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**AGENDA**  
**CUMBERLAND COUNTY BOARD OF COMMISSIONERS**  
**JUDGE E. MAURICE BRASWELL**  
**CUMBERLAND COUNTY COURTHOUSE - ROOM 118**  
**NOVEMBER 21, 2022**  
**6:45 PM**

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INVOCATION - Commissioner Glenn Adams, Chairman

PLEDGE OF ALLEGIANCE - Malika Jones and Natalie Ware, Gray's Creek High School

INTRODUCTION

Fayetteville-Cumberland Youth Council Members

RECOGNITIONS

Retired Cumberland County Employees:

Monika Fuller- Department of Social Services

Toby Foster – Department of Social Services

Special Recognitions

**PUBLIC COMMENT PERIOD**

1. APPROVAL OF AGENDA

2. PRESENTATIONS

A. Gray's Creek High School "Bear Necessities" Food Pantry

3. CONSENT AGENDA

A. Approval of Proclamation Recognizing County Manager Amy H. Cannon

B. Approval of Proclamation for National Impaired Driving Prevention Month

C. Approval of Formal Bid Award and Contract Approval for Aerial Mosquito Control Services Stand-By Contract

D. Approval of Formal Bid Award and Contract Approval for Ground Mosquito Control Services Stand-By Contract

E. Approval of Volkswagen (VW) Settlement Clean Heavy-Duty Equipment and Vehicle Program Grant and Associated Budget Ordinance Amendment BR #230421

F. Approval of Request to Reallocate ARP Funding for the Robin's Meadows Permanent Supportive Housing Project Due to Increased Construction Costs

G. Approval of ARP Grant Project Budget Ordinance Amendment #B230001

H. Approval to Pay Prior Year Invoice

I. Approval of Proposed Addition to State's Secondary Road System



- J. Approval to Unseal Closed Session General Accounts
  - K. Acceptance of Offer to Purchase Surplus Property Located at 1509 Bankston Court, Fayetteville
  - L. Acceptance of Offer to Purchase Surplus Property Located at 3427 Seawell Street, Fayetteville
  - M. Approval of Budget Ordinance Amendments for the November 21, 2022 Board of County Commissioners' Agenda
  - N. Approval of Cumberland County Board of Commissioners Agenda Session Items
    - 1. Memorandum of Understanding Between the Cumberland County Public Library and the City Of Fayetteville For Storywalk© Project At Lake Rim Park
    - 2. Formal Bid Award for Law Enforcement Center Roof Recovering
    - 3. Formal Bid Award for Crown Coliseum Sports Lighting, Parking Lot Lighting, Building Control Replacement
    - 4. Crown Event Center Committee Recommendation on Construction Delivery Method
    - 5. 2023 (FY2024) Federal Legislative Agenda
    - 6. ARP Committee Recommendations
4. PUBLIC HEARINGS
- Rezoning Cases**
- A. Case ZON-22-0070
  - B. Case ZON-22-0068
  - C. Case ZON-22-0069
5. ITEMS OF BUSINESS
- A. Consideration of Architect for the Crown Event Center Based Upon a Request for Qualification Process
  - B. Consideration of Ordinances to Prohibit Camping on County Property
  - C. Update on Expiration of the Sales Tax Distribution Interlocal Agreement
  - D. Consideration of Franchise for Operation of Courthouse and DSS Deli - First Reading
  - E. Update on Ann Street Landfill Capacity and Disposal Options
6. APPOINTMENTS
- A. Library Board of Trustees (2 Vacancies)
  - B. Local Emergency Planning Committee (3 Vacancies)
  - C. Transportation Advisory Board (4 Vacancies)
7. CLOSED SESSION:
- A. Attorney Client Matter Pursuant to NCGS 143-318.11(a)(3)



B. Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6)

**ADJOURN**

**WATCH THE MEETING LIVE**

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

**THE MEETING WILL ALSO BE BROADCAST LIVE ON CCNC-TV SPECTRUM CHANNEL 5**

**REGULAR BOARD MEETINGS:**

**December 5, 2022 (Monday) - 9:00 AM**

**December 19, 2022 (Monday)-6:45 PM**

**January 3, 2023 (Tuesday)- 9:00 AM**





**OFFICE OF THE COUNTY MANAGER**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: AMY CANNON, COUNTY MANAGER**

**DATE: 11/16/2022**

**SUBJECT: GRAY'S CREEK HIGH SCHOOL "BEAR NECESSITIES" FOOD  
PANTRY**

**BACKGROUND**

Vice Chairwoman Toni Stewart requested a presentation about the Gray's Creek High School "Bear Necessities" food pantry.

**RECOMMENDATION / PROPOSED ACTION**

For Information Purposes Only.





**CLERK TO THE BOARD OF COMMISSIONERS**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: ANDREA TEBBE, DEPUTY CLERK**

**DATE: 11/21/2022**

**SUBJECT: APPROVAL OF PROCLAMATION RECOGNIZING COUNTY MANAGER  
AMY H. CANNON**

**BACKGROUND**

A request was received for a proclamation recognizing Amy H. Cannon and her years of dedicated service to Cumberland County.

**RECOMMENDATION / PROPOSED ACTION**

Respectfully request approval of the proclamation.

**ATTACHMENTS:**

Description	Type
Proclamation Recognizing Amy H. Cannon	Backup Material



COUNTY OF CUMBERLAND

NORTH CAROLINA

## Proclamation

*WHEREAS, Amy H. Cannon began her career in Cumberland County on May 15, 1990, when she was hired as a Budget Analyst in the Finance Department; and*

*WHEREAS, Amy H. Cannon was promoted to Finance Director in January 1998 and transitioned into the County Manager's Office on October 17, 2000, serving first as an Assistant County Manager and then as Deputy County Manager in February 2011; and*

*WHEREAS, Amy H. Cannon was appointed Cumberland County Manager on June 10, 2014, following the retirement of County Manager James E. Martin, and has served in that role for the past eight years; and*

*WHEREAS, after a 32-year career in local government with all of those years dedicated to Cumberland County, Amy H. Cannon announced her retirement on December 1, 2022; and*

*WHEREAS, under Amy H. Cannon's management and leadership, Cumberland County dramatically increased access to recreational amenities across the County; developed a plan to invest more than \$65 million in American Rescue Plan funds; renovated a facility to become a modern, State-of-the-Art Emergency Services Center; and laid the groundwork for transformative projects like the Crown Event Center; and*

*WHEREAS, as the County Manager, Amy H. Cannon faithfully adhered to Cumberland County's mission of providing quality services to all citizens while being fiscally responsible, and to the core values of serving Cumberland County citizens with PRIDE; and*

*WHEREAS, under Amy H. Cannon's leadership and strong financial management, Cumberland County withstood two once-in-a-lifetime natural disasters in hurricanes Matthew and Florence, and successfully navigated through the COVID-19 pandemic; and*

*WHEREAS, in addition to the overseeing the operations of County government, Amy H. Cannon dedicated herself to nurturing and strengthening relationships with the County's municipalities and strategic partners, resulting in collaborative efforts such as the renewal of a County-wide sales tax agreement and the construction of a regional Fire and Rescue Training Center with FTCC; and*

*WHEREAS, through all her endeavors, Amy H. Cannon has earned the highest regard of her colleagues and County employees and has contributed immeasurably to the betterment of the quality of life of her fellow citizens.*



*NOW THEREFORE, BE IT PROCLAIMED, that We, the Cumberland County Board of Commissioners, by this recognition, do hereby extend to Amy H. Cannon our deepest appreciation for meritorious service, loyalty and dedication to Cumberland County.*

*NOW THEREFORE, BE IT FURTHER PROCLAIMED, that We, the Cumberland County Board of Commissioners, do hereby declare Wednesday, November 30, 2022, as Amy H. Cannon Day in Cumberland County and extend to Amy H. Cannon our very best wishes to her for many years of good health and happiness in her retirement.*

*Presented this 21<sup>st</sup> day of November, 2022.*

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*Glenn B. Adams, Chairman  
Cumberland County Board of Commissioners*





**CLERK TO THE BOARD OF COMMISSIONERS**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: CANDICE H. WHITE, CLERK TO THE BOARD**

**DATE: 11/21/2022**

**SUBJECT: APPROVAL OF PROCLAMATION FOR NATIONAL IMPAIRED  
DRIVING PREVENTION MONTH**

**BACKGROUND**

A request was received from Alvin Chestnut, Cumberland County Sobriety Coordinator, for a proclamation proclaiming December 2022 as National Impaired Driving Prevention Month in Cumberland County.

**RECOMMENDATION / PROPOSED ACTION**

Respectfully request approval of the proclamation.

**ATTACHMENTS:**

Description	Type
National Impaired Driving Prevention Month Proclamation	Backup Material



## Proclamation

*WHEREAS, as individuals, we look forward to getting together with friends and family in December to celebrate the holidays. It's also a time when prevention can play an especially important role. December is a deadly month for impaired driving; and*

*WHEREAS, the National Highway Safety Traffic Administration (NHTSA) reported that in 2021 during the week between Christmas and New Year's Day, 210 lives were lost due to alcohol-impaired driving crashes. That's 210 people in one week who didn't make it home because either they or someone with whom they came in contact chose to use alcohol and then get behind the wheel; and*

*WHEREAS, since 1981, officials across America have worked their hardest promoting the importance of staying sober while driving during the month of December and proclaimed December as National Drunk & Drugged Driving Prevention Month or National Impaired Driving Prevention Month; and*

*WHEREAS, alcohol-impaired driving crashes increase throughout December as more people travel. SAMHSA's 2020 National Survey on Drug Use and Health showed over 26 million people ages 16 or older drove under the influence of alcohol or illicit drugs during the past year. Approximately 17 percent of these people were 20 to 25 years old; and*

*WHEREAS, this holiday season each of us has the power to prevent a tragedy and ensure that those we know and care about get safely to and from their celebrations. Speaking up about what is okay and what is not okay is a good first step not just in relation to alcohol use, but also other substances that can compromise one's ability to make it home safely.*

*NOW, THEREFORE, We the Cumberland County Board of Commissioners, do hereby proclaim December 2022 as National Impaired Driving Prevention Month in Cumberland County, North Carolina and urge all citizens to make responsible decisions and take appropriate measures to prevent impaired driving.*

*Adopted this 21st day of November 2022.*

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*Glenn B. Adams, Chairman  
Cumberland County Board of Commissioners*





**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JESSICA HULLENDER, FINANCE ACCOUNTANT II**

**DATE: 11/10/2022**

**SUBJECT: APPROVAL OF FORMAL BID AWARD AND CONTRACT APPROVAL  
FOR AERIAL MOSQUITO CONTROL SERVICES STAND-BY  
CONTRACT**

**BACKGROUND**

In the event of a disaster, aerial mosquito control services may be required to control an increase in the mosquito population. Stand-by contracts for these services are imperative to have in place as they allow the County to begin serving the community immediately following an event, rather than waiting for a bid process to be completed, as is mandated by the Federal Uniform Guidance Procurement Policy for Local Governments ("Uniform Guidelines"). No funding is currently tied to this contract as it is a stand-by contract, to be utilized in disaster events (such as a hurricane). In the event that services are required, a notice to proceed will be issued and a contract amendment will be executed to incorporate a "not to exceed" amount.

Bids were solicited and two bids were received and evaluated by subject matter experts from the Health Department for this service. Allen Aviation, Inc. offered the lowest overall cost.

**RECOMMENDATION / PROPOSED ACTION**

Finance and Purchasing staff recommend that the Board of Commissioners:

1. Award IFB (Invitation for Bids) Number 23-1-CTY to Allen Aviation, Inc. based on lowest, responsive, responsible bidder standard of award.
2. Delegate authority to the County Manager to sign the contract with Allen Aviation, Inc.

**ATTACHMENTS:**

Description

Type







**23-1-CTY**  
**Aerial Mosquito Control Contract**  
**Bid Tabulation**

**Estimated County Spray Area in Acres: 410,000**

Vendor	Chemical Name	Total Application Rate Per Acre (In Ounces)	Chemical Cost Per Acre	Vendor Application Fee Per Acre	Cost Per Acre	Other Fees	Total Estimated Cost (410,000 Acres x Cost Per Acre + Other Fees)	Comment
Allen Aviation, Inc.	Trumpet:	0.70	\$0.98	\$0.85	\$1.83	\$20,000 Mobilization Fee When Activated (one-time yearly)	\$770,300.00	
	Dibrom:	0.60	\$0.96	\$0.85	\$1.81	\$20,000 Mobilization Fee When Activated (one-time yearly)	\$762,100.00	
Clarke Environmental Mosquito Management, Inc.	Trumpet:	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	
	Dibrom:	0.66	\$1.38	\$0.89	\$2.27	N/A	\$930,700.00	
	Duet HD:	0.94	\$1.02	\$0.89	\$1.91	N/A	\$783,100.00	Two Bid Cost pages were attached - one stated the Total Cost Per Acre was \$1.99/acre, though the Chemical Cost Per Acre and Vendor Application Fee Per Acre were the same and add up to \$1.91 - \$1.91 was used in this analysis
	Merus 3.0:	0.88	\$1.44	\$0.89	\$2.33	N/A	\$955,300.00	Two Bid Cost pages were attached - one stated the Chemical Cost Per Acre was \$1.40/acre and the other stated \$1.44/acre, but both stated the Total Cost Per Acre was \$2.33 - \$2.33 was used in this analysis





**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JESSICA HULLENDER, FINANCE ACCOUNTANT II**

**DATE: 11/10/2022**

**SUBJECT: APPROVAL OF FORMAL BID AWARD AND CONTRACT APPROVAL  
FOR GROUND MOSQUITO CONTROL SERVICES STAND-BY  
CONTRACT**

**BACKGROUND**

In the event of a disaster, ground mosquito control services may be required to control an increase in the mosquito population. Stand-by contracts for these services are imperative to have in place as they allow the County to begin serving the community immediately following an event, rather than waiting for a bid process to be completed, as is mandated by the Federal Uniform Guidance Procurement Policy for Local Governments ("Uniform Guidelines"). No funding is currently tied to this contract as it is a stand-by contract, to be utilized in disaster events (such as a hurricane). In the event that services are required, a notice to proceed will be issued and a contract amendment will be executed to incorporate a "not to exceed" amount.

Bids were solicited and two bids were received and evaluated by subject matter experts from the Health Department for this service. Clarke Environmental Mosquito Management, Inc. offered the lowest overall cost per mile.

**RECOMMENDATION / PROPOSED ACTION**

Finance and Purchasing staff recommend that the Board of Commissioners:

1. Award IFB (Invitation for Bids) Number 23-2-CTY to Clarke Environmental Mosquito Management, Inc. based on lowest, responsive, responsible bidder standard of award.
2. Delegate authority to the County Manager to sign the contract with Clarke Environmental Mosquito Management, Inc.



**ATTACHMENTS:**

Description	Type
Bid Tab Summary	Backup Material





**Cumberland County Finance Department  
Purchasing Division**

**Bid Tabulation**

**23-2-CTY**

**Ground Mosquito Control Services**

<b>BIDDER'S NAME</b>	<b>Option 1 Total Cost Per Mile</b>	<b>Option 2 Total Cost Per Mile</b>	<b>Option 3 Total Cost Per Mile</b>	<b>Option 4 Total Cost Per Mile</b>	<b>COMMENT</b>
Clarke Environmental Mosquito Management, Inc.	Duet 76.50	Duet 91.50	Biomist 56.88	Merus 143.28	Option 3 selected
Vector Disease Control International, LLC	Permanone 66.02	DeltaGard 81.69	Fyfanon ULV 74.59	Aqua Reslin 70.83	





## **SOLID WASTE MANAGEMENT**

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: AMANDA L. BADER, SOLID WASTE DIRECTOR/GENERAL MANAGER FOR ENVIRONMENTAL RESOURCES**

**DATE: 11/15/2022**

**SUBJECT: APPROVAL OF VOLKSWAGEN (VW) SETTLEMENT CLEAN HEAVY-DUTY EQUIPMENT AND VEHICLE PROGRAM GRANT AND ASSOCIATED BUDGET ORDINANCE AMENDMENT BR #230421**

#### **BACKGROUND**

The North Carolina Department of Environmental Quality is managing North Carolina's share of the VW settlement, an agreement between the German automaker and the US Department of Justice on behalf of the U.S. Environmental protection Agency (EPA). Cumberland County Solid Waste was awarded \$812,655.00 for our proposed project through the Volkswagen Settlement Clean Heavy-Duty Equipment and Vehicle Program. Our project includes the replacement of five (5) vehicles. These vehicles, with their associated solid waste inventory numbers, include a front-end refuse hauler (#70), a grapple truck (#3), fuel truck (#21), service truck (#46), and a box truck (#51). The County's matching contribution is \$150,000. Per the grant requirements, these engines must be destroyed. A three-inch hole must be drilled in the engine and the chassis must be cut in half.

We were notified of this award on November 9, 2022. We are required to accept this award within 15 business days of notification of award.

#### **RECOMMENDATION / PROPOSED ACTION**

The Solid Waste Director/General Manager of Environmental Resources and County Management recommend that the proposed actions:

1. Accept the grant award for the North Carolina VW Settlement Program, Volkswagen Settlement Clean Heavy-Duty Equipment and Vehicle Program Application, and direct staff to negotiate a final grant agreement



with DEQ.

2. Approve Budget Ordinance Amendment #BR 230421 in the amount of \$ 962,655 to fund the project.

3. Surplus the trucks that are scheduled for replacement.

**ATTACHMENTS:**

Description

Type

Vehicle Summary

Backup Material

Award Letter

Backup Material



Only complete this sheet for Clean Heavy-Duty On-Road Diesel Vehicle Replacement or Repower Projects - updated 11/17/2021

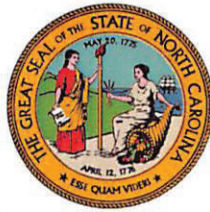
Company Name (same as entered on application)	Cumberland County (c/o CARE Center Family Violence)		
Project Title (same as entered on application)	Cumberland County Solid Waste Clean Disposal	GMS Number	DAQ Staff Entry

Existing Vehicle/Engine Information						
Instructions/Units	Fleet Information	Unit 1	Unit 2	Unit 3	Unit 4	Unit 5
	What is the vehicle’s intended use?	Refuse Hauler	Refuse Hauler	Other	Refuse Hauler	Other
	If selected other please describe	Front loader	Grapple Truck	Fuel Truck	Box Truck	Service Truck
	County of Primary use	Cumberland	Cumberland	Cumberland	Cumberland	Cumberland
	Vehicle License Plate Number	85046T	85015T	85029T	85061T	85055T
	Vehicle Make	Auto Car	Chevy	Freightliner	International	Ford 550
	Vehicle Model	ACX64	C8500	FL70	4300	550 Super Duty
	Vehicle Model Year	2010	2001	2001	2008	2003
	Vehicle Identification Number (VIN)	5VCACLKG6A211538	1GBP7H1C1J503610	1FVABTAK31HG95942	1HTMMAAL98H645766	1FDAF56P23ED09105
	Engine Make	Cummins	CAT	CAT	IH	FORD 6.0 L V8
	Engine Model	N14	3126E 7.2L	3126B 7.2L	DT466 7.6L	Powerstroke
	Engine Model Year	2009	2001	2001	2008	2003
	Engine Horsepower	385	300	300	300	325
	Engine Serial Number	unknown	unknown	BE503832	unknown	unknown
Required for short-haul single/combo units	Class of Equipment by GVWR	Class 8: >33001 lbs	Class 7: 26001-33000 lbs	Class 7: 26001-33000 lbs	Class 7: 26001-33000 lbs	Class 5: 16001-19500 lbs
Must be Diesel	Fuel Type	Diesel	Diesel	Diesel	Diesel	Diesel
(gallons)	Annual Fuel Used	1,728	854	1540	1220	1191
	Idling Hours per day	2	8	5	7	6
	Annual Vehicle Mileage	8253	7461	9404	9401	7613
	Vehicle Odometer Reading	264771	96412	252000	150992	119204
Only if different from Vehicle Odometer Reading	Total Engine Mileage					
(years, must be greater than 3)	Remaining Vehicle Life	5	7	4	5	4
for this grant	Normal Attrition Year	2027	2029	2026	2027	2026

Copy and paste additional columns as needed

Replacement/Repower Vehicle/Engine Information						
Instructions/Units	Fleet Information	Unit 1	Unit 2	Unit 3	Unit 4	Unit 5
Information not needed for repower requests	New Vehicle Make	Mack	Mack	Mack	Mack	Ford
	New Vehicle Model	TE64R	MD7	MD7	MD7	550
	New Vehicle Model Year	2023	2023	2023	2023	2023
May not be applicable for electric replacements	Engine Make	Mack	Cummins	Cummins	Cummins	Powerstroke
May not be applicable for electric replacements	Engine Model	MP7	B6.7	B6.7	B6.7	7.3L
May not be applicable for electric replacements	Engine Model Year	2023	2023	2023	2023	2023
Must be a number, use "capacity" for electric replacements	Engine Horsepower/Capacity	355	280	280	280	330
	Class of Equipment by GVWR	Class 8: >33001 lbs	Class 7: 26001-33000 lbs	Class 7: 26001-33000 lbs	Class 7: 26001-33000 lbs	Class 5: 16001-19500 lbs
	Fuel Type	Diesel	Diesel	Diesel	Diesel	Diesel
	Unit Replacement/Repower Cost	\$334,720.33	\$205,271.00	\$156,168.20	\$105,971.28	\$160,525.00
Vehicle	Funds Requested	\$184,720.33	\$205,271.00	\$156,168.20	\$105,971.28	\$160,525.00
EV Projects Only	EV Infrastructure Costs Requested	0	0	0	0	0
(gallons)	Annual Diesel Reduced	78	69	137	45	104
(gallons)	New Fuel Usage Amount	1650	785	1403	1175	1087
	Cost Share Amount Per Unit	\$150,000.00	\$0.00	\$0.00	\$0.00	\$0.00





NORTH CAROLINA  
Environmental Quality

ROY COOPER  
Governor

ELIZABETH S. BISER  
Secretary

November 9, 2022

Amy Cannon  
Cumberland County Solid Waste  
PO Box 2429  
Fayetteville NC 28302  
Application Number: 1000015281

Dear Amy Cannon:

I am pleased to inform you that the North Carolina Department of Environmental Quality is awarding your proposed Volkswagen Settlement Clean Heavy-Duty Equipment and Vehicle Program project in the amount of \$812,655.00. We are excited about your project entitled Cumberland County Solid Waste Clean Diesel Expansion.

Using the information provided in your application, we have determined the cost share percentage you will be obligated to contribute to your project. Your cost share is determined from the total replacement cost for each vehicle awarded funding (including any requested electrification infrastructure costs) and the amount of voluntary or involuntary matching funds you included on your application for that vehicle. The amount reimbursed after completion of your project will be calculated from the paid invoices included in your claim submittal.

The cost share amount for application 1000015281 is shown below for the awarded vehicle(s):

Vehicle/Unit Number	Vehicle/Unit Replacement Cost	Charging Infrastructure Cost	Charging Infrastructure Awarded Amount	Total Vehicle/Unit Project Cost	Applicant Matching Funds	Other Matching Funds	VW Awarded Amount
1	\$334,721.00	\$0.00	\$0.00	\$334,721.00	\$150,000.00	\$0.00	\$184,721.00
2	\$205,271.00	\$0.00	\$0.00	\$205,271.00	\$0.00	\$0.00	\$205,271.00
3	\$156,169.00	\$0.00	\$0.00	\$156,169.00	\$0.00	\$0.00	\$156,169.00
4	\$105,972.00	\$0.00	\$0.00	\$105,972.00	\$0.00	\$0.00	\$105,972.00
5	\$160,525.00	\$0.00	\$0.00	\$160,525.00	\$0.00	\$0.00	\$160,525.00

Matthew Hoskins from my staff will contact you with the necessary forms required for Division of Air Quality (DAQ) to begin the State contract process. Contract processing cannot begin until funds have been received from the Volkswagen Mitigation Trustee, in approximately 75 days. **Please do not start any work on this project until there is a fully executed (signed by representatives of both organizations) contract in place.** We cannot reimburse for work performed or items purchased before a



North Carolina Department of Environmental Quality

217 West Jones Street | 1601 Mail Service Center | Raleigh, North Carolina 27699-1601

919.707.8600



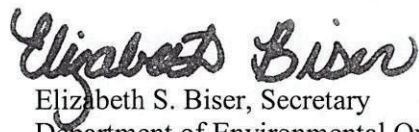
Amy Cannon  
Cumberland County Solid Waste  
November 9, 2022  
Page 2

contract is in place. Should you have any questions or need further information, you may contact Matthew Hoskins via telephone at 919-707-8424 or email at [matthew.hoskins@ncdenr.gov](mailto:matthew.hoskins@ncdenr.gov).

**Applicants must log into the DAQ Grant Management System to upload required forms for contract processing, submit invoices and documents for reimbursement, and view claim status.**

Thank you for your interest in reducing emissions in North Carolina. We look forward to working with you on this worthwhile endeavor and receiving reports on the success of this project.

Sincerely,



Elizabeth S. Biser, Secretary  
Department of Environmental Quality

ESB/mrh

cc: Matthew Hoskins



North Carolina Department of Environmental Quality  
217 West Jones Street | 1601 Mail Service Center | Raleigh, North Carolina 27699-1601  
919.707.8600





## **COMMUNITY DEVELOPMENT**

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: DELORES TAYLOR, COMMUNITY DEVELOPMENT DIRECTOR**

**DATE: 11/21/2022**

**SUBJECT: APPROVAL OF REQUEST TO REALLOCATE ARP FUNDING FOR THE ROBIN'S MEADOWS PERMANENT SUPPORTIVE HOUSING PROJECT DUE TO INCREASED CONSTRUCTION COSTS**

#### **BACKGROUND**

The state allocated approximately \$2.5 million of Community Development Block Grant – Disaster Recovery (CDBG-DR) funding to build Permanent Supportive Housing with case management services. At the June 14, 2020 meeting, the Board of Commissioners approved the Design of the Robins Meadow project and Agreement for Construction Documents, Bidding and Construction Services. The Board approved contracting with The Wooten Company to provide the construction documents phase, bidding services and construction administration services of the Robins Meadow Permanent Supportive Housing Project. The Board received an update to this project on October 8, 2020, as the County had requested additional CDBG-DR funds in the amount of \$1,000,000 to cover construction and supportive services. The total budgeted amount for this project is \$3,011,124.00.

The Robins Meadow Permanent Supportive Housing Project consists of twelve new apartment units and a Community Resource Center that will house the resident manager. Case management and other supportive services will be provided to all Robins Meadow residents in this new Resource Center.

An RFP has been issued three times with no responsive bidders. Since receipt of CDBG-DR funds and the inability to secure a responsive bidder, the cost to build this supportive housing has increased due to market fluctuations. The original budget is no longer sufficient to cover the cost to build this housing project. The current projected cost is \$285 per square foot. Community Development has identified several companies that are currently interested in bidding on this project should another RFP be released.

We have been in communication with North Carolina Office of Recovery and Resiliency (NCORR), and they



have provided a short timeline to move this project forward with the first deadline of identifying gap funding no later than November 30, 2022. If we are unable to secure additional funding, NCORR will de-obligate the allocated grant funding.

This item was presented at the November 14, 2022 ARP Committee meeting for consideration. The Committee voted to reallocate \$2.7M of ARP funds from the Shaw Heights Sewer Project to the Robins Meadow Project and to forward this as a Consent Agenda item on the November 21, 2022 Board of Commissioner's Meeting.

**RECOMMENDATION / PROPOSED ACTION**

At the November 14, 2022 ARP Meeting, the Committee voted unanimously to move the following recommendation to the November 21, 2022 Board Meeting:

Approve the reallocation of \$2.7M of ARP funds from the Shaw Heights Sewer Project to the Robins Meadow Supportive Housing Project.





## **AMERICAN RESCUE PLAN**

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: VICKI EVANS, FINANCE DIRECTOR**

**DATE: 11/10/2022**

**SUBJECT: APPROVAL OF ARP GRANT PROJECT BUDGET ORDINANCE  
AMENDMENT #B230001**

#### **BACKGROUND**

American Rescue Plan Act (ARPA) grant project ordinance amendment #B230001 was presented during the November 4, 2022 ARP Committee meeting. At that meeting the amendment included items with reference numbers 1 - 9 as shown in the attachment.

Amendment #B230001 has now been updated to include reference #10 shown in red font in the attachment. This change adds \$2.7 million needed to complete a multi-family construction project at Robins Meadows with an offsetting decrease to the Shaw Heights Sanitary Sewer project line for the same amount. This was discussed during the November 14, 2022 Board ARP Committee meeting.

#### **RECOMMENDATION / PROPOSED ACTION**

At the November 10, 2022 Agenda Session meeting the Board of Commissioners approved placing Grant Project Ordinance Amendment B230001 on the consent agenda for the November 21, 2022 Board of Commissioners meeting with an action to approve. On November 14, 2022 the Board's ARP Committee approved an increase of \$2.7 million for the Robins Meadows project, as reflected in red within the attachment.

The Board is requested to approve Grant Project Ordinance Amendment #B230001 for ARPA expenditure realignment as reflected in the attachment.

#### **ATTACHMENTS:**

Description

Grant Project Budget Ordinance Nov 21 2022 (b)

Type

Backup Material



ARPA Reporting Code	Fund 240 Expenditure Category	Project Description	Cost Object	Appropriation of CSLFRF Funds	Project Allocation Total		Appropriation of CSLFRF Funds	Appropriation of CSLFRF Funds as revised
1.1	Public Health (2404551)	COVID19 Vaccinations - Cumberland County's self-funded claims costs for vaccinations	Claims			1	\$ 78,000	\$ 78,000
1.2	Public Health (2404551)	COVID19 Testing - Cumberland County's self-funded claims costs for COVID19 testing	Claims			2	166,000	166,000
1.4	BOC Meeting Room	Physical plant changes to Public Facilities that respond to the COVID-19 Public Health Emergency	Engineering/Construction	3,000,000	3,000,000			3,000,000
1.6	Public Health (2404551)	Medical expenses - Cumberland County's self-funded claims costs for COVID19 treatment	Claims			3	956,000	956,000
1.8	Public Health (2404551)	COVID19 Assistance to Small Business (1.8)	Contracted Services	3,500,000	3,500,000			3,500,000
1.9	Public Health (2404551)	COVID19 Assistance to Non-Profits (1.9)	Contracted Services	3,500,000	3,500,000			3,500,000
1.12	Public Health (2404551)	Behavioral Health Services: CFVH to provide a Community Paramedics program	Contracted Services	874,000	874,000	4	(874,000)	-
1.13	Public Health (2404551)	Substance Use Services: Purchase Narcan for distribution to the Sheriff's Office and County Fire Departments	Medical Supplies	140,000	140,000	5	(140,000)	-
2.2	Negative Economic Impacts (2404552)	Household Assistance: Rent, Mortgage, and Utility Aid Mortgage Assistance: Make funding available to assist residents at risk of foreclosure.	Contracted Services	2,000,000	2,000,000	6	(2,000,000)	-
2.2	Negative Economic Impacts (2404552)	Household Assistance: Rent, Mortgage, and Utility Aid Rental Assistance: Make funding available to assist renters at risk of eviction.	Contracted Services	1,500,000	1,500,000			1,500,000
2.10	Negative Economic Impacts (2404552)	Assistance to Unemployed or Underemployed Workers: Trade job training program in partnership with FTCC, Mid-Carolina COG - Workforce Development, and Cumberland County Schools	Contracted Services	2,000,000	2,000,000			2,000,000
2.15	Negative Economic Impacts (2404552)	Long-term Housing Security: Affordable Housing - \$10M new construction of a multi-family housing development in the Shaw Heights neighborhood; \$2.7M new construction of a multi-family housing development in Robins Meadows-funding added to a \$3M state grant award to complete the project.	Engineering/Construction	10,000,000	10,000,000	10	2,700,000	12,700,000
2.18	Negative Economic Impacts (2404552)	Housing Support: Other Housing Assistance - First-time homebuyers program	Contracted Services	2,500,000	2,500,000	7	(2,500,000)	-
2.30	Negative Economic Impacts (2404552)	Assistance to Small Businesses: Technical Assistance, Counseling, or Business Planning - FSU to provide advisory services, education, entrepreneurial summits and expos to businesses	Contracted Services	250,000	250,000	8	(250,000)	-
3.2	Public Sector Capacity (2404553)	Public Sector Workforce: Rehiring Public Sector Staff Salary and benefit costs to restore employment to pre-pandemic levels	Salaries/Benefits			9	4,564,000	4,564,000
5.5	Infrastructure (2404555)	Clean Water: Other Sewer Infrastructure - Construction of a sanitary sewer system to be located in the Shaw Heights neighborhood (QCT 24.01).	Engineering/Construction	12,000,000	12,000,000	10	(2,700,000)	9,300,000
5.15	Infrastructure (2404555)	Drinking Water: Other Water Infrastructure - Construction of a water system to be located in the Gray's Creek Water and Sewer District	Engineering/Construction	10,000,000	10,000,000			10,000,000
5.21	Infrastructure (2404555)	Broadband: Other projects Broadband expansion into underserved areas in partnership with the State of NC, and a vendor to be selected through a competitive RFP process	Contracted Services	1,000,000	1,000,000			1,000,000
6.1	Revenue Replacement (2404556)	Provision of Government Services Salaries and benefit costs of Public Safety Personnel	Salaries/Benefits	10,000,000	10,000,000			10,000,000
7.1	Administration (2404557)	Administrative Expenses - 3.5 full time County positions and allocated portions of several staff to manage CSLFRF programs and compliance requirements. ARPA allows up to 10% of total award.			2,904,690			
			Salaries	1,321,348				1,321,348
			Benefits	389,281				389,281
			Operating	125,335				125,335
			Unassigned	1,068,726				1,068,726
TOTAL				\$ 65,168,690	\$ 65,168,690		\$ -	\$ 65,168,690

## American Rescue Plan (ARP) Fund 240

The Board is requested to approve Grant Project Ordinance Amendment B230001 to update the ARPA Grant Project Ordinance as approved by the BOC ARP Committee during the November 4, 2022 and November 14, 2022 committee meetings.





**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: VICKI EVANS, FINANCE DIRECTOR**

**DATE: 11/10/2022**

**SUBJECT: APPROVAL TO PAY PRIOR YEAR INVOICE**

**BACKGROUND**

There is a period of time after June 30<sup>th</sup> of fiscal year-end in which transactions of the prior fiscal year will continue to be processed (typically until the third week in August). After that cutoff date has passed, a department may still receive a vendor invoice that is payable for services that were rendered, or goods were received in the prior fiscal year. When that occurs, approval by the Board of Commissioners is required prior to payment. The following departmental invoices meet those criteria:

Department:	Pretrial Services
Vendor:	Staples
Invoice Date:	February 8, 2022
Total Amount:	\$133.62

**RECOMMENDATION / PROPOSED ACTION**

Management is requesting approval to pay prior year invoices for Pretrial Services totaling \$133.62.

**ATTACHMENTS:**

Description	Type
Prior Year Invoice- PreTrial Services	Backup Material





**Pretrial Services**

MEMORANDUM

TO: Vicki Evans, Finance Director

FROM: Caroline Melvin, Interim Director *CM*

THROUGH: Heather Skeens, Assistant County Manager *HS*

DATE: October 27, 2022

RE: Approval to pay Invoice

Staples has contacted Pretrial Services in reference to an outstanding invoice for Misdemeanor Diversion Program:

Invoice # 3499653455 in the amount of \$133.62, invoice date of 2/8/22. The invoice was overlooked, and I was made aware on October 17, 2022, that it was not paid.

Therefore, Pretrial Services is requesting approval to pay this invoice from the current FY2023 budget, 1014248 – 522210, Misdemeanor Diversion Program, which there is sufficient funds to cover the invoice.

Thank you for your consideration of this request

*Mary,  
Please process.  
Thanks,  
VE*





**CLERK TO THE BOARD OF COMMISSIONERS**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: CANDICE H. WHITE, CLERK TO THE BOARD**

**DATE: 11/21/2022**

**SUBJECT: APPROVAL OF PROPOSED ADDITION TO STATE'S SECONDARY  
ROAD SYSTEM**

**BACKGROUND**

The North Carolina Department of Transportation has received a petition requesting that the following street be placed on the State's Secondary Road System. NCDOT has investigated the street and their findings are that the below listed street is eligible for addition to the State's Secondary Road System. (See attachment.)

- Shannon Woods Way

**RECOMMENDATION / PROPOSED ACTION**

Based on NCDOT's recommendation that the above-named street be placed on the State's Secondary Road System, the action being requested is for approval.

**ATTACHMENTS:**

Description	Type
Secondary Road Addition	Backup Material





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER

J. Eric Boyette

GOVERNOR

SECRETARY

November 14, 2022

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

Subject: Secondary Road Addition

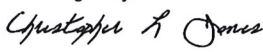
To Whom It May Concern:

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

- Shannon Woods Way

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

Sincerely,

DocuSigned by:  
  
E64693771D55486...

Christopher Jones  
Engineering Technician III

Mailing Address:  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION SIX / DISTRICT TWO  
POST OFFICE BOX 1150  
FAYETTEVILLE, NC 28302

Telephone: (910) 364-0601  
Fax: (910) 437-2529  
Customer Service: 1-877-368-4968

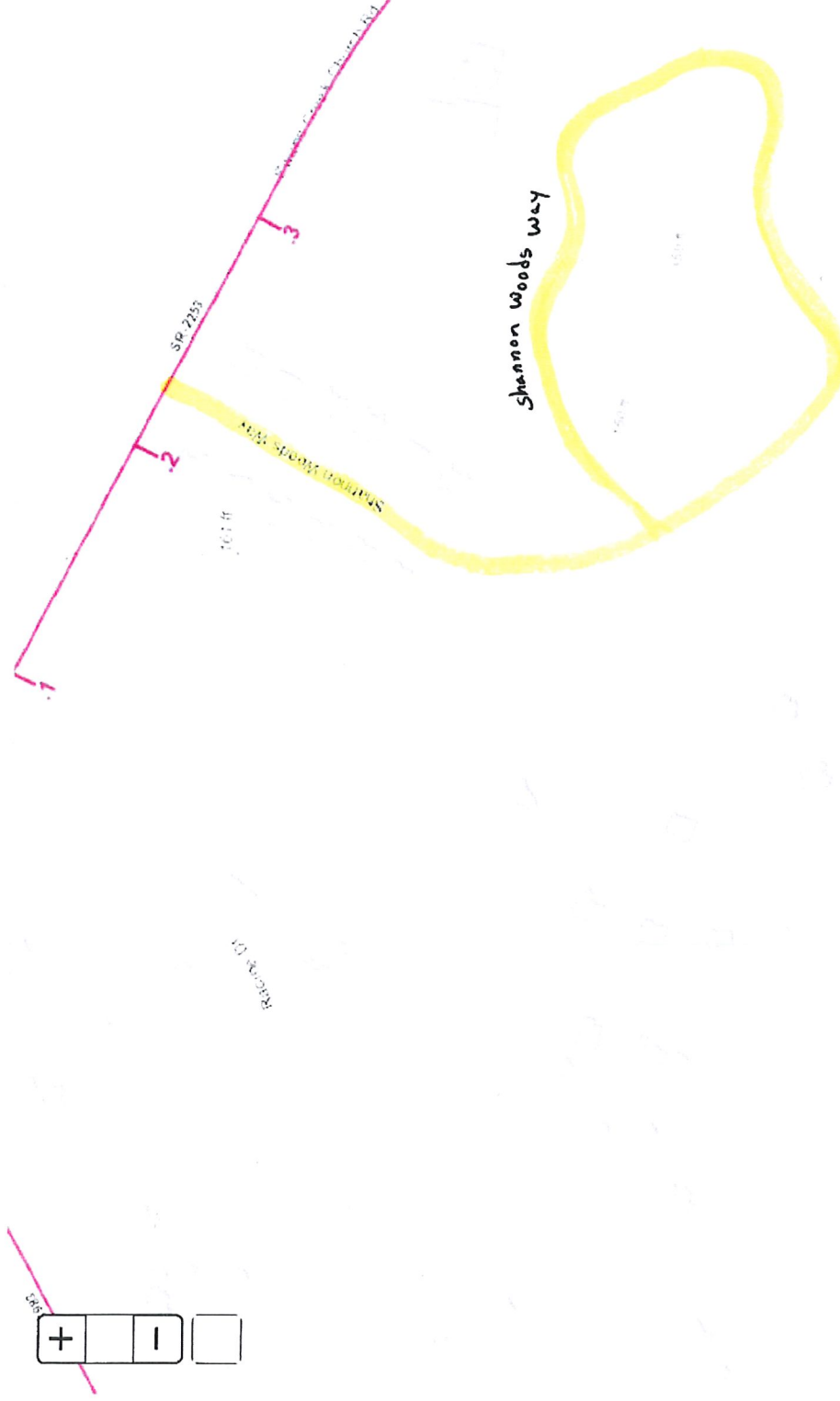
Website: [www.ncdot.gov](http://www.ncdot.gov)

Location:  
600 SOUTHERN AVENUE  
FAYETTEVILLE, NC 28306



Home ▾ NCDOT Distance Hatches & Structures Map

Details | Basemap |







**OFFICE OF THE COUNTY ATTORNEY**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: COUNTY ATTORNEY**

**DATE: 11/17/2022**

**SUBJECT: APPROVAL TO UNSEAL CLOSED SESSION GENERAL ACCOUNTS**

**BACKGROUND**

The county attorney has reviewed the closed session general accounts for the years 2018 and 2019 and determined that all these minutes should be unsealed except for the following which must be permanently sealed for the reason given for each:

June 4, 2018, Item 8.A – personnel matter

June 11, 2018, information provided to mediator during mediation, G.S. 115C-431(b)

August 6, 2018, Item 6.C.1 and Item 6.C.2 – personnel matters

November 5, 2018, Item 7.B – personnel matter

**RECOMMENDATION / PROPOSED ACTION**

The county attorney advises to unseal the closed session general accounts for the years 2018 -2019 except for those which must be permanently sealed as described above.





**OFFICE OF THE COUNTY ATTORNEY**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: COUNTY ATTORNEY**

**DATE: 11/17/2022**

**SUBJECT: ACCEPTANCE OF OFFER TO PURCHASE SURPLUS PROPERTY  
LOCATED AT 1509 BANKSTON COURT, FAYETTEVILLE**

**BACKGROUND**

The county acquired the real property with PIN 0442-56-3607, being Lot 177, Twin Oaks, Section 5, Unit 5, Plat Book 87, Page 102, located at 1509 Bankston Court, Fayetteville, described in Deed Book 6867, Page 461, at a tax foreclosure sale in 2005 for a purchase price of \$3,753.89. The property is zoned RR with a tax value of \$10,000. Based on the GIS Mapping and the tax records, there is no structure on the lot. Glenn E. Davis made an offer to purchase the property for \$3,753.89. If the board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is included in the recommendation below.

**RECOMMENDATION / PROPOSED ACTION**

The county attorney recommends the board consider the offer of Glenn E. Davis. If the board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

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

Take notice that the board of commissioners finds the real property with PIN 0442-56-3607, being Lot 177, Twin Oaks, Section 5, Unit 5, Plat Book 87, Page 102, located at 1509 Bankston Court, Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$3,753.89. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the



bid with the clerk. This procedure shall be repeated until no further qualifying upset bids are received. The board of commissioners may at any time reject any or all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

November \_\_\_\_, 2022 Andrea Tebbe, Acting Clerk to the Board





**OFFICE OF THE COUNTY ATTORNEY**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: COUNTY ATTORNEY**

**DATE: 11/17/2022**

**SUBJECT: ACCEPTANCE OF OFFER TO PURCHASE SURPLUS PROPERTY  
LOCATED AT 3427 SEAWELL STREET, FAYETTEVILLE**

**BACKGROUND**

The county acquired the real property with PIN 0424-79-5124, being Lots 157-159, Campbell Park Subdivision, Plat Book 14, Page 22, located at 3427 Seawell Street, Fayetteville, at a tax foreclosure sale in 2017 for a purchase price of \$5,921.23. The property is zoned R6A with a tax value of \$5,000.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. Nicholas Riggins on behalf of Harmonic Brass Real Estate Investments, LP, a limited partnership, made an offer to purchase the property for \$6,000.00. If the board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is included in the recommendation below.

**RECOMMENDATION / PROPOSED ACTION**

The county attorney recommends the board consider the offer of Nicholas Riggins on behalf of Harmonic Brass Real Estate Investments, LP, a limited partnership. If the board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

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

Take notice that the board of commissioners finds the real property with PIN 0424-79-5124, being Lots 157-159, Campbell Park Subdivision, Plat Book 14, Page 22, located at 3427 Seawell Street, Fayetteville, is not



needed for governmental purposes and proposes to accept an offer to purchase the property for \$6,000.00. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the clerk. This procedure shall be repeated until no further qualifying upset bids are received. The board of commissioners may at any time reject any or all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

November \_\_\_\_, 2022 Andrea Tebbe, Acting Clerk to the Board





## **BUDGET DIVISION**

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: AMY H. CANNON, COUNTY MANAGER**

**DATE: 11/16/2022**

**SUBJECT: APPROVAL OF BUDGET ORDINANCE AMENDMENTS FOR THE  
NOVEMBER 21, 2022 BOARD OF COUNTY COMMISSIONERS'  
AGENDA**

#### **BACKGROUND**

##### **General Fund**

##### **1) Library Grants – Budget Ordinance Amendment B230393 to recognize funds from Friends of the Cumberland County Public Library, Inc. in the amount of \$39,050**

The Board is requested to accept and approve Budget Ordinance Amendment B230393 to recognize funds from Friends of the Cumberland County Public Library, Inc. in the amount of \$39,050. These funds will be spent for children, teen, and adult programming, promotional items to promote the library, library staff awards, author/speaker events, and for staff development day.

Please note this amendment requires no additional county funds.

#### **REGARDING THE FOLLOWING ITEMS #2-#4 PLEASE NOTE:**

Each fiscal year County departments may have projects that have been approved and initiated but were not complete by the fiscal year end (6/30/22) or items ordered that had not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2022 budget; however, the money was not spent by June 30, 2022.

The following amendments seek to bring those funds forward from FY 2022 into the current fiscal year, allowing departments to complete and pay for these projects and items. These revisions are not using 'new'



funds but are recognizing the use of FY22 funds in FY23.

## **General Fund 101**

### **2) Innovation & Technology Services - Budget Ordinance Amendment B230433 to re-appropriate FY22 funds in the amount of \$51,013**

The Board is requested to approve Budget Ordinance Amendment B230433 to re-appropriate FY22 funds in the amount of \$51,013. These funds will be used for the network switch refresh and the fabric extenders for the network switch that were approved in FY22 but will not be completed until FY23.

## **Capital Investment Fund 107**

### **3) Capital Investment - Technology - Budget Ordinance Amendment B230074 to re-appropriate FY22 funds in the amount of \$66,707**

The Board is requested to approve Budget Ordinance Amendment B230074 to re-appropriate FY22 funds in the amount of \$66,707. These funds are for the technology timekeeping project that was approved in FY22 but will not be completed until FY23.

### **4) Capital Investment – Technology - Budget Ordinance Amendment B230434 to re-appropriate FY22 funds in the amount of \$42,690**

The Board is requested to approve Budget Ordinance Amendment B230434 to re-appropriate FY22 funds in the amount of \$42,690. Contingency funds in the amount of \$9,918 are also being appropriated to assist with the training of the CURE MD project, that was approved in FY22 but will not be completed until FY23.

## **RECOMMENDATION / PROPOSED ACTION**

Approve Budget Ordinance Amendments





**PUBLIC LIBRARY AND INFORMATION CENTER**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: FAITH B. PHILLIPS, LIBRARY DIRECTOR**

**DATE: 11/14/2022**

**SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN THE  
CUMBERLAND COUNTY PUBLIC LIBRARY AND THE CITY OF  
FAYETTEVILLE FOR STORYWALK© PROJECT AT LAKE RIM PARK**

**BACKGROUND**

Cumberland County Public Library has been awarded a State Library of North Carolina Bright Ideas Grant for a StoryWalk© at Lake Rim Park. Similar to the StoryWalk© installed at Clark Park, it is an innovative way for community members to enjoy reading and the outdoors at the same time. Specifically designed pages from children's books are attached to displays that are installed along an outdoor path at the park. As readers walk down the trail, they are directed to the next page in the story. The project combines literature, nature and physical activity to provide families and citizens of all ages with an enriching experience.

Library staff, and specifically Division Manager for Programs Carla Brooks, saw the opportunity to expand the StoryWalk© program within the community and applied for and received the Bright Ideas Grant from the State Library within a span of roughly two weeks. The Division Manager has coordinated with Parks & Recreation officials for placement of the storyboards. The library will assume ownership of the storyboards, plan for ongoing maintenance, and will provide programming that will enhance the use of the project.

Library staff have contacted the staff at Lake Rim Park to provide space for the panels of the installation. Panels will be paced several yards apart and will include suggestions for movements to accompany the story.

A Memorandum of Understanding (MOU) between the County of Cumberland, through the Cumberland County Public Library and the City of Fayetteville will help provide for collaboration and delineation of responsibilities regarding the StoryWalk©. The MOU facilitates an ongoing partnership with the staff at Lake Rim Park in the provision of programs related to the StoryWalk© by library staff.



Library Director Faith Phillips presented the item at the November 10, 2022, Agenda Session. The Board recommended approval of the MOU and placing it on the Consent Agent for the November 21, 2022, Board of Commissioners meeting.

**RECOMMENDATION / PROPOSED ACTION**

Approve the MOU between the Cumberland County Public Library and the City Of Fayetteville for the Storywalk© project at Lake Rim Park.

**ATTACHMENTS:**

Description

MOU between County Library and City for Storywalk

Type

Backup Material





## Memorandum of Understanding

### Between

### City of Fayetteville and

### Cumberland County Public Library

The **Cumberland County Public Library (CCPL)** and the City of Fayetteville, by and through **Fayetteville-Cumberland Parks and Recreation** (the City) hereby voluntarily enters this Memorandum of Understanding effective upon signing for the purpose of providing a StoryWalk® literacy, nature, and physical fitness experience at Lake Rim Park. This Memorandum of Understanding describes the purpose of **StoryWalk®** and the partnership between CCPL and the City in the delivery of services.

Purpose: The StoryWalk® is designed to encourage children and caregivers to read, participate in physical activity, and explore nature together. StoryWalk® consists of pages of a picture book laminated and displayed along a walking trail so adult and child can read the book together. The experience also provides opportunities for early literacy and nature-themed programming by the project's central two partners plus additional users and approved guest sponsors. The StoryWalk® can also deliver partner-approved messaging to readers from sponsors willing to pay for the graphic formatting and licensing of fresh stories.

**The City** commits to installing the 18 StoryWalk® display frames on its property near the children's playground. The City commits to monitoring the condition of the displays. If repair is needed, Lake Rim Park personnel will notify the library. Library staff will consult with the County Maintenance staff to determine the extent of damage and possible repair costs. Minor repairs (under \$1,000) will be paid for by the County. For damages greater than \$1,000, three bids will be obtained, and the lowest bid will be split by City and County. County Recreation District Tax Revenue cannot be used for this purpose.

The City will work together with CCPL to switch out the story four times annually during the initial grant year of 2022/2023. The City will offer space on the grounds/building for StoryWalk® programming, when it is available. The City will provide the venue for the kick-off celebration, which will be planned, promoted and executed by both partners. The City will promote StoryWalk® as an element of Lake Rim Park. The City commits to meeting with CCPL in 2023 to plan for the continued use of StoryWalk® after the initial grant period.

The **Cumberland County Public Library** will store the printed story panels. The City will work together with CCPL to switch out the story four times annually during the initial grant period. The Cumberland County Public Library commits to utilizing the Lake Rim Park to provide early literacy programs to children participating in day cares and schools impacted by poverty. The Cumberland County Public Library commits to plan, promote and execute the program's kickoff presentation in conjunction with the City. The Cumberland County Public Library commits to meeting with the City in 2023 to plan for the continued use of StoryWalk®. CCPL commits to working with vendors providing StoryWalk®, such as Banacom Signs, on any future book collaborations due to copyright restrictions and to preserve the integrity of the design. CCPL selects all StoryWalk® content. CCPL will support printing of future story panels beyond the initial grant period.



Memorandum of Understanding: This Memorandum of Understanding will become effective upon approval by designated officials of the City and Cumberland County. The Memorandum of Understanding shall be revised to reflect a plan for the operation of the StoryWalk® beyond the initial grant period of 2022/2023.

We the undersigned representatives of the parties agree to and understand the above statements.

**For the City of Fayetteville:**

\_\_\_\_\_  
Doug Hewett  
City Manager, ICMA-CM

\_\_\_\_\_  
(Date)

**ATTESTED TO:**

\_\_\_\_\_  
Pamela Megill  
City Clerk

\_\_\_\_\_  
(Date)

**For the County of Cumberland:**

\_\_\_\_\_  
Amy Cannon  
County Manager

\_\_\_\_\_  
(Date)

**ATTESTED TO:**

\_\_\_\_\_  
Candice White  
County Clerk

\_\_\_\_\_  
(Date)

**For the Cumberland County Public Library**

\_\_\_\_\_  
Faith Phillips, Library Director

\_\_\_\_\_  
(Date)





**ENGINEERING AND INFRASTRUCTURE DEPARTMENT**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JERMAINE WALKER, DIRECTOR OF ENGINEERING AND  
INFRASTRUCTURE**

**DATE: 11/8/2022**

**SUBJECT: FORMAL BID AWARD FOR LAW ENFORCEMENT CENTER ROOF  
RECOVERING**

**BACKGROUND**

On August 4, 2022, the County solicited bids for the Cumberland County Law Enforcement Center Roof Recovering. The bid period closed on September 13, 2022, with seven respondents.

The lowest responsive and responsible bid was AAR of North Carolina, Inc., at \$312K. The validity, limitation, and classification of the apparent low bidder's NC roofing contractors license have been verified with the NC Licensing Board for General Contractors.

This project was approved for funding as a Fiscal Year 23 capital improvement project and has sufficient funding to execute the project.

This item was presented at the November 10, 2022 Agenda Session. The Board approved moving this forward to the November 21, 2022 meeting as a Consent Agenda item.

**RECOMMENDATION / PROPOSED ACTION**

At the November 10 Agenda Session the Board approved moving the following actions forward:

1. Approval of bid award for the Cumberland County Law Enforcement Center Roof Recovering Project to AAR of North Carolina, Incorporated, based on the lowest responsive, and responsible bid.
2. Authorize the Chairman to execute the agreement once the contract has been approved for legal sufficiency.



**ATTACHMENTS:**

Description	Type
Project Bid Tab	Backup Material





FLEMING & ASSOCIATES, PA  
STRUCTURAL ENGINEERING • BUILDING ENCLOSURES

Principals: Stephen Fleming, PE, RBEC ■ J. Ben Rogers, PE ■ Sarah Duncan, PE ■ John Kells, PE, SE

September 26, 2022

Jermaine Walker, Director of Engineering and Infrastructure  
Cumberland County  
130 Gillespie St.  
Fayetteville, NC 28301

Re: Law Enforcement Center Roof Membrane Re-Cover  
Our Job No.: 22-49

Dear Mr. Walker,

Enclosed you will find a revised certified Bid Tabulation Form for the above referenced project that replaces our certified Bid Tabulation Form dated September 15, 2022.

After a discussion with your office and further review of the licensing requirements for roofing in the State of North Carolina, our office has concluded that an S(Roofing) license is acceptable for this project. We, therefore, rescind our earlier recommendation that Cumberland County enter into a construction contract with Curtis Construction Company, Inc. (the second lowest bidder) and instead enter into a construction contract with AAR of North Carolina, Inc. (the low bidder) for a contract sum of \$312,175.00 (base bid plus alternate #2).

Please let me know if you have any questions or comments or would like to discuss our recommendations personally.

Sincerely,

Fleming & Associates, PA

Stephen Fleming, PE, RBEC



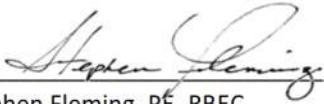


### Bid Tabulation Form

Law Enforcement Center Roof Membrane Re-Cover  
 Cumberland County  
 Bid Opening Date and Time: September 13, 2022 at 2pm  
 Engineer's Project Number: 22-49

Contractor	Addendum #1	Base Bid	Alternate 01	Alternate 02	Base Bid plus Alternate 02	Unit Prices Form	IMBP	MBE Affidavit	Bid Security
			Modified Bitumen	FiberTite Single Ply					
<b>AAR of North Carolina, Inc. License # 21667 - S(Roofing)</b>	<b>Acknowledged</b>	<b>\$298,175.00</b>	<b>\$25,715.00</b>	<b>\$14,000.00</b>	<b>\$312,175.00</b>	<b>Included</b>	<b>Included</b>	<b>Affidavit A</b>	<b>Included</b>
Curtis Construction Company, Inc. License # 3529 - Building	Acknowledged	\$316,000.00	\$37,300.00	\$1,800.00	\$317,800.00	Included	Included	Affidavit B	Included
DLT Roofing, Inc. License # 71227 - S(Roofing)	Acknowledged	\$366,770.00	\$27,697.00	\$11,370.00	\$378,140.00	Included	Included	Affidavit A	Included
Highland Roofing Company License # 67180 - S(Roofing)	Acknowledged	\$346,900.00	\$3,927.00	\$5,449.00	\$352,349.00	Included	Included	Affidavit B	Included
Industrial Contract Service Corp. License # 34060 - S(Roofing)	Acknowledged	\$452,063.00	\$95,722.00	\$37,487.00	\$489,550.00	Included	Not included	Not included	Included
Owens Roofing, Inc. License # 24442 - Building	Acknowledged	\$343,365.00	\$90,239.00	\$60,972.00	\$404,337.00	Included	Included	Affidavit A	Included
Triangle Roofing Services, Inc. License # 49606 - Building	Acknowledged	\$374,600.00	\$54,300.00	-\$4,300.00	\$370,300.00	Included	Included	Affidavit B	Included

I certify that the above bids were submitted properly and are accurate as received.

  
 \_\_\_\_\_  
 Stephen Fleming, PE, RBEC

9/26/22  
 \_\_\_\_\_  
 Date

**Boldface** type indicates the apparent lowest responsive bidder.





**ENGINEERING AND INFRASTRUCTURE DEPARTMENT**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JERMAINE WALKER, DIRECTOR OF ENGINEERING AND  
INFRASTRUCTURE**

**DATE: 11/8/2022**

**SUBJECT: FORMAL BID AWARD FOR CROWN COLISEUM SPORTS LIGHTING,  
PARKING LOT LIGHTING, BUILDING CONTROL REPLACEMENT**

**BACKGROUND**

This project was solicited for bid on August 2, 2022, August 29, 2022, and September 13, 2022.

The intent of this turn-key project is to provide a new network lighting system consisting of new LED sports lighting fixtures, LED Parking Lot Lights and the integration of existing LED and non-LED light sources onto the new system, to add dimming and agile control functions to designated light sources and to replace the existing legacy building lighting control system with a fully integrated lighting control and monitoring network.

NGU Sports Lighting submitted a qualifying bid of \$711K. This project was approved for funding as a Fiscal Year 23 capital improvement project and has sufficient funding to complete the project.

This item was presented at the November 10, 2022 Agenda Session. The Board approved moving this item forward to their November 21, 2022 meeting as a consent agenda item.

**RECOMMENDATION / PROPOSED ACTION**

The following actions were approved at the November 10, 2022 Agenda Session:

1. Approval of bid award for the Crown Coliseum Sports Lighting, Parking Lot Lighting, Building Control Replacement project based on NGU Sports Lighting's qualifying bid.
2. Authorize the Chairman to execute the agreement once the contract has been approved for legal sufficiency.



**ATTACHMENTS:**

Description	Type
Project Bid Tab	Backup Material



CUMBERLAND COUNTY

## Crown Coliseum Sports Lighting, Parking Lot Lightng, Building Control Replacement

BID OPENING - September 20, 2022 2:00pm

[illegible]





**ENGINEERING AND INFRASTRUCTURE DEPARTMENT**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JERMAINE WALKER, DIRECTOR OF ENGINEERING AND  
INFRASTRUCTURE**

**DATE: 11/8/2022**

**SUBJECT: CROWN EVENT CENTER COMMITTEE RECOMMENDATION ON  
CONSTRUCTION DELIVERY METHOD**

**BACKGROUND**

In order to adhere to the restrictive timeline required to deliver the new Crown Event Center as a complete and useable facility by October 2025, it is important to finalize discussions regarding the construction delivery methods available to the County for this project. Over the years, changes in North Carolina legislation have provided local governments with more options for construction of public facilities.

Attached is a presentation that details aspects of the Design-Build, Design-Bid-Build and Construction Manager-at-Risk construction delivery methods presented to the Crown Event Center Committee on November 1, 2022, and was then forwarded to the Board of Commissioners for consideration during the November 10, 2022, Board of Commissioners Agenda Session.

**RECOMMENDATION / PROPOSED ACTION**

The recommendation of the Project Delivery Team and the Crown Event Center Committee is to use Construction Manager-at-Risk as the construction delivery method for the Crown Event Center Project.

**ATTACHMENTS:**

Description	Type
Construction Delivery Method Presentation	Backup Material



# Crown Event Center Project Update

November 10, 2022



# Agenda



Delivery Method Presentation



Architect Selection Process Update



Site Selection Process Update



Board of Commissioners Actions



Project Next Steps



# Action Items



Delivery Method | Vote on project delivery method



# CONSTRUCTION PROJECT DELIVERY METHODS

**Design-Bid-Build**

**Construction Manager at Risk**

**Design-Build**

**Recommendation from Crown Event Center Committee is to utilize the Construction Manager at Risk delivery method for the Crown Event Center Project**



# CONSTRUCTION PROJECT DELIVERY METHODS

## **Design-Bid-Build**

- Most common used in North Carolina
- Procure architect, complete design to 100%, procure contractor
- Contractor selected based on lowest cost (and qualified) bid

## **Pros and Cons for application on Crown Event Center project**

- Pro – Greatest opportunity for lowest initial construction cost, but
- Con – May result is more change orders
- Con – Generally leads to the longest overall project schedule
- Con – Contractor is not involved during design to provide feedback
- Con – If construction bids come in over budget, will likely cause project delay



# CONSTRUCTION PROJECT DELIVERY METHODS

## **Construction Management-at-Risk (CMAR)**

- Commonly used at the state level in North Carolina
- Contractor gets involved during design phase
- Contractor is selected based on qualifications

## **Pros and Cons for application on Crown Event Center project**

- Pro – Can shorten schedule, fast track approach
- Pro – Contractor provides input on costs during design, value engineering
- Pro – Allows for early packages and early procurement of long lead items
- Con – May result in higher initial construction cost, but change orders are generally limited to owner-requested changes and unforeseen conditions
- Con – Lengthy pay applications (due to open book requirements for submission)



# CONSTRUCTION PROJECT DELIVERY METHODS

## Design-Build

- Team of contractor and designer selected based on qualifications and price
- Designer develops early design drawings. Team of contractor and designer develops price based on early design drawings and is responsible for completing full design and construction

## Pros and Cons for application on Crown Event Center project

- Pro – Can shorten overall project schedule
- Pro – Change orders are generally limited to owner-requested changes and unforeseen conditions
- Con – Quality review and submittal review not third party. Overseen by the contracted entity
- Con – While owner sets scope requirements for project, the contractor and designer team controls final decisions on equipment and materials. Owner does remain involved throughout project and can provide oversight.



# Architect Selection Process

10/11/22

- Architect RFQ responses received

11/8-9/22

- County staff will conduct in-person interviews with the shortlisted firms and develop a ranking of firms to present to the Crown Event Center Committee

11/16/22

- Crown Event Center Committee to review the recommended ranking and finalize recommendation on Architect selection to be presented to the Board

11/21/11

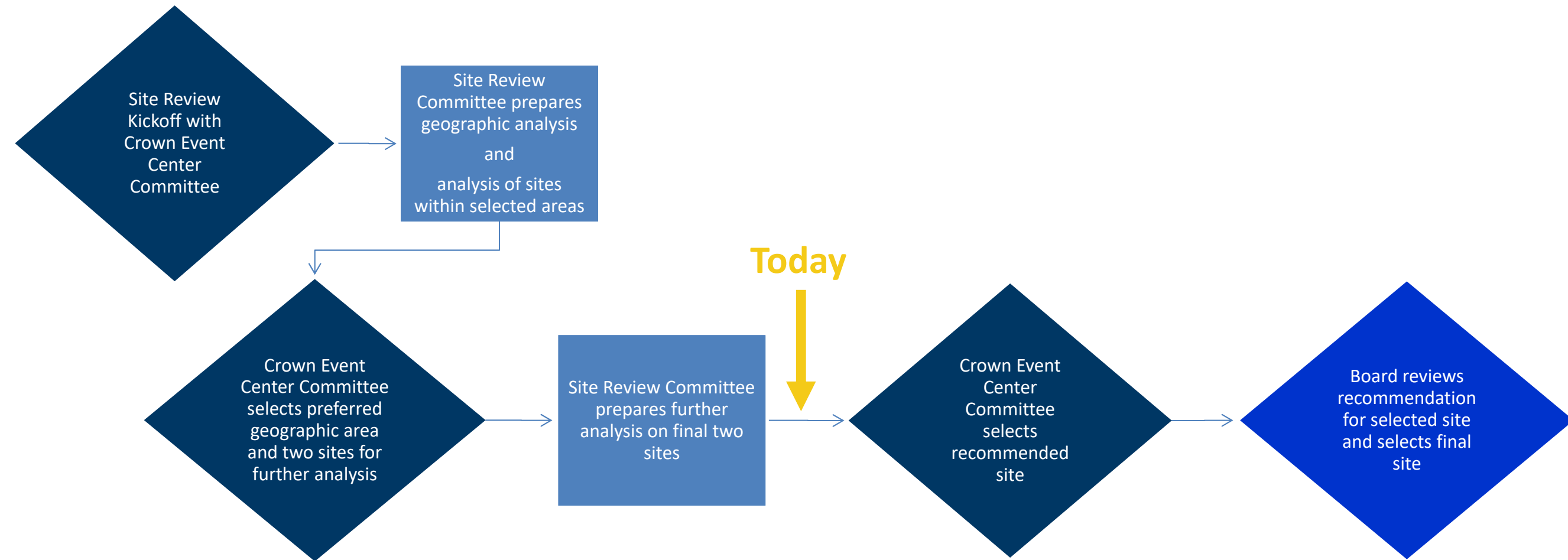
- Board to review the recommended Architect and hold vote for County staff to move forward with contract negotiations with the selected firm

11/28/22

- Board to vote on Architect contract presented by County staff



# Site Selection Process





# Action Items



Delivery Method | Vote on project delivery method



# Project Next Steps



Contractor Information Session



Contractor solicitation, pending delivery method selection



Architect Shortlist Interviews



Continue site selection process





**ASSISTANT COUNTY MANAGER STRATEGIC MANAGEMENT/ GOVERNMENTAL  
AFFAIRS**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: SALLY SHUTT, ASSISTANT COUNTY MANAGER**

**DATE: 11/15/2022**

**SUBJECT: 2023 (FY2024) FEDERAL LEGISLATIVE AGENDA**

**BACKGROUND**

Cumberland County has contracted with The Hamm Consulting Group for federal legislative lobbying services. The attached DRAFT 2023 (FY2024) Federal Legislative Agenda was developed with input from commissioners, Leadership Team members, City of Fayetteville staff and the Fayetteville Cumberland Economic Development Corporation during a series of virtual meetings in October.

Ron Hamm presented the draft Federal Legislative Agenda, which sets the priorities for federal advocacy and grant proposals, during the November 10, 2022, agenda session. The Board recommended approval of the Federal Legislative Agenda and to place it on the Consent Agenda for the November 21, 2022, meeting.

**RECOMMENDATION / PROPOSED ACTION**

Approve the attached 2023 (FY2024) Federal Legislative Agenda.

**ATTACHMENTS:**

Description	Type
DRAFT 2023 (FY2024) Federal Legislative Agenda	Backup Material





# 2023 (FY2024) Federal Legislative Agenda

## DRAFT

**Infrastructure and Environmental** – Cumberland County has areas with contaminated water, aging sewer systems and stormwater drainage issues putting properties at risk for flooding. The County is planning for needed expansion and environmental upgrades at the landfill.

### Water and Sewer

- Water Utilities Infrastructure
- Contaminated Drinking Water Remediation
- Stormwater Management
- Flood Prevention and Drainage Improvements
- Debris and Sediment Removal from Waterways
- Increased funding from the U.S. Department of Agriculture for the N.C. Beaver Management Assistance Program

### Environmental

- Landfill Expansion - Support proposals that provide funding for creating new and modernizing existing solid waste related infrastructure, including organic waste processing facilities.
- Landfill Biofuel Project Improvements
- Electric Garbage Truck Fleet Conversion
- PFAS removal for leachate
- Support proposals that increase recycling capacity, including televisions and computer monitors that are toxic due to their lead content, by requiring manufacturers, retailers, and end users to help finance recycling costs.

### Economic and Workforce Development

#### Transportation

- Future I-685 route – Advocate for the proposed new Interstate Highway between Greensboro and Dunn to not bypass Cumberland County, instead adjust the route to connect with I-295 providing economic development opportunities.
- Passenger/Commuter Rail to Raleigh

#### Workforce

- Soldiers to Agriculture Workforce Transition Program – Seek funding sources for the program offered through Cooperative Extension/NC State.
- Job Skills Training to Advance Employment Opportunities in Trades
- Workforce Innovation and Opportunity Act (WIOA) Reauthorization – Support at least full authorized funding for WIOA programs, and other employment and training programs.

**Veterans, Health and Human Services** – Support funding for veterans' services, mental health, public health and social services.

#### Military and Veterans Affairs

- Advocate for additional Federal and State funding to provide critical resources to County Veterans Services. Advocate for the Commitment to Veteran Support and Outreach Act.
- Soldiers to Agriculture Program – Cooperative Extension
- Impact Aid – Increase Impact Aid to assist school systems in military counties





# 2023 (FY2024) Federal Legislative Agenda

## DRAFT

### **Mental Health**

- Substance Use Disorder and Mental Health – Support increased funding for Substance Abuse and Mental Health Services Administration (SAMHSA) grants, including substance use disorder and mental health block grants, the Children’s Mental Health Services Program, and other substance use disorder prevention and treatment, mental health and supportive services and training grants.
- Mental Health Crisis/Recovery Center
- Mental Health Court
- Mental Health professionals in 911 Call Center and social work professionals in public libraries

### **Health and Human Services**

- Medicaid for the Incarcerated - Counties are required to provide adequate health care to individuals who pass through jails each year, while federal statute prohibits Medicaid funds from paying for that care even if the individual is eligible and enrolled.
- Healthcare Related Emergency Preparedness
- Farmers Market/Food Security/Healthy Foods Access- Seek grant funding for farmers markets to address food insecurity and increase access to healthy foods.
- Affordable Childcare – Support proposals and seek funding to address the need for childcare facilities and trained workers following the impact of the COVID pandemic.
- Increased funding for the Aging – Support increased funding for Older Americans Act (OAA) programs and funding to support the Adult Protective Services program.
- Ex-Offender Re-entry Support
- Child Welfare

### **Housing**

- Affordable Housing
- Homelessness Funding and Support Services
- Housing Supportive Services (case management, counseling, transportation, childcare)

### **Museum and Library Services**

- Funding for social work professionals in libraries (More Social Workers in Libraries Act)
- Children’s Science Museum – Seek grant funding to expand library services with the creation of a science museum for children.

**Public Safety and Emergency Response** – Support continued federal investment in public safety and emergency programs and projects.

### **Public Safety/Emergency Response**

- Sheriff’s Office TDMA Radio Replacement
- Emergency Operations – Seek funding for 911 mobile unit backup system and Emergency Command Center
- DNA analysis tools - Seek grant and other funding for DNA analysis
- School Safety/Active Shooter Response
- Mental Health professionals in the 911 Call Center and schools
- Opioid Response including provision of NARCAN to First Responders
- Fire Prevention and Safety
- Emergency Back-up Power for Additional Community Disaster Shelters





## **AMERICAN RESCUE PLAN**

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: TYE VAUGHT, CHIEF OF STAFF**

**DATE: 11/10/2022**

**SUBJECT: ARP COMMITTEE RECOMMENDATIONS**

#### **BACKGROUND**

The American Rescue Plan Committee met on November 4, 2022. The committee recommended the following four items be placed on the November 10, 2022, agenda for consideration:

- Small Business Funding Recommendations
- Consideration of ARPA Policy Revisions
- Consideration of Policy No. 3-13: Policy for Records Retention of ARPA/SLFR Funds
- Consideration of Policy No. 10-1.9: COVID19 Assistance to Nonprofits

#### **RECOMMENDATION / PROPOSED ACTION**

At the November 10, 2022 Agenda Session meeting, the Board of Commissioners approved placing the proposed ARP Committee Recommendations on the consent agenda at the November 21, 2022 Board of Commissioners meeting.

#### **ATTACHMENTS:**

Description	Type
Small Business Funding Recommendations	Backup Material
Consideration of ARPA Policy Revisions	Backup Material
Consideration of Policy No. 3-13: Policy for Records Retention of ARPA/SLFR Funds	Backup Material
Consideration of Policy No. 10-1.9: Program for COVID19 Assistance to Nonprofits	Backup Material



**Amy H. Cannon**  
County Manager

**Brian Haney**  
Assistant County Manager



**Tracy Jackson**  
Assistant County Manager

**Sally S. Shutt**  
Assistant County Manager

**Heather Skeens**  
Assistant County Manager

## Office of the County Manager

**TO: BOARD OF COUNTY COMMISSIONERS**  
**FROM: TYE VAUGHT, CHIEF OF STAFF**  
**DATE: NOVEMBER 4, 2022**  
**SUBJECT: SMALL BUSINESS FUNDING RECOMMENDATIONS**

### **BACKGROUND**

After successfully completing steps 1-4 of the Small Business Economic Assistance Program's application process, staff recommends approval of these small businesses to receive Coronavirus State and Local Fiscal Recovery Funds. Each application has been reviewed and has submitted appropriate documents or records that show that the business possesses a reasonable capacity to use the recommended award in a fiscally responsible way and perform a public purpose. Staff's recommendations total \$643,085 and are contingent on the successful execution of a contract with the County. Staff will conduct site visits to confirm each business's operating address and ensure NC Secretary of State filings were current for corporations and limited liability companies.



## **ARP SMALL BUSINESS ECONOMIC ASSISTANCE PROGRAM**

### **ARP Committee Funding Recommendations**

**Grand Total Funding Recommendations: \$683,085**

#### **4MB Inc DBA Hilton Garden Inn – Fayetteville/Fort Bragg**

- The Hilton Garden Inn has operated in Cumberland County since 2002. The business provides lodging, food, beverages, and a meeting space. Food and beverage operations, as well as meeting rooms, were closed due to COVID-19 restrictions. The business experienced a reduction in customers due to limited travel.
- Prior Funding: \$309,600
- Requested: \$50,000
- Recommendation: \$50,000 Payroll and Utilities to hire and/or retain 24 full-time LMI employees

#### **American Hospitality Inc DBA Holiday Inn Express Hotel & Suites**

- Holiday Inn Express (Skibo Rd.) has operated in Cumberland County since 1996. The business provides lodging, food, beverages, and a conference center. Food and beverage operations, as well as meeting rooms, were closed due to COVID-19 restrictions. The business experienced a reduction in customers due to limited travel to essential people only.
- Prior Funding: \$211,700
- Requested: \$50,000
- Recommendation: \$50,000 Payroll and Utilities to hire and/or retain 11 full-time LMI employees

#### **Charisma Beauty Institute**

- Charisma Beauty Institute has operated in Cumberland County since 2018. The business is a cosmetology school located in Fayetteville that offers students a licensure in the fields of Cosmetology, Esthetics, Natural Hair, and Nail Technology. The school has maintained a Grade A and 100% exam passing rate and job placement rate for all students. The business had to close their cosmetology school for four months because of the mass shutdown due to COVID-19. Student enrollment declined after reopening. Some students were unable to maintain their tuition expenses and the business worked with these students to keep them enrolled.
- Prior Funding: None
- Requested: \$50,000
- Recommendation: \$41,400 Occupancy to hire and/or retain 3 full-time LMI employees

#### **ChrisJoele Couture, LLC**

- ChrisJoele Couture has operated in Cumberland County since 2014. The business has had an online presence but expanded its operations to brick and mortar during the pandemic. The business is a women's boutique offering a unique and exclusive line of wardrobe. The business hosts the Success Closet, which works with organizations such as Fayetteville Urban Ministries to dress those in need at no charge for job interviews and job placement. The business is also a member of the Greater Fayetteville Chamber of Commerce. The business experienced a reduction in staff and revenues during the pandemic.
- Prior Funding: \$18,000
- Requested: \$24,000
- Recommendation: \$15,600 Occupancy to hire and/or retain 3 full-time LMI employees



### **Exclusive Hair Designs Salon & Spa DBA Tonya L. Council**

- Exclusive Hair Designs Salon has operated in Cumberland County since 2016. The business allows independent contractors (cosmetologists) a place to provide hair services (i.e. relaxer, coloring, cuts, etc.) and also provides hair products. The business claims a loss of stylists after closing down for months while still having to pay bills and lease. The business also had to purchase additional safety products (i.e., sanitizers, sprayers, masks, etc.) to appropriately space clients and provide social distancing measures.
- Prior Funding: \$50,000
- Requested: \$50,000
- Recommendation: \$23,837 Occupancy to retain 1 full-time LMI employee

### **Gateway Communications PLLC DBA Gateway Tutoring**

- Gateway Communications PLLC has operated in Cumberland County since 2016. The business is a speech therapy company that provides speech therapy to children in their office setting. The business also provides private 1-on-1 tutoring in math, ELA, EOG prep, and Kindergarten readiness to school aged children. The business states that in-person speech therapy and tutoring is essential to their operations. In 2020, the clinic had to shut down for three months and reopened to virtual services. The business obtained more office space in March and April of 2021, but lost employees. The business states that they plan to hire three teachers by Spring 2022 and provide after school tutoring to about 15 children.
- Prior Funding: \$38,504.03
- Requested: \$21,348
- Recommendation: \$21,348 Occupancy to hire and/or retain 11 full-time LMI employees

### **Got Chu Faded Barbershop**

- Got Chu Faded Barbershop has operated in Cumberland County since 2017. The business provides haircuts, straight razor, and wet shaves. In March 2020, all barbershops, salons, and massage businesses were ordered to shut down amid the COVID-19 outbreak. Applicant states that lease payments still had to be made monthly to keep the business from going under. All employees (besides the owner) are self-employed contractors paying a booth rent.
- Prior Funding: \$855
- Requested: \$24,700
- Recommendation: \$24,700 Payroll & Occupancy to retain 1 full-time LMI employee

### **Hardy Group Consulting LLC**

- Hardy Group Consulting LLC has operated in Cumberland County since 2019. The business is a minority woman-owned consulting firm that services citizens and small business owners with education and marketing plans. The business had trouble maintaining capacity during the pandemic.
- Prior Funding: \$6,250
- Requested: \$15,000
- Recommendation: \$15,000 Payroll to hire and/or retain 3 full-time LMI employees



### **Heart & Soul - Soul Food and Lounge LLC**

- Heart & Soul - Soul Food and Lounge LLC has operated in Cumberland County since 2019. The business is a family-owned soul food restaurant that specializes in soul food cuisine. Business started in November of 2019 but was unable to open until July 2020 due to the inability to get permits and licenses. Restrictions upon opening such as no dine-ins and early closing also caused the business to close several times due to short staff and business decline.
- Prior Funding: None
- Requested: \$45,300
- Recommendation: \$45,300 Occupancy to hire and/or retain 4 LMI employees

### **Hidden Jewel Salon**

- Hidden Jewel Salon has operated in Cumberland County since 2019. The business is a beauty salon and provides esthetic services. The business was shut down due to the stay-at-home order implemented by the Governor. The business lost 3 booths and lost revenue due to COVID-19 safety precaution modifications. The business had to reduce the number of contracted practitioners from 7 to 4 and owner states that they used personal income to pay all rents for remaining stylist so they could return to work.
- Prior Funding: None
- Requested: \$8,700
- Recommendation: \$8,400 Occupancy to retain 1 full-time LMI employee

### **HMM Legacy Inc DBA Springhill Suites - Fayetteville/Fort Bragg**

- Springhill Suites - Fayetteville/Fort Bragg has operated in Cumberland County since 2017. The business provides lodging, food and beverage services, and meeting spaces. The business states that food and beverage operations, as well as meeting rooms, were closed due to COVID-19 restrictions. The business also states that travel was limited to essential people only so their revenues were negatively affected.
- Prior Funding: \$254,800
- Requested: \$50,000
- Recommendation: \$50,000 Payroll and Utilities to hire and/or retain 13 full-time LMI employees

### **LegaC Remodeling & Home Improvement, LLC**

- LegaC Remodeling & Home Improvement, LLC has operated in Cumberland County since 2018. The business specializes in home repair and improvement. The business owner is a certified energy auditor, quality control inspector, building analyst professional, lead based renovator, and is also OSHA certified. Due to the pandemic the business owner has not been successful in hiring employees and has been completing projects on his own.
- Prior Funding: \$18,500
- Requested: \$50,000
- Recommendation: \$15,000 Payroll to retain 1 full-time LMI employee



**Lifespan ABA, Inc.**

- Lifespan ABA, Inc has operating in Cumberland County since 2013. The business uses evidence-based practices to facilitate the teaching of individuals diagnosed with autism spectrum disorder. The business lost approximately 20% of its staff and struggled to maintain remaining staff by implementing nontraditional incentives.
- Prior Funding: \$234,763
- Requested: \$50,000
- Recommendation: \$50,000 Occupancy, Payroll, and COVID-19 Prevention to hire and/or retain 3 full-time LMI employees

**LL&M Inc**

- LL&M Inc has operated Burney's Sweets and More of Fayetteville in Cumberland County since 2016. The business serves specialty baked goods, cakes, cookies, pies, and are most known for their fried glazed croissants. The business suffered a reduction in staff at the beginning of the pandemic. The business is in the process of rebuilding staff levels.
- Prior Funding: \$94,823
- Requested: \$40,000
- Recommended: \$40,000 Payroll and Occupancy to hire and/or retain 6 full-time LMI employees

**MBM Legacy Inc DBA Embassy Suites Hotel & Conference Center**

- Embassy Suites Hotel & Conference Center has operated in Cumberland County since 2011. The business provides lodging, food and beverage services, and a conference center. The business states that food and beverage operations, as well as meeting rooms, were closed due to COVID-19 restrictions. The business also states that travel was limited to essential people only so their revenues were negatively affected.
- Prior Funding: \$657,700
- Requested: \$50,000
- Recommendation: \$50,000 Payroll & Utilities to hire and/or retain 18 full-time LMI positions

**Nuvision Home Care Inc.**

- Nuvision Home Care Inc. has operated in Cumberland County since 2011. The business specializes in home health care and employees home health aids to support clients in their homes. During the pandemic the business struggled to maintain adequate staffing and relied on a reduced staff to maintain clients.
- Prior Funding: None
- Requested: \$10,000
- Recommendation: \$10,000 Payroll to retain 3 full-time LMI employees

**Sunlight Behavior Center, Inc.**

- Sunlight Behavior Center, Inc has operated in Cumberland County since 2003. The business is a 24-hour mental health level 3 residential group home for at-risk boys aged 8-17. The business experienced a reduction in capacity during to pandemic due to requirements and health & safety concerns.
- Prior Funding: \$49,000
- Requested: \$50,000
- Recommendation: \$50,000 Payroll to hire and/or retain 4 full-time LMI employees



### **The Cotton Law Firm, PLLC**

- The Cotton Law Firm, PLLC has operated in Cumberland County since 2010. The business is a law firm that serves clients in Cumberland County in traffic matters & DMV hearings, criminal defense, estate planning and uncontested divorces. The business lost workers during the pandemic and has worked to rebuild capacity.
- Prior Funding: \$188,500
- Requested: \$50,000
- Recommendation: \$50,000 Payroll to hire and/or retain 10 full-time LMI employees

### **Asja Davis DBA The Maintenance Crew**

- The Maintenance Crew has operated in Cumberland County since 2020. The business is skilled in several areas: Painting, Pressure Washing, Drywall, Concrete & Masonry, Light Remodeling, Cleaning, Hauling, Debris Removal, and Landscaping. During the pandemic the business expanded their services to maintain employees by providing cleaning and sanitation services as well but continued to struggle to maintain capacity.
- Prior Funding: \$4,000
- Requested: \$50,000
- Recommendation: \$20,000 to retain 1 full-time LMI employee

### **United Residential Services of North Carolina, Inc.**

- United Residential Services of North Carolina, Inc. has operated in Cumberland County since 2006. United Residential Services of North Carolina, Inc. is a provider of 24-hour residential treatment and services for persons living with Intellectual /developmental disabilities. During the pandemic the business lost 25% of its existing staff.
- Prior Funding: \$56,000
- Requested: \$50,000
- Recommendation: \$40,000 Payroll to hire and/or retain 10 full-time LMI employees

### **Yatringela Station Lash & Brow Bar LLC**

- Yatringela Station Lash & Brow Bar LLC has operated in Cumberland County since 2019. The business serves all populations providing eyelash, eyebrow, body waxing, and skincare services. The business closed in March 2020 due to Governor Cooper's mandate and has worked to restore staffing levels.
- Prior Funding: \$10,000
- Requested: \$25,000
- Recommendation: \$12,500 Occupancy to retain and/or hire 2 full-time LMI employees



**Amy H. Cannon**  
County Manager

**Brian Haney**  
Assistant County Manager



**Tracy Jackson**  
Assistant County Manager

**Sally S. Shutt**  
Assistant County Manager

**Heather Skeens**  
Assistant County Manager

## Office of the County Manager

**TO: BOARD OF COUNTY COMMISSIONERS**  
**FROM: VICKI EVANS, FINANCE DIRECTOR**  
**DATE: NOVEMBER 4, 2022**  
**SUBJECT: CONSIDERATION OF ARPA POLICY REVISIONS**

### **BACKGROUND**

Due to recent staffing changes, responsibilities specifically assigned to the ARP Program Manager within policy language has been expanded to now include the Chief of Staff or other designee as assigned by the County Manager. Revising the language in this manner ensures coverage in the event future position changes occur.

All proposed changes are shown in red font as follows:

- The footer on each policy has changed to show the proposed approval date of November 21, 2022
- Policy No. 3-9: Policy for Eligibility Determination for Expenditures of ARPA/CSLFRF - see page 3
- Policy No. 3-12: Policy for Subaward & Monitoring for Expenditures of ARPA/CSLFRF - see pages 5, 7 and 9



**Cumberland County**  
**Section I – Board Approved Policies**  
**Subsection 3 – Cumberland County Financial/Audit**  
**Policy No. 3-9: Policy for Eligibility Determination for Expenditures of American**  
**Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds**  
**(ARPA/CLSFRRF)**

## **1.0 PURPOSE**

Cumberland County has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARPA/CLSFRRF). A separate ARPA fund has been established through an ARPA Grant Project Ordinance to budget and account for receipt and use of the funds.

## **2.0 SCOPE**

These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Provide services to disproportionately impacted communities to include providing housing support, healthy childhood environments, social, emotional and mental health services;
4. Provide premium pay for essential workers offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors;
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.
6. Revenue replacement; and,
7. Administrative expenses.

These funds are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the [Assistance Listing](#); and the [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#) which dictate implementation of the ARP/CLSFRRF award terms and compliance requirements. Cumberland County must develop and implement effective internal controls to ensure that funding decisions under the SLFRRF award constitute eligible uses of funds, and document determinations.

## **3.0 STATEMENT OF THE POLICY**



Cumberland County hereby adopts and enacts the following Eligibility Determination Policy for the expenditure of ARPA/CSLFRF funds.

## **PERMISSIBLE USES OF ARP/CSLFRF FUNDING**

US Treasury issued its **Final Rule** regarding use of ARPA funds on January 6, 2022. (The Final Rule is effective as of April 1, 2022. Until that date, a local government may proceed under the regulation promulgated by US Department of the Treasury in its **Interim Final Rule** or the Final Rule.) The Final Rule (and the Interim Final Rule) identify permissible uses of ARP/CSLFRF funds and certain limitations and process requirements. Cumberland County must allocate ARP/CSLFRF funds no later than December 31, 2024 and disburse all funding no later than December 31, 2026. Failure of an entity to expend all funds by December 31, 2026 will result in forfeiture of ARPA funds.

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

## **PROHIBITED USES OF ARPA FUNDING**

The ARP/CSLFRF and US Treasury's Final Rule prohibit certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.);
2. To borrow money or make debt service payments;
3. To replenish rainy day funds or fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding (There is an exception to this prohibition if the settlement or judgment requires Cumberland County to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed.);
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;



6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

Cumberland County and any of its contractors or subrecipients, shall not expend any ARP/CSLFRF funds for these purposes.

## **PROCEDURES FOR PROJECT APPROVAL *(updated on August 19, 2022)***

1. Requests for ARP/CSLFRF funding eligibility determination, must be documented on the Cumberland County ARPA Project Funding Eligibility Determination Form which shall include all the following:
  - a. Brief description of the project
  - b. Identification of ARP/CSLFRF Expenditure Category (EC)
  - c. Required justifications for applicable projects, according to the requirements in the Final Rule.
  - d. Proposed budget, broken down by cost item, in accordance with Cumberland County's Allowable Cost Policy.
  - e. A project implementation plan and estimated implementation timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.)
2. Eligibility Determination forms must be completed for projects being considered for ARP/SLFRF funding.
3. If a proposal does not meet the required criteria as documented on the form, the requesting party may be requested to revise and resubmit.
4. The Eligibility Determination Form will be reviewed by the County Attorney's Office for ARP/CSLFRF compliance and by the ARPA Finance Accountant for verification of budgetary compliance and vendor setup information required to establish a formal agreement with Cumberland County.
5. Following approval, employees responsible for implementing the project must ensure actual obligations and expenditures conform to the approved project budget. Any changes in project budgets must be approved in advance and may require a budget amendment before proceeding. Any delay in the projected project completion date shall be communicated to the ARPA Program Manager, **Chief of Staff, or other designee assigned by the County Manager**, immediately.
6. The ARPA Finance Accountant must collect and document required information for each EC, for purposes of completing the required Project and Expenditure reports.
7. No ARP/CSLFRF project expenditures may be obligated or expended before the Board of County Commissioners approves the use within the grant project budget ordinance.
8. For audit purposes, the ARPA Finance Accountant must maintain a file containing project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.



**Cumberland County**  
**Section I – Board Approved Policies**  
**Subsection 3: Cumberland County Financial / Audit**  
**Policy No. 3-12: Policy for Subaward & Monitoring for Expenditures of American Rescue**  
**Plan Act Coronavirus State and Local Fiscal Recovery Funds (ARPA/CSLFRF)**

**1.0 PURPOSE**

Cumberland County has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARPA/CSLFRF).

**2.0 SCOPE**

These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Provide services to disproportionately impacted communities to include providing housing support, healthy childhood environments, social, emotional and mental health services;
4. Provide premium pay for essential workers offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors;
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.
6. Revenue replacement; and,
7. Administrative expenses.

These funds are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the Assistance Listing (21.027). ARP/CSLFRF rules authorize the Cumberland County to enter subaward agreements with subrecipients to assist in carrying out the terms of the ARP/CSLFRF. When Cumberland County enters into a subaward as a subrecipient, it acts as a pass-through entity, as described in 2 CFR 200.1, and the Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds (v.3.0 February 2022) provides, in relevant part:

*Subrecipient Monitoring: SLFRF recipients that are pass-through entities as described under 2 CFR 200.1 are required to manage and monitor their subrecipients to ensure compliance with requirements of the SLFRF award pursuant to 2 CFR 200.332 regarding requirements for pass-through entities.*



*First, your organization must clearly identify to the subrecipient: (1) that the award is a subaward of SLFRF funds; (2) any and all compliance requirements for use of SLFRF funds; and (3) any and all reporting requirements for expenditures of SLFRF funds.*

*Next, your organization will need to evaluate each subrecipient's risk of noncompliance based on a set of common factors. These risk assessments may include factors such as prior experience in managing Federal funds, previous audits, personnel, and policies or procedures for award execution and oversight. Ongoing monitoring of any given subrecipient should reflect its assessed risk and include monitoring, identification of deficiencies, and follow-up to ensure appropriate remediation.*

*Accordingly, your organization should develop written policies and procedures for subrecipient monitoring and risk assessment and maintain records of all award agreements identifying or otherwise documenting subrecipients' compliance obligations.*

*Recipients should note that non-entitlement units of local government (NEUs) are not subrecipients under the SLFRF program. They are SLFRF recipients that will report directly to Treasury.*

*Recipients should also note that subrecipients do not include individuals and organizations that received SLFRF funds as end users to respond to the negative economic impacts of COVID-19 on these organizations. Such individuals and organizations are beneficiaries and not subject to audit pursuant to the Single Audit Act and 2 C.F.R. Part 200, Subpart F.*

*Separately or in addition, many recipients may choose to provide a subaward (e.g., via contract or grant) to other entities to provide services to other end—users. For example, a recipient may provide a grant to a nonprofit to provide homeless services to individuals experiencing homelessness. In this case, the subaward to a nonprofit is based on the services that the Recipient intends to provide, assistance to households experiencing homelessness, and the nonprofit is serving as the subrecipient, providing services on behalf of the recipient. Subrecipients are subject to audit pursuant to the Single Audit Act and 2 CFR part 200, subpart F regarding audit requirements.*

*In addition, Subpart D of the UG dictates subrecipient and award requirements for expenditure of ARP/CSLFRF funds. 2 CFR 200.332 states that:*

*All pass-through entities must:*

*(a) Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the [required] information at the time of the subaward . . . When some of [the required information] is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward.*

*(b) Evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring.*

*(c) Consider imposing specific subaward conditions upon a subrecipient if appropriate as described by 2 CFR 200.208.*



*(d) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved.*

*(e) Depending upon the pass-through entity's assessment of risk posed by the subrecipient, [specific] monitoring tools may be useful for the pass-through entity to ensure proper accountability and compliance with program requirements an achievement of performance goals.*

*(f) Verify that every subrecipient is audited as required by [2 CFR 200, Subpart F] when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in 2 CFR 200.501.*

*(g) Consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records.*

*(h) Consider taking enforcement action against noncompliant subrecipients as described in 2 CFR 200.339 and in program regulations.*

### **3.0 STATEMENT OF THE POLICY**

Cumberland County hereby adopts and enacts the following Subaward and Monitoring Policy for the expenditure of ARPA/CSLFRF funds.

#### **SUBAWARD AND MONITORING POLICY FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS**

##### **I. POLICY OVERVIEW**

Title 2 U.S. Code of Federal Regulations Part 200, (2 CFR 200) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart D, defines requirements of pass-through entities initiating subaward agreements with Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). Cumberland County (hereinafter [COUNTY]) shall adhere to all applicable subaward and monitoring requirements governing the use of ARP/CSLFRF. This policy establishes procedures for classifying, making an award to, and monitoring a sub-recipient consistent with ARP/CSLFRF grant award terms and all applicable federal regulations in the UG.

Responsibility for following these guidelines lies with Cumberland County's ARPA Staff Committee who are charged with the administration and financial oversight of the ARP/CSLFRF funds.

##### **II. DEFINITIONS**

The definitions in 2 CFR 200.1 apply to this policy, including the following:



Contract: for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a federal award. For additional information on subrecipient and contractor determinations, see § 200.331. See also the definition of subaward in this section.

Contractor: an entity that receives a contract as defined in this section.

Pass-through Entity: a non-Federal entity that provides a subaward to a subrecipient to carry out part of a federal program. The COUNTY is the pass-through entity when it awards a subaward to a subrecipient.

Recipient: an entity, usually but not limited to non-Federal entities that receives a federal award directly from a federal awarding agency. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.

Subaward: an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Subrecipient: an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a federal awarding agency.

### III. SUBRECIPIENT CLASSIFICATION

The COUNTY must make a case-by-case determination whether an agreement with another government entity or private entity, that is not a beneficiary, casts the party receiving the funds in the role of a subrecipient or contractor. 2 CFR 200.331.

A subaward is for the purpose of carrying out a portion of a federal award and creates a federal assistance relationship with the subrecipient. Characteristics which support the classification of the non-Federal entity as a subrecipient include when the non-Federal entity:

- (1) Determines who is eligible to receive what federal assistance;
- (2) Has its performance measured in relation to whether objectives of a federal program were met;
- (3) Has responsibility for programmatic decision-making;
- (4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and
- (5) In accordance with its agreement, uses the federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.



A contract is for the purpose of obtaining goods and services for the non-Federal entity's own use and creates a procurement relationship with the contractor. Characteristics indicative of a procurement relationship between the non-federal entity and a contractor are when the contractor:

- (1) Provides the goods and services within normal business operations;
- (2) Provides similar goods or services to many different purchasers;
- (3) Normally operates in a competitive environment;
- (4) Provides goods or services that are ancillary to the operation of the Federal program; and
- (5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.

In determining whether an agreement between a pass-through entity and another non-federal entity casts the latter as a subrecipient or a contractor, the substance of the relationship is more important than the form of the agreement. All the characteristics listed above may not be present in all cases, and the pass-through entity must use judgment in classifying each agreement as a subaward or a procurement contract.

The COUNTY will use the above criteria to determine if an agreement involving the expenditure of ARP/CSLFRF is a contract or subaward. The County Attorney's Office will document the determination in the Subrecipient or Contractor Classification Checklist in Appendix 1. (Appendix 1: Subrecipient or Contractor Classification Checklist.)

If the agreement involves a contractor relationship (including a contract for services), the COUNTY must follow its UG Procurement Policy when entering into a contract.

If the agreement involves a subrecipient relationship, the COUNTY must proceed to Sections IV. through VII. below.

#### IV. ASSESSMENT OF RISK

Before engaging in a subaward, the COUNTY must evaluate a subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward to determine whether to award the subaward and the appropriate subrecipient monitoring.

Finance Department staff will conduct the risk assessment, which will include consideration of the following factors:

- (1) The subrecipient's prior experience with the same or similar subawards;
- (2) The results of previous audits including whether or not the subrecipient receives a Single Audit in accordance with 2 CFR 200 Subpart F and the extent to which the same or similar subaward has been audited as a major program;
- (3) Whether the subrecipient has new personnel or new or substantially changed systems; and



(4) The extent and results of federal awarding agency monitoring (e.g., if the subrecipient also receives Federal awards directly from a federal awarding agency). 2 CFR 200.332(b).

The results of the risk assessment must be documented in the Subrecipient Assessment of Risk form in Appendix 2 and will be used to dictate the types and degree of subrecipient monitoring. (Appendix 2: Subrecipient Assessment of Risk) The COUNTY will assign an overall risk level to the subrecipient indicating the following:

Low Risk / Moderate Risk / High Risk

There is a low risk that the subrecipient will fail to meet project or programmatic objectives or incur significant deficiencies in financial, regulatory, reporting, or other compliance requirements. There is moderate risk that the subrecipient will fail to meet project or programmatic objectives or incur significant deficiencies in financial, regulatory, reporting, or other compliance requirements. There is high risk that the subrecipient will fail to meet project or programmatic objectives or incur significant deficiencies in financial, regulatory, reporting, or other compliance requirements.

If a proposed subrecipient is deemed high risk, the ARPA Program Manager, **Chief of Staff, or other designee assigned by the County Manager** must provide written justification to proceed with the subaward. The justification must be approved by the County Attorney's Office.

## V. SUBRECIPIENT MONITORING

The COUNTY will develop and implement a subrecipient monitoring plan for the particular subaward based on the findings of the Subrecipient Assessment of Risk. According to 2 CFR 200.332(d). The monitoring plan must involve:

- (1) Reviewing financial and performance reports required by the pass-through entity.
- (2) Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and written confirmation from the subrecipient, highlighting the status of actions planned or taken to address Single Audit findings related to the particular subaward.
- (3) Issuing a management decision for applicable audit findings pertaining only to the Federal award provided to the subrecipient from the pass-through entity as required by 2 CFR 200.521.
- (4) The pass-through entity is responsible for resolving audit findings specifically related to the subaward and not responsible for resolving crosscutting findings. If a subrecipient has a current Single Audit report posted in the Federal Audit Clearinghouse and has not otherwise been excluded from receipt of Federal funding (e.g., has been debarred or suspended), the pass-through entity may rely on the subrecipient's cognizant audit agency or cognizant oversight agency to perform audit follow-up and make management decisions related to cross-cutting findings in accordance with section 2 CFR 200.513(a)(3)(vii). Such reliance does not eliminate the responsibility of the pass-through entity to issue subawards that conform to agency and award-specific requirements, to manage risk through ongoing subaward monitoring, and to monitor the status of the findings that are specifically related to the subaward.



The COUNTY's monitoring plan will vary based on the overall subrecipient risk assessment as low risk, medium risk, or high risk, detailed as follows:

Subrecipient Deemed Low Risk	Subrecipient Deemed Medium Risk	Subrecipient Deemed High Risk
<ul style="list-style-type: none"> <li>• Payment validations (monthly)</li> <li>• Report reviews (quarterly)</li> <li>• Desk reviews (at least once per year and more frequently if requested by [County/City/Town/Village] or subrecipient)</li> <li>• Onsite reviews (upon request of [County/City/Town/Village] or subrecipient)</li> <li>• Audit review (yearly)</li> </ul>	<ul style="list-style-type: none"> <li>• More detailed financial reporting</li> <li>• Payment validations (monthly)</li> <li>• Report reviews (bi-monthly)</li> <li>• Desk reviews (within 6 months of project start and every six months thereafter)</li> <li>• Onsite reviews (within 12 months of project start and annually thereafter, or more frequently as requested by [County/City/Town/Village] or subrecipient)</li> <li>• Audit review (yearly)</li> <li>• Procedures engagement (if subrecipient not subject to Single Audit Act; yearly)</li> </ul>	<ul style="list-style-type: none"> <li>• More detailed financial reporting</li> <li>• Compliance training (one-time)</li> <li>• Prior approvals for certain expenditures</li> <li>• Payment validations (monthly)</li> <li>• Report reviews (monthly)</li> <li>• Desk reviews (within 3 months of project start and at least quarterly thereafter)</li> <li>• Onsite reviews (within 6 months of project start and bi-annually thereafter, or more frequently as requested by [County/City/Town/Village] or subrecipient)</li> <li>• Audit review (yearly)</li> <li>• Procedures engagement (if subrecipient not subject to Single Audit Act; yearly)</li> </ul>

**Payment validation:** All subrecipient documentation for project expenditures must be reviewed by the ARPA Finance Accountant for compliance with subaward requirements. Any non-compliant expenditures will be denied and the subrecipient will be provided a reasonable description of the reason for denial and an opportunity to cure the deficiency. For a subrecipient on a reimbursement-based payment structure, the validation will occur before a reimbursement payment is approved. For a subrecipient that received an up-front payment, any funds found to have been expended in violation of the subaward requirements must be repaid to the COUNTY.

**Report review:** A subrecipient must submit quarterly financial and performance reports, based on the schedule set forth in the subaward. The nature and scope of the reports will depend on the project and be spelled out in the subaward. The reports will be reviewed by the ARPA Program Manager, Chief of Staff, or other designee assigned by the County Manager. Any deficiencies or other performance concerns will be addressed with the subrecipient in a timely manner and could trigger additional monitoring requirements or other interventions, as specified in the subaward.

**Desk review:** The COUNTY will conduct a meeting to review the subrecipient's award administration capacity and financial management. The meeting may be held virtually or in person. Topics covered will depend on project scope and subrecipient risk assessment and may include governance, budgeting, accounting, internal controls, conflict of interest, personnel,



procurement, inventory, and record keeping. The COUNTY will produce a report which summarizes the results and any corrective actions if deemed necessary. The report will be shared in a timely manner with the subrecipient.

Onsite review: The COUNTY will conduct an on-site meeting at the subrecipient's location to review the subrecipient's project performance and compliance. Topics covered will depend on project scope and subrecipient risk assessment and may include project procurement, data systems, activity and performance tracking, project reporting, inventory, and software systems. The COUNTY will produce a report which summarizes the results and any corrective actions deemed necessary. The report will be shared in a timely manner with the subrecipient.

Audit review: The COUNTY must verify that every subrecipient is audited as required by 2 CFR 200 Subpart F (Single Audit) when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in 2 CFR 200.501. The COUNTY must obtain a copy of the subrecipient's Single Audit from the Federal Audit Clearinghouse (FAC). Within six months of the acceptance of the audit report by the FAC, the COUNTY will issue a management decision for any audit findings related to the subaward. The decision will clearly state whether or not the audit finding is sustained, the reasons for the decision, and the expected auditee action to repay disallowed costs, make financial adjustments, or take other action. (The decision will include reference numbers the auditor assigned to each finding.) The decision will provide a timetable for responsive actions by the subrecipient. Prior to issuing the management decision, the COUNTY may request additional information or documentation from the auditee, including a request for auditor assurance related to the documentation, as a way of mitigating disallowed costs.

Procedures engagement: Applicable only to subrecipients who are not subject to the Single Audit Act. An auditor will perform specific procedures and report on findings. The scope must be limited to the following compliance requirements: activities allowed or unallowed; allowable costs/cost principles; eligibility; and reporting. The review will be arranged and paid for by the COUNTY. The COUNTY will verify completion of the procedure's engagement. Within six months of the acceptance of the procedure's engagement report, the COUNTY will issue a management decision for any findings related to the subaward. The decision will provide a timetable for responsive actions by the subrecipient. Prior to issuing the management decision, the COUNTY may request additional information or documentation from the subrecipient, including a request for auditor assurance related to the documentation, as a way of mitigating disallowed costs.

The specific monitoring plan for each subrecipient, including the type and frequency of reviews, will be detailed in the subaward agreement. For all requirements beyond those listed under the Low Risk category above, the COUNTY will notify the subrecipient of the following in the subaward:

- (1) The nature of the additional requirements;
- (2) The reason why the additional requirements are being imposed;
- (3) The nature of the action needed to remove the additional requirement, if applicable;
- (4) The time allowed for completing the actions if applicable; and
- (5) The method for requesting reconsideration of the additional requirements imposed.



To implement the monitoring plan, ARPA Program Manager, **Chief of Staff, or other designee assigned by the County Manager** must perform periodic reviews and document findings in the Subrecipient Monitoring Form (Appendix 3: Subrecipient Monitoring Form).

## VI. SUBRECIPIENT INTERVENTIONS

The COUNTY may adjust specific subaward conditions as needed, in accordance with 2 CFR 200.208 and 2 CFR 200.339. If the COUNTY determines that the subrecipient is not in compliance with the subaward, the COUNTY may institute an intervention. The degree of the subrecipient's performance or compliance deficiency will determine the degree of intervention. All possible interventions must be indicated in the subaward agreement.

The COUNTY must provide written notice to the subrecipient of any intervention within thirty days of the completion of a report review, desk review, onsite review, audit review, or procedures engagement review or as soon as possible after the COUNTY otherwise learns of a subaward compliance or performance deficiency.

Pursuant to 2 CFR 200.208, the written notice must notify the subrecipient of the following related to the intervention:

- (1) The nature of the additional requirements;
- (2) The reason why the additional requirements are being imposed;
- (3) The nature of the action needed to remove the additional requirement, if applicable;
- (4) The time allowed for completing the actions if applicable; and
- (5) The method for requesting reconsideration of the additional requirements imposed.

The following interventions may be imposed on a subrecipient, based on the level of the compliance or performance deficiency:

**Level 1 Interventions.** These interventions may be required for minor compliance or performance issues.

- (1) Subrecipient addresses specific internal control, documentation, financial management, compliance, or performance issues within a specified time period
- (2) More frequent or more thorough reporting by the subrecipient
- (3) More frequent monitoring by the COUNTY
- (4) Required subrecipient technical assistance or training

**Level 2 Interventions.** These interventions may be required, in addition to Level 1 interventions, for more serious compliance or performance issues.

- (1) Restrictions on funding payment requests by subrecipient
- (2) Disallowing payments to subrecipient
- (3) Requiring repayment for disallowed cost items
- (4) Imposing probationary status on subrecipient

**Level 3 Interventions.** These interventions may be required, in addition to Level 1 and 2 interventions, for significant and/or persistent compliance or performance issues.



- (1) Temporary or indefinite funding suspension to subrecipient
- (2) Nonrenewal of funding to subrecipient in subsequent year
- (3) Terminate funding to subrecipient in the current year
- (4) Initiate legal action against subrecipient

## VII. SUBAWARD AGREEMENT & EXECUTION

The subaward agreement will be drafted by the County Attorney's Office using the Subaward Agreement Template. Contract terms and conditions may vary based on several factors, including subrecipient risk assessment findings, as documented in the Subrecipient Assessment of Risk. The County Manager may fully execute the subaward agreement, subject to any required budget amendments by the COUNTY's governing board, preaudit requirements, electronic processing through the COUNTY's financial system.



**Amy H. Cannon**  
County Manager

**Brian Haney**  
Assistant County Manager



**Tracy Jackson**  
Assistant County Manager

**Sally S. Shutt**  
Assistant County Manager

**Heather Skeens**  
Assistant County Manager

## Office of the County Manager

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: VICKI EVANS, FINANCE DIRECTOR**

**DATE: NOVEMBER 4, 2022**

**SUBJECT: CONSIDERATION OF POLICY NO. 3-13: POLICY FOR RECORDS RETENTION OF ARPA/SLFR FUNDS**

### **BACKGROUND**

The Coronavirus Local Fiscal Recovery Funds Award Terms and Conditions and the Compliance and Reporting Guidance set forth the U.S. Department of Treasury's record retention requirements for the ARP/CSLFRF award. The attached policy was developed utilizing a template provided by the UNC School of Government. In general, the county must retain records for five years after the final expenditures have been made. That is currently expected to be no later than December 31, 2031. The policy also assigns responsibility for records retention to the ARPA Finance Accountant.



**Cumberland County**  
**Section I – Board Approved Policies**  
**Subsection 3: Cumberland County Financial / Audit**  
**Policy No. 3-13: Policy for Records Retention of**  
**American Rescue Plan Act Coronavirus State and Local Fiscal Recovery Funds**  
**(ARPA/CSLFRF)**

## **1.0 PURPOSE**

Cumberland County has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARPA/CSLFRF).

## **2.0 SCOPE**

These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Provide services to disproportionately impacted communities to include providing housing support, healthy childhood environments, social, emotional and mental health services;
4. Provide premium pay for essential workers offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors;
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.
6. Revenue replacement; and,
7. Administrative expenses.

These funds are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the [Assistance Listing](#); and the [Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds](#).

## **3.0 STATEMENT OF THE POLICY**

Cumberland County (hereinafter COUNTY) hereby adopts and enacts the following ARPA Policy for Records Retention of ARPA/CSLFRF funds.

The Coronavirus Local Fiscal Recovery Funds (“CSLFRF”) [Award Terms and Conditions](#) and the [Compliance and Reporting Guidance](#) set forth the U.S. Department of Treasury’s (“Treasury”) record retention requirements for the ARP/CSLFRF award.



It is the policy of the COUNTY to follow Treasury's record retention requirements as it expends CSLFRF pursuant to the ARP/CSLFRF award. Accordingly, the COUNTY agrees to the following:

- (1) Retain all financial and programmatic records related to the use and expenditure of CSLFRF pursuant to the ARP/CSLFRF award for a period of five (5) years after all CLFRF funds have been expended or returned to Treasury, whichever is later.*
- (2) Retain records for real property and equipment acquired with CSLFRF for five years after final disposition.*
- (3) Ensure that the financial and programmatic records retained sufficiently evidence compliance with section 603(c) of the Social Security Act "ARPA," Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.*
- (4) Allow the Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, the right of timely and unrestricted access to any records for the purpose of audits or other investigations.*
- (5) If any litigation, claim, or audit is started before the expiration of the 5-year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved.*

**Covered Records:** For purposes of this policy, records are information, regardless of physical form or characteristics, that are created, received, or retained that evidence the COUNTY's expenditure of CSLFRF funds on eligible projects, programs, or activities pursuant to the ARP/CSLFRF award.

Records that shall be retained pursuant to this policy include, but are not limited to, the following:

- (1) Financial statements and accounting records evidencing expenditures of CSLFRF for eligible projects, programs, or activities.*
- (2) Documentation of rational to support a particular expenditure of CSLFRF (e.g., expenditure constitutes a general government service);*
- (3) Documentation of administrative costs charged to the ARP/CSLFRF award;*
- (4) Procurement documents evidencing the significant history of a procurement, including, at a minimum, the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for contract cost or price;*
- (5) Subaward agreements and documentation of subrecipient monitoring;*



(6) *Documentation evidencing compliance with the Uniform Guidance property management standards set forth in 2 C.F.R. §§ 200.310-316 and 200.329;*

(7) *Personnel and payroll records for full-time and part-time employees compensated with CSLFRF; and*

(8) *Indirect cost rate proposals*

**Storage:** COUNTY's records must be stored in a safe, secure, and accessible manner. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

**Departmental Responsibilities:** Any department or unit of the COUNTY, and its employees, who are responsible for creating or maintaining the covered documents in this policy shall comply with the terms of this policy. Failure to do so may subject the COUNTY to civil and/or criminal liability. Any employee who fails to comply with the record retention requirements set forth herein may be subject to disciplinary sanctions, including suspension or termination.

The ARPA Finance Accountant is responsible for identifying the documents that the COUNTY must or should retain and arrange for the proper storage and retrieval of records. The ARPA Finance Accountant shall also ensure that all personnel subject to the terms of this policy are aware of the record retention requirements set forth herein.

**Reporting Policy Violations:** The COUNTY is committed to enforcing this policy as it applies to all forms of records. Any employee that suspects the terms of this policy have been violated shall report the incident immediately to that employee's supervisor. If an employee is not comfortable bringing the matter up with the supervisor, the employee may bring the matter to the attention of the ARPA Finance Accountant. The COUNTY prohibits, any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of inappropriate conduct of any kind, pursuing any record destruction claim, or cooperating in related investigations.

**Questions About the Policy:** Any questions about this policy should be referred to the ARPA Finance Accountant, who is in charge of administering, enforcing, and updating this policy.



The following policy was approved at the \_\_\_\_\_ Board of Commissioner's meeting.

**Cumberland County**

**Section I – Board Approved Policies**

**Subsection 10: American Rescue Plan Act of 2021**

**Policy No. 10-1.9: Program for COVID19 Assistance to Nonprofits**

**1.0 PURPOSE**

Cumberland County has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARPA/CSLFRF). The Board of Commissioners approved allocating ARPA funding to establish a Program for COVID19 Assistance to Nonprofits in response to the detrimental economic impacts experienced by nonprofit organizations as a result of the COVID-19 pandemic. This program describes eligible activities as defined in 31 CFR Part 35.

**2.0 SCOPE**

Funds are made available by the U.S. Department of Treasury through Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) and are administered by the Cumberland County ARP Staff Committee. The goal is to provide up to \$50,000 in financial assistance to nonprofit organizations that experienced detrimental impacts due to the pandemic. For the purpose of this program Cumberland County has defined a nonprofit organization as a 501(c)3 or 501(c)19 organization.

For the purposes of this program applicants are permitted to request funds to be reimbursed for:

- Payroll, which includes wages and associated payroll taxes; and
- Occupancy, which includes rental lease payments, mortgage (for organization property), and utilities

The organization must have been incorporated on or before March 3, 2021.

Funds under this Program may not be used for any purpose other than reimbursement of payroll and occupancy expenses.

**3.0 STATEMENT OF THE POLICY**

Nonprofit 501(c)(3) or 501(3)(19) organizations operating within Cumberland County may apply. To be eligible a nonprofit organization must:



- (a) be located in a Qualified Census Tract (QCT) in Cumberland County and provide services to residents in the QCT, or employ low to moderate income individuals, being those full-time equivalent positions paying less than \$37,350;
- (b) possess the capacity to be successful with the use of the ARPA/CSLFRF program funds;
- (c) have a valid employer identification number (EIN);
- (d) be registered and in good standing with the North Carolina Secretary of State;
- (e) not be in bankruptcy;
- (f) be current with property taxes and any fees that are collected with property taxes, or has a payment plan in place with the tax administrator;
- (g) maintain a policy of general liability insurance with at least as much coverage as the amount of funding received from the program;
- (h) comply with Cumberland County Policy No.3-11: Conflict of Interest;
- (i) have employees with wages reported with a W-2; and
- (j) maintain employment of at least one full-time equivalent low to moderate income employee for one year after the first receipt of assistance under the program.

#### **4.0 IMPLEMENTATION**

A contractual relationship will be established between the County and the nonprofit organization to ensure compliance with county, state, and federal guidelines.

- Implementation and enforcement of this policy shall be the responsibility of County Administration, Finance, and Legal in accordance with [31 CFR 35, Coronavirus State and Local Fiscal Recovery Funds Final Rule.](#)





**PLANNING AND INSPECTIONS DEPARTMENT**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD**

**DATE: 10/31/2022**

**SUBJECT: CASE ZON-22-0070**

**BACKGROUND**

**ZON-22-0070:** Rezoning from RR Rural Residential District to C(P) Planned Commercial District or to a more restrictive zoning district for two parcels with a combined 1.57 +/- acres; located at approximately 1000 feet north of the intersection of NC HWY 87 and Sand Hill Road; submitted by Joseph Riddle (applicant) on behalf of Linda Adkins Butler and Willie Butler (owner).

**RECOMMENDATION / PROPOSED ACTION**

**Planning Board Action:** Recommended denial of the rezoning request from RR Rural Residential to C(P) Planned Commercial District and recommended approval of C2(P) Planned Service and Retail District at their October 18, 2022 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

**Staff Recommendation:** In Case ZON-22-0070, the Planning and Inspections staff recommends denial of the rezoning request from RR Rural Residential District to C(P) Commercial District. Staff finds the request is not consistent with the South-Central Land Use Plan which calls for "Low Density Residential" at this location. Staff also finds that the request is not reasonable or in the public interest as it is not compatible to or in harmony with the surrounding land use activities and zoning.

**If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:**

**MOTION:**



In Case ZON-22-0070, I move to deny the rezoning request from RR Rural Residential District to C(P) Planned Commercial District and approve an alternate zoning district of C2(P). The Board finds the request is not consistent with the South-Central Land Use Plan which calls for “Low Density Residential” at this location. However, the Board finds that the request:

1. Is an amendment to the adopted, current South-Central Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said plan;
2. Would promote commercial development similar to what is found in the immediate area, and
3. Is reasonable and in the public interest because the uses allowed in the C2(P) Planned Service and Retail District would be compatible to and in harmony with the surrounding land use activities and zoning.

**If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:**

**MOTION:**

In Case ZON-22-0070, I move to deny the rezoning request from RR Rural Residential District to C(P) Planned Commercial District and find that the request is not consistent with the South-Central Land Use Plan. The request is not reasonable or in the public interest because \_\_\_\_\_.

**ATTACHMENTS:**

Description

Case ZON-22-0070

Type

Backup Material



Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Planning & Inspections Department

NOVEMBER 10, 2022

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **ZON-22-0070:** Rezoning from RR Rural Residential District to C(P) Planned Commercial District or to a more restrictive zoning district for two parcels with a combined 1.57 +/- acres; located at approximately 1000 feet north of the intersection of NC HWY 87 and Sand Hill Road; submitted by Joseph Riddle (applicant) on behalf of Linda Adkins Butler and Willie Butler (owner).

ACTION: Recommended denial of the rezoning request from RR Rural Residential to C(P) Planned Commercial District and recommended approval of C2(P) Planned Service and Retail District at their October 18, 2022 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

### MINUTES OF OCTOBER 18, 2022

Mr. Moon presented the case information and photos.

In Case ZON-22-0070, the Planning and Inspections staff recommends denial of the rezoning request from RR Rural Residential District to C(P) Commercial District. Staff finds the request is not consistent with the South-Central Land Use Plan which calls for "Low Density Residential" at this location. Staff also finds that the request is not reasonable or in the public interest as it is not compatible to or in harmony with the surrounding land use activities and zoning.

There was one person present to speak in favor.

Chair Crumpler opened the public meeting.

Mr. Joe Riddle spoke in favor. Mr. Riddle stated that the owner wanted to sell the property and they live right next door. Mr. Riddle said that utilities are at the site and the soils are good. Mr. Riddle said he was okay with C1(P) or C2(P), as suggested by Staff.

Mr. Lloyd asked where the access would be to Mr. Riddle's property.



Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Planning & Inspections Department

Mr. Riddle stated that at the time when it's developed, he would have to put a deacceleration lane in and have a driveway to access the frontage highway. There is a divided median there, so there are no left turns.

Mr. Moon said there is currently a twenty-five-foot right-of-way reservation that the Department of Transportation (DOT) has placed on the property through a recorded plat.

Mr. Lloyd confirmed that staff would look more favorably at C2(P).

Mr. Howard said yes, staff could support an alternative recommendation to C1(P) or C2(P) as these designations are less intense and in conformance with similar designations that are adjacent to the site.

Public meeting closed.

**Mr. Lloyd made a motion, seconded by Mrs. Moody to approve recommending rezoning to the C2(P) Planned Service and Retail District. Whereas the request is not consistent with the South-Central Land Use Plan, a deacceleration lane would be more advantageous for the development of the property and the growth of other surrounding commercial development has created a commercial node in that area amongst this and surrounding properties. Unanimous approval.**

### First Class and Record Owners' Mailed Notice Certification

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

Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1829  
Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631

[cumberlandcountync.gov](http://cumberlandcountync.gov)



**REQUEST**

Rezoning RR to C(P)

Applicant requests a rezoning from RR Rural Residential District to C(P) Commercial District for two parcels of approximately 1.57 combined acres located on NC HWY 87 South northeast of Sand Hill Rd. The owner's intent is to rezone a vacant property to use for commercial purposes.

**PROPERTY INFORMATION**

**OWNER/APPLICANT:** Linda Adkins and Willie Butler (Owner), Joseph P. Riddle (Agent)

**ADDRESS/LOCATION:** Refer to Exhibit "A", Location and Zoning Map. REID number: 0443404413000; 0443405515000

**SIZE:** 1.57 +/- acres within two parcels. 1.44 +/- acres after right-of-way dedication. Road frontage along NC Hwy 87 South is a combined 260 feet. The property has a varying depth due to its irregular shape but is approximately 228 feet in length at its deepest point.

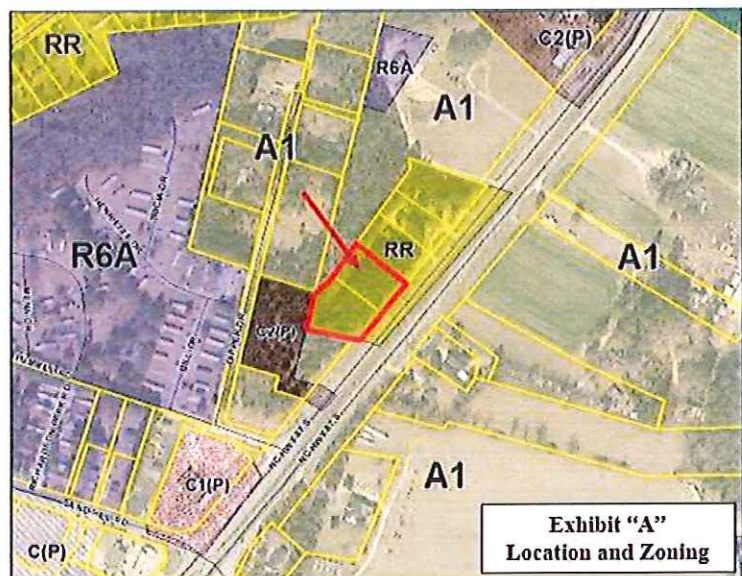
**EXISTING ZONING:** The subject property is currently zoned RR Rural Residential District. Minimum lot size for this district is 20,000 square feet. This district is intended to ensure residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide for a healthful environment.

**EXISTING LAND USE:** Each parcel contains wooded lands. Exhibit "B" shows the existing use of the subject property.

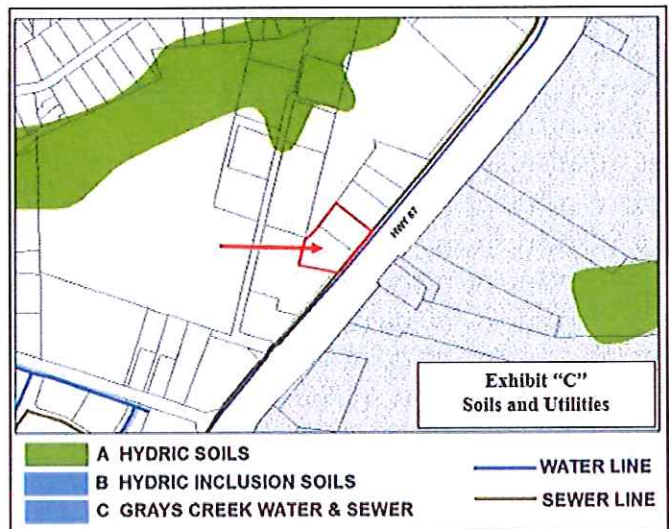
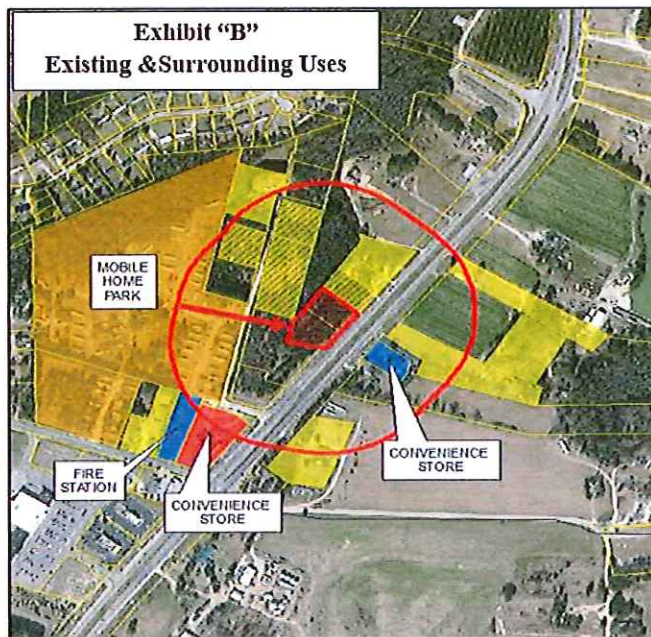
**SURROUNDING LAND USE:** Exhibit "B" illustrates the following:

- **North:** Wooded Lands
- **East:** State Highway
- **West:** Wooded Lands and Manufactured Home Park
- **South:** State Highway and Wooded Lands

**OTHER SITE CHARACTERISTICS:** The site is not located in a Watershed or within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "C", illustrates the absence of Hydric or Hydric Inclusion Soils.





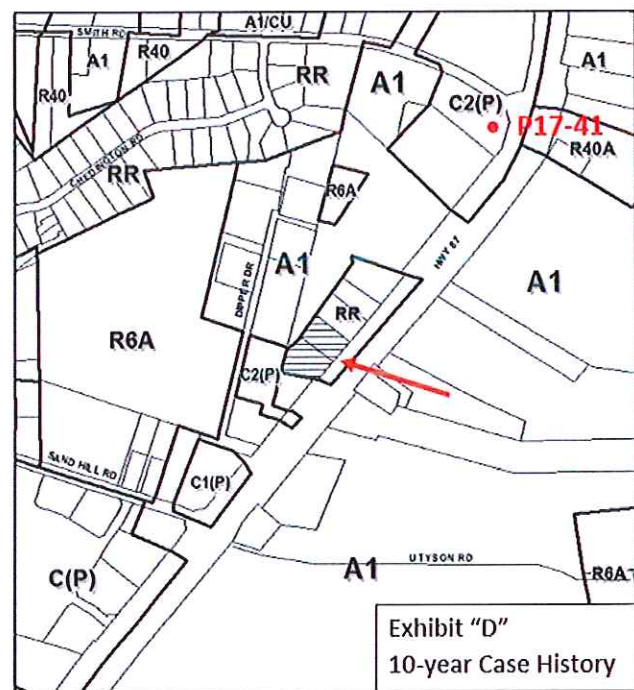


#### TEN YEAR ZONE CASE HISTORY:

Exhibit "D" denotes the location of the zoning case history described below.

- **P17-41:** A1 & A1/CU to C2(P) - Approved

**DEVELOPMENT REVIEW:** Subdivision review (possible Recombination Plat) by County Planning & Inspections will be required before any development.



#### DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	RR (Existing Zoning)	C(P) (Proposed)
Front Yard Setback	30 feet	50 feet from R/W line, 80 feet from Street Centerline
Side Yard Setback	15 feet (one story), 15 feet (two story)	30 feet
Rear Yard Setback	35 feet	30 feet
Lot Area	20,000 square feet	No minimum lot size
Lot Width	100'	N/A

#### Development Potential:

Existing Zoning (RR)	Proposed Zoning (C(P))
3 dwelling units	N/A

- Assumes 80% of land is usable for development after exclusion of potential area for roads and drainage.



- Calculation:  $(\text{total developable area times } 0.8) / \text{minimum lot size for zone district}$ .
- Section 202 (A): Lot count may be rounded-up when a fraction occurs. 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.

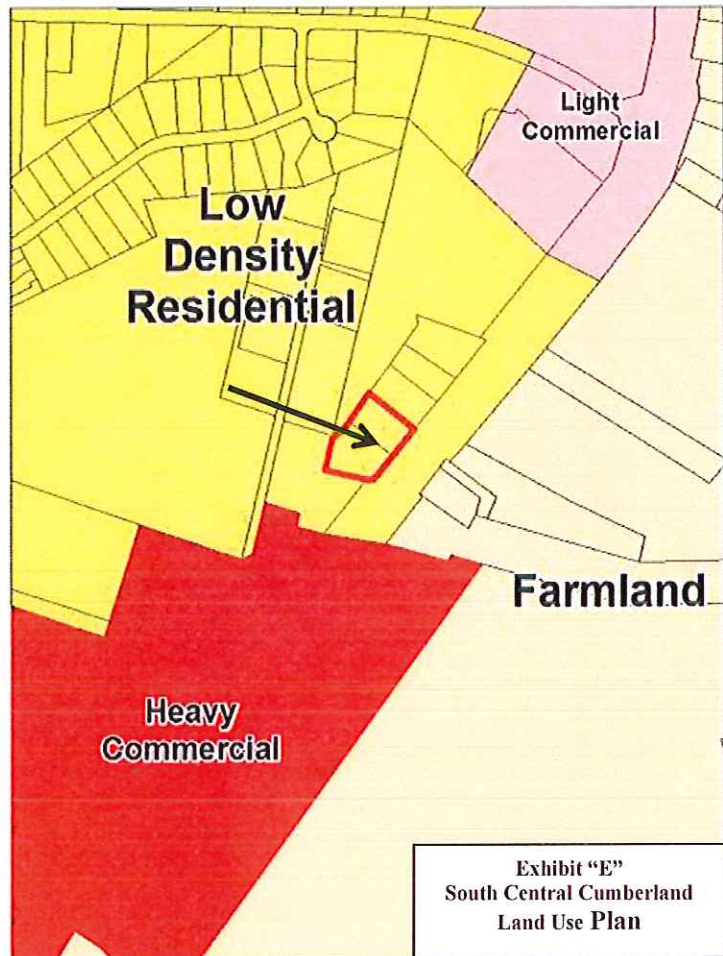
**COMPREHENSIVE PLANS:** This property is located within the South-Central Land Use Plan (2015), as shown in Exhibit "E". The future land use designation of this property is Low Density Residential. Associated zoning districts for this classification are R7.5 and R15. **The proposed request is not consistent with the adopted land use plan.**

**APPLICABLE PLAN GOALS/POLICIES:**

-Associated plan goals and policies that may be considered include the following:

**Residential Development Goal:** "Provide a complete range of residential housing types that accommodates the needs of all residents with adequate infrastructure while preserving the character of the area and protecting environmentally sensitive areas.

- Encourage the use of low impact development techniques.
- Promote infill development.
- Provide flexibility for mixed-use and higher density developments to locate close to existing or future commercial centers." (p.93)



**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**UTILITIES:** Water and sewer lines are available near the subject property. It is the applicant's responsibility to determine if this utility provider will serve their development. Utilities for water and sewer are shown on Exhibit "C".

**TRAFFIC:** Per the recorded deed provided in the attachment section of this report, a 25-foot wide land strip is reserved for right-of-way (ROW) for NC Hwy 87. Based on a road frontage of 228 lineal feet, approximately 5,700 square feet of the subject site will be dedicated to right-of-way, leaving a balance of approximately 1.44 acres for the two parcels. At the time of a site plan application or prior thereto, the property owner will address dedication of the reservation strip with NCDOT.

According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject parcel is located on NC Highway 87 S which is identified as another principal arterial in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, NC Highway 87 S has a 2020 AADT of 16,000 and the road capacity of 41,400. The new rezoning request does not demand a trip generation and should not generate enough traffic to significantly impact NC Highway 87 S.



**SCHOOLS CAPACITY/ENROLLMENT:**

School	Capacity	Enrollment
Alderman Road Elementary	707	667
Gray's Creek Middle	1083	1125
Gray's Creek High	1517	1396

**ECONOMIC DEVELOPMENT:** Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no objection to the proposed request.

**EMERGENCY SERVICES:** Cumberland County Fire Marshal's office has reviewed the request and has offered the following comments:

- Ensure all fire department access requirements are met in accordance with section 503 of the 2018 NC fire code.
- Ensure fire protection water supply requirements are met in accordance with Section 507 of the 2018 NC Fire Code.
- Submit building plans to scale for new construction and building renovation.
- Ensure emergency responder radio coverage is achieved.

**SPECIAL DISTRICTS:** The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

**CONDITIONS OF APPROVAL:** This is a conventional zoning and there are no conditions at this time.

Staff would support a rezoning district of C1(P) for this property. Staff finds the C1(P) will require an amendment to the South-Central Land Use Plan and that the C1(P) request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

**STAFF RECOMMENDATION**

In Case ZON-22-0070, the Planning and Inspections staff **recommends denial** of the rezoning request from RR Rural Residential District to C(P) Commercial District. Staff finds the request is not consistent with the South-Central Land Use Plan which calls for "Low Density Residential" at this location. Staff also finds that the request is not reasonable or in the public interest as it is not compatible to or in harmony with the surrounding land use activities and zoning.

Attachments:  
Notification Mailing List  
Application



## ATTACHMENT – MAILING LIST

BUTLER, LINDA ADKINS  
4822 S NC 87 HWY  
FAYETTEVILLE, NC 28306

PAUL, SHANE KEALOHA; PAUL, VIRGINIA  
WALTERS  
4267 DIPPER DR  
FAYETTEVILLE, NC 28306

PAUL, WENFRED DAVIS REVOCABLE TRUST  
4793 NC 87 HWY  
FAYETTEVILLE, NC 28306

GRAY'S CREEK LAND LLC  
210 S. RAILROAD AVE STE 4  
ASHLAND, VA 23005

LONG, JAMES HURBERT  
4800 S NC 87 HWY  
FAYETTEVILLE, NC 28306

BUTLER, LINDA ADKINS; BUTLER, WILLIE  
LAWRENCE  
4822 S NC 87 HWY  
FAYETTEVILLE, NC 28306

TYSON, VANCE U JR  
4925 S NC 87 HWY  
FAYETTEVILLE, NC 28306

SHERWOOD PRESBYTERIAN CHURCH  
4857 S NC 87 HWY  
FAYETTEVILLE, NC 28306

SANDERS, LYNDA  
4834 S NC HWY  
FAYETTEVILLE, NC 28306

STERLING, MICHAEL RAY; STERLING,  
CHERYL LEIGH  
4228 DIPPER DR  
FAYETTEVILLE, NC 28306

COON, IRIS L  
4266 DIPPER DR  
FAYETTEVILLE, NC 28306

WILLIAMS, BENNIE R  
309 SMITH ST  
CLOVER, SC 29710

NWOSU, LUKE TRUSTEE  
3613 RAEFORD RD  
FAYETTEVILLE, NC 28304

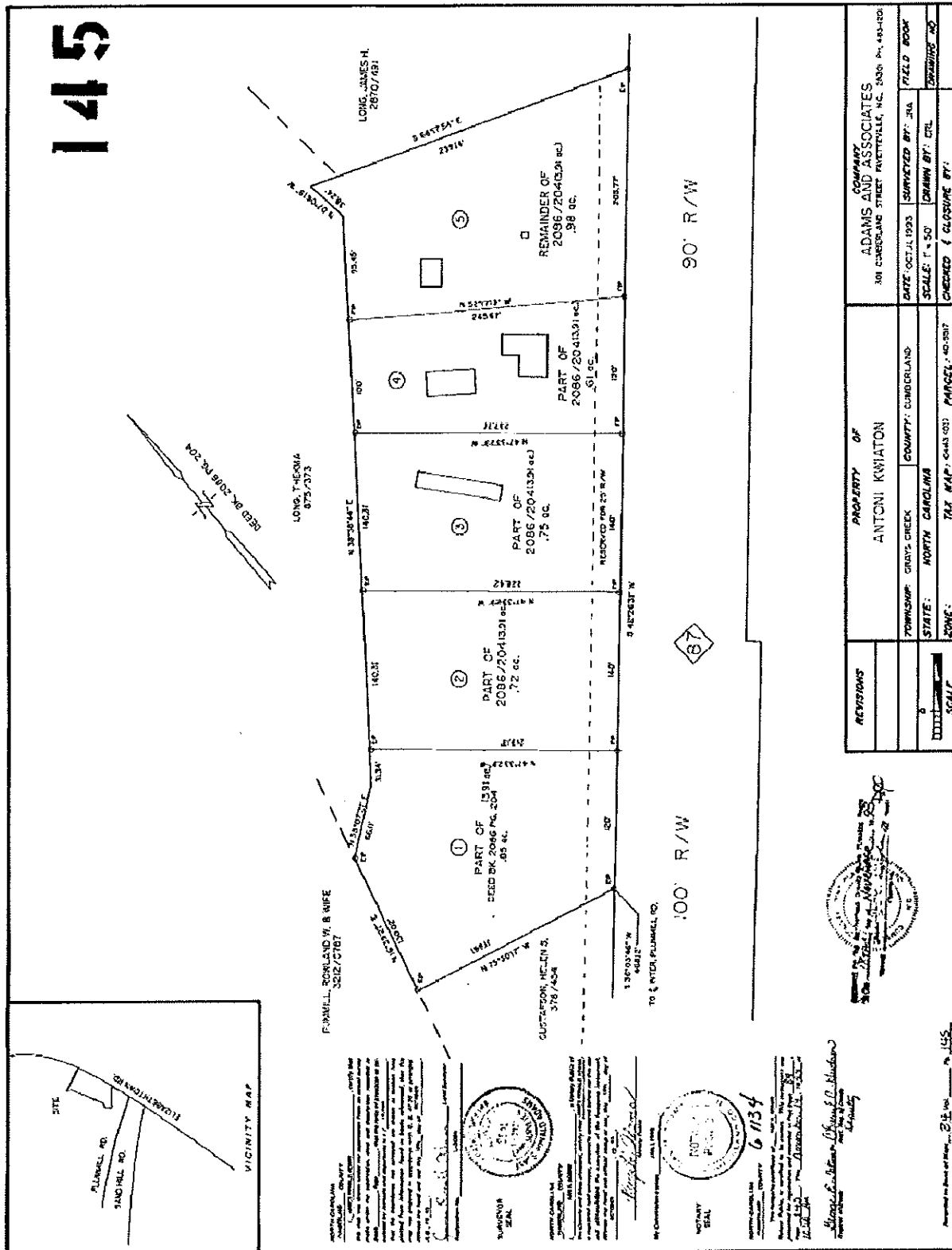
DEVAULT, DONNA BRAMBLE  
2119 YARBOROUGH RD  
ST PAULS, NC 28384

WISTERIA GROUP LLC  
3121 DRURY LN  
FAYETTEVILLE, NC 28303

V/D NEAL PROPERTIES LLC  
1007 ARSENAL AVE  
FAYETTEVILLE, NC 28305



571





**ATTACHMENT: APPLICATION**





**County of Cumberland**  
—◆—  
**Planning & Inspections Department**

CASE #: \_\_\_\_\_

PLANNING BOARD  
MEETING DATE: \_\_\_\_\_

DATE APPLICATION  
SUBMITTED: \_\_\_\_\_

RECEIPT #: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

**APPLICATION FOR  
REZONING REQUEST  
CUMBERLAND COUNTY ZONING ORDINANCE**

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ 450.00.  
(See attached Fee Schedule).

**Rezoning Procedure:**

1. Completed application submitted by the applicant.
2. Notification to surrounding property owners.
3. Planning Board hearing.
4. Re-notification of interested parties / public hearing advertisement in the newspaper.
5. County Commissioners' public hearing (approximately four weeks after Planning Board public hearing)
6. If approved by the County Commissioners, rezoning becomes effective immediately.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7603 or (910)678-7609. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

**NOTE:** Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.



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

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

1. Requested Rezoning from RR to CP
2. Address of Property to be Rezoned: NC HWY 87 SOUTH
3. Location of Property: APPROX. 1000 FEET NORTH OF THE INTERSECTION OF  
NC HWY 87 AND S AND HILL RD.
4. Parcel Identification Number (PIN #) of subject property: 0443-40-4413 & 0443-40-5515  
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 1.57 Frontage: 260 Depth: 228
6. Water Provider: Well: \_\_\_\_\_ PWC: X Other (name): \_\_\_\_\_
7. Septage Provider: Septic Tank \_\_\_\_\_ PWC X
8. Deed Book 10444, Page(s) 164, Cumberland County  
Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: VACANT
10. Proposed use(s) of the property: COMMERCIAL (SPECIFICS UNKNOWN)
11. Do you own any property adjacent to or across the street from this property?  
Yes \_\_\_\_\_ No X If yes, where? \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No X

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

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



The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

LINDA ADKINS BUTLER AND WILLIE BUTLER

NAME OF OWNER(S) (PRINT OR TYPE)

4822 S. NC HWY 87, FAYETTEVILLE, NC 28306

ADDRESS OF OWNER(S)

910.818.4049

HOME TELEPHONE #

910.779.0454 & 910.920.3982

WORK TELEPHONE #

JOSEPH P. RIDDLE III

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

4200 MORGANTON RD, SUITE 200 FAYETTEVILLE, NC 28304

ADDRESS OF AGENT, ATTORNEY, APPLICANT

RIDDLECOMMERCIAL@AOL.COM

E-MAIL

910.850.3207

HOME TELEPHONE #

910.864.3135

WORK TELEPHONE #

Linda Butler  
SIGNATURE OF OWNER(S)

Joseph P. Riddle III  
SIGNATURE OF AGENT, ATTORNEY OR  
APPLICANT

Willie Butler  
SIGNATURE OF OWNER(S)

**INCLUDE LORI EPLER ON ALL CORRESPONDENCE PLEASE!**  
**LEpler@LKanda.com**  
**The contents of this application, upon submission, become "public record."**



## Ad Preview

### PUBLIC NOTICE

The Cumberland County Board of Commissioners will meet at 6:45 p.m. on November 21, 2022, in room 118 of the County Courthouse at 117 Dick Street to hear the following:

ZON-22-0068: Rezoning from C(P) Planned Commercial District and RR Rural Residential District to RR Rural Residential District or a more restrictive zoning dis., 284.94 +/- acres; located at 2849 Downing Rd; Karen Patricia Hair Blackman (applicant/owner).

ZON-22-0069: Rezoning from A1 Agricultural Dis. to R40A Residential Dis. or a more restrictive zoning dis., 13.35 +/- acres; 6313 Tabor Church Road; Patricia McDonald (applicant), Charles Earl McDonald (owner).

ZON-22-0070: Rezoning from RR Rural Residential Dis. to C(P) Planned Commercial District or a more restrictive zoning dis., 1.57 +/- ac.; approx. 1000 feet North of intersection of NC HWY 87 and Sand Hill Rd; Joseph Riddle (applicant), Linda Adkins Butler and Willie Butler (owner).

7955470 11/7/22 11/14/22





**PLANNING AND INSPECTIONS DEPARTMENT**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD**

**DATE: 10/31/2022**

**SUBJECT: CASE ZON-22-0068**

**BACKGROUND**

**ZON-22-0068:** Rezoning from C(P) Planned Commercial District and RR Rural Residential District to RR Rural Residential District or to a more restrictive zoning district for 284.94 +/- acres; located at 2849 Downing Road; submitted by Karen Patricia Hair Blackman (applicant/owner).

**RECOMMENDATION / PROPOSED ACTION**

**Planning Board Action:** Recommended approval of the rezoning request from C(P) Planned Commercial District and RR Rural Residential District to RR Rural Residential District at the October 18, 2022 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

**Staff Recommendation:** In Case ZON-22-0068, Staff recommends denial of the request and finds the request from C(P) Commercial District and RR Rural Residential District to RR Rural Residential District is not consistent with the Eastover Land Use Plan which calls for "Industrial" at this location. Staff also finds that the request is not reasonable or in the public interest as it is not compatible to or in harmony with the surrounding land use activities and zoning.

**If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:**

**MOTION:**

In Case ZON-22-0068, I move to approve the rezoning request from C(P) Planned Commercial District and



RR Rural Residential District to RR Rural Residential District and find the request is not consistent with the Eastover Land Use Plan which calls for “Industrial” at this location. However, the Board finds that the request:

1. Is an amendment to the adopted, current Eastover Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said plan;
2. Would promote development that would be more appropriate to the environmental conditions of the site, and
3. Is reasonable and in the public interest because the uses allowed in the RR Rural Residential District would be compatible to and in harmony with the surrounding land use activities and zoning.

**If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:**

**MOTION:**

In Case ZON-22-0068, I move to deny the rezoning request from C(P) Planned Commercial District and RR Rural Residential District to RR Rural Residential District and find that the request is not consistent with the Eastover Land Use Plan which calls for a land use designation of “Industrial” at this location. The request is not in harmony with the character of the surrounding area and is not reasonable or in the public interest because \_\_\_\_\_.

**ATTACHMENTS:**

Description

Case ZON-22-0068

Type

Backup Material



Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Planning & Inspections Department

NOVEMBER 10, 2022

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **ZON-22-0068:** Rezoning from C(P) Planned Commercial District and RR Rural Residential District to RR Rural Residential District or to a more restrictive zoning district for estimated 284.94 +/- acres; located at 2849 Downing Road; submitted by Karen Patricia Hair Blackman (applicant/owner).

ACTION: Recommended approval of the rezoning request from C(P) Planned Commercial District and RR Rural Residential District to RR Rural Residential District at the October 18, 2022 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

### MINUTES OF OCTOBER 18, 2022

Mr. Moon presented the case information and photos.

In Case ZON-22-0068, Staff recommends denial of the request and finds the request from C(P) Commercial District and RR Rural Residential District to RR Rural Residential District is not consistent with the Eastover Land Use Plan which calls for "Industrial" at this location. Staff also finds that the request is not reasonable or in the public interest as it is not compatible to or in harmony with the surrounding land use activities and zoning.

There was one person signed up to speak in favor.

Chair Crumpler opened the public meeting.

Ms. Karen Hair Blackman spoke in favor. Ms. Hair said that the subject property is family land and has always been farmland and the land is very wet. Ms. Blackman stated that the water is contaminated with Gen X and other chemicals. There were plans for the land to be used for other things, but the land is so wet you can't do anything but farm it.

Chair Crumpler asked if Ms. Blackman wanted to rezone the property to get some relief on the tax value on the property.

Ms. Blackman said that was correct.



Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Planning & Inspections Department

Chair Crumpler asked if there was anyone interested in purchasing the property.

Ms. Blackman said people have come to her and asked her to list it, but no one has made any serious inquiries.

Mr. Lloyd made a motion, seconded by Chair Crumpler to approve the request to rezone from C(P) Planned Commercial District and RR Rural Residential District to RR Rural Residential District. Whereas the request is not consistent with the Eastover Land Use Plan, the soil is too wet to support any industrial designation or heavy commercial. Unanimous approval.

### First Class and Record Owners' Mailed Notice Certification

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

Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1829  
Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631

[cumberlandcountync.gov](http://cumberlandcountync.gov)



**REQUEST**

**Rezoning C(P) and RR to RR**

Applicant requests a rezoning from C(P) Commercial District and RR Rural Residential District to RR Rural Residential District for a 285 +/- acre parcel located at 2849 Downing Road, less than a mile west of the NC Hwy 24 and I-95 interchange. The parcel is currently occupied by farmland. The intent of the property owner is to rezone the parcel to have uniformity of zoning across the entire parcel. The current parcel is split-zoned on one parcel. If approved, the rezoning would only affect approximately 18.1 acres currently zoned C(P) at the southwest corner of the parcel.

**PROPERTY INFORMATION**

**OWNER/APPLICANT:** Karen Patricia Hair Blackman (Owner)

**ADDRESS/LOCATION:** Refer to Exhibit "A", Location and Zoning Map. REID number: 0457540060000

**SIZE:** 285 +/- acres within one parcel. Road frontage along Downing Road is 1764 feet. The property has a varying depth due to its irregular shape but is approximately 645 feet in length at its deepest point.

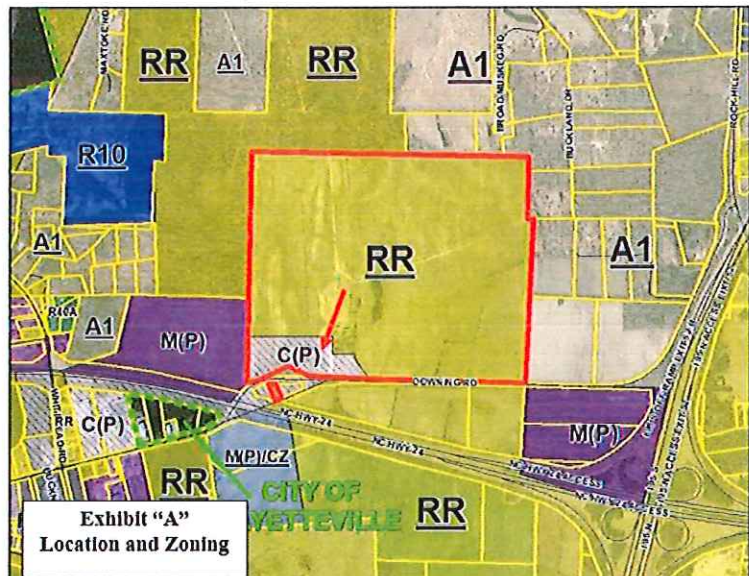
**EXISTING ZONING:** The subject property is currently zoned C(P) Commercial District and RR Rural Residential District. The general intent of the C(P) district is designed to assure that grouping of buildings on a parcel of land constitute a harmonious, efficient, and convenient retail shopping area. The general intent of the RR Rural Residential District is for suburban density residential, including manufactured housing units, and agricultural purposes.

**EXISTING LAND USE:** This parcel contains farmland. Exhibit "B" shows the existing use of the subject property.

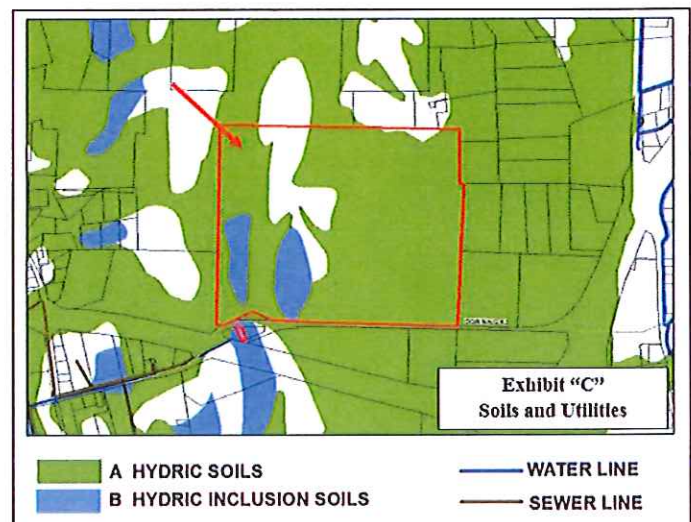
**SURROUNDING LAND USE:** Exhibit "B" illustrates the following:

- **North:** Farmland
- **East:** Farmland
- **West:** Farmland
- **South:** Farmland

**OTHER SITE CHARACTERISTICS:** The site is not located in a Watershed or within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "C", illustrates presence of hydric or hydric inclusion soils throughout the property.





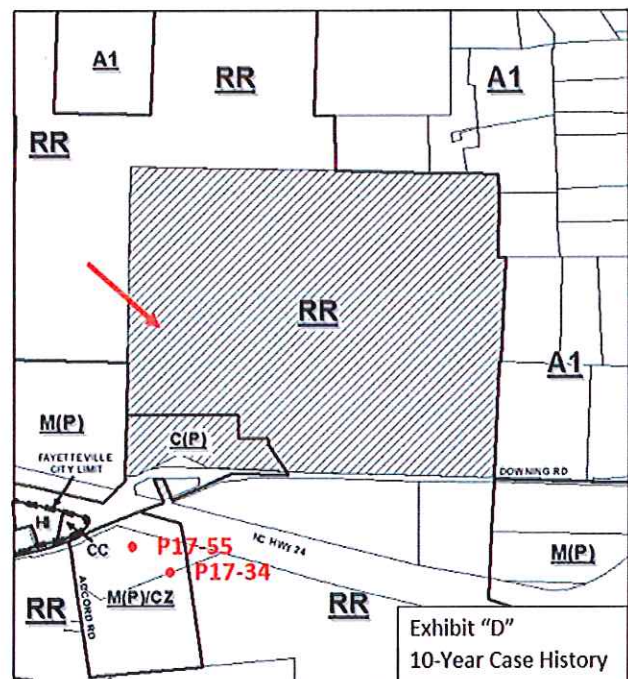


### TEN YEAR ZONE CASE HISTORY:

Exhibit "D" denotes the location of the zoning case history described below.

- **P17-34:** RR to M(P) – Withdrawn by applicant
- **P17-55:** RR to M(P)/CZ – Approved

**DEVELOPMENT REVIEW:** Site Plan review by County Planning & Inspections will be required before any development.



### DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	C(P) (Existing Zoning)	RR (Existing Zoning)	RR (Proposed)
Front Yard Setback	50 feet from R/W, 80 feet from street centerline	30 feet	30 feet
Side Yard Setback	30 feet	15 feet	15 feet
Rear Yard Setback	30 feet	35 feet	35 feet
Lot Area	No minimum lot size	20,000 sq. ft.	20,000 sq. ft.
Lot Width	N/A	100'	100'

### Development Potential:

Existing Zoning (C(P)/RR)	Proposed Zoning (RR)
465 dwelling units	497 dwelling units

- Assumes 80% of land is usable for development after exclusion of potential area for roads and drainage.
- Calculation:  $(\text{total developable area times } 0.8) / \text{minimum lot size for zone district}$ .



- Section 202 (A): Lot count may be rounded-up when a fraction occurs. 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.

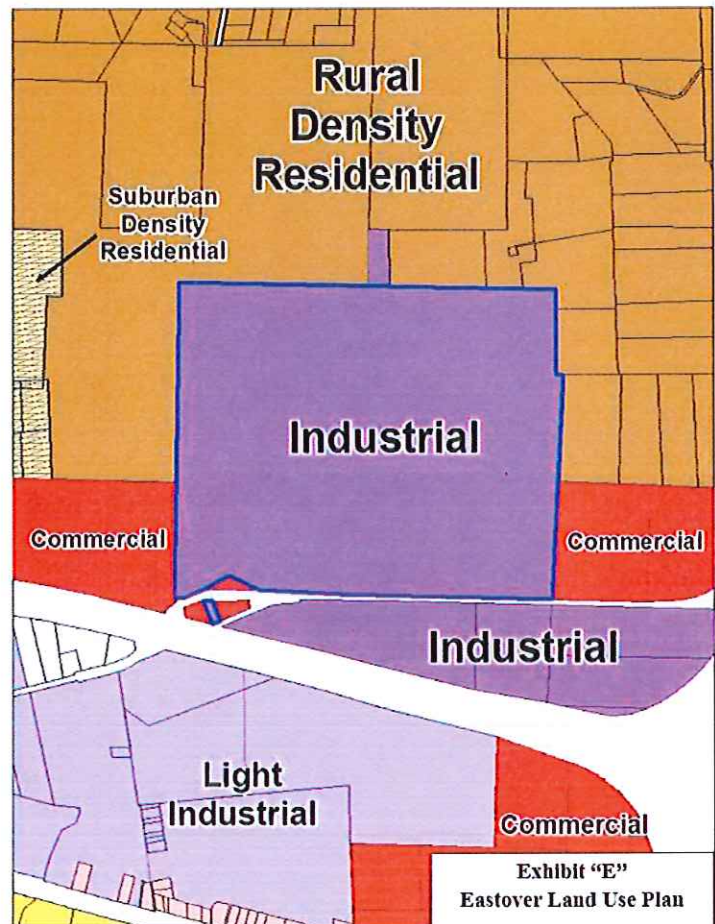
**COMPREHENSIVE PLANS:** This property is located within the Eastover Land Use Plan (2018), as shown in Exhibit "E". The future land use designation of this property is "Industrial". Associated zoning districts for this classification are M1(P) and M(P). **The proposed rezoning request is not consistent with the adopted land use plan.**

#### APPLICABLE PLAN GOALS/POLICIES:

Associated plan goals and policies that may be considered include the following:

Industrial Development Goal: "Provide areas for clean industries where infrastructure is adequate and is in harmony with surrounding development.

- Encourage the location of industries that will utilize agricultural produce from the area and will not involve the processing of animals or animal by-products
- Support efforts to recruit environmentally safe and clean industries" (p. 52)
- Promote economic development opportunities near the I-95 and NC Hwy 24 interchange.



#### IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

**UTILITIES:** Water and sewer lines are available near the subject property. Hydric and Hydric Inclusion soils are shown on Exhibit "C". Connection to utilities would be subject to the requirements of the utility provider. The applicant is responsible for coordinating with the provider for any utility extensions.

**TRAFFIC:** According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property is located within the FAMPO jurisdictional boundaries. The new zoning should not generate enough traffic to significantly impact Downing Road. The zoning request does not demand a trip generation due to the lack of data and small scale.

#### SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Armstrong Elementary	441	389
Mac Williams Middle	1164	1141
Cape Fear High	1476	1519

**ECONOMIC DEVELOPMENT:** Fayetteville Cumberland County Economic Development Corporation has reviewed the request has no comment at this time.



**EMERGENCY SERVICES:** Cumberland County Fire Marshal's office has reviewed the request and has no objections to the rezoning request.

**SPECIAL DISTRICTS:** The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

**CONDITIONS OF APPROVAL:** This is a conventional zoning and there are no conditions at this time.

#### **STAFF RECOMMENDATION**

In Case ZON-22-0068, Staff **recommends denial** of the request and finds the request from C(P) Commercial District and RR Rural Residential District to RR Rural Residential District is not consistent with the Eastover Land Use Plan which calls for "Industrial" at this location. Staff also finds that the request is not reasonable or in the public interest as it is not compatible to or in harmony with the surrounding land use activities and zoning.

**Attachments:**

Notification Mailing List

Application



## ATTACHMENT – MAILING LIST

DOWD, BRITT A; DOWD, CASIE  
1067 BUCKLAND DR  
FAYETTEVILLE, NC 28312

MCDONALD, MARIAN ANDREWS  
1713 MIDDLETON RD  
GOLDSBORO, NC 27530

DELAVEGA, MARIO A; DELAVEGA,  
KAREN A  
1017 BUCKLAND DR  
EASTOVER, NC 28312

COSTIN, JOYCE S.; TERRANOVA, JULIA  
ELIZABETH; TERRANOVA, STEVEN N.  
1331 QUEENSFERRY RD  
CARY, NC 27511

OWEN, ERNEST STANLEY; OWEN,  
MARY D  
1456 HABERSHAM DR  
FAYETTEVILLE, NC 28304

RADCLIFF, KATHY; HAIR, MARTHA  
419 NORTON ST  
OAK ISLAND, NC 28465

HAYES, TONY P; HAYES, MARY M  
1066 BUCKLAND DR  
FAYETTEVILLE, NC 28312

AVERITT, MARTHA A; FOX, CHARLES  
S; LANCASTER, CAROLYN A;  
LANCASTER, KENNETH C  
2535 COSTMARY LN #11  
WILMINGTON, NC 28412

FAIRCLOTH, TONY G; FAIRCLOTH,  
JENA L  
863 BUCKLAND DR  
FAYETTEVILLE, NC 28312

MCCONNELL, JOHN; MCCONNELL,  
COURTNEY  
1521 THROUGHbred TR  
PARKTON, NC 28371

BLACKMAN, KAREN PATRICIA HAIR  
7282 TROY FISHER RD  
FAYETTEVILLE, NC 28312

SPARTAN ENTERPRISE GROUP LLC  
160 PORT BAY ST  
SANFORD, NC 27332

HEINE, JAMES WALTER; HEINE,  
BARBARA ELIZABETH  
881 BUCKLAND DR  
FAYETTEVILLE, NC 28312

DOWD, CLAUDE P; DOWD, LINDA  
309 MCARTHUR RD  
FAYETTEVILLE, NC 28311

GOODRICH, ROBERT H  
4308 SWINDON DR  
EASTOVER, NC 28312

BROWN, CHAD J; BROWN, ERIN H  
1010 BUCKLAND DR  
EASTOVER, NC 28312

HWY 24 PROPERTIES, LLC  
2224 BAYVIEW DR  
FAYETTEVILLE, NC 28305

GINSBERG, JOANN  
852 BUCKLAND DRIVE  
FAYETTEVILLE, NC 28312

CARROLL, ROBERT J; CARROLL,  
DIANA J  
744 BUCKLAND DR  
FAYETTEVILLE, NC 28312

KING, HOLDINGS OF FAY LLC  
135 RACEPATH ST  
FAYETTEVILLE, NC 28301

HAIR, MARTHA L; RADCLIFF, KATHY  
NELL HAIR  
419 NORTON ST  
OAK ISLAND, NC 28465

YOUNG, MARY JEELL CLARK  
296 SPARKS RD  
BAKERSVILLE, NC 28705

HAIR, JOHN S JR  
281 WESTWOOD CT  
FAYETTEVILLE, NC 28303

CAIN, SARAH OWEN  
751 ROK HILL RD  
FAYETTEVILLE, NC 28312



**ATTACHMENT: APPLICATION**





**County of Cumberland**  
— ♦ —  
**Planning & Inspections Department**

CASE #: ZON-22-0068

PLANNING BOARD  
MEETING DATE: 10/18/22

DATE APPLICATION  
SUBMITTED: 9/2/22

RECEIPT #: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

**APPLICATION FOR  
REZONING REQUEST  
CUMBERLAND COUNTY ZONING ORDINANCE**

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ 510.<sup>00</sup>.  
(See attached Fee Schedule).

Rezoning Procedure:

1. Completed application submitted by the applicant.
2. Notification to surrounding property owners.
3. Planning Board hearing.
4. Re-notification of interested parties / public hearing advertisement in the newspaper.
5. County Commissioners' public hearing (approximately four weeks after Planning Board public hearing)
6. If approved by the County Commissioners, rezoning becomes effective immediately.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7603 or (910)678-7609. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

**NOTE:** Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.



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

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

1. Requested Rezoning from CP to RR
2. Address of Property to be Rezoned: 2849 Downing Road, Fay, NC 28312
3. Location of Property: North of Hwy 24 on Downing Road
4. Parcel Identification Number (PIN #) of subject property: 0457-54-0060  
(also known as Tax ID Number or Property Tax ID)
5. Acreage: portion of 285 Frontage: 330 3995 Depth: 3300  
18 to rezone
6. Water Provider: Well: ☒ PWC: \_\_\_\_\_ Other (name): \_\_\_\_\_
7. Septage Provider: Septic Tank ☒ PWC \_\_\_\_\_
8. Deed Book 10667, Page(s) 0865, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Farm
10. Proposed use(s) of the property: Farm (rezone CP portion to match RR existing zoning on remainder property)
11. Do you own any property adjacent to or across the street from this property?  
Yes \_\_\_\_\_ No ☒ If yes, where? \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No ☒

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

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



The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Karen Patricia Hair Blackman  
NAME OF OWNER(S) (PRINT OR TYPE)

282 7282 Troy Fisher Road  
ADDRESS OF OWNER(S)

910-484-8708  
HOME TELEPHONE #

NA  
WORK TELEPHONE #

Karen Patricia Hair Blackman  
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

7282 Troy Fisher Road Fayetteville, Nc 28312  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

bobkar50@yahoo.com  
E-MAIL

910-484-8708  
HOME TELEPHONE #

NA  
WORK TELEPHONE #

Karen Blackman  
SIGNATURE OF OWNER(S)

\_\_\_\_\_  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."



## Ad Preview

### PUBLIC NOTICE

The Cumberland County Board of Commissioners will meet at 6:45 p.m. on November 21, 2022, in room 118 of the County Courthouse at 117 Dick Street to hear the following:

ZON-22-0068: Rezoning from C(P) Planned Commercial District and RR Rural Residential District to RR Rural Residential District or a more restrictive zoning dis., 284.94 +/- acres; located at 2849 Downing Rd; Karen Patricia Hair Blackman (applicant/owner).

ZON-22-0069: Rezoning from A1 Agricultural Dis. to R40A Residential Dis. or a more restrictive zoning dis., 13.35 +/- acres; 6313 Tabor Church Road; Patricia McDonald (applicant), Charles Earl McDonald (owner).

ZON-22-0070: Rezoning from RR Rural Residential Dis. to C(P) Planned Commercial District or a more restrictive zoning dis., 1.57 +/- ac.; approx. 1000 feet North of intersection of NC HWY 87 and Sand Hill Rd; Joseph Riddle (applicant), Linda Adkins Butler and Willie Butler (owner).

7955470 11/7/22 11/14/22





**PLANNING AND INSPECTIONS DEPARTMENT**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD**

**DATE: 10/31/2022**

**SUBJECT: CASE ZON-22-0069**

**BACKGROUND**

**ZON-22-0069:** Rezoning from A1 Agricultural District to R40A Residential District or to a more restrictive zoning district for 13.35 +/- acres; located at 6313 Tabor Church Road; submitted by Patricia McDonald (applicant) on behalf of Charles Earl McDonald (owner).

**RECOMMENDATION / PROPOSED ACTION**

**Planning Board Action:** Recommended approval of the rezoning request from A1 Agricultural District to R40A Residential District at the October 18, 2022 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

**Staff Recommendation:** In Case ZON-22-0069, Planning Staff recommends approval of the rezoning request from A1 Agricultural District to R40A Residential District. Staff finds the request is consistent with the Southeast Cumberland Land Use Plan. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

**If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:**

**MOTION:**

In Case ZON-22-0069, I move to approve the rezoning request from A1 Agricultural District to R40A Residential District and find that the request is consistent with the Southeast Cumberland Land Use Plan. The request is reasonable and in the public interest as the requested district is compatible to and in harmony with the



surrounding land use activities and zoning.

**If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:**

**MOTION:**

In Case ZON-22-0069, I move to deny the rezoning request from A1 Agricultural District to R40A Residential District and find that the request is not consistent with the Southeast Cumberland Land Use Plan. The request is not reasonable or in the public interest because \_\_\_\_\_.

**ATTACHMENTS:**

Description

Case ZON-22-0069

Type

Backup Material



Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Planning & Inspections Department

NOVEMBER 10, 2022

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **ZON-22-0069:** Rezoning from A1 Agricultural District to R40A Residential District or to a more restrictive zoning district for 13.35 +/- acres; located at 6313 Tabor Church Road; submitted by Patricia McDonald (applicant) on behalf of Charles Earl McDonald (owner).

ACTION: Recommended approval of the rezoning request from A1 Agricultural District to R40A Residential District at the October 18, 2022 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

### MINUTES OF OCTOBER 18, 2022

In Case ZON-22-0069, Planning Staff recommends approval of the rezoning request from A1 Agricultural District to R40A Residential District. Staff finds the request is consistent with the Southeast Cumberland Land Use Plan. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-22-0069, Vice-Chair McLaughlin made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from A1 Agricultural District to R40A Residential District. The Board finds the request is consistent with the Southeast Cumberland Land Use Plan. The Board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

#### First Class and Record Owners' Mailed Notice Certification

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

Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1829  
Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631

[cumberlandcountync.gov](http://cumberlandcountync.gov)





NORTH CAROLINA  
PLANNING & INSPECTIONS

PLANNING STAFF REPORT  
**REZONING CASE # ZON-22-0069**  
Planning Board Meeting: Oct. 18, 2022

**Location: 6313 Tabor Church Road**  
**Jurisdiction: County-Unincorporated**

## REQUEST

Rezoning A1 to R40A

Applicant requests a rezoning from A1 Agricultural District to R40A Residential District for one parcel of approximately 13.35 +/- acres located at 6313 Tabor Church Road. This parcel is currently occupied for a single-family home. The intent of the property owner is to subdivide the lot to create 2 lots, one acre each, and build a home on the main parcel. The applicant initially requested RR Rural Residential on the rezoning application and then later amended the application to request R40A Residential.

## PROPERTY INFORMATION

**OWNER/APPLICANT:** Charles Earl McDonald (Owner);  
Patricia McDonald (Applicant)

**ADDRESS/LOCATION:** Refer to Exhibit "A", Location and Zoning Map. REID number: 0462227920000

**SIZE:** 13.35 +/- acres within one parcel. Road frontage along Tabor Church Road is an approximate 252 feet. The property has a varying depth due to its irregular shape but is approximately 1,113 feet in length at its deepest point.

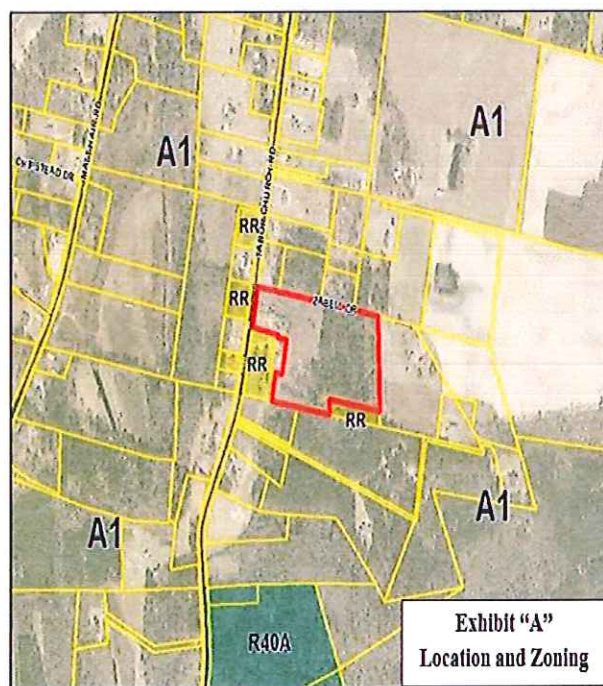
**EXISTING ZONING:** The subject property is currently zoned A1 Agricultural District. Minimum lot size for this district is two acres. This district is intended to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural uses to exist free from most private urban development except for large lot, single-family development. Some public and/or semi-public uses as well as a limited list of convenient commercial uses are permitted to ensure essential services for the residents.

**EXISTING LAND USE:** This parcel contains a single-family home. Exhibit "B" shows the existing use of the subject property.

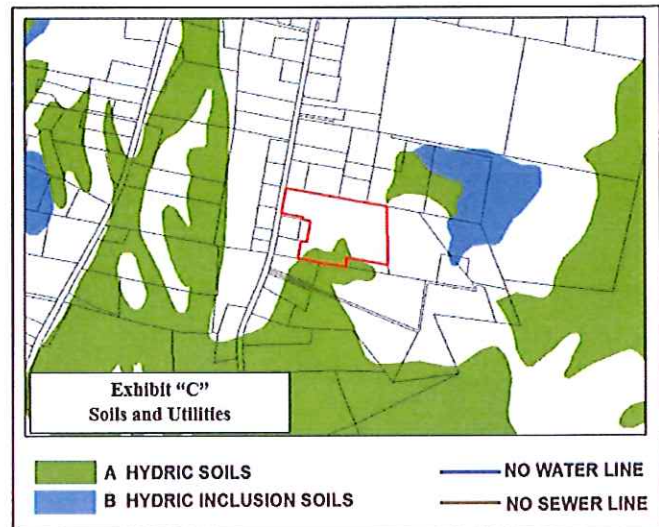
**SURROUNDING LAND USE:** Exhibit "B" illustrates the following:

- **North:** Wooded lands and single-family homes
- **East:** Farmland and single-family home
- **West:** Wooded lands and single-family homes
- **South:** Wooded Lands and a single-family home

**OTHER SITE CHARACTERISTICS:** The site is not located in a Watershed or within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "C", illustrates presence of hydric or hydric inclusion soils at a portion of the southern section of the property.



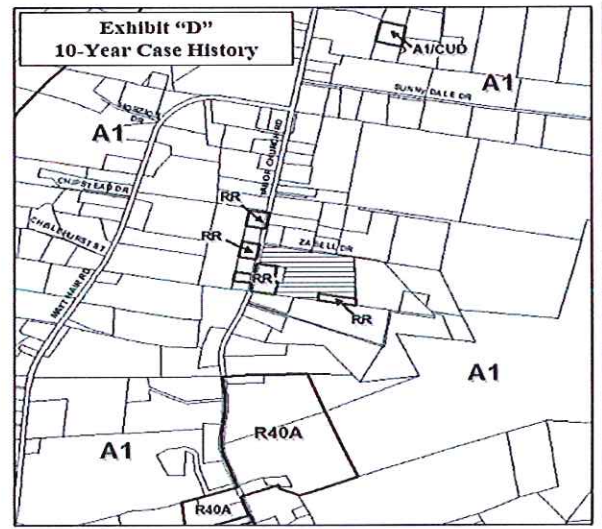




#### TEN YEAR ZONE CASE HISTORY:

Exhibit "D" denotes the location of the 10-year zoning case history described below. There is no case history for this area

**DEVELOPMENT REVIEW:** Subdivision review by County Planning & Inspections will be required before any subdivision or development.



#### DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	A1 (Existing Zoning)	R40A (Proposed)
Front Yard Setback	50 feet	30 feet
Side Yard Setback	20 feet (one story) 25 feet (two story)	15 feet
Rear Yard Setback	50 feet	35 feet
Lot Area	2 acres	40,000 sq. ft.
Lot Width	100'	100'

#### Development Potential:

Existing Zoning (A1)	Proposed Zoning (R40A)
5 dwelling units	12 dwelling units

- Assumes 80% of land is usable for development after exclusion of potential area for roads and drainage.
- Calculation:  $(\text{total developable area times } 0.8) / \text{minimum lot size for zone district}$ .
- Section 202 (A): Lot count may be rounded-up when a fraction occurs. 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.



**COMPREHENSIVE PLANS:** This property is located within the Southeast Cumberland Land Use Plan (2016), as shown in Exhibit "E". The future land use designation of this property is "One Acres without Water, ½ acre with Public Water". The proposed rezoning request is consistent with the adopted land use plan.

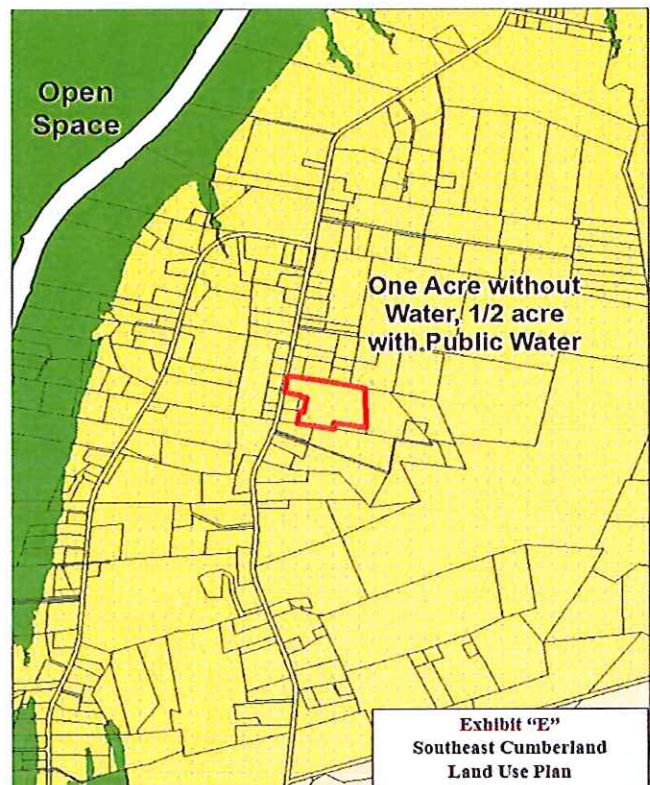
**APPLICABLE PLAN GOALS/POLICIES:**

Associated plan goals and policies that may be considered include the following:

**Residential Development Goal:** "Provide for residential development that protects and maintains the rural residential character; does not conflict with farming and forestry operations; is not detrimental to open space, environmentally sensitive areas and recreation; and improves the quality of life for residents in the Area.

- Promote the concentration of new residential development in the northwestern section of the Study Area.
- Only allow residential lots on soils suitable for conventional septic tanks systems.

• The availability of public water service shall not be considered justification for increasing density beyond 2 units per acre or ½ acre lots." (pgs. 93,94).



**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**UTILITIES:** Water and sewer lines are not available near the subject property. Utilities for water and sewer are shown on Exhibit "C". Well and septic will likely be required, and the lot size must meet the minimum area necessary to accommodate both.

**TRAFFIC:** According to FAMPO, the subject parcel is located on Tabor Church Road which is identified as a major collector in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, Tabor Church Road has a 2020 AADT of 650 and the road capacity of 15,300. The rezoning request does not demand a trip generation and should not generate enough traffic to significantly impact Tabor Church Road.

**SCHOOLS CAPACITY/ENROLLMENT:**

School	Capacity	Enrollment
Seabrook Elementary	267	246
Mac Williams Middle	1164	1141
Cape Fear High	1476	1519

**ECONOMIC DEVELOPMENT:** Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no objection to the proposed request.

**EMERGENCY SERVICES:** Cumberland County Fire Marshal's office has reviewed the request and identified that a site plan will be needed for review to see how the 13.35 acres will be subdivided.



**SPECIAL DISTRICTS:** The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

**CONDITIONS OF APPROVAL:** This is a conventional zoning and there are no conditions at this time.

#### **STAFF RECOMMENDATION**

In Case ZON-22-0069, Planning Staff **recommends approval** of the rezoning request from A1 Agricultural District to R40A Residential District. Staff finds the request is consistent with the Southeast Cumberland Land Use Plan. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Attachments:  
Notification Mailing List  
Application



## ATTACHMENT – MAILING LIST

BEALE, JOHN A; BEALE, MARSHA C  
4456 ZABELL DR  
FAYETTEVILLE, NC 28312

GRISSETT, THOMAS L  
PO BOX 2571  
FAYETTEVILLE, NC 28312

STOKIGT, LAWRENCE; STOCKIGT,  
CASSANDRA  
6211 TABOR CHURCH RD  
FAYETTEVILLE, NC 28312

LEWIS, HARLOD E; LEWIS, CAHTERINE F  
6400 TABOR CHURCH RD  
FAYETTEVILLE, NC 28312

BRAY, HYGH SOLOMON  
660 OLD EVANS RD  
GARNER, NC 27529

HOPPER, JOLENE C  
4171 CEDAR CREEK RD  
FAYETTEVILLE, NC 28312

BURNS, JOHN WILLIAM; BURNS, EVA  
ELEANOR  
6337 TABOR CHURCH RD  
FAYETTEVILLE, NC 28312

MILLER, QUAMESHA WHITTED  
215 N DIXON AVE  
CARY, NC 27513

TAUZELL, JOSEPH B; TAUZELL, BETH  
ANNETTE  
5093 MATT HAIR RD  
FAYETTEVILLE, NC 28312

BLACKMON, BENJAMIN  
PO BOX 87235  
FAYETTEVILLE, NC 28304

HOPPER, JOLENE C  
4166 CEDAR CREEK RD  
FAYETTEVILLE, NC 28312

MCDONALD, DOLORES  
6313 TABOR CHURCH RD  
FAYETTEVILLE, NC 28312

WRIGHT, ANTHONY; WRIGHT, ANGELIA G  
6233 TABOR CHURCH RD  
FAYETTEVILLE, NC 28312

WILLIAMS, RODERICK KEON; WILLIAMS  
BRITANICA B  
6455 TABOR CHURCH RD  
FAYETTEVILLE, NC 28312

BASS, RUPERT  
6180 TABOR CHURCH RD  
FAYETTEVILLE, NC 28312

ODD JOBBERY LLC  
4786 MONTICELLO AVE  
HOPE MILL, NC 28348

DIXON, KYLE ALLEN; DIXON, MARI NEWTON  
6375 TABOR CHURCH RD  
FAYETTEVILLE, NC 28312

MCNAIR, DENNIS REGINALD; MCNAIR,  
DELORES SEAFORD  
6276 TABOR CHURCH RD  
FAYETTEVILLE, NC 28312

DIXON, KYLE ALLEN  
640 CAROLINA WAY  
SANFORD, NC 27332

MCCOY, KELLY M; MCCOY, TAMMY W  
5967 WACCAMAW SCHOOL RD  
ASH, NC 28420

FLAHERTY, JOSEPH PATRICK II; FLAHERTY,  
CYNTHIA ANN  
4450 ZABELL RD  
FAYETTEVILLE, NC 28312

GLEMAKER, JESSICA  
6213 LAKEHAVEN DR  
FAYETTEVILLE, NC 28304

MCDONALD, YUVONNE A  
6348 TABOR CHURCH RD  
FAYETTEVILLE, NC 28312

POWELL, CHARLES A; POWELL, BERTHA  
FISHER  
6212 TABOR CHURCH RD  
FAYETTEVILLE, NC 28312

BURNS, JOHN RODNEY; BURNS, MARILYN D  
6319 TABOR CHURCH RD  
FAYETTEVILLE, NC 28312

DANIELS, CLARENCE  
2094 TOM STARLING RD  
FAYETTEVILLE, NC 28306

BLACKMON, STEVE A; BLACKMON, DEBRA J  
1946 PALADIN ST  
FAYETTEVILLE, NC 28304

MCDONALD, PAMELA  
6365 TABOR CHURCH RD  
FAYETTEVILLE, NC 28311

MUNOZTORRES, SHARON L;  
MUNOZTORRES, MICHAEL A  
2704 CHIMNEY BROOK RD  
FAYETTEVILLE, NC 28312

CALRTON, CINDY PAT  
A543 COOSA RD 28  
GOODWATER, AL 35072



**ATTACHMENT: APPLICATION**





## County of Cumberland

### Planning & Inspections Department

CASE #: \_\_\_\_\_

PLANNING BOARD  
MEETING DATE: \_\_\_\_\_

DATE APPLICATION  
SUBMITTED: \_\_\_\_\_

RECEIPT #: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

### APPLICATION FOR REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ 410.<sup>00</sup>.  
(See attached Fee Schedule).

#### Rezoning Procedure:

1. Completed application submitted by the applicant.
2. Notification to surrounding property owners.
3. Planning Board hearing.
4. Re-notification of interested parties / public hearing advertisement in the newspaper.
5. County Commissioners' public hearing (approximately four weeks after Planning Board public hearing)
6. If approved by the County Commissioners, rezoning becomes effective immediately.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7603 or (910)678-7609. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

**NOTE:** Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.



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

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

1. Requested Rezoning from A1 to R.R
2. Address of Property to be Rezoned: No address yet
3. Location of Property: Lot 1 Deed Book 2803 page 31  
6313 Tabor Church Rd, Fayetteville, NC.
4. Parcel Identification Number (PIN #) of subject property: Reid 0432227920  
(also known as Tax ID Number or Property Tax ID) Cumberland
5. Acreage: 1.335 Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_
6. Water Provider: Well: X PWC: \_\_\_\_\_ Other (name): \_\_\_\_\_
7. Septage Provider: Septic Tank X PWC \_\_\_\_\_
8. Deed Book 2803, Page(s) 31, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Wooden empty land (trees)
10. Proposed use(s) of the property: Build a home  
Subdivide 2 1 acre lots
11. Do you own any property adjacent to or across the street from this property?  
Yes X No \_\_\_\_\_ If yes, where? \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No X

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

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



The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Charles Earl McDonald

NAME OF OWNER(S) (PRINT OR TYPE)

6313 Tabor Church Rd

ADDRESS OF OWNER(S)

910-429-4290  
HOME TELEPHONE #

910-429-4290  
WORK TELEPHONE #

BUNNIE & Patricia McDonald

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

8159 S. Port Dr. West Chester, Ohio 45069

ADDRESS OF AGENT, ATTORNEY, APPLICANT

Patricia McDonald 69@gmail.com  
E-MAIL

513-200-8434  
HOME TELEPHONE #

513-942-2192  
WORK TELEPHONE #

Ch McDonald  
SIGNATURE OF OWNER(S)

Patricia McDonald  
SIGNATURE OF AGENT, ATTORNEY OR  
APPLICANT

Ch McDonald  
SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

Yvonne (910) 323-2832



## Ad Preview

### PUBLIC NOTICE

The Cumberland County Board of Commissioners will meet at 6:45 p.m. on November 21, 2022, in room 118 of the County Courthouse at 117 Dick Street to hear the following:

ZON-22-0068: Rezoning from C(P) Planned Commercial District and RR Rural Residential District to RR Rural Residential District or a more restrictive zoning dis., 284.94 +/- acres; located at 2849 Downing Rd; Karen Patricia Hair Blackman (applicant/owner).

ZON-22-0069: Rezoning from A1 Agricultural Dis. to R40A Residential Dis. or a more restrictive zoning dis., 13.35 +/- acres; 6313 Tabor Church Road; Patricia McDonald (applicant), Charles Earl McDonald (owner).

ZON-22-0070: Rezoning from RR Rural Residential Dis. to C(P) Planned Commercial District or a more restrictive zoning dis., 1.57 +/- ac.; approx. 1000 feet North of intersection of NC HWY 87 and Sand Hill Rd; Joseph Riddle (applicant), Linda Adkins Butler and Willie Butler (owner).

7955470 11/7/22 11/14/22





**ENGINEERING AND INFRASTRUCTURE DEPARTMENT**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JERMAINE WALKER, DIRECTOR OF ENGINEERING AND  
INFRASTRUCTURE**

**DATE: 11/16/2022**

**SUBJECT: CONSIDERATION OF ARCHITECT FOR THE CROWN EVENT  
CENTER BASED UPON A REQUEST FOR QUALIFICATION PROCESS**

**BACKGROUND**

On September 12, 2022, Cumberland County advertised a Request for Qualifications for Professional Services in the form of Design and Construction Oversight for the Crown Event Center Project. There were two Addenda issued, and the RFQ closed on October 11, 2022, with the County receiving eleven responses. After evaluation by the County's five-person Selection Committee, with input from OVG/Spectra and MBP, five firms were selected for shortlist interviews.

Shortlist interviews occurred on November 8th and 9th, 2022. Each firm was evaluated on a rubric focusing on Project Management, Relevant Project Experience, Design Approach for an Urban Site, Schedule Management and experience with and approach to utilizing a Construction Manager at Risk.

From the five high-quality firms evaluated, the final rankings are below:

**1. Ewing Cole - 86.2/100**

2.HGA/CJMW - 82.0/100

3.Perkins&Will/HH - 74.8/100

4. Jenkins-Peer/OTJ/GJA - 72.6/100



5. SfL+a/Steinberg Hart - 70.4/100

This item was presented at the November 16, 2022 Crown Event Center Committee. The Committee approved the staff recommendation to hire Ewing Cole to serve as the Architect for the Crown Event Center.

**RECOMMENDATION / PROPOSED ACTION**

The Crown Event Center Committee recommends the Board accept the selection of Ewing Cole as the preferred choice to provide Professional Services in the form of Design and Construction Oversight for the Crown Event Center Project and grant permission to enter contract negotiations for refined scope and final price at which time we will present to the Board for approval.

**ATTACHMENTS:**

Description	Type
Architect Selection Presentation	Backup Material



# Crown Event Center Project Update

November 21, 2022



# Agenda



Architect Selection Process Update



Crown Event Center Committee Actions



Construction Manager at Risk (CMaR) Selection Process



Project Next Steps



# Action Items



Architect Selection | Vote on selection of Architect to recommend to the Board of Commissioners for approval to begin contract negotiations



# Architect Selection Process

10/11/22

- 11 architect RFQ responses received and reviewed by Selection Committee\*
- 5 architects shortlisted by Selection Committee and invited to interview

11/8-9/22

- Selection Committee spent two days conducting interviews of shortlisted firms

11/16/22

- Crown Event Center Committee to review the recommended ranking and finalize recommendation on architect selection to be presented to the Board

11/21/22

- Board to review the recommended architect and hold vote for County staff to move forward with contract negotiations with the selected firm

11/28/22

- Board to vote on architect contract presented by County staff

\*Selection Committee:  
Voting Members

Amy Cannon (Voting)

Brian Haney (Voting)

Vicki Evans (Voting)

Jermaine Walker (Voting)

Rick Bryant (Voting)

Non-Voting Members

Matt DeSilver (MBP)

Rachel Fleming (MBP)

Trent Merritt (Spectra/OVG)

Seth Benalt (Spectra/OVG)



# Architect Shortlist Ranking

- The Selection Committee developed the following shortlist ranking =>
- Shortlisted firms were scored on the following criteria:
  - Team roles and responsibilities, communication plan
  - Relevant project experience of team members
  - Approach to design in an urban location
  - Approach to schedule management
  - Experience with Construction Manager at Risk delivery method

Architect	Rank	Total Points (out of 100)
EwingCole	1	86.2
HGA/CJMW	2	82.0
Perkins&Will/HH	3	74.8
Jenkins-Peer/OTJ/GJA	4	72.6
SfL+a/Steinberg Hart	5	70.4



# GEOGRAPHY

TEAM Organization

FIRM	SERVICES	LOCATION	PRIOR PROJECTS IN FAYETTEVILLE AND/OR CUMBERLAND COUNTY
*Theater Consultants Collaborative	Theater Production/Performance Lighting Design	Chapel Hill, NC	
Threshold Acoustics	Audio Visual and Acoustic Design	Cary, NC	X
Fleming and Associates	Structural Engineering	Fayetteville, NC	X
*McAdams	Site/Civil Engineering	Raleigh, NC	X
EDI (WBE)	Mechanical/Plumbing and Fire Protection Engineering	Cary, NC	X
CLH Design (WBE)	Landscape Architecture	Cary, NC	X
*Palacio (MBE)	Cost Estimation	Durham, NC	X

\* Prior work experience with EwingCole





# Guiding Principles | Approved by Board of Commissioners

**ASSET:** A local and regional asset that builds upon existing economic development infrastructure and is a catalyst for existing and new businesses to flourish.

**PREMIER DESTINATION:** A venue that enhances and elevates our community as a premier destination for entertainment, events, and gatherings.

**FIRST CLASS:** A quality, evolving, and efficient venue that provides a first-class experience with a lasting impression.

**ACCESSIBLE:** Premier, welcoming, and accessible experience available to **all patrons**.

**PROGRAMMING:** Flexible and functional venue with multiple spaces to accommodate a variety of programming.

- Capitalize on market gap for 500-3,000 capacity
- Diverse programming that appeals to broad ranges of interests
- Affordable spaces to accommodate local and regional cultural programs hosted by schools, universities, arts organizations, and community organizations

**FINANCIAL:** An engaging community amenity that is financially self-sustaining.



# ASSET

## ASSESS

### Workshop #1

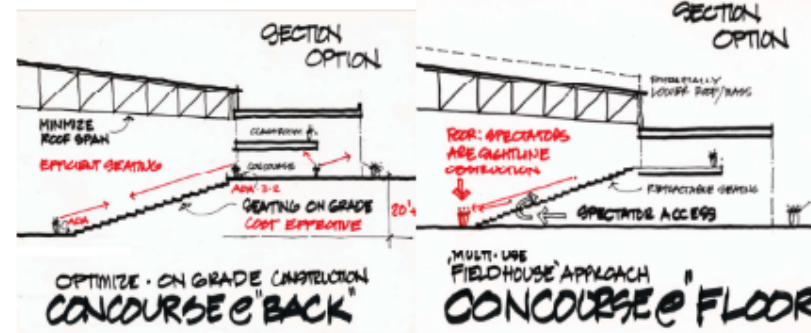
- Schedule
- Identify key participants
- Understanding of projects

### Workshop #2

- Interviews with Users
- Project Vision & Scope
- Benchmarks
- Detailed Building Surveys

### Workshop #3

- Statistical Program
- Graphic Program
- Benchmarks
- Opportunities & Constraints





# ASSET

## GUEST WELCOME

Setting Expectations



Cumberland County Engineering and Infrastructure Department | Crown Event Center | EwingCole 44



# ASSET

## PLACEMAKING Branding & Identity



Cumberland County Engineering and Infrastructure Department | Crown Event Center | EwingCole 48



# ASSET

## CHARACTER Easter Eggs



Cumberland County Engineering and Infrastructure Department | Crown Event Center | EwingCole 50



# PREMIER DESTINATION

**NEW TYPOLOGY** Multi-Purpose Event Center

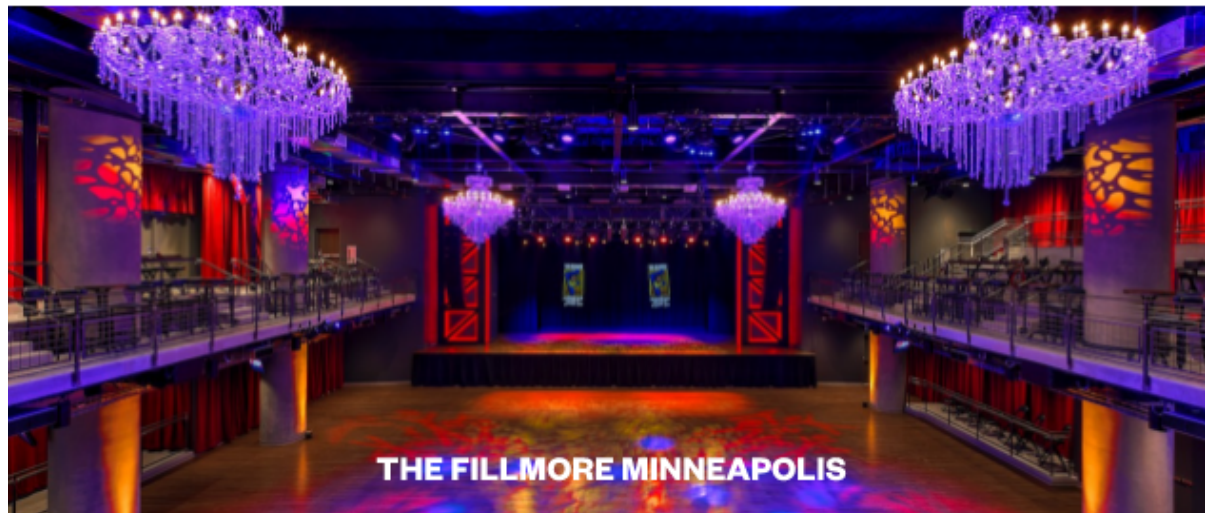


Cumberland County Engineering and Infrastructure Department | Crown Event Center | EwingCole 22



# PREMIER DESTINATION

## THE FILLMORE





# PREMIER DESTINATION

## PRE-SHOW & POST-SHOW

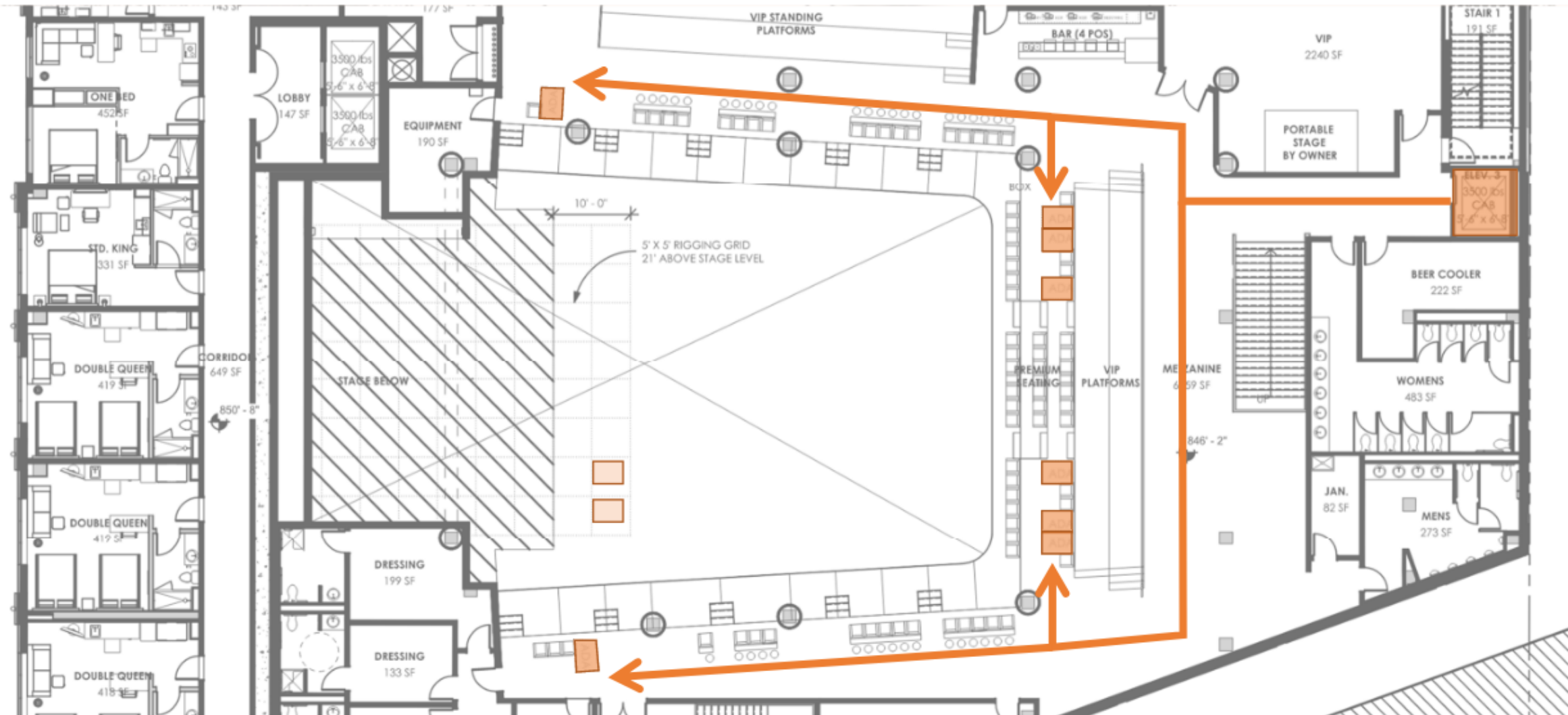


Cumberland County Engineering and Infrastructure Department | Crown Event Center | EwingCole 53



# ACCESSIBLE

## ACCESSIBILITY The Fillmore, Minneapolis

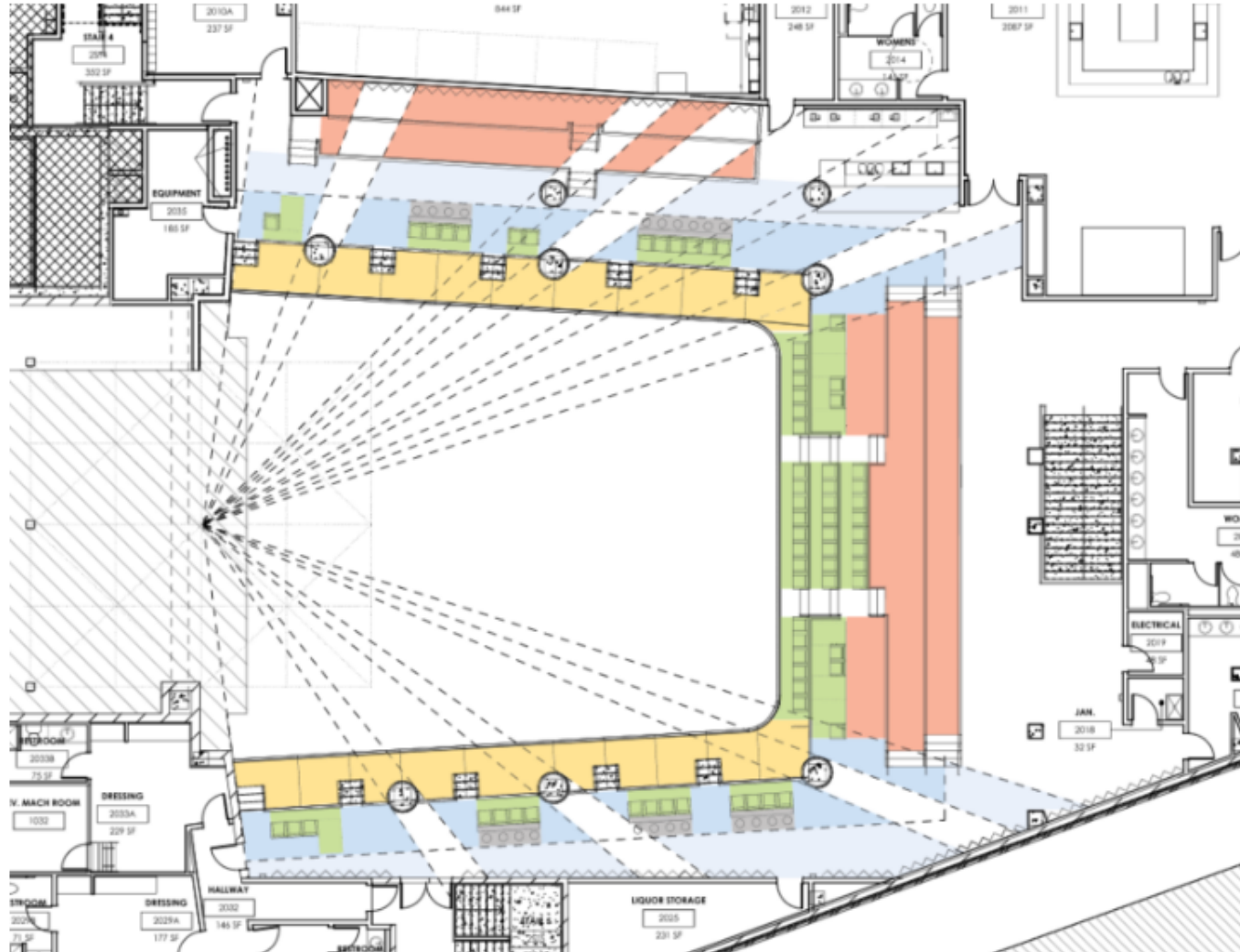


Cumberland County Engineering and Infrastructure Department | Crown Event Center | EwingCole 41



# ACCESSIBLE

## VARIETY OF SEATING TYPES The Fillmore, Minneapolis



Cumberland County Engineering and Infrastructure Department | Crown Event Center | EwingCole 39



# FIRST CLASS

## VIP MULTI-USE SPACES Steven Tanger Center



Photo by Joey Kirkman



Photo by Joey Kirkman

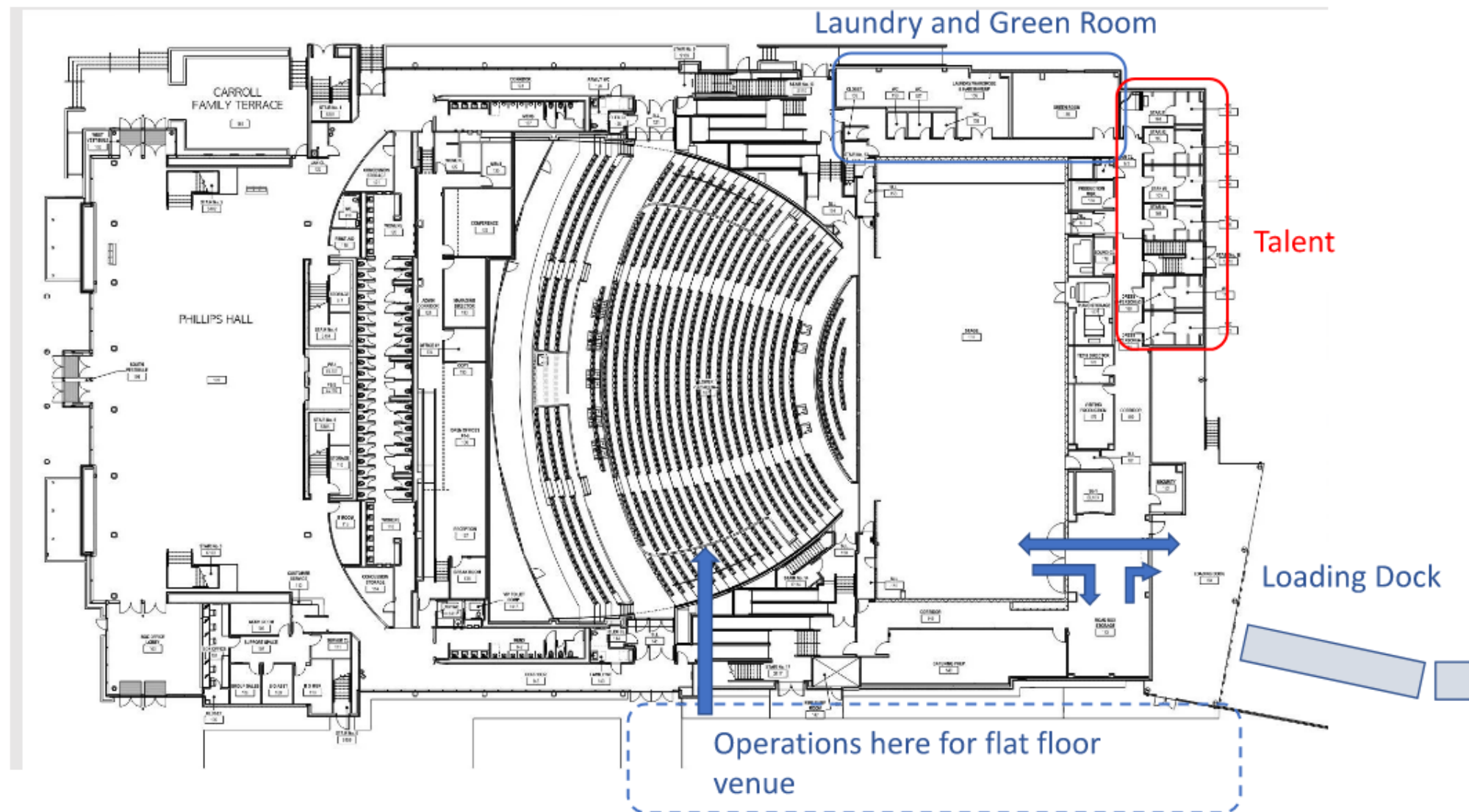
Cumberland County Engineering and Infrastructure Department | Crown Event Center | EwingCole 60



# FIRST CLASS

## BOH ZONING

Adequate Space and Flow





# FIRST CLASS

## DRESSING ROOM STUDY



Cumberland County Engineering and Infrastructure Department | Crown Event Center | EwingCole 62



# PROGRAMMING

## **FLEXIBLE USE** Live Music Concerts





# PROGRAMMING

## FLEXIBLE USE

Community Theater and Regional Arts





# PROGRAMMING

**FLEXIBLE USE**

Weddings and Banquets





# PROGRAMMING

## **FLEXIBLE USE** Conventions and Job Fairs



Cumberland County Engineering and Infrastructure Department | Crown Event Center | EwingCole 33



# PROGRAMMING





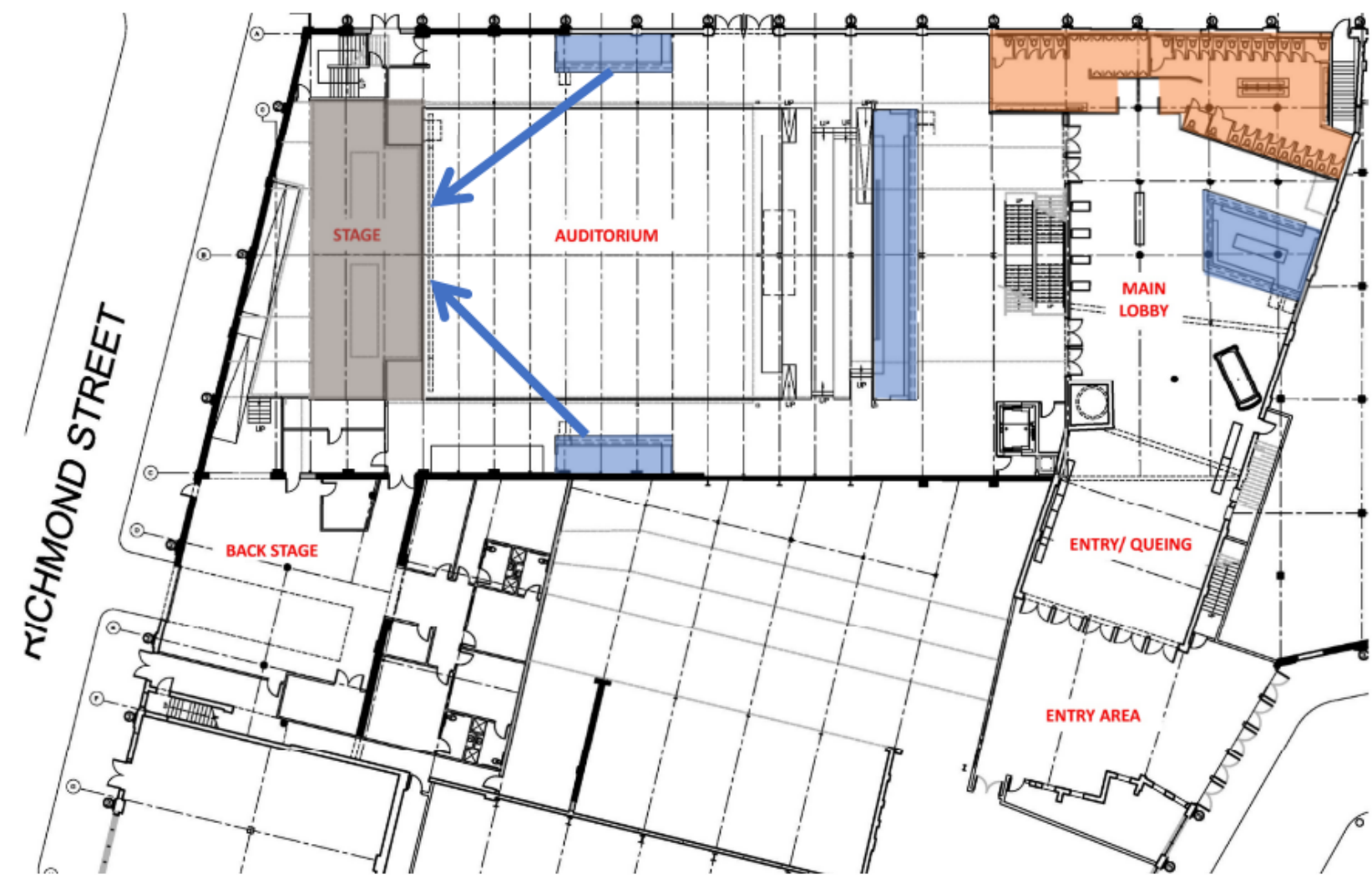
# PROGRAMMING





# FINANCIAL

 **NO LINES, NO WAITING** Stage Proximity



Cumberland County Engineering and Infrastructure Department | Crown Event Center | EwingCole 47



# CM at Risk Delivery Method

## EXPERIENCE WITH CMAR DELIVERY

- Majority of EwingCole worked delivered under CMaR method
- Appropriate delivery method for this project
- Conducive to fast-track projects
- Owner is attracted to the “G” and “M” of GMP
- Contractor likes defined scope and can share in cost savings



# CM at Risk Delivery Method

## **ADVANTAGES OF EARLY CMAR INVOLVEMENT**

- Assistance with your due diligence activities – i.e. Surveying, Environmental & Geotech
- Identifying long-lead materials – i.e. HVAC and Elec. equip, AV equip, steel etc.
- Offering opinions on material selection
- Early Scheduling and Cost Estimating input



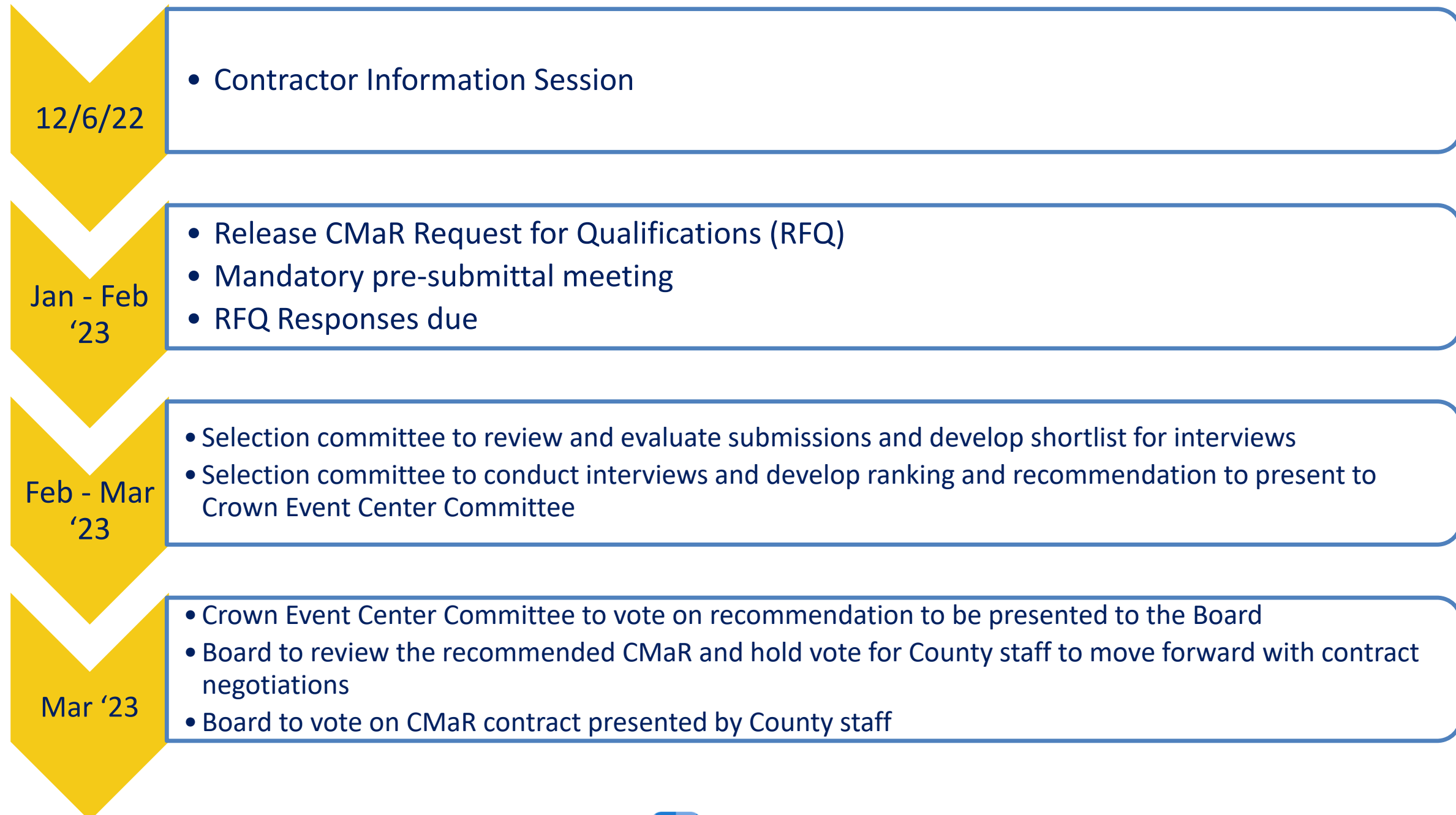
# Action Items



Architect Selection | Vote on selection of Architect to recommend to the Board of Commissioners for approval to begin contract negotiations



# Construction Manager at Risk (CMaR) Selection Process





# Contractor Information Session

- December 6, 2022
- Location: DSS Meeting Room
- Public information session
- Opportunity for connections
  - Contractors and subcontractors
  - Local and regional/national
  - Vendors and suppliers





# Project Next Steps



Architect selection recommendation presented to the Board



Contractor Information Session – Scheduled for 12/6/22



Contractor solicitation, pending delivery method selection



Continue site selection process





**OFFICE OF THE COUNTY ATTORNEY**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21, 2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: COUNTY ATTORNEY**

**DATE: 11/17/2022**

**SUBJECT: CONSIDERATION OF ORDINANCES TO PROHIBIT CAMPING ON COUNTY PROPERTY**

**BACKGROUND**

The City of Fayetteville adopted an ordinance August 8, 2022, making camping unlawful on city-owned property. The enforcement of that ordinance will likely shift the homeless persons camping in the city parking lot across the street from the downtown library to the library property. As the city continues to enforce its ordinance, it is likely more camp sites will be shifted to county property. The library is already experiencing human waste being dumped in the dumpsters and persons urinating and defecating in the storm drain grate and urinating on the public walkways on the property. The ordinance prohibiting camping and parking unlicensed vehicles on county property is intended to avoid the public nuisance created by persons staying on the property overnight.

The proposed amendment to the ordinance regulating parking on county property and the ordinance prohibiting camping on county property are attached.

**RECOMMENDATION / PROPOSED ACTION**

The county attorney recommends the amendment to the ordinance regulating parking on county property and the ordinance prohibiting camping on county property be adopted.

**ATTACHMENTS:**

Description	Type
Parking on County Property	Backup Material
Ordinance Prohibiting Camping on County Property	Backup Material



**CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
ORDINANCE AMENDING CHAPTER 9, ARTICLE II, PARKING ON COUNTY-  
OWNED PROPERTY, OF THE CUMBERLAND COUNTY CODE**

Whereas, the Cumberland County Board of Commissioners adopted an Ordinance Regulating Parking on County-owned Property, September 5, 1978, and has amended it from time to time; and

Whereas, the Cumberland County Ordinance Regulating Parking on County-owned Property has been codified as Chapter 9, Article II, *Parking on County-owned Property*, of the Cumberland County Code; and

Whereas, the Board of Commissioners wishes to amend the Ordinance Regulating Parking on County-owned Property.

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

Chapter 9, Article II, *Parking on County-owned Property*, of the Cumberland County Code is hereby amended by inserting a new subsection c to Section 9-26 set out fully in Section 1 as follows:

Section 1.

**Sec. 9-26. Unlawful parking.**

(c) It shall be unlawful to willfully park any vehicle in any county-owned parking lot which does not display a current license plate.

Section 2. It is the intention of the Cumberland County Board of Commissioners that this ordinance shall be effective immediately upon its adoption.



**CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
ORDINANCE PROHIBITING CAMPING ON COUNTY PROPERTY**

Whereas, the Cumberland County Board of Commissioners finds that camping on county-owned property that is not intended for use as camping interferes with the rights of others to use the property for its intended use; and

Whereas, the Cumberland County Board of Commissioners finds that the accumulation of trash, garbage, or waste, and the lack of sanitary disposal facilities at camping sites create conditions upon county property which constitute a public nuisance; and

Whereas, the City of Fayetteville adopted an ordinance August 8, 2022, which makes camping on city-owned property unlawful; and

Whereas, the Cumberland County Board of Commissioners finds that the impact of the city's ordinance will be the concentration of persons camping on county-owned property in the City of Fayetteville; and

Whereas, the Cumberland County Board of Commissioners further finds the prohibition of camping on county-owned property to be in the public interest and to promote the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Cumberland County Board of Commissioners that a new Article XII, *Camping Prohibited on County Property*, shall be inserted into Chapter 9.5 of the Cumberland County Code as set out in Section 1 below:

Section 1.

**ARTICLE XII. CAMPING PROHIBITED ON COUNTY PROPERTY**

**Sec. 9.5-160. Statutory authority.**

This article is enacted pursuant to G.S. 153A-169.

**Sec. 9.5-161. Territorial jurisdiction.**

This article is applicable to any county-owned property within the geographical area of Cumberland County, including all county-owned property located in any municipality within Cumberland County.

**Sec. 9.5-162. Definition.**

As used in this article, camp or camping means sleeping, preparing to sleep (including lying down or the laying down of bedding for the purpose of sleeping); storing personal belongings; the placement of tents, huts, or tarps; or parking a motor vehicle, motor home, trailer, or any other type of structure for living accommodation purposes.



**Sec. 9.5-163. Camping on county property declared a public nuisance.**

The use of county property for camping interferes with the rights of others to use the property for its intended use and the accumulation of trash, garbage, or waste, and the lack of sanitary disposal facilities at camping sites create conditions upon county property which constitute a public nuisance. Nothing in this article shall be deemed or interpreted to abrogate or limit the authority of the county public health director to abate public health nuisances.

**Sec. 9.5-164. Camping on county property prohibited.**

To avoid a public health nuisance being created by the accumulation of trash, garbage, or waste, and the lack of sanitary disposal facilities, camping or establishing a camp on county property is prohibited.

**Sec. 9.5-165. Camping on county property deemed a trespass.**

Any person camping or establishing a camp on county property shall be deemed trespassing on county property.

**Sec. 9.5-166. Enforcement.**

(a) The Cumberland County Sheriff shall have the authority to enforce this ordinance by giving notice of trespass to the person or persons camping or establishing a camp on county property, directing such person or persons to remove, within a time appropriate to the circumstances, all the personal property in the control of such person or persons located at the camp site, and requesting the county manager to dispatch appropriate county staff to remove any personal property not removed from the site within the time directed.

(b) The Cumberland County Sheriff shall keep a sworn law enforcement officer on site while any county staff are present to remove personal property.

(c) Any personal property removed from the site shall be disposed of in accordance with county policy.

(d) Any person or persons who are noticed of trespass for camping or establishing a camp on county property shall be subject to being charged with trespass if they come onto the same county property again.

Section 2. It is the intention of the Cumberland County Board of Commissioners that this ordinance shall be effective immediately upon its adoption.





**OFFICE OF THE COUNTY MANAGER**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: AMY CANNON, COUNTY MANAGER**

**DATE: 11/17/2022**

**SUBJECT: UPDATE ON EXPIRATION OF THE SALES TAX DISTRIBUTION  
INTERLOCAL AGREEMENT**

**BACKGROUND**

The Audit/Finance Committee met on August 1, 2022, to receive information on the Sales Tax Distribution Interlocal Agreement that expires on June 30, 2023. At that meeting, the County Manager shared the history of the agreement, sales tax distribution amounts per the agreement and the impact of a distribution change to ad valorem. We received the final sales tax distribution in October for FY2022. The sales tax impact under both per capita and ad valorem have been updated to reflect the most current data.

Since we have the most current sales tax data, Chairman Adams has asked that a presentation be provided to the Board of Commissioners at the November 21, 2022, meeting. Attached you will find the current sales tax agreement and a PowerPoint presentation that will be reviewed on Monday evening.

**RECOMMENDATION / PROPOSED ACTION**

For information purposes only

**ATTACHMENTS:**

Description	Type
Local Sales Tax Distribution Agreement-PowerPoint	Backup Material
Sales Tax Distribution Interlocal Agreement	Backup Material



# Local Sales Tax Distribution Agreement

Board of County Commissioners  
November 21, 2022



1

## Sales Tax Articles

<b>Article 39</b>	1 cent
<b>Article 40</b>	½ cent - 30% shared with schools
<b>Article 42</b>	½ cent - 60% shared with schools
<b>Article 46</b>	¼ cent



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2



## Sales Tax Distribution Methods

County Commissioners are authorized to choose between two methods to establish the distribution of sales tax proceeds between the County and its municipalities.

### Per Capita Distribution

### Ad Valorem Distribution

County Commissioners may change the method of distribution annually in April with an effective date 14 months later at the start of fiscal year.



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3

## Cumberland County Distributions

- Sales taxes in Cumberland County have historically been distributed using the per capita distribution method.
- As Fayetteville and other municipal populations grew through annexation:
  - The County's relative share of sales tax distribution declined.**
  - The County's responsibilities did not decline.**
- Result: a shift in revenue from the County to the municipalities – most significantly to the City of Fayetteville.



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4



## Original Sales Tax Agreement - 2003

- Original Sales Tax Distribution Agreement signed in 2003 for 10 years; expiration date June 30, 2013
- Amendments and extensions adopted over the years - 2006, 2009, 2013, 2016 and 2018
- 2018 Sales Tax Distribution Agreement expires **June 30, 2023**


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5

## Distribution Agreement

	FY 2022 Distribution Ad Valorem (no agreement)	FY 2022 Distribution Per Capita (w/agreement)	Net Impact of Distribution Change
Cumberland County	\$78.2M	\$61.1M	\$9.1M*
County Schools	17.2M	15.9M	(528K)*
Fayetteville	40.4M	59.2M	(9.4M)*

*\*These projected figures take into account the elimination of agreement payments*


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6



## Impact of Distribution Change to Ad Valorem

FY2022 Base						
	Per Capita Distribution	Ad Valorem Distribution	Impact of Distribution Change	Eliminate Agreement Payments	Net Impact of Distribution Change	
Cumberland County	\$ 61,168,963	\$ 78,214,766	\$ 17,045,803	\$ 7,876,185	\$ 9,169,618	
Schools	15,985,916	17,279,384	1,293,468	1,822,031	(528,563)	
Fire districts	-	3,415,678	3,415,678	-	3,415,678	
Recreation district	-	1,354,308	1,354,308	-	1,354,308	
City of Fayetteville	59,244,980	40,497,814	(18,747,166)	(9,256,180)	(9,490,986)	
Eastover	1,040,780	394,080	(646,700)		-	
Falcon	93,265	21,265	(72,000)		-	
Godwin	36,575	20,236	(16,339)	(3,123)	(13,216)	
Hope Mills	5,050,161	3,195,186	(1,854,975)		-	
Linden	38,394	17,166	(21,228)		-	
Spring Lake	3,306,007	1,822,146	(1,483,861)	(438,913)	(1,044,948)	
Stedman	358,988	191,764	(167,223)		-	
Wade	179,452	79,688	(99,764)		-	



7

## Distribution Method of Large NC Counties

Per Capita Method	Ad Valorem Method
Wake	Mecklenburg
Cumberland	Guilford
Durham w/ agreement	Forsyth
	Buncombe
	Union
	New Hanover
	Gaston



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8



## County Services

County services are available to *all* citizens without regard to where they live within the county.

- Schools, social services, child support, health, mental health, jail, public safety, Register of Deeds, Board of Elections

County provides quality of life services: animal services, libraries, FTCC, veterans services, cooperative extension



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9

## NC General Statutes Mandated Services

### County

Law enforcement  
Jails  
Medical examiner  
Courts  
Building code enforcement  
Public schools  
Social services  
Public health  
Deed registration  
Election administration  
Tax assessment  
Child support  
Community college – capital outlay

### City

Building code enforcement



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10



## Timeline

Deadline for decision by Statute - April 2022

For budget purposes, all jurisdictions need to know if there is going to be a change much sooner.



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11



12



**STATE OF NORTH CAROLINA**

**INTERLOCAL AGREEMENT**

**COUNTY OF CUMBERLAND**

**THIS INTERLOCAL AGREEMENT** is entered into in the year 2018 as indicated by the date executed by each party, by and among the City of Fayetteville, the Town of Hope Mills, the Town of Spring Lake, the Town of Stedman, the Town of Wade, the Town of Falcon, the Town of Godwin, the Town of Linden, the Town of Eastover, (hereinafter referred to as a "Municipality: or collectively as a the "Municipalities"), and the County of Cumberland (hereinafter referred to as the "County"), with the Municipalities and the County collectively referred to as the "Parties."

**RECITALS:**

**Whereas**, the County and the Municipalities entered into an interlocal agreement in 2003 for the County to continue to elect the per capita method of sales tax distribution conditioned upon certain reimbursements by the Municipalities to mitigate the re-allocation of sales tax revenue as a result of municipal annexations (the "Sales Tax Distribution Interlocal Agreement"); and

**Whereas**, the County and the Municipalities have maintained the Sales Tax Distribution Interlocal Agreement through certain amendments and extensions adopted in 2006, 2009, 2013 and 2016 to a term ending June 30, 2019, and these amendments and extensions, together with the 2003 Agreement, now constitute the current Sales Tax Distribution Interlocal Agreement; and

**Whereas**, the County and the Municipalities have entered into additional interlocal agreements by which the County provides certain services and/or funding to the Municipalities and some of the Municipalities provide certain services to the County; and

**Whereas**, the City of Fayetteville and the County have also merged their respective Parks and Recreation Departments into a unified recreation department operated by the City; and



**Whereas,** the revenue needed by the County to maintain the services and/or funding through those additional interlocal agreements and to maintain the per capita method of sales tax distribution is dependent upon the reimbursement of the sales tax revenue lost to the County under the per capita distribution method due to municipal annexations; and

**Whereas,** certain of those other interlocal agreements between the County and the Municipalities would be directly impacted by changing the sales tax distribution method to the ad valorem method because every tax district would share in the ad valorem method of distribution, including those tax districts that do not share under the per capita method of distribution; and

**Whereas,** some of the other interlocal agreements referenced herein include:

(a) the consolidation of the recreation departments of Fayetteville and the County in 2004 and the creation of a Recreation District in which all the recreation services for the County and the Towns of Falcon, Godwin, Wade, Linden, Eastover and Stedman are administered by the Fayetteville/Cumberland Regional Parks and Recreation Department as a department of the City of Fayetteville;

(b) the County's participation in funding the debt service incurred by Fayetteville for the construction of a parking deck in downtown Fayetteville;

(c) the County's participation in funding the debt service incurred by the City of Fayetteville for the construction of a minor league baseball stadium in downtown Fayetteville;

(d) the consolidation of the emergency dispatch services of the Town of Spring Lake and the County with all emergency dispatch services for the Town of Spring Lake provided by the County;

(e) The Town of Spring Lake's provision of fire and first responder services for the Manchester Fire District within the County;



(f) the County's provision of building inspection services for the Town of Spring Lake when the Town's inspectors are not available;

(g) the consolidation of the emergency dispatch services of the Town of Hope Mills and the County with all emergency dispatch services for the Town of Hope Mills provided by the County;

(h) the County's provision of certain inspection and code enforcement for the Towns of Eastover and Stedman;

(i) the County's provision of animal control services for all the Municipalities except the Town of Hope Mills; and

(j) the County's provision of joint planning and development services for all the Municipalities except the City of Fayetteville; and

(k) the County's collection of property taxes for all the Municipalities; and

**Whereas**, the County and each of the Municipalities acknowledges that the geographic proximity of the City of Fayetteville and the Towns of Spring Lake, Eastover, Stedman, and Hope Mills; and the geographic proximity of the Towns of Falcon, Godwin, Wade and Linden; allow greater efficiency in the provision of public services by the County or the City of Fayetteville for the smaller Municipalities and the benefits of this efficiency accrue to the residents of all of these communities and to the County residents living in the unincorporated communities; and

**Whereas**, the County acknowledges that the Franklin Street Parking Deck financed and constructed by the City of Fayetteville enhances downtown parking for the State and County employees and customers of the State and County agencies occupying the County's courthouses, Law Enforcement Center, and Detention Center in the downtown; and



**Whereas,** the County and the Municipalities acknowledge that the minor league baseball stadium financed and being constructed downtown by the City of Fayetteville will enhance recreation opportunities and business growth for all citizens of the County; and

**Whereas,** the Municipalities acknowledge that if the Board of County Commissioners elected to change the sales tax distribution to the ad valorem method, it would result in a substantial increase in sales tax distribution to the County with a proportionate decrease in the sales tax distribution to the Municipalities; and

**Whereas,** the Parties acknowledge that the reimbursement of a portion of the sales tax revenue lost to the County by municipal annexations under the per capita sales tax distribution method enhances the County's ability to provide the services and funding to the Municipalities described above.

**Now therefore,** in partial consideration of the services provided by the County to the Municipalities and for any services provided by any of the Municipalities to the County or any other Municipality as described above, to clarify the relationships between the Sales Tax Distribution Interlocal Agreement and the various other interlocal agreements between or among the County and any of the Municipalities as described above, and to further extend the Sales Tax Distribution Interlocal Agreement, the Parties enter into this Sales Tax Distribution Interlocal Agreement as follows:

1. *Consideration.* The Parties agree that the transfers of sales tax funds from any of the Municipalities to the County or to any other Municipality pursuant to this Sales Tax Distribution Interlocal Agreement constitute partial consideration for the County to continue to maintain the services and/or funding through the other interlocal agreements described herein in



accordance with the terms of any applicable interlocal agreement with any of the Municipalities, while continuing to elect the distribution of sales tax revenue by the per capita method.

2. *Effect on the Provision of Services and Other Funding.* The County agrees that the receipt of this partial consideration pursuant to the Sales Tax Distribution Interlocal Agreement with the additional consideration established by the other interlocal agreements is sufficient for the County to continue to maintain the services and/or funding provided by the other interlocal agreements referenced herein at the current levels at which such services and/or funding is provided by the County in accordance with the terms of the applicable interlocal agreements; provided that, this agreement shall not be construed as binding the County or any of the Municipalities to continue any interlocal agreement for the provision of services or funding except in accordance with the terms of such other interlocal agreements to include the rights to terminate or amend such agreements.

3. *Certain Provisions of the Current Sales Tax Distribution Agreement to Be Incorporated by Reference.* All the terms and provisions of the existing Sales Tax Distribution Interlocal Agreement to include the extensions and amendments approved in 2006, 2009, 2013 and 2016 and with an expiration date of June 30, 2019, that are not inconsistent with any of the terms of this Sales Tax Distribution Interlocal Agreement, are incorporated herein by reference to the end that the sales tax distribution as determined for FY2019 shall be used for this Sales Tax Distribution Interlocal Agreement for the determination of the distribution for FY2020.

4. *Term.* This Sales Tax Distribution Interlocal Agreement shall remain in effect for four (4) fiscal years, commencing July 1, 2019, and ending June 30, 2023, unless sooner terminated in accordance with the early termination provision stated herein.



5. *Base Year and Method of Apportionment of Growth or Decline in Sales Tax Revenues.* The sales tax distribution for FY2020 shall become the basis for the distributions in FY2021 through FY2023 as follows:

(a) For any year the sales tax revenue increases over the amount distributed for FY2020, forty percent (40%) of the increase shall be distributed to the County and sixty percent (60%) of the increase shall be distributed to the Municipalities with each Municipality's share of the increase being its percentage of the total distribution for FY2020.

(b) For any year the sales tax revenue is less than the amount distributed for FY2020, forty percent (40%) of the decline shall be apportioned to the County and sixty percent (60%) of the decline shall be apportioned to the Municipalities with each Municipality's share of the decline being its percentage of the total distribution for FY2020.

6. *Early Termination.* This agreement shall be a continuing agreement to remain in place for the stated term except upon the following conditions:

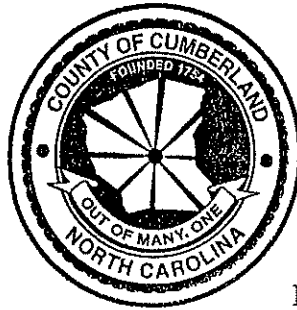
(a) If the General Assembly makes changes to the statutes governing the distribution of sales tax revenue during the term of this agreement, the County's Board of Commissioners may elect to terminate this agreement at any time after the law is passed, including any date prior to the effective date of the changes in the law; or

(b) If the governing board of any of the Municipalities should take action to withdraw from the agreement, the County's Board of Commissioners may elect to terminate this agreement at any time after that action is taken.



7. This Sales Tax Distribution Interlocal Agreement shall be a continuing interlocal agreement which shall be approved by the governing body of each Party and entered into the minutes of the meeting at which it is approved.

IN WITNESS WHEREOF the parties, intending to be bound and by authority duly given, have caused this agreement to be signed by their appropriate officials, the day and year designated by each.



COUNTY OF CUMBERLAND

ATTEST:

Candice H. White  
Candice H. White, Clerk to the Board

BY: Jeannette Council  
Jeannette M. Council, Chair  
Board of Commissioners

Date Signed: 1/31/2019

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

Wicki Evans  
County Finance Director

Approved for Legal Sufficiency:

Rickey J. Monfield  
County Attorney

[Signature pages for Municipalities Follow]

CITY OF FAYETTEVILLE

ATTEST:

\_\_\_\_\_  
City Clerk

BY: \_\_\_\_\_  
Mayor

Date Signed: \_\_\_\_\_



7. This Sales Tax Distribution Interlocal Agreement shall be a continuing interlocal agreement which shall be approved by the governing body of each Party and entered into the minutes of the meeting at which it is approved.

IN WITNESS WHEREOF the parties, intending to be bound and by authority duly given, have caused this agreement to be signed by their appropriate officials, the day and year designated by each.

**COUNTY OF CUMBERLAND**

ATTEST:

BY: \_\_\_\_\_  
Jeannette M. Council, Chair  
Board of Commissioners

\_\_\_\_\_  
Candice H. White, Clerk to the Board

Date Signed: \_\_\_\_\_

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

Approved for Legal Sufficiency:

\_\_\_\_\_  
County Finance Director

\_\_\_\_\_  
County Attorney

[Signature pages for Municipalities Follow]

**CITY OF FAYETTEVILLE**

ATTEST:

*Parale T. Meggin*  
\_\_\_\_\_  
City Clerk

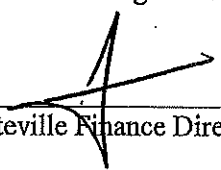


BY: *[Signature]*  
\_\_\_\_\_  
Mayor

Date Signed: *01/29/2019*



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

  
\_\_\_\_\_  
Fayetteville Finance Director

Approved for Legal Sufficiency:

  
\_\_\_\_\_  
Fayetteville City Attorney

**TOWN OF HOPE MILLS**

ATTEST:

\_\_\_\_\_  
Town Clerk

BY: \_\_\_\_\_  
Mayor

Date Signed: \_\_\_\_\_



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

\_\_\_\_\_  
Fayetteville Finance Director

Approved for Legal Sufficiency:

\_\_\_\_\_  
Fayetteville City Attorney

**TOWN OF HOPE MILLS**

ATTEST:

*Jane G. Storking*  
Town Clerk

BY: *Jackie Warren*  
Mayor

Date Signed: 1-7-2019



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

  
\_\_\_\_\_  
Hope Mills Finance Director

Approved for Legal Sufficiency:

  
\_\_\_\_\_  
Hope Mills Town Attorney

**TOWN OF SPRING LAKE**

ATTEST:

\_\_\_\_\_  
Town Clerk

BY: \_\_\_\_\_  
Mayor

Date Signed: \_\_\_\_\_



TOWN OF SPRING LAKE



ATTEST:

Rhonda D. Webb  
Town Clerk

BY: Larry D. Dottini  
Mayor

Date Signed: January 14, 2019

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

Clairum B. Watson  
Spring Lake Finance Director

Approved for Legal Sufficiency:

J. Ellis Harkins  
Spring Lake Town Attorney



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

Approved for Legal Sufficiency:

\_\_\_\_\_  
Spring Lake Finance Director

\_\_\_\_\_  
Spring Lake Town Attorney

**TOWN OF STEDMAN**

ATTEST:

Christy Horne  
Town Clerk

BY: \_\_\_\_\_

Mayor

Date Signed: \_\_\_\_\_

1-3-2019



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

Christy Howe  
Stedman Finance Director

Approved for Legal Sufficiency:

Timothy C. Finn  
Stedman Town Attorney

**TOWN OF EASTOVER**

ATTEST:

\_\_\_\_\_  
Town Clerk

BY: \_\_\_\_\_  
Mayor

Date Signed: \_\_\_\_\_





ATTEST:

Elizabeth D. Bane  
Town Clerk

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

Elizabeth D. Bane  
Eastover Finance Director

TOWN OF EASTOVER

BY: Richard W. Land  
Mayor

Date Signed: January 11, 2019

Approved for Legal Sufficiency:

Timothy C. Jones  
Eastover Town Attorney



**TOWN OF WADE**

ATTEST:

Cindy C. Burdett  
Town Clerk

BY: Joseph Dixon  
Mayor

Date Signed: 1-8-19

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

Cindy C. Burdett  
Wade Finance Director

Approved for Legal Sufficiency:

[Signature]  
Wade Town Attorney



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

Frances B. Collier  
Linden Finance Director

Approved for Legal Sufficiency:

[Signature]  
Linden Town Attorney

TOWN OF LINDEN

BY: Maria Butkus  
Mayor

ATTEST:

Kimberly Turner  
Town Clerk

Date Signed: December 18, 2018



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

\_\_\_\_\_  
Linden Finance Director

Approved for Legal Sufficiency:

\_\_\_\_\_  
Linden Town Attorney

**TOWN OF GODWIN**

BY: Willie Burnett  
Mayor

Date Signed: January 28, 2019

ATTEST:

Jacqueline Cooper-Kelley  
Town Clerk



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

Ronald M. Hall  
Godwin Finance Director

Approved for Legal Sufficiency:

[Signature]  
Godwin Town Attorney

**TOWN OF FALCON**

ATTEST:

BY: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk

Date Signed: \_\_\_\_\_



TOWN OF FALCON

ATTEST:

Belinda D. White  
Town Clerk, Belinda D. White

BY: Clifton L. Turpin, Jr.  
Mayor Clifton L. Turpin, Jr.

Date Signed: January 7, 2019

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

Wiley T. Clark  
Falcon Finance Director / Commissioner  
Wiley T. Clark

Approved for Legal Sufficiency:

Donald C. Hudson  
Falcon Town Attorney







**OFFICE OF THE COUNTY MANAGER**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

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

**DATE: 11/14/2022**

**SUBJECT: CONSIDERATION OF FRANCHISE FOR OPERATION OF  
COURTHOUSE AND DSS DELI - FIRST READING**

**BACKGROUND**

At its Agenda Session meeting held November 10, 2022, the Board of Commissioners recommended award of the franchise to the Yi's (Lee's) d/b/a Go 'N Joy Restaurant for a term of three years. A bid tab was presented to the Board and approved to move forward to the November 21, 2022, Board of Commissioners' meeting for the grant of a franchise which will require two readings. Shana B. Yi and Jae Yong Yi (Lee) have been operating the deli/snack bar in the Courthouse since 2003 and at DSS since 2008 under a franchise granted by the Board of Commissioners. The franchise expires on December 31, 2022. Staff advertised for proposals to operate and provide deli/snack bar services on September 16, 2022, and the Yi's (Lee's) were the only respondent.

Attached is a copy of the proposed franchise agreement.

**RECOMMENDATION / PROPOSED ACTION**

This is the first of two required readings approving grant of a franchise to the Yi's (Lee's) d/b/a Go 'N Joy Restaurant for a term of three years.

**ATTACHMENTS:**

Description	Type
Proposed Franchise Agreement	Backup Material



## NORTH CAROLINA

### COUNTY OF CUMBERLAND

### SNACK BAR FRANCHISE AGREEMENT

*First Reading November 21, 2022*

*Second Reading December \_\_, 2022*

THIS AGREEMENT, made and entered into December \_\_\_\_, 2022, by and between Shana B. Yi and Jae Yong Yi (Lee), located at 304 Wagoner Drive, Fayetteville, North Carolina 28303, hereinafter referred to as "FRANCHISEE", and the COUNTY OF CUMBERLAND, a body politic and corporate of North Carolina, hereinafter referred to as "COUNTY".

#### W I T N E S S E T H:

WHEREAS, the COUNTY is desirous of continuing the grant of a franchise to a food services vendor for the purpose of operating a Snack Bar to provide food services to the visitors and staff of the Cumberland County Courthouse located at 117 Dick Street, Fayetteville, North Carolina 28301 (Courthouse Snack Bar) and the Cumberland County Department of Social Services (DSS) located at 1225 Ramsey Street, Fayetteville, North Carolina 28301(DSS Snack Bar); and

WHEREAS, the COUNTY, through its Board of Commissioners, approved the grant of a franchise for the operation of these two snack bars to the FRANCHISEE upon a second reading at the regular meeting of the Board of Commissioners held December \_\_, 2022; and

WHEREAS, FRANCHISEE is a food services vendor and has operated the DSS Snack Bar as a franchisee of the County under a franchise agreement dated September 23, 2008, and the Courthouse Snack Bar as a franchisee of the County under a franchise agreement dated September 29, 2003; and

WHEREAS, FRANCHISEE desires to renew the franchises on the same terms in order to continue to provide the food services at the DSS Snack Bar and the Courthouse Snack Bar; and

WHEREAS, the Board of Commissioners of Cumberland County, North Carolina, finds that FRANCHISEE has fully performed all its obligations under the franchise agreements and each renewal thereof: and

WHEREAS, the Board of Commissioners desires to renew the described franchises on the same terms and to fully re-state those terms in this franchise agreement.

NOW, THEREFORE, for and in consideration of the promises and agreements hereafter set forth and the mutual benefits to be derived by the parties, the FRANCHISEE and the COUNTY promise and agree as follows:

1. **TERM:** The FRANCHISEE shall utilize the spaces occupied by the Courthouse Snack Bar and the DSS Snack Bar for the continued operation of those Snack Bars from January 1, 2023 through December 31, 2025,



2. **AGENCY AND AUTHORITY:** The COUNTY hereby designates the County Manager as its agent with respect to this Agreement. The County Manager is authorized, on behalf of the COUNTY, to negotiate directly with the FRANCHISEE on all matters pertaining to this Agreement. The FRANCHISEE agrees that all of its dealings with the COUNTY in respect to the terms and conditions of this Agreement shall be with the County Manager. Further, the FRANCHISEE specifically agrees that it shall not implement any requested modifications in the specifications of any of the services subject to this Agreement except in the manner described in the paragraph entitled MODIFICATION.
3. **SERVICES:**
- a. During the term of this Agreement, COUNTY agrees that the FRANCHISEE shall be authorized to operate a Snack Bar for the purpose of providing food services at the Cumberland County Courthouse, 117 Dick Street, Fayetteville, North Carolina 28301 and at the DSS Building, 1225 Ramsey Street, Fayetteville, North Carolina 28301 (the Snack Bars). The FRANCHISEE has provided, at FRANCHISEE'S own expense, all the construction and equipment necessary to operate these snack bars and FRANCHISEE'S construction and equipment have been approved by the COUNTY. No external signage shall be allowed.
  - b. Food and drink items which are sold at the Snack Bars shall be palatable and of high quality. Prices charged for food and drink shall be no higher than that charged for similar merchandise in other similarly situated local places of business. Said prices are subject to reasonable, periodic adjustments by the FRANCHISEE in order to maintain reasonable profit margins in the operation of the Snack Bars.
  - c. The hours of operation for the FRANCHISEE to provide food services at the Snack Bars shall be weekdays from 7:30 a.m. until 3:00 p.m., closed Saturdays and Sundays, and COUNTY recognized holidays.
  - d. The FRANCHISEE shall employ adequate personnel to provide the needed food services and render prompt, courteous service. The FRANCHISEE will keep the kitchen facilities and equipment clean and orderly.
  - e. Trash disposal services, convenient to the Snack Bars, shall be provided by the COUNTY.
  - f. The FRANCHISEE shall operate the Snack Bars as an independent business enterprise and shall hire and pay the wages and compensation of all its employees and agents. The FRANCHISEE shall be responsible for the conduct of its employees and agents.
  - g. The FRANCHISEE shall not use or occupy, nor permit the Snack Bars or any part thereof, to be used or occupied for any unlawful business use or purpose deemed disreputable or extra hazardous or which will constitute a public or private nuisance,



or which is in any way detrimental, harmful, or prejudicial to the COUNTY, or is in violation of any laws, regulations, ordinances or codes, present or future.

- h. If the COUNTY deems the performance of the FRANCHISEE and the operation of the Snack Bars as unsatisfactory for any reason, COUNTY will notify the FRANCHISEE in writing, providing details of said unsatisfactory performance. FRANCHISEE shall have thirty (30) days to eliminate any deficiencies. Failure to eliminate the deficiencies shall result in termination pursuant to paragraph 12.
  - i. In its operation of the Snack Bars, FRANCHISEE shall maintain a Grade "A" Health Inspection Rating issued by the North Carolina Department of Health and Human Resources, Division of Environmental Health Services. Failure to do so shall result in the immediate termination of the agreement.
  - j. Only those foods that have been properly inspected by U.S. Government agencies and maintained according to Cumberland County Health Department standards may be utilized by the Snack Bar.
- 4. **RECORD KEEPING:** The FRANCHISEE agrees to keep its books, documents, and records relating to the provision of food services under this Agreement for a minimum of one year after the expiration of this franchise.
- 5. **FEES:** During the term of this Agreement, FRANCHISEE shall pay to the COUNTY Six Percent (6%) of the net sales generated by each of the Snack Bars ("the Commission") with a minimum Commission of \$500.00 per month for each of the Snack Bars. The term "net sales" shall mean the gross receipts of the Snack Bars less sales tax and discounts. The Commission shall be paid monthly, by the 15th day of the following month (i.e.: the Commission payable for the month of December shall be paid by January 15th). FRANCHISEE shall provide proof of sales to Cumberland County in the form of a copy of its "Monthly Business Report", along with a copy of cash register tapes, invoices, or other documentation as required by the County. Payments shall be made by check payable to "Cumberland County". Monthly checks and reporting information shall be mailed to: Cumberland County; Attention James Lawson; P. O. Box 1829; Fayetteville, NC 28302-1829.
- 6. **UTILITIES:** The COUNTY shall provide, at its own expense, to the FRANCHISEE power and water utilities necessitated by the operation of the Snack Bars to include the provision of potable water, all lighting, heating, and cooling requirements for the operation of each of the Snack Bars. The COUNTY shall provide electrical service for all equipment and outlets at the Snack Bars. Any natural gas service shall be provided by FRANCHISEE.
- 7. **MAINTENANCE:** The FRANCHISEE shall maintain, and leave said premises in substantially as good condition as when received by it, excepting reasonable wear and tear. The FRANCHISEE shall provide all of the janitorial services necessary to properly maintain the snack bar.



- FRANCHISEE shall not be liable for injury or damage to persons or property except those resulting from the acts or negligence of FRANCHISEE or its employees. Neither FRANCHISEE nor the COUNTY shall be held responsible or liable for any loss or damage due to fire, flood, or by insurrection or riot, or other causes which are not avoidable or beyond the control of FRANCHISEE or the COUNTY, or in any event for consequential damages.



10. **NOTICES:** Unless otherwise specified herein, any written notices to the parties shall be sufficient if sent by certified mail, return receipt requested, or hand-delivered to:
- |                        |                             |
|------------------------|-----------------------------|
| For FRANCHISEE:        | FOR COUNTY:                 |
| Shana B. Yi            | Acting County Manager       |
| 304 Wagoner Drive      | PO Box 1829                 |
| Fayetteville, NC 28303 | Fayetteville, NC 28302-1829 |
| (910) 487-6919         | (910) 678-7726              |
|                        | (910) 678-7726              |
11. **ASSIGNMENT:** The FRANCHISEE shall not assign its contract rights under this Agreement or any part thereof, nor delegate any performance hereunder, nor subcontract without first obtaining the COUNTY'S written approval.
12. **TERMINATION:** This Agreement may be terminated immediately by the COUNTY or the COUNTY may pursue any other remedy recognized in law or equity upon the violation of any of the terms of the contract. Either party may terminate the contract upon thirty (30) days' notice in writing to the other party. Upon the entering of a judgment of bankruptcy or insolvency by or against the FRANCHISEE, the COUNTY may immediately terminate this Agreement for cause. Upon termination or expiration of this Agreement, FRANCHISEE will immediately remove all equipment, food products, etc., owned by FRANCHISEE from the Snack Bars or any other areas at either Courthouse or the DSS facility controlled by FRANCHISEE.
13. **MISCELLANEOUS:**
- a. The parties hereto, for themselves, their agents, officials, employees, and servants agree not to discriminate in any manner on the basis of race, color, creed, handicap, or national origin in the course of fulfilling any obligation, duty, or service that arises as a result of this Agreement. More specifically, FRANCHISEE shall comply with Title VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA), and all requirements imposed by Federal regulations, rules, and guidelines issues pursuant to these Titles for both personnel employed and customers served.
  - b. The FRANCHISEE will make no alterations or changes in the present facilities without prior approval of the COUNTY.
14. **MODIFICATIONS:** This Franchise Agreement may be modified only by an instrument duly executed by the parties or their respective successors.

IN WITNESS WHEREOF, the FRANCHISEE and the COUNTY have caused their duly authorized officers to execute this instrument the day and year first above written, in triplicate originals, with one being retained by the FRANCHISEE, and two by the COUNTY.

[Signature Page Follows]



**COUNTY OF CUMBERLAND**

ATTEST:

BY: \_\_\_\_\_  
[Current Chair], Chair

BY: \_\_\_\_\_  
[Current Clerk], Clerk

[COUNTY SEAL]

**FRANCHISEE:**

\_\_\_\_\_  
Shana B. Yi

\_\_\_\_\_  
Jae Yong Yi (Lee)

ATTEST:

BY: \_\_\_\_\_  
Witness

Approved for Legal Sufficiency

\_\_\_\_\_  
County Attorney  
Expiration Date:





**OFFICE OF THE COUNTY MANAGER**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: AMY H. CANNON, COUNTY MANAGER**

**DATE: 11/18/2022**

**SUBJECT: UPDATE ON ANN STREET LANDFILL CAPACITY AND DISPOSAL  
OPTIONS**

**BACKGROUND**

Chairman Adams has requested an update on Ann Street Landfill Capacity and Disposal Options.

**RECOMMENDATION / PROPOSED ACTION**

For information purposes only.





**CLERK TO THE BOARD OF COMMISSIONERS**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: ANDREA TEBBE, DEPUTY CLERK**

**DATE: 11/21/2022**

**SUBJECT: LIBRARY BOARD OF TRUSTEES (2 VACANCIES)**

**BACKGROUND**

At the November 7, 2022 regular meeting, the Board of Commissioners nominated the following individuals to fill two (2) vacancies on the Library Board of Trustees.

**NOMINEES:**

**Ann McRae**

**Gloria Nelson**

The membership roster for the Library Board of Trustees is attached.

**RECOMMENDATION / PROPOSED ACTION**

Appoint individuals to fill the two (2) vacancies on the Library Board of Trustees.

**ATTACHMENTS:**

Description

Library Board of Trustees Membership Roster

Type

Backup Material



## LIBRARY BOARD OF TRUSTEES

## 3 Year Term

*All terms expire in December and begin in January. Recommendations for nominations placed on first meeting in October agenda and appointments placed on second meeting in October agenda. Although terms will not begin until the following January, the Library takes their new appointees through an orientation process in December before they begin serving in January.*

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
Joseph "Bart" Fiser 1010 Hay Street Fayetteville, NC 28305 513-885-4988/615-5572 <a href="mailto:BFIZE53@YAHOO.COM">BFIZE53@YAHOO.COM</a>	10/21	1st	Dec/24 12/31/24	Yes
Irene Grimes 3918 Colorado Drive Hope Mills, NC 28348 910-987-5923 <a href="mailto:Irene-grimes@hotmail.com">Irene-grimes@hotmail.com</a>	10/21	2nd	Dec/24 12/31/24	No
Dennis Cedzo 2737 Colgate Drive Fayetteville, NC 28304 850-3520/229-8542/867-5309 <a href="mailto:dcedzo@aol.com">dcedzo@aol.com</a>	10/20	1 <sup>st</sup> full term	Dec/23 12/31/23	Yes
Daniel Montoya 3505 Cokefield Drive Fayetteville, NC 28306 910 487-0646 (H) 910-672-1560 (w) <a href="mailto:DMONTOYA@ME.COM">DMONTOYA@ME.COM</a>	08/22	filling unexpired term	Dec/24 12/31/24	Yes
Ann McRae 202 Stedman Street Fayetteville, NC 28305 336-253-7404 <a href="mailto:Arm_3@yahoo.com">Arm_3@yahoo.com</a>	12/19	1st	Dec/22 12/31/22	Yes
Pamela Suggs Story 631 West Cochran Ave Fayetteville, NC 28301 339-8350/286-0783/678-2621 <a href="mailto:Venus_28301@yahoo.com">Venus_28301@yahoo.com</a>	10/20	1st	Dec/23 12/31/23	Yes
Jeremy Fiebig 5400 Ramsey Street Fayetteville, NC 28311 910-747-0061 <a href="mailto:figurativelyspeaking@gmail.com">figurativelyspeaking@gmail.com</a>	12/19	1st	Dec/22 12/31/22	Yes

Contact: Marili Melchionne or Faith B. Phillips– 483-7727 x1304

Meeting Date: 3rd Thursday of each month at 9:05 AM; (except December)– Meeting locations are different libraries within the County.





**CLERK TO THE BOARD OF COMMISSIONERS**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: ANDREA TEBBE, DEPUTY CLERK**

**DATE: 11/21/2022**

**SUBJECT: LOCAL EMERGENCY PLANNING COMMITTEE (3 VACANCIES)**

**BACKGROUND**

At the November 7, 2022 regular meeting, the Board of Commissioners nominated the following individuals to fill three (3) vacancies on the Local Emergency Planning Committee:

**NOMINEES:**

Print and Media Broadcast Representative

**Lou Cherry** to serve unexpired term

-

Operators of Facilities Representative

**Donna Godwin**

Community Groups Representative

**Andrew McLean**

The membership roster for the Local Emergency Planning Committee is attached.

**RECOMMENDATION / PROPOSED ACTION**

Appoint individuals to fill the three (3) vacancies on the Local Emergency Planning Committee.

**ATTACHMENTS:**

Description

Local Emergency Planning Committee Membership Roster

Type

Backup Material



CUMBERLAND COUNTY  
LOCAL EMERGENCY PLANNING COMMITTEE  
3 Year Term  
(Staggered Terms Initially)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Print and Broadcast Media Representative</u>				
<b>VACANT</b> (Vacated by J. Thompson)	6/21	1 <sup>st</sup>	June/24 6/30/24	Yes
Sean Swain CC Sheriff's Office PIO 5315 Fisher Road Fayetteville, NC 28304 910-849-4004	11/19	2nd	Nov/22 11/30/22	No
<u>Operators of Facilities Representative</u>				
Mark Ingram (Dupont) 2507 Torcross Drive Fayetteville, NC 28304 483-6646/678-1860	9/17	2nd	Sep/20 9/30/20	No
Robert Melvin (Eaton Corporation) PO Box 156 Stedman, NC 28391 910-677-5318	11/19	2nd	Nov/22 11/30/22	No
Tony Collado (Valley Proteins) 3814 Corapeake Drive Fayetteville, NC 28312 323-4112/323-9600	11/19	2nd	Nov/22 11/30/22	No
Caleb Stoker 821-101 Astron Lane Fayetteville, NC 28314 874-4340/364-5064 <a href="mailto:Caleb.stoker@hexion.com">Caleb.stoker@hexion.com</a>	6/21	2nd	June/24 6/30/24	No



Cumberland County Local Emergency Planning Committee, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Law Enforcement Representative</u>				
Trooper Robert David Rhodes 1810 Carl Freeman Rd Stedman, NC 28391 910-916-3726 <a href="mailto:Robdrhodes@gmail.com">Robdrhodes@gmail.com</a>	6/21	1st	June/24 6/30/24	No
Sgt. Stephen T. Hodges Cumberland Co. Sheriff's Office 312 Kirkwood Drive Fayetteville, NC 28303 321-6786/527-3637 <a href="mailto:shodges@ccsonc.org">shodges@ccsonc.org</a>	6/20	1st	June/23 6/30/23	Yes
Brett Chandler Fayetteville Police Department 5337 Anna Belle Lane Wade, NC 28395 273-0529/433-1885	11/19	2nd	Nov/22 11/30/22	No
<u>Emergency Management Representative</u>				
Marc C. Baker 190 Wolfpoint Drive Fayetteville, NC 28311 797-7662/321-6734 <a href="mailto:mbaker@co.cumberland.nc.us">mbaker@co.cumberland.nc.us</a>	6/21	1 <sup>st</sup>	June/24 6/30/24	Yes
<u>Community Group Representative</u>				
Stephen Rogers Home Safe Home Inventory 445 McRae Drive Fayetteville, NC 28305 484-1818/884-7021	10/18	2nd	Oct/21 10/31/21	No
<u>Transportation Representative</u>				
Janet Renae Larson 2202 Kimberly Drive Fayetteville, NC 28306 574-1338/323-8283 <a href="mailto:rlarson@parkergas.com">rlarson@parkergas.com</a>	6/21	2nd	Feb/24 2/28/24	No



<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Health Representative</u>				
Celestine Raineri-Smith Cumberland County Public Health 6300 Nakoma Way Fayetteville, NC 28306 489-1669/433-3685 <a href="mailto:Craineri-smith@co.cumberland.nc.us">Craineri-smith@co.cumberland.nc.us</a>	6/20	1 <sup>st</sup>	June/23 6/30/23	Yes
<u>Hospital Representative</u>				
George White (-/M) 2741 Hayfield Road Wade, NC 28395 366-8703/907-6688 <a href="mailto:GEORGE.C.WHITE.CIV@MAIL.MIL">GEORGE.C.WHITE.CIV@MAIL.MIL</a>	3/22	1st	Mar/25 3/31/25	Yes
<u>Fire Fighting Representative</u>				
Fire Chief Mike Hill 6200 Sisk Culbreth Rd Godwin, NC 28344 818-3793/433-1428 <a href="mailto:mhill@ci.fay.nc.us">mhill@ci.fay.nc.us</a>	6/21	1st	June/24 6/30/24	Yes
<u>First Aid Representative</u>				
Robert L. Godwin Cumberland Co. EMS/Emergency Management Cape Fear Valley Health System 3014 Player Ave Fayetteville, NC 28304 987-7923/615-5696 <a href="mailto:rgodwin@capefearvalley.com">rgodwin@capefearvalley.com</a>	6/20	1st	June/23 6/30/23	Yes
<u>At-Large Representative</u>				
Calvin Bishop 1803 Fargo Drive Fayetteville, NC 28304 229-5192/229-5102	11/19	2nd	Nov/22 11/30/22	No
Henry Eisenbarth 786 Ashfield Drive Fayetteville, NC 28311 480-0012/624-2304	11/19	2nd	Nov/22 11/30/22	No
<u>Local Environmental Representative</u>				
Amy Mateo 5591 Bellflower Street Fayetteville, NC 28314 364-5459 <a href="mailto:Amateo011@gmail.com">Amateo011@gmail.com</a>	1/22	1st	Jan/25 1/31/25	Yes



<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Utilities Representative</u> Rhonda Fokes Public Works Commission 6230 King Hiram Road Hope Mills, NC 28348 303-4622/391-2142	11/19	2nd	Nov/22 11/30/22	No
Ray Jackson 955 Old Wilmington Road Fayetteville, NC 28301 237-1840/223-4118 <a href="mailto:Ray.jackson@faypwc.com">Ray.jackson@faypwc.com</a>	2/19	1st	Feb/22 2/28/22	Yes

Ex-Officio/Voting Member:

Larry Lancaster, County Commissioner

Emergency Management

Gene Booth, Cumberland County Emergency Services

County Manager

Amy Cannon, County Manager

Hazardous Materials Response Team Leader

Bobby Brinson, City of Fayetteville Fire Department

Fort Bragg:

Adam Buehler, Fort Bragg

Cumberland County Emergency Management Coordinator:

Garry Crumpler, Cumberland County Emergency Services

Contacts: Garry Crumpler 438-4069 [gcrumpler@co.cumberland.nc.us](mailto:gcrumpler@co.cumberland.nc.us)

Meets quarterly on the last Thursday of the month in January, April, July & October at 10:00 am –  
Meeting Location Varies





**CLERK TO THE BOARD OF COMMISSIONERS**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: ANDREA TEBBE, DEPUTY CLERK**

**DATE: 11/21/2022**

**SUBJECT: TRANSPORTATION ADVISORY BOARD (4 VACANCIES)**

**BACKGROUND**

At the November 7, 2022 regular meeting, the Board of Commissioners nominated the following individuals to fill four (4) vacancies on the Transportation Advisory Board.

**NOMINEES:**

Workforce Development Director or Designee

**Matthew Fowler**

Transit User

**Sheila O'Kelly**

Dialysis Center Representative

**Antionette Wiggins**

Emergency Medical Services Representative

**Alinda Bailey**

The Transportation Advisory Board membership roster is attached.

**RECOMMENDATION / PROPOSED ACTION**

Appoint individuals to fill the four (4) vacancies on the Transportation Advisory Board.

**ATTACHMENTS:**



**Description**

Transportation Advisory Board Membership Roster

**Type**

Backup Material



## TRANSPORTATION ADVISORY BOARD

**2 Year Term***(All terms expire November 30<sup>th</sup> and begin December 1<sup>st</sup> according to the TAB bylaws.)*

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>City of Fayetteville Representative</u> <b>VACANT</b> (Vacated by A. Thomas)	3/19	2nd	Nov/20 <b>11/30/20</b>	No
<u>Urban Transit Provider Representative</u> Randy Hume 505 Franklin Street Fayetteville, NC 2830 922-6800/433-1011 <a href="mailto:Rhume@ci.fay.nc.us">Rhume@ci.fay.nc.us</a>	8/21	1st	Nov/23 <b>11/30/23</b>	Yes
<u>Mid-Carolina Council of Governments Director or Designee</u> Carla Smith Mid-Carolina Council of Governments 6205 Raeford Rd Fayetteville, NC 28304 910-323-4191 <a href="mailto:CSMITH@MCCOG.ORG">CSMITH@MCCOG.ORG</a>	8/22	1st	11/24 <b>11/30/24</b>	Yes
<u>County DSS Director or Designee</u> Ashley Patterson Cumberland County DSS 5121 Tern Place Fayetteville, NC 28311 677-2527/797-6657 <a href="mailto:ashleypatterson@ccdssnc.com">ashleypatterson@ccdssnc.com</a>	2/21	1st	Feb/23 <b>2/28/23</b>	Yes
<u>DSS Work First Representative</u> Dana Davis Cumberland County DSS 7702 Buttonwood Ave Fayetteville, North Carolina 28314 973-9197/677-2339 <a href="mailto:Danadavis@ccdssnc.com">Danadavis@ccdssnc.com</a>	2/20	2nd	Nov/21 <b>11/30/21</b>	No
<u>Workforce Development Center Director or Designee</u> <b>VACANT</b> (Vacated by N. Rodriguez)	3/19	1 <sup>st</sup> full term	Nov/20 <b>11/30/20</b>	Yes



*(All terms expire November 30<sup>th</sup> and begin December 1<sup>st</sup> according to the TAB bylaws.)*

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Vocational Rehab Representative</u> VACANT (Vacated by E. Morales)	6/18	1st	Nov/20 <b>11/30/20</b>	Yes
<u>Sheltered Workshop Director or Designee</u> Nicole A. Willingham 4214 Donegal Drive Hope Mills, NC 28348 527-7403/605-4319 <a href="mailto:Nicolew45@gmail.com">Nicolew45@gmail.com</a>	6/21	1st	Nov/23 11/30/23	Yes
<u>Aging Programs Representative</u> Amber Gulch 6218 Bristol Drive Fayetteville, NC 28314 864-4311/322-5582/484-0111 <a href="mailto:agulch@cccccoa.org">agulch@cccccoa.org</a>	2/20 8/22	2nd	Nov/24 <b>11/30/24</b>	No
<u>Mental Health Representative</u> Terrasine Gardner 1187 Helmsley Drive Fayetteville, NC 28314 491-4816/536-3886	11/20	2nd	Nov/22 <b>11/30/22</b>	No
<u>Emergency Medical Services Representative</u> Alinda Bailey 4565 Greenwood Rd Fayetteville, NC 28306 910-584-7898	11/20	1st	Nov/22 <b>11/30/22</b>	Yes
<u>County Planning Department Director or Designee</u> Rawls Howard 130 Gillespie Street Fayetteville, NC 28301 910-678-7618 <a href="mailto:rhoward@co.cumberland.nc.us">rhoward@co.cumberland.nc.us</a>	2/21	1st	Feb/23 2/28/23	Yes
<u>County Health Director or Designee</u> Sharon Batten 2260 Dockvale Drive Fayetteville, NC 28306 424-6559/797-8773/433-3741 <a href="mailto:sharonebatten@hotmail.com">sharonebatten@hotmail.com</a>	2/20	2nd	Nov/21 <b>11/30/21</b>	No



*(All terms expire November 30<sup>th</sup> and begin December 1<sup>st</sup> according to the TAB bylaws.)*

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
<u>At-Large Representatives</u>				
Mike Rutan 130 Gillespie Street Fayetteville, NC 28301 910-323-4191 Ext 34	11/20	2nd	Nov/22 <b>11/30/22</b>	No
Dorothy Harris 270 Lick Creek Drive Linden, NC 28356 910-502-2130 <a href="mailto:damazyckharris@twc.com">damazyckharris@twc.com</a>	11/20	2nd	Nov/22 <b>11/30/22</b>	No
Veronica Pierce 703 Connaly Drive Hope Mills, NC 28348 910-678-2691 <a href="mailto:veronicapierce@ccs.k12.nc.us">veronicapierce@ccs.k12.nc.us</a>	11/20	2nd	Nov/22 <b>11/30/22</b>	No
Debra Kinney 1506 Camelot Drive Fayetteville, NC 28304 491-4793/853-1510 <a href="mailto:dkinney@alliancehealthplan.org">dkinney@alliancehealthplan.org</a>	8/21	1st	Nov/23 <b>11/30/23</b>	Yes
<u>MPO Representative</u>				
Deloma Graham 130 Gillespie Street Fayetteville, NC 28301 678-7628 <a href="mailto:dgraham@co.cumberland.nc.us">dgraham@co.cumberland.nc.us</a>	8/22	1st	Nov/24 <b>11/30/24</b>	Yes
(serving unexpired term; eligible for one additional term)				
<u>Dialysis Center Representative</u>				
Nkechi Kamalu 105 Shadow Oak Lane Fayetteville, NC 28303 487-2177/850-3501/482-3491 <a href="mailto:nkemeg@yahoo.com">nkemeg@yahoo.com</a>	11/20	2nd	Nov/22 <b>11/30/22</b>	No

\*\*Board was created by the Commissioners on 11/6/00.

Meetings: Second Tuesday in first month of each quarter (Jan., Apr., July, Oct.) at 10:00 AM – Special meeting held in June when necessary.

Location: Historic Courthouse, Courtroom 3; 130 Gillespie St., Fayetteville, NC

Contact: Ifetayo Farrakhan (Planning & Inspections) x7624, fax # 678-7601





**OFFICE OF THE COUNTY MANAGER**

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 21,  
2022**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM:**

**DATE:**

**SUBJECT: ATTORNEY CLIENT MATTER PURSUANT TO NCGS 143-318.11(A)(3)**