of our Motorola system. The recorder is completely compatible and provides all recording capabilities of all talk groups and radio transmissions. The purchase of the MCC7500 Logger provides complete capture operations of all data, telephone and radio transmissions on a single recording platform when combined with the current NICE - NRX recorder. I want to clarify that we have currently two NICE recorders, one that is no longer functioning because of end of life and no maintenance that is being replaced by the MCC7500 NICE Logger. The NRX recorder is recording telephone and limited as to recording all talk groups and we do not have the ability of preserving text messaging The MCC7500 Logger and the current NRX recorder combined will provide the required seamless operation.

DESCRIPTION:

The MCC 7500 IP Logger is a component part of the overall recording system for the communication center. Currently we have and maintain NICE NRX recorder that records our telephone and the addition of the NICE MCC7500 IP Logger allows us to complete the full functionality of our communication center console and radio operations and maintains continuity and seamless operations of our recording systems. The operations of our recorders are essential to the 911 communication center. The IPL Logger has unique features that other products cannot provide and I would like to list the unique features to address sole source purchase.



- NICE is the only recorder on the market to be tested and verified by Motorola for operation on our trunked radio system without the use of de-trunking (LORI/LOMI) cards. (other vendors will install these cards and market themselves as able to record trunked radio systems)
- NICE is the only recorder vendor that can provide the following information in an icon format within a visual scenario reconstruction of multiple radio transmissions- (trunked interface required)
  1. Emergency Transmissions
  2. Status Messaging
  3. Supergroup/Multi select (visually displays the which groups belonged and which participated)
  4. Busy status (denied push-to-talk)
- Encrypted audio format on both the permanent and removable media for optimal security
- The recorder operating system is not accessible from the network which provides strong security advantage to prevent hacker/virus infiltration
- Packet based recording to optimize performance and make retrieval of audio and call information efficient and secure
- NICE recorder will automatically re-boot upon power failure, while other recorders often require manual re-boot that could cause extensive downtime during power restoration
- All audio recordings are maintained in native format. This ensures that calls are maintained in pristine format and call integrity.

**RECOMMENDATION:**

Purchase the NICE MCC7500 IP Logger to replace the current recorder that is end of life.

**FINANCIAL IMPACT:**

The funding source is NC911 surcharge fees and NC911 staff have reviewed and approved the purchase of the equipment per memorandum.

Attachment

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. \_\_\_\_\_

2H

**MEMORANDUM FOR BOARD OF COMMISSIONERS'**  
**CONSENT AGENDA OF JUNE 20, 2016**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: CANDICE H. WHITE, CLERK TO THE BOARD** (ew)

**DATE: JUNE 15, 2016**

**SUBJECT: ALCOHOLIC BEVERAGE CONTROL (ABC) BOARD TRAVEL POLICY**

**BACKGROUND:**

According to the attached correspondence from A. Johnson Chestnutt, Chairman of the Cumberland County ABC Board, the ABC Board is requesting that the Cumberland County Board of Commissioners approve the ABC Board's adoption of Cumberland County's Travel Policy, CP-06, in accordance with House Bill 1717: Modernization of the State ABC System, Section 13.

**RECOMMENDATION/PROPOSED ACTION:**

Approve the ABC Board's request to adopt Cumberland County Travel Policy, CP-06, and direct the Clerk to the Board to send to the ABC Commission written confirmation of said action and a copy of Cumberland County's Travel Policy, CP-06.

Attachments

CUMBERLAND COUNTY  
ALCOHOLIC BEVERAGE CONTROL BOARD  
1705 OWEN DRIVE P.O. BOX 64957  
FAYETTEVILLE, N.C. 28306

June 14, 2016

Subject: Board Travel Policy

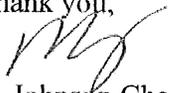
Chairman Marshall Faircloth:

The ABC Board voted at the June 13, 2016 meeting to request the permission and approval from the County Commissioners to adopt the County's Travel Policy according to House Bill 1717: Modernization of the State ABC System. The House Bill 1717 is a result of recommendations by a joint legislative study committee on Alcoholic Beverage Control issues. House Bill 1717, Section 13 (see below) requires that the local board annually submit a copy of the County's travel policy and the authorization to the ABC Board to be forwarded to the ABC Commission.

*Section 13 of the bill provides for members and employees of local ABC boards to be reimbursed for travel on official business in accordance with the statutory travel allowances of State officers and employees. With approval of the appointing authority, a local board may adopt a travel policy that conforms to the travel policy of the appointing authority. The local board would be required to annually provide to the Commission a copy of its travel policy along with the appointing authority's written confirmation of its approval. Excess expenses not covered by the local board's travel policy would be paid only with written authorization of the appointing authority's finance officer, and the local board would be required to submit a copy of the authorization to the ABC Commission within 30 days of approval.*

The Board would greatly appreciate the Commissioners support and appreciate in advance the approval of the bill. The Board is working hard to ensure that the ABC System is in high standards and is in compliance with the NC ABC Commission statutes.

Thank you,

  
A. Johnson Chestnutt  
Chairman



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

### III. DEFINITIONS

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

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

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

#### IV. GENERAL GUIDELINES

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

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

B. Multiple Employees Traveling to the Same Destination

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

#### V. PROCEDURES

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

A. **Travel Advances**

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

## **B. Registration**

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

## **C. Transportation**

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

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

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

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

**D. Overnight Travel – Subsistence**

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

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

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

| <b>M&amp;IE<br/>Total</b> | <b>\$39<br/>Standard</b> | <b>\$44</b> | <b>\$49</b> | <b>\$54</b> | <b>\$59</b> | <b>\$64</b> |
|---------------------------|--------------------------|-------------|-------------|-------------|-------------|-------------|
| <b>Breakfast</b>          | \$7                      | \$8         | \$9         | \$10        | \$11        | \$12        |
| <b>Lunch</b>              | \$11                     | \$12        | \$13        | \$15        | \$16        | \$18        |
| <b>Dinner</b>             | \$18                     | \$21        | \$24        | \$26        | \$29        | \$31        |
| <b>Incidentals</b>        | \$3                      | \$3         | \$3         | \$3         | \$3         | \$3         |

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

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

**E. Motel/ Hotel:**

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

**F. Telephone:**

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

Personal – Personal calls are not reimbursable.

**G. Internet Connection:**

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

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

There will not be Reimbursement for meals under daily travel.

**I. Mileage Reimbursement**

The County reimburses mileage expense at the IRS standard mileage rate. The Finance Director is authorized to make periodic adjustments for

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

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

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

| <b>County Office is Principal Place of Business</b>   |   |
|---|---|
| <b>Example</b>  | <b>Eligible for Mileage Reimbursement</b> |
| Home to office or first work site                     | NO  |
| Office or last work site to home                      | NO  |
| First work site to subsequent work sites              | YES                                       |
| Employee called back to work after regular work hours | YES                                       |
| Employee is called into work on the weekend           | NO  |

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

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

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

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

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

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

The following items are **NOT** reimbursable:

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

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

**K. Responsibilities of Travel Approvers**

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

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

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

**L. Responsibilities of Finance Director**

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

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 JUNE 20, 2016

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMY H. CANNON, COUNTY MANAGER *Amy H Cannon*

DATE: JUNE 15, 2016

SUBJECT: APPROVAL OF REVISIONS TO THE FY 2016-2017 AGREEMENT OF CONDITIONS AND LOCAL GOVERNMENTAL RESOLUTION FOR CONTINUED FUNDING OF THE GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT FOR CUMBERLAND COUNTY SOBRIETY COURT (FUNDED AT 100%)

BACKGROUND

The Board of Commissioners' approved the Agreement of Conditions for the Governor's Highway Safety Program Grant at the June 6, 2016 Board Meeting. The Administrative Office of the Courts/Governor's Highway Safety Department recently made revisions to the Agreement of Conditions, which have been highlighted and included as an attachment to this memorandum. The funding portion of this grant has not changed and remains in the amount of \$92,176.

RECOMMENDATION/PROPOSED ACTION

Approve the revised attached Agreement of Conditions and Local Governmental Resolution to finalize the application process of the Sobriety Court Grant for Cumberland County and direct staff to submit the paperwork to the North Carolina Governor's Highway Safety Program as soon as possible.

/ct

CM061516-2



**North Carolina Governor's Highway Safety Program  
Agreement of Conditions**

This Agreement is made by and between the North Carolina Department of Transportation, hereinafter referred to as the "Department", to include the Governor's Highway Safety Program, hereinafter referred to as "GHSP"; and the applicant agency, for itself, its assignees and successors in interest, hereinafter referred to as the "Agency". During the performance of this contract, and by signing this contract, the Agency agrees as follows:

**A. Federal Provisions**

1. **Equal Opportunity/Nondiscrimination.** The Agency will agree to comply with all Federal statutes and implementing regulations relating to nondiscrimination concerning race, color, sex, religion, national origin, handicaps, and age. These include but are not limited to:
  - (a) Title VI of the Civil Rights Act of 1964;
  - (b) Title IX of the Education Amendments of 1972, as amended;
  - (c) 49 CFR Part 21, Non-Discrimination in Federally-assisted programs of the United States Department of Transportation, hereinafter referred to as "USDOT", as amended;
  - (d) 49 CFR Part 27, Rehabilitation Act of 1973, as amended; and
  - (e) The Age Discrimination Act of 1975, as amended.
2. **Drug Free Workplace.** The Agency agrees to comply with the provisions cited in the Drug-Free Workplace Act of 1988 (49 CFR Part 29 Sub-part F).
3. **Federal Grant Requirements and Contracts.** The Agency shall comply with the following statutes and implementing regulations as applicable:
  - (a) 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;
  - (b) 2 CFR 225, Cost Principles for State, Local, and Indian Tribal Governments, 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards and all other relevant Federal regulations covering the Highway Safety Program;
  - (c) 5 U.S.C. §§ 1501-1508 and 5 CFR Part 151 "Political Activity of State and Local Offices, or Employees" (Hatch Act); and
  - (d) 23 U.S.C. §§ 313 Buy America
  - (e) NHTSA Highway Safety Grant Funding Guidance, as revised, July 2015 ([www.nhtsa.gov](http://www.nhtsa.gov)) and additions or amendments thereto.
4. **Lobbying.** The Agency agrees to comply with the restrictions of lobbying members of Congress, 18 USC, Section 1913; Section 326 of the FY 2000 DOT Applications Act, prohibiting the use of USDOT Federal funds for "grass roots" lobbying campaigns to encourage third parties, members of special interest groups, or the general public to urge members of a State legislature to support or oppose a pending legislative or appropriations matter.
5. **Audits.**
  - (a) **Audit Required.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of 2 CFR 200, Subpart F, § \_\_\_.500. Guidance on determining Federal awards expended is provided in 2 CFR 200, Subpart F, § \_\_\_.502.
  - (b) **Single Audit.** Non-Federal entities that expend \$750,000 or more in a year in Federal awards shall have a single audit conducted in accordance with 2 CFR 200, Subpart F, § \_\_\_.501, except when they elect to have a program-specific audit conducted in accordance with 2 CFR 200, Subpart F, § \_\_\_.501, paragraph (c).
  - (c) **Non-Governmental Entities.** Non-governmental entities (not-for-profit and for-profit entities) must adhere to North Carolina General Statute 143-6.1.
6. **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions.**
  - (a) The prospective lower tier participant (the Agency) certifies, by submission of this contract proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal Department or Federal Agency.
  - (b) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this contract proposal.

7. **Conditions for State, Local and Indian Tribal Governments.** State, local and Indian tribal government Agencies shall adhere to the standards established by 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Contracts to State and Local Governments, and additions or amendments thereto. Agencies shall also adhere to the standards established by the Office of Management and Budget, and in particular, 2 CFR 200, Subpart E, Cost Principles and additions or amendments thereto, for principles for determining costs applicable to grants and contracts with state, local and Indian tribal governments.
8. **Conditions for Institutions of Higher Education.** If the Agency is an institution of higher education, it shall adhere to the standards established by 49 CFR Part 19, Uniform Administrative Requirements for Grants and Contracts with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations and 2 CFR 200, Subpart E, Cost Principles for determining costs applicable to grants and contracts with educational institutions.
9. **Conditions for Non-Profit Organizations.** If the Agency is a non-profit organization, it shall adhere to the standards established by 49 CFR Part 19, Uniform Administrative Requirements for Grants and Contracts with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations and 2 CFR 200, Subpart F, Cost Principles for determining costs applicable to grants and contracts with non-profit organizations.
10. **Conditions for Hospitals.** If the Agency is a hospital, it shall adhere to the standards established by 49 CFR Part 19, Uniform Administrative Requirements for Grants and Contracts with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations and 45 CFR Subtitle A, Part 74, Appendix E, Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals.

## B. General Provisions

1. **Contract Changes.** This document contains the entire agreement of the parties. No other contract, either oral or implied, shall supercede this Agreement. Any proposed changes in this contract that would result in any change in the nature, scope, character, or amount of funding provided for in this contract, shall require a written addendum to this contract on a form provided by the Department.
2. **Subcontracts Under This Contract.** The Agency shall not assign any portion of the work to be performed under this contract, or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this contract without the prior written concurrence of the Department. Any subcontract under this contract must include all required and applicable clauses and provisions of this contract. The Agency must submit any proposed contracts for subcontracted services to the Governor's Highway Safety Program for final approval no less than 30 days prior to acceptance.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiation, made by the Agency for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Agency of the Agency's obligations under this contract. Additionally, Agencies making purchases or entering into contracts as provided for by this contract must adhere to the policies and procedures of 49 CFR 18.36 (Common Rule). Additionally, Agencies making purchases or entering into contracts as provided for by this contract must adhere to the policies and procedures of 49 CFR 18.36 (Common Rule) and Executive Order 150 as it pertains to Historically Underutilized Businesses.
4. **Incorporation of Provisions in Subcontracts.** The Agency shall include the provisions of section A-1 through A-6 of this Agreement in every subcontract, including procurements of materials and leases of equipment, unless exempted by the regulations, or directives issued pursuant thereto. The Agency shall take such action with respect to any subcontract or procurement as the Department, the State of North Carolina, hereinafter referred to as the "State", the National Highway Traffic Safety Administration, hereinafter referred to as "NHTSA", or the Federal Highway Administration, hereinafter referred to as "FHWA", may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Agency becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Agency may request the Department or the State to enter into such litigation to protect the interests of the Department or the State. In addition, the Agency may request the NHTSA or FHWA to enter into such litigation to protect the interests of the United States.

5. **Outsourcing.** All work shall be performed in the United States of America. No work will be allowed to be outsourced outside the United States of America.
6. **Property and Equipment.**
  - (a) **Maintenance and Inventory.** The Agency shall maintain and inventory all property and equipment purchased under this contract.
  - (b) **Utilization.** The property and equipment purchased under this contract must be utilized by the Agency for the sole purpose of furthering the traffic safety efforts of the Agency for the entire useful life of the property or equipment.
  - (c) **Title Interest.** The Department and NHTSA retain title interest in all property and equipment purchased under this contract. In the event that the Agency fails or refuses to comply with the provisions of this Agreement or terminates this contract, the Department, at its discretion, may take either of the following actions:
    - (i) Require the Agency to purchase the property or equipment at fair market value or other mutually agreed to amount; or
    - (ii) Require the Agency to transfer the property or equipment and title of said property or equipment, if any, to the Department or to another Agency, as directed by the Department.
  - (d) **Non-expendable Property.** Non-expendable property is defined as property or equipment having a value of \$5000 or more with a life expectancy of more than one year. Non-expendable property purchased under this contract cannot be sold, traded, or disposed of in any manner without the expressed written permission of the Department.
7. **Promotional, Educational or Other Materials.** If allowed, any promotional, educational or other materials developed using funds from this contract must be reviewed and approved by the GHSP prior to their production or purchase. The cost of these materials is generally limited to a maximum of \$5.00 per item.
8. **Review of Reports and Publications.** Any reports, papers, publications, or other items developed using funds from this contract must be reviewed and approved by the GHSP prior to their release.
9. **Reimbursement.**
  - (a) **General.** Only actual allowable costs are eligible for reimbursement. Claims for reimbursement must be made a minimum of monthly and no more than quarterly via the Grants Management System. Claims for reimbursement not made within the three month threshold are subject to denial. The itemized invoice shall be supported by documentation of costs as prescribed by the Department. Reimbursements will not be processed if other required reports are incomplete or have not been submitted. Failure to submit complete reports by the required deadline may result in denial of reimbursement.
  - (b) **Approval.** The Governor's Highway Safety Program and the Department's Fiscal Section shall approve the itemized invoice prior to payment.
  - (c) **Unapproved Costs.** Any rejected or unaccepted costs shall be borne by the Agency. The Agency agrees that in the event the Department determines that, due to Federal or State regulations that grant funds must be refunded, the Agency will reimburse the Department a sum of money equal to the amount of Federal and State participation in the rejected costs.
  - (d) **Final Claims for Reimbursement.** Final claims for reimbursement must be received by the GHSP within 30 days following the close of the approved contract period. Project funds not claimed by this date are subject to reversion.
  - (e) **Expending Funds Under This Contract.** Under no circumstances will reimbursement be made for costs incurred prior to the contract effective date or after the contract ending date.
10. **Project Costs.** It is understood and agreed that the work conducted pursuant to this contract shall be done on an actual cost basis by the Agency. The amount of reimbursement from the Department shall not exceed the estimated funds budgeted in the approved contract. The Agency shall initiate and prosecute to completion all actions necessary to enable the Agency to provide its share of the project costs at or prior to the conclusion of the project.
11. **Program Income.** The Agency shall account for program income related to projects financed in whole or in part with federal funds in accordance with 49 CFR Part 18. Program income earned during the contract period shall be retained by the Agency and added to the funds committed to the project by the GHSP and be used to further eligible program objectives. Program income must be accounted for separately and the records made available for audit purposes.

12. **Project Directors.** The Project Director, as specified on the signature page of this Agreement, must be an employee of the Agency or the Agency's governing body. Any exception to this provision must have the expressed written approval of GHSP.
13. **Reports Required.**
- (a) **Quarterly Progress Reports.** Unless otherwise directed, the Agency must submit Quarterly Progress Reports to the GHSP, on forms provided by the Department, which reflect the status of project implementation and attainment of stated goals. Each progress report shall describe the project status by quarter and shall be submitted to GHSP no later than fifteen (15) days after the end of each quarter. If the Agency fails to submit a Quarterly Progress Report or submits an incomplete Quarterly Progress Report, the Agency will be subject to having claims for reimbursement withheld. Once a Quarterly Progress Report that substantiates adequate progress is received, cost reimbursement requests may be processed or denied at the discretion of GHSP.
  - (b) **Final Accomplishments Report.** A Final Accomplishments Report must be submitted to the GHSP within fifteen (15) days of completion of the project, on forms provided by the Department, unless otherwise directed. If the Agency fails to submit a Final Accomplishments Report or submits an incomplete Final Accomplishments Report, the Agency will be subject to having claims for reimbursement withheld. Once a Final Accomplishments Report that substantiates adequate progress is received, claims for reimbursement may be processed or denied at the discretion of GHSP.
  - (c) **Audit Reports.** Audit reports required in Section A-5 above shall be provided to the Department within thirty (30) days of completion of the audit.
14. **Out-of-State Travel.**
- (a) **General.** All out-of-state travel funded under this contract must have prior written approval by the Governor's Highway Safety Program.
  - (b) **Requests.** Requests for approval must be submitted to the GHSP, on forms provided by the Department, no less than thirty (30) days prior to the intended departure date of travel.
  - (c) **Agency Travel Policy Required.** For Agencies other than state agencies, out-of-state travel requests must include a copy of the Agency's travel policy, to include allowances for lodging, meals, and other travel-related expenses. For state agencies, maximum allowable subsistence is limited to the prevailing per diem rates as established by the North Carolina General Assembly.
  - (d) **Agenda Required.** Out-of-state travel requests must include a copy of the agenda for the travel requested.
15. **Conditions for Law Enforcement.** In addition to the other conditions provided for in this Agreement, grants to law enforcement agencies are subject to the following:
- (a) **Certifications Required.**
    - (i) **In-car Camera or Video System.** For any in-car camera or video system purchased under this contract, it is required that the operator of that equipment has successfully completed Standardized Field Sobriety Testing training (SFST). A copy of this certificate must be filed with GHSP prior to reimbursement of in-car camera or video systems.
    - (ii) **Radar.** For any radar equipment purchased under this contract, it is required that the operator of that equipment has successfully completed Radar Certification Training. A copy of this certificate must be filed with GHSP prior to reimbursement of radar equipment.
    - (iii) **Alcohol Screening Devices.** For any preliminary alcohol screening devices purchased under this contract, it is required that the operator of that equipment has successfully completed the Alcohol Screening Test Device training offered by the Forensic Test for Alcohol Branch.
  - (b) **Report Required - Monthly Enforcement Data Report.** In addition to the reports mentioned above, law enforcement agencies must submit a Monthly Enforcement Data Report on the form provided by the Department. If the Agency fails to submit a Monthly Enforcement Data Report or submits an incomplete Monthly Enforcement Data Report, the Agency will be subject to having cost reimbursement requests withheld. Once a Monthly Enforcement Data Report that substantiates adequate progress is received, cost reimbursement requests will be processed. The agency head must sign the form. However, the agency head may assign a designee to sign the form by providing written signature authority to the GHSP.
16. **Conditions for Local Governmental Agencies.**
- (a) **Resolution Required.** If the Agency is a local governmental entity, a resolution from the governing body of the Agency is required on a form provided by the Department.
  - (b) **Resolution Content.** The resolution must contain a commitment from the governing body to provide the local funds as indicated in this contract. Additionally, the resolution is required even if the funding

is one hundred percent from federal sources, as it serves as recognition by the governing body of federal funding for purposes of Section A-5 above.

17. **Seat Belt Policy and Use.** Agency must adopt and enforce a seat belt use policy required for all seating positions unless exempted by state law.
18. **Prohibited Interests.** No member, officer, or employee of the Agency during his or her tenure, and for at least one (1) year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof or therefrom.
19. **Continued Federal and State Funding.**
  - (a) **Federal Funding.** The Agency agrees and understands that continuation of this project with Federal funds is contingent upon Federal funds being appropriated by the United States Congress specifically for that purpose. The Agency further agrees and understands that in the event funds originally appropriated by Congress for these grants are subsequently reduced by further acts of Congress, funding to the Agency may be proportionately reduced.
  - (b) **State Funding.** The Agency agrees and understands that continuation of this project with funds from the State of North Carolina is contingent upon State funds being appropriated by the General Assembly specifically for that purpose. The Agency also agrees that any state funds received under this contract are subject to the same terms and conditions stated in this Agreement.
20. **Performance.** All grants provided by the Governor's Highway Safety Program are performance-based and, as such, require that continual progress be made toward the reduction of the number and severity of traffic crashes. Any agency, whose performance is deemed unsatisfactory by the GHSP, shall be subject to the sanctions as provided for in this contract. Additionally, unsatisfactory performance shall be cause for the Department to reduce or deny future funding.
21. **Resolution of Disputes.** Any dispute concerning a question of fact in connection with the work not disposed of by contract by and between the Agency and the Department, or otherwise arising between the parties to this contract, shall be referred to the Secretary of the North Carolina Department of Transportation and the authorized official of the Agency for a negotiated settlement. In any dispute concerning a question of fact in connection with the project where such negotiated settlement cannot be resolved in a timely fashion, the final decision regarding such dispute shall be made by the Secretary of the North Carolina Department of Transportation, with the concurrence of the Federal funding agency, and shall be final and conclusive for all parties.
22. **Department Held Harmless.**
  - (a) **For State Agencies.** Subject to the limitations of the North Carolina Tort Claims Act, the Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.
  - (b) **For Agencies Other Than State Agencies.** The Agency shall be responsible for its own negligence and holds harmless the Department, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.
23. **Records Access and Retention.** The Agency shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department, the State, NHTSA, or FHWA, as appropriate, to be pertinent to ascertain compliance with such regulations, orders and instructions. Furthermore, the Agency shall maintain such materials during the contract period, and for three (3) years from the date of final payment from the Department, for such inspection and audit. Where any information required of the Agency is in the exclusive possession of another who fails or refuses to furnish this information, the Agency shall so certify to the Department, State, NHTSA, or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information.
24. **Sanctions for Non-Compliance.** The applicant Agency agrees that if it fails or refuses to comply with any provisions and assurances in this contract, the Department may take any or all of the following actions:
  - (a) Cancel, terminate, or suspend this contract in whole or in part;
  - (b) Withhold reimbursement to the Agency until satisfactory compliance has been attained by the Agency;

- (c) Refrain from extending any further funding to the Agency under this contract with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Agency;
  - (d) Refer the case to the United States Department of Justice for appropriate legal proceedings.
- 25. Cancellation, Termination, or Suspension of Contract.**
- (a) **By the Department.** For noncompliance with any of the said rules, regulations, orders or conditions, this contract may be canceled, terminated, or suspended in whole or in part by the Department, by giving the Agency thirty (30) days advanced written notice. The Department, before issuing notice of cancellation, termination, or suspension of this contract, may allow the Agency a reasonable opportunity to correct for noncompliance.
  - (b) **(By the Agency.** The Agency may terminate this contract by providing thirty (30) days advanced written notice to the Department.
- 26. Completion Date.** Unless otherwise authorized in writing by the Department, the Agency shall commence, carry on, and complete the project as described in the approved Highway Safety Project Contract by September 30 of the Federal fiscal year for which it was approved.
- 27. E-Verify requirements.** If this contract is subject to NCGS 143-133.3, the contractor and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the NC General Statutes.
- 28. Certification of Eligibility Under the Iran Divestment Act.** Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-55 et seq. requires that each Agency, prior to contracting with the State certify, and the undersigned Agency Authorizing Official on behalf of the Agency does hereby certify, to the following:
- (a) that the Agency is **not now and was not at the time of the execution of the Contract dated below** identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
  - (b) that the Agency shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
  - (c) that the undersigned Agency Authorizing Official is authorized by the Agency to make this Certification.
- 29. Signature.** By signing below, the Agency agrees to adhere to the terms and conditions of this Agreement.

| AGENCY PROJECT DIRECTOR                     |       |                  |
|---|-------|------------------|
| NAME  | TITLE | ADDRESS          |
| SIGNATURE                                   | DATE  | TELEPHONE NUMBER |
| AGENCY AUTHORIZING OFFICIAL                 |       |                  |
| NAME  | TITLE | ADDRESS          |
| SIGNATURE                                   | DATE  | TELEPHONE NUMBER |
| AGENCY OFFICIAL AUTHORIZED TO RECEIVE FUNDS |       |                  |
| NAME  | TITLE | ADDRESS          |
| SIGNATURE                                   | DATE  | TELEPHONE NUMBER |

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. 2 J (1)/(2)

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 20, 2016

**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** AMY H. CANNON, COUNTY MANAGER *Amy H Cannon*  
**DATE:** JUNE 15, 2016  
**SUBJECT:** APPROVAL OF THE CUMBERLAND COUNTY FACILITIES COMMITTEE REPORT AND RECOMMENDATIONS

BACKGROUND

The Cumberland County Facilities Committee met on Thursday, June 2, 2016 and discussed the following agenda:

- 1) Detention Center Hot Water Heater Replacement Project Bid Award
- 2) Request of CRA Timber Management LLC to Relocate Access Parcel to McKinnon Farm Road

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

CM061516-3

# DRAFT

CUMBERLAND COUNTY FACILITIES COMMITTEE  
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564  
JUNE 2, 2016 - 8:30 A.M.  
MINUTES

MEMBERS PRESENT: Commissioner Glenn Adams  
Commissioner Jimmy Keefe  
Commissioner Kenneth Edge

MEMBERS ABSENT: Commissioner Charles Evans

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  
Deborah Shaw, Budget Analyst  
Heather Harris, Budget Analyst  
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 – MAY 5, 2016 FACILITIES COMMITTEE  
REGULAR MEETING

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

2. CONSIDERATION OF APPROVAL OF DETENTION CENTER HOT WATER  
HEATER REPLACEMENT PROJECT BID AWARD

BACKGROUND:

Informal bids were received on May 20, 2016 for the replacement of two water heaters located in the Detention Center. These units supply hot water to the kitchen and laundry rooms and have reached the end of their useful life. The kitchen and laundry rooms are two critical areas that require hot water to keep the Detention Center fully functioning.

# DRAFT

The certified bid tabulation from Stanford White is recorded below. The lowest base bid was submitted by Haire Plumbing & Mechanical in the amount of \$132,459. This project was identified in the Capital Improvement Plan and funded as part of the current fiscal year budget.

## RECOMMENDATION/PROPOSED ACTION

The Engineering and Infrastructure Director along with County Management recommend that the Facilities Committee approve the following recommendations and forward them to the Board of Commissioners for its consideration at their June 20, 2016 meeting:

1. Award a contract to Haire Plumbing & Mechanical in the amount of \$132,459 for the replacement of water heaters at the Detention Center.
2. Establish a contingency in the amount of \$13,000 to be used for additional work recommended by the Engineering and Infrastructure Director and approved by the County Manager.

## BID TABULATION

Project: Detention Center Water Heater Replacement  
Owner: Cumberland County  
Prime: Mechanical  
Project No: 0367-07-00-16  
Bids Due: 2:00 PM Friday, May 20, 2016

| Bidders                          | License NO. | Bid Security | Base Bid  | Addendum #1<br>(Yes or No) |
|----------------------------------|-------------|--------------|-----------|----------------------------|
| Haire Plumbing & Mechanical Inc. | 4230        | Y            | \$132,459 | Yes                        |
| Smith's Refrigeration Inc.       | 14759       | Y            | \$160,400 | Yes                        |
| Ivey Mechanical Co. LLC.         | 10838       | Y            | \$199,990 | Yes                        |

\*\*\*\*\*

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

MOTION: Commissioner Edge moved to recommend to the full board approval of awarding a contract to Haire Plumbing & Mechanical in the amount of \$132,459 for the replacement of water heaters at the Detention Center and to establish a contingency in the amount of \$13,000 to be used for

# DRAFT

additional work recommended by the Engineering and Infrastructure Director and approved by the County Manager.

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

### 3. CONSIDERATION OF APPROVAL OF BID AWARD FOR NORCRESS SEWER SYSTEM CLEANING

#### BACKGROUND

Informal bids were received on May 10, 2016 for cleaning and CCTV inspection of sanitary sewer lines within the NORCRESS Water and Sewer District. The State requires that sanitary sewer lines be inspected periodically to ensure that there are no pipe defects that would allow inflow or infiltration of stormwater or groundwater into the sanitary sewer system. This type of detailed inspection is not covered in the operation and maintenance agreement that the County has with PWC.

The County received bids from two separate companies: Hydrostructures of Pittsboro and Porter Scientific, Inc. of Pembroke. The County received bid pricing based on the total length of pipe for the various sized pipe within the NORCRESS system. Hydrostructures submitted the most competitive pricing. Funding was budgeted in the current fiscal year for this project. It is recommended that a contract be awarded to Hydrostructures in the amount not to exceed \$200,000. NORCRESS Advisory Board is aware that the County bid this project.

#### RECOMMENDATION/PROPOSED ACTION

The Engineering and Infrastructure Director along with County Management recommend that the Facilities Committee approve awarding a contract to Hydrostructures in the amount not to exceed \$200,000 for the cleaning and CCTV inspections of sewer lines in the NORCRESS district and place it on the agenda of the June 20, 2016 NORCRESS Water and Sewer District meeting for approval.

\*\*\*\*\*

Mr. Brown reviewed the background information and recommendation as recorded above. Mr. Brown stated this system is about ten years old and there have been issues recently with inflow and infiltration during rain events causing stormwater to get into the system. Commissioner Adams stated it may be beneficial to clean the sewer line in small sections periodically rather than the whole line at one time to help determine where seepage may be coming from if issues arise in the future.

MOTION: Commissioner Edge moved to recommend to the full board approval to award a contract to Hydrostructures in the amount not to exceed \$200,000 for the cleaning and CCTV inspections of sewer lines in the NORCRESS district and to place it on the agenda of the June 20, 2016 NORCRESS Water and Sewer District meeting for approval.

# DRAFT

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

## 4. CONSIDERATION OF APPROVAL OF REQUEST OF CRA TIMBER MANAGEMENT LLC TO RELOCATE ACCESS PARCEL TO MCKINNON FARM ROAD

### BACKGROUND:

The County owns the parcel with PIN 0405-34-9740. It consists of 5.25 acres and is located off of Fisher Road. The Department of Social Services operates a group home on the property. The access to Fisher Road was formerly by a dirt driveway located within a public right-of-way 60' in width.

At its November 2, 2015 meeting, the Board of Commissioners approved the request of CRA Timber Management LLC (CRA) for the County to relinquish its rights to the 60' public easement in exchange for an access parcel 60' in width to connect the County's parcel to a new paved street serving Georgetown Estates. The County's existing driveway does not align with the access parcel that CRA deeded to the County. CRA has asked the County to accept another 60' access parcel located adjacent to the southern boundary of the existing access parcel and deed the existing access parcel back to CRA.

If the access parcel is not moved, the County will need to grade a new connection for the existing driveway to avoid driving on a landscaped area that now belongs to the Georgetown Estates Homeowners Association. Since McKinnon Farm Road is now within the street system of the Town of Hope Mills, it may be necessary to obtain a driveway permit from the Town to relocate the access parcel.

### RECOMMENDATION/PROPOSED ACTION:

The county attorney advises that if this is permitted by the Town of Hope Mills, relocating the access parcel to align with the existing driveway will be less costly than grading a new driveway. The county attorney recommends approval of the request of CRA for this reason, provided the Town of Hope Mills will permit the new driveway connection.

\*\*\*\*\*

Rick Moorefield, County Attorney, reviewed the background information and recommendation as recorded above.

MOTION: Commissioner Keefe moved to recommend to the full board approval of the request of CRA Timber Management LLC to relocate the access parcel to McKinnon Farm Road to align with the existing driveway provided the Town of Hope Mills will permit the new driveway connection.

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

# DRAFT

## 5. OTHER ITEMS OF BUSINESS

There were no other items of business.

MEETING ADJOURNED AT 8:42 AM.



ITEM NO. 25(1)

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

**ENGINEERING & INFRASTRUCTURE DEPARTMENT**

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

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 20, 2016**

**TO: BOARD OF COUNTY COMMISSIONERS**  
**FROM: JEFFERY P. BROWN, PE, E & I DIRECTOR**  
**THROUGH: AMY H. CANNON, COUNTY MANAGER**  
**DATE: JUNE 14, 2016**  
**SUBJECT: FOR DETENTION CENTER WATER HEATER REPLACEMENT  
APPROVAL OF BID AWARD TO HAIRE PLUMBING &  
MECHANICAL PROJECT**

**BACKGROUND:**

Informal bids were received on May 20, 2016 for the replacement of two water heaters located in the Detention Center. The existing water heaters have reached the end of their useful life and these units supply hot water to the kitchen and laundry rooms. These are two critical areas that require hot water to keep the facility fully functioning.

The certified bid tabulation from Stanford White has been attached. The lowest base bid was submitted by Haire Plumbing & Mechanical in the amount of \$132,459. This project was identified in the Capital Improvement Plan and funded as part of the current fiscal year budget.

This was presented and approved by the Facilities Committee on June 2<sup>nd</sup>.

**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 Haire Plumbing & Mechanical in the amount of \$132,459 for the replacement of water heaters at the Detention Center.
2. Establish a contingency in the amount of \$13,000 to be used for additional work recommended by the E&I Director and approved by the County Manager.



PO Box 19944 | Raleigh, NC 27619 | tel 919.832.8118 | fax 919.832.8120 | [stanfordwhite.com](http://stanfordwhite.com)

May 24, 2016

VIA EMAIL  
[jbrown@co.cumberland.nc.us](mailto:jbrown@co.cumberland.nc.us)

Mr. Jeffery P. Brown, PE  
Engineering and Infrastructure Director  
Engineering and Infrastructure Department  
Cumberland County  
130 Gillespie Street  
Fayetteville, NC 28302

Re: Cumberland County Detention Center Water Heater Replacement  
Cumberland County  
SW #: 0367-07-00-16

Dear Mr. Brown:

On May 20, 2016 we assisted you with opening bids for the above reference project. Attached herein is a certified bid tabulation for your use.

The apparent low bid for the project is prepared by Haire Plumbing and Mechanical, Inc. for \$132,459. This bid amount falls within the funds that are appropriated for the project.

If you choose to proceed, please request that Cumberland County formally accept the low bid and issue a Notice of Award for this project. We will await such direction before proceeding.

Sincerely,

**STANFORD WHITE, Inc.**

A handwritten signature in black ink that reads "Kevin R. Allen".

Kevin R. Allen, PE  
Mechanical Engineer

Enclosure



# BID TABULATION

PO Box 19944 | Raleigh, NC 27619 | tel 919.832.8118 | fax 919.832.8120 | stanfordwhite.com

PROJECT: Detention Center Water Heater Replacement PROJECT NO.: 0367-07-00-16  
OWNER: Cumberland County BIDS DUE: 2:00 PM Friday, May 20, 2016  
PRIME: Mechanical

| Bidders                          | License NO. | Bid Security | Base Bid  | Addendum #1 (Yes or No) |
|----------------------------------|-------------|--------------|-----------|-------------------------|
| Haire Plumbing & Mechanical Inc. | 4230        | Y            | \$132,459 | Yes                     |
| Smith's Refrigeration Inc.       | 14759       | Y            | \$160,400 | Yes                     |
| Ivey Mechanical Co. LLC.         | 10838       | Y            | \$199,990 | Yes                     |

I CERTIFY THAT THIS IS A TRUE AND ACCURATE TABULATION OF BIDS RECEIVED.

BY: Kevin R. Allen, Mechanical Engineer



5-24-2016

RICKEY L. MOOREFIELD  
County Attorney



PHYLLIS P. JONES  
Assistant County Attorney  
ROBERT A. HASTY, JR.  
Assistant County Attorney

**OFFICE OF THE COUNTY ATTORNEY**

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

**MEMO FOR THE AGENDA OF THE JUNE 20, 2016,  
MEETING OF THE BOARD OF COMMISSIONERS**

**TO:** Board of Commissioners; County Manager **ITEM NO.** 25(2)  
**FROM:** Co. Atty. *R. Moorefield*  
**DATE:** June 15, 2016  
**SUBJECT:** Request of CRA Timber Management LLC to Relocate Access Parcel to  
McKinnon Farm Road

**Attachments:** (1) Revised Preliminary Plat of Access to McKinnon Farm Road  
(2) Form of proposed deed for new access parcel

**BACKGROUND:**

The County owns the parcel with PIN 0405-34-9740. It consists of 5.25 acres and is located off of Fisher Road. The Department of Social Services operates a group home on the property. The access to Fisher Road was formerly by a dirt driveway located within a public right-of-way 60' in width.

At its November 2, 2015, the Board of Commissioners approved the request of CRA Timber Management LLC for the county to relinquish its rights to the 60' public easement in exchange for an access parcel 60' in width to connect the county's parcel to a new paved street serving Georgetown Estates. The county's existing driveway does not align with the access parcel that CRA deeded to the county. CRA has asked the county to accept another 60' access parcel located adjacent to the southern boundary of the existing access parcel and deed the existing access parcel back to CRA. A plat showing the location of the new access parcel in relation to the driveway is attached. If the access parcel is not moved, the county will need to grade a new connection for the existing driveway to avoid driving on a landscaped area that now belongs to the Georgetown Estates Homeowners Association.

The county attorney reported to the Facilities Committee that McKinnon Farm Road was now within the street system of the Town of Hope Mills because that was the information that was provided to him when this request was made. For that reason, the county attorney advised the Facilities Committee that he recommended this transaction subject to the county being advised by the Town of Hope Mills that the town would permit a driveway connection to McKinnon Farm Road for the new location of the driveway. The Facilities Committee voted at its June 2, 2016, meeting to follow the recommendation of the county attorney.

Since the meeting of the Facilities Committee, the county attorney has discovered that McKinnon Farm Road has not been accepted into the street system of the Town of Hope Mills. McKinnon Farm Road has been dedicated as a public right of way and the county is in no worse position that it was when its access was through the former right of way which had been dedicated to public use but also was not accepted by the Town of Hope Mills. CRA Timber Management LLC has agreed to put a provision in the deed for the new access parcel that the Georgetown Estates Owners Association, Inc., will be solely responsible to maintain McKinnon Farm Road until it is accepted by either the Town of Hope Mills or NCDOT. A copy of the proposed form of the deed is also attached.

**RECOMMENDATION/PROPOSED ACTION:**

The county attorney advises that relocating the access parcel to align with the existing driveway will be less costly than grading a new driveway. The county attorney recommends approval of the request of CRA for this reason, subject to the street maintenance provision included in the deed.

**NORTH CAROLINA GENERAL WARRANTY DEED**

**Excise Tax: NTC**

Parcel Identifier No. 0405-42-0744 Verified by Cumberland County on the \_\_\_ day of \_\_\_\_\_, 2016

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

Mail/Box to: The Law Offices of Lonnie M. Player, Jr., PLLC, P.O. Box 88095, Fayetteville, NC 28304

This instrument was prepared by: Lonnie M. Player, Jr. The Law Offices of Lonnie M. Player, Jr., PLLC

**TITLE NOT EXAMINED NOR CERTIFIED BY PREPARER**

Brief description for the Index: \_\_\_\_\_ Access Parcel B, Plat Book 137, Page 60 \_\_\_\_\_

THIS DEED made this \_\_\_ day of \_\_\_\_\_, 2016, by and between

GRANTOR

CRA TIMBER MANAGEMENT, LLC  
a North Carolina limited liability company

238 North McPherson Church Road  
Fayetteville, NC 28303

GRANTEE

COUNTY OF CUMBERLAND,  
a Body Politic and Corporate of the State of North Carolina,

Post Office Drawer 1829  
Fayetteville, NC 28302-1829

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Cumberland County, North Carolina and more particularly described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

The property hereinabove described was acquired by Grantor by instrument recorded in Book 9843, page 670.

All or a portion of the property herein conveyed \_\_\_ includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book 137, Page 60, Cumberland County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: Easements, restrictions, and rights of way of record, if any.

For purposes of the conveyance made herein, Georgetown Estates Owners Association, Inc. hereby agrees to be solely responsible for the maintenance of McKinnon Farm Road until such time as McKinnon Farm Road shall be accepted as a public street by NCDOT or otherwise accepted into the street system of the Town of Hope Mills, North Carolina.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

\_\_\_\_\_  
(SEAL)  
CRA TIMBER MANAGEMENT, LLC  
By: Sharlene R. Williams  
Its: Manager

State of North Carolina – County of \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of the State and County aforesaid, certify that Sharlene R. Williams personally appeared before me this day and acknowledged that she is the Manager of CRA Timber Management, LLC, a North Carolina Limited Liability Company, and that being authorized to do so, executed the foregoing on behalf of the LLC.

WITNESS my hand and official stamp or seal, this the \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
, Notary Public  
My Commission Expires: \_\_\_\_\_  
(Affix Seal)  
\*\*\*\*\*

\_\_\_\_\_  
(SEAL)  
GEORGETOWN ESTATES OWNERS ASSOCIATION, INC.  
By:  
Its: President

State of North Carolina – County of \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of the State and County aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that he/she is the President of Georgetown Estates Owners Association, Inc., a North Carolina Non-Profit Corporation, and that being authorized to do so, executed the foregoing on behalf of the corporation.

WITNESS my hand and official stamp or seal, this the \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
, Notary Public  
My Commission Expires: \_\_\_\_\_  
(Affix Seal)



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. 2K(1)/(2)/(3)

OFFICE OF THE COUNTY MANAGER

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 20, 2016**

**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** AMY H. CANNON, COUNTY MANAGER *ah*  
**DATE:** JUNE 15, 2016  
**SUBJECT:** APPROVAL OF THE CUMBERLAND COUNTY FINANCE COMMITTEE REPORT AND RECOMMENDATIONS

**BACKGROUND**

The Cumberland County Finance Committee met on Thursday, June 2, 2016 and discussed the following agenda:

- 1) Request for Proposal for Bond Counsel
- 2) Consideration of a Policy to Authorize the Write-Off of Internal Audit Discrepancies
- 3) Consideration of Incurred But Not Reported (IBNR) Budget Revision

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

CM061516-4

# DRAFT

CUMBERLAND COUNTY FINANCE COMMITTEE  
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564  
JUNE 2, 2016 - 10:30 AM  
MINUTES

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

OTHER COMMISSIONERS

PRESENT: Commissioner Glenn Adams  
Commissioner Fairecloth

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  
Tammy Gillis, Director of Internal Audit and Wellness Services  
Jeffrey Brown, Engineering and Infrastructure Director  
Gus Simmons, P.E. Cavanaugh and Associates, P.A.  
Greg Montgomery, Clean Source Company Representing N.C.  
Agricultural Finance Authority (Conference Call)  
Candice H. White, Clerk to the Board  
Press

Commissioner Lancaster called the meeting to order.

1. APPROVAL OF MINUTES – MAY 5, 2016 FINANCE COMMITTEE REGULAR MEETING

MOTION: Commissioner Council moved to approve the May 5, 2016 regular meeting minutes.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (4-0)

2. CONSIDERATION OF RESOLUTION AUTHORIZING REALLOCATION OF THE COUNTY’S QUALIFIED ENERGY CONSERVATION BOND ALLOCATION TO THE STATE OF NORTH CAROLINA

# DRAFT

## BACKGROUND:

The North Carolina Agricultural Finance Authority has established a Green Community Program to promote energy conservation, energy efficiency and environmental conservation on agricultural land and in agriculture related industries. This program makes loans to support qualified conservation projects across the state.

Duplin County is working on one such project. NC Southeast Regional Economic Development Partnership is requesting the allocation of qualified energy conservation funds from neighboring counties be transferred to the Duplin County project as part of regional support for that project.

Cumberland County has no eligible projects identified. While there is currently no sunset on the funds, any outstanding allocation is at risk if there is a change in administration at the federal level. At the project level, Mary Nash Rusher, Bond Counsel, will hold all resolutions until the project is funded. If the project is not funded, the collective resolutions will be destroyed. This will insure that the funds allocated for Cumberland County will remain earmarked for Cumberland County should the Duplin County project not go forward.

## RECOMMENDATION/PROPOSED ACTION:

Approve the resolution authorizing reallocation of the County’s Qualified Energy Conservation Bond Allocation amount of \$1,199,996 to the State of North Carolina and request the State to transfer such Cumberland QECB allocation to the NC Agricultural Finance Authority to be used for one or more qualifying projects located in the NC Southeast Region.

BOARD OF  
COMMISSIONERS OF  
[NAME] COUNTY  
Excerpt of  
Minutes of  
Meeting on  
[DATE]

Present: Chairman presiding, and Commissioners

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

\* \* \* \* \*

The following resolution was discussed and its title was read:

RESOLUTION AUTHORIZING REALLOCATION OF THE  
COUNTY’S QUALIFIED ENERGY CONSERVATION BOND  
ALLOCATION TO THE STATE OF NORTH CAROLINA

WHEREAS, Section 54D of the Internal Revenue Code of 1986, as amended (the “Code”) authorizes the issuance of qualified energy conservations bonds (“QECBs”) to finance a wide range of renewable energy and energy conservation facilities, all as described in the Code (“Qualified Conservation Purposes”); and

# DRAFT

WHEREAS, under the American Recovery and Reinvestment Act of 2009 (“ARRA”) the total amount of QECBs authorized was increased to \$3.2 billion, which was then allocated to each state based on population; and

WHEREAS, the State of North Carolina (the “State”) received \$95,677,000 in QECB allocation, which was then reallocated by the North Carolina Tax Reform Allocation Committee (“TRAC”) in accordance with Section 54D of the Code and IRS Notice 2009-29 to “large local governments” (i.e. cities and counties with more than 100,000 in population); and

WHEREAS, Cumberland County (the “County”) qualifies as a “large local government,” and as part of the reallocation process, the County received from TRAC \$1,199,996 allocation (the “Cumberland QECB Allocation”); and

WHEREAS, the County does not anticipate using its QECB allocation for a Qualified Conservation Purpose; and

WHEREAS, the County understands that the North Carolina Agricultural Finance Authority (the “Authority”) has established a Green Community Program to promote energy conservation, energy efficiency and environmental conservation on agricultural land and in agriculture related industries, which makes loans to finance Qualified Conservation Purposes across the State; and

WHEREAS, the County has been requested to reallocate the Cumberland QECB allocation to the State so that the State may in turn transfer the Cumberland QECB Allocation to the Authority for the Authority to use in its Green Community Program to provide a portion of the financing for energy conservation and efficiency projects, including renewable energy projects, which qualify for funding through the Green Community Program; and

WHEREAS, the County is willing to consider such request, but only if the projects financed by the Authority are located within the sixteen (16) county region comprising the North Carolina Southeast Regional Economic Development Partnership (the “Region”) (the “Qualifying Projects” and individually a “Qualifying Project”); and

**NOW THEREFORE BE IT RESOLVED**, by the Cumberland County Board of Commissioners that the County hereby reallocates the Cumberland QECB Allocation to the State, and requests the State to transfer such Cumberland QECB Allocation to the Authority to be used in its Green Community Program to finance one or more Qualifying Projects located in the Region, or otherwise be used for projects in the Region. The officers of the County are hereby authorized and directed to take such action and file such reports and notices as may be required to carry out this resolution.

\*\*\*\*\*

Amy Cannon, County Manager, reviewed the background information recorded above and introduced Greg Montgomery, Clean Source Company representing the N.C. Agricultural Finance Authority, who participated by conference call. Ms. Cannon also introduced Gus Simmons, P.E. Cavanaugh and Associates, P.A. and project manager for the Duplin County project. Ms. Cannon stated the NC Southeast Regional Economic Development Partnership is requesting qualified energy conservation bonds from several counties. Ms. Cannon stated the

# DRAFT

County's QECB allocation is \$1,199,996 and at present, Cumberland County does not currently have any qualified projects because the bond qualifications are narrowly defined for energy conservation/energy efficiency on agricultural land or agricultural related projects or industries.

Mr. Simmons provided a brief overview of the Duplin County project involving organic waste from five adjoining pig farms that is processed and turned into raw bio gas which is then is filtered and turned into 85% methane, the same as natural gas. Mr. Simmons stated the natural gas is then injected into the pipeline that crosses one of the farms, purchased by Duke Energy and eventually turned into electricity.

Mr. Montgomery stated there are no more QECB allocations remaining at the state level which is the reason six jurisdictions within the region are being asked to reallocate their bonds in the amount of \$6.5 million to match the senior debt on this project. Mr. Montgomery explained Duplin County did not receive an initial QECB allocation and there are two banks interested in funding the bonds for this project once they are secured. Mr. Montgomery stated the technology involving organic waste will contribute to the growth of the swine industry by mitigating the waste stream and converting it into a useful resource.

Ms. Cannon stated her understanding in a prior conference call with Mr. Montgomery was that the bond attorney would hold the resolution, it would become null and void if the project did not move forward and Cumberland County would retain its allocation. Ms. Cannon asked Mr. Montgomery whether this was correct. Mr. Montgomery stated that was not correct because the bonds would stay with the Authority who would have 18 months to use the allocation for another project within the region. Mr. Montgomery stated he apologized if he was not clear about this during the prior conference call. Mr. Montgomery stated because Duplin County does not have its own allocation, in order for a project to be deemed within a jurisdiction that holds the allocation, the allocation must be held by the state for the state to transfer to the Authority. Mr. Montgomery stated he would not turn the resolution over to TRAC until all resolutions are in hand sufficient to support the project and with the knowledge that the project was going forward.

Ms. Cannon stated what she is now hearing was missing during the prior conference call in that there is a more limited opportunity to have a hold on Cumberland's allocation. Mr. Montgomery stated the resolution package would not be tendered until there was a high degree of certainty of financial closure. Ms. Cannon stated the background information provided/recorded in the memo above is not fully accurate because it is based on what was heard during the prior conference call.

Ms. Cannon asked whether the project would move forward without all the allocations being sought. Mr. Montgomery stated the project will move forward at a reduced level with a higher risk due to the lack of the credit enhancement to support it. Mr. Montgomery stated one of the benefits of the bonds is that they were designed to incentivize investing to encourage new solutions using existing technology to address critical needs in the energy environmental sectors. Mr. Montgomery stated the bonds are small denominations, have been out there eight years, many counties do not even know they have them and they may be retracted and go away.

In response to a question from Commissioner Keefe, Mr. Montgomery stated a \$1.2 million bond is so small that if it stands alone, it is uneconomical to do anything with it. Mr. Montgomery stated that is why there are 60,000,000 of these bonds scattered across the state that have gone

# DRAFT

unused. Mr. Montgomery stated realistically, bond attorneys will eat up one quarter of a \$1.2 million bonding authority with their legal fees.

In response to a question by Ms. Cannon, Mr. Montgomery stated the financial close on the project is in August in order to start construction in the fall, so the plan is to have the resolutions and financing commitments in hand to tender a package to the TRAC committee for a meeting no later than July 14. Questions and discussion continued. Ms. Cannon stated she would like to withdraw her recommendation recorded above.

MOTION: Commissioner Keefe moved to table the matter for further review.

SECOND: Commissioner Council

VOTE: UNANIMOUS (4-0)

### 3. CONSIDERATION OF APPROVAL OF RATE STRUCTURES

#### A. SOUTHPOINT IN THE GRAY'S CREEK WATER AND SEWER DISTRICT

##### BACKGROUND:

In recent months the Public Utilities Division has had an increase in the amount of utility accounts that are past due. The Public Utilities Division mails out several letters to customers and then eventually we take the customer to Small Claims Court, in an attempt to get the customer to pay their bill. This process is lengthy and costly and the Public Utilities Division does not recoup any fees. We are requesting to have a processing fee and administrative filing fee added to the amount owed by the customer to help recoup the cost, as well as, stop the same customers from continuing to be late without any consequences. The processing fee would cover the preparing, printing and mailing of the collections letters and the administrative filing fee would cover the preparation of the Small Claims documents.

The Public Utilities Division is also requesting to add a \$25.00 disconnect fee to the rate structure for Southpoint, to cover the cost of disconnecting customers from the water system who have not paid their bill for usage.

The current rate structure for Southpoint includes a construction phase tap fee rate and a future services tap fee rate that needs to be removed from the rate structure to avoid confusion from customers that want to connect to the system and have not paid a tap fee. The rate structure does have the cost for extending a water lateral and main extension.

##### Southpoint Rate Changes:

Add Processing Fee per Collection of \$30.00

Add Administrative Filing Fee per Collection of \$100.00

Add Disconnect Fee of \$25.00

Remove Construction Phase Tap Fee Rate

Remove Future Services Tap Fee Rate

# DRAFT

**RECOMMENDATION/PROPOSED ACTION:**

The Engineering and Infrastructure Director and County Management recommend that the Finance Committee approve the rate structure for Southpoint and to place the item on the agenda of the June 20, 2016 Gray’s Creek Water and Sewer District meeting for approval.

**AVAILABILITY FEE**

Availability Fee – Non-connected customers \$12.00  
 (As referenced in the Cumberland County Water & Sewer Ordinance)

**WATER RATE SCHEDULE**

**RESIDENTIAL RATE**

| <b>RESIDENTIAL RATE</b>  | <b>MONTHLY CHARGE</b>     |
|--------------------------|---------------------------|
| First 2,000 Gallons      | \$22.00 Minimum           |
| Next 4,000 Gallons       | \$11.00 per 1,000 Gallons |
| Next 2,000 Gallons       | \$12.00 per 1,000 Gallons |
| Next 2,000 Gallons       | \$13.00 per 1,000 Gallons |
| Next 40,000 Gallons      | \$14.00 per 1,000 Gallons |
| Next 50,000 Gallons      | \$15.00 per 1,000 Gallons |
| All Over 100,000 Gallons | \$16.00 per 1,000 Gallons |

**COMMERCIAL RATE**

| <b>COMMERCIAL RATE</b>     | <b>MONTHLY CHARGE</b>     |
|----------------------------|---------------------------|
| User Fee:                  | \$33.50                   |
| First 50,000 Gallons:      | \$13.00 per 1,000 Gallons |
| Next 50,000 Gallons:       | \$14.00 per 1,000 Gallons |
| Next 900,000 Gallons:      | \$15.00 per 1,000 Gallons |
| All Over 1,000,000 Gallons | \$16.00 per 1,000 Gallons |

**OTHER FEES**

|  |          |
|--|----------|
| Late Penalty   | \$10.00  |
| Processing Fee per Collection Action   | \$30.00  |
| Administrative Filing Fee per Collection Action  | \$100.00 |
| Activation/Transfer Fee<br>(One-time fee for creating new account or<br>Transferring service to another location)        | \$20.00  |
| Reconnect Fee- Business hours<br>(Administrative charge to re-establish service after<br>discontinuance for non-payment) | \$25.00  |
| Disconnect Fee<br>(Administrative charge to discontinue service for<br>non-payment)                                      | \$25.00  |
| After-Hours Reconnect Fee<br>(Available until 9:00 pm)   | \$75.00  |

# DRAFT

|  |   |
|--|---|
| Special Meter Reading<br>(Performed at request of customer;<br>no charge if initial reading was over-read)   | \$10.00   |
| Meter Verification Fee<br>(Meter removed and taken to testing facility;<br>performed at written request of customer;<br>no charge if meter over-registers by more than 5%) | \$50.00   |
| Flow Test  | \$50.00   |
| *Returned Check Fee  | \$25.00<br>+ Amount of check - CASH, MONEY ORDER OR<br>CERTIFIED CHECK ONLY |

**TAP FEE SCHEDULE**

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

(1) Construction-Phase Rate:

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

| <u>Meter Size</u> | <u>Established Fee</u> |
|-------------------|------------------------|
| ¾ inch            | \$50.00                |
| 1 inch            | \$100.00               |
| Larger than 1”    | Standard Rate          |

(2) Future Services:

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

| <u>Meter Size</u> | <u>Established Fee</u> |
|-------------------|------------------------|
| ¾ inch            | \$150.00               |
| 1 inch            | \$250.00               |
| Larger than 1”    | Standard Rate          |

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

(3) Water Laterals

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

# DRAFT

## (4) Main Extension Charges:

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

\*\*\*\*\*

Jeffrey Brown, Engineering and Infrastructure Director, reviewed the background information, rate structure and fee schedule recorded above. Mr. Brown highlighted Southpoint rate changes as follows:

- Add Processing Fee per Collection of \$30.00
- Add Administrative Filing Fee per Collection of \$100.00
- Add Disconnect Fee of \$25.00
- Remove Construction Phase Tap Fee Rate
- Remove Future Services Tap Fee Rate

Mr. Brown responded to questions.

- MOTION: Commissioner Keefe moved to approve the rate structure for Southpoint in the Gray's Creek Water and Sewer District.
- SECOND: Commissioner Council
- VOTE: UNANIMOUS (4-0)

## B. NORCRESS WATER AND SEWER DISTRICT

### BACKGROUND:

In recent months the Public Utilities Division has had an increase in the amount of utility accounts that are past due. The Public Utilities Division mails out several letters to customers and then eventually takes the customer to Small Claims Court, in an attempt to get the customer to pay their bill. This process is lengthy and costly and the Public Utilities Division does not recoup any fees.

We are requesting to have a processing fee and administrative filing fee added to the amount owed by the customer to help recoup the cost, as well as, stop the same customers from continuing to be late without any consequences. Currently the customers do not pay any additional fees to NORCRESS for being delinquent. The processing fee would cover the preparing, printing and mailing of the collections letters and the administrative filing fee would cover the preparation of the Small Claims documents.

The Public Utilities Division is also requesting to change the fee for the installation of an elder valve to actual cost of installation plus ten percent (10%) instead of the current \$1,000.00 that is stated in the rate structure for NORCRESS. The current rate does not cover any unforeseen issues that may occur during installation of the valve. PWC

# DRAFT

installs the elder valves at the County’s request and then in turn invoices the County for the cost of installation. The cost of installation varies dependent on the depth of the sewer line, soil conditions, location of the elder valve, etc. Once the elder valve is installed and the customer brings their account up to date and service is restored, there remains a possibility of the customer becoming delinquent in the future. If that occurs, the customer will be disconnected from the system. Therefore, the Public Utilities Division is requesting to add a \$25.00 disconnect fee to the rate structure for NORCRESS to recover costs associated with this disconnection.

The current rate structure for NORCRESS does not have a commercial sanitary sewer rate for zero usage for commercial properties. Currently the rate structure is based off of the usage for the debt service and lift station maintenance fee. The Public Utilities Division is requesting to add a Zero Usage Debt Charge of \$9.65 and a Zero Usage Lift Station Maintenance Fee of \$2.00. This rate is the same amount that is charged to a residential customer that pays for debt service.

**NORCRESS Rate Changes:**

- Add Processing Fee per Collection of \$30.00
- Add Administrative Filing Fee per Collection of \$100.00
- Change Elder Valve installation cost from \$1000.00 to Actual Cost plus 10%
- Add Disconnect Fee of \$25.00
- Add Zero Usage Debt Charge Fee of \$9.65
- Add Zero Usage Lift Station Maintenance Fee of \$2.00

The NORCRESS Advisory Board approved the above mentioned rate changes at their meeting held on March 29, 2016.

**RECOMMENDATION/PROPOSED ACTION:**

The Engineering and Infrastructure Director, the NORCRESS Advisory Board and County Management recommend that the Finance Committee approve the rate structure for NORCRESS and place the item on the agenda of the June 20, 2016 NORCRESS Water and Sewer District meeting for approval.

## MONTHLY RATE

The monthly rate shall be the sum of the Usage Charge, Debt Charge and the Basic Facilities Charges.

### RESIDENTIAL SANITARY SEWER RATE SCHEDULE

|  |                     |
|--|---------------------|
| Usage Charge<br>(Usage Charges per 1,000 gallons = 1 MGAL) | \$6.50 per MGAL     |
| Debt Charge  | \$9.65 per customer |

Basic Facilities Charges:

| <u>Meter Size:</u> | <u>NORCRESS</u> | <u>Local Town Fee</u> | <u>Lift Station<br/>Maintenance Fee</u> |
|--------------------|-----------------|-----------------------|---|
|--------------------|-----------------|-----------------------|---|

# DRAFT

|        |         |        |        |
|--------|---------|--------|--------|
| 5/8"   | \$1.58  | \$1.75 | \$2.00 |
| 3/4"   | \$1.58  | \$1.75 | \$2.00 |
| 1"     | \$2.26  | \$1.75 | \$2.00 |
| 1 1/2" | \$3.20  | \$1.75 | \$2.00 |
| 2"     | \$5.78  | \$1.75 | \$2.00 |
| 3"     | \$9.89  | \$1.98 | \$2.00 |
| 4"     | \$15.59 | \$2.83 | \$2.00 |
| 6"     | \$29.70 | \$4.95 | \$2.00 |
| 8"     | \$46.70 | \$7.50 | \$2.00 |

## COMMERCIAL SANITARY SEWER RATE SCHEDULE

Usage Charge \$7.00 per MGAL

Debt Charge \$1.00 per MGAL

Basic Facilities Charges:

| <u>Meter Size:</u> | <u>NORCRESS</u> | <u>Local Town Fee</u> | <u>Lift Station<br/>Maintenance Fee</u> |
|--------------------|-----------------|-----------------------|---|
| 3/4"               | \$1.58          | \$1.75                | \$1.00 per MGAL                         |
| 1"                 | \$2.26          | \$1.75                | \$1.00 per MGAL                         |
| 1 1/2"             | \$3.20          | \$1.75                | \$1.00 per MGAL                         |
| 2"                 | \$5.78          | \$1.75                | \$1.00 per MGAL                         |
| 3"                 | \$9.89          | \$1.98                | \$1.00 per MGAL                         |
| 4"                 | \$15.59         | \$2.83                | \$1.00 per MGAL                         |
| 6"                 | \$29.70         | \$4.95                | \$1.00 per MGAL                         |
| 8"                 | \$46.70         | \$7.50                | \$1.00 per MGAL                         |

## ZERO USAGE COMMERCIAL SANITARY SEWER RATE SCHEDULE

Debt Charge \$9.65 per customer

Basic Facilities Charges:

| <u>Meter Size:</u> | <u>NORCRESS</u> | <u>Local Town Fee</u> | <u>Lift Station<br/>Maintenance Fee</u> |
|--------------------|-----------------|-----------------------|---|
| 3/4"               | \$1.58          | \$1.75                | \$2.00                                  |
| 1"                 | \$2.26          | \$1.75                | \$2.00                                  |
| 1 1/2"             | \$3.20          | \$1.75                | \$2.00                                  |
| 2"                 | \$5.78          | \$1.75                | \$2.00                                  |
| 3"                 | \$9.89          | \$1.98                | \$2.00                                  |
| 4"                 | \$15.59         | \$2.83                | \$2.00                                  |
| 6"                 | \$29.70         | \$4.95                | \$2.00                                  |
| 8"                 | \$46.70         | \$7.50                | \$2.00                                  |

# DRAFT

## FLAT RATE SANITARY SEWER SERVICE

The monthly flat rate shall be the sum of the Flat Monthly Charge, Debt Charge and the Basic Facilities Charges.

|   |                   |                 |
|---|-------------------|-----------------|
| Flat Monthly Charge   |                   | \$31.42         |
|   | <b>OTHER FEES</b> |                 |
| Deposit   |                   | \$100.00        |
| Late Penalty  |                   | \$10.00         |
| Disconnect Fee<br>(Administrative charge to discontinue service for non-payment)                                      |                   | \$25.00         |
| Reconnect Fee- Business hours<br>(Administrative charge to re-establish service after discontinuance for non-payment) |                   | \$25.00         |
| After-Hours Reconnect Fee<br>(Available until 9:00 pm)  |                   | \$75.00         |
| *Returned Check Fee<br>(Amount of check plus return fee - CASH, MONEY ORDER OR CERTIFIED CHECK ONLY)                  |                   | \$25.00         |
| Court Costs   |                   | Actual          |
| Elder Valve   |                   | Actual plus 10% |
| Processing Fee per Collection Action  |                   | \$30.00         |
| Administrative Filing Fee per Collection Action   |                   | \$100.00        |

## CONNECTION FEES AND CHARGES

1. Standard Tap Fee:

The Standard Tap Fee will be based on the customer's water meter size and will provide NORCRESS Water and Sewer District with funds for long-term system replacement and upgrade.

| <u>Size of Water Meter</u> | <u>Standard Tap Fee</u> |
|----------------------------|-------------------------|
| 5/8"                       | \$670.00                |
| 1"                         | \$1,670.00              |
| 1-1/2"                     | \$3,350.00              |
| 2"                         | \$5,360.00              |
| 3"                         | \$11,720.00             |
| 4"                         | \$20,100.00             |
| 6"                         | \$41,880.00             |

# DRAFT

8"

\$60,310.00

2. Sewer Laterals:

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

3. Main Extension Charges:

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

4. Debt Charge:

A Debt Charge equaling the sum of the Availability Charges that would have been paid had the customer connected when the main was first available.

\*\*\*\*\*

Mr. Brown reviewed the background information, rate structure and fee schedule recorded above. Mr. Brown highlighted NORCRESS rate changes as follows:

- Add Processing Fee per Collection of \$30.00
- Add Administrative Filing Fee per Collection of \$100.00
- Change Elder Valve installation cost from \$1000.00 to Actual Cost plus 10%
- Add Disconnect Fee of \$25.00
- Add Zero Usage Debt Charge Fee of \$9.65
- Add Zero Usage Lift Station Maintenance Fee of \$2.00

Mr. Brown responded to questions.

MOTION: Commissioner Council moved to approve the rate structure for the NORCRESS Water and Sewer District.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (4-0)

4. CONSIDERATION OF APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN NORCRESS AND THE TOWNS OF GODWIN, FALCON AND WADE

BACKGROUND:

In recent months the Public Utilities Division has taken several NORCRESS customers to Small Claims court to seek judgment for nonpayment of their account. There is a fee for taking the customer to court that the Magistrate can state the customer will need to reimburse to the County as part of the customer's judgment. The NORCRESS customers are making payments on their judgments to the individual Towns that they receive the sewer bill from and the Towns have not been collecting the court costs to reimburse the County. This Memorandum of

# DRAFT

Understanding (MOU) between the Towns and NORCRESS will clarify the procedure for collecting the fees and submitting them to NORCRESS for reimbursement.

The NORCRESS Advisory Board approved the above mentioned Memorandum of Understanding at their meeting held on March 29, 2016.

## RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director, the NORCRESS Advisory Board and County Management recommend that the Finance Committee approve the Memo of Understanding between NORCRESS and the Towns of Falcon, Godwin and Wade and place it on the agenda of the June 20, 2016 NORCRESS Water and Sewer District meeting for approval.

Memorandum of Understanding  
Between  
Town of Falcon, Town of Godwin, Town of Wade  
and  
NORCRESS Governed by County of Cumberland

This Memorandum of Understanding (MOU) sets forth the terms and understanding between the Town of Falcon, Town of Godwin, Town of Wade (hereinafter referred to as Towns) and NORCRESS Governed by County of Cumberland (hereinafter referred to as NORCRESS) to bill the delinquent sewer accounts according to the rates established by the governing board.

## Background

The Towns have agreed to bill the sanitary sewer customers for the availability/debt service fee and the sewer usage to the customers in and around their towns for the NORCRESS system, since the sewer system started accepting connections in late 2005.

## Purpose

This MOU will serve as the framework for cooperation between the Towns and NORCRESS to prevent delinquent accounts from further escalating and the possibility of rate increases system wide to cover losses.

The above goals will be accomplished by undertaking the following activities:

NORCRESS will continue to do the collection letters, Small Claims Actions and NC Debt Set-off.

Towns will add the processing fees, administrative filing fees, disconnect, reconnect and court costs to the accounts and collect the fees on behalf of NORCRESS. Towns will keep five percent (5%) of the processing and administrative filing fees to help off-set their time and cost for collecting such fees.

## Duration

This MOU is at-will and may be modified by mutual consent of authorized officials from the Towns or NORCRESS. This MOU shall become effective upon signature by the authorized officials from the Towns or NORCRESS and will remain in effect until modified or terminated by any one of the partners by mutual consent.

# DRAFT

## Contact Information

Town of Falcon  
Clifton Turpin, Jr  
Mayor  
P.O. Box 112  
Falcon, NC 28342  
910-980-1355

Town of Godwin  
Willie Burnette  
Mayor  
P.O. Box 10  
Godwin, NC 28344  
910-980-1000

Town of Wade  
Joseph Dixon  
Mayor  
P.O. Box 127  
Wade, NC 28395  
910-485-3502

NORCRESS Governed by County of Cumberland  
Marshall Faircloth  
Chairman  
P.O. Box 1829  
Fayetteville, NC 28302  
910-678-7771

\*\*\*\*\*

Mr. Brown reviewed the background information recorded above.

MOTION: Commissioner Council moved that the Finance Committee approve the Memo of Understanding between NORCRESS and the Towns of Falcon, Godwin and Wade and place it on the agenda of the June 20, 2016 NORCRESS Water and Sewer District meeting for approval.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (4-0)

## 5. CONSIDERATION OF A REQUEST FOR PROPOSAL FOR BOND COUNSEL

### A. REQUEST TO CONTINUE RELATIONSHIP WITH BOND COUNSEL, HUNTON & WILLIAMS, ON OVERHILLS PARK WATER AND SEWER DISTRICT PROJECT

#### BACKGROUND:

In August 2014, Hunton & Williams began serving as bond counsel to the County for the Overhills Park Water & Sewer District for its upcoming issue of revenue bonds. Although the County plans to pursue a request for proposal (RFP) for bond counsel services, RFP selection is not scheduled to occur before Local Government Commission (LGC) approval of the project financing. This approval is expected to occur on August 2, 2016.

Therefore, the continuation with Hunton & Williams serving as bond counsel on this project is requested. In addition, staff with Hunton & Williams is familiar with this project and outside bond counsel representation has been strongly advised by the state office of Rural Development, United States Department of Agriculture.

# DRAFT

**RECOMMENDATION/PROPOSED ACTION:**

Approve to continue the relationship with Hunton & Williams to represent Cumberland County on the Overhills Park water and sewer district project as bond counsel.

\*\*\*\*\*

Vicki Evans, Finance Director, reviewed the background information recorded above. Ms. Cannon stated if the County had to go out for an RFP at this time, it would delay the project by three to four months which would put the project in the winter months.

**MOTION:** Commissioner Edge moved to approve to continue the relationship with Hunton & Williams to represent Cumberland County on the Overhills Park water and sewer district project as bond counsel.

**SECOND:** Commissioner Council

**VOTE:** PASSED (Commissioners Edge, Council and Lancaster voted in favor; Commissioner Keefe voted in opposition)

## B. REQUEST FOR PROPOSAL FOR BOND COUNSEL

**BACKGROUND:**

Cumberland County has had a very successful multi-year relationship with Hunton Williams as County bond counsel. Specifically, this relationship has involved firm partners Mary Nash Rusher and William McBride, with Mrs. Rusher as our primary counsel. Both Mrs. Rusher and Mr. McBride are highly respected, highly qualified bond counsel. Recently, Mrs. Rusher and her paralegal joined another law firm. With this event, it seems an appropriate time to review and /or reaffirm the County's relationship with bond counsel.

The bond counsel is an essential member of the County's debt financing team. The bond counsel assures the County and investors that legal and tax requirements relevant to the issue are met. A reputable firm providing a reliable legal opinion, as well as the ability to assist the County in completing transactions in a timely manner, is essential to a successful debt program and the County's credit rating.

Therefore, we would like to issue a Request for Proposal (RFP) to secure proposals from qualified bond counsel. The RFP responses will be reviewed by the County Manager, the County Attorney, the Finance Director and the Assistant County Manager. The top qualified counsel will then be interviewed with a recommendation for bond counsel coming to the August 4 Finance Committee.

**RECOMMENDATION/PROPOSED ACTION:**

Recommend that County management issue a Request for Proposal (RFP) to secure proposals from qualified bond counsel and bring forth a recommendation for bond counsel to the August 4, 2016 Finance Committee.

\*\*\*\*\*

# DRAFT

Melissa Cardinali, Assistant County Manager, reviewed the background information recorded above. Ms. Cardinali stated the County would like to get the process started because there are CIP financings coming forward for CIP projects that the County does not want to delay.

Commissioner Keefe asked whether the RFP would stipulate or give consideration to local bond counsel. Ms. Cardinali stated the RFP is based on qualifications as related to the different types of financing the County may have and although not specifically local, that does not mean that if local meets the qualifications they would not be brought forth as a recommendation. Ms. Cardinali stated the County basically looks at a history of the types of financing a firm has dealt with, their rates, their experiences on a variety of issues and in a County the size of Cumberland it is imperative that bond counsel is experienced in a wide variety of debt issues so the assurance can be taken forward to investors and to the LGC. Ms. Cardinali stated these things are not necessarily local or nonlocal but truly based on qualifications for the County's complexities.

Commissioner Adams inquired regarding a policy relative to local counsel. Ms. Cannon stated that is in the purchasing policy, would relate to service contracts and is a factor to be considered along with the others. Ms. Cardinali explained the RFP will specifically look at a multi-year relationship that is not time specific but is always subject to review, and the RFP states the County can terminate the relationship at any time should there be dissatisfaction with the relationship. Ms. Cannon explained an RFP will not be let every time the County undertakes a financing. Ms. Cardinali stated it is important that bond counsel is familiar with the workings of the County and previous issues as they relate to moving forward. Ms. Cardinali stated once debt is issued it is not over because there are tax implications that go through much longer periods of time depending on maturity and sometimes beyond if a structure is built with certain qualifications and federal money; those implications never go away once the debt is gone.

MOTION: Commissioner Council moved that County management proceed to issue a Request for Proposal (RFP) to secure proposals from qualified bond counsel and bring forth a recommendation for bond counsel to the August 4, 2016 Finance Committee.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (4-0)

## 6. CONSIDERATION OF A POLICY TO AUTHORIZE THE WRITE-OFF OF INTERNAL AUDIT DISCREPANCIES

### BACKGROUND:

With the addition of another internal audit staff, reviews have been and will periodically be conducted to determine the balance of cash-on-hand compared to book balances throughout the County. The objective is to determine whether procedures and records are proper and adequate and to evaluate whether adequate and effective control processes exist. If/when discrepancies are noted during the reviews, follow-up will need to occur to adjust account balances to actual.

# DRAFT

## 1.0 PURPOSE

The purpose of this policy is to establish authority to adjust discrepancies in account balances up to the designated amount as a result of internal audit reviews.

## 2.0 SCOPE

This policy shall apply to account balances for which an audit and/or reconciliation was completed by internal audit staff which results in a discrepancy that cannot be tied back to a particular staff having made the error and after all efforts to correct have been exhausted.

## 3.0 STATEMENT OF THE POLICY

Adjusting financial system account balances as a result of internal audit reviews shall occur after all efforts to correct have been exhausted by the following individuals within the noted limits:

- Finance Director – \$1,000 or less per account
- Board of County Commissioners – amounts greater than \$1,000 per account

## 4.0 IMPLEMENTATION

Implementation of this policy shall be the responsibility of the Finance Officer.

### RECOMMENDATION/PROPOSED ACTION:

Consider the request to adopt the policy to authorize write-off of discrepancies upon internal audit review.

\*\*\*\*\*

Ms. Evans reviewed the background information and proposed policy recorded above and stated when the discrepancies came back to her, she did not feel she had the authority to write them off since there was no policy specific to writing off balances. Ms. Evans stated this is what initiated the proposed policy. Ms. Evans provided an example of petty cash subject to audit and stated the policy relates to petty cash and change funds. Ms. Evans stated if the discrepancy could be tied back to an employee, the employee would be responsible but sometimes there have been multiple employees handling cash funds with no way to tie the discrepancy back. In response to a question from Commissioner Adams regarding internal controls, Ms. Evans stated internal controls are now in place and they were outlined in the departmental corrective action plans. In response to a questions posed by Commissioner Edge, Tammy Gillis, Internal Audit and Wellness Director, stated internal audit reports are being filed for review by the Audit Committee.

MOTION: Commissioner Council moved to adopt the policy to authorize write-off of discrepancies upon internal audit review.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (4-0)

# DRAFT

## 7. HEALTH INSURANCE MATTERS

### A. UPDATE ON HEALTH INSURANCE ACTIVITIES

#### BACKGROUND:

In advance of significant health insurance plan changes which are effective July 1, 2016, we continue to monitor health insurance claims activity. As of April, claims currently average \$1,747,110 per month. This is definitely lower than the claims level at the beginning of the fiscal year when claims were in excess \$2.2million.

The number of claims has started to increase, as expected, with the impending health insurance plan changes. This seems to be primarily due to a push to obtain specialist visits prior to July 1 when this type of doctor visit will become part of the deductible.

The Weight Watchers at Work program will officially kick off the week of June 6 with approximately 140 participants. With weight being a key factor in the health issues driving claims, this program is another step in the right direction for a healthy lifestyle.

#### RECOMMENDATION/PROPOSED ACTION:

No action required, for information only.

\*\*\*\*\*

Ms. Cardinali reviewed the background information recorded above and stated she does not expect to see any movement in claims until after July 1 so the next update will be provided in early fall.

### B. CONSIDERATION OF INCURRED BUT NOT REPORTED (IBNR) BUDGET REVISION

#### BACKGROUND:

By June 30 of each fiscal year *the County must estimate the dollar amount of claims for services that have been rendered but not yet billed to BCBS for the fiscal year, known as IBNR-incurred but not reported.* The estimate of IBNR is based on 2015-2016 paid medical and pharmacy claims less stop loss reimbursements and consideration of overall claims increase of 13%. This fiscal year, the expenditure budget is not enough to cover the actual claims paid and the IBNR, which is recorded in our books through a journal entry. The projected IBNR amount totals \$2,430,000 for which a budget revision is required.

A budget revision has been prepared to request the movement of general funds totaling \$2,430,000 into the health insurance fund to cover the projected shortfall at year-end. It is anticipated the total will be put back into the general fund (by reversing the journal entry) during the second quarter of FY17. At that time a budget revision will be prepared.

# DRAFT

## RECOMMENDATION/PROPOSED ACTION:

Consensus to move forward to the next scheduled meeting of the Board of County Commissioners and approve the budget revision to move funds from the general fund to the health insurance fund.

\*\*\*\*\*

Ms. Evans reviewed the background information recorded above and stated a large dollar amount of claims typically come in at the end of the year and this year, the amount budgeted for retiree and regular health insurance claims is not sufficient to cover the IBNR projection. Ms. Evans stated the projection is \$2.43 million and the request is to approve the budget revision to move funds from the general fund to the health insurance fund in the amount of \$2.43 million. Ms. Evans stated once the IBNR is recorded for audit purposes, the amount is expected to be reversed so that the funds can go back to the general fund around September or October. Ms. Cannon explained it is basically an accrual. Ms. Cardinali explained it is more related to the last quarter than the full year's activity. Questions followed.

MOTION: Commissioner Keefe moved to forward to the next scheduled meeting of the Board of County Commissioners and approve the budget revision to move funds from the general fund to the health insurance fund.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (4-0)

## 8. MONTHLY FINANCIAL REPORT

### BACKGROUND:

The financial report is included as of April 30, 2016. Highlights include:

- Revenues
  - Ad Valorem tax collections are continuing to appear strong.
  - Sales and other taxes are just slightly above collections at this time last fiscal year
  - Sales & service revenues continue to lag but are anticipated to be at budget by year-end
    - Health: Medicaid cost settlement funds have not been allocated. Offset is under restricted intergovernmental.
    - Sheriff: A change in the method of billing is causing the difference when compared with FY15 revenues
- 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 over operating expenses is trending very close to last fiscal year

# DRAFT

**RECOMMENDATION/PROPOSED ACTION:**

No action needed – for information purposes only.

\*\*\*\*\*

Ms. Evans provided highlights of the monthly financial report as recorded above.

**9. OTHER MATTERS OF BUSINESS**

There were no other matters of business.

There being no further business, the meeting adjourned at 10:52 a.m.

AMY H. CANNON  
County Manager

JAMES E. LAWSON  
Deputy County Manager



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

MELISSA C. CARDINALI  
Assistant County Manager

W. TRACY JACKSON  
Assistant County Manager

ITEM NO. 2K(1)

**OFFICE OF THE COUNTY MANAGER**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 20, 2016**

**TO: BOARD OF COUNTY COMMISSIONERS**

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

**DATE: JUNE 15, 2016**

**SUBJECT: CONSIDERATION OF A REQUEST FOR PROPOSAL FOR BOND COUNSEL**

**BACKGROUND:**

Cumberland County has had a very successful multi-year relationship with Hunton Williams as County bond counsel. Specifically, this relationship has involved firm partners Mary Nash Rusher and William McBride, with Mrs. Rusher as our primary counsel. Both Mrs. Rusher and Mr. McBride are highly respected, highly qualified bond counsel. Recently, Mrs. Rusher and her paralegal joined another law firm. With this event, it seems an appropriate time to review and /or reaffirm the County's relationship with bond counsel.

The bond counsel is an essential member of the County's debt financing team. The bond counsel assures the County and investors that legal and tax requirements relevant to the issue are met. A reputable firm providing a reliable legal opinion, as well as the ability to assist the County in completing transactions in a timely manner, is essential to a successful debt program.

Therefore, we would like to issue a Request for Proposal (RFP) to secure proposals from qualified bond counsel. The RFP responses will be reviewed by the County Manager, the County Attorney, the Finance Director and the Assistant County Manager. The top qualified counsel will then be interviewed with a recommendation for bond counsel coming to the August 4 Finance Committee.

The Finance Committee approved the issuance of a RFP to secure proposals from qualified bond counsel to be brought forth to the August 4, 2016 Finance Committee meeting.

**RECOMMENDATION/PROPOSED ACTION:**

Recommend Board of Commissioners approve the issuance of a Request for Proposal (RFP) to secure proposals from qualified bond counsel and bring forth a recommendation for bond counsel to the August 4, 2016 Finance Committee.

VICKI EVANS  
Finance Director



ROBERT TUCKER  
Accounting Supervisor

ITEM NO. 2K(2)

FINANCE OFFICE

4<sup>th</sup> Floor, Room No. 451, Courthouse • PO Box 1829 • Fayetteville, North Carolina 28302-1829  
(910) 678-7753 • Fax (910) 323-6120

**MEMO FOR THE AGENDA OF THE JUNE 20, 2016  
MEETING OF THE BOARD OF COMMISSIONERS**

**TO: BOARD OF COMMISSIONERS**

**FROM: VICKI EVANS, FINANCE DIRECTOR** *ve*

**DATE: JUNE 15, 2016**

**SUBJECT: POLICY TO AUTHORIZE THE WRITE-OFF OF INTERNAL AUDIT  
DISCREPANCIES**

**BACKGROUND:**

This item was presented at the June 2, 2016 Finance Committee meeting.

With the addition of another internal audit staff, reviews have been and will periodically be conducted to determine the balance of cash-on-hand compared to book balances throughout the County. The objective is to determine whether procedures and records are proper and adequate and to evaluate whether adequate and effective control processes exist. If/when discrepancies are noted during the reviews, follow-up will need to occur to adjust account balances to actual.

**1.0 PURPOSE**

The purpose of this policy is to establish authority to adjust discrepancies in account balances up to the designated amount as a result of internal audit reviews.

**2.0 SCOPE**

This policy shall apply to account balances for which an audit and/or reconciliation was completed by internal audit staff which results in a discrepancy that cannot be tied back to a particular staff having made the error and after all efforts to correct have been exhausted.

### **3.0 STATEMENT OF THE POLICY**

Adjusting financial system account balances as a result of internal audit reviews shall occur after all efforts to correct have been exhausted by the following individuals within the noted limits:

- Finance Director – \$1,000 or less per account
- Board of County Commissioners – amounts greater than \$1,000 per account

### **4.0 IMPLEMENTATION**

Implementation of this policy shall be the responsibility of the Finance Officer.

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

The Finance Committee recommended approval to adopt the policy to authorize write-off of discrepancies upon internal audit review. Consider the Finance Committee recommendation to adopt the policy to authorize write-off of discrepancies upon internal audit review.

*Celebrating Our Past...Embracing Our Future*

VICKI EVANS  
Finance Director



ROBERT TUCKER  
Accounting Supervisor

ITEM NO. 2K(3)

FINANCE OFFICE

4<sup>th</sup> Floor, Room No. 451, Courthouse • PO Box 1829 • Fayetteville, North Carolina 28302-1829  
(910) 678-7753 • Fax (910) 323-6120

**MEMO FOR THE AGENDA OF THE JUNE 20, 2016  
MEETING OF THE BOARD OF COMMISSIONERS**

**TO: BOARD OF COMMISSIONERS**

**FROM: VICKI EVANS, FINANCE DIRECTOR** *VE*

**DATE: JUNE 15, 2016**

**SUBJECT: HEALTH INSURANCE FUND - INCURRED BUT NOT  
REPORTED BUDGET REVISION**

**BACKGROUND**

This item was presented at the June 2, 2016 Finance Committee meeting.

By June 30 of each fiscal year *the County must estimate the dollar amount of claims for services that have been rendered but not yet billed to BCBS for the fiscal year, known as IBNR-incurred but not reported.* The estimate of IBNR is based on 2015-2016 paid medical and pharmacy claims less stop loss reimbursements and consideration of overall claims increase of 13%. This fiscal year, the expenditure budget is not enough to cover the actual claims paid and the IBNR, which is recorded in our books through a journal entry. The projected IBNR amount totals \$2,430,000 for which a budget revision is required.

A budget revision has been prepared to request the movement of general funds totaling \$2,430,000 into the health insurance fund to cover the projected shortfall at year-end. It is anticipated the total will be put back into the general fund (by reversing the journal entry) during the second quarter of FY17. At that time a budget revision will be prepared.

**RECOMMENDATION/PROPOSED ACTION**

Consider following the recommendation of the Finance Committee and approve the budget revision to move \$2,430,000 from the general fund to the health insurance fund.

Finance Department Budget Ordinance Amendment B160061 to Recognize Incurred But Not Reported (IBNR) Claims of \$2,430,000

The Board is requested to approve Budget Ordinance Amendment number B160061 to recognize health insurance claims that are incurred by June 30, 2016 but have not been billed to BCBS as of that date. The revision will move funds in the amount of \$2,430,000 from the general fund to the health insurance fund to cover the projected shortfall as a result of the IBNR claims. It is anticipated the total will be moved back into the general fund during the second quarter of fiscal year 2017.

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. 2L

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 20, 2016

**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** AMY H. CANNON, COUNTY MANAGER *AKC*  
**DATE:** JUNE 15, 2016  
**SUBJECT:** APPROVAL OF THE CUMBERLAND COUNTY POLICY COMMITTEE REPORT AND RECOMMENDATIONS

BACKGROUND

The Cumberland County Policy Committee met on Thursday, June 2, 2016 and discussed the following agenda:

- 1) Annual Adoption of Jail Health Medical Plan Changes
- 2) Revised Cumberland County Personnel Ordinance
- 3) Revision to Rule 24 of the "Wrecker and Tow Service Rules and Regulations"

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

CM061516-5

# DRAFT

CUMBERLAND COUNTY POLICY COMMITTEE  
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564  
JUNE 2, 2016 – 10:30 A.M.  
MINUTES

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

MEMBERS ABSENT: Commissioner Charles Evans

OTHER COMMISSIONERS  
PRESENT: Commissioner Marshall Faircloth  
Commissioner Kenneth Edge

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  
Phyllis Jones, Assistant County Attorney  
Rob Hasty, Assistant County Attorney  
Vicki Evans, Finance Director  
Sheriff Earl Butler, Sheriff's Office  
Chief Deputy Ennis Wright, Sheriff's Office  
Major Larry Trotter, Sheriff's Office  
Sgt. David Dowless, Sheriff's Office  
Captain Tandra Adams, Sheriff's Office  
Julean Self, Human Resources Director  
Buck Wilson, Public Health Director  
Wanda Tart, Public Health Department  
Kim McLamb, Public Health Department  
Dr. John Lauby, Animal Control Director  
Deborah Shaw, Budget Analyst  
Heather Harris, Budget Analyst  
Jay Barr, Wrecker Review Board Chairman  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Commissioner Council called the meeting to order.

# DRAFT

## 1. APPROVAL OF MINUTES – MAY 5, 2016 POLICY COMMITTEE REGULAR MEETING

MOTION: Commissioner Adams moved to approve the minutes.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (3-0)

## 2. CONSIDERATION OF APPROVAL OF JAIL HEALTH MEDICAL PLAN CHANGES

### BACKGROUND

Wanda Tart, Director of Nursing, and Kim McLamb, Jail Health Administrator, will be doing a brief overview of the significant changes to the Jail Health Medical Plan, since the last adoption of the Plan in May 2015. The Jail Health staff works closely with the Sheriff's Detention Facility staff to manage this document on an ongoing basis.

The manual provides the plan for providing medical care for inmates at the Cumberland County Detention Center. The plan is designed to protect the health and welfare of the inmates, avoid the spread of contagious diseases, provide for medical supervision of inmate and emergency medical care for the inmates to the extent necessary for their health and welfare, and provide for the detection, examination and treatment of inmates who are infected with tuberculosis or venereal diseases. It includes a procedure in the event of a death and discharge planning for patients to another facility.

The Plan complies with 10A NCAC 14J.1001 titled Medical Plan. NC G.S. 153A-225 states the plan must be adopted by the governing body.

The plan is updated each year to remain compliant with standards and procedural changes. The revised plan will be available for review in the Clerk's office until approved by the Board of County Commissioners.

### RECOMMENDATION/PROPOSED ACTION

Approve the Jail Health Medical Plan.

\*\*\*\*\*

Buck Wilson, Public Health Director, reviewed the background information and recommendation as recorded above. Mr. Wilson stated the Jail Health Medical Plan is updated regularly throughout the year and has to be approved by the Board of Commissioners annually. Mr. Wilson introduced Kim McLamb, Jail Health Administrator, and Wanda Tart, Director of Nursing over Jail Health. Mr. Wilson stated Ms. McLamb and Ms. Tart would point out a few of the proposed changes to the Jail Health Medical Plan. Mr. Wilson further stated all changes made to the Jail Health Medical Plan are needed for national accreditation in the jail.

# DRAFT

Ms. McLamb stated JA06 of the plan refers to “Continuous Quality Improvement” and requires staff to look at processes and outcomes and identify any weaknesses to develop a plan on how to address those weaknesses. Ms. McLamb further stated the last survey identified issues with access to care and the number of inmates refusing a physical exam within fourteen (14) days of coming in to the jail. Ms. McLamb stated staff is currently working on a study regarding the access of care and what can be done to decrease the amount of refusals. Ms. McLamb stated JE04 of the Jail Health Medical Plan refers to “Initial Health Assessments” where staff would like to see inmates with chronic issues be seen within two (2) days to continue medication so treatment is not interrupted.

Ms. McLamb stated JG02 of the plan refers to “Patients with Special Needs” which is a new standard in which Sickle Cell has been added. Ms. McLamb stated inmates with special needs are being monitored more closely. Ms. McLamb stated JE09 of the plan refers to “Segregated Inmates” explaining that these inmates are monitored by a psychologist and the licensed clinical therapist does rounds bi-weekly on this population to see if there are any concerns or special needs that were not discovered in the initial physical exam.

Ms. McLamb stated JG05 refers to the “Suicide Prevention Program” and explained there are an average of 7-10 inmates on suicide watch that are monitored daily by mental health staff. Commissioner Keefe asked what percentage of inmates are mental health patients. Ms. McLamb stated 60% of the jail population currently has mental health issues.

Ms. McLamb stated JG07 refers to “Intoxication and Withdrawal” and explained there has been an increase in inmates coming in to the jail that have substance abuse problems. Ms. McLamb stated if the inmate has used alcohol or drugs within the past few hours of coming in to the jail an assessment is initiated during booking by the nurse and it requires the inmate to be monitored closely for signs and symptoms of withdrawal so the inmate can receive the necessary care. Ms. McLamb stated this requires a lot of staff time but reduces the number of sick individuals due to withdrawals.

MOTION: Commissioner Lancaster moved to recommend to the full board approval of the proposed revisions to the Jail Health Medical Plan.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (3-0)

### 3. CONSIDERATION OF APPROVAL OF REVISED CUMBERLAND COUNTY PERSONNEL ORDINANCE

#### BACKGROUND:

The County’s personnel ordinance has not been comprehensively updated since 1998, though there have been numerous amendments since that time with the last amendment having just been adopted March 15, 2016. This proposed ordinance incorporates the recent amendments, revises some provisions of the existing ordinance, eliminates some

# DRAFT

provisions from the existing ordinance that have not been followed in years, adds a few new provisions and makes the ordinance provisions consistent with the practices currently being used for the administration of the County's personnel system.

The only significant substantive change in the proposed ordinance is that it greatly expands the authority of the county manager to establish policies to administer the County's personnel system. It is not intended to create a personnel system that will qualify as substantially equivalent to the state system that is applied to county employees in DSS and the Health Department; however, since those employees constitute approximately one-third of the County's employees, the proposed ordinance does adapt more of the state personnel system's requirements than the existing ordinance does.

The differences between the old and proposed ordinances are discussed as follows:

## Article I: In General

Section 102: The list of classes covered by federal and state equal employment opportunity laws and regulations has been updated to conform to the current law.

Section 103: The applicability of the ordinance to the special classes of employees among the many departments has been revised to accurately reflect all the special classes of employees.

## Article II: Position Classification Plan

Although the language has been revised, there are no substantive changes affecting the requirements for the position classification plan.

## Article III: Salary Plan

Section 301: This is a new provision that states the statutory requirement that the board of commissioners must fix all pay schedules, expense allowances and other compensation as the guiding principle for the salary plan. Because of this state law, personnel policies that establish any form of compensation must be approved by the board of commissioners.

Section 304: A new provision is added to authorize training appointments for DSS and Health Department employees that comply with the provisions of the state's personnel system that apply to these employees. Subsection (6) is added because this form of salary adjustment has been used since 1998 under the authority of a Board of Commissioners approved policy.

## Article IV: Recruitment, Selection and Appointment

Section 403: A new section has been added to provide for a veteran's preference in hiring, promotion, reassignment, transfer, and reduction-in-force situation.

Section 404: The background check section has been completely rewritten to comply with the process that has been used since the ban-the-box policy was adopted. The

# DRAFT

discretionary use of fingerprinting was eliminated because fingerprinting has not been used outside the sheriff's office and this section does not apply to the sheriff's office.

Section 405: This section has been completely rewritten to authorize new appointments for DSS and Health Department employees that comply with the provisions of the state's personnel system that apply to these employees. Language has also been added to extend the probationary period to one year and to clarify that probationary employees can be dismissed at any time during the probationary period upon the department head's making a determination that the probationary employee is either not meeting performance or conduct standards or will not be able to do so before the end of the probationary period. This section also establishes that an employee transferring to different position retains his or her regular status and does not serve a new probationary period, except as is required for employees covered by the State Human Resources Act.

## Article V: Conditions of Employment

Section 501: The Code of Ethics in the existing ordinance has been moved to be the first section in Conditions of Employment and there have been minor revisions to the language.

Section 502: This is a new section to simply formally establish the unlawful workplace harassment policy and to be consistent with the state personnel system's requirements that apply to DSS and Health Department employees.

Section 509: This is a new section that gives employees and job applicants who are not subject to the State Human Resources Act the right to place a written objection to material in their personnel file that they believe to be inaccurate or misleading and a process for seeking to have such material corrected. A separate statute governing this process applies to those employees who are subject to the State Human Resources Act. It has frequently been an issue in the past for employees who wished to do this but were not expressly permitted to do so by the existing ordinance.

## Article VI: Employee Benefits

Section 606: Only change is that part-time employees working less than 40 hours per week shall be paid for their annual leave balance up to a maximum of 120 hours upon separation.

Section 607: Sick leave benefits are now considered to be a continuation of wages and subject to leave accruals.

Section 608: Family and medical leave will require that any paid leave available to an employee must be used by the employee concurrently with the twelve (12) weeks of unpaid leave that must be provided by the employee under the *Family and Medical Leave Act*. Employees have the right to elect to do this under the Act and employers have the right to require employees to do this under the Act. This has been the practice of the county without the election having been made by the board of commissioners.

# DRAFT

Section 609: Employees receiving workers' compensation benefits will now be limited to only those benefits provided by the state law. In the past, workers receiving workers' compensation were allowed to supplement the workers' compensation with accumulated annual or sick leave.

Section 612: The language in the section for school participation leave has been conformed to the statutory language.

Section 613: Leave to obtain or seek to obtain relief under certain domestic law processes has been added to conform to state law.

Section 614: Paid leave is allowed for going to the employee wellness clinic to encourage use of the clinic.

Section 617: Administrative leave with pay is limited to no more than 30 days without prior approval of the county manager. The existing ordinance does not contain a cap.

## Article VII: Employee Discipline

The only significant changes in the employee discipline provisions are in Section 703, Dismissal of permanent employees. The proposed ordinance follows the state personnel provisions that apply to DSS and Health Department employees for the first eleven grounds of dismissal. The grounds for dismissal listed as numbers 12-16 are continued from the existing ordinance.

## Article VIII: Grievances

The only significant changes in the proposed ordinance grievance provisions is the addition of the statement that the county manager shall establish the rules governing how appeals are to be conducted.

## Article IX: Claims against County Officers and Employees

The changes in the proposed ordinance are to create a single process for processing claims made against the sheriff's office employees and other county employees. The existing ordinance identifies a claims adjustment committee which has not functioned and that committee has been eliminated from the proposed ordinance.

## RECOMMENDATION:

Consider the proposed ordinance and direct any changes the board desires to be made to it. The county attorney advises that the proposed ordinance complies with applicable employment laws and gives management greater flexibility to address changes in the labor market and future amendments to state and federal employment laws through policy directives.

\*\*\*\*\*

Rick Moorefield, County Attorney, reviewed the background information and recommendation recorded above. Mr. Moorefield stated the proposed revisions have

# DRAFT

been requested by county management and the new ordinance creates a comprehensive single document with all amendments in place.

Commissioner Adams asked about Section 403 of the ordinance which is the Veterans Preference and stated he feels the new section should only provide a veteran's preference in hiring of initial employment. Commissioner Adams stated he feels "subsequent employment, promotions, reassignments, horizontal transfers and reductions-in-force situations" should be taken out because he feels once you an employee that everyone should compete equally. Commissioner Council stated she agrees with Commissioner Adams and would also recommend those changes.

Commissioner Adams stated Section 614 of the ordinance which is the Wellness Clinic Leave section that allows leave for employees to use the Employee Wellness Clinic should have further provisions so employees are not taking advantage of using the clinic. Ms. Cannon stated there is a process for employees to use the clinic and the supervisor has to sign off on any visits to the clinic. Ms. Cannon stated she believes the policy includes detailed provisions on employee visits to the clinic and she will make sure those provisions are detailed in the policy.

Commissioner Edge asked if changes are made in the future to the personnel ordinance or any long document it would be helpful for any changes to be made in red font so the changes are clear to anyone reading the document. Mr. Moorefield responded that was also his preference but the new ordinance had been completely reorganized with portions of old sections being combined in new sections to the extent that this document did not lend itself to tracking the changes. Mr. Moorefield stated that was why the existing section numbers were referenced in the section headings in this draft.

Commissioner Council asked how county employees would be notified of the changes to the ordinance. Ms. Cannon stated the next step is to get the policy document completed and reviewed by the Board of Commissioners and then the Human Resources Department would have specific training sessions for department heads and employees to be trained once the policies have been approved. Ms. Cannon further stated after the training sessions the document would be uploaded on the intranet for employees.

Ms. Cannon thanked the legal staff for the time invested in making the proposed changes to the personnel ordinance available in time for the committee meeting.

Consensus of the Policy Committee was to follow Commissioner Adams' recommended changes indicated below:

**Sec. 10-403. Veteran's preference. (New)**

Preference in employment for positions within the county subject to this ordinance shall be given to those who served in the Armed Forces of the United States on active duty (for reasons other than training) during periods of war or any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense.

# DRAFT

The preference to be accorded shall apply in initial employment, ~~subsequent employment, promotions, reassignments, horizontal transfers and reductions in force situations.~~

The county manager shall develop and implement policies that administer the preference granted herein.

## **Sec. 10-614. Wellness clinic leave. (New)**

Employees shall be granted leave for visits from the employee's worksite to the county employees' wellness care clinic under such terms as may be established by the county manager.

MOTION: Commissioner Lancaster moved to recommend to the full board approval of the proposed ordinance with the recommended changes.

SECOND: Commissioner Council

VOTE: UNANIMOUS (3-0)

## 4. CONSIDERATION OF APPROVAL OF REVISION TO RULE 24 OF THE "WRECKER AND TOW SERVICE RULES AND REGULATIONS"

### BACKGROUND:

County Ordinance 9-64 states "The Board of Commissioners from time to time, may adopt such regulations and rules as deemed advisable for the administration of this article, whether on recommendation of the Wrecker Review Board or on the initiative of the Board of Commissioners." The Wrecker Review Board recommends that Rule 24 be revised as follows to make it uniform with the Rules and Regulations with the City of Fayetteville Wrecker Review Board and to assist in securing payment for towing services.

Current Rule 24: Upon request or demand, the rotation wrecker companies will return personal property stored in or with the vehicle, whether or not the towing, repair or storage fee on the vehicle has been or will be paid. Personal property for the purposes of this provision includes any goods, wares, freight or any other property not requiring tools to remove from the vehicle.

Proposed Rule 24: Upon request or demand, and proof of ownership or right of possession, an operator shall return personal property stored in a vehicle, provided that all authorized charges for towing of the vehicle have been paid. An operator may not require payment of any storage fees as a prerequisite to release personal property. Any items attached to the vehicle such that a tool of any type is required for removal is not considered personal property under this provision.

The Wrecker Review Board previously came before the Policy Committee on September 4, 2014, with proposed revised language for Rule 24. The consensus of the Policy Committee at that time was for the Wrecker Review Board to return with a different proposal at a later date. The new proposal presented at this time mirrors the rule for the City of Fayetteville's Wrecker Review Board.

# DRAFT

## RECOMMENDATION/PROPOSED ACTION:

The Wrecker Review Board recommends that Rule 24 be revised as set forth above.

\*\*\*\*\*

Rob Hasty, Assistant County Attorney, reviewed the background information and recommendation as recorded above.

MOTION: Commissioner Adams moved to recommend to the full board approval of the Wrecker Review Board's recommendation of the proposed revised Rule 24 as listed above.  
SECOND: Commissioner Lancaster  
VOTE: UNANIMOUS (3-0)

## 5. CONSIDERATION OF APPROVAL OF RENOVATIONS TO SECTION 3-75 OF THE ANIMAL CONTROL ORDINANCE REGARDING HORSES AND ROOSTERS AT THE REQUEST OF THE CITY OF FAYETTEVILLE

### BACKGROUND:

The County Animal Control Ordinance has been adopted by the municipalities in Cumberland County and Animal Control enforces the ordinance throughout the entire County by interlocal agreement with municipalities. Recently, staff from the City of Fayetteville reached out to staff from Cumberland County regarding changes desired in the Animal Control Ordinance. City Council members have received complaints that Fayetteville residents have horses in their back yards as well as roosters crowing in neighborhoods, neither of which is specifically prohibited by the relevant provisions of the animal control ordinance (Section 3-75. "Provisions only applicable within the corporate limits of any municipality"). Tracy Jackson, John Lauby, Rob Hasty and Lisa Childers met with City staff members Lisa Harper (Assistant City Attorney) and Scott Shuford (Code Enforcement) to learn about the City's concerns and to discuss possible solutions.

The following revisions to Section 3-75 (b) and (c) have been prepared by staff to resolve the City's concerns.

(b) No horse, mule, pony, cow or goat shall be stabled or housed within 100 feet of any dwelling, house, school, church or eating establishment of on a lot less than one-half acre within the corporate limits of any municipality in which this chapter is applied.

(c) No more than ten ~~chickens~~ hens or rabbits shall be kept, housed or penned at a dwelling or on the lot on which such dwelling is located within the corporate limits of any municipality in which this chapter is applied.

# DRAFT

The City requests that Dr. Lauby appear at the City Council work session on June 6, 2016 and present the proposed changes to the ordinance for discussion. Ultimately, the City Council of Fayetteville will likely recommend that the Board of Commissioners revise the ordinance as above or otherwise.

This ordinance provision applies to all municipalities in the County, so the language will need to be provided to them for comment.

## RECOMMENDATION/PROPOSED ACTION:

No action is requested at this time. This is presented for information purposes only.

\*\*\*\*\*

Dr. Lauby, Animal Control Director, reviewed the background information and recommendation as recorded above. Dr. Lauby stated for fiscal years 2013-2015 the Animal Control Department received approximately 123,000 calls and almost 61,000 of those calls were in the City of Fayetteville. Dr. Lauby stated last year the Animal Control Department received 18,900 calls in the City of Fayetteville which consisted of 6 crowing complaints.

Commissioner Keefe stated he recommends Dr. Lauby take this forward to the other municipalities first and bring this item back to the Policy Committee.

MOTION: Commissioner Lancaster moved to have the Animal Control Director and staff consult with the other municipalities and bring this item back to the August 2016 Policy Committee meeting.

SECOND: Commissioner Council

VOTE: UNANIMOUS (3-0)

## 6. OTHER ITEMS OF BUSINESS

No other items of business.

MEETING ADJOURNED AT 11:39 AM

AMY H. CANNON  
County Manager

JAMES E. LAWSON  
Deputy County Manager



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

MELISSA C. CARDINALI  
Assistant County Manager

W. TRACY JACKSON  
Assistant County Manager

ITEM NO. 24(1)

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 20, 2016

TO: BOARD OF COMMISSIONERS  
FROM: JAMES LAWSON, DEPUTY COUNTY MANAGER *JS*  
DATE: JUNE 15, 2016  
SUBJECT: ANNUAL ADOPTION OF JAIL HEALTH MEDICAL PLAN

**BACKGROUND**

As you might recall, the Jail Health Medical Plan is submitted to the Board of Commissioners annually for adoption. The Plan establishes the standards and procedures for providing medical care for inmates at the Cumberland County Detention Center. The plan is designed to protect the health and welfare of the inmates, avoid the spread of contagious diseases, provide medical supervision of inmate and emergency medical care for the inmates to the extent necessary for their health and welfare, and provide for the detection, examination and treatment of inmates who are infected with tuberculosis or venereal diseases. It includes a procedure in the event of death and discharge planning for patients to another facility.

The plan complies with 10A NCAC 14J.1001 titled "Medical Plan". NC General Statute 153A-225 states the plan must be adopted by the governing body.

The plan is maintained and updated on an ongoing basis by a committee comprised of members of the Jail Health and Detention Center staff, who meet regularly throughout the year.

Buck Wilson has approved the 2016 Plan, in consultation with the relevant parties, including the Sheriff's Office.

The changes to this year's Plan were presented to and approved by the Policy Committee at its June 2, 2016 meeting. Those changes are outlined on the attached, and a complete copy of the Plan is available for review in the Clerk's Office.

**RECOMMENDATION**

The Public Health Director and County Management recommend adoption of the proposed 2016 Jail Health Medical Plan.

Attachment

## Revisions made to 2015 Jail Health

### Medical Plan Policy and Procedure Manual

| Revisions/Additions Needed to Continue Accreditation by<br>National Commission on Correctional Health Care |                                       | Cumberland County Jail<br>Health Medical Plan,<br>Policy and Procedure<br>Manual (with markups) |
|--|---------------------------------------|---|
| Standards for Health Services in Jails 2014  | Compliance<br>Indicator               | Page on which revision<br>was made  |
| JA06 Continuous Quality Improvement  | 4                                     | 8   |
| JA07 Emergency Response Plan   | 2 and 3                               | 10 , 11   |
| JA10 Procedure in the Event of an Inmate<br>Death  | 2. a, b, and c                        | 13  |
| JB01 Infection Prevention and Control<br>Program   | 4                                     | 16  |
| JC02 Clinical Performance Enhancement  | 1 and 2                               | 44, 45  |
| JC04 Health Training for Correctional Officers   | 1. g and h, 3,4                       | 47  |
| JC05 Medication Administration Training  | 2                                     | 48  |
| JC06 Inmate Workers  | Not addressed in 2015<br>Medical Plan | 49  |
| JC09 Orientation for Health Staff  | 1 and 2                               | 52  |
| JD01 Pharmaceutical Operations   | 2, 4, 6, 10, 11                       | 55, 56  |
| JD02 Medication Services   | 2 and 5                               | 57  |
| JD03 Clinic Space, Equipment and Supplies  | 4, 6, 8, 9, 10                        | 58, 59  |
| JD04 Diagnostic Services   | 3                                     | 60  |
| JD05 Hospital and Specialty Care   | 2 and 3                               | 61  |
| JE02 Receiving Screening   | 4, 5, 10, 11, 12                      | 65  |
| JE05 Mental Health Screening   | 1                                     | 69  |
| JE08 Emergency Services  | 2                                     | 73  |
| JE09 Segregated Inmates  | 6                                     | 80  |
| JE11 Nursing Assessment Protocols  | 2. a, b, c, and d                     | 83  |
| JF01 Health Lifestyle Promotion  | 2                                     | 88  |
| JF02 Medical Diets   | 2 and 3                               | 89  |
| JF03 Use of Tobacco  | 2                                     | 92  |
| JG02 Patients with Special Needs   | 3                                     | 97  |
| JG04 Basic Mental Health Services  | 2. b, d and 5                         | 100   |
| JG05 Suicide Prevention Program  | 2.f,k; 4 and 5                        | 102, 103  |
| JG07 Intoxication and Withdrawal   | 7 and 8                               | 104 - 108   |
| JG08 Contraception   | Not Addressed in 2015<br>Medical Plan | 108   |
| JG09 Counseling and Care of the Pregnant<br>Female   | 3                                     | 108, 109  |

| Continued   |                                    |  |
|---|------------------------------------|--|
| Revisions/Additions Needed to Continue Accreditation by National Commission on Correctional Health Care |                                    | Cumberland County Jail Health Medical Plan, Policy and Procedure Manual (with markups) |
| Standards for Health Services in Jails 2014   | Compliance Indicator               | Page on which revision was made  |
| JG11 Care for the Terminally Ill  | Not addressed in 2015 Medical Plan | 112  |
| JH03 Management of Health Records   | 3                                  | 119  |
| JH04 (Actually JI04) End-of-Life Decision Making  | 1                                  | 126  |
| JI01 Restraint and Seclusion  | 1. b, d, e, f                      | 121, 122   |
| JI02 Emergency Psychotropic Medication  | Not addressed in 2015 Medical Plan | 123, 124   |
| JI06 Medical and Other Research   | Not addressed in 2015 Medical Plan | 128  |

| Revisions made to reflect requirements for Juveniles |  |  |
|--|--|--|
| Standards for Health Services in Jails 2014          | Cumberland County Jail Health Medical Plan, Policy and Procedure Manual (with markups) |  |
|  | Page on which revision was made  |  |
| JB05 Response to Sexual Abuse                        | 38   |  |
| JE04 Initial Health Assessment                       | 68   |  |
| JE06 Oral Care                                       | 70   |  |
| JG02 Patients with Special Needs                     | 97   |  |

RICKEY L. MOOREFIELD  
County Attorney



PHYLLIS P. JONES  
Assistant County Attorney

ROBERT A. HASTY, JR.  
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

ITEM NO. 2 L (2)

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

**MEMO FOR THE AGENDA OF THE JUNE 20, 2016,  
MEETING OF THE BOARD OF COMMISSIONERS**

**TO:** Board of Commissioners; Co. Manager  
**FROM:** Co. Atty. *R. Moorefield*  
**DATE:** June 15, 2016  
**SUBJECT:** Draft of Revised Personnel Ordinance Requested by County Manager

**BACKGROUND:**

The county's personnel ordinance has not been comprehensively updated since 1998, though there have been numerous amendments since that time with the last amendment having just been adopted March 15, 2016. This proposed ordinance incorporates the recent amendments, revises some provisions of the existing ordinance, eliminates some provisions from the existing ordinance that have not been followed in years, adds a few new provisions and makes the ordinance provisions consistent with the practices currently being used for the administration of the county's personnel system.

The most significant substantive change in the proposed ordinance is that it greatly expands the authority of the county manager to establish policies to administer the county's personnel system. It is not intended to create a personnel system that that will qualify as substantially equivalent to the state system that is applied to county employees in DSS and the Health Department; however, since those employees constitute approximately one-third of the county's employees, the proposed ordinance does adapt more of the state personnel system's requirements than the existing ordinance does.

The proposed ordinance was requested by the county manager. The Policy Committee reviewed the proposed ordinance on June 2, 2016, and requested changes in the language in the new veteran's preference and in the new leave for seeking care at the employee's wellness clinic. With those changes, the Policy Committee recommended the proposed ordinance to the full Board. The changes requested by the Committee have been made.

The significant differences between the old and proposed ordinances are discussed as follows:

**Article I: In General**

**Section 102:** The list of classes covered by federal and state equal employment opportunity laws and regulations has been updated to conform to the current law.

**Section 103:** The applicability of the ordinance to the special classes of employees among the many departments has been revised to accurately reflect all the special classes of employees.

## **Article II: Position Classification Plan**

Although the language has been revised, there are no substantive changes affecting the requirements for the position classification plan.

## **Article III: Salary Plan**

**Section 301:** This is a new provision that states the statutory requirement that the board of commissioners must fix all pay schedules, expense allowances and other compensation as the guiding principle for the salary plan. Because of this state law, personnel policies that establish any form of compensation must be approved by the board of commissioners.

**Section 304:** A new provision is added to authorize training appointments for DSS and Health Department employees that are consistent with the provisions of the state's personnel system that apply to these employees. Subsection (6) is also a new provision that authorizes the county manager to make salary adjustments based on equity. This form of salary adjustment has been used by management since 1998 under the authority of a policy approved by the Board of Commissioners and it was specifically included in the proposed ordinance at the request of the county manager. This provision gives the manager the authority to raise the salary of an employee whose salary is determined to be inappropriately low. This provision is not recommended by the county attorney for the reason that it is difficult to reconcile the determination that an employee's salary is inappropriately low with the fact that all salaries are subject to uniform pay and classification plans.

## **Article IV: Recruitment, Selection and Appointment**

**Section 403:** A new section has been added to provide for a veteran's preference for initial employment.

**Section 404:** The background-check section has been completely rewritten to comply with the process that has been used since the ban-the-box policy was adopted. The discretionary use of fingerprinting was eliminated because fingerprinting has not been used outside the sheriff's office and this section does not apply to the sheriff's office.

**Section 405:** This section has been completely rewritten to authorize new appointments for DSS and Health Department employees that are consistent with the provisions of the state's personnel system that apply to these employees. Language has also been added to extend the probationary period for those employees not covered by the state's personnel system from six months to one year and to clarify that probationary employees can be dismissed at any time during the probationary period upon the department head's making a determination that the probationary employee is either not meeting performance or conduct standards or will not be

able to do so before the end of the probationary period. This section also establishes that an employee transferring to a different position retains his or her regular status and does not serve a new probationary period, except as is required for employees covered by the State Human Resources Act.

## **Article V: Conditions of Employment**

**Section 501:** The Code of Ethics in the existing ordinance has been moved to be the first section in Conditions of Employment and there have been minor revisions to the language.

**Section 502:** This is a new section to formally establish the unlawful workplace harassment policy and to be consistent with the state personnel system's requirements that apply to DSS and Health Department employees.

**Section 509:** This is a new section that gives employees and job applicants who are not subject to the State Human Resources Act the right to place a written objection to material in their personnel file that they believe to be inaccurate or misleading and a process for seeking to have such material corrected. A separate state statute governing this process applies to those employees who are subject to the State Human Resources Act. It has frequently been issue in the past for employees who wished to do this but were not expressly permitted to do so by the existing ordinance.

## **Article VI: Employee Benefits**

**Section 606:** Only change is that part-time employees working less than 40 hours per week shall be paid for their annual leave balance up to a maximum of 120 hours upon separation.

**Section 607:** Sick leave benefits are now considered to be a continuation of wages and sick leave is subject to leave accruals. Under the existing ordinance, sick leave is not considered as wages and time out of work on sick leave does not accrue any annual leave or further sick leave.

**Section 608:** Family and medical leave will require that any paid leave available to an employee must be used by the employee concurrently with the twelve (12) weeks of unpaid leave that must be provided by the employer under the *Family and Medical Leave Act*. Employees have the right to elect to do this under the Act and employers have the right to require employees to do this under the Act. This has been the practice of the county without the election having been made by the board of commissioners.

**Section 609:** Employees receiving workers' compensation benefits will now be limited to only those benefits provided by the state law. In the past, workers receiving workers' compensation were allowed to supplement the workers' compensation with accumulated annual or sick leave.

**Section 612:** The language in the section for school participation leave has been conformed to the statutory language.

**Section 613:** Leave to obtain or seek to obtain relief under certain domestic law processes has been added to conform to state law.

**Section 614:** Paid leave is allowed for going to the employee wellness clinic to encourage use of the clinic.

**Section 617:** Administrative leave with pay is limited to no more than 30 days without prior approval of the county manager. The existing ordinance does not contain a cap.

### **Article VII: Employee Discipline**

The only significant changes in the employee discipline provisions are in Section 703, *Dismissal of permanent employees*. The proposed ordinance follows the state personnel provisions that apply to DSS and Health Department employees for the first eleven grounds of dismissal. The grounds for dismissal listed as numbers 12 – 16 are continued from the existing ordinance.

### **Article VIII: Grievances**

The only significant change in the proposed ordinance grievance provisions is the addition of the statement that the county manager shall establish the rules governing how appeals are to be conducted.

### **Article IX: Claims against County Officers and Employees**

The changes in the proposed ordinance are to create a single process for processing claims made against the sheriff's office employees and other county employees. The existing ordinance identifies a claims adjustment committee which has not functioned and that committee has been eliminated from the proposed ordinance.

### **RECOMMENDATION:**

Consider the proposed ordinance and direct any changes the board desires to be made to it. The county attorney advises that the proposed ordinance complies with applicable employment laws and gives management greater flexibility to address changes in the labor market and future amendments to state and federal employment laws through policy directives. The county attorney recommends that the Chapter Number 10 and the references to the old section numbers, be removed from the section headings in the new ordinance. These were kept in the draft as a convenience for comparison purposes.

## **CUMBERLAND COUNTY PERSONNEL ORDINANCE**

### **ARTICLE I. IN GENERAL**

- Sec. 10-101. Purpose.
- Sec. 10-102. Equal employment opportunity and affirmative action.
- Sec. 10-103. Applicability.
- Sec. 10-104. Delegation of duties.
- Sec. 10-105. Responsibility of employees.

### **ARTICLE II. POSITION CLASSIFICATION PLAN**

- Sec. 10-201. Coverage of the classification plan.
- Sec. 10-202. Administration of the classification plan.
- Sec. 10-203. New positions.
- Sec. 10-204. Approval of the classification plan.

### **ARTICLE III. SALARY PLAN**

- Sec. 10-301. Application of this article.
- Sec. 10-302. Coverage of the salary plan.
- Sec. 10-303. Transition to a new salary plan.
- Sec. 10-304. Employee compensation.
- Sec. 10-305. Longevity, law enforcement career development and step plans.
- Sec. 10-306. Promotions.
- Sec. 10-307. Effective date of salary adjustments.

### **ARTICLE IV. RECRUITMENT, SELECTION AND APPOINTMENT**

- Sec. 10-401. Recruitment.
- Sec. 10-402. Qualification standards.
- Sec. 10-403. Veteran's preference.
- Sec. 10-404. Pre-employment background checks.
- Sec. 10-405. Types of appointment.
- Sec. 10-406. Final selection and appointment.
- Sec. 10-407. Agreements for employment.

### **ARTICLE V. CONDITIONS OF EMPLOYMENT**

- Sec. 10-501. Code of ethics.
- Sec. 10-502. Unlawful workplace harassment and retaliation.
- Sec. 10-503. Work week, work schedules.
- Sec. 10-504. Overtime.
- Sec. 10-505. Accountability for work time.
- Sec. 10-506. Travel time.
- Sec. 10-507. Reduction in force.

- Sec. 10-508. Performance evaluations.
- Sec. 10-509. Objection to material in personnel file for employees not subject to the State Human Resources Act.

#### **ARTICLE VI. EMPLOYEE BENEFITS**

- Sec. 10-601. Insurance programs.
- Sec. 10-602. Local governmental employees' retirement system.
- Sec. 10-603. Social security.
- Sec. 10-604. Law enforcement officers' benefit and retirement fund.
- Sec. 10-605. Holidays.
- Sec. 10-606. Annual leave.
- Sec. 10-607. Sick leave.
- Sec. 10-608. Family and medical leave.
- Sec. 10-609. Worker's compensation.
- Sec. 10-610. Military leave.
- Sec. 10-611. Civil leave.
- Sec. 10-612. School participation leave.
- Sec. 10-613. Leave to obtain relief under Chapters 50B or 50C
- Sec. 10-614. Wellness clinic leave.
- Sec. 10-615. Leave without pay.
- Sec. 10-616. Voluntary shared leave.
- Sec. 10-617. Administrative leave with pay.

#### **ARTICLE VII. EMPLOYEE DISCIPLINE**

- Sec. 10-701. Progressive discipline.
- Sec. 10-702. Dismissal of temporary or probationary employees.
- Sec. 10-703. Dismissal of regular employees.
- Sec. 10-704. Dismissal authority.
- Sec. 10-705. Suspension.
- Sec. 10-706. Demotion.

#### **ARTICLE VIII. GRIEVANCES**

- Sec. 10-801. Filing a grievance.
- Sec. 10-802. Grievances based on sexual harassment.

#### **ARTICLE IX. CLAIMS AGAINST COUNTY EMPLOYEES AND OFFICERS**

- Sec. 10-901. Definitions.
- Sec. 10-902. Policy of county.
- Sec. 10-903. Litigation assistance.
- Sec. 10-904. Vicarious liability assistance account.
- Sec. 10-905. Limitations of coverage.
- Sec. 10-906. Procedure for settlement of administrative claims.

## ARTICLE I. IN GENERAL

### Sec. 10-101. Purpose. (New)

The board of commissioners, as sole legislative authority for the county, hereby adopts this ordinance, to be cited as the *Cumberland County Personnel Ordinance*, to establish the conditions governing employment for all county employees, officers and officials except as specifically exempted herein.

### Sec. 10-102. Equal employment opportunity (Old Sec. 10-3 revised) and affirmative action. (new)

(a) All applicants and employees of the county shall be given equal opportunity for employment without regard to race, color, religion, sex, national origin, age, handicap, political affiliation or genetic information except where specific physical requirements constitute bona fide occupational qualifications necessary to proper and efficient administration. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, salary increases, or any other term or condition of employment because of race, color, religion, sex, national origin, age, handicap, political affiliation or genetic information is prohibited.

(b) The county manager shall develop and implement personnel policies and practices that will guarantee equal opportunity for employees and applicants for employment.

*State law references-Equal employment opportunity, G.S. § 126-16;*

### Sec. 10-103. Applicability. (Old Sec. 10-1 revised)

The provisions of this ordinance and all rules and regulations adopted pursuant to it shall apply to county employees, officers and officials as follows:

- (1) Elected officials shall be exempt from the provisions of this ordinance except for section 10-501, Code of Ethics.
- (2) Appointed officials, not serving as county employees, shall be exempt from the provisions of this ordinance except for section 10-501, Code of Ethics.
- (3) The county manager, county attorney, and clerk to the board of commissioners shall be subject to the provisions of this ordinance except for Article IV, Recruitment, Selection and Appointment; Article VII, Employee Discipline; and Article VIII, Grievances; provided, however; that in the event the provisions of any contracts of employment with any of these employees are in conflict with any provisions of this ordinance, the contract provisions shall supersede the ordinance provisions.
- (4) Employees of the offices of the sheriff and register of deeds shall be subject to the provisions of this ordinance except for Article IV, Recruitment, Selection and Appointment; Article VII, Employee Discipline; and Article VIII, Grievances.

(5) The director of elections and all other employees of the county board of elections shall be subject to the provisions of this ordinance except for Article IV, Recruitment, Selection and Appointment; Article VII, Employee Discipline; and Article VIII, Grievances; provided, however; that the county board of elections may agree to subject its employees to these articles by giving written notice to the county manager.

(6) All county employees subject to the *North Carolina Human Resources Act* shall be exempt from Article VII, Employee Discipline and Article VIII, Grievances; provided, however; that these employees shall be subject to all employee discipline and grievance rules, policies and procedures applicable to these local government employees as established by the State Human Resources Commission pursuant to Chapter 126 of the North Carolina General Statutes and the administrative code regulations promulgated pursuant to it.

(7) Employees of the North Carolina Cooperative Extension Service shall be subject to all provisions of this ordinance which are not inconsistent with the provisions of any contract between the county and The North Carolina Cooperative Extension Service North Carolina State University and The North Carolina Cooperative Extension Program North Carolina A&T University for the operation of a Cooperative Extension Agency in the county (the "MOU"). To the extent any provisions of the MOU conflict with any provisions of this ordinance, the contract provisions shall supersede the ordinance provisions.

**Sec. 10-104. Delegation of duties. (old Secs. 10-7 and 10-8 revised)**

(a) The county manager shall:

(1) Appoint and suspend or remove all county officers, employees and agents except those who are elected by the people or whose appointment is otherwise provided for by law; and

(2) Establish policies and procedures necessary or useful for the effective administration and implementation of this ordinance and the county's personnel system in accordance with any directives by the board of commissioners; and

(3) Have the authority to delegate any responsibilities assigned to him or her in this ordinance to any subordinate at his or her discretion.

(b) The human resources director shall:

(1) Advise the county manager, department heads, supervisors, and employees on personnel policies and procedures;

(2) Maintain all employee personnel records in the custody of the human resources department in accordance with G.S. § 153A-98;

(3) Maintain the most current version of this ordinance as amended from time to time;

(4) Maintain the most current version of the personnel policies and procedures established by the county manager from time to time; and

(5) Maintain and administer the position, classification and compensation plans as directed by the county manager.

(c) Department heads shall:

(1) Report to the human resources director any provisions contained in the personnel policies and procedures which they believe are inconsistent with the efficient operation of their departments or the maintenance of employee morale and make appropriate recommendations to address the matters reported;

(2) Report all personnel actions within their departments to the human resources director prior to implementation of any proposed personnel action;

(3) Report all anticipated vacancies to the human resources director; and

(4) Maintain all employee personnel records in the custody of their departments in accordance with G.S. § 153A-98;

**Sec. 10-105. Responsibility of employees. (old Sec. 10.4 revised)**

Employees shall be responsible for complying with the provisions of this ordinance insofar as they apply to personal conduct and performance of service.

## ARTICLE II. POSITION CLASSIFICATION PLAN

### **Sec. 10-201. Coverage of the classification plan. (old Sec. 10-26 revised)**

(a) The county shall maintain a position classification plan that ensures the accuracy of position duties and responsibilities and consolidates similar job functions into defined classifications. The county manager shall determine the duties of each position and shall promulgate procedures to establish, revise and maintain the classification plan to ensure it reflects the duties performed by each employee in the classification system.

(b) Subject to annual budget constraints, comprehensive salary surveys or studies shall be conducted to gather data on rates of pay for comparable work to determine the level of compensation assigned to positions.

### **Sec. 10-202. Administration of the classification plan. (old Sec. 10-28 revised)**

The county manager shall administer and maintain the position classification plan and shall have authority to establish new classifications and reallocate existing positions to the appropriate classifications within the classification plan for all county positions.

### **Sec. 10-203. New positions. (old Sec. 10-30 revised)**

New positions may only be established by the board of commissioners upon the recommendations of the county manager.

### **Sec. 10-204. Approval of the classification plan. (old Sec. 10-27 revised)**

The board of commissioners shall review and approve the classification plan annually.

## ARTICLE III. SALARY PLAN

### **Sec. 10-301. Application of this Article. (new)**

The board of commissioners shall fix or approve pay schedules, expense allowances and other compensation of county employees through the approval of the salary plan, the annual budget and any policies established by the county manager for these purposes.

### **Sec. 10-302. Coverage of the salary plan. (old Sec. 10-46 –10-47 revised)**

(a) The board of commissioners shall establish a salary plan upon the recommendation of the county manager and shall review and approve the salary plan annually.

(b) The salary plan shall include salary ranges with a minimum and maximum rate of pay commensurate with the responsibilities and difficulty of the work, and take into account the prevailing compensation for comparable positions in other agencies of government and other relevant factors.

(c) Subject to annual budget constraints, the salary plan shall provide for the salary advancement of employees based upon changes in job responsibilities and prevailing labor market conditions.

(d) Subject to annual budget constraints, the salary plan may include special compensation programs which enhance the county's competitive position for the purpose of talent acquisition, retention, and productivity. The county manager shall the establish policies and procedures necessary or useful to implement any special compensation programs.

(e) The county manager shall be responsible for the administration and maintenance of the salary plan and shall establish policies and procedures necessary or useful to this purpose to include any special compensation programs.

### **Sec. 10-303. Transition to a new salary plan. (old Sec. 10-62 revised)**

No employee shall receive a salary reduction as a result of the transition to a new salary plan and any employees receiving salary at a rate less than the minimum rate established for their new respective grades shall have their salaries raised to the minimum rate of their new grades.

### **Sec. 10-304. Employee compensation. (old Sec. 10-48 revised) (subsection 6 is new to the ordinance and is taken from a policy submitted to the Personnel Committee July 8, 1998, and approved by the Board of Commissioners)**

Each new employee shall be appointed at the minimum salary which has been established for the classification in which he or she is employed except:

- (1) If the position is not subject to the *North Carolina Human Resources Act*, the employee does not meet the minimum requirements of the position, and qualified applicants for the position are not available, the county manager shall designate the employee as a

trainee to be appointed at a salary no more than ten percent below the minimum salary established for the position;

(2) If the position is subject to the *North Carolina Human Resources Act*, the employee does not meet the minimum requirements of the position, and qualified applicants for the position are not available, the county manager shall designate the employee to the appointment status mandated by 25 NCAC 01I.2002 at a salary no more than ten percent below the minimum established for the position;

(3) If the county manager shall determine that there has been a demonstrated inability to recruit at the minimum salary, or if an applicant possesses exceptional qualifications or prior experience, the county manager may authorize the employment of the applicant at a salary level up to and including the maximum of the salary range provided for that position classification, subject to the availability of appropriated salary and benefit funds;

(4) If the county manager shall identify critical staffing levels of a particular work unit within a department, or when unusual or peak work demands cannot be met, the county manager may authorize the emergency assignment of employees normally assigned to another work unit in that department to temporarily staff the critically-staffed work unit. These employees must be permanently assigned to the same or similar job classification as the position for which they will be temporarily performing duties. The county manager shall determine the rate of supplemental pay, if any, for work performed during the emergency assignment, based upon the critical nature of the work to be performed and the limited resources available to perform the work;

(5) If the county manager shall identify a developing trend indicating unusual or persistent difficulty in turnover and/or retention of sufficient staffing in a particular job classification or work unit, or a specific concern regarding the retention of a critical position, the county manager may authorize a salary increase up to and including the maximum of the salary range provided for the affected position(s) subject to the availability of appropriated salary and benefit funds. Or, the county manager may authorize a separate supplemental payment to employees in the applicable positions. When determining appropriate salary or supplemental payment amounts, the county manager shall take into consideration relevant factors including salaries paid in comparable and competitive job markets, and the potential liability impact for failure to meet state staffing mandates;

(6) The County Manager is authorized to approve equity pay adjustments for employees whose salaries are inappropriately low due to unique or special circumstances pursuant to the following conditions:

(a) The County Manager may not approve equity pay adjustments for more than one percent of the county workforce in any fiscal year;

(b) The Department Head must submit a written request to the County Manager for an equity pay adjustment for a departmental employee stating the recommended

amount and justification;

(c) Employees must have been employed by the county for a minimum of three years and be in good standing to be eligible to be considered for an equity pay adjustment;

(d) All equity pay adjustments must be within the salary range of the employee's position classification as specified by the adopted County Position Classification and Pay Plan;

(e) No equity pay adjustment can exceed ten percent of the employee's current salary.

**Sec. 10-305. Longevity, law enforcement career development and step plans. (old Sec. 10-48 revised)**

(a) To the extent that longevity pay or law enforcement officers' career development pay are funded in each year's fiscal budget, only those employees who commenced county service before July 1, 2012, shall be eligible to receive it.

(b) To the extent that a law enforcement officers' step plan is funded in each fiscal year's budget, all law enforcement officers, who are otherwise eligible, shall be eligible to receive it regardless of the year they commenced county service.

(c) Any longevity pay, law enforcement officers' career development pay, or law enforcement officers' step plan pay shall be a special compensation program.

**Sec. 10-306 Promotions. (old Sec. 10-84 revised)**

An employee may receive a promotion in one of two forms. The classification of the employee may be designated to a higher level salary range, or, if qualified, the employee may be assigned to a position in a classification with a higher salary range. Any such designation or reassignment must be approved by the county manager.

**Sec. 10-307. Effective date of salary adjustments. (old Sec. 10-61)**

Salary adjustments approved after the first working day of a pay period shall become effective at the beginning of the next pay period.

## ARTICLE IV. RECRUITMENT, SELECTION AND APPOINTMENT

### **Sec. 10-401. Recruitment. (old Sec. 10-76 revised)**

Recruitment shall be the dual responsibility of the department head and the human resources department. The human resources director shall coordinate recruitment efforts and maintain a comprehensive record of recruitment activities throughout the county government and shall provide assistance to departments as best meets the needs of the departments.

### **Sec. 10-402. Qualification standards. (old Sec. 10-77)**

Employees shall meet the employment standards established by the position classification plan and such other reasonable minimum standards as to character, aptitude, ability to meet the public and physical condition as may be established by the department head concerned, the county manager and/or the board of county commissioners.

### **Sec. 10-403. Veteran's preference. (New)**

Preference in employment for positions within the county subject to this ordinance shall be given to those who served in the Armed Forces of the United States on active duty (for reasons other than training) during periods of war or any other campaign, expedition, or engagement for which a campaign badge or medal is authorized by the United States Department of Defense. The preference to be accorded shall apply in initial employment. The county manager shall develop and implement policies that administer the preference granted herein.

### **Sec. 10-404. Pre-employment background checks. (old Sec. 10-14 revised)**

A background investigation of any final candidate for a county position shall be conducted prior to the employment of the individual. The background investigation shall include, at a minimum, a criminal record check and a drug screening. In addition, a credit check, sex offender registry check and/or driving record history may be required, depending on the position.

### **Sec. 10-405. Types of appointment. (old Se. 10-78 revised)**

(a) *Probationary.* The probationary period is an essential extension of the selection process and provides the time for effective adjustment of the new employee or the dismissal of the new employee whose performance does not meet acceptable performance or conduct standards. The initial appointment of an employee to a regular position shall be a probationary appointment as follows:

- (1) If the position is not subject to the *North Carolina Human Resources Act*, the duration of a probationary appointment shall be one year.
- (2) If the position is subject to the *North Carolina Human Resources Act*, the duration of the probationary period shall be for the period established for an employee to attain career status in accordance with G.S. § 126-1.1.
- (3) A probationary employee may be demoted or dismissed any time the department head determines that the employee does not and will not be able to satisfactorily perform the job duties or engages in conduct that is unacceptable. Notice of the demotion or dismissal

must be given in accordance with section 702.

(4) At the end of the probationary period, if service is unsatisfactory the employee shall be dismissed or demoted. If service is satisfactory, the employee shall be retained as a regular employee.

(5) For positions subject to the *North Carolina Human Resources Act*, career status employees transferring to a position in another agency shall commence the new position in a probationary status in accordance with 25 NCAC 01I.2002. Career status employees transferring to a new position within the same agency shall retain their career status.

(6) For positions not subject to the *North Carolina Human Resources Act*, regular employees transferring to a position in within the same department or another department or agency shall retain their regular status.

(b) *Regular.* Regular appointment is an appointment to a permanent position following the satisfactory completion of a probationary and/or trainee appointment or the reinstatement of an eligible employee. For those employees subject to the *North Carolina Human Resources Act*, the appointment shall become regular when the employee attains career status in accordance with 25 NCAC 01I.2002.

(c) *Trainee.* For those positions not subject to the *North Carolina Human Resources Act*, a trainee appointment may be made to a permanent position when the county is unable to recruit an experienced or otherwise qualified employee. An employee may not remain on a trainee appointment beyond the time when education and experience requirements for the position have been completed. After the employee has successfully completed all education and experience requirements, he or she shall be given regular status.

(d) *Temporary.* For those positions not subject to the *North Carolina Human Resources Act*, a temporary appointment may be made to a regular or temporary position for a specific duration of time which will not exceed ninety days, except where a temporary appointment is necessary due to an on-the-job injury. All temporary appointments must be approved in advance by the county manager. Temporary employees shall not be entitled to receive any of the employee benefits available to regular employees unless mandated by state or federal law.

(e) For those positions subject to the *North Carolina Human Resources Act*, such additional forms of appointment as are appropriate for the position being filled shall be made in accordance with 25 NCAC 01I.2002 and shall comply with all program requirements applicable to the position.

(f) Appointments to positions requiring a normal work week of at least 40 hours shall be full-time appointments and those which require a normal work week less than 40 hours shall be part-time appointments.

**Sec. 10-406. Final selection and appointment. (old Sec. 10-82 revised)**

(a) Final selection of a department head rests with the appointing authority for the position.

(b) Final selection of an applicant for all positions rests with the department head concerned. This

selection shall be made from those applicants that have been certified by the human resources director as being best qualified and suited for the position in question. After selection of an applicant for a position by a department head, the human resources director shall recommend the position classification and starting salary to the county manager for approval. All such actions will be subject to final review and approval by the county manager, who may delegate such review and approval authority to the human resources director.

**Sec. 10-407. Agreements for employment. (old Sec. 10-83 revised),**

No agreement for employment with the county shall be valid unless in writing and approved by the board of commissioners. Further, no agreement for employment shall be valid unless funds for compensation for such services shall have been appropriated by the board of commissioners.

DRAFT

## ARTICLE V. CONDITIONS OF EMPLOYMENT

### Sec. 10-501. Code of ethics. (old Article IX revised)

(a) *Declaration of policy.* It is the policy of the county that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. In recognition of these goals, a code of ethics for all county employees is adopted.

(b) This code has four purposes as follows:

- (1) To encourage high ethical standards in official conduct by county employees;
- (2) To establish guidelines for ethical standards of conduct for all county employees by setting forth those acts or actions that are incompatible with the best interests of the county;
- (3) To require that county employees disclose private financial or other interests in matters affecting the county; and
- (4) To serve as a basis for disciplining and/or punishing those employees who refuse to abide by its terms.

(c) *Definitions.* As used in this code of ethics, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

- (1) *Business* shall mean a corporation, partnership, sole proprietorship, firm, organization or other legal entity carrying on business;
- (2) *Confidential information* shall mean information which is not available to the general public and which is obtained only by reason of an employee's position.
- (3) *County* shall mean the County of Cumberland.
- (4) *Employee* shall mean all officials, officers, members and employees, whether elected or appointed and whether paid or unpaid, of the government of the county and of all of its agencies. Employees shall include former employee if the violation occurred during county employment.
- (5) *Financial interest* shall mean any interest which shall yield, directly or indirectly, any monetary or other material benefit to a county employee. The term, financial interest, shall not include the employee's salary or other compensation received pursuant to county employment. The fact that an employee owned ten percent or less of the stock of a corporation or has a ten percent or less ownership in any business entity or is an employee of said business entity does not create a financial interest.

(6) *Official act* shall mean an official decision, vote, approval, disapproval or other action which involves the use of decision-making authority.

(7) *Personal interest* shall mean any interest arising from blood or marriage relationships or from employment or business whether or not any financial interest is involved. A blood or marriage relationship for the purpose of this section shall mean wife, husband, mother, father, brother, sister, daughter, son, grandmother and grandfather, grandson and granddaughter, aunts and uncles. Included are the step, half, in-law, in loco parentis relationships and persons living within the same household.

(8) *Political activity* shall mean any act aimed at supporting or opposing the election of any candidate for public office or supporting or opposing a particular political party.

(d) *Standards of Conduct.* Employees must in all instances maintain their conduct at the highest standards. Official conduct guided by high ethical standards gives the public confidence in the integrity of its government and assures the public that government is responsible to the people. The following standards of conduct are goals which public employees should strive to attain so as to avoid even the appearance of impropriety in the conduct of the public's business:

(1) Employees have an obligation to act morally and honestly in discharging their responsibilities;

(2) Employees shall conduct themselves with propriety, discharge their duties impartially and fairly and make continuing efforts toward attaining and maintaining high standards of conduct;

(3) Employees shall not improperly use, directly or indirectly, their county positions to secure any financial interest or personal benefit for themselves or others;

(4) Employees shall not use nor attempt to use their positions to improperly influence other employees in the performance of their official duties; and

(5) While in the conduct of their official duties employees shall not request other employees to grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or to make available to the public at large.

(e) *Use of County Resources.*

(1) No employee shall use or permit the use of county employees or county-owned material, property, funds, or other resources of any kind for the private gain, personal benefit, or political advantage of any person, except where such use is made available to the public at large. Nothing herein shall be interpreted or construed to limit the use of county-owned facilities for public gatherings in accordance with established facilities use policies.

(2) County-owned vehicles shall not be used for the personal business of any employee. No county automobile shall be used by a county employee going to or from home, except when such use is for the benefit of the county and such use has been authorized by the department head, county manager or sheriff.

(f) *Conflict of Interest.*

(1) No employee shall engage in any employment or business which conflicts with the proper discharge of his or her official duties.

(2) No employee shall have a financial interest, directly or indirectly, in any transaction with any county agency as to which the employee has the power to take or influence official action. No employee shall take or influence official action in any transaction with any county agency that would confer a benefit based on a personal interest where such benefit is not made available to the public at large.

(3) If an employee has any direct or indirect financial interest in the outcome of any matter coming before the agency or department of which he or she is a member or by which he or she is employed, such employee shall disclose on the record of the agency or department and to his superior or other appropriate authority the existence of such financial interest. An employee having such an interest shall not engage in deliberations concerning the matter, shall disqualify himself from acting on the matter and shall not communicate about such matter with any person who will participate in the action to be taken on such matter. However, the excusal from voting by members of the board of county commissioners shall be governed exclusively by G.S. § 153A-44.

(4) No employee shall represent or appear on behalf of any individual or entity, either personally or through an associate or partner, against the interests of the county or any of its agencies in any action or proceeding in which the county or any of its agencies is a party, unless the action or proceeding is sufficiently remote from his official duties, so that no actual conflict of interest exists.

(5) Nothing herein shall be interpreted or construed to prohibit any employee from exercising his or her legal rights as to his or her own personal interests in processing a claim against, making a request to the county or any of its agencies or in defending a claim made against him or her by the county or any of its agencies, or to prohibit an employee from testifying as a witness in any administrative or judicial proceeding.

(g) *Confidential Information.*

(1) No employee shall, without legal authority, disclose confidential information gained as a result of his or her employment or position with the county.

(2) No employee shall use confidential information gained as a result of his or her employment or position with the county to advance his or her own financial or personal interest or the financial or personal interests of any other person.

(3) Nothing in this subsection shall be construed as prohibiting the disclosure of information required by law to be disclosed.

(h) *Gifts, Gratuities, and Favors.* No employee shall knowingly solicit or accept a gift, whether in the form of money, things, favor, loan or promise, or gratuity, from any person or entity which, to the

employee's knowledge, is interested directly or indirectly, in any manner whatsoever, in a transaction with the county or any of its departments or agencies as to which the employee has the power to take or influence official action. This section is not intended to prevent the gift and/or receipt of the following:

- (1) Honorariums in an amount not to exceed \$25.00 or expenses to include meals, travel and lodging for participating in meetings, seminars, conferences, grand openings, or anniversary celebrations of businesses, or other similar activities where the official or employee is either a speaker, participant or invited in his or her official capacity;
- (2) Nominal advertising items or souvenirs of \$25.00 or less in value, or meals furnished at banquets;
- (3) Customary gifts or favors received by any employee from friends, relatives or other employees where it is clear that it is the relationship of the donor which is the motivating factor for the gift or favor;
- (5) Gifts, favors, discounts, and gratuities offered by commercial enterprises to members of the general public; and
- (6) Political contributions by elected county officials.

(i) *False Statements Prohibited.*

- (1) No employee shall willfully make any false statement, or in any manner commit any fraud, conceal any wrongdoing or fail to answer fully and truthfully questions about wrongdoing connected with the business of the county or connected with the work-related conduct of any county employee.
- (2) No employee shall willfully make any false statement, certificate, mark, report or rating with the intent to obtain public funds or other public benefit for himself or herself or anyone else to which the employee or such other person is not by law entitled or otherwise authorized.
- (3) No person seeking appointment to, or promotion in, the service of the county, shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for, on account of or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion; provided, however, that this provision shall not apply to payments made to duly licensed employment agencies or educational institution.

(j) *Nepotism Prohibited.* No relative of a of a county employee, by blood or marriage, may be employed in any position with the county in which the employee may be able to supervise directly or control or influence the work or employment status of the relative or the affairs of the organizational unit in which the relative is employed. Relative for the purposes of this section shall mean wife, husband, mother, father, brother, sister, daughter, son, grandmother and grandfather, grandson and granddaughter, aunts and uncles. Included are the step, half, in-law, in loco parentis relationships and persons living within the same household.

(k) *Outside Employment.* Except for county elected officials or appointees, no employee shall engage in outside employment without prior approval of the employee's department head. Approval will be granted except where the employment has a probability of creating a conflict with the performance of the county's business or creating a division of loyalty, or where the performance of the outside duties would most likely impair the employee's ability to perform his or her county duties.

(l) *Political Activity.*

(1) *Generally.* Every employee of the county has a civic responsibility to support good government by every available means and in every appropriate manner except where in conflict with the law. County employees may join or affiliate with civic organizations of a political nature, may attend political meetings, may serve as officers of civic or political organizations, and may advocate and support principles or policies of civic or political organizations in accordance with the Constitution and laws of the United States and North Carolina.

(2) *Prohibitions.* No employee of the county shall:

(a) Engage in any political activity while on duty, unless serving as an elected county official;

(b) Place any pressure, direct or indirect, on any employee to support any candidate or party, contribute to, solicit for, or act as custodian of funds for political purposes;

(c) Offer any county position, promotion, job related benefit, remuneration or other advantage to any person as a reward for political activity or support;

(d) Take adverse action against any employee based on that employee's engaging in or refusing to engage in permitted political activity; or

(e) Permit or require any county employee to engage in political activity while the employee is on duty.

(3) *Candidates running for public office; etc.* Engaging in political activity while on duty shall not include the casual greeting or encounter by employees with persons running for public office. Candidates for public office visiting public offices shall be received and treated with respect. For the purpose of this section, employees who are on authorized breaks or on lunch periods shall not be deemed to be on county time.

(m) *Violations.* Any violation of this section shall be deemed improper conduct and may subject an employee to disciplinary action, dismissal, or removal, as appropriate. Additionally, a violation of subsection (e), use of county resources, or subsection (i), false statements prohibited, is declared a misdemeanor and may be punished as provided by law. The board of county commissioners, upon notice and hearing, may declare void and rescind any contract, grant, subsidy, license, right, permit, franchise, use, authority, privilege, benefit certificate, ruling, decision, performance of any service, or

transfer or delivery of anything which the board determines was awarded, granted, paid, furnished, or otherwise performed in violation of this article.

**Sec. 10-502. Unlawful workplace harassment and retaliation. (new)**

The county manager shall develop strategies, policies and practices to ensure that all employees are guaranteed the right to work in an environment free from unlawful workplace harassment, sexual harassment or retaliation based on opposition to unlawful workplace harassment.

**Sec. 10-503. Work week, work schedules. (replaces old Sec. 10-103)**

- (a) The established work week for the county for pay purposes is a seven-day period beginning Sunday at 12:00 a.m. and ending Saturday at 11:59 p.m.
- (b) County offices shall be open for business on weekdays from 8:00 a.m. until 5:00 p.m.; provided, however; that department heads, with the approval of the county manager, shall schedule those hours necessary to conduct the operations of their departments and may vary work schedules and business hours to best meet the needs of the department's customers and the operations of the department.
- (c) Full time employees shall normally work forty (40) hours per week.
- (d) Department heads shall work the hours necessary to assure the satisfactory performance of their departments but not less than forty (40) hours per week.

**Sec. 10-504. Overtime. (replaces old 10-105)**

Department heads shall arrange the work schedules of their employees so as to accomplish the required work within the normal workweek schedule. The county manager shall establish policies and procedures to administer any overtime and/or compensatory time that may become necessary due to unforeseen circumstances. All overtime and compensatory time shall be administered in compliance with the *Fair Labor Standards Act*.

**Sec. 10-505. Accountability for work time. (replaces old Sec. 10-105(f) and (g))**

All employees shall accurately reflect the hours worked by the employee in a form prescribed by the county manager for this purpose.

**Sec. 10-506. Travel time. (new, old Sec. 10-106 had been repealed)**

- (a) County employees shall be credited with hours of work for all time spent in official travel, to include time spent travelling during non-duty hours. Official travel is travel performed at the direction or approval of the department head. An employee is deemed to be in an official status from the time of his or her departure from a designated location in the county and until arrival at his or her destination. Time spent travelling from the destination until returned to the county shall also be deemed official travel.
- (b) The county manager shall establish policies and procedures to implement and administer travel time credit, taking into account standards to require the least-cost means of travel and applicable regulations of the United States Department of the Treasury.

**Sec. 10-507. Reduction in force. (replaces old Sec. 10-119)**

(a) In the event that a reduction in force ("RIF") becomes necessary, employees will be notified a minimum of 30 days prior to their dismissal date due to the RIF. Consideration will be given to the needs of the county, seniority, and relative job performance in determining those employees to be retained.

(b) Any regular employee who is otherwise in good standing at the time of his or her dismissal due to a RIF shall be referred for interview and evaluation for any vacancy for which his or her training and experience qualify him or her for a period of one year from the date of the official RIF notification, or until he or she should decline an interview for or an offer of a position at the same or higher classification held at the time of the RIF, whichever should first occur.

(c) The county manager shall establish further policies and procedures to implement this section.

**Sec. 10-508. Performance evaluations. (replaces old Sec. 10-120)**

The County Manager shall establish policies and procedures to implement a performance management system that will include planning, managing, and appraising employee performance based on a 12-month work cycle.

**Sec. 10-509. Objection to material in personnel file for employees not subject to the State Human Resources Act. (new)**

(a) This section shall only apply to employees and former employees whose positions are or were not subject to the State Human Resources Act and applicants for positions which were not subject to the State Human Resources Act.

(b) An employee, former employee, or applicant for employment who objects to material in the employee's file may place in his or her file a written statement relating to the material the employee considers to be inaccurate or misleading.

(c) An employee who objects to material in the employee's file because he or she considers it inaccurate or misleading may seek to amend or attach a rebuttal of such in accordance with the grievance procedure of Article VIII. A former employee or applicant may seek to amend or attach a rebuttal of material he or she considers inaccurate or misleading by written request to the county manager. If the department head, county manager, or board of commissioners determines that material in the employee's file is inaccurate or misleading, the human resources director is authorized to amend or attach a rebuttal to the inaccurate material to ensure that the file is accurate. Nothing in this subsection shall be construed to permit an employee to appeal the contents of a performance appraisal or written disciplinary action.

## ARTICLE VI. EMPLOYEE BENEFITS

### **Sec. 10-601. Insurance programs. (Old Sec. 10-136)**

The county shall make group disability and group hospitalization insurance programs available for employee participation. Employees may enroll in the programs at their election and in accordance with the provisions of the social security program. Hospitalization coverage is available only to those permanent employees working 30 hours or more per week.

### **Sec. 10-602. Local governmental employees' retirement system. (Old Sec. 10-138)**

Each employee other than law-enforcement officers who join the law-enforcement officers' benefit and retirement fund shall be required to join the local governmental employees' retirement system as a condition of employment.

### **Sec. 10-603. Social security. (Old Sec. 10-139)**

Each county employee shall be covered by the old age, survivors and disability insurance program and may become eligible for disability or retirement benefits in accordance with the provisions of the social security program.

### **Sec. 10-604. Law enforcement officers' benefit and retirement fund. (Old Sec.10-140)**

Law enforcement officers primarily engaged in enforcing the criminal laws of the state are eligible for membership in the law enforcement officers' benefit and retirement fund.

### **Sec. 10-605. Holidays. ( Old Sec. 10-104---revised)**

(a) The County shall observe the same holidays as the State of North Carolina. All employees in a pay status the day before the holiday shall receive holiday pay.

(b) The County manager shall develop and implement holiday pay administration procedures consistent with applicable federal and state laws.

### **Sec. 10-606. Annual leave. (10-107---revised)**

(a) It shall be the policy of Cumberland County to grant paid annual leave as a privilege for its employees.

(b) All employees subject to the Local Government Employees' and Law Enforcement Officers' Retirement Systems who are in pay status for ten or more workdays or 80 hours in a pay period earn annual leave at the following rate:

| <i>Years of Completed<br/>Aggregate Service</i> | <i>Leave Days Earned<br/>Each Pay Period</i> | <i>Earned<br/>Annually</i> |
|---|--|----------------------------|
| Less than 2 years                               | .461   | 11.986                     |
| 2 years   | .576   | 14.976                     |
| 5 years   | .692   | 17.992                     |
| 10 years  | .807   | 20.982                     |
| 15 years  | .923   | 23.998                     |
| 20 years  | 1.038  | 26.988                     |

(d) Employees whose normal work week is less than or more than 40 hours per week shall earn leave proportionately.

(e) Employees shall be credited with annual leave accrued during time lost due to on-the-job injuries.

(f) Annual leave may be accumulated without any applicable maximum until June 30 of each calendar year. Annual leave accumulations over 240 hours for 40-hour employees and 257 hours for 171-hour employees shall be transferred to sick leave on July 1.

(g) Upon separation from service, employees scheduled to work 40 hours per week, shall be paid for their annual leave balance, up to a maximum 240 hours. Employees working a 171-hour monthly schedule shall be paid for their annual leave balance, up to a maximum of 257 hours. Upon separation from service, employees scheduled to work less than 40 hours per week, shall be paid for their annual leave balance, up to a maximum 120 hours.

(h) Annual leave shall be authorized in minimum increments of one-quarter hour periods.

**Sec. 10-607. Sick leave. (Old Sec. 10-108---revised)**

(a) *Sick leave credits.* All employees subject to the Local Government Employees' and Law Enforcement Officers' Retirement Systems who are in a pay status for ten or more workdays, 80 hours, in a pay period earn sick leave at the rate of .461 days per pay period or 11.986 days per year. Employees whose normal work week is less than or more than 40 hours per week shall earn sick leave proportionally.

(b) Employees shall be credited with sick leave accrued during time lost due to on-the-job injuries. Sick leave accrued during this period of disability shall be manually posted to the monthly leave log.

(c) Sick leave may be used for illness or injury which prevents an employee from performing usual duties and for the actual period of temporary disability and for:

- (1) Medical appointments; and
- (2) Illness of a member of the employee's immediate family. For purposes of this

section, immediate family shall be as defined under the *Family and Medical Leave Act*.

- (d) Sick leave shall be authorized in minimum increments of one-quarter hour periods.
- (e) Sick leave is cumulative indefinitely.
- (f) The department head may require a statement from a health care provider or other acceptable proof that the employee was unable to work due to personal illness, family illness, or medical appointment.
- (g) Only scheduled workdays shall be charged in calculating the amount of leave taken. Holidays shall not be counted as sick leave.
- (h) No payment shall be made for accumulated sick leave credits at the time of the employee's separation.
- (i) Unused sick leave shall be accepted for employees hired, rehired or reinstated within three years of their last workday provided the employee earned sick leave while under the State Employees' and Teachers' Retirement System, Local Government Employees' Retirement System, or Law Enforcement Officers' Retirement System.

**Sec. 10-608. Family and medical leave. (Old Sec. 10-221---rewritten)**

- (a) Family and medical leave shall be provided in compliance with the *Family and Medical Leave Act of 1993*, as amended ("FMLA") and the rules and regulations of the U.S. Department of Labor concerning FMLA. The County manager shall develop and implement family and medical leave policies and procedures consistent with the FMLA.
- (b) The county shall elect to require that employees shall use paid leave concurrently with any approved FMLA leave.

**Sec. 10-609. Worker's compensation. (Old Sec. 10-112)**

- (a) An employee absent from duty because of sickness or disability covered by worker's compensation laws may receive only those benefits provided under the worker's compensation laws of the state.
- (b) During any period of sickness or disability, the employee shall receive all county benefits as if the employee were on the job.
- (c) Any employee injured while performing duties of the position that he or she holds must report this injury immediately to the department head. The department head shall immediately notify the human resources and risk management directors of the reported injury.

**Sec. 10-610. Military leave. (Old Sec. 10-114 )**

Military leave shall be granted in accordance with the provisions of federal and state law. The county manager shall publish procedures implementing these provisions.

**Sec. 10-611. Civil leave. (Old Sec.10-115)**

An employee called for jury duty, or as a court witness for the federal or state governments or a subdivision thereof, shall be entitled to leave with pay for such duty in addition to keeping fees received for such duty.

**Sec. 10-612. School participation leave. (Old Sec. 10-123 revised)**

(a) An employee who is a parent, guardian, or person standing in loco parentis of a school-aged child shall be granted up to four hours of paid leave per fiscal year so the employee may attend or otherwise be involved at that child's school, subject to the following conditions:

- (1) The leave shall be at a mutually agreed upon time between the department head and the employee.
- (2) The department head may require an employee to provide the employer with a written request for the leave at least 48 hours before the time desired for the leave.
- (3) The department head may require that the employee furnish written verification from the child's school that the employee attended or was otherwise involved at that school during the time of the leave in a form prescribed by the county manager

(b) For the purpose of this section, "school" means any (i) public school, (ii) private church school, church of religious charter, or nonpublic school described in Parts 1 and 2 of Article 39 of Chapter 115C of the General Statutes that regularly provides a course of grade school instruction, (iii) preschool, and (iv) child care facility as defined in G.S. 110-86(3). (1) The employee must provide the department head written verification from the child's school that the employee attended or was otherwise involved at that school or daycare during the time of the leave in the form prescribed by the county manager.

*State Law Reference: G.S. § 95-28.3.*

**Sec. 10-613. Leave to obtain relief under Chapters 50B or 50C. (new)**

No employee shall be discharged, demoted, denied a promotion, or disciplined because he or she took reasonable time off from work to obtain or attempt to obtain relief under Chapter 50B or Chapter 50C of the North Carolina General Statutes. Any employee who is absent from the workplace for this purpose shall comply with all usual time-off policies and procedures, including advance notice to the employee's supervisor, unless an emergency prevents the employee from doing so.

*State Law Reference: G.S. § 95-270.*

**Sec. 10-614. Wellness clinic leave. (new)**

Employees shall be granted leave for visits from the employee's worksite to the county employees' wellness clinic under such terms as may be established by the county manager.

**Sec. 10-615. Leave without pay. (Old Sec.10-117)**

A probationary or regular employee may be granted a leave without pay for up to six (6) months by the department head. This leave may be used for extended personal or family disability or other personal reasons. Leave without pay for purposes of covered service in the military or Public Health Service shall be granted in accordance with federal law.

**Sec. 10-616. Voluntary shared leave. (new)**

The county manager is authorized to establish rules and procedures whereby employees may donate annual leave to fellow employees who have exhausted all accumulated leave and are out of work for an FMLA-qualifying reason or for reasons of extreme hardship.

**Sec. 10-617. Administrative leave with pay. (Old 10-118 revised)**

The county manager and department heads are authorized to place an employee on administrative leave with pay when it is determined to be in the best interest of the county and only after prior consultation with the human resources director. Any proposal to extend administrative leave with pay more than thirty (30) days must be approved in advance by the county manager. Administrative leave with pay shall not be construed as an adverse personnel action and is not grievable.

## ARTICLE VII. EMPLOYEE DISCIPLINE

### **Sec. 10-701. Progressive discipline. (Old Sec. 10-155---revised)**

(a) Discipline of employees shall be progressive and shall take into consideration the employee's years of county service and quality of job performance. Progressive discipline may take the form of written warnings, suspension without pay, demotion or dismissal.

(b) The county manager and/or department heads, as appropriate, shall publish in writing the general categories of conduct which warrant the various degrees of progressive discipline. These rules shall be applied uniformly throughout the county and/or applicable department.

(c) A copy of all department disciplinary rules shall be filed with the county human resources director. Department heads shall insure that current county and department disciplinary rules are communicated to all employees.

(d) Nothing contained herein shall limit the authority of the department head pursuant to section 10-703.

### **Sec. 10-702. Dismissal of temporary or probationary employees. (Old Sec. 10-156---revised)**

(a) A temporary or probationary employee whose work or conduct is not satisfactory may be dismissed at any time by the department head. The department head must inform the employee of the reason for the dismissal in writing.

(b) A temporary or probationary employee shall not have the right to submit a grievance or appeal the employee's dismissal except where the employee claims that the dismissal was in violation of law.

### **Sec. 10-703. Dismissal of regular employees. (Old Sec. 10-157---revised)**

(a) A regular employee whose work is not satisfactory shall be notified of the performance deficiency by the department head. The employee's deficiencies shall be explained in writing and the employee shall be advised of those actions the employee must take to bring the employee's work to an acceptable level. The employee shall sign and date such notice. After a reasonable time, the employee may be dismissed in accordance with section 10-704 if the employee continues to fail to perform at an acceptable level.

(b) The dismissal of a regular employee other than for performance deficiencies shall only be for good cause and after a pre-discipline conference as required by section 10-704. Grounds for dismissal include, but are not limited to, the following:

- (1) conduct for which no reasonable person should expect to receive prior warning; or
- (2) job related conduct which constitutes a violation of state or federal law; or
- (3) conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the county; or

- (4) the willful violation of any written departmental disciplinary policy issued or approved by a department head and filed with the county personnel director; or
- (5) the willful violation of any written county disciplinary policy issued or approved by the county manager and filed with the county personnel director; or
- (6) the willful violation of any written county or departmental safety rules or regulations; or
- (7) conduct unbecoming an employee that is detrimental to the county's service; or
- (8) the abuse of client(s), patient(s), or a person(s) over whom the employee has charge or to whom the employee has a responsibility, or of an animal owned by or in the custody of the county; or
- (9) falsification of an employment application or other employment documentation; or
- (10) insubordination, which is the willful failure or refusal to carry out a reasonable order from an authorized supervisor; or
- (11) absence from work after all authorized leave credits and benefits have been exhausted; or
- (12) unexcused absence from work without leave; or
- (13) inexcusable neglect of duty; or
- (14) gross inefficiency in the performance of duties; or
- (15) dishonesty with respect to any aspect of duties; or
- (16) engaging in political activity in violation of the code of ethics, section 10-501.

**Sec. 10-704. Dismissal authority. ( Old Sec. 10-158---revised)**

(a) Subject to the provisions of section 10-103, department heads have the authority to dismiss employees subordinate to them and the county manager has the authority to dismiss department heads subject to the disciplinary authority of the county manager.

(b) Prior to dismissal, the dismissing authority shall notify the employee in writing of the proposed dismissal. The notice shall include the reason(s) for the proposed dismissal and a summary of the facts that constitute the basis for the proposed dismissal. The dismissing authority shall inform the employee of the date, time, and place when the employee may explain the employee's side of the matter at a pre-discipline conference.

(c) In those cases where the dismissing authority determines that immediate removal of the employee from the job would be in the best interest of the department, the employee shall be placed on administrative leave with pay until a pre-discipline conference can be held.

(d) The employee shall be afforded a pre-discipline conference before the dismissing authority and a third person. The third person shall be a county employee or representative, not a member of that department, selected by the dismissing authority after consultation with the human resources director. The purpose of the pre-discipline conference is fact-finding, and, therefore, the employee is not entitled to have a representative or attorney at the conference. The employee shall be given an opportunity to present facts or reasons why the employee should not be terminated at the conference. The pre-discipline conference shall normally be conducted within 24 hours after the employee is notified in writing of the employee's proposed dismissal. Based on the employee's responses to the charges, the dismissing authority should determine whether there are reasonable grounds to believe that the charges are true, and if true, whether there are any reasons that would warrant the taking of less serious disciplinary action.

(e) If the dismissing authority finds the charges against the employee are true and that dismissal is appropriate, the dismissing authority shall dismiss the employee and notify the employee of the dismissal in writing. The written notice of dismissal shall state the specific acts or omissions that are the basis of the dismissal. If the dismissing authority is unable to determine that the employee should be dismissed at the time of the pre-discipline conference, the employee shall be placed on administrative leave with pay until the dismissing authority makes a determination to dismiss or reinstate the employee.

(f) When an employee is dismissed, the dismissing authority shall immediately submit a copy of the written notice of dismissal setting forth the specific acts or omissions that are the basis of the dismissal to the human resources director.

**Sec. 10-705. Suspension. (Old Sec. 10-159---revised)**

(a) During the investigation, hearing or trial of an employee on any criminal charge, or during any administrative or civil proceeding which reflects or could reflect upon the employee's continued fitness for public service, the department head may place the employee on administrative leave with pay.

(b) Employees involved in repeated infractions of written work rules or in conduct described in section 10-703 which do not warrant dismissal, may be suspended by the department head, without pay, for a period not to exceed ten workdays or eighty (80) hours, whichever is less.

(c) Prior to suspending an employee, a department head shall provide the employee written notice of the proposed action and conduct a pre-discipline conference in accordance with the procedures outlined in section 10-704.

**Sec. 10-706. Demotion. (Old Sec. 10-160---revised)**

(a) An employee whose work fails to meet the requirements for his position may be demoted, rather than dismissed, by the department head if the employee shows promise of becoming a satisfactory employee in a lower position. The employee may be demoted to any position for which the employee is qualified.

(b) Prior to demoting an employee, a department head shall provide the employee written notice of the proposed action and conduct a pre-discipline conference in accordance with the procedures outlined in section 10-704.

DRAFT

## ARTICLE VIII. GRIEVANCES

### Sec. 10-801. Filing a grievance. (Old Sec.10-125---revised)

(a) A grievance is a complaint by an employee alleging a violation of local, state or federal law or concerning a term or condition of employment, to include but not be limited to, adverse personnel actions. Performance evaluations, written warnings, the department's organization, staffing, method of operation, hours, or the employee's assignment, classification, salary or benefits are not subject to grievance.

(b) The employee shall make known his grievance within ten days of his or her gaining knowledge of the grievable condition or within ten days after he or she should have had knowledge of the grievable condition.

(c) Grievances shall be settled on an informal basis by the employee and his immediate supervisor, if possible. Grievances shall be discussed by the immediate supervisor and the employee within two working days following the employee's notification to the immediate supervisor of the grievance. The employee shall state, in at least general terms, the nature of the employee's grievance when the employee initially notifies the employee's immediate supervisor of the grievance.

(d) Grievances which are not settled by the employee and the immediate supervisor may be appealed. The appeal procedure may be a two-step process, first to the department head and then, if not resolved to the satisfaction of the employee, to the county manager. The employee shall submit an appeal in writing to the department head within ten days after the date of the informal conference with the employee's immediate supervisor. The department head shall, within five working days, make a decision on the appeal and issue a written reply to the employee.

(e) The employee may appeal to the county manager within ten working days after the date on which the department head issued a written reply to the employee. The county manager shall make a decision on the appeal and issue a written reply. The county manager may make the decision solely on the written materials provided by the employee and the department head; direct the employee, the department head or the human resources director to provide further information; or conduct a hearing and question witnesses. If the county manager decides to conduct a hearing and question witnesses, the employee shall be entitled to be represented by an attorney at the hearing. The county manager shall establish the rules as to how appeal hearings will be conducted. The action of the county manager shall be final except for those cases discussed in subsection (f) below.

(f) Department heads under the disciplinary authority of the county manager may file a grievance with the county manager. Grievances by department heads which are not resolved by the county manager may be appealed to the board of county commissioners. The decision of the board of commissioners shall be final.

(g) The board of county commissioners, in its discretion, may accept an appeal in any other case and its decision in such case shall be final.

(h) All appeals shall be in writing, shall state specifically the basis for the appeal, the action the appellant desires taken and the reasons for it. Copies of all appeals, responses to appeals, reports of hearing, and judgments arising out of a grievance shall become a permanent part of the employee's official personnel record.

(i) Appeal and grievance rights of employees subject to the *North Carolina Human Resources Act* shall be conducted in accordance with state personnel regulations governing employees of local governments.

**Sec. 10-802. Grievances based on sexual harassment. (Old Sec. 10-126 revised)**

(a) *Policy.* Sexual harassment of employees or applicants for employment, in any form, is prohibited. No personnel decisions shall be made on the basis of a granting or denial of sexual favors. All employees are guaranteed the right to work in an environment free from sexual harassment. The county manager shall establish policies and programs to ensure that worksites are free from sexual harassment. Department heads shall be responsible for preventing and/or correcting sexual harassment and for ensuring that no internal interference, coercion, restraint, or reprisal is taken against any person complaining of alleged sexual harassment.

(b) *Definition.* "Sexual harassment" is the deliberate, unsolicited and unwelcomed verbal and/or physical conduct of a sexual nature or with implications which:

- (1) Has or may have an effect on an employee's wages, terms or conditions of employment based on the employee's acceptance or rejection of such conduct;
- (2) Creates an intimidating, hostile, or offensive working environment; or
- (3) Interferes with an individual's work performance. Examples of sexual harassment include, but are not limited to, intentional physical contact (touching, patting, pinching), verbal abuse (offensive jokes, requests for sexual favors, demeaning statements), and taking employment action on the basis of sexual considerations.

(c) Reporting sexual harassment. Any county employee who feels he or she has been sexually harassed or believes another employee may be the subject of sexual harassment may file a grievance. A grievance may be filed with:

- (1) The employee's immediate supervisor in the case where the alleged harasser is a co-worker or member of the public;
- (2) The appropriate department head in those cases where the alleged harasser is in the direct supervisory chain of the employee and/or where the supervisor of the alleged harasser had knowledge of the harassment and took no action to prevent it;
- (3) The county manager, if the department head either was the harasser or had knowledge of the harassment and took no action to prevent or remedy it; or

(4) The personnel director, if the employee does not wish to file a grievance under the departmental grievance system.

DRAFT

## ARTICLE IX. CLAIMS AGAINST COUNTY OFFICERS AND EMPLOYEES

(Old Sec. 10-122 combined with 10-173-187---revised)

### Sec. 10-901. Definitions.

(a) *Act, conduct, duties performed.* The terms "act," "conduct" and "duties performed" shall include any activity undertaken by an employee or officer which reasonably appears to be within the scope of duties of such employee or officer or which the employee or officer reasonably believes to be within the scope of his or her duties of employment based upon all the facts and circumstances known to the employee or officer at the time.

(b) *Challenged conduct.* "Challenged conduct" shall include all acts or conduct, whether it be an act of commission or omission, which is alleged to be unlawful or not authorized by law, whether or not such conduct is, in fact, improper, unlawful or not authorized by law.

(c) *Claim.* "Claim" shall include any demand for compensation, whether referred to as all the possible rights accrued under a cause of action or as one particular item or issue for which relief is sought.

(d) *Covered.* "Covered" under the meaning of this article shall include an employee or officer, if the employee's or officer's action was such as is described under subsection (a) of this section, and the employee or officer has not breached any of the five exclusion criteria listed in section 10-902.

(e) *Employees and officers.* The terms "employees" and "officers" as used herein shall include all former and present elected officials; appointed officials, whether serving as employees of the county or as volunteer members of boards or committees appointed by the board of commissioners or appointed by other lawful authority; employees or officers of the county or of any agency of the county, including the sheriff's office or the office of the register of deeds, who might hereafter have claims filed, or judgments entered against them for duties performed when they were employees or officers of the county.

### Sec. 10-902. Policy of county.

(a) It shall be the policy of the county to defend its employees and officers against civil claims and judgments which arise out of the performance of their official duties prescribed or approved by the board of county commissioners or otherwise directed by law, and to satisfy such claims and judgments, either in part or whole, unless it is determined that the employee or officer violated the following exclusion criteria in that he or she willfully:

(1) Acted or failed to act because of actual fraud, corruption or actual malice;

(2) Acted or failed to act as a result of, or at a time when, the employee or officer was intoxicated or under the influence of any illegal drugs used or consumed either before or during work hours, or was under the influence of any lawfully prescribed drugs that substantially impaired their judgment while on duty;

- (3) Acted or failed to act in a specific factual occurrence, except in emergencies or in the existence of extenuating circumstances, directly contrary to the clear instructions from his or her superior, or directly contrary to the clear advice of the county attorney;
  - (4) Acted or failed to act in such manner as to constitute a willful criminal act (as, for example, misappropriation of property or funds); or
  - (5) Acted or failed to act in such a manner as to constitute gross negligence, inexcusable neglect or wanton or willful misconduct.
- (b) An employee or officer shall give the county attorney written notice of a claim within 72 hours of the employee or officer receiving notice of the claim.
- (c) The determination of whether the employee or officer has breached the exclusion criteria, and is thereby not covered within the meaning of this article, shall be made through the following preliminary screening procedure which may be initiated by the sheriff, the county attorney or the county manager upon notice of the possibility of a civil claim.
- (1) Civil liability investigation by the internal affairs unit of the sheriff's office,
  - (2) Review by the county attorney,
  - (3) Report by the sheriff's office legal advisor to the county attorney,
  - (4) County attorney's interview with employee or officer and subsequent determination, or
  - (5) Direct appeal by an employee or officer to the board of county commissioners.
- (d) If it is determined that the county will defend such officer or employee, the county shall notify such officer or employee immediately and provide the employee or officer a reasonable period of time to decide to accept the county's or hire private counsel.

**Sec. 10-903. Litigation assistance.**

Legal representation of any covered employee or officer shall be provided by the county attorney or his or her designee. Court costs and miscellaneous expenses of defending any action shall be provided by the county.

**Sec. 10-904. Vicarious liability assistance account.**

- (a) Any covered employee or officer named as a defendant in a civil suit, who took no direct action and was only remotely or indirectly involved in the complained of incident, shall be provided legal representation by the county attorney or his or her designee.
- (b) In the event a judgment is rendered against a covered employee or officer under a claim subject to this section, the county may pay out of its vicarious liability assistance account in aid

of settlement of any judgment, amounts up to the account at the time the defendant's request for payment is approved by the board of county commissioners. No payment made shall include punitive damages.

**Sec. 10-905. Limitations of coverage.**

(a) The policies specified herein shall not be applicable unless notice of the claim or suit is given to the board of county commissioners prior to the time the claim is settled or civil suit is litigated and judgment is entered.

(b) This provisions of this article shall not be interpreted in any way to relieve any insurance company of its obligation under any insurance policy to protect the interests of any insured under such policy, or to reduce or eliminate the rights of any officer or employee of the county against any other party. Further, except as expressly stated herein, this article is not to be interpreted as a waiver of any rights the county has against any party.

(c) Notwithstanding any of the provisions of this article, the board of commissioners hereby expressly reserves its governmental immunity from suit against the county or other county employees. It further expressly states that the purpose of this article is to establish the county's policy concerning the defense of employees or officers pursuant to G.S. § 160A-167(c).

(d) No payment of judgments shall be made unless the covered employee or officer makes a request to the board of county commissioners and the board determines that:

(1) The employee or officer, whether present or former, acted in good faith and reasonably at all times during the conduct upon which the claim arose; and,

(2) The employee or officer, upon being specifically informed that the employee's or officer's activities were illegal, took reasonable steps to mitigate damages of the injured party; or, upon being specifically informed that the employee's or officer's activities may be illegal, took reasonable steps to clarify the legality of the employee's or officer's actions, and to mitigate damages if it is learned that the employee or officer is acting illegally, unless an emergency should preclude such inquiry.

**Sec. 10-906. Procedure for settlement of administrative claims.**

(a) The county manager shall receive and investigate claims. The county manager shall determine whether any such claim arises from an accident, occurrence, or omission which is covered by existing liability insurance and shall promptly forward to the appropriate county insurance carrier any claim covered by such liability insurance. If the claim is uninsured, then the county manager shall cause a prompt investigation and process such claim.

(b) The county manager as provided in subsection (a) shall receive and investigate every judicial or administrative process served upon the county or upon a county employee or officer which makes a claim against the county or an employee or officer of the county. The county manager shall forward a copy of every judicial or administrative process to the county attorney's office upon receipt. The county manager shall promptly inform the county attorney whenever

any judicial or administrative action is not covered by liability insurance and is to be processed as a retained risk. Under such circumstances, the county attorney may undertake or otherwise provide for the defense of the county and, where consistent with county policy and uniform standards, its employees or officers.

(c) The county manager is authorized to compromise or to settle any claim made against the county or any employee or officer of the county that is neither covered by insurance nor by governmental immunity whenever the county manager determines that:

- (1) There is no insurance coverage for the claim;
- (2) The amount of the proposed settlement or compromise is \$5,000.00 or less;
- (3) There is legal basis for the claim asserted;
- (4) The claim of the complaining party is meritorious; and
- (5) With respect to claims against county employees or officers, the compromise or settlement of the claim by the county on behalf of the employee or officer is consistent with the policy and uniform standards of the county in such matters.

(d) The county manager may deny a claim for good reason.

(e) The county manager shall consult with the county attorney before the denial, settlement, or compromise of a claim pursuant to this section.

(f) The county manager shall maintain a record of every claim which is settled or compromised pursuant to this section. Such records shall be in sufficient detail to disclose the nature of the settlement, the amount and terms of the settlement, and the parties thereto. The records so maintained shall be public records. The county manager shall make a report to the board of commissioners of claims which the county manager has settled or compromised on the agenda for the board's next meeting.

RICKEY L. MOOREFIELD  
County Attorney



ITEM NO. 24(3)

PHYLLIS P. JONES  
Assistant County Attorney

ROBERT A. HASTY, JR.  
Assistant County Attorney

**OFFICE OF THE COUNTY ATTORNEY**

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

**MEMORANDUM FOR THE JUNE 20, 2016 BOARD OF COMMISSIONERS AGENDA**

**TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS**

**FROM: ROBERT A. HASTY, JR., ASSISTANT COUNTY ATTORNEY**

**DATE: JUNE 9, 2016**

**SUBJECT: REVISION TO RULE 24 OF "WRECKER AND TOW SERVICE RULES AND REGULATIONS" (CONSENT ITEM)**

**BACKGROUND:**

Cumberland County Ordinance 9-64 states "The Board of Commissioners from time to time, may adopt such regulations and rules as deemed advisable for the administration of this article, whether on recommendation of the Wrecker Review Board or on the initiative of the Board of Commissioners." The Wrecker Review Board recommends that Rule 24 be revised as follows to make it uniform with the Rules and Regulations with the City of Fayetteville Wrecker Review Board and to assist in securing payment for towing services.

Current Rule 24: Upon request or demand, the rotation wrecker companies will return personal property stored in or with the vehicle, whether or not the towing, repair, or storage fee on the vehicle has been or will be paid. Personal property for the purposes of this provision includes any goods, wares, freight or any other property not requiring tools to remove from the vehicle.

Proposed Rule 24: Upon request or demand, and proof of ownership or right of possession, an operator shall return personal property stored in a vehicle, provided that all authorized charges for towing of the vehicle have been paid. An operator may not require payment of any storage fees as a prerequisite to release personal property. Any items attached to the vehicle such that a tool of any type is required for removal is not considered personal property under this provision.

**RECOMMENDATION/PROPOSED ACTION:**

The revisions were approved by the Policy Committee at its June 2, 2016, meeting.

**Approval of Budget Revisions for June 20, 2016 Board of Commissioners Agenda****(1) Health Department Budget Ordinance Amendment B160821 to request scanning services in the amount of \$70,233**

The Board is requested to approve Budget Ordinance Amendment number B160821 for scanning services in the amount of \$70,233. The medical records will be scanned, indexed, and uploaded to the existing system. This project will be completed in phases with FY11 being the first year. Once FY11 is scanned and verified, FY12 and FY13 will be scanned. All records on and after FY14 have already been scanned into the current system.

Please note that this amendment requires the use of Fund Balance Appropriated – Health Department.

**(2) Sheriff's Office Budget Ordinance Amendment B160224 to Recognize Grant Funds of \$40,003**

The Board is requested to approve Budget Ordinance Amendment number B160224 to recognize Governor's Crime Commission Grant in the amount of \$40,003. This grant will be used for personnel costs related to overtime, travel, and equipment.

Please note that this amendment requires no additional County funds.

**(3) Board of Education Budget Ordinance Amendment B160318 per Cumberland County School Funding Agreement of \$453,000**

The Board is requested to approve Budget Ordinance Amendment number B160318 to appropriate the adjustment for the actual revenues realized and collected by the County in excess of those estimated for FY16 budget from its ad valorem taxes per the Cumberland County School Funding Agreement Item 3(b).

Additional Fund Balance in the amount of \$453,000 is requested.

**(4) Board of Education Budget Ordinance Amendment B160354 to Appropriate Fund Balance – Sales Tax \$202,358**

The Board is requested to approve Budget Ordinance Amendment number B160354 for \$202,358 to appropriate fund balance (sales tax) to budget Capital Outlay I expenditures as approved by the Cumberland County Board of Education on September 8, 2015 (\$200,000) and June 14, 2016 (\$2,358).

Please note that this amendment requires Fund Balance Appropriated Schools (Sales Tax)

**(5) Court Ordered Evaluations Budget Ordinance Amendment B160378 to Reallocate Funds of \$18,500**

The Board is requested to approve Budget Ordinance Amendment number B160378 to increase Contracted Services – Personnel in the amount of \$18,500. The identified funds are being reallocated from operating expenditures- educational supplies (\$5,000), departmental supplies and materials (\$5,000) and miscellaneous (\$8,500). Contracted Services-Personnel has increased due to the number of court cases.

Please note that this amendment requires no additional County funds.

**(6) Parks and Recreation Budget Ordinance Amendment B160396 to Recognize Additional Tax Revenue of \$100,000**

The Board is requested to approve Budget Ordinance Amendment number B160396 to recognize additional tax revenue to be used, as required, towards all expenses, with the exception of capital projects.

Please note that this amendment requires no additional County funds.

**(7) Hope Mills Recreation Budget Ordinance Amendment B160397 to Recognize Additional Tax Revenue of \$10,000**

The Board is requested to approve Budget Ordinance Amendment number B160397 to recognize additional tax revenue to be used, as required, towards all expenses.

**(8) Cotton Fire District Budget Ordinance Amendment B160398 to Recognize Additional Tax Revenue of \$20,000**

The Board is requested to approve Budget Ordinance Amendment number B160398 to recognize additional tax revenue (excluding refunds) to be used, as required, towards all expenses associated with the fire district.

Please note that this amendment requires no additional County funds.

**(9) Eastover Fire District Budget Ordinance Amendment B160399 to Recognize Additional Tax Revenue of \$7,500**

The Board is requested to approve Budget Ordinance Amendment number B160399 to recognize additional tax revenue (excluding refunds) to be used, as required, towards all expenses associated with the fire district.

Please note that this amendment requires no additional County funds.

**(10) Godwin Falcon Fire District Budget Ordinance Amendment B160400 to Recognize Additional Tax Revenue of \$3,000**

The Board is requested to approve Budget Ordinance Amendment number B160400 to recognize additional tax revenue (excluding refunds) to be used, as required, towards all expenses associated with the fire district.

Please note that this amendment requires no additional County funds.

**(11) Facilities Management, Facilities Maintenance, Public Buildings Janitorial, Carpenter Shop, Landscaping and Grounds, Public Utilities, and Engineering Budget Ordinance Transfer B160422 to Reallocate Expenditures of \$18,600**

- The Board is requested to approve Budget Ordinance Transfer number B160422 to reallocate \$15,000 from Facilities Management over to Facilities Maintenance. Facilities Maintenance had an increase in HVAC repairs which was not anticipated. Funds were identified in Facilities Management to cover these additional expenditures.
- The Board is requested to approve Budget Ordinance Transfer number B160422 to reallocate \$300 from Public Buildings Janitorial over to Carpenter Shop. Carpentry vehicles had extensive repairs this year outside of the normal service. Funds were identified from Public Buildings Janitorial to be utilized to cover these additional cost.
- The Board is requested to approve Budget Ordinance Transfer number B160422 to reallocate \$3,300 from Landscaping and Grounds over to Public Utilities (\$200), Engineering (\$1,100), Public Buildings Janitorial (\$1,000) and Carpenter Shop (\$1,000) to cover the final pay period of FY16.

Please note that these transfers requires no additional County funds. The engineering director for the above referenced organizations utilized funds within his other organizations to avoid using Fund Balance Appropriated.

**(12) Soil Conservation District Budget Ordinance Amendment B160451 to Reallocate Expenditures of \$1,000**

The Board is requested to approve Budget Ordinance Amendment number B160451 to reallocate \$1,000 from operating expenditures to salary appropriations to cover the final pay period of FY16.

Please note that this amendment requires no additional County funds

**(13) Employee Pharmacy Budget Ordinance Amendment B160503 to Recognize Additional Insurance Rebates of \$500,000**

The Board is requested to approve Budget Ordinance Amendment number B160503 to recognize \$500,000 from Insurance Rebates to offset the cost of drugs in the operating expenditures.

Please note that this amendment requires no additional County funds. There has been a 40% increase in the volume of prescriptions. This amendment is to recognize the correlated insurance rebates in order to offset the cost of drugs.

**(14) Schools Special Sales Tax and Capital Outlay Lottery Budget Ordinance Amendment B160517 to Reallocate Source of Debt Payment of \$429,951**

The Board is requested to approve Budget Ordinance Amendment number B160517 to recognize the use of school lottery proceeds of \$429,951 instead of school sales tax. Funds are to be used to pay school debt.

Please note that this amendment requires no additional County funds.

**(15) Library - Law Budget Ordinance Amendment B160528 to Reallocate Expenditures to Cover Personnel Cost of \$152.**

The Board is requested to approve Budget Ordinance Amendment number B160528 to reallocate \$152 from operating expenditures to salary appropriations to cover the final pay period of FY16.

Please note that this amendment requires no additional County funds.

RICKEY L. MOOREFIELD  
County Attorney



PHYLLIS P. JONES  
Assistant County Attorney

ROBERT A. HASTY, JR.  
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

ITEM NO. 2N

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

**MEMO FOR THE AGENDA OF THE JUNE 20, 2016,  
MEETING OF THE BOARD OF COMMISSIONERS**

**TO:** Board of Commissioners; Co. Manager  
**FROM:** Co. Atty. *R. Moorefield*  
**DATE:** June 16, 2016  
**SUBJECT:** Request from NCDOT for Concurrence to Abandon a Portion of Underwood Road (SR 1730)

Attachments: (1) May 11, 2016, letter from Earl Locklear, NCDOT  
(2) June 8, 2016, letter from Michael Klauke –Cargill Fayetteville

**BACKGROUND:**

Cargill Fayetteville has requested the Board of Commissioners to close that portion of Underwood Road between River Road and Custer Avenue for the reasons stated in its letter to the Board of Commissioners dated June 8, 2016, and attached to this memo. The Board of Commissioners does not have the authority to close a road that is in the state highway system. The NCDOT must first abandon the road. The attached letter from NCDOT dated May 11, 2016, states that NCDOT has determined that this portion of Underwood Road is eligible for abandonment from the state system and recommends that it be abandoned. The county attorney was informed by NCDOT that NCDOT will not abandon this portion of Underwood Road unless the Board of Commissioners concurs with NCDOT's recommendation to do so.

Cargill Fayetteville has advised the county attorney that the owner of the only other parcel that abuts this portion of Underwood Road also desires that the Board of Commissioners close it. Cargill Fayetteville has provided the county attorney a notarized statement from the other property owner requesting the Board of Commissioners to close the road. Based on the recommendation of NCDOT and the reasons given by Cargill Fayetteville, which includes the elimination of grain trucks parking on River Road, the abandonment and closure of this portion of Underwood Road appears to be in the best interest of the public.

If the Board concurs with the recommendation of NCDOT for NCDOT to abandon this portion of Underwood Road, the closure process may only be undertaken after NCDOT gives the county notice that the road has been abandoned. The closure process will require the Board of Commissioners to hold a public hearing.

**RECOMMENDATION/PROPOSED ACTION:**

The county attorney recommends the Board to concur with the recommendation of NCDOT that NCDOT shall abandon that portion of Underwood Road between River Road and Custer Avenue. The Board may do so by adopting the following resolution:

Be it resolved, that the Cumberland County Board of Commissioners concurs with the recommendation of NCDOT that NCDOT should abandon that portion of Underwood Road (SR 1730) from River Road (SR 1714) extending a distance of 1550' northeast to Custer Avenue (SR 1723).



**GOSCNA**  
1754 River Road  
Fayetteville, NC 28312

June 8, 2016

**To:** Cumberland County Commissioners  
**From:** Michael Klauke –Cargill Fayetteville  
**Subject:** Closing of Underwood Rd.

Cargill Fayetteville is requesting the closure of the existing Underwood Rd. between River Rd and Custer, which divides the Cargill Fayetteville property in two. To facilitate this closing, Cargill has already invested over 1 Million Dollars in the construction of a new road to allow for traffic to pass between River Rd and Custer Rd. Cargill has worked with the DOT to ensure this road was built to DOT standards and criteria.

The purpose of the road closing is threefold;

1. Cargill intends to build another private road on Cargill property running North South. Between the new Oilseed Dr. and Underwood rd. This change will result in the removal all the bean trucks off River road and Underwood rd. and reduce the impact on our residential neighbors as well as streamlining truck flow through our plant.
2. Cargill is in the process of modernizing and expanding the plant. To facilitate this modernization Cargill had to construct a new office/maintenance area on the property north of Underwood rd. The public traffic along this road now poses a safety threat to our employees who must cross this road multiple times per day. Closing the road would eliminate this risk.
3. Finally by closing the road, Cargill will be able to secure its assets in the plant while still offering a route from River Rd to Custer via the new "Oil seed drive".

Cargill owns all the property on both sides of the Underwood rd. except for one small section on the North East side. The owners of that section are OK with closing the road and have signed off accordingly.

Cargill has a pending ROW agreement with PWC which will allow service of utilities along Underwood rd. in the case that the road closure is granted.

We hope that the County will see fit in honoring Cargill's request and allowing the closure of Underwood road between River and Custer.

Sincerely,

Michael Klauke  
Facility Superintendent  
910-433-4907

CC: Senator Wesley Meredith  
Teddy Warner Economic Development Partnership of NC.



PAT McCRORY  
Governor

NICHOLAS J. TENNYSON  
Secretary

May 11, 2016

Mr. Kenneth Edge  
Chairman  
Cumberland County Board of Commissioners  
Post Office Box 1829  
Fayetteville, North Carolina 28302

Subject: Secondary Road Partial Abandonment

To Whom It May Concern:

This is reference to a petition submitted to this office requesting that a street in Cumberland County be partially abandoned from the State's Secondary Road System. Please be advised that this street has been investigated and our findings are that the below listed street is eligible for partial abandonment from the State System.

| Route   | Name           | From                 | To              | Length    |
|---------|----------------|----------------------|-----------------|-----------|
| SR 1730 | Underwood Road | SR 1714 (River Road) | 1550' Northeast | 0.29 Mile |

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

Sincerely,

Earl Locklear  
Engineering Technician



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

JUNE 10, 2016

ITEM NO. 3A

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P16-20:** Rezoning of 1.50+/- acres from M(P) Planned Industrial & R6A Residential to R6 Residential or to a more restrictive zoning district; located on the west side of SR 2337 (Wilmington Highway), north side of SR 3904 (Stanley Street); submitted by Sherlene M. Ethridge (owner) and William S. Ethridge (agent).

ACTION: 1<sup>st</sup> motion for Case P16-20: 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.

2<sup>nd</sup> motion for Case P16-20: Move to approve the rezoning for R6 Residential district as recommended by the Planning Staff.

**SITE PROFILE: Frontage & Location:** 295'+/- on SR 2337 (Wilmington Highway) & 250'+/- on SR 3904 (Stanley Street); **Depth:** 270'+/-; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Vacant; **Initial Zoning:** M(P) & R6A – March 15, 1979 (Area 6); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: M(P), C(P), HS(P), R40A & RR; South: M(P), C(P), C3, O&I(P), RR, RR/CU (driving range ball landing area) & R6A East: M(P), A1 & RR; West: M(P) & R6A; **Surrounding Land Use:** Residential (including manufactured homes), open storage, auto repair, trade contractor; **2030 Growth Strategy Map:** Urban area; **South Central Land Use Plan:** Airport oriented uses; **Municipal Influence Area:** Fayetteville; **School Capacity/Enrolled:** Cashwell Elementary: 800/740; Ireland Drive Middle: 340/295; Byrd Middle: 700/705; Byrd High School: 1280/1125; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/Septic; **Soil Limitations:** Yes, hydric – Ro Roanoke and wahee loams & hydric inclusion – DgA Dogue fine sandy loam; **Subdivision/Site Plan:** If approved, site plan review may be required; **Average Daily Traffic Count (2014):** 1900 on SR 2337 (Wilmington Hwy); **Highway Plan:** Wilmington Highway and Stanley St are local thoroughfares. 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: R6 & R6A – 10 lots/ 11 units; Minimum Yard Setbacks: **M(P):** Front yard: 100', Side yard: 50', Rear yard: 50'; **R6:** Front yard: 25', Side yard: 10', Rear yard: 30'; **R6A:** Front yard: 25', Side yard: 10', Rear yard: 15'.

MINUTES OF JUNE 7, 2016

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-20 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location because the district requested will allow for a mix of single family and multi-family dwellings. Although the request is not consistent with the South Central Land Use Plan which calls for “airport oriented uses” at this location, the size of the subject property will limit the number of units allowed.

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 generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, public water and sewer is available; *must have direct access to a collector street*, Wilmington Highway is a minor arterial street; *must not be located in any defined critical area as defined by the Fort Bragg Small Area Study and Fayetteville Regional Airport Plan*; and *desirable to be a transition between non-residential, higher density and lower density residential areas*.

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-20 for the R6 Residential based on the following:

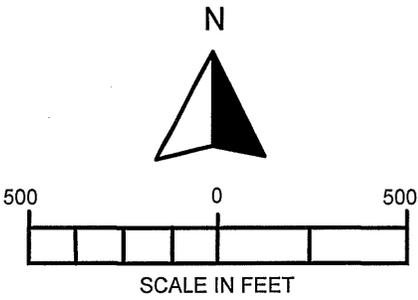
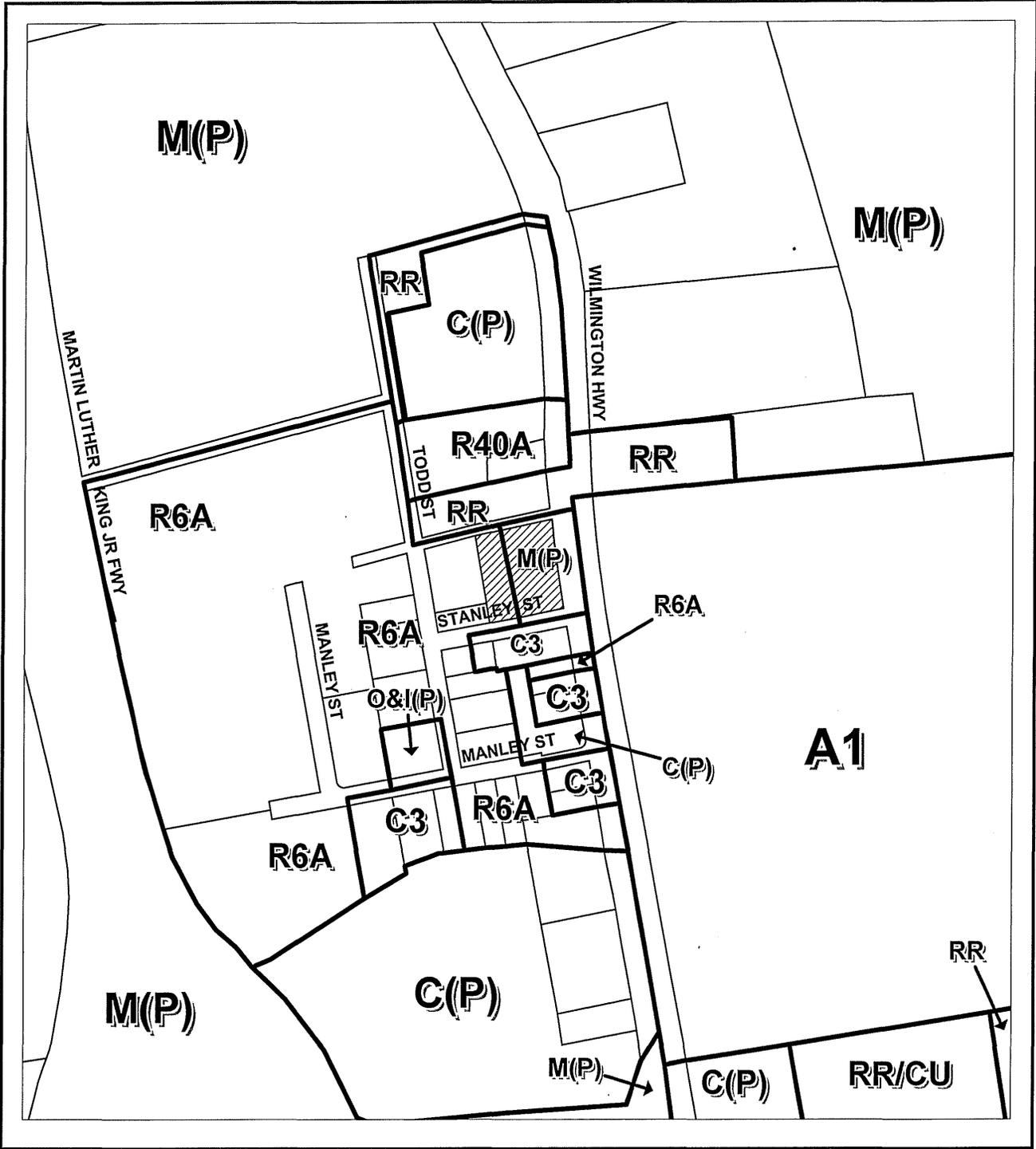
- The R6 Residential district will allow for land uses and lot sizes that exist in the general area.

The R7.5 and R15 Residential districts are also suitable for this location.

**Mr. Morris 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 M(P) AND R6A TO R6

|                      |                    |        |
|----------------------|--------------------|--------|
| ACREAGE: 1.50 AC.+/- | HEARING NO: P16-20 |        |
| ORDINANCE: COUNTY    | HEARING DATE       | ACTION |
| STAFF RECOMMENDATION |                    |        |
| PLANNING BOARD       |                    |        |
| GOVERNING BOARD      |                    |        |

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

JUNE 10, 2016

ITEM NO. 3B

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P16-21:** Rezoning of 3.40+/- acres from A1 Agricultural/CU Conditional Use for an additional dwelling & A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 6833 Roslin Farm Road, submitted by Joyce G. Canady (owner) and Christina Pate (agent).

ACTION: 1<sup>st</sup> motion for Case P16-21: 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.

2<sup>nd</sup> motion for Case P16-21: Move to approve the rezoning for R40A Residential as recommended by the Planning Staff.

**SITE PROFILE:** **Frontage & Location:** 296'+/- on SR 2243 (Roslin Farm Rd); **Depth:** 484'+/-; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential (1 "stick-built" and 1 manufactured home); **Initial Zoning:** A1 – June 25, 1980 (Area 13); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1, R40A & R30/DD/CZ (66 lot subdivision); South: A1 East: A1 & R40A; West: A1 & RR/DD/CUD (234 lot subdivision); **Surrounding Land Use:** Residential (including manufactured homes), farmland, woodlands, solar farm, utility substation; **2030 Growth Strategy Map:** Urban fringe area; **South Central Land Use Plan:** Suburban density 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:** Well/Septic; **Soil Limitations:** Yes, hydric – Pa Pactolus loamy sand & TR Torhunta and lynn haven soils; **Subdivision/Site Plan:** Case no. 16-062, group development conditionally approved; **Average Daily Traffic Count (2014):** 2400 on SR 2243 (Roslin Farm Rd); **Highway Plan:** Roslin Farm Rd is a local thoroughfare. 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/ 2 units, R40 & R40A – 3 lots/ 4 units; Minimum Yard Setbacks: **A1:** Front yard: 50', Side yard: 20', Rear yard: 50'; **R40 & R40A:** Front yard: 30', Side yard: 15', Rear yard: 35'.

MINUTES OF JUNE 7, 2016

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-21 is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "urban fringe" at this location. The request is also

consistent with the South Central Land Use Plan which calls for "suburban density residential" at this location.

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.*

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-21 for the R40A Residential based on the following:

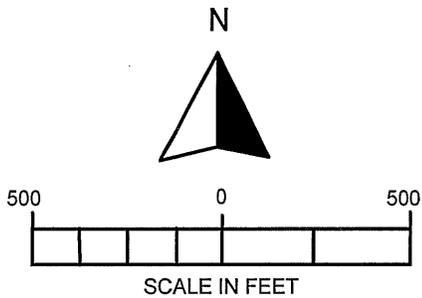
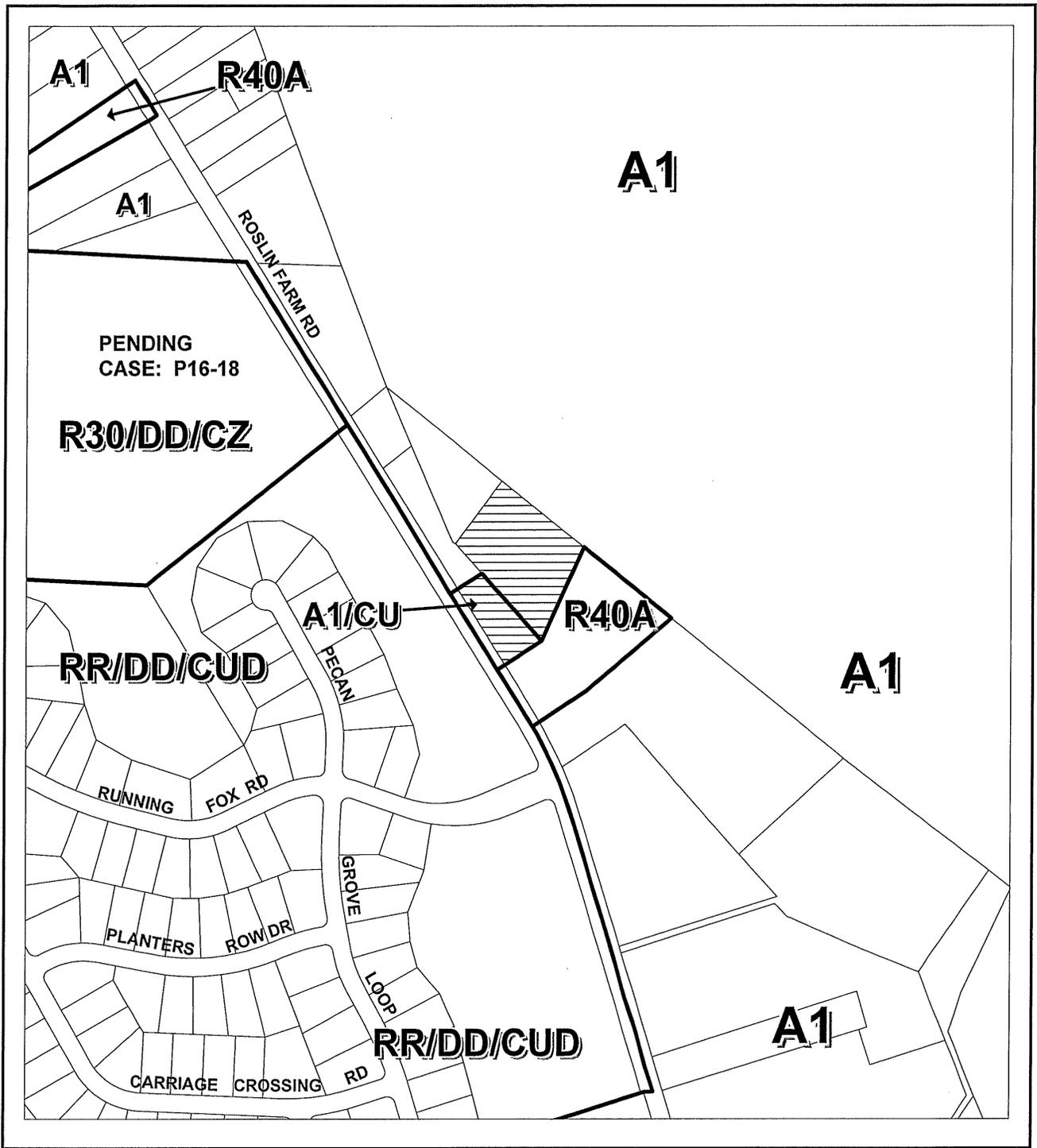
- The R40A Residential district will allow for land uses and lot sizes that exist in the general area.

There are no other districts suitable for this request at this location.

**Mr. Morris 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 & A1/CU TO R40A

|                             |                           |        |
|-----------------------------|---------------------------|--------|
| <b>ACREAGE: 3.40 AC.+/-</b> | <b>HEARING NO: P16-21</b> |        |
| ORDINANCE: COUNTY           | HEARING DATE              | ACTION |
| STAFF RECOMMENDATION        |                           |        |
| PLANNING BOARD              |                           |        |
| GOVERNING BOARD             |                           |        |

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

JUNE 10, 2016

ITEM NO. 30

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P16-22:** Rezoning of 88.50+/- acres from A1 Agricultural to R40 Residential/DD Density Development/CZ Conditional Zoning for a 56 lot subdivision or to a more restrictive zoning district, located on the southeast side of SR 2253 (Swans Creek Church Road), south of SR 2233 (School Road); submitted by Michael S. Bryant and Curtis C. Powell (owners) and Jimmy Kizer, Moorman, Kizer & Reitzel, Inc. (agent).

ACTION: 1<sup>st</sup> motion for Case P16-22: 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.

2<sup>nd</sup> motion for Case P16-22: Move to approve the rezoning for R40 Residential/DD Density Development/CZ Conditional Zoning for a 56 lot subdivision as recommended by the Planning Staff.

SITE PROFILE: **Frontage & Location:** 1330'+/- on SR 2253 (Swans Creek Church Rd); **Depth:** 2200'+/-; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Vacant; **Initial Zoning:** A1 – June 25, 1980 (Area 13); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1, A1/CU(39 lot subdivision), R40 & R40A; South: A1 & R40A East: A1; West: A1, A1/CU (store, carwash, mini-warehousing) & R40/DD/CZ (66 lot subdivision); **Surrounding Land Use:** Residential (including manufactured homes), farmland, religious worship, hunting club; **2030 Growth Strategy Map:** Rural area; **South Central Land Use Plan:** Farmland; **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; **Watershed Review Officer:** In watershed, will need low density approval; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** Yes, hydric – JT Johnston loam; **Subdivision/Site Plan:** Review required prior to development; **Average Daily Traffic Count (2014):** 1400 on SR 2233 (School Rd); **Highway Plan:** Swans Creek Church Rd is a local thoroughfare. 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 – 37 lots/ 38 units, R40 – 81 lots/ 82 units; Minimum Yard Setbacks: **A1:** Front yard: 50', Side yard: 20', Rear yard: 50'; **R40:** Front yard: 30', Side yard: 15', Rear yard: 35'; Contents of Application and Site Plan: Average lot size is .82 acres, Requesting 56 lots, Site plan provides 40% open space, as required.

MINUTES OF JUNE 7, 2016

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-22 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "rural" 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 consistent with the South Central Land Use Plan which calls for "farmland", it is consistent with the residential goals, in that the front 40 foot buffer preserves the character of the area, employs low impact development techniques and locates a residential developed area with respect to natural and environmental sensitive areas.

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 Area Study; desirable to be limited to one unit per acre in areas with hydric and severe septic tank limitations soils; desirable to not be located in an area that is a prime industrial site; and may be outside the Sewer Service Area.*

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-22 for the R40 Residential/DD Density Development/CZ Conditional Zoning district for a 56 lot residential subdivision based on the following:

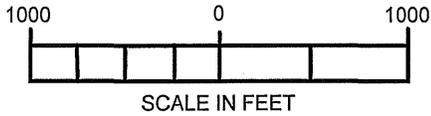
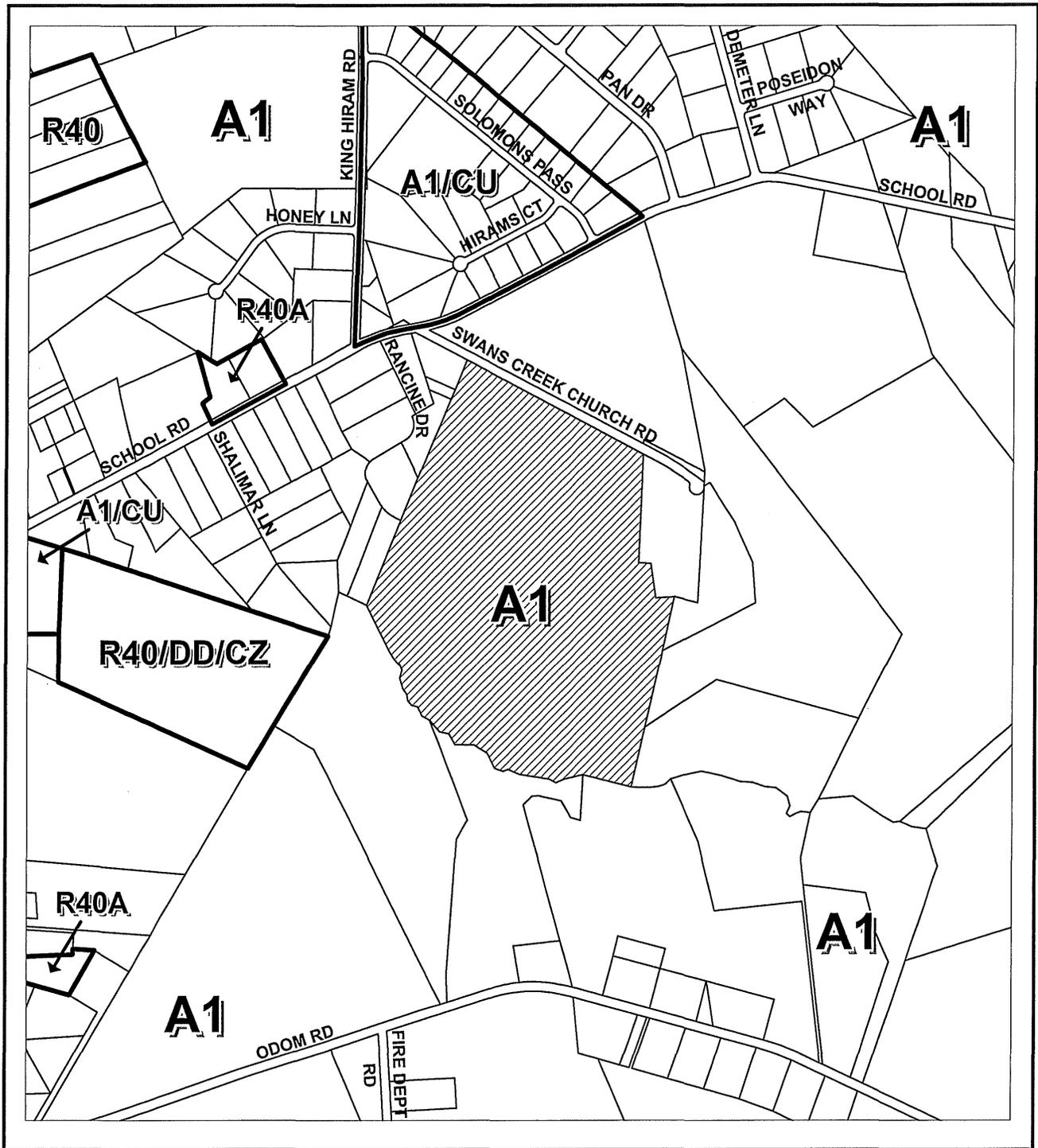
- The proposed development plan along with the Ordinance Related Conditions provides a means of protecting and retaining the rural viewshed of the area by providing the 40 foot wide roadside buffer, a 20 foot wide perimeter buffer and ensuring the permanent retention of 40 percent of the tract as open space.

Generally, there are no other districts suitable for this request at this location. The property owner has voluntarily agreed to all "Ordinance Related Conditions".

**Mr. Morris 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/DD/CZ

|                             |              |                           |  |
|-----------------------------|--------------|---------------------------|--|
| <b>ACREAGE: 88.5 AC.+/-</b> |              | <b>HEARING NO: P16-22</b> |  |
| ORDINANCE: COUNTY           | HEARING DATE | ACTION                    |  |
| STAFF RECOMMENDATION        |              |                           |  |
| PLANNING BOARD              |              |                           |  |
| GOVERNING BOARD             |              |                           |  |

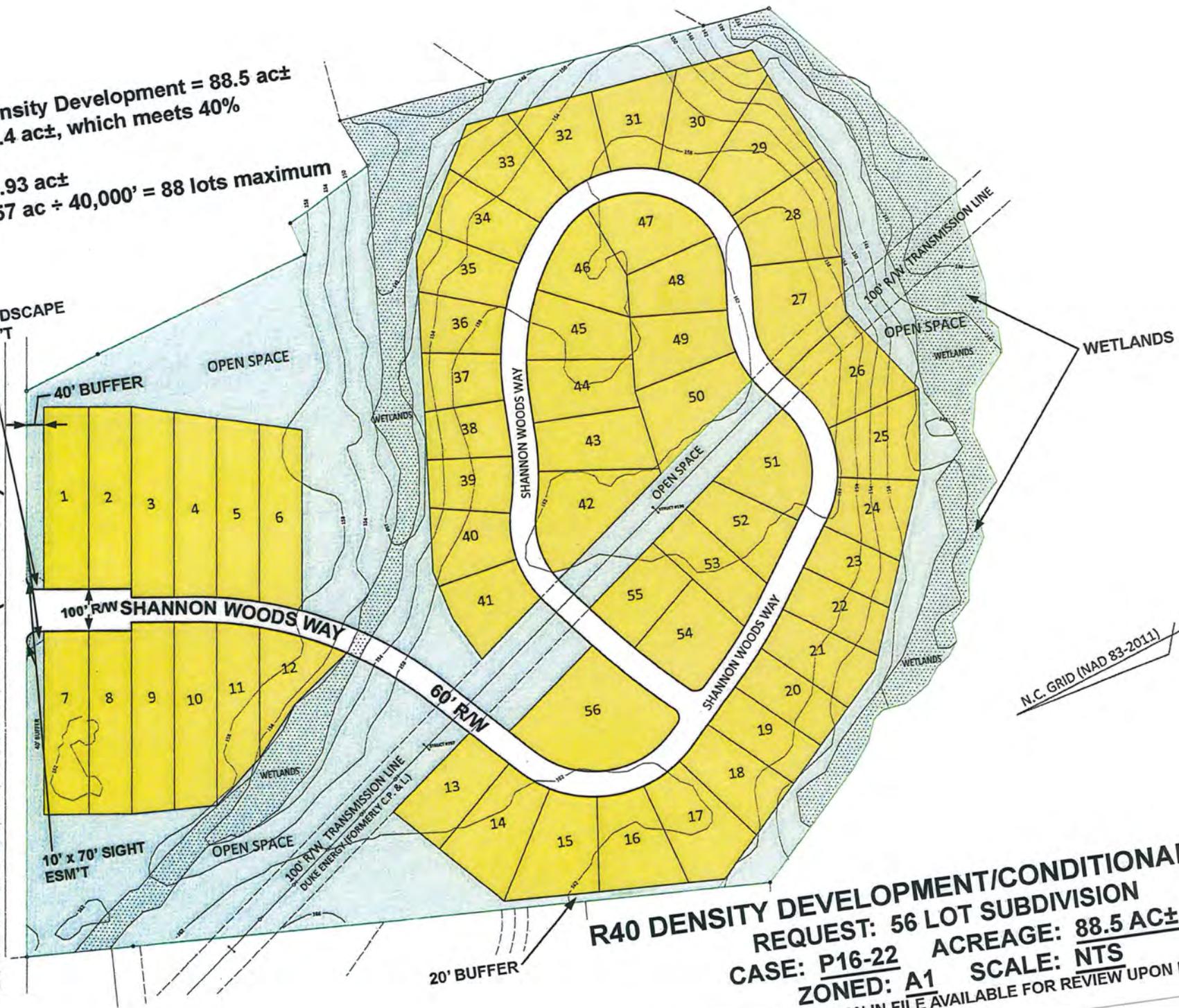
PIN: 0431-53-8371

JM

Proposed R40 Density Development = 88.5 ac±  
 Open Space = 35.4 ac±, which meets 40%  
 requirement  
 Right-of-way = 6.93 ac±  
 $88.5 - 6.93 = 81.57 \text{ ac} \div 40,000' = 88 \text{ lots maximum}$

SIGN & LANDSCAPE  
 ESM'T

SWANS CREEK CHURCH ROAD (S.R. 2253) - 50' R/W



**R40 DENSITY DEVELOPMENT/CONDITIONAL ZONING**  
 REQUEST: 56 LOT SUBDIVISION  
 CASE: P16-22 ACREAGE: 88.5 AC±  
 ZONED: A1 SCALE: NTS

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

**R40 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT**

**DRAFT**

Ordinance Related Conditions

**Watershed-Related:**

1. An application for a Watershed “No Approval Required” development must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits, site plan approval is required. A copy of the WRO’s approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.

**Permit-Related:**

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environmental Quality. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State’s *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDEQ approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

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

8. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 80% of the lots shown on the preliminary plan, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application.

**Site-Related:**

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the R40/DD/CZ zoning district for a 56 lot residential subdivision, to include the contents of the application and site plan must be complied with, as applicable.
10. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
11. This conditional approval is not approval of the permit for any development entrance sign. If a freestanding sign is desired, re-submittal of the site plan for staff review and approval is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
12. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with.
13. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office.
14. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality's (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
16. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
17. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
18. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
19. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
20. Turn lanes may be required by the NC Department of Transportation (NCDOT).
21. The open space shall be preserved and used only as natural scenic, passive recreational, agricultural, pasture and/or meadow, forestry, wetlands or horticultural uses.
22. The perimeter buffer must be provided and maintained in accordance with Section 803.E of the County Zoning Ordinance. The application indicates the developer's intention of using the existing natural vegetation; however, in order to obtain opacity within three years, additional plantings may be required. Any new plantings are required to be three feet in height at the time of planting, to reach a height of six feet within three years. A berm or combination berm and plantings may be also used provided an initial height of three feet is achieved with a total height of six feet within three years.
23. All notes and calculations as shown on the site plan and contained in the application are to be considered as a part of this density development approval.

**Plat-Related:**

24. The final plat must be labeled as "Zero Lot Line" development.

25. If the developer intends to construct a median at the entrance to the development, five copies of a revised plan must be submitted for review and approval prior to submission of any final plat for this development. When a median is provided the right-of-way can be no less than 70' in width with the median strip no less than 10' wide.
26. The open space, stormwater structures, perimeter buffer and recreation areas must also be labeled a "Common Area" on the final plat.
27. The developer is required to submit to Land Use Codes:
  - a. Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the maintenance and upkeep of all common area by the owners' association for the development;
  - b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
  - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
  - d. Two copies of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.

28. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat
29. Because this development is a "density development" all common area (open space and perimeter) must be recorded as one initial final plat or if phasing the development the common area must be recorded incrementally, ensuring the 40% required open space is held to.
30. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
31. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
32. The NC Department of Transportation (NCDOT) may not allow a driveway for each individual lot. If joint driveways are required for Lots 1-10, the joint driveways must be reflected on the final plat.
33. A 10' x 70' sight distance easement is required at the intersection of SR 2253 (Swans Creek Church Road) with the main entrance to the development and must be reflected on the final plat.
34. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)
35. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
36. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
37. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note:

Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)

38. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statements:**

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

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

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

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

41. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision and Development Ordinance):

“Nonconforming structures have not been created by this subdivision plat.”

42. Because the streets in this development have been approved as “public” streets and the streets do not yet qualify for acceptance by the NC Department of Transportation to the State system for maintenance purposes, the following statement is required to be included on the final plat (Section 2504 E, County Subdivision and Development Ordinance):

“The streets shown on this plat though labeled as “public” – unless otherwise noted – have not been accepted by the NC Department of Transportation as of the date of this recording. Until such time that the streets are accepted and formally added to the State system, maintenance and liability of the streets are the responsibility of the developer and any future lot owner(s).”

**Other Relevant Conditions:**

43. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
44. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
45. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
46. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The

developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.

47. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

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

*Thank you for developing in Cumberland County!*

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

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

|                                   |                    |                |  |
|-----------------------------------|--------------------|----------------|--|
| Watershed Officer/Improvements:   | Jeff Barnhill      | 678-7765       | <a href="mailto:jbarnhill@co.cumberland.nc.us">jbarnhill@co.cumberland.nc.us</a>     |
| Land Use Codes Manager:           | Patti Speicher     | 678-7605       | <a href="mailto:pspeicher@co.cumberland.nc.us">pspeicher@co.cumberland.nc.us</a>     |
| Subdivision/Site Plan/Plat        | Ed Byrne           | 678-7609       | <a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>           |
| Code Enforcement (Permits):       | Scott Walters      | 321-6654       | <a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>       |
| County Building Inspections:      | Gary Faulkner      | 321-6648       | <a href="mailto:gfaulkner@co.cumberland.nc.us">gfaulkner@co.cumberland.nc.us</a>     |
| Fire Marshal – Emergency Services | Rodney Ward        | 321-6625       | <a href="mailto:rward@co.cumberland.nc.us">rward@co.cumberland.nc.us</a>             |
| County Engineer's Office:         | Wayne Dudley       | 678-7636       | <a href="mailto:wdudley@co.cumberland.nc.us">wdudley@co.cumberland.nc.us</a>         |
| County Health Department:         | Daniel Ortiz       | 433-3680       | <a href="mailto:dortiz@co.cumberland.nc.us">dortiz@co.cumberland.nc.us</a>           |
| Ground Water Issues:              | Matt Rooney        | 678-7625       |  |
| County Public Utilities/NORCRESS: | Amy Hall           | 678-7637       | <a href="mailto:ahall@co.cumberland.nc.us">ahall@co.cumberland.nc.us</a>             |
| US Postal Service                 | Laricia McIver     | (704) 393-4481 | <a href="mailto:laricia.mciver@usps.gov">laricia.mciver@usps.gov</a>                 |
| Corp of Engineers (wetlands):     | Liz Hair           | (910) 251-4049 | <a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>                         |
| NCDEQ (E&S):                      | Leland Cottrell    | (910) 433-3393 | <a href="mailto:leland.cottrell@ncdenr">leland.cottrell@ncdenr</a>                   |
| US Fish & Wildlife Services       | Susan Ladd Miller  | (910) 695-3323 | <a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>                       |
| Location Services:                |                    |                |  |
| Site-Specific Address:            | Ron Gonzales       | 678-7616       | <a href="mailto:rgonzalez@co.cumberland.nc.us">rgonzalez@co.cumberland.nc.us</a>     |
| Street Naming/Signs:              | Diane Shelton      | 678-7665       | <a href="mailto:nameit2@co.cumberland.nc.us">nameit2@co.cumberland.nc.us</a>         |
| Tax Parcel Numbers:               |                    | 678-7549       |  |
| NCDOT (driveways/curb-cuts):      | Troy Baker         | 486-1496       | <a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>                             |
| NCDOT (subdivision roads):        | Earl Locklear      | 486-1496       | <a href="mailto:elocklear@ncdot.gov">elocklear@ncdot.gov</a>                         |
| Transportation Planning:          | Michael Mandeville | 678 7620       | <a href="mailto:mmandeville@co.cumberland.nc.us">mmandeville@co.cumberland.nc.us</a> |
| N.C. Division of Water Quality:   | Mike Randall       | (919) 807-6374 | <a href="mailto:mike.randall@ncdenr.gov">mike.randall@ncdenr.gov</a>                 |

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

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

1. Applicant/Agent Michael S. Bryant & Curtis C. Powell
2. Address: 1229 Masterpiece Dr, Hope Mills, NC Zip Code 28348
3. Telephone: (Home) 910-624-7303 (Work) \_\_\_\_\_
4. Location of Property: Off of Swans Creek Church Road, SR 2253
5. Parcel Identification Number (PIN #) of subject property: 0431-53-8371  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 88.5 acres Frontage: 1330' Depth: 2160' avg
7. Water Provider: Individual Well Septage Provider: Individual Septic Tank
8. Deed Book 4348, Page(s) 0254-0256, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Agricultural
10. Proposed use(s) of the property: Single Family Subdivision

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

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes \_\_\_\_\_ No X
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No X
13. It is requested that the foregoing property be rezoned FROM: A-1

TO: (Select one)

- \_\_\_\_\_ Conditional Zoning District, with an underlying zoning district of \_\_\_\_\_  
(Article V)
- \_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)
- X \_\_\_\_\_ Density Development/Conditional Zoning District, at the R-40 Density  
(Article VIII)

APPLICATION FOR  
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

For the Development of a 56 lot single family residential subdivision with an average lot size of 0.78 acres.

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

The project site contains 88.5 acres and will be divided up into 6.93 acres (8%) for streets and right of way, 46.17 acres (52%) of residential subdivision encompassing 56 lots and 35.4 acres (40%) of passive open space including a mail kiosk area.

2. DIMENSIONAL REQUIREMENTS:

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

Setbacks are proposed to be those of the *R-40 ZONING DISTRICT*.

- B. Off-street parking and loading, Sec.1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.

The subdivision streets will be constructed to NCDOT requirements and will comprise of 60' right of ways with 22' wide strip pavement and side ditches. The street will have 2" thick SF9.5A asphalt surface with either an ABC stone or sand-clay base.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

It is anticipated that ground signs will be installed on both sides of the entrance road into the site off of Swans Creek Church Road to designate the subdivision. The signs shall conform with Section 1306, Item (A-2) Development Signs for Sign Copy Area and Section 1305 for sign height and location.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

N/A

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

A 40' wide buffer will be provided along SR2253 Swans Creek Church Road and a minimum 20' wide buffer will be provided along the perimeter boundary of the site. In some areas, the natural features and open space will allow the perimeter buffer to be much larger.

5. MISCELLANEOUS:

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

N/A

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

Michael S. Bryant & Curtis C. Powell  
NAME OF OWNER(S) (PRINT OR TYPE)

1229 Masterpiece Drive, Hope Mills, NC 28348  
ADDRESS OF OWNER(S)

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

910-624-7303  
HOME TELEPHONE

\_\_\_\_\_  
WORK TELEPHONE

*Curtis C Powell*  
SIGNATURE OF OWNER(S)

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

Moorman, Kizer & Reitzel, Inc.  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

PO Box 53774, Fayetteville, NC 28305  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

\_\_\_\_\_  
HOME TELEPHONE

910-484-5191  
WORK TELEPHONE

jkizerjr@mkrinc.com  
E-MAIL ADDRESS

910-484-0388  
FAX NUMBER

*James M Kizer, Jr*  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

Michael S. Bryant & Curtis C. Powell  
NAME OF OWNER(S) (PRINT OR TYPE)

1229 Masterpiece Drive, Hope Mills, NC 28348  
ADDRESS OF OWNER(S)

E-MAIL

910-624-7303  
HOME TELEPHONE

WORK TELEPHONE

*Curtis C Powell*  
SIGNATURE OF OWNER(S)

*Michael S Bryant*  
SIGNATURE OF OWNER(S)

Moorman, Kizer & Reitzel, Inc.  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

PO Box 53774, Fayetteville, NC 28305  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

910-484-5191  
HOME TELEPHONE

WORK TELEPHONE

jkizerjr@mkrinc.com  
E-MAIL ADDRESS

910-484-0388  
FAX NUMBER

*James M Kizer Jr*  
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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

JUNE 10, 2016

ITEM NO. 3D

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P16-24:** Rezoning of 31.60+/- acres from M(P) Planned Industrial to A1 Agricultural or to a more restrictive zoning district, located at 2901 Wilmington Highway, submitted by Carolyn Jeanette Tyson (owner) & Lori S. Epler, Larry King & Associates (agent).

ACTION: 1<sup>st</sup> motion for Case P16-24: 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.

2<sup>nd</sup> motion for Case P16-24: Move to approve the rezoning for A1 Agricultural and CD Conservancy district where the Special Flood Hazard Area (SFHA) and floodway exists as recommended by the Planning Staff.

SITE PROFILE: **Frontage & Location:** 1830'+/- on SR 2337 (Wilmington Hwy); **Depth:** 860'+/-; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Vacant; **Initial Zoning:** M(P) – March 15, 1979 (Area 6); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: M(P), M(P)/CU (allow religious worship), M2, A1, CD, RR & R6A; South: M(P), CD, A1 & RR East: CR & RR; West: M(P), C1(P), C1(P)/CU(allow religious worship), RR; **Surrounding Land Use:** Residential (including manufactured homes), woodlands, Cape Fear River; **2030 Growth Strategy Map:** Urban and conservation area; **South Central Land Use Plan:** Suburban residential and open space; **School Capacity/Enrolled:** Cashwell Elementary: 800/740; Ireland Drive Middle: 340/295; Byrd Middle: 700/705; Byrd High: 1280/1125; **Special Flood Hazard Area (SFHA):** Yes; **Water/Sewer Availability:** PWC/Septic; **Soil Limitations:** Yes, hydric – Ro Roanoke and wahee loams & hydric inclusion – WmB Wickham fine sandy loam; **Subdivision/Site Plan:** If approved, site plan may be required; **Average Daily Traffic Count (2014):** 1600 on SR 2337 (Wilmington Hwy); **Highway Plan:** Wilmington Hwy is a local thoroughfare. 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 – 13 lots/units; Minimum Yard Setbacks: **M(P):** Front yard: 100', Side yard: 50', Rear yard: 50'; **A1:** Front yard: 50', Side yard: 20', Rear yard: 50'.

MINUTES OF JUNE 7, 2016

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-24 is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "urban and conservation" at this location. The

request is also consistent with the South Central Cumberland Land Use Plan, which calls for "Suburban residential and open space" at this location as it will allow for land uses and lot sizes comparable to those in the surrounding 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 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.*

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-24 for the A1 Agricultural and CD Conservancy district where the Special Flood Hazard Area (SFHA) and floodway exists based on the following:

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

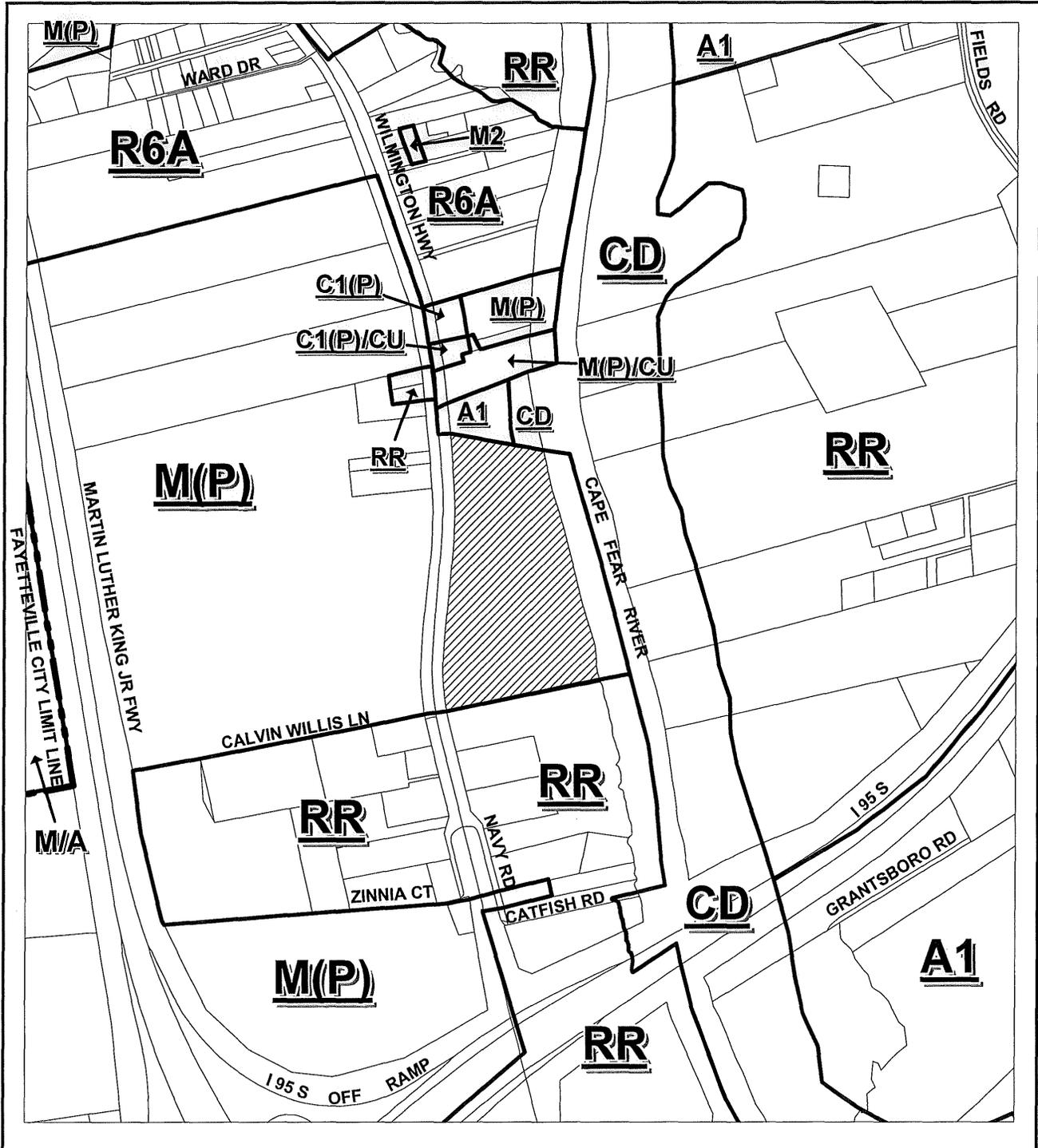
The applicant has not agreed with the staff recommendation. There are no other districts considered suitable for this request.

**Mr. Morris 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.**

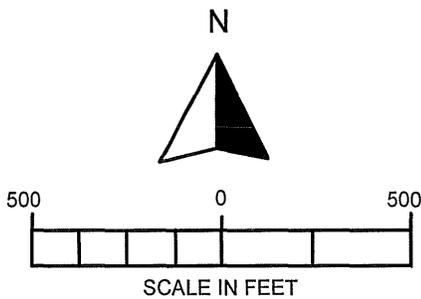
**First Class and Record Owners' Mailed Notice Certification**

*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.*

NOTE: IN AOD AREA



## REQUESTED REZONING M(P) TO A1



|                              |              |                           |  |
|------------------------------|--------------|---------------------------|--|
| <b>ACREAGE: 31.60 AC.+/-</b> |              | <b>HEARING NO: P16-24</b> |  |
| ORDINANCE: COUNTY            | HEARING DATE | ACTION                    |  |
| STAFF RECOMMENDATION         |              |                           |  |
| PLANNING BOARD               |              |                           |  |
| GOVERNING BOARD              |              |                           |  |

PIN: 0445-40-4868

5-10-2016  
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. 3E

JUNE 10, 2016

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P16-25:** Rezoning 1.14+/- acres from RR Residential to C2(P) Planned Service & Retail District or to a more restrictive zoning district; located on the south side of SR 1112 (Rockfish Road), west of SR 1113 (Waldos Beach Road); submitted by Barbara M. Johnson (owner) & Aby Varghese (agent).

ACTION: 1<sup>st</sup> motion for Case P16-25: 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.

2<sup>nd</sup> motion for Case P16-25: Move to deny the requested district of C2(P) Planned Service and Retail but approval of the C1(P) Planned Local Business district as recommended by the Planning Staff.

SITE PROFILE: **Frontage & Location:** 230'+/- on SR 1112 (Rockfish Rd); **Depth:** 217'+/-; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Vacant; **Initial Zoning:** RR – February 6, 1976 (Area 5); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: MXD/CUD, C2(P) & R10; South: RR & R10 East: RR; West: C2(P) & RR; **Surrounding Land Use:** Residential (including manufactured homes), shopping center, bank; **2030 Growth Strategy Map:** Urban area; **Southwest Cumberland Land Use Plan:** Medium density residential; **School Capacity/Enrolled:** Stoney Point: 900/854; John Griffin: 1274/921; Jack Britt: 1870/1955; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/PWC; **Soil Limitations:** None; **Subdivision/Site Plan:** If approved, site plan may be required; **Average Daily Traffic Count (2014):** 1100 on SR 1112 (Rockfish Rd); **Highway Plan:** This section of Rockfish Rd is identified as local thoroughfare needs improvement. The recommended improvement is 4 lane divided; **Notes:** Density: RR – 2 lots/units; Minimum Yard Setbacks: **C2(P):** Front yard: 50', Side yard: 30', Rear yard: 30'; **RR:** Front yard: 30', Side yard: 15', Rear yard: 35'.

MINUTES OF JUNE 7, 2016

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends denial of the C2(P) Planned Service & Retail but approval of the C1(P) Planned Local Business district for Case No. P16-25; The recommended district is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "urban" at this location. While the recommended district is not entirely consistent with the Southwest Cumberland Land Use Plan which calls for "medium density

residential", the subject property is located in an area that is in transition from residential to commercial.

The staff recommends the board further find that approval of the recommended 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: *public water and sewer required, public water and sewer (Hope Mills) is available; must have direct access to a collector street, Rockfish Road is a street; should serve as a transition between heavy commercial, office & institutional or residential development; should have other light commercial uses in the area; should provide convenient goods and services to the immediate surrounding neighborhood; and may be located along a street that is in transition from residential to non-residential through redevelopment and physical improvements.*

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends denial of the requested district of C2(P) Planned Service and Retail but approval of the C1(P) Planned Local Business district based on the following :

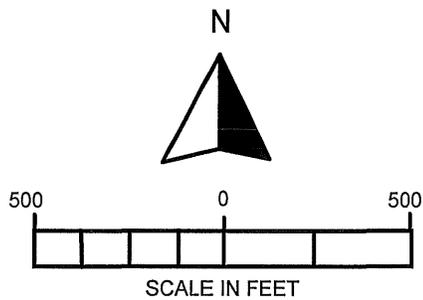
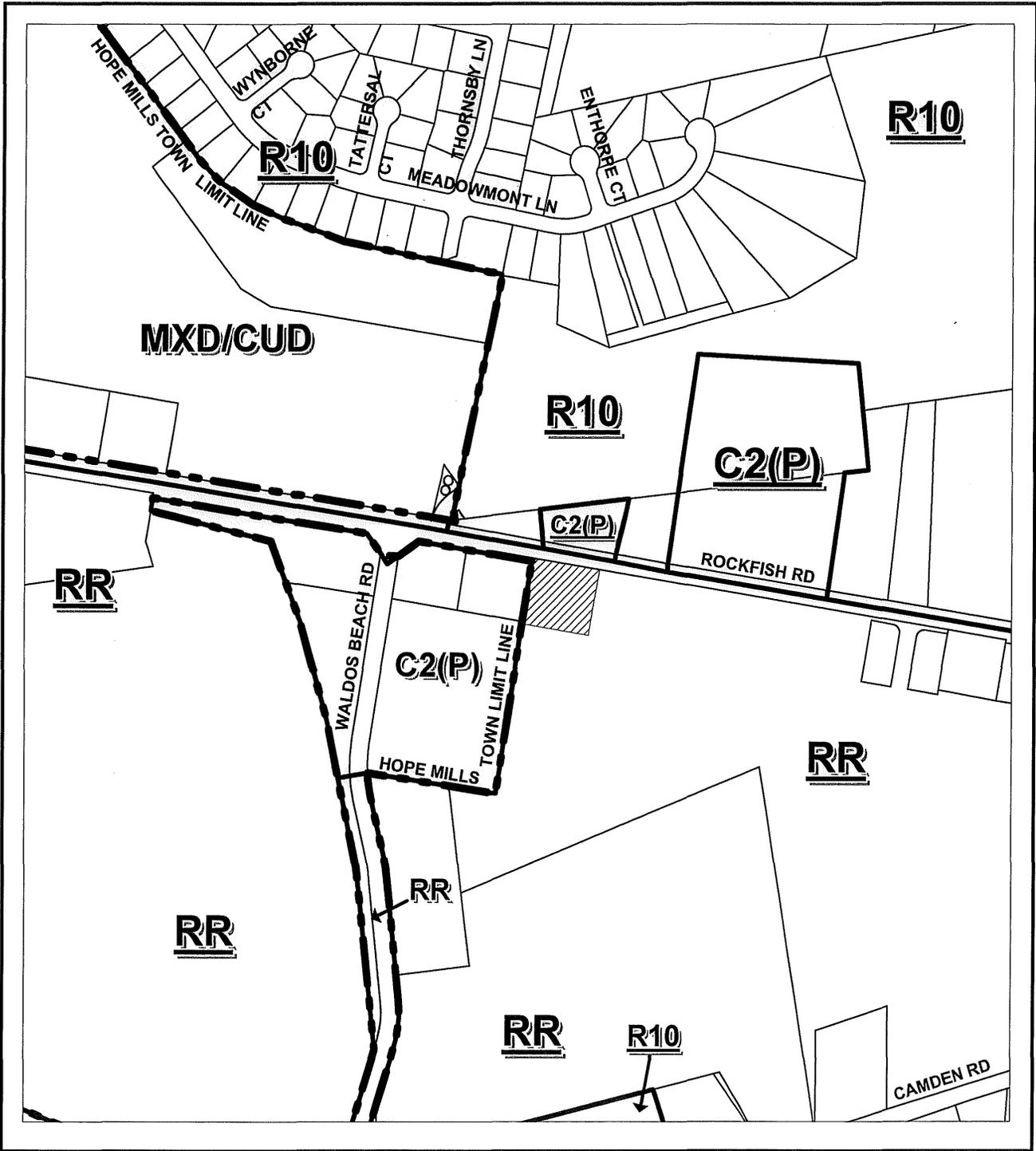
1. The C1(P) Planned Local Business district is logical as there are similar commercial zoning districts and uses in the general area; and
2. Approval of the C1(P) Planned Local Business district at this location will limit future heavy commercial along the south side of Rockfish Road toward the existing residential area.

The applicant has verbally agreed with the staff recommendation.

**Mr. Morris 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 RR TO C2(P)

|                      |                    |        |
|----------------------|--------------------|--------|
| ACREAGE: 1.14 AC.+/- | HEARING NO: P16-25 |        |
| ORDINANCE: COUNTY    | HEARING DATE       | ACTION |
| STAFF RECOMMENDATION |                    |        |
| PLANNING BOARD       |                    |        |
| GOVERNING BOARD      |                    |        |

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

JUNE 10, 2016

ITEM NO. 3F

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P15-59:** Rezoning of 4.72+/- acres from A1 Agricultural to R20 Residential or to a more restrictive zoning district; located on the southeast side SR 4518 (Dulles Road), west of SR 2376 (South Forty Drive); submitted by Robert and Stephanie Vaughn (owners) and Chris Roberts(agent).

ACTION: 1<sup>st</sup> motion for Case P15-59: 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.

2<sup>nd</sup> motion for Case P16-02: Move to approve the rezoning for R20 Residential/CZ Conditional Zoning district for an eight lot subdivision as recommended by the Planning Staff.

**SITE PROFILE:** **Frontage & Location:** 520.00+/- on SR 4518 (Dulles Road); **Depth:** 590.28+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Vacant land; **Initial Zoning:** A1 – June 25, 1980 (Area 13); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1, R40, R20 & RR ; South: C(P), C1(P), RR, R15 & R10; East: A1, R20, RR & R15; West: R15; **Surrounding Land Use:** Residential & woodlands; **2030 Land Use Plan:** Urban; **South Central Land Use Plan:** Low density residential; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/PWC; **Soil Limitations:** None; **Sewer Service Area:** Yes; **School Capacity/Enrolled:** Alderman Road Elementary: 750/731; Gray's Creek Middle: 1100/1025; Gray's Creek High: 1,270/1,368; **Subdivision/Site Plan:** If approved, review may be required; **Average Daily Traffic Count (2012):** 1,500 on SR 2239 (Cypress Lakes Road); **Highway Plan:** Dulles Road and South Forty Drive are both identified as local roads in the Highway Plan. There are no planned improvements or construction for this area. This project has no impact on the current Highway Plan or Transportation Improvement Program; **Notes:** Density: A1 – 2 lots/units, R40 – 5 lots/units, R30 – 6 lots/units, R20 – 10 lots/units; Density (minus 15%): R40 – 4 lots/units, R30 – 5 lots/units, R20 – 8 lots/9 units; Minimum Yard Setback Regulations: **A1:** Front yard: 50', Side yard: 20', Rear yard: 50', **R40 & R30:** Front yard: 30', Side yard: 15', Rear yard: 35', **R20:** Front yard: 30', Side yard: 15', Rear yard: 35'.

MINUTES OF JUNE 7, 2016

Mr. Lloyd presented the case information and photos.

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-59 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban" because the site is located in an area that is quickly becoming urbanized. The request is consistent with the South Central Land Use Plan which calls for "low density residential" at this location. This request is also reasonable because preserving the character of the area and promoting infill are residential goals of the South Central Land Use Plan adopted on June 15, 2015.

The staff recommends the board further find the request is reasonable and in the public interest because the district requested for the subject property meets most of the location criteria of the adopted Land Use Policies Plan, in that: *public or community water and sewer required*, the adjacent subdivision is served by PWC utilities with the subject property served by PWC water; *must have direct access to a public collector street*, Dulles Road is not a collector street, however, it does have access to South Forty Drive which is a collector street; *must not be located in any defined critical area as defined by the Fort Bragg Small Area Study*; *desirable to not be located in the Special Flood Hazard Area and must not be an area with hydric soils unless sewer is available*.

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P15-59 for the R20 Residential/CZ Conditional Zoning district based on the following:

1. The location and character of the requested district will be in harmony with the general area and allow for similar lot sizes and uses as the existing properties.
2. A condition of approval has been added requiring submission of drainage plans, approved by NCDEQ, which must indicate no runoff will affect Dulles Road or any properties to the north and west of the subject property.

The R40 and R30 districts could also be considered suitable for this request. The property owner has voluntarily agreed to all Ordinance Related Conditions."

Mr. Lloyd stated that there was opposition at the May Board of Commissioners' meeting four people showed up not in opposition to the rezoning but to the runoff in the area and what the development of added density may add to the runoff.

Public hearing opened.

Thomas Neville, attorney representing the developer spoke in favor. Mr. Neville stated that they do not agree with the runoff statements that had been made. Mr. Neville presented an aerial photo of the subject property (Exhibit 1) to the Board. Mr. Neville stated that the subject property is surrounded by R10, R15, and R20. Other than agricultural zoning to the immediate northeast, the zoning in this area is residential of a more restrictive nature than what they are seeking. The aerial map will show that the area is heavily developed, the only question is can we develop in a way that is conscientious and in a way that will not negatively impact other people from a water runoff standpoint. Mr. Neville stated that they plan to address the issues that are in front of them. There is a very small portion of the subject property that actually creates any runoff to the properties in question, and through grading that can be addressed.

Mr. Scott Brown, Engineer for the project spoke in favor. Mr. Brown presented an aerial photograph with GIS parcels (Exhibit 2) to the Board. The subject property was highlighted in red and the green line running across the page is the dividing line. Everything to the north of the line would drain toward the two ponds and to the south of the line would drain toward Delancey. There are .66 acres which is 15 percent of the property that is currently draining toward the two

ponds. The most being added to that will be driveways. Stormwater rules are enacted when you disturb over an acre, in Cumberland County you have to submit for a stormwater permit and it's considered either high or low density. Low density developments do not require stormwater control measures; this development is considered low density and would not require stormwater control measures. Mr. Brown stated that drainage will be pulled south of Dulles Road. Mr. Brown said there are measures that can be taken to alleviate drainage to the two ponds. Through grading all the run-off will be directed away from the ponds, south of Dulles Road.

Chris Roberts, the applicant agreed to the following additional condition:

Prior to submission for final plat approval of any portion of this development, the property owner must submit a copy of the drainage plan whether or not such is required by the NC Department of Environmental Quality (NCDEQ). The drainage plan must indicate there will be no runoff to Dulles Road and/or to the properties to the north and west of the subject property and must be sealed by a NC licensed engineer.

Public hearing closed.

**Mr. McLaurin made both of the motions referenced above, seconded by Mr. Morris, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.**

NOTE: The property owners verbally agreed to the added condition via telephone on June 9, 2016.

**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.*

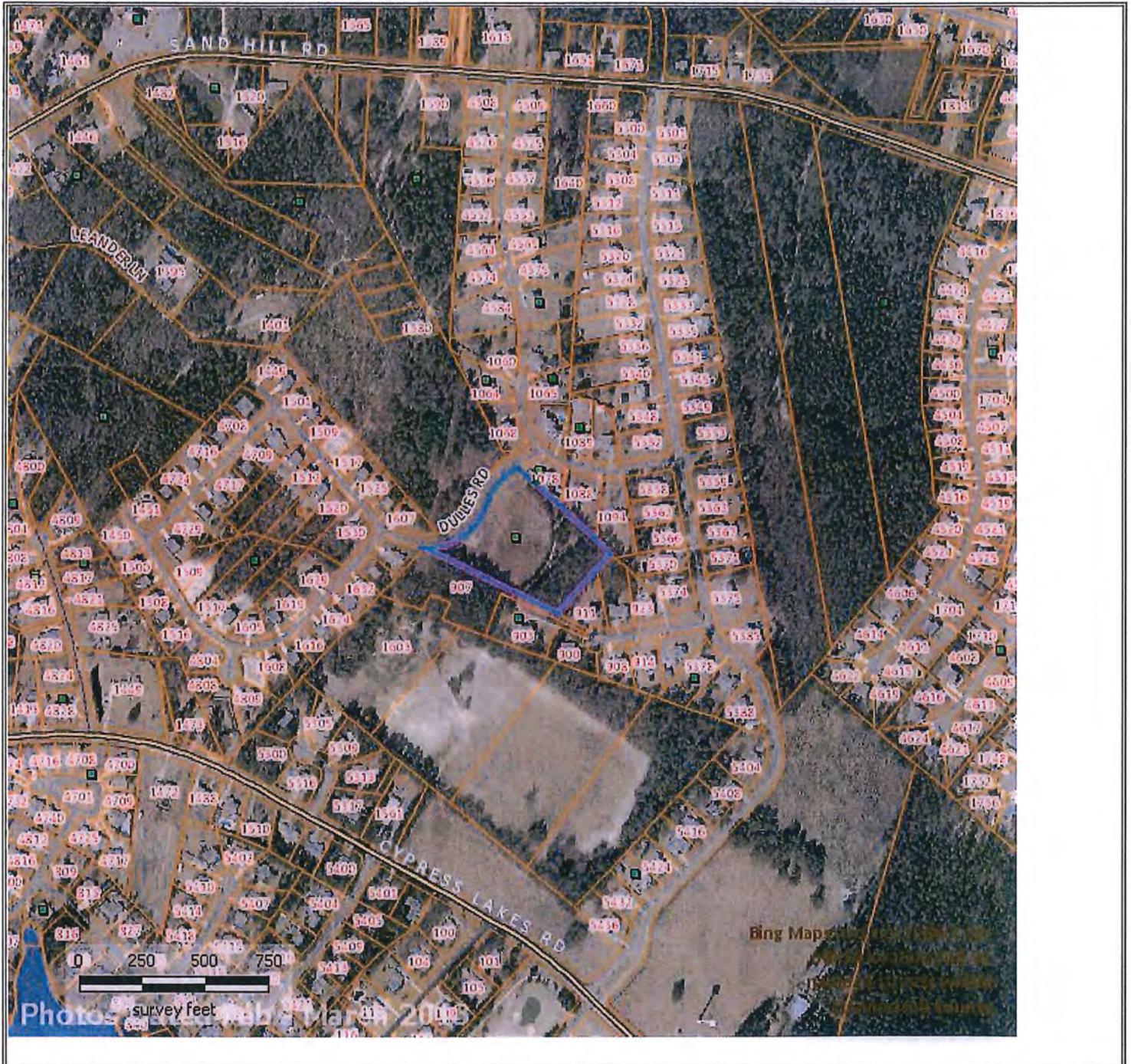


# Cumberland County Planning Department

Fayetteville, North Carolina

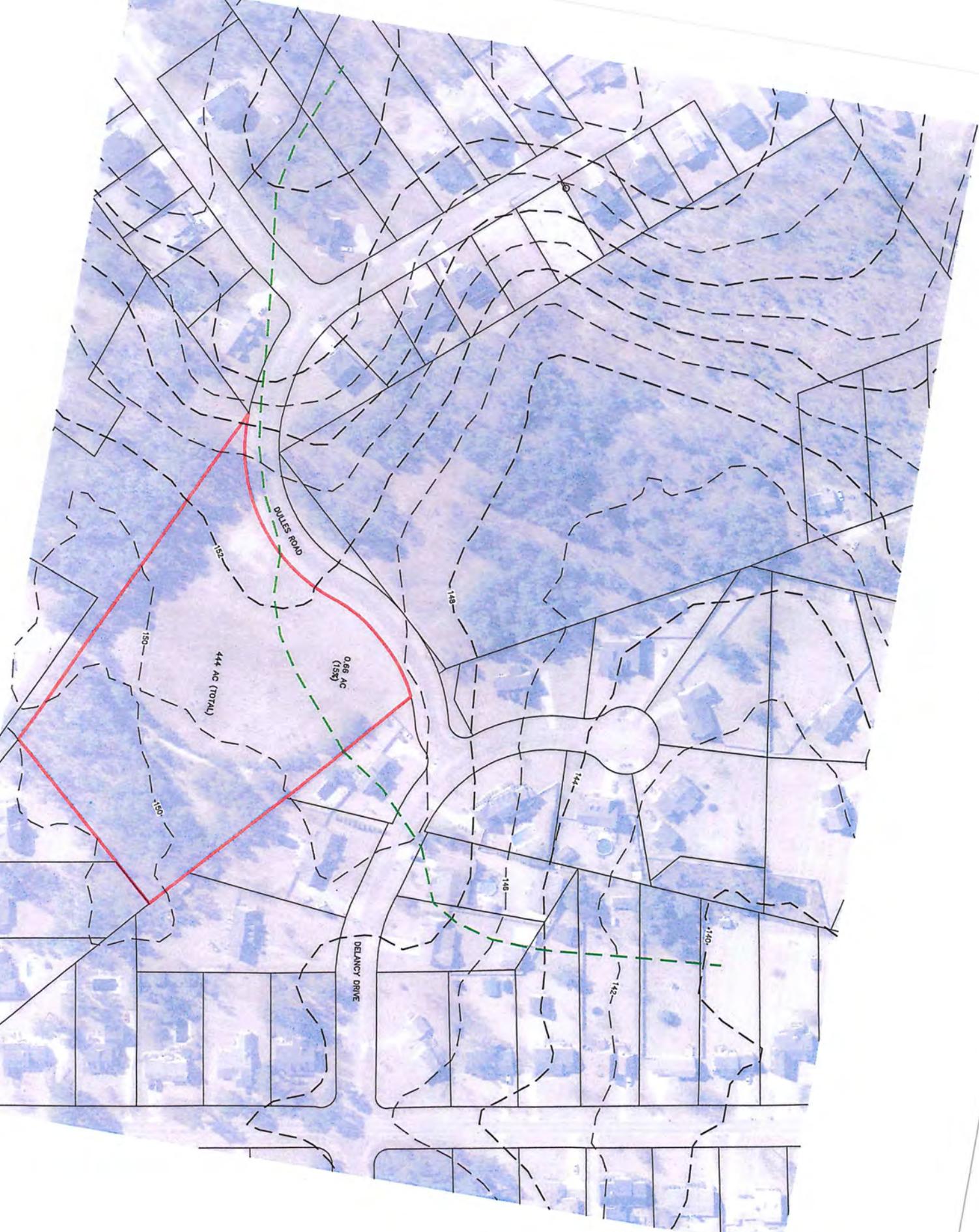


Created by Public on Tuesday, 7 June 2016

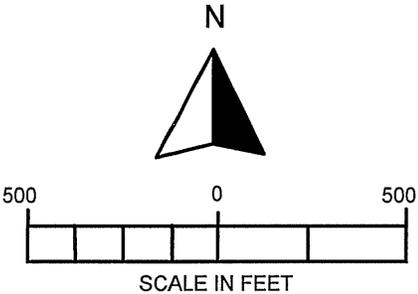
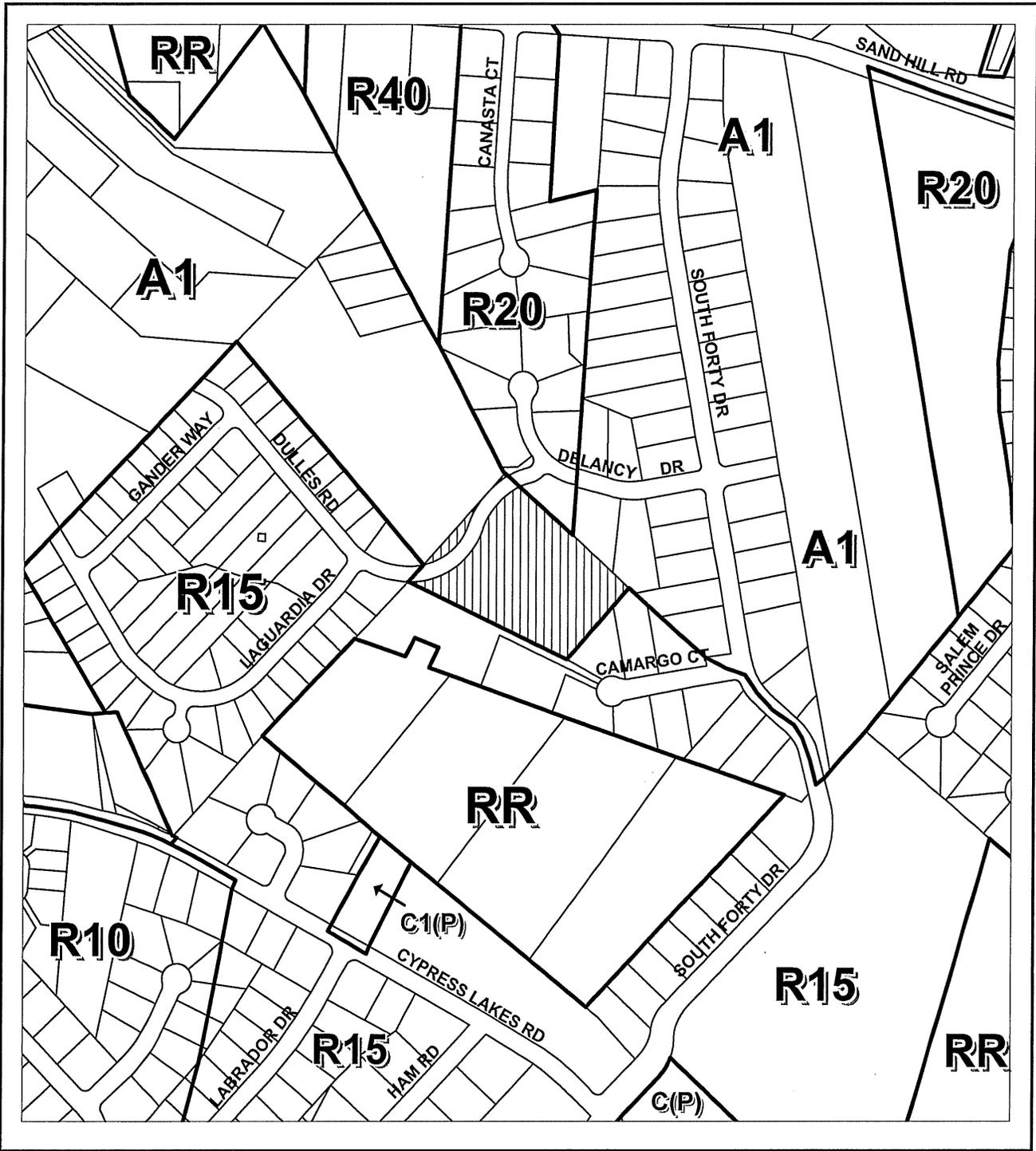


Map Zoom: 4000 survey ft  
Map Scale: 1:6,827

P15-59 6-7-16  
submitted to  
PB by T. Neville  
Ex. 1



P15-59 6-7-16  
submitted to PB  
by Scott Brown  
Fr 2

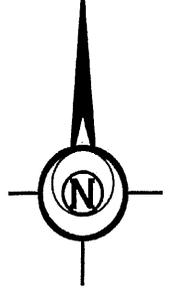


## REQUESTED REZONING A1 TO R20/CZ

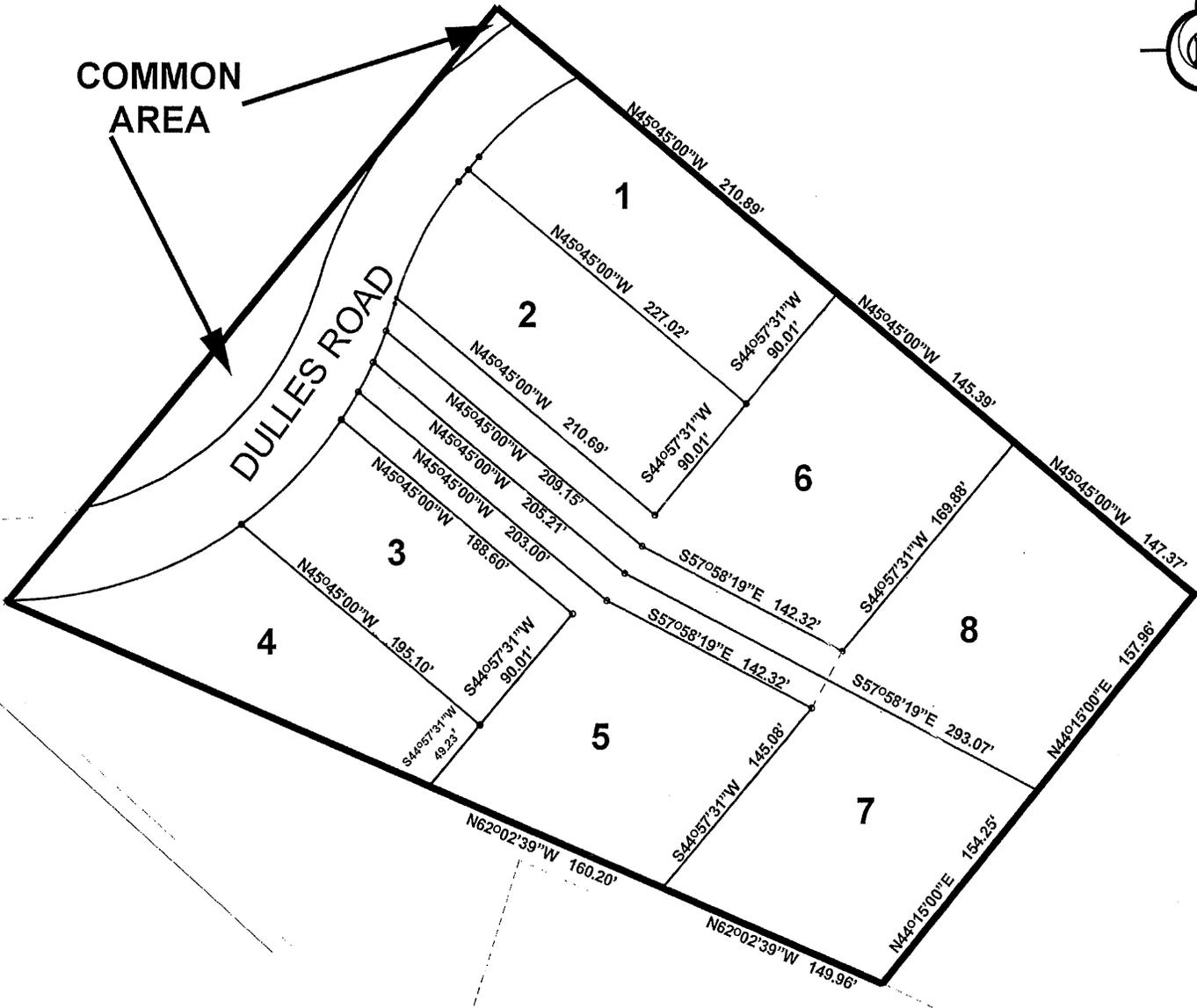
|                             |                           |        |
|-----------------------------|---------------------------|--------|
| <b>ACREAGE: 4.72 AC.+/-</b> | <b>HEARING NO: P15-59</b> |        |
| ORDINANCE: COUNTY           | HEARING DATE              | ACTION |
| STAFF RECOMMENDATION        |                           |        |
| PLANNING BOARD              |                           |        |
| GOVERNING BOARD             |                           |        |

PINS: 0433-50-3434  
 0433-50-1505  
 0433-50-2785

04-20-16  
 02-15-15  
 12-11-15  
 AM



COMMON  
AREA



**R20 RESIDENTIAL DISTRICT/ CZ CONDITIONAL ZONING  
REQUEST: TO ALLOW AN 8 LOT SUBDIVISION  
CASE: P15-59 ACREAGE: 4.72 AC+/-  
ZONED: A1 SCALE: NTS**

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

**R20 RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT**

DRAFT

Ordinance Related Conditions  
for  
Eight Lot Residential Subdivision

**Pre-Plat Related:**

1. Prior to submission for final plat approval of any portion of this development, the property owner must submit a copy of the drainage plan whether or not such is required by the NC Department of Environmental Quality (NCDEQ). The drainage plan must indicate there will be no runoff to Dulles Road and/or to the properties to the north and west of the subject property and must be sealed by a NC licensed engineer.

**Permit-Related:**

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance) **(Note: Connection to public sewer not required because the development does not exceed the 2.2 minimum units/lots density which would require the connect under the Sewer Service Area agreement.)**
4. Connection to public water is required, the Public Works Commission (PWC) must approve water plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision and Development Ordinance)
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environmental Quality. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
7. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDEQ approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
8. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
9. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits. **Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the**

**property owner's expense.** For additional information contact the Division 6 / District 2 office at the number listed on the bottom of this conditional approval.

**Note: In the event the NCDOT driveway permit process alters the site plan in any manner, the copies of a revised site plan must be submitted for staff review and approved prior to permit application.**

**Site-Related:**

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the R20 zoning district must be complied with, as applicable, until such time that the subject property is rezoned to a different district.
11. This conditional approval is not approval of any freestanding signs, to include a development sign. If a sign is desired, re-submittal of the site plan is required prior to application for any sign permits. The proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
12. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with.
13. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality's (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
15. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
16. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.

**Plat-Related:**

17. The final plat must be labeled as a "Zero Lot Line" development.
18. Prior to submission for final plat approval for any portion of this development, the developer must submitted for a rezoning of this property to a zoning district which will allow for the density for the proposed eight lot subdivision. The property must be successfully rezoned prior to the final plat approved for recordation.
19. Prior to submission for final plat approval of any portion of this development, fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision and Development Ordinance) *Also see related Condition No. 30 below.*
20. "Dulles Road" must be labeled as "SR 4518 (Dulles Road)" on the final plat.
21. "DeLancy Drive" must be labeled as "SR 3933 (DeLancy Drive)" on the final plat.
22. "Laguardia Drive" must be labeled as "SR 4220 (Laguardia Drive)" on the final plat.
23. "Camargo Court" must be labeled as "SR 3931 (Camargo Court)" on the final plat.
24. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$1,236.48 (\$154.48 per lot/8 lots) payable to "Cumberland County". This condition is in accordance with Section 2308, Parks, Recreation and Open Space, County Subdivision and Development Ordinance, which requires every residential dwelling unit to

provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District #3)

25. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
26. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
27. The NC Department of Transportation (NCDOT) most likely will not allow a driveway for each individual lot. If joint driveways are required, the joint driveways must be reflected on the final plat.
28. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
29. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
30. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
31. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
32. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

**Plat-Required Statements:**

33. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision and Development Ordinance):

“Nonconforming structures have not been created by this subdivision plat.”

**Other Relevant Conditions:**

34. The applicant is advised to consult an expert on wetlands before proceeding with any development.
35. The Planning Staff recommends the developer reconsider the proposed layout of the lots as shown on the preliminary plan. It would be prudent for the developer to consider proposing a design with a street (cul-de-sac) serving the proposed lots for access purposes.
36. An internal street system most likely will be required by the NC Department of Transportation (NCDOT) to serve any future divisions of the subject properties.
37. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
38. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.

*Thank you for creating building lots in Cumberland County!*

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

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

|                                 |                   |                |  |
|---------------------------------|-------------------|----------------|--|
| Subdivision/Site Plan/Plat      | Ed Byrne          | 678-7609       | <a href="mailto:ebyrne@co.cumberland.nc.us">ebyrne@co.cumberland.nc.us</a>       |
| Code Enforcement (Permits):     | Scott Walters     | 321-6654       | <a href="mailto:swalters@co.cumberland.nc.us">swalters@co.cumberland.nc.us</a>   |
| County Health Department:       | Daniel Ortiz      | 433-3680       | <a href="mailto:dortiz@co.cumberland.nc.us">dortiz@co.cumberland.nc.us</a>       |
| Ground Water Issues:            | Matt Rooney       | 678-7625       | <a href="mailto:mrooney@co.cumberland.nc.us">mrooney@co.cumberland.nc.us</a>     |
| PWC:                            | Joe Glass         | 223-4740       | <a href="mailto:joe.glass@faypwc.com">joe.glass@faypwc.com</a>                   |
| Fayetteville Planning:          | Marsha Bryant     | 433-1416       | <a href="mailto:mbryant@ci.fay.nc.us">mbryant@ci.fay.nc.us</a>                   |
| County Public Utilities:        | Amy Hall          | 678-7637       | <a href="mailto:ahall@co.cumberland.nc.us">ahall@co.cumberland.nc.us</a>         |
| US Postal Service               | Laricia McIver    | (704) 393-4481 | <a href="mailto:laricia.mciver@usps.gov">laricia.mciver@usps.gov</a>             |
| Corp of Engineers (wetlands):   | Liz Hair          | (910) 251-4049 | <a href="mailto:hair@usacr.army.mil">hair@usacr.army.mil</a>                     |
| NCDEQ (E&S):                    | Leland Cottrell   | (910) 433-3393 | <a href="mailto:leland.cottrell@ncdenr.gov">leland.cottrell@ncdenr.gov</a>       |
| US Fish & Wildlife Services     | Susan Ladd Miller | (910) 695-3323 | <a href="mailto:susan_miller@fws.gov">susan_miller@fws.gov</a>                   |
| Location Services:              |                   |                |  |
| Site-Specific Address:          | Ron Gonzales      | 678-7616       | <a href="mailto:rgonzalez@co.cumberland.nc.us">rgonzalez@co.cumberland.nc.us</a> |
| Street Naming/Signs:            | Diane Shelton     | 678-7665       | <a href="mailto:nameit2@co.cumberland.nc.us">nameit2@co.cumberland.nc.us</a>     |
| Tax Parcel Numbers:             |                   | 678-7549       |  |
| NCDOT (driveways/curb-cuts):    | Troy Baker        | 486-1496       | <a href="mailto:tlbaker@ncdot.gov">tlbaker@ncdot.gov</a>                         |
| NCDOT (subdivision roads):      | Earl Locklear     | 486-1496       | <a href="mailto:elocklear@ncdot.gov">elocklear@ncdot.gov</a>                     |
| N.C. Division of Water Quality: | Mike Randall      | (919) 807-6374 | <a href="mailto:mike.randall@ncdenr.gov">mike.randall@ncdenr.gov</a>             |

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

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

1. Requested Rezoning from A1 to ~~R20~~ ~~R15~~ R20 <sup>CR CR CR</sup>
2. Address of Property to be Rezoned: 129-K
3. Location of Property: South east side of Dulles
4. Parcel Identification Number (PIN #) of subject property: 0433-50-3434  
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 4.56 Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_
6. Water Provider: Well: \_\_\_\_\_ PWC:  Other (name): \_\_\_\_\_
7. Septage Provider: Septic Tank  PWC \_\_\_\_\_
8. Deed Book 07030, Page(s) 00572, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Woods
10. Proposed use(s) of the property: 8 Residential Lots
11. Do you own any property adjacent to or across the street from this property?  
Yes \_\_\_\_\_ No  If yes, where? \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

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

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

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

1. Applicant/Agent \_\_\_\_\_
2. Address: \_\_\_\_\_ Zip Code \_\_\_\_\_
3. Telephone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_
4. Location of Property: \_\_\_\_\_
5. Parcel Identification Number (PIN #) of subject property: \_\_\_\_\_  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: \_\_\_\_\_ Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_
7. Water Provider: \_\_\_\_\_ Septage Provider: \_\_\_\_\_
8. Deed Book \_\_\_\_\_, Page(s) \_\_\_\_\_, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: \_\_\_\_\_
10. Proposed use(s) of the property: \_\_\_\_\_

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

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes \_\_\_\_\_ No \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No \_\_\_\_\_
13. It is requested that the foregoing property be rezoned FROM: \_\_\_\_\_

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of R2D  
(Article V)
- \_\_\_\_\_ Mixed Use District/Conditional Zoning District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Zoning District (Article VII)
- \_\_\_\_\_ Density Development/Conditional Zoning District, at the \_\_\_\_\_ Density  
(Article VIII)

APPLICATION FOR  
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Residential

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

8 Lots

2. DIMENSIONAL REQUIREMENTS:

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

Per ordinance

- B. Off-street parking and loading, Sec. 1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.

N/A

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

N/A

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

N/A

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

N/A

5. MISCELLANEOUS:

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

N/A

6. SITE PLAN REQUIREMENTS:

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





ITEM NO. 3G

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

**ENGINEERING & INFRASTRUCTURE DEPARTMENT**

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

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 20, 2016**

**TO: BOARD OF COUNTY COMMISSIONERS**

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

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

**DATE: JUNE 13, 2016**

**SUBJECT: PUBLIC HEARING AND APPROVAL OF THE PRELIMINARY ASSESSMENT ROLL RESOLUTION FOR THE BULLARD CIRCLE WATERLINE EXTENSION**

**BACKGROUND**

The Board of Commissioners, at their May 16, 2016 meeting, set a public hearing date for June 20, 2016 to hear all interested persons who appear with respect to the Preliminary Assessment Roll. On Wednesday, June 8, 2016, a notice of the public hearing was published in the Fayetteville Observer newspaper informing the public of the date, time and place of the public hearing, as well as, informing the public that the assessment roll is available in the clerk's office for inspection. On Friday, June 3, 2016, a notice of public hearing was mailed to each property owner listed on the roll, with certification from the Public Utilities Division that the notice was sent by first-class mail.

**RECOMMENDATION**

The Engineering and Infrastructure Director and County Management recommend that the Board of Commissioners hold the public hearing and consider whether to annul, modify or confirm the assessments as set forth in the Preliminary Assessment Roll.

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

PRELIMINARY ASSESSMENT ROLL  
RESOLUTION FOR THE  
BULLARD CIRCLE  
WATER EXTENSION PROJECT

**WHEREAS**, the Board of Commissioners of Cumberland County (the "Board") adopted a Final Assessment Resolution for the Bullard Circle Water Extension Project (the "Project") on August 18, 2014; and

**WHEREAS**, the Project is now complete and the Public Works Commission has accepted the water lines; and

**WHEREAS**, the Project's total costs have been determined, as provided by G.S. 153A-193, and the preliminary assessment roll prepared, as provided by G.S. 153A-194; and

**WHEREAS**, the Board wishes to call a public hearing on the final assessment roll, as provided by G.S. 153A-194;

**NOW, THEREFORE, BE IT RESOLVED** by the Cumberland County Board of Commissioners that the Board adopts the attached preliminary assessment roll for the Bullard Circle Water Extension Project, which is incorporated herein by reference as if fully set forth; and

**BE IT FURTHER RESOLVED**, that each assessment will be at an equal rate per lot in the Project area along which public water lines are extended; and

**BE IT FURTHER RESOLVED**, that fifty percent (50%) of the total engineering, construction and administrative costs shall be assessed against the benefited properties in the Project area and the County and PWC shall pay the remaining fifty percent (50%) per an interlocal agreement between the two entities; and

**BE IT FURTHER RESOLVED**, that each assessment will be payable in fifteen (15) annual installments and the first installment with interest will be due sixty (60) days after the date that the assessment roll is confirmed. One installment with interest is due on the anniversary date in each successive year until the assessment is paid in full. The interest rate shall be set at six percent (6%) per annum. The assessment may be paid in full without interest anytime up to thirty (30) days after the confirmation of the assessment roll is published; and

**BE IT FURTHER RESOLVED**, that the preliminary assessment roll shall be filed in the Clerk to the Board's office, where it shall be available for public inspection

**BE IT FURTHER RESOLVED**, that the Board calls a public hearing on the preliminary assessment roll for June 20, 2016, at 6:45 p.m. in the Commissioners' Meeting Room, Room 118, Cumberland County Courthouse, 117 Dick Street, Fayetteville, N.C. 28301; and

**BE IT FURTHER RESOLVED**, that at least ten days before the public hearing, a notice shall be published that the preliminary assessment roll has been completed, describing the Project in general terms, noting that the preliminary assessment roll is available in the Clerk to the Board's

Office for public inspection, and stating the time and place for the public hearing on the preliminary assessment roll, all as required by G.S. 153A-194; and

**BE IT FURTHER RESOLVED**, that at least ten days before the date of the public hearing, a notice of hearing shall be mailed by first class mail to each owner of property listed on the preliminary assessment roll, stating that the preliminary assessment roll in the Clerk to the Board's Office is available for inspection, and stating the amount as shown on the preliminary assessment roll of the assessment against the property of the owner.

This the 20<sup>th</sup> day of June, 2016.

---

Marshall Faircloth, Chairman  
Board of Commissioners

ATTEST:

---

Candice White, Clerk  
Board of Commissioners



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

**ENGINEERING & INFRASTRUCTURE DEPARTMENT**

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

**NOTICE OF PUBLIC HEARING  
PRELIMINARY ASSESSMENT ROLL  
BULLARD CIRCLE WATER EXTENSION PROJECT**

The Cumberland County Board of Commissioners at the May 16, 2016 meeting received notice that the preliminary assessment roll has been completed and set a public hearing date for June 20, 2016 to confirm the assessment roll for the Bullard Circle Water Extension Project to provide public water to the Bullard Circle area.

This project included the installation of approximately 5,414 linear feet of water mains to serve 61 parcels within the Bullard Circle area as shown on the attached map.

The proposed assessment will be \$2,701.22 per lot. The proposed basis of assessment will be at an equal rate per lot in the project area. The percentage of cost to be assessed is fifty percent (50%) of the total engineering, construction and administrative costs against the benefited properties in this special assessment project and the County and PWC shall pay the remaining fifty percent (50%). The terms of payment will be payable in fifteen (15) annual installments and the first installment with interest will be due sixty (60) days after the date that the assessment roll is confirmed. One installment is due on the anniversary date in each successive year until the assessment is paid in full. The interest rate shall be set at six percent (6%) per annum. The assessment may be paid in full without interest within thirty (30) days after the confirmation of the assessment roll is published.

A public hearing has been scheduled for 6:45 PM, June 20, 2016, in the Commissioners Hearing Room, Cumberland County Courthouse, 117 Dick Street, Fayetteville, NC, at which time the Board shall hear all interested persons with respect to the Preliminary Assessment Roll. A copy of the Assessment Roll is available for public inspection in the office of the Deputy Clerk to the Board of Commissioners.

Questions can be directed to the Public Utilities Division at 678-7682.

**Preliminary Assessment Roll**  
**Bullard Circle Water Extension Project**

| Parcel Number | Owner Name  | Owner Address                            | Situs Address    | Assessment Per Lot |
|---------------|---|--|------------------|--------------------|
| 0531-87-9127- | TIMOTHY & YEE SIMMONS                                 | 394 BULLARD CIR, FAYETTEVILLE, NC 28311  | 345 VANN ST      | \$ 2,701.22        |
| 0531-96-2991- | LOCAL 959 UNITED WORKERS ASSOC                        | 280 MCCLOSKEY RD, FAYETTEVILLE, NC 28311 | VANN ST          | \$ 2,701.22        |
| 0531-96-5464- | LOCAL 959 UNITED WORKERS ASSOC                        | 280 MCCLOSKEY RD, FAYETTEVILLE, NC 28311 | 280 MCCLOSKEY RD | \$ 2,701.22        |
| 0531-96-5856- | PAUL WILLIAMS   | 281 BULLARD CIR, FAYETTEVILLE, NC 28311  | VANN ST          | \$ 2,701.22        |
| 0531-96-7856- | PAUL & CYNTHIA WILLIAMS                               | 281 BULLARD CIR, FAYETTEVILLE, NC 28311  | VANN ST          | \$ 2,701.22        |
| 0531-96-9856- | PAUL WILLIAMS   | 281 BULLARD CIR, FAYETTEVILLE, NC 28311  | VANN ST          | \$ 2,701.22        |
| 0531-97-2290- | STEPHEN & CARLEEN JOYNER                              | 484 BULLARD CIR, FAYETTEVILLE, NC 28311  | 484 BULLARD CIR  | \$ 2,701.22        |
| 0531-97-2693- | BROADWELL LAND CO                                     | PO BOX 53587, FAYETTEVILLE, NC 28305     | N/A              | \$ 2,701.22        |
| 0531-97-3301- | GREAT SOUTHEASTERN PROPERTIES                         | PO BOX 58375, FAYETTEVILLE, NC 28305     | BULLARD CIR      | \$ 2,701.22        |
| 0531-97-3442- | BROADWELL LAND CO                                     | PO BOX 53587, FAYETTEVILLE, NC 28305     | BULLARD CIR      | \$ 2,701.22        |
| 0531-97-3767- | CATHOLIC SOCIAL MINISTRIES                            | 7200 STONEHENGE DR, RALEIGH NC 27613     | BULLARD CIR      | \$ 2,701.22        |
| 0531-97-5163- | PATRICIA STOVER                                       | 284 VANN ST, FAYETTEVILLE, NC 28311      | 284 VANN ST      | \$ 2,701.22        |
| 0531-97-5384- | JEFF & KATHY STAFFORD                                 | 465 BULLARD CIR, FAYETTEVILLE, NC 28311  | 465 BULLARD CIR  | \$ 2,701.22        |
| 0531-97-6670- | MELODY HANEY  | 713 DALMORE DR, FAYETTEVILLE, NC 28311   | BULLARD CIR      | \$ 2,701.22        |
| 0531-97-6786- | TIMOTHY & YEE SIMMONS                                 | 394 BULLARD CIR, FAYETTEVILLE, NC 28311  | BULLARD CIR      | \$ 2,701.22        |
| 0531-97-7113- | PATRICIA STOVER                                       | 284 VANN ST, FAYETTEVILLE, NC 28311      | VANN ST          | \$ 2,701.22        |
| 0531-97-7375- | LULA GROVER   | 3519 ROSEHILL RD, FAYETTEVILLE, NC 28311 | N/A              | \$ 2,701.22        |
| 0531-97-8631- | JENNIFER GATES  | 258 STONECOAL DR, FAYETTEVILLE, NC 28311 | 258 STONECOAL DR | \$ 2,701.22        |
| 0531-97-8832- | TIMOTHY & YEE SIMMONS                                 | 394 BULLARD CIR, FAYETTEVILLE, NC 28311  | 397 BULLARD CIR  | \$ 2,701.22        |
| 0531-97-9364- | JAMES & DONNA BRYSON                                  | 243 STONECOAL DR, FAYETTEVILLE, NC 28311 | 243 STONECOAL DR | \$ 2,701.22        |
| 0531-97-9631- | GERALD KINDER, DONALD KINDER & PATRICIA KINDER STOVER | 258 STONECOAL DR, FAYETTEVILLE, NC 28311 | N/A              | \$ 2,701.22        |
| 0531-98-1814- | BROADWELL LAND CO                                     | PO BOX 53587, FAYETTEVILLE, NC 28305     | N/A              | \$ 2,701.22        |
| 0531-98-5073- | SABRENA & GERALDINE WALKER                            | 101 NORWOOD ST, NEWARK, NJ 07106         | 408 BULLARD CIR  | \$ 2,701.22        |
| 0531-98-7100- | TIMOTHY & YEE SIMMONS                                 | 394 BULLARD CIR, FAYETTEVILLE, NC 28311  | N/A              | \$ 2,701.22        |
| 0531-98-7342- | MARY CURRY  | 1916 WILLIAMSON RD, FAIRMONT, NC 28340   | 6635 RAMSEY ST   | \$ 2,701.22        |
| 0531-98-9005- | TIMOTHY & YEE SIMMONS                                 | 394 BULLARD CIR, FAYETTEVILLE, NC 28311  | 394 BULLARD CIR  | \$ 2,701.22        |
| 0541-05-6993- | PRAMUKH ENTERPRISES LLC ATTN: MEENA DAVE              | 350 PINE ST, LILLINGTON, NC 27546        | RAMSEY ST        | \$ 2,701.22        |
| 0541-06-1377- | KEITH MILLIKEN  | 181 BULLARD CIR, FAYETTEVILLE, NC 28311  | 181 BULLARD CIR  | \$ 2,701.22        |
| 0541-06-1549- | KENNETH & JOVANI REAVES                               | 398 N MAINT ST, MILTOWN, NJ 08850        | BULLARD CIR      | \$ 2,701.22        |
| 0541-06-1750- | GWENDOLYN ANDERSON                                    | 215 BULLARD CIR, FAYETTEVILLE, NC 28311  | 215 BULLARD CIR  | \$ 2,701.22        |
| 0541-06-1850- | MARGARETE JOHNSON C/O MARGARETE K. MORLEY             | 213 W 2ND AVE, RED SPRINGS, NC 28377     | 225 BULLARD CIR  | \$ 2,701.22        |
| 0541-06-1951- | GARY SHAVER   | 237 BULLARD CIR, FAYETTEVILLE, NC 28311  | 237 BULLARD CIR  | \$ 2,701.22        |
| 0541-06-3019- | DANNY AVERITT   | 155 BULLARD CIR, FAYETTEVILLE, NC 28311  | 155 BULLARD CIR  | \$ 2,701.22        |
| 0541-06-3267- | THOMAS COPPEDGE                                       | 173 BULLARD CIR, FAYETTEVILLE, NC 28311  | 173 BULLARD CIR  | \$ 2,701.22        |
| 0541-06-3594- | KENNETH NETTLES, JR.                                  | 200 BULLARD CIR, FAYETTEVILLE, NC 28311  | 200 BULLARD CIR  | \$ 2,701.22        |
| 0541-06-4432- | JERRY & JOYCE TUBERVILLE                              | 6257 CHURCH ST, FAYETTEVILLE, NC 28311   | 186 BULLARD CIR  | \$ 2,701.22        |
| 0541-06-4605- | ROBERT & MARY JO ANDERSON                             | 511 ARGYLL RD, FAYETTEVILLE, NC 28303    | 210 BULLARD CIR  | \$ 2,701.22        |

**Preliminary Assessment Roll  
Bullard Circle Water Extension Project**

| Parcel Number | Owner Name  | Owner Address                                 | Situs Address         | Assessment Per Lot |
|---------------|---|---|-----------------------|--------------------|
| 0541-06-4726- | TAMMY BURNETTE WOLFE                                  | 215 RESOLUTION DR, YORKTOWN, VA 23692         | 220 BULLARD CIR       | \$ 2,701.22        |
| 0541-06-4846- | MARK GATES  | 8784 COATS RD, LINDEN, NC 28356               | BULLARD CIR           | \$ 2,701.22        |
| 0541-06-4936- | CRAIG & NORA MACDONALD                                | 240 BULLARD CIR, FAYETTEVILLE, NC 28311       | 240 BULLARD CIR       | \$ 2,701.22        |
| 0541-07-0641- | GERALD KINDER, DONALD KINDER & PATRICIA KINDER STOVER | 258 STONECOAL DR, FAYETTEVILLE, NC 28311      | N/A                   | \$ 2,701.22        |
| 0541-07-0830- | LAURA GUTIERREZ                                       | 367 BULLARD CIR, FAYETTEVILLE, NC 28311       | 367 BULLARD CIR       | \$ 2,701.22        |
| 0541-07-1152- | HOSEA & ALEETA WILLIAMS                               | 259 BULLARD CIR, FAYETTEVILLE, NC 28311       | 259 BULLARD CIR       | \$ 2,701.22        |
| 0541-07-1266- | WILLIAM ADAMS   | 4405 CLIFTON DR, HOPE MILLS, NC 28348         | 271 BULLARD CIR       | \$ 2,701.22        |
| 0541-07-1367- | PAUL & CYNTHIA WILLIAMS                               | 281 BULLARD CIR, FAYETTEVILLE, NC 28311       | 281 BULLARD CIR       | \$ 2,701.22        |
| 0541-07-1598- | CHRISTOPHER MOORE                                     | 9803 FRANKLIN AVE, LANHOM, MD 20706           | BULLARD CIR           | \$ 2,701.22        |
| 0541-07-2723- | NORWEST BANK MINNESOTA TRUSTEE C/O JAMES C. BLUE      | 9803 FRANKLIN AVE, LANHOM, MD 20706           | 325 BULLARD CIR       | \$ 2,701.22        |
| 0541-07-2833- | DAVID & PATRICIA MULLINS                              | 8825 RAMSEY ST, LINDEN, NC 28356              | 645 BULLARD CIR       | \$ 2,701.22        |
| 0541-07-4016- | DAVID & PATRICIA MULLINS                              | 8825 RAMSEY ST, LINDEN, NC 28356              | N/A                   | \$ 2,701.22        |
| 0541-07-4116- | GLENN & HELEN BRINSON                                 | 260 BULLARD CIR, FAYETTEVILLE, NC 28311       | 260 BULLARD CIR       | \$ 2,701.22        |
| 0541-07-4236- | CONNIE C. HAYES                                       | 14 FOXFIRE TRCE, OAK ISLAND, NC 28465         | BULLARD CIR           | \$ 2,701.22        |
| 0541-07-4317- | DAVID & MARIE NEWTON                                  | 710 EMELINE AVE, FAYETTEVILLE, NC 28303       | BULLARD CIR           | \$ 2,701.22        |
| 0541-07-4449- | WILLIAM & MARTHA BENFIELD TRUSTEES                    | 308 BULLARD CIR, FAYETTEVILLE, NC 28311       | 308 BULLARD CIR       | \$ 2,701.22        |
| 0541-07-4660- | JAMES STEWART TRUSTEE                                 | 316 BULLARD CIR, FAYETTEVILLE, NC 28311       | 316 BULLARD CIR       | \$ 2,701.22        |
| 0541-07-4960- | LEON & MELODY BROWN                                   | 4560 RUSTIC HAVEN, FAYETTEVILLE, NC 28311     | BULLARD CIR           | \$ 2,701.22        |
| 0541-07-5841- | JERRY & GENNIE ENNIS                                  | 215 DIAMOND POINT TRL, FAYETTEVILLE, NC 28311 | 215 DIAMOND POINT TRL | \$ 2,701.22        |
| 0541-07-7613- | DAVID & MARIE NEWTON                                  | 710 EMELINE AVE, FAYETTEVILLE, NC 28303       | DIAMOND POINT TRL     | \$ 2,701.22        |
| 0541-08-0096- | TIMOTHY & YEE SIMMONS                                 | 394 BULLARD CIR, FAYETTEVILLE, NC 28311       | 644 BULLARD CIR       | \$ 2,701.22        |
| 0541-08-2008- | GEORGE MICHAEL DOUGLAS                                | 360 BULLARD CIR, FAYETTEVILLE, NC 28311       | 360 BULLARD CIR       | \$ 2,701.22        |
| 0541-08-2190- | DOROTHY DANIEL  | 340 BULLARD CIR, FAYETTEVILLE, NC 28311       | 647 BULLARD CIR       | \$ 2,701.22        |
| 0541-08-3097- | DOROTHY DANIEL  | 340 BULLARD CIR, FAYETTEVILLE, NC 28311       | 340 BULLARD CIR       | \$ 2,701.22        |

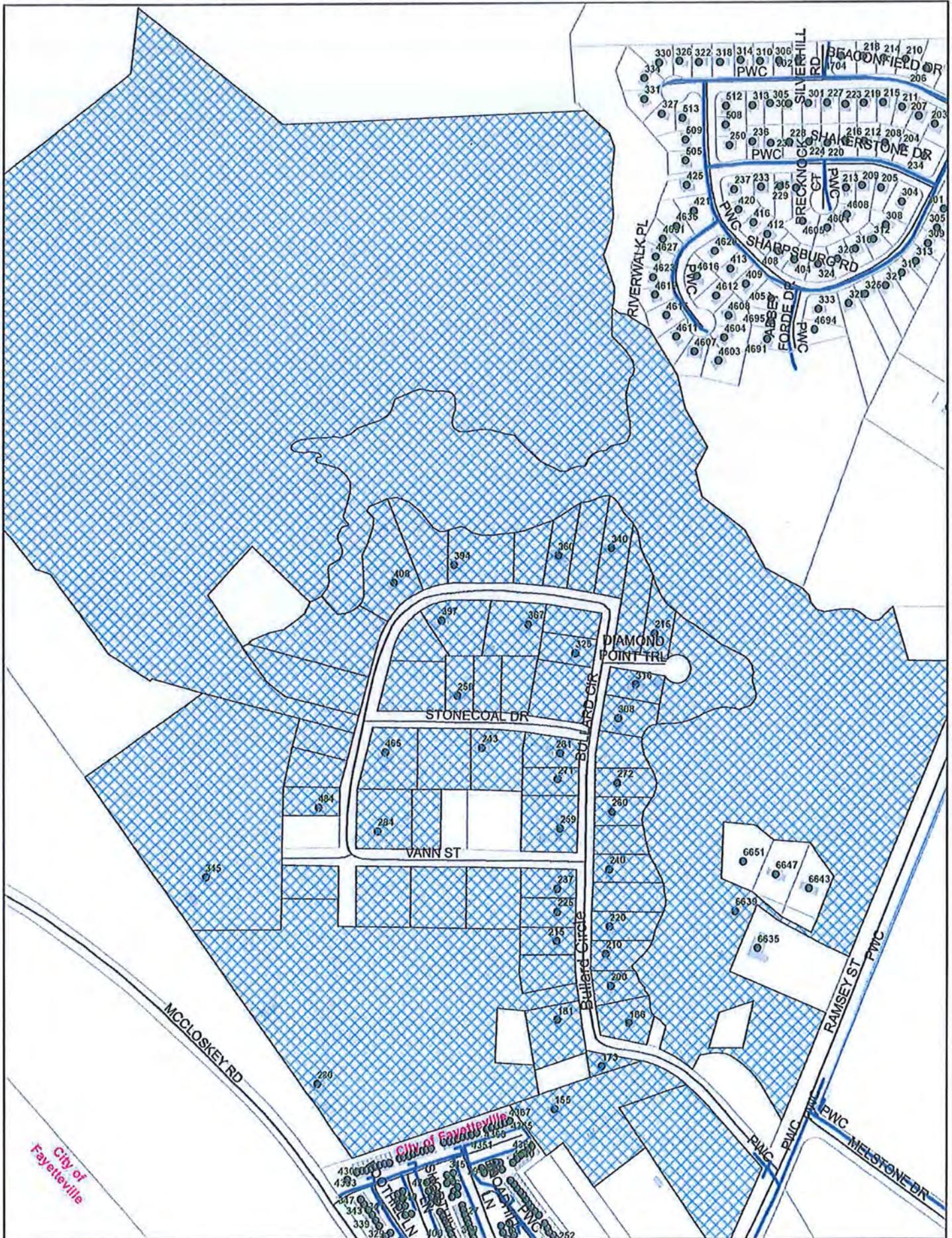
Basis for Assessment: Equal rate per lot in the project area.

Terms of Payment: The assessment will be payable in fifteen (15) annual installments and the first installment with interest will be due sixty (60) days after the date that the assessment roll is confirmed. One installment with interest is due on the anniversary date in each successive year until the assessment is paid in full. The interest rate shall be set at six percent (6%) per annum. The assessment may be paid in full without interest anytime up to thirty (30) days after the confirmation of the assessment roll is published.

Public Hearing Date and Time: June 20, 2016 at 6:45 pm

Public Hearing Location: Commissioners Hearing Room, New Courthouse, 117 Dick Street, Fayetteville, NC

# Parcels for the Bullard Circle Preliminary Assessment Roll





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

**ENGINEERING & INFRASTRUCTURE DEPARTMENT**

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

**Bullard Circle Water Extension Project**

I, Amy Hall, Cumberland County Public Utilities Administrative Program Officer, hereby certify that a copy of the Notice of Public Hearing for the Preliminary Assessment Roll for the Bullard Circle Water Extension Project was mailed out on June 3, 2016, by first-class mail to each of the sixty-one (61) property owners, as shown on the county tax records, listed on the roll. I further certify that the Notice of Public Hearing was published on June 8, 2016 in the Fayetteville Observer, a newspaper of general circulation in Cumberland County, stating that the preliminary assessment roll was completed and that a public hearing on it will be held at 6:45pm on June 20, 2016, as required by G.S. 153A-191.

Amy Hall  
Administrative Program Officer  
Cumberland County Public Utilities

Date

Rpt Dt: Friday 06/03/2016  
Pickup Record # : 110

COUNTY OF CUMBERLAND

13:53 Page : 1

POS USPS ORIGIN 28301

| Dept.<br>Code | Dept. Name | Carr | SR | #Pcs | AllCarrC | Date |
|---------------|------------|------|----|------|----------|------|
|---------------|------------|------|----|------|----------|------|

|      |                          |    |  |    |        |          |
|------|--------------------------|----|--|----|--------|----------|
| PS71 | PRESORT PUB UTILITIE POS | 1L |  | 61 | 27.572 | 06/03/16 |
|------|--------------------------|----|--|----|--------|----------|

=====  
61 27.572  
=====



# Postings

Fayetteville Observer Classifieds

[MY ORDERS](#) | [PROFILE SUMMARY](#) | [LOG OUT](#)

Order Confirmation

Your selected Ad Category is:  
Legals

[Post Another Ad](#)

Order Confirmation Number:

0004734827

Ad Type:

CL Legal Line

Number of Lines:

53 d

Ad Run Schedule(s):

(note: click the plus buttons to see individual publication dates)

 1 day(s) starting 6/8/2016 in FO

 1 day(s) starting 6/8/2016 in OL

Total Price:

\$237.44

Ad Preview

**NOTICE OF PUBLIC HEARING  
PRELIMINARY ASSESSMENT ROLL  
BULLARD CIRCLE WATER EXTENSION  
PROJECT**

The Cumberland County Board of Commissioners at the May 16, 2016 meeting received notice that the preliminary assessment roll has been completed and set a public hearing date for June 20, 2016 to confirm the assessment roll for the Bullard Circle Water Extension Project to provide public water to the Bullard Circle area.

This project included the installation of approximately 5,414 linear feet of water mains to serve 61 parcels within the Bullard Circle area as shown on the attached map.

The proposed assessment will be \$2,701.22 per lot. The proposed basis of assessment will be at an equal rate per lot in the project area. The percentage of cost to be assessed is fifty percent (50%) of the total engineering, construction and administrative costs against the benefited properties in this special assessment project and the County and PWC shall pay the remaining fifty percent (50%). The terms of payment will be payable in fifteen (15) annual installments and the first installment with interest will be due sixty (60) days after the date that the assessment roll is confirmed. One installment is due on the anniversary date in each successive year until the assessment is paid in full. The interest rate shall be set at six percent (6%) per annum. The assessment may be paid in full without interest within thirty (30) days after the confirmation of the assessment roll is published.

A public hearing has been scheduled for 6:45 PM, June 20, 2016, in the Commissioners Hearing Room, Cumberland County Courthouse, 117 Dick Street, Fayetteville, NC, at which time the Board shall hear all interested persons with respect to the Preliminary Assessment Roll. A copy of the Assessment Roll is available for public inspection in the office of the Deputy Clerk to the Board of Commissioners.

Questions can be directed to the Public Utilities Division at 678-7682.

[Post Another Ad](#)



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

4

FINANCE OFFICE

4<sup>th</sup> Floor, Room No. 451, Courthouse • PO Box 1829 • Fayetteville, North Carolina 28302-1829  
(910) 678-7753 • Fax (910) 323-6120

**MEMO FOR THE AGENDA OF THE JUNE 20, 2016  
MEETING OF THE BOARD OF COMMISSIONERS**

**TO: BOARD OF COMMISSIONERS**

**FROM: VICKI EVANS, FINANCE DIRECTOR** 

**DATE: JUNE 15, 2016**

**SUBJECT: RESOLUTION AUTHORIZING REALLOCATION OF THE  
COUNTY'S QUALIFIED ENERGY CONSERVATION BOND  
ALLOCATION TO THE STATE OF NORTH CAROLINA**

**BACKGROUND**

This item was presented by County Manager, Amy Cannon at the June 2, 2016 Finance Committee meeting. The item was tabled so more information could be obtained.

Conflicting information in the original memorandum to the finance committee (shown in italics below) has now been addressed. Mary Nash Rusher, bond counsel has since sent a revised resolution that now incorporates several concerns that were addressed during discussion on June 2. The updated resolution is attached.

The North Carolina Agricultural Finance Authority has established a Green Community Program to promote energy conservation, energy efficiency and environmental conservation on agricultural land and in agriculture related industries. This program makes loans to support qualified conservation projects across the state.

Duplin County is working on one such project. NC Southeast Regional Economic Development Partnership is requesting the allocation of qualified energy conservation funds from neighboring counties be transferred to the Duplin County project as part of regional support for that project.

Cumberland County has no eligible projects identified. While there is currently no sunset on the funds, any outstanding allocation is at risk if there is a change in administration at the federal level. *At the project level, Mary Nash Rusher, Bond Counsel, will hold all resolutions until the project is funded. If the project is not funded, the collective resolutions will be destroyed. This will insure that the funds allocated for Cumberland County will remain earmarked for Cumberland County should the Duplin County project not go forward.*

**RECOMMENDATION/PROPOSED ACTION**

Approve the updated resolution authorizing reallocation of the County's Qualified Energy Conservation Bond Allocation amount of \$1,199,996 to the State, and requests the State to transfer such Cumberland QECB Allocation to the Authority to be used in its Green Community Program to finance the Qualifying Project located in the Region; and that as a condition to its transfer of the Cumberland QECB Allocation to the State, the Cumberland QECB Allocation will be reallocated back to the County in the event that it is not used by the Authority in its Green Community Program for the Qualifying Project located in the Region; and that the officers of the County are hereby authorized and directed to take such action and file such reports and notices as may be required to carry out this resolution.

BOARD OF COMMISSIONERS  
OF THE COUNTY OF CUMBERLAND

Excerpt of Minutes  
of Meeting on  
June 20, 2016

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

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

\* \* \* \* \*

The following resolution was discussed and its title was read:

RESOLUTION AUTHORIZING REALLOCATION OF THE  
COUNTY'S QUALIFIED ENERGY CONSERVATION BOND  
ALLOCATION TO THE STATE OF NORTH CAROLINA

WHEREAS, Section 54D of the Internal Revenue Code of 1986, as amended (the "Code") authorizes the issuance of qualified energy conservations bonds ("QECBs") to finance a wide range of renewable energy and energy conservation facilities, all as described in the Code ("Qualified Conservation Purposes"); and

WHEREAS, under the American Recovery and Reinvestment Act of 2009 ("ARRA") the total amount of QECBs authorized was increased to \$3.2 billion, which was then allocated to each state based on population; and

WHEREAS, the State of North Carolina (the "State") received \$95,677,000 in QECB allocation, which was then reallocated by the North Carolina Tax Reform Allocation Committee ("TRAC") in accordance with Section 54D of the Code and IRS Notice 2009-29 to "large local governments" (i.e. cities and counties with more than 100,000 in population); and

WHEREAS, Cumberland County (the "County") qualifies as a "large local government," and as part of the reallocation process, the County received from TRAC \$1,199,996 in QECB allocation (the "Cumberland Allocation"); and

WHEREAS, the County does not anticipate using its QECB allocation for a Qualified Conservation Purpose at this time; and

WHEREAS, the County understands that the North Carolina Agricultural Finance Authority (the "Authority") has established a Green Community Program to promote energy conservation, energy efficiency and environmental conservation on agricultural land and in

agriculture related industries, which makes loans to finance Qualified Conservation Purposes across the State; and

WHEREAS, the County has been requested to reallocate the Cumberland QECB allocation to the State so that the State may in turn transfer the Cumberland QECB Allocation to the Authority for the Authority to use in its Green Community Program to provide a portion of the financing for energy conservation and efficiency projects, including renewable energy projects, which qualify for funding through the Green Community Program; and

WHEREAS, the County understands that the Authority intends to finance renewable natural gas projects involving anaerobic digestion of swine waste project for Optima KV, LLC (or an affiliate thereof) (the "Qualifying Project") through the Green Community Program, which will be located within Duplin County, which is within the sixteen (16) county region comprising the North Carolina Southeast Regional Economic Development Partnership (the "Region"); and

WHEREAS, it is expected that the Cumberland QECB Allocation will be used to finance the Qualifying Project within eighteen months after TRAC makes its allocation to the Authority; and

WHEREAS, in the event that the Authority does not use the Cumberland QECB Allocation for the Qualifying Project, the County requires that the Cumberland QECB Allocation be reallocated back to the County;

**NOW THEREFORE BE IT RESOLVED**, by the Cumberland County Board of Commissioners, that the County hereby reallocates the Cumberland QECB Allocation to the State, and requests the State to transfer such Cumberland QECB Allocation to the Authority to be used in its Green Community Program to finance the Qualifying Project located in the Region; and

**FURTHER RESOLVED**, that as a condition to its transfer of the Cumberland QECB Allocation to the State, the Cumberland QECB Allocation will be reallocated back to the County in the event that it is not used by the Authority in its Green Community Program for the Qualifying Project located in the Region; and

**FURTHER RESOLVED**, that the officers of the County are hereby authorized and directed to take such action and file such reports and notices as may be required to carry out this resolution.

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

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

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

Not Voting: \_\_\_\_\_

\* \* \* \* \*

I, Candice White, Clerk to the Board of Commissioners for Cumberland County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners for the County at a regular meeting duly called and held June \_\_, 2016, as it relates in any way to the resolution hereinabove set forth. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Board of Commissioners for the County is on file in my office.

WITNESS my hand and the common seal of the County, this \_\_\_ day of June, 2016.

---

Clerk to the Board of Commissioners  
Cumberland County, North Carolina

(SEAL)

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. 5

OFFICE OF THE COUNTY MANAGER

**MEMO FOR THE AGENDA OF THE JUNE 20, 2016**  
**BOARD OF COMMISSIONERS' MEETING**

**TO:** BOARD OF COUNTY COMMISSIONERS

**FROM:** W. TRACY JACKSON, ASST. COUNTY MANAGER 

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

**DATE:** JUNE 14, 2016

**SUBJECT:** CONSIDERATION OF A JOINT RESOLUTION BETWEEN CUMBERLAND COUNTY AND THE CITY OF FAYETTEVILLE IN SUPPORT OF A CONSOLIDATED 9-1-1 COMMUNICATIONS CENTER

**BACKGROUND**

On May 24, 2016, the Joint City-County Liaison Committee agreed in principle to recommend each respective governing body support the concept of a consolidated 9-1-1 communications center. It is believed that combining the City's and the County's 9-1-1 centers will lead to better 9-1-1 services for citizens and user agencies alike. This conclusion was reached after a feasibility study by Mission Critical Partners identified potential benefits for consolidation as far as operations, technology and facilities were concerned.

Included with this memo is a joint resolution calling for the formation of a committee that will be charged with exploring the creation of a consolidated 9-1-1 communications center. Forming this committee is the next step in the collaboration between the City and County regarding this project. The City of Fayetteville will consider this joint resolution at its June 27, 2016 meeting.

**RECOMMENDATION/PROPOSED ACTION:**

Staff recommends approval of the joint resolution in support of a consolidated 9-1-1 Communications Center between Cumberland County and the City of Fayetteville.

**A JOINT RESOLUTION IN SUPPORT OF  
CONTINUED COLLABORATION ON THE DEVELOPMENT OF  
A JOINT 911 AND EMERGENCY OPERATIONS CENTER**

**WHEREAS**, the City of Fayetteville (“CITY”) and Cumberland County (“County”) jointly contracted with Mission Critical Partners (“MCP”) to complete a Needs Assessment and Feasibility Study (“Study”); and

**WHEREAS**, the Study, presented to joint City/County Committee Meeting on February 25, 2016, found that:

- Existing facilities do not meet current safety and survivability standards for this kind of critical operation and;
- Consolidation of the two existing 9-1-1 centers offers the following potential advantages:
  - Improved efficiency;
  - Improved situational awareness and information flow;
  - Reduced maintenance cost; and
  - Enhanced ability to address the demands of new Next Generation 911 standards.
- **WHEREAS**, the Study also recommended the establishment of an Executive Steering Committee consisting of a membership that reflects the partnership between the City and County including representation from executive-level staff, legal, finance, procurement, and facilities, as well as representation from the public safety community.

**WHEREAS**, Fort Bragg Garrison Command has expressed an interest in exploring consolidation of their existing 911 Public Safety Answering Point (“PSAP”) with the City and County;

**WHEREAS**, the joint City/County Committee considered this initiative on May 24, 2016, and recommended that an Executive Steering Committee be formed to consider consolidation of 911 PSAP operations;

**NOW, THEREFORE, BE IT RESOLVED** that the Cumberland County Board of Commissioners and the Fayetteville City Council hereby jointly support the development of a proposed joint 911 and emergency operations center project and authorize the Cumberland County Board Chair and Fayetteville City Mayor to appoint representatives from their respective boards to an Executive Steering Committee.

### **Executive Steering Committee:**

Membership: The Committee shall consist of at least one representative from the Board of Commissioners and one from the Council and include representation from executive-level staff, legal, finance, procurement, and facilities, as well as representation from the public safety community. The initial Committee of two elected officials will work with staff to develop and propose Committee bylaws including recommended membership, to the full policy bodies for adoption.

### Duties:

The Executive Steering Committee would be responsible for the following:

- Oversight of strategic goals and any strategy modifications
- Reviewing recommendations for facility design and location, including issues and risks
- Monitoring achievement of major program milestones
- Directing resources to accomplish goals
- Providing leadership and support for the consolidation initiative
- Supporting the project and project components by communicating the vision and working to reduce barriers and mitigating risk
- Facilitating jurisdictional and interdepartmental collaboration
- Providing issue resolution across agencies
- Reviewing and approving the overall procurement strategy
- Managing fiscal and political issues
- Ensuring the availability of funds, and
- Reporting to progress to the governing bodies regularly.

**BE IT FURTHER RESOLVED** that staff is authorized and directed, hereby, to assist the Committee in fulfilling its responsibilities.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**, on this, the \_\_\_ day of \_\_\_\_\_, 2016; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CITY OF FAYETTEVILLE

\_\_\_\_\_  
NAT ROBERTSON, Mayor

ATTEST:

\_\_\_\_\_  
PAMELA J. MEGILL, City Clerk

**PASSED AND APPROVED BY THE COUNTY OF CUMBERLAND, NORTH CAROLINA**, on this, the \_\_\_ day of \_\_\_\_\_, 2016; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

CUMBERLAND COUNTY

\_\_\_\_\_  
W. MARSHALL FAIRCLOTH, Chair

ATTEST:

\_\_\_\_\_  
CANDICE H. WHITE, County Clerk

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. \_\_\_\_\_

6

**MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA**  
**JUNE 20, 2016**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: KELLIE BEAM, DEPUTY CLERK TO THE BOARD KB**

**DATE: JUNE 15, 2016**

**SUBJECT: CUMBERLAND COUNTY BOARD/COMMISSION NOMINATIONS**

**BACKGROUND**

At this time, there are no nominations scheduled for your June 20, 2016 meeting.

**RECOMMENDATION/PROPOSED ACTION**

For information only.

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. \_\_\_\_\_

7A

June 15, 2016

June 20, 2016 Agenda Item

TO: Board of Commissioners  
FROM: Kellie Beam, Deputy Clerk to the Board *KB*  
SUBJECT: ABC Board Appointment

BACKGROUND: On June 6, 2016, the Board of Commissioners nominated the following individuals to fill two (2) vacancies on the ABC Board:

**Bob Lewis** (reappointment)

**Frances Jackson** (new appointment)

I have attached the current membership list for this board.

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

Attachment

pc: David Horne, ABC Board General Manager

## ABC BOARD

## 3 Year Term

| <u>Name/Address</u>  | <u>Date Appointed</u> | <u>Term</u>          | <u>Expires</u>     | <u>Eligible For Reappointment</u> |
|--|-----------------------|----------------------|--------------------|-----------------------------------|
| A. Johnson Chestnutt (W/M)<br>578 Milden Road<br>Fayetteville, NC 28314<br>484-6365/323-1040 (W) | 6/14                  | 2nd                  | June/17<br>6/30/17 | No                                |
| Wade Hardin (I/M)<br>1701 Ft. Bragg Road<br>Fayetteville, NC 28303<br>483-7129/486-0334          | 6/15                  | 2nd                  | June/18<br>6/30/18 | No                                |
| Bob Lewis (W/M)<br>3011 Bankhead Drive<br>Fayetteville, NC 28306<br>426-6999                     | 6/13                  | 1 <sup>st</sup> full | June/16<br>6/30/16 | Yes                               |
| *serving unexpired term; eligible for one additional three-year term*                            |                       |                      |                    |                                   |
| Alice Stephenson<br>464 Kingsford Road<br>Fayetteville, NC 28314<br>864-2062/483-5009(W)         | 6/13                  | 2nd                  | June/16<br>6/30/16 | No                                |
| Terri Thomas (B/F)<br>508 Spaulding Street<br>Fayetteville, NC 28301<br>485-4765/483-2719 (W)    | 6/14                  | 2nd                  | June/17<br>6/30/17 | No                                |

Commissioner Liaison: Commissioner Jeannette Council

Regular Meetings: 2nd Monday of the month at 6:00 PM in the conference room at the ABC office at 1705 Owen Drive, Fayetteville, NC 28304.

Contact: ABC Board Director David Horne  
PO Box 64957  
Fayetteville, NC 28306  
484-8167  
carolyn.parker@cumberlandabc.com

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. 7B

June 15, 2016

June 20, 2016 Agenda Item

TO: Board of Commissioners  
FROM: Kellie Beam, Deputy Clerk to the Board *KB*  
SUBJECT: Fayetteville Technical Community College Board of Trustees

BACKGROUND: At their meeting on June 6, 2016, the Board of Commissioners nominated the following individual to fill one (1) vacancy on the Fayetteville Technical Community College Board of Trustees:

**Charles Harrell** (new appointment)

I have attached the current membership list for this board.

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

Attachment

pc: Dr. J. Larry Keen, FTCC President

FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE  
BOARD OF TRUSTEES  
(County Appointees)  
4 Year Terms

| <u>Name/Address</u>  | <u>Date Appointed</u> | <u>Term</u> | <u>Expires</u>     | <u>Eligible For Reappointment</u> |
|--|-----------------------|-------------|--------------------|-----------------------------------|
| Dr. Marye Jeffries (B/F)<br>6895 Fox Run Road<br>Linden, NC 28356<br>822-4042                    | 6/14                  | 2nd         | June/18<br>6/30/18 | No                                |
| Dr. Linwood Powell (W/M)<br>6032 Iverleigh Circle<br>Fayetteville, NC 28311<br>488-1616/273-7178 | 6/15                  | 1st         | June/19<br>6/30/19 | Yes                               |
| David McCune Sr. (W/M)<br>4801 Research Drive<br>Fayetteville, NC 28306<br>476-2976/424-2978 (W) | 6/12                  | 2nd         | June/16<br>6/30/16 | No                                |
| Sheryl Lewis (W/F)<br>3011 Bankhead Drive<br>Fayetteville, NC 28306<br>426-6999                  | 6/13                  | 2nd         | June/17<br>6/30/17 | No                                |

§ 155D-12(b1) – No person who has been employed full time by the community college within the prior five (5) years and no spouse or child of a person currently employed full time by the community college shall serve on the board of trustees of that college. (See file.)

Contact person: Dr. J. Larry Keen, President  
PO Box 35236  
Fayetteville, NC 28303  
Phone: 678-8222  
Fax: 678-8269

Meetings: Board has been meeting the 3rd Monday of each month at 12:45 pm – Tony Rand Student Center Board Room. No meetings in July or December. (Bylaws require one meeting per month.)  
Written notification is sent for all regularly-called meetings.

\* Terms extended by the General Assembly.

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. \_\_\_\_\_

7C

June 15, 2016

**June 20, 2016 Agenda Item**

TO: Board of Commissioners  
FROM: Kellie Beam, Deputy Clerk to the Board **KB**  
SUBJECT: Joint Planning Board

BACKGROUND: On June 6, 2016, the Board of Commissioners nominated the following three individuals to fill **two (2) vacancies** on the Joint Planning Board:

**Appoint Two (2) Individuals:**  
Dr. Vikki Andrews (reappointment)  
Lori Epler (new appointment)  
Paul Johnson (new appointment)

I have attached the current membership list for this board.

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

Attachment

pc: Tom Lloyd, Planning/Inspections Director

JOINT PLANNING BOARD  
4 Year Term  
(Representing the County)

**Bylaws specify that term of office shall be from July 1st until June 30th of the following year.**

| Name/Address  | <u>Date</u><br>Appointed | Term | Expires            | <u>Eligible For</u><br>Reappointment |
|---|--------------------------|------|--------------------|--------------------------------------|
| Diane Wheatley (W/F)<br>9774 Ramsey Street<br>Linden, NC 28356<br>980-0338/728-7126           | 6/13                     | 1st  | June/17<br>6/30/17 | Yes                                  |
| J. Carl Manning (B/M)<br>328 Kimberwicke Drive<br>Fayetteville, NC 28311<br>818-9810/436-2426 | 6/13                     | 1st  | June/17<br>6/30/17 | Yes                                  |
| Dr. Vikki Andrews (B/F)<br>2913 Beringer Drive<br>Fayetteville, NC 28306<br>964-5828          | 6/12                     | 1st  | June/16<br>6/30/16 | Yes                                  |
| Walter L. Clark (W/M)<br>1124 Pony Drive<br>Hope Mills, NC 28348<br>485-2228                  | 6/12                     | 2nd  | June/16<br>6/30/16 | No                                   |

Meetings: 1<sup>st</sup> and 3<sup>rd</sup> Tuesday - 7:00 PM – Historic Cumberland County Courthouse, 130 Gillespie Street,  
Second Floor Hearing Room

Contact: Laverne Howard, County Planning Department, 678-7610

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. \_\_\_\_\_

7D

June 15, 2016

**June 20, 2016 Agenda Item**

TO: Board of Commissioners  
FROM: Kellie Beam, Deputy Clerk to the Board *KB*  
SUBJECT: Joint Senior Citizens Advisory Commission

BACKGROUND: At their June 6, 2016 meeting, the Board of Commissioners nominated the following individual to fill one (1) vacancy on the Joint Senior Citizens Advisory Commission.

**Meagan Honaker** (new appointment)

I have attached the current membership list for this commission.

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

Attachment

pc: Mary Galyean, Senior Programs Supervisor

SENIOR CITIZENS ADVISORY COMMISSION  
 (Joint Fayetteville/Cumberland County)  
 2 Year Term  
 (County Appointees)

| <u>Name/Address</u>  | <u>Date<br/>Appointed</u> | <u>Term</u>               | <u>Expires</u>     | <u>Eligible For<br/>Reappointment</u> |
|--|---------------------------|---------------------------|--------------------|---------------------------------------|
| Naomi Ruffin<br>2019 Spruce St.<br>Fayetteville, NC 28303<br>910-486-6442          | 6/15                      | 2nd                       | June/17<br>6/30/17 | No                                    |
| Carey D. Berg<br>PO Box 87326<br>Fayetteville, NC 28304<br>425-9754/568-7742       | 9/15                      | 1st                       | Sept/17<br>9/30/17 | Yes                                   |
| Edna Cogdell<br>734 Ashburton Drive<br>Fayetteville, NC 28301<br>488-4582/624-4558 | 10/15                     | 2nd                       | Oct/17<br>10/31/17 | No                                    |
| Willie F. Wright<br>196 Darrock Ct<br>Fayetteville, NC 28311<br>822-6415/868-8351  | 12/15                     | 1 <sup>st</sup> full term | Dec/17<br>12/31/17 | Yes                                   |
| (serving unexpired term; eligible for one additional term)                         |                           |                           |                    |                                       |
| Patricia Fairley<br>4818 Arbor Road<br>Fayetteville, NC 28311<br>488-8187/850-4649 | 9/15                      | 1st                       | Sept/17<br>9/30/17 | Yes                                   |
| Augusta Newman<br>450 Bladen Circle<br>Fayetteville, NC 28312<br>709-8344/555-5555 | 6/16                      | 1st                       | Jun/18<br>6/30/18  | Yes                                   |
| <b>VACANT</b> (Vacated by D. Palmer)   | 8/13                      | 2 <sup>nd</sup>           | Aug/15<br>8/31/15  | No                                    |

Contact: Mary Galyean– Senior Citizens Center Director – Phone: 433-1574  
 (Interoffice – Parks and Recreation)

Regular Meetings: 2nd Tuesday of each month at 2:30 PM  
 LaFayette Room – City Hall

---

---

**GRAY'S CREEK WATER & SEWER DISTRICT GOVERNING BOARD AGENDA  
CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
COURTHOUSE – ROOM 118  
JUNE 20, 2016  
6:45 PM**

---

---

1. Consent Agenda
  - A. Approval of minutes for the June 6, 2011 regular meeting.
  - B. Approval of Rate Structure for the Southpoint Subdivision.

**ADJOURN THE MEETING OF THE GRAY'S CREEK WATER & SEWER DISTRICT GOVERNING BOARD.**

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



ITEM NO. 1B

**CUMBERLAND  
COUNTY**  
NORTH CAROLINA

**ENGINEERING & INFRASTRUCTURE DEPARTMENT**

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

**MEMORANDUM FOR GRAY'S CREEK WATER AND SEWER DISTRICT GOVERNING  
BOARD AGENDA OF JUNE 20, 2016**

**TO: BOARD OF COUNTY COMMISSIONERS**

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

**THROUGH: MELISSA CARDINALI, ASSISTANT COUNTY MANAGER**

**DATE: JUNE 14, 2016**

**SUBJECT: CONSIDERATION OF APPROVAL OF THE RATE  
STRUCTURE FOR SOUTHPOINT IN THE GRAY'S  
CREEK WATER AND SEWER DISTRICT**

**BACKGROUND:**

In recent months the Public Utilities Division has had an increase in the amount of utility accounts that are past due. The Public Utilities Division mails out several letters to customers and then eventually we take the customer to Small Claims Court, in an attempt to get the customer to pay their bill. This process is lengthy and costly and the Public Utilities Division does not recoup any fees. We are requesting to have a processing fee and administrative filing fee added to the amount owed by the customer to help recoup the cost, as well as, stop the same customers from continuing to be late without any consequences. The processing fee would cover the preparing, printing and mailing of the collections letters and the administrative filing fee would cover the preparation of the Small Claims documents.

The Public Utilities Division is also requesting to add a \$25.00 disconnect fee to the rate structure for Southpoint, to cover the cost of disconnecting customers from the water system who have not paid their bill for usage.

The current rate structure for Southpoint includes a construction phase tap fee rate and a future services tap fee rate that needs to be removed from the rate structure to avoid confusion from customers that want to connect to the system and have not paid a tap fee. The rate structure does have the cost for extending a water lateral and main extension.

Southpoint Rate Changes:

Add Processing Fee per Collection of \$30.00

Add Administrative Filing Fee per Collection of \$100.00

Add Disconnect Fee of \$25.00

Remove Construction Phase Tap Fee Rate

Remove Future Services Tap Fee Rate

This item was presented and approved by the Finance Committee on June 2<sup>nd</sup>.

**RECOMMENDATION/PROPOSED ACTION:**

The Engineering and Infrastructure Director, County Management and the Finance Committee recommend that the Gray's Creek Water and Sewer District Governing Board approve the rate structure for Southpoint.

# Southpoint Water Rate Schedule

## AVAILABILITY FEE

Availability Fee – Non-connected customers \$12.00  
(As referenced in the Cumberland County Water & Sewer Ordinance)

## WATER RATE SCHEDULE

### RESIDENTIAL RATE

|                          | <u>MONTHLY CHARGE</u>     |
|--------------------------|---------------------------|
| First 2,000 Gallons      | \$22.00 Minimum           |
| Next 4,000 Gallons       | \$11.00 per 1,000 Gallons |
| Next 2,000 Gallons       | \$12.00 per 1,000 Gallons |
| Next 2,000 Gallons       | \$13.00 per 1,000 Gallons |
| Next 40,000 Gallons      | \$14.00 per 1,000 Gallons |
| Next 50,000 Gallons      | \$15.00 per 1,000 Gallons |
| All Over 100,000 Gallons | \$16.00 per 1,000 Gallons |

### COMMERCIAL RATE

|                            | <u>MONTHLY CHARGE</u>     |
|----------------------------|---------------------------|
| User Fee:                  | \$33.50                   |
| First 50,000 Gallons:      | \$13.00 per 1,000 Gallons |
| Next 50,000 Gallons:       | \$14.00 per 1,000 Gallons |
| Next 900,000 Gallons:      | \$15.00 per 1,000 Gallons |
| All Over 1,000,000 Gallons | \$16.00 per 1,000 Gallons |

## OTHER FEES

|  |          |
|--|----------|
| Late Penalty   | \$10.00  |
| Processing Fee per Collection Action   | \$30.00  |
| Administrative Filing Fee per Collection Action  | \$100.00 |
| Activation/Transfer Fee<br>(One-time fee for creating new account or<br>Transferring service to another location)        | \$20.00  |
| Reconnect Fee- Business hours<br>(Administrative charge to re-establish service after<br>discontinuance for non-payment) | \$25.00  |
| Disconnect Fee<br>(Administrative charge to discontinue service for<br>non-payment)                                      | \$25.00  |
| After-Hours Reconnect Fee<br>(Available until 9:00 pm)   | \$75.00  |
| Special Meter Reading<br>(Performed at request of customer;<br>no charge if initial reading was over-read)               | \$10.00  |

## Southpoint Water Rate Schedule

|  |   |
|--|---|
| Meter Verification Fee<br>(Meter removed and taken to testing facility;<br>performed at written request of customer;<br>no charge if meter over-registers by more than 5%) | \$50.00   |
| Flow Test  | \$50.00   |
| *Returned Check Fee  | \$25.00<br>+ Amount of check - CASH, MONEY ORDER OR<br>CERTIFIED CHECK ONLY |

### **TAP FEE SCHEDULE**

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

##### (1) Water Laterals

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

##### (2) Main Extension Charges:

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

---

---

**NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD AGENDA  
CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
COURTHOUSE – ROOM 118  
JUNE 20, 2016  
6:45 PM**

---

---

1. Consent Agenda
  - A. Approval of minutes for the May 18, 2015 regular meeting.
  - B. Approval of Bid Award for NORCRESS Sewer System Cleaning.
  - C. Memorandum of Understanding Between NORCRESS and the Towns of Falcon, Godwin and Wade.
  - D. Approval of the Rate Structure for NORCRESS Water & Sewer District.

**ADJOURN THE MEETING OF THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD.**

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



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

1B

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

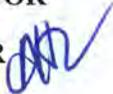
**ENGINEERING & INFRASTRUCTURE DEPARTMENT**

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

**MEMORANDUM FOR NORCRESS GOVERNING BOARD AGENDA OF JUNE 20, 2016**

**TO: BOARD OF COUNTY COMMISSIONERS**

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

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

**DATE: JUNE 14, 2016**

**SUBJECT: APPROVAL OF BID AWARD TO HYDROSTRUCTURES FOR  
CLEANING AND CCTV INSPECTION OF NORCRESS SANITARY  
SEWER LINES**

**BACKGROUND:**

Informal bids were received on May 10, 2016 for cleaning and CCTV inspection of sanitary sewer lines within the NORCRESS Water and Sewer District. The State requires that sanitary sewer lines be inspected periodically to ensure that there are no pipe defects that would allow inflow or infiltration of stormwater or groundwater into the sanitary sewer system. This type of detailed inspection is not covered in the operation and maintenance agreement that the County has with PWC.

The County received bids from two separate companies; Hydrostructures out of Pittsboro and Porter Scientific, Inc. out of Pembroke. The County received bid pricing based on the total length of pipe for the various sized pipe within the NORCRESS system. Hydrostructures submitted the most competitive pricing. Prices submitted by each company have been attached. Funding was budgeted in the current fiscal year for this project. It is recommended that a contract be awarded to Hydrostructures in the amount not to exceed \$200,000. NORCRESS Advisory Board was aware that the County was bidding this project.

This was presented and approved by the Facilities Committee on June 2<sup>nd</sup>.

**RECOMMENDATION/PROPOSED ACTION:**

The Engineering and Infrastructure Director, County Management and the Facilities Committee recommend that the Board of Commissioners approve awarding a contract to Hydrostructures in the amount not to exceed \$200,000 for the cleaning and CCTV inspections of sewer lines in the NORCRESS district.

# Hydrostructures

## BID PROPOSAL CLEANING OF SANITARY SEWER PIPE

| Pipe Size | Linear Footage | Cost per Linear Foot<br>(Light Cleaning) |              | Cost per Linear Foot<br>(Heavy Cleaning) |              |
|-----------|----------------|--|--------------|--|--------------|
|           |                | Accessible                               | Inaccessible | Accessible                               | Inaccessible |
| 3"        | 4,083          | \$ 6.00*                                 | \$ 7.00*     | \$ N/B                                   | \$ N/B       |
| 6"        | 28,476         | \$ 1.70                                  | \$ 1.80      | \$ 2.00                                  | \$ 2.40      |
| 8"        | 74,194         | \$ 1.50                                  | \$ 1.80      | \$ 2.00                                  | \$ 2.40      |
| 10"       | 43,430         | \$ 1.75                                  | \$ 2.00      | \$ 2.20                                  | \$ 2.60      |
| 12"       | 27,153         | \$ 1.80                                  | \$ 2.30      | \$ 2.30                                  | \$ 2.90      |
| 15"       | 6,402          | \$ 2.5                                   | \$ 3.00      | \$ 3.30                                  | \$ 3.60      |
| 16"       | 164            | \$ 2.50                                  | \$ 3.00      | \$ 3.30                                  | \$ 3.60      |

### NOTES:

Light Cleaning: Up to three (3) passes w/Jetter

Heaving Cleaning: More than three (3) passes and/or use of root cutter

3" size considered with use of push camera accessible by cleanout or with a lateral launch camera from Main.

\* Standard CCTV equipment will not fit in a 3" pipe

\* Cleaning only as necessary for CCTV inspecting

Porter Scientific

**BID PROPOSAL  
CLEANING OF SANITARY SEWER PIPE**

| <u>Pipe<br/>Size</u> | <u>Linear<br/>Footage</u> | <u>Cost per Linear Foot<br/>(Light Cleaning)</u> |                     | <u>Cost per Linear Foot<br/>(Heavy Cleaning)</u> |                     |
|----------------------|---------------------------|--|---------------------|--|---------------------|
|                      |                           | <u>Accessible</u>                                | <u>Inaccessible</u> | <u>Accessible</u>                                | <u>Inaccessible</u> |
| 3"                   | 4,083                     | <u>\$ 2.25</u>                                   | <u>\$ 2.48</u>      | <u>\$ 2.63</u>                                   | <u>\$ 2.89</u>      |
| 6"                   | 28,476                    | <u>\$ 2.25</u>                                   | <u>\$ 2.48</u>      | <u>\$ 2.63</u>                                   | <u>\$ 2.89</u>      |
| 8"                   | 74,194                    | <u>\$ 2.25</u>                                   | <u>\$ 2.48</u>      | <u>\$ 2.63</u>                                   | <u>\$ 2.89</u>      |
| 10"                  | 43,430                    | <u>\$ 2.36</u>                                   | <u>\$ 2.60</u>      | <u>\$ 2.76</u>                                   | <u>\$ 3.04</u>      |
| 12"                  | 27,153                    | <u>\$ 2.36</u>                                   | <u>\$ 2.60</u>      | <u>\$ 2.76</u>                                   | <u>\$ 3.04</u>      |
| 15"                  | 6,402                     | <u>\$ 2.48</u>                                   | <u>\$ 2.72</u>      | <u>\$ 2.89</u>                                   | <u>\$ 3.18</u>      |
| 16"                  | 164                       | <u>\$ 2.48</u>                                   | <u>\$ 2.72</u>      | <u>\$ 2.89</u>                                   | <u>\$ 3.18</u>      |



ITEM NO. 10

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

**ENGINEERING & INFRASTRUCTURE DEPARTMENT**

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

**MEMORANDUM FOR NORCRESS GOVERNING BOARD AGENDA OF JUNE 20, 2016**

**TO: BOARD OF COUNTY COMMISSIONERS**

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

**THROUGH: MELISSA CARDINALI, ASSISTANT COUNTY MANAGER**

**DATE: JUNE 14, 2016**

**SUBJECT: CONSIDERATION OF APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN NORCRESS AND THE TOWNS OF FALCON, GODWIN AND WADE**

**BACKGROUND:**

In recent months the Public Utilities Division has taken several NORCRESS customers to Small Claims court to seek judgment for nonpayment of their account. There is a fee for taking the customer to court that the Magistrate can state the customer will need to reimburse to the County as part of the customer's judgment. The NORCRESS customers are making payments on their judgments to the individual Towns that they receive the sewer bill from and the Towns have not been collecting the court costs to reimburse the County. This Memorandum of Understanding (MOU) between the Towns and NORCRESS will clarify the procedure for collecting the fees and submitting them to NORCRESS for reimbursement.

The NORCRESS Advisory Board approved the above mentioned Memorandum of Understanding at their meeting held on March 29, 2016. This item was presented and approved at the June 2<sup>nd</sup> Finance Committee.

**RECOMMENDATION/PROPOSED ACTION:**

The Engineering and Infrastructure Director, the NORCRESS Advisory Board, County Management and the Finance Committee recommend that the NORCRESS Governing Board approve the Memo of Understanding between NORCRESS and the Towns of Falcon, Godwin and Wade.

## Memorandum of Understanding

Between

Town of Falcon, Town of Godwin, Town of Wade

and

NORCRESS Governed by County of Cumberland

This Memorandum of Understanding (MOU) sets forth the terms and understanding between the Town of Falcon, Town of Godwin, Town of Wade (hereinafter referred to as Towns) and NORCRESS Governed by County of Cumberland (hereinafter referred to as NORCRESS) to bill the delinquent sewer accounts according to the rates established by the governing board.

### **Background**

The Towns have agreed to bill the sanitary sewer customers for the availability/debt service fee and the sewer usage to the customers in and around their towns for the NORCRESS system, since the sewer system started accepting connections in late 2005.

### **Purpose**

This MOU will serve as the framework for cooperation between the Towns and NORCRESS to prevent delinquent accounts from further escalating and the possibility of rate increases system wide to cover losses.

The above goals will be accomplished by undertaking the following activities:

NORCRESS will continue to do the collection letters, Small Claims Actions and NC Debt Set-off.

Towns will add the processing fees, administrative filing fees, disconnect, reconnect and court costs to the accounts and collect the fees on behalf of NORCRESS. Towns will keep five percent (5%) of the processing and administrative filing fees to help off-set their time and cost for collecting such fees.

### **Duration**

This MOU is at-will and may be modified by mutual consent of authorized officials from the Towns or NORCRESS. This MOU shall become effective upon signature by the authorized

officials from the Towns or NORCRESS and will remain in effect until modified or terminated by any one of the partners by mutual consent.

**Contact Information**

Town of Falcon  
Clifton Turpin, Jr  
Mayor  
P.O. Box 112  
Falcon, NC 28342  
910-980-1355

Town of Godwin  
Willie Burnette  
Mayor  
P.O. Box 10  
Godwin, NC 28344  
910-980-1000

Town of Wade  
Joseph Dixon  
Mayor  
P.O. Box 127  
Wade, NC 28395  
910-485-3502

NORCRESS Governed by County of Cumberland  
Marshall Faircloth  
Chairman  
P.O. Box 1829  
Fayetteville, NC 28302  
910-678-7771

\_\_\_\_\_ Date: \_\_\_\_\_  
Clifton Turpin, Jr  
Mayor, Town of Falcon

\_\_\_\_\_ Date: \_\_\_\_\_  
Willie Burnette  
Mayor, Town of Godwin

\_\_\_\_\_ Date: \_\_\_\_\_  
Joseph Dixon  
Mayor, Town of Wade

\_\_\_\_\_ Date: \_\_\_\_\_  
Marshall Faircloth  
Chairman  
NORCRESS Governed by County of Cumberland



ITEM NO. 1D

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

**ENGINEERING & INFRASTRUCTURE DEPARTMENT**

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

**MEMORANDUM FOR NORCRESS GOVERNING BOARD AGENDA OF JUNE 20, 2016**

**TO: BOARD OF COUNTY COMMISSIONERS**

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

**THROUGH: MELISSA CARDINALI, ASSISTANT COUNTY MANAGER**

**DATE: JUNE 14, 2016**

**SUBJECT: CONSIDERATION OF APPROVAL OF THE RATE  
STRUCTURE FOR NORCRESS WATER AND SEWER  
DISTRICT**

**BACKGROUND:**

In recent months the Public Utilities Division has had an increase in the amount of utility accounts that are past due. The Public Utilities Division mails out several letters to customers and then eventually takes the customer to Small Claims Court, in an attempt to get the customer to pay their bill. This process is lengthy and costly and the Public Utilities Division does not recoup any fees.

We are requesting to have a processing fee and administrative filing fee added to the amount owed by the customer to help recoup the cost, as well as, stop the same customers from continuing to be late without any consequences. Currently the customers do not pay any additional fees to NORCRESS for being delinquent. The processing fee would cover the preparing, printing and mailing of the collections letters and the administrative filing fee would cover the preparation of the Small Claims documents.

The Public Utilities Division is also requesting to change the fee for the installation of an elder valve to actual cost of installation plus ten percent (10%) instead of the current \$1,000.00 that is stated in the rate structure for NORCRESS. The current rate does not cover any unforeseen issues that may occur during installation of the valve. PWC installs the elder valves at the County's request and then in turn invoices the County for the cost of installation. The cost of installation varies dependent on the depth of the sewer line, soil conditions, location of the elder valve, etc. Once the elder valve is installed and the customer brings their account up to date and service is restored, there remains a

possibility of the customer becoming delinquent in the future. If that occurs, the customer will be disconnected from the system. Therefore, the Public Utilities Division is requesting to add a \$25.00 disconnect fee to the rate structure for NORCRESS to recover costs associated with this disconnection.

The current rate structure for NORCRESS does not have a commercial sanitary sewer rate for zero usage for commercial properties. Currently the rate structure is based off of the usage for the debt service and lift station maintenance fee. The Public Utilities Division is requesting to add a Zero Usage Debt Charge of \$9.65 and a Zero Usage Lift Station Maintenance Fee of \$2.00. This rate is the same amount that is charged to a residential customer that pays for debt service.

NORCRESS Rate Changes:

- Add Processing Fee per Collection of \$30.00
- Add Administrative Filing Fee per Collection of \$100.00
- Change Elder Valve installation cost from \$1000.00 to Actual Cost plus 10%
- Add Disconnect Fee of \$25.00
- Add Zero Usage Debt Charge Fee of \$9.65
- Add Zero Usage Lift Station Maintenance Fee of \$2.00

The NORCRESS Advisory Board approved the above mentioned rate changes at their meeting held on March 29, 2016. This item was presented and approved by the Finance Committee on June 2<sup>nd</sup>.

**RECOMMENDATION/PROPOSED ACTION:**

The Engineering and Infrastructure Director, the NORCRESS Advisory Board, County Management and the Finance Committee recommend that the NORCRESS Governing Board approve the rate structure for NORCRESS.

# NORCRESS Sanitary Sewer Rate Schedule

## MONTHLY RATE

The monthly rate shall be the sum of the Usage Charge, Debt Charge and the Basic Facilities Charges.

### RESIDENTIAL SANITARY SEWER RATE SCHEDULE

|  |                     |
|--|---------------------|
| Usage Charge<br>(Usage Charges per 1,000 gallons = 1 MGAL) | \$6.50 per MGAL     |
| Debt Charge  | \$9.65 per customer |

#### Basic Facilities Charges:

| <u>Meter Size:</u> | <u>NORCRESS</u> | <u>Local Town Fee</u> | <u>Lift Station<br/>Maintenance Fee</u> |
|--------------------|-----------------|-----------------------|---|
| 5/8"               | \$1.58          | \$1.75                | \$2.00                                  |
| 3/4"               | \$1.58          | \$1.75                | \$2.00                                  |
| 1"                 | \$2.26          | \$1.75                | \$2.00                                  |
| 1 1/2"             | \$3.20          | \$1.75                | \$2.00                                  |
| 2"                 | \$5.78          | \$1.75                | \$2.00                                  |
| 3"                 | \$9.89          | \$1.98                | \$2.00                                  |
| 4"                 | \$15.59         | \$2.83                | \$2.00                                  |
| 6"                 | \$29.70         | \$4.95                | \$2.00                                  |
| 8"                 | \$46.70         | \$7.50                | \$2.00                                  |

### COMMERCIAL SANITARY SEWER RATE SCHEDULE

|              |                 |
|--------------|-----------------|
| Usage Charge | \$7.00 per MGAL |
| Debt Charge  | \$1.00 per MGAL |

#### Basic Facilities Charges:

| <u>Meter Size:</u> | <u>NORCRESS</u> | <u>Local Town Fee</u> | <u>Lift Station<br/>Maintenance Fee</u> |
|--------------------|-----------------|-----------------------|---|
| 3/4"               | \$1.58          | \$1.75                | \$1.00 per MGAL                         |
| 1"                 | \$2.26          | \$1.75                | \$1.00 per MGAL                         |
| 1 1/2"             | \$3.20          | \$1.75                | \$1.00 per MGAL                         |
| 2"                 | \$5.78          | \$1.75                | \$1.00 per MGAL                         |
| 3"                 | \$9.89          | \$1.98                | \$1.00 per MGAL                         |
| 4"                 | \$15.59         | \$2.83                | \$1.00 per MGAL                         |
| 6"                 | \$29.70         | \$4.95                | \$1.00 per MGAL                         |
| 8"                 | \$46.70         | \$7.50                | \$1.00 per MGAL                         |

# NORCRESS Sanitary Sewer Rate Schedule

## ZERO USAGE COMMERCIAL SANITARY SEWER RATE SCHEDULE

Debt Charge \$9.65 per customer

Basic Facilities Charges:

| <u>Meter Size:</u> | <u>NORCRESS</u> | <u>Local Town Fee</u> | <u>Lift Station<br/>Maintenance Fee</u> |
|--------------------|-----------------|-----------------------|---|
| ¾"                 | \$1.58          | \$1.75                | \$2.00                                  |
| 1"                 | \$2.26          | \$1.75                | \$2.00                                  |
| 1 ½"               | \$3.20          | \$1.75                | \$2.00                                  |
| 2"                 | \$5.78          | \$1.75                | \$2.00                                  |
| 3"                 | \$9.89          | \$1.98                | \$2.00                                  |
| 4"                 | \$15.59         | \$2.83                | \$2.00                                  |
| 6"                 | \$29.70         | \$4.95                | \$2.00                                  |
| 8"                 | \$46.70         | \$7.50                | \$2.00                                  |

### FLAT RATE SANITARY SEWER SERVICE

The monthly flat rate shall be the sum of the Flat Monthly Charge, Debt Charge and the Basic Facilities Charges.

Flat Monthly Charge \$31.42

#### OTHER FEES

Deposit \$100.00

Late Penalty \$10.00

Disconnect Fee \$25.00  
(Administrative charge to discontinue service for non-payment)

Reconnect Fee- Business hours \$25.00  
(Administrative charge to re-establish service after discontinuance for non-payment)

After-Hours Reconnect Fee \$75.00  
(Available until 9:00 pm)

\*Returned Check Fee \$25.00  
(Amount of check plus return fee - CASH, MONEY ORDER OR CERTIFIED CHECK ONLY)

Court Costs Actual

Elder Valve Actual plus 10%

Processing Fee per Collection Action \$30.00

Administrative Filing Fee per Collection Action \$100.00

# NORCRESS Sanitary Sewer Rate Schedule

## CONNECTION FEES AND CHARGES

1. Standard Tap Fee:

The Standard Tap Fee will be based on the customer's water meter size and will provide NORCRESS Water and Sewer District with funds for long-term system replacement and upgrade.

| <u>Size of Water Meter</u> | <u>Standard Tap Fee</u> |
|----------------------------|-------------------------|
| 5/8"                       | \$670.00                |
| 1"                         | \$1,670.00              |
| 1-1/2"                     | \$3,350.00              |
| 2"                         | \$5,360.00              |
| 3"                         | \$11,720.00             |
| 4"                         | \$20,100.00             |
| 6"                         | \$41,880.00             |
| 8"                         | \$60,310.00             |

2. Sewer Laterals:

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

3. Main Extension Charges:

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

4. Debt Charge:

A Debt Charge equaling the sum of the Availability Charges that would have been paid had the customer connected when the main was first available.

---

---

**OVERHILLS PARK WATER & SEWER DISTRICT GOVERNING BOARD AGENDA  
COURTHOUSE – ROOM 118**

**JUNE 20, 2016**

**6:45 PM**

---

---

1. Consent Agenda
  - A. Approval of minutes of October 19, 2015 special meeting.
  - B. Approval of Request to Continue Relationship with Bond Counsel, Hunton & Williams, on Overhills Park Water & Sewer District Project.
  - C. Consideration of Approval of a Resolution Authorizing the Filing of an Application and Findings Resolution for Overhills Park Water & Sewer District.

**ADJOURN THE MEETING OF THE OVERHILLS PARK WATER & SEWER DISTRICT GOVERNING BOARD.**

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

VICKI EVANS  
Finance Director



ROBERT TUCKER  
Accounting Supervisor

ITEM NO. 1B

FINANCE OFFICE

4<sup>th</sup> Floor, Room No. 451, Courthouse • PO Box 1829 • Fayetteville, North Carolina 28302-1829  
(910) 678-7753 • Fax (910) 323-6120

**MEMO FOR THE AGENDA OF THE JUNE 20, 2016  
MEETING OF THE OVERHILLS PARK WATER & SEWER DISTRICT  
GOVERNING BOARD**

**TO: BOARD OF OVERHILLS PARK WATER & SEWER DISTRICT**

**FROM: VICKI EVANS, FINANCE DIRECTOR** *VE*

**DATE: JUNE 15, 2016**

**SUBJECT: PROCEED WITH BOND COUNSEL, HUNTON & WILLIAMS, ON  
OVERHILLS PARK WATER & SEWER DISTRICT PROJECT**

**BACKGROUND**

This item was presented at the June 2, 2016 Finance Committee meeting.

In August 2014, Hunton & Williams began serving as bond counsel to the County for the Overhills Park Water & Sewer District for its upcoming issue of revenue bonds. Although the County plans to pursue a request for proposal (RFP) for bond counsel services, RFP selection is not scheduled to occur before Local Government Commission (LGC) approval of the project financing. LGC approval is expected to occur on August 2, 2016.

Therefore, the continuation with Hunton & Williams serving as bond counsel on this project is requested. In addition, staff with Hunton & Williams is familiar with this project and outside bond counsel representation has been strongly advised by the state office of Rural Development, United States Department of Agriculture.

**RECOMMENDATION/PROPOSED ACTION**

By majority vote, the Finance Committee approved Hunton & Williams as bond counsel to represent Cumberland County on the Overhills Park Water and Sewer District project. Consider the Finance Committee recommendation and approve Hunton & Williams as bond counsel on the Overhills Park Water & Sewer District project.

VICKI EVANS  
Finance Director



ROBERT TUCKER  
Accounting Supervisor

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

10

FINANCE OFFICE

4<sup>th</sup> Floor, Room No. 451, Courthouse • PO Box 1829 • Fayetteville, North Carolina 28302-1829  
(910) 678-7753 • Fax (910) 323-6120

**MEMO FOR THE AGENDA OF THE JUNE 20, 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:** JUNE 15, 2016

**SUBJECT:** ***PRELIMINARY* RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF REVENUE BONDS AND NOTED FOR THE OVERHILLS PARK WATER AND SEWER DISTRICT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTES CHAPTER 159, ARTICLE 5 AND MAKING CERTAIN FINDINGS REQUIRED BY SUCH ARTICLE**

**BACKGROUND**

The timeline of the financing of this project has been scheduled in a way that allows construction to begin in the early fall, with Local Government Commission approval expected to occur on August 2, 2016. Bids on the project were originally scheduled to be opened on June 7, 2016. At that time, an insufficient number of bids were received, therefore the project was re-bid. Friday, June 17 is the date scheduled for the bid opening.

In addition, the United States Department of Agriculture previously approved a loan amount of \$819,000. As a precautionary measure due to the unknown bid amount and the possibility the pre-approved amount may be exceeded, this resolution is contingent upon receipt of USDA approval of any additional loan amount.

In order to remain on track with the timeline, a *preliminary* resolution has been provided as an attachment. On Friday, after bid opening the actual dollar amount will be filled in and an updated memo and resolution will be emailed out to the Board.

**RECOMMENDATION/PROPOSED ACTION**

Approve the resolution authorizing the filing of an application for approval of revenue bonds as well as the findings required by G.S. 159-5.

BOARD OF COMMISSIONERS OF THE  
CUMBERLAND COUNTY, NORTH CAROLINA

ACTING AS THE GOVERNING BODY OF THE  
OVERHILLS PARK WATER AND SEWER DISTRICT

Excerpt of Minutes  
of Meeting of  
June 20, 2016

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

\* \* \* \* \*

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

\* \* \* \* \*

**RESOLUTION AUTHORIZING THE FILING OF AN  
APPLICATION FOR APPROVAL OF REVENUE BONDS  
AND NOTED FOR THE OVERHILLS PARK WATER AND  
SEWER DISTRICT AUTHORIZED BY NORTH  
CAROLINA GENERAL STATUTES CHAPTER 159,  
ARTICLE 5 AND MAKING CERTAIN FINDINGS  
REQUIRED BY SUCH ARTICLE**

**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”), intends to provide for the financing of the acquisition and construction of a new wastewater collection system in the District (the “Project”) by the issuance of revenue notes and bonds under the North Carolina Revenue Bond Act (Chapter 159, Article 5 of the General Statutes); and

**WHEREAS**, it is anticipated that the cost of the Project to be financed by debt will be up to approximately \$1,000,000, which may include issuance expenses in connection with the financing; and

**WHEREAS**, District has been identified for a loan from the United States Department of Agriculture (“USDA”) for such purpose in an amount of up to \$819,000 but bids for the project opened on June 17, 2016, indicate the amount needed will be \$ \_\_\_\_\_; and

**WHEREAS**, financing of the Project pursuant to the Revenue Bond Act must be approved by the North Carolina Local Government Commission (the “LGC”) and will only be approved if the findings of NCGS § 159-86 have been made;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners (the "Board") of the County, acting as the governing body of the District, as follows:

1. After consideration, the Board has determined that the most advantageous manner of financing the Project is by revenue bonds and notes pursuant to the Revenue Bond Act of the General Statutes of North Carolina, as amended. In support of thereof, the Board hereby makes the following findings of fact:

- a) The proposed financing is necessary or expedient because of the pressing need to acquire and construct the Project.
- b) The sums proposed to be provided under the financing are adequate and not excessive for the stated purposes of acquiring and constructing the Project.
- c) The Project is feasible.
- d) The District's debt management procedures and policies are good and have been carried out in strict compliance with law and will henceforth be so carried out.
- e) There will be no increase in taxes necessary to meet the sums to fall due under the proposed financing.

2. Pursuant to the Revenue Bond Act, the County, through its staff, on behalf the District, is hereby authorized to finance the Project by issuing bonds and notes.

3. The County Manager, the Assistant County Manager for Finance and other appropriate officers of the County are hereby authorized and directed to file an application with the LGC for its approval of the financing of the Project by the District in the amount of approximately \$\_\_\_\_\_, to move forward for the implementation of the Project, and sale of bonds to the United States of America, and the actions of the County Manager, the Assistant County Manager for Finance and other officers of the County in connection therewith are hereby approved and confirmed; provided such financing is contingent upon receipt of approval for a USDA loan for the Project of \$\_\_\_\_\_.

5. All other acts of the Board and the officers of the County on behalf of the District which are in conformity with the purposes and intent of this Resolution and in furtherance of the financing of the Project, to specifically include the NCDOT encroachment agreement executed by NCDOT and the County of Cumberland on July 14, 2015, are hereby ratified, approved and confirmed.

6. This resolution shall take effect immediately.

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

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

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

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

\* \* \* \* \*

I, \_\_\_\_\_, Clerk to the Board of Commissioners for Cumberland County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted by the Board of Commissioners of the County, acting as the governing body of the Overhills Park Water and Sewer District, at a regular meeting duly called and held on June 20, 2016, and that the proceedings of such meeting are recorded in the Minutes of said Board. Pursuant to NCGS § 143-318.12, a current copy of a schedule of regular meetings of the Board of Commissioners of the County is on file in my office.

WITNESS my hand and the official seal of the County this \_\_\_\_ day of June, 2016.

\_\_\_\_\_  
Candice H. White, Clerk  
Board of Commissioners  
County of Cumberland, North Carolina

(SEAL)

PRELIMINARY DRAFT