
**ACTION AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
AUGUST 21, 2017
6:45 PM**

INVOCATION - Commissioner Michael Boose

PLEDGE OF ALLEGIANCE –

Recognition of Commissioner Charles Evans Elected as First Vice President of the North Carolina Association of Black County Officials (NCABCO) **(Pg. 13)**

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

1. Approval of Agenda - **APPROVED**
2. Presentation by Mr. Zan Monroe, CEO of the Longleaf Pine Realtors, Inc., formerly known as the Fayetteville Regional Association of Realtors, on our Local Housing Market – **RECEIVED PRESENTATION**
3. Consent Agenda – **APPROVED CONSENT AGENDA ITEMS 3.A. – 3.G.15)**
 - A. Approval of minutes for the August 7, 2017 regular meeting.
 - B. Approval of Disposition of Tax Administration Records. **(Pg. 14)**
 - C. Approval of a Formal Bid Award for Hydro-Seeder for Solid Waste. **(Pg. 15)**
 - D. Approval of a Contract Extension with a Third-Party Consultant for Federal Emergency Management Agency (FEMA) Reimbursement. **(Pg. 17)**
 - E. Approval of Sale of Surplus Real Properties:
 - 1) At Barnes Street and at Tolar Street in the City of Fayetteville **(Pg. 20)**
(PIN #0437-30-4031 and PIN #0437-30-4063)
 - 2) Being Lot 311, Savoy Heights, Sec. 1, Plat Book 20 at Page 21 **(Pg. 22)**
(PIN #0437-00-6970)
 - 3) Being Lots 11-13, H.L. Dawson S/D, PB 14/39, Located at 2225 Roosevelt Drive, Fayetteville, NC (PIN #0428-97-7506) **(Pg. 24)**

F. Approval of Ordinance Assessing Property for the Cost of Demolition:

- 1) Case Number: MH 1311-2016 (Pg. 26)
Property Owner: Grady C. & Patricia Elliott
Property Location: 7647 Dunn Road, Dunn, NC
Parcel Identification Number: 0581-37-0916
- 2) Case Number: MH 1581-2016 (Pg. 28)
Property Owner: Vanessa G. Cuthbert
Property Location: 2404 Elcar Drive, Fayetteville, NC
Parcel Identification Number: 0415-55-7134
- 3) Case Number: MH 1645-2016 (Pg. 30)
Property Owner: Robert A. Rippe
Property Location: 225 Rachel Road, Fayetteville, NC
Parcel Identification Number: 0542-34-3864
- 4) Case Number: MH 1102-2015 (Pg. 32)
Property Owner: Bobbie Jacobs-Ghaffar
Property Location: 3063 Smith Road, Fayetteville, NC
Parcel Identification Number: 0415-37-3833
- 5) Case Number: MH 1659-2017 (Pg. 34)
Property Owner: Dwight Sullivan
Property Location: 7336 Hypony Trail, Parkton, NC
Parcel Identification Number: 9493-44-4672

G. Approval of Budget Ordinance Amendments: (Pg. 36)

General Fund 101

- 1) **Sheriff's Office - Budget Ordinance Amendment B180062 to recognize restitution funds in the amount of \$10,000**

The Board is requested to approve Budget Ordinance Amendment B180062 in the amount of \$10,000. These funds were awarded due to a court order for restitution and will be used to purchase ammunition.

Please note this amendment requires no additional county funds.

- 2) **Public Health, Community Transformation - Budget Ordinance Amendment B180160 to recognize federal grant funds in the amount of \$12,139 for contracted services and training/travel for the Tobacco Prevention program.**

The Board is requested to approve Budget Ordinance Amendment B180160 in the amount of \$12,139 representing federal and state funds from the Centers for Disease Control and Prevention; and the North Carolina Chronic

Disease and Injury Prevention Fund. These funds will be used to provide staff travel and training to engage the community on tobacco awareness and prevention. Some funds will also be used to implement media campaigns as approved by the North Carolina Tobacco Prevention Control Branch and outlined in the FY18 action plan.

Please note this amendment requires no additional county funds.

3) Public Health, General - Budget Ordinance Amendment B180239 to recognize grant funds from the Centers for Disease Control and Prevention in the amount of \$1,474

The Board is requested to approve Budget Ordinance Amendment B180239 in the amount of \$1,474 representing grants funds from the Centers for Disease Control and Prevention to be used to purchase medical supplies for the North Carolina Tuberculosis Elimination and Laboratory Project.

Please note this amendment requires no additional county funds.

4) Public Health, General - Budget Ordinance Amendment B180244 to recognize grant funds from the Centers for Disease Control and Prevention in the amount of \$14,539

The Board is requested to approve Budget Ordinance Amendment B180244 in the amount of \$14,539 representing grants funds from the Centers for Disease Control and Prevention to be used towards providing services for the North Carolina AIDS program. These funds will be used towards contracted services for a facilitator who will follow up with patients to ensure they are adhering to medical requirements and focus on the suppression of the disease.

Please note this amendment requires no additional county funds.

Crown Complex Fund 600

5) Crown Complex - Budget Ordinance Amendment B180176 to recognize Federal and State Disaster Reimbursements in the amount of \$65,850 and expenses totaling \$171,000 for repairs due to Hurricane Matthew and heavy rains prior to the hurricane

The Board is requested to approve Budget Ordinance Amendment B180176 to recognize \$65,850 received from Federal and State grant funds: \$49,387 was received from the Federal Emergency Management Agency (FEMA) and \$16,463 was received from the North Carolina Department of Public Safety Emergency Management Division. Expenses to repair damages total \$171,000. \$121,000 will be used to repair two (2) retention ponds located at the Crown Center Complex and \$50,000 will be used to repair damages to the sewer from drainage failure and exposed lines.

Please note this amendment requires the use of Crown Complex fund balance in the amount of \$105,150.

REGARDING THE FOLLOWING ITEMS 6- 15 PLEASE NOTE:

Each fiscal year County departments may have projects that are not complete by the fiscal year end (6/30/17) or items ordered that have not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2017 budget; however, the money was not spent by June 30, 2017.

The following amendments seek to bring those funds forward from FY 2017 into the current fiscal year, allowing departments to complete and pay for these items. These revisions are not using 'new' funds, but are recognizing the use of FY17 funds in FY18.

General Fund 101

- 6) Planning - Budget Ordinance Amendment B180205 to bring FY17 funds forward in the amount of \$8,895 for demolition projects**

The Board is requested to approve Budget Ordinance Amendment B180205 to bring FY17 funds forward in the amount of \$8,895. These funds are for demolition projects started in FY17 but not completed by June 30, 2017.

- 7) Public Health, General - Budget Ordinance Amendment B180227 to bring FY17 funds forward in the amount of \$17,200 for computer software upgrades for the Health Department**

The Board is requested to approve Budget Ordinance Amendment B180227 to bring FY17 funds forward in the amount of \$17,200, to complete a server upgrade. This project began in FY17 but not completed by June 30, 2017.

- 8) Public Health, Bio-Terrorism Preparedness - Budget Ordinance Amendment B180231 to bring FY17 funds forward in the amount of \$6,228 for bio-terrorism preparedness advertising**

The Board is requested to approve Budget Ordinance Amendment B180231 to bring FY17 funds forward in the amount of \$6,228. Funds from the North Carolina Department of Public Health Epidemiology were received in FY17 to be used towards two years of preparedness advertising at the Fayetteville Regional Airport.

- 9) Library - Budget Ordinance Amendment B180243 to bring FY17 funds forward in the amount of \$143,440 for the E-Rate program and building maintenance and repairs**

The Board is requested to approve Budget Ordinance Amendment B180243 to bring FY17 funds forward in the amount of \$143,440. Federal E-Rate

funds in the amount of \$121,430 were received in FY17 and were not expended by year end. In addition, building maintenance and repair projects in the amount of \$22,010 were started and not completed by June 30, 2017.

10) Facilities - Budget Ordinance Amendment B180301 to bring FY17 funds forward in the amount of \$140,485 for Facilities Maintenance projects

The Board is requested to approve Budget Ordinance Amendment B180301 to bring FY17 funds forward in the amount of \$140,485 to complete facility maintenance projects that started in FY17 but not completed by June 30, 2017 and include the final payment for the replacement of a chiller at the Law Enforcement Center.

Recreation Fund 250

11) Parks and Recreation - Budget Ordinance Amendment B180936 to bring FY17 Recreation funds forward in the amount of \$225,000 for improvements to parks in the towns of Godwin and Wade

The Board is requested to approve Budget Ordinance Amendment B180936 to bring FY17 Recreation funds forward in the amount of \$225,000. These funds are for improvements to parks located at the towns of Godwin and Wade as approved during the Facilities Committee meeting on June 1, 2017.

12) Hope Mills Recreation - Budget Ordinance Amendment B180154 to bring FY17 Recreation funds forward in the amount of \$12,183 based on tax revenue received in June

The Board is requested to approve Budget Ordinance Amendment B180154 to bring FY17 Recreation funds forward in the amount of \$12,183. These funds represent the Recreation Tax levied for the Town of Hope Mills that were received during the end of FY17 and are to be distributed to the town of Hope Mills.

Crown Complex Fund 600

13) Crown Complex - Budget Ordinance Amendment B180302 to bring FY17 Crown Complex funds forward in the amount of \$93,135 for maintenance and repair projects

The Board is requested to approve Budget Ordinance Amendment B180302 to bring FY17 Crown Complex funds forward in the amount of \$93,135 for maintenance and repair projects that were started in FY17 but not completed by June 30, 2017.

NORCRESS Water and Sewer Fund 605

14) NORCRESS Water and Sewer - Budget Ordinance Amendment B180304 to bring FY17 NORCRESS funds forward in the amount of \$15,438 for a video monitoring contract

The Board is requested to approve Budget Ordinance Amendment B180304 to bring FY17 NORCRESS funds forward in the amount of \$15,438 for a video monitoring contract that was started in FY17 but ongoing for FY18. These funds will be used to maintain the video system used to observe the sewer lines.

Solid Waste Fund 625

15) Solid Waste - Budget Ordinance Amendment B180303 to bring FY17 Solid Waste funds forward in the amount of \$59,000 for repairs and improvements

The Board is requested to approve Budget Ordinance Amendment B180303 to bring FY17 Solid Waste funds forward in the amount of \$59,000 for repairs and improvements. These projects were started in FY17 but not completed by June 30, 2017.

Contingency Funds Report – FY18

There was no use of contingency funds to report this period.

4. Public Hearings (Pgs. 41-197)

Uncontested Rezoning Cases

- A. **Case P17-07:** Revision and amendment to the Cumberland County Subdivision Ordinance amending Article XXIII, Improvement and Design Standards, Section 2302. Area-Specific Standards, sub-section A. Municipal Influence Areas; and Appendixes Exhibit 4, Official Municipal Influence Area and Sewer Service Area Map, and Exhibit 5, Municipal Influence Area Development Standards, Hope Mills column, row entitled Sidewalks (page E5-e). **(Pg. 41)**

Planning Board Meeting Date: July 18, 2017

Planning Board Action: Approve the staff recommendation.

Staff Recommendation: 1st motion for Case P17-07: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff.

2nd motion for Case P17-07: Move to approve

the text amendment request provided that the boundary of the MIA is modified.

The motions passed unanimously.

ACTION: APPROVED PLANNING BOARD ACTION

- B. **Case P17-17:** Revision and Amendment to the Cumberland County Zoning Ordinance, Article XVI, Board of Adjustment; and requesting permission to Reprint the Zoning Ordinance inserting all text amendments approved since June 20, 2005 as listed. **(Pg. 75)**

Planning Board Meeting Date:

June 20, 2017

Planning Board Action:

Approve the staff recommendation.

Staff Recommendation:

1st motion for Case P17-17: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff.

2nd motion for Case P17-17: Move to approve the text amendment and re-publish the County Zoning Ordinance as a technical ordinance in its entirety with all previously adopted amendments consolidated within the text.

The motions passed unanimously with one abstention.

ACTION: APPROVED PLANNING BOARD ACTION

- C. **Case P17-22:** Rezoning of 2.00+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 3101 Cedar Creek Road, submitted by Karen E. Osborn (owner). **(Pg. 89)**

Planning Board Meeting Date:

June 20, 2017

Planning Board Action:

Approve the staff recommendation.

Staff Recommendation:

1st motion for Case P17-22: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff.

2nd motion for Case P17-22: Move to approve the request for R40A Residential Zoning.

The motions passed unanimously.

ACTION: APPROVED PLANNING BOARD ACTION

- D. **Case P17-27:** Rezoning of 1.84+/- acres from M(P) Planned Industrial to C(P) Planned Commercial or to a more restrictive zoning district, located at 2915 Gillespie Street, submitted by Kinlaw's Warehouse, LLC (owner) and Rebecca Person (agent). **(Pg. 92)**

Planning Board Meeting Date: July 18, 2017
Planning Board Action: Approve the staff recommendation.
Staff Recommendation: 1st motion for Case P17-27: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff.

2nd motion for Case P17-27: Move to approve the request for C(P) Planned Commercial Zoning.

The motions passed unanimously.

ACTION: APPROVED PLANNING BOARD ACTION

- E. **Case P17-28:** Rezoning of 2.76+/- acres from A1 Agricultural & R40 Residential to R40 Residential or to a more restrictive zoning district; located on the southwest side of SR 2233 (School Road), west of SR 2251 (Yarborough Road); submitted by Jeff and Judy Devore (owners) and Tim Evans (agent). **(Pg. 95)**

Planning Board Meeting Date: July 18, 2017
Planning Board Action: Approve the staff recommendation.
Staff Recommendation: 1st motion for Case P17-28: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff.

2nd motion for Case P17-28: Move to approve the request for R40 Residential Zoning.

The motions passed unanimously.

ACTION: APPROVED PLANNING BOARD ACTION

Minimum Housing Code Enforcement

F. Case Number: MH 1807-2017 **(Pg. 98)**
Property Owner: Vaughn E. McMillian Life Estate
c/o Jacqueline A. McDuffie
Property Location: 312 Longhill Drive, Fayetteville, NC
Parcel Identification Number: 0541-59-2872

ACTION: 30 DAYS

G. Case Number: MH 1731-2017 **(Pg. 105)**
Property Owner: Willie James Baggett
Property Location: 6070 Dunn Road, Wade, NC
Parcel Identification Number: 0570-64-0694

ACTION: 30 DAYS

H. Case Number: MH 1773-2017 **(Pg. 114)**
Property Owner: Jeanie A. Lassiter
Property Location: 4132 Dunn Road, Eastover, NC
Parcel Identification Number: 0469-62-4502

ACTION: 30 DAYS

I. Case Number: MH 1790-2017 **(Pg. 122)**
Property Owner: Donna Patterson Kennedy
Property Location: 4194 Dunn Road, Eastover, NC
Parcel Identification Number: 0469-63-7058

ACTION: 30 DAYS

J. Case Number: MH 1671-2017 **(Pg. 128)**
Property Owner: Gary B. Leopper
Property Location: 1047 Honeycutt Road, Fayetteville, NC
Parcel Identification Number: 0520-59-1690

ACTION: 30 DAYS

K. Case Number: MH 1650-2017 **(Pg. 136)**
Property Owner: Joyce M. Alley
Property Location: 2448 Saltwood Road, Fayetteville, NC
Parcel Identification Number: 0415-55-8242

ACTION: DECISION DELAYED UNTIL SEPTEMBER 18, 2017 MEETING

Other Public Hearings

- L. Public Hearing on the Proposed Financing Authorized by G.S. 159-151 and Authorize the County Manager, County Attorney and County Finance Director to Execute the Documents Necessary to Finalize the Installment Financing Transaction. – **PUBLIC HEARING HELD – APPROVED (Pg. 144)**
- M. Public Hearing on the Edward Byrne Memorial Justice Grant (JAG). – **PUBLIC HEARING CONDUCTED - APPROVED (Pg. 193)**

ITEMS OF BUSINESS

- 5. Conduct Hearing to Consider Request for a Refund of Excise Tax for Two Deeds of Conveyance Recorded by Single Source Real Estate Services, Inc. – **HEARING CONDUCTED – REFUND APPROVED (Pg. 198)**
- 6. Nominations to Boards and Committees **(Pgs. 199-207)**
 - A. Fayetteville-Cumberland Parks and Recreation Advisory Commission (2 Vacancies) **(Pg. 199)**

**NOMINEE(S): STACY CARR III
SCOTT POPE**

- 7. Appointments to Boards and Committees **(Pgs. 208-216)**
 - A. Cumberland County Workforce Development Board (1 Vacancy) **(Pg. 208)**

Nominee:

Representative of Economic Development: Robert Van Geons

APPOINTEE(S): ROBERT VAN GEONS

- B. Transportation Advisory Board (1 Vacancy) **(Pg. 213)**

Nominee:

Emergency Medical Services Representative: Suzanne King

APPOINTEE(S): SUZANNE KING

RECESSED THE BOARD OF COMMISSIONERS' MEETING

NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD:

CONVENED THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD MEETING (SEE SEPARATE AGENDA) (Pg. 217)

1. Consent Agenda – **APPROVED CONSENT AGENDA ITEMS 1A. AND 1.B.**

A. Approval of minutes for the August 1, 2016 regular meeting.

B. Approval of Budget Ordinance Amendment: **(Pg. 218)**

NORCRESS Water and Sewer Fund 605

16) NORCRESS Water and Sewer - Budget Ordinance Amendment B180304 to bring FY17 NORCRESS funds forward in the amount of \$15,438 for a video monitoring contract

The Board is requested to approve Budget Ordinance Amendment B180304 to bring FY17 NORCRESS funds forward in the amount of \$15,438 for a video monitoring contract that was started in FY17 but ongoing for FY18. These funds will be used to maintain the video system used to observe the sewer lines.

ADJOURNED THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD MEETING

CONVENED THE BOARD OF COMMISSIONERS' MEETING

8. Closed Session:
- A. Economic Development Matter(s)
Pursuant to NCGS 143-318.11(a)(4)
 - B. Personnel Matter(s) Pursuant
To NCGS 143-318.11(a)(6)

ADJOURNED