
**ACTION AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
APRIL 22, 2014 (TUESDAY)
6:45 PM**

INVOCATION - Commissioner Edward Melvin

MINISTER:

PLEDGE OF ALLEGIANCE –

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

**REQUEST TO ADD RESOLUTION REGARDING RED-LIGHT CAMERA LEGISLATION
AS CONSENT AGENDA ITEM 2.G.**

**REQUEST TO REVISE ITEM 7. CLOSED SESSION TO ATTORNEY/CLIENT MATTER(S)
PURSUANT TO NCGS 143-318.11(a)(5)**

1. Approval of Agenda – **APPROVED WITH ADDITION AND REVISION AS REQUESTED**
2. Consent Agenda – **APPROVED CONSENT AGENDA ITEMS 2.A. – 2.G.**
 - A. Approval of minutes for the April 7, 2014 regular meeting, April 11, 2014 special meeting for Safe Streets Symposium, April 14, 2014 special meeting of the Board of Commissioners acting as Overhills Park Water / Sewer Governing Board, and the April 14, 2014 special meeting for National County Government Month Employee Recognitions.
 - B. Approval of Corrections to the Cumberland County Smoking Ordinance Adopted on March 17, 2014. **(Pg. 7)**
 - C. Approval of Cumberland County Finance Committee Report and Recommendation(s). **(Pg. 9)**
 - D. Approval of Ordinance Assessing Property for the Costs of Demolition: **(Pgs. 16-23)**
 - 1) Case Number: MH 6961-2012 **(Pg. 16)**
Property Owner: Marco Garcia
Property Location: Colonial Park Drive, Fayetteville, NC
Parcel Identification Number: 0520-66-9057

- 2) Case Number: MH 35-2013 **(Pg. 18)**
 Property Owner: Citimortgage, Inc.
 Property Location: 7910 Pinebuff Court, Fayetteville, NC
 Parcel Identification Number: 0533-96-4835
- 3) Case Number: MH 6529-2011 **(Pg. 20)**
 Property Owner: Isia Johnson, Willie D. Crumpler & Gina Logan
 Property Location: 8238 NC Highway 210S, Autryville, NC
 Parcel Identification Number: 1403-29-7383
- 4) Case Number: MH 7020-2013 **(Pg. 22)**
 Property Owner: Deborah C. Lucas
 Property Location: 1220 McNeill Street, Spring Lake, NC
 Parcel Identification Number: 0502-60-9759
- E. Approval of a Proclamation Proclaiming April 26-May 10, 2014 as “Spring Litter Sweep” in Cumberland County. **(Pg. 24)**
- F. Budget Revisions: **(Pgs. 25-31)**
- (1) Cotton Fire District **(Pg. 25)**
- Revision in the amount of \$22,000 to cover unanticipated refunds to taxpayers in the amount of \$1,000 and to increase contract for additional revenue anticipated to be earned for remainder of fiscal year in the amount of \$21,000. (B14-327) **Funding Source – Cotton Fire Tax**
- (2) Solid Waste **(Pg. 26)**
- Revision in the amount of \$351,520 to appropriate fund balance to fund indirect cost. (B14-324) **Funding Source – Solid Waste Fund Balance Appropriated**
- (3) Juvenile Crime Prevention/Social Services **(Pg. 27)**
- Revision in the amount of \$23,416 to reallocate budgeted revenues and expenditures increasing the transfer from the General Fund to cover projected shortfall due to decrease in average number of placements. (B14-325 and B14-325A) **Funding Source – Reallocation of Budgeted Revenues and Expenditures and State**
- (4) Health **(Pgs. 29-30)**
- a. Dental - Revision in the amount of \$90,000 to appropriate fund balance to fund settlement agreement. (B14-326) **Funding Source –Health Fund Balance Appropriated (Pg. 29)**

- b. Maternal Health – Revision in the amount of \$2,000 to recognize donation received for the “Baby Store” program. (B14-321) **Funding Source – Miscellaneous** (Pg. 30)

- (5) Federal Forfeiture – Justice (Pg. 31)

Revision in the amount of \$43,500 to recognize additional revenue received from federal drug forfeitures to purchase a replacement K-9 dog, equipment for Narcotics and Search and Rescue teams, document management software and Wi-fi for Detective Division. (B14-230) **Funding Source – Federal Drug Forfeitures**

2.G. RESOLUTION REGARDING RED-LIGHT CAMERA LEGISLATION

3. Public Hearings (Pgs. 32-149)

Uncontested Conditional Zoning Case

- A. Case P14-10: Rezoning of 32.93+/- acres from A1 Agricultural to R20A Residential or to a more restrictive zoning district; located at 6631 Sandy Creek Road and on the north side of SR 1847 (Sandy Creek Road), east of SR 2084 (Jeremiah Street); submitted by Phillip T. and Deborah F. Davis (owners) and Michael J. Adams. (Pg. 32)

Staff Recommendation: 1st Motion: Approve and adopt the consistency with the LUP and reasonableness statements; 2nd Motion: Approve R20A
Planning Board Recommendation: Approve Staff Recommendation

ACTION: APPROVED AND ADOPTED THE CONSISTENCY WITH THE LUP AND REASONABLENESS STATEMENTS

ACTION: APPROVED RECOMMENDATION OF PLANNING BOARD

- B. Case P13-50: Rezoning of 1.37+/- acres from R20 Residential to M(P) Planned Industrial or to a more restrictive zoning district, located at 725 and 729 Snow Hill Road, submitted by Huxley A. and Ahuilda J. Jones (owners). (Pg. 35)

Staff Recommendation: 1st Motion: Approve and adopt the consistency with the LUP and reasonableness statements; 2nd Motion: Approve M(P)/CZ for ammunition remanufacturing, assembly and distribution subject to conditions
Planning Board Recommendation: Approve Staff Recommendation

ACTION: PETITIONER’S REZONING REQUEST DENIED

Contested Zoning Ordinance Text and Map Amendment

- C. Case P14-17: Revisions and amendments to the Cumberland County Zoning Ordinance by adoption and establishment of a Coliseum Tourism Overlay District (CTOD) amending the County zoning map, creating the overlay district layer on 327.98+/- acres generally bounded by US HWY 301 (Gillespie Street), SR 2283 (East Mountain Drive), SR 1007 (Owen Drive) and NC HWY 87 (Martin Luther King Jr Freeway); and amending Article II Interpretations, Calculations, and Definitions Section 203 Definition of Specific Terms and Words, specifically defining the terms *hotel* and *motel*; amending and creating Article III Zoning Districts Section 308.1. Overlay Districts, sub-section B, to be entitled *Coliseum Tourism Overlay District (CTOD)*; Article VIII.I Overlay Districts, Section 8.102, entitled *Coliseum Tourism Overlay District (CTOD)*; and amending Article XIII Sign Regulations, Section 1307. Billboards (Off-Premises Signs), sub-section A. General Provisions, paragraph 1. **(Pg. 41)**

Staff Recommendation: 1st Motion: Approve and adopt the consistency with the LUP and reasonableness statements; 2nd Motion: Approve the text and map amendment creating the CTOD

Planning Board Recommendation: 1st Motion: Approve and adopt the consistency with the LUP and reasonableness statements; 2nd Motion: Approve the text and map amendment creating the CTOD except allowing for screening of existing outdoor storage as opposed to prohibiting it; and removing the residential area generally known as Dogwood Acres from the CTOD, rezoning the same from R6A to R6

ACTION: APPROVED AND ADOPTED THE CONSISTENCY WITH THE LUP AND REASONABLENESS STATEMENTS

ACTION: APPROVED THE TEXT AMENDMENT WITH THE FOLLOWING EXCEPTIONS: APPROVED REZONING FOR CREATION OF THE CTOD DISTRICT WITH THE EXCEPTION OF DOGWOOD ACRES SUBDIVISION AND REZONING OF DOGWOOD ACRES SUBDIVISION FROM R6A RESIDENTIAL DISTRICT TO R6 RESIDENTIAL DISTRICT AND APPROVED THE TEXT AMENDMENT FOR CTOD, WITH THE EXCEPTION THAT OUTSIDE STORAGE BE PROPERLY SCREENED AND BUFFERED FROM ADJACENT PROPERTY AND PUBLIC RIGHTS-OF-WAY TO BE INCLUDED IN THE TEXT AMENDMENT AND THE BILLBOARD AMENDMENT; AND REMOVED ALL OTHER RESIDENCES WITHIN THE CTOD DISTRICT FROM THE PROVISION REGULATING NONCONFORMITIES TO THE EXTENT EXCEEDING FORTY PERCENT DAMAGE

Minimum Housing Code Enforcement **(Pgs. 59-129)**

- D. Case Number: MH 9-2012 **(Pg. 59)**
Property Owner: Cheryl Ruffin & Cynthia Ruffin
Property Location: 1111 Alco Circle, Fayetteville, NC
Parcel Identification Number: 0419-73-5994

ACTION: 30 DAYS

- E. Case Number: MH 11-2012 **(Pg. 65)**
Property Owner: Cheryl Ruffin & Cynthia Ruffin
Property Location: 1121 Alco Circle, Fayetteville, NC
Parcel Identification Number: 0419-73-5994

ACTION: 30 DAYS

- F. Case Number: MH 267-2013 **(Pg. 72)**
Property Owner: E. Jean Smith
Property Location: 1141 & 1145 Alco Circle, Fayetteville, NC
Parcel Identification Number: 0419-73-5994

ACTION: 120 DAYS

- G. Case Number: MH 259-2013 **(Pg. 79)**
Property Owner: Joseph Martin
Property Location: 2725 Chimney Brook Road, Fayetteville, NC
Parcel Identification Number: 0451-78-4097

ACTION: 30 DAYS

- H. Case Number: MH 487-2014 **(Pg. 84)**
Property Owner: Latisha McCrimon
Property Location: 5560 Leitha Lane, Godwin, NC
Parcel Identification Number: 1503-02-3486

ACTION: 30 DAYS

- I. Case Number: MH 483-2014 **(Pg. 91)**
Property Owner: Nellie A. Torres, Pearlie Lee Montoya, & Kathleen A. Decipulo
Property Location: 2246 Waco Drive, Fayetteville, NC
Parcel Identification Number: 0426-21-9689

ACTION: 30 DAYS

- J. Case Number: MH 484-2014 **(Pg. 99)**
Property Owner: Nellie A. Torres, Pearlie Lee Montoya, & Kathleen A. Decipulo
Property Location: 2256 Waco Drive, Fayetteville, NC
Parcel Identification Number: 0426-21-8673

ACTION: 30 DAYS

- K. Case Number: MH 437-2013 **(Pg. 111)**
Property Owner: Bank of America, NA
Property Location: 6364 Canadian Ave, Fayetteville, NC
Parcel Identification Number: 0442-65-1945

ACTION: 30 DAYS

- L. Case Number: MH 156-2013 **(Pg. 117)**
Property Owner: Frank Lee Fisher
Property Location: on lot to rear of 5916 Mack Simmons Road, Fayetteville, NC
Parcel Identification Number: 0471-79-4925

ACTION: 30 DAYS

- M. Case Number: MH 195-2013 **(Pg. 123)**
Property Owner: Sharon & Michael Davis
Property Location: 7846 Amesbury Road, Fayetteville, NC
Parcel Identification Number: 0543-07-4492

ACTION: 90 DAYS

Other Public Hearings

- N. 2014 Draft Community Development Annual Action Plan. **(Pg. 130)**

ACTION: PUBLIC HEARING HELD

Items of Business (Pgs. 150-159)

4. Consideration of Proposed Schedule for Fiscal Year 2015 Budget Work Sessions and Budget Public Hearing. **(Pg. 150)**

**ACTION: ADOPTED PROPOSED SCHEDULE FOR FISCAL YEAR 2015
BUDGET WORK SESSIONS AND BUDGET PUBLIC HEARING**

5. Nominations to Boards and Committees **(Pgs. 151-156)**
A. Human Relations Commission (2 Vacancies) **(Pg. 151)**

**NOMINEE(S): LINDA AMOS
TOMECIA SOBERS**

6. Appointments to Boards and Committees (Pgs. 157-159)

A. Adult Care Home Community Advisory Committee (1 Vacancy) (Pg. 157)

Nominee: Donna Atkins (Reappointment)

APPOINTEE(S): DONNA ATKINS

RECESS THE BOARD OF COMMISSIONERS' MEETING

**CONVENE THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD
MEETING (SEE SEPARATE AGENDA) / ADJOURN (Pgs. 160-164)**

RECONVENE THE REGULAR BOARD OF COMMISSIONERS MEETING

**7. Closed Session: A. ATTORNEY/CLIENT MATTER(S)
PURSUANT TO NCGS 143-318.11(A)(5)**

ADJOURNED