
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
DECEMBER 19, 2016
6:45 PM

INVOCATION – Commissioner Jeannette Council

PLEDGE OF ALLEGIANCE –

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

Recognition of the Cumberland County Public Library & Information Center receiving three awards from the North Carolina Public Library Directors Association:

- 1) Outstanding Award for Teen Library Program
- 2) Adult Library Programming for “It’s a WRAP” Winter Reading & Activity Program
- 3) Staff Development Program for Calculating the Caldecott.

1. Approval of Agenda

2. Consent Agenda

A. Approval of minutes for the December 5, 2016 Special Meeting.

B. Approval of Proposed Additions to the State Secondary Road System: **(Pg. 15)**

Silver Creek Subdivision: Northbranch Road, Looking Glass Road,
Palmate Court, Sweetflag Court, Matchpoint Court

C. Approval of Adoption of the Schedules, Standards, and Rules (SOV) for the 2017 Revaluation. **(Pg. 18)**

- D. Approval of FY2016 Homeland Security Grant (HGSP) MOA# 1604-02 (Pass-Thru Grant for Cumberland County). **(Pg. 20)**
- E. Approval of Extension of J.P. Riddle Stadium Lease to Hometown Sports America, Inc. **(Pg. 48)**
- F. Approval of Ordinance Assessing Property for the Cost of Demolition: **(Pgs. 55-62)**
- 1) Case Number: MH 1370-2016 **(Pg. 55)**
Property Owner: Thomas Wyatte McKinney
Property Location: 3602 & 3638 McBryde Street, Linden, NC
Parcel Identification Number: 0563-62-1634
 - 2) Case Number: MH 1368-2016 **(Pg. 57)**
Property Owner: John H. Penne
Property Location: 476 Slocumb Road, Fayetteville, NC
Parcel Identification Number: 0542-51-3084
 - 3) Case Number: MH 609-2014 **(Pg. 59)**
Property Owner: Santos R. Arroyo
Property Location: 119 Trailwood Drive, Fayetteville, NC
Parcel Identification Number: 0436-01-5464
 - 4) Case Number: MH 1389-2016 **(Pg. 61)**
Property Owner: Peggy Jones & Harry Hales
Property Location: 5025 Cumberland Drive, Fayetteville, NC
Parcel Identification Number: 0405-85-2535
- G. Approval of Cumberland County Finance Committee Report and Recommendation: **(Pgs. 63-77)**
- 1) Temporary Part-Time Position at Animal Control. **(Pg. 75)**
 - 2) Change Order for the Haul Road Contract at the Ann Street Landfill. **(Pg. 76)**
- H. Approval of the Cumberland County Policy Committee Report and Recommendation on the Interlocal Agreement with the Town of Eastover for Minimum Housing Ordinance Enforcement. **(Pg. 78)**

I. Approval of Budget Revisions: **(Pg. 87)**

General Fund 101

1) Public Health - Budget Ordinance Amendment B170110 to increase salary and benefits in the amount of \$4,583

The Board is requested to approve Budget Ordinance Amendment B170110 in the amount of \$4,583. The Public Health Director has requested position 118001809 be reclassified from a Public Health Nurse I to a Public Health Nurse II. This position is in the Adult Health Clinic and has assumed responsibilities of the Wisewoman Coordinator. This increase will be funded by through the NC Wisewoman funding.

Please note this amendment requires no additional county funds.

2) Sheriff's Department - Budget Ordinance Amendment B170117 to increase salaries by \$70,000 for career development increases

The Board is requested to approve Budget Ordinance Amendment B170117 in the amount of \$70,000. Deputies and Detention Officers are eligible for 5% career development increases at specified intervals based on the Sheriff's Office salary plan. These funds were included in the adopted Budget in the Re-certifications Pay/Benefits line, but need to be transferred to the Salaries-Wages Regular line from which they will be paid.

Please note this amendment requires no additional county funds.

3) Department of Social Services - Budget Ordinance Amendment B170152 to recognize grant funds of \$7,500 from the Casey Foundation

The Board is requested to approve Budget Ordinance Amendment B170152 in the amount of \$7,500 for grant funds awarded by the Casey Foundation. This grant is to be used for permanency planning for children in foster care.

Please note this amendment requires no additional county funds.

4) Administration - Budget Ordinance Amendment B170141 for \$40,864 to increase salaries in multiple departments

The Board is requested to approve Budget Ordinance Amendment B170141 in the amount of \$40,864 to cover the county wide impact of salary adjustments related to Fair Labor Standards Act changes, which were processed before the announced delay in implementation. These changes were presented to the Finance Committee on November 4, 2016.

Please note this amendment requires no additional county funds.

Workforce Investment Opportunities Act Fund 255

5) Workforce Investment Opportunities Act Adults - Budget Ordinance Amendment B170124 to recognize grant funds in the amount of \$700,000 from NC Department of Commerce Division of Workforce Solutions

The Board is requested to approve Budget Ordinance Amendment B170124 in the amount of \$700,000 from the NC Department of Commerce Division of Workforce Solutions for the Dislocated Worker National Emergency Grant. The grant will be used for training and work experience for Hurricane Matthew related displaced workers.

Please note this amendment requires no additional county funds.

6) Workforce Investment Opportunities Act Adults - Budget Ordinance Amendment B170128 to recognize grant funds in the amount of \$295,400 from NC Department of Commerce Division of Workforce Solutions

The Board is requested to approve Budget Ordinance Amendment B170128 in the amount of \$295,000 from the NC Department of Commerce Division of Workforce Solutions National Emergency Grant for dislocated workers. This grant will be used to implement a Certified Career Pathways training program.

Please note this amendment requires no additional county funds.

Crown Center Fund 600

7) Crown- Budget Ordinance Amendment B170354 to increase Capital Outlay and Contingency Operating by \$87,253 for elevator repairs

The Board is requested to approve Budget Ordinance Amendment B170354 in the amount of \$87,253 for required elevator repairs. The elevator is currently inoperable. The budget revision includes a 10% contingency amount.

Please note this amendment requires the use of Crown Center fund balance.

REGARDING THE FOLLOWING ITEM 8 PLEASE NOTE:

Each fiscal year County departments may have projects that are not complete by the fiscal year end (6/30/16) or items ordered that have not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2016 budget however the money was not spent by June 30, 2016. The following amendments seek to bring those funds forward from FY 2016 into the current fiscal year, allowing departments to complete and pay for these items. These revisions are not using 'new' funds, but are recognizing the use of FY16 funds in FY17.

General Fund 101

8) Department of Social Services - Budget Ordinance Amendment B170232 to appropriate FY16 fund balance in the amount of \$2,240 to increase the Family to Family expense line

The Board is requested to approve Budget Ordinance Amendment B170232 in the amount of \$2,240 to appropriate FY16 fund balance. These funds were received from the Casey Foundation for the first half of calendar year 2016 and will be used for permanency planning for children in foster care.

Please note this amendment requires a re-appropriation of FY16 fund balance to the current year.

3. Public Hearings **(Pgs. 90-148)**

Uncontested Rezoning Cases

- A. **Case P16-44:** Rezoning of 1.85+/- acres from C1(P) Planned Local Business to C(P) Planned Commercial, or to a more restrictive zoning district, located at 124 Baywood Road, submitted by Jing Mester on behalf of Baywood Properties, LLC (owners). **(Pg. 90)**

Staff Recommendation:

1st motion for Case P16-44: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

2nd motion for Case P16-44: Move to approve the rezoning for C(P) Planned Commercial (Staff recommended denial of C(P), approval of C2(P)) as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve the staff recommendation.

- B. **Case P16-49:** Rezoning of 4.33+/- acres from A1 Agricultural to C(P) Planned Commercial/CZ Conditional Zoning for wholesale sales, or to a more restrictive zoning district, located at 8015 Maxwell Road, submitted by Holden Family Investments, LLC (owner) and Thomas Neville (agent). **(Pg. 93)**

Staff Recommendation:

1st motion for Case P16-49: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

2nd motion for Case P16-49: Move to approve the rezoning for C(P) Planned Commercial/CZ Conditional Zoning for wholesale sales as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve the staff recommendation.

Contested Cases

- C. **Case P16-47:** Rezoning of 75.00+/- acres from A1 Agricultural & R40 Residential to R20 Residential, or to a more restrictive zoning district, located at 2787 Thrower Road, submitted by Vance U. Tyson on behalf of Asby Holdings, LLC (owner) and Crawford McKethan (agent). **(Pg. 96)**

Planning Board Recommendation:

1st motion for Case P16-47: Move that even though the request may be consistent with the 2030 Land Use Plan, it was not reasonable because it was not consistent with the recently adopted South Central Plan, which minutes are to be fully incorporated herein by reference.

2nd motion for Case P16-47: Move to deny the request for R20 zoning and approve R30 zoning as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve the Planning Board recommendation.

Minimum Housing Code Enforcement

- D. Case Number: MH 1580-2016 **(Pg. 101)**
Property Owner: Teresa B. Spell
Property Location: 5013 Cumberland Road, Fayetteville, NC
Parcel Identification Number: 0405-85-3515

- E. Case Number: MH 1581-2016 **(Pg. 113)**
Property Owner: Vanessa G. Cuthbert
Property Location: 2404 Elcar Drive, Fayetteville, NC
Parcel Identification Number: 0415-55-7134

F. Case Number: MH 1588-2016 **(Pg. 120)**
Property Owner: Pam Smith Heirs
Property Location: 4828 Jefferson Street, Hope Mills, NC
Parcel Identification Number: 0413-85-2215

G. Case Number: MH 1577-2016 **(Pg. 126)**
Property Owner: Draughon Holdings, LLC
Property Location: 5375 Antique Drive, Hope Mills, NC
Parcel Identification Number: 0413-26-7662

Other Public Hearings

H. Public Hearing for Consideration of Petition of DSI Properties, LLC, to Close an Unnamed, Unopened Road. **(Pg. 136)**

I. Public Hearing on Community Development Substantial Amendment to the 2016 Annual Action Plan. **(Pg. 142)**

1) Approval of the Substantial Amendment to the 2016 Annual Action Plan. **(Pg. 142)**

2) Approval of Increase in the Maximum Amount of Aid Per Household Grant Award Amount in the Community Development Housing Rehabilitation Program. **(Pg. 148)**

Items of Business

4. Consideration of Designation of Voting Delegate to the NCACC's 2017 Legislative Goals Conference. **(Pg. 149)**

5. Nominations to Boards and Committees **(Pgs. 151-152)**

A. Alliance Behavioral Healthcare Board of Directors (1 Vacancy)

6. Appointments to Boards and Committees **(Pgs. 153-164)**

A. Civic Center Commission (3 Vacancies) **(Pg. 153)**

Nominees: Joe Gillis
Gregory Parker
Sheba McNeil (Reappointment)

B. Cumberland County Juvenile Crime Prevention Council (1 Vacancy) **(Pg. 156)**

Nominee: Gregory Raymond Koonce, Jr.

C. North Carolina's Southeast Board of Directors (1 Vacancy) **(Pg. 161)**

Nominee: Dr. Larry Keen

D. Senior Citizens Advisory Commission (1 Vacancy) **(Pg. 163)**

Nominee: Sonja Sato

7. Closed Session: If Needed

WATCH THE MEETING LIVE

THIS MEETING WILL BE STREAMED LIVE THROUGH THE COUNTY'S WEBSITE, CO.CUMBERLAND.NC.US. LOOK FOR THE LINK AT THE TOP OF THE HOMEPAGE.

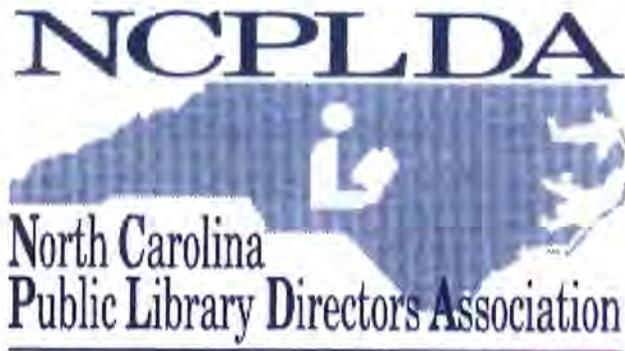
THE MEETING WILL ALSO BE BROADCAST LIVE ON FAYETTEVILLE/CUMBERLAND EDUCATIONAL TV (FCETV), TIME WARNER CHANNEL 5.

THE MEETING VIDEO WILL BE AVAILABLE AT YOUTUBE.COM/CUMBERLANDCOUNTYNC ON TUESDAY, DECEMBER 20.

IT WILL BE REBROADCAST ON WEDNESDAY, DECEMBER 21, AT 7 P.M. AND FRIDAY, DECEMBER 23, AT 10:30 A.M.

REGULAR BOARD MEETINGS:

**January 3, 2017 – (Tuesday) – 9:00 AM
January 17, 2017 – (Tuesday) – 6:45 PM
February 6, 2017 – (Monday) – 9:00 AM
February 20, 2017 – (Monday) – 6:45 PM**



December 1, 2016

Amy Cannon, County Manager
Cumberland County Courthouse
PO Box 1829
Fayetteville, NC 28302

Dear Ms. Cannon,

The North Carolina Public Library Directors Association is proud to announce that the Cumberland County Public Library and Information Center has received the 15-16 **Programming Award** for teen programming in a library its size. Please join us in congratulating the library and its director, Jody Risacher, for providing such an outstanding service to your community.

The award-winning program was the Vocation Job Fair. The Vocational Job Fair targeted teens who have little or no job experience. It also provided a place where teens can receive guidance in finding a career that they will enjoy and hand-on activities/guidance from librarians to create and refine resumes and search for jobs online. The Vocational Job Fair combined community partners who specialize in assisting this population with job skills and job searches, educational institutions that provide information about potential careers and the educational requirements for those careers, and employers who were actually seeking to hire teens and new adults. The Vocational Job Fair also offered attendees opportunities to create a professional resume for the first time or to get help improving a resume that they have already createdg, opportunities to practice and learn more about interviewing skills, and help with formatting resumes and filling out online job applications. The spring fair was a combined Vocational Job Fair and Financial Literacy Fair where teens could get help with not only their job search, but how to manage money and make good financial decisions. The program targeted teens with little or no job experience. It provided a place where they could connect with prospective employers, as well as explore potential careers and gain valuable job seeking skills.

Programs for public library users from around the state were judged on their Originality, Ability to be Replicated, Involvement with Other Community Organizations, Relationship to the Library's Mission, Effectiveness of Publicity, and Results to Cost Ratio. Your library's program was considered the best in its class!

On behalf of the North Carolina Public Library Directors Association, thank you for supporting the Cumberland County Public Library and Information Center, a fine example of one of our state's most beloved, freely accessible, and valuable institutions: the public library.

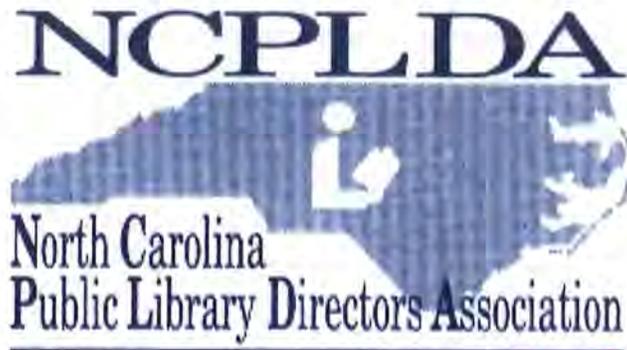
Sincerely,

A handwritten signature in cursive script that reads "Melanie Holles".

Melanie Holles, President
North Carolina Public Library Directors Association

Award Committee Members

Tammy Baggett, Chair	Jane Blackburn
Trina Rushing	Donna Phillips
Catie Roche	MJ Wilkerson



December 1, 2016

Amy Cannon, County Manager
Cumberland County Courthouse
PO Box 1829
Fayetteville, NC 28302

Dear Ms. Cannon,

The North Carolina Public Library Directors Association is proud to announce that the Cumberland County Public Library and Information Center has received the 15-16 **Programming Award** for adult programming in a library its size. Please join us in congratulating the library and its director, Jody Risacher, for providing such an outstanding service to your community.

The award-winning program was "*It's a WRAP Winter Reading Program.*" This program offered the library's adult customers a reason to visit the library and check out materials during a traditionally slower time of year, without adding too much to staff workloads. Adults picked up a BINGO sheet or printed one from our website. The form listed activities that included attending a library program, reading a book in a certain genre, bringing a friend to the library, etc. As they completed the BINGO sheets, participants could submit them to receive a library-branded snowman squeeze/stress ball and a chance to win a gift basket at each location, and then the grand prize of a KindleFire. While they only earned one premium, customers could enter multiple BINGO sheets for the prize drawings. The gift baskets were prominently displayed with the BINGO cards and generated a great deal of customer interaction.

Programs for public library users from around the state were judged on their Originality, Ability to be Replicated, Involvement with Other Community Organizations, Relationship to the Library's Mission, Effectiveness of Publicity, and Results to Cost Ratio. Your library's program was considered the best in its class!

On behalf of the North Carolina Public Library Directors Association, thank you for supporting the Cumberland County Public Library and Information Center, a fine example of one of our state's most beloved, freely accessible, and valuable institutions: the public library.

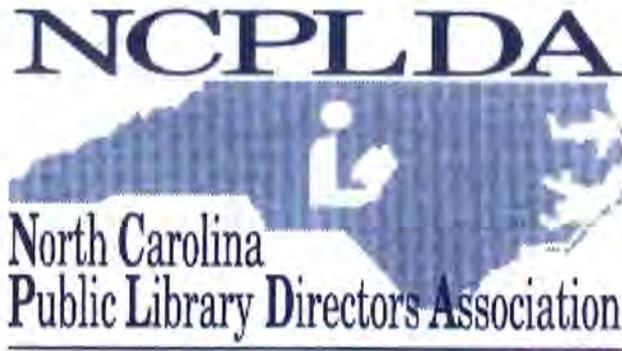
Sincerely,

A handwritten signature in black ink that reads "Melanie Holles". The signature is written in a cursive, flowing style.

Melanie Holles, President
North Carolina Public Library Directors Association

Award Committee Members

Tammy Baggett, Chair	Jane Blackburn
Trina Rushing	Donna Phillips
Catie Roche	MJ Wilkerson



December 1, 2016

Amy H. Cannon, County Manager
Cumberland County Government
PO Box 1829
Fayetteville, NC 28302-1829

Dear Ms. Cannon,

The North Carolina Public Library Directors Association is proud to announce that the Cumberland County Public Library & Information Center has received the 15-16 **Staff Development Award** for large sized libraries in our state. Please join us in congratulating the library and its director, Jody Risacher, for continually improving the customer service provided to your community.

The staff development project was called "Calculating the Caldecott: A Mock Caldecott Award Staff Training." Staff learned how to critically evaluate picture book art through a year-long interactive Mock Caldecott staff training exercise. Fifteen staff members volunteered to participate and were trained in art evaluation as they reviewed new books eligible for the Caldecott Medal. The group followed the timeline of the actual committee as closely as possible. Staff partnered with a Title One elementary school and formed a Mock Caldecott Club where second through fifth grade students debated eligible books and voted to determine their Mock Caldecott Award Winner. The results were overwhelmingly positive, both in increased understanding of how to critically review children's literature but also in increased morale. Participants have demonstrated an increased interest in reading children's literature and continue to recommend new books for their fellow committee members to review.

Staff Development efforts from public libraries around the state were judged on their Relationship to an Identified Need, Effectiveness in Creating Change among Staff, Effectiveness in Reaching Target Audience, and Results to Cost Ratio. Your library's program was considered the best in its class!

On behalf of the North Carolina Public Library Directors Association, thank you for supporting the Cumberland County Public Library & Information Center, a fine example of one of our state's most beloved, freely accessible, and valuable institutions: the public library.

Sincerely,

A handwritten signature in black ink that reads 'Melanie Holles'.

Melanie Holles, President

North Carolina Public Library Directors Association

AMY H. CANNON
County Manager

JAMES E. LAWSON
Deputy County Manager



MELISSA C. CARDINALI
Assistant County Manager

W. TRACY JACKSON
Assistant County Manager



ITEM NO. 2B

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF DECEMBER 19, 2016

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMY H. CANNON, COUNTY MANAGER

DATE: DECEMBER 14, 2016

**SUBJECT: APPROVAL OF PROPOSED ADDITIONS TO THE STATE
SECONDARY ROAD SYSTEM**

BACKGROUND

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

Silver Creek Subdivision: Northbranch Road, Looking Glass Road,
Palmate Court, Sweetflag Court, Matchpoint Court

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

RECOMMENDATION / PROPOSED ACTION

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

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

/ct

Attachments



PAT McCRORY
Governor

NICHOLAS J. TENNYSON
Secretary

December 5, 2016

Mr. Marshall Faircloth
Chairman
Cumberland County Board of Commissioners
Post Office Box 1829
Fayetteville, North Carolina 28302

Subject: Secondary Road Addition

To Whom It May Concern:

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

Silver Creek Subdivision

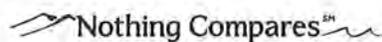
- Northbranch Road
- Looking Glass Road
- Palmate Court
- Sweetflag Court
- Matchpoint Court

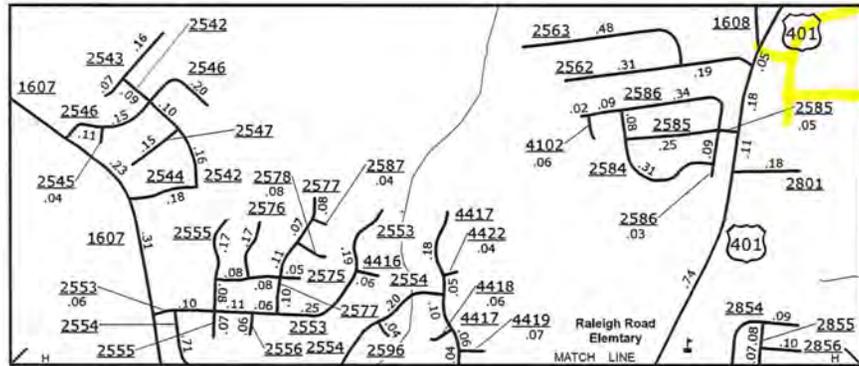
It is our recommendation that the above named street(s) be placed on the State's Secondary Road System. If you and your Board concur in our recommendation, please submit a resolution to this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Earl Locklear".

Earl Locklear
Engineering Technician





Handwritten yellow scribbles and the word "Site" in blue ink are present to the right of the map, indicating a specific location of interest.

JOSEPH R. UTLEY, JR.
Tax Administrator



AMY B. KINLAW
Chief of Assessment and Collections



TAMI K. BOTELLO
Chief of Real Estate and Mapping

OFFICE OF THE TAX ADMINISTRATOR

ITEM NO. 20

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF DECEMBER 19, 2016

TO: BOARD OF COMMISSIONERS
FROM: JOSEPH R. UTLEY, JR., TAX ADMINISTRATOR *JRU*
DATE: DECEMBER 8, 2016
SUBJECT: ADOPTION OF THE 2017 SCHEDULES, STANDARDS, AND RULES (SOV)

BACKGROUND:

N.C. General Statute 105-317(b)(1) requires that uniform schedules of values, standards, and rules be prepared for each revaluation of real property, one for appraising property at market value and one for appraising agricultural, horticultural, and forest land at its present-use value. The Board of Commissioners shall review and approve these values, standards, and rules before January 1 of the year they are applied. Before final approval, notice must be published and the public must be given an opportunity to comment on the proposed schedules. Once the Board of Commissioners adopt the schedule of values, there is a 30 day appeal period to the North Carolina Property Tax Commission.

Notice was published on November 8, 2016, notifying the public that the Schedule of Values were available for public inspection in the Tax Administrator's office, and also that a Public Hearing concerning the Schedule of Values would be held on November 21, 2016.

The Board held a public hearing on the proposed 2017 Schedule of Values on November 21, 2016. No speakers appeared at the hearing. Further, the statutes require the Board of Commissioners to wait at least seven (7) days after the public hearing before adopting the Schedule of Values.

RECOMMENDATION:

- Approve and adopt the proposed Schedules, Standards, and Rules for the 2017 Revaluation (in one motion)
- Approve and adopt the proposed Use-Value Manual for the 2017 Revaluation (separately from the above motion)

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF DECEMBER 19, 2016
(Continued)

- Direct the Tax Administrator to publish, under his name and for the Board of Commissioners, a statement in a newspaper having general circulation in the county stating:
 1. The Schedules, Standards, and Rules and the Use-Value Manual to be used in the 2017 revaluation have been adopted and are open for examination in the Office of the Tax Administrator located in the Cumberland County Courthouse, 117 Dick Street, 5th floor, Room 570.
 2. A property owner who asserts that the Schedules, Standards and Rules or the 2017 Use-Value Manual are invalid may take exception thereto and appeal to the Property Tax Commission within 30 days of the date this notice was first published, December 20, 2016.

- Publish notice on December 20, 2016; December 27, 2016; January 3, 2017; January 10, 2017

RANDY BEEMAN
Director/Fire Marshal



TIM MITCHELL
Deputy Director

CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

ITEM NO. _____

20

EMERGENCY SERVICES DEPARTMENT

MEMO FOR THE AGENDA OF THE DECEMBER 19, 2016
BOARD OF COUNTY COMMISSIONER'S MEETING

TO: BOARD OF COUNTY COMMISSIONERS
FROM: RANDY BEEMAN, EMERGENCY SERVICES DIRECTOR 
DATE: DECEMBER 13, 2016
SUBJECT: 2016 HOMELAND SECURITY GRANT- (HGSP) - MOA #1604-02
(PASS-THRU GRANT)

Background:

Emergency Services has been notified that Cumberland County is eligible for a training grant through the 2016 Homeland Security Grant Program (HSGP) in the amount of \$34,000. In years past when funding was more prevalent, these monies were distributed evenly to counties so that training and exercises could be provided in their respective jurisdictions. In recent years however, the fund is less than it was previously and counties have turned back the money to the State for management of the training program. North Carolina Emergency Management (NCEM) has asked that the County turn this money back to NCEM to manage and provide statewide training courses, and in return the State will be responsible for managing the funds, scheduling classes, paying instructors and other related administrative functions which relieves local EM agencies from these burdens and allows for more classes to be offered across the state.

Recommendation:

Staff recommends approval of a motion to turn back the 2016 HSGP award of \$34,000 returning it to the State of North Carolina, Department of Public Safety, Division of Emergency Management, who will provide training for Cumberland County's employees to attend.

/gs





North Carolina Department of Public Safety

Emergency Management

Pat McCrory, Governor
Frank L. Perry, Secretary

Michael A. Sprayberry, Director

Homeland Security Grant Program "HSGP"

CFDA #: 97.067

Fiscal Year 2016

Grant #: EMW-2016-SS-00011-S01

SUB AWARD NOTIFICATION

Name:	Gene Booth	Period of Performance:	9/1/2016 to 8/31/2019
Sub-recipient:	Cumberland County	Project Title(s):	FY 2016 Homeland Security Grant Program
Address:	131 Dick Street, Rm 114	Total Amount of Award:	\$34,000.00
Address:	Fayetteville, NC 28301-5750	MOA#:	1604-02

North Carolina Emergency Management is pleased to inform you that the federal Fiscal Year (FY) 2016 Homeland Security Grant Program (HSGP) investment justification project(s) has been approved for funding. In accordance with the provisions of FY 2016 HSGP award, North Carolina Emergency Management hereby awards to the foregoing sub-recipient a grant in the amount shown above. The CFDA number is 97.067 and North Carolina Emergency Management federal grant number is EMW-2016-SS-00011-S01.

Payment of Funds: The grant shall be effective upon final approval by North Carolina Emergency Management of the grant budget and program narrative and the execution of the forthcoming Memorandum of Agreement. Grant funds will be disbursed (according to the approved project budget) upon receipt of evidence that funds have been invoiced and products received and/or that funds have been expended (i.e., invoices, contracts, itemized expenses, etc.).

Conditions: The sub-recipient shall understand and agree that funds will only be expended for those projects outlined in the funding amounts as individually listed above. Sub-recipient shall also certify the understanding and agreement to comply with the general and fiscal terms and conditions of the grant including special conditions; to comply with provisions of the 2 CFR 200 and all applicable laws governing these funds and all other federal, state and local laws; that all information is correct; that there has been appropriate coordination with affected agencies; that sub-recipient is duly authorized to commit the applicant to these requirements; that costs incurred prior to grant application approval will result in the expenses being absorbed by the sub-recipient; and that all agencies involved with this project understand that federal funds are limited to a maximum 30-month period. Sub-recipient must read and sign forthcoming Memorandum of Agreement for acceptance of the award.

Supplanting: The sub-recipients confirm that sub-grant funds will not be used to supplant or replace local or state funds or other resources that would otherwise have been available for homeland security activities. In compliance with that mandate, the sub-recipient will certify that the receipt of federal funds through North Carolina Emergency Management shall in no way supplant or replace state or local funds or other resources that would have been made available for homeland security activities.

Callion L. Maddox
Homeland Security Grants Branch Manager

GRANT AWARD NOTICE: THIS AWARD IS SUBJECT TO THE GRANT SPECIAL CONDITIONS AND FINAL APPROVAL BY THE DEPARTMENT OF PUBLIC SAFETY, NORTH CAROLINA EMERGENCY MANAGEMENT GRANT PROGRAM BUDGET AND NARRATIVE

MAILING ADDRESS
4236 Mail Service Center
Raleigh NC 27699-4236
www.readync.org
www.ncdps.gov



OFFICE LOCATION
1636 Gold Star Drive
Raleigh, NC 27607-3371
Telephone: (919) 825-2500
Fax: (919) 825-2685

For Official Use Only



North Carolina Department of Public Safety

Emergency Management

Pat McCrory, Governor
Frank L. Perry, Secretary

Michael A. Sprayberry, Director

Homeland Security Grant Program "HSGP"

CFDA #: 97.067

Fiscal Year 2016

Grant Award #: EMW-2016-SS-0011

MEMORANDUM OF AGREEMENT (MOA)

Between

Recipient:

State of North Carolina
Department of Public Safety
Emergency Management

Sub-Recipient:

Cumberland County
Tax ID/EIN #: 56-6000291
DUNS#: 283015763

MOA # 1604-02

DPS Fund Code: 1502-7A12-35H1

MOA Amount: \$34,000.00

MOA Period of Performance: 9/01/2016 to 08/31/2019

1. **Purpose.** The purpose of this Memorandum of Agreement (MOA) is to establish responsibilities and procedures to implement the terms of the US Department of Homeland Security (USDHS) HSGP Grant Program. A copy of the complete federal grant instructions is available at www.fema.gov.

This Agreement is to set forth terms by which the State of North Carolina, Department of Public Safety, North Carolina Emergency Management (Recipient), shall provide HSGP funding to the Sub-Recipient to fund projects related to Emergency Management Planning, Operations, Equipment Purchases, Trainings and Exercises. For more detailed description of the project approved for MOA# 1604-02. Please see Attachment 1 for detailed Scope of Work.

2. **Program Authorization and Regulations:**

This Agreement is authorized under the provisions of: 1) The Department of Homeland Security Appropriations Act, 2016 (Pub. L. No. 114-113); 2) The 9/11 Commission Act of 2007; 3) Public Law 107-56, (6 U.S.C. § 101 et seq.), the USA Patriot Act of 2001; 4) Public Law 107-296 as amended, the Homeland Security Act of 2002; 5) Public Law 109-295, The Post-Katrina Emergency Management Reform Act of 2006, 6 U.S.C. 752(c); 6) the implementing recommendations or regulations of each Act or Law, if any; 7) the U.S. Department of Homeland Security, FY 2016 HSGP Notice of Funding Opportunity Announcement (NOFOA) available at www.fema.gov; 9) applicable Grants Programs Directorate (GPD) Information Bulletins available at www.fema.gov; and 10) the N.C. Emergency Management Act, Chapter 166A of the North Carolina General Statutes.

Projects managed by the Recipient (State) on behalf of Sub Recipient (Only)

By checking this Box I request that the Recipient Retain Funds effective 9/1/2016. Sub-Recipient has agreed to receive grant funds from Recipient. Sub-Recipient: desires for the North Carolina Emergency Management to conduct activities described in Attachment 1 of this MOA, on its behalf with its allocation of \$34,000.00 awarded through the FY 2016 HSGP. Sub-Recipient authorizes Recipient to provide the funds to the State of North Carolina, Department of Public Safety, North Carolina Emergency Management to conduct Planning, Equipment Purchases, Trainings and Exercises activities to improve prevention, protection, preparedness, response and recovery. Please see Attachment 1 for detailed Scope of Work.

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3. **Compensation:** Recipient agrees that it will pay the Sub-Recipient complete and total compensation for the services to be rendered by the Sub-Recipient. Payment to the Sub-Recipient for expenditures under this Agreement will be reimbursed after the Sub-Recipient's cost report is submitted and approved for eligible scope of work activity. The original signed copy of this Award and MOA must be signed by the Official(s) authorized to sign below and returned to North Carolina Emergency Management **no later than 45 after award date. The grant shall be effective upon return of the executed Grant Award and Memorandum of Agreement and final approval by North Carolina Emergency Management of the grant budget and program narrative.** Grant funds will be disbursed (according to the approved project budget) upon receipt of evidence that funds have been invoiced and products received and/or that funds have been expended (i.e., invoices, contracts, itemized expenses, etc.) and/or that all work activities are completed.

4. **Funding Eligibility Criteria:** Federal funds administered through the State are available to local governments to assist in the cost of developing and maintaining a "Comprehensive Emergency Management" program. Continued HSGP funding is contingent upon completion of all HSGP funding requirements. The following eligibility criteria must be adhered to during the Grant Program:
 - A. Every participant must:
 - i. be established as a State, Local, or Non-Profit agency by appropriate resolution/ ordinance;
 - ii. Complete any procurement(s) and expenditures no later than 08/31/2019.
 - iii. Provide quarterly progress reports to NCEM Grant Managers, Training and Exercise Officer(s), Branch Staff using the latest Grant Quarterly Report form by the following dates: January 15th, April 15th, July 15th and October 15th.
 - iv. Submit request for reimbursement with all required documentation attached.

 - B. File Retention: Sub-Recipient is required to maintain records and (invoices) of this grant for five (5) years after termination of the grant, or audit if required, or longer where required by law, as outlined below, attached and incorporated by reference. However, if litigation, claim or audit has been initiated prior to the expiration of the five-year period and extends beyond the five-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved. Files must be available for review by North Carolina Emergency Management Staff for site visits, project closeout and future audits.
 - i. Sub-Recipient must include appropriate documentation in the file, including but not limited to the following documents:
 1. Grant Award and Memorandum of Agreement/ Memorandum of Understanding and Supporting Appendices
 2. Completed appropriate cost report forms with invoices and proof(s) of payment
 3. Audit Findings and Corrective Action Plans
 4. Equipment Inventory records with photo documentation of labeling

 - C. Employees must be covered by an approved Pay Plan. However, the Director may be exempt from this requirement.

 - D. The political subdivision must have an acceptable local travel regulation plan or accept the state travel regulations.

5. **Conditions:** The Sub-Recipient certifies that it understands and agrees that funds will only be expended for those projects outlined in the funding amounts as individually listed in the FY 2016 HSGP Application Packet, incorporated by reference herein. The Recipient certifies that it understands and agrees to comply with the general and fiscal terms and conditions of the grant including special conditions; to comply with provisions of the applicable laws, rules and policies governing these funds; that all information is correct; that there has been appropriate coordination with affected agencies; that it is duly authorized to commit the Sub-recipient to these requirements; that costs incurred prior to grant application approval will result in the expenses being absorbed by

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the Sub-recipient; and that all agencies involved with this project understand that all federal funds are limited to a 36-month period.

6. **Supplantation:** Sub-recipients are required to provide assurance that grant funds will not be used to supplant or replace local or state funds or other resources that would otherwise have been available for homeland security activities. In compliance with that mandate, the Sub-Recipient certifies that the receipt of federal funds through North Carolina Emergency Management shall in no way supplant or replace state or local funds or other resources that would have been made available for homeland security activities.
7. **Compliance.** Sub-recipient shall comply with the applicable statutes, ordinances, regulations, licensing requirements, policies, guidelines and requirements, reporting requirements and certifications and other regulatory matters that are applicable to the conduct of its business and purchase requirements performed under this MOA, including those of federal requirements and State and local agencies having appropriate jurisdiction and found in the applicable FY 2016 HSGP Notice of Funding Opportunity Announcement (NOFOA). Sub-recipient shall be wholly responsible for the purchases to be made under this MOA and for the supervision of its employees and assistants. Failure to comply with the specified conditions will result in the return of this grant award to North Carolina Emergency Management.
8. **Responsibilities:**
 - A. The Recipient shall:
 - i. Provide funding to the Sub-Recipient to perform the work activities as described herein.
 - ii. Conduct a review of the project to ensure that it is in accordance with HSGP requirements.
 - iii. The performance period for the award to the State of North Carolina, Department of Public Safety, North Carolina Emergency Management, ends on 8/ 31/2019
 - iv. Directly monitor the completion of this project.
 - B. The Sub-Recipient shall:
 - i. Expend FY 2016 HSGP Grant Program funds in accordance with the applicable USDHS and HSGP NOFOA, the Grant Application Package, and the Grant Award and Special Conditions documents, incorporated by reference herein, of this MOA for the performance of the work activities.
 - ii. Utilize State of North Carolina and/or local procurement policies and procedures for the expenditure of funds, and conform to applicable State and Federal law and the standards identified in the Procurement Standards Sections of 44 Code of Federal Regulations (CFR) 2 CFR Part 200. Sub-Recipient must follow procurement procedures and policies as outlined in the applicable USDHS and HSGP NOFOA and the USDHS and Financial Management Guide. Sub-Recipient shall comply with all applicable laws, regulations and program guidance. Sub-Recipient must comply with the most recent version of the funding Administrative Requirements, Cost Principles, and Audit requirements. Administrative and procurement practices must conform to applicable federal requirements. A non-exclusive list of regulations commonly applicable to DHS grants are listed below, codified in the following guidance: ; 2 CFR 215; 2 CFR Parts 225, 220, and 230 (formerly OMB Circulars A-87, A21 and A-122); 15 CFR Part 24; Federal Acquisition Regulations (FAR), Part 31.2; and 2 CFR 200 Sub-part F and 44 CFR Part 14; 28 CFR Part 23 "Criminal Intelligence Systems Operating Policies"; 49 CFR Part 1520 "Sensitive Security Information"; Public Law 107-296, The Critical Infrastructure Act of 2002; Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000 et. seq.; Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 et. seq; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; The Age Discrimination Act of 1975, as amended, 20 U.S.C. 6101 et. seq.; Cash Management Improvement Act (CMIA) and its implementing regulations at 31 CFR Part 205; FEMA Grant Programs Directorate, Grants Management Division, Match Guidance; Certifications and Assurances regarding Lobbying 31 U.S.C. 1352, Drug-Free Workplace Act, as amended, 41 U.S.C. 701 et. seq. and Certification Regarding Drug-Free Workplace Requirements, Debarment and Suspension Executive Orders 12549 and 12689 and 44 CFR Part 17 and Certification Regarding Debarment, Suspension and

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Other Responsibility Matters; Assurances as listed in SF 424B and SF 424D, 28 CFR Parts 66, 67, 69, 70 and 83; and Grant Award and Special Conditions documents.

- C. Submit invoice(s) requesting reimbursement for item(s) received to the NCEM Homeland Security grants manager. Grantee will reimburse Sub-grantee for eligible costs as outlined in the applicable USDHS Program Guidelines and Funding Opportunity Announcements. Sub-grantee must take possession of all purchased equipment and receive any grant-eligible service prior to seeking reimbursement from the grantee. **Subgrantee must submit request for reimbursement within 60 days of payment of invoice.**
- D. Sub-Recipient must take possession of all purchased equipment, receive any grant-eligible service and/or complete work activities prior to seeking reimbursement from the Recipient.
- E. Complete the procurement(s) process not later than 08/31/2019
- F. Provide quarterly progress reports to the Homeland Security Grant Manager, DPR chair, and/or Branch Office by the following dates: 15th January, 15th April, 15th July and 15th October each calender the grant is active. Attachment 2
- G. Provide a list at project completion phase to the Homeland Security Grant Manager, DPR chair, and/or Branch Office listing all items purchased through the grant.
- H. Comply with the applicable federal statutes, regulations, policies, guidelines and requirements, reporting requirements and certifications as outlined in the applicable HSGP NOFOA and Grant Award and Special Conditions documents and Attachment 3.
- I. Maintain a grant management filing system as required in this MOA and Attachment 4.
- J. Comply with current federal laws, suspension and debarment regulations pursuant to 2 CFR 200 Sub-part F and OMB Circular A-133 which states in pertinent part that “effective November 26, 2003, when a non-federal entity enters into a covered transaction with an entity at a lower tier, the non-federal entity must verify that the entity is not suspended or debarred or otherwise excluded. Sub-Recipient shall be responsible to ensure that it has checked the federal System for Awards Management (SAM) <https://www.sam.gov/portal/public/SAM/> and the State Debarred Vendors Listing, <http://www.pandc.nc.gov/actions.asp> to verify that contractors or sub- Recipients have not been suspended or debarred from doing business with the federal government”.
- K. Ensure that HSGP funds are not used to support the hiring of any personnel for the purposes of fulfilling traditional public safety duties or to supplant traditional public safety positions and responsibilities.
- L. Non-supplanting Requirement. Federal grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose.
- M. All materials publicizing or resulting from award activities shall contain this acknowledgement: ***“This project was supported by a Federal award from the U.S. Department of Homeland Security, Office of Grants and Training and Department of Public Safety, North Carolina Emergency Management.”*** Use of the federal program logo must be approved by DHS. Printed as a legend, either below or beside the logo shall be the words ***“Funded by U.S. Department of Homeland Security.”***
- N. The purchase or acquisition of any additional materials, equipment, accessories or supplies or completion of any work activities beyond those identified in this MOA shall be the sole responsibility of Sub-Recipient and shall not be reimbursed under this MOA. Sub-Recipient shall prominently mark any equipment purchased with grant funding as follows: “Purchased with funds provided by the U.S. Department of Homeland Security.”

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- O. Sub-Recipient shall have sole responsibility for the maintenance, insurance, upkeep, and replacement of any equipment procured pursuant to this Agreement unless hand received or transferred.
- P. Sub-Recipient shall maintain an effective property management system that complies with the following requirements. Equipment is defined as tangible, non-expendable property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Sub-Recipient may have property management guidelines that are more restrictive, requiring a unit of equipment with a value of less than \$5,000 to be inventoried; if so, such equipment purchased under this award allocation shall be included on the report submitted to Recipient.
- i. Recipient and Sub-Recipient shall take an initial physical inventory of any equipment. The Grant Summary, Cost Reports with backup documentation, Certificate of Title, and any other Sub-Recipient reports or inventory reports that include information regarding the grant, vendor, invoice number, cost per item, number of items, description, location, condition and identification number may be used to meet this requirement. The Sub-Recipient must provide quarterly updates until all funds are expended.
 - ii. Sub-Recipient must ensure a control system exists to ensure adequate safeguards to prevent loss, damage or theft. Sub-Recipient shall be responsible for replacing or repairing equipment which is willfully or negligently lost, stolen, damaged, or destroyed. Any loss, damage or theft of the property must be investigated and fully documented, and made part of the official project records.
 - iii. Sub-Recipient or equipment owner must ensure adequate maintenance procedures exist to keep the equipment in good condition.
 - iv. Disposition Procedures. Sub-Recipient may dispose of the equipment when the original or replacement equipment acquired under the grant award is no longer needed for the original project or program. Items with a fair market value of less than \$5,000 may be retained, transferred or otherwise disposed of with prior approval of Recipient and in accordance with disposition requirements in 2 C.F.R. Part 200. Items with a current per unit standard federal or fair market value in excess of \$5,000 may be retained, transferred or otherwise disposed of with prior Recipient approval in accordance with disposition requirements in 2 C.F.R. Part 200. Sub-Recipient must provide documentation that includes the method used to determine current fair market value.
 - v. Only authorized equipment listed in the Authorized Equipment List (AEL), with appropriate grant listed are eligible for purchases from this grant. For more guidance visit www.fema.gov.
- Q. No indirect or administrative costs will be charged to this allocation award.

Sub-Recipients must utilize equipment as intended in their project application to NCEM. Any variation from this intended use must be requested in writing and approved by NCEM.

- i. Any equipment purchased under the Homeland Security Grant is subject to use as a regional asset to be utilized by the US DHS, North Carolina Emergency Management, or Domestic Preparedness Region partners and statewide as needed. Failure to adhere to this policy might result in revocation of funds allocated for the purchase of said equipment.
- R. Each Sub-Recipient must have a DUNS Number, prior to any funds being released. DUNS Numbers may be obtained from either of the following web links: www.dnb.com or <http://fedgov.dnb.com/webform>.
- S. System for Award Management (SAM) registration is required for all applicants. Each Sub-Recipient shall ensure that your organization's name, address, DUNS number and EIN are up to date in SAM and that the DUNS number used in SAM is the same one used to apply for all FEMA awards. SAM information can be found at <http://www.sam.gov>. Future payments will be contingent on the information provided in SAM; therefore it is imperative that the information is correct.
- T. The purchase or acquisition of any additional materials, equipment, accessories or supplies, or the provision of any training, exercise or work activities beyond that identified in this MOA shall be the sole responsibility of Sub-Recipient and shall not be reimbursed under this MOA.

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- U. HSGP Sub-Recipients certify that they have read and agree to abide by the Sub-Recipient instructions provided in the sub-receipt instructions document provided by NCEM.
9. **Funding:** All terms and conditions of this MOA are dependent upon and subject to the allocation of funds from the DHS and NCEM for the purpose set forth and the MOA shall automatically terminate if funds cease to be available.
- A. All terms and conditions of this MOA are dependent upon and subject to the allocation of funds from USDHS, FEMA and Recipient for the purposes set forth and the MOA shall automatically terminate if funds cease to be available. Allowable costs shall be determined in accordance with the applicable USDHS Program Guidelines, which include, but may not be limited to, the FY 2016 HSGP NOFOA, available at: www.fema.gov, 2 CFR Parts 200 Sub-part F, 215, 220, 225, and 230, Federal Acquisition Regulations (FAR) Part 31.2, OMB Circulars A-21 and the USDHS Financial Management Guide available at www.dhs.gov. Allowable costs are also subject to the approval of the State Administrative Agent for the State of North Carolina, the Secretary of the Department of Public Safety.
10. **Taxes:** Sub-Recipient shall be considered to be an independent Sub-Recipient and as such shall be responsible for all taxes.
11. **Warranty.** As an independent sub-recipient, the Sub-Recipient will hold the Recipient harmless for any liability and personal injury that may occur from or in connection with the performance of this Agreement to the extent permitted by the North Carolina Tort Claims Act. Nothing in this Agreement, express or implied, is intended to confer on any other person any rights or remedies in or by reason of this Agreement. This Agreement does not give any person or entity other than the parties hereto any legal or equitable claim, right or remedy. This Agreement is intended for the sole and exclusive benefit of the parties hereto. This Agreement is not made for the benefit of any third person or persons. No third party may enforce any part of this Agreement or shall have any rights hereunder. This Agreement does not create, and shall not be construed as creating, any rights enforceable by any person not a party to this Agreement. Nothing herein shall be construed as a waiver of the sovereign immunity of the State of North Carolina.
12. **Audit Requirements:** For all homeland security grant programs, Sub-Recipient is responsible for obtaining audits in accordance with 2 CFR 200 Subpart F.
13. **State Property.** Sub-Recipient shall be responsible for the custody and care of any property purchased with HSGP funds furnished for use in connection with the performance of this Agreement and shall reimburse the Recipient for any loss or damage to said property until the property is disposed of in accordance with HSGP Program requirements. Recipient will not be held responsible for any property purchased under this MOU/MOA. Title to the property purchased with HSGP funds shall be in the Sub-Recipient unless noted in section 2 of the MOA.
14. **Points of Contact.** To provide consistent and effective communication between Sub-Recipient and the Department of Public Safety, North Carolina Emergency Management, each party shall appoint a Principal Representative(s) to serve as its central point of contact responsible for coordinating and implementing this MOA. The Department of Public Safety, North Carolina Emergency Management contact shall be, Assistant Director for Planning & Homeland Security and the Homeland Security Grants Management Staff, and NCEM Branch Staff. The Sub-Recipient point of contact shall be the HSGP Program Manager or the person designated by the Sub-Recipient. All confidential information of either party disclosed to the other party in connection with the services provided hereunder will be treated by the receiving party as confidential and restricted in its use to only those uses contemplated by the terms of this MOA. Any information to be treated as confidential must be clearly marked as confidential prior to transmittal to the other party. Neither party shall disclose to third parties, the other party's confidential information without written authorization to do so from the other party. Specifically excluded from such confidential treatment shall be information that: (i) as of the date of disclosure and/or delivery, is already known to the party receiving such information; (ii) is or becomes part of the public domain, through no fault of

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the receiving party; (iii) is lawfully disclosed to the receiving party by a third party who is not obligated to retain such information in confidence; or (iv) is independently developed at the receiving party by someone not privy to the confidential information.

15. **Public Records Access:** While this information under Federal control is subject to requests made pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552 et. seq., all determinations concerning the release of information of this nature are made on a case-by-case basis by the FEMA FOIA Office. This agreement may be subject to the North Carolina Public Records Act, Chapter 132 of the North Carolina General Statutes.
16. **Subcontracting:** If Sub-Recipient subcontracts any or all purchases or services required under this Agreement, then Sub-Recipient agrees to include in the subcontract that the subcontractor is bound by the terms and conditions of this MOA. Sub-Recipient and any subcontractor agree to include in the subcontract that the subcontractor shall hold Recipient harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this MOA. If Sub-Recipient subcontracts any or all purchases or services required under this MOA, a copy of the executed subcontract Agreement must be forwarded to Recipient. A contractual arrangement shall in no way relieve Sub-Recipient of its responsibilities to ensure that all funds issued pursuant to this grant be administered in accordance with all state and federal requirements. Sub-Recipient is bound by all special conditions of this grant award as set out in the Grant Application Package and the Grant Award and Special Conditions documents, incorporated by reference herein, as well as all terms, conditions and restrictions of the applicable HSGP NOFOA referenced herein.
17. **Situs:** This Agreement shall be governed by the laws of North Carolina and any claim for breach or enforcement shall be filed in State Court in Wake County, North Carolina.
18. **Antitrust Laws:** This Agreement is entered into in compliance with all State and Federal antitrust laws.
19. **Other Provisions/Severability:** Nothing in this Agreement is intended to conflict with current laws or regulations of the State of North Carolina, Department of Public Safety, North Carolina Emergency Management, or the Sub-Recipient. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.
20. **Compliance with the law:** Sub-Recipient shall be wholly responsible for the purchases to be made under this MOA and for the supervision of its employees and assistants. Sub-Recipient shall be responsible for compliance with all laws, ordinances, codes, rules, regulations, licensing requirements and other regulatory matters that are applicable to the conduct of its business and purchase requirements performed under this MOA, including those of federal requirements and State and local agencies having appropriate jurisdiction and found in the FY 2016 HSGP NOFOA.
21. **Entire Agreement:** This Agreement and any annexes, exhibits and amendments annexed hereto and any documents incorporated specifically by reference represent the entire agreement between the parties and supersede all prior oral and written statements or agreements.
22. **Modification.** This Agreement may be amended only by written amendments duly executed by the Recipient and the Sub-Recipient.
23. **Termination.** The terms of this agreement, as modified with the consent of all parties, will remain in effect until 08/31/2019. Either party upon thirty (30) days advance written notice to the other party may terminate this agreement. Upon approval by USDHS, FEMA and the issuance of the Grant Adjustment Notice, if this MOA is extended, the termination date for the extension will be the date listed in the applicable USDHS, FEMA Grant Adjustment Notice, incorporated by reference herein. If USDHS suspends or terminates funding in accordance with 2 CFR 200 and the 2016 HSGP NOFOA, incorporated by reference herein, the Sub-Recipient shall reimburse North Carolina Emergency Management for said property and/or expenses.

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24. Budget and Scope of Work:

SUB-RECIPIENT shall implement the HSGP Grant project summarized below and as described in the approved project application. That Application is hereby incorporated by reference into this Agreement. The AGENCY/ Recipient shall reimburse eligible costs according to the following expenditures:

A. Funding Summary

<u>Project Costs:</u>	
Federal Share:	\$ 34,000.00
State Share:	\$ 0.00
<u>Local Share:</u>	<u>\$ 0.00</u>
TOTAL:	\$ 34,000.00

B. Scope of Work Summary

Please see Attachment 1 for a detailed Scope of Work description.

C. Reports to be provided during Period of Performance

SUB-RECIPIENT must also provide a semi-annual summary (progress report); no later than **July 15th** to the HSGP Grant Manager and/or Field Planner to ensure that the project deliverables are being met, and that each grant contract is operating within budget.

D. Reports to be Provided at the Conclusion of Work (if applicable)

- i. Quarterly project progress reports.
- ii. Sub-Recipient involved legal action that pertains to Planning Training Exercise and Equipment purchased with HSGP ;
- iii. After action report from exercise;
- iv. Training course roster and description
- v. Any other documentation that would be pertinent.
- vi. Any invoices detailing the expenses associated with the project
- vii. Proof of Payment of expenses associated with the project

25. Lobbying Prohibition: The Sub-Recipient certifies, to the best of his or her knowledge and belief, that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person or employee of any state or federal agency, a member of the N.C. General Assembly, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal Grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. In any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

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This certification is a material representative of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

- 26. Assurance of Compliance with Title VI of the Civil Rights Act of 1964:** During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:
- A. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally-Assisted Programs of the 2 C.F.R. 200 and North Carolina regulation as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
 - B. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, sex, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
 - C. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractors obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, or national origin.
 - D. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Research and Special Programs Administration (RSPA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Recipient or the Research and Special Programs Administration as appropriate, and shall set forth what efforts it has made to obtain such information.
 - E. **Sanctions for Noncompliance:** In the event of the contractors noncompliance with nondiscrimination provisions of this contract, the Recipient shall impose contract sanctions as it or the Research and Special Programs Administration may determine to be appropriate, including, but not limited to:
 - i. Withholding of payments to the contractor under the contract until the contractor complies; and/or
 - ii. Cancellation, termination, or suspension of the contract, in whole or in part.
 - F. **Incorporation of Provisions:** The contractor shall include the provisions of every subcontract, including procumbent of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contract shall take such action with respect to any subcontract or procurements as the Recipient or the Research and Special Programs Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provide, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontract or supplier as a result of such direction, the contractor may request the Recipient to enter into such litigation to protect the of the Recipient and, in addition the contractor may request the United States to enter such litigation to protect the interests of the United States.
- 27. Assurance of Compliance with Title VI of the Civil Rights Act of 1964:** Sub-Recipient **HEREBY AGREES THAT** as a condition to receiving any federal financial assistance from the USDHS it will comply with Title VI

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of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act) and all requirements imposed by or pursuant to 2 CFR Sub Part F , Nondiscrimination in Federally-Assisted Programs of the USDHS - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise discrimination under any program or activity for which the Sub-Recipient receives federal financial assistance from the USDHS, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations. More specifically and without limiting the above general assurance, the Sub-Recipient hereby gives the following specific assurance with respect to the project:

- A. That the Sub-Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to ("facility")) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
- B. That the Sub-Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and, in adapted form in all proposals for negotiated agreements:
 - i. The Sub-Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and 2 CFR Sub Part F issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, minority, business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex or national origin in consideration for an award.
- C. That the Sub-Recipient shall insert the clauses of this agreement in every contract subject to the Act and the Regulations.
- D. That this assurance obligates the Recipient for the period during which federal financial assistance is extended to the project.
- E. The Sub-Recipient shall provide for such methods of administration for the program as are found by the Secretary of USDHS or the official to whom he delegates specific authority to give reasonable guarantee that is, other recipients, sub Recipients, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
- F. The Sub-Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, and Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the USDHS and is binding on it, other recipients, sub Recipients, contractors, subcontractors, transferees, successors in interest and other participants in the Department of Transportation Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the recipients.

28. ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by Sub-Recipient executed in expending these grant funds.

The [Sub-Recipient, licensee, lessee, permittee, etc., as appropriate] for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this [deed, license, lease, permit,

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etc.] for a purpose for which a USDHS program or activity is extended or for another purpose involving the provision of similar services or benefits, the Sub-Recipient, licensee, lessee, permittee, etc.] shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 2 CFR Sub Part F and as said Regulations may be amended.

That in the event of breach of the above nondiscrimination covenants, Sub-Recipient shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

That in the event of breach of any of the above nondiscrimination covenants, Sub-Recipient shall have the right to re-enter said lands and facilities thereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of Sub-Recipient and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Sub-Recipient.

The [Sub-Recipient, licensee, lessee, permittee, etc., as appropriate] for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in case of deeds, and leases add "as a covenant running with the land"] that (1) no person on the grounds of race, color, sex, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing services thereon, no person on the grounds of race, color, sex, or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the [Sub-Recipient, licensee, lessee, permittee, etc.] shall use the premises in compliance with all other requirements imposed by or pursuant 2 CFR Sub Part F Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, Sub-Recipient shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

That in the event of breach of any of the above nondiscrimination covenants, Sub-Recipient shall have the right to re-enter said land and facilities thereon, and the above-described lands and facilities shall thereupon revert to and vest in and become the absolute property of Sub-Recipient and its assigns.

* Reverted clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

29. Assurance of Compliance with Privacy Act: The Sub-Recipient agrees:

- A. To comply with the provisions of the Privacy Act of 1974, 5 U.S.C. §552A and regulations adopted there under, when performance under the program involves the design, development, or operation of any system or records on individuals to be operated by the Sub-recipient, its third-party contractors, subcontractors, or their employees to accomplish a USDHS function.
- B. To notify USDHS when the Sub-Recipient or any of its third-party contractors, subcontractors,, sub recipients, or their employees anticipate a system of records on behalf of USDHS in order to implement the program, if such system contains information about individuals name or other identifier assigned to the individual. A system of records subject to the Act may not be used in the performance of this Agreement until the necessary and applicable approval and publication requirements have been met.
- C. To include in every solicitation and in every third-party contract, sub-grant, and when the performance of work, under that proposed third-party contract, sub grant, or sub agreement may involve the design, development, or operation of a system of records on individuals to be operated under that third-party contract, sub grant, or to accomplish a USDHS function, a Privacy Act notification informing the third party contractor, or sub Recipient, that it will be required to design, develop, or operate a system of records on individuals to accomplish a USDHS function subject to the Privacy Act of 1974, 5 U.S.C. §552a, and applicable USDHS regulations, and that a violation of the Act may involve the imposition of criminal penalties; and
- D. To include the text of Subsections a through c in all third party contracts, and sub grants under which work for this Agreement is performed or which is award pursuant to this Agreement or which may involve the

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design, development, or operation of a system of records on behalf of the USDHS.

Certification Regarding Drug-Free Workplace Requirements (Sub Recipients Other Than Individuals):

This certification is required by the regulations implementing the *Drug-Free Workplace Act of 1988, 44 CFR Part 17, Sub Part F*. The regulations, published in the January 31, 1989 Federal Register, require certification by sub-Recipient, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of act upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or government-wide suspension of debarment, (*See 44 CFR Part 2*)

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Sub- Recipients workplace and specifying the actions that will be taken against employees for violation of such prohibition.

(b) Establishing a drug-free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;
- (2) The Sub-recipient's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

- (1) Abide by the terms of the statement; and
- (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

(e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2), from an employee or otherwise receiving actual notice of such conviction;

(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is convicted -

- (1) Taking appropriate personnel action against such an employee, up to and including termination, or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (g).

Place(s) of Performance: The Sub- Recipient shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (street address, city, county, state, zip code)

31. Execution and Effective Date: This grant shall become effective upon return of this original Grant Award and Memorandum of Agreement, properly executed on behalf of the Sub-recipient, to North Carolina Emergency Management and will become binding upon execution of all parties to the Agreement. The terms of this Agreement will become effective 09/01/2016. The last signature shall be that of Frank L. Perry, Secretary for the North Carolina Department of Public Safety.

32. Term of this Agreement: This agreement shall be in effect from 09/01/2016 to 08/31/2019.

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IN WITNESS WHEREOF, the parties have each executed this Agreement and the parties agree that this Agreement will be effective as of 9/1/2016

N.C. DEPARTMENT OF
PUBLIC SAFETY
DIVISION OF EMERGENCY MANAGEMENT
1636 GOLD STAR DR
RALEIGH, NC 27607

CUMBERLAND COUNTY
131 DICK STREET, ROOM 114
FAYETTEVILLE, NC 28301-5750

DocuSigned by:
Michael A. Sprayberry
BY: BC5D277488294AB...
MICHAEL A. SPRAYBERRY, DIRECTOR
NORTH CAROLINA EMERGENCY MANAGEMENT

BY: _____

APPROVED AS TO PROCEDURES:

BY: _____
JAMES J. CHEROKE, CONTROLLER
DEPARTMENT OF PUBLIC SAFETY

BY: *Larry J. Smith*
Director Emergency Services

DocuSigned by:
William Polk
BY: 2801B4CC4724404...
WILLIAM POLK, ASSISTANT GENERAL COUNSEL
REVIEWED FOR THE DEPARTMENT OF
PUBLIC SAFETY, BY WILLIAM POLK,
DPS ASSISTANT GENERAL COUNSEL, TO FULFILL THE
PURPOSES OF THE US DEPARTMENT OF
HOMELAND SECURITY GRANT PROGRAMS

BY: _____
FRANK L. PERRY, SECRETARY
DEPARTMENT OF PUBLIC SAFETY

THIS MOA WAS PREVIOUSLY APPROVED AS TO FORM BY THE NORTH CAROLINA DEPARTMENT OF JUSTICE FOR THE FY 2016 HOMELAND SECURITY GRANT PROGRAM ONLY AND IS SUBJECT TO EXECUTION BY FRANK L. PERRY, SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY. THIS MOU/MOA SHOULD NOT BE USED FOR OTHER MOUs/MOAs FOR THE HSGP FOR OTHER FISCAL YEARS.

Attachment 1

Emergency Management training is offered to local emergency managers, law enforcement officers and fire department personnel. Paid using state and federal grants, the training includes subjects such as injury simulation, public policy, damage assessment, debris management and decision making in a crisis.

(2) Continue NIMS training for local, State, volunteer agencies and private industry partners to achieve NIMS compliance and prepare to manage all incidents, regardless of size; (3) Continue to provide HSEEP classes to ensure effective and efficient exercise planning, execution and record keeping; (4) Continue to facilitate AHIMT training to enhance our ability to manage incidents and increase the number of AHIMT teams in NC available for deployment. Continue to build 9 AHIMT Type III teams to allow deployment of highly training incident management teams for local, State and national deployment; (5) Continue to host Training and Exercise Planning Workshops to determine training and exercise needs of the local and State agencies and better coordination of training and exercises on local and State levels; (7) Continue to identify classes which are compatible for on line learning and build out these classes to increase efficiency of training program; (8) Conduct one statewide exercise per year as identified by the TEPW and capability gaps to allow local, State, volunteer agencies and private industry the ability to plan and operate jointly, improving coordination, cooperation and response; (9) Continue to facilitate EM certification program courses to improve knowledge and skills needed for EM Coordinators and EM response personnel. These classes encourage cross training between responder groups which improves coordination, cooperation and response.

Attachment 2

Quarterly Progress Report

Sub-grantee: Cumberland County
 MOA Number: 1604-02
 FY 2016 HSGP — EMW-2016-SS-00011-S01

Quarter (list dates):

Grant Award Amount: \$34,000.00

Funds Expended Prior Quarters:

Funds Expended This Quarter:

Activities	Metric	Current Status
1. Equipment	Dates, current status. For example: list needs identified, items in vendor negotiation, purchased, placed in service, etc.	
2. Planning	Dates, current status. For example: list needs identified, updates or revisions made to plans, or those to be made.	
3. Training	Dates, status of training. For example: list identified needs; training planned, in progress, or conducted (with agenda and roster attached).	
4. Exercise	Dates, status of exercise. For example: list identified needs; exercise(s) planned, in progress, or conducted (with After Action Report attached).	

Report submitted by:

Date:

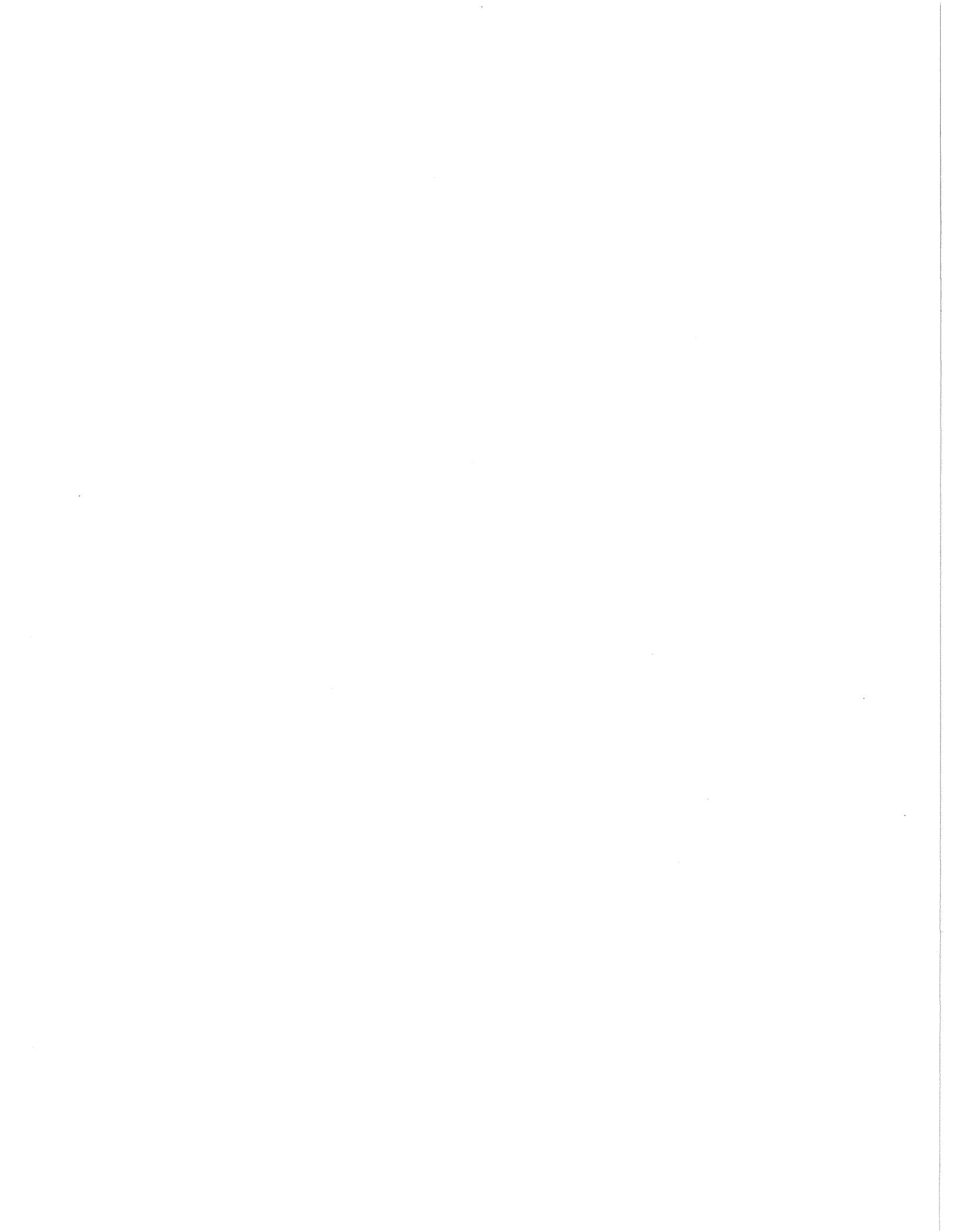
Quarterly Progress Reports are due:

January 15

April 15

July 15

October 15



Attachment 3

The Department of Homeland Security Standard Terms and Conditions 2016

The FY 2016 DHS Standard Terms and Conditions apply to all new Federal financial assistance awards funded in FY 2016. The terms and conditions of DHS financial assistance awards flow down to subrecipients, unless a particular award term or condition specifically indicates otherwise.

Assurances, Administrative Requirements, Cost Principles, and Audit Requirements

DHS financial assistance recipients must complete either the OMB Standard Form [424B Assurances – Non-Construction Programs](#), or OMB Standard Form [424D Assurances – Construction Programs as applicable](#). Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the financial assistance office if you have any questions.

DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at [2 C.F.R. Part 200](#), and adopted by DHS at [2 C.F.R. Part 3002](#).

DHS Specific Acknowledgements and Assurances

All recipients, sub-recipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.
2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations *and* other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS financial assistance office and the DHS Office of [Civil Rights and Civil Liberties](#) (CRCL) by e-mail at crcl@hq.dhs.gov or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.
6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS financial assistance office and the CRCL office by e-mail or mail at the addresses listed above.

The United States has the right to seek judicial enforcement of these obligations.

Acknowledgment of Federal Funding from DHS

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

Activities Conducted Abroad

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

The Department of Homeland Security Standard Terms and Conditions 2016

Age Discrimination Act of 1975

All recipients must comply with the requirements of the *Age Discrimination Act of 1975* ([Title 42 U.S. Code, § 6101 et seq.](#)), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

Americans with Disabilities Act of 1990

All recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities. ([42 U.S.C. §§ 12101–12213](#)).

Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: [Privacy Guidance](#) and [Privacy template](#) respectively.

Civil Rights Act of 1964 – Title VI

All recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* ([42 U.S.C. § 2000d et seq.](#)), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. DHS implementing regulations for the Act are found at [6 C.F.R., Part 21](#) and [44 C.F.R. Part 7](#).

Civil Rights Act of 1968

All recipients must comply with [Title VIII of the Civil Rights Act of 1968](#), which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex ([42 U.S.C. § 3601 et seq.](#)), as implemented by the Department of Housing and Urban Development at [24 C.F.R. Part 100](#). The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (See [24 C.F.R. § 100.201](#)).

Copyright

All recipients must affix the applicable copyright notices of [17 U.S.C. §§ 401 or 402](#) and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards.

Debarment and Suspension

All recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders [12549](#) and [12689](#), and [2 C.F.R. Part 180](#). These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

Drug-Free Workplace Regulations

All recipients must comply with the *Drug-Free Workplace Act of 1988* ([41 U.S.C. § 701 et seq.](#)), which requires all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at [2 C.F.R. Part 3001](#).

Duplication of Benefits

Any cost allocable to a particular Federal award provided for in [2 C.F.R. Part 200, Subpart E](#) may not be charged to other Federal awards to overcome fund

The Department of Homeland Security Standard Terms and Conditions 2016

deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude a recipient from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal award.

Education Amendments of 1972 (*Equal Opportunity in Education Act*) – Title IX

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 ([20 U.S.C. § 1681 et seq.](#)), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. DHS implementing regulations are codified at [6 C.F.R. Part 17](#) and [44 C.F.R. Part 19](#).

Energy Policy and Conservation Act

All recipients must comply with the requirements of [42 U.S.C. § 6201](#) which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

False Claims Act and Program Fraud Civil Remedies

All recipients must comply with the requirements of [31 U.S.C. § 3729- 3733](#) which prohibits the submission of false or fraudulent claims for payment to the Federal Government. See [31 U.S.C. § 3801-3812](#) which details the administrative remedies for false claims and statements made.

Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See [OMB Circular A-129](#).

Federal Leadership on Reducing Text Messaging while Driving

All recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in [E.O. 13513](#), including conducting initiatives described in Section 3(a) of the Order when on official Government business or when performing any work for or on behalf of the federal government.

Fly America Act of 1974

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under [49 U.S.C. § 41102](#)) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* ([49 U.S.C. § 40118](#)) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, [amendment](#) to Comptroller General Decision B-138942.

Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, [15 U.S.C. § 2225a](#), all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, [15 U.S.C. § 2225](#).

Limited English Proficiency (*Civil Rights Act of 1964*, Title VI)

All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

The Department of Homeland Security Standard Terms and Conditions 2016

Lobbying Prohibitions

All recipients must comply with [31 U.S.C. § 1352](#), which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

Non-supplanting Requirement

All recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources.

Notice of Funding Opportunity Requirements

All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the terms and conditions of your award. All recipients must comply with any such requirements set forth in the program NOFO.

Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the [Bayh-Dole Act, Pub. L. No. 96-517](#), as amended, and codified in [35 U.S.C. § 200](#) et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at [37 C.F.R. Part 401](#) and the standard patent rights clause located at [37 C.F.R. § 401.14](#).

Procurement of Recovered Materials

All recipients must comply with Section 6002 of the [Solid Waste Disposal Act](#), as amended by the [Resource Conservation and Recovery Act](#). The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at [40 C.F.R. Part 247](#) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Reporting Subawards and Executive Compensation

All recipients are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at [2 C.F.R. Part 170, Appendix A](#), the full text of which is incorporated here by reference in the terms and conditions of your award.

SAFECOM

All recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the [SAFECOM](#) Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Terrorist Financing

All recipients must comply with [E.O. 13224](#) and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the Order and laws.

Trafficking Victims Protection Act of 2000

All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the [Trafficking Victims Protection Act of 2000](#), (TVPA) as amended ([22 U.S.C. § 7104](#)). The award term is located at [2 CFR § 175.15](#), the full text of which is incorporated here by reference in the terms and conditions of your award.

Rehabilitation Act of 1973

All recipients must comply with the requirements of Section 504 of the [Rehabilitation Act of 1973](#), [29 U.S.C. § 794](#), as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Department of Homeland Security Standard Terms and Conditions 2016

Reporting of Matters Related to Recipient Integrity and Performance

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal assistance office exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at [2 C.F.R. Part 200, Appendix XII](#), the full text of which is incorporated here by reference in the terms and conditions of your award.

Universal Identifier and System of Award Management (SAM)

All recipients are required to comply with the requirements set forth in the government-wide Award Term regarding the System for Award Management and Universal Identifier Requirements located at [2 C.F.R. Part 25, Appendix A](#), the full text of which is incorporated here by reference in the terms and conditions of your award.

USA Patriot Act of 2001

All recipients must comply with requirements of the [Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act \(USA PATRIOT Act\)](#), which amends [18 U.S.C. §§ 175–175c](#).

Use of DHS Seal, Logo and Flags

All recipients must obtain permission from their financial assistance office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Whistleblower Protection Act

All recipients must comply with the statutory requirements for whistleblower protections (if applicable) at [10 U.S.C § 2409](#), [41 U.S.C. 4712](#), and [10 U.S.C. § 2324](#), [41 U.S.C. §§ 4304](#) and [4310](#).

Attachment 4

Required Sub-Recipient File Documentation

Sub-grantee or sub-recipient must meet the financial administration requirements in 2 C.F.R Part 200 and must maintain a file for each homeland security grant award. The files must be available for review by the North Carolina Division of Emergency Management – Homeland Security Branch Staff for site visits, project closeout and future audits.

Sub-grantee or sub-recipient must include appropriate documentation in the file, including but not limited to the following documents:

1. Grant Award and Memorandum of Agreement/ Memorandum of Understanding and Supporting Appendices
2. Completed appropriate cost report forms with invoices and proof(s) of payment
3. Audit Findings and Corrective Action Plans
4. Equipment Inventory records with photo documentation of labeling

AMY H. CANNON
County Manager

JAMES E. LAWSON
Deputy County Manager



MELISSA C. CARDINALI
Assistant County Manager

W. TRACY JACKSON
Assistant County Manager



ITEM NO. 2E

OFFICE OF THE COUNTY MANAGER

MEMO FOR THE AGENDA OF THE DECEMBER 19, 2016
BOARD OF COMMISSIONER'S MEETING

TO: BOARD OF COMMISSIONERS

FROM: W. TRACY JACKSON, ASST. COUNTY MANAGER FOR SUPPORT SERVICES 

THROUGH: AMY H. CANNON, COUNTY MANAGER

DATE: DECEMBER 14, 2016

SUBJECT: CONSIDERATION OF A RESOLUTION OF INTENT TO LEASE CERTAIN REAL PROPERTY TO HOMETOWN SPORTS AMERICA, INC.

BACKGROUND

The Board adopted the required resolution of intent at its August 15, 2016 meeting. Pursuant to G.S. 160A-272, the notice of intent was advertised in the *Fayetteville Observer* August 19, 2016. The publisher's affidavit is attached. Staff has also verified that the Adoption of the following resolution will authorize the chairman to execute the lease.

RECOMMENDATION/PROPOSED ACTION:

Adopt the following resolution:

The Cumberland County Board of Commissioners finds:

The real property located at 2823 Legion Road will not be needed for government purposes for the term proposed for the lease of the property to Hometown Sports America, Inc.;

The Board adopted a resolution of intent to lease the property described herein at its regular meeting held August 15, 2016; and

The notice of intent to lease the property was advertised in the *Fayetteville Observer* on August 19, 2016.

BE IT THEREFORE RESOLVED that the chairman is authorized to execute a lease to Hometown Sports America, Inc., for that property consisting of J.P. Riddle Stadium, all associated parking, and related facilities located at 2823 Legion Road, Fayetteville, NC, for up to four years, in one year consecutive terms, commencing July 1, 2016, at an annual rental rate of Twelve Thousand Dollars (\$12,000).

Notice of Intent advertised in Fayetteville Observer on August 19, 2016
Approved by Board of Commissioners on December 19, 2016

THIS LEASE AGREEMENT is made and entered into this ____ day of _____, 2016, by and between Hometown Sports America, Inc., (hereinafter referred to as "the Club"), and Cumberland County, North Carolina, (hereinafter referred to as "the County").

WITNESSETH:

WHEREAS, the County has leased the county-owned baseball stadium facility known as "J. P. Riddle Stadium" (the "Stadium") to the Club for over ten years for the Club's use as a home field for an amateur baseball club playing in the Coastal Plains League (the "CPL"); and

WHEREAS, it is the desire of the County and the Club to provide the citizens of Cumberland County the opportunity to attend CPL collegiate summer baseball games played at the Stadium; and

WHEREAS, the Club desires to continue to lease the Stadium and use it as its home field for CPL games.

NOW, THEREFORE, for and in consideration of the following terms and conditions, the County and the Club agree as follows:

1. Lease. The County hereby leases to, and the Club leases from the County, that certain County facility known as J.P. Riddle Stadium, including all associated parking and related facilities, for the Club's use as a home field for playing amateur baseball in the CPL.

2. Term. The lease shall become effective upon execution by the County and the Club. The initial term of the lease shall commence on January 1, 2017 and shall terminate on December 31, 2017. At the Club's option, it may extend this lease under the same terms for up to three (3) additional years in one year consecutive terms. The Club must notify the County of its intent to exercise this option by written notice given to the County at least 90 days prior to the conclusion of each yearly term of this lease.

3. Staffing. The Club shall, at its sole expense, be responsible for staffing of all Stadium, parking lot, field and related facility positions for Club events and Club-sponsored events.

4. Working Condition. The County shall maintain all mechanical and electrical systems including, but not limited to, field lighting, scoreboard, PA system and plumbing, in good working order.

5. Utilities. The County shall pay utility costs for the facility to include, electric, water and sewer. This shall include the utility charges for field and parking lot lighting, and water for irrigation purposes. The County shall also pay for telephone service for the clubhouse and office. The Club shall pay, in reimbursement of these utility and telephone costs, a flat sum of sum of One Hundred Fifty Dollars (\$150.00) per game during the Club's playing season and for any Club-sponsored event at which baseball games are played, and Two Hundred Fifty Dollars (\$250.00) a month for each month no games are played during the off season.

6. Club-Sponsored Events. The club shall have the right to schedule up to twenty non-CPL events at the Stadium, including but not limited to other college baseball games, college conference tournaments, and regional / national youth baseball tournaments. Scheduling of all such events shall be coordinated with the County Manager or his designee so as not to conflict with any County-sponsored events.

7. County-Sponsored Events. The County shall have the right to sponsor recreation and similar events at the Stadium so long as the same do not conflict with Club events or games, and upon consent of the Club, which shall not unreasonably be withheld.

8. Advertising. The Club shall have the exclusive right to lease advertising media at the Stadium during the term of this lease and to the revenues derived therefrom. All such advertising media shall either be existing advertising media or shall be approved by the County Manager or his designee prior to installation, which approval shall not unreasonably be withheld. The Club shall have exclusive radio and television broadcast rights and privileges for all Club games and Club-sponsored events and to all revenues derived therefrom.

9. Concessions and Concessions Facilities. The Club shall have exclusive rights to operate the concessions and to the revenue derived therefrom including, but not limited to, food, candy, soft drinks, beer, and novelty sales for all Club and Club-sponsored events at the Stadium. The Club shall have the right of first refusal to operate concessions for all non-Club events, including

County-sponsored events. The Club shall also provide or cause to be provided staffing for the concessions, all necessary and appropriate permits and licenses, and concession products and/or inventory. The club shall keep or cause to be kept the concession facilities in such condition as to maintain an "A" grade sanitation rating from the Cumberland County Health Department.

10. Use of Office, Storage & Locker Rooms. The Club shall have exclusive use of the offices and designated storages area(s) at all times, and exclusive use of the locker rooms from May 15th through August 30th. The County shall continue to have the right to store its equipment associated with performing its maintenance responsibilities under this Lease at the Stadium.

11. Insurance. During the term of this lease, the Club shall obtain and keep in force all insurance in such amounts, with such deductibles, and with only such exemptions and exclusions, as the County's Risk Manager shall reasonably require from time to time. Such coverages shall have a minimum of \$1 million liability limit per occurrence for all property damage and bodily injury and provide for a minimum of \$1 million excess liability or same in a commercial umbrella policy. The County shall be listed as additional named insured on all such policies. The Club shall provide certificates of insurance to the County's Risk Manager with such frequency as to demonstrate that the insurance coverage required hereunder is continuously in effect and shall not have lapsed. All such insurance policies shall require that the County Risk Manager be given at least thirty (30) days written notice prior to the termination or cancellation of any such policy.

12. Sub-leasing. Any sub-lease of the Stadium shall require prior written approval of the County Manager or his designee. This Lease shall not be assigned without the prior written approval of the County Board of Commissioners.

13. Maintenance.

(a) The County shall perform all regular maintenance including, but not limited to, regular mowing, edging, and fertilizing of playing surface, security, parking lot, and post-game ballpark clean-up. The County also shall maintain all electrical and mechanical systems for the field lighting, PA system, scoreboard and plumbing. The County shall provide and maintain the stadium's location/identification sign in the parking lot to include lights. The County shall further maintain the backstops, dugouts, foul poles, and outfield fence. The County shall also maintain all structures and/or buildings, to include the clubhouse, public restrooms, concession buildings, press

box, ticket booth, bleachers and box seats.

(b) The Club shall be responsible for dragging and lining the field for CPL games and any other baseball games sponsored by the Club, and clean-up of concessions and locker areas. The Club shall provide or cause to be provided staffing for all Club events, to include the stadium, parking lot attendants and security, crowd security, and field and related facility positions. The Club shall maintain the HVAC system for the Club office as well as provide janitorial service for it. The Club shall further provide and maintain a field tarp and batter's cage. The Club shall maintain the batters'/pitchers' tunnel. The Club shall provide and maintain or cause to be maintained, serviced and repaired its concession equipment, to include cookers/grills, coolers/freezers, drink dispensers, and any appropriate miscellaneous food or beverage handling equipment or storage. The Club shall also be responsible for maintaining and keeping in good repair any signage which it may employ for advertising and/or marketing purposes.

14. Scheduling. The Club shall submit a schedule to the County Manager or his designee no later than February 15th of each year. No CPL game shall be re-scheduled so as to conflict with another scheduled use of the Stadium without express prior written permission of the County Manager or his designee.

15. Rent. The Club shall pay to the County a combined rent and consideration for the concession rights granted to the Club for CPL games in the total amount of Twelve Thousand Dollars (\$12,000) with half to be due on July 1 and August 1 of each lease year. In addition, the Club shall pay the County seven percent (7%) of the gross revenues derived from concessions at non-CPL events, to be due monthly in arrears not later than the tenth day of each month for all such non-CPL event concession sales in the preceding month. A late payment fee of five percent (5%) shall be due and included in any payments due under this Lease and which are not received by the County by the fifteenth calendar day after it is due.

16. Notice. Any notice required or permitted hereunder shall be effective if hand delivered, or mailed certified mail, return receipt requested, to the County at: Cumberland County, Attention: County Manager, P.O. Box 1829, Fayetteville, N.C. 28302, and to the Club at: Attention: President, Hometown Sports America, Inc. C/O Fayetteville Swampdogs, P.O. Box 64691, Fayetteville, NC 28306. Either party may change the address for notification hereunder by

a notice delivered to the other party in compliance with this section.

17. Entire Agreement. This lease agreement contains and represents the entire agreement between the County and the Club, and may not be altered, amended, modified or revised except in a writing signed by the parties.

IN WITNESS WHEREOF, the parties do execute this Lease as of the date first above written and affix their respective seals hereto by their authorized representatives, pursuant to authority duly given, and as their respective official act, intending so to be bound.

Lessee: Hometown Sports America, Inc.
By:

(Vice) President

Corporate Seal

Attest: _____
(Asst.) (Secretary)

Lessor: Cumberland County
By:

Glenn Adams, Chairman
Board of Commissioners

County Seal

Attest: _____
Candice White, Clerk to the Board

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 1370-2016
PROPERTY OWNER: Thomas Wyatt McKinney, Jr.

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on May 16, 2016, enacted an ordinance directing the demolition by the owner of the structure, Thomas Wyatt McKinney, Jr, located at 3602 & 3638 McBryde Street, Linden, NC, PIN: 0563-62-1634, said ordinance being recorded in Book 9866, page 0518 , 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 \$5,900.00.
- (3) There were no salable materials resulting from said work.

NOW THEREFORE, the above report coming on to be considered and the Board of County Commissioners find 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 \$5,900.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated May 16, 2016, and in Section 153A-372 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 3602 & 3638 McBryde Street, Linden, NC, as described in Deed Book 5317, page 739, of the Cumberland County Registry and identified in County tax records as PIN 0563-62-1634.

(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 19th day of December, 2016, at 6:45 p.m. o'clock.

Cumberland County Clerk

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 1368-2016
PROPERTY OWNER: John H. Penne

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on April 18, 2016, enacted an ordinance directing the demolition by the owner of the structure, John H. Penne, located at 476 Slocumb Road, Fayetteville, NC, PIN: 0542-51-3084, said ordinance being recorded in Book 9851, page 0791, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$3,400.00.
- (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 find it to be a true and accurate accounting, the said Board hereby ORDAINS:

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$3,400.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated April 18, 2016, and in Section 153A-372 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 476 Slocumb Road, Fayetteville, NC, as described in Deed Book 6687, page 0314, of the Cumberland County Registry and identified in County tax records as PIN 0542-51-3084.

(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 19th day of December, 2016, at 6:45 p.m. o'clock.

Cumberland County Clerk

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 609-2014
PROPERTY OWNER: Santos R. Arroyo

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on October 20, 2014, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Santos R. Arroyo located at 119 Trailwood Drive, Fayetteville, NC, PIN: 0436-01-5464, said ordinance being recorded in Book 9536, page 0560, 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 \$2,950.00.
- (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 \$2,950.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated October 20, 2014, 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 119 Trailwood Drive, Fayetteville, NC, as described in Deed Book 8630, page 0502, of the Cumberland County Registry and identified in County tax records as PIN 0436-01-5464.

(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 19th day of December 2016, at 6:45 p.m. o'clock.

Cumberland County Clerk

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 1389-2016
PROPERTY OWNER: Peggy Jones & Harry Hales

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 15, 2016, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Peggy Jones & Harry Hales located at 5025 Cumberland Road, Fayetteville, NC, PIN: 0405-85-2535, said ordinance being recorded in Book 9929, page 216, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$3,400.00.
- (3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$3,400.00, 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 August 15, 2016, 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 5025 Cumberland Road Fayetteville, NC, as described in Deed Book 0641, page 0108, of the Cumberland County Registry and identified in County tax records as PIN 0405-85-2535.

(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 19th day of December 2016, at 6:45 p.m. o'clock.

Cumberland County Clerk

AMY H. CANNON
County Manager

JAMES E. LAWSON
Deputy County Manager



MELISSA C. CARDINALI
Assistant County Manager

W. TRACY JACKSON
Assistant County Manager



ITEM NO. 26(1-2)

OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF DECEMBER 19, 2016

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMY H. CANNON, COUNTY MANAGER

DATE: DECEMBER 14, 2016

SUBJECT: APPROVAL OF THE DECEMBER 1, 2016 CUMBERLAND COUNTY FINANCE COMMITTEE REPORT AND RECOMMENDATION

BACKGROUND

The Cumberland County Finance Committee met on Thursday, December 1, 2016 and discussed the following agenda:

- 1) Temporary Part-time Position at Animal Control
- 2) Change Order for the Haul Road Contract at the Ann Street Landfill

A separate memo for the items listed above and the draft minutes of the Cumberland County Finance Committee are attached for your convenience.

RECOMMENDATION/PROPOSED ACTION

Accept the Cumberland County Finance Committee report and recommendation.

/ct

Attachments

CM121416-1

DRAFT

CUMBERLAND COUNTY FINANCE COMMITTEE
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
DECEMBER 1, 2016 – 9:30 AM
REGULAR MEETING MINUTES

MEMBERS PRESENT: Commissioner Larry Lancaster, Committee Chairman
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Jimmy Keefe

OTHER COMMISSIONERS PRESENT: Commissioner Glenn Adams
Commissioner Charles Evans
Commissioner Marshall Faircloth
Commissioner-Elect Michael Boose

OTHERS: Amy Cannon, County Manager
Tracy Jackson, Assistant County Manager
Melissa Cardinali, Assistant County Manager
Sally Shutt, Governmental Affairs Officer
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Deborah Shaw, Budget Analyst
Heather Harris, Budget Analyst
Kim Cribb, Budget Analyst and Grants Coordinator
Tammy Gillis, Director of Internal Audit and Wellness Services
Mark Browder, Mark III Employee Benefits
Jim Grafstrom, Crown Complex General Manager/Spectra
Venue Management
Cecil Combs, Planning and Inspections Deputy Director
Jim Blackwell PE, Interim Solid Waste Director
Jerod Roberts, Solid Waste Director
Candice H. White, Clerk to the Board
Press

Commissioner Lancaster called the meeting to order.

Amy Cannon, County Manager, requested the addition of Consideration of Approval of Change Order to the Ann Street Haul Road Construction Contract as Item 5. with the remaining items renumbered accordingly. Consensus followed.

1. APPROVAL OF MINUTES – NOVEMBER 3, 2016 FINANCE COMMITTEE
REGULAR MEETING

MOTION: Commissioner Edge moved to approve the November 3, 2016 regular meeting minutes.

SECOND: Commissioner Council

VOTE: UNANIMOUS (4-0)

2. PRESENTATION ON FY2017 HEALTH INSURANCE PLAN PERFORMANCE BY
MARK BROWDER, MARK III EMPLOYEE BENEFITS

DRAFT

BACKGROUND:

Major changes to the County health insurance plan occurred effective July 1, 2016. Mark Browder will present an update on the current year claims expense since these changes became effective.

RECOMMENDATION/PROPOSED ACTION:

No action by the Committee is needed; this is for information only.

Mark Browder, Mark III Employee Benefits, stated the review will show how the plan has been performing over the last four months and comparing that against the prior plan year. Mr. Browder provided the following review:

Medical Plan Review

- 2015 – 2016 was a difficult plan year.
- Health of the population, claims, and Health Care Reform were the driving factors in the claims increases.
- Plan design changes were made to offset claims costs along with a funding increase.
- Waist Incentive was approved to provide healthy lifestyle reward.
- The plan is Self-funded, which provides the lowest cost method of funding health coverage with fixed cost being only 9.2% of total plan cost; plan bid last saved \$900,000 of fixed cost in process.

2016-2017 Plan Experience

Active									
Date	Subs	Members	Medical	Pharmacy	Total Claims		Total Cost	Stop-loss Credits	Net Costs
July-16	1,843	2,905	\$881,845.17	\$251,926.27	\$1,133,771.44		\$1,273,158.10	\$0.00	\$1,273,158.10
August-16	1,851	2,923	\$678,397.85	\$335,456.84	\$1,013,854.69		\$1,147,683.39	\$0.00	\$1,147,683.39
September-16	1,844	2,914	\$705,504.63	\$279,136.22	\$984,640.85		\$1,210,017.67	\$0.00	\$1,210,017.67
October-16	1,852	2,933	\$509,961.87	\$264,713.04	\$774,674.91		\$912,212.69	\$0.00	\$912,212.69
Total	7,390	11,675	\$2,775,709.52	\$1,131,232.37	\$3,906,941.89		\$4,543,071.85	\$0.00	\$4,543,071.85
			Rx/Sub/Mth	\$153.08	\$528.68			0.00%	
Pre-65 Retirees									
Date	Subs	Members	Medical	Pharmacy	Total Claims		Total Cost	Stop-loss Credits	Net Costs
July-16	303	350	\$132,915.06	\$80,274.23	\$213,189.29		\$234,744.00	\$0.00	\$234,744.00
August-16	298	345	\$169,382.13	\$130,939.43	\$300,321.56		\$321,522.24	\$0.00	\$321,522.24
September-16	296	342	\$165,097.20	\$112,708.38	\$277,805.58		\$298,896.12	\$0.00	\$298,896.12
October-16	300	345	\$190,155.07	\$77,757.00	\$267,912.07		\$289,288.08	\$0.00	\$289,288.08
Total	1,197	1,382	\$657,549.46	\$401,679.04	\$1,059,228.50		\$1,144,450.44	\$0.00	\$1,144,450.44
			Rx/Sub/Mth	\$335.57	\$884.90			0.00%	
Post-65 Retirees									
Date	Subs	Members	Medical	Pharmacy	Total Claims		Total Cost	Stop-loss Credits	Net Costs
July-16	501	502	\$46,470.91	\$109,697.80	\$156,168.71		\$191,744.56	\$0.00	\$191,744.56
August-16	505	506	\$43,388.29	\$145,712.83	\$189,101.12		\$224,959.03	\$0.00	\$224,959.03
September-16	505	506	\$19,992.20	\$133,285.92	\$153,278.12		\$189,188.97	\$0.00	\$189,188.97
October-16	508	509	\$73,073.14	\$104,861.23	\$177,934.37		\$214,055.31	\$0.00	\$214,055.31
Total	2,019	2,023	\$182,924.54	\$493,557.78	\$676,482.32		\$819,947.87	\$0.00	\$819,947.87
			Rx/Sub/Mth	\$244.46	\$335.06			0.00%	
Combined									
Date	Subs	Members	Medical	Pharmacy	Total Claims	Pharmacy/Clinic Wellness	Total Cost	Stop-loss Credits	Net Costs
July-16	2,647	3,757	\$1,061,231.14	\$441,898.30	\$1,503,129.44	\$125,000.00	\$1,699,646.66	\$0.00	\$1,699,646.66
August-16	2,654	3,774	\$891,168.27	\$612,109.10	\$1,503,277.37	\$125,000.00	\$1,694,164.66	\$0.00	\$1,694,164.66
September-16	2,645	3,762	\$890,594.03	\$525,130.52	\$1,415,724.55	\$125,000.00	\$1,823,102.76	\$0.00	\$1,823,102.76
October-16	2,660	3,787	\$773,190.08	\$447,331.27	\$1,220,521.35	\$125,000.00	\$1,540,556.08	\$0.00	\$1,540,556.08
Total	10,606	15,080	\$3,616,183.52	\$2,026,469.19	\$5,642,652.71	\$500,000.00	\$6,757,470.16	\$0.00	\$6,757,470.16
			Rx/Sub/Mth	\$191.07	\$532.02			0.00%	
				97.97%	76.90%				

DRAFT

Mr. Browder stated for 2016 2017, the plan performance markedly improved and was down 23% in the first four months this year as compared to 2015–2016, which was a typical year, and claims are running about 20% better than 2015-2016. Mr. Browder referenced the benefits payment trend below and stated the County was running \$1.8 to \$1.9 million for the first eight months of 2015-2016 compared to the last four months when it was running \$1.4 to \$1.5 million and the most recent month when it was running \$1.2 million.

Positive Plan Trend

Cumberland County	Total Number of Employees	Benefit Payments	Stop-Loss Credits	Net Claims
November-15	2,611	\$1,498,503.25	\$6,496.97	\$1,492,006.28
December-15	2,611	\$1,800,802.03	\$62,547.05	\$1,738,254.98
January-16	2,624	\$1,677,199.62	\$3,758.85	\$1,673,440.77
February-16	2,639	\$1,614,740.57	\$45,463.76	\$1,569,276.81
March-16	2,634	\$1,838,243.38	\$146,986.05	\$1,691,257.33
April-16	2,640	\$2,124,395.52	\$209,723.66	\$1,914,671.86
May-16	2,645	\$1,941,597.60	\$284,309.48	\$1,657,288.12
June-16	2,643	\$1,986,904.62	\$137,631.13	\$1,849,273.49
July-16	2,647	\$1,503,129.44	\$0.00	\$1,503,129.44
August-16	2,654	\$1,503,277.37	\$0.00	\$1,503,277.37
September-16	2,645	\$1,415,724.55	\$0.00	\$1,415,724.55
October-16	2,660	\$1,220,521.35	\$0.00	\$1,220,521.35
Total	31,653	\$20,125,039.30	\$896,916.95	\$19,228,122.35

The last 4 months of claims experience is a marked improvement over the prior 8 months.

Top 15 Episodes-Most Recent Year

Episode	Claimants	Allowed Amount	Allowed Amount/Claimant	Allowed PMPM
Diabetes	521	\$1,607,270	\$3,085	\$35.92
Ischemic Heart Disease	181	\$1,501,497	\$8,296	\$33.55
Hypertension	1,350	\$1,133,742	\$840	\$25.33
Chronic Renal Failure	73	\$855,708	\$11,722	\$19.12
Malignant Neoplasm - Breast	46	\$756,163	\$16,438	\$16.90
Joint Degeneration - Back	288	\$704,661	\$2,447	\$15.75
Malignant Neoplasm - Pulmonary	10	\$631,044	\$63,104	\$14.10
Adult Rheumatoid Arthritis	43	\$556,175	\$12,934	\$12.43
Joint Degeneration - Knee/Lower Leg	194	\$544,195	\$2,805	\$12.16
Obesity	587	\$478,122	\$815	\$10.68
Routine Exam	1,524	\$472,502	\$310	\$10.56
COPD	108	\$456,482	\$4,227	\$10.20
Leukemia	7	\$409,558	\$58,508	\$9.15
Non-Malignant Neoplasm - Female Genitourinary Tract	84	\$399,166	\$4,752	\$8.92
Atrial-Fibulation & Flutter	44	\$363,603	\$8,264	\$8.13

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Mr. Browder reviewed the top 15 episodes recorded above and stated improving the health of the population continues to be a focus. Mr. Browder stated there was high level participation in the screenings that were just conducted and the results were good. Mr. Browder reviewed the 2017-2018 initiatives below and stated the value of the HSA is that it helps employees who are part of the plan to be better consumers of healthcare dollars and affords them the opportunity to save for future healthcare costs.

2017-2018 Initiatives

- Implement the HSA in 2017–2018 for employee consumerism and personal savings for future health care cost.
- The \$250 weight/waist incentive reward for health improvement will be delivered for employees meeting the metrics.
- We are going to address the risks of tobacco to the population and the plan, within legal limits.
- Prescription drug benefit modification.

Mr. Browder stated North Carolina has a legal products law and you cannot ban or restrict a legal product like tobacco. Mr. Browder stated however there are incentives that can be put in place to help educate and motivate the cessation of tobacco.

Melissa Cardinali, Assistant County Manager, recalled last year the Board approved that employee prescriptions filled at a pharmacy would be applied to the \$150 deductible and the only time that would not occur would be when the employee used the County pharmacy, which has seen a huge increase in utilization to include extended hours. Ms. Cardinali stated the County thought the drug deductible had been set up and it was set up but for only Tiers 2, 3, and 4; however, it was not set up for Tier 1 so only a co-pay was being charged. Ms. Cardinali stated BCBS was contacted and it confirmed the above. Ms. Cardinali stated the financial implication to the County was about \$200,000 but it is believed that the benefit to the employee probably outweighs that amount because they have access to generic drugs and a low co-pay on holidays, after hours and Sunday afternoon when the County pharmacy is closed. Ms. Cardinali stated the recommendation to BCBS was to maintain that structure for the remainder of the year rather than go back and attempt to charge Tier 1 drugs to the \$150 deductible. Ms. Cardinali stated should this be problematic to the Finance Committee, it can be re-addressed. Mr. Browder stated what the Board of Commissioners approved was submitted to BCBS's pharmacy management Prime but they failed to implement it as instructed; however, not having Tier 1 applied to the \$150 deductible is to the benefit of employees.

Commissioner Adams requested that BCBS share half the cost or some portion or penalty thereof since the County submitted it correctly and BCBS was responsible for the error. Mr. Browder stated he would submit the request. Questions followed. Mr. Browder stated about 85% of drugs go to generic with only about 15% going to brand.

Commissioner Council asked how close the savings of 21% to 23% was to the 2013-2014 year. Ms. Cardinali stated she would provide that information. In response to a question posed by Commissioner Keefe, Ms. Cannon stated health insurance savings stay in a health insurance fund. Ms. Cardinali stated the goal is to stabilize health insurance costs and have a very strong fund balance in the health insurance fund so as the years cycle, the fund can be relied on and not have significant swings.

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3. CONSIDERATION OF A LONG TERM EXTENSION OF THE MANAGEMENT AGREEMENT WITH SPECTRA VENUE MANAGEMENT FOR THE CROWN COMPLEX OPERATIONS

BACKGROUND:

On October 7, 2013 the Board of Commissioners approved a contract for Spectra Venue Management (then Global Spectrum) to manage Crown Center Complex operations beginning November 1, 2013. The contract period was for three (3) years.

As the initial contract period comes to an end, it is time to consider a long term extension of the management agreement. Representatives from Spectra Venue will be in attendance at the Finance Committee meeting to discuss the proposed extension.

The summary of proposed changes to the contract is recorded below.

RECOMMENDATION/PROPOSED ACTION:

Management and the County Attorney are seeking general direction for the proposed extension in order to develop a contract. The proposed contract will be brought back to the Finance Committee at the January 5, 2017 meeting.

Jim Grafstrom, Crown Complex General Manager/Spectra Venue Management, introduced individuals from Spectra Venue Management and stated the current Management Agreement is a three year guarantee and a two year optional extension by County Commissioners to take Spectra Venue Management through November 1, 2018. Mr. Grafstrom stated the proposal is to extend the agreement as it currently stands through June 30, 2017 and then have a new five year agreement taken effect from July 1, 2017 through June 30, 2022 with the sole option to extend the Spectra Venue Management for an additional five years from July 1, 2022 through June 30, 2027.

As for capital investment, Mr. Grafstrom stated Spectra contributed \$150,000 towards revenue enhancing projects at the Crown Complex, specifically to transform an underutilized concourse area into the ESPN Radio Upper Deck or bar/lounge area which has generated additional revenue in the form of private functions. Mr. Grafstrom stated as part of the proposed extension, Spectra would contribute an additional \$200,000 with \$75,000 to be released immediately upon approval and used to fund the feasibility study for the new performing arts center and \$125,000 to be dedicated to an Event Fund. Commissioner Council stated the Board of Commissioners has not voted for a feasibility study for a performing arts center. Mr. Grafstrom stated the Civic Center Commission gave Spectra a directive that they would like to see the feasibility study happen so the suggestion is to release the money for that purpose; however, that money can be used for whatever purpose chosen. Commissioner Edge asked Mr. Grafstrom whether he was aware of a study conducted by the Arts Council with a recommendation for a performing arts center. Mr. Grafstrom responded in the affirmative. Commissioner Council asked that the language regarding the feasibility study be removed. Mr. Grafstrom stated that would be acceptable and language could state the \$75,000 would be released to be used at the discretion of the Board of Commissioners. Commissioner Keefe stated the Civic Center Commission takes care of studies

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and contracts and the Board of Commissioners only approve the facilities, and although the Arts Council conducted a study, it did not include an in depth economic impact of a performing arts center. Questions and discussion followed.

 Spectra Venue Management Crown Complex, Fayetteville, NC Summary of Key Contract Extension Terms As of September 16, 2016		CONFIDENTIAL AND NON-BIDDING FOR DISCUSSION PURPOSES ONLY
Purpose	This document has been drafted by Spectra Venue Management to begin the discussion of a long-term extension of the Management Agreement for the Crown Complex in Fayetteville, NC with the Cumberland County Civic Center Commission "Commission" under the terms proposed below.	
Financial Terms		
Current		Proposed
Term	The current Management Agreement expires on November 1, 2018, however, the Commission has the right to terminate the agreement without cause on the 3rd anniversary of the effective date (November 3, 2016), or, the Commission may extend the Management Agreement under the same terms and conditions for 2 years through November 1, 2018. The Civic Center Commission is slated to vote on this issue at the September 27, 2016 Commission Meeting.	<ul style="list-style-type: none"> * The Commission will extend the Spectra Management Agreement under the existing terms and conditions through June 30, 2017. This change is proposed in order to have the current management agreement run concurrent to the Crown Complex fiscal year. * Upon the expiration of the abbreviated extension, a new 5 year agreement will take effect and run concurrent with the facility fiscal year from July 1, 2017 through June 30, 2022 (the initial term). * At the conclusion of the initial term of the new Management Agreement, the Commission will have the sole option to extend Spectra Venue Management for an additional 5 years from July 1, 2023 through June 30, 2027.
Capital Investment	<ul style="list-style-type: none"> * Spectra has contributed One Hundred Fifty Thousand Dollars (\$150,000.00) towards revenue enhancing projects at the Crown Complex. Specifically, this capital expenditure was utilized to transform an underutilized concourse area into the ESPN Radio Upper Deck. * This contribution is amortized on a straight line basis over a 10 year period at the rate of 1/120 per month commencing on the effective date of the Management Agreement. * Upon termination or expiration of the Management Agreement for any reason, the Commission shall immediately pay Spectra any unamortized amount of the contribution. 	<ul style="list-style-type: none"> * Spectra will contribute a total of Two Hundred Thousand Dollars (\$200,000.00) to be used as follows: <ul style="list-style-type: none"> * Seventy-Five Thousand Dollars (\$75,000.00) to be released immediately upon contract signing and used to fund the feasibility study for the new performing arts * One Hundred Twenty Five Thousand Dollars (\$125,000.00) to be released on July 1, 2017 and is to be dedicated to an Event Fund. * These investments, along with the remaining unamortized balance of the initial \$150,000.00 investment, will be amortized on a straight line basis over a 10 year period at the rate of 1/120 per month commencing on the effective date of the new Management Agreement with Spectra. * In the event Spectra's agreement is terminated for any reason before the end of the 10 year amortization period, the Commission will repay Spectra the unamortized balance of the investment. * Any money remaining in the Event Fund at the end of the Agreement would revert to the Commission.
Fixed Management Fee	<ul style="list-style-type: none"> * The current Fixed Management Fee is \$97,541. * This represents a base Fixed Management Fee of \$96,000.00 adjusted for local CPI over the last 3 years. 	<ul style="list-style-type: none"> * The Fixed Management Fee will be Ninety Six Thousand Dollars (\$96,000.00). * The Fixed Management Fee shall be subject to annual increases tied to changes in local CPI.
Incentive Fee	<ul style="list-style-type: none"> * The incentive fee is twenty two percent (22%) of revenue generated in excess of a Benchmark capped at 100% of the Fixed Management Fee for any such Operating Year. * The incentive fee shall not be paid to Spectra to any extent if Spectra fails to achieve at least 95% of the bottom line net profit/loss budget number in any such Operating Year. 	<ul style="list-style-type: none"> * The incentive fee shall be twenty two percent (22%) of revenue generated in excess of a Benchmark capped at 200% of the Fixed Management Fee for any such Operating Year. * The incentive fee shall not be paid to Spectra to any extent if Spectra fails to achieve at least 95% of the bottom line net profit/loss budget number in any such Operating Year.
Benchmark	<ul style="list-style-type: none"> * The Benchmark was established jointly between Cumberland County and Spectra by averaging gross revenue generated at the Crown Complex for the 3 years prior to Spectra Venue Management taking over management duties of the Crown Complex. * The Benchmark for gross revenue is set at \$2,458,768.00. 	<ul style="list-style-type: none"> * Based on performance over the last 24 years, the Benchmark shall be raised to \$4,500,000.00. * This represents a Benchmark increase of over 2 million dollars, or, 83.1% over the current Benchmark.
Spectra Ticketing and Fan Engagement	<ul style="list-style-type: none"> * The Spectra Ticketing agreement at the Crown Complex commenced on July 1, 2015 and continues for five (5) years expiring on June 30, 2020. 	<ul style="list-style-type: none"> * The Spectra Ticketing agreement at the Crown Complex shall be extended under the same terms and conditions to be coterminous with the Venue Management Agreement and will expire on June 30, 2022.

Mr. Grafstrom continued a review of the Summary of Key Contract Extension Terms recorded above and stated the current fixed Management Fee is \$97,541 which represents a base fee of \$96,000 adjusted for local CPI over the last three years. Mr. Grafstrom stated for the new five year term, the proposal is for \$96,000 subject to annual increase tied to changes in local CPI again.

Mr. Grafstrom stated the incentive fee Spectra could earn is based on a gross revenue benchmark of roughly \$2.45 million which was set by averaging gross revenues derived from the Crown Complex over three years prior to Spectra's management on November 1, 2013. Mr. Grafstrom stated the proposal is for that benchmark, based on Spectra's performance over the last three years, to be raised by \$2 million to \$4.45 million. Mr. Grafstrom stated this is more in line with the gross revenue Spectra has been able to generate at the facility during its operation and represents a benchmark increase of 83.1% over the current benchmark. Mr. Grafstrom

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stated the proposal is also that the incentive fee structure remain the same with Spectra earning 22% over the agreed upon benchmark, capped at 200% of Spectra's management fee; current cap is 100% of Spectra's management fee.

Mr. Grafstrom stated the Spectra Ticketing agreement commenced on July 1, 2015 and continues for five years expiring on June 30, 2020. Mr. Grafstrom stated the proposal is that contract be extended to run coterminous with the new management agreement which will expire on June 30, 2022.

Commissioner Lancaster stated management is seeking general direction for the proposed extension in order to develop a contract with a recommendation that the proposed contract will be brought back to the Finance Committee at the January 5, 2017 meeting. Mr. Moorefield inquired regarding consensus of the Finance Committee for the capital investment language and stated this needs to be resolved in order to move forward. Commissioner Faircloth stated there needs to be more communication between the Civic Center Commission and the Board of Commissioners and suggested that the \$75,000 be included as a placeholder. One of the individuals representing Spectra stated the \$200,000 can be included to be dispersed as mutually agreed upon by the Civic Center Commission and Board of Commissioners. Mr. Moorefield stated for expediency that language will be used and the final resolution can be addressed afterwards.

4. APPROVAL OF A TEMPORARY PART-TIME POSITION AT ANIMAL CONTROL

BACKGROUND:

The Animal Control Department is in need of a temporary part-time position in their administrative office that will help with the transition of a replacement Administrative Program Officer I due to a forthcoming retirement. Dr. John Lauby, DVM, Animal Control Director, wishes to create a 19 hour a week position that will allow the retiring employee to come back on a temporary basis in order to train her replacement.

The current Administrative Officer performs a wide array of duties such as HR/Payroll, contract review, fees and fines, software administration, and fielding complaints and concerns from the public. This retiree's extensive experience, skills and qualifications will be hard to replace, and we believe it is in the best interest of the department and county to allow her to work on a part-time basis until a new hire is trained.

The funding for this position would be taken from lapsed salaries within the Animal Control Department and is proposed to last until the end of FY17. If approved, the temporary/part-time position would become effective on Monday, February, 6, 2017.

RECOMMENDATION/PROPOSED ACTION:

Staff recommends approval of a temporary part-time Administrative Program Officer I position at Animal Control to be funded from February 6, 2017 through June 30, 2017.

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Tracy Jackson, Assistant County Manager, reviewed the background information and recommendation/proposed action recorded above. Mr. Jackson stated the Administrative Program Officer will retire and in terms of succession planning, come back as allowed by the State Retirement System on a temporary basis to help train her replacement. Commissioner Adams stated succession planning and having individuals in place when employees leave needs to be addressed so the County does not find itself in this situation. Commissioner Faircloth concurred and stated this could have been accomplished six months ago, although he is not opposed to this situation. Commissioner Adams stated he was likewise not opposed in this situation.

MOTION: Commissioner Council moved to approve a temporary part-time Administrative Program Officer I position at Animal Control to be funded from February 6, 2017 through June 30, 2017.
SECOND: Commissioner Edge
VOTE: UNANIMOUS (4-0)

5. CONSIDERATION OF APPROVAL OF CHANGE ORDER TO THE ANN STREET HAUL ROAD CONSTRUCTION CONTRACT

BACKGROUND:

At the November 2nd Board of Commissioners meeting, the Board approved to award a contract in the amount of \$346,293.75 to Bentley Development Company, Inc. for the construction of a new haul road for the Subtitle D landfill as well as Budget Ordinance Amendment B170037 in the amount out \$363,694. The budget amendment included a 5% contingency.

During construction, it was determined by Bentley Development Company, Inc. that the estimated depth of existing intermediate soil cover by the consulting engineer was underestimated. Therefore, additional intermediate soil cover needs to be purchased and placed by the contractor. The contractor's surveyor has determined that an additional 1,533 cubic yards of soil material is needed for intermediate cover. The contract is a unit price contract so a price for furnishing and installing the intermediate cover has already been established. This cost is \$36/cubic yard which results in an increase of \$55,188 for this line item.

Please keep in mind that regardless of the contractor selected for the project, they too would be facing the same scenario of having to provide more soil material for intermediate cover. Furthermore, because there was less intermediate cover than initially estimated, this meant there was more waste that had to be excavated and disposed of at the working face. The unit price cost of disposing of the excess waste is \$4.75/cubic yard. An additional 2,098 cubic yards of waste had to be moved, resulting in an increased cost of \$9,965.50.

In addition, the water truck owned by the County that is utilized for dust control broke down last week. Bentley Development Company, Inc. has a water truck on-site and has agreed to let the County utilize their truck for the price of \$700. This is significantly less than the County can lease a water truck from Gregory Poole.

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Therefore, the Finance Committee is being asked to approve the change orders in the amount of \$65,853.50 for the additional soil material needed for intermediate cover and the use of the contractor's water truck until such time the County's truck is repaired.

RECOMMENDATION/PROPOSED ACTION:

The Solid Waste Director along with County Management recommends that the Finance Committee approve the following recommendations.

1. Approve a change order for the existing contract with Bentley Development Company in the amount of \$65,853.50 for the additional soil material needed for intermediate cover, the additional waste that had to be moved and the use of their water truck until such time the County's water truck is repaired.
2. Approve Budget Ordinance Amendment B171034 in the amount of \$65,854 for the Haul Road improvement project.

Please note this amendment requires the use of Solid Waste fund balance.

3. Authorize the County Manager to approve the change orders and necessary budget amendment upon the Finance Committee's approval to prevent any delays in the construction of the new haul road. This item will then be placed on the Board of Commissioner's agenda for the December 19th meeting to be retroactively approved by the Board of Commissioners.

Ms. Cardinali reviewed the background information recorded above. Ms. Cardinali stated this is a unit cost contract and this cost would have occurred regardless of the contractor because the contractor is not the source of the additional cover that is needed. Ms. Cardinali reviewed the recommendation/proposed action recorded above.

Commissioner Keefe asked whether the consulting engineer was a separate contract. Ms. Cardinal stated the contract with CDM was a separate contract. Commissioner Keefe asked whether CDM was bonded. Jerod Roberts, Solid Waste Director, stated he does not know whether CDM is bonded but they have been the consulting engineer for the landfill for several years. Commissioner Keefe stated he felt this is the result of an error by CDM. Jim Blackwell, Interim Solid Waste Director, stated this is a result of underground conditions, the quantities for which could not be exactly estimated, and this is why the unit price was utilized. Ms. Cardinali stated this is not unusual with a facility like a landfill and there is uncertainty about what is underneath or how compact it may be.

Commissioner Faircloth inquired about the Solid Waste fund balance. Ms. Cannon stated the Solid Waste enterprise fund must maintain a minimum of 8% according to policy. Ms. Cardinali stated she would relay Commissioner Keefe's concerns to Jeffrey Brown, Engineering and Infrastructure Director and CDM.

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MOTION: Commissioner Edge moved to approve a change order for the existing contract with Bentley Development Company in the amount of \$65,853.50 for the additional soil material needed for intermediate cover, the additional waste that had to be moved and the use of their water truck until such time the County’s water truck is repaired; to approve Budget Ordinance Amendment B171034 in the amount of \$65,854 for the Haul Road improvement project with this amendment requiring the use of Solid Waste fund balance; and to authorize the County Manager to approve the change orders and necessary budget amendment upon the Finance Committee’s approval to prevent any delays in the construction of the new haul road. This item will then be placed on the Board of Commissioner’s agenda for the December 19th meeting to be retroactively approved by the Board of Commissioners.

SECOND: Commissioner Council

VOTE: UNANIMOUS (4-0)

6. MONTHLY FINANCIAL REPORT

BACKGROUND:

The financial report is included as of October 31, 2016. Highlights include:

- Revenues
 - Overall revenues are consistent with this time last fiscal year, with one exception
 - Sales Tax collections are notably less for July 2017 compared with July 2016
- Expenditures
 - The areas of General Administration, Buildings & Grounds, total Law Enforcement, and Social Services show total year-to-date expenditures being less as a result of an accounting practice change implemented this fiscal year of not automatically rolling FY16 year-end encumbered amounts to FY17
 - General Government Other is higher because governmental utilities were consolidated within this line and encumbered for the entire fiscal year and last fiscal year they were not
 - Mental Health Other is significantly less as a result of the budgeted and contracted decrease of funds to Alliance Behavioral Health
- Crown center expense summary/prepared food and beverage and motel tax
 - Spectra is reporting slightly less overall operating expense compared with the same timeframe last fiscal year
 - Revenues of prepared food and beverage and motel tax are consistent with prior fiscal years

RECOMMENDATION/PROPOSED ACTION:

No action needed – for information purposes only.

Vicki Evans, Finance Director, reviewed highlights of the financial report as of October 31, 2016

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as recorded above. Ms. Evans stated sales tax collections are down \$400,000 compared to last year for July sales. Ms. Evans explained the accounting practice change that resulted in some areas year-to-date expenditures being less and also explained Mental Health Other is significantly less because the County is not providing directly the full \$4.8 million as it has in the past; there was a decrease in this budget year to \$2.3 million.

Commissioner Keefe asked whether July sales tax collections were a concern since they were down from the last fiscal year and whether services sale taxes had any effect on this. Ms. Evans stated she did not think services sale tax had an effect and collections were down because non-profit refunds occurred in July. Ms. Cannon stated she did not think any conclusion could be reached about sales tax collections based on one month. Ms. Cannon stated tax collections are generally up and down and as collections continue, some conclusions may be able to be reached.

Commissioner Edge stated in the past, Cumberland County has compared its sales tax collections to other military communities.

7. OTHER ITEMS OF BUSINESS

There were no other items of business.

MOTION: Commissioner Edge moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS (4-0)

There being no further business, the meeting adjourned at 10:30 a.m.

AMY H. CANNON
County Manager

JAMES E. LAWSON
Deputy County Manager



MELISSA C. CARDINALI
Assistant County Manager

W. TRACY JACKSON
Assistant County Manager

CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

ITEM NO. 2G-11

OFFICE OF THE COUNTY MANAGER

MEMO FOR THE AGENDA OF THE DECEMBER 19, 2016
BOARD OF COUNTY COMMISSIONER'S MEETING

TO: BOARD OF COUNTY COMMISSISONERS

FROM: W. TRACY JACKSON, ASST. COUNTY MANAGER 

THROUGH: AMY H. CANNON, COUNTY MANAGER 

DATE: DECEMBER 13, 2016

SUBJECT: APPROVAL OF A TEMPORARY PART-TIME POSITION AT ANIMAL CONTROL

BACKGROUND:

The Animal Control Department needs a temporary part-time position in their administrative office that will help with the transition of a replacement Administrative Program Officer I due to a forthcoming retirement. Dr. John Lauby, DVM, Animal Control Director, wishes to create a 19 hour a week position that will allow the retiring employee to come back on a temporary basis to train her replacement.

The current Administrative Officer performs a wide array of duties such as HR/Payroll, contract review, fees and fines, software administration, and fielding complaints and concerns from the public. This retiree's extensive experience, skills and qualifications will be hard to replace, and we believe it is in the best interest of the department and county to allow her to work on a part-time basis until a new hire is trained.

The funding for this position would be taken from lapsed salaries within the Animal Control Department and is proposed to last until the end of FY17. If approved, the temporary/part-time position would become effective on Monday, February, 6, 2017. This item was reviewed by the Finance Committee at its December 1st meeting and was approved to be considered by the full Board of Commissioners.

RECOMMENDATION/PROPOSED ACTION:

Staff recommends approval of a temporary part-time Administrative Program Officer I position at Animal Control to be funded from February 6, 2017 through June 30, 2017.



ITEM NO. 2G(2)

**CUMBERLAND
COUNTY**
NORTH CAROLINA

SOLID WASTE MANAGEMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF DECEMBER 19, 2016

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JEFFERY P. BROWN, PE, ENGINEERING & INFRASTRUCTURE DIRECTOR

THROUGH: AMY H. CANNON, COUNTY MANAGER

DATE: DECEMBER 14, 2016

SUBJECT: CONSIDERATION OF APPROVAL OF CHANGE ORDER TO THE ANN STREET HAUL ROAD CONSTRUCTION CONTRACT

BACKGROUND:

At the November 2nd Board of Commissioners Meeting, the Board approved to award a contract in the amount of \$346,293.75 to Bentley Development Company, Inc. for the construction of a new haul road for the Subtitle D landfill as well as Budget Ordinance Amendment B170037 in the amount out \$363,694. The budget amendment included a 5% contingency.

During construction, it was determined by Bentley Development Company, Inc. that the estimated depth of existing intermediate soil cover by the consulting engineer was underestimated. Therefore, additional intermediate soil cover needs to be purchased and placed by the contractor. The contractor's surveyor has determined that an additional 1,533 cubic yards of soil material is needed for intermediate cover. The contract is a unit price contract so a price for furnishing and installing the intermediate cover has already been established. This cost is \$36/cubic yard which results in an increase of \$55,188 for this line item.

Please keep in mind that regardless of the contractor selected for the project, they too would be facing the same scenario of having to provide more soil material for intermediate cover. Furthermore, because there was less intermediate cover than initially estimated, this meant there was more waste that had to be excavated and disposed of at the working face. The unit price cost of disposing of the excess waste is \$4.75/cubic yard. An additional 2,098 cubic yards of waste had to be moved, resulting in an increased cost of \$9,965.50.

In addition, the water truck owned by the County that is utilized for dust control broke down last week. Bentley Development Company, Inc. has a water truck on-site and has agreed to let the County utilize their truck for the price of \$700. This is significantly less than the County can lease a water truck from Gregory Poole.

Therefore, the Finance Committee was asked to approve the change orders in the amount of \$65,853.50 for the additional soil material needed for intermediate cover and the use of the contractor's water truck until such time the County's truck is repaired and the necessary budget ordinance amendment. In addition, the Finance Committee was asked to authorize the County Manager to approve the change orders and necessary budget amendment to prevent any delays in the construction of the new haul road. This was presented to and approved by the Finance Committee on December 1st. Therefore, the Board of Commissioners need to retroactively approve the contract and the budget amendment.

RECOMMENDATION/PROPOSED ACTION:

The Engineering & Infrastructure Director, County Management and the Finance Committee recommend that the Board of Commissioners approve the following recommendations.

1. Approve a change order for the existing contract with Bentley Development Company in the amount of \$65,853.50 for the additional soil material needed for intermediate cover, the additional waste that had to be moved and the use of their water truck until such time the County's water truck is repaired.
2. Approve Budget Ordinance Amendment **B171034** in the amount of **\$65,854** for the Haul Road improvement project.

Please note this amendment requires the use of Solid Waste fund balance.

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND
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NORTH CAROLINA

Planning & Inspections Department

ITEM NO. 24

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

MEMO FOR THE AGENDA OF THE DECEMBER 19, 2016
MEETING OF THE BOARD OF COUNTY COMMISSIONERS

TO: THE BOARD OF COUNTY COMMISSIONERS

FROM: CECIL P. COMBS, DEPUTY DIRECTOR
PLANNING & INSPECTIONS

THROUGH: AMY CANNON, COUNTY MANAGER

DATE: DECEMBER 13, 2016

SUBJECT: CONSIDERATION OF INTERLOCAL AGREEMENT WITH
THE TOWN OF EASTOVER FOR MINIMUM HOUSING
ORDINANCE ENFORCEMENT

BACKGROUND:

To more fully assist the Town of Eastover, the Planning & Inspections Department is seeking to create and adopt an interlocal agreement allowing the county to provide Minimum Housing Ordinance enforcement services for the town. The proposed interlocal agreement (attached) was prepared by the County Attorney and is included in your packet for consideration. This item was reviewed and approved to move on to the full Board of Commissioners for further consideration at the December 1, 2016 Policy Committee Meeting. Attached are the minutes from that meeting with an excerpt concerning this specific item.

RECOMMENDATION/PROPOSED ACTION:

Staff recommends the Board of Commissioner's approve an interlocal agreement between Cumberland County and the Town of Eastover for the provision of Minimum Housing Ordinance enforcement.

NORTH CAROLINA

AGREEMENT FOR INTERLOCAL UNDERTAKING
TO ENFORCE THE MINIMUM HOUSING CODE

CUMBERLAND COUNTY

THIS AGREEMENT, is made and entered into by and between the TOWN OF EASTOVER, a municipality duly incorporated under the laws of North Carolina (hereinafter referred to as TOWN), and CUMBERLAND COUNTY, a body politic and corporate of the State of North Carolina (hereinafter referred to as COUNTY);

WITNESSETH:

WHEREAS, pursuant to N.C.G.S. § 160A-441, COUNTY adopted a Minimum Housing Code codified as Chapter 4, Article IV of the *Cumberland County Code*; and

WHEREAS, COUNTY enforces its Minimum Housing Code through designated inspectors in its Department of Planning and Inspections; and

WHEREAS, by Resolution 2016-05 adopted July 12, 2016, TOWN'S governing board approved the application of COUNTY'S Minimum Housing Code within TOWN'S corporate limits pursuant to N.C.G.S. § 160A-441; and

WHEREAS, TOWN desires that COUNTY'S Minimum Housing Code be enforced within TOWN'S corporate limits by COUNTY to the extent that COUNTY and COUNTY'S Board of Commissioners shall be acting in the stead of TOWN and TOWN'S governing board for all purposes related to enforcement of COUNTY'S Minimum Housing Code within TOWN'S corporate limits; and

WHEREAS, the governing boards of TOWN and COUNTY have by resolutions ratified the provisions of this Agreement for Interlocal Undertaking pursuant to North Carolina General Statutes, Chapter 160A, Article 20, Part I, for the purpose of providing for the enforcement of COUNTY'S Minimum Housing Code within TOWN'S corporate limits.

NOW THEREFORE, for and in consideration of the mutual covenants herein contained and of the mutual benefits to result therefrom, the parties hereby agree as follow:

1. PURPOSE: The purpose of this Agreement is to establish an interlocal undertaking, as provided in N.C.G.S. § 160A-460, *et seq.*, whereby COUNTY shall enforce COUNTY'S Minimum Housing Code within TOWN'S corporate limits to the same extent as COUNTY'S Minimum Housing Code applies in COUNTY'S jurisdiction outside of TOWN'S corporate limits.

2. DURATION: This Agreement shall commence on the last date it is approved by either COUNTY'S or TOWN'S governing board and shall endure so long as the parties hereto exist and have the power to make and maintain such an agreement, unless sooner terminated as hereinafter provided; provided that this Agreement shall not extend beyond 99 years.

3. NO JOINT AGENCY: This agreement shall not create a joint agency between COUNTY and TOWN and COUNTY shall at all times enforce its Minimum Housing Code within TOWN'S corporate limits in such manner as COUNTY'S Board of Commissioners deems prudent and within the constraint of funds budgeted for this purpose.

4. PERSONNEL: All personnel necessary to implement, administer and enforce COUNTY'S Minimum Housing Code within TOWN'S corporate limits shall be those employees of the COUNTY designated by COUNTY for that purpose.

5. COUNTY'S RESPONSIBILITIES FOR FINANCING THE UNDERTAKING: All costs of enforcing COUNTY'S Minimum Housing Code within TOWN'S corporate limits shall be borne by COUNTY and TOWN shall not be required to allocate any funds to COUNTY for these costs. Costs shall include, but are not limited to, the following:

a. The personnel cost for any inspectors or other COUNTY employees related to enforcement actions.

b. The personnel cost associated with the provision of legal services to determine the ownership of any real or personal property for which enforcement is sought, to provide legal advice to any inspectors or other COUNTY officials related to enforcement actions and to defend any appeal of an inspector's decision to the courts.

c. All costs associated with service of process for any enforcement action.

d. The costs of demolition and disposal of demolition debris.

6. TOWN'S RESPONSIBILITIES FOR FINANCING THE UNDERTAKING: TOWN shall be solely liable and responsible for all costs associated with any claim made or lawsuit filed against COUNTY or any of its officials or employees arising out of, occasioned by or incident to the alleged or actual actions, omissions, negligence or constitutional violations by any of COUNTY'S employees or officials. Such costs shall include, but are not limited to, the following:

a. Attorneys' fees and any other litigation costs incurred for representation of COUNTY or any of its employees or officials.

b. Negotiated settlements of any claims made or lawsuits filed against COUNTY or any of its employees or officials.

c. Judgments rendered against COUNTY or any of its employees or officials.

7. REAL PROPERTY: This Agreement does not require the purchase, acquisition, or disposition of real property by either party.

8. AMENDMENT: This Agreement may be amended at any time by mutual agreement between the parties in writing and duly ratified by their respective governing boards in conformance with N.C.G.S. § 160A-461.

9. TERMINATION: This Agreement may be terminated by either party at the end of any fiscal year on June 30 by the governing board of the party wishing to terminate giving written notice to the other governing board no less than 90 days in advance of the termination. Any enforcement actions pending at the time of termination shall become the sole responsibility of TOWN.

THEREFORE, the parties have set their hands and seals pursuant to action of their respective governing boards taken on the date indicated for each.

TOWN OF EASTOVER

By: _____
Charles G. McLaurin, Mayor

ATTEST:

Jane F. Faircloth, Town Clerk

Ratified by Town's Governing Board on _____

CUMBERLAND COUNTY

By: _____
Marshall Faircloth, Chairman
Board of Commissioners

ATTEST:

Candice White, Clerk to the Board

Ratified by the Cumberland County Board of Commissioners on _____

DRAFT

CUMBERLAND COUNTY POLICY COMMITTEE
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
DECEMBER 1, 2016 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Jeannette Council
Commissioner Glenn Adams
Commissioner Charles Evans
Commissioner Larry Lancaster

OTHER COMMISSIONERS
PRESENT: Commissioner Jimmy Keefe
Commissioner Marshall Faircloth
Commissioner Kenneth Edge
Commissioner-Elect Michael Boose

OTHERS PRESENT: Amy Cannon, County Manager
Tracy Jackson, Assistant County Manager
Melissa Cardinali, Assistant County Manager for Finance/
Administrative Services
Sally Shutt, Governmental Affairs and Public Information
Officer
Rick Moorefield, County Attorney
Cecil Combs, Deputy Planning Director
Vicki Evans, Finance Director
Heather Harris, Budget Analyst
Deborah Shaw, Budget Analyst
Kim Cribb, Budget Analyst
Kim Nazarchyk, Town Manager of Eastover
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Council called the meeting to order.

1. APPROVAL OF MINUTES – OCTOBER 6, 2016 POLICY COMMITTEE
REGULAR MEETING

MOTION: Commissioner Adams moved to approve the minutes.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (4-0)

2. CONSIDERATION OF INTERLOCAL AGREEMENT WITH THE TOWN OF
EASTOVER FOR MINIMUM HOUSING ORDINANCE ENFORCEMENT

DRAFT

BACKGROUND:

In order to more fully assist the Town of Eastover, the Planning & Inspections Department is seeking to create and adopt an interlocal agreement allowing the County to provide Minimum Housing Ordinance enforcement services for the Town of Eastover. The proposed interlocal agreement recorded below was prepared by the County Attorney.

RECOMMENDATION/PROPOSED ACTION:

Staff recommends the Board of Commissioners approve an interlocal agreement between Cumberland County and the Town of Eastover for the provision of Minimum Housing Ordinance enforcement.

NORTH CAROLINA

AGREEMENT FOR INTERLOCAL UNDERTAKING TO ENFORCE THE MINIMUM HOUSING CODE

CUMBERLAND COUNTY

THIS AGREEMENT, is made and entered into by and between the TOWN OF EASTOVER, a municipality duly incorporated under the laws of North Carolina (hereinafter referred to as TOWN), and CUMBERLAND COUNTY, a body politic and corporate of the State of North Carolina (hereinafter referred to as COUNTY);

WITNESSETH:

WHEREAS, pursuant to N.C.G.S. § 160A-441, COUNTY adopted a Minimum Housing Code codified as Chapter 4, Article IV of the *Cumberland County Code*; and

WHEREAS, COUNTY enforces its Minimum Housing Code through designated inspectors in its Department of Planning and Inspections; and

WHEREAS, by Resolution 2016-05 adopted July 12, 2016, TOWN'S governing board approved the application of COUNTY'S Minimum Housing Code within TOWN'S corporate limits pursuant to N.C.G.S. § 160A-441; and

WHEREAS, TOWN desires that COUNTY'S Minimum Housing Code be enforced within TOWN'S corporate limits by COUNTY to the extent that COUNTY and COUNTY'S Board of Commissioners shall be acting in the stead of TOWN and TOWN'S governing board for all purposes related to enforcement of COUNTY'S Minimum Housing Code within TOWN'S corporate limits; and

WHEREAS, the governing boards of TOWN and COUNTY have by resolutions ratified the provisions of this Agreement for Interlocal Undertaking pursuant to North Carolina General Statutes, Chapter 160A, Article 20, Part I, for the purpose of providing

DRAFT

for the enforcement of COUNTY'S Minimum Housing Code within TOWN'S corporate limits.

NOW THEREFORE, for and in consideration of the mutual covenants herein contained and of the mutual benefits to result there from, the parties hereby agree as follow:

1. PURPOSE: The purpose of this Agreement is to establish an interlocal undertaking, as provided in N.C.G.S. § 160A-460, *et seq.*, whereby COUNTY shall enforce COUNTY'S Minimum Housing Code within TOWN'S corporate limits to the same extent as COUNTY'S Minimum Housing Code applies in COUNTY'S jurisdiction outside of TOWN'S corporate limits.
2. DURATION: This Agreement shall commence on the last date it is approved by either COUNTY'S or TOWN'S governing board and shall endure so long as the parties hereto exist and have the power to make and maintain such an agreement, unless sooner terminated as hereinafter provided; provided that this Agreement shall not extend beyond 99 years.
3. NO JOINT AGENCY: This agreement shall not create a joint agency between COUNTY and TOWN and COUNTY shall at all times enforce its Minimum Housing Code within TOWN'S corporate limits in such manner as COUNTY'S Board of Commissioners deems prudent and within the constraint of funds budgeted for this purpose.
4. PERSONNEL: All personnel necessary to implement, administer and enforce COUNTY'S Minimum Housing Code within TOWN'S corporate limits shall be those employees of the COUNTY designated by COUNTY for that purpose.
5. COUNTY'S RESPONSIBILITIES FOR FINANCING THE UNDERTAKING: All costs of enforcing COUNTY'S Minimum Housing Code within TOWN'S corporate limits shall be borne by COUNTY and TOWN shall not be required to allocate any funds to COUNTY for these costs. Costs shall include, but are not limited to, the following:
 - a. The personnel cost for any inspectors or other COUNTY employees related to enforcement actions.
 - b. The personnel cost associated with the provision of legal services to determine the ownership of any real or personal property for which enforcement is sought, to provide legal advice to any inspectors or other COUNTY officials related to enforcement actions and to defend any appeal of an inspector's decision to the courts.

DRAFT

- c. All costs associated with service of process for any enforcement action.
 - d. The costs of demolition and disposal of demolition debris.
6. TOWN'S RESPONSIBILITIES FOR FINANCING THE UNDERTAKING: TOWN shall be solely liable and responsible for all costs associated with any claim made or lawsuit filed against COUNTY or any of its officials or employees arising out of, occasioned by or incident to the alleged or actual actions, omissions, negligence or constitutional violations by any of COUNTY'S employees or officials. Such costs shall include, but are not limited to, the following:
- a. Attorneys' fees and any other litigation costs incurred for representation of COUNTY or any of its employees or officials.
 - b. Negotiated settlements of any claims made or lawsuits filed against COUNTY or any of its employees or officials.
 - c. Judgments rendered against COUNTY or any of its employees or officials.
7. REAL PROPERTY: This Agreement does not require the purchase, acquisition, or disposition of real property by either party.
8. AMENDMENT: This Agreement may be amended at any time by mutual agreement between the parties in writing and duly ratified by their respective governing boards in conformance with N.C.G.S. § 160A-461.
9. TERMINATION: This Agreement may be terminated by either party at the end of any fiscal year on June 30 by the governing board of the party wishing to terminate giving written notice to the other governing board no less than 90 days in advance of the termination. Any enforcement actions pending at the time of termination shall become the sole responsibility of TOWN.

THEREFORE, the parties have set their hands and seals pursuant to action of their respective governing boards taken on the date indicated for each.

Cecil Combs, Deputy Planning Director, reviewed the background information, recommendation and proposed interlocal agreement recorded above.

DRAFT

Mr. Combs stated he has worked with Rick Moorefield, County Attorney, along with Kim Nazarchyk, Town Manager of Eastover, and the Town Attorney of Eastover, to develop the proposed interlocal agreement to allow Cumberland County's minimum housing code to be enforced in the Town of Eastover. Mr. Nazarchyk stated he believes the Town of Eastover has a good working relationship with the Cumberland County Planning & Inspections Department and the proposed interlocal agreement is favorable to both Cumberland County and the Town of Eastover.

Mr. Combs stated historically Cumberland County has enforced the minimum housing codes in all of the municipalities and it would make it easier on inspectors if the municipalities adopted Cumberland County's code so inspectors would not have to know different rules for each municipality.

Ms. Cannon stated staff could follow up with the other municipalities but each individual municipality would have to make the decision whether or not they would be interested in adopting Cumberland County's interlocal agreement regarding minimum housing code enforcement. Mr. Moorefield stated the minimum housing code is a special ordinance with respect to how it may be adopted by municipalities and the Town of Eastover has actually subjected its jurisdiction to the Cumberland County's Minimum Housing Ordinance.

MOTION: Commissioner Adams moved to recommend to the full board approval of the proposed interlocal agreement between Cumberland County and the Town of Eastover for the provision of Minimum Housing Ordinance enforcement.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (4-0)

3. OTHER ITEMS OF BUSINESS

There were no other items of business.

MEETING ADJOURNED AT 10:43 AM

Approval of Budget Revisions for December 19, 2016
Board of Commissioners' Agenda

General Fund 101

- 1) Public Health - Budget Ordinance Amendment B170110 to increase salary and benefits in the amount of \$4,583**

The Board is requested to approve Budget Ordinance Amendment B170110 in the amount of \$4,583. The Public Health Director has requested position 118001809 be reclassified from a Public Health Nurse I to a Public Health Nurse II. This position is in the Adult Health Clinic and has assumed responsibilities of the Wisewoman Coordinator. This increase will be funded by through the NC Wisewoman funding.

Please note this amendment requires no additional county funds.

- 2) Sheriff's Department - Budget Ordinance Amendment B170117 to increase salaries by \$70,000 for career development increases**

The Board is requested to approve Budget Ordinance Amendment B170117 in the amount of \$70,000. Deputies and Detention Officers are eligible for 5% career development increases at specified intervals based on the Sheriff's Office salary plan. These funds were included in the adopted Budget in the Re-certifications Pay/Benefits line, but need to be transferred to the Salaries-Wages Regular line from which they will be paid.

Please note this amendment requires no additional county funds.

- 3) Department of Social Services - Budget Ordinance Amendment B170152 to recognize grant funds of \$7,500 from the Casey Foundation**

The Board is requested to approve Budget Ordinance Amendment B170152 in the amount of \$7,500 for grant funds awarded by the Casey Foundation. This grant is to be used for permanency planning for children in foster care.

Please note this amendment requires no additional county funds.

- 4) Administration - Budget Ordinance Amendment B170141 for \$40,864 to increase salaries in multiple departments**

The Board is requested to approve Budget Ordinance Amendment B170141 in the amount of \$40,864 to cover the county wide impact of salary adjustments related to Fair Labor Standards Act changes, which were processed before the announced delay in implementation. These changes were presented to the Finance Committee on November 4, 2016.

Please note this amendment requires no additional county funds.

Workforce Investment Opportunities Act Fund 255

5) Workforce Investment Opportunities Act Adults - Budget Ordinance Amendment B170124 to recognize grant funds in the amount of \$700,000 from NC Department of Commerce Division of Workforce Solutions

The Board is requested to approve Budget Ordinance Amendment B170124 in the amount of \$700,000 from the NC Department of Commerce Division of Workforce Solutions for the Dislocated Worker National Emergency Grant. The grant will be used for training and work experience for Hurricane Matthew related displaced workers.

Please note this amendment requires no additional county funds.

6) Workforce Investment Opportunities Act Adults - Budget Ordinance Amendment B170128 to recognize grant funds in the amount of \$295,400 from NC Department of Commerce Division of Workforce Solutions

The Board is requested to approve Budget Ordinance Amendment B170128 in the amount of \$295,000 from the NC Department of Commerce Division of Workforce Solutions National Emergency Grant for dislocated workers. This grant will be used to implement a Certified Career Pathways training program.

Please note this amendment requires no additional county funds.

Crown Center Fund 600

7) Crown- Budget Ordinance Amendment B170354 to increase Capital Outlay and Contingency Operating by \$87,253 for elevator repairs

The Board is requested to approve Budget Ordinance Amendment B170354 in the amount of \$87,253 for required elevator repairs. The elevator is currently inoperable. The budget revision includes a 10% contingency amount.

Please note this amendment requires the use of Crown Center fund balance.

REGARDING THE FOLLOWING ITEM 8 PLEASE NOTE:

Each fiscal year County departments may have projects that are not complete by the fiscal year end (6/30/16) or items ordered that have not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2016 budget however the money was not spent by June 30, 2016. The following amendments seek to bring those funds forward from FY 2016 into the current fiscal year, allowing departments to complete and pay for these items. These revisions are not using 'new' funds, but are recognizing the use of FY16 funds in FY17.

General Fund 101

- 8) Department of Social Services - Budget Ordinance Amendment B170232 to appropriate FY16 fund balance in the amount of \$2,240 to increase the Family to Family expense line**

The Board is requested to approve Budget Ordinance Amendment B170232 in the amount of \$2,240 to appropriate FY16 fund balance. These funds were received from the Casey Foundation for the first half of calendar year 2016 and will be used for permanency planning for children in foster care.

Please note this amendment requires a re-appropriation of FY16 fund balance to the current year.

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin,
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

DECEMBER 8, 2016

ITEM NO. _____

3A

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P16-44:** Rezoning of 1.85+/- acres from C1(P) Planned Local Business to C(P) Planned Commercial or to a more restrictive zoning district, located at 124 Baywood Road, submitted by Jing Mester on behalf of Baywood Properties, LLC (owners).

ACTION: 1st motion for Case P16-44: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff.

2nd motion for Case P16-44: Move to approve the rezoning for C(P) Planned Commercial district (staff recommended denial of C(P), approval of C2(P)) as recommended by the Planning Staff.

SITE PROFILE: **Frontage & Location:** 445.81'+/- on SR 1831 (Baywood Rd) & 210.00'+/- on SR 1006 (Clinton Rd); **Depth:** 219.05'+/-; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Light commercial; **Initial Zoning:** RR – September 3, 1996 (Area 20); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: RR, SF-15 (Fayetteville) & R10; South: C2(P), RR, RR/CU (billboard) & R20; East: RR; West: C(P), RR & R5A; **Surrounding Land Use:** Residential, woodlands & farmland; **2030 Growth Vision Plan:** Community growth area; **School Capacity/Enrolled:** Sunnyside Elementary: 300/377; Mac Williams Middle: 1270/1165; Cape Fear High School: 1425/1534; **Special Flood Hazard Area (SFHA):** None; **Municipal Influence Area:** Stedman; **Water/Sewer Availability:** PWC/PWC; **Soil Limitations:** Yes, hydric – Le Leon sand; **Subdivision/Site Plan:** If approved, any change in use would require site plan review; **Average Daily Traffic Count (2014):** 3300 on SR 1831 (Baywood Rd); **Highway Plan:** Baywood Road is a local thoroughfare with no road improvements/ construction planned. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Notes: Minimum Yard Setbacks: C(P) & C2(P):** Front yard: 50', Side yard: 30', Rear yard: 30'; **C1(P):** Front yard: 45', Side yard: 15', Rear yard: 20'.

MINUTES OF NOVEMBER 15, 2016

1st MOTION

The Planning and Inspections Staff recommends denial of the C(P) Planned Commercial but approval of the C2(P) Planned Service and Retail district for Case No. P16-44; The

recommended district is consistent with the adopted comprehensive plan designated as the 2030 *Growth Vision Plan*, which calls for “community growth area” at this location.

The staff recommends the board further find that approval of the recommended rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, public water and sewer (PWC) is available; *must have direct access to a collector street*, Baywood Road is a minor collector street; *should serve as a transition between heavy commercial, office & institutional or residential development*; *should have other light commercial uses in the area*; *should provide convenient goods and services to the immediate surrounding neighborhood*; *and may be located along a street that is in transition from residential to non-residential through redevelopment and physical improvements*.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends denial of the requested district of C(P) Planned Commercial but approval of the C2(P) Planned Service and Retail district based on the following :

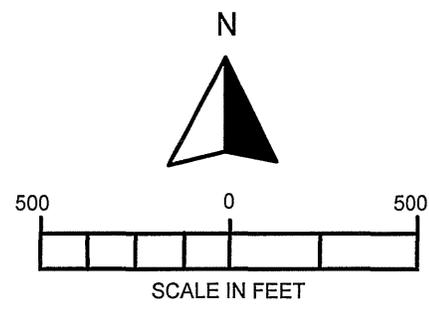
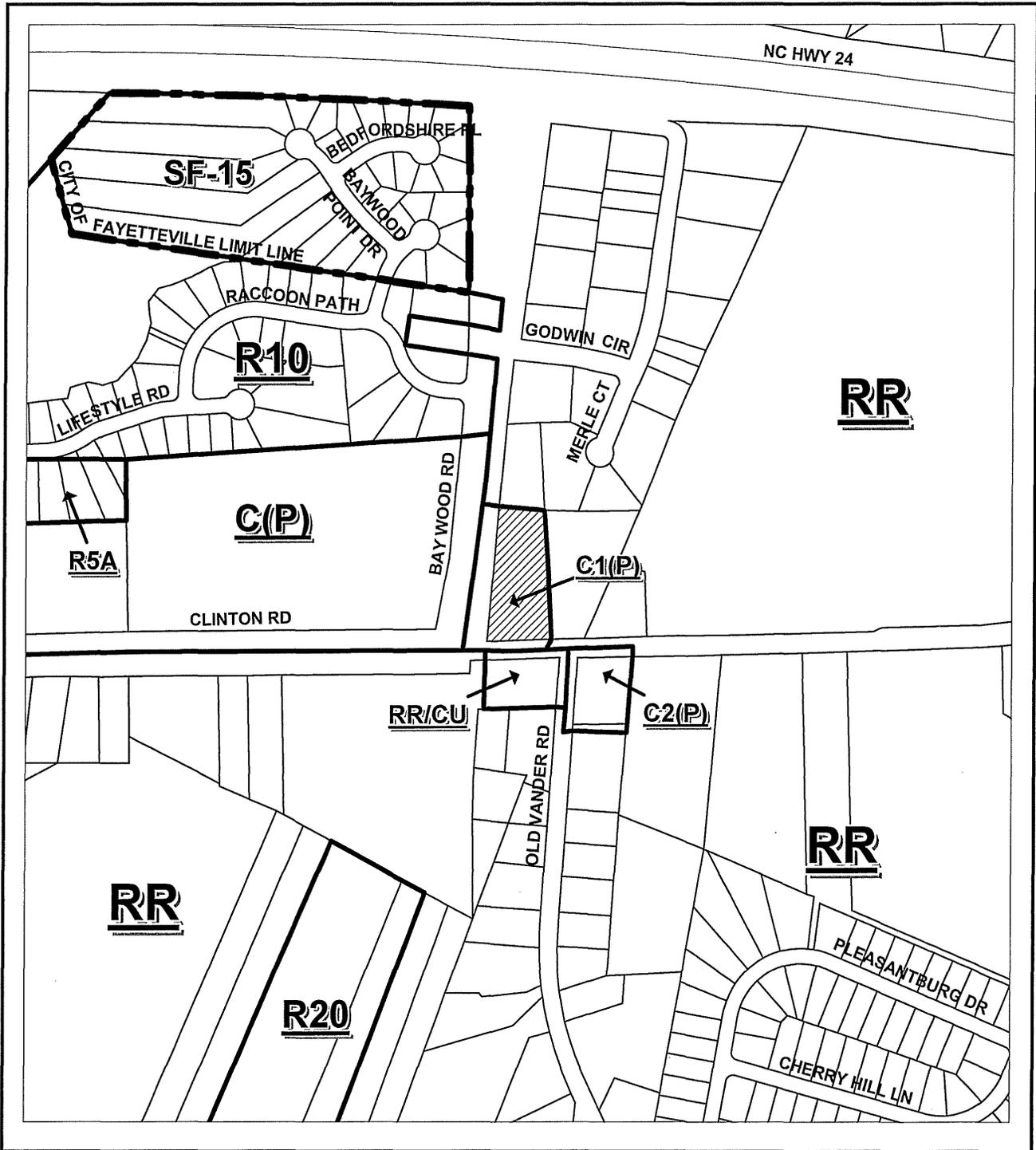
- The C2(P) Planned Service and Retail district is logical as there are similar commercial zoning districts and uses in the general area.

The applicant has verbally agreed with the staff recommendation.

Mrs. Epler made both of the motions referenced above, seconded by Dr. Andrews, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

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 C1(P) TO C(P)

ACREAGE: 1.85 AC.+/-		HEARING NO: P16-44	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0466-78-8453

JM

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin,
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

DECEMBER 8, 2016

ITEM NO. 3B

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P16-49:** Rezoning of 4.33+/- acres from A1 Agricultural to C(P) Planned Commercial/CZ Conditional Zoning for wholesale sales or to a more restrictive zoning district, located at 8015 Maxwell Road, submitted by Holden Family Investments, LLC (owner) and Thomas Neville (agent).

ACTION: 1st motion for Case P16-49: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff.

2nd motion for Case P16-49: Move to approve the rezoning for C(P) Planned Commercial/CZ Conditional Zoning district for Wholesale Sales as recommended by the Planning Staff.

SITE PROFILE: **Frontage & Location:** 122.80'+/- on SR 1006 (Maxwell Rd); **Depth:** 831.00'+/-; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Wholesale sales of agricultural and motor vehicle related equipment; **Initial Zoning:** A1 – August 23, 1994 (Area 19); **Nonconformities:** Operating commercial business in agricultural zoning; **Zoning Violation(s):** None issued; **Surrounding Zoning:** North: A1 & CD; South: A1 & R40; East & West: A1; **Surrounding Land Use:** Residential (including manufactured homes), farmland & woodland; **2030 Growth Vision Plan:** Rural; **School Capacity/Enrolled:** Eastover Central Elementary: 540/421; Mac Williams Middle: 1270/1165; Cape Fear High School: 1425/1534; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Eastover/Septic; **Soil Limitations:** None; **Subdivision/Site Plan:** If approved, see ordinance related conditions; **Average Daily Traffic Count (2014):** 2600 on SR 1006 (Maxwell Rd); **Highway Plan:** Maxwell Road is a local thoroughfare with no road improvements/ construction planned. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Notes:** Density: A1 –2 lots/units, A1A – 4 lots/units; Minimum Yard Setbacks: **A1 & A1A:** Front yard: 50', Side yard: 20', Rear yard: 50'; **C(P):** Front yard: 50', Side yard: 30', Rear yard: 30'.

MINUTES OF NOVEMBER 15, 2016

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is somewhat consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "rural development" at this location, in that approval would allow the

property owner to continue an agricultural and commercial operation that has existed on the property for quite some time.

The staff recommends the board further find that approval of this request is reasonable and in the public interest because the district requested for the subject property generally meets most of the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer is required*, the site has access to ESD water, however, public sewer is not available; *should have minimum direct access to a collector street*, Maxwell Road is a major collector street; *must be located on a sufficient site that provides adequate area for buffering, screening and landscaping*, the subject property contains 4.33+/- acres.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-49 for the C(P) Planned Commercial/CZ Conditional Zoning district for Wholesale Sales based on the following:

1. The location and character of the requested district will be in harmony with the general area as it is contained within a 4.33+/- acre tract , with a small portion of the current use existing prior to zoning; and
2. All activity for the requested use occurs off site at the customers place of business, therefore, there will be no affect from additional traffic in the area.

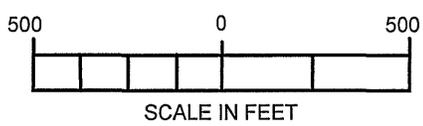
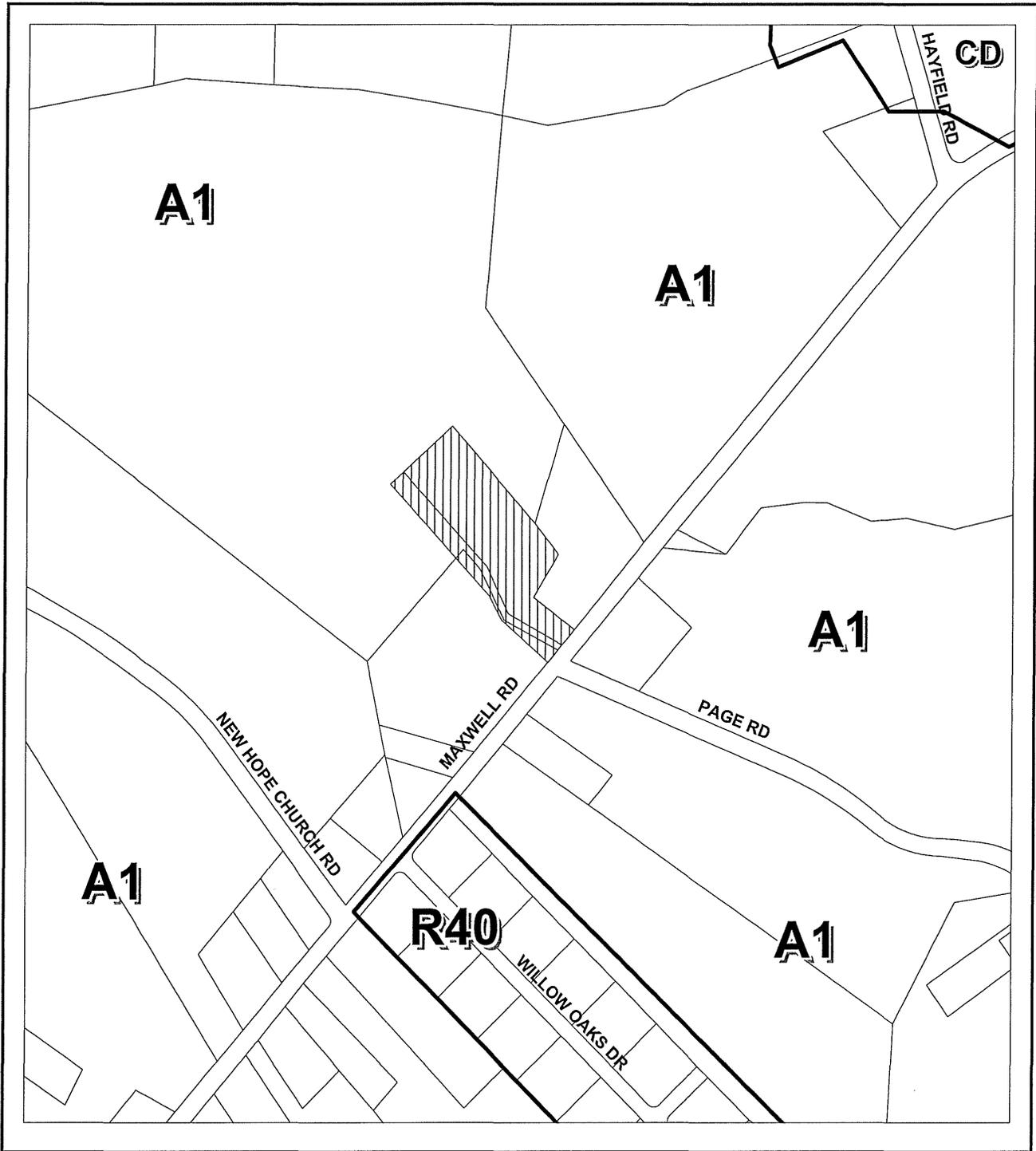
There are no other districts considered suitable for this request at this location.

The property owner has verbally agreed to the Ordinance Related Conditions.

Mrs. Epler made both of the motions referenced above, seconded by Dr. Andrews, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

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 TO C(P)/CZ

ACREAGE: 4.33 AC.+/-	HEARING NO: P16-49	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0498-54-6545
 PORT. OF PIN: 0498-45-7228
 PORT. OF PIN: 0498-54-5121

AM

Charles Morris,
Chair
Town of Linden

Thomas J. Lloyd,
Director

Diane Wheatley,
Vice-Chair
Cumberland County

Cecil P. Combs,
Deputy Director

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Donovan McLaurin,
Wade, Falcon & Godwin

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

DECEMBER 8, 2016

ITEM NO. 3C

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P16-47:** Rezoning of 75.00+/- acres from A1 Agricultural & R40 Residential to R20 Residential or to a more restrictive zoning district, located at 2787 Thrower Road, submitted by Vance U. Tyson on behalf of Asby Holdings, LLC (owner) and Crawford McKethan (agent).

ACTION: 1st motion for Case P16-47: Move that even though the request maybe consistent with the 2030 Land Use Plan, it was not reasonable because it was not consistent with the recently adopted South Central Plan.

2nd motion for Case P16-47: Move to deny the request for R20 zoning and approve R30 zoning (staff recommended R20).

SITE PROFILE: Frontage & Location: 1,950'+/- on SR 2245 (Thrower Rd) & 150.00'+/- on SR 2245 (Thrower Rd); **Depth:** 2,100'+/-; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Residential & Farmland; **Initial Zoning:** A1 – June 25, 1980 (Area 13); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1, RR, R20 & R15; South: A1, R40 & RR; East: C1(P), A1, R40 & RR; West: A1, A1A, R40, R40A & RR; **Surrounding Land Use:** Residential (including manufactured homes), farmland and trade contractor; **2030 Growth Vision Plan:** Rural; **South Central Land Use Plan:** Farmland; **School Capacity/Enrolled:** Alderman Road Elementary: 750/731; Gray's Creek Middle: 1100/1025; Gray's Creek High: 1270/1368; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/Septic; **Soil Limitations:** None; **Subdivision/Site Plan:** If approved, subdivision review would be required; **Average Daily Traffic Count (2014):** 240 on SR 2245 (Thrower Rd); **Highway Plan:** Thrower Road is a local road with no road improvements/construction planned. No impact on the current Highway Plan or Transportation Improvement Plan; **Notes:** Density (minus 15% for R/W): A1 – 31 lots/32 units, A1A – 63 lots/ 64 units, R40/R40A – 69 lots/units, R30 – 92 lots/ 93 units, R20 – 138 lots/ 139 units; Minimum Yard Setbacks: A1 & A1A: Front yard: 50', Side yard: 20', Rear yard: 50'; R40, R40A, R30 & R20: Front yard: 30', Side yard: 15', Rear yard: 35'.

MINUTES OF NOVEMBER 15, 2016

Ms. Speicher presented the case information and photos.

1st MOTION

The Planning and Inspections Staff recommends the board find approval of the request is consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location and the plan

calls for "urban" on adjacent properties across Thrower Road. The request is not consistent with the South Central Land Use Plan which calls for "farmland," but could be found suitable as the plan calls for "low density residential" on adjacent properties across Thrower Road.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *septic systems allowed based on soil type, lot size, and distance from public sewer; must have direct access to a public street, Thrower Road is a public street; must not be located in any defined critical area as defined by the Fort Bragg Small Area Study.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-47 for R20 Residential based on the following:

- The developer is proposing to extend PWC water to the site, which is critical for future and existing development in Gray's Creek – to include the nearby elementary schools.

The R30 Residential zoning district could also be considered suitable at this location.

There were people signed up to speak in favor and in opposition.

Crawford Mackethan spoke in favor. Mr. Mackethan represents the buyers, their interest is to purchase the property and to utilize one half acre lots to establish a good quality residential development. One of the conditions in the offer to purchase is that they be able to extend public water to the property, it is something they consider to be most important to the success of the development. That is a condition that they have in the conditions to purchase the property. Because of the willingness to go to the expense to extend water. Public water will greatly benefit the Thrower Road area and the two surrounding elementary schools. Mr. Mackethan thanked the staff and Mr. Lloyd for their hard work.

Jeffery Nobles spoke in favor. Mr. Nobles is an engineer with Larry King and Associates who were hired to do the site engineering for the developer. The proposed development will have approximately ninety lots and will be served with water, the proposed water main extension from Cypress Lake Road. Due to new legislation proposed new development will not be required to annexation into the City of Fayetteville in order to receive this service. The intent for the proposed lots is to install septic tanks as long as the soils are suitable, lots that are not suitable for septic tanks will not be developable and could potentially be converted to meet open space requirements or some other need. The development will be designed per North Carolina Department of Transportation specifications for storm drainage and street design. They will also have to comply with Phase II storm water requirements.

Tim Evans spoke in favor. Mr. Evans said that the close proximity to Highway 87 would move the traffic out of the neighborhood easily. In previous zonings that he has been involved in water has always been a concern; this request could be looked at as a continuation of Cypress Lakes because Cypress lakes is on PWC water and has septic tanks.

Kenneth Severin spoke in opposition. Mr. Severin stated that his concerns were with major water runoff, increased flooding and traffic.

Roger Hobson spoke in opposition. Mr. Dobson stated that his concerns are the same as everyone else's, and feels there shouldn't be R20 zoning with two houses per acre.

Rosie Bunnells spoke in opposition. Ms. Bunnells stated that her concerns are with traffic and feels that zoning should remain the same.

David Lambert spoke in opposition and stated that he was concerned about water and privacy.

Donna Hultberg spoke in opposition. Ms. Hultberg stated that she agrees with all of the concerns mentioned and asked if people would have to hook into public water.

Ms. Speicher explained that there is no debt service fee or charge per line when the developer extends the water line. There is no charge unless someone wants the service.

Cheryl Godsey spoke in opposition and stated that her concerns had already been voiced by her neighbors, but feels that the zoning should remain the same.

David Godsey spoke in opposition and stated that there are more houses going up in the neighborhood and has also noticed that places that never flooded before are now flooding, especially in places where new houses are built. His main concern is that areas are surveyed and engineered properly for storm water runoff.

Lynn Williams spoke in opposition and stated that they wanted to escape suburbia and this rezoning will change the character of Grays Creek and it won't be country anymore. A major concern she has is the increase in traffic, and where all of the new homes will be accessed from.

Jonathan Bill spoke in opposition and stated that he felt that this rezoning request was an encroachment on his lifestyle and likes the nice country area that Grays Creek is now.

Cynthia Kennedy spoke in opposition and stated that she moved to Grays Creek because they didn't want to live in a subdivision. She also has concerns with the increase in traffic and flooding concerns, and with the overcrowding of Grays Creek High School.

James Bill spoke in opposition and stated that his concerns are with water runoff, increased traffic, and no more country setting.

Gautam Dev spoke in opposition and stated that his concerns are with flooding, overcrowding, increased traffic, and crime.

Matthew Bennett spoke in opposition and stated that his concerns are with water runoff, and is wondering about how the boundaries will affect property. Mr. Bennett feels that a precedent will be set if this rezoning is approved.

Crawford Mackethan spoke in rebuttal. Mr. Mackethan stated that there would be no additional water exiting the property due to the retention ponds.

Jeff Noble followed up on what Mr. Mackethan stated and explained how the storm water systems work and are designed to control runoff.

Tim Evans stated that he has seen Grays Creek grow, and this developer is willing to bring water, which a lot of people have been wanting.

Public Hearing closed.

Ms. Hall asked where the water would come from.

Ms. Speicher stated that public water exists on Cypress Lake Road and it will be extended down from that location.

Chair Morris restated that the developers were paying for the water extension.

Ms. Hall stated that the subject property was surrounded by R40 and A1, R30 would be some kind of a compromise, and it would be fewer houses than R20.

Chair Morris said we could do that.

Mr. McLaurin stated that the intent and purpose of the zoning ordinance is to provide for the public health, safety, general welfare, encourage orderly development, protect the quality of the environment, and regulate the location, uses of structures in accordance with the Comprehensive Land Use Plan, Mr. McLaurin asked if this was in accordance with the Land Use Plan for the area.

Ms. Speicher stated it was consistent with the 2030 Land Use Plan as far as the map, this area is designated as rural and on the map R20 and RR is designated as Rural Zoning on the 2030 strategy map.

Ms. Hall stated that it was not consistent with the South Central Land Use Plan which calls for farmland.

Ms. Speicher stated that according to the South Central Plan the property to the north could be suitable for R7.5, R15, and R20 zoning and up.

1st MOTION

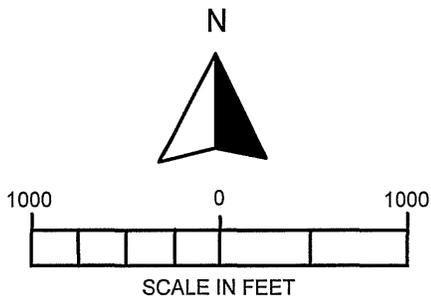
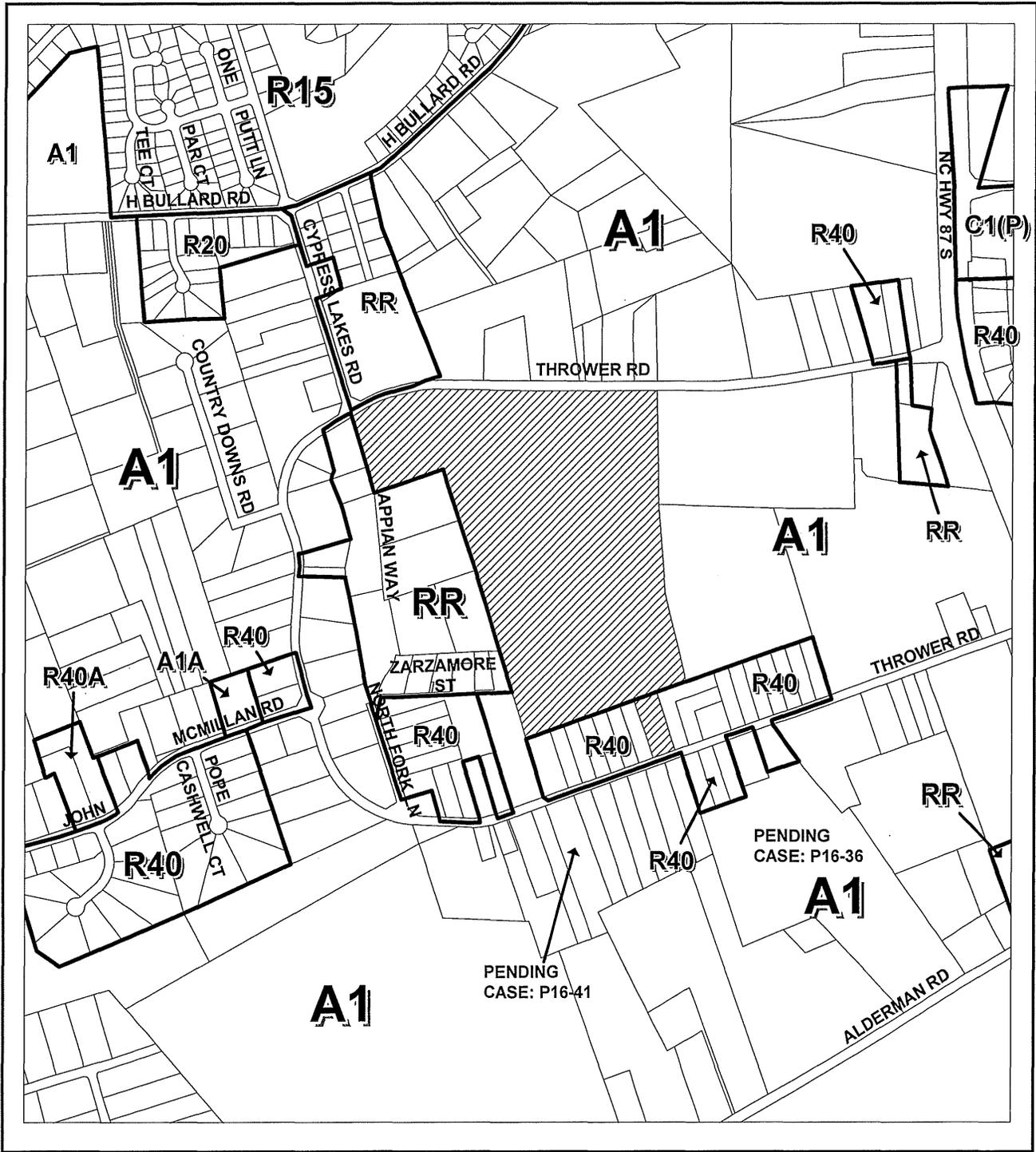
After discussion Ms. Hall motioned that even though the request maybe consistent with the 2030 Land Use Plan, it was not reasonable because it was not consistent with the recently adopted South Central Plan.

2nd MOTION

After further discussion Ms. Hall made a motion to deny the request for R20 zoning and approve R30 zoning, seconded by Dr. Andrews. The motion passed unanimously.

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 & R40 TO R20

ACREAGE: 75.00 AC.+/-	HEARING NO: P16-47	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

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 1580-2016

Property Owner: Teresa B. Spell & Parties of Interest

Property Address: 5013 Cumberland Road, Fayetteville NC

Tax Parcel Identification Number: 0405-85-3515

SYNOPSIS: This property was inspected on 8/30/2016. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 9/20/2016. Teresa B. Spell & Vickie Robbins 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 10/20/2016. 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 12/8/2016, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, this structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$48,216.00. The Assessor for Cumberland County has the structures presently valued at \$617.00. Attached is a map depicting the location of the property. (See Exhibit B.)

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

Joey Lewis
Joey Lewis
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 8th day of December 2016.

[Signature]
Notary Public
My Commission Expires: 11-06-19

**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

Scott Walters,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

9/20/2016

George Hatcher,
Inspector

Joey Lewis,
Inspector

Debra Johnson,
Inspector

Christopher Fulton,
Inspector

Brian Holder,
Inspector

Teresa B. Spell & Parties of Interest
2826 George Owen Road
Fayetteville NC, 28306

CASE # MH-1580-2016

PROPERTY AT: 5013 Cumberland Road, Fayetteville NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 9/6/2016.

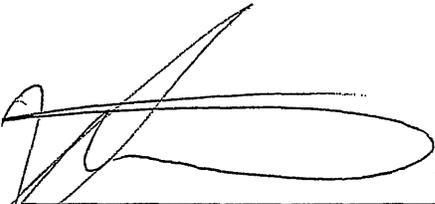
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 9/20/2016 at 9:15 AM. The items identified below took place at the Hearing:

- 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: Teresa B. Spell and Vickie Robbins.
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 8/30/2016. 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-1580-2016, dated 8/30/2016.
 - 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.

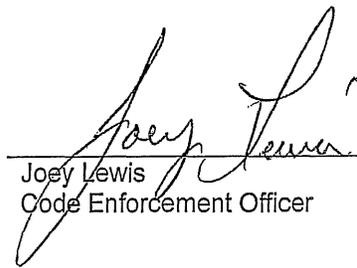
EXHIBIT "A"

- 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 **10/20/2016**. 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 **10/20/2016** 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 **10/20/2016**.
 - 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 **10/20/2016**. 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.



 Scott Walters
 Hearing Officer

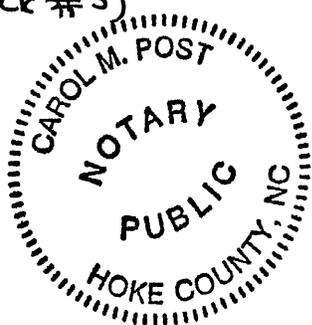


 Joey Lewis
 Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc: See Enclosed List (See mail List For Certified track #'s)

Sworn to and Subscribed to by me
 this the 20th day of September, 2016





 Notary Public
 My Commission Expires: 11-06-19

EXHIBIT "A"

Recipient List

TERESA B SPELL
2826 GEORGE OWEN ROAD
FAYETTEVILLE, NC 28306

91 7199 9991 7036 8268 7261 CIP

FRANK SPIES
PO BOX 48642
CUMBERLAND, NC 28331

91 7199 9991 7036 8268 7254 CIP

WAYNE LEMAR HARRIS
220 WEST MOUNTAIN DRIVE
FAYETTEVILLE, NC 28306

91 7199 9991 7036 8268 7247 CIP

GERTIE ANN SIPES TESTAMENTARY TRUST
FOR THE BENEFIT OF WAYNE LEMAR HARRIS
C/O TERESA B SPELL & VICKIE ROBBINS
2826 GEORGE OWEN ROAD
FAYETTEVILLE, NC 28306

91 7199 9991 7036 8268 7230 CIP

VICKIE ROBBINS
226 HELEN-YOUNG DRIVE
LINWOOD, NC 27299

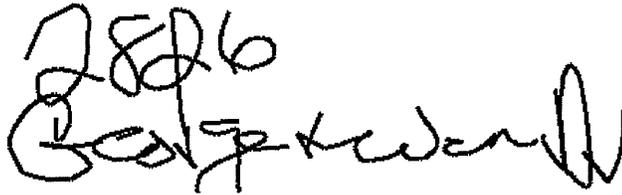
91 7199 9991 7036 8268 7223 CIP

Date: November 2, 2016

J LEWIS:

The following is in response to your November 2, 2016 request for delivery information on your Certified Mail™ item number 9171999991703682687261. The delivery record shows that this item was delivered on September 29, 2016 at 10:54 am in FAYETTEVILLE, NC 28306. The scanned image of the recipient information is provided below.

Signature of Recipient :



The image shows a handwritten signature in black ink. The signature is written in a cursive style and appears to be "J. Lewis". Above the signature, the number "2826" is handwritten.

Address of Recipient :



The image shows a handwritten address in black ink. The address is written in a cursive style and appears to be "J. Lewis".

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

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

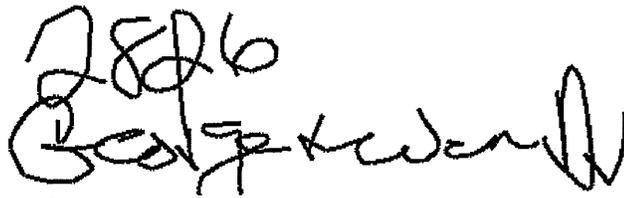
Sincerely,
United States Postal Service

Date: November 2, 2016

j lewis:

The following is in response to your November 2, 2016 request for delivery information on your Certified Mail™ item number 9171999991703682687230. The delivery record shows that this item was delivered on September 29, 2016 at 10:54 am 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

Date: November 2, 2016

j lewis:

The following is in response to your November 2, 2016 request for delivery information on your Certified Mail™ item number 9171999991703682687223. The delivery record shows that this item was delivered on October 4, 2016 at 10:35 am in LINWOOD, NC 27299. The scanned image of the recipient information is provided below.

Signature of Recipient :

Signature	X	<i>Vickie Robb</i>
Printed Name		Vickie Robb

Address of Recipient :

Delivery Address	
------------------	--

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 September 20, 2016 CASE NUMBER *MH 1580-2016*

EXHIBIT A

NORTH CAROLINA
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: Teresa B. Spell & Parties of Interest
Name of Violator

MH 1580-2016
Case Number

AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Individual)

I, Joey Lewis, Code Enforcement Officer, with the Cumberland County Inspections Department, personally
(Name & Title)

Served Teresa B. Spell a copy of the Findings of Fact and Order and Appeals Procedures Form citing
(Name of Violator)

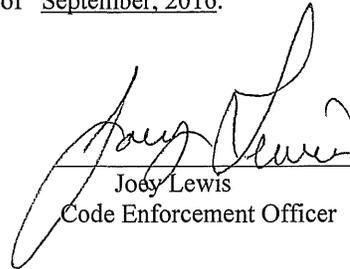
violations of Article IV, Chapter 4 of the Cumberland County Minimum Housing Ordinance

by mailing said notice(s) via certified mail and first class mail to the following addresses:

2826 George Owen Road, Fayetteville, NC and by posting said notice to the address below:

5013 Cumberland Road, Fayetteville, NC.

I further certify that said service was completed on this the 20th day of September, 2016.



Joey Lewis
Code Enforcement Officer

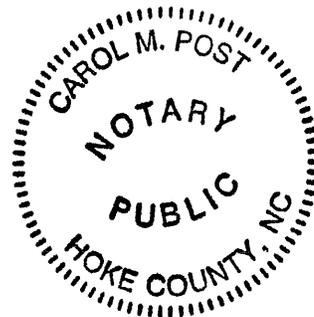
Sworn to and subscribed to before me

this the 20th day of September, 2016.



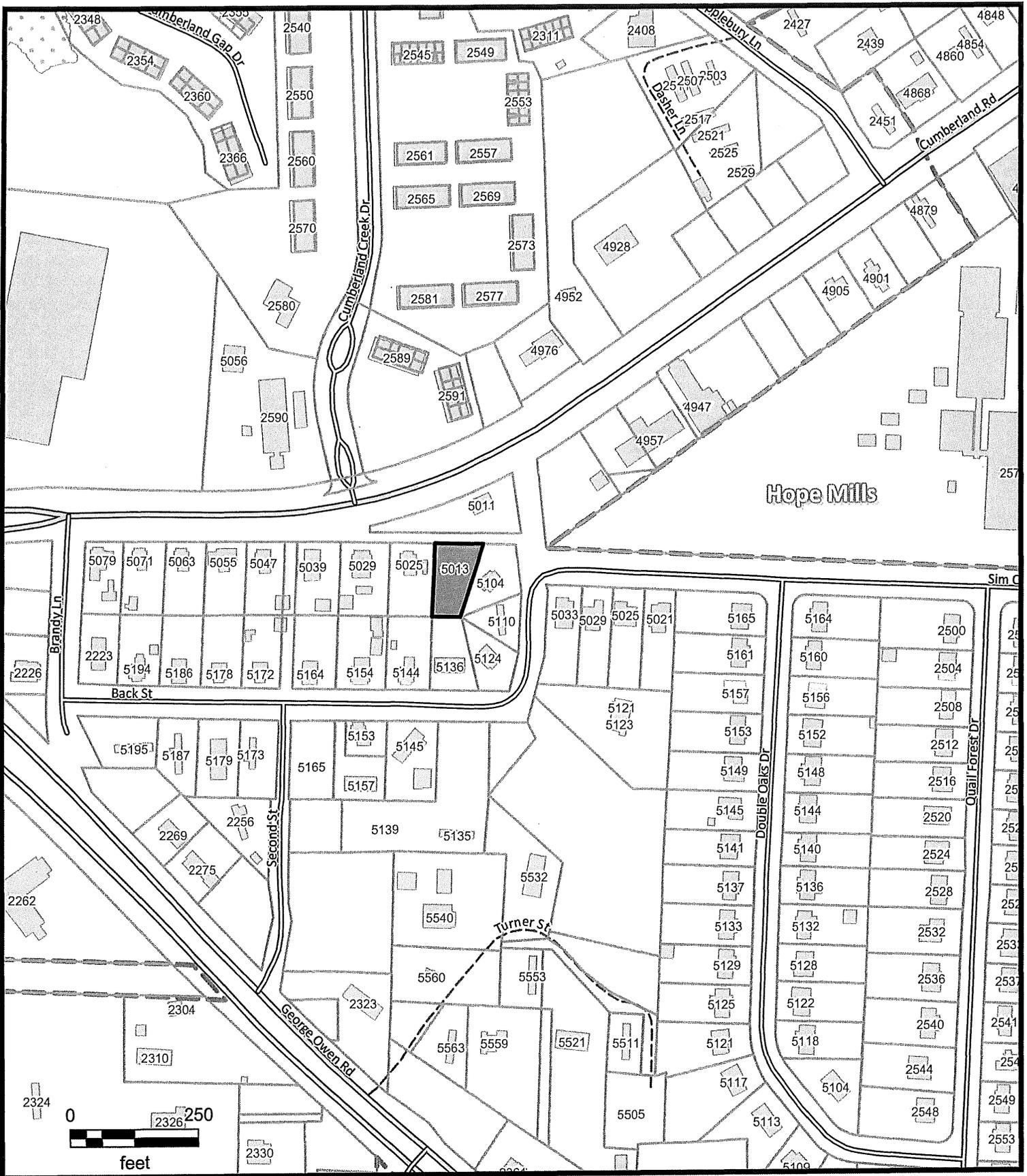
Notary Public

My Commission Expires: ~~August~~ November 06, 2019



PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*
DATED September 20, 2016 CASE NUMBER *MH 1580-2016*

EXHIBIT A



Cumberland County Planning - Inspections Department
 130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631

Map Depicting Location of Property

Property Owner: Teresa B Spell
Address: 5013 Cumberland Road, Fayetteville, NC
Minimum Housing Case#: 1580-2016
Tax Parcel Number: 0405-85-3515



Date: November 2, 2016

j lewis:

The following is in response to your November 2, 2016 request for delivery information on your Certified Mail™ item number 9171999991703682687254. The delivery record shows that this item was delivered on September 29, 2016 at 10:55 am in CUMBERLAND, NC 28331. The scanned image of the recipient information is provided below.

Signature of Recipient :

T. North Lewis

Address of Recipient :

*PO BOX
48642*

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

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

Sincerely,
United States Postal Service

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Ken Sykes,
Inspections Coordinator

Carol M. Post
Planning and Inspections
Office Support



Angela Perrier,
Inspector

George Hatcher,
Inspector

Joey Lewis,
Inspector

Joan Fenley,
Inspector

COUNTY of CUMBERLAND

Planning & Inspections Department

CONSENT TO DEMOLISH

I, Teresa Spell, property owner of
5013 CUMBERLAND RD, identified by Tax Parcel Identification
Number 0405-85-3515, and more particularly described as
LT 15 CUMBERLAND MILLS 5013 CUMBERLAND
RD, FAYETTEVILLE NC

do hereby consent to the Cumberland County Planning and Inspection Department
demolishing the structure(s) as described above and thereafter clearing all the debris from
the premises, leaving the lot free and clear of any rubbish and debris or pockets or holes
that will collect water.

I further understand that the cost for said demolition and debris removal will be placed in
the form of a lien against the real property identified by Tax Parcel Identification Number
0405-85-3515, and will be collected by the Cumberland County
Tax Collector. Failure to pay the tax lien or assessment can result in the Tax
Administrator's Office taking action to cause a mortgage style foreclosure of the
property, to garnish my wages or to levy on my bank account.

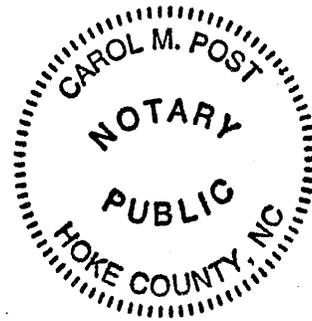
Teresa Spell
Property Owner

8-17-16
Date

Sworn to and Subscribed to by me this
The 17th day of August, 2016

Carol M. Post
Notary Public

My Commission Expires: 11-06-19



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

I, Brian Holder, 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 1581-2016.

Property Owner: Vanessa G. Cuthbert & Parties of Interest

Home Owner: Vanessa G. Cuthbert & Parties of Interest

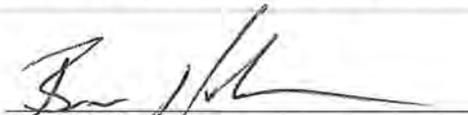
Property Address: 2404 Elcar Drive, Fayetteville, NC

Tax Parcel Identification Number: 0415-55-7134

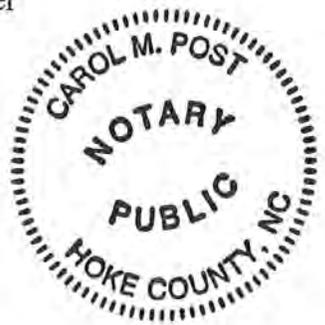
SYNOPSIS: This property was inspected on 9/1/2016. The property owner and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 10/4/2016. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 11/20/2016. 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 12/8/2016, no corrective action has been made to the structure. The structure is presently vacant and unsecured. In its present state, this structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$102,000.00. The Assessor for Cumberland County has the structure presently valued at \$2500.00. Attached is a map depicting the location of the property. (See Exhibit B.)

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



Brian Holder
Code Enforcement Officer
County of Cumberland



Sworn to and Subscribed to by me this
the 8th day of December 2016



Notary Public
My Commission Expires: 11-06-19

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

Scott Walters,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

Planning & Inspections Department

George Hatcher,
Inspector

Joey Lewis,
Inspector

Debra Johnson,
Inspector

Christopher Fulton,
Inspector

Brian Holder,
Inspector

FINDINGS OF FACT AND ORDER

91 7199 9991 7036 8270 7129 CIP 10/17/2016

CIP

91 7199 9991 7036 8270 7235

Vanessa G Cuthbert & Parties of Interest
2404 Elcar Drive
Fayetteville, NC 28306

Green Tree Outsourcing LPS
1 Corelogic Drive
Westlake, TX 76262

CASE # MH-1581-2016

PROPERTY AT: 2404 Elcar 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 9/8/2016.

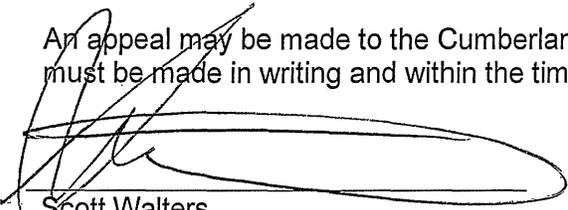
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 10/4/2016 at 9:30 AM. The items identified below took place at the Hearing:

- 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 9/1/2016. 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-1581-2016, dated 9/1/2016.
 - 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 11/20/2016. **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 11/20/2016. 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.

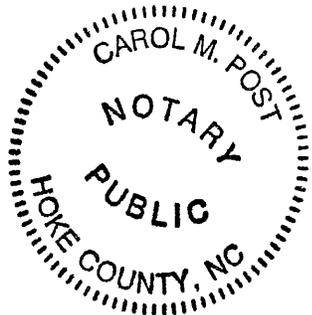

 Scott Walters
 Hearing Officer


 Brian Holder
 Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:

Sworn to and Subscribed to by me
this the 17th day of October, 2016



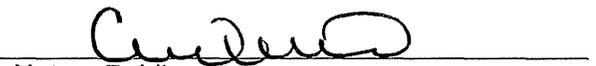

 Notary Public
 My Commission Expires: 11-06-19

EXHIBIT "A"

Recipient List

VANESSA G CUTHBERT
2404 ELCAR DRIVE
FAYETTEVILLE, NC 28306

91 7199 9991 7036 8270 7099 CIP

VANESSA G CUTHBERT
4405 JENNYMAC DRIVE
LOUISVILLE, KY 40216

91 7199 9991 7036 8270 7105 CIP

JOHN E. HERNDON, JR.
5054 VOYAGER DRIVE
FAYETTEVILLE, NC 28306

91 7199 9991 7036 8270 7112 CIP

JOHN E. HERNDON, JR.
335 CHARLES STREET
FAYETTEVILLE, NC 28303

91 7199 9991 7036 8270 7136 CIP

EVERBANK
8100 NATIONS WAY
JACKSONVILLE, FL 32256

91 7199 9991 7036 8270 7143 CIP

EVERHOME MORTGAGE
P. O. BOX 2167
JACKSONVILLE, NC 32232

91 7199 9991 7036 8270 7150 CIP

KENNETH C. PRASCHAN, DEED OF TRUST TRUSTEE
EVERHOME MORTGAGE
P. O. BOX 2167
JACKSONVILLE, NC 32232

91 7199 9991 7036 8270 7167 CIP

NORTH CAROLINA
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: Vanessa Cutbreth & ETAL (See Recipient List) & Parties of Interest

Name of Violator

MH 1588-2016

Case Number

AFFIDAVIT OF RETURN OF SERVICE

(Personal Service to Individual)

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

personally served Vanessa Cutbreth & ETAL (See Recipient List) a copy of the Findings of Fact and Order
(name of violator)

And Appeals Procedures Form citing violations of the Cumberland County Minimum Ordinance

Housing by mailing said notice(s) via certified and first class mail to the following addresses:

2404 Elcar Drive, Fayetteville, NC 28306, 1 Corelogic Drive, Westlake, TX 76262 & addresses listed on
enclosed Recipient List) and by posting at the following address:

2404 elcar Drive, Fayetteville, NC on this the 9th day of November, 2016

(Person signing for Notice(s))



Brian Holder
Code Enforcement Officer, Cumberland County
Planning & Inspections Dept.

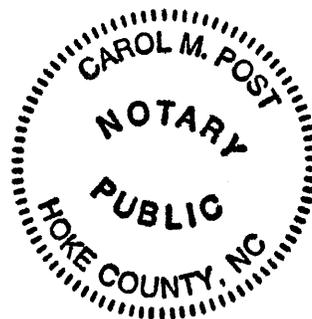
Check box if person(s) refuse to sign

North Carolina
Hoke County

Sworn to and subscribed to before me
this the 9th day of November, 2016.

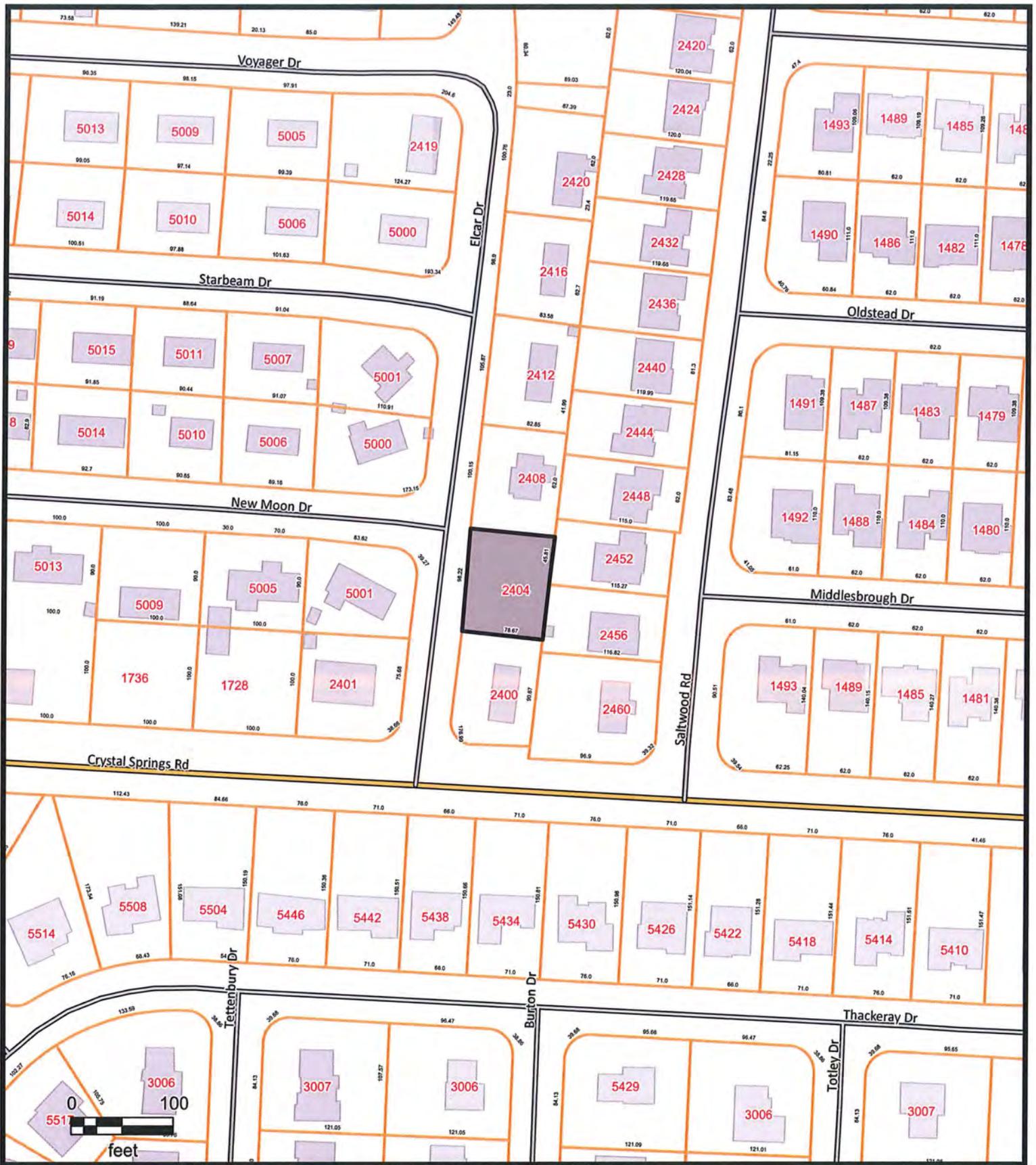


Notary Public
My Commission Expires: 11/06/2019



PROOF OF SERVICE OF **FINDINGS OF FACT AND ORDER**
DATED 10/17/2016 CASE NUMBER MH 1581-2016

EXHIBIT A



Cumberland County Planning - Inspections Department
 130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631

Map Depicting Location of Property

Property Owner: Cuthbert, Vanessa G
Address: 2404 Elcar Drive
Minimum Housing Case#: 1581-2016
Tax Parcel Number: 0415-55-7134-
Exhibit- B



ITEM NO. 3F

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

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

BACKGROUND: That the following is a report on case number MH 1588-2016 and is identified as Item Number _____.

Property Owner: Pam Smith Heirs

Property Address: 4828 Jefferson Street, Hope Mills, NC

Tax Parcel Identification Number: 0413-85-2215

SYNOPSIS: This property was inspected on 8/23/2016. The property owner and parties of interest were legally served with the Notice of Violations and was afforded a Hearing on 10/12/16. 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 no later than 11/12/2016. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on 12/8/2016, the required corrective action has not been made to the structure. The structure are presently vacant and unsecured. 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 \$48,200.00. The Assessor for Cumberland County has these structures presently valued at \$500.00. (salvage value) 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.

George Hatcher
Affiant
Housing Inspector/County of Cumberland

Sworn to and Subscribed to by me this
the 8th day of December 2016.
Carol M. Post
Notary Public

My Commission Expires: 11/06/2019



**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

Scott Walters,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★**
NORTH CAROLINA

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

George Hatcher,
Inspector

Joey Lewis,
Inspector

Debra Johnson,
Inspector

Christopher Fulton,
Inspector

Brian Holder,
Inspector

10/17/2016

91 7199 9991 7036 8270 7075 CIP

91 7199 9991 7036 8270 7068 CIP
Pam Smith Heirs & Parties of Interest
49 KC Sunshine Lane
Dunn, NC 28334

Internal Revenue Service
31 Hopkins Plaza
Baltimore, MD 21201

CASE # MH-1588-2016

PROPERTY AT: 4828 Jefferson Street, 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 9/14/2016.

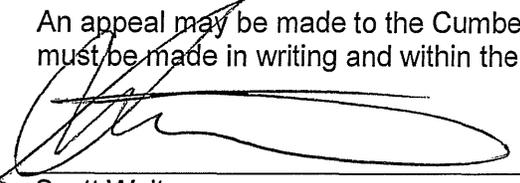
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 10/12/2016 at 9:30 AM. The items identified below took place at the Hearing:

- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: _____
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated 9/13/2016. 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-1588-2016, dated 8/23/2016.
 - 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.

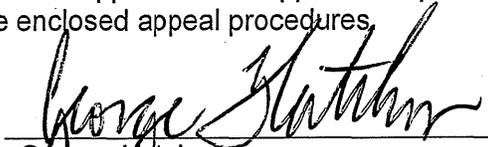
EXHIBIT "A"

- 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 11/12/2016. **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 11/1/2016 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 11/12/2016.
 - 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 11/12/2016. 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.



Scott Walters
Hearing Officer

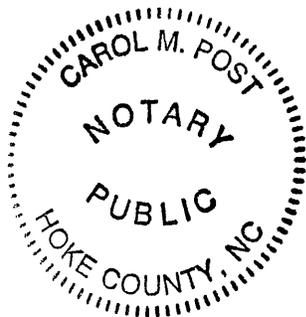


George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:

Sworn to and Subscribed to by me
this the 17th day of October, 2016



Notary Public
My Commission Expires: 11-06-19

NORTH CAROLINA
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: **Pam Smith Heirs & Internal Revenue Service & Parties of Interest**
Name of Violator

MH 1588-2016
Case Number

AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Individual)

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

personally served Pam Smith Heirs & Internal Revenue Service a copy of the Findings of Fact and Order
(name of violator)

And Appeals Procedures Form citing violations of the Cumberland County Minimum Ordinance

Housing by mailing said notice(s) via certified and first class mail to the following addresses:

49 KC Sunshine Lane, Dunn, NC 28344 & 31 Hopkins Plaza, Baltimore, MD 21201 and by posting

at the following address: 4828 Jefferson Street, Hope Mills, NC on this the 28th day of October, 2016

(Person signing for Notice(s))

George Hatcher
George Hatcher
Code Enforcement Officer, Cumberland County
Planning & Inspections Dept.

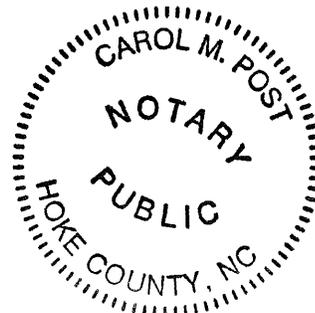
Check box if person(s) refuse to sign

North Carolina
Hoke County

Sworn to and subscribed to before me
this the 28th day of October, 2016.

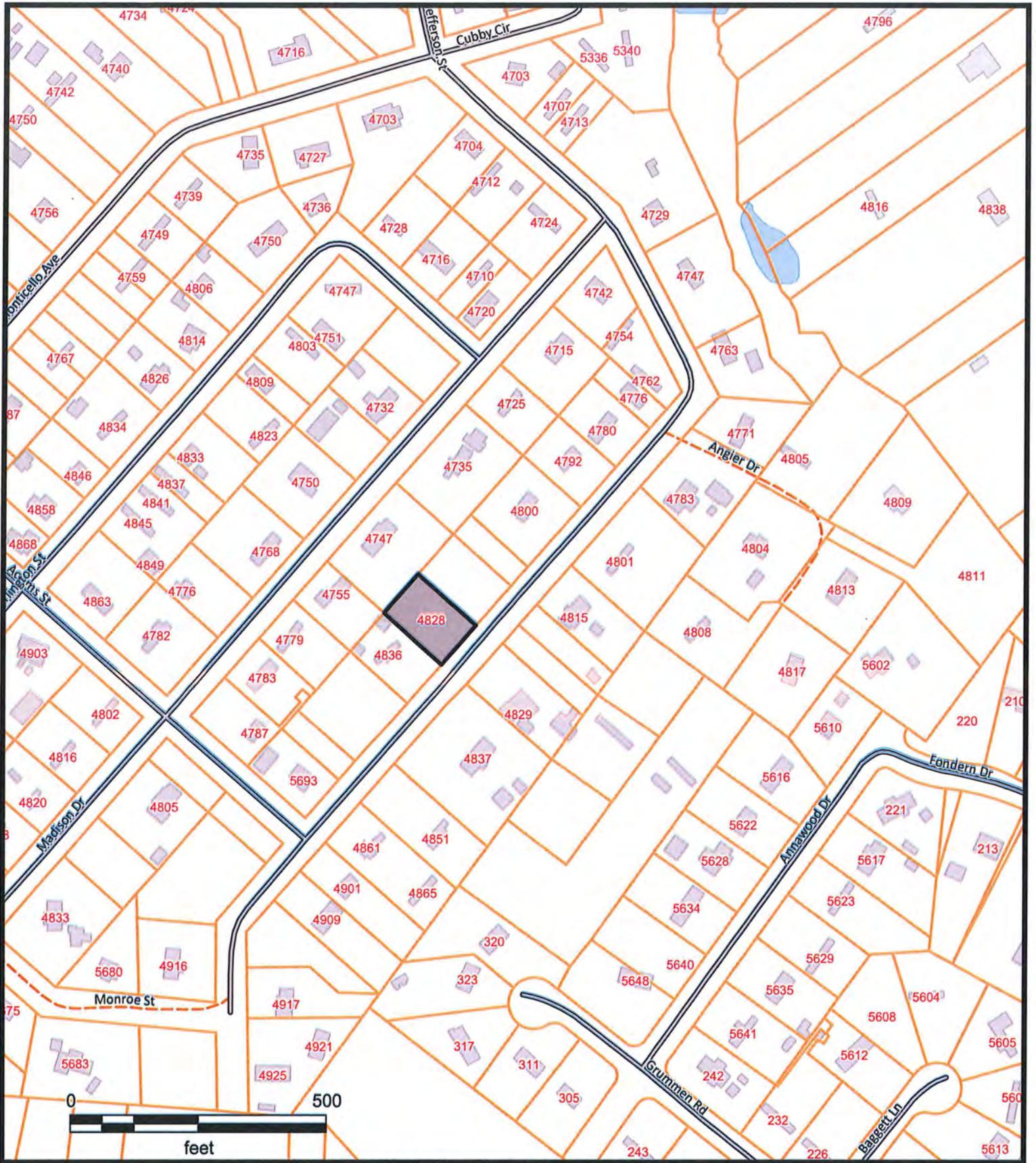
Carol M. Post

Notary Public
My Commission Expires: 11/06/2019



PROOF OF SERVICE OF *FINDINGS OF FACT AND ORDER*
DATED October 17, 2016 CASE NUMBER *MH 1588-2016*

EXHIBIT A



Cumberland County Planning - Inspections Department
 130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631

Map Depicting Location of Property

Property Owner: Pam Smith Heirs
Address: 4828 Jefferson Street, Hope Mills, NC
Minimum Housing Case#: 1588-2016
Tax Parcel Number: 0413-85-2215



ITEM NO. 3G

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

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

BACKGROUND: That the following is a report on case number MH 1577-2016 and is identified as Item Number _____.

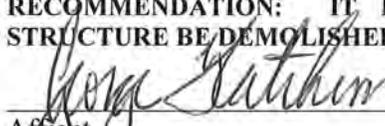
Property Owner: Draughon Holdings, LLC

Property Address: 5375 Antique Drive, Hope Mills, NC

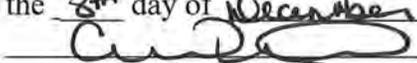
Tax Parcel Identification Number: 0413-26-7662

SYNOPSIS: This property was inspected on 8/23/2016. The property owner and parties of interest were legally served with the Notice of Violations and was afforded a Hearing on 9/23/2016. 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 no later than 10/23/2016. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on 12/8/2016, the required corrective action has not been made to the structure. The structure are presently vacant and unsecured. 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 \$48,200.00. The Assessor for Cumberland County has these structures presently valued at \$500.00. (salvage value) 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 8th day of December 2016.


Notary Public

My Commission Expires: 11/06/2019



**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

Scott Walters,
Code Enforcement Manager

Carol M. Post
Office Processing Assistant



**CUMBERLAND
★ COUNTY ★
NORTH CAROLINA**

Planning & Inspections Department

FINDINGS OF FACT AND ORDER

George Hatcher,
Inspector

Joey Lewis,
Inspector

Debra Johnson,
Inspector

Christopher Fulton,
Inspector

Brian Holder,
Inspector

9/29/2016

Draughon Holdings, LLC & Parties of Interest (See reverse for certified tracking #'s)
3600 Tattersal Court
Fayetteville, NC 28306

CASE # MH-1577-2016

PROPERTY AT: 5375 Antique Drive, 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 8/29/2016.

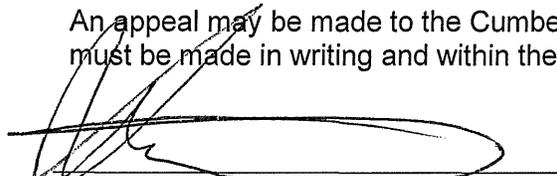
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 9/23/2016 at 10:30 AM. The items identified below took place at the Hearing:

- 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 8/25/2016. 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-1577-2016, dated 8/23/2016.
 - 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 10/23/2016. **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 secured to prevent entry by 10/01/2016 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 10/23/2016.
 - 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 10/23/2016. 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.

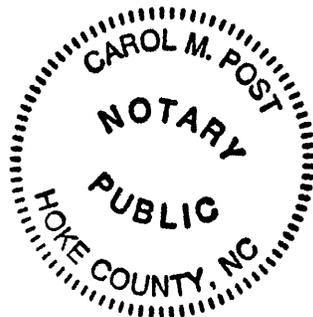

 Scott Walters
 Hearing Officer


 George Hatcher
 Code Enforcement Officer

Enclosed: Appeals Procedure Form

Cc:

Sworn to and Subscribed to by me
this the 20th day of September 2016




 Notary Public
 My Commission Expires: 11-26-19

EXHIBIT "A"

RECEIPIANT LIST:

DRAUGHON HOLDINGS, LLC
3600 TATTERSAL COURT
FAYETTEVILLE NC 28306

91 7199 9991 7036 8280 0738 CIP

DRAUGHON HOLDINGS, LLC
127 MAXWELL STREET
FAYETTEVILLE NC 28301

91 7199 9991 7036 8280 0745 CIP

DRAUGHON HOLDINGS, LLC
PO BOX 41035
FAYETTEVILLE NC 28309

91 7199 9991 7036 8280 0752 CIP

WALTER J PIKUL, REGISTERED AGENT
DRAUGHON HOLDINGS, LLC
127 MAXWELL STREET
FAYETTEVILLE NC 28301

91 7199 9991 7036 8280 0769 CIP

WALTER J PIKUL, REGISTERED AGENT
DRAUGHON HOLDINGS, LLC
PO BOX 41035
FAYETTEVILLE NC 28309

91 7199 9991 7036 8280 0776 CIP

Date: December 5, 2016

George Hatcher:

The following is in response to your December 5, 2016 request for delivery information on your Certified Mail™ item number 9171999991703682800745. The delivery record shows that this item was delivered on October 11, 2016 at 11:15 am in FAYETTEVILLE, NC 28301. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



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

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

Sincerely,
United States Postal Service

Date: December 5, 2016

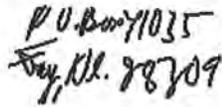
George Hatcher:

The following is in response to your December 5, 2016 request for delivery information on your Certified Mail™ item number 9171999991703682800752. The delivery record shows that this item was delivered on October 11, 2016 at 11:24 am in FAYETTEVILLE, NC 28314. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



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

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

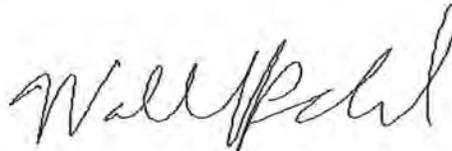
Sincerely,
United States Postal Service

Date: December 5, 2016

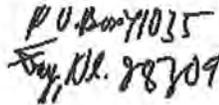
George Hatcher:

The following is in response to your December 5, 2016 request for delivery information on your Certified Mail™ item number 9171999991703682800776. The delivery record shows that this item was delivered on October 11, 2016 at 11:24 am in FAYETTEVILLE, NC 28314. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



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

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

Sincerely,
United States Postal Service

Date: December 5, 2016

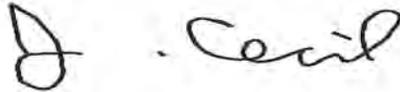
George Hatcher:

The following is in response to your December 5, 2016 request for delivery information on your Certified Mail™ item number 9171999991703682800769. The delivery record shows that this item was delivered on October 11, 2016 at 11:15 am in FAYETTEVILLE, NC 28301. The scanned image of the recipient information is provided below.

Signature of Recipient :



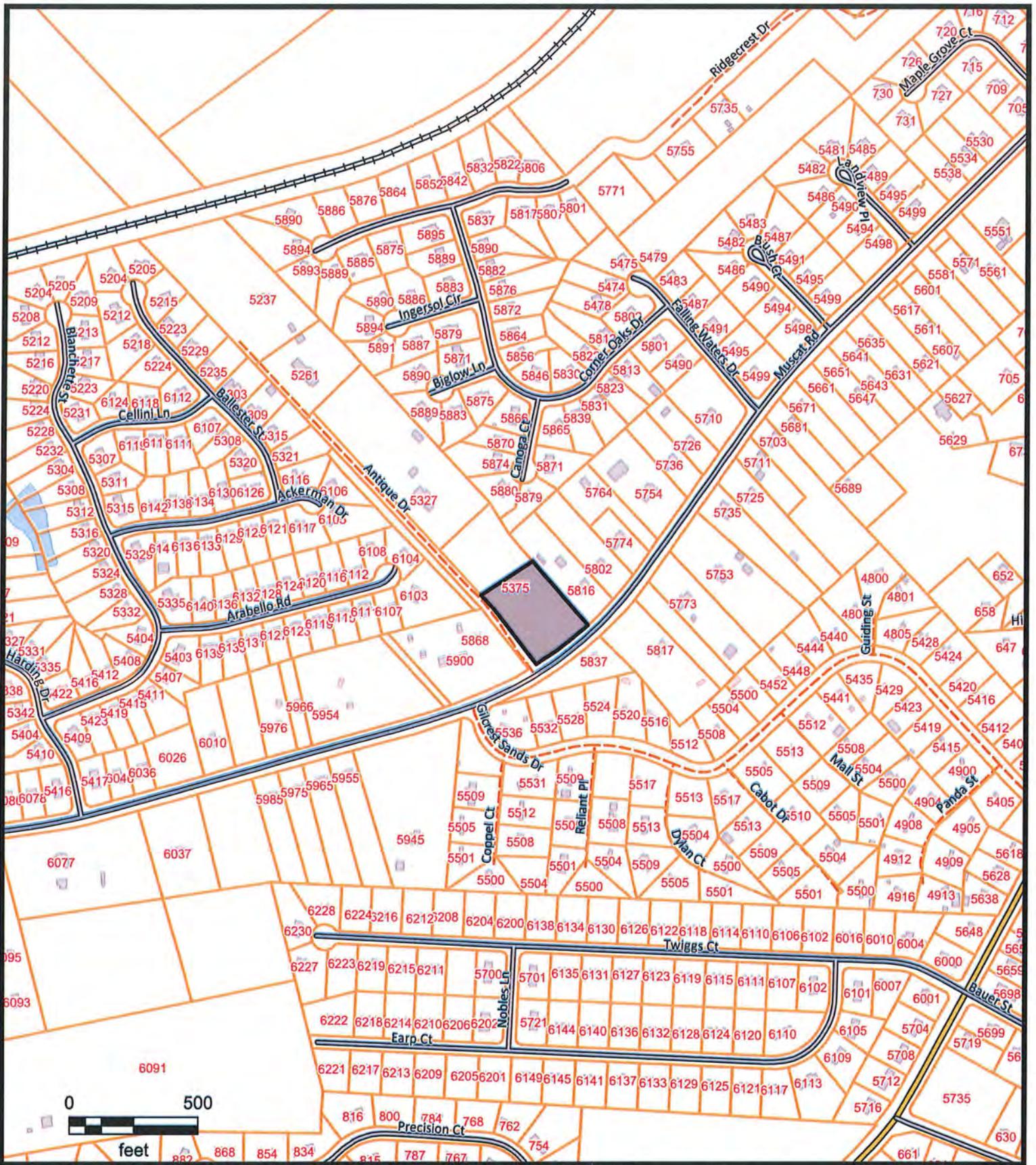
Address of Recipient :



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



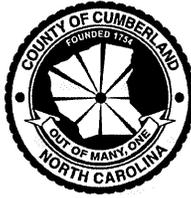
Cumberland County Planning - Inspections Department
 130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631

Map Depicting Location of Property

Property Owner: Draughon Holdings LLC
Address: 5375 Antique Drive, Hope Mills, NC
Minimum Housing Case#: 1577-2016
Tax Parcel Number: 0413-26-7662



RICKEY L. MOOREFIELD
County Attorney



ITEM NO. 3H

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

**MEMO FOR THE AGENDA OF THE DECEMBER 19, 2016,
MEETING OF THE BOARD OF COMMISSIONERS**

TO: Board of Commissioners; Co. Manager; Greg Bagley
FROM: Co. Atty. *R. Moorefield*
DATE: December 13, 2016
SUBJECT: Public Hearing for Consideration of Petition of DSI Properties, LLC, to
Close an Unnamed, Unopened Road

BACKGROUND:

At its November 7, 2016, meeting the Board of Commissioners adopted a resolution of intent to close a portion of an unnamed, unopened road 30' in width and shown on the plat recorded in Plat Book 9 at page 33, which connects with Brooklyn Circle (formerly known as Houston Street) near its intersection with U.S. Highway 301 South. The petition for closure was filed by DSI Properties, LLC, the sole property owner adjoining the portion of the road it was requesting to be closed. Copies of the petition for closure, the recorded plat with the portion for which closure was requested being highlighted, the GIS map of the subdivision, the parcel viewer map of the subdivision, and a site plan and legal description prepared by Engineer C. Gregory Bagley were presented with the agenda materials on November 7, 2016.

The county attorney has examined the GIS maps and GIS Parcel Viewer maps and determined that the GIS maps show the remainder of this road and the additional 30' road which intersects it to be unnamed, unopened and wooded. From this examination, the county attorney also determined that no parcel would become landlocked by the closure of this portion of the road.

Notice of this public hearing reasonably calculated to give full and fair disclosure of the proposed closing was published once a week for three successive weeks in the *Fayetteville Observer* and posted prominently at two places on the portion of the road to be closed. No notice was mailed to any property owner because the petitioner is the only property owner adjoining the portion to be closed. Copies of the order confirmation for the advertisement and an affidavit of posting are attached to the proposed order.

RECOMMENDATION/PROPOSED ACTION:

Conduct the public hearing and if there is no opposition to the closure, consider adopting the proposed Order which is attached. If there is opposition expressed at the hearing, direct that the proposed Order be modified to reflect the Board's findings of fact before consideration of adopting it.

**ORDER OF THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY
CLOSING A PORTION OF AN UNNAMED, UNOPENED ROAD 30' IN WIDTH
SHOWN ON THE PLAT RECORDED IN PLAT BOOK 9 AT PAGE 33
PURSUANT TO G.S. § 153A-241**

At its November 7, 2016, regular meeting, the Board of Commissioners adopted a resolution of intent to close a portion of an unnamed, unopened road 30' in width and shown on the plat recorded in Plat Book 9 at page 33, which connects with Brooklyn Circle (formerly known as Houston Street) near its intersection with U.S. Highway 301 South and as described in the legal description prepared by C. Gregory Bagley, Professional Surveyor L-3025 attached to this Order as **Exhibit A**. This resolution was adopted pursuant to the request of DSI Properties, LLC, the sole adjoining property owner.

After conducting the public hearing duly advertised for this date, the Board of Commissioners finds the following:

1. Notice of the public hearing on the question reasonably calculated to give full and fair disclosure of the proposed closing was published in the *Fayetteville Observer* once a week for three successive weeks as shown in the Order Confirmation of the Fayetteville Publishing Company attached hereto as **Exhibit B**.
2. The only property owner abutting the portion of the road to be closed is the petitioner, DSI Properties, LLC, and no notice was mailed to any other property owner.
3. Notice of the closing and public hearing was prominently posted in at least two places along the road as shown in the Affidavit of Posting of C. Gregory Bagley attached hereto as **Exhibit C**.
4. The remainder of this road and the additional 30' road which intersects it are also unnamed and unopened
5. According to the GIS Parcel Viewer there are no parcels that would become landlocked if this portion of this road is closed.
6. No person spoke in opposition to the closing of the described portion of this unnamed, unopened road.

Based on the foregoing findings of fact, the Board of Commissioners is satisfied that closing the portion of the unnamed, unopened road described herein is not contrary to the public interest and no individual owning property in the vicinity of the road would thereby be deprived of reasonable means of ingress and egress to his property.

The Cumberland County Board of Commissioners does hereby order that the portion of this unnamed, unopened road described in the legal description prepared by C. Gregory Bagley, Professional Surveyor L-3025 attached hereto as **Exhibit A**, be and is closed to public use.

It is further ordered that the survey plat referenced in the legal description as, "Road Closing for DSI Properties," be recorded and the recording information for the plat be inserted in the legal description contained herein; and a certified a copy of this order be recorded in the office of the register of deeds in accordance with G.S. § 153A-241.

Any person aggrieved by the closing of this portion of this unnamed, unopened road may appeal this Order of the Board of Commissioners to the appropriate division of the General Court of Justice within 30 days after this date.

Adopted in regular meeting December 19, 2016.

Cumberland County Board of Commissioners
By:

Glenn B. Adams, Chairman

Attest:

Candice H. White, Clerk to the Board

Road Closing
DSI Properties, INC
10-24-2016

Beginning at an existing conc. mon, said existing mon being N26°13'55" W 200.01' from the base of a conc. mon. on the eastern row of Brooklyn Circle, and being the northern common corner between an existing 30' Row and Patricia Renn. Thence from said common corner to an iron in the property line of DSI Properties, Inc. S26°13'55" E 612.31'; cornering thence N62°10'08" W 30.00' to the to a point; cornering thence N26°13'55" W 612.31' to the common corner of Patricia Renn and DSI Properties, Inc.; cornering thence N62°10'08" W 30.00' to the point and place of beginning, and being 18,360 sq ft. or .421 Acres. Said property being designated as Road to be closed on plat prepared by C. Gregory Bagley titled Road Closing for DSI Properties, LLC as recorded in PB ____ Pg _____ of the Cumberland County Registry.

This Deed Prepared by C. Gregory Bagley Professional Surveyor L-3025.

Order Confirmation

**CUMBERLAND COUNTY
 BOARD OF COMMISSIONERS
 NOTICE OF PUBLIC HEARING
 PURSUANT TO NCGS § 153A-241**

TAKE NOTICE that at its November 7, 2016, meeting the Cumberland County Board of Commissioners adopted a resolution declaring its intent to close that portion of an unnamed, unopened road 30' in width shown on the plat recorded in Plat Book 9 at page 33 that connects with Brooklyn Circle near its intersection with US Hwy 301 South and being that portion abutted by the parcels with PIN 0423-18-8993, 0424-28-3316, and 0423-28-1611. The Board shall conduct a public hearing on the 19th day of December, 2016 at 6:45 p.m. in the Commissioners Meeting Room (Room 118), First Floor, New Courthouse, 117 Dick Street, Fayetteville, North Carolina, to hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual's property rights.

CANDICE H. WHITE

Clerk to the Board of Commissioners
 12/4, 11, 18 4832146

Ad Order Number
0004832146

Customer
CUMB CO ATTORNEY'S

Sales Rep.
0090

Customer Account
017971203

Order Taker
webFPC

Customer Address
PO BOX 1829, ,
FAYETTEVILLE NC 28302 USA

Order Source
Web

Customer Phone
910-678-7762

Order Invoice Text
Cumberland County Board of Commiss

Payor Customer
CUMB CO ATTORNEY'S

PO Number

Payor Account
017971203

Ordered By

Payor Address
PO BOX 1829, ,
FAYETTEVILLE NC 28302 USA

Customer Fax
910-678-7758

Customer EMail
ctyndall@co.cumberland.nc.us

Payor Phone
910-678-7762

Special Pricing
None

<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Amount Due</u>
\$342.16	\$0.00	\$342.16	\$342.16

<u>Payment Method</u>	<u>Payment Amount</u>
	\$0.00

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>	<u>Color</u>
0004832146-01	CL Legal Line	: 1.0 X 28 cl	<NONE>

<u>Product</u>	<u>Placement/Classificatio</u>	<u>Run Dates</u>	<u># Inserts</u>	<u>Cost</u>
FO::	401 - Legals	12/4/2016, 12/11/2016, 12/18/2016	3	\$329.56
OL::	401 - Legals	12/4/2016, 12/11/2016, 12/18/2016	3	\$12.60

EXHIBIT C

North Carolina

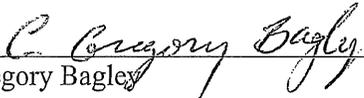
Affidavit of Posting

Cumberland County

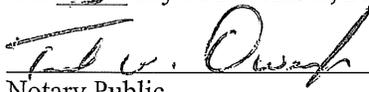
In the Matter of the Closure of an Unnamed, Unopened
Road upon the Petition of DSI Properties, LLC

C. Gregory Bagley states under oath as follows:

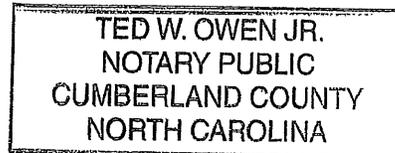
- (1) I am a licensed North Carolina engineer.
- (2) I have assisted my client, DSI Properties, LLC, in petitioning the Cumberland County Board of Commissioners ("the Board") to close that unopened, unnamed right of way described in the resolution of intent adopted by the Board of Commissioners on November 21, 2016 ("the Resolution").
- (3) I did cause a notice of the closing and public hearing to be prominently posted in at least two places along the unopened, unnamed road described in the Resolution on December 5, 2016.


C. Gregory Bagley

Sworn to and subscribed before me
this 13 day of December, 2016.


Notary Public

My commission expires: 6-7-2019





ITEM NO. 3I(1)

CUMBERLAND
COUNTY
NORTH CAROLINA
COMMUNITY DEVELOPMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA
OF DECEMBER 19, 2016

TO: BOARD OF COUNTY COMMISSIONERS
FROM: SYLVIA H.-MCLEAN, COMMUNITY DEVELOPMENT DIRECTOR
THROUGH: AMY CANNON, COUNTY MANAGER *AKZ*
DATE: DECEMBER 8, 2016
SUBJECT: PUBLIC HEARING ON COMMUNITY DEVELOPMENT
SUBSTANTIAL AMENDMENT TO THE 2016 ANNUAL ACTION PLAN

BACKGROUND:

The Cumberland County Community Development 2016 Annual Action Plan was submitted to the U.S. Department of Housing and Urban Development (HUD) on May 13, 2016. The Plan allocated the Community Development Block Grant (CDBG) program and HOME Investment Partnership Act (HOME) funds and other competitive funding awarded in accordance to the Consolidated Plan.

As you are aware, due to the recent devastation caused by Hurricane Matthew, Cumberland County was included in the notice of the Presidential declaration of a major disaster for the State of North Carolina. U.S. Department of HUD has determined that grantees may utilize existing grant funds to address damage in a Presidentially-declared disaster area.

On November 4, Cumberland County submitted a letter to HUD requesting to amend our 2016 Annual Action Plan to address the unmet needs as the result of Hurricane Matthew. Cumberland County recently received notification from HUD approving the request to amend the plan.

It is proposed to amend the 2016 Annual Action Plan to expand our current housing rehabilitation project to include disaster recovery housing repair grant funds to address unmet needs for homeowners in our jurisdiction that are below 80% of the area median income (AMI). It is proposed utilizing \$300,000 of existing housing rehabilitation funds specifically for disaster recovery housing repair. This program would provide grant funds for disaster recovery housing repair up to \$10,000 per eligible homeowner. This activity is consistent with our 2015-2019 Consolidated Plan priorities, goals and objectives that include increasing the availability and accessibility of decent, safe and affordable housing.

As part of the citizen participation process, public review and comment period is required. The public review period began November 11 and ended on December 11, 2016. The proposed amendment was available for review at several public locations throughout the County and posted on the County's Community Development website.

RECOMMENDATION AND PROPOSED ACTION:

The Community Development Director and County Management request that the Board of County Commissioners:

1. Hold a public hearing on the Substantial Amendment to the 2016 Annual Action Plan.
2. Approve the Substantial Amendment to 2016 Annual Action Plan and Submit to HUD.



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Greensboro Office
Office of Community Planning & Development
1500 Pinecroft Road, 401, Asheville Building
Greensboro, NC 27407-3838
(336) 851-2802
www.hud.gov ♦ espanol.hud.gov

September 20, 2016

Ms. Amy Cannon
County Manager
707 Executive Place
Cumberland County
Fayetteville, NC 28302

Dear Ms. Cannon:

We are in receipt of the County of Cumberland's substantial amendment dated November 4, 2016 to amend activities listed in the County's 2015-2019 Consolidated Plan and the 2016 Annual Action Plan for the Community Development Block Grant (CDBG) program and HOME Investments Partnership Act (HOME) program.

In this request, the County of Cumberland will reprogram CDBG and HOME funding to expand its rehabilitation project to include disaster recovery housing repair grants for ongoing recovery needs. Rehabilitation activities are eligible activities for both the CDBG and HOME activities. While activities are eligible, CDBG activities must meet a national objective. When using HOME funds for rehabilitation activities, the work must be performed according to Cumberland County's written rehabilitation standards. Additionally, the unit must be brought up to the applicable state or local code.

HUD understands that the County has followed the citizen participations required by 24 CFR 91.505 and Consolidated Plan regulations per 24 CFR 91.105. The substantial amendment activities have been advertised for a total of 30 days for both programs and a public hearing has been conducted as required. Lastly, we understand that the County is no longer interested in increasing the CDBG public service cap set at 15% of the entitlement's funding.

We thank the County for all information provided and we approve the County of Cumberland substantial amendment. The county is eligible to receive a 100% HOME Match Reduction, based on a Presidential Declared Area, and a separate correspondence will be provided for guidance and application.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew T. King".

Matthew T. King
Director
Office of Community Planning & Development

CUMBERLAND COUNTY COMMUNITY DEVELOPMENT

SUBSTANTIAL AMENDMENT 2016 ANNUAL ACTION PLAN

(July 1, 2016 through June 30, 2017)



(DRAFT)

Public Review Comment Period:

November 11, 2016 – November 17, 2016

EXTENDED TO DECEMBER 11, 2016

Public Hearing:

December 19 @ 6:45 p.m.

Cumberland County Courthouse

117 Dick Street

Fayetteville, NC

**CUMBERLAND COUNTY COMMUNITY DEVELOPMENT
SUBSTANTIAL AMENDMENT
2016 ANNUAL ACTION PLAN**

PROPOSED ACTIVITY AMENDMENT

The Cumberland County Community Development 2016 Annual Action Plan was submitted to the U.S. Department of Housing and Urban Development (HUD) on May 13, 2016. The Plan allocated the Community Development Block Grant (CDBG) program and HOME Investment Partnership Act (HOME) funds and other competitive funding awarded in accordance to the 2015-19 Consolidated Plan.

The proposed amendment for the 2016 Annual Action Plan entitled CDBG Disaster Recovery Housing Repair Grant Program and HOME Disaster Recovery Housing Repair Grant Program. Previously budgeted unused CDBG and HOME Housing funds totaling \$300,000 will be reprogrammed and identified for the Disaster Recovery Housing Repair Grant Program for homeowners.

PUBLIC NOTICE
CUMBERLAND COUNTY COMMUNITY DEVELOPMENT
SUBSTANTIAL AMENDMENT
2016 ANNUAL ACTION PLAN

A public hearing will be held by the Cumberland County Board of Commissioners to receive citizen comments on the proposed substantial amendment to the Community Development 2016 Annual Action Plan on ~~November 24, 2016~~ December 19, 2016. The hearing will take place in the Commissioners Meeting Room, at the County Courthouse, 117 Dick Street, Fayetteville, NC 28301. The public hearing will start at 6:45p.m.

Cumberland County proposes to amend its Community Development 2016 Annual Action Plan to reprogram approximately \$300,000 previously awarded CDBG and HOME grant funds for disaster recovery housing repair project. This project requires that an amendment to the Program Year 2016 Annual Action Plan be submitted to the U.S. Department of Housing and Urban Development (HUD) for approval. In preparing the substantial amendment, HUD has waived the requirement that each eligible grantee follow its citizen participation plan, except that a minimum time period of 7 days is allowed for citizens to review and comment on the substantial amendment.

Proposed amendments to the 2016 Annual Action Plan will be available for public review beginning November 11 through ~~November 17, 2016~~ December 11, 2016 online: www.co.cumberland.nc.us/community_dev.aspx and at the following locations:

Cliffdale Branch Library 6882 Cliffdale Road, Fayetteville	Cumberland County Community Development 707 Executive Place, Fayetteville
East Regional Branch Library 4809 Clinton Road, Fayetteville	Falcon Town Hall 7156 Southwest Street, Falcon
Hope Mills Branch Library 3411 Golfview Road, Hope Mills	Linden Town Hall 9456 Academy Street, Linden
North Regional Branch Library 855 McArthur Road, Fayetteville	Spring Lake Branch Library 101 Laketree Blvd., Spring Lake
Stedman Town Hall 5110 Front Street, Stedman	Wade Town Hall 7128 Main Street, Hwy 301 N., Wade

If you have questions or comments concerning the Substantial Amendment to the 2016 Annual Action Plan or the public hearing, call (910) 323-6112 or visit the Cumberland County Community Development Office. Our office is located at 707 Executive Place, Fayetteville, North Carolina 28302. Office Hours are 8:00 a.m. to 5:00 p.m., Monday thru Friday



ITEM NO. 3I(2)

**CUMBERLAND
COUNTY
NORTH CAROLINA
COMMUNITY DEVELOPMENT**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA
OF DECEMBER 19, 2016**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: SYLVIA H.-MCLEAN, COMMUNITY DEVELOPMENT DIRECTOR

THROUGH: AMY CANNON, COUNTY MANAGER

DATE: DECEMBER 8, 2016

**SUBJECT: APPROVAL TO INCREASE THE MAXIMUM AMOUNT OF AID PER
HOUSEHOLD GRANT AWARD FOR HOME REPAIRS IN THE COMMUNITY
DEVELOPMENT HOUSING REHABILITATION PROGRAM**

BACKGROUND:

Expansion of the Cumberland County Community Development's housing rehabilitation program includes providing disaster aid to those that are eligible as a part of the Amended 2016 Annual Action Plan. This aid would provide for housing repairs to address unmet needs of homeowners at or below 80% of the area median income. This program is specifically designed to address unmet needs of homeowners that require housing renovation as a direct result of Hurricane Matthew in our jurisdiction once insurance and FEMA assistance has been applied. Staff has proposed utilizing \$300,000 of existing housing rehabilitation CDBG and HOME funds for disaster recovery purposes by providing grant funds for disaster recovery housing repairs up to \$10,000 per eligible homeowner.

Prior to the plan amendment, the maximum amount of a single grant for emergency repairs for housing rehabilitation was \$7,500. Staff recommends increasing the maximum per applicant to \$10,000. The reason for this change is twofold: 1) according to our most recent housing needs assessment, housing rehabilitation is still much needed by many low-income residents of Cumberland County, and 2) the cost of completing home repairs has increased over time.

We believe that the changes proposed above will assist low-income residents with disaster recovery repairs as well as homeowners with non-disaster-related repairs.

RECOMMENDATION AND PROPOSED ACTION:

The Community Development Director and County Management request that the Board of County Commissioners:

1. Approve increasing the minor repair housing grant limit up to \$10,000
2. Approval of a disaster recovery housing repair grant limit up to \$10,000

GLENN B. ADAMS
Chairman

CHARLES E. EVANS
Vice-Chairman

MICHAEL C. BOOSE
JEANNETTE M. COUNCIL
W. MARSHALL FAIRCLOTH
JIMMY KEEFE
LARRY L. LANCASTER



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

ITEM NO. _____

4

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA
DECEMBER 19, 2016

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CANDICE H. WHITE, CLERK TO THE BOARD

DATE: DECEMBER 9, 2016

SUBJECT: DESIGNATION OF VOTING DELEGATE TO THE NCACC'S 2017 LEGISLATIVE GOALS CONFERENCE

BACKGROUND:

The NCACC's 2017 Legislative Goals Conference will be held Thursday and Friday, January 12-13, 2017, at the Raleigh Marriott Crabtree Valley in Wake County. The Board of Commissioners is hereby requested to designate a commissioner or other official as a voting delegate to the Conference. The voting delegate designation form is to be returned to the NCACC no later than Friday, January 6, 2017.

RECOMMENDATION/PROPOSED ACTION:

Appoint a voting delegate to the NCACC's 2017 Legislative Goals Conference.

Attachment(s)



**VOTING DELEGATE DESIGNATION FORM
LEGISLATIVE GOALS CONFERENCE
January 12-13, 2017 (Thursday – Friday)
Raleigh Marriott Crabtree Valley – Wake County**

NOTE: Please place this action on your board meeting agenda.

Each Board of County Commissioners is hereby requested to designate a commissioner or other official as a voting delegate for the 2017 Legislative Goals Conference. Each voting delegate should complete and sign the following statement and **RETURN IT TO THE ASSOCIATION NO LATER THAN FRIDAY, JANUARY 6, 2017:**

**PLEASE Return Form to Alisa Cobb, Clerk to the Board by E-Mail: alisa.cobb@ncacc.org
OR Fax: 919-733-1065.**

I, _____, hereby certify that I am the duly designated voting delegate for _____ County at the North Carolina Association of County Commissioners 2017 Legislative Goals Conference.

Signed: _____

Title: _____

Article VI, Section of the Association's Constitution provides:

“On all questions, including the election of officers, each county represented shall be entitled to one vote, which shall be the majority expression of the delegates of that county. The vote of any county in good standing may be cast by any one of its County Commissioners who is present at the time the vote is taken; provided, if no commissioner be present, such vote may be cast by another county official, elected or appointed, who holds elective office or an appointed position in the county whose vote is being cast and who is formally designated by the Board of County Commissioners. These provisions shall likewise govern district meetings of the Association. A county in good standing is defined as one which has paid the current year's dues.”

GLENN B. ADAMS
Chairman

CHARLES E. EVANS
Vice Chairman

MICHAEL C. BOOSE
JEANNETTE M. COUNCIL
W. MARSHALL FAIRCLOTH
JIMMY KEEFE
LARRY L. LANCASTER



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

ITEM NO. _____

5A

December 14, 2016

December 19, 2016 Agenda Item

TO: Board of Commissioners
FROM: Kellie Beam, Deputy Clerk to the Board *KB*
SUBJECT: Alliance Behavioral Healthcare Board of Directors

The Alliance Behavioral Healthcare Board of Directors has the following vacancy for an unexpired term:

Kenneth Edge – Did not seek re-election as a Cumberland County Commissioner. Chairman Adams recommends Commissioner Michael Boose. Commissioner Boose indicated he is willing to serve.

PROPOSED ACTION: Nominate an individual to fill the vacancy above.

Attachment

ALLIANCE BEHAVIORAL HEALTHCARE
BOARD OF DIRECTORS

3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Dr. John Griffin (W/M) 3481 Thamesford Road Fayetteville, NC 28311 630-4346 (H) eddgriff@aol.com	5/16	2nd	May/19 5/31/19	No
Christopher Bostock 424 Kingsford Road Fayetteville, NC 28314 486-0415 (W) / 273-4936 (C) Chris_bostock@ml.com	9/16	2nd	Sept/19 9/30/19	No
Lodies Gloston 2000 Greendale Drive Fayetteville, NC 28304 867-5724 (H) lodiesgloston@nc.rr.com	9/16	2nd	Sept/19 9/30/19	No
VACANT (Vacated by K. Edge)	9/16	2nd	Sept/19 9/30/19	No

Alliance Behavioral Healthcare is governed by a Board of Directors that 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, Wake and Cumberland counties that are appointed by their respective County Commissioners, as well as representation from Johnston County. Service providers do not serve as members of the Board.

Board meets on the first Thursday of the month at 4:00 p.m. at 4600 Emperor Blvd Ste 200, Durham, North Carolina 27703. (July and January meeting only as needed).

Contact: Rob Robinson – 919-651-8411 (office)/rrobinson@alliancebhc.org



GLENN B. ADAMS
Chairman

CHARLES E. EVANS
Vice Chairman

MICHAEL C. BOOSE
JEANNETTE M. COUNCIL
W. MARSHALL FAIRCLOTH
JIMMY KEEFE
LARRY L. LANCASTER

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA
BOARD OF COMMISSIONERS

ITEM NO. 60A

December 14, 2016

December 19, 2016 Agenda Item

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

BACKGROUND: On November 21, 2016, the Board of Commissioners nominated the following three (3) individuals to serve on the Civic Center Commission:

Joe Gillis (new appointment)
Gregory Parker (new appointment)
Sheba McNeil (reappointment)

I have attached the current membership list.

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

Attachment

pc: James J. Grafstrom, Jr., General Manager/CEO

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.

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Mark Lynch (W/M) 311 Valley Road Fayetteville, NC 28305 494-0233 / 483-1212	01/16	2nd	Jan/19 1/1/19	No
Judy Dawkins (W/F) 2004 Morganton Rd Fayetteville, NC 28305 323-4974 / 237-6785	01/16	2nd	Jan/19 1/1/19	No
Elizabeth Varnedoe (W/F) 1411 Raeford Rd Fayetteville, NC 28305 484-8959 (H) / 624-2378 (W)	01/16	2nd	Jan/19 1/1/19	No
William Tew, Jr. 6233 Loop Road Linden, NC 28356 980-0740/988-2236 (W)	01/14	2nd	Jan/17 1/1/17	No
Sheba McNeil (B/F) 542 Williwood Road Fayetteville, NC 28311 229-1111/568-5005	01/16	1st	Jan/17 1/1/17	Yes
(serving unexpired term; eligible for two additional terms)				
Robert C. Williams (B/M) 2713 Rosehill Rd Fayetteville, NC 28301 910-488-7587	1/16	2nd	Jan/19 1/1/19	No
McBryde Grannis 232 Pinecrest Drive Fayetteville, NC 28305 850-8865/850-1692 (W)	1/14	2nd	Jan/17 1/1/17	No
Dineen Morton (B/F) 5835 Pettigrew Drive Fayetteville, NC 28314 494-5761/495-6977	01/16	1st	Jan/19 1/1/19	Yes

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>	<u>Appointed</u>	<u>Eligible For</u>	<u>Expires</u>	<u>Reappointment</u>
<u>Name/Address</u>		<u>Term</u>		
Restaurant Owner (SL 1993-413)				
Edith Bigler (/F)	01/15	2nd	Jan/18	No
178 Ellerslie Drive			1/1/18	
Fayetteville, NC 28303				
308-7912				

**** At its November 17, 2014 meeting, the Cumberland County Board of Commissioners took action to request that the local legislative delegation submit a bill to the General Assembly to reduce the number of members on the Civic Center Commission from fifteen to nine. The bill is to be considered by the GA at its 2015 regular session. At its June 10, 2015 meeting, the NC General Assembly ratified Session Law 2015-61 Senate Bill 142 an act to reduce the number of members serving on the Cumberland County Civic Center Commission from 15 members to 9 members.****

Commissioner Liaisons: Commissioner Larry Lancaster & Commissioner Jimmy Keefe

Ex Officio Member: Amy Cannon 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 5:00 pm)

Contact: James J. Grafstrom, Jr. , General Manager, Coliseum Complex (or Rita Perry – 438-4102/Fax 323-8423)



GLENN B. ADAMS
Chairman

CHARLES E. EVANS
Vice Chairman

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JEANNETTE M. COUNCIL
W. MARSHALL FAIRCLOTH
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Clerk to the Board

KELLIE BEAM
Deputy Clerk

CUMBERLAND
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ITEM NO. 603

BOARD OF COMMISSIONERS

December 14, 2016

December 19, 2016 Agenda Item

TO: Board of Commissioners

FROM: Kellie Beam, Deputy Clerk to the Board *KB*

SUBJECT: Cumberland County Juvenile Crime Prevention Council (JCPC)

BACKGROUND: On November 21, 2016, the Board of Commissioners nominated the following individual to fill one (1) vacancy on the Cumberland County Juvenile Crime Prevention Council:

Person Under Age 18:
Gregory Raymond Koonce Jr. (new appointment)

I have attached the current membership list for this council.

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

Attachment(s)

pc: Kim Cribb, JCPC Coordinator

CUMBERLAND COUNTY
JUVENILE CRIME PREVENTION COUNCIL
(Two year terms)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Local School Superintendent or designee</u>				
Bruce Morrison Cumberland County Schools P.O. Box 2357 Fayetteville, North Carolina 28302 Phone: 678-2495	1/12			
<u>Chief of Police or designee</u>				
Lt. John Somerindyke Fayetteville Police Department 467 Hay Street Phone: 433-1910	3/15			
<u>Local Sheriff or designee</u>				
Lt. Bobby Jeffers Cumberland County Sheriff's Office 131 Dick Street Fayetteville, North Carolina 28301 Phone: 677-5474	2/14			
<u>District Attorney or designee</u>				
Tiffany Whitfield Assistant District Attorney District Attorney's Office 117 Dick Street, Suite 427 Fayetteville, North Carolina 28301 Phone: 678-2915	3/15			
<u>Chief Court Counselor or designee</u>				
Miguel Pitts Department of Juvenile Justice P.O. Box 363 Fayetteville, North Carolina 28302 Phone: 678-2947	3/15			
<u>Mental Health Representative or designee</u>				
Tina Higgs Alliance Behavioral Healthcare – Community Relations, Court Liaison 711 Executive Place Fayetteville, North Carolina 28305 910-491-4794	04/14			

Cumberland County Juvenile Crime Prevention Council Page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Director of Social Services or designee</u>				
Al Spain Cumberland County Department of Social Services P.O. Box 2429 Fayetteville, North Carolina 28302-2429 Phone: 321-6459	8/16			
<u>County Manager or designee</u>				
Melissa Cardinali Assistant County Manager Cumberland County Courthouse P.O. Box 1829 Fayetteville, North Carolina 28302-1829 Phone: 678-7745	7/14			
<u>Chief District Judge or designee</u>				
Judge Ed Pone P.O. Box 363 Fayetteville, North Carolina 28302 Phone: 678-2901	1/99			
<u>Health Director or designee</u>				
Wanda Tart 205 Gillespie Street Fayetteville, North Carolina 28301 Phone: 672-5723	3/15			
<u>Parks and Recreation Representative</u> (Vacated by M. Lindsay – waiting on replacement)2/05 City of Fayetteville Parks and Recreation Dept. 433 Hay Street Fayetteville, North Carolina 28301 Phone: 433-1547				
<u>County Commissioner</u>				
Glenn Adams P.O. Box 1829 Fayetteville, NC 28302-1829 Phone: 678-7771	3/15			

Cumberland County Juvenile Crime Prevention Council, Page 3

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Substance Abuse Professional</u>				
Louis Leake Carolina Treatment Center 7669 Beverly Drive Fayetteville, NC 28314 910-960-7599	9/16	2nd	Oct/18 10/31/18	No
<u>Member of Faith Community</u>				
Augusta Newman 450 Bladen Circle Fayetteville, NC 28312 709-8344/555-5555	9/16	1st	Sept/18 9/30/18	Yes
<u>Person Under Age 18</u>				
VACANT (vacated by J. Hassell)	01/11	1 st full term	Feb/13 2/28/13	Yes
<u>Juvenile Defense Attorney</u>				
Juanita Bailer 2223 Pridgeonfarm Road Fayetteville, NC 28306 910-321-6046	10/14	1st	Oct/16 10/31/16	Yes
<u>Member of Business Community</u>				
Jonathan Warren 5815 Rainsford Drive Fayetteville, NC 28311 354-0676/307-3050	9/16	1st	Sept/18 9/30/18	Yes
<u>United Way or Non-Profit</u>				
VACANT (Vacated by R. Beck)	9/16	1st	Sept/18 9/30/18	Yes
<u>At Large Representatives</u>				
Detective Melton Brown 300 Ruth Street Spring Lake, NC 28390 436-7167	8/15	2nd	Aug/17 8/31/17	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Deborah L. Rosen 317 Sharpsburg Road Fayetteville, NC 28311 988-0493/243-9188	9/16	1st	Apr/17 4/30/17	Yes
	serving unexpired term; eligible for two additional terms			
Dr. Rebecca Campbell 7027 Darnell Street Fayetteville, NC 28314 910-487-1555	9/16	1st	Oct/18 10/31/18	Yes
Sonya Thompson 410 Ray Street Fayetteville, NC 28301 323-3421 x 2123	8/15	2nd	Aug/17 8/31/17	No
Dwight Creech 906 Wattle Bird Drive Fayetteville, NC 28312 910-461-6519	4/15	1st	Apr/17 4/30/17	Yes
Densie D. Lucas 106 Carmichael Lane Spring Lake, NC 28390 497-1227/672-2287	9/16	1st	Oct/18 10/31/18	Yes
Crystal Bennett 2654 Rivercliff Road Fayetteville, NC 28301 429-4930/475-3287	9/16	1st	Oct/18 10/31/18	Yes

Non-Voting Member

Ronald Tillman
DJJDP Regional Consultant
100 Dillion Drive
Butner, North Carolina 27509
Phone: 919-575-3166 (W)

Meetings: Second Wednesday of each month at 1:15 PM. CC CommuniCare Conference Room –109
Bradford Ave, Fayetteville, NC 28301.
Contact: Kim Cribb JCPC Coordinator – 678-7819

GLENN B. ADAMS
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CHARLES E. EVANS
Vice Chairman

MICHAEL C. BOOSE
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CUMBERLAND
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NORTH CAROLINA
BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

ITEM NO. 6c

December 14, 2016

December 19, 2016 Agenda Item

TO: Board of Commissioners
FROM: Kellie Beam, Deputy Clerk to the Board **KB**
SUBJECT: North Carolina's Southeast Board of Directors

BACKGROUND: At their November 21, 2016 meeting, the Board of Commissioners nominated the following individual to fill one (1) vacancy on the North Carolina's Southeast Board of Directors:

Dr. Larry Keen (new appointment)

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

Cc: Steve Yost, North Carolina's Southeast President

NORTH CAROLINA'S SOUTHEAST BOARD OF DIRECTORS
1 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
VACANT (Vacated by E. Melvin)	8/15	2nd	Aug/16 8/31/16	No

North Carolina's Southeast is a regional public-private partnership that markets the southeast region nationally and globally to encourage new economic growth. It also provides leadership on key regional initiatives that help advance the regional economy. Business and government leadership work together in the partnership to promote the region and its assets through *The Southeastern Partnership*, a 501c6 organization.

The Board of Directors represents every county in the Southeast Region and provides guidance and oversight to the organization. The Southeastern Partnership, Inc. board is made up of private sector investors with an interest in promoting regional economic development.

** This position does not need to be held by a Cumberland County Commissioner.

CONTACT:

Steve Yost, President
707 West Broad Street | PO Box 2556
Elizabethtown, NC 28337
stevey@ncse.org
800-787-1333 | 910-862-1482 fax

First county commissioner representative to the NCSE Board of Directors appointed by the Board of Commissioners in August 2014. Term lengths are for one year and members can be reappointed. Meetings are held at 70 West Broad Street in Elizabethtown.

Steve Yost, NCSE President stevey@ncse.org
Phone: 910-862-8511 ext. 22

Contact: Tammy Etheridge tammywe@ncse.org

Address: 70 West Broad Street or PO Box 2556, Elizabethtown, NC 28337
Phone: 910-862-8511 ext. 25 or 800-787-1333
Fax: 910-862-1482

GLENN B. ADAMS
Chairman

CHARLES E. EVANS
Vice Chairman

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**CUMBERLAND
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NORTH CAROLINA
BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

ITEM NO. 6D

December 14, 2016

December 19, 2016 Agenda Item

TO: Board of Commissioners

FROM: Kellie Beam, Deputy Clerk to the Board *KB*

SUBJECT: Senior Citizens Advisory Commission

BACKGROUND: At their November 21, 2016 meeting, the Board of Commissioners nominated the following individual to fill one (1) vacancy on the Senior Citizens Advisory Commission.

Sonja Sato (new appointment)

I have attached the current membership list for this commission.

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

Attachment

pc: Mary Galyean, Senior Programs Supervisor

SENIOR CITIZENS ADVISORY COMMISSION
(Joint Fayetteville/Cumberland County)
2 Year Term
(County Appointees)

Name/Address	<u>Date</u> Appointed	Term	Expires	<u>Eligible For</u> Reappointment
VACANT (Vacated by N. Ruffin)	6/15	2nd	June/17 6/30/17	No
Carey D. Berg PO Box 87326 Fayetteville, NC 28304 425-9754/568-7742	9/15	1st	Sept/17 9/30/17	Yes
Edna Cogdell 734 Ashburton Drive Fayetteville, NC 28301 488-4582/624-4558	10/15	2nd	Oct/17 10/31/17	No
Willie F. Wright 196 Darrock Ct Fayetteville, NC 28311 822-6415/868-8351	12/15	1 st full term	Dec/17 12/31/17	Yes
		(serving unexpired term; eligible for one additional term)		
Patricia Fairley 4818 Arbor Road Fayetteville, NC 28311 488-8187/850-4649	9/15	1st	Sept/17 9/30/17	Yes
Augusta Newman 450 Bladen Circle Fayetteville, NC 28312 709-8344/555-5555	6/16	1st	Jun/18 6/30/18	Yes
Meagan Elise Honaker 5418 Phillips Street Hope Mills, NC 28348 988-8505/429-7223	6/16	1st	Jun/18 6/30/18	Yes

Contact: Mary Galyean– Senior Citizens Center Director – Phone: 433-1574
(Interoffice – Parks and Recreation)

Regular Meetings: 2nd Tuesday of each month at 2:30 PM
LaFayette Room – City Hall