
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JUDGE E. MAURICE BRASWELL
CUMBERLAND COUNTY COURTHOUSE - ROOM 118
NOVEMBER 16, 2020
6:45 PM

INVOCATION - Commissioner Jimmy Keefe

PLEDGE OF ALLEGIANCE -

RECOGNITION

County Commissioners for Receiving the Award of Merit from the Greater Fayetteville Chamber
County Commissioners and County Manager by the Cumberland County Fire Chiefs Association

PUBLIC COMMENT PERIOD

1. APPROVAL OF AGENDA

2. CONSENT AGENDA

- A. Approval of November 2, 2020 Regular Meeting Minutes
- B. Approval of FY2020-2021 JCPC Unallocated Funding Recommendations
- C. Approval of Agreement of Conditions and Local Governmental Resolution for Funding the North Carolina Human Trafficking Commission for Cumberland County Human Trafficking WORTH Court and Approval of Budget Ordinance Amendment #B-210326
- D. Approval of Budget Ordinance Amendments for the November 16, 2020 Board of Commissioners' Agenda
- E. Approval of Cumberland County Board of Commissioners Agenda Session Items
 - 1. Cumberland County Schools Facility Needs Survey 2021 - 2025
 - 2. Updated 2020 Fayetteville-Cumberland Parks & Recreation Master Plan
 - 3. Cumberland County Community Transportation Program 2020 System Safety Plan
 - 4. Cumberland County Community Transportation 2020 Title VI Program Plan
 - 5. North Carolina Non-Congregate COVID-19 Sheltering Memorandum of Agreement
 - 6. Community-Based Virtual Learning Center Selection
 - 7. Memorandum of Agreement (MOA) Between the United States Department of Agriculture, Natural Resources Conservation Service and the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water

Conservation and the Cumberland Soil and Water Conservation District and the County of Cumberland, North Carolina

8. Electrical Switchgear Replacement at the E. Maurice Braswell Courthouse
9. Extension of Janitorial Contract with 360 Brands and Associated Budget Ordinance Amendment #B211176
10. Workforce Development Finish Line Grant Award for Administration and Operations and Associated Budget Ordinance Amendment #B210914
11. Qualification-Based Selection Lists for Professional Services Related to Engineering and Infrastructure Projects
12. Request of the Town of Wade to Relinquish Its Jurisdiction to the County for Minimum Housing Code Enforcement

3. PUBLIC HEARINGS

- A. Public Hearing for 5311 and Approval of Submission of FY 2022 Applications for the Community Transportation Program (5311, 5310, 5307) Grant Funds and Resolution

Uncontested Rezoning Cases

- B. Case P15-09
- C. Case P20-37
- D. Case P20-48
- E. Case P20-49
- F. Case P20-50

Contested Rezoning Cases

- G. Case P20-47

4. ITEMS OF BUSINESS

- A. Consideration of Holding a Public Hearing on the Financing of the Emergency Operations Center (EOC) Capital Project and the Fayetteville Technical Community College (FTCC) Fire Training Center
- B. Consideration of Resolution Opposing Fuquay-Varina's Interbasin Transfer Certificate Request

5. NOMINATIONS

- A. Board of Adjustment (1 Vacancy)
- B. Civic Center Commission (1 Vacancy)
- C. Cumberland County Juvenile Crime Prevention Council (3 Vacancies)
- D. Tourism Development Authority (3 Vacancies)
- E. Transportation Advisory Board (7 Vacancies)

6. APPOINTMENTS: There are no appointments for this meeting

7. CLOSED SESSION:

- A. Economic Development Matter(s) Pursuant to NCGS 143.318.11(a)(4)
- B. Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6)

ADJOURN

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), SPECTRUM CHANNEL 5.

IT WILL BE REBROADCAST ON WEDNESDAY, NOVEMBER 18, AT 7:00 PM AND FRIDAY, NOVEMBER 20, AT 10:30 AM.

REGULAR BOARD MEETINGS:

December 7, 2020 (Monday) - 7:00 PM
December 21, 2020 (Monday) - 6:45 PM



OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DUANE T. HOLDER, DEPUTY COUNTY MANAGER

DATE: 11/10/2020

SUBJECT: APPROVAL OF FY2020-2021 JCPC UNALLOCATED FUNDING RECOMMENDATIONS

BACKGROUND

The Cumberland County Board of Commissioners approved the FY2020-2021 Juvenile Crime Prevention Council (JCPC) funding recommendations at their June 15, 2020 Budget Session. The State Division of Adult Correction and Juvenile Justice (DACJJ) Office approved total funds in the amount of \$1,119,291, which included \$30,000 in unallocated funds. The FY2020-2021 funding included an allocation to the Fayetteville Police Department in the amount of \$10,000, which was conditional funding for housing/shelter of juvenile victims of human trafficking. During the first quarter of FY20-21, the Fayetteville Police Department provided a letter stating that they would be returning the \$10,000 in funding because Medicaid was available to provide the sheltering of juveniles. The JCPC Council met in October and voted to incorporate the \$10,000 to the unallocated funding, bringing the total available funds to \$40,000.

The JCPC Council requested currently funded programs to submit requests for proposals (RFPs) to apply for the \$40,000 available in unallocated funding. RFPs were received and reviewed by the JCPC Finance Committee on November 3, 2020 and referred their recommendations to the full JCPC Council for approval. The JCPC Council approved the funding recommendations as follows for submission to the November 16, 2020 Board of Commissioners Meeting for final approval:

Cumberland County Communicare - Electronic Medical Records	\$10,000
Cumberland County Dispute Resolution - Teen Court	\$ 4,251
Fayetteville Police Department - WORTH Court	\$ 9,360
Fayetteville Urban Ministries - Career Readiness Program	\$16,389
Total:	\$40,000

As per the North Carolina Department of Public Safety (NCDPS) guidelines, this funding must be awarded

and approved by December 31, 2020 in NCALLIES.

RECOMMENDATION / PROPOSED ACTION

Approve the funding recommendations of the JCPC Council to the programs as listed above in order to meet the NCDPS deadline of December 31, 2020.

ATTACHMENTS:

Description

Type

FY2020-2021 JCPC Unallocated Funding Recommendations

Backup Material

CUMBERLAND County

NC DPS - Community Programs - County Funding Plan

Available Funds: \$ \$1,119,291 Local Match: \$ \$784,415 Rate: 20%

DPS JCPC funds must be committed with a Program Agreement submitted in NC Allies and electronically signed by authorized officials.

#	Program Provider	DPS-JCPC Funding	LOCAL FUNDING			OTHER State/Federal	OTHER Funds	Total	% of 2011 DPS-JCPC Program Revenues
			County Cash Match	Local Cash Match	Local In-Kind				
1	Cumberland County JCPC Administrative	\$15,500						\$15,500	
2	Communities United for Youth Development	\$6,000			\$1,200			\$7,200	17%
3	Cumberland County Communicare FACT	\$190,000	\$80,000		\$9,724			\$279,724	32%
4	Cumberland County Communicare (JAC)	\$277,078	\$32,232		\$38,440			\$347,750	20%
5	Cumberland County DSS Group Care	\$147,000	\$213,021		\$87,857		\$130,000	\$577,878	75%
6	Cumberland County Dispute Resolution (Teen Court)	\$95,080	\$20,495	\$960	\$28,020			\$144,555	34%
7	Falling Run Missionary Baptist Church	\$25,000		\$1,000	\$22,967			\$48,967	49%
8	Fay. Police Dept - Juvenile Restitution Program	\$53,411	\$12,152	\$12,151				\$77,714	31%
9	Fay. Police Dept - WORTH Court	\$9,360		\$1,872				\$11,232	17%
10	Fayetteville Urban Ministries - Find-A-Friend (Afterschool Program)	\$99,864	\$9,657	\$33,547	\$22,704			\$165,772	40%
11	Fayetteville Urban Ministries - Find-A-Friend (Career Readiness Program)	\$64,932			\$18,883			\$83,815	23%
12	Greater Life of Fayetteville, Inc. (GLOF)	\$50,000			\$120,220			\$170,220	71%
13	Pickens Peace Project	\$86,066			\$17,313			\$103,379	17%
14									
15									
16									
17									
18									
TOTALS:		\$1,119,291	\$367,557	\$49,530	\$367,328		\$130,000	\$2,033,706	45%

The above plan was derived through a planning process by the CUMBERLAND County
Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in FY 2020-2021.

Amount of Unallocated Funds _____

Amount of funds reverted back to DPS _____

Discretionary Funds added _____

check type ☒ Initial plan ☒ update ☐ final

-----DPS Use Only-----

Reviewed by _____
Area Consultant Date

Reviewed by _____
Program Assistant Date

Verified by _____
Designated State Office Staff Date

Chairperson, Juvenile Crime Prevention Council (Date)

Chairperson, Board of County Commissioners (Date)
or County Finance Officer



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www.cccommunicare.org

To: Nichelle Gaines, JCPC/MDP Coordinator
From: Sarah Hallock, Executive Director

October 26, 2020

Re: Unallocated Funds Request

In response to the availability of Unallocated funds, Cumberland County CommuniCare would like to submit a request for the following:

Priority #1: CommuniCare has been selected by the NC Child Treatment Program to participate in an evidenced-based learning collaborative that addresses Problematic Sexual Behavior (PSB-previously termed Sex Offender) through family based cognitive behavioral therapy. The learning collaborative requires a team of a minimum of four clinicians to participate in the PBS collaborative.

In the JCPC RFP for FY21, Sex Offender treatment was listed as a prioritized service by the CCJCPC. In FY20, the Clinical Assessment Component of FACT served 150 youth. Until a month ago, there were only four staff to cover the needs of all clinical assessments for youth, which means they are conducting approximately 37 clinical assessments per month. The number of at-risk and court involved youth receiving outpatient clinical counseling for mental health and substance use disorders have increased consistently over the past three years. DAC/JJ data from March 2020, indicate 50 youth in the 12th District that need PSB assessment and counseling services. **Cumberland has the highest number of youth adjudicated for PSB charges in the state of North Carolina.**

The PSB learning collaborative will begin training and education in the January-February. We are requesting consideration of \$20,000 to add another clinician to assist in meeting the demand for existing and the addition of PSB assessment and family therapy services.

CommuniCare is an umbrella agency that provides and supports prevention / early intervention to at-risk children and their families in Cumberland County through community-based collaboration.



A United Way of CC partner agency



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PSB Model Information

The model, PSB-CBT, is a group treatment model originally designed to treat youth ages 13 to 18 who present with PSB. The PSB-CBT treatment approach uses concurrent groups for youth and their caregivers with combined multi-family group sessions about once a month.

Active participation of a caregiver is required, with the caregiver defined as the person who provides primary care of the child in the home (e.g., mother, father, step-parent, grandparent, foster parent). PSB-CBT shares the common theory base and core components of evidence-based programs (EBP) for PSB. The underlying approach is strengths-based, focusing on the youth as children first with capacity to learn and implement appropriate behavior, make safe decisions, and develop healthy relationships. Using cognitive-behavioral approaches, the youth are taught rules about sexual behavior and specific skills of coping, self-control, and decision making. Core treatment components with caregivers address managing child behavior, supporting healthy development, sex education, abuse prevention, and rules about sexual behavior. The PSB-CBT treatment manual provides structure and guidelines to the sessions, but it is not a “cookbook” that is rigidly implemented. Rather, the therapists implement the core component with adaptations to fit the families being served. The group modality includes sessions with the children and caregivers together concurrently. These sessions are about once a month. For the family modality, sessions vary in terms of setup: Caregiver alone, child alone, and the family together.

Based on the research on PSB-CBT, the program was given a “strong” rating by the Collaborative Outcome Data Committee (CODC; Hanson, Bourgon, Helmus, & Hodgson, 2009) and is ranked as “Effective” in the OJJDP Program Model Guide. A ten-year follow-up with preteen youth randomized to PSB-CBT found recidivism rates comparable to youth with behavior problems but no previous history of PSB (2-3%), and significantly lower than youth randomized to the play therapy treatment group condition (10%; Carpentier et al., 2006).

Model Training and Fidelity Requirements

Providers seeking to become certified to implement PSB-CBT must meet the following training and consultation requirements for the school-age model. Through this process, providers implementing the group modality will need to complete requirements for both youth and caregiver groups. Completion of these requirements and fidelity in the school-age group or family modality is determined by the PSB-CBT Master Trainers, or Approved Trainer. Training, including fidelity modality requirements include:

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1. Completion of the full exploration of PSB fit-to-agency process as demonstrated by completion of the OUHSC PSB-CBT Program Organizational Assessment and Agency Application after the community has self-evaluated readiness.
 2. Completion of all required readings and pre-work assignments resulting from review of the exploration phase materials.
 3. Attendance and active participation in a PSB-CBT intensive clinical training approved by the OU PSB-CBT T/TA Program.
 4. Completion of at least one-year (12-months) of experience conducting PSB-CBT treatment with a minimum of four families (e.g., caregiver and youth) in group modality, or six-months with a minimum of two families in the family modality through completion.
 5. Implementation of the PSB-CBT model per the treatment curriculum and with appropriate conceptualization of youth with PSB.
 6. Active participation in consultation calls, at minimum 80% attendance, facilitated by an OU PSB-CBT Approved Trainer until fidelity to the model has been met. "Actively participated" means, at a minimum, directly involved in consultation discussion, regularly sending recorded sessions to a Master Trainer for fidelity monitoring, and evidence of application of feedback from consultation by a PSB-CBT Approved Trainer.
 7. Regularly submit recordings of PSB-CBT sessions for fidelity monitoring by a Master Trainer or Approved Trainer. Clinicians are encouraged to review own recordings using the OU PSB-CBT fidelity monitoring forms to evaluate their own performance.
 8. Demonstrate competence in assessing PSB families' progress in treatment using clinical judgement and the CSBI (and other standardized measures) to make appropriate decisions about completion of PSB-CBT treatment services.
 9. Upon successful completion, clinician must agree to continue to implement the OU-PSB-CBT model(s) with fidelity and adhere to administrative decisions from OU PSB-CBT T/TA Program regarding the OU PSB-CBT model. Meeting the above requirements is the first step to becoming a Within-Agency Trainer
- **Priority #2: Implementation of Zoobook electronic health records management system.** This is critical because of the nature of the work the agency performs as the juvenile court Assessor and in consideration of other essential clinical services provided to this target population. **Providers conducting clinical services are required to have an electronic health records system.** CommuniCare must change systems to acquire the necessary data, tracking,

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analytics and other functions not available on our current system. Zoobook also includes fully encrypted, HIPAA compliant fax, email and texting systems in addition to a telehealth video conferencing platform that meets all HIPAA compliance requirements. Due to a surge in programming and referrals from RtA and the COVID19 pandemic, the agency must re-evaluate the current system in order to meet the demands for performance indicators, data and analytics.

- The **\$10,000** requested includes JCPC outcomes reporting, evaluation, productivity, clinical and program compliance and performance dashboard development and configuration. This fee includes staff training and set up costs for creating all of the forms and data elements required to track individual and program outcomes; process evaluations, corporate level data and analytics. All JCPC forms including client tracking information and other data tracking for SPEP and school suspensions, runaways, detention/YDC commitments and other JCPC related data is included in this price. **The vendor has stated that other JCPC programs that may be interested in converting to an EHR/analytics platform could do so with this system and not have to pay costs around the development of the JCPC related forms, documents, reporting and data sets.**

This system is a fully integrated, HIPAA compliant data management and billing software system. The system provides the highest quality all safety/security and firewall protection, fully encrypted messaging, patient eligibility and billing components. The EHR provides secure E-scribing capabilities for the psychiatric professional serving adolescents in our agency. This system also provides clinical/case notes functions and client outcomes tracking mechanisms. A mental health status is incorporated in the program that will provide summary tracking of symptoms for all clients. All specialized documents for training, notes, HIPAA compliant test messaging (appointment reminders) is included. This system contains the most inclusive package for the pricing. Other systems require up to \$70,000 in implementation costs and up to \$4,000 in monthly charges. This is an affordable system is best meets the needs of the agency and demands for data and analytics, client progress reporting, documentation of treatment plans and many other important functions.

As the state moves forward in Medicaid transformation, every program must have proven data and analytics to meet the NC Health Information Exchange (HIE—to which we will be required to provide data), Medicaid and Tailored Plan standards.

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UNALLOCATED FUDING REQUEST BUDGET SUMMARY

Additional clinical staff member (requesting 40% of the cost of one position)	\$20,000
 Zoobook® Configuration and Implementation	 \$10,000
 Total request:	 \$30,000

Please do not hesitate to contact me at 222.6089 for questions or should you need assistance. I appreciate your consideration of our request.

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October 26th, 2020

The Cumberland County
Dispute Resolution Center & Teen Court
321 Dick St, Ste 104
Fayetteville, NC 28301

RE: RFP for FY2020/2021 Unallocated JCPC Funds

Dear Cumberland County JCPC,

The Cumberland County Dispute Resolution Center would like to request available unallocated JCPC funds that will allow our Teen Court program to continue our virtual services more efficiently and safely. We are asking for \$4,250.70 to add 3 mobile devices and mobile service, as well as accessories to protect the mobile devices. We are choosing to go with Spectrum Business due to the fact that we currently have Spectrum Business Internet. Each item's expense as given by a Spectrum associate breaks down as follows:

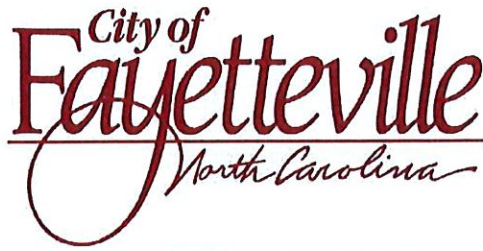
3 x Apple iPhone 12 devices @ \$1,099/ea. = **\$3,297**
3 x Spectrum Unlimited Data Service Plan @ \$45.00/mo for 8 mos
(November 2020-End of current FY) = **\$360.00**
3 x Spectrum Mobile Protection Plans @ \$15.00/mo for 8 mos
(November 2020-End of current FY) = **\$120.00**
3 x OtterBox Figura Series Case with MagSafe @ \$49.95/ea. = **\$149.85**
3 x OtterBox iPhone 12 Glass Screen Protector @ \$49.95/ea. = **\$149.85**
3 x MagSafe Charger @ \$39.00/ea. = **\$117.00**
3 x 20W USB-C Power Adapter @ \$19.00/ea. = **\$57.00**
Total: **\$4,250.70**

By adding these devices and the accompanying mobile service and accessories to our program, our clients will be able to better reach staff members who are working remotely and away from the office. Additionally, this will protect our staff members from having to use their own personal device and contact number while away from the office. Furthermore, these devices will provide the capability of virtual meetings such as Zoom, WebEx, Google Meet, etc. when necessary. The staff positions who will have a device will be the Executive Director, the Teen Court Coordinator and the Teen Court Support Staff member. Although this request is directly related to the Covid-19 pandemic and our response to it, adding these devices and services will continue to benefit our program and clients for years to come by providing an additional means of contact in a number of different scenarios. We thank you for your consideration of this request, and we look forward to your response.

Kind Regards,

Tina Estle

Tina Estle
Executive Director



POLICE DEPARTMENT

October 27, 2020

Nichelle Gaines, MS
Misdemeanor Diversion/JCPC Coordinator
Cumberland County Misdemeanor Diversion Program
412 W. Russell Street
Fayetteville, NC 28301

Ref: JCPC Supplemental Funds October 2020

Dear Ms. Gaines:

Please see the attached request from WORTH Court in Cumberland County, NC.

We are requesting fiscal resources for a .50FTE Juvenile Case Manager to support WORTH Court Juvenile Court services. The work of a human trafficking court is very specialized and as a diversion court focuses at a target population with specific outcomes that involve behavior modification and life changes. WORTH Court is a model court for all of North Carolina and it is important that we provide the most beneficial "best practices" for other courts in North Carolina to serve juveniles.

Cordially,

Tammy Pippen, Accreditation & Grant Manager

Fayetteville Police Department

467 Hay Street Fayetteville, NC 28301-5537
(910) 433-1819 | www.cityoffayetteville.org

JCPC Grant – WORTH Court – Fiscal Year 2020 – 2021 (October Supplemental Submission)

Program Concept and Multi-Disciplinary Services: WORTH Court is a pilot diversion court created to address juvenile and adult human trafficking issues in Cumberland County, NC. The word WORTH translates to “We Overcome Recidivism Thru Healing”. A survivor of human trafficking can enter into an agreement with the court system to engage in supportive care, treatment, counseling, focused interventions, and measured outcomes for 6 to 24 months. All encounters, sessions, and activities are reported to Judge Toni S. King and the court staff. The outcomes will impact the court decision on the end result of the initial legal charge(s). WORTH Court expects to serve 15 juveniles in PY 2020/2021.

Supportive Care Service Delivery: WORTH Court has twelve professional MOU service providers. The agencies provide housing, comprehensive clinical assessments, mental health and substance abuse counseling, food assistance, employment screening and job training, education linkages and skill assessments, medical and mental health care, and behavior modification/risk reduction education.

Focus of Juvenile Crime Prevention Council Funding: WORTH Court will focus the JCPC fiscal resources on Juvenile Case Management (Counseling, Juvenile Evaluation/Psychological Assessment, Crisis Intervention). Intervention services for juveniles requires special talents, skills, understanding, and clinical care training. The funds will ensure a continuum of care implemented after the Comprehensive Clinical Assessment (CCA) has been reviewed and accepted for development of the Care Plan.

Proposed Juvenile Program Services:

Behavioral Health Needs: At the point when a juvenile’s behavior escalates to interaction with the legal system, it has normally been out-of-control at home and in the school system. These behaviors are perpetuated by peers and environment. The WORTH Court options and opportunities can offer Case Management (juvenile counseling, juvenile evaluation/psychological assessment and supportive care).

Negative Peer Relationships: Association with others by a juvenile reinforces the behaviors that can lead to interaction with the court system. Juveniles feel welcome, acceptance, achievement, reward, and recognition by peers whose intent is less than honorable. Thus, the juvenile aligns with the court system and has to process the value of those prior associations with the options/opportunities/alternatives offered by WORTH Court. The Case Management Care Plan can address school behavior problems, school suspension issues and solutions in coordination with the schools, individualized mental health and substance abuse counseling, domestic/environment/parental as defined by all parties with mutually agreed upon solutions, and the individual peer relationship strategy for a healthy and positive outcome.

Data Collection, Reporting, Trend Monitoring, and Best Practices: WORTH Court has designed and implemented a Data Collection System that identifies each juvenile survivor of human trafficking by an algorithm number. This number protects the identity of the individual and is HIPAA compliant. Each court assigned referral, intervention, compliance or non-compliance activity, service delivered, and outcome is documented and reported in an abstract report.

The reports provide an opportunity for close monitoring of WORTH Court progress to ensure options for each human trafficking survivor. If agreed upon Care Plan options are not being successful, then other options are explored with the survivor. WORTH Court allows for flexibility in the Care Plan.

WORTH Court maintains a Best Practices Profile for the NC Human Trafficking Commission as a Pilot Court to be utilized by other NC Court Systems. Our best and non-so-good experiences for serving juveniles and adults is continually being documented to benefit the courts of North Carolina.

Programmatic Evaluation: WORTH Court has an evaluation process within the Data Collection System that records clinical care and non-clinical care outcomes. Examples are: 1) the length of time for an individual to complete the initial CCA and processes that can reduce that timeline, 2) the number of referrals per juvenile to clinical and non-clinical providers reflecting the scope and depth of referrals.

One basic component for evaluation is to track the number of counseling sessions, the length of time per counseling session, and the unit cost per session. This data and evaluation can benefit Care Plan development, budgeting for services, and the profession time needed to produce an outcome.

Program Goals: The WORTH Court has established four focused goals with the support and involvement of our Advisory Council. The Council has created a Committee to focus on each of the goals. The goals are as follows:

- Assist human trafficking survivors redirect their lives in a more positive and fulfilling direction to recover their dignity.
- Determine from our “best practices” the need for legislative and statutory changes in an effort to eliminate barriers to healing and recovery.
- Identify and procure fiscal resources and service provider resources to ensure that individual survivor care plans can be achieved successfully.
- Enhance community awareness of human trafficking and provide education to the legal and court partners, the faith-based community, medical and mental health providers, social supportive care entities, youth, military community partners, members of the local higher learning education institutions, and families.

Evaluated Risk and Needs: To date in 2020, WORTH Court has handled four juvenile human trafficking cases. The combined efforts of the local Sheriff’s Office, Fayetteville Police Department, District Attorney’s Office and community-based partners reflected a set of combined initiatives and operations to address human trafficking locally. With the creation of WORTH Court, we are addressing the need to intervene, offer alternatives, define best practices, and produce positive outcomes for survivors. The efforts to evaluate our local risk is based on the national human trafficking indicators which are location, population, and opportunities. Our county being geographically serviced by a major highway system, a large military installation, more than 250,000 citizens, transit population due to the military installation, low wages and high poverty pockets, and local/regional sports complexes.

Location: Our service delivery area is Cumberland County. We recognize that persons conducting human trafficking and those being trafficked will come to or pass through our county. Thus, we will market awareness as we target local residents and visitors to our communities and our local events.

Operation Schedule of Program Operation: WORTH Court operates on a full-time basis with a full-time coordinator. Cumberland County court staff support the operations for WORTH Court. WORTH Court sessions occur each month on the third Friday of each month. We alternate between juvenile court one month and adult court the next month. Throughout each month the WORTH Court team works with the District Attorney’s Office, Public Defenders Office, Clerk of Court’s Office, and our network of MOU

service providers to enhance positive outcome options for human trafficking survivors. Action steps, care plan scheduled sessions, referrals, and outcomes are documented in the WORTH Court Data Base on a monthly basis.

Staff Positions: WORTH Court has four staff positions. Judge Toni S. King is the presiding judge within the 12th Judicial District. Bengie Hair is the Program Coordinator and is a 1.0 FTE contract employee with the County of Cumberland. Bobbi Mattocks and Daisie Thorne are Administrative Office of the Courts (NC) employees who serve as juvenile and domestic case managers. They are assigned to support the needs of survivors interacting with the court via a private attorney or the Public Defender's office. They assist the District Attorney's Office and the Clerk of Court with preparation of the WORTH Court docket.

Service Type SPEP: WORTH Court is the pilot court regarding human trafficking in North Carolina. The NC Human Trafficking commission provides the guidelines, protocols, and suggested structure for any judicial district court implementing a diversion court for human trafficking. Thus, there is not a SPEP Standardized Program Evaluation Protocol (STEP) for WORTH Court as defined by the Commission.

However, WORTH Court has developed a model SPEP based on standardized protocols utilized in our state by other diversion courts (Veteran's and Drug Trafficking courts). Our model for human trafficking SPEP (initial concept) includes basic demographics, date(s) of charge(s), first court appearance and first WORTH Court appearance, date of execution of WORTH Court enrollment documents with mutual attorney and survivor consent, referral date for a CCA, enrollment of clinical care services, monthly reporting on CCA care plan objectives to include appointment adherence, non-clinical care referrals to support care plan objectives, referrals for education and employment objectives/goals identified by the survivor, and documented outcomes at scheduled intervals. All data is entered and tracked within the WORTH Court data base, including barriers to care.

Admission Process

STEP 1: When an individual is charged with a criminal offense and has a first court appearance, the District Attorney's Office reviews the charges for possible diversion to the WORTH Court. Either one of the Assistant District Attorneys or the WORTH Court staff will provide a WORTH Court packet to the defense attorney for view relative to the District Attorney's recommendation.

STEP 2: Upon agreement to enroll in the WORTH Court Program, the defendant will be assigned a court appearance date for the next WORTH Court session. The defendant's attorney will have reviewed with the survivor all WORTH Court programmatic details and court expectations of the defendant.

STEP 3: After the first WORTH Court appearance, the defendant will be referred to one of the WORTH Court clinical care providers for a CCA. The CCA will be completed and the relative summary report will be provided to the court staff, District Attorney, defendant's private attorney or public defender, and other HIPAA consent entity.

STEP 4: The defendant will appear in WORTH Court with legal counsel on a scheduled WORTH Court date and updates on counseling progress and referrals for support and intervention will be acknowledged. Judge King will review with the Participant the need to complete a Life Plan.

STEP 5: Continuum of Care process and protocol that entails twelve or eighteen months of clinical and supportive care interventions, reporting to the court via personal appearance before Judge King,

tracking of progress or failure to succeed, new approaches and interventions as needed, and program partner referrals to support survivor success.

STEP 6: Completion of WORTH Court clinical care plan and life plan with review by Judge King, final appearance in WORTH Court before Judge King, and graduation from the WORTH Court program.

Termination Process: Anyone enrolled in WORTH Court has agreed to participate without mandate after review of the expected activities. If someone does not comply with the Participation Agreement and Addendum(s), then the court can discharge the defendant back to the district court docket or the court can work with the defendant to alter the clinical care plan and strive for success via another approach. As a diversion court, WORTH Court has flexibility, but it has to ensure that the human trafficking survivor is committed to the court efforts in helping the individual. The processes are mutually agreed upon and include appearing in court on assigned dates, engaging and continuing CCA care plan activities, and allowing referrals to a WORTH Court resources to be successfully implemented.

Referring Agency Interaction: WORTH Court has screened and executed MOU's with twelve community and local government based agencies who are willing to be a resource provider for juvenile human trafficking survivors. Additionally, each provider has agreed to a specific number of gratis services or gratis hours of service to support the development of WORTH Court as a diversion court. The resource list includes mental health and substance abuse agencies, transportation services, primary care and oral health providers, housing services, gender specific health assessments and treatment, employment screening and labor skill evaluations, and other supportive care

Interventions/Treatment: As noted, the executed Participant Agreement results in a CCA and ultimately a Care Plan. Depending on the CCA evaluation, the survivor's needs will be determined and ranked due to severity and immediacy of need. Most services will be based on out-patient clinical care. However, with the degree of trauma associated with human trafficking, there may be a need for an initial treatment program of 14 to 28 days. If substance abuse is integral to the human trafficking behavior, then "getting someone clean" is the first step to treatment and a continuum of counseling.

Best Practice Model: As a newly formed diversion court, WORTH Court is tracking best practices for future juvenile human trafficking models in North Carolina. Best practices are being noted in the following categories: 1) processes that are different, experimental, and legal, 2) roles of the district court judge, public defender, prosecutor, sheriff's office, city police department, and magistrate that are outside normal juvenile service functions, 3) recruiting community juvenile service providers, 4) evaluating juvenile service providers, 5) designing a juvenile case management operation(s) that ensures zero trauma actions, 6) how best to create and promote community awareness of Human Trafficking, 7) alternative post-WORTH Court options and opportunities to reduce recidivism, and 8) how to support a community of human trafficking survivors with additional healing initiatives and opportunities. The best practices overview will lead to the most efficient court flow model for staffing the court that ensures that all survivors can engage in the programmatic processes.

Budget

Budget Item	Budget Justification	Budget Request
Staffing Case Manager (0.50 FTE)	\$18 x 20 Hrs/week x 52 weeks	\$ 18,720
Subtotal:		\$
TOTAL BUDGET: JCPC		\$ 18,720

Budget Narrative

Staffing: One 0.08 FTE Case Manager (8% of the 1.0 FTE of \$40,000) \$ 18,720

TOTAL: \$ 18,720

Objectives

95%	Clients successfully satisfactorily completing the program will have no new adjudications in the 12 months following completion.
95%	Clients successfully satisfactorily completing the program will have no new complaints in the 12 months following completion.
95%	Clients will actively participate in mentoring activities as intended by the program design/service plan.
95%	Clients will demonstrate improvement in targeted skills identified in the individual service plan.
90%	Clients will have no new adjudications for a compliant with an offense date after the admission date.
90%	Clients will have no new complaints with an offense date after the admission date.
95%	Clients will reduce specific problem behaviors presented at referral and targeted in the individual service plan.
95%	Clients will successfully or satisfactorily complete services as intended by the program design/service plan.

HUMAN TRAFFICKING CASE MANAGEMENT

DESCRIPTION: The National Association of Case Management (2008) defines case management as “a professional practice in which the service recipient is a partner, to the greatest extent possible, in assessing needs, defining desired outcomes, obtaining services, treatments, and supports, and in preventing and managing crisis.” This collaborative process is intended to promote quality of care and cost-effective outcomes that enhance the physical, psychological, and vocational health of the participant. At the center of this process are the case manager and the client.

SIMPLIFIED ROLE OF CASE MANAGER:

- Viewed by service providers and law enforcement as a critical service for survivors.
- The key person for survivors as they interact with law enforcement, prosecutors, immigration attorneys, medical and mental health professionals, shelter/housing providers, child care providers, public benefits personnel, employers, and landlords.
- The single point of contact to assess a client’s need for services and support; identify, obtain, and coordinate services for the client; coordinate communications across systems; and serve as a liaison.
- Other functions include: translating for the victim or obtaining translation services; accompanying clients to appointments; assisting with transportation; and teaching clients basic life skills.
- For many case managers the most important service provided to their clients is general support.
- Or, spending time with a client because they are afraid of being identified by the trafficker.
- Offering reassurance and comfort to clients that is essential in building trust and rapport.
- The case managers are often the first and sometimes the only person a victim trusts.

CHALLENGES, LIMITATIONS, AND BENEFITS TO CASE MANAGEMENT

Given the multiple roles of the case manager and the comprehensiveness of the case management required by most trafficking survivors, case management comes with some challenges and limitations.

Resource Limitations.

- One of the most common challenges is the limited resources to support case management services.
- Those persons working with survivors described case management as a 24/7 responsibility.
- Agencies find it difficult to retain qualified case managers because the demands of the job are high.
- Some agencies have moved to part-time case managers; a challenge given the 24/7 responsibilities.

Length of Service Eligibility.

- Case managers note that time limits associated with some types of services, such as the 6 months or less and limited medical assistance, are often not sufficient to move a client from “crisis to thriving.”
- For some “eligibility” services, certification can take more than a year and resources require month-to-month approval. This is often the case with mental health and substance abuse treatment.
- There is general recognition in the field that significant time, and thus resources, are needed to build trust with clients, move them into recovery, and help them become self-sufficient.
- It also often takes time to convince victims to cooperate with investigations and prosecutions, and/or for law enforcement agencies and officials to determine that a trafficking crime has occurred.

Availability of Services.

- The role of the case manager in helping victims’ access services is viewed as essential for survivors.
- Accessing certain services can be a challenge in many communities, such as limited availability of emergency and permanent housing and specialty care clinical care providers.

- The availability of services ultimately can cause setbacks in the client's progress toward self-sufficiency.

Benefits of Case Management for Victims, Law Enforcement and Prosecutors

Despite these challenges, case management is viewed as a critical service that has benefits not only for the survivor, but for other stakeholders in human trafficking and program participant outcomes.

Benefits for Victims.

- First and foremost, the case manager is seen as critical for service provision coordination.
- The case manager will meet with the providers to ensure culturally sensitive services.
- A service plan is successful when it is developed with consideration of the client's background.

Client-Specific, Flexible Approaches.

- A promising approach: work with clients from where they are and move them toward self-sufficiency.
- It is important to be flexible and start where the client is most comfortable instead of making assumptions about the client and his/her abilities.
- Move clients toward self-sufficiency to include teaching them how to do things for themselves.
- Gradually decrease the case manager and others involvement and dependency.
- The timeline toward self-sufficiency varies by client, and therefore a single approach does not work.

Collaborating with Others.

- Work collaboratively with other agencies to adequately and effectively meet the needs of survivor's.
- Case managers note that collaboration is essential to helping survivors with seamless services.
- Collaboration among case managers from different agencies who are providing services to victims.
- Collaboration between case managers and law enforcement and attorneys.
- Collaboration through formal agreements, information-sharing protocols; and shared policies, practices, and procedures.

Consistent, Central Case Manager.

- Important to assign a single case manager for each human trafficking survivor.
- The more change or turnover in case managers the more difficult it is to make progress with clients.
- A central point of contact is a practice toward ensuring seamless service delivery and effective communication across all agencies, including law enforcement.

Self-Care for the Case Manager.

- An overall theme across service providers, is to provide support for the case managers.
- They experience long hours, emotional commitment, and trauma needs recognition and attention.
- There is stress, frustration, and difficulty providing services and support needed by their clients.
- They need the time to deal with their own reactions to these cases

SUMMARY. Case management services are vital to a survivor's road to recovery. While faced with challenges and limitations, service provider agencies and case managers have found ways to overcome these barriers through promising approaches to effective case management. Consistent, compassionate, culturally competent and dedicated case managers are offering comprehensive case management services and support to survivors of human trafficking and are producing positive results for their clients and funding agencies, as well as benefiting law enforcement.



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October 26, 2020

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Ms. Nichelle Gaines, JCPC Coordinator
Cumberland County Pre-Trial Services Office
412 W. Russell Street
Fayetteville, NC 28301

RE: Request for Proposals (RFP) JCPC FY 2020-2021 Unallocated Funding Availability

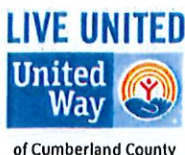
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Fayetteville Urban Ministry is requesting **\$40,000.00** from the Cumberland County Juvenile Crime Prevention Council in support of our new On-The-Job Training (OJT) component for our JCPC Career Readiness Program.

Fayetteville Urban Ministry will offer paid OJT internship opportunities to 8 Career Readiness Program enrollees annually. Program enrollees that are interested in the OJT component will prepare a letter of interest, complete an application and participate in an interview with a staff/peer comprised selection board. Once selected, an appointment will be made with a Career Readiness staff member for a supervised shopping trip to select and purchase professional attire as each Student Intern will receive a \$200.00 stipend for these purchases and will retain the clothing for personal use at the completion of the OJT program. The Student Intern will also be provided an iPad to be used in the execution of their internship duties, however, the iPad will be kept on site and returned at the completion of the internship to be utilized by future enrollees.

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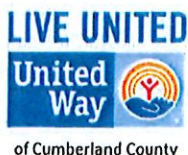
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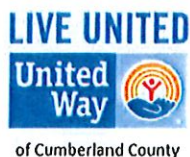
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Project Budget

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Operations	\$0.00	\$2,000.00	\$2,000.00	Project Implementation
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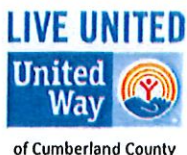
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Patricia Jackson
Operations Manager
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Tax Id #58-1354139





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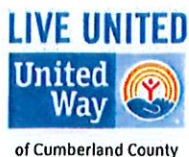
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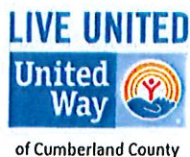
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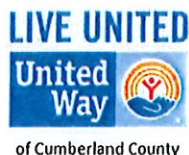
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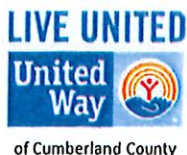
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OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DUANE T. HOLDER, DEPUTY COUNTY MANAGER

DATE: 11/12/2020

**SUBJECT: APPROVAL OF AGREEMENT OF CONDITIONS AND LOCAL
GOVERNMENTAL RESOLUTION FOR FUNDING THE NORTH
CAROLINA HUMAN TRAFFICKING COMMISSION FOR
CUMBERLAND COUNTY HUMAN TRAFFICKING WORTH COURT
AND APPROVAL OF BUDGET ORDINANCE AMENDMENT #B-210326**

BACKGROUND

The North Carolina Human Trafficking Commission (NCHTC), the North Carolina Administrative Office of the Courts (NCAOC), and Cumberland County are dedicated in working together in assisting State courts in addressing human trafficking in our state. The purpose of this grant is to fund the WORTH Court Project by supporting and insuring the best practices of human trafficking survivors and providing collaborative efforts with service providers to develop training opportunities, outreach efforts, education and community awareness of human trafficking.

The NCHTC and the NCAOC have requested that Cumberland County Government act in the capacity of contracting agency for the WORTH Court Project as indicated in the attached documents in an amount not to exceed \$105,193.54. This funding will continue to support the existing human trafficking WORTH Court initiative.

The Agreement of Conditions is attached for consideration by the Cumberland County Board of County Commissioners. The term of said agreement would be effective upon approval and expire at June 30, 2021.

RECOMMENDATION / PROPOSED ACTION

County Management requests approval of the Agreement of Conditions with the North Carolina Human Trafficking Commission and the North Carolina Administrative Office of the Courts and approval of the Local Government Resolution and associated Budget Ordinance Amendment #B-210326 in order to recognize the

grant funds in the amount of \$105,193.54 and authorize the County Manager to sign the required documents.

ATTACHMENTS:

Description	Type
North Carolina Human Trafficking Commission - Agreement of Conditions (November 16, 2020 BOC Meeting)	Backup Material
North Carolina Human Trafficking Commission Grant - Local Governmental Resolution (November 16, 2020 BOC Meeting)	Backup Material

North Carolina Human Trafficking Commission Agreement of Grant Conditions

This Agreement is made by and between the North Carolina Human Trafficking Commission, hereinafter referred to as the "NCHTC", to include the North Carolina Administrative Office of the Courts, hereinafter referred to as the "NCAOC"; and the applicant agency, Cumberland County, for itself, its assignees and successors in interest, hereinafter referred to as the "Agency". The purpose of these grant conditions is to fund the WORTH Court project as described in the attached proposal in an amount not to exceed \$105,193.54. During the performance of this contract, and by signing this contract, the Agency agrees as follows:

A. Federal and State Compliance Provisions

1. **Equal Opportunity/Nondiscrimination.** The Agency agrees to comply with all Federal and State statutes, including implementing regulations relating to nondiscrimination concerning race, color, sex, religion, national origin, handicap, and age.
2. **Political Activity.** The Agency and its employees agree to comply with provisions of Article 5 of Chapter 125 of the General Statutes which limits the political activities of persons in positions that are paid with State funds.
3. **Restriction on Lobbying.** None of the funds under this program shall be used for any activity specifically designed to urge or influence a Federal, State or local elected official to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities.
4. **Non-Governmental Entities.** Non-governmental entities (not-for-profit and for-profit entities) must adhere to N.C. Gen. Stat §143C-6-22.

B. General Provisions

1. **Contract Changes.** This document contains the entire agreement of the parties. No other contract, either oral or implied, shall supersede this Agreement. Any proposed changes in this contract that would result in any change in the nature, scope, character, or amount of funding provided for in this contract, shall require NCAOC and NCHTC approval via a written addendum to this contract.
2. **Subcontracts Under This Contract.** The Agency shall not assign any portion of the work to be performed under this contract, or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this contract without the prior written approval of the NCAOC and NCHTC. Any subcontract under this contract must include all required and applicable clauses and provisions of this contract. Subcontracting does not relieve the Agency of any of the duties and responsibilities of this agreement. The subcontractor must comply with standards contained in this agreement and provide information that is needed by the Agency to comply with these standards. The Agency must submit any proposed contracts for subcontracted services to the NCAOC and the NCHTC for final approval no less than 30 days prior to acceptance.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiation, made by the Agency 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 Agency of the Agency's obligations under this contract.

4. **Outsourcing.** All work shall be performed in the United States of America. No work shall be outsourced outside the United States of America.
5. **Property and Equipment.**
 - (a) **Maintenance and Inventory.** The Agency shall maintain and inventory all property and equipment purchased under this contract.
 - (b) **Utilization.** The property and equipment purchased under this contract must be utilized by the Agency for the sole purpose of furthering the victims services efforts of the Agency for the entire useful life of the property or equipment.
 - (c) **Title Interest.** The NCHTC and NCAOC retain title interest in all property and equipment purchased under this contract. In the event that the Agency fails or refuses to comply with the provisions of this Agreement or terminates this contract, the NCHTC, at its discretion, may take either of the following actions:
 - (i) Require the Agency to purchase the property or equipment at fair market value or other mutually agreed to amount; or
 - (ii) Require the Agency to transfer the property or equipment and title of said property or equipment, if any, to the NCHTC or to another Agency, as directed by the NCHTC.
 - (d) **Non-expendable Property.** Non-expendable property is defined as property or equipment having a value of \$500 or more with a life expectancy of more than one year. Non-expendable property purchased under this contract cannot be sold, traded, or disposed of in any manner without the expressed written permission of the NCHTC.
7. **Educational or Other Materials.** If allowed, any educational or other materials developed using funds from this contract must be reviewed and approved by the NCHTC prior to their production or purchase. The cost of these materials is generally limited to a maximum of \$5.00 per item. The purchase of promotional items and memorabilia are not an allowable cost.
8. **Review of Reports and Publications.** Any reports, papers, publications, or other items developed using funds from this contract must be reviewed and approved by the NCHTC prior to their release. All materials and publications (written, visual, or sound) resulting from grant activities shall contain the following statements: "This project was supported by a grant from the North Carolina Human Trafficking Commission and the North Carolina Administrative Office of the Courts. The opinions, findings, conclusions, and recommendations expressed in this publication or program are those of the author and do not necessarily reflect the views of the North Carolina Human Trafficking Commission or the North Carolina Administrative Office of the Courts."
9. **Project Costs.** It is understood and agreed that the work conducted pursuant to this contract shall be done on an actual cost basis by the Agency. The amount of funding from the NCHTC shall not exceed the estimated funds budgeted in the approved contract. The Agency shall initiate and prosecute to completion all actions necessary to enable the Agency to provide its share of the project costs at or prior to the conclusion of the project. All unexpended grant funds shall be remitted to the NCAOC within thirty (30) days of the project completion date.
10. **Project Directors.** The Project Director, as specified on the signature page of this Agreement, must be an employee of the Agency or the Agency's governing body.
11. **Quarterly Reports.** The Agency shall submit quarterly reports to the NCHTC on forms provided by the NCHTC, unless otherwise directed.

- 12. Final Report.** A Final Accomplishments Report must be submitted to the NCHTC within fifteen (15) days of completion of the project, on forms provided by the NCHTC, unless otherwise directed.
- 13. Out-of-State Travel.**
- (a) **General.** All out-of-state travel funded under this contract must have prior written approval by the Executive Director of the NCHTC.
 - (b) **Requests.** Requests for approval must be submitted to the NCHTC, on forms provided by the NCHTC, no less than thirty (30) days prior to the intended departure date of travel.
 - (c) **Agency Travel Policy Required.** Maximum allowable travel, lodging, and subsistence expenses are limited to the rates established by the Judicial Branch Travel Policy.
 - (d) **Agenda Required.** Out-of-state travel requests must include a copy of the agenda for the travel requested.
- 14. Conditions for Local Governmental Agencies.**
- (a) **Resolution Required.** If the Agency is a local governmental entity, a resolution from the governing body of the Agency is required.
 - (b) **Resolution Content.** The resolution must contain an expression of approval of the project and a commitment from the governing body to provide any local funds as indicated in this contract.
- 15. Prohibited Interests.** No member, officer, or employee of the Agency during his or her tenure, and for at least two (2) years thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof or therefrom.
- 16. Continued State Funding.**
- (a) **State Funding.** The Agency agrees and understands that continuation of this project with funds from the State of North Carolina is contingent upon State funds being appropriated by the General Assembly specifically for that purpose.
 - (b) The Agency also agrees that any state funds received under this contract are subject to the same terms and conditions stated in this Agreement.
- 17. Performance.** All grants provided by the NCHTC are performance-based and, as such, require that continual progress be made toward providing direct services to victims of human trafficking. Any agency, whose performance is deemed unsatisfactory by the NCHTC, shall be subject to the sanctions as provided for in this contract. Additionally, unsatisfactory performance shall be cause for the NCHTC to reduce or deny future funding.
- 18. Resolution of Disputes.** Any dispute concerning a question of fact in connection with the work not disposed of by contract by and between the Agency and the NCHTC, or otherwise arising between the parties to this contract, shall be referred to the Director of the Administrative Office of the Courts and the authorized official of the Agency for a negotiated settlement. In any dispute concerning a question of fact in connection with the project where such negotiated settlement cannot be resolved in a timely fashion, the final decision regarding such dispute shall be made by Director of the Administrative Office of the Courts, and shall be final and conclusive for all parties.
- 19. NCHTC Held Harmless.**
- (a) **For State Agencies.** Subject to the limitations of the North Carolina Tort Claims Act, the Agency shall be responsible for its own negligence and holds harmless the NCAOC, the NCHTC, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract.

- (b) **For Agencies Other Than State Agencies.** The Agency shall be responsible for its own negligence and holds harmless the NCAOC, the NCHTC, its officers, employees, or agents, from all claims and liability due to its negligent acts, or the negligent acts of its subcontractors, agents, or employees in connection with their services under this contract in an amount not to exceed \$105,193.54.
- 20. Records Access and Retention.** The Agency 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 NCAOC, the NCHTC, or the State to be pertinent to ascertain compliance with such regulations, orders and instructions. Furthermore, the Agency shall maintain such materials during the contract period, and for five (5) years from the date of final payment from the NCHTC or until all audit exceptions have been resolved, for such inspection and audit. Pursuant to N.C. Gen. Stat. §147-64.7, the NCAOC, the NCHTC, the State Auditor, appropriate federal officials, and their respective authorized employees or agents are authorized to examine all books, records, and accounts of the Agency insofar as they relate to transactions with any board, officer, commission, institution, or other agency of the State of North Carolina pursuant to the performance of this Agreement or to costs charged to this Agreement.
- 21. Sanctions for Non-Compliance.** The applicant Agency agrees that if it fails or refuses to comply with any provisions and assurances in this contract, the NCAOC or the NCHTC may take any or all of the following actions:
- (a) Cancel, terminate, or suspend this contract in whole or in part;
 - (b) Withhold funding to the Agency until satisfactory compliance has been attained by the Agency;
 - (c) Refrain from extending any further funding to the Agency under this contract with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Agency;
 - (d) Refer the case for appropriate legal proceedings.
- 22. Cancellation, Termination, or Suspension of Contract.**
- (a) **By the NCAOC or the NCHTC.** For noncompliance with any of the said rules, regulations, orders or conditions, due to management deficiencies or criminal activity this contract may be immediately canceled, terminated, or suspended in whole or in part by the NCAOC or the NCHTC. For noncompliance not indicative of management deficiencies or criminal activity the NCHTC shall give sixty (60) days written notice to take corrective action. If the Agency has not taken the appropriate corrective action after sixty (60) days the NCHTC may cancel, terminate, or suspend this contract in whole or in part.
 - (b) **By mutual consent.** The Agency or the NCHTC may terminate this contract by providing sixty (60) days advanced written notice to the other party.
 - (c) **Unexpended funds.** Any unexpended funds remaining after cancelation or termination will revert to the NCHTC.
- 23. Completion Date.** Unless otherwise authorized in writing by the NCAOC and the NCHTC, the Agency shall commence, carry on, and complete the project as described in the grant award by June 30, 2021.
- 24. E-Verify requirements.** If this contract is subject to N.C. Gen. Stat. §143-133.3, the contractor and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the General Statutes.

25. Certification of Eligibility Under the Iran Divestment Act. Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-55 et seq. requires that each Agency, prior to contracting with the State certify, and the undersigned Agency Authorizing Official on behalf of the Agency does hereby certify, to the following:

- (a) that the Agency is not now and was not at the time of the execution of the Contract dated below identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
- (b) that the Agency shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
- (c) that the undersigned Agency Authorizing Official is authorized by the Agency to make this Certification.

26. Agency Fiscal Year. The end date for the Agency's fiscal year is 6/30/2021.

27. Signature. By signing below, the Agency agrees to adhere to the terms and conditions of this Agreement.

AGENCY PROJECT DIRECTOR		
NAME	TITLE	ADDRESS
SIGNATURE	DATE	TELEPHONE NUMBER
AGENCY AUTHORIZING OFFICIAL		
NAME	TITLE	ADDRESS
SIGNATURE	DATE	TELEPHONE NUMBER
AGENCY OFFICIAL AUTHORIZED TO RECEIVE FUNDS		
NAME	TITLE	ADDRESS
SIGNATURE	DATE	TELEPHONE NUMBER
NCAOC AUTHORIZING OFFICIAL		
NAME Danielle M. Carman	TITLE Deputy Director	ADDRESS P.O. Box 2448, Raleigh, NC 27602
SIGNATURE	DATE	TELEPHONE NUMBER 919-890-1426

WORTH Court: Cumberland County Human Trafficking Court

Program Year #1 Application – Key Components Evaluation & Program Year #2 Proposal

1) Education about Human Trafficking, The Role of Courts in Supporting Recovery of Survivors, and Collaboration Process and Outcomes.

A. Note: Education about Human Trafficking

Primary Process for the Court: To create local community awareness of human trafficking. This has been achieved by Judge King and the WORTH Court team and will continue into Program Year #2.

Activities: The following were conducted by Judge King and the WORTH Court Team: Presentations to First Baptist Church 11AM Worship Service S, First Presbyterian Church SALT Group, Cumberland County Health Department Nursing Staff, Cumberland County Bar Association, Cumberland County Dem Women, Cumberland County Courthouse staff, live news presentations with local ABC and CBS affiliate TV stations.

Education Re-enforcement: Court staffing sessions, community presentations with recognition of WORTH Court formation, Fayetteville Observer news articles on WORTH Court, local and regional distribution of human trafficking data, local/regional/state distribution of WORTH Court outcome data.

Secondary Process for Service Providers: WORTH Court Advisory Council meetings conducted for local court and bar association members and local/regional/state providers with updates on human trafficking issues, information sharing by the WORTH Court Team of CEC training sessions on human trafficking issues (trauma, case management, resource identification and development, clinical care, care plan development, housing, grants, mental health services) with our network providers.

Activities: Pre-court or court staffing meetings for WORTH Court service providers, compilation and distribution and education on WORTH Court HIPAA Guidelines.

B. Note: Role of the Courts in Supporting Recover of Survivors

Primary Process: Develop a WORTH Court provider network to support the court activities to support survivors. Create a continuum of provider recruitment to render services relative to a human trafficking program care plan. Execute MOU's with each service provider to render the specific services. Judge King and the WORTH Court Team have conducted these activities in Program Year #1 and will expand these activities into Program Year #2 will additional service providers.

SAFE Providers: A review process or validation/screening process was to be conducted by NCCASA within Program Year #1. This did not happen. Judge King and the WORTH Court Team

can make this oversight and Quality Assurance activity occur with the services of a credentialed consultant unaffiliated with any of our current service providers. This would ensure that we meet a basic high performance standard for WORTH Court that was outside our programmatic control in Program Year #1.

Activities: For Program Year #1, Judge King and the WORTH Court Team established WORTH Court protocols for services providers and incorporated them into MOU's, required service providers to attend court staffing sessions for juvenile and adult court, required that service providers send updates on survivors counseling attendance to court staff for review and identification of consumer needs for collaborative actions, obtaining data from service providers on demographics, trending, clinical progress, and outcomes for reporting. For Program Year #2, Judge King and the WORTH Court Team will continue these activities and enhance data collection to reflect modification to processes that illustrate changes that would ensure a greater success for a newly formed human trafficking court.

Reporting: For Program Year #1, WORTH Court reported data to our granting entity before the end of each quarter and often resulting report was never available timely (30 days following the end of the quarter). Our data is compiled in real time. Within 5 days of a court session, we have our data updates for staff review. Thus, for Program Year #2, Judge King and the Worth Court Team will continue to compile notes in each court session, cross reference those notes immediately, and the Court Coordinator will enter data and notes into our data base within 5 business days. At this point, everyone connected with WORTH Court can execute action steps on behalf of the survivors and the court system. The Court Coordinator can review the data for trending and compile/report trending information. Our Program Year #1 data collection and reporting system was created by WORTH Court locally without any assistance or recommendations from a consultant(s) or the funding entity, even though early in the funding cycle technical assistance had been requested. Our own system has worked very well to meet our internal needs to date. As we move forward, we may find a need to revamp the system.

C. Note: Collaboration Process and Outcomes

Initial Process: In Program Year #1, WORTH Court would be constituted as a central point of contact in the formation of a human trafficking collaborative between local judicial processes and community activities working together for survivors of human trafficking. This has occurred as a result of Judge Toni S. King and the WORTH Court Team focusing on the intent outlined in the HT Commission grant and the strength of the Cumberland County community to address human trafficking. Between September 2019 and March 2020, WORTH Court enrolled 12 service providers, 36 participants, graduated 1 person, conducted 13 local education sessions, and attended/zoomed twelve continuing education sessions related to human trafficking identified by them to support their work with WORTH Court.

Activities: In Program Year #1, we were fortunate that several service providers agreed early in 2019 to support the efforts of Judge Toni S. King to implement a human trafficking diversion court in Cumberland County. These providers agreed to provide in-kind time to meet the needs

of survivors and participate in the WORTH Court Advisory Council. Thus, began a solid collaborative process and partnership. From this start, other providers came forth with our outreach efforts and community awareness presentations. Each new community presentation will bring forth a new professional entity or person with a willingness to support in some manner the work of WORTH Court. Specific collaboration focuses on the basic human needs identified in the service provider assessments that are used in the care plan development. Housing, food, shelter, clothing, employment, and safety are essential to the care plan.

On-going Processes: From our “Best Practices” learned and documented in Program Year #1, we propose to move into Program Year #2 with a focus on strengthening Human Trafficking Case Management with our service providers and developing a Human Trafficking Housing Program. Both of these can be built upon the WORTH Court work from Program Year #1 with our existing collaborative providers and some new partnerships. Additionally, we will seek greater human trafficking awareness opportunities with partnerships with our higher education institutions and our local public education system as we reach out to young people. In Program Year #1 we receive grant funds for Year #2 for juvenile housing.

Activities: In Program Year #1 we sought insight and advice from local and regional entities and persons with expertise in case management models, to include the training institute at UNC that is in collaboration with a southeastern network. Human trafficking is a component that they will include in forthcoming training sessions. This will include training in partnership from Vanderbilt University, University of Florida, Emory University, UNC, and University of Alabama – Birmingham. As for housing, we sought insight and advice from local and regional entities and persons with a background in housing program sustainability and details in daily operations. In our discussions, various options for juveniles and adults emerged for Program Year #2 that included several HUD projects that WORTH Court may be able to collaborate with in partnership. One of the options is a 6 bedroom/6 bath residential group home in Aberdeen, NC that currently is vacant that can offer us a transitional setting. As previously noted, Judge King and the WORTH Court Team have explored all these options and continue to seek support care opportunities on our own without the support/help of previously designated consults from Program Year #1.

Residual Processes: WORTH Court will add to the Program Year #1 “Best Practices” updates from the Program Year #2 collaborations and process updates as a template for implementing other human trafficking courts in North Carolina. The Template will be based on the “Best Practices” 12 Components as a guide that is reflective of our practical experiences.

Activities: For Program Year #2, WORTH Court will move forward utilizing our Program Year #1 “Best Practices” as a guide for standardization of a human trafficking diversion court. Each of the “Best Practices” will be strengthened and formalized as we move forward into Year #2.

Reporting: For the HT Commission, we will report a quarterly as required. Our data set has the capacity to report monthly and we can do so upon demand usually within 5 days after a court

session. Thus, as needed for WORTH Court purposes we will collect data on a continuum and report data monthly and complete education awareness summaries at the end of each event.

2) Consultative Assistance to establish Trauma Informed Court Responses and Courtroom.

Consultative Entity: This component of the Program Year #1 grant Service Plan was not completed.

Assistance Defined: The approach for delivery of assistance was never defined for Program Year #1.

Referral Processes: There were no referral processes for this grant activity in Program Year #1.

Referral Sources: No referral sources or sub-recipient sources were identified or procured to provide services or consult in Program Year #1.

Evaluation Processes: Due to no consultative assistance, there was no evaluation for Program Year #1 other than the grant recipient did not procure the service delivery agent(s).

3) Consultative Services to work with the Pilot Court Judge to establish a Protocol for Addressing Human Trafficking Survivors, including Referrals from Other Cumberland County Courts.

Consultative Entity: The component of the Program Year #1 grant Service Plan was not completed with no consultative services being provided.

Protocol & Language: No consultative services were provided and no training opportunity(ies) were scheduled for Judge Toni S. King.

Referral Processes - Internal: Not applicable in Program Year #1 due to no training scheduled.

Referral Sources - Internal: Not applicable in Program Year #1 since no training scheduled with guidance on how to identify and recruit referral sources.

Referral Processes – External: Not applicable in Program Year #1 due to no training scheduled.

Referral Sources – External: Not applicable in Program Year #1 since no training scheduled with guidance no how to identify and recruit referral sources.

Evaluation Processes: Due to no consultative assistance, there was no evaluation for the Program Year #1 other than the grant recipient did not procure the service delivery consultant agent(s).

4) Involvement of Human Trafficking Survivors to inform aspects of certain Key Components of This Plan.

Client/Consumer Participation Protocol: Judge King and the WORTH Court Team, along with the WORTH Court Advisory Council, has set forth some guidelines and standards for graduates of WORTH Court to participate in our success and growth.

Client/Consumer Participation Process: Each WORTH Court survivor will be offered options to continue supportive care beyond program graduation to ensure life success. Judge King requests that a survivor create a "Life Plan" that is self-directed and self-designed with goals that are attainable. This individual outline for human growth, step-by-step planning, achievement, and outcomes is the result of mentoring by the court and the service providers. This process was created in total by the WORTH Court Judge and Court Team without consultant support.

Education on Protocol & Process: In Program Year #2, WORTH Court will design a more formal structure to the Consumer Participation Protocol as we have more WORTH Court graduates. The structure for this protocol will begin to formulate with greater consumer input and some consultant recommendations that we have identified.

Evaluation Processes: We have no evaluation process for Program Year #1 since there was no consultant services to provide a plan for consumer participation. But, as WORTH Court has proceeded with "Best Practices" documentation we included "Consumer Participation" options and thus for Program Year #2 will formalized the WORTH Court Team thoughts into a protocol with practices. To ensure a quality product, WORTH Court will retain the consultant services of an entity with experience in sexual exploitation, trauma, human trafficking, and social norms.

Reporting of Client/Consumer Responses: The current WORTH Court data system can collect and track survivor/consumer data. In Program Year #1, we created this data set, without consultant services/help, in effort to report operational and demographic data. This data set forth a basis for our worth with survivors. We have now realized trends among our survivor consumers. As we move into Program Year #2, we will enhance this data set to meet the needs for a human trafficking diversion court system as we formalize the "best practices" to establish other courts in the State of North Carolina.

5) Consultative assistance to establish a Stakeholder System Map that includes a Protocol for Evaluating "Safe" Service Providers.

Consultant Entity: Consultant services were to be provided by NCCASA but no services were provided in Program Year #1. For Program Year #2, Judge King and the WORTH Court Team will contract with an outside non-affiliated entity to review and evaluate each service provider.

Guidance Standards for Stakeholder System Map: With no consultant services in Program Year #1, there was no Stakeholder System Map created for the WORTH Court by an external entity. Thus, by October 1, 2019 Judge King and the WORTH Court team created two Stakeholder System Maps. The first map detailed the flow of evaluation for a survivor once they have presented to WORTH Court to assess his/her needs and make recommendations for court consideration based on a Care Plan at the second court appearance. The second map detailed the intricate details of the Care Plan as a flow chart with the focused elements that need to be addressed or may need to be addressed for a survivor. Thus, with each element of the second flow chart the WORTH Court program has to have a service provider to meet the identified need(s) of the survivor. For Program Year #2, WORTH Court will utilize the consultant time of a professional case management consultant with credentials in trauma, sexual assault, human trafficking, criminal justice, and clinical care to evaluate the WORTH Court Stakeholder System Map.

Protocol for Evaluating SAFE Providers: No consultant services were provided by NCCASA in Program Year #1. Thus, no evaluation method was developed for SAFE Providers. For Program Year #2, WORTH Court will utilize the consultant time of a professional case management consultant with credentials in trauma, sexual assault, human trafficking, criminal justice, and clinical care to evaluate the WORTH Court Stakeholder System Map as it relates to the evaluation of SAFE Providers.

Evaluation Tool: No consultant services were provided by NCCASA in Program Year #1 and thus no evaluation tool was created. For Program Year #2, WORTH Court will utilize the consultant time of a professional case management consultant with credentials in trauma, sexual assault, human trafficking, criminal justice, and clinical care to create an evaluation tool for SAFE providers.

Evaluation Process: No consultant services were provided by NCCASA in Program Year #1 and thus no evaluation process was created to be used with the evaluation tool. For Program Year #2, WORTH Court will utilize the consultant time of a professional case management consultant with credentials in trauma, sexual assault, human trafficking, criminal justice, and clinical care to evaluate the WORTH Court Stakeholder System Map and develop and process to use the evaluation tool to evaluate the SAFE providers.

Data Collection and Reporting: For Program Year #2, Judge King and the WORTH Court Team will review month data as reported from our current data collection and reporting system for any Stakeholder System concerns. These may be identified as missed appointments, needs that are not being addressed in the care plan promptly, safety concerns, environmental or family dynamics, or life style transition challenges. Any "issue" will lead our WORTH Court Team to determine the need for added service providers, new and different providers, expanded services, and varying interventions. Data will give us information on the scope of court planning.

6) Consultative Assistance to support Judicial Leadership or other System Stakeholders in the Collaborative Process.

Consultant Entity: Justice Matters or other entities were to be assigned training roles for court staff and modules/events never occurred in Program Year #1. National training options were offered to the funding entity, with a cross-walk of specific training elements beneficial to WORTH Court, and they were not approved. For, Program Year #2, WORTH Court has identified one or more national training programs onsite or via zoom that can enhance judicial skills for a human trafficking program.

Technique & Tools for Collaboration: These were not provided by the funding entity in Program Year #1 thru training by Justice Matters. WORTH Court proceeded on our own with the leadership of Judge Toni S. King and Chief Judge Robert Stiehl to identify specific techniques, processes, tools, scheduling, and staffing in collaboration with the local court system and our service providers to initiate a model court in Cumberland County. For Program Year #2, we will seek a review by an outside entity based in an academic setting with judicial insight and expertise for added perspectives on our initial model.

Processes for Collaboration – Judicial Leadership: No processes were offered by the funding entity to setup a model for a human trafficking court or technical assistance from Justice Matters as a consultant sub-recipient agency. WORTH Court proceeded with collaboration from other local/regional/state judicial judges thru discussion on how a human trafficking diversion court could interface within their existing system. First, what would be the major changes in their court system infrastructure. Secondly, what would be the staffing needs. For Program Year #2, WORTH Court would invite representatives from various North Carolina judicial districts to our juvenile and adult WORTH Court sessions to view our processes and give us feedback and recommendations. We will record their input and make it a part of our continuum of data.

Techniques & Tools for Collaboration (if different): No technical assistance provided in Program Year #1. For Program Year #2, WORTH Court will utilize the judicial members of the WORTH Court Advisory Council Judicial Committee under the leadership of Retired Judge Elizabeth Keever to identify “Best Practices” techniques and tools. This Committee will be guided by the expertise of an external consultant from an academic institution with a background in human trafficking.

Processes for Collaboration – System Stakeholders: No training was offered or conducted on how to collaborate for process development to seek court system stakeholders during Program Year #1. WORTH Court did proceed independently between Judge King, Judge Stiehl, and Judge Pone to identify the essential judicial members who were essential to the success of the WORTH Court Advisory Council and its role in supporting a human trafficking diversion court in Cumberland County. For Program Year #2, our identified “Best Practices” will be reviewed by these Advisory Council stakeholders for input and insight and recommendations as part of our system recommendations to other courts for programmatic model development and implementation.

Evaluation of Interventions & Results: No template or sample was provided by the grant funded entity to evaluate the court based interventions, services, processes, and outcomes. In Program Year #1, WORTH Court thru our service provider network has tracked the judicial process survivor outcomes as reported by the providers in our data system. Updates are reviewed at each court staffing session. This evaluation process was created by Judge King without any process design by an external recommendation or entity and has proven successful for intervention and data documentation. This process and method will be enhanced as needed in Program Year #2 will evaluation occurring quarterly as data is reviewed for accuracy and additional information is needed on survivor outcomes. Our data set will be a part of the "Best Practices" provided to other North Carolina Court Systems for implementation of a model court.

Data Collection and Reporting: No format, template, or scope of work for reporting human trafficking court data was provided to WORTH Court in Program Year #1. This was requested on behalf of Judge King by the WORTH Court Coordinator on three occasions with no resulting response by the grant funded entity or allied consultants. Thus, WORTH Court proceeded to develop a format for data collection and reporting for Program Year #1 that at a minimum would comply with the quarterly NC Human Trafficking Commission reporting requirements. Additional data set elements were added that collected data on the quality of care being provided, maintenance of survivor counseling appointments, utilization of service providers, type of services being provided, demographics, and housing. For Program Year #2, WORTH Court will evaluate the need to enhance our data collection and reporting process to include more elements that may be essential to support a diversion court like WORTH Court.

7) A Research Design that anticipates Evidence Based Recommendations about Best Practices and Program Benefits to Survivors, the Court System, and Society writ large that will in turn establish a Baseline to Advocate for Broader Involvement of North Carolina Courts.

Evaluation of Programmatic Plan Progress (270 days): No review by the funded entity. At the end of March 2020, WORTH Court under the direction of Judge King proceeded to compile an a preliminary "Best Practices" listing based on the WORTH Court Team documentation from juvenile and adult court sessions, case management activities, administration of the court, programmatic functions, and development of the diversion court. The "Best Practices" was compiled into the following categories: Administration, Case Management, Clinical Care, Judicial Processes, Strategic Planning for Programmatic Development, Fiscal Management, Judicial and Court Training, Community Awareness and Education, Victim or Survivor Assistance, Resource Development, Programmatic Operations, and Program Staffing. Each category has been closely reviewed by the WORTH Court Team as to what process worked well for us and what process needed improvement in our first 9 months of operation. For Program Year #2, WORTH Court will take make "Best Practices" as a priority to assist other North Carolina courts.

Cumulative Data on Best Practices at 270 days: No review by the funded entity.

8) For Program Year #2, at the request of the NC HT Commission, WORTH Court will implement and assure training in Racial Equity for court staff and WORTH Court Providers.

Process: Included in the WORTH Court Training Plan will be a component on Racial Equity that addresses the following: Racial Justice values and vision, Key Components that includes the dimensions of racism and structural racism, Implicit Bias and Systems Analysis, and Opportunities to Advance Racial Justice.

Participant Outcome: Build a clear understanding of key concepts such as racial equity and structural racism, learn to talk about race constructively within an organization(s) and with others, gain tools and practices for counteracting racial bias in their work and practices, and identify opportunities and next steps for applying concepts and strategies to advance racial equity.

Value for WORTH Court: Our community goal is to improve quality of life and offer life changing opportunities. Recognizing the need for racial equity is part of the discussions essential as we move forward for a greater recognition of the local presence of human trafficking. We start this new court with a high degree of education on inter-related issues to enhance awareness and understanding to bring about change for our community.

WORTH Court: Program Year #2 – BUDGET & NARRATIVE – Funded to County of Cumberland

Category	Budget Item/Description	Cost
Component #1	Education on Human Trafficking: Human Trafficking education materials (2 presentations w/250 copies @ \$.25 each = \$125) HT Posters for Local Sites: 250 x \$2.25 each = \$262 HT Forum w/2 Guest Speakers – 1 Honorarium Cost: \$ 1,000 <ul style="list-style-type: none"> - Travel Cost: \$ 1,000 (\$500 per person) - Hotel Cost: \$ 300 (\$150 per person) - Per Diem: \$200 (\$100 per person) - Meeting Food (If applicable): \$1,500 - Facility Cost (If applicable): \$750 Consultant to review WORTH Court processes and outcomes and produce educational video for schools on Human Trafficking and WORTH Court as a new aspect of criminal justice. Contract with outside Vendor for Formatting, Tapping, Production, and Editing costs/time.	\$ 5,137.00 \$ 2,963.00
Component #1 Sub-TOTAL	EDUCATION: Community Forum, Network Providers, Youth via School System, Video Produced	\$ 8,100.00
Component #2	Training for the WORTH Court Team on aspects of a Human Trafficking diversion court. Includes DA's Office, Public Defender's Office, Providers, and others identified as essential to WORTH Court operations. \$500 Registration, \$550 Travel, \$650 Hotel (if needed), \$225 Per Diem (if needed), \$75 Transport (if needed). Total per person is \$2,000 for 10 people = \$22,000.	\$ 20,000.00
Component #3	Design, Develop, and Implement a defined Human Trafficking protocol for use by all WORTH Court judicial personnel as "Best Practices". Compiled by WORTH Court Coordinator	\$ 0.00
Component #2/#3 Sub-TOTAL	TRAINING: National Trailing for all WORTH Court Team	\$ 20,000.00
Component #4	Evaluation of Consumer Data and Reporting of Consumer Data. WORTH Court will design an add-on template that can be versatile for any NC court for data reporting. Developed by Worth Court Coordinator.	\$ 0.00
Component #4 TOTAL	DATA SYSTEM EVALUATION: Improvement to Data System for Statewide Utilization	\$ 0.00

Component #5	<p>Establish Human Trafficking Standard for WORTH Court Stakeholders to be considered SAFE Providers using a blended case management program tracking trauma interventions.</p> <p>Create and Evaluation Tool for review of SAFE Providers to ensure the WORTH Court deliverable of case management based on the standard of care.</p> <p>Take the SAFE Provider Standard, Assessment Tool, Provider Review/Evaluation, and Reporting Process and format into a WORTH Court "Best Practices" Guide for HT Case Management.</p> <p>Contract with a Medical or Social Work Consultant with Trauma Expertise and Counseling Experience at \$55 to \$75 per hour.</p>	<p>\$ 1,500.00</p> <p>\$ 750.00</p> <p>\$ 375.00</p>
Component #5 Sub-TOTAL	EVALUATION: SAFE PROVIDERS – Tool, Process, Reporting, Standard	\$ 2,625.00
Component #6	<p>Evaluation of WORTH Court as a diversion court for human trafficking and reporting to NC HT Commission.</p> <p>Reporting quarterly to the NC HT Commission on the success in creating a defined model court for use by other NC courts. Compiled by the WORTH Court Coordinator.</p>	\$ 0
Component #6 Sub-TOTAL	EVALUATION OF REPORTING PROCESSES	\$ 0
Component #7	<p>Compilation of Final Programmatic Plan for Program Year #2 on June 30, 2021 and Final Best Practices Report.</p> <p>Compiled by the WORTH Court Coordinator.</p>	\$ 0.00
TOTAL: #1 thru #7	Completion of Programmatic Year #1 Objectives from Grant Award to Marsha Rabiteau	\$ 30,725.00
STAFFING	<p>WORTH Court Coordinator - Full Time – 40 Hour Per Week</p> <p>Coordinator - \$4,000 + \$50 for Personal Cell Phone Use Per Month: Total \$4,050 x 9 Months. Contract with Bengie M. Hair</p>	\$ 36,450.00
OFFICE SUPPLIES and Equipment	Copier supplies, adding machine. Use of Cumberland County Purchasing Contract for Office Supplies.	\$ 693.00

SERVICES	Clinical Case Management Services: \$35 to \$55 per Hour, 325 Hours on a Tier Scale for non-insured program participants.	\$ 17,875.00
	Clinical Care Counseling – Hour Rates of \$55 to \$75	\$ 4,500.00
	Legal Consultant Services – Professional Services for Immigration, Vital Records, Etc. when in-kind services are not available.	\$ 2,500.00
	Medical Care Service – Primary Medical Care and Specialty Medical Care Services: \$100 per for 14 persons	\$ 1,400.00
	Housing Services – Temporary and 6-month Interim Housing Services: 6 to 10 persons to be assisted	\$ 5,000.00
	Transportation Vouchers for Local Travel: Transport for medical, counseling, court, and other appointments associated with WORTH Court	\$ 1,550.00
	Approved relocation of up to 4 persons from Cumberland County NC to a safe area that is identified with supportive care services	\$ 2,000.00
	Provision of Food and Clothing when local emergency assistance resources are unavailable (i.e. – COVID19)	\$ 2,500.00
Sub-TOTAL	WORTH Court Operations & Survivor Support Care	\$ 74,468.00
TOTAL	Request for Grant Award for WORTH Court to County of Cumberland for July 2020 thru June 2021	\$ 105,193.00

North Carolina Human Trafficking Commission
LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, Cumberland County (herein called the "Agency" has completed an application contract for Human Trafficking funding; and that the Cumberland County Board of Commissioners (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract:

THEREFORE, NOW BE IT RESOLVED BY THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS IN OPEN MEETING ASSEMBLED IN THE CITY OF FAYETTEVILLE, NORTH CAROLINA, THIS 16TH DAY OF NOVEMBER 2020, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Government Body and the General Public; and
2. That Amy H. Cannon, County Manager is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the North Carolina Human Trafficking Commission for funding in the amount of \$105,193.54 to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 0.00 as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the North Carolina Human Trafficking Commission; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That the resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in Open Meeting by _____
W. Marshall Faircloth, Chairman

ATTESTED BY: _____
Candice H. White, Clerk to the Board

DATE: _____



BUDGET DIVISION

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DUANE T. HOLDER, DEPUTY COUNTY MANAGER

DATE: 11/12/2020

**SUBJECT: APPROVAL OF BUDGET ORDINANCE AMENDMENTS FOR THE
NOVEMBER 16, 2020 BOARD OF COMMISSIONERS' AGENDA**

BACKGROUND

General Fund 101

1) Public Health – Budget Ordinance Amendment B211249 to recognize North Carolina Division of Public Health (DPH) funds for immunization in the amount of \$112,129

The Board is requested to approve Budget Ordinance Amendment B211249 to recognize North Carolina Division of Public Health (DPH) funds for immunization in the amount of \$112,129. These additional funds will be used to enhance influenza vaccination activities and implement innovative local solutions to achieve increased vaccination coverage during the Coronavirus Pandemic. The Health Department will focus on those with known coverage disparities and those at higher risk of complications from influenza and COVID-19 disease.

Please note this amendment requires no additional county funds.

Juvenile Crime Prevention Fund 245

2) Juvenile Crime Prevention – Budget Ordinance Amendment B210199 to align In-Kind amounts approved by the North Carolina Department of Public Safety, Division of Juvenile Justice in the amount of \$200,384

The Board is requested to approve Budget Ordinance Amendment B210199 to align In-Kind amounts approved by the North Carolina Department of Public Safety, Division of Juvenile Justice, in the

amount of \$200,384. The programs are: Falling Run Missionary Baptist Church - \$23,967, Find-A-Friend- Career Readiness Program – \$22,161, Pickens Peace Project - \$17,313, Communities United for Youth Development - \$1,200, Cumberland County Dispute Resolution Center - \$11,651, WORTH Court - \$1,872, Greater Life of Fayetteville - \$120,220, Communicare (FACT) - \$2,000.

Please note this amendment requires no additional county funds.

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments



FINANCE OFFICE

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 11/12/2020

SUBJECT: CUMBERLAND COUNTY SCHOOLS FACILITY NEEDS SURVEY 2021 - 2025

BACKGROUND

The North Carolina General Statutes (NCGS 115C-426.2) strongly encourage local school boards to develop a five-year facility needs plan and to share that plan with the local county commissioners. The goal is to promote greater mutual understanding of immediate and long-term budgetary issues and constraints affecting both public schools and county government.

In their continued adherence to this statute and goal, Cumberland County Schools Associate Superintendent of Auxiliary Services, Joe Desormeaux presented the Facility Needs Survey for years 2021 - 2025 to the Board of Commissioners during the November 12, 2020 Agenda Session meeting.

RECOMMENDATION / PROPOSED ACTION

Receive the report and reflect the presentation in the minutes of the November 16, 2020 Board of County Commissioners meeting. Receipt of the survey does not necessarily constitute endorsement or commitment to fund the survey.

ATTACHMENTS:

Description

2021-2025 BOE Facility Needs Survey

Type

Backup Material



Facility Needs Survey 2021-2025

Five Year Capital Needs Report to DPI

(Including 6-10 Year Projections)

Dr. Marvin Connelly, Superintendent

Joe Desormeaux, Associate Superintendent, Auxiliary Services

**Mrs. Alicia Chisolm,
Chair, Cumberland County BOE**

Final Print -

Submitted January 2021



2020-21 DPI Facility Needs Survey

Cost Summary
0 to 5 Years

Cumberland County Schools

Cost Summary (0 to 5 years)

Unit: 260		Priority	New School	Additions	Renovations	Furn/Eqpt	Land	Total
101	New High School	2	73,956,664	0	0	5,752,475	1,875,000	\$81,584,139
102	North Elementary	2	19,425,078	0	0	1,701,893	0	\$21,126,971
302	Alma O Easom Elementar	1	0	0	1,460,265	47,300	0	\$1,507,565
306	Armstrong Elementary	1	0	0	3,915,991	0	0	\$3,915,991
308	Ashley Elementary	1	0	0	2,606,258	20,000	0	\$2,626,258
310	Lloyd E Auman Elementar	1	0	1,949,062	3,720,406	210,155	0	\$5,879,623
312	Beaver Dam Elementary	1	0	1,949,062	1,075,318	162,855	100,000	\$3,287,235
316	Lillian Black Elementary	1	0	1,949,062	5,969,472	210,155	0	\$8,128,689
318	Jack Britt High	1	0	0	10,743,359	56,100	0	\$10,799,459
320	Brentwood Elementary	1	0	1,949,062	4,768,043	162,855	0	\$6,879,960
321	Douglas Byrd Middle	1	0	0	4,187,668	51,700	0	\$4,239,368
322	Douglas Byrd High	1	0	0	11,518,916	2,500	0	\$11,521,416
325	Cape Fear High	1	0	5,314,641	11,384,989	766,568	0	\$17,466,198
326	Elizabeth M Cashwell Ele	1	0	1,949,062	3,799,108	210,155	0	\$5,958,325
332	Eastover-Central Element	1	0	130,219	3,911,183	58,180	0	\$4,099,582
336	Anne Chesnutt Middle	1	0	0	4,811,070	51,700	0	\$4,862,770
338	Cliffdale Elementary	1	0	0	2,273,016	0	0	\$2,273,016
340	College Lakes Elementary	1	0	0	3,174,205	47,300	0	\$3,221,505
342	C Wayne Collier Element	1	0	0	4,614,544	0	0	\$4,614,544
344	J W Coon Elementary	1	0	3,250,012	3,430,096	318,860	0	\$6,998,968
348	Cumberland Mills Element	1	0	1,949,062	3,535,100	210,155	0	\$5,694,317
352	Cumberland Road Eleme	1	0	0	3,679,840	2,500	0	\$3,682,340
356	District No 7 Elementary	1	0	0	2,539,912	0	0	\$2,539,912
357	Gray's Creek High	1	0	6,682,275	5,496,209	548,304	0	\$12,726,788
358	Luther Nick Jeralds Middl	1	0	0	5,804,426	51,700	0	\$5,856,126
359	E E Smith High	1	0	0	10,796,014	56,000	0	\$10,852,014
361	Ferguson-Easley Element	1	0	1,949,062	4,068,419	210,155	0	\$6,227,636
362	Gray's Creek Middle	1	0	0	1,041,370	54,200	0	\$1,095,570
363	Glendale Acres Elementar	1	0	1,949,062	2,614,823	186,505	0	\$4,750,390
364	Alderman Road Elementa	1	0	3,055,781	4,683,060	302,628	0	\$8,041,469
365	R Max Abbott Middle	1	0	0	6,944,352	71,700	0	\$7,016,052
366	Howard L Hall Elementary	1	0	1,949,062	4,009,730	210,155	0	\$6,168,947
367	Bill Hefner Elementary	1	0	0	5,148,766	47,300	0	\$5,196,066
368	Hope Mills Middle	1	0	0	5,133,575	0	0	\$5,133,575
369	John R Griffin Middle	1	0	0	3,505,436	56,700	0	\$3,562,136
370	Ed V Baldwin Elementary	1	0	1,949,062	2,926,286	240,155	0	\$5,115,503
371	Ireland Drive Middle	1	0	1,949,062	1,768,407	162,855	0	\$3,880,324
372	Lewis Chapel Middle	1	0	0	5,652,912	0	0	\$5,652,912
373	Gallberry Farm Elementar	1	0	3,055,781	2,820,849	302,628	0	\$6,179,258
374	Alger B. Wilkins High Sch	1	0	0	2,863,718	40,000	0	\$2,903,718



2020-21 DPI Facility Needs Survey

Cost Summary
0 to 5 Years

Cumberland County Schools

Cost Summary (0 to 5 years)

Unit: 260		Priority	New School	Additions	Renovations	Furn/Eqpt	Land	Total
375	Gray's Creek Elementary	1	0	0	5,804,478	47,300	0	\$5,851,778
380	Long Hill Elementary	1	0	0	2,876,226	0	0	\$2,876,226
382	Lucile Souders Elementar	1	0	1,949,062	3,099,245	182,855	0	\$5,231,162
383	Mac Williams Middle	1	0	0	4,475,435	51,700	0	\$4,527,135
386	Margaret Willis Elementar	2	0	1,949,062	2,883,402	210,155	0	\$5,042,619
388	Massey Hill Classical Hig	1	0	0	10,260,865	56,100	0	\$10,316,965
396	Mary McArthur Elementary	1	0	1,949,062	4,024,086	230,155	0	\$6,203,303
397	E Melvin Honeycutt Eleme	1	0	0	5,507,452	47,300	0	\$5,554,752
398	E E Miller Elementary	1	0	0	3,905,570	47,300	0	\$3,952,870
400	Montclair Elementary	1	0	1,949,062	3,755,887	210,155	0	\$5,915,104
401	Morganton Road Element	1	0	1,949,062	3,697,720	210,155	0	\$5,856,937
402	Manchester Elementary	1	0	3,113,438	2,755,232	316,205	0	\$6,184,875
403	New Century International	1	0	0	2,336,017	0	0	\$2,336,017
404	William H Owen Elementa	1	0	0	3,562,816	0	0	\$3,562,816
405	Walker-Spivey Elementar	1	0	0	3,371,579	0	0	\$3,371,579
406	Pine Forest Middle	1	0	0	5,997,104	51,700	0	\$6,048,804
407	Lake Rim Elementary	1	0	0	3,352,233	47,300	0	\$3,399,533
408	Pine Forest High	1	0	0	13,015,791	56,000	0	\$13,071,791
410	Ponderosa Elementary	1	0	1,949,062	3,280,121	162,855	0	\$5,392,038
411	Reid Ross Classical High	1	0	0	7,164,472	56,100	0	\$7,220,572
412	Raleigh Road Elementary	1	0	1,949,062	2,999,615	162,855	0	\$5,111,532
413	Howard Learning Academ	1	0	0	1,868,245	51,700	0	\$1,919,945
414	Benjamin J Martin Elemen	1	0	1,949,062	2,250,492	162,855	0	\$4,362,409
415	Rockfish Elementary	1	0	1,949,062	2,979,912	162,855	0	\$5,091,829
416	J W Seabrook Elementary	1	0	0	2,158,935	0	0	\$2,158,935
417	New Century International	1	0	0	535,646	0	0	\$535,646
418	Seventy-First Classical Mi	1	0	0	3,325,966	0	0	\$3,325,966
424	Seventy-First High	1	0	624,375	12,018,765	52,170	0	\$12,695,310
425	South View Middle	1	0	0	7,230,281	69,700	0	\$7,299,981
426	Sherwood Park Elementar	1	0	1,949,062	3,519,225	228,155	0	\$5,696,442
427	South View High	1	0	0	11,520,006	40,000	0	\$11,560,006
428	Spring Lake Middle	1	0	0	5,882,585	51,700	0	\$5,934,285
430	Stedman Elementary	1	0	1,441,238	3,296,651	161,255	0	\$4,899,144
432	Stedman Primary	1	0	11,359,969	2,983,261	1,166,488	0	\$15,509,718
434	Stoney Point Elementary	1	0	3,055,781	3,230,795	302,628	0	\$6,589,204
440	Sunnyside Elementary	1	0	3,169,997	2,588,650	319,810	0	\$6,078,457
444	Teresa C Berrien Element	1	0	0	3,686,914	47,300	0	\$3,734,214
446	Terry Sanford High	1	0	0	8,962,758	56,100	0	\$9,018,858
448	Vanstory Hills Elementary	1	0	1,949,062	4,790,966	210,155	0	\$6,950,183
449	Ramsey Street High	1	0	0	3,884,923	80,100	0	\$3,965,023



2020-21 DPI Facility Needs Survey

Cost Summary
0 to 5 Years

Cumberland County Schools

Cost Summary (0 to 5 years)

Unit: 260		Priority	New School	Additions	Renovations	Furn/Eqpt	Land	Total
450	Warrenwood Elementary	1	0	1,949,062	2,915,333	167,855	0	\$5,032,250
452	Westarea Elementary	1	0	1,949,062	4,020,585	162,855	0	\$6,132,502
454	Westover Middle	1	0	0	5,574,787	0	0	\$5,574,787
455	Westover High	1	0	0	10,198,138	62,100	0	\$10,260,238
459	William T Brown Element	1	0	0	5,046,485	47,300	0	\$5,093,785
Totals:			93,381,742	91,030,995	384,992,761	18,333,662	1,975,000	\$589,714,160



Gallberry Farm Elementary

School No: 260373

Date: 9/1/2020

General Building Information

Building Construction History

Form Instructions: Enter building construction history for this school. For example, original building, classroom addition, mini-gym addition, etc. Also complete the requested information concerning the particular construction..

For definition Press Condition or Accessibility

Building	Year Built	SF Area	Condition	Accessibility
One - Main Building	2001	94046	Excellent	In Compliance
One - Classroom Addition	2004	9336	Excellent	In Compliance
Two - Tractor Storage	Unknown	588	Excellent	In Compliance

School Total Area	SF	100970
School Site Acreage	Acreage	25

Enter the total square feet area of school.

Enter the total site acreage of school.

Utility Costs

Complete the following utility cost for FY 2019-20. If there are solar arrays on the site or school roof, complete Solar Energy section.

UTILITY COST (\$)			VALUE OF SOLAR ENERGY (\$)	
ELEC	GAS	WATER / SEWER	USED	SOLD TO UTILITY
77484	7153	24025	0	0
UTILITY CONSUMPTION			SOLAR ENERGY CONSUMPTION	
ELEC (MW)	GAS (THERM)	WATER (GAL)	USED (MW)	SOLD TO UTILITY (MW)
764	9118	1184630		

Scroll
Down

Mobile Units

Note: The capacity of mobile classroom units is NOT included in the school capacity totals.

Mobile Units Type	No	Teaching Stations	no.	Capacity
Single Wide	7	Total Teaching Stations	5	
Double Wide		Total Teaching Stations		
Mega-module		Total Teaching Stations		
Total from Above	7	Total from Above	5	100
		Total from Capacity and Needs Plan	5	



Gallberry Farm Elementary

School Number: 260-373

Planned Capacity: 1023

Priority: 1

Pre-K Capacity: 54

Additions

Date: 10/1/2020

Estimated

Academic Classrooms

Elem

Middle

High

Area (sf)

Cost

Pre-K Clrms:	1			1,200	s.f. X \$237.50 per sq. ft. =	285,000
Kindergartens:	3			3,600	s.f. X \$237.50 per sq. ft. =	855,000
Grades 1 Clrms:	1			1,000	s.f. X \$225.00 per sq. ft. =	225,000
Grades 2-3 Clrms:	1			1,000	s.f. X \$225.00 per sq. ft. =	225,000
Grades 4-5* Clrms:	2			1,700	s.f. X \$225.00 per sq. ft. =	382,500

LA/SS/Math Clrms:

Math/Sci Clrms:

Science Labs:

Science Classrooms:

Exceptional (self-contained):

Resource:

Computer Rooms:

Arts Education

Elem

Middle

High

Visual Arts:

General Music:

Instrumental Music (band):

Vocal Music (chorus):

Dance/Drama:

Vocational

Elem

Middle

High

Keyboarding Labs:

Prevocational Labs:

Business/Office Ed:

Service/Marketing:

Technology Labs:

Agri/Trade+Ind:

Physical Education, etc

Elem

Middle

High

P.E./ Multi/ Main Gymnasium:

Auxiliary Gym:

Health/P.E. Clrms:

Weight Room:

Wrestling:

Check to add new facility

Check to add new facility

Core Facilities

Media RLV Area:

Media Support Area:

Dining Area:

Kitchen Area:

of Serving Lines:

Auditorium:

Admin/Guidance Area:

Other/misc. Area:

Subtotals:

Bldg. Support/Circulation:

Total Area (s.f.) Added:

Demolition of Existing Buildings:

Contingency:

Admin. and Design Fees:

s.f. 1,972,500

s.f. X \$250.00 per sq. ft. = 743,750

Const. Cost (\$236.71/s.f.): \$2,716,250

s.f.

(4.5% of Const. Cost) 135,813

(7.5% of Const. Cost) 203,719

Total for Additions: \$3,055,781

*Base-line Cost/ sq.ft.: \$250

Land Purchase

Additional Land Needed:

Acres x \$

/Acre =



Gallberry Farm Elementary

School Number: 260-373

Planned Capacity: 1023

Priority: 1

Pre-K Capacity: 54

Renovations

Site Improvements	Size/ Amount	Notes/ Description	Cost
Parking/ Drives:\$	247,903	Resurface all lots & drives	247,903
Sewer System:	<input type="checkbox"/>	Check box to add sewer system.	
Water System (well):	<input type="checkbox"/>	Check box to add a well.	
Grading/ Drainage:\$			
Canopy (cov. walk):		s.f.	
Other Sitework (describe):\$	25,360	Resurface Basketball Court & Walking Track	25,360
Building/ Exterior/ Structure			
Roof Replacement:		s.f.	
Structural Repairs:\$			
Window Replacement:		s.f.	
Masonry/ Ext. Wall Repairs:\$			
Other Bldg/Exterior (describe):\$	110,420	Exterior Paint	110,420
Interior/ Finishes			
Partition/Wall Construction:\$			
Ceilings:		s.f.	
Flooring:	52,108	s.f. X \$3.37 per sq. ft. =	175,506
Painting:	100,382	s.f. X \$1.80 per sq. ft. =	180,688
Other Bldg/Interior (describe):\$			
Plumbing/ HVAC/ Electrical			
Air Conditioning:		s.f.	
Electrical Service:		s.f.	
Lighting:	97,057	s.f. X \$8.00 per sq. ft. =	776,456
Computer/ Tech. Wiring:		s.f.	
Plumbing:\$	13,000	Backflow, Water Heater	13,000
Other Plbg/HVAC/Elec.(describe):\$	272,400	Boiler/ Update Bldg Automation & Software	272,400
Bldg. Code/ Life Safety			
Bldg. Code/ Life Safety:\$			
ADA Ramps/H.C. Access:\$			
ADA Toilet Renovations:\$			
Fire Alarm:\$	176,698	Replace Fire Alarm System	176,698
Sprinkler System:		s.f.	
Other Code/Safety (describe):\$	10,000	Security enhancement for core facilities	10,000
Hazardous Mat'l/ Environmental			
Hazardous Matl. Abatement:\$			
Indoor Air Quality:\$			
Inground Fuel Tanks:\$			
Radon Management:\$			
Other Environmental (describe):\$			
Other Renovations (not incl. above)			
Other Renovations (describe)1.\$	361,120	Resurface & Replace Playgrounds	361,120
2.\$	30,912	Refurbish Mobile Unit	30,912
3.\$			
Subtotal:			2,380,463
Contingency (5.5% of renovation cost):			238,046
Admin. and Design Fees (8.5% of renovation cost):			202,339
Total Renovation Cost:			\$2,820,849

**Gallberry Farm Elementary**School Number: **260-373**Planned Capacity: **1023**Priority: **1**Pre-K Capacity: **54****Furnishings/ Equipment**

Furn./ Eqpt. for Addition*:		$\$2,716,250 \times 0.094 =$	255,328
Kitchen Equipment:	<input type="checkbox"/>	Check to add kitchen equipment	
Media Center Furnishings*:	<input type="checkbox"/>	Check to add media center furnishings	
Other Furn./ Eqpt. (describe):	47,300	Walk-in Cooler/Freezer	47,300
Total Furn./ Eqpt.			\$302,628

Total Cost of Additions and Renovations: \$6,179,258**Notes/Comments:****Justifications** Why are these improvements needed?

1. Depreciation/ Deferred Maintenance
- 2.

FundingLikelihood that County will fund project: Very Unlikely

If "Very Unlikely," why will County funding not be available?

Current available funding is limited and not sufficient to fund all the identified needs.

What other funding sources are available for the project?

None



Administrative Unit: Cumberland County Schools (Unit 260)

I. Certification of Board of Education

The Cumberland County Schools Board of Education hereby submits its Facility Needs Survey dated 10/10/2020 listing all improvements and additional facilities needed to accomodate projected enrollments through the 2020-21 school year and improvements to existing facilities to provide safe, comfortable environments that support the educational programs.

We do hereby certify that the needs identified herein are a true representation of our situation. Alternatives were considered and this plan provides the best balance between cost and benefit to our students. We understand that costs have been standardized to statewide averages to provide uniform comparisons.

_____	, Chairman	_____	Date
_____	, Secretary, Ex-officio	_____	Date

2. Certification of Board of County Commissioners

The Cumberland County Board of Commissioners has received and reviewed a copy of this survey prior to submission to the State Board of Education. This does not necessarily constitute endorsement of or committment to fund the Facility Needs Survey.

_____	, Chairman	_____	Date
_____	, County Manager or Clerk	_____	Date

FY YEAR	TOTAL REVENUE	TOTAL EXPENDITURES	DEBT NET	CHANGE IN FUND BALANCE	TOTAL FUND BALANCE
2016	\$ 14,921,006	\$ (7,479,166)	\$ (5,485,871)	\$ 1,955,969	\$ 10,973,275
2017	\$ 15,115,056	\$ (5,835,448)	\$ (5,365,917)	\$ 3,913,691	\$ 14,886,966
2018	\$ 15,620,194	\$ (11,029,218)	\$ (5,465,807)	\$ (874,831)	\$ 14,012,135
2019	\$ 16,460,381	\$ (15,009,824)	\$ (5,346,533)	\$ (3,895,976)	\$ 10,116,159
2020	\$ 16,898,720	\$ (12,741,524)	\$ (5,223,328)	\$ (1,066,132)	\$ 9,050,027
2021	\$ 15,282,067	\$ (10,226,970)	\$ (5,055,097)	\$ -	\$ 9,050,027
	Current Expenditures: \$7M				
	Current Encumbrances: \$3M				
	Committed: 98%				
	Commitments include Capital Outlay, Instructional Services, and System-Wide Support				
	Revenues include lottery, sales tax, interest, and misc				



OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMY H. CANNON, COUNTY MANAGER

DATE: 11/13/2020

**SUBJECT: UPDATED 2020 FAYETTEVILLE-CUMBERLAND PARKS &
RECREATION MASTER PLAN**

BACKGROUND

On September 10, 2020, the Board received a presentation prepared by a Parks & Recreation consultant (McAdams) about the proposed 2020 Parks & Recreation Master Plan. Parks & Recreation staff advise that the Fayetteville City Council has adopted the plan, and it is being requested that the Board of Commissioners adopt the plan. No funding, or requests for funding, are associated with this plan.

The 2006 Plan, and the 2020 Plan, can be found at the following link:

<https://www.fcpr.us/facilities/administrative/about-us/master-plan>

Attached is a copy of the presentation prepared and provided by the consultant, McAdams. Recommendations regarding the new Master Plan begin at Page 7. Michael Gibson will be present at the meeting to answer specific questions about the plan.

RECOMMENDATION / PROPOSED ACTION

This item was heard at the November 12, 2020 Board of Commissioners' Agenda Session and moved forward to the November 16, 2020 Board of Commissioners' regular meeting as a Consent Agenda item with the following recommendation:

Adoption of the 2020 Updated Parks and Recreation Master Plan.

ATTACHMENTS:

Description

Type

Master Plan Exec Summary
Master Plan Proposal

Backup Material
Backup Material



FAYETTEVILLE-CUMBERLAND PARKS + RECREATION COMPREHENSIVE PLAN

Executive Summary

The Fayetteville-Cumberland Parks and Recreation Comprehensive Plan is created to guide the department in serving all users of the Town's parks and recreation services.

This plan represents a collaborative effort Department staff, local decision makers, the public and the consulting project team. This plan will serve as the guiding document for the next 10 years of the Department's growth, improvement, and expansion.

This plan analyzes multiple facets of the Department's current parks and program offerings, and creates a 10-year work plan for Department staff to continue meeting resident's recreational needs.

This comprehensive plan uses the voice of the community as the foundation for recommendations and serves many benefits including: required for state and federal grant funding, provides data to validate decisions, framework for department growth, solicit data on community needs and wants, engages community, staff, stakeholders and decision makers, understand and resolve gaps and deficiencies, benchmark against comparable agencies, identify level of service goals and metrics, prioritize goals and objectives for 10-year planning horizon.



INVENTORY + ANALYSIS

GETTING TO KNOW YOUR PARKS SYSTEM



DEMOGRAPHICS

The population within the parks and recreation service area is expected to grow at .48% over the next 10 years. While well below the national growth rate of .86%, this growth will result in additional demands on the existing parks system.

The service area 's household incomes are slightly lower than the North Carolina average, suggesting limited disposable income for recreation.

The population is aging, suggesting the need for multi-generational recreation opportunities and expanded services for seniors. The county was recently declared a Tier 1 community.



PARKS

The Department provides an impressive variety of amenities, facilities and trails across 1,248 acres of managed parkland. With xx,xxx square feet of indoor recreation space, the Department is able to tailor offerings to the surrounding neighborhoods.

Recent expansion of indoor swimming pools has improved the level of service for aquatics, but left a shortage of access to outdoor aquatics.

An updated park classification system reveals the Department should focus on increased representation of sports complexes, greenways and open space and natural areas.

While the geographic distribution of parks is relatively equitable, gaps exist where new parks should be built or expanded.



PROGRAMS

The Department offers programs in 11 core program areas targeting ages from under 6 years of age to seniors (55+) and align well with the existing age profile of the community. The Department ranks best in class amount peers in providing teen programs.

While the Department uses only 4 of 10 standard pricing strategies, they are proud of their policy of affordability.

The majority of programs are in the introduction or take off stages and align with best practices. These programs will soon grow and stabilize, improving the below average number of mature programs. Retiring programs in the saturated and decline phases will allow for new and refreshed programming.



OPERATIONS

Department staff identified six service areas:

- › Leadership
- › Security
- › Business
- › Parks Division
- › Recreation Division
- › Facilities Division

The Department classifies 100 percent of these functions and services as essential to the operation of the Department, placing considerable responsibility on all staff. Prioritizing workload will allow staff to balance Athletics, Historic responsibilities, and preserve assets as the Department grows.

Residents in adjacent communities and outside of the Department's service area are placing considerable demand on the system's infrastructure. While not yet quantified, this places additional burden on the system.



COMMUNITY ENGAGEMENT

THE VOICES OF OUR FUTURE



PUBLIC OPEN HOUSES

The project team held 4 public open houses to gather input about community needs and wants, priorities, and review recommendations.

STAKEHOLDER GROUPS

The project team held meetings with three stakeholder groups to gather detailed information about recreation, arts, and economic development.

LOCAL GOVERNMENT BRIEFINGS

The project team conducted an asset mapping exercise with leadership of all local governments involved in the project including Fayetteville, Cumberland County, Eastover, Falcon, Godwin, Linden, Steadman, and Wade.

STATISTICALLY VALID SURVEY

The statistically valid survey gathered input from a representative sample of residents in the Department's service area. Feedback details recreational needs and wants as well as existing barriers to accessing recreation services.



BY THE NUMBERS

BENCHMARKING

What do others offer?

TO DETERMINE...

system strengths to enhance & deficiencies to resolve

Compared to peer communities, the Department ranks lower in most metrics, but serves a larger population and geographic area. This suggests the Department is operating very efficiently and effectively to provide its current level of service.

To improve the Department's service delivery it must enhance collaborations with local municipalities, manage staffing based on geographic regions and consider enhancing financial resources to support Department functions.

LEVEL OF SERVICE

What do we offer?

TO DETERMINE...

what the system should offer to accommodate growth?

The Department is **currently** defined by:

3.91 AC / 1,000 pop	12.9 AC / 1,000 pop
2,567.06 SF Indoor Rec Space / Resident	NA SF Indoor Rec Space / Resident
0.04 Trail Miles / 1,000 pop	0.05 - 1.0 Trail Miles / 1,000 pop
5.13 FTE's / 10,000 residents	5.9 FTE's / 10,000 residents
\$60.04 Operating Expense / resident	\$65.51 Operating Expense / resident
\$15,368 Operating Expense / Acre	\$4,112 Operating Expense / Ac
\$116,949 Operating Expense / FTE	\$100,903 Operating Expense / FTE
\$5.34 Revenue / Resident	\$9.85 Revenue / Resident

BEST PRACTICES

What do experts say is best to offer?

TO DETERMINE...

emerging trends to consider offering

The National Parks and Recreation Agency reports the following medians for agencies with similar populations:

**BY 2029, THE
DEPARTMENT WILL NEED:**

830
Additional acres of
parkland

186
New miles of greenway
trails

247,357
Square feet of indoor
recreation space



A Priority Investment Rating (PIR) helps determine what parks and recreation facilities, amenities and programs the Department should prioritize as resources become available. A high PIR helps validate investment decisions when the Department is facing the difficult job of balancing multiple needs of the community.

TOP PIRs FOR PARKS

- › Nature trails
- › Indoor aquatics
- › Indoor fitness
- › Outdoor swimming pools
- › Picnic shelters
- › Dog parks
- › Pier fishing
- › Water access for boating
- › Greenway trail system
- › Canoe & kayak rentals

TOP PIRs FOR YOUTH PROGRAMS

- › Aquatics programs
- › Fitness & wellness
- › After-school, summer, track-out programs
- › Outdoor music and concerts
- › Arts, dance and performing arts
- › Special events & family festivals
- › Life skills programs & education
- › Music lessons & classes
- › Painting & drawing classes
- › Basketball

TOP PIRs FOR ADULT PROGRAMS

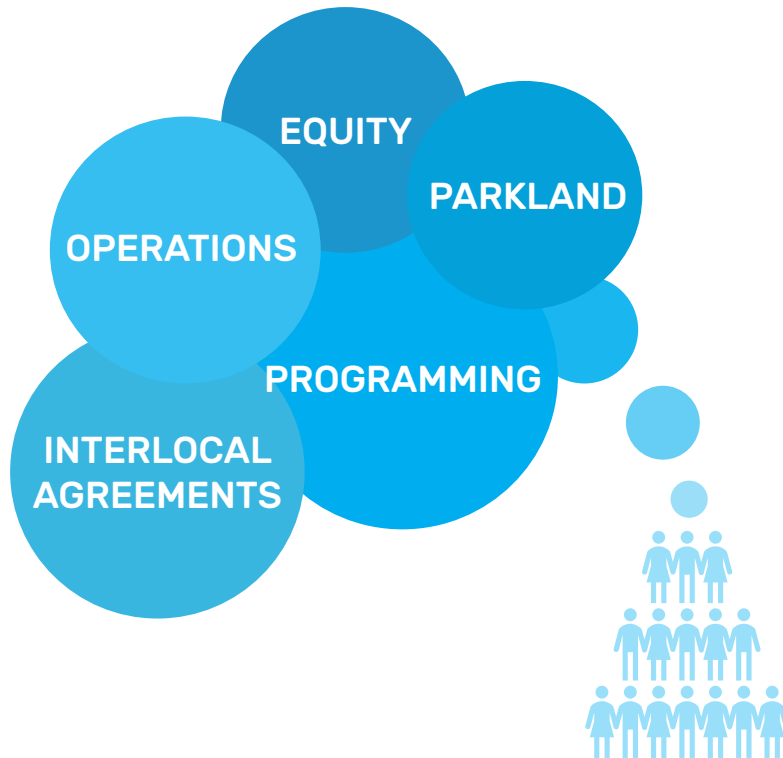
- › Fitness & wellness
- › Aquatics
- › Outdoor music and concerts
- › Senior center programs
- › Special events and family festivals
- › Swimming
- › Trips & tours for seniors
- › Adult sports programs
- › Life skills programs & education
- › Arts, dance & performing arts



THEMES

Throughout the planning process, five themes emerged. Grounded in community values and the voices of residents, these themes represent the perspectives on the existing parks and recreation system, and how it can evolve to be even better.

HOW THE COMMUNITY IMAGINES THE FUTURE OF THE PARKS SYSTEM:



GOALS:



PARKLAND

Goal 1 - Parkland acquisition

- 1.1** Implement park design standards outlined in the park classifications while integrating opportunities to create unique experience within parks.
- 1.2** Thoughtfully acquire land for future park expansion needs in accordance with parkland acquisition map

Goal 2 - Level of service recommendations

- 2.1** Increase level of service of parkland acreage to 5 acres of parkland per 1,000 residents in the Department service area.
- 2.2** Increase level of service of trail mileage to 0.5 miles of trail per 1,000 residents in the Department service area.
- 2.3** Increase level of service of indoor recreation space to 3,000 square feet of indoor recreation space per 10,000 residents in the Department service area.

Goal 3 - Improve and expand existing and future park system with amenities identified through community engagement process.

- 3.1** Use results of community engagement and statistically valid survey when identifying amenities for existing park upgrades and future park programming
- 3.2** Upgrade existing parks to reflect best practices in park design.



PROVIDE DIRECTION, SET EXPECTATIONS FOR DESIRED RESULTS AND ESTABLISH A DECISION-MAKING FRAMEWORK.



PROGRAMMING

Goal 1 - Align programs and services to meet resident needs across the service area

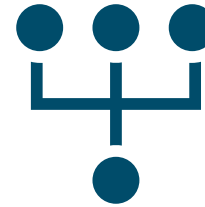
- 1.1** Enhance program development and service delivery
- 1.2** Develop programs and services that address program operational challenges, identified community needs, and trends.

Goal 2 - Enhance marketing as part of the overall customer experience to help increase program participation and satisfaction

- 2.1** Enhance website to create a better customer service experience
- 2.2** Conduct a market analysis for new opportunities in programs and services.
- 2.3** Enhance social media engagement through best practice strategies.

Goal 3 - Incorporate key indicators into the program development process to maximize resources in program delivery

- 3.1** Identify and document all internal factors for newly developed programs and events.
- 3.2** Identify potential partnerships and sponsorships to pursue in support of newly developed programs.
- 3.3** Assess the market including similar providers, market competition, market potential and communication strategy for newly developed programs.



OPERATIONS

Goal 1 - Align services and needs with best practices in service delivery and appropriate classification based on community benefit versus individual benefit.

- 1.1** Define priority functions and services to better classify during annual updates to the service delivery analysis.
- 1.2** Implement management principles to improve the Department's overall effectiveness and sustainability.

Goal 2 - Improve capacity and efficiency by incorporating additional best practices in service delivery

- 2.1** Increase capacity through the implementation of workload management principles.
- 2.2** Enhance existing and develop new public/private and public/nonprofit partnerships and service delivery.



GOALS:

PROVIDE DIRECTION, SET EXPECTATIONS FOR DESIRED RESULTS AND ESTABLISH A DECISION-MAKING FRAMEWORK.



EQUALITY

Goal 1 - Identify areas to expand parkland that will fill gaps in current service provision within Fayetteville, Cumberland County, and local jurisdictions.

- 1.1** Identify areas to expand parkland acreage within Fayetteville city limits.
- 1.2** Identify areas to expand parkland acreage within Cumberland County
- 1.3** Identify areas to expand parkland acreage within local jurisdictions within the interlocal agreement.
- 1.4** Ensure quality of parks provided within areas of high social vulnerability.
- 1.5** Identify areas to expand programming with Fayetteville city limits and Cumberland County.

Goal 2 - Increase department operating budget to accommodate service area residents and those from adjacent jurisdictions

- 2.1** Increase per-capita operating expense for department to improve system for residents and account for residents from adjacent areas.

Goal 3 - Expand use of pricing strategies to guarantee program affordability while equipping the Department to charge higher prices for specialized programming

- 3.1** Continue ensuring program affordability for residents with little or no ability to pay for parks and recreation programming and services.
- 3.2** Introduce updates to fee structure with ample notice and advertisement for participants.



INTERJURISDICTIONAL AGREEMENTS

Goal 1 - Adjacent jurisdictions

- 1.1** Determine and track number of out of town users of parks, programs, and facilities
- 1.2** Use data generated in objective 1.1 to begin discussion with adjacent jurisdictions about joint use agreements

Goal 2 - Address the following needs identified through engagement of jurisdictions participating in the interlocal agreement, including Eastover, Falcon, Godwin, Linden, Steadman, and Wade.


- 2.1** Make updates, improvements, and expansions that enable people to gather and are a source of civic pride in jurisdictions participating in the interlocal agreement.
- 2.2** When feasible, provide the following amenities to jurisdictions participating in the interlocal agreement.
- 2.3** Assist jurisdictions participating in the interlocal agreement with addressing the stated facility and operational challenges.
- 2.4** Support local jurisdictions in their efforts to enhance community involvement in their local parks and recreation.
- 2.5** Support local jurisdictions in their efforts to enhance park amenities.

Fayetteville-Cumberland

parks and recreation comprehensive plan



AGENDA

An aerial illustration of a park. A river flows through the left side. A network of trails winds through the landscape. In the center, there's a large open grassy area. To the right, there's a circular area with a building and a playground. The background shows a line of trees and a small house.

1 SUMMARY OF PROCESS

2 THEMES

3 RECOMMENDATIONS

summary of process



1 PROCESS SUMMARY

PLANNING PROCESS



- > Demographics + Trends
- > Statistically Valid Survey
- > Benchmarking
- > Programming Analysis
- > Social Vulnerability Mapping
- > Community Input

INVENTORY + ANALYSIS



- > Synthesize results of all inventory and analysis
- > Create goals in partnership with Department staff

SYNTHESIS + GOAL SETTING



- > Identify best practices for achieving goals
- > Draw connections between best practices and the Department's specific context

RECOMMENDATIONS



- > Detailed list of action items
- > Identify responsible Department of staff
- > Prioritize objectives as ongoing, short-term, medium-term or long-term

ACTION + IMPLEMENTATION

COMMUNITY ENGAGEMENT

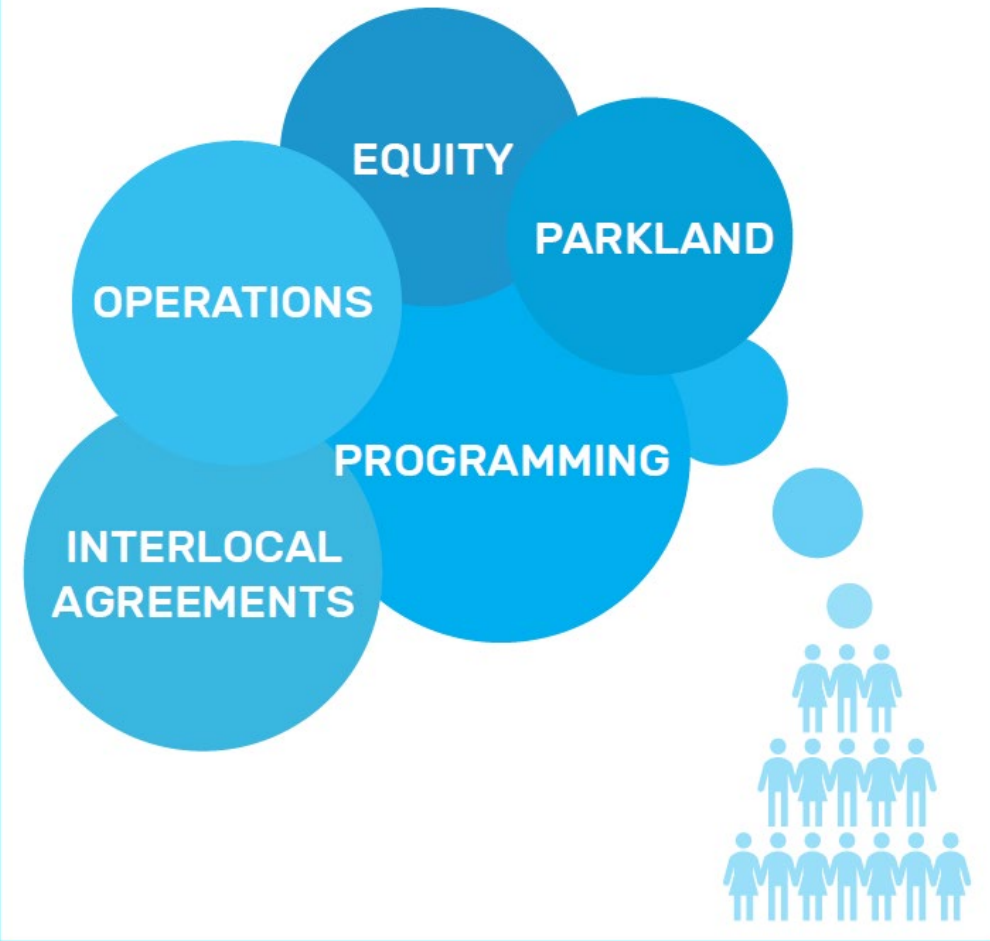




themes

THEMES

HOW THE COMMUNITY
IMAGINES THE FUTURE OF
THE PARKS SYSTEM:



recommendations



RECOMMENDATIONS

PARKLAND

PARKLAND



Offer an additional 830 acres of parkland by 2028 to increase the Department's level of service from 3.91 acres of parkland per 1,000 residents to 5 acres of parkland per 1,000 residents.



Offer an additional 186 miles of trail by 2028 to increase the Department's level of service from 0.04 miles of trail per 1,000 residents to 0.6 miles of trail per 1,000 residents.

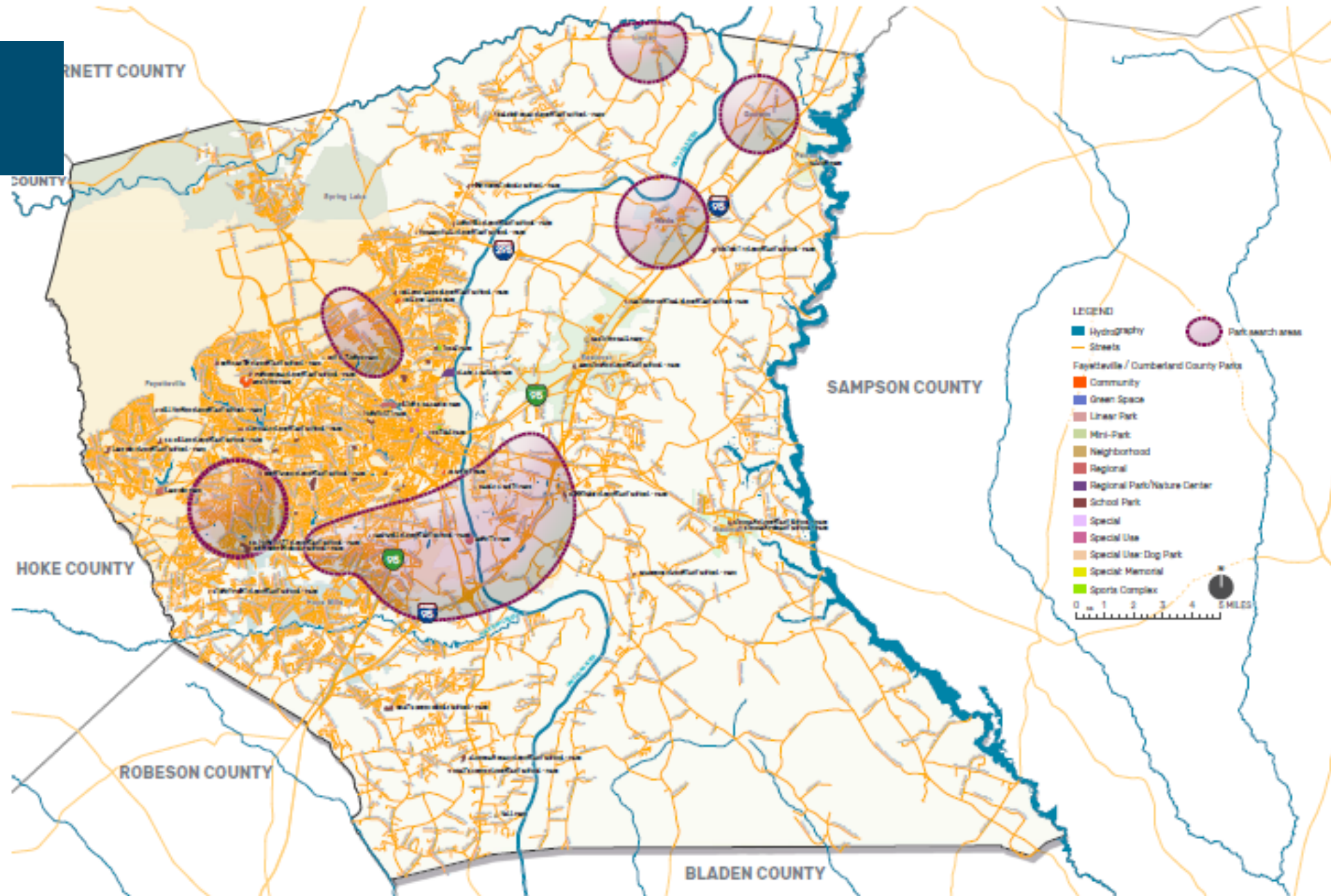


Offer an additional 247,357 square feet of indoor recreation space by 2028 to increase the Department's level of service from 0.26 square feet of indoor recreation space per resident to 1 square foot of indoor recreation space per resident.



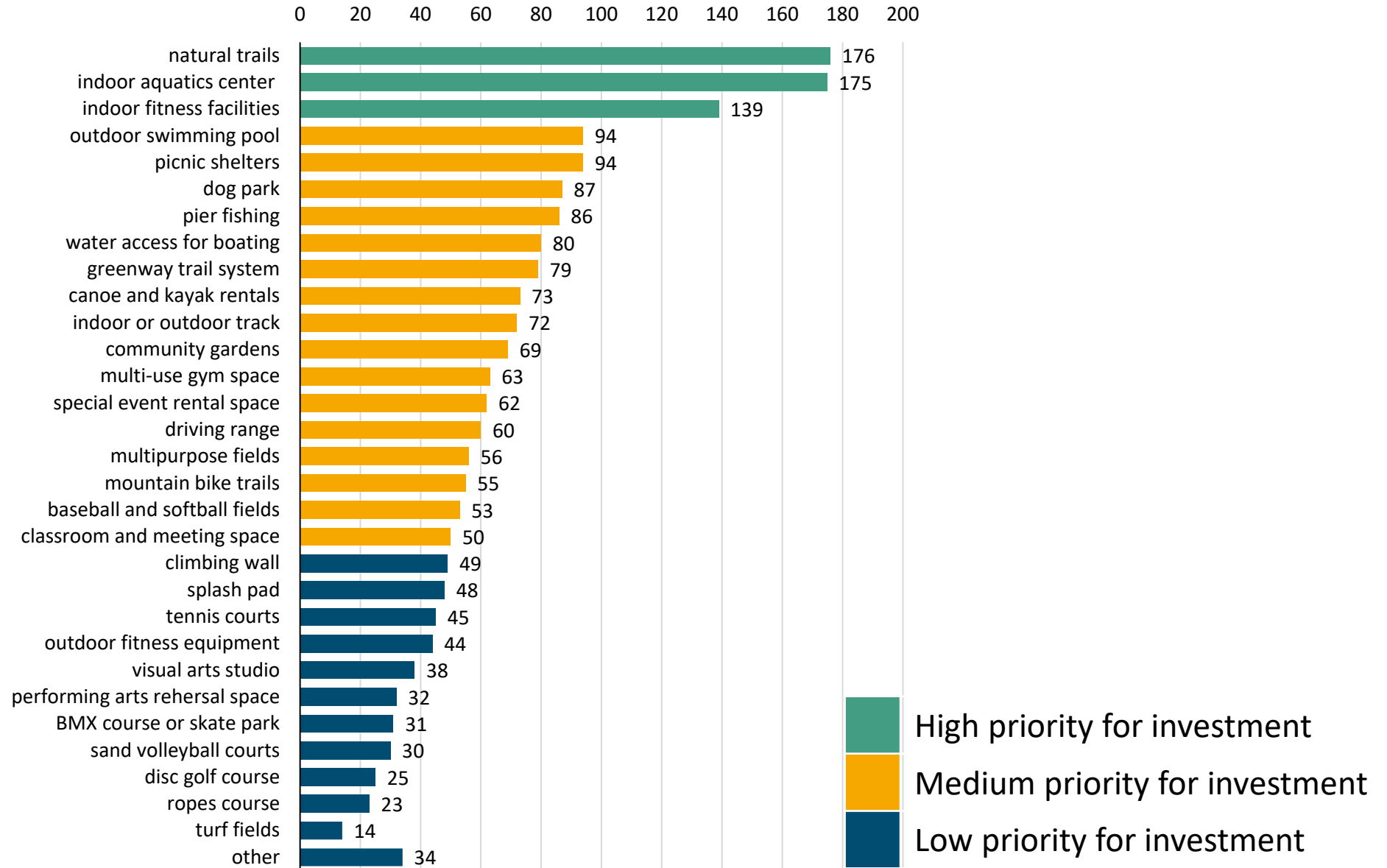
PARKLAND

**Future
parkland
and facility
search
areas.**



TOP PRIORITIES FOR INVESTMENT FOR FACILITIES

COMMUNITY ENGAGEMENT STATISTICALLY VALID SURVEY



PROVIDE

- Natural walking or hiking trails
- Indoor aquatics center
- Indoor fitness facilities
- Multi-use fields and courts
- Playgrounds
- Indoor recreation center and gym
- Walking and running trails
- Open fields for free play.

RECOMMENDATIONS

PROGRAMMING

PROGRAMMING



Map programming locations to determine geographic gaps in service provision



Create business plans for program development, evaluation, and enhancement.



Develop cost recovery and pricing policy to direct staff in establishing user fees. The Department should create a cost recovery philosophy that is true to their role as a community service provider, while also allowing flexibility to recoup costs from those able to pay.



Update fee schedule based on cost recovery goals and implementation of new pricing strategies.

PROGRAMMING

PROGRAMMING

PROVIDE

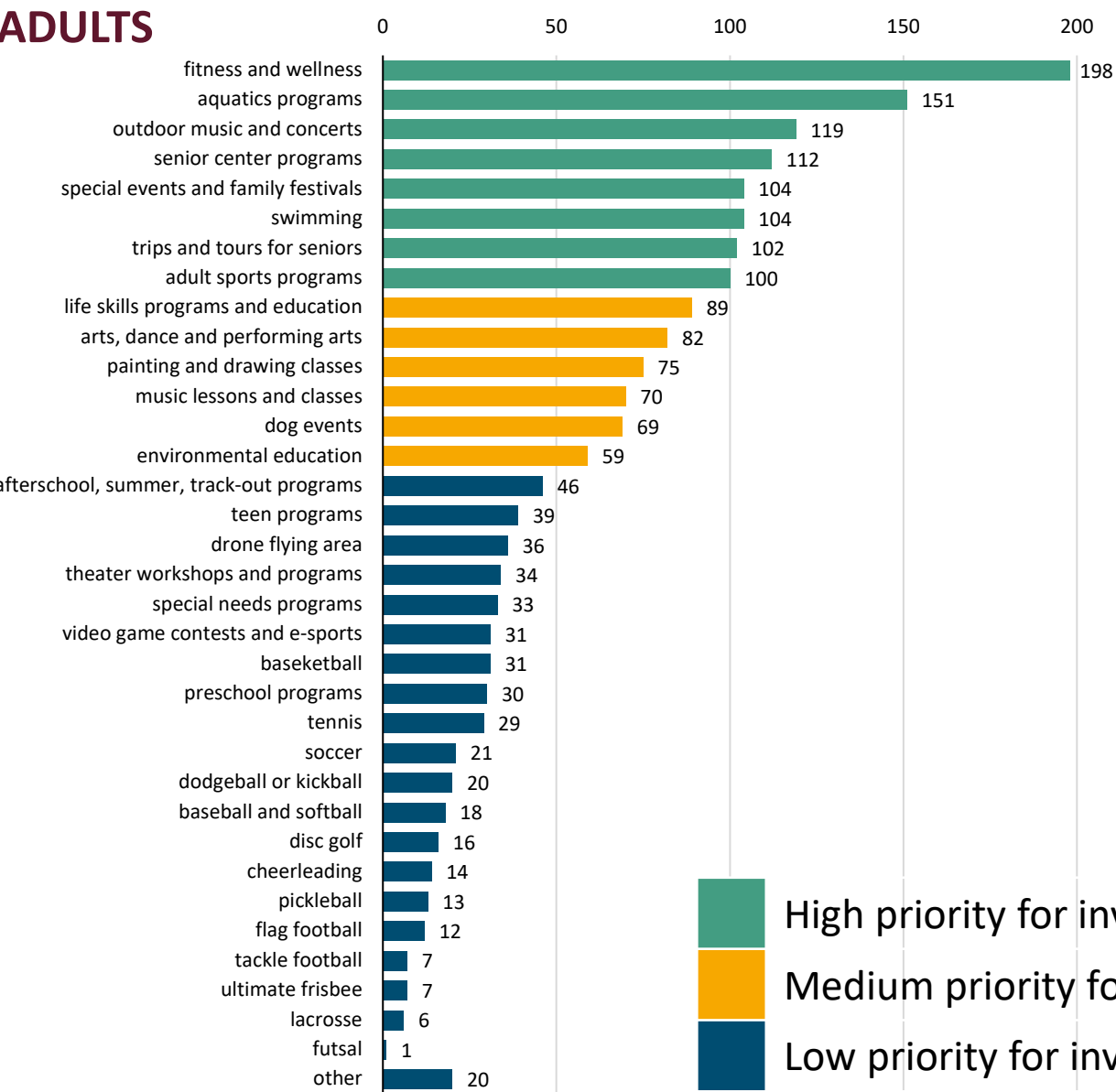
- Fitness and wellness programs
- Aquatics programs
- Outdoor music and concerts
- Senior center programs
- Special events and family festivals
- Swimming
- Trips and tours for seniors
- Adult sports programs
- Afterschool, summer, trackout programs
- Arts dance and performing arts
- Life skills programs and education

TOP PRIORITIES FOR INVESTMENT FOR PROGRAMMING

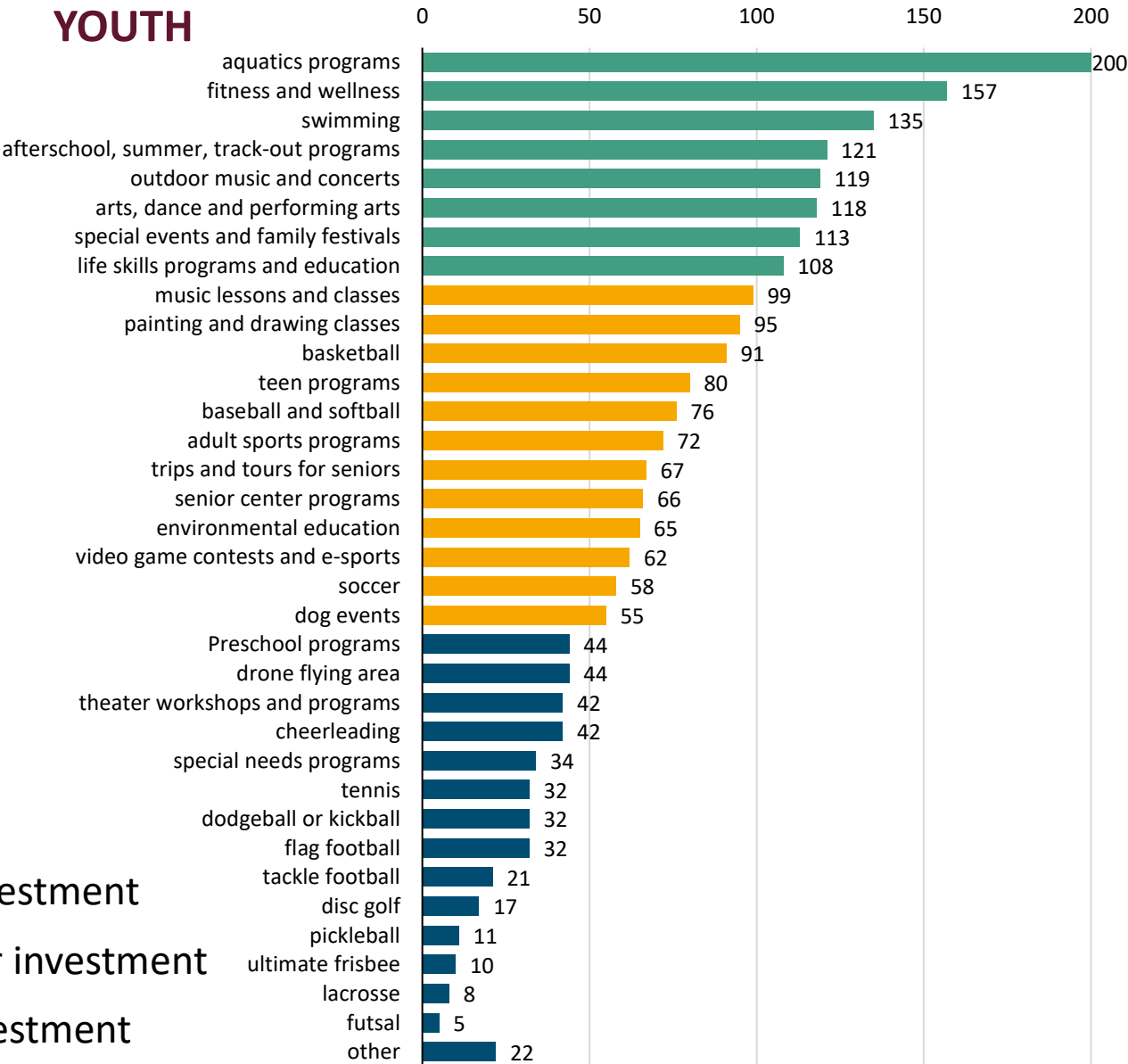
COMMUNITY ENGAGEMENT

STATISTICALLY VALID SURVEY

ADULTS



YOUTH



High priority for investment

Medium priority for investment

Low priority for investment

RECOMMENDATIONS

OPERATIONS

OPERATIONS



Implement strategies to track workload management such as documenting workloads, increasing FTEs, reducing travel time for maintenance tasks, and identifying work to be contracted.



Expand the Departments operations through partnerships for maintenance and programming needs. Evaluate partnerships annually.



Classify and prioritize all Departmental operations to be able to determine which operational activities should be prioritized when resources are limited.

EQUITY

EQUITY



Increase number of residents living within a 10-minute walk of a park or a 15-minute drive of a park.



Ensure parks in areas of high social vulnerability receive equitable investment compared to parks in less vulnerable areas.



Increase per capita operating expense from \$60.04 to \$69.56. This results in an overall operating expense increase of \$3,041,146 for a total operating budget of \$22,041,1146.



Update fee structure with pricing strategies that enable some users to pay to ensure continued low-cost or no-cost access to programming for those unable to pay.

INTERJURISDICTIONAL AGREEMENTS

INTERJURISDICTIONAL AGREEMENTS



Determine and track number of out of town users of parks, programs and facilities to understand the impact these users have on the system.



Quantify the impact these users have on the system and use the data generated to discuss joint use agreements or interlocal agreements with adjacent jurisdictions.

INTERJURISDICTIONAL AGREEMENTS

INTERJURISDICTIONAL AGREEMENTS



In the communities signed on to the interlocal agreement, make updates, improvements, and expansions to parks that create safe places for children to play, and parks that create a source of pride in local communities



Provide picnic shelters, walking trails, basketball courts, and playgrounds.



In existing parks address drainage issues, safety, field maintenance, programmatic marketing, and expanding parking.



Support recreation in constituent jurisdictions by recruiting volunteers to coach, coordinating league play, and tracking resident input and ideas.

QUESTIONS?





PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: IFETAYO FARRAKHAN, COMMUNITY TRANSPORTATION PROGRAM MANAGER

DATE: 10/29/2020

SUBJECT: CUMBERLAND COUNTY COMMUNITY TRANSPORTATION PROGRAM 2020 SYSTEM SAFETY PLAN

BACKGROUND

The Cumberland County Community Transportation Program System Safety Plan for FY2020 has been updated in order to meet requirements from the North Carolina Department of Transportation – Public Transportation Division. The purpose of the plan is to ensure that our transportation through private contractors provide safe and reliable transportation for Cumberland County residents. The plan includes six core elements: Driver/Employee Selection, Driver/Employee Training, Safety Data Acquisition/Analysis, Drug and Alcohol Abuse Programs, Vehicle Maintenance, and Security.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the November 12, 2020 Board of Commissioners' Agenda Session Meeting, and it was moved forward as a Consent Agenda item for the November 16, 2020 Board of Commissioners' Regular Meeting. It is requested that the Cumberland County Board of Commissioners approve the plan as submitted in order to meet requirements from the North Carolina Department of Transportation – Public Transportation Division.

ATTACHMENTS:

Description	Type
CTP 2020 SSP Program Plan	Backup Material
CTP 2020 SSP Adoption Page	Backup Material

07/2020

CUMBERLAND COUNTY COMMUNITY TRANSPORTATION PROGRAM

SYSTEM SAFETY PROGRAM PLAN

(PLAN UPDATED JULY 2020)

07/2020

(INTENTIONALLY BLANK)

07/2020

07/2020



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT McCrory
GOVERNOR

ANTHONY J. TATA
SECRETARY

May 23, 2014

MEMORANDUM

TO: Community Transportation Systems

FROM: Debbie Collins, Director
Public Transportation Division *dc*

SUBJECT: Policy Guidance for Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators

The mission of the North Carolina Department of Transportation is "Connecting people and places in North Carolina - safely and efficiently, with accountability and environmental sensitivity." Community Transportation systems must meet all federal and state guidelines, regulations and laws regarding the safe transportation of their passengers. The Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators are to be implemented by local systems as part of the effort toward meeting those requirements. This memorandum supersedes the memorandum dated October 1, 2011, same subject.

Please contact your regional safety and security specialist if you have any questions concerning this policy.

SOURCE DOCUMENTS

1. Federal Transit Administration (FTA) Circular 9040.1F "Non-Urbanized Area Formula Program Guidance and Grant Application Instructions" effective April 1, 2007, Section X (see 49 U.S.C. Chapter 53 - Section 5329; Investigation of Safety Hazards)
2. 29 CFR 1910.1030(g)(2)-Bloodborne pathogens-Information and Training
3. 49 CFR 655.14-Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations-Education and Training Programs
4. 49 CFR 37.173-Americans with Disabilities Act-Training requirements
5. NCGS Statute 95 and Department of Labor Guidance

Attachment: Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION DIVISION
1550 MAIL SERVICE CENTER
RALEIGH, NC 27694-1550

TELEPHONE: 919-707-4670
FAX: 919-733-1391
WWW.NCDOT.GOV/NCTRANSIT

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WELINGTON STREET
RALEIGH, NC

**Minimum Training Standards for Community and Human Service
Transportation System Vehicle Operators**

- **Defensive Driving**
 - Shall include all vehicle operators, including any employees that operate the vehicles in revenue service or carry passengers for any other trip purpose.
 - Initial training must be a certified program, or curriculum must be equal to an existing certified program.
 - *Training must be completed upon hire and annually.*
- **Americans with Disabilities Act (ADA)**
 - Shall include at a minimum the following training (for further guidance refer to 49 CFR Part 37—Transportation Services for Individuals with Disabilities (ADA))
 - Sensitivity training
 - Passenger assistance
 - Wheelchair handling
 - Wheelchair securement (passenger and mobility)
 - Wheelchair lift inspection
 - Wheelchair lift operation (normal and emergency)
 - ADA requires training all personnel to “**proficiency**”, which is defined as **expert performance**.
 - *Training must be completed upon hire and annually.*
- **Bloodborne Pathogens**
 - Shall follow the Occupational Safety and Health Administration guidelines for the training as listed in Standard 29 CFR 1910.1030(g)(2)
 - The OSHA Standard spells out the content of the training.
 - *Training must be completed upon hire and annually.*
- **Emergency Procedures**
 - Shall include all procedures required to report or react to an emergency by transit system staff:
 - Communication and notification procedures
 - Accident/Incident reporting procedures
 - Passenger handling procedures
 - Vehicle and facility evacuation procedures
 - Driver and passenger security training
 - Emergency evacuation procedures and training
 - Emergency equipment usage
 - First aid (drivers must be trained in first aid to include use of kit)
 - Bloodborne Pathogens (drivers must be trained in bloodborne pathogens to include use of kit and transit system specific engineering controls to minimize driver exposure, cleanup procedures and waste disposal)
 - Emergency triangles (drivers must be trained to properly setup equipment)
 - Fire extinguishers (drivers must be trained to properly inspect and use equipment)
 - Web cutter (drivers must be trained to properly use equipment)
 - Participation in local or regional Emergency Management drills is strongly encouraged
 - *Training must be completed upon hire and annually.*

- **Ride Check – Driver Evaluations**
 - Newly hired drivers must have a Ride Check – Driver Evaluation before being allowed to operate a transit vehicle unsupervised in revenue service.
 - All drivers must have an annual evaluation to assess the driver's performance of techniques, skills and knowledge gained through training of each of the above categories.
 - Remedial training will be provided as needed in addition to the required annual training.
 - *Training must be completed upon hire and annually.*
- **Illegal Drug Use**
 - Shall include all training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.
 - *This shall be done upon hire. (Required under 49 CFR 655.14)*
- **General**
 - All new hires must complete all of the minimum training requirements before operating a transit vehicle unsupervised in revenue service.
 - *Reflective vest will be worn by drivers when performing job functions.*
 - *Drivers that are not meeting proficiency, expert performance level, must be given remedial training until they are proficient.*
 - *Refresher (annual) training must be completed annually (within 1-year of last training date).*
 - All of the training materials and documentation must be on file for review by the NCDOT/PTD. Materials shall include but not be limited to course outline (may be included in instructor's manual), instructor's manual, sample student manual (if one is used), handouts and copy of Power Point slides if used in lieu of instructor's manual.
 - Records of qualifications and training performed (for each individual trained) must be kept on file for a minimum of five (5) years. Records shall include proof of attendance (roster or certificate of completion, if provided), date of the course, and type of instruction delivery (instructor led, self-instruction, etc.), name and certification (if applicable) of instructor.
- **Minimum Training Standards Reporting Procedures**
 - Grantees must submit the following information to the Safety and Security Unit.
 - Number of employees who received training by category/type
 - A spreadsheet will be provided by the Safety and Security Unit for the purposes of reporting training.
 - The report must be submitted no later than the fifteenth (15) day of the month following the end of the quarter (Dates due: January 15, April 15, July 15, and October 15).
 - Submit reports by e-mail to the Safety and Security Specialist assigned to your area and courtesy copy to safetyandsecurity@ncdot.gov.

GENERAL SYSTEM SAFETY PLAN MANAGEMENT DESCRIPTIONS OF ELEMENTS

1. POLICY STATEMENT AND AUTHORITY FOR SYSTEM SAFETY PROGRAM PLAN

- A. Effective October 2012, Moving Ahead for Progress in the 21st Century (MAP-21) mandated requirements for all public transportation to develop and implement a safety plan. As defined by MAP-21 public transportation is regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income.
- B. North Carolina Board of Transportation 2003 Resolution established the requirement for each transit system to develop and implement a System Safety Program Plan (SSP).
- C. Establish the SSP as an operating document that has been prepared for and approved by the transit system top management, chief executive officer or the governing board.
- D. The authority statement in the SSP should define, as clearly as possible, the following:
 - 1. The authority for establishment and implementation of the SSP
 - 2. How that authority has been delegated through the organization
- E. The SSP must adequately address the SIX CORE ELEMENTS.

2. DESCRIPTION OF PURPOSE FOR SYSTEM SAFETY PROGRAM PLAN

- A. Address the intent of the *SSP* and define why it is being written.
- B. Establish the safety philosophy of the whole organization and provide a means of implementation.
- C. A *SSP* could be implemented for the following reasons:
 - To establish a safety program on a system wide basis.
 - To provide a medium through which a system can display its commitment to safety.
 - To provide a framework for the implementation of safety policies and the achievement of related goals and objectives.
 - To satisfy federal and state requirements.
 - To meet accepted industry standards and audit provisions.
 - To satisfy self-insurance or insurance carrier provisions.
- D. The relationship of system safety to system operations should be defined.
- E. All departments involved must have a clear definition of their individual responsibilities relative to the scope of the *SSP*.
- F. This section should also contain system safety definitions applicable to the operating systems.

3. CLEARLY STATED GOALS FOR VEHICLE SAFETY MANAGEMENT PROGRAM

- A. The overall goal of a *SSP* is to identify, eliminate, minimize and control safety hazards and their attendant risks by establishing requirements, lines of authority, levels of responsibility and accountability, along with methods of documentation for the organization.
- B. These goals should be system-specific, tailored to the individual needs of the system, as well as being:
 - 1. Long term - the goal must have broad and continuing relevance.
 - 2. Meaningful - they must not be so broad as to be meaningless; desired results must be identified.
 - 3. Realizable - any goal that meets the first two criteria but cannot be attained is meaningless.
- C. Example:
 - 1. A goal might be to establish a high level of safety comparable to other transit systems in the U.S.
 - 2. Identify, eliminate, minimize, and/or control all safety hazards
 - 3. Provide appropriate action and measures to obtain necessary safety-related agreements, permits and approvals from outside agencies, where applicable.

4. IDENTIFIABLE AND ATTAINABLE OBJECTIVES

- A. Objectives are the working elements of the *SSP*, the means by which the identified goals are achieved.
 - 1. Must be quantifiable and meaningful.
 - 2. Met through the implementation of policies.
- B. Policies are central to the *SSP* and must be established by top management.
 - 1. They set the framework for guiding the safety program, on a relatively long-term basis.
 - 2. Policies are measurable.
 - 3. Policies are methods for reaching a specified objective.
- C. Example:

The establishment of a safety program incorporating public, patron, employee, and property safety including fire protection, loss prevention and life safety requirements.

- **Policies depend on the goals defined by the transit system and its safety philosophy.**

5. SYSTEM DESCRIPTION/ORGANIZATIONAL STRUCTURE

A. System Description

1. Briefly describe the system's characteristics. The information should be sufficient to allow non-technical person and those not employed in transit to understand the system and its basic operation.

2. Components that should be included in the system description:

- a. History
- b. Scope of service
- c. Physical features
- d. Operations
- e. Maintenance
- f. System Modifications

B. Organizational Structure

- 1. Organizational diagrams showing the title of each position.
- 2. Diagram showing the structure of the system safety unit identifying the key positions.
- 3. Diagrams showing the relationships and lines of communication between the system safety unit and other departments in the organization.
- 4. Describe the relationship of the transit system to local political jurisdictions.

SYSTEM SAFETY PROGRAM PLAN

Program Description:

The System Safety Program Plan (SSP) was developed utilizing established guidance listed in the procedural manuals of the North Carolina Department of Transportation Standard Operating Procedure SSP-001 and the State Management Plan. The SSP consists of and addresses the required six (6) core elements:

1. Driver/Employee Selection
2. Driver/Employee Training
3. Safety Data Acquisition Analysis
4. Drug, Alcohol and Abuse Program
5. Vehicle Maintenance
6. Security

The Cumberland County Community Transportation Program's number one priority is adherence to policies and procedures of the core elements. All of the elements listed are equal in importance and the policies and procedures must be met. The compliance will ensure that we meet all Federal Transportation Administration (FTA) and North Carolina Department of Transportation Public Transportation Division (NCDOT/PTD) policies and regulations.

Driver/Employee Selection Element:

Fair hiring practices are used to select employees. Each potential employee will complete a written application. The Contracted Owner and/or supervisor shall interview each potential employee.

Driver/Employee Training Element:

The minimum requirements for vehicle operator training are Defensive Driving, Americans with Disabilities Act, Bloodborne Pathogens and Emergency Procedures for Vehicle Operators. In addition to the minimum requirements the follow actions must be completed:

1. The training must be completed annually
2. The training material must be on file for review by NCDOT/PTD
3. Records of each individual trained must be retained on file for five (5) years
4. Each driver must have an annual driver's performance evaluation to provide refresher training, assess skills, techniques, knowledge, etc...

Safety Data Acquisition Analysis Element:

The goal of the Safety Program is the reduction of accidents and injuries to customers, employees and the general public. Safety is a shared responsibility between system management and employees. It is the policy of the Cumberland County Community Transportation Program to provide a place of employment that is free from recognized hazards that could result in death or serious injury to employees, customers or the general public. It is the responsibility of each

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employee to report all incidents or unsafe conditions to their supervisor. Supervisors must immediately take necessary corrective action to prevent unsafe conditions.

Prohibited behaviors are behaviors that are in violation of the System Safety Policy. Such behaviors include behaviors that threaten the safety of employees, customers and the general public. Other unacceptable behaviors include those that result in damage to system, employee and public and/or private property. An employee who intentionally violates the safety policy and procedures will be subject to appropriate disciplinary action, as determined by the findings of an investigation. Such discipline may include a warning, demotion, suspension or immediate dismissal. In addition, such actions may cause the employee to be held legally liable under State or Federal Law.

Drug Alcohol and Abuse Program Element:

The goal is to provide a safe, healthy and productive drug-free work environment for all employees. A person being under the influence of a drug or alcohol while on the job poses serious safety and health risk to the user, co-workers, and passengers. The Cumberland County Community Transportation Program has established a policy of a drug-free work environment. A standard of zero tolerance for use of alcohol, illegal substances, or the misuse of prescription medications during work hours or the presence of these substances in the body during work hours regardless of when consumed. Random drug testing will be administered.

Vehicle Maintenance Element:

The goal is to ensure each vehicle and MOBILITY DEVICE lift is properly maintained to maximize the service life, maintain reliability, mitigate high maintenance costs and sustain proper safety and mechanical condition. To accomplish this goal we will at a minimum adhere to the vehicle manufacturer's maintenance/service manual and the MOBILITY DEVICE lift service manual.

Security Element:

The overall purpose of the Security Program is to optimize -- within the constraints of time, cost, and operational effectiveness -- the level of protection afforded to vehicles, equipment, passengers, employees, and contractors, and any other individuals who come into contact with the system during normal operations.

The security of passengers and employees is paramount to promoting the objectives of FTA and NCDOT. We will take all reasonable and prudent actions to minimize the risk associated with intentional acts against passengers, employees and equipment. To further this objective, we have developed security plans and procedures.

The SSP will be updated as changes occur. An annual review is required to ensure all information is current. The annual review must be adopted by the board and certified by NCDOT/PTD.

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**RESOLUTION FOR APPROVAL OF REQUIREMENT FOR
COMMUNITY TRANSPORTATION SYSTEMS TO IMPLEMENT
SYSTEM SAFETY PROGRAM PLANS**

WHEREAS, the Federal Transit Administration's strategic safety goal is to promote the public health and safety by working toward the elimination of transportation related deaths, injuries and property damage;

WHEREAS, the Federal Transit Administration and the National Transportation Safety Board require the reporting of certain transportation related accidents;

WHEREAS, the vision for public transportation services in North includes the provision of safe, affordable transportation choices, statewide to those who have travel options and to those whose options are limited;

WHEREAS, the development and implementation of System Safety Program Plans by Community Transportation systems is a fundamental step toward these goals;

WHEREAS, the North Carolina Department of Transportation, Public Transportation Division recognizes the safety implications of the development of System Safety Program Plans and provides training and technical assistance to transit systems to assist in the development and implementation of their System Safety Program Plans;

WHEREAS, rural transit systems receiving federal and state funds are not currently required to have a System Safety Program Plan;

WHEREAS, the Public Transportation Division, in an effort to promote safe public transportation services recommends requiring that each rural transit system in the state that receives federal and/or state funds must have an approved System Safety Program Plan which includes provision for local system safety data collection and reporting;

WHEREAS, the Transit, Rail and Ferry Committee has concurred in this recommendation.

THEREFORE BE IT RESOLVED AS FOLLOWS:

That the North Carolina Board of Transportation approves the recommended requirement that each Community Transportation System that receives federal and/or state funds must have an approved System Safety Program Plan which includes provision for local system safety data collection and reporting.

ANNUAL MANAGEMENT REVIEW

The SSP should reflect the changing needs of our system programs. As a transit system evolves and operates, it must consistently monitor the programs and update the SSP accordingly.

To ensure that this occurs, the Transportation Coordinator/Accountable Executive should prepare an annual report that assesses the adequacy and effectiveness of all phases of the SSP. The annual report should be submitted to the Transportation Advisory Board and a copy submitted to NCDOT/PTD Safety & Training Unit.

Report topics include:

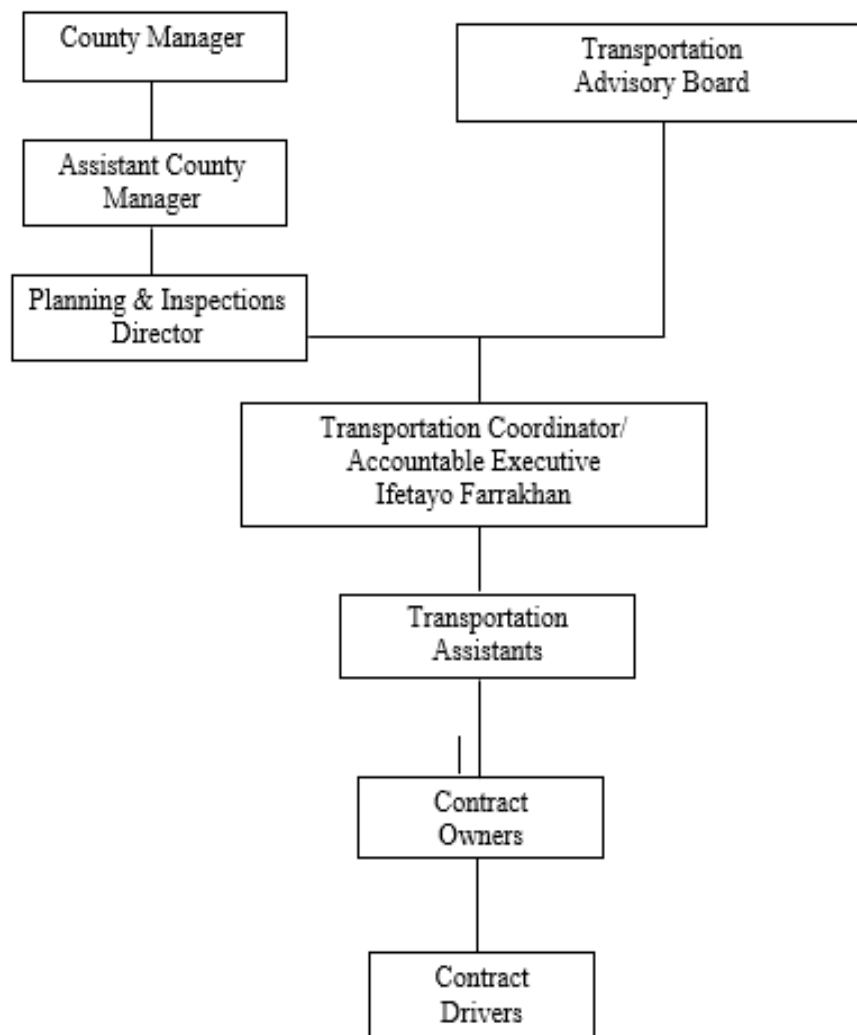
- ❖ Results of incident investigations and analysis
- ❖ Identification of possible hazardous conditions
- ❖ Results of inspections
- ❖ Established plans for handling future incidents
- ❖ Recommendations for SSP revisions
- ❖ Analysis of departmental involvement in the administration of the SSP

The Transportation Coordinator/Accountable Executive is responsible for maintaining and updating the SSP. The local Transportation Board must approve the required revisions.

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SYSTEM SAFETY PROGRAM PLAN POLICY AND PROCEDURE REVISION INDEX				
Policy/Procedure Name	SPP#	Revision #	Date	Description
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Policy/Procedure Name	SPP#	Revision #	Date	Description

ORGANIZATIONAL STRUCTURE
FISCAL YEAR 2019
DEPARTMENT NAME Planning & Inspections



MISSION STATEMENT

The mission of the Cumberland County Community Transportation Program is to provide safe, dependable, accessible, and affordable transportation to all residents of Cumberland County. The Cumberland County Community Transportation Program will always strive to continue for tomorrow what is today: a key to independence.

SYSTEM GOALS

- PROVIDE 95% ON-TIME SERVICES
- PROMOTE THE CUMBERLAND COUNTY TRANSPORTATION PROGRAM SERVICES
 - ENHANCE QUALITY OF LIFE FOR CUMBERLAND COUNTY RESIDENTS

SYSTEM DESCRIPTION

The Cumberland County Community Transportation Program is a transportation system operating in Cumberland County, NC. The Community Transportation Program offers demand response and subscription transportation services through local contracted transportation providers. The Community Transportation Program also assists with transportation for the following agencies:

Employment Source (Service Source)

Medical and non-medical transportation is available to those that are 60+ or disabled. Medical transportation is provided at no cost to the client (as long as they do not qualify for Medicaid Transportation or ADA Transportation). Non-medical transportation is provided at a cost of \$2.50 per one-way trip (as long as they do not qualify for ADA Transportation). Trips are provided Monday thru Friday from 8:00am to 5:00pm. Accommodations for dialysis clients will be made to provide transportation outside of the normal service hours.

Employment transportation (EMPL) is available to citizens living in the urbanized area (as long as they do not live less than 1.5 mile from a Fayetteville Area System of Transit bus route). Trips are provided at a cost of \$2.50 per one-way trip. Trips are provided Monday thru Friday from 5:00am to 8:00pm.

Rural General Public (RGP) service is available to all citizens who reside in the rural areas of our county at a cost of \$2.50 per one-way trip. Trips are provided Monday thru Friday from 5:00am to 8:00pm.

All service is accessible to persons with disabilities.

Service Area

The Cumberland County Community Transportation Program serves all of Cumberland County including the municipalities within its borders. Cumberland County is a rural county located near the center of North Carolina encompassing 658 square miles. The ridership of CTP is comprised of the elderly, disabled, low income, and rural residents of our county. All destinations are located within the County of Cumberland.

Days and Hours of Service

Transportation services provided by the Community Transportation Program will not operate on the following holidays:

Christmas Day
New Year's Day

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DRIVER/EMPLOYEE SELECTION

NOTE: The following positions have been identified as safety sensitive:

- Driver

INITIAL HIRE PROCEDURES AND MINIMUM QUALIFICATIONS FOR DRIVERS

Background

In an effort to ensure that the most competent and safe drivers are employed by the Cumberland County Community Transportation Program the following eligibility requirements must be met by each prospective/current employee seeking/holding a position as a driver of a transit vehicle.

QUALIFICATIONS

Advertising of Positions

All driver positions must be advertised.

Application

Each potential employee shall complete a written application.

Interviews

The owner of the contracted transportation company shall interview each potential employee.

Physical Requirements

Each applicant must meet the requirements defined in 49 CFR Part 391.41 of the Federal Motor Carrier Safety Regulations. In addition to the following requirements:

- a. Eyesight – Drivers must have vision in both eyes, normal depth perception, normal peripheral vision and be free of any disease or condition that could impair vision. Drivers must have 20/40 vision in each eye with or without corrections, and 70 degrees or better horizontal vision. Drivers must be able to distinguish between green, red and yellow.
- b. Hearing – Drivers shall have adequate hearing to assure safe response to vehicle horns, emergency vehicle sirens, and train signals.
- c. Physical Ability: Must have the physical strength to assist MOBILITY DEVICE passenger and other ADA passengers when loading and unloading the vehicle.

Age

Drivers shall be at least twenty-one (21) years of age.

Knowledge of English

Drivers shall be able to read, write and speak the English language.

Driver Requirements

Drivers transporting people shall hold a valid NC Driver's License or Commercial Driver's License as appropriate. In order to be considered for employment all potential employees must

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provide a printout of the Bureau of Motor Vehicle (DMV) report issued within the past ten (10) days. **In no case will an individual be given a road test, placed in training or allowed to operate an agency vehicle without a DMV check that is in compliance with this policy and has been approved by the Transportation Coordinator/Accountable Executive.**

The criteria include:

- Good driving record with no Driving While Intoxicated (DWI), Driving Under the Influence (DUI) or similar charges, reckless driving, railroad crossing violations or leaving the scene of an accident offenses.
- No positive drug or alcohol test results within the last two years.
- No moving violations or at-fault accidents within the last three years.
- No suspended or revoked licenses within the past five (5) years for moving violations or violations of criminal laws.
- Any combination of violations, unfavorable road observations or accidents that indicates a pattern of unsafe vehicle operation behavior, whether on or off the job.
- Minimum of three (3) years driving experience.
- Ability to perform simple math.
- Reasonable knowledge of the service area and ability to read basic maps.
- A road test given by the owner of the contracted transportation company is required.

Operating Skills

Drivers shall have experience in safely driving some type of motor vehicle (including private automobile) for no less than three (3) years, including experience throughout the four seasons.

Criminal Record Checks

An original criminal record check, issued within the past 10 days, shall be obtained as part of the application process. Persons with felony convictions of any sort are unacceptable. Other unacceptable convictions include crimes of violence, drug usage or sales, physical abuse, fraud or theft. A pattern of unlawful behavior shall also disqualify an applicant.

PROCEDURES FOR SELECTING A SAFE DRIVER

When hiring vehicle operators, be sure to have the driver candidates undergo the following:

- A pre-employment driving test (Ride Check)
- A pre-employment physical exam
- A background investigation
- Submission of driving record
- Pre-employment drug testing
- Basic training in driver skills
- Defensive driving skills training
- ADA Requirement Training
- Blood borne Pathogens Training
- Emergency Procedure Training
- Illegal Drug Use

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EXAMINATION TO DETERMINE PHYSICAL CONDITION OF DRIVER

Last Name	First	MI	Signature	
Street Address			DOB (month/day/year)	Age
City	State	Zip Code	Social Security Number	Date

HEALTH HISTORY

	Yes	No		Yes	No
Head or Spine Injury	<input type="checkbox"/>	<input type="checkbox"/>	Gonorrhea	<input type="checkbox"/>	<input type="checkbox"/>
Seizures or Fainting	<input type="checkbox"/>	<input type="checkbox"/>	Diabetes	<input type="checkbox"/>	<input type="checkbox"/>
Severe Injury or Illness	<input type="checkbox"/>	<input type="checkbox"/>	GI Ulcer	<input type="checkbox"/>	<input type="checkbox"/>
Cardiovascular Disease	<input type="checkbox"/>	<input type="checkbox"/>	Nervous Stomach	<input type="checkbox"/>	<input type="checkbox"/>
T.B.	<input type="checkbox"/>	<input type="checkbox"/>	Rheumatic Fever	<input type="checkbox"/>	<input type="checkbox"/>
Syphilis	<input type="checkbox"/>	<input type="checkbox"/>	Asthma	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No			
Kidney Disease	<input type="checkbox"/>	<input type="checkbox"/>			
Muscular Disease	<input type="checkbox"/>	<input type="checkbox"/>			
Any Disease	<input type="checkbox"/>	<input type="checkbox"/>			
Permanent Defect	<input type="checkbox"/>	<input type="checkbox"/>			
Psychiatric Disorder	<input type="checkbox"/>	<input type="checkbox"/>			
Other Nervous Disorder	<input type="checkbox"/>	<input type="checkbox"/>			

If answer is YES, explain: _____

PHYSICAL EXAMINATION

General Appearance: ☐ Good ☐ Fair ☐ Poor

NOTE: Visual acuity of at least 20/40 required in each eye with field of vision of 70° horizontal meridian in each eye

Vision: _____

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AUTHORIZATION AND CONSENT FOR RELEASE OF INFORMATION

This release and authorization acknowledges that _____ may now, or at any time while I am employed, contact personal references, conduct a verification of my education and licenses/certifications, employment/work history, motor vehicle records, and receive any criminal history record information pertaining to me which may be in the files of any Federal, State or Local criminal justice agency, and to verify any other information deemed necessary to fulfill the job requirements.

I do hereby agree to release and discharge _____ and their associates to the full extent permitted by the law from any claims, damages, losses, liabilities, costs and expenses or any other charge or complaint filed with any Agency arising from the retrieving and reporting of information.

Last Name: _____ **First:** _____ **Middle:** _____

Date of Birth: ____/____/____ **Social Security #:** _____

Driver's License #: _____ **State:** _____ **Exp. Date:** ____/____/____

Signature

Date

MANAGEMENT REVIEWS

The Community Transportation Coordinator/Accountable Executive will provide oversight on employee records quarterly. Oversight may be provided through reports submitted to the Transportation Coordinator/Accountable Executive by the contracted company, or through an office visit from the Transportation Coordinator/Accountable Executive to review records. Each employee should have a separate file which shall contain their driving record, background check, training records, and other employee information as it pertains to this program. The Transportation Coordinator/Accountable Executive will verify the contractor's compliance with FTA and NCDOT regulations and policies.

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DRIVER/EMPLOYEE TRAINING

07/2020

October 20, 2011

MEMORANDUM

TO: Community Transportation Systems

FROM: Miriam S. Perry, Director

SUBJECT: Policy Guidance for Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators

The stated mission of the North Carolina Department of Transportation is “Connecting people and places in North Carolina - safely and efficiently, with accountability and environmental sensitivity.” Community Transportation systems must meet all Federal and state guidelines, regulations and laws regarding the safe transportation of their passengers. The Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators are to be implemented by local systems as part of the effort toward meeting those requirements. This memorandum supersedes the memorandum dated October 1, 2007, same subject.

Please contact your regional safety and training specialist if you have any questions concerning this policy.

SOURCE DOCUMENTS

1. Federal Transit Administration (FTA) Circular 9040.1F “Non-Urbanized Area Formula Program Guidance and Grant Application Instructions” effective April 1, 2007, Section X (see 49 U.S.C. Chapter 53 - Section 5329: Investigation of Safety Hazards)
2. 29 CFR **1910.1030(g)(2)**-Bloodborne pathogens-Information and Training
3. 49 CFR 655.14-Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations-Education and Training Programs
4. 49 CFR 37.173-Americans with Disabilities Act-Training requirements
5. NCGS Statute 95 and Department of Labor Guidance

MSP/pta

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Attachment: Minimum Training Standards for Community and Human Service Transportation
System Vehicle Operators

Minimum Training Standards for Community and Human Service Transportation System Vehicle Operators

- **Defensive Driving**
 - Shall include all vehicle operators, including any employees that operate the vehicles in revenue service or carry passengers for any other trip purpose;
 - *Initial training must be a certified program, or curriculum must be equal to an existing certified program.*
 - *Training must be completed upon hire and annually.*
- **Americans with Disabilities Act (ADA)**
 - Shall include at a minimum the following training (for further guidance refer to 49 CFR Part 37—Transportation Services for Individuals with Disabilities (ADA))
 - Sensitivity training
 - Passenger assistance
 - MOBILITY DEVICE handling
 - MOBILITY DEVICE securement (passenger and mobility)
 - MOBILITY DEVICE lift inspection
 - MOBILITY DEVICE lift operation (normal and emergency)
 - ADA requires training all personnel to “**proficiency**”, which is defined as **expert performance**.
 - *Training must be completed upon hire and annually.*
- **Bloodborne Pathogens**
 - Shall follow the Occupational Safety and Health Administration guidelines for the training as listed in Standard 29 CFR 1910.1030(g) (2)
 - The OSHA Standard spells out the content of the training.
 - *Training must be completed upon hire and annually.*
- **Emergency Procedures**
 - Shall include all procedures required to report or react to an emergency by transit system staff:
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 - Accident/Incident reporting procedures
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 - Vehicle and facility evacuation procedures
 - Driver and passenger security training
 - Emergency evacuation procedures and training
 - Emergency equipment usage
 - First aid (drivers must be trained in first aid to include use of kit)
 - Bloodborne Pathogens (drivers must be trained in bloodborne pathogens to include use of kit and transit system specific engineering controls to minimize driver exposure, cleanup procedures and waste disposal)
 - Emergency triangles (drivers must be trained to properly setup equipment)

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- Fire extinguishers (drivers must be trained to properly inspect and use equipment)
 - Web cutter (drivers must be trained to properly use equipment)
 - Reflective vest will be worn by drivers when performing job functions
 - *Participation in local or regional Emergency Management drills is strongly encouraged.*
 - *Training must be completed upon hire and annually.*
- **Ride Check – Driver Evaluations**
 - Newly hired drivers must have a Ride Check – Driver Evaluation before being allowed to operate a transit vehicle unsupervised in revenue service
 - All drivers must have an annual evaluation to assess the driver's performance of techniques, skills and knowledge gained through training of each of the above categories.
 - Remedial training will be provided as needed in addition to the required annual training.
 - *Training must be completed upon hire and annually.*
- **Illegal Drug Use**
 - Shall include all training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.
 - *This shall be done upon hire.* (Required under 49 CFR 655.14)
- **General**
 - **All new hires must complete all of the minimum training requirements before operating a transit vehicle unsupervised in revenue service.**
 - *Drivers that are not meeting proficiency, expert performance level, must be given remedial training until they are proficient.*
 - *Refresher (annual) training must be completed annually (within 1-year of last training date).*
 - All of the training materials and documentation must be on file for review by the NCDOT/PTD. Materials shall include but not be limited to course outline (may be included in instructor's manual), instructor's manual, sample student manual (if one is used), handouts and copy of Power Point slides if used in lieu of instructor's manual.
 - Records of qualifications and training performed (for each individual trained) must be kept on file for a minimum of five (5) years. Records shall include proof of attendance (roster or certificate of completion, if provided), date of the course, and type of instruction delivery (instructor led, self-instruction, etc.), name and certification (if applicable) of instructor
- **Minimum Training Standards Reporting Procedures**
 - Grantees must submit the following information to the Safety and Training Unit
 - **Number of employees who received training by category/type**
 - **A spreadsheet will be provided by the Safety and Training Unit for the purposes of reporting training**

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- **The report must be submitted no later than the fifteenth (15) day of the month following the end of the quarter (Dates due: January 15, April 15, July 15, and, October 15)**
- **Submit reports by e-mail to the Safety and Training Specialist assigned to your area and courtesy copy to safetypd@ncdot.gov**

PERFORMANCE EVALUATION POLICY

This administrative policy was adopted by the Cumberland County Community Transportation Program

- *Frequency:* Each Community Transportation Program driver will have a ride check evaluation no less than bi-annually. New employees require two evaluations the first year of employment. The first evaluation is due before the driver operates a vehicle unsupervised in revenue service and the second should be accomplished on or near their hiring date which will serve as their annual evaluation. Periodic or special performance evaluations are subject to determination by his or her supervisor or the Transportation Coordinator/Accountable Executive.
- *Responsibility:* Each Community Transportation Program driver will be evaluated by his or her immediate supervisor or the Transportation Coordinator/Accountable Executive.
- *Documentation Required:* Each Community Transportation Program driver's completed evaluation sheet will be personally reviewed with him/her by the immediate supervisor or higher authority. Both the supervisor and the employee will sign and date the evaluation sheet in the appropriate places. The employee may attach comments to explain or clarify any points made in the evaluation. It will then be filed in the subject employee's training record in a confidential manner.

Evaluation results will be the basis for promotion, salary actions, demotions, suspensions, dismissals, and other such actions.

All performance appraisals are maintained in a secure manner.

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EMPLOYEE CONDUCT POLICY

This administrative policy was adopted by the Cumberland County Community Transportation Program.

No employee of the Cumberland County Community Transportation Program shall have the authority to make statements on behalf of the Cumberland County Community Transportation Program without prior approval of the Transportation Coordinator/Accountable Executive. All employees shall conduct themselves in such a manner which shall bring credit to the Cumberland County Community Transportation Program or to the particular transportation contractor to which the employee is employed.

Behavior of any employee which may affect the safety and well being of other employees of the Cumberland County Community Transportation Program or contracted company, or to clients served by the Cumberland County Community Transportation Program or contractor, shall be cause for disciplinary action, whether or not such behavior relates to proper performance of the employee's job.

TRAINING PROGRAM FOR DRIVERS

<u>COURSE</u>	<u>FREQUENCY</u>
• Ride Check: Driver Evaluation	Bi-Annually
• Defensive Driving	Annually
• Americans with Disabilities Act (ADA)	Annually
• Blood-borne Pathogens	Annually
• Emergency Procedures for Vehicle Operators	Annually
• Illegal Drug Use	Annually
• First Aid	Annually
• CPR	Every three years

Each driver goes through an extensive training program involving all details of their position. However, whenever there is an infraction or whenever an employee feels that they need more training, then remedial training will be given. An infraction includes receiving a ticket or citation from law enforcement, the public, peer or self report of speeding, traffic violation or improper behavior. The contract owner will review and discuss the reported infraction with the driver and immediately schedule the appropriate training. Any required training should be held within 5 – 10 business days. In the discretion of the contract owner, the driver may be required to complete remedial training prior to returning to the driving schedule.

BACKING PROCEDURES

Vehicle backing is strongly discouraged unless it is absolutely necessary. The following procedures are suggested in the event that an operator is required to use the reverse gear:

- Except for backing out of a parking stall, drivers should only back a vehicle when it is absolutely necessary. If it becomes necessary to back the vehicle while the vehicle is in service, a driver should use an adult as a spotter. The spotter should not be asked to exit the vehicle because that can cause the spotter to be vulnerable to injury. Use of a spotter does not relieve the driver of the responsibility to back the vehicle safely.
- Before backing, check carefully in all directions including the rear of the vehicle.
- Turn on the four-way flashers.
- Begin honking the horn (if the vehicle does not have a working 'backing-up' alarm) and continue to give short continuous beeps on the horn while in motion.
- As a rule when stopping in traffic, stop far enough back to see the rear tires on the vehicle ahead. This allows a driver the ability to go around a stalled vehicle on the left or right if necessary without the need to reverse direction. This procedure does not always work but it is another good example of how to avoid backing.
- Be sure to stay out of intersections and crosswalks until they are free to traffic. Do not get into positions where backing a large vehicle becomes necessary.
- If the view is obstructed and the driver is in doubt, he or she should exit the vehicle (if it is reasonable safe to do so) to check behind and around it.

CROSSING RAILROAD TRACKS

To insure that everyone arrives safely at their destination, consistently utilize the following procedures when approaching and crossing railroad tracks:

- Upon approaching the railroad crossing, proceed into the far right lane.
- Turn on the four-way flashers 100 feet before reaching the tracks the vehicle must stop behind the white line (if a line is present) and not in the path of the crossing barrier.
- Turn off heaters, fans, radios, etc. so that you can hear a train. If necessary, ask passengers to remain silent during the crossing.
- Open the door completely and listen for an approaching train or (if driving a van) open the window completely and listen.
- Look in both track directions as you listen for an approaching train.
- When you can conclude that no train is approaching, close the door (watching the door while it is closing) or window.
- Check your left mirror for traffic.
- Proceed slowly over the tracks to avoid damage to the vehicle.
- Turn off the four-way flashers after the vehicle is past the tracks.

DEALING WITH BRAKE FAILURE PROCEDURES

The guidelines below can assist you in safely maneuvering your vehicle during brake failure:

- Do not force the brake to the floor; you will destroy any chance of rebuilding pressure.
- Gently pump the brake pedal to see if you can restore pressure.
- Sound your horn and flash your lights to alert other drivers.
- Shift to the lowest gear possible.
- Remain calm and guide your vehicle into an environment where you can slow the vehicle and bring it to a natural stop.
- Look for an outlet. Can you use a natural upgrade to slow the vehicle? Is there a large open parking lot that you can coast across?
- Do not pull the parking brake – you could put the vehicle in a tailspin. As an exception in vans or small buses, it may be necessary to use emergency brake but you should control the release with your hand to prevent the brake from locking.

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- Do not permit the wheels to lock until the vehicle has stopped.

EN-ROUTE PROCEDURES

- Depart on time and stay on schedule, but never at the expense of passenger safety.
- Drive safely and smoothly. Operate at all times on compliance with applicable traffic regulations, ordinances, and laws of the jurisdiction in which the vehicle is being operated.
- Avoid lengthy conversations with passengers, since conversations can distract a driver from safely operating the vehicle.
- Mobile cellular phones must not be used while the vehicle is in motion. If a call must be made or received, the driver must pull over to a safe area and stop the vehicle.
- A vehicle with passenger doors in the open position should not be operated with passengers aboard. The doors should not be opened until the vehicle is stopped or at a railroad crossing. A vehicle with inoperable doors should not be operated with passengers aboard.
- During darkness, interior lighting and lighting of step-wells on vehicles should be sufficient for passengers to enter and exit safely.
- Passengers should not be permitted in the step-wells of the vehicle nor occupy an area forward of the standee line when the vehicle is in motion.
- Fueling the vehicle when passengers are being transported should be avoided unless it is necessary.
- When passengers are aboard, it is required that the driver to be secured to the driver's seat with a seat belt at all times while the vehicle is in motion. In addition, all MOBILITY DEVICES must be secured properly and all passengers must use a seat belt.
- Vehicles should not be left unattended at any time when passengers are aboard.
- When transporting passengers, drivers should stop at all railroad crossings in compliance with North Carolina Statutes.

HELPING PASSENGERS WITH PERSONAL ASSISTANCE DEVICES

Use the following guidelines when you are interacting with a passenger who has special needs:

Assisting Passengers Who are Using Canes or Critters:

- Always ask the disabled passenger if you can assist her/him prior to assisting the passenger.
- Assist from the opposite side of the cane.
- Canes, walkers and other personal assistance devices should be stored so that they do not interfere with movement in the vehicle.
- Amputees should be seated in cool areas during hot weather.

Assisting Developmentally Disabled Passengers:

- Treat the passengers with respect.
- Be patient and repeat instructions when necessary.
- Be firm if they insist on doing something that will endanger you, them or the other passengers.

Assisting Hearing-Impaired Passengers:

- Look directly at them so they can see your lips.
- Talk normally (do not shout) and do not exaggerate your speech.
- Be prepared to repeat yourself.
- Get another person to talk to them if the passenger has trouble reading your lips.
- Use a pad and pencil when necessary.

Assisting Speech-Impaired Passengers:

- Do not hesitate to ask speech-impaired persons to repeat anything that you do not understand.
- Be patient; the passenger's speech condition may become more difficult to understand if the passenger is under stress.

Assisting Passengers with Visual Impairments:

- Do not touch the passenger until you tell them who you are and what you intend to do.
- Do not shout at the passenger.
- Before boarding the passenger, take their hand and show them the door openings as well as the seat and mention any hazards.
- When escorting the passenger, remain on the opposite side of their cane and have them hold your arm. Advise the passenger of any changes in ground texture or elevation level.
- When walking with a passenger, call out turns and maneuvers at least five (5) steps in advance.
- If the passenger uses a service animal, it may be helpful to learn the name of the animal for future reference. Avoid any abrupt movements toward the animal or the passengers. Never touch a service animal.
- Seat visually impaired passengers against vehicle walls when possible or seat the passengers in seats with arm rests in order to assist them in keeping their balance.

NIGHT TIME DRIVING PROCEDURES

Several hazards associated with night driving are list below:

- Reduced visibility
- Glare
- The need for increased reaction time
- An increased number of tired and intoxicated drivers

Procedures for driving at night:

- Inspect and clean your headlights, tail lights, windshield, clearance lights, reflectors and turn signals.
- Increase your space cushion by driving at a slightly slower speed than you usually would during the day.
- Turn your lights on early and avoid the glare of oncoming bright lights by watching the right edge of the roadway. If someone is needlessly using bright light, do not turn your bright lights on in response to their lights.
- Make sure that your speed does not overdrive your headlight visibility.
- Do not break more than necessary. Use engine and lower gears to help you to slow down the vehicle when traction is poor.
- Keep the fuel tank at least half full.

TRANSPORTING ELDERLY PASSENGERS PROCEDURES

Use special care in serving elderly passengers:

- Dispatcher needs to be especially patient when giving elderly passengers information regarding vehicle routes and schedules.
- Give elderly passengers more time to get on or off the vehicle.
- Ask the elderly passengers if they would like your assistance before assisting them.
- If the elderly passenger refuses assistance, stay close to prevent them from tripping or falling.
- When assisting elderly passengers, do not put too much pressure on the passenger's arm.
- When letting elderly passengers on or off a vehicle, pull the vehicle close to the curb so the passenger will not have to step very far.
- Be sure elderly passengers do not sit too close to heaters or other such hazards.
- Elderly passengers may need to be reminded where/when to get off of the vehicle.
- Keep temperature controls warm in the winter and cool in summer.
- In cases of emergencies, drivers should notify dispatchers about possible health problems of elderly passengers.

MOBILITY DEVICE BOARDING METHODS

Your customers' safety will depend on more than just safely transporting them to their destination, their safety will also depend on how well you board and secure their MOBILITY DEVICES. Several MOBILITY DEVICE boarding guidelines are indicated below:

- Roll the MOBILITY DEVICE onto the lift, making sure that the front wheels are inside the platform roll stop while the roll stop is in the upright position.
- Lock the brakes.
- If the passenger has the capability to do so, ask the passenger to hold on to the hand rails provided on the lift. If the passenger does not have the capability to hold onto the handrails, ask the passenger to hold his/her hands in his/her lap.
- Before operating the lift for boarding, ask the passenger if he/she is ready. Keep one hand on the lift controls. Ask the passenger if it is okay for you to rest your other hand lightly on the armrest of the MOBILITY DEVICE as the lift goes up while you stand on the ground; this will keep you alert to the stability of the chair while also providing the passenger with psychological comfort.
- Make sure that the lift is level with the floor before stopping. Be sure that there is a smooth surface created by the vehicle transition plate so that the MOBILITY DEVICE rolls smoothly over it and into the vehicle.
- From inside the vehicle, hold the MOBILITY DEVICE handle as you unlock the brakes. (Turn the power back on or engage the clutches of a motorized MOBILITY DEVICE if needed.)
- Make sure the passenger's head does not hit the ceiling upon entering the doorway.
- The ADA states that MOBILITY DEVICES should always be secured facing the front of the vehicle, with the exception given to some older vehicles that are not yet appropriately equipped.
- The driver should never stand on the lift.

MOBILITY DEVICE LIFT AND SECUREMENT PROCEDURES

Always follow the guidelines below to ensure safe lift operation and passenger safety:

- Always inspect a lift prior to each use (look for loose nuts, bolts,)
- Before deploying a lift for use, safely park the vehicle on level ground, turn the engine off (unless otherwise specified by the manufacturer) and check for obstacles to avoid in area where lift is to be deployed. Make sure that hands, feet and clothing are away from folding parts of the lift.
- Only passengers and their mobility devices should ride the lift.
- When operating a lift with a passenger on it, allow the lift to go all the way up to floor level or down to the ground without stopping.
- Have the passenger use the handrails and never leave a passenger unattended on a lift.

Assisting MOBILITY DEVICE Users on the Lift:

- MOBILITY DEVICE users can choose to ride a lift either facing away from the vehicle or facing the vehicle. The preferred method is to have the passenger facing away from the vehicle because it positions the bulk of the weight where there is more structural support and allows the driver to pull the MOBILITY DEVICE into the vehicle or push the MOBILITY DEVICE onto the lift by the handgrips.
- In the preferred positions, the small front wheels of the MOBILITY DEVICE are less likely than the large back wheels of the MOBILITY DEVICE to roll over the platform roll stop.
- The preferred position also reduces the possibility of the passenger's feet or toes getting caught between the lift platform and the vehicle when the passenger is riding upward.

SECURING AN OCCUPIED MOBILITY DEVICE

To insure the safety of your passengers, consistently use good practices in handling MOBILITY DEVICES:

- Always use a four point tie-down to the floor of vehicle.
- Tie-downs should be attached to the strongest part of the device which is the frame.
- Lap boards or metal and plastic trays attached to the chairs should be removed and secured.
- Liquid oxygen being transported should be securely mounted/fastened to prevent damage
- Aspirators, ventilators/other equipment must be securely mounted to MOBILITY DEVICE or vehicle.
- Never restrain a child's head separately such as with a headband attached to the back of the seat. Restraining a child's head separately can cause excessive strain on the child's neck. Many children now have special neck braces to support their head during transport.

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EMPLOYEE TRAINING RECORD

NAME: _____

Training	Date	Driver Initial	Supervisor Initial
Orientation:			
Substance Abuse Policy			
Performance Evaluation Policy			
Employee Conduct Policy			
Trip logs			
Pre/Post-Trip Inspection logs			
Procedures Review			
Backing			
Railroad Crossing			
Brake Failure			
En Route			
Assisting Passengers			
Night Time Driving			
Elderly Passengers			
W/C Boarding			
W/C Lift and Securement			
Emergency Equipment Training			
Fire Extinguisher			
Bloodborne Pathogens Kit			
Emergency Triangle			
CPR/First Aid			
Webcutter			
Training:			
Defensive Driving			
American Disabilities Act			
Bloodborne Pathogens			
Emergency Procedures			
Illegal Drug Use			
First Aid			
CPR			
Ride Checks:			

Employee's Signature: _____

Director's Signature: _____

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RIDE CHECK: DRIVER EVALUATION

Date of Evaluation: _____

Driver's Name: _____

Evaluator's Name/Position: _____

Passenger Reception

1. ☐ Confirms identity/destination of passenger
2. ☐ Present at entry door while boarding
3. ☐ Greets passenger in a friendly manner
4. ☐ Uses proper assistance techniques
5. ☐ Assists passengers to and from the vehicle door if needed
6. ☐ Stops proper distance from curb
7. ☐ Avoids use of AM/FM radio
8. ☐ Uses correct ADA language at all times

Vehicle Condition

1. ☐ Daily pre-trip inspection complete/documented
2. ☐ Web cutter and emergency triangles are available
3. ☐ Registration and insurance card in vehicle
4. ☐ Driver's license/logs with driver
5. ☐ Vehicle exterior clean
6. ☐ Vehicle interior clean
7. ☐ Dashboard/windshield area clear of all objects
8. ☐ Tie downs properly employed
9. ☐ Tie downs clean/ stowed in box
10. ☐ Seat belts in good working condition
11. ☐ Fire extinguisher is available, serviceable, properly mounted/tagged
12. ☐ First Aid/Bloodborne pathogen kit available in vehicle
13. ☐ Flash light working (if applicable)
14. ☐ Communications system operable
15. ☐ Child seat used/stowed properly
16. ☐ Daily defect report filled out
17. ☐ Lift operational check
18. ☐ Keeps logs up to date

Performance While Enroute

1. ☐ Driver uses correct posture when driving

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2. ☐ Both hands on steering wheel
3. ☐ Appropriate uniform/footwear
4. ☐ Driver and passengers use seatbelts
5. ☐ Driver gets out of vehicle and looks before backing
6. ☐ Adjust mirrors before moving vehicle
7. ☐ Signals entry into traffic every time
8. ☐ Moves vehicle smoothly while slowing braking and stopping
9. ☐ Telegraphs use of brake or flashers when stopping
10. ☐ Squares corners when turning
11. ☐ Moves at appropriate speeds for current road conditions
12. ☐ Maintains following distance safety zone (4 seconds)
13. ☐ Uses proper caution at intersections
14. ☐ Anticipates stale green lights (slows down)
15. ☐ Seats passengers properly
16. ☐ Stops at all railroad crossings
17. ☐ Comes to a complete stop, leaving private property
18. ☐ Uses proper lane changing procedure
19. ☐ Stops behind line or plane at intersections
20. ☐ Observes proper communication procedures
21. ☐ Uses turn signals properly
22. ☐ Maintains order in vehicle
23. ☐ Maintains scheduled stops and pick-ups
24. ☐ Avoids unauthorized stops
25. ☐ Uses four second distance rule, adds seconds to following distance when driving conditions change (keep safety cushion)

Passenger Discharge

1. ☐ Uses parking brake when de-boarding passengers
2. ☐ Stops proper distance from curb
3. ☐ Assist passengers off vehicle (when needed or when passengers request help)
4. ☐ Renders adequate assistance to MOBILITY DEVICE passengers
5. ☐ Advises supervisor when leaving vehicle and upon return to vehicle
6. ☐ Makes sure passenger is safely inside of destination before leaving property
7. ☐ Follows passenger's instruction for assistance when needed

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Comments _____

Course of Action (required/taken) _____

Driver's Signature	Date
_____	_____

Evaluator Signature	Date
_____	_____

Driver's Comments _____

RIDE CHECK DRIVER PERFORMANCE EVALUATION EXPLANATION

PASSENGER RECEPTION

The Driver...

1. Asks the name of the passenger and the destination before boarding, unless the passenger is a subscription rider.
2. Is available at the door to assist the passenger on or off the vehicle (if needed).
3. Acts courteously, offers help by asking, "may I help" or "how may I help you?"
4. Follows guidance from the passenger, if help is needed.
5. Uses the passenger's instructions to assist in boarding and exiting the vehicle, if needed.
6. Stops the vehicle six (6) inches or four (4) feet from curb to keep passengers from falling off the vehicle as they load and unload. (This depends on the stopping or parking situation.)
7. Uses AM or FM radio only when passengers are not aboard, then only for the news and weather forecast.
8. Uses correct language under ADA guidelines.

VEHICLE CONDITION

The Driver...

1. Performs a pre-trip inspection and completely fills out the pre-trip inspection form before starting the first run of the day.
2. Ensure registration and insurance cards are current and available.
3. Has driver license in possession and current route logs on person at all times.
4. Vehicle is clean on exterior.
5. Vehicle is kept clean inside at all times.
6. Nothing is on the dashboard, rear view mirror, or sun visors that could create a hazardous situation.
7. Safely attaches tie down straps into floor tracks, and use the four-point tie down on MOBILITY DEVICES.
8. Removes tie downs from floor after each use. Stores tie down straps in their proper place.
9. Seat belts/tie down straps are not tangled, missing or broken.
10. Checks fire extinguisher for serviceability and expiration date.
11. Checks the first aid and Bloodborne Pathogen Kits regularly and re-supplies when needed.
12. Ensures web cutter and emergency triangles are available.
13. Checks batteries daily to make sure flashlight is usable.
14. Tests the two-way radio and/or other communication device for operability.
15. Child seats are placed in vehicle properly.
16. Fills out daily defect report correctly.
17. Keeps logs up to date as trip is completed for each passenger.

PERFORMANCE ENROUTE

The Driver...

1. Does not slouch in the seat while driving. Arms are not on or out of the window frame.
2. Both hands are on the steering wheel at the 9 and 3 or the 10 and 2 position. Gets the big picture.
3. Clothing should be appropriate for job.
4. Uses seat belt correctly and requires correct use of seat belt for all passengers.
5. Gets out and looks behind vehicle, for obstacles, before backing.
6. Adjusts mirrors before leaving base (for safety and visibility). Keeps eyes moving.
7. Uses signals for all maneuvers in traffic. Leaves an out.
8. Does not jerk the vehicle when stopping and starting. Uses the brakes without stomping or slamming (stops vehicle smoothly).
9. Presses the brakes slightly to warn tailgaters to slow down or uses flashers when coming to a quick stop.
10. Does not whip around corners. Slows down to 2 to 5 miles per hour when turning corners. Positions vehicle for

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proper safe turns. (Squares the corner.)

11. Does not travel too slow or too fast for conditions on the road or for the posted speed limit.
12. Does not enter intersection without proper caution, uses the four second rule. Keeps safety cushion under control.
13. Slows down when green light has been green for sometime at a distance.
14. Checks mirrors, looks over shoulder, signals, moves into passing lane, signals and returns to proper lane. Leaves *(himself/herself)* an out.
15. Signals at proper distance for an intended turn. Cancels signal when maneuver is completed.
16. Does not allow profanity or misbehavior in the vehicle.
17. Keeps on schedule safely but does not jeopardize safety for schedule.
18. Only transports passenger on route schedule. No unauthorized passengers or stops.
19. Maintains a safe distance when following some one in all weather conditions.
20. Stops at railroad crossings.

PASSENGER DISCHARGE:

The Driver...

1. Uses parking brake when loading or unloading passengers.
2. Stops the vehicle 6 inches to 4 feet from curb to discharge passengers. Assists passenger off vehicle.
3. Assists all passengers as required.
4. Advises dispatcher of absence from vehicle and advises dispatcher of return to vehicle.
5. Does not leave elderly and disabled passengers unattended. Makes sure they are in the hands of caretakers or inside their homes/destinations before driver leaves the property (case by case judgments).

MANAGEMENT REVIEWS

The Community Transportation Coordinator/Accountable Executive will provide oversight on employee training quarterly. Oversight may be provided through reports submitted to the Transportation Coordinator/Accountable Executive by the contracted company, or through an office visit from the Transportation Coordinator/Accountable Executive to review records. Each employee should have a separate file which shall contain their training records, ride checks, and other employee information as it pertains to this program. Each vehicle should have a separate file which contains the pre-trip and post-trip records. The Transportation Coordinator/Accountable Executive will verify the contractor's compliance with FTA and NCDOT regulations and policies.

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SAFETY DATA ACQUISITION/ANALYSIS

SAFETY DATA ACQUISITION/ANALYSIS

DESCRIPTION OF ELEMENT

Understanding safety data is an important step toward allocating important (and often scarce) resources to implement safety program elements. Safety data relative to transit provider operations can be used to determine safety trends in system operation. The data include information gathered from within the system on safety-related events such as passenger injuries or claims, employee injuries, accidents, incidents, and preventability. Driver reports (sometimes called logs) can be an important source of safety problems, such as dangerous stop locations, problems with vehicle equipment, safety problems with the route, and other issues. The data is useful in a formal hazard identification and resolution process to help identify hazards before they cause accidents. The data may also help improve system performance, not only in respect to safety, but also in overall delivery of service to the riding public. In addition, trend analyses of safety data can help determine the effectiveness of safety initiatives that have been implemented.

- A. One of the most important services the safety unit provides for the transit organization is the collection, maintenance, and distribution of safety data relative to system operation.
 - Includes information gathered from within the system on various operating events relative to safety.
- B. Analysis of this system specific data can be used to determine trends and patterns in system operation.
- C. Used as part of the Hazard Resolution Process, data collection and analysis can be used to identify hazards before they cause accidents.
 - This is done by techniques such as trend analysis and thus become a vital component of efforts to improve system performance, not only in respect to safety but also in overall delivery of service to the riding public.
- D. The responsibilities for providing, receiving, processing and analyzing data should be listed here and can be general or specific, based on the needs of the transit system.

SAFETY PLAN PURPOSE

A System Safety Plan has many beneficial purposes for your employees and passengers. A plan provides:

- A documented approach to accomplishing a system safety program.
- A means of providing safety policies and procedures to drivers, vehicle maintenance, office and personnel.
- A way to reduce accidents and injuries through preventative measures.

SAFETY OBJECTIVES

In the transit environment, when properly applied, system safety:

1. Ensures safety is addressed during system planning, design and construction
2. Provide analysis tools and methodologies to promote safe system operation through the identification of safety hazards and the implementation of technology, procedures, training, and safety devices to resolve these hazards

TRANSIT SYSTEM SAFETY PHILOSOPHY **NCDOT Safety Philosophy Statements**

A Safety Philosophy is part of the North Carolina Department of Transportation (NCDOT) mission. North Carolina public transit systems can uphold this mission by acknowledging and implementing the NCDOT safety philosophy statements shown below:

- ❖ All accidents and injuries can be prevented.
- ❖ Management/supervisors are responsible, and will be held accountable, for preventing injuries and occupational illnesses.
- ❖ Occupational safety and health is part of every employee's total job performance.
- ❖ Working safely is a condition of employment.
- ❖ All workplace hazards can be safeguarded.

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- ❖ Training employees to work safely is essential and is the responsibility of management/supervision.
- ❖ Preventing personal injuries and accidents is good business.

SAFETY GOALS

As a public transportation provider in North Carolina, transit systems should utilize and uphold statewide safety goals. These goals include:

- ❖ Instilling a safety attitude and a safe work place/customer service environment
- ❖ Establishing a commitment to safety
- ❖ Developing and maintaining a comprehensive, structured safety program
- ❖ Developing and maintaining safety standards and procedures
- ❖ Providing formalized safety training
- ❖ Reducing accident and injury rates
- ❖ Selecting equipment that promotes and enhances safety
- ❖ Safeguarding hazards
- ❖ Making necessary changes in the system to uphold safety
- ❖ Establishing an incentive/reward program that rewards safe employee practices
- ❖ Increasing employee safety awareness
- ❖ Applying new research and development in safety efforts
- ❖ Meet NCDOT/PTD minimum training standard
- ❖ Creates a proactive transit safety culture that supports employee safety and safe system operation through motivated compliance with agency rules and procedures and the appropriate use and operation of equipment

SAFETY RESPONSIBILITIES – SPECIFIC POSITIONS

Transportation Coordinator/Accountable Executive

- Provides oversight of training for employees and supervisory personnel directly related to avoiding a possible injury or illness.
- Responsible for submitting a copy of Accident/Incident Reports to NCDOT/PTD Safety & Training Unit.
- Provides oversight and evaluates effectiveness of the safety program.

Contract Owners

- Have a thorough knowledge of the System Safety Policy.
- Provides a safe work place.
- Locates and provides instruction and training to drivers so that they conduct their job in a safe manner.
- Enforces safety rules and regulations.
- Initiates immediate corrective action where unsafe conditions or practices are found.
- Properly notifies the Transportation Coordinator/Accountable Executive of all accidents and incidents.
- Develops goals established for the safety program, with progress toward those goals measured on a quarterly basis.
- Investigates accidents and incidents, and writes reports on actions taken to prevent recurrence of accidents, including actions taken against individual violators of safety rules and practices.
- Maintains records as necessary to comply with laws and objectives of the safety program. These records should include:
 - Copies of Report of Injury or Accident
 - Safety Meetings Reports

Employees

- Abides by the safety rules and regulations.
- Has regard for the safety of fellow workers and clients at all times.
- Reports any unsafe condition to the Contract Owner.

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- Contributes ideas and suggestions for improving the safety of conditions or procedures to the Contract Owner.
- Uses individual knowledge and influence to prevent accidents.
- Attends safety training and safety meetings.
- Reports accidents and injuries to the Contract Owner immediately.

It is the responsibility of each driver to abide by all rules and regulations and to comply with all laws pertaining to safety and health in the workplace. **It is the responsibility of each Contract Owner to provide explicit instructional and procedural safety training for each employee.** Safety becomes a shared responsibility between management and the employee, and working safely is a condition of employment.

All drivers are required to attend safety meetings. Safety meetings involve employees in the Safety Program and are very useful ways of training employees. Safety meetings are used to present information, discuss problems and new ideas and discuss recent accidents and injuries. Safety meetings shall include, but shall not be limited to, the following:

1. Practicing safe driving procedures and avoiding accidents or incidents.
2. Reporting promptly and in writing, to your supervisor, all injuries and illnesses associated with the jobs.
3. Working under the influence of alcohol or illegal drugs is specifically forbidden. Use of prescription drugs, which may affect your alertness or work abilities, shall be reported to the contract owner (49 CFR parts 40, 653, and 654).

RELATIONSHIP BETWEEN SYSTEM SAFETY AND SYSTEM OPERATIONS

Designated Safety Official (*Contract Owner*)

The Contract Owner is the individual who is directly responsible for implementing the System Safety Program. It is their basic responsibility to plan and conduct safe operations. **It is also their duty and responsibility to fully orient and instruct all employees in safe practices and procedures.** The Contract Owner is specifically charged with the following responsibilities for the System Safety Program:

- Have full knowledge of all standard and emergency operating procedures;
- Perform safety audits of operations;
- Ensure that employees make safety a primary concern;
- Actively investigate all incidents and accidents;
- Prohibit unsafe conduct and conditions;
- Conduct safety meetings which are a vital part of safety atmosphere;
- Listen and act upon any safety concerns raised by employees;

HAZARD IDENTIFICATION AND ANALYSIS METHODOLOGY

Hazard Assessment Matrix

One way to conduct hazard assessments is to use a “**Hazard Assessment Matrix**”. The Matrix condenses “hazard assessment” into a chart and prioritizes those hazards that are evaluated. Two hazard severity categories are used to designate the magnitude of the “worst case” potential effects of the hazard are as follows:

- **Category I – Critical**
Hazard can result in severe injuries or death to passengers, employees, or others who encounter the Transportation System and/or cause major property damage.
- **Category II – Marginal**
Hazard can result in minor injury or negligible property damage.

After hazards are assessed for their potential severity, they can be examined to determine the probability that they may lead to an accident. As an increase in knowledge about safety is established through the course of the System Safety Program, prior accident information will be factored into the probability analysis if it is appropriate to do so.

A Frequent

The hazard is likely to cause an accident on a recurrent basis.

B Remote

An accident is unlikely but possible during the life of the hazard.

HAZARD ASSESSMENT MATRIX		
Frequency of Occurrence	Hazard Categories	
	Critical I	Marginal II
A Frequent	I A	II A
B Remote	I B	II B

Hazard Risk Index	
I A	Unacceptable or Undesirable (Management Decision Necessary)
II A, I B	Acceptable with Management Review
II B	Acceptable without Management Review

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Hazard Analysis

Date of Hazard Analysis: _____

Hazard Risk Index

I A

II A, I B

II B

Criteria

Unacceptable or Undesirable

(Management Decision Necessary)

Acceptable with Management Review

Acceptable without Management Review

Prepared By: _____ Date: _____

POTENTIAL WORK SITE HAZARDS IDENTIFICATION

Policy

- A. The designated Supervisor at EACH Employee work site shall identify at least ANNUALLY any potential Occupational Safety or Health Hazards at that work site.
 - 1. Any time a new substance, process, procedure, or piece of equipment is introduced and presents a potential hazard or a hazard is identified during a Safety Inspection, an updated Identification must be completed IMMEDIATELY.
- B. A copy of the completed Hazards Identification shall be posted at the work site and must be reviewed with any new employee assigned to that work site BEFORE the new employee begins to work and will be recorded in the employee's training record.

A copy of the completed Hazards Identification must also be forwarded to the applicable Program Manager/Director and Safety Officer for review action and for file for follow-up inspections.

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HAZARDS IDENTIFICATION

Work Site Name _____ (Center/Office)

Location _____

Potential Hazards	Employee Action to be Followed
1.	
2.	
3.	
4.	
5.	

Completed by: _____
Work Site Supervisor **Date**

REVIEW ACTION

- A. _____ No remediation action possible
B. _____ Remediation to be done

Hazard	Action	Schedule	Responsibility
1.			
2.			
3.			
4.			
5.			

C. Comments: _____

By: _____
Program Manager/Director Date

Safety Officer Date

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FOLLOW-UP ABATEMENT ACTION

Hazard	Abatement Action Completed	Date	Completed By
1.			
2.			
3.			

Submitted by: _____

Position

_____ Date

Reviewed by: _____

Position

_____ Date

_____ Safety Officer

_____ Date

Comments: _____

BLOODBORNE PATHOGENS/INFECTION CONTROL OVERVIEW

The document was developed to provide an overview of the Bloodborne Pathogens/Exposure Control Plan. The completed plan is available for review. The Exposure Control Plan (ECP) will be reviewed annually or updated when changes to tasks, procedures, and positions occur.

All Transit employees shall be trained in how to deal with blood borne pathogens. Blood borne Pathogens Kits shall be kept in all vehicles. If any employee is contaminated they shall be given time off with pay to clean up and the vehicle shall be cleaned before it is allowed back in service.

If a bio-hazardous spill occurs as part of a vehicular accident, then first aid for injured passengers should be the first priority, along with notification of appropriate medical assistance personnel. Bio-hazardous spills may also occur from an on-vehicle injury without a vehicular accident. Again, first aid provision comes first. Additionally, a bio-hazardous spill may occur as a result of vomiting or loss of bladder control, in which case, first aid is normally not necessary. However, anytime the driver does administer first aid, latex gloves and other personal protective equipment should be used.

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Contaminated items should be carefully placed in the designated bio-hazard disposal bag.

Following first aid administration, where necessary, the vehicle must be cleared of the spill. The following steps should be followed:

1. Put on a new pair of latex gloves;
2. Contain the spill as best as possible with paper towels and/or solidifying powder
3. Clean up spill with paper towels, or if a solidifying powder is used, use a dustpan and brush.
4. Clean area of spill with the cleaning or decontamination solution and wipe with paper towels and/or fresh solidifying powder.
5. **Place all items used to clean spill into bio-hazardous waste disposal bag.**
6. If the exterior of the disposal bag has not been contaminated by the spill, then remove both Latex gloves and place them in the disposal bag, and seal the bag.
7. If the exterior of the bio-hazardous waste disposal bag has been contaminated by the spill, seal the bag and place inside another bag.
8. **Upon return to home base, place the plastic bag(s) into the designated disposal container.**
9. Management will have it disposed of by an appropriate medical hazard disposal organization for proper ultimate destruction.

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SAFETY MEETING REPORT
(MONTHLY, BI-MONTHLY OR QUARTERLY)

Date: _____

Address: _____

Meeting Leader: _____

Attendance should be documented.

Other Persons Present: _____

Formal Presentation (Name of presenter and topic): _____

Other Subjects Discussed: _____

Reports on Weekly Meetings: _____

Employees' Comments/Suggestions: _____

Contracted Owner's Signature _____

MANAGEMENT REVIEWS

The Community Transportation Coordinator/Accountable Executive will provide oversight on accident/incident reporting and safety training quarterly. Oversight may be provided through reports submitted to the Transportation Coordinator/Accountable Executive by the contracted company, or through an office visit from the Transportation Coordinator/Accountable Executive to review records. In the case of any accident/incident, the Transportation Coordinator/Accountable Executive should be notified immediately. The contractor must submit police reports if applicable, and document the investigation completed to verify if the accident/incident could have been avoided. The Transportation Coordinator/Accountable Executive will verify the contractor's compliance with FTA and NCDOT regulations and policies.

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DRUG AND ALCOHOL ABUSE PROGRAMS

DRUG AND ALCOHOL TESTING POLICY
Cumberland County Community Transportation Program
Adopted as of January 1, 2018

A. PURPOSE

- 1) The Cumberland County Community Transportation Program provides public transit and paratransit services for the residents of Cumberland County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Cumberland County Community Transportation Program declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result, or a refusal to test. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
- 3) Any provisions set forth in this policy that are included under the sole authority of Cumberland County Community Transportation Program and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of Cumberland County Community Transportation Program will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

B. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties. See Attachment A for a list of employees and the authority under which they are included.

A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

C. DEFINITIONS

Accident: An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Adulterated specimen: A specimen that has been altered, as evidence by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

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Aliquot: A fractional part of a specimen used for testing, It is taken as a sample representing the whole specimen.

Canceled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

Confirmatory Drug Test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee Under FTA Authority: An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

DOT, The Department, DOT Agency: These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of 49 CFR Part 40, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes. These terms include any designee of a DOT agency.

Dilute specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage: Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

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Evidentiary Breath Testing Device (EBT): A device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations, and appears on ODAPC's Web page for "Approved Evidential Breath Measurement Devices" because it conforms with the model specifications available from NHTSA.

Initial Drug Test: (Screening Drug Test) The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

Invalid Result: The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen. An alcohol concentration of less than 0.02 BAC is a negative test result.

Non-negative test result: A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

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Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive result: The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Prohibited drug: Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for Testing: The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service.

Safety-sensitive functions: Employee duties identified as:

- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling the movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

Split Specimen Collection: A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen: A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Test Refusal: The following are considered a refusal to test if the employee:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or the employer for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.
- (14) As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

Vehicle: A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

Verified negative test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified positive test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

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Validity testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

D. EDUCATION AND TRAINING

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
- 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

E. PROHIBITED SUBSTANCES

- 1) Prohibited substances addressed by this policy include the following.
 - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in Section H

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of this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

- b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a **Cumberland County Community Transportation Program** supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
- c. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.

F. PROHIBITED CONDUCT

- 1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.
- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.
 - a. An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee hasn't consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:

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- i. The employee's alcohol concentration measures less than 0.02; or
 - ii. The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.
- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- 7) Cumberland County Community Transportation Program, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all Cumberland County Community Transportation Program employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the Cumberland County Community Transportation Program management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section Q of this policy.

H. TESTING REQUIREMENTS

- 1) Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR Part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Section K, L, M, and N of this policy, and return to duty/follow-up.
- 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion or random alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under Cumberland County Community Transportation Program authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.

- 3) All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with **Cumberland County Community Transportation Program**. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

I. DRUG TESTING PROCEDURES

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- 2) The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.
- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported

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to **Cumberland County Community Transportation Program**. If a legitimate explanation is found, the MRO will report the test result as negative.

- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 5) Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. **Cumberland County Community Transportation Program** will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample, however **Cumberland County Community Transportation Program** will seek reimbursement for the split sample test from the employee.
- 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled.
- 7) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.
- 8) Observed collections
 - a. Consistent with 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:
 - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to **Cumberland County Community Transportation**

Program that there was not an adequate medical explanation for the result;

- ii. The MRO reports to **Cumberland County Community Transportation Program** that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
- iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
- iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
- v. The temperature on the original specimen was out of range;
- vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
- vii. All follow-up-tests; or
- viii. All return-to-duty tests

J. ALCOHOL TESTING PROCEDURES

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). A list of approved EBTs can be found on ODAPC's Web page for "Approved Evidential Breath Measurement Devices". Alcohol screening tests may be performed using a non-evidential testing device (alcohol screening device (ASD)) which is also approved by NHTSA. A list of approved ASDs can be found on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids". If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner

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than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

- 2) A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q. of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in Section Q of this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
- 3) **Cumberland County Community Transportation Program** affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

K. PRE-EMPLOYMENT TESTING

- 1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
 - a. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.

- b. An employee shall not be placed, transferred or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results.
- c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
- d. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q herein.
- e. If a pre-employment test is canceled, **Cumberland County Community Transportation Program** will require the applicant to take and pass another pre-employment drug test.
- f. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.
- g. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- h. Applicants are required (even if ultimately not hired) to provide **Cumberland County Community Transportation Program** with signed written releases requesting USDOT drug and alcohol records from all previous, USDOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. **Cumberland County Community Transportation Program** is required to ask all applicants (even if

ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a USDOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a USDOT covered employer, the applicant must provide **Cumberland County Community Transportation Program** proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

L. REASONABLE SUSPICION TESTING

- 1) All **Cumberland County Community Transportation Program** FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under **Cumberland County Community Transportation Program** authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.
- 2) **Cumberland County Community Transportation Program** shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section Q of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section Q of this policy.
- 3) A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor

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making the observation. This written record shall be submitted to the **Cumberland County Community Transportation Program**

- 4) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with Section Q of this policy. **Cumberland County Community Transportation Program** shall place the employee on administrative leave in accordance with the provisions set forth under Section Q of this policy. Testing in this circumstance would be performed under the direct authority of the **Cumberland County Community Transportation Program**. **Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority.** However, self-referral does not exempt the covered employee from testing under Federal authority as specified in Sections L through N of this policy or the associated consequences as specified in Section Q.

M. POST-ACCIDENT TESTING

- 1) **FATAL ACCIDENTS** – A covered employee will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle, whether or not the vehicle is in revenue service at the time of the accident, that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.
- 2) **NON-FATAL ACCIDENTS** - A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:
 - a. The accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee may have contributed to the accident.
 - b. One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, and the covered employee may have contributed to the accident

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In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, will be tested.

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

In the rare event that Cumberland County Community Transportation Program is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Cumberland County Community Transportation Program may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

N. RANDOM TESTING

- 1) All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. Employees who may be covered under company authority will be selected from a pool of non-DOT-covered employees.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>.
- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under **Cumberland County Community Transportation Program** authority.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under **Cumberland County Community Transportation Program** authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

O. RETURN-TO-DUTY TESTING

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Cumberland County Community Transportation Program will terminate the employment of any employee that tests positive or refuses a test as specified in section Q of this policy. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety.

P. FOLLOW-UP TESTING

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

Q. RESULT OF DRUG/ALCOHOL TEST

- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed

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of educational and rehabilitation programs available, and will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals (SAP) for assessment, and will be terminated.

- 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 3) Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in termination and referral to a list of USDOT qualified SAPs. A test refusal includes the following circumstances:
 - a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
 - b. Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
 - c. Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
 - d. In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
 - e. Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
 - f. Fail or decline to take a second test as directed by the collector or the employer for drug testing.
 - g. Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
 - h. Fail to cooperate with any part of the testing process.
 - i. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
 - j. Possess or wear a prosthetic or other device used to tamper with the collection process.
 - k. Admit to the adulteration or substitution of a specimen to the collector or MRO.
 - l. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
 - m. Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

- 4) An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder of the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to a NONDOT alcohol test with a result of less than 0.02 BAC.
- 5) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
 - a. Mandatory referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
 - b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from Cumberland County Community Transportation Program employment.
 - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in Section P of this policy; however, all follow-up testing performed as part of a return-to-work agreement required under section Q of this policy is under the sole authority of Cumberland County Community Transportation Program and will be performed using non-DOT testing forms.
 - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. **All tests conducted as part of the return to work agreement will be conducted under company authority and will be performed using non-DOT testing forms.**
 - d. **A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.**
 - e. Periodic unannounced follow-up drug/alcohol testing conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.

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- f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with **Cumberland County Community Transportation Program**.
 - g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- 6) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

R. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

S. PROPER APPLICATION OF THE POLICY

Cumberland County Community Transportation Program is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

T. INFORMATION DISCLOSURE

- 1) Drug/alcohol testing records shall be maintained by the **Cumberland County Community Transportation Program** Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.

- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over **Cumberland County Community Transportation Program** or the employee.
- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This Operational Policy was adopted by the Cumberland County Board of Commissioners.

Date _____

Month _____

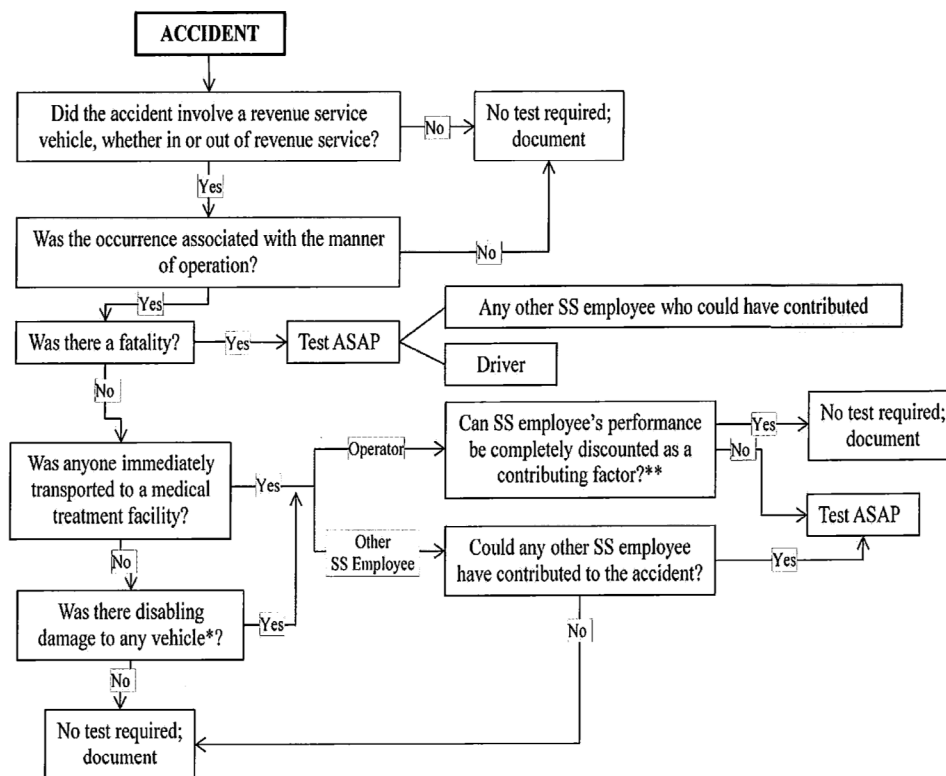
Year _____

System Manager (Signature) _____

Governing Board Chairman (Signature) _____

Attachment A Post Accident Decision Tree

Post Accident Decision Tree



* **Disabling Damage:** Damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

(1) **Inclusion:** Damage to a motor vehicle, where the vehicle could have been driven, but would have been further damaged if so driven.

(2) **Exclusions:**

A. Damage that can be remedied temporarily at the scene of the accident without special tools or parts.

B. Tire replacement without other damage even if no spare tire is available.

C. Headlamp or tail light damage.

D. Damage to turn signals, horn, or windshield wiper, which makes the vehicle inoperable.

** **Contributing Factor:** The determination of whether or not a safety-sensitive employee's performance was a contributing factor should be the decision of the company official investigating the accident; not based on the police officer's accident fault determination. This decision should not be made hastily. The company official's determination must be based on the best available information at the time of the accident.

Attachment B Contacts

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

Cumberland County Community Transportation Drug and Alcohol Program Manager

Name: Ifetayo Farrakhan

Title: Program Director

Address: 130 Gillespie St. Fayetteville, North Carolina 28301

Telephone Number: 910-678-7624

Medical Review Officer

Name: Dr. Stephen Kracht

Title: Medical Review Officer

Address: 814 Ward Parkway Suite 275, Kansas City, MO 64114

Telephone Number: 888-382-2281

Substance Abuse Professional

Name: John D.A Vaugh, Ph. D

Address: 804 Stamper Road, Fayetteville, North Carolina 28303

Telephone Number: 910-323-2815

Substance Abuse Professional

Name: Carolina Outreach, LLC. – Amanda Shepherd, LCAS

Address: 911 Hay Street, Fayetteville, North Carolina 28305

Telephone Number: 910-438-0939

HHS Certified Laboratory Primary Specimen

Name: Quest Diagnostic

Address: 10101 Renner Blvd, Lenexa, Kansas 66700

Telephone Number: 800-877-7484

HHS Certified Laboratory Split Specimen

Name: Quest Diagnostic

Address: 10101 Renner Blvd, Lenexa, Kansas 66700

Telephone Number: 800-877-7484

Attachment C Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- ☐ Dulled mental processes
- ☐ Lack of coordination
- ☐ Odor of alcohol on breath
- ☐ Possible constricted pupils
- ☐ Sleepy or stuporous condition
- ☐ Slowed reaction rate
- ☐ Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

☐ Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- ☐ Decreased sexual functioning
- ☐ Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed “alcoholic”)
- ☐ Fatal liver diseases
- ☐ Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- ☐ Kidney disease
- ☐ Pancreatitis
- ☐ Spontaneous abortion and neonatal mortality
- ☐ Ulcers
- ☐ Birth defects (up to 54 percent of all birth defects are alcohol related).

☐ Social Issues

- ☐ Two-thirds of all homicides are committed by people who drink prior to the crime.
- ☐ Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.

- ☐ Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- ☐ The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- ☐ Forty percent of family court cases are alcohol problem related.
- ☐ Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- ☐ More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

- ☐ The Annual Toll
 - ☐ 24,000 people will die on the highway due to the legally impaired driver.
 - ☐ 12,000 more will die on the highway due to the alcohol-affected driver.
 - ☐ 15,800 will die in non-highway accidents.
 - ☐ 30,000 will die due to alcohol-caused liver disease.
 - ☐ 10,000 will die due to alcohol-induced brain disease or suicide.
 - ☐ Up to another 125,000 will die due to alcohol-related conditions or accidents.

- ☐ Workplace Issues
 - ☐ It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
 - ☐ Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
 - ☐ A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Attachment D
Minimum Thresholds

INITIAL TEST CUTOFF LEVELS (ng/ml)	
Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2,000
Phencyclidine	25
Amphetamines	1,000

CONFIRMATORY TEST CUT/OFF LEVELS (ng/ml)	
Marijuana metabolites	15
Cocaine metabolites	150
Opiates:	
Morphine	2,000
Codeine	2,000
Phencyclidine	25
Amphetamines:	
Amphetamines	500
Methamphetamine	500

MANAGEMENT REVIEWS

The Community Transportation Coordinator/Accountable Executive will administer the Drug and Alcohol testing program. Drivers may be sent for testing at any time during the year for random drug and alcohol testing. All drivers will receive pre-employment and post-accident testing.

MAINTENANCE

April 17, 2007

TO: Community Transportation Systems

FROM: NCDOT/PTD

SUBJECT: Maintenance Plan

Recipients must keep Federally-funded equipment and facilities in good operating order.

Recipients must have a written maintenance plan. The maintenance plan should identify the goals and objectives of a maintenance program, which may include vehicle life, frequency of road calls, maintenance costs compared to total operating costs, etc. The maintenance program should also establish the means by which such goals and objectives will be obtained.

At a minimum, the plan should designate the specific goals and objectives of the program for preventive maintenance inspections, servicing, washing, defect reporting, maintenance-related mechanical failures, warranty recovery, vehicle service life, and vehicle records. The program must address the particular maintenance cycles for each capital item.

Recipients must have records showing when periodic maintenance inspections have been conducted on vehicles and equipment. Include information showing that the periodic maintenance program meets at least minimum requirements of the manufacturer.

Maintenance of ADA elements may be incorporated in the regular maintenance plan or addressed separately. At a minimum, the grantee must demonstrate that such features as lifts, elevators, ramps, securement devices, signage, and communications equipment are maintained and operational. The recipient is required to develop a system of maintenance checks for lifts on non-rail vehicles to ensure proper operation. Additionally, a recipient is required to remove an accessible van with an inoperable lift from service before the next day, unless no spare vehicles are available to replace that vehicle. When a vehicle with an inoperable lift is operated, the vehicle must not be in service for more than five days.

Recipients must keep written maintenance plans and checklist systems, as well as maintenance records for accessible equipment.

Recipients are required to maintain systems for recording warranty claims and enforcement of such claims. Recipients should have written warranty recovery procedures. The warranty recovery system should include warranty records and annual summaries of warranty claims submitted.

Federally funded equipment needs to be maintained whether operated directly by a recipient or by a third-party contractor. When a recipient has contracted out a portion of its operation, a maintenance plan for Federally-funded equipment should be in existence and be treated similarly to a recipient-operated service. In those cases, the third-party contractor must have in place a system to monitor the maintenance of federally funded equipment.

PREVENTIVE MAINTENANCE STANDARDS

All vehicles, MOBILITY DEVICE lifts and associated equipment, system owned or operating under contract with the system, is placed on a comprehensive preventive maintenance program for the purpose of **increasing safety and reducing operational costs**.

The Preventive Maintenance Plan should consist of:

- Making preventive maintenance arrangements
- Conducting a Pre/Post-Trip Inspections
- Reporting common problems
- Utilizing manufacturers Preventive Maintenance Guidelines Manual
- Keeping all maintenance records for five (5) years after disposition

*Note: The Preventive Maintenance Program has been developed for the purpose of safety, reliability and vehicle use longevity. The guidelines are not designed to interfere with or violate the Manufacturer's Warranty Maintenance Schedule.

MAINTENANCE RECORDS

The contracted transportation company for the Cumberland County Community Transportation Program will retain all records pertaining to maintenance, service, warranty and other documents as required for vehicles and MOBILITY DEVICE lifts. The records should be maintained for at least five (5) years.

Maintenance Records Include:

- Documents showing vehicle identity
- Documents showing vehicle and MOBILITY DEVICE lift completed maintenance and inspection dates
- Documents showing mileage
- Documents showing maintenance contractors' names and addresses
- Vehicle Accident/Incident Reports
- Documents reporting and evaluating maintenance systems
- Documents showing completion of the driver's daily Pre/Post-Trip Inspection Checklists*
 - * maintain the previous (5) years (Ref: 49 CFR 18.42)

The following documents will be completed and kept on file at the Community Transportation Program Office:

- Documentation notifying NCDOT of a fatal accident by the close of business or the end of the working day
- Documentation notifying NCDOT within 24 hours of a fatal death that occurs within 30 days as a result of an accident
- Documents that report to NCDOT within 48 hours all accidents/incidents

ONBOARD SAFETY EQUIPMENT

The following items must be in all vehicles:

Seat Belts - An adjustable driver's restraining belt that complies with FMVSS 209 (Seat Belt Assemblies) and FMVSS 210 (Seat Belt Anchorages) regulations

Fire Extinguisher - Include a fully-charged dry chemical or carbon dioxide fire extinguisher that has at least a 1A:BC rating and bears the Underwriter's Laboratory, Inc. label. The extinguisher should be accessible and must be securely mounted in a visible place or a clearly marked compartment.

Red Reflector - Vehicles should be equipped with three (3) portable red reflector warning devices in compliance with North Carolina Statutes. The triangle case must be mounted to the vehicle.

Web Cutter – Must be visible and easily accessible by the vehicle driver.

Bloodborne Pathogen Kit – Kit includes disposable gloves for your hands, disinfectant spray for decontamination of any spill, paper towels for clean up, absorbent powder for clean up, approved bags & containers for proper disposal, dust pan, brush and tongs for handling sharps items, mouth and nose mask and disinfectant towelettes for immediate hand cleaning)

First Aid Kit – Kit should consist of the following items:

Bandage Compress	Sting, Kill Swabs
Gauze Pads	Instant Cold Pack
Triangular Bandages	Sterile Buffered Isotonic Eyewash Kit
Gauze Bandages	Adhesive Bandages
Triple Antibiotic Ointment	Adhesive Tape
CPR Micro-shield Rescue Breather & Gloves	Disposable Gloves
Rescue Blanket	Bum Spray
Alcohol Wipes	Scissors

Optional On-board Safety Response Equipment

5 Emergency Notification Cards

1 pry bar

1 reflective vest

1 flashlight and a set of extra batteries

1 set of jumper cables

1 spare tire plus appropriate jack and lug wrench

1 camera (with film that is replaced with new film every six months)

MOBILITY DEVICE LIFT MAINTENANCE SCHEDULE

Perform lift maintenance at scheduled intervals according to number of cycles or elapsed time, whichever comes first. Correct any potentially dangerous situations at once.

Every 2 weeks or 50 cycles	Grease:	Whale slots Fold slots (bridge plate ends), Safety barrier latch
Every 4 weeks or 100 cycles	Light oil:	Whale pins Safety barrier hinge Bridge plate hinge Platform fold bearings Horseshoe pivot pins
Every year or 1250 cycles	Change pump oil:	1 qt. transmission fluid type “A” (fill to ½ of breather cap with lift down and unfolded)
	Inspect and replace if needed:	Cotter pins Weldment lever Whale slots Horseshoe pivot Fold slots Platform fold bearings Power cable
	Decals:	Replace if missing or if not legible
	Mounting:	Check to see that lift is securely anchored to vehicle and that there are no loose bolts, broken welds, or stress fractures.
	Also:	Remove cover and inspect cylinder, chains, bearings, hoses, and wires for wear or damage. See that all bolts are tight.

PRE/POST-TRIP INSPECTION WORKSHEET

Date: _____

Vehicle: _____

Mileage: _____ Maintenance Due Date: _____ MOBILITY DEVICE Lift Cycles: _____

UNDERHOOD

- ☐ Oil level
- ☐ Oil added _____quarts
- ☐ Radiator level
- ☐ Battery level
- ☐ Windshield washer fluid level
- ☐ Engine/hoses/belts

EXTERIOR

- ☐ Tires
- ☐ Turn signals
- ☐ Headlights
- ☐ Tail/brakes lights
- ☐ Windshield wipers
- ☐ Fresh body damage
- ☐ Cleanliness
- ☐ Cycle lift

SAFETY EQUIPMENT

- ☐ Fire extinguisher
- ☐ Web cutter
- ☐ Emergency Triangles
- ☐ First Aid Kit
- ☐ Back-up alarm
- ☐ Rear door buzzer (LTV only)
- ☐ Bloodborne Pathogen Kit

INTERIOR

- ☐ Brakes
- ☐ Steering
- ☐ Transmission
- ☐ Mirrors
- ☐ Gauge/instruments
- ☐ Controls (equipment)
- ☐ Radio (two-way)
- ☐ Damage/cleanliness

ACCESSIBILITY EQUIPMENT

- ☐ Fully operable MOBILITY DEVICE lift
- ☐ MOBILITY DEVICE lift ramp
- ☐ Proper number of belts/securement devices
- ☐ Belts/securement devices in good condition

☐ **POST-TRIP INSPECTION: PERFORMED AT THE END OF THE TRIP/DAY...** Check interior for damage, personal items and to assure vehicle is clean. Check exterior for damage which has occurred during your trip, windows and tires (flat, leak, damage). Record any problems detected while vehicle was in service. For example: fluid leaks, noise or operational issues with the engine or transmission. Also record any fluids which were added.

Notes: _____

Inspector Signature: _____

Management Comments: _____

Management Signature: _____

Preventive Maintenance Plan

PREVENTATIVE MAINTENANCE POLICY

Preventive maintenance is a term used to describe the performance of regularly scheduled maintenance procedures of contracted vehicles to prevent the possibility of malfunctions.

Contractors will maintain all vehicles and MOBILITY DEVICE lifts in the best possible operational condition. This will be accomplished by adhering to and/or exceeding the manufacturer's recommended minimum maintenance requirements.

MAINTENANCE SCHEDULE

Each vehicle must visibly display on each side of the vehicle, the name and phone number of the contractor.

Preventative Vehicle Maintenance Schedule

All vehicles will have a preventative maintenance service and inspection at established intervals. (See attachment 1, Vehicle Preventative Maintenance Service Schedule)

Wheel Chairlift Preventative Maintenance Schedule

All MOBILITY DEVICE lifts will have a preventative maintenance service and inspection at established intervals. (See attachment 2, MOBILITY DEVICE Lift Preventative Maintenance Service Schedule)

DAILY INSPECTION

Pre/Post-Trip inspections are crucial to the success of the Community Transportation Program Preventative Maintenance Program. Each driver will inspect his or her vehicle daily prior to moving the vehicle by completing the Pre-Trip Vehicle Inspection Form. The completed checklist must be submitted to the Contracted Owner at the end of the driver's shift so that necessary maintenance can be noted and scheduled accordingly. At the end of each driver's assigned shift, the driver must also complete a Post-trip Inspection Sheet, found on the back of the Pre-trip Inspection Sheet. Drivers must sign each Pre-trip and Post-trip checklist for each vehicle used that day. The Contracted Owner will review each Pre-trip and Post-Trip inspection sheets daily, schedule any required or necessary maintenance, and sign off on each sheet.

MANAGEMENT REVIEWS

The Community Transportation Coordinator/Accountable Executive will provide oversight on vehicle maintenance quarterly. Oversight may be provided through reports submitted to the Transportation Coordinator/Accountable Executive by the contracted company, or through an office visit from the Transportation Coordinator/Accountable Executive to review records. Each vehicle should have a separate file which shall contain their maintenance records, pre and post trip inspection forms, and other information as it pertains to this program. The Transportation Coordinator/Accountable Executive will verify the contractor's compliance with FTA and NCDOT regulations and policies.

SECURITY

Purpose

The overall purpose of the Cumberland County Community Transportation Program's Security Program is to optimize the level of protection afforded to the Cumberland County Community Transportation Program's vehicles, equipment, passengers, and contractors, and any other individuals who come into contact with the system.

The security of passengers and contractors is paramount to promoting the objectives of FTA, NCDOT and their partner organizations in developing a Security Program. The Cumberland County Community Transportation Program will take all reasonable and prudent actions to minimize the risk associated with intentional acts against passengers, contractors and equipment. To further this objective, the Cumberland County Community Transportation Program has developed security plans and procedures.

Goals

The Security Program provides the Cumberland County Community Transportation Program with a security and emergency preparedness capability that will:

1. Ensure the program's number one goal of the protection and safety of system contractors, passengers, vehicles and equipment is met.
2. Ensure that security and emergency preparedness are addressed during all phases of system operation, including the hiring and training of drivers; the procurement and maintenance of equipment; and the development of policies, rules, and procedures.
3. Promote safe system operation through the identification, evaluation and resolution of threats and vulnerabilities.
4. Create a culture that supports contractor safety, equipment protection and security and safe system operation through motivated compliance with rules, procedures, and the appropriate use and operation of equipment.

Objectives

Every threat cannot be identified and resolved, but the Cumberland County Community Transportation Program can take steps to be more aware, and to better protect passengers, contractors and equipment. To this end, our Security Program has five objectives:

1. Achieve a level of security performance that meets or exceeds our requirements.
2. Expand our training program for contractors to address security awareness and emergency management issues.
3. Enhance our coordination with NCDOT/PTD regarding security and emergency preparedness issues.

FTA’S TOP 20 SECURITY PROGRAM ACTION ITEMS FOR TRANSIT AGENCIES

The following Action items identify the most important elements that transit agencies should incorporate into their System Security Program Plans. These top twenty (20) items are based on good security practices identified through FTA’s Security Assessments and Technical Assistance provided to the largest transit agencies. Specific information on these elements may be found in FTA’s *Transit System Security Program Planning Guide*. FTA is working with transit agencies to encourage them to incorporate these practices into their programs.

Management and Accountability

1. Written security program and emergency management plans are established.
2. The security plan is updated to reflect anti-terrorist measures and any current conditions.
3. The security plan is an integrated system security program, including regional coordination with other agencies, security design criteria in procurements and organizational charts for incident command and management systems.
4. The security plan is signed, endorsed and approved by top management.
5. The security program is assigned to a senior level manager.
6. Security responsibilities are defined and delegated from management through to the front line employees.
7. All operations and maintenance supervisor, forepersons, and managers are held accountable for security issues under their control.

Security Problem Identification

8. A threat and vulnerability assessment resolution process is established and used.
9. Security sensitive intelligence information sharing is improved by joining InfracGuard, the FBI Regional Task Force and the Surface Transportation Intelligence Sharing & Analysis Center (SAC); security information is reported through the National Transit Database (NTD).

Employee Selection

10. Background investigations are conducted on all new front-line operations and maintenance employees (i.e., criminal history, motor vehicle records, and credit history).
11. Criteria for background investigations are established.

Training

12. Security orientation or awareness materials are provided to all front-line employees.
13. Ongoing training programs on safety, security and emergency procedures by work area are provided.
14. Public awareness materials are developed and distributed on a system wide basis.

Audits and Drills

15. Periodic audits of security policies and procedures are conducted.
16. Tabletop and functional drills are least once every six months and full-scale exercises, coordinated with regional emergency response providers, are performed at least annually.

Document Control

17. Access to documents of security critical systems and facilities are controlled.
18. Access to security sensitive documents is controlled.

Access Control

19. Background investigations are conducted of contractors or others who require access to security critical facilities, and ID badges are used for all visitors, employees and contractors to control access to key critical facilities.

Homeland Security

20. Protocols have been established to respond to the Office of Homeland Security Threat Advisory Levels.

WORKPLACE SECURITY ASSESSMENT FORM

Date: _____

Location: _____

Describe the physical layout of the establishment. Indicate its location to other businesses or residences in the area and access to the street. _____

Number/gender of employees on-site between 10 p.m. and 5 a.m. _____

Describe nature and frequency of client/customer/passenger/other contact: _____

Yes No

☐☐

Are cash transactions conducted with the public during working hours? If yes, how much cash is kept in the cash register or in another place accessible to a robber?

Yes No

☐☐

Is there safe or lock-box on the premises into which cash is deposited?

What is the security history of the establishment and environment? _____

What physical security measures are present? _____

Yes No

☐☐

Has security training been provided to employees? If so, has the training been effective?

Security Incident Recording Form

Date of Incident: _____

Time of Incident: _____AM/PM

Location: _____

of Fatalities: _____ # of Injuries: _____

Property Damage Estimate: \$ _____

Type of Security Incidents: *Check all that apply.*

Homicide ☐ Burglary ☐ Motor Vehicle Theft ☐

Forcible Rape ☐ Bombing ☐ Chemical or Biological Release ☐

Robbery ☐ Arson ☐ Aggravated Assault ☐

Hijacking ☐ Bomb Threat ☐ Kidnapping ☐

Other ☐ _____

Description of Incident: *Attach law enforcement report(s) if available.*

Recorded By: _____ Date: _____

Title: _____ Phone #: _____

Emergency Plan

Notification of Emergency

When notice has been received that an event has occurred or the potential of an event occurring, which has or may produce casualties or injuries, the following information should be given to the Contracted Owner:

1. Name of person making notification and from what telephone number.
2. Location of emergency including address.
3. Estimated number of casualties / injuries.
4. Type of emergency
5. Time call received.
6. Estimated time of emergency event occurrence.

The Contracted Owner shall then notify the Transportation Coordinator/Accountable Executive.

BOMB THREAT CHECKLIST

Questions to Ask Caller:

1. When is the bomb going to explode?
2. Where is it right now?
3. What does it look like?
4. What kind of bomb is it?
5. What will cause it to explode?
6. Did you (the caller) place the bomb?
7. Why?
8. What is your address?
9. What is your name?

Exact Wording of the Threat:

Sex of Caller: M or F Race: _____

Age: _____ Length of Call: _____

Number at which call is received:

read _____
maker _____

Time: _____ Date: _____

Report Call Immediately to:

Contact Number

Contact Name or Title

Contact Organization

Secondary Contact Info

Secondary Contact Info

Caller's Voice:

_____ Calm	_____ Nasal
_____ Angry	_____ Stutter
_____ Excited	_____ Lisp
_____ Slow	_____ Rasp
_____ Rapid	_____ Deep
_____ Soft	_____ Ragged
_____ Loud	_____ Clearing Throat
_____ Laughter	_____ Deep Breathing
_____ Crying	_____ Cracking Voice
_____ Normal	_____ Disguised
_____ Distinct	_____ Accent
_____ Slurred	_____ Familiar

If voice is familiar, whom did it sound like?

Background Sounds:

_____ Street noises	_____ Factory machinery
_____ Television	_____ Animal noises
_____ Voices	_____ Clear
_____ PA System	_____ Static
_____ Music	_____ Local
_____ House noises	_____ Long Distance
_____ Motor	_____ Booth
_____ Office Machinery	_____ Other

Threat Language:

_____ Well Spoken	_____ Incoherent
_____ (Educated)	_____ Taped
_____ Foul	_____ Message
_____ Irrational	_____ by threat

Remarks: _____

MANAGEMENT REVIEWS

The Community Transportation Coordinator/Accountable Executive will provide oversight on security quarterly. Oversight may be provided through reports submitted to the Transportation Coordinator/Accountable Executive by the contracted company, or through an office visit from the Transportation Coordinator/Accountable Executive to review records. The Transportation Coordinator/Accountable Executive will verify the contractor's compliance with FTA and NCDOT regulations and policies.

This Operational Policy was adopted by the Cumberland County Board of Commissioners.

Date _____

Month _____

Year _____

System Manager (Signature) _____

Governing Board Chairman (Signature) _____



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: IFETAYO FARRAKHAN, COMMUNITY TRANSPORTATION PROGRAM MANAGER

DATE: 10/29/2020

SUBJECT: CUMBERLAND COUNTY COMMUNITY TRANSPORTATION 2020 TITLE VI PROGRAM PLAN

BACKGROUND

The Community Transportation Program Title VI Program Plan has been developed and reviewed by NCDOT-IMD and the NCDOT Office of Civil Rights to guide CTP in its administration and management of Title VI-related activities conducted by both the Cumberland County CTP and its contractors to meet the NCDOT requirement as a grant recipient. The plan states that it is the policy of the Cumberland County Community Transportation Program (CTP) to ensure that no person shall, on the grounds of race, color, sex, age, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and any other related non-discrimination Civil Rights laws and authorities.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the November 12, 2020 Board of Commissioners' Agenda Session Meeting, and it was moved forward as a Consent Agenda item for the November 16, 2020 Board of Commissioners' Regular Meeting. Staff requests the Board of County Commissioners approve the Community Transportation Program 2020 Title VI Program Plan to meet the requirements from the North Carolina Department of Transportation – Integrated Mobility Division and the NCDOT Office of Civil Rights.

ATTACHMENTS:

Description
CTP 2020 TITLE VI ADOPTION PAGE

Type
Backup Material

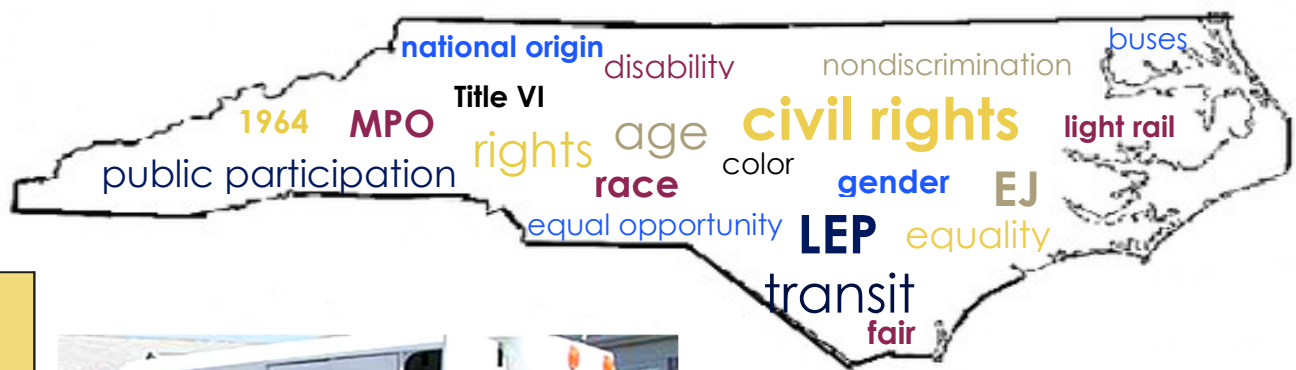
TITLE VI PLAN REVIEW AND ADOPTION

On behalf of the County of Cumberland Board of Commissioners, I hereby acknowledge receipt of the Title VI Nondiscrimination Plan. We, the County of Cumberland Board of Commissioners, have ***reviewed and hereby adopt*** this Plan. We are committed to ensuring that all decisions are made in accordance with the nondiscrimination guidelines of this Plan, to the end the no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Cumberland County Community Transportation Program services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as protected by Title VI of the Civil Rights Act of 1964 and the nondiscrimination provisions of the Federal Transit Administration.

Signature of Chair, Board of Commissioners

DATE

Cumberland County Community Transportation



Adopted
November 16, 2020

Title VI Program Plan



TITLE VI PLAN REVIEW AND ADOPTION

On behalf of the County of Cumberland Board of Commissioners, I hereby acknowledge receipt of the Title VI Nondiscrimination Plan. We, the County of Cumberland Board of Commissioners, have ***reviewed and hereby adopt*** this Plan. We are committed to ensuring that all decisions are made in accordance with the nondiscrimination guidelines of this Plan, to the end the no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any Cumberland County Community Transportation Program services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as protected by Title VI of the Civil Rights Act of 1964 and the nondiscrimination provisions of the Federal Transit Administration.

Signature of Chair, Board of Commissioners

DATE

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TITLE VI NONDISCRIMINATION AGREEMENT
BETWEEN
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
AND
THE CUMBERLAND COUNTY COMMUNITY TRANSPORTATION PROGRAM

In accordance with DOT Order 1050.2A, the Cumberland County Community Transportation Program assures the North Carolina Department of Transportation (NCDOT) that no person shall, on the ground of **race, color, national origin, sex, creed, age, or disability**, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related nondiscrimination authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by Cumberland County Community Transportation Program. Further, Cumberland County Community Transportation Program hereby agrees to:

1. Designate a Title VI Coordinator that has a responsible position within The Cumberland County Community Transportation Program and easy access to the Accountable Executive of The Cumberland County Community Transportation Program.
2. Issue a policy statement, signed by the Accountable Executive of The Cumberland County Community Transportation Program, which expresses a commitment to the nondiscrimination provisions of Title VI and related applicable statutes. The signed policy statement shall be posted and circulated throughout The Cumberland County Community Transportation Program and to the general public and published where appropriate in languages other than English. The policy statement will be re-signed when there is a change of the Accountable Executive.
3. Insert the clauses of the contract language from Section 6.1 in every contract awarded by The Cumberland County Community Transportation Program. Ensure that every contract awarded by The Cumberland County Community Transportation Program's contractors or consultants also includes the contract language.
4. Process all and, when required, investigate complaints of discrimination consistent with the procedures contained within this Plan. Log all complaints for the administrative record.
5. Collect statistical data (race, color, national origin, sex, age, disability) on participants in, and beneficiaries of, programs and activities carried out by The Cumberland County Community Transportation Program.
6. Participate in training offered on Title VI and other nondiscrimination requirements. Conduct or request training for employees or The Cumberland County Community Transportation Program's subrecipients.
7. Take affirmative action, if reviewed or investigated by NCDOT, to correct any deficiencies found within a reasonable time period, not to exceed 90 calendar days, unless reasonable provisions are granted by NCDOT.
8. Document all Title VI nondiscrimination-related activities as evidence of compliance. Submit information and reports to NCDOT on a schedule outlined by NCDOT.

THIS AGREEMENT is given in consideration of, and for the purpose of obtaining, any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding.

Authorized Signature

Date

Ifetayo Farrakhan/ Accountable Executive

1.0 INTRODUCTION

Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d provides that: “No person in the United States shall, on the ground 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.” The broader application of nondiscrimination law is found in other statutes, executive orders, and regulations, which provide additional protections based on age, sex, creed (religion), and disability, including the 1987 Civil Rights Restoration Act, which extended nondiscrimination coverage to all programs and activities of federal-aid recipients, subrecipients, and contractors, including those that are not federally-funded (see Appendix A – Applicable Nondiscrimination Authorities).

The Cumberland County Community Transportation Program is a recipient of Federal Transit Administration (FTA) funds from the North Carolina Department of Transportation (NCDOT). The Cumberland County Community Transportation Program establishes this Title VI Nondiscrimination Plan for the purpose of complying with Title VI of the Civil Rights Act of 1964, as required by FTA Circular 4702.1B, and related requirements outlined within the FTA Certifications & Assurances, “Nondiscrimination Assurance.” This document details the nondiscrimination program, policies, and practices administered by The Cumberland County Community Transportation Program and will be updated periodically to incorporate changes and additional responsibilities as they are made. This Plan will be submitted to NCDOT or FTA, upon request.

2.0 DESCRIPTION OF PROGRAMS AND SERVICES

2.1 PROGRAM(S) AND SERVICES ADMINISTERED

The Cumberland County Community Transportation Program provides public transportation options to its customers within the County of Cumberland, North Carolina. The goals and objectives of the project is to provide safe, dependable, accessible and affordable transportation through a demand response service for the un-met medical and non-medical needs of the elderly/disabled and general public of the rural and urban areas (as defined by the Census) within Cumberland County. The local community college as well as many of the job opportunities are located within the urbanized area. However, the residents live in part of the urbanized area which falls outside of the City’s bus service area. For residents to access these opportunities as defined in the local coordinated human service transportation plan our program is necessary.

Type of Service	Days of week	Times	Fare (if applicable)
5310 (Transportation for Elderly Persons and Persons with Disabilities)	Monday thru Friday	05:00 AM – 08:00 PM	\$2.50 PER TRIP
EDTAP	Monday thru Friday	05:00 AM – 08:00 PM	NO FARE
EMPLOYMENT	Monday thru Friday	05:00 AM – 08:00 PM	\$2.50 PER TRIP
RGP	Monday thru Friday	05:00 AM – 08:00 PM	\$2.50 PER TRIP
AAA MEDICAL	Monday thru Friday	05:00 AM – 08:00 PM	NO FARE
AAA GENERAL	Monday thru Friday	05:00 AM – 08:00 PM	NO FARE

2.2 FUNDING SOURCES / TABLES

For the purpose of federally-assisted programs, "federal assistance" shall include:

1. grants and loans of Federal funds.
2. the grant or donation of Federal property and interest in property.
3. the detail of Federal personnel.
4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
5. any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

Each FTA Formula Grant received by our system during the past year, and whether the funds were received through NCDOT or directly from FTA, is checked below.

Grant Title	NCDOT	FTA	Details (i.e., purpose, frequency, and duration of receipt)
5307 (Urbanized Area Formula)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annually
5310 (Transportation for Elderly Persons and Persons with Disabilities)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annually
5311 (Formula Grants for Other than Urbanized Areas)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annually
Other: ROAP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annually

2.3 DECISION-MAKING PROCESS

The Cumberland County Community Transportation Program provides public transportation options to its customers within the County of Cumberland, North Carolina. The final decisions and program documents are presented to the TAB which is a locally formed advisory group based on the guidelines and requirements of NCDOT/PTD. The Cumberland County Board of Commissioners and the TAB is obligated to ensure that the policies and plans it approves and administers do not intentionally or unintentionally discriminate against any person. The Cumberland County Board of Commissioners and the TAB/Governing Board are presented with the Plans to approve prior to each submission to NCDOT. The Plans/program documents include an acknowledgment page for Board approval. A copy of the official Board resolution or meeting minutes will also be provided as evidence that the Plan has been adopted.

Board or Committee Name	Appointed	Elected	# of Members
Transit Advisory Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	16
County Board of Commissioners	<input type="checkbox"/>	<input checked="" type="checkbox"/>	7
	<input type="checkbox"/>	<input type="checkbox"/>	

2.4 TITLE VI COORDINATOR

The individual below has been designated as the Title VI Coordinator for The Cumberland County Community Transportation Program, and is empowered with sufficient authority and responsibility to implement the Title VI Nondiscrimination Program:

Name: Ifetayo Farrakhan
Official Title: Program Manager
Address: 130 Gillespie Street, Rm 217
Phone: 9110-678-7624
Email: ifarrakhan@co.cumberland.nc.us

Key responsibilities of the Coordinator include:

- Maintaining knowledge of Title VI and related requirements.
- Attending civil rights training when offered by NCDOT or any other regulatory agency.
- Administering the Title VI Nondiscrimination Program and coordinating implementation of this Plan.
- Training internal staff and officials on their Title VI nondiscrimination obligations.
- Disseminating Title VI information internally and to the general public, including in languages other than English.
- Presenting Title VI-related information to decision-making bodies for input and approval.
- Ensuring Title VI-related posters are prominently and publicly displayed.
- Developing a process to collect data related to race, national origin, sex, age, and disability to ensure minority, low-income, and other underserved groups are included and not discriminated against.
- Ensuring that non-elected boards and committees reflect the service area and minorities are represented.
- Implementing procedures for prompt processing (receiving, logging, investigating and/or forwarding) of discrimination complaints.
- Coordinating with, and providing information to, NCDOT and other regulatory agencies during compliance reviews or complaint investigations.
- Promptly resolving areas of deficiency to ensure compliance with Title VI nondiscrimination requirements.

2.5 CHANGE OF TITLE VI COORDINATOR OR ACCOUNTABLE EXECUTIVE

If Title VI Coordinator or Accountable Executive changes, this document and all other documents that name the Coordinator or Accountable Executive, will immediately be updated, and an updated policy statement (and nondiscrimination agreement, if standalone) will be signed by the new Title VI Coordinator or Accountable Executive.

2.6 ORGANIZATIONAL CHART

The Cumberland County Community Transportation Program, currently operates with a staff of 18 which consist of the following job categories:

- Executive Director
- Operations Coordinator (AE) (1)
- Finance Coordinator
- Administrative Assistants (3)
- Lead Dispatcher
- Dispatchers (2)
- Scheduler
- Lead Driver

- Drivers (14)

An organizational chart showing the Title VI Coordinator/Accountable Executive place within The Cumberland County Community Transportation Program is located in **Appendix B**.

2.7 SUBRECIPIENTS

The Cumberland County Community Transportation Program does not have pass through funds to any other organizations and, therefore, does not have any subrecipients

3.0 TITLE VI NONDISCRIMINATION POLICY STATEMENT

It is the policy of The Cumberland County Community Transportation Program, as a federal-aid recipient, to ensure that no person shall, on the ground of **race, color, national origin, sex, creed (religion), age or disability**, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs and activities, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all other related nondiscrimination laws and requirements.

Ifetayo Farrakhan, Title VI Coordinator (AE)

Date

Title VI and Related Authorities

Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d) provides that, “No person in the United States shall, on the ground 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.” The 1987 Civil Rights Restoration Act (P.L. 100-259) clarified and restored the original intent of Title VI by expanding the definition of “programs and activities” to include all programs and activities of federal-aid recipients, subrecipients, and contractors, whether such programs and activities are federally-assisted or not.

Related nondiscrimination authorities include, but are not limited to: U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act”; 49 U.S.C. 5332, “Nondiscrimination (Public Transportation)”; FTA Circular 4702.1B - Title VI Requirements and Guidelines for Federal Transit Administration Recipients; DOT Order 5610.2a, “Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”; FTA C 4703.1 - Environmental Justice Policy Guidance For Federal Transit Administration Recipients; Policy Guidance Concerning (DOT) Recipient's Responsibilities to Limited English Proficient (LEP) Persons, 74 FR 74087; The Americans with Disabilities Act of 1990, as amended, P.L. 101-336; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790; Age Discrimination Act of 1975, as amended 42 U.S.C. 6101; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601; Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. 794d

Implementation

- This statement will be signed by the Title VI Coordinator/Accountable Executive of The Cumberland County Community Transportation Program, and re-signed whenever a new person assumes that position.
- The signed statement will be posted on office bulletin boards, near the receptionist’s desk, in meeting rooms, at transit stops, inside vehicles, and disseminated within brochures and other written materials.
- The *core* of the statement (signature excluded) will circulate *internally* within annual acknowledgement forms.
- The statement will be posted or provided in languages other than English, when appropriate.

4.0 NOTICE OF NONDISCRIMINATION

- The Cumberland County Community Transportation Program operates its programs and services without regard to **race, color, national origin, sex, creed (religion), age, and disability** in accordance with Title VI of the Civil Rights Act and related statutes. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice may file a complaint with The Cumberland County Community Transportation Program.
- For more information on The Cumberland County Community Transportation Program's civil rights program, and the procedures to file a complaint, contact Ifetayo Farrakhan at 910-678-7624, (TDD/TTY 910-678-7659); email: ifarrakhan@co.cumberland.nc.us; or visit our administrative office at 130 Gillespie Street Rm 215, Fayetteville, NC 28301. For more information, visit <http://co.cumberland.nc.us/planning/ctp.aspx>.
- If information is needed in another language, contact 800-522-0453.
- A complainant may file a complaint directly with the North Carolina Department of Transportation by filing with the Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511, Attention: Title VI Nondiscrimination Program; phone: 919-508-1808 or 800-522-0453, or TDD/TTY: 800-735-2962.
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

Implementation

- The notice will be posted in its entirety on our website and in any documents and reports we distribute.
- The notice will be posted in our offices and inside/on our vehicles.
- Ads in newspapers and other publications shall include the following: "The Cumberland County Community Transportation Program operates without regard to **race, color, national origin, sex, creed (religion), age or disability**. For more information on The Cumberland County Community Transportation Title VI program or how to file a discrimination complaint, please contact 910-678-7624; ifarrakhan@co.cumberland.nc.us."
- The statement will be posted or provided in languages other than English, when appropriate.

5.0 PROCEDURES TO ENSURE NONDISCRIMINATORY ADMINISTRATION OF PROGRAMS AND SERVICES

We are committed to nondiscriminatory administration of our programs and services, organization wide. The Cumberland County Community Transportation Program will remind employees of Title VI nondiscrimination obligations through staff training and use of the **Annual Education and Acknowledgment Form** below. The Title VI Coordinator will periodically assess program operations to ensure this policy is being followed.

Annual Education and Acknowledgement Form

Title VI Nondiscrimination Policy

(Title VI and related nondiscrimination authorities)

No person shall, on the grounds of race, color, national origin, sex, age, creed, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a Federal-aid recipient.

All employees and representatives of The Cumberland County Community Transportation Program are expected to consider, respect, and observe this policy in their daily work and duties. If any person approaches you with a civil rights-related question or complaint, please direct him or her to Ifetayo Farrakhan, Title VI Coordinator at 130 Gillespie Street, Fayetteville, NC 28301 – 910-678-7624.

In all dealings with the public, use courtesy titles (e.g., Mr., Mrs., Miss, Dr.) to address or refer to them without regard to their race, color, national origin, sex, age or disability.

Acknowledgement of Receipt of Title VI Program

I hereby acknowledge receipt of The Cumberland County Community Transportation Program Agency's Title VI Program and other nondiscrimination guidelines. I have read the Title VI Program and I am committed to ensuring that no person is excluded from participation in or denied the benefits of The Cumberland County Community Transportation Program Agency's programs, policies, services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as provided by Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes.

Signature

Date

Implementation

- Periodically, but not more than once a year, employees and representatives will receive, review and certify commitment to the Title VI Program.
- New employees shall be informed of Title VI provisions and expectations to perform their duties, accordingly, asked to review the Title VI Program, and required to sign the acknowledgement form.
- Periodic review of operational practices and guidelines by the Title VI Coordinator to verify compliance with the Title VI Program. Maintain documents of each review on file.
- Signed acknowledgement forms and records of internal assessments will remain on file for at least three years.

6.0 CONTRACT ADMINISTRATION

The Cumberland County Community Transportation Program ensures all contractors will fulfill their contracts in a nondiscriminatory manner. While contractors are not required to prepare a Title VI Program, they must comply with the nondiscrimination requirements of The Cumberland County Community Transportation Program to which they are contracted. The Cumberland County Community Transportation Program and its contractors will not discriminate in the selection and retention of contractors (at any level) or discriminate in employment practices in connection with any of our projects.

6.1 CONTRACT LANGUAGE

I. 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:

(1) Compliance with Regulations: The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Transit Administration (FTA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, creed (religion), low-income, limited English proficiency, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

(3) Solicitations for Subcontractors, 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 will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

(4) Information and Reports: The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FTA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FTA, as appropriate, and will set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FTA may determine to be appropriate, including, but not limited to:

- (a) withholding payments to the contractor under the contract until the contractor complies; and/or
- (b) cancelling, terminating, or suspending a contract, in whole or in part.

(6) Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FTA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

II. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been

acquired because of Federal or Federal-aid programs and projects);

- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination 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. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;

- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq);
- Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity).

*The Contractor has read and is familiar with the terms above:

Contractor's Initials

Date

Implementation

- The nondiscrimination language above (_____) initials) will be appended to any *existing* contracts, purchase orders, and agreements that do not include it, and initialed by the responsible official of the other organization.
- The nondiscrimination language above (_____) initials) will be incorporated as standard language before the signature page of our standard contracts, purchase orders, and agreements.
- The Title VI Coordinator will review *existing* contracts to ensure the language has been added.

6.2 NONDISCRIMINATION NOTICE TO PROSPECTIVE BIDDERS

The Cumberland County Community Transportation Program, in accordance with Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities, and Title 49 Code of Federal Regulations, Parts 21 and 26, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority and women 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, national origin, sex, age, creed, limited English proficiency, low-income, or disability in consideration for an award.

Implementation

- The nondiscrimination language above will be included in all solicitations for bids for work or material and proposals for negotiated agreements to assure interested firms that we provide equal opportunity and do not discriminate.
- Outreach efforts will be made to minority and women-owned firms that work in requested fields and documented.
- Unless specifically required under Disadvantaged Business Enterprise (DBE) or Affirmative Action programs, all contractors will be selected without regard to their race, color, national origin, or sex.

7.0 EXTERNAL DISCRIMINATION COMPLAINT PROCEDURES

These discrimination complaint procedures outline the process used by Cumberland County Community Transportation Program to process complaints of alleged discrimination filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination laws that are applicable to The Cumberland County Community Transportation programs, services, and activities. Complaints will be investigated by the appropriate authority. Upon completion of an investigation, the complainant will be informed of all avenues of appeal. Every effort will be made to obtain early resolution of complaints at the lowest level possible by informal means.

FILING OF COMPLAINTS

1. **Applicability** – These procedures apply to the beneficiaries of our programs, activities, and services, such as the members of the public and any consultants/contractors we hire.
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities based upon race, color, sex, age, national origin, creed (religion) or disability, may file a written complaint. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
 - The date of the alleged act of discrimination; or
 - The date when the person(s) became aware of the alleged discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Complaints may be submitted to the following entities:

- **The Cumberland County Community Transportation Program**, 130 Gillespie Street, Fayetteville, NC 28301 910-678-7624 or by email at ifarrakhan@co.cumberland.nc.us
 - **North Carolina Department of Transportation**, Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
 - **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
Federal Transit Administration, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
 - **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228
4. **Format for Complaints** – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone or in person will be reduced to writing, may be recorded and will be provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille.
 5. **Discrimination Complaint Form** – The Discrimination Complaint Form is consistent with the FTA Certifications & Assurances, "Nondiscrimination Assurance."
 6. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, creed (religion) or disability. The term "basis" refers to the complainant's membership in a protected group category.

Protected Categories	Definition	Examples	Applicable Statutes and Regulations
			FTA
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 49 U.S.C. 5332(b); FTA Circular 4702.1B
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.	
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person's accent is also covered.	Mexican, Cuban, Japanese, Vietnamese, Chinese	
Sex	Gender	Women and Men	49 U.S.C. 5332(b); Title IX of the Education Amendments of 1972
Age	Persons of any age	21 year old person	Age Discrimination Act of 1975
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990
Creed	Religion.	Muslim, Christian, Hindu, Atheist	49 U.S.C. 5332(b)

Complaint Processing

1. When a complaint is received, an Acknowledgment Letter and a Complainant Consent/Release Form will be mailed to the complainant within ten (10) business days by registered mail.
2. We will consult with the NCDOT Title VI Program to determine the acceptability and jurisdiction of all complaints received. (Note: If NCDOT will investigate, the Title VI Program will be responsible for the remainder of this process. We will record the transfer of responsibility in our complaints log).
3. Additional information will be requested if the complaint is incomplete. The complainant will be provided 15 business days to submit any requested information and the signed Consent Release form. Failure to do so may be considered good cause for a determination of no investigative merit.
4. Upon receipt of the requested information and determination of jurisdiction, we will notify the complainant and respondent of whether the complaint has sufficient merit to warrant investigation.
5. If the complaint is investigated, the notification shall state the grounds of our jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. If the complaint does not warrant investigation, the notification to the complainant shall specifically state the reason for the decision.

Complaint Log

1. When a complaint is received, the complaint will be entered into the Discrimination Complaints Log with other pertinent information and assigned a **Case Number**. (Note: All complaints must be logged).
2. The complaints log will be submitted to the NCDOT's Civil Rights office during Title VI compliance reviews. (Note: NCDOT may also be request the complaints log during pre-grant approval processes).
3. The **Log Year(s)** since the last submittal will be entered (e.g., 2015-2018, 2017-2018, FFY 2018, or 2018) and the complaints log will be signed before submitting the log to NCDOT.
4. When reporting **no complaints**, check the **No Complaints or Lawsuits** box and sign the log.

The Cumberland County Community Transportation Program

DISCRIMINATION COMPLAINT FORM

Any person who believes that he/she has been subjected to discrimination based upon race, color, creed, sex, age, national origin, or disability may file a written complaint with The Cumberland County Community Transportation Program, within 180 days after the discrimination occurred.			
Last Name:		First Name:	
		<input type="checkbox"/> Male <input type="checkbox"/> Female	
Mailing Address:		City	State
			Zip
Home Telephone:	Work Telephone:	E-mail Address	
Identify the Category of Discrimination:			
<input type="checkbox"/> RACE	<input type="checkbox"/> COLOR	<input type="checkbox"/> NATIONAL ORIGIN	<input type="checkbox"/> SEX
<input type="checkbox"/> CREED (RELIGION)	<input type="checkbox"/> DISABILITY	<input type="checkbox"/> LIMITED ENGLISH PROFICIENCY	<input type="checkbox"/> AGE
<i>*NOTE: Title VI bases are race, color, national origin. All other bases are found in the "Nondiscrimination Assurance" of the FTA Certifications & Assurances.</i>			
Identify the Race of the Complainant			
<input type="checkbox"/> Black	<input type="checkbox"/> White	<input type="checkbox"/> Hispanic	<input type="checkbox"/> Asian American
<input type="checkbox"/> American Indian	<input type="checkbox"/> Alaskan Native	<input type="checkbox"/> Pacific Islander	<input type="checkbox"/> Other _____
Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.			
Names of individuals responsible for the discriminatory action(s):			
How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional page(s), if necessary).			
The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.			
Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).			
<u>Name</u>	<u>Address</u>	<u>Telephone</u>	
1. _____			
2. _____			
3. _____			
4. _____			

DISCRIMINATION COMPLAINT FORM

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

- ☐ NC Department of Transportation _____
- ☐ Federal Transit Administration _____
- ☐ US Department of Transportation _____
- ☐ US Department of Justice _____
- ☐ Federal or State Court _____
- ☐ Other _____

Have you discussed the complaint with any Cumberland County Community Transportation Program representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.

Briefly explain what remedy, or action, are you seeking for the alleged discrimination.

****WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

COMPLAINANT'S SIGNATURE

DATE

MAIL COMPLAINT FORM TO:
THE CUMBERLAND COUNTY COMMUNITY TRANSPORTATION PROGRAM
130 GILLESPIE STREET
FAYETTEVILLE, NC 28301
EMAIL: IFARRAKHAN@CO.CUMBERLAND.NC.US
910-678-7624

FOR OFFICE USE ONLY

Date Complaint Received: _____

Processed by: _____

Case #: _____

Referred to: ☐ NCDOT ☐ FTA Date Referred: _____

DISCRIMINATION COMPLAINTS LOG

Log Year(s):

CASE NO.	COMPLAINANT NAME	RACE/ GENDER	RESPONDEN T NAME	BASIS	DATE FILED	DATE RECEIVE D	ACTION TAKEN	DATE INVESTIG. COMPLETED	DISPOSITION

No Complaints or Lawsuits ☐

I certify that to the best of my knowledge, the above described complaints or lawsuits alleging discrimination, or **no complaints or lawsuits** alleging discrimination, have been filed with or against The Cumberland County Community Transportation Program since the previous Title VI Program submission to NCDOT.

Signature of Title VI Coordinator or Other Authorized Official

Date

Print Name and Title of Authorized Official

INVESTIGATIVE GUIDANCE

- A. Scope of Investigation** – An investigation should be confined to the issues and facts relevant to the allegations in the complaint unless evidence shows the need to extend the issues.
- B. Developing an Investigative Plan** – It is recommended that the investigator prepares an Investigative Plan (IP) to define the issues and lay out the blueprint to complete the investigation. The IP should follow the outline below:
1. Complainant(s) Name and Address (Attorney name and address if applicable)
 2. Respondent(s) Name and Address (Attorney for the Respondent(s) name and address)
 3. Applicable Law(s)
 4. Basis/(es)
 5. Allegation(s)/Issue(s)
 6. Background
 7. Name of Persons to be interviewed
 - a. Questions for the complainant(s)
 - b. Questions for the respondent(s)
 - c. Questions for witness(es)
 8. Evidence to be obtained during the investigation
 - a. Issue – e.g., Complainant alleges his predominantly African American community was excluded from a meeting concerning a future project which could affect the community.
 - i. Documents needed: e.g., mailing list which shows all physical addresses, P.O. Box numbers, property owner names, and dates when the meeting notification was mailed; other methods used by the RPO to advertise the meeting.
- C. Request for Information** – The investigator should gather data and information pertinent to the issues raised in the complaint.
- D. Interviews** – Interviews should be conducted with the complainant, respondent, and appropriate witnesses during the investigative process. Interviews are conducted to gain a better understanding of the situation outlined in the complaint of discrimination. The main objective during the interview is to obtain information that will either support or refute the allegations.
- E. Developing an Investigative Report** – The investigator should prepare an investigative report setting forth all relevant facts obtained during the investigation. The report should include a finding for each issue. A sample investigative report is provided below.

Cumberland Community Transportation Sample Investigative Report

I. COMPLAINANT(S) NAME (or attorney for the complainant(s) – name and address if applicable
Name, Address, Phone: 999-999-9999

II. RESPONDENT(S) (or attorney for the respondent(s) – name and address if applicable)
Name, Address, Phone: 999-999-9999

III. APPLICABLE LAW/REGULATION
[For example, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); 49 CFR §21.11; 49 CFR §26.53)]

IV. COMPLAINT BASIS(ES)
[For example, Race, Color, National Origin, Creed (Religion), Sex, Age, Disability)]

V. ISSUES/ALLEGATIONS
[Describe in logical sequence, each allegation including the prohibited basis for the alleged discriminatory conduct, (e.g., race, color, creed, sex, national origin, age, or disability) and the specific statutory or regulatory provision the allegation would violate, if proven to be true.]

Issue #1 – Complainant alleges that transit system failed to inform minority communities of rate increases.

Issue #2 – Complainant alleges that transit system has not sufficiently publicized or held public meetings to share information regarding fare increases and route changes that impacts low-income and minority citizens.

VI. BACKGROUND
[Provide detailed information regarding the complaint, including a historical overview of the case, including any activities or actions taken prior to accepting the complaint for investigation.]

VII. INVESTIGATIVE PROCEDURE
[Describe in detail, methods used to conduct the investigation, such as document requests, interviews and site visits. Include witnesses' names and addresses, documents received and/or reviewed, emails sent and received.]

VIII. ISSUES / FINDINGS OF FACT
[Provide a detailed description of the investigator's analysis of each allegation, based on clear and factual findings. Include specific evidence used to support your findings.]

IX. CONCLUSION
[State whether discrimination did or did not occur. Conclusions must be evidence-based and defensible. Test conclusions by considering all possible rebuttal arguments from the respondent and complainant. Both respondent and the complainant should be given an opportunity to confirm or rebut the assertions of the other party and your findings, but all the evidence you've presented should speak for itself.]

X. RECOMMENDED ACTIONS
[Outline what should be done to remedy the findings or, if necessary, provide justice for the complainant.]

APPENDIX

[Include in the Appendix any supplemental materials that support your findings and conclusion.]

8.0 SERVICE AREA POPULATION CHARACTERISTICS

To ensure that Title VI reporting requirements are met, we will collect and maintain population data on potential and actual beneficiaries of our programs and services. This section contains relevant population data for our overall service area. This data provides context for the Title VI Nondiscrimination Program and will be used to ensure nondiscrimination in public outreach and delivery of our programs and services.

8.1 RACE AND ETHNICITY

The following table was completed using data from Census Table QT-P3, Race and Hispanic or Latino Origin: 2010:

Race and Ethnicity	Number	Percent
Total Population	319,431	100
White	164,064	51.4
Black or African American	117,117	36.7
American Indian or Alaska Native	5,140	1.6
Asian	7,090	2.2
Native Hawaiian and Other Pacific Islander	1,225	0.4
Some other Race	9,943	3.1
Two or More Races	14,852	4.6
HISPANIC OR LATINO (of any race)	30,190	9.5
Mexican	10,073	3.2
Puerto Rican	11,214	3.5
Cuban	772	0.2
Other Hispanic or Latino	8,131	2.5

8.2 AGE & SEX

The following table was completed using data from Census Table QT-P1, Age Groups and Sex: 2010:

Age	Number			Percent		
	Both sexes	Male	Female	Both sexes	Male	Female
Total Population	319,431	154,328	165,103	100%	100%	100%
Under 5 years	26,539	13,408	13,131	8.3	8.7	8.0
Under 18 years	85,541	43,427	42,114	26.8	28.1	25.5
18 to 64 years	203,690	98,563	105,127	63.8	63.9	63.7
65 years and over	30,200	12,338	17,862	9.5	8.0	10.8
Median Age	31.0	29.3	32.9			

8.3 DISABILITY

The following table was completed using data from Census Table S1810, Disability Characteristics:

Disability Characteristics	Total		With a Disability		Percent with a Disability	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Total civilian noninstitutionalized population	302,742	2,884	51,403	3,011	17.0%	-1
Population under 5 years	25,126	467	403	340	1.6%	1.4
Population 5 to 17 years	57,685	486	4,345	1,277	7.5%	2.2
Population 18 to 34 years	74,313	2,531	6,426	1,200	8.6%	1.6
Population 35 to 64 years	105,735	1,343	21,857	1,692	20.7%	1.6
Population 65 to 74 years	24,165	534	9,384	1,178	38.8%	4.7
Population 75 years and over	15,718	529	8,988	914	57.2	5.6
SEX						
Male	137,336	2,583	25,533	2,019	18.6%	1.5
Female	165,406	1,238	25,870	2,272	15.6%	1.4
RACE AND HISPANIC OR LATINO ORIGIN						
White	142,375	3,238	24,530	1,835	17.2%	1.3
Black or African American	117,074	3,324	21,490	2,356	18.4%	2
American Indian and Alaska Native	5,057	707	777	489	15.4%	9.2
Asian	8,792	714	1,056	557	12.0%	6.4
Native American and Other Pacific Islander	N	N	N	N	N	N
Some other Race	9,598	2,436	1,127	618	11.7%	5.7
Two or more races	18,647	3,182	2,240	735	12%	4.1
Hispanic or Latino	34,909	880	3,396	867	9.7%	2.5

8.4 POVERTY

The following table was completed using data from Census Table S1701, Poverty Status in the Past 12 Months:

Poverty Status Last 12 Months	Total		Below poverty level		Percent below poverty level	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Population for whom poverty status is determined	317,943	3,181	57,598	5,127	18.1%	1.6
AGE						
Under 18	81,150	822	21,055	3,265	25.9%	4
18 to 64	196,910	3,117	31,265	2,934	153.9%	1.5
65 years and over	39,883	688	5,278	1,353	13.2%	3.4
SEX						
Male	150,975	2,757	23,078	2,474	15.3%	1.6
Female	166,968	1,133	34,520	3,950	20.7%	2.4
RACE AND HISPANIC OR LATINO ORIGIN						
White	153,904	3,638	19,075	3,292	12.4%	2.1
Black or African American	119,132	3,215	25,987	4,367	21.8%	3.4
American Indian and Alaska Native	5,048	727	1,059	446	21.0%	9.3
Asian	9,267	739	2,096	1,240	22.6%	13.1
Native American and Other Pacific Islander	N	N	N	N	N	N
Some other Race	9,878	2,519	3,311	1,624	29.8%	6.7
Two or more races	19,404	3,258	5,782	1,634	29.8%	6.7
Hispanic or Latino	37,693	735	7,049	2,194	18.7%	5.8
All individuals below:						
50 percent of poverty level	26,881	+/- 3,605	(X)	(X)	(X)	(X)
125 percent of poverty level	76,130	+/- 6,485	(X)	(X)	(X)	(X)
150 percent of poverty level	93,516	+/- 7,142	(X)	(X)	(X)	(X)
185 percent of poverty level	120,029	+/- 7,229	(X)	(X)	(X)	(X)
200 percent of poverty level	129,015	+/- 7,792	(X)	(X)	(X)	(X)

8.5 HOUSEHOLD INCOME

The following table was completed using data from Census Table S1901, Income in the Past 12 Months (In 2013 Inflation-Adjusted Dollars):

Income in the Past 12 Months	Households	
	Estimate	Margin of Error +/-
Total	128,135	+/-2,243
Less than \$10,000	9.0%	1.1
\$10,000 to \$14,999	5.1%	0.9
\$15,000 to \$24,999	10.8%	1.2
\$25,000 to \$34,999	11.7%	1.5
\$35,000 to \$49,999	17.9%	1.7
\$50,000 to \$74,999	17.6%	1.5
\$75,000 to \$99,999	11.2%	1.4
\$100,000 to \$149,999	11.3%	1.4
\$150,000 to \$199,999	3.2%	.06
\$200,000 or more	2.3%	.06
Median income (dollars)	46,292	1,707
Mean income (dollars)	61,315	2,542

8.6 LIMITED ENGLISH PROFICIENCY POPULATIONS

LANGUAGE SPOKEN AT HOME	Estimate	Margin of Error	Percent of Population	Margin of Error
Total (population 5 years and over):	297,822	+/- 53	100%	(X)
Speak only English	263,962	+/- 1,231	88.6%	+/- %
Spanish or Spanish Creole:	20,343	+/- 783	6.8%	+/- %
Speak English "very well"	14,737	+/- 746	4.9%	+/- %
Speak English less than "very well"	5,606	+/- 556	1.9%	+/- %
German:	2,455	+/- 370	0.8%	+/- %
Speak English "very well"	2,074	+/- 326	0.7%	+/- %
Speak English less than "very well"	381	+/- 144	0.12%	+/- %
Korean:	1,932	+/- 288	0.65%	+/- %
Speak English "very well"	969	+/- 179	0.33%	+/- %
Speak English less than "very well"	963	+/- 231	0.32%	+/- %

8.7 POPULATION LOCATIONS

Federal-aid recipients are required to identify the characteristics and locations of populations they serve, particularly by race/ethnicity, poverty and limited English proficiency. We will document this narratively or through maps that overlay boundaries and demographic features on specific communities, and provide this information to NCDOT, upon request.

9.0 TITLE VI EQUITY ANALYSES (AND ENVIRONMENTAL JUSTICE ASSESSMENTS)

Title VI Equity Analyses. In accordance with FTA Circular 4702.1B, a Title VI equity analysis will be conducted whenever we construct a facility, such as a vehicle storage facility, maintenance facility, or operation center. The equity analysis will be conducted during the planning stage, with regard to the location of the facility, to determine if the project could result in a disparate impact to minority communities based on race, color or national origin. Accordingly, we will look at various alternatives before selecting a site for the facility. Project-specific demographic data on potentially affected communities and their involvement in decision-making activities will be documented. Title VI Equity Analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations.

Environmental Justice Analyses. As required by FTA C 4703.1, environmental justice (EJ) analyses will be conducted to determine if our programs, policies, or activities will result in disproportionately high and adverse human health and environmental effects on minority populations and low-income populations. EJ applies to our projects, such as when we construct or modify a facility, and our policies, such as when there will be a change in service, amenities, or fares. Thus, we will look at various alternatives and seek input from potentially affected communities before making a final decision. Demographic data will be collected to document their involvement in the decision-making process. EJ analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations.

10.0 PUBLIC INVOLVEMENT

10.1 INTRODUCTION

Effective public involvement is a key element in addressing Title VI in decision-making. This **Public Participation Plan** describes how Cumberland County Community Transportation Program will disseminate vital agency information and engage the public. We will seek out and consider the input and needs of interested parties and groups traditionally underserved by transportation systems who may face challenges accessing our services, such as minority and limited English proficient (LEP) persons. Underlying these efforts is our commitment to determining the most effective outreach methods for a given project or population.

General public involvement practices will include:

- Expanding traditional outreach methods. Think outside the box: Go to hair salons, barbershops, street fairs, etc.
- Providing for early, frequent, and continuous engagement by the public.
- Use of social media and other resources as a way to gain public involvement.
- Coordinating with community- and faith-based organizations such as the Hispanic Liaison, educational institutions, and other entities to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP persons could also include audio programming available on podcasts.

10.2 PUBLIC NOTIFICATION

Passengers and other interested persons will be informed of their rights under Title VI and related authorities with regard to our program. The primary means of achieving this will be posting and disseminating the policy statement and notice as stipulated policies and procedures, respectively. Additional measures may include verbally announcing our obligations and the public's rights at meetings, placing flyers at places frequented by targeted populations, and an equal opportunity tag-on at the end of radio announcements. The method of notification will be determined through an initial screening of the area.

10.3 DISSEMINATION OF INFORMATION

Information on Title VI and other programs will be crafted and disseminated to employees, contractors and subrecipients, stakeholders, and the general public. Public dissemination efforts may vary depending on factors present, but will generally include: posting public statements setting forth our nondiscrimination policy in eye-catching designs and locations; placing brochures in public places, such as government offices, transit facilities, and libraries; having nondiscrimination language within contracts; including nondiscrimination notices in meeting announcements and handouts; and displaying our Notice of Nondiscrimination at all our public meetings.

At a minimum, nondiscrimination information will be disseminated on our website and on posters in conspicuous areas at our office(s). Project-related information and our most current Title VI-related information will be maintained online.

10.4 MEETINGS AND OUTREACH

There is no one-size-fits-all approach to public involvement. A variety of comprehensive and targeted public participation methods will be used to facilitate meaningful public involvement. Methods for engaging

stakeholders and target audiences, including traditionally underserved and excluded populations (i.e., minorities, youth, low-income, the disabled, etc.) will include the following:

Public Relations and Outreach

Public relations and outreach (PRO) strategies aim to conduct well-planned, inclusive, and meaningful public participation events that foster good relations and mutual trust through shared decision-making with the communities we serve.

- We will seek out and facilitate the involvement of those potentially affected.
- Public events will aim to be collaborative, fun, and educational for all, rather than confrontational and prescriptive.
- Media plans will typically involve multiple channels of communication like mailings, radio, TV, and newspaper ads.
- Abstract objectives will be avoided in meeting announcements. Specific “attention-grabbing” reasons to attend will be used, such as “Help us figure out how to relieve congestion on [corridor name]” or “How much should it cost to ride the bus? Let us know on [date].”
- Efforts will be made to show how the input of participants can, or did, influence final decisions.
- We will do our best to form decision-making committees that look like and relate to the populations we serve.
- We will seek out and identify community contacts and partner with local community- and faith-based organizations that can represent, and help us disseminate information to, target constituencies.
- Demographic data will be requested during public meetings, surveys, and from community contacts and committee members.

Public Meetings

“Public meeting” refers to any meeting open to the public, such as hearings, charrettes, open house and board meetings.

- Public meetings will be conducted at times, locations, and facilities that are convenient and accessible.
- Meeting materials will be available in a variety of predetermined formats to serve diverse audiences.
- An assortment of advertising means may be employed to inform the community of public meetings.
- Assistance to persons with disabilities or limited English proficiency will be provided, as required.

Small Group Meetings

A small group meeting is a targeted measure where a meeting is held with a specific group, usually at their request or consent. These are often closed meetings, as they will typically occur on private property at the owner’s request.

- If it is determined that a targeted group has not been afforded adequate opportunities to participate, the group will be contacted to inquire about possible participation methods, including a group meeting with them individually.
- Unless unusual circumstances or safety concerns exist, hold the meeting at a location of the target group’s choosing.
- Share facilitation duties or relinquish them to members of the target group.
- Small group discussion formats may be integrated into larger group public meetings and workshops. When this occurs, the smaller groups will be as diverse as the participants in the room.

Community Surveying

- Opinion surveys will occasionally be used to obtain input from targeted groups or the general public on their transportation needs, the quality or costs of our services, and feedback on our public outreach efforts.
- Surveys may be conducted via telephone, door-to-door canvassing, at community fairs, by placing drop boxes in ideal locations, or with assistance from other local agencies like social services.
- Surveys will be translated into languages other than English, when appropriate.

10.5 LIMITED ENGLISH PROFICIENCY

Limited English Proficient (LEP) persons refer to persons for whom English is not their primary language who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

In an effort to comply with DOT's LEP policy guidance and Executive Order 13166, this section of our public participation plan outlines the steps we will take to ensure meaningful access to all benefits, services, information, and other important portions of our programs and activities by individuals who are LEP. Accordingly, a Four Factor Analysis was conducted to determine the specific language services appropriate to provide, to whom, and to determine if our communication with LEP persons is effective.

Four Factor Analysis

This Four Factor Analysis is an individualized assessment that balances the following four factors:

- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
- (2) The frequency with which LEP individuals come in contact with the program.
- (3) The nature and importance of the program, activity, or service provided by the recipient to people's lives; and
- (4) The resources available to the recipient and costs.

Factor #1: *The number or proportion of LEP persons eligible to be served or likely to be encountered by the Cumberland Community Transportation Program.*

LANGUAGE SPOKEN AT HOME	Estimate	Margin of Error	Percent of Population	Margin of Error
Total (population 5 years and over):	297,822	+/- 53	100%	(X)
Speak only English	263,962	+/- 1,231	88.6%	+/- %
Spanish or Spanish Creole:	20,343	+/- 783	6.8%	+/- %
Speak English "very well"	14,737	+/- 746	4.9%	+/- %
Speak English less than "very well"	5,606	+/- 556	1.9%	+/- %
German:	2,455	+/- 370	0.8%	+/- %
Speak English "very well"	2,074	+/- 326	0.7%	+/- %
Speak English less than "very well"	381	+/- 144	0.12%	+/- %
Korean:	1,932	+/- 288	0.65%	+/- %
Speak English "very well"	969	+/- 179	0.33%	+/- %
Speak English less than "very well"	963	+/- 231	0.32%	+/- %

Factor #2: *The frequency with which LEP individuals come in contact with the program.*

The frequency with which LEP individuals are likely to come in contact with the program who speak English less than very well as defined in the Census is documented on page 31. The data states that more than 1,000 Spanish or Spanish Creole citizens speak less than very well English. Reasonable attempts will be made to accommodate these citizens and any persons encountered who require written translation or oral interpretation services. If an individual is LEP, we will work with the individual to ensure they receive the needed transportation service.

Factor #3: *The nature and importance of the Cumberland Community Transportation Program to people's lives.*

The goals and objectives of the project is to provide safe, dependable, accessible and affordable transportation through a demand response service for the un-met non-medical needs of the elderly/disabled and general public of the urban areas (as defined by the Census) within Cumberland County. The local community college as well as many of the job opportunities are located in the urbanized area and part of this urbanized area falls outside of the City's service area. In order for these residents to access these opportunities as defined in the local coordinated human service transportation plan, 5310 funding is necessary. The LEP data states that more than 1,000 Spanish or Spanish Creole citizens speak less than very well English. Reasonable attempts will be made to accommodate any persons encountered who require written translation or oral interpretation services. If an individual is LEP, we will work with the individual to ensure they receive the needed transportation service.

Factor #4: *The resources available to the recipient and costs.*

The Cumberland Community Transportation Program will be administering the project as well as other DOT funded transportation to users of the system to have the opportunity to get to and from work, school or medical and other non-medical needs safely and at a low cost of \$2.50 per one way trip or no cost for some destinations. The frequency with which LEP individuals are likely to come in contact with the program who speak English less than very well as defined in the Census is documented on page 31. These individuals will receive reasonable efforts to provide translation or interpreting services to assist them and to ensure they receive the needed transportation service. Reasonable attempts will be made to accommodate any persons encountered who require written translation or oral interpretation services.

LANGUAGE ASSISTANCE PLAN

As a result of the above factor analysis, a Language Assistance Plan (Plan) is required. Our Plan represents our commitment to ensuring nondiscrimination and meaningful access by persons who are Limited English Proficient (LEP). Reasonable attempts will be made to accommodate any persons encountered who require written translation or oral interpretation services. If an individual is LEP, we will work with the individual to ensure they receive the needed transportation service. Our employees will be routinely oriented on the principles and practices of Title VI and LEP to ensure fairness in the administration of this Plan. When needed surveys will be translated into languages other than English. We will continue to provide our Notice to the Public in English and Spanish and provide when needed vital documents such as complaint sheets, policy statement for LEP when necessary.

Language Assistance Measures

The following general language assistance measures are reasonable and achievable for our organization at this time:

- Translating public notices posted in the local paper in Spanish which is the language that meets the safe harbor threshold in Factor 1.
- Vital documents—such as brochures with service times — are translated into Spanish and are available in our facility.
- Making a concerted effort to inform LEP persons of available language assistance via public notices posted in the local paper, and relationship-building with organizations, and our website.
- Providing translation and interpretive services when appropriate (upon request or predetermined) at meetings.
- Determining how best to take public involvement to LEP groups directly, including through small group meetings.

Specific Measures by Language Group –

- Spanish: Cumberland Community Transportation will provide the following: Brochures and flyers, etc. in Spanish which are available in our facility since that has been found to be the most dominate 2nd Language.
- Korean Brochures and flyers, etc. upon request.

10.6 DEMOGRAPHIC REQUEST

The following form was used to collect required data on Key Community Contacts and nonelected committee members.

The Cumberland County Community Transportation Program is required by Title VI of the Civil Rights Act of 1964 and related authorities to record demographic information on members of its boards and committees. Please provide the following information:

Race/Ethnicity: <input type="checkbox"/> White <input type="checkbox"/> Black/African American <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Other (please specify): _____	National Origin: (if born outside the U.S.) <input type="checkbox"/> Mexican <input type="checkbox"/> Central American: _____ <input type="checkbox"/> South American: _____ <input type="checkbox"/> Puerto Rican <input type="checkbox"/> Chinese <input type="checkbox"/> Vietnamese <input type="checkbox"/> Korean <input type="checkbox"/> Other (please specify): _____
Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	Age: <input type="checkbox"/> Less than 18 <input type="checkbox"/> 45-64 <input type="checkbox"/> 18-29 <input type="checkbox"/> 65 and older <input type="checkbox"/> 30-44
Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No	
I choose not to provide any of the information requested above: <input type="checkbox"/>	

Completed forms will remain on file as part of the public record. For more information regarding Title VI or this request, please contact The Cumberland County Community Transportation Program at 910-678-7624 or by email at ifarrakhan@co.cumberland.nc.us.

Please sign below acknowledging that you have completed this form.

Thank you for your participation!

Name (print): _____

Signature: _____

Implementation

- Forms will be completed prior to NCDOT Title VI reviews and remain on file for three years.
- All new and existing members of appointed decision-making boards or committees will be **required** to complete this form for reporting purposes.
- If a member, for whatever reason, selects "*I choose not to provide any of the information requested above,*" this will be accepted as a **completed** form.
- If a member chooses not to provide any of the information on the form, the Title VI Coordinator will be permitted to indicate that member's race and gender, based on the Coordinator's best guess.
- Data from these forms will be used to complete the Demographic Request Table.
- Once a new member submits this form, the Demographic Request Table for the associated committee will be updated.

10.7 KEY COMMUNITY CONTACTS

Contact information for key community contacts can visit our county website at <http://co.cumberland.nc.us/planning/ctp.aspx> or contact the Title VI Coordinator.

10.8 SUMMARY OF OUTREACH EFFORTS MADE SINCE THE LAST TITLE VI PROGRAM SUBMISSION

The following format is used to document URTS outreach efforts in reports to NCDOT. All meetings and disseminations of information capture information for the table below:

Meeting Date	Meeting Time	Meeting Purpose	Target Audience	Information Disseminated
October	10:00 AM	Quarterly Meeting	TAB Board	Title VI Updates

11.0 STAFF TRAINING

All employees will receive basic Title VI training at least once every three years. New hires will receive this training within 15 days of their start date. Basic training will cover all sections of this Plan and our overall Title VI obligations. Staff may receive specialized training on how Title VI applies to their specific work areas. Those who routinely encounter the public, such as office personnel, call center staff, and vehicle drivers, will receive annual refresher training. Trainings will be provided or organized by the Title VI Coordinator and will often coincide with updates to our nondiscrimination policies and procedures. Records of staff trainings, such as agendas, sign-in sheets, copies of calendars, and certificates, will remain on file for at least three years (and in personnel files).

12.0 NONELECTED BOARDS AND COMMITTEES – BY RACE AND GENDER

The table below depicts race and gender compositions for each of our nonelected (appointed) decision-making bodies. Member names and full demographics for each committee are available, upon request.

Body	Male %	Female %	Caucasian %	African American %	Asian American %	Native American %	Other %	Hispanic %
Service Area Population								
Transit Advisory Board	4	11	7	8	0	0	0	0

Strategies for Representative Committees

Diversification goals will be provided to our nonelected boards and committees to help ensure that their membership mirrors our service area demographics, as adequately as possible. We will provide periodic updates on our outreach efforts at meetings. When there is an opening on a board or committee, we will ensure the following:

- Current members will be made aware of diversity goals and polled for nominees.
- Officials from local minority groups will be made aware of the diversity goals and polled for nominees.
- Key Contacts from LEP groups will be contacted and polled for nominees.
- A recruitment notice for a Board Member opening will be posted on our website.
- An advertisement of recruitment notice for a Board Member will be placed with the local newspaper and other publications popular with minorities and other protected groups.

13.0 RECORD-KEEPING AND REPORTS

As a subrecipient of FTA funds through NCDOT, we are required to submit a Title VI Program update to NCDOT every three years, on a schedule determined by NCDOT. Records will be kept to document compliance with the requirements of the Title VI Program. Unless otherwise specified, Title VI-related records shall be retained indefinitely. These records will be made available for inspection by authorized officials of the NCDOT and/or FTA. Reports on Title VI-related activities and progress to address findings identified during Title VI compliance reviews may also be provided, upon request. It will occasionally be necessary to update this Title VI Plan or any of its components (e.g., complaints, Public Involvement, and LEP). Updates will be submitted to NCDOT for review and approval and adopted by our Board when required.

In addition to items documented throughout this Plan, records, and reports due at the time of compliance reviews or investigations may include:

Compliance Reviews

- Title VI Program Plan
- List of civil rights trainings provided or received
- Summaries from any *internal* reviews conducted
- Ads and notices for specific meetings
- Findings from reviews by any other *external* agencies
- Title VI equity analyses and EJ assessments
- Discrimination Complaints Log

Complaint Investigations

- Investigative Reports
- Discrimination complaint, as filed
- List of interviewees (names and affiliations)
- Supporting Documentation (e.g., requested items, photos taken, dates and methods of contact, etc.)

Appendix A

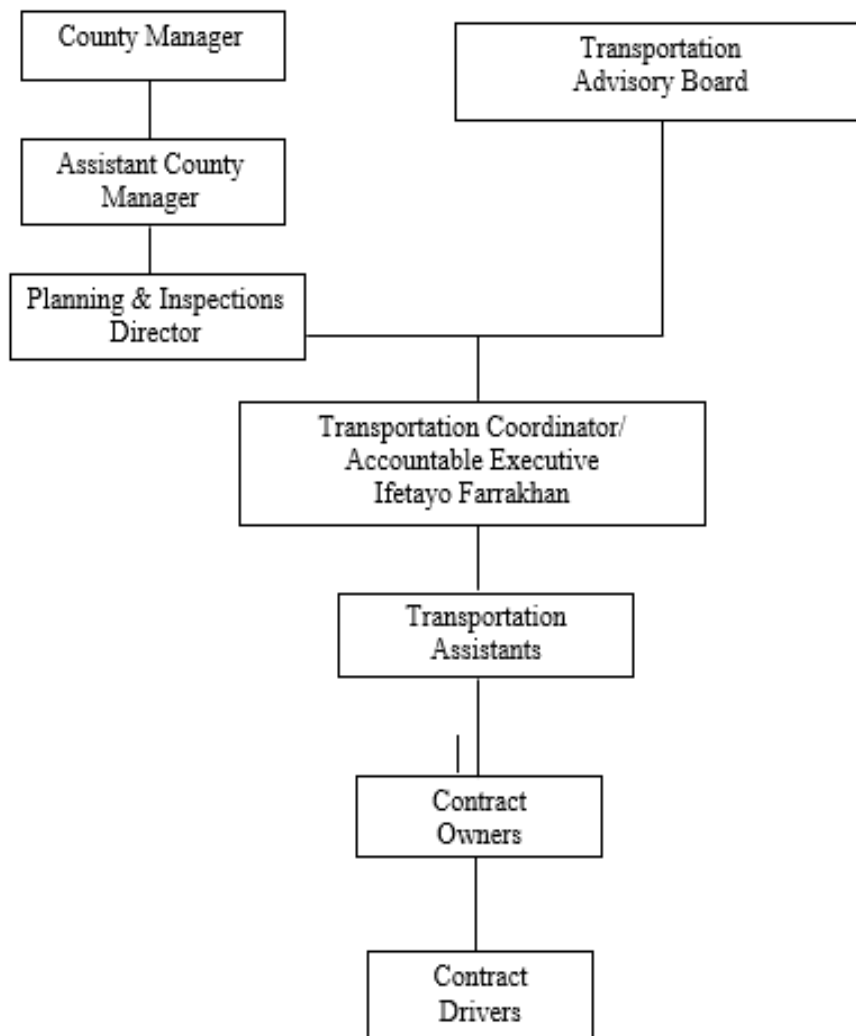
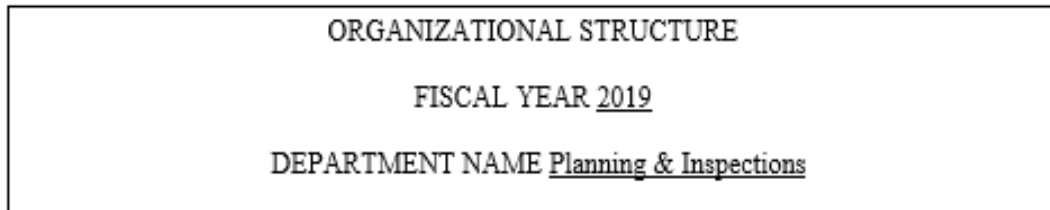
Applicable Nondiscrimination Authorities

During the implementation of this Title VI Program, The Cumberland County Community Transportation Program, for itself, its assignees and successors in interest, is reminded that it has agreed to comply with the following non-discrimination statutes and authorities, including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination 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. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).
- Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e *et seq.*, Pub. L. 88-352), (prohibits employment discrimination on the basis of race, color, creed (religion), sex, or national origin);
- 49 CFR Part 26, regulation to ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs.
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed (religion), color, national origin, or sex);
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity).

Appendix B

Organizational Chart Cumberland County Community Transportation Program



Appendix C
NCDOT's Compliance Review Checklist for Transit

I. Program Administration (General Requirements) <i>Requirement: FTA C 4702.1B – Title VI Requirements and Guidelines for FTA Recipients, Chapter III – General Requirements and Guidelines.</i> Note: Every NCDOT subrecipient receiving any of the FTA Formula Grants listed above must complete this section.	
Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	Completed
1. A copy of the recipient's <i>signed</i> NCDOT's Title VI Nondiscrimination Agreement	<input type="checkbox"/>
2. Title VI Policy Statement (<i>signed</i>)	<input type="checkbox"/>
3. Title VI Notice to the Public, including a list of locations where the notice is posted	<input type="checkbox"/>
4. Type the name and title of your Title VI Coordinator and attach a list of their Title VI duties Name/Title:	<input type="checkbox"/>
5. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)	<input type="checkbox"/>
6. Title VI Complaint Form	<input type="checkbox"/>
7. List of transit-related Title VI investigations, complaints, and lawsuits (i.e., discrimination complaints log)	<input type="checkbox"/>
8. Public Participation Plan, including information about outreach methods to engage traditionally underserved constituencies (e.g., minorities, limited English proficient populations (LEP), low-income, disabled), as well as a summary of outreach efforts made since the last Title VI Program submission	<input type="checkbox"/>
9. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance, which requires conducting four-factor analyses	<input type="checkbox"/>
10. A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees	<input type="checkbox"/>
11. A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program	<input type="checkbox"/>
12. A description of the procedures the agency uses to ensure nondiscriminatory administration of programs and services	<input type="checkbox"/>
13. If you pass through FTA funds to other organizations , include a description of how you monitor your subrecipients for compliance with Title VI, and a schedule for your subrecipients' Title VI Program submissions. ➤ No Subrecipients <input type="checkbox"/>	<input type="checkbox"/>
14. A Title VI equity analysis if you have constructed or conducted planning for a facility , such as a vehicle storage facility, maintenance facility, operation center, etc. ➤ No Facilities Planned or Constructed <input type="checkbox"/>	<input type="checkbox"/>
15. Copies of environmental justice assessments conducted for any construction projects during the past three years and, if needed based on the results, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities	<input type="checkbox"/>

➤ No Construction Projects <input type="checkbox"/>		
16. If the recipient has undergone a Title VI Compliance Review in the last 3 years, please indicate the year of the last review and who conducted it. Year/Agency:		<input type="checkbox"/>
II. Transit Providers		
<i>Requirement: FTA C 4702.1B, Chapter IV – Requirements and Guidelines for Fixed Route Transit Providers.</i>		
Note: All NCDOT subrecipients that provide <u>fixed route</u> public transportation services (e.g., local, express or commuter bus; bus rapid transit; commuter rail; passenger ferry) must complete this section.		
➤ Not Applicable <input type="checkbox"/> (Check this box if you do not provide <u>fixed route</u> services, and skip questions 17 and 18. This section does not apply to you if you <u>only</u> provide demand response services.)		
Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)		Completed
17. Service standards (quantitative measures) developed for <i>each specific fixed route mode</i> that the recipient provides (standards may vary by mode) must be submitted for each of the following indicators:		
• Vehicle load for each mode (Can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees.)		<input type="checkbox"/>
• Vehicle headway for each mode (Measured in minutes (e.g., every 15 minutes), headway refers to the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Service frequency is measured in vehicles per hour (e.g., 4 buses per hour).)		<input type="checkbox"/>
• On time performance for each mode (Expressed as a percentage, this is a measure of runs completed as scheduled. The recipient must define what is considered to be "on time." Performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along a route.)		<input type="checkbox"/>
• Service availability for each mode (Refers to a general measure of the distribution of routes within a transit provider's service area, such as setting the maximum distance between bus stops or train stations, or requiring that a percentage of all residents in the service area be within a one-quarter mile walk of bus service.)		<input type="checkbox"/>
18. Service policies (system-wide policies) adopted to ensure that service design and operations practices do not result in discrimination on the basis of race, color or national origin, must be submitted for each of the following:		
• Transit amenities for each mode (e.g., benches, shelters/canopies, printed materials, escalators/elevators, and waste receptacles. NOTE: Attach this information <u>only</u> if you have decision-making authority over siting transit amenities or you set policies to determine the siting of amenities.)		<input type="checkbox"/>
• Vehicle assignment for each mode (Refers to the process by which transit vehicles are placed into service throughout a system. Policies for vehicle assignment may be based on the type or age of the vehicle, where age would be a proxy for condition, or on the type of service offered.)		<input type="checkbox"/>



OFFICE OF THE COUNTY MANAGER

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16,
2020**

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: TRACY JACKSON, ASSISTANT COUNTY MANAGER FOR
ENVIRONMENTAL AND COMMUNITY SAFETY**

DATE: 11/12/2020

**SUBJECT: NORTH CAROLINA NON-CONGREGATE COVID-19 SHELTERING
MEMORANDUM OF AGREEMENT**

BACKGROUND

North Carolina Emergency Management (NCEM) has provided an opportunity to receive reimbursement for non-congregate sheltering for COVID-19 in the form of an optional "State Centric Program." Cumberland County can continue to submit to FEMA for reimbursement if preferred. Cumberland County has provided non-congregate sheltering to at-risk and COVID-19 positive residents that do not have anywhere else to stay, as well as transportation to and from testing. Cumberland County began providing transportation services for this at-risk population on June 1, 2020. The start date for providing hotel rooms was June 16, 2020. If the MOA is signed, Cumberland County will stop submitting to FEMA for reimbursement and submit to NCEM.

The State-Centric model allows counties or other eligible organizations to request NC Emergency Management to provide expedited reimbursement for non-congregate shelter and eligible wrap-around services. Counties or other eligible organizations that request this option will remain responsible for setting up and managing their non-congregate sheltering program, including coordinating comprehensive wrap-around services (e.g., food, care for those with disabilities and or access and functional needs, medicine, cleaning/disinfecting, transportation, security, and laundry), as well as weekly reporting and verification of program costs.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the November 12, 2020 Board of Commissioners' Agenda Session Meeting and moved forward to the November 16, 2020 Board of Commissioners' Regular Meeting as a Consent Agenda Item. Cumberland County Emergency Services recommends that

the Memorandum of Agreement (MOA) with North Carolina Emergency Management for expedited reimbursement for Non-Congregate COVID-19 Sheltering MOA be approved and authorize the Chairman of the Board of Commissioners to sign the MOA.

ATTACHMENTS:

Description

NC Non-Congregate Care Sheltering MOA

Type

Backup Material

North Carolina Non-Congregate COVID-19 Sheltering Memorandum of Agreement

This agreement is made and entered into between the North Carolina Emergency Management (NCEM) and _____ [hereinafter “Organization”] to establish terms of agreement for the sheltering of displaced persons or persons needing isolated sheltering in response to the pandemic COVID-19.

Purpose/Background:

NCEM is working with local governments and organizations to provide non-congregate sheltering statewide for persons who have tested positive for COVID-19 or who have been exposed to COVID-19 and do not have a safe place to isolate or quarantine, as well as individuals who are high-risk and need a safe place to social distance. The non-congregate sheltering (NCS) program is a collaborative effort between the State, counties, and local partners to secure hotel and motel rooms (or other suitable shelter locations), as well as essential wrap around services, for individuals with no other safe place to quarantine, isolate, or social distance due to COVID-19. The purpose of this agreement is to set forth the terms by which NCEM and Organization will cooperate in the disaster recovery and sheltering of citizens for the COVID-19 event, and enhance cooperation, communication, coordination, and collaboration between any potential stakeholders that would aid in the goal of this agreement.

Whereas, N.C. Gen. Stat. §§ 166A-19.10, -19.11, -19.12 and – 19.30 provide the Governor, Secretary of Public Safety and Division of Emergency Management with additional authority to manage state resources during a declared state of emergency;

Whereas, it is in the best interest of the State of North Carolina and its residents to stop and slow the spread of the COVID-19 virus; and it is proven that adequate social distancing measures aid in that effort non-congregate sheltering facilities should be made accessible statewide.

The State is working on removing barriers and ensuring access for highly vulnerable and historically marginalized populations to safely isolate, quarantine, and social distance. These highly vulnerable populations would include, but are not limited to:

1. First Responders and healthcare workers who do not require hospitalization but need to avoid direct contact with their families due to exposure to COVID-19;
2. Those who test positive for COVID-19 who do not require hospitalization but need isolation (including those exiting from hospitals);

3. Those who have been exposed to COVID-19 who do not require hospitalization but whom warrant quarantine;
4. Other persons needing social distancing as a precautionary measure, as determined by public health officials, particularly for high risk groups such as people over 65 or with certain underlying healthy conditions (respiratory, compromised immunities, chronic disease), this may include those whose living situation makes them unable to adhere to social distancing guidance

NOW, THEREFORE, in consideration of the parties and their mutual promises, covenants and agreements hereinafter set forth, the parties agree as follows:

Terms:

- A. Organization will provide coordination assistance with NCEM officers, agencies and departments to ensure open communication and cooperation with NCEM; and disseminate information to sheltered individuals, and the community at large.
- B. Organization will report their sheltering counts, costs, and other data weekly, as currently required by close of business every Friday to the NCEM Program Administrator. If Friday is recognized as a Federal or State holiday, reporting data will be required on the nearest preceding work day. Organization will provide additional reporting or documentation, upon request as soon as reasonable.

Reporting data will include but is not limited to the following:

- Location of the Facilities in use;
 - Type(s) of location;
 - Maximum capacity;
 - Number currently sheltered;
 - Average cost per night;
 - Average length of stay.
- C. Organization will maintain documentation for all eligible clients and expenses, and make such documentation available upon request.
 - Specific need for each individual sheltered (e.g., what eligibility category is applicable to the individual);
 - Length of stay for each individual sheltered;
 - Age of each individual sheltered;
 - If applicable, number of meals provided for each individual sheltered;
 - If applicable, number of individuals with access or functional needs sheltered;
 - If applicable, number of household pets sheltered;
 - If applicable, number of assistance and service animals sheltered;
 - If applicable, type of shelter provided for animals as stand-alone, co-located, co-habitational;
 - Description of services provided to sheltered individuals.

- D. When Organization pays any applicable Vendors, Organization will retain a copy of the payment method and will make available to NCEM the verification of payment within 30 days of payment being made.
- E. Organization will identify a non-congregate sheltering site at a hotel/motel, trailer, dormitory, or other FEMA-approved setting and set up a contractual relationship with site that dictates terms and rates. Every effort should be made that the rates not exceed the allowable state rate for rooms.
- F. Organization will assist NCEM in pandemic response and recovery by facilitating the temporary use of Organization equipment and supplies, insofar as governmental regulations, resources, and priorities allow and are requested.
- G. Organization will coordinate with NCEM for any additional assistance or resources necessary to facilitate the limited goal of this agreement in the sheltering of North Carolinians.
- H. Organization will provide or contract with vendors to provide eligible wrap-around services including food provisions/meals, laundry services, security, medicine, cleaning/disinfecting, transportation, mental health or other access needs.

Transportation for this Agreement shall be understood as the movement of persons to and from the shelter location from medical facilities or living locations, as well as to and from medical appointments.

Security should be present at the shelter location at all times.

Organization agrees to facilitate the following wrap around services and bill, at cost, the expenses incurred to NCEM: (check all that apply)

- ☐ Food
- ☐ Laundry
- ☐ Security
- ☐ Medicine
- ☐ Cleaning/Disinfecting
- ☐ Transportation
- ☐ Care for those with disabilities and/or access and functional needs

- I. NCEM agrees that it will finance the cost of sheltering individuals in the jurisdiction controlled by the Organization and certain preapproved wrap around services.

- J. Organization must provide timely invoices at least bi-weekly basis to NCEM. Organization should be able to operate without receiving payment for those invoices for a period of at least thirty (30) business days after receipt.
- K. All billing and payment procedures will be clearly defined by the State-Centric Non-Congregate Sheltering for COVID-19 FAQs and should be strictly adhered to.
- L. NCEM agrees that it will reimburse Organization for any bona fide expenditure of personnel required to maintain the facility, including overtime costs, upon production of verified receipts or time sheets. NCEM will not pay or reimburse Organization for any operational or administrative fees associated with use of the Facility pursuant to this Memorandum of Agreement. NCEM shall not be responsible for costs or expenditures by Organizations not directly related to sheltering activities or wrap around services conducted pursuant to this Memorandum of Agreement.
- M. NCEM agrees that it shall exercise reasonable care in the conduct of its activities and the use of Organization' property and further agrees to replace or reimburse Organization for any items, materials, equipment or supplies that may be used in the conduct of sheltering activities within the Organization jurisdiction.
- N. NCEM agrees that it will be responsible for replacing, restoring, or repairing damage caused by the use of any building, facilities or equipment belonging to Organization as a direct result of sheltering activities conducted pursuant to this Memorandum of Agreement. NCEM shall not be responsible in any way for any damages or losses to the Facility or Organization resulting in negligence of an individual or not directly resulting from sheltering activities conducted pursuant to this Memorandum of Agreement.
- O. NCEM shall provide any and all releases of information to the press and media. Requests for interviews or information submitted to Organization shall be promptly directed to the **NCEM's** Public Information Officer.

Issue Elevation:

Any disputes arising out of this agreement shall be resolved in the most informal way possible for the mutual interest of all parties. Claims should be submitted to the other entity in writing for prompt resolution. Entities shall negotiate in good faith and use all reasonable efforts to resolve disputes.

Authorities:

By agreeing to the terms and conditions set forth in this Memorandum of Agreement, Organization's officers, employees, and agents are considered emergency management workers for purposes of N.C. Gen. Stat. § 166A-19.60 to the extent that Organization, its officers, employees, and agents act in good faith,

without willful misconduct or gross negligence, and under the direction and control of Government pursuant to this Memorandum of Agreement. Government assumes no liability for any wrongful acts of Organization, its officers, employees, and agents arising out of performing any activities pursuant to this Memorandum of Agreement.

Nothing in this Memorandum of Agreement shall be construed to or is intended to conflict with current laws or regulations of the United States of America, the State of North Carolina, or Government. 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 Memorandum of Agreement shall remain in full force and effect.

This Memorandum of Agreement shall be governed by the laws of the State of North Carolina as well as all contract provisions listed in Attachments A: 2 C.F.R Part 200 Contract Provisions and Attachment B: State Compliance Provisions.

Amendments:

This Memorandum of Agreement may be amended when such an amendment is agreed to in writing by all Parties. The amendment will be effective on the date a copy of the amended MEMORANDUM OF AGREEMENT has been signed by all of the Parties.

Duration/Termination:

This Memorandum of Agreement shall become effective on **upon signing by both parties**. If either party determines that the terms of the Memorandum of Agreement will not or cannot be carried out, that entity shall immediately consult with the other entity to develop an amendment to this Agreement. If within fourteen (14) days an amendment cannot be reached, any entity may terminate the Memorandum of Agreement upon written notification to the other Party(ies).

This Memorandum of Agreement shall remain in effect for only as long as the Non-Congregate Sheltering activities continue to be approved by the Federal Government, the State of Emergency Declaration by the Governor is still in effect or for one (1) year, whichever comes first. Prior to such time, Parties may consult to reconsider the terms of this Memorandum of Agreement and extend it for another term. Any extension should be made or captured in writing. Either party, upon ten (10) days written notice to the other party, may terminate this agreement. The terms of this agreement, can be modified with the consent of both parties, and must be made in writing.

----- The Remainder of this Page is Left Intentionally Blank -----

AND NOW, this _____ day of _____ 20____, the parties hereby acknowledge the foregoing as the terms and conditions of this Agreement.

NCEM

ORGANIZATION

Authorized Signature, [Insert Title]

Name
Name Authorized Signature, [Insert Title]

Date

Date

----- The Remainder of this Page is Left Intentionally Blank -----

Attachment A: 2 C.F.R Part 200 Contract Provisions

Program Monitoring. Property Owner agrees to assist and cooperate with the Federal grantor agency and NCEM or their duly designated representatives in the monitoring of the project or projects to which this facility usage agreement relates, and to provide in form and manner approved by NCEM such monitoring reports, progress reports, and the like as may be required and to provide such reports at the times specified.

Termination for Cause. If through any cause, Property Owner shall fail to fulfill in a timely or proper manner any obligations under this Agreement, or if Property Owner shall violate any of the covenants, agreements, or stipulations of the Contract, NCEM shall thereupon have the right to terminate this Agreement by giving written notice to Property Owner of such termination and specifying the effective date of such termination. Unless a shorter time is determined by NCEM to be necessary, NCEM shall effect termination according to the following procedure:

- a. Notice to Cure. NCEM shall give written notice of the conditions of default, setting for the ground or grounds upon which such default is declared ("Notice to Cure"). The Property Owner shall have ten (10) days from receipt of the Notice to Cure or any longer period that is set forth in the Notice to Cure to cure the default.
- b. Notice of Termination. If the conditions set forth in the Notice to Cure are not cured within the period set forth in the Notice to Cure, NCEM may terminate the Agreement, in whole or in part. NCEM shall give the Property Owner written notice of such termination ("Notice of Termination"), specifying the applicable provision(s) under which the Agreement is terminated and the effective date of the termination.
- c. In such event, all finished or unfinished documents, data, studies, and reports prepared by Property Owner entitle Property Owner's receipt of just and equitable compensation for any satisfactory work completed on such documents. Notwithstanding the above, Property Owner shall not be relieved of liability to NCEM for damage sustained to NCEM by virtue of any breach of this Agreement by Property Owner. NCEM may withhold any payments to Property Owner for the purpose of set off until such time as the exact amount of damages due NCEM from Property Owner is determined.

Termination for Convenience. The Agreement may be suspended and/or terminated without liability to the State and NCEM is under no obligation to make any payments to the Property Owner. The performance of work under this Contract may be terminated by the State in accordance with this clause in whole, or from time to time in part, whenever the State shall determine that such termination is in the best interest of the State. The State will pay all reasonable costs associated with this Contract that the Contractor has incurred up to the date of termination, and all reasonable costs associated with termination of the Contract; provided, however, the Contractor shall not be reimbursed for any anticipatory profits that have not been earned up to the date of termination.

Equal Employment Opportunity. During the performance of this Agreement, the Property Owner agrees as follows:

- a. The Property Owner will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The Property Owner will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:

Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Property Owner agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

- b. The Property Owner will, in all solicitations or advertisements for employees placed by or on behalf of the Property Owner, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
- c. The Property Owner will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the Property Owner's legal duty to furnish information.
- d. The Property Owner will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Property Owner's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- e. The Property Owner will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- f. The Property Owner will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- g. In the event of the Property Owner's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Property Owner may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- h. The Property Owner will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor. The Property Owner will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance:

Provided, however, that in the event a Property Owner becomes involved in, or is threatened with, litigation with a subcontractor as a result of such direction by the administering agency, the Property Owner may request the United States to enter into such litigation to protect the interests of the United States.

The Property Owner further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, that if the Property Owner so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The Property Owner agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of any vendors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The Property Owner further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a Vendor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon Vendors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings

Anti-Discrimination. Property Owner will comply with the following clauses: Titles VI and VII of the Civil Rights Act of 1964 (PL 88-352), and the regulations issued pursuant thereto (prohibiting discrimination on the basis race, color, national origin and ensuring that individuals are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age); Title IX of the Education Amendments of 1972 (codified as amended at 20 U.S.C. § 1681 et seq.) (prohibiting discrimination on the basis of sex); Titles I, II, III, IV, and V of the Americans with Disability Act of 1990 (prohibiting discrimination on the basis of disability); Section 504 of the Rehabilitation Act of 1973 (codified as amended at 29 U.S.C. § 794) (prohibiting discrimination on the basis of handicap); the Age Discrimination Act of 1975 (codified as amended at 42 U.S.C. § 6101 et seq.) (prohibiting age discrimination); Executive Order 11063 as amended by Executive Order 2259; and Section 109 of the Housing and Community Development Act of 1974, as amended.

Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708).

Compliance with the Contract Work Hours and Safety Standards Act.

- a. Overtime requirements. No Vendor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

- b. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in 29 CFR §5.5(b)(1) the Property Owner and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such Property Owner and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in 29 CFR §5.5(b)(1), in the sum of \$26 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in 29 CFR §5.5(b)(1).
- c. Withholding for unpaid wages and liquidated damages. NCNCEM shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the Vendor or subcontractor under any such contract or any other Federal contract with the same prime Vendor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime Vendor, such sums as may be determined to be necessary to satisfy any liabilities of such Vendor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in 29 CFR §5.5(b)(2).
- d. Subcontracts. The Vendor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (b)(1) through (4) of 29 CFR §5.5 and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime Vendor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in 29 CFR §5.5(b)(2) through (4).

CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT

Clean Air Act

The Property Owner agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq.

The Property Owner agrees to report each violation to NCEM and the Activating Entity and understands and agrees that NCEM and the Activating Entity will, in turn, report each violation as required to assure notification to the Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office.

The Property Owner agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance provided by FEMA.

Federal Water Pollution Control Act

The Property Owner agrees to comply with all applicable standards, orders, or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.

The Property Owner agrees to report each violation to NCEM and the Activating Entity and understands and agrees that NCEM and the Activating Entity will, in turn, report each violation as required to assure notification to the Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office.

The Property Owner agrees to include these requirements in each subcontract exceeding \$150,000 financed in whole or in part with Federal assistance provided by FEMA.

Debarment and Suspension

- a. This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such, the Property Owner is required to verify that none of the Property Owner's principals (defined at 2 C.F.R. § 180.995) or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).
- b. The Property Owner must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.
- c. This certification is a material representation of fact relied upon by NCEM and any Activating Entity. If it is later determined that the Property Owner did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to NCEM and any Activating Entity, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.
- d. The Property Owner agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The Property Owner or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) (as Amended)

Property Owner s who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, officer or employee of Congress, or an employee of a Member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient who in turn will forward the certification(s) to the awarding agency.

Required Certification. If applicable, Property Owner s must sign and submit to the NCEM the certification. See final page.

Procurement of Recovered Materials

- a. In the performance of this contract, the Property Owner shall make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired—
 - Competitively within a timeframe providing for compliance with the contract performance schedule;
 - Meeting contract performance requirements; or
 - At a reasonable price.
- b. Information about this requirement, along with the list of EPA designated items, is available at EPA's Comprehensive Procurement Guidelines web site, <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>.
- c. The Property Owner also agrees to comply with all other applicable requirements of Section 6002 of the Solid Waste Disposal Act."

Women and Minority Owned Businesses. 2 C.F.R. § 200.321 requires that all necessary affirmative steps are taken by the State and Property Owner to assure that minority and women's businesses are used when possible, and N.C. Gen. Stat. 143-128.2 establishes a ten percent (10%) goal for participation by minority and women owned businesses in total value of work performed for the State.

Access to Records. The following access to records requirements apply to this contract:

- a. The Property Owner agrees to provide NCEM, the FEMA Administrator, the Comptroller General of the United States, or any of their authorized representatives, and the Activating Entity access to any books, documents, papers, and records of the Property Owner which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts, and transcriptions.
- b. The Property Owner agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.
- c. The Property Owner agrees to provide the FEMA Administrator or his authorized representative access to construction or other work sites pertaining to the work being completed under the contract.
- d. In compliance with the Disaster Recovery Act of 2018, NCEM, the Activating Entity, and the Property Owner acknowledge and agree that no language in this contract is intended to prohibit audits or internal reviews by the FEMA Administrator or the Comptroller General of the United States.
- e. Property Owner agrees to allow the departments and agencies of the State of North Carolina, FEMA, the Comptroller General of the United States, and any of their duly authorized representatives access to any books, documents, papers, and records of Property Owner which are directly pertinent to the contract for the purpose of making audits, examinations, excerpts, and transcriptions

Records Retention. All records required to be kept on the project shall be maintained for at least five (5) years after final payments and until all other pending matters under the grant for this project have been closed. However, if any audit, litigation or other action arising out of or related in any way to this project is commenced before the end of the five (5) year period, the records shall be retained for one (1) year after all issues arising out of the action are finally resolved or until the end of the five (5) year period, whichever is later.

Energy Efficiency. All participants in the projects funded hereby shall recognize mandatory standards and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (PL 94-163).

Personnel. Property Owner represents that it has, or will secure at its own expense, all personnel required in performing the work under this Contract. Such personnel shall not be employees of or have any contractual relationship with State, NCEM, or Activating Entity. All of the work required hereunder will be performed by Property Owner or under its supervision, and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and local law to perform such work. No person who is serving a sentence in penal or correctional institution shall be employed to work under this Contract.

Program Fraud and False or Fraudulent Statements or Related Acts. Property Owner acknowledges that 31 U.S.C. Chapter 38 (Administrative Remedies for False Claims and Statements) applies to its actions pertaining to the Contract.

No Obligation by Federal Government. The Federal Government is not a party to this contract and is not subject to any obligations or liabilities to the non-Federal entity, Property Owner, or any other party pertaining to any matter resulting from the contract.

Compliance with Federal Law, Regulations, and Executive Orders. This is an acknowledgement that FEMA financial assistance will be used to fund all or a portion of the contract. The Property Owner will comply with all applicable Federal law, regulations, executive orders, FEMA policies, procedures, and directives.

DHS, Seal, Logo, and Flags. The Property Owner shall not use the DHS seal(s), logos, crests, or reproductions of flags or likenesses of DHS agency officials without specific FEMA pre-approval.

If applicable, contractors must sign and submit to the non-federal entity the following certification.

APPENDIX A, 44 C.F.R. PART 18 – CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements (To be submitted with each bid or offer exceeding \$100,000)

The undersigned [Contractor] certifies, to the best of his or her knowledge, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, 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.
2. If 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.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation 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 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). 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.

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 *et seq.*, apply to this certification and disclosure, if any.

Signature of Contractor's Authorized Official

Date

Name and Title of Contractor's Authorized Official

Date

Attachment B: State Compliance Provisions

1. **Non-Governmental Entities:** Non-governmental entities (not-for-profit and for-profit entities) must adhere to N.C. Gen. Stat §143C-6-22.
2. **Compliance:** The ORGANIZATION shall be wholly responsible for the supervision of its employees and assistants. The ORGANIZATION 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 Agreement, including those of federal, state, and local agencies having jurisdiction and/or authority.

The ORGANIZATION acknowledges and agrees that, in its conduct under this Contract and in connection with any and all expenditures of grant funds made by it, it shall comply with the cost principles enunciated in the Code of Federal Regulations, 2 CFR Part 200. The ORGANIZATION further acknowledges and agrees that, if it grants any of the grant funds awarded hereunder to one or more sub-recipients or sub-sub-recipients, the ORGANIZATION shall, by contract, ensure that said cost principles are made applicable to and binding upon any and all such sub-recipients, sub-sub-recipients, etc. in their handling, use and expenditure of the funds awarded to the ORGANIZATION hereunder.

3. **Historically Underutilized Businesses:** If ORGANIZATION is a private, nonprofit corporation other than an institution of higher education or a hospital that receives an appropriation of five hundred thousand dollars (\$500,000) or more during a fiscal year from the General Assembly, it shall comply with North Carolina General Statute 143-48 and report to the North Carolina Department of Administration annually on what percentage of its contract purchases of goods and services, through term contracts and open-market contracts, were from minority-owned businesses, what percentage from female-owned businesses, what percentage from disabled-owned businesses, what percentage from disabled business enterprises and what percentage from nonprofit work centers for the blind and the severely disabled. Reporting on contract purchases of goods and services will be submitted to the North Carolina Department of Administration's Office for Historically Underutilized Businesses (HUB) using the NC Interactive Purchasing System's HUB reporting system. Contact the HUB Office at 919-807-2330 or huboffice.doa@doa.nc.gov for instructions and to gain access to the NC Interactive Purchasing System's HUB reporting system.
4. **Sanctions for Non-Compliance.** The applicant ORGANIZATION agrees that if it fails or refuses to comply with any provisions and assurances in this contract, the NCEM may take any or all of the following actions:
 - (a) Cancel, terminate, or suspend this contract in whole or in part;
 - (b) Withhold funding to the ORGANIZATION until satisfactory compliance has been attained by the ORGANIZATION;

(c) Refrain from extending any further funding to the ORGANIZATION under this contract with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the ORGANIZATION;

(d) Refer the case for appropriate legal proceedings.

5. **Project Costs.** It is understood and agreed that the work conducted pursuant to this contract shall be done on an actual cost basis by the ORGANIZATION. The amount of funding from the NCEM shall not exceed the estimated funds budgeted in the approved contract. The ORGANIZATION shall initiate and prosecute to completion all actions necessary to enable the ORGANIZATION to provide its share of the project costs at or prior to the conclusion of the project. All unexpended grant funds shall be remitted to the NCEM within thirty (30) days of the project completion date. The ORGANIZATION must have an adequate accounting system to identify costs chargeable to the project. The ORGANIZATION agrees that funds paid through this Agreement shall be accounted for in a separate fund and accounting structure within the ORGANIZATION's central accounting and grant management system. The ORGANIZATION agrees to manage all accounts payable disbursements, check register disbursements and related transactions in a detailed manner that supports fully transparent accounting of all financial transactions associated with this funding allocations described above. If eligible, the ORGANIZATION and all subrecipients shall: (a) ask the North Carolina Department of Revenue for a refund of all sales and use taxes paid by them in the performance of this Agreement, pursuant to N.C.G.S. 105-164.14; and (b) exclude all refundable sales and use taxes from all reportable expenditures before the expenses are entered in their quarterly project status reports.
6. **Project Directors and Notices.** The Project Director, as specified on the signature page of this Agreement, must be an employee of the ORGANIZATION or the ORGANIZATION's governing body. Any notice required or permitted under this Agreement shall be delivered to the ORGANIZATION's Project Director or NCEM Authorizing Official. Notice may be given to the ORGANIZATION's Project Director or NCEM Authorizing Official by mail, first-class postage prepaid, or by facsimile transmittal or by electronic mail with the original to follow by first-class mail. Either party may change the name, address, telephone number, fax number or email address of its Project Director or NCEM Authorizing Official by giving timely written notice to the other party.
7. **Records Access and Retention.** The ORGANIZATION shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its persons, books, records, accounts, other sources of information, and its facilities as may be determined by the NCEM, or the State to be pertinent to ascertain compliance with such regulations, orders and instructions. Furthermore, the ORGANIZATION shall maintain such materials during the contract period, and for five (5) years from the date of final payment from the NCEM or until all audit exceptions have been resolved, for such inspection and audit or until litigation has concluded, whichever is longer. Pursuant to N.C. Gen. Stat. §147-64.7, the NCEM, the State Auditor, appropriate federal officials, and their respective authorized employees or agents are authorized to examine all books, records, and accounts of the ORGANIZATION insofar as they relate to transactions with any board, officer, commission, institution, or other agency of the State of North Carolina pursuant to the performance of this Agreement or to costs charged to this Agreement.

8. **E-Verify requirements.** If this contract is subject to N.C. Gen. Stat. §143-133.3, the contractor and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the General Statutes.
9. **Certification of Eligibility Under the Iran Divestment Act.** Pursuant to G.S. 147-86.59, any person identified as engaging in investment activities in Iran, determined by appearing on the Final Divestment List created by the State Treasurer pursuant to G.S. 147-86.58, is ineligible to contract with the State of North Carolina or any political subdivision of the State. The Iran Divestment Act of 2015, G.S. 147-55 et seq. requires that each ORGANIZATION, prior to contracting with the State certify, and the undersigned ORGANIZATION Authorizing Official on behalf of the Agency does hereby certify, to the following:
- (a) that the ORGANIZATION is not now and was not at the time of the execution of the Contract dated below identified on the Final Divestment List of entities that the State Treasurer has determined engages in investment activities in Iran;
 - (b) that the ORGANIZATION shall not utilize on any contract with the State agency any subcontractor that is identified on the Final Divestment List; and
 - (c) that the undersigned ORGANIZATION Authorizing Official is authorized by the ORGANIZATION to make this Certification.
10. **Regulation:** The funds awarded under this Agreement must be used in compliance with all applicable state and federal laws governing their use including but may not be limited to, N.C. Gen. Stat. 143C-6-21, 143C-6-22, 143C-6-23, and 09 NCAC 03M (Notice of Certain Reporting and Audit Requirements), Chapter 166 of the North Carolina General Statutes at N.C. Gen. Stat. 166A-1 et. seq., The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. §5121 et. seq., 44 CFR Parts 7, 9, 10, 13, 14, 17, 18, 25, 60, 206, 209, 220, 221, 2 CFR 200, Appendix II to Part 200 "Contract Provisions for Non-Federal Entity Contracts Under Federal Awards", and applicable HUD regulations, policies, and guidance if CDBG-DR funds are used under this Contract. By accepting this payment, the below official agrees to use these funds in a manner consistent with state laws and regulations.
11. **Taxes:** The ORGANIZATION shall be responsible for all taxes. The ORGANIZATION shall complete, execute, notarize and return the "State Grant Certification – No Overdue Tax Debts" form. The ORGANIZATION shall complete and return the "Substitute W-9 Form Request for Taxpayer Identification Number" form. The ORGANIZATION agrees that failure to provide NCEM with a correct taxpayer identification number authorizes NCEM to withhold any amount due and payable under this Agreement.
12. **Antitrust Laws:** This Agreement is entered into in compliance with all State and Federal antitrust laws.
13. **Conflict of Interest:** Notarized Policy addressing conflicts of interest: The ORGANIZATION shall file with NCEM a copy of the ORGANIZATION'S policy addressing conflicts of interest that may arise involving NCEM'S management employees and the members of its board of directors or other governing body. The policy shall address situations in which any of these individuals may directly or indirectly benefit, except as ORGANIZATION'S employees or members of its board or other governing body, from ORGANIZATION'S disbursing of State funds and shall include actions to be taken by ORGANIZATION or the individual, or both to avoid conflicts of interest and the

appearance of impropriety. Additionally, the ORGANIZATION certifies that, as of the date it executes this Contract, no such individuals have such a conflict of interest or will directly or indirectly benefit, except in the capacities described above, from the grant or project. Throughout the duration of this Contract, the ORGANIZATION has the duty to promptly inform NCEM of any such conflict of interest or direct or indirect benefit of which it becomes aware. The policy shall be filed before NCEM may disburse the grant funds.



OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DUANE T. HOLDER, DEPUTY COUNTY MANAGER

DATE: 11/12/2020

SUBJECT: COMMUNITY-BASED VIRTUAL LEARNING CENTER SELECTION

BACKGROUND

During the September 10, 2020 Agenda Session, the Board approved the utilization of \$250,000 County funding to assist with the provision of community-based Virtual Learning Centers for students in rural and/or underserved areas of the County. Staff issued a Request for Proposals (RFP) on October 9, 2020 with an original due date of October 19, 2020. Based on prospective applicant questions and subsequent responses, the RFP due date was extended to October 21, 2020.

Attached is a summary of the proposal evaluations. Based on the evaluation, staff recommend the County to enter into agreements with the following programs for the operation of community-based Virtual Learning Centers:

- Town of Hope Mills
- YMCA
- First Baptist Church
- Changing Our Lives Today, Inc
- Crosskids Afterschool
- Marvin United Methodist Church
- New Testament Learning Center
- Soul Harvest Church
- Town of Godwin

RECOMMENDATION / PROPOSED ACTION

At the November 12, 2020 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Agenda Item on the November 16, 2020 Board of Commissioners'

Meeting:

1. Approve staff to enter into contractual agreements with the recommended organizations at the funding amounts per the attached Funding Recommendations, for the provision of Community-Based Virtual Learning Center services.

ATTACHMENTS:

Description	Type
Community-Based Virtual Learning Center Funding Recommendations	Backup Material

CUMBERLAND COUNTY
COMMUNITY-BASED VIRTUAL LEARNING CENTER REQUEST FOR PROPOSALS (RFP)
FUNDING RECOMMENDATIONS

No.	Name of Agency/Organization	Location(s)	Recommended Funding	Notes
1	Town of Hope Mills	Gary M. Dove Memorial Building, Brower Park, 5763 Rockfish Road, Hope Mills, NC 28348	\$ 22,596	Requested \$3,228 per month for 7 months - 15 students = \$10.76/day per child
2	YMCA	Hope Mills YMCA, 3910 Ellison St, Hope Mills NC Fayetteville YMCA, 2717 Ft Bragg Rd Fayetteville NC	\$ 53,338	National organization, \$22/day per child, highly trained staff, detailed programming and COVID mitigation efforts
3	First Baptist Church	302 Moore Street, Fayetteville, NC	\$ 10,000	Requested \$10,000 to serve 50 students for 7 months
4	Changing Our Lives Today (COLT)	2940 Breezewood Avenue, Fayetteville, NC 28303	\$ 43,750	Requested \$50,000 = \$6,250 per month for 8 months
5	Crosskids Afterschool	306 McArthur Road, Fayetteville, NC 28311 (current) 6781 Camden Road, Fayetteville, NC 28306 (proposed)	\$ 53,339	8 month proposal: Current (expanded) total cost = \$206,999 (\$25,875/mo) Proposed 2nd site cost = \$65,506 (\$8,188/mo)
6	Marvin United Methodist Church	6740 NC Highway 87 South, Fayetteville, NC 28306	\$ 5,000	Requested \$5,000 through remainder of fiscal year
7	New Testament Learning Center	2206 Progress Street, Fayetteville, NC 28306	\$ 35,000	Requested \$40,000 Nov 2020 through June 2021
8	Soul Harvest Church	135 North Main Street, Spring Lake, NC 28390	\$ 18,977	\$2,711 per month for up to 10 students
9	Town of Godwin	Godwin Community Center, 4924 Markham St, Godwin, NC 28344	\$ 8,000	Requested \$8,000 through remainder of fiscal year
Total Funding			\$ 250,000	



SOIL AND WATER CONSERVATION DISTRICT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: DONNA H. FOSTER, SOIL & WATER CONSERVATION DISTRICT,
ADMINISTRATIVE PROGRAM OFFICER**

DATE: 11/13/2020

SUBJECT: MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE AND THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES - DIVISION OF SOIL AND WATER CONSERVATION AND THE CUMBERLAND SOIL AND WATER CONSERVATION DISTRICT AND THE COUNTY OF CUMBERLAND, NORTH CAROLINA

BACKGROUND

Periodically the agencies that provide funding and support to the Cumberland Soil and Water Conservation District revise and update agreements in an effort to assure that responsibilities and services provided by the partner agencies are clearly defined and understood. This time period, our Soil and Water Conservation Board has the option to utilize a 2018 template or the new 2020 Memorandum of Agreement (MOA). The District Board has elected to utilize the 2020 MOA (attached). There are no costs to the County, and the intent of the agreement remains unchanged.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the November 12, 2020 Board of Commissioners' Agenda Session and was recommended to be forwarded to the November 16, 2020 Board of Commissioners' Meeting as a Consent Agenda item with the following recommendation:

Approval of the 2020 Memorandum of Agreement

ATTACHMENTS:

Description

Type



United States Department of Agriculture

Natural Resources
Conservation Service

North Carolina
State Office

4407 Bland Road
Suite 117
Raleigh, NC 27609
Voice 919-873-2100
Fax 844-325-6833

Name C.WAYNE COLLIER, JR
Title BOARD OF SUPERVISORS CHAIRMAN
Organization CUMBERLAND SOIL & WATER CONSERVATION DISTRICT
Street Address 301 EAST MOUNTAIN DR, ROOM 229
City, State, Zip FAYETTEVILLE NC 28306

Dear CHAIRMAN COLLIER :

The Natural Resources Conservation Service (NRCS) and North Carolina (NC) Soil and Water Conservation Districts (Districts) share a rich history of working together to deliver comprehensive technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance natural resources. NC Districts serve as the link between federal and state agency resources with the local farmers, ranchers, and forest stewards. We operate by a Memorandum of Agreement (MOA) which serves as a written understanding of an agreement between all parties.

The majority of MOAs in NC expired in 2017. NRCS started the MOA renewal process in early 2018 by disseminating a new MOA template to the Districts through NRCS local staff. Since then some circumstance have changed which brings us to our current status. NRCS received concerns from some Districts that the previous 2018 template did not provide enough flexibility to fit the varied operating relationships that exist among partners across the nation. As a result, NRCS has produced a 2020 edition of the MOA template to be more inclusive of the partnerships. The 2020 MOA template is attached.

In NC, prior to NRCS announcing it was working on a revised template, many Districts had already submitted their MOA based on the 2018 template for approval by the Division and NRCS. The North Carolina conservation partnership intends to allow Districts to use either the 2018 or 2020 MOA template.

If your District has already submitted the signed 2018 MOA to NRCS, we ask that you use the enclosed MOA Template Election Form (Attachment A) to confirm how your District intends to proceed with the following options:

1. Execute and move forward with the previously signed (2018) version of the MOA, without executing the newly approved version for 2020.
2. Obtain necessary signatures and submit the 2020 version of the MOA

Please sign and date the completed form and return it to your local supervisory soil conservationist (SSC). If you choose Option 1, NRCS will sign the existing agreement and forward a copy for your records.

Otherwise, Districts should proceed with obtaining the necessary signatures on their preferred MOA (either the 2018 or 2020 version) and submit the completed MOA for Division and NRCS signature.

The Natural Resources Conservation Service
is an agency of the Department of Agriculture's
Farm Production and Conservation (FPAC).

An Equal Opportunity Provider, Employer, and Lender

We understand that this has been a cumbersome process, but our intent is for Districts to be able to execute an agreement that best meets their needs and intent. Obviously, we would like to get these MOAs in place as soon as possible. As a target, we would request an execution of either choice of MOAs be completed by September 30, 2020. If this deadline is not feasible, please notify your NRCS SSC. Please feel free at any time to reach out to NRCS if there are any questions.

Timothy A Beard

Timothy A. Beard
State Conservationist

Bryan S. Evans

Bryan S. Evans
Executive Director
NC Association Soil & Water Conservation District

Vernon Cox

Vernon Cox
Director, Division of Soil & Water Conservation
NC Department of Agriculture and Consumer Services

Attachments:

Attachment A: MOA Template Election Form
Attachment B: MOA Approved 2020

Attachment A: MOA Template Election Form

Districts that have previously submitted an MOA based on the 2018 template are asked to complete this form and forward to their NRCS Supervisory Soil Conservationist (SSC).

The CUMBERLAND Soil and Water Conservation District hereby acknowledges having been given an option to either proceed to execute the previously submitted MOA using the 2018 template or to withdraw its previously submitted MOA and execute a new MOA using the 2020 MOA template. The District hereby declares its intent is to (initial the District's choice):

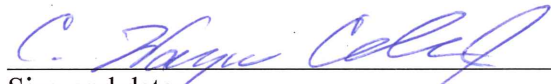
_____ 1. Execute and move forward with the previously signed (2018) version of the MOA without executing the newly approved version for 2020.

YES _____ 2. Obtain necessary signatures and submit the 2020 version the MOA.

We will consult with Natural Resources and Conservation Service (NRCS) local supervisory soil conservationist (SSC) if there are any questions.

C. WAYNE COLLIER, JR., CHAIRMAN CUMBERLAND SWCD

Print Name

 9-11-2020
Sign and date

Attachment B

MEMORANDUM OF AGREEMENT BETWEEN THE
United States Department of Agriculture, Natural Resources Conservation Service
AND THE
North Carolina Department of Agriculture and Consumer Services – Division of Soil and Water
Conservation
AND THE
CUMBERLAND Soil and Water Conservation District
AND THE
County of CUMBERLAND, North Carolina

I. PURPOSE

This Memorandum of Agreement (MOA) is entered into between the United States Department of Agriculture (USDA) Natural Resources Conservation Service (hereafter referred to as NRCS), the North Carolina Department of Agriculture and Consumer Services – Division of Soil and Water Conservation (hereafter referred to as the Division), the CUMBERLAND Conservation District (hereafter referred to as the District), and the County of CUMBERLAND, North Carolina (hereafter referred to as the County).

The NRCS and CUMBERLAND Conservation District (referred to jointly as the Parties) have common objectives of delivering technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance the productivity of American agricultural lands. The Parties recognize the importance of natural resources, the wise use and management of these natural resources, and, as appropriate, the protection and/or development of these natural resources. This agreement is made and entered into with the objectives of:

- Continuing to support the delivery of excellent and innovative customer service;
- Strengthening and modernizing conservation delivery to optimize efficiency and effectiveness;
- Broadening our outreach to existing and new customers and partners;
- Supporting science-based decision making as close to the resource issue/opportunity as possible;
- Encouraging a voluntary approach as the primary means of accomplishing conservation goals; and
- Using sound approaches to strengthen each Party and its role in the delivery of soil, water, and related natural resource conservation across the nation.

II. AUTHORITIES, STATUTES, LAWS

NRCS is authorized to cooperate and furnish assistance to the parties in the conservation of natural resources as referenced in the Soil Conservation and Domestic Allotment Act, 16 U.S.C. 590; The Department of Agriculture Reorganization Act of 1994, Public Law 103-354; and Secretary's Memorandum No. 1010-1, Reorganization of the Department of Agriculture, dated October 20, 1994.

The Division is authorized to enter into this agreement by the North Carolina General Statutes §139-4 and §106-840 - §106-844.

The District authority is defined in Soil Conservation Districts Law, General Statutes of North Carolina §139-1 - §139-47.

The County is authorized to enter into this agreement by North Carolina General Statute §153A-11 and §160A-461 - §160A-464

III. BACKGROUND

The NRCS and CUMBERLAND Conservation District share a rich history of collaborating to deliver comprehensive technical and financial assistance to farmers, ranchers, forest stewards, and other entities to voluntarily protect, restore, and enhance natural resources.

The Soil Conservation Service was established in 1935 (renamed NRCS in 1994 to reflect its broader conservation mission). NRCS is committed to “helping people help the land.” It provides assistance and resources for conservation practices that improve water and air quality, prevent erosion, restore wetlands, and enhance wildlife. NRCS’s approach to mission delivery and customer service is deeply rooted in the notion that locally-led, voluntary efforts yield the most effective and productive outcomes. Locally-led conservation is the principle that farmers, ranchers, and forest stewards know their lands better than anyone else based on their personal knowledge and experience with those lands. As such, they are best positioned to make optimal decisions for the benefit of their operations, its natural resource conditions, and their communities.

The first Conservation District, Brown Creek Soil and Water Conservation District in Anson County, North Carolina, was established in 1937 to provide local leadership in natural resources management. Conservation Districts serve as the link between federal and state agency resources with the local farmers, ranchers, and forest stewards. They are responsible for promoting and carrying out their conservation programs by assisting communities and its members develop, apply, and maintain appropriate conservation practices and resource management systems. They are authorized to provide broad area planning and implementation assistance to units of government. They are a focal point for coordinating and delivering technical assistance and funding to their respective communities.

IV. STATEMENT OF MUTUAL BENEFIT

In conjunction with the NRCS, the CUMBERLAND Conservation District coordinates and implements locally led conservation plans because of their connections to Federal, State, Tribal, and local governments; private resources; and the public. The Parties agree to facilitate cooperation, collaboration, and agreement between agencies, landowners, and others stakeholders; develop comprehensive conservation plans; and bring those plans to the attention of landowners and others within the district.

In addition, the Parties recognize the importance of working together to broaden strategic assessment and planning authority under the Soil and Water Resources Conservation Act of 1977 for the conservation, protection, and enhancement of soil, water, and related natural resources. The Parties further recognize that natural resources are finite and under increasing pressure from a variety of impacts. Soil, water, air, plants, animals, and energy are all addressed under the programs, initiatives, and partnership efforts of the Parties.

In order to deliver the necessary technical and financial assistance to enable locally-led, voluntary conservation, the Parties agree to adhere to the principles, roles, and responsibilities outlined in this Section of the MOA. This MOA does not affect or modify existing regulations or agency responsibilities and authorities. Moreover, this MOA does not commit either part to activities beyond the scope of their respective mission and statutory authorities.

A. Locally-Led, Voluntary Conservation

The Parties agree that locally-led, voluntary conservation must be driven by natural resource conservation needs, rather than by programs. Its primary focus is to identify natural resource concerns, along with related economic and social concerns. Locally-led conservation consists of a series of activities and phases that involve community stakeholders in natural resource planning, implementation of solutions, and evaluation of results:

The District will:

- Assist NRCS and the North Carolina Soil and Water Conservation Commission (SWCC) in promoting federal, state, and local conservation programs by participating in outreach and community education activities.
- Advocate for a strong natural resource conservation program by keeping appropriate boards, landowners, legislators, county commissioners, and other key stakeholders apprised of conservation activities within the district.

- Assemble and chair the local working group, as chartered under the State Technical Committee and authorized by 7 CFR 610, Part C, to encourage stakeholder participation to assist the District to assess and prioritize conservation needs.
 - Encourage diverse participation in local working groups through community outreach and education, to include stakeholders from historically underserved communities.
 - Open and advertise local working group meetings to the public.
 - Develop the agenda and associated materials/information for local working groups.
 - Develop and file local working group meeting records within 30 calendar days of the meetings at the local NRCS office.
 - Adhere to local working group responsibilities and standard operating procedures, as documented in NRCS and SWCC policy (Title 440, Conservation Programs Manual).
- Develop the conservation needs assessment through broad-based community participation and in accordance with NRCS and SWCC policy and procedures. This will provide a comprehensive evaluation of the district's natural resource base and be the basis for making decisions about local priorities or policies in all local conservation programs.
- Recommend local natural resource priorities and criteria for NRCS and SWCC conservation activities and programs based on the conservation needs assessment and public input.
- Develop a District Long-Range Plan every three (3) years and an Annual Plan of Work each year. These documents must incorporate local and community inputs.
- Identify NRCS, SWCC, and other program resources, develop and implement conservation plans and natural resource systems, and evaluate/measure the technical and community impacts of solutions.
- Review and sign to acknowledge all conservation plans within the District.
- Update NRCS on activities of local and state advisory committees and community groups attended by District board members and staff.
- Cooperate and collaborate across Districts, as appropriate.

NRCS will:

- Support outreach activities and ensure the District is kept informed of NRCS activities and programs on at least a monthly basis. This includes bringing technical and financial assistance opportunities (including matching fund strategies) to the attention of the District.
- Work cooperatively to solicit and leverage community recommendations to inform priorities that guide the delivery of NRCS conservation programs.
 - Designate a representative to participate in District meetings and events, including local working group meetings.
 - Develop and transmit written notifications to the local working group members as to the decisions made in response to their recommendations within 90 days.
- Respond to requests from the District for technical guidance and assistance.
- Partner with local and Tribal agricultural, conservation, agency, and community groups where possible, to further District natural resource conservation goals and objectives.
- Provide an annual summary of NRCS accomplishments to the District.
- Present all conservation plans within the District to the District Board of Supervisors for signed acknowledgement.

B. Adherence to Technical Standards

The Parties agree to the use of science-based decision-making to address local natural resource issues. Implementation of sound conservation plans and practices will strengthen each party, as well as their roles in the delivery of soil and water conservation.

The District will:

- Adhere to Federal, State, Local, and Tribal laws and regulations.
- Adopt NRCS and SWCC policies and procedures, including the NRCS Field Office Technical Guide (FOTG), and other science-based technical standards.
- Leverage and promote use of USDA and SWCC technologies and applications, as appropriate.
- Encourage and support acquisition of conservation practice job approval authority for its personnel based on employee knowledge, skill and ability level, and within applicable laws and guidelines.
- Participate in local, state, and national opportunities for policy, program, and project development.
- Develop a plan for training its employees and encourage them to attend available training sessions to maintain their knowledge, skills, and abilities related to conservation planning and practice Inventory & Evaluation, design, layout, checkout, and certification.

NRCS will:

- Develop, update, and disseminate technical standards, policies, and procedures.
- Seek input and comment from communities on natural resource conservation policies and issues.
- Inform the District and communities when pending statutes, laws, regulations, policies, or procedures may have a significant impact on the community.
- Develop and provide access to USDA technologies and applications to facilitate shared standards, as appropriate.
- Evaluate non-NRCS employees and assign USDA/NRCS job approval authority in accordance with NRCS policy and consistent with State laws.
- Provide USDA/NRCS engineering job approval, as based on job class and in accordance with NRCS policy and Federal, State, and local laws, regulations and codes.
- Create and promote opportunities for the District board members and staff to participate in policy, program, and project development.
- Provide technical or other training for conservation partnership employees in conjunction with its own training, or as separate events. Training must be consistent with and support of mission objectives of NRCS and the District. As such, the principle emphasis will be on the delivery of field-based conservation technical assistance.

C. Data and Information Sharing

Any information furnished to NRCS under this agreement is subject to the Freedom of Information Act (5 U.S.C. 552). Cooperators providing technical or financial assistance under USDA programs may have access to information that must not be subsequently disclosed and may only be used for the purpose of providing that assistance.

See Appendix A, "ACKNOWLEDGMENT OF REQUIREMENTS FOR PROTECTION OF PRIVACY OF PERSONAL AND GEOSPATIAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION SERVICE PROGRAMS." The signatory agrees to abide by these requirements as a condition of receiving access to such information.

V. PERSONNEL AND FISCAL MANAGEMENT

The parties recognize that natural resources conservation programs are delivered through an intergovernmental system, in which federal, state, and local governments work together.

The parties will work together to provide staffing and fiscal resources commensurate with workload, priorities, allocated funding, and expertise necessary to deliver a balanced and diversified conservation delivery framework.

Staffing will be a mix of employees provided by federal, state, county, and district resources. There are certain authorities delegated to specific staff as follows:

The Department Head Will:

The parties jointly agree that the Administrative Program Officer will serve as the CUMBERLAND Soil and Water Conservation District Department Head. The Department Head will represent the District and its employees at county meetings, conferences, and appropriate functions.

Personnel Management

The management of personnel will be as follows:

- a) Hiring and dismissal of district employees will be in accordance with county personnel policies or district policy when employees are not employed by the county.
- b) The management of NRCS personnel is the responsibility of NRCS.
- c) Hiring, supervision, development, evaluation, and dismissal of county employees will be done in accordance with applicable law and county personnel policies.
- d) The management of county employees is the responsibility of the CUMBERLAND District Board of Supervisors. In the interest of facilitating these responsibilities, the Supervisory Soil Conservationist (SSC) is delegated the authority for:
 - 1) Technical supervision
 - a. The Supervisory Soil Conservationist is assigned the role of Technical Supervisor for USDA Certified Planner Designation (CPD) and Job Approval Authority (JAA). As a condition of assigning USDA/NRCS CPD and JAA or for ecological sciences and engineering practices to District employees, NRCS must periodically review the technical work of these employees to assure adherence to planning and design standards and policy. NRCS Area Office personnel will also periodically review the technical work of both NRCS and District employees in the office with USDA/NRCS JAA.
 - 2) Assist in delivery of employee technical training and development.
- e) The Department Head will make recommendations to the CUMBERLAND District Board of Supervisors regarding the following in accordance with county government policy:
 - 1) Recruitment and hiring of district employees
 - 2) Employee performance evaluation, including awards, disciplinary actions, and separation.
 - 3) Leave coordination and approval.
 - 4) Certification of Time and Attendance Reports.
 - 5) Determination and approval of training requiring expenditure of district funds.
 - 6) For counties with technicians cost shared through the state's cost share programs, responsibility for documenting 1040 hours for each funded position spent per year on non-point source pollution control issues by office staff.

In the event that a county employee feels aggrieved, their recourse is according to county government personnel policy. The parties agree to work cooperatively to resolve employee grievances.

Fiscal Management

The parties will work together to maximize available resources and actively seek funding to accomplish natural resource priorities and programs.

Each party is responsible for its own fiscal resources to include equipment, supplies, and accounts.

The Department Head will actively assist the district with the following:

- 1) Development of operating budgets.
- 2) Tracking of expenditures for maintaining funding accountability.
- 3) Making recommendations regarding expenditure of funds and purchases.

VI. GENERAL PROVISIONS

A. Period of Performance

This MOA takes effect upon the signature of the Parties and shall remain in effect until mutually modified or terminated.

B. Amendments

This MOA may be extended or amended upon written request of either Party and the subsequent written concurrence of the other. Either of the parties may terminate this MOA with a 60-day written notice to the other.

This state-level MOA may be supplemented by a local-level MOA, if desired and mutually agreed to by the parties. The local-level MOA reflects locally developed detailed working arrangements, to include NRCS's and Conservation District's Annual Workplan and/or Plan of Operations. These may include, but are not limited to, documenting specific objectives or goals, action items, provision for documentation of accomplishments, schedule of planned events, and assignment of responsibilities.

C. Transfer of Funding or Non-Monetary Resources

This MOA is established to document the collaborative relationship between the Parties. Nothing in this MOA shall require either Party to obligate or transfer funding, or anything of value. This may include, but is not limited to:

- Office spaces and equipment/supplies
- Vehicles and associated expenses (e.g., fuel, maintenance)
- Computers, software, and technical equipment

The transfer of funding or other resources of value among the Parties offices requires execution of a separate agreement. The appropriate instruments include:

- Cooperative Agreement (2 CFR 200.24), which allows federal agencies to transfer a thing of value to the State, local or Tribal government, or other recipient to carry out a public purpose of support or stimulation authorized by law of the United States.
- Contribution Agreement (7 CFR 6962a), which is a unique statutory authority allowing NRCS to enter into an agreement with a non-federal entity that shares a mutual purpose in carrying out NRCS programs. All parties must contribute resources to the accomplishment of these objectives.
- Reimbursable Agreement (31 USC 686; PL 90-577), which allows federal agencies to provide specialized or technical services to State and local governments.

D. Other

- This MOA is not intended to, and does not create any right, benefit, or trust responsibility; substantive or procedural, enforceable at law or equity, by any party against the agencies, officers, or any person or organization that is party to this agreement.

All activities and programs conducted under this MOA shall be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended; Civil Rights Restoration Act of 1987 (Public Law 100-250); and other nondiscrimination statutes; namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment of 1972, and the Age Discrimination Act of 1975. Also, they will be in accordance with regulations of the Secretary of Agriculture (7 CFR Part 15, subpart A), which provide that no person in the United State shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving federal financial assistance from the Department of Agriculture or any Agency thereof.

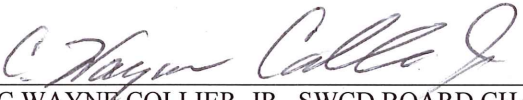
All activities conducted under this MOA shall be in compliance with the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D).

VII. SIGNATURES

USDA Natural Resources Conservation Service

CUMBERLAND Soil and Water Conservation District

TIMOTHY A. BEARD, STATE
CONSERVATIONIST



C WAYNE COLLIER, JR., SWCD BOARD CHAIR

DATE:

8-19-2020

DATE:

NCDA&CS - NC Division of Soil and Water Conservation

County of CUMBERLAND, NC

VERNON COX, DIRECTOR

AMY H. CANNON, COUNTY MANAGER

DATE:

DATE:



OFFICE OF THE COUNTY MANAGER

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16,
2020**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: TRACY JACKSON, ASSISTANT COUNTY MANAGER

DATE: 11/12/2020

**SUBJECT: ELECTRICAL SWITCHGEAR REPLACEMENT AT THE E. MAURICE
BRASWELL COURTHOUSE**

BACKGROUND

During the Courthouse Generator Project, it was discovered that the main electrical switchgear for the Courthouse needs to be replaced. The switchgear is original to the facility and is nearly forty years old. The equipment is obsolete and replacement parts are difficult to obtain. Any available replacement parts are refurbished and could be unreliable. The electrical subcontractor informed staff that the switchgear is a potential point of failure that could force the facility to be closed for an extended period if it were to fail. If a catastrophic failure occurred in the existing switchgear, it is likely that temporary power would have to be provided while new switchgear is manufactured and installed. The lead time on manufacturing this equipment is 16 – 20 weeks. If this were to occur, it would involve unexpected costs, excessive downtime, and it would limit options for the new switchgear since fabrication would have to be expedited. With the switchgear replacement, a larger electrical panel can be installed that will allow additional electrical load to be placed on the generators. Ideally, this work could be completed over a holiday weekend depending on the timing of design, bidding, and approval. This will ultimately dictate when the project can be scheduled.

The project will need to be designed then bid for manufacturing and installation. The estimated cost for engineering, procurement, and fabrication of the switchgear is \$270,000. Funding for this project has been identified in the Capital Improvement Fund.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the November 12, 2020 Board of Commissioners' Agenda Session

Meeting and moved forward to the November 16, 2020 Board of Commissioners' Regular Meeting as a Consent Agenda Item. Staff requests approval to utilize the Capital Investment Fund to complete this project in the amount of \$270,000.00.



OFFICE OF THE COUNTY MANAGER

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16,
2020**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: TRACY JACKSON, ASSISTANT COUNTY MANAGER

DATE: 11/12/2020

**SUBJECT: EXTENSION OF JANITORIAL CONTRACT WITH 360 BRANDS AND
ASSOCIATED BUDGET ORDINANCE AMENDMENT #B211176**

BACKGROUND

360 Brands (d.b.a. 360 Clean) started providing janitorial services at the E. Maurice Braswell Courthouse July 1, 2019 after being selected in an RFP process. The total amount of the contract for FY20 was not to exceed \$164,270.52 (\$13,689.21 per month). The contract was approved by the Board of Commissioners for a eighteen month extension through December 31, 2022 at an increased rate of \$15,750.00 per month.

Staff believes that 360 Clean has improved its performance to a satisfactory level over time, and it would be problematic to potentially switch janitorial providers during the height of the COVID-19 pandemic. Staff proposes to extend the contract for janitorial services with 360 Clean for an additional eighteen months through June 30, 2022, with an option to renew for an additional year, at a price not to exceed \$15,750.00 per month. Attached is a copy of the proposed contract extension.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the November 12, 2020 Board of Commissioners' Agenda Session Meeting and moved forward to the November 16, 2020 Board of Commissioners' Regular Meeting as a Consent Agenda Item. Staff requests the following proposed actions be approved:

- 1) Approve the contract extension with 360 Brands (d.b.a., 360 Clean) and authorize the Chairman to sign the extension
- 2) Approve Budget Ordinance Amendment #B211176 in the amount of \$94,500.00

ATTACHMENTS:

Description

Proposed Contract Extension with 360 Brands

Type

Backup Material

STATE OF NORTH CAROLINA

AMENDMENT TO
SERVICE CONTRACT

COUNTY OF CUMBERLAND

THIS AMENDMENT to the Service Contract dated July 1, 2019 by and between 360Brands, Inc., d/b/a 360 Clean ("CONTRACTOR") and County of Cumberland ("COUNTY")

WHEREAS, the CONTRACTOR and the COUNTY wish to amend the service contract with 360Brands, Inc.

NOW, THEREFORE, the CONTRACTOR and the COUNTY agree to amend the service contract as follows:

1. Effective January 1, 2021 the COUNTY and the CONTRACTOR mutually agree to extend the amended contract that was executed on June 18, 2020 of aforementioned contract through June 30, 2022, with an option to renew for one additional year.
2. The COUNTY and the CONTRACTOR mutually agree to the following:

PRICE: The County and CONTRACTOR agree that the services will continue through the end of June 30, 2022 at the current monthly rate of \$15,750.

PAYMENT: The COUNTY shall continue to pay the CONTRACTOR \$15,750 per month. CONTRACTOR shall bill the COUNTY at least ten days prior to, and as a condition, of payment.

3. Except as specifically amended herein, all other terms and provisions of the service contract shall remain in full force and effect.

IN AGREEMENT hereto, the parties intending to be bound hereby have authorized the affixing of their signatures and seals by their duly authorized officers on their behalf and as their respective acts.

This the 16th day of November 2020.

ATTEST

36 0Brands, Inc. (dba 360 Clean)

WITNESS

BY: _____

BY: _____

TITLE: _____

ATTEST

COUNTY OF CUMBERLAND

WITNESS

BY: _____

W. Marshall Faircloth, Chairman

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

Approved for Legal Sufficiency:

BY: _____

Finance Director

BY: _____

County Attorney's Office



OFFICE OF THE COUNTY MANAGER

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16,
2020**

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: TRACY JACKSON, ASSISTANT COUNTY MANAGER / INTERIM
WORKFORCE DEVELOPMENT DIRECTOR**

DATE: 11/12/2020

**SUBJECT: WORKFORCE DEVELOPMENT FINISH LINE GRANT AWARD FOR
ADMINISTRATION AND OPERATIONS AND ASSOCIATED BUDGET
ORDINANCE AMENDMENT #B210914**

BACKGROUND

The North Carolina Department of Commerce - Division of Workforce Solutions has notified the Cumberland County Workforce Development Department (CCWFD) that it will be awarded \$50,000 to manage the operations of the Finish Line Grant (FLG) Program. The FLG program provides eligible students with funding for emergent needs while pursuing educational goals at Fayetteville Technical Community College (FTCC) and CCWFD. This funding will assist in the administration and monitoring of the program by hiring a temporary employee to perform these programmatic duties. This funding is to be utilized prior to the end of June 30, 2021.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the November 12, 2020 Board of Commissioners' Agenda Session Meeting and moved forward to the November 16, 2020 Board of Commissioners' Regular Meeting as a Consent Agenda Item. Staff requests the following proposed actions be approved:

- 1) Accept the Finish Line Grant award for administration and operations.
- 2) Approve Budget Ordinance Amendment #B210914 in the amount of \$50,000.

ATTACHMENTS:

Description

FLG Award Letter

Type

Backup Material



ROY COOPER
Governor

ANTHONY M. COPELAND
Secretary

JESSICA ENGLERT
Assistant Secretary

TRANSMITTED VIA EMAIL

October 12, 2020

Mr. Tracy Jackson, Interim Director
Cumberland Workforce Development Board
414 Ray Avenue
Fayetteville, NC 28301

Subject: Finish Line Grants Operations Funds

Dear Mr. Jackson:

The North Carolina Department of Commerce, Division of Workforce Solutions is pleased to award Cumberland Workforce Development Board \$50,000 in Finish Line Grants operations funds for the partnership with Fayetteville Technical Community College. Operations funds are to be used for the administration of the Finish Line Grants program.

You will receive a Notice of Funding Availability (NFA) within the next week. These funds will expire June 30, 2021.

If you have questions concerning this award, please contact Agreta Limerick at agreta.limerick@nccommerce.com or at 919-814-0312.

I look forward to our continued work as we serve the citizens of North Carolina.

Sincerely,

DocuSigned by:
A blue ink signature of Jessica Englert.
4AD41F179F3C4DB
Jessica Englert
Assistant Secretary

cc: Mark Edmonds, Chief Operating Officer
Chet Mottershead, Director of Field Operations
Agreta Limerick, Director of Policy, Planning, and Accountability
Monica Miller, Finish Line Grants Coordinator



OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: TRACY JACKSON, ASSISTANT COUNTY MANAGER

DATE: 11/12/2020

SUBJECT: QUALIFICATION-BASED SELECTION LISTS FOR PROFESSIONAL SERVICES RELATED TO ENGINEERING AND INFRASTRUCTURE PROJECTS

BACKGROUND

North Carolina General Statute 143-64.31 requires local governments to select firms to provide architectural, engineering and surveying services on the basis of demonstrated competence and qualifications for the type of professional services required without regard to fee other than unit price information. Based on the number of Capital Improvement Plan (CIP) projects Engineering & Infrastructure undertakes each year that necessitate professional services, the most efficient way obtain professional services is to establish a list of qualified firms that can provide specialized consulting based upon the discipline needed to successfully initiate and complete any given project. The primary benefit of this approach is that it can reduce the amount of time required to issue a Request for Qualifications (RFQ) and review multiple vendor submissions for each project. The County can still reserve the right to issue a separate RFQ for a specific project when it is determined to be in the County's best interest.

The Engineering & Infrastructure Department issued a RFQ for Professional Services and reviewed/scored the responses. The RFQ was for architectural services and various disciplines of engineering and surveying. Attached you will find a list of qualified firms sorted into areas of expertise and competency. The list shall be effective for a period of three years with an option to extend for two additional one-year periods not to exceed five total years.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the November 12, 2020 Board of Commissioners' Agenda Session Meeting and moved forward to the November 16, 2020 Board of Commissioners' Regular Meeting as a Consent Agenda Item. Staff requests acceptance of the attached Qualification Based Selection list for the providers of professional services illustrated therein.

ATTACHMENTS:

Description

QBS Selection Lists by Professional Service

Type

Backup Material

**Fiscal Year 2021 Qualifications Selection Based Results
for Professional Services**

Vendor	Construction Management
1-The Wooten Company	61.29
2-McGill Associates	60.53
3-AMT	57.87
4-Draper Aden	57.54
5-Freese and Nicols	56.95

Vendor	Electrical Engineering
1-The Wooten Company	60.43
2-McKim & Creed	56.98
3-Cromwell	56.25
4-McGill Associates	54.86
5-Stanford White	53.19

Vendor	Elevator Modernization
1-The Wooten Company	57.43
2-Cromwell	52.35
3-PDC	38.79

Vendor	Fire Protection Engineering
1-The Wooten Company	60.43
2-Cromwell	55.85
3-McKim & Creed	54.62
4-McGill Associates	54.39
5-Stanford White	51.63

Vendor	Geotechnical Engineering
1-Froehling and Robertson	64.85
2-Draper Aden	56.94
3-Withers-Ravenel	56.79
4-SM&E	51.78
5-Mosher Engineering	51.74

Vendor	Landscape Architectural
1-McGill Associates	59.99
2-McKim & Creed	56.98
3-McAdams	56.82
4-Withers-Ravenel	56.79
5-Cromwell	55.07

Vendor	Mechanical Engineering
1-The Wooten Company	60.43
2-McGill Associates	59.01
3-McKim & Creed	56.98
4-Cromwell	55.45
5-Stanford White	52.49

Vendor	Plumbing Engineering
1-The Wooten Company	60.43
2-McGill Associates	58.91
3-McKim & Creed	56.98
4-Cromwell	56.25
5-Stanford White	54.29

Vendor	Surveying
1-MK&R	62.6
2-The Wooten Company	60.43
3-McGill Associates	59.63
4-Draper Aden	58.34
5-So Deep Sam	58.27



OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: COUNTY ATTORNEY

DATE: 11/13/2020

SUBJECT: REQUEST OF THE TOWN OF WADE TO RELINQUISH ITS JURISDICTION TO THE COUNTY FOR MINIMUM HOUSING CODE ENFORCEMENT

BACKGROUND

On October 13, 2020, the Town of Wade Board of Commissioners adopted a formal resolution to subject the jurisdiction of the Town of Wade to the County's Minimum Housing Code and to request the Board of Commissioners to accept the jurisdiction of the Town of Wade for this purpose and apply and enforce the County's Minimum Housing Code within the jurisdiction. A copy of the Resolution is attached.

The Town of Wade and the County have the authority to undertake this transfer of jurisdiction and application of the County's Minimum Housing Code pursuant to N.C.G.S. § 160 Chapter 160D is new and is in effect now, but it allows the existing local Minimum Housing Ordinances to also remain in effect until July 1, 2021. (Session Law 20-25, Section 51 (b)) Staff is currently working on revisions to the County's Minimum Housing Code. The process by which the County may accept the jurisdiction of a town and apply the Code requires that both governing boards adopt formal resolutions and the County will have to amend its Ordinance to include the town's jurisdiction. The Ordinance amendment requires a public hearing.

At its regular meeting September 21, 2010, the Board voted to accept the request from the Town of Wade once it was formally made. At the November 12, 2020, Agenda Session, the Board voted to approve placing this matter on the Consent Agenda for the November 16, 2020, meeting.

RECOMMENDATION / PROPOSED ACTION

Adopt the formal resolution set out below:

Cumberland County Board of Commissioners
Resolution to Accept the Jurisdiction of the Town of Wade for the
Application and Enforcement of the County's Minimum Housing Code

Whereas, N.C.G.S. § 160D-202 authorizes a town to relinquish its jurisdiction to a county for the application and enforcement of the county's Minimum Housing Code and authorize the county to accept such jurisdiction to apply and enforce its Minimum Housing Code; and

Whereas, on October 13, 2020, the Town of Wade Board of Commissioners adopted a resolution relinquishing its jurisdiction to the County of Cumberland for the purpose of applying and enforcing the County's Minimum Housing Code, being Article IV, Chapter 4, *Cumberland County Code*, with a copy of the Town's resolution being attached hereto.

Now therefore, be it resolved that the Cumberland County Board of Commissioners do accept the jurisdiction of the Town of Wade for the application and enforcement of the County's Minimum Housing Code, being Article IV, Chapter 4, *Cumberland County Code*.

Be it further resolved that the County's Minimum Housing Code, being Article IV, Chapter 4, *Cumberland County Code*, shall be amended to include the jurisdiction of any town within Cumberland County which requests to relinquish its jurisdiction to the County for this purpose and for which the Cumberland County Board of Commissioners accepts such jurisdiction.

Be it further resolved that the effective date of the application of the County's Minimum Housing Code within the jurisdiction of the Town of Wade shall be the date the amendment expanding the jurisdiction of the Cumberland County Minimum Housing Code is adopted by the Board of Commissioners after public hearing.

Adopted November 16, 2020.

ATTACHMENTS:

Description

WADE RESOLUTION

Type

Backup Material

RESOLUTION NO. 2020-10

**RESOLUTION SUBJECTING THE TOWN OF WADE TO THE MINIMUM HOUSING
STANDARDS OF CUMBERLAND COUNTY**

WHEREAS, the Town of Wade Board of Commissioners desires to voluntarily subject the Town of Wade to the specific provisions of the Cumberland County Code, Article IV, Minimum Housing Code: and

WHEREAS, the Town of Wade Board of Commissioners desires to subject the Town of Wade to the jurisdiction of the Cumberland County's Code Enforcement division of the Department of Planning and Inspections; and

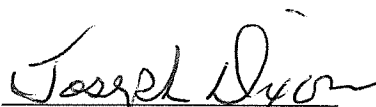
WHEREAS, the Town of Wade Board of Commissioners desires to comply with N.C.G.S. § 160D-202 *et seq.* pursuant to which a county may, on request of a city council, exercise any or all of the powers contained in N.C.G.S. § 160D-1201 local government body may enact minimum housing standards and provide for the enforcement thereof.

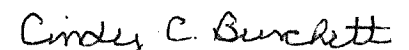
NOW, THEREFORE, BE IT RESOLVED that the Town of Wade Board of Commissioners approves and adopts this Resolution to approve the application of Article IV, Minimum Housing Code of the Cumberland County Code within the corporate limits of the Town of Wade, pursuant to N.C.G.S. § 160D-1201 *et seq.*; and further requests the Cumberland County Board of Commissioners to accept the jurisdiction of the Town of Wade for this purpose and apply and enforce the Cumberland County Code, Article IV, Minimum Housing Code, within the jurisdiction of the Town of Wade.

Adopted and effective this 13th day of October, 2020.

TOWN OF WADE

ATTEST:


Joseph Dixon, Mayor


Cindy C. Burchett, Town Clerk



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: RAWLS HOWARD, DIRECTOR OF PLANNING & INSPECTIONS

DATE: 10/29/2020

SUBJECT: PUBLIC HEARING FOR 5311 AND APPROVAL OF SUBMISSION OF FY 2022 APPLICATIONS FOR THE COMMUNITY TRANSPORTATION PROGRAM (5311, 5310, 5307) GRANT FUNDS AND RESOLUTION

BACKGROUND

Staff requests that a public hearing be held regarding the FY 2022 Community Transportation Program (5311) Grant Application which is due December 1, 2020. Staff also requests approval for submission of grant applications for 5310, and 5307 in the amounts listed below. This is an annual request that funds the Cumberland County Community Transportation Program which coordinates existing transportation programs operating in Cumberland County using local transportation providers. The funding period will run from July 1, 2021 to June 30, 2022. Funding will be used to provide trips to work, school, medical, and general errands. The administrative portion will be used for salaries and fringes of the Transportation Coordinator and the Transportation Assistants, office supplies, driver drug and alcohol testing, travel to meetings and conferences, program marketing for all services provided to County residents, legal advertising, and North Carolina Public Transportation Association (NCPTA) membership.

The Community Transportation Program is requesting funding in the following amounts from the NC Department of Transportation (a local match is required as noted below and is typically funded in the local FY Budget):

<u>Project:</u>	<u>Total Amt.:</u>	<u>Local Share:</u>
• Administrative (5311)	\$191,756	\$38,351 (20%)
• Capital (5310)	\$250,000	\$50,000 (20%)
• Capital (5307)	\$96,378	\$19,276 (20%)
Total Project:	\$538,134	\$107,627

RECOMMENDATION / PROPOSED ACTION

Staff requests the Board hold the Public Hearing for 5311 and approve the submission of the FY 2022 Projects for Community Transportation Program (5311, 5310, 5307) Grant Applications to the NC Department of Transportation.

ATTACHMENTS:

Description	Type
FY22 5311 Resolution	Resolution
Public Hearing Record FY22 5311	Backup Material

PUBLIC TRANSPORTATION PROGRAM RESOLUTION

FY 2022 RESOLUTION

Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

Applicant seeking permission to apply for Public Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by (*Board Member's Name*) _____ and seconded by (*Board Member's Name or N/A, if not required*) _____ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may apply for funding for "purchase-of-service" projects under the Capital budget Section 5310 program.

WHEREAS, (*Legal Name of Applicant*) County of Cumberland hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project;

NOW, THEREFORE, be it resolved that the County Manager of County of Cumberland is hereby authorized to submit grant application (s) for federal and state funding in response to NCDOT's calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

I, Candice White, Clerk to the Board of Commissioners do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (Name of Applicant's Governing Board) Board of Commissioners of the County of Cumberland duly held on the 16 day of November, 2020.

Signature of Certifying Official

****Note that the authorized official, certifying official, and notary public should be three separate individuals.***

Seal Subscribed and sworn to me
(date) _____

*Notary Public **

Printed Name and Address

My commission expires
(date) _____

Affix Notary Seal Here

Important – A public hearing MUST be conducted whether or not requested by the Public.

PUBLIC HEARING RECORD

Section 5311 (ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

APPLICANT: County of Cumberland

DATE: November 16, 2020

PLACE: 117 Dick Street, Fayetteville, NC

TIME: 6:45 PM

How many BOARD MEMBERS attended the public hearing? _____

How many members of the PUBLIC attended the public hearing? _____

Public Attendance Surveys

☐ (Attached)

☐ (Offered at Public Hearing but none completed)

I, the undersigned, representing (Legal Name of Applicant) County of Cumberland do hereby certify to the North Carolina Department of Transportation, that a Public Hearing was held as indicated above and

During the Public Hearing

☐ (NO public comments)

☐ (Public Comments were made and meeting minutes will be submitted after board approval)

The estimated date for board approval of meeting minutes is: December 16, 2020

Signature or Clerk to the Board

Candice White Clerk to the Board
Printed Name and Title

Date

Affix Seal Here

Voluntary Title VI Public Involvement

Title VI of the Civil Rights Act of 1964 requires the North Carolina Department of Transportation (NC DOT) to gather statistical data regarding participants and beneficiaries of the agency's federal-aid programs and activities. NC DOT collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population impacted by a proposed project.

NC DOT wishes to clarify that this information gathering process **is completely voluntary** and that you are not required to disclose the statistical data requested to participate in this meeting. This form is a public document used to collect data, only.

The completed forms will be held on file at the North Carolina Department of Transportation. For Further information regarding this process please contact the NCDOT Title VI Program at telephone number 919.508.1808 or email at titlevi@ncdot.gov.

Project Name: Cumberland Community Transportation Program		Date: November 16, 2020
Meeting Location: 117 Dick Street, Fayetteville, NC		
Name (please print)		Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
General ethnic identification categories (check one)		
<input type="checkbox"/> Caucasian	<input type="checkbox"/> Hispanic American	<input type="checkbox"/> American Indian/Alaskan Native
<input type="checkbox"/> African American	<input type="checkbox"/> Asian/Pacific Islander	Other:
Color:		National Origin:

After completing this form, please fold and place it inside the designated box on the registration table.

Thank you for your cooperation.



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 11/5/2020

SUBJECT: CASE P15-09

BACKGROUND

Case P15-09: Modification of an approved C2(P) Planned Service and Retail/CZ Conditional Zoning for retailing, office and trade contracting district for the addition of a 50' by 240' structure or to a more restrictive zoning district on 8.42+/- acres; located on the southwest side of SR 1126 (Brooklyn Circle), northeast of Lady Lane Road; submitted by DSI Properties, LLC (owner) & Nichols Buildings (agent).

RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Recommended approval of the modification request to an approved C2(P)/CZ Conditional Zoning for retailing, office and trade contracting at the October 20, 2020 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

Staff Recommendation: In Case P15-09, the Planning & Inspections staff recommends approval of the modification request to an approved C2(P)/CZ Conditional Zoning for retailing, office and trade contracting and find: a) The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: since the conditional zoning was originally approved, the parcel has been recombined with the area designated for "heavy commercial" by the land use plan and has been developed as a large planned commercial development; c) And this rezoning approval is reasonable and in the public interest as the modification does not create any detrimental impacts to their original approval and the request is in harmony with adjacent existing zoning and land uses.

If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this

case, the following motion is appropriate:

MOTION:

In Case P15-09, I move to approve the modification request to an approved C2(P)/CZ Conditional Zoning for retailing, office and trade contracting and find: a) The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: since the conditional zoning was originally approved, the parcel has been recombined with the area designated for “heavy commercial” by the land use plan and has been developed as a large planned commercial development; c) And this rezoning approval is reasonable and in the public interest as the modification does not create any detrimental impacts to their original approval and the request is in harmony with adjacent existing zoning and land uses.

If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

In Case P15-09, I move to deny the modification request to an approved C2(P)/CZ Conditional Zoning for retailing, office and trade contracting and find the request (consistent/not consistent) with the Southwest Cumberland Land Use Plan (2013) which designates this parcel as “Medium Density Mixed Housing”. Denial of the modification request is also reasonable and in the public interest because _____.

ATTACHMENTS:

Description

Type

Action Memo

Backup Material

AMY H. CANNON
County Manager

TRACY JACKSON
Assistant County Manager



RAWLS HOWARD
Director

DAVID MOON
Deputy Director

Planning & Inspections Department

NOVEMBER 5, 2020

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P15-09:** Modification of an approved C2(P) Planned Service and Retail/CZ Conditional Zoning for retailing, office and trade contracting district for the addition of a 50' by 240' structure or to a more restrictive zoning district on 8.42+/- acres; located on the southwest side of SR 1126 (Brooklyn Circle), northeast of Lady Lane Road; submitted by DSI Properties, LLC (owner) & Nichols Buildings (agent).

ACTION: Recommended approval of the modification request to an approved C2(P)/CZ Conditional Zoning for retailing, office and trade contracting at the October 20, 2020 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

MINUTES OF OCTOBER 20, 2020

In Case P15-09, the Planning and Inspections staff **recommends approval** of the modification request to an approved C2(P)/CZ Conditional Zoning for retailing, office and trade contracting and find: a) The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: since the conditional zoning was originally approved, the parcel has been recombined with the area designated for "heavy commercial" by the land use plan and has been developed as a large planned commercial development; c) And this rezoning approval is reasonable and in the public interest as the modification does not create any detrimental impacts to their original approval and the request is in harmony with adjacent existing zoning and land uses.

In Case P15-09, Mr. Crumpler made a motion, seconded by Mrs. McLaughlin to recommend approval of the modification request to an approved C2(P)/CZ Conditional Zoning for retailing, office and trade contracting and find: a) The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: since the conditional zoning was originally approved, the parcel has been recombined with the area designated for "heavy commercial" by the land use plan and has been developed as a large planned commercial development; c) And this rezoning approval is reasonable and in the public interest as the modification does not create any detrimental impacts to their original approval and the request is in harmony with adjacent existing zoning and land uses. Unanimous approval.

First Class and Record Owners' Mailed Notice Certification

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

Cumberland County
PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # P15-09
Planning Board Meeting: October 20, 2020



Jurisdiction: Cumberland County

EXPLANATION OF THE REQUEST

This is a request to modify an approved C2(P)/CZ Conditional Zoning for retailing, office and trade contracting, located on the southwest side of Brooklyn Circle. The property owner is modifying their site plan to add an additional 50' by 240' structure. All ordinance related conditions apply.

OWNER/APPLICANT

OWNER/APPLICANT: DSI Properties, LLC (owner) & Nichols Buildings (agent)

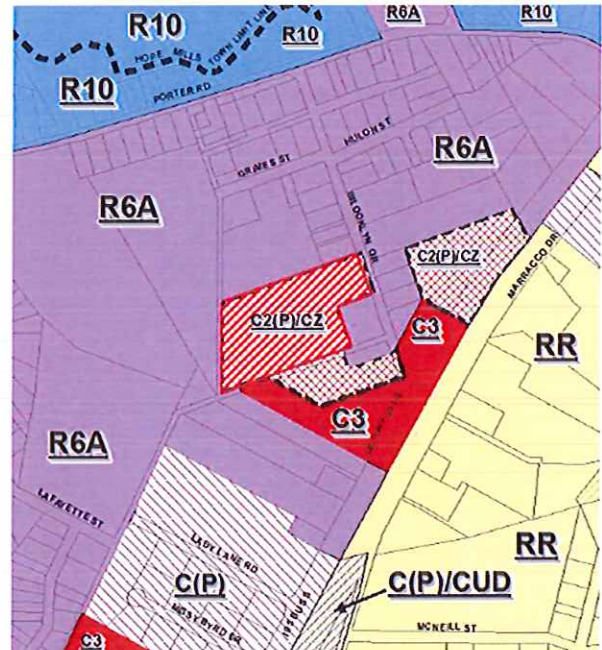
PROPERTY INFORMATION

ADDRESS/LOCATION: Southwest side of Brooklyn Circle, northeast of Lady Lane Road; more specifically portion of REID 0423280714000

SIZE: This request includes a portion of one parcel totaling approximately 8.42 acres. The property has 238' +/- of street frontage along Brooklyn Circle. The property is 789' +/- in depth.

EXISTING LAND USE: The property is currently developed as retail, office and trade contracting.

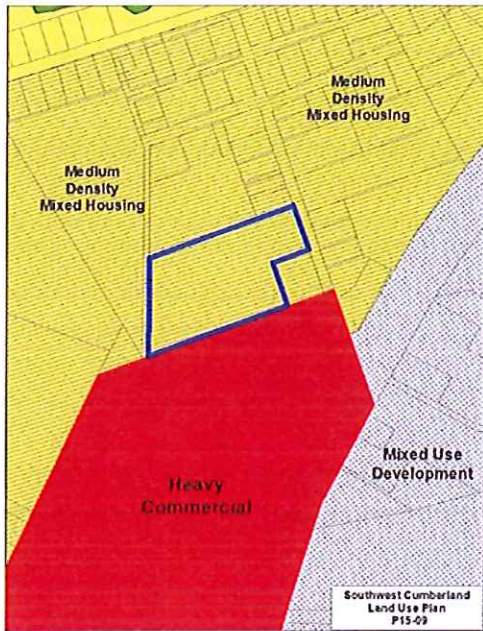
OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are some hydric soils located on most of the property. The property is located within the Hope Mills 10-year MIA.



DEVELOPMENT REVIEW: Parcel was platted on 4-19-17 in Plat Book 139, Page 77. The plat needs to be activated with Tax Mapping to reflect their approved road closure.

SURROUNDING LAND USE: There are residential uses in the surrounding area including manufactures homes and multi-family dwelling units. Motor vehicle repair, a commercial strip center, mini-warehousing and a NCDOT office are developed in the surrounding area as well.





ZONING HISTORY: This property was initially zoned R6A as part of the Area 7 initial zoning on February 3, 1977. The property was rezoned to C2(P)/CZ on May 18, 2015 (Case P15-09).

UTILITIES: This site is currently served by PWC water and private septic. Public sewer is not available. The property is not located within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, this parcel would be subject to C2(P) setbacks: Front yard: 50 foot, Side yard: 30 foot, Rear yard: 30 foot.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area as "Urban Fringe". The Southwest Cumberland Land Use Plan (2013) designates this parcel as "Medium Density Mixed Housing". The "Medium Density Mixed Housing" designation is defined as a density of greater than 6 but less than 15 units/acre and includes manufactured homes. However, strip commercial areas are also recommended in the plan along US 301 South. **Request is plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property is located on Brooklyn Circle which is identified as a local road in the Metropolitan Transportation Plan. There are no construction projects planned and the subject property will have no impact on the Transportation Improvement Plan. There is no traffic count for Brooklyn Circle, however the Average Daily Traffic Count (2018) on US 301/I-95 Bus is 16,000.

SCHOOLS CAP/ENROLL: Gallberry Farm Elementary: 900/978; South View Middle: 900/674; South View High: 1800/1527

ECONOMIC DEVELOPMENT: Comment requested via e-mail. None received

EMERGENCY SERVICES: The Cumberland County Fire Marshal's Office has reviewed the request and stated: 1. Ensure all fire department access requirements are met. 2. Submit building plans including scaled site plan for review of new buildings. 3. Ensure emergency responder radio coverage is achieved.

FAYETTEVILLE REGIONAL AIRPORT: This property is not located within the Airport Overlay District.

STAFF RECOMMENDATION

In Case P15-09, the Planning and Inspections staff **recommends approval** of the modification request to an approved C2(P)/CZ Conditional Zoning for retailing, office and trade contracting and find:

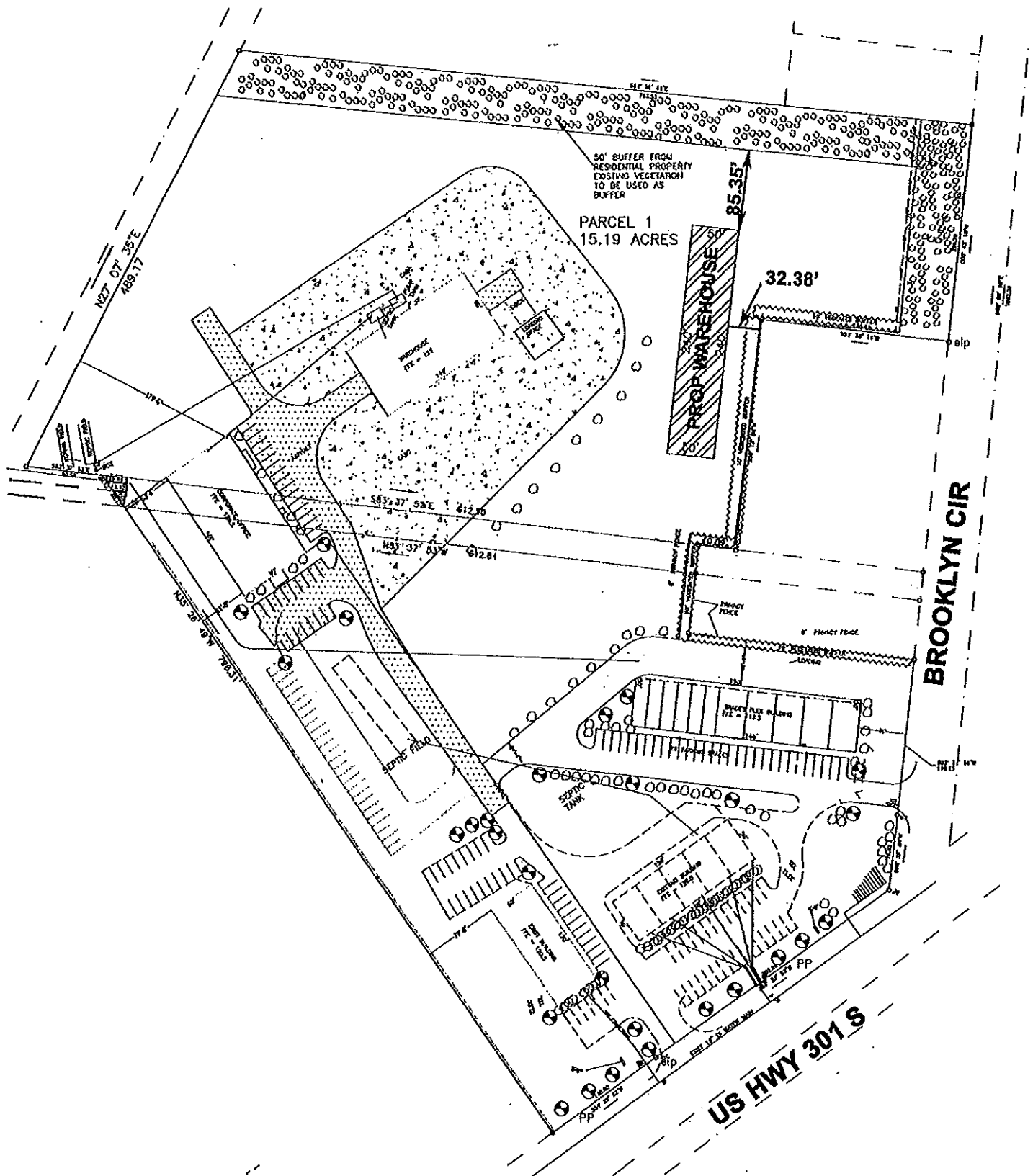
- A. The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.
- B. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: since the conditional zoning was originally approved, the parcel has been recombined with the area designated for "heavy commercial" by the land use plan and has been developed as a large planned commercial development;
- C. And this rezoning approval is reasonable and in the public interest as the modification does not create any detrimental impacts to their original approval and the request is in harmony with adjacent existing zoning and land uses.

Attachments:

Site Plan

Ordinance Related Conditions

Notification Mailing List



MODIFICATION OF CONDITIONAL ZONING

REQUEST: ADDITION OF A 50' X 240' STRUCTURE

CASE: P15-09 ACREAGE: 8.42 AC +/-

ZONED: C2(P)/CZ SCALE: NTS

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

C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions *For retailing, office and trace contracting*

Pre- Permit Related:

1. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties.

[Sec. 4-8(b)(6), County Code; originally under County jurisdiction relinquished to NCDEQ around 2000]

2. Prior to application for any permits, the recorded recombination plat (Plat Bk. 141, Pg. 123) must be activated and a new Parcel Identification Number (REID) assigned. Please contact Tax Mapping for questions related to the plat activation process. The developer must provide a copy of the recorded recombination plat and the new PIN to the Code Enforcement Officer at the time of submission for permits. [Sec. 4-8(b)(2), County Code]
3. Authorization for wastewater system construction required before other permits to be issued. The County Health Department must approve sewer plans. Lots not served by public sewer systems are required to be large enough and of such physical character to comply with the Health Department's minimum standards. Site and soil evaluations must be conducted on the property by the County Environmental Health Department. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (NCGS § 130A-338 & Sec. 2306 A, County Subdivision Ord. & Sec. 1101.E, County Zoning Ord.)

Permit-Related:

4. The owner/developer(s) of these lots must obtain detailed instructions from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street on provisions of the County Zoning Ordinance and any permits that may be required to place any structure within this development or to commence any use of the subject property. For additional information, the developer should contact a Code Enforcement Officer. (Chpt. 4, County Code & Sec. 107, County Zoning Ord.)
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application. [Sec. 4-8(b)(2), County Code]
6. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
7. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement. **Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property**

owner's expense. For additional information contact the Division 6 /District 2 office at the number listed on the bottom of this conditional approval.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, three copies of a revised site plan (and \$25.00/\$50.00 revision fee) must be submitted for staff review and approved prior to permit application.

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

[§ 136-18(29), NCGS]

8. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan (and \$25/\$50 revision fee) must be submitted and approved by Planning & Inspections.) (Sec. 2306.D, County Subdivision Ord. & 2006-246, NC Session Law)
9. Prior to application for the Certificate of Occupancy, connection to public water is required, the Public Works Commission (PWC) must approve water plans. A copy of the PWC approval must be provided to Code Enforcement. Contact Sam Powers with PWC for more information. (Section 2306 A, County Subdivision Ord. & Sec. 1403.I, County Zoning Ord.)

Note: Due to an existing agreement between the PWC and the Town of Hope Mills, an annexation petition most likely will be required prior to the PWC's review of any utility plans. Upon submission of the annexation petition the town most likely will require an engineer's sealed certification as to the guarantee of improvements. In addition, the town may require a bond or other financial guarantee as assurance that all required improvements will be properly installed.

10. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans. (Sec. 107.B, County Zoning Ord.; & Secs. 2005 & 2007 County Subdivision Ord.)

Site-Related:

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance, and County Zoning Ordinance for the C2(P)/CZ zoning district must be complied with, as applicable.
12. All corner lots and lots fronting more than one street must provide front yard setbacks from each street. (Secs. 1101.G & 1102.B, County Zoning Ord.)
13. This conditional approval is not approval of the permit for any new freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)
14. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
16. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Sec. 1102.O, County Zoning Ord.)

17. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

18. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
19. A solid buffer must be provided and maintained along the northern and eastern property lines where this tract/site abuts residentially zoned properties in accordance with the provisions of Section 1102 G, County Zoning Ordinance (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)

Note: In addition, the buffer along SR 1126 (Brooklyn Cir) must remain on site as shown on the site plan.

20. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
21. All required off-street parking spaces are required to be a minimum of 9' x 20'. A minimum of twenty off-street parking spaces is required for this development. (Art. XII, County Zoning Ord.)
22. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the trade contracting/general office area. (Art. XII, County Zoning Ord.)
23. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing. (Sec. 1403, County Zoning Ord.)
24. The Noise Regulations of the County Code Chpt. 9.5, Art. II are to be complied with.

Advisories:

25. The applicant is advised to consult an expert on wetlands before proceeding with any development.
26. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
27. The subject property is located within the Town of Hope Mills Municipal Influence Area (MIA) and the town has tree preservation standards in their ordinances. The developer is encouraged to retain as many of the existing trees as possible on this site.
28. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
29. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
30. The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
31. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

Other Relevant Conditions:

32. The owner/developer be aware that every deed created for a lot being served by an on-site sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

Thank you for doing business in Cumberland County!

If you need clarification of any conditions, please contact Jeff Barnhill at 910-678-7765 or Betty Lynd at 910-678-7605 with the Current Planning Section; otherwise, contact the appropriate agency at the contact numbers below.

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

Current Planning Manager:	Betty Lynd	678-7605	blynd@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Jeff Barnhill	678-7765	jbarhill@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Michael Naylor	321-6657	mnaylo@co.cumberland.nc.us
Fire Marshal – Emergency Services	Kevin Lowther	321-6625	klowther@co.cumberland.nc.us
	Gene Booth	678-7641	wbooth@co.cumberland.nc.us
County Health Department:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Ground Water Issues:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
PWC:	Sam Powers	223-4370	sam.powers@faypwc.com
Town of Hope Mills:		424-4555*	
Town Clerk:	Jane Starling		jstarling@townofhopemills.com
Planner – Zoning Permits	Chancer McLaughlin		cmclaughlin@townofhopemills.com
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Will Phipps	678-7666	wphipps@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tlbaker@ncdot.gov
N.C. Division of Water Quality:	Annette Lucas	(919) 807-6381	annette.lucas@ncdenr.gov

*This is the main telephone number for the Town of Hope Mills; once connected, the caller will be directed to the various departments.

NAME	ADDRESS	CITY
BETTS, MARK J;MARY H	4869 MARRACCO DR	HOPE MILLS, NC 28348
BRADDY, SHAUN	2316 MACKENZIE LYNN CT	FAYETTEVILLE, NC 28306
COLLINS, RICKEY F	4876 S US 301 HWY	HOPE MILLS, NC 28348
DAVIS, THOMAS WOODSON;DAVIS, BETTY	338 MCNEILL ST	HOPE MILLS, NC 28348
DSI PROPERTIES LLC	4830 S US 301 HWY	HOPE MILLS, NC 28348
FURCHES, JUNIOR A;HELEN, D TRUSTEES	4775 MARRACCO DR	HOPE MILLS, NC 28348
GALLAGHER, PAUL ALAN; KAREN FAYE	2915 KINSFISHER DR	FAYETTEVILLE, NC 28306
GORUM, PATRICIA LEE	419 BROOKLYN CIR	HOPE MILLS, NC 28348
HAMMOND, LARRY;PEGGIE, GENE OLIVER	404 BROOKLYN CIR	HOPE MILLS, NC 28348
HARDIN, FORREST B JR LIFE ESTATE	449 BROOKLYN CIR	HOPE MILLS, NC 28348
HARRIS, ROBERT S	4841 MARRACCO DR	HOPE MILLS, NC 28348
HARRIS, WILLIAM A; ELLA MAE	4867 MARRACCO DR	HOPE MILLS, NC 28348
HOG COUNTRY LLC	4772 S US 301 HWY	HOPE MILLS, NC 28348
LOCKLEAR, JOSHUA Q; TEJAY S	438 BROOKLYN CIR	HOPE MILLS, NC 28348
RENN, PATRICIA LEE	462 BROOKLYN CIR	HOPE MILLS, NC 28348
SMITH, BETTY L	PO BOX 1341	HOPE MILLS, NC 28348

1st mailing

P15-09FC

NAME	ADDRESS	CITY
AMERICAN DREAM PROP MANAGEMENT LLC	481 IVAN DR	FAYETTEVILLE, NC 28306
BALDING, JEFFREY V	1027 NORWOOD	KENT, OH 44240
BLACKWELL, VICKI ANN	249 EDGE GROVE CIR	ST PAULS, NC 28384
BRIDGES, JEROME A	259 HULON ST	HOPE MILLS, NC 28348
CORNEY, ELISHA TATE;LESLIE, WOLFE	4423 MARRACCO DR	HOPE MILLS, NC 28348
ELLIS, JEAN HAMP	2544 SW BROOKFIELD LN	SUPPLY, NC 28462
FTPA STORAGE HWY 301 LLC	215 E 58TH ST	NEW YORK, NY 10022
GRIMES, DAVID E JR	429 4TH ST	SUNSET BEACH, NC 28468
HOBBS, RITA B; MAYLON JR	251 HULON ST	HOPE MILLS, NC 28348
JONES, GREGORY LEONARD ASSIGNEE	62 FAIR VIEW	SANFORD, NC 27332
KDM SOLO 401K TRUST ROTH-F	PO BOX 58375	FAYETTEVILLE, NC 28305
LOCKLEAR, RONALD C; TALEZIA L	358 GRIMES ST	HOPE MILLS, NC 28348
PORTER, KENNETH W;EVELYN F	PO BOX 884	HOPE MILLS, NC 28348
POWELL, CAROL SUE	2585 WILMINGTON HWY	FAYETTEVILLE, SC 28306
ROMO, GUILLERMO ZERMENO	393 BROOKLYN CIR	HOPE MILLS, NC 28348
TOW, ERIC KYLE	104 GRIMES ST	HOPE MILLS, NC 28348
WARING, BETTY J	4566 MILL ST	HOPE MILLS, NC 28348
WILSON, JOSEPH; HAZEL	4133 KNOLLWOOD DR	FAYETTEVILLE, NC 28304
WRAY, WILLIAM C;ROSEMARY	2340 PICKENS PL	THE VILLAGES, FL 32162
YOUNG, ISAAC C;GORMAN, HEATHER	3325 BURBERRY DR	FAYETTEVILLE, NC 28306

P15-09 3rd



PLANNING AND INSPECTIONS DEPARTMENT

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16,
2020**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 11/5/2020

SUBJECT: CASE P20-37

BACKGROUND

Case P20-37: Rezoning of 7.05+/- acres from A1 Agricultural to C2(P) Planned Service and Retail District/CZ Conditional Zoning for requested C2(P) uses or to a more restrictive zoning district, located on the north side of SR 2242 (Braxton Road), west of Rossendale Drive, submitted by Ross L. Green (owner). **(Applicant has revised request to RR Rural Residential)**

RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Recommended approval of the rezoning request from A1 Agricultural to RR Rural Residential at the October 20, 2020 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

Staff Recommendation: In Case P20-37, the Planning & Inspections staff recommends approval of the rezoning request from A1 Agricultural to RR Rural Residential and find the request consistent with the South Central Land Use Plan (2015) which designates this area "Low Density Residential" as the desired density in this designation is 2.2 to 6 units/acre and the designation requires public water and sewer, of which the property has access. Approval of the request is also reasonable and in the public interest as the district requested is in harmony with surrounding zoning and existing land uses.

If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

In Case P20-37, I move to approve the rezoning request from A1 Agricultural to RR Rural Residential and

find the request consistent with the South Central Land Use Plan (2015) which designates this area “Low Density Residential” as the desired density in this designation is 2.2 to 6 units/acre and the designation requires public water and sewer, of which the property has access. Approval of the request is also reasonable and in the public interest as the district requested is in harmony with surrounding zoning and existing land uses.

If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

In Case P20-37, I move to deny the rezoning request from A1 Agricultural to RR Rural Residential and find the request (consistent/not consistent) with the South Central Land Use Plan (2015) which designates this area “Low Density Residential”. Denial of the request is also reasonable and in the public interest because _____.

ATTACHMENTS:

Description

Action Memo

Type

Backup Material

AMY H. CANNON
County Manager

TRACY JACKSON
Assistant County Manager



RAWLS HOWARD
Director

DAVID MOON
Deputy Director

Planning & Inspections Department

NOVEMBER 5, 2020

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P20-37: Rezoning of 7.05+/- acres from A1 Agricultural to C2(P) Planned Service and Retail District/CZ Conditional Zoning for requested C2(P) uses or to a more restrictive zoning district, located on the north side of SR 2242 (Braxton Road), west of Rossendale Drive, submitted by Ross L. Green (owner). (Applicant has revised request to RR Rural Residential)**

ACTION: Recommended approval of the rezoning from A1 Agricultural to RR Rural Residential at the October 20, 2020 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

MINUTES OF OCTOBER 20, 2020

In Case P20-37, the Planning & Inspections staff recommends approval of the rezoning request from A1 Agricultural to RR Rural Residential and find the request consistent with the South Central Land Use Plan (2015) which designates this area "Low Density Residential" as the desired density in this designation is 2.2 to 6 units/acre and the designation requires public water and sewer, of which the property has access. Approval of the request is also reasonable and in the public interest as the district requested is in harmony with surrounding zoning and existing land uses.

In Case P20-37, Mr. Crumpler made a motion, seconded by Mrs. McLaughlin to recommend approval of the rezoning request from A1 Agricultural to RR Rural Residential and find the request consistent with the South Central Land Use Plan (2015) which designates this area "Low Density Residential" as the desired density in this designation is 2.2 to 6 units/acre and the designation requires public water and sewer, of which the property has access. Approval of the request is also reasonable and in the public interest as the district requested is in harmony with surrounding zoning and existing land uses. Unanimous approval.

First Class and Record Owners' Mailed Notice Certification

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

EXPLANATION OF THE REQUEST

This is a request to rezone one parcel located on the north side of Braxton Road from A1 Agricultural to RR Rural Residential. This case was previously considered as a commercial conditional zoning, however after the Planning Board recommendation of denial, the Board of Commissioners deferred the case back to the Planning Board to allow the property owner to revise his request. This is a conventional zoning and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: Ross L. Green (owner)

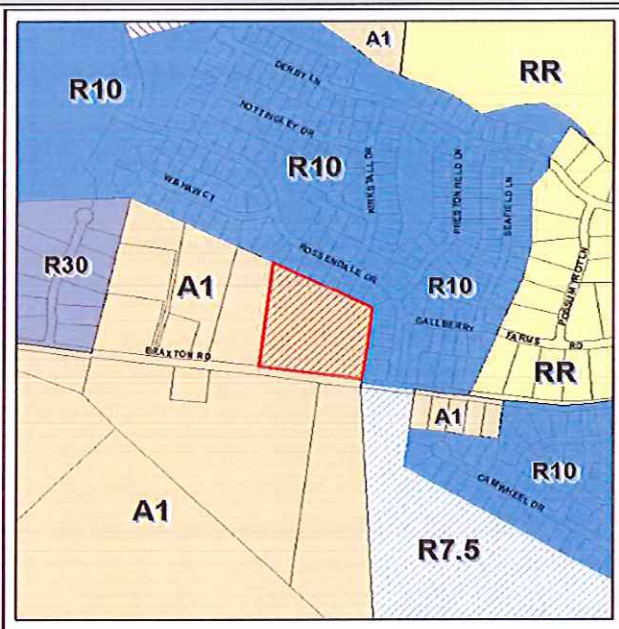
PROPERTY INFORMATION

ADDRESS/LOCATION: North side of SR 2242 (Braxton Road), west of Rossendale Drive; more specifically REID 0422189267000

SIZE: This request includes one parcel totaling approximately 7.05+/- acres. The property has approximately 576' of street frontage along Braxton Road. The property is 535'+/- in depth.

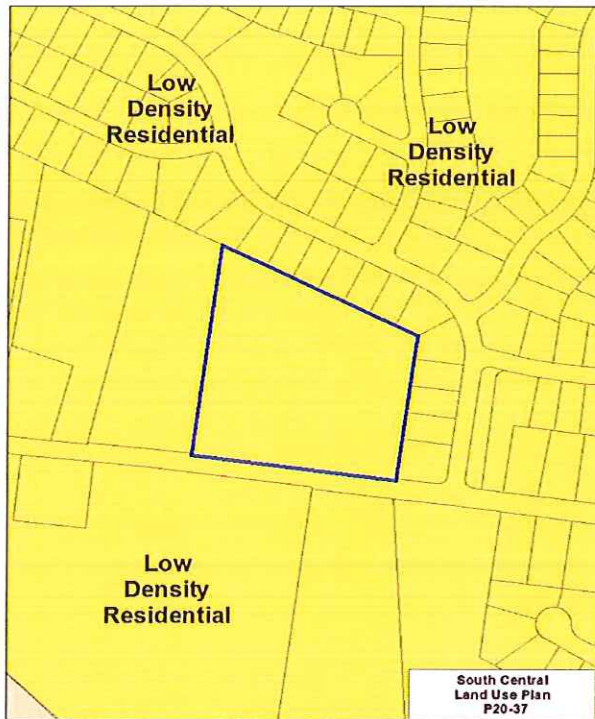
EXISTING LAND USE: The subject property is currently vacant.

OTHER SITE CHARACTERISTICS: The property is not within the watershed or Special Flood Hazard Area. There are hydric soils on the property.



SURROUNDING LAND USE: While the surrounding uses are primarily residential, the Gallberry Corn Maze operates across Braxton Road from the subject property.

DEVELOPMENT REVIEW: Parcel was platted on 8-6-07 in Plat Book 120, Page 127. A site plan or subdivision review will be required prior to development.



ZONING HISTORY: This property was initially zoned A1 as part of the Area 13 initial zoning on June 25, 1980.

UTILITIES: The site is served by PWC water and sewer. This site is not within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, this parcel would be subject to RR setbacks: Front yard: 30 foot, Side yard: 15 foot, Rear yard: 35 foot.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this parcel for "Urban & Urban Fringe". The South Central Land Use Plan (2015) designates this parcel for "Low Density Residential". "Low Density Residential" calls for a density of 2.2 to 6 units/acre and requires public water and sewer. **Request is compliant with the plan.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: Braxton road is identified as an existing thoroughfare in the 2045 Metropolitan Transportation Plan. There are no constructions/improvements planned and the property will have no impact on the Transportation Plan. The Average Daily Traffic Count (2016) on Braxton Road is 1,700.

SCHOOLS CAP/ENROLL: Gallberry Farm Elementary: 900/978, Gray's Creek Middle: 1200/1139 & Gray's Creek High: 1470/1467.

ECONOMIC DEVELOPMENT: Comment requested via e-mail. None received.

EMERGENCY SERVICES: This request has been reviewed by the Cumberland County Fire Marshal's Office. The County Fire Marshall stated that future development should ensure all fire department access requirements are met, ensure emergency responder radio coverage is achieved for all buildings & building plan submittals are required for review for all new and renovated buildings.

FAYETTEVILLE REGIONAL AIRPORT: This property is not located within the Airport Overlay District.

STAFF RECOMMENDATION

In Case P20-37, the Planning & Inspections staff **recommends approval** of the rezoning request from A1 Agricultural to RR Rural Residential and find the request consistent with the South Central Land Use Plan (2015) which designates this area "Low Density Residential" as the desired density in this designation is 2.2 to 6 units/acre and the designation requires public water and sewer, of which the property has access. Approval of the request is also reasonable and in the public interest as the district requested is in harmony with surrounding zoning and existing land uses.

Attachments:
Zoning Application
Notification Mailing List

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

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

1. Requested Rezoning from A1 to RR
2. Address of Property to be Rezoned: 6010 BRAXTON RD
3. Location of Property: 6010 BRAXTON RD
4. Parcel Identification Number (PIN #) of subject property: 0422-18-9267
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 7.05 Frontage: 558' Depth: 656'
6. Water Provider: Well: _____ PWC: ☒ Other (name): _____
7. Septage Provider: Septic Tank _____ PWC ☒
8. Deed Book 9411, Page(s) 702, 703, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: AGRICULTURAL
10. Proposed use(s) of the property: DAYCARE, MEDICAL OFFICE, ASSEMBLY/
COMMUNITY CENTER, OUTDOOR RECREATION
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No ☒ If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No ☒

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

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

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

ROSS L. GREEN
NAME OF OWNER(S) (PRINT OR TYPE)

1718 HOLLoman Dr. FAYETTEVILLE, N.C. 28312
ADDRESS OF OWNER(S)

910.391.8005 SAME
HOME TELEPHONE # WORK TELEPHONE #

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

RLGREEN8005@GMAIL.COM
E-MAIL

HOME TELEPHONE # WORK TELEPHONE #

Ross L. Green _____
SIGNATURE OF OWNER(S) SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

NAME	ADDRESS	CITY
BARKER GALLBERRY FARMS LLC	5556 BRAXTON RD	HOPE MILLS, NC 28348
BRAXTON VILLAGE COMMUNITY ASSOC INC	428 SWAN ISLAND CT	FAYETTEVILLE, NC 28311
BRAXTON VILLAGE DEVELOPERS LLC	2850 VILLAGE DR 205	FAYETTEVILLE, NC 28304
FLOWERS, TYRONE; CHARNELLE D THOMAS	524 ROSSENDALE DR	HOPE MILLS, NC 28348
GARCIA, CRISTY D;GARCIA, MANUEL M	520 ROSSENDALE DR	HOPE MILLS, NC 28348
HARDIN, LEWIS T	6054 BRAXTON RD	HOPE MILLS, NC 28348
JORDAN, RICCO L	424 ROSSENDALE DR	HOPE MILLS, NC 28348
LIPSCOMB, CLAUDE B II	408 ROSSENDALE DR	HOPE MILLS, NC 28348
LOPEZ, REGINALD O;LOPEZ, MARLENE M	420 ROSSENDALE DR	HOPE MILLS, NC 28348
MATTHEWS, JEROME M;MATTHEWS, KIMBERLY	528 ROSSENDALE DR	HOPE MILLS, NC 28348
MCGUIRE, MATTHEW;MCGUIRE, DANYEL	508 ROSSENDALE DR	HOPE MILLS, NC 28348
MCLEAN, MARCUS G	6141 BRAXTON RD	HOPE MILLS, NC 28348
MOORE, RICARDO;MOORE, KIMBERLY W	416 ROSSENDALE DR	HOPE MILLS, NC 28348
ROMERO, LEONARDO;ROMERO, LAURA C CRUZ	504 ROSSENDALE DR	HOPE MILLS, NC 28348
SAINT-JUSTE, EDLER;SAINT-JUSTE, LETOSHA D	412 ROSSENDALE DR	HOPE MILLS, NC 28348
SELLARS-POMPEY, RAKIEMA	UNIT 15244 BOX 796	APO, AP 96205
WILLIAMS, SHERRI S TRUSTEE	702 KINLOCH DR	WINSTON-SALEM, NC 27107

NAME	ADDRESS	CITY
ALLEN, JOSHUA L	5650 PRESTONFIELD LN	HOPE MILLS, NC 28348
ARGENT, MICHAEL ROY JR;ARGENT	333 WISHAW CT	HOPE MILLS, NC 28348
BALDWIN, ANNIE	5946 BRAXTON RD	HOPE MILLS, NC 28348
BRAXTON VILLAGE COMMUNITY A	325 BLOUNT ST	FAYETTEVILLE, NC 28305
BRAXTON VILLAGE COMMUNITY A	4700 HOMEWOOD CT 380	RALEIGH, NC 27609
BUSH, MEREDITH;BUSH, WILLIAM	310 OTLEY CT	HOPE MILLS, NC 28348
BUSTOS, RICARDO;BUSTOS, MARC	5644 SEAFIELD LN	HOPE MILLS, NC 28348
CLARK, CASEY R	6036 GALLBERRY FARM RD	HOPE MILLS, NC 28348
COLEMAN, GARLAND T.	325 WISHAW CT	HOPE MILLS, NC 28348
DAVIS, PAUL	4793 S NC 87 HWY	FAYETTEVILLE, NC 28306
DEES, DANIEL	417 ROSSENDALE DR	HOPE MILLS, NC 28348
DELANO, RYAN LEE;DELANO, ASHL	5660 SEAFIELD LN	HOPE MILLS, NC 28348
DERRICO, MARK;DERRICO, NICOLE	320 WISHAW CT	HOPE MILLS, NC 28348
DINE, MATTHEW J;DINE, SARAH E	301 OTLEY CT	HOPE MILLS, NC 28348
DINGLE, ANNIE MCDUFFIE	5946 BRAXTON RD	HOPE MILLS, NC 28348
DRAKE, RACHEL D	1321 THISTLE GOLD DR	HOPE MILLS, NC 28348
DRIVER, NOELLE LEE;DRIVER, CLAR	5629 KIRKSTALL DR	HOPE MILLS, NC 28348
ELFORD-WILEY, KIMBERLY SUSAN	1516 GURLEY LN 9102	WACO, TX 76706
EUBANKS, BRANDON	5657 PRESTONFIELD LN	HOPE MILLS, NC 28348
FITCH, MAT;FITCH, ROBIN	404 ROSSENDALE DR	HOPE MILLS, NC 28348
FRAZIER, JOHN M	5653 PRESTONFIELD LN	HOPE MILLS, NC 28348
FULMORE, MARY GADDY	5945 BRAXTON RD	HOPE MILLS, NC 28348
FULMORE, MARY V;JONATHAN, .	5925 BRAXTON RD	HOPE MILLS, NC 28348
GARRETT, JAMES R;GARRETT, ASH	5642 PRESTON FIELD LN	HOPE MILLS, NC 28348
GODFREY, RYAN O;GODFREY, LA T	5645 KIRKSTALL DR	HOPE MILLS, NC 28348
GONZALEZ-PEREZ, OMMANNAN;G	302 OTLEY CT	HOPE MILLS, NC 28348
GRAY, TREVOR TALMADGE;GRAY,	1643 TARA LN	EVANS, GA 30809
GREEN, ROSS L	PO BOX 25482	FAYETTEVILLE, NC 28314
GRIFFIN, THOMAS G.;GRIFFIN, JEN	324 WISHAW CT	HOPE MILLS, NC 28348
GUERRERO, FRANCISCO A CASTILL	6032 GALLBERRY FARMS RD	HOPE MILLS, NC 28348
HALL, JAMES RAY JR.	705 CAMWHEEL DR	HOPE MILLS, NC 28348
HERNANDEZ, DAVID V;HERNANDE	323 ROSSENDALE DR	HOPE MILLS, NC 28348
HOGGE, SCOTT RYAN;HOGGE, SAN	314 OTLEY CT	HOPE MILLS, NC 28348
JOHNSON, ANN;JOHNSON, HAROL	5656 SEAFIELD LN	HOPE MILLS, NC 28348
JONES, ROBERT	5633 KIRKSTALL DR	HOPE MILLS, NC 28348
KELLIHER, GERALD;KELLIHER, KIME	320 ROSSENDALE DR	HOPE MILLS, NC 28348
LAWSON, DONNELL Q;LAWSON, SI	332 WISHAW CT	HOPE MILLS, NC 28348
LIM, ALVIN F;LIM, PRECY NOVA C	5649 KIRKSTALL DR	HOPE MILLS, NC 28348
LOCKHART HOMES LLC	1162 SHELLBANK LN	LELAND, NC 28451
LUSIGNAN, JOSHUA L;LUSIGNAN, K	5649 PRESTONFIELD LN	HOPE MILLS, NC 28348
MACKEY, TERRANCE G JR;MACKEY	324 ROSSENDALE DR	HOPE MILLS, NC 28348
MATSUKI, CORRIE L;MATSUKI, ALH	6029 GALLBERRY FARMS RD	HOPE MILLS, NC 28348
MCARTHUR, DONOVAN EARL;MEL	5638 PRESTONFIELD LN	HOPE MILLS, NC 28348
MCGAUGHEY, CHRISTOPHER M;M	329 WISHAW CT	HOPE MILLS, NC 28348
MCLEAN, DREW CLAYTON	5025 ANCILLA ST	HOPE MILLS, NC 28348
MCLEAN, MARILYN SMITH RS;MCL	6089 BRAXTON RD	HOPE MILLS, NC 28348

MIECHKOWSKI, RONALD W;MIECZI 700 CAMWHEEL DR	HOPE MILLS, NC 28348
MOHAMMED, SANNNI KWABENA;IV 6024 GALLBERRY FARMS	HOPE MILLS, NC 28348
MOORE, AARON VAUGHN;MOORE 305 OTLEY CT	HOPE MILLS, NC 28348
NORRIS, WENDELL G II;NORRIS, YA 316 ROSSENDALE DR	HOPE MILLS, NC 28348
OBRIEN, IAN;OBRIEN, TIANNA 5641 KIRKSTALL DR	HOPE MILLS, NC 28348
PARADES, LUIS C 5645 PRESTONFIELD LN	HOPE MILLS, NC 28348
PARKER, JAMES EUGENE JR;PARKE 309 OTLEY CT	HOPE MILLS, NC 28348
RASHDAN, SAID S 2119 POINTVIEW DR	TAMPA, FL 33611
RESCUE REHAB RESALE, LLC PO BOX 25640	FAYETTEVILLE, NC 28314
RHODA, RICKIE L;RHODA, TAMARR 306 OTLEY CT	HOPE MILLS, NC 28348
RIVERA, NELSON I;RIVERA, DENISE 413 ROSSENDALE DR	HOPE MILLS, NC 28348
ROBINSON, KATHY;ROBINSON, JOE 6025 GALLBERRY FARMS RD	HOPE MILLS, NC 28348
ROSENDO, LIZBETH IZAMAR BARRI 5634 PRESTONFIELD LN	HOPE MILLS, NC 28348
SANDERS, TIFFANY M 6040 GALLBERRY FARMS RD	HOPE MILLS, NC 28348
SANTIAGO-ORTIZ, DAISY M;MARC 5648 SEAFIELD LN	HOPE MILLS, NC 28348
SCOTT, NATHAN LEE;SCOTT, LESLIE 337 WISHAW CT	HOPE MILLS, NC 28348
SMELSER, ERIC M;SMELSER, YVETT 425 ROSSENDALE DR	HOPE MILLS, NC 28348
SPEECE, GEORGE;SPEECE, HEATHE 328 WISHAW CT	HOPE MILLS, NC 28348
SZASZ, DEBORAH MARIE 321 WISHAW CT	HOPE MILLS, NC 28348
TINNIN, LEGRANDE BRANDON 5652 SEAFIELD LN	HOPE MILLS, NC 28348
VALDES, JORGE E;VALDES, YAILY 6028 GALLBERRY FARMS RD	HOPE MILLS, NC 28348
WATKINS, BARRY A;WATKINS, MAI 5637 KIRKSTALL DR	HOPE MILLS, NC 28348
WHITE, REGINALD E;WHITE, MICHI 513 ROSSENDALE DR	HOPE MILLS, NC 28348
WILCOX, NICKOLAS VALENTINE 336 WISHAW CT	HOPE MILLS, NC 28348
ZEIGLER, KRISTEN M;ZEIGLER, LARI 316 WISHAW CT	HOPE MILLS, NC 28348



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 11/5/2020

SUBJECT: CASE P20-48

BACKGROUND

Case P20-48: Rezoning of 13.70+/- acres from R40 Residential to R40A Residential or to a more restrictive zoning district, located at 1419 H Bullard Road, submitted by Elijah Lovejoy on behalf of The Church of the Apostles Resurrection Church (owner).

RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Recommended approval of the rezoning request from R40 Residential to R40A Residential at the October 20, 2020 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

Staff Recommendation: In Case P20-48, the Planning & Inspections staff recommends approval of the rezoning request from R40 Residential to R40A Residential and find: a) The approval is an amendment to the adopted current South Central Land Use Plan (2015) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the designation of "Low Density Residential" is not well supported with the lack of public utilities and the currently approved density will not change due to this request; c) And this rezoning approval is reasonable and in the public interest as the requested district is in harmony with existing surrounding zoning and permitted land uses.

If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

In Case P20-48, I move to approve the rezoning request from R40 Residential to R40A Residential and find:

A. The approval is an amendment to the adopted current South Central Land Use Plan (2015) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.

B. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the designation of “Low Density Residential” is not well supported with the lack of public utilities and the currently approved density will not change due to this request.

C. And this rezoning approval is reasonable and in the public interest as the requested district is in harmony with existing surrounding zoning and permitted land uses.

If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

In Case P20-48, I move to deny the rezoning request from R40 Residential to R40A Residential and find the request (consistent/not consistent) with the South Central Land Use Plan (2015) which designates this property as “Low Density Residential”. Denial of the request is also reasonable and in the public interest because _____.

ATTACHMENTS:

Description

Action Memo

Type

Backup Material

AMY H. CANNON
County Manager



RAWLS HOWARD
Director

TRACY JACKSON
Assistant County Manager



DAVID MOON
Deputy Director

◆
Planning & Inspections Department

NOVEMBER 5, 2020

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P20-48:** Rezoning of 13.70+/- acres from R40 Residential to R40A Residential or to a more restrictive zoning district, located at 1419 H Bullard Road, submitted by Elijah Lovejoy on behalf of The Church of the Apostles Resurrection Church (owner).

ACTION: Recommended approval of the rezoning from R40 Residential to R40A Residential at the October 20, 2020 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

MINUTES OF OCTOBER 20, 2020

In Case P20-48, the Planning & Inspections staff recommends approval of the rezoning request from R40 Residential to R40A Residential and find: a) The approval is an amendment to the adopted current South Central Land Use Plan (2015) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the designation of "Low Density Residential" is not well supported with the lack of public utilities and the currently approved density will not change due to this request; c) And this rezoning approval is reasonable and in the public interest as the requested district is in harmony with existing surrounding zoning and permitted land uses.

In Case P20-48, Mr. Crumpler made a motion, seconded by Mrs. McLaughlin to recommend approval of the rezoning request from R40 Residential to R40A Residential and find: a) The approval is an amendment to the adopted current South Central Land Use Plan (2015) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the designation of "Low Density Residential" is not well supported with the lack of public utilities and the currently approved density will not change due to this request; c) And this rezoning approval is reasonable and in the public interest as the requested district is in harmony with existing surrounding zoning and permitted land uses. Unanimous approval.

First Class and Record Owners' Mailed Notice Certification

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

Cumberland County
PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # P20-48
Planning Board Meeting: October 20, 2020



Jurisdiction: Cumberland County

EXPLANATION OF THE REQUEST

This is a request to rezone one parcel located at the northern corner of the intersection of Chicken Foot Road & H Bullard Road from R40 Residential to R40A Residential. This request would allow the property owner to utilize a manufactured home for pastor's housing. This is a conventional rezoning and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: Elijah Lovejoy on behalf of The Church of the Apostles Resurrection Church (owner)

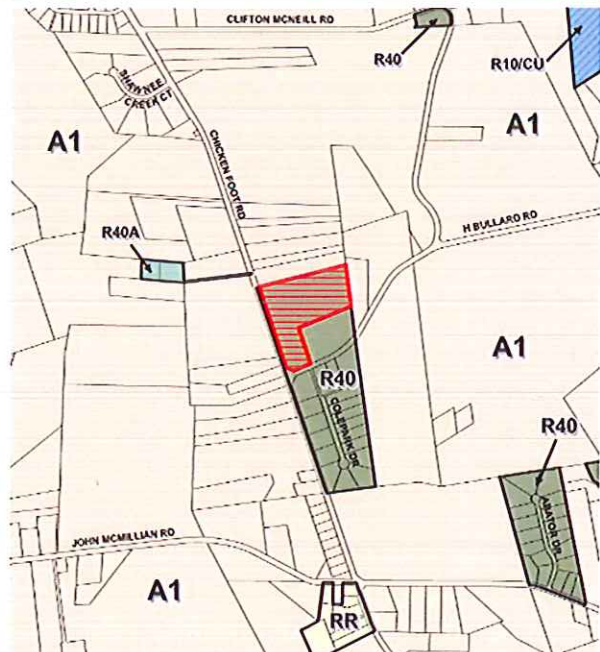
PROPERTY INFORMATION

ADDRESS/LOCATION: 1419 H Bullard Rd; more specifically REID 0422905829000

SIZE: This request includes one parcel totaling approximately 13.70 acres. The property has 939' +/- of street frontage along Chicken Foot Rd and 202' +/- of frontage along H Bullard Rd. The property is 942' +/- in depth.

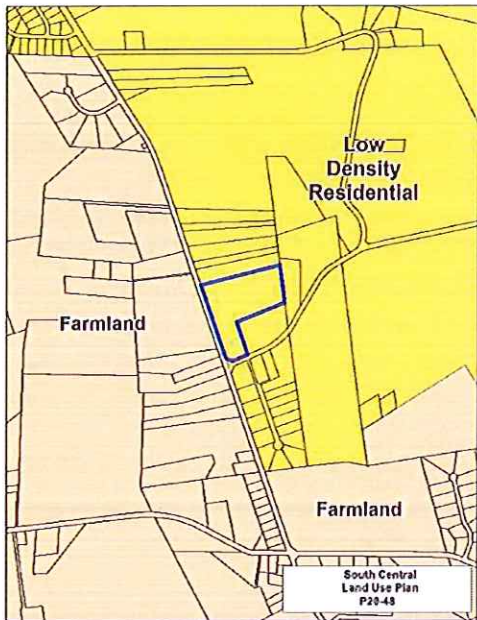
EXISTING LAND USE: The property is currently developed as a religious worship facility.

OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are some hydric soils located on the northeastern corner of the property.



DEVELOPMENT REVIEW: Parcel created by deed on 12-31-07 but is greater than 10 acres. A revised site plan for the religious worship facility (Case 07-184) showing the parsonage will be required.

SURROUNDING LAND USE: There are residential uses in the surrounding area including manufactured homes. There are also several religious worship facilities developed across Chicken Foot Road from the subject property.



ZONING HISTORY: This property was initially zoned A1 as part of the Area 13 initial zoning on June 25, 1980. The property was rezoned to R40 as part of Case P93-95 on 9-28-1993.

UTILITIES: This site is currently served by private well and septic. Public water and sewer are not available. The property is not located within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, this parcel would be subject to R40A setbacks: Front yard: 30 foot, Side yard: 15 foot, Rear yard: 35 foot.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area as "Urban". The South Central Land Use Plan (2015) designates this parcel as "Low Density Residential". The "Low Density Residential" designation allows a residential density of 2.2 to 6 units/acre and desires stick-built homes. Public or community water and sewer is required. **Request is not plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property is located on H Bullard Road which is identified as an existing thoroughfare in the Metropolitan Transportation Plan. There are no construction projects planned and the case will have no impact on the Transportation Improvement Plan. The Average Daily Traffic Count (2016) on H Bullard Road is 980. The Average Daily Traffic Count (2018) on Chicken Foot Road is 6,200.

SCHOOLS CAP/ENROLL: Gallberry Farm Elementary: 900/978; Gray's Creek Middle: 1200/1139; Gray's Creek High: 1470/1467

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

EMERGENCY SERVICES: The Cumberland County Fire Marshal's Office has reviewed the request and stated: 1. Ensure all fire department access requirements are met. 2. Submit building plans to include to-scale site plan for review of new buildings. 3. Ensure emergency responder radio coverage is achieved.

FAYETTEVILLE REGIONAL AIRPORT: This property is not located within the Airport Overlay District.

STAFF RECOMMENDATION

In Case P20-48, the Planning & Inspections staff **recommends approval** of the rezoning request from R40 Residential to R40A Residential and find:

- A. The approval is an amendment to the adopted current South Central Land Use Plan (2015) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.
- B. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the designation of "Low Density Residential" is not well supported with the lack of public utilities and the currently approved density will not change due to this request.
- C. And this rezoning approval is reasonable and in the public interest as the requested district is in harmony with existing surrounding zoning and permitted land uses.

Attachments:
Zoning Application
Notification Mailing List

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

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

1. Requested Rezoning from R40 to R40A
2. Address of Property to be Rezoned: 1419 H. Bullard Rd.
3. Location of Property: 1419 H. Bullard Rd.
4. Parcel Identification Number (PIN #) of subject property: 0422-90-5829
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 13.7 Frontage: 1030 Depth: 990
6. Water Provider: Well: ☒ PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank ☒ PWC _____
8. Deed Book 7778, Page(s) 0624, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Church
10. Proposed use(s) of the property: The property will continue to be a church. We simply want to add a double-wide mobile home for pastor's housing.
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No ☒ If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No ☒

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

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

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

Elijah Lovejoy for The Church of the Apostles
(DBA) Resurrection Church
NAME OF OWNER(S) (PRINT OR TYPE)

2608 Indian Wells Ct. / Hope Mills, NC 28348
ADDRESS OF OWNER(S)

336-207-5216 ← same
HOME TELEPHONE # WORK TELEPHONE #

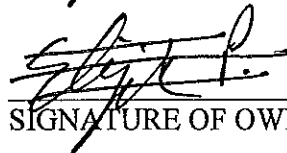
Elijah Lovejoy
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

2608 Indian Wells Ct. / Hope Mills, NC 28348
ADDRESS OF AGENT, ATTORNEY, APPLICANT

elijah@resurrectionpeople.com
E-MAIL

336-207-5216 ← same
HOME TELEPHONE # WORK TELEPHONE #

Elijah P. Lovejoy Elijah P. Lovejoy
SIGNATURE OF OWNER(S) SIGNATURE OF AGENT, ATTORNEY OR APPLICANT


SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

NAME	ADDRESS	CITY
AVERA, AUSTIN WADE; PARIS SANTANA	6536 COLEPARK DR	HOPE MILLS, NC 28348
BARKER GALLBERRY FARMS LLC	5556 BRAXTON RD	HOPE MILLS, NC 28348
CHAVIS, IRA R.; RETHA B.	2150 CHICKEN FOOT RD	HOPE MILLS, NC 28348
CHAVIS, SUSIE LIFE ESTATE	2162 CHICKEN FOOT RD	HOPE MILLS, NC 28348
CHAVIS, WILLIAM R	5705 CEDAR BROOK CIR	FAYETTEVILLE, NC 28304
CHURCH OF THE APOSTLES	PO BOX 256	HOPE MILLS, NC 28348
CHURCH, JACK D;SYLVIA T LIFE ESTATE	2406 MAYWOOD DR SW	LENOIR, NC 28645
JONES, CHARLES A; DEMORRIS M	500 ALLEGHANY RD	FAYETTEVILLE, NC 28304
MCDOWELL, LOIS YARA	6521 COLEPARK DR	HOPE MILLS, NC 28348
WEBB, JAMES L; JASMIN A	8215 PASQUEL FLOWER PL	LORTON, VA 22079

NAME	ADDRESS	CITY
ATKINS, WILLIAM J P;; BILLY JO	1908 CHICKEN FOOT RD	HOPE MILLS, NC 28348
AVERA, AUSTIN WADE;PARIS SANTANA	6536 COLEPARK DR	HOPE MILLS, NC 28348
BECK, JOHN G; STACY K	1959 CHICKEN FOOT RD	HOPE MILLS, NC 28348
BYRD, GLADYS L	220-20 138 AVE	LAURELTON, NY 11413
CANADY ACRES LLC	102 GUYMON CT	MORRISVILLE, NC 27580
CHAVIS, LORENZA	2308 CHICKEN FOOT RD	HOPE MILLS, NC 28348
FIRST UNITED BAPT CH GRAYS CK	2002 CHICKEN FOOT RD	HOPE MILLS, NC 28348
FULMORE, JONATHAN LERONE; MELODY NICOLE	6550 COLEPARK DR	HOPE MILLS, NC 28348
HOLLAND, PATRICK H; CRYSTAL C	4632 VIRSALLI LP	HOPE MILLS, NC 28348
LOCKLEAR, DEBRA	3529 SEAWELL ST	FAYETTEVILLE, NC 28306
MCNEILL FARM I LLC	1471 CLIFTON MCNEILL RD	HOPE MILLS, NC 28348
PEETS, JOSEPH MICHAEL;JESSICA JEAN	6580 COLEPARK DR	FAYETTEVILLE, NC 28306
PHILLIPS, SCOTT ALLEN;MARIANA	6540 COLEPARK DR	HOPE MILLS, NC 28348
STUDEBAKER, BETH G	6560 COLEPARK DR	HOPE MILLS, NC 28348
TYSON, VANCE U JR	4925 S NC 87 HWY	FAYETTEVILLE, NC 28306
WADDELL, CORNELIUS; CATHY	1853 GEIBERGER DR	FAYETTEVILLE, NC 28303
WORLD FAITH CLINIC CHURCH	2250 CHICKEN FOOT RD	HOPE MILLS, NC 28348



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 11/5/2020

SUBJECT: CASE P20-49

BACKGROUND

Case P20-49: Rezoning of 2.50+/- acres from A1 Agricultural to C(P) Planned Commercial or to a more restrictive zoning district, located on the south side of SR 1814 (J T Matthews Road), east of Interstate 95, submitted by Roger & Jeanette Cornett on behalf of Cornett Properties, LLC (owner).

RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Recommended approval of the rezoning request from A1 Agricultural to C(P) Planned Commercial at the October 20, 2020 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

Staff Recommendation: In Case P20-49, the Planning and Inspections staff recommends approval of the rezoning from A1 Agricultural to C(P) Planned Commercial and find: a) The approval is an amendment to the adopted current Wade Land Use Plan (2004) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel generally meets the location criteria for "heavy commercial" as defined in the Land Use Policies Plan (2009) and would not be suitable for additional residential development due to the I-95 widening project; c) And this rezoning approval is reasonable and in the public interest as the district requested is in harmony with existing adjacent land uses and zoning near an I-95 interchange.

If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

In Case P20-49, I move to approve the rezoning from A1 Agricultural to C(P) Planned Commercial and find:
A . The approval is an amendment to the adopted current Wade Land Use Plan (2004) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.

B . The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel generally meets the location criteria for “heavy commercial” as defined in the Land Use Policies Plan (2009) and would not be suitable for additional residential development due to the I-95 widening project;

C . And this rezoning approval is reasonable and in the public interest as the district requested is in harmony with existing adjacent land uses and zoning near an I-95 interchange.

If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

In Case P20-49, I move to deny the rezoning from A1 Agricultural to C(P) Planned Commercial and find the request (consistent/not consistent) with the Wade Land Use Plan (2004) which designates this parcel as “One Acre Residential”. Denial of the rezoning is also reasonable and in the public interest because _____.

ATTACHMENTS:

Description

Action Memo

Type

Backup Material

AMY H. CANNON
County Manager

TRACY JACKSON
Assistant County Manager



RAWLS HOWARD
Director

DAVID MOON
Deputy Director

Planning & Inspections Department

NOVEMBER 5, 2020

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P20-49:** Rezoning of 2.50+/- acres from A1 Agricultural to C(P) Planned Commercial or to a more restrictive zoning district, located on the south side of SR 1814 (J T Matthews Road), east of Interstate 95, submitted by Roger & Jeanette Cornett on behalf of Cornett Properties, LLC (owner).

ACTION: Recommended approval of the rezoning from A1 Agricultural to C(P) Planned Commercial at the October 20, 2020 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

MINUTES OF OCTOBER 20, 2020

In Case P20-49, the Planning and Inspections staff recommends approval of the rezoning from A1 Agricultural to C(P) Planned Commercial and find: a) The approval is an amendment to the adopted current Wade Land Use Plan (2004) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel generally meets the location criteria for "heavy commercial" as defined in the Land Use Policies Plan (2009) and would not be suitable for additional residential development due to the I-95 widening project; c) And this rezoning approval is reasonable and in the public interest as the district requested is in harmony with existing adjacent land uses and zoning near an I-95 interchange.

In Case P20-49, Mr. Crumpler made a motion, seconded by Mrs. McLaughlin to recommend approval of the rezoning from A1 Agricultural to C(P) Planned Commercial and find: a) The approval is an amendment to the adopted current Wade Land Use Plan (2004) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel generally meets the location criteria for "heavy commercial" as defined in the Land Use Policies Plan (2009) and would not be suitable for additional residential development due to the I-95 widening project; c) And this rezoning approval is reasonable and in the public interest as the district requested is in harmony with existing adjacent land uses and zoning near an I-95 interchange. Unanimous approval.

First Class and Record Owners' Mailed Notice Certification

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

EXPLANATION OF THE REQUEST

This is a request to rezone a portion of a parcel located on the southern side of JT Matthews Road from A1 Agricultural to C(P) Planned Commercial. This request was initiated due to the adjacent business losing property as part of the I-95 widening project. The property owner would like to combine this property with their existing business to meet their parking requirements. This is a conventional rezoning and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: Roger & Jeanette Cornett on behalf of Cornett Properties, LLC (owner)

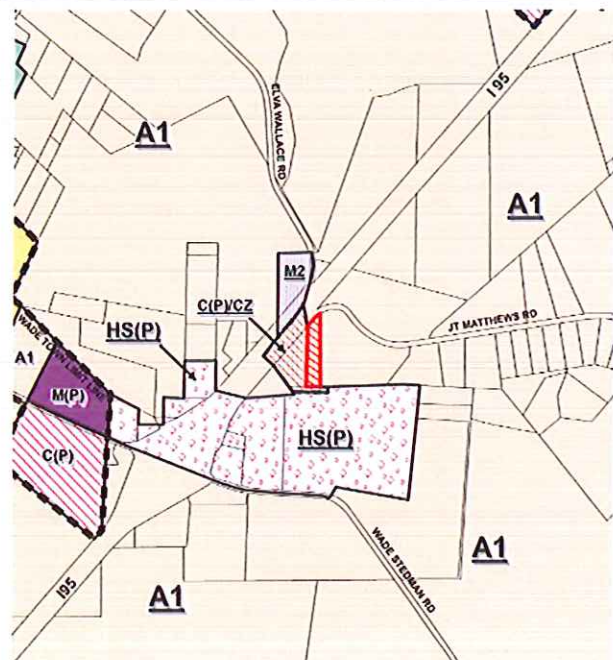
PROPERTY INFORMATION

ADDRESS/LOCATION: South side of JT Matthews Road, east of I-95; more specifically portion of REID 0581740426000

SIZE: This request includes a portion of a parcel totaling approximately 2.50 acres. The portion has 193' +/- of street frontage along JT Matthews Rd. The property is 797' +/- in depth.

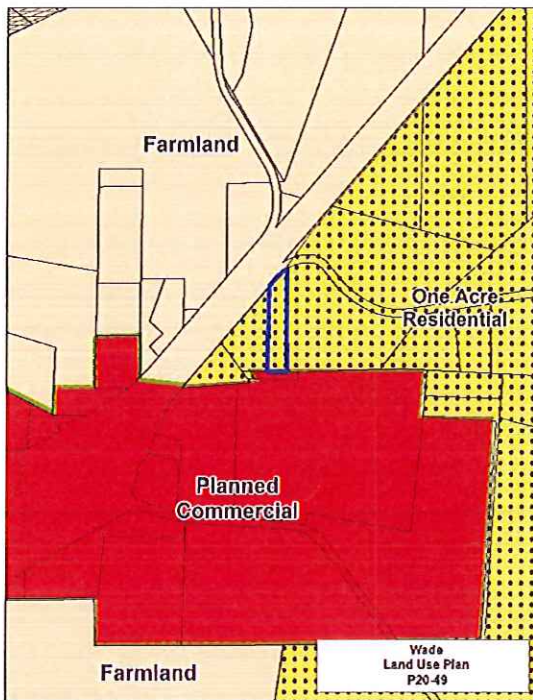
EXISTING LAND USE: The property is currently farmland.

OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are some hydric and hydric inclusion soils located on the property. The property is in Wade's MIA.



DEVELOPMENT REVIEW: Prior to development a recombination and site plan approval will be required.

SURROUNDING LAND USE: There are residential uses and vacant commercial properties in the surrounding area. A trade contractor is developed on the adjacent property.



ZONING HISTORY: This property was initially zoned A1 as part of the Area 14 initial zoning on November 25, 1980.

UTILITIES: This site is currently served by ESD water and private septic. Public sewer is not available. The property is not located within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, this parcel would be subject to C(P) setbacks: Front yard: 50 foot, Side yard: 30 foot, Rear yard: 30 foot.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area as "Community Growth Areas". The Wade Land Use Plan (2004) designates this parcel as "One Acre Residential". **Request is not plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property is located outside of FAMPO boundaries; however, the subject property is located off I-95, which is identified as a widening project from Exit 56 to Exit 81, TIP number I-5986. Right-of-way and construction are already underway as of September 2019. State funding delays may apply. While there is no count listed for JT Matthews Road, the Average Daily Traffic Count (2016) on Percy Strickland Road is 220.

SCHOOLS CAP/ENROLL: District 7 Elementary: 300/254; Mac Williams Middle: 1270/1189; Cape Fear High: 1425/1427

ECONOMIC DEVELOPMENT: Comment request via e-mail. None received.

EMERGENCY SERVICES: The Cumberland County Fire Marshal's Office has reviewed the request and stated the developer should ensure fire department access to building is maintained.

FAYETTEVILLE REGIONAL AIRPORT: This property is not located within the Airport Overlay District.

STAFF RECOMMENDATION

In Case P20-49, the Planning and Inspections staff **recommends approval** of the rezoning from A1 Agricultural to C(P) Planned Commercial and find:

- A. The approval is an amendment to the adopted current Wade Land Use Plan (2004) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.
- B. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel generally meets the location criteria for "heavy commercial" as defined in the Land Use Policies Plan (2009) and would not be suitable for additional residential development due to the I-95 widening project;
- C. And this rezoning approval is reasonable and in the public interest as the district requested is in harmony with existing adjacent land uses and zoning near an I-95 interchange.

Attachments:
Zoning Application
Notification Mailing List

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

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

1. Requested Rezoning from A1 to CP
2. Address of Property to be Rezoned: 0 JT Matthews Road
3. Location of Property: J T Matthews Road
Godwin, NC
4. Parcel Identification Number (PIN #) of subject property: 0581-74-0426
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 2.5 Frontage: 130.59 Depth: 665.56
6. Water Provider: Well: X PWC: Other (name):
7. Septage Provider: Septic Tank X PWC
8. Deed Book 10418, Page(s) 457-463, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Farm land - Agriculture
10. Proposed use(s) of the property: Combine with existing property
owned by Cornett Properties, LLC - to be used as parking
11. Do you own any property adjacent to or across the street from this property?
Yes ✓ No If yes, where? 4838 JT Matthews
12. Has a violation been issued on this property? Yes No ✓

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

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

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

Cornett Properties, LLC Roger & Jeanette Cornett
NAME OF OWNER(S) (PRINT OR TYPE)

7103 Evelyn Circle Zebulon, NC 27597
ADDRESS OF OWNER(S)

252-205-0240 252-291-7440
HOME TELEPHONE # WORK TELEPHONE #

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

jfcornett@tcsk.com / Rcornett@tcsk.com
E-MAIL

252-205-0240 252-291-7440
HOME TELEPHONE # WORK TELEPHONE #

Roger D. Cornett _____
SIGNATURE OF OWNER(S) SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

Jeanette Cornett
SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

NAME	ADDRESS	CITY
BAIN, SEAVY A JR;MALINDA, RICHBOURG	3425 PLANTATION RD	CHARLOTTE, NC 28270
CAIN, BILLY V	2801 RAMSEY ST	FAYETTEVILLE, NC 28301
CORNETT PROPERTIES LLC	6463 FLOWERS RD	WILSON, NC 27893
DOWNING, HAROLD DEAN JR;JOHNNA SHANE	5016 J T MATTHEWS ROAD	GODWIN, NC 28344
MOORE, RONALD C;MOORE, BETTY H	5566 ELVA WALLACE RD	GODWIN, NC 28344
MOORE, RONALD CLEO;SARAH, FRANCES	PO BOX 516	DUNN, NC 28335
PRESLER, SHELBY MATTHEWS	5606 SMITHFIELD RD	WADE, NC 28395
RICCI, TRACY L	5101 JT MATTHEWS RD	GODWIN, NC 28344

NAME	ADDRESS	CITY
BETHEA, ROBERT E SR;HENREITTA C; W	PO BOX 250	WADE, NC 28395
CORNETT PROPERTIES LLC	6463 FLOWERS RD	WILSON, NC 27893
JOHNSON, WILLENE MILLER	6360 SMITHFIELD RD	WADE, NC 28395
MCCAULEY, PETER JOHN;MCCAULEY, CLAUDIA	6150 WADE-STEDMAN RD	WADE, NC 28395
SHREEJI GAS LLC	3771 RAMSEY ST 110	FAYETTEVILLE, NC 28311
TAR HEEL R V RESORTS WADE LLC	25515 VIA MARIQUITA	CARMEL, CA 93923
TART INC	PO BOX 8	DUNN, NC 28335
WOOD, EDDIE C;GARY, F	5413 ELVA WALLACE RD	GODWIN, NC 28344

P20-49 3rd



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 11/5/2020

SUBJECT: CASE P20-50

BACKGROUND

Case P20-50: Rezoning of 7.39+/- acres from A1 Agricultural to C(P) Planned Commercial or to a more restrictive zoning district, located at 4042 Goldsboro Road, submitted by Christopher Hudson on behalf of MCH Investments, LLC (owner).

RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Recommended approval of the rezoning request from A1 Agricultural to C(P) Planned Commercial at the October 20, 2020 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

Staff Recommendation: In Case P20-50, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural to C(P) Planned Commercial and find: a) The approval is an amendment to the adopted current Eastover Land Use Plan (2018) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel generally meets the location criteria for "heavy commercial" as defined in the Land Use Policies Plan (2009) and is located at an Interstate 95 interchange; c) And this rezoning approval is reasonable and in the public interest as the district requested is in harmony with existing adjacent zoning/land uses and the parcel is served by public water.

If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

In Case P20-50, I move to approve the rezoning request from A1 Agricultural to C(P) Planned Commercial and find:

A. The approval is an amendment to the adopted current Eastover Land Use Plan (2018) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.

B. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel generally meets the location criteria for “heavy commercial” as defined in the Land Use Policies Plan (2009) and is located at an Interstate 95 interchange;

C. And this rezoning approval is reasonable and in the public interest as the district requested is in harmony with existing adjacent zoning/land uses and the parcel is served by public water.

If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

In Case P20-50, I move to deny the rezoning request from A1 Agricultural to C(P) Planned Commercial and find the request (consistent/not consistent) with the Eastover Land Use Plan (2018) which designates this parcel as “Rural Density Residential”. Denial of the request is also reasonable and in the public interest because _____.

ATTACHMENTS:

Description

Action Memo

Type

Backup Material

AMY H. CANNON
County Manager



RAWLS HOWARD
Director

TRACY JACKSON
Assistant County Manager



DAVID MOON
Deputy Director

Planning & Inspections Department

NOVEMBER 5, 2020

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P20-50:** Rezoning of 7.39+/- acres from A1 Agricultural to C(P) Planned Commercial or to a more restrictive zoning district, located at 4042 Goldsboro Road, submitted by Christopher Hudson on behalf of MCH Investments, LLC (owner).

ACTION: Recommended approval of the rezoning from A1 Agricultural to C(P) Planned Commercial at the October 20, 2020 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

MINUTES OF OCTOBER 20, 2020

In Case P20-50, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural to C(P) Planned Commercial and find: a) The approval is an amendment to the adopted current Eastover Land Use Plan (2018) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel generally meets the location criteria for "heavy commercial" as defined in the Land Use Policies Plan (2009) and is located at an Interstate 95 interchange; c) And this rezoning approval is reasonable and in the public interest as the district requested is in harmony with existing adjacent zoning/land uses and the parcel is served by public water.

In Case P20-50, Mr. Crumpler made a motion, seconded by Mrs. McLaughlin to recommend approval of the rezoning request from A1 Agricultural to C(P) Planned Commercial and find: a) The approval is an amendment to the adopted current Eastover Land Use Plan (2018) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel generally meets the location criteria for "heavy commercial" as defined in the Land Use Policies Plan (2009) and is located at an Interstate 95 interchange; c) And this rezoning approval is reasonable and in the public interest as the district requested is in harmony with existing adjacent zoning/land uses and the parcel is served by public water. Unanimous approval.

First Class and Record Owners' Mailed Notice Certification

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

EXPLANATION OF THE REQUEST

This is a request to rezone one parcel located on the south side of Goldsboro Road from A1 Agricultural to C(P) Planned Commercial. This request would allow the property owner to develop the property with a nonresidential use. This is a conventional rezoning, and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: Christopher Hudson on behalf of MCH Investments, LLC (owner)

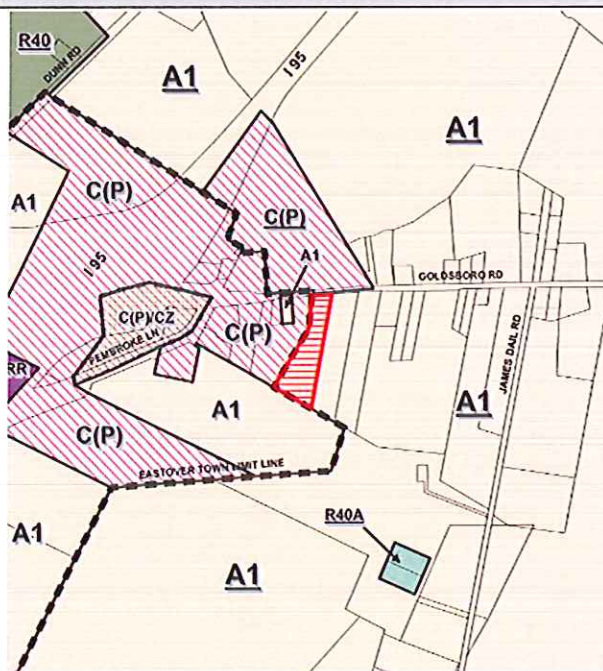
PROPERTY INFORMATION

ADDRESS/LOCATION: 4042 Goldsboro Rd; more specifically REID 0479596055000

SIZE: This request includes one parcel totaling approximately 7.39 acres. The property has 220' +/- of street frontage along Goldsboro Rd. The property is 1,243' +/- in depth.

EXISTING LAND USE: The property is currently woodlands.

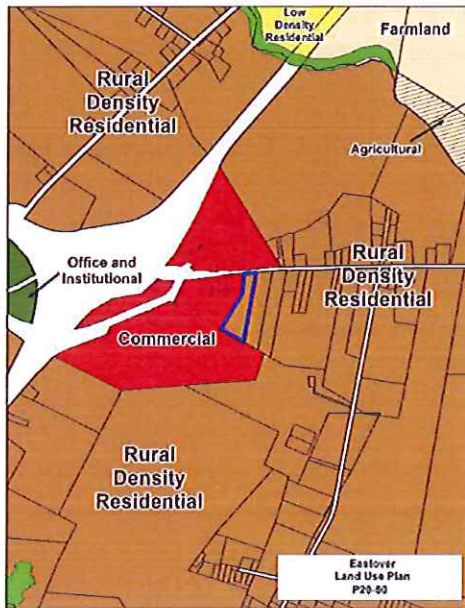
OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are some hydric and hydric inclusion soils located the property. The property is located within Eastover's MIA.



DEVELOPMENT REVIEW: Parcel was platted on 9-8-00 in Plat Book 142, Page 55. A site plan review will be required prior to development.

SURROUNDING LAND USE: There are residential uses in the surrounding area including manufactures homes. There are also several nonresidential uses including a convenience store, restaurant, and hotel.





ZONING HISTORY: This property was initially zoned A1 as part of the Area 19A initial zoning on January 27, 1980. The property was rezoned to C(P) on May 28, 1991 (Case P91-37). The property was rezoned to A1 on April 16, 2001 (Case P01-16).

UTILITIES: This site is currently served by ESD water and private septic. Public sewer is not available, as the existing ESD line does not have the capacity to serve future development. The property is not located within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, this parcel would be subject to C(P) setbacks: Front yard: 50 foot, Side yard: 30 foot, Rear yard: 30 foot.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area as "Urban Fringe". The Eastover Land Use Plan (2018) designates this parcel as "Rural Density Residential". The "Rural Density Residential" designation desires a minimum lot size of 20,000 square feet and is associated with residential districts. **Request is not plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property is located on Goldsboro Road which is identified as a boulevard needing improvement in the Metropolitan Transportation Plan. There are no construction projects planned and the subject property will have no impact on the Transportation Improvement Plan. Goldsboro Road has been identified in previous prioritizations, but no funding has been awarded. The Average Daily Traffic Count (2018) on Goldsboro Road is 14,500.

SCHOOLS CAP/ENROLL: Eastover Central Elementary: 540/388; Mac Williams Middle: 1270/1189; Cape Fear High: 1425/1427

ECONOMIC DEVELOPMENT: Comment requested via e-mail. None received

EMERGENCY SERVICES: Comment requested via e-mail. None received.

FAYETTEVILLE REGIONAL AIRPORT: This property is not located within the Airport Overlay District.

STAFF RECOMMENDATION

In Case P20-50, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural to C(P) Planned Commercial and find:

- A. The approval is an amendment to the adopted current Eastover Land Use Plan (2018) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.
- B. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel generally meets the location criteria for "heavy commercial" as defined in the Land Use Policies Plan (2009) and is located at an Interstate 95 interchange;
- C. And this rezoning approval is reasonable and in the public interest as the district requested is in harmony with existing adjacent zoning/land uses and the parcel is served by public water.

Attachments:
Zoning Application
Notification Mailing List

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

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

1. Requested Rezoning from A1 to CP
2. Address of Property to be Rezoned: 4042 Goldsboro Rd
3. Location of Property: Off of US Hwy 13 (Goldsboro Rd) Less than a mile East of I95 (Exit 58).
4. Parcel Identification Number (PIN #) of subject property: 0479-59-6055
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 7.39 Frontage: 220' Depth: 1244.41
6. Water Provider: Well: _____ PWC: _____ Other (name): ESD
7. Septage Provider: Septic Tank ESD PWC _____
8. Deed Book 8932 , Page(s) 0267 , Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Vacant
10. Proposed use(s) of the property: Commercial Use.
11. Do you own any property adjacent to or across the street from this property?
Yes ☒ No _____ If yes, where? adjacent
12. Has a violation been issued on this property? Yes _____ No ☒

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

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

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

MCH Investments LLC.
NAME OF OWNER(S) (PRINT OR TYPE)

3603 Clinton Rd. Fayetteville NC. 28312.
ADDRESS OF OWNER(S)

(c) 910-624-5769

HOME TELEPHONE # 910-483-6004
WORK TELEPHONE #

Christopher Hudson
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

2309 Furlong Place Eastover NC. 28312
ADDRESS OF AGENT, ATTORNEY, APPLICANT

(L)
chris1hudson66@gmail.com
E-MAIL

910 483-6004
HOME TELEPHONE #

910 624-5769
WORK TELEPHONE #

Chris Hudson
SIGNATURE OF OWNER(S)

Chris Hudson
SIGNATURE OF AGENT, ATTORNEY OR
APPLICANT

Philip Hudson
SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

NAME	ADDRESS	CITY
CORPORATION OF MERCER UNIV	1501 MERCER UNIVERSITY DR	MACON, GA 31207
DAIL, WILLIAM LUTHER;LINDA, WHITE	4265 GOLDSBORO RD	WADE, NC 28395
EARTH PETROLEUM CORP OF NC III INC	3945 GOLDSBORO RD	WADE, NC 28395
MCH INVESTMENTS LLC	3603 CLINTON RD	FAYETTEVILLE, NC 28312

NAME	ADDRESS	CITY
BEASLEY, GARY; KIMBERLY A ET AL; WILLIAMS	3417 SON SPARROW DR	WAKE FOREST, NC 27587
BROWN, ANTHONY	4122 GOLDSBORO RD	WADE, NC 28395
COLEMAN, JAMES E; WILLIE R; BLUE, DONALD R	3739 JAMES DAIL RD	WADE, NC 28395
DAIL, BARBARA	4085 GOLDSBORO RD	WADE, NC 28395
DAIL, GARY MITCHELL JR; DAIL, YI LI	4099 GOLDSBORO RD	WADE, NC 28395
EASTOVER SANITARY DISTRICT	3876 DUNN RD	EASTOVER, NC 28312
GEORGE, BIJU; GEORGE, MINI	5604 SHADY PINE CT	HOPE MILLS, NC 28348
MCMILLAN, ELIZABETH V	4147 GOLDSBORO RD	WADE, NC 28395
MCMILLAN, HARRY S; LAURETTA DAIL LIFE ESTATE	4256 GOLDSBORO RD	WADE, NC 28395
MCMILLAN, VIRGINIA DAIL LIFE ESTATE	4119 GOLDSBORO RD	WADE, NC 28395
MID-STATE PETROLEUM REALTY LLC	PO BOX 1618	JAMESTOWN, NC 27282
SHRI SHAKTI LLC	3945 GOLDSBORO RD	WADE, NC 28395
SYPHRIT, JAKE LIFE ESTATE	4106 GOLDSBORO RD	WADE, NC 28395
SYPHRIT, JASON DAIL; TATUM, LORI; KARRY	3507 PLEASANT VIEW DR	FAYETTEVILLE, NC 28312
TATUM, LORI	4134 GOLDSBORO RD	WADE, NC 28395
TAYLOR, G C III	211 OVERLAKE DR	RAEFORD, NC 28376
WH CAPITAL LLC ATTN: LEE NUNNALLY	3290 NORTHSIDE PKY 385	ATLANTA, GA 30327



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 11/5/2020

SUBJECT: CASE P20-47

BACKGROUND

Case P20-47: Rezoning of 22.28+/- acres from A1 Agricultural to RR Rural Residential or to a more restrictive zoning district, located at the northeast and southeast quadrants of the intersection of SR 2028 (Ava Road) & SR 2027 (Beaver Dam Road), submitted by Carin A. Bunce (owner).

RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Recommended denial of the rezoning request from A1 Agricultural to RR Rural Residential at the October 20, 2020 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

Staff Recommendation: In Case P20-47, the Planning & Inspections staff recommends denial of the rezoning request from A1 Agricultural to RR Rural Residential and find the request not consistent with the Stedman (2020) and Southeast Cumberland (2016) Land Use Plans which designates this parcel as "Agricultural" and "Farmland" respectively. Both designations encourage the preservation of farmland and rural character while only supporting higher densities if compatible with the surrounding neighborhood uses. Denial of the request is reasonable and in the public interest as the surrounding area is predominantly zoned A1 Agricultural and the subject property lacks access to public water and sewer that could support a higher density.

If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

In Case P20-47, I move to deny the rezoning request from A1 Agricultural to RR Rural Residential and find the request not consistent with the Stedman (2020) and Southeast Cumberland (2016) Land Use Plans which designates this parcel as “Agricultural” and “Farmland” respectively. Both designations encourage the preservation of farmland and rural character while only supporting higher densities if compatible with the surrounding neighborhood uses. Denial of the request is reasonable and in the public interest as the surrounding area is predominantly zoned A1 Agricultural and the subject property lacks access to public water and sewer that could support a higher density.

If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

In Case P20-47, I move to approve the rezoning request from A1 Agricultural to RR Rural Residential and find the request (consistent/not consistent) with the Stedman (2020) and Southeast Cumberland (2016) Land Use Plans which designate this parcel as “Agricultural” and “Farmland” respectively. Approval of the request is also reasonable and in the public interest because _____.

ATTACHMENTS:

Description

Action Memo

Type

Backup Material

AMY H. CANNON
County Manager

TRACY JACKSON
Assistant County Manager



RAWLS HOWARD
Director

DAVID MOON
Deputy Director

Planning & Inspections Department

NOVEMBER 5, 2020

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P20-47:** Rezoning of 22.28+/- acres from A1 Agricultural to RR Rural Residential or to a more restrictive zoning district, located at the northeast and southeast quadrants of the intersection of SR 2028 (Ava Road) & SR 2027 Beaver Dam Road), submitted by Carin A. Bunce (owner).

ACTION: Recommended denial of the rezoning from A1 Agricultural to RR Rural Residential at the October 20, 2020 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

MINUTES OF OCTOBER 20, 2020

In Case P20-47, the Planning & Inspections staff recommends denial of the rezoning request from A1 Agricultural to RR Rural Residential and find the request not consistent with the Stedman (2020) and Southeast Cumberland (2016) Land Use Plans which designates this parcel as "Agricultural" and "Farmland" respectively. Both designations encourage the preservation of farmland and rural character while only supporting higher densities if compatible with the surrounding neighborhood uses. Denial of the request is reasonable and in the public interest as the surrounding area is predominantly zoned A1 Agricultural and the subject property lacks access to public water and sewer that could support a higher density.

There was no one signed up to speak in favor or in opposition.

In Case P20-47, Mr. Lloyd made a motion, seconded by Mr. Crumpler to recommend denial of the rezoning request from A1 Agricultural to RR Rural Residential and find the request not consistent with the Stedman (2020) and Southeast Cumberland (2016) Land Use Plans which designates this parcel as "Agricultural" and "Farmland" respectively. Both designations encourage the preservation of farmland and rural character while only supporting higher densities if compatible with the surrounding neighborhood uses. Denial of the request is reasonable and in the public interest as the surrounding area is predominantly zoned A1 Agricultural and the subject property lacks access to public water and sewer that could support a higher density. Unanimous approval.

First Class and Record Owners' Mailed Notice Certification

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

EXPLANATION OF THE REQUEST

This is a request to rezone one parcel located on the northeast and southeast quadrants of the intersection of Ava Road & Beaver Dam Road from A1 Agricultural to RR Rural Residential. This request would increase the allowed density from 1 unit/2 acre to 1 unit/20,000 square feet. This is a conventional rezoning and no conditions are proposed at this time.

OWNER/APPLICANT

OWNER/APPLICANT: Carin A. Bunce (owner)

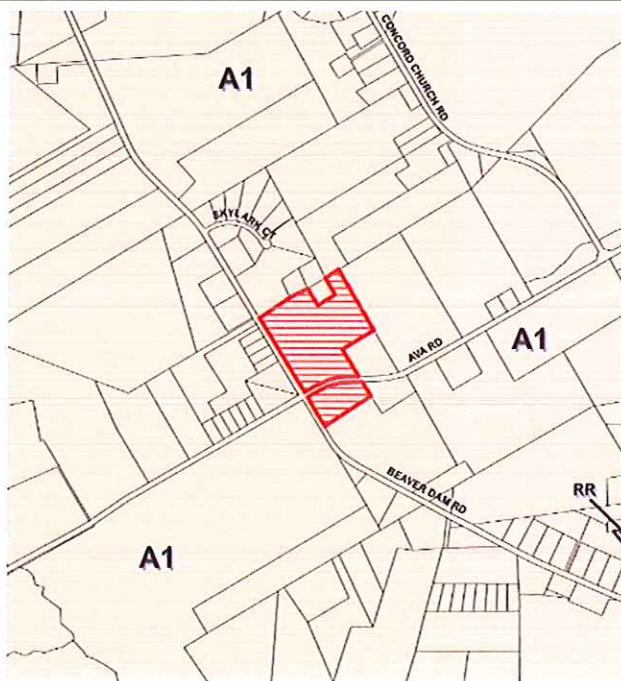
PROPERTY INFORMATION

ADDRESS/LOCATION: Northeast & southeast quadrant of intersection of Ava Rd & Beaver Dam Rd; more specifically REID 1404252990000

SIZE: This request includes one parcel totaling approximately 22.28 acres. The property has 1211' +/- of street frontage along Ava Rd and 1259' +/- of frontage along Beaver Dam Rd. The property is 965' +/- in depth.

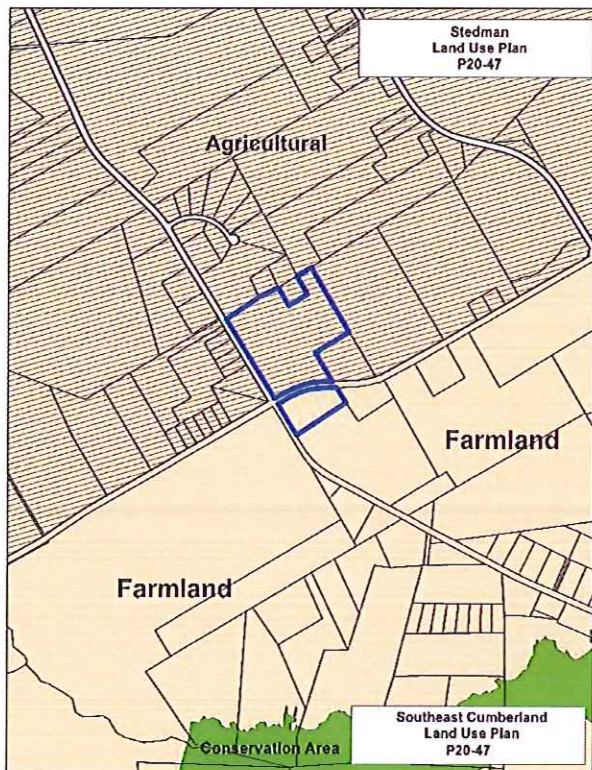
EXISTING LAND USE: The property is currently woodlands.

OTHER SITE CHARACTERISTICS: The property is not located within the watershed or the Special Flood Hazard Area. There are some hydric soils located on the southern portion of the property.



DEVELOPMENT REVIEW: Parcel created by deed on 10-11-12 but is greater than 10 acres. A subdivision or group development review will be required prior to development.

SURROUNDING LAND USE: There are residential uses in the surrounding area including manufactures homes. A religious worship facility is also developed adjacent to the subject property.



ZONING HISTORY: This property was initially zoned A1 as part of the Area 21 initial zoning on September 3, 1996.

UTILITIES: This site is currently served by private well and septic. Public water and sewer are not available. The property is not located within a water/sewer district.

MINIMUM YARD SETBACKS: If approved, this parcel would be subject to RR setbacks: Front yard: 30 foot, Side yard: 15 foot, Rear yard: 35 foot.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area as "Rural Areas". This parcel is split between the Stedman and Southeast Cumberland Land Use Plans. The Stedman Land Use Plan (2020) designates its portion for "Agricultural". The "Agricultural" designation allows for growth and protection of farmland from encroaching higher intensity uses while allowing for small scale rural type residential developments. The Southeast Cumberland Land Use Plan (2016) designates its portion for "Farmland". The "Farmland" designation is meant to protect and preserve farmland while maintaining a healthy farming community. **Request is not plan compliant.**

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property is located outside of FAMPO boundaries. The Average Daily Traffic Count (2016) on Ava Road is 190. The Average Daily Traffic Count (2016) on Beaver Dam Road is 380.

SCHOOLS CAP/ENROLL: Stedman Primary: 200/144; Stedman Elementary: 300/311; Mac Williams Middle: 1270/1189; Cape Fear High: 1425/1427

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no comment at this time.

EMERGENCY SERVICES: The Cumberland County Fire Marshal's Office has reviewed the request and had no comment at this time.

FAYETTEVILLE REGIONAL AIRPORT: This property is not located within the Airport Overlay District.

STAFF RECOMMENDATION

In Case P20-47, the Planning & Inspections staff **recommends denial** of the rezoning request from A1 Agricultural to RR Rural Residential and find the request not consistent with the Stedman (2020) and Southeast Cumberland (2016) Land Use Plans which designates this parcel as "Agricultural" and "Farmland" respectively. Both designations encourage the preservation of farmland and rural character while only supporting higher densities if compatible with the surrounding neighborhood uses. Denial of the request is reasonable and in the public interest as the surrounding area is predominantly zoned A1 Agricultural and the subject property lacks access to public water and sewer that could support a higher density.

Attachments:
Zoning Application
Notification Mailing List

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

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

1. Requested Rezoning from A1 to RR
2. Address of Property to be Rezoned: No Registered Address approx.
3. Location of Property: Intersection of Beaver Dam Rd
and Ava Rd Autryville NC 28318
Reid 1404252490000
4. Parcel Identification Number (PIN #) of subject property: Parcel ID: 1404-25-2990
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 22.28 Frontage: 1300 Depth: 980
6. Water Provider: Well: X PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank X PWC _____
8. Deed Book 09610, Page(s) 0514, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Timber
10. Proposed use(s) of the property: Housing Development
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No X If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No X

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

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

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

Carin A. Beam

NAME OF OWNER(S) (PRINT OR TYPE)

Po Box 276 Stedman NC 28391

ADDRESS OF OWNER(S)

910 824 1954

HOME TELEPHONE #

WORK TELEPHONE #

Carin Beam

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

Po Box 276 Stedman NC 28391

ADDRESS OF AGENT, ATTORNEY, APPLICANT

Carinbunce@gmail.com

E-MAIL

HOME TELEPHONE #

WORK TELEPHONE #



SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY OR
APPLICANT

SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

NAME	ADDRESS	CITY
BEAL, LILLIE SUZANNE DAVIS; WILLIAM T	3922 STEDMAN CEDAR CREEK RD	FAYETTEVILLE, NC 28312
BUNCE, CARIN A	PO BOX 276	STEDMAN, NC 28391
BUNCE, JEFFREY A; LISA S	8186 BEAVER DAM RD	AUTRYVILLE, NC 28318
CASHWELL, REUBEN SR;ELINOR F	2365 AVA RD	AUTRYVILLE, NC 28318
CHRISTIAN LIGHT BAPTIST CH TRU	PO BOX 39	AUTRYVILLE, NC 28318
CRUMPLER, RICHARD LEE	PO BOX 696	STEDMAN, NC 28391
HALL, TERRY LENNON	8475 BEAVER DAM RD	AUTRYVILLE, NC 28318
JACKSON, JILL BUNCE	8070 BEAVER DAM RD	AUTRYVILLE, NC 28318
LEACH, CRAIG;ALICIA	8194 BEAVER DAM RD	AUTRYVILLE, NC 28318
LOPEZ, AUDELINA CASTRO	8232 NORRIS RD	DUNN, NC 28334
MOREAU, ROBERT H JR	PO BOX 9657	FAYETTEVILLE, NC 28311
NUNNERY, S ARNOLD	410 BAYMOUNT DR	STATESVILLE, NC 28625
SUTTON, ALEX;MONIKA	8160 BEAVER DAM RD	AUTRYVILLE, NC 28318
SWANSON, SCOTT;M EMMA	7742 SKYLARK CT	AUTRYVILLE, NC 28318
UNION HILL MISS BAPTIST CHURCH	2858 AVA RD	AUTRYVILLE, NC 28318
WIGGS, MARY JOANNE	PO BOX 203	AUTRYVILLE, NC 28318

NAME	ADDRESS	CITY
AMMONS, AMY NICHOLE;WILLIAM	8414 BEAVER DAM RD	AUTRYVILLE, NC 28318
BONEY, DAVID GARRETT; TASHA CASHWELL	8070 BEAVER DAM RD	AUTRYVILLE, NC 28318
BRIZA, EDWARD;BRIZA, KIMBERLY	8123 BEAVER DAM RD	AUTRYVILLE, NC 28318
BUNCE, TED MAXTON JR;BUNCE, DEBORAH S	PO BOX 276	STEDMAN, NC 28391
DAVIS, STEVEN KENNETH;DAVIS, MARY ANN	8056 CONCORD CHURCH RD	AUTRYVILLE, NC 28318
DONAHOO, DALE;DONAHOO, TERRY;RICHARD	9403 WILLOW GROVE PL	CHESTERFIELD, VA 23832
GRAHAM, EVELYN C SMITH;AVERY, SHALAWN	5248 FOXFIRE RD	FAYETTEVILLE, NC 28303
GRIFFITH, VICKI LEE	7737 SKYLARK COURT	AUTRYVILLE, NC 28318
GRONOWSKI, SCOTT R;SANDEE M	7725 SKYLARK CT	AUTRYVILLE, NC 28318
HELGET, JOHN KENNETH;HELGET, KELLIE JO	1980 AVA RD	STEDMAN, NC 28391
J W SEALEY & ASSOCIATES, INC.	PO BOX 55	WADE, NC 28395
JOHNSON, LEVIE E;JOHNSON, HELEN	8853 CLINTON RD	STEDMAN, NC 28391
KELLEY, STEVEN P	1950 AVA RD	AUTRYVILLE, NC 28318
MARTIN, ANTHONY J;MARTIN, JULIE J	7731 SKYLARK CT	AUTRYVILLE, NC 28318
MCDONALD, DANIEL J;MCDONALD, KIM S	2018 AVA RD	AUTRYVILLE, NC 28318
MELVIN, MILDRED	8456 BEAVER DAM RD	AUTRYVILLE, NC 28318
MITCHELL, BARBARA J	1990 AVA RD	AUTRYVILLE, NC 28318
PLESSINGER, JUDY	1006 BUCKNELL RD	FAYETTEVILLE, NC 28311
ROZIER, WILLIAM KEVIN; JENNIFER KAYE	PO BOX 85	AUTRYVILLE, NC 28318
SWIGER, BRYAN	7707 SKYLARK CT	AUTRYVILLE, NC 28318
SYFRETT, BEVERLY W	202 AVA RD	AUTRYVILLE, NC 28318
TIMBERLAKE, JASON	7718 SKYLARK CT	AUTRYVILLE, NC 28318



FINANCE OFFICE

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 11/12/2020

SUBJECT: CONSIDERATION OF HOLDING A PUBLIC HEARING ON THE FINANCING OF THE EMERGENCY OPERATIONS CENTER (EOC) CAPITAL PROJECT AND THE FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE (FTCC) FIRE TRAINING CENTER

BACKGROUND

The EOC capital project and the FTCC Fire Training Center were both prioritized within the County's Capital Planning Model for debt issuance to occur this fiscal year. The project schedules for both projects line up in a way for Cumberland County to take advantage of issuing debt on these two projects in a single public financing which will save on debt issuance costs and the commitment of staff time. In addition, to secure debt on the \$10,000,000 for the FTCC Fire Training Center contribution, collateral of the EOC building will be pledged. Finance staff has been consulting with the County's financial advisors and bond counsel about moving this debt issuance forward and have developed the attached tentative financing schedule.

A February 2, 2021 Local Government Commission (LGC) request for debt issuance of Limited Obligation Bonds, Series 2021 approval is being requested. There are several actions required of the Board of Commissioners prior to the financing going before the LGC. All of those are shown on the attached schedule with yellow highlights to emphasize the Board of Commissioner meeting date as well as the action item. Entities who will be working with the County throughout this financing are shown at the bottom of the schedule. The amount to be financed will be shown within the preliminary financing documents with the following language: "the County intends to issue Limited Obligation Bonds (LOBs) in an amount not to exceed \$25,000,000, to finance construction of a new emergency operations center for the County and a fire training center to be operated by FTCC."

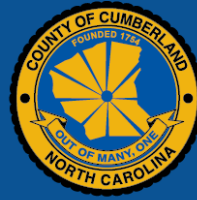
An update on the financing and the status of the projects was provided during the November 12, 2020 Agenda Session meeting. Details of a request to call for a public hearing is also attached.

RECOMMENDATION / PROPOSED ACTION

Approve the request to call for a public hearing to be held during the December 21, 2020 Board of Commissioners' meeting.

ATTACHMENTS:

Description	Type
Financing Presentation	Backup Material
Financing Schedule	Backup Material
Notice of Public Hearing	Backup Material



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

Limited Obligation Bonds (LOBs), Series 2021

In an amount not to exceed \$25,000,000

November 16, 2020

EOC Capital Project

- One of the five original capital funding priorities of the BOCC (spring 2018)
- **Budget History**
 - \$15M original capital budget established (Summer 2019)
 - \$16,150,000 current approved budget ordinance amount
 - \$2,251,387 911 Board grant award (Fall 2019)
 - \$150,000 budget increase for technology/equipment (Fall 2020)
 - \$1,000,000 911 fund balance usage approval (not yet budgeted)
 - **\$3,401,387** total funding available from other sources

EOC Capital Project

October 22, 2020 - EOC Committee Meeting Project Update

- \$17,521,703 revised project cost estimate
- Construction invitation to bid released
- Bids due December 15, 2020
- **Bid award scheduled for January 4, 2021 BOCC meeting***
- Contract execution (February 2021)
- Construction (March 2021-December 2021)
- Activation (April 2022)

*this is the date that helps determine the LGC request for debt approval date

EOC Capital Project

- Financing amount not to exceed \$15M for this project, including debt issuance costs
 - Other funds totaling \$3,401,387 will be utilized
- Reimbursement Resolution
 - allows payment back to Capital Investment Fund for costs already incurred (~\$6M) from debt proceeds
- EOC Building to be used as collateral for \$10M borrowing for FTCC Fire Training Center

FTCC Fire Training Center

- BOCC approved \$10M contribution to project (Fall 2018)

FTCC Fire Training Center

Project Update

- \$20,349,180 Total project cost (Design/Build, CMaR)
 - \$9,546,640 Connect NC Bond Funds
 - \$220,290 State Equipment Funds
 - \$582,250 FTCC Institutional Funds
- Bid phase begins January 2021
- Contract execution March 2021
- Construction from April 2021-April 2022
- FTCC move-in June 2022

FTCC Fire Training Center

- FTCC project – construction reimbursement requests to be submitted to County
- County to pay max \$10M

Request to Hold a Public Hearing on December 21, 2020 BOCC meeting

The Board of Commissioners of the County of Cumberland, North Carolina (the “County”) intends to issue Limited Obligation Bonds (LOBs) in an amount not to exceed \$25,000,000 to finance construction of a new emergency operations center for the County and a fire training center to be operated by FTCC, as permitted under NCGS §160A-20. Pursuant to such statute, the County is authorized to finance the Projects by entering into an agreement pursuant to which it promises to make payments in installments, which will be secured by a deed of trust or other security instrument that creates a security interest in some or all the property financed to secure repayment of the financing. It is anticipated that the cost of the Projects to be financed will be up to approximately \$25,000,000, which may include issuance expenses in connection with the financing.

**County of Cumberland, North Carolina
Limited Obligation Bonds, Series 2021**



**Tentative Financing Schedule
as of October 30, 2020**



November 2020							December 2020							January 2021							February 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7			1	2	3	4	5	3	4	5	6	7	8	9	7	8	9	10	11	12	13
8	9	10	11	12	13	14	6	7	8	9	10	11	12	10	11	12	13	14	15	16	14	15	16	17	18	19	20
15	16	17	18	19	20	21	13	14	15	16	17	18	19	17	18	19	20	21	22	23	21	22	23	24	25	26	27
22	23	24	25	26	27	28	20	21	22	23	24	25	26	24	25	26	27	28	29	30	28						
29	30						27	28	29	30	31			31													

Date	Event	Party
Week of Nov 2	Kick-Off Call	All
Week of Nov 9	Distribute 1st Draft of Bond Documentation and Bond Resolution	BC
Week of Nov 9	Distribute 1st Draft of the Preliminary Official Statement	UC
NLT Nov 11	Joint Legislative Committee Letter	County; BC
12-Nov	BOCC Agenda Session - Update on Financing Process	County; BC
13-Nov	Document Review Session	All
16-Nov	BOCC Regular Meeting - Call Public Hearing	County; BC
20-Nov	Distribute 2nd Draft of Financing Documents and Preliminary Official Statement	BC; UC
10-Dec	BOCC Agenda Session - provide update if needed	County; BC
Week of Dec 14	Document Review Session	All
21-Dec	BOCC Regular Meeting - County holds Public Hearing & Adopt Preliminary Resolution	County
1-Jan	LGC Application Due	County; FA
NLT Jan 2	Submit Documents to Rating Agencies	FA; UW
4-Jan	BOCC Regular Meeting - EOC Capital Project Bid Award	County; BC
Week of Jan 11	Rating Agency Calls	County; FA; UW
19-Jan	BOCC Regular Meeting - Adopt Final Resolution	County; BC
Week of Jan 25	Due Diligence Call	ALL
NLT Jan 28	Receive Ratings	County; FA
2-Feb	LGC Approval	LGC
NLT Feb 3	Post Preliminary Official Statement	UC; UW
10-Feb	Bond Pricing and Signing of Bond Purchase Agreement	ALL
23-Feb	Pre-Closing	ALL
24-Feb	Closing	ALL

Participants

Issuer	County of Cumberland, North Carolina	County
Commission	Local Government Commission	LGC
Financial Advisor	DEC Associates Inc.	FA
Co-Bond Counsel	McGuireWoods / The Charleston Group	BC
Underwriter	PNC Capital Markets LLC	UW
Underwriters' Counsel	Womble Bond Dickinson	UC
Trustee	TBD	T

NOTICE OF PUBLIC HEARING ON PROPOSED
CUMBERLAND COUNTY, NORTH CAROLINA FINANCING

The Board of Commissioners of the County of Cumberland, North Carolina (the “County”) intends to issue Limited Obligation Bonds (LOBs) in an amount not to exceed \$25,000,000 to finance construction of a new emergency operations center for the County and a fire training center to be operated by FTCC, as permitted under NCGS §160A-20. Pursuant to such statute, the County is authorized to finance the Projects by entering into an agreement pursuant to which it promises to make payments in installments, which will be secured by a deed of trust or other security instrument that creates a security interest in some or all of the property financed to secure repayment of the financing. It is anticipated that the cost of the Projects to be financed will be up to approximately \$25,000,000, which may include issuance expenses in connection with the financing.

A public hearing on the proposed installment financing contract shall be held on December 21, 2020, at 6:45 p.m. (or as soon thereafter as the hearing is held) before one or more commissioners or designees of the County in the County Commissioners’ meeting room (Room 118), County Courthouse, 117 Dick Street, Fayetteville, North Carolina. Any person interested in this matter is encouraged to attend the public hearing and express his or her views.

Candice H. White,
Clerk to the Board of Commissioners



**ASSISTANT COUNTY MANAGER STRATEGIC MANAGEMENT/ GOVERNMENTAL
AFFAIRS**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16,
2020**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: SALLY SHUTT, ASSISTANT COUNTY MANAGER

DATE: 11/13/2020

**SUBJECT: CONSIDERATION OF RESOLUTION OPPOSING FUQUAY-VARINA'S
INTERBASIN TRANSFER CERTIFICATE REQUEST**

BACKGROUND

The Town of Fuquay-Varina is seeking comments on their request for an interbasin transfer (IBT) certificate from the source river basin of the Cape Fear River basin to the receiving river basin of the Neuse River basin. Fuquay-Varina is requesting an average day transfer of approximately 4 million gallons per day (MGD) from the Cape River basin to the Neuse River basin. The requested transfer amount is based on 2055 water demand projections in the Town's service area.

The Town held a public meeting in Fayetteville on Oct. 21 in the parking lot of Cross Creek Mall to receive comments on its proposed IBT request. Other meetings were held in Pittsboro (Chatham County) and Cary (Wake County) in October. The public meetings are a preliminary step in the IBT request.

The public comment period for this phase of the project ends on Nov. 20.

The attached resolution in opposition to the IBT certificate request has been prepared for the Board of Commissioners to consider. As a community dependent on the Cape Fear River for our water and impacted by inter basin transfers, it is important that our concerns be heard. The Cumberland County Mayors' Coalition is also submitting a resolution opposing the IBT.

Because of past advocacy efforts to protect our future water supply, previous IBT certificates have ultimately included requirements for water to be returned to the Cape Fear River.

Mailed and emailed comments will be given equal consideration. Mailed comments should be addressed to Hazen and Sawyer, Attn: Ms. Mary Sadler, PE, 4011 WestChase Blvd, Suite 500, Raleigh, NC 27607.

Comments may be submitted electronically to msadler@hazenandsawyer.com.

Interested parties will have future opportunities to provide comments during the overall IBT certificate request process.

RECOMMENDATION / PROPOSED ACTION

Approved the attached resolution and forward to Hazen and Sawyer at msadler@hazenandsawyer.com by Nov. 20 public comment deadline.

ATTACHMENTS:

Description	Type
Resolution Opposing IBT	Backup Material
Notice of Public Meeting for IBT	Backup Material

**RESOLUTION ON THE IMPACT OF THE PROPOSED INTERBASIN TRANSFER (“IBT”)
CERTIFICATE REQUEST BY THE TOWN OF FUQUAY-VARINA FOR WATER FROM THE
CAPE FEAR RIVER BASIN TO THE NEUSE RIVER BASIN**

WHEREAS, maintaining the quantity and quality of water in the Cape Fear River is of paramount importance to the public health, security and economic welfare of Cumberland County, North Carolina, and surrounding communities, and

WHEREAS, the County of Cumberland believes the Interbasin Transfer (“IBT”) Certificate request submitted by the Town of Fuquay-Varina poses increased risks to the water supply of Cumberland County and other counties downstream, and

WHEREAS, the Cumberland County Board of Commissioners has determined it is in the public interest of Cumberland County citizens as well as the citizens of all communities benefited by the Cape Fear River and its waters to oppose any permanent transfer of water from the Cape Fear River to other river basins; and

WHEREAS, in recent years, the Cape Fear River upstream and downstream of Fayetteville has been fraught with numerous water quality issues stemming from industrial discharges and emerging contaminants from other sources, and

WHEREAS, reduction of streamflow through IBT would exacerbate pollutant concentrations and water quality issues such as algae blooms that are more likely during low-flow periods, and

WHEREAS, communities which are largely in the Triangle area have been successful in obtaining water supply allocations from Jordan Lake that leave Cumberland County and other downstream communities without guaranteed reservoir storage during drought, and

WHEREAS, significant IBT is already occurring from the Cape Fear Basin including the largest permitted IBT by the Towns of Cary and Apex which established a clear precedent that return of wastewater to the source basin can help mitigate for the impacts of IBT, and

NOW, THEREFORE, BE IT RESOLVED THAT the Cumberland County Board of Commissioners wants the Town of Fuquay and the N.C. Division of Water Resources to fully consider the impact of an IBT to the downstream communities, to thoroughly vet source alternatives within the Neuse River Basin and that for any remaining IBT, there be a requirement that treated wastewater be returned to the Cape Fear Basin.

Adopted this 16th day of November, 2020.

Cumberland County Board of Commissioners

By:

Marshall Faircloth, Chair

Attest:

Candice H. White, Clerk to the Board

Town of Fuquay-Varina Proposed Interbasin Transfer

NOTICE OF PUBLIC MEETINGS

October 14, 2020, 6:30 PM

**Chatham County Agriculture & Conference Center
(overflow parking lot)
1192 US Hwy 64 West Business
Pittsboro, North Carolina 27312**

October 20, 2020, 6:30 PM

**Cary Towne Center Mall
(parking lot facing former Sears location adjacent to Cary Towne Blvd)
1105 Walnut Street
Cary, NC 27511**

October 21, 2020, 6:30 PM

**Cross Creek Mall
(parking lot adjacent to Macy's at intersection of Skibo and Morganton Roads)
419 Cross Creek Mall
Fayetteville, NC 28303**

The Town of Fuquay-Varina will hold public meetings to receive comments on their request for an interbasin transfer (IBT) certificate from the source river basin of the Cape Fear River basin to the receiving river basin of the Neuse River basin. The Town currently serves customers in the both the Cape Fear and Neuse River basins. The Town is requesting an IBT certificate for an average day over a maximum month transfer of approximately 4 million gallons per day (mgd) from the Cape Fear River basin to the Neuse River basin. The requested transfer amount is based on 2055 water demand projections in the Town's service area.

These meetings are being held to provide stakeholders and the public an opportunity to participate in this project through an open and active public process in accordance with North Carolina General Statute 143-215.22L. These meetings are being conducted as part of the scoping phase of the project where the Town of Fuquay-Varina, the North Carolina Department of Environmental Quality, and other agencies are considering the purpose and need, alternatives and the scope of impacts to be evaluated in an environmental impact statement. General Statute 143-215.22L requires that public meetings be held in the source river basin (Cape Fear River basin) both upstream and downstream from the proposed point of withdrawal and one public meeting be held in the receiving river basin (Neuse River basin). In an effort to practice social distancing guidelines related to the COVID-19 Pandemic, these meetings will be conducted outside. Social distancing and adherence to the Governor's Executive Order 147 is required. Local authorities will be present to ensure compliance.

The format of the meetings will include an approximately 30-minute overview presentation of the IBT request followed by public questions and comment. The presentation will be the same at each of the three meetings. Based on the number of people who desire to comment, the length of the verbal presentations may be limited. All statements made at the meeting will be audio recorded. Summaries of all verbal comments from the public meetings will be prepared. Verbal comments will be given equal consideration as written comments. Along with representatives from the Town of Fuquay-Varina, the North Carolina Division of Water Resources staff will be present to provide background IBT program information. All presentations given will be posted online immediately following the public meetings. Parking maps will be provided from a link to the Town's main homepage at <https://www.fuquay-varina.org/>.

Mailed and emailed comments will be given equal consideration. Mailed comments should be addressed to Hazen and Sawyer, Attn: Ms. Mary Sadler, PE, 4011 WestChase Blvd, Suite 500, Raleigh, NC 27607. Comments may be submitted electronically to msadler@hazenandsawyer.com. The public comment period for this phase of the project closes on November 20, 2020. Individuals who prefer to enter written comments via mail or email need to submit these comments no later than November 20, 2020. Interested parties will have future opportunities to provide input during the overall IBT certificate request process.



CLERK TO THE BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KELLIE BEAM, DEPUTY CLERK TO THE BOARD

DATE: 11/13/2020

SUBJECT: BOARD OF ADJUSTMENT (1 VACANCY)

BACKGROUND

The Board of Adjustment has the following one (1) vacancy:

Alternate Member:

Marva Lucas-Moore – appointed as a Regular Member on June 15, 2020.

The Board of Adjustment recommends **David Guy** to fill the unexpired term. (See attached)

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

RECOMMENDATION / PROPOSED ACTION

Nominate individual to fill the one (1) vacancy above.

ATTACHMENTS:

Description

Board of Adjustment Nomination Backup Information

Type

Backup Material

Board of Adjustment

The Board of Adjustment is a "quasi-judicial" administrative body that conducts public hearings and/or reviews as listed under "duties" below. Appeals of this board's decisions are filed directly to Superior Court.

Statutory Authorization: NCGS 153A-345 County Code: Zoning Ordinance Article XVI

Member Specifications:

10 Members

- 5 regular
- 5 alternate (Alternate members fill in for regular members as necessary and are often appointed to fill vacancies of the regular membership.)

Term: 3 Years

Compensation: None

Duties:

- Conduct administrative reviews and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, determination, refusal made by the Planning and Inspections Director or other administrative officials in the carrying out or enforcement of any provisions of the zoning ordinance;
- Hear, deny or approve applications for variances and special use permits from the terms of the zoning ordinance;
- Rule on matters concerning nonconforming uses;
- Hear and rule on appeals and variance requests from the County's Flood Damage Prevention Ordinance.

Meetings: Third Thursday of each month at 7:00 PM. The average length of a meeting varies. Each member spends approximately three hours per month in service to this board.

Meeting Location: Historic Cumberland County Courthouse, Hearing Room #3 130 Gillespie Street Fayetteville, NC

AMY H. CANNON
County Manager

TRACY JACKSON
Assistant County Manager



CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

RAWLS HOWARD
Director

DAVID MOON
Deputy Director

Planning & Inspections Department

MEMORANDUM

TO: Kellie Beam, Deputy Clerk, County Commissioners
THROUGH: Rawls Howard, Director
FROM: Betty Lynd, Current Planning Manager *BL*
SUBJECT: Board of Adjustment Nomination

On September 17, 2020 after consideration of all applicants, the Board of Adjustment voted to recommend the nomination of David Guy to fill the vacant position on the board as an alternate member.

If you have any questions, please contact me at blynd@co.cumberland.nc.us or (910) 678-7605.

BOARD OF ADJUSTMENT
3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Alfonso Ferguson Sr. (B/M) 3329 Eastgate Street Eastover, NC 28312 401-2313/483-1888	8/18	2nd	Aug/21 8/31/21	No
Winton McHenry (W/M) 3648 Lakeshore Drive Hope Mills, NC 28348 429-1101/308-3987	6/19	2nd	June/22 6/30/22	No
Marva Lucas-Moore (B/F) 3014 Hampton Ridge Rd Fayetteville, NC 28311 551-1904/227-9605 marva@lucasmoorerealtyinc.com	6/20	1st (serving unexpired term; eligible for one additional term)	Sept/22 9/30/22	Yes
George Turner (W/M) 1012 Cain Road Fayetteville, NC 28303 484-4069/867-2116	9/18	2nd	Sept/21 9/30/21	No
Gregory Parks (W/M) 307 Devane Street Fayetteville, NC 28305 484-9666/483-8194	8/18	1st	Aug/21 8/31/21	Yes
<u>Alternate Members:</u>				
Robert E. Davis (B/M) 901 Kaywood Drive Fayetteville, NC 28311 910-488-1194	8/19	2nd	Aug/22 8/31/22	No
Stacy M. Long (W/M) 1909 Partridge Drive Fayetteville, NC 28304 919-896-8970/919-633-8244	8/19	2nd	Aug/22 8/31/22	No
(VACANT – Vacated by M. L-Moore)	6/19	1 st full term	June/22 6/30/22	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Alternate Members Continued:</u>				
Quinsentina James (-/F) 2441 Canford Lane Fayetteville, NC 28304 910-364-4558 mqmlewis@aol.com	9/18	1st	Sept/21 9/30/21	Yes
Linda Amos (B/F) 917 Bashlot Place Fayetteville, NC 28303 910-261-4003	10/19	1st	May/22 5/31/22	Yes
(serving unexpired term; eligible for one additional term)				

Meets 3rd Thursday of each month at 7:00 PM – Historic Cumberland County Courthouse, 130 Gillespie Street, Second Floor Hearing Room #3

Contact: Betty Lynd, Planning & Inspections Department, 678-7605

**APPLICANTS FOR
BOARD OF ADJUSTMENT**

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BROOKS, DONALD (B/M) 301 SOUTHLAND DRIVE FAYETTEVILLE NC 28311 910-826-6078 DONALDBROOKS959@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: YES Graduate-other leadership academy: GRADUATE EXECUTIVE LEADERSHIP PROGRAM CATEGORY: GENERAL PUBLIC	RETIRED	BACHELORS
DICKENS, CATHY (-/F) 1426 COBRA DRIVE FAYETTEVILLE NC 28303 910-286-0157 MAXINEDICKENS69@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	DISTRICT SUPERVISOR SOIL AND WATER	HIGH SCHOOL
GUY, DAVID NICHOLSON III 305 WOODCREST ROAD FAYETTEVILLE NC 28305 910-850-8004 DAVIDNGUY02@YAHOO.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	REAL ESTATE BROKER CONTRACTOR	BS-BUSINESS MANAGEMENT
MULLINS, VICKIE M (W/F) 5905 TURNBULL ROAD FAYETTEVILLE NC 28312 910-322-3100 GIRLIMON1@AOL.COM Graduate-County Citizens' Academy: YES Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	RETIRED FROM COOPERATIVE EXTENSION	COLLEGE-REC DEGREE

**APPLICANTS FOR
BOARD OF ADJUSTMENT PAGE 2**

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
RHODES, EVA P. (-/F) 301 DUNLEITH PLACE FAYETTEVILLE NC 28311 443-326-2924 EVAPHR1161@COMCAST.NET Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	RETIRED FEDERAL EMPLOYEE	COLLEGE LISTED
SILVERMAN, GARY A (W/M) 1174 DERBYSHIRE ROAD FAYETTEVILLE NC 28314 910-574-9952 GSILVERMAN001@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: US ARMY LEADERSHIP COURSES CATEGORY: GENERAL PUBLIC	LT COLONEL US ARMY RETIRED/PT INSTRUCTOR	BS, AS
TWITTY, MARTELLE (B/F) 6404 DAVIS BYNUM FAYETTEVILLE NC 28306 910-922-2014 MARTELLECOKE@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	DENTAL HYGIENIST DAY AND NIGHT FAMILY DENTAL	DENTAL HYGIENE, BS



CLERK TO THE BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KELLIE BEAM, DEPUTY CLERK TO THE BOARD

DATE: 11/13/2020

SUBJECT: CIVIC CENTER COMMISSION (1 VACANCY)

BACKGROUND

The Civic Center Commission has the following one (1) upcoming vacancy:

Alexandra “Lexi” Hasapis – completing first term on January 1, 2021. Eligible for reappointment. The Civic Center Commission recommends the reappointment of Ms. Hasapis. (See attached)

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

RECOMMENDATION / PROPOSED ACTION

Nominate individual to fill the one (1) vacancy above.

ATTACHMENTS:

Description

Civic Center Commission Nomination Backup Information

Type

Backup Material

Civic Center Commission

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

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

Member Specifications:

15 Members

Term: 3 Years

Compensation: None

Duties:

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

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

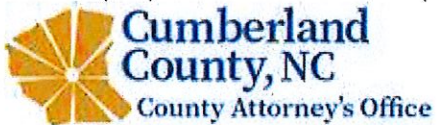
Meeting Location: Cumberland County Civic Center Crown Coliseum Board Room 1960 Coliseum Drive Fayetteville, NC

Kellie Beam

From: Myra Brooks
Sent: Friday, November 13, 2020 8:23 AM
To: Kellie Beam
Subject: CCC Board Reappointment

The Civic Center Commission board at its October 27th meeting, unanimously voted to reappoint of Alexandra "Lexi" Hasapis for another term. She was eligible for reappointment.

Myra M. Brooks
N.C. CERTIFIED PARALEGAL
P.O. BOX 1829
FAYETTEVILLE, NC 28302-1829
PHONE: (910) 678-7762/7757 / FAX: (910) 678-7758



CIVIC CENTER COMMISSION

3 Year Term

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

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
Mark J. Yarboro (B/M) 1780 Geiberger Drive Fayetteville, NC 28303 703-624-7730 Yarboro.mark@yahoo.com	1/19	1st	Jan/22 1/1/22	Yes
Charles McBryde Grannis (W/M) 120 S. Churchill Drive Fayetteville, NC 28303 910-850-8865 Mcbrydeg@yahoo.com	1/19	1st	Jan/22 1/1/22	Yes
Dr. Vicki Andrews (B/F) 2913 Beringer Drive Fayetteville, NC 28306 910-964-5828 Carasel1908@gmail.com	1/19	1st	Jan/22 1/1/22	Yes
Joe Gillis (W/M) 8623 Galatia Church Road Fayetteville, NC 28304 910-309-2001 MR.JHGILLIS@GMAIL.COM	1/20	2nd	Jan/23 1/1/23	No
Sheba McNeil (B/F) 542 Williwood Road Fayetteville, NC 28311 229-1111/568-5005	1/20	2 nd	Jan/23 1/1/23	No
Greg Edge (W/M) 2905 Delaware Drive Fayetteville, NC 28304	1/19	1st	Jan/22 1/1/22	Yes
Gregory Parks (W/M) 307 Devane Street Fayetteville, NC 28305 484-9666/483-8194	1/20	2nd	Jan/23 1/1/23	No

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

<u>Date</u>	<u>Appointed</u>	<u>Eligible For</u> <u>Term</u>	<u>Expires</u>	<u>Reappointment</u>
Name/Address Joseph F Quigg IV (W/M) 334 Echo Lane Fayetteville, NC 28303 323-0994/229-4926/484-6131 edstire@nc.rr.com	1/19	1st	Jan/22 1/1/22	Yes

Restaurant Owner (SL 1993-413)

Alexandra (Lexi) Hasapis 3102 Cliffdale Road Fayetteville, NC 28303 910-689-8600 lexihasapis@gmail.com	01/18	1st	Jan/21 1/1/21	Yes
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**** 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. ****

Ex Officio Member: Amy Cannon County Manager

Meetings: 4th Tuesday of the month at 5:30 PM, Crown Center Board Room. 1960 Coliseum Drive

Contact: James J. Grafstrom, Jr., General Manager, Coliseum Complex (or Myra Brooks – 678-7757)

**APPLICANTS FOR
CIVIC CENTER COMMISSION**

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BLEVINS, MARY ELIZABETH (W/F) 1442 SEABISCUIT DRIVE PARKTON NC 28371 910-853-4539 THESHOEDIVA@YAHOO.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: HOPE MILLS CITIZENS ACADEMY CATEGORY: GENERAL PUBLIC	EXECUTIVE DIRECTOR HOPE MILLS CREATIVE ARTS	ASSOCIATES -ART
BOSTIC, MELISSA (-/F) 3931 BROOKGREEN DR FAYETTEVILLE NC 28304 910-364-2345 MBOSTIC19@ICLOUD.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	HR MANAGER PCES	MBA, DBA
HARPER, STEVE C. (B/M) 5707 BASHFORT CT FAYETTEVILLE NC 28304 425-9643/988-7004 STEVEHARPER276@GMAIL.COM Graduate-County Citizens' Academy: YES Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: CITY OF FAYETTEVILLE CITIZENS ACADEMY CATEGORY: GENERAL PUBLIC	RETIRED OPERATIONS MANAGER	HIGH SCHOOL & SOME COLLEGE
HOLMES, KIM (B/F) 3549 SANDEROSA RD FAYETTEVILLE NC 28312 824-1000/223-4177 KIMHOLMES2@GMAIL.COM Graduate-County Citizens' Academy: YES Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	CUSTOMER SERVICE CALL CENTER PWC	SOME COLLEGE

Civic Center Commission, Page 2

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
JOHNSON, JAN (-/F) 220 WOODCREST ROAD FAYETTEVILLE NC 28305 486-9034/850-8818/486-9036 VIDEO@MOONLIGHT1.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	FILMMAKER, ENTREPRENEUR MOONLIGHT COMMUNICATIONS	BACHELORS- EDUCATION
KEEN, J. SCOTT (W/M) 1822 BONWOOD STREET FAYETTEVILLE NC 28312 484-9588/723-0555/323-3377 JSCOTTKEEN@GMAIL.COM Graduate-County Citizens' Academy: No Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-United Way's Multi-Cultural Leadership Program: No Graduate-other leadership academy: No CATEGORY: GENERAL PUBLIC	BUSINESS CONSULTANT/ LOAN OFFICER CENTER FOR ECONOMIC EMPOWERMENT & DEV	MBA
LYNCH, MARK N. (W/M) 833 BRAGG BLVD FAYETTEVILLE NC 28301 483-1212/494-0233 MARK@QUALITYSOUNDINC.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	ENGINEER QUALITY SOUND & VIDEO	COLLEGE LISTED
MARABLE, KATHERINE (B/F) 1805 MCGOUGAN ROAD FAYETTEVILLE NC 28303 910-486-9035 NO EMAIL ADDRESS Graduate-County Citizens' Academy: YES Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: YES Graduate-other leadership academy: YES CATEGORY: GENERAL PUBLIC	RETIRED EDUCATOR CUMBERLAND COUNTY SCHOOLS	MASTERS DEGREE *SERVES ON THE MID-CAROLINA AGING ADVISORY COUNCIL*

Civic Center Commission, Page 3

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
MILLS, SUSAN (W/F) 4158 BENT GRASS DRIVE FAYETTEVILLE NC 28312 910-308-2409 VOTE4MILLS@AOL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	HIGH SCHOOL TEACHER SAMPSON COUNTY PUBLIC SCHOOLS	BS-COMMUNICATIONS
MOORE, RASHAWN (B/M) 5605 MURPHY ROAD STEDMAN NC 28391 910-309-4548 RASHAWN@WEBUILDFAITH.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	GRAPHIC DESIGNER SELF EMPLOYED AT FAITHBASED	SOME COLLEGE
MORTON, DINEEN (B/F) 5835 PETTIGREW DRIVE FAYETTEVILLE NC 28314 910-494-5761/910-495-6977 DINEEN.MORTON@LHCGROUP.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	HOME HEALTH LHC GROUP/CAPE FEAR VALLEY	BA-SOCIOLOGY
SMITH, STEVEN H (WORTH) (W/M) 404 BRIGHTWOOD DRIVE FAYETTEVILLE NC 28303 580-2066/486-0434 WORTH.SMITH@ML.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	FINANCIAL ADVISOR MERRILL LYNCH	BS-FINANCE, SCL,MBA

Civic Center Commission, Page 4

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
TAYLOR, MADELEINE A (-M) 812 TAMARACK DRIVE APT 8202 FAYETTEVILLE, NC 28311 919-924-5901 MABBYO@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	NONE LISTED	HIGH SCHOOL
THOMPSON, DWIGHT (B/M) 3402 RUDLAND CT FAYETTEVILLE NC 28304 910-494-3959 DWIGHT.E.THOMPSON@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: ARMY OFFICER ACADEMY CATEGORY: GENERAL PUBLIC	SOLDIER/IT TECH ARMY/FSU	BA, MBA
WILLIAMS, WESTANA BAGGETT (B/F) 734 ELDERBERRY DRIVE FAYETTEVILLE NC 910-308-5406/910-615-5406 *SERVES ON THE NURSING HOME ADVISORY BOARD* WESTANAWARREN@GMAIL.COM Graduate-County Citizens' Academy: YES Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: YES Graduate-other leadership academy: CITY OF FAYETTEVILLE'S CITIZENS ACADEMY CATEGORY: GENERAL PUBLIC	PAYER RELATIONS COORDINATOR CAPE FEAR VALLEY	BS & MBA
WORTHY, CURTIS (B/M) 6320 LYNETTE CIRCLE FAYETTEVILLE NC 28314 868-3844/824-9091 C.WORTHY@MSN.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	ACCOUNTANT WORTHY'S TAX	BS DEGREE



CLERK TO THE BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KELLIE BEAM, DEPUTY CLERK TO THE BOARD

DATE: 11/13/2020

**SUBJECT: CUMBERLAND COUNTY JUVENILE CRIME PREVENTION COUNCIL
(3 VACANCIES)**

BACKGROUND

The Cumberland County Juvenile Crime Prevention Council (JCPC) has the following three (3) vacancies:

United Way or Non-Profit Representative:

Terri Thomas – completed second term. Not eligible for reappointment.

The Juvenile Crime Prevention Council recommends **Amy Navejas**. (See attached)

Member of Business Community:

Austin Campbell – completed second term. Not eligible for reappointment. The Juvenile Crime Prevention Council recommends **Dwight E. Palmer Jr.** (See attached)

Member of Faith Community:

Augusta Newman – Resigned.

The Juvenile Crime Prevention Council recommends **Gregory L. Davis**. (See attached)

I have attached the current membership roster and applicant list.

RECOMMENDATION / PROPOSED ACTION

Make nominations to fill the three (3) vacancies above.

ATTACHMENTS:

Description

CC JCPC Nomination Backup Information

Type

Backup Material

Cumberland County Juvenile Crime Prevention Council

The purpose of the Cumberland County Juvenile Crime Prevention Council is to help prevent at-risk juveniles from delinquency. Develop community-based delinquency alternatives to training schools and to provide community-based delinquency and substance abuse prevention strategies and programs. Provide non-institutional dispositional alternatives that will protect the community and the juveniles. Plan and organize programs in partnership with the state.

Statutory Authorization: NCGS 147-33.49

Member Specifications:

26 Members with Specific Categories:

- Local School Superintendent or designee (1)
- Chief of Police (1)
- Local Sheriff (1)
- District Attorney or designee (1)
- Chief Court Counselor or designee (1)
- Director of Mental Health or designee (1)
- Director of Social Services or designee (1)
- County Manager or designee (1)
- Substance Abuse Professional (1)
- Member of Faith Community (1)
- County Commissioner (1)
- Person under 18 (1)
- Juvenile Defense Attorney (1)
- Chief District Court Judge or designee judge (1)
- Member of Business (1)
- Health Director or designee (1)
- United Way or nonprofit (1)
- Parks and Recreation Representative (1)
- At-Large Members (Maximum of 7)
- Non-Voting Member (1)

Term: 2 Years

Compensation: None

Duties:

- Annual review of the needs of juveniles in the county who are at-risk or who have been adjudicated. Council shall develop a request for proposal process and submit to the County Commissioners a written plan of expenditures. Upon the County's authorization, the plan must be approved by the Office;

- Ensure appropriate community based intermediate dispositions for adjudicated juveniles are available, pursuant to minimum standards set by the Office; and
- Perform the following on an ongoing basis:
 1. Assess needs of juveniles in the community, evaluate resources, plan for unmet needs;
 2. Evaluate performance of juvenile services/programs as a condition of continued funding of programs;
 3. Increase public awareness causes of delinquency and prevention efforts;
 4. Develop intervention strategies and risk assessments for at-risk youth;
 5. Provide funds for services: treatment/counseling/parenting/rehabilitation;
 6. Plan permanent funding streams for delinquency prevention programs.

Meetings: Second Wednesday of each month at 1:15 PM. Meetings are normally one to two hours in length.

Meeting Location: Cumberland County CommuniCare, Conference Room 109 Bradford Ave

Glenn Adams,
JCPC Chair

Mike Fiala,
JCPC Vice Chair



CUMBERLAND COUNTY

JUVENILE CRIME PREVENTION COUNCIL

Bringing resources together for at-risk youth

Nichelle Gaines,
JCPC Coordinator

TO: KELLIE BEAM, DEPUTY CLERK TO THE BOARD

FROM: NICHELLE GAINS, JCPC COORDINATOR

DATE: NOVEMBER 10, 2020

**SUBJECT: JCPC MEMBERSHIP NOMINATIONS FOR NOVEMBER 16, 2020
CUMBERLAND COUNTY BOARD OF COMMISSIONERS' MEETING**

The JCPC Council met on Tuesday, November 10, 2020 and approved the following membership applications for consideration at the November 16, 2020 Board of Cumberland County Commissioners' meeting:

United Way / Non-Profit Representative: Amy Navejas, President, United Way

Member of the Business Community: Dwight E. Palmer, Jr. (Local Car Dealership)

Member of the Faith Community: Gregory L. Davis (Asst. Pastor Status)

Each applicant has submitted the required application through the Boards and Committees process on the Board of Commissioners' website. Please place these nominations on the November 16, 2020 Board of Commissioner's agenda for Nomination to the JCPC Council.

Should you have any questions please do not hesitate to contact me at (910) 437-1884.

Thank You –

/ct




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	1/12			
Cumberland County Schools				
P.O. Box 2357				
Fayetteville, North Carolina 28302				
Phone: 678-2495				
<u>Chief of Police or designee</u>				
Lt. Mike Petti	3/15			
Fayetteville Police Department				
467 Hay Street				
Phone: 433-1910				
<u>Local Sheriff or designee</u>				
Lt. Jeff Mitchell	5/19			
Cumberland County Sheriff's Office				
131 Dick Street				
Fayetteville, North Carolina 28301				
Phone: 677-5474				
<u>District Attorney or designee</u>				
Brandy Brutsch	10/17			
Assistant District Attorney				
District Attorney's Office				
117 Dick Street, Suite 427				
Fayetteville, North Carolina 28301				
Phone: 678-2915				
<u>Chief Court Counselor or designee</u>				
Jason Hunter	8/19			
Department of Juvenile Justice				
P.O. Box 363				
Fayetteville, North Carolina 28302				
Phone: 321-3712				
<u>Mental Health Representative or designee</u>				
Tina Higgs	04/14			
Alliance Health – Community Relations, Court Liaison				
711 Executive Place				
Fayetteville, North Carolina 28305				
910-491-4794				

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>				
Natasha Tomlinson	11/17			
Cumberland County Department of Social Services				
P.O. Box 2429				
Fayetteville, North Carolina 28302-2429				
Phone: 321-6459				
 <u>County Manager or designee</u>				
Duane Holder	10/17			
Assistant County Manager				
Cumberland County Courthouse				
P.O. Box 1829				
Fayetteville, North Carolina 28302-1829				
Phone: 678-7725				
 <u>Chief District Judge or designee</u>				
Judge Ed Pone	1/99			
P.O. Box 363				
Fayetteville, North Carolina 28302				
Phone: 678-2901				
 <u>Health Director or designee</u>				
	2/18			
1235 Ramsey Street				
Fayetteville, North Carolina 28301				
Phone: 433-3783				
 <u>Parks and Recreation Representative</u>				
James Powell	2/17			
City of Fayetteville				
Parks and Recreation Dept.				
433 Hay Street				
Fayetteville, North Carolina 28301				
Phone: 433-1547				
 <u>County Commissioner</u>				
Glenn Adams	3/15			
P.O. Box 1829				
Fayetteville, NC 28302-1829				
Phone: 678-7771				

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>				
Stephanie Dixon Carolina Treatment Center 1664 Wellons Drive Fayetteville, NC 28304 366-2613/864-8739	2/19	1st	Feb/21 2/28/21	Yes
<u>Member of Faith Community</u>				
 VACANT (Vacated by A. Newman) 9/18		2nd	Sept/20 9/30/20	No
<u>Person Under Age 18</u>				
Trenton Hightower 165 Wolfpoint Drive Fayetteville, NC 28311 910-850-2249 Trentonhightower2004@gmail.com	11/19	1st	Dec/20 12/31/20	Yes
	(serving unexpired term; eligible for two additional terms)			
VACANT (Vacated by S. Rowe)	1/19	1st	Oct/20 10/31/20	Yes
<u>Juvenile Defense Attorney</u>				
Michael Fiala 6213 Castlebrooke Lane Linden, NC 28356 910-988-6907 Mike.fiala@smithdickey.com	1/19 O-	1st	Jan/21 1/31/21	Yes
<u>Member of Business Community</u>				
 Austin Campbell 5316 Sandstone Drive Fayetteville, NC 28311	10/18	2nd	Sept/20 9/30/20	No
<u>United Way or Non-Profit</u>				
 Terri Thomas 508 Spaulding Street Fayetteville, NC 28301	9/18	2nd	Sept/20 9/30/20	No

Cumberland County Juvenile Crime Prevention Council, Page 4

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>At Large Representatives</u>				
Terrasine Gardner 1187 Helmsley Drive Fayetteville, NC 28314 536-3886/491-4816 tegardner@alliancehealthplan.org	11/19	1 st	Nov/21 11/30/21	Yes
Dr. Antonio Jones 505 Platinum Street Fayetteville, NC 28311 302-0057/729-4144 drjonesa@gmail.com	1/19	1 st	Jan/21 1/31/21	Yes
Nicole Hawkins-Jones 418 Taipei Ct Fayetteville, NC 28303 758-4771 Nicole.hawkins@ncdps.gov	11/19	2 nd	Nov/21 11/30/21	No
Dr. Mark Kendrick 2927 Rosecroft Drive Fayetteville, NC 28304 988-3126 Mkendrick2927@gmail.com	4/19	1 st full term	Apr/21 4/30/21	Yes

Non-Voting Member

Lance Britt lance.britt@ncdps.gov 919-323-6845 (cell)

Meetings: Second Wednesday of each month at 1:15 PM. CC CommuniCare Conference Room –109
Bradford Ave, Lower Level Conference Room, Fayetteville, NC 28301.

Contact: Duane Holder, 910-678-7723

**APPLICANTS FOR
CUMBERLAND COUNTY JUVENILE CRIME PREVENTION COUNCIL**

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
BAILEY, TIARRA (B/F) 3205 WINTERWOOD DRIVE FAYETTEVILLE NC 28306 910-587-1212 BAILEYTIARRA3@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC, MEMBER OF FAITH COMMUNITY	PUBLIC HEALTH STUDENT	BS-HUMAN SERVICES & BIOLOGY
BARNHILL, KRISTA (W/F) 5230 HEATHER STREET HOPE MILLS NC 28348 973-5917/438-4127 KRISB69@EARTHLINK.NET Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	DIRECTOR OF FINANCE SPECTRA – CROWN COMPLEX	BACHELORS - ACCT
BENAVENTE, MARIO (LAT/M) 3549 HASTINGS DRIVE FAYETTEVILLE NC 28311 910-551-5659 MBFNC14@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: MILLENNIAL ADVISORY COMMISSION CATEGORY: GENERAL PUBLIC & MEMBER OF A BUSINESS COMMUNITY	LAW STUDENT NCCU SCHOOL OF LAW	BA & CURRENT STUDENT
BLACK, JESSICA (W/F) 4935 S. RIVER SCHOOL WADE, NC 28395 309-9921/483-0153 JEGOETKE@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	ASSISTANT PRINCIPAL CC SCHOOLS	MASTERS

CUMBERLAND COUNTY JUVENILE CRIME PREVENTION COUNCIL, PAGE 2

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
BROOKS, FAITH L. (B/F) 437 BRISTLECONE DRIVE FAYETTEVILLE NC 28311 822-0379/919-432-7218/919-990-9272 FBROOKS@ISA.ORG Graduate-County Citizens' Academy: No Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-United Way's Multi-Cultural Leadership Program: No Graduate-other leadership academy: No CATEGORY: GENERAL PUBLIC	SENIOR CUSTOMER SERVICE SPECIALIST INTERNATIONAL SOCIETY OF AUTOMATION	COLLEGE LISTED
BROWN, DONNITTA (B/F) 2119 MANNINGTON DRIVE FAYETTEVILLE NC 28306 484-3884/381-8010/907-6903 RNITA76@GMAIL.COM Graduate-County Citizens' Academy: No Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-United Way's Multi-Cultural Leadership Program: No Graduate-other leadership academy: No CATEGORY: GENERAL PUBLIC	HEALTH SYSTEM ASSISTANT DEPT OF DEFENSE WOMACK ARMY MEDICAL CENTER	FSU-BA-SOCIOLOGY
BROWN, PAULA (B/F) 3500 BENNETT DRIVE FAYETTEVILLE NC 28301 703-8399/709-8595/483-0153 PHOWARD924@YAHOO.COM Graduate-County Citizens' Academy: YES Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: YES Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	RETIRED	MASTERS-ED
DAVIS, GREGORY L. (B/M) 3419 BAYHAM CT FAYETTEVILLE NC 28304 491-7080/678-270-0226/570-6466 GZUSIZ1ST@HOTMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: MEMBER OF FAITH COMMUNITY & UNITED WAY OR NONPROFIT REPRESENTATIVE	LOGISTICIAN/ASSOCIATE PASTOR DEPT OF DEFENSE/LEWIS CHAPEL	MASTERS-ART BACHELORS

CUMBERLAND COUNTY JUVENILE CRIME PREVENTION COUNCIL, PAGE 3

NAME/ADDRESS/PHONE	OCCUPATION	EDUCATIONAL BACKGROUND
DEBERRY, AN-QUE (-/F) 1405 E YELLOW RIBBON DRIVE FAYETTEVILLE NC 28314 702-978-0960 ANQUEDEBERRY@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	SOCIAL WORKER MAGELLAN HEALTH	BA-POLITICAL SCIENCE MASTERS-SOCIAL WORK
DITMORE, ERIC (W/M) 3686 LINDEN ROAD LINDEN NC 28356 910-658-1823 EMDITMORE@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	ATTY LEWIS, DEESE, NANCE	COLLEGE
EARL, RENARDE D. (B/M) 6919 SOUTH STAFF RD FAYETTEVILLE NC 28306 336-682-4424 RDE9498@GMAIL.COM Graduate-County Citizens' Academy: YES Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: LEADERSHIP WINSTON SALEM CATEGORY: GENERAL PUBLIC	ASSOCIATE VICE CHANCELLOR OF POLICE/PUBLIC SAFETY FSU	BACHELORS
GIRAUD, CHAR'KARIA D. (B/F) 1632 MAN O WAR DRIVE HOPE MILLS NC 28348 629-255-6008/396-1017 CHARKARIA.GIRAUD@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: MEMBER OF BUSINESS COMMUNITY	ACCOUNTANT DEPT OF DEFENSE	BACHELORS

CUMBERLAND COUNTY JUVENILE CRIME PREVENTION COUNCIL, PAGE 4

NAME/ADDRESS/PHONE	OCCUPATION	EDUCATIONAL BACKGROUND
JACKSON, GREGORY 6409 BURNSIDE PLACE FAYETTEVILLE NC 28311 488-8626/759-9853 GJACKSON0904@YAHOO.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	RETIRED PROBATION OFFICER MILLER-MOTT COMMUNITY COLLEGE	BS & MASTERS
JENKINS, ASHLEE (B/F) 2605 MIDDLE BRANCH BEND FAYETTEVILLE NC 28304 301-379-3857 A.THOMASJENKINS@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	UNEMPLOYED FORMER LAW ENFORCEMENT	BS-CRIMINAL JUSTICE MS-CRIMINAL JUSTICE MS-PUBLIC ADMIN.
LASHLEY, DR. TRACIE HINES (B/F) 1540 EPIC WAY HOPE MILLS NC 28348 922-4575/432-4165 TRACIE@DRTRACIELASHLEY.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: JOHN MAXWELL TEAM CATEGORY: GENERAL PUBLIC	CHIEF, CYBER COMPLIANCE BRANCH DEPT OF DEFENSE; WEBSTER UNIVERSITY	DOCTORATE
LEWIS, DAWANE (-/M) BUSINESS ADMIN 3602 RIDGECREST AVE FAYETTEVILLE NC 28303 703-577-5089 BARNES621@HOTMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: SENIOR LEADERSHIP COURSE CATEGORY: GENERAL PUBLIC	RETIRED MASTER SERGEANT	BACHELORS-

CUMBERLAND COUNTY JUVENILE CRIME PREVENTION COUNCIL, PAGE 5

NAME/ADDRESS/PHONE	OCCUPATION	EDUCATIONAL BACKGROUND
MCNEILL, TREVONE (B/M) 8436 ENGLISH SADDLE DRIVE FAYETTEVILLE NC 28314 910-391-1726 FDECYP@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: MEMBER OF FAITH COMMUNITY	CHILDCARE SELF EMPLOYED	ASSOCIATES/BA
NAVEJAS, AMY (W/F) 3496 THAMESFORD RD FAYETTEVILLE NC 28311 910-964-0171 AMYNAVEJAS@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: UNITED WAY OR NONPROFIT REPRESENTATIVE	EXECUTIVE DIRECTOR/CEO UNITED WAY OF CC	BA – POLITICAL SCIENCE BA-PSYCHOLOGY
PALMER, REV DWIGHT E JR. (B/M) 1139 HELMSLEY DRIVE FAYETTEVILLE NC 28314 868-2575/476-0799/892-6405 DEPALMERJR@YAHOO.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: MEMBER OF BUSINESS COMMUNITY	GENERAL SALES MANAGER DORMAN CADILLAC-GMC	BA MBA
PERKINS, KAMAR (B/M) 4234 RACCOON PATH FAYETTEVILLE NC 28312 301-814-5343 KAMARPERKINS1@GMAIL.COM Graduate-County Citizens' Academy: No Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-United Way's Multi-Cultural Leadership Program: No Graduate-other leadership academy: No CATEGORY: GENERAL PUBLIC	PHARMACY TECH	PRE-LAW

CUMBERLAND COUNTY JUVENILE CRIME PREVENTION COUNCIL, PAGE 6

NAME/ADDRESS/PHONE	OCCUPATION	EDUCATIONAL BACKGROUND
REESSE, CLARISSA MCRAE (B/F) 1736 SHAW RD FAYETTEVILLE NC 28311 910-354-0912 MRSCMREESSE2017@GMAIL.COM Graduate-County Citizens' Academy: No Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-United Way's Multi-Cultural Leadership Program: No Graduate-other leadership academy: No CATEGORY: GENERAL PUBLIC & MEMBER OF FAITH COMMUNITY	INSTRUCTOR/JCPC LIAISON DUNN POLICE ATHLETIC & ACTIVITIES LEAGUE	AAS, BS
ROGERS, KENNETH CARL JR. (B/M) 2512 HUNTINGBOW DRIVE HOPE MILLS, NC 28348 910-584-3785 KENNYROGERS8181@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	SALES CONSULTANT FRED ANDERSON TOYOTA OF SANFORD	BACHELORS
SILVERMAN, GARY A (W/M) 1174 DERBYSHIRE ROAD FAYETTEVILLE NC 28314 910-574-9952 GSILVERMAN001@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	LT COLONEL US ARMY RETIRED/PT INSTRUCTOR	SCHOOL LISTED
SIMMONS, RENATA (-/F) 1502 DIPLOMAT DRIVE FAYETTEVILLE NC 28304 627-1332/678-8268 SIMMONSRENATA02@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	CAREER DEVELOPMENT CENTER TECH FTCC	BA-SOCIOLOGY

CUMBERLAND COUNTY JUVENILE CRIME PREVENTION COUNCIL, PAGE 7

NAME/ADDRESS/PHONE	OCCUPATION	EDUCATIONAL BACKGROUND
TAYLOR, MADELEINE A (-M) 812 TAMARACK DRIVE APT 8202 FAYETTEVILLE, NC 28311 919-924-5901 MABBYO@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	NONE LISTED	HIGH SCHOOL
TWITTY, MARTELLE (B/F) 6404 DAVIS BYNUM FAYETTEVILLE NC 28306 910-922-2014 MARTELLECOKE@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	DENTAL HYGIENIST DAY AND NIGHT FAMILY DENTAL	DENTAL HYGIENE, BS



CLERK TO THE BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KELLIE BEAM, DEPUTY CLERK TO THE BOARD

DATE: 11/13/2020

SUBJECT: TOURISM DEVELOPMENT AUTHORITY (3 VACANCIES)

BACKGROUND

The Tourism Development Authority (TDA) has the following three (3) vacancies:

Hotel/Motel Over 100 Rooms Representative:

Manish Mehta – completed second term. Not eligible for reappointment.

The TDA recommends **Naynesh Mehta**. (See attached)

Anup Contractor – completed second term. Not eligible for reappointment.

The TDA recommends **Ankit Trivedi**. (See attached)

Member of the Public Not Affiliated with Travel/Tourism:

Terri Thomas – completing first term on November 30, 2020. Eligible for reappointment. The TDA recommends the reappointment of Ms. Thomas. (See attached)

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

RECOMMENDATION / PROPOSED ACTION

Nominate individuals to fill the three (3) vacancies above.

ATTACHMENTS:

Description

Type

Tourism Development Authority

The Tourism Development Authority is charged with expending the net proceeds of the occupancy tax authorized by and levied under Session Laws 2001 Chapter 484 for the purposes provided in that act.

Web Page Links, Downloads, and Resources:

Statutory Authorization: NCGS 2001-484

Member Specifications:

7 Members with Specific Categories

- Representatives nominated by hotels and motels within the County which have in excess of 100 rooms subject to the occupancy tax (2)
- Representatives nominated by hotels and motels within the County which have fewer than 100 rooms subject to the occupancy tax (2)
- The President of the Fayetteville-Cumberland County Chamber of Commerce (1)
- The County Manager (1)
- A member of the public who is not affiliated with travel and tourism and who reflects the cultural diversity of the County (1)

Term: 3 Years

Compensation: None

Duties:

- Expend the net proceeds of the occupancy tax authorized by and levied under Session Laws 2001 Chapter 484, as amended from time to time, for the purposes provided in that act;
- Promote travel, tourism and conventions in the County, sponsor tourist-related capital projects in the County;
- Contract for and be contracted with, apply for and accept grants and gifts for the accomplishment of the purposes provided in the act.

Meetings: Quarterly (January/April/July/October) - Fourth Wednesday at 8:00 AM

Meeting Location: Cumberland County Courthouse Fifth Floor, Room 564 117 Dick Street Fayetteville, NC

Kellie Beam

Subject: FW: TDA Vacancy/Recommendations

From: Myra Brooks <mbrooks@co.cumberland.nc.us>
Sent: Thursday, October 29, 2020 9:24 AM
To: Kellie Beam <kbeam@co.cumberland.nc.us>
Cc: Candice White <cwhite@co.cumberland.nc.us>
Subject: TDA Vacancy/Recommendations

Kellie,

The TDA has two vacancies for the position of Hotel/Motel over 100 Rooms Representative. The TDA at its July 22, 2020 regular meeting and October 28, 2020 regular meeting, unanimously recommended the following individuals for the Board of Commissioners' consideration to fill the two vacancies. Please place this on the upcoming agenda. Thank you.

- **Naynesh Mehta** (currently held by Manish Mehta)
229 Forest Creek Drive
Fayetteville, NC 28303
- **Ankit Trivedi** (currently held by Anup Contractor)
1569 Jim Johnson Road
Fayetteville, NC 28312
(757) 897-1755 - cell

Also, the Board unanimously voted to reappoint **Terri Thomas** in the position of Member of the Public Not Affiliated with Travel/Tourism for another term.

Thank you.

Myra M. Brooks

CLERK TO TDA

P.O. BOX 1829

FAYETTEVILLE, NC 28302-1829

PHONE: (910) 678-7762/7757 / FAX: (910) 678-7758

CUMBERLAND COUNTY

== TOURISM ==
DEVELOPMENT
AUTHORITY

TOURISM DEVELOPMENT AUTHORITY
3 Year Terms

8/19

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
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Commissioner Appointees:

Hotel/Motels under 100 rooms Representatives:

Vivek Tandon (A/M) 2857 Skye Drive Fayetteville, NC 28303 323-9070/(w) 438-0945/(c) 670-1072 Vtandon103@aol.com	11/18	2nd	Nov/21 11/30/21	No
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Pavan D. Patel (IA/M) 4321 Ferncreek Drive Fayetteville, NC 28314 584-7174/919-904-2673 pavan@willowgroupinvestments.com	8/19	2nd	Nov/22 11/30/22	No
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Hotel/Motel over 100 rooms Representatives:

✶ Anup Contractor (A/M) 217 Kirkwood Drive Fayetteville, NC 28303 433-2657 (H) /433-2100 (W) / 286-9373 (C) anup.econolodge@gmail.com	3/18	2nd	Oct/20 10/31/20	No
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✶ Manish Mehta 229 Forest Creek Drive Fayetteville, NC 28303 494-1918 /689-0800 (C) msmehta@5points.nc.com	4/17	2 nd	Mar/20 3/31/20	No
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Member of the Public Not Affiliated with Travel/Tourism

✶ Terri Thomas 508 Spaulding Street Fayetteville, NC 28301 485-4765/988-7672 (cell) terristhomas88@gmail.com	11/17	1 st	Nov/20 11/30/20	Yes
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President of the Fayetteville Regional Chamber (ex officio)

Taneshia Kerr
159 Maxwell Street
Fayetteville, NC 28311
483-8133

Cumberland County Manager (ex officio)

Amy Cannon
P.O. Box 1829
Fayetteville, NC 28302
678-7723
acannon@co.cumberland.nc.us

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

Board was appointed on March 11, 2002.

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

Contact: Myra Brooks, County Attorney's Office 678-7762

**APPLICANTS FOR
TOURISM DEVELOPMENT AUTHORITY**

NAME/ADDRESS/PHONE	OCCUPATION	EDUCATIONAL BACKGROUND
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COLLIER, ADAM (W/M) 3612 SOUTH RIVER SCHOOL ROAD WADE, NC 28395 309-9736/223-7867	HOTEL MANAGER NEWPORT HOSPITALITY GROUP	SOME COLLEGE
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SERVES ON THE FACVB OF DIRECTORS

ADAM.COLLIER@MARRIOTT.COM

Graduate-County Citizens' Academy: NO
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: NO

CATEGORY: HOTEL/MOTELS OVER 100 ROOMS REPRESENTATIVE

MEHTA, NAYNESH (A/M) 229 FOREST CREEK DRIVE FAYETTEVILLE NC 28303 483-04791/494-2037/689-0799	HOTEL MANAGEMENT FIVE POINTS HOSPITALITY	BS-COMPUTER ENGINEERING
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SERVES ON THE WORKFORCE DEVELOPMENT BOARD

NSMEHTA@5POINTSNC.COM

Graduate-County Citizens' Academy: YES
Graduate-Institute for Community Leadership: YES
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: NO

CATEGORY: HOTEL/MOTELS OVER 100 ROOMS REPRESENTATIVE

MOORE, BENJAMIN (B/M) 5419 CEDAR CREEK RD FAYETTEVILLE NC 28312 804-593-8237/433-1657	ENGINEERING SPECIALIST II CITY OF FAYETTEVILLE	COLLEGE LISTED
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BMOORE@CI.FAY.NC.US

Graduate-County Citizens' Academy: NO
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: CITY OF FAYETTEVILLE LEADERSHIP ACADEMY

CATEGORY: GENERAL PUBLIC NOT AFFILIATED WITH TOURISM

TRIVEDI, ANKIT (A/M) 3106 SLADE DRIVE EASTOVER NC 28312 757-897-1755	HOTEL OWNER/OPERATOR SELF EMPLOYED	SOME COLLEGE
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ATRIVE@GMAIL.COM

Graduate-County Citizens' Academy: NO
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: NO

**CATEGORY: HOTEL/MOTELS OVER 100 ROOMS REPRESENTATIVE, HOTEL/MOTELS UNDER
100 ROOMS REPRESENTATIVE**



CLERK TO THE BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16, 2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KELLIE BEAM, DEPUTY CLERK TO THE BOARD

DATE: 11/13/2020

SUBJECT: TRANSPORTATION ADVISORY BOARD (7 VACANCIES)

BACKGROUND

The Transportation Advisory Board (TAB) has the following seven (7) vacancies:

Mental Health Representative:

- **Terrasine Gardner** – completing first term November 30, 2020. Eligible for reappointment. The TAB recommends the reappointment of Ms. Gardner. (See attached)

At-Large Representatives:

- **Mike Rutan** – completing first term on November 30, 2020. Eligible for reappointment. The TAB recommends the reappointment of Mr. Rutan. (See attached)
- **Dorothy Harris** – completing first term on November 30, 2020. Eligible for reappointment. The TAB recommends the reappointment of Ms. Harris. (See attached)
- Dawn McNair – Resigned. The TAB recommends the appointment of **Alinda Bailey**. (See attached)
- **Veronica Pierce** – completing first term on November 30, 2020. Eligible for reappointment. The TAB recommends the reappointment of Ms. Pierce. (See attached)

MPO Representative:

- **Katrina Evans** – completing first term on November 30, 2020. Eligible for reappointment. The TAB recommends the reappointment of Ms. Evans. (See attached)

Dialysis Center Representative:

- **Nkechi Kamalu** – completing first term on November 30, 2020. Eligible for reappointment. The TAB recommends the reappointment of Ms. Kamalu. (See attached)

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

RECOMMENDATION / PROPOSED ACTION

Nominate individuals to fill the seven (7) vacancies above.

ATTACHMENTS:

Description

Type

Transportation Advisory Board Nomination Backup Information

Backup Material

Transportation Advisory Board

The Transportation Advisory Board (TAB) is the County Commissioner-approved advisory board for the Community Transportation Program in Cumberland County. The organizational purpose of the TAB is to be a liaison between the Transportation Program Coordinator, the County Commissioners, and the public receiving service, to ensure that the transportation-related needs of the citizens of Cumberland County are and will continue to be met.

Member Specifications:

17 Members with Specific Categories

- City of Fayetteville Representative
- Urban Transit Provider Representative
- Mid-Carolina Council of Governments Director or Designee
- County DSS Director or Designee
- DSS Work First Representative
- Workforce Development Center Director or Designee
- Sheltered Workshop Director or Designee
- Aging Programs Representative
- County Mental Health Director or Designee
- Emergency Medical Services Representative
- County Representative
- County Planning Department Director or Designee
- County Health Director or Designee
- Private Transportation Provider Representative
- Vocational Rehab Director or Designee
- Private Citizen
- At-Large Representatives

Term: 2 Years

Compensation: None

Duties:

- Provides a safe, dependable, accessible and affordable transportation program for elderly and disabled Cumberland County residents in order to enhance their quality of life;
- Allocates funds received through the ROAP Grant to local agencies providing transportation to the elderly, disabled and rural residents of Cumberland County;
- Oversees the official actions of the Community Transportation Program and ensures that Federal and State requirements are met.

Meetings: Second Tuesday of the first month in the quarter, (January, April, July, and October) at 10:00 AM.

Meeting Location: Historic Cumberland County Courthouse 2nd Floor, Room 3 130 Gillespie Street Fayetteville, NC

Vacant
Chairman

Katrina Evans
Vice Chairman



Ifetayo Farrakhan
Transportation Coordinator

130 Gillespie Street
Fayetteville, NC 28301
910-678-7624

ifarrakhan@co.cumberland.nc.us

CUMBERLAND COUNTY
TRANSPORTATION ADVISORY BOARD

October 20, 2020

MEMORANDUM

TO: Kelly Beam, Deputy Clerk to the Board
FROM: Ifetayo Farrakhan, Transportation Program Coordinator
SUBJECT: TAB Member Nominations

The Transportation Advisory Board voted unanimously at their October 13, 2020 meeting to accept the following new member appointment:

Alinda Bailey – Community Paramedic Program

Due to the protocols that exist at the city level of government I will need for you to assist with an appointment from the City of Fayetteville to fill the position being vacated by Adolphus Thomas on November 30, 2020.

The following Transportation Advisory Board members have agreed to serving a second term on the board.

Katrina Evans – MPO
Terrasine Gardner – Mental Health
Nkechi Kamalu – Dialysis Ctr Staff
Veronica Pierce – School Government Staff
Dorothy Harris – Transit Rider
Mike Rutan – RPO Representative

The Transportation Advisory Board continues to work on recommendations for the following positions: Urban Transit Provider Representative, Vocational Rehab Representative, and others being vacated due to internal job title changes.

If you have any questions or need any additional information, please contact me.

TRANSPORTATION ADVISORY BOARD

2 Year Term

(All terms expire November 30th and begin December 1st according to the TAB bylaws.)

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
<u>City of Fayetteville Representative</u>				
Adolphus Thomas 820 Our Street Fayetteville, NC 28314 364-8515/433-1935	3/19	2nd	Nov/20 11/30/20	No
<u>Urban Transit Provider Representative</u>				
VACANT (Vacated by J. Roper)	11/18	2nd	Nov/20 11/30/20	No
<u>Mid-Carolina Council of Governments Director or Designee</u>				
Tracy Honeycutt Mid-Carolina Council of Governments 5575 Lockridge Road Fayetteville, NC 28311 322-8275/323-4191 thoneycutt@mccog.org	2/20	2nd	Nov/21 11/30/21	No
<u>County DSS Director or Designee</u>				
Kristin Bonoyer Cumberland County DSS 423 Delbert Drive Fayetteville, NC 28306 476-5589	5/19	1st	Nov/20 11/30/20	Yes
<u>DSS Work First Representative</u>				
Dana Davis Cumberland County DSS 7702 Buttonwood Ave Fayetteville, North Carolina 28314 973-9197/677-2339 Danadavis@ccdssnc.com	2/20	2nd	Nov/21 11/30/21	No
<u>Workforce Development Center Director or Designee</u>				
VACANT (Vacated by N. Rodriguez)	3/19	1 st full term	Nov/20 11/30/20	Yes

(All terms expire November 30th and begin December 1st according to the TAB bylaws.)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Vocational Rehab Representative</u>				
VACANT (Vacated by E. Morales)	6/18	1st	Nov/20 11/30/20	Yes
<u>Sheltered Workshop Director or Designee</u>				
Dwayne D. Beason Sr. 5801 Rivercroft Rd Fayetteville, NC 28304 424-7170/751-3782	3/19	1 st full term	Nov/20 11/30/20	Yes
<u>Aging Programs Representative</u>				
Amber Gulch 6218 Bristol Drive Fayetteville, NC 28314 864-4311/322-5582/484-0111 agulch@ccccooa.org	2/20	1st	Nov/21 11/30/21	Yes
<u>Mental Health Representative</u>				
Terrasine Gardner 1187 Helmsley Drive Fayetteville, NC 28314 491-4816/536-3886	3/19	1st	Nov/20 11/30/20	Yes
<u>Emergency Medical Services Representative</u>				
Suzanne King 3840 Goforth Drive Hope Mills, NC 28348 916-8024/615-3430 SEDWA5@CAPEFEARVALLEY.COM	3/19	2nd	Nov/20 11/30/20	No
<u>County Planning Department Director or Designee</u>				
Joel Strickland 1329 Baywood Road Fayetteville, NC 28312 910-853-8975 jstrickland@co.cumberland.nc.us	3/19	1st	Nov/20 11/30/20	Yes
<u>County Health Director or Designee</u>				
Sharon Batten 2260 Dockvale Drive Fayetteville, NC 28306 424-6559/797-8773/433-3741 sharonebatten@hotmail.com	2/20	2nd	Nov/21 11/30/21	No

(All terms expire November 30th and begin December 1st according to the TAB bylaws.)

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
<u>At-Large Representatives</u>				
Mike Rutan 130 Gillespie Street Fayetteville, NC 28301 910-323-4191 Ext 34	5/19	1st	Nov/20 11/30/20	Yes
Dorothy Harris 270 Lick Creek Drive Linden, NC 28356 910-502-2130 damazyckharris@twc.com	5/19	1st	Nov/20 11/30/20	Yes
Veronica Pierce 703 Connaly Drive Hope Mills, NC 28348 910-678-2691 veronicapierce@ccs.k12.nc.us	5/19	1st	Nov/20 11/30/20	Yes
VACANT (Vacated by D. McNair)	3/19	2nd	Nov/20 11/30/20	No
<u>MPO Representative</u>				
Katrina Evans 1912-C United Drive Fayetteville, NC 28301 551-6424/678-7614 kevans@co.cumberland.nc.us	3/19	1st	Nov/20 11/30/20	Yes
<u>Dialysis Center Representative</u>				
Nkechi Kamalu 105 Shadow Oak Lane Fayetteville, NC 28303 487-2177/850-3501/482-3491 nkemeg@yahoo.com	3/19	1st	Nov/20 11/30/20	Yes

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

Meetings: Second Tuesday in first month of each quarter (Jan., Apr., July, Oct.) at 10:00 AM – Special meeting held in June.

Location: Historic Courthouse, Courtroom 3

Contact: Ifetayo Farrakhan (Planning & Inspections) x7624, fax # 678-7601

**APPLICANTS FOR
TRANSPORTATION ADVISORY BOARD**

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
BECKLEY, TAMMY (W/F) 4341 PRODUCTION DRIVE FAYETTEVILLE NC 28306 NO PHONE # LISTED	HR GENERALIST NITTA GELATIN	SOME COLLEGE

T.BECKLEY@NITTA.GELATIN.COM

Graduate-County Citizens' Academy: NO

Graduate-Institute for Community Leadership: NO

Graduate-Leadership Fayetteville: NO

Graduate-United Way's Multi-Cultural Leadership Program: NO

Graduate-other leadership academy: NO

CATEGORY: GENERAL PUBLIC

BLUE, CARL (B/M) 1300 OAK KNOLLS DRIVE FAYETTEVILLE NC 28314 910-318-7941	YOUTH DEVELOPMENT COORDINATOR CC SCHOOLS	BS DEGREE
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CARLBLUE@CCS.K12.NC.US

Graduate-County Citizens' Academy: NO

Graduate-Institute for Community Leadership: NO

Graduate-Leadership Fayetteville: NO

Graduate-United Way's Multi-Cultural Leadership Program: YES

Graduate-other leadership academy: NO

CATEGORY: MENTAL HEALTH REPRESENTATIVE

DEAKINS, DR. ROBERT EDWARD (-/M) 3431 DORADO CIRCLE APT 207 FAYETTEVILLE, NC 28304 910-336-2350	RETIRED CLINICAL PSYCHOLOGIST DOCTORATE
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RSLDEAKINS@GMAIL.COM

Graduate-County Citizens' Academy: NO

Graduate-Institute for Community Leadership: NO

Graduate-Leadership Fayetteville: NO

Graduate-United Way's Multi-Cultural Leadership Program: NO

Graduate-other leadership academy: NO

CATEGORY: MENTAL HEALTH REPRESENTATIVE

GRANT, KELLEY Y (-/F) 3921 TASHA DRIVE HOPE MILLS NC 28348 818-0254/615-1344	CLINICAL EDUCATOR RN	BSN
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KELBLAZE34@GMAIL.COM

Graduate-County Citizens' Academy: NO

Graduate-Institute for Community Leadership: NO

Graduate-Leadership Fayetteville: NO

Graduate-United Way's Multi-Cultural Leadership Program: NO

Graduate-other leadership academy: NO

CATEGORY: DIALYSIS CENTER REPRESENTATIVE



OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 16,
2020

TO: BOARD OF COUNTY COMMISSIONERS

FROM:

DATE:

SUBJECT: MEETINGS

BACKGROUND

December 7, 2020 (Monday) - 7:00 PM

December 21, 2020 (Monday) - 6:45 PM