

5. Consent Agenda

- A. Approval of minutes for the November 4, 2013 regular meeting.
- B. Approval of Rejection of Formal Bid #13-24-CC-F for Office Supplies Due to Change in Office Supply Quantities for Cumberland County Departments. **(Pg. 37)**
- C. Approval of Cumberland County Finance Committee Report and Recommendations: **(Pgs. 38-54)**
 - 1) Contract Amendment between Alliance Behavioral Healthcare, Cape Fear Valley Health System, Inc and Cumberland County for Security Services at Roxie Avenue Drop Off Center and Approval of Associated Budget Revision **(Pg. 47)**
 - 2) Schedule Public Hearing for December 16, 2013 for the Proposed Creation of Bragg Estates Water and Sewer District **(Pg. 52)**
 - 3) Outsourcing the County's Employee Assistant Program **(Pg. 53)**
- D. Approval of Cumberland County Policy Committee Report and Recommendations: **(Pgs. 55-82)**
 - 1) Six-Month Contract with FaegreBD for Federal Advocacy Services **(Pg. 60)**
 - 2) Phase II of County Smoke Free Initiative to Include Courthouse, Law Enforcement Center, Cumberland County Detention Center and Animal Control - Effective July 1, 2014 **(Pg. 73)**
 - 3) Ordinance Prohibiting Certain Activity On or Within 500 Feet of a School **(Pg. 79)**
- E. Approval of Demolition of County Owned Property Located at 10599 Colliers Chapel Road, Linden, NC. **(Pg. 83)**
- F. Approval of Payment of Past Year Invoice for Services Rendered to the Cumberland County Transportation Program. **(Pg. 89)**
- G. Approval of Ordinance Assessing Property for the Cost of Demolition: **(Pg. 91)**
 - 1) Case Number: MH 7019-2013 **(Pg. 91)**
Property Owner: Secretary of Veteran Affairs
Property Location: 2701 Brinkley Drive, Spring Lake, NC
Parcel Identification Number: 0512-49-3837

H. Budget Revisions: **(Pgs. 93-97)**

(1) Health **(Pg. 93)**

Pregnancy Care Management - Revision in the amount of \$188,916 to appropriate Health Department fund balance to reimburse NC Division of Public Health for unspent funds during the period of September 2011 thru December 2012. (B14-197) **Funding Source – Health Department Fund Balance**

(2) Rural Operating Assistance Program **(Pg. 94)**

Revision in the amount of \$15,213 to adjust the County budget based on final State transportation allocations from the NC Department of Transportation. (B14-196) **Funding Source – State**

(3) Cumberland Road Fire District **(Pg. 95)**

Revision in the amount of \$200 to fund unanticipated refunds to taxpayers. (B14-201) **Funding Source – Cumberland Road Fire Tax**

(4) Vander Fire District **(Pg. 96)**

Revision in the amount of \$2,200 to fund unanticipated refunds to taxpayers. (B14-202) **Funding Source – Vander Fire Tax**

(5) Juvenile Crime Prevention Programs **(Pg. 97)**

Revision in the net amount of \$140,533 to adjust the County JCP budget to actual State allocations. (B14-206) **Funding Source – State and Fund Balance Appropriated**

6. Public Hearings **(Pgs. 98-173)**

Uncontested Rezoning Cases

- A. Case P13-44: Rezoning of 2.56+/- acres from C(P)/CU Planned Commercial/ Conditional Use Overlay to allow a manufactured home park to C(P) Planned Commercial or to a more restrictive zoning district, located at 104 through 116 Tennessee Drive, submitted by Joseph T. Strickland (owner). **(Pg. 98)**

Staff Recommendation: Adopt and approve the reasonableness statement, find request consistent with LUP and approve C(P)

Planning Board Recommendation: Approve Staff Recommendation

Uncontested Conditional Zoning Case

- B. Case P13-35: ****Case was deferred Board of Commissioners on 10/21/13 to 11/18/13 per Applicant's Request**** Rezoning of 177.00+/- acres from A1 Agricultural and CD Conservancy to MXD/CZ Mixed Use Development/ Conditional Zoning or to a more restrictive zoning district; located on the west side of SR 1714 (River Road), north of I-295; submitted by Ingeborg Vinent Heirs and River Bluff Farm C/O Eva Hansen (owners). **(Pg. 101)**

Staff Recommendation: Adopt and approve the reasonableness statement, find request consistent with LUP and approve MXD/CZ

Planning Board Recommendation: Approve Staff Recommendation

Contested Conditional Zoning Case

- C. Case P13-34: ****Applicant has Requested this Case be Withdrawn**** Rezoning of 4.93+/- acres from C3 Heavy Commercial to M(P) Planned Industrial or to a more restrictive zoning district; located on the south side of SR 2333 (Corporation Drive), northeast of SR 2252 (Chicken Foot Road); submitted by Carolyn R. Grant (owner) and Josh Sturtz. **(Pg. 120)**

Staff Recommendation: Denial of M(P)/CZ for an asphalt plant as request is not reasonable nor consistent with LUP

Planning Board Recommendation: Approve Staff Recommendation

Land Use Plan

- D. Southwest Cumberland Detailed Land Use Plan - Draft. **(Pg. 125)**

Other Public Hearings - Minimum Housing Code Enforcement

- E. Case Number: MH 116-2013 **(Pg. 127)**
Property Owner: Alecia Marie & David Leon McLaughlin
Property Location: 1609 Halsey Loop, Hope Mills, NC
Parcel Identification Number: 0443-02-5775
- F. Case Number: MH 42-2013 **(Pg. 134)**
Property Owner: Shelia D. Bridges, Sharla D. Lewis,
Craig A. Donner & Jean M. Donner
Property Location: 6766 Rockfish Road, Fayetteville, NC
Parcel Identification Number: 0404-17-4572

- G. Case Number: MH 44-2013 **(Pg. 142)**
Property Owner: Charles & Jacqueline Oatis
Property Location: 5847 Holland Street, Fayetteville , NC
Parcel Identification Number: 0419-75-5540
- H. Case Number: MH 25-2013 **(Pg. 148)**
Property Owner: Sharon Lesley
Property Location: 2562 Bangle Street, Fayetteville, NC
Parcel Identification Number: 0426-10-9571
- I. Case Number: MH 286-2013 **(Pg. 154)**
Property Owner: Eddie E. Taylor, Jr. & Venessa C. Taylor &
Chase Home Finance, LLC
Property Location: 2501 Quail Forest Drive, Fayetteville, NC
Parcel Identification Number: 0405-95-4474
- J. Case Number: MH 228-2013 **(Pg. 160)**
Property Owner: Lee & Sally Willis
Property Location: 2410 St. Lawrence Road, Fayetteville, NC
Parcel Identification Number: 0415-59-7544
- K. Case Number: MH 232-2013 **(Pg. 167)**
Property Owner: Rosco & Rena McNeill
Property Location: 3643 Classic Road, Fayetteville, NC
Parcel Identification Number: 0424-96-1309

Items of Business

7. Consideration of Community Development Matters: **(Pgs. 174-182)**
- A) Homebuyer Subordination Agreement **(Pg. 174)**
- B) Offer to Purchase County Properties **(Pg. 179)**
8. Consideration of Adoption of 2014 Board of Commissioners Regular Meeting Dates. **(Pg. 183)**
9. Nominations to Boards and Committees **(Pg. 185-193)**
- A. Civic Center Commission (5 Vacancies) **(Pg. 185)**

Applicants that Graduated from County Citizens' Academy: Joseph Decosta

10. Appointments to Boards and Committees **(Pg. 194-195)**

A. Tourism Development Authority (3 Vacancies) **(Pg. 194)**

Nominee(s):

Hotels/Motels Under 100 Rooms Representative:

Daniel E. Roberts (Reappointment)
William S. Wellons (Reappointment)

Hotels/Motels Over 100 Rooms Representative:

Vivek Tandon (Reappointment)

11. Closed Session: If Needed

ADJOURN

**** IMPORTANT: PLEASE NOTE - CHANGE IN BROADCAST CHANNEL ****

**THIS MEETING WILL BE BROADCAST LIVE ON TIME WARNER CABLE -
CHANNEL 5 AND 97.3 (FAYETTEVILLE / CUMBERLAND EDUCATIONAL TV) AND
WILL BE REBROADCAST ON TUESDAY, NOVEMBER 19, 2013 AT 7:30 PM.**

**MEETINGS: December 2, 2013 (Monday) - 9:00 AM
December 16, 2013 (Monday) - 6:45 PM
January 6, 2014 (Monday) – 9:00 AM**



Fall 2013 Citizens' Academy Graduates

David Baggett
Antoinette Barnes
Heather Burkhardt
Jack Dalton
Joseph DeCosta
Sara Harner
Terry Herring
Kori House
Frankie Johnson
Grace McGrath
Clifton Middleton
Larry Milton
Sandra Milton
Lorinda Raynor
Renee Reichart
Derek Riley
Michael Rowell
Dishona Shuler
Spencer Sikder
Lester Smith
Vicki Teachey
Andrea Washington
Glenda West
Alfreda Williams
Cynthia Yates

JAMES E. MARTIN
County Manager

AMY H. CANNON
Deputy County Manager



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA


JAMES E. LAWSON
Assistant County Manager

ITEM NO. 2

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 18, 2013

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: NOVEMBER 7, 2013

SUBJECT: PRESENTATION TO THE CUMBERLAND COUNTY
BOARD OF COMMISSIONERS FROM J. LEE WARREN JR,
CUMBERLAND COUNTY REGISTER OF DEEDS AND THE
2013 PRESIDENT OF THE NORTH CAROLINA ASSOCIATION
OF REGISTERS OF DEEDS

BACKGROUND

Mr. J. Lee Warren, Cumberland County Register of Deeds and the 2013 President of the North Carolina Association of Registers of Deeds will be making a presentation to the Cumberland County Board of Commissioners at the November 18, 2013 Board of Commissioner's meeting.

RECOMMENDATION/PROPOSED ACTION

Accept the report as presented.

/ct
CM110713-1

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA
OF NOVEMBER 18, 2013

TO: BOARD OF COUNTY COMMISSIONERS
FROM: ELLEN S. HOLLIMAN, ALLIANCE CHIEF EXECUTIVE OFFICER
DATE: OCTOBER 16, 2013
SUBJECT: APPROVAL OF ALLIANCE FY14-16 LOCAL BUSINESS PLAN

BACKGROUND

NC General Statute 122C-115.2 requires LME/MCOs to submit a Local Business Plan to the NC Department of Health and Human Services that identifies service gaps, needs and barriers, as well as goals and strategies to address issues over the period of July 2013 to June 2016.

LME/MCOs are required to address within their Plans five Statewide Initiatives provided by DHHS and to identify a minimum of three additional Local Initiatives. The Statewide Initiatives are:

- Transition to Community Living
- ACTT/Supported Employment
- Crisis Service Enhancement
- Closer to Home (PRTF)
- I/DD Waitlist

The Local Initiatives identified by the Alliance Continuous Quality Improvement Committee are:

- Complex Physical and Behavioral Health (PROACT)
- Open Access (Access to Care)
- Jail Initiatives (Diversion and Post Linkages)

DHHS requires that the Alliance Board of Directors and the Boards of County Commissioners of the three counties comprising Alliance and approve the Plan prior to the submission deadline of December 31, 2013. To date the Plan has been approved by the Alliance Board and the Wake Board of County Commissioners.

RECOMMENDATION/PROPOSED ACTION

Accept a presentation on the Alliance Local Business Plan and approve the Plan.





Local Business Plan

FY2014-2016

Effective December 31, 2013

EXECUTIVE SUMMARY

Background

In accordance with General Statute 122C-115.2, all Local Management Entities (LMEs)/ Managed Care Organizations (MCOs) must submit the Local Business Plan (LBP) to meet contractual obligations with the North Carolina Department of Health and Human Services (DHHS). The LBP is to address administrative costs, proposed reinvestment of savings toward direct services, compliance with the Catchment Area Consolidation Plan adopted by the DHHS Secretary, and finally, financial and services accountability in accordance with State and federal laws. In addition, the LBP is to address five Statewide Initiatives and a minimum of three Local Initiatives. These initiatives are addressed later in this document. Financial data has already been submitted to DHHS during the fiscal year and is not required to accompany this document.

Demographics

The Alliance catchment area consists of Durham, Wake, Cumberland and Johnston counties. The 2012 combined population was 1,727,580, with approximately 187,000 Medicaid Eligibles. State-funded consumers total 261,408 for the catchment area, with 17,560 unduplicated consumers served with State funds in 2012.

Statewide Initiatives

Following are the five initiatives required by DHHS for Alliance to address:

Statewide Initiative #1

Transition to Community Living – Individuals who meet the definition of need per the Department of Justice (DOJ) Settlement Agreement should be provided access to community-based supported housing.

Statewide Initiative #2

Assertive Community Treatment Team (ACTT)/Supported Employment – A primary objective is to develop a robust provider network and consistent approach to Assertive Community Treatment (ACTT) services and Supported Employment throughout the Alliance catchment area. Via preliminary findings the current ACTT teams across the catchment area are not operating at full capacity or might not be meeting fidelity to the model criteria for ACTT.

Statewide Initiative #3

Crisis Services/Emergency Department (ED) Wait Times – Alliance serves a four-county region where there has been a historic disparity in the range of crisis services available within each of the communities. The lack of adequate crisis resources has led to the over-utilization of emergency departments, extended ED wait times and at times increased admission rates to the State psychiatric and community hospitals.

Statewide Initiative #4

Closer to Home – Psychiatric Residential Treatment Facility (PRTF) – Historically a large number of child and adolescent consumers from the Alliance region, particularly from Wake

County, have been referred to and placed in out-of-state PRTFs. Lack of availability or expertise of in-state PRTFs has been a contributing factor to this issue. It should be noted that Alliance currently has 19 children receiving services in an out-of-state facility, down from 31 during the summer of 2012.

Statewide Initiative #5

Individuals with Intellectual and/or Development Disabilities (I/DD) Waitlist – Historically, waiver slot allocation for individuals with Intellectual and/or Developmental Disabilities has not kept pace with demand and potentially eligible individuals are waiting a long length of time before enrollment in NC Innovations. Additionally, the accuracy of wait list information is compromised by the long lapse in time from initial request for service and waiver enrollment.

In addition to the required Statewide Initiatives, County Initiatives were selected based on gaps and needs identified via assessments, focus groups, claims data, service utilization, crisis services utilized, types of services utilized, consumer and family member input, provider and other stakeholder input, and quality of care concerns. Following are the three Local Initiatives selected for the LBP:

Local Initiative #1

Preventable Readmission Options and Care Transitions (PROACT) – Behavioral health issues can have a significant impact on physical health issues and physical health issues can negatively impact an individual's behavioral health issues. Behavioral and emotional disorders can diminish an individual's attention to their overall health, impact important preventative health strategies such as making and keeping routine health care appointments adversely affect follow-up and aftercare for an illness and can lead to poor compliance related to the care of more chronic health conditions.

Local Initiative #2

Open Access to Care – Prior to the merger of the Wake LME and The Durham Center LME, which initially formed Alliance Behavioral Healthcare, the majority of State-funded outpatient behavioral health services were provided by Wake Health and Human services in Wake County. Additionally, prior to the inter-local agreement between Cumberland and Alliance, the majority of outpatient behavioral health services were provided by the Cumberland County Area Authority. These entities could no longer provide direct services based on the county relationships with Alliance.

Local Initiative #3

Jail Initiatives (Diversions and Post Linkages) – Consumers are sometimes taken to jails as a first responder destination rather than to a crisis facility or by having mobile crisis units contacted. This is due in part to many law enforcement personnel still not being trained in Crisis Intervention techniques (CIT), although it has been offered for several years in each of the Alliance counties. Another issue regards a need for improved follow up post incarceration to ensure consumers are connected to services and to reduce recidivism (crisis events and incarceration).

Conclusion

Alliance Behavioral Healthcare considers this Local Business Plan as a mechanism to assist with ensuring consumers served by State and Medicaid funds in Durham, Wake, Cumberland and Johnston counties have higher quality of care in the areas of mental health, substance abuse, and intellectual/development disabilities/disorders. These initiatives will assist Alliance in improving quality of care in the service continuum over the next three years.

LOCAL BUSINESS PLAN FY2014-2016

Requirement

Alliance Behavioral Healthcare (Alliance) must submit a Local Business Plan (LBP) to the North Carolina Department of Health and Human Services (DHHS) for the next three-year period for approval by the Alliance Board of Directors and Boards of County Commissioners no later than December 31, 2013.

Background

In accordance with General Statute 122C-115.2, all Local Management Entities (LMEs)/ Managed Care Organizations (MCOs) must submit the LBP to meet contractual obligations with DHHS. The LBP is to address administrative costs, proposed reinvestment of savings toward direct services, compliance with the Catchment Area Consolidation Plan adopted by the DHHS Secretary, and finally, financial and services accountability in accordance with State and federal laws. In addition, the LBP is to address five Statewide Initiatives and a minimum of three Local Initiatives. These initiatives are addressed later in this document. Financial data has already been submitted to DHHS during the fiscal year and is not required to accompany this document.

Demographics

The Alliance catchment area consists of Durham, Wake, Cumberland and Johnston counties. The 2012 combined population was 1,727,580, with approximately 187,000 Medicaid Eligibles. State-funded consumers total 261,408 for the catchment area, with 17,560 unduplicated consumers served with State funds in 2012.

Statewide Initiatives

Following are the five initiatives required by DHHS for Alliance to address:

Statewide Initiative #1

Transition to Community Living – Individuals who meet the definition of need per the Department of Justice (DOJ) Settlement Agreement should be provided access to community-based supported housing.

Reason for Action

Per the DOJ Settlement Agreement, priority for the receipt of Housing Slots will be given to the following individuals:

- Individuals with SMI (Severe Mental Illness) who reside in an adult care home determined by the State to be an Institution for Mental Disease (IMD).
- Individuals with SPMI (Severe and Persistent Mental Illness) who are residing in adult care homes licensed for at least 50 beds and in which 25% or more of the resident population has a mental illness.

- Individuals with SPMI who are residing in adult care homes licensed for between 20 and 40 beds and in which 40% or more of the resident population has a mental illness.
- Individuals with SPMI who are or will be discharged from a State psychiatric hospital and who are homeless or have unstable housing; and
- Individuals diverted from entry into adult care homes pursuant to the preadmission screening and diversion provisions of Section III(F) of the DOJ Agreement.

Data utilized to measure goals: DOJ data tracked per DOJ Agreement requirements, by consumer, service, and housing.

Measurable Goals

- Perform in-reach services to a minimum of 150 people either already in Adult Care Homes or transitioning from hospital settings by June 30, 2014.
- Of the individuals identified who meet the criteria, 100% will transition into housing within 90 days unless there are barriers beyond the control of the MCO (i.e. no housing available but diligent outreach has occurred) by June 30, 2014.
- At least 50% of individuals identified and who meet the DOJ definition/criteria will have an advocate assigned to work them on an ongoing basis by June 30, 2014.
- A minimum of 30% of individuals meeting criteria will be diverted from entry into Adult Care Homes by December 31, 2014.

Strategies to Meet the Goals

- Alliance will identify barriers encountered with Adult Care Home in-reach or the Pre-Admission Screening and Resident Review (PASRR) process (this process assures appropriate nursing home placement) and determine if a county specific/facility specific issue or an MCO issue. Based on findings, action plans will be developed to address the findings within 7 calendar days. Action plans will be enacted upon within 14 calendar days.
- The status of individuals approved for housing and progress toward goal of transition within 90 days will be assessed to ensure compliance. Barriers will be identified and will be acted upon (those that can be addressed under the control of the LME/MCO). Alliance leadership will be informed of barriers that are systemic (statewide).
- Resources will be identified, such as advocates, in each community that can be assigned to the individuals.
- Individuals not diverted from Adult Care Homes and reasons will be identified. At this time, most reasons are due to inappropriate PASRR submitted, medical complications, already in placement, family or consumer refusal, or issues with the PASRR process. Issues will be documented and tracked in order to problem solve improvements.

Statewide Initiative #2

Assertive Community Treatment Team (ACTT)/Supported Employment – A primary objective is to develop a robust provider network and consistent approach to Assertive Community Treatment (ACTT) services and Supported Employment throughout the Alliance catchment area. Via preliminary findings the current ACTT teams across the catchment area are not operating at full capacity or might not be meeting fidelity to the model criteria for ACTT.

Reason for Action

Two important components of the state's DOJ settlement are the development of high fidelity ACT Teams and implementation of evidence-based Supported Employment services for adults with mental health and substance abuse diagnoses. These services are expected to help consumers transition to and maintain housing and services in the least restrictive setting within their community. This initiative aligns with Alliance's current participation in statewide implementation of the DOJ settlement and with Alliance's overall goals of ensuring robust provider network capacity and adherence to evidence-based practices throughout its catchment area. Expected outcomes include increased access to competitive employment, increased length of community tenure without re-hospitalization, and decreased crisis services utilization. Additional expected performance and quality measures include accessibility of each service and availability of high fidelity services in each county.

Data to be utilized: ACTT Fidelity Reviews; Supported Employment Engagement; Claims data – Alpha.

Measurable Goals

- Increase the number of consumers engaged in competitive employment by 20% by June 30, 2014.
- At least 100% of providers in the Alliance geographic area will be following fidelity to the models of care (ACTT and Supported Employment) by June 30, 2015.
- Alliance will have contracted with at least two additional providers to provide Supported Employment for individuals with MH/SA by June 30, 2014.
- Consumers who have utilized ACTT services for at least 12 months will have at least a 50% decrease in crisis events by June 30, 2015.

Strategies to Meet the Goals

- Both ACTT and Supported Employment (SE)/Long Term Vocational Services (LTVS) initiatives are being led by DHHS, pursuant to the state's DOJ settlement. Alliance will collaborate with DHHS and associated partners to promote the objectives of the DOJ settlement regarding Supported Employment and ACTT services.
- Alliance will develop a Supported Employment and ACTT workgroup to improve internal and external communication and planning efforts for these services.
- Alliance will develop and issue a Request for Proposals (RFP) for Supported Employment and Long Term Vocational Supports for Cumberland, Durham, Johnston and Wake that will include expected projected outcomes for consumers served.

Statewide Initiative #3

Crisis Services/Emergency Department (ED) Wait Times – Alliance serves a four-county region where there has been a historic disparity in the range of crisis services available within each of the communities. The lack of adequate crisis resources has led to the over-utilization of emergency departments, extended ED wait times and at times increased admission rates to the State psychiatric and community hospitals.

Reason for Action

Based on historical data, both Wake and Durham counties have low ED utilization for behavioral health reasons. This low ED utilization rate was due to a strong crisis continuum that included 24/7 access to crisis and assessment centers and strong community support related to emergency department diversions. Adding to the effectiveness of these centers is their ability to accept and manage consumers on Involuntary Commitment.

Wake County's crisis and assessment center at WakeBrook was operated by Wake County, and a facility based crisis/non-hospital detoxification unit was operated on the same campus by a contracted provider. This arrangement created issues with the facility based crisis center not always being operated at targeted capacity. As of July 1, 2013 the University of North Carolina (UNC) has been contracted to operate both facilities.

As part of Cumberland County's service divestiture plan (required to be part of the waiver operations), the walk-in clinic and outpatient services provided by the Cumberland LME were divested to the Cumberland County Health Department. The Health Department was unable to provide adequate crisis walk-in capacity and the Cape Fear Valley Hospital Systems ED became the primary crisis assessment site for the county. This historically had served consumers during non-regular business hours and weekends.

In Johnston County, crisis and assessment services had previously been provided by the Johnston LME during regular business hours and the Johnston Memorial ED provided crisis services after typical business hours and weekends. Johnston County divested the outpatient program and crisis and assessment services to the Johnston County Health Department and that department has since maintained capacity for walk-in crisis and assessment services.

Data to be utilized: NC-DETECT (NC-Disease Event Tracking and Epidemiologic Collection Tool); Alliance Claims (Alpha); Health Enterprise Accounts Receivable and Tracking System (HEARTS).

Measurable Goals

- Decrease ED admissions in Cumberland County by 30% between July 1, 2013 and June 30, 2014 (Based on NC-DETECT and Claims Data).
- Decrease the number of times the WakeBrook Crisis Facility is on Diversion by 40% between July 1, 2013 and June 30, 2014 (based on WakeBrook Admissions Data).
- Decrease the number of Durham County consumers admitted to CRH by 30% by January 1, 2014 (based on HEARTS data).

- Decrease ED readmission rates in all Alliance EDs by 25% between July 1, 2013 and June 30, 2014 (NC-DETECT and Claims Data).
- Improve the percentage of follow up appointments occurring within seven days post inpatient stays by 30% by January 1, 2014 (Alpha and claims data).
- Improve the percentage of follow up appointments occurring within five days post crisis facility stays by 30% by January 1, 2014 (Alpha and claims data).

Strategies to Meet the Goals

- Each county will have a local crisis collaborative with representation from local hospitals/EDs, the MCO, Law Enforcement, Emergency Management System (EMS), Crisis Facilities, network providers, shelters and other key stakeholders that meets monthly to identify and address issues and barriers and develop collaborative plans and agreements. The groups will receive data reports regarding the use of the crisis system and identify trends and needs.
- In collaboration with Cumberland County and Cape Fear Valley Health System, a 24/7 crisis and assessment center that can receive consumers on IVC will be developed. Funding has been allocated for this project and implementation is underway.
- Facility based crisis/non-hospital detoxification beds at Cape Fear Valley Hospital will be expanded from eight to 16 beds, and will have 24-hour access. Funding has been allocated and planning is underway.
 - Improve connections to outpatient and follow-up psychiatric services for consumers leaving the EDs and inpatient services.
 - Develop an open access outpatient/psychiatric clinic within the Cape Fear Valley Health System. Will improve post ED and Inpatient connection to aftercare. Funding has been allocated and Cape Fear has begun hiring and offering limited appointments and should be fully operational within four months.
 - Expand use of open access and walk-in clinics in the four Alliance communities with a goal of discharge follow-up available within 24 hours. (See Local Initiative on Open Access).
 - Implement Wake Crisis Facility/ACTT pilot Alliance wide. Currently, the WakeBrook crisis facility contacts ACTT providers directly when they have determined that a consumer has a history of accessing crisis and inpatient services and have a SPMI and the consumer is not service linked. The ACTT teams come to the assessment center before the consumer leaves to enhance engagement.
 - Improve the rate in which EDs and crisis facilities contact Alliance Access and Information Center to determine if consumers presenting at these facilities are linked with providers or need a provider post discharge.
 - Provide education and continued outreach to EDs and crisis facilities.
 - Ensure accurate call coding in the Alliance MIS system to better track all calls from these facilities in order to report progress and ensure facilities are following established protocols.

- Ensure each community has Alliance ED liaisons available to assist in the linkage of high utilizers to services and to assist EDs with system navigation.
- Ensure each local inpatient unit has an assigned Alliance liaison to assist with discharge planning and better community linkage.

Statewide Initiative #4

Closer to Home – Psychiatric Residential Treatment Facility (PRTF) – Historically a large number of child and adolescent consumers from the Alliance region, particularly from Wake County, have been referred to and placed in out-of-state PRTFs. Lack of availability or expertise of in-state PRTFs has been a contributing factor to this issue. It should be noted that Alliance currently has 19 children receiving services in an out-of-state facility, down from 31 during the summer of 2012.

Reason for Action

The ability to monitor and provide appropriate levels of care oversight is diminished when a child is in an out-of-state facility. Distance presents a significant challenge to family involvement in treatment and creates barriers to developing a treatment team that can support a consumer and their family post discharge. Often, the length of stay for children in out-of-state facilities is significantly longer than those treated locally.

Data to be utilized to track goals: PRTF claims; Care Coordination data – Alpha.

Measurable Goals

- Reduce the number of children referred to out-of-state placements by 75% by June 30, 2014.
- By October 31, 2014, less than 5% of children from the Alliance region will be served in out-of-state facilities, excluding border facilities.
- By October 31, 2014, less than 10% of children from the Alliance region will be served in a border facility.
- By January 1, 2015, no more than 2% of authorizations for PRTF services will be for an out-of-state PRTF.

Strategies to Meet the Goals

- Alliance will identify populations of youth typically referred to out-of-state facilities for treatment. Currently, children with sexually aggressive behavior and children with I/DD and significant mental health issues are placed out-of-state at higher rates than other groups of youth.
- Alliance will work with in network PRTFs and has developed a working relationship with Strategic Behavioral Healthcare (a local PRTF in Wake County), to develop more specialized programming. Strategic has recently opened 12 beds to serve youth with sexually aggressive behavior.

- Alliance will explore expanding a contract with Timber Ridge (also local), a level III residential provider that is operating a specialized program for sexually-aggressive youth.
- Alliance has entered into a contract with Rapid Resources for Families for IAFT services that are evidence based for enhanced treatment of children in foster care. The program is being used as a diversion from PRTF levels of care as well as a step-down from PRTF. The IAFT providers have specialty areas that will help reduce both in state and out-of-state PRTF placements. Alliance will expand the use of this program over the coming year.
- All children in a PRTF level of care have an Alliance Care Coordinator that participates in monthly treatment teams and is actively engaged in discharge planning with the facilities. All requests for out-of-state PRTF placements are reviewed by the Alliance Chief Clinical Officer and must be approved by an Alliance psychiatrist peer reviewer within the UM Department. All youth in a PRTF placement for longer than 6 months will receive a case review by an Alliance psychiatrist.
- Alliance will also provide ongoing education to judges, local offices of Juvenile Justice and Social Services regarding the types of mental health issues that are most effectively addressed by PRTF level of care.

Statewide Initiative #5

I/DD Waitlist – Historically, waiver slot allocation for individuals with Intellectual and/or Developmental Disabilities has not kept pace with demand and potentially eligible individuals are waiting a long length of time before enrollment in NC Innovations. Additionally, the accuracy of wait list information is compromised by the long lapse in time from initial request for service and waiver enrollment.

Reason for Action

Currently, Alliance has identified 1,793 individuals to be potentially eligible and waiting for an Innovations slot to become available, almost half of whom have been waiting longer than five years, and approximately 20 new names are added to the waitlist each month.

Waiver funding is made available statewide for the number of individuals specified in the approved waiver. Slots are allocated by DMA to each PIHP and DMA remits to the PIHP a monthly capitated payment for each individual enrolled in the NC Innovations Waiver. Funding is distributed on a per capita basis, geographically among Alliance's four counties.

Individuals who are waiting for a slot on Alliance's Registry of Unmet Needs may only be enrolled when (1) vacated slots are available at the end of the waiver year (July 31st); (2) criteria is met and Reserve Capacity slots are available; or (3) the North Carolina General Assembly provides more funding and CMS approves a request to serve additional people.

Reserve Capacity slots are set aside by the Prepaid Inpatient Health Plan (PIHP) for CAP/C Age Out (for individuals with intellectual or development disorders); Money Follows the Person; and Emergencies. Available slots, as allocated by the state or vacated during the waiver year,

are assigned based on length of time waiting. Criteria for enrollment in Reserve Slots is set according to waiver policy.

Data Source: Alpha Slot Tracker.

Measurable Goals

- By March 1, 2014, remove 227 individuals from the Registry of Unmet Needs by enrolling them in available new and vacated slots.
- By June 30, 2014, contact each remaining individual on the Registry of Unmet Needs to verify or update contact information, continued potential Intermediate Care Facility (ICF) Level of Care eligibility, and connection to B3/IPRS services and community resources.
- By July 1, 2015, reduce wait time for waiver slot allocation to less than five years across all four counties.

Strategies to Meet the Goals

- Individuals access the NC Innovations Waiver through the uniform portal process. Alliance utilizes its I/DD Eligibility Review Committee, under leadership of clinical and medical staff, to assure that individuals requesting waiver services are carefully screened for potential eligibility according to the state definition of ICF Level of Care, eligibility for Reserve Capacity slots, and referred and connected to B3 (Medicaid) or IPRS-funded services as quickly as capacity and/or funding become available. If the individual has Medicaid the individual receives any medically necessary Medicaid service. Requests for new or additional I/DD services are processed by Alliance's Access and Information
- Department's team of I/DD Access Coordinators. Alliance submits a wait list report quarterly to DMA and DMH.
- At least annually each individual on the Registry of Unmet Needs is contacted by an I/DD Access Coordinator to update demographic information and gather updated assessments and information about changes in needs. Referrals for additional services or supports are made as deemed necessary and available. A Slot Tracking Excel spreadsheet is used to track transfers, terminations, Reserve Capacity, and newly allocated slots. Slots are distributed on a per capita basis, geographically among Alliance's four counties. Within each county, slots are allocated by date and time of referral. When new or vacated slots are available, the I/DD Access Coordination Team contacts those individuals who have been waiting longest and initiates the Level of Care review by a trained independent credentialed provider.
- Once the Level of Care process is complete, an I/DD Care Coordinator is assigned and the ISP is developed and submitted to UM for approval. Services start within 45 days of ISP approval date. The contract between the newer waiver sites, such as Alliance, allows for the expansion of Medicaid B3 services. Several of these services will help address needs of individuals with I/DD. Alliance will study these services and work with our existing providers and recruit new providers to our network in order to offer B3 options to individuals served through Alliance. Priority for these services will be given to those on the existing waitlist, then to those deemed eligible through the process outlined above.

- The Alliance Business Operations Department will determine funding levels available for new B3 services. It is anticipated that some individuals on the waitlist who are receiving support through state funded services can transition to B3 services, leaving the limited state funded services available for individuals on the waitlist who do not have Medicaid. The availability of this greater array will help reduce the number of individuals awaiting services or provide a level of support while awaiting an Innovations slot.

In addition to the required Statewide Initiatives, County Initiatives were selected based on gaps and needs identified via assessments, focus groups, claims data, service utilization, crisis services utilized, types of services utilized, consumer and family member input, provider and other stakeholder input, and quality of care concerns.

Following are the three Local Initiatives selected for the LBP:

Local Initiative #1

Preventable Readmission Options and Care Transitions (PROACT) – Behavioral health issues can have a significant impact on physical health issues and physical health issues can negatively impact an individual's behavioral health issues. Behavioral and emotional disorders can diminish an individual's attention to their overall health, impact important preventative health strategies such as making and keeping routine health care appointments adversely affect follow-up and aftercare for an illness and can lead to poor compliance related to the care of more chronic health conditions.

Often these individuals seek primary health services through local emergency departments when symptoms worsen or become exacerbated. Additionally, oftentimes individuals seeking services in an emergency department may present with a physical health complaint, yet the true reason for the visit can be attributed to a behavioral health issue. As a result, the appropriate treatment and follow up is often missed. These individuals tend to have high overall healthcare costs based on the usage of emergency departments and because more expensive healthcare interventions are required as a result of non-compliance. These issues require an integrated approach to the overall care management for these individuals.

This issue impacts the State Performance Indicator of "Medical Care Coordination." The average percent of consumers served by Alliance who have received a preventive health visit in the past 12 months is 86%. The statewide average is 90%, which is the Alliance goal.

Data source: North Carolina Treatment Outcomes and Program Performance System (NC-TOPPS); claims data; Community Care of North Carolina (CCNC) data.

Reasons for Action

There are several reasons to integrate behavioral and physical health care management for this population. Studies have revealed that in general individuals with serious and persistent mental illness have an average life expectancy of up to 25 years less than individuals without a persistent mental illness.

Individuals with co-occurring physical health and behavioral health issues are high utilizers of emergency room services and tend to have higher inpatient readmission rates on medical floors and psychiatric units or hospitals. Individuals with primary behavioral health-related issues tend to use emergency departments to address physical health care needs at higher rates than those without an identified mental illness.

In general, based on national data, this population has an average of eight or more emergency department visits per year, primarily for physical health complaints often across multiple hospitals. This population also is at risk for adverse medication events if there is no coordination between their physical health and behavioral healthcare prescribers. Currently, MCOs only receive ED claims for consumers whose primary reason for an ED visit was coded a behavioral health disorder.

Additionally, individuals with depression, anxiety, trauma and substance abuse present complaining of physical symptoms that can be attributed to these conditions, however based on coding and billing practices, the ED claims for these visits are sent to general Medicaid and not Alliance for payment, therefore we miss these individuals as high utilizers through typical MCO data mining activities and in turn miss the opportunity to better manage care.

Measurable Goals

- Reduce ED admissions of consumers with both behavioral health and physical health conditions by 25% by June 30, 2014.
- Reduce ED admissions of consumers with behavioral health and physical health conditions by 50% by June 30, 2015.
- Reduce readmissions to EDs within 90 days by 30% by June 30, 2014.
- Reduce readmissions to EDs within 90 days by 50% by June 30, 2015.
- Ensure all consumers identified as part of this population receive a medication review within 5 days of inpatient or ED discharge, by June 30, 2014.

Strategies to Meet the Goals

- Alliance will implement an integrated care management model with the local CCNC networks that focuses on the PROACT population, which is described above. The integrated care model will include specific interventions, timeframes for interventions and benchmarks for all consumers identified as being in the PROACT population. This planning and model development is currently underway. Alliance and CCNC will develop a management and oversight structure for the initiative.
- Distinct PROACT teams comprised of Alliance staff and local CCNC staff will be formed to manage this population in each Alliance/CCNC region. Alliance will enter into formalized agreements with both the state CCNC and local CCNCs that will detail all responsibilities, expected practices, case assignment, discharge processes and expected outcomes for the initiative.
- Alliance will identify staff within our existing Care Coordination units to assign to PROACT teams. Roles for all PROACT members will be developed and will outline role specific tasks. Alliance will work with CCNC to develop and implement formal data sharing

arrangements that will inform target populations and improve outcome monitoring, including developing efficient ways to exchange data.

- Alliance and local CCNCs will educate stakeholders in the initiative and develop needed agreements to work with stakeholders to meet the needs of the target population and initiative goals. In conjunction with local CCNCs, Alliance will complete a review of all consumers that have been identified as falling within the priority population based on CCNC analytics. This will include a review of all consumer history in Alpha and the CCNC CHMIS system.
- Alliance and CCNC will develop standard operating procedures for the team in relationship to interactions with other CCNC and Alliance staff and activities. The roles of Alliance and CCNC psychiatrists, CCNC pharmacists, Alliance ED and Inpatient Liaisons, CCNC practice embedded care managers, Alliance UM and Access to Care Center staff will be delineated as well. In addition to cost reduction data, Alliance, in collaboration with CCNC, will develop a mechanism to evaluate the effectiveness of the program.

Local Initiative #2

Open Access to Care – Prior to the merger of the Wake LME and The Durham Center, which initially formed Alliance Behavioral Healthcare, the majority of State-funded outpatient behavioral health services were provided by Wake Health and Human services in Wake County. Additionally, prior to the inter-local agreement between Cumberland and Alliance, the majority of outpatient behavioral health services were provided by the Cumberland County Area Authority. These entities could no longer provide direct services based on the county relationships with Alliance.

As a result, all services provided by these entities needed to be divested. A second divestiture of services needed to occur as a result of the merger of Cumberland Area Authority with Alliance. The divestitures created access to care issues during the time that providers were ramping up to accept a greater volume of consumers. In both Cumberland and Wake counties, the divesting agencies stopped accepting new referrals sooner than anticipated and before adequate capacity was available in these communities. Longer wait times for initial assessments were creating delays in regard to consumers' ability to access medication evaluations, necessary follow-up, and increases in the no-show rate for first appointments.

Beyond issues related to divestiture, timely access to psychiatry care had been an issue in Wake and Cumberland counties. As a result of these issues, Alliance's access percentages have slipped below the state's average timely access to care performance criteria.

Data utilized: Access to Care (STR) data - Alpha.

Reasons for Action

Alliance believes that services need to be available to consumers when they need them. It is difficult at times for individuals to ask for help and the longer the wait for services after seeking them the more likely it is that an individual will end up not accessing services. No show rates for services begin to spike when appointments are not available in a timely manner. In fact, no

show rates may go as high as 50% when a consumer cannot be seen within several days of a request for service. Alliance network providers were reporting these high no-show rates, which were supported by internal data. Often, these providers did not have first appointments available for seven to 10 days after consumers called seeking services. High no-show rates waste the clinical capacity of providers and can lead to fiscal instability.

Beyond access issues for consumers who called seeking services, a greater impact was being experienced by the local crisis facilities and EDs and consumers leaving inpatient units. While consumers leaving an inpatient facility or those referred by a crisis facility receive priority status for an initial assessment, access to prescribers was limited. Consumers were leaving facilities on medications and their prescriptions would run out prior to seeing a prescriber.

Additionally, EDs and crisis facility physicians were less likely to divert consumers back to the community or take a consumer off of involuntary commitment if they could not be seen by a prescriber within a few days. For these reasons, Alliance began exploring other models that would allow more immediate access to an assessment and psychiatric services. In Durham, Alliance has shared a strong historic relationship with an outpatient psychiatric clinic where consumers are seen by a prescriber for their initial appointment. Based on the network make-up in the other communities this model was not an option. The service divestitures in Cumberland County and Wake County provided the opportunity to begin implementing best practices related to service access such as open access and same day prescriber appointments, both with existing providers as a way to capitalize on their current capacity and with the providers who would assume the roles of the divesting programs.

Measurable Goals

- By June 30, 2014, at least 75% of outpatient service providers will offer open access/same day appointments within all Alliance regions.
- By June 30, 2014, 95% of consumers contacting Alliance for routine services will have an appointment within 5 business days from their request for services.
- By June 30, 2014, the no-show rate for first appointments will be less than 30%.
- By June 30, 2015, the no-show rate for first appointments will be less than 15%.

Strategies to Meet the Goals

- A complete evaluation of average time from referral to first appointment in all Alliance covered counties will be conducted. Alliance staff will meet with key service providers that offer assessments in order to review capacity to accept new consumers, review barriers and review resource needs.
- Alliance will arrange for training and ongoing consultation on the Open Access model to providers in the Alliance catchment area.
- Alliance will prioritize Open Access with same day physician appointments within the catchment area and recruit providers to the network who have demonstrated successful implementation of open access, or those who outline how they will implement this model if awarded a contract to serve Alliance consumers. For providers that use Open

Access, Alliance will set-up Open Access times and days in the Alpha scheduler for providers to ensure appointments are used, and report utilization of these appointments.

- In addition, Alliance will prioritize Open Access with same day physician services to consumers seen in an ED, leaving an inpatient unit or post crisis and assessment center visit. Staff will ensure Open Access providers have sufficient service codes in contract to address multiple assessment appointments within the same day. Education will be provided for local emergency departments and crisis facilities about Open Access on how to refer directly to Open Access providers or how to access these appointments through the Alliance Access and Information Center.
- A Request for Information (RFI) has been released for additional outpatient services in Cumberland County with Open Access being a requirement for a successful response. A routine meeting schedule will be developed with Open Access providers to ensure Alliance is utilizing Open Access appointments and address barriers or issues as they arise.

Local Initiative #3

Jail Initiatives (Diversions and Post Linkages) – Consumers are sometimes taken to jails as a first responder destination rather than to a crisis facility or by having mobile crisis units contacted. This is due in part to many law enforcement personnel still not being trained in Crisis Intervention techniques (CIT), although it has been offered for several years in each of the Alliance counties. Another issue regards a need for improved follow up post incarceration to ensure consumers are connected to services and to reduce recidivism (crisis events and incarceration).

Reasons for Action

Alliance wants to ensure that the maximum number of individuals in each community receive CIT training because training has proven to be effective in jail diversion, increasing referrals to community-based services and crisis centers, and promotes decreased utilization of jails for misdemeanor and non-violent offense arrests.

In addition, the Alliance Community Relations team wants to include all types of Law Enforcement Officers (LEOs) and First Responders that may have contact with individuals with MH/I/DD/SA in various settings, such as community, detention, schools, and facilities because there is an increase in the number of effective and respectful interactions between individuals with MH/I/DD/SA and Crisis Intervention Team (CIT) trained LEOs; consumers improve their access to treatment resources via CIT LEO, and safety for CIT LEO and individuals with MH/I/DD/SA increases due to a use of CIT skills, verbal de-escalation, and decreased use of physical interventions.

Data utilized to track goals: CIT training logs; incarceration data system developed.

Measurable Goals

- Alliance will provide a minimum of four CIT classes during FY14 for Durham, Wake and Cumberland counties. A minimum of two classes will be held in Johnston County. A minimum of twenty individuals will attend each CIT class.

- There will be a minimum of four different first responder types attending CIT classes during FY14. Examples would be police officers from the universities/community colleges, city police officers, County Sheriff's Departments, and general first responders such as EMS and fire department personnel.
- By June 30, 2014, Alliance will develop a central repository for data collection from the four counties regarding incarcerations, recidivism, and diagnostic information that can be standardized for reporting data. During FY14, base line data will be collected as part of this process.

Strategies to Meet the Goals

- Alliance will maintain, develop and collaborate with the CIT Leadership Committee in each community using the SAMHSA's GAINS model located at gainscenter.samhsa.gov.
- Data will be reviewed from every CIT class to engage the CIT Leadership Committee in a continuous quality improvement process. To improve consumer access to treatment resources via CIT LEO, training will enhance safety for CIT LEO and individuals with MH/I/DD/SA increases due to a use of CIT skills, verbal de-escalation and decreased use of physical interventions. The CIT Leadership Committee will ensure all LEO types are invited to participate and engage in CIT training and the CIT culture of community policing.
- Data will be reviewed to obtain information from every CIT class to show engagement in the CIT Leadership Committee. The Alliance Provider Network needs Alliance to know when consumers are incarcerated so that consumers can re-engage in treatment upon release.
- Alliance will use the data reports to identify system trends and patterns, interpret and integrate the facts, and stimulate change. This will be done by working closely with IT and QM to use technology to develop auto-generated reports decrease staff time manually collecting data. Data will be maximized to gather information from the various internal and external group meetings to interpret and integrated the facts, and stimulate change.

Conclusion

Alliance Behavioral Healthcare considers this Local Business Plan as a mechanism to assist with ensuring consumers served by State and Medicaid funds in Durham, Wake, Cumberland and Johnston counties have higher quality of care in the areas of mental health, substance abuse, and intellectual/development disabilities/disorders.

Attachments depicting data elements and statistics are listed below:

Attachment 1: ACTT Providers in Catchment area as of August 1, 2013

Attachment 2: Alliance Behavioral Healthcare ED data and analysis

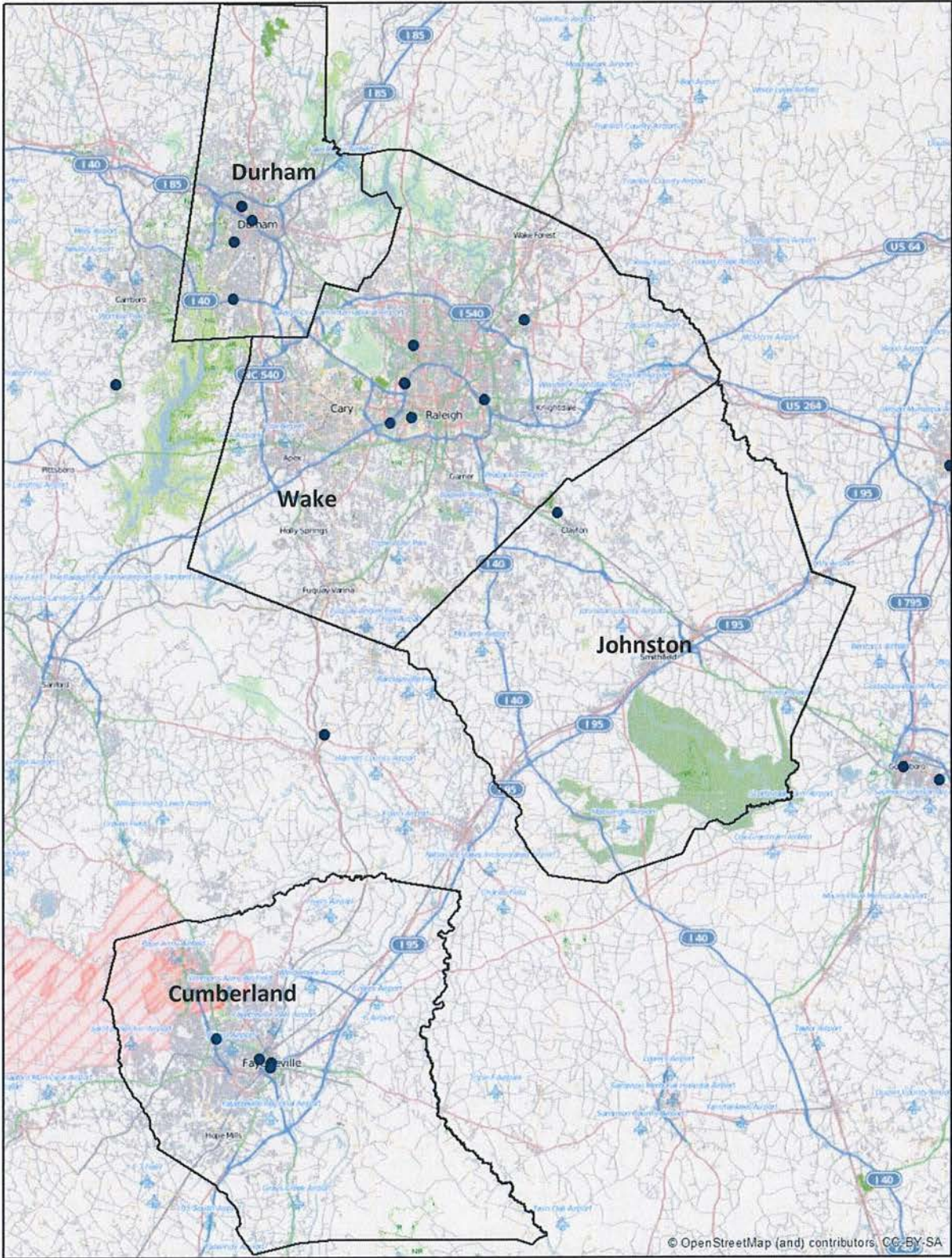
Attachment 3: Alliance Behavioral Healthcare Inpatient Admissions

Attachment 4: Alliance Behavioral Healthcare Call Center Report FY2013

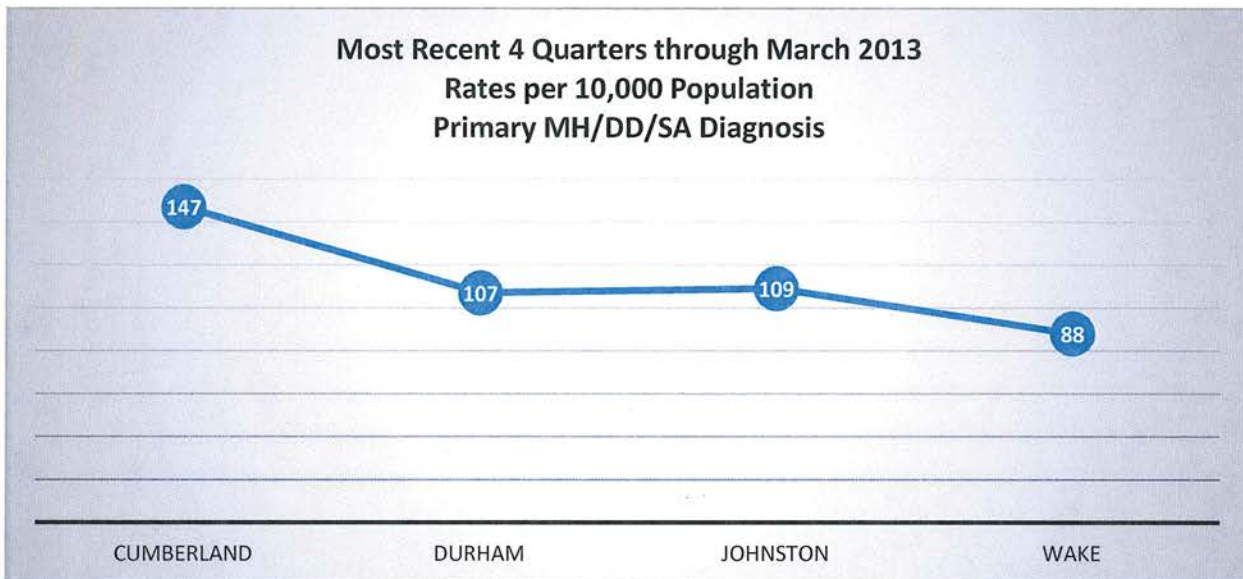
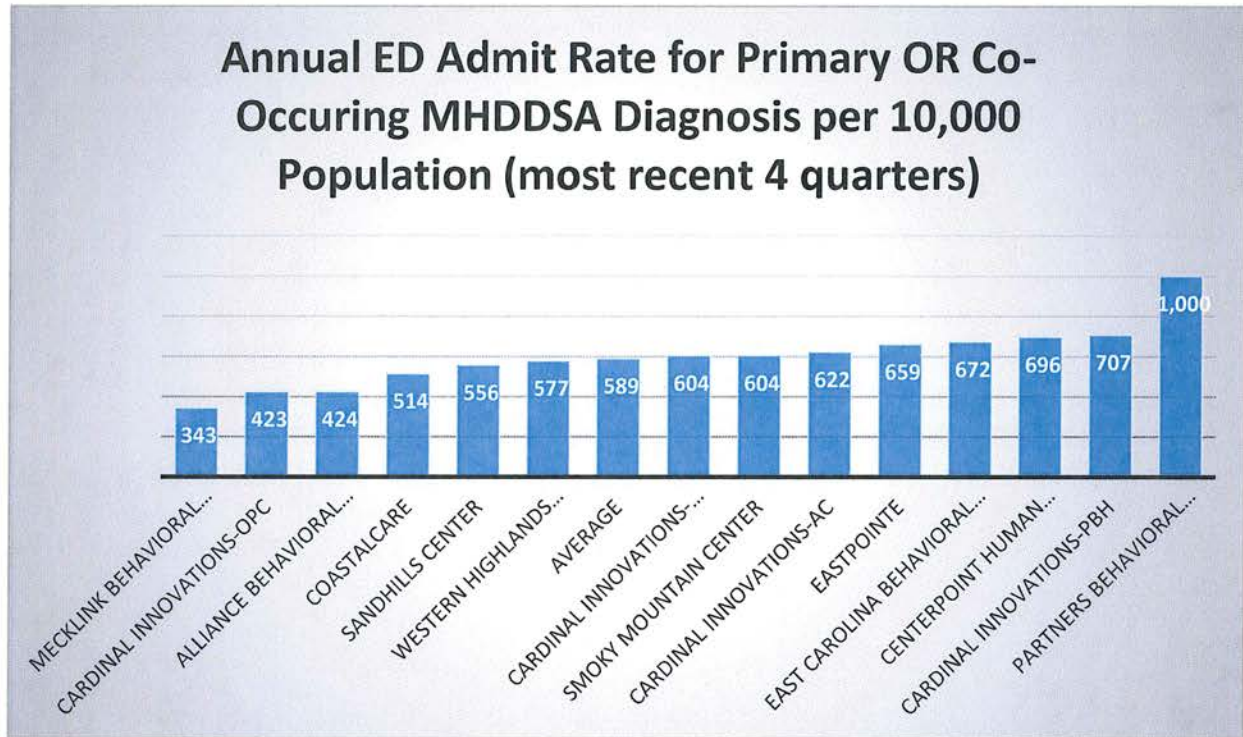
Attachment 5: Alliance Behavioral Healthcare Board of Directors

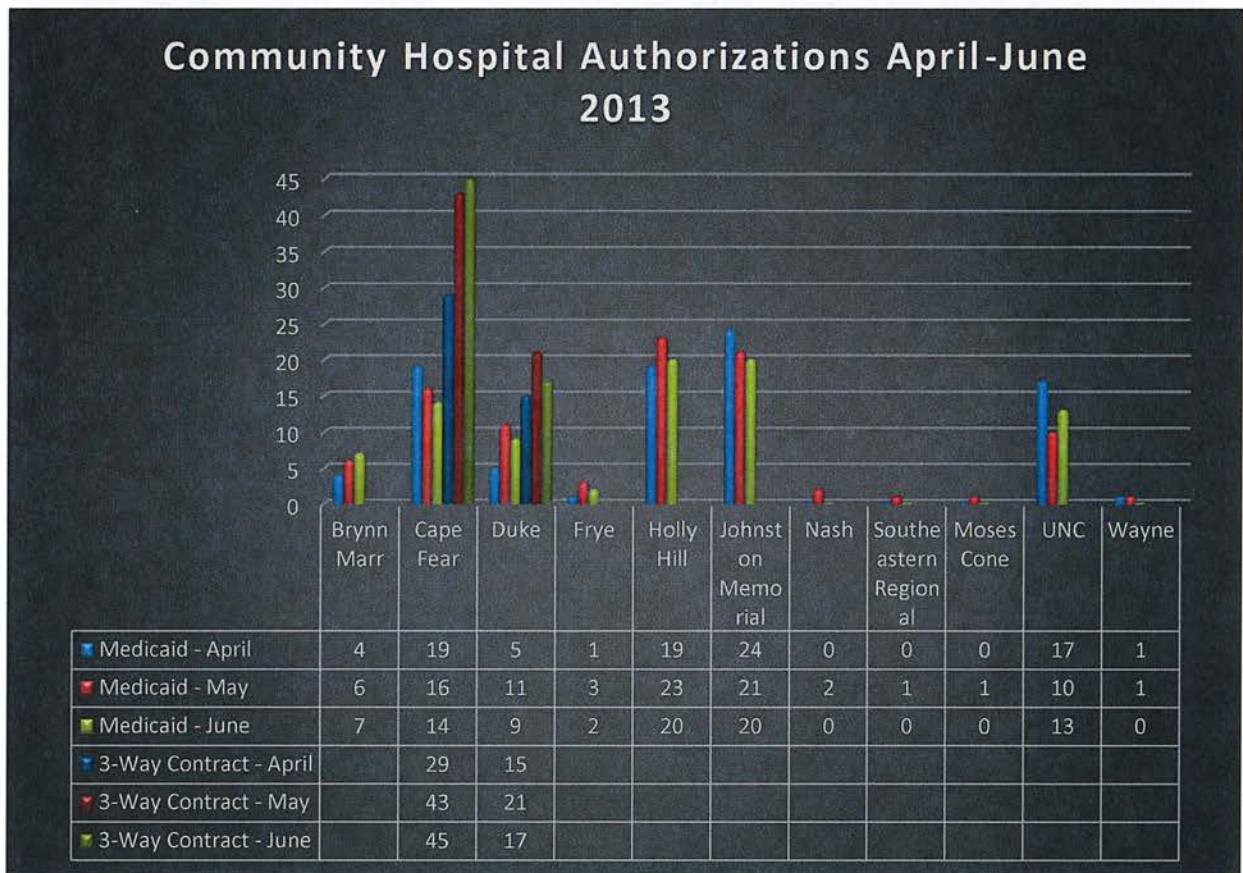
For questions or comments contact the Alliance Quality Management Department at QMHelp@alliancebhc.org or contact the Director of Quality Management at (919) 651-8442.

Attachment 1
ACTT Providers



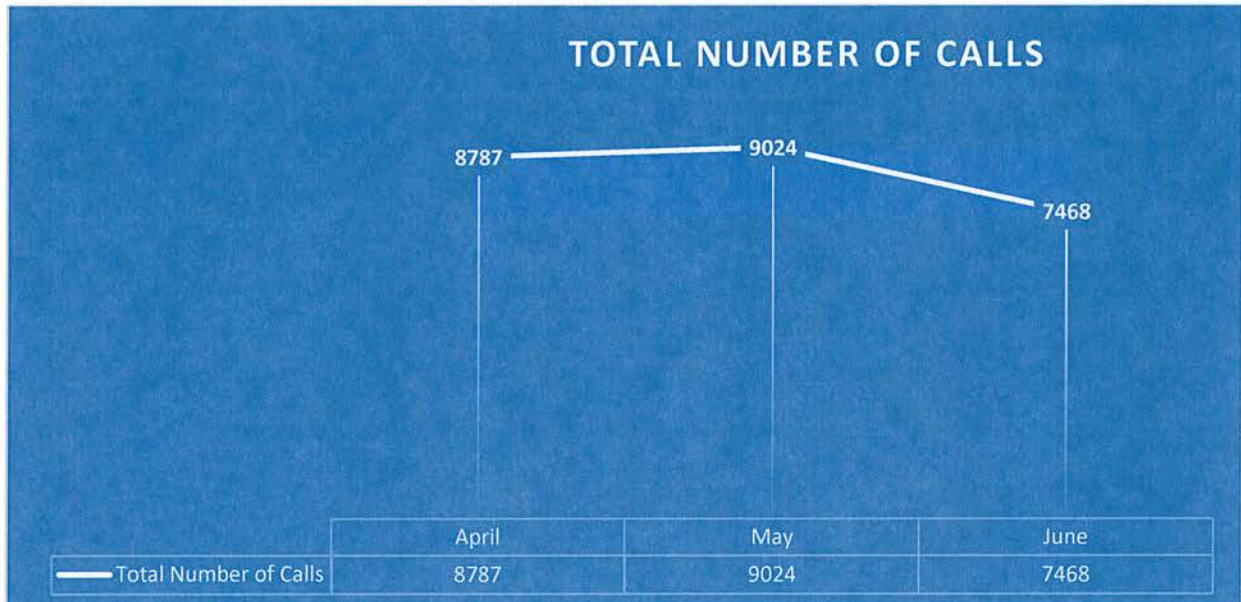
Attachment 2
ED Data



Attachment 3**Alliance Behavioral Healthcare Inpatient Admissions**

Data for community hospitals based on paid claims.

Attachment 4
Call Center Report (Fourth Quarter FY13)



Average percent of calls abandoned: 1.5%

Average speed to answer calls: 7 seconds

Average percent of calls answered within 30 seconds: 99.4%

Average number of calls since February: 8,560

Attachment 5

Alliance Behavioral Healthcare Board of Directors

Alliance is governed by a Board of Directors is responsible for comprehensive planning, budgeting, implementing and monitoring of community-based mental health, developmental disability and substance abuse services to meet the needs of individuals in the Alliance region. The Alliance Board consists of community stakeholders from Durham and Wake counties that are appointed by their respective County Commissioners, as well as representation from Cumberland and Johnston counties. Service providers do not serve as members of the Board.

Current Members:

Lascel Webley, Jr., Chair
Nancy Henley, MD, Vice Chair
Ann Akland
Cynthia Binanay
Chris Bostock
George Corvin, MD
Commissioner Kenneth Edge
Jim Edgerton
Lodies Gloston
Phillip Golden
John R. Griffin
Commissioner Michael Page
George Quick
Vicki Shore
William Stanford
Scott Taylor
Amelia Thorpe

**CUMBERLAND COUNTY
TOURISM DEVELOPMENT AUTHORITY**


PO Drawer 1829
Fayetteville, NC 28302-1829

Vivek Tandon, Chairman
Dallas Mack Freeman
James Martin, County Manager
Douglas Peters, Fayetteville-Cumberland County Chamber of Commerce

Daniel E. Roberts
William Wellons, Jr.
Manish Mehta

MEMORANDUM FOR BOARD OF COUNTY COMMISSIONERS
NOVEMBER 18, 2013 AGENDA

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CANDICE H. WHITE, CLERK TO THE BOARD/TDA 

DATE: NOVEMBER 8, 2013

**SUBJECT: TOURISM DEVELOPMENT AUTHORITY FISCAL YEAR 2012-2013
ANNUAL STATUS REPORT**

BACKGROUND:

According to Session Law 2001-484, the Tourism Development Authority (TDA) shall report at the close of the fiscal year to the county Board of Commissioners on its receipts and expenditures for the preceding year. Vivek Tandon, TDA Chairman, will present the attached Fiscal Year 2012-2013 Annual Status Report at your November 18, 2013 meeting.

RECOMMENDATION/PROPOSED ACTION:

Receive the TDA Fiscal Year 2012-2013 Annual Status Report.

Attachment

August 26, 2013

MEMORANDUM

To: Tourism Development Authority

From: Tammy D. Gillis, Internal Auditor

Subject: Fiscal Year 12-13 Annual Status

During the fiscal year ended June 30, 2013 the Occupancy Tax netted \$5,099,602.18 in revenue.

These funds have been distributed as follows:

Cumberland County Crown Coliseum	\$ 1,274,900.55
Arts Council of Fayetteville	1,274,900.55
Fayetteville Area Visitors and Convention Bureau	2,337,317.66
TDA Discretionary Funds	212,483.42
Total	<u>\$ 5,099,602.18</u>

TDA Discretionary Funds:

Balance July 1, 2012 (unobligated)	\$ 756,604.19
Funds received for the fiscal year	212,483.42
1 Funds returned or not requested by recipient	3,255.65
Less obligations during the fiscal year	(248,620.34)
Less minimum balance	(100,000.00)
Balance June 30, 2013 (unobligated)	<u>\$ 623,722.92</u>

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

CVB Joint Marketing Plan (D'Town Devel, ASOM & Vet Park)	\$ 75,000.00
Epsilon Alpha Boule-Sigma Pi Phi Fraternity	17,750.00
Junior League of Fayetteville - Holly Day Fair	25,000.00
Fayetteville Duck Derby	11,313.69
Total	<u>\$ 129,063.69</u>

During the year, the TDA paid obligations from previous fiscal years for the following projects:

Greater Spring Lake Chamber of Commerce	\$ 6,000.00
Cape Fear Botanical Garden	\$ 13,500.00
Hope Mills Chamber of Commerce	\$ 18,000.00
NC Civil War Trails / FAVCB	1,600.00
Total	<u>\$ 39,100.00</u>

As of June 30, 2013 the TDA had the following outstanding obligations:

NC Civil War Trails / FAVCB	\$ 4,500.00
Cape Fear Botanical Garden	17,788.00
Fay-Cumberland Parks & Rec - Christmas in the Park	15,000.00
Hope Mills Chamber of Commerce	19,913.00
Swamp Dogs - 4th of July Fireworks	20,000.00
Total	<u>\$ 77,201.00</u>

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

1 Recipient was Spring Lake Chamber of Commerce.

824-450-4599
FY13 YEAR-END REPORT

FY'13
TOURISM DEVELOPMENT AUTHORITY
OCCUPANCY TAX COLLECTIONS

8/30/2013

PRE-OBLIGATION

DATE OCCUPANCY//RECEIPT	6% GROSS RECEIPTS	Original 3%	Additional 3%	Collectn Fee Additional 3%	Collectn Fee Original 3%	NET RECEIPTS	1.5% CIVIC CENTER 350H	2.75% FACVB 349R	1.5% ARTS COUNCIL 349S	.25% DISCRETIONARY 349T
FYE 6/30/12 BALANCE										
				4021	4021					756,604.19
2012 June/July	624,476.43	312,238.22	312,238.22	9,367.15	9,367.15	605,742.13	151,435.53	277,631.81	151,435.53	25,239.26
July/August	439,494.51	219,747.26	187,761.78 31,985.48	5,632.85 319.85	6,592.42	426,949.39	106,737.35	195,685.14	106,737.35	17,789.55
August/September	482,850.23	241,425.12	241,425.12	2,414.25	7,242.75	473,193.23	118,298.31	216,880.23	118,298.31	19,716.38
September/October	418,322.30	209,161.15	209,161.15	2,091.61	6,274.83	409,955.86	102,488.97	187,896.44	102,488.97	17,081.48
October/November	386,482.23	193,241.12	193,241.12	1,932.41	5,797.23	378,752.59	94,688.15	173,594.94	94,688.15	15,781.35
November/December	395,337.12	197,668.56	197,668.56	1,976.69	5,930.06	387,430.37	96,857.59	177,572.25	96,857.59	16,142.94
December/January	341,070.02	170,535.01	170,535.01	1,705.35	5,116.05	334,248.62	83,562.16	153,197.28	83,562.16	13,927.02
2013 January/February	339,719.32	169,859.66	169,859.66	1,698.60	5,095.79	332,924.93	83,231.23	152,590.59	83,231.23	13,871.88
February/March	488,798.46	244,399.23	244,399.23	2,443.99	7,331.98	479,022.49	119,755.62	219,551.97	119,755.62	19,959.28
March/April	449,316.86	224,658.43	224,658.43	2,246.58	6,739.75	440,330.53	110,082.63	201,818.16	110,082.63	18,347.11
April/May	414,154.62	207,077.31	207,077.31	2,070.77	6,212.32	405,871.53	101,467.88	186,024.45	101,467.88	16,911.32
May/June	433,857.67	216,928.84	216,928.84	2,169.29	6,507.87	425,180.51	106,295.13	194,874.40	106,295.13	17,715.85
TOTAL	5,213,879.77	2,606,939.89	2,606,939.89	36,069.39	78,208.20	5,099,602.18	1,274,900.55	2,337,317.66	1,274,900.55	969,087.61
MINIMUM BALANCE										100,000.00
EXPENDITURES TO DATE					5,055,282.45		1,274,900.55	2,337,317.66	1,274,900.55	168,163.69
UNPAID OBLIGATIONS										77,201.00
RETURNED FUNDS										
AVAILABLE BALANCE					623,722.92		0.00	0.00	0.00	623,722.92

824-450-4599

FY'13

TOURISM DEVELOPMENT AUTHORITY
DISCRETIONARY OBLIGATIONS

DESCRIPTION	RECEIPTS	OBLIGATION	FUNDS RETURNED OR NOT REQUESTED	AVAILABLE BALANCE	EXPENDITURES	UNPAID OBLIGATIONS
7/1/2012 BALANCE BROUGHT FORWARD	756,604.19					
MINIMUM BALANCE	(100,000.00)			656,604.19		
PRIOR FISCAL YEAR OBLIGATIONS NOT PAID BY JULY 1						
CIVIL WAR TRAILS / FACVB		6,100.00		650,504.19	1,600.00	4,500.00
GREATER SPRING LAKE CHAM OF COMMERCE		9,255.65	3,255.65	644,504.19	6,000.00	-
CAPE FEAR BOTANICAL GARDEN		13,500.00		631,004.19	13,500.00	-
HOPE MILLS CHAMBER OF COMMERCE		18,000.00		613,004.19	18,000.00	-
THE HEROES CRUSADE: AN ATHLETES CAMPAIGN	a	-		613,004.19		-
July	25,239.26			613,243.45		
JUNIOR LEAGUE OF FAY - HOLLY DAY FAIR		25,000.00			25,000.00	-
August	17,789.55			631,033.00		
September	19,716.38			650,749.38		-
October	17,081.48			638,767.17		-
FAYETTEVILLE DUCK DERBY		11,313.69	1		11,313.69	-
EPSILON ALPHA BOULE-SIGMA PI PHI FRATERNITY		17,750.00			17,750.00	-
November	15,781.35			654,548.52		-
December	16,142.94			670,691.46		-
January 2013	13,927.02			609,618.48		-
CVB JOINT MARKETING PLAN (D'TOWN DEVEL, ASOM & VETERANS PARK)		75,000.00			75,000.00	-
February	13,871.88			623,490.36		-
March	19,959.28			643,449.64		-
April	18,347.11			589,095.75		-
FAY-CUMB PARKS & REC - CHRISTMAS IN PARK		15,000.00				15,000.00
CAPE FEAR BOTANICAL GARDEN		17,788.00				17,788.00
HOPE MILLS CHAMBER OF COMMERCE		19,913.00				19,913.00
SWAMP DOGS - 4TH OF JULY FIREWORKS		20,000.00				20,000.00
May	16,911.32			606,007.07		-
June	17,715.85					-
TOTAL	869,087.61	248,620.34	3,255.65	623,722.92	168,163.69	77,201.00

1 On 4-24-13 agency requested that the Oct 2012 approved amt of \$12,400 be reduced to \$11,313.69.

a Contract suspended 8-29-12.



ITEM NO. 5B

COUNTY of CUMBERLAND

Thelma S. Matthews
Purchasing Manager
(910) 678-7743

Debbie H. Miller
Buyer
(910) 678-7746

*Finance Department
Purchasing Division*

MEMO

TO: Board of Commissioners
From: Thelma S. Matthews, Purchasing Manager *jm*
Through: Melissa Cardinali, Finance Director *mc*
Date: November 7, 2013
Subject: Reject Bid #13-24-CC-F

BACKGROUND: Purchasing solicited bids for office supplies earlier in the year. At the time the bids were sent out Mental Health and the Crown Center office supply quantities were included on the bid sheet. I feel this would be a disadvantage to the vendors due to the fact they look at the estimated quantities along with other factors to determine their bid price.

RECOMMENDATION: Please approve Finance to reject the bids received and send them out with corrected quantities.

JAMES E. MARTIN
County Manager

AMY H. CANNON
Deputy County Manager



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

JAMES E. LAWSON
Assistant County Manager

ITEM NO. 5C(1-3)

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 18, 2013

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER

DATE: NOVEMBER 13, 2013

SUBJECT: APPROVAL OF THE CUMBERLAND COUNTY FINANCE COMMITTEE REPORT AND RECOMMENDATION(S)

BACKGROUND:

The Cumberland County Finance Committee met on Thursday, November 7, 2013 and discussed the following agenda:

- 1) Contract Amendment Between Alliance Behavioral Healthcare, Cape Fear Valley Health System, Inc, and Cumberland County for Security Services at Roxie Avenue Drop Off Center and Approval of Associated Budget Revision
- 2) Schedule Public Hearing for December 16, 2013 for the Proposed Creation of Bragg Estates Water and Sewer District
- 3) Outsourcing the County's Employee Assistance Program

"DRAFT" minutes for the Cumberland County Finance Committee are attached.

RECOMMENDATION/PROPOSED ACTION:

Accept and approve the Cumberland County Finance Committee report and recommendation(s).

/ct

Attachment

CM111313-2

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CUMBERLAND COUNTY FINANCE COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
NOVEMBER 7, 2013 - 9:30AM
MINUTES

MEMBERS PRESENT: Commissioner Marshall Faircloth, Chairman
Commissioner Kenneth Edge

MEMBERS ABSENT: Commissioner Jeannette Council

OTHER COMMISSIONERS

PRESENT: Commissioner Charles Evans (arrived 9:55 a.m.)

OTHERS:

James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Melissa Cardinali, Finance Director
Sally Shutt, Chief Public Information Director
Mark Browder, Mark III Brokerage Services
Kevin Jackson, Cape Fear Valley Health System Chief Operating
Officer/Vice President
Candice White, Clerk to the Board
Press

Commissioner Faircloth called the meeting to order.

1. APPROVAL OF MINUTES – OCTOBER 3, 2013 REGULAR MEETING

MOTION: Commissioner Edge moved to approve the minutes.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (2-0)

James Martin, County Manager, requested the reordering of agenda Items 2. and 3. so Mark Browder, Mark III Brokerage Services, could attend another meeting he had scheduled.

MOTION: Commissioner Edge moved to reorder Item 2. and Item 3.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (2-0)

2. PRESENTATION ON THE AFFORDABLE CARE ACT AND IMPACT ON THE COUNTY

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BACKGROUND:

At the October 7, 2013 special meeting of the Board, Commissioner Faircloth inquired regarding Health Care Reform and the impact of the Affordable Care Act on the County. Mark Browder, Mark III Brokerage Services, will provide a presentation at the November 7, 2013 meeting of the Finance Committee on this matter.

RECOMMENDATION/PROPOSED ACTION:

Receive presentation.

Mr. Martin recognized Mark Browder, Mark III Brokerage Services, who referenced the table recorded below. Mr. Browder stated the table reflects new costs and total costs to the county for the 2014-2015 renewal.

Health Care Reform Cost	
2014 - 2015 Cost	
PPACA - Fee for Comparative Effectiveness Research Agency - July 31, 2014	\$3,598.00
Copays Accumulate to Out of Pocket Maximum - 2014 - 2015	\$493,529.08
PPACA - Transitional Reinsurance Fee - 2014 - 2016 - First Payment Due December, 2014	\$226,611.00
Health Care Reform Costs Currently in Place	
Dependent coverage for adult children up to age 26 - 2%	\$375,082.10
Elimination of lifetime limits on essential benefits - 1.5%	\$281,311.57
Women's Health Benefits - 1%	\$187,541.05
Elimination of all pre-existing condition limitations in 2014 - .2%	\$37,508.21
100% coverage for preventive services in network - 3%	\$562,623.15
Phase-out of annual limits on essential benefits by 2014 - 1.5%	\$281,311.57
Total ACA Cost for 2014 - 2015	\$2,449,115.73

Fees Avoided in 2014 - 2015	
PPACA - Health Insurance Industry Fee - Not Paid	\$549,686.67
State of North Carolina Premium Tax	\$439,749.34
Total	\$989,436.01

Mr. Browder stated for new costs, the county will have to pay a research fee or "Fee for Comparative Effectiveness Research Agency" to the federal government in 2014-2015 which is basically \$1 per member or about \$3,500. Mr. Browder stated the "Co-pays Accumulate to Out-of-Pocket Maximum" is a benefit change and is expected to add 3% in claims to the plan or about \$500,000. Mr. Browder explained co-pays will go to satisfy the out-of-pocket maximum beginning July 1, 2014. Mr. Browder stated "The Traditional Reinsurance Fee" is

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an additional tax for high insurance claims at \$63 per member for the 2014-2015 plan year and will be due at the end of 2014 or beginning of 2015 for a total of about \$226,000.

Mr. Browder then reviewed current costs and stated the total cost under the Affordable Care Act to the county's plan is about \$2.4 to \$2.5 million. Mr. Moorefield inquired regarding new costs for 2014-2015. Mr. Browder clarified \$700,000 would be added to the renewal and with old costs being about \$1.8 million, the total cost would be \$2.4 to \$2.5 million.

Mr. Browder referenced "Fees Avoided in 2014-2015" and explained the county is not paying the "Health Insurance Industry Fee" or the "N. C. Premium Tax" because it is self-funded and thereby saves almost \$1 million. Amy Cannon, Deputy County Manager, confirmed the \$1.8 million was funded in the current budget year and the \$700,000 along with whatever is believed to be inflation to the fund will need to be added. In response to a question posed by Commissioner Edge, Ms. Cannon stated the utilization of the employee pharmacy has increased over time and cost savings can be determined at the end of the fiscal year.

3. REPORT FROM CAPE FEAR VALLEY HOSPITAL SYSTEM REGARDING COST OF SECURITY AT ROXIE AVENUE CENTER

Kevin Jackson, Cape Fear Valley Health System Chief Operating Officer/Vice President, referenced discussion at the October 3, 2014 meeting of the Finance Committee regarding the provision of security services at the crisis intervention center to be established and fully functional at the end of December, 2013 or at the latest January, 2014. Mr. Jackson stated based on that discussion, a Request for Quote was sent out on October 14th for security services in order to obtain the best price and to make sure the competitive service requirements and quality were met. Mr. Jackson stated RFQ's were obtained by October 25th and an internal selection committee used the following five criteria for the selection: 1) quality of completeness of submission; 2) CIT training and service evaluation; 3) price; 4) prior service history; and 5) capabilities. Mr. Jackson stated the recommendation is to move forward with the Cumberland County Sheriff's Office and although the Sheriff's Office was not the lowest bidder, it ranked the highest of all respondents. Mr. Jackson stated the agreement would be for two years with the proposed cost being \$350,326 for the first year with a \$30,731 initial start up cost. Mr. Jackson stated the cost for the second year would drop to \$319,595 without the start up cost.

Mr. Martin stated the hospital would prefer to have a two-party agreement between the hospital and the Sheriff's Office. Mr. Martin stated should the committee and the full board be in agreement with the proposed cost, his recommendation would be for an amendment to the current three-party agreement between the hospital, the county and Alliance Behavioral Healthcare so these funds, which are directly related to mental health services, can be credited to the county's maintenance of effort for mental health services. Mr. Martin stated this may reflect well in securing additional state or federal funds as a match to what the county is paying.

Mr. Martin explained the indirect operation will be that the county will pay the Alliance, the hospital will bill the Alliance, the Alliance will pay the hospital and then the hospital will reimburse the county. Mr. Martin stated utilizing the Sheriff's Office to provide the security

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services could pose some financial risk to the county because the Sheriff's Office is a department of county government and there is the potential for the Sheriff's Office to look to the county to cover additional costs as it relates to the hospital's contract. Mr. Martin stated should that occur, which it may not, the county could end up spending more through the Sheriff's budget over time than the costs billed to the hospital. Mr. Martin stated contracting with the Sheriff's Office is not as clear cut as it would be were the hospital to contract with an entity that is not part of the county's operation. Questions and discussion followed. Mr. Martin stated he is not speaking against the hospital's request to provide the funds to contract with the Sheriff's Office because he is convinced the proposal exceeds the lower cost proposal in an area critical to the success of the drop off center. Commissioner Faircloth stated to help eliminate the risk of additional costs, he would ask county administration to hold the Sheriff's Office to their proposal and should contract costs be exceeded, the Board will review. Commissioner Edge concurred. Mr. Martin stated the Alliance has indicated it will work with the county on an amendment to the agreement. Mr. Martin also stated should the Board approve the three-party agreement, staff will start the contract amendment process with the Alliance and return with a budget revision to put the positions in place and provide the start-up funds and equipment costs. Mr. Martin stated vehicle costs will be brought to the Board at a later time.

Commissioner Evans joined the meeting and posed questions.

MOTION: Commissioner Edge moved to approve the concept of the three-party agreement between the Alliance, Cape Fear Valley Hospital System and the county and submit to the full board for approval at the next meeting.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (2-0)

4. CONSIDERATION OF CREATION OF BRAGG ESTATES WATER AND SEWER DISTRICT

BACKGROUND:

The Public Utilities Division is requesting that the Board of Commissioners establish a Water and Sewer District for the Bragg Estates Subdivision and adjoining properties for the purpose of applying for grants and low interest rate loans. The first step in this process is to hold a public hearing pursuant to North Carolina General Statute 162A-86, to take comments from the public.

The Bragg Estates community has been experiencing septic tank failures over the last several years. These failures pose a health and safety concern for the community.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Finance Committee approve the request to place a memo on the agenda of the November 18, 2013 Board of Commissioners meeting to set the Public Hearing for December 16, 2013 at 6:45 PM.

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Jeffrey Brown, Engineering and Infrastructure Director, referenced the Overhills Water and Sewer District and stated the county was successful in obtaining a clean water state revolving fund loan earlier this year for \$3.1 million dollars to address the needs of the Overhills community. Mr. Brown reviewed the background information recorded above and stated the Bragg Estates Subdivision would also benefit from pursuing low interest rate loans and grant funding for sewer service. Mr. Brown stated the first step is to create a water and sewer district for the Bragg Estates subdivision. Mr. Brown responded to questions.

MOTION: Commissioner Edge moved to place a memo on the agenda of the November 18, 2013 Board of Commissioners meeting to set the public hearing for the Bragg Estates Subdivision Water and Sewer District for December 16, 2013 at 6:45 p.m.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (2-0)

5. UPDATE ON SENATE BILL 73: REQUIREMENT FOR LOCAL WORKFORCE DEVELOPMENT BOARDS (WFD) TO USE COMPETITIVE SELECTION PROCESS

BACKGROUND:

At the September 5th Finance Committee meeting, the County Manager provided a brief overview of Senate Bill 73 and the possible implications. Senate Bill 73 mandates that Local Workforce Development Boards will use a competitive selection process in selecting services providers to deliver Workforce Investment (WIA) and Adult/Dislocated Worker services as well as WIA funded youth services. Management has had several meetings with Dr. Keen and staff as well as the Chairman of the WFD Board to develop a plan to comply with Senate Bill 73. FTCC has previously functioned in a dual role as the fiscal and administrative agent and the service provider for WIA/Dislocated and youth services. The requirements of Senate Bill 73 preclude one entity serving in this dual role.

The Workforce Development Board met on October 29, 2013 and approved a memorandum of agreement between FTCC and the WFD Board to retain the community college as the administrative and fiscal agent for the WFD Center. In that capacity, the community college will seek competitive bids for WIA/Dislocated and Youth services, provide contract administration, board support and fiscal management services. Since the community college will no longer be the service provider, the staff associated with these programs will no longer be employees of the community college. Some staff will remain with FTCC to provide fiscal and administrative services to the WFD Board. The remaining nine to thirteen staff members will have the opportunity to be interviewed by the contract provider.

Management believes that maintaining the community college in the role of fiscal and administrative agent is prudent. Since the July 2011 transfer of the WFD Center, FTCC has reengineered the program which has led to a threefold increase in the number of clients served and a reduction in the cost per participant from \$2,000 to \$500. FTCC, as fiscal and

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administrative agent, will be in the best position to monitor the contractor to ensure the continued success of the WFD program.

RECOMMENDATION/PROPOSED ACTION:

No action necessary, provided for information purposes only.

Amy Cannon, Deputy County Manager, reviewed the background information as recorded above. Ms. Cannon stated three to four staff may remain as employees of FTCC in order to provide administrative services to the Workforce Development Board. Ms. Cannon stated details are pending. Ms. Cannon also stated FTCC is also willing to assist employees should they have interest in applying for other positions at FTCC.

6. REPORT ON OUTSOURCING THE COUNTY'S EMPLOYEE ASSISTANCE PROGRAM

BACKGROUND:

The county has had an Employee Assistance Program (EAP) for last 18 years. The program was established due to requirements under the Department of Transportation (DOT) Drug Testing program. To comply with this DOT requirement, the county utilized the EAP services that our Mental Health department was providing to other organizations or businesses in the county. Due to the implementation of Mental Health reform, the substance abuse component was one of the first programs outsourced about 12 years ago. At that time, we retained one of the certified EAP professionals from Mental Health and established an in-house EAP under Risk Management. Since that time we have had one employee, who is a certified professional providing these services to county employees.

Utilization has increased over time because our EAP professional has developed an effective, responsive and trusted program for our employees. Below are some of the services provided under this function:

- Confidential assessment services for employees referred by Supervisors due to unacceptable performance; productivity, behavioral issues, attendance difficulties, etc.
- Assessment and case management of employee self referrals that may be experiencing personal, medical, behavioral or work related concerns
- Short term counseling when appropriate or referrals to mental health or substance abuse services or other community resources as appropriate
- Ongoing case management of any employee that has been referred to other professionals
- Consultation and coaching to Department Heads and Supervisors focusing on early intervention or detection of a potential risk
- Coordination for fitness for duty examinations as needed
- Provides grief counseling

Our employee that provides these services is retiring December 31st, and management has taken the opportunity to review the program and the options for providing this service.

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Utilization has increased and the issues have become more serious and complex which at a minimum requires outside referrals and longer term case management. The volume of clients has exceeded the ability for one person to properly and thoroughly manage the program. Risk Management conducted an informal request for proposal process and received responses from five EAP providers. Based upon the case volume and complexity and the need for 24/7 services, we believe this is an opportunity to outsource our EAP program to provide comprehensive and timely services to our employees.

The firm that we believe will best meet our needs is Frank Horton Associates, LLC. The owner of this firm is a certified EAP provider and was formerly an in-house provider of EAP services for Wake County before establishing his own firm. He understands the challenges of transitioning from an in-house EAP to an out sourced model. Further, he is aware of the reputation of our program and is committed to providing a comprehensive, trusted, and client friendly program to our employees. The cost of this service through Frank Horton Associates, LLC is \$39,600, which is a savings to the county of \$49,000 per year. All five firms submitted very similar cost estimates. We have prior experience with Mr. Horton and his firm since they have been our after-hours resource and back up for some time.

RECOMMENDATION/PROPOSED ACTION:

Authorize Management to obtain a contract with Frank Horton Associate, LLC to provide a comprehensive EAP program at a cost of \$39,600.

Amy Cannon, Deputy County Manager, reviewed the background information as recorded above and the proposed action being sought of the Finance Committee.

MOTION: Commissioner Edge moved to authorize management to obtain a contract with Frank Horton Associate, LLC to provide a comprehensive EAP program at a cost of \$39,600.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (2-0)

7. REVIEW OF MONTHLY FINANCIAL REPORT

Melissa Cardinali, Finance Director, stated the financial report encompasses the first three months of the quarter and because the primary volume of tax revenue does not occur until December and January, there are minimal details to report. Ms. Cardinali also stated there are no issues or concerns to report.

With regard to the federal shutdown, Ms. Cardinali stated county departments are reporting to the Finance Department every two weeks and the only potential concern, although not related to the shutdown, is related to the Farm Bill that has expired. Ms. Cardinali stated this could potentially place the food stamp program reimbursement for administrative expenses at risk. Ms. Cardinali stated the Department of Social Services (DSS) is monitoring the matter. Ms. Cardinali stated all reimbursements are coming through with little delay.

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8. OTHER MATTERS OF BUSINESS

Mr. Martin stated the full board referred to the Finance Committee vacancies on the Cumberland County Finance Corporation and Industrial Facilities and Pollution Control Financing Authority. Rick Moorefield, County Attorney, stated although there may not be a need for the Cumberland County Finance Corporation and Industrial Facilities and Pollution Control Financing Authority, there is no reason to disband it. Mr. Moorefield stated his recommendation is to leave the existing members and the existing structure in place and should an issue arise for the Finance Corporation, there would be time to address any vacancies. Mr. Moorefield stated he was doubtful that the Industrial Facilities and Pollution Control Financing Authority would meet again unless there were substantial changes in the tax code. Mr. Moorefield explained although these are separate boards, it is the same group of individuals serving on each. Mr. Moorefield stated current members can continue to hold office until their successors are qualified. Mr. Moorefield stated there is no necessity for action at this time.

There being no further business, the meeting adjourned at 11:15 a.m.

RICKEY L. MOOREFIELD
County Attorney



PHYLLIS P. JONES
Assistant County Attorney

ROBERT A. HASTY, JR.
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

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

ITEM NO. 5c(1)

**MEMO FOR THE AGENDA OF THE NOVEMBER 18, 2013
MEETING OF THE BOARD OF COMMISSIONERS**

TO: Bd. of Commissioners; Co. Manager
FROM: Co. Atty. *R. Moorefield*
DATE: November 13, 2013
SUBJECT: Amendment to Three-Way Funding Agreement between Alliance Behavioral Healthcare, Cape Fear Valley Health System and Cumberland County

BACKGROUND:

At its November 7, 2013 meeting, the Policy Committee voted to recommend approval of the concept of an agreement between Alliance Behavioral Healthcare, Cape Fear Valley Health System and Cumberland County to increase the county's funding to cover the cost of providing certified police officers for around-the-clock security at the Roxie Avenue Drop-Off Clinic. The details of the contract amendment were still being discussed at the time the agenda was published.

These officers will be provided by the Sheriff through a contract between the Hospital and the Sheriff. The contract cost is \$319,595 per year for a two year term with an additional cost of \$30,000 for initial start-up. The Sheriff proposes to staff this obligation with five new deputies.

The county funding will be through either an amendment to the existing Three-Way Funding Agreement between Alliance Behavioral Healthcare, Cape Fear Valley Health System and Cumberland County or by a separate agreement between these parties. This additional funding will require a budget amendment.

RECOMMENDATION/ACTION REQUESTED:

Consider the recommendation of the Finance Committee and approve the associated budget revision.

Budget Office Use	
Budget Revision No.	B14-207
Date Received	
Date Completed	

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9911	Mental Health Fund Balance	0	201,169	201,169
	Total	0	201,169	201,169

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210		Salary-Regular	0	111,958	111,958
1220		Overtime	0	2,690	2,690
1222		Holiday Premium	0	5,212	5,212
1810		Social Security	0	9,040	9,040
1820		Retirement	0	9,052	9,052
1824		401-k County 1%	0	1,182	1,182
1826		Sp 401 k Contrib LEO	0	5,908	5,908
1830		Medical Insur	0	19,051	19,051
1850		Unemployment	0	576	576
1860		Workers Comp	0	2,434	2,434
				-	-
2120		Uniforms	0	8,515	8,515
2992		Dept Supplies	0	706	706
2994		Misc Furn & Equipment	0	15,605	15,605
3445		Telephone	0	420	420
				-	-
3610		Cap Outlay--Equipment	0	8,820	8,820
				-	-
		Total	0	201,169	201,169

State: _____ Federal: _____ Fund Balance: _____ New: _____ Other: 201,169
Other: _____ Fees: _____ County: _____ Prior Year: _____

Approved By: _____ Date: _____

County Manager _____

Board of County Commissioners _____ Date: _____

REQUEST FOR NEW POSITIONS/ CHANGE IN POSITION

Submitted By: Sheriff's Office

Date: 8-Nov-13

Organization: 101-422-4213 Roxie Crisis Intervention Center

Position Requested: Deputy Sheriff 5 Positions

	Current FY	Upcoming FY
Salary:	\$ 22,392	\$ 41,620
Fringe Benefits:		
Longevity	275	512
Holiday Premium	967	1,797
FICA	\$ 1,808	\$ 3,361
Retirement	\$ 1,810	\$ 3,365
Employer 401-K	236	439
Employer 401-K LEO	\$ 1,182	\$ 2,196
Medical Insurance	\$ 3,810	\$ 7,082
Unemployment	115	214
Workers' Comp	\$ 487	\$ 905
Total:	\$ 33,082	\$ 61,491

Other associated cost (list): EACH POSITION

	<u>Object Code</u>	<u>Amount</u>	<u>Description</u>
1.	2120	1,703	Uniforms
2.	2994	3,121	Body armor, radio
3.	3610	1,764	Taser, pistol
4.			
5.			
6.			
7.			
8.			

Total Other 6,588

Position's Funding Source:

	<u>Source Code</u>	<u>Amount</u>	<u>Description</u>
1.		\$ 39,670	
2.			
3.			

Justification for Request:

Establish Deputy Sheriff position to provide law enforcement presence at 23-Hour Crisis Intervention Center operated by Cape Fear Valley Health System. Receive persons in need of temporary mental health care from patrol officers and transfer them to health care staff at the Center.

To cover 24 hours per day/seven days per week, five positions are required for this staffing model.

Positions to start Dec 15, 2013 for 14 Pay Periods in current FY.

Positions to be funded by Mental Health Fund Balance.

**COUNTY OF CUMBERLAND
REQUEST FOR CAPITAL OUTLAY**

DEPT: Sheriff ORGAN: Roxie Crisis Intervent FUND: 101 AGENCY: 422 Org: 4213

ORGAN MGR: Earl R. Butler PRIORITY: _____

SIGNATURE: _____

Earl R Butler

8-Nov-13

DATE

DESCRIPTION OF REQUEST:

Tasers and Accessories

Taser, power mag, holster

5 x \$1,294

\$6,470

JUSTIFICATION:

To provide less-than-lethal means of subduing clients brought to Crisis Intervention Center.

REVENUE			EXPENDITURE		
Code	Funding Source	Amount	Object Code	Object Name	Amount
		\$6,470	3610	CO-Equip	\$6,470

Expected Results/Alternatives if NOT Approved:

Deputies on duty would be limited in what equipment they would have in dealing with unruly persons.

Replacement Item:

Property #

Location

Disposition of Equipment

**COUNTY OF CUMBERLAND
REQUEST FOR CAPITAL OUTLAY**

DEPT: Sheriff ORGAN: Roxie Crisis Interventio FUND: 101 AGENCY: 422 Org: 4213

ORGAN MGR: Earl R. Butler PRIORITY: _____

SIGNATURE: Earl R Butler 11-8-13
DATE

DESCRIPTION OF REQUEST:

Pistol Glock
\$470 x 5 each \$2,350

JUSTIFICATION:

The standard side-arm a Deputy carries is a Glock pistol which is issued to all Deputies.

REVENUE			EXPENDITURE		
Code	Funding Source	Amount	Object Code	Object Name	Amount
		\$2,350	3610	CO-Equip	\$2,350

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

Deputies will not have a standard Sheriff's Office issued side arm.



ITEM NO. 5C(2)

ENGINEERING & INFRASTRUCTURE DEPARTMENT
PUBLIC UTILITIES DIVISION

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 18, 2013

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JEFFERY P. BROWN, ENGINEERING & INFRASTRUCTURE DIRECTOR *JPB*

THROUGH: JAMES MARTIN, COUNTY MANAGER *JM*

DATE: NOVEMBER 8, 2013

SUBJECT: SET A PUBLIC HEARING DATE FOR THE PURPOSE OF RECEIVING COMMENTS FROM THE PROPERTY OWNERS IN THE PROPOSED BRAGG ESTATES WATER AND SEWER DISTRICT

BACKGROUND

The Public Utilities Division is requesting that the Board of Commissioners establish a Water and Sewer District for the Bragg Estates Subdivision and adjoining properties for the purpose of applying for grants and low interest rate loans. The first step in this process is to hold a public hearing pursuant to North Carolina General Statute 162A-86, to take comments from the public.

The Bragg Estates community has been experiencing septic tank failures over the last several years. These failures pose a health and safety concern for the community.

RECOMMENDATION

The Engineering and Infrastructure Director, County Management and Finance Committee recommend that the Board of Commissioners:

1. Set a Public Hearing for December 16, 2013 at 6:45pm during the Commissioners scheduled meeting.

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

JAMES E. MARTIN
County Manager

AMY H. CANNON
Deputy County Manager



JAMES E. LAWSON
Assistant County Manager



ITEM NO. SC(3)

OFFICE OF THE COUNTY MANAGER

**MEMORANDUM FOR THE AGENDA OF THE
NOVEMBER 18, 2013 BOARD OF COMMISSIONERS MEETING**

TO: BOARD OF COMMISSIONERS

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

THRU: JAMES E. MARTIN, COUNTY MANAGER

DATE: NOVEMBER 13, 2013

SUBJECT: OUTSOURCING THE COUNTY'S EMPLOYEE ASSISTANCE PROGRAM

BACKGROUND

The Finance Committee met on Thursday, November 7, 2013 and heard a report on the County's Employee Assistance Program. The County has had an Employee Assistance Program (EAP) for last 18 years. The program was established due to requirements under the Department of Transportation (DOT) Drug Testing program. To comply with this DOT requirement, the county utilized the EAP services that our Mental Health department was providing to other organizations or businesses in the county. Due to the implementation of Mental Health reform, the substance abuse component was one of the first programs outsourced about 12 years ago. At that time, we retained one of the certified EAP professionals from Mental Health and established an in-house EAP under Risk Management. Since that time we have had one employee, who is a certified professional providing these services to county employees.

Utilization has increased over time because our EAP professional has developed an effective, responsive and trusted program for our employees. Below are some of the services provided under this function:

- Confidential assessment services for employees referred by Supervisors due to unacceptable performance; productivity, behavioral issues, attendance difficulties, etc.

- Assessment and case management of employee self referrals that may be experiencing personal, medical, behavioral or work related concerns
- Short term counseling when appropriate or referrals to mental health or substance abuse services or other community resources as appropriate
- Ongoing case management of any employee that has been referred to other professionals
- Consultation and coaching to Department Heads and Supervisors focusing on early intervention or detection of a potential risk
- Coordination for fitness for duty examinations as needed
- Provides grief counseling

Our employee that provides these services is retiring December 31st, and management has taken the opportunity to review the program and the options for providing this service. Utilization has increased and the issues have become more serious and complex which at a minimum requires outside referrals and longer term case management. The volume of clients has exceeded the ability for one person to properly and thoroughly manage the program. Risk Management conducted an informal request for proposal process and received responses from five EAP providers. Based upon the case volume and complexity and the need for 24/7 services, we believe this is an opportunity to outsource our EAP program to provide comprehensive and timely services to our employees.

The firm that we believe will best meet our needs is Frank Horton Associates, LLC. The owner of this firm is a certified EAP provider and was formerly an in-house provider of EAP services for Wake County before establishing his own firm. He understands the challenges of transitioning from an in-house EAP to an out sourced model. Further, he is aware of the reputation of our program and is committed to providing a comprehensive, trusted and client friendly program to our employees. The cost of this service through Frank Horton Associates, LLC is \$39,600, which is a savings to the county of \$49,000 per year. All five firms submitted very similar cost estimates. We have prior experience with Mr. Horton and his firm since they have been our after-hours resource and back up for some time.

The Finance Committee unanimously approved the outsourcing of the County's Employee Assistance Program at their November 7, 2013 meeting.

RECOMMENDATION/PROPOSED ACTION

Approve the recommendation of the Finance Committee and authorize Management to obtain a contract with Frank Horton Associate, LLC to provide a comprehensive EAP program at a cost of \$39,600.

/ct

CM111313-1

JAMES E. MARTIN
County Manager

AMY H. CANNON
Deputy County Manager



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

JAMES E. LAWSON
Assistant County Manager

ITEM NO. 50(1-3)

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 18, 2013

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER

DATE: NOVEMBER 13, 2013

**SUBJECT: APPROVAL OF THE CUMBERLAND COUNTY POLICY
COMMITTEE REPORT AND RECOMMENDATION(S)**

BACKGROUND:

The Cumberland County Policy Committee met on Thursday, November 7, 2013 and discussed the following agenda:

- 1) Six-Month Contract with FaegreBD for Federal Advocacy Services
- 2) Phase II of County Smoke Free Initiative to Include Courthouse, Law Enforcement Center and Cumberland County Detention Center Effective July 1, 2014
- 3) Ordinance Prohibiting Certain Activity On or Within 5400 Feet of a School

“DRAFT” minutes for the Cumberland County Policy Committee are attached.

RECOMMENDATION/PROPOSED ACTION:

Accept and approve the Cumberland County Policy Committee report and recommendation(s).

/ct

Attachment

CM111313-3

DRAFT

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
NOVEMBER 7, 2013 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Charles Evans , Chairman
Commissioner Marshall Faircloth
Commissioner Kenneth Edge

OTHERS PRESENT: James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Chief Public Information Officer
Melissa Cardinali, Finance Director
Buck Wilson, Public Health Director
Rod Jenkins, Deputy Public Health Director
Russ Rogerson, The Economic Development Alliance of
Fayetteville & Cumberland County Executive Vice
President
Hanah Ehrenreich, Fayetteville Regional Chamber
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Evans called the meeting to order.

1. APPROVAL OF MINUTES – SEPTEMBER 5, 2013 MEETING

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

2. REPORT ON FEDERAL ADVOCACY PROGRAM

Sally Shutt, Chief Public Information Officer, stated the City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber have a federal advocacy partnership that works collaboratively to pursue federal legislative advocacy and funding assistance for strategic focus areas identified in an annual, collectively established federal agenda. Ms. Shutt stated the Federal Advocacy Program is an investment aimed at achieving policy gains which provide solutions to community issues and federal dollars to support priority projects and programs.

DRAFT

Ms. Shutt stated the goal of the City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber is to advocate for federal legislation, programs and funding that support the mission and priorities of the City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber.

Ms. Shutt stated federal funding and policy decisions are critical to the growth and strength of our community. Ms. Shutt stated the combined advocacy efforts protect and preserve essential community assets and resources, allowing Fort Bragg and its surrounding metropolitan and unincorporated areas to thrive.

Ms. Shutt stated the Federal Advocacy Program will work to ensure that policymakers are informed and engaged. Ms. Shutt stated it will deepen strategic alliances and public awareness and find opportunities to bolster public support and engagement. Ms. Shutt stated community groups are encouraged to collaborate on common policy and project priorities.

Ms. Shutt stated after issuing a request for proposals for federal legislative consulting services, the Fayetteville Regional Chamber received two responses. Ms. Shutt stated FaegreBD quoted \$7,500 per month (or \$90,000 for a 12-month contract period). Ms. Shutt stated FaegreBD would seek reimbursement for travel, meals, extraordinary copying and mailing costs. Ms. Shutt stated the Ferguson Group quoted \$144,000 per year for professional services and \$8,000 for business-related reimbursable expenses, the same fee it has been charging the partnership since 2008.

Ms. Shutt stated the Partnership's Coordinating Committee members are Rebecca Rogers-Carter, Russ Rogerson and Sally Shutt. Ms. Shutt stated the Partnership's Coordinating Committee is seeking direction on how to proceed with the Federal Advocacy Program and has the following recommendations:

- Adopt the framework for the Federal Advocacy Program based on the partnership's Memorandum of Agreement.
- Tie the federal agenda to the fiscal year and hold the next federal agenda-setting workshop on or about February 18, 2014.
- Contract with FaegreBD for six months starting in January or February 2014 to develop the partnership's federal agenda and strategy to achieve goals.

MOTION: Commissioner Faircloth moved to recommend to the full board consideration of request to approve the Partnership's Coordinating Committee's recommendations.

SECOND: Commissioner Edge

VOTE: PASSED (2-1) (Commissioners Faircloth and Edge voted in favor; Commissioner Evans voted in opposition)

3. CONSIDERATION OF APPROVAL OF PHASE II OF COUNTY SMOKE FREE INITIATIVE

DRAFT

Buck Wilson, Public Health Director, stated on May 6, 2013, the Board of County Commissioners approved the revised smoking ordinance to establish smoke free grounds for all health departments, library facilities and departments of social services.

Mr. Wilson stated according to *The New York Time*, researchers at Ohio State University found a smoker costs an employer in the United States an extra \$5,816 per year compared with a nonsmoker. Mr. Wilson stated the article estimated the largest cost, at \$3,077 annually, came from taking smoking breaks. Mr. Wilson stated the second largest cost, \$2,056, was related to excess health care expenses. Mr. Wilson stated the third cost came from increased absenteeism. Mr. Wilson stated the researchers found smokers missed about 2.5 extra workdays each year and lost productivity at work because of nicotine's withdrawal effects.

Mr. Wilson stated following the approval on May 6, 2013, county management requested a recommendation for Phase II to begin. Mr. Wilson stated on October 15, 2013, the Board of Health approved Phase II of the county smoke free initiative which includes the addition of the facilities listed below:

- Courthouse, 117 Dick Street, Fayetteville, NC 28301
- Law Enforcement Center, 131 Dick Street, Fayetteville, NC 28306
- Detention Center, 204 Gillespie Street, Fayetteville, NC 28301
- Animal Control, 4707 Corporation Drive, Fayetteville, NC 28306

Mr. Wilson requested the Policy Committee approve Phase II of the County Smoke Free Initiative.

MOTION: Commissioner Edge moved to recommend to the full board consideration of a request to approve Phase II of the County Smoke Free Initiative as recommended by the health director.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (3-0)

4. CONSIDERATION OF ORDINANCE PROHIBITING CERTAIN ACTIVITY ON OR WITHIN 500 FEET OF A SCHOOL

Mr. Moorefield stated Sheriff Butler requested that the Board of Commissioners consider the adoption of the proposed ordinance entitled, "Prohibited Activity On or Within 500 Feet of a School". Mr. Moorefield stated the Sheriff reported that this action was requested by Superintendent Till for the Cumberland County Board of Education and that this ordinance will also be considered by the governing bodies of the municipalities in the county. Mr. Moorefield stated the ordinance was drafted by Ronnie Mitchell, Counsel for the Sheriff.

DRAFT

MOTION: Commissioner Faircloth moved to recommend to the full board consideration of a request to approve the adoption of the ordinance as recommended by the county attorney.
SECOND: Commissioner Edge
VOTE: UNANIMOUS (3-0)

5. OTHER MATTERS OF BUSINESS

There were no other matters of business.

MEETING ADJOURNED AT 11:03 AM

JAMES E. MARTIN
County Manager

AMY H. CANNON
Deputy County Manager



CUMBERLAND
COUNTY
NORTH CAROLINA

JAMES E. LAWSON
Assistant County Manager

ITEM NO. 5D(1)

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS NOVEMBER 18, 2013 AGENDA

TO: BOARD OF COUNTY COMMISSIONERS
FROM: SALLY SHUTT, PUBLIC INFORMATION DIRECTOR
THRU: JAMES E. MARTIN, COUNTY MANAGER
DATE: NOVEMBER 13, 2013
SUBJECT: SIX-MONTH CONTRACT WITH *FAEGREBD CONSULTING* FOR FEDERAL ADVOCACY PROGRAM SERVICES

Background: The coordinating committee for the Federal Advocacy Program, a partnership between the City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber of Commerce, presented a report to the Cumberland County Policy Committee on November 7, 2013.

The coordinating committee developed the attached framework for the Federal Advocacy Program based on the partnership's Memorandum of Agreement and is seeking direction on how to proceed with the program.

After issuing a request for proposals for federal legislative consulting services, the Chamber received two responses. *The Ferguson Group* quoted \$144,000 per year for professional services and \$8,000 for business-related reimbursable expenses. *FaegreBD Consulting* quoted a fee of \$7,500 per month. The company would seek reimbursement for travel, meals, extraordinary copying and mailing costs.

The committee recommends contracting with *FeagreBD* for six months beginning February 1, 2014, for \$45,000 and capping reimbursable expenses at \$3,750.

The proposed scope of work during the six-month term calls for the firm to:

- Review relevant work products and data from previous federal affairs firm to gain insight into the effort in Washington, D.C., that was undertaken.
- Conduct structured interviews with the partnership administration, elected officials and key department heads to develop a deeper understanding of the partnership, its strengths, objectives and challenges.

- Map the compilation of priority directions against:
 - Key emerging federal congressional and administration priorities;
 - An audit of available grant programs across relevant federal agencies; and
 - New potential partnership and alliance opportunities, including new partnership with industry, federal economic development partners and other paths not necessarily viewed as within the traditional federal affairs strategic approach.
- Draft a proposed scope of work and federal relations plan aligned with the *Federal Affairs Assessment*
 - Share the draft plan with the partnership for review and refinement.
 - Review daily federal government grant notices for alignment to partnership objectives. Forward relevant notices to partnership point of contact. Consult with partnership members as requested and provide guidance regarding past successful grantee proposals (as applicable) and positioning for possible submissions.

Request and Recommendations: The partnership's coordinating committee is seeking direction on now to proceed with the Federal Advocacy Program. The committee has the following recommendations:

- Adopt the framework for the Federal Advocacy Program (attached) based on the partnership's Memorandum of Agreement (attached).
- Tie the federal agenda to the fiscal year and hold the next federal agenda-setting workshop on February 18, 2014.
- Contract with FaegreBD for six months from February 1-July 31, 2014 to develop the partnership's federal agenda and strategy to achieve goals.

The Policy Committee voted 2-1 to approve the recommendations and bring them before the full Board of Commissioners at its November 18, 2013 meeting.



MEMORANDUM

TO: Cumberland County Policy Committee

FROM: Rebecca Rogers-Carter, Russ Rogerson and Sally Shutt (Federal Advocacy Program partnership coordinating committee representatives)

DATE: October 29, 2013

SUBJECT: Report on Federal Advocacy Program

Background: After issuing a request for proposals for federal legislative consulting services, the Chamber received two responses. *FaegreBD* quoted \$7,500 per month (or \$90,000 for a 12-month contract period). The company would seek reimbursement for travel, meals, extraordinary copying and mailing costs. *The Ferguson Group* quoted \$144,000 per year for professional services and \$8,000 for business-related reimbursable expenses, the same fee it has been charging the partnership since 2008.

Request and Recommendations: The partnership's coordinating committee is seeking direction on now to proceed with the Federal Advocacy Program. The committee has the following recommendations:

- Adopt the framework for the Federal Advocacy Program (attached) based on the partnership's Memorandum of Agreement (attached).
- Tie the federal agenda to the fiscal year and hold the next federal agenda-setting workshop on or about February 18, 2014.
- Contract with *FaegreBD* for six months starting in January or February 2014 to develop the partnership's federal agenda and strategy to achieve goals.

Group requesting the matter: The coordinating committee for the Federal Advocacy Program, a partnership between the City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber of Commerce. Members are Rebecca Rogers-Carter, Russ Rogerson and Sally Shutt.

Expected Time Needed: 10 minutes



City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber

Framework for the Federal Advocacy Program

Goal:

To advocate for federal legislation, programs and funding that support the mission and priorities of the City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber.

Background:

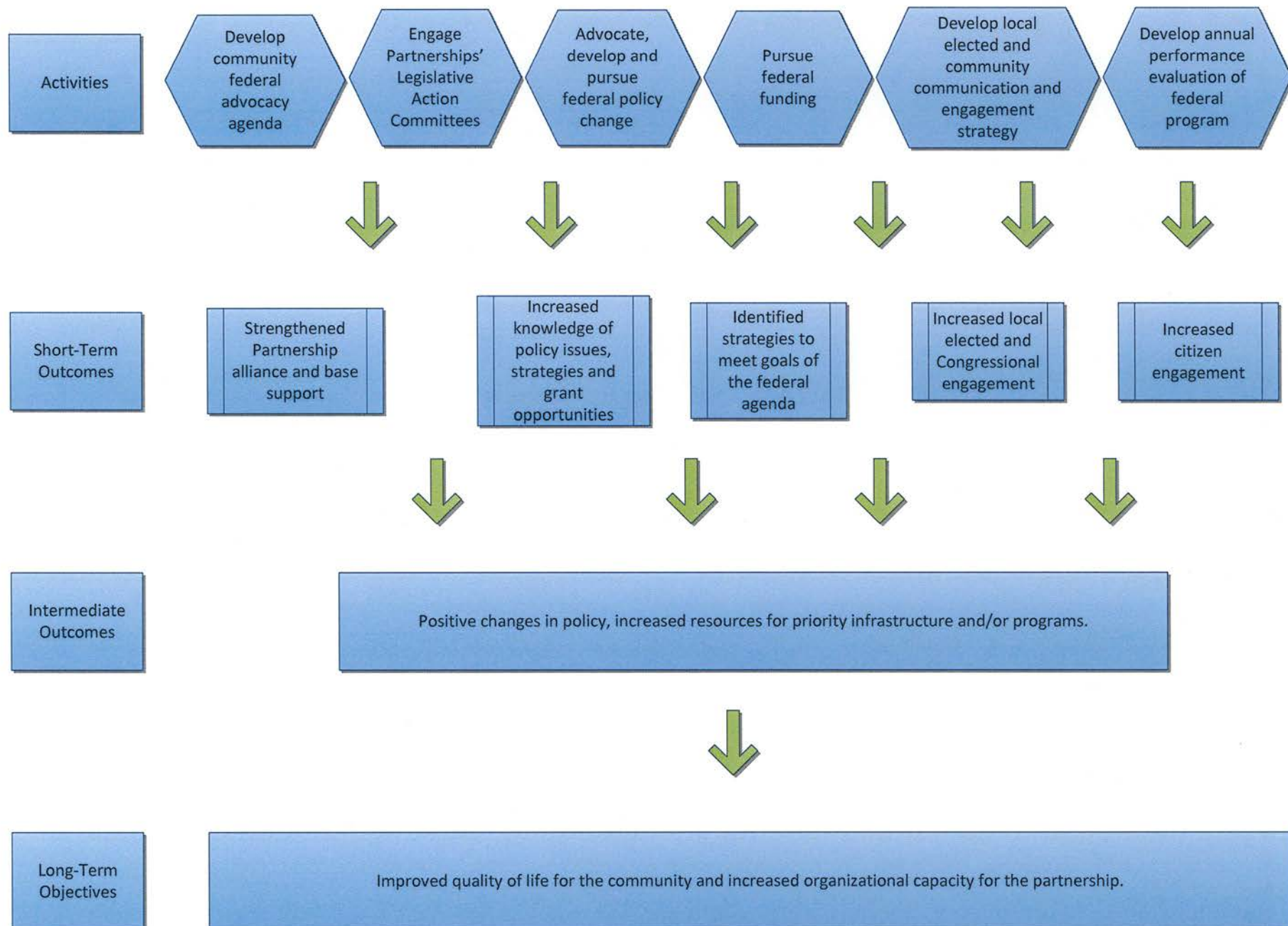
The City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber have a federal advocacy partnership that works collaboratively to pursue federal legislative advocacy and funding assistance for strategic focus areas identified in an annual, collectively established federal agenda. This Federal Advocacy Program is an investment aimed at achieving policy gains which provide solutions to community issues and federal dollars to support priority projects and programs.

Federal funding and policy decisions are critical to the growth and strength of our community. In the best interest of their constituents, the partners have prioritized infrastructure, technology and programmatic needs. The combined advocacy efforts protect and preserve essential community assets and resources, allowing Fort Bragg and its surrounding metropolitan and unincorporated areas to thrive.

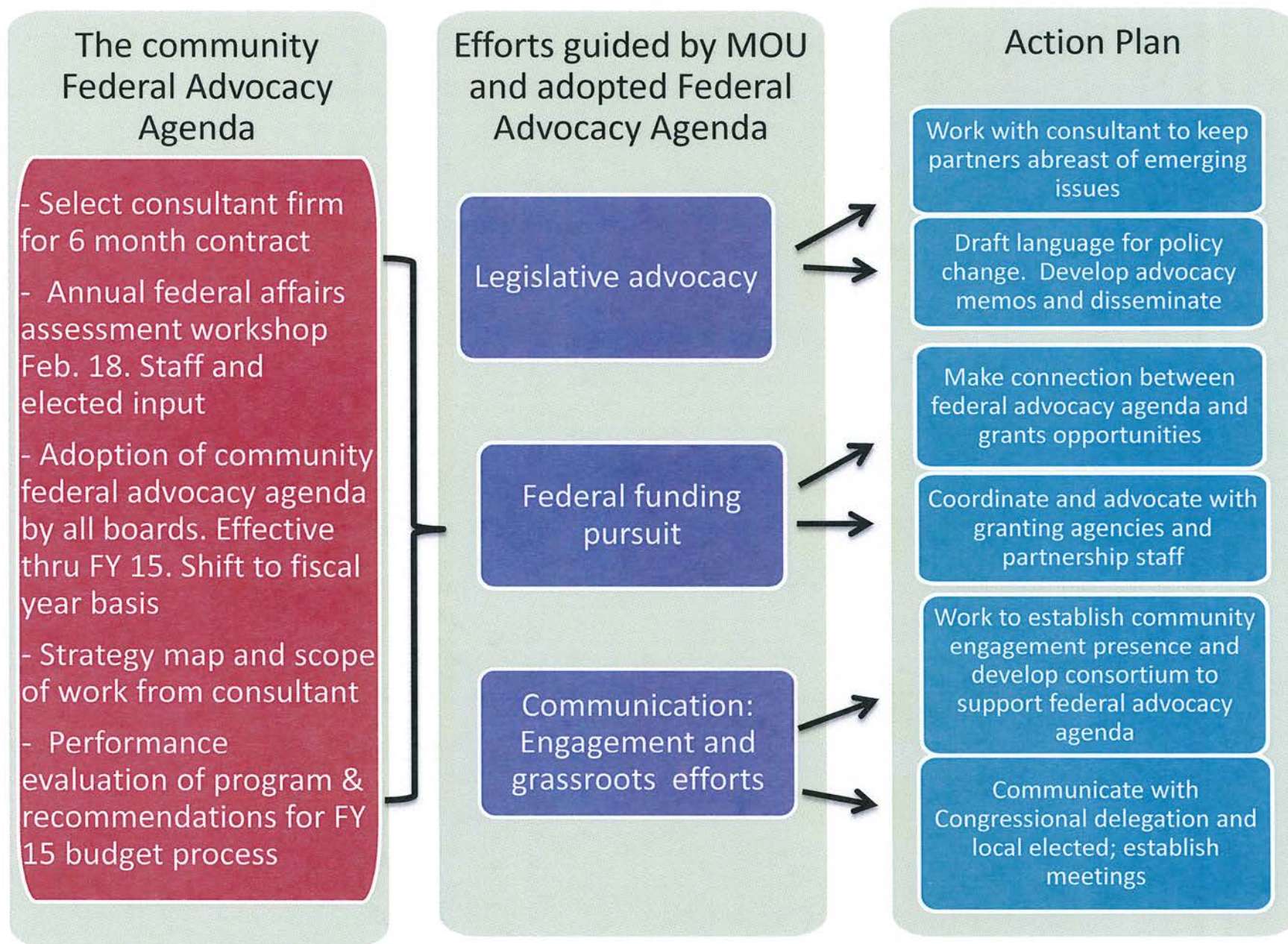
The program will work to ensure that policymakers are informed and engaged. We will deepen strategic alliances and public awareness as we find opportunities to bolster public support and engagement. Community groups are encouraged to collaborate on common policy and project priorities, which deepens our connection to public concerns.

Outcomes:

- Short-term outcomes (12 months): Strengthened partnership alliance, strengthened organizational capacity, increased partnership knowledge of policy issues and federal grant opportunities, identified strategies to meet goals, increased local elected and Congressional engagement, increased public awareness and engagement with federal issues impacting the community.
- Intermediate outcomes: Positive changes in policy, increased resources for priority infrastructure and/or programs.
- Long term outcomes: Increase the Partners' organizational capacity for core mission services and achieve a shift in social norms in our community that causes an improved quality of life for citizens.



ACTION PLAN MOVING FORWARD



COPY



City of
Fayetteville
North Carolina



CUMBERLAND
COUNTY
NORTH CAROLINA



THIS MEMORANDUM OF UNDERSTANDING, entered into this 28th day of May 2013, by and between the CITY OF FAYETTEVILLE ("City"), acting by and through its duly elected City Council, the COUNTY OF CUMBERLAND ("County"), acting by and through its duly elected Board of Commissioners and the FAYETTEVILLE REGIONAL CHAMBER ("Chamber"), acting through its Board of Directors, hereinafter "The Partners."

Whereas, the City, County, and the Chamber have successfully worked collaboratively through a common contractor to pursue federal funding for projects identified each year; and

Whereas, the federal funding system focus has changed from legislative designation to administrative allocation through competitive grants; and

Whereas, due to the importance of military spending to the local economy, federal funding and policy decisions are critical to the growth and strength of the City, County, and Chamber; and

Whereas, The Partners believe that it is in best interest of their respective constituents to collaborate on the pursuit of a federal advocacy agenda and federal designation and grant funding opportunities; and

Whereas, the operating practices and resources of the partnership must be revised to respond effectively to the new federal funding paradigm; and

Whereas, the City, County, and Chamber have partnered to create and support the Economic Development Alliance of Fayetteville and Cumberland County ("Alliance") for the purpose of serving job creation and development in the region;

NOW THEREFOR; City of Fayetteville, County of Cumberland, and the Fayetteville Regional Chamber agree as follows:

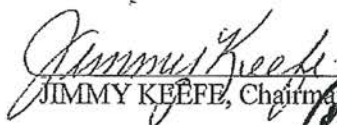
1. Priority areas for advocacy and pursuit of federal grant opportunities include
 - a. Military spending and policy; and
 - b. Transportation and infrastructure spending and policy; and
 - c. Public safety and community quality of life spending and policy; and
 - d. Education and training spending and policy.

2. The Partners will designate representatives for a coordinating committee that will be responsible for
 - a. Developing Partner legislative advocacy agenda; and
 - b. Responding to legislative issues as they arise; and
 - c. Resource allocation and prioritization ; and
 - d. Coordination and collaboration of federal grant opportunities.
3. Federal Advocacy Agenda:
 - a. Annual Priorities: The Partners will meet annually to establish a federal advocacy agenda that will identify up to ten (10) highest priority position statements to be the focus of their combined advocacy efforts.
 - b. Federal Representation Resource: The Alliance will contract for professional services to assist the Partnership with:
 - i. Development and pursuit of the legislative advocacy agenda focused on policy; and
 - ii. Administrative advocacy in pursuit of grant funding; and
 - iii. Identification, pursuit and advocacy of federal designation opportunities that meet the goals of the established legislative advocacy agenda.The cost of this contract will be divided equally between the Partners.
4. Federal Grant Funding:
 - a. Collaborative Efforts: The Partners will collaborate on seeking and pursuing opportunities for federal grant funding on issues and projects defined in the legislative advocacy agenda. This effort will include developing a unified resource for grant research focused on developing grant opportunities for existing programs and needs of any partner organization, grant writing assistance, and agency advocacy.
 - b. Federal Grant Support Resource: The Alliance will secure resources to research federal grant opportunities which will incorporate support for grant writing and may include contracting, FTE, or a combination thereof. The cost of this resource will be divided between the Partners as agreed by the parties.

THIS MEMORANDUM OF UNDERSTANDING renews automatically on an annual basis until such time that a member of the Partnership provides 60 day advance written notification of cancellation to all parties.

**CUMBERLAND COUNTY BOARD OF
COMMISSIONERS**

CITY OF FAYETTEVILLE


JIMMY KEEFE, Chairman


ANTHONY G. CHAVONNE, Mayor

ATTEST:

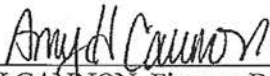
ATTEST:


CANDICE WHITE, Clerk


PAMELA J. MEGILL, City Clerk



This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.


AMY CANNON, Finance Director

APPROVED AS TO FORM:


RICK MOREFIELD, County Attorney

FAYETTEVILLE REGIONAL CHAMBER


DOUGLAS S. PETERS, CEO

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

 6/10/13
LISA T. SMITH, Chief Financial Officer

APPROVED AS TO FORM:


KAREN M. MCDONALD, City Attorney



Calendar Year 2013 Federal Legislative Agenda

The City of Fayetteville, Cumberland County, and the Fayetteville Regional Chamber of Commerce have formed a strategic partnership to establish a federal advocacy agenda. Federal funding and policy decisions are critical to the growth and strength of our community. In the best interest of their constituents, the partners have prioritized infrastructure, technology and programmatic needs. The combined advocacy efforts will protect and preserve essential community assets and resources, allowing Fort Bragg and its surrounding metropolitan and unincorporated areas to thrive. Therefore, the partners call upon the advocacy of its Congressional delegation to support their highest priorities.

HOMELAND SECURITY, EMERGENCY RESPONSE AND PUBLIC SAFETY

Combating gun violence, gangs, domestic violence and human trafficking are top priorities. Our community operates under constant public safety danger based on the national security agenda, proximity to Fort Bragg, and our central location and accessibility to interstate highways. Interoperability improvements are a must for our community, yet there is no funding to do so. The military security component creates unique challenges in communications between first responders and the military. County public safety agencies, the city police and fire departments are in need of updating radio systems to be P-25 compliant. Additionally, radio interoperability between the city, county and Fort Bragg emergency services is very limited.

Position: Invest in our nation's homeland security, public safety and local first responders.

PRIORITY INITIATIVES

- Gun Safety
- Technology inter-operability
- Joint Emergency Operations Center
- Anti-Human Trafficking
- Innovative Family Justice Center
- Court programing for domestic violence and sexual assault prevention

ACTION STEPS

Legislative Advocacy:

- Design language for FY14 Justice Appropriations that gives the Justice Department the flexibility it needs to allow discretionary funding of a competitive grant for public safety technology
- Assist acquisition of communication systems for P-25 compliance between military, first responders, and public safety officers
- Incentivize joint emergency & crisis services; support government modernization
- Fund Homeland Security
- Support anti-human trafficking infrastructure funding; port, highway, and street development to provide effective police response

Federal Assistance:

- Smart Policing Initiative
- Project Safe Neighborhoods
- Violence Against Women Act
- Anti-gang initiatives
- Byrne Criminal Justice Innovation program



Calendar Year 2013 Federal Legislative Agenda

VETERANS, HEALTH & HUMAN SERVICES

North Carolina has a population of 760,000 veterans. Cumberland County has the third largest population of veterans for any county and ranks first for all categories of disabled veterans, including 100 percent disabled. Fayetteville and Cumberland County are proud to be the home of Fort Bragg, the second largest military installation in the world, and consider it a privilege to serve active-duty military and veterans. Yet the impact on local government, and our health and human services agencies, is significant. Increasingly limited resources are threatening the delivery of health-related and social services for veterans and our military population, who have been at war continuously for 12 years.

Position: Advocate for targeted funding and legislation to assist with veterans support services, mental health resources, homelessness, and military workforce development.

PRIORITY INITIATIVES

- Support court innovation programs with emphasis on veterans and mental health needs
- Crisis Intervention Training
- Emergency shelter & homeless prevention program support
- CDBG & HOME: Affordable Housing

ACTION STEPS

Legislative Advocacy:

- Advocate for veterans support services provided by local governments: transportation, mental health, crisis intervention, medical care, transitional housing and counseling, including creating new legislation where needed
- Work with national associations and coalitions to protect and sustain HOME and CDBG funding
- Support funding for Institute for Museum and Library Services

Federal Assistance:

- Veterans Treatment Court, grant application 2013.
- Seek capital funding for drop-off center and programmatic support for Crisis Intervention Training
- Street Outreach Program
- Urban and Non-Urban Homeless Veterans Reintegration
- Seek federal funding sources for a dedicated county law enforcement officer to work with homeless



Calendar Year 2013 Federal Legislative Agenda

TRANSPORTATION, ENVIRONMENT & INFRASTRUCTURE

Fayetteville's infrastructure network is vital to our community's safety, connectivity, economic development and growth. As local governments respond to fiscal challenges and existing infrastructure ages and lags behind growth, federal support is critical. Public transit is a Smart Growth environmental priority for the region. Fayetteville's public transit system has experienced an increase in public transit use of 80 percent since 2008. Airport funding must be protected and expanded as our military and business sectors greatly rely on the services provided by Fayetteville Regional Airport and are invested in the future growth of these services. It is imperative that we preserve our natural resources, and green spaces to create beautiful, walkable communities. Fayetteville's parks and recreation facilities lag behind the national standard and struggle to provide quality of life programs for all its citizens, including the military families our community supports.

Position: Advocate for the authorization of a well-funded, long-term, comprehensive surface transportation program. Advocate for enhanced congressional support for urban design, air quality improvement, traffic calming, street widening, and pedestrian safety improvements on roadways and corridor projects that will promote business development and necessary military transit. Advocate for infrastructure funding to accelerate job growth, assist communities with declining infrastructure, including capital projects for Parks and Recreation facilities.

PRIORITY INITIATIVES

- Protection of public transit system formula funding
- Expanding public transportation programs (rural, startups, etc)
- Protection and expansion of airport funding
- Expansion of roadways and utilities for business development
- I-295 accelerated schedule
- Environmental protection
- Community gateway and transportation corridor beautification funding
- Capital funding for maintenance, upgrades and additional facilities

ACTION STEPS

Legislative Advocacy:

- Draft FAST amendments for surface transportation (MAP-21)
- Advocate for comprehensive regional master plan development funding
- Engage in planning process to prepare for smart communities/smart growth strategies, funding and implementation
- Support expanded authority in Water Resources Development Act under Section 219(f) for water and sewer upgrades and remove appropriation restrictions on Corps new starts
- Support the Community Parks Revitalization Act and innovative financing of park and recreational infrastructure

Federal Assistance:

- Seek funding for traffic safety study
- Help public transit system maximize federal resources
- Help Fayetteville Area Metropolitan Planning Organization maximize federal resources
- Seek funding to study I-95 corridor improvements
- Explore ways to help NCDOT fund an accelerated construction schedule for the Fayetteville-Cumberland County I-295 Outer Loop
- Seek grants to fund parks and recreational facilities



City of
Fayetteville
North Carolina



Fayetteville Regional
CHAMBER

Calendar Year 2013 Federal Legislative Agenda

ECONOMIC & WORKFORCE DEVELOPMENT	<p>Economic and talent development, in light of sequestration, creates an urgent need for industry diversification in Cumberland County. We are seeking ways to support business growth and new industry development to combat the county's high unemployment rate. Additionally, attempts to attract large industry to the area have brought to light an infrastructure deficit. Economic development initiatives would benefit greatly from the purchase and development of a mega site.</p>
<p>Position: Advocate for additional legislative attention to promote small business development, assist the growth of the local food economy, and workforce innovation grant funding for internships/work-based learning in high growth fields to support veteran employment and skilled workforce for businesses.</p>	
<p><u>PRIORITY INITIATIVES</u></p> <ul style="list-style-type: none"> • Foreign Direct Investment attraction • Mega site • Workforce training initiatives and hiring incentives • Farmers markets • Wounded Warrior employment assistance • Murchison Road Corridor Development 	<p><u>ACTION STEPS</u></p> <p><i>Legislative Advocacy:</i></p> <ul style="list-style-type: none"> • Support funding for U.S. Department of Labor Workforce Innovation Grant programs and High Growth Job Development Initiatives, as well as funding for work-based experiential learning, internships/externships, apprenticeships, youth work programs and business hiring incentives for veterans and ex-offenders • Support funding for workforce development programs for veterans, military families and wounded warriors • Support Veterans Administration and Small Business Administration programs that provide small business loans <p><i>Federal Assistance:</i></p> <ul style="list-style-type: none"> • Seek funding for mega site infrastructure development funding • U.S. Economic Development Administration Public Works and Economic Adjustment Assistance Programs • U.S. Department of Agriculture's Farmers Market Promotion Program • Seek funding and leverage partnerships in an effort to promote economic development along the Murchison Road corridor
LOCAL GOVERNMENT SUSTAINABILITY	<p>Congressional support of fiscal tools that help ensure financial sustainability for local governments.</p>
<p><u>INITIATIVES</u></p> <ul style="list-style-type: none"> • Online Sales Tax • Municipal Bonds • Impact Aid 	<p><u>ACTION STEPS</u></p> <ul style="list-style-type: none"> • Support legislation that allows local governments to collect sales taxes from online sales • Oppose increasing costs of issuing municipal bonds • Oppose cuts to Impact Aid and support legislation that assists with school construction projects



ITEM NO. 5D(2)

CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

DEPARTMENT OF PUBLIC HEALTH

**MEMORANDUM FOR THE CONSENT AGENDA BOARD OF COUNTY
COMMISSIONERS MEETING ON NOVEMBER 18, 2013**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: BOARD OF HEALTH

THROUGH: BUCK WILSON, PUBLIC HEALTH DIRECTOR *B. Wilson*
JAMES LAWSON, ASSISTANT COUNTY MANAGER

DATE: NOVEMBER 13, 2013

**SUBJECT: CONSIDERATION OF APPROVAL OF PHASE II OF COUNTY
SMOKE FREE INITIATIVE**

BACKGROUND:

On May 6, 2013, the Board of County Commissioners approved the revised smoking ordinance to establish smoke free grounds for all health department and library facilities, and department of social services.

According to The New York Times, the cost of a smoker is \$5,816. Also stated in the same article, a smoker costs an employer in the United States an extra \$5,816 per year compared with a nonsmoker, according to researchers at The Ohio State University. They estimated the largest cost, at \$3,077 annually, came from taking smoking breaks. The second largest cost, at \$2,056, was related to excess health care expenses. And, the third cost came from increased absenteeism. The researchers found that smokers miss about 2.5 extra workdays each year, and lost productivity at work because of nicotine's withdrawal effects.

Following the approval on May 6, 2013, county management requested a recommendation for Phase II to begin. On October 15, 2013, the Board of Health approved Phase II of the county smoke free initiative which includes the addition of the facilities listed below:

- Courthouse, 117 Dick Street Fayetteville NC 28301
- Law Enforcement Center, 131 Dick Street Fayetteville NC 28306
- Detention Center, 204 Gillespie Street Fayetteville NC 28301
- Animal Control, 4707 Corporation Drive Fayetteville NC 28306

RECOMMENDATION/PROPOSED ACTION:

On November 7, 2013 the Policy Committee approved Phase II of the County Smoke Free Initiative.

The recommendation/proposed action is for the Board of County Commissioners to consider approval of the Phase II County Smoke Free Initiative.

Thank you for your consideration.

Attachment (1)

/tlb

A. Approval of Revised Cumberland County Smoking Ordinance

BACKGROUND:

In 1993, the Board of County Commissioners adopted an ordinance prohibiting smoking in all county-owned or leased buildings and vehicles and within 25 feet of the buildings. The ordinance is codified in Chapter 9.5 of the Cumberland County Code. On April 4, 2013, the Policy Committee voted to recommend the Board approve an ordinance prohibiting smoking on the grounds of designated facilities including the Department of Social Services, all facilities where Health Department services are provided, and all county library facilities.

The revised smoking ordinance as recorded below repeals the old smoking ordinance and incorporates the provisions of the old ordinance and the provisions of the proposed ordinance prohibiting smoking on designated grounds.

RECOMMENDATION/PROPOSED ACTION:

That the board of commissioners adopts the revised smoking ordinance as recorded below.

AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS REPEALING CHAPTER 9.5, ARTICLE III. SMOKING, OF THE CUMBERLAND COUNTY CODE AND ADOPTING A REVISED CHAPTER 9.5, ARTICLE III. SMOKING, OF THE CUMBERLAND COUNTY CODE

WHEREAS, Cumberland County adopted an ordinance in 1993 (Cumberland County Code §9.5-91) prohibiting smoking in all county leased and owned buildings and vehicles, and within 25 feet of the entrance or exit to any public building; and,

WHEREAS, research indicates tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation; and

WHEREAS, research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity; and

WHEREAS, Cumberland County wishes to minimize the harmful effects of smoking among County employees and eliminate secondhand smoke exposure for employees and the public in and on those buildings, vehicles, and grounds controlled by the County; and WHEREAS, the Cumberland County Smoking Ordinance has been codified as Chapter 9.5, Article III, Sections 9.5-90-98 of the Cumberland County Code; and

Whereas, the Board of Commissioners wishes to make a comprehensive revision of Chapter 9.5, Article III. Smoking, of the Cumberland County Code by the repeal of Chapter 9.5, Article III. Smoking, of the Cumberland County Code and the adoption of the Revised Chapter 9.5, Article III. Smoking, of the Cumberland County Code as set

forth below; and

WHEREAS, the Board of Commissioners finds the comprehensive revision of Chapter 9.5, Article III. Smoking, of the Cumberland County Code to be in the public interest and to promote the public health, safety, and welfare,

NOW, THEREFORE, BE IT ORDAINED by the Cumberland County Board of Commissioners that:

Chapter 9.5, Article III. Smoking, of the Cumberland County Code is hereby repealed in its entirety and a revised Chapter 9.5, Article III. Smoking, of the Cumberland County Code is hereby adopted.

Sec. 9.5-90. Purpose and intent.

Numerous reliable studies have found that tobacco smoke is a major contributor to indoor air pollution and have shown that breathing side-stream or secondhand smoke is a significant health hazard to nonsmokers. The Surgeon General of the United States has concluded that involuntary or passive smoking is the cause of disease, including lung cancer, in healthy nonsmokers and has estimated that involuntary smoking causes more deaths, approximately 5,000 per year, than all other airborne pollutants combined, excluding asbestos. The board of county commissioners recognizes the increasing evidence that smoke creates a danger to the health of some citizens and is a cause of annoyance and physical discomfort to those who are in confined spaces where smoke is present. The board of county commissioners also recognizes that research indicates that during active smoking outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity. The purpose and intent of this article is to promote the public health, safety and general welfare by prohibiting smoking within all county leased or owned buildings and vehicles and on designated grounds.

Sec. 9.5-91. Definitions.

The following terms, words, and phrases as used in this article are hereby defined as follows:

County building shall mean a building owned, leased as lessor, or the area leased as lessee and occupied by the County.

Employee shall mean a person who is employed by the County of Cumberland, or who contracts with the County or a third person to perform services for the County, or who otherwise performs services for the County with or without compensation.

Enclosed area shall mean the interior portion of a county owned or leased building.

Grounds shall refer to all unenclosed property surrounding county buildings.

Public building shall mean any enclosed area of any building or structure owned, leased, operated, maintained or managed, directly or indirectly, by the county.

Smoke or smoking shall refer to:

- (1) The carrying or holding of a lighted pipe, cigar or cigarette of any kind or any other lighted smoking equipment or device;
- (2) The possession of any burning tobacco, weed or other plant product; or

- (3) The lighting of, emitting of, exhaling of the smoke of a pipe, cigar or cigarette of any kind.

Sec. 9.5-92. Smoking prohibited in public buildings and vehicles.

Smoking shall be prohibited within all public buildings and vehicles except the public areas of the Charlie Rose Agri-Expo Center. The public areas of the Charlie Rose Agri-Expo Center shall be limited to the lobby and the exhibit floor of the building. No smoking is to be allowed in the office portions of the Agri-Expo Building or in the restrooms, concession stands, or ticket booths. The Civic Center Commission is authorized and directed to develop rules and policies to regulate smoking at the Charlie Rose Agri-Expo Center. Smoking is permitted on the grounds of all public buildings not specifically designated herein as non-smoking grounds, but not within 25 feet of the entrance or exit of any public building.

Sec. 9.5-93. Smoking prohibited on designated grounds.

Smoking is prohibited on the grounds of the Department of Social Services building located at 1225 Ramsey St., Fayetteville, NC 28301 and the grounds of any County building where Cumberland County Health Department services are provided, including 130 Gillespie Street Fayetteville, NC 28301 (the Historic Courthouse); 103 Laketree Blvd. Spring Lake, NC 28390; 2622 Hope Mills Road Millview Place -- Suite 100, Fayetteville, NC 28306; 1235 Ramsey Street Fayetteville NC 28301 (the primary Health Department facility); 227 Fountainhead Lane Fayetteville NC 28301; 109 Bradford Avenue Fayetteville NC 28301. Smoking is also prohibited on the grounds of county library facilities including the following: 300 Maiden Lane Fayetteville NC 28301; 3711 Village Drive Fayetteville NC 28304; 6882 Cliffdale Road Fayetteville NC 28314; 4809 Clinton Road Fayetteville NC 28312; 3411 Golfview Road Hope Mills NC 28348; 855 McArthur Road Fayetteville NC 28311; 101 Laketree Blvd. Spring Lake NC 28311; and 7469 Century Circle Fayetteville NC 28306.

Sec. 9.5-94. Posting of signs required.

"No smoking" with letters of not less than one inch in height or the international "no smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every public building or other place where smoking is regulated by this article, by the public official having control of such building or other place. No person shall remove or deface any sign required to be posted by or under the authority of this article.

Sec. 9.5-95. Implementation Requirements

(a) The County shall remove all ashtrays and other smoking receptacles from grounds where smoking is prohibited.

(b) The person in charge of the grounds where smoking is prohibited, or his or her designee, shall direct a person who is smoking in a prohibited area to cease and, if the person does not comply, shall contact the designated enforcement officer for the County.

(c) The county shall provide county employees with resources for quitting smoking or tobacco use, including information about the free quitting support services of the North Carolina Tobacco Use Quitline (1-800-QUIT-NOW (1-800-784-8669)).

Sec. 9.5-96. Enforcement and Penalties

(a) *Penalty for Violation.* Following oral or written notice by the person in charge of an area described in Section 3, or his or her designee, failure to cease smoking constitutes an infraction punishable by a fine of not more than fifty dollars (\$50.00). A person duly authorized by the Board of County Commissioners shall be authorized to send a civil penalty citation to the violator by certified mail or personally deliver such citation to the violator stating the nature of the violation, the amount of the penalty, and directing that the violator pay the penalty to the County tax collector office within 14 days of receipt of the citation.

(b) *Additional sanctions for employees.* In addition to any penalty under subsection (a), employees of the County who violate this ordinance shall be subject to disciplinary action consistent with the County's human resources policies.

Sec. 9.5-97. Other applicable laws.

This article shall not be interpreted nor construed to permit smoking where it is otherwise prohibited or restricted by other applicable laws.

Sec. 9.5-98. Effective date.

This ordinance shall be effective the 1st day of January, 2014.

Adopted this 6th day of May, 2013.

RICKEY L. MOOREFIELD
County Attorney



PHYLLIS P. JONES
Assistant County Attorney

ROBERT A. HASTY, JR.
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

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

ITEM NO. 50(3)

**MEMO FOR THE AGENDA OF THE NOVEMBER 18, 2013
MEETING OF THE BOARD OF COMMISSIONERS**

TO: Bd. of Commissioners; Co. Manager; Ronnie Mitchell
FROM: Co. Atty. *R. Moorefield*
DATE: November 13, 2013
SUBJECT: Ordinance Prohibiting Certain Activity On or Within 500 Feet of a School

Draft ordinance is attached.

BACKGROUND:

Sheriff Butler has requested the Board to adopt the attached proposed ordinance entitled, "Prohibited Activity On or Within 500 Feet of a School." The Sheriff reports that this action was requested by Superintendent Till for the Cumberland County Board of Education and that this ordinance will also be considered by the governing boards of the municipalities in the county. The ordinance was drafted by Ronnie Mitchell, Counsel for the Sheriff.

At its November 7, 2013 meeting, the Policy Committee voted to recommend approval of this ordinance to the full board.

RECOMMENDATION/ACTION REQUESTED:

County attorney recommends adoption of this ordinance, to be added to Chapter 9.5 of the *County Code*.
September 20, 2013

Proposed Ordinance

Prohibited Activity on or Within 500 Feet of a School.

Section 1. No person shall (nor shall any group of persons) continuously walk, run or move about on any school property or any sidewalk, roadside, public vehicular area or other property, or wait, or stop, nor park or leave standing any vehicle for a period in excess of five (5) minutes, whether attended or unattended, except when allowed pursuant to the express written permission of the Superintendent of Schools or the duly appointed designee of the Superintendent or a valid permit for parade, assembly, march or protest issued by a competent governmental authority or when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or duly appointed school crossing guard or official traffic control device, within 500 feet of any school or school facility and particularly, including, but not limited to, any of the following places:

- (a) Within an intersection of any street or public vehicular area, particularly but not limited to an intersection with a school entrance or entrances, except adjacent to curbs as may be permitted by local ordinance.
- (b) On a crosswalk, except that a bus operated by the Board of Education or engaged as a common carrier may stop in a crosswalk to load or unload passengers when authorized by the Board of Education, its Superintendent or his designee or the County Board of Commissioners or the governing body of any affected city pursuant to an ordinance.
- (c) Between a safety zone and the adjacent right-hand curb or within the area between the zone and the curb as may be indicated by a sign or paint on the curb, which sign or paint was erected or placed by local authorities pursuant to an ordinance.
- (d) Within 15 feet of the driveway entrance to any school.
- (e) In or in front of a public or private driveway, except that a bus engaged as a common carrier, school-bus, or a taxicab may stop to load or unload passengers when authorized by the Board of Education, its Superintendent or his designee or the County Board of Commissioners or the governing body of any affected city pursuant to an ordinance.
- (f) On any portion of a sidewalk, or with the body of the vehicle extending over any portion of a sidewalk, except when authorized by the Board of Education, its Superintendent or his designee, or by the Board of County Commissioners or the governing body of any affected city pursuant to an ordinance.

(g) On the road side of any vehicle stopped, parked, or standing at the curb or edge of a highway, except for a school bus when stopped to load or unload pupils or personnel.

(h) In or on any school parking lot, public vehicular area or other area of the school, without the authority or permission of the Board of Education, its Superintendent or the Superintendent's designee, or by the Board of County Commissioners or the governing body of any affected city pursuant to an ordinance.

For purposes of this ordinance, in an unincorporated area or unimproved portion of school property, where the entrance of a private road or driveway is not delineated by an opening in a curb or by other curb construction, so much of the surface of the ground as is paved, surfaced, or otherwise plainly marked by vehicle use as a road, easement, or driveway entrance, shall constitute a driveway.

For purposes of this ordinance parents, guardians or lawful custodians of a student, shall be presumed to have the permission of the Board of Education, its Superintendent or the Superintendent's designee, to enter the school's driveways and public vehicular areas and stopping, parking, and remaining on the premises for purposes of attending school activities or functions which such parents, guardians or lawful custodians of a student would ordinarily and customarily be expected to attend, including parent-teacher conferences, athletic events, and other school sponsored events.

Section 2. No person shall, with the intent to disrupt any school facility, function or activity, enter or go upon school property or within 500 feet of such school, facility or activity and engage in conduct which disrupts, disturbs or interferes with or clearly appears to present a clear and present danger that such conduct, act, or actions will disrupt, disturb or threaten the safety and security of students or personnel of the school facility or activity.

Any person who shall be a member of a street-gang who has been validated by the Office of the Sheriff to be a member of a street gang who shall be on any school property or who shall be on or in any of the places referred to in this Section or Section 1 of this ordinance shall be presumed to be in violation of this Section as well as Section 1 of this ordinance.

Any person who shall be on the school property or in any of the places referred to in this Section or Section 1 of this ordinance who shall have in his or her possession any form of weapon or any pyrotechnic or device capable of being readily made into any explosive or incendiary device or which is apparently capable of containing any such device, without lawful authority or permission to do so, shall be presumed to be in violation of this Section of this ordinance.

Section 3. The provisions of this ordinance shall not apply to law enforcement officers, fire

fighters, or other first responders or emergency personnel in the performance of their duties.

Section 4. A violation of any provision of this article shall be a misdemeanor punishable to the extent provided in North Carolina General Statutes, Section 14-4 , and the fine for such violation shall be in a sum imposed in the discretion of the court but in an amount less than five hundred dollars (\$500.00). Any person or corporation or other entity violating this ordinance shall be guilty of a Class 3 misdemeanor and, as provided, shall be fined not more than five hundred dollars (\$500.00). The maximum fine, for such violation, therefore, shall be in excess of fifty dollars (\$50.00) in accordance with the provisions of N.C.G.S. § 14-4(a).

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

October 30, 2013

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

MEMORANDUM

ITEM NO. 5E

To: Cumberland County Board of Commissioners

Thru: Tom Lloyd, Director Planning & Inspection *TJL*

From: Cecil P. Combs, Deputy Director Planning & Inspection *CC*

Re: County Owned Property (10599 Colliers Chapel Road, Linden NC)

In response to several complaints concerning the property located at the above referenced address in the Town of Linden, the Planning and Inspections Department inspected the property and has deemed it uninhabitable. The Town of Linden does not have an enforceable Minimum Housing Ordinance but given that Cumberland County owns this property, it would be prudent to adopt an ordinance to affect its demolition. This recommended action would help preserve and protect the health, safety and welfare of the citizens of Cumberland County.

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

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

BACKGROUND: That the following is a report on case number BI-2013-1015 and is identified as Item Number _____.

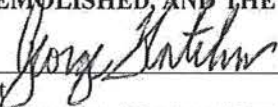
Property Owner: Cumberland County

Property Address: 10599 Colliers Chapel Church Road, Linden, NC (wood frame single family dwelling)

Tax Parcel Identification Number: 0574-75-0999

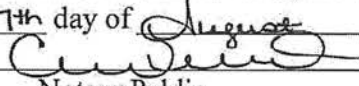
SYNOPSIS: This property was inspected on August 7, 2013. The structures are presently vacant and unsecure. In their present state, these structures constitute a fire, health, and safety hazard. The estimated cost to repair these structures to a minimum standard for human habitation is \$50,000. The Assessor for Cumberland County has these structures presently valued at \$.00 each for salvageable materials. Attached is a map depicting the location of the property. (See Exhibit B.)

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



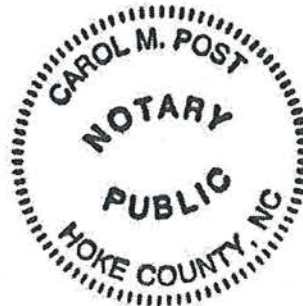
Affiant
Housing Inspector/County of Cumberland

Sworn to and Subscribed to by me this
the 7th day of August 2013.



Notary Public

My Commission Expires: 11/03/2014



REPORT OF BUILDING INSPECTION
CASE # BI-2013-1015

DATE OF INSPECTION: October 15, 2013

PROPERTY LOCATION: 10599 Colliers Chapel Church Road,
Linden, NC

OWNER/AGENT: Cumberland County, PO Box 449, Fayetteville, NC
28312

OCCUPANT: Vacant

PARCEL ID. NO. 0574-75-0999

BUILDING USE: Residential
BUILDING CLASSIFICATION: Residential
ZONING CLASSIFICATION: R6A

APPRAISED TAX VALUE: (STRUCTURE: \$0.00)

APPRAISAL DATE: 04/11/2008

**DOES DAMAGE OR DETERIORATION OF THE STRUCTURE EXCEEDS 50%
OF ITS PHYSICAL VALUE** YES

DOES STRUCTURE CONFORM WITH ZONING REGULATIONS? NO

ITEMS DETERMINED TO BE UNSAFE BY INSPECTOR:

A county owned wood frame single family dwelling that is vacant,
unsecure, collapsing and overgrown with vegetation creating a fire,
health and safety hazard in a residential neighborhood.

Inspection Certified by Building Inspector:

George L. Litcher

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: Cumberland County
10599 Colliers Chapel Church Road, NC
TAX PARCEL IDENTIFICATION NUMBER: 0574-75-0999

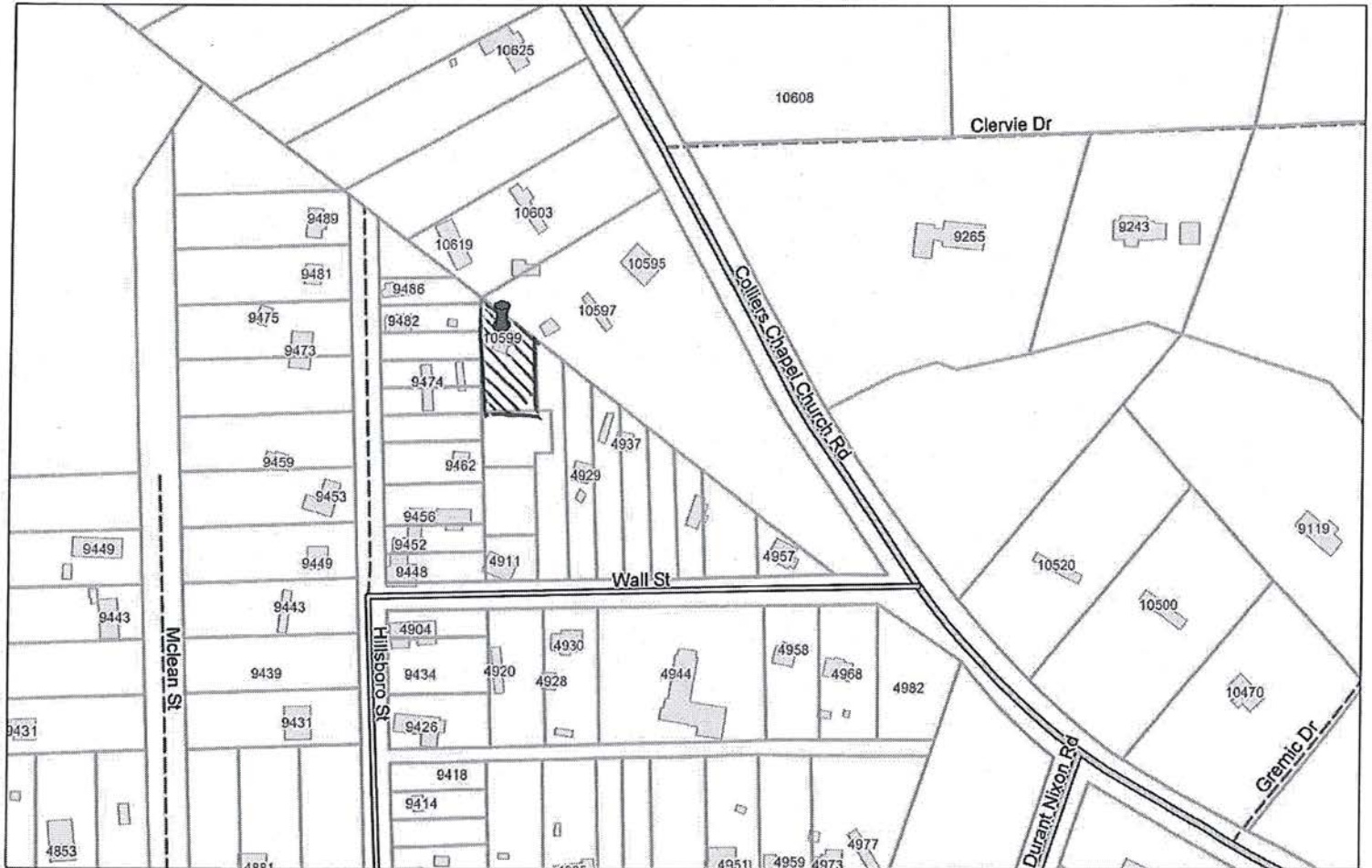
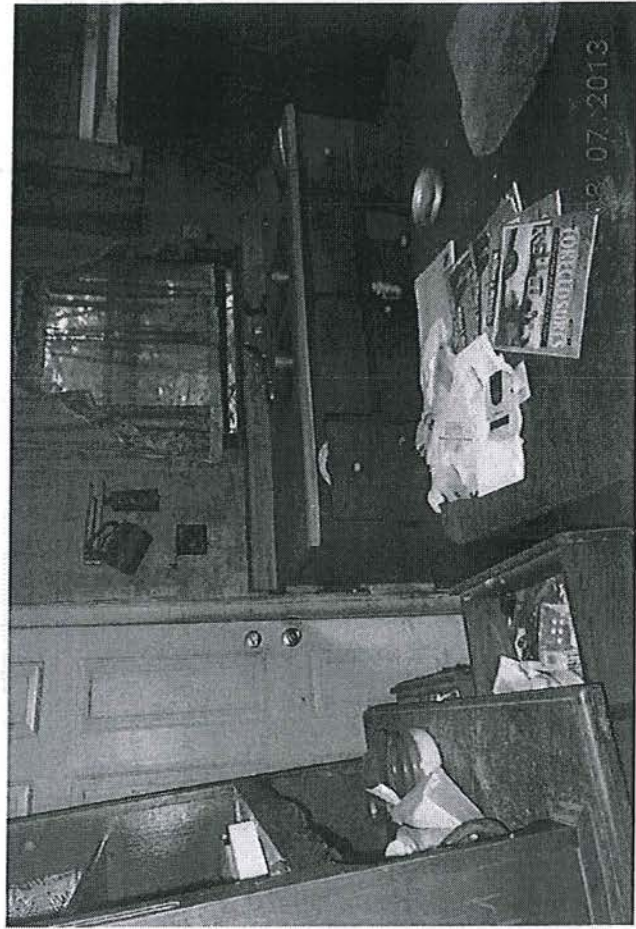


EXHIBIT "B"

10599 Colliers Chapel Church Road



10599 Colliers Chapel Church Road



MELISSA C. CARDINALI
Finance Director



HOWARD C. ABNER
Deputy Finance Director

FINANCE DEPARTMENT

4th Floor, New Courthouse • PO Box 1829 • Suite 452, • Fayetteville, North Carolina 28302-1829
(910) 678-7753 / (910) 678-7749 • Fax (910) 323-6120

TO: BOARD OF COUNTY COMMISSIONERS

FROM: MELISSA CARDINALI, FINANCE DIRECTOR
hca

DATE: NOVEMBER 18, 2013

**SUBJECT: APPROVAL OF PAYMENT OF PAST YEAR INVOICE FOR
SERVICES RENDERED TO THE CUMBERLAND COUNTY
TRANSPORTATION PROGRAM**

BACKGROUND:

The Cumberland County Transportation Program has requested payment for an FY2013 invoice in the amount of \$20.25 for transportation services rendered by Majestic Mobility. The Transportation Program staff over booked an employment trip. Procedures have been put in place to prevent a reoccurrence.

RECOMMENDATION:

Recommend approval to pay the above invoice in the amount of \$20.25 and approval of the attached budget revision.

Attachment: Budget Revision

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B14-203
Date Received	11/12/2013
Date Completed	

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

Organization Name: Rural Operating Assistance Program (ROAP)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	0	21	21
Total		0	21	21

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2798	801	Prior Period Expenditure	0	21	21
Total			0	21	21

Justification:

Revision to appropriate fund balance (from rider contributions) to pay prior period invoice resulting from the inadvertent overbooking of one employment transportation trip at the end of the prior fiscal year.

Funding Source:

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

Fund Balance:

Submitted By: [Signature] Date: 11/12/13
Department Head

Reviewed By: Heft Bob Tucker Date: 11/12/13
Finance Department

Reviewed By: Amyl Cannon Date: 11/13/13
Deputy / Asst County Mgr

Approved By:

County Manager

Board of County Commissioners

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 7019-2013
PROPERTY OWNER: Secretary of Veteran Affairs

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on Jun 17 , 2013, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Secretary of Veterans Affair, located at 2701 Brinkley Drive, Spring Lake, NC, PIN: 0512-49-3837, said ordinance being recorded in Book 9226, page 697, 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 \$2,750.00.
- (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 \$2,750.00, 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 June 17, 2013, 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 2701 Brinkley Drive, Spring Lake, NC, as described in Deed Book 8931, page 358, of the Cumberland County Registry and identified in County tax records as PIN 0512-49-3837.

(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 18th day of November 2013, at 6:45 p.m. o'clock.

Cumberland County Clerk

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B14-197</u>
Date Received	<u>11-6-13</u>
Date Completed	

Fund No. 101 Agency No. 431 Organ. No. 432P
 Organization Name: Health- Pregnancy care management

ITEM NO. 54(1)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9903	Fund Balance Health		188,916	

Total - 188,916

EXPENDITURES

Object Code	APRs	Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2620	217		Refunds		188,916	188,916

Total - 188,916 188,916

Justification:

Refund due to NCDHHS/Division of Public Health for Pregnancy Care Management Program. Refund is for period 9/1/2011-12/31/2012.

Funding Source: State: _____ Federal: _____ Fund Balance: County: _____ New: _____ Other: _____
 Other: _____ Fees: _____ Prior Year: 188,916

Submitted By: [Signature]
 Department Head
 Reviewed By: [Signature]
 Finance
 Reviewed By: [Signature]
 Deputy Assistant County Mgr

Date: 11-6-13
 Date: 11-6-13
 Date: 11/13/13

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B14-196
Date Received	10/29/2013
Date Completed	

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

Organization Name: Rural Operating Assistance Program (ROAP)

ITEM NO. 5H(2)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4361	NC Employment Transportation	110,673	(20,804)	89,869
453D	NC Rural General Public Transportation (RPG)	113,818	21,233	135,051
4545	NC Elderly & Handicapped Transportation	135,398	14,784	150,182
9110	Transfer from General Fund	12,500	0	12,500
Total		372,389	15,213	387,602

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3367	799	Taxi	142,898	14,784	157,682
4361	801	Employment Transportation	110,673	(20,804)	89,869
5052	802	Rural General Public Transportation (RPG)	113,818	21,233	135,051
5064	799	Employment Source	5,000	0	5,000
Total			372,389	15,213	387,602

Justification:

Revision to adjust the adopted budget to the final grant funding received for FY 2014 through the NC Department of Transportation. (Funding for ROAP Transportation also includes a transfer from the General Fund in the amount of \$12,500).

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

Submitted By: [Signature]
Department Head

Date: 10/30/13

Reviewed By: [Signature]
Finance Department

Date: 10/30/13

Reviewed By: [Signature]
Deputy / Asst County Mgr

Date: 11/13/13

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B14-201
Date Received	11/12/2013
Date Completed	

Fund No. 476 Agency No. 429 Organ. No. 4268

Organization Name: Cumberland Road Fire District

ITEM NO. 54(3)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
1000	Taxes Current Year	443,447	200	443,647
Total		443,447	200	443,647

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4027	842	Tax Refunds	100	200	300
Total			100	200	300

Justification:

Increase expenditure line to cover unanticipated refunds to taxpayers.

Funding Source:

State: _____
Other: 200

Federal: _____
Fees: _____

Fund Balance:

County: _____ New: _____
Prior Year: _____

Other: _____

Submitted By: _____

Date: _____

Reviewed By: Kelley Country
Finance

Date: 11-12-13

Reviewed By: Amber Cannon
Deputy/Assistant County Mgr

Date: 11/13/13

Approved By: _____

County Manager

Date: _____

Board of County Commissioners

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B14-202
Date Received	11/12/2013
Date Completed	

Fund No. 496 Agency No. 429 Organ. No. 4292

Organization Name: Vander Fire District

ITEM NO. 54 (4)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
1000	Taxes Current Year	773,847	2,200	776,047
Total		773,847	2,200	776,047

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4027	852	Tax Refunds	250	2,200	2,450
Total			250	2,200	2,450

Justification:

Increase expenditure line to cover unanticipated refunds to taxpayers.

Funding Source:

State: _____
Other: 2,200

Federal: _____
Fees: _____

Fund Balance:

County: _____ New: _____
Prior Year: _____

Other: _____

Submitted By: _____

Date: _____

Reviewed By: Kelley Centry Department Head
Finance
Reviewed By: Amy Cannon Deputy Assistant County Mgr

Date: 11-12-13

Date: 11/13/13

Approved By:

County Manager

Board of County Commissioners

Date: _____

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B14-206
Date Received	
Date Completed	

Fund No. 430 Agency No. 438 Organ. No. 4385
 Organization Name: JCP Programs

ITEM NO. 54(5)

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	94,243	34,451	128,694
4382	JCP Dispute Resolution (Teen Court)	59,457	(5,521)	53,936
669F	JCP Dispute Resolution (Teen Court) In-Kind	18,096	144	18,240
438A	JCP Find-A-Friend	159,832	(100,019)	59,813
669A	JCP Find-A-Friend In-Kind	38,095	14,643	52,738
438F	JCP Find-A-Friend Gate	59,696	7,348	67,044
669Q	JCP Find-A-Friend Gate In-Kind	-	28,133	28,133
438P	JCP Families & Courts Together	-	139,931	139,931
669W	JCP Families & Courts Together In-Kind	20,234	(10,510)	9,724
4386	JCP Juvenile Restitution	86,545	(3,009)	83,536
438N	JCP Calvary Community Center	71,369	(71,369)	-
4397	JCP Juvenile Court Outreach	139,921	(139,921)	-
438C	JCP Intensive Services	100,000	(34,834)	65,166
Total		847,488	(140,533)	706,955

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
5018		JCP Dispute Resolution (Teen Court)	79,952	(5,521)	74,431
348K		JCP Dispute Resolution (Teen Court) In-Kind	18,096	144	18,240
438A		JCP Find-A-Friend	159,832	(90,362)	69,470
348D		JCP Find-A-Friend In-Kind	38,095	14,643	52,738
345T		JCP Juvenile Assessment Center	338,982	(19,932)	319,050
438F		JCP Find-A-Friend Gate	69,960	(2,916)	67,044
348Q		JCP Find-A-Friend Gate In-Kind	-	28,133	28,133
438P		JCP Families & Courts Together	165,335	55,000	220,335
438I		JCP Families & Courts Together In-Kind	20,234	(10,510)	9,724
438C		JCP Intensive Services	100,000	(34,834)	65,166
438B		JCP Juvenile Restitution	98,697	(3,009)	95,688
438N		JCP Calvary Community Center	71,369	(71,369)	-
Total			1,160,552	(140,533)	1,020,019

Justification:

Revision to adjust the County JCP budget to actual State allocations for FY2014.

Funding Source:

State: _____
 Other: _____

Fund Balance:

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

Other: _____

Submitted By: _____
 Department Head
 Reviewed By: Hewitt
 Finance
 Reviewed By: Amy
 Deputy/Assistant County Mgr

Date: _____
 Date: 11/13/13
 Date: 11/13/13

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

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



CUMBERLAND COUNTY NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

NOVEMBER 8, 2013

ITEM NO. 6A

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P13-44:** Rezoning of 2.56+/- acres from C(P)/CU Planned Commercial/ Conditional Use Overlay to allow a manufactured home park to C(P) Planned Commercial or to a more restrictive zoning district, located at 104 through 116 Tennessee Drive, submitted by Joseph T. Strickland (owner).

ACTION: Members present at the October 15, 2013 meeting recommended following the staff recommendation and to adopt and approve the reasonableness statement, find request consistent with LUP and approve C(P) Planned Commercial district.

SITE PROFILE: Frontage & Location: 341.21'+/- on SR 2273 (Gillespie Street); **Depth:** 287.50'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** Yes, northwest of subject property; **Current Use:** 4 manufactured dwellings & open storage; **Initial Zoning:** C(P) – March 15, 1979 (Area 6); rezoned to C(P)/CU for a manufactured home park on March 26, 1991; **Nonconformities:** Yes, the subject property's approved conditional use overlay district did not permit open storage; **Zoning Violation(s):** None; **Surrounding Zoning:** North: C(P), R10 & R6A; South: C(P), C1(P), RR, R20, R15, R10, PND & R5A; East: R6A; West: R10; **Surrounding Land Use:** Residential (including manufactured dwellings), tower, equestrian facilities, motor vehicle sales, truck terminal activities, retailing & woodlands; **2030 Land Use Plan:** Urban fringe; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/Septic; **Soil Limitations:** None; **School Capacity/Enrolled:** Alderman Road Elementary: 750/644; South View Middle: 900/713; South View High: 1,800/1,813; **Subdivision/Site Plan:** If approved, any new development will require review and approval; **Municipal Influence Area:** City of Fayetteville; **Average Daily Traffic Count (2010):** 19,000 on I-95 Business; **Highway Plan:** US 301/Bus 95 (Gillespie Street) is identified in the Highway Plan as a Major Thoroughfare. The plan calls for widening to a multi-lane facility; **Note:** Minimum Yard Setback Regulations: **C(P):** Front yard: 50', Side yard: 30', Rear yard: 30'.

MINUTES OF OCTOBER 15, 2013

The Planning and Inspections Staff recommends approval of the C(P) Planned Commercial district for this request based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban fringe" at this location, as well as meeting all but one of the location criteria for "heavy commercial" development as listed in the Land Use Policies Plan – no public sewer available. However, this segment of Gillespie Street (I-95 Business/ US HWY 301) is designated as a Primary Business Street in the Land Use Policies Plan. (note: This parcel is located within the Fayetteville MIA thus sewer availability is forthcoming);

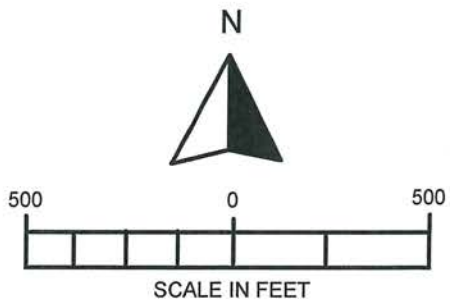
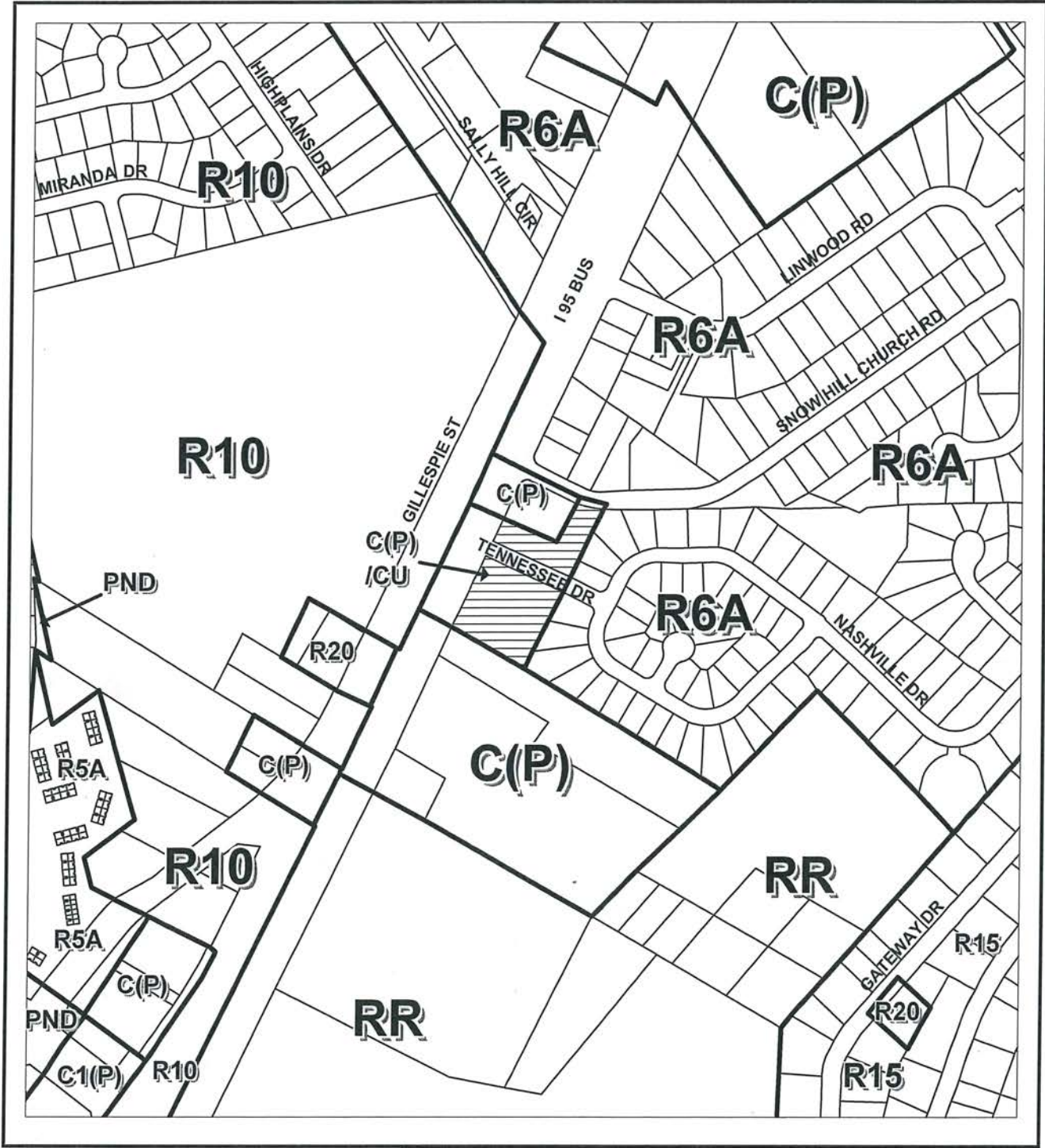
2. The C(P) Planned Commercial district is consistent with the zoning for adjacent property and the request will remove the conditional use overlay district allowing for a manufactured home park that is in the latter stages of shutting down;
3. The location and character of the district is reasonable and will be in harmony with the immediate surrounding area; and
4. Public water is available to the subject property.

The C1(P) and C2(P) districts could also be considered suitable for this request.

Mr. McLaurin made a motion to recommend the adoption and approval of the consistency and reasonableness statements and to approve C(P) Planned Commercial district, seconded by Mr. Cain. The motion passed with a unanimous vote.

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING C(P)/CU TO C(P)

ACREAGE: 2.56 AC.+/-		HEARING NO: P13-44	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



CUMBERLAND COUNTY NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

November 8, 2013

ITEM NO. 6B

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P13-35:** Rezoning of 177.00+/- acres from A1 Agricultural and CD Conservancy to MXD/CZ Mixed Use Development/Conditional Zoning or to a more restrictive zoning district; located on the west side of SR 1714 (River Road), north of I-295; submitted by Ingeborg Vinent Heirs and River Bluff Farm C/O Eva Hansen (owners).

ACTION: Members present at the August 20, 2013 meeting recommended following staff recommendation to adopt and approve the reasonableness statement, find request consistent with LUP and approve MXD/CZ.

SITE PROFILE: **Frontage & Location:** 740.00'+/- on SR 1714 (River Road); **Depth:** 5,000.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Vacant woodlands & barn; **Initial Zoning:** A1 – October 24, 1994 (Area 18); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: M2, R40A, R15, A1 & CD; South: PND, A1 & CD; East: A1; West: R15; **Surrounding Land Use:** Residential (including manufactured dwellings), substation, farmland & woodlands; **2030 Land Use Plan:** Rural & conservation area; **Wade Detailed Land Use Plan:** Open Space (SFHA), one acre residential lots & activity node; **Special Flood Hazard Area (SFHA):** Yes; base flood is 91 msl (NAVD). 93 MSL with two foot freeboard; **Sewer Service Area (SSA):** Applicant requests expansion of SSA to include subject property; **Water/Sewer Availability:** ESD/ESD; **Soil Limitations:** Yes, hydric – RO Roanoke and Wahee loams & WmB Wickham fine sandy; **School Capacity/Enrolled:** Eastover Central Elementary: 540/470; Mac Williams Middle: 1,270/1,223; Cape Fear High: 1,425/1,595; **Subdivision/Site Plan:** If approved, "Ordinance Related Conditions" apply; **RLUAC:** Does not object to the request but advises that the property has high noise levels (65dB) due to military aircraft over flights; **Average Daily Traffic Count (2010):** 2,400 on SR 1714 (River Road); **Highway Plan:** River Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for a multi-lane facility with a right-of-way of 100 feet. No road improvements are included in the 2012-2018 MTIP; **Notes:** Calculation of Area (Total Acreage: 177.00 +/- acs): Open Space: Required: 15% (177 acs x 15% = 26.55 acs), Resultant Acreage: 75.225 acs = maximum non-residential acreage allowed (177 acs – 26.55 acs = 150.45 acs / 2 = 75.225 acs), Proposed Residential Acreage: 91.54 +/- acs = 60%, Proposed Commercial Acreage: 22.80 +/- acs = 14%, Proposed Open Space: 49.10 +/- acs = 26%; Average Lot Size: 15,760 square feet or .36+/- acs; Building Lot Closest Point to Cape Fear River: 1,504 linear feet.

MINUTES OF AUGUST 20, 2013

The Planning & Inspections Staff recommends approval of the requested rezoning to MXD Mixed Use Development /CZ Conditional Zoning district based on the following:

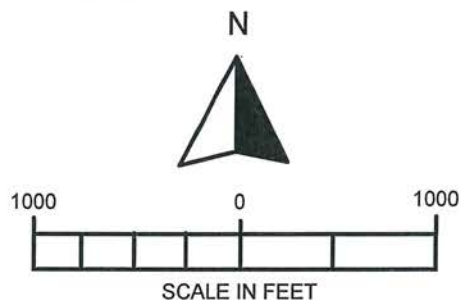
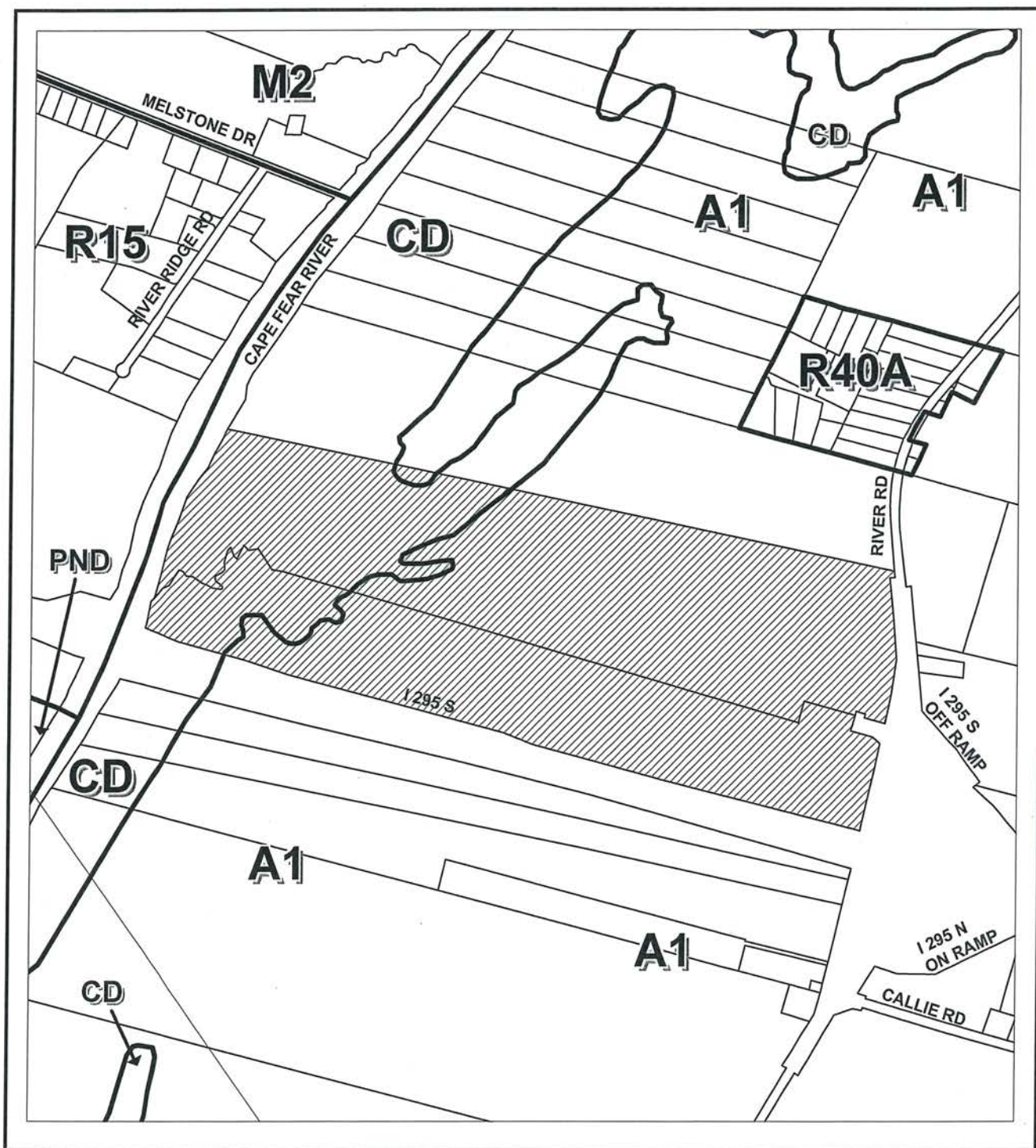
1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural" and "conservation" at this location, as well as meeting the location criteria for "rural density" development as listed in the Land Use Policies Plan; although the request is not entirely consistent with the Wade Detailed Land Use Plan, which calls for "activity node", "one acre residential lots" and "open space" at this location, the Plan was adopted prior to the construction and opening of I-295;
2. The request is reasonable as it meets all of the location criteria and intent of the Mixed Use District and allows for innovative development by providing flexibility while maintaining a quality design;
3. The subject properties have direct access a major thoroughfare (River Road), and the developer is offering street stubs to the adjacent property for future connectivity;
4. Eastover Sanitary District utilities are available to the subject properties; and
5. The location and character of the use, if developed according to the plan as submitted and the recommended Ordinance Related Conditions, is reasonable as they will be in harmony with the area in which they are to be located.

Staff further recommends approval of the expansion of the Sewer Service Area to include the subject properties. There are no other zoning districts suitable related to this request. The applicant has verbally agreed to all Ordinance Related Conditions.

Mr. McLaurin made a motion to recommend the adoption and approval of the consistency and reasonableness statements and to approve MXD Mixed Use Development /CZ Conditional Zoning district and the extension of the Sewer Service Area to include the subject property, seconded by Mrs. Wheatley. The motion passed with a unanimous vote, with Mr. Morris abstaining from voting.

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING A1 & CD TO MXD/CZ

ACREAGE: 177 AC.+/-

HEARING NO: P13-35

ORDINANCE: COUNTY
STAFF RECOMMENDATION
PLANNING BOARD
GOVERNING BOARD

HEARING DATE	ACTION

PIN: 0541-90-7514
PIN: 0540-99-6735

AM

SITE NOTES

1. MAXIMUM NUMBER OF LOTS = 253
2. ALL STREETS SHALL BE PUBLIC



26% OPEN SPACES
49.10 AC +/-



PROTECTED
DITCHES AND STREAM



60% RESIDENTIAL
91.54 AC +/-



14% COMMERCIAL
22.8 AC +/-



INTERSTATE 295

MIXED USE DEVELOPMENT/CONDITIONAL ZONING

CASE: P13-35 ACREAGE: 177 AC +/-

SCALE: NTS

*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

8/13/13

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

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

1. Applicant/Agent (A) Ingeborg Vincent Heirs
(B) River Bluff Farm, LLC
2. Address: (A) 3107 Marita Dr. Fayetteville, N 28301
(B) 7469 Minnie Hall Rd. Roseboro NC Zip Code 28382
3. Telephone: (Home) _____ (Work) _____
4. Location of Property: NW Quadrant of River Road and I-295
5. Parcel Identification Number (PIN #) of subject property: 0540-99-6735 (A)
(also known as Tax ID Number or Property Tax ID) 0541-90-7514 (B)
6. Acreage: 177± Frontage: 1731± Depth: 5010±
7. Water Provider: ESD
8. Septage Provider: ESD
9. Deed Book (A) 1159, Page(s) 0057
(B) 4629, Page(s) 0423, Cumberland County
Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Vacant
11. Proposed use(s) of the property: Mixed Use; Commercial, Residential
and Conservation District (Possible Professional)
NOTE: Be specific and list all intended uses.
12. It is requested that the foregoing property be rezoned FROM: A1 & CD
TO: (Select one)
Conditional Zoning District, with an underlying zoning district of _____
(Article IV)
☒ Mixed Use District/Conditional Zoning District (Article VI)
Planned Neighborhood District/Conditional Zoning District (Article VII)
Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

*The Planning and Inspections Staff is available for advice on completing this application;
however, they are not available for completion of the application.*

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Commercial, Professional, Residential and Conservation

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

Residential 253 units
Commercial and/or Professional 22.8 acres
Conservation and Open Space 45.1 acres

2. DIMENSIONAL REQUIREMENTS:

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

As required by the ordinance.

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

As required by the ordinance.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

As required by the ordinance.

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

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

1. Applicant/Agent (A) Ingeborg Vincent Heirs
(B) River Bluff Farm, LLC
2. Address: (A) 3107 Marita Dr. Fayetteville, N 28301
(B) 7469 Minnie Hall Rd. Roseboro NC Zip Code 28382
3. Telephone: (Home) _____ (Work) _____
4. Location of Property: NW Quadrant of River Road and I-295
5. Parcel Identification Number (PIN #) of subject property: 0540-99-6735 (A)
(also known as Tax ID Number or Property Tax ID) 0541-90-7514 (B)
6. Acreage: 177± Frontage: 1731± Depth: 5010±
7. Water Provider: ESD
8. Septage Provider: ESD
9. Deed Book (A) 1159, Page(s) 0057
(B) 4629, Page(s) 0423, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Vacant
11. Proposed use(s) of the property: Mixed Use; Commercial, Residential
and Conservation District (Possible Professional)
NOTE: Be specific and list all intended uses.
12. It is requested that the foregoing property be rezoned FROM: A1
TO: (Select one)

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

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.

APPLICATION FOR
CONDITIONAL ZONING

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

Commercial, Professional, Residential and Conservation

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

Residential 233 units
Commercial and/or Professional 22.8 acres
Conservation and Open Space 45.1 acres

2. DIMENSIONAL REQUIREMENTS:

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As required by the ordinance.

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

As required by the ordinance.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

As required by the ordinance.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

Landscaping will be provided in accordance with the requirements as set forth in the Ordinance.

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

Buffers will be provided as shown on the site plan attached.

5. MISCELLANEOUS:

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

The owners request that the Sanitary Sewer Service Area be expanded to include these properties per this application.

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

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

I further understand I must voluntarily agree to all ordinance related prior to the first hearing on the case. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

④ Andres Avelino Vincent
NAME OF OWNER(S) (PRINT OR TYPE)
3821 Clearwater Dr Fayetteville, NC 28311
ADDRESS OF OWNER(S)
Sludgehammer nc @ yahoo.com
E-MAIL

HOME TELEPHONE

WORK TELEPHONE

Andres A. Vincent
SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

7. STATEMENT OF ACKNOWLEDGMENT:

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- B. The use meets all required conditions and specifications;
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① Manuel Adam Vinent
NAME OF OWNER(S) (PRINT OR TYPE)

3107 Marita Dr. Fayetteville NC 28301
ADDRESS OF OWNER(S)

mvinent@aol.com
E-MAIL

910-489-5613
HOME TELEPHONE

WORK TELEPHONE

Manuel Adam Vinent
SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

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

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④ Aida Vinent Johnston

NAME OF OWNER(S) (PRINT OR TYPE)

3107 Marita Dr. Fayetteville, NC 28301

ADDRESS OF OWNER(S)

aida.johnston1@gmail.com

E-MAIL

919-605-5801

HOME TELEPHONE

WORK TELEPHONE

Aida Vinent Johnston

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

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

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① Chaus Haus VINENT
NAME OF OWNER(S) (PRINT OR TYPE)

831 A PHILEMA Rd S. Leesburg GA
ADDRESS OF OWNER(S) 31763

Floormex @ msn. com
E-MAIL

229-886-5656 229-883-1071
HOME TELEPHONE WORK TELEPHONE

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

- A. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- B. The use meets all required conditions and specifications;
- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
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I further understand I must voluntarily agree to all ordinance related prior to the first hearing on the case. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

③

River Bluff Farm, LLC by Eva Hansen
NAME OF OWNER(S) (PRINT OR TYPE)

7469 Minnie Hall Rd Roseboro, NC 28382
ADDRESS OF OWNER(S)

meadowrunfarm@intrstar.net
E-MAIL

910-567-4337 910-624-2840
HOME TELEPHONE WORK TELEPHONE

Cell

Eva Hansen Manager
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

MXD MIXED USE DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions

Pre- Permit Related:

1. Prior to any development on the commercial portions of this Mixed Use Development, the developer must submit five copies of a site plan for staff review and approval; the revised plans must include the following:
 - a) Landscaping provided in accordance with the provisions in Section 1102.N, Landscaping, County Zoning Ordinance;
 - b) Location of all freestanding signs reflected on the site plan in accordance with the provisions in Article XIII, Sign Regulations, County Zoning Ordinance;
 - c) Off-street parking in accordance with the provisions in Section 1202, Off-Street Parking, County Zoning Ordinance; and
 - d) Loading space(s) in accordance with provision in Section 1203, Off-Street Parking, County Zoning Ordinance.

Watershed-Related:

2. An application for watershed approval must be submitted to the Watershed Review Officer (WRO) and plans must be approved either by the WRO or the County Board of Adjustment prior to final plat approval of any portion of this development and/or prior to application for any building/zoning permits. (Note: This approval may require additional conditions restricting the development of this property.) A copy of the WRO's approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.
3. Prior to application for the building final inspection, a Watershed Occupancy Permit must be issued for each lot/tract within this development.

Permit-Related:

4. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
5. Connection to public water and sewer is required, the Eastover Sanitary District (ESD) must approve water and sewer plans prior to application for any permits. A copy of the Eastover Sanitary District's approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision and Development Ordinance)
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
8. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
9. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood

plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.

10. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
11. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.

12. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 80% of the lots shown on the preliminary plan, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application.

Site-Related:

13. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the MXD/CZ zoning district must be complied with, as applicable.

Note: A very limited type of retail and other uses are allowed in the MXD/CZ zoning district specifically all the uses permitted in the O&I(P) and C1(P) districts and the listed uses in Section 603.C, Uses Allowed, County Zoning Ordinance for the C2(P) and C(P) zoning districts. The developer/property owner is encouraged to contact Code Enforcement or Land Use Codes prior to entering into a contract/lease with any tenant to verify the permissibility of the intended use.

14. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
15. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.) (Note: Prior to any future entrance signs for this development, the developer will need to submit a revised site plan showing the location of the sign)
16. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with.
17. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office.
18. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
19. Fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision and Development Ordinance)
20. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
21. The owner/developer must secure the stormwater utility structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.

22. This review does not constitute a “subdivision” approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
23. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
24. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
25. Turn lanes may be required by the NC Department of Transportation (NCDOT).
26. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
27. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
28. For purposes of protecting the aquatic and wildlife habitat and to ensure bank stabilization for this area of the Cape Fear River, a riparian buffer must be provided along the western boundary of this development. The first 30 feet from the western property line must remain undisturbed while an additional 20 feet may be cleared so long as no structures are constructed in that portion. Note: This ordinance provision does allow for clearing of a minimal access to the river.

Plat-Related:

29. The final plat must be labeled as a “Zero Lot Line” development and all open space/riparian buffer area/common areas be labeled as “common area.”
30. The proposed development is located in a Special Flood Hazard Area (SFHA). The final plat must show the limits of the SFHA; information may be obtained from the County Engineer’s office or the Federal Emergency Management Agency’s (FEMA) website at www.ncfloodmaps.com. Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department.
31. The developer is required to submit to Land Use Codes:
 - a. Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the maintenance and upkeep of the common areas by the owners’ association for the development;
 - b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
 - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
 - d. Two copies of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.

32. The developer must contact the Location Services Section of the Planning and Inspections Department for approval of street names within this development. The approved street names must be reflected on the final plat.
33. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County’s policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
34. “Interstate 295” must be labeled as “I-295 S” on the final plat.

35. Dedication of 15 feet of right-of-way and reservation of 10 feet of right-of-way for the notch at the northeastern most property corner at SR 1714 (River Road) is required. The metes and bounds for both dedication and reservation is required to be shown on the final plat and/or reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line. (Section 2302 F, Planned Public Right-of-Way, County Subdivision and Development Ordinance)
36. The developer is opting to provide park, recreation or open space area (common area) on-site; therefore, when phasing a development all common area must be recorded prior to the recording of the first phase or section of the development or the common area must be recorded incrementally, ensuring that a minimum of 800 square feet of land area is recorded as common area for each lot included, on the final plat.
37. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
38. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
39. A 10' x 70' sight distance easement is required at the intersection of SR 1714 (River Road) with the proposed street "A" and must be reflected on the final plat.
40. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)
41. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
42. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
43. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
44. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
45. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

Plat-Required Statements:

46. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision and Development Ordinance):

"Nonconforming structures have not been created by this subdivision plat."
47. Because the streets in this development have been approved as "public" streets and the streets do not yet qualify for acceptance by the NC Department of Transportation to the State system for maintenance purposes, the following statement is required to be included on the final plat (Section 2504 E, County Subdivision and Development Ordinance):

"The streets shown on this plat though labeled as "public" – unless otherwise noted – have not been accepted by the NC Department of Transportation as of the date of this recording. Until such time that the streets are accepted and formally added to the State system, maintenance and liability of the streets are the responsibility of the developer and any future lot owner(s)."

Other Relevant Conditions:

48. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
49. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
50. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.
51. All notes and calculations as shown on the site plan and contained within the application are considered to be a part of this conditional approval.

Thank you for developing in Cumberland County!

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605 with the Land Use Codes Section; otherwise, contact the appropriate agency at the contact numbers below.

Contact Information (Area Code is 910 unless otherwise stated):

Watershed Officer/Improvements:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
Eastover Sanitary District:	Connie Spell	229-3716
County Public Utilities:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NCDOT (subdivision roads):	David Plummer	486-1496
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Connie Spell, Eastover Sanitary District

Johnny Scott

From: Beth Means <bethmeans3@gmail.com>
Sent: Monday, October 21, 2013 3:04 PM
To: Johnny Scott
Subject: Zoning Application for Carolyn R Grant & Stephen E Grant 5421 Corporation Dr Fayetteville NC

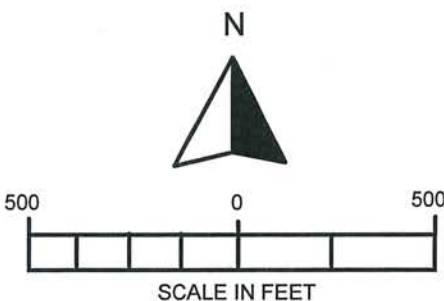
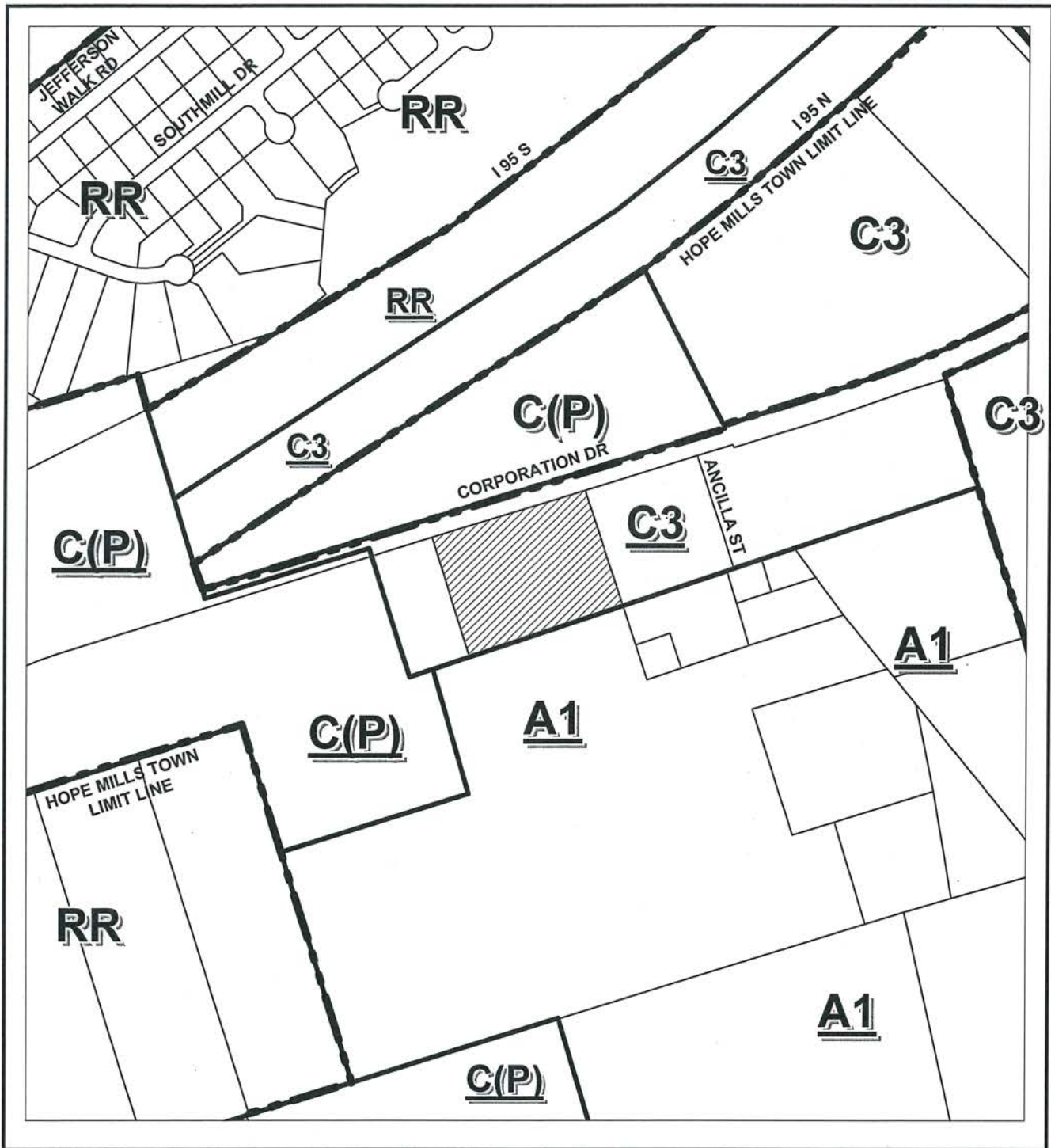
** Case P13-34 *
Withdrawn by Applicant*

This message is being sent on behalf of Carolyn R Grant & Stephen E Grant property located at 5421 Corporation Dr Fayetteville NC. Please withdraw our application for the above property, we no longer wish to pursue the rezoning of the property. Thank you so much for your time.

Yours Truly

Carolyn R Grant
Stephen E Grant

NOTE: IN AOD AREA



PIN: 0423-63-1007

REQUESTED REZONING C3 TO M(P)/CZ

ACREAGE: 4.93 AC.+/-		HEARING NO: P13-34	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

9/12/13
AM



TOWN OF HOPE MILLS

5770 ROCKFISH ROAD • HOPE MILLS, NORTH CAROLINA 28348-1848
TELEPHONE (910) 424-4555 • FAX (910) 424-4902

MEMORANDUM

received
10/22/13
ct

To: Cumberland County Joint Planning Board

From: The Hope Mills Mayor and Board of Commissioners

Re: Rezoning Case P13-34

Cc: The Cumberland County Board of Commissioners
Cumberland County Planning
The Hope Mills Board of Commissioners

Date: October 15, 2013

James -
This case was
originally planned
for 11/18 agenda,
however, it has
been withdrawn
by the applicant:
per notice from
Planning. ct

The Joint Planning Board is considering case P13-34 which is the rezoning of 4.93+/- acres from C3 Heavy Commercial to M (P) Planned Industrial/CZ Conditional Zoning District for an asphalt plant. The property is located on the south side of Corporation Drive and northeast of Chicken Foot Road. Based on action taken at the August 19, 2013 meeting of the Hope Mills Board of Commissioners, this memorandum is presented to state the Town Board's desire that this rezoning not be granted.

The Hope Mills Board of Commissioners does not wish for this request to appear unfavorable to the buyer or seller(s) as corporate entities and individuals. The desire for this request is based on the economic impact that such a rezoning could have and the negative impact that it would have on prior and current planning for this area.

1. The area at and around Exit 41 and Interstate 95 has been viewed as an area of potential positive economic growth and development for the Town. In 1999, the Town of Hope Mills annexed 482 acres at this area. During this time, several entities, including the Town of Hope Mills, contributed \$2 million (+/-) for the installation of utility infrastructure to this area. Based on a news account from that time, the Town of Hope Mills, property owners, and Cumberland County each contributed \$500,000 with PWC paying the balance. According to that news article from the Fayetteville Observer-Times dated October 19, 1999:

"The annexation project involves the extension of utilities to the intersection. Town officials hope the utilities will spur the construction of hotels, restaurants and stores at the interchange, similar to those built on exit north at Cedar Creek Road."

In more recent years, there have been discussions about enhancing the interchange with lighting, landscaping, signage and other improvements that would make this an attractive area for commercial and retail development as well as create an appealing gateway for the Town of Hope Mills. With the possible improvements to I-95, some aspects cannot be fully investigated at this time. For instance, full lighting of the interchange would not be practical if the Interstate is going to be improved in a few years since such improvements would have to be removed for the roadway project. However, the Town and Chamber are still looking for actions that can still be taken to market this area and promote the retail and commercial development.

Both the Chamber and the Town have invested in billboard signage on Interstate 95 to promote Exit 41 and the Town. NCDOT is funding a landscaping overhaul and re-establishment for the interchange that hopefully will be completed by the end of this December. After a one year "warranty" period, the Town of Hope Mills will assume responsibility for the landscaping and its maintenance. The Town has also granted funds to the Chamber a portion of which is being used to develop entrance signs for the Town. This would include a sign for this area.

The Chamber of Commerce coordinated a meeting, which Town leaders attended, to bring together all of the property owners in this area to determine the best way to proceed in marketing and selling this property. The Chamber has established an Economic Development Committee whose primary purpose is to help to develop the area at and around this interchange. Representatives from NCDOT and South River Electric Membership Cooperative met with this committee, as well as Town staff who serve on the committee, to look at ways to make improvements such as lighting to the bridge over the Interstate rather than the entire interchange. This appears to be a positive way to enhance the area and draw attention to it without spending hundreds of thousands of dollars on a project that would have to be removed if/when the Interstate is widened. Additionally, NCDOT representatives have indicated that they would cover the cost of the design and installation of such lighting if done with the widening project.

It is our belief that the above facts show a responsible effort to protect the investments that have been made and allow the Town to help create tax base and growth that is beneficial to all, including Cumberland County.

2. As you note from information that has been provided, the land around this piece of property is zoned commercial or other classifications that can be changed to commercial without negative impact. Accordingly, rezoning this property to M (P) Planned Industrial/CZ Conditional Zoning is not consistent with the zoning of the surrounding properties. Additionally, the insertion of this rezoning in the area, and more specifically the addition of an asphalt plant, very negatively

*Office of the Town Manager
Office (910) 424-4555 extension 4116
Electronic Mail – jwellis@townofhopemills.com*

affects the ability to attract commercial and retail development to this area. While asphalt plants are necessary businesses and essential to our economy, they are not meant to be adjoining commercial and retail properties designed to serve large numbers of the public. They are better suited for industrial zoning classifications.

You will also note that there is sufficient M (P) property in the area to handle this type of use. The fact that the petitioner is asking for variances / conditions to the rezoning request so that the plant and related appurtenances will fit is evidence in itself that the property should not be rezoned. Additionally, the property classification is not consistent with the proposed Southwest Detailed Land Use Plan that is currently scheduled for the final public hearing process. That plan calls for commercial at this location.

Based on the above, the Town of Hope Mills' Board of Commissioners respectfully requests that the Cumberland County Joint Planning Board deny this rezoning request and make the same recommendation to the Cumberland County Board of Commissioners. As always, please contact us if you have questions or need additional information. We sincerely appreciate the opportunity to participate in this process.

Respectfully Submitted


Jackie S. Warner
Mayor
Town of Hope Mills

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



CUMBERLAND COUNTY NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

NOVEMBER 8, 2013

ITEM NO. 6D

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: This draft plan provides the location of future land uses in the area and will serve as a guide by the Planning Board, the Board of County Commissioners, and the Hope Mills Town Board for making future land use decisions. The plan covers an area bounded on the south by Robeson County, on the west by Hoke County and the City of Fayetteville, on the north by the City of Fayetteville and Rockfish Creek, on the east by U.S. 301 south and Interstate 95, and includes the Town of Hope Mills.

ACTION: Members present at the October 15, 2013 meeting recommended following the staff recommendation and to adopt and approve the reasonableness statement, find request consistent with LUP and approve C(P) Planned Commercial district.

****DRAFT PLAN WILL BE AVAILABLE
IN THE CLERK TO THE BOARD OF
COMMISSIONER'S OFFICE FOR
REVIEW.****

MINUTES OF OCTOBER 15, 2013

Mr. Will Denning, Planning Manager of Comprehensive Planning for the Planning & Inspections Department, introduced staff and members of the Citizens Planning Committee and presented the plan to the Board. Mr. Denning gave an overview of the recommendations and explained the process of the development of the plan.

Mr. Douglas Moddy spoke in favor. Mr. Moddy stated that he helped develop the plan with the other citizens; they reviewed the information from the citizen surveys for what the citizens of the Town wanted and compiled the information to help come up with the plan. Mr. Moddy said that he fully endorses this plan.

Ms. Jackie Warner, Mayor of the Town of Hope Mills. Ms. Warner stated that she was one of the citizens on the citizen committee when the plan started; she attended two of the meetings, as an elected official she dropped off of the citizen meetings so that it would truly be a citizen effort. Mayor Warner said she felt that this was a good plan, it gives them something to plan from, she also said that she was happy with the plan and fully endorses it.

Josh Sturtz spoke in favor. Mr. Sturtz stated that he was a real estate agent with Coldwell Banker, and was for the plan if it will bring more commercial and retail to the area.

Public hearing closed.

Mr. Manning stated that he was pleased with the work that was done on this plan; it gave the community a chance to come out and learn about planning and opportunities for the future.

Ms. Hall stated that she was also pleased with the plan, and feels that the citizens showed their interest in their community, and appreciates all of the effort from the citizens and staff.

Mr. Manning made a motion to approve the Southwest Cumberland Detailed Land Use Plan as submitted and move forward to the Board of Commissioners' for their approval, seconded by Mr. McLaurin. The motion passed with a unanimous vote.

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

I, Joan Fenley, 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 116-2013.

Property Owner: Alecia Marie & David Leon McLaughlin

Home Owner: Alecia Marie & David Leon McLaughlin

Property Address: 1609 Halsey Loop, Hope Mills, NC


Tax Parcel Identification Number: 0443-02-5775

SYNOPSIS: This property was inspected on 5/28/2013. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 6/20/2013. Alecia Marie McLaughlin 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 9/18/2013. 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 11/7/2013, 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 \$60,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00. (Structure in utility condition)

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.


Joan Fenley
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 7th day of November 2013.


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,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★**
NORTH CAROLINA

Planning & Inspections Department

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Chris Fulton,
Inspector

FINDINGS OF FACT AND ORDER

7/8/2013

Alecia Marie & David Leon McLaughlin & Parties of Interest
PO Box 65563
Fayetteville NC, 28306

91 7199 9991 7031 6128 6589

91 7199 9991 7031 6128 6572

CASE # MH-116-2013

PROPERTY AT: 1609 Halsey Loop, 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 6/5/2013.


Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 6/20/2013 at 9:00 A.M. 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: Alecia M. McLaughlin, Christopher Fulton, & Joan Fenley
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 5/29/2013. 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-116-2013, dated 6/20/2013.
 - ☒ b. Due to these findings, the dwellings are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is unfit for human habitation.

EXHIBIT "A"

- ☒ 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 9/18/2013. **All required permits must be obtained. A copy of this order must be presented when obtaining permits. Remove all debris from lot and demolish accessory structures.**
 - ☐ 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 _____ 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 9/18/2013. 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



Joan Ferley
Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:



Sworn to and Subscribed to by me
this the 8th day of July 2013




Notary Public
My Commission Expires: 11-03-14

EXHIBIT "A"

Date: October 14, 2013

j fenley:

The following is in response to your October 14, 2013 request for delivery information on your Certified Mail™ item number 9171999991703161286589. The delivery record shows that this item was delivered on July 11, 2013 at 3:42 pm in FAYETTEVILLE, NC 28306. The scanned image of the recipient information is provided below.

Signature of Recipient : 
DAVID McLAUGHLIN

Address of Recipient : P.O. Box
65563
28306

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


PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**
DATED July 8, 2013 CASE NUMBER **MH 116-2013**

EXHIBIT A

Date: October 14, 2013

j fenley:

The following is in response to your October 14, 2013 request for delivery information on your Certified Mail™ item number 9171999991703161286572. The delivery record shows that this item was delivered on July 11, 2013 at 3:42 pm in FAYETTEVILLE, NC 28306. The scanned image of the recipient information is provided below.

Signature of Recipient : 
DAVID MCLAUGHLIN

Address of Recipient : P.O. Box
65563
28306

Thank you for selecting the Postal Service for your mailing needs.

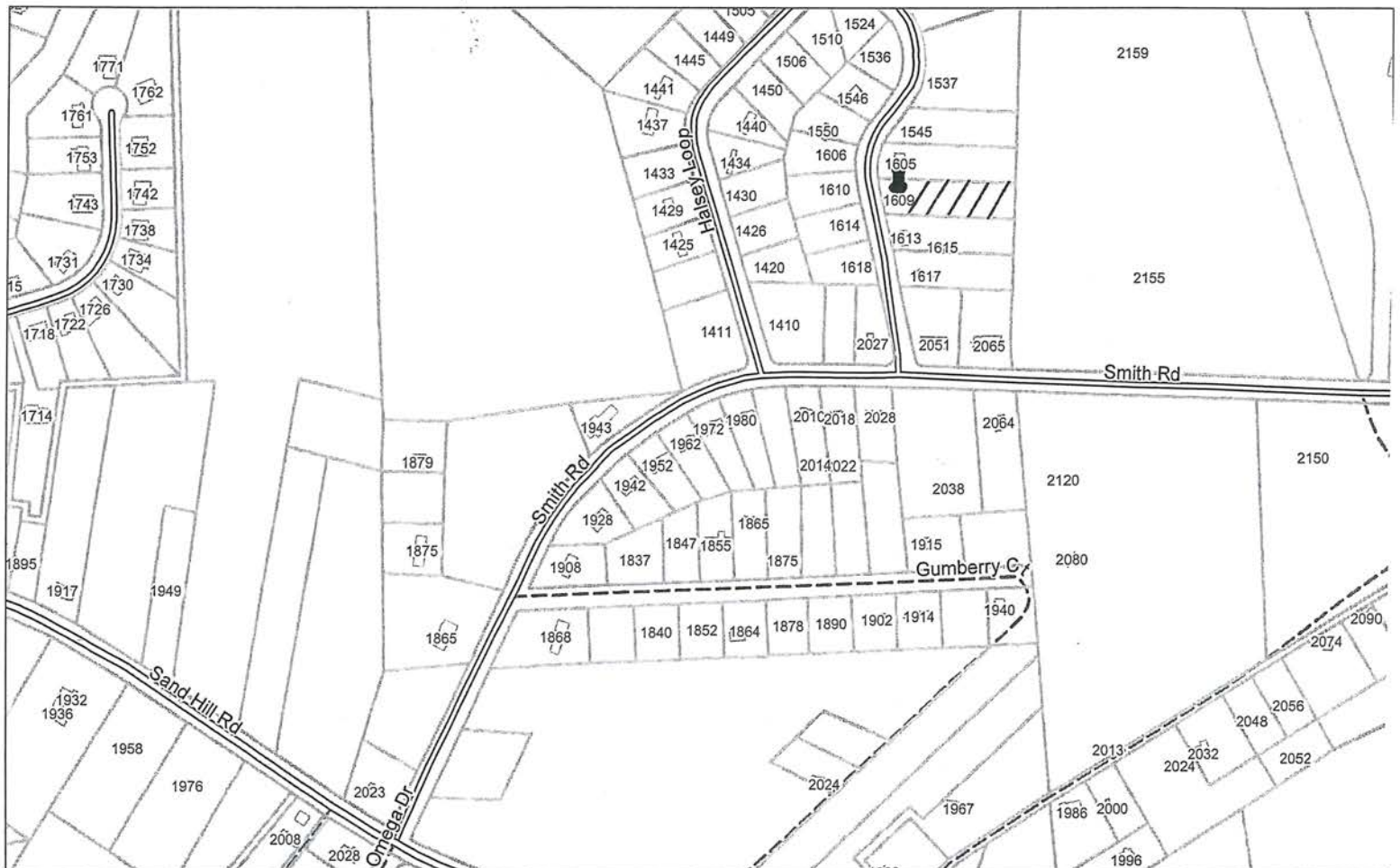
If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**
DATED July 8, 2013 CASE NUMBER **MH 116-2013**

EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: Alecia Marie & David Leon McLaughlin
1609 Halsey Loop, Hope Mills, NC
Minimum Housing Case # MH 116-2013
TAX PARCEL IDENTIFICATION NUMBER 0443-02-5775



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

I, Joan Fenley, 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 42-2013.

Property Owner: Shelia D. Bridges, Sharla D. Lewis, Craig A. Donner, and Jean M. Donner

Home Owner: Shelia D. Bridges, Sharla D. Lewis, Craig A. Donner, and Jean M. Donner

Property Address: 6766 Rockfish Road, Fayetteville, NC

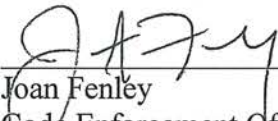
Tax Parcel Identification Number: 0404-17-4572

SYNOPSIS: This property was inspected on 3/19/2013. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 4/26/2013. Shelia D. Bridges, Sharla D. Lewis, Craig A. Donner, and Jean M. Donner 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 7/25/2013. 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 11/7/2013, 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 \$214,560.00. The Assessor for Cumberland County has the structure presently valued at \$7,500.00. (Structure in utility condition)

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.


Joan Fenley
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 7th day of November 2013.


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,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

Planning & Inspections Department

Debra Johnson,
Inspector

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

FINDINGS OF FACT AND ORDER

91 7199 9991 7032 7534 1327 *Sheila* 5/13/2013

Bridges, Sheila D, Sharla D. Lewis, Craig A. & Jean M. Donner & Parties of Interest

455 Bryant Road

Morganton, NC 28655

91 7199 9991 7032 7534 1310 *Sharla*

91 7199 9991 7032 7534 1303 *Craig*

CASE # MH-42-2013

PROPERTY AT: 6766 Rockfish Rd, Fayetteville, NC

91 7199 9991 7032 7534 1297 *Jean*

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 4/8/2013.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 4/26/2013 at 10:0 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: Sheila Bridges, Sharla Lewis, Craig Donner, & Joan Fenley
- ☐ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 3/25/2013. 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-42-13, dated 3/19/2013.
 - ☐ b. Due to these findings, the dwellings are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is unfit for human habitation.

EXHIBIT "A"

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 7/25/2013. **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 7/25/2013 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 7/25/2013. 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


Joan Fenley
Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:

Sworn to and Subscribed to by me
this the 13th day of May, 2013




Notary Public
My Commission Expires: 11-03-14


EXHIBIT "A"

Date: June 6, 2013

j fenley:

The following is in response to your June 6, 2013 request for delivery information on your Certified Mail™ item number 9171999991703275341310. The delivery record shows that this item was delivered on May 24, 2013 at 2:26 pm in MORGANTON, NC 28655. The scanned image of the recipient information is provided below.

Signature of Recipient :


Shela Bridges

Address of Recipient :

455 Bryant Rd

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

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**
DATED May 13, 2013 CASE NUMBER **MH 42-2013**


EXHIBIT A

Date: June 6, 2013

j fenley:

The following is in response to your June 6, 2013 request for delivery information on your Certified Mail™ item number 9171999991703275341327. The delivery record shows that this item was delivered on May 24, 2013 at 2:26 pm in MORGANTON, NC 28655. The scanned image of the recipient information is provided below.

Signature of Recipient :


Sheila Bridges

Address of Recipient :

455 Bryant Rd

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

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED May 13, 2013 CASE NUMBER **MH 42-2013**


EXHIBIT A

Date: June 6, 2013

j fenley:

The following is in response to your June 6, 2013 request for delivery information on your Certified Mail™ item number 9171999991703275341303. The delivery record shows that this item was delivered on May 24, 2013 at 2:26 pm in MORGANTON, NC 28655. The scanned image of the recipient information is provided below.

Signature of Recipient :


Shela Bridges

Address of Recipient :

455 Bryant Rd

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

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**
DATED May 13, 2013 CASE NUMBER **MH 42-2013**

EXHIBIT A

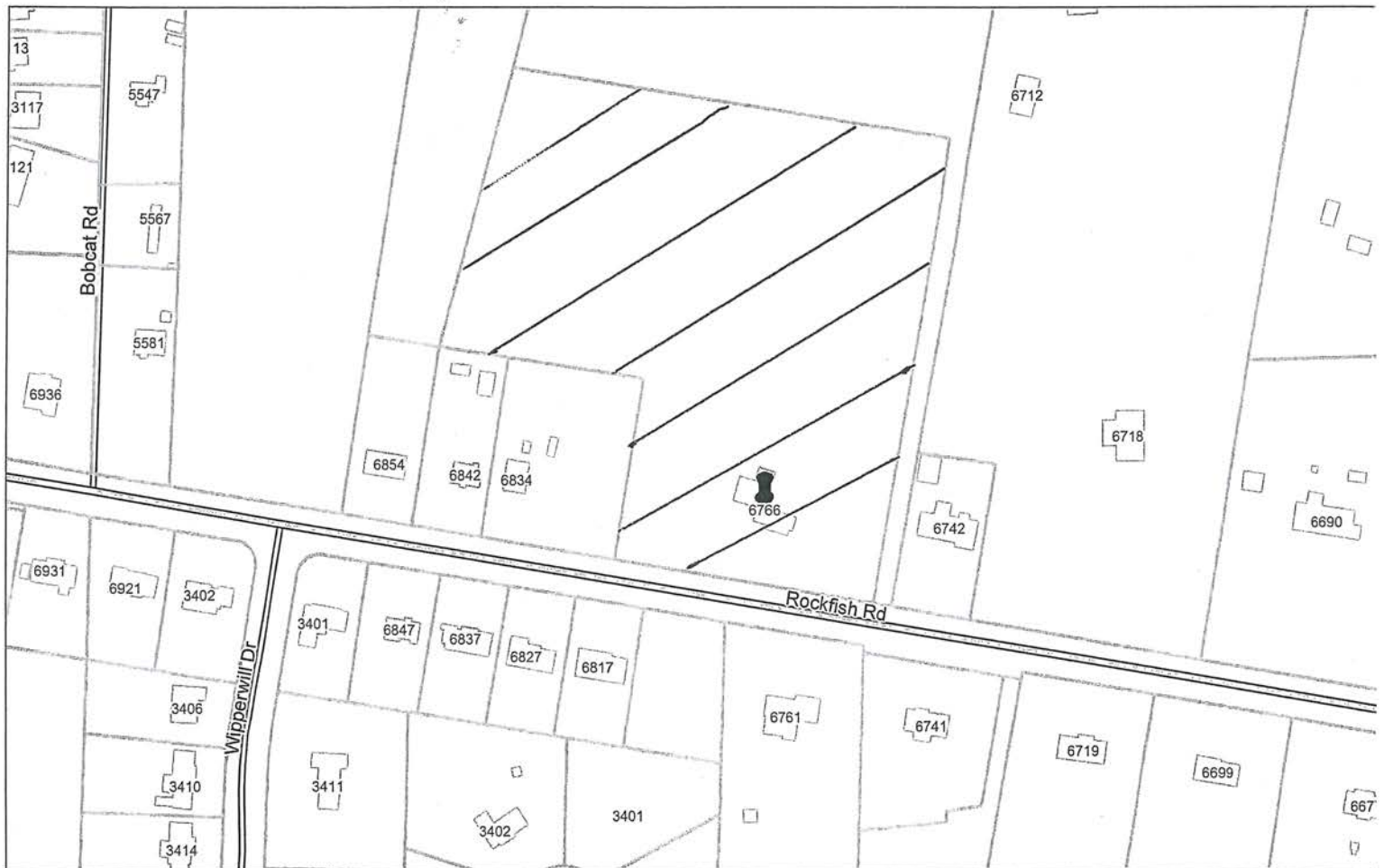
MAP DEPICTING LOCATION OF PROPERTY

Property Owner: Shelia D. Bridges, Sharla D. Lewis, Craig A. Donner & Jean M. Donner

6766 Rockfish Rd, Fayetteville, NC 28306

Minimum Housing Case # MH 42-2013

TAX PARCEL IDENTIFICATION NUMBER 0404-17-4572



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

I, Debra Johnson, 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 44-2013.

Property Owner: Charles & Jacqueline Oatis

Home Owner: Charles & Jacqueline Oatis

Property Address: 5847 Holland Street, Fayetteville, NC

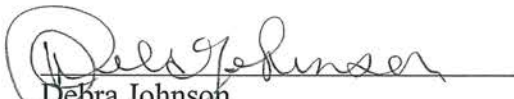
Tax Parcel Identification Number: 0419-75-5540

SYNOPSIS: This property was inspected on 3/19/2013. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 4/2/2013. 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 5/31/2013. 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 11/7/2013, 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. (Structure in utility condition)

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.


Debra Johnson
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 7th day of November 2013.


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,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

Planning & Inspections Department

Debra Johnson,
Inspector

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

FINDINGS OF FACT AND ORDER

5/14/2013

Charles Oatis & Parties of Interest
1123 Quail Meadow Dr
Fayetteville NC, 28314

CASE # MH-44-201: 91 7199 9991 7031 6128 8064

PROPERTY AT: 5847 Holland St, 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 4/2/2013.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 4/17/2013 at 10:0 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: _____
- ☐ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 3/28/2013. 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-44-13, dated 4/17/2013.
 - ☐ b. Due to these findings, the dwellings are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is unfit for human habitation.

EXHIBIT "A"

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 5/31/2013. **All required permits must be obtained. A copy of this order must be presented when obtaining permits. Remove all junk vehicles and clean up whole lot. Remove trailer.**
- ☐ 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 5/31/2013 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 5/31/2013.
- ☐ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 5/31/2013. 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


Debra Johnson
Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:

Sworn to and Subscribed to by me
this the 14th day of May, 2013





Notary Public
My Commission Expires: 11-03-14

EXHIBIT "A"

Date: June 3, 2013

debra johnson:

The following is in response to your June 3, 2013 request for delivery information on your Certified Mail™ item number 9171999991703161288064. The delivery record shows that this item was delivered on May 17, 2013 at 12:17 pm in FAYETTEVILLE, NC 28314. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery address	
Signature	<i>Debra Johnson</i>
Printed name	

Address of Recipient :

Delivery address	1123 G M
------------------	----------

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

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**
DATED May 14, 2013 CASE NUMBER **MH 44-2013**

EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: Charles & Jacqueline Oatis
5847 Holland Street, Fayetteville, NC
Minimum Housing Case # MH 44-2013
TAX PARCEL IDENTIFICATION NUMBER: 0419-75-5540

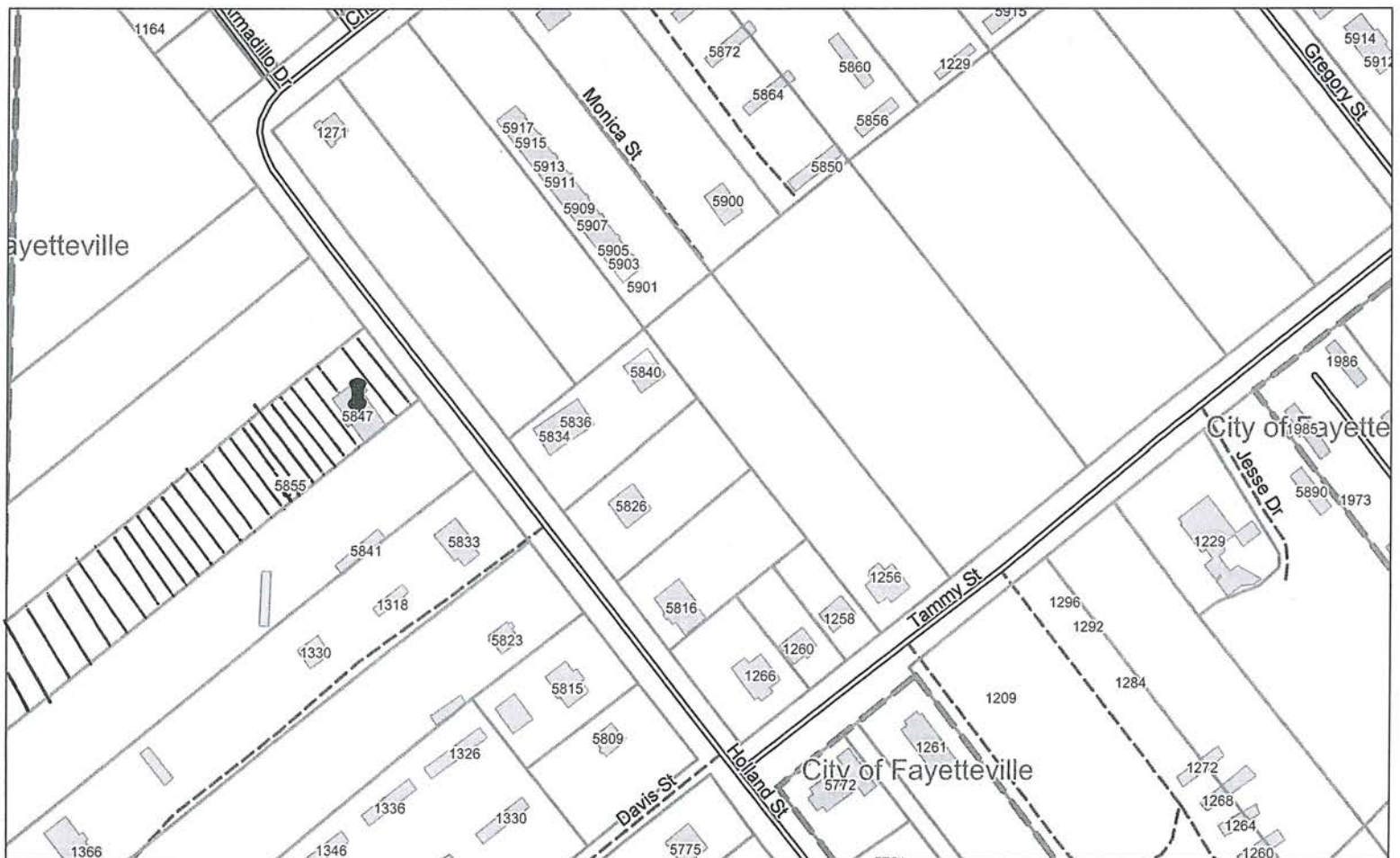


EXHIBIT B

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

I, Debra Johnson, 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 25-2013.

Property Owner: Sharon Lesley

Home Owner: Sharon Lesley

Property Address: 2562 Bangle Street, Fayetteville, NC


Tax Parcel Identification Number: 0426-10-9571

SYNOPSIS: This property was inspected on 1/25/2013. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 2/28/2013. 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 4/5/2013. 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 11/7/2013, 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 \$60,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00. (Structure in utility condition)

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.


Debra Johnson
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 7th day of November 2013.


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



Angela Perrier,
Inspector

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debi Johnson,
Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

February 28, 2013

CASE #: MH 25-2013

91 7199 9991 7031 6001 2547

TO: Sharon Lesley & Parties of Interest
3287 Cumberland Road
Fayetteville, NC 28306

Property at: 2562 Bangle Street, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 2/4/2013.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 2/28/2013 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 answering by phone were: _____
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 1/29/2013. 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 25-2013, dated 1/25/2013.
 - ☒ 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.

EXHIBIT "A"


Findings and Facts of Order

Case #: MH 25-2013

Page 2

- ☒ 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 4/5/2013. **All required permits must be obtained. A copy of this order must be presented when obtaining permits. All trash & debris to be removed from lot.**
- ☐ 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 _____ 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 4/5/2013. 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

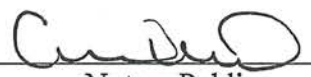

Debra Johnson
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me
this the 28th day of February, 2013


Notary Public
My Commission Expires: 11 - 03 - 14

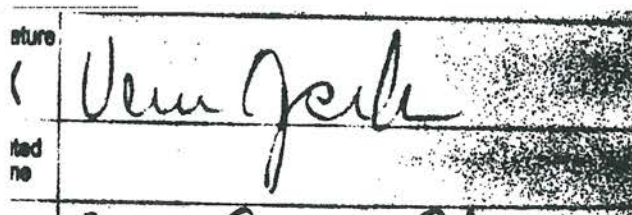


Date: 03/28/2013

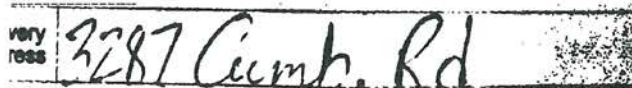
DEBI JOHNSON:

The following is in response to your 03/28/2013 request for delivery information on your Certified Mail(TM) item number 7199 9991 7031 6001 2547. The delivery record shows that this item was delivered on 03/07/2013 at 02:28 PM in FAYETTEVILLE, NC 28306. 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

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**
DATED February 28, 2013 CASE NUMBER **MH 25-2013**

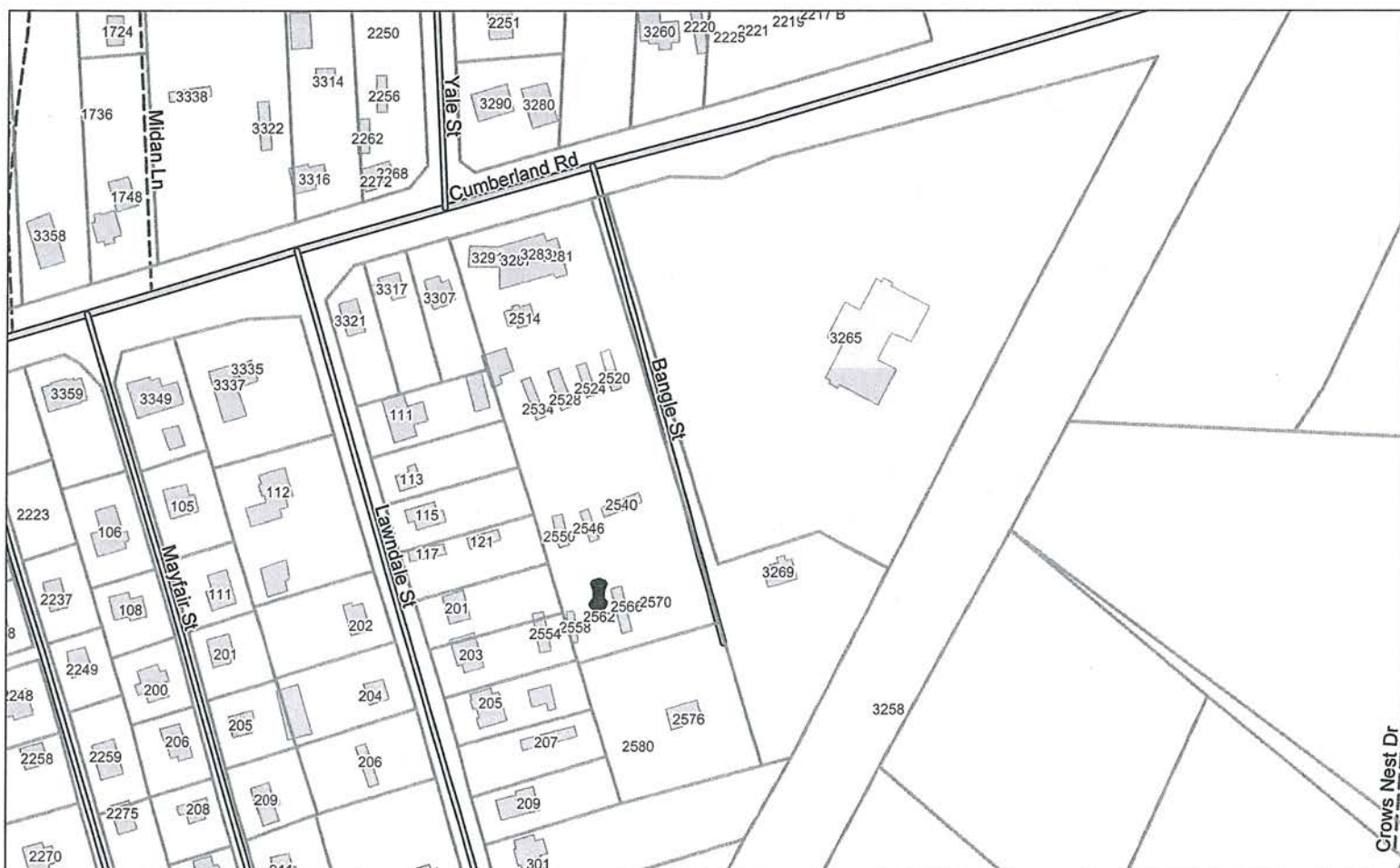
EXHIBIT A

Property Owner: Sharon Lesley
2562 Bangle Street, Fayetteville, NC
Minimum Housing Case # MH 25-2013
TAX PARCEL IDENTIFICATION NUMBER: 0426-10-9571

2562 Bangle Street, Fayetteville, NC

Minimum Housing Case # MH 25-2013

TAX PARCEL IDENTIFICATION NUMBER: 0426-10-9571

**EXHIBIT B**

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

I, Joey Lewis, 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 286-2013.

Property Owner: Eddie E. & Vanessa C. Taylor, Jr. & Chase Home Finance, LLC

Home Owner: Eddie E. & Vanessa C. Taylor, Jr. & Chase Home Finance, LLC

Property Address: 2501 Quail Forest Drive, Fayetteville, NC

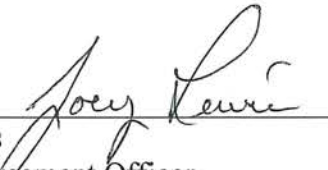
Tax Parcel Identification Number: 0405-95-4474

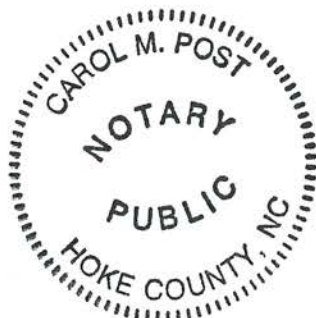
SYNOPSIS: This property was inspected on 8/30/2013. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 10/1/2013. No One attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 10/30/2013. 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 11/7/2013, no corrective action had been made to the structure. The structure is presently vacant and unsecured. 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 \$68,200.00. The Assessor for Cumberland County has the structure presently valued at \$4,444.00. (Structure in utility condition)

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.


Joey Lewis
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 7th day of November 2013.


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,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★**
NORTH CAROLINA

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

10/2/2013

Eddie E & Vanessa C Taylor, Jr & Parties of Interest
2501 Quail Forest Drive
Fayetteville NC, 28306

91 7108 2133 3939 1318 3797 Eddie

91 7108 2133 3939 1318 3780 Vanessa

CASE # MH-286-2013

PROPERTY AT: 2501 Quail Forest 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 9/13/2013.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 10/1/2013 at 9:00 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: _____
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 9/6/2013. 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-286-2013, dated 8/30/2013.
 - ☒ b. Due to these findings, the dwellings are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is unfit for human habitation.

EXHIBIT "A"

☒ 4. Due to facts presented above, the Hearing Officer orders as follows:

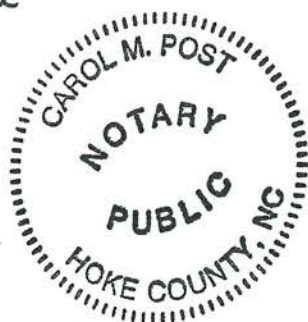
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 10/30/2013. **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 10/30/2013 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 10/30/2013.
- ☒ 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 10/30/2013. 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
91 7108 2133 3938 1998 8786
Enclosed: Appeals Procedure Form


Joey Lewis
Code Enforcement Officer

cc: Chase Home Finance, LLC
1 Corelogic Drive
Westlake TX



Sworn to and Subscribed to by me
this the 2nd day of October, 2013


Notary Public
My Commission Expires: 11-03-14

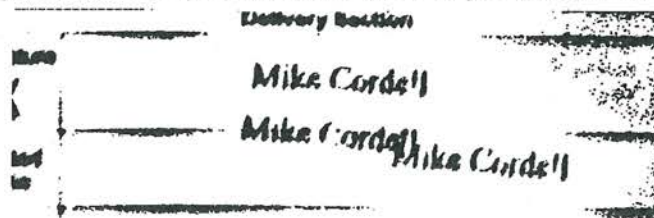
EXHIBIT "A"

Date: October 18, 2013

j lewis:

The following is in response to your October 18, 2013 request for delivery information on your Certified Mail™ item number 9171082133393819988786. The delivery record shows that this item was delivered on October 15, 2013 at 8:06 am in ROANOKE, TX 76262. 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

PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*
DATED October 2, 2013 CASE NUMBER *MH 286-2013*

EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: Eddie E. Taylor, Jr & Venessa C. Taylor
2501 Quail Forest Drive, Fayetteville, NC
Minimum Housing Case # MH 286-2013
TAX PARCEL IDENTIFICATION NUMBER: 0405-95-4474



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 228-2013.

Property Owner: Lee & Sally Willis

Home Owner: Lee & Sally Willis

Property Address: 2410 St Lawrence Road, Fayetteville, NC

Tax Parcel Identification Number: 0415-59-7544

SYNOPSIS: This property was inspected on 7/24/2013. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 8/22/2013. 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 10/7/2013. 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 11/7/2013, no corrective action had been made to the structure. The structure is presently vacant and unsecured. 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. (Structure in utility condition)

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

Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this

the 7th day of November 2013.


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,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

Planning & Inspections Department

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Chris Fulton,
Inspector

FINDINGS OF FACT AND ORDER

8/26/2013

Lee & Sally Willis & Parties of Interest
681 McIver Road
Lumber Bridge NC, 28357

91 7199 9991 7033 0132 2320

91 7199 9991 7033 0132 2313

CASE # MH-228-2013

PROPERTY AT: 2410 St Lawrence 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 8/14/2013.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 8/22/2013 at 10:45 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:
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 7/31/2013. 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-228-2013, dated 7/24/2013.
 - ☒ b. Due to these findings, the dwellings are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is unfit for human habitation.

EXHIBIT "A"

- ☒ 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 10/7/2013. **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 ____ 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 10/7/2013. 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 Procedure Form

Cc:



Sworn to and Subscribed to by me
this the 24th day of August, 2013



Notary Public
My Commission Expires: 11-03-14

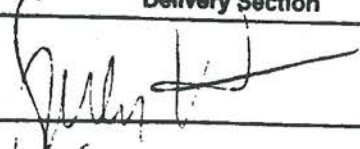
EXHIBIT "A"

Date: September 4, 2013

George Hatcher:

The following is in response to your September 4, 2013 request for delivery information on your Certified Mail™ item number 9171999991703301322313. The delivery record shows that this item was delivered on September 3, 2013 at 2:06 pm in FAYETTEVILLE, NC 28306. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
Signature	
Address	2856 CHERRY DR

Address of Recipient :

Delivery Address	2856 CHERRY DR
------------------	----------------

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

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**
DATED August 26, 2013 CASE NUMBER **MH 228-2013**

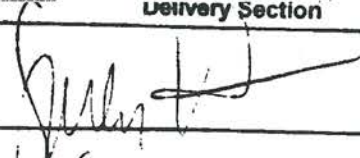
EXHIBIT A

Date: September 4, 2013

George Hatcher:

The following is in response to your September 4, 2013 request for delivery information on your Certified Mail™ item number 9171999991703301322320. The delivery record shows that this item was delivered on September 3, 2013 at 2:06 pm in FAYETTEVILLE, NC 28306. The scanned image of the recipient information is provided below.

Signature of Recipient :

Delivery Section	
Signature	
Address	2856 CHERRY DR

Address of Recipient :

Delivery Address	2856 CHERRY DR
------------------	----------------

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

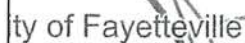
PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**
DATED August 26, 2013 CASE NUMBER **MH 228-2013**

EXHIBIT A

Property Owner: Lee & Sally Willis
2401 St. Lawrence Road, Fayetteville, NC
Minimum Housing Case # MH 228-2013
TAX PARCEL IDENTIFICATION NUMBER: 0415-59-7544

Minimum Housing Case # MH 228-2013

TAX PARCEL IDENTIFICATION NUMBER: 0415-59-7544

**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 232-2013.

Property Owner: Rosco & Rena McNeill

Home Owner: Rosco & Rena McNeill

Property Address: 3643 Classic Road, Fayetteville, NC


Tax Parcel Identification Number: 0424-96-1309

SYNOPSIS: This property was inspected on 7/24/2013. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 8/22/2013. Rena & Rosco McNeill 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 10/7/2013. 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 11/7/2013, 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 \$45,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00. (Structure in utility condition)

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
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 7th day of November 2013.


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,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

Planning & Inspections Department

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

Debra Johnson,
Inspector

Chris Fulton,
Inspector

FINDINGS OF FACT AND ORDER

8/26/2013

Rosco & Rena P McNeill & Parties of Interest
5711 Dudley Road
Fayetteville NC, 28312

91 7108 2133 3938 2059 5409 Rosco

91 7108 2133 3938 2059 5393 Rena

} CIP

CASE # MH-232-2013

PROPERTY AT: 3643 Classic 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 8/6/2013.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 8/22/2013 at 9:45 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: Rena & Rosco McNeill
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 8/1/2013. 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-232-2013, dated 7/24/2013.
 - ☒ b. Due to these findings, the dwellings are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - ☒ c. The dwelling is unfit for human habitation.

EXHIBIT "A"

☒ 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 10/7/2013. **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 ____ 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 10/7/2013. 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 Procedure Form

Cc:

Sworn to and Subscribed to by me
this the 21st day of August 2013





Notary Public
My Commission Expires: 11-03-14

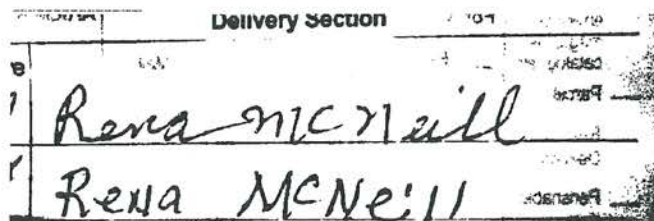
EXHIBIT "A"

Date: September 27, 2013

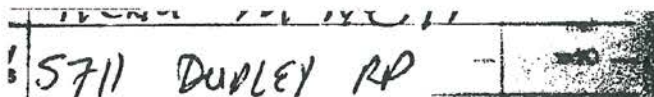
George Hatcher:

The following is in response to your September 27, 2013 request for delivery information on your Certified Mail™ item number 9171082133393820595393. The delivery record shows that this item was delivered on September 21, 2013 at 1:27 pm in FAYETTEVILLE, NC 28312. 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

PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**
DATED August 26, 2013 CASE NUMBER **MH 232-2013**

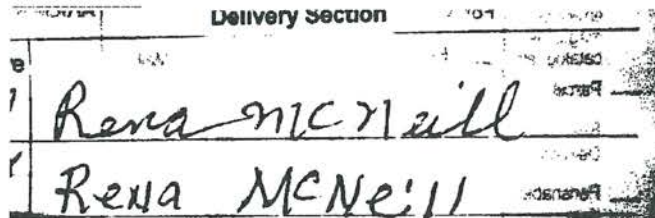
EXHIBIT A

Date: September 27, 2013

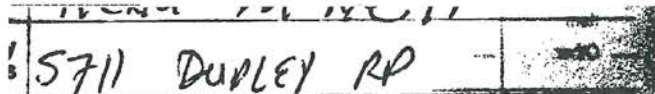
George Hatcher:

The following is in response to your September 27, 2013 request for delivery information on your Certified Mail™ item number 9171082133393820595409. The delivery record shows that this item was delivered on September 21, 2013 at 1:27 pm in FAYETTEVILLE, NC 28312. 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

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED August 26, 2013 CASE NUMBER MH 232-2013

EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: Rosco & Rena P. McNeill
3643 Classic Road, Fayetteville, NC
Minimum Housing Case # MH 232-2013
TAX PARCEL IDENTIFICATION NUMBER: 0424-96-1309

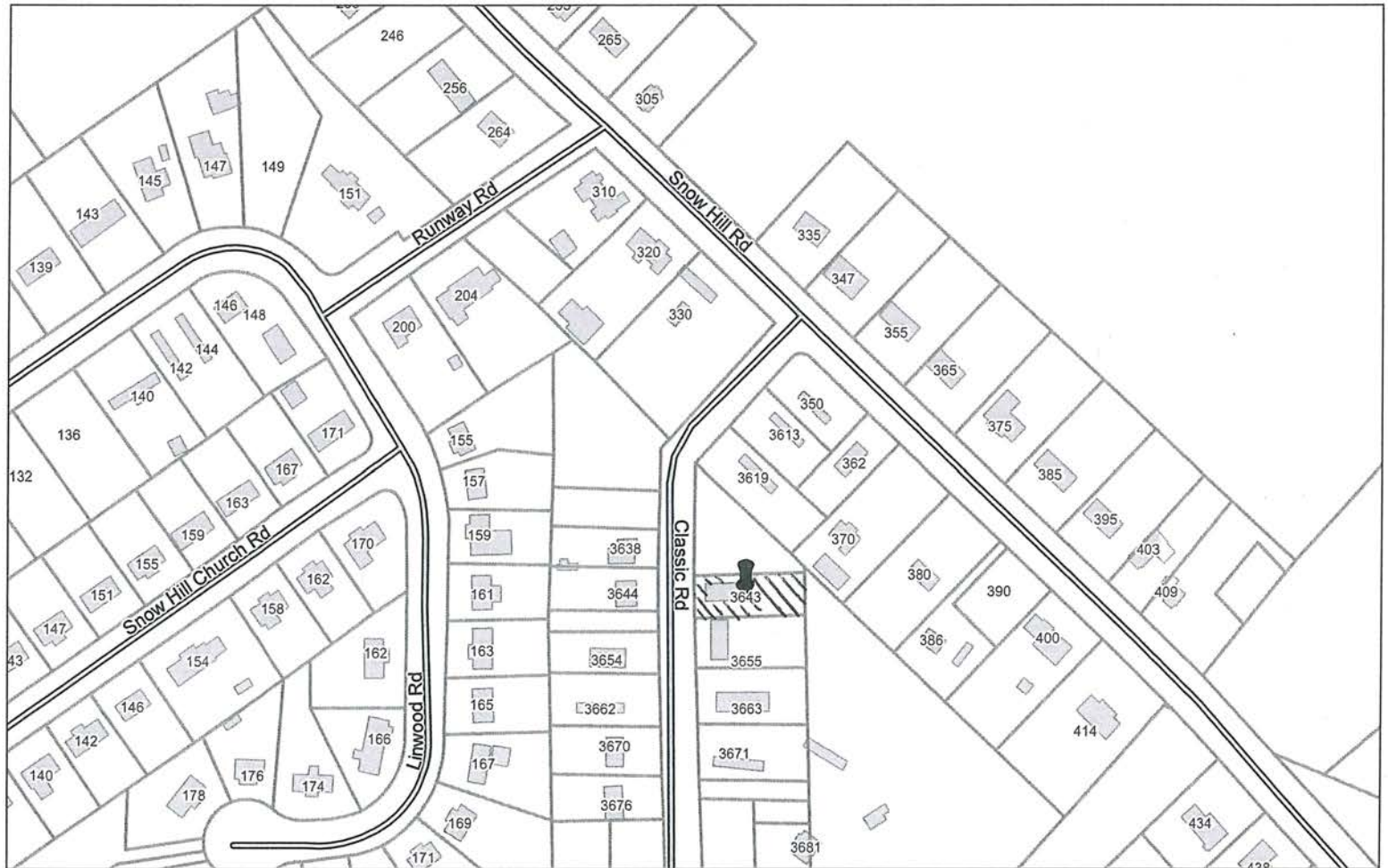


EXHIBIT B

ITEM NO. 7A

**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

COMMUNITY DEVELOPMENT

**MEMO FOR THE AGENDA OF NOVEMBER 18, 2013
MEETING OF THE BOARD OF COMMISSIONERS**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: SYLVIA H. MCLEAN, BUSINESS MANAGER *SHM*

THRU: AMY H. CANNON, DEPUTY COUNTY MANAGER *AHC*

DATE: NOVEMBER 8, 2013

SUBJECT: HOMEBUYER SUBORDINATION AGREEMENT

BACKGROUND:

Branch Banking and Trust Inc. is requesting that Cumberland County subordinate a homebuyer loan to refinance the first mortgage for Matombia R. Eaglin (formerly Matombia R. Miller). The property is located at 910 Lexis Walker Cr., Spring Lake, NC 28390 and CCCD's loan was made May 15, 2008. Refinancing would reduce Ms. Eaglin's interest rate from 6.750% to 4.750%, which is a 2% drop. The additional funds above paying off the 1st mortgage will go toward paying the settlement cost. Our current loan balance is \$26,686.00, which is a deferred loan. Including the new loan at BB&T of \$71,200.00, the combined loan to value will still be 100%.

We believe that subordinating our mortgage would be in the best interest of the homeowner and that our lien position is not compromised. It is our opinion that the homeowner is taking measures to further protect our investment in this property. Cumberland County is currently in 2nd lien position and would remain in 2nd position with the subordination agreement. However, the agreement is necessary to allow BB&T to have 1st lien position.

RECOMMENDATION AND PROPOSED ACTION:

CCCD recommends approval of the subordination agreement for Matombia R. Miller Eaglin and that all related documents be executed and recorded as necessary.

Attachments: Exhibit 1 – BB&T Memo
Exhibit 2 – Agreement of Subordination



Branch Banking & Trust Co.

Mortgage
Bordeaux Center
3034 Boone Trail Ext.
P.O. Box 1088
Fayetteville, NC 28302
(910) 435-3594 / 435-3580
Fax (910) 435-3599

October 23rd, 2013

County of Cumberland
707 Executive Place
Fayetteville, NC 28305

Re: Subordination -- Matombia Eaglin (Miller)
910 Lexis Walk Cir
Spring Lake, NC 28390

To Whom It May Concern:

We are in the process of Refinancing the first Mortgage for the above mentioned Client, and it is necessary for Cumberland County to subordinate the existing lien you have on the property.

We are doing a Conventional, No Cash Out, 30 years, Fixed Rate Loan at an interest rate of 4.75%. Since this is a HARP loan, an Appraisal is not required.

Please let me know if I can assist further.

Sincerely,

Coleen Bush
Mortgage Loan Officer
Fayetteville, NC 28304

Prepared By & Return To: Attorney Steve Bunce

File #39140-13

NORTH CAROLINA

SUBORDINATION AGREEMENT

CUMBERLAND COUNTY

County of Cumberland being the present owner and holder of that certain promissory note dated May 15, 2008 in the original amount of \$27,154.00, executed by Matombia R. Miller, single (Borrower), payable to the order of County of Cumberland, for good and valuable consideration received, does hereby covenant, stipulate, and agree with Branch Banking and Trust Company (Lender) that all liens, mortgages, encumbrances, security interests, and assignments of every kind and character created under, renewed and extended under or existing by virtue of the lien instrument described as follows hereby (Security Instrument), being that

Deed of Trust dated May 15, 2008, executed by Matombia R. Miller, single to Grainger R. Barrett, Trustee for County of Cumberland securing the original amount of \$27,154.00, recorded in Book 7889, Page 547, Cumberland County Registry, North Carolina,

affecting the real property and improvements described therein (the Mortgaged Property), are hereby expressly SUBORDINATED AND MADE SECONDARY AND INFERIOR, to the liens, mortgages, encumbrances, security interests, and assignments created under, renewed and extended under or existing by virtue of the lien instrument described as follows hereto (Lender's Security Instrument), being that

Deed of Trust dated _____, executed by Matombia R. Eaglin, formerly known as Matombia R. Miller, to _____, Trustee for Branch Banking and Trust Company securing the original amount of \$71,200.00, recorded in Book _____, Page _____, Cumberland County Registry, North Carolina.

affecting the Mortgaged Property, and securing the following indebtedness (Lender's Note):

That certain Conventional Promissory Note dated _____ executed by Matombia R. Eaglin, formerly known as Matombia R. Miller, to Branch Banking and Trust Company in the amount of \$71,200.00.

County of Cumberland has made this agreement upon the assurances by Branch Banking and Trust Company that Lender's Note shall be used to pay off the existing note to Branch Banking and Trust Company secured by that Deed of Trust dated May 15, 2008, executed by Matombia Miller to Frances Jones, Trustee for Branch Banking and Trust Company, securing the original amount of \$73,300.00, recorded in Book 7889, Page 532, Cumberland County Registry, North Carolina, and this agreement is specifically conditioned upon this note being satisfied and this deed of trust being canceled of record.

This Agreement shall extend to any renewal or extension of all or any part of Lender's Note, and notice of any such renewal or extension and the consent thereto of County of Cumberland's or any other owner or holder of said Note shall not be necessary.

This Agreement and the covenants and agreements contained herein shall not be impaired, reduced or affected by the taking of any other security for Lender's Note or the release, surrender or loss of any other security or collateral for the payment of Lender's Note or the failure, neglect or refusal of Lender to enforce any other security or collateral for the payment of Lender's Note.

This Agreement shall be binding upon County of Cumberland and its successors and assigns, including each and every subsequent owner and holder of County of Cumberland's Note, and the terms hereof shall inure to the benefit of Lender, its successors and assigns, including, without limitation, each and every subsequent owner and holder of Lender's Note, or any renewal or extension thereof.

Except for the subordination described by this Agreement, County of Cumberland's Security Instrument shall be and remain unchanged and in full force and effect.

Executed this day ____ of October, 2013.

County of Cumberland

By: _____

Printed Name and Title

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I certify that the following person(s) personally appeared before me this day each
acknowledging to me that he or she signed the foregoing document:

_____, _____ of County of
Cumberland

Date: _____

Notary Public Signature

Printed Name of Notary Public

My Commission Expires: _____

ITEM NO. 7B

**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

COMMUNITY DEVELOPMENT

MEMO FOR THE AGENDA OF NOVEMBER 18, 2013
MEETING OF THE BOARD OF COMMISSIONERS

TO: Board of County Commissioners

FROM: Sylvia H.-McLean, Business Manager *SHM*

THRU: Amy H. Cannon, Deputy County Manager *AHC*

DATE: November 7, 2013

SUBJ: Offer to Purchase County Properties

Attached is an Offer to Purchase for 3322 Antler Drive, Spring Lake; 728 Carnegie Drive, Fayetteville; 6405 Wendy Terrace, Fayetteville; and 4815 Boylan Street, Fayetteville. The purchase price offered for all four properties is \$175,000 and the buyer has submitted the required 5% deposit of \$8,750. The remaining balance of the purchase price, which is \$166,250, will be paid upon closing the real estate transaction.

BACKGROUND:

Community Development provided financing for the above properties in 2006 and 2007. The County Board of Commissioners approved the acceptance of a deed in lieu of foreclosure in 2010. These properties are currently being maintained as rental by Community Development. Currently two properties have been vacant since February 2012 and June 2013.

The County has not received any other official offers for these properties except from Kingdom CDC. As you are aware, this is the second offer submitted by Kingdom CDC to purchase the properties which is less than the current loan balance. The outline below provides a summary of the property and offer for your consideration.

This item was previously presented to the County Board of Commissioners on June 17, 2013 and no action was taken.

RECOMMENDATION/PROPOSED ACTION:

It is requested that this offer be presented to the Board of Commissioners with a recommendation from Community Development to accept the offer and advertise subject to the upset bid procedure of N.C.G.S § 160A-269.

PROPERTY	LOAN BALANCE	TAX VALUE	PRIOR PURCHASE OFFER on 6/17/13	PURCHASE OFFER	EST. REPAIR COST
3322 Antler Dr.	\$48,982.93	\$88,700	\$49,000	\$45,000	\$8,000
728 Carnegie Dr. *	\$53,974.32	\$92,900	\$35,000	\$40,000	\$45,000
6405 WendyTerrace*	\$63,561.40	\$88,900	\$59,000	\$45,000	\$25,000
4815 Boylan St.	\$45,673.93	\$87,000	\$45,000	\$45,000	\$8,000
	\$212,192.58		\$188,000	\$175,000	\$86,000

*-properties currently vacant



November 5, 2013

Bobby Thomas
Housing Services Manager
Cumberland County Community Development
707 Executive Place
Fayetteville NC 28305

Dear Mr. Thomas:

Please accept this letter as a formal offer to purchase the following properties:

- 1) 3322 Antler Drive, Spring Lake, NC;
- 2) 728 Carnegie Drive, Fayetteville, NC;
- 3) 6405 Wendy Terrace, Fayetteville, NC; and
- 4) 4815 Boylan Street, Fayetteville, NC.

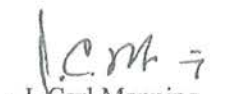
We have inspected each of the properties prior to making this offer. Therefore, we are familiar with the location and condition of the properties. In making this offer, we have considered the investment needed to not only purchase the properties, but to also make them habitable. Kingdom CDC is in the business of providing decent, safe, and affordable housing. Each of these properties will need repairs ranging from minor repairs and upgrades to extensive plumbing and flooring. The units will be made energy efficient, as are all of our units, with new windows, appliances, and HVAC systems if needed. These modifications help to keep utilities low and maintain the affordability of the unit for our low and moderate income clients.

Kingdom CDC submits an offer of \$175,000 for all four of the properties as listed below:

Property	Offering Price	Estimated Repairs	Total Projected Investment
3322 Antler Drive	\$45,000	\$8,000	\$53,000
728 Carnegie Drive	\$40,000	\$45,000	\$85,000
6405 Wendy Terrace	\$45,000	\$25,000	\$70,000
4815 Boylan Street	\$45,000	\$8,000	\$53,000

As required, a 5% bid deposit of \$8,750 is being submitted with this offer.

Respectfully submitted,


J. Carl Manning
Executive Director

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
RESOLUTION PROPOSING TO ACCEPT AN OFFER TO PURCHASE CERTAIN
REAL PROPERTY PURSUANT TO N.C.G.S § 160A-269**

Whereas, the Board of Commissioners declares as surplus and has determined dispose of the real property described herein in accordance with the negotiated offer, advertisement and upset bid method of sale.

Be it hereby resolved that the Board of Commissioners proposes to accept the offer of Kingdom Community Development Corporation to purchase the following four properties for the purchase price indicated for each:

Dwelling located at 3322 Antler Drive, Spring Lake, NC 28309,
PIN 0502-39- 9456, for the offer of \$45,000

Dwelling located at 728 Carnegie Drive, Fayetteville, NC 28311,
PIN 052-82-6038, for the offer of \$40,000

Dwelling located at 6405 Wendy Terrace, Fayetteville, NC 28306,
PIN 0404-18-7767, for the offer of \$45,000

Dwelling located at 4815 Boylan Street, Fayetteville, NC 28306,
PIN 9494-33-4997, for the offer of \$45,000

The Clerk is directed to receive the offeror's deposit and advertise the Board's proposal to accept this offer subject to the upset bid procedure of N.C.G.S. § 160A-269. This procedure shall be repeated until no further qualifying upset bids are received, at which time the highest offer is accepted and staff is directed to complete the sale to the highest bidder.

Adopted this 18th day of November, 2013.

JIMMY KEEFE
Chairman



CANDICE WHITE
Clerk to the Board

JEANNETTE M. COUNCIL
Vice Chairman

KELLIE BEAM
Deputy Clerk

KENNETH S. EDGE
CHARLES E. EVANS
MARSHALL FAIRCLOTH
BILLY R. KING
EDWARD G. MELVIN




ITEM NO. 8

BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA - NOVEMBER 18, 2013

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CANDICE H. WHITE, CLERK TO THE BOARD 

DATE: NOVEMBER 8, 2013

SUBJECT: CONSIDERATION OF ADOPTION OF 2014 BOARD OF COMMISSIONERS
REGULAR MEETING DATES

BACKGROUND:

Each year the Board of Commissioners considers adoption of its regular meeting dates for the upcoming calendar year, and each year there are exceptions that have to be considered. The exceptions for calendar year 2014 include the following:

- The second meeting in January has been moved to Tuesday, January 21st because the preceding Monday is observed as Martin Luther King, Jr. Birthday holiday.
- The second meeting in April has been moved to Tuesday, April 22nd because the preceding Monday is Easter Monday. The Board at its November 19, 2012 meeting took action to continue moving this meeting to Tuesday.
- The first meeting in September has been moved to Tuesday, September 2nd because the preceding Monday is observed as Labor Day holiday.

Additionally, the first meeting in March has been cancelled because the NACo Legislative Conference is scheduled for March 1-5, 2014 in Washington, DC.

RECOMMENDATION/PROPOSED ACTION:

Adopt the 2014 Board of Commissioners regular meeting dates as proposed or revise and adopt Board of Commissioner regular meeting dates for 2014.

Attachment



2014 BOARD OF COMMISSIONERS
REGULAR MEETING DATES

January 6, 2014, 9:00AM
January 21, 2014, 6:45PM (Tuesday)

February 3, 2014, 9:00AM
February 17, 2014, 6:45PM

March 3, 2014, 9:00AM (NO MEETING – NACo Legislative Goals Conference)
March 17, 2014, 6:45PM

April 7, 2014, 9:00AM
April 22, 2014, 6:45PM (Tuesday)

May 5, 2014, 9:00AM
May 19, 2014, 6:45PM

June 2, 2014, 9:00AM
June 16, 2014, 6:45PM

July – NO MEETINGS

August 4, 2014, 9:00AM
August 18, 2014, 6:45PM

September 2, 2014, 9:00AM (Tuesday)
September 15, 2014, 6:45PM

October 6, 2014, 9:00AM
October 20, 2014, 6:45PM

November 3, 2014, 9:00AM
November 17, 2014, 6:45PM

December 1, 2014, 9:00AM
December 15, 2014, 6:45PM

NOTE: ALL MEETINGS ARE ON HELD MONDAY EXCEPT AS NOTED ABOVE.

JIMMY KEEFE
Chairman

JEANNETTE M. COUNCIL
Vice Chairman

KENNETH S. EDGE
CHARLES E. EVANS
W. MARSHALL FAIRCLOTH
BILLY R. KING
EDWARD G. MELVIN



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

ITEM NO. 9A

November 13, 2013
November 18, 2013 Agenda Item

TO: Board of Commissioners
FROM: Kellie Beam, Deputy Clerk to the Board *KB*
SUBJECT: Civic Center Commission

The Civic Center Commission will have the following five (5) upcoming vacancies on January 1, 2014:

McBryde Grannis – Completing first term. Eligible for reappointment. Recommendation of the Civic Center Commission is for the reappointment of **McBryde Grannis**. (See attached.)

Nat Robertson – Completing first term. Eligible for reappointment. Recommendation of the Civic Center Commission is for the reappointment of **Nat Robertson**. (See attached.)

William Tew Jr. – Completing first term. Eligible for reappointment. Recommendation of the Civic Center Commission is for the reappointment of **William Tew Jr.** (See attached.)

George Turner – Completing second term. Recommendation of the Civic Center Commission is for the reappointment of George Turner for an additional one (1) year to facilitate the Crown Center's transition into private management under Global Spectrum. (See attached.)

Ryan Aul – Completing second term. Recommendation of the Civic Center Commission is for the reappointment of Ryan Aul for an additional one (1) year to facilitate the Crown Center's transition into private management under Global Spectrum. (See attached.)

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

PROPOSED ACTION: Nominate individuals to fill the five (5) vacancies above.

APPLICANT(S) GRADUATING FROM COUNTY CITIZENS' ACADEMY:
Decosta, Joseph

Attachments
pc: Karen Long, General Manager/CEO

Civic Center Commission

The Cumberland County Civic Center Commission serves in an advisory capacity to study, plan and program for the highest and best use of the facilities committed to it for public use, edification and enjoyment.

Statutory Authorization: Section 2 of Chapter 360 of the 1965 Session Laws

Member Specifications:

15 Members

Term: 3 Years

Compensation: None

Duties:

- Carry out any duty or assignment expressly delegated by resolution of the board of County Commissioners;
- To make such reasonable rules and regulations for its own proper organization and management of the Civic Center facilities, provided such rules and regulations do not conflict with and are not inconsistent with the laws of the State of North Carolina or ordinances of Cumberland County.

Meetings: Fourth Tuesday of each month at 5:30 PM. The Board is also divided into three subcommittees that meet on a monthly basis: Finance Committee, Capital Improvements Committee, and Marketing and Sales Committee.

Meeting Location: Cumberland County Civic Center Crown Coliseum Board Room 1960 Coliseum Drive Fayetteville, NC

Kellie Beam

From: Rita Perry [rperry@crowncoliseum.com]
Sent: Tuesday, November 12, 2013 9:32 AM
To: Kellie Beam
Cc: James Grafstrom
Subject: Civic Center Commission Reappointment Recommendation & Terms Extension Requests

Importance: High

Kellie:

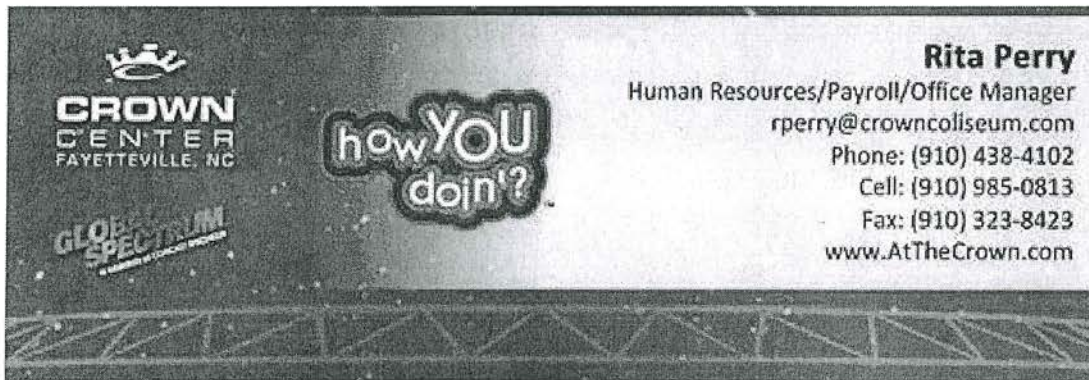
At the October 22, 2013 Civic Center Commission meeting the below listed reappointment recommendations were unanimously approved.

1. McBryde Grannis
2. Nat Robertson
3. William Tew, Jr.

Additionally, the Commission is requesting that the expired terms for George Turner and Ryan Aul be extended for one (1) year to facilitate the Crown Center's transition into private management under Global Spectrum.

The Commission respectfully request these reappointment recommendations and term extension requests be forwarded to the County Board of Commissioners for consideration.

Thank you.



CIVIC CENTER COMMISSION

3 Year Term

Per their by-laws, Civic Center Commission Nominating Committee meets annually to make recommendations for vacancies; vacancies are to be placed on Commissioners' December agenda for nominations; terms run January through December.

Name/Address	<u>Date</u> Appointed	Term	Expires	<u>Eligible For</u> Reappointment
Mark Lynch (W/M) 311 Valley Road Fayetteville, NC 28305 494-0233 / 483-1212	1/13	1st	Jan/16 1/1/16	Yes
Ryan C. Aul (W/M) 163 S. Churchill Drive Fayetteville, NC 28303 487-1000/321-7772 (W)	1/11	2nd	Jan/14 1/1/14	No
George Turner (W/M) 1300 Pamalee Drive Fayetteville, NC 28303 484-4069/263-0803/221-4095	1/11	2nd	Jan/14 1/1/14	No
Judy Dawkins (W/F) 2004 Morganton Rd Fayetteville, NC 28305 323-4974 / 237-6785	01/13	1st	Jan/16 1/1/16	Yes
Elizabeth Varnedoe (W/F) 1411 Raeford Rd Fayetteville, NC 28305 484-8959 (H) / 624-2378 (W)	01/13	1st	Jan/16 1/1/16	Yes
William Tew, Jr. 6233 Loop Road Linden, NC 28356 980-0740/988-2236 (W)	01/11	1st	Jan/14 1/1/14	Yes
Nat Robertson 4305 Huntsfield Road Fayetteville, NC 28314 829-0082/843-319-2972	01/11	1st	Jan/14 1/1/14	Yes
Olivia Chavis (B/F) 309 Springbrooke Place Fayetteville, NC 28305 483-2200/672-2503/672-1201 (W)	12/11	2nd	Jan/15 1/1/15	No

Per their by-laws, Civic Center Commission Nominating Committee meets annually to make recommendations for vacancies; vacancies are to be placed on Commissioners' December agenda for nominations; terms run January through December.

<u>Date</u> Name/Address	<u>Appointed</u>	<u>Eligible For</u> Term	<u>Expires</u>	<u>Reappointment</u>
Carl P. Williford (W/M) 951 S. McPherson Church Road Fayetteville, NC 28303 223-0223/484-2168 (W)	12/11	2nd	Jan/15 1/1/15	No
Robert C. Williams (B/M) 2713 Rosehill Rd Fayetteville, NC 28301 910-488-7587	1/13	1st	Jan/16 1/1/16	Yes
McBryde Grannis 232 Pinecrest Drive Fayetteville, NC 28305 850-8865/850-1692 (W)	01/11	1st	Jan/14 1/1/14	Yes
Ramona Moore (-/F) 602 Pilot Avenue Fayetteville, NC 28303 527-3015/323-0871/323-0111 (W)	12/11	2nd	Jan/15 1/1/15	No
Wayne Beard, Sr. (W/M) 1514 Middle Road Fayetteville, NC 28312 483-9165	12/11	2nd	Jan/15 1/1/15	No
Thaddeus T. Jenkins (B/M) 225 Green Street, Ste. 1007-C Fayetteville, NC 28301 988-8449 / 480-1800 (W)	01/13	2nd	Jan/16 1/1/16	No
<u>Restaurant Owner (SL 1993-413)</u> Edith Bigler (F) 178 Ellerslie Drive Fayetteville, NC 28303 308-7912	12/11	1st	Jan/15 1/1/15	Yes

Commissioner Liaisons: Commissioner Ed Melvin
Ex Officio Member: James Martin, County Manager

Meetings: 4th Tuesday of the month at 5:30 PM, Crown Center Board Room. 1960 Coliseum Drive
(All committees meet the 4th Tuesday of each month at 4:30 pm)

Contact: Karen Long, General Manager, Coliseum Complex (or Rita Perry – 438-4102/Fax 323-8423)

**APPLICANTS FOR
CIVIC CENTER COMMISSION**

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BATES, KEITH (W/M) 5404 CHESAPEAKE RD FAYETTEVILLE NC 28311 488-6315 (H) / 494-2256 (W) Graduate-County Citizens' Academy: No Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-United Way's Multi-Cultural Leadership Program: No Graduate-other leadership academy: No	OPERATIONS SPECIALIST DEPT. OF DEFENSE & FAYETTEVILLE CITY COUNCIL MEMBER	NONE LISTED
BLAKE, MICHAEL (W/M) 4174 LONGVIEW AVE HOPE MILLS, NC 28348 910-425-5933/797-9291 Graduate-County Citizens' Academy: No Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-United Way's Multi-Cultural Leadership Program: No Graduate-other leadership academy: No	BLAKE'S LAWCARE SERVICE OWNER	HS/2 YRS COLLEGE
COGDELL, EDNA (B/F) 734 ASHBURTON DRIVE FAYETTEVILLE, NC 28301 488-4582/624-4558 **SERVES ON THE MID-CAROLINA AGING ADVISORY COMMITTEE** Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	EDUCATOR NC CENTRAL UNIVERSITY	MS-EDUCATION MLS-LIBRARY SCIENCE
DECOSTA, JOSEPH (W/M) 7016 MARINERS LANDING DR FAYETTEVILLE NC 28306 286-9686/396-5724 **SERVES ON THE BOARD OF ADJUSTMENT** Graduate-County Citizens' Academy: YES Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	US WARRANT OFFICER US ARMY	CURRENT STUDENT
FINCHER, SEAN (W/M) 105 KIRKWOOD DRIVE FAYETTEVILLE, NC 28303 910-237-3565 / 910-483-3027 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	INSURANCE AGENCY OWNER NATIONWIDE INSURANCE	COLLEGE GRADUATE

Civic Center Commission, Page 2

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
FLEMING, JOE, DR REV. (/M) 7235 RYAN ST FAYETTEVILLE, NC 28314 910-339-2608 Graduate-County Citizens' Academy: No Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	RETIRED SELF-EMPLOYED	SOME COLLEGE
FORD, STANLEY (B/M) 4013 POLK DRIVE HOPE MILLS, NC 28348 910-425-5639 Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	BANKING/MORTGAGES NOT LISTED	BACHELORS
JONES, MONICA (B/F) 4640 DUDLEY ROAD FAYETTEVILLE NC 28312 486-7933/571-306-5600 Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: YES Graduate-other leadership academy: NO	RESEARCH ANALYST DELTEK, INC	NONE LISTED
LEWIS, BOB (W/M) 3011 BANKHEAD DR FAYETTEVILLE NC 28306 426-6999 Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-United Way's Multi-Cultural Leadership Program: No Graduate-other leadership academy: No	RETIRED EDUCATOR CUMBERLAND CO SCHOOLS **SERVES ON THE ABC BOARD**	BS; MA – ADVANCED STUDIES
MCMILLIAN, STEVE (B/M) 6521 CISSNA DRIVE FAYETTEVILLE, NC 28303 910-273-7933 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: MILITARY ACADEMY	RETIRED MILITARY	BS

Civic Center Commission, Page 3

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
MILES, LINDA H (W/F) 5608 PAR COURT HOPE MILLS, NC 28348 910-426-1606/910-818-1172 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	FINANCIAL SECRETARY	SOME COLLEGE
MORRISON, SHERRYCE (B/F) 504 ANONA DRIVE FAYETTEVILLE, NC 28314 764-0200/224-1803 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	N/A	HS SOME COLLEGE
MORTON, DINEEN (B/F) 5835 PETTIGREW DRIVE FAYETTEVILLE, NC 28314 778-9107/258-1098 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	HEALTHCARE VP OF BUSINESS DEVELOPMENT	BS-SOCIOLOGY
QUIGLEY, GEORGE (W/M) 616 BLAWELL CIRCLE STEDMAN, NC 28391 910-485-2980 / 910-286-5508 *SERVES ON THE JOINT APPEARANCE COMMISSION* Graduate-County Citizens' Academy: No Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-United Way's Multi-Cultural Leadership Program: Facilitator Graduate-other leadership academy: No	RETIRED PART TIME INSTRUCTOR FTCC	BS MBA-FINANCE
SHORTER, FLOYD (B/M) 6438 TOUCHSTONE DRIVE FAYETTEVILLE NC 28311 822-6403/222-8915 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NORFOLK LEADERSHIP ACADEMY	DIRECTOR/INSTRUCTOR FSU	BS-BUSINESS ADMIN. MASTERS-BUSINESS ADMIN

Civic Center Commission, Page 4

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
SOBERS, TOMEZIA (B/F) 980 CREEK SIDE RUN FAYETTEVILLE NC 28303 494-6872/678-9805 Graduate-County Citizens' Academy: N/A Graduate-Institute for Community Leadership: Yes Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: No	INSTRUCTOR FTCC	MA-SOCIOLOGY
WHITE, LILLIE (B/F) 6496 TARRYTOWN DR FAYETTEVILLE NC 28314 910-867-3178 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO	RETIRED	BS-BUSINESS ADMIN.

JIMMY KEEFE
Chairman

JEANNETTE M. COUNCIL
Vice Chairman

KENNETH S. EDGE
CHARLES E. EVANS
W. MARSHALL FAIRCLOTH
BILLY R. KING
EDWARD G. MELVIN



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

ITEM NO. 10 A

November 13, 2013

November 18, 2013 Agenda Item

TO: Board of Commissioners
FROM: Kellie Beam, Deputy Clerk to the Board *KB*
SUBJECT: Tourism Development Authority

BACKGROUND: At their November 4, 2013 meeting, the Board of Commissioners nominated the following individuals to fill three (3) vacancies on the Tourism Development Authority:

Hotel/Motels under 100 Rooms Representative:
Daniel E. Roberts (reappointment for one year)
William S. Wellons (reappointment for second term)

Hotel/Motels over 100 Rooms Representative:
Vivek Tandon (reappointment for one year)

I have attached the current membership list for the Tourism Development Authority.

PROPOSED ACTION: Appoint individuals to fill the three (3) vacancies above.

Attachment

pc: Candice White, Clerk to the Board

TOURISM DEVELOPMENT AUTHORITY
3 Year Terms

10/12

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Commissioner Appointees:</u>				
<u>Hotel/Motels under 100 rooms Representatives:</u>				
Daniel E. Roberts 4182 Sycamore Dairy Road Fayetteville, NC 28303 426-1416/826-9200 (W)	4/10	2nd	April/13 4/30/13	No
William S. Wellons, Jr. 406 Overton Place Fayetteville, NC 28303 868-5425/436-3131 (W)	7/10	1 st full term	August/13 8/31/13	Yes
<u>Hotel/Motel over 100 rooms Representatives:</u>				
Vivek Tandon (A/M) 2857 Skye Drive Fayetteville, NC 28303 323-9070/436-1900(W)/670-1072 (cell)	3/10	2nd	March/13 3/31/13	No
Manish Mehta 229 Forest Creek Drive Fayetteville, NC 28303 494-1918 (cell)/689-0800	9/12	1st	March/14 3/31/14	Yes
serving unexpired term; eligible to serve two additional terms				
<u>Member of the Public Not Affiliated with Travel/Tourism</u>				
Dallas Mack Freeman 961 Kaywood Drive Fayetteville, NC 28311 488-9478/391-4177 (cell)	6/11	1 st	June/14 6/30/14	Yes

Others:

President of the Fayetteville-Cumberland County Chamber of Commerce (ex officio)

Doug Peters

Fayetteville-Cumberland County Chamber of Commerce

P.O. Box 9

Fayetteville, NC 28302

Cumberland County Manager (ex officio)

James Martin

P.O. Box 1829

Fayetteville, NC 28302

484-4242

Authority was created by the Board of Commissioners on January 28, 2002.

Board was appointed on March 11, 2002.

Meetings: Quarterly (January/April/July/October) - 4th Wednesday – 8:00 AM – Room 564