

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 18, 2006 – 6:45 PM
REGULAR MEETING**

PRESENT: Billy R. King, Chairman
Kenneth Edge, Vice Chairman
Commissioner Talmage Baggett
Commissioner Breeden Blackwell
Commissioner Jeannette Council
Commissioner John T. Henley
Commissioner Diane Wheatley
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Assistant County Manager
Amy Cannon, Assistant County Manager
Grainger Barrett, County Attorney
Sara VanderClute, Public Information Officer
Marsha Fogle, Clerk to the Board
Ann Hymes, Deputy Clerk to the Board

INVOCATION - Commissioner Billy King, Chairman

PLEDGE OF ALLEGIANCE

**PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM) – SPEAKER: TONY
McKINNON**

Mr. McKinnon, President of the Fayetteville Area Local Postal Workers Union and Executive Vice President of the NC Council, stated that the U.S. Postal Service will close a facility in Fayetteville in March 2007. This will cost approximately 190 people their jobs. He asked the Commissioners' support and assistance in keeping these good jobs here in Cumberland County.

Recognition of Retired County Employees:

David Ivey, Tax Administration – Mapping Division
Erastus Bain, Cumberland County Mental Health

Special Presentation:

2006 NCACC Ketner Awards – A prestigious award, administered by the NCACC, was presented to three Cumberland County employees at the recent NCACC Conference in Winston-Salem. Under the direction of Bobby Howard, Solid Waste Director, these employees – Jan Albert, Karen Hall, and David Matthews – exemplify innovative thinking and a focus on efficiency that made them winners with their initiative, “Turning Mulch Into Money.”

Special Recognition:

2006 Dixie Youth Baseball World Series Champions - Travis Sirios, Scott Simmons, Robert Novak, A.J. Brassard, Brandon Quick, Justin Quick, Matt Freeman, Anthony Luna, Benny Torres, Daniel Vega, Dillon Harless, Fred Carter, and Chad Oxendine.
Team Coaches: Jeff Morrow, Robert Novak, Kenny Oxendine

Addition to the Consent Agenda

- Add Item K: **Land For Tomorrow Resolution**

MOTION: Commissioner Edge moved to add the above item to the Consent Agenda.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

1. Consent Agenda

MOTION: Commissioner Blackwell moved to follow staff recommendations on the items on the Consent Agenda.

SECOND: Commissioner Council

VOTE: UNANIMOUS

- A. Approval of minutes of the September 5, 2006 regular meeting and the special meeting on September 5, 2006 with the Cumberland County Public Library System.

ACTION: Approve

- B. Approval of Report and Recommendation of the Cumberland County Policy Committee:

- 1) Subrecipient Request to Forgive Repayment of Community Development Funding Granted Through Public Facilities Program.

BACKGROUND: In October 2000 Community Development awarded Vision Resource Center (VRC) a public facilities grant to equip a teaching kitchen for the visually impaired at its Bragg Boulevard site. The total grant amount was \$11,471.91. The Bragg Boulevard site was leased property. VRC agreed to repay the grant funds in full if either the owner or VRC terminated the lease within five years after the expiration of the contract. VRC terminated its lease on or about October 2003 and relocated to its current location on Rowan Street. Since the teaching kitchen program was available at the new site, Community Development and VRC agreed that the repayment would not include those items that could be transferred and used at the new facility. Community Development staff determined that the value of the relocated items totaled \$1,303.04, leaving a balance due of \$10,168.93. VRC requested that the amount be totally forgiven or that the agency be allowed to make payment arrangements. Community Development staff proposed giving VRC credit for the three years it used the teaching kitchen in the old facility. This reduced the balance to \$4,067.58 to be repaid in installments over a six month period. VRC maintains that it would be a financial hardship on it to have to repay the grant under any terms. The last financial information received is three years old. Current financial information has never been received. VRC is asking that the grant be totally forgiven. The Cumberland County Policy Committee recommends denial of the request that the County forgive repayment of money the Vision Resource Center owes to Community Development, request a current financial statement, and request VRC repay the loan over an extended 12 month period beginning January 1, 2007.

ACTION: Deny the request that the County forgive repayment of the money, request a current financial statement, and request the Vision Resource Center repay the loan over an extended 12 month period beginning January 1, 2007.

- C. Approval of Revised Flood Damage Prevention Ordinance and New Flood Insurance Rate Maps (FIRMs).

BACKGROUND: The State of North Carolina, through the Federal Emergency Management Agency's (FEMA) Cooperating Technical Partner initiative, has been designated as the first Cooperating Technical State (CTS). As a CTS, the State will assume primary ownership and responsibility of the National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRMs) for all North Carolina communities. In 2001, the State initiated a floodplain mapping program to produce updated FIRMs in a digital format for communities presently in the NFIP and new FIRMs for communities that have applied to be in the NFIP. On August 30, 2005, the County received the Preliminary Flood Maps for our community from the North Carolina Division of Emergency

Management (NCDEM) – Floodplain Management Branch. A 90 day public appeal process followed in which public meetings were held by the State to receive comment on the preliminary maps. During this time the County Engineering Department reviewed the maps and submitted comments and revisions to the State for incorporation in the final maps. On July 5, 2006, the County received the Letter of Final Determination and Revised FIRMs from NCDEM, which initiates the six month compliance period in which the County must adopt the new FIRMs and the associated revisions to the Flood Damage Prevention Ordinance. This must be completed prior to January 5, 2007, the effective date of the new FIRMs. No further revisions to the FIRMs are permitted prior to the January 5, 2007 effective date of the new maps. The revised ordinance was prepared from the “2005 NC Model Flood Damage Prevention Ordinance” developed by NCDEM – Floodplain Management Branch. NCDEM recommends that communities use the model ordinance and tailor it to the specifics of the community. The revised Flood Damage Prevention Ordinance can be found in the Cumberland County Code Book.

ACTION: Adopt the draft revised Flood Damage Prevention Ordinance and new FIRMs and set the date for the required public hearing for 7:00 PM, October 16, 2006.

- D. Approval of Disposition of Property by Board of Education to City of Fayetteville to Finance and Construct Recreation Center at E.E. Miller Elementary School.

BACKGROUND: The Fayetteville/Cumberland Parks and Recreation Department proposes to construct a 13,500 square foot recreation center at the campus of E.E. Miller Elementary School. The City proposes to finance the construction and, in order to provide security to the bank for the financing, the bank requires that the City own the footprint of the site. The City is asking that the Board of Education convey the footprint to the City for that purpose, subject to re-conveying the footprint to the Board of Education at the end of a 20 year term. The City and the Board of Education have agreed upon a Use and Operating Agreement governing the construction, operation and maintenance of the recreation center. Because the Board of Education proposes a conveyance of real property that is a “disposition” of real property, by statute it must first offer the property to the County. If the Board of Commissioners chooses not to obtain the property, the Board of Education may transfer the property as allowed by law.

ACTION: Approve Board of Education’s conveyance of E.E. Miller Elementary School site recreation center footprint to the City for purpose of allowing the City to finance the recreation center subject to re-conveyance to the Board of Education as provided by the agreement between the City and the Board of Education.

- E. Approval of Community Development Rental Rehabilitation Program Policy Revisions.

BACKGROUND: The primary goal of the Rental Rehabilitation Program is to provide long-term affordable housing for low to moderate income families. In order to maintain the integrity and intent of the program, the following policy revisions are being recommended: (1.) To ensure that federal funds are not being used to unduly enrich investors, the purchase price for a one-unit single family dwelling is capped at an after rehab value of \$137,500. This figure is based on the maximum income and affordability of a family of four at 80% of the area median income; and (2.) To provide long-term affordable housing, the minimum rental period is being changed from 1 year to 3 years.

ACTION: Approve the Rental Rehabilitation Program policy revisions with an effective date of July 1, 2006.

- F. Approval of Amendment to Community Development Urban County Cooperation Agreement for CDBG Program.

BACKGROUND: Cumberland County submitted documentation for requalification as an Urban County under the U.S. Department of Housing and Urban Development’s (HUD) entitlement programs. After review of the current Amended Cooperation Agreement that was executed with each town participating in the urban county designation, HUD’s legal

counsel in the Greensboro Field Office has determined that there are two modifications that must in order for the County to meet federal requirements to be included in the cooperative agreement. The first change is to include the required provision that “by the date specified in HUD’s urban county qualification notice for the next qualification period, the urban county will notify the participating unit of general local government in writing of its right not to participate”; and the second change is to delete the phrase “specifically urban renewal and publicly assisted housing” to comply with HUD’s Community Development and Planning Notice 04-4 issued May 7, 2004. Participating Towns include Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman and Wade.

ACTION: Approve revisions to the Amended Cooperation Agreement.

**RESOLUTION TO ADOPT REVISIONS TO THE AMENDED COOPERATION
AGREEMENT TO PARTICIPATE IN THE CUMBERLAND COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has determined that Cumberland County is an eligible “urban county” under the Community Development Block Grant Program, and thereby eligible to receive an annual entitlement of Community Development Block Grant Funds, and HOME Investment Partnership Program Funds,

WHEREAS, Cumberland County extended an invitation to the *Town* to join with the County in its Community Development Block Grant Program and HOME Investment Partnership Program for FY 2004 – FY 2006; and

WHEREAS, the Cooperative Agreement for the FY 2004 – FY 2006 period provided that participation in each successive three-year qualification period would automatically renew unless the County or the *Town* provided written notice of its election not to participate in a new qualification period; and

WHEREAS, the governing board of the *Town* elected to participate in the urban county designation on the (*insert date*) and subsequently executed the Cooperation Agreement; and

WHEREAS the Cooperation Agreement was amended on the (*insert date*) to reflect the proper dates for FY 2004 – FY 2006 as the period of October 1, 2003 through September 30, 2006; and

WHEREAS, it is necessary to revise the Amended Cooperation Agreement to include the required provision that “by the date specified in HUD’s urban county qualification notice for the next qualification period, the urban county will notify the participating unit of general local government in writing of its right not to participate”; and

WHEREAS, in addition, the phrase “specifically urban renewal and publicly assisted housing” is to be deleted to comply with HUD’s Community Development and Planning Notice 04-4 issued May 7, 2004 and as outlined in the attached excerpt from the notice (Attachment A).

NOW, THEREFORE BE IT RESOLVED, that the *Town* hereby adopts the revisions referenced above as part of the Amended Agreement as set forth in Attachment B.

BE IT FURTHER RESOLVED, that the *Town* hereby authorizes the Mayor to execute this resolution and authorizes the referenced revisions in the Amended Agreement and that this action be made part of the official minutes of the Board for this date.

G. Approval of Workforce Development Business Services Plan.

BACKGROUND: The Workforce Development Board has developed its Business Service Plan for the delivery of coordinated outreach to businesses in Cumberland County. The plan describes how the local workforce development system, economic development and educational providers will work together to best meet the needs of local companies. The key stakeholders who have signed the signatory page have agreed to the following goals: identify job growth industries in Cumberland County; strengthen partnerships between workforce development, the university system and community colleges to deliver enhanced services to businesses; expand the workforce development system and the business community; expand the existing partnership with economic development; work together towards the achievement of performance excellence.

ACTION: Approve the Plan.

- H. Approval of a Resolution Declaring October 7, 2006 as “Big Sweep Day” in Cumberland County.

ACTION: Approve Resolution.

**A RESOLUTION OF BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY
DECLARING OCTOBER 7, 2006 AS CUMBERLAND COUNTY BIG SWEEP DAY**

WHEREAS, Cumberland County is rich in natural resources and beauty; and

WHEREAS, water is a basic and essential need for all life; and,

WHEREAS, litter fouls our waterways as well as our landscapes; and,

WHEREAS, every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty of our surroundings; and,

WHEREAS, North Carolina Big Sweep is a statewide community effort to retrieve trash from North Carolina’s waterways and landscapes;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County, North Carolina, meeting on September 18, 2006, does hereby declare October 7, 2006 as CUMBERLAND COUNTY BIG SWEEP DAY in Cumberland County, and does further hereby urge every citizen to do his or her part to restore the beauty and function of our lakes and streams by volunteering to participate in the Big Sweep event.

- I. Approval of a Proclamation Designating the Fourth Monday in September as “Family Day – A Day to Eat Dinner With Your Children” in Cumberland County.

ACTION: Approve Proclamation.

COUNTY OF CUMBERLAND

NORTH CAROLINA

**PROCLAMATION DESIGNATING THE FOURTH MONDAY IN SEPTEMBER
“FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN”**

WHEREAS, the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America’s children; and

WHEREAS, surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs; and

WHEREAS, teenagers who virtually never eat dinner with their families are 72% more likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS, teenagers who almost always eat dinner with their families are 31% less likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS, the correlation between family dinners and reduced risk for teen substance abuse is well documented; and

WHEREAS, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

WHEREAS, family dinners have long constituted a substantial pillar of family life in America.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County PROCLAIMS the fourth Monday in September “FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN” and urges all citizens to recognize and participate in the observance.

- J. Budget Revisions:

ACTION: Approve revisions.

(1) Library

- a. Grants - Revision in the amount of \$17,529 to rebudget unexpended prior year grant funds. (B07-100) **Funding Source – Grant**
- b. Revision in the amount of \$10,000 to appropriate designated maintenance & repair fund balance for replacement of the exterior stairs on the east side of the Headquarters Library. (B07-104) **Funding Source – Designated Maintenance & Repair Fund Balance Appropriated**

(2) Emergency 911

Revision in the amount of \$10,000 to appropriate fund balance for the purchase a Netclock device to synchronize time stamps for E911 equipment. (B07-099) **Funding Source – Emergency 911 Fund Balance Appropriated**

(3) Pre-Trial Release/General Government Other

Revision in the amount of \$845 to reallocate budgeted expenditures for the additional cost of four computers for the Pretrial Case Management program. (B07-102 and B07-102A) **Funding Source – Reallocation of Budgeted Expenditures**

(4) Senior Aides

Revisions to reallocate budgeted expenditures to consolidate Senior Aides into one organization (\$55,216), to increase revenue and expenditures for the restructuring of the Senior Service America Program (\$97,165), to budget in-kind revenue and expenditures and to increase administration fees charged from Workforce Development (\$8,096). (B07-103 thru B07-103B) **Funding Source – Reallocation of Budgeted Expenditures and Grant**

(5) General Government Other

Revision in the amount of \$2,179 to rebudget unexpended grant funds and to appropriate fund balance of \$242 for required County match. (B07-106) **Funding Source – Grant and Fund Balance Appropriated**

(6) NORCRESS

Revision in the amount of \$22,500 to reallocate budgeted expenditures to fund additional engineering services caused by delays in construction. Revision contingent on approval by the NORCRESS board. (B07-105) **Funding Source – Reallocation of Budgeted Expenditures**

(7) Public Safety Other

Revision in the amount of \$2,264 to appropriate fund balance to increase the contract with the NC Forest Service for county's 40% share of the \$321,408 combined budget. (B07-108) **Funding Source – fund Balance Appropriated**

(8) Inmate Welfare Fund

Revision in the amount of \$52,192 to appropriate fund balance to fund FY2006 end-of year expenditures. (B06-423) **Funding Source – Fund Balance Appropriated**

K. Approval of Resolution Supporting Land For Tomorrow Resolution.

ACTION: Approve Resolution

LAND FOR TOMORROW RESOLUTION

WHEREAS Cumberland County is committed to protecting lands critical to the future of Cumberland County's drinking water, natural heritage, economy, and quality of life, and

WHEREAS Cumberland County adopted a resolution on September 18, 2006 asking the NC Legislature to provide additional funding to help conserve rivers, streams, farms, forests, parks, and historic places, and

WHEREAS the NC Association of County Commissioners is developing its legislative goals for the 2007 Legislative Session.

NOW THEREFORE BE IT RESOLVED that Cumberland County proposes that the NC Association of County Commissioners add the following goal to its legislative agenda for the 2007 Legislative Session:

Land and Water Conservation – Support legislative appropriations and/or bond funding to protect the state's land, water, and special places before they are irreversibly lost by increasing funding to the state's existing conservation trust funds which provide grants for land and water conservation projects in every county.

2. Public Hearings

A. Community Development Department 2005 Consolidated Annual Performance Evaluation Report (CAPER).

BACKGROUND: The 2005 Consolidated Annual Performance Evaluation Report (CAPER) details program accomplishments and assessments of Community Development's efforts in meeting the goals and objectives set forth in the Consolidated Plan and Annual Action Plan for the period July 1, 2005 through June 30, 2006. Performance reporting meets three basic purposes: (1.) It provides HUD with necessary information for the Department to meet its statutory requirement to assess each grantee's ability to carry out relevant community development programs in compliance with all applicable rules and regulations; (2.) It provides information necessary for HUD's Annual Report to Congress, also statutorily mandated; and (3.) It provides grantees an opportunity to describe to citizens their successes in revitalizing deteriorated communities and meeting objectives outlined in the Consolidated Plan. This reporting tool assures that citizens, community groups, and other interested stakeholders in the community development process are accurately informed of the use of these federal funds. The report is due to HUD by September 28, 2006.

Thanena Wilson, Community Development Director, said that during the past year Community Development expended approximately \$2,328,000. Some of the funds

were used, for example, to provide decent affordable housing to 171 home owners and 62 renters; suitable living environments were provided to 90 residents by improved water and/or sewer systems in the NORCRESS community; and by creating economic opportunities for 23 potential businesses and approving one business loan.

Speaker: Amir Eronomy Mohammed expressed his concerns about the growing number of people using drugs and the number of prostitutes in certain areas of Fayetteville. He suggested city/county discussions on ways to eliminate this problem.

ACTION: No other action is necessary.

Uncontested Cases

Rezoning

Upon finding the requests to be reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, the following motion was offered:

MOTION: Commissioner Baggett moved to follow the recommendation of the Planning Board on the Uncontested Cases B, C, and D.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

- B. Case P06-53. The rezoning of 5.53 acres from RR, R10, O&I(P) to C(P), or to a more restrictive zoning district, located on the north side of Clinton Road, east of Bladen Circle, owned by Lester G. Carter, Jr.

Planning Board recommended C(P)

- C. Case P06-58. The rezoning of 2.02 acres from A1 to A1A, or to a more restrictive zoning district, at 4091 Hummingbird Place, owned by Abraham and Zoraida Guzman.

Planning Board recommended A1A

- D. Case P06-60. The rezoning of two parcels totaling 1.98 acres from R6A to C(P), or to a more restrictive zoning district, located on the southwest side of South Main Street, southeast of Red Maple Lane, owned by Charles T. Gardner.

Planning Board recommended C(P)

- E. Case P06-61. The rezoning of seven parcels totaling 15.53 acres from R6 to C(P), or to a more restrictive zoning district, located on the south side of Andrews Road, west of Ramsey Street, owned by Clyde A. Culbreth, et. al.

Planning Board recommended C1(P)

Speakers:

Torry Johnson, Chief Financial Officer for Cape Fear Valley Health Systems, spoke at the request of Richard Parks. He stated there are concerns on how this property will be used. He asked if this case could be deferred until a later date.

Jim Flink, Developer, Red Tail Properties, Cary, NC, stated he had one meeting with hospital representatives to let them know of his interest to develop office space on the property. He said he would be willing to meet with hospital representatives to discuss the opportunity of partnering with them.

MOTION: Commissioner Council moved that this case be deferred until the second meeting in October to allow time for Mr. Flink to meet with Cape Fear Valley Health Systems representatives.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

Contested Cases

F. Case P06-40. The rezoning of 13.19 acres from R10 to C(P), or to a more restrictive zoning district, at 6521 Ramsey Street, owned by James H. and Eva S. Singletary.

The Planning Board recommends denial of C(P) Planned Commercial District and approval of O&I(P) Office and Industrial District on the entire tract.

Speakers: None

MOTION: Commissioner Edge moved to follow the recommendation of the Planning Board as stated above.
SECOND: Commissioner Henley
VOTE: FAVOR: Commissioners Baggett, Henley, Edge, Council, Blackwell and Wheatley.
OPPOSED: Commissioner King

G. Case P06-59. The rezoning of .92 acres from RR to R10, or to a more restrictive zoning district, located on the south side of Rockfish Road, west of Wipperwill Drive, owned by Douglas and Betty Meisenbach.

The Planning Board recommends denial of the R10 Residential District.

Speakers: None.

MOTION: Commissioner Edge moved to approve the recommendation of the Planning Board as stated above.
SECOND: Commissioner Council
VOTE: UNANIMOUS

Other Public Hearings

H. Minimum Housing Code Enforcement

(1) Case Number: MH 4690 and 4691-2005
Property Owner: Mary Hills Troy
Property Location: 2014 and 2024 Memory Lane, Fayetteville, NC
Parcel ID Number: 0443-11-2170

George Hatcher, Code Enforcement Officer, asked that this case be deferred until the next Board of Commissioners Meeting. The Commissioners concurred with the request.

(2) Case Number: MH 4732-2006
Property Owner: Margie Marie Wood Estate
Property Location: 4270 Hondo Street, Fayetteville, NC
Parcel ID Number: 0443-20-9213

AFFADAVIT OF THE HOUSING INSPECTOR'S REPORT BEFORE THE BOARD OF COMMISSIONERS:

Synopsis: This property was inspected on 1/11/2006. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 2/15/2006. Mr. Richard Wood responded via telephone. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 5/16/2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. Upon my visit to the property on 9/5/2006 no corrective action had

been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health and safety hazard. The estimated cost to repair the structure to a minimum standard for human habitation is \$35,000.00. The Assessor for Cumberland County has the structure presently valued at \$475.00.

Recommendation: Demolish the structure and remove debris from the lot.

MOTION:Commissioner Baggett moved:

- **to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and**
- **to order the property owner to remove or demolish the dwelling within 30 days; and**
- **to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and**
- **to direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record same in the Register of Deeds.**

SECOND: Commissioner Council

VOTE: UNANIMOUS

(3) Case Number: MH 4733-2006
Property Owner: Margie Marie Wood Estate
Property Location: 2581 Sandhill Road, Fayetteville, NC
Parcel ID Number: 0443-20-9013

AFFADAVIT OF THE HOUSING INSPECTOR'S REPORT BEFORE THE BOARD OF COMMISSIONERS:

Synopsis: This property was inspected on 1/11/2006. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 2/15/2006. Mr. Richard Wood responded via telephone. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 5/16/2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 9/5/2006 no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard. The estimated cost to repair the structure to a minimum standard for human habitation is \$35,000.00. The Assessor for Cumberland County has the structure valued at \$460.00.

Recommendation: Demolish the structure and remove the debris from the lot.

MOTION:Commissioner Baggett moved:

- **to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and**
- **to order the property owner to remove or demolish the dwelling within 30 days; and**
- **to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and**
- **to direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record same in the Register of Deeds.**

SECOND: Commissioner Council

VOTE: UNANIMOUS

(4) Case Number: MH 3998-2004
Property Owner: Glenn W. and Vallie Bass
Property Location: 101 Euclid Street, Stedman, NC
Parcel ID Number: 0495-19-7863

AFFADAVIT OF THE HOUSING INSPECTOR'S REPORT BEFORE THE BOARD OF COMMISSIONERS:

Synopsis: This property consists of a frame structure being used for storage, which is not an approved use, and an accessory structure. The property was inspected in 2/2/2005. The property owners and parties of

interest was/were legally served with Notice of Violations and were afforded a Hearing on 3/2/2005. Glenn and Vallie Bass attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 6/2/2005. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. An appeal was filed. On 10/11/2005 the Housing Appeals Board granted a 90 day extension with a final compliance date of 1/9/2006. Upon my visit to the property on 9/5/2006 no corrective action had been made to the structure. The structure is presently vacant and secured. In their present state, these structures do not constitute a fire, health, and safety hazard. The estimated cost to repair the structure to a minimum standard for human habitation is \$35,000.00. The Assessor for Cumberland County has these structures presently valued at \$4,771.00.

Recommendation: Demolish the dwelling and accessory structure and remove the debris from the lot.

Speakers:

Vallie Bass stated that she would like to have the house moved off the property.

Glenn W. Bass said more time is needed. Repairs have been made to the chimney and the roof. No one has lived in the house for 15 years.

MOTION:Commissioner Baggett moved:

- **to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and**
- **to order the property owner to remove or demolish the dwelling within 90 days; and**
- **to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and**
- **to direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record same in the Register of Deeds.**

SECOND: Commissioner King

VOTE: UNANIMOUS

(5) Case Number: MH 4748-2006
Property Owner: Jerome Scott and Robin Johnson
Property Location: 6229 Canadian Avenue, Hope Mills, NC
Parcel ID Number: 0442-66-9594

AFFADAVIT OF THE HOUSING INSPECTOR'S REPORT BEFORE THE BOARD OF COMMISSIONERS:

Synopsis: This property was inspected on 2/1/2006. The property owners and parties of interest was/were legally served with Notice of Violations and were afforded a Hearing on 4/19/2006. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 7/19/2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 9/5/2006 no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, this structure constitutes a fire, health, and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has this structure presently valued at \$500.00.

Recommendation: Demolish the structure and remove the debris from the lot.

MOTION:Commissioner Baggett moved:

- **to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and**
- **to order the property owner to remove or demolish the dwelling within 30 days; and**
- **to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and**
- **to direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record same in the Register of Deeds.**

SECOND: Commissioner Henley
VOTE: UNANIMOUS

- (6) Case Number: MH 4749-2006
Property Owner: Ernest L. Meshaw
Property Location: 5606 Ridgecrest Drive, Hope Mills, NC
Parcel ID Number: 0413-49-2205

AFFADAVIT OF THE HOUSING INSPECTOR’S REPORT BEFORE THE BOARD OF COMMISSIONERS:

Synopsis: Three mobile homes were inspected on this property on 1/31/2006. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 2/22/2006. Polly Meshaw attended the Hearing. It was ordered that the structures be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 5/22/2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 9/5/2006 no corrective action had been made to the structures. The structures are presently vacant and unsecured. In their present state, these structures constitute a fire, health, and safety hazard. The estimated cost to repair each structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has these structures valued at \$500.00 each for salvageable material.

Recommendation: Demolish the three structures and remove the debris from the lot.

Speaker: Polly Meshaw stated that some work has been done toward tearing down the structures and removing items from the property. She asked that she be granted 60 days to complete the work.

MOTION:Commissioner Baggett moved:

- **to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and**
- **to order the property owner to remove or demolish the dwelling within 60 days; and**
- **to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and**
- **to direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record same in the Register of Deeds.**

SECOND: Commissioner King
VOTE: UNANIMOUS

Items of Business

3. Presentation of the Tourism Development Authority Annual Report by Billy Wellons, TDA Chairman.

Mr. Wellons stated that for the fiscal year ending June 30, 2006, the Occupancy Tax has netted \$3,165,538.06 in revenue. TDA funds have been distributed as follows:

Cumberland County Crown Coliseum	\$791,441.99
Arts Council of Fayetteville	\$791,327.12
Fayetteville Area Visitors and Convention Bureau	\$1,318,956.59
TDA Discretionary Funds	\$263,812.36

The TDA has obligated the following funds:

Downtown Alliance	\$9,245.00
Epsilon Rho Lambda	\$2,000.00
Fayetteville State University Foundation	\$7,500.00
Fayetteville Swamp Dogs	\$5,000.00
Martin Luther King Jr. Committee	\$150,000.00
Miscellaneous	\$89.35
Register of Deeds	\$10,000.00

Town of Spring Lake/ Spring Lake Chamber of Commerce	\$35,000.00
Travel Media Showcase	\$100,000.00

The TDA has the following outstanding obligations:

Downtown Alliance	\$9,245.00
Fayetteville Swamp Dogs	\$5,000.00
Martin Luther King Jr. Committee	\$150,000.00
NC Civil War Trails/FACVB	\$16,300.00
Town of Spring Lake/ Spring Lake Chamber of Commerce	\$35,000.00
Travel Media Showcase	\$100,000.00

Note: Some of the obligations mentioned above span more than one fiscal year.

Unobligated Fund Balance: \$271,572.00

MOTION: Commissioner Edge moved to accept the TDA Report.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

4. Consideration of Approval of Farm Advisory Committee By-Laws – Voluntary Agricultural District Ordinance.

George Autry, County Extension Director, explained that the Voluntary Agricultural District Ordinance establishes the Voluntary Agricultural District Program which will serve to preserve and maintain agricultural areas, open space and natural resources as the County's population and development expands. The enabling legislation allowing the establishment of Voluntary Agricultural Districts is Chapter 106, Article 61, Farmland Preservation Enabling Act. Currently 49 Counties in North Carolina have the Voluntary Agricultural District Program, in which 2,740 farmers have enrolled 286,409 acres in the voluntary program. Qualifying land must be certified, participating in the land present-use value taxation program or certified by the NC Forest Service and/or Natural Resources Conservation Service. Applications will be processed by the Cooperative Extension Service and approved by the Farm Advisory Board. Concerns regarding the agricultural size of the district, Farm Advisory Board terms, and potential conflict with NORCRESS and Eastover Sanitary District regarding water and sewer assessments were discussed.

MOTION: Commissioner Blackwell moved to defer this item until the October 16, 2006 Board Meeting.

SECOND: Commissioner Council

VOTE: UNANIMOUS

5. Nominations to Boards and Committees

A. Senior Citizens Advisory Board (8 Vacancies)

BACKGROUND: This item was deferred from the August 21, 2006 Board of Commissioners' Meeting. Commissioner Henley, county liaison to the Senior Citizens Advisory Board, stated that he has met with city officials and they have agreed to reconstitute this board. The city and the county shall each appoint a total of 10 members to the board; six (6) will be nominated at this time, and four (4) will be nominated at a later date.

Nominees: Rhonda Batten (reappointment)
Joe Potts (reappointment)
Tom Cain
Carolyn Tracy
Deneen Morton-Tarpley
E. C. (Chip) Modlin

6. Appointments to Boards and Committees

ACTION: Appoint the nominees.

MOTION: Commissioner Blackwell moved to appoint the nominees in 6A – 6B by acclamation.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

A. Board of Adjustment (1 Vacancy)

Nominee: Steve Parsons

B. Southeastern Economic Development Commission (1 Vacancy)

Nominee: Jeannette Council

MOTION: Commissioner Council moved to recess the Commissioners' Meeting so the Board could convene as the NORCRESS Water and Sewer District Governing Body.

SECOND: Commissioner King

VOTE: UNANIMOUS

Note: The NORCRESS Board met. Minutes from that meeting may be found in the Water and Sewer District Minute Book.

MOTION: Commissioner Council moved to reconvene the Board of Commissioners.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

7. Closed Session: A. Economic Development Matters
Pursuant to NCGS 143-318.11(a)(4).

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

C. Attorney-Client Matter Pursuant to
NCGS 143-318.11(a)(3).

MOTION: Commissioner Council moved to go into Closed Session for the above noted matters.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved to go back into Open Session.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved to adjourn.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MEETING ADJOURNED: 9:25 PM

Deputy Clerk to the Board