
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
REGULAR AGENDA SESSION
JUDGE E. MAURICE BRASWELL
CUMBERLAND COUNTY COURTHOUSE - ROOM 564
AUGUST 10, 2021
1:00 PM

INVOCATION- Vice Chairman Adams

1. APPROVAL OF AGENDA
2. APPROVAL OF MINUTES
 - A. June 10, 2021 Agenda Session Regular Meeting Minutes
3. PRESENTATIONS
 - A. Cape Fear Regional Theatre Post-Covid Renovation
 - B. Update by Pathways for Prosperity
4. CONSIDERATION OF AGENDA ITEMS
 - A. Local Workforce Development Area Annual Plan - Program Year 2021
 - B. Removal of Appendix B from the Cumberland County Code of Ordinances
 - C. Amended Professional Services Agreement for the Emergency Rental Assistance Program with Innovative Emergency Management, Inc.
 - D. Removal of Historical and Future Late Fees for Materials at Cumberland County Public Library
 - E. Fayetteville Area Convention & Visitors Bureau, Inc. (FACVB) Bylaw Change
 - F. Amendment to the Personnel Ordinance, Section 501 (f)
 - G. Radio Tower Lease Agreement with the North Carolina Department of Agriculture and Consumer Services - Division of Forest Services
 - H. Amended Scope of Work with the Wooten Company for the Board of Commissioners Meeting Room and Associated Budget Ordinance Amendment # 220082
 - I. Request for Qualifications (RFQ) for Consultant Services for a General Government Services Building
 - J. Amendments to Rules 6 and 26 of Board's Rules of Procedure
5. OTHER ITEMS
6. MONTHLY REPORTS
 - A. Financial Report

- B. Health Insurance Update
- C. Project Updates
- D. Community Development Update
- E. Community Development Block Grant - Disaster Recovery (CDBG-DR) Update
- F. Southern Health Partners, Inc. Quarterly Statistics Report on Inmate Health Care

7. CLOSED SESSION: If Needed

ADJOURN

AGENDA SESSION MEETINGS:

September 9, 2021 (Thursday) 1:00 PM

October 14, 2021 (Thursday) 1:00 PM



BOARD OF COMMISSIONERS' OFFICE

MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: COMMISSIONER MICHAEL BOOSE

DATE: 8/10/2021

SUBJECT: CAPE FEAR REGIONAL THEATRE POST-COVID RENOVATION

Requested by: COMMISSIONER MICHAEL BOOSE

Presenter(s): ELLA WRENN, MANAGING DIRECTOR OF THE CFRT

BACKGROUND

Commissioner Boose viewed a presentation at a PWC meeting provided by Ella Wrenn, Managing Director of the Cape Fear Regional Theatre. The presentation was about the theatre's post-Covid renovation. Commissioner Boose invited Ms. Wrenn to the August 10, 2021 Agenda Session meeting to share her presentation with the Board. Mary Kate Burke, CFRT Artistic Director, will join Ms. Wrenn for the presentation.

RECOMMENDATION / PROPOSED ACTION

For information only.



BOARD OF COMMISSIONERS' OFFICE

MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021 AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CANDICE H. WHITE, CLERK TO THE BOARD

DATE: 8/10/2021

SUBJECT: UPDATE BY PATHWAYS FOR PROSPERITY

Requested by: COMMISSIONER MICHAEL BOOSE

Presenter(s): PATHWAYS FOR PROSPERITY

BACKGROUND

At the June 10, 2021 Agenda Session regular meeting, Commissioner Boose stated he was approached by persons associated with Pathways for Prosperity who asked to provide an update. Commissioner Boose then offered a motion to approve the agenda and that persons associated with Pathways for Prosperity provide an update at the August 12 Agenda Session. The motion received a second by Commissioner Council and passed unanimously (6-0).

RECOMMENDATION / PROPOSED ACTION

Receive update.

ATTACHMENTS:

Description	Type
P4P ARP Funds Fayetteville Cumberland County	Backup Material
Powerpoint-P4P Progress Update Presentation	Backup Material



Leveraging American Rescue Plan (ARP) Funds to Fight Poverty

- Fayetteville to receive **\$38 million** in ARP fiscal aid; Cumberland County to receive **\$65 million**
 - Opportunity to address challenges highlighted in the 2015 Harvard study by Raj Chetty and in the Community Action Plan developed by Pathways For Prosperity
 - Strategic investments with these funds can reduce long-standing barriers to economic mobility, disrupt cycles of intergenerational poverty, unlock region's growth potential
 - Pathways for Prosperity issued a letter on April 7, 2021, offering recommendations to maximize impact of ARP funds; recommendations conform with recent Treasury guidance

Recommended Investments—ARP Funds

- Establish **Housing Trust Funds** within City and County community economic development offices
 - Recommended allocations: **City: \$10M; County: \$10M**
 - Impact: Provide gap financing for affordable housing development, incentivize income-diverse projects, support first-time home buyers, improve quality of existing stock
- Provide additional funding for tenant-based **local rent supplement program** currently in place
 - Recommend *jointly funded* program; allocations: **City: \$11.5M; County: \$11.5M**
 - Impact: Increase financial stability for cost burdened low-income households and free dollars for circulation in the local economy
- Increase capacity for CCS-endorsed Communities in Schools' **Parent University program expansion**
 - Recommended allocations: **City: \$1.5M; County: \$1.5M**
 - Impact: Support placement of 10-12 new Student Support Specialists in schools serving youth in areas of concentrated poverty over a three-year period
- Launch a **Historically Underutilized Business (HUB) certification campaign** in partnership with Fayetteville Cumberland Economic Development Corporation (FCEDC)
 - Recommended allocations: **City: \$500K; County: \$500K**
 - Impact: Promote a more equitable share of government contracts; increase the strength and capacity of diverse businesses throughout the community
- Create a **revolving loan/grant fund for local businesses** to accelerate access to capital
 - Recommend City and County separately allocate funds for a community partner such as the Center for Economic Empowerment & Development (CEED); **City: \$2.5M; County: \$2.5M**
 - Impact: Facilitate growth of small businesses and increase access to opportunities
- Establish a **broadband access program** for low-income households (prioritize 50% AMI and below)
 - Recommend city and county separately allocate funds for an appropriate community partner for administration; **City: \$2.7M; County \$2.7M**
 - Impact: Expand access to job opportunities, training, and education; compliment strategic effort to increase broadband coverage across the county
- Consider opportunities to **increase living wage standards** for local government employees and pursue **infrastructure improvements** such as street lighting and resurfacing in high-need areas



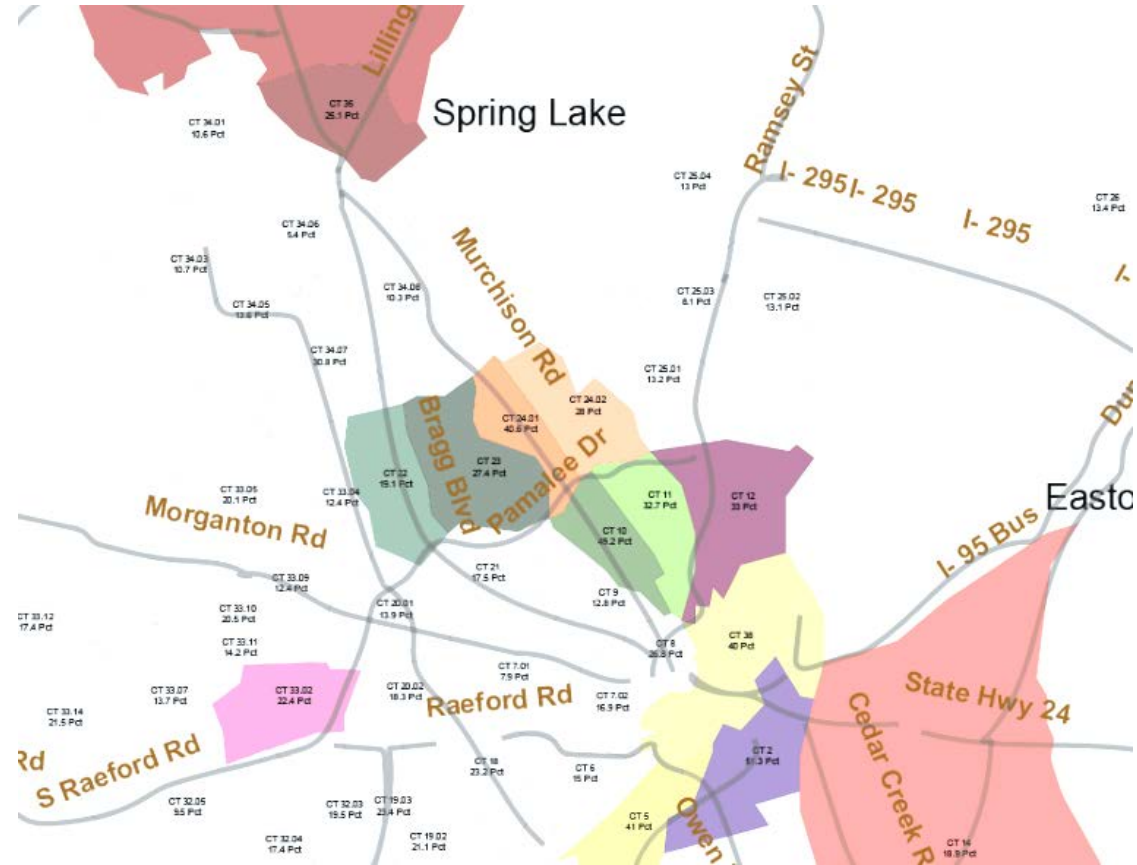
PATHWAYS FOR **PROSPERITY**

CREATE COMMUNITY CONVERSATION AND ACTION
TO ADDRESS ECONOMIC MOBILITY AND DRIVE CHANGE IN THE ECONOMIC
OUTCOMES OF FAYETTEVILLE & CUMBERLAND COUNTY RESIDENTS

Adam Svolto

Background

- Multi-disciplinary effort to optimize systems, policies, resources to address poverty
- Partnerships across local government, non-profit organizations, community members
- Six focus areas: housing, early childhood, K-12 education, life skills, workforce, health



Recent Coalition Activity

- Housing—CoF Choice Neighborhoods/Murchison Rd.
- Life Skills--Communities In Schools—Parent University expansion to five elementary/middle schools
- K-12 Advocacy—Community-Interagency Council offered recommendations to improve CCS Student Code of Conduct
- COVID19 Response, ARP Funds

Leveraging ARP Funds

- Opportunity to invest in families in ways that catalyze economic growth
- Housing Trust Fund
- CIS Parent University Expansion
- Revolving Loan Fund for Small Businesses
- Broadband Access

Questions

Adam Svolto

adam.Svolto@ncjustice.org

919-673-2768



ASSISTANT COUNTY MANAGER - ENVIRONMENTAL/ COMMUNITY SAFETY

MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL & COMMUNITY SAFETY**

DATE: 7/22/2021

**SUBJECT: LOCAL WORKFORCE DEVELOPMENT AREA ANNUAL PLAN -
PROGRAM YEAR 2021**

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): JUSTIN HEMBREE, MCCOG EXECUTIVE DIRECTOR

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) requires each Workforce Development Board (WDB) to develop and submit, in partnership with the Chief Local Elected Official (i.e., Chairman of the Local Board of County Commissioners), a comprehensive four-year plan. Four-Year Plans were submitted in 2020. Annually, each WDB is to provide updates to the Comprehensive Four-Year Plan (PY 2020). The WIOA Program Year (PY) 2021 Plan provides current plan year updates which will be effective July 1, 2021 - June 30, 2022 and will include all current local policies. The Comprehensive Four-Year Plan (PY 2020) must be maintained and updated as appropriate. The PY 2021 Plan includes information related to the WDB Overview, NCWorks Career Center, WIOA Title I Programs (Adult and Dislocated Worker Services and Youth Services), and Local Innovations. The complete document and attachments are available for review at:

<https://www.cumberlandcountync.gov/departments/career-center-group/career-center/local-area-plan>

According to WDB staff, the plan was posted as required for thirty (30) days for public review and comment. The Cumberland County Workforce Development Board Chair has signed and is submitting the attached signatory page.

RECOMMENDATION / PROPOSED ACTION

The Workforce Development Board recommends forwarding the PY 2021 Cumberland County Local Workforce Development Area Plan to the Consent Agenda of the August 16, 2021 Board of Commissioners' Regular Meeting for approval.

ATTACHMENTS:

Description

PY21 Signatory Page

Type

Backup Material

Workforce Innovation and Opportunity Act of 2014

Program Year 2021 Local Area Plan Signatory Page for

Cumberland County Workforce Development Board

Local Workforce Development Area Name

Boards affirm that the Local Area WDB (WDB) and the Chief Elected Official(s) of the Local Area, in partnership, have developed and now submit this update to the Comprehensive, Strategic Regional and Local Area Plan in compliance with the provisions of the Workforce Innovation and Opportunity Act of 2014 and instructions issued by the Governor under authority of the Act.

Submission Date

WDB Chair

Diana Potts

Typed or Printed Name

Cumberland County WDB Chair

Typed or Printed Title



Signature

7/21/2021

Date

Chief Elected Official

Charles Evans

Typed or Printed Name

Cumberland County, Board of
Commissioners Chairman

Typed or Printed Title

Signature

Date



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021 **AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: RAWLS HOWARD, DIRECTOR OF PLANNING AND INSPECTIONS

DATE: 7/27/2021

SUBJECT: REMOVAL OF APPENDIX B FROM THE CUMBERLAND COUNTY CODE OF ORDINANCES

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): RAWLS HOWARD, DIRECTOR OF PLANNING AND INSPECTIONS

BACKGROUND

As part of the 160D updates to the County's Zoning and Subdivision ordinances earlier this year, it was discovered that the County Code of Ordinances contains an Appendix B, which houses the County's subdivision standards, and that it is redundant and duplicative of an already existing stand-alone subdivision ordinance.

The Planning and Inspections Department has been utilizing the stand-alone subdivision ordinance for years and has the ordinance posted on the department's website. As such, staff believes there is no need for the duplicate language to be in the Code of Ordinances and that it should be removed. There is a precedent for this as an identical action was taken to remove Appendix A in the Code of Ordinances that previously held the County's zoning regulations. The redundant zoning regulations were removed with a note inserted to direct the public to the Planning and Inspections Department. Staff is requesting an identical action be taken for the subdivision regulations. Being that there is no change in the ordinance language, there is no public hearing required for this action.

Similar to the action taken to amend the zoning ordinance, and if deemed appropriate by the Board of Commissioners, staff recommends the following sentence be inserted to replace the current language in the Appendix B location:

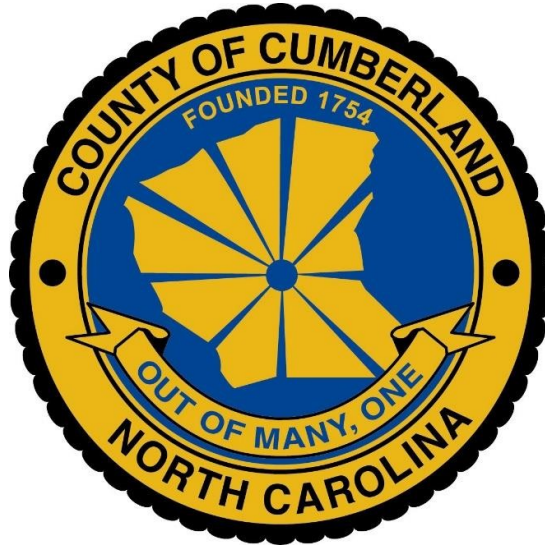
"At the county's instruction the subdivision ordinance is not set out herein but is on file and available for inspection in the office of the planning department of the county."

RECOMMENDATION / PROPOSED ACTION

Staff recommends the Board of County Commissioners consider removal of Appendix B from the County Code of Ordinances and that the item be placed on the Consent Agenda for the August 16, 2021 Regular Meeting.

ATTACHMENTS:

Description	Type
County Subdivision Ordinance	Backup Material



SUBDIVISION ORDINANCE

CUMBERLAND COUNTY

NORTH CAROLINA

ORIGINALLY ADOPTED: JULY 1, 1970
AMENDED: AUGUST 18, 2008
EFFECTIVE: AUGUST 19, 2008
AMENDED AND REWRITTEN: June 21, 2021



CUMBERLAND COUNTY JOINT PLANNING BOARD

COUNTY SUBDIVISION ORDINANCE

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ARTICLE XX ADMINISTRATIVE PROVISIONS

SECTION 2001. PURPOSE.

The purpose of this ordinance is to establish regulations and procedures for the platting, recording and development of real property within Cumberland County. The Board of Commissioners of Cumberland County hereby find these regulations and procedures necessary in order to promote the orderly development of the County; provide for the coordination and dedication of streets and thoroughfares; provide for the reservation or dedication of land for other public purposes, as set forth herein; promote the proper installation of streets, public utilities and other community facilities, promote the eventual elimination of unsafe and unsanitary conditions arising from improper land subdivision and development; ensure proper description, identification, monumentation and recording of subdivided properties; and generally promote the public health, safety and general welfare. **State Statute Reference:** N.C. GEN. STAT., Chapter 160D, Local Planning and Development Regulation

SECTION 2002. TITLE.

This ordinance shall be known and may be cited as the Cumberland County Subdivision and Development Ordinance” or “Cumberland County Subdivision Ordinance.”
(Amd. 12-19-11)

SECTION 2003. AUTHORITY AND ENACTMENT.

The Board of Commissioners of Cumberland County, pursuant to the authority conferred by Chapter 160D, Article 8, of the General Statutes of North Carolina, does hereby ordain and enact into law these articles and sections.

SECTION 2004. JURISDICTION.

This ordinance shall control the subdivision and development of land, as defined herein, lying within the boundaries of Cumberland County, except to the extent of lawful subdivision regulations by any municipality in the County as authorized by law.

SECTION 2005. APPLICATION.

All preliminary plans and final plats for the subdivision, as defined herein, of land shall conform to the requirements of this ordinance and the County Zoning Ordinance and shall be submitted in accordance with the procedures and specifications established within the ordinances. Plans for developments, such as manufactured home parks, group developments, zero lot line, townhomes, and condominiums (unit ownership) shall be submitted in the same manner as and are subject to these provisions the same as other subdivision plats or plans.

SECTION 2006. ORDINANCE ADMINISTRATOR.

The Board of Commissioners of Cumberland County, as permitted by N.C. GEN. STAT. § 160D-801 *et seq.*, delegates to the Cumberland County Planning & Inspections Director, or the director's designee, authority to grant preliminary development plan and final plat approval in accordance with the provisions of this ordinance, with appeal of the Cumberland County Planning & Inspections Director's final decision to be heard and decided by the Cumberland County Planning Board.

SECTION 2007. STAFF CONFLICT-OF-INTEREST.

No Cumberland County Planning & Inspections staff member shall make a final decision on an administrative decision required by the Cumberland County Subdivision Ordinance and NC General Statute Chapter 160D if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.

(Amd. 6-21-21)

SECTION 2007. PLANS/PLATS APPROVAL REQUIRED.

After the effective date of this ordinance, or the effective date of any subsequent amendment thereto, no subdivision plat or development plan of properties, as defined herein, within the jurisdiction of this ordinance and the County Zoning Ordinance, shall be permitted, filed or recorded until it shall have been submitted to and approved by the Planning and Inspections Department as hereinafter provided; no permit shall be issued for the development of any land until such time as the development plan or subdivision plat has been finally approved and if applicable, recorded with the County Register of Deeds or until such time as the plan has received formal approval where a final plat is not required; and no land shall be sold or transferred by reference to a subdivision plat, except those recorded prior to the effective date of this ordinance, that has not been approved

and recorded in accordance with the provisions of this ordinance.

SECTION 2008. FEES.

For each preliminary or development plan, final plat, and any site plan as required under the County Zoning Ordinance, the owner or agent of said property shall pay a nonrefundable filing fee to “Cumberland County” in accordance with a fee schedule approved by the County Commissioners.

(This page intentionally left blank.)

ARTICLE XXI

INTERPRETATIONS, CALCULATIONS AND DEFINITIONS

The interpretation of terms, methods of measurement, and definitions contained in this article shall be observed and applied when construing and applying this ordinance, except when the context clearly indicates otherwise. Words not otherwise defined shall be construed and applied given their customary and ordinary meaning.

SECTION 2101. INTERPRETATIONS OF COMMON TERMS AND WORDS.

For the purpose of interpreting certain words or terms contained within this ordinance and unless otherwise expressly stated, the following shall apply:

- A. Words used in the present tense include the future tense. Words used in the singular tense include the plural, and words used in the plural tense include the singular, unless the natural construction of the wording indicates otherwise.
- B. The word “shall” is always mandatory and not discretionary.
- C. The word “may” is permissive.
- D. The word “person” includes any firm, association, organization, partnership, corporation, trust or company, or any other legal entity, as well as an individual.
- E. The word “lot” shall include the words “piece,” “parcel,” “tract” or “plot.”
- F. The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for” and “occupied for.”
- G. Any reference to an “article” or “section” shall mean an article or section of this ordinance, unless otherwise specified.

SECTION 2102. METHODS OF CALCULATION.

The rules set out herein shall be used to enforce and apply this ordinance, unless such rules are inconsistent with specific criteria contained within an individual article or section. If a discrepancy arises between the following methods and any specific section elsewhere in this ordinance, the standards of the specific section shall prevail.

A. *Fractional requirements.* When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded. When the number of dwelling units permitted on a lot submitted for approval as a group development results in a fraction of a dwelling unit, a fraction of one-half or more shall be considered a dwelling unit, and a fraction of less than one-half shall be disregarded.

B. *Computation of time.* The time within which an act is to be completed shall be computed by excluding the first day and including the last day; if the last day is a Saturday, Sunday or legal holiday recognized by the County, that day shall also be excluded.

C. *Calculation of measurement.* The spatial separations required by this ordinance shall be calculated as follows:

1. Distance is calculated by drawing a straight line from the closest point on the perimeter of the exterior wall of the site being measured to the closest point of the property line in question.

2. Separation of structures is calculated by drawing a straight line from the closest point on the perimeter of the exterior wall, structure or bay to another exterior wall, structure, bay, well, or septic, as applicable.

3. Separation of uses is calculated by drawing a straight line from the closest point of the property boundary to the nearest property boundary line, which contains the use requiring the separation.

4. Area is calculated by applying the standard mathematical formulas, applying common conversion factors as necessary.

SECTION 2103. DEFINITIONS OF SPECIFIC TERMS AND WORDS.

In further amplification and for clarity of interpretation of the context, the following definitions of word usage shall apply:

Abutting/Contiguous: Having property or district lines in common, i.e., two lots are abutting if they have any portion of any property line in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street, alley, railroad right-of-way, navigable stream or other water source.

Access: A means of approaching/entering or exiting/leaving a property. Access also includes ingress, the right to enter and egress, and the right to leave.

Administrative decision: Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in local government development regulations.

Alley: A private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

Alter: To make any change, addition or modification in construction, occupancy or use.

Apartment: A room or suite of rooms intended for use as a residence by a single household or family. Such a dwelling unit may be located in an apartment house, duplex, or as an accessory use in a single home or a commercial building.

Berm: Any elongated earthen mound designed or constructed to separate, screen or buffer adjacent land uses.

Board of Commissioners or Commissioners: The Cumberland County Board of Commissioners.

Buffer: An opaque fence, wall, berm, hedge or other natural planting, or a combination thereof, restricting the view from adjoining streets and/or abutting properties thus providing a functional and/or visual separation of uses of property.

Buildable Area (Buildable Envelope): The space remaining on a lot after the minimum open space requirements (yards, setbacks, etc.) have been met.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building Footprint: The portion of a lot's area that is enclosed by the foundation of buildings, plus any cantilevered upper floor, stoops, porches, chimneys, decks, etc.

Building, Principal (Main): A building in which the principal use is conducted for the lot on which it is situated.

Building, Setbacks: The minimum distance from all property and/or right-of-way lines to the closest projection of the exterior face of buildings, walls or other forms of construction (i.e. decks, landings, terraces, and porches, etc.).

Building Site: A building site shall be that property intended for conveyance to a fee simple owner after the construction thereon of a single-family residence or business and shall be sufficient in size to contain the structure to be constructed thereon and any other proposed components of the property that are to be conveyed.

Cemetery: As defined in Chapter 65, Article 9, of the General Statutes of North Carolina, any one or a combination of more than one of the following in a place used or to be used and dedicated or designed for cemetery purposes:

- A. Grave spaces or burial park for earth interment;
- B. Mausoleum; and
- C. Columbarium.

Cemetery Grave Space: A space of ground in a cemetery intended to be used for the interment in the ground of the remains of a deceased person.

Certificate of Occupancy: Official certification that a premise conforms to the provisions of this ordinance, the County Zoning Ordinance and N.C. Building Code and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

Common Area: Land and any other portion of a development not individually owned or dedicated for public use, which is designed and intended for the use or enjoyment of the residents of the development.

Condominium (Unit Ownership) Development: A project, governed by the Unit Ownership provisions of this ordinance and regulated by the *NC Unit Ownership Act*, N. C. GEN. STAT. 47A-1, *et seq.*, consisting of multiple individually owned units in a multi-unit structure with jointly owned undivided interest in common of the land on which the structure(s) stand and other shared areas and facilities (common area).

Conservancy: Any legally established incorporated entity, whether for profit or nonprofit, whose organization is dedicated to the protection of the environment and natural resources.

County: Cumberland County.

Crosswalk: A right-of-way dedicated to public use, which cuts across a right- of-way to facilitate pedestrian access to adjacent streets and properties.

Dedication: A gift from by the owner of property to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication shall be accomplished by written instrument and is completed with an acceptance.

Density: The average number of families, persons, housing units or buildings per unit of land.

Determination: A written, final and binding order, requirement, or determination regarding an administrative decision.

Development: Any land disturbing activity subject to the provisions of this ordinance resulting in new construction of a principal structure on a lot, addition to an existing principal structure that results in a fifty percent or more increase in size to the existing principal structure, or a subdivision of land. *(Amd. 12-19-11)*

Driveway: A private access way, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel in which it is located.

Dwelling: A building that contains one or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling, Multiple-Family: A residence designed for or occupied by two or more families consisting of two or more dwelling units.

Dwelling, Single-Family: A detached residence designed for or occupied by one family only and consisting of one dwelling unit.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: A right given or reserved by the owner of land for specific limited use of the owner's land.

Farmland Protection Area: An area defined and adopted by the Board of Commissioners as denoted on the Land Use Plan Map for protection of the agricultural industry; the rural character; and the preservation of farmland.

Group Development: A group of two or more principal uses, structures, or dwelling units occupying, built on, or intended to occur on a single lot, tract, or parcel of land.

Health Department: The Cumberland County Public Health Department, which includes County Environmental Health.

High Density: Residential development having a density of 15 or more dwelling units per acre. (*Amd. 12-19-11*)

High Voltage Line: Any electrical line 25kv or greater.

Highway Plan: A plan, formally known as “Fayetteville Area Metropolitan Planning Organization Highway Plan,” that provides and defines a functional system of streets permitting travel from origins to destinations with directness, ease and safety. Different streets in this system are designed and called on to perform specific functions, thus minimizing the traffic and land service conflict.

Land Area, Gross: The square footage of an entire site included within the external boundary of the property to be developed.

Land Area, Net: The square footage of an entire site, excluding public and private rights-of-way, required to meet the minimum zoning district dimensional provisions as required by the County’s Zoning Ordinance, for which the property is zoned.

Lot: A parcel of land occupied or intended for occupancy, by a principal structure or group of principal structures together with any accessory structures, including such yards, open spaces, width, and area as are required by this ordinance and the County Zoning Ordinance, either shown on a plat of record or described by metes and bounds and recorded with the County Register of Deeds.

Lot, Corner: A lot abutting the intersection of two or more streets, or a lot abutting a curved street or streets, in which streets have an angle of intersection of not more than 135 degrees.

Lot, Depth: The depth of a lot is the average distance between the front and back lot lines excluding street rights-of-way.

Lot, Flag: A lot where the main body of the lot is separated from the street giving access

to the property, but which has an included strip of land at least 20 feet in width connecting the lot to the street, thus providing lot access.

Lot, Frontage: The linear feet of property measured along the property line that abuts a public street. On a private street, the distance is measured along the right-of-way line adjoining the street.

Lot, Interior: A lot other than a corner or periphery lot.

Lot Lines: The lines bounding a lot; where a lot of record includes a public right-of-way, the lot lines are presumed not to extend into the right-of-way.

Lot, Periphery: A lot with one or more property line(s) comprising at least a portion of the boundary of the property to be subdivided or developed.

Lot, Through: A lot, other than a corner lot, having frontage on two parallel or approximately parallel streets or a corner lot having frontage on three or more streets.

Lot Width: The straight-line distance between the points where the building setback line intersects two side lot lines.

Lot of Record: A part of a subdivision or other development, a plat of which has been recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds and, if applicable, meets all requirements of this ordinance.

Low Density: Residential development having a density of 2.2 to six dwelling units per acre.
(Amd. 12-19-11)

Manufactured Home: A structure designed to be used as a dwelling unit, which has been constructed and labeled indicating compliance with the U.S. Department of Housing and Urban Development (HUD) administered *National Manufactured Housing Construction and Safety Standards Act of 1974*, as amended.

Manufactured Home, Class A: A dwelling unit constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development (HUD) that were in effect at the time of construction and that satisfies the following additional criteria:

A. The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;

B. The pitch of the roof of the manufactured home has a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction;

C. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter;

D. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint) or wood or hardboard siding, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;

E. The manufactured home is set up in accordance with the standards set by the N.C. Department of Insurance (NCDI) and a continuous permanent masonry foundation, or permanent masonry curtain wall, un-pierced except for required ventilation and access, is installed under the manufactured home;

F. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the N. C. Department of Insurance (NCDI), attached firmly to the primary structure and anchored securely to the ground; and

G. The moving hitch, wheels and axles, and transporting lights have been removed.

Manufactured Home, Class B: A dwelling unit constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development (HUD) that were in effect at the time of construction, but that does not satisfy all of the criteria necessary to qualify the dwelling unit as a Class A manufactured home.

Manufactured Home, Class C: Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

Manufactured Home Park: Any site or tract of land with more than two spaces intended to be occupied or occupied by manufactured homes, regardless of whether a charge is made for such services. Manufactured home parks may include recreational facilities and other incidental structures necessary to support the residents of the park.

Manufactured Home Space: A plot of land within a manufactured home park designed for

the accommodation of a single manufactured home.

Medium Density: Residential development having a density of greater than six and less than 15 dwelling units per acre.

(Amd. 12-19-11)

Municipal Influence Area: An area within the County's jurisdiction, and outside any municipalities' corporate limits, that is assigned by the County Commissioners to a specific municipality where certain development standards of that municipality shall be applicable. The official *Municipal Influence Area Map* for each municipality shall be filed with the appropriate Town Clerk and the Clerk to the County Board of Commissioners and shall be maintained by the Planning and Inspections Department.

N.C. Department of Transportation (NCDOT): The local district office of the North Carolina Department of Transportation.

Open Space: The land used for recreation, natural resource protection, amenities and/or buffer areas. Open space may include, but is not limited to, un-improved walkways, recreation areas, playgrounds, wooded areas, greenways and watercourses.

Ordinance: This document, the Cumberland County Subdivision and Development Ordinance, including any amendments thereto and whenever the effective date of the ordinance is referred to, the reference includes the original effective date and the effective date of any amendments.

(Amd. 12-19-11)

Parks and Recreation Director: The individual charged with overseeing the Fayetteville-Cumberland Parks and Recreation Department within a specific area; this definition also includes a designee of the Parks and Recreation Director, or where there is no Parks and Recreation Department, the official designated for the purpose by that affected jurisdiction's governing board.

Parks and Recreation Master Plan: The officially adopted document that is the vision of what the County's parks and recreation program and facilities could be in the future, as well as, a plan to make the initiatives written in the plan happen based upon available resources at any given time.

Planning Board (also known as "Joint Planning Board" or "County Planning Board"): A planning and advisory board established by the County Board of Commissioners, comprised of appointed members, who make recommendations to the Board of County Commissioners and other governing bodies on planning and land use matters. The board's official title is "Cumberland County Joint Planning Board".

Planning and Inspections Department: The department established by the County Board of Commissioners, responsible for and tasked with planning and land use matters for the County.

Planning and Inspections Director: The individual responsible for the leadership of the Cumberland County Planning and Inspections Department, and who serves as advisor to the Cumberland County Joint Planning Board.

Planning and Inspections Staff: The staff members assigned to the Planning and Inspections Department who, under the supervision of the Planning and Inspections Director, supports the Cumberland County Joint Planning Board and the County on planning and land use matters.

Plat/Plan: A preliminary or final map, usually of land which is to be or has been subdivided or otherwise developed, showing the location, boundaries, and ownership of properties; the location, bearing and length of every street and alley line, lot line and easement boundary line; and such other information as may be necessary to determine whether a proposed subdivision or other development meets all required standards of this ordinance and other applicable rules and regulations of the County.

Premises: A lot and the structure or structures located on it or the use or uses occurring on it.

Principal Structure/Principal Use: The primary building(s), purpose(s) or function(s) that a parcel or structure serves or is intended to serve.

Private Water System: Any water system that is not public and does not meet the definition for "Public Water Supply" below.

Public Water/Sewer Systems: Includes any municipal, county, sanitary district, community, and privately-owned water and/or sewer systems as regulated and controlled by the N. C. State Utilities Commission and the Health Department.

Public Water Supply: A water provider that has 15 or more connections or serves more than 25 customers and is regulated by the State of North Carolina.

A. *Community water.* Serves 15 or more connections or serves more than 25 year round residents (example: rest home).

B. *Non-community water.* Serves 25 of the same individuals six or more months out of the year (example: school or day care facility).

C. *Transient non-community water.* Serves 25 or more individuals at least 60 days out of the year, not necessarily by the same individuals.

D. *Purchased water system.* Water purchased from a public water supply.

Public Way: Any street, alley or similar parcel of land, which is deeded, dedicated or otherwise permanently appropriated to the citizens for their use.

Quasi-judicial hearing/decision: A hearing where the decision is involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation. (*Amd. 6-21-21*)

Reservation: A reservation of land does not involve any transfer of property rights; it simply constitutes an obligation to keep property free from development for a period of time for a specific purpose.

Right-of-Way: An area owned and maintained by the County, any municipality, the State of North Carolina, the Federal government, a public utility, a railroad or a private entity or individual for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities or railroads.

Rural density: Residential development having density of one or less dwelling units per acre. (*Amd. 12-19-11*)

Setback: The required distance between every structure with other structures, whether on the same or separate lots, and every structure and the lot lines of the lot on which it is located.

Sidewalk: An improved pedestrian surface that is typically located adjacent to a roadway and/or is intended to facilitate pedestrian access from one point to another.

Site Plan: A scaled drawing depicting uses and structures proposed for a parcel of land as required by this ordinance. It includes such things as lot lines, streets, building sites and setbacks, means of access, parking, reserved open space, building footprints, major landscape features—both natural and manmade—and, depending on requirements, the locations of proposed utility lines. The specific criteria for site plans are found in County Zoning Ordinance.

Site-Specific Vesting Plan: A plan used to determine development vested rights. This plan can include, but is not limited to, a subdivision plat, a site plan, a preliminary or general development plan, a special use permit, a conditional zoning, or any other development approval as recognized by the County. (*Amd. 6-21-21*)

Street: A public or private right-of-way, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other right-of-way.

Street, Private: Any road, street, or alley that is not publicly owned or maintained and is used for access by the occupants of the development, their guests, and any representative of a governmental agency for purposes of performing a designated official function. (This definition does not include neighborhood public roads, cart paths and ingress/egress easements.)

Street, Public: A right-of-way maintained by a public entity and intended for vehicular traffic. The word "street" includes, but is not limited to, "road, freeway, expressway and thoroughfare." The Highway Plan and N.C. Department of Transportation classify streets as follows:

A. *Freeways and expressways.* The primary function of freeways and expressways is to move large volumes of inter-urban, inter-county and interstate traffic. They are not intended to serve the abutting property and, therefore, should provide limited access with grade separations at all intersections. They should be at least four-lane divided facilities permitting as high an average operation speed as legal and should connect the major economic, recreation and population centers of the county with those of the state and nation.

B. *Major thoroughfares.* Primarily for the movement of heavy volumes of traffic, major thoroughfares should form connections with the industrial, commercial and population centers within the County and with the major roads in neighboring in the surrounding areas. Depending upon anticipated traffic volumes and adjacent development, they may be two-lanes, four-or- more lanes undivided, or four-or-more-lanes divided facilities with either limited or controlled access and with major intersections separated. Though their primary function is to serve traffic, they may also serve abutting property with controlled access.

C. *Minor thoroughfares (collectors).* The main function of the minor thoroughfares is to collect traffic from the local roads and carry it to the major thoroughfares. They should be designed to serve a limited area with no access control or grade separation.

D. *Local street.* A local service street designed primarily for access to abutting properties.

E. *Cul-de-sac or hammerhead.* A local street permanently terminated by a turn-around.

F. *Marginal access street (service road)*. A local street that parallels and is immediately adjacent to a major thoroughfare, freeway or expressway, and which provides access to abutting property and protection from throughtraffic.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in a permanent manner.

Subdivision: For the purpose of this ordinance, "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) on or after August 22, 1984 and shall include all divisions of land involving the dedication of a new street or a change in existing streets; however, the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in its subdivision regulations.

B. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.

C. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

D. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County Subdivision and Development Ordinance.

E. The platting of individual grave spaces within a cemetery.

However, plats in categories "A" and "D" above shall have the Planning Board's stamp "No Approval Required" before filing in the County Register of Deeds' office inasmuch as a determination must be made as to whether or not the resultant lots are equal to or exceed the standards set forth in this ordinance.

Suburban Density: Residential development having a density of less than 2.2 and greater than one dwelling units per acre. (*Amd. 12-19-11*)

Townhome Development: A project, governed by the *Unit Ownership* provisions of this ordinance, consisting of attached units in conjunction with a separate lot or lots of

common ownership, regardless of whether it is designed for residence, office, the operation of any industry or business, or for any other type of independent use, and wherein each unit has at least one vertical wall extending from ground to roof dividing it from adjoining units, and each unit is separately owned, with the owner of such unit having title to the land on which it sits.

Voluntary Agricultural District: A North Carolina program in which an owner of farmland may on their initiative apply to participate in and is designed to preserve and protect farmland from non-farm development, recognizing the importance of agriculture to the economic and social wellbeing of the State.

Yard, Front: An area of which the width is measured the entire length of the front property line between the side property lines; and the depth is measured as the distance between the street right-of-way or property line and the required front setback line.

Yard, Rear: An area of which the width is measured the entire length of the rear property line between the side property lines; and the depth is measured as the distance between the property line and the required rear setback line.

Yard, Side: An area extending from the required front setback to the required rear setback, or to the front or rear property lines where no front or rear setback is required by the provisions of this ordinance, the minimum and average dimensions of which are determined by the standards of property development of the zoning district in which such lot is located.

Zero Lot Line Development: A development including, but not limited to, residential lots, patio houses, townhomes and non-residential structures including one or more structures comprising at least two single-family residences or non-residential structures, whether attached or detached, intended for separate ownership.

ARTICLE XXII
PRELIMINARY SUBDIVISION AND DEVELOPMENT PLAN
APPROVAL

SECTION 2201. PRE-APPLICATION.

Whenever a subdivision or other development is proposed to be made and before any improvements shall be made, the developer shall cause a preliminary plan to be prepared. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement. The preliminary plan shall comply fully with this ordinance and with the health, zoning and other applicable regulations in effect at the time the plan is submitted for preliminary approval. Before filing a preliminary plan for review, the developer is encouraged to submit a pre- application sketch plan to the Planning & Inspections Department, hereinafter: Department, for comments and suggestions. *(Amd. 6-21-21)*

SECTION 2202. PRELIMINARY PLAN SUBMISSION.

A. The preliminary plan in such form as required by Section 2203 and in such number of copies deemed sufficient by the Planning & Inspections Director, hereinafter “Director,” shall be submitted, with the appropriate completed application to the Department.

B. The Department shall distribute the preliminary plan to the various affected land-use related agencies as determined by the Director and shall review the preliminary plan to determine its compliance with the provisions of this ordinance and other officially adopted regulations, plans and policies. The Department may negotiate for such other changes as may be found desirable.

C. After such review and negotiations, the Department may approve the plan and state the conditions of such approval, if any, or shall disapprove the plan and state its reasons, therefore. Except where extenuating circumstances exist and where additional information is required for review of the plan, the Department shall issue a final ruling within 12 working days from date of submittal of the preliminary plan.

D. In addition to approving waivers, the Planning Board shall decide all conditions of approval where the Director and developer cannot reach agreement - see Section 2601.

SECTION 2203. PRELIMINARY PLAN AND SUPPORTING DATA.

The preliminary plan shall be drawn to scale of not less than 200 feet to the inch nor more than 20 feet to the inch. It should be superimposed on a topographic map with contour lines shown at one- or two-foot intervals. In addition, the preliminary plan shall include the following:

A. *Title data.* Subdivision or development name, the names and addresses of the owner(s) or the designer of the plan, the scale, date and north point.

B. *Vicinity sketch.* A key map or vicinity sketch showing the subject property's general location in relation to an area of the County.

C. *Existing data.* Location of existing and platted property; total acreage of proposed development; existing structures, culverts, bridges, watercourses, railroads, political boundary lines, zoning district lines, parks, location of easements and name of easement holder; right(s)-of-way name and width, whether public or private, on and adjoining the land proposed for development; and the names of adjoining property owners.

D. *Data relating to proposed subdivision or other development.* The names, locations and dimensions of proposed streets, alleys, crosswalks, lots, easements, building setback lines, *Special Flood Hazard areas*, parks, playgrounds and other open spaces.

E. *Data relating to surrounding area.* Where the preliminary plan submitted includes only a part of the developer's tract, an overall sketch showing the prospective future street system, proposed public open spaces and other features for the development of the entire tract shall accompany the preliminary plan.

F. *Utility plans.* The preliminary plan shall contain a statement as to the type of intended water and sewer service. Where public water and/or sewer is not to be provided, the preliminary plan shall contain a statement as to the proposed method of water supply and/or sewage disposal.

G. *Street cross sections.* When required by this ordinance, typical cross sections of proposed streets shall be drawn, showing width and proposed construction of roadways at a scale of not less than 30 feet to the inch.

H. *Other improvements.* At the discretion of the Director, where other improvements are required or are to be provided in the development, appropriate plans shall accompany or shall be incorporated into the preliminary plan.

SECTION 2204. EFFECT OF PRELIMINARY PLAN APPROVAL.

Where preliminary plan approval is granted, the developer may then proceed to construct improvements in accordance with the requirements of this ordinance, the County Zoning Ordinance and other applicable regulations, and, if required, to submit the final plat for approval for recordation. Where approval is granted, the preliminary plan shall be approved or conditionally approved initially for a period of time not to exceed two calendar years. Extensions may be approved for subsequent two calendar year time periods provided that a request for extension is made prior to the expiration of the approval and provided that substantial progress is made or is being made toward the completion of the development. Preliminary plan approval shall be provided to the applicant in writing and electronic form if electronic contact information is provided. Development approvals shall run with the land. *(Amd. 6-21-21)*

SECTION 2205. CONTRACTS TO SELL OR LEASE REFERENCING APPROVED PRELIMINARY PLAN.

The terms of this ordinance shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plan for which a final plat has not yet been properly approved provided that the provisions of N. C. GEN. STAT. § 160D-807 are complied with.

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ARTICLE XXIII IMPROVEMENT AND DESIGN STANDARDS

SECTION 2301. GENERAL.

A. *Conformity.* All proposed subdivisions or developments regulated by the provisions of this ordinance or the County Zoning Ordinance, shall comply with the provisions of this ordinance, the County Zoning Ordinance, and other applicable local, State and Federal regulations.

B. *Reasonable relationship.* Any proposed subdivision or other development subject to the provisions of this ordinance shall also be so planned as to facilitate the most advantageous development of the entire community and shall bear a reasonable relationship to existing or amended plans and written adopted policies of the Planning Board and the Board of Commissioners.

C. *Recorded plat.* A final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance and the County Zoning Ordinance, prior to any subdivision of land and prior to commencement of the placement of any structure or construction on or conveyance of any portion of any subdivision lot.

SECTION 2302. AREA-SPECIFIC STANDARDS.

A. Municipal Influence Areas.

1. *Municipal Influence Area Application.* The Board of Commissioners may approve and establish a *Municipal Influence Area* (MIA) for a municipality. All subdivisions or developments with four or more proposed lots/units derived from the same parent tract as of the date of this ordinance and located within a municipality's MIA shall be designed and constructed in accordance with the subdivision design standards officially adopted by the municipality and explicitly listed in this ordinance, except that no payment in lieu for any required improvement may be charged as a condition of approval of the proposed development for the benefit of any municipality, and no permit or inspection fee can be imposed by the municipality so long as the property proposed for development remains outside that municipality's corporate limits at the time the property is developed. The terms of any interlocal agreement adopted by the County Commissioners and affected governing bodies shall prevail in the event of conflict between the provisions of this ordinance and the agreed upon terms of the interlocal agreement. The subdivision design standards for each municipality are attached to this ordinance as "Exhibit 5" and entitled *MIA Subdivision Design Standards*.

2. *Municipal Influence Area Map.* The official MIA map – see Exhibit 4 – shall be

maintained by the Planning and Inspections Department and kept on file with the office of the Clerk to the County Board of Commissioners. Each MIA shall be designated with two distinct areas, “10 year” and a “20 year”. The 10-year area shall include the properties with the highest probability of annexation and the municipal development standards shall only apply within the ten year area. Each assigned MIA boundary shall be evaluated every five years. (*Amd. 12-19-11; Amd. 8-21-17*)

B. *Sewer Service Area*. The Board of Commissioners may approve and establish a *Sewer Service Area* (SSA). The SSA sets forth an area within which subdivisions and developments should be served by sanitary sewer and shall otherwise be developed according to the provisions of any officially adopted interlocal agreement. Any proposed subdivision or other development inside the boundary of the SSA shall comply with the pertinent provisions governing extension of sanitary sewer and other subdivision and development criteria specifically addressed within any officially adopted interlocal agreement.

C. *Fort Bragg Special Interest Area*. Because of the location of known habitat and forage areas of the protected Red-Cockaded Woodpecker on the properties in and around the military reservations, the community, including the military, has a special interest in any subdivision or other development that occurs on the privately-owned properties in close proximity to the military bases. The official *Fort Bragg Special Interest Area* map, hereby adopted as part of this ordinance, shall be maintained by the Planning and Inspections Department and kept on file with the Clerk to the County Board of Commissioners – see Exhibit 6. Upon receipt for submission of any subdivision or other development subject to review under this ordinance and located within the *Fort Bragg Special Interest Area*, the Planning and Inspections Staff shall forward a copy of the preliminary plan to the military planner assigned to the affected military base and to the local office of the U.S. Fish and Wildlife Service, in addition to the other agencies involved in the review process. The military planner and the Fish and Wildlife representative will then assist the developer in identifying areas where trees should be maintained. While the owner is not obligated, the intent is to encourage clustering of developments in accordance with the special subdivision and development provisions of this ordinance or the County Zoning Ordinance, thus protecting the endangered woodpecker.

D. *School sites*. Where the Land Use Plan identifies an area with a specific location and size of a school site that has been approved jointly by the Board of Commissioners and the County Board of Education as a proposed school site and the proposed school site lies wholly or partially within an area being proposed for subdivision or other development, the land area for the school site shall be reserved if the Board of Education wishes the site to be reserved. The Planning and Inspections Department shall immediately notify the Board of Education upon the submission of a preliminary plan for review and approval

under the provisions of this ordinance or the County Zoning Ordinance. If the Board of Education wishes the site to be reserved, the preliminary plan may not be approved without the reservation of the specific area for the school site. The Board of Education must acquire the site within 18 months after the date the site is reserved; if the site has not been acquired by the Board of Education within the 18-month period, the developer may treat the land as freed of the reservation. **State statute reference:** N. C. GEN. STAT. § 160D-804

E. *Public park and recreation sites.* Where the Fayetteville-Cumberland Parks and Recreation Master Plan or other officially adopted parks plan identifies an area with a specific location and size of a site that has been approved jointly by the County Board of Commissioners and the Fayetteville- Cumberland Parks and Recreation Department as a proposed public park or recreation site; hereinafter, *park site*; and the proposed park site lies wholly or partially within an area being proposed for subdivision or other development, the land area for the park site shall be reserved if the Fayetteville- Cumberland Parks and Recreation Department wishes the site to be reserved. The Planning and Inspections Department shall immediately notify the Fayetteville- Cumberland Parks and Recreation Department upon the receipt for submission of a preliminary plan for review and approval under the provisions of this ordinance or the County Zoning Ordinance. If the Fayetteville-Cumberland Parks and Recreation Department wishes the site to be reserved, the preliminary plan may not be approved without the reservation of the specific area for the park site. The Fayetteville-Cumberland Parks and Recreation Department must acquire the site within 18 months after the date the site is reserved; if the site has not been acquired by the Fayetteville-Cumberland Parks and Recreation Department within the 18-month period, the developer may treat the land as freed of the reservation. **State statute reference:** N. C. GEN. STAT. § 160D-804

F. *Planned public rights-of-way.* Where any portion of a proposed subdivision or other development lies within the proposed right-of-way of any public street or road that is included in an officially adopted *Highway Plan* of the County, or in the event the proposed development is located within any municipality's *Municipal Influence Area*, within any municipality's officially adopted street/highway plans, the right-of-way shall be dedicated or reserved in the location and at the width as adopted in the official plan; provided that no dedication wider than 80 feet shall be required, and provided that reservation of right-of-way shall be required where right of direct access from abutting property is denied. If the subdivision or other development is such that a plat is required to be recorded prior to any development on the site, the dedication and reservation shall be accomplished on the final plat, with the bearings and distances of the required dedication and reservation lines shown; otherwise, a reservation of the property shall be shown on the preliminary plan prior to the plan receiving preliminary approval. Any right-of-way required to be dedicated or reserved shall not be included in the calculation of land area for district dimensional requirements for the zoning district in which the proposed subdivision or other development is located. **State statute reference:** N. C. GEN. STAT. § 160D-804

G. *Voluntary Agricultural District*. The *Voluntary Agricultural District* (VAD) is intended to promote agricultural and environmental values and the general welfare of the County and, more specifically, increase identity and pride in the agricultural community and its way of life, encourage the economic health of agriculture, and increase protection from non-farm development and other negative impacts on properly managed farms. Approved applications for placement of property within the VAD shall be kept on file at the Planning and Inspections Department and notice of a proposed subdivision, development or other change in property lines for property located within the VAD shall be made to the Cooperative Extension Office immediately upon its submission for approval for recordation. **State statute reference:** N. C. GEN. STAT. § 106-744

SECTION 2303. MINIMUM LOT STANDARDS.

A. *Compliance with County Zoning Ordinance*. Any subdivision, individual lot or other development created subject to the terms of this ordinance is subject to and shall comply with all applicable provisions of the County Zoning Ordinance.

B. *On-site water and sewer systems*. Lots not served by public water and/or sewer systems shall be large enough and of such physical character to meet County Environmental Health's minimum standards for on-site water and/or sewer systems.

C. *Street frontage*. Except as otherwise provided for in Section 2401, every lot shall abut a public street or private street approved under the terms of this ordinance for at least 20 feet; such frontage (abutting) to be continuous from the property line to building setback line.

D. *Access to certain classified streets*. Direct access shall not be allowed for any single-family residential lot located along any street as defined or classified by the Highway Plan or locally adopted Collector/Feeder Street Plan as major or minor thoroughfare, arterial, collector or feeder street, where feasible and sufficient land depth exists allowing for the proposed lots to be served internally.

E. *Easements*.

1. *Utility*. To provide for existing or future service poles, underground electric and communication lines, public utilities, conduits, drainage facilities, water and sewer lines, an easement not less than ten feet wide, five feet on each side of the common rear lot line or in other locations where necessary, shall be provided. No building or other permanent obstruction, not including fences, shall be erected on any such easement.

2. *Drainage.* Where property to be subdivided is traversed by a watercourse, drainage way, canal or stream, there shall be provided a drainable easement for channel improvement which conforms substantially with the center line of such watercourse, drainage way, canal or stream. Such drainage easement shall be a minimum of 20 feet wide (not necessarily centered) but in no case shall it be required to exceed 20 feet from the top of the bank (natural stream channel) on either side of the watercourse, drainage way, canal or stream. In the event that the subdivision or other development includes a man-made lake, such drainage easement shall conform to the original stream or watercourse where known or a note added to the plat to read as follows:

“In the event that the lake(s) shown on this plat is drained or otherwise lowered to the natural stream level, a public drainage easement for the purpose of channel improvement is hereby dedicated at a minimum width of 20 feet but not to exceed 20 feet from the top of the bank on either side of the natural stream course.”

F. *Lots intended for commercial and industrial uses.* Commercial and industrial lots may be arranged in convenient units of width and to a depth that is appropriate to the development contemplated, provided that the minimum requirements for lots, blocks and zoning are met.

G. *Lots subject to flooding.* Improvements of any lot, street or common area shall not be commenced in a subdivision or other development, or section thereof, subject to this ordinance or the County Zoning Ordinance, unless the developer, builder, landowner or other appropriate permittee has complied with the provisions of the County Flood Damage Prevention Ordinance. The preliminary plans and final plats of subdivisions or other developments, or sections thereof, in which there are areas of special flood hazard, shall have a line or lines drawn thereon delineating the boundaries of such areas within the subdivision or other development. Each such boundary line shall be the same as the boundary line(s) of the *Special Flood Hazard Area*, as defined in the County Flood Damage Prevention Ordinance, and as shown on the official flood maps of Cumberland County, the Flood Insurance Rate Map (FIRM). Any interpretation by the County Engineer may be appealed pursuant to the County Flood Damage Prevention Ordinance.

The preliminary plans and final plats of a subdivision or other development, or section thereof, subject to the provisions of this section, shall be annotated with the following notice when the plan/plat is a depiction of property that is located within the *Special Flood Hazard Area*:

“Notice: Any improvement within the *Special Flood Hazard Area*, or any subsequent revision thereof, is subject to the provisions of the Cumberland County Flood Damage Prevention Ordinance and may be limited or precluded thereby.”

SECTION 2304. STREETS.

A. *General criteria.* All subdivision lots or any lot proposed to be developed shall abut a street designated as either public or private and all public or private streets shall be built to the standards of this ordinance, other applicable standards of the County, and the North Carolina Department of Transportation (NCDOT). Public streets shall be designed in accordance with the standards of this ordinance, the NCDOT, or, if the development is located within a municipality's *Municipal Influence Area*, to that municipality's standard (see Exhibit 5, MIA Development Standards). Public streets shall be constructed in such a manner to be eligible for acceptance into the State highway system and shall be put on such system. Private streets shall be developed in accordance with the terms of this ordinance and other applicable Federal, State, and local regulations. The following provisions apply to all streets, whether public or private:

1. *Relation of proposed streets to adjoining street system.* The proposed street system shall extend existing or proposed streets at the same or greater width, but in no case less than the required minimum width, provided that no extension wider than 80 feet shall be required.

2. *Through traffic.* Minor residential streets shall be laid out so as to discourage through traffic.

3. *Access to adjacent property.* The proposed street system shall be designed to provide for the dedication of access to and not to impose undue hardship upon adjacent property adjoining the proposed subdivision or other development. Reserve strips adjoining street right-of-way for the purpose of preventing access to adjacent property shall not be permitted.

4. *Access to parks, schools, etc.* Streets shall be designed, or walkways dedicated to assure convenient access to adjacent parks, playgrounds, schools, and other public places. Dedicated walkways shall not be less than ten feet in width.

5. *Circulation requirements.* The minimum circulation requirements for all development shall be the standards outlined in the *NC Department of Transportation Policy on Street and Driveway Access to North Carolina Highways*.

6. *Marginal access streets.* When a tract of land to be subdivided or developed adjoins a limited access highway, the developer may be required to provide a marginal access street parallel to the highway or reserve frontage on an interior street for the lots being proposed that are adjacent to the highway.

7. *Street names.* Proposed street names shall not duplicate nor closely approximate phonetically the name of any street anywhere within Cumberland County.

Where proposed streets are extensions of existing streets, the existing street names shall be used except where a new name can reasonably be used to avoid further street name duplication.

8. *Street signs.* All streets within a development shall be marked with a street name sign of a design specification and location in accordance with the *Cumberland County Street Sign Specifications Manual* and approved by the Planning & Inspections Department.

9. *Half streets.* Whenever an existing half street is adjacent to a tract of land to be subdivided or otherwise developed, the other half of the street shall be dedicated or shown as an easement for conditional future dedication within the new subdivision or other development. New half streets are prohibited except when essential to the reasonable progression of the subdivision or other development in conformity with the other requirements of these regulations and where it will be practicable to require the dedication of the other half when the adjoining property is subdivided or otherwise developed.

10. *Street design.*

a. *Right-of-way.* Proposed street right-of-way shall be of sufficient width to meet the requirements of the specifications of the NCDOT.

b. *Median strips.* Where a subdivider elects to construct a street divided with a median strip, the right-of-way width shall not be less than 70 feet, and no median strip shall be less than ten feet wide.

c. *Corner radii.* Property lines at street intersections shall be rounded with a radius of 25 feet.

d. *Intersecting streets.* Streets shall be laid out so as to intersect as nearly as possible at right angles.

e. *Street offsets.* Where there is an offset in the alignment of a street across an intersection, the offset of the center lines shall not be less than 125 feet.

f. *Block lengths.* Block lengths generally shall not be longer than 1,800 feet; provided that where a longer block will result in less traffic through residential developments from adjoining businesses or areas, the Planning and Inspections Director may approve block lengths in excess of 1,800 feet.

g. *Public, Class "A" and "B" private street ending.* All streets not stubbed to adjacent properties for future development shall be ended with either a cul-de-sac or a

hammerhead (“t-type”) turnaround. Streets ending with a cul-de-sac or hammerhead shall not be longer than 1,400 feet. Cul-de-sac shall be designed at the closed end with a circular turnaround having an outside roadway diameter of at least 70 feet and a right-of-way line diameter of at least 100 feet. Hammerheads shall be designed at the closed end with a “t-type” turnaround having a minimum outside dimension of 50 feet by 100 feet and a roadway dimension of 20 feet by 70 feet and a 15 foot radius is required at the intersecting lines of the “t-type” ending. Alternative types of turnarounds as approved by the NCDOT may be approved if the design provides for adequate maneuvering of emergency and other public use vehicles.

(Amd. 12-19-11)

h. *Alleys.* A reservation or easement for an alley to the rear of proposed lots may be approved provided that the developer can produce satisfactory evidence at the time of the preliminary plan submission to show that the alleys will be functional and be designed in such a manner as to allow for public services to be accomplished. When serving four or less residences, any alley proposed shall provide a minimum width of 12 feet. When serving five or more residences and/or non-residential uses, any alley proposed shall provide a minimum alley width of 20 feet. The Planning and Inspections Staff shall review development plans that include alleys for vehicular safety. Alleys shall be approved and maintained the same as common areas within a development and require the County Attorney’s approval of owners’ association documents and covenants with respect to maintenance and liability of any alley.

B. Public streets.

1. *Construction.* All public streets shall be constructed according to the standards and specifications of the NCDOT and this ordinance.

2. *NCDOT Approval and Acceptance.* All public streets shall be certified by the NCDOT as being acceptable for future maintenance by the State, provided that other conditions for acceptance and maintenance are met. Until such time that the NCDOT accepts the public street for maintenance, the developer and subsequent purchasers shall be responsible for maintenance and for securing final acceptance by the NCDOT.

It shall be the responsibility of the developer to formally notify the NCDOT’s District Engineer and initiate the process of transferring the responsibility of road maintenance. If application to the District Engineer has not been formally submitted and any deficiencies noted by the NCDOT resolved by the time the County has issued building permits for 80% of the lots shown on the preliminary plan as submitted and conditionally approved, the County shall not issue any additional building permits until the District Engineer formally notifies the Planning and Inspections Department of the NCDOT’s receipt of such application and their satisfaction of any noted deficiencies impeding the NCDOT’s acceptance of the streets.

If all roads within the subdivision or other development have not been applied for the NCDOT's consideration for addition to the State system by the time at which building permits have been issued for 80% of the lots of the conditionally approved preliminary plan, the developer may post a surety performance bond or an equivalent security as authorized in Section 2502. Should this alternative be used, the method of payment chosen shall be equal to 1.25 times the cost of installing all remaining required improvements according to the standards required by the NCDOT. Within 30 days after the Planning and Inspections Department receives formal notice of pending acceptance of the roads by the NCDOT, the County shall release any unused portion of the securities posted through this procedure.

For purposes of this ordinance, "road maintenance" shall mean that the public streets are kept in a good state of repair and that the streets are able to be used for their intended purpose without any impediments. The developer and future purchasers shall not install or allow to be installed any items within the right-of-way which will have to be removed prior to the acceptance of the roads by the NCDOT. Such items include but are not limited to fences, masonry mailbox supports, shrubbery, and driveway markers.

(Amd. 12-19-11)

3. *Gradient, curves and alignment.* Street gradient, reverse curves and horizontal alignment shall be in accordance with the standards and specifications of the NCDOT.

4. *Curbs and gutters.* All curbs and gutters installed shall meet the NCDOT approved standards and specifications.

(Amd. 03-19-12)

C. *Private streets.* Private streets will be permitted to serve as access within subdivisions or other developments; however, dedication of public streets and other rights-of-way or easements may be required if such are indicated on the official plans as adopted by the County Board of Commissioners, a governing body of a municipality in Cumberland County or the Planning Board. Public streets and/or other rights-of-way or easements or public access over private streets will be required where the Planning Board, the NCDOT, or public utility agency determines that such are necessary in order to promote the continuity of existing streets or utility systems or otherwise protect and promote the public health, safety and welfare.

1. *NCDOT specifications.* Unless otherwise approved, the developer shall reserve enough area along all private streets to meet NCDOT specifications for right-of-way width requirements on secondary roads. Except for Class "C" private streets, the land area within the private street right-of-way as is required to be reserved may not be used toward lot area requirements. The area within any private street right-of-way, regardless of class or type of street shall not be included in any required yard space.

(Amd. 10-15-12)

2. *Access to government agency.* In any subdivision or other development where private streets are provided, the developer shall prepare for Planning and Inspections Department approval and record in the County Register of Deeds, a plat of such development indicating all private streets. It shall be indicated on such plat that any governmental agency or personnel or equipment thereof shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible and that any agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any governmental agency. It shall be indicated on such plat that any agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way or easements.

3. *Upgrading street classification.* If a division of the same or adjacent lands previously approved under this section occurs which could change the status of the street to A, B or public street classifications, the entire street must be upgraded to the applicable higher standard. The individual desiring to create the additional divisions of land shall be responsible for the upgrading of the streets to the higher classification after giving notice to and receiving agreement from the affected property owners.

4. *Minimum design specifications.* The following specifications shall be the minimum accepted for private streets and must be completed or guaranteed to be completed in accordance with Section 2502, prior to submission for final plat approval. In all subdivisions or other developments, minimum asphalt paving and/or base construction is required at least to the minimum standards of the NCDOT for residential streets.

a. *Class "A" private street specifications:*

- (1) All street construction, surfacing and drainage standards shall meet or exceed the NCDOT's design specifications for residential streets;
- (2) No area of any lot shall be included in the right-of-way easement;
- (3) Street(s) shall be maintained by an established owners' association, as approved by the County Attorney and supported by recorded legal documentation addressing a street maintenance agreement;
- (4) There is no limit to the number of lots to be served by this street classification;
- (5) Clearing and grubbing shall be completed five feet of each edge of the surfaced travel way; and
- (6) When curb and gutter sections are omitted, 45-foot right-of-way must

be provided.

b. *Class "B" private street specifications:*

- (1) All street construction and drainage standards shall meet or exceed the design specifications of the NCDOT for residential streets with a rural cross-section and with the appropriate amount of either "crusher run" or gravel as certified by a professional engineer and shall provide a minimum of a 45-foot right-of-way;
- (2) Street(s) shall be maintained by an established owners' association, as approved by the County Attorney and supported by recorded legal documentation addressing a street maintenance agreement;
- (3) All such private streets shall connect to a state-maintained road or an approved Class A private street;
- (4) Clearing and grubbing shall be completed five feet of each edge of the travel way;
- (5) May serve a maximum of eight lots; and
- (6) Group developments as approved under the terms of this ordinance shall be limited to a maximum of two units per lot. *(Amd. 12-19-11)*

c. *Class "C" private street specifications:*

- (1) A minimum passable travel way 20 feet wide shall be provided within a 30-foot easement;
- (2) An adequate drainage system shall be constructed in accordance with the storm drainage plan designed by the registered engineer/surveyor;
- (3) All such private streets must directly connect to a paved state-maintained road or a Class "A" private street;
- (4) May serve a maximum of four lots;
- (5) Group developments as approved under the terms of this ordinance shall be limited to a maximum of two units per lot;
- (6) Property lines shall be included in the street easement;
- (7) Clearing and grubbing will be completed five feet of each edge of the

travel way;

(8) *Repealed*; and

(9) Private streets approved under this classification shall be terminated with either a cul-de-sac or hammerhead (t-type) of sufficient size to afford emergency and other public vehicles adequate maneuvering area for turning around. (*Amd. 12-19-11*)

5. *Repealed*.

6. *Flag lots*. For Class “B” and “C” private streets, flag lots into the street right-of-way to the public street shall count as a lot being served for access purposes by such private street.

7. *Private street certification of construction*. Upon completion of construction of any private street and the related facilities including drainage ways, the developer shall provide for an inspection of all such facilities by a registered surveyor or engineer, who shall provide in writing a statement that all private streets and related facilities are constructed in accordance with the provisions of this ordinance and that all such facilities are adequate to serve the development. Such statement shall be affixed with the engineer’s or surveyor’s seal and submitted to the Planning and Inspections Department prior to the recording of the final plat or release of any construction guarantees as required under Section 2502. Upon receipt of the certification of construction and after the initial approval for recording of the final plat, the County has no enforcement responsibility as related to maintenance and encroachments within the right-of-way of any private street.

8. *Private street deed disclosure*. Every deed created for a lot served by a private street within the jurisdiction of this ordinance and to be filed with the County Register of Deeds shall include the following disclosure: “It is hereby acknowledged that a *Subdivision Streets Disclosure Statement* has been executed in accordance with N. C. GEN. STAT. § 136-102.6.”

SECTION 2305. SIDEWALKS.

A. Sidewalks shall be required to be constructed when any subdivision or other development proposed is adjacent to an existing public school or public park property, the developer shall construct and dedicate to the affected public agency a walkway (sidewalk) not less than ten feet in width in such a location as to facilitate direct convenient access to the adjacent school or park.

B. Any required sidewalk shall be constructed with concrete or other approved surface material and shall comply with the provisions of the *Americans with Disabilities Act*

standards. The required sidewalk shall be constructed with a minimum width of 36 inches, a minimum of four inches thickness for areas subject to pedestrian traffic, a minimum of seven inches thickness for areas subject to vehicular traffic, joints spaced every three feet, and a minimum 3,000 PSI compressive strength.

(Amd. 12-19-11)

SECTION 2306. UTILITIES.

A. *Water and sewer.* Where water and/or sewer systems are to be installed as part of the development improvements, such systems shall be designed and installed in accordance with the standards and specifications of the County Health Department and/or the provider responsible for the approval of such systems.

1. Public water and sewer systems.

a. *Generally.* Where the installation of public water and/or sewer systems is prerequisite to approval of lot sizes and standards, such systems shall be installed and certified prior to final plat approval or assured to be installed in accordance with the provisions of Section 2502.

b. *Connection to public water and sanitary sewer required.* When not predicated upon a prior mandatory annexation policy and where any portion of a subdivision or other development submitted for approval under the terms of this ordinance or the County Zoning Ordinance proposes two to ten lots or units is within 300 feet of public water or sewer, the public utilities shall be extended and connected. Where any portion of eleven to twenty lots or units is within 500 feet of public water or sewer, the public utilities shall be extended and connected. For more than twenty lots or units proposed within the Sewer Service Area and/or and where density is greater than two lots or units per acre, the extension of and connection to public water and sewer service is required. Sanitary sewer service outside of the Sewer Service Area requires approval in accordance with the terms of any interlocal agreement officially adopted by the Board of Commissioners.

(Amd. 12-19-11)

c. *Exception to public water and sewer extension/connection.* The Planning and Inspections Director shall exempt connection to a public water and/or sewer system when any of the following conditions warrant:

(1) Public sanitary sewer is within a different drainage basis or sub-basin;

(2) The public utility is located beyond the jurisdiction of the Planning Board, and the public utility provider will not agree to extend service;

(3) Crossings of Rockfish Creek, Lower Little River, South River, Cape Fear

River, controlled access highways such as Interstate 95, Business 95 and the Fayetteville Outer Loop;

(4) Extensions exceeding 2,000 feet from existing public services; or

(5) Property is located outside of the County's or a municipal government's approved utilities plan. *(Amd. 12-19-11)*

2. *On-site water and sewer systems.* When proposing lots or units to be served by on-site private water and/or sewer systems, the lot shall be of sufficient size to accommodate the utilities and providing for adequate building area. When either or both of such systems are proposed to be used, every plat must have a certification or disclosure as required by in Section 2504. Every deed created for a lot or unit to be served by an on-site water and/or sewer system within the jurisdiction of this ordinance and to be filed with the County Register of Deeds shall include the following disclosure:

"Public water and/or 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 Health Department."

B. *Fire hydrants.* Fire hydrants are required when a subdivision or other development with four or more proposed lots/units derived from the same parent tract as of the date of this ordinance and when subject to the provisions of this ordinance or the County Zoning Ordinance is to be served by extension of a public water system where the provider is capable of supplying sufficient water pressure to operate the hydrants. The following are the minimum standards for hydrant installation:

1. Fire hydrants shall be located no more than 1,000 feet apart and at a maximum of 500 feet from any lot or unit;
2. Each fire hydrant shall have the minimum main supply line as required by the provider to adequately provide the appropriate amount of pressure to the hydrant;
3. Fire hydrants shall be maintained by the entity supplying water thereto; and
4. Standard hydrant design (National Standard Thread, 4½-inch steamer, (2) 2½-inch discharge connections, etc.) and proper maintenance shall be utilized.
(Amd. 12-19-11)

C. *Underground utilities required.* All subdivisions and other developments shall have utilities placed underground where practical. High voltage electrical lines as defined are exempt from this requirement.

D. *Stormwater*. New subdivisions and other developments that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the Post-Construction Stormwater Management Permitting Program administered by the Division of Water Quality, N. C. Department of Environment and Natural Resources (NCDENR).

SECTION 2307. OTHER REQUIREMENTS.

A. *Required drainage*. Drainage systems shall be installed by the developer in accordance with the NC Carolina Department of Transportation (NCDOT) standards and specifications and in accordance with the NC Department of Environmental and Natural Resources' (NCDENR) *Manual on Best Management Practices* (BMP).

B. *Monuments*. Monuments of a permanent material shall be installed in accordance with the good surveying/engineering practices set forth by the NC Board of Examiners for Engineers and Land Surveyors (NCBELS).

C. *Removal of rubbish*. All cut or fallen trees, stumps or rubbish shall be completely removed from the subdivision or development site.

D. *Watercourse protection*. During the construction, preparation, arrangement, and installation of improvements and facilities in subdivisions or other developments located at or along a watercourse, the developer shall maintain the watercourse in an unobstructed state and shall remove from the channel and banks of the watercourse all debris, logs, timber, junk and other accumulations of nature that would, in time of flood, clog or dam the passage of waters in their downstream course; provided that installation of appropriately sized stormwater drains, culverts, bridges, levee systems or closure structures in a levee system shall not be constructed as obstructions in the stream.

SECTION 2308. PARKS, RECREATION AND OPEN SPACE.

Every newly proposed residential dwelling lot or unit shall provide a portion of land for the purpose of providing park, recreation and open space areas. For purposes of this section, the terms "recreation area" includes park, recreation and/or open space areas.

Whenever this section provides for the exercise of discretion by the Planning & Inspections Director, the Parks and Recreation Director, or an affected jurisdiction, such discretion shall be exercised consistent with the facts, policies and objectives set forth in the officially adopted Parks and Recreation Master Plan as it affects from time to time.

Any portion of a subdivision or other development that lies within an area designated in the officially adopted Parks and Recreation Master Plan or other officially adopted open

space/greenway plan (not exceeding the amount required to be dedicated) shall be included as part of the area set aside to satisfy the recreation area requirements of this section. This area shall be dedicated to public use.

A. *Amount of land.* The amount of park, recreation or open space area shall be 800 square feet per dwelling lot or unit. The affected governing body must approve water bodies offered to a public entity for meeting these requirements. The recreation area may include a combination of land above the SFHA, land in the SFHA, water bodies within the development. Land area offered that contains five acres or more and is consistent with the adopted Parks and Recreation Master Plan must be accepted by the affected jurisdiction.

Recreation areas shall be of such dimensions as to be functionally useable and maintainable. Subdivisions or other developments that would require less than 25,000 square feet of recreation area may pay a fee in lieu of and be exempt from providing on-site recreation area when the Parks and Recreation Director determines that:

1. The onsite recreation area cannot be combined with such areas serving adjacent property to form a functionally usable and maintainable area; or

2. The recreation needs of the subdivision or other development can be adequately met by existing or planned public recreation areas. In determining the size of a subdivision or other development for purposes of this section, the Planning and Inspections Staff shall consider the entire project developed on a single tract or contiguous multiple tracts under common ownership, regardless of whether the subdivision or other development is constructed in phases or sections. The developer of any subdivision or other development that is exempt from providing on-site recreation area shall pay a fee to the affected jurisdiction in lieu thereof to be used to acquire recreation areas for any park type listed in the Parks and Recreation Master Plan to benefit the residents of the general area.

B. *Standards for recreation areas.* All recreation areas shall meet the standards established in the Parks and Recreation Master Plan unless waived by the Planning Board with a recommendation from the Planning & Inspections Director. These standards are as follows:

1. *Unity.* The dedicated land shall be a single parcel of land, whether or not the subdivision or other development is developed in phases or sections, except if the Planning & Inspections Director determines with a recommendation from the Parks and Recreation Director that multiple parcels would better serve the residents of the subdivision or other development and the public.

2. *Usability.* A maximum of one-half of the recreation area may be water. When one-half of the area offered is water, the remaining land must be useable land for a park. The usability of recreation area shall be determined by the Planning & Inspections Director,

with a recommendation from the Parks and Recreation Director. The governing body of the affected jurisdiction shall make the final decision.

3. *Shape.* The area not water or wetland shall be of such shape to be usable for recreation facilities, including, but not limited to, tennis courts, swimming pools, clubhouses, athletic fields, basketball courts, swings, slides, play apparatus, open play areas or picnicking, etc.

4. *Location.* The offered land shall be located to reasonably serve the recreation area needs of the residents within the subdivision or development. The Planning & Inspections Director, with a recommendation from the Parks and Recreation Director, may require that the recreation area be located on the periphery of the subdivision or development in order to allow its enlargement by combining the recreation area with that of adjacent subdivisions or other developments; when adjacent property is publicly owned; or when there are officially adopted plans that identify the area as future recreation area to be acquired by the affected jurisdiction. The affected jurisdiction's Parks and Recreation Director, with final approval from its governing body, may negotiate the location of the land or fee when it is deemed in the best interest of the immediate residents and that jurisdiction's long-range parks and recreation plan. This may include exchanging larger, more economical tracts of land offsite from the subdivision or other development for the tract within the subdivision or development. This shall only be allowed when there is sufficient park and recreation area to meet the needs of the affected subdivision or development's residents.

5. *Access.* All dwelling units in the subdivision or development shall have free, easy and convenient ingress and egress to and from recreation area within the subdivision or development via streets or public walkways or trails, with one access being a minimum width of 20 feet. Typically, recreation area should be accessible from a public street. -of-way for this access shall be shown on the preliminary plan. Recreation areas that do not have frontage on a public street but are adjacent to an existing public recreation area that has such access shall be exempt from this requirement.

6. *Landscaping.* Recreation areas shall have a sufficient natural or manmade buffer or screen to minimize negative impacts on adjacent residents.

7. *Additional minimum standards for public dedication of land.* In addition, all land area dedicated to the public must meet the following:

(a) Must not be a former site of or contain any remains of hazardous materials; and

(b) If the recreation area is to contain a developed facility, the facility and the recreation area must be approved by the affected governing body.

C. Procedures for the dedication of recreation areas.

1. *Designation of land to be dedicated.* The developer, on its submitted residential preliminary plan, shall indicate at that time its intent to dedicate land for public use, convey land to an owners' association or pay a fee in lieu thereof. The developer shall also designate on its preliminary plan the area or areas to be dedicated for recreation. If the developer intends to convey the recreation area to an owners' association, the area(s) to be designated shall also be labeled as "common area" on the preliminary plan and final plat.

2. *Review of land to be dedicated.* The Planning and Inspections Staff shall submit a copy of the preliminary plan to the affected jurisdiction's Parks and Recreation Director. The Parks and Recreation Director shall submit recommendations concerning the land to be dedicated or conveyed, to the Planning and Inspections Staff within five working days after receipt of a preliminary plan proposing less than 50 lots or units. Where the preliminary plan proposes 50 or more lots or units, the response time for the Parks and Recreation Director is to be ten working days.

3. *Ownership.* The developer shall designate the entity owning land to be used for recreation area subject to approval from the Planning Board. Such entities may include, but shall not be limited to, the following:

- (a) The County of Cumberland for use by the Fayetteville-Cumberland Parks and Recreation Department, subject to approval and acceptance by the County Board of Commissioners;
- (b) Any municipality having jurisdiction over the tract, whether within its boundary or not, subject to acceptance by the governing body of the municipality;
- (c) Other public jurisdictions or agencies, or nonprofit organizations, subject to agreement of the governing body; and
- (d) Owners', condominium or cooperative associations or organizations.

4. *Required conditions of owners' associations.* Owners' associations or comparable legal entities that own and maintain recreation areas shall be established so that:

- (a) The association or comparable entity is established prior to any lot or unit in the development being sold or any building being occupied. All legal documents regarding the association such as incorporation documents, by-laws, and covenants shall be approved by the County Attorney prior to final plat approval of any portion of a development approved under this section;

- (b) Membership must be mandatory for each lot or unit owner and successors in interest;
- (c) The association shall be responsible for providing liability insurance, if any, and maintenance of the common areas;
- (d) Any sums levied by the association that remain unpaid shall become a lien on the applicable lot or unit owner's property;
- (e) If all or any portion of the common area held by the association is disposed of or if the association is dissolved, the recreation areas shall be first offered to the affected public jurisdiction or to any entity described in "*Ownership*" (sub-section 3) above; and
- (f) The right to use the recreation area shall be an easement appurtenant in favor of each lot or unit owner, and their respective invitees, of the subdivision or development in good standing with the owners' association.

5. *Maintenance or areas.* The entity described in "*Ownership*" (sub-section 3) above shall be responsible for the continuing upkeep and proper maintenance of the recreation area.

6. *Provisions for payment in lieu of dedication.* When the Planning & Inspections Director determines that the recreation area needs of a development can be met by existing or proposed public community, regional or other park type classified in the Parks and Recreation Master Plan the Planning and Inspections Director with a recommendation from the affected jurisdiction's Parks and Recreation Director may allow the developer to pay a fee to the affected jurisdiction in lieu of dedication. The Planning and Inspections Director may also allow, with a recommendation from the affected jurisdiction's Parks and Recreation Director, a combination dedication/ conveyance and partial payment in lieu of dedication when the Director determines that it would be in the best interest of the residents of the subdivision or development and the public. The affected jurisdiction's governing body shall make the final decision.

(a) *Procedure.* The developer shall indicate on its preliminary plan application its request to make a payment in lieu of dedication. Upon receipt of the preliminary plan, the Planning and Inspections Director shall submit a copy of the preliminary plan to the affected jurisdiction's Parks and Recreation Director. The Parks and Recreation Director shall submit a recommendation to the Planning and Inspections Staff within five working days after receipt of a preliminary plan proposing less than 50 lots or units. Where the preliminary plan contains 50 or more lots or units, the response time for the Parks and Recreation Director is to be ten working days.

(b) *Amount of payment.* The fee in lieu of dedication shall be based on the required acreage in square feet times the raw land value as assessed for property tax purposes. If the developer disagrees with the Planning and Inspections Director's findings, the developer may appeal to the Planning Board for final disposition.

(c) *Use of payments in lieu of dedication.* All monies received as fees in lieu of dedication shall be used only for the acquisition of the closest un-purchased recreation area for any park type as recommended in the officially adopted Parks and Recreation Master Plan that will serve the residents of the subdivision or development.

(d) *Required payment in lieu of dedication.* If land offered as required recreation area is inconsistent with the long-range plans for recreation space serving the needs of residents of the subdivision or development and the general area, as reflected in the officially adopted Parks and Recreation Master Plan or policies, the Planning and Inspections Director, with a recommendation from the affected Parks and Recreation Director, may require payment in lieu of dedication or conveyance. The Planning and Inspections Director may also require a fee in lieu of dedication or conveyance when the area offered is less than one-half acre in size, with the recommendation of the affected jurisdiction's Parks and Recreation Director. Where the preliminary plan does not indicate designated park, recreation or open space areas, the presumption shall be that the developer intends to pay a fee in lieu of dedication.

(e) *Time of payment.* A payment in lieu of dedication must be made with or prior to submission for final plat approval. If the subdivision or development is constructed in phases or sections, a payment relating to each phase or section must be made with or prior to submission for final plat approval for each phase or section.

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ARTICLE XXIV SPECIAL DEVELOPMENTS

SECTION 2401. GROUP DEVELOPMENTS.

The site plan for group developments shall show the locations and sites of buildings, streets, drives, alleys, parking, recreation areas, signs, loading berths, yards and other open spaces, and shall be in accordance with the following specifications:

A. *Lot area.* The plot area per dwelling unit, excluding the area of publicly dedicated rights-of-way within the development, shall be as permitted by the County Zoning Ordinance.

B. *Yard setbacks.* Each building on the periphery of a group development shall observe the minimum yard setback requirements for the district in which the development occurs. The judgment of the Planning Board as to what constitutes the front, rear and side yards of each building in the group development shall be final.

C. *Building separation.* Buildings within group developments under single ownership shall be separated by a minimum distance of 20 feet plus ten feet for each story above two stories. In no case shall any part of a principal residential building be located closer than 20 feet to any part of another principal building.

D. *Street access.* The property to be developed must have a boundary line or lines contiguous with and giving direct vehicular access to and from one or more public streets, or private streets with public access approved in accordance with Section 2304. Group developments in the form of apartment complexes or unit ownership developments with owners' associations legally obligated to maintain vehicular access and circulation drives shall not be subject to the private street standards specified in Section 2304.

E. *Dedication/Reservation of right-of-way.* Where official plans show future streets or thoroughfares or where reasonable access to adjoining property is required, the development will be designed so as to provide right-of-way for such future streets or thoroughfares and to give access to such properties by means of a public street dedication, if the development is such that requires a final plat to be prepared and recorded, or where no final plat is required, the land area within the right-of-way shall be reserved. No portion of the land area contained within the reserved or dedicated right-of-way may be used to satisfy calculation for density or other dimensional requirements.

F. *Off-street parking.* Off-street parking shall be provided in accordance with applicable zoning regulations. At least three-fourths of the required parking spaces shall be located on the development in off-street parking lots, no part of which shall be located closer than five feet to any existing or proposed street right-of-way line in accordance with the adopted Highway Plan or locally adopted Collector/ Feeder Street Plan. Each space shall be not less than nine feet by 20 feet in area. Compact car spaces may be utilized within a development in accordance with the provisions of the County Zoning Ordinance. Isles adjacent to the compact car spaces shall be standard width, and all compact car spaces shall be clearly marked. One-fourth of the required parking spaces may be in parking bays on minor public streets which are entirely within the development, provided that no space shall be in the turn-around portion of cul-de-sac. Bays shall not be longer than 80 feet along such street lines and each bay shall be separated from any other bay by a distance of not less than one-half the combined width of both bays. No more than one-third of the total frontage of any such street shall be devoted to parking bays. Each off-street parking space for any residential building shall be located within 200 feet of said building.

G. *Swimming pools.* Swimming pools which are constructed within a multi-family development shall be located not less than 50 feet from any boundary of the project, including a public street. All swimming pools shall comply with the provisions of the County Zoning Ordinance.

H. *Recreation/Open space areas.* In residential group developments designated recreation/open space areas and facilities shall be provided on-site in accordance with the provisions of Section 2308 unless the developer can show, and the Planning and Inspections Director agrees after consulting with the Parks and Recreation Director, that the surrounding community has adequate public recreation area available. In the event that adequate public recreation is existing within the surrounding community, the developer shall pay a fee in lieu of providing on-site recreation as allowed in Section 2308. Areas within the required yard setbacks can be counted as part of the required recreation area provided they are developed, which would include tennis and basketball courts, jogging trails, etc. These facilities shall not consist of over ten percent of the required recreation/open space area. On-site amenities outside the setback area such as indoor recreation centers and clubhouses may be counted to satisfy the provisions of this subsection. Recreation/open space areas dedicated to the public sector shall be subject to all the requirements in Section 2308.

I. *Screening.* All dumpster and utility areas shall be located on concrete slabs and at a minimum, fenced around three fenced sides. Chain link fencing may be utilized, but it must be accompanied with vegetative plantings so planted to effectively screen the dumpster and utility areas.

J. All applicable provisions of the County Zoning Ordinance, to include buffers, signage, etc. is to be complied with and evidenced on the site plan.

SECTION 2402. ZERO LOT LINE DEVELOPMENTS.

Zero lot line developments shall comply with all the requirements of group developments when not specified herein and for the purposes of determining compliance with this ordinance and the County Zoning Ordinance, such development plan shall be considered a group development. Zero lot line developments shall be exempt from the minimum lot size provisions of Section 1104 of the County Zoning Ordinance provided that the overall average density of the zoning district in which the development is located is not exceeded. In addition to the provisions for Section 2401 above, the following shall be complied with:

A. *Site plans.* Site plans for zero lot line developments shall show the locations of buildings and/or building sites, streets, drives, alleys, walks, parking, on-site recreation areas (if proposed), yards, the boundary of the development, maintenance easements and all common area.

B. *Building sites.* A building site shall be that property intended for conveyance to a fee simple owner after the construction thereon and shall be sufficient in size to contain the structure proposed and any other proposed components of the property that are to be conveyed. Each building site shall abut and have direct access to a public street, private street or private drive, as permissible by this ordinance.

C. *Building yards.* Building sites, buildings, and accessory buildings thereon, are exempt from all zoning district dimensional requirements of the County Zoning Ordinance for lot width, front yard, side yard, rear yard, and building area except:

1. Buildings have direct access to a public street must meet the front yard and/or corner lot provisions of the applicable zoning district.

2. Buildings on the periphery of the development plan must meet all setback requirements of the zoning district in which the development is located. The judgment of the Planning Board as to what constitutes front, rear and side yard of each building on the periphery shall be final.

3. A minimum of ten-foot separation between structures shall be provided for buildings on separate lots within developments that are creating individual "for sale" lots and seeking approval under this section.

D. *Density*. The total number of residential building sites created shall not exceed the density standard for such developments as stated in the district dimensional requirements for the zoning district in which the development is located, excluding public right-of-way and that public right-of-way which is dedicated and/or reserved.

E. *Owners association*. Establishment of an owners' association shall be mandatory when any portion of the development is to be held incommon.

F. *Common areas*. All areas of the site plan, other than individual "for sale" lots/units and public rights-of-way shall be shown and designated as "common area", the fee simple title to which shall be conveyed by the developer to the owners' association. Any common area shall not be further subdivided, developed or conveyed by the owners' association, except where approved under the provisions of this ordinance and the County Zoning Ordinance. This stipulation shall be so stated in the declarations and noted on the final plat.

G. *Declaration of covenants and restrictions*. The developer shall file prior to submission for final plat approval of any portion of a development, a declaration of covenants and restrictions governing the common areas, the owners' association and the building sites, if required. The declaration of covenants and restrictions shall be approved by the County Attorney prior to recording of such documents, and prior to final plat approval for any portion or phase of the development. The restrictions shall contain, but not be limited to, provisions for the following as necessary:

1. The owners' association shall be organized and in legal existence prior to the sale of any lot or unit within the development.

2. Membership in the owners' association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit.

3. The owners' association shall be responsible for the provisions of liability insurance, any taxes, and maintenance of recreation area and other facilities located on the common area, payment of assessments for public and private capital improvements made to or for the benefit of the common area located within the development. It shall be further provided that upon default by the owners' association in the payment to the governmental authority entitled thereto of any ad valorem taxes levied against the common area or assessments for public improvements to the common area, which default shall continue for a period of six months, each owner of a lot or unit in the development shall become personally obligated to pay to the County Tax Assessor a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due by the total number of lots or units in the development. If such sum is not paid by the owner within thirty days following receipt of notice of the amount due,

then such sum shall become a continuing lien on the lot or unit of the then owner(s), the owner(s)' heirs, devisees, personal representatives and assigns, and the County Tax Assessor may either bring an action at law against the owner personally obligated to pay the same or may elect to foreclose the lien against the property of the owner.

4. The owners association shall be empowered to levy assessments against the owners of lots or units within the development for payment of expenditures made by the owners association for the items set forth in the preceding paragraph, and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the lot or unit of the owner.

5. Easements over the common areas for access, ingress and egress from and to public streets and walkways, and easements for enjoyment of the common area and for parking areas shall be granted to each owner of any lot or unit within the development, unless expressly stated otherwise and classified as "limited common areas and facilities" with the declaration.

6. Common walls between any units shall be party walls, and provisions for the maintenance thereof, including restoration in the event of destruction or damage, shall be established within the covenants.

H. *Proof of subordinate mortgage.* The developer shall submit, along with the final plat, documents showing proof that any mortgage on the property or facility is subject to all easements or rights which may be transferred to the individual lot or unit owner or to the owners' association.

I. *Final plat.* A final plat shall be prepared in accordance with Article XV and also include the following:

(1) All building sites (lots/units) numbered with bearings and distances shown for their respective boundaries.

(2) All "common area" labeled as such with the facilities thereon indicated.

(3) Any notes as required under this section, including maintenance easements when required.

(4) An indication as to the location (book and page number) of the covenants and restrictions governing the recorded plat.

J. *Compliance with State law.* In addition to the above requirements, all zero lot line developments shall comply with the pertinent provisions of Chapter 47A of the N.C. General Statutes, as if the applicable provisions of Chapter 47A were incorporated herewith.

SECTION 2403. UNIT OWNERSHIP (CONDOMINIUM DEVELOPMENTS).

Before a declaration establishing a condominium development may be recorded in the office of the County Register of Deeds as prescribed in the *N.C. Unit Ownership Act* (N. C. GEN. STAT. § 47A-1 *et seq.*), the declaration and plan shall be approved by the Planning and Inspections Department. Such declaration and plan shall conform to applicable subdivision or other development requirements as set forth in this ordinance and the County Zoning Ordinance. In addition, the following requirements shall be complied with:

A. The declaration shall be a complete legal document prepared strictly in accordance with the *N. C. Unit Ownership Act* (N. C. GEN. STAT. § 47A-1 *et seq.*) and shall be submitted in final form in three copies to the Planning and Inspections Department at least ten days prior to the submission of the final plat.

B. The final plan of the proposed development shall contain the following particulars:

1. The unit designation of each unit and a statement of its location, approximate area, number of rooms, and/or immediate common area to which it has access and any other data necessary for its proper identification;
2. Description of the general common areas and facilities as defined in the *N. C. Unit Ownership Act* (N. C. GEN. STAT. § 47A-1 *et seq.*) and the proportionate interest of each unit owner therein;
3. Description of boundary lines between portions of the structures designed for different ownership;
4. Description of all garages, balconies, patios, etc., which form a part of any unit;
5. Description of any special common areas and/or facilities stating what units shall share the same and in what proportion; and
6. Statement of the purpose for which the building and each of the units are intended and restricted as to use.

C. The recordation of the declaration and plan shall be completed by the developer within one calendar year after approval by the Planning and Inspections Department.

SECTION 2404. MANUFACTURED HOME PARKS.

A. *Purpose.* The purpose of this section is to establish regulations and procedures for the initial construction and continued use of manufactured home parks, which is found to be necessary in order to protect the health, safety and welfare of the residents of the manufactured home park.

B. *Application of chapter.* The provisions contained herein are the minimum provisions every manufactured home park plan must comply with prior to allowing for the inhabitation of any manufactured home within the manufactured home park.

C. *Permits required.* It shall be unlawful for any person to construct, maintain or use any lot or other parcel of land within the jurisdiction of Cumberland County for a manufactured home park until application has been made and a permit has been issued by the Code Enforcement Coordinator. No on-site improvements may be made until after a permit has been granted by the Code Enforcement Coordinator in accordance with an approved manufactured home park site plan.

D. *Site plans.* Site plans for manufactured home parks in addition to all items required in Article 2203 for preliminary plans shall show the location of all proposed structures; pedestrian paths, type and location of the perimeter buffer, electric lighting plans, off-street parking areas, drainage facilities, and all other required provisions of this section.

E. *Dimensional criteria.*

1. *Lot area.* The minimum lot area for a manufactured home park shall be one acre, excluding publicly dedicated or reserved right-of-way for streets, and floodplain areas.

2. *Density.* The maximum density of individual manufactured home units within a manufactured home park shall be eight per acre excluding publicly dedicated or reserved right-of-way for streets.

3. *Location of manufactured home spaces.* Each proposed manufactured home proposed to be located within a manufactured home park must be located within a designated manufactured home space as approved on the manufactured home park site plan and every manufactured home space shall comply with the following minimum yard space provisions:

a. All manufactured home spaces shall be designed in such a manner that will allow for each manufactured home space to be a minimum of 25 feet apart longitudinally, 15 feet apart end-to-end or corner-to-corner, and when spaces are designed in such a manner that one space is angled toward another space, 20 feet apart;

b. All manufactured home spaces shall be located a minimum of 25 feet from any permanent building located within the manufactured home park;

c. All manufactured home spaces and structures, including buildings within the manufactured home park shall be located no closer than 25 feet of a public street right-of-way; and

d. All manufactured home spaces shall be located no closer than five feet of the internal drive within the manufactured home park.

F. *Street access.* All manufactured home parks shall have direct access to a public right-of-way. Direct access to any public right-of-way shall not be permitted for any single manufactured home space within the manufactured home park; all manufactured home spaces must be served internally by means of a private drive. Street access and entrance area designs shall conform to the *NC Department of Transportation Policy on Street and Driveway Access to North Carolina Highways* guidelines.

G. *Improvements.* In addition to all applicable improvements required by Article XXIII and the County Zoning Ordinance, the following improvements shall be constructed or implemented prior to application for the final building/park inspection:

1. *Parking.* Off-street parking spaces shall be provided in accordance with the applicable zoning district regulations; however, in no case shall there be less than two off-street parking spaces for each manufactured home space. Parking shall not be permitted on or along the internal drives in manufactured home parks.

2. *Internal drives.* All drives and courts shall be designed with a minimum 30-foot right-of-way and a minimum 20 foot paved traffic area which is adequately drained. Every dead-end drive more than 100 feet in length or serving more than four manufactured home spaces shall be provided with a paved turn-around having a radius of not less than 40 feet for a traffic surface.

3. *Drainage.* The manufactured home park spaces shall be situated on ground that is not designated as a *Special Flood Hazard Area* and designed and graded with drainage facilities installed to transport runoff to an appropriate outfall in such a manner as to comply with the N.C. Department of Environment and Natural Resources' *Manual of Best Management Practices* (BMP) for storm water control. When manufactured home parks abut an existing public drainage system, connection to the public system is mandatory.

4. *Water and sewer.* Every manufactured home space shall be provided with water and sewer services to meet providing agency's standards, if public, or County Public Health Department requirements, and all such plans shall be approved by the appropriate agencies.

5. *Underground utilities.* All wiring serving new or remodeled manufactured home parks shall be placed underground, except as outlined in Section 2306 D.

6. *Lighting.* All interior drives and off-street parking areas within the manufactured home park shall be lighted and in compliance with Section 1102 M, County Zoning Ordinance. The plans for lighting and all other electrical hookups and wiring shall be approved by a County Electrical Inspector.

7. *Trash receptacles/dumpsters.* All manufactured home parks shall provide trash and garbage storage receptacles for each manufactured home space that complies with the standards of the County Department of Solid Waste Management. The manufactured home park owner is responsible for proper storage, collection and disposal of the trash.

8. *Screening.* All dumpster and utility areas shall be located on concrete slabs and at a minimum, fenced around three fenced sides. Chain link fencing may be utilized, but it must be accompanied with vegetative plantings so planted to effectively screen the dumpster and utility areas.

9. *Recreation and open space.* Each manufactured home park shall provide on-site recreation/open space areas to service the needs of the residents of the park complying with the provisions of Section 2308. Irregular shaped areas will be judged for usefulness considering the intent of this ordinance. Each recreation/open space area shall be delineated on the site plan. Areas within the yard setbacks can be counted as part of the required recreation/open space area provided these areas are developed, which could include such items as tennis and basketball courts, jogging trails, etc. These facilities shall not consist of over ten percent of the required recreation/open space area. No portion of the fifteen-foot perimeter buffer/landscaped area, required below, shall be counted as part of the required recreation/open space area. On-site amenities outside of the yard setbacks, such as indoor recreation centers, clubhouses, etc. may be utilized for calculation to satisfy the recreation/open space area requirements.

10. *Perimeter buffer.* All manufactured home parks shall have a minimum fifteen-foot wide natural or landscaped buffer area around the perimeter of the park, excluding entrance drives within which no temporary or permanent structures shall be permitted. All manufactured home parks shall have a physical barrier (i.e. fencing, hedge, etc.) defining the boundaries of the park. Additionally, if earth berms, fences or walls are located within the buffer area, the buffer width shall not be reduced.

11. *Fire protection.* Fire protection standards shall be provided in accordance with the rules and regulations of the fire district in which they are located. All manufactured home park plans shall be submitted and approved by the County Fire Marshal prior to occupancy.

12. *Pedestrian circulation.* All manufactured home parks shall contain and maintain minimum three-foot wide internal pedestrian paths to central facilities, such as pools, office areas, laundry facilities, recreation areas, bus stops, etc. These paths, at a minimum, shall consist of a top layer of sand, crushed gravel or similar approved material. The location of these paths shall be shown on the site plan. No building/park final inspection can be accomplished until these paths are installed.

H. *Highway Plan.* Any manufactured home park site impacted by a proposed right-of-way shall reserve (or dedicate, if final plat required) the right-of-way up to 80 feet in width. Until the reservation is utilized, the developer is allowed to use the area for manufactured home park development. However, this area shall be designated so that it can exist independently from the remainder of the manufactured home park so that when the roadway construction commences, it will have little impact on the rest of the park.

I. *Manufactured home classification.* All manufactured home park spaces developed and approved after July 1, 1996 shall be restricted to Class A and Class B manufactured homes, as defined by this ordinance.

J. *Replacement homes.* When manufactured home park owners intend to replace a manufactured home, they shall first notify the Code Enforcement Coordinator and stake out the site of the new manufactured home showing the required setbacks, buffers and separation areas.

ARTICLE XXV FINAL APPROVAL

SECTION 2501. FINAL APPROVAL —GENERALLY.

A. Installation/Construction of improvements required. Before any plat shall be eligible for final approval, the improvements proposed by the developer and required by this ordinance must have been installed or assured to be installed in accordance with the provisions of Section 2502. In addition, improvements meeting or exceeding those standards required by this ordinance and the County Zoning Ordinance shall be installed in accordance with the standards and requirements for acceptance of the N. C. Department of Transportation (NCDOT), the standards of the Environmental Health Department, the standards of the Planning Board, or the officially adopted standards of other public agencies, whichever is applicable.

B. Final plat. The final plat shall conform to the preliminary plan as approved. The developer may submit as a final plat that portion of the approved preliminary plan which he proposes to develop immediately, provided that, such action on the preliminary plan by the Planning & Inspections Department (hereinafter “Department”) shall expire and be of no further effect unless the final plat is submitted to the Department for final approval within two years from the date on which preliminary plan approval was granted, or within two years from the date an extension of the preliminary plan approval was obtained.

C. Final approval required with no final plat required. For developments not requiring final plat approval, the preliminary approval shall expire and be of no further effect if the development has not been completed or if there are no active open permits within two years from the date on which preliminary approval was granted by the Department, or within two years from the date an extension of the preliminary plan approval was obtained.

SECTION 2502. FINAL PLAT - GUARANTEES OF IMPROVEMENTS.

Developers must satisfy one of the following guarantees of improvements prior to submission for final plat approval of any portion of an approved preliminary plan:

A. All required improvements have been installed by the developer in accordance with the requirements of this ordinance and the County Zoning Ordinance; or

B. A surety bond or certified check has been posted by the developer, payable to the County, and against which the County may draw upon default in the installation of all required improvements. The surety bond or certified check along with a sealed estimate of the cost of improvements submitted by a certified engineer or a licensed contractor shall be submitted to the Department. Upon receipt of the surety bond or certified check and the estimate of cost of construction, the Department will submit the surety bond or certified check to the County Attorney for approval of legal sufficiency and to the County Engineer for approval of the estimate. The developer and the Planning & Inspections Director (hereinafter "Director") shall set a reasonable time within which the improvements are to be installed and completed. Unless an extension of that time is granted by the Director and a new estimated date of completion approved, in case of default the County shall cause the improvements to be completed, making use of the certified check or calling upon the surety of the bond; or

C. An irrevocable letter of credit issued by a bank or other lending institution reasonably satisfactory to the County, or a deposit of funds into escrow, may be accepted in lieu of a bond or check subject to the same terms as "b" above; or

D. The Department may approve the initial and succeeding sections of an approved preliminary plan, submitted as a final plat, without installation of improvements or financial guarantee of improvements, but final plat approval of any other section of the development will be withheld until required improvements have been installed as required by this ordinance and the County Zoning Ordinance. Final plats approved under this procedure shall be limited to a maximum of 25 lots or 50 percent of the total number of building lots of the approved preliminary plan remaining prior to submission, whichever is less.

A final plat of the final section of a development submitted under this procedure or a final plat constituting an entire subdivision/development may be of any size and shall be granted final approval only under (a), (b) or (c) above.

SECTION 2503. FINAL PLAT – SUBMISSION AND APPROVAL.

The final plat shall be submitted to the Department in such a form as required below. The Director, or the Director's designee, shall review the final plat for compliance with the provisions of this ordinance, the County Zoning ordinance and other conditions of approval of the preliminary plan. The final plat shall not be approved until the improvements required by the preliminary plan approval or required by this ordinance or the County Zoning Ordinance have been installed or guaranteed to be installed in accordance with Section 2502. The following must be shown on the final plat:

A. *General.* The final plat shall conform to the approved preliminary plan and to the

requirements of North Carolina General Statute 47-30.

B. *Map form.* The final plat shall be submitted as a reproducible map, either original ink on polyester film (mylar), or a reproduced drawing, transparent and archival (as defined by the American National Standards Institute); shall be drawn to a scale of not larger than 20 feet to the inch, and not less than 200 feet to the inch; and shall have an outside margin size of either 18 by 24 inches or 24 by 36 inches. Where size of land areas require, maps may be shown on two or more sheets with appropriate match lines and each section shall contain a key map showing the location of the sections.

C. *Surveyor's certificate.* There shall appear on each final plat a certificate by the person under whose supervision the survey or final plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references and any other recorded data shown thereon; and the ratio of precision before any adjustments. Any lines on the final plat not actually surveyed be clearly indicated and a statement included indicating the source of information. Where a final plat consists of more than one sheet, only one sheet need contain the certification, but all other sheets shall be signed and sealed.

This certificate shall indicate the source of information for the survey and data indicating the ratio of precision of the survey before adjustments and shall be in substantially the following form:

"I, _____, certify that this plat was drawn under my supervision from actual survey made under my supervision (deed description recorded in Book_, Page_ ; Book_, Page_; etc.,) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book_, page_; that the ratio of precision as calculated is 1:_; that this plat was prepared in accordance with N.C. GEN. STAT. 47-30 as amended. Witness my hand and seal this _____ day of _____, A.D., _____."

(Seal or Stamp)

Surveyor Registration No.:

Nothing in this section shall prevent the recording of a final plat that was prepared in accordance with a previous version of N.C. GEN. STAT. 47-30 as amended, properly signed and notarized, pursuant to the statutes applicable at the time of the signing of the final plat. However, it shall be the responsibility of the person presenting the final plat to prove that the final plat was so prepared and signed.

D. *Certificate of ownership and dedication.* The following notarized owner certificate shall appear on the final plat along with the owner(s) signature:

“The undersigned hereby acknowledges that the land shown on this plat is within the subdivision regulation jurisdiction of the County of Cumberland and that this plat and allotment is (my or our) free act and deed and that (I or we) do hereby dedicate to public use as (streets, parks, playgrounds, school site, open spaces and easements) forever all areas so shown or indicated on said plat.”

Owner’s Signature(s)

E. *Director’s certificate of approval.* The following certificate shall appear on the final plat with the signature of the Director prior to submission of the final plat to the Plat Review Officer:

“Approved by the Cumberland County Planning & Inspections Department on the _____ day of _____, _____.”

Signed: _____ (seal)
Planning & Inspections Director

F. *Plat Review Officer certification.* The Plat Review Officer shall certify the final plat, if it complies with all statutory requirements for recording, with the following certificate on the face of the final plat:

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

“I, _____, Plat Review Officer of Cumberland County, certify that the plat to which this certificate is affixed meets all statutory requirements for recording.

Signed: _____ (seal)
Plat Review Officer

Date: _____

G. *Certificate of registration.* Space shall be provided on the final plat for the certificate of registration by the Cumberland County Register of Deeds as required by law.

SECTION 2504. DISCLOSURES REQUIRED.

A. *Disclosure of private street status.* The following disclosures shall appear on any final plat containing a private street as approved under the provisions of Section 2304, if applicable:

1. *All Private Streets.*

“Cumberland County and other public agencies have no enforcement responsibility regarding maintenance or encroachments into the private street right(s)-of-way as shown on this plat. Private streets are for the use of all owners of property within this subdivision/development and their guests; any governmental agency or personnel or equipment thereof granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible; any agency or organization designated by a governmental agency to perform a designated function shall also be granted access the same as that government agency. Any governmental agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way, or easements.

2. *Class “C” private streets.*

“All current and future owners of the tracts served by and having access to the Class “C” private street(s) shown on this plat are responsible for the maintenance of the Class “C” private street(s).”

3. *Class “B” or “C” private streets, if applicable.*

“All current and future owners of the tracts served by and having access to the Class “B” or “C” private street(s) shown on this plat shall not be permitted to further divide the tracts without upgrading the Class “B” or “C” private street(s) to _____ standards.”

B. *Farmland Protection Area disclosure.* All final plats for subdivision or other development located within a designated *Rural Area*, as defined in the Land Use Plan in effect at the time of recordation, and depicted on the Land Use Plan map, or subsequent comparable officially adopted plan and map, shall contain a disclosure notice that states:

“This property or neighboring property may be subject to inconvenience, discomfort and the possibility of injury to property and health, arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides.”

C. *On-site water and/or sewer disclosure.* The following statement shall be on any final plat for property not served by public water and/or sewer, as applicable:

“Individual lots shown on this plat do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private water wells as of the date of this recording.”

D. *Nonconforming structure disclosure.* All structures existing on the subject property at the time of the recording shall be shown on the final plat or the final plat shall include the following certification signed by the owner(s):

“Nonconforming structures have not been created by this subdivision/development/recombination plat.”

E. *Proposed public street disclosure.* When the streets proposed within a subdivision or development do not qualify for acceptance by the NC Department of Transportation for addition to the State system, the following disclosure shall be included on the final plat:

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

(Amd. 12-19-11)

SECTION 2505. APPROVAL OF PLAT NOT ACCEPTANCE OF DEDICATION

The approval of a plat pursuant to this ordinance shall not be deemed to constitute or effect the acceptance by the County, other public agency or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.

SECTION 2506. FINAL PLAT – RECORDING.

The developer or the developer's agent shall record the final plat in the Cumberland County Registry within one year after approval of the final plat by the Director. Failure of the developer or the developer's agent to record the final plat in the Cumberland County Registry within one year after the final approval shall cause such final approval to be null and void and of no further force or effect.

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ARTICLE XXVI LEGAL PROVISIONS

SECTION 2601. WAIVERS.

The Planning Board may waive the requirements of this ordinance where it finds by resolution that:

A. Because of the size of the tract to be subdivided or developed, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and

B. The public purposes of this ordinance and the County Zoning Ordinance would be served to an equal or greater degree, and

C. The property owner would not be afforded a special privilege denied to others.

In granting waivers through a quasi-judicial hearing and decision, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth. (*Amd. 6-21-21*)

SECTION 2601.1. VIOLATIONS.

A. *Statutory authority.* This ordinance may be enforced by any appropriate equitable action, including but not limited to, injunction and abatement, in addition to any other remedy authorized by N.C. GEN. STAT. §153A-123.

B. *Notice of violation.* If the Planning and Inspections Director or the Director's designee (hereinafter *Director*) finds that any provision of this ordinance is being violated, the Director shall cause to be served upon the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by certified mail, return receipt requested, or by personal service, a notice of violation. The notice of violation may be posted on the property. The notice of violation shall indicate the nature of the violation and order the action necessary to correct it. The notice of violation shall also state the monetary penalty and the right of the offender to appeal the violation that is the basis of the citation to the Planning Board within ten days from the date of service of the notice of violation. (*Amd. 6-21-21*)

C. Responsible parties. The owner, lessee, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or any other person who participates in, assists, directs, creates or maintains any violation of the provisions of this ordinance may be held responsible for the violation and be liable for the penalties and be subject to the remedies provided in Section 2602 below.

D. Separate offense. Each day that any violation continues after notification by the Director that such violation exists shall be considered a separate offense for purposes of penalties and remedies specified herein.

E. Appeal of Notice of Violation. If the offender files notice of appeal to the Planning Board within the ten-day time period, the appeal shall stay the collection of the penalty so imposed as well as the corrective action prescribed in the citation. Appeals to the Planning Board shall be in writing and submitted in the same manner and cost as for an appeal of a zoning matter to the County Board of Adjustment; however, the time for perfecting the appeal shall be ten days as hereinbefore stated. A violation of this ordinance may not be appealed to the Planning Board if the offender did not perfect an appeal to the Planning Board within the ten-day time period set forth herein. *(Amd. 6-21-21)*

F. Emergency enforcement. Notwithstanding the forgoing, in cases where delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety or welfare, the Director may seek enforcement of this ordinance without prior written notice by invoking any of the penalties or remedies herein authorized.

(Amd. 12-19-11)

SECTION 2602. PENALTY.

A person who violates any of the provisions of this ordinance shall be subject to revocation of any permits and a civil penalty in the sum of \$500.00 following the issuance of a civil citation. The penalty shall be recovered by the County in a civil action if the offender fails to pay the penalty to the Finance Director, Cumberland County, Post Office Drawer 1829, Fayetteville, North Carolina 28302, within ten calendar days after being cited for the violation. The civil action of recovery shall be in the nature of an action to recover a debt and shall include as an additional sum to be recovered the full costs of the action, including but not limited to, filing, service and attorney fees. Second and subsequent violations shall subject the offender to a \$500.00 penalty. Nothing in this section shall preclude the enforcement of this ordinance pursuant to the all of the provisions of N.C. GEN. STAT. §14-4 where appropriate.

From and after the effective date of this ordinance, any person who being the owner, or agent of the owner, of land located within the jurisdiction of this ordinance as established in Section 2004, thereafter transfers or sells such land by reference to a plat showing a subdivision or development of land before such plat has been properly approved under the terms of this ordinance and recorded in the office of the Register of Deeds shall be guilty of a misdemeanor. The description of metes and bounds in the instrument of transfer, or other document used in the process of selling or transfer, shall not exempt the transaction from such penalties. The County, through its County Attorney or other official designated by the Board of Commissioners, may enjoin such illegal transfer or sale by action for this jurisdiction. **State statute reference:** N. C. GEN. STAT. § 160D-807.

SECTION 2603. VALIDITY.

If any article, section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declares that it would have passed this ordinance and each article, section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more article, section, sub-section, sentence, clause, or phrase be declared invalid.

SECTION 2604. RESPONSIBILITY OF THE REGISTER OF DEEDS.

From and after the adoption of this ordinance, or any amendment thereto, by the Board of Commissioners and the filing of a copy with the Commissioners' Clerk, no subdivision plat of land within the County's subdivision and development regulation jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the Planning and Inspection Department and until such approval shall have been entered on the face of the plat in writing, by the Director of the Planning and Inspections Department. The Register of Deeds shall not file a plat of subdivision land located within the territorial jurisdiction of Cumberland County as defined in Section 2103, which has not been approved in accordance with these provisions nor shall the Clerk of Superior Court order or direct the recording of a plat where such recording would be in conflict with this section.

SECTION 2604.1. AMENDMENT CLAUSE.

This ordinance, upon its effectiveness as provided by law, amends in its entirety the previously existing Cumberland County Subdivision Ordinance, originally adopted July 1, 1970, including all subsequent amendments to said previously existing ordinance, except where otherwise expressly stated within this ordinance.

SECTION 2605. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Cumberland County this the 19th day of August 2008, and each subsequent amendment to this ordinance shall be effective the day following adoption of the amendment.

Exhibit 5 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Parks, Recreation & Open Space Areas (PROSA)	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body *May pay fee in lieu (Sec. 25-33)	Land area per residential unit*: 1250 sq ft** *May pay fee in lieu **Water bodies must be approved by the Town Also see "Group Development" below [Sec. 86A-501(h)]	Land area per residential unit*: 500 sq ft unit; cannot include any land area subject to flooding or land area used to satisfy any other regulation *No fee in lieu Also see "Group Developments" below [§155.67(H)]	Pending- currently same as County	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body *May pay fee in lieu Also see "Group Developments" below (Sec. 3.13.1)	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body *May pay fee in lieu Also see "Group Developments" below (Sec. 3.13.1)	Land area per residential unit*: 800 sq ft** *May pay fee in lieu **Water bodies must be approved by the Town Also see "Group Development" below (Sec. 408)	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body *May pay fee in lieu Also see "Group Developments" below (Sec. 313.1)	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000sqftif within SFHA; 3. 2000 sq ft if water body *May pay fee in lieu Also see "Group Developments" below (Sec. 313.1)
All Streets (Public or Private)	NCDOT- more restrictive standard applies Minor & residential streets: 50" min r/w width Concrete curbs and gutters [Sec. 25-31(2)]	Town standards & specifications (Sec. 86A-404) Local streets, min width of 50' Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50' [Sec. 86A-404(a)(15)] Block lengths, max of 1800' [Sec. 86A-404(a)(14)]	Town standards & specifications Local streets, min width of 50' Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50' Streets must be certified by Town as being acceptable for future maintenance (§155.510)	Pending - currently same as County	Town Engineer approval required Minor T-fare(collector) min width: 60' Minor T-fare (residential) min width: 50' Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50'	NCDOT standards Minimum width: 50' Cul-de-sac: 800 max length; 40' min width; turnaround radius, 50' (Sec. 3.17) Block lengths, max of 1800' (Sec. 3.18)	NCDOT standards w/ Town specified widths dependent upon type of street Cul-de-sac: 1400' max length; 40' min width; turnaround radius, 50' [Sec. 404(10)] Block lengths, max of 1800' [Sec. 404(10)f]	NCDOT standards (Sec. 4.1) Minimum width: 50' Cul-de-sac: 800 max length; 40' min width; turnaround radius, 50' (Sec. 3.17) Block lengths, max of 1800' (Sec. 3.18)	NCDOT standards (Sec. 4.1) Minimum width: 50' Cul-de-sac: 800 max length; 40' min width; turnaround radius, 50' (Sec. 3.17) Block lengths, max of 1800' (Sec. 3.18)

Exhibit 5 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
All Streets (Public or Private), <i>continued</i>					Driveways comply w/ stormwater requirements, pipe min inside diameter 15" w/1'cover (Sec. 3.18)				
Public Streets	NCDOT standards more stringent than Fayetteville's, NCDOT standards apply	Pavement widths: 40' minimum for collector and 30' minimum for minor streets [Sec. 86A- 404(b)) Greater than 2 units per acre, concrete curb & gutter; equal to 2 units per acre, concrete or rolled asphalt curb & gutter; less than 2 units per acre, NCDOT standards (Sec. 86A- 404(b)(3))	Roadway base to Town required width, surface must be standards of the Town (\$155.510)	Pending - currently same as County	NCDOT Subdivision Roads, Min Construction Standards compliance (Sec. 3.17) Surfacing required (Sec. 4.1.(c) Concrete curb & gutter, all new streets - 2 ft rolled or valley type concrete for residential streets and 2 ft, 6in. 90 degree vertical high back for non-residential [Sec. 4.1(e)]	Approved by the Town Roadway surface 2" of I- 2 asphalt with a min. width of 20' Asphalt curbs and gutters (Sec. 4.1)	NCDOT standards, approved by the Town (Sec. 404(b)(1))	NCDOT standards, approved by the Town (Sec. 4.1)	NCDOT standards, approved by the Town (Sec. 4.1)
Private Streets	Class A and Class B per County/NCDOT standards; Class C(dirt) not permitted	Asphalt or other permanent surface private streets w/ a minimum 45' r/w width, 20' minimum travel way		Pending- currently same as County		Paved private allowed for residential developments only 60' minimum r/w w/ 20' pavement	Class A only w/ standards same as County [Sec. 404(c)(4)]	NCDOT standards w/ asphalt curb & gutter Minimum width, 60' with a 20' travel way	NCDOT standards w/ asphalt curb & gutter Minimum width, 60' with a 20' travel way

August 18, 2008 Cumberland County
Subdivision & Development Ordinance
(Amendments Through June 21, 2021)

Exhibit 5 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Private Streets <i>continued</i>		Town street standards Class B & C (gravel or dirt) not permitted				Asphalt curbs & gutters No property lines in r/w (Sec. 4.2)		Owners' association mandatory No property lines in r/w (Sec. 4.2)	Owners' association mandatory No property lines in r/w (Sec. 4.2)
Utilities	Same as County [Sec. 25-31(10)]	Same as County [Sec. 86A-406(c)]		Pending-currently same as County	Same as County (Sec. 4.3.i)	Same as County (Sec. 4.3.g)	Same as County [Sec. 406(c)]	Same as County (Sec. 4.3.g)	Same as County (Sec. 4.3.g)
Utility Easements		10' (5' each side of rear lot line or other location where necessary) [Sec. 86A-403(e)(1)]	10' (5' each side of rear lot line or other location where necessary) (§ 155.45)	Pending-currently same as County	10' (5' each side of rear lot line or other location where necessary) (Sec. 3.11)	10' (5' each side of rear lot line or other location where necessary) (Sec. 3.11)	10' (5' each side of rear lot line or other location where necessary) [Sec.403(e)(1)]	10' (5' each side of rear lot line or other location where necessary) (Sec. 3.11)	10' (5' each side of rear lot line or other location where necessary) (Sec. 3.11)
Water/ Sewer Extension	Same as County w/in MIA (Per interlocal agreement - within SSA, public water for 2.2 units per acres, Le., R20; public water and public sewer, greater than 2.2. units per acre	Same as County w/in MIA [Sec. 86A-406(a)(1)2]	Same as County w/in MIA	Pending-currently same as County	Same as County w/in MIA	Same as County (Sec. 4.3.d)	Same as County [Sec. 406(a)]	Same as County (Sec. 4.3.d)	Same as County (Sec. 4.3.d)
Fire Hydrants	Same as County	Single family detached, 500'; multi-family, 400'; commercial, 300'; business district, 250' [Sec 86A-406(b)(1)]		Pending - currently same as County	Same as County (Sec. 4.3.f)	Same as County (Sec. 4.3.f)	Same as County [Sec. 406(b)]	Same as County (Sec. 4.3.f)	Same as County (Sec. 4.3.f)

Exhibit 5 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Storm Drainage	In compliance with NCDENR <i>Manual for Best Management Practices</i>	In compliance with NCDENR <i>Manual for Best Management Practices</i>	In compliance with NCDENR <i>Manual for Best Management Practices</i>	Pending - currently same as County	In compliance with NCDENR <i>Manual for Best Management Practices</i>	In compliance with NCDENR <i>Manual for Best Management Practices</i>	In compliance with NCDENR <i>Manual for Best Management Practices</i>	In compliance with NCDENR <i>Manual for Best Management Practices</i>	In compliance with NCDENR <i>Manual for Best Management Practices</i>
<p>Sidewalks (complying w/ ADA standards)</p> <p>Note: Sidewalks are only required in the MIA if the affected municipality agrees to be responsible for maintenance of the sidewalks and signs a three-party encroachment agreement w/ the NCDOT</p>	One side of all streets w/in development; along existing collector or arterial street adjacent to development [Sec. 25-61(5)] [Per interlocal agreement, in SSA on one side of collector streets (serves/intended to serve at least 100 dwelling units) and both sides of all thoroughfares]	Both sides of all proposed streets, internal drives for non-residential & multi-family and along existing street(s) adjacent to development; sidewalks standards shall not apply in the Cumberland Industrial Center [Sec. 86A-405]	One side of street, location determined by town building Inspector	Pending - currently same as County	<p>4' wide along all streets whether proposed (new) or existing, except cul-de-sac serving 8 or less lots/units</p> <p>When adjacent to parking area, 6' wide (Sec. 4.3.g)</p>	4' paved sidewalks on one side of all new streets adjacent to curb and gutter (Sec. 4.1.h)	Density equal to or greater than 2.2 units per acre, one side of all streets; when less than 2.2 & greater than 1 dwelling units per acre, required along any abutting minor thoroughfare or higher-class street; when site adjacent to public park/ school; & all non-residential adjacent to minor thoroughfare or higher class street (Sec.405) Sidewalks cannot be located over Town-owned water lines & Town will not accept existing system with sidewalks over lines	Required when development adjacent to public park or school (Sec. 3.13)	Required when development adjacent to public park or school (Sec. 3.13)

Exhibit 5 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Group Development Provisions	Same as County	1,250 sq ft per unit BOC can accept fee in lieu Parking space size: 9'x20'; compact spaces allowed (Sec. 86A-501)	500 sq ft of recreation area per unit on site, Bd of Aldermen can accept fee in lieu Parking space size: 9'x20'; compact spaces allowed (§155.53)	Pending - currently same as County	Same as County (Sec. 3.21)	Same as County (Sec. 3.21)	Same as County (Sec. 501)	Same as County (Sec. 3.21)	Same as County (Sec. 3.21)
ZLL Provisions	Same as County	Same as County (Sec. 86A-502)	Same as County (§155.54)	Pending- currently same as County	Same as County (Sec. 3.24)	Same as County (Sec. 3.21.1)	Same as County (Sec. 502)	Same as County (Sec. 3.21.1)	
MHP Provisions	Same as County	Same as County except plan must also be approved by HM Fire Department (Sec. 86A-504)	Min of one acre and max of 8 MHs per acre Min 3,000 sq ft MH space for each unit Drives: min of 30' wide w/ paving min 20' Min 60' frontage w/ direct access on public street Min 140 sq ft concrete or hard surface patio with min 30" wide concrete or hard surface walkway Must comply with Town landscaping provisions (Chpt 153)	Pending- currently same as County		Same as County (Sec. 3.23)	Same as County (Sec. 504)	Same as County (Sec. 3.23)	Same as County (Sec. 3.23)

Exhibit 5 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Guarantee of Improvements	Same as County	Same as County (Sec. 86A-602)	Same as County (§ 155.23)	Pending-currently same as County	Same as County (Sec. 2.6)	Same as County (Sec. 2.6)	Same as County (Sec. 602)	Same as County (Sec. 2.6)	Same as County (Sec. 2.6)
Lot Frontage	Same as County	20' minimum [Sec. 86A-403(c)]	35' minimum [§ 155.52(C)]	Pending-currently same as County	20' minimum (Sec. 3.20.c)	20' minimum (Sec. 3.20)	20' minimum [Sec. 403(c)]	20' minimum (Sec. 3.20)	20' minimum (Sec. 3.20)
Development Access Points		Two separate access points, generally [Sec. 86A-404(a)(16)]		Pending-currently same as County					
Schools, Parks Public Access		NLT 10' walkways dedicated (Sec. 86-74)	NLT 10' walkways dedicated (§ 155.47)	Pending-currently same as County	NLT 10' walkways dedicated (Sec. 3.13)	NLT 10' walkways dedicated (Sec. 3.13)	NLT 10' walkways dedicated [Sec. 405(a)(3)]	NLT 10' walkways dedicated (Sec. 3.13)	NLT 10' walkways dedicated (Sec. 3.13)
Subdivision Definition	Same as County (effective 1961)	Same as County (effective Jan 1, 1985) (Sec. 86A-203)	Similar to County except: 5 acre tracts (as opposed to 10 acres) where no right-of-way dedication (§ 155.06)	Pending - currently same as County	Same as County (Sec. 1.8)	Same as County (Sec. 1.8)	Same as County (Sec. 203)	Same as County (Sec. 1.8)	Same as County (Sec. 1.8)
Streetscape Landscaping - subdivisions/group developments					Street trees: 1 tree per 50 linear ft of street frontage and no more than 50' separation Located between back of curb and sidewalk (Sec. 4.3.h)				
Greenway Standards					Compliance w/ <i>Greenway Plan</i> (Sec. 3.13.2)				

Exhibit 5- MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Tree Preservation		Encouraged and can be credited toward landscaping provisions	Encouraged and can be credited toward landscaping provisions						
Exceptions w/in MIA					<p>Concrete curb & gutter not required when 3 or less lots out of same parent and where new street not being constructed or existing street w/o concrete curb & gutter being extended</p> <p>Greenway standards not applicable where residential does not abut designated Greenway Corridor & where 3 or less contiguous lots from the same parent</p> <p>Sidewalks not required if 3 or less lots from the same parent abutting street w/o existing sidewalks and a new street not being constructed (Sec. 3.1.1)</p>				

Disclaimer: The material contained within this document, Exhibit § 4, *Development Standards of All Municipalities within Cumberland County*, is intended to reflect and summarize applicable municipal subdivision design standards and is provided for general reference and informational purposes only and is not to be construed or used in place of the officially adopted development standards for any municipality, nor does it replace any officially adopted development standard of any municipality. While, the information contained herein is believed to be accurate and the County will make every effort to maintain current information in this Exhibit, users of this exhibit should contact the County Planning & Inspections Department to verify the contents before application for any permits.



COMMUNITY DEVELOPMENT

MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021 AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DEE TAYLOR, DIRECTOR OF COMMUNITY DEVELOPMENT

DATE: 8/3/2021

**SUBJECT: AMENDED PROFESSIONAL SERVICES AGREEMENT FOR THE
EMERGENCY RENTAL ASSISTANCE PROGRAM WITH INNOVATIVE
EMERGENCY MANAGEMENT, INC.**

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): DEE TAYLOR, DIRECTOR OF COMMUNITY DEVELOPMENT

BACKGROUND

In January 2021, Cumberland County was awarded \$3,735,545.10 through the Emergency Rental Assistance Program established by the U.S. Department of Treasury. At the regular Board of Commissioners meeting held on May 17, 2021, the Board approved a Professional Services Agreement between Cumberland County and Innovative Emergency Management (IEM) Inc. to administer the Emergency Rental Assistance Program for the County for a term beginning May 18, 2021 and ending December 31, 2021. Cumberland County and the City of Fayetteville are contracting with the same firm to administer the Emergency Rental Assistance Program.

In May 2021, a second allocation was awarded to the County in amount of \$1,182,304.80. In order to maintain continuity, Cumberland County Community Development Department desires to amend the current agreement to include the second round of allocation and extend the term to June 30, 2022. IEM will administer the program for a fee not to exceed 8% of the total amount of the program funds.

RECOMMENDATION / PROPOSED ACTION

Community Development Staff recommends and requests that the following item be placed on the August 16, 2021 Board of Commissioners agenda as a consent item:

- Approve the amended Professional Services Agreement with IEM as per the attached agreement.

ATTACHMENTS:

Description

Type

Amended Professional Services Agreement - Innovative Emergency Management, Inc. Backup Material

**PROFESSIONAL SERVICES AGREEMENT
BETWEEN
COUNTY OF CUMBERLAND
AND
INNOVATIVE EMERGENCY MANAGEMENT, INC.**

THIS AGREEMENT AMENDMENT, entered into this _____ day _____ of, **2021** by and between the COUNTY OF CUMBERLAND (hereinafter referred to as COUNTY), a body politic and corporate of the State of North Carolina, and Innovative Emergency Management, Inc., a Louisiana corporation registered with the North Carolina Secretary of State and conducting business as a consulting firm located at 2801 Slater Road Suite 200, Morrisville, NC 27560 hereinafter referred to as CONTRACTOR;

WHEREAS, the COUNTY, was awarded funding by the U.S. Department of Treasury to implement the Emergency Rental Assistance Program (the "Program") established by section 501 of Division N of the consolidated Appropriations Act, 2021, Pub. L. No 116-260 (December 27, 2020).

WHEREAS, the local community has been negatively impacted by the COVID-19 pandemic causing economic hardship;

WHEREAS, the COUNTY is in need services from a Contractor to administer the Emergency Rental Assistance Program in accordance with the statutes, program policies and procedures;

WHEREAS, the CONTRACTOR has the required experience and skill in providing such services;

WHEREAS, the COUNTY executed the Professional Services Agreement on June 7, 2021 with the CONTRACTOR for the provision of these services by the CONTRACTOR to the COUNTY for a fee; and

NOW THEREFORE, the Agreement executed between the COUNTY and the CONTRACTOR is hereby amended as follows:

Paragraph 2 – TERM OF AGREEMENT is deleted in its entirety in lieu thereof following is inserted:

"2. TERM OF AGREEMENT: This agreement shall begin **May 18, 2021** and end **June 30, 2022**, unless sooner terminated. The COUNTY, in its discretion, may terminate this contract at any time prior to its normal expiration date upon 30 days advance written notice to the CONTRACTOR."

Paragraph 4. PAYMENT is deleted in its entirety in lieu thereof following is inserted:

"4. PAYMENT: CONTRACTOR will be paid a fee for its administrative and housing stability services in the amount not to exceed 8% of the total amount of Program funds. The estimated total amount of Program funds is \$4,917,849, to include the amount of the administrative fee, housing stability fees, and assistance funds. The COUNTY will pay CONTRACTOR for services rendered under this Agreement in twelve (12) equal monthly payments through the term of this Agreement. CONTRACTOR shall submit invoices and supporting documentation to Cumberland County Community Development for services rendered and completed in accordance with the CONTRACTOR'S proposal attached as Exhibit II and incorporated herein (to the extent they apply to the County). This Section 4 supersedes any provision contained in Exhibit II which is inconsistent with the language herein."

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the _____ day of _____, by their respective duly authorized representatives.

COUNTY OF CUMBERLAND

ATTEST:

BY: _____

[COUNTY SEAL]

BY: _____

CHARLES EVANS, BOARD CHAIR

DATE: _____

INNOVATIVE EMERGENCY MANAGEMENT, INC.

ATTEST:

BY: _____

BY: _____

RYAN AUSMAN, MANAGER OF CONTRACT ADMIN.

DATE: _____

PRE-AUDIT CERTIFICATE:

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

By: _____

Finance Director

Date

APPROVED FOR LEGAL SUFFICIENCY:

By: _____

County Attorney

Date

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I, _____, a Notary Public in and for the County and State, do hereby certify that _____, personally came before me this day and acknowledged that she/he is an _____ of **Innovative Emergency Management, Inc.**, a corporation of the State of _____ and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____, sealed with its corporation seal and attested by her as its employee.

WITNESS my hand and notarial seal this the _____ day of _____, 2021.

NOTARY PUBLIC

My Commission Expires:_____.

EXHIBIT I
SCOPE OF SERVICES

The local community has been negatively impacted by the COVID-19 pandemic causing economic disruption. The City of Fayetteville and County of Cumberland is seeking proposals from qualified, licensed, and insured entities to administer the Emergency Rental Assistance Program in accordance with the statutes, program policies and procedures, and the Scope of Work outlined in this section. The selected firm must demonstrate it has the capacity to manage a high volume of applications submitted from local residents. The selected firm must also have the capacity to perform required task that will involve application intake, eligibility determination, assessments of need for assistance, counseling and case management, payment processing, record-keeping and reporting, and provide training to staff to complete these tasks.

The selected firm will be expected to:

A. Implement the Program

- Set up a call center and have the ability to train staff;
- Create an online and mail-in application process using a template that captures all required information needed to determine eligibility;
- Implement an effective outreach and marketing plan to ensure residents throughout the geographic service area are able to access assistance;
- Conduct initial briefings;
- Conduct intake appointments (remote and in-person) for prospective applicants seeking assistance, including application eligibility screening, income calculation and document verification;
- Assist applicants with submission of documentation;
- Work closely with landlords, utility companies, and other partnering agencies and referral agencies;
- Process reexaminations, including collection and review of required documentation, income calculation, calculation of tenant;
- Respond to client questions according to applicable regulation and local policies;
- Assist landlords and other entities with the process when submitting applications on behalf of the household;
- Accurately documenting all processes and communications in the appropriate electronic file;
- Have adequate financial system to process payments expeditiously, track and monitor transactions and meet reporting and auditing requirements;
- Maintain records of transactions and program participants assisted;
- Create and maintain a City and County funding stream, tracking expenditures, and payment progress;
- Generate and submit weekly progress reports to the City and County staff that includes, but not limited to: household demographic information, services rendered, cost of services rendered, and number of households served in the City and County;
- Apply program guidelines when making payments to the landlords, owners, and utility companies on behalf of the eligible household; and
- Submit to routine audits to ensure that all program guidelines are being followed as outlined by federal and local government agencies.

B. Determine Household Eligibility

Program funds must be used for rent, rental arrears, utilities and home energy costs, utilities and home energy arrears, and other expenses related to housing incurred directly or indirectly due to the pandemic. A portion (10%) of the funds may be used for housing stability services, including case management or other services related to the COVID-19 pandemic, and the administration of the program. Program funds must benefit eligible households that meet the following criteria:

- Household income must be at or below 80% of the Area Median Income (AMI) established by the U.S. Department of Housing and Urban Development;
- At least one individual in each household qualifies for unemployment benefits, or experienced a reduction in income, or has incurred significant costs, or experienced other financial hardship due directly or indirectly to the COVID-19 pandemic;
- Can demonstrate a risk of experiencing homelessness or housing instability which may include:
 - A past due utility/rent notice or an eviction notice;
 - Unsafe or unhealthy living conditions;
 - Any other evidence of such risk as determined by the grantee;
- Households whose income is at or below 50 percent of the AMI or where persons have been unemployed for the 90 days prior to application will be given priority; and
- Households must be checked for duplication of benefits to ensure there is an unmet need.

C. Use an Application Process and Grant Management System

The selected firm must develop and utilize an application process that meets statutes and program requirements. In addition, the firm will be expected to:

- Utilize a software system that specializes in application processing and grant management and that will be able to generate the required reports;
- Collect household and other data to include, but not be limited to:
 - Number of applications received for the City and County;
 - Household demographics such as gender, race, and ethnicity;
 - Address of the rental unit;
 - Name, address, social security number, tax identification number or DUNS number, as applicable, for landlord and utility provider;
 - Amount and percentage of monthly rent covered by the program;
 - Amount and percentage of separately-stated utility and home energy costs covered by the program;
 - Total amount of each type of assistance (e.g. rent, rental arrears, utilities, etc.) provided to each household;
 - Amount of outstanding rental arrears for each household;
 - Number of months of rental payments and number of months of utility payments for which assistance is provided; and
 - Household income and number of individuals in the household.

All services shall be provided in accordance with all applicable laws and in a manner consistent with industry best practices.



PUBLIC LIBRARY AND INFORMATION CENTER

MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: FAITH B. PHILLIPS, LIBRARY DIRECTOR

DATE: 8/4/2021

SUBJECT: REMOVAL OF HISTORICAL AND FUTURE LATE FEES FOR MATERIALS AT CUMBERLAND COUNTY PUBLIC LIBRARY

Requested by: SALLY SHUTT, ASSISTANT COUNTY MANAGER

Presenter(s): FAITH B. PHILLIPS, LIBRARY DIRECTOR

BACKGROUND

The Cumberland County Public Library is requesting approval from the Cumberland County Board of Commissioners to become a late-fee free library system for materials checked out by customers. This would entail clearing historical late fees and no longer charging late fees in the future.

Over the past year, the Cumberland County Public Library has paused the collection of late fees on overdue library books and audiovisual materials to help ease the financial burden on community members during COVID-19 while also maintaining access to resources and services. The materials have been placed on automatic renewal. Our budget proposal for FY22 was conservative in the projection of collected late-fees, due to COVID-19.

This pause on late fee collection has allowed for the strategic evaluation of the practice of collecting late fees on materials through the lens of the County's goals of promoting diversity, equity and inclusion; recruitment and retention; as well as fiscal responsibility and return on investment through staff time and resources. Through the information detailed in the memo below, you will see that charging late fees on materials is: a barrier to access that does not promote diversity, equity and inclusion of all community members; a practice that is no longer industry standard, which could negatively affect our reputation within the state; and is not a fiscally responsible return on investment.

Finally, research within the industry from other library systems that have gone late-fee free, have experienced a huge return of customers, have broken down barriers to access – increasing the members of the community they serve, have experienced a huge amount of good will within the community, while ensuring that their practices meet industry standards and are fiscally responsible.

Cumberland County Public Library currently has 146,051 borrowers with library cards. Of those borrowers, 49,738 of them are inactive and have late fees and fines over the threshold that would prevent them from checking out materials. The threshold is \$10. Customers who owe more than \$10 cannot access library resources.

Approximately 34% of our library card holders are inactive, with fees that prohibit them from using our resources. We cannot assume that all of these card holders went inactive because of large fines, but it is reasonable to assume that a number of these customers are no longer users because they accrued late fees and were unable to pay them back, therefore being prohibited from using our resources.

Of those inactive borrowers 9,567 are juvenile borrowers who have accrued fees and fines such that their amount due prohibits access to materials. Our experience has shown that frequently, late fees on juvenile accounts are due to no fault of the child, so they are being prohibited access to essential materials for learning and development through no fault or action of their own.

Furthermore, revenue from late fees has been on a decreasing trend for the last five years, even prior to COVID. The revenue has been as following:

- FY – 17: \$44,111.02
- FY – 18: \$ 45, 614.37
- FY – 19: \$43,290.40
- FY – 20: \$26, 803.58
- FY – 21 (late fees paused due to COVID-19): \$1,468.72

Cumberland County Public Library currently charges \$.20 per day per item with a maximum of \$5 per item charged. With the threshold of \$10 being that which prohibits customers – two overdue books could stop a customer from being able to access materials.

It should be noted that this request to go late-fee free is not for the fines to pay for materials that have been lost. Cumberland County Public Library would continue to collect fines for materials that have been lost when possible.

Late fees are a percentage of the revenue the library is bringing in:

Total revenue:

- FY – 17 \$44,111.02 – late fees (25% of revenue)
Total of all fees collected in FY17 \$169,845.93
- FY – 18 \$45,614.37 – late fees (32% of revenue)
Total of all fees collected in FY18 \$142,504.10
- FY – 19 \$43,290.40 – late fees (30%)
Total of all fees collected in FY19 \$140,584.53
- FY – 20 \$26,803.58 – late fees (we shut down on 3/20/21)
Total of all fees collected in FY20 \$96,552.68 (27%)

FY – 21 \$1468.72 – late fees were collected even though we were fee free.

Our current predicted revenue from all fines and fees is \$112,000. Taking an estimate based on historical numbers – we can estimate that 30% or \$33,600 of that amount would be late-fees.

Furthermore, CCPL has a total of \$2,926,592.70 in fines and fees logged in the system from accounts with balances due of over \$10. However, of that amount, \$1,012,013.00 are on record from pre-2014, and due to a migration of check out systems – we do not have all of the contact information for the customers. In other words, they are long overdue late fees and fines that we do not anticipate collecting.

Diversity, Equity, and Inclusion

Of the 49,738 cardholders who have prohibitive fees/fines on their account, **at least** 27,876 customers live within zip codes in Cumberland County where the median household income and home value are all below the state average, and the number of persons earning below the poverty level is above the state average.

A comparison of two zip codes in Cumberland County demonstrates how the late fee structure of libraries targets historically underserved communities, as well as communities with high levels of poverty.

For example, in the zip code 28305, there are a total of 495 customers who are unable to use the library due to fees over \$10. Census and demographic data shows that the area for 28305 has median home values higher than the state average and median household incomes higher than the state average. The data shows that 43.6% of the residents of 28305 have a bachelor's degree or higher, and of those 19.6% have a graduate or professional degree. Demographic data shows that the area for 28305 is 66.2% White, 25.6% Black or African American, 4.1% Hispanic or Latino, 2% 2 or more races, 1.3% Asian, .5% Indigenous, and .1% Other. Also, 14.2% of the residents in that community receive incomes lower than the poverty level, only slightly higher than the state average of 13.6%.[1]

Comparing these statistics with the zip code with the largest number of customers who are blocked due to fees clearly highlights the inequity of this practice. There are 5,438 customers in the 28314 area who are blocked from utilizing library resources due to fines and fees. In this area, 28.4% of residents have a bachelor's degree, and 8.4% of those have a graduate or professional degree. The median home value and the median household income are below the state average. The demographic data for this area further highlights how the late fee structure is inequitable to historically underserved communities. The zip code of 28314 is 43.7% Black or African American, 34.8% White, 12.6% Hispanic or Latino, 3.9% 2 or more races, 3.4% Asian, .7% Indigenous, .6% Native Hawaiian, and .3% Other.[2]

While 28314 has the most blocked customers, the data it presents is similar to many of the other zip codes: historically underserved communities and communities with higher rates of poverty and lower education rates in our community are inequitably and unfairly affected by the library's late fee structure.

The breakdown for ZIP Codes is:

28301:	2,623
28303:	2,673
28304:	3,694
28305:	495
28306:	3,645
28307:	352
28311:	3,820
28312:	1,692
28314:	5,438
28348:	2,745
28390:	1,546

This percentage demonstrates that our fee structure unfairly targets our most underserved residents – community members who we are specifically trying to serve and reach. In order to support our strategic efforts of diversity, equity, and inclusion, – we have to take down barriers to access for our most underserved community members. Elimination of late fees – both historical and future – would expand equitable access for all customers.

Data from libraries across the county have increasingly demonstrated that charging late fines create unnecessarily economic barriers to access for customers, to the extent that the American Library Association passed a resolution in 2019 urging libraries to remove fines to expand access.[3]

Industry Standard and Recruitment and Retention

Elimination of historical and future late fees has quickly become the industry standard within the library profession in the United States, and more locally, within the State of North Carolina. Within NC, the following systems have implemented versions of the late fee and/or fine free system:

Totally fine free:

- Alamance County (starting July 2021)
- Buncombe (starting July 2021)
- Cabarrus County
- Carteret County
- Catawba County (starting July 2021)
- Mecklenburg County / Charlotte (starting July 2021)
- Durham County
- Gaston County
- Guilford County / Greensboro
- Henderson (starting July 2021)
- Iredell County (starting July 2021)
- Madison County
- Wake County
- Robeson County
- Chapel Hill
- Farmville
- Gibsonville
- Mooresville
-

Mostly fine free:

- Northwest Regional (DVD fines only)
 - Alleghany County
 - Stokes County
 - Surry County
 - Yadkin County
- Forsyth County (DVD fines only)

Partially fine free:

- Granville (fine free for children's materials)
- Transylvania (fine free for children's materials, Student Access, bookmobile)
- Student Access libraries (fine free student accounts)
 - Appalachian Regional: Ashe, Watauga, and Wilkes Counties
 - BHM Regional: Beaufort, Hyde, and Martin Counties

- Bladen County
- Braswell Memorial: Nash County
- Caswell County
- Cleveland County
- Davie County
- Davidson County
- Fontana Regional: Jackson, Macon, and Swain Counties
- Franklin County
- Harnett County
- Kings Mountain Municipal Library
- Lee County
- McDowell County
- Neuse Regional: Greene, Jones, and Lenoir Counties
- Perry Memorial Library
- Polk County
- Public Library of Johnston County and Smithfield
- Rockingham County
- Scotland County
- Wayne County

As this list demonstrates – it is the standard for libraries in NC to be either fully fine free or partially fine free. As one of the largest systems in the State, we want to ensure that we are up to date in providing access to our communities, and ensuring we are leaders on the forefront of serving our customers. Leadership in serving customers will allow us to recruit and retain top tier talent.

Return on Investment:

Based on staff reporting, it takes a minimum of 15-30 minutes to assist customers when there is a late fee involved. This process includes explaining the fee, taking them through payment options, and then assisting with payment options. If the late fee becomes an item with the customer that is escalated towards management, then it can take additional time. Escalations have even made it to the Deputy Director and Director.

Using the base salary amount of \$15/hour – the return on investment for the amount of money collected from late fees does not justify the amount of staff time used on continuing the practice. By the time we have spent staff time to explain the fees, gather information with escalated issues, assisted customers who may have been angry – we have spent way more in staff time and lost productivity than the fine collection would provide in revenue to the county.

Ceasing the use of the collection agency to recover lost materials and instead utilizing staff to contact customers with large outstanding fines for materials considered lost would be a cost saving measure, to help off balance the small amount of revenue taken in by late fees.

Currently, the library pays the collection agency – Unique Management Solutions - \$9.00 per call to a customer. While we do only pay for the fee when the materials have been brought back to the library, there are more effective ways to do this. While the service has helped us gain back some lost materials, the cost structure is not fiscally responsible or effective, when we are able to do the contacting internally through innovating marketing.

We have paid the agency the following over the past years:

- 2016 – \$35,719.45
- 2017 - \$36,202.75
- 2018 - \$30,054.10

- 2019 - \$27,011.10
- 2020 - \$19,663.15
- 2021 - \$0- were not collecting due to COV-19.
- 2022 – Our current bill this FY is \$4,000

When comparing these sums to the amount of revenue collected from late fees, and from a budget perspective, we can eliminate the use of this service to get as close to a zero balanced budget as possible.

Data has also demonstrated that late fees do not bring materials back faster. Libraries without late fees tend to have materials returned at the same rate, or faster, as those with late fees.

Furthermore, data and analysis from other libraries across the country demonstrate that going late fee free increases use of the library, as well as good will in the community. A few examples include:

- Saint Paul (MN) Public Library: upon going fine free: 85,416 items checked out on formerly blocked cards in the first fine free year, 1.8% increase in circulation after a multi-year decrease, and 1.9 days increase on wait/hold lists for items[4]
- Public Libraries in Salt Lake City (UT) saw a 10% increase in check outs and borrowers after dropping late fees. The library's late-return rate dropped from 9% to 4% after late fees were eliminated.[5]
- The High Plains Library District (Co) saw an 8% increase in juvenile borrowers, and the libraries in San Rafael (CA) saw an increase of 40% youth borrowers after eliminating late fees.[6]

[1] <http://www.city-data.com/zip/28305.html>

[2] <https://www.city-data.com/zip/28314.html>

[3] <https://www.ala.org>

[4] <https://sppl.org/fine-free/>

[5] <https://library-nd.libguides.com/publib/finefree>

[6] Ibid.

RECOMMENDATION / PROPOSED ACTION

The data presented above highlights the need for the elimination of late fees in the Cumberland County Public Library. I am recommending the consideration of the elimination of historical and future late fees for Cumberland County Public Library. Thank you for your consideration of this request.

ATTACHMENTS:

Description

BOCC Presentation Late Fee Free

Type

Backup Material

Late Fee Free at Cumberland County Public Library

Cumberland County Board of County Commissioners

Agenda Session - August 10, 2021

Faith B. Phillips, Director, Cumberland County Public Library

Agenda

- ▶ Background on late fees
- ▶ Late fees as barriers to:
 - ▶ Diversity, equity, and inclusion
 - ▶ Recruitment and retention
- ▶ Late fees and their return on investment
- ▶ Data from other systems
- ▶ Recommendation
- ▶ Questions

Late Fees and CCPL

- ▶ Paused during COVID-19
- ▶ Allowed for evaluation of collection
- ▶ \$.20 per day, per item, with a max of \$5.00 in late fees per item
- ▶ \$10.00 of fees or fines on card will prohibit checkout of materials

Late Fees and CCPL

- ▶ CCPL has a total of 146,051 borrowers with library cards.
 - ▶ 49,738 of those are blocked from checking out materials due to fees/fines
 - ▶ 9,567 of those are juvenile cards
 - ▶ 34% of our borrowers are inactive and have fees that prohibit them from accessing library materials

Late Fees and Revenue

- ▶ Decreasing trend over the past 5 years
 - ▶ FY - 17: \$44,111.02
 - ▶ FY - 18: \$45,614.37
 - ▶ FY - 19: \$43,290.40
 - ▶ FY - 20: \$26, 803.58
 - ▶ FY - 21 (late fees paused due to COVID-19): \$1,468.72

Late Fees and Revenue

- ▶ Late fees are only a portion of our revenue
- ▶ FY - 17 \$44,111.02 - late fees (25%)
 - ▶ Total of all fees collected: \$169,845.93
- ▶ FY - 18 \$45,614.37 - late fees (32%)
 - ▶ Total: \$142,504.10
- ▶ FY - 19 \$43,290.40 - late fees (30%)
 - ▶ Total: \$140,584.53
- ▶ FY - 20 \$26,803.58 - late fees (we shut down on 3/20/21) (27%)
 - ▶ Total: \$96,552.68
- ▶ FY - 21 \$1468.72 - late fees were collected even though we were fee free.

Late fees as barriers to Diversity, Equity and Inclusion

- ▶ Of 49,738 customers who are blocked/inactive due to fees at least 27,876 or 56% live within zip codes in Cumberland County where:
 - ▶ Median household income is below state average
 - ▶ Median home value is below state average
 - ▶ Number of residents earning below the poverty line is above state average

Late Fees are Barriers to Diversity, Equity and Inclusion

- ▶ 28305
 - ▶ 495 customers blocked/inactive due to excess fees/fines
 - ▶ Median home values above state average
 - ▶ Median household income above state average
 - ▶ 43.6% bachelor's degree or higher
 - ▶ Demographic data: 66.2% White, 25.6% Black or African American, 4.1% Hispanic or Latino, 2% 2 or more races, 1.3% Asian, .5% Indigenous, and .1% Other
- ▶ 28314
 - ▶ 5438 customers blocked/inactive due to excess fees/fines
 - ▶ Median home values below state average
 - ▶ Median household income below state average
 - ▶ 28.4% bachelor's degree or higher
 - ▶ Demographic data: 43.7% Black or African American, 34.8% White, 12.6% Hispanic or Latino, 3.9% 2 or more races, 3.4% Asian, .7% Indigenous, .6% Native Hawaiian, and .3% Other

Late Fees as Barriers to Diversity, Equity and Inclusion

- ▶ Late Fees unfairly effect historically underserved communities and communities experiencing higher rates of poverty
- ▶ Late fees do not promote equitable access to library materials

- ▶ Break down by Zip Codes

- ▶ 28301: 2623
- ▶ 28303: 2673
- ▶ 28304: 3694
- ▶ 28305: 495
- ▶ 28306: 3645
- ▶ 28307: 352
- ▶ 28311: 3820
- ▶ 28312: 1692
- ▶ 28314: 5438
- ▶ 28348: 2745
- ▶ 28390: 1546
- ▶ 28391: 409

Late Fees and Recruitment and Retention

- ▶ Trend in National and State Libraries
- ▶ 18 library systems in our state are late fee free
 - ▶ Alamance, Buncombe, Cabarrus, Carteret, Catawba, Charlotte/Mecklenburg County, Durham, Gaston, Guilford County/Greensboro, Henderson, Iredell, Madison, Wake, Robeson, Chapel Hill, Farmville, Gibsonville, Mooresville
 - ▶ Note - our neighbor, Robeson County, took this step in 2019. One of the leaders in the state!
- ▶ Mostly late fee free
 - ▶ 2 systems, 5 counties: Alleghany, Stokes, Surry, Yadkin, Forsyth
- ▶ Partially fine free/student cards late fee free
 - ▶ 23 systems covering 31 counties: Granville, Transylvania, Ashe, Watauga, Wilkes, Beaufort, Hyde, Martin, Bladen, Nash, Caswell, Cleveland, Davie, Davidson, Jackson, Macon, Swain, Franklin, Harnett, Kings Mountain, Lee, McDowell, Green, Jones, Lenoir, Perry Memorial, Polk, Johnston, Rockingham, Scotland, Wayne

Late Fees and Recruitment and Retention

- ▶ Cumberland County Public Library is one of the largest library systems in the State
 - ▶ Our peer libraries, such as Durham and Forsyth are late fee free
- ▶ Establish as a leader in library service and trends
- ▶ This will help recruit and retain talent

Return on Investment

- ▶ Staff reports:
 - ▶ Min of 15-30 minutes to assist customers with late fees
 - ▶ Explaining fee, explaining payment, assisting with options
 - ▶ Escalation could cause another 15-30 minutes for management to work with the upset customer
 - ▶ Base salary of \$15/hour
 - ▶ Return on investment of money gained does not provide a fiscally responsible return on investment for staff time
 - ▶ Use of Unique Management Solutions: pay company \$9.00 per call, on the accounts paid or cleared off the card.

Return on Investment

► Unique Management Solutions

- We have been paying a collection agency to call and gently remind customers to bring back materials, something we could do ourselves
- The cost of late fees is similar to the amount we have paid to the company
- We are also charging a \$10.00 collection fee on accounts to help pay for the cost of the customer. We are adding fines to folks already burdened, and if we chose to waive this fee, then we take on that cost.
- Essentially, from a cost perspective, the late fees are paying for a collection agency. If we no longer use this service, it helps equalize the cost of going late fee free
- Zero balance budgeting

Return on Investment

- ▶ Amounts paid to UMS compared to late fees collected
- ▶ 2017 - \$36,202.75 (Late Fees: \$44,111.02)
- ▶ 2018 - \$30,054.10 (\$45,614.37)
- ▶ 2019 - \$27,011.10 (\$43,290.40)
- ▶ 2020 - \$19,663.15 (\$26,803.58)
- ▶ 2021 - \$0- were not collecting due to COV-19
- ▶ Our current bill is \$4,000.0 for this month.

Has helped regain materials, however, in order to provide fees, and eliminate barriers to services, we can do this in a more effective manner.

Additional Data

- ▶ Elimination of late fees has been shown to:
 - ▶ Increase in circulation, increase of return of previously blocked customers
 - ▶ Decrease late returns of materials
 - ▶ Increase juvenile and youth borrowers
 - ▶ Creates good will in the community

Fiscally responsible implementation

- ▶ Seeking methods to decrease expenditures to mitigate loss in revenue
 - ▶ Discontinue use of Unique Management Solutions
 - ▶ Grants to provide funding and additional revenue
 - ▶ Year to date: \$95,846 in ARP funding received
- ▶ Other implementation steps
 - ▶ Upon approval, will work with PIO to incorporate it into a large scale marketing campaign for the library and to create good will
 - ▶ Working to create the library as a brand

Questions?

Thank you for your consideration of this request!





OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMY CANNON, COUNTY MANAGER

DATE: 8/5/2021

**SUBJECT: FAYETTEVILLE AREA CONVENTION & VISITORS BUREAU, INC.
(FACVB) BYLAW CHANGE**

Requested by: RANDALL FIVEASH, FACVB INTERIM CEO/PRESIDENT

Presenter(s): AMY CANNON, COUNTY MANAGER

BACKGROUND

Per The FACVB Bylaws, amendments made to Article IV and VI, may be amended by affirmative vote of 2/3 of the Board of Directors and approval of the Board of Commissioners.

The FACVB Board added the 2 sentences below to Article IV Section 3:

Meetings of the Board or any committee thereof may be conducted by conference telephone, videoconference or other electronic communication that support visible displays identifying those participating, identifying those seeking recognition to speak, showing (or permitting the retrieval of) the text of pending motions, and showing the results of votes. These electronic meetings of Board shall be subject to all rules adopted by the board, to govern them, which may include any reasonable limitations on, and requirements for Board Members' participation.

The FACVB Board also amended Article III, Section 2 and 3 to create a board that is more inclusive of tourism businesses and partners in Cumberland County.

RECOMMENDATION / PROPOSED ACTION

The FACVB Board recommend that the amended Bylaws of the Fayetteville Area Convention & Visitors Bureau, Inc. be forwarded to the August 16, 2021 Board of Commissioners meeting on the consent agenda for

approval.

ATTACHMENTS:

Description

FACVB Bylaws Draft Amended 072821

Type

Backup Material

BY-LAWS

FAYETTEVILLE AREA CONVENTION & VISITORS BUREAU, INC.

~~Amended April 22, 2015~~ Amended July 28, 2021

Article I

OFFICE

- Section 1.** **Name:** This Corporation shall be known as Fayetteville Area Convention & Visitors Bureau, Inc.
- Section 2.** **Principal Office:** The principal office of the Corporation shall be located at 245 Person Street, Fayetteville, North Carolina 28301.
- Section 3.** **Registered Office:** The registered office of the Corporation required by law to be maintained in the State of North Carolina may be, but need not be, identical with the principal office. Until otherwise changed, by the Board of Directors, the registered office shall be 245 Person Street, Fayetteville, North Carolina 28301.

Article II

PURPOSE

To position Cumberland County as a destination for conventions, tournaments, and individual travel and to engage in any lawful act or activity for which non-profit corporations may be organized under Chapter 55A of the North Carolina General Statutes. In so doing, the Corporation shall have all powers granted under Chapter 55A of the North Carolina General Statutes.

Article III

DIRECTORS

- Section 1.** **General Powers:** The business affairs of the Corporation shall be managed by its Board of Directors.
- Section 2.** **Number of Board Members:** The number of members constituting the Board of Directors shall be eleven (11). The Board shall also have 64 nonvoting ex-officio members. ~~(Should board wish to enact this provision to expand.)~~
- Section 3.** **Composition:** Said Board shall be comprised of the following individuals:
- (a) the County Manager or **his/her** designee;

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(b) the City Manager of the City of Fayetteville or his/her designee;

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(c) the Director of the Crown Complexenter or his/her designee;

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(d) ~~the two-one~~ representatives nominated by hotels and motels within the County of Cumberland which have fewer than 100 rooms and appointed by the County Commissioners.

(e) ~~the two-one~~ representatives nominated by hotels and motels within the County of Cumberland which have in excess of 100 rooms and appointed by the County Commissioners.

~~_____ (f) the Chairman, President, of the Airborne & and Special Operations Museum Foundation or his/her designee;~~

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(g) a representative of a hotel or motel within the County of Cumberland which has rooms subject to this Occupancy Tax and meeting space in excess of 6,000 square feet which shall be elected by the Board of Directors ~~upon recommendation of a Nominating Committee appointed by the Chairman;~~

(h) a representative of a hotel or motel within the County of Cumberland which has rooms subject to this Occupancy Tax and shall be elected by the Board of Directors ~~upon recommendation of a Nominating Committee appointed by the Chairman;~~

~~(i) one business representative within County of Cumberland operating an attraction, restaurant or other local business affected by tourism elected by the Board of Directors;~~

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~~(j) one business representative within County of Cumberland operating an attraction, restaurant or other local business affected by tourism elected by the County Commissioners;~~

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~~(i) Beginning July 1, 2015 FACVB appointed positions can be appointed for 2- three year terms, but subject to re-appointment after first term;~~

~~(j)(k) an at-large member, appointed by the Board of County Co~~

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Commissioners, which is representative of one or more of the following groups: (1) arts/cultural community; (2) business community; (3) military; and has a demonstrated interest in travel and tourism in the County;

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(l) FACVB appointed positions can be appointed for 2 - three year terms, but subject to re-appointment after first term;

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(mk) no hotel/motel or corporation or business group owning or managing several motels/hotels in Cumberland County shall have more than two members on the Board of Directors at any one time;

(nl) in making selections to the Board of Directors, particular attention should be made to enhancing the ethnic and gender diversity of the Board;

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(pm) members of the Board of Directors do not need to be members of the Corporation;

(pa) any Director appointed by the Board of Directors may be removed by the Board when in the judgment of the Board of Directors the best interest of this Corporation will be served thereby;

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(ge) vacancies on the Board of Directors will be filled within sixty (60) days of the vacancy by the appropriate body as outlined in Article IV of these By-Laws;

(p) (r) Nonvoting ex-officio positions for: (If Article III, Section 2 enacted by board to expand.)

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Nonvoting ex-officio positions for:

Tourism Development Authority liaison
President of the Fayetteville Area Hospitality Association
President of the Greater Fayetteville Chamber of Commerce
President of the Cool Spring Downtown District
President of the Fayetteville Cumberland County Economic Development Corporation
Past Chair of the Fayetteville Convention & Visitors Bureau

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One (1)

position at the board's discretion

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(t) Ex-officio positions depend on reciprocal board positions.

(s) Members of the board shall be owners, general managers, or top executives;

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(t) The County shall designate a commissioner liaison in a nonvoting position.

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Article IV

MEETINGS

- Section 1.** **Annual Membership Meeting:** An annual meeting of the members of the Fayetteville Area Convention & Visitors Bureau, Inc., shall be held in January each year or at such other time as the Board of Directors may designate.
- Section 2.** **Annual Meeting of the Board of Directors:** An annual meeting of the Board of Directors shall be held during the month of January each year at a date, time and place to be decided upon by the Board of Directors or, in the absence of Board action, at the principal office of the Corporation.
- Section 3.** **Regular and Special Meetings:** The Board of Directors shall have regular meetings quarterly on the fourth Wednesday (starting in January) unless there is not sufficient business to warrant a meeting. Special meetings of the Board of Directors may be called by or at the request of the President, Chairman, Vice-Chairman, Secretary, Treasurer or any two directors. Such meetings shall be held at the corporate office within the County of Cumberland or at such place as may be from time to time approved by the Board. Meetings of the Board or any committee thereof may be conducted by conference telephone, videoconference or other electronic communication that support visible displays identifying those participating, identifying those seeking recognition to speak, showing (or permitting the retrieval of) the text of pending motions, and showing the results of votes. These electronic meetings of Board shall be subject to all rules adopted by the board, to govern them, which may include any reasonable limitations on, and requirements for Board Members' participation.
- Section 4.** **Notice of Meetings:** Annual or regular meetings of the Board of Directors may be held upon five (5) days notice. The person or persons calling a special meeting of the Board of Directors shall, at least twenty-four (24) hours before the meeting, give notice thereof by the usual means of communication. Such notice of a special meeting shall specify the purpose for which the meeting is called.
- Section 5.** **Waiver of Notice:** Any Director may waive notice of any meeting. The attendance by a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

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Section 6. **Quorum:** A majority of the number of persons serving as Directors, or a majority of executive committee members at any time shall constitute a quorum for the transaction of business at any meeting of the Board of Directors.

Section 7. **Manner of Acting:** Except as otherwise provided in these By-Laws, action by a majority of the Directors present at a meeting in which a quorum is present shall be an act of the Board of Directors.

Section 8 **Executive Committee.** The Executive Committee shall be comprised of the Chairman of the Board, Vice Chairman, Secretary and Treasurer. The Chairman of the Board will serve as Chairman of the Executive Committee. The Executive Committee coordinates the activities of the Board of Directors, evaluates the President's performance and exercises the authority of the Board of Directors when a quorum of board members cannot be established for a regular or specially called meeting. Any actions taken by the Executive Committee shall be reported to the full board at the next board meeting. The Executive Committee will not have authority to:

- a) rescind any action taken by the Board of Directors;
- b) amend or repeal Articles of Incorporation or By-Laws;
- c) merge, consolidate or voluntarily dissolve the Corporation;
- d) sell, lease, exchange, mortgage, pledge or otherwise dispose of property;
- e) select or remove the President; or
- f) obligate the Corporation to any contract or expenditure of funds in excess of \$10,000.

Article V

OFFICERS

Section 1. **Officers of the Corporation:** The officers of the Corporation shall consist of the Chairman of the Board, Vice Chairman, Secretary, and Treasurer, and such other officers as the Board of Directors may from time to time elect. Officers of the Corporation must be members of the Board of Directors.

Section 2. **Election and Term:** The officers of the Corporation shall be elected by the Board of Directors at the **April** meeting for a term of one year commencing on July 1 of the following year.

Section 3. **Removal:** Any officer elected or appointed by the Board of Directors may be removed by the Board when in the judgment of the Board the

best interest of this Corporation will be served thereby.

Section 4. **Vacancies:** Vacancies among officers of the Corporation may be filled by a vote of a majority of the Board at any annual, regular, or special meeting of the Board of Directors.

Section 5. **Chairman:** The Chairman shall, when present, preside at all meetings of the Board of Directors. He/She shall sign with any proper officer, instruments which may be lawfully executed on behalf of the Corporation, except where required or permitted by law to be otherwise signed and executed, and except — where the signing and execution thereof shall be delegated by the Board of Directors to some other officer or agent. In general, he/she shall perform all duties incident to the office of the Chairman and such other duties as may be prescribed by the Board of Directors from time to time.

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Section 6. **Vice-Chairman:** The Vice-Chairman shall, in the absence or disability of the Chairman, perform the duties and exercise the powers of that office. In addition, he/she shall perform such duties and have such other powers as the Board of Directors shall prescribe.

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Section 7. **Secretary:** The Secretary shall be responsible for keeping accurate records of the acts and proceedings of all meetings of the Board of Directors. He/She shall be responsible for giving all notices required by law and by these By-laws. He/She shall have general care of all corporate books and records. He/She shall sign such documents as may require his signature, and, in general, perform all duties incident to the office of Secretary and — such other duties as may be assigned him/her from time to time by the Chairman or by the Board of Directors.

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Section 8. **Treasurer:** The Treasurer shall oversee the financial aspects of the Corporation without having direct custody of funds and securities belonging to the Corporation; provided that the Board may appoint a custodian or a depository for any such funds or securities and the Board may designate those persons upon whose signatures or authority such funds may be disbursed or transferred.

Article VI

MISCELLANEOUS

Section 1. **Contracts:** The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument on behalf of the Corporation, and such authority may be general or confined to specific instances.

- Section 2.** **Loans:** No loans shall be contracted on behalf of the Corporation unless approved by the Board of Directors.
- Section 3.** **Checks and Drafts:** All checks, drafts or other orders for the payment of money issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.
- Section 4.** **Deposits:** All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such depositories as the Board of Directors shall direct.
- Section 5.** **Seal:** The corporate seal of the Corporation shall consist of two concentric circles between which is the name of the Corporation and in the center of which is inscribed "SEAL", and such seal, as impressed on the margin hereof, is hereby adopted as the seal of the Corporation.
- Section 6.** **Committees:** The Chairman shall, subject to Board approval, appoint any committees, to consist of as many persons as he/she deems advisable.
- Section 7.** **Fiscal Year:** The fiscal year of the Corporation shall be the year
— Beginning July
— -1st and ending June 30th.
- Section 8.** **Bond:** At the expense of the Corporation, the Board of Directors may, by Resolution, require any or all officers, agents, and employees of the Corporation to give bond to the Corporation, with sufficient sureties, conditioned on the faithful performance of the duties of their respective officers or positions, and to comply with such conditions as may from time to time be required by the Board of Directors.
- Section 9.** **Inspection of Books:** The books of the Corporation may be inspected for specific and proper purposes by persons determined by the Board of Directors to be entitled thereto at such reasonable times and places as the
— Board of Directors may determine, upon application by the persons desiring inspection thereof.
- Section 10.** **Independent Outside Audit:** The Board of Directors shall require a comprehensive, independent outside audit (certified audit) of the books and financial records of the Corporation on an annual basis, to be completed no later than three months after the end of the fiscal year.

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Section 11. Indemnification: Any person who at any time serves or has served as a director, officer, employee or agent of the Corporation, or in such capacity at the request of the Corporation for any other corporation, partnership, joint venture, trust or other enterprise, shall have a right to be indemnified by the Corporation to the fullest extent permitted by law against (a) unreasonable expenses, including attorneys' fees, actually and necessarily incurred by him in connection with any threatening, pending or completed action, suit or proceedings, whether civil, criminal, administrative or investigative, and whether or not brought by him/her in connection with any threatened, pending or completed action, suit or proceedings, whether civil, criminal, administrative or investigative, and whether or not brought by or on behalf of the Corporation, seeking to hold him/her liable by reason of the fact he/she was working in such capacity, and (b) reasonable payments made by him/her in satisfaction of any judgment, money decree, fine, penalty or settlement for which he/she may have become liable in any such action, suit or proceeding.

The Board of Directors of the Corporation shall take all such action as may be necessary and appropriate to authorize the Corporation to pay the indemnification required by this bylaw, without limitation, to the extent needed, ———making a good faith evaluation of the manner in which the claimant for ———indemnity acted and of the reasonable amount of indemnity due him/her.

Any person who at any time after the adoption of this Bylaw serves or has served in any of the aforesaid capacities for or on behalf of the Corporation shall be deemed to be doing or to have done so in reliance upon, and as consideration for, the right of indemnification provided herein. Such right shall inure to the benefit of the legal representatives of any such person and shall not be exclusive of any other rights to which such person may be entitled apart from the provision of this Bylaw.

In addition to all of the foregoing, the Board of Directors shall purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against any liability asserted against him/her and incurred by him/her in any such capacity, or arising out of his/her status as such, whether or not the Corporation would have the power to indemnify him/her against such liability.

Section 12. Amendments: These By-Laws may be amended or replaced and new By-Laws may be adopted only by the affirmative vote of two-thirds (2/3) of the Board of Directors. However, Article IV, and this section (Article V, Section 12) may only be amended or replaced by the affirmative vote of

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two-thirds (2/3) of the Board of Directors and with the approval of the Cumberland County Board of Commissioners.

These Bylaws were adopted at a meeting of the Board of Directors of Fayetteville Area Convention & Visitors Bureau, Inc. on _____, 2021

Amy Cannon
Secretary

James Grafstrom
Treasurer

These Bylaws were approved at a meeting of the Cumberland County Board of Commissioners on _____, 2021

Charles Evans
Chairman

Candice H. White
Clerk to the Board

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FINANCE OFFICE

MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 7/21/2021

SUBJECT: AMENDMENT TO THE PERSONNEL ORDINANCE, SECTION 501 (F)

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): VICKI EVANS, FINANCE DIRECTOR

BACKGROUND

In an effort to be prepared for audits of expenditures from American Rescue Plan Act funds, staff have been carefully reviewing County policy in comparison to federal procurement standards, all within the code of federal regulations, specifically § 2 CFR 200.317-327. It was found that the Code of Ethics, Conflict of Interest section of the current Personnel Ordinance could be amended to include more restrictive language as reflected in § 2 CFR 200.318(c)(1).

The draft amendment to the Personnel Ordinance, Code of Ethics section is attached with changes shown in red font.

RECOMMENDATION / PROPOSED ACTION

Staff recommend forwarding the amended Personnel Ordinance to the August 16, 2021 Board of Commissioners meeting as a Consent Agenda item with an approval to amend the Ordinance.

ATTACHMENTS:

Description	Type
Draft Amendment to Personnel Ordinance - track changes	Backup Material

Sec. 501. Code of ethics.

(a) *Declaration of policy.* It is the policy of the county that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. In recognition of these goals, a code of ethics for all county employees is adopted.

(b) This code has four purposes as follows:

- (1) To encourage high ethical standards in official conduct by county employees;
- (2) To establish guidelines for ethical standards of conduct for all county employees by setting forth those acts or actions that are incompatible with the best interests of the county;
- (3) To require that county employees disclose private financial or other interests in matters affecting the county; and
- (4) To serve as a basis for disciplining and/or punishing those employees who refuse to abide by its terms.

(c) *Definitions.* As used in this code of ethics, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

- (1) *Business* shall mean a corporation, partnership, sole proprietorship, firm, organization or other legal entity carrying on business;
- (2) *Confidential information* shall mean information which is not available to the general public and which is obtained only by reason of an employee's position.
- (3) *County* shall mean the County of Cumberland.
- (4) *Employee* shall mean all officials, officers, members and employees, whether elected or appointed and whether paid or unpaid, of the government of the county and of all of its agencies. Employees shall include former employee if the violation occurred during county employment.
- (5) *Financial interest* shall mean any interest which shall yield, directly or indirectly, any monetary or other material benefit to a county employee. The term, financial interest, shall not include the employee's salary or other compensation received pursuant to county employment. The fact that an employee owned ten percent or less of the stock of a corporation or has a ten percent or less ownership in any business entity or is an employee of said business entity does not create a financial interest.
- (6) *Official act* shall mean an official decision, vote, approval, disapproval or other action which involves the use of decision-making authority.

(7) *Personal interest* shall mean any interest arising from blood or marriage relationships or from employment or business whether or not any financial interest is involved. A blood or marriage relationship for the purpose of this section shall mean wife, husband, mother, father, brother, sister, daughter, son, grandmother and grandfather, grandson and granddaughter, aunts and uncles. Included are the step, half, in-law, in loco parentis relationships and persons living within the same household.

(8) *Political activity* shall mean any act aimed at supporting or opposing the election of any candidate for public office or supporting or opposing a particular political party.

(d) *Standards of Conduct.* Employees must in all instances maintain their conduct at the highest standards. Official conduct guided by high ethical standards gives the public confidence in the integrity of its government and assures the public that government is responsible to the people. The following standards of conduct are goals which public employees should strive to attain so as to avoid even the appearance of impropriety in the conduct of the public's business:

(1) Employees have an obligation to act morally and honestly in discharging their responsibilities;

(2) Employees shall conduct themselves with propriety, discharge their duties impartially and fairly and make continuing efforts toward attaining and maintaining high standards of conduct;

(3) Employees shall not improperly use, directly or indirectly, their county positions to secure any financial interest or personal benefit for themselves or others;

(4) Employees shall not use nor attempt to use their positions to improperly influence other employees in the performance of their official duties; and

(5) While in the conduct of their official duties employees shall not request other employees to grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or to make available to the public at large.

(e) *Use of County Resources.*

(1) No employee shall use or permit the use of county employees or county-owned material, property, funds, or other resources of any kind for the private gain, personal benefit, or political advantage of any person, except where such use is made available to the public at large. Nothing herein shall be interpreted or construed to limit the use of county-owned facilities for public gatherings in accordance with established facilities use policies.

(2) County-owned vehicles shall not be used for the personal business of any employee. No county automobile shall be used by a county employee going to or from home, except when such use is for the benefit of the county and such use has been authorized by the department head, county manager or sheriff.

(f) *Conflict of Interest.*

(1) No employee shall engage in any employment or business which conflicts with the proper discharge of his or her official duties.

(2) No employee shall have a financial interest, directly or indirectly, in any transaction with any county agency as to which the employee has the power to take or influence official action. No employee shall take or influence official action in any transaction with any county agency that would confer a benefit based on a personal interest where such benefit is not made available to the public at large.

(3) If an employee has any direct or indirect financial interest in the outcome of any matter coming before the agency or department of which he or she is a member or by which he or she is employed, such employee shall disclose on the record of the agency or department and to his superior or other appropriate authority the existence of such financial interest. An employee having such an interest shall not engage in deliberations concerning the matter, shall disqualify himself from acting on the matter and shall not communicate about such matter with any person who will participate in the action to be taken on such matter. However, the excusal from voting by members of the board of county commissioners shall be governed exclusively by G.S. § 153A-44.

(4) No employee shall represent or appear on behalf of any individual or entity, either personally or through an associate or partner, against the interests of the county or any of its agencies in any action or proceeding in which the county or any of its agencies is a party, unless the action or proceeding is sufficiently remote from his official duties, so that no actual conflict of interest exists.

(5) Nothing herein shall be interpreted or construed to prohibit any employee from exercising his or her legal rights as to his or her own personal interests in processing a claim against, making a request to the county or any of its agencies or in defending a claim made against him or her by the county or any of its agencies, or to prohibit an employee from testifying as a witness in any administrative or judicial proceeding.

(6) No employee may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The employees may neither solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. (Reference § 2 CFR 200.318(c)(1)).

(g) *Confidential Information.*

(1) No employee shall, without legal authority, disclose confidential information gained as a result of his or her employment or position with the county.

(2) No employee shall use confidential information gained as a result of his or her employment

or position with the county to advance his or her own financial or personal interest or the financial or personal interests of any other person.

(3) Nothing in this subsection shall be construed as prohibiting the disclosure of information required by law to be disclosed.

(h) *Gifts, Gratuities, and Favors.* No employee shall knowingly solicit or accept a gift, whether in the form of money, things, favor, loan or promise, or gratuity, from any person or entity which, to the employee's knowledge, is interested directly or indirectly, in any manner whatsoever, in a transaction with the county or any of its departments or agencies as to which the employee has the power to take or influence official action. This section is not intended to prevent the gift and/or receipt of the following:

(1) Honorariums in an amount not to exceed \$25.00 or expenses to include meals, travel and lodging for participating in meetings, seminars, conferences, grand openings, or anniversary celebrations of businesses, or other similar activities where the official or employee is either a speaker, participant or invited in his or her official capacity;

(2) Nominal advertising items or souvenirs of \$25.00 or less in value, or meals furnished at banquets;

(3) Customary gifts or favors received by any employee from friends, relatives or other employees where it is clear that it is the relationship of the donor which is the motivating factor for the gift or favor;

(5) Gifts, favors, discounts, and gratuities offered by commercial enterprises to members of the general public; and

(6) Political contributions by elected county officials.

(i) *False Statements Prohibited.*

(1) No employee shall willfully make any false statement, or in any manner commit any fraud, conceal any wrongdoing or fail to answer fully and truthfully questions about wrongdoing connected with the business of the county or connected with the work-related conduct of any county employee.

(2) No employee shall willfully make any false statement, certificate, mark, report or rating with the intent to obtain public funds or other public benefit for himself or herself or anyone else to which the employee or such other person is not by law entitled or otherwise authorized.

(3) No person seeking appointment to, or promotion in, the service of the county, shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for, on account of or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion; provided, however, that this provision shall not apply to payments made to duly licensed employment agencies or educational institution.

(j) *Nepotism Prohibited.* No relative of a county employee, by blood or marriage, may be employed in any position with the county in which the employee may be able to supervise directly or control or influence the work or employment status of the relative or the affairs of the organizational unit in which the relative is employed. Relative for the purposes of this section shall mean wife, husband, mother, father, brother, sister, daughter, son, grandmother and grandfather, grandson and granddaughter, aunts and uncles. Included are the step, half, in-law, in loco parentis relationships and persons living within the same household.

(k) *Outside Employment.* Except for county elected officials or appointees, no employee shall engage in outside employment without prior approval of the employee's department head. Approval will be granted except where the employment has a probability of creating a conflict with the performance of the county's business or creating a division of loyalty, or where the performance of the outside duties would most likely impair the employee's ability to perform his or her county duties.

(l) *Political Activity.*

(1) *Generally.* Every employee of the county has a civic responsibility to support good government by every available means and in every appropriate manner except where in conflict with the law. County employees may join or affiliate with civic organizations of a political nature, may attend political meetings, may serve as officers of civic or political organizations, and may advocate and support principles or policies of civic or political organizations in accordance with the Constitution and laws of the United States and North Carolina.

(2) *Prohibitions.* No employee of the county shall:

(a) Engage in any political activity while on duty, unless serving as an elected county official;

(b) Place any pressure, direct or indirect, on any employee to support any candidate or party, contribute to, solicit for, or act as custodian of funds for political purposes;

(c) Offer any county position, promotion, job related benefit, remuneration or other advantage to any person as a reward for political activity or support;

(d) Take adverse action against any employee based on that employee's engaging in or refusing to engage in permitted political activity; or

(e) Permit or require any county employee to engage in political activity while the employee is on duty.

(3) *Candidates running for public office; etc.* Engaging in political activity while on duty shall not include the casual greeting or encounter by employees with persons running for public office. Candidates for public office visiting public offices shall be received and treated with respect. For the purpose of this section, employees who are on authorized breaks or on lunch periods shall not be deemed to be on county time.

(m) *Violations.* Any violation of this section shall be deemed improper conduct and may subject an employee to disciplinary action, dismissal, or removal, as appropriate. Additionally, a violation of subsection (e), use of county resources, or subsection (i), false statements prohibited, is declared a misdemeanor and may be punished as provided by law. The board of county commissioners, upon notice and hearing, may declare void and rescind any contract, grant, subsidy, license, right, permit, franchise, use, authority, privilege, benefit certificate, ruling, decision, performance of any service, or transfer or delivery of anything which the board determines was awarded, granted, paid, furnished, or otherwise performed in violation of this article.

This ordinance amendment shall become effective at the time it is adopted and shall repeal and supersede the Cumberland County Personnel Ordinance in effect at the time this ordinance is adopted.

Adopted by the Board of Commissioners in regular meeting August 16, 2021.

Charles Evans, Chairman

Attest:

Candice H. White, Clerk to the Board



ASSISTANT COUNTY MANAGER - ENVIRONMENTAL/ COMMUNITY SAFETY

MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL & COMMUNITY SAFETY**

DATE: 7/23/2021

**SUBJECT: RADIO TOWER LEASE AGREEMENT WITH THE NORTH CAROLINA
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES -
DIVISION OF FOREST SERVICES**

Requested by: AMY CANNON, COUNTY MANAGER

**Presenter(s): TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL & COMMUNITY SAFETY**

BACKGROUND

The NC Department of Agriculture and Consumer Services - Division of Forest Services wishes to renew an existing agreement for radio antennae space on the tower located atop 109 Bradford Avenue, a County-owned facility. The continued use of the space on the tower provides more effective and efficient services to the citizens of Cumberland County without any negative impact to existing operations. This serves as a benefit to the County and surrounding region and more specifically the fire departments of Cumberland County who may need to communicate directly with local NC Forest Service staff.

The terms of the agreement are proposed as follows without major changes:

- Three-year term commencing August 1, 2021 and ending July 31, 2024 (last negotiated in 2018)
- Rent of \$10.00 (TEN DOLLARS) for the entire three-year term
- Lessor provides and maintains existing antennae, connections, and headend building while Lessee provides and maintains its headend equipment
- Lessor provides utilities and environmentally controlled headend building (utilities are singly metered for entire facility and therefore cannot be split out)

- Lessee is self-insured

Attached is a copy of the proposed agreement. The intent to lease does not have to be advertised since the proposed agreement is between government entities.

RECOMMENDATION / PROPOSED ACTION

Staff recommends the Board approve moving this item to the August 16, 2021 Board of Commissioner's Meeting as a consent agenda item.

ATTACHMENTS:

Description

Proposed Lease Agreement 2021

Type

Backup Material

**CUMBERLAND COUNTY
RADIO TOWER AGREEMENT**

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

This Lease Agreement, made and entered into this _____ day of _____, 20____, by and between **CUMBERLAND COUNTY**, hereinafter referred to as "Lessor", and the **STATE OF NORTH CAROLINA**, through the North Carolina Department of Agriculture & Consumer Services, North Carolina Forest Service, hereinafter referred to as "Lessee".

WITNESSETH

THAT WHEREAS, authority to approve and execute this lease agreement was delegated to the Department of Administration by resolution adopted by the Governor and Council of State on the 1st day of September, 1981; and amended on September 8th, 1999 and April 1, 2003.

WHEREAS, the Department of Administration has delegated to the Department of Agriculture the authority to execute this lease agreement by a memorandum dated the 26th day of March, 1982; and December, 2016.

WHEREAS, the parties hereto have mutually agreed to the terms of this lease agreement as hereinafter set out,

WHEREAS, the Lessor owns, operates and maintains a Radio Signal Tower, (Registration No. 1015942) located on a County facility that is located at 109 Bradford Avenue in Cumberland County, North Carolina, at latitude of 35-03-19N, longitude 78-53-30W, NAD 17, and the Lessor hereby leases to Lessee and the Lessee hereby leases from the Lessor space on the Tower and all access and utility easements, if any, (collectively, the "Premises").

WHEREAS, the Lessor desires to grant to the Lessee a lease to install, operate and maintain an antenna and coaxial cable upon said tower and to install related cabling, wiring and accessories inside the "headend" building located at the base of the radio tower. The headend" building is a masonry environmentally-controlled building which is storage space for all repeaters and accessories related to such antennas and cables on the tower.

NOW THEREFORE, in consideration of the rents, covenants and agreements hereinafter set forth, the Lessor and Lessee agree as follows:

- 1) The Lessor agrees to lease to the Lessee space on its radio tower to install, operate and maintain an antenna and coaxial cable on Lessor's tower and to install, operate and maintain other related cabling, wiring and accessories inside the Lessor's "headend" building located at the base of said radio tower.

<u>TYPE</u>	<u>HEIGHT</u>
VHF Hi Band Repeater	

- 2) The Lessor agrees to furnish such power as may be required by the Lessee for operation of its installation, however, it is expressly understood and agreed that the Lessor will not be responsible for any power outage, but will endeavor to correct the condition causing the outage as soon as it is reasonably possible.

- 3) The term of the lease shall be for a period of 3 years commencing on **August 1, 2021** and terminate **July 31, 2024**. The Lessor or Lessee may terminate this agreement at any time with or without cause, upon thirty (30) days written notice to the other party, sent by certified mail to the address so designated for this purpose; and further provided that this agreement may be canceled on twenty-four (24) hours notice to Lessee in the event that Lessee's base station, antenna or other equipment on said premises of the Lessor are causing or contributing to noticeable degradation of the radio equipment of the Lessor or of any persons with antenna leases on the Lessor's tower.
- 4) The rental fee for the lease shall be **Ten and 00/100 Dollars (\$10.00)** and should be paid with the commencement of this lease.
- 5) The Lessee will have access to the Lessor's tower site and to Lessor's "headend" building. Only personnel or contractors of North Carolina Forest Service approved by the Lessor will be permitted to go on or install equipment of the tower.
- 6) **Insurance & Liability.**
 - (a) Lessor agrees that Lessee's decision to self-insure satisfies all insurance requirements of this Lease applicable to Lessee.
 - (b) As between Lessor and Lessee, Lessee, subject to the terms of this Lease, will be primarily liable for the negligent or intentional acts or omissions of its agents, contractors or employees. As to third parties, Lessee is an immune sovereign and is not ordinarily subject to suit. However, Lessee has enacted Chapter 143, Article 31, of the North Carolina General Statutes (the "Tort Claims Act"), pursuant to which the Lessee may be liable for the torts of its officers and employees, within the terms of the Tort Claims Act, and accordingly, Lessee will be primarily liable for any claims within the coverage of the Tort Claims Act.
 - (c) Lessor shall be liable to Lessee for any loss or damages suffered by Lessee which are a direct result of the failure of Lessor to perform an act required by this Lease, provided that Lessor could reasonably have complied with said requirement.
- 7) **Utilities / Maintenance.** Lessor shall be responsible for the maintenance and operation of the Tower and the Building, including, but not limited to all utility charges attributable to Lessee's use of the Premises. Lessee shall repair at its own expense damage to the Premises, the Tower, the Building or the Communications Equipment, which is the result of Lessee's use of the Premises except if such cost arises out of the negligent or wrongful acts or omissions of Lessor, its contractors or agents.
- 8) **Security.** Lessor agrees and acknowledges that the Tower and the Building will be secured by a locked fenced. Lessor shall provide Lessee with keys to the locks.
- 9) The Lessee's base station and related equipment shall be installed and maintained in accordance with the following:
 - a) Base Antennae shall have no more than 3.3 square feet of projected wind surface.
 - b) Antennae shall be installed at a location and in a manner designated by the Lessor.
 - c) All mounting brackets, clamps and bolts shall be galvanized.
 - d) All coaxial cable shall be fastened to a designated tower leg at intervals of no more than three feet. Stainless Steel Wraplock or Copper Wire shall be used to fasten coaxial cable to tower leg.
 - e) Form a Drip Loop at building cable entrance.
 - f) Base stations shall be installed at a location designated by the Lessor.
 - g) Base stations shall be ground with AWC #6 Copper Conductor to Ground Buss.
 - h) Install GE Surge Protector or equivalent at Base Station AC Outlet.
 - i) Traps and Filters shall be placed in transmitter output in order to eliminate potential harmful interference with other radio users.

- 10) The Lessee, its agents, or any persons using the Lessee's antenna and equipment for the transmission and reception of radio signals shall comply with all laws and governmental regulations respecting such use and shall hold the Lessor harmless from any responsibility from the failure of the Lessee, its agents or any persons using the Lessee's antenna and equipment. The Lessee shall maintain all licenses required by the FCC for the antenna and other equipment on the Lessor's property, said copy of license to be provided to the Lesser.
- 11) The failure of either party to insist in any instance on strict performance of any covenant thereof, or to exercise any option herein contained, shall not be construed as a waiver of such covenant or option in any other instance. No modification or any provision hereof and no cancellation or surrender hereof shall be valid unless in writing and signed by parties.
- 12) All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given when made in writing and deposited in the United States mail, certified and postage prepaid and addressed as follows:

To the Lessor: County Manager
Cumberland County
117 Dick Street
Fayetteville, N.C., 28301

To the Lessee: NC Department of Agriculture & Consumer Services
NC Forest Service
Attn: Property Manager
1006 Mail Service Center
Raleigh, NC 27699-1006

Nothing herein contained shall preclude the giving of such notice by personal service. The address to which notices shall be mailed as aforesaid to either party may be changed by written notice.

IN WITNESS WHEREOF, the parties hereto have signed and sealed this instrument the day and year first above written.

LESSOR:

Cumberland County

Amy H. Cannon, County Manager

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, _____, a Notary Public of the State and County
aforesaid, do hereby certify that **Amy H. Cannon** personally came before me this day and
acknowledged that she is **County Manager**, and that she, as Manager, being authorized to do so,
executed the foregoing instrument on behalf of the County of Cumberland.

WITNESS my hand and official seal this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

LESSEE:

State of North Carolina

Andrew A. Meier, Director
NCDA&CS Property & Construction Division

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, _____, a Notary Public for County and State aforesaid, do hereby certify that **Andrew A. Meier** personally appeared before me this day and acknowledged the due execution by him of the foregoing instrument as Interim Director of Property and Construction Division, for the North Carolina Department of Agriculture and Consumer Services, in accordance with the authority vested in him and for the purposes therein expressed.

WITNESS my hand and official seal this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____



ENGINEERING AND INFRASTRUCTURE DEPARTMENT

MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021 **AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JERMAINE WALKER, COUNTY ENGINEER

DATE: 8/4/2021

**SUBJECT: AMENDED SCOPE OF WORK WITH THE WOOTEN COMPANY FOR
THE BOARD OF COMMISSIONERS MEETING ROOM AND
ASSOCIATED BUDGET ORDINANCE AMENDMENT # 220082**

Requested by: BOARD OF COMMISSIONERS

Presenter(s): JERMAINE WALKER, COUNTY ENGINEER

BACKGROUND

At the April 8, 2021 Board of Commissioners' Agenda Session, a representative from the Wooten Company presented two meeting room concepts to the Board. After the presentation, the Board instructed staff to arrange visits with the architect to the Historic Courthouse for the Commissioners and to bring the item back for further discussion at the next Agenda Session. Wooten reached out to the Board and arranged a visit to the Historic Courthouse Courtroom on April 16, 2021, at which time the proposed meeting room concept was explained in greater detail.

To recap, the Wooten Company has identified the following costs associated with the proposed renovation: Historic Courthouse Courtroom: \$2,573,000 and the Cumberland County Courthouse - Rooms 118 & 119: \$2,235,500.

A conceptual design would be developed to allow the Commissioners to understand the related building renovations required to support the use of the Courtroom at the Historic Cumberland County Courthouse

- The above cost estimate for the Historic Courthouse does not include:
- Elevator Modernization Costs (proposed in FY22 CIP at \$250,000)
- 2nd floor bathroom renovations and ADA up-fit
- Addition of an Executive Meeting Room

- Technology Infrastructure Improvements

If renovated, this would lead to significant plumbing upgrades, a major difference in the appearance of the Historic Courthouse from one floor to the next due to a major renovation of most of the second floor and displacement of County second floor personnel. To address this issue, the Board then directed that the Staff work in determining the costs associated with renovating the basement through the third floor.

The new expanded scope will include the following:

- Offices for County Commissioners (up to 9)
- County Manager's Office
- Clerk to the Board
- County Attorney's Office
- Public Information Office (PIO)
- Budget Staff

Commissioners Room related items added from the above-mentioned previous concept include restoration of the balcony and the seating area under the balcony; accessible restrooms at the new Commissioners' Room level; and an Executive Session Room.

Attached to this memo is a proposal from the Wooten Company to complete an additional scope of work, determining the above costs associated with renovations at the Historic Courthouse, in the amount of \$32,875.00 and to be completed in 35 days after approval of the proposal.

This item was returned to the August 10, 2021, Board of Commissioners' Agenda Session after previously being listed as an Item of Business for the May 17, 2021, Board of Commissioners' Regular Session and the June 10, 2021, Board of Commissioners' Agenda Session.

RECOMMENDATION / PROPOSED ACTION

Staff is seeking guidance as to whether the Board of Commissioners desires to move forward with the expanded design scope for the Commissioners' Meeting Room and related building renovations to the Historic Courthouse and if so, requests Budget Ordinance Amendment #220082 be forwarded to the Consent Agenda for the August 16, 2021, Board of Commissioners Meeting for approval.

ATTACHMENTS:

Description

Wooten Expanded Scope Proposal

Type

Backup Material

July 20, 2021

Ms. Amy H. Cannon
County Manager
Cumberland County
117 Dick St.
Fayetteville, NC 28301

Re: Proposal for Historic Courthouse Utilization Conceptual Plan

Dear Ms. Cannon:

In response to your request, The Wooten Company is pleased to submit a fee proposal to provide professional services which expand the scope of our conceptual design for your Historic Courthouse in the Cumberland County. The following summary is our understanding of the objectives and scope of work.

Project Understanding

A conceptual design will be developed to allow the Commissioners to understand the related building renovations required to allow the certain departments to move from the Judge E. Maurice Braswell Cumberland County Courthouse into the Historic Cumberland County Courthouse at 130 Gillespie St, Fayetteville. Included in the move would be:

- Offices for County Commissioners (up to 9)
- County Manager's Office
- Clerk to the Board
- County Attorney's Office
- Public Information Office (PIO)
- Budgeting

Commissioners Room related items added to our previous concept include: restoration of the balcony and the seating area under the balcony; accessible restrooms at the new Commissioners' Room level; an Executive Session Room; and a complete modernization of the larger of the two elevators.

The complete Courthouse Conceptual Utilization Plan will provide a basis for planning and budgeting.

Scope of Work

Interviews

- The scope was determined in interviews with key County employees and elected officials at a meeting in the subject building on Friday, March 16th; and in discussions on site between Russell Pearlman and Jermaine Walker on Wednesday, July 7th.
- Develop an understanding of the area required and specific related building systems improvements needed to support the above noted occupants in the adaptive reuse in the Historic Courthouse.

Facility and Assessment

- Evaluate developmental constraints that the Historic Courthouse presents relative to the configuration of the rooms proposed to support the Commissioners Room and the above noted Departments.

Analysis

- Generate a schematic floor plans indicating the demolition and new work.
 - Indicating room furnishings on new work plan for scale reference.
- Provide opinion of construction costs.

County's Responsibility

- Designate a person to act as the County's representative with respect to the work to be performed under this agreement. Such person shall be the primary contact to transmit instructions, receive information, and to interpret and define County policies.
- Provide the following information:
 - CAD files of Historic Courthouse Floor Plans
 - CAD files of JEMB Floor Plans
 - Excel File of Names/Titles/Current Rooms of:
 - Offices for County Commissioners
 - Offices for County Manager
 - Offices for Clerk to the Board
 - Public Information Offices
 - Budget Office

- Contact the Fayetteville Historic Resources Commission for documentation regarding the designation of the Historic Courthouse.
- Provide timely review and comment on design issues.
- Coordinate elected officials and key employees to meet with Architect at times of mutual convenience.

Fee

Based on the scope of the project, we propose to provide the services outlined above at a fixed fee of Thirty-Two Thousand Eight Hundred Seventy-Five Dollars (\$32,875.00). We do not anticipate any reimbursable expenses associated with these efforts, however, if the need for any such expenses should arise, we will seek approval from the County before proceeding.

Schedule

We estimate that 35 days after execution of the agreement and receipt of the above noted Owner provided information will be required to complete additional scope of the study.


Please review our proposal and do reach out if you have any questions.

If you find our proposal acceptable, please indicate the County's approval by signing in the appropriate space below and returning a single copy of the agreement to our office.

We appreciate the opportunity that this exciting project affords us to be of continued service to Cumberland County. You have our assurance that The Wooten Company will make every effort to deliver quality service in a timely manner.

Sincerely,

THE WOOTEN COMPANY
Cumberland County



Robert E. Egan
Building Systems Group, Director
rdp

Accepted and Approved

Amy H. Cannon

Date



ENGINEERING AND INFRASTRUCTURE DEPARTMENT

MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021 **AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JERMAINE WALKER, COUNTY ENGINEER

DATE: 8/4/2021

SUBJECT: REQUEST FOR QUALIFICATIONS (RFQ) FOR CONSULTANT SERVICES FOR A GENERAL GOVERNMENT SERVICES BUILDING

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): JERMAINE WALKER, COUNTY ENGINEER

BACKGROUND

On May 3, 2021, Cumberland County advertised a Request for Qualifications for a General Government Services Building Space Utilization and Site Analysis study. The Study will examine current usage within the Judge E. Maurice Braswell Cumberland County Courthouse (JEMB Courthouse), the Cumberland County Historic Courthouse, and 109 Bradford to determine the space needs for the departments that are currently housed in these facilities and which departments currently under the direction of the County Manager could be relocated to a future General Government Services Building. Additionally, the study will include conceptual design of the future facility and subsequent reuse and improvements to the three existing facilities. The Study will be used by County Commissioners and County Management to make determinations about the location and usage of the future General Government Services Building, as well as proposed use and improvements to the existing facilities. The final report will be presented to the Board of Commissioners and be utilized to continue the project into the design and construction phases. Additionally, the County may choose to retain the selected firm for performance of the design and construction administration services, should the firm be qualified, and it be in the best interest of the County.

The response period closed on May 28, 2021, with six firms responding. The Engineering and Infrastructure Department created a five-member selection committee to evaluate each response based upon the criteria outlined in the RFQ. For the six (6) proposals for the RFQ for "General Government Services Building Space Utilization and Site Analysis Study," each evaluator had the same 30 qualifying questions with scoring from 1 to 5.

With 5 being the highest and 1 being the lowest. The final ranking is below. Of a possible 750 points for each proposal (30 questions X 5 points max X 5 evaluators = 750), ranking is as follows:

1. **Creech & Associates, 594 total points.**
2. **Oakley Collier Architects, 528 total points.**
3. Boomerang Design, 514 total points.
4. Jenkins Peer Architects, 476 total points.
5. CJMW Architecture, 465 total points.
6. LS3P, 464 total points.

RECOMMENDATION / PROPOSED ACTION

Staff recommends the Board accept the selection of Creech and Associates as the preferred choice to conduct the General Services Building Space Utilization and Site Analysis Study and grant permission to enter negotiations for refined scope and final price at which time we will present to the Board for approval. Staff requests this item be moved forward to the August 16, 2021 Board of Commissioners Regular Meeting as a Consent Agenda item.

ATTACHMENTS:

Description	Type
General Government Services Building Space Utilization and Site Analysis Study RFQ	Backup Material
RFQ Analysis and Design Questions	Backup Material



REQUEST FOR QUALIFICATIONS FOR GENERAL GOVERNMENT SERVICES BUILDING SPACE UTILIZATION AND SITE ANALYSIS STUDY

INTRODUCTION AND SUMMARY

Cumberland County is a community of approximately 328,000 citizens located in the Sandhills region of North Carolina. The County seeks to better understand its current utilization of three selected facilities to plan for the future design and construction of a General Government Services Building and make selected improvements to existing facilities.

To that end, Cumberland County is issuing this Request for Qualifications (RFQ) to qualified Architectural/Engineering Consulting firms to perform a Space Utilization and Site Analysis Study ("Study"), for a planned General Government Services Building and improvements to existing facilities, in accordance with General Statute 143-64.31. The Study will examine current usage within the Judge E. Maurice Braswell Cumberland County Courthouse (JEMB Courthouse), the Cumberland County Historic Courthouse, and 109 Bradford to determine the space needs for the departments that are currently housed in these facilities and which departments currently under the direction of the County Manager could be relocated to a future General Government Services Building. Additionally, the study will include conceptual design of the future facility and subsequent reuse and improvements to the three existing facilities. The Study will be used by County Commissioners and County Management to make determinations about the location and usage of the future General Government Services Building, as well as proposed use and improvements to the existing facilities. The final report will be presented to the Board of Commissioners and be utilized to continue the project into the design and construction phases. Additionally, the County may choose to retain the selected firm for performance of the design and construction administration services, should the firm be qualified, and it be in the best interest of the County.

SCOPE OF WORK

The focus of the study will be as follows:

1. Programming analysis for County departments housed in the following buildings: Judge E. Maurice Braswell Cumberland County Courthouse, the Cumberland County Historic Courthouse, and 109 Bradford. The analysis will include an assessment of space

utilization, connectivity between departments and typical public workflow. Tasks under this item include but are not limited to the following:

- a. Develop a consistent method to measure and collect County facility space usage data.
 - b. Create drawings of existing facilities that detail interior and exterior dimensions.
 - c. Accurately depict space by County Department.
2. Develop proposed location alternatives and conceptual building and site design for a General Government Services Building. Location considerations should include, at a minimum, existing site condition, proximity to downtown Fayetteville, available parking, convenience for staff and public accessibility. Tasks under this item include but are not limited to the following:
 - a. Work with County Commissioners and staff to understand current and future needs. Interview or survey Commissioners and staff to obtain relevant information.
 - b. Research possible sites for the new facility, and work with the County to understand possible locations and any suggestions for new construction.
 - c. Provide a plan for departments to relocate as facilities are renovated or constructed.
 - d. Provide a narrative of the plan development process and assumptions used as a basis for the plan.
 - e. Provide architectural elements for a General Government Services Building that establish an attractive aesthetic while maintaining continuity with adjacent properties.
 - f. Provide information to the County on sustainable design options and associated green building certifications for consideration as a part of building design and operation.
 - g. Provide a conceptual-level plan, elevation, and three-dimensional view of the proposed facility and site plan.
 - h. Develop a draft version of the deliverables for staff review.
 - i. Provide a final draft of deliverables based on staff review.
 - j. Analysis should include review of environmental conditions (potential hazards such as flooding, stormwater, cultural), subsurface conditions, utility availability, etc.
3. Analysis and recommendations for improvements to the existing three facilities, to upfit for future use after construction and occupation of a General Government Services Building. Tasks under this item include but are not limited to the following:
 - a. Recommend a consistent method to perform facility condition assessments.
 - b. Document and report any safety issues found during the assessment.
 - c. Immediately report any life safety issues.
 - d. Develop a 20-year facility capital investment plan based on findings.
4. Develop cost estimates associated with the proposed General Government Services Building as well as for the proposed improvements to the existing facilities.

The existing facilities as mentioned above include the following departments to be included in the analysis:

- JEMB Courthouse: County Administration & Management, Superior District Courts, Human Resources, Probation, Register of Deeds, County Clerk, Clerk of Courts, Information Services, County Commissioners, Sheriff's Office Bailiffs and Court Security, Custodial Services, Magistrates, Guardian Ad Litem, Public Defender, District Attorney, County Legal, County Finance, and County Tax Office,
- Historic Courthouse: Engineering, Planning & Inspections, Environmental Health, FAMPO (Fayetteville Area Metropolitan Planning Organization, non-County department),
- 109 Bradford: Child Support Department, Communicare (Public non-profit organization)

ANALYSIS AND DESIGN EVALUATION CRITERIA

Cumberland County will use a variety of criteria in their evaluation process, including but not limited to overall qualifications, relevant experience with comparable facilities (courts, county management, department facilities) and references.

The following criteria will be the basis on which firms are selected.

1. Specialized qualifications and relevant experience on similar types of studies and in government facility design, with experience in sustainable building design.
2. Demonstrated understanding of the scope of the analysis and identification of potential issues related to the study and future project.
3. Clear and thorough approach for fulfilling the requirements of the RFQ.
4. Management plan for the study that is practical and feasible, with clear organization, lines of communication and understanding of schedule.

Following the deadline for receiving proposals, Cumberland County will review the proposals and develop a short list of firms to be interviewed. Those firms that are invited to interview will be expected to have key personnel available for presentation and interview at a future date to be set by the County. Representatives from County Management and Staff will be in attendance for the interviews. Following the interviews, the County anticipates recommending a selected firm to the Board of Commissioners at the next regularly scheduled Agenda Session meeting. Following the selection of a firm, the County will engage the firm for review of the proposed contract to evaluate project scope and cost. The Board of Commissioners will review the contract recommendation made by County Management and Staff at their next regularly scheduled Agenda Session meeting. Work on the study is anticipated to begin immediately after award of the contract.

PROPOSAL SUBMISSION REQUIREMENTS

Proposals must include the following information:

- Firm history and statement of qualifications, with identification of Team Project Manager
- Project Team organizational chart, including resumes of project team and relevant project experience.
- References: A brief description of projects completed with similar scope and size. For each project listed, please include name and contact information for the client represented.
- Description of the anticipated project approach, including a proposed project schedule.
- Fee schedule with hourly rate of services to be provided, by staff member.

Responses to this Request for Qualifications must be received by 5:00pm on May 28, 2021. Submissions shall be limited to twenty (20) pages in length. Please provide five (5) hard copies and one (1) digital copy of the submission in an envelope marked "RESPONSE TO RFQ FOR CUMBERLAND COUNTY GENERAL GOVERNMENT SERVICES BUILDING to:

Cumberland County Engineering & Infrastructure Department

Attn: Jermaine Walker, County Engineer

130 Gillespie St Rm 214

Fayetteville NC 28301

Office: 910.678.7636

Any questions are to be submitted via email to Jermaine Walker, County Engineer at jwalker@co.cumberland.nc.us, prior to 5:00 pm on May 21, 2021.

Cumberland County reserves the right to select the firm that best meets the needs of the County with regards to this project.



BRADFORD AVENUE



109 BRADFORD

BRAGG BOULEVARD

W. RUSSELL STREET

HAY STREET

ROWAN STREET

HISTORIC COURTHOUSE

GILESPIE STREET

DICK STREET

JUDGE E. MAURICE
BRASWELL COURTHOUSE

JUDGE E. MAURICE BRASWELL COURTHOUSE



HISTORIC COURTHOUSE



109 BRADFORD



NAME OF FIRM _____

REVIEWER _____

ANALYSIS AND DESIGN EVALUATION CRITERIA

For each person identified on the project's team:

Name, Title, Education.	Y	N	1	2	3	4	5
Expected role on this project.	Y	N	1	2	3	4	5
Number of years with firm.	Y	N	1	2	3	4	5
Experience working relevant projects in the past 7 years?							
	Y	N	1	2	3	4	5
Professional certification?	Y	N	1	2	3	4	5
Sustainable or LEED Certification?	Y	N	1	2	3	4	5
Professional Architect?	Y	N	1	2	3	4	5
Master Planner?	Y	N	1	2	3	4	5
Structural Engineer?	Y	N	1	2	3	4	5
Mechanical Engineer?	Y	N	1	2	3	4	5
Electrical Engineer?	Y	N	1	2	3	4	5
Facility Assessment Lead?	Y	N	1	2	3	4	5
Courts Planner?	Y	N	1	2	3	4	5

Demonstrated understanding of the scope of the analysis and identification of potential issues related to the study and future project.

Paragraph of firm's qualifications? Y N 1 2 3 4 5

Addresses requirements of this RFQ?

Y N 1 2 3 4 5

Similar or related past studies?	Y	N	1	2	3	4	5
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Clear and thorough approach for fulfilling the requirements of the RFQ.

Overall method or approach to the study is clearly described?

Y	N	1	2	3	4	5
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Clear strategy?	Y	N	1	2	3	4	5
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Sustainable strategy?	Y	N	1	2	3	4	5
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Conduct work force interviews?	Y	N	1	2	3	4	5
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Conduct facilities assessments?	Y	N	1	2	3	4	5
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Concept drawings, potential sites, 3-D views of new concept facility?

Y	N	1	2	3	4	5
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Deliverables for the County, intermediate version?

Y	N	1	2	3	4	5
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Description of the Final Deliverables?

Y	N	1	2	3	4	5
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Management plan for the study that is practical and feasible, with clear organization, lines of communication and understanding of schedule.

Team Organization chart?	Y	N	1	2	3	4	5
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Overall leader identified?	Y	N	1	2	3	4	5
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Preliminary tasks identified?	Y	N	1	2	3	4	5
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Schedule for key tasks?	Y	N	1	2	3	4	5
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Meetings at milestones?	Y	N	1	2	3	4	5
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Duration of the study?	Y	N	1	2	3	4	5
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OFFICE OF THE COUNTY ATTORNEY

**MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021
AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: COUNTY ATTORNEY AND CLERK TO THE BOARD

DATE: 8/5/2021

**SUBJECT: AMENDMENTS TO RULES 6 AND 26 OF BOARD'S RULES OF
PROCEDURE**

Requested by: COUNTY ATTORNEY AND CLERK TO THE BOARD

Presenter(s): COUNTY ATTORNEY

BACKGROUND

The Board's Rules of Procedure are to be republished to incorporate amendments. Incident to that republication, the Clerk and the County Attorney recommend the additional amendments to Rules 6 and 26 set out in red font in the attachment. These amendments are consistent with the Board's practice of denying the presentation of video on those occasions when speakers have requested to do so during the public comment period.

RECOMMENDATION / PROPOSED ACTION

County Attorney and Clerk to the Board recommend approval of the proposed amendments to Rules 6 and 26 of the Board's Rules of Procedure to prohibit electronic media presentations during public comment period and limit electronic media presentations during public hearings.

ATTACHMENTS:

Description	Type
Proposed Amendments to Rules 6 and 26	Backup Material

Proposed Amendments to Rules 6 and 26 of the Board's Rules of Procedure

Rule 6

Regular Meetings:

- First Monday of the Month at 9:00 AM
- Second Thursday of the Month at 1:00 PM as an Agenda Session
- Third Monday of the Month at 6:45 PM

If a regular meeting falls on a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified by the Board of Commissioners. (Note: The Board of Commissioners adopts its regular meeting schedule at its first regular meeting in December. The schedule is posted on the county website).

A public comment period shall be the first item of business at the 3rd Monday of the month meeting. Comments shall be limited to three minutes per person. **No electronic media presentations will be permitted in the public comment period.** and the Board of Commissioners may adopt other rules for the conduct of the public comment period.

Meetings of the Board are held in Room 118, Cumberland County Courthouse, 117 Dick Street, Fayetteville, NC, unless otherwise specified by the Board of Commissioners.

The Board may change or cancel the time or place of a particular regular meeting by motion adopted and posted on the courthouse bulletin board on the lower level of the courthouse and on the front door of the courthouse at least seven days before the change takes place. Notice of change must be sent to the County Sunshine List.

Rule 26 Public Hearings:

For all public hearings except those held for rezoning cases and those conducted as quasi-judicial proceedings, the time limit for each speaker shall be three minutes. For public hearings on rezoning cases, the total time limit shall be ten minutes for the proponent side and ten minutes for the opponent side, broken up into three minutes for each speaker or five minutes for a speaker representing a group. If there is only one speaker, he/she may use five minutes. For any public hearing conducted as a quasi-judicial proceeding, those persons for whom the Board has found standing to speak shall be allowed sufficient time to present relevant and material testimony. Persons desiring to speak at a public hearing must register with the Clerk prior to commencement of the meeting.

The Board of Commissioners reserves the right to limit the length of public hearings to avoid redundant or repetitive comment or testimony. **No electronic media presentations will be permitted in public hearings except those presented by County staff or a consultant hired by the County.**



FINANCE OFFICE

MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 7/19/2021

SUBJECT: FINANCIAL REPORT

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): NA

BACKGROUND

The attached financial report shows results of the general fund for fiscal year 2021, June year-to-date. Additional detail has been provided on a separate page explaining percentages that may appear inconsistent with year-to-date expectations.

RECOMMENDATION / PROPOSED ACTION

No action needed - for discussion and information purposes only.

ATTACHMENTS:

Description

Monthly Financial Report

Type

Backup Material

**County of Cumberland
General Fund Revenues**

REVENUES	FY19-20 AUDITED	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF July 19, 2021	PERCENT OF BUDGET TO DATE	*
Ad Valorem Taxes						
Current Year	\$ 166,739,244	\$ 165,908,675	\$ 165,908,675	\$ 169,200,461	102.0%	(1)
Prior Years	817,964	897,000	897,000	1,629,364	181.6%	
Motor Vehicles	20,340,183	19,955,512	19,955,512	20,925,581	104.9%	(2)
Penalties and Interest	773,447	712,000	712,000	703,134	98.8%	
Other	835,588	1,025,000	1,025,000	1,012,111	98.7%	
Total Ad Valorem Taxes	189,506,426	188,498,187	188,498,187	193,470,650	102.6%	
Other Taxes						
Sales	47,282,838	41,542,711	42,205,011	40,588,290	96.2%	(3)
Real Estate Transfer	1,689,875	1,450,000	1,450,000	2,215,078	152.8%	
Other	909,559	959,000	959,000	847,568	88.4%	
Total Other Taxes	49,882,272	43,951,711	44,614,011	43,650,936	97.8%	
Unrestricted & Restricted Intergovernmental Revenues	61,437,895	68,389,413	78,954,370	57,618,575	73.0%	(4)
Charges for Services	14,524,383	13,072,456	13,072,456	11,988,150	91.7%	
Other Sources (includes Transfers In)	3,048,166	1,710,608	1,876,237	1,448,307	77.2%	
Lease Land CFVMC	4,012,056	4,012,056	4,012,056	4,313,522	107.5%	
Total Other	7,060,222	5,722,664	5,888,293	5,761,829	97.9%	
Total Revenue	\$ 322,411,198	\$ 319,634,431	\$ 331,027,317	\$ 312,490,140	94.4%	
Fund Balance Appropriation		8,663,701	18,674,255	-	0.0%	
Total Funding Sources	\$ 322,411,198	\$ 328,298,132	\$ 349,701,572	\$ 312,490,140	89.4%	

County of Cumberland
General Fund Expenditures

DEPARTMENTS				YTD ACTUAL	PERCENT OF BUDGET TO DATE	**
	FY19-20 AUDITED	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	(unaudited) AS OF July 19, 2021		
Governing Body	\$ 612,702	\$ 674,975	\$ 693,619	\$ 608,400	87.7%	
Administration	1,682,579	1,814,947	1,835,664	1,663,180	90.6%	
Public Affairs/Education	661,051	885,902	898,331	734,006	81.7%	
Human Resources	1,009,126	1,009,875	1,028,519	936,251	91.0%	
Print, Mail, and Design	643,314	756,378	795,391	727,141	91.4%	
Court Facilities	114,371	156,220	156,220	108,810	69.7%	(1)
Facilities Maintenance	967,335	1,202,491	1,419,688	1,174,271	82.7%	
Landscaping & Grounds	690,227	702,394	727,182	688,206	94.6%	
Carpentry	211,909	228,058	234,890	218,243	92.9%	
Facilities Management	1,259,321	1,523,436	1,572,880	1,427,394	90.8%	
Public Buildings Janitorial	784,441	870,951	1,044,344	873,163	83.6%	
Central Maintenance	590,365	672,722	711,468	668,525	94.0%	
Information Services	5,552,864	5,323,420	6,073,408	4,828,609	79.5%	
Board of Elections	1,400,349	1,673,589	2,183,209	1,922,869	88.1%	
Finance	1,299,307	1,418,140	1,449,215	1,335,527	92.2%	
Legal	631,925	807,290	936,155	693,913	74.1%	(2)
Register of Deeds	2,435,628	2,526,950	3,115,363	2,348,302	75.4%	
Tax	5,625,153	6,271,825	6,466,523	5,603,942	86.7%	
General Government Other	2,976,609	7,003,558	10,413,183	6,898,091	66.2%	(3)
Sheriff	48,610,275	53,395,158	54,907,538	45,066,446	82.1%	
Emergency Services	3,655,978	4,310,596	4,562,457	3,898,887	85.5%	
Criminal Justice Pretrial	563,625	588,662	629,211	530,332	84.3%	
Youth Diversion	31,665	35,671	35,769	30,576	85.5%	
Animal Services	3,283,993	3,484,642	3,786,204	3,214,095	84.9%	
Public Safety Other (Medical Examiners, NC Detention Subsidy)	1,062,544	1,213,209	1,382,505	1,067,974	77.2%	
Health	21,068,569	24,301,667	30,445,942	21,993,246	72.2%	(4)
Mental Health	5,316,988	5,519,255	5,524,942	5,428,755	98.3%	
Social Services	56,772,920	63,278,940	64,636,485	52,972,726	82.0%	
Veteran Services	426,127	452,713	465,142	431,285	92.7%	
Child Support	4,929,310	5,595,639	5,593,567	5,051,115	90.3%	
Spring Lake Resource Administration	29,503	34,542	34,542	27,577	79.8%	

County of Cumberland
General Fund Expenditures

DEPARTMENTS	FY19-20 AUDITED	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF July 19, 2021	PERCENT OF BUDGET TO DATE	**
Library	10,168,162	10,036,208	10,505,184	9,418,390	89.7%	
Culture Recreation Other (Some of the Community Funding)	260,568	260,569	260,569	254,246	97.6%	
Planning	2,711,212	3,271,297	3,335,814	2,894,114	86.8%	
Engineering	978,925	585,162	592,711	389,327	65.7%	(5)
Cooperative Extension	558,569	799,384	809,742	620,421	76.6%	
Location Services	192,231	257,796	269,929	193,358	71.6%	(6)
Soil Conservation	183,211	151,537	2,708,097	208,061	7.7%	(7)
Public Utilities	85,108	87,602	95,066	91,526	96.3%	
Economic Physical Development Other	20,000	20,000	20,000	20,000	100.0%	
Industrial Park	2,220	2,212	20,087	17,535	87.3%	
Economic Incentive	402,406	461,947	709,947	632,132	89.0%	
Water and Sewer	20,287	250,000	400,189	143,254	35.8%	(8)
Education	94,408,174	94,411,029	95,073,329	93,323,739	98.2%	
Other Uses:						
Transfers Out	30,131,528	19,969,574	21,141,352	19,729,158	93.3%	
TOTAL	\$ 315,022,674	\$ 328,298,132	\$ 349,701,572	\$ 301,107,114	86.1%	

Expenditures by Category	FY19-20 UNAUDITED	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF July 19, 2021	PERCENT OF BUDGET TO DATE
Personnel Expenditures	\$ 131,852,636	\$ 149,112,328	\$ 149,154,531	\$ 129,708,777	87.0%
Operating Expenditures	151,277,149	158,589,325	177,038,611	149,966,165	84.7%
Capital Outlay	1,761,361	626,905	2,367,078	1,703,014	71.9%
Transfers To Other Funds	30,131,528	19,969,574	21,141,352	19,729,158	93.3%
TOTAL	\$ 315,022,674	\$ 328,298,132	\$ 349,701,572	\$ 301,107,114	86.1%

COUNTY OF CUMBERLAND

Fiscal Year 2021 - June Year-to-Date Actuals (Report Run Date: July 19, 2021)

Additional Detail

General Fund Revenues

*

- (1) **Current Year Ad Valorem 102.0%** - The bulk of revenues are typically recorded between November - January.
- (2) **Motor Vehicles 104.9%** - YTD Actual reflects 11 months of collections.
- (3) **Sales Tax 96.2%** - There is a three month lag. YTD Actual reflects 9 months of collections.
- (4) **Unrestricted/Restricted Intergovernmental 73.0%** - There is typically a one to two month lag in receipt of this funding.

General Fund Expenditures

**

- (1) **Court Facilities 69.7%** - Expenditures are in line with past fiscal year trends at this point in the fiscal year.
- (2) **Legal 74.1%** - Personnel costs are low as a result of multiple vacancies in the department earlier in the fiscal year.
- (3) **General Government Other 66.2%** - The revised budget includes expenditures allocating an additional \$4.7M of CARES Act funding to be utilized in this fiscal year.
- (4) **Health 72.2%** - The revised budget includes multiple allocations of state/federal COVID relief funds which have not yet been expended.
- (5) **Engineering 65.7%** - Personnel costs are low as a result of vacancies in the department.
- (6) **Location Services 71.6%** - Expenditures are in line with past fiscal year trends at this point in the fiscal year.
- (7) **Soil Conservation 7.7%** - Approximately \$2.1M in USDA Grant funds and \$400k in NC Division of Soil & Water Conservation funds are unexpended.
- (8) **Water and Sewer 35.8%** - Budgeted funds for Overhills have been unutilized this fiscal year.



RISK MANAGEMENT

MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021 AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JULIE A. CRAWFORD, BENEFITS COORDINATOR

DATE: 7/21/2021

SUBJECT: HEALTH INSURANCE UPDATE

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): N/A

BACKGROUND

As of July 1, 2019, retirees who are 65 and older became covered by a County funded fully insured plan through AmWINS. All other covered members remained insured by the County's self-funded plan through BCBS. The information provided below and within the graphs has been updated to include the monthly premium amount paid to fund the fully insured plan and the actual monthly claims amounts for all other covered members. Combining these amounts for FY20 and beyond is necessary to ensure a complete picture when comparing the claims results to prior years.

- Total health insurance claims plus the fully insured premium amount for FY21 are up 4.01% for the month of June as compared to the same month in FY20. To provide some perspective, below is the twelve-month average for the past five fiscal years. This average represents the average monthly year-to-date claims for each fiscal year and includes the fully insured premium for fiscal years 2020 and 2021. Additionally, graphs are provided in the attachment to aid in the analysis.

Year to date claims and premium payment through June	\$20,653,396
Less year to date stop loss credits	<u>(\$828,095)</u>
Net year to date claims and premium payment through May	\$19,825,301

Average monthly claims and fully insured premium (before stop loss) per fiscal year June:

-
FY17 \$1,506,354
FY18 \$1,648,615
FY19 \$1,831,447
FY20 \$1,579,067
FY21 \$1,721,116

RECOMMENDATION / PROPOSED ACTION

For information only – no action needed.

ATTACHMENTS:

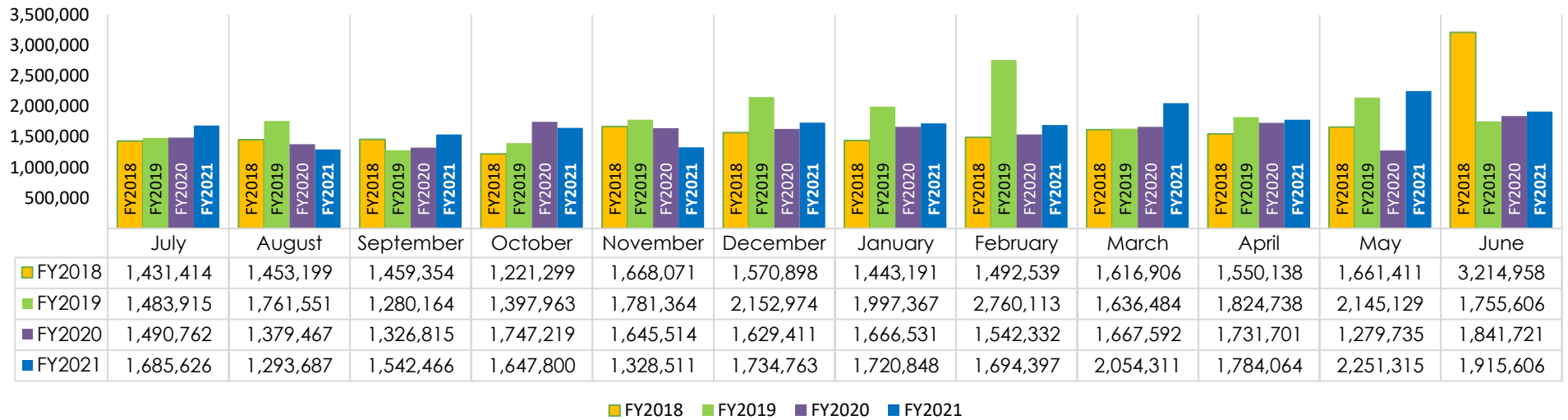
Description

Health Insurance Graphs

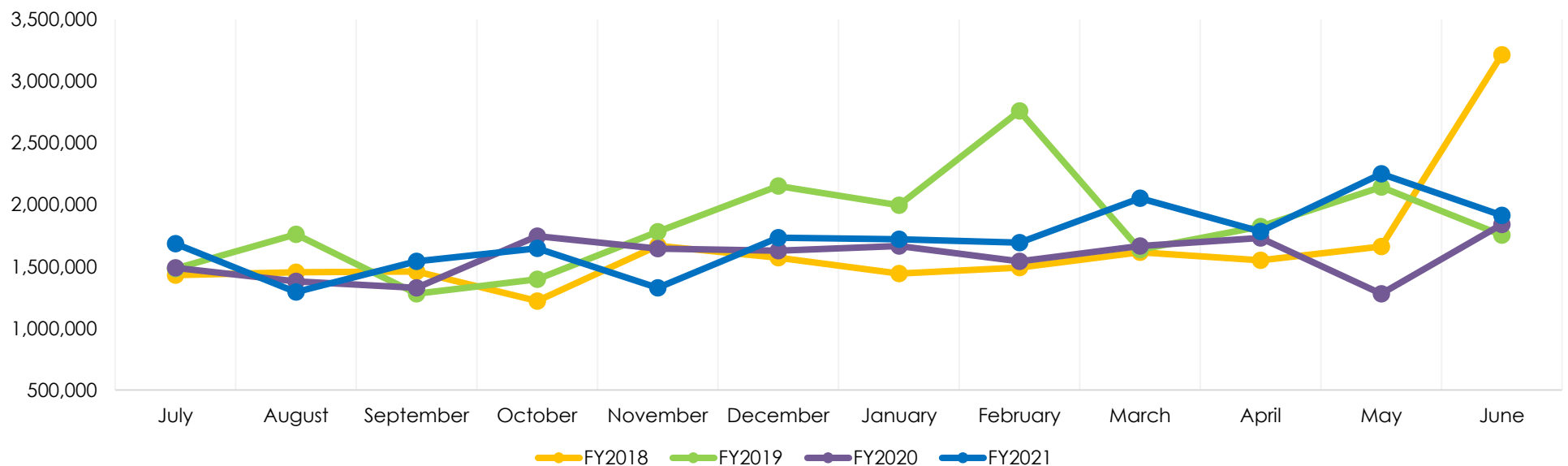
Type

Backup Material

Monthly Insurance Claims FY18-FY19 Claims & Fully Insured Premium FY20-FY21



Monthly Insurance Claims FY18 - FY19 Claims & Fully Insured Premium FY20-FY21





ENGINEERING AND INFRASTRUCTURE DEPARTMENT

**MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021
AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JERMAINE WALKER, COUNTY ENGINEER

DATE: 8/4/2021

SUBJECT: PROJECT UPDATES

Requested by: BOARD OF COMMISSIONERS

Presenter(s): JERMAINE WALKER, COUNTY ENGINEER

BACKGROUND

Please find attached the monthly project report update for your review.

RECOMMENDATION / PROPOSED ACTION

No action is necessary. This is for information only

ATTACHMENTS:

Description

Project Updates as of 8/5/2021

Type

Backup Material

MONTHLY PROGRESS REPORT				
Project Location	Contract Amount	Project Status	Contract Start Date	Contract Duration
500 Executive Place - Cumberland County Emergency Services Center	\$16.8M	30% Complete. Completed mechanical, electrical (to include communication, audio visual and security), and fire protection rough ins. Poured footers for the addition. Experienced cold joint and GC is re-pouring. Footings and underslab utilities for the Addition are proceeding. Coordinating registration and prep work for Communications Tower.	3/8/2021	360 days
Spring Lake Family Resource Center, Chiller Replacement	\$197,000.00	Project awarded to Boilermasters for \$197,000. Due to supply-chain issues expect equipment arrival mid-August, 2021. Expected completion is EOM October 2021.	N/A	90 days
LEC Elevator Modernization Project	\$1,362,557.00	Work on all 3 elevators is complete. Additional DOL-identified deficiencies have been corrected. Waterproofing is the only work remaining. Pending Change Order #6 estimated completion date is June 18, 2021. Project complete.	4/6/2020	179 days
Crown Coliseum ADA Bathroom and Ticket Booth Renovations	\$541,217.00	Overall construction approximately 99% complete. Still awaiting manufacturer shipment to complete application of Zoloturn to interior wall surfaces. Estimated completion date is June 30, 2021. Project complete.	9/14/2020	180 days
DSS Elevators	\$1,000,000.00	Working design now for Phase 2. Awaiting changes on final comments provided from Engineering Department for proposal. Estimating May 1st 2022 for completion.	N/A	N/A
Judge Maurice E. Braswell Courthouse Switchgear Replacement	\$470,000.00	Materials orders on July 30 th . Starting prep work in mid-September. On schedule for Thanksgiving weekend completion. Working additional transformer replacement project with PWC.		
Headquarters Library Parking Lot	\$37,200.00	Contract signed. Survey complete and design process underway.	5/13/2021	1/19/2022
Doorway for Register of Deeds	Pending	Received proposal for design and construction management service for \$12K. Awaiting Fleming and Associates signature on service agreement. Will re-solicit for bid after design is completed.	N/A	N/A
DSS Camera Replacement and Security System Upgrades	Pending	Received proposal from Security 101 for \$219K. Awaiting fiscal year funding rollover approval before contract review by legal and finance.	N/A	N/A
Public Health Camera Replacement and Security System Upgrades	Pending	Received proposal from Security 101 for \$202K. Awaiting fiscal year funding rollover approval before contract review by legal and finance.	N/A	N/A
Judge Maurice E. Braswell Courthouse Access Management and Security Camera System	Pending	Received proposal from Security 101 for \$422K. . Awaiting contract review by legal and finance.	N/A	N/A
Judge Maurice E. Braswell Courthouse Bathroom Updates	Pending	Finalized scope July 23 rd . Will put out for bid on August 13 th . Intent is to do LL bathroom first.	N/A	N/A
DSS roof replacement	Pending	Received the proposal on July 21 st . Working contract.	N/A	N/A
Judge Maurice E. Braswell Courthouse roof replacement	Pending	Received the proposal on July 21 st . Working contract.	N/A	N/A
LEC roof replacement	Pending	Received the proposal on July 21 st . Working contract.	N/A	N/A



COMMUNITY DEVELOPMENT

MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021 AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DEE TAYLOR, DIRECTOR OF COMMUNITY DEVELOPMENT

DATE: 8/5/2021

SUBJECT: COMMUNITY DEVELOPMENT UPDATE

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): COMMUNITY DEVELOPMENT STAFF

BACKGROUND

This report provides a quarterly update on projects and activities being implemented through the Community Development Department for the Program Year period beginning July 1, 2020 and ending June 30, 2021. The funding sources used to carry out the projects and activities include the Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME), Continuum of Care (CoC) Program, CDBG-CV, Emergency Rental Assistance Program, and general funds.

RECOMMENDATION / PROPOSED ACTION

No action is needed. This item is provided for information purposes only.

ATTACHMENTS:

Description	Type
Community Development Update	Backup Material

COMMUNITY DEVELOPMENT UPDATE

FOR THE AUGUST 10, 2021

BOARD OF COMMISSIONER'S AGENDA SESSION

Projects Status as of July 31, 2021

FUNDING SOURCES

- U.S. Department of Housing and Urban Development (HUD)
 - Community Development Block Grant (CDBG)
 - Home Investment Partnerships Program (HOME)
 - Continuum of Care Program
- U.S. Department of Treasury
 - Emergency Rental Assistance Program
- Local General Funds

Community Development will present an end-of-year report to the Board of Commissioners at the regular meeting on September 20, 2021.

NEW PROJECTS / ACTIVITIES

Three-Year Homelessness Strategic Plan

On January 19, 2021, Cumberland County issued a Request for Proposal to seek a consultant to analyze the provision of the homeless services delivery system in Cumberland County and develop a three-year actionable homelessness strategic plan. The scope of analyzation includes but is not limited to, reviewing existing services, identifying gaps and duplications across programs and services, and recommending improvements to the community's homeless service delivery system. Proposals were due February 19, 2021. The selection committee recommended OrgCode Consulting, Inc. The Consultant has completed the final Homelessness Strategic Plan to include the Gap Analysis Report. OrgCode presented the plan and report before the stakeholders and conducted a presentation before the County Board of Commissioners at the August 2, 2021 meeting.

Emergency Rental Assistance Program

In January 2021, the U.S. Department of Treasury allocated \$3,735,545 to Cumberland County and \$6,383,863 to the City of Fayetteville to implement the Emergency Rental Assistance Program established by section 501 of Division N of the consolidated Appropriations Act, 2021, Pub. L. No 116-260 (December 27, 2020). Cumberland County and the City of Fayetteville issued a joint Request for Proposal (RFP) on February 10, 2021 to seek a qualified firm to administer the Emergency Rental Assistance Program (ERAP). Five proposals were received in response to the RFP. The selection committee has made its recommendation for a consultant. The agreement with Innovative Emergency Management (IEM), Inc. was approved by the Board of Commissioners. IEM launched the application for the Rental Assistance Program on June 1, 2021, for both City and County residents. As of July 27, 2021, 2,965 applications have been received and \$689,090.31 are pending awards.

PROJECTS AND ACTIVITIES FOR JULY 1, 2020 – JUNE 30, 2021 FUNDING CYCLE

Public Services (Total awards = \$575,000 in CDBG funds)

- Better Health of Cumberland County (\$80,000) - to provide prescription medication, eye exams, eyeglasses, dental extractions, and transportation assistance to low to moderate income persons.
- Cape Fear Valley Hospital / Cumberland County Medication Access Program (\$30,000) - For prescription medication and supplies. Will serve low to moderate income persons.
- Cumberland HealthNET (\$80,000) - For two Homeless Coordinated Entry Specialists positions, supplies, and printing.
- Endeavors (\$95,000) - To provide case management, rent/mortgage assistance, and utility payment assistance for those who are homeless or at-risk of being homeless.

- Fayetteville Urban Ministry (\$145,000) - For case management, housing assistance, services, and supplies. Will serve those who are homeless or at-risk of being homeless.
- Kingdom Community Development Corporation (\$95,000) - To provide case management, rent/mortgage assistance, and utility payment assistance for those who are homeless or at-risk of being homeless. Agency is located in Spring Lake.
- The Salvation Army (\$50,000) - For shelter operating costs (supplies, rent, utilities, food, and maintenance). Will serve homeless individuals and families.

Note: CDBG funds normally have a cap of 15% of total allocation, which limits the amount that Community Development can award to public service activities. However, for the Program Years 2019 and 2020, the U.S. Department of Housing and Urban Development (HUD) suspended the cap during the COVID-19 crisis. This allowed Community Development to fund more agencies that provide human services such as rental assistance and health services.

Affordable Housing Development (Total Awarded = \$497,700 in CDBG and \$500,000 in HOME funds)

- Action Pathways (\$113,300) – For rehabilitation of two housing units. This project will benefit low to moderate income residents.
- Hillside – FMHA LLC (\$187,400) – Installation of HVAC units at a senior complex. The Fayetteville Metropolitan Housing Authority has completed the project.
- Kingdom Community Development Corporation (\$197,000 in CDBG and \$500,000 in HOME funds) – For acquisition and construction of affordable housing units located in Spring Lake. The project is pending construction of the units.

Special Economic Development Activities

Community Development provided a conditional award letter to an applicant with an allocation amount of \$500,000 pending commitments from other funding sources and environmental review clearance. The estimated number of full-time equivalent jobs to be created is 100, with at least 51 jobs targeting low to moderate income persons.

CDBG-CV Funds (2nd Allocation) – Cumberland County received a second allocation of CDBG-CV funding from HUD in the amount of \$435,210, bringing the total allocation for CDBG-CV funds to \$944,404. An amendment to the Program Year 2019 Annual Action Plan was submitted to HUD to outline how funds will be allocated. The Community Development Department recommended the following allocations:

CDBG-CV	Allocation
FY-19-20 CDBG-CV	\$944,404
Administration	\$100,000
Public Services (Human Services)	\$500,404
Economic Development	\$344,000
Total CDBG-CV Allocations	\$944,404

Update on expenditures:

- **Small Business Resiliency Program** – Application process was reopened and will remain open until funds are no longer available. Awards have been provided to 23 businesses totaling approximately \$206K.
- **Public Services** – CDBG-CV funds will also be used to fund agencies providing public services. The Department of Public Health was awarded \$226,000 to expand health services related to COVID-19.

- Community Development is partnering with nonprofit agencies to use funds towards public services to assist with rental/utility payments and other unmet needs and administration (not to exceed 20% of the total).

OTHER ONGOING PROJECTS AND ACTIVITIES

Housing Rehabs (owner-occupied and rental)

Public Facilities Rehab:

- Myrover-Reese Fellowship Home – serves individuals who are homeless and have a substance use disorder.
- Family Endeavors' Reveille Retreat transitional housing – serves those who are homeless.

Disaster Recovery

Currently have a contract with The Wooten Company for construction documents, bidding, and construction administration in the amount not to exceed \$90,573. The Wooten Company presented the Robin's Meadow design before the Board of Commissioners on June 11, 2020. The contract was approved by the Board on June 15, 2020. The Wooten Company has finalized documents and plans with the Fayetteville Technical Review Committee. An Invitation for Bid (IFB) for the construction of Robin's Meadow was posted with a deadline of June 17, 2021. No bids were received. The IFB was reissued with a deadline of July 27, 2021 but eventually was cancelled. The IFB will be reposted within the next few months to allow for construction prices to stabilize.

Fayetteville / Cumberland County Continuum of Care (CoC) on Homelessness

The CoC Board meeting is held the fourth Monday of every month at 4:00 p.m.

Robin's Meadow Transitional Housing (Grant Cycle: July 1, 2020 – June 30, 2021) - \$80,517

County-owned property (12 apartment style units) is provided as transitional housing for homeless families with children. Cumberland County Community Development currently serves as grantee but will eventually transfer grantee responsibilities to another agency through a Request for Proposal process.

Safe Homes for New Beginnings (Grant Cycle: December 1, 200 – November 30, 2021) - \$59,957

Community Development currently partners with Family Promise (formerly Cumberland Interfaith Hospitality Network) for the provision of housing units and case management. Community Development is planning to transfer grantee responsibilities to Family Promise, pending the CoC approval.

Emergency Solutions Grant – CV

Cumberland County Community Development serves as the Collaborative Applicant / Lead Agency on behalf of the CoC in the submission of grant applications to the State for Emergency Solutions Grant. Each year the State allocates approximately \$129K for the Fayetteville / Cumberland County area. Last year, the State allocated an additional amount of ESG (COVID-19) funding in the amount of \$440,882 during round 1 of allocations and \$1,324,147 during round 2 of allocations to be used for Crisis Response (shelter operations & services), Housing Stability (rapid rehousing and homeless prevention), and street outreach. Community Development posted a Request for Proposal during both rounds of allocations on behalf of the CoC. All project applications were submitted along with the collaborative application by July 17th to the State for round 1. The State awarded ESG-CV funding to Endeavors in the amount of \$334,442 for housing stability and to the Salvation Army in the amount of \$106,400 for crisis response. For Round 2, Endeavors, Inc. was awarded funding to provide rental assistance and supportive services.

Homeless Initiative (City and County) – The next Homeless Committee meeting is TBD.



COMMUNITY DEVELOPMENT

MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021 AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DEE TAYLOR, DIRECTOR OF COMMUNITY DEVELOPMENT

DATE: 8/2/2021

**SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER
RECOVERY (CDBG-DR) UPDATE**

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): DEE TAYLOR, DIRECTOR OF COMMUNITY DEVELOPMENT

BACKGROUND

Cumberland County, in partnership with the North Carolina Office of Recovery & Resiliency (NCORR), is implementing a project funded through the Community Development Block Grant Disaster Recovery Program. The attached report is an update on the status of the project (Robin's Meadow Permanent Supportive Housing) undertaken by Cumberland County.

RECOMMENDATION / PROPOSED ACTION

No action is needed. This item is provided for informational purposes only.

ATTACHMENTS:

Description	Type
Cumberland County Disaster Recovery Programs Update	Backup Material

CUMBERLAND COUNTY DISASTER RECOVERY PROGRAMS UPDATE
FOR THE AUGUST 10, 2021
BOARD OF COMMISSIONERS' AGENDA SESSION

Status as of July 31, 2021:

Milestones/Activities (beginning with the most recent activity):

- Cumberland County Community Development (CCCD) had issued the Invitation for Bid (IFB) for the construction of the Robin's Meadow Permanent Housing Program. The bids from contractors were due by June 17, 2021. No bids were received. An IFB was reissued with a deadline of July 27, 2021. However, due to the low attendance at the pre-bid meeting and concerns of the fluctuation of price in construction, the IFB was cancelled. CCCD Director and the Wooten Company had expressed concerns to the State, during a recent conference call, regarding the challenges of obtaining bids and meeting the funding obligation by August 2021. The CCCD Director requested the State to amend the funding obligation date in the subrecipient agreement. The request is currently under review.
- The City of Fayetteville completed the final commercial review of the project. Within the next week, Cumberland County Community Development will post the invitation for bids for the construction of the project;
- On April 15, 2021, a virtual meeting was held between Tracey Colores (NCORR), Dee Taylor (CCCD), and Devon Newton (CCCD). Tracey provided an update on the status of the request for additional funds to support the project. NCORR is planning to provide additional funding. The additional funds requested by CCCD will only be eligible for construction activities. There were challenges with obtaining additional funding to assist with supportive services. The official letter and amended sub recipient agreement from NCORR is forthcoming. An updated Project Information Form will also need to be submitted;
- The Wooten Company submitted an updated project schedule. It is anticipated that construction will be completed June 2022;
- NCORR completed its review of the construction project manual;
- The construction project manual prepared by The Wooten Company was sent to NCORR for review. Invitation to Bid for the construction of the project are expected to be posted within the next month pending the City of Fayetteville's final commercial review and NCORR's final review of the construction project manual;
- NCORR held a technical assistance session with Community Development Staff (Sylvia McLean and Dee Taylor) on December 16, 2020 to ensure Community Development is carrying out the requirements of the agreement and the CDBG-DR program. NCORR staff included Dan Blaisdell, Bill Blankenship, Joe Brook, Mary Glasscock, Tracey Colores, and Kristina Cruz;
- A letter (dated July 28, 2020) was sent to NCORR requesting additional CDBG-DR funds in the amount of \$1,000,000 to cover construction and supportive services. A follow-up was made with NCORR regarding the status of the request and Community Development had to submit a revised letter (dated October 21, 2020) to clarify the amount requested. Community Development is still waiting to receive a response from NCORR regarding the status of the request;
- The Wooten Company submitted a revised project schedule. Community Development submitted a request to NCORR to extend the deadline to obligate funds to March 9, 2021;

- Robins Meadow Permanent Supportive Housing Project/Community Recovery Infrastructure - A/E Services – The Wooten Company is providing construction administration services and completing the construction document phase. The firm had submitted documents to City of Fayetteville Technical Review Committee and Engineering Review Committee to complete the final review process;
- DRA-17 & HMGP Projects – County completed acquisition and demolition of 10 properties;
- Robins Meadow Permanent Supportive Housing Project/Community Recovery Infrastructure – received project specific award letter January 23, 2020; and
- NCORR executed SRA with County December 17, 2019.

Current Staffing:

- State POC: John Ebbighausen – Director of Disaster Recovery Programs, NC Office of Recovery & Resiliency (NCORR); Mary Glasscock; Infrastructure Manager (NCORR)
- Cumberland County:
 - Sylvia McLean, P.T. Community Development (CD) Consultant



FINANCE OFFICE

MEMORANDUM FOR THE AGENDA OF THE AUGUST 10, 2021
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 7/15/2021

**SUBJECT: SOUTHERN HEALTH PARTNERS, INC. QUARTERLY STATISTICS
REPORT ON INMATE HEALTH CARE**

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): NA

BACKGROUND

Through a contract with the Board of County Commissioners, Southern Health Partners, Inc. has been providing services to the inmates at the Cumberland County Detention Center since July, 2017.

The most recently updated quarterly statistical report of inmate healthcare as reported by Southern Health Partners, Inc. is provided in the attachment.

RECOMMENDATION / PROPOSED ACTION

For information purposes only. No action needed.

ATTACHMENTS:

Description	Type
SHP - Quarterly Report	Backup Material

Southern Health Partners, Inc. Quarterly Statistics Report on Inmate Health Care
July 1, 2017 - June 30, 2021

Provided for the Cumberland County Board of Commissioners

Data Set	Description	Fiscal Year 2018				Fiscal Year 2019				Fiscal Year 2020				Fiscal Year 2021				Average over all Quarters
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
1	# of Hospital Admissions	7	5	6	9	6	4	4	3	3	4	2	3	2	5	8	3	5
2	# Sent to Emergency Room	20	16	20	29	18	16	11	8	10	16	6	9	6	15	29	7	15
3	# Outside Medical Visits (includes any specialty)	27	32	42	27	44	27	28	40	41	19	24	12	15	26	31	28	29
4	# of In-House X-Ray Services	38	50	82	88	78	54	69	95	75	78	105	45	195	88	51	66	79
5	# Seen On-Site By Mental Health	792	1188	461	461	1220	1403	1324	963	1043	859	1034	691	528	938	733	737	898
6	# Seen by Physician and/or Physician Providers	132	154	222	291	354	288	299	319	256	300	267	196	251	321	227	248	258
7	# Seen by Dentist (includes on-site & off-site)	56	77	66	63	53	42	56	69	63	51	48	54	54	52	20	49	55
8	# of Receiving Screens done by Medical Staff	340	0	0	0	0	2021	3500	2946	2924	2923	2836	1479	1959	1970	1895	2287	1693
9	# Seen by Medical Staff for Sick Call	2029	2986	3612	3298	3512	3672	3739	3598	3507	4304	3513	3045	3553	2834	3350	2527	3317
10	# of History and Physicals Performed	377	858	1163	1487	1365	1353	1296	1243	1721	1476	1418	925	1011	1064	933	853	1159
11	# of Rapid Plasma Reagin's performed (STD testing/syphilis)	331	399	549	513	538	489	486	440	342	415	312	0	0	0	0	0	301
12	# of Other Sexually Transmitted Diseases	6	13	13	16	12	6	18	14	7	13	6	8	5	8	22	16	11
13	# of Medical Refusals by Inmate	77	345	803	451	504	358	409	502	602	774	603	385	564	352	367	414	469
14	# of Inmate Blood Sugar Checks	2239	2145	1728	1554	2508	2100	4265	3455	3362	3993	4105	2651	1818	1633	1647	1814	2564
15	# of Inmate Blood Pressure Checks	625	763	741	962	1193	1508	1705	2105	2510	2006	1776	1012	1036	1184	2112	1615	1428
16	# of TB Screens and/or PPD Tests	274	858	1163	1487	1365	1353	1296	1250	1305	1476	1418	925	1011	1068	933	920	1131
17	# of Staph/MRSA Patients In-house	48	14	7	0	0	1	0	15	7	1	2	1	0	2	3	4	7
18	# of Pregnant Females	9	11	16	18	22	19	18	12	9	14	15	5	9	9	4	15	13
19	# of HIV Patients In-House	19	38	33	20	16	11	25	26	25	14	17	12	17	15	20	13	20
20	# of Inmates Placed on Suicide Watch	95	113	115	109	94	141	133	305	861	169	260	504	765	530	529	215	309
21	# of Inmate Deaths	1	0	0	3	0	0	0	0	2	1	0	0	1	0	0	0	1
22	# of Inmates on Detox Protocols	94	81	65	145	80	200	175	208	214	177	150	49	111	88	110	179	133
23	# of Diabetic Patients	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	41	19	30	31	30	40	32
24	# of Asthma Patients	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	33	12	21	15	23	40	24
25	# of Meds Administered	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	1858	2470	2164
26	# of Medication Assisted Treatment	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	9	0	0	0	0	0	2
27	# of patients tested for COVID19	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	0	121	423	886	1194	826	575
28	# of patients testing positive for COVID19	no data	no data	no data	no data	no data	no data	no data	no data	no data	no data	0	20	9	16	98	8	25
Average Daily Population per Quarter:		775	740	763	746	751	725	697	649	680	714	674	537	501	472	452	442	645

ADDITIONAL INFORMATION ON OUTLIERS AS COMPARED TO AVERAGES:

Gray highlighted cells show outliers as compared to quarterly averages. Per contact at SHP, those quarters' data were inaccurately counted and reported.

Please note: HIPAA laws do not allow cause of death information to be released within the quarterly reports.

Line 27 Per Dr. Jennifer Green, Cumberland County Public Health Director: All new inmates are being tested upon intake (~day 5 or 6 after arrival) and quarantined.

Line 28 Per Dr. Jennifer Green, Cumberland County Public Health Director: Some of the positive tests were among those that were tested upon intake and already in quarantine. There was one outbreak which was concluded in June 2020. No new outbreaks have been identified since then.