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**AGENDA**  
**CUMBERLAND COUNTY BOARD OF COMMISSIONERS**  
**COURTHOUSE – ROOM 118**  
**OCTOBER 5, 2009**  
**9:00 AM**

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INVOCATION      Commissioner Marshall Faircloth

Minister:

Pledge of Allegiance

Recognition of Outgoing Board Members:

E.C. “Chip” Modlin – Senior Citizen’s Advisory Board

H. B. Smith Jr. –      Cumberland County Finance Corporation and the  
Cumberland County Industrial Facilities and Pollution  
Control Financing Authority

1.      Approval of Agenda

2.      Consent Agenda

- A.      Approval of minutes for the September 18, 2009 special meeting, September 21, 2009 special meeting and September 21, 2009 regular meeting.
- B.      Approval of Correction to the August 17, 2009 Minutes.
- C.      Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement.
- D.      Approval of Adoption of a Resolution in Support of Health Reform.

- E. Approval of Health Department Delinquent Accounts to be Written Off and/or Turned Over to Collectors.
- F. Approval of Acceptance of COPS Technology Grant 2009 for the Cumberland County Sheriff's Office.
- G. Approval of a Resolution in Support of North Carolina Department of Transportation Improvements to Angelia M. Street.
- H. Approval of Reconveyance of Properties to Cumberland County Board of Education.
- I. Budget Revisions:
  - (1) Library Grants
    - a. Revision in the amount of \$6,225 to recognize Arts Council Grant funds for Storytelling Festival. (B10-098) **Funding Source – Grant**
    - b. Revision in the amount of \$29,491 to recognize E-Rate funds. (B10-097) **Funding Source - Grant**
  - (2) Health
    - a. NC Bioterrorism Preparedness and Response - Revision in the amount of \$21,638 to reconcile budget with State. (B10-102) **Funding Source – State**
    - b. NC Bioterrorism Response Team – Revision in the amount of \$18,216 to budget local match as in-kind. (B10-101) **Funding Source – In-Kind**
  - (3) Senior Aides Grant
    - a. Stimulus/General Government Other - Revisions in the total amount of \$157,157 to recognize stimulus funding and General Fund match. (B10-006 and B10-006A) **Funding Source – Federal and General Fund Fund Balance**

- b. Senior Aides Grant/Administration/General Government Other – Revisions in the total amount of \$183,895 to recognize additional state funding of \$66,285 for Senior Aides and \$51,355 for Administration and to transfer Local Senior Aides of \$64,857 from General Fund to Fund 139 and to increase In-kind funding of \$1,398. (B10-099 thru B10-099C) **Funding Source – Grant and General Fund**

(4) Emergency Services

Revision in the amount of \$60,000 to appropriate Communications Fund Balance for upgrades to the communication center. (B10-091) **Funding Source – Fund Balance Appropriated-Communications**

(5) Crown Center/Prepared Food and Beverage Fund

Revision in the amount of \$75,000 to appropriate Prepared Food and Beverage tax funds to transfer to the Crown Center for repair of the Coliseum's east parking lot. (B10-103 and B10-103A) **Funding Source – Food and Beverage Fund Balance Appropriated**

(6) Sheriff

Revision in the amount of \$100,000 to recognize a COPS Technology Grant to purchase handheld and vehicle installed radios. (B10-104) **Funding Source – Federal**

(7) Workforce Development

Revision in the amount of \$49,047 to establish new Disability Navigator Initiative Program. (B10-105) **Funding Source - State**

## ITEMS OF BUSINESS

- 3. Presentation of the Tourism Development Authority (TDA) Annual Report for FY08-09 by Mr. Vivek Tandon, Chair.

4. Presentation by Mr. Clinton McRae of the North Carolina Cooperative Extension Services Regarding the Hiring Process for the Cumberland County Cooperative Extension Director's Position.
5. Consideration of Setting a Public Hearing for October 19, 2009 Regarding Economic Development Incentive Agreement for the Bellagio Project.
6. Consideration of Policy Committee Report & Recommendation Regarding Amendment to Animal Services Ordinance – Article III – Dangerous Dogs / Potentially Dangerous Dogs.
7. Update on Issuance of Qualified School Construction Bonds.
8. Nominations to Boards and Committees
  - A. Human Relations Commission (1 Vacancy)
9. Appointments to Boards and Committees
  - A. Board of Adjustment (1 Vacancy)  
  
Nominees: Winton G. McHenry  
Randy A. Newson
10. Closed Session – If Needed.

**ADJOURN**

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

**MEETINGS:           October 19, 2009 (Monday) – 6:45 PM  
                          November 2, 2009 (Monday) – 9:00 AM  
                          November 16, 2009 (Monday) – 6:45 PM**

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
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

ITEM NO. 2B

CONSENT AGENDA ITEM FOR OCTOBER 5, 2009 MEETING

MEMO TO: Board of Commissioners  
MEMO FROM: Marie Colgan, Clerk *me*  
DATE: September 24, 2009  
RE: Approval of Correction to Minutes

**BACKGROUND:** On August 17, 2009, the Board approved the minutes from the earlier Board of Commissioners' regular meeting in August. However, under Item 3A, the minutes were listed on the agenda as August 3, 2009. As you will recall, the August 3<sup>rd</sup> meeting was rescheduled to August 4, 2009 due to the death of Grainger Barrett. The actual minutes did reflect the correct date.

**ACTION:** Approve date correction to Item 3A on the August 17, 2009 minutes to reflect August 4, 2009.

*Celebrating Our Past...Embracing Our Future*

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**AGENDA**  
**CUMBERLAND COUNTY BOARD OF COMMISSIONERS**  
**COURTHOUSE – ROOM 118**  
**AUGUST 17, 2009**  
**6:45 PM**

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INVOCATION - Commissioner Ed Melvin

Minister:

PLEDGE OF ALLEGIANCE – Joseph Bryce DeCarlo, 7th Grade - Village Christian School

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

Recognition of Retired County Employees:

Patricia Roop – Department of Social Services

Recognition of Outgoing Board Members:

Dennis Gould – Joint Stormwater Advisory Board

1. Presentation by Mark Culbreth from the Cumberland County School System on the Reading Rocks Program
2. Presentation by Lt. Jonathan Morgan, Cumberland County Sheriff's Office on the Gang Resistance Education and Training Program.
3. Consent Agenda
  - A. Approval of minutes for the August 3, 2009 regular meeting.
  - B. Approval of FY10 Tax Charge to the Tax Collector.
  - C. Approval of Tax Collector's Preliminary Report and Proposed Annual Settlement.
  - D. Approval of Correction to Minutes.



ITEM NO. 2C

OFFICE OF THE RISK MANAGER  
P.O. Box 1829 • Fayetteville, North Carolina 28302-1829  
(910) 223-3327 / (910) 323-6107 • Fax: (910) 323-6106

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES B. SILMAN, RISK MANAGEMENT DIRECTOR *JB*

DATE: SEPTEMBER 24, 2009

SUBJECT: CONSENT ITEM - CONSIDERATION OF DECLARATION OF  
SURPLUS COUNTY PROPERTY AND AUTHORIZATION TO  
ACCEPT INSURANCE SETTLEMENT

BACKGROUND

DATE OF ACCIDENT	September 8, 2009
VEHICLE	2007 Ford Crown Victoria
VIN	2FAHP71W77X134645
FLEET #	FL219
MILEAGE	62,626
DEPARTMENT	Sheriff's Office
SETTLEMENT OFFER	\$7,941.84
INSURANCE COMPANY	Travelers

This is a total loss settlement offers.

RECOMMENDATION/PROPOSED ACTION

Management recommends that the Board of Commissioners:

1. declare the vehicle described above as surplus
2. authorize the Risk Manager to accept \$7,941.84 as settlement
3. allow Travelers Insurance to take possession of the wrecked (surplus) vehicle.

*Celebrating Our Past... Embracing Our Future*



Charles Bolf  
215 Shuman Blvd.  
Naperville IL 60563-7095  
630-961-8695 Office  
677-223-8835 Attn: CRB Fax

September 21, 2009

RE: Our Insured: Cumberland County  
Our Claim No.: EFQ1302-001  
Date of Loss: 9/8/2009

To Whom It May Concern:

We have determined the actual cash value of your total loss vehicle from CCC, a computerized valuation service, using current market data. The actual cash value of your vehicle, including options, has been determined to be:

Actual Cash Value:	8628
Tax:	258.84
Tag:	55
Deductible:	(1000)
Total:	7941.84

In order for St. Paul Fire and Marine (Travelers) to comply with the salvage title law, this offer of settlement is contingent upon our receipt of the properly endorsed lien free title to the vehicle. Such title must presently be issued in the name (s) of the person (s) to whom we are obligated to make payment. Our settlement check cannot be issued until we receive the executed title from you or your lien holder(s).

Upon receipt of the correctly signed title and the vehicle has been moved to our salvage yard, a check will be sent to you as outlined above, less your lien holder's payoff amount if there is a lien on the vehicle.

Very truly yours,

Charles Bolf  
St. Paul Fire and Marine  
Total Loss Claim Handler

Cc: file



JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
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

ITEM NO. 2D

CONSENT AGENDA ITEM FOR OCTOBER 5, 2009 MEETING

MEMO TO: James Martin, County Manager

MEMO FROM: Marie Colgan, Clerk to the Board *mc*

DATE: September 28, 2009

RE: Adopt Resolution in Support of Health Reform

Commissioner Billy King has requested that the attached Resolution be placed on the October 5<sup>th</sup> Board of Commissioners' agenda in support of the passage of health reform as requested by the National Association of Counties (NACo). Upon adoption, this Resolution will be distributed to each member of the county's Congressional delegation.

ACTION: Adopt Resolution and distribute a copy to Cumberland County's Congressional Delegation.

Attachment

*Celebrating Our Past... Embracing Our Future*

**THE BOARD OF COUNTY COMMISSIONERS  
OF CUMBERLAND COUNTY**

**A RESOLUTION URGING IMMEDIATE PASSAGE OF COMPREHENSIVE  
FEDERAL HEALTH REFORM LEGISLATION**

**WHEREAS**, experts from across the political spectrum agree that America's health system is "broken" and unsustainable in its present configuration; and

**WHEREAS**, families in Cumberland County are experiencing this crisis right now, confronting the high cost of health care that threatens their financial stability, leaves them exposed to higher premiums and deductibles, and puts them at risk for a possible loss of health insurance; and

**WHEREAS**, employer-sponsored health insurance premiums have nearly doubled in recent years making it increasingly difficult for employers, including county governments, to provide health insurance coverage for their employees and retirees; and

**WHEREAS**, millions of Americans do not have health coverage, or have inadequate coverage and as our economic challenges multiply, the problem of health care access grows, further straining counties' capacity to provide care for the uninsured, underinsured and medically indigent; and

**WHEREAS**, in 2008, Cumberland County had a population of 312,692 of which 50,3969 individuals were Medicaid eligible and 18.8% of the population lived below the poverty level; and

**WHEREAS**, county officials are elected to protect the health and welfare of their constituents; and

**WHEREAS**, In 2008, 9,114 individuals (Adult and Child) were provided Behavioral Health services at the cost of \$5,025,427; and in 2009, the Health Department provided services to individuals at a cost of \$16,632,669 and the Department of Social Services provided services to 48,862 individuals at a Medicaid cost of \$6,090,609; and

**WHEREAS**, the National Association of Counties (NACo) Health System Reform Working Group, appointed by President Don Stapley in July 2008 and chaired by President-Elect Valerie Brown, has held three regional hearings to explore the health crisis and to hear what county officials believe should be done about it and has summarized its findings in *Restoring the Partnership for American Health: Counties in a 21<sup>st</sup> Century Health System* which was approved and adopted by resolution of the NACo Health Steering Committee and Board of Directors on March 9, 2009.

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Cumberland County endorses NACo's health reform principles, as

summarized in *Restoring the Partnership for American Health: Counties in a 21<sup>st</sup> Century Health System*; namely, that reform legislation should

1. restore the partnership between county and federal governments;
2. provide access to affordable, quality health care to all;
3. invest in public health, including health promotion and disease and injury prevention;
4. stabilize and strengthen the local health care safety net system, especially Medicaid and disproportional share hospital (DSH) payments;
5. invest in the development of the health professional and paraprofessional workforce;
6. ensure that county health agencies have the resources to meaningfully use health information technology;
7. enable elderly and disabled persons to receive the services they need in the least restrictive environment; and
8. reform the delivery and financing of health services in the jail system.

**BE IT FURTHER RESOLVED** that the Board strongly urges the 111<sup>th</sup> Congress of the United States to enact comprehensive health reform legislation without delay before the end of its first session.

**ADOPTED THIS 5<sup>th</sup> DAY OF OCTOBER, 2009.**

**THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY**

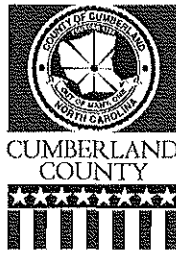
By: \_\_\_\_\_  
Jeannette Council, Chair

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
Harvey W. Raynor, III Interim County Attorney

\_\_\_\_\_  
Marie Colgan, County Clerk



ITEM NO. 2E

**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. Buck Wilson, Health Director *Buck Wilson*

DATE: September 22, 2009

RE: Approval of Delinquent Accounts to Be Written Off and/or Turned Over to Collectors

**BACKGROUND**

At the Board of Health meeting on September 15, 2009, the Board approved writing off a total of \$17,952.30 as bad debts. Family Planning accounts in the amount of \$2559.76 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. The amount to be sent to the collection agency will be \$15,382.54. 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 \$17,942.30 and to turn over to Professional Recovery Consultants, Inc. the amount of \$15,382.54 for collection.

/dwmc  
:Attachment

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**CUMBERLAND COUNTY DEPARTMENT  
OF PUBLIC HEALTH  
DELINQUENT ACCOUNTS TO BE TURNED OVER FOR COLLECTION  
BAD DEBT WRITE-OFF # 26  
September 15, 2009**

PROGRAM	AMOUNT
ADULT HEALTH	\$9,936.83
BCCCP	\$114.20
CHILD HEALTH	\$2,008.35
DENTAL	\$1,403.28
FAMILY PLANNING *****	\$2,559.76
GYN/POSTPARTUM	\$0.00
IMMUNIZATIONS	\$1,012.84
MATERNITY	\$862.54
MEDICAL RECORDS	\$0.00
PAP	\$44.50
T.B.	\$0.00
<b>TOTAL</b>	<b>\$17,942.30</b>

\*\*\*\*\*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.

The above accounts are 90 days old or older as of September 1, 2009.

JAMES E. MARTIN  
County Manager

JUANITA PILGRIM  
Deputy County Manager



ITEM NO. 2F

AMY H. CANNON  
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

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

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF OCTOBER 5, 2009**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JAMES E. MARTIN, COUNTY MANAGER**

**DATE: SEPTEMBER 30, 2009**

**SUBJECT: APPROVAL OF ACCEPTANCE OF COPS TECHNOLOGY 2009  
GRANT FOR THE CUMBERLAND COUNTY SHERIFF'S OFFICE**

**BACKGROUND**

The Cumberland County Sheriff's Office has been awarded a US Dept of Justice Grant for technology for \$100,000. There is no match required. The Sheriff's Office intends to use the funds to purchase digital radios for deputies and vehicles, as part of the incremental movement to an all-digital environment. The equipment purchased will also be capable of using the NC State Highway Patrol VIPER network.

The Cumberland County Board of Commissioners will need to recognize the revenue and accept the US Department of Justice COPS Technology Grant.

**RECOMMENDATION/PROPOSED ACTION**

Accept and approve the US Department of Justice COPS Technology Grant and recognize the revenue by approving the attached associated budget revision.

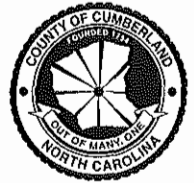
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CM093009-1

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**EARL R. BUTLER, SHERIFF  
CUMBERLAND COUNTY SHERIFF'S OFFICE**



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*An Internationally Accredited Law Enforcement Agency*

MEMO FOR: Mr. James E. Martin, County Manager

FROM: Earl R. Butler, Sheriff 

DATE: September 25, 2009

SUBJECT: AGENDA CONSENT Acceptance of COPS Technology  
Grant 2009

Through the efforts of Juanita Pilgrim and the county lobbyist, Leslie Mozingo of The Ferguson Group, the Sheriff's Office has been awarded a US Dept of Justice grant for technology for \$100,000. No match is required.

The Sheriff's Office intends to use these funds to purchase digital radios for deputies and vehicles, as part of our incremental movement to an all-digital environment. The equipment purchased will also be capable of using the NC State Highway Patrol VIPER network.

Questions to 677-5551, Howard M. Lloyd, Sheriff's Office Accountant

To accept this grant, please sign and initial the enclosed documents and return for further processing.

Thank you.



**U.S. Department of Justice**

*Office of Community Oriented Policing Services (COPS)*

Office of the Director  
1100 Vermont Ave., NW  
Washington, DC 20530

September 21, 2009

Sheriff Earl Butler  
Cumberland County Sheriff's Department  
131 Dick Street  
Fayetteville, NC 28301

Re: Technology Program Grant #2009CKWX0335  
ORI#: NC02600

Dear Sheriff Butler:

Congratulations! On behalf of Attorney General Eric Holder, I am pleased to inform you that the COPS Office has approved your agency's request for funding in the amount of \$100,000 under the COPS Technology Program. Enclosed in this packet is your grant award. **The award document must be signed and returned to the COPS Office within 90 days from the date of this letter to officially accept your grant.** On the reverse side of the grant award is a list of conditions that apply to your grant. You should read and familiarize yourself with these conditions. In addition, your Grant Owner's Manual and other important information to assist you with the implementation of your award are available online at <http://www.cops.usdoj.gov/Default.asp?Item=2200>.

The official start date of your grant is March 11, 2009. Therefore, you can be reimbursed for approved expenditures made on or after this date. Please carefully review the Financial Clearance Memorandum included in your award package to determine your approved budget, as some of your requested items may not have been approved by the COPS Office during the budget review process, and grant funds may only be used for approved items. Also, please be aware that any vendor or contractor who participated in drafting your grant application may not receive federal funding for any procurement under this award.

Within a few weeks, you will receive a financial documentation package from the Office of the Chief Financial Officer, Office of Justice Programs. This important package will contain the forms and instructions necessary to begin drawing down funds for your grant.

Once again, congratulations on your Technology Program award. If you have any questions about your grant, please do not hesitate to call your Grant Program Specialist through the COPS Office Response Center at 1.800.421.6770.

Sincerely,

David M. Buchanan  
Acting Director



Budget Office Use	
Budget Revision No.	_____
Date Received	_____
Date Completed	_____

**Organization Name:** Sheriff's Grants

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
	COPS Technology Grant 2009	0	100,000	100,000
				-
				-
				-
	Total	0	100,000	100,000

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
		COPS Technology Grant 2009	0	100,000	100,000
					-
					-
					-
					-
					-
					-
					-
		Total	0	100,000	100,000

Recognize Revenue and accept US Dept of Justice COPS Technology Grant 2009-CK-WX-0335. Establish related Expense Budget.

Funding Source: State: \_\_\_\_\_ Federal: 100,000 \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Information Services

Board of County  
Commissioners      Date:



U. S. Department of Justice  
Community Oriented Policing Services  
Grants Administration Division  
Law Enforcement Technology

Treasury Account Symbol (TAS) 15X0406

Grant #: 2009CKWX0335

ORI #: NC02600

Applicant Organization's Legal Name: Cumberland County Sheriff's Department

OJP Vendor #: 566000291

DUNS#: 615719825

**Law Enforcement Executive:** Sheriff Earl R. Butler

Address: 131 Dick Street

City, State, Zip Code: Fayetteville, NC 28301

Telephone: (910) 677-5410

Fax: (910) 677-5571

**Government Executive:** County Manager James E. Martin

Address: 117 Dick Street

City, State, Zip Code: Fayetteville, NC 28301

Telephone: (910) 679-7723

Fax: (910) 678-7717

Award Start Date: 3/11/2009

Award End Date: 3/10/2012

Award Amount: \$100,000.00

SEP 2 2009

David Buchanan  
Acting Director

Date

By signing this Award Document, the grantee agrees to abide by all 19 Grant Terms and Conditions on the reverse side of this document and the attached pages:

Earl R. Butler, Sheriff

Sep 25, 2009

Signature of Law Enforcement Official with the  
Authority to Accept this Grant Award

Typed Name and Title of Law Enforcement  
Official

Date

Signature of Government Official with the Authority to  
Accept this Grant Award

James E. Martin, County Manager

Typed Name and Title of Government Official

Date

False statements or claims made in connection with COPS grants may result in fines, imprisonment, debarment from participation in federal grants or contracts, and/or any remedy available by law to the Federal Government.

Award ID:  
95033



U.S. Department of Justice  
*Office of Community Oriented Policing Services*  
**Technology Program Grant Terms and Conditions**

17. To facilitate communication among local and state governmental agencies regarding various information technology projects, the grantee agrees to notify the appropriate State Information Technology Point of Contact of the receipt of this grant award. For a list of State Information Technology Points of Contact, visit <http://www.itojp.gov/default.aspx?area=policyAndPractice&page=1046>.

18. The grantee agrees to comply with 28 C.F.R. Part 61 (Procedures for Implementing the National Environmental Policy Act).

19. False statements or claims made in connection with COPS grants may result in fines, imprisonment, or debarment from participating in federal grants or contracts, and/or any other remedy available by law.

## RESOLUTION OF SUPPORT FOR IMPROVEMENTS TO ANGELIA M. STREET

**WHEREAS**, the property owners served by Angelia M. Street have petitioned the North Carolina Department of Transportation for addition to the State Maintained Road System; and

**WHEREAS**, Angelia M. Street is an industrial access road serving seven businesses that are beneficial to the community in providing viable employment and quality goods and services; and

**WHEREAS**, funding amounting to \$226,066.79 is proposed to perform the following proposed improvements and enhancements that will provide an increased level of service and aesthetic quality to the roadway:

- Drainage Improvements along the roadway
- Grading of the roadway
- Pavement structure improvements
- Pavement surface overlay
- Seeding and stabilization of roadway shoulders and ditches.

**NOW, THEREFORE, BE IT RESOLVED**, we the Cumberland County Board of Commissioners fully support the proposed improvements and enhancements to Angelia M. Street and concur with the project.

This Resolution shall be effective upon its adoption.

This is the 5<sup>th</sup> day of October, 2009

Jeannette Council, Chair

---

Marie Colgan, Clerk to the Board



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

September 10, 2009

Dr. Jeanette M. Council  
Chairman, Cumberland County Commissioners  
P.O. Box 1829  
Fayetteville, NC 28302

Subject: Secondary Road Addition Funding - Angelia M. Street

Dear Chairman Council:

The Cumberland County Commissioners approved the addition of Angelia M. Street to the State Secondary Road System at the May 19, 2008 meeting. Additional funding is necessary to perform grading, drainage, and paving work associated with the project.

The Department of Transportation plans to utilize \$226,066.79 in Small Construction Funding to accomplish the improvements. Since this amount exceeds \$150,000 it is necessary for the Department to request a resolution in support of the project before proceeding.

This is to request a resolution from the Cumberland County Commissioners in support of the project. A copy of the County's road addition resolution and supporting documentation are attached for your reference. If any additional information is required, please contact me at 910-486-1493.

Sincerely,

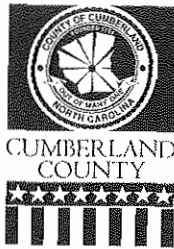
A handwritten signature in black ink, appearing to read "R. K. Murphy, Jr.", written over a horizontal line.

R. K. (Ken) Murphy, Jr. P.E.  
Division Maintenance Engineer

RKM/ms

Attachment

CC: District Office File



ITEM NO. 2H

OFFICE OF THE COUNTY ATTORNEY  
Courthouse, 117 Dick Street – Suite 551 • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829  
(910) 678-7762 • Fax: (910) 678-7758

September 30, 2009

**MEMORANDUM FOR BOARD OF COMMISSIONERS' October 5, 2009 AGENDA**

**TO:** BOARD OF COUNTY COMMISSIONERS

**FROM:** HARVEY W. RAYNOR III, INTERIM COUNTY ATTORNEY *HWR III*

**SUBJECT:** RECONVEYANCE OF CERTAIN SCHOOL LOCATIONS TO THE CUMBERLAND COUNTY BOARD OF EDUCATION PURSUANT TO AN INTERLOCAL AGREEMENT DATED OCTOBER, 2007.

**BACKGROUND:**

In October, 2007 the Cumberland County Board of Education conveyed to Cumberland County the following elementary school parcels: Cliffdale, Glendale Acres, Honeycutt, Eastover Central and District 7 in a deed recorded November 4, 2007, recorded in 8015/66 of the Cumberland County Registry. The purpose of this conveyance was to facilitate the School Board's construction of schools on these parcels. These schools have all been completed and, pursuant to an Interlocal Agreement, the School Board has requested the County reconvey the parcels to them.

**RECOMMENDATION / PROPOSED ACTION:**

Authorize the Chairman and the Clerk to execute a deed suitable to Legal and deliver same to the Cumberland County School Board.

*Celebrating Our Past...Embracing Our Future*

EASTOVER - FALCON - FAYETTEVILLE - GODWIN - HOPE MILLS - LINDEN - SPRING LAKE - STEDMAN - WADE

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B10-098</u>
Date Received	<u>9.23.09</u>
Date Completed	

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

Organization Name: Library Grants

ITEM NO. 2 I (1) a

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4666	Library Grants	0	6,225	6,225

0      6,225      6,225

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3390	<u>297</u>	Contracted Services	0	6,225	6,225

Total      0      6,225      6,225

**Justification:**

The Library has received a grant from the Arts Council for Storytelling Festival in the amount of \$6,225.00. The grant will be used to pay for the 3 performers.

**Funding Source:**

State: \_\_\_\_\_  
Other: 6,225

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

**Fund Balance:**

County: \_\_\_\_\_ New: \_\_\_\_\_  
Prior Year: \_\_\_\_\_

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

Submitted By: [Signature]  
Department Head

Reviewed By: [Signature]  
Finance Department

Reviewed By: [Signature]  
Deputy Assistant County Mgr

Date: 9/17/09

Date: 9.23.09

Date: 9/30/09

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B10-097</u>
Date Received	<u>9.23.09</u>
Date Completed	

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

Organization Name: Library Grants-

ITEM NO. 2I(1)b

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
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4641	E-Rate Local	41,376	29,491	70,867
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		41,376	29,491	70,867
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**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
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349A	298	E-rate funds	79,094	29,491	108,585
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Total				29,491
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**Justification:**

Budget revision of \$29,491.00 to recognize E-Rate Checks received from MCNC (\$9,600) and Embarq (\$17,011.20 & \$2,880.00)

**Funding Source:**

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

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

**Fund Balance:**

County: \_\_\_\_\_ New: \_\_\_\_\_  
Prior Year: \_\_\_\_\_

Other: 29,491

Submitted By: [Signature]

Department Head

Date: 9/17/09

Reviewed By: [Signature]

Finance Department

Date: 9.23.09

Reviewed By: [Signature]

Deputy Assistant County Mgr

Date: 9/30/09

**Approved By:**

County Manager

Board of County Commissioners

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

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



**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B10-102</u>
Date Received	<u>9.25.09</u>
Date Completed	

Fund No. 101 Agency No. 431 Organ. No. 432B

Organization Name: N.C. BIOTERRORISM PREPAREDNESS AND RESPONSE

ITEM NO. 2 I(2)a

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4187	BIOTERRORISM PREPAREDNESS	122,545	21,638	144,183

Total 122,545 21,638 144,183

**EXPENDITURES**

Object Code	APRs Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3419	199	MISCELLANEOUS EXPENSES	23,070	21,638	44,708

Total 23,070 21,638 44,708

**Justification:**

THIS BUDGET REVISION REQUESTS TO RECONCILE THE STATE AND COUNTY BUDGETS.

State: 21,638 Federal: \_\_\_\_\_ Fund Balance: \_\_\_\_\_ County: \_\_\_\_\_ Other: \_\_\_\_\_  
Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

Submitted By: [Signature] Date: 9/25/09

Department Head

Reviewed By: [Signature] Date: 9.25.09

Budget Analyst

Reviewed By: [Signature] Date: 9/30/09

Deputy Assistant County Mgr

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

Information Services

Approved By:

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

County Manager

Board of County  
Commissioners

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use
Budget Revision No. <u>B10-101</u>
Date Received <u>9.25.09</u>
Date Completed

Fund No. 101 Agency No. 431 Organ. No. 4308

Organization Name: N.C. BIOTERRORISM RESPONSE TEAM

ITEM NO. 2I(2)b

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
NEW	BIOTERRORISM RESPONSE TEAM IN - KIND	0	18,216	18,216
Total		0	18,216	18,216

**EXPENDITURES**

Object Code	APRs	Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
NEW	166		BIOTERRORISM RESPONSE TEAM IN - KIND	0	18,216	18,216
Total				0	18,216	18,216

**Justification:**

THIS BUDGET REVISION REQUESTS TO BUDGET FOR THE REQUIRED LOCAL MATCHING PORTION ASSOCIATED WITH THIS PROGRAM.

State: \_\_\_\_\_ Federal: \_\_\_\_\_ Fund Balance: \_\_\_\_\_  
 Other: 18,216 Fees: \_\_\_\_\_ County: \_\_\_\_\_ Prior Year: \_\_\_\_\_ Other: \_\_\_\_\_

Submitted By: [Signature] Date: 9/25/09  
 Department Head

Reviewed By: [Signature] Date: 9.25.09  
 Budget Analyst

Reviewed By: [Signature] Date: 9/30/09  
 Deputy/Assistant County Mgr

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Information Services

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B10-006</u>
Date Received	<u>7/19/09</u>
Date Completed	

Fund No. 139 Agency No. 450 Organ. No. 456A  
 Organization Name: WDC Senior Aid Stimulus

ITEM NO. 2 I (3) a

PAGE 1 OF 1

pg 1 of 2

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4681	Senior Aid Stimulus	-	138,605	138,605
9110	General transfer		12,986	12,986
6698	In-kind		5,566	5,566
Total		-	157,157	157,157

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1266	644	Salaries - Part time	-	125,600	125,600
1810	644	FICA		9,608	9,608
2992	645	Department supply		50	50
<u>344R</u>	645	Supportive services		20	20
3360	645	Other services		223	223
3411	645	In-kind		5,566	5,566
3420	645	Insurance		450	450
3440	645	Postage		52	52
3445	645	Telephone		20	20
3450	645	Copier charges		20	20
3455	645	Printing		10	10
3460	645	Rent		450	450
3470	645	Travel employees		270	270
3474	645	Training		165	165
<u>3410</u>	645	Indirect costs		14,653	14,653
Total			-	157,157	157,157

**Justification:**

Appropriate FY10 budget for Senior Aide Stimulus Funds

Funding Source: State: 100% Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

Submitted By: Geneva Mixon  
 Geneva Mixon, Director  
 Reviewed By: Kelly Outrey  
 Finance  
 Reviewed By: Amy Cannon  
 Deputy Assistant County Mgr

Date: 7/8/09  
 Date: 9/25/09  
 Date: 9/30/09

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

WFD Budget Revision No 10-03

✓

COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST

Budget Office Use	
Budget Revision No.	B10-006A
Date Received	7/8/2009
Date Completed	

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

Organization Name: General Government Other

pg 2 of 2

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
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9901	Fund Balance Appropriated		12,986	
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Total	0	12,986	-
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EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
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389L	091	Transfer to Fund 139	0	12,986	12,986
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Total	0	12,986	12,986
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Justification:

Revision in the amount of \$12,986 to appropriate fund balance for Senior Aides Stimulus Match required by the state.

Funding Source: State: \_\_\_\_\_ Federal: \_\_\_\_\_ Fund Balance: County: \_\_\_\_\_ New: 12,986 Other: \_\_\_\_\_  
Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

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

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

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

Department Head

Reviewed By: Kelly Curtis

Date: 9.29.09

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

Finance

Reviewed By: Amy Cannon

Date: 9/30/09

County Manager

Board of County Commissioners

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

Deputy Assistant County Mgr

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B10079</u>
Date Received	<u>9-25-09</u>
Date Completed	

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

ITEM NO. 2I(3)b

PAGE 1 OF 1

*pg 1 of 4*

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4680	Senior Aid Grant	630,242	66,285	696,527
6698	In-kind	25,047	1,398	26,445
9110	General transfer	-	64,857	64,857
Total		655,289	132,540	787,829

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210	641	Salaries - Regular	77,838	(23,015)	54,823
1266	641	Salaries - Part Time	476,689	79,264	555,953
1270	641	Longevity	1,465	(1,060)	405
1810	641	FICA Match	46,411	419	46,830
1820	641	Retirement	4,536	(2,121)	2,415
1824	641	401K County	978	-	978
1830	641	Medical Insurance	5,912	(162)	5,750
2601	642	Office Supplies	500	(500)	-
2992	642	Department Supplies	500	500	1,000
3204	642	Medical Expenses	400	(400)	-
344R	642	Supportive services		400	400
3313	642	College/University Training	450	(450)	-
3315	642	Professional Training		4,450	4,450
3360	642	Other Services	4,073	(4,073)	-
3411	642	In-Kind Services	25,047	1,398	26,445
3420	642	Insurance		16,891	16,891
3440	642	Postage	1,040	-	1,040
3445	642	Telephone	250	-	250
3450	642	Copier	350	-	350
3455	642	Printing	150	-	150
3460	642	Rent		9,000	9,000
3470	642	Travel	5,400	-	5,400
3474	642	Training	3,300	-	3,300
3410	642	Indirect costs		51,999	51,999
Total			655,289	132,540	787,829

**Justification:**

Appropriate FY10 funding for the Senior Service America Senior Community Service Employment Program (SCSEP). This budget revision will utilize the \$5,000 Transfer from 101 originally budgeted for WIA Administration.

**Funding Source:**

State: 100% Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

**Fund Balance:**

Submitted By: Geneva Mixon  
 Geneva Mixon, Director

Date: 9/18/09

Reviewed By: Kelly Aubrey  
 Finance

Date: 9-25-09

Reviewed By: Amy N. Coulson  
 Deputy Assistant County Mgr

Date: 9/30/09

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

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

County Manager

Board of County Commissioners

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B10-099A</u>
Date Received	<u>9-25-09</u>
Date Completed	

Fund No. 101 Agency No. 439 Organ. No. 4397  
 Organization Name: Senior Aides Local Support

ITEM NO.	
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*Pg 2 of 4*

**REVENUE**

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

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210	284	Salaries - Regular	40,232	(40,232)	-
1270	284	Salaries - Longevity	350	(350)	-
1810	284	Social Security	2,702	(2,702)	-
1820	284	Retirement	1,731	(1,731)	-
1824	284	401K Regular	353	(353)	-
1830	284	Medical	4,962	(4,962)	-
3460	285	Rent Buildings	9,527	(9,527)	-
389L	285	Transfer to fund 139	-	59,857	59,857

Total 59,857 - 59,857

**Justification:**

Eliminated Senior Aid Budget in the General Fund

**Funding Source:**

State: 100% Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

**Fund Balance:**

Submitted By: Geneva Mixon Date: 7/17/09  
 Geneva Mixon, Director  
 Reviewed By: Kelly Country Date: 9.25.09  
 Finance  
 Reviewed By: Amy H. Cannon Date: 9/30/09  
 Deputy/Assistant County Mgr

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

WFD Budget Revision No 10-06

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B10.099B</u>
Date Received	<u>9-25-09</u>
Date Completed	

Fund No. 130 Agency No. 450 Organ. No. 4530  
 Organization Name: WDC Administration

ITEM NO.
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PAGE 1 OF 1

*pg 3 of 4*

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4520	WIA Admin. Grant	143,996	51,355	195,351
9110	Transfer from Fund 101	5,000	(5,000)	-
Total		148,996	46,355	195,351

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210	606	Salaries-Wages Regular	93,768	(4,022)	89,746
1270	606	Salaries-Longevity	1,071	(99)	972
1810	606	Social Security	7,255	(453)	6,802
1820	606	Retirement	4,648	210	4,858
1824	606	401K Regular	950	-	950
1830	606	Medical Insurance	14,290	(4,573)	9,717
1991	606	Salary Adjustment	-	6607	6607
2201	607	Food & Provisions	-	2,000	2,000
2601	607	Office Supplies	1,000	(1,000)	-
2992	607	Department Supplies	1,000	26,000	27,000
3360	607	Other Services	11,084	(4,246)	6,838
3390	607	Contracted Services	-	5,000	5,000
3406	607	Dues and Subscriptions	230	270	500
3420	607	Insurance & Bonds	5,575	(4,043)	1,532
3492	607	Operating	-	24,704	24,704
Total			140,871	46,355	187,226

**Justification:**

Increase budget to the appropriated funding levels per Local Area Issuance No. 2009-03, Change 1 and decrease the originally budgeted transfer from fund 101 (\$5,000). This transfer will be utilized in the Senior Aid Program as a portion of the required local participation amount. Also being appropriated is \$31,514 in carry-over funding from FY2009 Administration Grant.

**Funding Source:**

**Fund Balance:**

State: 100% Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

Submitted By: Geneva Mixon Date: 9/18/09  
 Geneva Mixon, Director  
 Reviewed By: Kelley Centry Date: 9-25-09  
 Finance  
 Reviewed By: Amber Cannon Date: 9/30/09  
 Deputy Assistant County Mgr

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

WFD Budget Revision No 10-10

✓

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B10-099C
Date Received	9/29/2009
Date Completed	

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

Organization Name: General Government Other

*pg 4 of 4*

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated		5,000	
Total		0	5,000	-

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
389L	091	Transfer to Fund 139	59,857	5,000	64,857
Total			59,857	5,000	64,857

**Justification:**

Revision in the amount of \$5,000 to appropriate fund balance for the remainder of the Senior Aides match required by the state.

Funding Source: State: \_\_\_\_\_ Federal: \_\_\_\_\_ Fund Balance: County: \_\_\_\_\_ New: 5,000 Other: \_\_\_\_\_  
Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

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

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

Reviewed By: *HCP* Kelly Christy Department Head

Date: 9-29-09

Reviewed By: Amy H. Cannon Finance  
Deputy Assistant County Mgr

Date: 9/30/09

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

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

County Manager

Board of County Commissioners

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



COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST

Budget Office Use

Budget Revision No. B10-091

Date Received 9.17.09

Date Completed

Fund No. 101 Agency No. 420 Organ, No. 4210

Organization Name: Emergency Services

ITEM NO. 2 I(4)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
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9906 (101-999-9999)	Fund Balance Appropriated-Communications	1,849,461	60,000	1,909,461
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Total	1,849,461	60,000	1,909,461
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EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
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3650	098	CO - Other Improvements	0	60,000	60,000
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Total	0	60,000	60,000
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Justification:

Revision in the amount of \$60,000 to budget for electrical upgrades to the communications center for Emergency Services.

Funding Source:

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

Submitted By: [Signature]  
Department Head

Date: 9/17/09

Reviewed By: [Signature]  
Finance

Date: 9.17.09

Reviewed By: [Signature]  
Deputy Assistant County Mgr

Date: 9/30/09

Approved By:

County Manager

Board of County Commissioners

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

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

<b>Budget Office Use</b>	
<b>Budget Revision No.</b>	B10-103
<b>Date Received</b>	9/28/2009
<b>Date Completed</b>	

ITEM NO. 21(5)

Pg 1 of 2

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9124	Transfer from Fund 114	2,580,410	75,000	2,655,410

Total	2,580,410	75,000	2,655,410
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## EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3650	858	Capital Outlay - Other Improvements	0	75,000	75,000

Total	0	75,000	75,000
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**Justification:**

Revision in the amount of \$75,000 to budget transfer from the Prepared Food & Beverage Tax Fund to provide monies to repair the Coliseum's east parking lot.

**Funding Source:**

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

**Fund Balance:**

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

**County:**

**New:**

**Prior Year:** \_\_\_\_\_

**Other:**

Submitted By:

*Lisa Loh*  
Department Head

Date: 7-28-87

9-28-77

**Approved By:**

Reviewed By:

Reviewed By: Bob Tucker  
Finance Department

Date: 9/28/09

9/28/09

Date:

Reviewed By:

Finance Department  
*Amyl Cairns*  
 Assistant County Manager

Date: 9/30/04

9/30/12

**County Manager**

**Board of County  
Commissioners**

Date:

COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST

Budget Office Use	
Budget Revision No.	B10-103A
Date Received	9/28/2009
Date Completed	

Fund No. 114 Agency No. 410 Organ. No. 4109

Organization Name: Prepared Food & Beverage Tax Fund

pg 2 of 2

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	0	75,000	75,000
Total		0	75,000	75,000

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3870	591	Transfer to Fund 620	2,580,410	75,000	2,655,410
Total			2,580,410	75,000	2,655,410

Justification:

Revision in the amount of \$75,000 to budget transfer to the Crown Coliseum Fund to provide monies to repair the Coliseum's east parking lot.

Funding Source:

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

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

Fund Balance:

County: \_\_\_\_\_ New: \_\_\_\_\_  
Prior Year: \_\_\_\_\_

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

Submitted By: Lisa [Signature]  
Department Head

Date: 9-28-09

Reviewed By: Bob [Signature]  
Finance Department

Date: 9/28/09

Reviewed By: Amy [Signature]  
Assistant County Mgr

Date: 9/30/09

Approved By:

County Manager

Board of County Commissioners

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

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>210-104</u>
Date Received	_____
Date Completed	_____

Fund No. 101 Agency No. 422 Organ. No. 4218

Organization Name: Sheriff's Grants

ITEM NO. 2I(6)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4045	COPS Technology Grant 2009	0	100,000	100,000
Total		0	100,000	100,000

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4016	126	COPS Technology Grant 2009	0	100,000	100,000
Total			0	100,000	100,000

**Justification:**

Recognize Revenue and accept US Dept of Justice COPS Technology Grant 2009-CK-WX-0335. Establish related Expense Budget.

**Funding Source:**

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

Federal: 100,000  
Fees: \_\_\_\_\_

**Fund Balance:**

County: \_\_\_\_\_ New: \_\_\_\_\_  
Prior Year: \_\_\_\_\_

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

Submitted By: Earl R Butler Date: 9-28-09  
Department Head

Reviewed By: Howard L. Bean Date: 9/28/09  
Budget Analyst

Reviewed By: Amy N. Cannon Date: 9/30/09  
Deputy Assistant County Mgr

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Information Services

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B10-105</u>
Date Received	<u>9.29.09</u>
Date Completed	

Fund No. 133 Agency No. 450 Organ. No. new  
 Organization Name: Disability Program Navigator Initiative

ITEM NO.	<u>21(7)</u>
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PAGE 1 OF 1

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
new	Disability Program Navigator Initiative	-	49,047	49,047
Total		-	49,047	49,047

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3390	new	Contracted Services	-	46,697	46,697
3492	new	Operating	-	2,350	2,350

Total - 49,047 49,047

**Justification:**

The North Carolina Disability Program Navigator Initiative, in the amount of \$46,697, was awarded by The Division of Workforce Development to Cumberland County Workforce Development to enhance their ability to fullfill career objectivies for job seekers with disabilities.

**Funding Source:**

State: 100% Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

**Fund Balance:**

Submitted By: Geneva Mixon Date: 9/25/09  
 Geneva Mixon, Director  
 Reviewed By: Kelly Aunty Date: 9.29.09  
 Finance  
 Reviewed By: Amid Cannon Date: 9/30/09  
 Assistant County Mgr

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

WFD Budget Revision No 10-17

**CUMBERLAND COUNTY  
TOURISM DEVELOPMENT AUTHORITY**

PO Drawer 1829  
Fayetteville, NC 28302-1829

Vivek Tandon, Chairman  
Patricia Bush McManus, Vice Chairman  
James Martin  
Douglas Peters

Daniel E. Roberts  
William Wellons, Jr.  
Sue Wooster

**MEMORANDUM**

**AGENDA ITEM FOR OCTOBER 5, 2009 MEETING**

TO: Board of Commissioners

FROM: Vivek Tandon, Chair, Tourism Development Authority

DATE: September 1, 2009

SUBJECT: Annual Report on TDA Funding – FY 08-09

BACKGROUND: The TDA is required to make an annual report each year to the Board of Commissioners. Attached for your information is the report.

I will be present at the October 4<sup>th</sup> meeting to review the report and answer any questions.

ACTION: Accept the Report

Attachment: Report for fiscal year ending June 30, 2009

August 27, 2009

**MEMORANDUM**

**To:** Tourism Development Authority  
**From:** Terry A. Gagnon, Assistant Finance Director  
**Subject:** Fiscal Year 08-09 Annual Status

For the fiscal year ended June 30, 2009 the Occupancy Tax has netted \$4,136,812.34 in revenue.

These funds have been distributed as follows:

Cumberland County Crown Coliseum	\$ 1,034,203.11
Arts Council of Fayetteville	1,034,203.10
Fayetteville Area Visitors and Convention Bureau	1,896,038.99
TDA Discretionary Funds	172,367.14
<b>Total</b>	<b>\$ 4,136,812.34</b>

TDA Discretionary Funds:

Balance July 1, 2008 (unobligated)	\$ 458,600.35
Funds received for the fiscal year	172,367.14
Funds returned to TDA by recipient	4,136.39
Less obligations during the fiscal year	(130,000.00)
Less minimum balance	(50,000.00)
<b>Balance June 30, 2009 (unobligated)</b>	<b>\$ 455,103.88</b>

During the year, the TDA obligated funds for the following projects:

Airborne & Special Operations Museum (3 years)	75,000.00
Army's Army - BRAC	25,000.00
Community Concerts	5,000.00
Triangle Futbol Club (maximum)	25,000.00
<b>Total</b>	<b>\$ 130,000.00</b>

As of June 30, 2009 the TDA had the following outstanding obligations:

NC Civil War Trails / FAVCB	12,700.00
Airborne & Special Operations Museum (2 years)	50,000.00
Triangle Futbol Club (maximum)	25,000.00
<b>Total</b>	<b>\$ 87,700.00</b>

Note; some of the obligations mentioned above span more than one fiscal year.



ITEM NO. 4

## COUNTY of CUMBERLAND

James E. Martin  
County Manager


Amy H. Cannon  
Assistant County Manager

*Office of the County Manager*

Juanita Pilgrim  
Deputy County Manager

### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF OCTOBER 5, 2009

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JUANITA PILGRIM, DEPUTY COUNTY MANAGER** 

**DATE: SEPTEMBER 25, 2009**

**SUBJECT: PRESENTATION ON THE HIRING PROCESS FOR THE CUMBERLAND COUNTY COOPERATIVE EXTENSION DIRECTOR'S POSITION**

#### BACKGROUND:

Mr. Clinton McRae, South Central District Extension Director, North Carolina State University, will explain the process for hiring the new Cumberland County Extension Director.

An Interim County Extension Director will be assigned to the Cumberland County Center of the North Carolina Cooperative Extension. The Interim Director will be responsible for working with the administrative assistant to lead the team through daily activities as well as agriculture matters. Sensitive personnel issues will be handled by the administration at North Carolina State University and the County. The plan is to have an Interim Director in place by October 1, 2009.

#### RECOMMENDATION/PROPOSED ACTION:

No action needed.

/cp

JP092509-1



Office of District Directors  
Campus Box 7604  
Raleigh, NC 27695-7604

## Guidelines for Filling Vacant County Extension Director Positions

Districts:

**North Central** – 919.515.8429

**Northeast** – 919.515.8431

**South Central** – 919.515.8430

**Southeast** – 919.515.3813

Fax –919.515.4702

### I. When a County Director Retires

- A. The District Extension Director (DED) and county manager/administrator receives the retirement or resignation notice from the County Extension Director (CED).
- B. The DED should strive to appoint an Interim CED who will not be a candidate for the position. **Colby Lambert, Extension Agent has verbally accepted this role. The process will be final upon receiving Colby's acceptance of the position in writing.**
- C. Effective April 1, 1998 any agent serving as Interim CED will receive a prorated monthly portion of the annual administrative supplement for the period of time they serve as CED.

### II. Advertising the Position

- A. The DED reviews the minimum qualifications, interviewing, approval, and hiring process with the County Manager/Administrator and the local Extension staff. The DED and County Manager/Administrator receive support from the Board of County Commissioners to fill the position.
- B. The DED writes job announcement and forwards to the Director of County Operations for approval to advertise. Upon approval, the announcement is forwarded to the College of Agriculture and Life Sciences (CALS) Personnel Office to be advertised for a minimum of 30 days. **I anticipate receiving permission to advertise the position within 30 to 60 days.**
- C. The CALS Personnel Office receives application information as described in the position announcement and screens for minimum qualifications. At the end of the advertising period, a list of qualified candidates is forwarded to the DED; a list of those candidates that were screened out and why is also forwarded.

### III. Application Package Requirements

An individual is eligible for consideration for a CED position after completing a minimum of four years of successful Cooperative Extension experience at a professional level (e.g. as an agent, county director, specialist, or administrator) and demonstrated effective leadership skills. A masters degree is required at hiring.

- A. A letter of intent noting skills required in the advertisement and reasons for interest in the position.
- B. Three letters of reference (not forms) from individuals knowledgeable of the candidates work performance.
- C. Current resume (this should clearly indicate years of Extension experience.)
- D. Official transcripts of all academic study.
- E. A completed North Carolina Cooperative Extension Service application, unless you are: (a) a current NCCES employee who has been employed less than two years; (b) an external candidate with an application on file for less than two years.

(Supplemental information for screening will include performance ratings for applicants who are current Extension employees.)

- F. Applicant is responsible for providing the preceding mentioned material to the CALS Personnel Office by the application deadline.

#### **IV. Screening Applications**

- A. The DED selects an applicant review team to screen the qualified candidates. Application packages are to be reviewed by the Director of County Operations and a minimum of two other people from the following positions: Director, Associate Director, another DED, State Program Leaders, and county representative (e.g. county manager or others designated by Board of Commissioners). If the candidate is currently employed by NCCES, the DED of the candidate should be consulted. In counties with North Carolina A&T State University staff, the individual in charge of field operations should be invited as an additional member of the screening process.
- B. The applicant review team forwards a list of candidates to be interviewed to the Director of County Operations. The Director of County Operations will forward this list to the CALS Personnel Office for EEO overview. Following EEO sign-off, the Assistant Director will notify the DED. The DED in turn will notify selected candidates of interview dates and also notify the appropriate county staff of the candidates and the interview dates. The DED will also notify those candidates not selected.
- C. Individuals on the applicant review team are also members of the interview team. Additional members can be added to the interview team.

#### **V. The Interview**

- A. The interviews should be held in the county.
- B. Interviews should consist of a seminar and question/answer session.

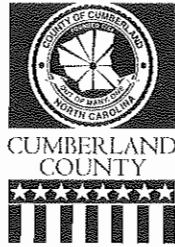
The question/answer session will be held by members of the interview team. Additional question/answer sessions can be set up for staff and the county representative.

- C. Following the interviews, the DED reviews input from the general seminar and question/answer session. The DED consults with the interview team and appropriate administrators and selects the candidate to be recommended to the county.

## **VI. CED Appointment**

- A. The DED consults with the Director of County Operations and county manager/ administrator regarding salary.
- B. The DED contacts the Agricultural Communications department to request a press release which announces the appointment.
- C. The DED consults with the County Manager/Administrator to comply with county procedures to confirm the appointment of the recommended candidate and salary. The press release is made available both to the County Manager/Administrator and the press at the time of approval. If not approved, the process returns to Step II to re-advertise the position.
- D. Once the candidate has been approved and has accepted, the DED notifies the county staff.
- E. Under the delegated authority of the Director of Extension, the DED writes a letter confirming the hiring decision to the new CED; this letter is co-signed with the Director of County Operations. This letter should be consistent for all districts and contain a request for the new CED to send a formal letter of acceptance to the DED. The DED also notifies the remaining candidates of the decision.
- F. The position summary and placement documentation, a summary of the process used, and a copy of the confirming letter written by the DED are forwarded to the CALS Personnel Office. The letter will be used to generate the official appointment letter for the Provost's signature. The other information will be kept on file in the CALS Personnel Office as record of the hiring process and decision.

*Adopted from the North Carolina Cooperative Extension Service Handbook.*



ITEM NO. 5

**OFFICE OF THE COUNTY ATTORNEY**

Courthouse, 117 Dick Street – Suite 551 • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829  
(910) 678-7762 • Fax: (910) 678-7758

September 30, 2009

**MEMORANDUM FOR BOARD OF COMMISSIONERS' October 5, 2009 AGENDA**

**TO:** BOARD OF COUNTY COMMISSIONERS

**FROM:** HARVEY W. RAYNOR III, INTERIM COUNTY ATTORNEY *HWR III*

**SUBJECT:** PASS A RESOLUTION SETTING A PUBLIC HEARING ON OCTOBER 19, 2009 PURSUANT TO NCGS 158-7.1(c) REGARDING THE PROPOSED ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT FOR A GATEWAY PROJECT KNOWN AS THE BELLAGIO LUXURY APARTMENT DEVELOPMENT.

**BACKGROUND:**

In April, 2009 Rajan Shamdansani, developer of the Bellagio project met with the Board made a presentation outlining his plans for developing a parcel of land along Bragg Boulevard for luxury apartments and asked the Board to consider an economic incentive package for the project which would be equal to any that the City granted. Following that presentation staff worked on an amendment to the County's economic incentive policy which was adopted by the Board May 18, 2009. The County's policy was amended to authorize and establish guidelines for incentives to "gateway" projects, contingent on municipal incentives of at least \$250,000.00 over time, no more than the municipality's incentive in any fiscal year and requiring that the Chamber had to review the project for economic feasibility, and for potential of economic development which over a ten year period would produce County tax revenues of at least 250% of the incentive given and finally, to recommend the project to the County. The City on August 24, 2009 approved and executed a property tax grant back agreement for the Bellagio project which granted the developer a 50% grant back on the City's taxes (appx. \$45,600.00 per annum) for a five year period provided the developer met all the terms of the agreement.

**RECOMMENDATION / PROPOSED ACTION:**

The Board approve the attached resolution setting a public hearing on the County's proposed grant back incentive to the Bellagio project at the next regularly scheduled Board meeting on October 19, 2009.

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## RESOLUTION

Whereas, the County has long been dedicated to stimulating economic development which increases the County's tax base, stimulates redevelopment and provides jobs for county citizens; and

Whereas, the County sees the desirability and necessity of improving the gateways to the Cumberland County Seat for attracting new development and new citizens to Cumberland County; and

Whereas, Bragg Boulevard has long been considered a gateway to the County Seat;

Whereas, the Board of Commissioner's consider that quality development along that gateway would stimulate further development, bring jobs and increase tax base; and

Whereas, Rajan Shandansani through the development company, 4200 Investments, LLC., has proposed to build a luxury apartment complex called The Bellagio which will increase the tax base by \$20,000,000.00 provide construction and permanent jobs and should stimulate additional development along the Bragg Boulevard gateway,

THEREFORE BE IT RESOLVED The Cumberland County Board of Commissioners shall hold a public hearing for the purpose of discussing the proposed economic incentive for a Property Tax Grantback agreement at 6:45 pm on October 19, 2009 in Room 118 of the Cumberland County Courthouse.

This the 5<sup>th</sup> day of October, 2009

(SEAL)

\_\_\_\_\_  
Jeanette M. Council  
Chairman, Board of Commissioners

Attest: \_\_\_\_\_  
Clerk

JAMES E. MARTIN  
County Manager

JUANITA PILGRIM  
Deputy County Manager



ITEM NO. 6

AMY H. CANNON  
Assistant County Manager

**OFFICE OF THE COUNTY MANAGER**

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

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF OCTOBER 5, 2009**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JAMES E. MARTIN, COUNTY MANAGER**

**DATE: SEPTEMBER 30, 2009**

**SUBJECT: APPROVAL OF CUMBERLAND COUNTY POLICY  
COMMITTEE REPORT AND RECOMMENDATIONS**

**BACKGROUND**

The Policy Committee will meet on Thursday, October 1, 2009 to discuss amending the Animal Services Ordinance – Article III – Dangerous Dogs/Potentially Dangerous Dogs. Supporting documentation will be provided at the Board of Commissioners Meeting based on the report and recommendation of the Cumberland County Policy Committee.

**RECOMMENDATION/PROPOSED ACTION**

Accept and approve the Cumberland County Policy Committee report and recommendation as presented.

/ct

CM093009-2

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Cindy

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
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

## MEMORANDUM

TO: Policy Committee Members (Edge, King, Faircloth)  
FROM: Candice H. White, Deputy Clerk *CW*  
DATE: September 24, 2009  
SUBJECT: Policy Committee Meeting

**There will be a Policy Committee Meeting on Thursday, October 1, 2009 at 9:30 AM in Room 564 of the Cumberland County Courthouse.**

## AGENDA

1. Approval of Minutes: September 3, 2009 Meeting
  2. Consider Amendment to Animal Services Ordinance – Article III – Dangerous Dogs/Potentially Dangerous Dogs
  3. Other Matters of Concern
- cc: Board of Commissioners  
Administration  
Legal  
County Engineer  
Public Utilities Director  
Public Information Officer  
Sunshine List

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# DRAFT

CUMBERLAND COUNTY POLICY COMMITTEE  
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564  
SEPTEMBER 3, 2009 – 9:30 AM  
MNUTES

MEMBERS PRESENT: Commissioner Marshall Faircloth  
Commissioner Kenneth Edge  
OTHERS PRESENT: James Martin, County Manager  
Amy Cannon, Assistant County Manager  
Harvey Raynor, Interim County Attorney  
Bob Stanger, County Engineer  
Tom Cooney, Public Utilities Director  
Tom Lloyd, Planning and Inspections Director  
Sally Shutt, Communications Manager  
Candice H. White, Deputy Clerk  
Members of Inverness Homeowners Association  
Press  
  
ABSENT: Commissioner Billy R. King, Chairman

Commissioner Faircloth, Acting Chairman, called the meeting to order.

1. Approval of Minutes: August 6, 2009 Meeting

MOTION: Commissioner Edge moved to approve.  
SECOND: Commissioner Faircloth  
VOTE: UNANIMOUS

2. Consider Request of the Inverness Homeowners Association for a Loan and Assessment of Homeowners for the Cost of Repairs to Retention Ponds

James Martin, County Manager, advised the Inverness Homeowners Association's (HOA) request was for a loan to cover the cost of repairs to three retention ponds within the subdivision and for the County to assess the property owners for the loan amount of approximately \$42,000. Mr. Martin stated he and Interim County Attorney Harvey Raynor visited the subdivision and spoke with the President of the Inverness HOA Terry Samperton regarding the retention ponds. Mr. Martin advised a subsequent meeting was held with county planning, engineering and utilities representatives.

Mr. Martin explained the subdivision's retention ponds were not designed for flood control but were designed to help protect water quality as part of a greater watershed for the City of Fayetteville. Bob Stanger, County Engineer, advised the Inverness subdivision contained what were technically referred to as wet detention basins.

# DRAFT

Commissioner Faircloth inquired regarding the differences between retention and detention ponds. Mr. Stanger stated detention basins do not have a permanent pool of water and are designed to catch water for release onto dry conditions when a storm event is over. Mr. Stanger explained retention basins are designed to have a permanent pool of water with a minimum of three feet of water for water quality purposes. Mr. Stanger stated the retention ponds provide a settlement basin that allows pollutants to be captured with runoff, settle in the pond and be trapped in the bottom sediment of the pond. Mr. Stanger stated the retention basins are also designed to provide storage for the first inch of runoff; however, the first inch of runoff has to be released from the pond within the first three to five days. Mr. Stanger explained the retention basins have a control structure that allows water to run out of them.

Commissioner Edge inquired whether the state or the county set the requirements for the ponds. Mr. Stanger stated the requirements were set by the state and were adopted by the county. Mr. Martin explained the County is charged with inspecting and maintaining the basins. Mr. Stanger advised the reason the basins were installed when the subdivision was developed was because the amount of impervious area exceeded 24% and under County ordinance, the developer had the option to develop for higher density and install the stormwater controls as required.

Tom Lloyd, Planning and Inspections Director, advised the Inverness subdivision had been granted an additional extension up to November 14, 2009 and the Inspections Department would continue to work with them as long as there were signs of improvement. Mr. Martin stated there was evidence that the HOA had put good work and money into bringing things back into full compliance, which served as an encouragement for the county to continue to work with the HOA. Mr. Martin explained the HOA's issue was it did not have funds available at the present time to complete the work. Mr. Martin further advised the HOA had issued an assessment to the property owners in the subdivision; however, the question before the HOA was how quickly the assessments would be collected and how quickly the additional money would be available for the work to be contracted and completed. Mr. Martin stated some of the work already completed by the HOA may be above the minimum requirements called for under the citation.

Commissioner Edge asked how the incompliance came about and what the minimum requirements were for the HOA to come back into compliance. Mr. Martin stated an adjacent property owner had complained about runoff and the Inspections Department investigated the complaint. Mr. Lloyd stated the inspection revealed that overgrowth within the ponds and other debris near the ponds needed to be cleared and that sediment in the bottom of the ponds needed to be cleaned-out.

Commissioner Edge recognized Terry Samperton, President of the Inverness HOA. Mr. Samperton stated the HOA had hired a certified engineer who provided a report on each of the ponds and a scope of work. Mr. Samperton further stated the HOA wanted to hire a company from Wilmington, NC reputed to be the best in the state to bring the ponds back into compliance, but lacked the money to do so.

# DRAFT

A brief discussion followed regarding the original design of the ponds and the HOA's contentions therein. Mr. Lloyd and Mr. Stanger provided information on requirements for retention ponds versus requirements for detention ponds. Mr. Stanger stated retention ponds have to receive periodic maintenance in order to clean them out, remove the sediment and restore the original invert to the bottom of the basins.

Commissioner Faircloth asked whether this issue paralleled past projects associated with dams. Harvey Raynor, Interim County Attorney, explained the past projects were authorized by statute and did not parallel the request by the HOA for a loan. Mr. Raynor advised local governments derive their powers from the legislature and without specific statutory authority can not take action. Here there is no statutory authority for local governments to loan money to HOAs. Mr. Raynor advised for the county to loan money to one person/organization without loaning to all persons/organizations without a statutory basis would amount to a private emolument, which was prohibited under the NC Constitution. Mr. Raynor stated in his opinion, there was no legal basis for the County Commissioners to act on the request.

Commissioner Edge inquired whether the HOA had looked into securing a bank loan. Mrs. Samperton was recognized and stated the bottom line was that the HOA would not be able to collect the assessments even if the properties were used as security for a loan.. Mr. Samperton explained some of the property owners believed the assessment was created by the board and did not realize the validity or seriousness of the situation. Mr. Samperton opined a letter from the county would carry more weight than a letter from the HOA. Mr. Raynor advised that the county had sent a notice of violation stating the county could fine up to \$500 per day and stated he did not feel the County Attorney's office should send letters to the private property owners. Following a brief discussion, an alternative was for the County Attorney to send a letter to the HOA for their dissemination to the individual property owners.

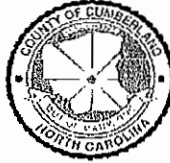
Commissioner Faircloth stated because the Commissioners had no statutory authority to act on the request, he and Commissioner Edge would by consensus ask that staff make the commissioners aware of anything in the future that might be of assistance. Commissioner Edge expressed the Commissioners' empathy for the situation and his appreciation for the efforts of the HOA.

### 3. Other Matters of Concern

There were no other matters of business.

MEETING ADJOURNED: 10:15 AM.



**COUNTY of CUMBERLAND***Animal Services Department*

**TO:** CUMBERLAND COUNTY POLICY COMMITTEE

**FROM:** SCOTTIE HARRIS, ANIMAL SERVICES DIRECTOR *SH*

**DATE:** SEPTEMBER 18, 2009

**SUBJECT:** AMENDMENT TO ANIMAL SERVICES ORDINANCE –  
ARTICLE III - DANGEROUS DOGS / POTENTIALLY  
DANGEROUS DOGS

**BACKGROUND**

Animal Services has recently encountered a Dangerous Dog / Potentially Dangerous situation that requires us to make amendments to the Animal Services Ordinance, specifically relating to the section on Dangerous Dogs.

On September 6, 2009 a canine was running loose on Foxlair Drive, the canine approached a Deputy Sheriff in an aggressive / terrorizing manner. When the Deputy realized that the dog was not going to stop his approach, he pulled his taser and tased the dog. The dog ran back to his residence. When Animal Services delivered the paperwork deeming the dog "Potentially Dangerous" on September 10, 2009 and attempted to remove the dog to place it in protective custody until all dangerous dog requirements were fulfilled, the owner refused to allow us to take the dog. The Sheriff's Office was called to assist.

After further review of Cumberland County Code Chapter 3, Article III, Sec. 3-25 to Sec. 3-34 violations of these ordinances *shall* subject the violator to civil penalties. (See attached). The Interim County Attorney and the Sheriff's Department legal advisor were both consulted and they agreed that the provisions in the effected sections are unenforceable.

**RECOMMENDATION/PROPOSED ACTION**

Animal Services is recommending that the Cumberland County Policy Committee support and approve the requested changes to the Cumberland County Animal Services Ordinance regarding Dangerous Dogs / Potentially Dangerous Dogs.

If such deadly force is proposed to be effected, the Animal Control Director shall take every precaution to assure the safety of persons and property in the area within which the dogs or animals are running wild.

**Sec. 3-24. Reserved.**

### **ARTICLE III. DANGEROUS DOGS**

**Sec. 3-25. Definitions.**

For the purposes of this article, the following words and phrases shall have the following meanings:

*Attack by a dog:* any assault or battery by a dog upon a person or domestic animal, to include biting, felling or toppling, tearing or clothing, provoking flight to escape attack, or any other act which could reasonably cause physical injury to the person or domestic animal.

*Bite by a dog:* Any seizing, gripping or grasping, no matter how slight or momentary by a dog between its jaws of the body parts of a person or domestic animal, so as to cause physical injury to such person or domestic animal.

*Dangerous dog:* Any of the following dogs:

- (1) A dog that without provocation has killed or inflicted severe injury on a person; or
- (2) A dog that has been determined as provided herein to be potentially dangerous.
- (3) A dog that is owned or harbored primarily or in part for the purpose of dog fighting, or a dog trained for dog fighting.

*Dog:* A domesticated animal (*canis familiaris*) of the Canidae family; provided that no wild specie of the Canidae family, such as a wolf, fox, coyote, shall be considered a domesticated animal, even though raised by humans in domestic surroundings.

*Guard dog:* A dog trained by a skilled trainer to recognized security industry or other reasonable standards and presently used under the control of trained handlers to protect persons and property.

*Law enforcement dog:* A dog, trained for police work to recognized law enforcement standards and presently used by and under the control of a law enforcement officer to carry out the law enforcement officer's official duties.

*Lawful hunt:* A hunt for lawful game conducted on private or public property with the consent of the owner or custodian of the property by a person with a valid license (if required) during the lawful season for the game concerned using dogs customarily employed and suitable for such game.

*Owner:* Any person or legal entity that has a possessory property right in a dog, including the harborer or keeper of a dog with the consent of the owner or of a dog that has been abandoned by or escaped the custody of its owner.

*Owner or keeper's real property:* Any real property owned or leased by the owner or keeper of the dog, not including any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

*Potentially dangerous dog:* A dog that has been determined, as provided herein, to have:

- (1) Inflicted a bite on a person that *required medical care more than first aid*, resulted in broken bones or disfiguring lacerations, or required cosmetic surgery or hospitalization; or
- (2) *A dog that has previously been declared aggressive and which subsequently causes serious injury to a domestic animal when not on its owner's or keeper's real property; or*
- (2) Killed or inflicted severe injury upon a domestic animal when not on the real property of the owner of the dog; or
- (3) Attacked a person or approached a person *in an area of the keeper's property open and accessible to invitees*, or when not on the owner's property, in a vicious or terrorizing manner in an apparent attitude of attack.

*Severe injury:* Any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.

*Territorial jurisdiction of Cumberland County:* All territory within the boundaries of the County of Cumberland, North Carolina, except the incorporated area of a municipality, unless such municipality has consented to the application and enforcement of this article in such areas.

*Vicious dog:* A dangerous dog, as defined herein, that after having once committed an act making it a dangerous or *potentially dangerous dog*, or having been determined hereunder to be a dangerous dog, commits a subsequent attack on a person or domestic animal.

### **Sec. 3-26. Application of ordinance; exceptions.**

The provisions of this ordinance do not apply to:

- (1) A law enforcement dog or guard dog being used by a law enforcement officer or bona fide professional security guard's official duties or professional responsibilities;

- (2) A dog being used in a lawful hunt;
- (3) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under control of its owner, keeper or harbinger, and the damage or injury was to a species or type domestic animal appropriate to the work of the dog; or
- (4) A dog where the injury inflicted by the dog was sustained by a person who at the time of the injury, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

**Sec. 3-27. Reporting requirements.**

- A. *Reporting required:* (i) An owner, keeper or harbinger of a dangerous or vicious dog or a dog that has attacked or bitten a person or domestic animal; (ii) a victim of or person witnessing such an attack or biting; (iii) a veterinarian treating a domestic animal for such an attack or biting; or (iv) a health care professional treating a person for such an attack or biting, shall report the following events to the Animal Control Department within three (3) business days after the event has occurred:
  - (1) Any attack or biting by a dog upon any person or domestic animal, or
  - (2) The transfer, gift, sale or other conveyance of ownership or possession of a potentially dangerous, dangerous or vicious dog, its confinement in a veterinary facility, its removal from the territorial jurisdiction of the county, or its death.
- B. *Report data required:* The data required in the report and the format thereof shall be as set forth in administrative procedures promulgated by the Animal Control Director.

**Sec. 3-28. Determination that a dog is dangerous, potentially dangerous or vicious.**

- A. *Generally.* Upon a complaint, or when he has reasonable suspicion, that a dog is potentially dangerous, dangerous or vicious, the Animal Control Director or his designee shall make a determination whether or not such dog is dangerous, potentially dangerous or vicious. Any determination that a dog is potentially dangerous, dangerous or vicious shall be made in a writing which summarizes the available evidence and which shall be delivered or mailed certified mail, return receipt requested, to the owner. If the determination is made that the suspect dog is dangerous, potentially dangerous, or vicious, the written determination shall order compliance with the appropriate provisions of this ordinance and the Director may impose reasonable conditions to maintain the public health and safety. The Director or his designee shall assess appropriate civil penalties if he determines that violations of this article have been established and may elect to pursue other remedies authorized by law. *During the Director's investigation.*



*the Director may require that the suspect animal be impounded at the Department's shelter until completion of the investigation and any appeal.*

B. *Appeals from determinations.*

- (1) Any party having a direct interest in the matter and aggrieved by any determination as provided in this chapter may within three (3) business days of receiving such determination appeal such determination in writing, within three (3) business days to the Animal Control Board. The ruling of Animal Control Board shall be final, subject only to such appeal or certiorari proceeding as may be provided by law to the Superior Court for Cumberland County, filed within ten (10) days of the date of the final determination by the Animal Control Board.
- (2) Any determination of the Animal Control Director under Section 3-28(A) may be appealed to the Animal Control Board by filing written objections with the Chairman of the Animal Control Board within three (3) business days after such determination. The Animal Control Board shall schedule a hearing on such appeal within ten (10) days of the filing of the written objections. The Animal Control Board shall render its decision as expeditiously as possible after the hearing. It shall deliver it to the parties and any person appearing at the hearing and requesting notice thereof, certified mail – return receipt requested, and file it concurrently with the Animal Control Director and the Officer of the Cumberland County Attorney. Any decision of the Animal Control Board concerning any appeal provided for in this Chapter other than under Section 3-28(A) shall be final.
- (3) Any appeal hearing before the Animal Control Board shall be conducted as follows:
  - (i) The hearing shall be subject to the Open Meetings Law, and the notice required thereunder shall be posed and given as applicable;
  - (ii) The parties may appear pro se or be represented by an attorney;
  - (iii) Any person adversely affected by the appeal may appear and participate fully in the proceeding;
  - (iv) Participants may make any statements, present any evidence, or offer any witnesses on their behalf, on any relevant issue;
  - (v) Participants shall be entitled to the right of cross examination;
  - (vi) The hearing shall be quasi-judicial in nature and all testimony shall be under oath;

- (vii) Any participant shall be entitled to transcribe the proceeding at his own cost;
- (viii) The Animal Control Board may affirm, deny, or affirm with conditions the determination appealed from. Any conditions imposed by the Animal Control Board shall be reasonable, shall be relevant to the issues in the matter, and shall have the effect of promoting the public health, safety and welfare.
- (ix) The Animal Control Board shall announce its decision at an open meeting and render it in writing as expeditiously as possible at or following the hearing. Its decision shall contain findings of fact and conclusions in support of its decision.

**Sec. 3-29. Registration required.**

- A. *Generally.* Any person owning, keeping, or harboring a dog determined as set forth above to be *aggressive*, dangerous, potentially dangerous, or vicious shall register such dog with the Animal Control Department within five (5) days of such determination or may, in lieu of any hearing, register such dog voluntarily, which such voluntary registration shall constitute an admission and determination that the dog is *aggressive*, dangerous, potentially dangerous, or vicious.
- B. *Relief from civil penalty.* Voluntary registration of a dangerous, potentially dangerous, or vicious dog by the owner, keeper or harbinger thereof prior to a determination that a dog is dangerous or vicious, or within (5) days (I) of an event establishing reasonable cause to believe that a dog is potentially dangerous, dangerous or vicious, or (II) of the acquisition of a potentially dangerous, dangerous or vicious dog, whichever later occurs, shall relieve such person from assessment of a civil penalty for any violation of this article occurring between such date, event or acquisition and the date of registration.
- C. *Permanent identification mark required.* Each dog registered as set forth shall be assigned a registration number by the Animal Control Department, which shall be affixed to the dog by permanent chip implant, tattoo or some other permanent means by or at the expense of the owner, keeper or harbinger of the dog. No person shall remove such identification mark once it is assigned and affixed.

**Sec. 3-30. Permit required.**

- A. *Generally.* After registration of a potentially dangerous, dangerous or vicious dog, or after a determination that such dog is potentially dangerous, dangerous or vicious, no person shall own, keep or harbor such dog thereafter within the territorial jurisdiction of

this chapter without applying for and obtaining a permit from the Animal Control Department.

- B. *Issuance of permit.* The Animal Control Department shall issue a permit for a potentially dangerous, dangerous or vicious dog only upon submission of a complete, verified application, payment of the permit fee and a finding by the director or his designee that required arrangements for housing of the dog and other public health and safety provisions are in effect, and that each dog for which a permit is issued does not pose an unreasonable threat to the public health, safety and general welfare if the permittee shall comply with the provisions of this article and the conditions of the permit. Each permit shall be conditioned on continued compliance with the provisions of this chapter and other provisions of law, on continued compliance with and maintenance of the arrangements for housing and safety set forth in the permit application, and any special conditions the Director may deem reasonably necessary to protect the public health, safety and welfare in view of the particular circumstances and history of the dog concerned.
- C. *Temporary permits.* Following the registration of a potentially dangerous, dangerous or vicious dog or the impoundment of such a dog, upon application therefore and for good cause, the Director may issue a temporary permit allowing the owner, keeper or harborer of a registered potentially dangerous or dangerous dog to retain possession of such dog or to confine such dog at a veterinary facility or kennel approved by the Director. A temporary permit also may be issued to allow the transport of a potentially dangerous, dangerous or vicious dog from the territorial jurisdiction if this ordinance. A temporary permit shall be issued subject to the same conditions to which a regular permit is subject and to any other conditions the Director may deem necessary to protect the public health, safety and welfare consistent with the provisions of this ordinance. A temporary permit shall be valid only until the earlier of its expiration, revocation or the issuance or denial of a permit under the provisions of subparagraph (B).
- D. *Term of permits and renewal thereof.* No permit shall be issued under subparagraph (B) for a term of more than three (3) years but may in the Director's discretions be issued for a shorter period. Permits may be renewed, subject to the same terms and conditions required for initial permits.
- E. *Revocation of permits.* The Director may, upon notice and hearing and for good cause shown, revoke any permit or modify any terms, conditions or provisions thereof. If the Director deems it necessary to protect the public health or safety from any imminent threat or danger thereto, he may, without hearing, suspend any permit or any portion thereof for not more than thirty (30) days. Good cause for revocation or modification of a permit shall include, without limitation, violation of or failure to comply with any provision of this article or with any term, condition or provision of a permit.
- F. *Inspections.* The Director shall cause periodic inspections to be made of the premises of a permittee to assure compliance with the provisions of this article and the applicable permit.

- G. *Insurance.* Every person owning, keeping or harboring a dog that has been declared dangerous, potentially dangerous or vicious shall purchase and maintain a policy of liability insurance covering any injury or property damage caused by the dog. Minimum policy limits shall be one hundred thousand dollars (\$100,000.00) personal injury or property damage, per occurrence. Such person shall cause a certificate or declaration of insurance to be furnished to the Director annually. Every calendar day that the required insurance is not in full force and effect shall constitute a violation of this ordinance article.

**Sec. 3-31. Regulation of aggressive, potentially dangerous, dangerous and vicious dogs; security and restraint requirements.**

No person shall own, keep or harbor an *aggressive*, dangerous, potentially dangerous, or a vicious dog except in compliance with all provisions of this ordinance, including:

(1) *Aggressive dogs shall be subject to the following regulations:*

a. *While on the real property of the person owning, keeping or harboring it such dogs shall be kept, secured and restrained only in a secured kennel or housing that ensures the dog may not leave the property of the person owning, keeping or harboring the animal.*

b. *Such dog may be taken off the property of the person owning, keeping or harboring only if muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals and while under the affirmative control of a responsible adult maintaining control of the dog.*

c. *A dog determined to be aggressive may not be used or sold for breeding and ownership may not be transferred.*

(2) *Dangerous dogs and potentially dangerous dogs.* Dangerous dogs and potentially dangerous dogs shall be subject to the following regulations:

a. Such dog shall be kept, secured and restrained while on the real property of the person owning, keeping or harboring it only in the following ways:

1. In a building with doors, windows and other exits securely fastened shut under the supervision and control of a responsible adult person capable of such supervision and control.

2. Securely kept in a locked enclosure which has secure sides, top and bottom and is constructed out of materials and in a manner which will preclude escape by the dog and prevent entry by small children.

3. While outside a building or enclosure described above, securely leashed with a leash no longer than four (4) feet in length in the hands of and under the control of a responsible competent person capable of such control and muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- b. No person owning, keeping or harboring such a dog shall remove such a dog from the real property of such person except to bring such dog to a veterinarian or to the shelter, to remove such dog permanently from the territorial jurisdiction of this ordinance, or to provide bona fide exercise necessary for the dog's continued good health. In the event of such removal, such dog shall be securely restrained or enclosed as set forth above for dogs being maintained outside buildings.
  - c. Notwithstanding the foregoing, no person shall keep or harbor within the territorial jurisdiction of this ordinance a dangerous dog that has killed a person, except as follows:
    1. In the care and custody of a veterinarian for the purposes of treatment or quarantine or pending appeal as herein provided of the determination that the dog is vicious, in which case the dog shall be kept and secured by the veterinarian as provided herein for a dangerous dog.
    2. In the custody of the animal shelter pending disposition in accordance with the provisions of this ordinance or lawful instructions of the person owning or previously keeping or harboring such animal, or
    3. Pending appeal as herein provided of the determination that the dog is dangerous, in which case the dog shall be kept and secured by the animal shelter as provided herein.
- (3) *Vicious dogs.* No person shall keep or harbor a vicious dog within the territorial jurisdiction of this ordinance, except as follows:
- a. In the care and custody of a veterinarian for the purposes of treatment or quarantine or pending appeal as herein provided of the determination that the dog is vicious, in which case the dog shall be kept and secured by the veterinarian as provided herein for a dangerous dog.
  - b. In the custody of the animal shelter pending disposition in accordance with the provisions of this ordinance or lawful instructions of the person owning or previously keeping or harboring such animal.
  - c. Pending appeal as herein provided of the determination that the dog is vicious, in which case the dog shall be kept and secured by the animal shelter as provided herein for a dangerous dog.

d. *If the Animal Control Board upholds a vicious dog determination, the animal shall be permanently removed from Cumberland County or ownership released to the Department within 24 hours of such final determination .*

- (4) *Signage.* Any owner of a dangerous, potentially dangerous, or vicious dog shall erect a sign (2' x 2') on the enclosure housing said dog which shall read:

BEWARE OF DOG  
THIS DOG IS DANGEROUS  
STAY AWAY!

**Sec. 3-32. Impoundment of potentially dangerous, dangerous and vicious dogs.**

- A. *Apprehension and surrender.* Upon an initial determination or upon registration of a dog to be dangerous, potentially dangerous, or vicious or if the Director has reasonable suspicion to believe that a dangerous, potentially dangerous, or vicious dog is being kept or harbored within the territorial jurisdiction of this ordinance in violation of it or of a permit issued hereunder, Animal Control Officers and law enforcement officers of Cumberland County and of any municipality subject to this ordinance shall impound such dog. It shall be a violation of this ordinance to fail or refuse to surrender such dog to such officers upon their lawful demand. The officer impounding such a dog shall deliver the same to the animal shelter.
- B. *Surrender. Hiding, removing or failing to surrender a vicious, dangerous, or potentially dangerous dog, or impeding any investigation concerning the same shall be a violation of this ordinance..*
- C. *Confinement.* A dog impounded by or surrendered to an Animal Control Officer or law enforcement officer as provided herein shall be confined in the animal shelter or, upon request of the owner, keeper or harbinger of the dog, or a permittee hereunder, and as such person's expense, at a private veterinary facility or kennel approved by the Director, subject to the following conditions:
- (1) *Costs of impoundment.* Impoundment shall be at the expense of the owner, keeper or harbinger of the dog, or of the permittee. Costs of impoundment as the animal shelter shall be paid by the person liable therefore at the daily rate therefore. The costs of impoundment at a veterinary facility or kennel shall be paid by the person liable therefore pursuant to the terms of the agreement between such person and the proprietor of such facility or kennel. In no event shall Cumberland County or any municipality subject to this ordinance be liable for or pay for impoundment at such private facility or kennel.
- (2) *Release from impoundment.* No such dog shall be released from impoundment as provided herein except upon registration of such dog and issuance as provided herein of a permit or temporary permit allowing such release. No such dog shall

be released from the animal shelter until costs of confinement of such dog, any registration and permit fees for such dog, and any civil penalties assessed in connection with such dog have been paid in full.

(3) *Disposition of unclaimed or abandoned dogs.* The following dogs impounded at the animal shelter pursuant to this article shall be deemed abandoned and disposed of in accordance with the provisions of this ordinance and the rules and regulations of the animal shelter:

- a. Any dog which remains unclaimed by its owner, keeper or harborer or permittee thereof for a period more than ten (10) days or a period of lawful quarantine, whichever is longer.
- b. Any dog claimed by its owner, keeper or harborer, which is confined for a period in excess of ten (10) days, or a period of lawful quarantine, whichever is longer, during which no application has been made for a permit or temporary permit; provided, however, the Director shall extend such time upon a showing of justifiable delay in such action by the owner, keeper, harborer or permittee thereof.

**Sec. 3-33. Violations, penalties and other remedies.**

A. *Violations.* Each act or conduct prohibited by this article and each failure to comply with a mandatory provision hereby and each day's continuing failure to comply shall constitute a separate and distinct offense. Violations shall subject the violator to civil penalties and to other remedies allowed by law. For the purposes of assessing civil penalties, violations of this ordinance are classified as follows:

(1) *Class I violations:*

- a. Failure to report an event for which a report is required.
- b. Failure to register a potentially dangerous, dangerous or vicious dog as required.
- c. Any other violation not otherwise classified in this section.

(2) *Class II violations:*

- a. Keeping or harboring a vicious dog within the territorial jurisdiction of this ordinance in violation of this article.
- b. Keeping or harboring a dangerous dog within the territorial jurisdiction of this ordinance in violation of terms, conditions and

provisions of a permit or of the housing and restraint requirements of this article.

- c. Failure to surrender a potentially dangerous or dangerous dog to an Animal Control Officer or law enforcement officer for impoundment as required by this article.
- d. Willfully or negligently allowing a potentially dangerous, dangerous or vicious dog to leave the premises where it is required to be kept or harbored.

(3) *Class III violations:*

- a. Willfully or negligently allowing a potentially dangerous, dangerous or vicious dog to leave the premises where it is required to be kept or harbored, when such dog has thereafter committed an attack or a biting.
- b. Refusal to surrender a vicious dog to an Animal Control Officer or law enforcement officer for impoundment as required by this article.
- c. Failure to maintain insurance as required herein.

B. *Civil Penalties.* The following civil penalties shall be assess for each class of violation:

(1) *Class I violations:*

- a. One hundred dollars (\$100.00) for the first day of a violation.
- b. Twenty-five dollars (\$25.00) for each subsequent day of a continuing violation.
- c. A maximum of one thousand dollars (\$1,000.00) for each continuing violation.

(2) *Class II violations:*

- a. Two hundred fifty dollars (\$250.00) for the first day of a violation.
- b. One hundred dollars (\$100.00) for each subsequent day of a continuing violation.
- c. A maximum of three thousand dollars (\$3,000.00) for each continuing violation.



(3) *Class III violations:*

- a. Five hundred dollars (\$500.00) for the first day of a violation.
- b. Two hundred fifty dollars (\$250.00) for each subsequent day of a continuing violation.
- c. A maximum of seven thousand five hundred dollars (\$7,500.00) for each continuing violation.

C. *Other remedies.* In addition to assessment of civil penalties, this article may be enforced by any one or more of the remedies set forth in Chapter 160A or 153A, as applicable, of the North Carolina General Statutes.

D. *State law violations.*

- (1) Nothing in this ordinance shall be constructed to prevent an Animal Control Officer or any other person from pursuing remedies under Chapter 67, Article 1A, of the North Carolina General Statutes.
- (2) The Director or his designee is designated as the person responsible for making the determination required under Section 67-4.1(c) of the North Carolina General Statutes. In making such determinations, the Director or his designee shall follow the procedure set forth herein for determinations.
- (3) The Animal Control Board is designated as the appellate board to hear appeals of determinations made pursuant to N.C.G.S., Section 67-4.1(c).

**Sec. 3-34. Administrative provisions.**

- A. *Responsibility.* The Director shall administer and enforce this article and shall promulgate rules and regulations for such administration and enforcement as may be necessary or desirable to such end.
- B. *Citations assessing civil penalties.* The Director or any Animal Control Officer shall have authority to investigate alleged or suspected violations of this article and upon the determination by such person, based on observation or other evidence, that a violation has occurred, each such person shall have the authority to issue a written citation for violation of this article and to assess a civil penalty in the amount due. Such citation shall be mailed the violator by an Animal Control Officer, a law enforcement officer, certified mail, return receipt requested, addressed to the last known address of the violator, or shall be personally delivered to the violator or to some responsible person at the violator's residence. Service shall be complete upon personal delivery as provided herein or upon execution of a receipt for the certified mail by the violator or his agent in the event of such service. If a civil penalty duly

assessed is not paid when due, the Director shall initiate an action in a court of competent jurisdiction to collect such amount due.

C. *Authority to enter upon premises.* Animal Control Officers shall have authority to enter into and inspect any premises, dwellings, rooming units, barns and other outbuildings any part of the curtilage thereof, or any yard or other enclosure to (I) conduct any investigation of a dog alleged or suspected of being potentially dangerous, dangerous or vicious, or (II) apprehend a dog determined to be potentially dangerous, dangerous or vicious or as which there is reasonable suspicion to believe is potentially dangerous, dangerous or vicious, or (III) to investigate any violation of this article, or (IV) to serve a citation upon a person for violation of this article. Notwithstanding for foregoing, and Animal Control Officer shall only make such entry upon consent, pursuant to an administrative search warrant under G.S. 15-27.2. or otherwise as authorized by law.

D. *Authority to immobilize or kill a dangerous or vicious dog.*

- (1) If in the course of investigating, apprehending or otherwise taking custody a potentially dangerous, dangerous or vicious dog, or a dog as to which there is reasonable suspicion to believe is potentially dangerous, dangerous or vicious, such dog is not securely restrained and an Animal Control Officer or a law enforcement officer has reasonable cause to believe the dog poses an imminent risk of serious physical injury or death to any person or domestic animal, said officer shall have authority to render such dog immobile by means of tranquilizers or other safe drugs or, if that is not safely or timely possible under the circumstances, then the officer may humanely dispose of said dog.
- (2) If a potentially dangerous, dangerous or vicious dog impounded in the animal shelter cannot be cared for or handled without risk of serious physical injury or death to persons caring for or handling such dog or to other animals, and Animal Control Officer shall have the authority to render such dog immobile by means of tranquilizers or other safe drugs or, if that is not safely or timely possible under the circumstances, then the officer may humanely dispose of said dog.
- (3) An Animal Control Officer may humanely dispose of any dog being investigated under the provisions of this article at the request of or with the consent of its owner, keeper or harbinger.

#### **ARTICLE IV. RABIES AND ANIMAL BITES**

##### **Sec. 3-35. Rabies control.**

A. *Enforcement authority.* The Animal Control Director and the Cumberland County Health Director are authorized to enforce the rabies control provisions in Part 6 of Chapter 130A of the North Carolina General Statutes.

**ATTACHMENT**

**Requested Changes to the Cumberland County Animal Services Ordinance  
Regarding Dangerous Dogs / Potentially Dangerous Dogs**

**ARTICLE X. ENFORCEMENT**

***Sec. 3-98. Penalties for violations.***

*(d) Any violation of this chapter shall also subject the offender to a Class 3 criminal misdemeanor and a maximum punishment of 30 days or less, imprisonment or a fine of \$50.00 or less.*

This is new language which will make violations of Chapter 3 – Animals of the County of Cumberland subject to criminal penalties as well as civil penalties.

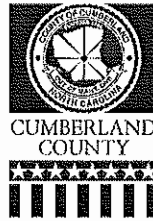
The criminalizing of the animal ordinance will accomplish several things:

1. Law enforcement will be able to arrest dog owners who refuse to surrender dogs which have been declared by the animal services director to be potentially dangerous, dangerous or vicious.
2. Criminal search warrants can be used to seize these types of dogs;
3. Records of ongoing investigations will be exempt from the public records law.



JAMES E. MARTIN  
County Manager

JUANITA PILGRIM  
Deputy County Manager



AMY H. CANNON  
Assistant County Manager

ITEM NO. 7

OFFICE OF THE COUNTY MANAGER

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

**MEMORANDUM**

**DATE:** September 30, 2009

**TO:** Cumberland County Board of Commissioners

**FROM:** Amy H. Cannon, Assistant County Manager *Amy Cannon*

**SUBJECT:** Update on the Qualified School Construction Bonds Program

**BACKGROUND**

As you may recall, the Board of Education (BOE) received an allocation of \$15.9M of Qualified School Construction Bonds (QSCB's). These are new zero interest bonds that were established as part of the American Recovery Reinvestment Act of 2009. On July 9, 2009, the Board of Commissioners approved a resolution authorizing an application to the NC Department of Public Instruction (DPI), for our allocation which will be used for classroom additions, cafeteria additions, and other renovations to existing schools. This application was approved by DPI.

Subsequent to that approval, DPI announced that approximately \$86M of the total allocation was still available from other school systems who did not apply for their individual allocation. The Board of Education then submitted an application to DPI for an additional allocation of \$16.3M on August 21, 2009. Unfortunately, this second application was not approved for any of the five largest LEA's who received direct allocations from the US Treasury Department.

On August 18, 2009, the NCACC hosted a meeting to discuss the issuance process, the Local Government Commission (LGC) requirements, and market conditions. Representatives from DPI and the LGC attended to answer questions from the County representatives. Additionally, representatives from several NC banks and the Guggenheim Partners Asset Management (GPAM) were available to discuss potential market opportunities. (GPAM is a privately owned investment management firm that has been very active in the QSCB market outside of NC.) To date, there have been no QSCB's issued in NC, and Guggenheim appears to be the only firm that is poised to place the bonds at this time.

The QSCB program offers tax credits (at a level set by the Treasury Department) to holders of the bonds. Based upon the unique structure of these bonds, a market for bonds with tax credits has not been fully developed. Upon advice of our Financial Advisor, and discussion at the NCACC meeting, we believe it was in our best interest to approach Guggenheim regarding their interest in a direct placement of our QSCB's. We have provided the appropriate financial information and our Financial Advisor has developed a term sheet for review by Guggenheim. There is a follow-up phone

conference on Friday, October 2, 2009, to receive feedback regarding placement our QSCB's. Although Guggenheim is very interested in the NC market potential, they have a limited amount of funds available and hundreds of daily requests from all over the United States. We believe that a Cumberland County deal may be attractive, since we are a very strong NC credit and because the BOE has made significant progress designing the projects and preparing them for the bid process.

Management will continue to diligently pursue the most efficient and economical placement of these bonds before the issuance deadline of December 31, 2009.

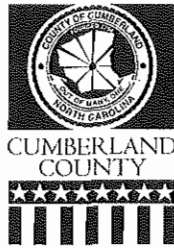
### **RECOMMENDATION**

No action necessary – information only.

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
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

September 25, 2009

ITEM NO. 8A

**October 5, 2009 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk *CW*  
SUBJECT: Human Relations Commission

**BACKGROUND:** The Human Relations Commission will have the following vacancy on November 1, 2009.

On November 20, 2006 the Board of Commissioners appointed Cornelius Williams to serve a first term on the Human Relations Commission. The appointment was for a two-year term; however, due to a typographical error, the expiration date for his first term was recorded as November 1, 2009. Therefore, Mr. Williams has served three years and is eligible for reappointment for one year.

**Cornelius Williams** – Completing first term. Eligible for reappointment for one year. Fill the vacancy.

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

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

pc: Ron McElrath - Human Relations Director

*Celebrating Our Past...Embracing Our Future*

HUMAN RELATIONS COMMISSION  
 (County Commissioner Appointees)  
 2Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible for Reappointment</u>
Cornelius Williams (B/M) 1327 Four Wood Drive Fayetteville, NC 28312 484-5044	11/06	1 <sup>st</sup>	Nov/09 11/01/09	Yes
Elvin McNeill (B/M) 2280 Spindletree Drive Fayetteville, NC 28304 423-7027/677-2552	12/08	1 <sup>st</sup>	Dec/10 12/01/10	Yes
Dr. Rev. Joe Fleming, Jr. (B/M) 7235 Ryan Street Fayetteville, NC 28304 339-5648	6/09	1st	July/11 07/01/11	Yes
Muhammad A. Lodhi (A/M) 2008 Ashridge Drive Fayetteville, NC 28304 401-2137/672-1658 (W)	6/09	1st	July/11 07/01/11	Yes

Contact: Ronald McElrath – 433-1605 – Fax # 433-1535  
 Human Relations Director  
 City of Fayetteville

Meetings: 2<sup>nd</sup> Thursday of every month – 5:30 pm  
 City Hall – Lafayette Room



APPLICANTS FOR  
HUMAN RELATIONS COMMISSION

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BRIGGS, BENITA Y. (B/F) 1639 RUDOLPH STREET FAYETTEVILLE, NC 28301 822-1154/672-1294	OFFICE ASSISTANT IV FSU	BA – HISTORY/SOCIOLOGY
BRUNSON, FRANCES (B/F) 1308 DEEP CREEK ROAD FAYETTEVILLE, NC 28312 578-3825/671-5147 (W)	CASE MANAGER SOUTHEASTERN REGIONAL	LTC ASSISTED LIVING ADMIN. LICENSE, EMT
CARAMANNO, DELL (W/F) 5578 QUIETWOOD PLACE FAYETTEVILLE, NC 28304 423-2622	RETIRED	HS; SOME COLLEGE
<b>**SERVES ON THE ADULT CARE HOME ADVISORY BOARD**</b>		
DEANE, ELIZABETH (W/F) 727 DUCK COURT #43 FAYETTEVILLE NC 28314 867-2873/689-0150 (W)	ADMISSIONS/MARKETING COORD HAYMOUNT REHAB & NURSING CENTER	AS – EDUCATION MARKETING/RETAILING
<b>**SERVES ON THE MID-CAROLINA AGING ADVISORY COMMITTEE BOARD**</b>		
GAMBILL, DONALD W. (-/M) 822 MUSKEGON DRIVE FAYETTEVILLE, NC 28311 480-2337/396-1750 (W)	SAFETY SPECIALIST/ HEALTH PHYS. WOMACK	BS – MATHEMATICS/EDUC MA – POLITICAL SCIENCE
MACK, DAVID J. (B/M) 5479 LYNBROOK COURT FAYETTEVILLE, NC 28314 867-1214	RETIRED	MASTERS – ED.
<b>**SERVES ON THE EQUALIZATION &amp; REVIEW BOARD**</b>		
McLEAN, ALICIA RENEE (B/F) 5058 SUMMER RIDGE DRIVE FAYETTEVILLE, NC 28303 487-0390/323-5288 (W)	DIALYSIS TECHNICIAN FAY. KIDNEY CENTER	BS – PSYCHOLOGY
<b>**SERVES ON WORKFORCE DEVELOPMENT BOARD**</b>		
MERRITT, EDGAR F. (B/M) 1506 BOROS DRIVE FAYETTEVILLE, NC 28303 822-2976/286-2552	RETIRED CITY POLICE OFFICER	HS; SOME COLLEGE
<b>**SERVES ON JURY COMMISSION**</b>		
OWENS JR., HUBERT (B/M) 4836 DURANGO COURT FAYETTEVILLE, NC 28304 339-9592/(719)433-9684	DISTRIBUTION WALMART DISTRIBUTION	HS; COLLEGE GRADUATE IN MAY 09
<b>**SERVES ON THE WORKFORCE DEVELOPMENT BOARD**</b>		
SKINNER-COLEMAN, ANNETTE (O/F) 916 BRAMBLEWOOD COURT FAYETTEVILLE, NC 28314 869-7949/907-0209 (W)	GUIDANCE COUNSELOR FT BRAGG SCHOOLS	MA – SPECIAL EDUC. BA – SOCIOLOGY

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
WARREN, JOHNETTA (B/F) 411 HALCYON CIRCLE FAYETTEVILLE, NC 28306 868-4002/261-3735 (C)	WORK FIRST PROGRAM	GED
WINFIELD, LEA (-/-) 427 TRADEWINDS DRIVE FAYETTEVILLE, NC 28314 964-1640	MGT TRAINEE ENTERPRISE RENT A CAR	BS – PUBLIC RELATIONS WORKING ON MASTERS

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
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

September 25, 2009

ITEM NO. 9A

**October 5, 2009 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk *(CW)*  
SUBJECT: Board of Adjustment

**BACKGROUND:** On September 21, 2009 the Board of Commissioners nominated the following individuals to serve one (1) unexpired term as an alternate member on the Board of Adjustment:

**Winton G. McHenry** (new appointment)  
**Randy A. Newson** (new appointment)

I have attached the current membership list for this Board.

**PROPOSED ACTION:** Appoint an individual to fill the one (1) vacancy above.

Attachment

pc: Tom Lloyd, Director  
Planning and Inspections Department

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BOARD OF ADJUSTMENT  
3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Joseph M. Dykes (B/M) PO Box 41604 Fayetteville, NC 28309 339-3079/813-4193 (C)	6/09	1st	June/12 6/30/12	Yes
Oscar L. Davis, III (C/M) 3320 Rustburg Drive Fayetteville, NC 28303 867-2950/977-3101(W)	6/07	2 <sup>nd</sup>	June/10 6/30/10	No
Melree Hubbard Tart (W/F) 300 Andrews Road Fayetteville, NC 28311 488-1208/497-3712 (W)	6/07	1 <sup>st</sup>	Aug/10 8/31/10	Yes
John R. Swanson (W/M) 6416 Coachman's Way Fayetteville, NC 283103 987-1972/822-2000(W)	9/09	1st	Sept/12 9/30/12	Yes
George Quigley (W/M) 618 Blawell Circle Stedman, NC 28391 485-2980/321-6882	6/09	2nd	June/12 6/30/12	No
<u>Alternate Members:</u>				
Carrie Tyson-Autry (_/F) 5951 NC Hwy 87 South Fayetteville, NC 28306-379 483-0087	6/08	1 <sup>st</sup>	Aug/10 8/31/10	Yes
Horace Humphrey (- /M) 1852 Cascade Street Fayetteville, NC 28301 488-5143	01/08	1st	Aug/10 8/31/10	Yes
(serving unexpired term)				
William Lockett Tally (W/M) 414 Vista Drive Fayetteville, NC 28305 489-3533/483-4175 (W)	1108	1 <sup>st</sup>	June/10 6/30/10	Yes
(serving unexpired term)				

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
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Alternate Members Continued:

VACANT(vacated by J.R. Swanson)	6/07	1 <sup>st</sup>	Jan/10 1/31/10	Yes
Martin J. Locklear (I/M) 1611 Four Wood Drive Fayetteville, NC 28312 672-0323/893-7525(W)	8/09	2nd	Aug/12 8/31/12	No

Meets 3<sup>rd</sup> Thursday of each month at 7:00 PM – Historic Cumberland County Courthouse, 130 Gillespie Street, Room 3

Contact: Tom Lloyd, County Planning Department - 678-7627

JAMES E. MARTIN  
County Manager

JUANITA PILGRIM  
Deputy County Manager



ITEM NO. \_\_\_\_\_

AMY H. CANNON  
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

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

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**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF OCTOBER 5, 2009**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JAMES E. MARTIN, COUNTY MANAGER**

**DATE: SEPTEMBER 30, 2009**

**SUBJECT: CLOSED SESSION – ECONOMIC DEVELOPMENT MATTER(S)  
PURSUANT TO NCGS 143-318.11(a)(4)**

Ms. Phyllis Owens will be at the October 5, 2009 Board of Commissioners Meeting to discuss and Economic Development matter.

/ct

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