

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
JUNE 18, 2007, 6:45PM  
REGULAR/REZONING MEETING

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

INVOCATION - Commissioner Edward Melvin

PLEDGE OF ALLEGIANCE

**PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM) NO SPEAKERS**

Recognition of Retired County Employee: Elizabeth Ramos, Mental Health Department

Recognition of Outgoing Board Member: Harry F. Shaw, FTCC Board of Trustees

Special Presentation to Larry Norris, President, Fayetteville Technical Community College

1. Presentations

- A. Joint Presentation on the Educational Channel Consortium and Time Warner Cable by Mr. Joe Alley, FTCC Director of Media Services, Mr. Eric Collins, Time Warner Cable Government/Public Affairs and Ms. Vicki Villines, FTCC Programming Coordinator.

Joe Alley, FTCC and Vicki Villines reviewed the opportunities that will be available on this new FCETV channel. Mr. Alley noted the mission of this new TV channel is to support the educational goals of the community through educational programming provided by community educational partners using programs produced locally or provided by outside resources. A Board of Directors, appointed by the Board of Commissioners, City Council, Ft. Bragg Garrison Commander, Pope AFB Commanding Officer, President of FTCC, Superintendent of County Schools and Time Warner Cable, will determine the programming. The educational partners are the School Systems (County and Ft. Bragg), FTCC, FSU, Methodist University, PrivateK-12 schools and Charter Schools.

- B. Presentation by Laura McClettie, Partnership and Data Specialist, US Census Bureau, on 2008 Census Dress Rehearsal.

Ms. Laura McClettie and Queen Degraffinreid told the Board that the 2008 Census Dress Rehearsal is currently underway, preparing for the 2010 Census. The US Census Bureau selected a nine-county area around Fayetteville as one of only two sites in the US for a Dress Rehearsal. She noted the importance of participation in the Census. Queen Degraffinreid will be recruiting people to help with the Census. April 1, 2008 is Census Day.

- C. Presentation of Government Finance Officer's Association Award- Certificate of Achievement for Excellence in Financial Reporting to Ms. Amy Cannon, Assistant County Manager.

2. Consent Agenda

MOTION: Commissioner Council moved to follow staff recommendations on the items on the Agenda.  
SECOND: Commissioner Henley  
VOTE: UNANIMOUS

- A. Approval of Minutes for the June 4, 2007 regular meeting and approval of the minutes of the May 29, 2007 Budget Public Hearing and the May 31, 2007 special budget work session meeting.

ACTION: Approve

- B. Approval of Consideration of Sending Rezoning Case P06-40 Back to the Planning Board. (REQUESTED BY COMMISSIONER KING)

BACKGROUND: In September 2006 the Board rezoned a parcel of land on Ramsey Street owned by James and Eva Singletary from R10 to O&I. There was no opposition to the rezoning. The owners of the property have now found a purchaser who, through combination with another tract, can use this property for multifamily residential instead of Professional O&I purposes. There is a provision in our ordinance that prohibits owners to apply for a rezoning (even a down zoning) within one year of a rezoning, unless the rezoning is initiated by the Board of Commissioners. This provision was originally meant to prevent unsuccessful zoning applicants from constantly repetitively petitioning the Board of rezoning. This is not the case here.

ACTION: Initiate this rezoning for consideration by the Planning Board at its meeting in July. The petitioners, through their agent, will file a formal rezoning application and pay the normal fees. The Board's action to initiate this rezoning in no way would be an indication of the ultimate outcome of the rezoning effort.

- C. Approval of Cumberland County Policy Committee Report and Recommendation of a Rate Increase for Sewer Service for the NORCRESS Sanitary Sewer System.

BACKGROUND: The Policy Committee at its meeting on June 7, 2007 reviewed the necessity for a rate increase and recommends that the Board of Commissioners (the NORCRESS Board) approve an increase in the sewer usage rate to \$4.50/1,000 gallons and amend the FY08 adopted NORCRESS Budget to reflect the new rate structure. The need to increase the rate arises from the fact that the present rate of collections for sewer service is not meeting the costs being incurred by the system for operations and management. The cost of the electricity to run the lift stations nor the cost of any chemical additions to offset the long residence time of the waste in the force mains were not included in the estimates at the start of operations. The long residence time and low flow rates have resulted in some very obnoxious odors and harmful conditions to the collection system in Wade. The high levels of hydrogen sulfide smell terrible and are destructive to the pipes and manholes. In addition PWC will be raising its rates an additional 5% in January. The new rate if approved will amount to an increase of \$1.67 per month to the typical overall bill. (Note: the average residential customer uses between 2,000 – 4,000 gallons of water per month.)

ACTION: Approve the new rate.

- D. Approval of Towing Service Code Revisions (Amendments to the Fee Schedule for Rotation Wreckers).

BACKGROUND: The Cumberland County Towing Service Code was amended to bring it into line with the Fayetteville City Towing Ordinance, after public hearings, in May, 2002. The changes established identical equipment requirements in both jurisdictions and allowed recognition of City inspections to satisfy County safety inspections instead of imposing a double inspection requirement for the same standards. Fees were also standardized to harmonize compliance before the Wrecker Review Board. The City of Fayetteville revised its fees last fall because of increased maintenance and fuels costs. The County has been asked to amend its fee schedule to be consistent with the City's revised schedule. The proposed amended fee schedule is as follows:

FEE SCHEUDLE FOR ROTATION WRECKERS

<u>Type of Service</u>	<u>Amount</u>
Towing service call, 24-hours a day	\$ 130.00
Use of dollies	50.00
Labor charge for recovery (starts after the first ¼ hr. upon arriving on the scene:	37.50 per 1/4/ hr.
Use of Speedi-dry or other absorbent	25.00
Recharge fire extinguisher	25.00
Vehicle storage inside building or under shelter (per day)	35.00
Vehicle storage outside building (per day)	25.00
Wait charge (per minute) (does not include hook-up, time starts 10 minutes after hook-up is completed)	1.50
Access to lot after hours	50.00

<u>Fees Charged to Wrecker and Towing Service</u>	<u>Amount</u>
Initial Application and Inspection	100.00
Annual Inspection	50.00
Administrative/dispatch fee paid by towing customer to City of Fayetteville (collected by town firm on each rotation call)	5.00

ACTION: Approve new fees as noted above.

- E. Approval of Change Order No. 3 for M & E Contracting to increase contract for Eastover Central Recreation Center.

BACKGROUND: The 13,565 square foot Eastover Central Recreation Center has been completed. While performing the final inspections with the County Fire Marshal, several items required attention before a permanent certificate of occupancy could be issued. The cost to make changes was \$3,029.02.

ACTION: Approve Change Order #3 in the amount of \$3,029.02 and revise the total contract amount from \$2,007,504.26 to \$2,010,533.28. Money is available in contingency for this request.

- F. Approval of an Interlocal Agreement with the Town of Hope Mills for Emergency Back-Up Animal Control Services.

BACKGROUND: The Town of Hope Mills has asked the County Animal Control Department to provide back-up animal control services to the Town during off-duty hours for emergency cases and during disasters.

ACTION: Approve the Interlocal Agreement reflecting these services.

- G. Approval to continue ROAP Grant Transportation Services based upon current service levels until approval of the FY 2008 Grant Funds.

ACTION: Approve

- H. Approval of Recommendation of Facilities Committee to Authorize Renovations to Fayetteville Area Convention and Visitors Bureau Space and Extension of Lease.

BACKGROUND: The Facilities Committee at its meeting on June 12, 2007 voted to recommend to the Board approval of a request from the FACVB Board of Directors to authorize renovations to the FACVB space on the first floor of 245 Person Street and an extension of its lease for a nine year term. The renovations would improve access for patrons, make more efficient use of existing space and convert space to work stations. FACVB would pay the estimated cost of the renovations (\$110,000). In consideration for the improvements the County

would grant the FACVB a nine year lease at an annual rental of \$12,000, with a CPI rent escalator clause. Note: The FACVB currently pays \$11,000 annually.

**ACTION:** Authorize the renovations and approve extension of the contract as noted above.

- I. Approval of Settlement of Claim of McKean County Prison, McKean County, Pennsylvania, for Medical Expenses of Prisoner David Davis.

**BACKGROUND:** David Davis was seriously injured while attempting to escape from the McKean County Prison Unit in McKean County, Pennsylvania while he was pending extradition pursuant to a request of extradition filed by Sheriff Butler. Mr. Davis incurred medical expenses in excess of \$100,000, which, under Pennsylvania law, are the responsibility of the requesting agency. The County of McKean negotiated through its risk management consultant a reduction in the price of all medical expenses which pays all of the providers a total amount of \$60,650, of which, McKean County has agreed to pay half and Cumberland County will pay the other half. The Board of Commissioners has approved settlement of this claim for \$30,250 in exchange for a release and waiver of all claims from all parties.

**ACTION:** Authorize payment in the amount of \$30,325 in full settlement of all the claims in exchange for a release and waiver of all claims from all penalties.

- J. Approval of Sale of Surplus-County Owned Real Property Acquired by Tax Foreclosure:

- 1) Lots 37-40 John Holmes Sub  
(Located on Pinpoint Rd. off Sunnyside School Rd.)  
PIN 0456-08-1680; Cedar Creek Township  
Highest Bid: \$8,013.55 (Deposited: \$801.35)  
Bid Submitted by: Lonnie D. Evans  
Tax value of the property: \$23,951

**ACTION:** Accept the offer as noted above and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- K. Approval of Sale of Surplus-County Owned Real Property Acquired by Tax Foreclosure:

- 1) Lot 107 Ellerslie Sec 3  
(Located on Amesbury Road Off Elliott Bridge Rd.)  
PIN 0543-06-5780; Carvers Creek Township  
Tax Value: \$15,000
- 2) Lot 108 Ellerslie Sec  
(Located on Amesbury Road off Elliott Bridge Rd.)  
PIN 0543-06-5861; Carvers Creek Township  
Tax Value: \$15,000
- 3) Lot 6 Foxfire Sec 7 Rev.  
(Located on Sundown Drive off Bonanza Drive)  
PIN 0408-83-4694; Seventy-First Township  
Tax Value: \$7,000

Ms. Syeda Chowdhury Gainey submitted a bid of \$16,105.10 for the above three lots. The amount currently owed on the foreclosure judgments including interest and costs for the three properties is \$5,064.91.

**ACTION:** Accept the offer as noted above and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- L. Budget Revisions:

**ACTION:** Approve

(1) Mid-Carolina Senior Transportation Fund

Revision in the amount of \$971 to budget passenger contributions received. (B07-358)  
**Funding Source – Fees**

(2) NORCRESS Project

Revision in the amount of \$128 to reduce budget for tap fees to reflect the actual receipts less refunds and to approve the associated capital project ordinance. (B07-370) **Funding Source – Fees**

(3) Tourism Development Authority

Revision in the amount of \$792,000 to budget additional Occupancy Tax collected and to appropriate fund balance for expenditures approved by the TDA Board. (B07-367) **Funding Source – Tourism Development Authority Fund Balance and Taxes**

(4) Juvenile Crime Prevention Programs

Revision in the amount of \$52,619 to adjust budget to the revised state budget. (B07-369) **Funding Source – State**

(5) Group Health Insurance

Revision in the amount of \$500,000 to appropriate fund balance to budget for the year end accrual of the “Incurred but not Recorded” health claims. (B07-373) **Funding Source – Group Health Insurance Fund Balance**

(6) Mental Health

- a. Adult Contracts - Revision in the amount of \$141,201 to budget state start up funds for crisis services. (B07-361) **Funding Source – State**
- b. Developmental Disability Contracts – Revision in the amount of \$20,000 to recognize additional state brain injury funds for clients. (B07-362) **Funding Source – State**
- c. Developmental Disability Contracts – Revision in the amount of \$70,000 to increase budget for Medicaid funded supplies due to additional clients. (B07-363) **Funding Source – Fees**
- d. Comprehensive Treatment Service Program Alternate Family Living – Revision in the amount of \$675,000 to increase contract due to higher utilization than expected. (B07-364) **Funding Source – Fees**
- e. Partial Hospitalization – Revision in the amount of \$796 to appropriate fund balance to pay for FAST bus passes from FY2006. (B07-371) **Funding Source – Mental Health Fund Balance**

(7) Animal Control

Revision in the amount of \$1,460 to appropriate fund balance to cover spay/neuter and rabies charges for prior years and remainder of current fiscal year. (B07-375) **Funding Source – General Fund Fund Balance**

(8) School Capital Outlay / School Bond Projects

Revision in the amount of \$1,780,000 to move certain budgeted expenditures from the School Capital Outlay Fund to the School Bond Project Funds in order to reclassify the source of revenue from sales taxes to bond proceeds to facilitate the closing of the School Bond Project Funds. (B07-376, B07-376A and B07-376B and B07-376C)  
**Funding Source – Bond Proceeds**

3. Public Hearings

**Uncontested Cases**

Case H was considered as one of the Uncontested Cases.

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

MOTION: Commissioner Blackwell moved to follow the Planning Board recommendations on the “uncontested” rezoning cases.

SECOND: Commissioner King

VOTE: UNANIMOUS

**Rezoning**

- A. Case P07-26. The rezoning of a .24 acre portion of a 26.18 acre tract, from A1 to R15, or to a more restrictive zoning district, located south of Sand Hill Road, west of Tower Road, owned by Terry Spell Land Development LLC. **[NOTE: This case was deferred from the May 21, 2007 Board of Commissioners Meeting]**

The Planning Board recommends approval of R15.

- B. Case P07-25. The rezoning of 1.0 acre from R6A/Conditional Use to C(P), or to a more restrictive zoning district, at 1227 Shaw Road, owned by Rodney S. Garrett.

The Planning Board recommends approval of C(P) Conditional Use District and Permit.

- C. Case P06-29. The rezoning of 3.80 acres from R6A to C(P), or to a more restrictive zoning district, at 4848 South Main Street, owned by William K. and Patricia W. Gautier.

The Planning Board recommends approval of C(P) Conditional Use District and Permit.

- D. Case P07-34. The rezoning of .55 acres from R6/Conditional Use to R6, at 137 New Street, owned by Stanley and Lisa Simmons.

The Planning Board recommends approval of R6.

- E. Case P07-37. The rezoning of 1.0 +/- acre from M(P) to R7.5, or to a more restrictive zoning district, located north of Gray Goose Loop, south of Previs Drive, owned by Huff-Caviness, LLC.

The Planning Board recommends approval of R7.5.

- F. Case P07-40. The rezoning of 3.27 acres from A1 to R40A, or to a more restrictive zoning district, located at the Southeast Quadrant of Sanderosa and Ben McNatt Roads, owned by Wanda F. Lane.

The Planning Board recommends approval of R40A.

- G. Case P07-41. The rezoning of 2.0+/- acres from A1 to R40A, or to a more restrictive zoning district, at 4454 Huckleberry Road, owned by Charlie Harris.

The Planning Board recommends approval of R40A.

**Contested Cases**

- H. Case P07-33. The rezoning of 2.9 acres from R40A to R30A, or to a more restrictive zoning district, at 804 Magnolia Church Road, owned by Betty A. Autry.

The Planning Board recommends denial of the request for rezoning.

**Conditional Use District and Permit**

- I. Case P07-32. The rezoning of 59.71 acres from R10 to Mixed Use/Conditional Use District and Permit, or to a more restrictive zoning district, located on the north side of Rockfish Road, east side of Lakewood Drive, owned by Lillie M. Pate and HCC Investments, LLC.

The Planning Board recommends approval of the Mixed Use/Conditional Use District & Permit. (This includes the addition of sidewalks along Lakewood and Rockfish Roads)

MOTION: Commissioner Blackwell moved that the Board of Commissioners finds that this conditional use district application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that the following conditional uses be approved: Mixed Use.

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved that the Board of Commissioners finds that this conditional use permit application if completed as proposed and subject to the conditions recommended by the Planning Board will not materially endanger the public health and safety, will not substantially inure the value of adjoining or abutting property, will be in harmony with the area in which it is to be located, will be in conformity with the Land Use Plan, Thoroughfare Plan or other Plan officially adopted by the Board of Commissioners, and that it be approved.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

- J. Case P07-42. The rezoning of a 13.66 acre portion of a 203 acre tract from A1 to A1/Conditional Use District and Permit to expand a quarry, located north of I-295, east of River Road, owned by William Gillis.

The Planning Board recommends approval of A1/Conditional Use District and Permit.

MOTION: Commissioner Blackwell moved that the Board of Commissioners finds that this conditional use district application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that it be approved for the uses recommended by the Planning Board.

SECOND: Commissioner Council

VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved that the Board of Commissioners finds that this conditional use permit application if completed as proposed and subject to the conditions recommended by the Planning Board will not materially endanger the public health and safety, will not substantially inure the value of adjoining or abutting property, will be in harmony with the area in which it is to be located, will be in conformity with the Land Use Plan, Thoroughfare Plan or other Plan officially adopted by the Board of Commissioners, and that it be approved.

SECOND: Commissioner Council

VOTE: UNANIMOUS

**Minimum Housing Code Enforcement**

- K. Minimum Housing Code Enforcement
  - 1) Case Number: MH 4937-2006

Property Owner: Terry L. & Debra Lynn Hall  
Property Location: 1760 Ava Road, Autryville, NC  
Parcel Identification Number: 1404-25-8635

THIS CASE WITHDRAWN BECAUSE PROPERTY IS NOW IN COMPLIANCE.

- 2) Case Number: MH 4843-2006  
Property Owner: Janice Chavis Locklear  
Property Location: Lot to the rear of 433 Redhawk Drive, Fayetteville, NC  
Parcel Identification Number: 0466-66-7821

#### AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

This property was inspected in March 16, 2006. The property owners and parties of interest were legally served with Notice of Violations and afforded a Hearing on 8/31/06. Janice Locklear 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 12/1/2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order and an appeal was filed. The Housing Appeals Board granted a 90-day extension of time with a final compliance date of April 9, 2007. Upon my visit to the property on 6/8/07 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 \$40,000. The Assessor for the County has the structure presently valued at \$0.00. It is the recommendation of the Planning & Inspection Department that the structure be demolished and the debris removed from the lot.

The Public Hearing was opened.

SPEAKER:

Janice Locklear – Ms. Locklear asked for an extension of time on this case and the next case.

The Public Hearing was closed.

MOTION: Commissioner King moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, to order the property owner to remove or demolish the dwelling within 60 days, 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 the same in the Register of Deeds.

SECOND: Commissioner Melvin

SUBSTITUTE

MOTION: Commissioner Blackwell moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, to order the property owner to remove or demolish the dwelling within 30 days, 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 the same in the Register of Deeds.

SECOND: Commissioner Wheatley

VOTE: Commissioners Blackwell, Melvin, Wheatley voting in FAVOR  
Commissioners Henley, King, Edge and Council voting in OPPOSITION.

VOTE ON ORIGINAL MOTION: Commissioners Blackwell, Melvin, Henley, King, Edge and Council voting in FAVOR. Commissioner Wheatley voting in OPPOSITION.

- 3) Case Number: MH4840-2006  
Property Owner: Janice Chavis Locklear  
Property Location: Lot to the left of 433 Redhawk Drive, Fayetteville, NC  
Parcel Identification Number: 0466-66-8729

#### AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

This property was inspected in March 16, 2006. The property owners and parties of interest were legally served with Notice of Violations and afforded a Hearing on 8/31/06. Janice Locklear 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 12/1/2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order and an appeal was filed. The Housing Appeals Board granted a 90-day extension of time with a final compliance date of April 9, 2007. Upon my visit to the property on 6/8/07 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 the structure to a minimum standard for human habitation is \$30,000, each. The Assessor for the County has the structures presently valued at \$500 each. It is the recommendation of the Planning & Inspection Department that the structures be demolished and the debris removed from the lot.

**MOTION:** Commissioner King moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, to order the property owner to remove or demolish the dwelling within 60 days, 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 the same in the Register of Deeds.

**SECOND:** Commissioner Melvin

**VOTE:** Commissioners Blackwell, Melvin, Henley, King, Edge and Council voting in FAVOR. Commissioner Wheatley voting in OPPOSITION.

- 4) Case Number MH4736-2006  
Property Owner: Bryan and Marilyn Taylor  
Property Location: 5165 Back Street, Fayetteville, NC  
Parcel Identification Number: 0405-85-0240

#### AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT

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

This property consists of a single family dwelling that was inspected on March 23, 2006. All property owners and parties of interest were legally served with the Notice of Violations and afforded a Hearing on May 17, 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 August 17, 2006. The 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 Appeals Board granted a 90 day extension of time with a final compliance date of April 9, 2007. Upon my visit to the property on June 7, 2007 no corrective action has 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 \$42,000. The Assessor for Cumberland County has the structure presently valued at \$2,590. It is the recommendation of the Planning & Inspection Department that this structure be demolished and the debris removed from the lot.

No Speakers.

**MOTION:** Commissioner Blackwell moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, to order the property owner to remove or demolish the dwelling within 30 days, 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 the same in the Register of Deeds.

**SECOND:** Commissioner Henley

**VOTE:** UNANIMOUS

- 5) Case Number: MH5072-2006  
Property Owner: Gene and Sandra Maynor, Sr.  
Property Location: 5730 Gregory Street, Fayetteville, NC  
Parcel Identification Number: 0419-95-2499

#### AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT

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

This property consists of a single family dwelling that was inspected on November 28, 2006. All property owners and parties of interest were legally served with the Notice of Violations and afforded a Hearing on March 14, 2007. 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 May 12, 2007. The 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 June 8, 2007 no corrective action has 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 \$30,000. The Assessor for Cumberland County has the structure presently valued at \$2,488. It is the recommendation of the Planning & Inspection Department that this structure be demolished and the debris removed from the lot.

**MOTION:** Commissioner Blackwell moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, to order the property owner to remove or demolish the dwelling within 30 days, 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 the same in the Register of Deeds.

**SECOND:** Commissioner Melvin

**VOTE:** UNANIMOUS

#### Items of Business

#### 4. Nominations to Boards and Committees

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

Wynella Myers has completed her first term and is eligible for reappointment.

Nominee: Wynella Myers

##### B. Animal Control Board (1 Vacancy)

Ed Hamblin has completed his first term and has indicated he can not serve a second term. Kimberly Luddington has been recommended to fill this vacancy.

Nominee: Kimberly Luddington

##### C. Board of Adjustment (2 Vacancies)

Steve Burnett and Joseph Dykes (alternate members) have completed their first term and are eligible for reappointment.

Nominees: Steve Burnett  
Joseph Kykes

##### D. Cumberland County Juvenile Crime Prevention Council (6 Vacancies)

Gregory T. Pitts (Substance Abuse Professional position) has completed an unexpired term and is eligible for reappointment.

Gene Hallock (Member of business community) completes his first term and is eligible for reappointment.

Dr. Polly Davis (At large member) completes her first term and is eligible for reappointment.

Ron Synder (At large member) has completed his second term – recommended replacement is Bernard Condlin.

Sue Thomas (At large member) completes her first term and is eligible for reappointment.

Patrick Hurley (At-large member) has completed his second term – recommended replacement is Geneva Mixon.

Nominees: Gregory Pitts  
Gene Hallock  
Dr. Polly Davis  
Bernard Condlin

Sue Thomas  
Geneva Mixon

E. Fayetteville Technical Community College Board of Trustees (1 Vacancy)

Harry Shaw is resigning effective 6/30/07. Replacement needed.

Nominees: Jimmy Harvey  
Sheryl Lewis

F. Joint Appearance Commission (2 Vacancies)

Elizabeth Moore and Dianne Howard Sheppard have completed their second term. Replacements needed.

Nominees: Nancy Smith  
William McFadyen

G. Local Emergency Planning Committee (7 Vacancies)

Doug Hewett (Print/Broadcast Media position) completes an unexpired term and is eligible for reappointment.

Sara VanderClute (Print/Broadcast Media position) completes her first term and is eligible for reappointment.

Capt. Larue Windham (Law Enforcement position) completes his first term and is eligible for reappointment.

Jeffrey Womble (Community Group position) completes his first term and is eligible for reappointment.

Scott Blecke (First Aid position) completes his first term and is eligible for reappointment.

Dawn O'Donnell (At-large position) completes her first term and is eligible for reappointment.

Danny Terry completes his first term; however, he is unable to continue to serve – recommended replacement is Steven Harris (Ft. Bragg).

Nominees: Doug Hewett  
Sara VanderClute  
Capt. Larue Windham  
Jeffrey Womble  
Scott Blecke  
Dawn O'Donnell  
Steven Harris

H. Mid-Carolina Aging Advisory Committee (5 Vacancies)

Bonnie Ammons (Volunteer position) has completed her second term – replacement needed.

David McMillan (Volunteer position) completes an unexpired term and is eligible for reappointment.

Patty McArdle completes her second term and is eligible for reappointment.

Daniel DeCriscio (Consumer position) completes his first term and is eligible for reappointment.

Eleanor Ayers completes her first term and is eligible for reappointment.

Nominees: Carolyn Owens  
David McMillan  
Patty McArdle  
Daniel DeCriscio

Eleanor Ayers

I. Workforce Development Board (1 Vacancy)

Tim Owen (Private Sector position) completes his second term – replacement needed.

This item deferred to the next meeting.

5. Appointments to Boards and Committees

MOTION: Commissioner Council moved to appoint the nominees in A-C.

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Board of Adjustment (3 Vacancies)

Nominees: Melree Hubbard Tart

Alternate Members: James Ingram  
John Swanson

B. Criminal Justice Partnership Advisory Board (3 Vacancies)

Nominees: At-Large Member: Richard A. Hayes (Reappointment)  
Criminal Defense Attorney: David Delaney  
Superior Court Judge: E. Lynn Johnson

C. Department of Social Services Board (1 Vacancy)

Nominee: Marvin Rouse

**CHAIRMAN EDGE RECESSED THE BOARD OF COMMISSIONERS' MEETING.**

**CHAIRMAN EDGE CONVENED THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD MEETING (MINUTES FROM THIS MEETING MAY BE FOUND IN THE WATER/SEWER MINUTE BOOK).**

**CHAIRMAN EDGE RECONVENED THE REGULAR BOARD OF COMMISSIONERS MEETING.**

6. Closed Session:
- A. Economic Development Matters  
Pursuant to NCGS 143-318.11(a)(4).
  - B. Attorney- Client Matters  
Pursuant to NCGS 143-318.11(a)(3).
  - C. Hear a Report on Investigations of  
Criminal Matter(s) Pursuant to  
NCGS 143-318.11(a)(7).

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

SECOND: Commissioner Council

VOTE: UNANIMOUS

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

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

MEETING ADJOURNED: 10:20PM

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Clerk to the Board