
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
SEPTEMBER 18, 2006
6:45 PM

INVOCATION - Commissioner Billy King, Chairman

PLEDGE OF ALLEGIANCE

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

Recognition of Retired County Employees:

David Ivey, Tax Administration – Mapping Division
Erastus Bain, Cumberland County Mental Health

Special Presentation:

2006 NCACC Ketner Awards – A prestigious award, administered by the NCACC, was presented to three Cumberland County employees at the recent NCACC Conference in Winston-Salem. Under the direction of Bobby Howard, Solid Waste Director, these employees – Jan Albert, Karen Hall, and David Matthews – exemplify innovative thinking and a focus on efficiency that made them winners with their initiative, “Turning Mulch Into Money.”

Special Recognition:

2006 Dixie Youth Baseball World Series Champions - Travis Sirios, Scott Simmons, Robert Novak, A.J. Brassard, Brandon Quick, Justin Quick, Matt Freeman, Anthony Luna, Benny Torres, Daniel Vega, Dillon Harless, Fred Carter, and Chad Oxendine.
Team Coaches: Jeff Morrow, Robert Novak, Kenny Oxendine

1. Consent Agenda
 - A. Approval of minutes of the September 5, 2006 regular meeting and the special meeting on September 5, 2006 with the Cumberland County Public Library System.

- B. Approval of Report and Recommendation of the Cumberland County Policy Committee:
 - 1) Subrecipient Request to Forgive Repayment of Community Development Funding Granted Through Public Facilities Program.
- C. Approval of Revised Flood Damage Prevention Ordinance and New Flood Insurance Rate Maps (FIRMs).
- D. Approval of Disposition of Property by Board of Education to City of Fayetteville to Finance and Construct Recreation Center at E.E. Miller Elementary School.
- E. Approval of Community Development Rental Rehabilitation Program Policy Revisions.
- F. Approval of Amendment to Community Development Urban County Cooperation Agreement for CDBG Program.
- G. Approval of Workforce Development Business Services Plan.
- H. Approval of a Resolution Declaring October 7, 2006 as “Big Sweep Day” in Cumberland County.
- I. Approval of a Proclamation Designating the Fourth Monday in September as “Family Day – A Day to Eat Dinner With Your Children” in Cumberland County.
- J. Budget Revisions:
 - (1) Library
 - a. Grants - Revision in the amount of \$17,529 to rebudget unexpended prior year grant funds. (B07-100) **Funding Source – Grant**
 - b. Revision in the amount of \$10,000 to appropriate designated maintenance & repair fund balance for replacement of the exterior stairs on the east side of the Headquarters Library. (B07-104) **Funding Source – Designated Maintenance & Repair Fund Balance Appropriated**

(2) Emergency 911

Revision in the amount of \$10,000 to appropriate fund balance for the purchase a Netclock device to synchronize time stamps for E911 equipment. (B07-099) **Funding Source – Emergency 911 Fund Balance Appropriated**

(3) Pre-Trial Release/General Government Other

Revision in the amount of \$845 to reallocate budgeted expenditures for the additional cost of four computers for the Pretrial Case Management program. (B07-102 and B07-102A) **Funding Source – Reallocation of Budgeted Expenditures**

(4) Senior Aides

Revisions to reallocate budgeted expenditures to consolidate Senior Aides into one organization (\$55,216), to increase revenue and expenditures for the restructuring of the Senior Service America Program (\$97,165), to budget in-kind revenue and expenditures and to increase administration fees charged from Workforce Development (\$8,096). (B07-103 thru B07-103B) **Funding Source – Reallocation of Budgeted Expenditures and Grant**

(5) General Government Other

Revision in the amount of \$2,179 to rebudget unexpended grant funds and to appropriate fund balance of \$242 for required County match. (B07-106) **Funding Source – Grant and Fund Balance Appropriated**

(6) NORCRESS

Revision in the amount of \$22,500 to reallocate budgeted expenditures to fund additional engineering services caused by delays in construction. Revision contingent on approval by the NORCRESS board. (B07-105)
Funding Source – Reallocation of Budgeted Expenditures

(7) Public Safety Other

Revision in the amount of \$2,264 to appropriate fund balance to increase the contract with the NC Forest Service for our 40% share of the \$321,408 combined budget. (B07-108) **Funding Source – fund Balance Appropriated**

(8) Inmate Welfare Fund

Revision in the amount of \$52,192 to appropriate fund balance to fund FY2006 end-of year expenditures. (B06-423) **Funding Source – Fund Balance Appropriated**

2. Public Hearings

- A. Community Development Department 2005 Consolidated Annual Performance Evaluation Report (CAPER).

Uncontested Cases

Rezoning

- B. Case P06-53. The rezoning of 5.53 acres from RR, R10, O&I(P) to C(P), or to a more restrictive zoning district, located on the north side of Clinton Road, east of Bladen Circle, owned by Lester G. Carter, Jr.
- C. Case P06-58. The rezoning of 2.02 acres from A1 to A1A, or to a more restrictive zoning district, at 4091 Hummingbird Place, owned by Abraham and Zoraida Guzman.
- D. Case P06-60. The rezoning of two parcels totaling 1.98 acres from R6A to C(P), or to a more restrictive zoning district, located on the southwest side of South Main Street, southeast of Red Maple Lane, owned by Charles T. Gardner.
- E. Case P06-61. The rezoning of seven parcels totaling 15.53 acres from R6 to C(P), or to a more restrictive zoning district, located on the south side of Andrews Road, west of Ramsey Street, owned by Clyde A. Culbreth, et. al.

Contested Cases

- F. Case P06-40. The rezoning of 13.19 acres from R10 to C(P), or to a more restrictive zoning district, at 6521 Ramsey Street, owned by James H. and Eva S. Singletary.
- G. Case P06-59. The rezoning of .92 acres from RR to R10, or to a more restrictive zoning district, located on the south side of Rockfish Road, west of Wipperwill Drive, owned by Douglas and Betty Meisenbach.

Other Public Hearings

H. Minimum Housing Code Enforcement

- | | | |
|-----|--------------------|---|
| (1) | Case Number: | MH 4690 and 4691-2005 |
| | Property Owner: | Mary Hills Troy |
| | Property Location: | 2014 and 2024 Memory Lane, Fayetteville, NC |
| | Parcel ID Number: | 0443-11-2170 |
| (2) | Case Number: | MH 4732-2006 |
| | Property Owner: | Margie Marie Wood Estate |
| | Property Location: | 4270 Hondo Street, Fayetteville, NC |
| | Parcel ID Number: | 0443-20-9213 |
| (3) | Case Number: | MH 4733-2006 |
| | Property Owner: | Margie Marie Wood Estate |
| | Property Location: | 2581 Sandhill Road, Fayetteville, NC |
| | Parcel ID Number: | 0443-20-9013 |
| (4) | Case Number: | MH 3998-2004 |
| | Property Owner: | Glenn W. and Vallie Bass |
| | Property Location: | 101 Euclid Street, Stedman, NC |
| | Parcel ID Number: | 0495-19-7863 |
| (5) | Case Number: | MH 4748-2006 |
| | Property Owner: | Jerome Scott and Robin Johnson |
| | Property Location: | 6229 Canadian Avenue, Hope Mills, NC |
| | Parcel ID Number: | 0442-66-9594 |
| (6) | Case Number: | MH 4749-2006 |
| | Property Owner: | Ernest L. Meshaw |
| | Property Location: | 5606 Ridgecrest Drive, Hope Mills, NC |
| | Parcel ID Number: | 0413-49-2205 |

Items of Business

3. Presentation of the Tourism Development Authority Annual Report by Billy Wellons, TDA Chairman.
4. Consideration of Approval of Farm Advisory Committee By-Laws – Voluntary Agricultural District Ordinance.
5. Nominations to Boards and Committees
 - A. Senior Citizens Advisory Board (8 Vacancies)
6. Appointments to Boards and Committees
 - A. Board of Adjustment (1 Vacancy)

Nominee: Steve Parsons
 - B. Southeastern Economic Development Commission (1 Vacancy)

Nominee: Jeannette Council

RECESS THE BOARD OF COMMISSIONERS' MEETING.

CONVENE THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD MEETING (SEE SEPARATE AGENDA) / ADJOURN

RECONVENE THE REGULAR BOARD OF COMMISSIONERS MEETING.

7. Closed Session:
 - A. Economic Development Matters Pursuant to NCGS 143-318.11(a)(4).
 - B. Personnel Matters Pursuant to NCGS 143-318.11(a)(6).
 - C. Attorney-Client Matter Pursuant to NCGS 143-318.11(a)(3).

ADJOURN

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

**MEETINGS: October 2, 2006 (Monday) - 9:00 AM
 October 16, 2006 (Monday) - 6:45 PM**

SEPTEMBER 18, 2006
BOARD OF COMMISSIONERS MEETING

PUBLIC COMMENT PERIOD – 6:45 – 7:00 PM
SPEAKER: MR. TONY McKINNON

SEE ATTACHMENT – PAGES 1-4



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

SPEAKER: MR. TONY McKINNON

American Postal Workers Union, AFL-CIO

Fayetteville Area Local #984 2606 Raeford Road Suite #11 Fayetteville, North Carolina 28303-5434

(910) 485-1182 Office

(910) 485-7909 Fax

I'm writing to alert you to the Fayetteville workforce reduction efforts planned by the United States Postal Service (USPS). These plans include removing a viable, productive and successful worksite from the Fayetteville area and relocating it to West Virginia, resulting in a permanent loss of both jobs and revenue for our local economy, for West Virginia's gain.

This facility is clearly a top performer, and a fiscal and social benefit to our community and state. The superior output and effort of our local workforce have demonstrated benefits to both the USPS and the local and state economy. With no personnel, location or financial reason for closing this Fayetteville federal facility, the motive appears to be political, resulting in an actual increase in costs to the American public, a possible disruption of service and a probable reduction in efficiency, in addition to the substantial loss to our local economy.

I hope to provide you with enough information in this letter to encourage you to fight for the continued existence of these jobs, and to give you the information you need to do so.

Key issues include:

- Salaries and benefits over \$7 million for FY06
- Salaries and benefits over \$8 million for FY05
- Job flexibility for military spouses - open 24 hours
- Federal job opportunity for prior military
- Fayetteville/Fort Bragg provide stable work force
- Higher wages than local and state average - \$12.43 + 7% night differential; 25% Sunday premium
- Career employees earn regular cost of living increase
- Training done by service makes jobs obtainable for all once selected
- Workforce is diverse in all categories: racial, ethnic, generational, and gender

REPRESENTING CLERKS • MAINTENANCE • VEHICLE MAINTENANCE

STEWARDS OFFICE: (910) 323-1172



- Many transitional employees employed by the site since 1995.
- 1997 - Fayetteville site ranked 38 out of 55 REC sites; currently ranked in Top 5 (#3 out of 12 in flats & return to sender mail; #1 out of 12 in letter processing)
- Obtained OSHA VPP star status in 2005 - one of only 2 such facilities in the nation to obtain status - 1" such facility to obtain STAR status on first try
- Employees are loyal, dedicated, and concerned
- Low injury and illness rate
- Potential for growth - one of key factors in past closings (ready workforce)
- Ability to hire - one of key factors in past closings
- Strong ability to hire due to military and colleges
- One of the major factors in retaining other RECs in the past was cost savings from community involvement (i.e. donation of land and building for facility)
- Local vendors and contractors used for all services (custodial, repairs, etc. to the tune of \$865,000 from October 2005 to date) added revenue for the county and state
- Potential for the hiring of 180-200 career employees could put up to 20 million dollars into the community in salaries and benefits and additional money in goods and services
- In most RECs that stay open, the transitional workers convert to full-time postal workers making up to \$48,000 per year at the top step; managers making up to \$85,000 per year.
- The Postal Service has acknowledged that the REC sites will be a permanent part of the Postal Service. The ten (10) sites left could be permanent.

The National APWU is in negotiations now and one of the items on the table is to convert all transitional jobs to full-time career because the REC concept will be permanently in place and the jobs should be permanent jobs. If agreed, the Fayetteville site could have upwards of 250 - 350 employees earning \$50,000 plus a year.

Remote Encoding Centers (RECs) have been tasked with achieving several standards during the twelve years they have been in existence. One of the first measures of performance was productivity, measured by Keystrokes per hour (KSPH). When it was determined that keystrokes per hour were not necessarily a fair method of measuring productivity, Images per hour (IPH) became the standard. All REC sites

were encouraged to "outperform" other RECs in that regard. Thus, the "competition" began.

With the first round of closings in 1999, the remaining RECs began to evaluate their operations, streamlining to become more competitive in the quest to stay open. The Fayetteville REC was no exception. When Tina Madkins arrived at the Fayetteville REC in 1997, they ranked #46 out of 55 RECs. There were opportunities available for improvement in many areas, and the plans were executed proficiently to turnaround the REC's performance. By July 2006, the Fayetteville REC consistently ranked in the top 5 out of 12 RECs. The overall performance was rock solid, and the Fayetteville REC was celebrated for its success.

One of the Fayetteville REC's most valuable resources remains its employees. Because of the military community and the neighboring colleges, the Fayetteville REC has a steady, well-trained workforce. The ability to hire has long been a concern for Remote Encoding Centers, but the Fayetteville REC has never had a problem maintaining a hiring register. From military spouses to college students to retired military, and everyone in between, the Fayetteville Remote Encoding Center presents an opportunity to earn a substantial income, working for a federal agency, while still maintaining some flexibility in one's schedule. Nearly one hundred "temporary" employees have been with the Fayetteville REC for over ten years, many others for over three years. Because of the stability of its workforce, even when seasonal hiring was done for Christmas processing, the Fayetteville REC was able to maintain its productivity and performance curve because of its veteran employees. The Fayetteville REC achieved new heights in other areas, as well. In November 2005, the site was selected as an OSHA VPP Star Site. This acknowledges the facility's cooperative effort with the local Union to provide a safe and healthful work environment for its employees. The Fayetteville REC was one of only 2 such facilities in the nation, and one of only a handful of awardees in the state - in all levels of government. The Fayetteville REC just celebrated this accomplishment with a recognition banquet in July.

The Fayetteville Remote Encoding Center has put nearly \$150 million into the Fayetteville community since its opening. With salary and benefits that are far above the local average, the facility has been regarded as a prime place to work. The wages for transitional employees has increased steadily over the years due to union-negotiated salary increases, as well as regular Cost of Living Allowances. The career employees have the added advantage of health benefits and Thrift Savings Plan, as well as holiday and vacation leave.

Although originally opened to process letter mail images, volume processed at the Fayetteville REC has expanded to include flat packages and return to sender mail, as well. Still, due to technological improvements in mail processing, the total volume processed by Fayetteville REC has diminished over the last five or six years.

Based solely on performance indicators, the Fayetteville REC would remain a viable facility, with excellent prospects for the long-term. Unfortunately, as the powers-


that-be reviewed similar facilities to determine which closures would enable the organization to become more financially solvent, the criteria shifted from performance-related indicators to other factors that were out of the control of the Fayetteville REC. One such factor was expansion capabilities. The Fayetteville REC was opened inside a small shopping center in the heart of the city. Its proximity to Fort Bragg makes it that much more marketable in soliciting applicants. The facility has been at near capacity for consoles for the last two years. Conference rooms and training areas were converted into keying space to demonstrate a willingness and ability to accommodate processing more volume. Still, with the Postal Service seeking to make Mega-RECs that are capable of employing several hundred employees and nearly one thousand consoles, the facility was at a disadvantage. Similarly, because the facility has such a small number of career employees, compared to the other RECs in the nation, the displacement factor would be lessened with the closure of the other RECs. The ability to place the career employees in surrounding facilities may have served as the final blow for the Fayetteville REC. The numbers for career complement were determined at a higher level than the local management. Similarly, the location for the facility was chosen long before the Fayetteville REC management was on board.

In short, all of the standards for measurement as delineated by the higher echelon of the organization were met and exceeded by the Fayetteville REC, so long as they were within the control of the local management. The only negative factors were those that were placed upon the facility without input from local Labor or the local management.

It would be horrible to see this facility close without a solid, and impartial, evaluation of the benefits of keeping it and expanding it. Clearly, we have a viable and productive facility, which should remain in Fayetteville under its successful management, as opposed to relocating it to West Virginia.

It is our hope that those in power will rethink the decision that was so surprisingly announced last month. With the assistance of our local, state, and national community leaders, and the commitment of the local labor union and its members, we intend to demonstrate that the Fayetteville REC should remain open. As the APWU fights to illustrate the need to convert all transitional employees in Remote Encoding Centers to career employees, we will also focus on the impact of this change in our local economy. That move alone could add upwards of \$3 or \$4 million annually. The Fayetteville Remote Encoding is certainly an asset to this community, and the closing of the facility could greatly affect Fayetteville and Cumberland County. With the support of our local, state and federal officials, I fully believe that we can be successful in proving that the Fayetteville REC should not be closed.

I remain available to assist you in any way.


Tony B. McKinnon Sr., President
Fayetteville Area Local #984
Vice President North Carolina Council APWU

ITEM NO. 1B (1)

COUNTY of CUMBERLAND

Community Development

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA
SEPTEMBER 18, 2006

TO: BOARD OF COUNTY COMMISSIONERS

THRU: JUANITA PILGRIM, DEPUTY COUNTY MANAGER

FROM: THANENA S. WILSON, COMMUNITY DEVELOPMENT DIRECTOR

DATE: AUGUST 31, 2006

SUBJECT: SUBRECIPIENT REQUEST TO FORGIVE REPAYMENT OF FUNDING GRANTED THROUGH PUBLIC FACILITIES PROGRAM

BACKGROUND

Community Development (CD) awarded Vision Resource Center (formerly Cape Fear Regional Center for the Blind) a public facilities grant in October 2000 to adequately equip a "teaching kitchen" for the visually impaired at their Bragg Boulevard site. The public facilities grant was \$11,471.91 for the purchase of appliances, utensils, as well as improvements to the building (i.e. cabinets, plumbing, electrical, etc.).

The Bragg Boulevard site was leased property. Vision Resource Center (VRC) assured CD that there were no plans to leave the site and that it was secure in the lease. Additionally, VRC contractually agreed to repay the grant funds in full if either the owner or VRC terminated the lease within five years after expiration of the contract (Attachment A). Federal regulations require that any property acquired or improved with CDBG funds in excess of \$25,000 continue to be used to meet a national objective for five years after the expiration of the subrecipient agreement. Although the funding amount was less than \$25,000, to protect the County's interest and use of public funds in improving a privately owned facility, we included this requirement in the contract with VRC. VRC terminated its lease on or about October 2003 and relocated the agency to its current location on Rowan Street; which triggered repayment of the grant (Attachment B).

Since the "teaching kitchen" program was available at the new site, VRC and CD agreed that the repayment would not include those items that could be transferred and used at the new facility. After inspection of the new location, CD staff determined that the value of the relocated items totaled \$1,303.04, leaving a balance due of \$10,168.93. Upon notification of this amount, VRC's Board and Executive Director requested that the amount be totally forgiven or that the agency be allowed to make payment arrangements. In an effort to resolve the issue, CD staff proposed giving VRC "credit" for the three years that they did use the "teaching kitchen" in the old facility (Attachment C). The pro-rata left a balance due of \$4,067.58 for the remaining two years to be repaid in equal installments over a six month period.

However, the organization maintains that it would place a financial hardship on it to have to repay the grant under any terms (in full or periodic payments). Financial information that CD requested, however, has never been provided. VRC is asking that the grant be totally forgiven (Attachment D). Staff realizes

that VRC relies on donations and government funding to support its programs, as do most nonprofit organizations. However, we are keenly aware that the decision made on this request would set a significant precedent for future requests like this.

RECOMMENDATION AND PROPOSED ACTION

Staff recommends that the Board of Commissioners follow the recommendation of the Policy Committee to 1) deny the request to waive repayment of the obligation, 2) request current financial statements from the Vision Resource Center, and 3) enter into a flexible re-payment schedule for the 12-month period beginning January 1, 2008, i.e., \$338.97 per month.

ATTACHMENT C
VISION PRORATION CALCULATION

Section A

Total Grant Funds Provided:	\$11,471.91
Less Value of Items Transferred to New Facility	<u>- \$ 1,303.04</u>
Subtotal Balance Due	\$10,168.93

Section B

Total Balance Due:	\$10,168.93
Divided by Continued Use Period (5 years)	<u>/ 5</u>
Total Per Year	\$2,033.79

Section C

Continued Use Period from Contract:	5 Years
Less # of Years Agency Remained At Original Site	<u>- 3 Years</u>
Years Remaining on Continued Use Period	2 Years

Yearly Total	\$2,033.79
Multiplied by Yrs Remaining	<u>x 2</u>
Pro-rated Balance Due	\$4,067.58

DRAFT

CUMBERLAND COUNTY POLICY COMMITTEE August 31, 2006 – 8:00 AM REGULAR MEETING

PRESENT: Commissioner Talmage Baggett
Commissioner Breeden Blackwell
Commissioner John T. Henley, Jr.
Commissioner Diane Wheatley
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Assistant County Manager
Amy Cannon, Assistant County Manager
Grainger Barrett, County Attorney
Sara VanderClute, Public Information Officer
Angie Cunningham, Print Shop Supervisor
Bob Stanger, County Engineer
Tom Cooney, Public Utilities Director
Thanena Wilson, Community Development Director
Howard Abner, Assistant Finance Director
Greg Caison, Storm Water Services Manager
Bob Bennett, Chairman of Storm Water Advisory Board
Dohn Broadwell, Jr., Storm Water Advisory Board
Dennis Gould, Storm Water Advisory Board
Ann Hymes, Deputy Clerk

Invocation: Commissioner Blackwell

1. Approval of Minutes: November 3, 2005

MOTION: Commissioner Blackwell moved to approve.
SECOND: Commissioner Baggett
VOTE: UNANIMOUS

The County Manager asked the committee to consider adding an item to the agenda. Camden Road is scheduled for right-of-way acquisition in FY 2007 and construction is scheduled to begin in FY 2009. As part of the planning process Department of the Transportation and the Metropolitan Planning Committee are considering that sidewalks be built on one side of the project. The total estimated cost of the project would be \$405,720. The county, state, City of Fayetteville and Town of Hope Mills would participate in the funding.

MOTION: Commissioner Henley moved that this item not be added to the agenda.
SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

2. Election of Chair

MOTION: Commissioner Blackwell moved to appoint Commissioner Baggett As Chairman.
SECOND: Commissioner Henley

VOTE: UNANIMOUS

3. Set Date for Regular Meeting

The Committee set the first Thursday of each month at 9:30 AM as its regular meeting date.

4. Discussion of Storm Water Advisory Board Drainage Concerns

Bob Bennett, Chairman of the Storm Water Advisory Board, provided a presentation on drainage concerns in the county, particularly the Lock's Creek/Sunnyside School Road area. The Storm Water Advisory Board recommends that an engineering study be made of the Lock's Creek drainage basin with the purpose of identifying improvements that would alleviate drainage problems in this area. The estimated cost of the study would be \$350,000. Commissioner Blackwell recently visited the area and agrees there are severe drainage problems. Funding for the study was discussed. Greg Caison said the money that had accumulated in the storm water fund balance had been used to fund maintenance activities. He said the study estimate is high because the drainage area is so large. Commissioner Baggett noted that it may be possible to obtain federal money through loans and grants but that would involve a bond referendum. Attorney Grainger Barrett said there are statutes that would allow the creation of a service district for purposes such as this. People in the service district would pay a higher tax that would be used solely for storm water improvements. County Manager, James Martin, noted that assessments might also be a financing option.

MOTION: Commissioner Henley moved to proceed with the development of a Request For Proposal for the Lock's Creek Drainage Study, determine what the cost will be and how to fund the study. The study should include the tributaries and canals that lead into Lock's Creek.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

5. Consider Approving Changes to County's Stationery, Business Cards and Other Printed Materials to Reflect our Community Branding Initiative as Led by the FACVB

James Martin stated that last year John Meroski, President of the Fayetteville Area Convention and Visitors Bureau, made a presentation to the Board of Commissioners on the patriotic theme being developed to market the community in a recognizable and consistent manner. The Board approved a consent agenda item indicating the support of the consistent theme captured in the phrase, *History, Heroes and A Hometown Feeling*. Angie Cunningham and Sara VanderClute have developed sample designs that would keep the county's stationary, etc. consistent with the theme. Several ideas to include crossing the county and American flag, or replacing the flag with the county seal, were discussed.

MOTION: Commissioner Blackwell moved that Ms. Cunningham and Ms. VanderClute make modifications to the designs and bring the different versions back to the Policy Committee.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

6. Discussion of Request for "No Thru Truck" Signs on Joy Drive in Vander

Commissioner Baggett said that he spoke with Gary Burton, Department of Transportation, regarding this matter. In Mr. Burton's opinion, if this request is approved, it will be quickly followed by many other requests. Further, if approved and a request is made to DOT and signs are placed on Joy Drive, the issue of enforcement would be quite difficult. Another consideration would be that there may be times when garbage pick up trucks, moving vans and construction vehicles may need to be on the street but be prohibited by a "No Thru Truck" regulation.

MOTION: Commissioner Blackwell moved to deny the request. He added that if there are issues dealing with the safety of children walking to school, a formal letter be sent to the School Board asking it to monitor Sunnyside School Road.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

7. Consideration of Subrecipient Request to Forgive Repayment of Funding Granted Through Public Facilities Program

Thanena Wilson, Community Development Director, reported that in October 2000 Community Development awarded Vision Resource Center (VRC) a public facilities grant to equip a teaching kitchen for the visually impaired at their Bragg Boulevard site. The total grant amount was \$11,471.91. The Bragg Boulevard site was leased property. VRC agreed to repay the grant funds in full if either the owner or VRC terminated the lease within five years after the expiration of the contract. VRC terminated its lease on or about October 2003 and relocated to its current location on Rowan Street. Since the teaching kitchen program was available at the new site, Community Development and VRC agreed that the repayment would not include those items that could be transferred and used at the new facility. Community Development staff determined that the value of the relocated items totaled \$1,303.04, leaving a balance due of \$10,168.93. VRC requested that the amount be totally forgiven or that the agency be allowed to make payment arrangements. Community Development staff proposed giving VRC credit for the three years it used the teaching kitchen in the old facility. This reduced the balance to \$4,067.58 to be repaid in installments over a six month period. VRC maintains that it would be a financial hardship on it to have to repay the grant under any terms. The last financial information received is three years old. Current financial information has never been received. VRC is asking that the grant be totally forgiven.

MOTION: Commissioner Blackwell moved to go into Closed Session to discuss legal remedies available to the County.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MOTION: Commissioner Henley moved to go back into Open Session

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

MOTION: Commissioner Henley moved to deny the request that the County forgive repayment of money the Vision Resource Center owes to Community Development, request a current financial statement, and request VRC repay the loan over an extended 12 month period beginning January 1, 2007.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

This recommendation will be presented to the full Board of Commissioners at the September 18, 2006 Board of Commissioners Meeting.

MEETING ADJOURNED: 9:25 AM



ITEM NO. 1C

COUNTY of CUMBERLAND

Engineering Department

ROBERT N. STANGER, P.E.
County Engineer

September 11, 2006

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: ROBERT N. STANGER, COUNTY ENGINEER *Bob*

THROUGH: AMY H. CANNON, ASSISTANT COUNTY MANAGER

SUBJECT: REVISED FLOOD DAMAGE PREVENTION ORDINANCE
NEW FLOOD INSURANCE RATE MAPS (FIRMS)

BACKGROUND:

The State of North Carolina, through the Federal Emergency Management Agency's (FEMA) Cooperating Technical Partner initiative, has been designated as the first Cooperating Technical State (CTS). As a CTS, the State will assume primary ownership and responsibility of the National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRMs) for all North Carolina communities. In 2001, the State initiated a floodplain mapping program to produce updated FIRMs in a digital format for communities presently in the NFIP and new FIRMs for communities that have applied to be in the NFIP.

On August 30, 2005, the County received the Preliminary Flood Maps for our community from the North Carolina Division of Emergency Management (NCDEM) - Floodplain Management Branch. A 90 day public appeal process followed in which public meetings were held by the State to receive comment on the preliminary maps. During this time the County Engineering Department reviewed the maps and submitted comments and revisions to the State for incorporation in the final maps.

On July 5, 2006, the County received the Letter of Final Determination and Revised FIRMs from NCDEM which initiates the six month compliance period in which the County must adopt the new FIRMs and the associated revisions to our Flood Damage Prevention Ordinance. This must be completed prior to January 5, 2007, the effective date of the new FIRMs. No further revisions to the FIRMs are permitted prior to the January 5, 2007 effective date of the new maps.

Attached is a copy of the revised Flood Damage Prevention Ordinance for your review and comment. The revised ordinance was prepared from the "2005 NC Model Flood Damage Prevention Ordinance" developed by NCDEM - Floodplain Management Branch. NCDEM recommends that communities use the model ordinance and tailor it to the specifics of the community. The significant changes in the draft revised Flood Damage Prevention Ordinance include:

- New definitions in **Article 2** and terminology throughout the ordinance to reflect the terminology on the new FIRMs and to simplify the ordinance. Two new terms in the definition section are "Regulatory Flood Protection Elevation" which is the elevation to which all development in the Special Flood Hazard Area (SFHA) must be protected and "Reference Level" which represents the portion of the structure/utility that must meet this Regulatory Flood Protection Elevation.
- Requiring new development in a SFHA be elevated or floodproofed 2 feet above the Base Flood Elevation (BFE) (2 foot freeboard) as recommended in the County Hazard Mitigation Plan and adopted earlier this year by the Board of Commissioners. The current requirement is to elevate or floodproof to the BFE. The new Regulatory Flood Protection Elevation will be the BFE + 2 feet as defined in **Article 2**.
- **Article 4, Section B(2)(h)** - Requires limitations on the use of below BFE enclosures to be for parking, building access, and/or limited storage only.
- **Article 5, Section A(10)** - Inclusion of the amendments in the North Carolina Flood Act of 2000, NCGS 143-215.51-61, prohibiting certain uses in the SFHA including hazardous waste facilities, solid waste facilities, salvage yards and chemical storage facilities except by variance under certain conditions.
- **Article 5, Section B(3)** - Requires new or replacement manufactured homes in the SFHA be elevated to the regulatory flood protection elevation regardless if the structure is in a new or existing manufactured home park or subdivision. This is more restrictive than the current ordinance which would allow new or replacement units in an existing manufactured home park or subdivision to be elevated such that the chassis is 36 inches above adjacent grade regardless of the BFE.
- **Article 5, Section B(7)&(8)** - Provides for specific standards regarding placement of Temporary Non-Residential Structures and Accessory Structures in the SFHA.

The revisions to the FIRMs include:

- A limited re-study of the County resulting in some areas, particularly east of Cape Fear River, now being in the SFHA and subject to the requirements of our flood damage prevention ordinance when the new maps become effective on January 5, 2007.
- Base Flood Elevations established in all SFHA that were formerly called approximate A Zone.
- New designation for areas formerly within the 500-year floodplain but outside the 100-year floodplain, Zone B, and outside the 500-year floodplain, Zone C. These areas are known as Zone Shaded-X and Zone X respectively.
- The floodway information is shown whereas on the old FIRMs it was not.

As indicated, the County must adopt the revised ordinance and FIRMs prior to January 5, 2007. Failure to do so will result in suspension from the National Flood Insurance, revocation of all flood policies, and the County would not be eligible for Federal and State disaster assistance. In addition, to the County's requirements for amending our ordinances, there is a procedure from NCDEM and FEMA which must be followed that includes:

- Publication of the Notice of Public Hearing which must be no less than a one-half page notice in a newspaper with general circulation in the community. We intend to combine the notice for the unincorporated portion of the County together with the notice for the small municipalities (Falcon, Godwin, Linden, Stedman and Wade) whose floodplain management programs we administer through interlocal agreement. Each town will hold a public hearing for their community.

- Notice of Public Hearing must be posted throughout the community. We intend to post the notice at the Volunteer Fire Departments.
- Property Owners within the SFHA that do not reside in the community must be given notice by first class mail. The small towns will be responsible for any first class mailings required in their community.

The proposed schedule to complete these tasks is as follows:

- Present the draft ordinance to the Board of Commissioners at its September 18, 2006 meeting and request the date for the public hearing be set for October 16, 2006.
- Publish Notice of Public Hearing in the Fayetteville Observer on September 26, 2006.
- Post Notice of Public Hearing at volunteer fire departments during the week of September 25-29, 2006.
- Develop list of property owners in the SFHA that do not reside in the community and require notification by first-class mail. Notification of the public hearing will be mailed no later than October 2, 2006.
- Public Hearing on October 16, 2006 at which time the Board adopts the revised ordinance and new FIRMs.
- Attend public hearings scheduled by Falcon, Godwin, Wade, Linden and Stedman to assist with adoption of the ordinance and their new FIRMs.

The County Attorney's office has reviewed the draft revised Flood Damage Prevention Ordinance for legal sufficiency.

RECOMMENDATION/PROPOSED ACTION:

The recommendation of the County Engineer, County Attorney and management is to adopt the draft revised Flood Damage Prevention Ordinance and new FIRMs and set the date for the required public hearing for 7:00 PM, October 16, 2006.

The proposed action by the Board is to follow the staff recommendation.

REVISED DRAFT

FLOOD DAMAGE PREVENTION

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of Cumberland County, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The flood prone areas within the jurisdiction of County of Cumberland are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- (4) to minimize prolonged business losses and interruptions;
- (5) to minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (7) to ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory Structure (Appurtenant Structure)" means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

"Addition (to an existing building)" means an extension or increase in the floor area or height of a building or structure.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

"Area of Shallow Flooding" means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of Special Flood Hazard" see "Special Flood Hazard Area (SFHA)"

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Base Flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

"Building" see "Structure"

"Chemical Storage Facility" means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

"Cumulative Substantial Improvement" means any reconstruction, repairs, rehabilitation, addition, or any other improvement (substantial or not) of a structure where the total costs counted cumulatively over 10 years equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the latest or current improvement. If the total cumulative improvement costs equal or exceed fifty (50) percent, the original structure or other development must be brought into compliance with state or county floodplain management regulations, as required for a new structure according to this chapter. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state and county health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Disposal" means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Elevated Building" means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Encroachment" means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

"Existing Manufactured Home Park or Manufactured Home Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

"Flood Insurance" means the insurance coverage provided under the National Flood Insurance Program.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

"Flood Insurance Study (FIS)" means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

"Flood Prone Area" see "Floodplain"

"Floodplain" means any land area susceptible to being inundated by water from any source.

"Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain Development Permit" means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain Management Regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Flood Zone" means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

"Freeboard" means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".

"Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Hazardous Waste Facility" means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

"Historic Structure" means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program"

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

"Lowest Adjacent Grade (LAG)" means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

"Lowest Floor" means lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market Value" means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

"Mean Sea Level" means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.

"Non-Encroachment Area" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

"Principally Above Ground" means that at least 51% of the actual cash value of the structure is above ground.

"Public Safety" and/or "Nuisance" means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational Vehicle (RV)" means a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Reference Level" is the top of the lowest floor or lowest attendant utility, whichever is lower, for structures within Special Flood Hazard Areas designated as Zone AE.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard.

"Remedy a Violation" means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Salvage Yard" means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

"Solid Waste Disposal Facility" means, as defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.

"Solid Waste Disposal Site" means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

"Special Flood Hazard Area (SFHA)" means the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

"Substantial Improvement" means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Variance" is a grant of relief from the requirements of this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation (WSE)" means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of County of Cumberland, North Carolina (unincorporated areas) and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Cumberland County, North Carolina (unincorporated areas) dated Jan 05, 2007, which are adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with Article 3, Section B of this ordinance.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and
- (c) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of County of Cumberland, North Carolina (unincorporated areas) or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent County of Cumberland, North Carolina (unincorporated areas) from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The County Engineer, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

- (1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the floodplain administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:
- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
 - iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
 - v) the Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C(11 & 12); or Article 5, Section D;
 - vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - vii) certification of the plot plan may be required by a registered land surveyor or professional engineer at the discretion of the floodplain Administrator.
 - (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
 - (c) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
 - (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - ii) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(c), when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
 - (e) Usage details of any enclosed areas below the regulatory flood protection elevation.

- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- (g) Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)
- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Article 5, Sections B(6 & 7) of this ordinance are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

- (a) A description of the development to be permitted under the floodplain development permit.
- (b) The Special Flood Hazard Area determination for the proposed development per available data specified in Article 3, Section B.
- (c) The regulatory flood protection elevation required for the reference level and all attendant utilities.
- (d) The regulatory flood protection elevation required for the protection of all public utilities.
- (e) All certification submittal requirements with timelines.
- (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- (g) The flood openings requirements, if in Zones A, AO, AE or A1-30.
- (h) Below BFE enclosure uses shall be limited to parking, building access, and or limited storage only.

(3) **Certification Requirements.**

(a) Elevation Certificates

A final as-built Elevation Certificate (*FEMA Form 81-31*) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(b) Floodproofing Certificate

If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- (c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Article 5, Section B(3).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (e) Certification Exemptions. The following structures, if located within Zone A, AO, AB or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
 - ii) Temporary Structures meeting requirements of Article 5, Section B(7); and
 - iii) Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B(8).

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the floodplain development permit.
- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section E are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Article 4, Section B(3).

- (7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with Article 4, Section B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 4, Section B(3) and Article 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 5, Section D(2)(b), in order to administer the provisions of this ordinance.
- (12) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (17) Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures of Article 4, Section D.
- (20) Review, provide input, and make recommendations for variance requests.

- (21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

SECTION D. CORRECTIVE PROCEDURES.

- (1) Violations to be Corrected: When the floodplain administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) that the building or property is in violation of the Flood Damage Prevention Ordinance;
 - (b) that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
 - (c) that following the hearing, the floodplain administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than One-hundred-eighty (180) calendar days. Where the floodplain administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

SECTION E. VARIANCE PROCEDURES.

- (1) The Board of Adjustment as established by Cumberland County Board of Commissioners, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

- (b) functionally dependant facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages.
 - (c) any other type of development, provided it meets the requirements stated in this section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependant facility, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:
- (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - i) a showing of good and sufficient cause;
 - ii) a determination that failure to grant the variance would result in exceptional hardship; and
 - iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (10) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
 - (d) The use complies with all other applicable Federal, State and local laws.
 - (e) The County of Cumberland has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Article 4, Section B(3) of this ordinance.
- (11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3, Section B, or Article 4, Section C(11 & 12), the following provisions, in addition to Article 5, Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance. Structures located in A, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section H(3). A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational and maintenance plans..
- (3) Manufactured Homes.
 - (a) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.

- (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4)(a), (b), and (c).

(4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- (a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- (b) shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
- (c) shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria;
 - i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
 - v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

- (b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
 - (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - (d) Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.
- (6) Recreational Vehicles. Recreational vehicles shall either:
- (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - (b) meet all the requirements for new construction.
- (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval;
- (a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
 - (b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - (c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (e) Accessory structures shall be firmly anchored in accordance with Article 5, Section A(1);

- (f) All service facilities such as electrical shall be installed in accordance with Article 5, Section A(4); and
- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Article 5, Section B(4)(c)..

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

SECTION C. RESERVED.

SECTION D. SMALL STREAM STANDARDS.

In areas outside of the Special Flood Hazard Areas along small streams designated by the floodplain administrator, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Article 5, Sections A and B, shall apply:

No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

SECTION E. RESERVED.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:
 - (a) the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit, or
 - (b) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (a) the anchoring and the elevation standards of Article 5, Section B(3); and
 - (b) the no encroachment standard of Article 5, Section F(1).

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted February 01, 1982 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce

without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of County of Cumberland enacted on February 01, 1982, as amended, which are not reenacted herein are repealed.

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. EFFECTIVE DATE.

This ordinance shall become effective January 05, 2007.

SECTION D. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the _ Board of Commissioners of County of Cumberland, North Carolina, on the _____ day of _____, 2006.

WITNESS my hand and the official seal of _____, this the _____ day of _____, 2006

(signature)

ITEM NO. 10

COUNTY of CUMBERLAND

Office of the County Attorney

September 6, 2006

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF SEPTEMBER 18, 2006**TO: BOARD OF COMMISSIONERS****FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY** *GRB***SUBJECT: APPROVAL OF DISPOSITION OF PROPERTY BY BOARD OF EDUCATION TO CITY OF FAYETTEVILLE TO FINANCE AND CONSTRUCT RECREATION CENTER AT E.E. MILLER ELEMENTARY SCHOOL**

BACKGROUND: The Fayetteville/Cumberland Parks and Recreation Department proposes to construct a 13,500 square foot recreation center at the campus of E.E. Miller Elementary School. The City proposes to finance the construction and, in order to provide security to the bank for the financing, the bank requires that the City own the footprint of the site. The City therefore is asking that the Board of Education convey the footprint to the City for that purpose, subject to re-conveying the footprint to the Board of Education at the end of a 20 year term. The City and the Board of Education have agreed upon a Use and Operating Agreement governing the construction, operation and maintenance of the recreation center.

Because the Board of Education proposes a conveyance of real property that is, technically, a "disposition" of real property, by statute it must first offer the property to the County. G.S. 115C-518(a). If the Board of Commissioners chooses not to obtain the property, then the Board of Education may transfer the property as allowed by law. The proposed transaction with the City is authorized by G.S. 160A-274.

RECOMMENDATION: Approve Board of Education's conveyance of E.E. Miller Elementary School site recreation center footprint to City for purpose of allowing City to finance the recreation center subject to re-conveyance to the Board of Education as provided by the agreement between the City and the Board of Education.

Encl.

Fayetteville Cumberland PARKS & RECREATION

August 25, 2006

To: Tim Kinlaw, Cumberland County Schools

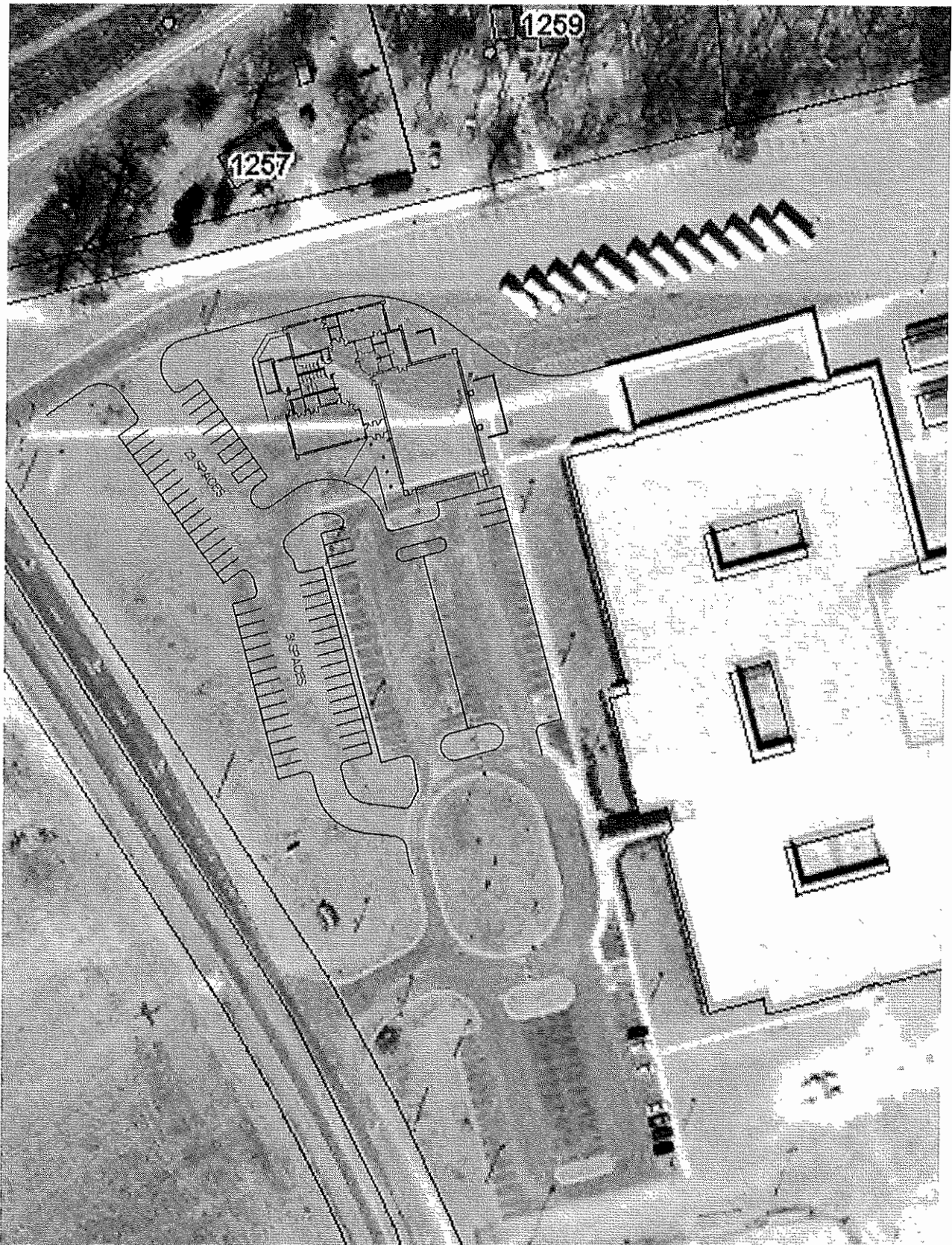
From: Larry Philpott, Planning and Development Manager

Ref: Request conveyance of school property to construct E. E. Miller Recreation Center

In March 2006, Cumberland County Schools granted permission to the City of Fayetteville to construct a recreation center on the campus of E. E. Miller Elementary School. However, the City needs further assistance. The City needs to finance construction and the bank has required that it own the project site before approving a loan. Therefore, the City requests the Board of Education convey the property needed for constructing the recreation center and related amenities. The conveyance would only be for the term of the loan and the property would revert to Cumberland County Schools when the debt is retired. The board granted a similar request in 1998 when the City constructed the Cliffdale Recreation Center. The Fayetteville-Cumberland Parks and Recreation Department will operate the center.

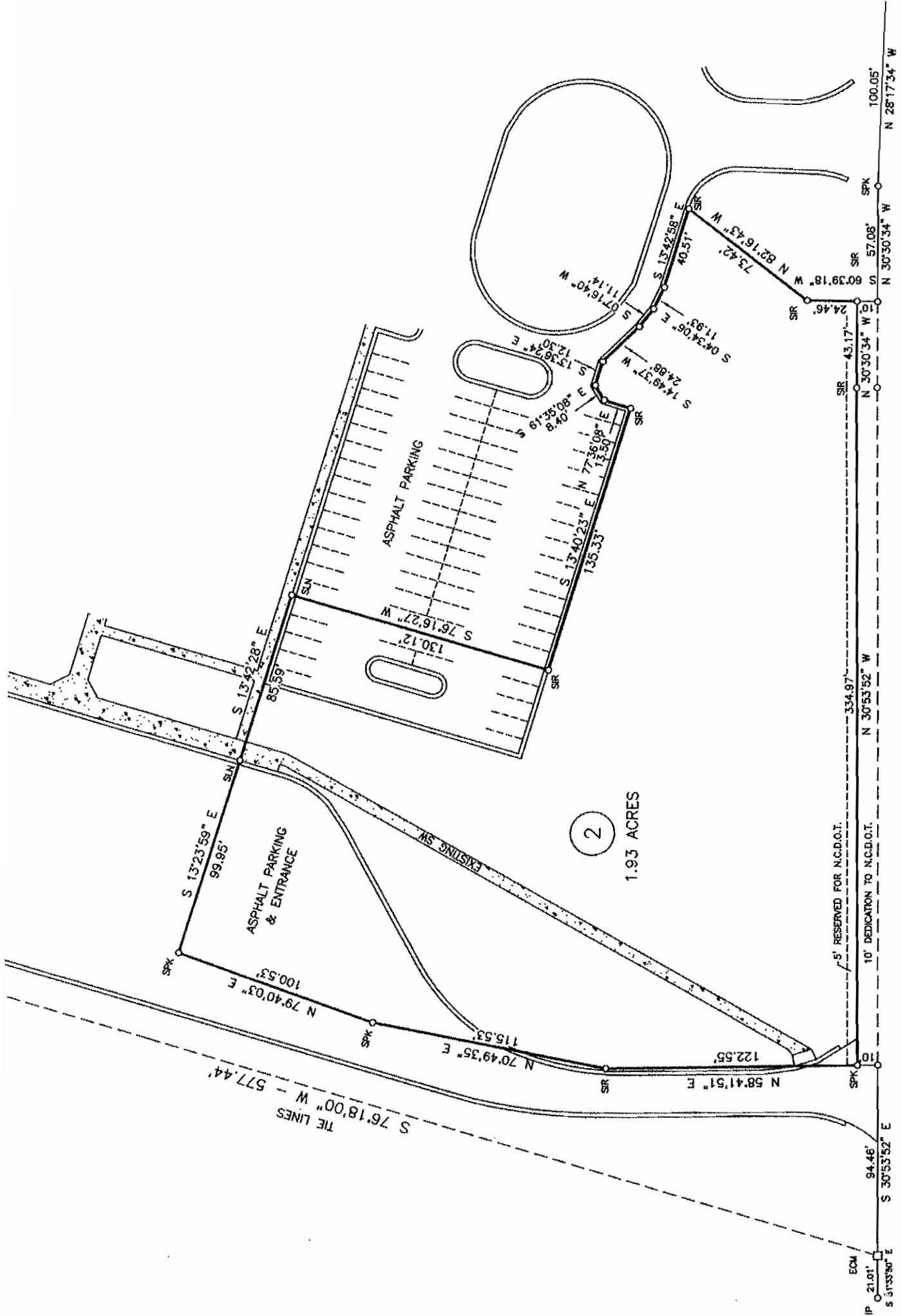
The recreation center will be approximately 13,500 square feet. The building design includes staff offices, restrooms, a gymnasium, 3-activity rooms, a non-commercial kitchen and an additional 50-vehicle parking lot. The City of Fayetteville, working through the Fayetteville-Cumberland Parks and Recreation Department, plans to complete and be operating the facility by the fall of 2007. Construction would begin within the next 60 days. Attached are a copy of the proposed Conveyance Agreement and a survey of the requested property.

Enclosures



E.E. MILLER RECREATION CENTER
CONCEPT SITE PLAN "D"

THOMAS GOETZ
ARCHITECT



RIM ROAD - S.R. 1402 R/W VARIES



ITEM NO. 1E

COUNTY of CUMBERLAND

Community Development

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA
SEPTEMBER 18, 2006

TO: BOARD OF COUNTY COMMISSIONERS

THRU: JUANITA PILGRIM, DEPUTY COUNTY MANAGER

FROM: THANENA S. WILSON, COMMUNITY DEVELOPMENT DIRECTOR

DATE: SEPTEMBER 8, 2006

SUBJECT: RENTAL REHABILITATION PROGRAM POLICY REVISIONS

BACKGROUND

The primary goal of the Rental Rehabilitation Program (RRP) is to provide long-term affordable housing for low- to moderate- income families. In order to maintain the integrity and intent of the program, the following policy revisions (as highlighted in Exhibit 1) are being recommended:

- 1) To ensure that Federal funds are not being used to unduly enrich investors, the purchase price for a one-unit single family dwelling is capped at an after rehab value of \$137,500. This figure is based on the maximum income and affordability of a family of four at 80% of the area median income; and
- 2) To provide long-term affordable housing, the minimum rental period is being changed from 1 year to 3 years.

RECOMMENDATION AND PROPOSED ACTION

Community Development recommends approval of the RRP policy revisions with an effective date of July 1, 2006.

Attachment: Revised RRP Policy

Cumberland County Community Development

RENTAL REHABILITATION PROGRAM

CDBG and HOME Funds
(07/01/06)

The affordable housing Rental Rehabilitation Program was developed by Cumberland County Community Development after much consideration of the program goals, characteristics of properties, renters and owners, and the expressed concerns of the citizens through the Citizen Participation process. The following are the goals and criteria established for the program:

1. Maintain and/or increase the supply of affordable, decent rental housing for tenants with very low to moderate incomes;
2. Assure that rents remain affordable for the low-income tenants after the rehabilitation of the property;
3. Help investors, including those who have low-incomes themselves, make repairs to dilapidated properties; and
4. Assure that assisted properties are well maintained after rehabilitation.

Cumberland County Community Development will not restrict the income of the owners of the investment property and we will allow varying forms of ownerships, including individuals, partnerships and corporations. However, tenants must be at or below 80% of the median income as defined by HUD.

NOTE: PRIORITY FUNDING WILL BE GIVEN TO THE OWNER-OCCUPIED HOUSING REHABILITATION PROGRAM.

Income and Assets

Investors will be subject to the same review of their credit history as Owner-Occupants. There are no stated maximum levels of income and/or assets to receive assistance for the Investors of the rental properties as prescribed in the CDBG and HOME regulations.

One of the stated goals of this program is to provide decent, affordable housing to low income individuals and/or families. Without government assistance, many structural improvements would have to be made at market interest rates and terms causing higher rents which would be less affordable for low income persons.

To provide favorable loan terms and require rent controls and occupancy restrictions, a reasonable approach is designated in the Rental Agreement (Exhibit A) and Maintenance Agreement (Exhibit B). Therefore, no income or asset restrictions will be declared for Investors.

Minimum and Maximum Loan Amounts

The minimum level of assistance for the Investor will be five percent (5%) of the Cumberland County building tax value. There are no stated maximum levels of assistance for the Investor of the rental properties described in the CDBG regulations; however, in order to assure that the property is affordable and in line with the intent of the program; a cap of \$137,500 is being placed on the after rehab value of the property for a one-unit single family dwelling. The value for dwellings with two or more units will be established using HUD FHA 203(b) Mortgage Limits. The property must be such that it can be repaired and meet CCCD combined loan to value underwriting guideline of no more than 90%. In addition, when HOME funds are used to finance the property, the investment may not exceed the maximum allowable per unit subsidy limit outlined in Section 221(d)(3). CCCD will not fund reconstruction for this program. Therefore, CCCD has decided that the level of assistance must be sufficient enough to make the rehabilitation viable and to convince the owner to assume a financial obligation that also restricts long-term rental income and must not create any windfall profit opportunities.

TYPES OF LOANS

The Rental Rehabilitation Program provides assistance to investors in the form of fully amortized direct loans, at or below market rates. The interest rates are established annually based upon current market rates.

Loans are available at the following rates and terms:

Standard Rehabilitation Only

This loan product will provide funds to repair a property currently owned by the applicant.

Rate/Term: 3% interest for 15-year term

Rehabilitation /Refinance

In order to promote and maintain affordability for potential tenants, this loan product will provide funds to refinance an existing mortgage *and* make repairs to a property currently owned by the applicant. Rehab/Refinance loans are only available if:

1. Applicant's income/debt ratio exceeds 30% of existing mortgage's principal interest, taxes, and insurance (PITI); or
2. Current interest rate on the existing mortgage can be reduced by 2 or more percentage points.

Rate/Term: Option 1 - 5% interest for 30 year term; or
Option 2 - 3% interest for 15-year term.

Acquisition/Rehabilitation

This loan product will provide funds to acquire *and* make repairs to a property.

Rate/Term: Option 1 - 3 % interest for 15-year term
Option 2 - 5% interest for 30-year term

Underwriting

For this program to be marketable, it is critical that we understand the investor's financial history as well as that of the property and provide a loan product that will address both the needs of the investor and the citizens of Cumberland County. We must underwrite each property individually. The income and expense statement for the applicant and the property should be carefully analyzed to understand how much debt can be supported. Terms and conditions are negotiable for County approved Community Housing Development Organizations (CHDO's).

Combined Loan to Value Ratios (CLTV)

The normal CLTV ratio for investor loans is between 70%-80% in the private market. For affordable housing programs, a CLTV of ninety percent (90%) of the after-rehabilitation value is more reasonable. It is more flexible than the market but more stringent than the 100% used in the Owner-Occupied Program. Ninety percent (90%) CLTV will be used for this program. CCCD will either hold the first or second mortgage position. Lower positions will not be considered.

Loan Conditions

Maintenance and Rental Agreements will be required to participate in the Rental Rehabilitation Program. Additional conditions may be placed on the loan; however, all conditions are part of the loan documents that remain in force and will be monitored by CCCD's Compliance Officer for the specific term of the loan.

Credit History

Applicants will be responsible for a nonrefundable \$50.00 application fee when presenting their application to help minimize frivolous applications. CCCD will waive the application fee for applicants who are non-profit entities. Investors will be subject to the same review of their credit history as first time homebuyers.. In the event of loan delay because of the credit history of the applicant, they will be referred to Consumer Credit Counseling to help achieve the needed credit record.

Rental Requirements

Investors must have properties tenant-occupied within 90 days from the date the loan is closed. The property must be leased and occupied by low-moderate income tenants for a period of no less than three (3) years or as long as there is an outstanding balance on the CCCD loan, whichever is greater.

EXHIBIT A

RENTAL AGREEMENT

A condition of the loan will be an agreement between the Investor and CCCD and the on going compliance with this Agreement to abide by the following restrictions:

Rent all units rehabilitated in a project assisted with CCCD funding to persons with income at or below 80% of median income, as determined by HUD. This applies to all existing tenants and tenants signing leases for the first time.

Units occupied by existing tenants who are over 80% may not be assisted with CCCD funding, however, no tenants may be asked to move or otherwise be displaced as a result of using CCCD funding.

Tenants who are initially income-eligible may not be displaced or have their rent raised above the allowable rents, even if their income rises above the income eligibility limits during their tenancy.

You may not charge rents that exceed the HUD determined Fair Market Rent (FMR). In the case of existing in-place tenants, you may not charge rents higher than the rent in effect prior to the rehabilitation, except that current rents may be increased in future years to the housing Consumer Price Index (not to exceed FMR) and current tenants who receive Section 8 assistance during their tenancy may be charged the FMR.

Investor

Date

Witness

Date

EXHIBIT B

MAINTENANCE AGREEMENT

The Investor agrees to abide by the following maintenance items:

Maintain all units assisted by this program in compliance with HUD's Section 8 Housing Quality Standards and local minimum standards. (Copies of these standards are available at the Cumberland County Community Development Office.)

Participate in annual inspections by CCCD selected inspectors, allowing free and timely access to all units and connecting properties.

If at any time there is found noncompliance of the conditions set forth during an inspection, or upon failure of the Investor to provide timely access, CCCD will issue a Notification of Noncompliance listing in detail the required maintenance and repair items. The Investor will have 45 days to bring the property into compliance. If compliance is not achieved within the 45 days, the loan immediately becomes due and payable and the Investor is subject to a \$50 a day fine, regardless of whether the loan is paid in full or the property foreclosed. When, prior to the end of the 45 day notice period, the owner submits a written appeal and supporting documentation, the County may at its own discretion, issue a waiver for that owner for a specified, limited amount of time. The owner must, at a minimum, either show evidence of a good faith effort to achieve compliance and a plan for achieving compliance, or demonstrate that compliance is neither feasible nor necessary to maintain health and safety.

Investor

Date

Witness

Date

ITEM NO. 1F

COUNTY of CUMBERLAND

Community Development

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA **SEPTEMBER 18, 2006**

TO: BOARD OF COUNTY COMMISSIONERS

THRU: JUANITA PILGRIM, DEPUTY COUNTY MANAGER

FROM: THANENA S. WILSON, COMMUNITY DEVELOPMENT DIRECTOR

DATE: SEPTEMBER 7, 2006

SUBJECT: AMENDMENT TO URBAN COUNTY COOPERATION AGREEMENT

BACKGROUND

Recently Cumberland County submitted documentation for requalification as an Urban County under the U.S. Department of Housing and Urban Development's (HUD) entitlement programs. After review of the current Amended Cooperation Agreement that we have executed with each town participating in the urban county designation, HUD's legal counsel in the Greensboro Field Office has determined that there are two modifications that must be made in order for the County to meet Federal requirements for information to be included in the cooperation agreement. I have attached a resolution outlining the required changes that must be approved by each Town Board¹ for continued processing of our requalification request.

The first change is to include the required provision that "by the date specified in HUD's urban county qualification notice for the next qualification period, the urban county will notify the participating unit of general local government in writing of its right not to participate"; and the second change is to delete the phrase "specifically urban renewal and publicly assisted housing" to comply with HUD's Community Development and Planning Notice 04-4 issued May 7, 2004. Please see the resolution and supporting attachments (Exhibit 1) for a more detailed description of the changes.

RECOMMENDATION AND PROPOSED ACTION

Community Development recommends approval of the revisions to the Amended Cooperation Agreement as outlined in the resolution and supporting attachments.

Attachment -- Exhibit 1

¹Participating Towns include Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman, and Wade.

**RESOLUTION TO ADOPT REVISIONS TO THE
AMENDED COOPERATION AGREEMENT
TO PARTICIPATE IN THE CUMBERLAND COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has determined that Cumberland County is an eligible "urban county" under the Community Development Block Grant Program, and thereby eligible to receive an annual entitlement of Community Development Block Grant Funds, and HOME Investment Partnership Program Funds,

WHEREAS, Cumberland County extended an invitation to the *Town* to join with the County in its Community Development Block Grant Program and HOME Investment Partnership Program for FY 2004 – FY 2006; and

WHEREAS, the Cooperation Agreement for the FY 2004 – FY 2006 period provided that participation in each successive three-year qualification period would automatically renew unless the County or the *Town* provided written notice of its election not to participate in a new qualification period; and

WHEREAS, the Board of Commissioners for the *Town* elected to participate in the urban county designation on the *(insert date)* and subsequently executed the Cooperation Agreement; and

WHEREAS, the Cooperation Agreement was amended on the *(insert date)* to reflect the proper dates for FY 2004 – FY 2006 as the period of October 1, 2003 through September 30, 2006; and

WHEREAS, it is necessary to revise the Amended Cooperation Agreement to include the required provision that "by the date specified in HUD's urban county qualification notice for the next qualification period, the urban county will notify the participating unit of general local government in writing of its right not to participate"; and

WHEREAS, in addition, the phrase "specifically urban renewal and publicly assisted housing" is to be deleted to comply with HUD's Community Development and Planning Notice 04-4 issued May 7, 2004 and as outlined in the attached excerpt from the notice (Attachment A).

NOW, THEREFORE BE IT RESOLVED, that the *Town* hereby adopts the revisions referenced above as part of the Amended Agreement as set forth in Attachment B.

BE IT FURTHER RESOLVED, that the *Town* hereby authorizes the Mayor to execute this resolution and authorizes the referenced revisions in the Amended Agreement and that this action be made part of the official minutes of the Board for this date.

_____ day of _____ 2006. made a motion that the above resolution be adopted.
seconded the motion, and upon vote, the motion carries this

Mayor

ATTEST:

Town Clerk

Attachment A

[Excerpt from *Instructions for Urban County Qualification for Participation in the Community Development Block Grant (CDBG) Program for Fiscal Years (FYs) 2005-2007*]

Directive Number: 04-4

"...Changes have been made in the Notice in Section V, Cooperation Agreements, paragraphs B and G, and in Section IX, Determination of Essential Powers, paragraph B.1, to delete the use of the phrase "specifically urban renewal and publicly assisted housing." This language has been deleted because it does not appear in the text of the Housing and Community Development Act of 1974, as amended (the Act). Although not in the Act, the House Committee Report which accompanied the CDBG legislation made specific reference to the term "renewal" and indicates that Congress intended eligible urban counties to be able to carry out all aspects of the urban renewal program (which was subsequently consolidated by the CDBG program. Activities that may be accepted as essential community development and housing assistance activities might include, but are not limited to, (1) acquisition of property for disposition for private reuse, especially for low- and moderate-income housing, (2) direct rehabilitation of or financial assistance to housing, (3) low rent housing activities, (4) disposition of land to private developers for appropriate redevelopment, and (5) condemnation of property for low income housing."

ATTACHMENT B

THE PARTIES AGREE that this cooperation agreement will automatically renew the Town's participation in successive three-year qualification periods, unless the County or the Town provides 120 days prior written notice of its election not to participate in a new qualification period. By the date specified in HUD's urban county qualification notice for the next qualification period, the urban county will notify the participating unit of general local government in writing of its right not to participate. Each party shall adopt any amendment to this cooperation agreement necessary to incorporate changes to meet the requirements for cooperation agreements set forth in an Urban County Qualification Notice issued by HUD applicable for a subsequent three-year urban county qualification period, and such amendment will be submitted to HUD as provided in such Urban County Qualification Notice. Failure to comply with this requirement will void any renewal for such qualification period that would otherwise occur hereunder.

THE PARTIES AGREE that the County will administer the CDBG and HOME funds received from HUD. The County agrees to actively request the Town's involvement in the Community Development Block Grant and HOME Investment Partnership Programs and the County agrees to consider the Town's interest in undertaking eligible CDBG and HOME activities. The County shall be responsible for approving projects as eligible for funding, after consultation with the Town's Management. The County will also be responsible to file Consolidated Plan and Annual Action Plans and other reports to HUD. The Town will provide any documentation required by HUD to the County, for projects funded with CDBG and HOME funds in the Town.

THE PARTIES AGREE that the Town and County will cooperate to undertake, or assist in undertaking, community renewal and publicly assisted housing, specifically urban renewal lower income housing assistance activities within the municipal limits of said Town in order effectively to accomplish the purpose of the Housing and Community Development Act of 1974 (P.L. 93-282), as amended and the HOME Investment Partnership Act of 1990 (P.L. 101-625).

THE PARTIES AGREE that pursuant to the requirements of 24 CFR the Town shall be subject to the same requirements applicable to subrecipients, including the requirement of a written agreement set forth in 24 CFR 570.503.

THE PARTIES AGREE that the Mayor of the Town is hereby authorized to execute any and all documents necessary as a condition for the Town's participation under the terms of the Housing and Community Development Act of 1974, as amended, and HOME Investment Partnership Act of 1990. The parties agree that neither party shall terminate this cooperation agreement during the initial three year qualification period.

THE PARTIES AGREE that the County will take all required actions to comply with the provisions of Section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable laws.

THE PARTIES AGREE that the County acknowledges that it is prohibited from funding activities in or in support of any cooperating Town that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's actions to comply with its fair housing certification.

THE PARTIES AGREE that if any projects funded with the CDBG funds and HOME funds are undertaken in the Town, the Town will take all actions required to comply with the provisions of Section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended, including title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable laws.

THE PARTIES AGREE that the Town agrees to affirmatively further fair housing within its jurisdiction and to assist the County in the preparation and implementation of its HUD approved Consolidated Plan during the period covered by this cooperation agreement.



ITEM NO. 16

COUNTY of CUMBERLAND

Workforce Development Center

September 8, 2006

September 18, 2006 Agenda Item

MEMORANDUM

TO: Board of County Commissioners

THRU: Juanita Pilgrim, Deputy County Manager

FROM: Patrick S. Hurley, Director *P. Hurley*

SUBJECT: Approval of Business Services Plan

BACKGROUND: The Workforce Development Board has developed its Business Services Plan for the delivery of coordinated outreach to businesses in Cumberland County. The plan describes how the local workforce development system, economic development and educational providers will work together to best meet the needs of local companies.

The key stakeholders who have signed the signatory page have agreed to the following goals:

- To identify job growth industries in Cumberland County.
- Strengthen partnerships between workforce development, the university system and community colleges to deliver enhanced services to businesses.
- Expand the workforce development system and the business community.
- Expand the existing partnership with economic development.
- Work together towards the achievement of performance excellence.

PROPOSED ACTION: Request that Board of Commissioners approve the plan.



Career Planning, Training and Placement

410 Ray Avenue • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829 • (910) 323-3421 Fax: (910) 323-5755

**Cumberland County's
Demand – Driven System
And
Coordinated Outreach to
Local Businesses**

Mission

The Cumberland County Workforce Development Board's (WDB) mission is "to ensure employers have access to qualified, work-ready employees, sustainable life-long careers for employees and economic vitality for Cumberland County citizens". To align the workforce delivery of services with the WDB's mission will require the implementation of the demand driven service delivery system. Thus the WDB has established the following goals:

1. Identify the target markets and job growth industries in Cumberland County.
2. Strengthen partnerships between the Cumberland County Workforce Development system, Fayetteville State University and Fayetteville Technical Community College to deliver enhanced business services.
3. Expand and improve the relationship between the Cumberland County workforce development system and the business community.
4. Work together to achieve performance excellence.

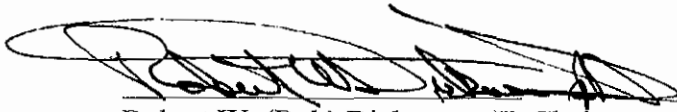
Partners

To support the WDB's strategic goals as outlined in the enclosed Business Services Plan, the Cumberland County workforce development system has brought the following key stakeholders together to build a plan for the delivery of coordinated outreach to businesses in our local area:


- Cumberland County Board of Commissioners
- Cumberland County Workforce Development Board
- Cumberland County Business Council
- Cumberland County Workforce Development Center
- Employment Security Commission
- Fayetteville State University
- Fayetteville Technical Community College

**Signatures of Partners
Participating in the Cumberland County
Business Services Delivery Plan**

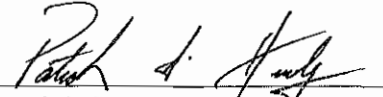
Billy R. King, Chairman
Cumberland County Board of Commissioners



Robert W. (Bob) Dickerson, II, Chairman
Cumberland County Workforce Development Board



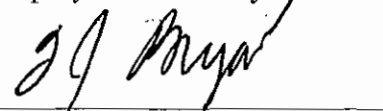
William A. Martin, President
Cumberland County Business Council



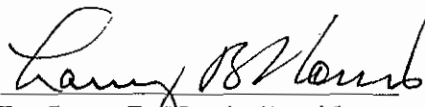
Patrick S. Hurley, Director
Cumberland County Workforce Development Center



Glenn McQueen, Manager
Employment Security Commission



Dr. T. J. Bryan, Chancellor
Fayetteville State University



Dr. Larry B. Norris, President
Fayetteville Technical Community College

EXECUTIVE SUMMARY

The Cumberland County Workforce Investment Board's (WIB) mission is "to ensure employers have access to qualified, work-ready employees, sustainable life-long careers for employees, and economic vitality for citizens with the Cumberland County region". To align workforce services with the WIB's mission will require the implementation of a demand-driven service delivery system. Thus, the WIB has established five related goals:

1. Identify the target markets and job growth industries in Cumberland County
2. Strengthen partnerships between Cumberland County workforce development, the local community colleges, and the university system to deliver enhanced business services
3. Expand and improve the relationship between the Cumberland County workforce development system and the business community
4. Expand the existing partnership with economic development and the Chamber of Commerce
5. Work together to achieve performance excellence

To support the WIB's strategic goals, the Cumberland County workforce development system brought key stakeholders together to build a plan for the delivery of coordinated outreach to businesses in our local communities. This plan describes how the local workforce development system, economic development, and education providers will work together to provide just-in-time services to local companies. The plan is divided into six sections:

1. The demand-driven service delivery model
2. Overview of the business services plan
3. Description of the coordinated service delivery system
4. Description of the partners' services
5. Action plans
6. List of participating stakeholders

Each section of the plan highlights the key components of the new demand-driven system and describes how stakeholders will contribute to the implementation of a new seamless delivery system of services for businesses that will also strengthen the services we provide to job seeker customers. Working collaboratively, workforce, education, and economic development partners

Sandra Hastings Associates

will align the job seeker services with the hiring needs of the business community while simultaneously providing an expanded array of services to local companies.

**A RESOLUTION OF BOARD OF COMMISSIONERS
OF CUMBERLAND COUNTY
DECLARING OCTOBER 7, 2006 AS
CUMBERLAND COUNTY BIG SWEEP DAY**

WHEREAS, Cumberland County is rich in natural resources and beauty; and

WHEREAS, water is a basic and essential need for all life; and,

WHEREAS, litter fouls our waterways as well as our landscapes; and,

WHEREAS, every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty of our surroundings; and,

WHEREAS, North Carolina Big Sweep, is a statewide community effort to retrieve trash from North Carolina's waterways and landscapes;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County, North Carolina, meeting on September 18, 2006, does hereby declare October 7, 2006 as CUMBERLAND COUNTY BIG SWEEP DAY in Cumberland County, and does further hereby urge every citizen to do his or her part to restore the beauty and function of our lakes and streams by volunteering to participate in the Big Sweep event.

In witness whereof I have hereunto set my hand and caused the seal of Cumberland County to be affixed.

Billy R. King, Chairman

ATTEST:

_____, Clerk

SEAL



ITEM NO. 1 I

COUNTY of CUMBERLAND

Board of County Commissioners

BILLY R. KING
CHAIRMAN

KENNETH S. EDGE
VICE CHAIRMAN

TALMAGE S. BAGGETT, JR.
J. BREEDEN BLACKWELL
JEANNETTE M. COUNCIL
JOHN T. HENLEY, JR.
DIANE WHEATLEY

MARSHA S. FOGLE
CLERK TO THE BOARD

ANN HYMES
DEPUTY CLERK

September 13, 2006

MEMORANDUM

TO: Board of Commissioners

FROM: Ann Hymes, Deputy Clerk

SUBJECT: Approval of Proclamation proclaiming September 25, 2006 "Family Day – A Day to Eat Dinner with Your Children"

ACTION: Adopt Proclamation

COUNTY OF CUMBERLAND

NORTH CAROLINA

**PROCLAMATION DESIGNATING THE FOURTH MONDAY IN SEPTEMBER
"FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN"**

WHEREAS, the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; and

WHEREAS, surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs; and

WHEREAS, teenagers who virtually never eat dinner with their families are 72% more likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS, teenagers who almost always eat dinner with their families are 31% less likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS, the correlation between family dinners and reduced risk for teen substance abuse are well documented; and

WHEREAS, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

WHEREAS, family dinners have long constituted a substantial pillar of family life in America.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County PROCLAIMS the fourth Monday in September "FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN" and urges all citizens to recognize and participate in the observance.

Adopted this 18th day of September, 2006.

**Billy R. King, Chairman
Board of Commissioners**

Budget Office Use	
Budget Revision No.	B07-100
Date Received	9-7-06
Date Completed	

ITEM NO. 1J(1)a

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
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Total	0	17,529
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Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
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Total	0	17,529	17,529
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Funding Source: _____ Fund Balance: _____
 State: _____ Federal: _____ County: _____ New: _____ Other: _____
 Other: _____ Fees: _____ Prior Year: \$17,529

Date:

Board of County
Commissioners Date:

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-104
Date Received	9/12/2006
Date Completed	

Fund No. 101 Agency No. 440 Organ. No. 4402
 Organization Name: Library

ITEM NO. 1J(1)b

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9905 (101-999-9999)	Fund Balance - Repairs & Maintenance	1,457,063	10,000	1,467,063
Total		1,457,063	10,000	1,467,063

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3650	303	Capital Outlay Other Improvements	0	10,000	10,000
Total			0	10,000	10,000

Justification:

Revision in the amount of \$10,000 to budget contract with Chambers Construction for replacement of the exterior stairs on the east side of the Central Library at a cost of \$7,750 and to establish an in-project contingency of \$2,250 for repairing the subgrade if necessary.

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

Submitted By: _____ Date: _____
 Reviewed By: HCA Department Head Date: 9/12/06
 Reviewed By: Bob Tucker Budget Analyst Date: 9/13/06
 Reviewed By: Amy Cannon Assistant County Mgr Date: _____
 Reviewed By: _____ Information Services Date: _____

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>807-099</u>
Date Received	<u>8/31/2006</u>
Date Completed	

Fund No. 107 Agency No. 450 Organ. No. 4575
 Organization Name: Emergency 911

ITEM NO. 1J(2)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	0	10,000	
Total		0	10,000	

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3610	468	Capital Outlay Equipment	18,000	10,000	28,000
Total			18,000	10,000	28,000

Justification:

Revision in the amount of \$10,000 for the purchase of a Netclock device to synchronize time stamps on E911 equipment.

Funding Source:

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

Submitted By: RC [Signature]
 Department Head

Date: 9/5/06

Reviewed By: Kelly [Signature]
 Budget Analyst

Date: 9.5.06

Reviewed By: Amy [Signature]
 Deputy Assistant County Mgr

Date: 9/13/06

Reviewed By: _____
 Information Services

Date: _____

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

COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST

Budget Office Use

Budget Revision No. B07-102/102A

Date Received 9/11/2006

Date Completed

Fund No. 101 Agency No. 426 Organ. No. 4217

Organization Name: Cumberland County Criminal Justice Unit

ITEM NO. 1 J(3)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
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EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
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299A	135	Computer Hardware	3,548	845	4,393
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101-412-4195		B07-102A			
3903	088	Contengency Operating		(845)	

Total	3,548	-	3,548
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Justification:

Revision in the amount of \$845 to reallocate budgeted expenditures for the increased costs of four computers for Pre-trial Release to run the new Pretrial Case Management program.

Funding Source:

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

Submitted By: _____

Date: _____

Department Head

Reviewed By: Heidi Keely Outrey

Date: 9-11-06

Budget Analyst

Reviewed By: Amy A. Cannon

Date: 9/13/06

~~County~~ Assistant County Mgr

Reviewed By: _____

Date: _____

Information Services

Approved By:

Date: _____

County Manager

Board of County
Commissioners

Date: _____

Budget Office Use	
Budget Revision No.	B07.103
Date Received	9.11.06
Date Completed	

ITEM NO. 1J(4)

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised	Budget
Total		0	0		-

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised	Budget
1210	290	Salaries Regular	38,572	(38,572)		-
1270	290	Longevity	1,735	(1,735)		-
1810	290	FICA	3,084	(3,084)		-
1820	290	Retirement	1,975	(1,975)		-
1824	290	401K County	403	(403)		-
1830	290	Medical Ins	3,759	(3,759)		-
1860	290	Workers' Comp	1,658	(1,658)		-
2601	291	Office Supply	200	(200)		-
3460	291	Rent Bldg	3,830	(3,830)		-
389L	291	Transfer to Fund 139	0	55,216	55,216	
		Total	55,216			

Date:

**Board of County
Commissioners**

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B07.103A</u>
Date Received	<u>9.11.06</u>
Date Completed	

Fund No. 130 Agency No. 450 Organ. No. 4530

Organization Name: Workforce Development Center--Administration

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4680	Senior Aides	22,688	8,096	30,784
Total		22,688	8,096	30,784

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210	711	Salaries Regular	169,707	(8,924)	160,783
1270	730	Longevity	4,296	(401)	3,895
1810	730	FICA	13,311	(713)	12,598
1820	730	Retirement	8,526	(953)	7,573
1824	730	401K County	1,739	(92)	1,647
1830	730	Medical Ins	19,386	(870)	18,516
1860	730	Workers' Comp	2,795	(147)	2,648
2992	712	Department Supplies	2,500	1,500	4,000
3360	712	Other Services	8,000	12,596	20,596
3406	712	Dues & Subscriptions	2,500	2,500	5,000
3470	712	Travel	10,000	3,600	13,600
Total			242,760	8,096	250,856

Justification:

Revision to transfer position #WDC007 to Senior Aides Fund #139 and incorporate additional administrative funding from Senior Service America.

Funding Source:

County: _____ Federal: 8,096 State: _____
Other: _____ Fees: _____

Submitted By: Patricia A. Kelly Date: 9-11-06
Department Head

Reviewed By: Keely Anthony Date: 9-11-06
Budget Analyst

Reviewed By: Amy H. Cannon Date: 9/13/06
Deputy Assistant County Mgr

Reviewed By: _____ Date: _____
Information Services

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>307-103B</u>
Date Received	<u>9-11-06</u>
Date Completed	

Fund No. 139 Agency No. 450 Organ. No. 4560
 Organization Name: Senior Aides

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4680	Senior Aides Grant	259,699	97,165	356,864
6698	In-Kind Services	15,000	15,000	30,000
9110	Transfer from General Fund	0	55,216	55,216
Total		274,699	167,381	442,080

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210	730	Salaries Regular	0	47,496	47,496
1266	730	P/T Non-County	234,705	77,000	311,705
1270	730	Longevity	0	2,137	2,137
1810	730	FICA	17,619	9,393	27,012
1820	730	Retirement	0	2,928	2,928
1824	730	401K County	0	497	497
1830	730	Medical Ins	0	4,629	4,629
1860	730	Workers' Comp	0	2,042	2,042
2992	731	Department Supplies	500	200	700
3360	731	Other Services	1,500	500	2,000
3411	732	In-Kind	15,000	15,000	30,000
3460	731	Rent Bldg	0	3,084	3,084
3470	731	Travel	2,500	2,475	4,975
Total			271,824	167,381	439,205

Justification:

Revision to transfer position (WDC0007) from Fund 130 and the General Fund and incorporate programmatic changes initiated by Senior Service America.

Funding Source:

County: 55,216 Federal: 97,165 State: _____
 Other: 15,000 Fees: _____

Submitted By: *Robert L. Kelly*
 Department Head

Date: 9-11-06

Reviewed By: *Heely Antony*
 Budget Analyst

Date: 9-11-06

Reviewed By: *Amyl Cannon*
 Deputy Assistant County Mgr

Date: 9/13/06

Reviewed By: _____
 Information Services

Date: _____

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use

Budget Revision No. B07-106

Date Received 9/12/2006

Date Completed _____

Fund No. 101 Agency No. 412 Organ. No. 4195

Organization Name: General Government Other

ITEM NO. 1 J (5)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4553	NC Juvenile Accountability	0	2,179	2,179
9901	Fund Balance Appropriated		242	

Total 2,421

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
345R	089	Communicare- Community Monitoring	0	2,421	2,421
			0	2,421	2,421

Justification:

Revision to rebudget FY2006 unexpended grant funds.

Funding Source:

State: _____
Other: _____

Federal: _____
Fees: _____

Fund Balance:

County: _____ New: _____
Prior Year: _____

Other: _____

Submitted By: _____

Date: _____

Reviewed By: Howard C. Hone

Date: 9/12/06

Reviewed By: Amy H. Cannon

Date: 9/13/06

Deputy Assistant County Mgr

Reviewed By: _____

Date: _____

Information Services

Approved By:

Date: _____

County Manager

Board of County
Commissioners

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	NORCRESS #18
Budget Revision No.	B07-105
Date Received	9/12/2006
Date Completed	

Fund No. 009 Agency No. 450 Organ. No. 450A

Organization Name: NORCRESS Project

ITEM NO. 1 J (6)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4008	USDA Rural Development Grant	4,140,000	0	4,140,000
453E	NC Rural Center Grant	2,688,781	0	2,688,781
4677	Cumberland County Schools Co-Sponsor	325,000	0	325,000
4678	Facility Investment Fee	500,000	0	500,000
4679	Community Development Co-Sponsor	603,366	0	603,366
6681	Tap Fees	72,320	0	72,320
9134	Transfer from Fund 250 (Co. Water & Sewer)	204,629	0	204,629
9296	Bond Anticipation Notes	1,250,000	0	1,250,000
Total		9,784,096	0	9,784,096

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3110	NAA	Legal	30,000	0	30,000
3630	NAB	C.O. Land (easements, right of way)	47,125	0	47,125
3747	NAC	Engineering	774,552	22,500	797,052
3757	NAD	Facility Investment Fee	500,000	0	500,000
3758	NAE	Eastover Approach Main	576,969	0	576,969
379A	NAK	Construction - North Wade	2,026,614	0	2,026,614
379B	NAL	Construction - South Wade	1,682,594	0	1,682,594
379C	NAM	Construction - Falcon	1,529,873	(22,500)	1,507,373
379D	NAN	Construction - Godwin	1,609,140	0	1,609,140
379E	NAP	Construction - Pump Station	876,627	0	876,627
3809	NAG	Capitalized Interest	18,700	0	18,700
3419	NAQ	Miscellaneous	50,602	0	50,602
389T	NAR	Transfer to Fund 253	61,300	0	61,300
Total			9,784,096	0	9,784,096

Justification:

Revision in the amount of \$22,500 to fund additional engineering services required as a result of the Falcon Contract (Locklear Construction) not being completed timely. Funding to pay the additional engineering costs will be deducted from Locklear Construction's final pay application as allowed by the "stipulated damages" section of the contract with Locklear Construction. Also, a revised capital project ordinance is attached for approval.

Funding Source:

Fund Balance:

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

Submitted By: _____ Date: _____

Reviewed By: Bob Sanchez Department Head Date: 9/12/06

Reviewed By: Amya Cannon Budget Analyst Date: 9/13/06

Reviewed By: _____ Assistant County Mgr Date: _____

Reviewed By: _____ Information Services Date: _____

Approved By:

County Manager

Board of County Commissioners

Date: _____

Date: _____

REVISED CAPITAL PROJECT ORDINANCE
NORTH CUMBERLAND REGIONAL SEWER SYSTEM PROJECT (NORCRESS)
September 18, 2006

REVENUES	FY2002-03	FY2003-04	FY2004-05	FY2005-06	FY2006-07	TOTAL
USDA Rural Development Grant			3,933,000	45,947	161,053	4,140,000
NC Rural Center Grant	338,700	81,237	1,763,605	505,239		2,688,781
Cumberland County Schools Co-Sponsor			325,000			325,000
Facility Investment Fee			500,000			500,000
Community Development Co-Sponsor	34,000	191,272	278,094	100,000		603,366
Tap Fees		42,344			29,976	72,320
Transfer from County Water & Sewer (Fund 250)			185,137		19,492	204,629
Bond Anticipation Notes			1,250,000			1,250,000
TOTAL	<u>\$372,700</u>	<u>\$314,853</u>	<u>\$8,234,836</u>	<u>\$651,186</u>	<u>\$210,521</u>	<u>\$9,784,096</u>

EXPENDITURES	FY2002-03	FY2003-04	FY2004-05	FY2005-06	FY2006-07	TOTAL
Legal			\$11,295	\$10,320	\$8,385	\$30,000
Capital Outlay Land (easements, right of way)	11,750	23,000	9,095		3,280	47,125
Engineering	360,950	70,118	312,307	28,000	25,677	797,052
Facility Investment Fee			500,000			500,000
Eastover Approach Main			480,896	66,005	30,068	576,969
Construction - North Wade			1,903,719	122,895		2,026,614
Construction - South Wade		190,892	1,491,702			1,682,594
Construction - Falcon			1,188,587	194,046	124,740	1,507,373
Construction - Godwin		14,918	1,483,612	110,610		1,609,140
Construction - Pump Station		15,925	853,623	7,079		876,627
Capitalized Interest				18,700		18,700
Miscellaneous				32,231	18,371	50,602
Transfer to Fund 253 (NORCRESS Admin)				61,300		61,300
TOTAL	<u>\$372,700</u>	<u>\$314,853</u>	<u>\$8,234,836</u>	<u>\$651,186</u>	<u>\$210,521</u>	<u>\$9,784,096</u>

Fund: 009
Agency: 450
Organization: 450A

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-108
Date Received	9/12/2006
Date Completed	

Fund No. 101 Agency No. 426 Organ. No. 4295

Organization Name: Public Safety Other

ITEM NO. 1 J(7)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
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9901	Fund Balance Appropriated		2,264	
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Total 2,264

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
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5606	139	NC Forest Service	126,299	2,264	128,563
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126,299 2,264 128,563

Justification:

Revision for \$2,264 to fund required 40% match for NC Forest Service contract.

Funding Source:

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

Submitted By: _____

Date: _____

Department Head

Reviewed By: Howard R. Rona

Date: 9/12/06

Budget Analyst

Reviewed By: Amy N. Cunniff

Date: 9/13/06

Deputy Assistant County Mgr

Reviewed By: _____

Date: _____

Information Services

Approved By:

Date: _____

County Manager

Board of County
Commissioners

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B06-423
Date Received	9/13/2006
Date Completed	

Fund No. 850 Agency No. 422 Organ. No. 4205

Organization Name: Inmate Welfare Fund

ITEM NO. 15(8)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	0	52,192	52,192

Total 0 52,192 52,192

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2701	937	Inventory	166,556	48,857	215,413
3419	937	Miscellaneous	59,926	(16,289)	43,637
3490	937	Inmate Incentives	23,823	(3,866)	19,957
3610		Capital Outlay	0	23,490	23,490

250,305 52,192 302,497

Justification:

Revision to appropriate fund balance to fund year-end expenditures

Funding Source:

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

Fund Balance:

Submitted By: _____

Date: _____

Department Head

Reviewed By: Howard G. Brea

Date: 9/13/06

Budget Analyst

Reviewed By: Amy H. Cannon

Date: 9/13/06

Deputy Assistant County Mgr

Reviewed By: _____

Date: _____

Information Services

Approved By:

Date: _____

County Manager

Board of County Commissioners

Date: _____

ITEM NO. 2A

COUNTY of CUMBERLAND

Community Development

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA **SEPTEMBER 18, 2006**

TO: BOARD OF COUNTY COMMISSIONERS

THRU: JUANITA PILGRIM, DEPUTY COUNTY MANAGER

FROM: THANENA S. WILSON, COMMUNITY DEVELOPMENT DIRECTOR *TS Wilson*

DATE: SEPTEMBER 7, 2006

SUBJECT: 2005 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

BACKGROUND

Community Development has prepared an abbreviated version of the draft CAPER for the 2005 Program Year in a calendar format (Exhibit 1). This document is available for public review and comment during the period September 6, 2006 through September 20, 2006. Copies of the draft CAPER in its entirety will be available for review in the County Commissioners office and at the Community Development office beginning September 13, 2006. Copies of the abbreviated version have been distributed to several locations throughout the County in compliance with our Citizen Participation Plan (see Exhibit 2-Public Notice). The final CAPER is due to HUD on September 28, 2006.

The 2005 CAPER details program accomplishments and assessments of our efforts in meeting the goals and objectives set forth in our Consolidated Plan and Annual Action Plan for the period July 1, 2005 through June 30, 2006. Performance reporting meets three basic purposes: 1) It provides HUD with necessary information for the Department to meet its statutory requirement to assess each grantee's ability to carry out relevant community development programs in compliance with all applicable rules and regulations; 2) It provides information necessary for HUD's Annual Report to Congress, also statutorily mandated; and 3) It provides grantees an opportunity to describe to citizens their successes in revitalizing deteriorated communities and meeting objectives outlined in their Consolidated Plan. This reporting tool assures that citizens, community groups, and other interested stakeholders in the community development process are accurately informed of the use of these federal funds (i.e. CDBG, HOME, etc.).

RECOMMENDATION AND PROPOSED ACTION

Community Development requests that the Board of Commissioners hold a public hearing on the 2005 CAPER. No other action is necessary.

Attachments: Exhibit 1 – 2005 Draft CAPER (abbreviated version)
Exhibit 2 – Public Notice



CUMBERLAND COUNTY COMMUNITY DEVELOPMENT

2007 CALENDAR

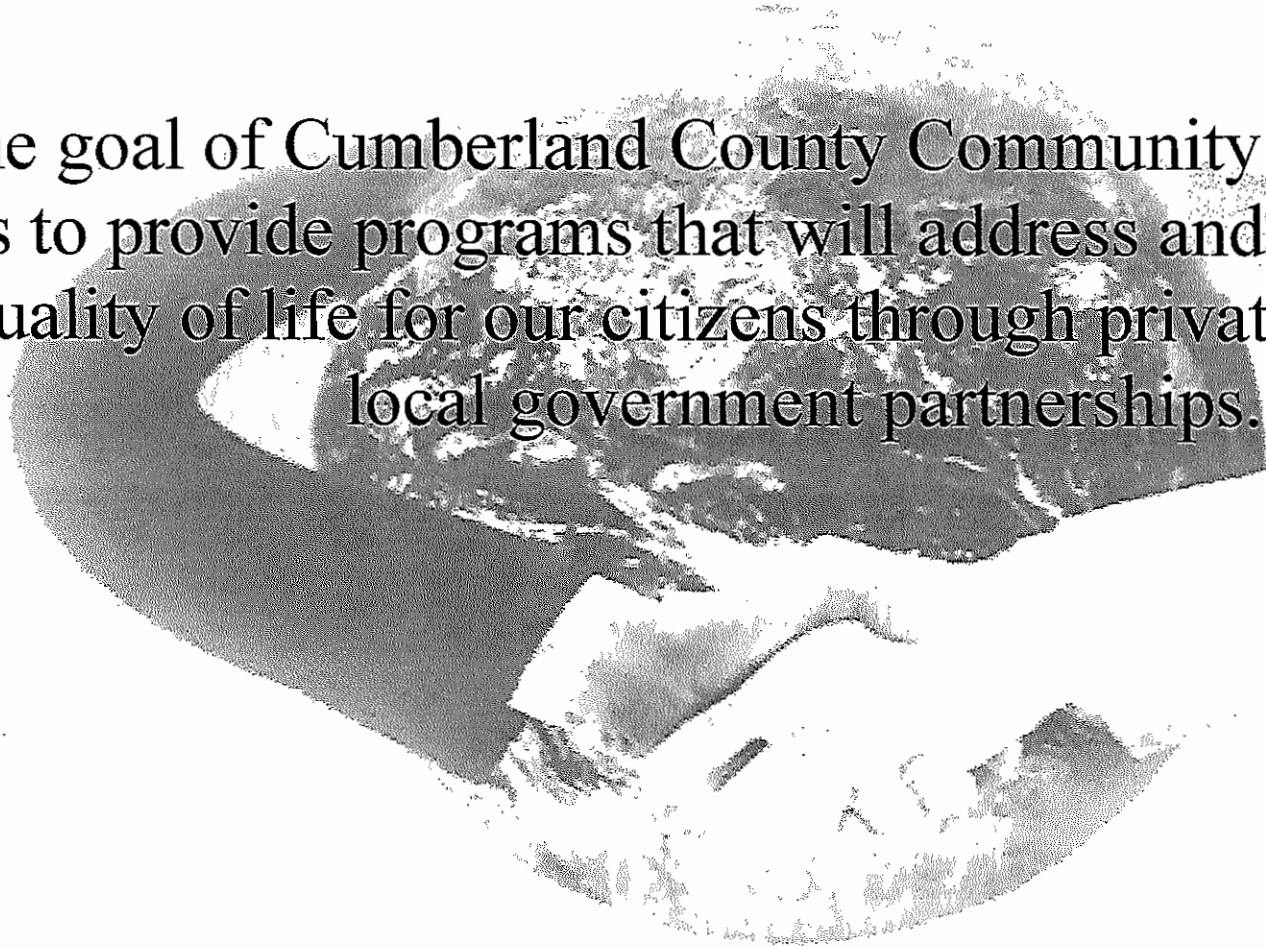
2005 Consolidated Annual Performance & Evaluation Report (CAPER)

CAPER PUBLIC REVIEW PERIOD

September 6, 2006 - September 20, 2006

Public Hearing Before the Board of Commissioners: September 18, 2006 @ 6:45 p.m.

Mission Statement



The goal of Cumberland County Community Development is to provide programs that will address and improve the quality of life for our citizens through private, public and local government partnerships.

Executive Summary

PROGRAM SUMMARY

Cumberland County is pleased to present its Consolidated Annual Performance and Evaluation Report (CAPER) for the 2005 Program Year (PY). During the past year, Cumberland County Community Development (CCCD) has expended approximately \$2,419,540 helping low and moderate income residents. As an Urban County Entitlement designated by the U.S. Department of Housing and Urban Development (HUD), Cumberland County receives annually Community Development Block Grant and HOME Investment Partnership Act funds. In addition to its entitlement funds, CCCD also received competitive grant funds awarded from HUD through the Supportive Housing Program. CCCD uses its entitlement funds to focus on affordable housing development, housing rehabilitation, support for human service programs, public facility/infrastructure programs, and economic development activities. The competitive grant funds were used for 3 projects that served the homeless in our community.

COMMUNITY DEVELOPMENT BLOCK GRANT

The Community Development Block Grant (CDBG) is used for projects that address housing, economic development, public services/facilities, and infrastructure (water/sewer) needs. Projects must also meet one of the following three National Objectives:

- Principally benefit low and moderate income persons;
- Aid in the elimination of slum and blight; or
- Meet community development needs having a particular urgency.

HOME INVESTMENT PARTNERSHIP ACT

The Home Investment Partnership Act Program (HOME) is used to expand the supply, availability and affordability of decent, safe, and sanitary housing serving citizens who are 80% and below the area median income. The median income for a family of 4 in Cumberland County for PY 2005 was \$46,900.

SUPPORTIVE HOUSING PROGRAM

Funds provided through the Supportive Housing Program (SHP) are awarded on a competitive basis for either a one, two, or three year grant

term. The purpose of SHP funding is to assist homeless persons in the transition from homelessness to permanent housing and to enable them to live as independently as possible.

Projects funded under SHP must meet three goals:

- Assist program participants to obtain and remain in permanent housing;
- Assist program participants to increase skills and/or income; and
- Assist program participants to achieve greater self-determination.

PRIORITY NEEDS IN CUMBERLAND COUNTY

Every five years, CCCD must prepare a Consolidated Plan to identify the priority needs of Cumberland County and develop strategies that will be implemented to address those needs. In order to identify the needs of the community, citizens were encouraged to participate by completing surveys that were distributed throughout Cumberland County. CCCD also consulted with local officials and agencies to assess the needs of the community. Based on the data received from these sources and community meetings, the following were identified as priority needs in Cumberland County:

- Services for disabled persons;
- Services for the homeless;
- Street/sidewalk improvements;
- Water/sewer improvements;
- Parks/recreational facilities;
- Transportation services;
- Youth services;
- Senior services;
- Mental health services; and
- Health care services.

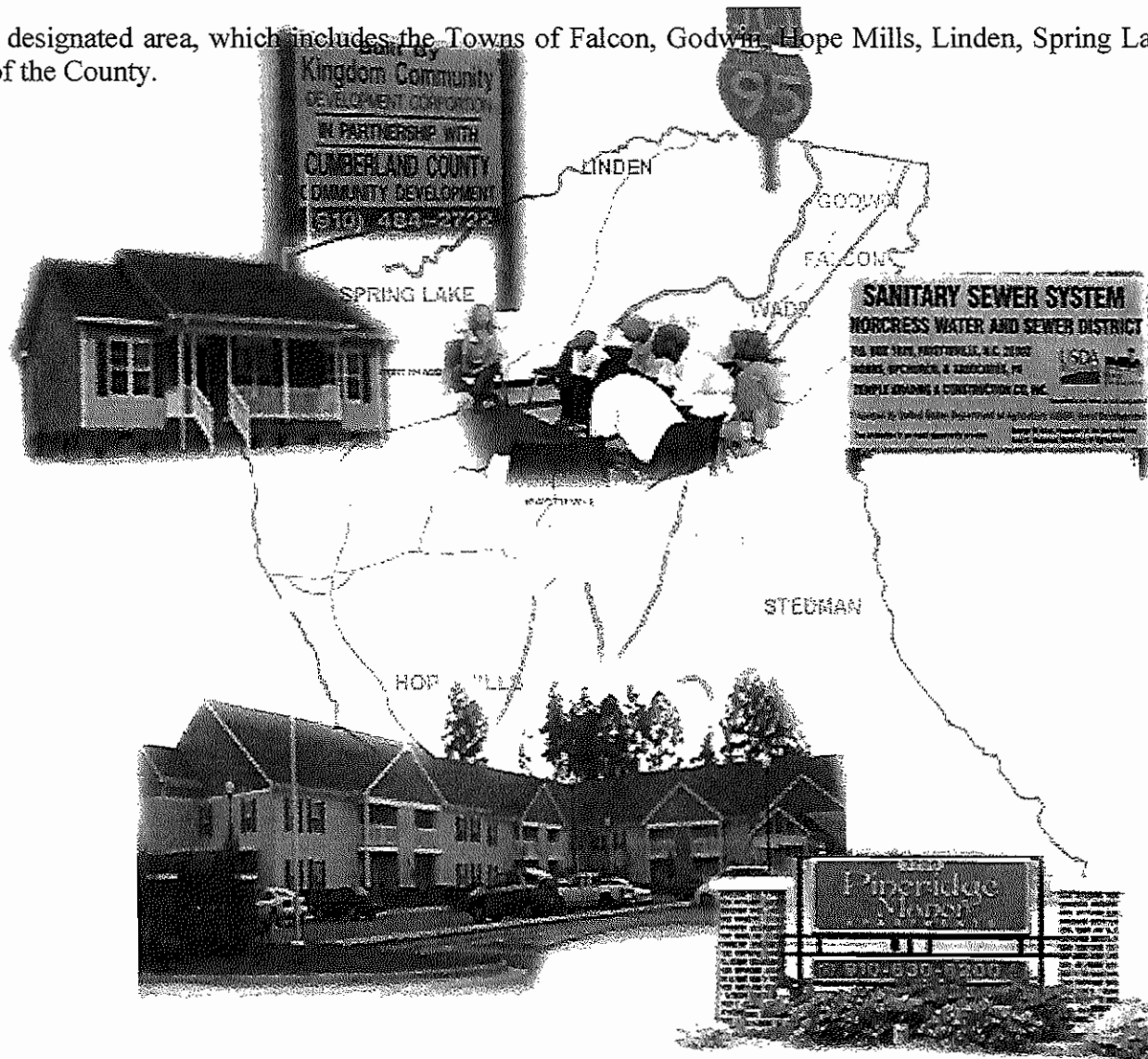
In addition, CCCD will continue to address housing and economic development needs.

For PY 2005, CCCD received \$1,577,782 in CDBG funds, \$672,129 in HOME funds, and administered SHP grants in the amount of \$390,522. In addition, \$25,958 was received to administer the American Dream Downpayment Initiative (ADDI). With the continued partnership of community groups, nonprofit agencies, and other units of local government, CCCD will continue to strive to meet the needs of the community and will make every effort in improving the quality of life for the low and moderate income citizens of Cumberland County.

Serving Our Community

SERVICE AREA

Funds are used in our designated area, which includes the Towns of Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman, Wade, and the unincorporated areas of the County.



January

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 <i>New Year's Day</i> <i>County Offices Closed</i>	2 <i>Board of Commissioners Meeting</i> <i>County Courthouse</i> <i>117 Dick Street</i> <i>9:00 a.m.</i>	3	4	5	6
7	8	9	10	11	12	13
14	15 <i>Martin Luther King Holiday</i> <i>County Offices Closed</i>	16 <i>Board of Commissioners Meeting</i> <i>County Courthouse</i> <i>117 Dick Street</i> <i>6:45 p.m.</i>	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Housing Programs

HOME BUYER PROGRAM

The First-time Homebuyer Program facilitates homeownership for low to moderate income households in Cumberland County. Loans up to \$5,000 are provided for down payment and/or closing cost assistance. Another form of loan, GAP financing, pays the difference between the purchase price of the home and what the lending institution approves for the applicant. The amount of assistance that can be provided is up to \$25,000 per applicant. This year \$40,716 was spent to assist 3 households through the down payment assistance and GAP financing programs. Funding for these programs are provided through the use of Community Development Block Grant (CDBG), HOME Investment Partnership Act (HOME), and American Dream Downpayment Initiative (ADDI) funds.



February

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 9:00 a.m.</i>	6	7	8	9	10
11	12	13	14 <i>Valentine's Day</i>	15	16	17
18	19 <i>President's Day Board of Commissioners Meeting County Courthouse 117 Dick Street 6:45 p.m.</i>	20	21	22	23	24
25	26	27	28			

Housing Programs

COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS

Regulations require that 15% of the County's HOME Investment Partnership Act (HOME) funds be designated for use by nonprofit organizations in the development and promotion of affordable housing—rental and homeownership. Once certain guidelines are met, these organizations are designated as Community Housing Development Organizations or CHDOs.

The County has designated Kingdom Community Development Corporation as a qualified CHDO. Kingdom Community Development Corporation expended \$105,448 to construct 4 single family homes on Mack Street located in Spring Lake.



"Thank God for Kingdom, I never thought I would ever become a homeowner this soon. Thanks again!"

S. Horton

March

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 9:00 a.m.</i>	6	7	8	9	10
11	12	13	14	15	16	17 <i>St. Patrick's Day</i>
18	19 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 6:45 p.m.</i>	20	21	22	23	24
25	26	27	28	29	30	31

Fair Housing

FAIR HOUSING

The goal of the Fair Housing Program is to promote, market, and encourage equal access to housing and housing related transactions regardless of race, color, national origin, religion, sex, familial status or handicap. Cumberland County has partnered with the City of Fayetteville to provide Fair Housing services County-wide through its Human Relations Department.

Outreach

In PY 2005, CCCD's Fair Housing Specialist conducted outreach activities throughout the local community by running public service announcements through local television stations and newsletters. During Fair Housing Month in April, Equal Housing Rights banners were displayed on 8 local city buses. Buses selected serviced dense urban areas with an integrated populace. The fair housing banner ads were displayed on local city buses for 7 weeks.

Counseling

Counseling was also provided to persons inquiring about housing related matters. This past program year, 52 persons received counseling. In addition, the Fair Housing Specialist investigated 21 cases of alleged housing discrimination complaints.

If you feel your rights have been violated or for more information regarding fair housing laws, contact the Fayetteville-Cumberland County Human Relations Department at (910) 433-1698.



April

FAIR HOUSING MONTH

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 9:00 a.m.</i>	3	4	5	6	7
8	9	10	11	12 <i>First Day of Passover</i>	13 <i>Good Friday County Offices Closed</i>	14
15 <i>Easter</i>	16 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 6:45 p.m.</i>	17	18	19 <i>Last Day of Passover</i>	20	21
22	23	24	25	26	27	28
29	30					

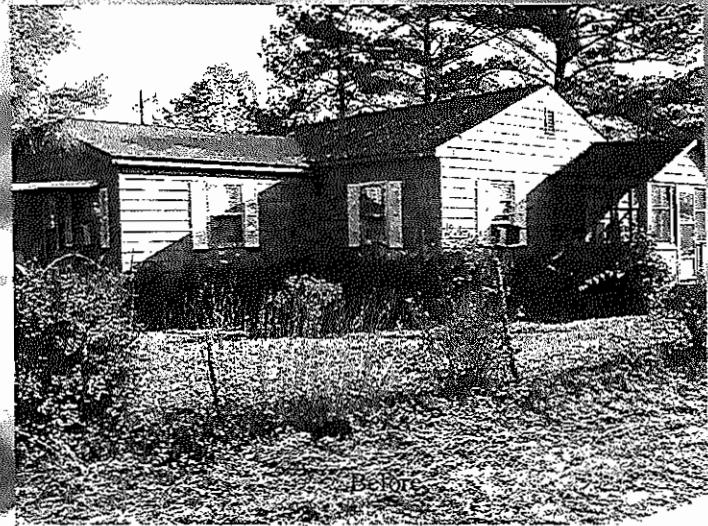
Housing Programs

HOUSING REHABILITATION

The Homeowner Rehabilitation Program addresses homes that do not meet minimum housing code standards. Examples of the types of repairs that would qualify are plumbing, electrical, insulation, painting, and siding. All Housing Rehabilitation Program funds are in the form of deferred loans with repayment determined on the applicant's ability to meet additional financial obligations. For the 2005 Program Year, \$262,421 was expended to serve 5 homeowners.

EMERGENCY REPAIR

Funding up to \$7,500 per unit is available for housing repair projects that address households with immediate health or safety risks. Examples of the types of repairs that would qualify are faulty electrical systems that would lead to fire hazards, constructing a ramp that would make the home accessible for the disabled, and plumbing problems that could create an unsafe living environment for the occupants. A total of 38 households were able to receive assistance using \$192,423.



May

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 9:00 a.m.</i>	8	9	10	11	12
13 <i>Mother's Day</i>	14	15	16	17	18	19
20	21 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 6:45 p.m.</i>	22	23	24	25	26
27	28 <i>Memorial Day County Offices Closed</i>	29	30	31		

Housing Programs

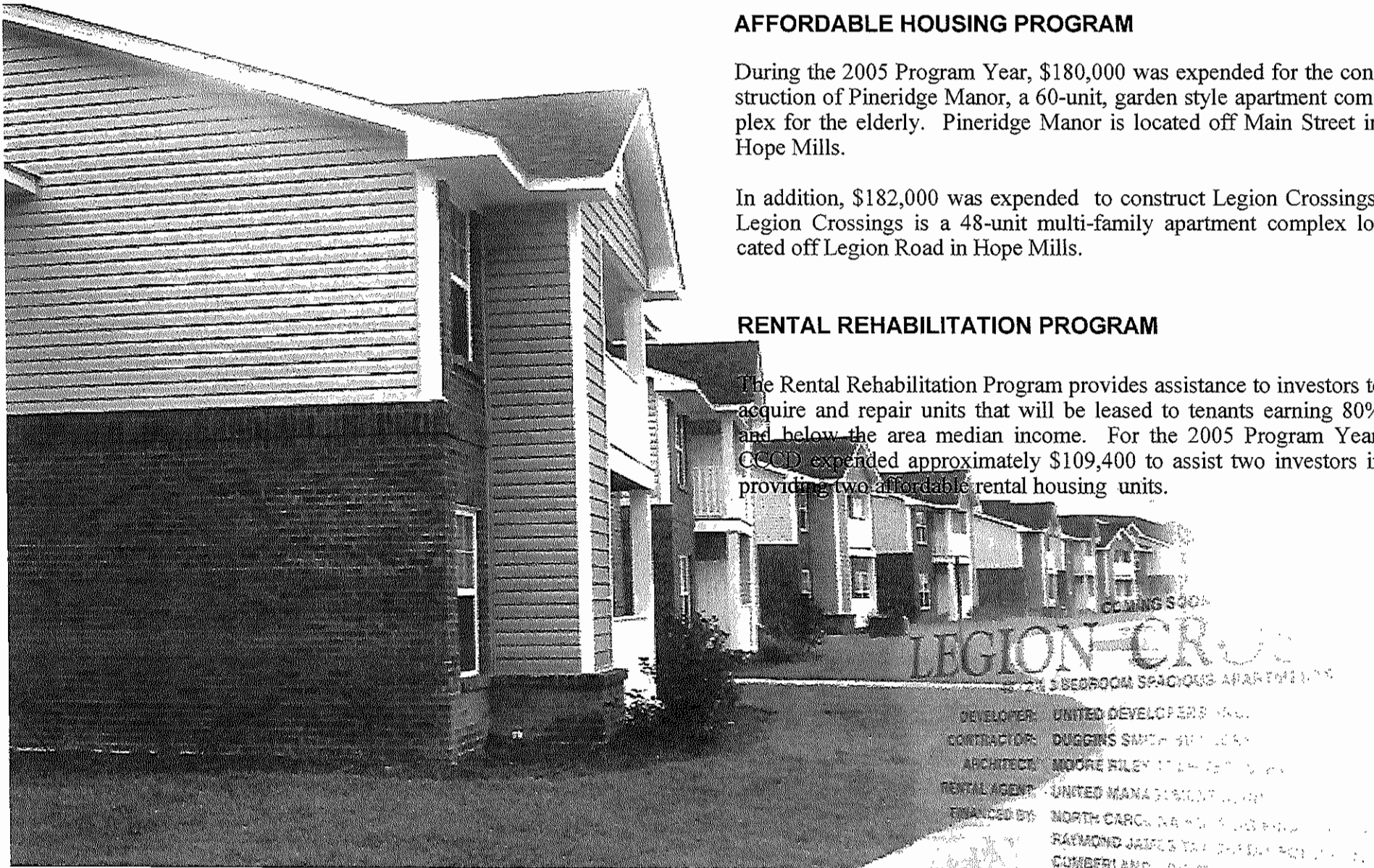
AFFORDABLE HOUSING PROGRAM

During the 2005 Program Year, \$180,000 was expended for the construction of Pineridge Manor, a 60-unit, garden style apartment complex for the elderly. Pineridge Manor is located off Main Street in Hope Mills.

In addition, \$182,000 was expended to construct Legion Crossings. Legion Crossings is a 48-unit multi-family apartment complex located off Legion Road in Hope Mills.

RENTAL REHABILITATION PROGRAM

The Rental Rehabilitation Program provides assistance to investors to acquire and repair units that will be leased to tenants earning 80% and below the area median income. For the 2005 Program Year, CCCD expended approximately \$109,400 to assist two investors in providing two affordable rental housing units.



DEVELOPER: UNITED DEVELOPERS, INC.

CONTRACTOR: DUGGINS SMITH & SONS, INC.

ARCHITECT: MOORE HILEY ARCHITECTS, P.C.

RENTAL AGENT: UNITED MANA RESIDENT, LLC

FINANCED BY: NORTH CAROLINA HOUSING FINANCE CORPORATION

RAYMOND JAMES AND ASSOCIATES, INC.

COMBERLAND, VA

June

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 9:00 a.m.</i>	5	6	7	8	9
10	11	12	13	14	15	16
17 <i>Father's Day</i>	18 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 6:45 p.m.</i>	19	20	21	22	23
24	25	26	27	28	29	30

Supportive Housing



SUPPORTIVE HOUSING PROGRAM

Since 1995, CCCD and other service agencies have worked collaboratively to create an array of housing options and services to support the homeless. The Continuum of Care Planning Council (COCPC) is the leading entity in this movement. The ultimate goal is to have a seamless system that provides the services needed to move a person from homelessness into permanent housing.

The following programs were funded through Supportive Housing Program grants administered by the County:

The Salvation Army - The Care Center Transitional Housing Program

Location: Scattered Site/Suppressed due to confidentiality

Census Tract: N/A

Population Served: Homeless individuals who are victims of domestic violence

Assisted: 13

Funds Expended: \$81,709 (includes CDBG funds)

The Salvation Army - Robin's Meadow

Location: 515/519 Candleberry Court, Fayetteville, NC

Census Tract: 1

Population Served: Homeless Families

Assisted: 42

Funds Expended: \$34,950 (includes CDBG funds)

The Salvation Army - Step-Up Semi-Independent Living Transitional Housing Program

Location: 245 Alexander Street, Fayetteville, NC

Census Tract: 1

Population Served: Homeless Men

Assisted: 25

Funds Expended: \$5,742

July

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 9:00 a.m.</i>	3	4 <i>Independence Day County Offices Closed</i>	5	6	7
8	9	10	11	12	13	14
15	16 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 6:45 p.m.</i>	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Public Services

Fifteen percent of CDBG funds can be designated to assist with the start-up of new programs or expansion of existing programs provided by nonprofit agencies (or units of local government under certain conditions) in the County. Eligible activities include the provision of job skills training, health services, mental health services, transportation, or other services identified in CCCD's Consolidated Plan. The activities funded must address at least one of the three CDBG national objectives.

The following agencies were selected for funding during the 2005 Program Year:

Better Health of Cumberland County/Emergency Prescriptions and Medical Assistance

Location: 1422 Bragg Blvd., Fayetteville, NC

Census Tract: 9

Population Served: Low/Moderate Persons

Assisted: 186

Funds Expended: \$15,000

City Rescue Mission/Housing and Services for the Homeless

Location: 120 N. Cool Springs St., Fayetteville, NC

Census Tract: 1

Population Served: Homeless Men

Assisted: 196

Funds Expended: \$8,266

Coalition on Services to the Homeless/Day Center for the Homeless

Location: 509 1/2 Ramsey St., Fayetteville, NC

Census Tract: 13

Population Served: Homeless Individuals

Assisted: 5,671

Funds Expended: \$9,224

Coordinating Council on Older Adults/In-home Aides for the Elderly

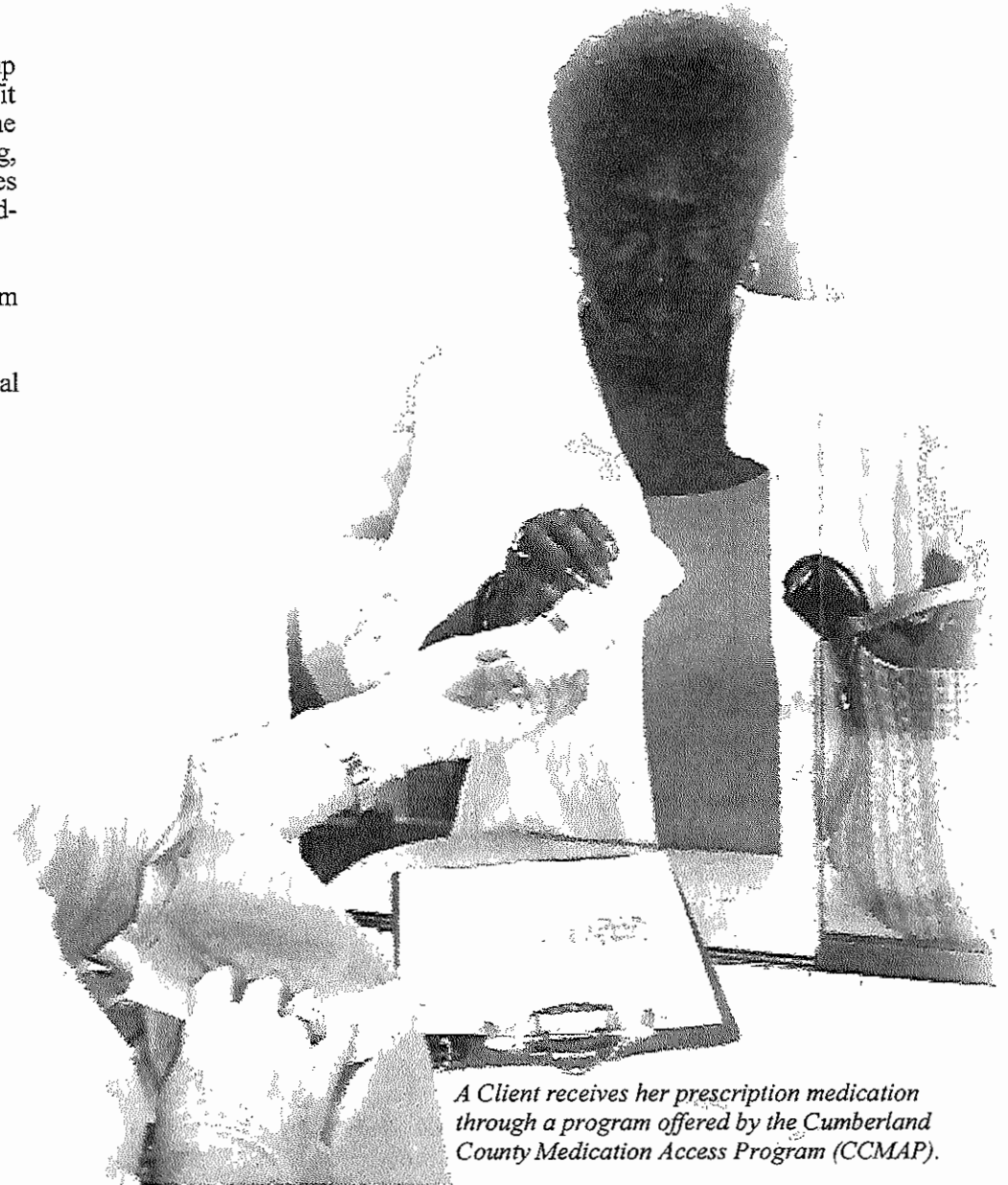
Location: 339 Devers St., Fayetteville, NC

Census Tract: 21

Population Served: Elderly (62 yrs +)

Assisted: 11

Funds Expended: \$15,083



A Client receives her prescription medication through a program offered by the Cumberland County Medication Access Program (CCMAP).

August

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 9:00 a.m.</i>	7	8	9	10	11
12	13	14	15	16	17	18
19	20 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 6:45 p.m.</i>	21	22	23	24	25
26	27	28	29	30	31	

Public Services

Other agencies that received funding include:

Cumberland Community Action Program/Second Harvest Food Bank

Location: 318 Green St., Fayetteville, NC

Census Tract: 1

Population Served: Low/Moderate Individuals/Families

Assisted: 17,367

Funds Expended: \$13,000

Cumberland County Communicare, Inc./Youth Leadership Program

Location: 103 Laketree Blvd., Spring Lake, NC

Census Tract: 35

Population Served: Low/Moderate Youth

Assisted: 19

Funds Expended: \$10,000

Cumberland County Medication Access Program (CCMAP)/

Prescription Drugs

Location: 227 Fountainhead Ln., Fayetteville, NC

Census Tract: 18

Population Served: Low/Moderate Persons

Assisted: 2,750

Funds Expended: \$15,000

Lisa's House of Care, Inc./Housing Services for Persons with HIV/AIDS

Location: Suppressed due to confidentiality

Census Tract: 10

Population Served: Homeless Individuals with HIV/AIDS

Assisted: 24

Funds Expended: \$6,381

The Salvation Army Shelter

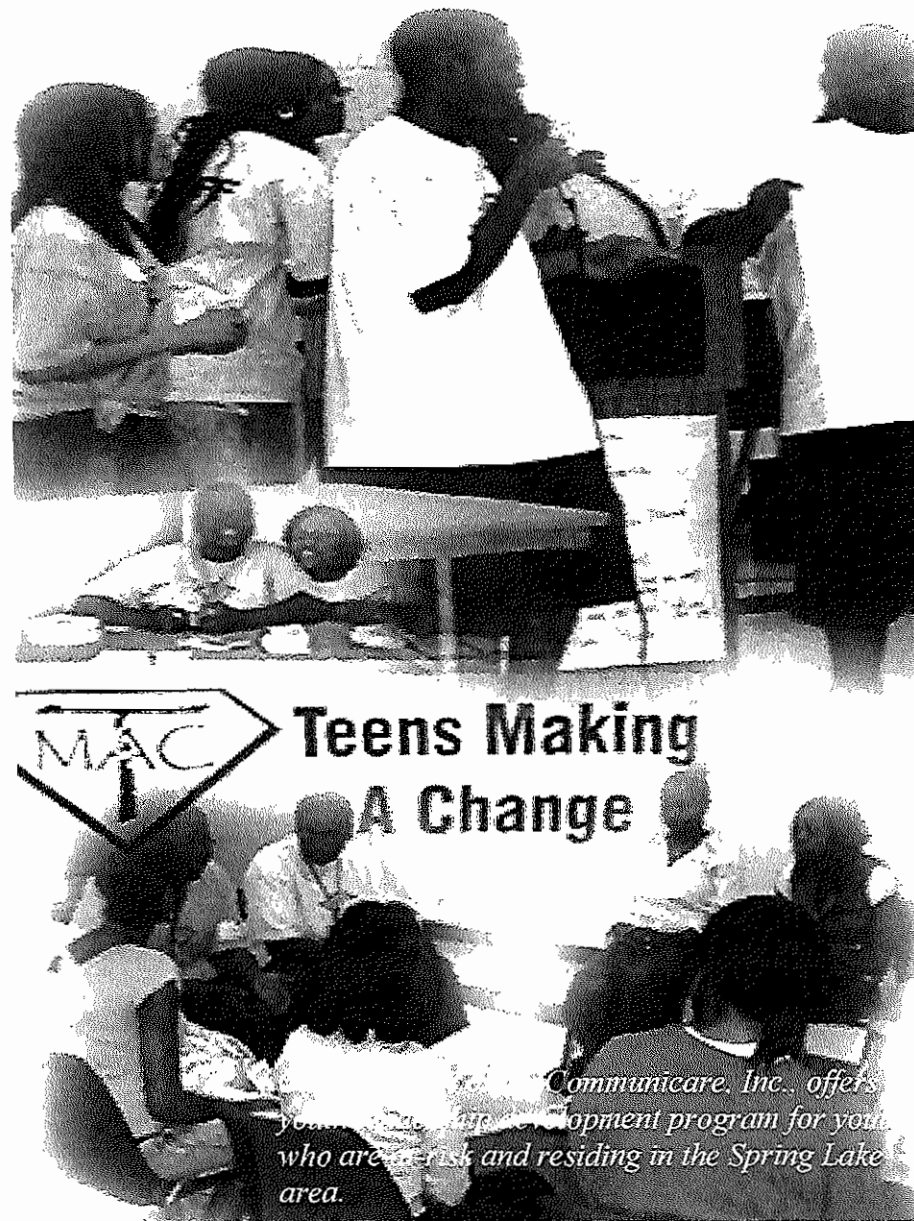
Location: 245 Alexander St., Fayetteville, NC

Census Tract: 1

Population Served: Homeless Men, Women, and Children

Assisted: 578

Funds Expended: \$21,418



September

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 <i>Labor Day</i> <i>County Offices Closed</i>	4 <i>Board of Commissioners</i> <i>Meeting</i> <i>County Courthouse</i> <i>117 Dick Street</i> <i>9:00 a.m.</i>	5	6	7	8
9	10	11	12	13	14	15
16	17 <i>Board of Commissioners</i> <i>Meeting</i> <i>County Courthouse</i> <i>117 Dick Street</i> <i>6:45 p.m.</i>	18	19	20	21	22
23	24	25	26	27	28	29
30						

Public Facilities

PUBLIC FACILITIES

Funds to install sanitary sewer systems were expended for the following projects:

North Cumberland Regional Sewer System (NORCRESS)

Census Tracts: 26 & 27

Project will serve 90 households

Funds Expended: \$100,000

In addition, funds in the amount of \$98,504 were also expended for the debt service on the Spring Lake Family Resource Center Section 108 Loan.



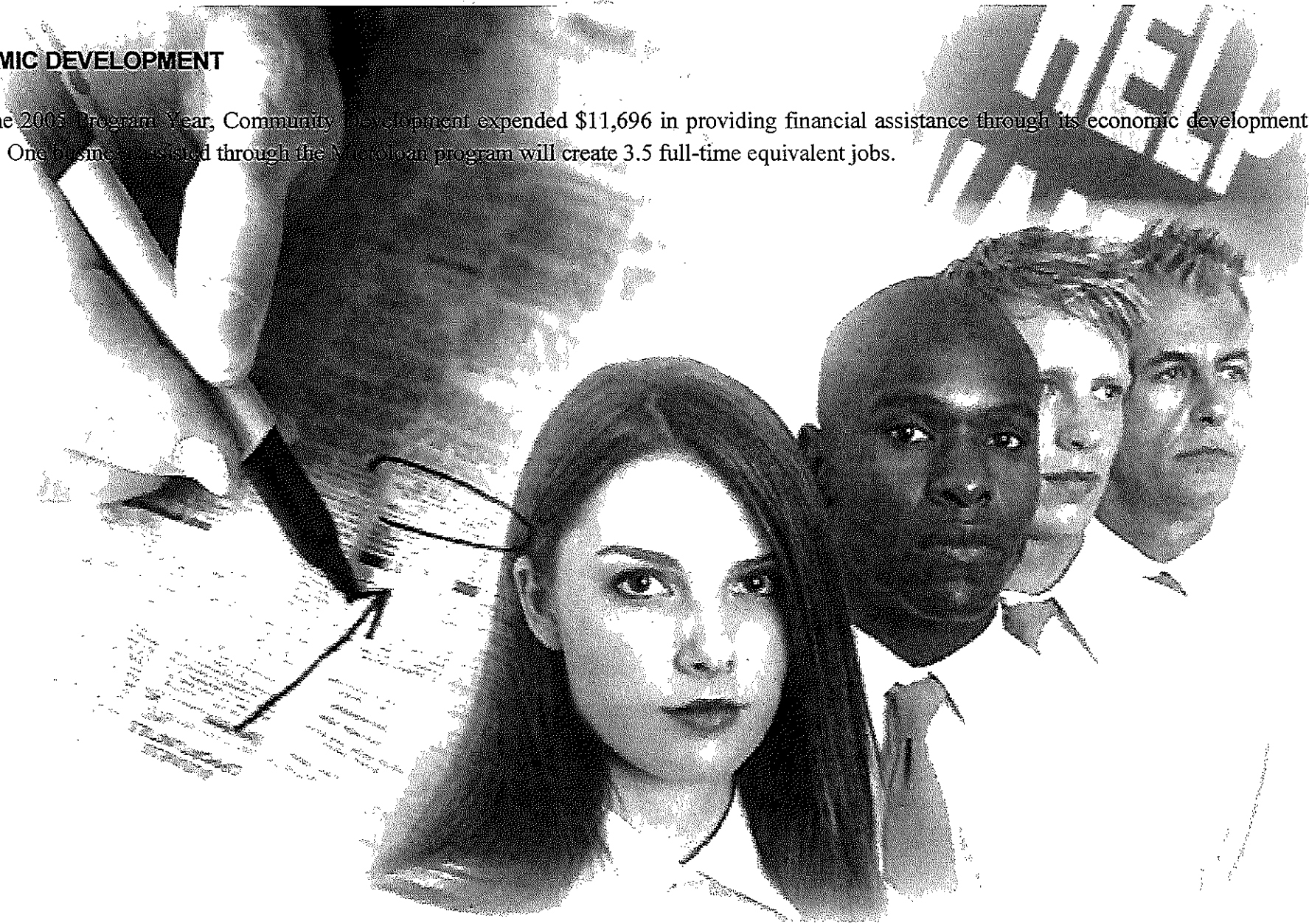
October

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 9:00 a.m.</i>	2	3	4	5	6
7	8 <i>Columbus Day</i>	9	10	11	12	13
14	15 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 6:45 p.m.</i>	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31 <i>Halloween</i>			

Economic Development

ECONOMIC DEVELOPMENT

During the 2005 Program Year, Community Development expended \$11,696 in providing financial assistance through its economic development program. One business assisted through the Microloan program will create 3.5 full-time equivalent jobs.



November

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 9:00 a.m.</i>	6	7	8	9	10
11 <i>Veterans Day</i>	12 <i>County Offices Closed</i>	13	14	15	16	17
18	19 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 6:45 p.m.</i>	20	21	22 <i>Thanksgiving Day County Offices Closed</i>	23 <i>County Offices Closed</i>	24
25	26	27	28	29	30	

Citizen Participation

CCCD alone cannot solve the issues that affect Cumberland County. It takes the partnership between government, community service agencies and citizens of Cumberland County to strengthen our community and create a positive change. Citizens of Cumberland County have several ways of participating in the activities that are conducted by CCCD. Citizens may attend public meetings/hearings, community fairs, or visit the CCCD office located at 245 Person Street, Fayetteville, North Carolina.

PUBLIC MEETINGS/HEARINGS

Each year several public meetings are held throughout Cumberland County. The purpose of these meetings is to provide information on programs available to low and moderate income residents and to assess the needs of the community. This past year, CCCD held four public meetings throughout Cumberland County:

- February 21, 2006 Spring Lake Family Resource Center
- February 23, 2006 Pineforest Recreation Center
- February 28, 2006 Grays Creek Recreation Center
- March 2, 2006 Stedman Recreation Center

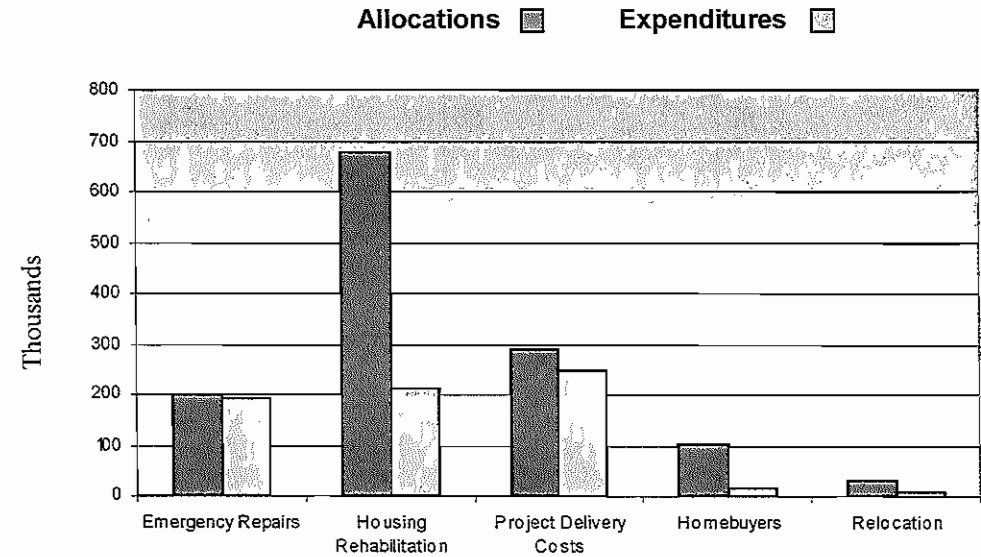
The public meetings are advertised through several radio stations, television stations, and newspapers. Flyers were also sent to town halls, libraries, schools, churches, and different agencies in Cumberland County. If you are interested in attending any future Community Development Public Meetings or have comments on any of our programs, please contact our office at (910) 323-6112.

December

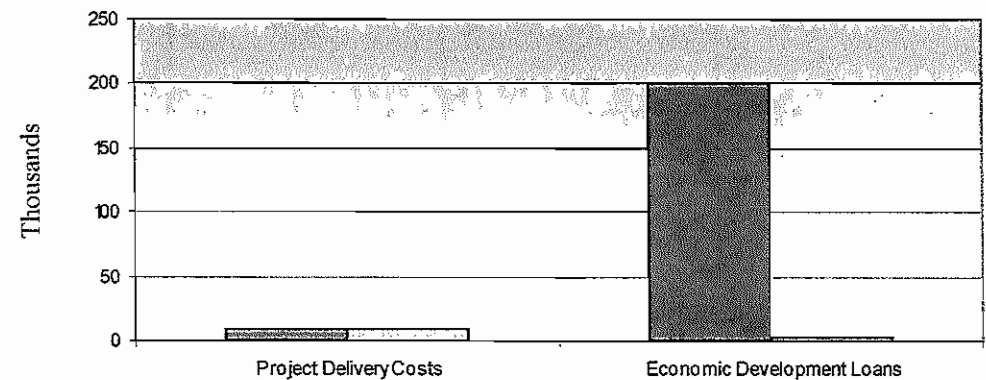
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 9:00 a.m.</i>	4	5	6	7	8
9	10	11	12	13	14	15
16	17 <i>Board of Commissioners Meeting County Courthouse 117 Dick Street 6:45 p.m.</i>	18	19	20	21	22
23	24 <i>County Offices Closed</i>	25 <i>Christmas Day County Offices Closed</i>	26 <i>County Offices Closed</i>	27	28	29
30	31					

Financial Summary - CDBG

Housing	Allocations	Expenditures
Emergency Repairs	199,685	192,423
Housing Rehabilitation	680,244	211,264
Project Delivery Costs	289,746	245,988
Homebuyers	100,000	16,000
Relocation	30,000	8,316
Total Housing Activities	1,299,675	673,991



Economic Development	Allocations	Expenditures
Project Delivery Costs	9,273	8,540
Economic Development Loans	200,000	3,156
Total Economic Develop. Activities	209,273	11,696

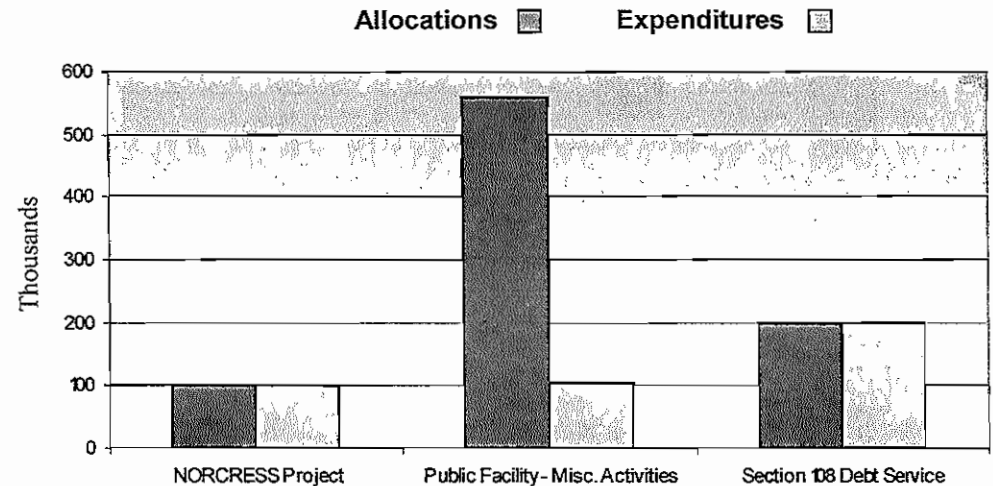


General Administration	Allocations	Expenditures
General Administration	330,556	305,325
Total General Administration	330,556	305,325

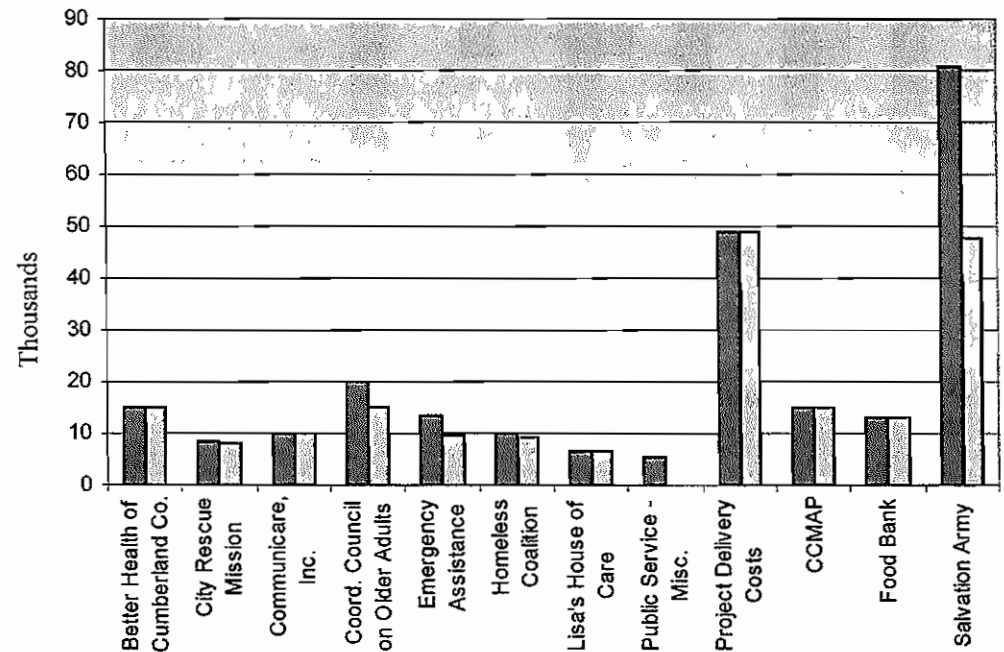
Note: The financial information has not been audited.

Financial Summary - CDBG

Public Facilities/Infrastructure	Allocations	Expenditures
NORCRESS Project	100,000	100,000
Public Facility - Misc. Activities	560,000	103,740
Section 108 Debt Service	198,504	198,504
Total Public Fac./Infra. Activities	858,504	402,244



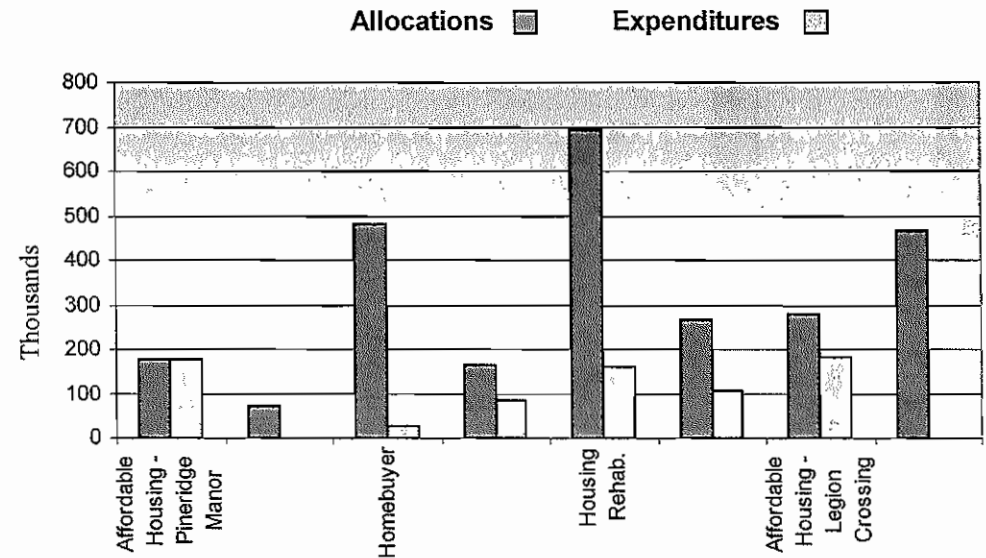
Public Services	Allocations	Expenditures
Better Health of Cumberland Co.	15,000	15,000
City Rescue Mission	8,500	8,266
Communicare, Inc.	10,000	10,000
Coord. Council on Older Adults	20,000	15,083
Emergency Assistance	13,350	9,539
Homeless Coalition	10,000	9,224
Lisa's House of Care	6,500	6,381
Public Service - Misc.	5,194	0
Project Delivery Costs	48,892	48,892
CCMAP	15,000	15,000
Food Bank	13,000	13,000
Salvation Army	80,763	47,693
Total Public Services Activities	246,199	198,078



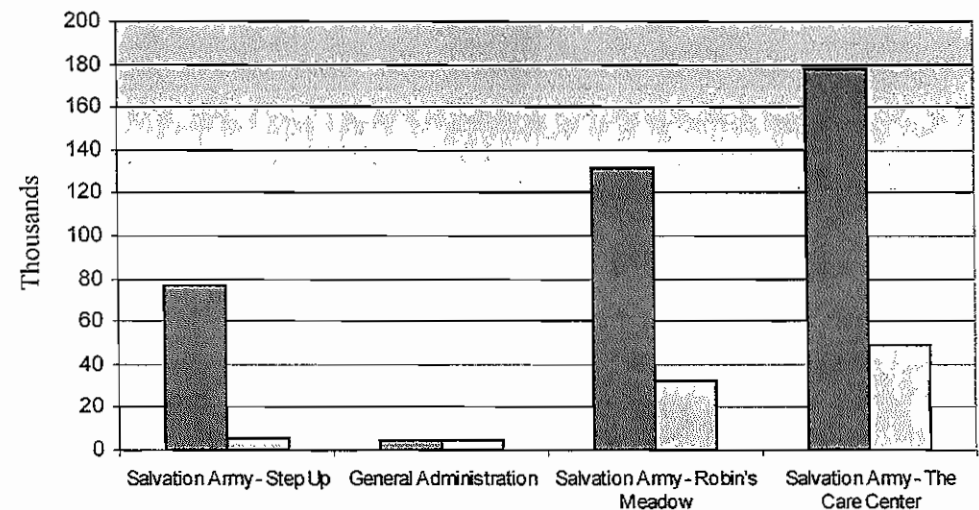
Note: The financial information has not been audited.

Financial Summary - HOME & SHP

HOME	Allocations	Expenditures
Affordable Housing -Pineridge Manor	180,000	180,000
ADDI	71,480	0
Homebuyer	478,204	24,716
General Admin.	165,304	83,945
Housing Rehab.	692,621	160,557
Kingdom Community Dev. Corp.	265,321	105,448
Affordable Housing - Legion Crossing	280,000	182,000
Affordable Housing - Uncommitted	466,024	0
Total HOME Activities	2,598,954	736,666



SHP	Allocations	Expenditures
Salvation Army - Step Up	76,684	5,742
General Administration	4,952	4,952
Salvation Army - Robin's Meadow	131,098	32,022
Salvation Army - The Care Center	177,788	48,824
Total SHP Activities	390,522	91,540



Note: The financial information has not been audited.

County Government



GOVERNING BODY

Billy R. King, Chairman
Kenneth S. Edge, Vice Chairman
Talmage S. Baggett, Jr.
J. Breeden Blackwell
Jeannette M. Council
Dr. John T. Henley, Jr.
Diane Wheatley

LOCAL GOVERNMENT PARTNERS

Town of Falcon	Town of Spring Lake
Town of Godwin	Town of Stedman
Town of Hope Mills	Town of Wade
Town of Linden	

COUNTY ADMINISTRATION

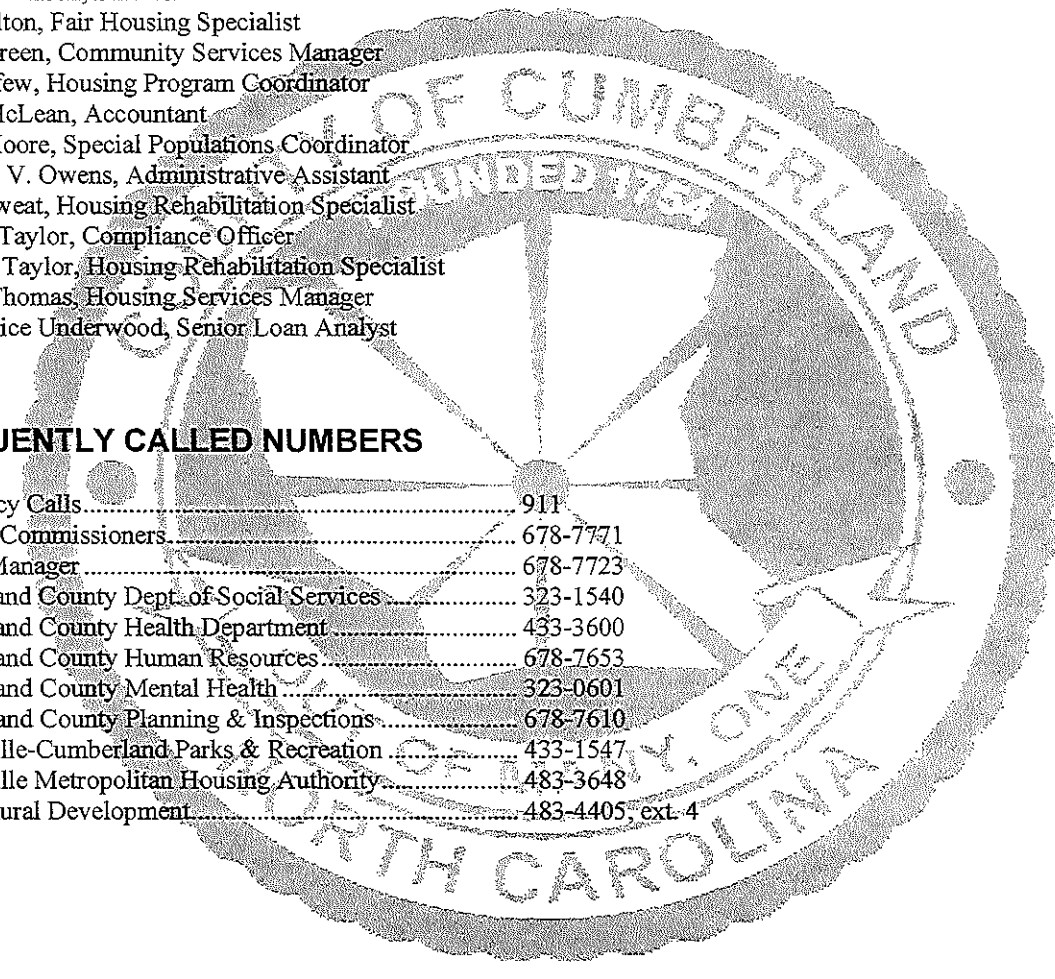
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Cliff Spiller, Assistant County Manager

CCCD STAFF

Thanena Wilson, Director
Gary Belton, Fair Housing Specialist
Sonya Green, Community Services Manager
Phil Leffew, Housing Program Coordinator
Sylvia McLean, Accountant
Karen Moore, Special Populations Coordinator
Deborah V. Owens, Administrative Assistant
Carlis Sweat, Housing Rehabilitation Specialist
Delores Taylor, Compliance Officer
William Taylor, Housing Rehabilitation Specialist
Bobby Thomas, Housing Services Manager
Mary Alice Underwood, Senior Loan Analyst

FREQUENTLY CALLED NUMBERS

Emergency Calls.....	911
Board of Commissioners.....	678-7771
County Manager.....	678-7723
Cumberland County Dept. of Social Services.....	323-1540
Cumberland County Health Department.....	433-3600
Cumberland County Human Resources.....	678-7653
Cumberland County Mental Health.....	323-0601
Cumberland County Planning & Inspections.....	678-7610
Fayetteville-Cumberland Parks & Recreation.....	433-1547
Fayetteville Metropolitan Housing Authority.....	483-3648
USDA Rural Development.....	483-4405, ext. 4



COUNTY OF CUMBERLAND COMMUNITY DEVELOPMENT

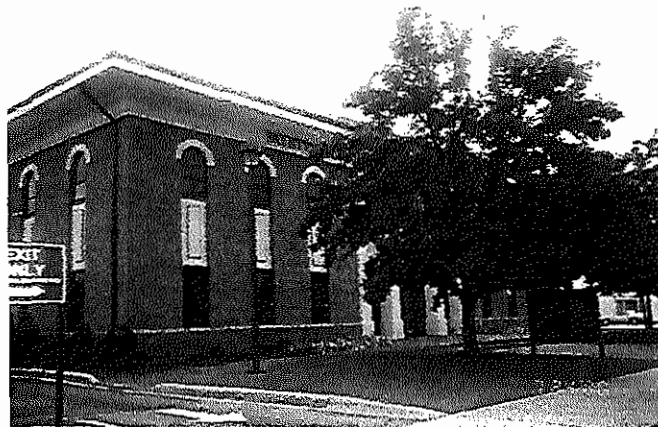
PO Box 1829

245 Person Street, 2nd Floor
Fayetteville, NC 28302-1829

Phone: (910) 323-6112

Fax: (910) 323-6114

<http://www.co.cumberland.nc.us>



THE FAYETTEVILLE OBSERVER

Publication Date: September 3, 2006

Topic: PUBLIC NOTICE - Cumberland County Community Development 2005 Consolidated Annual Performance & Evaluation Report

410 Public Notice

PUBLIC NOTICE

Cumberland County
Community Development
2005 Consolidated Annual
Performance and
Evaluation Report

A public hearing on the Cumberland County Community Development (CCCD) Consolidated Annual Performance and Evaluation Report (CAPER) will be held on September 18, 2006, 7:00 p.m., in the Commissioners Room, at the New Courthouse, 117 Dick Street, Fayetteville, NC.

The CAPER provides information on Cumberland County's use of the Community Development Block Grant and Home Investment Partnership Grant funds during the 2005 Program Year. This allows the County an opportunity to evaluate its overall progress in carrying out the priorities and specific objectives identified in its Consolidated Plan and 2005 Annual Action Plan. All citizens are encouraged to attend and offer comments.

Copies of the condensed version of the CAPER will be available for public review and comment from September 6, 2006 through September 20, 2006, at the following locations:

Cumberland County
Community Development
245 Person Street
(2nd Floor), Fayetteville

Cliffdale Branch Library
6882 Cliffdale Road
Fayetteville

Falcon Town Hall
7156 Southwest Street
Falcon

Headquarters Library
300 Maiden Lane
Fayetteville

Godwin Post Office
Hwy 301 & Main Street
Godwin

Hope Mills Branch Library
3411 Golfview Road
Hope Mills

Stedman Town Hall
5110 Front St., Stedman

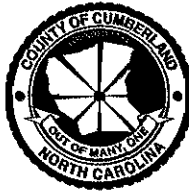
North Regional
Branch Library
655 McArthur Road
Fayetteville

Wade Town Hall
7128 Main Street
(Hwy 301 North), Wade

Spring Lake Branch Library
101 Laketree Blvd.
Spring Lake

A complete version of the CAPER will be available at the County Commissioners office and CCCD on September 27, 2006. For more information contact Cumberland County Community Development at (910) 323-6112 or visit the CCCD office at 245 Person Street, 2nd Floor, Fayetteville, NC 28301. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

Charles C. Morris
Chair
Town of Linden
Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin



ITEM NO. 2B

Thomas J. Lloyd,
Director
Cecl P. Combs,
Deputy Director

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

COUNTY of CUMBERLAND

Planning and Inspections Department

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

SEPTEMBER 1, 2006

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-53:** REZONING OF 5.53 ACRES FROM RR, R10, O&I(P) TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF CLINTON ROAD, EAST OF BLADEN CIRCLE, SUBMITTED BY ROBERT M. BENNETT, OWNED BY LESTER G. CARTER, JR.

ACTION: THE MEMBERS PRESENT AT THE AUGUST 15, 2006 MEETING VOTED UNANIMOUSLY TO APPROVE THE C(P) PLANNED COMMERCIAL DISTRICT.

SITE INFORMATION: **Area:** 5.53 acres; **Frontage & Location:** 480 feet on Clinton Road; **Depth:** 370 feet; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Vacant; **Initial Zoning:** April 26, 1979 (Area 8); **Surrounding Zoning:** North-RR, R10, R5A, East-RR, C(P), South-RR, R20, R10, and West-RR, R10, C3; **Surrounding Land Use:** Single family residential; **2010 Land Use Plan:** Suburban Density Residential; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC; **Soil Limitations:** Some hydric soils – Pantego loam and Woodington loamy sand; **Subdivisions:** Subdivision review; **Schools:** Sunnyside Elementary 245/296, Mac Williams Middle 1274/1130, Cape Fear High 1400/1507; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction specified for this area; **Average Daily Traffic Count (2004):** 5,500 on Clinton Road.

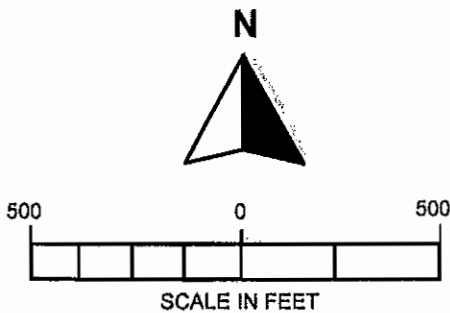
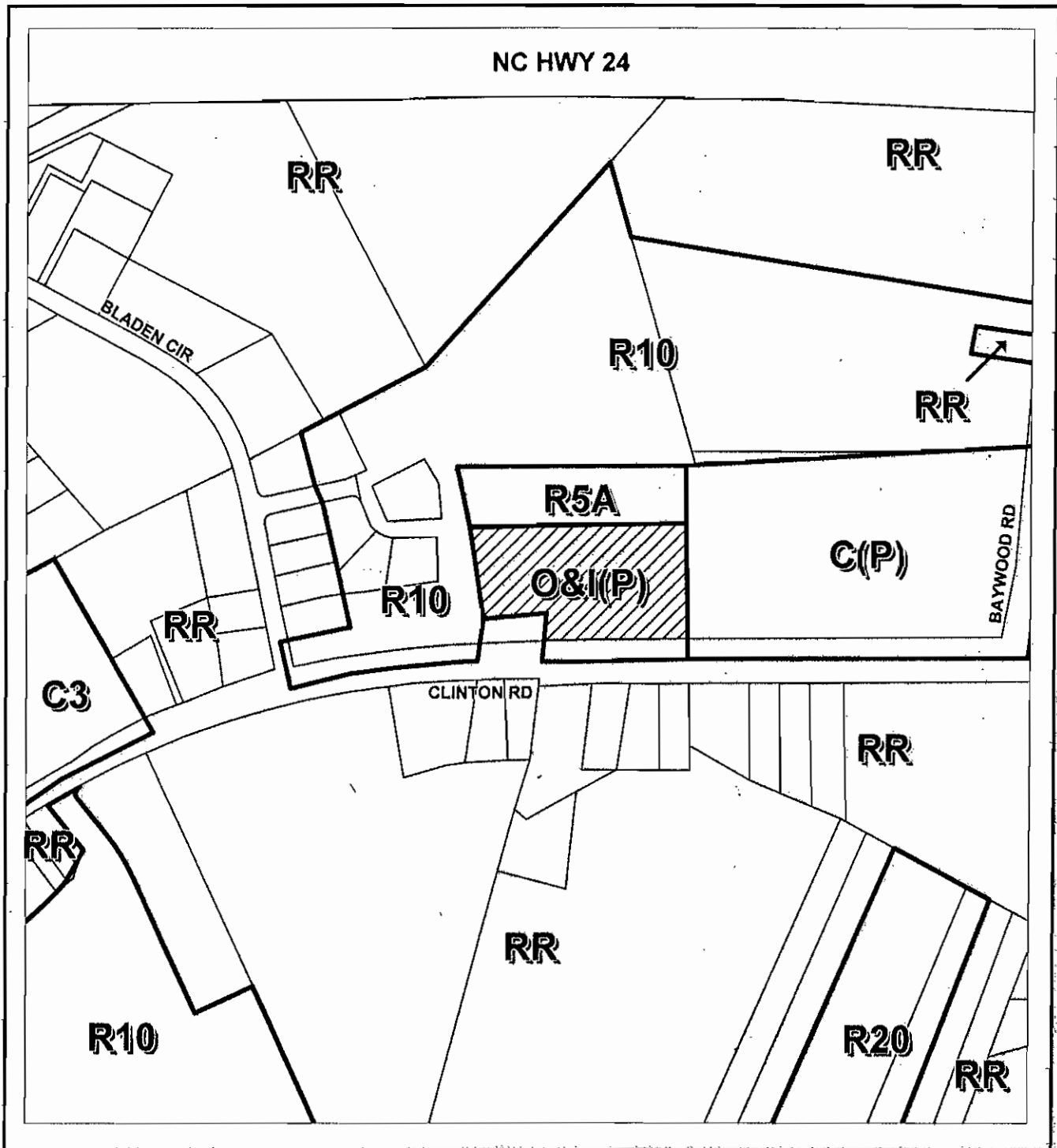
MINUTES OF AUGUST 15, 2006:

Mr. Lloyd reviewed the site information and stated that this case was deferred from the July 18, 2006 Board meeting so that the applicant could resolve some "use" issues with Staff. The applicant met with the Staff and their request remains as originally submitted. In addition, Staff recommended denial of the C(P) zoning district at the July meeting and the recommendation remains unchanged. This recommendation was based on the findings that the request is not consistent with the 2010 Land Use Plan; there is sufficient vacant commercially-zoned property in the area; and the existing O&I(P) zoning district acts as a good buffer between the commercial and residentially zoned properties. *There are no other suitable zoning districts to be considered.* Mr. Lloyd clarified that at the July meeting there was a misunderstanding between the petitioner and staff in the petitioner's request for C(P). The petitioner has clarified that he does want storage, not a warehouse.

The Public Hearing opened. Mr. Todd Edge, petitioner, addressed the Board and clarified that the C(P) zoning is what he requested. He stated that the neighbors across from this property were all relatives and in favor of his request.

Mr. Lester Carter spoke in favor of the request and stated that this request was not a drastic zoning change. He stated that the petitioner only wants to increase the size of his business. He further stated that there was no opposition to this request.

The Public Hearing was closed. Mr. McNeill stated that the Staff reasons to deny, based on the 2030 Plan and the sufficient vacant property, were not valid reasons for denial in this case. **Mr. McNeill made a motion, seconded by Mrs. Piland, to approve the request for C(P) zoning. Unanimous approval.**



REQUESTED REZONING: O&I(P), R10 & RR TO C(P)

ACREAGE: 5.53 AC.+/-

HEARING NO: P06-53

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

Charles C. Morris
Chair
Town of Linden
Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin



ITEM NO. 2C

Thomas J. Lloyd,
Director
Cecil P. Combs,
Deputy Director

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

COUNTY of CUMBERLAND

Planning and Inspections Department

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

SEPTEMBER 1, 2006

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-58: REZONING OF 2.02 ACRES FROM A1 TO A1A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4091 HUMMINGBIRD PLACE, SUBMITTED BY ABIE GUZMAN, OWNED BY ABRAHAM AND ZORAIDA GUZMAN, SR.**

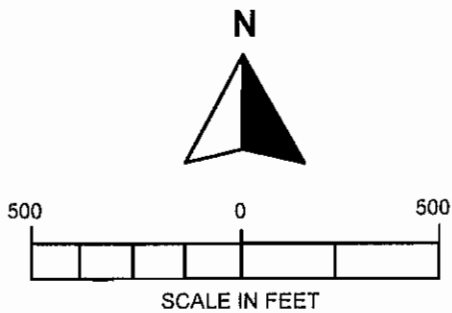
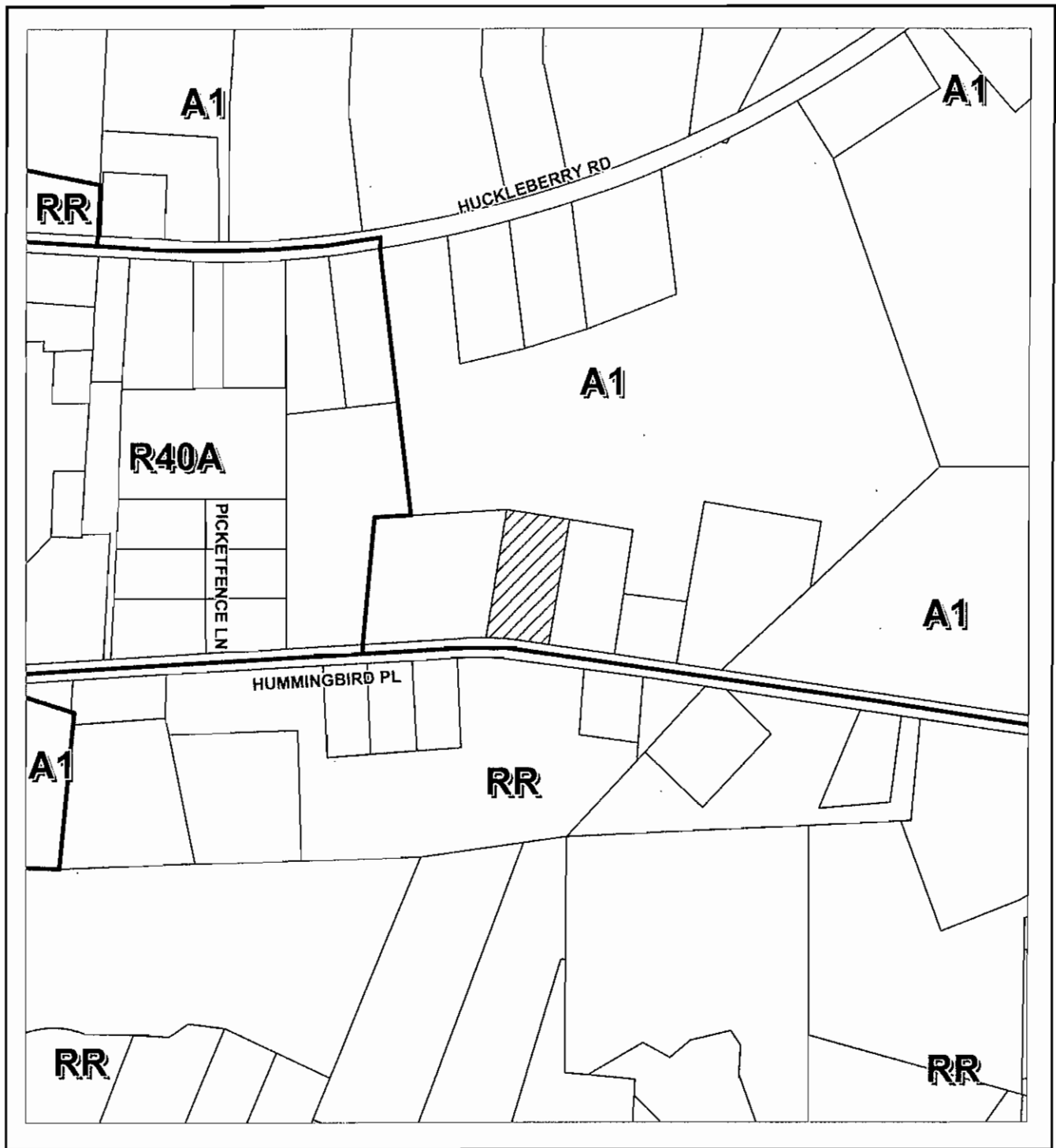
ACTION: THE MEMBERS PRESENT AT THE AUGUST 15, 2006 MEETING VOTED UNANIMOUSLY TO APPROVE THE A1A AGRICULTURAL DISTRICT.

SITE INFORMATION: Area: 2.02 acres; **Frontage & Location:** 210 feet on Hummingbird Place; **Depth:** 435 feet; **Jurisdiction:** County; **Current Use:** Residential; **Initial Zoning:** April 26, 1979 (Area 8); **Zoning Violation(s):** None; **Surrounding Zoning:** North-A1, R40A, East and South-A1, RR, and West-A1, R40A, RR; **Surrounding Land Use:** Container site, church, single family residential and vacant land; **Eastover Study Area Land Use Plan:** One-Acre Residential; **Urban Services Area:** Yes; **Water/Sewer Availability:** Well / Septic; **Soil Limitations:** None; **School Capacity/Enrolled:** Armstrong Elementary 436/415, Mac Williams Middle 1274/1133, Cape Fear High 1400/1507; **Subdivisions:** This lot was created 8/27/84 by deed. A subdivision review will be required prior to any development, which may involve other tracts from the parent tract; **Highway Plan:** No road improvements or new construction specified for this area; **Average Daily Traffic Count (2004):** 1,400 on Hummingbird Place; **Notes:** Density: A1 – 1 units; A1A – 2 units.

MINUTES OF AUGUST 15, 2006:

Mr. Lloyd reviewed the site information and stated that the Planning & Inspections Staff recommended approval of the A1A zoning district based on the findings that the request is consistent with the 2010 Land Use Plan; the request is in keeping with the rural nature of the area; and the request is in character with the current zoning in the area; and there are no other suitable zoning districts. There was no opposition to this case.

A motion was made by Mrs. Piland and seconded by Mr. McNeill to approve Case P06-58 as a consent item. Unanimous approval.



REQUESTED REZONING: A1 TO A1A

ACREAGE: 2.02 AC.+/-		HEARING NO: P06-58	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

Charles C. Morris
Chair
Town of Linden
Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin



Thomas J. Lloyd,
Director
Cecil P. Combs,
Deputy Director

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

COUNTY of CUMBERLAND

Planning and Inspections Department

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

SEPTEMBER 1, 2006

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-60:** REZONING OF TWO PARCELS TOTALING 1.98 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTHWEST SIDE OF SOUTH MAIN STREET, SOUTHEAST OF RED MAPLE LANE, OWNED BY CHARLES T. GARDNER.

ACTION: THE MEMBERS PRESENT AT THE AUGUST 15, 2006 MEETING VOTED UNANIMOUSLY TO APPROVE THE C(P) PLANNED COMMERCIAL DISTRICT.

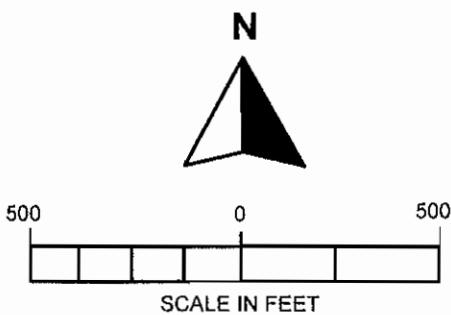
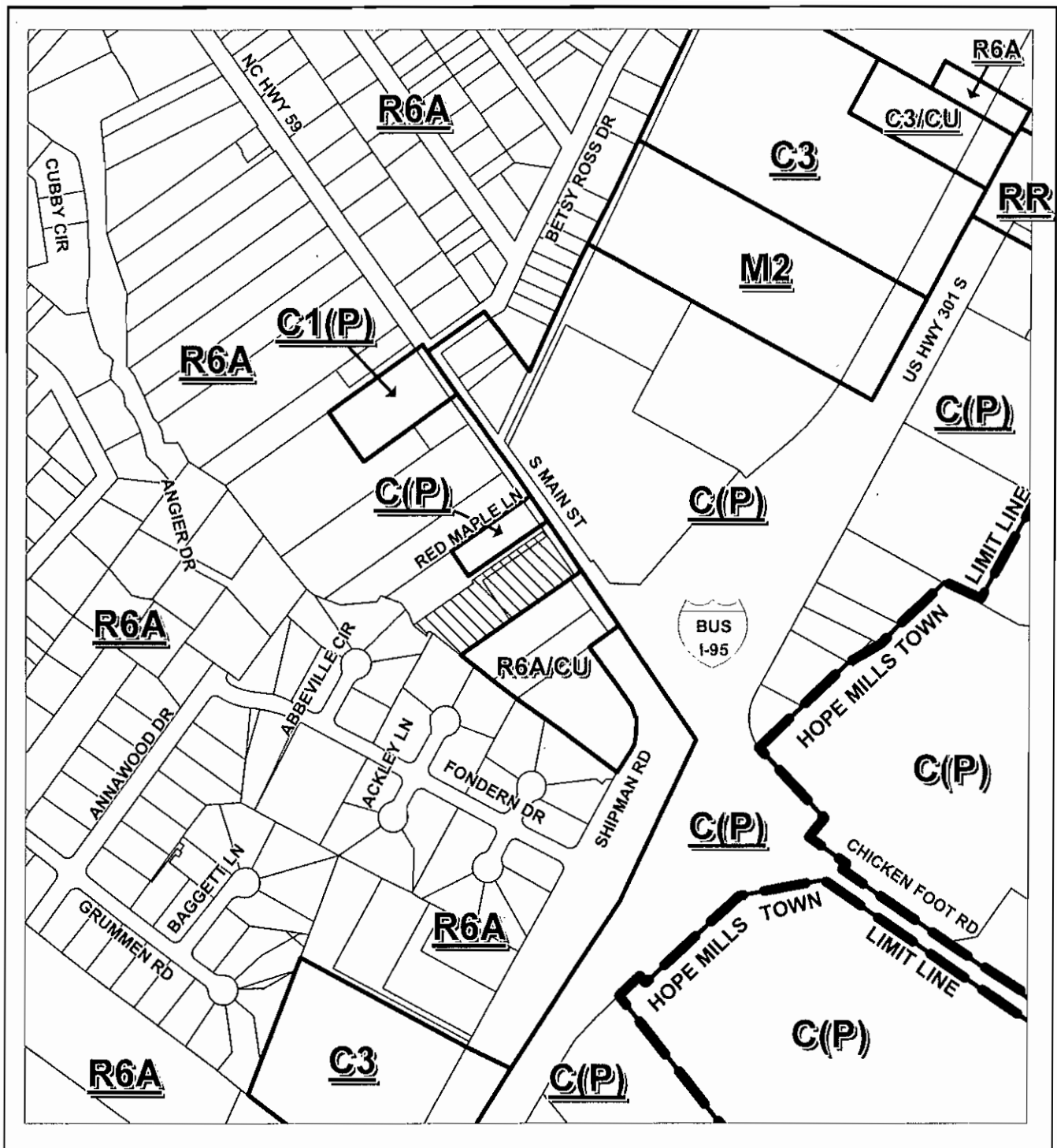
SITE INFORMATION: **Area:** 1.98 acres; **Frontage & Location:** 181 feet on South Main Street; **Depth:** 440 feet; **Jurisdiction:** County; **Current Use:** Vacant Residential; **Initial Zoning:** February 3, 1977 (Area 7); **Zoning Violation(s):** None; **Surrounding Zoning:** North-R6A, C1(P), C(P), C3, C3/CU, M2, East-C(P), Hope Mills limit-C(P), South-R6A, R6A/CU, C(P), C3, Hope Mills limit-C(P), and West-R6A; **Surrounding Land Use:** Auto sales, church, motorcycle shop, manufactured home sales, statuary business and single family residential; **2010 Land Use Plan:** Heavy Commercial; **Urban Services Area:** Yes; **Water/Sewer Availability:** Well / Septic; **Soil Limitations:** None; **Subdivisions:** The lots were created 10/26/87 by deed. A C(P) site plan review will be required prior to any development on this property; **Military Impact Area:** No; **Highway Plan:** Highway 59 is identified as a Major Thoroughfare. This proposal calls for a multi-lane facility (Priority 1). Road improvements are not included in the 2006-2012 MTIP; **Average Daily Traffic Count (2004):** 14,000 on Hwy 59.

MINUTES OF AUGUST 15, 2006:

Mr. Lloyd reviewed the site information and stated that the Staff recommended approval of the C(P) zoning district based on the findings that the request is consistent with the 2010 Land Use Plan; the subject property is adjacent to commercial use; and the subject property is located on a Major Thoroughfare. The other suitable zoning districts are O&I(P) and C1(P).

No one appeared in opposition to the case.

A motion was made by Mrs. Piland and seconded by Mr. McNeill to approve Case P06-60 as a consent item. Unanimous approval.



REQUESTED REZONING: R6A TO C(P)

ACREAGE: 1.98 AC.+/-		HEARING NO: P06-60	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

Charles C. Morris
Chair
Town of Linden
Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin



ITEM NO. 2E

Thomas J. Lloyd,
Director
Cecil P. Combs,
Deputy Director

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

COUNTY of CUMBERLAND

Planning and Inspections Department

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

SEPTEMBER 1, 2006

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-61:** REZONING OF SEVEN PARCELS TOTALING 15.53 ACRES FROM R6 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF ANDREWS ROAD, WEST OF RAMSEY STREET, SUBMITTED BY KIMLEY-HORN ASSOCIATES, OWNED BY CLYDE A. CULBRETH, ET AL.

ACTION: THE MEMBERS PRESENT AT THE AUGUST 15, 2006 MEETING VOTED UNANIMOUSLY TO DENY THE C(P) PLANNED COMMERCIAL DISTRICT AND APPROVE C1(P) PLANNED COMMERCIAL DISTRICT.

SITE INFORMATION: **Area:** 15.53 acres; **Frontage & Location:** 162 feet on Andrews Road; **Depth:** 1,330 feet; **Jurisdiction:** County; **Current Use:** Residential; **Initial Zoning:** August 21, 1972 (Area 1); **Zoning Violation(s):** None; **Surrounding Zoning:** North-R10, C(P), City limits-R10, PND, C1P, East-R10, C1(P), C(P), City limits-R10, R5, C1, C1P, South-PND, R6, C(P), C1(P), City limits-PND, and West-R10, PND, R6, and City Limits-PND; **Surrounding Land Use:** Shopping center, medical center, substation, DOT, single family residential and vacant property; **North Fayetteville Area Detailed Land Use Plan:** Heavy Commercial and Low Density Residential; **Watershed Area:** Yes – must meet Watershed requirements; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC – a sewer extension will be required to serve the area; **Soil Limitations:** Some hydric soils – Rains sandy loam; **Subdivisions:** If the parcels are to be developed, will need to be recombined, re-subdivided and a C(P) site plan review will be required on any and all lots that may be created or existing; **Ft Bragg / Pope AFB:** Pope AFB has no objections to this case; **Military Impact Area:** Yes; **Highway Plan:** Andrews Road is identified as a Major Thoroughfare. The Plan calls for a multi-lane facility (Priority 1). Road improvements are not included in the 2006-2012 MTIP. The Fayetteville Outer Loop is identified in the Highway Plan as a Major Thoroughfare. The Plan calls for a multi-lane facility with a 250 foot right-of-way. Road improvements are included in the 2006-2012 MTIP. **Planning/Design:** In progress, **Mitigation:** FFY07, **ROW Acquisition:** FFY 06, 07, **Post Years, Construction:** 08, 12, **Post Years; Average Daily Traffic Count (2004):** 5,400 on Andrews Road.

MINUTES OF AUGUST 15, 2006:

Mr. Lloyd reviewed the site plan information and stated that Staff recommends denial of C(P) zoning for this location but approval of the C1(P) district, even though this recommendation is not totally consistent with the Land Use Plan, based on the findings that there is C1(P) zoning

Cape Fear Valley Medical Center; and the North Fayetteville Area Detailed Land Use Plan calls for heavy commercial and low density residential at this location, C1(P) zoning provides a good balance between the two districts. O&I(P) would also be considered as suitable for this property.

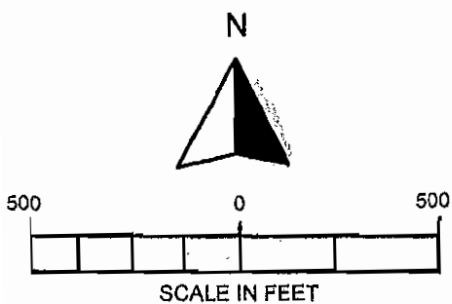
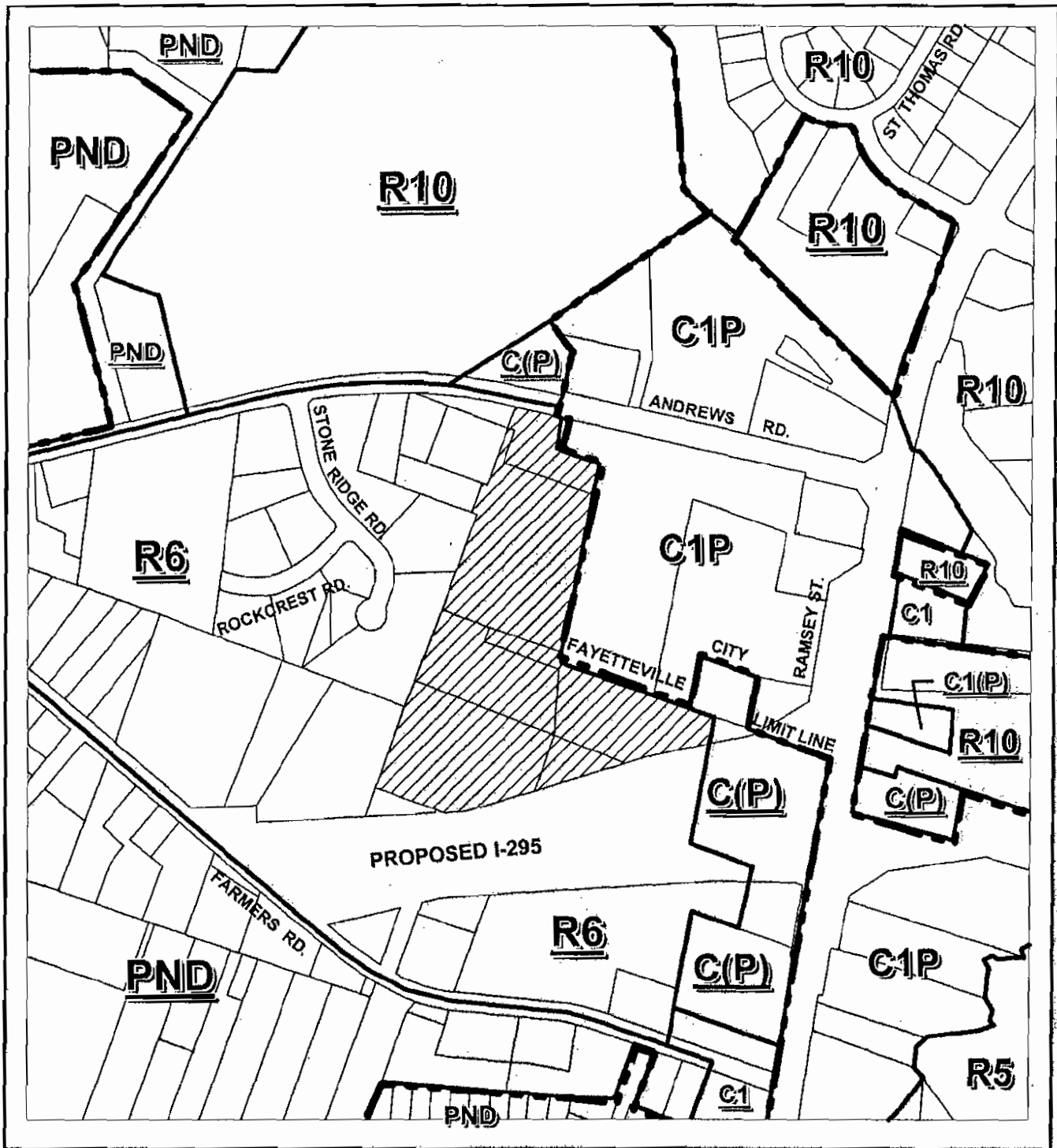
The Public Hearing opened. Mr. Sal Musarra spoke in favor of the request and stated that he was agreeable to the staff recommendations. He stated the desire was to develop a plan that was beneficial to the Medical Center. The developer plans for this project to be a good transition from the residential area.

No one appeared in opposition to the request. Public Hearing closed.

Mrs. Wheatley asked if the neighbors had been notified of this project. Mr. Lloyd advised her of the area of those who were notified.

Mr. McNeill stated that a buffer requirement was required. Mrs. Epler noted that this property was inside of the watershed area and would have to handle their own stormwater on-site. She also asked the petitioner if they were agreeable to C1(P). Mr. Musarra stated that he was aware of the staff recommendation of C1(P) and did approve of that recommendation.

Mr. McNeill made a motion, seconded by Mrs. Epler, to follow the staff recommendation and deny C(P) but approve C1(P). Unanimous approval.



REQUESTED REZONING R6 TO C(P)

ACREAGE: 15.53 AC.+/-		HEARING NO: P06-61	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

Charles C. Morris
Chair
Town of Linden
Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin



Thomas J. Lloyd,
Director
Cecil P. Combs,
Deputy Director

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

COUNTY of CUMBERLAND

Planning and Inspections Department

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

SEPTEMBER 8, 2006

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-40: REZONING OF 13.19 ACRES FROM R10 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6521 RAMSEY STREET, OWNED BY JAMES H. AND EVA S. SINGLETARY.**

ACTION: THE MEMBERS PRESENT AT THE AUGUST 15, 2006 MEETING VOTED UNANIMOUSLY TO DENY THE C(P) PLANNED COMMERCIAL DISTRICT AND APPROVE THE O&I(P) OFFICE & INDUSTRIAL DISTRICT ON THE ENTIRE TRACT.

SITE INFORMATION: **Area:** 13.19 acres; **Frontage & Location:** 260 feet on Ramsey Street; **Depth:** 1,215 feet (average); **Jurisdiction:** County; **Current Use:** Residential; **Initial Zoning:** August 21, 1972 (Area 1); **Nonconformities:** Yes – If rezoned the structures will be nonconforming due to dimensional requirements; **Surrounding Zoning:** North-R10, PND, C(P), East-R10, C(P), M(P), South and West-R10, PND, city limits; **Surrounding Land Use:** Steelworkers Association, open storage, electric company, daycare, barber shop, school, and single family residential; **North Fayetteville Study Area Land Use Plan:** Low Density Residential and Open Space; **Watershed Area:** Yes; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / Septic – PWC sewer available; **Soil Limitations:** Some hydric soils – Coxville loam; **Subdivisions:** A subdivision or site plan review shall be required prior to any development; **Military Impact Area:** Yes; **Highway Plan:** Ramsey Street is identified as a Major Thoroughfare. The plan calls for widening to a multi-lane facility (Priority 1-unfunded); **Average Daily Traffic Count (2004):** 23,000 on Ramsey Street.

MINUTES OF AUGUST 15, 2006:

Mr. Lloyd presented the site information and stated that this case was presented at the June 20th meeting, at which time the applicant indicated he wished to amend his request. To the original request, Staff recommended denial of the C(P) zoning district based on the findings that the request is not consistent with the North Fayetteville Study Area Land Use Plan which calls for low density residential and open space at this location; there is sufficient vacant commercial property in the area; the subject property wraps around existing residential properties; McCloskey Road will likely be the main entrance to the future state park property currently owned by the Nature Conservancy; and the depth of the rezoning request exceeds what would normally be considered for commercial zoning and encroaches into a residential area. Mr. Lloyd stated that the applicant later requested deferral to the August 15th meeting, to which staff was in agreement. Staff has reviewed the applicant's amended rezoning request and recommends denial of O&I(P) for the back portion (7.17 acres) because this request is not consistent with the North Fayetteville Study Area Land Use Plan and would allow for the encroachment

of nonresidential zoning to a residential area. Mr. Lloyd stated that the Staff recommends denial of the front portion (6.02 acres) to C(P) but approval of the 6.02 acres to O&I(P) based upon the findings that although the request is not fully consistent with the Land Use Plan which calls for low density residential and open space at this location, this area is in transition; the O&I(P) zoning district would act as a buffer for the residential areas; and the Highway Plan calls for a 6-lane divided highway at this location. There were no other suitable zoning districts to be considered.

No one appeared in favor of or in opposition to the request.

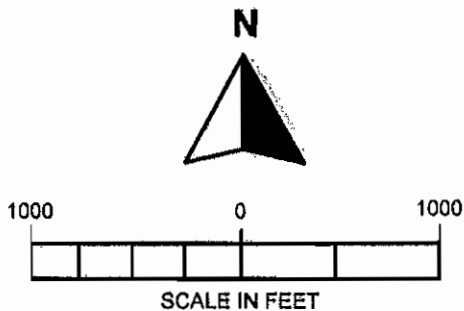
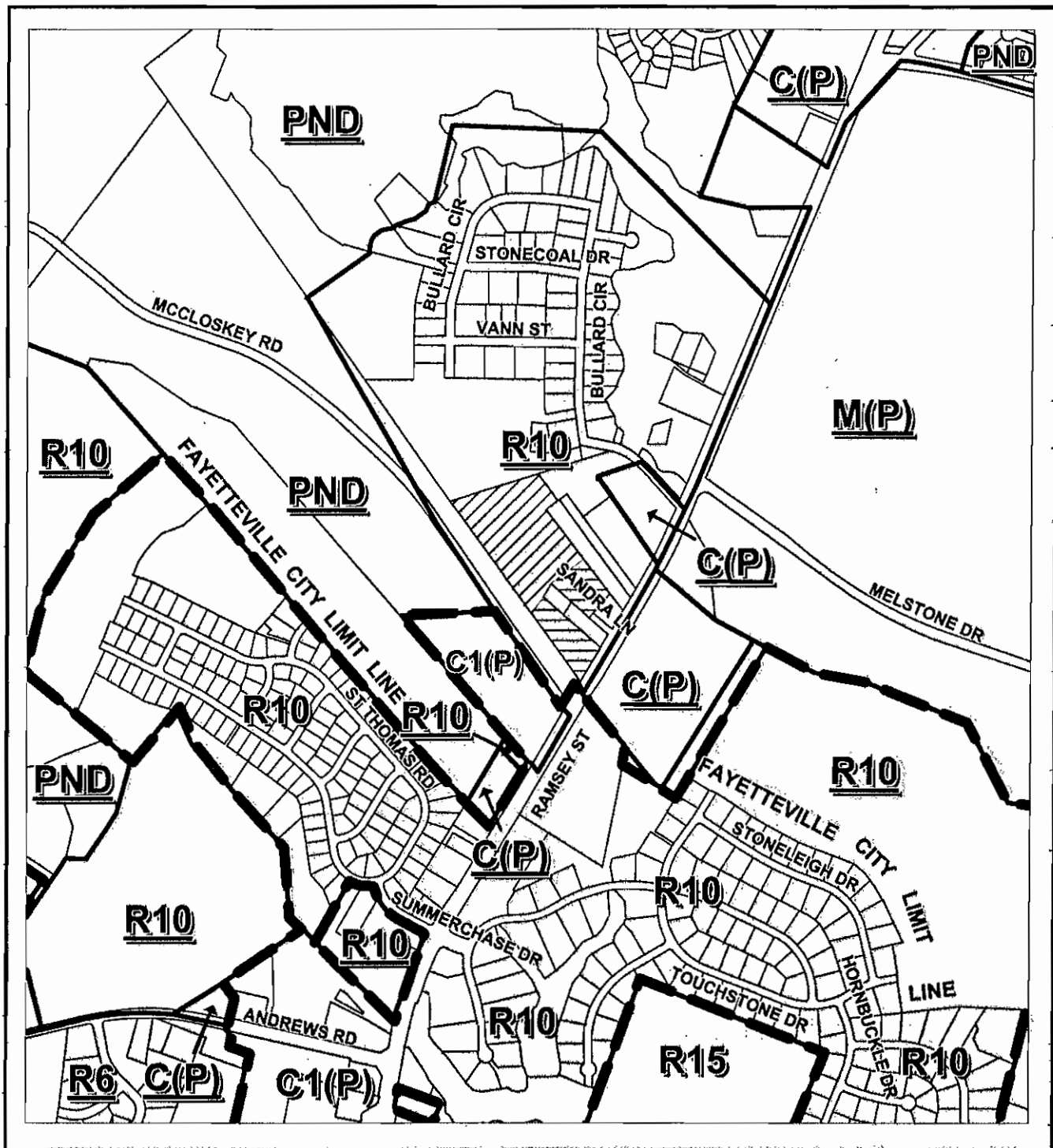
Board discussion followed on the allowable uses in O&I(P), traffic problems in the area, current buffering in place, and the division of the zoning on the front and rear of the property. Mr. Lloyd restated the Staff recommendation.

Mr. McLaurin made a motion, seconded by Mrs. Piland, to approve O&I(P) on the back 7.17 acres and deny the C(P) on the front 6.02 acres.

Mr. Lloyd clarified that O&I(P) is more restrictive than C(P). Mr. McLaurin stated that O&I(P) was a good transition from residential to C(P) and would allow the petitioner room to come back in the future.

Mr. McNeill stated that he preferred the staff recommendation. Mr. Morris stated his preference that the entire property be zoned O&I(P).

Mrs. Epler made a substitute motion, seconded by Mr. Turner to deny the request and grant O&I(P) for the entire tract. Unanimous approval.



REQUESTED REZONING: R10 TO O&I(P) 7.17+/- & C(P) 6.02+/-

ACREAGE: 13.19 AC.+/-

HEARING NO: P06-40

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

REV: 07-19-06
REV: 07-21-06

PIN: 0541-05-0508

SP

Charles C. Morris
Chair
Town of Linden
Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin



ITEM NO. 26

Thomas J. Lloyd,
Director
Cecil P. Combs,
Deputy Director

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

COUNTY of CUMBERLAND

Planning and Inspections Department

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

SEPTEMBER 1, 2006

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-59:** REZONING OF .92 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF ROCKFISH ROAD, WEST OF WIPPERWILL DRIVE, SUBMITTED BY RONNIE G. FALCON, OWNED BY DOUGLAS AND BETTY MEISENBACH.

ACTION: THE MEMBERS PRESENT AT THE AUGUST 15, 2006 MEETING VOTED UNANIMOUSLY TO DENY THE R10 RESIDENTIAL DISTRICT.

SITE INFORMATION: **Area:** .92 acres; **Frontage & Location:** 200 feet on Rockfish Road; **Depth:** 200 feet; **Jurisdiction:** County; **Current Use:** Residential; **Initial Zoning:** February 6, 1976 (Area 5); **Zoning Violation(s):** None; **Surrounding Zoning:** North-R10, East-RR, R10, R10/CU, South-RR, and West-R20, RR, R10; **Surrounding Land Use:** Cell tower, single family residential and vacant land; **2010 Land Use Plan:** Low Density Residential; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / Septic, Sewer exists 1700 feet west of the site; **Soil Limitations:** None; **School Capacity/Enrolled:** Stoney Point Elementary 620/771, John Griffin Middle 1274/1281, Jack Britt High 1750/1824; **Subdivisions:** This lot was created 10/26/87 by deed. A subdivision review will be required prior to any development; **Military Impact Area:** No; **Highway Plan:** Rockfish Road is identified as a Major Thoroughfare. The Plan calls for a multi-lane facility (Priority 2). Road improvements are not included in the 2006-2012.MTIP; **Average Daily Traffic Count (2004):** 12,000 on Rockfish Road; **Notes:** Density:RR - 2 lots / 2 units; R15 - 2 lots / 3 units; R10 - 4 lots / 5 units.

MINUTES OF AUGUST 15, 2006:

Mr. Lloyd reviewed the site plan information and stated that the Staff recommends denial of R10 and approval of the R15 zoning district based on the findings that although the request is consistent with the 2010 Land Use Plan, there is no public sewer available to the site; and the R15 zoning district is in character with the current zoning in the area and is a more restrictive residential zoning district than RR. There are no other suitable zoning districts. Mr. Lloyd also stated that there were no speakers signed up for this case

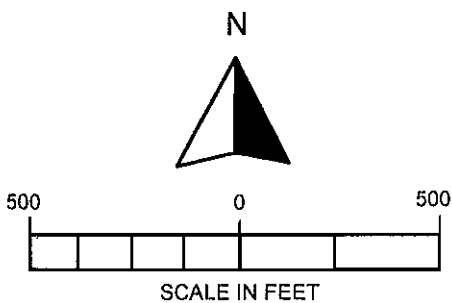
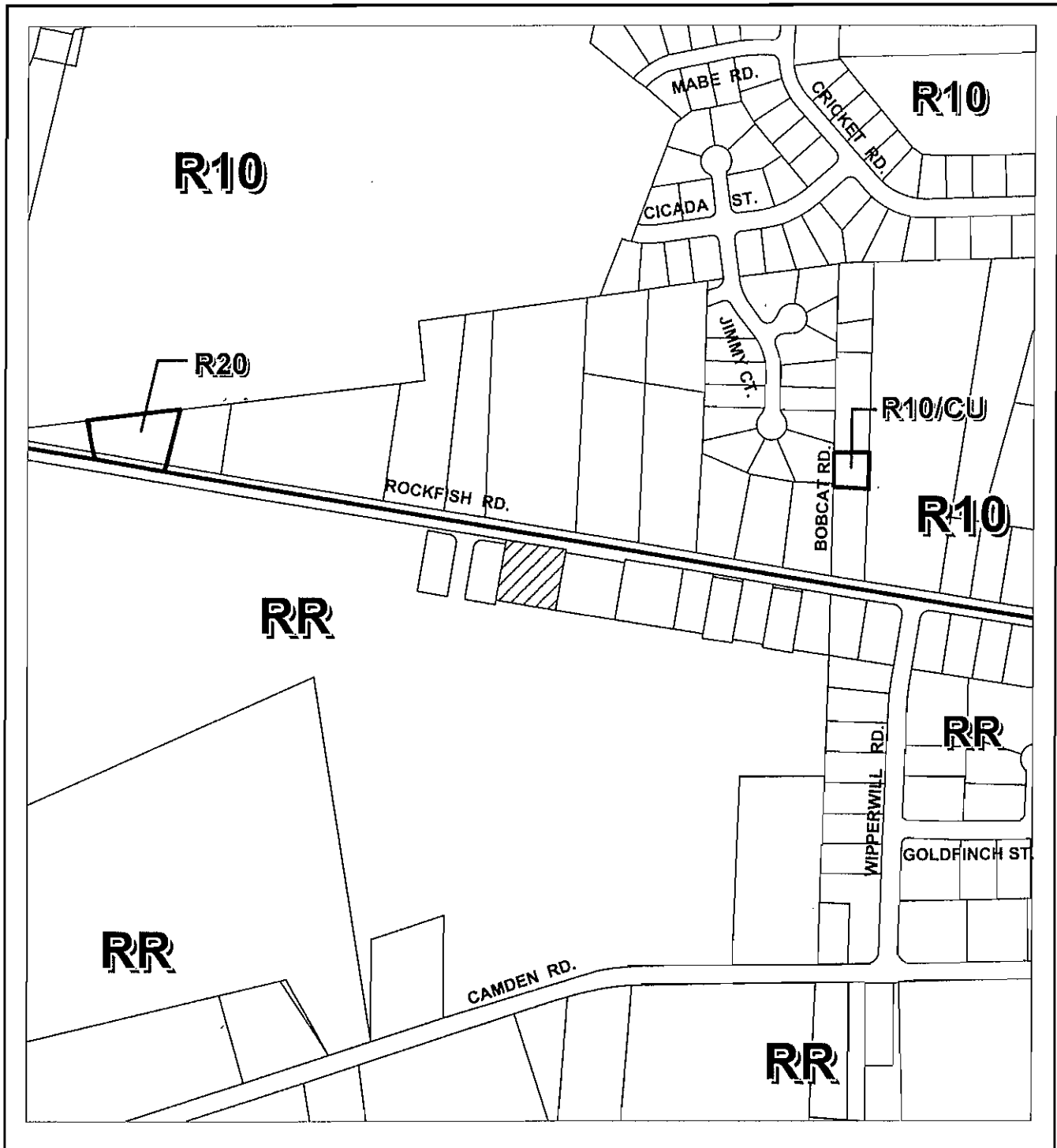
Mr. McNeill asked if the owners were aware that the staff recommendation differed from what was submitted. Mrs. Epler noted that normal procedure for Land Use was to contact the owner upon receipt of the application. Mr. McNeill stated that he was disappointed that the petitioner had not shown up for the Public Hearing.

Mr. McNeill made a motion, seconded by Mrs. Epler, to deny the request.

Mr. McLaurin made a substitute motion, seconded by Mr. Turner, to deny the request for R10 and approve R20.

Mr. Barrett stated that he was concerned that the owner/petitioner was not present and that the Board should be aware that approval of R15 or R20 would reduce the options available to the petitioner. Discussion followed on whether or not the petitioner and owner were aware of the staff recommendation and if they were in favor of it. Mr. Lloyd stated that the owner was notified of the public hearing by tax record address and that there was no indication of the notification being returned. Mr. Lloyd further stated that if the Board acts on the case and it moves forward to the Commissioners meeting, the petitioner/owner will have an opportunity to speak at that meeting. Mr. Morris noted that if the Board denied the request, the petitioner would have to wait a full year to return a request to the Board.

The substitute motion was returned for a vote and was unanimously denied. The original motion, to deny the request, was returned to the floor. Unanimous approval to deny.



REQUESTED REZONING RR TO R10

ACREAGE: 0.92 AC.+/-

HEARING NO: P06-59

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

ITEM NO. 24(1)

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

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

Background: That the following is a report on Minimum Housing case number MH 4690 & 4691-2005.

Property Owner: Mary Hills Troy

Property Address: 2014 Memory Lane (mobile home) & 2024 Memory Lane (frame structure)

Tax Parcel Identification Number: 0443-11-2170

SYNOPSIS: These structures were inspected on 11/15/2005. The property owners and parties of interest was/were legally served with Notice of Violations and were afforded a Hearing on 2/1/2006. No one attended the Hearing. It was ordered that the structures be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 3/2/2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 9/5/2006 no corrective action had been made to either structure. The structures are presently vacant and unsecured. In their present state, the structures constitute a fire, health, and safety hazard.

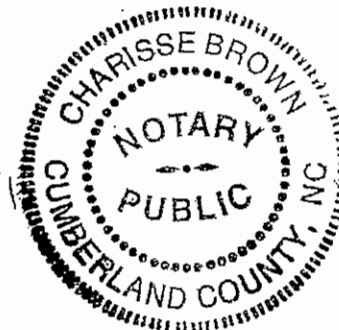
The estimated cost to repair each structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has each structure presently valued at \$500.00 for salvageable material. Attached is a map depicting the location of the property. (See Exhibit B.)

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

George Hatcher
Affiant
Code Enforcement Officer
County of Cumberland

Sworn to and Subscribed to by me this
the 6th day of September 2006.

Charisse Brown
Notary Public



My Commission Expires: 9/29/07

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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. In addition there is imposed a civil penalty in the amount of \$ _____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin

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



COUNTY of CUMBERLAND
Planning and Inspections Department

Nancy Roy, AICP
Director
Thomas J. Lloyd,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland
Cumberland County

FINDINGS OF FACT AND ORDER

February 2, 2006

CASE #: MH 4690-05

TO: Mary Hills Troy & Parties of Interest
209 Oakland Drive
Fayetteville, NC 28301

Property at:
2024 Memory Lane

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 2/1/2006 at 9:30:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by Mike Bell (mobile home owner) via telephone. The answer was heard and considered. Those present were: _____.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 1/11/2006. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - ☒ a. The dwelling in question is/are violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 4690-05, dated 11/15/2005.
 - ☒ b. Due to these findings, the dwelling is/are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is/are unfit for human habitation.

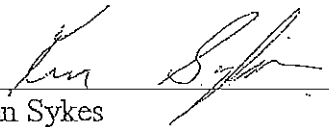
Findings and Facts of Order


Case #: MH 4690-05

Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or party(ies) of interest of the dwelling(s) named above are required to bring such dwelling(s) into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling(s) up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 3/2/2006. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
 - ☒ b. The dwelling(s) shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - ☒ c. The structure shall be/remain secured.
 - ☐ d. A violation is punishable as a misdemeanor and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after ____.
 - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 3/2/2006. The cost of said demolition will be assessed against the real property in the form of a lien.

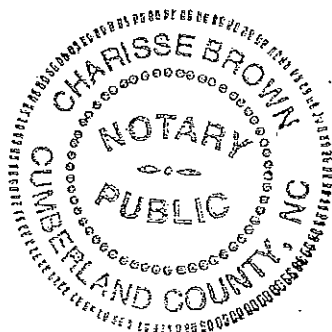
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.


Ken Sykes
Hearing Officer

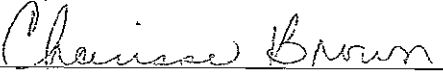

George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc: Mike Bell, 2315 Swallowtail Ct, Fayetteville, NC 28301



Sworn to and Subscribed to by me this
the 1st day of February, 2006


Notary Public
My Commission Expires: 9/29/07

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Goodwin

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



COUNTY of CUMBERLAND

Planning and Inspections Department

Nancy Roy, AICP
Director
Thomas J. Lloyd,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Loni Epler,
Sara E. Piland
Cumberland County

FINDINGS OF FACT AND ORDER

February 2, 2006

CASE #: MH 4691-05

TO: Mary Hills Troy & Parties of Interest
209 Oakland Drive
Fayetteville, NC 28301

Property at:
2024 Memory Lane

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 2/1/2006 at 9:30:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by Mike Bell (mobile home owner) via telephone. The answer was heard and considered. Those present were: _____.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 1/11/2006. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - ☒ a. The dwelling in question is/are violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 4690-05, dated 11/15/2005.
 - ☒ b. Due to these findings, the dwelling is/are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is/are unfit for human habitation.

Findings and Facts of Order


Case #: MH 4690-05

Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or party(ies) of interest of the dwelling(s) named above are required to bring such dwelling(s) into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling(s) up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 3/2/2006. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
 - ☒ b. The dwelling(s) shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - ☒ c. The structure shall be/remain secured.
 - ☐ d. A violation is punishable as a misdemeanor and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after ____.
 - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 3/2/2006. The cost of said demolition will be assessed against the real property in the form of a lien.

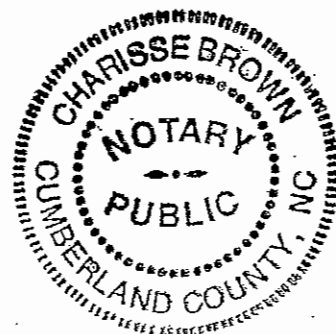
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.


Ken Sykes
Hearing Officer

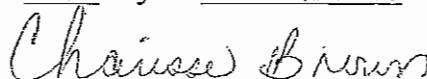

George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc: Mike Bell, 2315 Swallowtail Ct, Fayetteville, NC 28301



Sworn to and Subscribed to by me this
the 1st day of February, 2006



Notary Public

My Commission Expires: 9/29/07

PROOF OF SERVICE OF
FINDINGS OF FACT & ORDER

NORTH CAROLINA
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: Mary Hills Troy
Name of Violator
MH 4690-06 + MH 4691-06
Case Number

AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Individual)

I, GEORGE HATCHER, Code Enforcement Officer, with the Cumberland County Inspections Department,
(name & title)

personally served Mary Hills Troy, a copy of the
(name of violator)

Findings of Fact + Order + Appeal Procedures
dated Feb 2, 2006 citing violations of

Article IV, Chapter 4, minimum Housing Code

of the Cumberland County Ordinance by mailing said notice(s) certified and 1st class mail to the address shown below,

209 Oakland Avenue, Fayetteville, NC 28301 (2/3/06)

and by posting said notice(s) on the property located at 2014 and 2024 Memory Lane,
Fayetteville, NC 28306 (2/6/06)

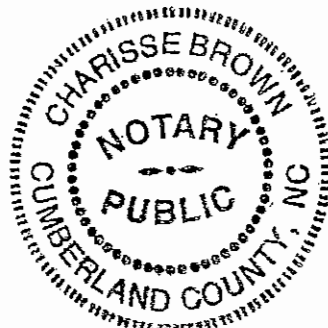
I further certify that said service was completed on this the 6th day of FEBRUARY, 2006.

George Hatcher
Code Enforcement Officer

Sworn to and subscribed to before me

this the TRW day of September, 2006
Charisse Brown
Notary Public

My Commission Expires: 9/29/07



2014 MEMORY LANE

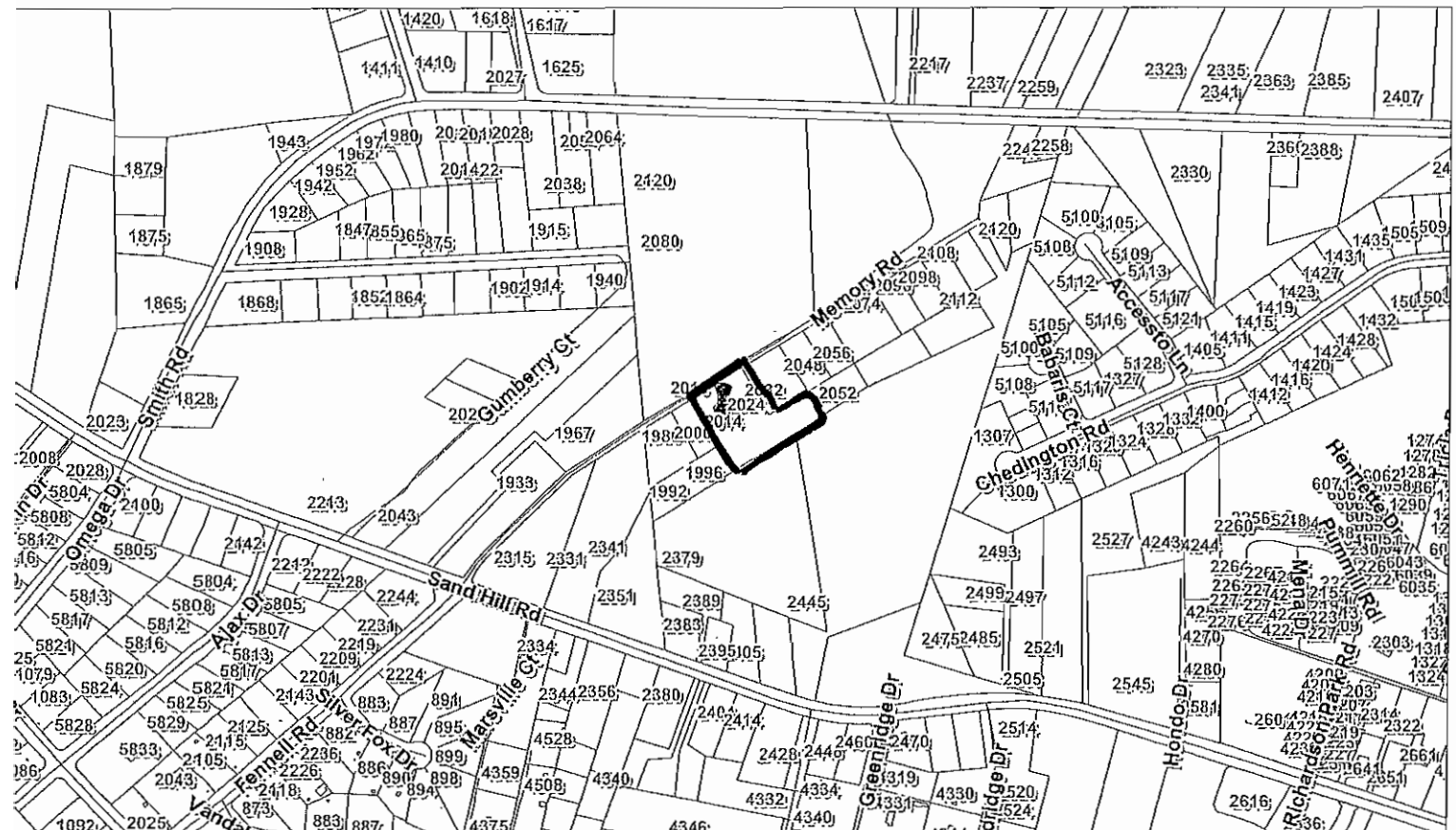


EXHIBIT B

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 4732-2006.

Property Owner: Margie Marie Wood

Property Address: 4270 Hondo Street, Fayetteville, NC

Tax Parcel Identification Number: 0443-20-9213

SYNOPSIS: This property was inspected on 1/11/2006. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 2/15/2006. Mr. Richard Wood responded via telephone. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 5/16/2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 9/5/2006 no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitute a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$35,000.00. The Assessor for Cumberland County has the structure presently valued at \$475.00.

Attached is a map depicting the location of the property. (See Exhibit B.)

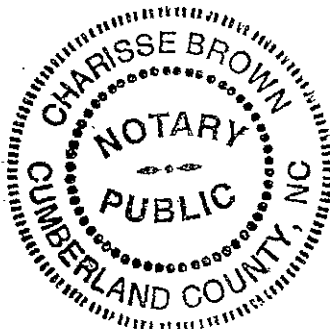
RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

George Hatcher
Affiant

Code Enforcement Officer
County of Cumberland

Sworn to and Subscribed to by me this
the 7th day of September 2006.

Charisse Brown
Notary Public



My Commission Expires: 9/29/07

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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. In addition there is imposed a civil penalty in the amount of \$ _____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter
Town of Spring Lake
Harvey Cain, Jr.
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland
Cumberland County

FINDINGS OF FACT AND ORDER

February 15, 2006

CASE #: MH 4732-2006

TO: Margie Marie Wood & Parties of Interest
Po Box 48644
Cumberland, NC 28331-8644

Property at:
4270 Hondo Street
Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 1/18/2006.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 2/15/2006 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☒ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by Richard Wood via telephone. The answer was heard and considered. Those present were: George Hatcher and Ken Sykes.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 2/15/2006. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - ☒ a. The dwelling in question is/are violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 4732-2006, dated 1/11/2006.
 - ☒ b. Due to these findings, the dwelling is/are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is/are unfit for human habitation.

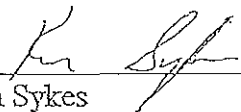
Findings and Facts of Order

Case #: MH 4732-2006

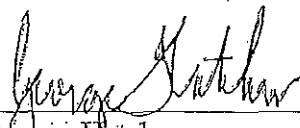
Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or party(ies) of interest of the dwelling(s) named above are required to bring such dwelling(s) into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling(s) up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 5/16/2006. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
 - ☒ b. The dwelling(s) shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - ☒ c. The structure shall be/remain secured.
 - ☐ d. A violation is punishable as a misdemeanor and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after ____.
 - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 5/16/2006. The cost of said demolition will be assessed against the real property in the form of a lien.

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



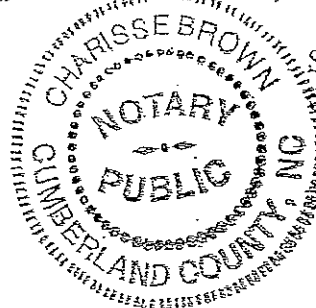
Ken Sykes
Hearing Officer



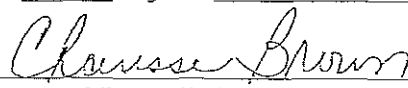
George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc: Richard Wood, 295 S. Charle Voix Place, Romney, WV 26757
James Bill, Cape Fear Welding, 2702 Thrower Road, Hope Mills, NC 28348



Sworn to and Subscribed to by me this
the 15th day of February, 2006



Notary Public
My Commission Expires: 9/29/07

PROOF OF SERVICE OF FINDINGS OF FACT & ORDER
DATED 2/21/06, CASE NUMBER MH 4732-06

A. Signature <i>x Anita Bill</i>		<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) <i>Anita Bill</i>		C. Date of Delivery <i>2-21-06</i>
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		

☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
☐ Print your name and address on the reverse so that we can return the card to you.
☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FOFO GH
WOOD GH
ATTN: JAMES BILL & PARTIES OF INTEREST
CAPE FEAR WELDING
2702 THROWER ROAD
HOPE MILLS NC 28340

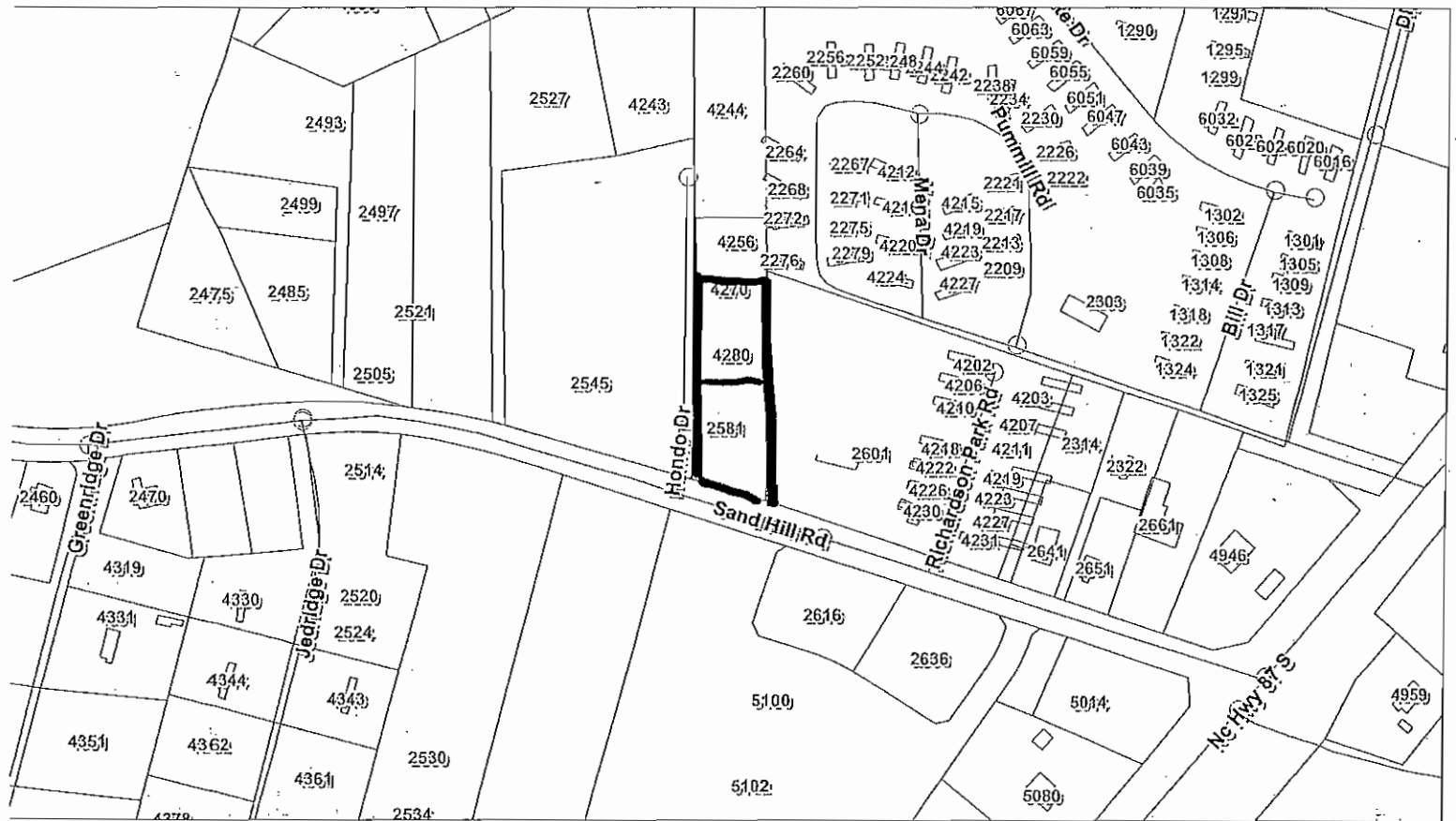
SENDER: COMPLETE THIS SECTION <input type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		COMPLETE THIS SECTION (ON DELIVERY) A. Signature <i>x Robert W. Lamb</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
B. Received by (Printed Name) <i>Robert W. Lamb</i>		C. Date of Delivery <i>2-21-06</i>	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No			
1. Article Addressed to: FOFO GH MH4732 4733 MARGIE MARIE WOOD & PARTIES OF INTEREST PO BOX 48644 CUMBERLAND NC 28331-8644			
2. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.			
3. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes			
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes			

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-154
 7005 0390 0006 0047 1723

SENDER: COMPLETE THIS SECTION <input type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		COMPLETE THIS SECTION (ON DELIVERY) A. Signature <i>x Richard D. Wood</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
B. Received by (Printed Name) <i>Richard D. Wood</i>		C. Date of Delivery <i>2/21/06</i>	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No			
1. Article Addressed to: FOFO GH WOOD RICHARD WOOD & PARTIES OF INTEREST 295 S CHARLE VOIX PLACE ROMNEY WV 26757			
2. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.			
3. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes			
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes			

2. Article (Item) 7005 0390 0006 0047 1730
 PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-154

4270 HONDO DRIVE



ITEM NO. 24(3)

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 4733-2006.

Property Owner: Margie Marie Wood

Property Address: 2581 Sandhill Road, Fayetteville, NC

Tax Parcel Identification Number: 0443-20-9013

SYNOPSIS: This property was inspected on 1/11/2006. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 2/15/2006. Mr. Richard Wood responded via telephone. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 5/16/2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 9/5/2006 no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitute a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$35,000.00.

The Assessor for Cumberland County has the structure presently valued at \$460.00.

Attached is a map depicting the location of the property. (See Exhibit B.)

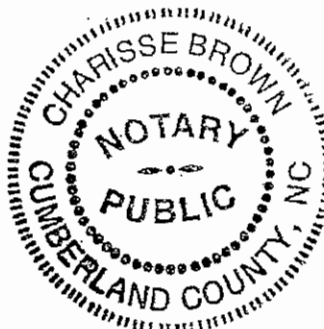
RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

George Hatcher
Affiant
Code Enforcement Officer
County of Cumberland

Sworn to and Subscribed to by me this
the 10 day of September 2006.

Charisse Brown
Notary Public

My Commission Expires: 9/29/07



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

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

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

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

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

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

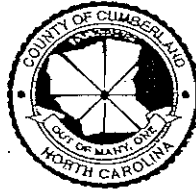
To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

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

4. In addition there is imposed a civil penalty in the amount of \$_____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter
Town of Spring Lake
Harvey Cain, Jr.,
Town of Steadman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland
Cumberland County

FINDINGS OF FACT AND ORDER

February 15, 2006

CASE #: MH 4733-2006

TO: Margie Marie Wood & Parties of Interest
Po Box 48644
Cumberland, NC 28331-8644

Property at:
2581 Sandhill Road,
Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 1/18/2006.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 2/15/2006 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☒ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by Richard Wood via telephone. The answer was heard and considered. Those present were: George Hatcher and Ken Sykes.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 2/15/2006. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - ☒ a. The dwelling in question is/are violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 4733-2006, dated 1/11/2006.
 - ☒ b. Due to these findings, the dwelling is/are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is/are unfit for human habitation.


Findings and Facts of Order

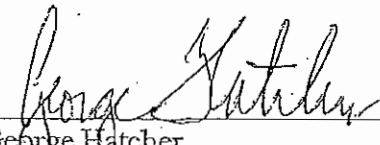
Case #: MH 4733-2006

Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or party(ies) of interest of the dwelling(s) named above are required to bring such dwelling(s) into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling(s) up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 5/16/2006. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
 - ☒ b. The dwelling(s) shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - ☒ c. The structure shall be/remain secured.
 - ☐ d. A violation is punishable as a misdemeanor and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after ____.
 - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 5/16/2006. The cost of said demolition will be assessed against the real property in the form of a lien.

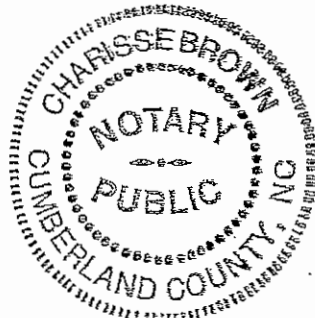
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.


Ken Sykes
Hearing Officer

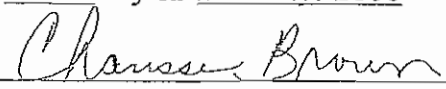

George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc: Richard Wood, 295 S. Charle Voix Place, WV 26757
James Bill, Cape Fear Welding, 2702 Thrower Road, Hope Mills, NC 28348



Sworn to and Subscribed to by me this
the 15th day of February, 2006


Charisse Brown
Notary Public
My Commission Expires: 9/29/07

PROOF OF SERVICE OF FINDINGS OF FACT & ORDER
DATED 2/21/06, CASE NUMBER MH 4733-06

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee
Anita Bill

B. Received by (Printed Name) *Anita Bill* C. Date of Delivery *2-21-06*

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
FOFO GH
MH4732 4733
MARGIE MARIE WOOD & PARTIES OF INTEREST
PO BOX 48644
CUMBERLAND NC 28331-8644

2. Article Addressed to:
FOFO GH
MH4732 4733
MARGIE MARIE WOOD & PARTIES OF INTEREST
PO BOX 48644
CUMBERLAND NC 28331-8644

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Address
Robert W. Lambert

B. Received by (Printed Name) *Robert W. Lambert* C. Date of Delivery *2-21-06*

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
FOFO GH
WOOD GH
ATTN: JAMES BILL & PARTIES OF INTEREST
CAPE FEAR WELDING
2702 THROWER ROAD
HOPE MILLS NC 28348

2. Article Addressed to:
FOFO GH
WOOD GH
ATTN: JAMES BILL & PARTIES OF INTEREST
CAPE FEAR WELDING
2702 THROWER ROAD
HOPE MILLS NC 28348

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
FOFO GH
WOOD
RICHARD WOOD & PARTIES OF INTEREST
295 S CHARLE VOIX PLACE
ROMNEY WV 26757

2. Article Addressed to:
FOFO GH
WOOD
RICHARD WOOD & PARTIES OF INTEREST
295 S CHARLE VOIX PLACE
ROMNEY WV 26757

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Address
Richard D. Wood

B. Received by (Printed Name) *Richard D. Wood* C. Date of Delivery *2/21/06*

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

2581 SANDHILL ROAD

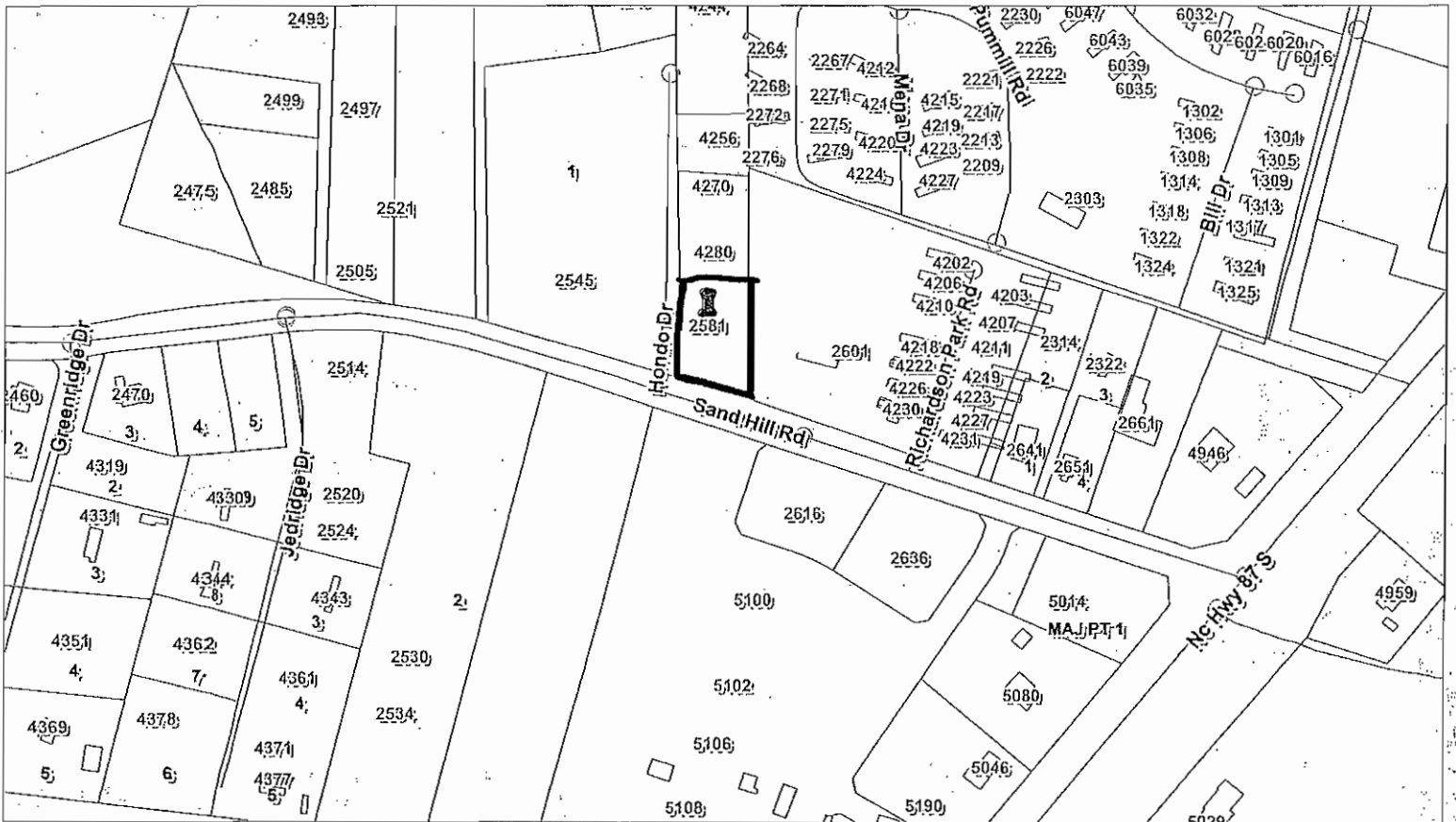


EXHIBIT B

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 3998-2004.

Property Owner: Glenn W. & Vallie Bass

Property Address: 101 Euclid Street, Stedman, NC

Tax Parcel Identification Number: 0495-19-7863

SYNOPSIS: This property consist of a frame structure being used for storage, which is not an approved use, and an accessory structure. The property was inspected on 2/2/2005. The property owners and parties of interest was/were legally served with Notice of Violations and were afforded a Hearing on 3/2/2005. Glenn & Vallie Bass attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 6/2/2005. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) An appeal was filed. On 10/11/2005 the Housing Appeals Board granted a 90 day extension with a final compliance date of 1/9/2006. (See Exhibit B for the Housing Appeals Board Decision.) Upon my visit to the property on 9/5/2006 no corrective action had been made to the structure. The structure is presently vacant and secured. In their present state, these structures do not constitute a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$35,000.00. The Assessor for Cumberland County has these structures presently valued at \$4,771.00.

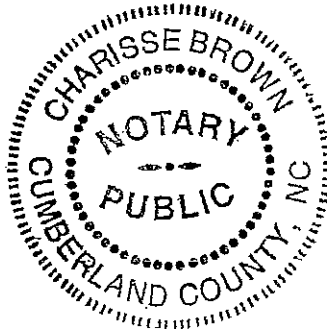
Attached is a map depicting the location of the property. (See Exhibit C.)

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

George Hatcher
Affiant
Code Enforcement Officer
County of Cumberland

Sworn to and Subscribed to by me this
the 7th day of September 2006.

Charisse Brown
Notary Public
My Commission Expires: 9/29/07



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

Name(s) of Owner(s) _____

Appearances: _____

Inspection Dept. Case No.: _____

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. In addition there is imposed a civil penalty in the amount of \$ _____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

CUMBERLAND COUNTY PLANNING & INSPECTION DEPARTMENT
FINDINGS OF FACT AND ORDER

March 7, 2005

CASE #: MH 3998-04

TO: Glenn W. & Vallie Bass & Parties of Interest
509 Cape Fear Avenue
Fayetteville, NC 28303-4317

Property at:
101 Euclid Street, Stedman, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 2/9/2005.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 3/2/2005 at 9:45:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Glenn & Vallie Bass, Kim Reeves, and Ken Sykes.
- ☒ 3. The undersigned inspector personally inspected the dwelling(s) described in the Complaint and Notice of Hearing dated, 11/18/2004. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - ☒ a. The dwelling(s) in question is/are violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 3998-04, dated 11/17/2004.
 - ☒ b. Due to these findings, the dwelling(s) is/are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling(s) is/are unfit for human habitation.
- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
 - ☒ a. The owners and/or party(ies) of interest of the dwelling(s) named above are required to bring such dwelling(s) into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling(s) up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 6/2/2005. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
 - ☒ b. The dwelling(s) shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - ☒ c. The structure shall be/remain secured.

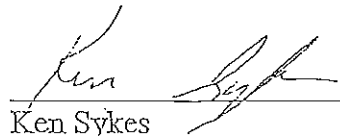
Findings and Facts of Order

Case #: MH 3998-04

Page 2

- ☐ d. A violation is punishable as a misdemeanor and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after _____.
- ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 6/2/2005. The cost of said demolition will be assessed against the real property in the form of a lien.

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


Ken Sykes

Hearing Officer


George Hatcher

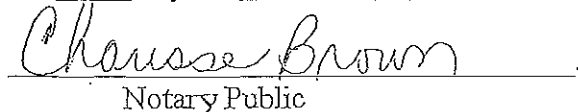
Code Enforcement Officer

GH/ccb

Enclosed: Appeals Procedures & Form

cc:

Sworn to and Subscribed to by me this
the 7th day of March, 2005


Notary Public

My Commission Expires: 9/29/07

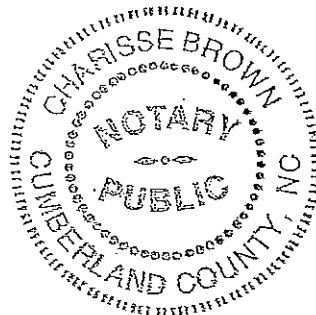


EXHIBIT A

PROOF OF SERVICE OF FINDINGS OF FACT & ORDER
DATED 4/7/05, CASE NUMBER MH 3998-06

NORTH CAROLINA
COUNTY OF CUMBERLAND

RETURN TO:

PLANNING/INSPECTION DEPA
OLD COURTHOUSE, ROOM 101
130 GILLESPIE STREET
FAYETTEVILLE, NC 28301

RE: GLENN & VALLIE BASS
Name of Violator

Case Number : MH 3998-06

AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Individual)

I, GEORGE HATCHER, a code enforcement officer with the Cumberland County Planning
Inspection Department, personally served, GLENN & VALLIE BASS
name of violator

a copy of the FINDINGS & FACT OF ORDER & APPEALS FORM
citing violations of Article IV CHAP 4 of the Cumberland County Cod
delivering said notice(s) to the violator at the address shown below:

509 CAPE FEAR AVE
street name

FAYETTEVILLE NC 28303
city, state, zip

I further certify that said service was completed on this the 7th day of APRIL, 2005

George Hatcher
George Hatcher
Code Enforcement Officer

Sworn to and subscribed to before me

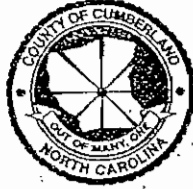
this the 7th day of April, 2005.
Charisse Brown
Notary Public

My Commission Expires: 9/29/07



Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Nancy Roy, AICP
Director

Thomas J. Lloyd,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

NOTIFICATION OF HOUSING APPEALS BOARD DECISION

October 13, 2005

FILE NO: MH 3998-2004

BOARD OF APPEALS MEETING DATE:

October 11, 2005, 6:30 P.M.

PROPERTY OWNER: Glenn W. & Vallie Bass
MAILING ADDRESS: 509 Cape Fear Avenue
Fayetteville, NC 28303-4317

PROPERTY LOCATION:
101 Euclid Street, Stedman, NC

OWNER/AGENT/
OR REPRESENTATIVE(S) PRESENT: None

DECISION RENDERED ON THE ABOVE CASE(S):

1. At the above referenced Housing Appeals Board meeting, the Board granted Glenn W. & Vallie Bass a final 90 day extension to complete the repairs to the structure(s) at 101 Euclid Street, Stedman, NC.
2. The new compliance date is 1/9/2006. The Inspector should be notified when the repairs are made and an inspection will be scheduled.
3. Failure to meet the new compliance date may result in the following action:
 - a. A \$50.00 per day civil penalty may be imposed for each day's continuing violation after the compliance date.
 - b. The County Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners. The cost of said demolition will be assessed against the real property in the form of a lien.

Charisse Brown
Secretary
Housing Board of Appeals

GH/cb

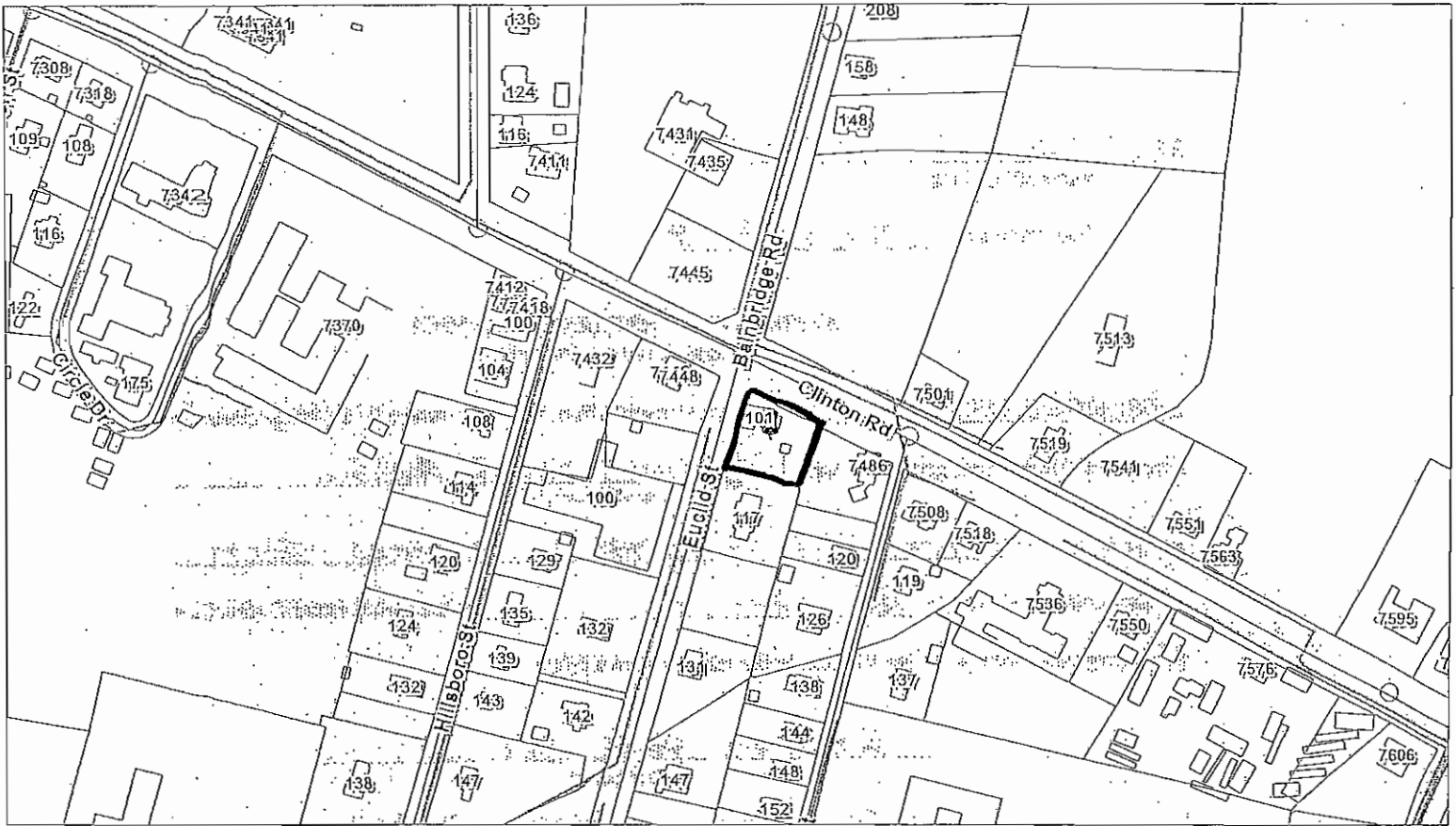
cc:

PROOF OF SERVICE OF HOUSING APPEALS BOARD NOTIFICATION
DATED 10/18/05, CASE NUMBER MH 3998-06

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p><input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</p> <p><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>HBA2 GH MH 3998 GLENN W. BASS & PARTIES OF INTEREST 509 CAPE FEAR AVENUE FAYETTEVILLE, NC 28303-4317</p>	<p>A. Signature X <i>Glenn W. Bass</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery 10-18-05</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type: <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
2. Article (Trans) 7004 2890 0000 4885 9800	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p><input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</p> <p><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>HBA2 GH MH 3998 VALLIE BASS & PARTIES OF INTEREST 509 CAPE FEAR AVENUE FAYETTEVILLE, NC 28303-4317</p>	<p>A. Signature X <i>Glenn W. Bass</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery 10-18-05</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type: <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
2. A 7004 2890 0000 4885 9817	

101 EUCLID STREET



ITEM NO. 24(5)

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

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

BACKGROUND: That the following is a report on case number MH 4748-2006

Property Owner: Jerome Scott & Robin Johnson

Property Address: 6229 Canadian Avenue

Tax Parcel Identification Number: 0442-66-9594

SYNOPSIS: This property was inspected on 2/1/2006. The property owners and parties of interest was/were legally served with Notice of Violations and were afforded a Hearing on 4/19/2006. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 7/19/2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No appeal was filed.

Upon my visit to the property on 9/5/2006 no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, this structure constitutes a fire, health, and safety hazard.

The estimated cost to repair this structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has this structure presently valued at \$500.00.

Attached is a map depicting the location of the property. (See Exhibit B.)

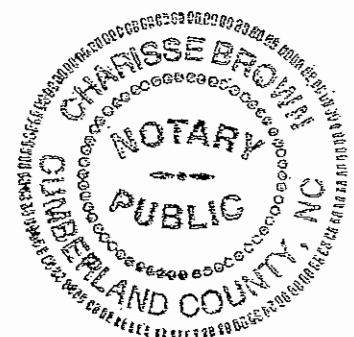
RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

George Hatcher
Affiant
Code Enforcement Officer
County of Cumberland

Sworn to and Subscribed to by me this
the 5th day of September 2006.

Charrisse Brown
Notary Public

My Commission Expires: 9/29/07



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. In addition there is imposed a civil penalty in the amount of \$ _____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director
Planning/Inspections

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland
Cumberland County

FINDINGS OF FACT AND ORDER

April 26, 2006

CASE #: MH 4748-2006

TO: Jerome Scott & Robin Johnson & Parties of Interest
C/O RSJ Realty Land
PO Box 7100
Rocky Mount, NC 27804

Property at: 6229 Canadian Avenue, Hope Mills, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 3/31/2006.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 4/19/2006 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☒ 1. No owner or party of interest, or their agent, or representative appeared.
- ☐ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: _____.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 3/20/2006. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - ☒ a. The dwelling in question is/are violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 4748-2006, dated 2/1/2006.
 - ☒ b. Due to these findings, the dwelling is/are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is/are unfit for human habitation.

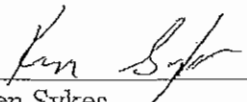
Findings and Facts of Order

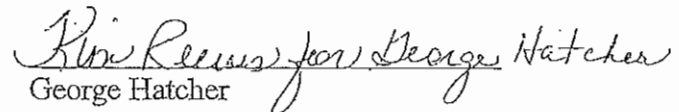
Case #: MH 4748-2006

Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or party(ies) of interest of the dwelling(s) named above are required to bring such dwelling(s) into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling(s) up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 7/19/2006. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
 - ☒ b. The dwelling(s) shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - ☒ c. The structure shall be/remain secured.
 - ☐ d. A violation is punishable as a misdemeanor and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after ____.
 - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 7/19/2006. The cost of said demolition will be assessed against the real property in the form of a lien.

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

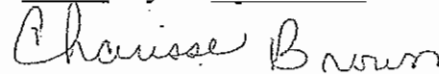

Ken Sykes
Hearing Officer


George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:

Sworn to and Subscribed to by me this
the 26th day of April, 2006



Notary Public

My Commission Expires: 9/29/07

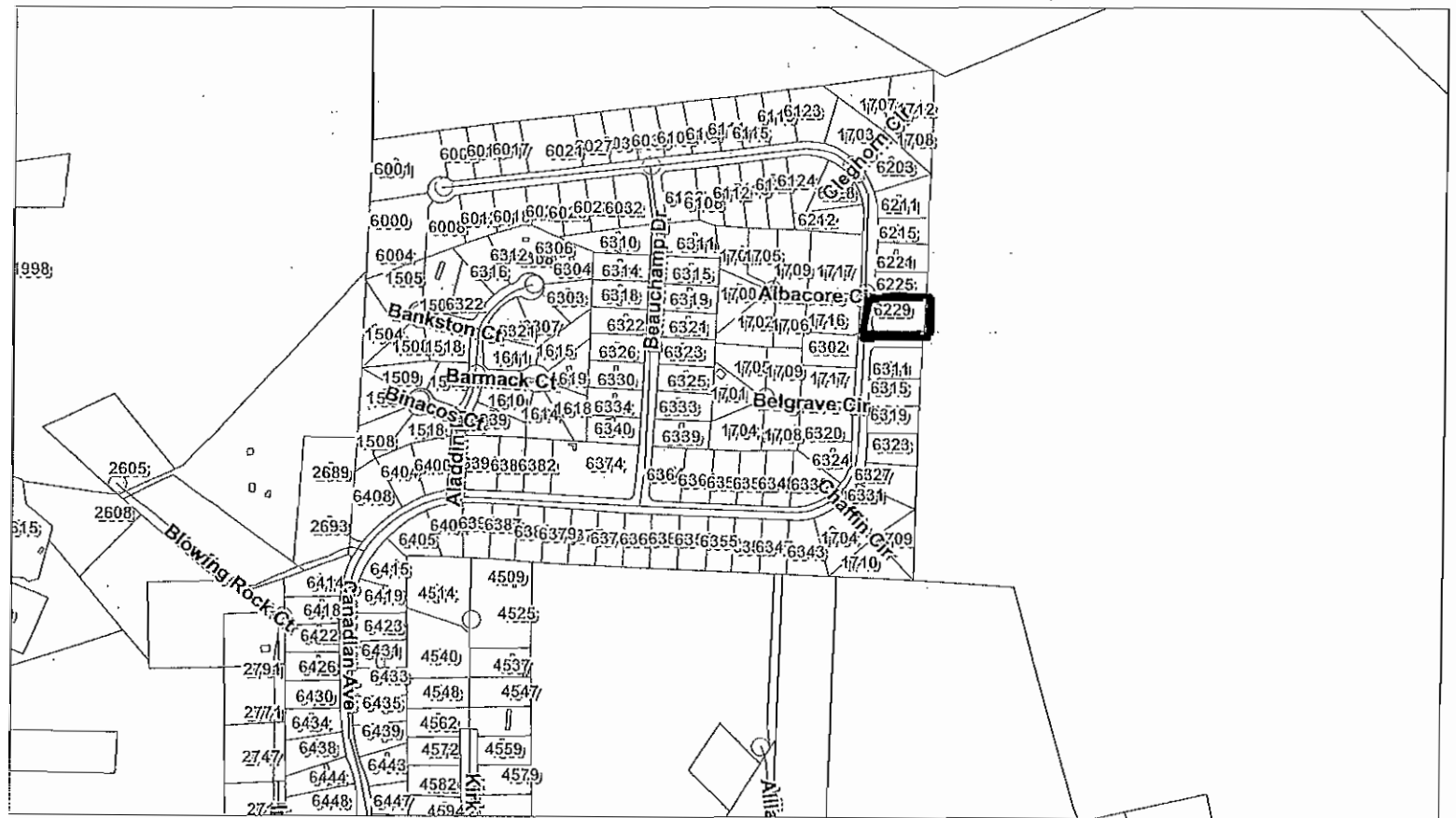


PROOF OF SERVICE OF FINDINGS OF FACT & ORDER
DATED 4/6/06, CASE NUMBER MH 4748-06

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature x <i>Cheri Mizelle</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Cheri Mizelle</i> C. Date of Delivery <i>5-7-06</i></p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>FOFO MH4748GH</p> <p>JEROME SCOTT & ROBIN JOHNSON C/O RSJ REALTY LAND PO BOX 7100 ROCKY MOUNT NC 27804</p>	<p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

2 7005 0390 0006 0047 6070

6229 CANADIAN AVENUE



ITEM NO. 24(6)

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 4749-2006.

Property Owner: Ernest L. Meshaw

Property Address: 5606 Ridgecrest Drive, Hope Mills, NC

Tax Parcel Identification Number: 0413-49-2205

SYNOPSIS: Three mobile homes were inspected on this property on 1/31/2006. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 2/22/2006. Polly Meshaw attended the Hearing. It was ordered that the structures be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 5/22/2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 9/5/2006 no corrective action had been made to the structures. The structures are presently vacant and unsecured. In their present state, these structures constitutes a fire, health, and safety hazard.

The estimated cost to repair each structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has these structures valued at \$500.00 each for salvageable material. Attached is a map depicting the location of the property. (See Exhibit B.)

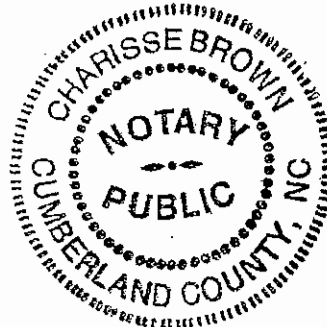
RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THESE THREE STRUCTURES BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

George Hatcher
Attendant
Code Enforcement Officer
County of Cumberland

Sworn to and Subscribed to by me this
the 7th day of September 2006.

Charisse Brown
Notary Public

My Commission Expires: 9/29/07



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

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

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

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

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

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

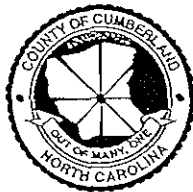
To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

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

4. In addition there is imposed a civil penalty in the amount of \$ _____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland
Cumberland County

FINDINGS OF FACT AND ORDER

February 22, 2006

CASE #: MH 4749-2006

TO: Ernest L. Meshaw & Parties of Interest
5600 Ridgecrest Drive
Hope Mills, NC 28348

Property at:
5606 Ridgecrest Drive

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 2/7/2006.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 2/22/2006 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Polly Meshaw and Kim Reeves.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 2/2/2006. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - ☒ a. The dwelling in question is/are violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 4749-2006, dated 1/31/2006.
 - ☒ b. Due to these findings, the dwelling is/are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is/are unfit for human habitation.

Findings and Facts of Order

Case #: MH 4749-2006

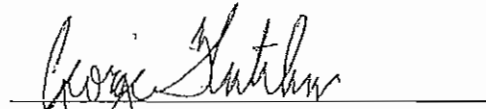
Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or party(ies) of interest of the dwelling(s) named above are required to bring such dwelling(s) into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling(s) up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 5/22/2006. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
 - ☒ b. The dwelling(s) shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - ☒ c. The structure shall be/remain secured.
 - ☐ d. A violation is punishable as a misdemeanor and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after ____.
 - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 5/22/2006. The cost of said demolition will be assessed against the real property in the form of a lien.

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



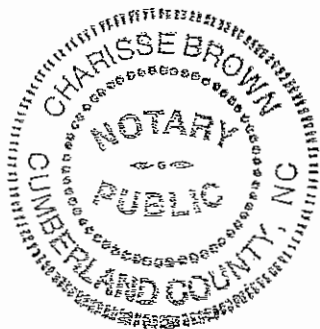
Kim Reeves
Hearing Officer



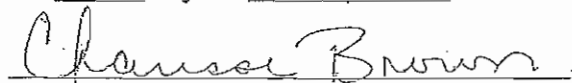
George Gatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me this
the 23th day of February, 2006



Notary Public

My Commission Expires: 9/29/07

PROOF OF SERVICE OF FINDINGS OF FACT & ORDER
DATED 3/1/06, CASE NUMBER MH 4749-06

NORTH CAROLINA
COUNTY OF CUMBERLAND

RETURN TO:

PLANNING/INSPECTION DEPARTMENT
OLD COURTHOUSE, ROOM 101
130 GILLESPIE STREET
FAYETTEVILLE, NC 28301

RE: ERNEST L. MESHAW
Name of Violator

Case Number: MH 4749-06

AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Agent)

I, GEORGE HATCHER a Code Enforcement Officer with the Cumberland County Planning & Inspection

Department, personally served ERNEST L. MESHAW
name of violator

a copy of FINDINGS OF FACT ORDER & APPEALS PROCEDURE relating violations of

Article IV. CHAP 4 of the Cumberland County Code. Said notice(s)

were in fact left with a person of suitable age and discretion,

namely POLLY MESHAW by delivering said notice(s) to the violator at
(individual notice(s) left with)

the address shown below:

2211 CAMDEN RD

street name

FAYETTEVILLE NC 28301

city, state, zip.

I further certify that said service was completed on this the 1ST day of MARCH, 2006.

George R. Hatcher
George Hatcher
Code Enforcement Officer

Sworn to and subscribed to before me

this the 2nd day of Mar., 2006.

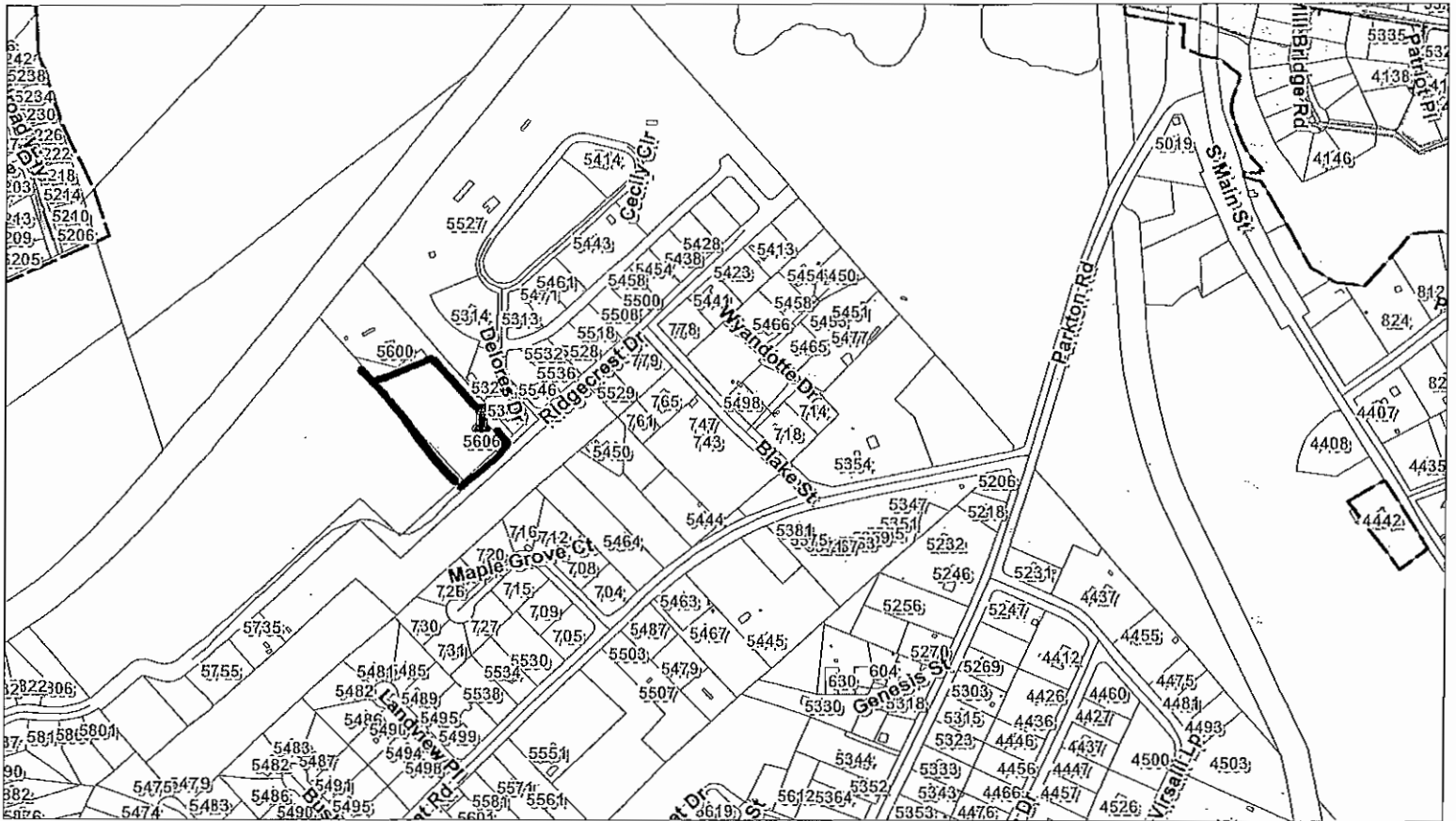
Charisse Brown
Notary Public

My Commission Expires: 9/29/07



MAP DEPICTING LOCATION OF PROPERTY

5606 RIDGECREST DRIVE



**CUMBERLAND COUNTY
TOURISM DEVELOPMENT AUTHORITY**

PO Drawer 1829
Fayetteville, NC 28302-1829

William S. Wellons, Jr., Chairman
Gwen Holloman, Vice Chairman
Katherine K. Jensen
Bill Martin

James E. Martin
Cameron W. Stout
Vivek Tandon

August 28, 2006

Agenda Item for September 18, 2006

TO: Board of Commissioners
FROM: Billy Wellons, Chairman, TDA
THRU: Marsha Fogle, Clerk
RE: Annual TDA Report to the Board of Commissioners

BACKGROUND: The TDA is required to make an annual report each year to the Board of Commissioners.

Attached for your information is the report. I will be present at the September 18 meeting to review the report with you.

ACTION: Accept the Report.



COUNTY of CUMBERLAND

Finance Department

August 23, 2006

MEMORANDUM

To: Tourism Development Authority

From: Terry A. Gagnon, Assistant Finance Director *TAG*

Subject: Fiscal Year 05-06 Annual Status

For the fiscal year ended June 30, 2006 the Occupancy Tax has netted \$3,165,538.06 in revenue.

These funds have been distributed as follows:

Cumberland County Crown Coliseum	\$791,441.99
Arts Council of Fayetteville	\$791,327.12
Fayetteville Area Visitors and Convention Bureau	\$1,318,956.59
TDA Discretionary Funds	<u>\$263,812.36</u>
Total	\$3,165,538.06

TDA Discretionary Funds:

Balance July 1, 2005 (unobligated) adjusted for rounding	\$376,593.99
Funds received for the fiscal year	\$263,812.36
Less obligations during the fiscal year:	(\$318,834.35)
Less minimum balance	<u>(\$50,000.00)</u>

Balance June 30, 2006 (unobligated)	\$271,572.00
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During the year, the TDA obligated funds for the following projects:

Downtown Alliance	\$9,245.00
Epsilon Rho Lambda	\$2,000.00
Fayetteville State University Foundation	\$7,500.00
Fayetteville Swamp Dogs	\$5,000.00
Martin Luther King Jr. Committee	\$150,000.00
Miscellaneous	\$89.35
Register of Deeds	\$10,000.00
Town of Spring Lake/ Spring Lake Chamber of Commerce	\$35,000.00
Travel Media Showcase	<u>\$100,000.00</u>
Total	\$318,834.35

As of June 30, 2006 the TDA had the following outstanding obligations:

Downtown Alliance	\$9,245.00
Fayetteville Swamp Dogs	\$5,000.00
Martin Luther King Jr Committee	\$150,000.00
NC Civil War Trails / FAVCB	\$16,300.00
Town of Spring Lake/ Spring Lake Chamber of Commerce	\$35,000.00
Travel Media Showcase	<u>\$100,000.00</u>
Total	\$315,545.00

Note; some of the obligations mentioned above span more than one fiscal year.

NC STATE UNIVERSITY

Cumberland County Center
North Carolina Cooperative Extension
301 East Mountain Drive
Fayetteville, North Carolina 28306
Phone: (910) 321-6860
Fax: (910) 321-6883
<http://cumberland.ces.ncsu.edu>

September 1, 2006

To: Cumberland County Board of Commissioners

From: 
George Autry
County Extension Director

Re: Proposed Cumberland County Farm Advisory Committee Bylaws
Proposed Cumberland County Voluntary Agricultural District Ordinance

Enclosed you will find copies of the proposed Cumberland County Farm Advisory Committee Bylaws and the proposed Cumberland County Voluntary Agricultural District Ordinance for your review and consideration at the next Board of Commissioners meeting to be held on September 18, 2006. Additionally, you will find a copy of the Historic Overview of the Farm Advisory Committee and Key Points of the Voluntary Agricultural District Ordinance. If you have any questions regarding the Bylaws or the Ordinance, do not hesitate to contact me at 321-6880.

Thank you for your continued support of North Carolina Cooperative Extension and its programming efforts.

**Cumberland County
Farm Advisory Committee
⌘ Bylaws ⌘**

Adopted:

ARTICLE I - NAME

The official name of this organization shall be the Cumberland County Farm Advisory Board. Hereafter, the Cumberland County Farm Advisory Board may be referred to as the Farm Advisory Board.

ARTICLE II - PURPOSE

The Cumberland County Board of Commissioners establishes the Farm Advisory Board and charges it with the responsibility of serving as a “watchdog” for development in farm and rural areas, protecting agricultural land, preserving the farming industry and culture of the County, protecting the character of the rural areas of the County, and implementing the provisions of the voluntary Agricultural District Ordinance.

ARTICLE III – COMPOSITION

The Farm Advisory Board shall have nine members consisting of the following:

- *Five active farmers*
- One member of the Natural Resource Conservation Service
- One member of the Farm Bureau
- One member of the Cumberland County Joint Planning Board
- The Director or an Agricultural Extension Agent of the Cumberland County Center of the North Carolina Cooperative Extension Service.

Candidates for membership must be residents of Cumberland County and are nominated by the Farm Advisory Board or County Commissioners and are appointed by the Cumberland County Board of Commissioners.

ARTICLE IV – DUTIES

The Farm Advisory Board shall have the following duties:

1. Promote the health, safety rural agricultural values, and general welfare of the County;
2. Increase identity and pride in the agricultural community and its way of life;
3. Encourage the economic and financial health of agriculture;
4. Protect rural character and agricultural culture;
5. Insure that development does not negatively impact farming and farming operations.
6. Make recommendations to the Cumberland County Joint Planning Board and the Board of Commissioners regarding issues involving farmland in Cumberland County;
7. Review and approve applications for inclusion in, the establishment of, and modification of Voluntary Agricultural Districts;
8. Review and make recommendations concerning any ordinance or amendment adopted or proposed for adoption pursuant to N.C.G.S. 106, Article 61;

**Cumberland County
Farm Advisory Committee**

§ Bylaws §

9. Hold public hearings on public projects likely to have an impact on agricultural operations, particularly if such projects involve condemnation of all or part of a qualifying farm in a Voluntary Agricultural District; and
10. Approve a report that is due in January of each year to the North Carolina Commissioner of Agriculture (required by N.C.G.S. 106-743), prepared by the Cooperative Extension Director, giving the status, progress and activities of the County's Voluntary Agricultural District Program;

ARTICLE V - MEMBERSHIP

Terms

Terms shall be for three years and no member shall serve more than two consecutive terms. A Member must have been off the Farm Advisory Board for at least one year before he may be appointed for a subsequent term. Terms begin January 1st and end December 31st.

During the initial term on the Board, all members shall serve one three-year term. At the end of the initial three-year term, terms shall be staggered with 1/3 of the members appointed for a 1-year term; 1/3 of the membership appointed for a 2-year term; and 1/3 of the membership appointed to a three-year term. Board members shall determine the membership rotation during the final quarterly meeting of the third year by drawing lots.

A Farm Advisory Board member appointed to serve the unexpired remainder of a former member's term may serve two terms in addition to the remainder of the unexpired term.

Farm Advisory Board members must serve personally and may not send a representative or delegate in their place to conduct Farm Advisory Board business. No one but officially appointed members shall sit on the Farm Advisory Board or conduct its business.

ARTICLE VI – OFFICERS

Officers

Officers of the Farm Advisory Board shall be a Chairman, Vice-Chairman and Secretary, and shall be elected to serve a one -year term, elected annually by the membership at the first quarter meeting. The Chairman and Vice-Chairman shall be selected from the five active farmers serving on the Board. Each officer shall serve no more than two consecutive terms in that particular office.

Officer Duties

Chairman – The Chairman shall preside at all meetings, shall vote, and may participate in the discussion of matters, rule on all procedural questions, establish and appoint members to sub-committees, serve as ex-officio voting member of all sub-committees, and perform other duties as may be delegated to him by the Farm Advisory Board.

Vice-Chairman – The Vice-Chairman shall serve as Chairman in his absence and performs other duties as assigned by the Chairman. The Vice-Chairman shall serve as ex-officio voting member of all sub-committees.

**Cumberland County
Farm Advisory Committee**

⌘ Bylaws ⌘

Secretary – The Secretary shall execute such documents as authorized by the Farm Advisory Board, on behalf of the Board, shall cause full and accurate minutes to be kept of meetings of the Farm Advisory Board and its sub-committees, and shall perform such other duties as the Farm Advisory Board may designate. The administrative staff of the Cumberland County Center of the N.C. Cooperative Extension Service shall perform or may cause to be performed on behalf of a Board member designated administrative duties, such as record keeping, correspondence, and application procedures of the Voluntary Agricultural District Ordinance,.

ARTICLE VII – PROCEDURES

Conducting Business

Business shall be conducted in accordance with generally accepted rules of Parliamentary Procedure. In any case where there is a conflict between these Bylaws and Parliamentary Procedure, these Bylaws shall control. A quorum must be present to vote or make any decisions or take any official action.

Voting

The presiding Chairman shall vote on all issues. For the purposes of the Farm Advisory Board, a quorum shall be established when (5) or more Board members have convened to conduct business. A quorum once established may not be broken by the departure of a member. When a quorum is present the affirmative vote of a majority of the Farm Advisory Board present shall be required to take any action.

Conflict of Interest

Any Farm Advisory Board member who has a substantial personal or financial conflict of interest in the outcome of any matter brought before the Farm Advisory Board shall make that interest known and the minutes of that meeting shall record that the member made such fact known. The member shall refrain from voting and in any way participating in that matter.

Meetings

The Farm Advisory Board shall meet the 2nd Tuesday of the first month of each quarter in Room 107C of the Historic Courthouse at 7:00 p.m. The schedule shall be set for the year by resolution at the January meeting. The Farm Advisory Board shall conduct meetings in compliance with the Open Meetings Law and the Public Records Law. Special meetings may be called at the request of the Chairman or a simple majority of the Farm Advisory Board. Notice of such special meeting shall be given by the Secretary to all members of the Farm Advisory Board at least 48 hours prior to such meeting and shall state the purpose, time and place of the meeting.

Order of Business

The Secretary shall prepare an agenda for each meeting, and the Order of Business therein shall be as follows:

Roll Call

Recognition of Guests

Approval of Agenda and Minutes

Unfinished Business

New Business

Adjournment

**Cumberland County
Farm Advisory Committee
⌀ Bylaws ⌀**

Cooperation with Interested Private and Public Groups

The Chairman may request the Secretary to invite any interested parties to appear before the Farm Advisory Board or any sub-committee thereof. The Chairman may invite Department Heads from those governmental jurisdictions which may be directly or indirectly concerned with matters to be conducted by the Farm Advisory Board.

Sub-committees

The Farm Advisory Board may create sub-committee(s) from its membership to provide for thorough study and consideration of matters, within the purview of the Farm Advisory Board, and in order to provide for its efficient operation. Sub-committees may be comprised of as many members as the Chairman may deem necessary provided that in no case shall a sub-committee be composed of less than three members. The elected Farm Advisory Board officers shall serve as ex-officio members of all sub-committees. The Chairman shall appoint all sub-committee members and shall designate one sub-committee member to serve as moderator to serve until his successor has been appointed and qualified. Sub-committee meetings shall meet at the call of the moderator. The Chairman may request the moderator to call a special meeting. A majority of the members of a sub-committee shall constitute a quorum.

ARTICLE VIII – AMENDMENTS

These Bylaws may be amended, supplemented or superseded by an affirmative vote of a two-thirds (2/3) majority of the total membership of the Farm Advisory Board.

**Cumberland County
Farm Advisory Committee
§ Bylaws §**

ARTICLE VIII – EFFECTIVE DATE

These Bylaws shall be in full force and effect from and after the date of their approval by the Farm Advisory Board.

Adopted by the Farm Advisory Board this _____ day of _____, 2006.

David Collier, Chairman
Farm Advisory Board

Joe Gillis, Vice-Chairman
Farm Advisory Board

George Autry, Director Cumberland County Center
North Carolina Cooperative Extension Service

Final approval by the Cumberland County Board of Commissioners was granted on this _____ day of _____, 2006.

Commissioner Billy R. King
Chairman

Marsha Fogle,
Clerk to the Board of Commissioners

Approved for Legal Sufficiency

Grainger Barrett,
County Attorney

**CUMBERLAND COUNTY
VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE**

ARTICLE I – AUTHORITY

The articles and sections of this ordinance are adopted pursuant to authority conferred by N.C.G.S. Chapter 153A and Chapter 106, Article 61, Farmland Preservation Enabling Act, as amended.

ARTICLE II – PURPOSE

The purpose of this ordinance is to promote agricultural and environmental values and the general welfare of the County and, more specifically, increase identity and pride in the agricultural community and its way of life, encourage the economic health of agriculture, and increase protection from non-farm development and other negative impacts on properly managed farms.

This ordinance establishes a Voluntary Agricultural District Program, which provides the following benefits:

- Preserves and maintains agricultural areas in the County.
- Informs non-farming neighbors and potential land purchasers that the participating farm may emit noise, dust, and smell, which may avoid conflicts between neighbors and potential nuisance claims.
- Gives the farming community an enhanced voice in Cumberland County Commissioners' decisions affecting farmland.
- Conserves open space and natural resources as the County's population and development expand.
- Farmer participation in the Program is voluntary and the farmer may terminate his/her participation at any time.

ARTICLE III - CERTIFICATION AND QUALIFICATION OF FARMLAND

In order for farmland to qualify under this Article, it must be real property that:

- A. Is participating in the land present-use value taxation program established by N.C.G.S. 105-277.7 or is otherwise determined by the County to meet all qualifications of this program set forth in N.C.G.S. 105-277.3;

- B. Is certified by the North Carolina Forest Service and/or Natural Resources Conservation Service of the United States Department of Agriculture, in consultation with the Cooperative Extension, as being a farm on which at least two-thirds of the land is composed of soils that (i) are best suited for providing food, seed, fiber, forage, timber, oil seed crops, and horticultural crops, including Christmas trees and ornamentals; (ii) have good soil qualities; (iii) are favorable for all major crops common to the County where the land is located; (iv) have a favorable growing season; and (v) receive the available moisture needed to produce high yields an average eight out of ten years; or on which at least two-thirds of the land has been actively used in agricultural, horticultural or forestry operations as defined in N.C.G.S. 105-277.2 (1), (2), and (3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies.
- C. Is managed, if highly erodible land exists on the farm, in accordance with the Natural Resources Conservation Service-defined erosion control practices that are addressed to highly erodible land.

ARTICLE IV– CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS

- A. Implementation
Any agricultural district shall initially consist of at least 25 acres of qualifying farmland. The district may contain a single farm, or two (2) or more contiguous farms of smaller size which total 25 acres or more. An agricultural district may be enlarged by adding qualifying, contiguous farmland and by application by non-farm landowners contiguous to qualifying agricultural district.
- B. Education
The County may take such action as it deems appropriate through the Farm Advisory Board or other entities or individuals to encourage the formation of the Districts and to further their purposes and objectives, including the implementation of a public information program to reasonably inform landowners of the Voluntary Agricultural District Program.
- C. Withdrawal
In the event that one or more participants in a District withdraws or loses eligibility to participate and the acreage becomes less than the minimum or results in land being noncontiguous, a District will continue to exist so long as there is at least one (1) remaining qualifying farm.

ARTICLE V – APPLICATION, APPROVAL, AND APPEAL PROCEDURE

A. Application Procedure

A landowner may apply to participate in the Voluntary Agricultural District Program by submitting an application to the Cooperative Extension Office. The application shall be on forms provided by Cooperative Extension and approved by the Farm Advisory Board.

B. Approval Process

1. Upon receipt of an application, the Cooperative Extension Director will forward copies to the following agencies for their prompt evaluation and response:
 - a. The Cumberland County Tax Department,
 - b. The Natural Resources Conservation Service office for Cumberland County,
 - c. The Cumberland County Soil and Water Conservation District office, and/or
 - d. The North Carolina Forest Service.
2. Upon receipt of the responses from the Cumberland County Tax Department, the Natural Resources Conservation Service, the Cumberland County Soil and Water Conservation District, and the North Carolina Forest Service, the Farm Advisory Board shall consider the application at its next regularly scheduled meeting. The Cooperative Extension Director shall notify the applicant by first-class mail of the Farm Advisory Board's decision within 15 days.

C. Appeal

If the Farm Advisory Board denies an application, the petitioner shall have 30 days to appeal the decision to the Board of Commissioners. Such appeal shall be submitted in writing to the Clerk to the Board of Commissioners. The decision of the Board of Commissioners is final.

ARTICLE VI – NOTIFICATION

Upon approval of a Voluntary Agricultural District and notification to the applicant by the Cooperative Extension Director, the Cumberland County Planning Department shall provide notification of said District by the following methods:

- A. Signs approved by the Farm Advisory Board shall be installed along the right-of-way of major roads adjoining the District in a manner so that current and potential residents and property owners may be made aware that farming and agricultural activities may take place at any time. Specific location of the signs, including number of signs necessary to provide adequate notice of the

specific District, shall be approved by the Cumberland County Planning and Inspections Director.

- B. The Cumberland County Planning and Inspections Department shall maintain maps of approved Districts within the Cumberland County Geographic Information Mapping System Database. This mapping information may be viewed by accessing the Cumberland County website at www.co.cumberland.nc.us, or at the following County offices and other agencies: Register of Deeds, Tax Administration/GIS Mapping and Planning and Inspections, Cooperative Extension Service, Natural Resources Conservation Service, Cumberland County Soil and Water Conservation District, and the North Carolina Forest Service.
- C. The Cumberland County Tax Department and the Register of Deeds Office shall add a special notice to the GIS database so that anyone conducting title or real estate record searches, or general research on parcels of land, will be advised of the location of and participation in Voluntary Agricultural Districts, in relation to the subject parcel(s).
- D. Notice of these methods of District notification and identification shall be included in all Cumberland County Voluntary Agricultural District Program information brochures made available to the public by the Cooperative Extension Service, County Planning and Inspections Department, or the County Tax Department.

ARTICLE VII– REVOCATION OF PARTICIPATION IN THE PROGRAM

- A. By written notice to the Farm Advisory Board, a landowner of qualifying farmland may revoke his/her participation in the Voluntary Agricultural District Program formulated pursuant to Article V of this ordinance, or the Farm Advisory Board may revoke same participation based on non-compliance by the landowner. Such revocation shall result in loss of eligibility to receive benefits as set forth in this ordinance.

ARTICLE VIII– PUBLIC HEARINGS ON PROPOSED CONDEMNATION

- A. Purpose
Pursuant to N.C.G.S. 106-740, no state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a District until such agency or unit has requested the Farm Advisory Board hold a public hearing on the proposed condemnation. This ordinance requires and provides for such hearing.

B. Procedure

1. Upon receiving a notice of proposed condemnation, the Farm Advisory Board shall direct the Cooperative Extension Director to publish notice describing the proposed action in a newspaper of general circulation in Cumberland County within five (5) business days of the request, and in the same notice shall notify the public of a public hearing before the Farm Advisory Board on the proposed condemnation to be held within ten (10) days of receipt of the notice.
2. The Farm Advisory Board shall meet to review
 - a. If the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved;
 - b. Alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.
3. The Farm Advisory Board shall consult with the Cooperative Extension Director, the Natural Resources Conservation Service District Conservationist, and any other individuals, agencies or organizations deemed by the Farm Advisory Board to be necessary for its review of the proposed action. Land value will not be a factor in the selection between properties under consideration for the proposed action.
4. The Cumberland County Board of Commissioners shall condemn farmland within a District only "as a last resort" if it is considering condemnation for County purposes.
5. Within five (5) days after the public hearing, the Farm Advisory Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public for comment prior to its being conveyed to the decision-making body of the agency proposing the acquisition.
6. There will be a period of ten (10) days allowed for public comment on the report of the Farm Advisory Board.
7. After the ten (10) day period for public comment has expired, the Farm Advisory Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision-making body of the agency proposing the condemnation.
8. The total time period, from the day that a notice requiring a hearing has been received to the day that a final report is issued to the decision-making body of the agency proposing the acquisition shall not exceed thirty (30) days. If the agency agrees to an extension, the agency and the Farm Advisory Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.

9. No state or local agency may formally initiate a condemnation action while the proposed condemnation is properly before the Farm Advisory Board within these time limits.

ARTICLE IX- WAIVER OF WATER AND SEWER ASSESSMENTS

- A. No Requirement to Connect
No qualifying farm inside a District shall be required to connect to Northeast Cumberland Regional Sewer System (NORCRESS) or any other County Water and Sewer District.
- B. Abeyance
Water and sewer assessments will be held in abeyance, without interest, for qualifying farms, inside a District, until any improvement on such a farm is connected to the water or sewer system for which the assessment was levied.
- C. Termination of Abeyance
When the period of abeyance ends, the assessment shall thereafter become payable in accordance with the terms set out in the applicable assessment resolution.
- D. Suspension of Statute of Limitations
Statutes of limitations shall be suspended during the time that any assessment is held in abeyance without interest.
- E. Other Statutory Abeyance Procedures
Nothing in this section is intended to diminish the authority of NORCRESS or any other County Water and Sewer District to hold any assessment in abeyance under N.C.G.S. 153A-201.

ARTICLE X – NORTH CAROLINA AGENCY NOTIFICATION

- A. Adoption
Upon adoption of this ordinance and any subsequent amendment, the Clerk to the Board of Commissioners shall record this ordinance with the North Carolina Commissioner of Agriculture and Consumer Services.
- B. Annual Report
The Cooperative Extension Director, on behalf of the Farm Advisory Board, shall make an annual report each January to the North Carolina Commissioner of Agriculture and Consumer Services as specified in N.C.G.S. 106-743.

ARTICLE XI – LEGAL PROVISIONS

A. Limit of Liability

In no event shall the County or any of its officers, employees, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties of obligation imposed by this ordinance.

B. No Cause of Action

In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or District as defined in this ordinance.

C. Severability

If any article, section of subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

D. Conflict with other Ordinances and Statutes

Whenever the provisions of this ordinance conflict with other ordinances of Cumberland County, this ordinance shall govern to the extent allowed by law. Whenever the provisions of any federal or state statute require restrictive provisions than are required by this ordinance, the provisions of such statute shall govern.

**ARTICLE XI
ENACTMENT**

The Cumberland County Board of Commissioners hereby adopts and enacts the preceding ordinance.

Adopted this the _____ day of _____, ____.

Motion for adoption by _____ and seconded by _____.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS

Chairperson

ATTEST:

Clerk to the Board of Commissioners

Approval as to form:

County Attorney

Farm Advisory Committee Historic Overview

- The Comprehensive Planning Committee of the Joint Planning Board met on May 20, 2003 to discuss Farmland Preservation Goals outlined in the 2010 Land Use Plan and the Wade Area Detailed Land Use Plan, 2003 and to discuss Farmland/Rural Preservation issues.
- The Comprehensive Planning Committee of the Joint Planning Board felt it would be appropriate to invite members of the farm community to meet with them on June 20, 2003 to discuss preservation of farmland in rural areas. This group continued to meet on a monthly basis to discuss these issues and to hear presentations from the American Farmland Trust and the Cumberland County Tax Administration.
- At the Comprehensive Planning Committee meeting held on November 18, 2003, members discussed the formation of a Farm Advisory Committee, which was a recommendation of the 2010 Land Use Plan. The Comprehensive Planning Committee developed the composition of the Farm Advisory Committee and drafted a resolution to create the Committee. They met on January 6, 2004 to finalize the resolution and to recommend that the Staff present the resolution to the Board of Commissioners for approval and subsequent appointment to the Farm Advisory Committee.
- The Board of Commissioners adopted the resolution to create the Farm Advisory Committee on June 7, 2005 and appointed nine members as follows:

<u>Active Farmers</u> P.R. Barker District David Collier Sherrill Jernigan William E. Tew Craig Tyson	<u>Natural Resource Conservation Service</u> Charlie Guy, Chairman Soil and Water Conservation <u>Farm Bureau Representative</u> Joe Gillis
<u>Planning Board Representative</u> Clifton McNeill, Jr.	<u>North Carolina Cooperative Extension Representative</u> George Autry
- The first official meeting of the Farm Advisory Committee was held on January 20, 2006. The Committee met to discuss the formulation of Bylaws, establishing a regular meeting schedule and to discuss the upcoming informational meetings regarding the 2030 Growth Vision Plan. The Committee decided to meet on a quarterly basis and asked the Planning Staff to draft a set of Bylaws, which would formalize the group as a Board.
- The Farm Advisory Committee met on April 12, 2005 to review the draft of the Bylaws and asked the Staff to submit the draft to the County Attorney for review and comment.
- George Autry presented information regarding Voluntary Agricultural Districts in North Carolina at the July 12, 2005 meeting. The Committee asked the Staff to draft an Ordinance for Cumberland County. The draft Ordinance, Bylaws and the County Attorney's revisions to both were reviewed at subsequent meetings held on October 11, 2005 and January 10, 2006. The Committee formally requested George Autry to submit the Bylaws and the Voluntary Agricultural District Ordinance to the Board of Commissioners.
- The Cumberland County Joint Planning Board endorsed the Voluntary Agricultural District Ordinance on May 2, 2006.
- Currently 49 counties in North Carolina have the Voluntary Agricultural District Program in which 2,740 North Carolina farmers have enrolled 286,409 acres in the voluntary program.

KEY POINTS
CUMBERLAND COUNTY
VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE

- Participation in the Program is voluntary and participation may be terminated by written notice at any time.
- Preserves and maintains agricultural areas, as well as conserves open space and natural resources as the County's population and development expands.
- The Program informs non-farming neighbors and potential land purchasers that the participating farm may emit noise, dust, and smell, which may avoid conflicts between neighbors and potential nuisance claims.
- Qualifying farmland must be certified – participating in the land present-use value taxation program; or certified by the North Carolina Forest Service and/or Natural Resources Conservation Service.
- Minimum size of an agricultural district is 25 acres and may consist of a single farm or 2 or more contiguous farms of smaller size which total 25 acres or more. An agricultural district may be enlarged by adding qualifying contiguous farmland and by application by non-farm landowners contiguous to a qualifying agricultural district.
- Applications will be processed by the Cooperative Extension Service and approved by the Farm Advisory Board.
- Notification – signs will be posted along the right of way of major roads adjoining the District; Cumberland County Planning and Inspections Department will maintain maps of the approved Districts within the County GIS Database; this information will also be located within the Register of Deeds and Tax Administration/GIS Mapping offices; the Tax Department and Register of Deeds Office will place a special notice to the GIS Database so that anyone conducting title or real estate record searches or general research on parcels of land will be advised of the location of and participation in Voluntary Agricultural District in relation to the subject parcel(s).
- The Farm Advisory Board shall hold a public hearing on land condemnation within the Voluntary Agricultural District.
- No qualifying farm inside a District shall be required to connect to Northeast Cumberland Regional Sewer System (NORCRESS) or any other County Water and Sewer District.
- An annual report will be prepared by the Cooperative Extension Service to the North Carolina Commissioner of Agriculture

CUMBERLAND COUNTY VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE



- This Ordinance establishes the Voluntary Agricultural District Program which will serve to preserve and maintains agricultural areas, open space and natural resources as the County's population and development expands.
- Inform non-farm neighbors and potential land purchasers that the participating farm may emit noise, dust, and smell, which may avoid conflicts between neighbors and potential nuisance claims.



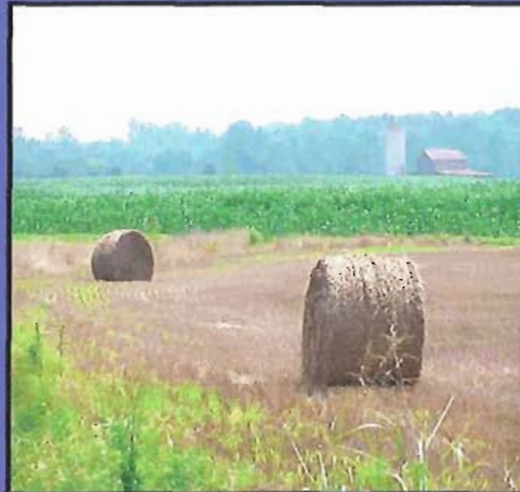
The enabling legislation allowing the establishment of Voluntary Agricultural Districts is entitled NCGS Chapter 153A and Chapter 106, Article 61, Farmland Preservation Enabling Act.

Currently 49 Counties in North Carolina have the Voluntary Agricultural District Program, in which, 2,740 farmers have enrolled 286,409 acres in the voluntary program.



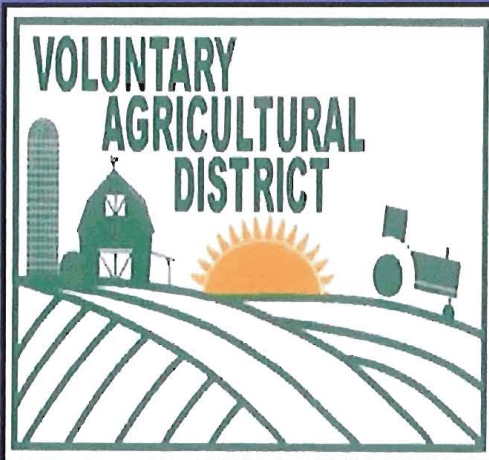
- Qualifying land must be certified – participating in the land present-use value taxation program or certified by the N.C. Forest Service and/or Natural Resources Conservation Service.

- Applications will be processed by the Cooperative Extension Service and approved by the Farm Advisory Board.

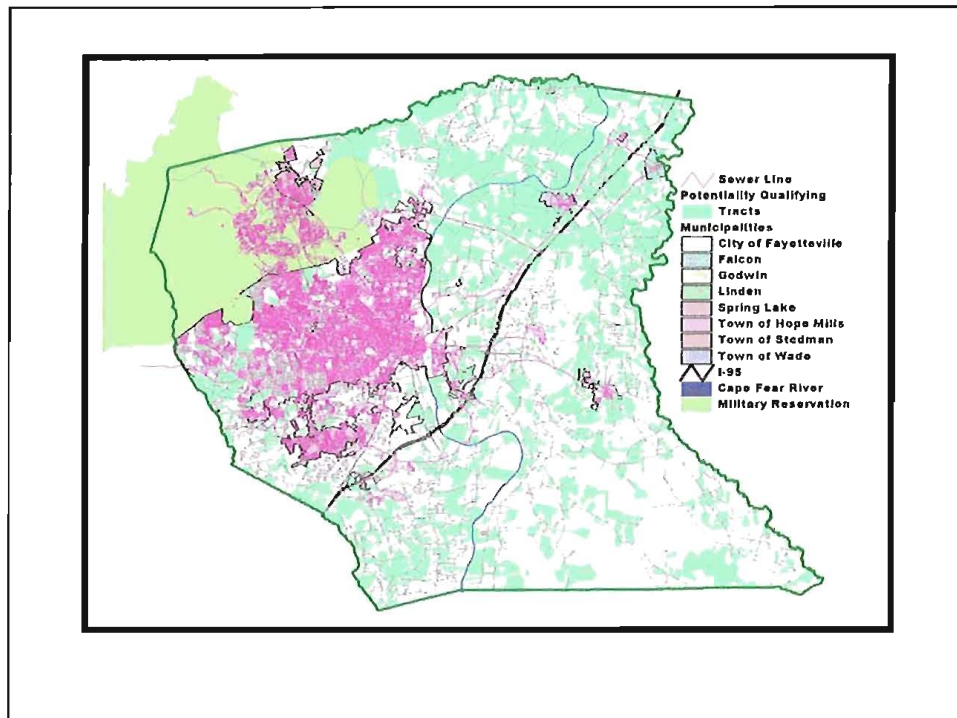




- Minimum size of an agricultural district is 25 acres and may consist of a single farm or 2 or more contiguous farms of smaller size which total 25 acres or more.
- An agricultural district may be enlarged by adding qualifying contiguous farmland and by application of non-farm landowners contiguous to a qualifying agricultural district.



Notification – signs will be posted along the right-of-way of major roads adjoining the district; Cumberland County Planning and Inspections Department will maintain maps of the approved districts within the County GIS data base; this information will also be located within the Register of Deeds and Tax Administration/GIS Mapping offices, with a special notice to the GIS data base so any one conducting a title search or real estate record searches or general research on parcels of land will be advised of the location of a participation in Voluntary Agricultural District in relation to the subject parcel.



- The Farm Advisory Board will hold a public hearing on land condemnation within a Voluntary Agricultural District.
- An annual report will be prepared by the Cooperative Extension Service to the North Carolina Commissioner of Agriculture.



ITEM NO. 5A

BILLY R. KING
CHAIRMAN

KENNETH S. EDGE
VICE CHAIRMAN

TALMAGE S. BAGGETT, JR.
J. BREEDEN BLACKWELL
JEANNETTE M. COUNCIL
JOHN T. HENLEY, JR.
DIANE WHEATLEY

COUNTY of CUMBERLAND

Board of County Commissioners

MARSHA S. FOGLE
CLERK TO THE BOARD

ANN HYMES
DEPUTY CLERK

September 13, 2006

September 18, 2006 Agenda Item

TO: Board of Commissioners

FROM: Ann Hymes, Deputy Clerk

SUBJECT: Joint Fayetteville/Cumberland County Senior Citizens
Advisory Commission

This item was deferred from the August 21, 2006 Board of Commissioners Meeting. Commissioner Henley, liaison to the Joint Fayetteville/Cumberland County Senior Citizens Advisory Commission, met with City officials to discuss increasing the size of this Board. At this time, it is recommended that the County nominate seven (7) of their ten (10) members to serve on the reorganized Board.

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

PROPOSED ACTION: Make nominations to fill the vacancies (7).

pc: James McMillan, Special Projects Coordinator
City of Fayetteville

SENIOR CITIZENS ADVISORY BOARD
(Joint Fayetteville/Cumberland County
Senior Citizens Advisory Commission)

2 Year Term
(County Appointees)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Rhonda Batten(W/F) 806 Winston Avenue Fayetteville, NC 28303 484-8860/678-2920 (W)	8/05	1st full	9/30/07 Sept/07	Yes
Evelyn C. Bryant (F) 725 Glensford Drive Fayetteville, NC 28314 867-7695	8/04	2nd	9/30/06 Sept/06	No
Annie Chavis (B/F) 3454 Thorndike Drive Fayetteville, NC 28311 488-9555/672-1352 (W)	11/04	2nd	12/31/06 Dec/06	No
Joe Potts (C/M) 1200 Goodview Avenue Fayetteville, NC 28305 484-6506/818-3783 (Cell)	8/04	1 st	9/30/06 Sept/06	Yes
Larry E. Chason (W/M) 3006 Hermitage Avenue Fayetteville, NC 28304 223-9277/483-2191(W)/818-9769(Cell)	12/05	1st full	1/31/08 Jan/08	Yes

Contact: James McMillan, Special Programs Supervisor, City of Fayetteville.
Phone: 433-1560 - Fax: 433-1560 – Email: jmcmillan@ci.fay.nc.us

Commissioner Liaison: John Henley, Jr.

Regular Meetings: 2nd Tuesday of each month at 2:30 PM
Senior Citizens Service Center, 739 Blue Street (Conference Room)

APPLICANTS FOR
SENIOR CITIZENS ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
COLLIER, GARY (W/M) 6335 HACKBERRY HOPE MILLS, NC 28348 423-4853/323-0760, EXT. 7138(W)	HOME HEALTH SERVICE PROVIDER	BACHELOR OF RELIGIOUS EDUCATION
HATCHER, GEORGE R., SR (C/M) 3534 A.B. CARTER ROAD FAYETTEVILLE, NC 28312 483-5896/818-8263(CELL)	RETIRED CIVIL SERVICE	2 YR COLLEGE CERTIFIED COMMUNI- CATIONS ENGINEER
LANGLEY, MARGO (B/F) 974-3 STEWARTS CREEK DRIVE FAYETTEVILLE, NC 28314 864-1169/919-662-2800/919-856-5920(W)	DETENTION OFFICER	AA DEGREE + COURSES
MACK, DAVID J. (B/M) 5479 LYNBROOK COURT FAYETTEVILLE, NC 28314 867-1214	RETIRED SCHOOL ADMINISTRATOR	MS – SCHOOL ADMIN.
SERVES ON THE EQUALIZATION & REVIEW BOARD		
NIJHAWAN, INDER PAL (IA/) 3545 TURNBERRY CIRCLE FAYETTEVILLE, NC 28303 864-0351/672-1618(W)	PROFESSOR FSU	PhD
WHITMEYER, LOIS G. (W/F) 3002 HAMMERFEST CIRCLE FAYETTEVILLE, NC 28306 423-2350	RETIRED	SOME COLLEGE



ITEM NO. 6A

BILLY R. KING
CHAIRMAN

KENNETH S. EDGE
VICE CHAIRMAN

TALMAGE S. BAGGETT, JR.
J. BREEDEN BLACKWELL
JEANNETTE M. COUNCIL
JOHN T. HENLEY, JR.
DIANE WHEATLEY

COUNTY of CUMBERLAND

Board of County Commissioners

MARSHA S. FOGLE
CLERK TO THE BOARD

ANN HYMES
DEPUTY CLERK

September 6, 2006

September 18, 2006 Agenda Item

TO: Board of Commissioners
FROM: Ann Hymes, Deputy Clerk
SUBJECT: Board of Adjustment

BACKGROUND: On September 5, 2006 the Board of Commissioners nominated the following to fill one (1) vacancy on the Board of Adjustment (Regular Member):

- **Steve Parsons**

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

PROPOSED ACTION: Appoint the above.

pc: Tom Lloyd, Director
Planning/Inspection Department

BOARD OF ADJUSTMENT
3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Joe Potts(C/M) 1200 Goodview Avenue Fayetteville, NC 28305 484-6506/818-3783(Cell)	6/06	1st full	June/09 6/30/09	Yes
Oscar L. Davis, III (C/M) 3320 Rustburg Drive Fayetteville, NC 283053 867-2950/977-3101(W)	6/04	1st	June/07 6/30/07	Yes
Sean Scott Fincher (W/M) 1822 Bondwood Street Fayetteville, NC 28301 484-9947/483-3027(W)/237-3565(Cell)	8/04	1st	Aug/07 8/31/07	Yes
Steve Parsons(W/M) 3701 Clearwater Drive Fayetteville, NC 28311 822-4155/822-2000(W)	9/03	1st	Sept/06 9/30/06	Yes
George Quigley (W/M) 618 Blawell Circle Stedman, NC 28391 485-2980/321-6882	6/06	1st	June/09 6/30/09	Yes
<u>Alternate Members:</u> Steve Burnett (W/M) 438 Grape Arbor Drive Fayetteville, NC 28312-7205 486-9325/485-2100(W)	8/04	1st	Aug/07 8/31/07	Yes
Joseph Dykes (B/M) 5764 Pepperbush Drive Fayetteville, NC 28304 423-5255/322-0602(W)	11/05 to fill unexp. term	1st	Aug/07 8/31/07	Yes
Johnnie Lee Council(B/M) 3429 Sandystone Circle Fayetteville, NC 28311 488-0379(H)	8/05 to fill unexp. term	1 st	June/07 6/30/07	Yes

Board of Adjustment

Page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
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Alternate Members Continued:

Melree Hubbard Tart(W/F) 300 Andrews Road Fayetteville, NC 28311 488-1208/497-3712(W)	1/04	1 st	Jan/07 1/31/07	Yes
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Martin J. Locklear (I/M) 1611 Four Wood Drive Fayetteville, NC 28312 672-0323/893-7525(W)	8/06	1 st	Aug/09 8/31/09	Yes
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APPLICANTS FOR
BOARD OF ADJUSTMENT

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
FRANKLIN, BETTY (W/F) 6499 PERICAT DRIVE FAYETTEVILLE, NC 28306 425-0008/323-3418(W)	OFFICE ADMINISTRATOR	HS, SALES & NEGOTIATING COURSES
INGRAM, JAMES (B/M) PO BOX 87671 FAYETTEVILLE, NC 28304 257-1831/488-8415(W)	ASST. PRINCIPAL	POST GRADUATE
JOHNSON, JASON N. (B/M) 8436 UMSTEAD ROAD FAYETTEVILLE, NC 28304 864-3999	UNEMPLOYED (RECENT COLLEGE GRAD)	BA – POLITICAL SCIENCE
LEACH, JACQUELINE (AA/F) 5520 MARCIA STREET FAYETTEVILLE, NC 28303 868-4897/677-2977(W)	VISTA VOLUNTEER AMERICORP	ACCOUNTING DEGREE
SWANSON, JOHN R. (W/M) 6416 COACHMAN'S WAY FAYETTEVILLE, NC 28303 987-1972/822-2000(W)	CERTIFIED RESIDENTIAL APPRAISER/BROKER	BA – CRIM. JUSTICE MPA – PUBLIC ADMIN.
WINSTEAD, SUSAN (C/F) 3204 BROADVIEW DRIVE FAYETTEVILLE, NC 28301 306-0148/630-1587(W)	BUSINESS CONSULTANT TECHNOLOGY MANAGER	BA – POLITICAL SCIENCE MS – BUSINESS ADMIN.



ITEM NO. 6B

COUNTY of CUMBERLAND



Board of County Commissioners

BILLY R. KING
CHAIRMAN

KENNETH S. EDGE
VICE CHAIRMAN

TALMAGE S. BAGGETT, JR.
J. BREEDEN BLACKWELL
JEANNETTE M. COUNCIL
JOHN T. HENLEY, JR.
DIANE WHEATLEY

MARSHA S. FOGLE
CLERK TO THE BOARD

ANN HYMES
DEPUTY CLERK

September 6, 2006

September 18, 2006 Agenda Item

TO: Board of Commissioners

FROM: Ann Hymes, Deputy Clerk

SUBJECT: Southeastern Economic Development Commission

BACKGROUND: On September 5, 2006, the Board of Commissioners nominated **Jeannette Council** to serve on the Southeastern Economic Development Commission.

PROPOSED ACTION: Appoint the above.

Attachments

SOUTHEASTERN ECONOMIC DEVELOPMENT COMMISSION
COUNTY APPOINTEES
(4 year terms)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
*Juanita Pilgrim (B/F) Deputy County Manager P.O. Box 1829 Fayetteville, North Carolina 28302 678-7723	12/05	2 nd	Oct./09 10/01/09	No
Erik Wells (W/M) Chief Executive Officer, Schoollink 3641 Sycamore Dairy Road Fayetteville, North Carolina 28303 223-2116 ext. 104	09/04	2nd	Oct./08 10/01/08	No
Kenneth Edge (W/M) County Commissioner (Retired School Principal) P.O. Box 1829 Fayetteville, North Carolina 28302 678-7771 or 678-7772	10/03	2nd	Oct./07 10/31/07	No
Billy R. King (B/M) County Commissioner (Insurance Agent) P.O. Box 1829 Fayetteville, North Carolina 28302 678-7771 or 678-7772	8/02	2nd	Oct./06 10/01/06	No

*Designated to serve on the Executive Committee.

Members appointed by the Board of Commissioners in November of 2001.

Terms were staggered initially when members were appointed on 11/5/01.

APPLICANTS FOR
SOUTHEASTERN ECONOMIC DEVELOPMENT COMMISSION

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
MATTHEWS, GEORGE (B/M) 6984 KINGS LYNN LOOP FAYETTEVILLE, NC 28304 487-3904/396-8169	GOVT. CONTRACT EMPLOYEE	BS – TECH. AERONAUTICS MS – HUMAN RELATIONS

**NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD AGENDA
SPECIAL MEETING
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
SEPTEMBER 18, 2006
6:45 PM**

INVOCATION

1. Items of Business
 - A. Approval of minutes for the August 21, 2006 regular meeting.
 - B. Approval of an Amendment to the Agreement for Engineering Services with Hobbs, Upchurch & Associates to Fund Additional Costs Due to Contractor Not Completing the Project On Time.

ADJOURN THE SEPTEMBER 18, 2006 SPECIAL MEETING OF THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD.

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



ITEM NO. 1B

COUNTY of CUMBERLAND

Public Utilities

THOMAS B. COONEY III, P.E.
Public Utilities Director

MEMORANDUM FOR NORCRESS GOVERNING BOARD **AGENDA OF SEPTEMBER 18, 2006**

TO: BOARD OF COUNTY COMMISSIONERS
FROM: TOM COONEY, PUBLIC UTILITIES DIRECTOR *TC*
THROUGH: JAMES E. MARTIN, COUNTY MANAGER
DATE: SEPTEMBER 7, 2006
SUBJECT: APPROVAL OF AN AMMENDMENT TO THE AGREEMENT FOR ENGINEERING SERVICES WITH HOBBS, UPCHURCH & ASSOCIATES TO FUND ADDITIONAL COSTS DUE TO CONTRACTOR NOT COMPLETING THE PROJECT ON TIME.

BACKGROUND

The Contractor (Lonnie Locklear & Sons) did not complete the work associated with Contract - 2 (Falcon) in accordance with the Contract. Work had progressed throughout the contract period but was *not* staffed or equipped in a manner that would allow for the completion of the contract within the time allotted. As a result, the Engineer (Hobbs, Upchurch & Associates) who was providing construction observation and reporting (per Agreement with the County) during this period was onsite for an additional 441 hours in excess of the terms outlined in the original Agreement. This is a cost increase of \$22,500 and will bring the "Resident Project Representative Services" portion of the Agreement to \$288,050.

All costs associated with this amendment to the Engineer's Agreement should come from a deduction to the contractors final pay application as a portion of the Stipulated Damages

RECOMMENDATION

The Engineer, Public Utilities Director and County Management recommend that the NORCRESS Governing Board:

1. Approve an Amendment to the Agreement for Engineering Services increasing the Contract Amount by \$22,500.00 to fund the time extension required by the Contractor delay. This will increase the Contract amount from \$774,551.34 to \$797,051.34.
2. Authorize the appropriate deduction of these fees from the final pay application of the contractor in accordance with the Stipulated Damages section of the Contract.
3. Approve the associated budget revision.

The proposed action by the Board of Governors is to follow the staff recommendation.

Attachments:



Hobbs, Upchurch & Associates, P.A.
Consulting Engineers

300 S.W. Broad Street • Post Office Box 1737 • Southern Pines, NC 28388

August 3, 2006

Thomas B. Cooney, III, P.E.
Director, Cumberland County Utilities
PO Box 1829
Fayetteville, NC 28302-1829

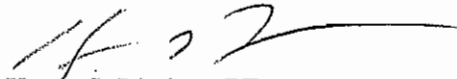
RE: NORCRESS Sanitary Sewer System
Request for Amendment to the Engineering Agreement
HUA No. CU0103.205

Dear Tom:

Due to construction contract extensions beyond the twelve months included in the original contract, we hereby request that the engineering services contract dated May 6, 2002 be modified by increasing the "Resident Project Representative Services" estimated amount of \$266,000 by \$22,050 to \$288,050. Contract 2—Falcon has far exceeded the original project duration. Originally scheduled for completion in June 2005, the contractor was granted extensions to September, but has in fact only recently completed all work. As a result, our inspection time has exceeded the 5,320 in the original plan by 441 hours, or \$22,050 at \$50 per hour.

If you need additional information, please call me at (910) 692-5616.

Sincerely,
HOBBS, UPCHURCH & ASSOCIATES, P.A.,



Kevin S. Lindsay, PE
Project Manager

This document has important legal consequences; consultation with an attorney is encouraged with respect to its use or modification.

STANDARD FORM OF AGREEMENT
BETWEEN OWNER AND CONTRACTOR
ON THE BASIS OF A STIPULATED PRICE

FUNDING AGENCY EDITION

Prepared by

ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

and

Issued and Published Jointly By

[insert seals]

PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE
a practice division of the
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

AMERICAN CONSULTING ENGINEERS COUNCIL

AMERICAN SOCIETY OF CIVIL ENGINEERS

This document has been accepted by
United States Department of Agriculture
Rural Utilities Service, Water and Waste Programs

This Standard Form of Agreement has been prepared for use with the Standard General Conditions of the Construction Contract, Funding Agency Edition (No. 1910-8-FA, 1997 Edition). Their provisions are interrelated, and a change in one may necessitate a change in the other. The suggested language for instructions to bidders contained in the Guide to the Preparation of Instructions to Bidders (No. 1910-12, 1996 Edition) is also carefully interrelated with the language of this Agreement. Comments concerning their usage are contained in the EJCDC Users Guide (No. 1910-50). See also Guide to the Preparation of Supplementary Conditions (No. 1910-17, 1996 Edition).

EJCDC
STANDARD FORM OF AGREEMENT
BETWEEN OWNER AND CONTRACTOR
ON THE BASIS OF A STIPULATED PRICE

FUNDING AGENCY EDITION

THIS AGREEMENT is by and between the NORCRESS Water and Sewer District (hereinafter called OWNER) and Lonnie Locklear Jr. & Sons Construction Company, Inc. (hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1 - WORK

1.01 CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows: **Sanitary Sewer Improvements to serve the Town of Falcon for the NORCRESS Water and Sewer District, Contract 2 – Falcon.**

ARTICLE 2 - THE PROJECT

2.01 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows: **Sanitary Sewer Improvements to serve the Town of Falcon for the NORCRESS Water and Sewer District, Contract 2 – Falcon.**

ARTICLE 3 - ENGINEER

3.01 The Project has been designed by: **Hobbs, Upchurch & Associates, P.A., 300 SW Broad Street, Southern Pines, NC 28387, Attn: Mr. Kevin Lindsay, P.E.** who is hereinafter called ENGINEER and who is to act as OWNER's representative, assume all duties and responsibilities, and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

ARTICLE 4 - CONTRACT TIMES

4.01 *Time of the Essence*

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Days to Achieve Substantial Completion and Final Payment*

A. The Work will be substantially completed within **335 Consecutive Calendar** days after the date when the Contract Times commence to run as provided in paragraph 2.03 of the General Conditions, and completed and ready for final payment in accordance with paragraph 14.07 of the General Conditions within **365 Consecutive Calendar** days after the date when the Contract Times commence to run.

4.03 *Liquidated Damages*

A. CONTRACTOR and OWNER recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not completed within the time(s) specified in paragraph 4.02 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty), CONTRACTOR shall pay OWNER \$600 for each day that expires after the time specified in paragraph 4.02 for Substantial Completion until the Work is substantially complete.

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	NORCRESS #18
Budget Revision No.	B07-105
Date Received	9/12/2006
Date Completed	

Fund No. 009 Agency No. 450 Organ. No. 450A

Organization Name: NORCRESS Project

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4008	USDA Rural Development Grant	4,140,000	0	4,140,000
453E	NC Rural Center Grant	2,688,781	0	2,688,781
4677	Cumberland County Schools Co-Sponsor	325,000	0	325,000
4678	Facility Investment Fee	500,000	0	500,000
4679	Community Development Co-Sponsor	603,366	0	603,366
6681	Tap Fees	72,320	0	72,320
9134	Transfer from Fund 250 (Co. Water & Sewer)	204,629	0	204,629
9296	Bond Anticipation Notes	1,250,000	0	1,250,000
Total		9,784,096	0	9,784,096

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3110	NAA	Legal	30,000	0	30,000
3630	NAB	C.O. Land (easements, right of way)	47,125	0	47,125
3747	NAC	Engineering	774,552	22,500	797,052
3757	NAD	Facility Investment Fee	500,000	0	500,000
3758	NAE	Eastover Approach Main	576,969	0	576,969
379A	NAK	Construction - North Wade	2,026,614	0	2,026,614
379B	NAL	Construction - South Wade	1,682,594	0	1,682,594
379C	NAM	Construction - Falcon	1,529,873	(22,500)	1,507,373
379D	NAN	Construction - Godwin	1,609,140	0	1,609,140
379E	NAP	Construction - Pump Station	876,627	0	876,627
3809	NAG	Capitalized Interest	18,700	0	18,700
3419	NAQ	Miscellaneous	50,602	0	50,602
389T	NAR	Transfer to Fund 253	61,300	0	61,300
Total			9,784,096	0	9,784,096

Justification:

Revision in the amount of \$22,500 to fund additional engineering services required as a result of the Falcon Contract (Locklear Construction) not being completed timely. Funding to pay the additional engineering costs will be deducted from Locklear Construction's final pay application as allowed by the "stipulated damages" section of the contract with Locklear Construction. Also, a revised capital project ordinance is attached for approval.

Funding Source:

Fund Balance:

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

Submitted By: _____ Date: _____

HCA
Reviewed By: Bob Jackson Date: 9/12/06
Department Head

Reviewed By: Amydell Cannon Date: 9/13/06
Budget Analyst
Assistant County Mgr

Reviewed By: _____ Date: _____

Information Services

Approved By:

County Manager

Board of County
Commissioners

Date: _____

Date: _____

REVISED CAPITAL PROJECT ORDINANCE
NORTH CUMBERLAND REGIONAL SEWER SYSTEM PROJECT (NORCRESS)
September 18, 2006

REVENUES	FY2002-03	FY2003-04	FY2004-05	FY2005-06	FY2006-07	TOTAL
USDA Rural Development Grant			3,933,000	45,947	161,053	4,140,000
NC Rural Center Grant	338,700	81,237	1,763,605	505,239		2,688,781
Cumberland County Schools Co-Sponsor			325,000			325,000
Facility Investment Fee			500,000			500,000
Community Development Co-Sponsor	34,000	191,272	278,094	100,000		603,366
Tap Fees		42,344			29,976	72,320
Transfer from County Water & Sewer (Fund 250)			185,137		19,492	204,629
Bond Anticipation Notes			1,250,000			1,250,000
TOTAL	\$372,700	\$314,853	\$8,234,836	\$651,186	\$210,521	\$9,784,096

EXPENDITURES	FY2002-03	FY2003-04	FY2004-05	FY2005-06	FY2006-07	TOTAL
Legal			\$11,295	\$10,320	\$8,385	\$30,000
Capital Outlay Land (easements, right of way)	11,750	23,000	9,095		3,280	47,125
Engineering	360,950	70,118	312,307	28,000	25,677	797,052
Facility Investment Fee			500,000			500,000
Eastover Approach Main			480,896	66,005	30,068	576,969
Construction - North Wade			1,903,719	122,895		2,026,614
Construction - South Wade		190,892	1,491,702			1,682,594
Construction - Falcon			1,188,587	194,046	124,740	1,507,373
Construction - Godwin		14,918	1,483,612	110,610		1,609,140
Construction - Pump Station		15,925	853,623	7,079		876,627
Capitalized Interest				18,700		18,700
Miscellaneous				32,231	18,371	50,602
Transfer to Fund 253 (NORCRESS Admin)				61,300		61,300
TOTAL	\$372,700	\$314,853	\$8,234,836	\$651,186	\$210,521	\$9,784,096

Fund: 009
Agency: 450
Organization: 450A

ITEM NO. 7A

CLOSED SESSION

ITEM NO. 7B

CLOSED SESSION

ITEM NO. 7C

CLOSED SESSION