

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 20, 2007, 6:45PM  
REGULAR/REZONING MEETING

PRESENT: Chairman Kenneth S. Edge  
Vice Chairman Breeden Blackwell  
Commissioner Jeannette M. Council  
Commissioner Billy King  
Commissioner John T. Henley, Jr.  
Commissioner Ed Melvin  
Commissioner Diane Wheatley  
James Martin, County Manager  
Juanita Pilgrim, Deputy County Manager  
Amy Cannon, Asst. County Manager  
Cliff Spiller, Asst. County Manager  
Grainger Barrett, County Attorney  
Marsha Fogle, Clerk  
Marie Colgan, Deputy Clerk

INVOCATION - Commissioner John Henley

PLEDGE OF ALLEGIANCE – Miah Nash – Rockfish Elementary School

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

Speaker: Sharron Sharp – Ms. Sharp informed the Board that Environmental Court is up and running and invited them to attend. This court is held the 1<sup>st</sup> Tuesday of the month at 3:00PM in courtroom 2B or 2C.

ADDITIONS TO AGENDA:

RECOGNITION: Dr. James Williams, Board of Health  
Annette Lanier – Board of Health  
Johnson Chestnutt – Mental Health Board  
Robin Imperial - Mental Health Board  
Craig Wilkins – Mental Health Board  
Susan Monroe – Civic Center Commission

CLOSED SESSION: Economic Development Matters and Attorney Client Matter

MOTION: Commissioner King moved to add the above items to the agenda.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

1. Consent Agenda

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

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

- A. Approval of minutes for the February 5, 2007 regular meeting including recessed February 9, 2007 meeting.

**ACTION:** Approve

- B. Approval of Construction Contract Adjustments:

- 1) Barnhill Contracting Company, Extension of Production Drive, Cumberland Industrial Center - Change Order #1.

**BACKGROUND:** Amount of Change Order: \$15,033.10 (net amount)

**ACTION:** Approve Change Order (final) and reduce the contract amount to \$172,467.10.

- 2) Paul Howard Construction Company, Lake Upchurch Dam Restoration Project – Change Order #2.

**BACKGROUND:** Amount of Change Order: \$109,680.00 (addition)

**ACTION:** Approve Change Order as noted above, increase the contract amount to \$1,964,866.45 and approve associated budget revision (B07-258).

- 3) Bordeaux Construction, Enhanced Floor Coverings for Animal Control Center – Change Order # ACC-3.

**BACKGROUND:** Amount of Change Order: Not to exceed \$52,000

**ACTION:** Approve Change Order, execute a formal change order when work is complete and final cost is determined and approve associated budget revision (B07-260 & 260A).

- C. Approval of Deferred Forgivable Loan for Affordable Housing for the Disabled – Southview 400.

**BACKGROUND:** NC Housing Finance Agency (NCHFA) has implemented a new program called the Housing 400 Initiative. This initiative is designed to increase the supply of independent and supportive living apartments for the disabled. Those targeted are persons whose income is at the level of Supplemental Security Income which is lower than the income guidelines used for community development programs. Murray Duggins, United Developers, has submitted a request for funding for a project under this initiative called Southview 400. The project will consist of two 1-bedroom and six 2-bedroom affordable units for the disabled whose incomes are at or below 30% of the median income. Rents will be approximately \$191

per month with utilities included. The project, at an estimated cost of \$744,000, will be located off Elk Road in Hope Mills. NCHFA will fund up to 85% of the project. Mr. Duggins is requesting a commitment from the County of \$112,000 for the remaining 15% needed.

**ACTION:** Approve the funding in the amount of \$112,000 as a 20-year deferred forgivable loan at 0% interest and the issuance of the Conditional Letter of Commitment signed by the county manager.

D. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement.

**BACKGROUND:**      Date of Accident:      11/28/06  
                                 Vehicle:                      2006 Ford Crown Victoria  
                                 VIN:                              2FAH-71W56X143682  
                                 Fleet #                          FL119  
                                 Mileage:                        13,000  
                                 Department:                  Sheriff  
                                 Settlement Offer:          \$15,608  
                                 Insurance Company:        Allstate

**ACTION:** Declare the vehicle surplus, authorize acceptance of the settlement offer and allow Allstate to take possession of the vehicle.

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

                                 Case Number:                      MH 4748-2006  
                                 Property Owner:                  Jerome Scott & Robin Johnson  
                                 Property Location:                6229 Canadian Avenue, Hope Mills, NC  
                                 Parcel Identification Number:    0442-66-9594  
                                 Cost of Demolition                \$2,500

**ACTION:** Adopt Ordinance (Ordinance may be found in the Minimum Housing Ordinance Book)

F. Approval of a Proclamation Proclaiming April 22-28, 2007 as “Volunteer Week” in Cumberland County.

**ACTION:** Approve

**PROCLAMATION**

WHEREAS, Volunteer Week, a tradition in our County, designates a special time to recognize and celebrate the awesome hard work of volunteers; and

WHEREAS, numerous agencies use Volunteer Week to highlight the many contributions of its volunteers and in support of thousands of service projects in our community; and

WHEREAS, volunteers are among our “most valuable resources” and donate countless hours of service to our community; and

WHEREAS, the Retired Senior Volunteer Program (RSVP) provides coordination for retired citizens (55 and over) who want to contribute their time, talent and skills to others by placing them in hospitals, government offices, non-profit and other various agencies throughout the community.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Cumberland County proclaims April 22-28, 2007 “VOLUNTEER WEEK” in Cumberland County and calls upon all citizens to answer the call of service by volunteering to ensure a better quality of life for everyone.

G. Budget Revisions:

ACTION: Approve

(1) Cumberland Day Reporting Center

Revision in the amount of \$5,255 to budget additional funding from the State. (B07-255) **Funding Source – State**

(2) Health

South Central Partnership for Public Health - Revision in the amount of \$114,304 to rebudget unexpended portion of grant funding available from the prior fiscal year. (B07-252) **Funding Source – State**

(3) Social Services Other

Revision in the amount of \$823,076 to budget additional Child Care funding from the State. (B07-259) **Funding Source – State**

(4) Planning & Inspections

a. Revision in the amount of \$10,000 to budget additional funding to produce printed outreach materials to raise air quality awareness in the Fayetteville area. (B07-247) **Funding Source – State**

b. Revision in the amount of \$1,136 to reallocate budgeted expenditures to recognize increased certification level for an

inspector. (B07-253) **Funding Source – Reallocation of Budgeted Expenditures**

(5) Wireless 911 / Emergency 911

Revision in the amount of \$75,524 to adjust for prior year revenue that was recognized in the wrong fund. (B07-254 and B07-254A) **Funding Source – Reallocation of Fund Balance**

(6) Workers' Compensation

Revision in the amount of \$7,400 to reallocate budgeted expenditures to establish a new part-time Administrative Support II position to assist the Benefits Coordinator. (B07-246) **Funding Source – Reallocation of Budgeted Expenditures**

(7) Injured Animal

Revision in the amount of \$668 to budget additional contributions received for the Injured Animal Program. (B07-256) **Funding Source – Contributions**

(8) Juvenile Crime Prevention Program

Revision in the amount of \$132,250 to budget Gang Violence Prevention Grant. (B07-218) **Funding Source – State**

2. Public Hearings

**Uncontested Cases**

Upon finding the requests to be reasonable, neither arbitrary or unduly discriminatory and in the public interest the following motion was offered for the uncontested rezoning cases (A-C):

**MOTION: Commissioner King moved to follow the Planning Board recommendations on the uncontested rezoning cases (A-C).**

**SECOND: Commissioner Melvin**

**VOTE: UNANIMOUS**

**Rezoning**

- A. Case P07-06. The rezoning of 2.58 acres from RR to M(P), or to a more restrictive zoning district, located on the north side of W. Manchester Road, west of Veterans Drive, owned by James LeBlanc American Legion Post #230.

The Planning Board recommends approval of M(P).

- B. Case P07-07. The rezoning of 7.04 +/- acres from R6A to M(P), or to a more restrictive zoning district, at 423 and 433 Delbert Drive, owned by Rudolf F. and Inge S. Weimann.

The Planning Board recommends approval of M(P).

- C. Case P07-09. The rezoning of 1.56 +/- acres from R6A and C3 to C(P), or to a more restrictive zoning district, located on the south side of Hudson Street, north of Wilkes Road, owned by Thurmond J. Price.

The Planning Board recommends approval of O&I for the portion of the parcel currently zoned R6A and C(P) for the portion currently zoned C3.

### **Other Public Hearings**

- D. Minimum Housing Code Enforcement

- |                               |  |
|-------------------------------|--|
| 1. Case Number:               | MH 4917-2006                           |
| Property Owner:               | Paul P. & Angela A. Virtue, Jr.        |
| Property Location:            | 2334 George Owen Rd., Fayetteville, NC |
| Parcel Identification Number: | 0405-84-0497                           |

### **AFFADAVIT OF THE HOUSING INSPECTOR'S REPORT:**

I, Kim Reeves, Code Enforcement Office for the County of Cumberland Planning and Inspection Department, acting in official capacity being duly sworn, depose and say:

SYNOPSIS: This property consists of a single family dwelling that was inspected on July 14, 2006. All property owners and parties of interest were legally served with Notice of Violations and afforded a Hearing on August 9, 2006. The property owners did attend 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 no later than October 9, 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 February 8, 2007. No corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$36,000. The Assessor for Cumberland County has the structure presently valued at \$5,053.

RECOMMENDATION: It is the recommendation of the Planning & Inspection Department that this structure be demolished and the debris removed from the lot.

Speakers: None

MOTION: Commissioner Council moved

- that the Board adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and
- that the Board order the owner to remove or demolish the dwelling within 30 days; and
- that the Board 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

- that the Board 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

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|----|-------------------------------|--|
| 2. | Case Number:                  | MH 4582-2005                               |
|    | Property Owner:               | Delwyn Paige Tart                          |
|    | Property Location:            | 1142 & 1146 Charmain St., Fayetteville, NC |
|    | Parcel Identification Number: | 0419-87-5083                               |

**AFFADAVIT OF THE HOUSING INSPECTOR'S REPORT:**

I, Kim Reeves, Code Enforcement Office for the County of Cumberland Planning and Inspection Department, acting in official capacity being duly sworn, depose and say:

SYNOPSIS: This property consists of two single family structures that were inspected on August 23, 2005. All property owners and parties of interest were legally served with Notice of Violations and afforded a Hearing on November 28, 2005. The property owners did not attend 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 no later than February 23, 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. An appeal was filed. The Housing Board of Appeals granted a 90-day extension with a final compliance date of April 10, 2006. Upon my visit to the property on February 8, 2007 no corrective action had been made to the structures. The structures are presently vacant and reasonably secured. In their present state, the structures constitute a fire, health and safety hazard. The estimated cost to repair structures to a minimum standard for human habitation is \$33,000 each. The Assessor for Cumberland County has the structure 1 presently valued at \$7,178 and structure 2 presently valued at \$6,335. Total assessed value is \$13,513.

RECOMMENDATION: It is the recommendation of the Planning & Inspection Department that both structures be demolished and the debris removed from the lot.

Speakers: None

MOTION: Commissioner Council moved

- that the Board adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and
- that the Board order the owner to remove or demolish the dwelling within 30 days; and
- that the Board 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
- that the Board 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 Melvin

VOTE: UNANIMOUS

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|----|-------------------------------|--|
| 3. | Case Number:                  | MH 4911-2006                           |
|    | Property Owner:               | Ronald K. Rigsby                       |
|    | Property Location:            | 248 East Jenkins St., Fayetteville, NC |
|    | Parcel Identification Number: | 0436-32-1953                           |

**AFFADAVIT OF THE HOUSING INSPECTOR'S REPORT:**

I, George Hatcher, Code Enforcement Office for the County of Cumberland Planning and Inspection Department, acting in official capacity being duly sworn, depose and say:

SYNOPSIS: This property consists of a single family dwelling that was inspected on June 15, 2006. All property owners and parties of interest were legally served with Notice of Violations and afforded a Hearing on July 12, 2006. The property owners did not attend 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 no later than October 12, 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 February 8, 2007 no corrective action had been made to the structures. The structure is presently vacant and unsecured. In its present state, the structures constitute a fire, health and safety hazard. The estimated cost to repair structures to a minimum standard for human habitation is \$30,000 each. The Assessor for Cumberland County has the structure presently valued at \$500.

RECOMMENDATION: It is the recommendation of the Planning & Inspection Department that the structure be demolished and the debris removed from the lot.

Speaker: Mr. Ronald Rigsby – Mr. Rigsby indicted that he is disabled, he didn't understand the procedures or documents served on him, and he asked for time to take the structure down. He also complained about law enforcement harassing him or his in that area.

MOTION: Commissioner Melvin moved

- that the Board adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and
- that the Board order the owner to remove or demolish the dwelling within 30 days; and
- that the Board 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
- that the Board 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

4.	Case Number:	MH 4865-2006
	Property Owner:	Arthur Hair
	Property Location:	4218 Longview Ave., Hope Mills, NC
	Parcel Identification Number:	0424-21-4934

#### AFFADAVIT OF THE HOUSING INSPECTOR'S REPORT:

I, George Hatcher, Code Enforcement Office for the County of Cumberland Planning and Inspection Department, acting in official capacity being duly sworn, depose and say:

SYNOPSIS: This property consists of a single family dwelling that was inspected on April 13 2006. All property owners and parties of interest were legally served with Notice of Violations and afforded a Hearing on May 3, 2006. The property owners did attend 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 no later than July 31, 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 February 8, 2007 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 structure to a minimum standard for human habitation is \$30,000. The Assessor for Cumberland County has the structure presently valued at \$3,669.

RECOMMENDATION: It is the recommendation of the Planning & Inspection Department that the structure be demolished and the debris removed from the lot.

Speaker: Mr. Arthur Hair – Mr. Hair said he did not think this was fair. He asked for more time to take care of the problem. He thought the structure could be saved. Mrs. Hair also spoke on Mr. Hair’s behalf.

MOTION: Commissioner King moved

- that the Board adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and
- that the Board order the owner to rehabilitate the dwelling within 90 days; and
- that the board order the property owner to vacate and secure the property within 7 days; and
- that the Board order the Inspector to rehabilitate, 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
- that the Board 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 Melvin

VOTE: UNANIMOUS

5.	Case Number:	MH 4931, MH 4932, MH 4933-2006
	Property Owner:	Sharon R. Walden & Brenda E. Furlong
	Property Location:	2200 Crystal Springs Rd, Mobile Homes #1, #2, and #3
	Parcel Identification Number:	0415-16-4016

#### AFFADAVIT OF THE HOUSING INSPECTOR’S REPORT

I, George Hatcher, Code Enforcement Office for the County of Cumberland Planning and Inspection Department, acting in official capacity being duly sworn, depose and say:

SYNOPSIS: This property consists of three mobile homes that were inspected on July 19 2006. All property owners and parties of interest were legally served with Notice of Violations and afforded a Hearing on August 24, 2006. The property owners and parties of interest did attend 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 no later than October 9, 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 February 8, 2007 no corrective action had been made to the structures. The structure is presently vacant and unsecured. In its present state, the structures constitute a fire, health and safety hazard. The estimated cost to repair structures to a minimum standard for human habitation is \$20,000 each. The Assessor for Cumberland County has the mobile homes assessed for \$500 each for salvageable materials.

RECOMMENDATION: It is the recommendation of the Planning & Inspection Department that the structure be demolished and the debris removed from the lot.

MOTION: Commissioner Council moved

- that the Board adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and
- that the Board order the owner to remove or demolish the dwelling within 30 days; and
- that the Board 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
- that the Board 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 Melvin  
 VOTE: UNANIMOUS

Items of Business

3. Nominations to Boards and Committees

A. Equalization and Review Board (3 Vacancies)

Vacancies: Appraiser position (Swayne Hamlet) not eligible for reappointment.  
 At-large position (William Holland) eligible for reappointment, but would like to move him to the Industrialist position.  
 Industrialist position (Carroll Beard, Jr.) not eligible for reappointment. Move William Holland to the Industrialist position)

Nominees: Appraiser position: Steven A. Parsons  
 At-large position: Kathy T. Olsen  
 Industrialist position: William Holland (reappointment)

4. Appointments to Boards and Committees

**MOTION: Commissioner Wheatley moved to appoint the nominees listed in A-C.**  
**SECOND: Commissioner Melvin**  
**VOTE: UNANIMOUS**

A. Adult Care Home Community Advisory Committee (4 Vacancies)

Nominees: Ernestine Mack  
 Lonnie Johnson  
 Teresa McNeill  
 Jacqueline Wolfe

B. Air Quality Stakeholders' Committee (2 Vacancies)

Nominees: Town of Hope Mills Stakeholder: Commissioner Jerry Legge  
Town of Spring Lake Stakeholder: Alderwoman Jami Sheppard

C. Nursing Home Advisory Board (1 Vacancy)

Nominee: William R. Nichols

5. Closed Session: Economic Development Matter pursuant to NCGS 143-318.11(a)(4)  
Attorney Client Matter pursuant to NCGS 143-318.11(a)(3)

MOTION: Commissioner King moved to go into Closed Session for the above noted items.

SECOND: Commissioner Council

VOTE: UNANIMOUS

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

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MEETING ADJOURNED: 8:40PM

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Clerk to the Board