

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
November 19, 6:45 PM
REGULAR/REZONING MEETING

PRESENT: Chairman Kenneth Edge
Vice Chairman Breeden Blackwell
Commissioner Jeannette Council
Commissioner John T. Henley, Jr.
Commissioner Billy King
Commissioner Diane Wheatley
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Assistant County Manager
Amy Cannon, Assistant County Manager
Sara VanderClute, Public Information Officer
Grainger Barrett, County Attorney
Harvey Raynor, Deputy County Attorney
Marie Colgan, Deputy Clerk
Marsha Fogle, Clerk

INVOCATION - Commissioner Kenneth Edge, Chairman

PLEDGE OF ALLEGIANCE – Cordie Herring – 4th Grade – Gallberry Farm Elementary School

Special Recognition: Medal of Honor Recipient – Corporal Rodolfo Hernandez

Special Recognition: Cumberland County Cares - George Breece

Special Presentation to James Fleming

Recognition of Outgoing Board Members: Willie McKoy, Minimum Housing Appeals Board

Bobby Hill, the new Veterans Services Director, was introduced and welcomed.

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

Speakers:

Swayn Hamlet - Real Estate Appraiser. Mr. Hamlet distributed a handout and explained a problem with accessing information from the County's website and also with obtaining up to date information which is needed for the appraisal of properties.

Jason Kellum – Real Estate Appraiser. Mr. Kellum spoke on the same problem stating that the system is rarely available and when attempts are made to contact individuals regarding the system, no one answers the phone and voice mail is not available. He further explained that the

county employees are not aware when the system is not available and some way of monitoring the system is needed.

Jennie McLaurin – Resident of Eastover. Ms. McLaurin, on behalf of Eastover residents and surrounding areas, presented a petition to the Board requesting the clean up of properties located on the main corridor of Eastover (Old Dunn Road or Hwy 301) as it is an eyesore for the County. Chairman Edge suggested that this request also be sent to Mayor Charles McLaurin and if there is anything that the Commissioners can help with, they will be glad to do so.

1. Consent Agenda

MOTION: Commissioner Blackwell moved to follow staff recommendations on the items on the Consent Agenda.
SECOND: Commissioner King
VOTE: Unanimous

A. Approval of minutes for the November 5, 2007 regular meeting.

ACTION: Approve

B. Approval of Proposed Additions to the State Secondary Road System:

Oakridge Subdivision: Summerfield Lane

ACTION: Approve

C. Approval of Ordinance Assessing Property for the Cost of Demolition

1) Case Number: MH 4736-2006
Property Owner: Bryan & Marilyn Taylor
Property Location: 5165 Back Street, Fayetteville, NC
Parcel Identification Number: 0405-85-0240

BACKGROUND: On June 19, 2007, the Board of County Commissioners enacted an ordinance directing that the structure(s) located at 5165 Back Street, Fayetteville, NC (PIN: 0405-85-0240) be demolished by the owner, Bryant & Marilyn Taylor. The owner(s) failed to comply with the demolition order within the specified time period and, accordingly, the Minimum Housing Inspector had the structure demolished as required by the ordinance at a cost of \$2,500.

In accordance with the requirements of the Demolition Ordinance and the authority granted by G.S. 160-A-443(6), the cost of the demolitions shall be assessed to the properties and shall constitute a lien against the properties upon which the costs were incurred.

ACTION: Adopt the ordinance assessing the abovementioned properties for the cost of demolition.

2) Case Numbers: MH4931, 4932 and 4933-2006
Property Owner: Sharon R. Walden and Brenda E. Furlong
Property Location: 2200 Crystal Springs Drive, Fayetteville, NC
Parcel Identification Number: 0415-16-4016

BACKGROUND: On February 20, 2007, the Board of County Commissioners enacted an ordinance directing that the structure(s) located at 2200 Crystal Springs Road, (Mobile Home #1, 2 & 3), Fayetteville, NC (PIN: 0415-16-4016) be demolished by the owner(s), Sharon R. Walden and Brenda E. Furlong. The owner(s) failed to comply with the demolition order within the specified time period and, accordingly, the Minimum Housing Inspector had the structure demolished as required by the ordinance at a cost of \$6,500.

In accordance with the requirements of the Demolition Ordinance and the authority granted by G.S. 160-A-443(6), the cost of the demolitions shall be assessed to the properties and shall constitute a lien against the properties upon which the costs were incurred.

ACTION: Adopt the ordinance assessing the abovementioned properties for the cost of demolition.

D. Approval of Scheduling a Public Hearing and Consideration of Resolution of Intent to Close Gray Street in Carvers Creek Township.

BACKGROUND: Property owner Kaelgray Properties LLC has petitioned that Gray Street located off of the northern margin of Shaw Road (formally Bonnie Doone Rd) in Carvers Creek Township be closed. The Department of Transportation confirms that Gray Street is not a State maintained road and has no objection to the abandonment. The Fire Marshall also does not object. The Planning Department recommends approval of the closing provided the following condition is complied with: The property owner who will be titled as the owner of the land within the right-of-way must ensure that a “No Approval Required” recombination plat be approved by the Planning and Inspections Department and recorded in the Cumberland County Registry, thus absorbing the lan area within the right-of-way to be closed into the adjoining properties.

**RESOLUTION OF INTENT TO CLOSE PUBLIC ROAD
AND CALL FOR PUBLIC HEARING ON THE QUESTION**

WHEREAS, KAELGRAY PROPERTIES LLC submitted a petition to the Cumberland County Board of Commissioners (the “Board”) to close Gray Street located off of the northern margin of Shaw Rd. (formally Bonnie Doone Rd) in Carvers Creek Township, Cumberland County; and

WHEREAS, it appears that such public street is not under the control of the North Carolina Department of Transportation: that no person would be deprived of reasonable means of ingress and egress to his or her property by such closing; and that such closing would therefore not be contrary to the public interest;

WHEREAS, the Cumberland County Planning Department approves of the closing provided the following condition is complied with:

The property owner who will be titled as the owner of the land within the right-of-way must ensure that a "No Approval Required" recombination plat be approved by the Planning and Inspections Department and recorded in the Cumberland County Registry, thus absorbing the land area within the right-of-way to be closed into the adjoining properties.

NOW, THEREFORE, BE IT RESOLVED, that the Board will consider the issue of whether to close the following public street in accordance with North Carolina General Statute, Section 153A-241:

Beginning at the southwest corner of Lot 4 as shown on Plat Book 14, Page 9, entitled Property of Brooks Peele as recorded in the Cumberland County Registry; thence with the eastern most margin of Gray Street North 435.6 feet to the northeast corner of Lot 10 of said plat; thence in a northwestern direction 22 feet along the southern property line of Charles M. Dent property (Book 5178, Page 888) to the northeast corner of Lot 11 of said plat; thence with the western most margin of Gray Street South 435.6 feet to the southeast corner of lot 3 of said plat; thence with the northern margin of Bonnie Doone Road (now Shaw Rd) 22 feet east to the beginning.

AND BE IT FURTHER RESOLVED, that the Board calls for and shall hold a public hearing on the question of the closing of such street on the 17th day of December, 2007 at 6:45 p.m. in the Commissioners Meeting Room (Room 118), First Floor, New Courthouse, 117 Dick Street, Fayetteville, North Carolina. The Board shall hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual's property rights.

AND BE IT FURTHER DIRECTED, that notice of consideration of whether to close said street and of the public hearing on such matter shall be published once week for four successive weeks before the hearing in a newspaper of general circulation in Cumberland County and posted in at least two places along the street during the time; and that a copy of this resolution shall be sent by mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed.

ACTION: Adopt resolution calling a public hearing to consider the petition to close Gray Street as located off of the northern margin of Shaw Rd (formally Bonnie Doone Rd) and declare the intent to consider the petition to close Gray Street.

E. Approval of Grading Agreement for Bay Shore Dam Removal, Grading & Erosion Control Project – Lake Upchurch.

BACKGROUND: The Board recently approved the award of contract with Sanford Contractors, Inc., for a Grading Agreement with Bayshore Properties, LLC and others for access to the properties for construction of the grading work associated with the Lake Upchurch Dam restoration. However, prior to beginning construction, the County must obtain permission from the property owners to gain access to the site. The terms and conditions are specified in the agreement and include naming the property owners as additional insurers on the Certificate of Insurance required of the contractor. In addition, the property owners require assurance that the fill will be compacted to a sufficient density to support residential construction.

ACTION: Approve the Grading Agreement with Bayshore Properties, LLC and others.

- F. Approval to Set a Public Hearing for December 17, 2007 on the Revised Flood Damage Prevention Ordinance and Revised Flood Insurance Rate Maps (FIRMs).

BACKGROUND: On October 16, 2006, the Board of Commissioners adopted a revised Flood Damage Prevention Ordinance and new Flood Insurance Rate Maps (FIRMs) for Cumberland County resulting from the North Carolina State 2001 Floodplain Mapping Program initiative. The revised ordinance and maps became effective on January 5, 2007. Subsequent to this action, several errors in the FIRMs, which were identified during the public comment period prior to adoption, have now been corrected resulting in new FIRMs being published. The revisions of maps/indexes to the FIRMs include:

Revised map index 37051 CIND0B effective June 18, 2007, 37051 CIND0C effective July 17, 2007, and 37051 CIND0D effective 18, 2007.

Revised FIRMs map panels 3720044700K and 3720051300L effective June 18, 2007, 3710956000M effective July 17, 2007 and 3710956000L effective December 18, 2007.

The county's Flood Damage Prevention Ordinance does not have an automatic adoption clause for updates, therefore any changes to the FIRMs or ordinance requires that the FIRMs be readopted and that the ordinance be reapproved with the changes. The ordinance has been revised to incorporate changes in the NC Model Flood Damage Prevention Ordinance developed by NCDEM – Floodplain Management Branch in 2007 as well as to incorporate the map revisions.

ACTION: Follow staff recommendation to set the date for the required public hearing on the proposed revisions to the Cumberland County Flood Damage Prevention Ordinance and FIRMs for 7:00 pm, December 17, 2007 and instruct staff to proceed with the tasks outlined in the proposed schedule.

- G. Approval of Submission of Grant Application to North Carolina Housing Finance Agency for the Urgent Repair Program.

BACKGROUND: The NCHFA has announced the availability of up to \$2.2 million under a new funding cycle for the Urgent Repair Program (URP08). Identified by NCHFA as an underserved area, Cumberland County is eligible to apply for funding up to \$75,000 to serve the citizens of our community. Through the Community Development Department, we have the technical capacity to manage such construction projects and would therefore propose to apply for the available funding. The proposed service area would be the existing participating jurisdiction for Community Development programs, which includes the Towns of Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman, Wade, and the unincorporated areas of the County.

Recipient organizations will be able to provide grants up to \$5,000 for emergency repairs and modifications for elderly homeowners and other homeowners with special needs (including households with children who have elevated blood lead levels) whose household incomes do not exceed 50% of the area median income. Since Community Development currently administers an Emergency Repair Program (ERP) through the use

of Community Development Block Grant (CDBG funds, this URP grant would be a logical complement to our existing program.

Due to annexation by the City of Fayetteville, we anticipate a decrease in funding received by the County for its Community Development programs. Therefore, seeking other funding to continue to serve citizens in the County is crucial.

ACTION: Approve submittal of an application requesting \$75,000 from the NCHFA for the URP08 and authorize the County Manager to sign the application and all related documents for submittal.

H. Approval of Records Destruction Request for the Cumberland County Crown Coliseum.

BACKGROUND: The Cumberland County Crown Coliseum has requested that the following records be destroyed as of January 1, 2008 and based on the guidelines specified by the North Carolina Department of Cultural Resources in the Records Retention and Disposition Schedule:

1991-2002 Event Files	2002-December 2005 Cash Receipts
2003-2004 Tickets Stubs	1999-2001 Event Settlements
2001-2003 Calendars/Event Logs	2001-2003 Accounts Payable
1998-19991 Events/Community Concerts	7/2004 -6/2005 Bank Statements/Credit Card Logs
1998-2000 Part-time Applications	2002-2006 Travel Reimbursements
1992-June 2004 Show Income Reports	2001-2003 Time Cards

The destruction of these records is in accordance with the Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History and adopted by the Board of County Commissioners.

ACTION: Accept the report on disposition of records for destruction.

I. Approval of a Resolution Declaring the Month of November as Non-Profit Awareness Month in Cumberland County.

RESOLUTION OF ACKNOWLEDGEMENT

WHEREAS, the nonprofit community of Fayetteville/Cumberland County is comprised of one hundred and fifty two reporting agencies that provide diverse services to the community; and

WHEREAS, the nonprofit community of Fayetteville/Cumberland County is dedicated to the improvement of the quality of life for everyone in our community; and

WHEREAS, the nonprofit community of Fayetteville/Cumberland County is dedicated to the specific mission of its agencies that provide services to the community; and

WHEREAS, the nonprofit community of Fayetteville/Cumberland County has annual expenditures in the community of more than \$130 million and total assets of more than \$208 million; and

WHEREAS, the nonprofit community of Fayetteville/Cumberland County is committed to increasing public awareness of the valuable and diverse services provided to the community.

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners declares the month of November "NONPROFIT AWARENESS MONTH" and extends its sincere congratulations to the nonprofit community of Fayetteville/Cumberland County for its dedication and unselfish service to the community.

J. Budget Revisions:

ACTION: Approve

(1) School Capital Outlay Fund

- a. Capital Outlay Buildings: Revision in the net amount of \$6,837,916 to reallocate budgeted revenue of \$329,708 and to appropriate fund balance in the amount of \$6,837,916 to budget various school projects. (B08-148) **Funding Source – Reallocation of Budgeted Revenue and Fund Balance Appropriated**
- b. Capital Outlay Equipment: Revision to appropriate fund balance in the amount of \$1,521,000 to budget for school equipment. (B08-148A) **Funding Source –Fund Balance Appropriated**
- c. Capital Outlay Vehicles: Revision to appropriate fund balance in the amount of \$92,000 to budget for vehicles. (B08-148B) **Funding Source –Fund Balance Appropriated**
- d. Capital Outlay Lottery: Revision to appropriate fund balance in the amount of \$863,273; to budget \$2,035,160 of lottery proceeds and to approve bids and the associated capital project ordinance for classroom additions at Cliffdale and Glendale Acres Elementary Schools. (B08-148C) **Funding Source –Fund Balance Appropriated and Lottery Proceeds**

2. Public Hearings

Uncontested Cases

Rezoning

- A. Case P07-76. The rezoning of 71.0+/- acres from RR and CD to R7.5, or to a more restrictive zoning district, located north side of Camden Road, east of the County line, submitted by K. Douglas Barfield, Attorney.

The Planning Board recommends approval of R7.5.

Speakers: None

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

MOTION: Commissioner Council moved to follow the recommendation of the Planning Board and to rezone to R7.5.
SECOND: Commissioner Blackwell
VOTE: Unanimous

Contested Cases

- B. Case P07-80. The rezoning of three parcels totaling 5.0+/- acres from A1 to R15, or to a more restrictive zoning district, south of Delancy Drive, west of South Forty Drive, submitted by McCoy, Weaver & Wiggins, Attorneys.

The Planning Board recommends denial of R15.

Speakers:

Richard Wiggins spoke in favor informing Commissioners that his client is willing to accept an R40 or higher classification. Mr. Wiggins requested that the request be amended to an R40 or higher classification.

Neelis Smith spoke in opposition stating that there are safety issue concerns due to the increase in traffic and also believes there will be a water runoff problem.

Scott Terry spoke in opposition stating his concern for traffic problems as well as the responsibility of the maintenance of the retention ponds.

Bobby Strook spoke in opposition stating his concern for current traffic problems as well as increased traffic problems if the property is rezoned, as well as his concern of runoff problems.

Jeanette Hales spoke in opposition voicing her concern with water runoff problems and requested the Commissioners help protect their property.

Mr. Wiggins speaking in rebuttal advised that his client cannot help what prior builders did, but assured residents that with his client requesting R40 instead of R15, this should help prevent additional runoff.

After further questions and discussion, Mr. Wiggins advised that his client would be willing to come back with a plan for preventing future drainage problems if the rezoning is approved. An option of a Conditional Use District was discussed which would help ensure the prevention of runoff problems.

MOTION: Commissioner Council moved to send this case back to the Planning Board for further review.

SECOND: Commissioner Blackwell

SUBSTITUTE MOTION: Commissioner Henley moved to deny this particular rezoning request, to allow the applicant to go back through the process and request a Conditional Use District which would expedite and waive the one year limit and the fee would also be waived.

SECOND: Commissioner Wheatley
(ORIGINAL MOTION AND SECOND WITHDRAWN)

VOTE ON SUBSTITUTE MOTION: Unanimous

A two-minute recess was taken at this point.

Minimum Housing Code Enforcement

C. Case Number: MH5104-2007
Property Owners: M.J. Marsh Farms, Inc.; Mobile Home Owner: Raymond A. Wrench
Property Location: 5240 Butler Nursery Road, Fayetteville, NC
Parcel Identification Number: 0452-56-6929

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

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 on December 29, 2006. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on February 8, 2007. V.B. Marsh 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 May 8, 2007. 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 November 9, 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 the structure to a minimum standard for human habitation is \$35,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00. It is the recommendation of the Planning & Inspection Department that the structure be demolished, and the debris removed from the lot.

SPEAKERS:

V.B. Marsh – requested 30 additional days to complete this request.

MOTION: Commissioner Henley 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 King

VOTE: Unanimous

D. Case Number : MH5204-2007
Property Owners: Carl Bowden; Mobile Home Owner: Charlie S. Cain, Jr.
Property Location: 3941 & 3933 Dunn Road, Fayetteville, NC
Parcel Identification Numbers: 0469-51-2472

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

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 on April 24, 2007. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on May 23, 2007. Carl Bowden 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 July 13, 2007. 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 November 9, 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 the structure to a minimum standard for human habitation is \$40,000.00. The Assessor for Cumberland County has the structure presently valued at \$4,500.00. It is the recommendation of the Planning & Inspection Department that the structure be demolished, and the debris removed from the lot.

SPEAKERS:

Carl Bowden – Mr. Bowden stated that he has made repairs in the last couple of years in the amount of \$2,000, but that he did not have the money to bring the property up to the standard that was required or to pay to have it torn down and requested additional time before it is demolished.

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 90 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

E. Case Number: MH5196-2007
Property Owners: Carl Bowden; Mobile Home Owner: Charlie S. Cain, Jr.
Property Location: 3941 & 3933 Dunn Road, Fayetteville, NC
Parcel Identification Number: 0469-51-2301

**AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS**

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 on April 24, 2007. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on May 23, 2007. Carl Bowden 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 August 23, 2007. 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 November 9, 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 the structure to a minimum standard for human habitation is \$10,000.00. The Assessor for Cumberland County has the structure presently valued at \$1,500.00. It is the recommendation of the Planning & Inspection Department that the structure be demolished, and the debris removed from the lot.

SPEAKERS:

Carl Bowden stated that he only owns the land that this property is located on.

Charles Cain stated that the pictures shown tonight are not a true representation of the property at this time as he has done quite a bit of work on it and is requesting more time to complete the work.

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 90 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

F. Case Number: MH5116-2007
Property Owner: Maurice & Wanda Jenkins
Property Location: Lot to right of 2620 J Herbert Road, Fayetteville, NC
Parcel Identification Number: 0478-59-5145

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

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 on January 8, 2007. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on March 21, 2007. 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 June 21, 2007. 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 November 9, 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 the structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00. It is the recommendation of the Planning & Inspection Department that the structure be demolished, and the debris removed from the lot.

No Speakers

MOTION: Commissioner Henley 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 King

VOTE: Unanimous

G. Case Number: MH5153-2007
Property Owner: Melvin & Catherine Morgan
Property Location: 1075 Tower Drive, Hope Mills, NC
Parcel Identification Number: 0433-80-5293

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

I, Kim Reeves, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say: This property was inspected on March 27, 2007. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on April 25, 2007. 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 July 25, 2007. 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 November 9, 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 the structure to a minimum standard for human habitation is \$40,000.00. The Assessor for Cumberland County has the structure presently valued at \$1,500.00. It is the recommendation of the Planning & Inspection Department that the structure be demolished, and the debris removed from the lot.

No Speakers

MOTION: Commissioner Henley 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 King

VOTE: Unanimous

H. Case Number: MH5136-2007
Property Owner: Hattie McCall McIntosh & Maxine Longo
Property Location: 3610 Applegate Road, Fayetteville, NC
Parcel Identification Number: 0404-35-4659

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

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 on March 7, 2007. The property owners and parties of interest were legally served with Notice of

Violations and were afforded a Hearing on April 11, 2007. 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 June 11, 2007. 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 November 9, 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 the structure to a minimum standard for human habitation is \$35,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00. It is the recommendation of the Planning & Inspection Department that the structure be demolished, and the debris removed from the lot.

No Speakers

MOTION: Commissioner Henley 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 King

VOTE: Unanimous

I. Case Number: MH5134-2007
Property Owner: Retha Blue Johnson
Property Location: 8155 Norris Road, Dunn, NC
Parcel Identification Number: 0594-52-7162

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

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 on March 8, 2007. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on April 11, 2007. Retha B. Johnson attended the Hearing (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 May 11, 2007. 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 November 9, 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 the structure to a minimum standard for human habitation is \$40,000.00. The Assessor for Cumberland 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.

No Speakers

MOTION: Commissioner Henley 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 Blackwell

VOTE: Unanimous

J. Case Number: MH5295-2007
Property Owner: Muddy Waters Properties, LLC
Property Location: Mac's Mobile Home Park, Mac Drive, Unit #6003, 6004,
Block Utility Building & Vacant Lots Containing Debris
Parcel Identification Number: 0419-97-3509

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

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

This property consists of two (2) single wide mobile homes, a block utility building and debris scattered over vacant lots that was inspected on August 2, 2007. (Note: This property has been in violation since September 28, 2005, and the property was being cleaned; however, the unexpected death of the property owner on 4/12/07 halted the cleanup. This particular action began 8/2/07). All property owners and parties of interest were legally served with the Notice of Violations and afforded a Hearing on September 12, 2007. The Estate Attorney attended the Hearing. It was ordered that the structures be demolished and the debris removed from the premises no later than October 12, 2007. 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 November 9, 2007, no corrective action has been made to these structures or the premises. The structures are presently vacant and unsecured. In their present state, the structures constitute a fire, health, and safety hazard. The estimated cost to repair the mobile homes to a minimum standard for human habitation is \$25,000.00 each. The estimated cost to repair the block utility building to a minimum standard is \$1,500.00. The Assessor for Cumberland County has the mobile homes presently valued at \$500.00 each for salvageable materials and the block building at \$392.00. It is the recommendation of the Planning & Inspection Department that these structures be demolished, and all 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 King
VOTE: Unanimous

K. Case Number: MH5296-2007
Property Owner: Muddy Waters Properties, LLC
Property Location: Mac's Mobile Home Park, Mac Drive, Unit #6055, 6066,
6079, 6079A & Vacant Lots Containing Debris
Parcel Identification Number: 0419-97-3685

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

I, Kim Reeves, Code Enforcement Officer for the County of Cumberland Planning & Inspection Department, acting in my official capacity, being duly sworn, depose and say:
This property consists of four (4) single wide mobile homes, and debris scattered over vacant lots that was inspected on August 2, 2007. (Note: This property has been in violation since September 28, 2005, and the property was being cleaned; however, the unexpected death of the property owner on 4/12/07 halted the cleanup. This particular action began 8/2/07). All property owners and parties of interest were legally served with the Notice of Violations and afforded a Hearing on September 12, 2007. The Estate Attorney attended the Hearing. It was ordered that the structures be demolished and the debris removed from the premises no later than October 12, 2007. 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 November 9, 2007, no corrective action has been made to these structures or the premises. The structures are presently vacant and unsecured. In their present state, the structures constitute a fire, health, and safety hazard. The estimated cost to repair the mobile homes to a minimum standard for human habitation is \$25,000.00 each. The Assessor for Cumberland County has the mobile homes presently valued at \$500.00 each for salvageable materials. It is the recommendation of the Planning & Inspection Department that these structures be demolished, and all 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 King
VOTE: Unanimous

L. Case Number: MH5297-2007
Property Owner: Muddy Waters Properties, LLC
Property Location: Mac's Mobile Home Park, Mac Drive, Unit #1052 & 1056
Charmain Street, Fayetteville, NC
Parcel Identification Number: 0419-97-4762

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

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

This property consists of one frame and one brick single family dwelling that was inspected on August 2, 2007. (Note: This property has been in violation since February 5, 2007, and the structures were being repaired; however, the unexpected death of the property owner on 4/12/07 halted the cleanup. This particular action began 8/2/07). All property owners and parties of interest were legally served with the Notice of Violations and afforded a Hearing on September 12, 2007. The Estate Attorney attended the Hearing. It was ordered that the structures be repaired to a minimum standard for human habitation or demolished and the debris removed from the premises no later than October 12, 2007. 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 November 9, 2007, no corrective action has been made to these structures. The structures are presently vacant and unsecured. In their present state, the structures constitute a fire, health, and safety hazard. The estimated cost to repair the structures to a minimum standard for human habitation \$28,000.00, (frame structure) and \$36,000.00 (brick structure). The Assessor for Cumberland County has them presently valued at \$247.00 (frame structure) and \$2,307.00 (brick structure). It is the recommendation of the Planning & Inspection Department that these structures 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 King

VOTE: Unanimous

M. Case Number: MH5272-2007
Property Owner: James B. Barnwell, Jr.
Property Location: 3380 Frank Street, Fayetteville, NC
Parcel Identification Number: 0425-15-3656

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

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

This property consists of a partially demolished singlewide mobile home, all the debris remains on the premises, that was inspected on July 13, 2007. (Note: A separate mobile home on this lot was demolished and removed properly). All property owners and parties of interest were legally served with the Notice of Violations and afforded a Hearing on August 22, 2007. The property owners attended the Hearing. It was ordered that the demolition be completed and the debris removed from the premises no later than September 22, 2007. 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 November 8, 2007, no corrective action has been made to remove the debris. In its present state, the collapsed structure constitutes a fire, health, and safety hazard. The estimated cost to remove the debris and frame from the premises is \$3,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00 for salvageable material. It is the recommendation of the Planning & Inspection Department that this mobile home frame and debris be 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 King

VOTE: Unanimous

Items of Business

3. Nominations to Boards and Committees

A. Cape Fear Valley Hospital Board of Trustees (1 Vacancy)

BACKGROUND: Cape Fear Valley Hospital Board of Trustees will have the following vacancy on January 1, 2008 for a General Public slot – Dr. John Griffin, Jr. – completes first term and is eligible for reappointment.

ACTION: Make nomination to fill the vacancy.

Nominee: Dr. John Griffin, Jr.

B. Civic Center Commission (4 Vacancies)

BACKGROUND: The Civic Center Commission will have the following vacancies on January 1, 2008 – Laurie Bondshu completes first term and is eligible for reappointment; John Elliott completes first term and is eligible for reappointment; Richard Player III completes first term and is eligible for reappointment; and Ralph Spivey completes first term and is eligible for reappointment.

ACTION: Make nominations to fill the four vacancies.

Nominees: Laurie Bondshu
John Elliott
Richard Player III
Ralph Spivey

C. Cumberland County Home & Community Care Block Grant Committee (3 Vacancies)

BACKGROUND: The Cumberland County Home and Community Care Block Grant Committee will have the following vacancies effective December 31, 2007 – (Older Consumer slots) – Ethel Hennessee and Virginia Kelly will complete their first term and are eligible for reappointment; (Aging Service Provider slot) – Toney McCray has completed her first term and is eligible for reappointment.

ACTION: Make nominations to fill the three vacancies.

Nominees: Older Consumer - Ethel Hennessee and Virginia Kelly
Aging Service Provider – Toney McCray

D. Fayetteville Area Convention & Visitors Bureau (2 Vacancies)

BACKGROUND: The Fayetteville Area Convention and Visitors Bureau will have the following vacancies on December 31, 2007 – (Hotels/Motels Under 100 Rooms Representative) – John Keefe will complete his first term and is eligible for reappointment; (Hotels/Motels Over 100 Rooms Representative) – Charles R. Wellons II has completed his first term and is eligible for reappointment.

ACTION: Make nominations to fill the two vacancies.

Nominees: Hotels/Motels Under 100 Rooms Representative – John Keefe
Hotels/motels Over 100 Rooms Representative – Charles R. Wellons, II

E. Mental Health Board (1 Vacancy)

BACKGROUND: The Mental Health Board will have the following vacancy on December 31, 2007 – (Drug Abuse Representative-Family Consumer) – William McDougal completes his first term and is eligible for reappointment. The Mental Health Board recommends his reappointment.

ACTION: Make nomination to fill the vacancy.

Nominee: William McDougal

F. Minimum Housing Appeals (1 Vacancy)

BACKGROUND: The Minimum Housing Appeals Board will have the following vacancy as of December 31, 2007 – (Alternate Members Slot) – Deborah Ann Dantzler will complete her first term and is eligible for reappointment.

ACTION: Make nomination to fill the vacancy.

Nominee: Alternate Member – Deborah Ann Dantzler

G. Nursing Home Advisory Board (1 Vacancy)

BACKGROUND: The Nursing Home Advisory Board will have the following vacancy on December 31, 2007 – Edgar F. Merritt will complete his initial term and is eligible for reappointment to his first full term.

ACTION: Make nomination to fill the vacancy.

Nominee: Edgar F. Merritt

4. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to accept by acclamation the nominees listed for each board.

SECOND: Commissioner Council

VOTE: Unanimous

A. Cumberland County Emergency Planning Committee (1 Vacancy)

Nominees: First Aid Representative: Wally Ainsworth

B. Transportation Advisory Board (7 Vacancies)

Nominees:

Mid-Carolina Council of
Governments Director or Designee: Carolyn Tracy (Reappointment)
County DSS Director or Designee: Crystal Black (Reappointment)
DSS Work First Representative: Ann Farrell (Reappointment)
Workforce Development Center Director or Designee: Geneva Mixon (Reappointment)
Aging Programs Representative: Catherine VanSickle (Reappointment)
County Mental Health Director or Designee: William Robinson
Sheltered Workshop Director: Betsy Torsell

5. Closed Session: A. Personnel Matter(s) Pursuant to NCGS 143.318.11(a)(6).

MOTION: Commissioner Wheatley moved to go into Closed Session for the above noted matter.

SECOND: Commissioner King

VOTE: Unanimous

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

SECOND: Commissioner King

VOTE: Unanimous

MOTION: Commissioner Henley moved to adjourn.

SECOND: Commissioner King

VOTE: Unanimous

MEETING ADJOURNED AT 9:18 PM.

Clerk to the Board