

- D. Approval of Transfer of Surplus Mental Health Authority Vehicles to East Carolina Behavioral Health.
- E. Approval of Bid Award from W. J. Jackson Construction Company for Mental Health Center Parking Lot Improvements.
- F. Approval of Bid Award for Stone, Ripwrap and Sand/Clay No: 11-04-SW(F).
- G. Approval of Change Order for the Brooklyn Circle Special Assessment Water Project.
- H. Approval of Adopting Preliminary Assessment Roll for the Brooklyn Circle Waterline Extension Project and Scheduling Public Hearing.
- I. Approval of Ordinance Assessing Property for the Cost of Demolition:
 - 1) Case Number: MH 5934-2009
Property Owners: Oscar M. Warren Life Estate
Property Location: 5541 Leitha Lane, Dunn, NC
Parcel Identification Number: 1503-02-2761
 - 2) Case Number: MH 5939-2009
Property Owners: Oscar M. Warren Life Estate
Property Location: 5550 Leitha Lane, Dunn, NC
Parcel Identification Number: 1503-02-2235
 - 3) Case Number: MH 5607-2008
Property Owner: Richard E. Rogers, Jr.
Property Location: 224 Americus Drive, Fayetteville, NC
Parcel Identification Number: 0456-96-8161
- J. Budget Revisions:
 - (1) Health
 - a. Bioterrorism Response Team - Revision in the amount of \$10,000 to reconcile state with county budget. (B11-090) **Funding Source – State**
 - b. Bioterrorism Preparedness and Response – Revision in the amount of \$5,000 to reconcile state with county budget. (B11-091) **Funding Source – State**

(2) Mid-Carolina Senior Transportation

Revision in the amount of \$574 to appropriate fund balance for additional medical transportation. (B11-088) **Funding Source – Mid-Carolina Senior transportation Fund Balance Appropriated**

(3) Emergency Telephone System

Revision in the amount of \$3,066 to appropriate fund balance to purchase a computer firewall. (B11-094) **Funding Source – Emergency Telephone Fund Balance Appropriated**

(4) Sheriff- Federal Forfeiture

Revision in the amount of \$54,000 to appropriate fund balance to purchase a high roof van for the special response team. (B11-097) **Funding Source – Federal Forfeiture Fund Balance Appropriated**

3. Public Hearings

- A. Public Hearing on Proposed Economic Development Incentive for MBM Hospitality LLC Project.
- B. Public Hearing on Community Development Department 2009 Consolidated Annual Performance Evaluation Report (CAPER).

Uncontested Cases

Rezoning

- C. Case P10-33: Rezoning of .43+/- acres from R10 Residential to R6A Residential, or to a more restrictive zoning district, located at 2826 George Owen Road, submitted by Teresa Barefoot Spell (owner).
- D. Case P10-34: Rezoning of 12.38+/- acres from A1 Agricultural to R15 Residential, or to a more restrictive zoning district; located on the south side of SR 2238 (Sand Hill Road), east of SR 2376 (South Forty Drive); submitted by Mary L. Montgomery (owner).

Conditional Use District and Permit Cases

- E. Case P10-37: Rezoning of 302+/- acres from A1 Agricultural and R40 Residential to R20 Residential/CUD Conditional Use District for a 565 lot residential development and the Permit, or to a more restrictive zoning district; located on the south side of SR 2221 (Gainey Road), west of SR 2223 (McFayden Road); submitted by Moorman, Kizer & Reitzel, Inc., Robert L. Townsend, Weldon J. Jackson and Sarah J. Matthews (owners) and John Koenig for River Landing Center, LLC.

Other Public Hearings

Minimum Housing Code Enforcement

- F. Case Number: MH 5935-2010
Property Owner: Archie T. Warren Heirs
Property Location: 5502 Leitha Lane, Dunn, NC
Parcel Identification Number: 1503-02-1753
- G. Case Number: MH 6143-2010
Property Owner: Glen E. Regan
Property Location: Lot to the left of 164 Latonea Drive, Fayetteville, NC
Parcel Identification Number: 0424-43-8518
- H. Case Number: MH6145-2010
Property Owner: Ellen Oakes Bill
Property Location: 3983 Canal Street, Linden, NC
Parcel Identification Number: 0562-77-7621
- I. Case Number: MH6092-2010
Property Owner: Eddie D. Covington Heirs, c/o Trumella Covington
Property Location: 1836 Sand Hill Road, Hope Mills, NC
Parcel Identification Number: 0433-71-2669
- J. Case Number: MH6136-2010
Property Owner: William McNatt
Property Location: Lot 13, behind 3511 Sanderosa Road, Fayetteville, NC
Parcel Identification Number: 0468-51-7355
- K. Case Number: MH6162-2010
Property Owner: Michael J. Hill
Property Location: 1412 Chedington Road, Hope Mills, NC
Parcel Identification Number: 0443-31-1138

- L. Case Number: MH 6132-2010
Property Owner: Geneva P. Sanders, c/o David Sanders
Property Location: 3747 (Unit 1) & 4313½ (Unit 2) Cumberland Road, Fayetteville, NC
Parcel Identification Number: 0415-89-3624
- M. Case Number: MH6144-2010
Property Owner: Walter Terry Murphy, c/o Cindy Tabor
Property Location: 167 Latonea Drive, Fayetteville, NC
Parcel Identification Number: 0424-43-8405

Items of Business

4. Nominations to Boards and Committees
- A. Animal Services Board (1 Vacancy)
 - B. Cumberland County Local Emergency Planning Committee (1 Vacancy)
 - C. Human Relations Commission (1 Vacancy)
 - D. Minimum Housing Appeals Board (4 Vacancies)
 - E. Nursing Home Advisory Board (2 Vacancies)
5. Appointments to Boards and Committees
- There are no appointments for this agenda.**
6. Closed Session: IF NEEDED

ADJOURN

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

**MEETINGS: October 4, 2010 (Monday) - 9:00 AM
October 18, 2010 (Monday) - 6:45 PM**

JAMES E. MARTIN
County Manager

JUANITA PILGRIM
Deputy County Manager



ITEM NO. 2B


AMY H. CANNON
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF SEPTEMBER 20, 2010

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: SEPTEMBER 10, 2010

SUBJECT: PROPOSED ADDITIONS TO THE STATE SECONDARY ROAD SYSTEM

BACKGROUND

The North Carolina Department of Transportation has received petitions requesting the following streets be placed on the State Secondary Road System for maintenance (see attached):

Stonecreek Subdivision: Holloman Drive (SR 1942 Ext.),
Rockrose Drive (SR 1943 Ext.),
Carfew Court

DOT has determined that the above streets are eligible for addition to the state system.

RECOMMENDATION

NCDOT recommends that the above named streets be added to the State Secondary Road System. County Management concurs.

PROPOSED ACTION

Approve the above listed streets for addition to the State Secondary Road System.

/ct
Attachments

Celebrating Our Past...Embracing Our Future



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

September 3, 2010

Division Six - District Two
Cumberland County

Mr. Billy R. King, Chairman
Cumberland County Board of Commissioners
Post Office Box 1829
Fayetteville, North Carolina 28302

Subject: Secondary Road Addition

Dear Mr. King,

This is in reference to a petition submitted to this office requesting street(s) in Cumberland County be placed on the State's Secondary Road System. Please be advised that these street(s) have been investigated and our findings are that the below listed street(s) are eligible for addition to the State System.

Stonecreek Subdivision

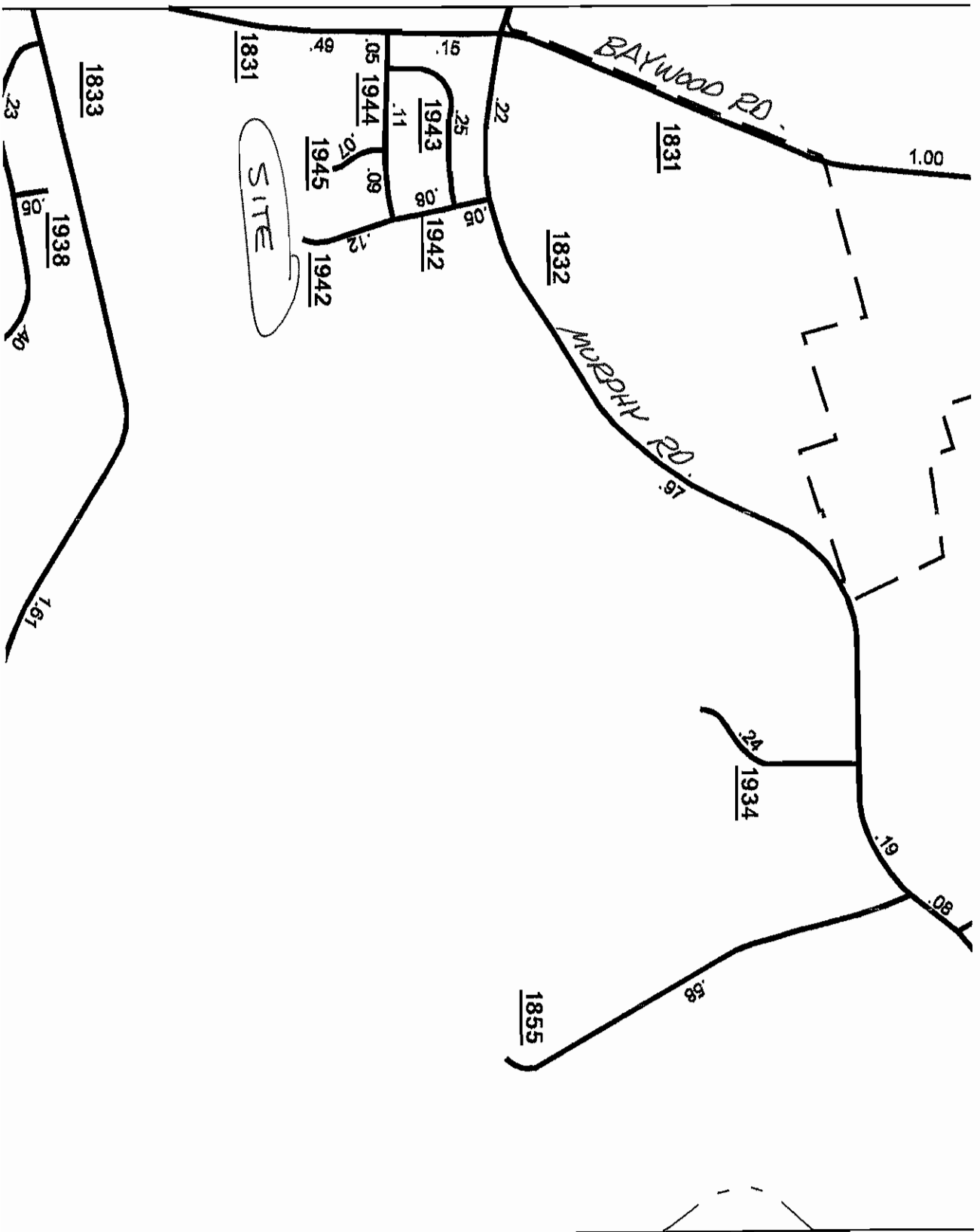
- Holloman Drive (SR 1942 Ext.)
- Rockrose Drive (SR 1943 Ext.)
- Carfew Court

It is our recommendation that the above named street(s) be placed on the State's Secondary Road System. If you and your Board concur in our recommendation, please submit a resolution to this office.

Sincerely,

A handwritten signature in cursive script that reads "David Plummer".

David Plummer
Transportation Tech. IV



JAMES E. MARTIN
County Manager

JUANITA PILGRIM
Deputy County Manager

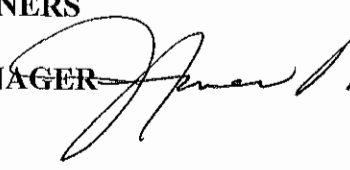


AMY H. CANNON
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

5th Floor, New Courthouse • PO Box 1829 • Suite 512, • Fayetteville, North Carolina 28302-1829
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MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF SEPTEMBER 20, 2010

TO: BOARD OF COUNTY COMMISSIONERS
FROM: JAMES E. MARTIN, COUNTY MANAGER 
DATE: SEPTEMBER 10, 2010
SUBJECT: REPORT ON THE DESTRUCTION OF COUNTY RECORDS

BACKGROUND

Pursuant to a resolution adopted by the Board of County Commissioners on February 4, 1985, I have authorized the destruction of County records as noted below. The destruction of these records is in accordance with the Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History and adopted by the Board of County Commissioners.

Cumberland County Crown Coliseum Records (see attached memo)

PROPOSED ACTION

Record the report in the Board's official minutes.

/ct

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
www.AtTheCrown.com
910-438-4100

**CROWN
CENTER**

1960 Coliseum Drive
Fayetteville, NC 28306

MEMORANDUM

TO: James Martin, Cumberland County Manager

From: Karen Long  General Manager

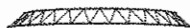
Date: September 2, 2010

Ref: Disposition of records

In accordance with the Records Retention and Disposition Schedule, I request permission to destroy the following records:

- 1) Crown Center financial records prior to July 1, 2007: Included are cash receipts, copies of checks, show income reports, bank reconciliations, budget worksheets, accounts payable files, requisitions, timesheets, payroll register, leave logs, purchase requests and orders, concessions reports, job ledgers, insurance policies, gross receipts tax forms and documents, North Carolina withholding tax forms and documents, and other miscellaneous financial information.
- 2) Contract records prior to July 1, 2005: Included are marketing contracts, group sales, and event files.

I request that this item be placed on the Commissioners Agenda at your earliest convenience. Please contact me if you have any questions. Thank you for your time in this matter.



• FAYETTEVILLE
NORTH CAROLINA

JAMES E. MARTIN
County Manager

JUANITA PILGRIM
Deputy County Manager



ITEM NO. 2D


AMY H. CANNON
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF SEPTEMBER 20, 2010

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JUANITA PILGRIM, DEPUTY COUNTY MANAGER 

DATE: SEPTEMBER 10, 2010

**SUBJECT: APPROVAL OF TRANSFER OF SURPLUS MENTAL HEALTH
AUTHORITY VEHICLES TO EAST CAROLINA BEHAVIORAL HEALTH**

BACKGROUND:

Cumberland County Mental Health requests that the following vehicles be surplus by the Board of Commissioners and transferred to East Carolina Behavioral Health:

2008 White, Dodge Avenger VIN #1B3LC46R48N262914

2002 White, Ford Crown Victoria VIN # 2FAFP73W42X132008

These vehicles were purchased with State TASC Funds and the TASC Program is being divested. The State designated East Carolina Behavioral Health (ECBH) as the contracting LME to administer the TASC Program. The contract was awarded to Coastal Horizons Center, Inc.

RECOMMENDATION/PROPOSED ACTION:

Staff and Management recommend that said vehicles be declared surplus to the needs of Cumberland County Mental Health and that same be transferred to East Carolina Behavioral Health.

/cp

JP091010-1

Celebrating Our Past...Embracing Our Future



MENTAL HEALTH CENTER

P.O. Box 3069 • 711 Executive Place, Fayetteville, NC 28302-3069
(910) 323-0601 • Fax: (910) 323-0096

Hank Debnam, M.P.H., Area Director

MEMORANDUM

To: Juanita Pligrim, Deputy County Manager

Thru: Hank Debnam, Area Director

From: Ed Norris, Finance Director

Date: September 7, 2010

Subject: Surplus of Vehicles

Cumberland County Mental Health requests that the following vehicles be surplus by the Board of County Commissioners to East Carolina Behavioral Health:

2008 White, Dodge Avenger, 1B3LC46R48N262914
2002 White, Ford CrownVictoria, 2FAFP73W42X132008.

These vehicles were purchased with State TASC Funds (not county dollars) and the TASC Program is being divested. The state designated East Carolina Behavioral Health (ECBH) as the contracting LME to administer the TASC Program. The contract was awarded to Coastal Horizons Center, Inc.

I appreciate your consideration of this request.

cc: Terry Gagnon, Assistant Finance Director
James Silman, Risk Manager
Joe Deaton, Facilities Manager
Colette Gelin, Accounting Supervisor

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ROBERT N. STANGER, P.E.
County Engineer



SAM LUCAS
Engineering Technician II

WAYNE DUDLEY, CFM
Engineering Technician I

ENGINEERING DEPARTMENT

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

September 13, 2010

ITEM NO. 2E

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

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

THROUGH: AMY H. CANNON, ASSISTANT COUNTY MANAGER

**SUBJECT: APPROVAL OF BID FROM W.J. JACKSON CONSTRUCTION COMPANY
FOR MENTAL HEALTH CENTER PARKING LOT IMPROVEMENTS**

BACKGROUND

Informal bids were received on September 2, 2010 for the Mental Health Center Parking Lot Improvements Project. The scope of work includes sealing asphalt cracks, selective patching, removing and replacing concrete curb, paving the stone area in front of the building, asphalt resurfacing over the entire parking lot and restriping the lot.

Attached is the certified bid tabulation. The only bid received was from W.J. Jackson Construction Company in the amount of \$123,753.21. The original bid date was extended two weeks to afford more time to contractors interested in the project. However, several contractors advised the Engineering Department that they would not bid the project due to their current workload. The bid submitted by W.J. Jackson is within 15 percent of the engineer's estimate. Rejecting the bids and rebidding the project is not likely to result in additional interest in the project.

There are sufficient funds budgeted for this project.

RECOMMENDATION/PROPOSED ACTION

The recommendation of the County Engineer and Management is to approve the bid for the Mental Health Center Parking Lot Improvements Project, award a contract to W.J. Jackson Construction Company in the amount of \$123,753.21, and approve the attached budget revision.

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

Celebrating Our Past...Embracing Our Future

**MENTAL HEALTH CENTER PARKING LOT IMPROVEMENTS PROJECT
BID TABULATION**

RECEIVED AT 2:00PM THURSDAY, SEPTEMBER 2, 2010

BIDDER'S NAME	BID BOND	TOTAL BID
W.J. JACKSON CONSTRUCTION COMPANY	Y	\$123,753.21

CERTIFIED TRUE AND CORRECT



BY:

Robert Stanger

DATE:

9/2/10

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B11-092
Date Received	9/10/2010
Date Completed	

Fund No. 101 Agency No. 412 Organ. No. 4195
 Organization Name: General Government Other

REVENUE

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

Total

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3735	090	Roof	1,203,627	(123,754)	1,079,873
3701	090	Paving / Parking	0	123,754	123,754

Total 1,203,627 - 1,203,627

Justification:

Revision to move funds from the unencumbered general government roof budget to the paving/parking budget to provide funding to award the Mental Health Center Parking Lot Improvements Project to W.J. Jackson Construction Company.

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

Submitted By: _____ Date: _____
 Department Head

Reviewed By: Bob Sucher Date: 9/10/10
 Finance Department

Reviewed By: Amy H. Cannon Date: 9/16/10
 Assistant County Mgr

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

ITEM NO. 2F

COUNTY of CUMBERLAND

Office of Solid Waste Management

DATE: September 13, 2010

TO: Cumberland County Board of Commissioners

FROM: Robert Howard, Director

THRU: James Martin, County Manager
Thelma Matthews, Purchasing *TM*

SUBJECT: Bid Approval for Stone, Ripwrap and Sand/Clay No: 11-04-SW(F)

BACKGROUND:

Bids were received on August 31, 2010 for ABC Stone/Ann St, ABC Stone/Wilkes Rd, #4 Stone, #57 Stone, Class B Ripwrap, and Virgin Sand Clay. Five bids were received.

<u>Vendor</u>	<u>ABC/Ann</u>	<u>ABC/Wilkes</u>	<u>#4 Stone</u>	<u>#57 Stone</u>	<u>Class B</u>	<u>Sand Clay</u>
WHI	\$6,975	\$6,975	\$57,390	\$5,385	\$25,380	\$10,095
Thurmond	\$6,080	\$6,750	\$54,420	\$5,148	\$27,000	\$8,205
TJ Sealey	\$6,250	\$6,750	\$51,750	\$4,950	\$25,250	\$7,350
Garrett	\$6,800	\$6,800	\$56,250	\$6,150	\$25,750	\$9,000
American	\$6,700	\$6,700	\$53,940	\$5,319	\$25,080	\$7,485

RECOMMENDATIONS:

Recommend awarding the bid to lowest bidder for each type of material, as highlighted above.

Sufficient funds are available for purchase of material.

Attachment – Bid Tabulation

COUNTY of CUMBERLAND
SOLID WASTE MANAGEMENT

Stone, Ripwrap and Sand/Clay

RFP (Bid) No: 11-04-SW (F)

August 31, 2010 – 11:00 P.M.

Bid Tabulation

<u>TYPE</u>	<u>VENDOR</u>	<u>TOTAL</u>
ABC Stone/Ann St	WHI	6975.00
ABC Stone/Wilkes Rd		6975.00
#4 Stone		57,390.00
#57 Stone		5,385.00
Class B Riprap		25,380.00
Virgin Sand Clay		10,095.00

<u>TYPE</u>	<u>VENDOR</u>	<u>TOTAL</u>
ABC Stone/Ann St	Thurmond Trucking	6080.00
ABC Stone/Wilkes Rd		6750.00
#4 Stone		54,420.00
#57 Stone		5,148.00
Class B Riprap		27,000.00
Virgin Sand Clay		8,205.00

<u>TYPE</u>	<u>VENDOR</u>	<u>TOTAL</u>
ABC Stone/Ann St	T.J. Sealey	6,250.00
ABC Stone/Wilkes Rd		6,750.00
#4 Stone		51,750.00
#57 Stone		4,950.00
Class B Riprap		25,250.00
Virgin Sand Clay		7,350.00

TYPE**VENDOR****TOTAL**

ABC Stone/Ann St
ABC Stone/Wilkes Rd
#4 Stone
#57 Stone
Class B Riprap
Virgin Sand Clay

Garrett Trucking

6,800.00
6,800.00
56,250.00
6,150.00
25,750.00
9,000.00

TYPE**VENDOR****TOTAL**

ABC Stone/Ann St
ABC Stone/Wilkes Rd
#4 Stone
#57 Stone
Class B Riprap
Virgin Sand Clay

American Materials Co.

6,700.00
6,700.00
53,940.00
5,319.00
25,080.00
7,485.00

TYPE**VENDOR****TOTAL**

ABC Stone/Ann St
ABC Stone/Wilkes Rd
#4 Stone
#57 Stone
Class B Riprap
Virgin Sand Clay

TYPE**VENDOR****TOTAL**

ABC Stone/Ann St
ABC Stone/Wilkes Rd
#4 Stone
#57 Stone
Class B Riprap
Virgin Sand Clay



ITEM NO. 26

PUBLIC UTILITIES DEPARTMENT

Historic Courthouse, 130 Gillespie Street • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
Telephone (910) 678-7682 • Fax (910) 678-7635

THOMAS B. COONEY III, P.E.
Public Utilities Director

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF SEPTEMBER 20, 2010

TO: BOARD OF COUNTY COMMISSIONERS
FROM: TOM COONEY, PUBLIC UTILITIES DIRECTOR *TBC*
THROUGH: JAMES E. MARTIN, COUNTY MANAGER
DATE: SEPTEMBER 13, 2010
SUBJECT: APPROVAL OF FINAL CONTRACTOR CHANGE ORDER FOR THE BROOKLYN CIRCLE SPECIAL ASSESSMENT WATER PROJECT

BACKGROUND

The construction of the Brooklyn Circle Potable Water Distribution system has been completed. Attached is the final Change Order for Frank Horne Construction, Inc. (Contractor). During the course of construction, the contractor had to add additional valves and a service to the project. The Contractor has requested compensation for those items that resulted in changes to the scope of their respective work. All of the changes listed below were required to complete this project and reflect a good faith effort by the contractor to keep the cost of this project to a minimum.

The Project Engineer, Mr. Sam R. Noble, Jr., P.E., of Koonce, Noble and Associates, Inc. has reviewed the requested changes and recommends approval as well. Attached is the Change Order form listing the cost of each item making up the change, as well as, a brief description of the change.

**Change Order #1, Frank Horne Construction, Inc. (Contractor),
Amount \$ 5,852.20 (Final Change Order)**

- A. An eight (8) inch valve was added because the valve shown on the record maps as existing on the tie in line was not there. Another was added to provide a crossing of Brooklyn Circle for future extensions (Increase of \$2,140.00).
- B. A service was added to serve the Fire Department which was located approximately three hundred (300) feet off Brooklyn Circle (Increase \$505.00).
- C. Additional concrete replacement required outside of the original bid identified locations (Increase \$1,150.00).
- D. Additional asphalt replacement required outside of the original bid identified locations (Increase \$2,623.00).
- E. A two (2) inch blow off was added for the crossing of Brooklyn Circle for future extensions (Increase of \$869.00).
- F. A credit for a reduction of materials not needed but included in the Bid (Decrease of \$1,434.80).

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RECOMMENDATION

The Engineer, Public Utilities Director and County Management recommend that the Board of Commissioners:

1. Approve Change Order #1 for Frank Horne Construction, Inc. in the amount of \$ 5,852.20 revising the contract amount to \$79,639.20.
2. Approve the attached budget revision transferring funds to fund the items described above.

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

Attachments:

Koonce, Noble & Associates, Inc.
Consulting Engineers

July 20, 2010

Mr. Thomas B. Cooney, III, P. E.
Public Utilities Director
Cumberland County Public Utilities Department
Fayetteville, North Carolina 28301

Dear Mr. Cooney:

RE: WATER MAIN EXTENSION, BROOKLYN CIRCLE, SEDONDARY ROAD 1126


Enclosed with this letter are three copies of the following items on the above-referenced project:

1. Change Order No. 1. We have recommended this Change Order.
2. Final Pay Request from Frank Horne Construction, Inc. We have checked and approved this item for payment by the County.

Please let us know if you have any questions on the enclosed items. We would appreciate receiving an approved copy of the change order.

Sincerely,

KOONCE, NOBLE & ASSOC., INC.


Sam R. Noble, Jr., P. E.

SRNjr/ftf

enclosures

Change Order

No. 1


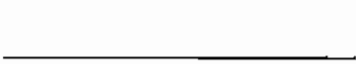
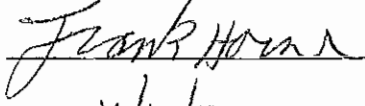
Date of Issuance: June 21, 2010

Effective Date: June 21, 2010

Project: Water Main Extension, Brooklyn Circle, Secondary Road 1126	Owner: County of Cumberland, North Carolina	Owner's Contract No.:
Contract: Water Main Extension, Brooklyn Circle, Secondary Road 1126		Engineer's Project No.:
Contractor: Frank Horne Construction, Inc.		Engineer's Project No.:
Contractor's Address: P. O. Box 338, Fair Bluff, NC 28439		
The Contract Documents are modified as follows upon execution of this Change Order:		
Description: See Attached Sheet		
Attachments: (List documents supporting change): See Attached Sheet for Justification		

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price:	Original Contract Times: <input type="checkbox"/> Working days <input type="checkbox"/> Calendar days
<u>\$ 73,787.00</u>	Substantial completion (days or date): <u>December 4, 2009</u>
	Ready for final payment (days or date): <u>January 2, 2010</u>
[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____:	[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____:
<u>\$N/A</u>	Substantial completion (days): <u>N/A</u>
	Ready for final payment (days): <u>N/A</u>
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:
<u>\$73,787.00</u>	Substantial completion (days or date): <u>December 4, 2009</u>
	Ready for final payment (days or date): <u>January 2, 2010</u>
Increase of this Change Order:	[Increase] [Decrease] of this Change Order:
<u>\$5,852.20</u>	Substantial completion (days or date): <u>December 4, 2009</u>
	Ready for final payment (days or date): <u>January 2, 2010</u>
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders:
Justification	Substantial completion (days or date): <u>December 4, 2009</u>
<u>\$79,639.20</u>	Ready for final payment (days or date): <u>January 2, 2010</u>

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>Koonce, Noble & Assoc., Inc.</u>	By: <u>County of Cumberland, North Carolina</u>	By: <u>Frank Horne Construction, Inc.</u>

		
Date: <u>7/20/10</u>	Date: _____	Date: <u>7/16/10</u>
Justification		

WATER MAIN EXTENSION FOR THE COUNTY OF CUMBERLAND
BROOKLYN CIRCLE - SECONDARY ROAD 1126

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	ORIGINAL CONTRACT		DEDUCT		ADD	
			UNIT PRICE	TOTAL PRICE	QUANTITY	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
	BASE BID							
1	8" Ductile Iron Pipe w/neoprene gaskets, pressure class 350	2,097 l.f.	\$19.40	\$40,681.80	34	\$659.60		\$0.00
2	8" Ductile Iron Restrained Joint Pipe	100 l.f.	\$30.00	\$3,000.00		\$0.00		\$0.00
3	8" Gate Valves & Boxes	3 ea.	\$1,070.00	\$3,210.00		\$0.00	2.00	\$2,140.00
4	6" Gate Valves & Boxes	2 ea.	\$798.00	\$1,596.00		\$0.00		\$0.00
5	Fire Hydrants as specified to include 6" cast iron hydrant extension pipe, avg. length 15', complete with tie rods. Valves and fittings to be paid under other items.	2 ea.	\$2,056.00	\$4,132.00		\$0.00		\$0.00
6	Ductile Iron fittings	1,121 lbs.	\$5.20	\$5,829.20	101	\$525.20		\$0.00
7	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) 15' avg. length, 1" copper pipe as shown on detail	7 ea.	\$505.00	\$3,535.00		\$0.00	1.00	\$505.00
8	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) bored or jacked under pavement, 45' avg. length	10 ea.	\$799.00	\$7,990.00		\$0.00		\$0.00
9	Concrete Replacement	5 s.y.	\$50.00	\$250.00		\$0.00	23.00	\$1,150.00
10	Asphalt Replacement	25 s.y.	\$43.00	\$1,075.00		\$0.00	61.00	\$2,623.00
11	Concrete for Blocking	3 c.y.	\$250.00	\$750.00	1	\$250.00		\$0.00
12	2" Blowoff as Shown on Detail	2 ea.	\$869.00	\$1,738.00		\$0.00	1.00	\$869.00
	TOTAL BASE BID			\$73,787.00		\$1,434.80		\$7,287.00
	TOTAL ADD							\$5,852.20
	REVISED PRICE			\$79,639.20				

DEDUCT THE FOLLOWING ITEMS

JUSTIFICATION

1) 8" DI Pipe	Actual quantities required 34 feet less of pipe	\$-659.60
6) Ductile Iron Fittings	Actual quantity of fittings was 1020 lbs.	\$-525.20
11) Concrete Blocking	Actual quantity of blocking was 2 CY	<u>\$-250.00</u>
TOTAL DEDUCT		\$-1434.80

ADD THE FOLLOWING ITEMS

JUSTIFICATION

3) 8" Gate Valve	8" valve was added because the valve shown on the record maps as existing on the tie in line was not there. Another was added to provide a crossing of Brooklyn for future extensions.	\$2,140.00
7) 1" House Service	A service was added to serve the fire department which was located approximately 300 feet of Brooklyn Circle.	\$ 505.00
9) Concrete Replacement	Actual quantity of concrete replacement was 28 square yards.	\$1,150.00
10) Asphalt Replacement	Actual quantity of asphalt replacement was 25 square yards.	\$2,623.00
12) 2" Blow off	One 2" blow off was added for the crossing of Brooklyn Circle for future extensions.	<u>\$ 869.00</u>
TOTAL ADD		\$7,287.00
GRAND TOTAL ADD		\$5,852.20

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B11-095
Date Received	9/13/2010
Date Completed	

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

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Appropriated Fund Balance	0	5,857	5,857

Total

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
340X	682	Brooklyn Circle Water Line Extension	0	5,857	5,857

Total 0 5,857 5,857

Justification:

Revision in the amount of \$5,857 to appropriate County Water & Sewer fund balance to roll FY10 Purchase Order # L0575 in the amount of \$4.60 and to budget an additional \$5,852.20 for Brooklyn Circle Change Order #1(final) for Frank Horne Construction. This change order increase the total contract with Frank Horne Construction to \$79,639.20.

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

Submitted By: _____ Date: _____
 Department Head

Reviewed By: Bob Lucher Date: 9/13/10
 Finance Department

Reviewed By: Amyl Cannon Date: 9/15/10
 Assistant County Mgr

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

ITEM NO. 24**PUBLIC UTILITIES DEPARTMENT**

Historic Courthouse, 130 Gillespie Street • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
Telephone (910) 678-7682 • Fax (910) 678-7635

THOMAS B. COONEY III, P.E.
Public Utilities Director

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF SEPTEMBER 20, 2010

TO: BOARD OF COUNTY COMMISSIONERS

FROM: TOM COONEY, PUBLIC UTILITIES DIRECTOR *TC*

THROUGH: JAMES E. MARTIN, COUNTY MANAGER

DATE: SEPTEMBER 13, 2010

**SUBJECT: APPROVAL OF ADOPTING PRELIMINARY ASSESSMENT ROLL FOR THE
BROOKLYN CIRCLE WATERLINE EXTENSION PROJECT AND SCHEDULING
PUBLIC HEARING**

BACKGROUND

The Board of Commissioners at their November 16, 2009 meeting adopted a Final Assessment Resolution for the Brooklyn Circle Project. I am pleased to report that the construction of the water line extension throughout the Brooklyn Circle area is now complete and that the Fayetteville Public Works Commission has accepted the lines. The final project costs have been determined and the preliminary assessment roll prepared. A copy of the assessment roll is attached for your review.

The next step is for the Board of Commissioners to adopt this preliminary assessment roll and set a date for a public hearing. I would like to recommend that the public hearing be scheduled for the second meeting in October, which is October 18, 2010 at 6:45 pm.

The following is a summary of the costs and the calculated assessment per lot:

Engineering and Design	Koonce, Noble & Associates	\$ 10,600.00
Construction	Frank Horne Construction	\$ 79,639.20
	Total	\$ 90,239.20
PWC Participation in the project		\$ 12,700.00
County's Participation in the project		\$ 22,493.29
	Total	\$ 35,193.29

Balance to be assessed \$ 55,045.91

Number of Lots for Assessment 19

Assessment per lot \$ 2,897.15

Celebrating Our Past...Embracing Our Future

RECOMMENDATION

The Utilities Department and County Management recommend that the Board of Commissioners adopt the Preliminary Assessment Roll and set a Public Hearing date of October 18, 2010 at 6:45 pm.

Attachments:

Preliminary Assessment Roll

Brooklyn Circle

Water Extension

Parcel Number	Owner Name	Owner Address	City, State Zip	Situs Address	Assessment per Lot
0424-20-5604-	HULON, SYLVIA K	226 BROOKLYN CIR	HOPE MILLS, NC 28348-2550	226 BROOKLYN CIR	\$ 2,897.15
0424-20-4356-	CAIN, GERALDINE G LIFE ESTATE	5546 FOX RIDGE RD	HOPE MILLS, NC 28348-2806	241 BROOKLYN CIR	\$ 2,897.15
0424-20-6410-	KOSTRO, LINDA IRENE & HUSBAND LECH R	225 BROOKLYN CIR	HOPE MILLS, NC 28348-2549	225 BROOKLYN CIR	\$ 2,897.15
0424-30-6613-	RIDGEN, JANET JOHNSON & HUSBAND JOHN THOMAS	114 BROOKLYN CIR	HOPE MILLS, NC 28348-2502	132 BROOKLYN CIR	\$ 2,897.15
0424-20-8491-	FELTON, WESLEY L & WIFE ELEANOR B	201 BROOKLYN CIR	HOPE MILLS, NC 28348-2549	201 BROOKLYN CIR	\$ 2,897.15
0424-30-4745-	RIDGEN, JOHN THOMAS & WIFE JANET JOHNSON	114 BROOKLYN CIR	HOPE MILLS, NC 28348-2502	114 BROOKLYN CIR	\$ 2,897.15
0424-20-7385-	COOK, VIRGIE MAE KINLAW	234 VINELAND DR	FAYETTEVILLE, NC 28306-3339	200 HULON ST	\$ 2,897.15
0424-20-9672-	CALVARY HOUSE OF PRAYER INC	501 BROOKLYN CIR	HOPE MILLS, NC 28348-2555	4651 CALICO ST	\$ 2,897.15
0424-30-2652-	BUIE, LINDA H & HUSBAND DANNY L	150 BROOKLYN CIR	HOPE MILLS, NC 28348-2501	150 BROOKLYN CIR	\$ 2,897.15
0424-20-3395-	CAIN, ROBERT WILLIAM	245 BROOKLYN CIR	HOPE MILLS, NC 28348-2549	245 BROOKLYN CIR	\$ 2,897.15
0424-20-3741-	BAIN, LAVERNE M	238 BROOKLYN CIR	HOPE MILLS, NC 28348-2550	238 BROOKLYN CIR	\$ 2,897.15
0424-30-0411-	HOLLOMAN, B J & WIFE	185 BROOKLYN CIR	HOPE MILLS, NC 28348-2501	185 BROOKLYN CIR	\$ 2,897.15
0424-20-5318-	HULON, EDNA PAULINE	233 BROOKLYN CIR	HOPE MILLS, NC 28348-2549	233 BROOKLYN CIR	\$ 2,897.15
0424-20-2391-	DEUTSCHE BANK NATIONAL TRUST TRUSTEE	1270 NORTHLAND DR SUITE 200	MENDOTA HEIGHTS, MN 55120-1072	255 BROOKLYN CIR	\$ 2,897.15
0424-30-1402-	EDWARDS, KEVIN L & WIFE GLENTRIECE M	5827 OAK FOREST CT	INDIAN HEAD, MD 20640-3735	173 BROOKLYN CIR	\$ 2,897.15
0424-10-9106-	PORTER, KENNETH W & WIFE EVELYN F	PO BOX 884	HOPE MILLS, NC 28348-0884	309 PORTER RD	\$ 2,897.15
0424-30-1474-	SCHMIDT, CHRISTOPHER MARK & WIFE AMY FULLERTON	169 BROOKLYN CIR	HOPE MILLS, NC 28348-2501	169 BROOKLYN CIR	\$ 2,897.15
0424-30-4652-	SMITH, MAGALENE J	140 BROOKLYN CIR	HOPE MILLS, NC 28348-2502	140 BROOKLYN CIR	\$ 2,897.15
0424-20-5881-	COTTON VOLUNTEER FIRE DEPARTMENT INC	PO BOX 129	HOPE MILLS, NC 28348-8428	4618 CALICO ST	\$ 2,897.15

Case No: MH 5934-2009

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on October 19, 2009, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Oscar M. Warren Life Estate, located at 5541 Leitha Lane, Dunn, NC, PIN: 1503-02-2761, said ordinance being recorded in Book 8274, page 387, of the Cumberland County Registry of Deeds;

WHEREAS, the time within which said demolition was to be performed has expired and the owner(s) failed to comply with the ordinance within such period; and

WHEREAS, the said ordinance further directed the Minimum Housing Inspector to effect the demolition of the structure(s) in the event the owner(s) failed to do so;

WHEREAS, the Minimum Housing Inspector has reported to this Board that:

- (1) Said work had been accomplished.
- (2) The cost of such work was \$900.00.
- (3) There were no salable materials resulting from said work.

NOW THEREFORE, the above report coming on to be considered and the Board of County Commissioners finding it to be a true and accurate accounting, the said Board hereby ORDAINS:

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$900.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated October 19, 2009 and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 5541 Leitha Lane, Dunn, NC, as described in Deed Book 5196, page 698, of the Cumberland County Registry and identified in County tax records as PIN 1503-02-2761.

(3) That as further provided in Section 160A-443(6) of the General Statutes of North Carolina, such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of said General Statutes;

(4) That one copy of this resolution be filed in the minutes of this Board of County Commissioners and another copy certified and delivered by the Clerk as a charge to the Tax Collector, who shall thereupon enter the amount of the assessment set forth above upon the Tax Books of the County as a special assessment against the above described property.

* * * * *

I certify that the foregoing Ordinance was adopted and ordered by the Board of Commissioners of Cumberland County, North Carolina, this 20th day of September, 2010, at 6:45 p.m. o'clock.

Cumberland County Clerk

Case No: MH 5939-2009ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on October 19, 2009, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Oscar M. Warren Life Estate, located at 5050 Leitha Lane, Dunn, NC, PIN: 1503-02-2235, said ordinance being recorded in Book 8274, page 369, of the Cumberland County Registry of Deeds;

WHEREAS, the time within which said demolition was to be performed has expired and the owner(s) failed to comply with the ordinance within such period; and

WHEREAS, the said ordinance further directed the Minimum Housing Inspector to effect the demolition of the structure(s) in the event the owner(s) failed to do so;

WHEREAS, the Minimum Housing Inspector has reported to this Board that:

- (1) Said work had been accomplished.
- (2) The cost of such work was \$3,000.00.
- (3) There were no salable materials resulting from said work.

NOW THEREFORE, the above report coming on to be considered and the Board of County Commissioners finding it to be a true and accurate accounting, the said Board hereby ORDAINS:

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$3,000.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated October 19, 2009 and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 5050 Leitha Lane, Dunn, NC, as described in Deed Book 5196, page 698, of the Cumberland County Registry and identified in County tax records as PIN 1503-02-2235.

(3) That as further provided in Section 160A-443(6) of the General Statutes of North Carolina, such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of said General Statutes;

(4) That one copy of this resolution be filed in the minutes of this Board of County Commissioners and another copy certified and delivered by the Clerk as a charge to the Tax Collector, who shall thereupon enter the amount of the assessment set forth above upon the Tax Books of the County as a special assessment against the above described property.

* * * * *

I certify that the foregoing Ordinance was adopted and ordered by the Board of Commissioners of Cumberland County, North Carolina, this 20th day of September, 2010, at 6:45 p.m. o'clock.

Cumberland County Clerk

Case No: M45607-2008

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on April 19, 2010, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Richard E. Rogers, Jr., located at 224 Americus Drive, Fayetteville, NC, PIN: 0456-96-8161, said ordinance being recorded in Book 8386, page 200, of the Cumberland County Registry of Deeds;

WHEREAS, the time within which said demolition was to be performed has expired and the owner(s) failed to comply with the ordinance within such period; and

WHEREAS, the said ordinance further directed the Minimum Housing Inspector to effect the demolition of the structure(s) in the event the owner(s) failed to do so;

WHEREAS, the Minimum Housing Inspector has reported to this Board that:

- (1) Said work had been accomplished.
- (2) The cost of such work was \$1,975.00.
- (3) There were no salable materials resulting from said work.

NOW THEREFORE, the above report coming on to be considered and the Board of County Commissioners finding it to be a true and accurate accounting, the said Board hereby ORDAINS:

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$1,975.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated April 19, 2010 and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 224 Americus Drive, Fayetteville, NC, as described in Deed Book 3924, page 709, of the Cumberland County Registry and identified in County tax records as PIN 0456-96-8161.

(3) That as further provided in Section 160A-443(6) of the General Statutes of North Carolina, such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of said General Statutes;

(4) That one copy of this resolution be filed in the minutes of this Board of County Commissioners and another copy certified and delivered by the Clerk as a charge to the Tax Collector, who shall thereupon enter the amount of the assessment set forth above upon the Tax Books of the County as a special assessment against the above described property.

* * * * *

I certify that the foregoing Ordinance was adopted and ordered by the Board of Commissioners of Cumberland County, North Carolina, this 20th day of September, 2010, at 6:45 p.m. o'clock.

Cumberland County Clerk

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>311-090</u>
Date Received	<u>9.8.10</u>
Date Completed	

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

Organization Name: N.C. Bioterrorism Response Team

ITEM NO. 25(1)a

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4187	N.C. Bioterrorism Response Team	80,000	10,000	90,000
Total		80,000	10,000	90,000

EXPENDITURES

Object Code	APRs	Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3390		166	Contracted Services	225,500	10,000	235,500
Total				225,500	10,000	235,500

Justification:

This budget revision requests to reconcile state and county budgets.

State: 10,000 Federal: _____ Fund Balance: _____
 Other: _____ Fees: _____ County: _____ Prior Year: _____ Other: _____

Submitted By: [Signature]
 Department Head
 Reviewed By: [Signature]
 Budget Analyst
 Reviewed By: [Signature]
 Deputy Assistant County Mgr
 Reviewed By: _____
 Information Services

8.31.10 Date: _____
9.8.10 Date: _____
9/15/10 Date: _____
 _____ Date: _____

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B11-091</u>
Date Received	<u>9.8.10</u>
Date Completed	

Fund No. 101 Agency No. 431 Organ. No. 432B
 Organization Name: N.C. Bioterrorism Preparedness and Response

ITEM NO. 2 J(1)b

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4187	N.C. Bioterrorism Preparedness and Response	126,603	(5,000)	121,603
Total		126,603	(5,000)	121,603

EXPENDITURES

Object Code	APRs Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3419	199	Miscellaneous Expenses	23,602	(5,000)	18,602
Total			23,602	(5,000)	18,602

Justification:

This budget revision requests to reconcile state and county budgets.

State: (5,000) Federal: _____ Fund Balance: _____ County: _____
 Other: _____ Fees: _____ Prior Year: _____ Other: _____

Submitted By: Banks
 Department Head
 Reviewed By: Kelly C. Culp
 Budget Analyst
 Reviewed By: Amy L. Cannon
 Deputy Assistant County Mgr
 Reviewed By: _____
 Information Services

8.31.10 Date: _____
9.8.10 Date: _____
9/15/10 Date: _____
 _____ Date: _____

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

COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST

Budget Office Use

Budget Revision No. B11-088
Date Received 8/31/2010
Date Completed

Fund No. 454 Agency No. 450 Organ. No. 457D

Organization Name: Mid-Carolina Senior Transportation

ITEM NO. 2J(2)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	0	574	574
Total		0	574	574

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
336A	803	Transportation Medical	107,817	574	108,391
Total			107,817	574	108,391

Justification:

Revision in the amount of \$574 to appropriate fund balance (unexpended fees from prior fiscal year) to be used to provide additional medical transportation.

Funding Source:

State: _____
Other: _____

Federal: _____
Fees: 574

Fund Balance:

County: _____
New: _____
Prior Year: _____

Other: _____

Submitted By: Thomas J. Hargis
Department Head

Date: 8/30/10

Reviewed By: Bob Satcher
Finance Department

Date: 9/2/10

Reviewed By: Amy Cannon
Assistant County Mgr

Date: 9/15/10

Approved By:

County Manager

Board of County Commissioners

Date: _____

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B11.094</u>
Date Received	<u>9.13.10</u>
Date Completed	

Fund No. 104 Agency No. 450 Organ. No. 4595
Organization Name: Emergency Telephone System

ITEM NO. 21(3)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appro.	1,325,405	3,066	1,328,471
Total		1,325,405	3,066	1,328,471

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
299A		Computer Hardware	31,125	3,066	34,191
Total			31,125	3,066	34,191

Justification:

To incorporate purchase of ASA 5510 Firewall - network configuration between Cumberland County, Hope Mills PD, Spring Lake PD, and City Of Fayetteville

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

Submitted By: [Signature] Date: 9/8/10
Department Head
Reviewed By: [Signature] Date: 9.13.10
Finance
Reviewed By: [Signature] Date: 9/14/10
Deputy/Assistant County Mgr

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>811-097</u>
Date Received	
Date Completed	

Fund No. 230 Agency No. 422 Organ. No. 422P
 Organization Name: Federal Forfeiture Justice

ITEM NO. 2 I (4)

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated		54,000	
Total				

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3603	653	Cap Outlay-Vehicles	0	54,000	54,000
Total			0	54,000	54,000

Justification:

Establish Expenditure Budget to purchase high roof van for Sheriff's Office operations.

Funding Source:

State: _____ Federal: _____ County: _____ New: _____ Other: 54,000
 Other: _____ Fees: _____ Prior Year: _____

Fund Balance:

Submitted By: <u>Earl R. Butler</u> Sheriff	Date: <u>9-10-10</u>	Approved By: _____ _____ County Manager Board of County Commissioners Date: _____
Reviewed By: <u>Harold Burr</u> Budget Analyst	Date: <u>9/14/10</u>	
Reviewed By: <u>Amy Carson</u> Deputy/Assistant County Mgr	Date: <u>9/15/10</u>	
Reviewed By: _____ Information Services	Date: _____	

**COUNTY OF CUMBERLAND
REQUEST FOR CAPITAL OUTLAY**

pg 2 of 2

DEPT: Sheriff ORGAN: Fed Forf Justice FUND: 230 AGENCY: 422 Org: 422P

ORGAN MGR: Earl R. Butler PRIORITY: _____

SIGNATURE: _____

Earl R Butler

DESCRIPTION OF REQUEST:

Sprinter Cargo Van with high roof and doors

\$54,000

JUSTIFICATION:

The Special Response Team has been using a regular passenger van to conduct operations and deploy the Team. Team members cannot prepare to exit the van without having to bend over, as the inside space does not permit standing erect. This physical constraint hampers SRT operations. Injuries have occurred while exiting the van.

A commercial van with high roof and high exit doors is available, which would eliminate this bottleneck while exiting the van.

REVENUE			EXPENDITURE		
Code	Funding Source	Amount	Object Code	Object Name	Amount
230-9901	Fund Balance	\$54,000	3603	CO-Vhicles	\$54,000

Expected Results/Alternatives if **NOT** Approved:

Continue to use the current van, which is unsuitable for this SRT use.

Replacement Item:

Property #

Location

Disposition of Equipment

REVISED

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

**MEMO FOR THE AGENDA OF THE
SEPTEMBER 20, 2010 MEETING OF THE BOARD OF COMMISSIONERS
(CORRECTED) *LM***

TO: BOARD OF COMMISSIONERS; CO. MANAGER

FROM: CO. ATTY. *LM*

DATE: SEPT. ¹⁷~~18~~, 2010

**SUBJECT: ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT
BETWEEN CUMBERLAND COUNTY AND
MBM HOSPITALITY LLC**

BACKGROUND:

At its September 7, 2010, the Board directed the publication of a public hearing to be held at the September 20, 2010 meeting to consider the terms of an economic development incentive agreement between the county and MBM Hospitality LLC pursuant to the joint city-county economic development incentives policy. The full agreement will be available at the time of the September 20 meeting. It may not be appropriate to disclose the parcel identification and start and completion date until the time of the public hearing so those items have been left blank. The proposed terms relating to the provision of incentives are as follows:

- (1) The Developer/Owner of the Project shall be MBM Hospitality LLC, a North Carolina limited liability company managed by Naynesh Mehta.
- (2) The Project shall consist of the construction of a hotel containing at least 160 rooms with an 18,000 sq. ft. conference facility located on the parcel with PIN # 0418-04-4058 in the City of Fayetteville, NC.
- (3) Project commencement and completion will be determined at a later date.
- (4) Once completed, the Project shall provide at least 76 new, full-time jobs at an average wage that is above the median wage for Cumberland County as reported by the North Carolina Department of Commerce through its EDIS data for Community Demographics for Cumberland County for the most recent year available.

Celebrating Our Past... Embracing Our Future

- (5) The jobs created by the Project shall, at a minimum, provide partial employer-paid health insurance benefits, retirement benefits, profit sharing benefits, and employer-paid vacation benefits.
- (6) Once completed, the Project shall provide new, full-time jobs for at least 101 existing Cumberland County residents.
- (7) Once completed and during its first full year of operations, the Project shall consist of a capital investment that shall have an assessed tax value for improvements to the real property and furniture, fixtures and equipment in an amount of at least Twenty Five Million Dollars (\$25,000,000). The Project shall maintain this level of capital investment for the first five years of operation, subject to reasonable and customary reductions for depreciation or depletion.
- (8) Provided that the Project is completed in accordance with the conditions stated above; maintains the jobs stated above; maintains the capital investment stated above; and timely pays all its assessed property taxes, occupancy taxes, and sales taxes the County shall make a direct cash incentive grant to the record owner of the Project on an annual basis for five (5) years, on or before March 1 of each year commencing in the year following the first full year the Project has been open for business as follows:
 - (i) First payment shall be 60% of the amount of property taxes actually paid by the Project for its first full year of operations
 - (ii) Second payment shall be 60% of the amount of property taxes actually paid by the Project for its second full year of operations
 - (iii) Third payment shall be 55% of the amount of property taxes actually paid by the Project for its third full year of operations
 - (iv) Fourth payment shall be 55% of the amount of property taxes actually paid by the Project for its fourth full year of operations
 - (v) Fifth payment shall be 50% of the amount of property taxes actually paid by the Project for its fifth full year of operations
- (9) If at any time the Project should fail to meet any of the above stated obligations with respect to job creation or capital investment, or should the Project or its record owner declare bankruptcy, be adjudicated bankrupt, or be determined to be insolvent in any judicial proceeding or by any judicial process, then the obligation of County to make the cash incentive grants shall terminate and County shall have no further obligation to the Project.



ITEM NO. 3B

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

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA
SEPTEMBER 20, 2010

TO: BOARD OF COUNTY COMMISSIONERS

THRU: JUANITA PILGRIM, DEPUTY COUNTY MANAGER *Juanita Pilgrim*

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

DATE: SEPTEMBER 9, 2010

SUBJECT: 2009 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

BACKGROUND

Community Development has prepared an abbreviated version of the draft CAPER for the 2009 Program Year (Exhibit 1). This document is available for public review and comment during the period September 7, 2010 through September 21, 2010. Copies of the draft CAPER in its entirety will be available for review in the County Commissioners office and at the Community Development office beginning September 25, 2010. Copies of the abbreviated version have been distributed to several locations throughout the County in compliance with our Citizen Participation Plan (see Exhibit 2-Public Notice). The final CAPER is due to HUD by September 28, 2010.

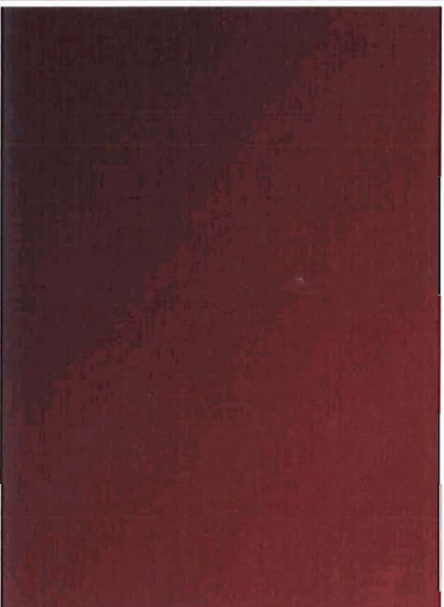
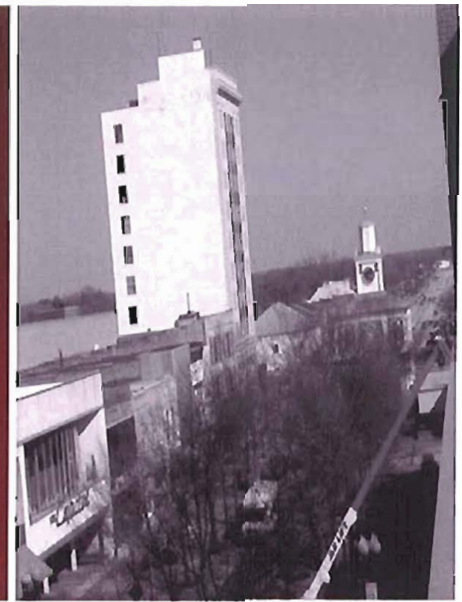
The 2009 CAPER details program accomplishments and assessments of our efforts in meeting the goals and objectives set forth in our Consolidated Plan and Annual Action Plan for the period July 1, 2009 through June 30, 2010. Performance reporting meets three basic purposes: 1) It provides HUD with necessary information for the Department to meet its statutory requirement to assess each grantee's ability to carry out relevant community development programs in compliance with all applicable rules and regulations; 2) It provides information necessary for HUD's Annual Report to Congress, also statutorily mandated; and 3) It provides grantees an opportunity to describe to citizens their successes in revitalizing deteriorated communities and meeting objectives outlined in their Consolidated Plan. This reporting tool assures that citizens, community groups, and other interested stakeholders in the community development process are accurately informed of the use of these federal funds (i.e. CDBG, HOME, etc.).

RECOMMENDATION AND PROPOSED ACTION

Community Development requests that the Board of Commissioners hold a public hearing on the 2009 CAPER. No other action is necessary.

Attachments: Exhibit 1 – 2009 Draft CAPER (abbreviated version)
Exhibit 2 – Public Notice

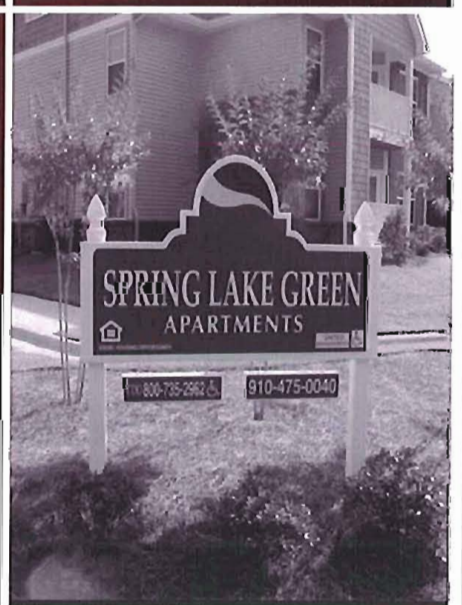
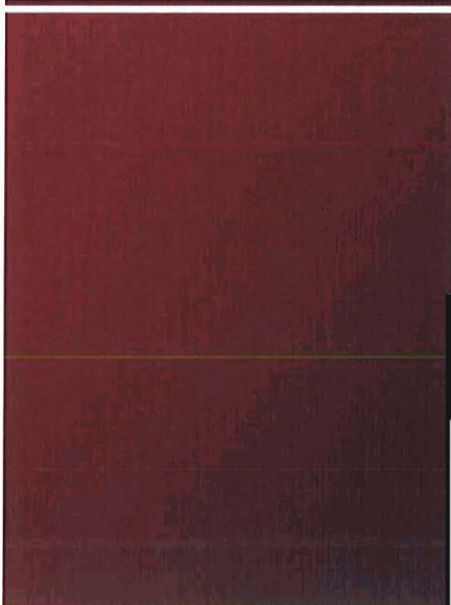
Celebrating Our Past...Embracing Our Future



*Cumberland County Community Development
Presents the*

**Consolidated Annual
Performance
and
Evaluation Report
(CAPER)
PY2009**

*Review Period:
Sept. 7, 2010 – Sept. 21, 2010
Public Hearing: Sept. 20, 2010 @ 6:45 p.m.*



Mission Statement

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

Executive Summary

Cumberland County is pleased to present its Consolidated Annual Performance and Evaluation Report (CAPER) for the 2009 Program Year (PY). As an Urban County Entitlement designated by the U.S. Department of Housing and Urban Development (HUD), Cumberland County receives annually Community Development Block Grant and HOME Investment Partnership Act funds. Through the 2009 American Reinvestment and Recovery Act (ARRA), the County also received an additional allocation of CDBG funding (\$286,690) to serve as a “stimulus” to spur economic improvement in our community. In addition to its entitlement funds, CCCD also received competitive grant funds awarded from HUD through the Supportive Housing Program (SHP) and Economic Development Initiative (EDI).

During the past year, Cumberland County Community Development (CCCD) expended more than \$3.6 million assisting low and moderate income residents in the following areas:

Funding Source	Amount Expended	Program Area
CDBG	\$1,650,476	Housing repairs, homeownership assistance, economic development, public facility/infrastructure, and support for human service programs.
CDBG-R*	\$286,690	Economic Development
HOME	\$1,626,873	Housing repairs, affordable housing construction, and homeownership assistance
EDI	\$16,964	Economic Development
SHP	\$113,596	Transitional housing for homeless families
Total Expended		\$3,694,599

*ARRA Funding

COMMUNITY DEVELOPMENT BLOCK GRANT

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

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

Executive Summary (cont'd)

HOME INVESTMENT PARTNERSHIP ACT

The Home Investment Partnership Act Program (HOME) is used to expand the supply, availability and affordability of decent, safe, and sanitary housing serving citizens who are 80% and below the area median income. The median income for a family of 4 in Cumberland County for PY 2009 was \$51,600.

SUPPORTIVE HOUSING PROGRAM

Funds provided through the Supportive Housing Program (SHP) are awarded on a competitive basis for either a one, two, or three year grant term. The purpose of SHP funding is to assist homeless persons in the transition from homelessness to permanent housing and to enable them to live as independently as possible.

Projects funded under SHP must meet three goals:

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

CDBG-R

The passage of the **American Recovery and Reinvestment Act of 2009 (ARRA)**, allocated additional CDBG funds to entitlement communities. The Community Development Block Grant Recovery funds, commonly referred to CDBG-R, were awarded with the purpose of maximizing job creation and economic benefit in entitlement communities. Specifically, eligible CDBG-R projects must meet one of the following ARRA goals:

- Preserving and creating jobs and promoting economic recovery;
- Assisting those most impacted by the recession;
- Providing investment needed to increase economic efficiency;
- Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits;
- Minimizing or avoiding reductions in essential services; or
- Fostering energy independence.

ECONOMIC DEVELOPMENT INITIATIVE

As a CDBG recipient, Cumberland County was eligible to receive the Economic Development Initiative (EDI) funds. Eligible activities for which EDI funds may be used are the same as those under the CDBG Entitlement program. Cumberland County used the EDI grant to implement economic development activities where funds can be leveraged to create jobs and other benefits for low and moderate income persons.

Executive Summary (cont'd)

PRIORITY NEEDS IN CUMBERLAND COUNTY

Every five years, CCCD must prepare a Consolidated Plan to identify the priority needs in Cumberland County and develop strategies that will be implemented to address those needs. The 2009 Program Year marked the 5th year in this process. In order to identify the needs of the community, citizens were encouraged to participate by attending community meetings and completing surveys that were distributed throughout Cumberland County. CCCD also consulted with local officials and agencies to assess the needs of the community. Based on the data received from these sources, the following were identified as priority needs in Cumberland County (in no order of preference):

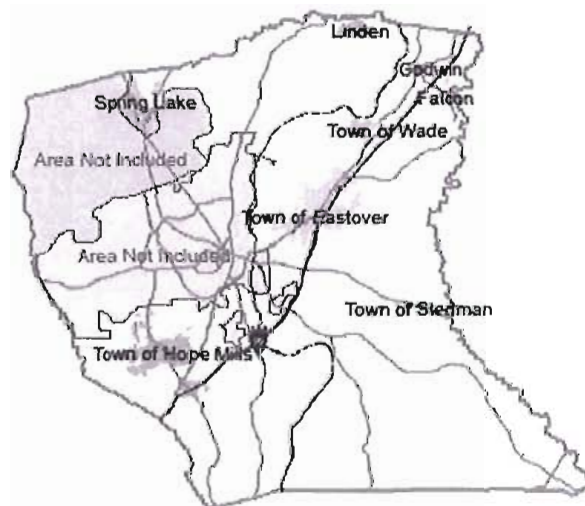
- Services for disabled persons;
- Services for the homeless;
- Street/sidewalk improvements;
- Water/sewer improvements;
- Parks/recreational facilities;
- Transportation services;
- Youth services;
- Senior services;
- Mental health services; and
- Health care services.

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

For PY 2009, CCCD received \$1,067,657 in CDBG funds, 286,690 in CDBG-R funds, \$542,462 in HOME funds, and \$84,134 in SHP funds. With the continued partnership of community groups, non-profit agencies, and other units of local government, CCCD used these funds to continue to meet the needs of the community and improve the quality of life for the low and moderate income citizens of Cumberland County.

SERVICE AREA

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



Housing Programs

HOUSING REHABILITATION

Owner-Occupied

The Homeowner Rehabilitation Program addresses homes that do not meet minimum housing code standards. Examples of the type of repairs that would qualify are plumbing, electrical, insulation, painting, and siding. Assistance is provided in the form of a deferred loan with repayment determined on the applicant's ability to meet additional financial obligations. Grants with no repayment up to \$7,500 per unit are available for housing repair projects that address households with immediate health or safety risks. A total of \$106,960 was expended to assist 18 homeowners with emergency repairs. Examples of the types of repairs that would qualify are faulty electrical systems that would lead to fire hazards, constructing a ramp that would make the home accessible for the disabled, and plumbing problems that could create an unsafe living environment for the occupants. A total of 334,760 was expended for PY 2009 to assist 14 owner-occupied homeowners with more extensive repairs.

Community Partnership-Fayetteville Urban Ministry

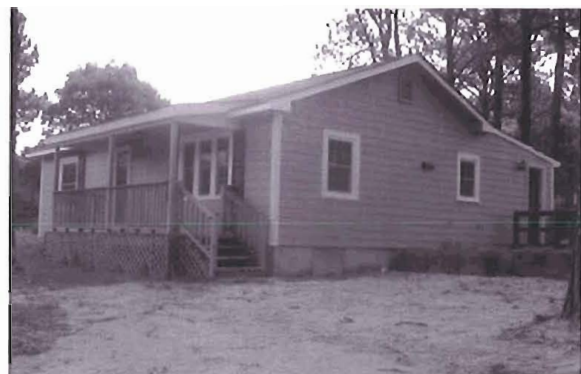
Cumberland County Community Development also partnered with Fayetteville Urban Ministry to provide \$22,170 in matching funds for its Urgent Repair Program (URP). URP provided emergency repairs for households earning 50% and below the area median income. A total of 12 households were assisted through this partnership.

Investor-Owner

The Rental Rehabilitation Program provides assistance to investors to acquire and repair units that will be leased to tenants earning 80% and below the area median income. For the 2009 Program Year, \$240,680 was expended to assist 3 investors with the acquisition/rehabilitation of housing units to serve 3 low to moderate income households.



Before Rehab



After Rehab

Housing Programs (cont'd)

HOME BUYER PROGRAM

The Homebuyer Assistance Program facilitates homeownership for low to moderate income households in Cumberland County. Loans up to \$5,000 are provided for down payment and/or closing cost assistance. Another form of loan, GAP financing, pays the difference between the purchase price of the home and what the lending institution approves for the applicant. The amount of assistance that can be provided is up to \$20,000—for a maximum of \$25,000 per applicant. Funding for these programs are provided through the use of Community Development Block Grant (CDBG), HOME Investment Partnership Act (HOME), and American Dream Down payment Initiative (ADDI) funds. Potential homebuyers received training through the First Time Home Buyer's class as the first step towards preparing them for homeownership. Funding in the amount of \$215,981 was expended to assist 10 first-time homebuyers in purchasing a home.

COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS

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

Kingdom Community Development Corporation (KCDC), a qualified CHDO, expended \$231,848 in relocation and predevelopment costs associated with Balsawood Subdivision. Once completed Balsawood will provide 21 affordable housing units for purchase by first-time home buyers.

AFFORDABLE HOUSING PROGRAM

Spring Lake Green Apartments

During the 2009 Program Year, \$300,000 was expended to complete construction on Spring Lake Green, a 48-unit multifamily affordable housing apartment complex. The development is comprised of 2 and 3 bedroom units available to tenants earning between 40-60% of the median income.

HOPE VI Program-Alfred St. Apartments

In partnership with the Fayetteville Metropolitan Housing Authority and the City of Fayetteville, Cumberland County expended \$625,000 towards infrastructure associated with the Alfred Street Affordable Housing Development. The HOPE VI revitalization area is the old Wilmington Road community. Once construction has been completed, Alfred Street Apartments will provide 36 units of affordable housing for elderly tenants earning 80% and below the area median income.



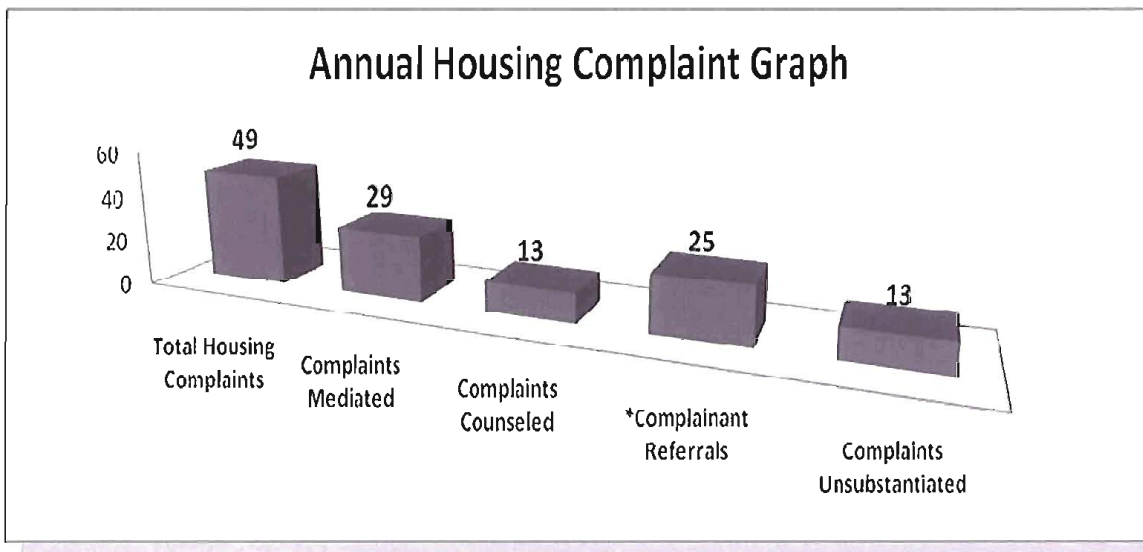
Spring Lake Green Apartments

Fair Housing

The goal of the Fair Housing Program is to promote, market, and encourage equal access to housing and housing related transactions regardless of race, color, national origin, religion, sex, familial status or handicap. Cumberland County has partnered with the City of Fayetteville to provide Fair Housing services County-wide through its Human Relations Department. If you feel your rights have been violated or for more information regarding fair housing laws, contact the Fayetteville-Cumberland County Human Relations Department at (910) 433-1696 or call CCCD at (910) 323-6112. During the 2009 Program Year, the following activities were undertaken:

Summary of actions to affirmatively further fair housing

- Held 6 community meetings to dialogue on fair housing issues
- Held 1 fair housing workshop
- Produced 2 public service articles on housing awareness
- Distributed 447 fair housing handbooks in English and Spanish
- Addressed 49 alleged housing discrimination complaints. Forwarded 2 housing complaints to the State Human Relations Commission
- Partnered with 6 local organizations in outreach/educational activities
- Participated in 1 Affordable Home Lenders Showcase
- Directly served a total of 1,015 persons



Mediation – mediation occurs when complainant and respondent agree to discuss issues and concerns with neutral party.

Counseled – counseling occurs when local or State Housing code is explained to complainants and/or respondents.

***Referrals** – referrals are made to other State or local agency in cases where the Human Relations Department has no jurisdiction. Two (2) Cases of alleged housing discrimination were forwarded to the State Human Relations Commission for further investigation. One case was closed with a settlement in June 2010, and the other case remains under investigation as of July 1, 2010.

Unsubstantiated Complainants – Unsubstantiated complaints are complaints that have no merit or where complainants do not follow up with the necessary supporting documentation.

Public Services

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

The following agencies provided services to improve the quality of life for 7,177 County residents during the 2009 Program Year:

Agency	Type of Service Provided	Census Tract	# Assisted/ Population Served	Funds Expended
Better Health of Cumberland County 1422 Bragg Blvd Fayetteville, NC	Emergency Prescriptions and Medical Assistance	9	361/ Low/Moderate Income Persons	\$18,000
City Rescue Mission 120 N. Cool Springs Street Fayetteville, NC	Housing and Services for the Homeless	1	46/ Homeless Men and Women	\$9,350
Coordinating Council on Older Adults 339 Devers Street Fayetteville, NC	In-home Aides for the Elderly	21	8/ Elderly (62 yrs +)	\$13,816
Cumberland Co. Medication Access Program (CCMAP) 227 Fountainhead Lane Fayetteville, NC	Prescription Drugs	18	5,334/ Low/Moderate Income Persons	\$16,749
The Salvation Army 245 Alexander Street Fayetteville, NC	Homeless Shelter	1	1,428/ Homeless Men, Women, and Children	\$23,700



CCMAP employee assists a customer

Supportive Housing

SUPPORTIVE HOUSING PROGRAM

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

During the 2009 Program Year, CCCD continued to administer the following Supportive Housing Program Grant:

Robin's Meadow

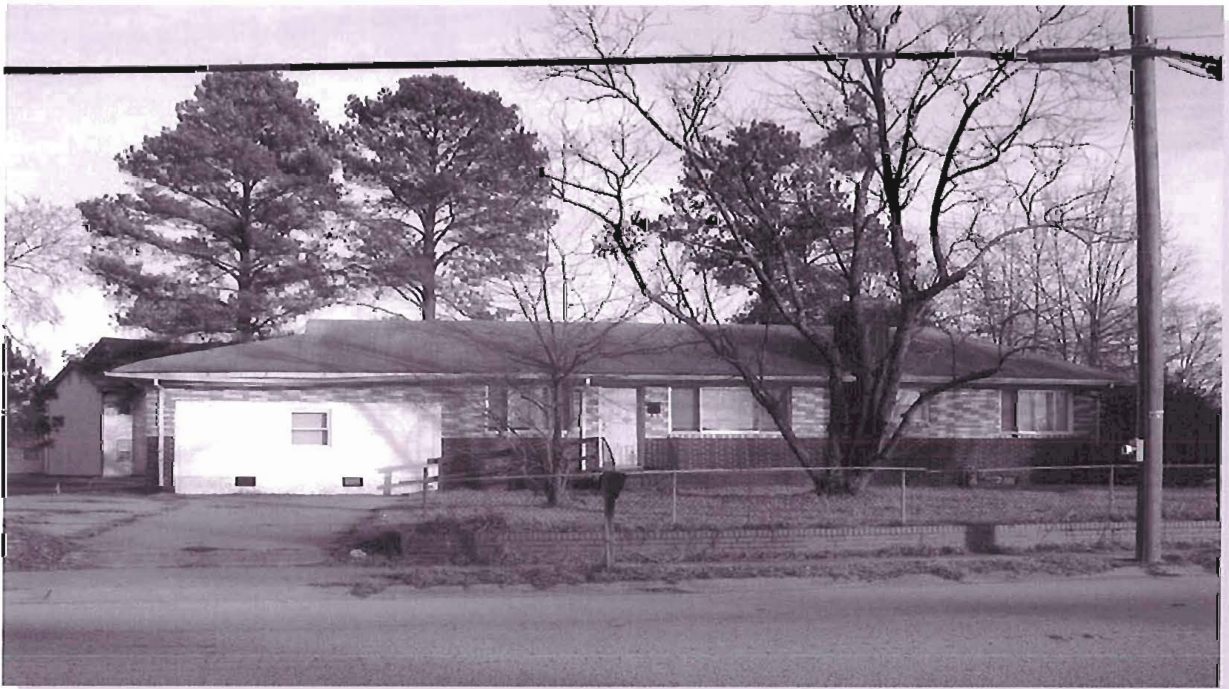
Location: 515/519 Candleberry Court, Fayetteville, NC

Census Tract: 1

Population Served: Homeless Families

Families Assisted: 18 (comprised of 65 homeless individuals)

Funds Expended: \$120,828 (includes CDBG funds)



Robin's Meadow Administrative Office located on Old Wilmington Road

Homeless Activities

10 - YEAR PLAN TO END HOMELESSNESS

During the 2009 Program Year, CCCD continued its participation on the Fayetteville/Cumberland County 10 Year Plan to End Homelessness Steering Committee to complete a Plan to address the needs of the homeless in our community. During the 2009 Program Year, the County assisted the committee in meeting the following goals:

Priority 1: Community Awareness and Education Campaign

Goal: To change the face of homelessness in the community from that of the panhandler on the street to a more sympathetic icon that brings citizens into the support network

Objective 1: Dispel common myths and misperceptions of the homeless population (emphasis on families and children)
Objective 2: Garner monetary support and an increased volunteer base to meet the increasing demand for homeless services.

STATUS: IN PROGRESS

Committee formed-Chair Dineen Morton (business owner representative)

ACHIEVEMENTS:

- Met with advertising company to establish a branding campaign possibly using the following methods:
 - ◊ Slogans – “By taking care of the homeless in the community we are taking care of ourselves. Because if we were homeless we will be taken care of”. “Most families are living paycheck to paycheck”.
 - ◊ Campaign will start with name branding and faces of people they wouldn't normally see to bring reality to light
 - ◊ Posters of children and family
 - ◊ Billboards
 - ◊ *Commercials*
 - ◊ Story boards we can take to the community for fundraising
 - ◊ Not only recognize organizations that help but also pull out a face from every organization that will help to show people how they can make a difference and show them how they can make a difference
- Working on development of website

Priority 2: Lobby Congress for special Appropriation to Assist Homeless Veterans (and the Homeless Population in General)

Goal: To have dedicated funding by Congress for homeless assistance to veterans (and other homeless populations) added to the City and County legislative agenda

Objective 1: Funding earmarks for the increasing number of homeless veterans in Cumberland County
Objective 2: Funding earmarks for the overall homeless population in Cumberland County

STATUS: IN PROGRESS

Committee formed – Chair, William H. Robinson, CC Local Management Entity (Mental Health)

ACHIEVEMENTS:

- 20 Veterans Affairs Supportive Housing (VASH) vouchers to provide permanent housing for homeless veterans were secured through collaboration with CC Mental Health, Veterans Affairs of Cumberland County Representative and Fayetteville Metropolitan Housing Authority
- As of June 30th Homeless Prevention and Rapid Re-housing funds assisted 84 homeless persons and 131 persons at risk of homelessness.
- Provided letters of support for three agencies/developers with plans to submit a grant application to the Veteran's Administration's grant per diem program. Once funded, the program will create 24 additional transitional housing beds for homeless veterans.

Homeless Activities (cont'd)

Priority 3: Identify Additional Funding Sources for Local Programs

Goal: Increase available funding for local homeless service / housing providers

Objective 1: Provide financial stability for local homeless initiatives in order to eliminate potential gaps in services

STATUS: IN PROGRESS

Committee formed – Chair, Thanena Wilson, County CD

ACHIEVEMENTS:

- Committee worked to identify specific funding resources that could be used to further priorities identified in plan. Resources identified included:
 - ◊ SAMSA which would provide funding for services and housing for homeless individuals with substance abuse. Met with Mental Health who will explore submitting application in next funding cycle.
 - ◊ HPRP which was available to providers for rental subsidies in order to prevent or eliminate homelessness. Agencies awarded funding – The Salvation Army, CC Mental Health, and Gospel Services.
 - ◊ VA Grant Per Diem and Capital Fund which will provide capital improvements and services needed to house homeless veterans with disabilities. Several agencies have expressed interest, final grant award pending.
- City of Fayetteville Mayor established network of faith-based groups that meet to identify areas that they can collaborate to meet needs of the homeless. It is hope of committee to continue to use this group as a spring board to accomplishing single week of giving for local congregations.

Priority 4: Create a Day Resource Center

Goal: Provide opportunity for homeless to access needed services and avoid duplication of effort

Objective 1: To relieve the burden on homeless individuals from traveling around the city for services
Objective 2: Improve collaboration among service providers and avoiding duplication of effort
Objective 3: Increase usage of local Homeless Management Information System (HMIS)

STATUS: IN PROGRESS

Committee formed – Chair, Victor Sharpe City CD

ACHIEVEMENTS:

- Operation Inasmuch opened as a day resource center in July 2009. The center serves breakfast, provides a place for showers and offers washer and dryer services. Once fully operational, clients will also receive employment assistance through on-site classes and referrals to jobs.

Priority 5: Establish Childcare Subsidy for Homeless Families

Goal: Provide opportunity for homeless to access needed services and avoid duplication of effort

Objective 1: Provide financial assistance to homeless families to make safe childcare choices in order to seek employment.

STATUS: IN PROGRESS

Committee formed – Chair, Thanena Wilson, County CD

ACHIEVEMENTS:

- Meetings were held in March 2010 with the Cumberland County Department of Social Services (DSS) to discuss community needs to include childcare and possibility of establishing "homeless priority" for homeless families seeking childcare assistance. Unfortunately, DSS was unable to commit resources exclusively for homeless families due to strain on system from child abuse cases and other community needs.

Homeless Activities (cont'd)

Priority 6: Additional Shelter Space

Goal: Provide additional shelter to eliminate the number of homeless that spend nights on the street

Objective 1: Increase shelter beds & supportive services available for populations identified by the CoC

STATUS: IN PROGRESS

Committee formed – Chair, Victor Sharpe, City CD

ACHIEVEMENTS:

- The City obtained ownership of 21 bed homeless shelter for single men. After a request for proposal process, the City awarded funding to a non-profit that will be responsible for the day-to-day administration of the shelter.

Priority 7: Transportation

Goal: Increase transportation options for the homeless

Objective 1: Provide transportation to enable the homeless to obtain employment, housing and other needed services

STATUS: IN PROGRESS

Committee formed – Chair, Frances Jackson, FAST

Priority 8: Family Reunification Program

Goal: To reconnect homeless individuals with family support network

Objective 1: To reunite homeless individuals with family in a permanent housing situation

STATUS: IN PROGRESS

Committee formed – Chair, Frances Jackson, FAST

- The City provided funds to Fayetteville Police Department to provide, among other things, assistance to individuals wishing to unit with family members outside of the Fayetteville / Cumberland County area.



Homeless Activities (cont'd)

Priority 9: Development of Additional Affordable Housing Options

Goal 1: Provide housing options by creating new permanent housing beds for the homeless (chronic and/or families)

Goal 2: Increase the percentage of homeless persons remaining in permanent housing over 6 months

Goal 3: Increase the percentage of homeless persons moving from transitional housing to permanent housing.

Objective 1: To provide immediate housing for individuals and families to get them "off the street"

Objective 2: Provide the homeless with needed supportive services to remain in permanent housing (such as obtaining employment, education, etc.)

STATUS: IN PROGRESS

Committee formed – Chair, Victor Sharpe, City CD

- The City and County have partnered with developers to provide 240 additional affordable housing units in the community.
- The County implemented a policy with its PY2009 Affordable Housing program to award bonus points for those projects that set-aside a minimum of 5% of its for the homeless.

Priority 10: Outreach Network

Goal: Expand outreach network to coordinate annual outreach efforts currently being undertaken

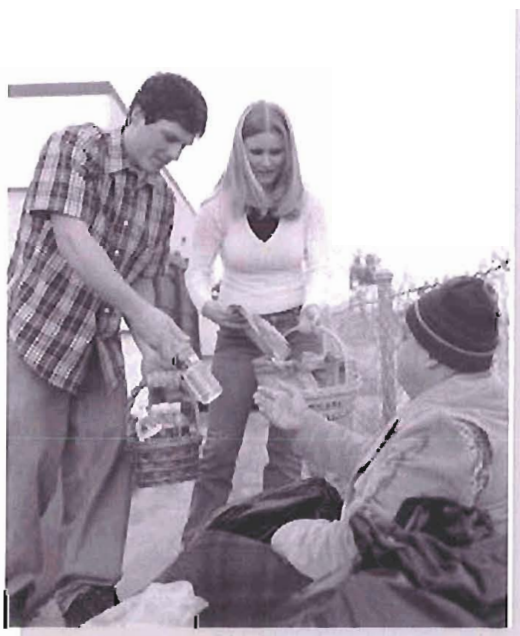
Objective 1: Bring the homeless into the social support system and work with them to address their needs and help them gain self-sufficiency

Objective 2: Media and advertising for coordination of efforts

STATUS: IN PROGRESS

Committee formed – Chair, Dineen Morton

- Began monthly dialog meeting with local ministers to search out advocates in all the community churches and to possibly build subcommittees in the church to help assist with fundraising efforts.



Economic Development

For the 2009 Program Year, Cumberland County provided funding using CDBG, EDI, and CDBG-R grant funds to businesses that can create or maintain jobs for low and moderate income residents of Cumberland County.

Military Business Park

Through the EDI program, \$74,250 was provided to fund the installation of sanitary sewer lines for the Military Business Park. The Military Business Park will be used to provide office space for defense contractors serving the Fort Bragg area. An estimated 1,145 jobs will be created upon completion and lease up of the park.

Bragg Hospitality, LLC

Bragg Hospitality, LLC expended \$137,075 in CDBG funds for predevelopment costs associated with the construction of an International House of Pancake restaurant and Candlewood Suites hotel. This project will create an estimated 78 full-time equivalent positions.

The Gentry Group

Through the CDBG-R program, the Gentry Group expended \$286,690 for predevelopment costs associated with the construction of the Freedom Center that will be used to provide office space for defense contractors serving the Fort Bragg area. The Gentry Group is expected to create 100 full-time equivalent positions.



Public Facilities

PUBLIC FACILITIES

Section 108 Loan

Funds in the amount of \$155,399 were expended for the final debt service payment on the Spring Lake Family Resource Center Section 108 Loan.

Manchester Sanitary Sewer Project

Cumberland County Community Development also expended \$239,697 to install sanitary sewer lines that will serve 27 low and moderate income households and several businesses in Spring Lake.



Citizen Participation

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

Program Year 2009 COMMUNITY ACTIVITIES AND EVENTS

- Family and Friends Day held at Bethel AME Zion Church - July 25, 2009
- FEED Fayetteville Homeless Stand Down held at The Salvation Army - October 27, 2009
- Balsawood Green Design Charrette held in Spring Lake, NC - December 1, 2009
- Citizen Participation Meeting held at the Hope Mills Recreation Center - January 19, 2010
- Citizen Participation Meeting held at the Pine Forest Recreation Center - January 21, 2010
- Citizen Participation Meeting held at the Spring Lake Community Center - January 26, 2010
- Citizen Participation Meeting held at the Eastover Central Recreation Center - January 28, 2010
- Ground Breaking Ceremony for HOPE VI Re-development - April 20, 2010
- Fair Housing Workshop held at Dept of Social Services - April 22, 2010
- Project Homeless Connect held at First Baptist Church - May 20, 2010
- Public Hearing for the approval of the Consolidated Plan and Annual Action Plan - April 19, 2010
- A Homebuyer's Affordable Lending Showcase held at Dept of Social Services - June 24, 2010
- CCCD participated in various community activities sponsored by other agencies

If you are interested in attending any future Community Development event or have comments on any of our programs, please contact our office at (910) 323-6112.



Financial Summary

Housing	Allocations	Expenditures
Emergency Repairs	137,500	106,960
Housing Rehabilitation	429,744	373,246
Project Delivery Costs	251,152	239,816
Relocation	150,000	23,298
Homebuyers	10,000	5,000
Total Housing Activities	978,396	748,320

Public Facilities/ Infrastructure	Allocations	Expenditures
Pub Fac. - Manchester Rd SS	420,340	239,697
Section 108 Debt Service	155,399	155,399
Total Public Fac./Infra. Activities	575,739	395,096

Economic Development	Allocations	Expenditures
Project Delivery Costs	9,853	9,737
Economic Development Loans	507,250	137,075
Total Economic Develop. Activities	517,103	146,812

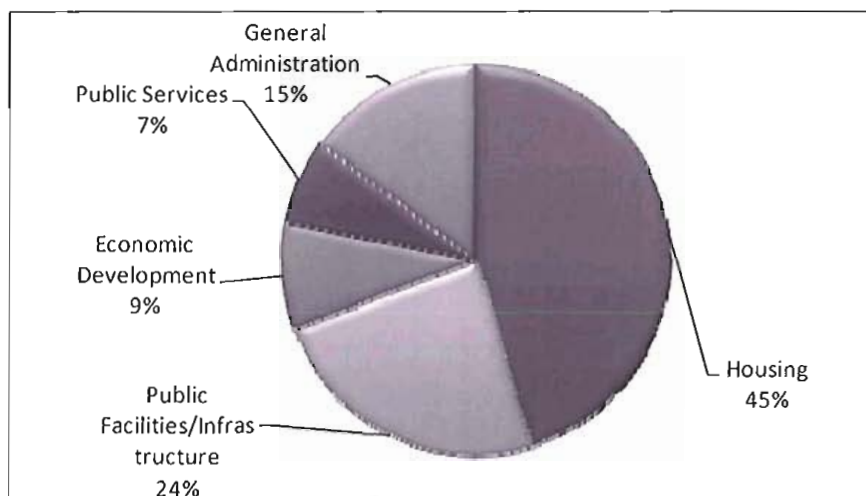
Public Services	Allocations	Expenditures
Better Health of Cumber- land Co.	18,000	18,000
City Rescue Mission	9,350	9,350
Coord. Council on Older Adults	15,000	13,816
Robins Meadow	9,000	7,232
Public Service - Misc.	33,142	0
Project Delivery Costs	30,154	28,099
CCMAP	20,000	16,749
Salvation Army	23,700	23,700
Total Public Services Activities	158,346	116,946

General Administration	Allocations	Expenditures
General Administration	248,607	243,302
Total General Administration	248,607	243,302

	Allocations	Expenditures
Total CDBG Activities	2,478,191	1,650,476

Note: The financial information has not been audited.

CDBG Expenditures



Financial Summary (cont'd)

HOME	Allocations	Expenditures
ADDI	15,836	15,836
Homebuyer	220,000	195,145
General Admin.	94,532	80,149
TBRA	25,000	0
Housing Rehab.	499,378	202,194
Kingdom Community Dev. Corp. - Balsawood	836,600	208,550
Affordable Housing - Spring Lake Green	300,000	300,000
Affordable Housing - HOPE VI	625,000	625,000
Total HOME Activities	2,616,346	1,626,874

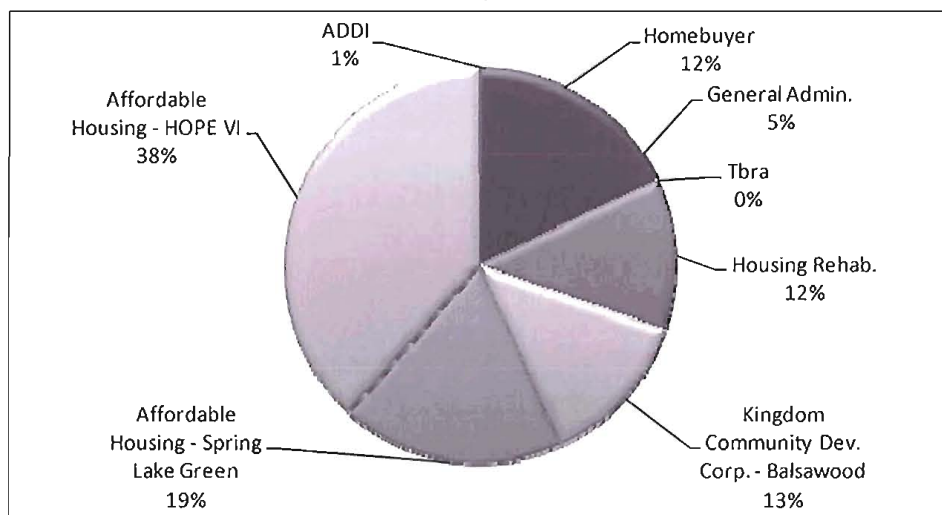
SHP	Allocations	Expenditures
Robin's Meadow	196,314	113,596
Total SHP Activities	196,314	113,596

CDBG-R	Allocations	Expenditures
Gentry Group - Freedom Center	286,690	286,690
Total CDBG-R Activities	286,690	286,690

Econ. Dev. Initiative (EDI)	Allocations	Expenditures
Military Business Park	74,250	16,964
Total EDI Activities	74,250	16,964

Note: The financial information has not been audited.

HOME Expenditures



Cumberland County Government



CCCD STAFF

Thanena Wilson, Director
Tamika Avery, Administrative Assistant
Gary Belton, Fair Housing Specialist
Sonya Green, Community Services Manager
Sylvia McLean, Accountant
Carlis Sweat, Housing Rehabilitation Specialist
Delores Taylor, Compliance Officer
William Taylor, Housing Rehabilitation Specialist
Bobby Thomas, Housing Services Manager
Mary Alice Underwood, Senior Loan Analyst

GOVERNING BODY

Billy R. King, Chairman
Kenneth S. Edge, Vice Chairman
Jeannette M. Council
Phillip Gilfus
Jimmy Keefe
Edward Melvin
Marshall Faircloth

LOCAL GOVERNMENT PARTNERS

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

COUNTY ADMINISTRATION

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

COUNTY OF CUMBERLAND COMMUNITY DEVELOPMENT

PO Box 1829
245 Person Street, 2nd Floor
Fayetteville, NC 28302-1829
Phone: (910) 323-6112
Fax: (910) 323-6114
<http://www.co.cumberland.nc.us>

FREQUENTLY CALLED NUMBERS

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



The Fayetteville Observer

August 29, 2010

Public Notice

Topic: CCCD 2009 CAPER Public Review and Comment Period

410 Public Notice**PUBLIC NOTICE**

Cumberland County
Community Development
2009 CONSOLIDATED
ANNUAL PERFORMANCE
AND EVALUATION REPORT
Public Review and Com-
ment Period

In continuing our efforts to enhance citizen participation among County residents, Cumberland County Community Development (CCCD) has made available for your review and comment a draft of the 2009 Consolidated Annual Performance and Evaluation Report (CAPER).

The CAPER provides information on Cumberland County's use of the Community Development Block Grant and Home Investment Partnership Grant funds during the 2010 Program Year. This allows the County an opportunity to evaluate its overall progress in carrying out the priorities and specific objectives identified in its Consolidated Plan and 2009 Annual Action Plan. All citizens are encouraged to review the document and offer comments.

A complete version of the CAPER will be available at the County Commissioner's office and CCCD. Copies of the condensed version of the CAPER are available for public review and comment from September 7, 2010 through September 21, 2010 at the following locations:

Cumberland County
Community Development
245 Person Street
(2nd Floor), Fayetteville, NC
Linden Town Hall
9456 Academy Street,
Linden, NC
East Regional Branch
Library
4809 Clinton Road
Fayetteville, NC
North Regional Branch
Library
855 McArthur Road
Fayetteville, NC
Falcon Town Hall
7156 Southwest Street
Falcon, NC
Spring Lake Branch Library
101 Laketree Blvd.,
Spring Lake, NC
Headquarters Library
300 Maiden Lane,
Fayetteville, NC
Stedman Town Hall
5110 Front Street,
Stedman, NC
Hope Mills Branch Library
3411 Golfview Road,
Hope Mills, NC
Wade Town Hall
7128 Main Street
(Hwy 301 North), Wade, NC

PUBLIC HEARING

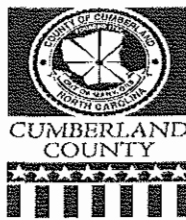
A public hearing on the Cumberland County Community Development (CCCD) Consolidated Annual Performance and Evaluation Report (CAPER) will be held on September 20, 2010, 6:45 p.m., in the Commissioners Room, Cumberland County Courthouse, 117 Dick Street, Fayetteville, NC.

For more information, please contact Cumberland County Community Development at (910) 323-8112 or visit the CCCD office at 245 Person Street, 2nd Floor, Fayetteville, NC 28301. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

SEPTEMBER 10, 2010

ITEM NO. 3C

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P10-33:** Rezoning of .43+/- acres from R10 Residential to R6A Residential or to a more restrictive zoning district, located at 2826 George Owen Road, submitted by Teresa Barefoot Spell (owner).

ACTION: Members present at the August 17, 2010 meeting voted unanimously to recommend approval of the R6A Residential district.

SITE INFORMATION: **Frontage & Location:** 117.00'+/- on SR 1133 (George Owen Road); **Depth:** 188.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** Yes, east of subject property; **Current Use:** vacant; **Initial Zoning:** R10 – November 17, 1975 (Area 4); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: C3 (Hope Mills), C(P) (Hope Mills), C1(P) (Hope Mills), RR, R10 & R6A; South: C3, C(P), RR, R10, & R6A; East: C(P), RR, R10 & R6A; West: R10 & R6A; **Surrounding Land Use:** Residential (including manufactured dwellings), manufactured home park (2) & golf course; **2030 Land Use Plan:** Urban; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/Septic; **Soil Limitations:** None; **School Capacity/Enrolled:** Cumberland Mills Elementary: 525/643; Ireland Drive Middle (6): 340/332; Douglas Byrd Middle (7-8): 600/644; Douglas Byrd High: 1,280/1,311; **Subdivision/Site Plan:** If approved, any future development may require a review; **Municipal Influence Area:** Town of Hope Mills; **Average Daily Traffic Count (2008):** No data available for SR 1133 (George Owen Road); 13,000 on SR 1003 (Camden Road) & 29,000 on NC 59 (N Main Street); **Recreation Area:** Hope Mills Park & Recreation Center located 2.80+/- miles away; **Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Notes:** Density: R10 – 3 lots/units, R6A – 4 lots/units; Minimum Yard Setback Regulations: **R10:** Front yard: 30', Side yard: 10', Rear yard: 35', **R6A:** Front yard: 25', Side yard: 10', Rear yard: 15'.

MINUTES OF AUGUST 17, 2010

The Planning & Inspections Staff recommends approval of the R6A Residential district for this request based on the following:

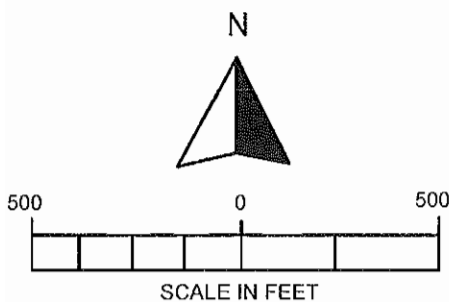
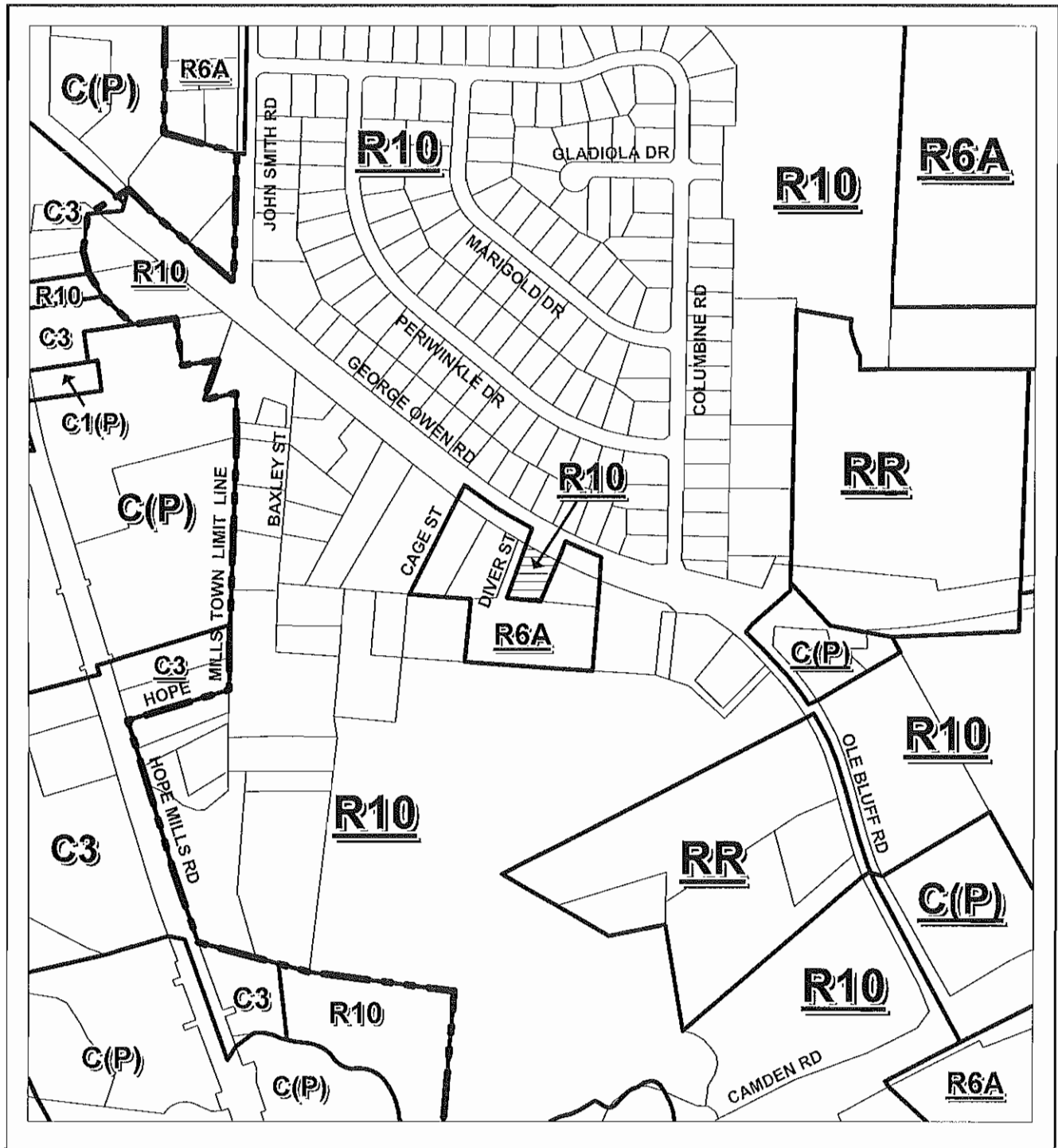
1. Although the request is not consistent with location criteria for "medium density residential" because public sewer is not available, it is consistent with the 2030 Growth Vision Plan, which calls for "urban" at this location;
2. The request for the residential zoning district is a logical extension of the R6A district; and
3. The request is consistent with the surrounding land use.

There are no other districts considered suitable for this request.

A motion was made by Vice-Chair Turner, seconded by Mr. Hostetter, to follow the staff recommendation and approve case P10-33 as submitted. Unanimous approval.

First Class and Record Owners' Mailed Notice Certification

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



PIN: 0415-11-3853

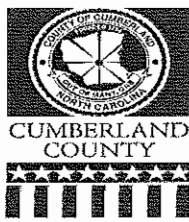
REQUESTED REZONING R10 TO R6A

ACREAGE: 0.43 AC.+/-	HEARING NO: P10-33	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

SEPTEMBER 10, 2010

MEMO TO: Cumberland County Board of Commissioners

ITEM NO. 3D

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P10-34:** Rezoning of 12.38+/- acres from A1 Agricultural to R15 Residential or to a more restrictive zoning district; located on the south side of SR 2238 (Sand Hill Road), east of SR 2376 (South Forty Drive); submitted by Mary L. Montgomery (owner).

ACTION: Members present at the August 17, 2010 meeting voted unanimously to recommend approval of the R20 Residential district.

SITE INFORMATION: **Frontage & Location:** 669.92'+/- on SR 2238 (Sand Hill Road); **Depth:** 1,793.38'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Vacant; **Initial Zoning:** A1 – June 25, 1980 (Area 13); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: R20/DD/CUD (72 residential lot development), R20, R6A & A1; South and East: RR, R15 & A1; West: R20 & A1; **Surrounding Land Use:** Residential (including manufactured dwellings) & woodlands; **2030 Land Use Plan:** Urban; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/Septic; **Soil Limitations:** None; **School Capacity/Enrolled:** Alderman Road Elementary: 750/697; Gray's Creek Middle: 1,000/861; Gray's Creek High: 1,270/1,219; **Subdivision/Site Plan:** Review required prior to development; **Average Daily Traffic Count (2008):** 6,400 on SR 2238 (Sand Hill Road); **Recreation Area:** Proposed Gray's Creek Park 3.3+/- miles away; **Highway Plan:** Sand Hill Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. This is a priority #2 in the Highway Portion of the LRTP; **Notes:** Density: A1 – 6 lots/units, R40 – 14 lots/units, R30 – 18 lots/units, R20 – 27 lots/units, R15 – 36 lots/units; Density minus 15% for R/W: A1 – 5 lots/units, R40 – 12 lots/units, R30 – 15 lots/units, R20 – 23 lots/units, R15 – 31 lots/units.

MINUTES OF AUGUST 17, 2010

The Planning & Inspections Staff recommends denial of the request for R15 Residential district but approval of R20 Residential district based on the following:

1. The request for R15 Residential is not consistent with the location criteria for "low density residential" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan as public sewer is required, the recommendation of R20 Residential does meet the location criteria for the Policies Plan;
2. The request is consistent with surrounding zoning and land uses.

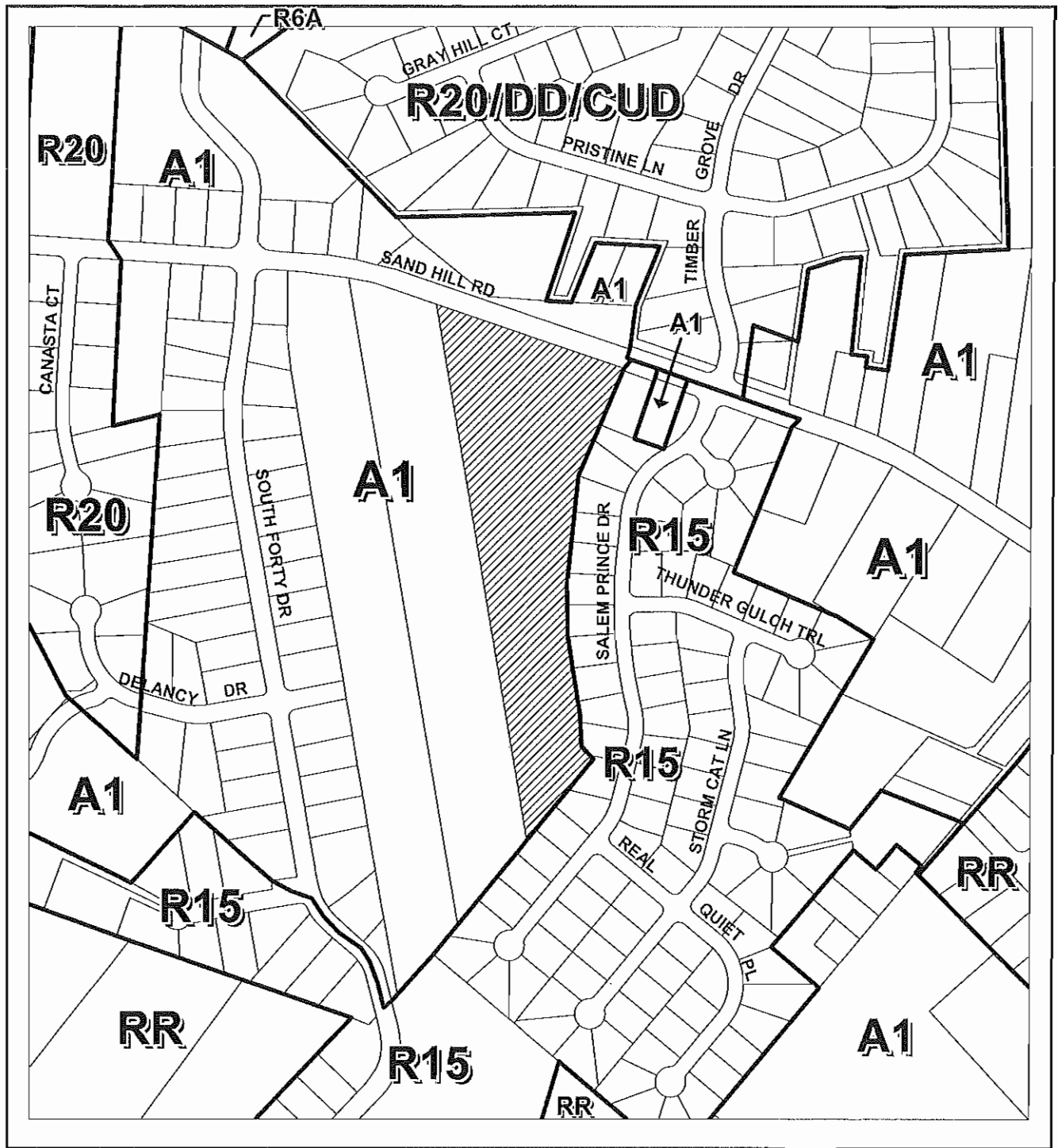
The R30 and R40 Residential districts could also be considered suitable for this request.

The applicant has verbally agreed to the Staff recommendation of R20 Residential.

A motion was made by Vice-Chair Turner, seconded by Mr. Hostetter, to follow the staff recommendation and approve case P10-34 for R20. Unanimous approval

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING A1 TO R15

ACREAGE: 12.38 AC.+/-

HEARING NO: P10-34

ORDINANCE: COUNTY

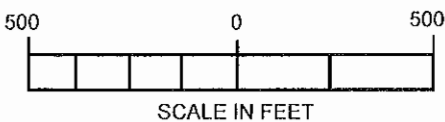
HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD



PIN: 0433-61-8321

AF

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

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Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

SEPTEMBER 10, 2010

MEMO TO: Cumberland County Board of Commissioners

ITEM NO. 3E

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P10-37:** Rezoning of 302+/- acres from A1 Agricultural and R40 Residential to R20 Residential/CUD Conditional Use District for a 565 lot residential development and the Permit or to a more restrictive zoning district; located on the south side of SR 2221 (Gainey Road), west of SR 2223 (McFayden Road); submitted by Moorman, Kizer & Reitzel, Inc., Robert L. Townsend, Weldon J. Jackson and Sarah J. Matthews (owners) and John Koenig for River Landing Center, LLC.

ACTION: Members present at the August 17, 2010 meeting voted to recommend denial of the R20 Residential / Conditional Use District for a 565 lot residential development.

SITE INFORMATION: **Frontage & Location:** 936.00'+/- on SR 2221 (Gainey Road); **Depth:** 6,400.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** 1 dwelling, 1 manufactured dwelling, farmland & woodlands; **Initial Zoning:** A1 & R40 – March 1, 1994 (Area 17); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: RR, R20 & A1; South: R40, R40A & A1; East: R40 & A1; West: C3, R40, R40A & RR; **Surrounding Land Use:** Residential (including manufactured dwellings), farmland and woodlands; **2030 Land Use Plan:** Rural and Conservation; **Special Flood Hazard Area (SFHA):** Yes; base flood varies from 74 msl to 77 msl (NAVD); **Water/Sewer Availability:** Grays Creek Water & Sewer District; **Sewer Service Area:** Applicant has applied to expand the SSA to include subject properties; **Soil Limitations:** Yes, hydric – RO Roanoke and Wahee loams and WmB Wickham fine sandy loam; **School Capacity/Enrolled:** Alderman Road Elementary: 750/697; Gray's Creek Middle 1,000/861; Gray's Creek High 1,270/1,219; **Subdivision/Site Plan:** If approved, "Ordinance Related Conditions" apply; **Average Daily Traffic Count (2008):** 1,100 on SR 222 (Gainey Road); **Recreation Area:** Arnette Park located 4.21+/- miles away; **Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Notes:** 1. a. R20/CUD with the Permit restricting the site to 565 lots (1.9 units per acre); and b. Total open space (common area): 97 +/- acres (approximately 33% of the 302+/- acre tract), 2. Density (minus 15% for r/w*): A1 – 128 lots, R40 – 280 lots, R30 – 373 lots, R20 & RR – 559 lots, R15 – 746 lots, R7.5 – 1,491 lots, * Developer's request accounts for 14% of land in right-of-way, 3. Minimum 20' buffer surrounding site, 4. Amenities include clubhouse, pool, soccer field and lake.

MINUTES OF AUGUST 17, 2010

Chair Epler called all speakers forward to be sworn in.

Chair Epler asked the board members if there were any disclosures and offered the opportunity to withdraw from the proceedings if needed.

Mr. Clark disclosed that he had been contacted by two individuals in the Grays Creek community regarding the case, had a light discussion but no conclusions were reached, but stated that he could make a fair and impartial consideration of the case.

Mrs. Piland also received a telephone call regarding the case, but after advising the caller that this proceeding was a quasi-judicial hearing they did not have a conversation.

Chair Epler stated that she received a phone call and after disclosing that the case could not be discussed the conversation ended.

Public Hearing opened.

Mr. Lloyd stated that the proposal was for 565 lots which calculated to 1.9 units per acre below the 2.2 units per acre identified as rural in both the Land Use Policies Plan as well as the Interlocal Agreement with the City. It is located within the Grays Creek Water and Sewer District. If sewer is provided to this development the lines will belong to the County, they will not belong to PWC, the County will own the lines. Mr. Lloyd stated that if there were any questions, the Public Utilities Director was present to answer questions.

Mr. Lloyd stated that the Planning & Inspections Staff recommends approval of the requested rezoning to R20 Residential/ Conditional Use District (R20/CUD) for a 565 lot residential development based on the following:

1. The request for an average lot size of 20,000 square feet is consistent with the 2030 Growth Vision Plan, which calls for "rural areas" at this location; and
2. The request is reasonable because with the voluntary extension of public water and sewer it exceeds the location criteria for "suburban density residential" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan and would meet the criteria of the plan without the extension of public sewer – the location criteria supports approval of up to 664 residential lots for this tract.

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

1. The use will not materially endanger the public health or safety if located according to the plan submitted, the proposed site layout is designed in such a manner that at a minimum the development standards of the ordinances are met or exceeded;
2. The use and proposed development will meet or exceed all required conditions and specifications if developed according to the site plan, application and the attached *Ordinance Related Conditions*;
3. The use will maintain or enhance the value of adjoining or abutting properties if developed as proposed, this proposal is for a high quality residential development on approximately one half acre lots, including neighborhood amenities such as a regulation sized soccer field, clubhouse, neighborhood pool and the preservation of approximately 33 percent of the tract (97+/- acres) as green space;
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located – most residential lots in the general area range from one half acre to one acre lots - and in general will be developed in conformance with the development ordinances and adopted planning policies.

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

All attached *Ordinance Related Conditions* have been agreed to.

Mr. Richard Wiggins spoke in favor and stated that he had previously been sworn in, and is present representing the petitioners. Mr. Wiggins stated that the subject property consisted of nine tracts of land that had been combined for the purpose of this rezoning request. The location of the subject property is very close to Highway 53 [Hwy 87], a four lane divided highway, providing great access to Fayetteville. Mr. Wiggins went back and looked at the 2030 Plan, it seems that perhaps what they were asking didn't fit back then the 2010 Plan, but the vision statements establish a clear picture of where they want to be in Cumberland County in 2030, and of course it's always a look back to see what should have been done back when you could of done it. We in this County have experienced a great deal of regret that we didn't do certain things back when we could, water and sewer, for example, Mr. Wiggins can't imagine why anyone would oppose extension of water and sewer to this particular area. It would be a great aspect to the Grays Creek community. The water in the Grays Creek community is atrocious and has been for many years. People don't want to drink it and do not drink it; a lot of people don't want to take a bath in it. But, be that as it may, that is the proposal of the developer in this case, which is River Landing, a lot of people have said to me that "you are going to bring us into the City", well as Mr. Lloyd said at the very beginning these lines will not be owned by the City, the Public Works Commission, they will be owned by the Grays Creek Water and Sewer District. They will be the ones to control this, they were set up for this very purpose, this will be the initial beginning of that district and feels this would be a good asset to this community. Of course the policy statements that are continued in the 2030 Plan as outlined in that plan is really the heart of what they are about and what they need to be doing in this County. Policies of the Land Use Plan have been debated in various forms of development, and of course when we look at these things, water, sewer, and transportation, drainage, all of these factors go into determining whether or not a project is good or bad. This is a good project; it is an asset to the community and ought to be approved.

Mr. John Koenig spoke in favor and stated that he had previously been sworn in. Mr. Koenig stated that this was a joint project with River Landing, and Larry Walsh. This project is actually close to Highway 87. It is 565 lots, and as you can tell there is a CD Conservancy District all the way around, you do not see the development. There will be a 20 foot or more buffer promptly into the association so no one can timber, alter or change it. There will be a clubhouse with exercise facilities, swimming pool, soccer field, and do a community unlike any others in Cumberland County right now. If you look at the other communities Mr. Koenig has developed this one will be the nicest. This will take a number of years to develop so there will not immediately be a school problem or traffic problem.

Ms. Hall asked about the CD Conservancy district

Mr. Koenig stated that there are 93 acres that will remain green space or untouched on the property. The border around it will be put into the association and they will administer whatever the members choose to do.

Mr. Jim Kizer spoke in favor and stated that he had previously been sworn in. Mr. Kizer stated that he wanted to expand on a few things that had been talked about. We do have some 97 acres of green space planned within this development. The 20 foot buffer that goes around the exterior that's a minimum buffer, in many places its 200, 300 feet or more. There's almost 4 miles of perimeter on this site, just to put it in perspective. The water and sewer that's to be extended up Gainey Road will be extended for more than a mile. All of the ponds are stormwater ponds that are required. What they do are 2 things, they control the runoff off of the site to the pre existing

that were there prior to any development and secondly, they do cleanse the water also. We do have a proviso from NCDOT that they are required to have a traffic impact analysis which we are certainly willing to do. There will be sidewalks along all of the streets within this development. So that everyone will understand, where this greenspace is, is not just an idea, we had the wetlands delineated, surveyed, and approved by the Corps of Engineers and that is how they are reflected on the plan with the addition of greenspace.

Mr. Clark asked who maintains the stormwater runoff areas.

Mr. Kizer stated that the Homeowners Association would maintain them. The developer maintains them during construction then transfers over to the association.

Mr. Dick Fox spoke in opposition and stated that he had previously been sworn in. Mr. Fox stated that he and his wife own outright or with other people approximately three times the acreage that is up for rezoning (indicated on the map the property he owns). About 50 of acres actually abuts the subject property. They farm and raise horses. He and his wife moved to the area after a lifelong residency in Fayetteville. Mr. Fox stated that he had been on the other side of rezoning issues and has used Mr. Kizer on more than one project and is not anti growth and has never done a development or project that would destroy the character of a neighborhood. If you go throwing 500 houses in that area, you guys might just as well set a torch to the area, because you are going to destroy that segment of this community. Mr. Fox stated that he doesn't really understand the Land Use Plan and understands that this is in compliance with the 2010 and 2030 Land Use Plan because it has a half acre lot and that gives it a rural characteristic, but what he doesn't understand is that he lived in Haymont on an acre and nobody ever called that rural. That doesn't make a lot of sense. This is a quality of life issue, we moved out there, and that wouldn't be right to our neighbors or the people who have bought houses here wanting a rural environment. It's just not the thing to do. Financially we would probably be better off, but it's a quality of life issue for all of us. This would have an impact on traffic, the green space that was talked about, about one third that's very admirable, but they don't have much choice in because it's wetlands.

Mr. Morris asked if the land Mr. Fox had pointed out earlier was initially zoned R40 or was it done by request.

Mr. Fox stated that it was not by request that was when they bought the property. The area shown as A1 was purchased 9 years ago, the R40 area was purchased about a year and a half ago and was already zoned R40.

Ms. Hazel Nixon spoke in opposition and stated that she had previously been sworn in. Ms. Nixon stated presented exhibit 1, letters from Alderman School, Grays Creek Middle School, and Grays Creek High School, which tell how many bus stops are on Gainey Road and how many students use those stops. Ms. Nixon indicated on the map where her residence was located in relation to the subject property. Ms. Nixon stated that Gainey Road was a 2 lane highway, 2.7 miles long and a dead-end road. When you get to the end you have to turn right to get on McFayden Road in order to get off the road unless you turn around to go the other way. If this project were located 1.1 miles down this dead-end road with 1.1 mile of a double yellow line, which is a no passing zone, this is due to the curves on Gainey Road. School children stand alongside of this road at bus stops; there are 13 bus stops according to the 2009-2010 school year. They will be put in grave danger with the heavy equipment trucks that will be using this road. Not only that, we live along the side of the river, and in the fall, winter, and spring there is dense fog, this would also endanger the children waiting for the bus. The road is not wide enough to handle the increased traffic.

Mr. Kenneth Ashworth (Chair Epler swore in Mr. Ashworth) spoke in opposition. Mr. Ashworth stated that he lives directly across from the opening space of the subject property.

Mr. Ashworth stated that he moved from Fayetteville to get away from all of the traffic. He is opposed to this project due to the traffic issues and the quality of life issues.

Mr. Jason Thomas spoke in opposition and stated that he had previously been sworn in. Mr. Thomas stated that his concern was the quality of life issue. He moved to Grays Creek from Fayetteville to get away from the traffic and for the tranquility of the area. They're yards will be torn up to put sewer lines in that they can't even tie into. Mr. Thomas asked that the board take into consideration the opposition that was present to this rezoning.

Ms. Donna Cannon spoke in opposition and stated that she had previously been sworn in. Ms. Cannon stated that she chose the Grays Creek area because of the covenants that were provided. Mr. Kizer offered a covenant that provided some protection from what was being requested. Ms. Cannon read a portion of the covenant that was written October 14, 1988.

Chair Epler asked Ms. Cannon if that covenant was for her subdivision on Kingsland Drive.

Ms. Cannon stated that is adjoining to the subject property that is proposed entranceway also. Ms. Cannon continued reading the covenant. Ms. Cannon stated that she chose to purchase the land because there was some protection as to what would happen to the land around her. She has moved her handicapped sister in with her because of the peace on her street. Ms. Cannon is opposed to the rezoning and opposed to the increased traffic.

Mr. Herbert Bryant spoke in opposition and stated that he had previously been sworn in. Mr. Bryant stated that he moved to Grays Creek in 1977 because he wanted to live in the country. Mr. Bryant suggested making photos of what is proposed available so they can be viewed before a meeting. Mr. Bryant talked about his experience with Moorman, Kizer & Little, in the development of Rockfish Creek Estates which is where he lives, there were all kinds of things that didn't work out as planned in particular the roads.

Chair Epler stated to Mr. Bryant that the County's Ordinance and the standards now are such that this is a Conditional Use District and there are conditions on the permit that they have to comply with.

Mr. Lloyd read the condition of the permit that stated the developer must formally notify NC Department of Transportation once construction of the public streets are complete and initiate the process of transferring the responsibility of road maintenance to NCDOT, if application to NCDOT engineer has not been formally submitted by the time building permits have been issued for 75 percent of the lots, shown on the platted portion of the development no additional building permits can be issued until NCDOT district engineer notifies the developer of receipt of the application.

Chair Epler stated that standards are in place now to keep from what happened in your neighborhood from happening again.

Mr. Bryant stated that he understood, but in those days they had provisions also. The State took over the roads. Any way they built the roads and in about three to five years there were potholes all over the place and so they got enough houses in there that the State came in and took over and came in and capped the road and it's been in pretty good shape, and after 25 years we are beginning to have typical country road problems. This sounds like a special project that may be funded with extra money from the government, is that true.

Chair Epler stated that that hadn't been discussed and really will not be discussed.

Mr. Bryant stated that nothing is guaranteed and there could be problems. Mr. Bryant addressed water runoff and asked what kind of elevation the buffer was going to have?

Chair Epler stated that the engineering plans for this project, unlike 20 years ago, there are standards that have to be complied with, permits will have to be issued from government agencies, civil plans will have to be reviewed and approved by those agencies to include the North Carolina Department of Environmental and Natural Resources, they control stormwater runoff and those ponds that you see on that property will have to be maintained on a regular basis and there is an agreement that will be recorded that will have to be done; as far as the elevations go, those engineering plans will be approved by a government agency.

Mr. Bryant stated that he noticed there is a water plan that encompasses a 100 year flood plain. Would that project include a 10 in rain over an hour?

Chair Epler stated yes, that is one of the things that the stormwater regulatory authority looks at and they will have to do calculations and meet those criteria for their permit to be issued.

Mr. Bryant asked if the residents in the area have a chance to see this.

Chair Epler stated once it is submitted to DENR it will be public knowledge.

Mr. Bryant asked if the public would have access to it.

Chair Epler stated yes.

Mr. Bryant asked again what the elevation for the buffer zone was going to be.

Chair Epler asked Mr. Kizer about the buffer.

Mr. Kizer stated that the only verticality would be the trees and natural grade.

Mr. Bryant stated that was very important when you have a 10 inch rain. Mr. Bryant said since he lives in the subdivision adjacent to this it was supposed to be ditched too, if they get an inch or inch and a half rain the ditches are full. He understands all the planning and organizing but hopefully the board will consider reality, that's what the people in that community have got to live with. Mr. Bryant asked about the Grays Creek Water and Sewer District.

Mr. Lloyd explained the Grays Creek Water and Sewer District for Mr. Bryant, and explained that the County Commissioners have made it a priority to try and work towards Countywide water through our Public Utilities department and they voted on it to try and have water throughout the County.

Mr. Bryant asked if they would be using the PWC processing plant.

Tom Cooney, Public Utilities Director, stated that the County would be wholesale customers for their services.

Mr. Bryant asked if they were due for an expansion. Do they have the capabilities of handling something like this?

Mr. Cooney stated that they have excess capacity.

Mr. Bryant asked what kinds of capacity they estimate.

Mr. Cooney stated that he didn't have an answer for that.

Chair Epler those are calculations that are part of a permitting process that government agencies are here to oversee and protect us from. Chair Epler apologized for what has happened in his

neighborhood, but these safeguards are in place now to protect people from what happened to you in your neighborhood, but as far as those details go, that's not for this board to consider. It is as far as the impact it has on your neighborhood, but PWC has the capacity or they wouldn't issue the permits.

Mr. Bryant apologized and said he didn't mean to obstinate, but the questions he asks are the questions people have to deal with everyday and just to say it's going to be planned is good and it's not here now, and assumes they are ready to go to work if they get approval.

Chair Epler advised Mr. Bryant that he was present to address the board and to finish his comments.

Mr. Bryant stated that he was trying to raise some questions that he feels are pertinent and may have to be dealt with in the future.

Mr. Bryant asked if this had been done in other areas.

Mr. Lloyd stated the other areas where this type of development had been done which were in the Grays Creek area.

Mr. Bryant asked if there was any feedback on how successful they were.

Ms. Leslie Koch spoke in opposition and stated that she had previously been sworn in. Ms. Cook stated that she left a neighborhood like what is being proposed to be in the country. Ms. Cook presented statistics on classifications of this proposed development in terms of size and population. Ms. Cook proposed that studies be done on impact on local schools would be.

Mr. Norman Harris spoke in opposition and stated that he had previously been sworn in. Mr. Harris indicated where his property is in relation to the subject property. Mr. Harris's concern is about density, the area is basically zoned R40. Mr. Harris stated that buffers are important and when this project starts he will lose 250 feet use of his property. Mr. Harris is not opposed to growth, but it is in terms of looking at managed growth and staying in keeping with what is already there. Mr. Harris stated that he needed more buffering than what was being proposed.

Mr. Richard Trogden (Chair Epler swore in Mr. Trogden) spoke in opposition. Mr. Trogden stated that the traffic on Gainey Road was horrendous already. It takes about an hour for the authorities to arrive for an accident. This development will make the traffic situation a lot worse.

Ms. Melissa Ince spoke in opposition and stated that she had previously been sworn in. Ms. Ince stated that she was the very last house on Kingland Drive. They left Carolina Lakes a community much like the one being proposed, to be in a nice rural community. Ms. Ince stated that if this development went up she would sell her house, because there is no way she can have that kind of traffic and be happy there.

Mr. Gregory Whitley spoke in opposition and stated that he had previously been sworn in. Mr. Whitley stated that he was present representing the residents of Kingsland Drive as an attorney. Mr. Whitley pointed all the people present in opposition because they are concerned about their environment and their surroundings. Mr. Whitley commented on the earlier statement about the water quality being atrocious in Grays Creek, but if you asked everyone's opinion, they seem to be doing alright with that. All of the speakers have talked about why they are in this area, to get away from Fayetteville or big city traffic. These are the people who have to live with what goes in out here; these are the people that we need to listen to. As a few of the speakers have mentioned, they bought lots that at one point in time came from the Moorman Kizer profit sharing plan all of these lots on Kingsland Drive and some others around all were at one point owned by that group, they were sold off at different times. Mr. Whitley presented Exhibit 2- Subdivision covenants (4) that were signed by the residents of Kingsland Drive when they bought their lots.

Of the 16 lots 9 of them are under one restrictive covenant which restricts their development to lot sizes no smaller than one acre, two of the lots are under a covenant that allows no subdivision of the lot size as they bought it, another four lots were in a separate part, but it is the same restriction, no subdivision of lots. Finally, there are two lots where there is a size limit no smaller than $\frac{3}{4}$ of an acre per lot. The homeowners understand these covenants apply to their lots and not the subject property, but it's a do as I say, not as I do. These people moved here under the impression that this was the plan for the area, this was the plan for not only their lots, but if any of this is ever developed, subsequent land owners would be given the same considerations and covenants. The smallest lots on Kingsland Drive, two of the lots are 1.03 acres the rest of the lots are bigger than that up to $3\frac{1}{4}$ acres. The same people who sold them the land and put the covenants and restrictions on their land back down the road are now saying we are going to do what we want to here, which is something completely out of character with what your land is. As for the nature and character of the area, you can see it is predominately R40, of course the subject property and some of the bigger, surrounding areas are A1 and most of the residential stuff is R40. The 2030 Growth Strategy Map defines this area as a rural area, now it says development density is as high as 2 units per acre may be permitted provided the soils and topography do not have severe limitations for development. However, much lower densities and larger lots are preferred in rural areas. From the 2010 Land Use Plan the Farmland Protection area this area is within what was designated the Farmland Protection area seems like development on half acre lots, while arguably within a legal definition here does not meet the obvious definition of farmland protection. Again, with the nature and character of the area, this area is on the edge of a flood plain it's in a bend in the river, basically the whole right half of this thing close to or actually in the flood plain from the river this is a low area and there are drainage ponds to be created for this very purpose. Right now Kingsland Drive is a dead end drive and there are 16 lots, and it dead ends into the edge of this wilderness right now, and we're talking about making this two entrances for 565 homes. These people are going to lose the character of their neighborhood; it's not going to be a small neighborhood anymore. The residents would not be opposed to R40 zoning, they are reasonable people.

Ms. Hall asked Mr. Whitley if Kingsland Drive would remain a dead-end street.

Mr. Whitley stated that it was his understanding that that would be one of two entrances.

Mr. Morris asked Mr. Lloyd if any connectivity showed at the end of the road in the subdivisions on the current Kingsland subdivision.

Mr. Lloyd stated it was a stub, not a cul-de-sac. Which means usually requires any adjacent development to connect. It's not terminated with a cul-de-sac.

Chair Epler asked if the restrictive covenants, we're hearing everyone refer to this as Kingsland Drive, are these different sets of restrictive covenants all for those fifteen houses that are on Kingsland Drive?

Mr. Whitley responded that the lots were sold off in four different parts so there are four different sets of covenants. They are for the lots on Kingsland Drive.

Mr. Garris Neil Yarborough spoke in opposition and stated that he had previously been sworn in. Mr. Yarborough stated that he was an attorney and present representing some of the residents but there is a certain commonality among all of the residents of this area. Mr. Yarborough stated that the board had heard a lot of compelling evidence as to why this project should not be approved and stated that the board needed to focus on Section 504 of the County Ordinance and that the board needed to find on the findings of fact (1) the use will not materially endanger the public or health or safety if located according to the plan as submitted and recommended (2) the use meets all the requirements and specifications (3) the use will maintain or enhance the value of adjoining or abutting properties (4) the use is a public necessity and (5) the location and character of the use if developed according to the plan as submitted and recommended will be in

harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Land Use Plan and adopting planning policies. For the board to find that the burden of proof is on the applicant and that they must prove that that is the case. We all understand that some development is going to occur here. Many of the things discussed relate to the fact at some point in time some development is going to come here, but what we're talking about is density, is this compatible use with the area? If you look at the zoning, and look at the area, its R40 and A1, if you look at the bottom of Gainey Road and look at the zoning and adjoining zoning classifications. If this was a rezoning you could rezone to R40, you can't approve any type of plan because the plan that has been presented to you is on an R20, if it was R40, much of what was heard here would be less of an impact, not all of the opposition would go away, but it would be minimized if this request was planned and developed in keeping with the existing land use pattern, which the board is charged to protect basically by the Conditional Use Permit requirement.

Because of the quasi-judicial nature of this proceeding Mr. Yarborough stated he would focus in on what must be found and will try to direct comments to the various things that the applicants must prove to the board, and that they will not be able to. The horrible traffic problems have already been discussed. If you look at the development you see the roads around it, but there is one road in and one road out. That road is at an unsignaled intersection on a four lane road which at 5:30 pm was backed up to the city limits.

Next issue, the use meets all requirements and specifications that is a technical consideration that the planning staff is in a position to make some type of recommendation. With Moorman and Kizer being involved in this there is technical compliance with most of the specification aspects of this, remember, they need to prove all four findings.

Next issue, the use will enhance value - this refers to the rural environment to these neighbors who like to sit out on their porch and listen to crickets, instead of listening to traffic. Mr. Yarborough referred back to the Ordinance that refers to residential districts, the whole purpose for residential districts, is where similar residential development should be encouraged. The regulations of these districts are designed to stabilize and protect the essential characteristics of each district. The essential characteristic of this district is rural and agricultural in nature, to the extent that you can see hayfields within shouting distance of this property.

Mr. Yarborough went on to discuss the restrictive covenants. He understands very well that these restrictive covenants that were placed on the adjoining properties by the owners of this property, are not legally binding on the subject property. But, when you understand that the reason that in 1992 there was a restriction on this property to one acre size lots, and when you look at the zoning of A1 and you read the preambles to these restrictive covenants that the reason they are doing that is harmonious growth to protect property values, then it's clear that an acre lot, or in some circumstances a ¾ acre lot, which under the right design could still come in an R40 context. That was what the applicants themselves have said, preserves the value of this area.

Mr. Yarborough talked briefly about the traffic. He stated that his understanding that one household generates 10 traffic trips a day, that is information from DOT, times 560 dwellings that is 5,600 traffic trips down that one road that leads to NC 87 in one day.

Chair Epler reminded Mr. Yarborough that those statistics was not in an affidavit from DOT.

Mr. Yarborough stated he did not have an affidavit stating those statistics, but that is the information that he was given.

Mr. Yarborough addressed the soils in the area. There are hydric soils which are sometimes indicative of wetlands. Mr. Yarborough listed the types of soils located on the subject property. Mr. Yarborough presented Exhibit 4 – topography map which shows that the subject property is relatively flat and most of the water that will go into the retention ponds will be coming off of

impervious surfaces that are created by the roads, rooftops, the patios, and the sidewalks. But where does it go? Once the retention ponds are full, where does it go in a relatively flat area that is known for a high water table? Are we creating another problem like there was in Sunnyside? Where the water might ultimately go to one place but it's got to get off the property and how is it getting off of the property?

Mr. Yarborough stated that we needed to think about harmony. Think about the concerns of the neighborhood as part of that harmony and part of that value. We have to look at the sentiments of the neighborhood. Mr. Yarborough presented Exhibit 5 – Petitions signed by hundreds of people in the neighborhood say the proposed project is out of character with the neighborhood, will cause traffic congestion, and will destroy the rural nature and development pattern of the community. It is relevant if you are talking about community harmony. When talking about community harmony which is one of the key factors to consider and which the applicant must prove, is being met before the permit can be issued. Mr. Yarborough asked for the residents of the neighborhood who feel that the rezoning was not in keeping with the harmony of the neighborhood to stand. (The audience stood). The petition was not accepted by the board.

Mr. Moorefield stated that the board was bound by evidence of circumstance, and that the petitions are not certified unless Mr. Yarborough could identify the people who he actually represents on the petition. The petition was not accepted by the board.

Mr. Yarborough asked everyone in the audience who was present that signed the petition. (Audience members who signed the petition and are represented by Mr. Yarborough indicated who they were)

Mr. Lloyd stated that most of what had been discussed was addressed on the conditions in the board members packets.

Mr. Greg West (Chair Epler swore in Mr. West) spoke in favor. Mr. West is the Chief of Staff at H & H Homes and was speaking as a consumer. Mr. West stated that there is a demand for neighborhoods and developments like the subject property and understands the sentiments. Everybody is for growth but not in their backyard. Quality of life is subjective, but 565 families and children will be riding their bikes on sidewalks and having the amenities that this neighborhood will provide them. Mr. West said that many people served on the 2030 Growth Vision Task Force and this is the kind of subdivision and planned development, thoughtful well executed development that we wanted this community to have and to offer its citizens going forward. In fact, this development exceeds the standards that were outlined before. It's also a fact there are neighboring counties that have developments like this and we're building them in Westgate at Hoke, Lexington in Harnett County, and Anderson Creek in Harnett County, and sees from his perspective how well they have turned out and that is drawing people away from Cumberland County to those communities. Mr. West stated that he was also on the Board of Education and with all of the growth that has been experienced, the school enrollment is flat. We've got superior schools to those neighboring counties, but it's the fact that the housing we are talking about here is available in those counties and not in Cumberland. So, if this was built we would buy lots here and we would build fine homes. There are already traffic problems it will bring attention whether its faster response time from emergency services or better traffic studies to improve some of the problems discussed. Mr. West stated that he supports this project.

Mr. Jimmy Page (Chair Epler swore in Mr. Page) spoke in opposition. Mr. Page stated that he purchased property right next to the subject property, and it would really be right in his backyard. The land is wet and he is curious as to how they will handle the water problem.

Mr. Kizer stated that the soils have been delineated and surveyed and got approval from the Corps of Engineers on the wetlands themselves. There are 41 acres of wetlands on this project, in addition to that Mr. Mike Aker, Soil Scientist to perform a soil survey on the tract of land to identify and classify the soils rather than just taking the Cumberland County soils map, and yes

there are some hydric soils and the hydric soils do have some wetlands in them but they were all delineated. We also have some tarborough soils which are very sandy, good soils. In the new stormwater regulations every piece of land that is within this development has to be contained and the runoff from it has to be directed to required stormwater ponds. These stormwater ponds will be wetted detention ponds they will maintain a water level in them at all times and the storm drainage will be picked up in the streets and along the back of the lot lines and carried to the ponds. The outflow will be restricted by a pipe that allows no more water exiting the pond than what was originally going into the area prior to the development. We have calculated that we will have approximately 19 acres in stormwater ponds. That is the way we will handle stormwater.

Mrs. Piland asked for clarification, we're talking about 300 acres, 41.6 are wet and they are proposing 565 units, will some lots be less than ½ acre?

Mr. Kizer responded yes, but the average area will be that, a lot of the area of these lots is in common area green space, with 97 acres of green space each lot owns a portion of those 97 acres and can use it at their discretion, because it is all in their homeowners association. Not every lot is 20,000 square feet, but they all average 20,000 square feet.

Mr. McLaurin stated that they were talking about Kingsland Drive as it is now, is a stub street, because there is no stub cul-de-sac at the end, if you go into the development going up towards McFayden Road there is a wish bone, one side is a cul-de-sac, is the other side a stub street to that adjoining property?

Mr. Kizer responded that it was.

Mr. McLaurin asked Mr. Kizer if he owned that property.

Mr. Kizer stated that he did not.

Mr. McLaurin said that that would be a stub street if that area was ever to be developed, would traffic come down through there.

Mr. Kizer stated that was correct.

Mr. McLaurin asked how many acres that was.

Mr. Kizer stated that he didn't know right off hand but thought it might be 30-40 acres. There was some conversation concerning traffic, this particular road according to statistics on Gainey Road has a traffic count of somewhere around 1,000 cars per day. Mr. Kizer compared other properties that had entrances off of a two lane non rutted road, but a two lane road and compared to this project to the Gates Four Subdivision from a standpoint of number of residences. Lakewood Road has an entrance to the Gates Four Subdivision which has 540 lots, also off of Gates Four Road is the entrance to Birch Creek Subdivision, the Woods at Birch Creek, and named a few other subdivisions. Mr. Kizer said that when you totalize everything that is coming into that two lane road there's over 1200 residences and is still a two lane road, and it might be busy at times but it is still operating and working.

Chair Epler asked Mr. Moorefield, County Attorney, if the information presented by Mr. Kizer could be allowed into the record.

Mr. Moorefield stated that Mr. Kizer was speaking in rebuttal and the information that he presented was appropriate.

Mr. Kizer stated that he was making a comparison of the number of residences on a two lane road.

Mr. Yarborough spoke in response to Mr. Kizer's rebuttal and stated that in deference to Mr. West's desire to sell homes in this area that is not the issue. By the way there were some questions about the petitions presented where there are names, addresses, and signatures. Mr. Yarborough stated that he hadn't heard a single name of those 565 potential buyers that Mr. West is talking about. If there were 565 potential buyers it would not be relevant to the decision the board has to make on this case. There is not one thing that says is there a demand for this. The reason that the board should vote to deny this, if for no other reason, you want to argue safety, we can argue safety, the one thing that is absolutely irrefutable is that it is not in harmony with the area to which it is to be located. Many times when people are rezoning that Mr. Yarborough is involved in, they have moved to a zone, an area which is one way and wants to move it to something else. These people who have spoken here today, moved to the area because it was zoned A1 and R40, it was the restrictive covenants of the surrounding areas and indicated one acre lots or $\frac{3}{4}$ acre lots. If for no other reason this case should be denied because it is not in harmony with the area in which it is located.

Chair Epler gave the applicants side a chance to rebut Mr. Yarborough's statements. No one wanted to rebut.

Public Hearing closed.

Mr. Lloyd stated that in a meeting that staff was at including the Public Utilities Director that anybody that the lines ran past would be able to tap into the water. That's what we were told at PWC.

Mr. Cooney stated that the comment from the audience was that sewer with a forced main typically does not allow residents to tap into it.

Mrs. Piland stated that she appreciates the planning that has gone into this project and knows that Mr. Kizer has quality development and quality development working with him and has no question about that. But she is not convinced on a couple of issues, such as the $\frac{1}{2}$ acre lots being allowed in a rural area, she does recall questions about that while going through the 2030 process however, the $\frac{1}{2}$ acre lots remained in the 2030 plan and believes the reason it states the $\frac{1}{2}$ acre lots are possible but not preferred is because there was some disagreement about that, so in this particular case when talking about $\frac{1}{2}$ acre lots that may be possible in some areas but is not necessarily preferred in a rural area and in Mrs. Piland's opinion probably not in the magnitude of this project, the second issue that Mrs. Piland questions and believes that has failed to have been shown that this project is in harmony with the character of the area, she does not see this project being in harmony with the area. Mrs. Piland stated that she does think there is a public safety question, maybe if this was phased in those public safety questions would not rise so quickly, but we have to assume that this would happen overnight, so she does believe there are some public safety issues.

Mr. McLaurin stated that he would question the permit portion of the proceedings, he has not seen anything here that would say that the use would maintain or enhance the value of the adjoining or abutting properties on Kingsland Drive and as far as the uses, we do have $\frac{1}{2}$ acre lots, RR, to one side on Gainey Road and on this side of Gainey Road we have basically one acre lots and A1, probably very few A1 lots. But keeping that in mind we're talking about the deeded or average deeded tract of land on one side of Gainey Road is about 20,000 square feet or more, the actual deeded land on the other side of Gainey Road would probably be 40,000 square feet, a little less or a more. But if you look at the subdivision when you take out approximately 100 acres for common area, but the actual deeded portion would be on an average of about .35 acres based on this density and he doesn't see how that is in harmony with everything else that is out there.

Ms. Hall stated her three concerns first, the County made it a priority to have public water and sewer throughout the County and is abashed that you can run sewer lines through someone's

yard and then say you cannot tap into it. Secondly, the conditions don't address the density, a lot of these concerns are addressed in the conditional use conditions, but density is not one of them, Ms. Hall feels that R40 is better suited than R20, and the final concern, do written covenants mean anything. She understands that the covenants don't pertain here, but also understands the understanding that a homebuyer has of covenants when they buy their home.

Mr. Morris stated that he had been on the board for quite a few years, and had seen the County do different things and has been a part of the different plans. When we came up with these density developments, these conditional use districts, we set it up looking to the future and trying to attract the right kind of neighborhoods. Not going out and taking a rural farm field and laying a grid out over it and say here's your new home. The open space is the buffered areas, the green space is the infrastructure, the amenities, and we're trying to build communities. This is a prime example of exactly what we tried to shoot for. Mr. Morris said that he had some issues and the biggest issue is the connectivity on Kingsland Drive, he's sat on the board for years and fought connectivity because no one knows what's going to go on the other side of that road. Mr. Morris stated that he believes that if we proceed with this as presented, that it will affect the values of the people on that road. So he understands their feelings and also shares Mr. McLaurin's view that basically these are less than 1/2 acre lots and the harmony of the community around it is basically a 3/4 acre to one acre. So he will not support it. But again we need to look real close at these things, because these are the things that are going to bring the new people and the jobs to the community. It will enhance the values of those adjacent properties over time. But the question is, is this the right place and the right time for this development? If these are the things that are innovative and these are the things that will compel us and that will grow our County. So as we look at them we have to discuss them, we have to digest them, and we have to determine if they are right for the County. In that case this board will determine that and the Commissioners will ultimately support our decision or revoke our decision, but again this is what we are trying to hit here. When we look at it we need to take in everything as we try to make decisions up here.

Chair Epler said that Mr. Kizer made reference to Gates Four and if any of us had been in this same situation 25 years ago when Gates Four Country Club was Iron Gate and J.P. Riddle owned a little bit of that land out there and he had the vision to see what is now Gates Four and that neighborhood. If any of us had been in that situation and Mr. Riddle told us that he wanted to take that property that he had invested in and create 600 single family lots, multi-family townhouses and condominiums, he would have been thrown out of town. But we see what Gates Four is today, we see what kind of neighborhood it is and we see how it's an asset to that side of the community. We have to be very careful, we have tried as a Planning Board and as a County to plan for the future and have that vision and not only have it ourselves but create guidelines that help other people develop that kind of vision. That's what our Ordinance is and at the same time, she does have reservations.

Mr. Lloyd stated that the input from County staff is one, when we talk about enhance the value, the value has made the commitment to water, countywide water. When and if the time comes and that happens, what better way to provide water than at the expense of a developer and not an assessment to the citizens. One of the reasons the County is committed to County-wide water is because for as many people that may be here against water, the Commissioners were inundated with that many people that wanted drinking water or they certainly wouldn't have made that commitment. Secondly, when we went over lot sizes, but from the farmland committee up, before the 2030 Plan was done we were all in agreement to these types of development, not necessarily the lot size were the best way to protect land, not farmland but all land. The worst way to use up farmland is to cut out one acre lots down the road. This type of development preserves more land than cutting up lots of any size down the road.

Chair Epler asked Mr. Lloyd when this theory was generated and this Ordinance was written that was one of the incentives for developers to maintain that open space and have those buffers to allow them that smaller lot size so it would be financially feasible for them to build that neighborhood, am I correct?

Mr. Lloyd said that to preserve and protect was really the main reason on the planning end. It wasn't so much a financial thing, of course it did help, you want developers to do this type. But it was to protect the surrounding area as best we could with the buffers and to contain the neighborhoods with the amenities within so as to not go out on the roads as many times.

Mr. Morris stated that typically when we see these big A1 tracts somebody will come in and put sewer and water and they'll go for R10 and most times they will get it. If they can't get any other structure in there we're looking at rural residential. There are a lot of uses that we always hear that people don't like. These type of situations have been presented to us today those uses are very controlled and very conducive to the residential environment. Mr. Morris stated that he hoped the community worked a little bit with the developer so that they all have a little bit of what goes on in their area. This is a good plan, it just not be the right time. But everybody needs to work together within these communities. The Grays Creek community is the place where people want to be.

Mr. McLaurin asked if the petitioner could postpone this to make changes.

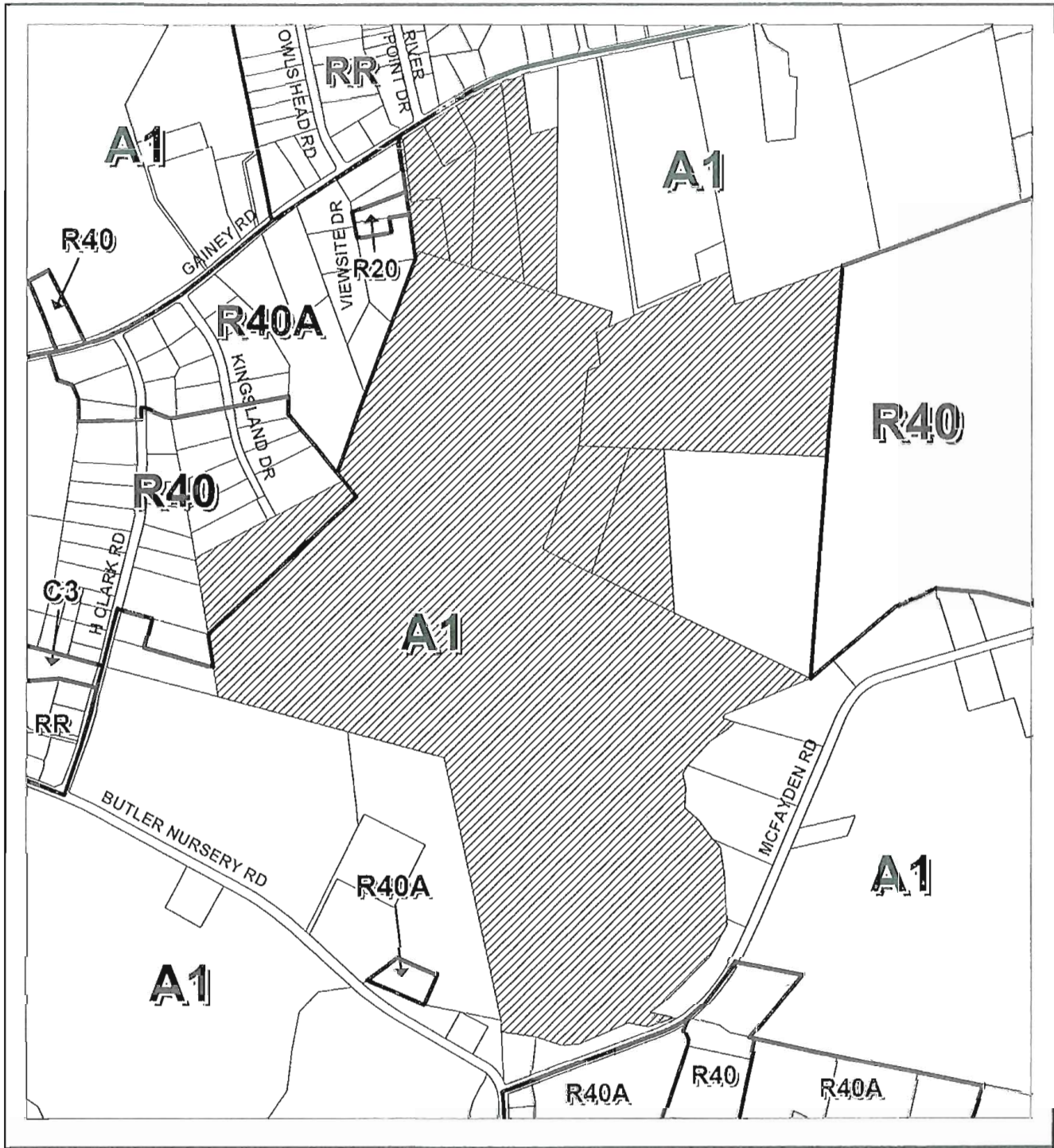
Mr. Lloyd stated that he could ask the petitioner if he wanted to do that.

Mr. Koenig came to the podium so that Mr. McLaurin could ask him if he wanted to defer his case. Mr. Koenig said he did not want to defer.

Mrs. Piland made a motion, seconded by Mr. Pearce that the Joint Planning Board fails to find that this conditional use district application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that it therefore be denied. The motion passed with Chair Epler voting in opposition.

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING A1 & R40 TO R20/CUD

ACREAGE: 302.0 AC.+/-

HEARING NO: P10-37

ORDINANCE: COUNTY

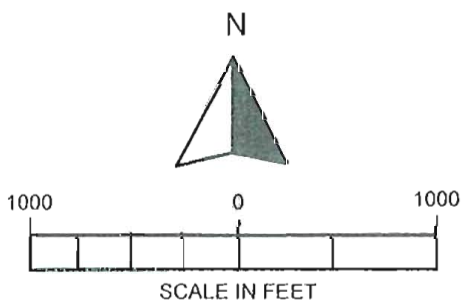
HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD



PIN: 0453-68-6036,2283, 57-7216, 79-1150
PIN: 0454-50-9332,6363,3341,2121,4617

MOTIONS ON CONDITIONAL USE DISTRICT AND PERMIT REZONING APPLICATIONS

IF TO APPROVE CONDITIONAL USE DISTRICT:

I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THE APPLICATION FOR A CONDITIONAL USE DISTRICT DESIGNATED AS CASE NUMBER _____ IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, IN THE PUBLIC INTEREST, CONSISTENT WITH THE CURRENT LAND USE PLAN ADOPTED BY THIS BOARD OF COMMISSIONERS AND THAT THE FOLLOWING CONDITIONAL USE(S) BE APPROVED:

[AS RECOMMENDED BY THE JOINT PLANNING BOARD]

(OR)

[LIST ONLY THE SPECIFIC USE(S) APPROVED BY THE COMMISSIONERS]

IF TO DENY CONDITIONAL USE DISTRICT:

I MOVE THAT THE BOARD OF COMMISSIONERS FAILS TO FIND THAT THIS APPLICATION FOR A CONDITIONAL USE DISTRICT DESIGNATED AS CASE NUMBER _____ IS REASONABLE, NEITHER ARBITRARY NOR UNDULYDISCRIMINATORY, IN THE PUBLIC INTEREST, OR CONSISTENT WITH THE CURRENT LAND USE PLAN ADOPTED BY THIS BOARD OF COMMISSIONERS AND THAT IT THEREFORE BE DENIED.

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

IF TO APPROVE CONDITIONAL USE PERMIT:

I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS APPLICATION FOR A CONDITIONAL USE PERMIT DESIGNATED AS CASE NUMBER _____, IF COMPLETED AS PROPOSED AND SUBJECT TO THE CONDITIONS RECOMMENDED BY THE JOINT PLANNING BOARD AND APPROVED BY THIS BOARD OF COMMISSIONERS:

(I) WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH OR SAFETY, AND

(II) WILL MEET ALL REQUIRED CONDITIONS AND SPECIFICATIONS; AND

(III) WILL MAINTAIN OR ENHANCE THE VALUE OF ADJOINING OR ABUTTING PROPERTIES, (OR ALTERNATIVELY - THE USE IS A PUBLIC NECESSITY); AND

(IV) WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS TO BE LOCATED, AND

(V) WILL BE IN GENERAL CONFORMITY WITH THE COUNTY'S MOST RECENT LAND USE PLAN, AND OTHER PLANNING POLICIES ADOPTED BY THE BOARD OF COMMISSIONERS.



GRAY'S CREEK MIDDLE SCHOOL

5151 CELEBRATION DRIVE

HOPE MILLS, NC 28348

(910) 483-4124

Sara Whitaker
Principal

Brenda Winfrey-Knox
Assistant Principal

Fredrick Hill
Assistant Principal

Elizabeth Rogers
Assistant Principal

August 17, 2010

To Whom It May Concern:

For the 2010 – 2011 school year, there are currently 4 bus stops on Gainey Road with an estimate of about 20 students getting on the bus.

Sincerely,

Sara Whitaker,
Principal

Exhibit I Nixon submitted to PB



ALDERMAN ROAD ELEMENTARY SCHOOL

2860 Alderman Road

Fayetteville, North Carolina 28306

Phone (910) 321-0398, FAX (910) 321-0744

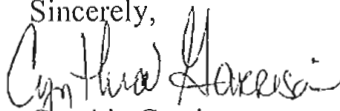
August 16, 2010

To Whom It May Concern:

For the 2009-2010 school year, there were 3 bus stops on Gainey Road.

If I can be of any other help to you, please feel free to contact me.

Sincerely,


Cynthia Garrison
Assistant Principal

*Associated by the Southern Association of Colleges and Schools
And North Carolina State Board of Education*



Gray's Creek High School

5301 Celebration Drive, Hope Mills, NC 28348
(910) 424-8589



Vernon Aldridge, Principal
Phyllis Jackson, Assistant Principal
Mark Pepper, Assistant Principal/Athletic Director

Keneen Culbreth, Assistant Principal
Astrid Ortiz-Rivera, Assistant Principal

To whom it may concern:

During the 2009-1010 school year Gray's Creek High School had six bus stops along Gainey Road. Bus 638 served Gainey Road and was driven by Ms. Sommerville.

Thank you,

Vernon Aldridge
Principal Gray's Creek High

38094

BK3837PG0826

NORTH CAROLINA
CUMBERLAND COUNTY

100840

RECEIVED
PROPOSED RESTRICTIVE COVENANTS
92 AUG 28 AM 11:23
TRAILWOOD
Section 2, Part 1
GEORGE L. LUTUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

KNOW ALL MEN BY THESE PRESENTS, that:

WHEREAS, WALTER C. MOORMAN and JAMES H. KIZER, as Trustees under the Moorman & Kizer, Inc. Amended and Restated Profit Sharing Plan dated October 14, 1988 (hereinafter referred to as Owners) with offices in Cumberland County, North Carolina, are owners of certain property known and designated as "Trailwood", Section 2, Part 1 as shown on a plat thereof recorded in Plat Book 81, Page 68 Cumberland County Registry; and

WHEREAS, Owners desire to provide for stability and appeal in the development of said Subdivision;

NOW, THEREFORE, Owners hereby covenant and agree to and with all persons, firms, partnerships or any other entity hereafter acquiring any of the lots included on the aforesaid plat and within the aforementioned Subdivision that all of said lots shall be and the same now are, to the extent hereafter defined and described, subject to the following restrictions as to the use thereof, said restrictions running with said land by whomsoever owned, to wit:

1. SUBDIVISION OF LOTS: Lots or portions of lots may be combined into a homesite for a residential structure so as to increase or decrease the size of the recorded lots; however, no lot or group of lots shall be subdivided so as to produce a greater number of lots than are now shown on the aforementioned subdivision plat, and no lot on which a residence is built may be smaller than one (1.00) acre. The restrictions hereinafter set out as to setbacks shall apply to the outside boundary lines of the combined homesite, and all other restrictions contained herein shall apply to any combined homesite. No new street right-of-ways or alleys will be created or permitted.

2. LAND USE AND BUILDING TYPE: No lot shall be used except for residential purposes. No structure shall be erected, placed, altered or permitted to remain on any such lot other than one detached single family dwelling not to exceed two and one-half stories in height, and such other buildings as may be reasonably appurtenant to the dwelling, provided that the same are constructed in line with the general architectural design and construction standards used in the dwelling itself.

The term "residential purposes" as used hereinabove shall not be deemed to include the use of any lot, or any part thereof, for ingress or egress to adjacent property, such being forbidden by these covenants.

3. DWELLING SIZE, QUALITY AND COST: No dwelling house shall be permitted on any lot which dwelling shall have an impartially appraised valuation of less than \$50,000.00, such valuation to be based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of this covenant to assure that all dwellings shall be of quality and workmanship substantially the same or better than that which can be produced on the date these covenants are recorded with regard to the minimum value herein stated:

No existing dwelling or portion thereof may be moved onto or set upon any lot.

No mobile home, modular home, or similar construction shall be placed on any lot.

No dwelling with a flat roof shall be permitted upon any lot, except that carports are permitted to have a flat roof.

No one story dwelling shall be permitted on any lot unless the ground floor of the main structure, exclusive of one story open porches and garages or other open area, shall contain not less than 1700 square feet. No dwelling of more than one story shall have less than 900 square feet for the ground floor with total enclosed living area of not less than 1700 square feet.

Exhibit 2 - Cannon submitted to PB

BK3837PG0827

All dwellings shall be constructed of new materials, decorative work accepted, and shall not be less than ninety percent (90%) completed before being occupied.

Every dwelling shall meet the minimum specifications of the Cumberland County Building Code, or the applicable building code of any municipal corporation if the dwelling should ever be incorporated into a municipal corporation.

Every dwelling shall have a sewer disposal system which meets all requirements of any applicable Cumberland County ordinance, and there shall be no outside toilets on any lot.

4. **BUILDING LOCATION:** The set back lines for all buildings and structures on all lots shall be as follows: The minimum required set back shall be seventy-five (75) feet from the right-of-way of any recorded street.

The minimum required side yard set back shall be twenty (20) feet.

The minimum required rear yard set back for a dwelling shall be fifty (50) feet and for any other buildings shall be fifteen (15) feet.

No structure of any sort, other than fences, shall be located within the required set back of any front or side yard, or nearer than fifteen (15) feet to any rear lot line.

5. **LOT AREA AND WIDTH:** No dwelling shall be erected or placed or allowed to remain on any lot having a width of less than 125 feet at the minimum building set back distance from the front property line, nor shall any dwelling be erected or placed or allowed to remain on any lot which has an area of less than one (1.00) acre.

6. **NUISANCES:** No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

7. **CONDITION OF PREMISES:** No refuse, garbage, trash or similar materials, shall be dumped, piled, spread, stored or allowed to accumulate on any part of said premises, except normal domestic (household) garbage in appropriately covered containers, that are emptied at least weekly; and neither shall the property be used to store junked cars or other unsightly materials.

8. **TEMPORARY STRUCTURES:** No structure of a temporary character, such as a trailer, tent, shack, garage, barn or other out buildings shall be upon lot at any time as residence, either temporarily or permanently.

9. **LIVESTOCK AND POULTRY:** No livestock, animals or poultry of any kind shall be kept, raised, or bred upon any lot, except that dogs, cats and other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose.

10. **FENCES:** No fence or wall, excepting a split rail or similar wooden decorative fence which is four (4) feet or less in height, shall be erected on any lot closer to the front property line than the rear of the dwelling situated on said lot. Any fence which is erected in the rear of the dwelling, which is more than six (6) feet high, must be within the building set back lines hereinabove set forth in paragraph number four (4).

11. **Access to Lots:** Access to lots shall be from Kingsland Drive. Prior to beginning any construction, including well drilling, clearing and grubbing, delivery of materials, and construction of buildings, the permanent driveway will be constructed. Under each driveway, a drainage pipe, of material and size to meet the approval of N.C. Department of Transportation, must be installed at an elevation and location approved by the Owners. At no time will vehicles or equipment crossing the roadway ditch be allowed.

12. **Obstructions or Construction Within Street Right-of-Way:** The location or construction of items other than a mail box on an approved support post or brace will not be allowed. All other items such as brick posts or mail box supports, fences, and walls must be located entirely within the limits of the lots. Any items constructed within the street right-of-way must be removed within ten days after notice by the Owner or the Owners have the right to remove said items.

13. **RESERVATION FOR INSTALLATION OF UNDERGROUND ELECTRIC CABLES AND/OR INSTALLATION OF STREET LIGHTING:** The Owner reserves the right to subject the real property in this subdivision to a contract with South River Electric Membership Corporation for the installation of underground electric cables and/or the installation of street lighting, either or both of which may require an initial payment and/or a continuing monthly payment to South River Electric Membership Corporation.

14. **TERM:** These covenants are to run with the land and shall be binding on all parties hereafter owning any of the lots in the aforesaid subdivision and all

BK 3837 PG 0828

persons claiming under them for a period of fifty (50) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the owners of a majority of the lots has been previously recorded agreeing to modify or terminate such covenants in whole or in part. It is, however, expressly understood that all of these covenants and restrictions may be modified or terminated in whole or in part at any time by a vote of the owners of 2/3 of the total number of lots, together with the vote of the Owners or their successors in office. Notwithstanding the foregoing, subsequent to fifty (50) years from the date of this instrument, the Owners or their successors in office shall no longer have a vote as to modifying or terminating the covenants.

15. **ENFORCEMENT:** Enforcement of these covenants and restrictions shall be by the Owners herein, or their successors in office, or any person owning any of the property in said Subdivision, by proceedings at law or in equity against any person or persons violating or attempting to violate any such covenant or restriction, either to restrain violation or to recover damage.

16. **SEVERABILITY:** Invalidation of any one of these covenants by judgement or court order shall in no way affect any of the other provisions, which other provisions shall remain in full force and effect.

IN TESTIMONY WHEREOF, the said Walter C. Moorman and James M. Kizer, as Trustees of the Moorman & Kizer, Inc., Amended and Restated Profit Sharing Plan dated October 14, 1988, and have herunto set their hands and seals on this the 28th day of August, 1992.

Walter C. Moorman (SEAL)
Walter C. Moorman, Trustee

James M. Kizer (SEAL)
James M. Kizer, Trustee

NORTH CAROLINA
CUMBERLAND COUNTY

I, Margaret L. Goodwin, a Notary Public, do hereby certify that Walter C. Moorman and James M. Kizer, as Trustees of the Moorman & Kizer, Inc., Amended and Restated Profit Sharing Plan, personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal, this 28th day of August, 1992.

Margaret L. Goodwin
Notary Public

My commission expires March 20, 1995.



The foregoing Certificate(s) of _____

Margaret L. Goodwin

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By GEORGE E. TATUM REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
By *George E. Tatum* Deputy/Assistant - Register of Deeds

BK4158PG0441

024646

RECEIVED

94 MAY 12 AM 11:04

GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

RESTRICTIVE COVENANTS

CAPE ROCKFISH ESTATES

Section One - Plat 16

NORTH CAROLINA

CUMBERLAND COUNTY

25079

KNOW ALL MEN BY THESE PRESENTS, that:

WHEREAS, WALTER C. MOORMAN and JAMES M. KIZER, as Trustees under the Moorman, Kizer & Reitzel, Inc. Amended and Restated Profit Sharing Plan dated October 14, 1988 (hereinafter referred to as Owners) with offices in Cumberland County, North Carolina, are owners of certain property known and designated as Plat 16, Cape Rockfish Estate, Section One, as shown on a plat thereof recorded in Plat Book 86, Page 7 Cumberland County Registry; and

WHEREAS, Owners desire to provide for stability and appeal in the development of said Subdivision;

NOW, THEREFORE, Owners hereby covenant and agree to and with all persons, firms, partnerships or any other entity hereafter acquiring any of the lots included on the aforesaid plat and within the aforementioned Subdivision that all of said lots shall be and the same now are, to the extent hereafter defined and described, subject to the following restrictions as to the use thereof, said restrictions running with said land by whomsoever owned, to wit:

1. SUBDIVISION OF LOTS: Lots or portions of lots may be combined into a homesite for a residential structure so as to increase or decrease the size of the recorded lots; however, no lot or group of lots shall be subdivided so as to produce a greater number of lots than are now shown on the aforementioned subdivision plat, and no lot on which a residence is built may be smaller than seventy-five one hundredths (0.75) of an acre. The restrictions hereinafter set out as to setbacks shall apply to the outside boundary lines of the combined homesite, and all other restrictions contained herein shall apply to any combined homesite. No new street right-of-ways or alleys will be created or permitted.

2. LAND USE AND BUILDING TYPE: No lot shall be used except for residential purposes. No structure shall be erected, placed, altered or permitted to remain on any such lot other than one detached single family dwelling not to exceed two and one-half stories in height, and such other buildings as may be reasonably appurtenant to the dwelling, provided that the same are constructed in line with the general architectural design and construction standards used in the dwelling itself.

The term "residential purposes" as used hereinabove shall not be deemed to include the use of any lot, or any part thereof, for ingress or egress to adjacent property, such being forbidden by these covenants.

3. DWELLING SIZE, QUALITY AND COST: No dwelling house shall be permitted on any lot which dwelling shall have an impartially appraised valuation of less than \$50,000.00, such valuation to be based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of this covenant to assure that all dwellings shall be of quality and workmanship substantially the same or better than that which can be produced on the date these covenants are recorded with regard to the minimum value herein stated:

No existing dwelling or portion thereof may be moved onto or set upon any lot.

8K4158PG0442

No mobile home, modular home, or similar construction shall be placed on any lot.

No dwelling with a flat roof shall be permitted upon any lot, except that carports are permitted to have a flat roof.

No one story dwelling shall be permitted on any lot unless the ground floor of the main structure, exclusive of one story open porches and garages or other open area, shall contain not less than 1500 square feet. No dwelling of more than one story shall have less than 800 square feet for the ground floor with total enclosed living area of not less than 1500 square feet.

All dwellings shall be constructed of new materials, decorative work accepted, and shall not be less than ninety percent (90%) completed before being occupied.

Every dwelling shall meet the minimum specifications of the Cumberland County Building Code, or the applicable building code of any municipal corporation if the dwelling should ever be incorporated into a municipal corporation.

Every dwelling shall have a sewer disposal system which meets all requirements of any applicable Cumberland County ordinance, and there shall be no outside toilets on any lot.

4. BUILDING LOCATION: The set back lines for all buildings and structures on all lots shall be as follows: The minimum required set back shall be fifty (50) feet from the right-of-way of any recorded street.

The minimum required side yard set back shall be fifteen (15) feet.

The minimum required rear yard set back for a dwelling shall be fifty (50) feet and for any other buildings shall be fifteen (15) feet.

No structure of any sort, other than fences, shall be located within the required set back of any front or side yard, or nearer than fifteen (15) feet to any rear lot line.

5. LOT AREA AND WIDTH: No dwelling shall be erected or placed or allowed to remain on any lot having a width of less than 110 feet at the minimum building set back distance from the front property line, nor shall any dwelling be erected or placed or allowed to remain on any lot which has an area of less than seventy-five one hundredths (0.75) of an acre.

6. NUISANCES: No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

7. CONDITION OF PREMISES: No refuse, garbage, trash or similar materials, shall be dumped, piled, spread, stored or allowed to accumulate on any part of said premises, except normal domestic (household) garbage in appropriately covered containers, that are emptied at least weekly; and neither shall the property be used to store junked cars or other unsightly materials.

8. TEMPORARY STRUCTURES: No structure of a temporary character, such as a trailer, tent, shack, garage, barn or other out buildings shall be upon lot at any time as residence, either temporarily or permanently.

9. LIVESTOCK AND POULTRY: No livestock, animals or poultry of any kind shall be kept, raised, or bred upon any lot, except that dogs, cats and other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose.

10. FENCES: No fence or wall, excepting a split rail or similar wooden decorative fence which is four (4) feet or less in height, shall be erected on any lot closer to the front property line than the rear of the dwelling situated on said lot. Any fence which is erected in the rear of the dwelling, which is more than six (6) feet high, must be within the building set back lines hereinabove set forth in paragraph number four (4).

BK4158PG0443

11. TERM: These covenants are to run with the land and shall be binding on all parties hereafter owning any of the lots in the aforesaid Subdivision and all persons claiming under them for a period of fifty (50) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the owners of a majority of the lots has been previously recorded agreeing to modify or terminate such covenants in whole or in part. It is, however, expressly understood that all of these covenants and restrictions may be modified or terminated in whole or in part at any time by a vote of the owners of 2/3 of the total number of lots, together with the vote of the Owners or their successors in office. Notwithstanding the foregoing, subsequent to fifty (50) years from the date of this instrument, the Owners or their successors in office shall no longer have a vote as to modifying or terminating the covenants.

12. ENFORCEMENT: Enforcement of these covenants and restrictions shall be by the Owners herein, or their successors in office, or any person owning any of the property in said Subdivision, by proceedings at law or in equity against any person or persons violating or attempting to violate any such covenant or restriction, either to restrain violation or to recover damage.

13. SEVERABILITY: Invalidation of any one of these covenants by judgement or court order shall in no way affect any of the other provisions, which other provisions shall remain in full force and effect.

IN TESTIMONY WHEREOF, the said Walter C. Moorman and James M. Kizer, as Trustees of the Moorman, Kizer & Reitzel, Inc., Amended and Restated Profit Sharing Plan dated October 14, 1988, and have hereunto set their hands and seals on this the 10th day of May, 1994.

Walter C. Moorman (SEAL)
Walter C. Moorman, Trustee

James M. Kizer (SEAL)
James M. Kizer, Trustee

NORTH CAROLINA
CUMBERLAND COUNTY

I, Kimberly J. Bradshaw, a Notary Public, do hereby certify that Walter C. Moorman and James M. Kizer, as Trustees of the Moorman, Kizer & Reitzel, Inc., Amended and Restated Profit Sharing Plan, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 10th day of May, 1994.



Kimberly J. Bradshaw
Notary Public

My commission expires July 26, 1997.

The foregoing Certificate(s) of

Kimberly J. Bradshaw

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By George E. Tatum REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
Deputy/Assistant - Register of Deeds

38094

BK3837PG0826

NORTH CAROLINA
CUMBERLAND COUNTY

100840

RECEIVED
PROPOSED RESTRICTIVE COVENANTS
92 AUG 28 AM 11:23
GEORGE C. PATTON
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

Section 2, Part 1

KNOW ALL MEN BY THESE PRESENTS, that:

WHEREAS, WALTER C. MOORMAN and JAMES M. KIZER, as Trustees under the Moorman & Kizer, Inc. Amended and Restated Profit Sharing Plan dated October 14, 1988 (hereinafter referred to as Owners) with offices in Cumberland County, North Carolina, are owners of certain property known and designated as "Trailwood", Section 2, Part 1 as shown on a plat thereof recorded in Plat Book 81, Page 68 Cumberland County Registry; and

WHEREAS, Owners desire to provide for stability and appeal in the development of said Subdivision;

NOW, THEREFORE, Owners hereby covenant and agree to and with all persons, firms, partnerships or any other entity hereafter acquiring any of the lots included on the aforesaid plat and within the aforementioned Subdivision that all of said lots shall be and the same now are, to the extent hereafter defined and described, subject to the following restrictions as to the use thereof, said restrictions running with said land by whomsoever owned, to wit:

1. SUBDIVISION OF LOTS: Lots or portions of lots may be combined into a homesite for a residential structure so as to increase or decrease the size of the recorded lots; however, no lot or group of lots shall be subdivided so as to produce a greater number of lots than are now shown on the aforementioned subdivision plat, and no lot on which a residence is built may be smaller than one (1.00) acre. The restrictions hereinafter set out as to setbacks shall apply to the outside boundary lines of the combined homesite, and all other restrictions contained herein shall apply to any combined homesite. No new street right-of-ways or alleys will be created or permitted.

2. LAND USE AND BUILDING TYPE: No lot shall be used except for residential purposes. No structure shall be erected, placed, altered or permitted to remain on any such lot other than one detached single family dwelling not to exceed two and one-half stories in height, and such other buildings as may be reasonably appurtenant to the dwelling, provided that the same are constructed in line with the general architectural design and construction standards used in the dwelling itself.

The term "residential purposes" as used hereinabove shall not be deemed to include the use of any lot, or any part thereof, for ingress or egress to adjacent property, such being forbidden by these covenants.

3. DWELLING SIZE, QUALITY AND COST: No dwelling house shall be permitted on any lot which dwelling shall have an impartially appraised valuation of less than \$50,000.00, such valuation to be based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of this covenant to assure that all dwellings shall be of quality and workmanship substantially the same or better than that which can be produced on the date these covenants are recorded with regard to the minimum value herein stated:

No existing dwelling or portion thereof may be moved onto or set upon any lot.

No mobile home, modular home, or similar construction shall be placed on any lot.

No dwelling with a flat roof shall be permitted upon any lot, except that carports are permitted to have a flat roof.

No one story dwelling shall be permitted on any lot unless the ground floor of the main structure, exclusive of one story open porches and garages or other open area, shall contain not less than 1700 square feet. No dwelling of more than one story shall have less than 900 square feet for the ground floor with total enclosed living area of not less than 1700 square feet.

BK3837PG0827

All dwellings shall be constructed of new materials, decorative work accepted, and shall not be less than ninety percent (90%) completed before being occupied.

Every dwelling shall meet the minimum specifications of the Cumberland County Building Code, or the applicable building code of any municipal corporation if the dwelling should ever be incorporated into a municipal corporation.

Every dwelling shall have a sewer disposal system which meets all requirements of any applicable Cumberland County ordinance, and there shall be no outside toilets on any lot.

4. BUILDING LOCATION: The set back lines for all buildings and structures on all lots shall be as follows: The minimum required set back shall be seventy-five (75) feet from the right-of-way of any recorded street.

The minimum required side yard set back shall be twenty (20) feet.

The minimum required rear yard set back for a dwelling shall be fifty (50) feet and for any other buildings shall be fifteen (15) feet.

No structure of any sort, other than fences, shall be located within the required set back of any front or side yard, or nearer than fifteen (15) feet to any rear lot line.

5. LOT AREA AND WIDTH: No dwelling shall be erected or placed or allowed to remain on any lot having a width of less than 125 feet at the minimum building set back distance from the front property line, nor shall any dwelling be erected or placed or allowed to remain on any lot which has an area of less than one (1.00) acre.

6. NUISANCES: No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

7. CONDITION OF PREMISES: No refuse, garbage, trash or similar materials, shall be dumped, piled, spread, stored or allowed to accumulate on any part of said premises, except normal domestic (household) garbage in appropriately covered containers, that are emptied at least weekly; and neither shall the property be used to store junked cars or other unsightly materials.

8. TEMPORARY STRUCTURES: No structure of a temporary character, such as a trailer, tent, shack, garage, barn or other out buildings shall be upon lot at any time as residence, either temporarily or permanently.

9. LIVESTOCK AND POULTRY: No livestock, animals or poultry of any kind shall be kept, raised, or bred upon any lot, except that dogs, cats and other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose.

10. FENCES: No fence or wall, excepting a split rail or similar wooden decorative fence which is four (4) feet or less in height, shall be erected on any lot closer to the front property line than the rear of the dwelling situated on said lot. Any fence which is erected in the rear of the dwelling, which is more than six (6) feet high, must be within the building set back lines hereinabove set forth in paragraph number four (4).

11. Access to Lots: Access to lots shall be from Kingsland Drive. Prior to beginning any construction, including well drilling, clearing and grubbing, delivery of materials, and construction of buildings, the permanent driveway will be constructed. Under each driveway, a drainage pipe, of material and size to meet the approval of U.S. Department of Transportation, must be installed at an elevation and location approved by the Owners. At no time will vehicles or equipment crossing the roadway ditch be allowed.

12. Obstructions or Construction Within Street Right-of-Way: The location or construction of items other than a mail box on an approved support post or brace will not be allowed. All other items such as brick posts or mail box supports, fences, and walls must be located entirely within the limits of the lots. Any items constructed within the street right-of-way must be removed within ten days after notice by the Owner or the Owners have the right to remove said items.

13. RESERVATION FOR INSTALLATION OF UNDERGROUND ELECTRIC CABLES AND/OR INSTALLATION OF STREET LIGHTING: The Owner reserves the right to subject the real property in this subdivision to a contract with South River Electric Membership Corporation for the installation of underground electric cables and/or the installation of street lighting, either or both of which may require an initial payment and/or a continuing monthly payment to South River Electric Membership Corporation.

14. TERM: These covenants are to run with the land and shall be binding on all parties hereafter owning any of the lots in the aforesaid Subdivision and all

BK3837PG0828

persons claiming under them for a period of fifty (50) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the owners of a majority of the lots has been previously recorded agreeing to modify or terminate such covenants in whole or in part. It is, however, expressly understood that all of these covenants and restrictions may be modified or terminated in whole or in part at any time by a vote of the owners of 2/3 of the total number of lots, together with the vote of the Owners or their successors in office. Notwithstanding the foregoing, subsequent to fifty (50) years from the date of this instrument, the Owners or their successors in office shall no longer have a vote as to modifying or terminating the covenants.

15. **ENFORCEMENT:** Enforcement of these covenants and restrictions shall be by the Owners herein, or their successors in office, or any person owning any of the property in said Subdivision, by proceedings at law or in equity against any person or persons violating or attempting to violate any such covenant or restriction, either to restrain violation or to recover damage.

16. **SEVERABILITY:** Invalidity of any one of these covenants by judgement or court order shall in no way affect any of the other provisions, which other provisions shall remain in full force and effect.

IN TESTIMONY WHEREOF, the said Walter C. Moorman and James M. Kizer, as Trustees of the Moorman & Kizer, Inc., Amended and Restated Profit Sharing Plan dated October 14, 1988, and have hereunto set their hands and seals on this the 28th day of August, 1992.

Walter C. Moorman (SEAL)
Walter C. Moorman, Trustee

James M. Kizer (SEAL)
James M. Kizer, Trustee

NORTH CAROLINA
CUMBERLAND COUNTY

I, Margaret L. Goodwin, a Notary Public, do hereby certify that Walter C. Moorman and James M. Kizer, as Trustees of the Moorman & Kizer, Inc., Amended and Restated Profit Sharing Plan, personally appeared before me this day and acknowledge the due execution of the foregoing instrument.

Witness my hand and official seal, this 28th day of August, 1992.

Margaret L. Goodwin
Notary Public

My commission expires March 20, 19 95.



The foregoing Certificate(s) of Margaret L. Goodwin
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.
GEORGE E. TATUM REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
By George E. Tatam Deputy/Assistant - Register of Deeds

1002

3271 PAGE 426

NORTH CAROLINA
CUMBERLAND COUNTY

015238
RESTRICTIVE COVENANTS

RECEIVED
TRAILWOOD
FC
SECTION 1, PART 2

'87 APR 3 PM 2 46

KNOW ALL MEN BY THESE PRESENTS, that:
WHEREAS, WALTER C. MOORMAN and JAMES M. REED, JR. Trustees under the
Moorman & Kizer, Inc. Profit-Sharing Trust dated February 28, 1969,
(hereinafter referred to as Owners) with offices in Cumberland County,
North Carolina, are owners of certain property known and designated as
"Trailwood" Section 1, Part 2, as shown on a plat thereof recorded in Plat
Book 61, Page 137, Cumberland County Registry; and

WHEREAS, Owners desire to provide for stability and appeal in the
development of said Subdivision;

NOW, THEREFORE, Owners hereby covenant and agree to and with all
persons, firms, partnerships or any other entity hereafter acquiring any of
the lots included on the aforesaid plat and within the aforementioned
Subdivision that all of said lots shall be and the same now are, to the
extent hereinafter defined and described, subject to the following
restrictions as to the use thereof, said restrictions running with said
land by whomsoever owned, to-wit:

1. No lot shall be subdivided nor will it be used to provide ingress
or egress to adjacent property.
2. All lots shall be used only for residential purposes, and no more
than one residential dwelling shall be built on each lot.
3. No residential dwelling built on any lot shall have less than 1200
square feet of floor space, exclusive of porches, garages or carports, and
shall be constructed according to the minimum specifications provided in
the Cumberland County building code. Two story dwellings shall have no
less than 900 square feet of floor space on the ground floor and not less
than 1500 square feet of heated floor space within the structure.
4. All buildings shall be constructed of new materials, decorative
work excepted, and any dwelling shall not be less than 90% completed before
being occupied. Concrete blocks, cinder blocks, or similar material are
not permitted in the exposed portion of any exterior wall.
5. No mobile home shall be placed on any lot.
6. There shall be no dwellings with a flat roof, except on a carport.

CLARK SHAW, CLARK,
LINGLE & ANDERSON
ATTORNEYS AT LAW
FAYETTEVILLE, N.C.

7. No dwelling, building, or structure other than fences shall be nearer than 50 feet to the right-of-way margin of any street or road. A dwelling shall not be nearer than fifteen (15) feet from any side property line, nor thirty-five (35) feet from any rear property line; except if the side or rear property line is adjacent to a street or road, the set back shall be a minimum of fifty (50) feet. Buildings or structures (other than dwellings which are provided for above) shall be not less than fifteen (15) feet from any side or rear property line.

8. There shall be no outside toilets or similar structures erected except for a garage, storage or utility building as permitted by local county ordinance.

9. No refuse, garbage, trash or similar materials, shall be dumped, piled, spread, stored or allowed to accumulate on any part of said premises, except normal domestic (household) garbage in appropriately covered containers, that shall be emptied at least weekly; and neither shall any lot be used to store equipment, merchandise, cars or such other materials.

10. No animals, livestock or poultry of any kind shall be raised, bred or kept on said premises for any commercial purposes. Not more than three dogs or cats, or combination thereof, shall be maintained as pets on any lot.

11. No noxious nor offensive activities shall be carried out on the premises, or shall anything being done thereon which may become a nuisance or annoyance to the neighborhood.

12. No fence or wall over 4 feet high shall be erected on any lot nearer than 50 feet to the right-of-way margin of a road or street. Additionally, only fences such as split rail fence or a similar wooden decorative fence shall be erected on any lot nearer than fifty (50) feet to the right-of-way margin of a road or street.

13. These covenants are to run with the land and shall be binding on all parties hereafter owning any of the lots in the aforesaid Subdivision and all persons claiming under them for a period of forty (40) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the owners of a majority of the lots has

CLARK, SHAW, CLARK
INGLE & ANDERSON
ATTORNEYS AT LAW
FAYETTEVILLE, N. C.

3271 PAGE 428

been previously recorded agreeing to modify or terminate such covenants in whole or in part. It is, however, expressly understood that all of these covenants and restrictions may be modified or terminated in whole or in part at any time by a vote of the owners of 2/3 of the total number of lots, together with the vote of the Owners or their successors in office. Notwithstanding the foregoing, subsequent to fifty (50) years from the date of this instrument, the Owners or their successors in office shall no longer have a vote as to modifying or terminating the covenants.

14. Enforcement of these covenants and restrictions shall be by the Owners herein, or their successors in office, or any person owning any of the property in said Subdivision, by proceedings at law or in equity against any person or persons violating or attempting to violate any such covenant or restriction, either to restrain violation or to recover damage.

15. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions, which other provisions shall remain in full force and effect.

IN TESTIMONY WHEREOF, the said Walter C. Moorman and James M. Kizer, as Trustees of the Moorman & Kizer, Inc. Profit-Sharing Trust, dated February 28, 1969, have hereunto set their hands and seals on this the 2 day of April _____, 1987.

Walter C. Moorman (SEAL)
Walter C. Moorman, Trustee

James M. Kizer (SEAL)
James M. Kizer, Trustee

NORTH CAROLINA
CUMBERLAND COUNTY

I, Margaret L. Goodwin, Notary Public, do hereby certify that Walter C. Moorman and James M. Kizer, as Trustees of The Moorman & Kizer, Inc. Profit-Sharing Trust, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this 2nd day of April, 1987.

Margaret L. Goodwin
Notary Public

Ky. commission expires: March 20, 1990

The foregoing Certificate(s) of

Margaret L. Goodwin

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

GEORGE E. TATUM

REGISTER OF DEEDS FOR CUMBERLAND COUNTY.

By

George E. Tatam

Deputy/Assistant - Register of Deeds

28639

BK3418PG0215

NORTH CAROLINA
CUMBERLAND COUNTY

RESTRICTIVE COVENANTS RECEIVED

043176 TRAILWOOD 89 SEP -3 7:12:00

Section 1, Part 3
GEORGE D. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

KNOW ALL MEN BY THESE PRESENTS, that:

WHEREAS, WALTER C. MOORMAN and JAMES M. KIZER, as Trustees under the Moorman & Kizer, Inc. Profit-Sharing Trust dated February 28, 1969, (hereinafter referred to as Owners) with offices in Cumberland County, North Carolina, are owners of certain property known and designated as "Trailwood" Section 1, Part 3, as shown on a plat thereof recorded in Plat Book 65, Page 72, Cumberland County Registry; and

WHEREAS, Owners desire to provide for stability and appeal in the development of said Subdivision;

NOW, THEREFORE, Owners hereby covenant and agree to and with all persons, firms, partnerships or any other entity hereafter acquiring any of the lots included on the aforesaid plat and within the aforementioned Subdivision that all of said lots shall be and the same now are, to the extent hereinafter defined and described, subject to the following restrictions as to the use thereof, said restrictions running with said land by whomsoever owned, to-wit:

1. No lot shall be subdivided nor will it be used to provide ingress or egress to adjacent property.

2. All lots shall be used only for residential purposes, and no more than one residential dwelling shall be built on each lot.

3. No residential dwelling built on any lot shall have less than 1200 square feet of floor space, exclusive of porches, garages or carports, and shall be constructed according to the minimum specifications provided in the Cumberland County building code. Two story dwellings shall have no less than 900 square feet of floor space on the ground floor and not less than 1500 square feet of heated floor space within the structure.

4. All buildings shall be constructed of new materials, decorative work excepted, and any dwelling shall not be less than 90% completed before being occupied. Concrete blocks, cinder blocks, or similar material are not permitted in the exposed portion of any exterior wall.

5. No mobile home shall be placed on any lot.

6. There shall be no dwellings with a flat roof, except on a carport.

Return:
CLARK, SHAW, CLARK,
LINGLE & ANDERSON
ATTORNEYS AT LAW
FAYETTEVILLE, N. C.

7. No dwelling, building, or structure other than fences shall be nearer than 50 feet to the right-of-way margin of any street or road. A dwelling shall not be nearer than fifteen (15) feet from any side property line, nor thirty-five (35) feet from any rear property line; except if the side or rear property line is adjacent to a street or road, the set back shall be a minimum of fifty (50) feet. Buildings or structures (other than dwellings which are provided for above) shall be not less than fifteen (15) feet from any side or rear property line.

8. There shall be no outside toilets or similar structures erected except for a garage, storage or utility building as permitted by local county ordinance.

9. No refuse, garbage, trash or similar materials, shall be dumped, piled, spread, stored or allowed to accumulate on any part of said premises, except normal domestic (household) garbage in appropriately covered containers, that shall be emptied at least weekly; and neither shall any lot be used to store equipment, merchandise, cars or such other materials.

10. No animals, livestock or poultry of any kind shall be raised, bred or kept on said premises for any commercial purposes. Not more than three dogs or cats, or combination thereof, shall be maintained as pets on any lot.

11. No noxious nor offensive activities shall be carried out on the premises, or shall anything being done thereon which may become a nuisance or annoyance to the neighborhood.

12. No fence or wall over 4 feet high shall be erected on any lot nearer than 50 feet to the right-of-way margin of a road or street. Additionally, only fences such as split rail fence or a similar wooden decorative fence shall be erected on any lot nearer than fifty (50) feet to the right-of-way margin of a road or street.

13. These covenants are to run with the land and shall be binding on all parties hereafter owning any of the lots in the aforesaid Subdivision and all persons claiming under them for a period of forty (40) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the owners of a majority of the lots has

been previously recorded agreeing to modify or terminate such covenants in whole or in part. It is, however, expressly understood that all of these covenants and restrictions may be modified or terminated in whole or in part at any time by a vote of the owners of 2/3 of the total number of lots, together with the vote of the Owners or their successors in office. Notwithstanding the foregoing, subsequent to fifty (50) years from the date of this instrument, the Owners or their successors in office shall no longer have a vote as to modifying or terminating the covenants.

14. Enforcement of these covenants and restrictions shall be by the Owners herein, or their successors in office, or any person owning any of the property in said Subdivision, by proceedings at law or in equity against any person or persons violating or attempting to violate any such covenant or restriction, either to restrain violation or to recover damage.

15. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions, which other provisions shall remain in full force and effect.

IN TESTIMONY WHEREOF, the said Walter C. Moorman and James M. Kizer, as Trustees of the Moorman & Kizer, Inc. Profit-Sharing Trust, dated February 28, 1969, have hereunto set their hands and seals on this the 6th day of September, 1988.

Walter C. Moorman (SEAL)
Walter C. Moorman, Trustee

James M. Kizer (SEAL)
James M. Kizer, Trustee

NORTH CAROLINA
CUMBERLAND COUNTY

I, Margaret L. Goodwin, Notary Public, do hereby certify that Walter C. Moorman and James M. Kizer, as Trustees of The Moorman & Kizer, Inc. Profit-Sharing Trust, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this 6th day of Sept., 1988.

Margaret L. Goodwin
Notary Public

My commission expires: March 20, 1990

The foregoing Certificate(s) of Margaret L. Goodwin

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By George E. Tatum REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
Helene J. Fisher Deputy/Assistant - Register of Deeds

Return Neaman & Kizer
P.O. Box 53774
Raleigh, NC 27605

10558

BK3766PG0645

NORTH CAROLINA
CUMBERLAND COUNTY

073843

RECORD RESTRICTIVE COVENANTS

92 MAR 19 PM 4:25
Section 1, Part 4

GEORGE E. KIZER
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

KNOW ALL MEN BY THESE PRESENTS, that:

WHEREAS, WALTER C. MOORMAN and JAMES H. KIZER, as Trustees under the Moorman & Kizer, Inc. Amended and Restated Profit Sharing Plan dated October 14, 1988 (hereinafter referred to as Owners) with offices in Cumberland County, North Carolina, are owners of certain property known and designated as "Trailwood", Section 1, Part 4 as shown on a plat thereof recorded in Plat Book 79, Page 36 Cumberland County Registry; and

WHEREAS, Owners desire to provide for stability and appeal in the development of said Subdivision;

NOW, THEREFORE, Owners hereby covenant and agree to and with all persons, firms, partnerships or any other entity hereafter acquiring any of the lots included on the aforesaid plat and within the aforementioned Subdivision that all of said lots shall be and the same now are, to the extent hereafter defined and described, subject to the following restrictions as to the use thereof, said restrictions running with said land by whomsoever owned, to wit:

1. SUBDIVISION OF LOTS: Lots or portions of lots may be combined into a homesite for a residential structure so as to increase or decrease the size of the recorded lots; however, no lot or group of lots shall be subdivided so as to produce a greater number of lots than are now shown on the aforementioned subdivision plat, and no lot on which a residence is built may be smaller than seventy-five one hundredths (0.75) of an acre. The restrictions hereinafter set out as to setbacks shall apply to the outside boundary lines of the combined homesite, and all other restrictions contained herein shall apply to any combined homesite. No new street right-of-ways or alleys will be created or permitted.

2. LAND USE AND BUILDING TYPE: No lot shall be used except for residential purposes. No structure shall be erected, placed, altered or permitted to remain on any such lot other than one detached single family dwelling not to exceed two and one-half stories in height, and such other buildings as may be reasonably appurtenant to the dwelling, provided that the same are constructed in line with the general architectural design and construction standards used in the dwelling itself.

The term "residential purposes" as used hereinabove shall not be deemed to include the use of any lot, or any part thereof, for ingress or egress to adjacent property, such being forbidden by these covenants.

3. DWELLING SIZE, QUALITY AND COST: No dwelling house shall be permitted on any lot which dwelling shall have an impartially appraised valuation of less than \$50,000.00, such valuation to be based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of this covenant to assure that all dwellings shall be of quality and workmanship substantially the same or better than that which can be produced on the date these covenants are recorded with regard to the minimum value herein stated:

No existing dwelling or portion thereof may be moved onto or set upon any lot.

No mobile home, modular home, or similar construction shall be placed on any lot.

No dwelling with a flat roof shall be permitted upon any lot, except that carports are permitted to have a flat roof.

No one story dwelling shall be permitted on any lot unless the ground floor of the main structure, exclusive of one story open porches and garages or other open area, shall contain not less than 1200 square feet. No dwelling of more than one story shall have less than 900 square feet for the ground floor with total enclosed living area of not less than 1200 square feet.

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All dwellings shall be constructed of new materials, decorative work accepted, and shall not be less than ninety percent (90%) completed before being occupied.

Every dwelling shall meet the minimum specifications of the Cumberland County Building Code, or the applicable building code of any municipal corporation if the dwelling should ever be incorporated into a municipal corporation.

Every dwelling shall have a sewer disposal system which meets all requirements of any applicable Cumberland County ordinance, and there shall be no outside toilets on any lot.

4. **BUILDING LOCATION:** The set back lines for all buildings and structures on all lots shall be as follows: The minimum required set back shall be fifty (50) feet from the right-of-way of Kingsland Drive.

The minimum required side yard set back shall be fifteen (15) feet.

The minimum required rear yard set back for a dwelling shall be fifty (50) feet and for any other buildings shall be fifteen (15) feet.

No structure of any sort, other than fences, shall be located within the required set back of any front or side yard, or nearer than fifteen (15) feet to any rear lot line.

5. **LOT AREA AND WIDTH:** No dwelling shall be erected or placed or allowed to remain on any lot having a width of less than 150 feet at the minimum building set back distance from the front property line, nor shall any dwelling be erected or placed or allowed to remain on any lot which has an area of less than seventy-five one hundredths (0.75) of an acre.

6. **NUISANCES:** No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

7. **CONDITION OF PREMISES:** No refuse, garbage, trash or similar materials, shall be dumped, piled, spread, stored or allowed to accumulate on any part of said premises, except normal domestic (household) garbage in appropriately covered containers, that are emptied at least weekly, and neither shall the property be used to store junked cars or other unsightly materials.

8. **TEMPORARY STRUCTURES:** No structure of a temporary character, such as a trailer, tent, shack, garage, barn or other out buildings shall be upon lot at any time as residence, either temporarily or permanently.

9. **LIVESTOCK AND POULTRY:** No animals, livestock or poultry of any kind shall be raised, bred or kept on said premises for any commercial purposes. Not more than three dogs or cats, or combination thereof, shall be maintained as pets on any lot.

10. **FENCES:** No fence or wall, excepting a split rail or similar wooden decorative fence which is four (4) feet or less in height, shall be erected on any lot closer to the front property line than the rear of the dwelling situated on said lot. Any fence which is erected in the rear of the dwelling, which is more than six (6) feet high, must be within the building set back lines hereinabove set forth in paragraph number four (4).

11. **TERM:** These covenants are to run with the land and shall be binding on all parties hereafter owning any of the lots in the aforesaid Subdivision and all persons claiming under them for a period of fifty (50) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the owners of a majority of the lots has been previously recorded agreeing to modify or terminate such covenants in whole or in part. It is, however, expressly understood that all of these covenants and restrictions may be modified or terminated in whole or in part at any time by a vote of the owners of 2/3 of the total number of lots, together with the vote of the owners or their successors in office. Notwithstanding the foregoing, subsequent to fifty (50) years from the date of this instrument, the Owners or their successors in office shall no longer have a vote as to modifying or terminating the covenants.

12. **ENFORCEMENT:** Enforcement of these covenants and restrictions shall be by the Owners herein, or their successors in office, or any person owning any of the property in said Subdivision, by proceedings at law or in equity against any person or persons violating or attempting to violate any such covenant or restriction, either to restrain violation or to recover damage.

13. **SEVERABILITY:** Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions, which other provisions shall remain in full force and effect.

BK3766PG0647

IN TESTIMONY WHEREOF, the said Walter C. Moorman and James M. Kizer, as Trustees of the Moorman & Kizer, Inc., Amended and Restated Profit Sharing Plan dated October 14, 1988, and have hereunto set their hands and seals on this the 19th day of March, 1992.

Walter C. Moorman (SEAL)
Walter C. Moorman, Trustee

James M. Kizer (SEAL)
James M. Kizer, Trustee

NORTH CAROLINA
CUMBERLAND COUNTY

I, Margaret L. Goodwin, a Notary Public, do hereby certify that Walter C. Moorman and James M. Kizer, as Trustees of the Moorman & Kizer, Inc., Amended and Restated Profit Sharing Plan, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 19th day of March, 1992.



Margaret L. Goodwin
Notary Public

The foregoing Certificate(s) of

Margaret L. Goodwin

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

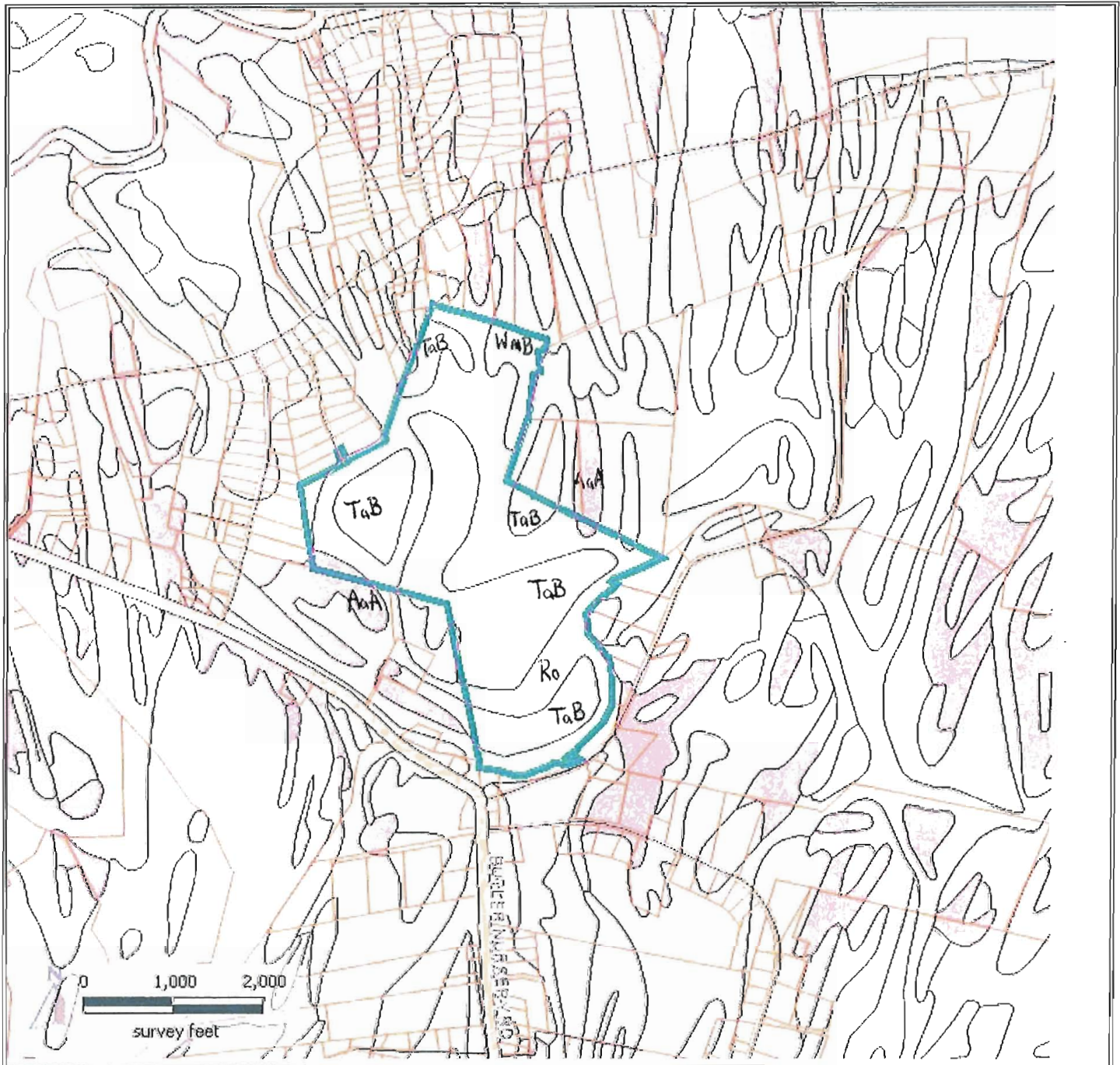
By GEORGE E. TATUM REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
Valerie C. Melvin Deputy/Assistant Register of Deeds



Cumberland County Planning Department
Fayetteville, North Carolina



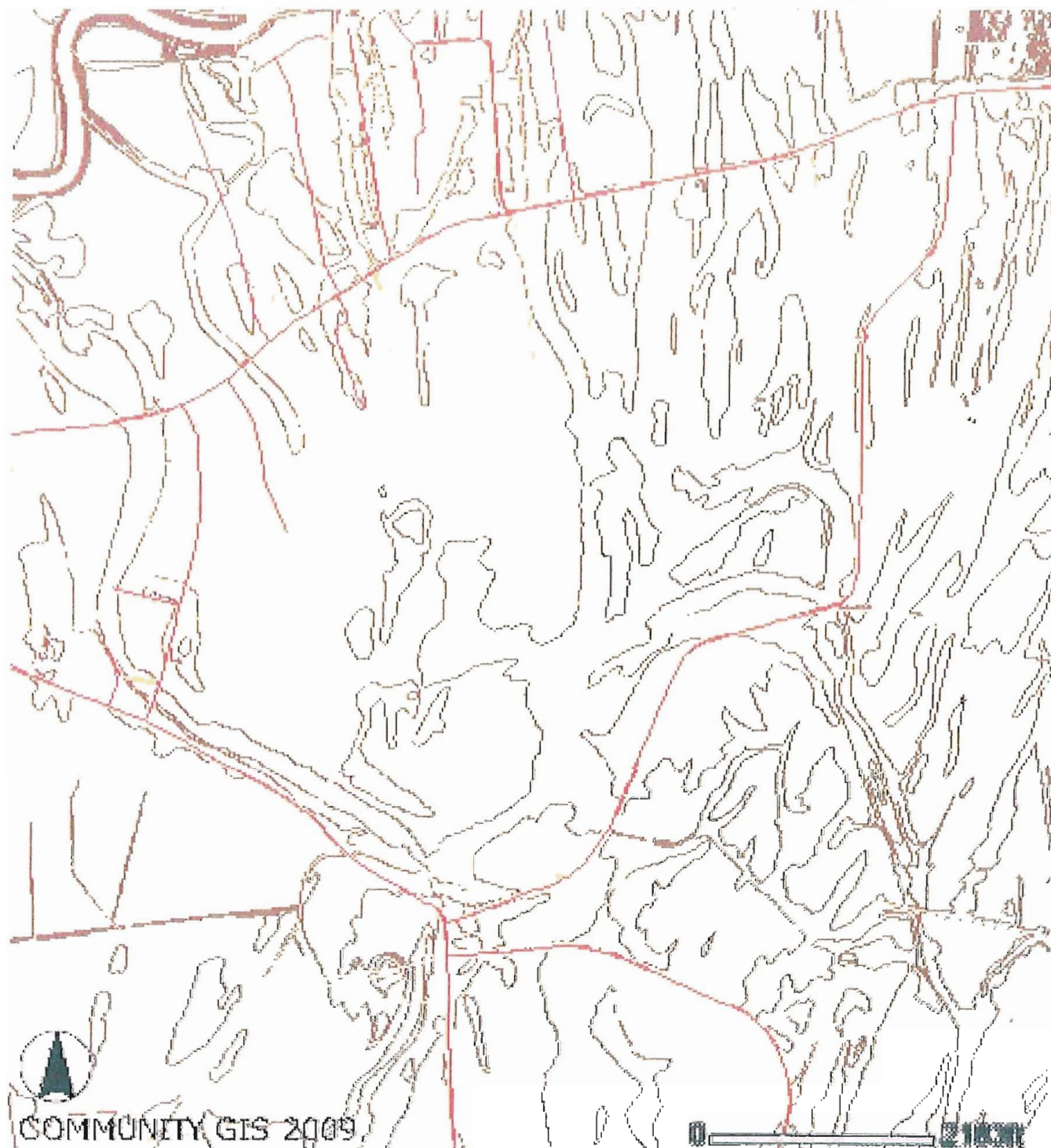
Created by Public on Tuesday, 17 August 2010



Map Zoom: 11560 survey ft
Map Scale: 1:19,730

Exhibit 4 Submitted by Yarborough to PB

ArcIMS HTML Viewer Map;



The county of Cumberland and its GIS Department disclaims accountability for this product implied concerning the accuracy thereof. Responsibility for interpretation and application
Tuesday, August 17, 2010

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 5935-2010.

Property Owner: Archie T. Warren Heirs

Home Owner: Archie T. Warren Heirs

Property Address: 5502 Leitha Lane, Dunn, NC

Tax Parcel Identification Number: 1503-02-1753

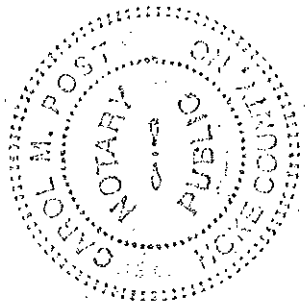
SYNOPSIS: This property was inspected on 4/30/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 5/28/2009. Glenwood Warren attended the Hearing via telephone. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 8/28/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) An appeal was filed with a new compliance date of 4/12/2010 to do 50% of the required work. Upon my visit to the property on 9/10/2010 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$50,000.00. The Assessor for Cumberland County has the structure presently valued at: \$564.00

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

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

George Hatcher
Affiant
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 10th day of September 2010.

C. [Signature]
Notary Public
My Commission Expires: 11-03-14

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

Name(s) of Owner(s) _____

Appearances: _____

Inspection Dept. Case No.: _____

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



Kim Reeves,
Inspector

Angela Perrier,
Inspector

George Hatcher,
Inspector

Charisse Brown,
Inspector

Johnny H. Scott,
Inspector

Joey Lewis,
Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

P 91 7108 2133 3936 0853 2299 Archie

P 91 7108 2133 3936 0853 2282 Priscilla

FINDINGS OF FACT AND ORDER

P 91 7108 2133 3936 0853 2275 Aaron

June 3, 2009

P 91 7108 2133 3936 0853 2268 Glenwood

CASE #: MH 5935-2009

TO: Archie T. Warren Heirs & Parties of Interest
10 Aspen Drive
Smithfield, NC 27577

Property at: 5502 Leitha Lane, Dunn, NC

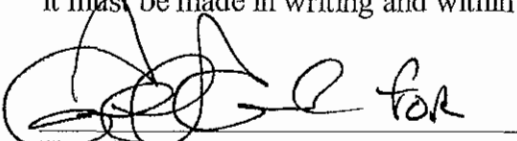
A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 5/2/2009.

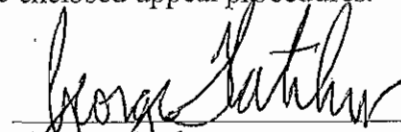
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 5/28/2009 at 10:15:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were: Glenwood Warren.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 4/30/2009. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 5935-2009, dated 4/30/2009.
 - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is unfit for human habitation.

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than **8/28/2009**. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
 - ☐ b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - ☐ c. The structure shall be/remain secured.
 - ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after _____.
 - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by **8/28/2009**. The cost of said demolition will be assessed against the real property in the form of a lien.

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


Ken Sykes
Hearing Officer


George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

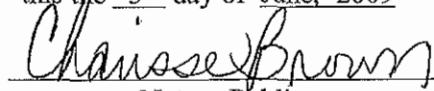
cc: Glenwood Warren
2149 Ventenna Lane
Raleigh, NC 27604-6408

Aaron Warren
5612 Plum Nearly Court
Raleigh, NC 27610

Priscilla Warren
2200 Glascock Street A-B
Raleigh, NC 27610

CHARISSE BROWN
Notary Public
Cumberland County
State of North Carolina
My Commission Expires Sep 29, 2012

Sworn to and Subscribed to by me
this the 3th day of June, 2009

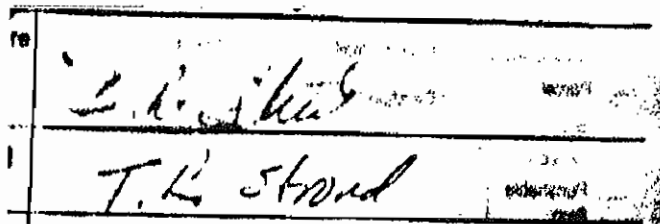

Notary Public
My Commission Expires: 9/29/2012

Date: 07/21/2009

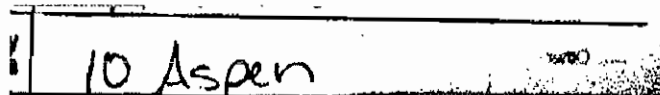
g h:

The following is in response to your 07/21/2009 request for delivery information on your Certified Mail(TM) item number 7108 2133 3936 0853 2299. The delivery record shows that this item was delivered on 06/12/2009 at 02:54 PM in SMITHFIELD, NC 27577. The scanned image of the recipient information is provided below.

Signature of Recipient:



Address of Recipient:



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service



Date: 07/21/2009

g h:

The following is in response to your 07/21/2009 request for delivery information on your Certified Mail(TM) item number 7108 2133 3936 0853 2275. The delivery record shows that this item was delivered on 06/17/2009 at 02:51 PM in RALEIGH, NC 27610. The scanned image of the recipient information is provided below.

Signature of Recipient:

A handwritten signature in black ink, appearing to read "D. M. Smith".

Address of Recipient:

5612 Plummet
Ct. Raleigh, NC 27617

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

Date: 07/21/2009

g h:

The following is in response to your 07/21/2009 request for delivery information on your Certified Mail(TM) item number 7108 2133 3936 0853 2268. The delivery record shows that this item was delivered on 07/06/2009 at 08:08 AM in FAYETTEVILLE, NC 28302. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery Section
JRP
Dennis Owens
Dennis Owens

Address of Recipient:

ry
88
P.O. Box 1829

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

Date: 07/21/2009

g h:

The following is in response to your 07/21/2009 request for delivery information on your Certified Mail(TM) item number 7108 2133 3936 0853 2282. The delivery record shows that this item was delivered on 06/20/2009 at 10:57 AM in RALEIGH, NC 27610. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery Section
Signature
Priscilla Warren
Priscilla Warren

Address of Recipient:

Priscilla Warren
2200 Glascock St. A-B

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

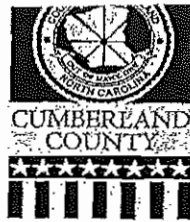
United States Postal Service

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



Kim Reeves,
Inspector

Angela Perrier,
Inspector

George Hatcher,
Inspector

Joey Lewis,
Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

NOTIFICATION OF HOUSING APPEALS BOARD DECISION

October 16, 2009

FILE NO: MH 5935 -2009

BOARD OF APPEALS MEETING DATE:

PROPERTY OWNER: Archie T. Warren Heirs
MAILING ADDRESS: 10 Aspen Drive
Smithfield, NC 27577

10/13/2009 6:30 P.M.

PROPERTY LOCATION: 5502 Leitha Lane, Dunn, NC

OWNER/AGENT/

OR REPRESENTATIVE(S) PRESENT: Carol Warren

DECISION RENDERED ON THE ABOVE CASE(S):

1. At the above referenced, the Board granted Archie T. Warren Heirs a 6 month extension to complete 50% of the repairs to the structures at 5502 Leitha Lane, Dunn, NC. If the required 50% of work is completed, the appellant may return to the Board on 4/13/2010 for another extension.
2. The new compliance date is 4/12/2010 to complete 50% of the required work. The Inspector should be notified when the demolition is complete and an inspection will be scheduled.
3. By authority of North Carolina General Statutes 14-4, violation of the county code is punishable as a Class 3 Misdemeanor in criminal court and failure to meet the new compliance date may result in the following action:
 - a. A \$50.00 per day civil penalty may be imposed for each day's continuing violation after the compliance date.
 - b. The County Planning & Inspections Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners. The cost of said demolition will be assessed against the real property in the form of a lien.
 - c. The County Planning & Inspections Department may start criminal proceedings in Environmental Court.

Carol M. Post

Secretary
Housing Board of Appeals

GH/cmp

Cc: Glenwood Warren, 2149 Ventenna Lane, Raleigh, NC 27604-6408
Aaron Warren, 5612 Plum Nearly Court, Raleigh, NC 27610
Priscilla Warren, 2200 Glascock Street A-B, Raleigh, NC 27610

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 321-6636 · Fax: (910) 321-6637

EXHIBIT B

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



Kim Reeves,
Inspector
Angela Perrier,
Inspector
George Hatcher,
Inspector
Joey Lewis,
Inspector
Joan Fenley,
Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

NOTIFICATION OF HOUSING APPEALS BOARD DECISION

July 23, 2010

FILE NO: MH 5935-2009

BOARD OF APPEALS MEETING DATE:
7/13/2010 6:30 P.M.

PROPERTY OWNER: Archie T. Warren Heirs
MAILING ADDRESS: 10 Aspen Drive
Smithfield, NC 27577

PROPERTY LOCATION: 5502 Leitha Lane, Dunn, NC

OWNER/AGENT/
OR REPRESENTATIVE(S) PRESENT: Caroll Warren

DECISION RENDERED ON THE ABOVE CASE(S):

1. At the above referenced meeting, the Board recommended that Archie T. Warren Heirs were to be taken directly to the Cumberland County Board of Commissioners for recommendation of demolition to the structure at 5502 Leitha Lane, Dunn, NC, since Archie T. Warren Heirs did not comply with the Code Enforcement Officer's noted required work that needed to be completed to bring the structure into compliance with the Cumberland County Minimum Housing Code.
2. The Inspector should be notified if, and when, any repairs are made prior to the Cumberland County Board of Commissioners meeting and an inspection will be scheduled with the Code Enforcement Officer.
3. By authority of North Carolina General Statutes 14-4, violation of the county code is punishable as a Class 3 Misdemeanor in criminal court and failure to meet the new compliance date may result in the following action:
 - a. A \$50.00 per day civil penalty may be imposed for each day's continuing violation after the compliance date.
 - b. The County Planning & Inspections Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners. The cost of said demolition will be assessed against the real property in the form of a lien.
 - c. The County Planning & Inspections Department may start criminal proceedings in Environmental Court.

Carol M. Post
Secretary
Housing Board of Appeals

GH/cmp

Cc : Glenwood Warren, 2149 Ventenna Lane, Raleigh, NC 27604-6408
Aaron Warren, 5612 Plum Nearly Court, Raleigh, NC 27610
Priscilla Warren, 2200 Glascock Street A-B, Raleigh, NC 27610
Caroll Warren, 4469 US 421 N., Lillington, NC 27546

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 321-6636 · Fax: (910) 321-6637

EXHIBIT B

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: Archie T Warren Heirs
5502 Leitha Lane, Dunn, NC
Minimum Housing Case # MH5935-2010
TAX PARCEL IDENTIFICATION NUMBER 1503-02-1753



Exhibit C

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6143-2010.

Property Owner: Glen E. Regan

Home Owner: Glen E. Regan

Property Address: Lot to left of 164 Latonea Drive, Fayetteville, NC

Tax Parcel Identification Number: 0424-43-8518

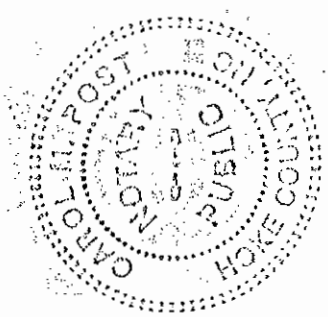
SYNOPSIS: This property was inspected on 3/17/2010. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 5/6/2010. Glen E. Regan attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 8/6/2010. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 9/10/2010 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$50,000.00. The Assessor for Cumberland County has the structure presently valued at \$2,235.00.

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

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

George Hatcher
Affiant
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 10th day of September 2010.

C. [Signature]
Notary Public
My Commission Expires: 11-03-14

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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



Kim Reeves,
Inspector
Angela Perrier,
Inspector
George Hatcher,
Inspector
Joey Lewis,
Inspector
Joan Fenley,
Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

May 11, 2010

91 7108 2133 3938 2041 2768

CASE #: MH 6143-2010

TO: Glen E. Regan & Parties of Interest
2126 Forest Hills Drive
Fayetteville, NC 28303

Property at: Lot to left of 164 Latonea Drive, Fayetteville, NC

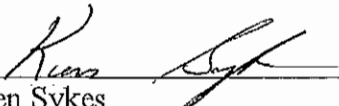
A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 4/30/2010.

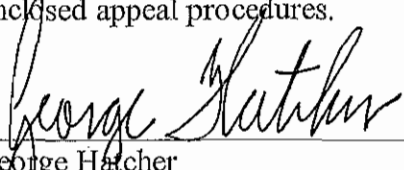
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 5/6/2010 at 9:30:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering present were: Glen E. Regan
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 4/23/2010. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6143-2010, dated 3/17/2010.
 - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is unfit for human habitation.

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than **8/6/2010**. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
 - ☐ b. The dwelling shall be vacated and closed by **4/30/2010** and shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - ☒ c. The structure shall be/remain secured to prevent entry and shall remain secured.
 - ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after ____.
 - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by **8/6/2010**. The cost of said demolition will be assessed against the real property in the form of a lien.

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


Ken Sykes
Hearing Officer


George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me
this the 11th day of May, 2010


Notary Public
My Commission Expires: **11-03-14**

NORTH CAROLINA
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: GLEN E. REGAN
Name of Violator

MH 6143-2010
Case Number

AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Individual)

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

personally served Glen E. Regan, a copy of the FINDINGS OF FACT AND ORDER AND,
(name of violator)

APPEALS PROCEDURES, citing violations of Article IV, CHAPTER 4 of the Cumberland County

Ordinance by mailing said notice(s) via 1st class mail and certified mail to the following address:

2126 Forest Hills Drive, Fayetteville, NC 28303

and by posting at: Lot to left of 164 Latonea Drive, Fayetteville, NC.

I further certify that said service was completed on this the 17th day of MAY,
20 10.

George Hatcher
George Hatcher
Code Enforcement Officer

Sworn to and subscribed to before me

this the 17th day of May, 20 10.

C. J. [Signature]
Notary Public

My Commission Expires: 11-03-14



MAP DEPICTING LOCATION OF PROPERTY

Property Owner: Glen E Regan

Lot to left of 164 Latonea Drive, Fayetteville, NC

Minimum Housing Case # MH6143-2010

TAX PARCEL IDENTIFICATION NUMBER 0424-43-8518

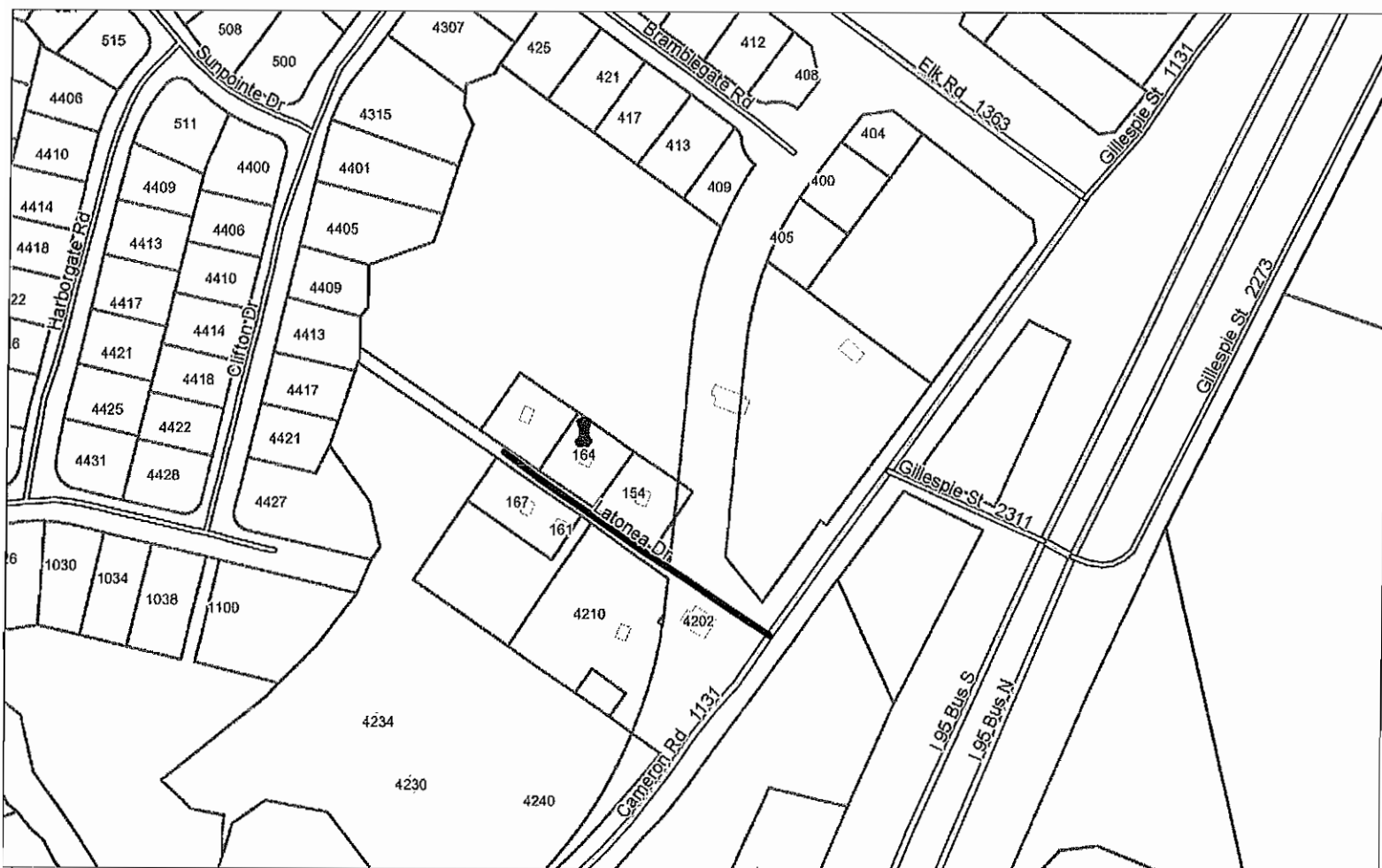


Exhibit B

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6145-2010.

Property Owner: Ellen Oakes Bill

Home Owner: Ellen Oakes Bill

Property Address: 3983 Canal Street, Linden, NC

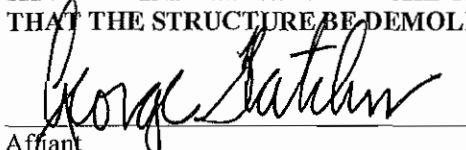
Tax Parcel Identification Number: 0562-77-7621

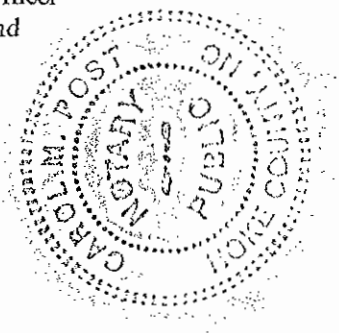
SYNOPSIS: This property was inspected on 3/17/2010. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 4/15/2010. Ellen O. Bill attended the Hearing via telephone. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 7/15/2010. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 9/10/2010 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$1,500.00

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

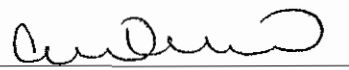
RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.


Affiant
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this

the 10th day of September 2010.


Notary Public

My Commission Expires: 11 - 03 - 14

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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



Kim Reeves,
Inspector

Angela Perrier,
Inspector

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

April 22, 2010

91 7108 2133 3938 2045 9305 ✓

CASE #: MH 6145-2010

TO: Ellen Oakes Bill & Parties of Interest
4424 Oakmont Circle
Fayetteville, NC 28311

91 7108 2133 3938 2041 2928 2nd time sent

Property at: 3983 Canal Street, Linden, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 3/27/2010.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 4/15/2010 at 9:15:00 AM. The items identified below took place at the Hearing:

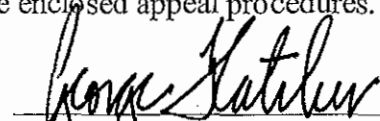
- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were: Ellen Oakes Bill
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 3/22/2010. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6145-2010, dated 3/17/2010.
 - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is unfit for human habitation.

91 7108 2133 3938 2041 2614 3rd time - cert / 1st / post

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 7/15/2010. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
 - ☐ b. The dwelling shall be vacated and closed by 4/30/2010 and shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - ☐ c. The structure shall be/remain secured to prevent entry by 4/30/2010 and shall remain secured.
 - ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after ____.
 - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 7/15/2010. The cost of said demolition will be assessed against the real property in the form of a lien.

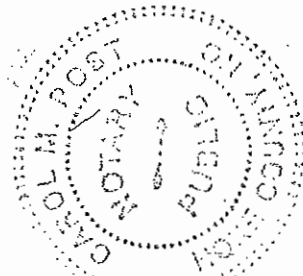
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.


Ken Sykes
Hearing Officer

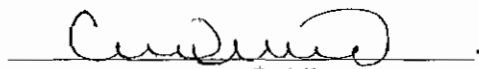

George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me
this the 22nd day of April, 2010


Notary Public
My Commission Expires: 11-03-14

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Track & Confirm

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FOIA



EXHIBIT "A"

NORTH CAROLINA
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: Ellen Oakes Bill
Name of Violator

MH 6145-2010
Case Number

AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Individual)

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

personally served Ellen Oakes Bill, a copy of the FINDINGS OF FACT AND ORDER AND,
(name of violator)

APPEALS PROCEDURES, citing violations of Article IV, CHAPTER 4 of the Cumberland County

Ordinance by mailing said notice(s) via 1st class mail and certified mail to the following address:

4424 Oakmont Circle, Fayetteville, NC 28311

and by posting at: 3983 Canal Street, Linden, NC.

I further certify that said service was completed on this the 20th day of MAY,
20 10.

George Hatcher
George Hatcher
Code Enforcement Officer

Sworn to and subscribed to before me

this the 20th day of May, 20 10.

C. A. Davis
Notary Public

My Commission Expires: 11-23-14

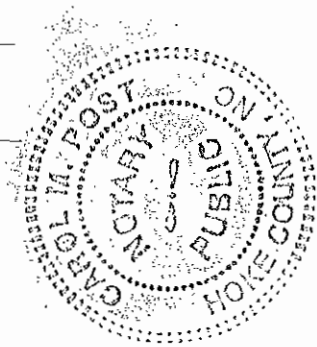


EXHIBIT "A"

MAP DEPICTING LOCATION OF PROPERTY

Property Owner: Ellen Oakes Bill

3983 Canal St, Linden, NC

Minimum Housing Case # MH6145-2010

TAX PARCEL IDENTIFICATION NUMBER 0562-77-7621

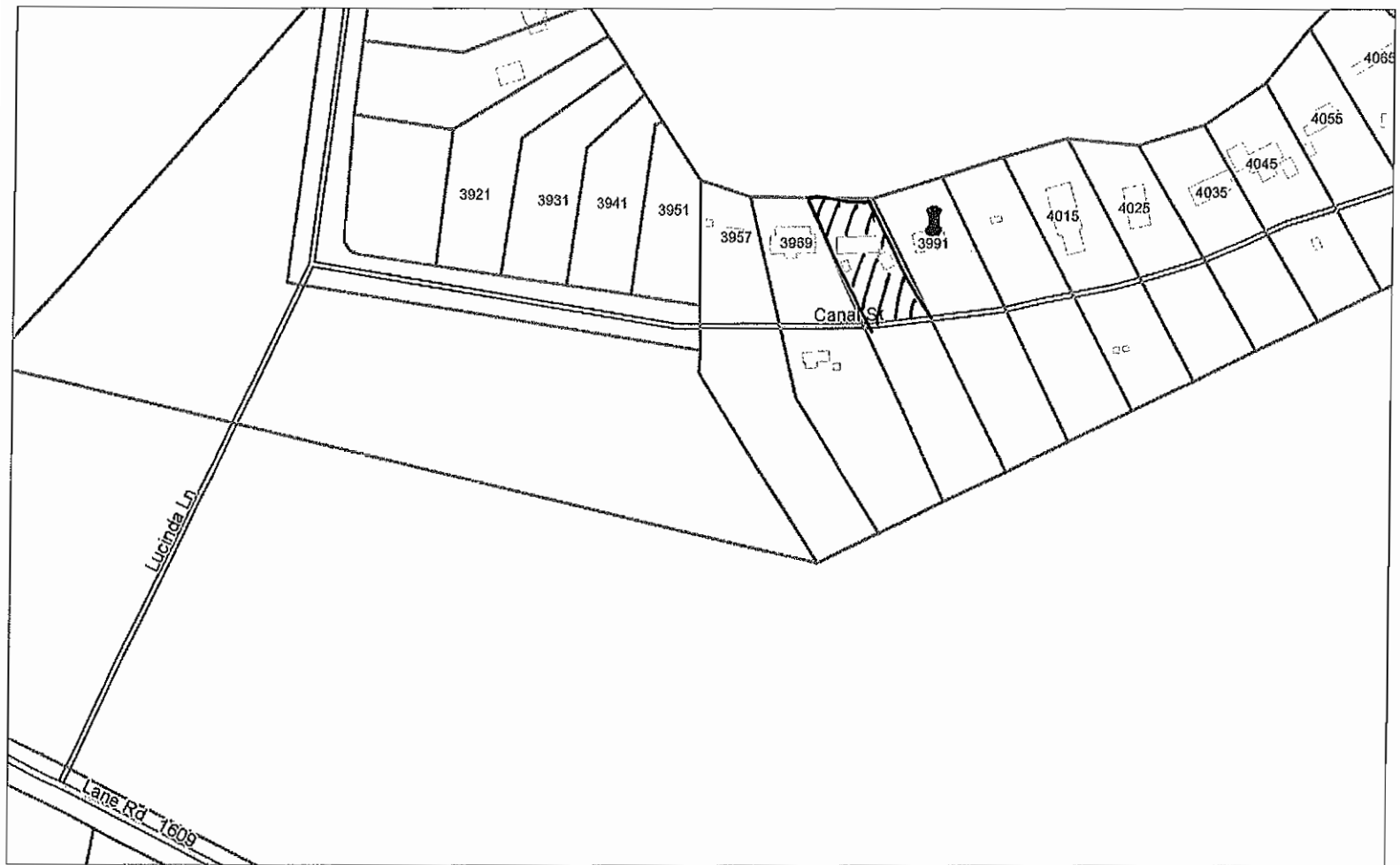


Exhibit B

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6092-2010.

Property Owner: Eddie D. Covington Heirs, C/O Trumella Covington

Home Owner: Eddie D. Covington Heirs, C/O Trumella Covington

Property Address: 1836 Sand Hill Road, Hope Mills, NC

Tax Parcel Identification Number: 0433-71-2669

SYNOPSIS: This property was inspected on 12/21/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 7/15/2010. Trumella Covington attended the Hearing via telephone. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 8/31/2010. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 9/10/2010 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

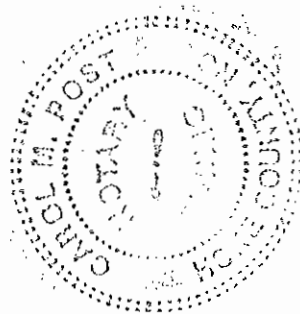
The estimated cost to repair the structure to a minimum standard for human habitation is \$50,000.00. The Assessor for Cumberland County has the structure presently valued at: \$0.00

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

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

George Hatcher
Affiant

Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 10th day of September 2010.

C. [Signature]
Notary Public
My Commission Expires: 11-03-14

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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



Kim Reeves,
Inspector

Angela Perrier,
Inspector

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

August 2, 2010

Eddie D. Covington - Cert / 1st / Post
91 7108 2133 3938 0229 6317

CASE #: MH 6092-2010

TO: Eddie D. Covington Heirs
C/O Joyce Covington & Parties of Interest
1051 Hogan Street
Fayetteville, NC 28311

Trumella - Cert / 1st / Post
91 7108 2133 3938 0229 6300

Property at: 1836 Sand Hill Road, Hope Mills, NC

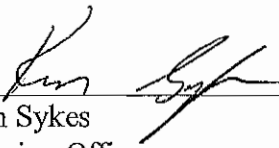
A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 7/5/2010.

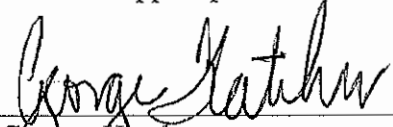
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 7/15/2010 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were: Trumella Covington
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 6/23/2010. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6092-2010, dated 12/21/2009.
 - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is unfit for human habitation.

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than **8/31/2010**. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
 - ☐ b. The dwelling shall be vacated and closed by _____ and shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - ☐ c. The structure shall be/remain secured to prevent entry by _____ and shall remain secured.
 - ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after _____.
 - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by **8/31/2010**. The cost of said demolition will be assessed against the real property in the form of a lien.

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


Ken Sykes
Hearing Officer

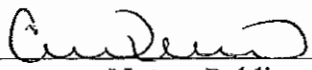

George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc: Trumella Covington, 1619 Gardenia Avenue, Fayetteville, NC 28311



Sworn to and Subscribed to by me
this the 2th day of August, 2010


Notary Public
My Commission Expires: 11-03-14

NORTH CAROLINA
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: Eddie D. Covington Heirs, C/O Joyce Covington
Name of Violator

MH 6092-2010
Case Number

AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Individual)

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

personally served Eddie D. Covington Heirs, C/O Joyce Covington and Trumella Covington, a copy of the FINDINGS OF
(name of violator)

FACT AND ORDER AND APPEALS PROCEDURES citing violations of Article IV, CHAPTER 4 of the Cumberland
County Ordinance by mailing said notice(s) via 1st class mail and certified mail to the following addresses:

1051 Hogan Street, Fayetteville, NC 28311 & 1619 Gardenia Avenue, Fayetteville, NC 28311

and by posting at: 1836 Sand Hill Road, Hope Mills, NC.

I further certify that said service was completed on this the 4th day of AUGUST,
2010.

George Hatcher
George Hatcher
Code Enforcement Officer

Sworn to and subscribed to before me

this the 4th day of August, 2010.

[Signature]
Notary Public

My Commission Expires: 11-03-14

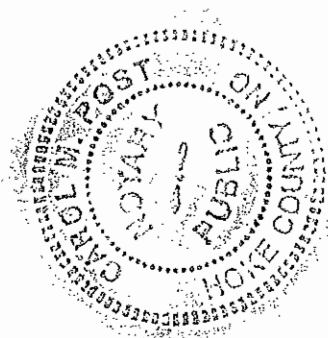


EXHIBIT "A"

TAX PARCEL INDENTIFICATION NUMBER 0443-71-2669



Exhibit B

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6136-2010.

Property Owner: William McNatt

Home Owner: William McNatt

Property Address: Lot 13, Behind 3511 Sanderosa Road, Fayetteville, NC


Tax Parcel Identification Number: 0468-51-7355

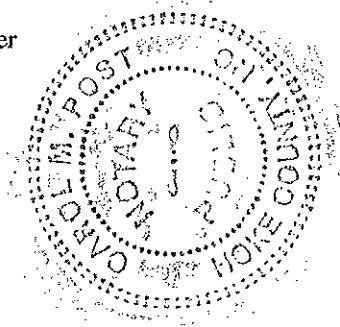
SYNOPSIS: This property was inspected on 3/10/2010. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 4/1/2010. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 7/1/2010. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 9/10/2010 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$1,500.00.


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

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


Affiant
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 10th day of September 2010.


Notary Public
My Commission Expires: 11-03-11

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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



Kim Reeves,
Inspector
Angela Perrier,
Inspector
George Hatcher,
Inspector
Joey Lewis,
Inspector
Joan Fenley,
Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

91 7108 2133 3938 2045 9039

FINDINGS OF FACT AND ORDER

April 5, 2010

CASE #: MH 6136-2010

TO: William McNatt & Parties of Interest
3511 Sanderosa Road
Fayetteville, NC 28312

Property at: Lot 13, Behind 3511 Sanderosa Road, Fayetteville, NC

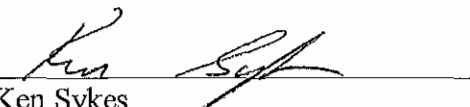
A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 3/17/2010.

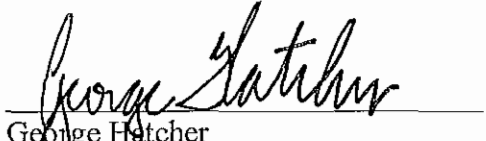
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 4/1/2010 at 10:00:00 AM. The items identified below took place at the Hearing:

- ☒ 1. No owner or party of interest, or their agent, or representative appeared.
- ☐ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: _____.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 3/15/2010. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6136-2010, dated 3/10/2010.
 - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is unfit for human habitation.

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 7/1/2010. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
 - ☐ b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - ☐ c. The structure shall be/remain secured to prevent entry by 3/1/2010 and shall remain secured.
 - ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after ____.
 - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 7/1/2010. The cost of said demolition will be assessed against the real property in the form of a lien.

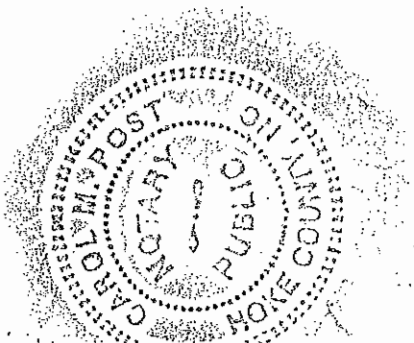
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.


Ken Sykes
Hearing Officer



George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me
this the 5th day of April, 2010


Notary Public
My Commission Expires: 11-03-14

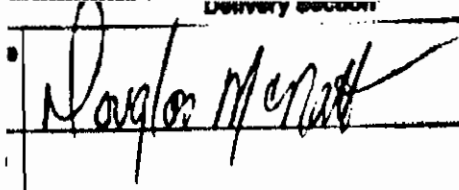


Date: 04/20/2010

g h:

The following is in response to your 04/20/2010 request for delivery information on your Certified Mail(TM) item number 7108 2133 3938 2045 9039. The delivery record shows that this item was delivered on 04/09/2010 at 09:58 AM in FAYETTEVILLE, NC 28301. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery record
A handwritten signature in black ink, appearing to read "Douglas McNeil", is written over a horizontal line. Above the line, the words "Delivery record" are printed in a small, bold font.

Address of Recipient:

A rectangular area containing a redacted address, represented by a solid black box.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: William McNatt
3511 Sanderosa Road, Fayetteville, NC
Minimum Housing Case # MH6136-2010
TAX PARCEL IDENTIFICATION NUMBER 0468-51-7355

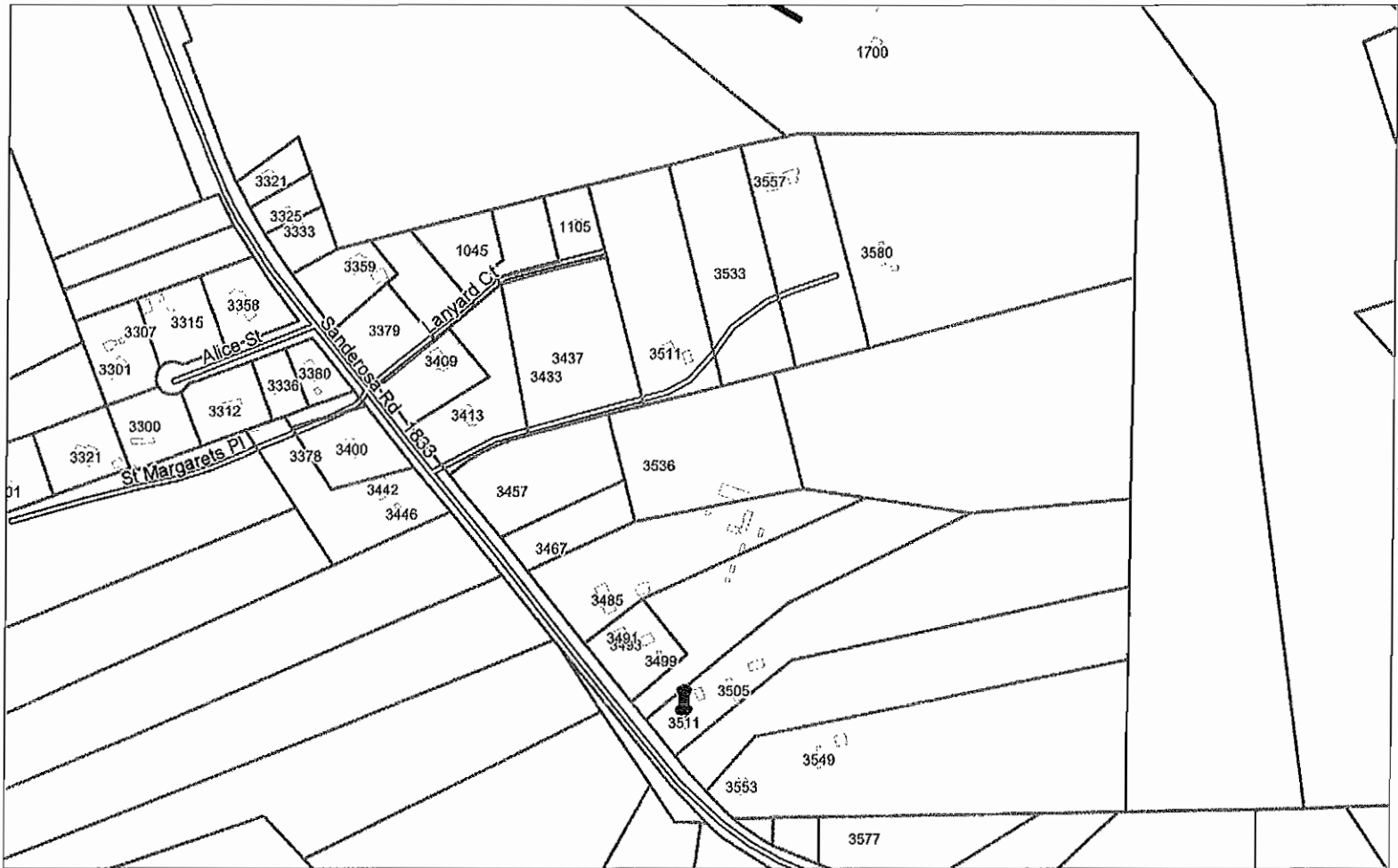


Exhibit B

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6162-2010.

Property Owner: Michael J. Hill

Home Owner: Michael J. Hill

Property Address: 1412 Chedington Road, Hope Mills, NC

Tax Parcel Identification Number: 0443-31-1138

SYNOPSIS: This property was inspected on 4/5/2010. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 4/29/2010. Donna Murphy attended the Hearing via telephone. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 7/29/2010. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 9/10/2010 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

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

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

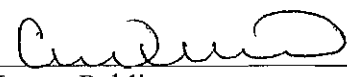
RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.



Affiant
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 10th day of September 2010.



Notary Public
My Commission Expires: 11-03-14

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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



Kim Reeves,
Inspector
Angela Perrier,
Inspector
George Hatcher,
Inspector
Joey Lewis,
Inspector
Joan Fenley,
Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

April 30, 2010

71 7108 2133 3938 2041 2515

CASE #: MH 6162-2010

TO: Michael J. Hill & Parties of Interest
1970 SW Sunny Place Road
Supply, NC 28462

Property at: 1412 Chedington Road, Hope Mills, NC

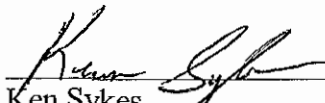
A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 4/20/2010.

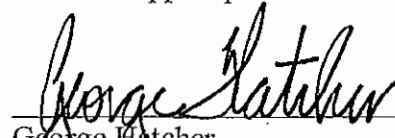
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 4/29/2010 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering by phone were: Donna Murphy.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 4/14/2010. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6162-2010, dated 4/5/2010.
 - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is unfit for human habitation.

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 7/29/2010. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
- ☐ b. The dwelling shall be vacated and closed by _____ and shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
- ☐ c. The structure shall be/remain secured to prevent entry by _____ and shall remain secured.
- ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after _____.
- ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 7/29/2010. The cost of said demolition will be assessed against the real property in the form of a lien.

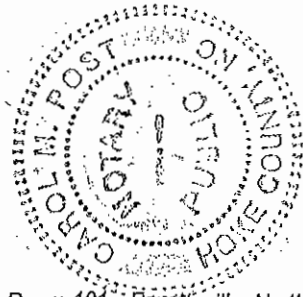
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.


Ken Sykes
Hearing Officer

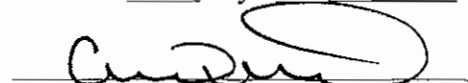

George Katcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me
this the 30th day of April, 2010


Notary Public
My Commission Expires: 11-03-14



Date: 05/06/2010

g h:

The following is in response to your 05/06/2010 request for delivery information on your Certified Mail(TM) item number 7108 2133 3938 2041 2515. The delivery record shows that this item was delivered on 05/04/2010 at 02:32 PM in SUPPLY, NC 28462. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery Section
re
Donna M. M. M.
DONNA M. M. M.

Address of Recipient:

1970 SENECA PLACE RD SW

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

Property Owner: Michael J Hill

Minimum Housing Case # MH6162-2010

This is a detailed plat map of a portion of the City of San Antonio, Texas. The map shows a grid of property lots, many of which are numbered. Key streets include Smith Rd, Montana Rd, Chedington Rd, Dipper Dr, and Hondo Dr. A proposed subdivision is indicated by a dashed line and a small building icon. The map also shows various other features such as a creek, a bridge, and a small building. The map is titled "PLAT MAP OF A PORTION OF THE CITY OF SAN ANTONIO, TEXAS" and includes a scale bar and a north arrow.

Exhibit B

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6132-2010.

Property Owner: Geneva P. Sanders C/O David Sanders

Home Owner: Geneva P. Sanders C/O David Sanders

Property Address: 3747 (Unit 1) & 4313 1/2 (Unit 2) Cumberland Road, Fayetteville, NC

Tax Parcel Identification Number: 0415-89-3624

SYNOPSIS: This property was inspected on 3/10/2010. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 5/6/2010. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 7/6/2010. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 9/10/2010 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$50,000.00 each.

The Assessor for Cumberland County has the structure presently valued at \$1,842.00 (Unit 1).

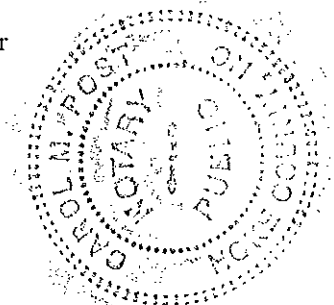
\$168.00 (Unit 2)

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

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

George Hatcher

Affiant
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this

the 10th day of September 2010.

Carolyn M. Poston
Notary Public

My Commission Expires: 11-03-14

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

Name(s) of Owner(s) _____

Appearances: _____

Inspection Dept. Case No.: _____

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



Kim Reeves,
Inspector
Angela Perrier,
Inspector
George Hatcher,
Inspector
Joey Lewis,
Inspector
Joan Fenley,
Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

May 11, 2010

91 7108 2133 3938 2041 2782

David Sanders

CASE #: MH 6132-2010

91 7108 2133 3938 2041 2775

Don Cavel

TO: Geneva P. Sanders
C/O David Sanders & Parties of Interest
31 B Lane
Coats, NC 27521-8701

Property at: 3747 & 4313 1/2 Cumberland Road, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 4/21/2010.

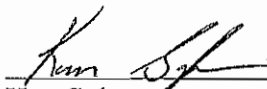
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 5/6/2010 at 9:15:00 AM. The items identified below took place at the Hearing:

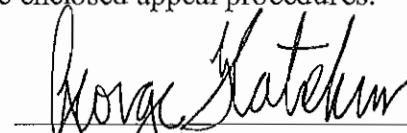
- ☒ 1. No owner or party of interest, or their agent, or representative appeared.
- ☐ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering present were:
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 4/14/2010. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6132-2010, dated 3/10/2010.
 - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is unfit for human habitation.

☒ 4. Due to facts presented above, the Hearing Officer orders as follows:

- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 7/6/2010. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
- ☐ b. The dwelling shall be vacated and closed by 4/30/2010 and shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
- ☐ c. The structure shall be/remain secured to prevent entry and shall remain secured.
- ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after ____.
- ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 7/6/2010. The cost of said demolition will be assessed against the real property in the form of a lien.

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


Ken Sykes
Hearing Officer

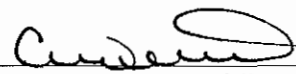

George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me
this the 11th day of May, 2010


Notary Public
My Commission Expires: 11-03-14

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Track & Confirm

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FOIA



EXHIBIT "A"

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Track & Confirm

Search Results

Label/Receipt Number: **9171 0821 3339 3820 4127 75**Status: **Delivered**

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EXHIBIT "A"

TAX PARCEL INDENTIFICATION NUMBER 0415-89-3624



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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6144-2010.

Property Owner: Walter Terry Murphy C/O Cindy Tabor

Home Owner: Walter Terry Murphy C/O Cindy Tabor

Property Address: 167 Latonea Drive, Fayetteville, NC

Tax Parcel Identification Number: 0424-43-8405

SYNOPSIS: This property was inspected on 3/17/2010. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 4/15/2010. Cindy Tabor attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 7/15/2010. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 9/10/2010 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

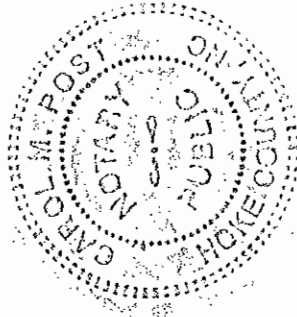
The estimated cost to repair the structure to a minimum standard for human habitation is \$50,000.00. The Assessor for Cumberland County has the structure presently valued at \$0.00.

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

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

George Hatcher
Affiant

Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 10th day of September 2010.

C. Deen
Notary Public
My Commission Expires: 11-03-14

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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



Kim Reeves,
Inspector

Angela Perrier,
Inspector

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

April 22, 2010

CASE #: MH 6144-2010

91 7108 2133 3938 2045 9299 *✓*

TO: Walter Terry Murphy
C/O Cindy Tabor & Parties of Interest
5311 Thackery Drive
Fayetteville, NC 28306

91 7108 2133 3938 2041 2935 2nd time sent.

Property at: 167 Latonea Drive, Fayetteville, NC


A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 3/27/2010.

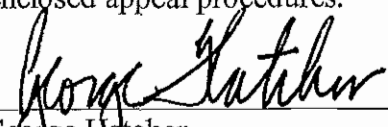
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 4/15/2010 at 9:30:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Cindy Tabor
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 3/22/2010. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
 - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 6144-2010, dated 3/17/2010.
 - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is unfit for human habitation.

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 7/15/2010. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
 - ☒ b. The dwelling shall be vacated and closed by 4/30/2010 and shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
 - ☒ c. The structure shall be/remain secured to prevent entry by 4/30/2010 and shall remain secured.
 - ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after ____.
 - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 7/15/2010. The cost of said demolition will be assessed against the real property in the form of a lien.

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


Ken Sykes
Hearing Officer



George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me
this the 22th day of April, 2010


Notary Public
My Commission Expires: 11-03-14

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EXHIBIT "A"

TAX PARCEL IDENTIFICATION NUMBER 0424-43-8405



Exhibit B

BILLY R. KING
Chairman

KENNETH S. EDGE
Vice Chairman

JEANNETTE M. COUNCIL
MARSHALL FAIRCLOTH
PHILLIP GILFUS
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 13, 2010

ITEM NO. 4A

September 20, 2010 Agenda Item

TO: Board of Commissioners

FROM: Candice H. White, Deputy Clerk to the Board *CW*

SUBJECT: Animal Services Board

The Animal Services Board has the following one (1) vacancy:

City of Fayetteville Resident Position

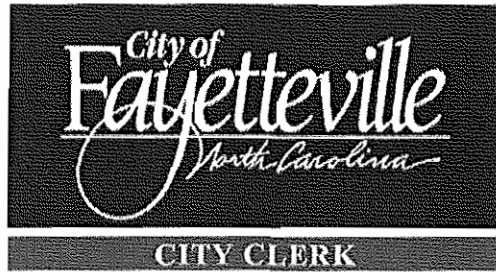
Rose Marie Bonavia – resigned. Recommendation of the Fayetteville City Council is for **Dell Caramanno** to fill the unexpired term. (See attached.)

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

PROPOSED ACTION: Nominate individual to fill the one (1) vacancy above.


pc: Dr. John Lauby, Interim Animal Services Director

Celebrating Our Past...Embracing Our Future



M E M O R A N D U M

TO: Candice White, Deputy Clerk to the Board
Cumberland County

FROM: Rita Perry, City Clerk 

DATE: September 13, 2010

SUBJECT: ANIMAL SERVICES BOARD RECOMMENDATION

Please consider this formal notification that Dell Caramanno is the Fayetteville City Council's recommendation for the Animal Services Board. Please place this item on the Commissioner's September 20, 2010 agenda for consideration.

Should you require additional information, please contact me at (910) 433-1989.



COUNTY of CUMBERLAND

Animal Services Department

May 24, 2010

MEMORANDUM

TO: Candice White, Deputy Clerk to the Board

FROM: Scottie Harris, Director

SUBJECT: Resignation of Board Member

Ms. Rose Marie Bonavia contacted us via telephone on February 18, 2010 to inform us that she was resigning from the Animal Services Board effective immediately. Ms. Bonavia represented one of the two City of Fayetteville Resident Positions. Ms. Morrison requested that she send written notification to Dr. John Lauby, Chairman of the Animal Services Board informing him of her decision to resign.

Prior to the beginning of the Animal Services Board meeting held on April 26, 2010, Ms. Morrison was informed by Dr. Lauby that he has received nothing in writing from Ms. Bonavia so therefore he accepted her verbal resignation effective immediately. He then instructed Ms. Morrison to proceed with filling her vacancy.

Please accept this as request to notify the City of Fayetteville Clerk to request the City Council recommend someone to fulfill her term due to expire June 30, 2011. That position is eligible for reappointment to serve another 3 years.

Should you have any questions or concerns, please contact me or Linda Morrison at (910) 321-6857 anytime.

ANIMAL SERVICES BOARD
3 Year Term
(Terms extended from 2 to 3 years on 8/5/02)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Knowledge & Experience in Dog Behavior and/or Handling Position</u>				
Tolulope Adeyemi (/M) 8118 French Horn Lane Fayetteville, North Carolina 28314 583-9408/487-3959	8/09	1st	Aug/12 8/31/12	Yes
<u>Promoting Goals of the Animal Protection Society or the Humane Society or Another Such Broadly-Based and Representative Organization Interested in the Care and Protection of Animals Position</u>				
Cristobal S. Berry-Caban (H/M) 412 City View Lane Fayetteville, North Carolina 28301 813-451-3004/907-8844 (W)	8/09	1st	Aug/12 8/31/12	Yes
<u>Ex-Officio - The Veterinarian on Contract to the Animal Services Department Position</u>				
VACANT (Dr. J. Lauby resigned) East Fayetteville Veterinary Clinic 118 Cedar Creek Road Fayetteville, North Carolina 28312	6/07	4 th	June/10 6/30/10	Yes
<u>At-Large Positions</u>				
Dr. Kimberly Luddington (W/F) 5429 Kentucky Lane Hope Mills, NC 28348 425-0720	6/10	2nd	June/13 6/30/13	No
Wallace Owens 1888 Cascade Street Fayetteville, North Carolina 28301 488-9064	6/07	2 nd	June/10 6/30/10	No
<u>City of Fayetteville Resident Positions</u>				
VACANT (vacated by R. Bonavia)	6/08	1 st	June/11 6/30/11	Yes
Patricia Rigsby 705 McPherson Avenue Fayetteville, North Carolina 28303 717-0921/308-8999 (W)	6/09	2nd	June/12 6/30/12	No

Commissioner Liaison:

Chairman Billy R. King (Beginning in March 2010, Chairman will serve as Commissioner Liaison.)

Board was established by ordinance adopted on January 4, 1999.

Meetings: Bi monthly (Feb./Apr./June/Aug./Oct./Dec.) – 1st Monday, 6:00PM - 4704 Corporation Dr.

Contact: Linda Morrison/or Animal Services Director 321-6851

APPLICANTS FOR
ANIMAL SERVICES BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BUTTERFLY, GEORGE 1623 GILLESPIE STREET FAYETTEVILLE NC 28306 323-8845/391-1945 (w)	SELF EMPLOYED BUTTERFLY EMT	DEGREE IN SOCIAL SERVICES
CARTER, JAMES DANA II 630 DEVOE AVENUE FAYETTEVILLE, NC 28314 237-8796/703-220-2799	LOGISTICS COORDINATOR	BA
HOGAN, VICTOR (AA/M) 4024 WINDY FIELDS DRIVE FAYETTEVILLE, NC 28306 778-9433/305-726-3188	MILITARY OFFICER	BA
KATER, ROBERT (W/M) 714 BLAWELL STREET STEDMAN, NC 28391 484-3434 (H)	RETIRED	HIGHSCHOOL
LAWSON, BURTON 118 JUDD STREET FAYETTEVILLE, NC 28305 723-2142/433-2161 (W)	CONSTRUCTION SUPERVISOR	HIGH SCHOOL
POWELL, CHRISTINE E. 1532 DOVER COURT FAYETTEVILLE, NC 28304 286-6752/672-1994	ASST TO DEAN-FSU LECTURER	BS, MBA
STEINMAN, CHARLES (W/M) 2836 BRENDA CIRCLE SPRING LAKE, NC 28390 436-6593	DISABLED	NONE LISTED
TOLER, RAYMOND A. (-/M) 3501 CEDAR HILL DRIVE FAYETTEVILLE, NC 28312 527-0507 (H) / 484-7840 (W)	LOCKSMITH	COLLEGE
TOWNSEND, SHELBY T. (W/F) 7132 SIM CANADY HOPE MILLS, NC 28348 425-0967	RETIRED SELF EMPLOYED	HS; SOME COLLEGE
WILSON, DORIS 5518 ABERDEEN PLACE FAYETTEVILLE, NC 28303 487-3443	RETIRED	1 YEAR COLLEGE

BILLY R. KING
Chairman

KENNETH S. EDGE
Vice Chairman

JEANNETTE M. COUNCIL
MARSHALL FAIRCLOTH
PHILLIP GILFUS
JIMMY KEEFE
EDWARD G. MELVIN



MARIE COLGAN
Clerk to the Board

CANDICE WHITE
Deputy Clerk

BOARD OF COMMISSIONERS

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September 13, 2010

ITEM NO. 4B

September 20, 2010 Agenda Item

TO: Board of Commissioners

FROM: Candice H. White, Deputy Clerk to the Board *CW*

SUBJECT: Cumberland County Local Emergency Planning Committee

BACKGROUND: The Cumberland County Local Emergency Planning Committee has the following vacancy:

Operators of Facilities Representative

Joel Blake – completed second term. Not eligible for reappointment.

Recommendation of the Cumberland County Local Emergency Planning Committee is for **Mark J. Faircloth**. (See attached.)

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

PROPOSED ACTION: Nominate individual to fill the one (1) vacancy above.

pc: Kenny Currie, Emergency Services Director

Attachments

Celebrating Our Past...Embracing Our Future

Kenneth Currie
Director/Fire Marshal

James "Timmy" Mitchell
Deputy Director



CUMBERLAND
COUNTY

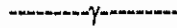


COUNTY OF CUMBERLAND

EMERGENCY SERVICES DEPARTMENT

P.O. DRAWER 1829 FAYETTEVILLE, NORTH CAROLINA

Phone (910) 678-7688 Fax (910) 677-5552



09-08-2010

TO: Cumberland County Board of Commissioners

FM: Greg Phillips EM Officer Cumberland County

RE: Appointment for vacancy on LEPC

The Cumberland County LEPC is recommending that Mark J Faircloth be appointed for one of the Operators of Facilities Representative. He is the Facility's Environmental Health and Safety Supervisor for the Eaton Corp.

Thank You
Greg Phillips
EM Officer

910-321-6737

A handwritten signature in black ink, appearing to read "Greg Phillips", written over the printed name and phone number.



CUMBERLAND COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE
3 Year Term
(Staggered Terms Initially)

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
<u>Print and Broadcast Media Representative</u>				
Jackie Tuckey City of Fayetteville Environmental Services 455 Grove Street Fayetteville, NC 28301 Phone: 433-1854	8/10	1 st	Aug/13 8/31/13	Yes
Sally Shutt CC Communications Manager P.O. Box 1829 Fayetteville, NC 28302 Phone: 437-1921	6/10	1 st full	Aug/13 8/31/13	Yes
(eligible to serve an additional 3-year term)				
<u>Operators of Facilities Representative</u>				
Rayford Hunt Hexion Specialty Chemicals 1411 Industrial Drive Fayetteville, NC 28301 485-9269	4/10	1 st	Nov/11 11/30/11	Yes
(serving unexpired term)				
VACANT (vacated by Gene Smith) Goodyear Tire and Rubber 6650 Ramsey Street Fayetteville, NC 28311 893-8213/630-5678 (W)	8/09	1 st	Aug/12 8/31/12	Yes
VACANT (vacated by Joel Blake)	4/07	2 nd	Dec/09 12/31/09	No
Antionette Barnes (/F) Purolator Filters 3200 Natal Road Fayetteville, NC 28306 426-4283 (W)	2/10	1st	Dec/12 12/31/12	Yes
(serving 1 st full term-eligible for another 3-year term)				

Cumberland County Local Emergency Planning Committee, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Law Enforcement Representative</u>				
Sgt. Erwin Montgomery NC Highway Patrol 2435 Gillespie Street Fayetteville, NC 28306-3053 486-1334	9/09	1 st	Sept/12 9/30/12	Yes
Lt. Charles Parker Cumberland Co. Sheriff's Office 131 Dick Street Fayetteville, NC 28301-5750 677-5412	6/10	1 st full	Aug/13 8/31/13	No
Lieutenant Wade Owen Fayetteville Police Department 467 Hay Street Fayetteville, NC 28301-5565 433-1819	12/09	1 st	Dec/12 12/31/12	Yes
<u>Emergency Management Representative</u>				
Greg Phillips Cumberland County Emergency Services 131 Dick Street Fayetteville, NC 28301 321-6736	5 /08 (serving unexpired term)	1 st	Sept/10 9/30/10	Yes
<u>Community Group Representative</u>				
Jeffrey Womble Fayetteville State University Office of Public Relations 1200 Murchison Road Fayetteville, NC 28301	8/07	2 nd	Aug/10 8/31/10	No
<u>Transportation Representative</u>				
VACANT (vacated by Eddie Smith)	12/09	1 st	Dec/12 12/31/12	Yes
<u>Health Representative</u>				
Jane Stevens Cumberland County Health Dept. 227 Fountainhead Lane Fayetteville, NC 28301-5417 433-3673(W)/987-2892(Cell)	1/09	2 nd	Jan/12 1/31/12	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Hospital Representative</u>				
Scott Tanner Cape Fear Valley Health System 1638 Owen Drive Fayetteville, NC 28304 615-7914 (W) / 315-4672 (H)	9/09	1st	Sept/12 9/30/12	Yes
<u>Fire Fighting Representative</u>				
Assistant Chief Thomas M. Allen Fire/Emergency Management City of Fayetteville 433 Hay Street Fayetteville, NC 28301 433-1009	10/08	1 st	Dec/11 12/31/11	Yes
<u>First Aid Representative</u>				
Kevin Brunson Cape Fear Valley Emergency Medical Services 610 Gillespie Street Fayetteville, NC 28306 615-5651 (W) / 309-7228 (C)	6/10	1st	Nov/10 11/30/10	Yes
(serving unexpired term-eligible for 2 additional terms)				
<u>At-Large Representative</u>				
Phillip McCorquodale 2413 Cleveland Avenue Fayetteville, NC 28312 323-4112/323-9600 (W)	4/10	1 st	April/13 04/30/13	Yes
Richard A. King 658 Glenola Street Fayetteville, NC 28311 488-2492/977-3118 (W)	6/10	1st	Aug/13 08/31/13	Yes
<u>Local Environmental Representative</u>				
Paul Rawls 225 Green Street, Suite 714 Fayetteville, NC 28301 424-5556 (H) / 433-3324 (W)	2/10	1st	Feb/13 2/28/13	Yes
<u>Utilities Representative</u>				
Ray Jackson (/M) Public Works Commission 955 Old Wilmington Road Fayetteville, NC 28301 223-4118	8/09	1 st	Aug/12 8/31/12	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Andrew Moore Directorate of Public Works Environmental Compliance Brance 2175 Reilly Road, Stop A Fort Bragg, NC 28310 813-8506	8/10	1 st	Aug/13 8/31/13	Yes

Ex-Officio Members:

Elected Official Representative (Liaison)

Ed Melvin, County Commissioner

Emergency Management

Kenny Currie, Cumberland County Emergency Services

Fayetteville Fire/Emergency Management

Bennie Nichols, Chief, Fayetteville Fire Department

Dale Iman, City Manager

James Martin, County Manager

Contact: Kenny Currie, Director – Emergency Services – x7688 or Gloria Simms

Meets quarterly, 4th Thursday in January, April, July & October at 10:00 am – PWC Office

APPLICANTS FOR
CUMBERLAND COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
BERRY-CABAN, CRISTOBAL S. (H/M) 412 CITY VIEW LANE FAYETTEVILLE, NC 28301 (813) 451-3004/907-8844 (W)	CHIEF -CLINICAL INVESTIG. WOMACK	PhD; MA
SERVES ON ANIMAL SERVICES BOARD		
BEYER, FRED L. 1709 HATHERLEIGH PLACE FAYETTEVILLE, NC 28304-2510 860-0610 (H) / 818-6855 (C)	RETIRED CC SCHOOL SYSTEM	BS/MEd
BRUNSON, KEVIN 5531 FINISHLINE DRIVE HOPE MILLS, NC 28348 425-9854/615-5600	PARAMEDIC CFV ER MEDICAL SVCS	AS
CARTER, JAMES DANA II 630 DEVOE AVENUE FAYETTEVILLE, NC 28314 237-8796/703-220-2799	LOGISTICS COORDINATOR	BA
DAVIS, JOSEPH B. 721 CARNEGIE DRIVE FAYETTEVILLE, NC 28311 488-4629 (H) / 797-1809 (W)	CONTRACTOR	HS; 2 YRS COLLEGE
FAIRCLOTH, MARK (W/M) 338 HILLIARD DRIVE FAYETTEVILLE, NC 28311 482-4266/677-5219	ENVIRONMENTAL, HEALTH AND SAFETY SUPERVISOR	BA
FOGLE, MARSHA (W/F) PO BOX 278 STEDMAN, NC 28391 483-9579 (H)	RETIRED COUNTY CLERK	NONE LISTED
SERVES ON PARKS AND RECREATION ADVISORY BOARD		
GAINEY, CHERYL (W/F) 4685 VIRSALLI LOOPE HOPE MILLS, NC 28348 486-4351/672-1062 (W)	ACCTS PAYABLE, SUPERVISOR – FSU	MASTER OF DIVINITY
HICKS, MARYBETH (W/F) 936 MCKIMMON ROAD FAYETTEVILLE, NC 28303 229-3145/(614)595-3857 (C)	HOMEMAKER	SOME COLLEGE
SERVES ON MID-CAROLINA AGING ADVISORY COMMITTEE		
KOWAL, ANDREW (W/M) 3512 EDGESIDE COURT FAYETTEVILLE, NC 28303 487-7989 (H) / 867-8673 (W)	EMERGENCY MGMT DIRECTOR RDR INC	BS BIOLOGY MS INTL RELATIONS

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
MITCHELL, CLIFFORD 641 JOHNSON STREET FAYETTEVILLE NC 28303-3618 920-3153	UNEMPLOYED	TECHNICAL-VARIED
OATMAN, LEWIS SCOTT 5575 HALLWOOD DRIVE HOPE MILLS, NC 28348 425-8450/822-7119 (W)	HEALTH CARE ADMINISTRATOR	BS IN BUSINESS ADMIN MSA IN BUSINESS
ROGERS, TERRESA 313 HAMILTON STREET FAYETTEVILLE, NC 28301 822-4289 / 488-2120 ext. 7494 (W) **SERVES ON CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD**	RN-VA MEDICAL CENTER	COLLEGE GRADUATE
SANDERS, BEVERLY DAVIS (AA/F) 605 LEVENHALL DRIVE FAYETTEVILLE, NC 28314-2629 868-9788 **SERVES ON MID-CAROLINA AGING ADVISORY COMMITTEE**	RETIRED	MD DEGREE
SHECKELS, JAMES A. (W/M) 6916 GLYNN MILL FARM DRIVE FAYETTEVILLE, NC 28306-9516 426-2766 (H) / 243-1950 (W)	CIVIC SERVICE RETIRED US ARMY	BA – BUSINESS MGT MA – SECURITY MGT
TALLEY, WAYNE (B/M) 740 KENSINGTON PARK ROAD FAYETTEVILLE, NC 28311 822-5986 (H) / 689-4833 (W)	ANALYST TRAINER	BA-HOSPITAL ADMIN BS-LIBERAL STUDIES
WILLIAMS, ARNOLD (W/M) 1610 HICKORY RIDGE COURT FAYETTEVILLE, NC 28304 864-5152	CONSULTANT RETIRED ARMY	AA – BUSINESS

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KENNETH S. EDGE
Vice Chairman

JEANNETTE M. COUNCIL
MARSHALL FAIRCLOTH
PHILLIP GILFUS
JIMMY KEEFE
EDWARD G. MELVIN



MARIE COLGAN
Clerk to the Board

CANDICE WHITE
Deputy Clerk

BOARD OF COMMISSIONERS

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September 13, 2010

ITEM NO. 4C

September 20, 2010 Agenda Item

TO: Board of Commissioners

FROM: Candice H. White, Deputy Clerk to the Board *CHW*

SUBJECT: Human Relations Commission

BACKGROUND: The Human Relations Commission will have the following one (1) vacancy on November 1, 2010:

Cornelius Williams – Completing second term. Not eligible for reappointment.
Recommendation is for **Vincent Francis**. (See attached.)

I have attached the current membership and applicant list.

PROPOSED ACTION: Nominate individual to fill the one (1) vacancy above.

pc: Ron McElrath - Human Relations Director

Celebrating Our Past...Embracing Our Future

Candice White

From: Ron McElrath [RMcElrath@ci.fay.nc.us]
Sent: Friday, September 10, 2010 9:58 AM
To: Candice White
Cc: 'VincentFrancis@ccs.k12.NC.US'
Subject: RE: Commission Appointment
Attachments: FW: Commission Appointment

Is there a form somewhere that needs to be filled out.? If so, can you fax it to VincentFrancis@ccs.k12.NC.US

Mr.. Francis is a veteran, educator and resident of Spring lake. he has agreed to serve if appointed. Commissioner king knows him well and is aware of his great work in the community.

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 484-5044/308-4882 (C) (Due to typographical error, first term was for 3 years. Therefore, second term is for 1 year.)	10/09	2nd	Nov/10 11/01/10	No
Elvin McNeill (B/M) 2280 Spindletree Drive Fayetteville, NC 28304 423-7027/677-2552	12/08	1 st	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: 2nd 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>
BARNARD, JEAN JEAN (W/F) 211 AZALEA BLUFF DRIVE FAYETTEVILLE, NC 28301 263-8320 (H) / (443) 454-5177 (W)	BUSINESS CONSULTANT COLLEGE INSTRUCTOR	BS, M.HR. BUSINESS LEADERSHIP CERTIFICATE
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
DEES, JULIE ANNETTE 5630 WALKING TRAIL WAY HOPE MILLS, NC 28348 476-9418/484-9031	ASST PRINCIPAL CUMBERLAND CO SCHOOLS	BS; MS; PHD
DREW, HARRY N. (B/M) 902 ARSENAL AVENUE FAYETTEVILLE, NC 28305 301-537-5118	RETIRED	2 YRS BUSINESS SCHOOL
FRANCIS, VINCENT S. 341 ABBOTTSWOOD DRIVE FAYETTEVILLE, NC 28301 488-2608/497-1175	GUIDANCE COUNSELOR CUMBERLAND COUNTY SCHOOLS	BA; MS
MITCHELL, SANDRA 414 BARBOUR COURT PO BOX 9912 (MAILING) FAYETTEVILLE, NC 28301 257-5492 (H)	PASTOR, SMALL BUSINESS OWNER	SOME COLLEGE
PERSON, ELECTA E. (AA/F) 1851 GOLA DRIVE FAYETTEVILLE, NC 28301 480-2772	RETIRED	SOME COLLEGE
WRIGHT, ROGER "BRYAN" 2212 WESTHAVEN DRIVE FAYETTEVILLE, NC 28303 920-3354/339-2494 (W)	MORTGAGE LENDER	COLLEGE

BILLY R. KING
Chairman

KENNETH S. EDGE
Vice Chairman

JEANNETTE M. COUNCIL
MARSHALL FAIRCLOTH
PHILLIP GILFUS
JIMMY KEEFE
EDWARD G. MELVIN



MARIE COLGAN
Clerk to the Board

CANDICE WHITE
Deputy Clerk

BOARD OF COMMISSIONERS

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September 13, 2010

ITEM NO. 4D

September 20, 2010 Agenda Item

TO: Board of Commissioners

FROM: Candice H. White, Deputy Clerk to the Board *cu*

SUBJECT: Minimum Housing Appeals Board

BACKGROUND: The Minimum Housing Appeals Board will have the following four (4) vacancies on October 31, 2010:

Regular Members

Charles Lewis – completing first term. Eligible for reappointment.

Linda J. Miller – completing first term. Eligible for reappointment.

Alternate Members

Luther M. McManus – completing unexpired term. Eligible for reappointment.

Steve Hogan – completing unexpired term. Eligible for reappointment.

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

PROPOSED ACTION: Nominate individuals to fill the four (4) vacancies above.

pc: Carol Post, Planning and Inspections Department

Attachments

Celebrating Our Past...Embracing Our Future

MINIMUM HOUSING APPEALS BOARD
3 Year Staggered Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Charles Lewis (B/M) 2261 McGill Drive Fayetteville, NC 28305 238-2351/213-7426	10/07	1st	Oct/10 10/31/10	Yes
Clayton O. Burris, Jr. (W/M) 2026 Forest Hills Drive Fayetteville, NC 28303 822-2800	11/09	1st	Nov/12 11/30/12	Yes
Linda J. Miller 5815 Cherrystone Drive Fayetteville, NC 28311 480-0063/822-7923 (W)/987-0289 (C)	10/07	1 st	Oct/10 10/31/10	Yes
Clyde V. Vaughan (W/M) 126 West Circle Court Fayetteville, NC 28301 822-4362	10/08	2 nd	Oct/11 10/31/11	No
John Williams (B/M) 7712 Guinevere Court Fayetteville, NC 28314 864-9536/875-5081(W)/476-2388 (C)	11/08	2 nd	Nov/11 11/30/11	No
<u>(Alternate Members)</u>				
Luther M. McManus 3472 Thorndike Drive Fayetteville, NC 28311 488-1314 (H)	2/10	1 st	Oct/10 10/31/10	Yes
(serving unexpired term-eligible for two additional 3-year terms)				
Deborah Ann Dantzler (B/F) 421 Old Farm Road Fayetteville, NC 28314 487-2548/488-2120, ext. 7494(W)/308-2159 (C)	12/07	2 nd	Dec/10 12/31/10	No
Steve Hogan (W/M) 4585 Canasta Court Hope Mills, NC 28348 868-9807/797-1910 (W)	5/09	1 st	Oct/10 10/31/10	Yes
(serving unexpired term-eligible for two additional 3-year terms)				

Minimum Housing Appeals Board, Page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Louis L. King (W/M) 1004 Greenhouse Drive Hope Mills, NC 28348 425-3732/797-0260 (C)	12/08	2 nd	Dec/11 12/31/11	No
Geri T. Hasapis (-/F) 356 Edinburg Drive Fayetteville, NC 28303 864-7433/497-8830	10/08	1 st	Oct/11 10/31/11	Yes

Meetings: Quarterly - Second Tuesday of the first month of each quarter per calendar year -
(January, April, July, October)
Historic Cumberland County Courthouse, 130 Gillespie St., Hearing Room 3, 6:30 PM

Contact: Carol M. Post, 321-6640, Planning and Inspections Department
Cell: 261-7745 (after 5 pm on the day of the meeting)

APPLICANTS FOR
MINIMUM HOUSING APPEALS BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BUSSEY, LESTER 673 STONEYKIRK DRIVE FAYETTEVILLE, NC 28314 868-9322	RETIRED	HS – SOME COLLEGE
SERVES ON MID-CAROLINA AGING ADVISORY COMMITTEE		
KATER, ROBERT (W/M) 714 BLAWELL STREET STEDMAN, NC 28391 484-3434 (H)	RETIRED	HIGHSCHOOL
LANGSTON, VERONICA (B/F) 223 MURRAY FORD DRIVE FAYETTEVILLE, NC 28314 867-7098 (H) / 483-4037 (W)	EDUCATOR	BS; MA IN EDUCATION
TALLEY, WAYNE (B/M) 740 KENSINGTON PARK ROAD FAYETTEVILLE, NC 28311 822-5986 (H) / 689-4833 (W)	ANALYST TRAINER	BA-HOSPITAL ADMIN BS-LIBERAL STUDIES

BILLY R. KING
Chairman

KENNETH S. EDGE
Vice Chairman

JEANNETTE M. COUNCIL
MARSHALL FAIRCLOTH
PHILLIP GILFUS
JIMMY KEEFE
EDWARD G. MELVIN



MARIE COLGAN
Clerk to the Board

CANDICE WHITE
Deputy Clerk

BOARD OF COMMISSIONERS

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September 13, 2010

ITEM NO. 4E

September 20, 2010 Agenda Item

TO: Board of Commissioners
FROM: Candice H. White, Deputy Clerk to the Board *cu*
SUBJECT: Nursing Home Advisory Board

BACKGROUND: The Nursing Home Advisory Board recommends that the Board of Commissioners consider the removal of Tolulope Adeyemi and Doris Wilson due to non-attendance and also recommends that the Board of Commissioners consider **Norton Campbell** and **Luada Patrick** for nomination and appointment to the board. (See attached.)

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

PROPOSED ACTION: Remove appointees as recommended and nominate individuals to fill the two (2) vacancies above.

Attachments

pc: Andrea Wright-Valdez, Mid-Carolina Area Agency on Aging

Celebrating Our Past...Embracing Our Future

13 September 2010

To: Candice White, Deputy Clerk to BOCC - 678-7770 fax

From: Andrea Valdez, Regional Ombudsman

To the Board,

The following members appointed to the Cumberland County Nursing Home Board have not attended any trainings or committee meetings:

1) Tolulope Adeyemi

2) Doris Wilson

I have made repeated attempts and mailings to contact them for volunteer training and committee meetings and neither one has been in attendance for the past year. The Nursing Home Advisory Board would like to recommend the removal of Mr. Adeyemi and Ms. Wilson from the board and also recommend that the individuals listed below be considered for nomination and appointment by the Board of Commissioners to fill the vacant positions.

Norton Campbell
5143 Ponderosa Drive
Fayetteville, NC 28304
910-568-4171

Luada Patrick
6139 Arabello Road
Hope Mills, NC 28348
910-424-8790

NURSING HOME ADVISORY BOARD
3 Year Term
(Initial Appointment One Year)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Doris Wilson (/F) 5518 Aberdeen Place Fayetteville, NC 28303 487-3443	4/10	Initial	April/11 4/30/11	Yes
Tom Lloyd (W/M) 1306 Berkshire Road Fayetteville, NC 28305 574-3177/678-7618(W)	8/08	1 st	Aug/11 8/31/11	Yes
Martha McKoy P.O. Box 42152 Fayetteville, NC 28309 423-0771	9/08	2 nd	Sept/11 9/30/11	No
Dr. John Briggs (W/M) 2910 Hybart Street Fayetteville, NC 28303 867-1493	2/09	1 st	Feb/12 2/28/12	Yes
Sonja Council 950 Stewarts Creek Drive Apt. 1 Fayetteville, NC 28314 864-1651/609-6139 (W)	8/10	Initial	Aug/11 8/31/11	Yes
Hervenna Pannell (B/F) 1821 Eichelberger Drive Fayetteville, NC 28303 822-8516/907-9355(W)	2/09	2 nd	Feb/12 2/28/12	No
Clyde E. Hammond (W/M) 1802 Flintshire Road Fayetteville, NC 28304 425-2774	08/08	1 st	Aug/11 8/31/11	Yes
Cenitra McLaughlin (B/F) 6220 Birchbrook Drive Hope Mills, NC 28348 868-4966/229-6441	04/10	1st	Apr/13 4/30/13	Yes
Toney Edwards (B/M) 3622 Clearwater Drive Fayetteville, NC 28311 822-4261/864-6262	1/09	1 st	Jan /12 1/31/12	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Tolulope Adeyemi (-/M) 8118 French Horn Lane Fayetteville, NC 28314 583-9408 / 487-3959	11/09	Initial	Nov/10 11/30/10	Yes
Cassandra White Haire (B/F) 515 Albany Street Fayetteville, NC 28301 728-0175 (C)	4/10	1st	Apr/13 4/30/13	Yes

CONTACT: Andrea Wright -Valdez, Mid-Carolina Area Agency on Aging
P. O. Box 1510, Fayetteville, NC 28302, (Phone: 323-4191, ext. 25)

3rd Thursday of the last month of each quarter (March, June, September and December) at 1:00 PM - at various nursing homes in the county.

APPLICANTS FOR
NURSING HOME ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
FERGUSON SR., ALFONSO (B/M) 7796 PINTAIL DRIVE FAYETTEVILLE, NC 283111 401-2313/483-9916 X5551235	PROGRAM CONTROL ANALYST MANTECH INTERN'L, INC.	MASTERS – HEALTH CARE ADMIN
SERVES ON ADULT CARE HOME COMMUNITY ADVISORY BOARD		

BILLY R. KING
Chairman

KENNETH S. EDGE
Vice Chairman

JEANNETTE M. COUNCIL
MARSHALL FAIRCLOTH
PHILLIP GILFUS
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. 5

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA
SEPTEMBER 20, 2010

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CANDICE H. WHITE, DEPUTY CLERK TO THE BOARD *cw*

DATE: SEPTEMBER 13, 2010

SUBJECT: CUMBERLAND COUNTY BOARD/COMMISSION APPOINTMENTS

BACKGROUND

At this time, there are no appointments scheduled for your September 20, 2010 meeting. Any nominations made during this meeting will be carried forward to the October 4, 2010 agenda for your consideration of appointment.

RECOMMENDATION/PROPOSED ACTION

For information only.

Celebrating Our Past...Embracing Our Future