
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
OCTOBER 15, 2007
6:45 PM

INVOCATION - Commissioner John Henley

PLEDGE OF ALLEGIANCE – Benjamin Wiggs - 3rd Grade, Village Christian Academy

Recognition: Cumberland County Cares Award - Dr. Tinsley Rucker - CARE Clinic

Recognition of Retired County Employee: Glenn Mobley – Sheriff's Office

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

1. A. Presentation of the FY 2007 Cumberland County Public Library Annual Report by Jerry Thrasher.
2. Consent Agenda
 - A. Approval of minutes for the October 1, 2007 regular meeting.
 - B. Approval of Proposed Increase in the Health Department 2007 Flu and Pneumonia Vaccine Fees.
 - C. Approval of Delinquent Accounts to be Turned Over to Collectors for the Health Department.
 - D. Approval of Interlocal Agreement Between the Cumberland County Board of Commissioners and Cumberland County Board of Education for Joint Use of School Facilities for Community Recreation.
 - E. Approval of Bids for Ann Street Subtitle D Landfill Gas Collection and Control System – Phase I.
 - F. Approval of Bid Award for Bay Shore Properties Dam Removal, Grading & Erosion Control Project – Lake Upchurch.
 - G. Approval of Community Development Energy Efficiency Policy.

H. Approval of a Proclamation Proclaiming October 23, 2007 as the “Day of National Concern” in Cumberland County and the Week of October 23-31, 2007 as “Red Ribbon Week” in Cumberland County.

I. Budget Revisions:

(1) Social Services

Revision in the amount of \$69,141 to recognize additional federal funding for the Crisis Intervention program. (B08-099) **Funding Source – Federal**

(2) Senior Aides/Workforce Development Administration

Revisions in the total amount of \$188,710 to recognize increase in funding from Senior Services America Inc. with \$180,987 for the Senior Aides Program and \$7,723 for administrative services. (B08-100 and B08-100A) **Funding Source – Senior Aides Grant**

(3) Health

Medical Records - Revision in the amount of \$16,477 to reallocate budgeted expenditures to create a new Processing Assistant III position. (B08-102) **Funding Source – Reallocation of Budgeted Expenditures**

3. Public Hearings

Uncontested Cases

Rezoning

A. Case P07-47. The rezoning of two portions of a 20.25 acre tract, consisting of 9.43 acres and 4.20 acres from M2 to R7.5, or to a more restrictive zoning district, located south of Church Street, east of Freedom Lane, owned by Gillis & Gillis, Inc.

B. Case P07-74. The rezoning of two parcels totaling 1.76 acres from C3 to RR, or to a more restrictive zoning district, located on the northwest side of Clinton Road, east side of Bladen Circle, owned by Della Mol and Amanda R. Watson.

C. Case P07-77. The rezoning of 1.42 acres from R6A to C1(P), or to a more restrictive zoning district, at 3680 Cumberland Road, owned by Granville T. and Evelyn M. Jackson.

Conditional Use Permit Cases

- D. Case P07-22. The rezoning of 2.2 acres from A1 to R20, or to a more restrictive zoning district, at 871 Remley Court, owned by Brian Daigneault.
- E. Case P07-71. The rezoning of two parcels totaling 7.93 acres from R6 and C1(P)/CU to C(P), or to a more restrictive zoning district, located on the south side of Andrews Road, east side of McArthur Road, owned by Creekwood Car Company, LLC and Jacqueline C. Andrews.
- F. Case P07-75. The rezoning of two parcels totaling 11.66 acres from RR and C(P) to C(P)/Conditional Use District and Permit to Allow Mini-Warehousing, Retail/Office Space, Second Floor Dwelling Unit and Car Wash, or to a more restrictive zoning district, located at the South Quadrant of Rockfish and Camden Roads, owned by USA Storage Center LLC.

Items of Business

- 4. Validation of BRAC Regional Task Force Members.
- 5. Consideration of Extension of Term for Dr. Rakesh Gupta on the Cape Fear Valley Hospital System Board of Trustees.
- 6. Consideration of Cumberland County Finance Committee Report and Recommendation:
 - A) Consideration of County Participation in the Hope VI Project Application for FY 2008.
 - B) Approval of Interlocal Agreement Between Cumberland County Board of Commissioners and Cumberland County Board of Education for Sales Tax Refund – Grays Creek Conveyance.
- 7. Information / Discussion Regarding the ¼ Cent Sales Tax Referendum.
- 8. Nominations to Boards and Committees
 - A. Child Homicide Identification and Prevention (CHIP) Council (11 Vacancies)
 - B. Cumberland County Home and Community Care Block Grant Committee (1 Vacancy)
 - C. Mental Health Board (1 Vacancy)
 - D. Transportation Advisory Board (8 Vacancies)

9. Appointments to Boards and Committees

A. Library Board of Trustees (2 Vacancies)

Nominees: Robbin Tatum (Reappointment)
Willie Wright

10. Closed Session:
- A. Attorney Client Matter(s)
Pursuant to NCGS 143-318.11(a)(3). **If Needed**
 - B. Economic Development Matters
Pursuant to NCGS 143-318.11(a)(4).

ADJOURN

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

MEETINGS: November 5, 2007 (Monday) - 9:00 AM
November 19, 2007 (Monday) – 6:45 PM



ITEM NO. 1A

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager

Juanita Pilgrim
Deputy County Manager

Office of the County Manager

Amy H. Cannon
Assistant County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF OCTOBER 15, 2007

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER

DATE: OCTOBER 10, 2007

**SUBJECT: PRESENTATION OF THE CUMBERLAND COUNTY
PUBLIC LIBRARY'S 2007 ANNUAL REPORT**

Mr. Jerry Thrasher, Library Director will make a presentation of the Public Library's 2007 Annual Report to the Board of Commissioners on October 15, 2007.

/ct

CM101007-1

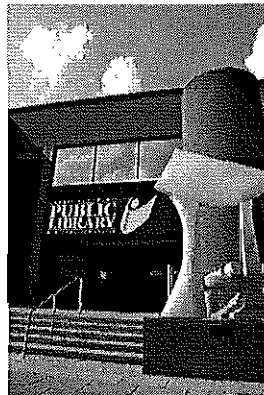


FY 2007 Annual Report

Highlights

Growth & Development

- 75th anniversary celebrated
- Branch Development Study
- Joint elementary school & public library planned



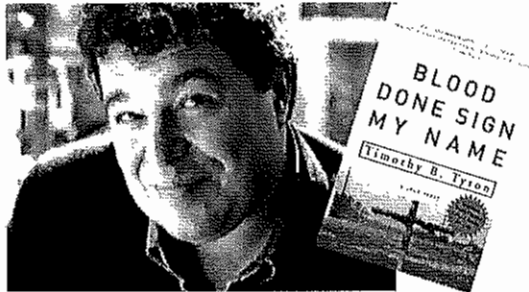
Highlights

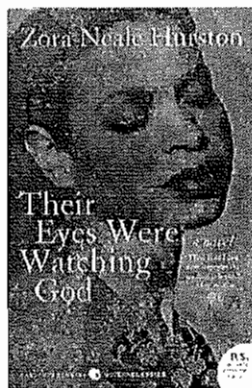
Facilities

- Bordeaux Branch Doors
- Read To Me & Motherhead expansion
- New Carpet at Cliffdale Regional Branch Library



Programming Highlights





Highlights

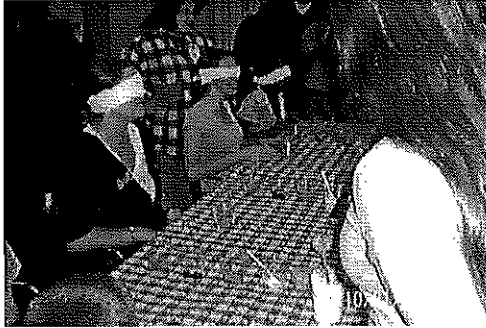
The Big Read

- Grants
- Community partners
- More than 40 programs during five-week project

Highlights: Grants



Highlights: Awards



Highlights: Librarian named to Caldecott Committee





Highlights: Literacy Connection



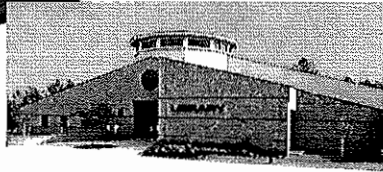
Highlights: NextReads

- Armchair Travel
- Biography and Memoir
- Business and Personal Finance
- Christian Fiction
- Fantasy
- Fiction A to Z
- Historical Fiction
- Romance
- Science Fiction
- Thrillers and Suspense





Highlights: Restored hours at two branches



Statistical Measurements



Total Items Loaned = 2,010,907 + 5.1%

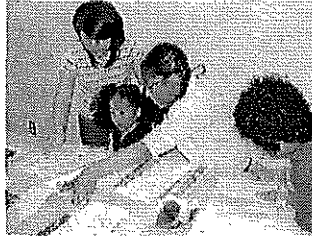
Statistical Measurements

Children's Programs

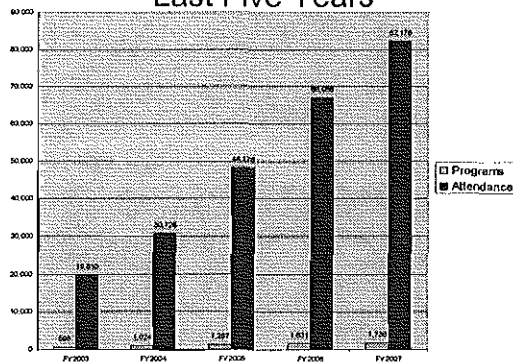
1,736 +6.4%

Audience

82,176 +22.7%



Children's Programs & Audience Last Five Years

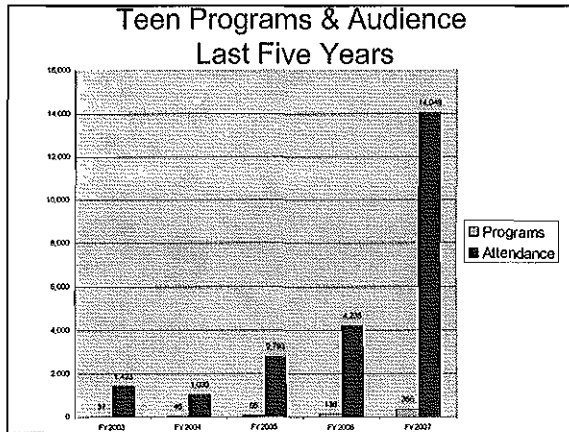


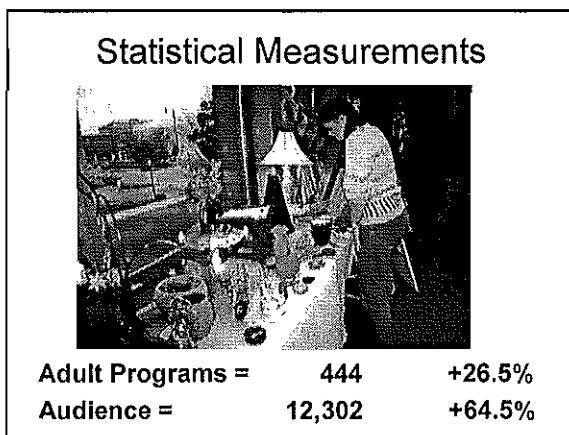
Statistical Measurements

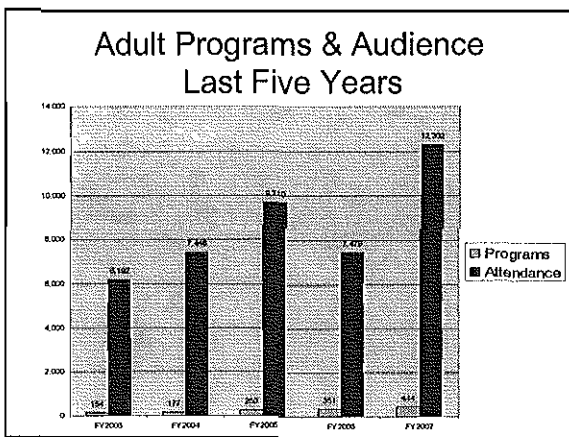


Teen Programs = 366 +69.1%

Audience = 14,049 +231.5%

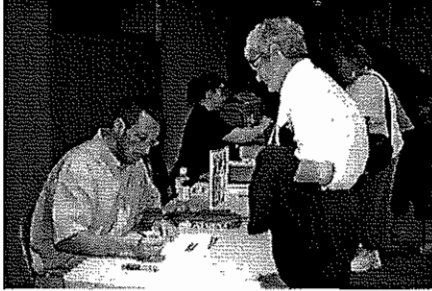




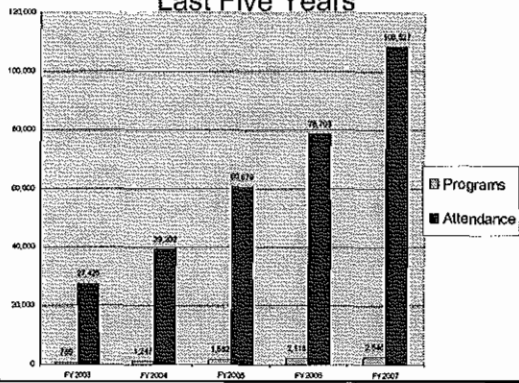


Statistical Measurements

Total Programs = 2,546 +20.2%
Audience = 108,527 +37.9%



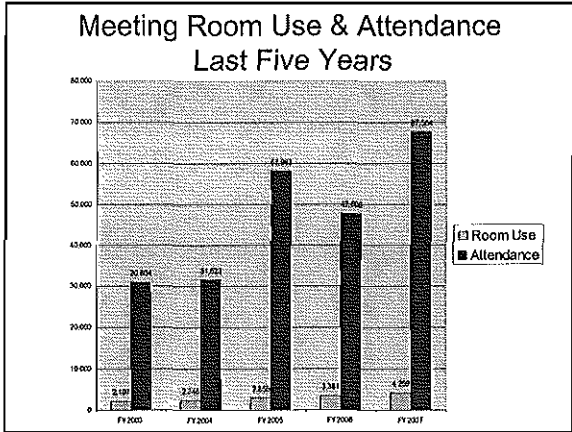
Total Programs & Audience Last Five Years

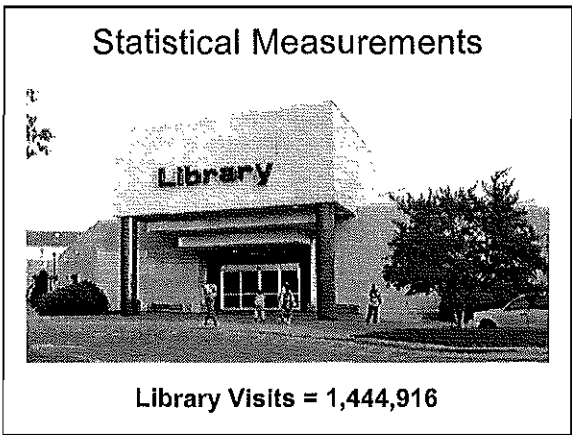


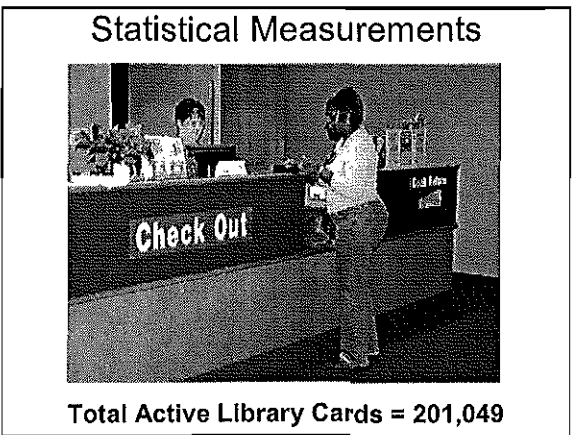
Statistical Measurements



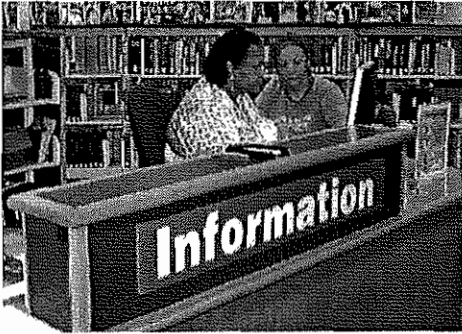
Meeting and Conference Room Use
4,259 Uses +26.0%
67,564 Attendance + 41.9%





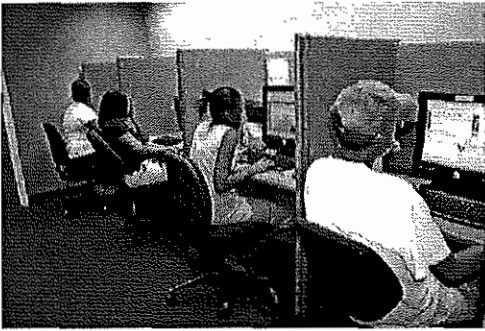


Statistical Measurements



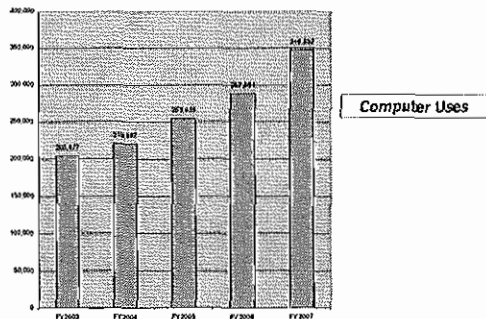
Information Questions Answered = 394,172 +10.9%

Statistical Measurements

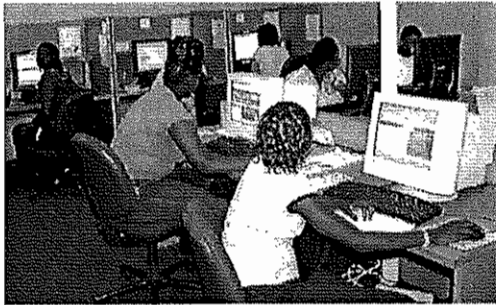


Public Computer Uses = 346,832 +20.5%

Public Computer Use Last Five Years

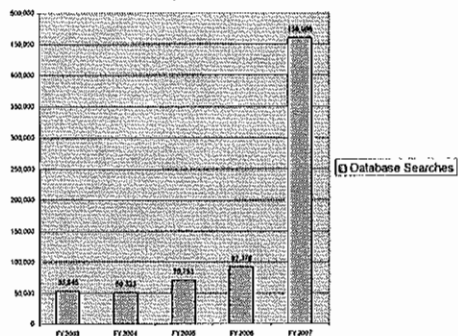


Statistical Measurements



Electronic Database Searches = 459,996

Database Searches Last Five Years

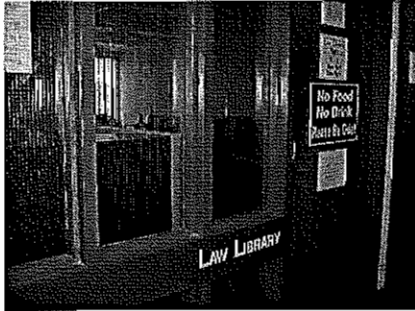


Budget

Library (4402)

-Personnel	\$ 6,140,603	(74.8%)
-Operations	\$ 951,491	(11.6%)
-Resources	\$ 984,498	(12.0%)
-Capital Outlay	\$129,578	(1.6%)
-Total	\$8,206,170	(100%)

Budget



Law Library (4406) \$72,001

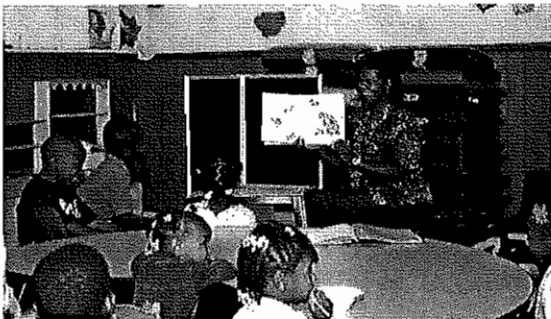
Budget

Grants (4408) \$130,284

E-Rate Funds



Budget



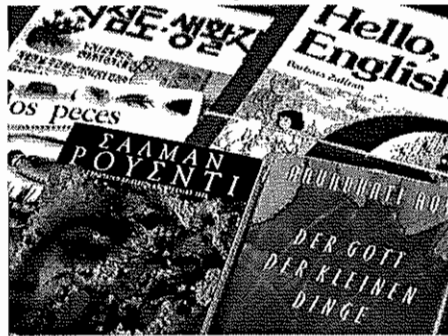
Read-To-Me (4411) \$306,489

Budget

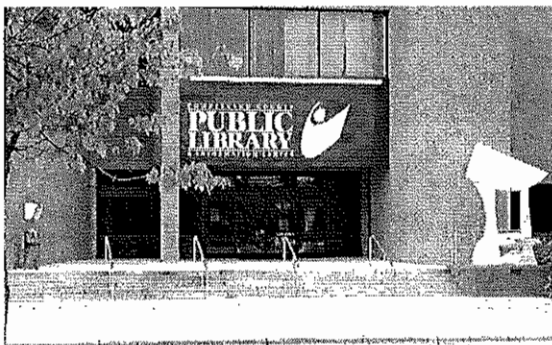
MotheRead (4412) \$76,927



Budget



Foreign Language Center (4418) \$50,000



Budget Grand Total = \$8,841,871

Our Mission

To educate, enlighten,
and entertain our customers
by providing the best
in reading, information,
and programs.



Cumberland County Public Library
& Information Center



Thank You!



ITEM NO. 23

DEPARTMENT OF PUBLIC HEALTH
227 Fountainhead Lane • Fayetteville, North Carolina 28301
(910) 433-3600 • Fax: (910) 433-3659

MEMORANDUM

TO: Board of County Commissioners

THRU: Mrs. Juanita Pilgrim, Deputy County Manager *Juanita Pilgrim*

FROM: Mr. A. Wayne Raynor, Health Director *A. Wayne Raynor*

DATE: October 1, 2007

RE: Approval of Proposed Increase in the 2007 Flu and Pneumonia Vaccine Fees

BACKGROUND

At the Board of Health meeting on September 18, 2007, the Board unanimously approved an increase of the fees for the Flu and Pneumonia Vaccines. This increase brings our fees in line with our current costs and in line with our community partners. Historical data is as follows:

VACCINE	2006 FEE	2007 PROPOSED FEE
Flu	\$25.00	\$30.00
Pneumonia	\$35.00	\$40.00

RECOMMENDATION/PROPOSED ACTION

Management requests to have this item placed on the next County Commissioners' meeting agenda for their approval to change the aforementioned Fees.

/dwmc

Celebrating Our Past... Embracing Our Future



ITEM NO. 2C

DEPARTMENT OF PUBLIC HEALTH
227 Fountainhead Lane • Fayetteville, North Carolina 28301
(910) 433-3600 • Fax: (910) 433-3659

MEMORANDUM

TO: Board of County Commissioners

THRU: Mrs. Juanita Pilgrim, Deputy County Manager *Juanita Pilgrim*

FROM: Mr. A. Wayne Raynor, Health Director *A Wayne Raynor*

DATE: October 1, 2007

RE: Approval of Delinquent Accounts To Be Turned Over to Collectors

BACKGROUND

At the Board of Health meeting on September 18, 2007, the Board approved writing off a total of \$78,886.49 as bad debts. Family Planning accounts in the amount of \$12,523.27 will be written off as bad debt, however cannot be sent to our collection agency, Professional Recovery Consultants, Inc. pursuant to North Carolina Division of Health and Human Services Guidelines. (See the attached memo from NC Division of Health and Human Services). The amount to be sent to the collection agency will be \$66,363.22. This write-off of bad debts is in compliance with the Board of Health's recommendation to write-off bad debts every quarter.

RECOMMENDATION/PROPOSED ACTION

Management requests to have this item placed on the next County Commissioners' meeting agenda for their approval to write off bad debts in the amount of \$78,886.49 and to turn over to Professional Recovery Consultants, Inc. the amount of \$66,363.22 for collection.

/dwmc
:Attachment

Celebrating Our Past... Embracing Our Future

**CUMBERLAND COUNTY DEPARTMENT
OF PUBLIC HEALTH
DELINQUENT ACCOUNTS TO BE TURNED OVER FOR COLLECTION
BAD DEBT WRITE-OFF # 19
September 18, 2007**

PROGRAM	AMOUNT
ADULT HEALTH	\$38,032.29
BCCCP	\$287.22
COMMUNICABLE DISEASE	\$0.00
CHILD HEALTH	\$8,325.17
DENTAL	\$4,211.00
FAMILY PLANNING *****	\$12,523.27
GYN/POSTPARTUM	\$275.53
IMMUNIZATIONS	\$2,853.00
MATERNITY	\$8,103.97
MEDICAL RECORDS	\$4.50
PAP	\$4,020.54
T.B.	\$250.00
TOTAL	\$78,886.49

*******Family Planning Accounts will adjusted (as Bad Debt) from the Accounts Receivable, however will not be sent to the Collection Agency pursuant to NC Division of Health and Human Services guidelines. (see attached memo)**

The above accounts are 90 days old or older as of September 1, 2007.



**North Carolina Department of Health and Human Services
Division of Public Health – Women's & Children's Health Section**
1929 Mail Service Center • Raleigh, North Carolina 27699-1929
Tel 919-707-5700 • Fax 919-870-4827

Michael F. Easley, Governor

Carmen Hooker Odom, Secretary

August 7, 2007

Memorandum

To: Local Health Directors
Attention: Directors of Nursing

From: Joe Holliday, MD, MPH
Women's Health Branch Head

Subject: Title X Family Planning Income and Collection Guidelines
Continuation of Preventive Services Following Sterilization

We have received the following additional guidance from the federal Office of Population Affairs (OPA) regarding the requesting of proof of income from Family Planning patients seeking services and collection of debts from Family Planning patients. This information supersedes guidance given in the June 20, 2001 memorandum with the title "North Carolina Statewide Family Planning, Maternity and Child Health Programs (Title X and HMHC funds) Patient Fee Policies for Local Health Agencies." While we recognize that this will have a significant impact on the funds available locally to provide family planning services, in order to continue as recipients of Title X family planning funds, all health departments must comply with OPA guidance.

- Family Planning patients who refuse to provide verification of income information when asked should be assigned to the sliding fee scale based on information shared verbally about income and sources. Unless that information warrants, they should never be charged at 100%. Our Title X federal project officer tells us that this would be considered a barrier to service.
- The use of debt setoff or any other type of collection agency with family planning patients is not acceptable for collecting past due amounts. Our Title X project officer advises us that this would be a breach of patient confidentiality as well as a barrier to care.
- A health department should never require a family planning patient with a past due account of any amount to meet with the health director as an attempt to collect the past due amount. Title X sees this approach as a barrier to care.

Some health departments have asked if an existing family planning patient can continue to receive reproductive health services following a sterilization procedure (i.e. Pap and STD tests). There is no family planning requirement to provide these services. These services may be continued under the conditions described in the attached January 1997 Memorandum "Clinical Services for Sterilized Women".

If you have further questions, please contact your Women's Health Branch Regional Nurse Consultant or Local Technical Assistance and Training Branch Regional Administrative Consultant.

Attachment

Cc:

Kevin Ryan
Joy Reed
Sydney Atkinson
Regional Nurse Consultants
Regional Administrative Consultants





ITEM NO. 2D

COUNTY of CUMBERLAND

Office of the County Attorney

October 8, 2007

MEMORANDUM FOR BOARD OF COMMISSIONERS' MEETING OF OCTOBER 15, 2007

TO: BOARD OF COMMISSIONERS

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY

A handwritten signature in dark ink, appearing to be "GRB", is written over the name "GRAINGER R. BARRETT".

SUBJECT: APPROVAL OF INTERLOCAL AGREEMENT BETWEEN THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS AND CUMBERLAND COUNTY BOARD OF EDUCATION FOR JOINT USE OF SCHOOL FACILITIES FOR COMMUNITY RECREATION

BACKGROUND: The enclosed proposed Interlocal Agreement between the Board of Commissioners and the Board of Education would renew for three years, through June 10, 2010, the agreement between the parties under the Community Schools Act to make school recreation facilities in areas of the county served by the Cumberland County/Fayetteville Parks and Recreation Department available for community recreation purposes. The Agreement contemplates that for purposes of the Agreement the County would act through the Cumberland County/Fayetteville Parks and Recreation Department as its agent. The County Manager and the Superintendent or their designees are designated as agents of the parties for purposes of the agreement.

RECOMMENDATION: Approve Interlocal Agreement, contingent upon approval by City of Fayetteville with respect to responsibilities of Cumberland County/Fayetteville Parks and Recreation Department, and authorize the Chairman to sign the Agreement on behalf of the County.

NORTH CAROLINA

INTERLOCAL AGREEMENT

CUMBERLAND COUNTY

THIS AGREEMENT, made and entered into effective as of the _____ day of _____, 2007, by and between THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS, hereinafter called "County"; and THE CUMBERLAND COUNTY BOARD OF EDUCATION, hereinafter called "Board", both of the State of North Carolina.

WITNESSETH:

WHEREAS, the County is interested in providing an adequate program of community recreation under the auspices of the Fayetteville/Cumberland Parks and Recreation Department, and

WHEREAS, the Board has recreation department fields and other facilities appropriate for recreation programs, and

WHEREAS, in the interest of providing the best service with the least possible expenditure of public funds, full cooperation between the County and the Board is necessary.

NOW, THEREFORE, in consideration of these premises, the County and the Board do now agree pursuant to N.C. Gen. Stat. §160A-460, et. seq., to enter into this Interlocal Agreement as follows:

1. Purpose:

(a) The Board will make available to the County for community recreation activities all school areas and facilities located in its schools situated in areas of

Cumberland County served by the Fayetteville/Cumberland Parks and Recreation Department. The Board will also make available to the County similar facilities in its schools situated in other areas of the County when that use does not conflict with Parks and Recreation Departments serving such areas of the County.

(b) The County will make available to the Board for school events, activities and/or programs County recreation facilities which are suitable for such events, activities and/or programs.

(c) This Interlocal Agreement authorizes the County to undertake only recreation activities. The County shall not use school grounds or facilities for any program that competes with a program being offered by the school at which the County provides recreation services, provided, however, this shall not apply to County recreation centers constructed on Board property with County funds.

2. Scheduling:

(a) The Board and the County acknowledge that school properties and facilities are intended primarily for school purposes and for the benefit of children of school age. They agree, therefore, that, in planning programs and scheduling activities on school grounds and in school facilities, the recreational needs and opportunities of such children shall be well considered and the program and property adequately protected.

(b) The County Manager, or his designee will recommend the areas and facilities requested by the County, and the Superintendent for the Board or his designee shall approve or disapprove these recommendations. The County Manager, or his designee will work out in advance a schedule of dates for the use of the Board's school

facilities requested by the County and will arrange that schedule so as to avoid conflict between school and recreation use. In scheduling of said facilities, school events and programs shall have first priority, Fayetteville/Cumberland Parks and Recreation Department programs will have second priority and other events by other groups or agencies shall have third priority.

(c) The Superintendent for the Board or his designee shall select the facilities requested by the Board, and those selections shall be subject to the approval of the County Manager or his designee. The Superintendent for the Board or his designee will work out a schedule of dates for the use of the County's facilities in advance and that schedule will be arranged so as to avoid conflict between recreation and school use. In the scheduling of said facilities, Fayetteville/Cumberland Parks and Recreation Department activities shall have first priority, school events and programs shall have second priority, and any other events by other groups or agencies shall have third priority.

(d) The parties agree that the rights, privileges, obligations, and liabilities conveyed to Board and County by this Agreement are non-transferable except as expressly referenced herein and cannot be conveyed in whole or in part to a third party.

3. Personnel:

(a) The County, under the auspices of and through the Fayetteville/Cumberland Parks and Recreation Department, agrees to cause to be provided adequate personnel to supervise the recreation activities which take place after school hours and during holiday and vacation periods at the selected Board sites and facilities. The Fayetteville/Cumberland Parks and Recreation Department shall pay

the wages, at the applicable rate for the time used, of the supervisor and/or custodian designated or agreed upon by the principal when applicable.

(b) The parties agree that the personnel of the Fayetteville/Cumberland Parks and Recreation Department shall not be under the supervision or control of the Board, and further agree that the school principals shall be consulted in the planning and administration of any recreation program to be conducted by the Fayetteville/Cumberland Parks and Recreation Department on or in the facilities which are normally under the jurisdiction of these principals as agents of the Board. The Fayetteville/Cumberland Parks and Recreation Department shall remain solely responsible for the programs conducted under its auspices.

(c) This Agreement shall be subject to the policies and rules of the Board of Education as to the use of its gymnasiums and other school buildings or facilities.

(d) No joint agency is established by this agreement and the Board and the County, as between themselves, each shall remain solely responsible for their respective activities under this Agreement.

4. Financing:

The County shall ensure that the Fayetteville/Cumberland Parks and Recreation Department shall furnish and supply expendable materials necessary for carrying on a Community Recreation Program for all ages, in or on the facilities under its supervision.

5. Improvements and Maintenance:

(a) The County may cause to be installed sprinkler systems, turf, lighting, play equipment, fencing and additional equipment for recreation, not in conflict with school use, on areas selected by the County Manager, or his designee, subject to written

approval by the Superintendent for the Board or his designee. Any installation of equipment or construction for community recreation purposes on any premises belonging to Board shall be at the County's cost, or shared proportionately by the County and Board, as the respective annual budget appropriations of County and Board may provide.

(b) The parties further agree that plans and specifications for the placement of all equipment, facilities and permanent improvements upon any premises belonging to Board, and the type, design and construction of such improvements, shall be approved by the Superintendent, or his designee, prior to any installation thereof.

(c) The parties also agree that the cost of maintaining these improved areas shall be borne proportionately by the County and the Board as determined by their relative use of the areas, but the County agrees to maintain or cause to be maintained such areas in good condition during the periods of their respective possession.

6. Ownership of Property:

(a) The parties agree that any *improvement or equipment installed or erected on school premises* by the County shall remain the property of the County and may be removed if use of the area is terminated, provided that such improvement can be removed without injury or damage to the property of the Board. If any or all of the property with the County's improvements thereon be required for exclusive use by the Board, or it would not be practical to remove such improvement or equipment or where they must be removed for exclusive use by the Board, or must remain on the premises for use by the Board, the Board shall reimburse the County for the actual cost of

installation of any improvements or equipment, less depreciation thereon as agreed upon by the County and the Board.

(b) The real property of the Board subject to this agreement shall be and remain the property of the Board during the term of this Agreement.

7. Maintenance:

As between the Board and the County, the County assumes full responsibility for itself or through the Fayetteville/Cumberland Parks and Recreation Department for any and all damage, injury or breakage to any buildings, windows, fences, fields or other property owned by the Board and located on the Board's premises, as a result of the County's use of said buildings or land of the Board pursuant to this Agreement. The County shall also assure that such premises of the Board shall be kept free and clear of trash or litter brought or left on premises by the recreation program participants or spectators. The County shall cause to be provided security guards during recreation activities by and through the Fayetteville/Cumberland Parks and Recreation Department, if needed, in connection with use of the Board's premises pursuant to this Agreement. The County shall be responsible for selecting sites appropriate for its recreational purposes, and which are in satisfactory and safe condition for those purposes.

As between the County and the Board, the Board assumes full responsibility for any and all damage, injury or breakage to any buildings, windows, fences, fields or other property owned by the County and located on the aforesaid premises as a result of the Board's using said buildings and land of the County. The Board shall also assure that the premises belonging to the County are kept free and clear of trash or litter

brought or left on premises by the Board program participants or spectators. The Board shall cause to be provided security guards during its school or recreation activities, if needed, in connection with its use of County's premises. The Board shall be responsible for selecting sites appropriate for its school or recreational purposes and which are in satisfactory and safe condition for those purposes.

8. Indemnification:

As between the Board and the County, the County assumes all risks of injury, loss, damage or death to any person or property arising out of or incurred in connection with its use of premises belonging to Board and hereby agrees to indemnify Board absolutely and in full against any loss, claim, demand, liability, damage, judgment, or expense sustained by Board as a result thereof. In connection therewith, County agrees, at its expense, to maintain in full force during the leased term, a policy or policies of comprehensive liability insurance written by one or more responsible insurance companies licensed to do business in this State, which insures County and Board against liability for injuries to persons or property and death of any person occurring in or about the Board's premises, in the sum of not less than one million dollars for any one person injured or killed and not less than one million dollars for any one accident.

As between the County and the Board, the Board assumes all risks of injury, loss, damage or death to any person or property arising out of or incurred in connection with its use of the premises belonging to County and hereby agrees to indemnify County absolutely and in full against any loss, claim, demand, liability, damage, judgment, or expense sustained by County as a result thereof. In connection therewith, Board

agrees, at its expense, to maintain in full force during the leased term, a policy or policies of comprehensive liability insurance written by one or more responsible insurance companies licensed to do business in this State, which insures Board and County against liability for injuries to persons or property and death of any person occurring in or about the County's premises in the sum of not less than one million dollars for any one person injured or killed and not less than one million dollars for any one accident.

9. Duration:

The Agreement shall be effective as of July 1, 2007, and shall terminate at 11:59 p.m. on June 30, 2010, unless sooner terminated consistent with the provisions of this Agreement.

10. Amendment:

This Agreement may be amended at any time by the written consent of both parties.

11. Termination:

Either party may at any time terminate this Agreement upon giving ninety days prior written notice of its intention to terminate same.

12. Transfer, Assignment, Subleasing:

Neither party shall transfer, assign or sublease its rights under this Agreement, in whole or in part, nor grant any interest, privilege or license whatsoever in connection with this Agreement without permission in writing from the other party, excepting specifically any such license which may be granted to the Fayetteville/Cumberland

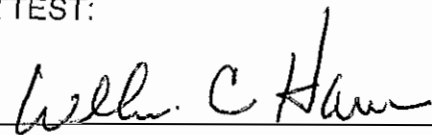
Parks and Recreation Department by Interlocal Agreement between the City of Fayetteville and County.

13. Miscellaneous:

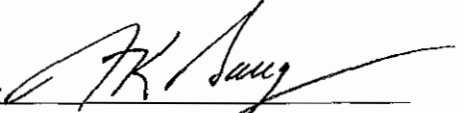
The parties agree that this Agreement supercedes and voids any previous Agreements between the Board and the County for use of facilities by either the former County Parks and Recreation Department or current Fayetteville/Cumberland Parks and Recreation Department, however named.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on their behalf.

ATTEST:


Secretary to the Cumberland County
Board of Education

THE CUMBERLAND COUNTY
BOARD OF EDUCATION

BY: 
Chairman


ATTEST:

Clerk

CUMBERLAND COUNTY
BOARD OF COMMISSIONERS

BY: _____
Chairman

APPROVED FOR LEGAL SUFFICIENCY

BY: 
County Attorney's Office

ROBERT N. STANGER, P.E.
County Engineer



ITEM NO. 2E
SAM LUCAS
Engineering Technician

WAYNE DUDLEY, CFM
Engineering Technician

ENGINEERING DEPARTMENT

Historic Courthouse, 130 Gillespie Street • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
Telephone (910) 678-7636 • Fax (910) 678-7635

October 4, 2007

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

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

THROUGH: AMY H. CANNON, ASSISTANT COUNTY MANAGER

SUBJECT: BIDS FOR ANN STREET SUBTITLE D LANDFILL GAS COLLECTION
AND CONTROL SYSTEM - PHASE I

BACKGROUND

Bids were received on September 13, 2007, for the above referenced project, however, the County did not receive a minimum of three (3) bids as required by the formal bidding statute of North Carolina. The project was re-advertised and bids again taken on September 25, 2007. Attached is a copy of the certified bid tabulation together with a letter of recommendation from CDM, the project engineer. The low bid was submitted by Shaw Environmental & Infrastructure, Inc., in the amount of \$1,699,645.50. The contractor has successfully installed landfill gas collection systems and CDM has prior experience with Shaw.

Funding for the project will come from the Solid Waste Department Fund Balance.

RECOMMENDATION/PROPOSED ACTION

The recommendation of the County Engineer, Solid Waste Director, CDM, and management is to:

1. Accept the bids for the Ann Street Subtitle D Landfill Gas Collection and Control System Project and award a contract to Shaw Environmental & Infrastructure, Inc., in the amount of \$1,699,645.50.
2. Approve the attached budget revision.

The proposed action by the Board of Commissioners is to approve the staff recommendation.

Celebrating Our Past...Embracing Our Future



5400 Glenwood Avenue, Suite 300
Raleigh, North Carolina 27612
tel: 919 787-5620
fax: 919 781-5730

October 3, 2007

Mr. Robert Stanger, P.E.
Cumberland County Engineering Department
130 Gillespie Street, Room 214
Fayetteville, North Carolina 28301

Subject: Cumberland County, North Carolina
Cumberland County Subtitle D Landfill
Phase I Gas Control Collection System Construction Project
Bid Evaluation and Recommendation

Dear Mr. Stanger:

Bids were received for the above referenced project on Tuesday, September 25, 2007. This letter presents CDM's evaluation of the bids that were received and our recommendation for award. The certified bid tabulation is attached for your reference.

The Work to be performed under this Contract generally includes the Phase 1 Construction of the Ann Street Subtitle D Landfill Gas Collection and Control System (GCCS) complete with horizontal gas collection trenches, vertical gas extraction wells and a gas collection header, constructed within municipal solid waste (MSW). Work will include but not be limited to site preparation; connection of new work to the existing landfill gas collection system; erosion and sedimentation control; waste excavation, disposal, and backfill; seeding, and mulching and all else incidental to the Project.

EVALUATION OF BIDS

Four (4) bids were received and opened. CDM evaluated each bid based on whether the Contractor submitted all information as required by Sections 00100 and 00300 of the project specifications. A matrix is attached as Exhibit 1 to this letter showing all bidders, the information required in the bid, and a summary of the bid amounts. The matrix indicates National Earth Service, Inc. did not include their certificate of licensure to practice general contracting or MBE Appendix B. Shaw Environmental & Infrastructure, Inc., Advance ONE Development, LLC and Thalle Construction Co., Inc. submitted all required information.

Each bid was reviewed for mathematical errors and other discrepancies of which there were discrepancies in the bids from Advance ONE Development, LLC and Shaw Environmental &



Mr. Robert Stanger, P.E.

October 3, 2007

Page 2

Infrastructure, Inc. The Bid from Advance ONE Development, LLC contained rounding errors in Items 1a, 1b, 1c, 1d, 1e, 1f, 1g, 2, 3, 5a, 5b, 6, 9, 13, 14, resulting in a discrepancy within the Subtotal, Contingency, and Bid Total of the submitted Bid and CDM's Bid Tabulation. The Bid from Shaw Environmental & Infrastructure, Inc. contained a rounding error in Item 17 (Contingency), resulting in a discrepancy in the Bid Total of the submitted Bid and CDM's Bid Tabulation. All values should be changed to the values listed in the corresponding line items in Exhibit 2 - Bid Tabulation. Exhibit 2 presents the Certified Bid Tabulation for the Bid Total.

The submitted Bids are as follows from low to high:

1)	Shaw Environmental & Infrastructure, Inc.	\$1,699,710.00
2)	Advance ONE Development, LLC.	\$1,877,491.35
3)	National Earth Services, Inc.	\$ 2,035,885.95
4)	Thalle Construction Co., Inc.	\$ 2,239,891.50

The corrected Bids as provided in the Certified Bid Tabulation are as follows from low to high:

1)	Shaw Environmental & Infrastructure, Inc.	\$1,699,645.50
2)	Advance ONE Development, LLC.	\$1,877,109.29
3)	National Earth Services, Inc.	\$ 2,035,885.95
4)	Thalle Construction Co., Inc.	\$ 2,239,891.50

CDM evaluated qualifications provided in Shaw Environmental & Infrastructure, Inc.'s bid and provide the following observations for your review and consideration.

Shaw Environmental & Infrastructure, Inc.'s qualifications meet the requirements of Section 00420, Paragraph 3.1 which states "... the list must include, within the last five years, the construction and start-up of at least three landfill gas collection systems and a minimum of 10,000 linear feet of HDPE pipe installation, for which (1) your organization was contractually and financially responsible directly to the Owner/Client for completing, and (2) was completed by your organization's supervision, direction and control.



Mr. Robert Stanger, P.E.
October 3, 2007
Page 3

RECOMMENDATION

CDM recommends Shaw Environmental & Infrastructure, Inc. as the low responsive bidder and recommends that Cumberland County award the contract for the Cumberland County Subtitle D Landfill Phase I Gas Control Collection System Construction Project to Shaw Environmental & Infrastructure, Inc. Our recommendation is contingent upon the County's determination that Shaw Environmental & Infrastructure, Inc. is in compliance with the "Minority Business Plan Minimum Compliance Requirements" as set forth in the Project Specifications and as determined by your Office of Minority Affairs, and that the County has no questions or comments regarding the information provided herein.

CDM appreciates the opportunity to continue to assist Cumberland County with its solid waste management program. If you have questions or need any additional information, please do not hesitate to contact us.

Very truly yours,

W. Michael Brinchek, P.E.
Camp Dresser & McKee

cc: B. Howard, CC
M. Sanford, CDM
B. Buckley, CDM



10/03/2007

Exhibit 1 - Bid Summary

**Cumberland County, North Carolina
Ann Street Landfill
Phase 1 GCCS Construction Project**

Contractor	Contractor License Number	Addendum 1-6	Bid Bond	Section 00415	Section 00420	MBE Appendix A & B	Section 00480	Section 00485	Bid Amount	Corrected Contract Amount
SHAW ENVIRONMENTAL & INFRASTRUCTURE, INC.	58334	√	√	√	√	√	√	√	\$1,699,710.00	\$1,699,645.50
ADVANCE ONE DEVELOPMENT	62718	√	√	√	√	√	√		\$1,877,491.35	\$1,877,109.29
NATIONAL EARTH SERVICE, INC.		√	√	√	√		√	√	\$2,035,885.95	N/A
THALLE CONSTRUCTION CO., INC.	35203	√	√	√	√	√	√	√	\$2,239,891.50	N/A

Bid Evaluation Notes:

- 1 There is a discrepancy in Line Item 17 (Contingency) of Shaw Environmental & Infrastructure, Inc.'s Bid Form resulting in a discrepancy within the Bid Total. The value appears to contain a rounding error, and should be changed to the value listed in Item 17 of the Bid Evaluation.
- 2 There are discrepancies in Line Items 1a, 1b, 1c, 1d, 1e, 1f, 1g, 2, 3, 5a, 5b, 6, 9, 13, 14 of Advance ONE Development, LLC.'s Bid Form, resulting in a discrepancy within the Subtotal, Contingency, and Bid Total. The values appear to contain rounding errors, and should be changed to the values listed in the Bid Evaluation.
- 3 National Earth Service, Inc. did not include their certificate of licensure to practice general contracting, or MBE appendix B.

COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST

Budget Office Use

Budget Revision No. B08-120
Date Received 10/9/2007
Date Completed

Fund No. 625 Agency No. 460 Organ. No. 4606

Organization Name: Ann Street Landfill

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901 (625-460-4699)	Fund Balance	0	1,699,646	1,699,646
Total		0	1,699,646	1,699,646

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3650	877	Capital Outlay Other Improvements	0	1,699,646	1,699,646
Total			0	1,699,646	1,699,646

Justification:

Revision in the amount of \$1,699,646 to budget the proposed contract with Shaw Environmental & Infrastructure, Inc. to construct Phase I of the Ann Street Subtitle D Landfill Gas Collection and Control System.

Funding Source:

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

Submitted By: _____
Department Head

Date: _____

Reviewed By: Bob Tucker
Finance Department

Date: 10/9/07

Reviewed By: Amey Cannon
Assistant County Mgr

Date: 10/10/07

Approved By:

County Manager

Board of County Commissioners

Date: _____

Date: _____

ROBERT N. STANGER, P.E.
County Engineer



ITEM NO. 2 F
SAM LUCAS
Engineering Technician

WAYNE DUDLEY, CFM
Engineering Technician

ENGINEERING DEPARTMENT

Historic Courthouse, 130 Gillespie Street • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
Telephone (910) 678-7636 • Fax (910) 678-7635

October 4, 2007

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

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

THROUGH: AMY H. CANNON, ASSISTANT COUNTY MANAGER

SUBJECT: BIDS FOR BAY SHORE PROPERTIES DAM REMOVAL, GRADING
& EROSION CONTROL PROJECT - LAKE UPCHURCH

BACKGROUND

Bids were received on October 4, 2007, for the above referenced project. The scope of work involves removing material from the lake bed and backfilling behind the berm on Bay Shore Properties, LLC property for the purpose of removing the berm as part of the regulated dam for Lake Upchurch. Attached is a copy of the certified bid tabulation. The low bid was submitted by Sanford Contractors, Inc., in the amount of \$349,535.00. A ten percent (10%) contingency in the amount of \$35,000 is requested for the project to be used for justifiable changes in the scope of work recommended by the County Engineer and approved by the County Manager. In addition to the construction contingency, a budget of \$20,000 is required for materials testing (compaction testing) and surveying services.

Funding for the project will come from a cash contribution of \$340,000 from the property owners and others with the balance coming from the Water & Sewer Fund. All costs associated with this work in excess of the \$340,000 contribution will be assessed against the benefitted property owners in the Lake Upchurch Dam Remediation special assessment project area.

RECOMMENDATION/PROPOSED ACTION

The recommendation of the County Engineer, and management is to:

1. Accept the bids for the Bay Shore Properties Dam Removal, Grading & Erosion Control Project and award a contract to Sanford Contractors, Inc., in the amount of \$349,535.00.
2. Establish a project construction contingency in the amount of \$35,000 and materials testing and surveying contingency in the amount of \$20,000.
3. Approve the attached budget revision.

The proposed action by the Board of Commissioners is to approve the staff recommendation.

**BAY SHORE PROPERTIES DAM REMOVAL, GRADING & EROSION CONTROL PROJECT
BID TABULATION**

RECEIVED AT 2:30PM THURSDAY, OCTOBER 4, 2007

BIDDER'S NAME	BID BOND	TOTAL BID
SANFORD CONTRACTING, INC.	Y	\$349,535.00
BMCO CONSTRUCTION, INC.	Y	\$354,600.00
ATWELL CONSTRUCTION COMPANY, INC.	Y	\$475,800.00
NEW DOMINION CONSTRUCTION, INC.	Y	\$523,548.00
TRIANGLE GRADING & PAVING, INC.	Y	\$526,753.60
C.M. LINDSAY & SONS, INC.	Y	\$535,550.00
BYRD BROTHERS, INC.	Y	\$629,500.00

CERTIFIED TRUE AND CORRECT



BY:

Robert N. Stanger

DATE:

10-8-07

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B08-119
Date Received	10/9/2007
Date Completed	

Fund No. 250 Agency No. 450 Organ. No. 4590
 Organization Name: Water and Sewer Fund

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	823,397	64,535	887,932
7630	Contributions (from homeowners)	0	340,000	340,000
Total		823,397	404,535	1,227,932

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
344A	681	Lake Upchurch	282,826	404,535	687,361
Total			282,826	404,535	687,361

Justification:

Revision in the amount of \$404,535 for the Lake Upchurch Dam Project. This revision will establish a budget for the proposed contract with Sanford Contractors (\$349,535), establish a project contingency (\$35,000), and provide for materials testing (\$20,000). The proposed funding sources for this revision are the escrow account held by Neil Yarborough containing contributions from property owners (\$340,000) and the County Water & Sewer Fund (\$64,535).

Funding Source:

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

Fund Balance:

Submitted By: _____

Date: _____

Department Head

Reviewed By: Bob Tucker

Date: 10/9/07

Budget Analyst

Reviewed By: Amy Cannon

Date: 10/10/07

Assistant County Mgr

Reviewed By: _____

Date: _____

Information Services

Approved By:

Date: _____

County Manager

Board of County Commissioners

Date: _____



COMMUNITY DEVELOPMENT
245 Person Street, 2nd Floor - P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 323-6112 • Fax: (910) 323-6114

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA
OCTOBER 15, 2007

TO: BOARD OF COUNTY COMMISSIONERS
THRU: JUANITA PILGRIM, DEPUTY COUNTY MANAGER *Juanita Pilgrim*
FROM: THANENA S. WILSON, COMMUNITY DEVELOPMENT DIRECTOR *Thana Wilson*
DATE: OCTOBER 5, 2007
SUBJECT: ENERGY EFFICIENCY POLICY

BACKGROUND

In an effort to reduce the effect of utility costs for low/moderate income households, the U.S. Department of Housing and Urban Development (HUD) and the North Carolina Cooperative Extension (NCCE) Agency are asking for participation in a single-family home rehabilitation program for improvement of energy efficiency in existing housing. Many people may not be aware of the disproportionate effect that utility bills have on low/moderate income households, which spend five to seven times more of their income (19-26%) on utilities than median income households (4%).

As advocates for affordable housing and in an effort to further assist the low/moderate income citizens in our community, Cumberland County Community Development is proposing the adoption of an Energy Efficiency Policy in response to the participation request. This policy will promote energy efficient improvements for new construction and substantial rehabilitation projects through our Housing Rehabilitation and Affordable Housing Programs.

Also note that October is Energy Awareness Month.

RECOMMENDATION AND PROPOSED ACTION

Community Development requests Board approval of the draft Energy Efficiency Policy to be implemented within our housing programs.

Attachment: Exhibit 1 – Draft Energy Efficiency Policy

**CUMBERLAND COUNTY COMMUNITY DEVELOPMENT
ENERGY EFFICIENCY POLICY**

DRAFT

In an effort to reduce the effect of utility costs for low/moderate income households, the Cumberland County Community Development (CCCD) Department has adopted Energy Star Standards for new construction projects and substantial rehabilitation projects up to three stories completed under our Housing Rehabilitation Program (HRP), Affordable Housing Program (AHP), and by non-profit agencies such as Community Housing Development Organizations (CHDO) and Community Development Corporations (CDC). The Energy Star Standards are a higher standard than the 1992 Model Code for Energy previously established by the U.S. Department of Housing and Urban Development (HUD). Through adoption of this policy, CCCD will also participate in the single-family home rehabilitation program for improvement of energy efficiency in existing housing as outlined by HUD and the North Carolina Cooperative Extension (NCCE) Agency.

The primary purpose of Energy Star Standards is to build higher quality, more affordable housing while simultaneously reducing air pollution and the demand for energy. In addition, the adoption of this policy will result in lower utility bills and improved comfort for residents, as well as increased project value. Adoption and implementation of Energy Star Standards provides a system for achieving and verifying a certain level of performance with respect to energy efficiency in construction projects and substantial rehabilitation projects up to three stories.

Specific goals and benefits of Energy Star Standards include lower utility costs, increased comfort, and greater structure durability. These goals are achieved by installing Energy Star appliances and specifying certain kinds of building materials for Energy Star Standards projects. Some items for consideration in Energy Star projects are as follows:

- Energy Star appliances such as refrigerators, ranges, and water heaters;
- Energy Star rated heating and air conditioning equipment;
- Use of qualified light bulbs;
- Improved insulation of the building envelope; and
- Installation of advanced windows and doors.

The contractor or developer must ensure that each project completed is reviewed by an independent Energy Star Home Rater as part of the Energy Star certification process.

COUNTY OF CUMBERLAND

NORTH CAROLINA

“RED RIBBON WEEK” PROCLAMATION

WHEREAS, gun violence, alcohol and drug abuse have been identified as significant dangers to young people and our communities today; and

WHEREAS, violence and substance abuse among the nation’s youth have emerged as some of the nation’s greatest threats to a healthy lifestyle among our young people; and

WHEREAS, it is critical that schools, parents and communities develop a proactive, collaborative approach to prevention and education efforts throughout our county that reduces violence against youth as well as the demand for alcohol and other substances; and

WHEREAS, the Department of Justice, Eastern District US Attorney’s Office of North Carolina is leading the efforts of the Day of National Concern, Tuesday, October 23, 2007, focusing on preventing gun violence and other violence among youth – this national day is an observance that gives students across the country an opportunity to take a stand against gun violence by signing the students pledge against gun violence. In addition, the National Family Partnership for a Drug-Free North Carolina and Cumberland County C.A.R.E.S. (Coalition for Awareness, Resources and Education of Substances) are sponsoring the National Red Ribbon Campaign which offers community members the opportunity to display their commitment to a drug free lifestyle by wearing a red ribbon; and

WHEREAS, local government, businesses, law enforcement, school system, citizens and students will express their commitment to a lifestyle free of youth substance usage and gun violence by signing the Day of National Concern Students Pledge on October 23, 2007 and by wearing a red ribbon during the Red Ribbon Week Campaign.

NOW, THEREFORE, the Board of Commissioners of Cumberland County proclaims Tuesday, October 23, 2007 as the “Day of National Concern” in Cumberland County and the week of October 23-31, 2007 as Red Ribbon Week; and encourage all citizens to take active roles in preventing substance abuse and gun violence among our youth in our communities during these dates and indeed, throughout every day of the year.

Adopted this 15th day of October, 2007

Kenneth S. Edge, Chairman
Board of Commissioners

COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST

Budget Office Use	
Budget Revision No.	<u>B08-099</u>
Date Received	<u>9/27/07</u>
Date Completed	

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

ITEM NO. 2 I(1)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4355	NC CRISIS INTERVENTION	312,378	69,141	381,519
Total		312,378	69,141	381,519

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4389	262	CRISIS INTERVENTION	312,378	69,141	381,519
Total			312,378	69,141	381,519

To recognize additional funding.

Funding Source: State: _____ Federal: 69,141 County: _____ New: _____ Other: _____
Other: _____ Fees: _____ Prior Year: _____

Submitted By: Rosemary J. Gammeter Date: 9-24-07
Reviewed By: Bob Tucker Date: 9/27/07
Reviewed By: Amber Cannon Date: 10/10/07
Reviewed By: _____ Date: _____
Information Services

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B08-100</u>
Date Received	<u>10-2-07</u>
Date Completed	

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

ITEM NO. 21(2)
Pg 1 of 2

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4680	Senior Aides Grant	356,864	180,987	537,851
Total		356,864	180,987	537,851

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1266	641	P/T Non-County	311,705	153,000	464,705
1810	641	FICA	27,794	13,737	41,531
1860	641	Workers' Comp	2,124	4,100	6,224
2992	642	Department Supplies	700	800	1,500
3204	642	Medical	150	100	250
3401	642	Advertisement	250	750	1,000
3470	642	Travel	4,900	1,100	6,000
3474	642	Training	1,000	7,400	8,400
Total			348,623	180,987	529,610

Justification:

Revision to incorporate an increase in funding from Senior Services America, Inc.

Funding Source:

County: _____ Federal: 180,987 State: _____
 Other: _____ Fees: _____

Submitted By: [Signature] Date: 9-6-07
 Department Head

Reviewed By: [Signature] Date: 10-2-07
 Budget Analyst

Reviewed By: [Signature] Date: 10/10/07
 Deputy Assistant County Mgr

Reviewed By: _____ Date: _____
 Information Services

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use

Budget Revision No. B08-1004
Date Received 10-2-07
Date Completed _____

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

Organization Name: Workforce Development Center--Administration

Pg 2 of 2

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4520	NC JTPA Grant	215,856	(7,723)	208,133
4680	Senior Aides	30,784	7,723	38,507
Total		246,640	0	246,640

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
Total			0	0	0

Justification:

Revision to incorporate increase in Senior Services America, Inc

Funding Source:

County: _____ Federal: 7,723 State: _____
Other: _____ Fees: _____

Submitted By: [Signature] Date: 9-6-07
Department Head

Reviewed By: [Signature] Date: 10-2-07
Budget Analyst

Reviewed By: [Signature] Date: 10/10/07
Deputy Assistant County Mgr

Reviewed By: _____ Date: _____
Information Services

Approved By:

County Manager

Board of County
Commissioners

Date: _____

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	308-102
Date Received	10-2-07
Date Completed	

Fund No. 101 Agency No. 431 Organ. No. 432E
 Organization Name: MEDICAL RECORDS

ITEM NO. 21(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
1210	198	SALARIES - REGULAR	109,787	12,137	121,924
1810	198	FICA MATCH	8,576	928	9,504
1820	198	RETIREMENT	5,492	595	6,087
1824	198	401K COUNTY	1,121	121	1,242
1830	198	MEDICAL INSURANCE	19,700	2,652	22,352
1860	198	WORKERS COMPENSATION	345	44	389
3390	199	CONTRACTED SERVICES	54,500	(16,477)	38,023
Total			199,521	-	199,521

Justification:

THIS BUDGET REVISION REQUESTS TO REALLOCATE EXISTING BUDGETED FUNDS FROM CONTRACTED SERVICES INTO SALARIES / FRINGES BENEFITS IN ORDER TO CREATE A NEW PERMANENT FULL TIME POSITION (PROCESSING ASSISTANT III). A REQUEST FOR NEW POSITION FORM IS ATTACHED WITH JUSTIFICATION.

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

Submitted By: <u>[Signature]</u> Department Head	Date: <u>10/1/07</u>	Approved By: _____ Date: _____ County Manager Board of County Commissioners Date: _____
Reviewed By: <u>[Signature]</u> Finance Department	Date: <u>10/10/07</u>	
Reviewed By: <u>[Signature]</u> Deputy Assistant County Mgr	Date: <u>10/10/07</u>	

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
Patricia Hall,
Town of Hope Mills



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

OCTOBER 5, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-47: REZONING OF TWO PORTIONS OF A 20.26 ACRE TRACT, CONSISTING OF 9.43 ACRES AND 4.20 ACRES FROM M2 TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF CHURCH STREET, EAST OF FREEDOM LANE, SUBMITTED BY JOSEPH H. GILLIS SR, OWNED BY GILLIS AND GILLIS INC.**

ACTION: THE MEMBERS PRESENT AT THE OCTOBER 4, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE R7.5 DISTRICT FOR THE PORTION OF THE SUBJECT PROPERTY AT OR ABOVE THE 84 MSL AND THAT PORTION BELOW THE 84 MSL TO CD CONSERVANCY DISTRICT WITH THE EXCEPTION OF THE FIRST 210 FEET OF THE SOUTHEASTERN CORNER OF TRACT 1 WHERE THE R7.5 DISTRICT LINE WILL FOLLOW THE 83 MSL. THE REMAINDER OF THE SUBJECT PROPERTY BELOW THE 83 MSL REZONED TO CD CONSERVANCY DISTRICT.

SITE INFORMATION: Area: 13.63 acres; **Frontage & Location:** 30 feet on Church Street; **Depth:** 430 feet; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Vacant; **Initial Zoning:** November 17, 1975 (Area 4); **Zoning Violation(s):** None; **Surrounding Zoning:** North-R10, R10/CU, Hope Mills Town limit-R10, R6, C1(P), East-R10, R6, R6A, town limit-R10, South-R10, R6A, town limit-R10, and West-town limit-R10, R6; **Surrounding Land Use:** Single family residential and woodland; **2010 Land Use Plan:** Low Density Residential and Open Space; **Designated 100-Year Floodplain or Floodway:** Yes – There exists a small amount of Special Flood Hazard Area on the larger portion to be rezoned; **Municipal Influence Area:** Hope Mills; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC; **Soil Limitations:** Yes (Johnston loam); **School Capacity/Enrolled:** Ed V. Baldwin Elementary 790/615, Hope Mills Middle 686/761, South View High 1800/1866; **Subdivisions:** Subdivision review is contingent upon rezoning for 61 lots on 25.08 acres, #06-205 on 1-16-07; **Military Impact Area:** No

Highway Plan: No road improvements or new construction specified for this area; **Notes:** Density minus 20% for roads: R7.5 – 94 lots (entire tract)

MINUTES OF OCTOBER 2, 2007:

This case was presented to the County Commissioner's at the August 20, 2007 meeting. Because of opposition raising issues which were not previously addressed by the Planning Board, the Commissioner's referred the case back to the Board for re-consideration.

Case P07-47 Continued

The case was reheard by the Planning Board at the September 18, 2007 meeting to clarify concerns of the citizens and the Town of Hope Mills. The Board deferred the case until their October 2, 2007 meeting in order to allow more time for the interested parties to meet.

Mr. Lloyd stated that he and the applicant met with the Mayor of Hope Mills and with the Town Manager. The applicant was gracious enough to propose a compromise to the town. The Mayor took it to the Town Board and they agreed, to endorse the compromise which appears as the staff recommendation.

The Planning and Inspections Staff has amended their recommendation and now recommend approval of the R7.5 district for that portion of the subject property at or above the 84 MSL and that portion below the 84 MSL to CD Conservancy District with the exception of the first 210 feet of the southeastern corner of Tract 1 where the R7.5 district line will follow the 83 MSL. The Staff also recommends that the remainder of the subject property below the 83 MSL be rezoned to CD Conservancy District based on the following:

1. This recommendation recognizes and accounts for the possible restoration of the lake bed, commonly referred to as "Hope Mills #2," to its previous level up to the 84 MSL; if and when this restoration occurs, dwelling units and any other future development of this property will not be disrupted or impede the restoration project;
2. The request is consistent with the 2010 Land Use Plan, which calls for Low Density Residential and Open Space at this location;
3. The request is consistent with the existing zoning in the area; and
4. Public utilities are available to the subject property.

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

Mr. Lloyd stated that he thought the public had heard about the recommendation as it was written in the Board's packets. After further discussion with Mrs. Hall it was suggested to make clear that only on this portion of Tract 1 would the 83 MSL be the zoning line and the CD line would fall below 83 MSL. For the rest of the subject property all areas in blue, CD zoning will occur at the 84 MSL.

Chair McLaurin asked why the difference between 83 and 84.

Mr. Lloyd stated that the main reason for the difference is because there was a preliminary plat submitted. Regarding the area showing the 83 MSL, a condition on the plat was added for those three lots, that they still have to be built at or above the 84 MSL. This is not a part of the zoning case, its part of the subdivision case. Because of the layout of the preliminary approved subdivision three lots would have been lost. We moved it back to 83 and compromised on that end, not on the zoning case but on the subdivision case, that he will build at the 84 MSL in that area. The CD zoning line would have precluded him from putting in any houses because you can't put dwelling units in a Conservancy District. He will still meet the lake level on his plat, but he needs to be able to build. That is not part of this case, but that's what happened.

Public Hearing opened.

Joe Gillis spoke in favor. Like Mr. Lloyd said, we met with the Mayor of Hope Mills and the Town Manager, we proposed this and we feel like this is a good compromise. They have looked at it along with PWC people and County Engineers have given their blessing to what we have come up with. We feel like this would be a good compromise.

Case P07-47 Continued

Richard Dalrymple spoke in opposition. This is all news to me. My main concern is the preservation of the National Greenbelt that does run through the Rockfish area between Porter Road and Church Street. I've had a ground spring running under my land since 1995 and this is the first time I haven't seen it wet. That would be about ten feet below Church Street. It is a true wetland. I understand the gamble of purchasing land and developing it in a wetlands area. I want to ensure that any of the areas that are deemed wetlands remain wetlands for the area. I am interested in the proposal here, it looks very promising.

Mr. Lloyd stated that the 84 MSL line follows the wetland delineation line on the property.

Jerry Legge Hope Mills Town Board Member spoke. I am opposed to the development as it was written earlier. We want to reserve the right to have our precious resource of water and the right to put water back into Hope Mills #2. I don't oppose the letter that was shown earlier that the Mayor brought to my attention last week. I appreciate Mr. Gillis agreeing to build that way and I understand that the 83 MSL is going to be filled to bring it up to the 84 MSL level, prior to construction being done there. But I would ask that you approve this request with the latest requirement by the developer. Thank you for all you do.

Lisa Waring spoke. There are two major concerns and a lot of that has been alleviated for us. One, the impact that it would have on the future ability of Hope Mills to restore its Lake #2. First and foremost, Lake #2 has the potential to serve as a water reservoir for our entire region. All you need to do is turn your television on in the evening, pick up your local newspaper and read the headlines or maybe even simply take a walk into your yard and you will see the impact the recent lack of water is currently having on our region. Water is an essential need for all living things and we must be continually searching for clean sources of water for our very survival. Amazingly, the Big Rockfish Creek that fed Lake #2 for so many years and the little Rockfish Creek that soon once again will feed our Lake #1 have continued to flow abundantly with fresh clean water throughout this drought. It is my understanding that our own proposed 2030 vision plan for Cumberland County, currently in draft form, encourages the restoration of Lake #1 and Lake #2 as future sources of clean fresh water for our region. Making a decision that would prohibit, impede or deny this County's collective vision for the year 2030 by allowing any development that would cause Lake #2 not to be fully restored makes absolutely no sense. The hydraulic power that could be generated by the spillway for Lake #2 could provide a source of steady revenue for the Town of Hope Mills, a decision that would impact the restoration of Lake #2 could also impact future sources of revenue for our town and the financial well being of our community. Now, concern number two. It's the wetlands. As you are aware much of the property proposed for rezoning is environmentally protected wetland area. I understand there is a difference between zoning and actual permitting to build, but I believe zoning gets you one step closer to the building. I would ask that, as you deliberate this evening, you give every consideration to the impact this zoning decision will have on the environment in this heavily impacted wetland area. Tonight I have heard a change in the zoning proposal from your first recommendation several weeks ago. This new recommendation, if approved, appears to protect the future of Lake #2. If this is a guarantee I would like to thank the Gillis's, the developers, the Town of Hope Mills, Mrs. Patricia Hall our Planning Board Representative, and the collective Joint Planning Board for working together to help us protect Hope Mills Lake #2 for future restoration. I would also like to personally thank Representative William Brisson who has joined us this evening from District 22 for coming out tonight and taking time out of his busy schedule to perhaps talk to us about the future potential of our Lake #2. The restoration of Lake #2 is not a dream, it is a vision for the future of Hope Mills. With the help of people like Representative Brisson and others our community can work together on a mission to restore Lake #2 and to share the gifts she will surely bring with our community and with our region for years to come. I ask you to consider the impact the recommendations will have not only for now, but for our future. Thank you very much.

Scottie Sweatt spoke. I'm not here as a representative of the Town of Hope Mills though I have lived in that area most of my life, I don't live there now. I am a lifelong resident of Cumberland

County. I'm here as a concerned citizen for our drinking water and our natural resources. The Iroquois have something called the seventh generation consideration, which is everything that we do today and every decision that we make, we need to think seven generations out. This appears to be good wisdom, as our constitution was drafted using the great law of the Iroquois as a model. I don't begrudge anyone the ability to feed their family or operate a business, I'm a business owner myself and I understand the fact that you have to take care of those things, otherwise you can't take care of anything else. But, that being said, I appreciate Mr. Gillis's flexibility trying to make sure this is handled. But, I ask that we don't make any compromise when it comes to our natural resources. With regards to this, I'm opposed to any building on the wetlands. It just doesn't make any sense to me, the wetlands are our filter. I'm not going to try and lock horns with anybody about ordinances or scientific research. I have been in contact with our tribal council representative Reverend Ricky Burnett with District 13, with the Lumbee tribe, and he's pledged his support for whatever clean water initiatives we are pursuing here in Cumberland County and he plans to take it to the tribal council to seek a resolution of support. This is a bigger picture, not necessarily solely for consideration by the Planning Board, but these are things that needed to be said.

Representative William Brisson spoke. Representative Brisson thanked the Board for the time to speak and also thanked the Board for the job they do.

Representative Brisson stated that he realizes that their job is tough, perhaps the toughest in the County and will get tougher. Representative Brisson stated that he had the opportunity to speak with the Mayor a few years ago. This is not something that has come about because of the drought that we are facing in the State; it is a dreadful time that we are dealing with. The first thing that the Mayor, Mr. Taylor and myself talked about then was the hydraulics of the two lakes and how important the future of the water supply would be to the Town of Hope Mills. Just looking at the census, we're growing and growing fast, from 5,000 in the 70's up to 12,000. It is a deep concern, it's about preserving and reserving. Our natural resources are important to all of us. Not only to people in Hope Mills, but the surrounding areas. I don't think we can all depend on the Cape Fear River. There are millions and millions of gallons of use out of the river. I don't think we can put all our eggs in one basket. It's very important to Cumberland County and the City of Fayetteville as much as it is Hope Mills. My position here tonight is to help the Planning Board, the Town of Hope Mills, and the people of Cumberland County in any way I can in the legislature. We're not the only one's talking about reservoirs and trying to plan for the future. With respect to the wetland issues, with the federal and state regulations, I don't really worry that much about them being disturbed. The Corps of Engineers stay on top of that so somebody would have to get out of hand to have an effect on the wetlands. We see that every day. It's not only about preserving water; we need to learn that we can't preserve the land with asphalt and cement. We need to do everything that we can do to preserve our water table, and I'm willing to work with you any way I can. I appreciate you working with the people in Hope Mills to help them work their problems out.

Chair McLaurin asked Representative Brisson if he knew how many places there are in Bladen County that draw water from the Cape Fear River.

Representative Brisson responded that the City of Wilmington and Smithfield is planning to by 2010. It's a big resource to a lot of people. I would hate for us to all become dependent upon it. The lakes are important and any other natural resources that we have, we need to preserve.

Chair McLaurin asked Mr. Gillis if he wanted to respond to any of the comments that were made.

Mr. Gillis stated that he feels that they have reached a legitimate compromise that is going to protect everybody. We certainly want to protect the water. I know all the people I build a house for will certainly expect a shower and a good cold drink of water when they go home.

Public Hearing closed.

Case P07-47 Continued

Mrs. Hall pointed out that the 2030 Growth Vision Plan recognizes Rockfish Creek and Hope Mills Lake #1 and #2 as possibly the only future source for raw water storage and strongly encourages the restoration of Hope Mills Lake #1 and #2. As you know, #1 is in the process of being restored. A Conservancy District is designed to preserve and protect identifiable natural resources from encroachment and the action that we take here tonight in this zoning case recognizes that and recognizes the possible restoration of Hope Mills Lake #2 and the development that will not disrupt or impede that restoration. I want to thank Mr. Joe Gillis and Mr. John Gillis for their appreciation of our concern and their willingness to meet with us and to agree to this alternative zoning as a solution that's compatible with our needs and with theirs and with everyone in the community. I also want to thank the Planning Board for their willingness in delaying this action for two weeks, in order for us to facilitate this meeting. I want to thank the Hope Mills Board of Commissioners, all five of whom are here tonight, for your support; also Representative Brisson, we appreciate your coming. I want to thank the Friends of the Lake for their constant awareness and vigilance and all the citizens of the town who faithfully and strongly support these very same goals. I can't say anymore about the importance of preservation of natural resources, but we're all in this boat together and this is a step in the right direction. Thank you.

Vice-Chair Epler stated that she would personally like to commend the Gillis' for letting us give you the opportunity to work with Hope Mills and taking advantage of that. I think it will benefit you and Hope Mills in the long run. Thank you very much.

Mr. McNeill asked Mr. Lloyd if the 84 MSL as shown on the map outlines the wetlands line.

Mr. Lloyd stated that it pretty closely follows the wetlands line. It's greater than where the wetlands are in many places.

Mr. McNeill stated that for those who are concerned about the wetlands this takes care of that if we go with the CD(Conservancy District).

Mr. Lloyd stated yes.

Mr. McNeill stated that they do appreciate the flexibility of the Gillis' and appreciated the effort put into this. Mr. McNeill also stated that he felt this is a good compromise.

Mr. McNeill made a motion to follow the staff recommendation and approve the R7.5 district for the portion of the subject property at or above the 84 MSL and that portion below the 84 MSL to CD Conservancy District with the exception of the first 210 feet of the southeastern corner of Tract 1 where the R7.5 district line will follow the 83 MSL. The remainder of the subject property below the 83 MSL rezoned to CD Conservancy District, seconded by Vice-Chair Epler. Unanimous approval.

Mr. Barrett recognized the staff and Director Tom Lloyd for their hard work and effort.

MINUTES OF SEPTEMBER 18, 2007

This case was presented to the County Commissioner's at the August 20, 2007 meeting. Because of opposition raising issues which were not previously addressed by the Planning Board, the Commissioner's referred the case back to the Board for re-consideration.

Mr. Lloyd stated that there was a lot of criticism of the Planning Board's decision by those in opposition. This property was posted with a sign and signs can be moved and, everybody within 500 ft of this case was notified by mail to the address that appears on the tax rolls. Thirdly, there are new FEMA maps (flood maps) that are out. It was told to the Commissioners that a lot of this area is located in a flood plain; none of it is located within a flood plain, according to the new flood maps. Also, I did explain we did not have the input at the time, we being the staff or this Board, of

Case P07-47 Continued

any new information that came out at the Commissioners meeting. Hope Mills just got back into the Planning Board, the process is still young they are still trying to figure out how to get with their Town Board and then back to us with their recommendations. The process is new and it didn't happen with this case through no fault of this Planning Board. This Board made their recommendation and vote based on information that the staff had, as well as what was presented to you.

Mr. Lloyd presented the site information.

Mr. Lloyd stated that the issue of a proposed subdivision was going to come up. Its approval is contingent upon rezoning. What is shown with this blue line is the best, in reference to the map shown, that we can approximate the water level when the Hope Mills Lake #2 was full. If the lake was filled back to the 84 msl, which is what we feel it was in the past, we plotted it out and you can see that where it goes up into the subject property is all designated as wetlands, with the exception of four lots, because they were not wetlands, the lots could be filled anyway. We received new information today, and that is this 30' utility easement. This easement occurred when the sewer line was laid in 1987. After talking to PWC today and I did express this to the Mayor of Hope Mills, PWC frowns upon putting water on top of sewer lines let alone a reservoir. So what you see shown in red, is where the easement is for the sewer line and the water would cover it and most of the area long before it would go into the subject property. PWC did state that you could do this, but it would be very costly, and again this is all speculative when and if this ever occurs. Nevertheless PWC's engineers did say that they do try to dissuade very strongly putting any body of water on top of a sewer line. Now, new information that we have, which came up at the Commissioners meeting was the flood, the flood line and the water level. We saw in the map of where the flood line is. The staff recommendation remains unchanged, because the issue here before you tonight is that of zoning, what can be placed on the ground. Not necessarily where anything may go, it's the uses that are permitted.

Due to the permitted and special uses allowed in M2 district, the Planning and Inspections Staff recommendation has not changed; therefore, the Planning & Inspections Staff recommends approval of the R7.5 district based on the following:

1. The request is partially consistent with the 2010 Land Use Plan, which calls for Low Density Residential and Open Space at this location;
2. The request is consistent with the existing zoning in the area; and
3. Public utilities are available to the subject property.

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

Mr. Lloyd stated there was one speaker in favor and three speakers opposed.

Mrs. Hall asked where the sewer easement is in relation to the flood map.

Mr. Lloyd stated in most of the area toward the property lines and south.

Mrs. Hall asked if just a portion would be underwater, not the entire sewer easement just a portion of it?

Mr. Lloyd stated that the flood line would change if the lake was full. But as it stands now the sewer line follows the subject property and does cut through the property, then follows the southern portion.

Vice-Chair Epler stated that there was a clearing on the aerial photo that shows where the sewer line is.

Case P07-47 Continued

Mr. Lloyd stated that he had spoken to the Mayor of Hope Mills; it may come down in the future that if this project does take place that they may have to lower the water level of that proposed reservoir because of the sewer line issue.

Mr. Barrett stated that more of the utility easement would be underwater if the lake was refilled.

Mrs. Hall asked Mr. Lloyd if he stated that none of this was located in a flood zone.

Mr. Lloyd stated that there is one small portion.

Mrs. Hall asked what the soil limitations were.

Mr. Lloyd stated that there are wetlands. No hydric soils but wetlands.

Mr. Gillis came before the Board in favor. Mr. Gillis stated that he didn't have any significant or new information. One item that was not addressed is that the Corps. of Engineers has delineated the wetlands on the property as they exist today. Those wetlands have been surveyed and included in the map of the property as we have begun the planning process. So this represents the conditions on the ground at the present time which does not reflect any future or anticipated changes.

Mr. McNeill stated that he wasn't clear on one map. All the others have clear delineation and I know they show wetlands a little different. But do any of the lots that are shown on this particular plat have wetlands?

Mr. Gillis stated yes, but the way we have subdivided the property we're allowed to use wetlands as part of the lot. The limitation is that we can't build on the wetlands. It's like if anyone lives up against the creek, they probably have some wetlands at the back of the lot. That's property that the lot owner has responsibility for. The caveat is that the inspection department in following the North Carolina building code has requirements as to where you can build a house, not only soil conditions, but also elevations of floor levels above flood plains. All that was put into the equation as the lots were laid out on the subdivision. There are probably a couple of lots that will have difficulty siting the house, depending on how large the house is, for that lot. We understand that there may be some lots that become unbuildable in that condition, we will not be able to pull a building permit.

Mr. Lloyd advised Mr. McNeill that they had to scan the map knowing that this wasn't part of the application, knowing that this would come up. That's why the quality of this map is poor. They did delineate with a dash line on a lot of the lots where the arrow is, where the wetlands would come through on the lot itself. It's hard to see because we had to scan it.

Mr. Morris stated that this is a nice map, but this is a straight rezoning case and that has no relevance whatsoever, if we approve that he doesn't have to stick to it, he can do anything he wants to on there. Do we want this to be heavy industrial or do we want this to be residential. I don't think it's appropriate for us to go into detail on site plan that has no relevance on whatever our decision is going to be.

Chair McLaurin stated, that for clarification, that he wasn't considering the site plan as such. It was the only one that showed the wetlands and he was only trying to get a better idea on just how much wetlands were there. Chair McLaurin asked Mr. Gillis if he had any idea of how many acres of wetlands there were.

Mr. Gillis stated that he didn't have that information off the top of his head.

Case P07-47 Continued

Mr. Lloyd stated that the reason why that map is in here was because at the Commissioners meeting much came out about this Board and staff not thinking about how that water would affect any proposed subdivision. One is proposed that has a condition on there that is approved pending this rezoning. Which you are correct, this is about the uses, not where they go. Nevertheless we included that because it came up at the Commissioners meeting.

Mr. Morris stated that he understood that the Commissioners sent this back and that they are concerned about the subdivision, they need to have us review this and go with a CUD. That's not how it's coming forth. We all know that if we make this decision that map has no relevance.

Mr. Lloyd said that he asked the applicant, Mr. Gillis to verify that if they did want to consider a CUD and Mr. Joe Gillis said no, not at this point.

Chair McLaurin stated to Mr. Gillis that the main source of water comes out of the Cape Fear River. Water comes out of the Jordan reservoir. There is a tremendous amount of pull on the Jordan reservoir. The only other source that PWC has is this small lake over on Filter Plant Drive; they say they take a minor amount of water out of there. Rockfish Creek has been said to be a good source of quality water. We had a rezoning case about a year ago, and there was much ado about leaving a wide buffer in that area. There was much said about the buffer in connection with the runoff into one of the last major streams in the County. Have you given any thought to this in respect to runoff from this subdivision and our availability of good drinking water?

Mr. Gillis responded that in their plans for this area we have not been made aware of any plans either through PWC or through the State for any other uses of that property other than what we see there now. The dam that used to hold that lake back was breached in 1972 I believe, that's been 35 years. There have been no successful initiatives to move forward with restoring that lake. We own the property that's there, the County zoned it, and we believe that M2 zoning is not appropriate for that property in that location. There are uses that we could put there, but we don't believe is really appropriate, so we have proposed to ask to rezone it to residential that would be more compatible with plans there. If there were plans to flood the area that you could count on other than wishes that some have, then we would certainly deal with that. But there is absolutely nothing on the books that would deter our development of that area either as M2 or residential if you so recommend.

Mrs. Hall stated that there have been initiatives; in 1989 it was almost successful as a hydraulic source. Instead it was done at Lake Upchurch instead of here, because of some problems. It has been a source of conversation in the Town of Hope Mills at least since 1989 as a viable source of water. The most recent conversation is the possibility of reconstructing that dam using that and Hope Mills Lake and Lake Upchurch as a reservoir for this County. That's the only reservoir that this County could have. I beg to differ, that there has been a lot of discussion. But you're right it's been within the boundaries of Hope Mills.

Vice-Chair Epler asked Mr. Gillis if his rezoning attempt is successful and if he builds this subdivision, and thirty years down the road, Hope Mills decides that they have the funding and the means by which to recreate the lake for a reservoir, water source, recreation area, I know it's hard for you to tell that far down the road, but obviously your site plan, even though we can't consider it, is not making use of the area which would become the lake. If they have to stay away from the sewer line, the area they could use for that water source is outside your lots. Would you, as far as you know today, if that were to happen tomorrow, would you consider selling to them or donating to them the land that they would need?

Mr. Gillis stated that it would certainly be considered.

Chair McLaurin stated that he thought that Mr. Lloyd had stated earlier that if the lake were to be flooded, there is an area that would run over the sewer pipe. Have you ever been to Kerr Lake on

the North Carolina, Virginia line at the Ivy Hill area? There's a dam there bigger than Jordan Lake Dam that holds water that's built for that very purpose.

Mr. Lloyd stated that PWC said that the standards have changed in the last four years. You can go in this county and find water on top of sewer lines, but within the last four years the state has come out with some new regulations, not to do it.

Chair McLaurin said that's why he was making that suggestion to put that dam there to hold the water back, to keep it from going out over the sewer line. If they did do it.

Michael Mitchell spoke in opposition. Mr. Mitchell stated that he was here as a concerned citizen of the Town of Hope Mills. He came to speak the concerns of the citizens wanting to preserve the lake head at #2. He was instrumental in setting up the Friends of Hope Mills Lake that now has approximately 750 members in only a year and a half. We do share your concerns about a reservoir system in Cumberland County, as you know Cary is undergoing a serious situation with their reservoir, and now Goldsboro is being affected with drops in the Neuse River. I don't know if there is a happy medium, it might not be a matter for zoning, but I just basically came tonight to speak on the behalf of the citizens of Hope Mills that there is a strong influence to restore lake #2. We are not very concerned about the price of moving sewer lines or replacing sewer lines. We've already spent 14 million dollars on a state of the art dam for lake #1.

Mr. Morris asked Mr. Mitchell how he felt about heavy industrial zoning.

Mr. Mitchell stated that he hopes we're not presenting any environmental problems, but he imagines it would be a matter for the State and the Corps of Engineers, but I'm not real happy about that either. If we don't do something real serious as citizens we're not going to have drinking water in this County in another 20 years. It is my understanding that this is the last viable resource for water reservoir system in the County. That is my concern.

Vice-Chair Epler asked Mr. Mitchell if his group has considered purchasing from the Gillis family.

Mr. Mitchell stated that they haven't gotten to that yet. But he believes that citizens rise to the occasion to speak up for what's important, when given the opportunity. I've helped one of the largest land companies with donations of lands for preservation to receive tax credits. Friends of Hope Mills Lakes is a charitable organization as approved by the Internal Revenue Service. We would be glad to entertain that as either a purchase or donation or some combination with the Gillis family. I'd personally be glad to help.

Mr. McNeill asked when you say restore the lake, are you talking about back to somewhere around the hundred year flood plain level or are you talking about to the original structure?

Mr. Mitchell stated that I don't think that we could go with the original structure, as it would probably impede the sewer lines, but that would take a matter of planning. I don't think we could go back to the original lakebed structure without addressing the cost of replacing the sewer lines, but it would be an option.

Mr. McNeill asked if that's the case, do you see the residential development of this property as prohibiting the restoration of the lake to the approximate hundred year flood level.

Mr. Mitchell responded yes we do believe it impedes that plan. There are four or five lots shown that would and the plats that we have seen contain much more wetlands than what is shown on the screen there. Perhaps it's old data, but maybe old data is what we should be talking about if we're talking about #2.

Mr. McNeill stated that Mr. Gillis said the Corps. of Engineers, if he's not mistaken, is the ultimate authority on the wetlands, had already checked off on the preliminary plan.

Case P07-47 Continued

Mr. Mitchell said that this may not be a matter for the zoning board to make those decisions.

Vice-Chair Epler stated that whenever you look at these two maps, wetlands does not indicate that there was ever a water line there. The two don't necessarily coincide.

Mr. Thomas Waring spoke in opposition. Mr. Waring stated that he is a lifelong resident of Hope Mills and has a vested interest in this, and owns property just a few hundred feet away from where the subdivision is going to be. To answer one of Mr. Gillis's questions, there is a motion through Representative Brisson out of Dublin. Mrs. Hall was talking about using the three lakes as a reservoir, well that's in action at this time. My wife Lisa has been in contact with him, and that is something that they are working on at this time. That's a lot of wetlands that we're going to be losing, the lake if it is refilled will affect that. If you put families in there we won't be able to raise the lake. We can deal with pipes, sewer, PWC, we can fix those, but we can't move families. My personal opinion and those of the people who are here with me tonight feel like you're just abusing the land by allowing 7500 square foot lots. You need more space. Memorial Day 2003 we lost our lake in Hope Mills, I got up that morning, I was fortunate enough to have my house on the lake. I had no water. I went to Church St. which backs up to this property to feed my horse, and I had lakefront property, which I'd never had before. All that property was under water. They say it's not a flood zone, the new maps say it's not a flood zone. But the old maps said it was. I think they are doing it by satellite or by grid. There is something wrong there. The Corps of Engineers had been contacted; they have not received a permit. Loretta Grenada was going back to some college; she did it in a quick way when they did the soil testing down there. She turned it over to another guy and it's been sitting on his desk. When we first contacted the Corps they said Mr. Gillis did have a permit and he signed off on it. Well two weeks later he admitted that he had lied, they don't have a permit. We don't think there's been enough work by your staff, by the Corps of Engineers, we don't think anyone's been out there and walked over the property to realize that its wetland. You don't put houses in a wetland. It destroys the environment, that wetland is like a sponge. It filters everything out. I'm nervous when I talk, it takes a lot nerves for me to come up here, but I feel like it's worth it.

Mr. McNeill asked Mr. Waring about Representative Brisson supposedly working on something with the legislature, has he given you any indication of when something might be forthcoming?

Mr. Waring stated that his staff is working on that and Mr. Brisson has been working on this for some time. It's not in the books as Mr. Gillis said and Alfred Bradford almost had it done in 89 and the Corps of Engineers at that time said that we could increase the size of the lake and that was after PWC had their sewer line in. They said we could go down to the bridge on Calico St. and that would make the water line a little higher, but it would give us more lake. If you raise the lake it's going to go into wetlands, and if there are people living there it's going to drown them. It's common sense. They talk about M2, M2 is our safety net. The Corps of Engineers said that no one is going to get a permit to put anything around that wetland. Industrial that's our safety net.

Mrs. Piland asked Mr. Waring if his reasoning for wanting it to remain M2 is because of the environmental protection that an M2 would provide, even if developed.

Mr. Waring stated absolutely, they wouldn't let you put anything industrial there. We talked to the Corps about that. My brother-in-law is Derrik Carter, he's head of the Southern Environmental Law Firm, he mentioned that, he said that they need to go back and do more soil testing. The soil testing has not been done correctly. I know this is hearsay, but I'm quoting him.

Commissioner Wheatley stated that she hears what Mr. Waring is saying about the soil testing, but with the studies that were done in 89 and with legislators getting involved, were there no soil tests and any reports given then? Where are they?

Case P07-47 Continued

Mr. Waring stated that Mr. Bradford has them. We have not retrieved any of those reports. This came upon us; the only sign was hidden behind a bush. They said they mailed out all these things, but I didn't receive one. I don't think Pat Hall was notified correctly. I think the whole thing has been a mess. It needs further study. We have a chance to create something that will help the whole County. We can't let one developer make a little bit of money and ruin our chance to get it done.

Commissioner Wheatley stated going back to 1989 not retrieving the soil test, why has your community let it go, and I don't mean this in a disrespectful manner, but if this was such high priority, none of us heard about it until a meeting ago as far as Commissioners, is there no plan?

Mr. Waring said you're not hurting my feelings. It's well known that Hope Mills needs better leadership. Hope Mills has dropped the ball and we've got a dam that would of cost 1.5 million if they had went ahead and taken care of it, but they dragged their feet and now we're 14 million dollars in the hole. This thing should have been taken care of.

Mr. Lloyd stated that where there are no wetlands the Corps has no say so. The zoning does.

Mr. Billy Johnson spoke in opposition. Mr. Johnson stated that he did a little visual on Church St., from the east side to the west side about 6.5 tenths miles long. I live on the west end. We've got about nine or ten homes down there on about fifteen acres. From my house to Main St. there are 107 residents on decent sized lots. Also there are 64 apartments on the east end of Church St. as you come onto Church St. from Main St. and I've noticed before the apartments trying to access Main St. from Church St. at a particular time of day like 7:30 to 8:00 was a nightmare. Now that they have these apartments it's a terrible nightmare. There is a cut through that is an absolute nightmare of traffic and I can't imagine what it will be like if they put 61 more homes in there. You're talking about 122 vehicles if each family has 2 vehicles. I live on the old lakebed, when the water came up, when the dam breached at Lake Upchurch, we had water. It was about 8 feet from the sewer line. That lake was completely full probably higher than it was originally. I've got three manholes on my property and every one of those manholes was at least 8 feet higher than the water. There will be some wet places if these houses are put in there and something ever happens. I don't want to see anything that could possibly keep that lake from coming back in.

Commissioner Wheatley asked Mr. Johnson if he actually lives on the lake bed.

Mr. Johnson responded no.

Mr. Gillis spoke in rebuttal. Mr. Gillis stated that there were several questions about the integrity of the Corps of Engineers findings. I think that we can question people's veracity in issuing statements. But I would like to read from the report that has been quoted by the Corps of Engineers lady that did visit the site. "The wetlands on your property have been delineated and the delineation has been verified by the Corps. We strongly suggest that you have this delineation surveyed, upon completion the survey shall be reviewed and verified by the Corps." That's the survey that's on the map that is reflected in your package with those lines. As to future needs I'm sure that the people around Jordan Lake that owned property before the Jordan Lake dam was built had to deal with the issues that could in the future, that has been pointed out, have to be dealt with, in the event that the government would choose to restore Hope Mills #2 and the dam. Failing any plans for that, we believe that the use of our property as residential is reasonable, and appropriate given the circumstances. We believe that providing homes on lot sizes that home buyers choose. The market will tell us if we have lots that are too small for people, if they want big lots, they'll go find big lots. They'll also find homes that are nice and attractive and affordable and certainly with the growth that's occurring the County has many opportunities as well as problems to deal with and we trust that the Planning Board and the Commissioners will use good judgment and make the decisions that are appropriate. I just request as your staff has recommended approval for rezoning and pass that recommendation to the Commissioners.

Case P07-47 Continued

Vice-Chair Epler stated that typically whenever we survey wetlands and we get wetlands verified you get that notice that you just read to us from the Corps. You get those wetlands surveyed as flagged and then the Corps verifies that wetland location. Have all of those steps been completed? The Corps of Engineers has verified those wetlands on your survey?

Mr. Gillis stated that he didn't have personal knowledge that the Corps has completed that, it has been submitted to their office for verification. There's a backlog in doing those verifications. We have not gotten a current status.

Vice-Chair Epler asked that the Corps has not notified Mr. Gillis and are aware that he is proceeding.

Mr. Gillis stated that that was correct.

Mrs. Hall asked Mr. Gillis if he knew if the backyard consisted of wetlands if that had to be disclosed at the time of sale.

Mr. Gillis stated that yes, it's all there and it's all disclosed. In fact I live on a lot that has a creek in the backyard. That is one reason, probably the major reason that I bought that lot. Because it was an area that I knew would not have a house built on it. Wetlands can be an attractive amenity, if you will. We've built subdivisions in other parts of the County that have similar circumstances. And they've got very expensive homes backing up to a creek and they sell very quickly.

Mr. McNeill stated to Mr. Gillis that they couldn't continue to develop until the Corps verifies it. Mr. McNeill asked if they had any sense of time. Did they give any indication of when they would be there?

Mr. Gillis responded that the Corps says it could be months. With the issues that they have to deal with in our state, sometimes they've turned things around in 3 or 4 months, sometimes it's been up to a year.

Mr. McNeill stated that it's probably safe to say that they won't complete their work for about 6 months, as a ballpark figure.

Mr. Gillis stated that he didn't want to try and predict, but the way they are proceeding, they will adapt the actual subdivision plan to whatever the final Corps finding happens to be. The issue tonight, which has been pointed out, is clearly one of zoning. We believe that the appropriate use for that property is residential rather than heavy industrial.

Commissioner Wheatley stated to Mr. Gillis that she knows that he is a community minded individual, and she appreciates that about him and his family. Commissioner Wheatley asked Mr. Gillis if he had spoken with the Town of Hope Mills to see if there is any way to reach an agreement as far as what is about to happen as far as this rezoning that would meet with some of their expectations, and be somewhat advantageous to him as well.

Mr. Gillis stated that he has not spoken with anyone in Hope Mills, and was not sure if his brother Joe had spoken with anyone. It's a two way telephone.

Commissioner Wheatley asked Mr. Gillis if anyone had called him.

Mr. Gillis responded that no one had contacted him at all.

Commissioner Wheatley recommended a conversation to both.

Mrs. Hall stated that she thought that had been recommended, that a representative meet with them and it had not happened.

Case P07-47 Continued

Public Hearing closed.

Mr. Morris stated that when he looks at that map as it stands today, it's just a glaring error that we have a heavy industrial use basically in the middle of a residentially zoned property. Mr. Morris asked what the original use was to have it rezoned.

Mr. McNeill stated that there was an old cotton mill there.

Mr. Lloyd stated that it was the most nonconductive companion to residential zoning, based on the uses that are permitted.

Mr. Morris commented we need to state the uses, because it's zoned heavy industrial. I agree with the comments from those in opposition. I think it makes tremendous sense for us to capture the water in the Hope Mills Lake and Lake Upchurch. My fear is that someone may not put a more appropriate use on that zoned property. Under this current usage there are a lot of things that are not conducive not only to the area but to that watershed. I also think that there's a lot of work to be done and some future planning for the Town of Hope Mills and Cumberland County when it comes to watersheds. I do think that residential rezoning is more appropriate for that area.

Mrs. Piland stated that this is a real dilemma, I would agree with you that just looking at the information that we have, that there is no question that this should go residential zoning. But, my concern in listening to all of this is environmental. My concern is that I know what the water situation is and I know what kind of crisis we are facing. Not just in this region but across the state. How do we best preserve what we have as far as water resources? And I'm just not sure about that. I certainly wouldn't want a junkyard on that property and on the other hand I would hate for us to lose the opportunity to recreate that water in that bed.

Mr. Lloyd said that after talking to the Mayor, it's not an all or nothing situation. The issue isn't really that it has to be 84 msl; it can be lower than that. There are various degrees of levels of that lake that wouldn't even effect this property.

Mrs. Piland stated that we've talked about the importance of buffer zones and trying to protect our water resources by having buffer zones. If we build right up to that line whatever it is, there's absolutely no buffer there.

Mr. Lloyd stated that as a planner we have to balance both sides. A lot of the points made are correct. We're saying that we want to place this land on hold for how many years until somebody decides this is a go or not. Mrs. Waring called me and I asked for any new information, and I haven't received anything. The information that you have is all that is available.

Mrs. Piland asked if there was any information from the Town of Hope Mills.

Mr. Lloyd said that they actually had a meeting, it was on something else, but this actually consumed half of the meeting.

Mrs. Piland asked about their interest as best as Mr. Lloyd could tell.

Mr. Lloyd stated that there were studies done. We went back and researched and came up with the 84 msl, but that's the only new information that we have. We plotted that.

Mrs. Piland said that she thinks this is more than a rezoning case. I know what our limitations are and I don't think this is the arena in which this discussion should be held. It's a far bigger issue than what we would deal with here. It's unfortunate that it's placed in our laps.

Case P07-47 Continued

Mr. Lloyd said that he did talk to the Mayor and the new information of the sewer line is an important issue with PWC. I agree with the buffer and what you're saying but it's difficult at this point in time to say we want this, as planners, we're going to tell the owner of this piece of land he's got to hold this land indefinitely into the future until some concrete plans are done on what's going to happen with the lake bed.

Vice-Chair Epler stated that she too knows the importance of protecting our water sources for our County. But also feels that if this area were so perfect for that up until this point PWC or the Town of Hope Mills should have stepped up and contacted this owner. Mr. Gillis is the one who has petitioned for a rezoning. When Hope Mills found out that Mr. Gillis had petitioned for that rezoning, I feel like they should have contacted him and tried to work something out. That's just my personal opinion. But this is a property owner who wants to make reasonable use of his property and he's entitled to that by law. I don't have a good feeling about telling him he has to set any portion of his property aside. But by the same token I do understand those environmental issues. If I'm not mistaken, I believe that Mrs. Hall received her packet on this particular case at the same time the rest of the Planning Board did, am I correct.

Mr. Lloyd said that Vice-Chair Epler was correct, again this came with the Commissioners' I'm going to say again for the staff, I have the mailing list right here of everybody that got notified. We do have Thomas M. Waring, two addresses that were notified by mail.

Vice-Chair Epler commented that the notifications were made not only to the individual property owners, but also to the Town of Hope Mills, through their representative on this Board, long before our Planning Board meeting. No one was here in opposition at our Planning Board meeting. There was no opposition at all from a Board member or in the audience. Just to make it known, when someone delineates wetlands, they use three criteria, they use vegetation found there, water table, and soil types. All three of those tests have been done on this piece of property in order to delineate this wetland. That's why the Corps of Engineers told Mr. Gillis to go ahead and survey your wetlands, they've been marked. So by definition, his wetlands have been shown. I think this is a man who owns a piece of property, his family owns this property they are developers by trade, and they want to develop this property. To me I think his subdivision, I know he's not tied to that subdivision, I know that he's not tied to that site plan, but what he proposed allows Hope Mills, and I think his wetlands issue allows Hope Mills the opportunity in the future to come back and recreate that lake bed.

Mrs. Hall stated that the Town of Hope Mills was mailed a notification of the first zoning that went to a PO Box which is defunct, which has not been used for many years.

Mr. Lloyd stated that the address was obtained from the tax rolls.

Mrs. Hall stated that the tax rolls have to be updated by the citizens. The County does not do it. They did not receive a notice. When it came before this Board the first time it was on the consent agenda with no one contesting it. You know Hope Mills is new on this Board; we are still trying to develop a process to keep and get everybody informed. Half of the property owners surrounding this did not receive a notice. I'm sure they were mailed; my point is the addresses in the county tax office are not up to date. When the 911 directory was changed, when they changed everyone's addresses for 911 purposes and every address in Hope Mills was affected by that. The County did that, but they did not update their own records. That is on us to do individually. I am simply trying to justify our position. Since this happened, we have tried many things to get together with the property owner, except we did not contact him directly. We asked our Planning Board to do it. Mr. Lloyd did two times and nothing has happened. I agree, I own property too and I don't want someone telling me that I cannot do something with my property. Could we postpone this for 30 days to get a chance for the Town of Hope Mills to sit down with all of these property owners and developers and work out something that is agreeable to all of us? This is a planning board, it's not a dream. We are planning for our grandchildren, for our future.

Case P07-47 Continued

Mr. Lloyd stated that Mrs. Hall has input and Mrs. Hall can vote on standards dealing with the MIA the way the interlocal agreement is set up she can't vote on rezoning because Hope Mills has their own zoning board, which means she can't make a motion.

Mr. McNeill stated that the environmental aspects are important and I think drinking water is awfully important. I can understand that it would certainly make a good water resource for the people of the County, but I heard a comment made that keeping it M2 is our protection. That is not the proper way to do it. You do not hold somebody's property hostage to keep the zoning the way it is, because probably won't do anything with it. That's not fair. I can understand how the town may be behind the curve on this, certainly the efforts have been focused on the dam that's being reconstructed now. On Mr. Gillis' side the question was raised about a CUD, I happen to know that Joe doesn't like the CUD. I think that in this case a CUD might be beneficial. The thing is you're not going to do anything with this in the next 6 months or so. It's not something that's going to be developed in the next 3 or 4 months. I tend to agree with the statement that residential is much better than the M2 and I really don't like holding a person's property hostage, it's just not a good way to do business. What needs to happen is the Friends of the Lake need to get some discussion going with these folks and try to work something out. I know there hasn't been a big window of time, but there's been time enough for contact to have been made. I'm sure the Gillis' have property that they want to develop, they really don't care whether it is in R7.5, or whether the town buys it, or they may have it in their hearts to donate some. I think that probably a 30 or 60 day deferral, I don't want to encourage leaving it out there too long, but I think that's probably in order. I think that the Gillis' should seriously consider if they plan to develop on R7.5 doing it on a CUD where a site plan could be put out here with definitive wetlands lines possibly voluntary buffer along that side, and a site plan that we can deal with.

Mr. Morris stated I do agree, one of my concerns is if we have another "9-11" and the world stops, and the Gillis's don't develop then you've got a piece of land and somebody comes in there now they've got M2 zoning on wetlands, could be a future lake bed and we didn't do our job. I don't want someone telling me that we had the opportunity to do something better than what we had out there and allowed it to go by. That being said, I didn't realize that interlocal agreement being such that Mrs. Hall couldn't make a motion, that by itself if Mrs. Hall would like a motion of thirty days, I'll make it.

Mr. McLaurin stated that everyone needs to remember that PWC is the water provider, PWC is the one that is distributing water. We've got to remember that this is not about the Town of Hope Mills or it's not about the developer. This is about the greater common good.

Mr. Morris made a motion to defer case P07-47 for 60 days, seconded by Vice-Chair Epler. The motion passed unanimously.

Commissioner Wheatley stated that they have been given a tremendous opportunity. She looks forward to seeing what can be worked out for the greater common good.

Mr. Barrett asked Chair McLaurin to ask Mr. Gillis if he would agree to a 60 day deferral.

Chair McLaurin asked Mr. Gillis and Mr. Gillis responded that he was not okay with that.

Mr. Gillis stated that they have been working on this project for almost a year; major investments have gone into design work. We're trying to get ready for the market a year and a half from now.

Mr. Morris asked if he would be more agreeable to a 30 day deferral.

Mr. Gillis said that he would not be interested in a 30 day deferral. We are addressing real issues and are ready to go.

Case P07-47 Continued

Mr. Barrett stated that the zoning ordinance has a quirk in it that says that if the Planning Board does not make a recommendation within 30 days, it goes to the Board of Commissioners deemed as their recommendation for approval. The provision can be waived with the consent of the applicant, which is why I asked you to see where Mr. Gillis stands on the issue. However Mr. Gillis needs to be aware that there is no such provision limiting the Board of Commissioners. The Board of Commissioners may choose to defer a case for 30 or 60 days or any period of reasonable time. Just so this Board is aware, there is a 30 day limit on your actions. Just so Mr. Gillis is aware there is no such requirement on the Board of Commissioners.

Mr. Morris stated that he has the utmost respect for Mr. Gillis, but I think this is an important issue and both sides need to weigh in and I think it would be in the interest of the developer to be in a more receptive mode. Therefore, I want my motion to stand and allow the minutes to stand as they are and this will move to the Commissioners as basically a no vote and let the Commissioners do as they will with the unanimous approval of this Board.

Mr. Barrett restated what Mr. Morris said that he understands that technically he wants his motion voted on. He understands that technically it will be considered under the ordinance a recommendation to the Commissioners as approval. He understand it will move to the Commissioner's from this Board, but he wants the Board of Commissioners to understand that the position of this Board was that the application should be deferred for 60 days to allow the parties to discuss possible options.

Mr. McNeill stated that a 30 day deferral is not acceptable to him. If he would agree to 60 days than we could bring it back here?

Mr. Barrett stated yes.

Mr. McNeill asked Mr. Gillis again if he would consider a 60 day deferral.

Mr. Gillis responded no.

Mr. Barrett said that the status is that as a legal matter recommend that the case move to the Commissioners for the October 15th meeting with the explanation that the ordinance requires that the action of the Planning Board was to reflect a deferral for 60 days. But because of the ordinance provision and the attorney advised that the case be moved to the Commissioners.

Mrs. Piland asked with no recommendation on zoning?

Mr. Morris stated that the recommendation will be to approve with residential zoning. But that's not the motion on the floor.

Mr. Lloyd asked why shouldn't this be sent over with no recommendation from the Board, that's been done before. Not that the Commissioners necessarily like it, but it can be explained to them that the Board wanted to see a 60 day deferral, the applicant had to agree, he didn't so this Board is not prepared to make any other recommendations.

Mr. Barrett stated that that is an option, but under the present status of the application, the Board takes no other action.

Mr. McNeill asked if they had the option of motion for reconsideration of the previous action.

Mr. Barrett stated yes.

Vice-Chair Epler asked if this goes to the Commissioners the way we left it tonight, before it goes to the Commissioner and Mr. Gillis has a change of heart and reconsiders the CUD application, it

Case P07-47 Continued

can go to the Commissioners under the same advertisement, because that is a more restrictive use it can still be heard by the Commissioners, but as a CUD. Am I correct?

Mr. Lloyd responded that the CUD is not re-advertised with a different heading, we keep the same heading, it's been done on every case we've had. It becomes a CUD and gets reviewed as such. But the heading stays the same.

Mr. McNeill made a motion to reconsider previous action, seconded by Chair McLaurin. The motion carried with 6 voting in favor and 1 opposed.

Mr. Morris asked if it was approved.

Mr. McNeill stated not necessarily, if we pass this motion it's back on the table for up or down or a motion for 30 days. The thing that I find disconcerting is that we voted on a 60 day and I would like before this Board gives up its authority to make a recommendation on it I would like to see the Town and the petitioner and interested parties get together. I think if it goes to the Commissioners and they read all this they're probably going to send it back anyway. I just think that the Board would serve its purpose much better to exhaust all possibilities here before we send it on.

Mr. Morris stated that he was comfortable with this. I don't like M2 worst case scenario, it goes to the Commissioners, and they think we haven't done our job here and it goes to residential zoning it's better than M2. Secondly, if it goes up as we voted as strongly as possible to basically have the Commissioners say to the petitioner you will have 60 days to get together and if you choose not to, then you choose not to. But I think we will be sending the correct signal regarding the position of Hope Mills and I think we're sending the correct position as to the current uses of that property. I think the petitioner would be better off working with the planning board at this level versus in the public eye at the Commissioner's level.

Mrs. Hall said that she did not like M2 either. But in reference to the statement about a safety net, is that one business owner is easier to deal with than 61 homeowners in the event the development goes on and then a lake is attempted. That was the reasoning behind us preferring the M2 instead of R7.5.

Mr. McNeill made a motion to reconsider previous action, seconded by Chair McLaurin. The motion carried with 6 voting in favor and 1 opposed.

Mr. McNeill made a motion to amend the motion for 30 day deferral to deferral for 2 weeks, seconded by Mrs. Piland. Unanimous approval.

Mr. Barrett asked Chair McLaurin if he intended to reopen the case or bring back for reconsideration.

Chair McLaurin said reopen the public hearing.

Public Hearing closed.



TOWN OF HOPE MILLS

P.O. BOX 367 • 5770 ROCKFISH ROAD • HOPE MILLS, NORTH CAROLINA 28348-0367
TELEPHONE (910) 424-4555 • FAX (910) 424-4902

Sept. 28, 2007

To Whom It May Concern,

I am writing this letter, on behalf of the Hope Mills Board of Commissioners and the Town of Hope Mills, in reference to rezoning case number PO7-47, also known as Blake Commons, located off Church Street in Cumberland County.

I met recently with Mr. Tom Lloyd of the Cumberland County Planning Department and Mr. Joe Gillis, the developer of the property in question. As you know, that property directly adjoins property owned by the Town of Hope Mills, consisting of the empty lake bed of the old Hope Mills Lake No. 2, a section of the Big Rockfish Creek, and acreage designated as a future community park.

The compromise offer of zoning the property to follow the 84 MSL and below to Conservatory District, with the exception of the very southeastern portion of tract #1, which will follow the 83 MSL, is acceptable to the Town of Hope Mills.

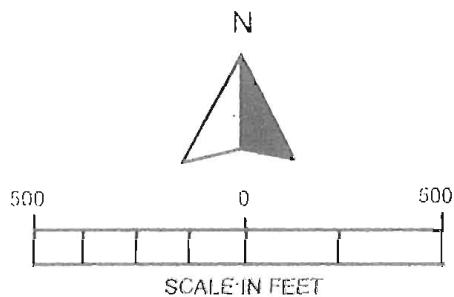
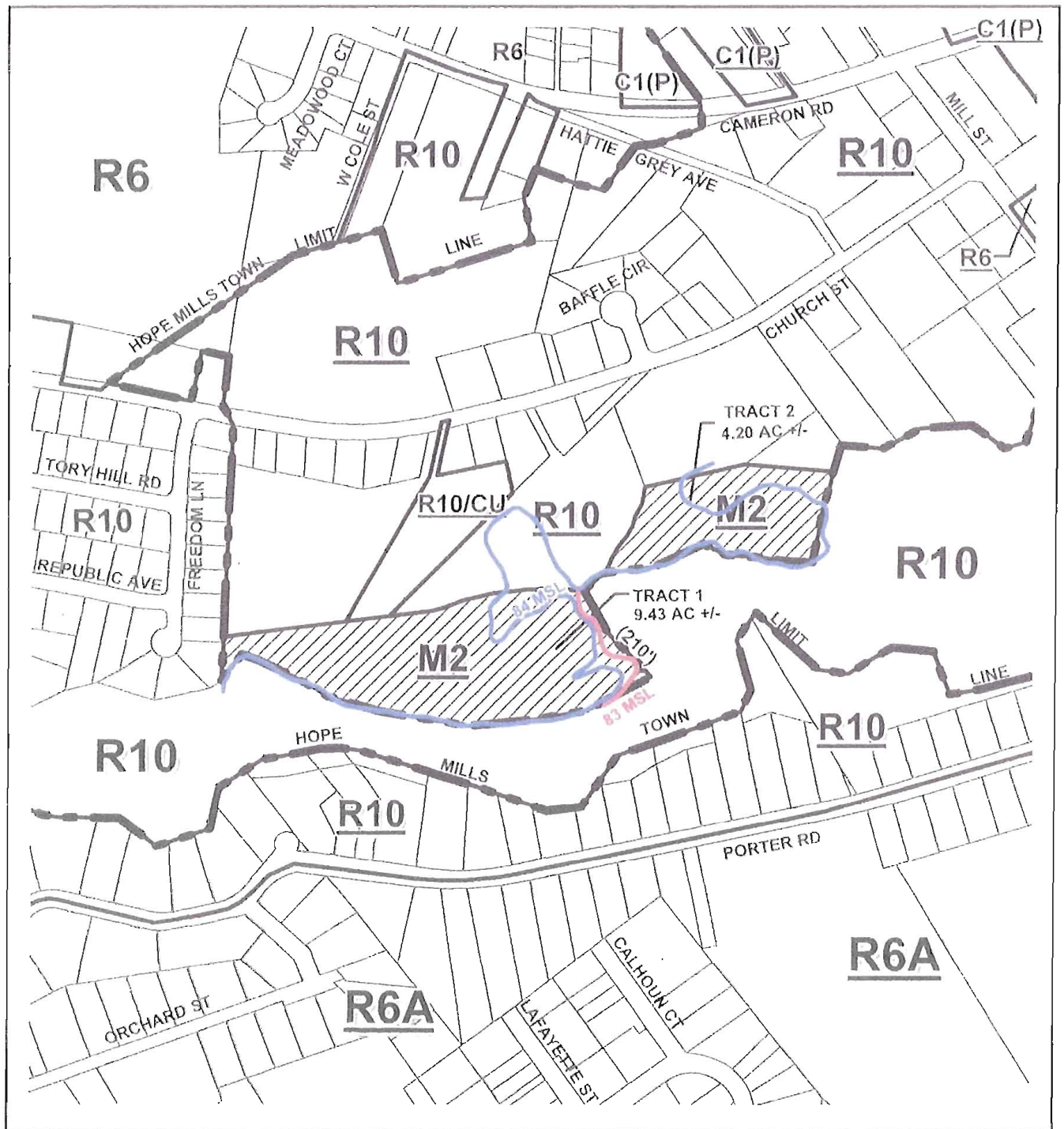
The Town of Hope Mills wants to preserve the option of restoring this lake in the future. As I have stated previously, water is a finite resource and an essential need for all living things. The ability to provide green space and recreational is not only important; it is critical to ensure the quality of life we want maintain for the citizens of our community. It is our responsibility to respect and to protect the designated wetland areas that are all too quickly disappearing from our county. This compromise will ensure our ability to use this area in the future.

We appreciate very much Mr. Gillis' willingness to work with us in this regard.

Sincerely,

EDDIE DEES,

Mayor, Town of Hope Mills



REQUESTED REZONING M2 TO R7.5

ACREAGE: 13.63 AC. +/-

HEARING NO: P07-47

ORDINANCE: COUNTY

HEARING DATE

ACTION

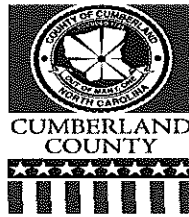
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GOVERNING BOARD

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Chair
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CUMBERLAND COUNTY

COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

OCTOBER 5, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-74: REZONING OF TWO PARCELS TOTALING 1.76 ACRES FROM C3 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT LOCATED ON THE NORTHWEST SIDE OF CLINTON ROAD, EAST SIDE OF BLADEN CIRCLE, OWNED BY DELLA MOL AND AMANDA R. WATSON.**

ACTION: THE MEMBERS PRESENT AT THE SEPTEMBER 18, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE RR RURAL RESIDENTIAL DISTRICT.

SITE INFORMATION: Area: 1.76 acres; **Frontage & Location:** 200 feet on Clinton Road and 390 feet on Bladen Circle; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** April 26, 1979 (Area 8); **Zoning Violation(s):** None; **Nonconformities:** Yes – Accessory structure (greenhouse) in front yard; **Surrounding Zoning:** North-RR, C3, East-RR, R15, Fayetteville city limit-R10, South-A1, RR, R15, M2, C3, and West-RR, C3, M2; **Surrounding Land Use:** Insulation business, Hughs business, single family residential, woodland and vacant land; **2010 Land Use Plan:** Heavy Commercial; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC sewer exists south of Clinton Road; **Soil Limitations:** Yes – Le (Leon sand) and Wo (Woodington loamy sand) **School Capacity/Enrolled:** Sunnyside School Elementary 245/335, Mac Williams Middle 1274/1162, Cape Fear High 1400/1489; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction specified for this area; **Average Daily Traffic Count (2004):** 2,200 on Clinton Road

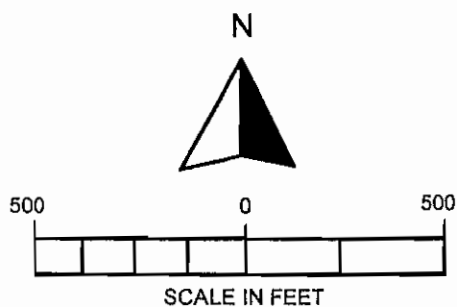
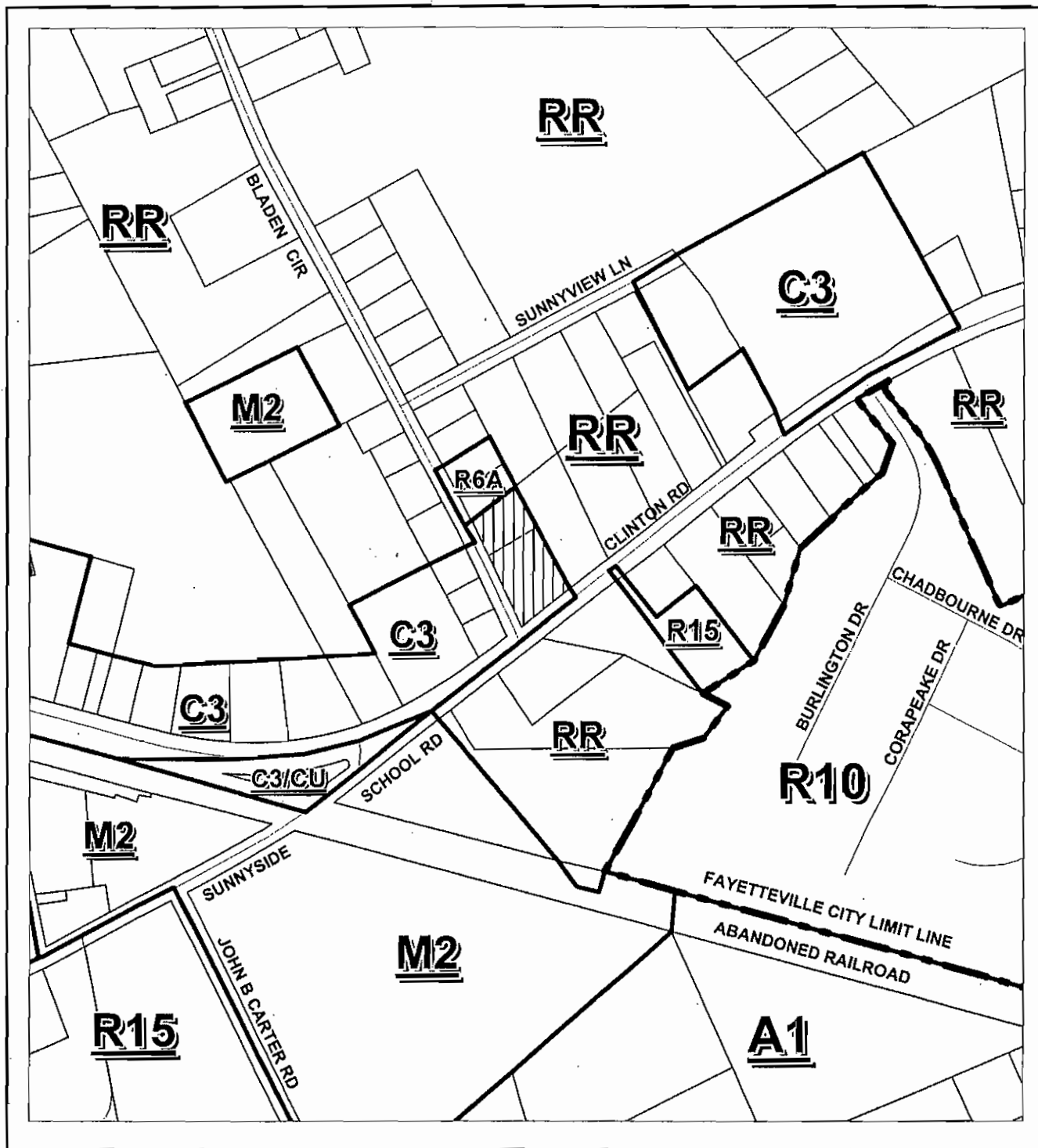
MINUTES OF SEPTEMBER 18, 2007

The Planning & Inspections Staff recommends approval of the RR district based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for Heavy Commercial at this location, the request is consistent with the zoning of the adjacent properties; and
2. The RR district is in character with the current uses and zoning of the general area.

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

A motion was made by Mr. Turner, seconded by Vice-Chair Epler, to follow the staff recommendation and approve case P07-74 as submitted. Unanimous approval.



REQUESTED REZONING C3 TO RR

ACREAGE: 1.76 AC.+/-

HEARING NO: P07-74

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

PIN: 0466-37-3143

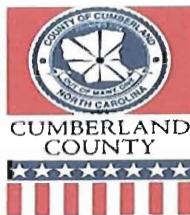
PIN: 0466-37-2360

AF

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
Patricia Hall,
Town of Hope Mills



COUNTY of CUMBERLAND

Planning and Inspections Department

ITEM NO. 3C

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

OCTOBER 5, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-77: REZONING OF 1.42 ACRES FROM R6A TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3680 CUMBERLAND ROAD, SUBMITTED BY WILLIAM D. DECARLO, OWNED BY GRANVILLE T. AND EVELYN M. JACKSON.**

ACTION: THE MEMBERS PRESENT AT THE SEPTEMBER 18, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE C1(P) PLANNED LOCAL BUSINESS DISTRICT.

SITE INFORMATION: **Area:** 1.42 acres; **Frontage & Location:** 200 feet on Cumberland Road; **Depth:** 315 feet (average); **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** August 1, 1975 (Area 3); **Zoning Violation(s):** None; **Nonconformities:** Yes – If rezoned, the residential structure will become nonconforming; **Surrounding Zoning:** North-R10, R6, R6A, C1(P), C1(P)/CU, East-R10, R6, R6A, C1(P), C3, South-RR, RR/CU, R10, R10/CU, R6A, R5A, C1(P), and West-R10, R6A, R6A/CU, C1(P), C3; **Surrounding Land Use:** Manufactured home parks (4), convenience store, car wash, apartments (2), lawn mower repair shop, church, farmers market, and single family residential; **2010 Land Use Plan:** Heavy Commercial; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC water / septic tank; **Soil Limitations:** None; **Subdivisions:** A site plan review will be required prior to any development; **Military Impact Area:** No; **Highway Plan:** Cumberland Road is identified as a Major Thoroughfare. This is a multi-lane facility with a current 90-110 foot right-of-way. Road improvements have been completed; **Average Daily Traffic Count (2004):** 15,000 on Cumberland Road; **Notes:** A Conditional Use District and Permit was discussed with the applicant and he chose to submit a straight rezoning application.

The applicant was also informed of the nonconformity that would result if the rezoning was approved. He was referred to the Chief Building Inspector regarding building code standards for conversion of a residential structure to non-residential.

MINUTES OF SEPTEMBER 18, 2007

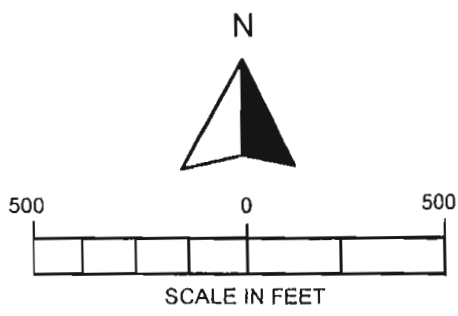
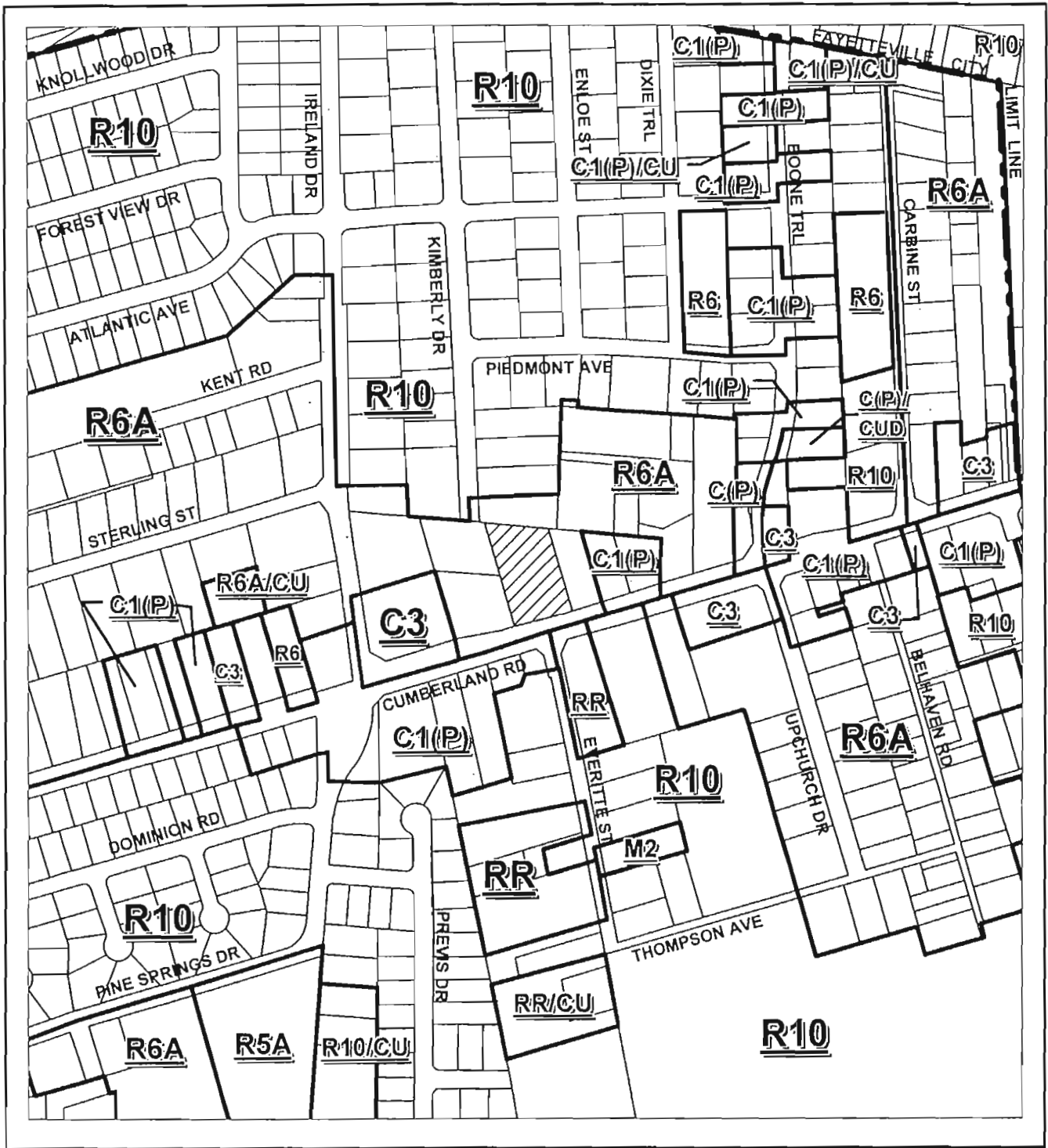
The Planning & Inspections Staff recommends approval of the C1(P) district based on the following:

- Though the request is not consistent with the 2010 Land Use Plan which calls for Heavy Commercial at this location, the request is more suitable and in character with the zoning and uses in the area.

The O&I(P) is the only other zoning districts suitable for this site.

Case P07-77 Continued

A motion was made by Mr. Turner, seconded by Vice-Chair Epler, to follow the staff recommendation and approve case P07-77 as submitted. Unanimous approval.



REQUESTED REZONING R6A TO C1(P)

ACREAGE: 1.42 AC.+/-

HEARING NO: P07-77

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

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
Patricia Hall,
Town of Hope Mills



COUNTY of CUMBERLAND

Planning and Inspections Department

ITEM NO. 31

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

OCTOBER 5, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-22: REZONING OF 2.2 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 871 REMLEY COURT, OWNED BY BRIAN DAIGNEAULT.**

ACTION: MEMBERS PRESENT AT THE SEPTEMBER 18, 2007 MEETING VOTED UNANIMOUSLY TO DENY THE STAFF RECOMMENDATIONS FOR APPROVAL.

SITE INFORMATION: **Area:** 2.2 acres; **Frontage & Location:** 320 feet on Remley Court; **Depth:** 302 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Vacant; **Initial Zoning:** June 24, 1980 (Area 13); **Zoning Violation(s):** None; **Surrounding Zoning:** Primarily CD and A1 with A1A and R40A to the East; **Surrounding Land Use:** Single family residential and farmland; **2010 Land Use Plan:** Farmland; **Urban Services Area:** No; **Water/Sewer Availability:** Well / Septic; **Soil Limitations:** None; **School Capacity/Enrolled:** Grays Creek Elementary 708/764, Grays Creek Middle 614/495, Grays Creek High 1087/1280; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction specified for this area; **Notes:** Density (1.98 ac. after right-of-way): A1 – 1 lot / 1 unit, A1A – 2 lots / 2 units, R40 – 2 lots / 2 units, R30 – 2 lots / 3 units, R20 – 4 lots / 4 units; Amended application to request: A1A/CUD and Permit, **Application Conditions:** To allow a group development and place restriction on further dividing the subject property until such time as the existing Class "C" private street is upgraded and capable of complying with the ordinances.

Conditional Use District & Permit

Ordinance-related conditions

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)

Case P07-22 Continued

3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
4. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

5. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1A zoning district must be complied with, as applicable.
6. "Remley Court" must be clearly labeled as "Remley Ct – Class "C" Private Street" on all future plans.
7. All utilities, except for 25kv or greater electrical lines, must be located underground.
8. The NC Department of Transportation will not consider a Class "C" private street for addition to the State system for maintenance.

Other Related Conditions:

9. Under current standards and in this zoning district, additional dwelling units or a division of the property can be permitted on this tract.
10. The applicant is advised to consult an expert on wetlands before proceeding with any development.

MINUTES OF SEPTEMBER 18, 2007

This case was presented to the Board on April 17, 2007 and at that time the applicant amended the request to the R40 zoning district. After considerable discussion, including the applicant stating that the NC Department of Transportation (NCDOT) had assumed maintenance of the private street, the Board recommended a deferral in order for Staff to verify the NCDOT's assumption of Remley Court for maintenance purposes or for the applicant to submit an application for a Conditional Use District and Permit (CUD&P) indicating the precise plans for this tract. The applicant agreed to the deferral.

Attached to this memorandum is a copy of the letter, dated April 16, 2007, from the NCDOT District Engineer to the applicant; the letter is a denial of the request for the NCDOT to assume maintenance of Remley Court.

The applicant subsequently submitted a CUD&P application restricting any structure on Lot 2 to a minimum of 1,600 square feet, along with a site plan showing two lots. Included with the application is a waiver request for the applicant to be permitted to create an eighth lot on a Class "C" private street.

The Planning & Inspections Staff recommended denial of the R40/Conditional Use District and Permit for the two lots at this location, and the Planning Board subsequently recommended denial as well.

At the August 20, 2007 County Commissioner's meeting this case was sent back to the Planning Board so the applicant could revise his application to allow for a group development. The

Case P07-22 Continued

applicant has amended his application to request an A1A/Conditional Use District and Permit (CUD&P) to allow a group development and place restriction on further subdividing the subject property until such time as the existing Class "C" private street is upgraded and capable of complying with the ordinances.

The Planning & Inspections Staff recommends approval of the A1A/Conditional Use District for a group development of two structures at this location based on the following:

1. The A1A district is consistent with the Land Use Plan which calls for "farmland" at this location;
2. The A1A district is compatible with the uses in the neighboring districts, and is a use that could be extended to every property owner in the immediate area; and
3. The subject property will be able to meet the ordinance standards;

The Planning & Inspections Staff also recommends approval of the Conditional Use Permit based on the following:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended since the applicant has agreed to mandatory upgrading of the private street prior to submitting for any division of the subject property;
2. The use meets all required conditions and specifications;
3. The use will maintain or enhance the value of adjoining or abutting properties; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located.

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

Mr. Lloyd stated that the Board had in their packets a synopsis of the background of this case, which the Board would remember so he didn't need to go through it date by date. This is probably the third time that the case had been before the Board. The applicant is here, but staff would do the presentation and Mr. Daigneault would be available for questions. At the end of the last Planning Board meeting the applicant thought that he might want to go for A1A/CUD, at the Commissioners meeting he did request that. The reason the CUD would be on there is to limit this to group development and the CUD will say that he will never subdivide that lot until the road is upgraded. Mr. Lloyd went over site information to refresh the Board's memory. Mr. Lloyd reminded the Board that the subject property is 2.2 acres only allowed to have one unit. A1A is one acre per dwelling, so 2.2 acres he would be allowed to have 2 dwellings. He's asking for A1A/CUD and the CUD is on there with the restriction that he can't subdivide this property in the future unless this road is upgraded. This is a group development CUD. Mr. Lloyd showed new photos to reflect what the applicant had done as far as cleaning up the property since the last time the Board saw photos. The applicant at the request of staff has cleaned up the subject property. Mr. Lloyd reminded the Board that it has been the policy that under 10 acres when someone requests rezoning that if it's under 10 acres to go with A1A instead of R40.

Mr. Lloyd stated that Brian Daigneault was present to speak in favor.

Mr. McNeill asked Mr. Lloyd if this request is approved and he has the district's approving permit and it's an A1A underlying zoning does that mean that if a manufactured house is used as a second dwelling does it have to be a class "a".

Case P07-22 Continued

Mr. Lloyd stated yes it does.

Mr. McNeill stated that he noticed that one of the reasons for approval is that the A1A district is compatible with the uses in the neighboring district and is a use that could be extended to every property owner in the immediate area, by my count there are 7 lots on Remley Court, if every property owner was extended this same district that would be 14 houses served on a private unpaved street.

Mr. Lloyd stated if all of them were two acres.

Mr. McNeill asked if the staff would feel that way if everyone down there wanted two houses.

Mr. Lloyd stated no.

Mr. McNeill stated that they feel like it is acceptable for 14 dwellings to be served on an unpaved private street.

Mr. Lloyd stated yes, because the ordinance actually reflects that change. Even when we had class "c" back when this was approved dirt streets, we had two houses for all seven lots, if they were large enough. As a matter of fact, back then you could do as many as you wanted if the lot was large enough. With the new ordinance we limited it to two it didn't go up to seven lots but we limited group development to two. So I guess to answer your question, they would give it to anyone else.

Chair McLaurin asked Mr. Daigneault if he understood that if his second dwelling is a manufactured home it has to be a class "a".

Mr. Daigneault stated that he would be building a brand new house. There will be no trailers or anything, a brand new house. Mr. Daigneault also apologized to the Board members for disagreements that they may have had in the past.

Mr. Morris stated that he was amazed that they were having this discussion, 4 years ago the Board said that private dirt roads were a hazard for fire and rescue and now we're discussing someone increasing the number of homes on that road without upgrading that road even to a gravel road. We've even got language in the staff recommendations that allow everybody on that road to do it and we will set that precedence in the area. I'm amazed we're having this discussion because of safety issues regarding fire and rescue.

Mr. Daigneault stated that if it meets zoning than it shouldn't be an issue, if it meets zoning, which it does.

Vice-Chair Epler asked Mr. Lloyd if this was a class "c" street right now and asked how many lots can be served according to the ordinance today on a class "c" private street.

Mr. Lloyd stated four lots.

Vice-Chair Epler stated which would allow more than eight units if everyone in that neighborhood were afforded the same. But because this subdivision was created on this private street prior to our current ordinance those are all legal lots, so they could have fourteen units, but our ordinance today, if someone were creating this subdivision they would only be allowed eight.

Mr. Lloyd said on a dirt road.

Vice-Chair Epler stated that she like Mr. McNeill have a lot of reservations about opening that door for fourteen dwellings units and fourteen families to use that driveway.

Case P07-22 Continued

Mr. Morris stated that it appears by the information here that all the property owners own to the center of that road. So basically we've got general maintenance issues on any private dirt road where the neighbors own to the middle of it and we're creating more volume on that road and open the door for future things. I disagree with the recommendation.

Chair McLaurin asked Mr. Lloyd if the right of way for a class "c" street was 45'.

Mr. Lloyd stated 60' when this was approved.

Chair McLaurin asked who owned the right of way.

Mr. Lloyd stated everybody owns it.

Chair McLaurin stated when it goes to a class "b" it switches over to actual deeded right of way, is that correct.

Mr. Lloyd stated not necessarily, the new standard would be gravel.

Chair McLaurin, but the standard says it still has to be a deeded right of way, off to the center, class "a"?

Mr. Lloyd said it could still be a class "a", but a class "a" is paved and they have a home owners association that would take care of that.

Public Hearing closed.

Mr. McNeill stated that he didn't express as much concern about opening the door on this as I did the staff recommendation, because the staff was a driving force behind the four lot rule that we're under now. I do understand that this particular subdivision predates the change in the ordinance and also I don't believe there's a dwelling on every lot at this point. So in one sense of the word I was being a little satiric, but I do think when you make a statement as staff did about the privilege being extended to everyone that they need to do a little figuring on what that may entail, dwelling wise. Then decide if the recommendations that they made previously on limiting unpaved class "c" streets to four lots, if it's a solid thing. That's the reason I made that point. I would compliment on Mr. Daigneault on the clean up that he's done on this lot. I think that it has been good for the area down there to do that. I hope regardless of the outcome of this case you continue on that route. I don't have a problem with a second dwelling being on this lot to be honest. But, I think that as it is right now, there are some less than class "a" manufactured homes on that street already, in one regard the A1A/CUD offers a little protection for the neighborhood.

Mr. Morris made a motion to deny the staff recommendation for approval, seconded by Vice-Chair Epler. The motion passed unanimously.

MINUTES OF JUNE 19, 2007

This case was presented to the Board on April 17, 2007 and at that time the applicant amended the request to the R40 zoning district. After considerable discussion, including the applicant stating that the NC Department of Transportation (NCDOT) had assumed maintenance of the private street, the Board recommended a deferral in order for Staff to verify the NCDOT's assumption of Remley Court for maintenance purposes or for the applicant to submit an application for a Conditional Use District and Permit (CUD&P) indicating the precise plans for this tract. The applicant agreed to the deferral.

Case P07-22 Continued

Attached to this memorandum is a copy of the letter, dated April 16, 2007, from the NCDOT District Engineer to the applicant; the letter is a denial of the request for the NCDOT to assume maintenance of Remley Court.

The applicant subsequently submitted a CUD&P application restricting any structure on Lot 2 to a minimum of 1,600 square feet, along with a site plan showing two lots. Included with the application is a waiver request for the applicant to be permitted to create an eighth lot on a Class "C" private street.

The Planning & Inspections Staff recommends denial of the R40/Conditional Use District for two lots at this location even though the request is consistent with the Land Use Plan based on the following:

1. Consideration of the R40 district for this tract is arbitrary, not compatible with the uses in the neighboring districts, and is not a use that could be extended to every property owner in the immediate area;
2. Granting the use would not serve a viable public interest;
3. In its present state the subject property cannot meet the ordinance standards;
4. Allowing this use along an un-improved private right-of-way qualifies this request as being unreasonable.

The Planning & Inspections Staff also recommends denial of the Conditional Use Permit based on the following:

1. The use if approved could materially endanger the public safety, in that allowing an excessive number of lots along un-improved streets having no set criteria for maintenance would be prohibitive to emergency response vehicles;
2. In its current state the use cannot meet all required conditions and specifications;
3. The use will not maintain or enhance the value of adjoining or abutting properties and is not a public necessity;
4. The location and character of the use, if developed according to the plan as submitted and recommended, will not be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Land Use Plan and adopted planning policies.
5. The degree of difference in the specific use requested as related to the allowable existing surrounding uses makes this request unreasonable.

Inherent with this recommendation of denial of the rezoning request, the Staff recommends denial of the waiver request to allow an eighth lot on the existing Class "C" private street. The Staff is of the opinion that once the street is upgraded and paved to NCDOT standards, the rezoning application would most likely receive a more favorable recommendation.

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

Mr. Lloyd stated there was one person to speak in favor and no one to speak in opposition.

Case P07-22 Continued

Mr. McNeill, Mr. McLaurin, and Chair Morris had ex parte communication with the petitioner but there was no discussion about the case.

Public Hearing opened.

Brian Daigneault appeared before the Board and Ms. Speicher read a statement that he had prepared. The statement described the maintenance of the dirt street, the adjacent properties and that the petitioner had amended his original request and now only wanted to be approved for two lots. The statement also asked the Board for their approval.

Mr. Barrett asked the petitioner if the evidence presented was what he wrote and if it was authentic.

Mr. Daigneault said it was to the best of his knowledge.

Public Hearing closed.

Chair Morris stated that they have had the discussion about fire and rescue. When you go to eight lots, safe streets need to be provided and adequate for emergency vehicles. If this case is approved the Board would be creating an exception to their own rules.

Mr. McNeill stated that he believed an unpaved road approved today could only accommodate four lots. If a fifth lot is added, gravel is required, and anything above seven lots the road would need to be paved to State standards. Mr. McNeill could not take the position to grant any kind of waiver, because they have worked hard to get the standards to what they are now. Mr. McNeill agrees with the staff recommendations.

Mrs. Epler in response to the written statement Mr. Daigenault provided each Board member at the April 17th meeting, stated that she was employed by Larry King and Associates and does not own that company. Her company did survey, engineer and help construct Lynn Meadows Subdivision (south of the subject property), but Lynn Meadows Subdivision is not like anything that the petitioner is proposing. Mrs. Epler also stated that her work on Lynn Meadows Subdivision had no bearing on her decision as a Board member on the petitioner's case.

A motion was made by Mr. McNeil and seconded by Vice Chair McLaurin to follow the staff recommendations and deny R40/Conditional Use District based on the finding that the Joint Planning Board failed to find that this Conditional Use District application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. Unanimous denial.

Mr. Lloyd stated that there was something left out of the petitioner's statement when it was read. There was a request that if the case was denied would the Board consider a deferral for the petitioner to amend his request again; this time so the Board could consider allowing the applicant approval of two units on one lot and that he agrees to not subdivide the property until the road is upgraded.

Chair Morris stated that the petitioner was asked if the statement was accurate by the County Attorney and the petitioner said that it was. Chair Morris advised that the case would go before the County Commissioners at the next meeting.

MINUTES OF APRIL 17, 2007

Mr. Combs reviewed the site information and stated that staff recommends denial of the R20 zoning district and recommends that the applicant submit for a Conditional Use District and

Case P07-22 Continued

Permit based on the finding that Remley Court is a Class "C" Private Street, in which the Planning & Inspections Staff could ensure through a Conditional Use Permit that the streets are brought up to current standards prior to any subdivision. There are no other suitable zoning districts to be considered for this request.

The Public Hearing opened.

Brian Daigneault addressed the Board in favor of the request. He asked that a written statement be submitted for the file. He advised the Board that NC DOT had just taken over Remley Court and that it would now be a state maintained road. He stated that he further wants to amend his request to R40. He stated his purpose was to place a stick-built home on the extra lot. He further stated that he felt approval of the request would increase property values in the area.

The Public Hearing closed.

Chair Morris asked staff to verify the number of lots served by the existing Remley Court. Staff responded that there were 7 lots. Chair Morris asked if the property lines ran to the middle of the street and if so, how was it possible for the state to take the road? Staff responded that the property lines were accurate as shown and that they had received no verification from NC DOT. Staff further stated that this was a major reason for the staff's request to recommend denial of the original request and for the petitioner submit for a conditional use on the property.

Chair Morris explained the ordinance requirements pertaining to the number of lots served by a class "C" street to the petitioner. He asked Mr. Daigneault if would agree to a deferral for the purpose of verification from NC DOT or to explore an R40 conditional use and permit. Mr. Daigneault agreed to the deferral.

There being no objection, Chair Morris deferred Case P07-22 for 30 days.

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

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

1. APPLICANT/AGENT: Brian Daigneault
2. ADDRESS: 871 Remley Ct. ZIP CODE: _____
3. TELEPHONE: (Home) 427-5892 (Work) _____
4. Location of Property: _____
5. Parcel Identification Number (PIN #) of subject property: 0421-32-7341
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 2.2 ac Frontage: _____ Depth: _____
7. Water Provider: _____
8. Septage Provider: _____
9. Deed Book _____, Page(s) _____, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Residential
11. Proposed use(s) of the property: He will not subdivide the lot

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: A1

TO: (select one)

- ☒ Conditional Use District, with an underlying zoning district of A1A
(Article V)
- ☐ Mixed Use/Conditional Use District (Article VI)
- ☐ Planned Neighborhood District/Conditional Use District (Article VII)
- ☐ Density Development/Conditional Use District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

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

*AIA Zoning w/ Group Development
Cud to put restriction of never
subdividing subject property.*

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

AIA - 2 units

2. DIMENSIONAL REQUIREMENTS:

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

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

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

5. MISCELLANEOUS:

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

6. SITE PLAN REQUIREMENTS:

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

7. ACKNOWLEDGEMENT:

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

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request, not incompatible with existing neighborhood zoning patterns.

In order for the Planning Board to offer a favorable recommendation, and for the Board of Commissioners to approve, any Conditional Use District and Permit they must find from the evidence presented at their respective public hearing that:

- A. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- B. The use meets all required conditions and specifications;
- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- D. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use Plan and adopted planning policies.

I further understand I must voluntarily agree to all conditions proposed for the Conditional Use Permit.

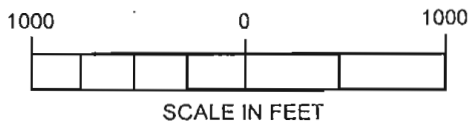
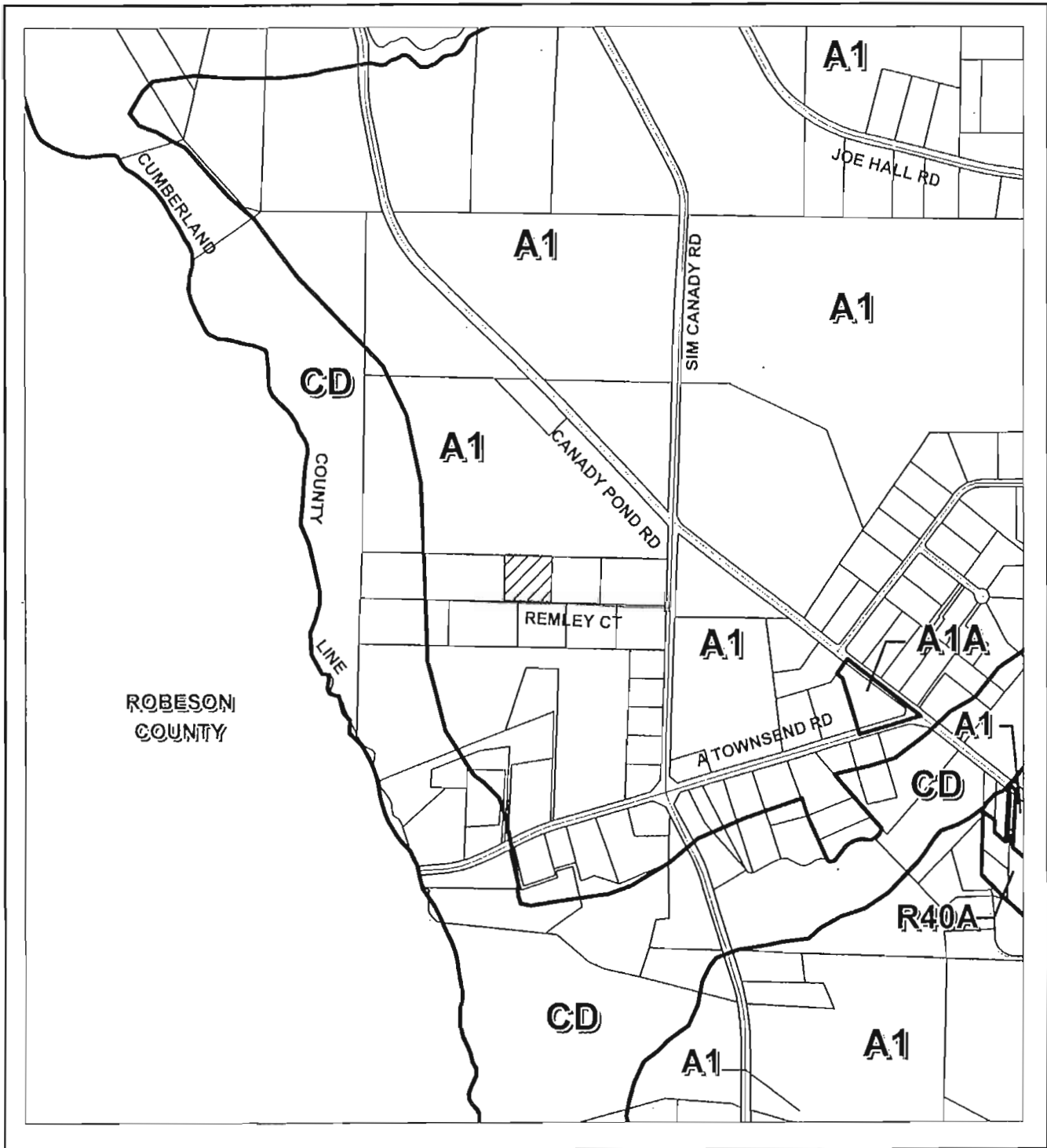
The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

X BRIAN M. DAYNEFULT
NAME OF OWNERS (PRINT OR TYPE)

Y 871 Remley Ct., Hope Mills, NC
ADDRESS OF OWNER(S)

(910) 429-5892
HOME TELEPHONE # WORK TELEPHONE #

YY [Signature] [Signature]
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)



REQUESTED REZONING: A1 TO A1A/CUD

ACREAGE: 2.20 AC.+/-

HEARING NO: P07-22

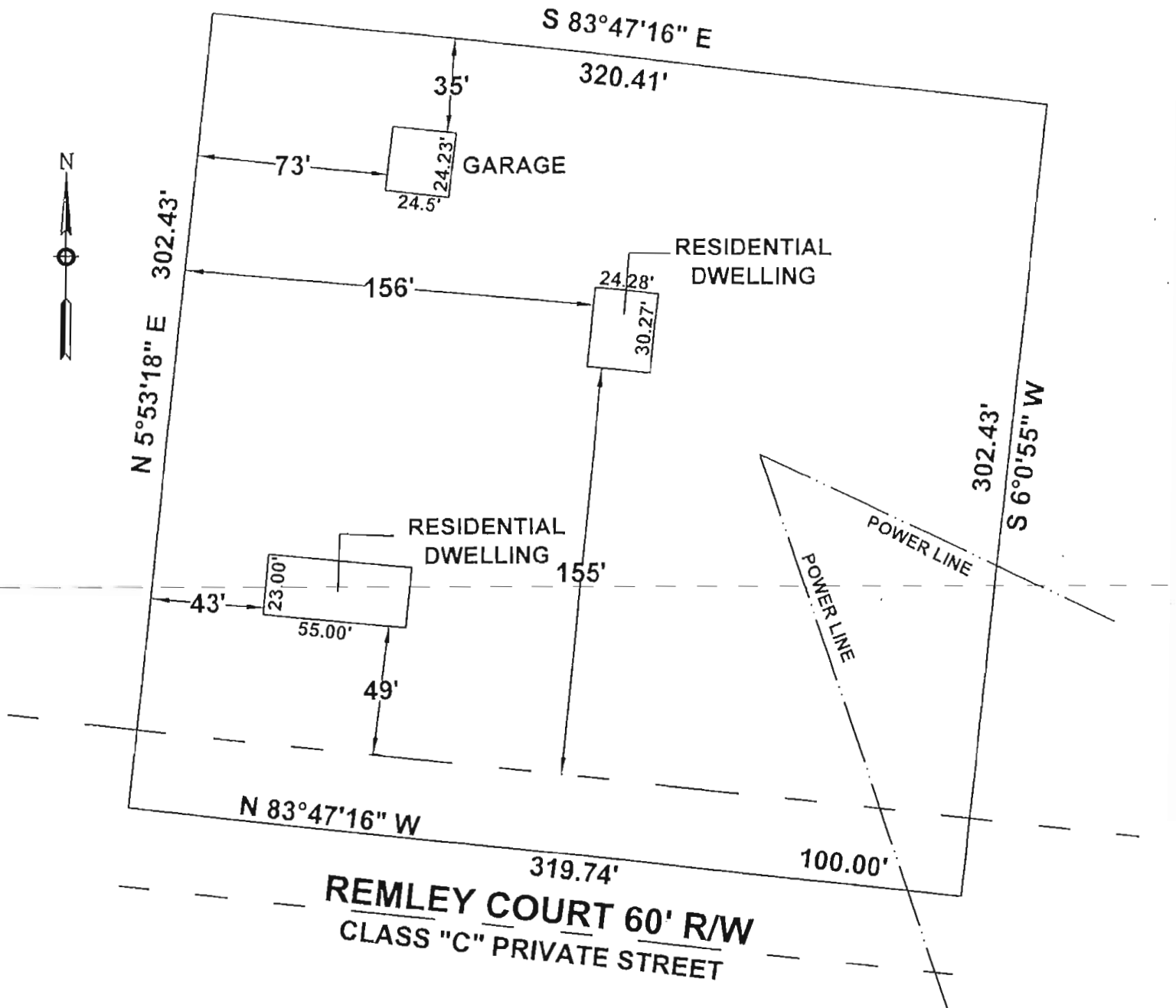
ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD



CONDITIONAL USE PERMIT
 REQUEST: GROUP DEVELOPMENT W/VOLUNTARY RESTRICTION
ON FURTHER DIVIDING THE PROPERTY UNTIL THE
CLASS "C" PRIVATE STREET IS UPGRADED
 CASE: P07-22 ACREAGE: 2.20 ACS +/-
 SCALE: NTS

REV. 8/24/07
 8/27/07
 9/10/07
 9/12/07
 9/13/07

MOTIONS ON CONDITIONAL USE DISTRICT REZONING APPLICATIONS

IF TO APPROVE CONDITIONAL USE DISTRICT:

I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS CONDITIONAL USE DISTRICT APPLICATION IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, AND IN THE PUBLIC INTEREST, AND THAT THE FOLLOWING CONDITIONAL USE(S) BE APPROVED [OR, IN THE ALTERNATIVE, DELETED]:

PLANNING STAFF TO NAME USES TO BE APPROVED OR, IN ALTERNATIVE, DELETED

IF TO DENY CONDITIONAL USE DISTRICT:

I MOVE THAT THE BOARD OF COMMISSIONERS FAILS TO FIND THAT THIS CONDITIONAL USE DISTRICT APPLICATION IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, AND IN THE PUBLIC INTEREST, AND THAT IT THEREFORE BE DENIED.

[***IF CONDITIONAL USE DISTRICT IS DENIED, DO NOT MAKE ANY MOTION ON CONDITIONAL USE PERMIT].

IF TO APPROVE CONDITIONAL USE PERMIT:

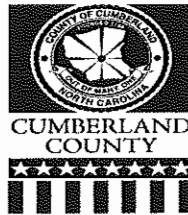
I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS CONDITIONAL USE PERMIT APPLICATION, IF COMPLETED AS PROPOSED AND SUBJECT TO THE CONDITIONS RECOMMENDED BY THE PLANNING BOARD:

- (I) WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH AND SAFETY, AND
- (II) WILL NOT SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY, AND
- (III) WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS TO BE LOCATED, AND
- (IV) WILL BE IN CONFORMITY WITH THE LAND USE PLAN, THOROUGHFARE PLAN OR OTHER PLAN OFFICIALLY ADOPTED BY THE BOARD OF COMMISSIONERS.

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
Patricia Hall,
Town of Hope Mills



COUNTY of CUMBERLAND

Planning and Inspections Department

ITEM NO. 3E

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

OCTOBER 5, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-71: REZONING OF TWO PARCELS TOTALING 7.93 ACRES FROM R6 AND C1(P)/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF ANDREWS ROAD, EAST SIDE OF MCARTHUR ROAD, OWNED BY CREEKWOOD CAR COMPANY, LLC. AND JACQUELINE C. ANDREWS.**

ACTION: THE MEMBERS PRESENT AT THE SEPTEMBER 18, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE C(P) PLANNED COMMERCIAL DISTRICT/CONDITIONAL USE DISTRICT AND PERMIT.

SITE INFORMATION: **Area:** 7.93 acres; **Frontage & Location:** 410 feet on McArthur Road and 150 feet on Andrews Road; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Residential and commercial; **Initial Zoning:** August 21, 1972 (Area 1); **Zoning Violation(s):** None; **Nonconformities:** Yes – If rezoned, the residential structure will become non-conforming. **Surrounding Zoning:** North-R6, M(P), East-RR, PND, R6, South-R6, R6A, C(P), C1(P)/CU, and West-R10, R6, R6A, C1(P), C1(P)/CU; **Surrounding Land Use:** Day care facility, apartments, wholesale business, contracting company, vacant commercial (2), auto parts store, restaurant, barber shop and auto sales, dry cleaning, furniture store, convenience store, electronic store, manufactured home park, single family residential and vacant land; **North Fayetteville Study Area Detailed Land Use Plan:** Low Density Residential, Heavy Commercial and Open Space **Watershed Area:** Yes – watershed application and permit will be required prior to any development; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC; **Soil Limitations:** Yes – JT (Johnston loam); **Subdivisions:** If approved, a site plan review will be required prior to any development; **Military Impact Area:** Yes; **Ft Bragg/Pope AFB:** Pope AFB has no objections to this case; **Highway Plan:** Andrews and McArthur Roads are identified as Major Thoroughfares. Both plans call for a multi-lane facility. Road improvements are not included in the 2007-2013 MTIP (Priority 1); **Average Daily Traffic Count (2004):** 15,000 on McArthur Road and 11,000 on Andrews Road

MINUTES OF SEPTEMBER 18, 2007

The applicants originally submitted an application requesting the C(P) zoning district. After discussion with Planning & Inspection Staff, the applicants amended their request to a C(P)/Conditional Use District, excluding: Bars & Night Clubs, Bingo, Bus Station Activities, Cemetery, Club or Lodge, Kennel Operations, Research Laboratory, allowing for the expansion of the existing mini-warehouse operations and other uses, with the permit being contingent upon staff approval of the site plan per ordinance regulations, to include the County's Water Supply Watershed Management and Protection Ordinance.

Case P07-71 Continued

The applicants have also agreed to exclude from this request that portion of land to the east of the northeastern most point of the existing C(P) to the south of the subject property to the southeastern most point of the subject property tract identified as Parcel Identification Number 0521-60-4650 and following along the eastern boundary of parcel (0521-60-4650).

Considering this amended application, the Planning & Inspections Staff recommends approval of the request based on the following:

1. The request is partially consistent with the 2010 Land Use Plan, which calls for Heavy Commercial along McArthur Road, and Low Density Residential and Open Space for the remaining portion;
2. The amended request protects the general area from encroachment of non-residential uses into the residential areas; and
3. Restriction of some uses allowed within the C(P) district will protect the neighboring properties from seemingly unwanted or "obnoxious" uses within this area.

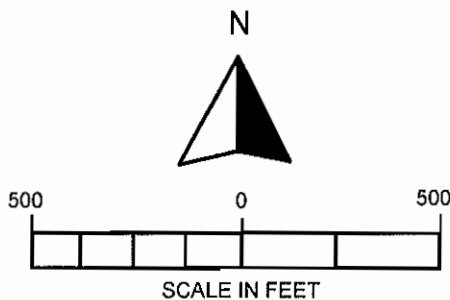
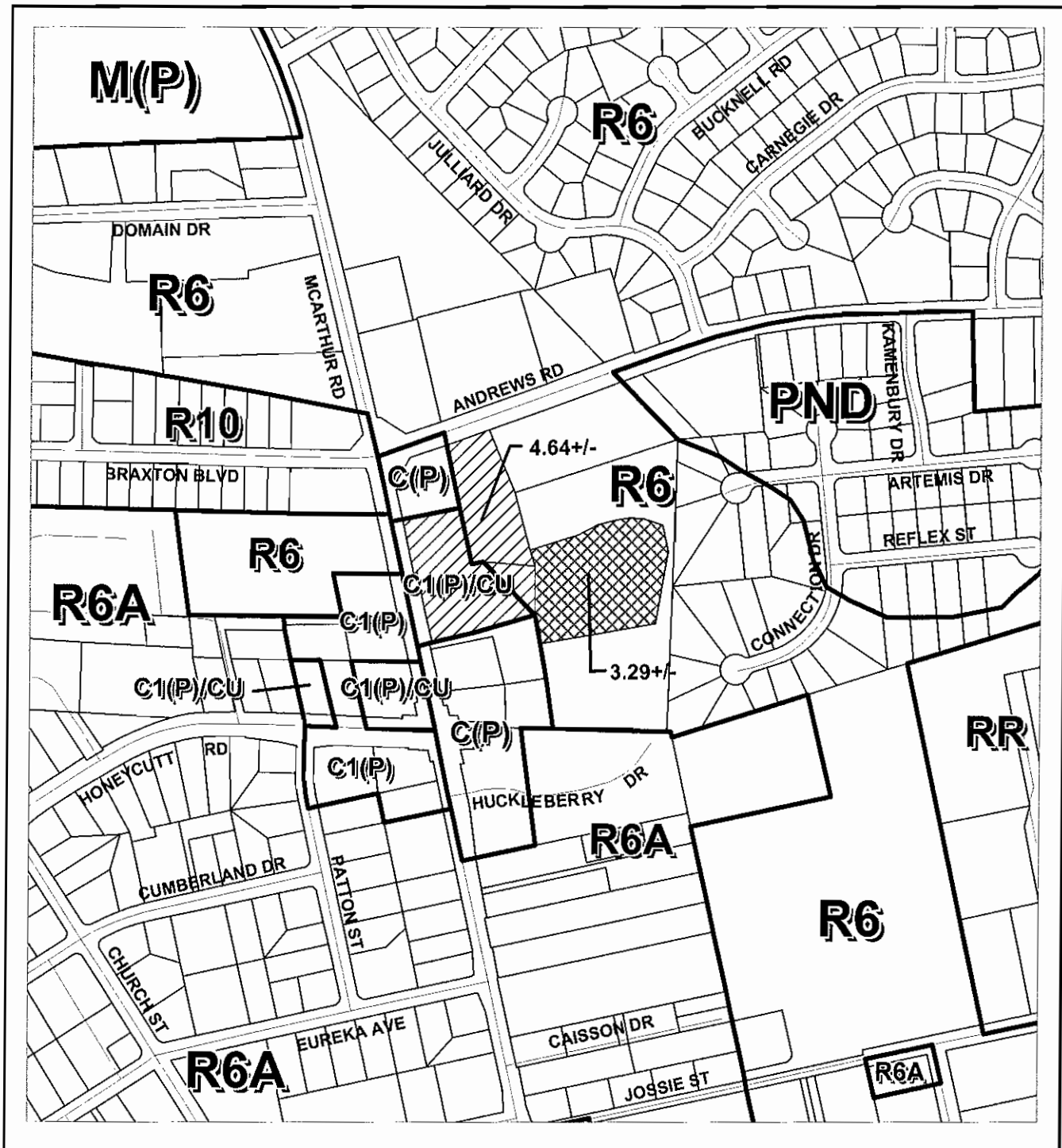
The Planning & Inspections Staff further recommends approval for the Conditional Use Permit based upon:

1. The use will not materially endanger the public health or safety if located according to provisions of the County regulations and recommended in that a site plan review will be required prior to any development of the subject property;
2. The Staff will ensure the use meets all required conditions and specifications prior to issuance of any permits;
3. The use will maintain or enhance the value of adjoining property in that the application specifies the current type of use and prohibit any uses deemed "obnoxious" or unwanted at this location; and
4. The location and character of the use will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use Plan and adopted planning policies.

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

A motion was made by Mr. McNeill and seconded by Mr. Hostetter to follow the staff recommendations and approve C(P)/Conditional Use District because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. The motion passed unanimously.

A motion was made by Mr. McNeill and seconded by Mr. Morris that the Joint Planning Board finds that this Conditional Use Permit Application, if completed as proposed and subject to the conditions recommended by the Planning & Inspections staff (1) Will not materially endanger the public health and safety, and (2) will not substantially injure the value of adjoining or abutting property, and (3) will be in harmony with the area in which it is to be located, and (4) will be in conformity with the Land Use Plan, Thoroughfare Plan or other plan officially adopted by the Board of Commissioners. The motion passed unanimously.



PIN: 0521-60-6335
PIN: 0521-60-4650

REQUESTED REZONING R6 & C1(P)/CU TO C(P)/CUD

ACREAGE: 7.93 AC.+/-

HEARING NO: P07-71

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD



3.29 +/- AC. EXCLUDED FROM REQUEST

AF
8/27/07
9/28/07

APPLICATION FOR
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

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

Submit site plan to Staff for approval and submit for watershed approval

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

N/A

2. DIMENSIONAL REQUIREMENTS:

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

IAW Ordinance

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

IAW Ordinance

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

IAW Ordinance

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

IAW ordinance

- B. Indicate the type of buffering and approximate location, width and setback from the property lines.

IAW ordinance

5. MISCELLANEOUS:

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

IAW ordinance

6. SITE PLAN REQUIREMENTS:

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

7. ACKNOWLEDGEMENT:

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

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request, not incompatible with existing neighborhood zoning patterns.

In order for the Planning Board to offer a favorable recommendation, and for the Board of Commissioners to approve, any Conditional Use District and Permit they must find from the evidence presented at their respective public hearing that:

- A. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- B. The use meets all required conditions and specifications;
- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- D. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use Plan and adopted planning policies.

I further understand I must voluntarily agree to all conditions proposed for the Conditional Use Permit.

The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Jackie C. Anderson

NAME OF OWNERS (PRINT OR TYPE)

1279 Anderson Road Fayetteville NC 28311

ADDRESS OF OWNER(S)

910 488 0819

HOME TELEPHONE #

910 488 3446

WORK TELEPHONE #

Jackie C. Anderson

SIGNATURE OF OWNER(S)

TC

SIGNATURE OF OWNER(S)

BAER & BAER

NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

823 Elm St. Suite 211 Fayetteville NC 28311

ADDRESS OF AGENT, ATTORNEY, APPLICANT

910 988 4452

HOME TELEPHONE #

910 483 8066

WORK TELEPHONE #

[Signature]

SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

Fax 483-7261

- * **ALL record property owners must sign this petition.**
- * **The contents of this application, upon submission, becomes "public record."**

**CUMBERLAND COUNTY ZONING ORDINANCE
FEE SCHEDULE**

REQUESTED ZONING DISTRICTS ¹	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
CONDITIONAL USE DISTRICTS ² RESIDENTIAL DD/CUD	\$500	\$500	\$500	\$500
CONDITIONAL USE DISTRICTS ² NONRESIDENTIAL PND/CUD MXD/CUD	\$700	\$800	\$800	\$800

- 1 If more than one zoning district is requested in the same application, the highest fee for the district requested will apply.
- 2 If a general rezoning is requested and based on recommendations of the Planning Board or County Commissioners, the applicant desires to submit a Conditional Use District and Permit application, the original application fee will be credited towards the Conditional Use District and Permit application fee.

Permitted Uses to be Excluded

Bars & Night Clubs
Bingo
Bus Station Activities
Cemetery
Club or Lodge
Kennel Operations
Laboratory, Research

MOTIONS ON CONDITIONAL USE DISTRICT REZONING APPLICATIONS

IF TO APPROVE CONDITIONAL USE DISTRICT:

I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS CONDITIONAL USE DISTRICT APPLICATION IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, AND IN THE PUBLIC INTEREST, AND THAT THE FOLLOWING CONDITIONAL USE(S) BE APPROVED [OR, IN THE ALTERNATIVE, DELETED]:

PLANNING STAFF TO NAME USES TO BE APPROVED OR, IN ALTERNATIVE, DELETED

IF TO DENY CONDITIONAL USE DISTRICT:

I MOVE THAT THE BOARD OF COMMISSIONERS FAILS TO FIND THAT THIS CONDITIONAL USE DISTRICT APPLICATION IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, AND IN THE PUBLIC INTEREST, AND THAT IT THEREFORE BE DENIED.

[****IF CONDITIONAL USE DISTRICT IS DENIED, DO NOT MAKE ANY MOTION ON CONDITIONAL USE PERMIT].

IF TO APPROVE CONDITIONAL USE PERMIT:

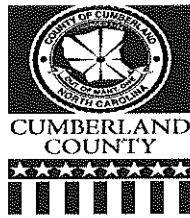
I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS CONDITIONAL USE PERMIT APPLICATION, IF COMPLETED AS PROPOSED AND SUBJECT TO THE CONDITIONS RECOMMENDED BY THE PLANNING BOARD:

- (I) WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH AND SAFETY, AND
- (II) WILL NOT SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY, AND
- (III) WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS TO BE LOCATED, AND
- (IV) WILL BE IN CONFORMITY WITH THE LAND USE PLAN, THOROUGHFARE PLAN OR OTHER PLAN OFFICIALLY ADOPTED BY THE BOARD OF COMMISSIONERS.

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
Patricia Hall,
Town of Hope Mills



COUNTY of CUMBERLAND

Planning and Inspections Department

ITEM NO. 3F

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

OCTOBER 5, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-75: REZONING OF TWO PARCELS TOTALING 11.66 ACRES FROM RR AND C(P) TO C(P)/CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW MINI-WAREHOUSING, RETAIL/OFFICE SPACE, SECOND FLOOR DWELLING UNIT AND CAR WASH OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTH QUADRANT OF ROCKFISH AND CAMDEN ROADS, SUBMITTED BY BRADLEY W. YOUNG, OWNED BY USA STORAGE CENTER LLC.**

ACTION: THE MEMBERS PRESENT AT THE SEPTEMBER 18, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE C(P) PLANNED COMMERCIALDISTRICT/CONDITIONAL USE DISTRICT AND PERMIT .

SITE INFORMATION: **Area:** 11.66 acres; **Frontage & Location:** 540 feet on Camden Road, 412 feet on Rockfish Road, 280 feet on Applegate Road and 441 feet on Deaver Circle; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Mini-storage, mini-mobile storage, car wash, vacant retail structure, and vacant land; **Initial Zoning:** February 3, 1977 (Area 7); **Zoning Violation(s):** No; **Surrounding Zoning:** North-RR, R10, R6A, C(P), Hope Mills town limit-C1(P), East-R6A, town limit-R10, R6A, South-RR, town limit-R10, R6, and West-RR, RR/CU; **Surrounding Land Use:** Churches (4), convenience stores (2), manufactured home park, school, open storage of junk (2), apartment, single family residential and vacant land **2010 Land Use Plan:** Light Commercial and Low and Medium Density Residential; **Municipal Influence Area:** Hope Mills; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC; **Soil Limitations:** None; **Subdivisions:** Recorded recombination plat prior to development permits; **Military Impact Area:** No; **NCDOT:** Turn lanes will be required. **Highway Plan:** Rockfish and Camden Roads are identified as Major Thoroughfares. The Rockfish Road proposal calls for a multi-lane facility (4 lane-divided). Road improvements are not included in the 2007-2013 MTIP. The Camden Road proposal calls for a multi-lane facility with a 100 foot right-of-way. Road improvements are included in the 2007-2013 MTIP. Right-of-Way: Unfunded, Construction: Unfunded; **Average Daily Traffic Count (2004):** 6,700 on Camden Road and 12,000 on Rockfish Road; **Notes: Conditions of the Application:** 1. Proposed Uses: Mini-warehousing (standard and mini-mobile), retail/office space, second floor dwelling unit and car wash. 2. Hours of Operation: Mini-warehousing-24 hours, Office/retail will be standard business hours. 3. Parking: 227 spaces (total). 4. Signage: In accordance with the Zoning Ordinance. 5. Buffering: Chain link fence planted with climbing jasmine vine as in Phase I.

Conditional Use District & Permit

Ordinance-related conditions

P07-75 Continued

1. A recombination plat (also known as: "No Approval Required" or "NAR") must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds prior to application for any development permits for this site and/or prior to the sale of any lot or unit within this development.

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits.
4. The developer must/may have to provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three (3) copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. Landscaping must be provided as shown on the site plan. In addition, all required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs; trees shall be maintained in a vertical position at all times; all planting areas shall be kept free of weeds and debris.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C(P)/CUD zoning district and the conditions of the Permit must be complied with, as applicable. (Note: This conditional approval is not approval of any outside storage of any vehicles, boats, RV's, etc.)
9. This approval is not approval of any freestanding signs; if a freestanding sign is desired, re-submittal to the Land Use Codes Section of a revised site plan showing the location and dimensions of the freestanding sign(s) must be submitted for Staff approval.
10. Because the original NC Department of Transportation (NCDOT) approved driveway was never constructed and the site has increased in size, the developer must obtain a new driveway permit from the NCDOT.

Case P07-75 Continued

11. The NC Department of Transportation (NCDOT) will require turn lanes to be installed. A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
12. The off-street parking must be provided as shown on the site plan. All required off-street parking spaces must be provided as required by the provisions of the County Zoning Ordinance, 75% of which are required to be a minimum of 9' x 20' and surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the *Certificate of Occupancy*. The remaining 25% must remain un-improved and used as "overflow" parking
13. A minimum of two off-street loading spaces(s) must be provided for the retail/office areas shown on the site plan for issuance of the Permit for this Conditional Use District. (Note: Information concerning the location, access to and dimensions of the loading spaces must be provided to the Land Use Codes Section prior to application for any permits.)
14. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
15. A solid buffer must be provided along the entire southern boundary of this site where the subject property is adjacent to residential zoning districts. This buffer must be provided and maintained in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. If fencing is to be used, the developer is required to set the fence back a sufficient width to allow for the proper maintenance and upkeep of the vegetation.
16. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
17. An adequate drainage system must be installed by the developer in accordance with good engineering practices and all drainage ways must be kept clean and free of debris.
18. Fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot.
19. All utilities, except for 25kv or greater electrical lines, must be located underground.
20. The owner/developer is the responsible party to secure and maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
21. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
22. All notes and calculations as shown on the site plan and contained within the application are to be considered as a part of this conditional approval.

Plat-Related:

23. A 10' x 70' sight distance easement is required to be shown on the NAR where Applegate Road intersects with Camden Road.
24. A 25' right-of-way turning radius be provided where Applegate Road intersects with Camden Road
25. "Applegate Road" must be labeled as such on the NAR.

Case P07-75 Continued

26. Dedication of 10 feet of right-of-way and reservation of 15 feet of right-of-way along SR 1003 (Camden Road) and dedication of 10 feet of right-of-way and reservation of five feet of right-of-way along SR 1112 (Rockfish Road) is required and the metes and bounds for both dedication and reservation must be shown on the final plat and/or reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line.
27. The property line must not be reflected in the right-of-way of Applegate Road on the NAR.
28. The right-of-way of Applegate Road must be constructed in accordance with the standards and specifications of the Town of Hope Mills (Section 86-122, Hope Mills Subdivision Ordinance); however, the Planning & Inspections Staff is requesting that since the developer has a gate access to Applegate Road, at the very minimum that portion of Applegate Road be paved from the gate to the intersection with Camden Road.
29. Any/All easements shall be reflected on the NAR and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
30. The NC Department of Transportation (NCDOT) stamp must be affixed to the NAR prior to submission of any phase of this development for NAR approval by Land Use Codes.
31. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the NAR when submitted for final approval.
32. The NAR must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statement:

33. That all structures shall be shown on the NAR or the NAR shall reflect the following statement:

"Nonconforming structures have not been created by this recombination."

MINUTES OF SEPTEMBER 18, 2007

The Planning & Inspections Staff recommends approval of the C(P)/Conditional Use District, with the uses of mini-warehousing, retail/office space, second floor dwelling unit and car wash, excluding all other uses allowed in the C(P) district, based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for Low and Medium Density Residential and Light Commercial, the subject properties are located at an intersection of two Major Thoroughfares; and
2. Consideration of the C(P)/Conditional Use District for this area, is reasonable in that this area is no longer suitable for residential zoning and the proposed uses will serve the immediate neighborhood.

The Planning & Inspection Staff also recommends approval of the Conditional Use Permit based on the following:

Case P07-75 Continued

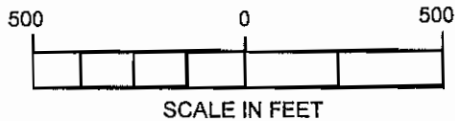
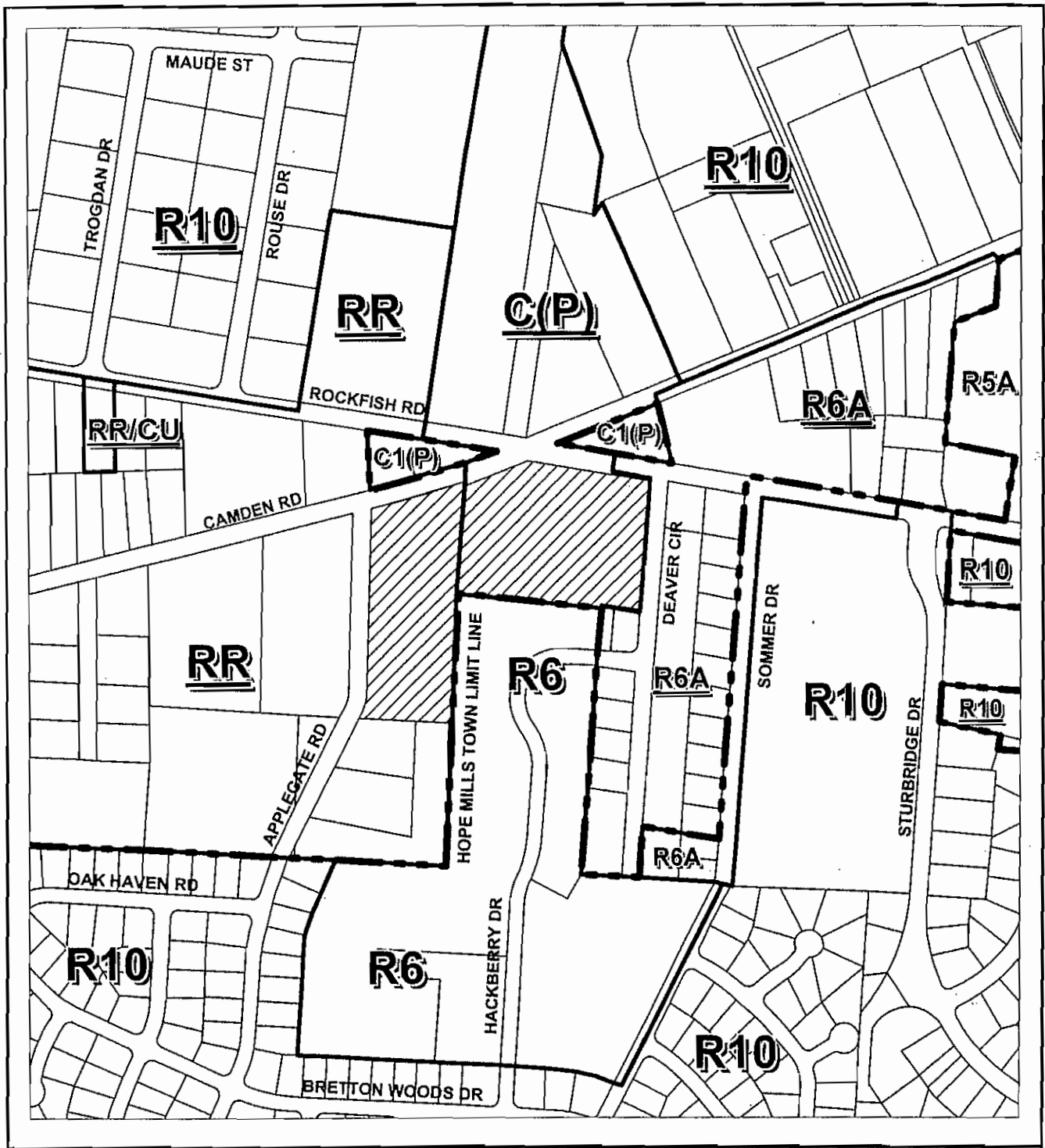
1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended in that the plan layout is providing only one access to the heavily utilized intersection so as to not impede the traffic in the public right-of-way; and
2. The use meets all required conditions and specifications.
3. The use will maintain or enhance the value of adjoining property in that the development is at a location that has continuously been used in contradiction to the ordinances for road side sales, dumping, etc., and the partial upgrading of Applegate Road will provide for a more aesthetically pleasing and usefulness of the right-of-way.
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use Plan and adopted planning policies.

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

Note: The Town of Hope Mills recommends approval of the site plan and the proposed uses because it is now in harmony with the area in which it is located and will comply with the Town's development standards.

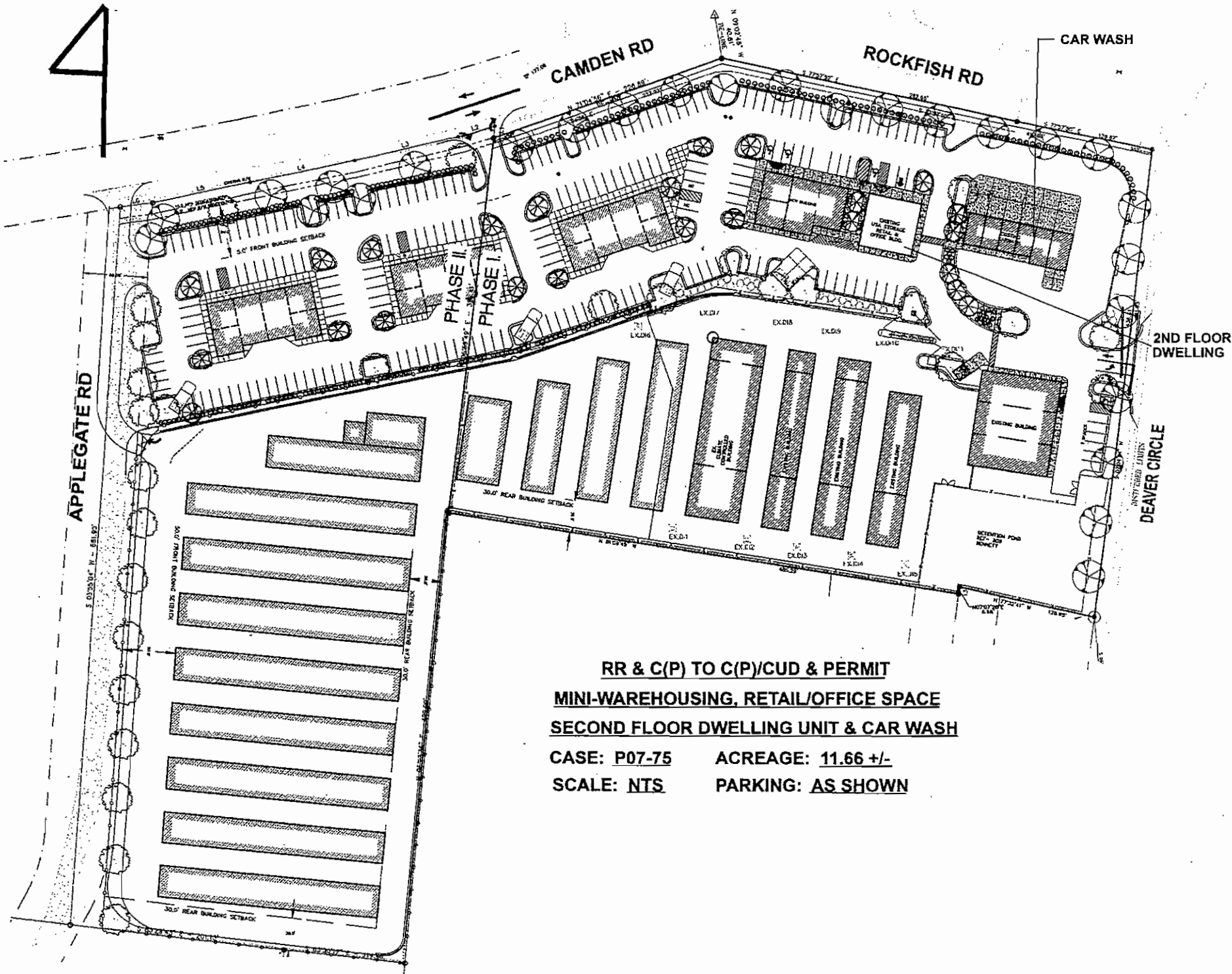
A motion was made by Vice-Chair Epler and seconded by Mrs. Piland to follow the staff recommendations and approve C(P)/Conditional Use District because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest for the uses as set forth in staff memorandum. The motion passed unanimously.

A motion was made by Vice-Chair Epler and seconded by Mrs. Piland that the Joint Planning Board finds that this Conditional Use Permit Application, if completed as proposed and subject to the conditions recommended by the Planning & Inspections staff (1) Will not materially endanger the public health and safety, and (2) will not substantially injure the value of adjoining or abutting property, and (3) will be in harmony with the area in which it is to be located, and (4) will be in conformity with the Land Use Plan, Thoroughfare Plan or other plan officially adopted by the Board of Commissioners. The motion passed unanimously.



REQUESTED REZONING RR & C(P) TO C(P)/CUD

ACREAGE: 11.66 AC.+/-		HEARING NO: P07-75	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			



RR & C(P) TO C(P)/CUD & PERMIT
MINI-WAREHOUSING, RETAIL/OFFICE SPACE
SECOND FLOOR DWELLING UNIT & CAR WASH

CASE: P07-75 ACREAGE: 11.66 +/-
 SCALE: NTS PARKING: AS SHOWN

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

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

1. APPLICANT/AGENT: USA STORAGE CENTER LLC
 2. ADDRESS: HOPE MILLS INC 28348
6463 ROCK FISH ROAD ZIP CODE: 28348
 3. TELEPHONE: FOX
(Home) 910-425-1276 (Work) (910) 423 6464
 4. Location of Property: 4117 CAMDEN RD, HOPE MILLS NC 28348
INTERSECTION OF ROCK FISH RD & CAMDEN RD.
 5. Parcel Identification Number (PIN #) of subject property: 0404 36-7194
(also known as Tax ID Number or Property Tax ID) 0404-46-2367
 6. Acreage: PLUSE 15.5 AC ±
5.08 ± Frontage: 332 ft. Depth: 680 ft.
 7. Water Provider: PWC
 8. Sewer/
Septage Provider: PWC
 9. Deed Book _____, Page(s) _____, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
 10. Existing use of property: RESIDENTIAL (OPEN UNDEVELOPED) R12
 11. Proposed use(s) of the property: STORAGE FACILITY AND
RETAIL/OFFICE SPACE
- NOTE: Be specific and list all intended uses.
12. It is requested that the foregoing property be rezoned FROM: R-12

TO: (select one)

- C(P) Conditional Use District, with an underlying zoning district of _____
(Article V)
- _____ Mixed Use/Conditional Use District (Article VI)
- _____ Planned Neighborhood District/Conditional Use District (Article VII)
- _____ Density Development/Conditional Use District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

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

INSIDE MINI-STORAGE UNITS
RETAIL/OFFICE
OUTSIDE MINI-POD-STORAGE UNITS

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

ACREAGE = 5.81
69 FT RETAIL/OFFICE/STORAGE = 70,300 S.F.
9500 = RETAIL/OFFICE STORAGE = 60,800 S.F.

2. DIMENSIONAL REQUIREMENTS:

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

PROPERTY LINES ARE CALLED OUT ON
THE PLAN AND BUILDING SETBACK ARE SHOWN

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

88 PARKING SPACES ARE SHOWN
2 LOADING SPACES - ASPHALT-CURB & GUTTER

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

SIGN REQUIREMENT PER ORDINANCE
MAXIMUMS

4. LANDSCAPE AND BUFFER REQUIREMENTS:

A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs (Sec. 1102N). NOTE: All required landscaping must be included on the site plan. PHASE II WILL MEET THE CO. LANDSCAPE REQUIREMENTS. PHASE I. TO BE BROUGHT UP TO CURRENT STANDARDS FOR STREET TREES, BUFFER SHRUBS, PARKING LOT SHRUBS, PARKING LOT TREES

B. Indicate the type of buffering and approximate location, width and setback from the property lines.

PROPERTY LINES THAT ABUT RESIDENTIAL WILL HAVE A CHAIN LINK FENCE PLANTED WITH CLIMBING JASMINE VINE AS IN PHASE I

5. MISCELLANEOUS:

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

MINI-STORAGE IS OPEN 24 HOURS
OFFICE/RETAIL WILL BE STANDARD
BUSINESS HOURS.

6. SITE PLAN REQUIREMENTS:

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

7. ACKNOWLEDGEMENT:

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

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request, not incompatible with existing neighborhood zoning patterns.

In order for the Planning Board to offer a favorable recommendation, and for the Board of Commissioners to approve, any Conditional Use District and Permit they must find from the evidence presented at their respective public hearing that:

- A. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- B. The use meets all required conditions and specifications;
- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- D. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use Plan and adopted planning policies.

I further understand I must voluntarily agree to all conditions proposed for the Conditional Use Permit.

The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

✓ VSA Storage Center LLC

NAME OF OWNERS (PRINT OR TYPE)

P.O. Box 234 White Oak NC 28399

ADDRESS OF OWNER(S)

910 866 5267

HOME TELEPHONE #

910 876 7953

WORK TELEPHONE #

VSA Storage Center LLC

[Signature]
SIGNATURE OF OWNER(S)

[Signature]
SIGNATURE OF OWNER(S)

MOTIONS ON CONDITIONAL USE DISTRICT REZONING APPLICATIONS

IF TO APPROVE CONDITIONAL USE DISTRICT:

I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS CONDITIONAL USE DISTRICT APPLICATION IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, AND IN THE PUBLIC INTEREST, AND THAT THE FOLLOWING CONDITIONAL USE(S) BE APPROVED [OR, IN THE ALTERNATIVE, DELETED]:

PLANNING STAFF TO NAME USES TO BE APPROVED OR, IN ALTERNATIVE, DELETED

IF TO DENY CONDITIONAL USE DISTRICT:

I MOVE THAT THE BOARD OF COMMISSIONERS FAILS TO FIND THAT THIS CONDITIONAL USE DISTRICT APPLICATION IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, AND IN THE PUBLIC INTEREST, AND THAT IT THEREFORE BE DENIED.

[**IF CONDITIONAL USE DISTRICT IS DENIED, DO NOT MAKE ANY MOTION ON CONDITIONAL USE PERMIT].**

IF TO APPROVE CONDITIONAL USE PERMIT:

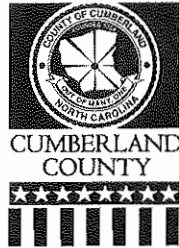
I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS CONDITIONAL USE PERMIT APPLICATION, IF COMPLETED AS PROPOSED AND SUBJECT TO THE CONDITIONS RECOMMENDED BY THE PLANNING BOARD:

- (I) WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH AND SAFETY, AND
- (II) WILL NOT SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY, AND
- (III) WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS TO BE LOCATED, AND
- (IV) WILL BE IN CONFORMITY WITH THE LAND USE PLAN, THOROUGHFARE PLAN OR OTHER PLAN OFFICIALLY ADOPTED BY THE BOARD OF COMMISSIONERS.

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

JEANNETTE M. COUNCIL
JOHN T. HENLEY, JR.
BILLY R. KING
EDWARD G. MELVIN
DIANE WHEATLEY



BOARD OF COMMISSIONERS

5th Floor, New Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7771 • Fax: (910) 678-7770

ITEM NO. 4

MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

September 28, 2007

AGENDA ITEM FOR THE OCTOBER 15, 2007 MEETING

TO: Board of Commissioners

FROM: Marsha Fogle, Clerk

RE: Validation of BRAC Regional Task Force Members

BACKGROUND: An e-mail (attached) from John Bellamy requests that the County validate our county and municipal representatives on this Task Force. Historically, the Chairman of the Board has been the county representative, with the County Manager designated as the alternate. The Task Force has asked us to validate our appointees prior to its October 19 meeting, at which it will be electing officers.

NOTE: Mayor Tony Chavonne has been the municipal representative with Mayor Ethel Clark designated as the alternate. The Mayor's office has contacted the other municipalities and they have confirmed their approval for the Mayor of Fayetteville and the Mayor of Spring Lake to continue to represent them on the BRAC Regional Task Force.

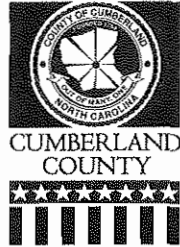
ACTION: Designate the county's representative (Chairman), 2 alternates (the county manager and the deputy county manager) and the municipalities representatives, the Mayor of the City of Fayetteville and the Mayor of the Town of Spring Lake (alternate).

Attachment

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

JEANNETTE M. COUNCIL
JOHN T. HENLEY, JR.
BILLY R. KING
EDWARD G. MELVIN
DIANE WHEATLEY



BOARD OF COMMISSIONERS

5th Floor, New Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7771 • Fax: (910) 678-7770

ITEM NO. 5

MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

October 5, 2007

October 15, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Cape Fear Valley Health System Board of Trustees Vacancy (1)

The Cape Fear Valley Health System Board of Trustees will have the following vacancy on January 1, 2008:

Medical Doctor:

Dr. Rakesh Gupta – Completing second term and he is not eligible for reappointment; however, because of the recent conversion of the hospital system and the resignation of the CEO, it has been suggested that Dr. Gupta's term be extended in order to maintain continuity on the Board. Dr. Gupta currently serves as President of the Hospital Board of Trustees. The Hospital is currently in the midst of searching for a new CEO and it is felt that it would be in the best interest of the Hospital System to extend Dr. Gupta's term.

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

PROPOSED ACTION: Consider approval of an extension of Dr. Gupta's term in order to fill the vacancy (1).

Attachments

pc: Joyce Korzen, Interim Chief Executive Officer

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CAPE FEAR VALLEY HEALTH SYSTEM
BOARD OF TRUSTEES

01/07

3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Medical Society Rep.</u>				
Dr. Sanjay Shah, MD Sandhills Nephrology & Internal Med 1218 Walter Reed Road Fayetteville, NC 28304 323-1671	01/07			
<u>Chief of Staff</u>				
Dr. Rueben Rivers, MD Cumberland Internal Medicine 1314 Medical Dr., Suite 102 Fayetteville, NC 28304 323-2503	10/06			
<u>Chief Elect</u>				
Dr. David Schutzer, MD Highland OB/GYN, P.A. 911 Hay Street Fayetteville, NC 28305 485-1191	10/06			
<u>Medical Doctor</u>				
Dr. Rakesh Gupta (co. appointee) 1880 Quiet Cove Fayetteville, NC 28304 323-2477(W)	12/04	2nd	Jan/08 1/1/08	No
Dr. Dickson Schaefer (co. appointee) 3308 Melrose Road Fayetteville, NC 28304 484-3114	12/05	1st full	Jan/09 1/1/09	Yes
<u>R.N. Position</u>				
Katheryn Jenifer (W/F) 4608 Hoe Court Fayetteville, NC 28314 (term changed from 9/07 to 1/08 – see file) 487-9707/485-0555(W)	9/04	2nd	Jan/08 1/31/08	No
Mary G. Buie(W/F) (co. appointee) 2623 Westchester Drive Fayetteville, NC 28303 484-0898	01/04	2 nd	Jan/10 1/31/10	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>General Public (6)</u>				
Alice Stephenson (co. appointee) 464 Kingsford Road Fayetteville, NC 28314 864-2062/483-5009(W)	8/03	2 nd	Jan /10 1/31/10	No
Emmett Fogle (W/M) P.O. Box 278 Stedman, NC 28391 483-9579	12/05	2nd	Jan/09 1/1/09	No
Dr. Dudley Miller (/M) (co. appointee) 411 Forest Lake Road Fayetteville, NC 28305 484-8165	1/07	1 st	Jan/10 1/31/10	Yes
Ralph Mitchell (B/M) (co. appointee) 3149 Sids Mill Road Fayetteville, NC 28301 (term changed from 9/08 to 1/09 – see file) 485-7907/483-4116(W)	8/05	2nd	Jan/09 1/31/09	No
Don Porter (/M) (co. appointee) 1994 Penrose Drive Fayetteville, NC 28304 875-6113	1/07	1 st	Jan/10 1/31/10	Yes
Dr. John Griffin, Jr. (co. appointee) 3481 Thamesford Road Fayetteville, NC 28311 630-4346	12/04	1st	Jan/08 1/1/08	Yes

County Commissioners (7)

James Martin, County Manager - ex officio non-voting member (7/28/87)

Contact: Joyce Korzen, Interim Chief Executive officer

Regular Meeting: Last Wednesday of each month
Dinner at 6:15 PM
Meeting held in the Board Room - 7:00 PM

*Five (5) additional positions added to the board in December 1999 (2 Doctors, 1 Nurse and 2 General Public Reps.) Terms were staggered initially.

APPLICANTS FOR
CAPE FEAR VALLEY HEALTH SYSTEM BOARD OF TRUSTEES

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ANDERSON, LARRY D. (AA/M) 7669 WILKINS DRIVE FAYETTEVILLE, NC 28311 488-6099/396-8991 (W)	PASTOR & CHEMICAL BS – PSYCHOLOGY BIOLOGICAL, NUCLEAR, & RADIOLOGICAL DEFENSE INSTRUCTOR	MPA- ENVIRONMENTAL MANAGEMENT
ANDREWS-McCALL, MAXINE (B/F) 5637 MUM CREEK LANE FAYETTEVILLE, NC 28304 423-1727/322-5800 (C)	RETIRED	DOCTORATE IN EDUC. ADMINISTRATION
BERRY-CABAN, CRISTOBAL S. (H/M) 5739-01 IVANHOE COURT FAYETTEVILLE, NC 28314 (813) 751-3004/907-8844	MEDICAL STATISTICIAN	PhD – URBAN SOCIAL INST. MA – HISTORY & POLITICAL SCIENCE; BA – HISTORY
CHESTNUTT, A. JOHNSON (W/M) 578 MILDEN ROAD FAYETTEVILLE, NC 28314 484-6365/323-1040(W)	ACCOUNTANT	BSBA
FENNER, SHANESSA L. (B/F) 5710-08 IVANHOE COURT FAYETTEVILLE, NC 28314 487-9603/436-4381(W)	PRINCIPAL	BA – ELEM. EDUCATION MA – ELEM. EDUCATION MSA – SCHOOL ADMIN.
HALL, MACKY (W/M) 5420 McRAE STREET HOPE MILLS, NC 28348 424-4375	RETIRED	BS/MASTERS – EDUC. SPECIALIST
HARRIS, GLENDA PRUDIE (B/F) 1874 GOLA DRIVE FAYETTEVILLE, NC 28301 488-2434/630-3041(W)	COMPLIANCE OFFICER	MASTERS –ADMINISTRATION
JOHANNES, ULRICH (W/M) 516 THORNGATE DRIVE FAYETTEVILLE, NC 28303 864-0420/433-1718(W)	ASSOC. NETWORK ADMINISTRATOR	BACHELORS – INFORMATION TECHNOLOGY
LEWIS, BOB (W/M) 3011 BANKHEAD DRIVE FAYETTEVILLE, NC 28306 426-6999	RETIRED EDUCATOR	BS, MASTERS
LEWIS, SHERYL J. (W/F) 3011 BANKHEAD DRIVE FAYETTEVILLE, NC 28306 426-6999	RETIRED EDUCATOR	BA, MA, ED.S.

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
NIJHAWAN, INDER PAL (IA/) 3545 TURNBERRY CIRCLE FAYETTEVILLE, NC 28303 864-0351/672-1618(W)	PROFESSOR FSU	PhD
ROBERTSON, FREDDIE A. (B/M) 2335 ROSEHILL RD FAYETTEVILLE, NC 28301 630-6472/988-9781 (W)	COMPUTER INSTRUCTOR	BS – COMPUTER SCIENCE
SHORTER, FLOYD L. (AA/M) 6438 TOUCHSTONE DRIVE FAYETTEVILLE, NC 28311 822-6403/222-8915 (W) **SERVES ON THE CIVIC CENTER COMMISSION**	COLLEGE ADMINISTRATOR	BS – SCIENCE/ BUS
SPAIN, PHYLLIS M. (B/F) PO BOX 821 SPRING LAKE, NC 28390 484-4726/916-4974(W) **SERVES ON THE MENTAL HEALTH BOARD**	MINISTER/CHAPLAIN	DOCTORATE OF MINISTRY CLINICAL PASTORAL ED.
SUTTON, CARRIE (F) 5422 SUMMER DUCK ROAD FAYETTEVILLE, NC 28314 864-5567/483-7695 (W)	REP – BUSINESS	COLLEGE DEGREE (UNKNOWN)
WATSON, LORA (W/F) 3509 GOLFPVIEW DRIVE HOPE MILLS, NC 28348 485-3558/678-0700 (W) **SERVES ON NURSING HOME ADVISORY BOARD**	PROJECT COORDINATOR OFFICE MANAGER	AS –BUSINESS ADMIN OPERATIONS MGT
WIGGS, CECIL (W/M) 6213 STONEY POINT LOOP FAYETTEVILLE, NC 28306 425-8557	RETIRED SCHOOL TEACHER	MASTERS -EDUCATION

JAMES E. MARTIN
County Manager

JUANITA PILGRIM
Deputy County Manager



ITEM NO. 614

CLIFF SPILLER
Assistant County Manager

AMY H. CANNON
Assistant County Manager


OFFICE OF THE COUNTY MANAGER

5th Floor, New Courthouse • PO Box 1829 • Suite 512, • Fayetteville, North Carolina 28302-1829
(910) 678-7723 / (910) 678-7726 • Fax (910) 678-7717

MEMORANDUM

TO: BOARD OF COMMISSIONERS

THRU: JAMES E. MARTIN, COUNTY MANAGER

FROM: AMY H. CANNON, ASSISTANT COUNTY MANAGER 

DATE: OCTOBER 10, 2007

SUBJECT: CONSIDERATION OF COUNTY PARTICIPATION IN THE
HOPE VI PROJECT

BACKGROUND

The Fayetteville Metropolitan Housing Authority is applying for HOPE VI Grant Funds. These funds will be used to construct over 600 affordable housing units in the Old Wilmington Road neighborhood. Cumberland County and the City of Fayetteville have been asked to make a commitment for the infrastructure needs (water and sewer, street lights, sidewalks, curb & gutters, and streets) for this project in the amount of \$9,360,000.

The plan includes the City and County jointly borrowing the \$9,360,000 pledging the incremental property tax increase from the revitalized district to repay the debt. The proposed allocation of the debt repayment is based upon the relative tax rate of both jurisdictions. Therefore, the County's portion will be 62%, with the City of Fayetteville responsible for the remaining 38%. The County's share of the \$9,360,000 for construction costs is approximately \$5,803,200, with interest adding another \$4,136,456 for a total of \$9,939,656 over a twenty-year period.

County staff met with the City on August 14, 2007 to discuss the project and specifically the financial commitment and the funding percentages. County management expressed concern about the allocation method proposed. We feel that it would be appropriate for the Public Works Commission, the City, and the County to equally share the infrastructure cost of \$9.3M. In fact, the County Manager indicated that he would support making that recommendation. On September 19, 2007, we received information from the City indicating that they considered our recommendation, but they could not endorse this proposal since PWC will derive no tax revenues from the project once it is complete. Additionally, we do have a concern that dedicating 100% of our incremental

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taxes from this area is in conflict with our funding agreement with the schools.

This item was discussed at the Finance Committee meeting on Thursday, October 4, 2007. A copy of the minutes from that meeting is attached.

The committee unanimously recommended that the County commit at least \$3,120,000 to the HOPE VI Project and that our share be contributed up front contingent upon the approval of the FY08 grant application. Additionally, the Committee recommended that additional funding be considered if the Board of Education is willing to waive their share of the incremental property taxes realized from the project up to \$1.9M (50% County and 50% Board of Education). The Board of Education was approached by Management to request consideration of amending our funding agreement. This request will be discussed at the next Board of Education finance committee meeting later this month after information has been provided by the City of Fayetteville.

RECOMMENDATION

It is the recommendation of the Finance Committee that the county commit at least \$3,120,000 to the HOPE VI project and further that our share be contributed up front contingent upon the approval of the FY08 grant application. Funds are available from a combination of undesignated fund balance and one-time funds set aside for capital projects. Additionally, the Committee recommended that additional funding be considered if the Board of Education is willing to waive their share of the incremental property taxes realized from the project up to \$1.9M (50% County and 50% Board of Education)

AHC:cas

/attachment

CUMBERLAND COUNTY FINANCE COMMITTEE
OCTOBER 4, 2007, 8:30AM

DRAFT

PRESENT: Commissioner Jeannette Council – Chair
Commissioner Breeden Blackwell
Commissioner John Henley
Commissioner Kenneth Edge
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Asst. County Manager
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Butch Raynor, Deputy County Attorney
Marsha Fogle, Clerk

1. Approval of Minutes: August 2, 2007

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

2. Review/consideration of a draft sales tax reimbursement agreement on school construction projects

The County Attorney reviewed the agreement noting that if approved the Board of Education would convey school sites to the County in order to enable the County to reclaim sales and use taxes paid by contractors on the school construction projects. The reclaimed taxes would be forwarded back to the school system to be used for other capital building needs and renovation projects. After completion of the construction projects, the County would convey the property back to the school system. This agreement would designate the school system and the county as “co-developers” of identified new school and renovation projects. The School Board as the county’s agent would carry out all phases of any construction or renovation project undertaken pursuant to the Agreement. During this agreement the Board of Education will indemnify, defend and hold harmless the County from and against all claims, suits, actions and proceedings which may be brought arising out of the construction, use, and/or management of any contracts/properties under this agreement.

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

3. Consideration of County participation in the Hope VI Project

BACKGROUND: The Fayetteville Metropolitan Housing Authority is applying for HOPE VI Grant Funds to be used to construct over 600 affordable housing units in the Old Wilmington Road area. The County and the City of Fayetteville have been asked to make a commitment for infrastructure needs (water, sewer, street lights, sidewalks, curb and gutter and streets) for the project in the amount of \$9,360,000. The City proposes that the County fund 62% of the \$9.3 million and the City the remaining 38%. These proportions are based on the property tax rates for the County and the City. Over a twenty-year period, if the County had to borrow the money, the total debt service would be \$9,939,656. County and City staff met on August 14, 2007 to discuss the project and a financial commitment. County management proposed that the City, PWC and the County share in the cost of the project each paying one-third of the cost (\$3.1 million). The City indicated on September 19, 2007 that it could not endorse the County's proposal because PWC would derive no tax revenues from the project once it is complete. So, this issue is being brought to the Finance Committee for its review and consideration and recommendation.

The County Manager stated that funding the County's share up-front would save the County about \$4.1 million in interest costs. Financing the County's portion would require the County to commit general fund dollars in the first eight years in an amount of \$1.6 million, before enhanced property tax revenues would begin to be realized. If the Board of Education does not agree to amend its funding agreement with the County, the revenue available to repay the debt would be reduced by 50%. The Manager said that the County has set aside one-time funds for capital projects such as the Health Department. He noted that some of this money (\$1.6 million) could be used to pay the County's portion of this project up-front. The Manager also noted that if the Board of Education does not agree to forego receiving its portion of the property tax revenues, then the County will have to come up with an additional \$1.4 million to give back to the School System. The Manager indicated his support of county participation in the project and noted the issue is "the amount of our participation".

The Federal Government would put in \$20 million by way of a grant, if the Housing Authority's current application is approved, and the Fayetteville Metropolitan Housing Authority will contribute \$2 million (also federal funds). It is anticipated that the total investment in this project will be approximately \$100,000,000.

The County Manager's recommendation is that the County commit at least \$3,120,000 to the Project contingent upon approval of this grant application which has to be submitted by November 2, 2007, and that the County's share be contributed up front.

Steve Blanchard, PWC, said that PWC is participating in the project by not charging connection fees. He estimated its participation to be about \$5 million. As far as more participation, Mr. Blanchard said he has not had an opportunity to look at the project figures. He said he would need to determine justification for PWC to contribute more.

There was extensive conversation by committee members regarding the County's ability to participate in this Project and how the County could meet this funding request as well as other projects in the County to which a commitment has been made.

County Manager James Martin reiterated his initial recommendation of a 1/3 participation with PWC and the City of Fayetteville. He said he believed that PWC would be a beneficiary of this investment through increased revenues.

Commissioner Henley noted the importance of talking with the School Board regarding this project and how it would affect it in the long term. He said he thought it should participate by agreeing to forego its share of property tax revenue until the County can be made whole from its participation in the project.

Commissioner Edge, Chairman of the Board of Commissioners, noted that infrastructure needs will continue to increase as a result of BRAC. He said the demands for service will increase. He said it would be good if the school system would agree to forego its receipt of the property taxes for awhile, but he said he was not sure that would happen.

MOTION: Commissioner Blackwell moved that it is the recommendation of the Finance Committee that the County commit at least \$3,120,000 to the Hope VI Project and further that our share be contributed up front contingent upon the approval of the grant application. Funds are available from a combination of undesignated fund balance and one-time funds set aside for capital projects. In addition, he directed that county staff and the Board liaison meet with the school staff to see if an agreement could be reached regarding the school system foregoing its share of the incremental property tax revenues realized from this project until the county is made whole for its investment, in order for the County to be able to participate in funding the Hope VI project.

SECOND: Commissioner Henley

SUBSTITUTE

MOTION: Commissioner Henley moved that the Board of Commissioners ask our Board liaison to meet with the School Board and ask them to waive the school system's share of incremental property tax increases realized from this project, so the County could commit up to \$5 million - the School Board would resume receiving its money back once the county is made whole.

SUBSTITUTE MOTION DIES FOR LACK OF A SECOND.

VOTE ON ORIGINAL

MOTION: UNANIMOUS

MOTION: Commissioner Henley moved that the committee recommends that the Commissioners consider additional funding if the School System is willing to forego its share of incremental property tax increases realized from this project until the County is made whole for its additional investment in the project, up to \$1.9 million.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

4. Presentation on new auditing standards by Cherry, Bekaert & Holland, CPA's.

Michelle Thompson reported that SAS requirements will change how Cherry, Bekaert & Holland report its findings to the County. She noted that more of their time will be spent on internal control matters than has previously been required. And, the Board will see more comments regarding internal control issues. Ms. Thompson will discuss this when she makes a report to the Board on the FY07 audit.

MEETING ADJOURNED.



ITEM NO. 6B

COUNTY of CUMBERLAND

Office of the County Attorney

October 8, 2007

MEMORANDUM FOR BOARD OF COMMISSIONERS' MEETING OF OCTOBER 15, 2007

TO: BOARD OF COMMISSIONERS

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY *GRB*

SUBJECT: APPROVAL OF INTERLOCAL AGREEMENT BETWEEN THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS AND CUMBERLAND COUNTY BOARD OF EDUCATION FOR SALES TAX REFUND—GRAY'S CREEK CONVEYANCE

BACKGROUND: At its meeting of October 4, 2007, the Finance Committee unanimously recommended approval of a proposed Interlocal Agreement between the Board of Commissioners and the Board of Education for the County to remit sales tax refunds (as authorized for the County by G.S. 105-164.14(c)) on materials, equipment and supplies used in building the new Gray's Creek school back to the school system for additional capital projects.

The Board of Education would transfer the property to the County during construction. The County would designate the Board of Education as its agent for letting contracts, funding the project within a budget established by the Board of Education and approved by the County, and supervising construction. The Board of Commissioners would designate the school system's Associate Superintendent for Business Operations as a Deputy Finance Officer of the County for the limited purpose of pre-auditing expenditures pursuant to the agreement as required by state law. The Board of Education would provide appropriate insurance, and indemnify the County, against liabilities incurred during construction. The County would promptly apply for and remit to the school system sales tax refunds to be used exclusively to provide supplemental funding for school capital building and renovation projects approved by the County. The County would re-convey the property to the Board of Education at close-out of the project.

RECOMMENDATION: Approve Interlocal Agreement as recommended by the Finance Committee, and authorize the Chairman to sign the Agreement on behalf of the County.

CUMBERLAND COUNTY FINANCE COMMITTEE
OCTOBER 4, 2007, 8:30AM

DRAFT

PRESENT: Commissioner Jeannette Council – Chair
Commissioner Breeden Blackwell
Commissioner John Henley
Commissioner Kenneth Edge
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Asst. County Manager
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Butch Raynor, Deputy County Attorney
Marsha Fogle, Clerk

1. Approval of Minutes: August 2, 2007

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

2. Review/consideration of a draft sales tax reimbursement agreement on school construction projects

The County Attorney reviewed the agreement noting that if approved the Board of Education would convey school sites to the County in order to enable the County to reclaim sales and use taxes paid by contractors on the school construction projects. The reclaimed taxes would be forwarded back to the school system to be used for other capital building needs and renovation projects. After completion of the construction projects, the County would convey the property back to the school system. This agreement would designate the school system and the county as “co-developers” of identified new school and renovation projects. The School Board as the county’s agent would carry out all phases of any construction or renovation project undertaken pursuant to the Agreement. During this agreement the Board of Education will indemnify, defend and hold harmless the County from and against all claims, suits, actions and proceedings which may be brought arising out of the construction, use, and/or management of any contracts/properties under this agreement.

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

3. Consideration of County participation in the Hope VI Project

BACKGROUND: The Fayetteville Metropolitan Housing Authority is applying for HOPE VI Grant Funds to be used to construct over 600 affordable housing units in the Old Wilmington Road area. The County and the City of Fayetteville have been asked to make a commitment for infrastructure needs (water, sewer, street lights, sidewalks, curb and gutter and streets) for the project in the amount of \$9,360,000. The City proposes that the County fund 62% of the \$9.3 million and the City the remaining 38%. These proportions are based on the property tax rates for the County and the City. Over a twenty-year period, if the County had to borrow the money, the total debt service would be \$9,939,656. County and City staff met on August 14, 2007 to discuss the project and a financial commitment. County management proposed that the City, PWC and the County share in the cost of the project each paying one-third of the cost (\$3.1 million). The City indicated on September 19, 2007 that it could not endorse the County's proposal because PWC would derive no tax revenues from the project once it is complete. So, this issue is being brought to the Finance Committee for its review and consideration and recommendation.

The County Manager stated that funding the County's share up-front would save the County about \$4.1 million in interest costs. Financing the County's portion would require the County to commit general fund dollars in the first eight years in an amount of \$1.6 million, before enhanced property tax revenues would begin to be realized. If the Board of Education does not agree to amend its funding agreement with the County, the revenue available to repay the debt would be reduced by 50%. The Manager said that the County has set aside one-time funds for capital projects such as the Health Department. He noted that some of this money (\$1.6 million) could be used to pay the County's portion of this project up-front. The Manager also noted that if the Board of Education does not agree to forego receiving its portion of the property tax revenues, then the County will have to come up with an additional \$1.4 million to give back to the School System. The Manager indicated his support of county participation in the project and noted the issue is "the amount of our participation".

The Federal Government would put in \$20 million by way of a grant, if the Housing Authority's current application is approved, and the Fayetteville Metropolitan Housing Authority will contribute \$2 million (also federal funds). It is anticipated that the total investment in this project will be approximately \$100,000,000.

The County Manager's recommendation is that the County commit at least \$3,120,000 to the Project contingent upon approval of this grant application which has to be submitted by November 2, 2007, and that the County's share be contributed up front.

Steve Blanchard, PWC, said that PWC is participating in the project by not charging connection fees. He estimated its participation to be about \$5 million. As far as more participation, Mr. Blanchard said he has not had an opportunity to look at the project figures. He said he would need to determine justification for PWC to contribute more.

There was extensive conversation by committee members regarding the County's ability to participate in this Project and how the County could meet this funding request as well as other projects in the County to which a commitment has been made.

County Manager James Martin reiterated his initial recommendation of a 1/3 participation with PWC and the City of Fayetteville. He said he believed that PWC would be a beneficiary of this investment through increased revenues.

Commissioner Henley noted the importance of talking with the School Board regarding this project and how it would affect it in the long term. He said he thought it should participate by agreeing to forego its share of property tax revenue until the County can be made whole from its participation in the project.

Commissioner Edge, Chairman of the Board of Commissioners, noted that infrastructure needs will continue to increase as a result of BRAC. He said the demands for service will increase. He said it would be good if the school system would agree to forego its receipt of the property taxes for awhile, but he said he was not sure that would happen.

MOTION: Commissioner Blackwell moved that it is the recommendation of the Finance Committee that the County commit at least \$3,120,000 to the Hope VI Project and further that our share be contributed up front contingent upon the approval of the grant application. Funds are available from a combination of undesignated fund balance and one-time funds set aside for capital projects. In addition, he directed that county staff and the Board liaison meet with the school staff to see if an agreement could be reached regarding the school system foregoing its share of the incremental property tax revenues realized from this project until the county is made whole for its investment, in order for the County to be able to participate in funding the Hope VI project.

SECOND: Commissioner Henley

SUBSTITUTE

MOTION: Commissioner Henley moved that the Board of Commissioners ask our Board liaison to meet with the School Board and ask them to waive the school system's share of incremental property tax increases realized from this project, so the County could commit up to \$5 million - the School Board would resume receiving its money back once the county is made whole.

SUBSTITUTE MOTION DIES FOR LACK OF A SECOND.

VOTE ON ORIGINAL

MOTION: UNANIMOUS

MOTION: Commissioner Henley moved that the committee recommends that the Commissioners consider additional funding if the School System is willing to forego its share of incremental property tax increases realized from this project until the County is made whole for its additional investment in the project, up to \$1.9 million.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

4. Presentation on new auditing standards by Cherry, Bekaert & Holland, CPA's.

Michelle Thompson reported that SAS requirements will change how Cherry, Bekaert & Holland report its findings to the County. She noted that more of their time will be spent on internal control matters than has previously been required. And, the Board will see more comments regarding internal control issues. Ms. Thompson will discuss this when she makes a report to the Board on the FY07 audit.

MEETING ADJOURNED.

**NORTH CAROLINA
CUMBERLAND COUNTY**

SALES TAX AGREEMENT

THIS AGREEMENT (hereinafter called "Agreement") is made and entered into this _____ day of October, 2007 by and between Cumberland County (hereinafter called "County") and the Cumberland County Board of Education (hereinafter called "Board").

WITNESSETH:

WHEREAS, the Board has substantial need for new and/or improved buildings and equipment, and

WHEREAS, it is the intent of the County to assist the Board in obtaining these buildings and equipment within the constraints imposed by limited financial resources, and

WHEREAS, the County and Board shall cooperate to allow the Board to develop new school and renovation projects mutually identified in writing by the parties from time to time, and

WHEREAS, the County and the Board seek to cooperate to provide for the construction and/or renovation of schools facilities, and

WHEREAS, as part of the development of construction and/or renovation projects to be identified jointly by the Board and the County, the Board shall convey identified school sites to the County in order to enable the County to *reclaim sales and use taxes paid by the various* contractors and vendors on equipment and materials used in such construction or renovation projects at such sites, and

WHEREAS, the County shall transfer the school sites back to the Board after close out of the identified projects as provided herein, and

WHEREAS, the County desires to designate the Board as its agent to carry out the construction projects, and the Board is willing to accept the appointment pursuant to the terms of this Agreement, and

WHEREAS, as part of construction and/or renovation of the projects, the County shall appropriate funding to the Board to be applied by the Board exclusively for construction and/or renovation of the identified projects, and

WHEREAS, the County is authorized pursuant to N.C.G.S. §105-164.14(c) to reclaim sales and use taxes paid to the State of North Carolina; to acquire real and personal property for the use by the Board pursuant to N.C.G.S. §153A-158.1; and to construct, equip, expand, improve, and renovate property for use by the Board, and

WHEREAS, the County intends to claim the sales and use tax refunds on the construction projects and appropriate the same to the Board as supplemental funding for school capital building and renovation projects approved by the County, and

WHEREAS, the County and Board are authorized to enter into an Interlocal Agreement pursuant to N.C.G.S. §160A-461 *et seq.*

NOW, THEREFORE, for and in consideration of the mutual promises contained herein, the parties agree as follows:

1. Agency Created:

The County irrevocably appoints the Board as its sole agent to carry out all phases of any construction or renovation project undertaken pursuant to this Agreement. The Board, as the County's agent, assumes all of the County's rights, duties, and responsibilities regarding any construction or renovation project undertaken pursuant to this Agreement. Notwithstanding previous arrangements, this Agency shall govern all phases of any construction or renovation project undertaken pursuant to this Agreement.

- (a) Negotiate and Execute Contracts. The Board, as agent for the County, shall have the sole and exclusive authority to negotiate and execute on behalf and in the name of the County all contracts for the construction and/or renovation of school sites undertaken pursuant to this Agreement, as long as the funds to be expended pursuant to those contracts are within the project budget established by the Board and approved by the County.
- (b) Supervise Construction and Renovation Projects. The Board, as agent for the County, shall be solely responsible for carrying out the construction and/or renovation projects, and the Board shall have all rights to supervise the

construction and renovation projects. The County shall have no supervisory authority for the construction and renovation projects.

- (c) Administer Contracts. The Board, as agent for the County, shall issue any required purchase orders and pre-audit certification for the identified projects. The Board shall have authority to approve and enter into any change orders for any and all identified projects as long as the funds are within the project budget established by the Board and approved by the County. The Board shall have exclusive control of the content of such contracts. The Board shall act as the County's designated agent for administering the contracts, and all contracts shall comply with the public bid and procurement laws, and any other State laws applicable to either the Board or the County. The Board shall ensure that all contractors provide applicable sales and use tax certificates. The Board shall approve all requests for payment and pay the contractors from the funds appropriated by the County.
- (d) Enforce Contracts. The Board shall have the right to enforce in its own name or in the County's name such purchase orders, contracts at law or in equity, or change orders entered into in the County's name or the Board's name for the identified construction and renovation projects.
- (e) Pre-Audit Certification. The County hereby appoints the Associate Superintendent for Business Operations for the Board as a Deputy Finance Officer of the County for the limited purpose of pre-auditing expenditures of the County pursuant to this Agreement as required by State law.

2. Implementation of Agreement:

The County Manager and Superintendent or their designees shall establish policies and procedures to implement this Agreement not inconsistent with the express terms of this Agreement.

3. Property Affected:

The property or properties to which this Agreement applies shall be identified by "Exhibit(s)", i.e., "Exhibit A", "Exhibit B", etc., as attached hereto.

4. Ownership of Property:

The Board shall convey the property or properties identified pursuant to Paragraph 3 as subject to this Agreement to the County on such date or dates as are agreed upon in writing by the Superintendent and the County Manager. Conveyance by the Board to the County shall be by special warranty deed. By conveying any such property to the County, the Board specifically warrants that there is or has been at the time of conveyance no environmental condition or hazardous waste on the site which could cause the County to become a responsible party with respect thereto under any state or federal environmental or hazardous waste statute. The County shall retain ownership of the identified site(s) until the project budget has been closed out by the Board. The County shall re-convey the identified school site(s) to the Board within sixty (60) days of the receipt of a written request from the Board after close out of the project for a nominal amount not to exceed one hundred dollars (\$100). Re-conveyance by the County to the Board shall be by special warranty deed.

- (a) Deeds, Easements, Roadway Dedications, and Rights of Way. The Chairperson of the Board and the Chairperson of the County are hereby authorized by the Board and the County, respectively, to execute any deeds, easements, rights of way, and roadway dedications necessary to effectuate the intent of this Agreement and to permit the construction and renovation of such properties as are identified as subject to this Agreement pursuant to Paragraph 2 to proceed expeditiously.

5. Obligations and Rights of the School Board:

Board as Agent. The Board shall act as the County's sole agent for the construction and renovation projects as provided in Paragraph 1 of this Agreement.

- (a) Insurance. The Board shall ensure that the contractors maintain builder's risk and general liability insurance on any identified projects during the construction of any project in amounts, and with such coverages, exceptions and exclusions as shall be approved by the County's Risk Manager. Notwithstanding any provision of this Agreement, the Board shall retain the sole power to control and direct the application and distribution of builder's risk insurance proceeds applicable to any construction and/or renovation project.
- (b) Use of Site(s). During the term of this Agreement, the Board shall have the exclusive rights to possess, use, occupy, and improve any properties identified pursuant to Paragraph 3 as subject to this Agreement for public school purposes,

including, without limitation, the right to conduct surveys, soil borings and other necessary testing upon the property prior to construction, and the right to use, operate, maintain, and repair said property for such public school purposes thereafter until termination as hereinafter provided.

- (c) Indemnity. During the term of this Agreement, the Board shall indemnify, defend and hold harmless the County from and against all claims, suits, actions and proceedings whatsoever which may be brought or instituted on account of, growing out of, occurring from, incident to or resulting from, directly or indirectly, any and all damages, claims, losses, or injuries (including, without limitation, death) to persons or property arising out of (i) the construction, use, and/or management of any contracts and/or properties pursuant to this Agreement, (ii) any environmental condition or hazardous waste, and (iii) the negligent or willful acts and omissions of the Board and those for whom it is legally liable, and all losses, costs, damages and expenses (including, without limitation, reasonable attorney's fees), unless and to the extent such injuries or damages (including, without limitation, death) result from, or are claimed to have resulted from the willful or negligent acts or omissions of the County or those for whom the County is legally liable. Board shall assume, on behalf of the County, and conduct with due diligence and in good faith, the defense of all such claims, suits, actions and proceedings against the County whether or not the Board is joined therein, even if such claims, suits, actions or proceedings be groundless, false or fraudulent, and Board shall bear the costs of all judgments and settlements in connection therewith; provided however, the County may defend or participate in the defense of any or all of such claims, suits, actions or proceedings.

6. **Obligations and Rights of the County:**

- (a) Right to Inspect. The County and their representatives and agents shall have the right to enter upon the site and inspect any identified construction or renovation project from time to time during construction. The County and its representatives and agents shall also have the right to review and inspect any change orders or other contract amendments approved by the School Board or its authorized employees.

- (b) Sales Tax Refunds. The County shall promptly take all steps to obtain the sales and use tax refund with respect to sales tax paid on equipment and materials of the Project from the State of North Carolina, and further, shall, upon request, provide the Board with timely notice of its efforts and receipts. Any sales and use tax refunds received by the County as a result of the construction projects shall be utilized exclusively to provide supplemental funding for school capital building and renovation projects approved by the County. The intent of this Agreement is to provide additional resources for the Board and the County for use in the construction, improvement or maintenance of school buildings.

7. Acceptance:

The Board, for one dollar (\$1.00) and other good and valuable consideration in hand received, does hereby accept the foregoing appointment as agent of the County for the purposes set forth above.

8. Disclaimers of the County:

The Board acknowledges and agrees that no determination as to the fitness or appropriateness of any property for Board's uses or purposes has been made by the County, that the County has not supplied any plans or specifications with respect thereto, and that the County (a) is not a broker or a dealer with respect to the Property, (b) has not made any recommendation, given any advice or taken any other action with respect to (i) the choice of any property or rights relating thereto, or (ii) any action taken or to be taken with respect to any property or rights relating thereto at any stage of Board's use or improvement thereof, (c) has not at any time had physical possession of any property or any component part thereof or made any inspection thereof or any property or rights relating thereto, and (d) has not made any warranty or other representation, express or implied, that any property or rights relating thereto (i) will not result in or cause injury or damage to persons or property, (ii) has been or will be properly designed or constructed or will accomplish the results which Board intends therefor, or (iii) is safe in any manner or respect.

The County makes no express or implied warranty or representation of any kind whatsoever with respect to any property or any part thereof to Board, or as to any other circumstance whatsoever with respect thereto, including but not limited to any warranty or

representation with respect to: the merchantability or the fitness or suitability thereof for any purpose; the design or condition thereof; the safety, workmanship, quality or capacity thereof; compliance thereof with the requirements of any law, rule, specification or contract pertaining thereto; any latent defect; the ability thereof to perform any function; that the funds budgeted by the Board will be sufficient (together with other available funds of Board) to pay the cost of the construction contemplated by the Board at any property; or any other characteristic of any property; it being agreed that all risks relating to any property, its use or improvement thereof or the transactions contemplated hereby are to be borne by Board, and the benefits of any and all implied warranties and representations of the County are hereby waived by Board.

10. Amendment:

This Agreement may not be amended without the mutual written consent of both parties.

11. Consideration:

The County and the Board acknowledge that this Agreement is supported by mutual and adequate consideration.

12. Termination of Agency:

The agency created by Paragraph 1 shall terminate for each property identified pursuant to Paragraph 3 as subject to this Agreement when all construction or repairs and renovations are completed and all payments to contractors are made for the same. The termination of the agency shall not affect the County's obligation to appropriate net sales tax refunds to the Board as required by Paragraph 6. This Agreement shall terminate on June 30, 2018, provided, however, if any identified projects are being constructed or renovated and have not been closed out as of such date, this Agreement shall terminate as of the date the last of such identified projects pending as of June 30, 2018 is closed out.

13. Severability:

If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof. In the event any portion of this Agreement is rendered invalid or unenforceable by a court of competent jurisdiction or by an act of the Legislature, or in the event the Board determines that the County has materially breached the terms of this Agreement, the Board shall have the right to purchase any identified site transferred to the County pursuant to this Agreement from the County for the purchase price of Ten Dollars. The Board shall notify

the County Manager of an occurrence of one the situations noted above, and within forty-five (45) days of the receipt of such notice, the County shall execute and deliver all necessary documents conveying to the Board good and marketable title to the identified sites.

14. Governing Law:

North Carolina law shall govern this Agreement.

15. Register of Deeds:

This Agreement shall be recorded with the Register of Deeds as soon as practicable following its execution.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in their corporate names by their duly authorized officers, all as of the date first above written.

ATTEST:

THE CUMBERLAND COUNTY
BOARD OF EDUCATION

Secretary to the Cumberland County
Board of Education

BY: _____
Chairman

ATTEST:

CUMBERLAND COUNTY
BOARD OF COMMISSIONERS

Clerk

BY: _____
Chairman

APPROVED FOR LEGAL SUFFICIENCY

BY: _____


County Attorney's Office

“EXHIBIT A”

**Attached and made a part hereof by reference
to that certain Sales Tax Agreement dated October ____, 2007,
by and between Cumberland County and Cumberland County Board of Education.**

PROPERTY DESCRIPTION:

**Being all that certain tract or parcel of
land located in the City/Town of Hope
Mills, Grays Creek Township,
Cumberland County, N.C., and consisting
of 16.9 acres.**

SCHOOL PROPERTY NAME:

Grays Creek Middle School

SCHOOL PROPERTY ADDRESS:

**Celebration Drive
Hope Mills, NC**

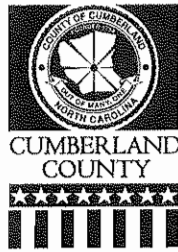
Conveyed by Special Warranty Deed

**dated : _____, and recorded in Deed Book _____, at
Page _____, Cumberland County Registry.**

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

JEANNETTE M. COUNCIL
JOHN T. HENLEY, JR.
BILLY R. KING
EDWARD G. MELVIN
DIANE WHEATLEY



MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

5th Floor, New Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7771 • Fax: (910) 678-7770

October 8, 2007

Agenda Item for October 15, 2007 Meeting

TO: James Martin, County Manager
FROM: Commissioner John T. Henley, Jr.
RE: Agenda Item for October 15, 2007 Meeting

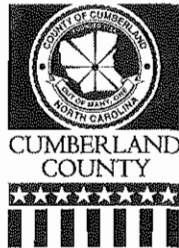
Please agenda the following item for the October 15, 2007 meeting:

Information/Discussion regarding the ¼ Cent Sales Tax Referendum

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

JEANNETTE M. COUNCIL
JOHN T. HENLEY, JR.
BILLY R. KING
EDWARD G. MELVIN
DIANE WHEATLEY



BOARD OF COMMISSIONERS

5th Floor, New Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7771 • Fax: (910) 678-7770

ITEM NO.

BA

MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

October 10, 2007

October 15, 2007 Agenda Item

TO: Board of Commissioners

FROM: Marie Colgan, Deputy Clerk *mc*

SUBJECT: Child Homicide Identification and Prevention (CHIP) Council

The CHIP Council has requested the following changes:

(1) A Representative of the Military Community – LTG Lloyd Austin is unable to serve. The CHIP Council requests that he be replaced with **Tom Hill**.

(2) A Representative of the General Public - **Lois Kirby** (add additional representative)

(3) The CHIP Council has also requested that the category of "A Representative of Cumberland County's Legislative Delegation" be **removed** due to conflict of interest and the following slots be **added** with the noted recommendations:

A Representative of Methodist University School of Social Work - **Mary Deyampert-McCall**

A Representative of the Cumberland County Mental Health Center - **Debbie Jenkins**

A Representative of Health Education - **Wendy Breeden**

A Representative of the Cumberland County Sheriff's Department - **Lynette Hodges**

A Representative of the North Carolina Bar Association - **Joanna Shoher**

A Representative of the Cumberland County School System - **Natasha Scott**

A Representative of the Cumberland Interfaith Hospitality Network - **Denise Giles**

A Representative of Womack Army Medical Center - **Gladys Cartwright**

A Representative of the Local Media - **Charles Broadwell**

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

PROPOSED ACTION: Motion to remove one category and add nine (9) new categories and make nominations to fill the eleven vacancies (11).

Attachments

pc: Dr. Sharon Cooper *Celebrating Our Past... Embracing Our Future*

RECOMMENDED NOMINATIONS FOR CHIP COUNCIL

THE CHIP COUNCIL MET AND VOTED UPON THE FOLLOWING
NOMINATIONS ON 23 AUGUST 2007 (IN ORDER OF PREFERENCE)

A Representative of Methodist University's School of Social Work

MARY DEYAMBERT-MCCALL (former chair of the DSS Board of Directors,
Professor of Social Work at Methodist University)

A Representative of the Cumberland County Mental Health Center

DEBBIE JENKINS (Director, Cumberland County Mental Health and lead researcher in
surveillance tool for prior case analyses)

A Representative of the Military Community

THOMAS HILL (Family Advocacy Program manager for Fort Bragg, North Carolina –
replacement for MG Austin)

A Representative of Health Education

WENDY BREEDEN (Health Educator at Cape Fear Valley Health Care Center)

A Representative of the Cumberland County Sheriff's Department

DETECTIVE SARGEANT LYNETTE HODGES (Cumberland County Sheriff's
Department, Chief investigator in major child abuse crimes)

A Representative of the North Carolina Bar Association

ATTORNEY JOANNA SHOBER (Family law practitioner and a representative of the
North Carolina Bar Association)

A Representative of the Cumberland County School System

NATASHA SCOTT (Social Work supervisor for the Cumberland County School
System)

A Representative of the Cumberland Interfaith Hospitality Network

DENISE GILES (Cumberland Interfaith Hospitality Network)

A Representative of Womack Army Medical Center

GLADYS CARTWRIGHT (Child maltreatment supervisor, Department of Social Work,
Womack Army Medical Center, Fort Bragg, NC)

A Representative of the Local Media

CHARLES BROADWELL (Publisher Fayetteville Observer Times)

A Representative of the General Public

LOIS KIRBY (former member of the Fayetteville City Council)

CHILD HOMICIDE IDENTIFICATION AND PREVENTION (CHIP) COUNCIL

3 Year Term
(1, 2, 3 year initial terms)

<u>Name/Address</u>	<u>Date</u> <u>Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For</u> <u>Reappointment</u>
<u>A Representative of the Medical</u> <u>Community Whose Specialty</u> <u>is Children</u> Dr. Sharon Cooper PO Box 72929 Ft. Bragg, NC 28307-2929 488-9304	05/07			
<u>A Representative of the Business</u> <u>Council Board</u> Chairman (or designee) PO Box 9 Fayetteville, NC 28302 484-4242 x223	05/07			
<u>A Representative of the Military</u> <u>Community</u> LTG Lloyd Austin (or designee) CG, XVIII Airborne Corps 2175 Reilly Road, Stop A Ft. Bragg, NC 28310 396-3111	05/07			
<u>A Representative from District</u> <u>Court</u> Judge Beth Keever PO Box 363 Fayetteville, NC 28302 678-2901	05/07			
<u>A Representative of the</u> <u>Fayetteville Cumberland County</u> <u>Ministerial Association</u> Dr. Allen McLaughlin Cumberland County Ministerial Council 1430 Hoke Loop Road Fayetteville, NC 28314-6489 867-0443	05/07			

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>A Representative of Primary Care</u> Dr. Eugene Wright 101 Robeson Street, Suite 400 Fayetteville, NC 28301 829-1705	05/07			
<u>A Representative of Cumberland County Department of Social Services</u> Director (or designee) Cumberland County Department of Social Services PO Box 2429 Fayetteville, NC 28302 677-2035	05/07			
<u>A Representative of the General Public</u> Louis Hackett 4184 Ferncreek Drive Fayetteville, NC 28314 323-3060/322-5324 (c)	05/07			
<u>A Representative of the Cumberland County Board of Commissioners</u> Commissioner Diane Wheatley Board of Commissioners PO Box 1829 Fayetteville, NC 28302 678-7772				

Contact: Dr. Sharon Cooper – 488-9304
Meetings: 3rd Thursday of each month, 6 pm, Child Advocacy Center – 336 Ray Ave.

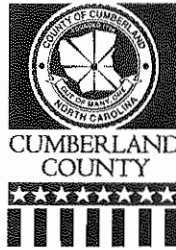
APPLICANTS FOR
CHILD HOMICIDE IDENTIFICATION & PREVENTION COUNCIL

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
EDWARDS, TONEY (B/M) 3622 CLEARWATER DRIVE FAYETTEVILLE, NC 28311 822-4261/864-6262	REAL ESTATE BROKER	PUBLIC ADMIN DEGREE MORTUARY SCIENCE DEGREE
VASILOPOULOS, NATALIE 1833 CAMELOT DRIVE FAYETTEVILLE, NC 28304 425-5116/(828) 467-9300 (C)	HOMEMAKER	BA – CRIMINAL JUSTICE

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

JEANNETTE M. COUNCIL
JOHN T. HENLEY, JR.
BILLY R. KING
EDWARD G. MELVIN
DIANE WHEATLEY



MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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October 3, 2007

October 15, 2007 Agenda Item

TO: Board of Commissioners

FROM: Marie Colgan, Deputy Clerk *mc*

SUBJECT: Cumberland County Home and Community Care Block Grant
Committee Vacancy (1)

The Cumberland County Home and Community Care Block Grant Committee will have the following vacancy effective November 30, 2007:

Civic Representative:

Crystal McNair – completed first term and is eligible for reappointment.

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

PROPOSED ACTION: Make nomination to fill the vacancy (1).

Attachments

pc: Carolyn Tracy, Mid-Carolina Area Agency on Aging

CUMBERLAND COUNTY
HOME AND COMMUNITY CARE BLOCK GRANT COMMITTEE
(PLANNING COMMITTEE FOR AGING SERVICES)
4 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Older Consumer</u>				
Elma Jorgensen 2321 Colgate Drive Fayetteville, NC 28305	1/07	1st	Dec/10 12/31/10	Yes
Janice Lucas P.O. Box 61 Falcon, NC 28342 980-1296	1/07	2nd	Dec/10 12/31/10	No
Mary Mack 5471 Maplewood Fayetteville, NC 28314 (filling an unexpired term) 867-9533	4/07	1 st	April/08 4/30/08	Yes
Edwin Deaver P.O. Box 127 Hope Mills, NC 28348	5/06	1st	May/10 5/31/10	Yes
Edith B. Melvin (B/F) 3016 Piney Mountain Drive Hope Mills, NC 28348 481-9951	4/05	1st	April/09 4/30/09	Yes
Gretta Reese 1721 Bridger Street Fayetteville, NC 28301 488-5909	5/04	2nd	April/08 4/30/08	No
Ethel Hennessee 647 Edgehill Road Fayetteville, NC 28314 (filling an unexpired term) 867-8910	04/07	1st	Dec/07 12/31/07	Yes
Virginia Kelly 615 Regina Avenue Spring Lake, NC 28390 497-0494	12/03	1st	Dec/07 12/31/07	Yes

Home and Community Care Block Grant Committee, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Aging Service Provider</u>				
Karin Simkin Department of Social Services PO Box 2429 Fayetteville, NC 28302-2429	4/05	1st	April/09 4/30/09	Yes
Rosa Crowe PO Box 64526 Fayetteville, NC 28306 (filling an unexpired term) 424-2993	4/07	1 st	April/09 4/30/09	Yes
Sam Hutchison Senior Health Services 101 Robeson Street, Suite 202 Fayetteville, NC 28301	4/05	2nd	April/09 4/30/09	No
Toney McCray Bethel Adult Day Health Care 1065 Progress Street Fayetteville, NC 28306 484-8727	12/03	1st	Dec/07 12/31/07	Yes
Katherine VanSickle CCCCOA, INC. 339 Devers Street Fayetteville, NC 28303 484-0111	1/06	1st	Dec/09 12/31/09	Yes
Tina Dicke Legal Aid of NC PO Box 1268 (filling an unexpired term) Fayetteville, NC 28302	4/07	1st	April/09 4/30/09	Yes
Judy Dawkins RSVP 739 Blue Street Fayetteville, NC 28301 433-1136	1/07	2nd	Dec/10 12/31/10	No
Patricia Edwards Hope Mills Sunshine Center 3226 Davis Street Hope Mills, NC 28348	1/07	2nd	Dec/10 12/31/10	No

Home and Community Care Block Grant Committee, page 3

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Aging Service Provider</u>				
Kristine Wagner (W/F) 130 Gillespie Street Fayetteville, NC 28301 436-0340/678-7624 (W)	1/07	1st	Dec/10 12/31/10	Yes
<u>Civic Representative</u>				
Crystal McNair United Way of Cumberland Co. PO Box 303 Fayetteville, NC 28302-0303	11/03	1st	Nov/07 11/30/07	Yes
<u>Elected Official</u>				
Richard Higgins Town of Spring Lake 1309 Mack Street Spring Lake, NC 28390 497-1027	2/07	1st	Dec/10 12/31/10	Yes
<u>County Representatives</u>				
Amy Cannon Assistant County Manager PO Box 1829 Fayetteville, NC 28302-1829				
Juanita Pilgrim Deputy County Manager PO Box 1829 Fayetteville, NC 28302-1829				

Meets the 3rd Thursday, 2nd month of quarter, at 2 pm at various service providers within county
Contact: Carolyn Tracy – 323-4191 x26; fax # 323-9330

APPLICANTS FOR
HOME AND COMMUNITY CARE BLOCK GRANT COMMITTEE

<u>NAME/ADDRESS/PHONE</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
HAIR, ANTHONY D. (B/M) 6344 MURPHY ROAD STEDMAN, NC 28391 323-9176/592-1575(W)	CONSUMER SOLUTIONS REPRESENTATIVE	BS EDUCATION

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

JEANNETTE M. COUNCIL
JOHN T. HENLEY, JR.
BILLY R. KING
EDWARD G. MELVIN
DIANE WHEATLEY



MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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October 5, 2007

October 15, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Mental Health Board Vacancy (1)

The Mental Health Board has the following vacancy:

Individual with Management or Business Expertise

Mr. Michael Boose has resigned. The Mental Health Board recommends Liliana Parker to fill his unexpired term.

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

PROPOSED ACTION: Make nominations to fill the vacancy (1).

Attachments

pc: Hank Debnam, Mental Health Director



HANK DEBNAM, M.P.H.
AREA DIRECTOR

Telephone: (910) 323-0601
Fax: (910) 323-0096

COUNTY of CUMBERLAND

Mental Health Center

MEMORANDUM

TO: Marie Colgan, Deputy Clerk
Board of Commissioners

FROM: Casie Conrad, Clerk to the Area Board CC

DATE: October 4, 2007

RE: Cumberland County Mental Health, Developmental Disabilities and Substance Abuse
Services Area Board Recommendations for Appointment

At its October 3, 2007 meeting, the Cumberland County Mental Health, Developmental Disabilities and Substance Abuse Services Area Board approved the recommendation of Liliana Parker as a new appointment to fill the position of *Individual with Management or Business Expertise* vacated by Michael Boose.

I would like to request that the nominee be presented to the Commissioners for their consideration at the next County Commissioners' meeting.

If you have any questions, please contact me at 222-6133. Thank you.

cc: Commissioner Diane Wheatley, Area Board Liaison
Commissioner Billy King, Area Board Liaison
Evelyn O. Shaw, Area Board Chair
Hank Debnam, Area Director

MENTAL HEALTH BOARD 12/06
(Cumberland County Area Mental Health, Developmental Disabilities and Substance Abuse Board)
4 Year Term (for current members as of 6-06)
3 Year Term (for members appointed after 6-06)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Licensed Physician</u>				
Dr. Melvin L. Henderson (B/M) 132 Great Oaks Fayetteville, NC 28303 487-9785	11/02	1st	Dec/09 12/31/09	No
<u>Individual with Financial Expertise</u>				
Christopher Bostock (M) 424 Kingsford Road Fayetteville, NC 28314 864-6501/486-0415(W)	12/06	1st	Dec/09 12/31/09	Yes
Willie Cooper, Jr. (B/M) 5599 Ashgrove Drive Fayetteville, NC 28311 488-4037/829-9873 (W)	12/06	1 st	12/09 12/31/09	Yes
<u>Professional Rep. (Psychology, Social Work, Nursing, Religion)</u>				
Rev. Floyd Johnson, Jr. (B/M) 716 Amber Drive Fayetteville, NC 28311 822-0457	12/04	1st	Dec/08 12/31/08	Yes
<u>Representative with a Family Member or from a Citizen's Organization who Advocates for Persons with a Developmental Disability</u>				
Anna F. Finch (W/F) 3 Skye Place Fayetteville, NC 28303 485-1179	12/02	2 nd	Dec/09 12/31/09	No
<u>Drug Abuse Rep. (Family Consumer)</u>				
William H. McDougal (B/M) 661 Country Club Road Fayetteville, NC 28301 488-7311	05/04 to fill unexp. term	1st	Dec/07 12/31/07	Yes
<u>Developmental Disabilities (Family Consumer)</u>				
David Wendelken (/M) 818 Azalea Drive Fayetteville, NC 28301 677-0495/223-2417(W)	06/06	1st	June/10 6/30/10	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Drug Abuse, Primary Consumer, Presently in Recovery</u>				
Gladys Hunt (I/F) 7158 Eagle Spring Drive Hope Mills, NC 28348 425-7409/483-8442(W) Mental Health Board, Page 2	1/06	1st full	Dec/09 12/31/09	Yes
<u>Mental Health Rep. from a Citizens Organization or Primary Consumer</u>				
Luis M. Collazo (H/M) 2051 Merrimac Drive Fayetteville, NC 28314 864-1818/433-1697(W)	12/04	1st	Dec/08 12/31/08	Yes
<u>Mental Health Rep. (Family Consumer)</u>				
Albert Bleakley (W/M) 3018 Ravenhill Drive Fayetteville, NC 28303 484-9406	12/04	2nd	Dec/08 12/31/08	No
<u>Alcoholism (Family Consumer)</u>				
Phyllis M. Spain (B/F) P.O. Box 821 Spring Lake, NC 28390 484-4726/916-4974(W)	06/06 to fill unexp. term	1st	Dec/09 12/31/09	Yes
<u>Alcoholism, Primary Consumer, Presently in Recovery</u>				
Nathan Taylor (B/M) 6819 Mangrove Drive Fayetteville, NC 28314 864-8742	11/04	2nd	Dec/08 12/31/08	No
<u>Individual with Management or Business Expertise</u>				
Michael Boose (W/M) 309 Farley Place Fayetteville, NC 28303 860-3889/486-9292 (W)	12/06	1st	Dec/09 12/31/09	Yes
<u>At Large Members</u>				
Evelyn O. Shaw (B/F) P.O. Box 1195 Fayetteville, NC 28302 488-3562/323-5303	05/04 to fill unexp. term	2 nd	Dec/09 12/31/09	No

Mental Health Board, page 3

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Individual Representing the Interest of Children</u>				
Pam McEvoy (W/F) PO Box 488 Fayetteville, NC 28302-0488 424-0117/486-9700(W)	12/06	1 st	Dec/09 12/31/09	Yes
<u>Openly Declared Consumer with Mental Illness</u>				
Nancy Capps (I/F) 1343 Devonshire Drive Fayetteville, NC 28304	12/02	2 nd	Dec/09 12/31/09	No

County Commissioner (2)* (Voting Members) - Billy R. King and Diane Wheatley
Contact: Hank Debnam, Mental Health Director, Ph # 222-6126, Fax # 323-0096
Meetings: 1st Wednesday of the month at 5:15 PM, 711 Executive Place, Board Room 124.

- Board expanded to 18 members 11-06-02.*
- Board terms changed to 3 year terms as of 6-06

APPLICANTS FOR
MENTAL HEALTH BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BURRISS, JR, CLAYTON OLIVER (C/M) 2026 FOREST HILLS DRIVE FAYETTEVILLE, NC 28303 822-2800	RETIRED DESIGN ENGR	DEGREE IN BUSINESS ADMIN/MGMT MAJOR
CARTER, JAMES M. (W/M) 1212 CASTLEROCK DRIVE FAYETTEVILLE, NC 28304 484-4550/678-9896 (W)	ART-TIME TEACHER MEDIA PRODUCTION	BS - COMMUNICATIONS MINOR IN ART CONTINUING EDUC.
CRAVER, ELYSE H. (W/F) 3606 LAKE SHORE DRIVE HOPE MILLS, NC 28348 425-3667/391-1210(W)	HOSPITAL CONSULTANT & BIOHAZARDOUS WASTE TRAINER	MA – HEALTH EDUCATION
GORE, ERNEST T. (W/M) BENNINGTON RD FAYETTEVILLE, NC 28303 822-5988/891-7062 (W)	CLINICAL DIRECTOR SUBSTANCE ABUSE PROG. COUNSELOR	MS - LICENSED PROF. 2724
HALL, BARBARA M. (W/F) 1305 SKYLINE DRIVE FAYETTEVILLE, NC 28314 495-0603/483-8970 (W)	EXECUTIVE DIRECTOR OF CONTACT	BA – SOCIOLOGY (2007) MS IN HUMAN SVS
MCCUNE, DAVID JR. (W/M) 4801 RESEARCH DRIVE FAYETTEVILLE, NC 28306 297-6034(H)	VICE PRESIDENT MCCUNE TECHNOLOGY	SOME COLLEGE
PARKER, LILIANA C. (W/H/F) P.O. BOX 58064 FAYETTEVILLE, NC 28305 433-0791/551-4611(W)	BUSINESS OWNER	BA MASS COMMUNICATIONS/ JOURNALISM; POST GRAD SOCIAL PROCESSES & PUBLIC OPINION; BUSINESS ADMINISTRATION & MGMT; INTERNATIONAL RELATIONS
SESSOMS, KARLA D . (B/F) 6624 JACOBS CREEK CIR FAYETTEVILLE NC 28306 425-7634(H); 426-2273(W)	RN HOME CAREGIVERS	ASSOC. APPLIED SCIENCE
SHARP, KRISTIN S. (B/F) 3434 LUBBOCK DRIVE HOPE MILLS, NC 28348 323-1046/678-8289(W) **Serves on the Adult Care Home Community Advisory Committee**	COUNSELOR	BS – PSYCHOLOGY MA – COUNSELING MA – HUMAN RESOURCE DEVELOPMENT
SMITH-COAXUM, JANICE(B/F) 617 BROMSWORTH TRAIL FAYETTEVILLE, NC 28311 488-0459/678-7048(W)	RETIRED EDUCATOR ADJUNCT PROFESSOR	Ed.D.-EDUC. LEADERSHIP MA-ADMIN/SUPERVISION MA-ELEM. EDUCATION BS

MENTAL HEALTH BOARD APPLICANTS, PAGE 2

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
VASILOPOULOS, NATALIE 1833 CAMELOT DRIVE FAYETTEVILLE, NC 28304 425-5116/(828) 467-9300 (C)	HOMEMAKER	BA – CRIMINAL JUSTICE
WIGGINS, ALLIE D. (A/F) 5222 BROOKFIELD ROAD FAYETTEVILLE, NC 28303 868-4219/988-4267(CELL) **Serves on the Community Child Protection/Fatality Prevention Team**	RETIRED CLINICAL SOCIAL WORKER	MA – SOCIAL WORK LICENSED CLINICAL SOCIAL WORKER
WIGGS, CECIL (W/M) 6213 STONEY POINT LOOP FAYETTEVILLE, NC 28306 425-8557	RETIRED SCHOOL TEACHER	MASTERS -EDUCATION
WILLIAMS, TYRONE A. (AM/M) THEOLOGY 3311 LAKE BEND DRIVE FAYETTEVILLE, NC 28311 670-9431/480-4841(W)	PRESIDENT, WHF, INC	BS –

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

JEANNETTE M. COUNCIL
JOHN T. HENLEY, JR.
BILLY R. KING
EDWARD G. MELVIN
DIANE WHEATLEY



BOARD OF COMMISSIONERS

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ITEM NO. 8D

MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

October 9, 2007, 2007

October 15, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *mc*
SUBJECT: Transportation Advisory Board Vacancies (8)

The Transportation Advisory Board will have the following vacancies on November 30, 2007:

The following have completed their first term and are eligible for reappointment:

Mid-Carolina Council of Governments Director or Designee: - **Carolyn Tracy**

County DSS Director or Designee: - **Crystal Black**

DSS Work First Representative: - **Ann Farrell**

Workforce Development Center Director or Designee: - **Geneva Mixon**

Aging Programs Representative: - **Katherine VanSickle**

The following have completed their second term and are not eligible for reappointment:

County Health Director or Designee: - Sharon Stanley

County Mental Health Director or Designee: - Densie Lucas

Sheltered Workshop Director - vacant

(The Transportation Board hopes to have a recommendation for these slots prior to the BOC meeting.)

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

PROPOSED ACTION: Make nominations to fill the vacancies (8).

pc: Kristine Wagner, Transportation Program Coordinator
Planning & Inspections Department

Celebrating Our Past... Embracing Our Future

TRANSPORTATION ADVISORY BOARD
2 Year Term
(Staggered 2 & 3 Year Terms Initially)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>City of Fayetteville Representative</u>				
Victor Sharpe Community Development Director City of Fayetteville 433 Hay Street Fayetteville, NC 28301 433-1601	11/06	2nd	Nov/08 11/30/08	No
<u>Urban Transit Provider Representative</u>				
Vacant (not required by State)				
<u>Mid-Carolina Council of Governments Director or Designee</u>				
Carolyn Tracy Mid-Carolina Council of Governments P.O. Box 1510 Fayetteville, North Carolina 28302-1510	11/05	1st	Nov/07 11/30/07	Yes
<u>County DSS Director or Designee</u>				
Crystal Black Cumberland County DSS P.O. Box 2429 Fayetteville, North Carolina 28302-2429	11/05	1st	Nov/07 11/30/07	Yes
<u>DSS Work First Representative</u>				
Ann Farrell Cumberland County DSS P.O. Box 2429 Fayetteville, North Carolina 28302-2429	11/05	1st	Nov/07 11/30/07	Yes
<u>Workforce Development Center Director or Designee</u>				
Geneva Mixon Workforce Development Center 410 Ray Avenue Fayetteville, North Carolina 28301	11/05	1st	Nov/07 11/30/07	Yes
<u>Vocational Rehab Representative</u>				
Tammy Jackson Vocational Rehab – Independent Living 1200 Fairmont Court Fayetteville, NC 28304 486-1717	11/06	1 st	Nov/08 11/30/08	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Sheltered Workshop Director or Designee</u>				
Vacant				
<u>Aging Programs Representative</u>				
Katherine VanSickle	11/05	1st	Nov/07	Yes
Cumberland County Coordinating Council On Older Adults			11/30/07	
339 Devers Street				
Fayetteville, North Carolina 28303				
<u>County Mental Health Director or Designee</u>				
Densie Lucas	11/06	2nd	Nov/07	No
CC Area Mental Health Center			11/30/07	
109 Bradford Avenue				
Fayetteville, North Carolina 28301-5496				
323-0601(W)				
<u>Emergency Medical Services Representative</u>				
Wally Ainsworth	11/06	2nd	Nov/08	No
Cumberland County EMS			11/30/08	
610 Gillespie Street				
Fayetteville, North Carolina 28306				
609-5600 (W)				
<u>County Representative</u>				
Juanita Pilgrim	12/02	2nd	N/A	No
Deputy County Manager				
P.O. Box 1829				
Fayetteville, North Carolina 28302-1829				
<u>County Planning Department Director or Designee</u>				
Tom Lloyd	11/06	2nd	Nov/08	No
Cumberland County Planning Department			11/30/08	
P.O. Box 1829				
Fayetteville, North Carolina 28302-1829				
<u>County Health Director or Designee</u>				
Sharon Stanley	11/05	2nd	Nov/07	No
Cumberland County Health Dept.			11/30/07	
227 Fountainhead Lane				
Fayetteville, North Carolina 28301				

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>At-Large Representatives</u>				
Charles Luther, Jr. LaFayette Council of the Blind 1509 Cardiff Drive Fayetteville, NC 28304 867-5554	11/06	1 st	Nov/08 11/30/08	Yes
Dianne Grumelot Cumberland County Schools 1014 Gillespie Street Fayetteville, North Carolina 28306 678-2586	11/06	1 st	Nov/08 11/30/08	Yes
Timothy Joel Strickland Mid-Carolina COG P.O. Drawer 1510 Fayetteville, NC 28302 323-4191, ext. 34(W)	11/06	1 st	Nov/08 11/30/08	Yes
Pam Presser Dept. of Social Services 1225 Ramsey Street Fayetteville, North Carolina 28301 677-2531	11/06	2 nd	Nov/08 11/30/08	No

**Board was created by the Commissioners on 11/6/00.

Meetings: Second Tuesday in first month of Quarter at 11:00 AM.

Location: Historic Courthouse, Courtroom #3

Contact: Kristine Wagner (Planning & Inspections) x7624, fax # 678-7601

(Terms must expire in November according to Bylaws.)

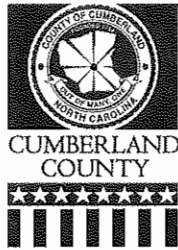
APPLICANTS FOR
TRANSPORTATION ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
COLLINS, RICKEY (W/M) 4876 US HWY 3015 HOPE MILLS, NC 28348 425-9990	RETIRED ELECTRICIAN NC	SOME COLLEGE ELEC. LICENSE
MATTHEWS, GEORGE (B/M) 6984 KINGS LYNN LOOP FAYETTEVILLE, NC 28304 487-3904/396-8169	GOVT. CONTRACT EMPLOYEE	BS - TECH. AERONAUTICS MS - HUMAN RELATIONS
MITCHELL, SANDRA (B/F) 121 MULLINS AVENUE FAYETTEVILLE, NC 28301 483-2978/323-2732 (W)	BUSINESS OWNER	HS; VOCATIONAL TRNG
PITTMAN, RONALD (WM) 813 KATIE STREET FAYETTEVILLE, NC 28306 485-1230/624-0754	REALTOR/BROKER	NOT LISTED
SANTIAGO, JOSEPH (B/M) 7935 LESTER DRIVE FAYETTEVILLE, NC 28311-7420 213-5345/670-4143 (W)	PAINT & BODY RESTORATION	NOT LISTED

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

JEANNETTE M. COUNCIL
JOHN T. HENLEY, JR.
BILLY R. KING
EDWARD G. MELVIN
DIANE WHEATLEY



BOARD OF COMMISSIONERS

5th Floor, New Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7771 • Fax: (910) 678-7770

MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

October 1, 2007

October 15, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Library Board of Trustees

BACKGROUND: On October 1, 2007, the Board of Commissioners nominated the following to fill two vacancies on the Library Board of Trustees:

Robbin Tatum (reappointment)
Willie Wright (new appointment)

I have attached a current membership list for this board.

PROPOSED ACTION: Appoint the above two (2) vacancies.

Attachment

pc: Jerry Thrasher, Library Director

LIBRARY BOARD OF TRUSTEES
3 Year Term

12/06

Name/Address	<u>Date</u> Appointed	Term	Expires	<u>Eligible For</u> Reappointment
Dr. Polly Davis (W/F) Research & Planning Office, FTCC PO Box 35236 Fayetteville, NC 28303-0236 484-5887/678-8322 (W)	09/06	1 st	Dec/09 12/31/09	Yes
Nellie L. McCoy (B/F) P.O. Box 514 Spring Lake, NC 28390-3004 497-2890 (H)	11/06	1st full	Dec/09 12/31/09	Yes
Fred D. Littlejohn (W/M) 6101 Moncreiffe Road Fayetteville, NC 28311-2900 822-1007 (H)	11/05	2nd	Dec/08 12/31/08	No
Maxine McCoy (W/F) 112 Hillside Avenue Fayetteville, NC 28301-4828 485-1944 (H)	11/06	2nd	Dec/09 12/31/09	No
Sylvia G. Ray (W/F) 204 Hillside Avenue Fayetteville, NC 28301-4830 484-8781/323-3377(W)	11/04	2nd	Dec/07 12/31/07	No
Susan Walters (W/F) 4100 Yarborough Road Hope Mills, NC 28348 483-1252 (H)	11/05	1st	Dec/08 12/31/08	Yes
Robbin Tatum (W/F) 6080 Cedar Creek Road Fayetteville, NC 28312-7559 433-2955/678-2402(W)	11/04	1st full	Dec/07 12/31/07	Yes

(Dr. Davis was appointed 9/06; however, her first term will not begin until January 2007 after Richard Higgins' board appointment expires.)

Library Liaison: Commissioner J. Breeden Blackwell

Contact: Jerry Thrasher, Library Director

Meeting Date: 3rd Thursday of each month at 9:05 AM - Different Libraries within the County

ITEM NO. 10A

CLOSED SESSION

**Attorney-Client Matter(s) Pursuant
to NCGS 143-318.11(a)(3)**

ITEM NO. 1013

CLOSED SESSION

**Economic Development Matter(s)
Pursuant to NCGS 143-318.11(a)(4)**