

CUMBERLAND COUNTY POLICY COMMITTEE  
JUDGE E. MAURICE BRASWELL CUMBERLAND COUNTY COURTHOUSE  
117 DICK STREET, 5TH FLOOR, ROOM 564  
MARCH 1, 2018  
MINUTES

MEMBERS PRESENT: Commissioner Charles Evans  
Commissioner Larry Lancaster

MEMBERS ABSENT: Commissioner Michael Boose

OTHER COMMISSIONERS

PRESENT: Commissioner Glenn Adams  
Commissioner Jeannette Council

OTHERS PRESENT: Amy Cannon, County Manager  
Tracy Jackson, Assistant County Manager  
Sally Shutt, Assistant County Manager  
Duane Holder, Assistant County Manager  
Melissa Cardinali, Assistant County Manager  
Rick Moorefield, County Attorney  
Brenda Jackson, Social Services Director  
Jeffery Brown, Engineering & Infrastructure Director  
Deborah Shaw, Budget Analyst  
Heather Harris, Budget Analyst  
Jon Soles, Public Information Specialist  
Michael Gibson, Parks & Recreation Director  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Commissioner Lancaster called the meeting to order.

1. APPROVAL OF MINUTES – FEBRUARY 1, 2018 REGULAR MEETING AND  
FEBRUARY 15, 2018 SPECIAL MEETING

MOTION: Commissioner Evans moved to approve the February 1, 2018 regular meeting minutes and the February 15, 2018 special meeting minutes as presented.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (2-0)

2. CONSIDERATION OF NUISANCE ACTION AGAINST HOTELS ON  
HIGHWAY 301

## BACKGROUND

At its February 15, 2018 meeting the Policy Committee received a report from Sheriff Wright on the number of calls his officers were dispatched to the Carolina Motor Inn and the Coliseum Inn during the last six months of 2017. The Committee directed the county attorney to work with the sheriff's attorney to develop a plan of action for addressing these two properties in close proximity to the Crown Coliseum as nuisances. The county attorney requested the sheriff's attorney to obtain more detailed information on the number and nature of these dispatches. The sheriff's attorney provided that information for the period from January 1, 2015 through February 12, 2018. The county attorney's office has summarized those dispatches and categorized each as to whether the event could be a chargeable criminal offense recorded below. The characterization of these calls as to chargeable criminal offenses is an important element of the way the County might pursue nuisance actions against these properties.

As to the Carolina Motor Inn, Exhibit 1 shows there were 732 total calls dispatched with 223 of those being for events that may have been chargeable criminal offenses. These resulted in 36 incident reports made by the investigating officers and 11 arrests for criminal charges. None of these arrests resulted in a conviction or guilty plea.

As to the Coliseum Inn, Exhibit 1 shows there were 1,081 total calls dispatched with 297 of those being for events that may have been chargeable criminal offenses. These resulted in 62 incident reports made by the investigating officers and 12 arrests for criminal charges. Of these 12 arrests, one defendant pled guilty to injury to real property and ethnic intimidation. Six of these 12 cases are still pending in court.

There are only two methods the county may use to pursue nuisance abatement under these circumstances. Each is discussed separately as follows:

### **G.S. 153A-140. Abatement of public health nuisance:**

This is a very straightforward, short statute that authorizes the county "to remove, abate or remedy everything that is dangerous or prejudicial to the public health or safety." The county attorney is not aware of any cases that have been brought under this statute for activities conducted on a property. It is typically used for conditions located upon a property. If, however, the evidence supports proceeding under this statute, the action could be undertaken this way. This process begins with the Board of Commissioners declaring the existence of a public nuisance. The Board must be give notice to the owner and conduct a hearing for the owner to present evidence and be heard. The Board makes findings of fact based on the evidence submitted at the hearing and enters an order appropriate to those findings of fact. The owner may appeal the Board's order to the Superior Court, at which point the process becomes a judicial process. If the court rules that the conditions do not constitute a public nuisance, the county may be held liable for the owner's attorney's fees and litigation cost.

**Chapter 19. Offenses Against Public Morals:**

This is very detailed group of statutes contained in Chapter 19 of the General Statutes which authorizes counties to pursue nuisance actions against properties on which specified sorts of criminal activity is regularly occurring. When there is evidence to support the existence of the specified criminal activity, this is the most appropriate process to use. The Board of Commissioners is only involved in declaring the nuisance. It then proceeds as a civil court action brought in the name of the State of North Carolina, typically by a request to the District Attorney. A very significant aspect of this process is that an admission or finding of guilt against any person under the criminal laws against lewdness, assignation, prostitution, gambling, breaches of the peace, illegal possession or sale of alcoholic beverages or controlled substances is admissible for proving the existence of the nuisance. This is the evidence that is typically used to pursue these actions. Like the other statutory nuisance abatement process, if the court rules the activity does not constitute a public nuisance, the county may be liable for the owner’s attorney’s fees and litigation costs.

*Exhibit 1*

**NUISANCE ABATEMENT RESEARCH**

The incident events shaded light green are referenced numerically by statute and type of incident, while the events shaded dark green were listed without a statute reference but are consistent with the numerically-listed charges. The blue shaded events are items such as 911 hang-ups, area checks, community policing, and traffic stops that were not assigned a numerical categorization.

The time period encompasses January 1, 2015 through February 12, 2018.

**CAROLINA MOTOR INN**

<b>Carolina Motor Inn Event</b>	<b>Frequency</b>	<b>Totals</b>
25A1 PSYCH NON SUICIDAL	1	223
25B6 PSYCHIATRIC UNK STAT	1	
29B1 ACCIDENT WITH INJURI	1	
113C1 LOUD PARTY/MUSIC	1	
113B2 PAST VERBAL DISTURB	1	
106B1 PAST SEXUAL ASLT AD (S) (N)	1	
106D4 ASLT INDIV/SMALL GR	2	
107B1 NON URGENT ASSIT	1	
107D1 ASSIST URGENT REQUE	2	
110D1 HOME INVASION	1	
111D2 DAMAGE/VANDALISM SM	2	
113 DISTURBANCE / NUISANC	8	

<b>Carolina Motor Inn Event</b>	<b>Frequency</b>	<b>Totals</b>
113B3 OTHER NOISE COMPLAI	2	
113B4 NUISANCE	1	
113D2 PHYSICAL DIST SMALL	10	
113D2 VERBAL DIST	5	
113D3 VERBAL DIST LARGE G	1	
113D4 VERBAL DIST SMALL G	32	
114B1 PAST DOMESTIC PHYSI	1	
114 DOMESTIC DIST / VIOLE	3	
114D1 DOMESTIC DIST PHYSI	6	
114D2 DOMESTIC DIST VERBA	6	
115D1 DUI (IMPAIRED DRIVI	1	
116D1 DRUG USE OR POSSESS	6	
116D2 DRUG SALE	4	
118B2 PAST FRAUD/FORGERY	1	
119 HARASSMENT/ STALK	1	
120C1 PROSTITUTION	5	
120D1 INDECENCY/LEWDNESS	1	
122 MISCELLANEOUS PD	1	
123B1 MISSING PERSON	1	
125 PR/STANDBY/WELLBECHK	3	
125C1 STANDBY	8	
125D1 URGENT WELL BE CHEC	3	
126B1 PAST PERSONAL ROBBE	1	
128 SUPPLEMENTAL / FOLLOW	1	
128A2 VEHICLE SUPPLEMENTA	1	
128B2 EVIDENCE SUPPLEMENT	2	
129 SUSPICIOUS/WANTED PER	1	
129B1 PAST SUSPICIOUS PER	1	
129C1 SUSPICIOUS PERSON	9	
129C2 WANTED PERSON	3	
129C3 SUSPICIOUS VEHICLE	2	
129C5 SUSPICIOUS CIRCUMST	3	
130 THEFT / LARCENY	1	

<b>Carolina Motor Inn Event</b>	<b>Frequency</b>	<b>Totals</b>	
130B1 PAST THEFT (LARCENY	6		
130B2 PAST VEHICLE THEFT	2		
130B3 PAST THEFT FROM VEH	1		
130D1 THEFT (LARCENY)	5		
130D2 VEHICLE THEFT	1		
130D3 THEFT FROM VEHICLE	1		
131B1 ACCIDENT PROPERTY	2		
131B2 HIT AND RUN PROP DA	3		
131B3 HIT AND RUN NO INJ	1		
131D1 ACCIDENT WITH INJUR	1		
133D2 TRESPASSING/UNWANTE	3		
135 WEAPONS / FIREARMS	1		
135C1 SHOT FIRED (HEARD	3		
135D1 WEAPONS ASSIST	1		
SEXUAL ASSAULT	1		
ASSAULT BY MOTOR VEHICLE	1		
INCIDENT	3		
DOMESTIC DISTURBANCE	1		
INVESTIGATING SUSPICIOUS	4		
INVESTIGATE SUSPICIOUS SU	4		
NUISANCE ABATEMENT (CHRON	1		
DOMESTIC VIOLENCE ORDER	1		
SOLICITORS	1		
WANTED SUBJECT	15		
SEARCH WARRANT	1		
ASSIST	10		
AREA CHECK	220		509
SECURITY CHECK	33		
FOLLOW UP	36		
INFORMATION	33		
COMMUNITY POLICING	3		
EXTRA PATROL REQUEST	2		
PUBLIC RELATIONS COMMUNIC	4		

<b>Carolina Motor Inn Event</b>	<b>Frequency</b>	<b>Totals</b>
TRAFFIC STOP	32	
ID CALL	4	
TRANSFERRED CALLER	10	
911 HANG UP CALL ABANDONE	73	
911 ABANDONED CALL	22	
911 HANG UP CALL NO VOICE	10	
SERVE PAPERS (WARRANTS, E	12	
CMF WRECKER CALL	1	
BOLO / ATTEMPT TO LOCATE	1	
NONURGENT WELL BE	1	
FLAGGED DOWN	5	
FLAG DOWN (S)WATE	1	
CK ON SEX OFFENDER	3	
ANIMAL CONTROL CALL	1	
REPO VEHICLE	2	

Out of **732** total calls over a 3-year period, **223 (30%)** were statutorily referenced or consistent with statutorily referenced incidents.

There were **36 incident reports**.

From the incident reports, there were **11 arrests/criminal cases**, of which **1 is pending**. Of the criminal cases, there were **0 GUILTY convictions** from charges that occurred at the Motel.

**COLISEUM INN**

<b>Coliseum Inn Event</b>	<b>Frequency-</b>	<b>Totals</b>
23C7 OVERDOSE UNKNOWN STATUS	1	297
25A2 SUICIDAL NOT THREATENING	1	
29B4 ACCIDENT UNKNOWN STATUS	1	
102B2 PAST NEGLECT	1	
106B1 PAST SEXUAL ASLT ADULT	1	
106B3 PAST ASSAULT	2	
106C5 ASSAULT JUST OCCUR	1	
106D4 ASLT INDIV/SMALL GROUP	3	
107D1 ASSIST URGENT REQUEST	2	
107 ASSIST OTHER AGENCIES	2	
107B1 NON URGENT ASSIST REQ	2	
111B1 PAST DAMAGE/VANDALISM	2	
111D2 DAMAGE/VANDALISM SML GRP	1	
112B1 EXPECTED DEATH	1	
113D2 VERBAL DIST	2	
113 DISTURBANCE / NUISANCE	2	
11301 PHYSICAL DIST	1	
113B2 PAST VERBAL DISTURBANCE	1	
113B3 OTHER NOISE COMPLAINT	2	
113B4 NUISANCE	3	
113C1 LOUD PARTY/MUSIC	2	
113C2 NUISANCE INTOX/IMPAIRED	2	
113D1 PHYSICAL DIST LARGE GRP	3	
113D2 PHYSICAL DIST SMALL GRP	7	
113D3 VERBAL DIST LARGE GRP	2	
113D4 VERBAL DIST SMALL GRP	29	
114 DOMESTIC DIST / VIOLENCE	2	
114B1 PAST DOMESTIC PHYSICAL	2	
114D1 DOMESTIC DIST PHYSICAL	16	

<b>Coliseum Inn Event</b>	<b>Frequency-</b>	<b>Totals</b>
114D2 DOMESTIC DIST VERBAL	5	
116 DRUGS / NARCOTIC ACTIVITY	1	
116D1 DRUG USE OR POSSESSION	1	
116D2 DRUG SALE	8	
118D2 FRAUD/FORGERY	1	
119 HARASSMENT/ STALK / THREAT	2	
119D3 THREAT	1	
120B2 URINATING / DEFECATING	1	
120D1 INDECENCY/LEWDNESS	1	
120C1 PROSTITUTION	10	
123B1 MISSING PERSON	2	
125A1 PREARRANGED STANDBY	1	
125B1 NONURGENT WELL BE CHECK	4	
125C1 STANDBY	6	
125D1 URGENT WELL BE CHECK	2	
126D1 PERSONAL ROBBERY	2	
128A2 VEHICLE SUPPLEMENTAL	1	
128A4 OTHER INFO SUPPLEMENTAL	2	
128B2 EVIDENCE SUPPLEMENTAL	1	
129 SUSPICIOUS/WANTED PERSON	4	
129B3 PAST SUSP CIRCUMSTANCE	1	
129C1 SUSPICIOUS PERSON	19	
129C2 WANTED PERSON	5	
129C3 SUSPICIOUS VEHICLE	3	
129C4 WANTED VEHICLE	1	
129C5 SUSPICIOUS CIRCUMSTANCES	4	
130 THEFT / COUNTED	3	
130D1 THEFT (LARCENY)	6	
130D2 VEHICLE THEFT	1	
130B1 PAST THEFT (LARCENY)	8	
130B2 PAST VEHICLE THEFT	4	

<b>Coliseum Inn Event</b>	<b>Frequency-</b>	<b>Totals</b>
130B3 PAST THEFT FROM VEHICLE	1	
131A2 PAST HIT AND RUN	1	
131B1 ACCIDENT PROPERTY DAMAGE	2	
132B2 PARKING NOT IN TRAFFIC	1	
132C1 HAZARD HIGH DANGER AREA	1	
133B1 PAST TRESPASSING	1	
133D1 TRESPASS/UNWANTED	1	
133D2 TRESPASSING/UNWANTED	5	
135 WEAPONS / FIREARMS	1	
135C1 SHOT FIRED (HEARD ONLY)	2	
135D1 WEAPONS INCIDENT	3	
13502 SHOTS FIRED SUSPECT SEEN	1	
ASSIST	6	
DOMESTIC ASSIST	1	
DOMESTIC DISTURBANCE	1	
DOMESTIC VIOLENCE ORDER	2	
SEXUAL ASSAULT	1	
CHILD NEGLECT/ABUSE	1	
LARCENY	5	
REPO VEHICLE	6	
UNAUTHORIZED USE OF MOTOR VEH	2	
FAIL TO REG SEX OFFENDER	1	
CK ON SEX OFFENDER	1	
WANTED SUBJECT	22	
INVESTIGATING SUSPICIOUS VEHIC	6	
INVESTIGATING SUSPICIOUS ACTIV	7	
INVESTIGATE SUSPICIOUS SUBJECT	7	
AREA CHECK	317	784
SECURITY CHECK	49	
COMMUNITY POLICING	8	

Coliseum Inn Event	Frequency-	Totals
INFORMATION	99	
FOLLOW UP	62	
TRAFFIC STOP	32	
ACCIDENT	1	
FLAG DOWN	2	
FLAGGED DOWN	4	
BOLO / ATTEMPT TO LOCATE	2	
EXTRA PATROL REQUEST	1	
SERVE PAPERS (WARRANTS, ETC)	18	
CRIMINAL PAPERS	1	
ID CALL	14	
PUBLIC RELATIONS COMMUNICATION	3	
CONVOY/ESCORT	1	
PROJECT LIFESAVER/MAINTENANCE	1	
911 HANG UP CALL ABANDONED	119	
911 ABANDONED CALL	30	
911 HANG UP CALL NO VOICE	8	
TRANSFERRED CALLER	7	
911 WIRELESS PHONE	3	
ANIMAL CONTROL CALL	2	
		1081

Out of **1081** total calls over a 3-year period, **297** calls (**27%**) were statutorily referenced or consistent with statutorily referenced incidents.

There were **61 incident reports**.

Of the incident reports, there were **12 arrests/criminal cases**, of which **6 are pending**. Of the criminal cases, there was **1 person with GUILTY convictions** from charges that occurred at the Motel.

**Dustin Charles Taylor Page 16CR059493**

Injury to Real Property Disposed 10/3/16 GUILTY  
 Ethnic Intimidation Disposed 10/3/16 GUILTY

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Commissioner Evans stated this has been an ongoing problem out near the Crown Coliseum regarding motels. Commissioner Evans stated he invited individuals that are very concerned about this area to come to the meeting to share their concerns. Commissioner Evans stated he would like to see a nuisance abatement started on these facilities.

Ms. Kimberly Griffin, part of the Community Watch program for the area, stated the motels on Gillespie Street affects their neighborhood in a very negative way. Ms. Griffin stated drug dealers, drug users, prostitutes and sex offenders are attracted to this area. Ms. Griffin stated she believes the motels are bad for her neighborhood and bad for the future growth of Fayetteville.

Commissioner Evans stated there are several small children living at these facilities and it is not safe. Commissioner Adams stated he does not think deplorable living areas means you have the right to abate someone and he does not think that is what the statute calls for in this situation. Commissioner Adams stated he would like to see the county exhaust all remedies available before we look into abatement. Commissioner Adams stated the statute should be followed closely and he does not want to see this done hastily to be sure everyone is protected. Commissioner Evans stated he believes the Sheriff's Office has already exhausted all means and avenues.

Commissioner Lancaster asked the county attorney what the latest recommendation is on this issue. Rick Moorefield, County Attorney, stated the evidence for this area is in the control of the Sheriff's Office. Mr. Moorefield stated Ronnie Mitchell, the Sheriff's Office Attorney, has indicated he will take the lead on this issue. Mr. Moorefield stated before he would recommend the board to declare a nuisance there would have to be admissible evidence and the Sheriff's Office is gathering information. Commissioner Lancaster stated the county attorney and the Sheriff's Office attorney should work together to find any evidence and information necessary to take appropriate action legally to address this problem. Commissioner Adams stated the information should be brought back to the full board to vote on the issue before anyone moves forward. Commissioner Lancaster stated the County will do whatever possible within the law to remedy the situation.

No action taken.

### 3. PUBLIC INFORMATION AND GOVERNMENTAL AFFAIRS MONTHLY UPDATE

#### BACKGROUND

Each month the Policy Committee will receive an update regarding County communications projects and governmental affairs topics. The March update looks at analytics for the redesigned County website; reports from three intergovernmental committees and legislative topics.

## **Website Analytics**

The County launched its redesigned website on November 2, 2017. Since then, there have been 242,864 visits, with users visiting 2.4 pages and spending an average of 2 minutes per visit. More than 50 percent of the visits are “new visits”.

The six most popular pages are the homepage, Tax Administration page, GIS, Tax Administration bill payment options and Public Health.

The two weeks with the highest traffic coincide with the website municipal elections (19,709) and the property tax deadline for payments and listings (January: 19,234).

## **Intergovernmental Reports**

- *Homeless Committee*
  - An interlocal agreement between the City of Fayetteville and Cumberland County directed the establishment of a Homeless Committee. The purpose and positions were designated in the interlocal agreement approved by the City on June 26, 2017, and the County on October 16, 2017.
    - A Homeless Committee consisting of a member of City Council, a member of the County Commissioners, an Assistant County Manager, Governmental Affairs Officer, Deputy City Manager, Chairman of the Cumberland County Continuum of Care (CoC), City and County Community Development Directors, and the Data & Education Analyst will meet regularly to coordinate and develop strategies to address homelessness through community-wide programs and services.
    - Chairman Larry Lancaster and Councilmember Larry Wright will represent the elected boards on the committee. The first meeting is scheduled for early March.
- *Fayetteville Cumberland Liaison Committee*
  - The Fayetteville Cumberland Liaison Committee met January 31 at City Hall. The City is the host for the meetings this year. Representatives Billy Richardson and Marvin Lucas; Cumberland County Schools Chairman Carrie Sutton and Deputy Garrison Commander Justin Mitchell attended.
  - The committee directed City and County staff to study a potential City of Fayetteville Extra-Territorial Jurisdiction agreement for the Shaw Heights area authorized by Cumberland County that would give the City authority to regulate development. A report is expected at the next liaison meeting.
- *Mayor’s Coalition:*
  - Robert Van Geons and Teddy Warner from the Fayetteville Cumberland County Economic Development Corporation (FCEDC) presented information on the corporation and its activities in the county and the need for “products” – buildings or sites that meet the operational requirements of

companies. The FCEDC is seeking help from the mayors in finding property owners in the county who have sites, especially tracts of more than 250 acres.

- In addition, Falcon Mayor Clifton Turpin, the Coalition Chairman, has asked the County's Graphic Design Information Specialist to assist in creating a logo for the group.
- *Legislative Topics:*
  - NACO Conference – Appointments are being scheduled during the NACO Conference on March 3-7, 2018 for commissioners to meet with Representatives Hudson and Pittenger and staff of Senators Tillis and Burr to talk about funding for water lines in the areas affected by GenX contamination.

### **Agritourism Information**

During the public comment portion of the Board of Commissioners meeting on February 19, 2018 a citizen expressed concern about a proposed ATV park near Linden. Planning Director Tom Lloyd explained that a permit was not needed for the project because it is considered agritourism.

Information provided below was given to the committee from the County Attorney should commissioners have questions for the state delegation on March 9, 2018 when the board hosts the state legislative delegation.

### **BACKGROUND**

GS 153A-340 is the enabling statute for a county's zoning powers. The enabling statute has always exempted property that was used for bona fide farm purposes from zoning regulation. The statute was amended by S.L. 2017-108 to also exempt buildings or structures that are used for agritourism and defines "agritourism". The definition is so broad as to include, "to view or enjoy rural activities". The broadness of that definition is further demonstrated by the description of buildings that can be used for agritourism, which is, "A building or structure used for agritourism includes any building or structure used for public or private events...". It goes on to identify events such as weddings, receptions, meetings, demonstrations of farm activities, meals and other events that are taking place on the farm because of its farm or rural setting.

The zoning issue that arises from this definition of "agritourism" is that it is now difficult to identify any activity occurring on, or any use of, land that qualifies as a bona fide farm that would not be agritourism. Any activity done on rural land can be for viewing or enjoying rural activities and any human activity occurring in a building or structure can be characterized as a public or private event.

### **RECOMMENDED/PROPOSED ACTION**

No action is requested at this time.

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March 1, 2018 Policy Committee

Sally Shutt, Assistant County Manager, reviewed the background information, recommendation and presentation as recorded above.

4. OTHER ITEMS OF BUSINESS

No other items of business.

MEETING ADJOURNED AT 10:38 AM