

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
AUGUST 17, 2009, 6:45 PM
REGULAR/REZONING MEETING (minutes corrected on 9-21-09 & 10-5-09)

PRESENT: Chairman Jeannette Council
 Vice Chairman Billy R. King
 Commissioner Kenneth Edge
 Commissioner Marshall Faircloth
 Commissioner Ed Melvin
 Commissioner Breeden Blackwell
 Commissioner Jimmy Keefe
 James Martin, County Manager
 Juanita Pilgrim, Deputy County Manager
 Amy Cannon, Asst. County Manager
 Harvey Raynor, Interim County Attorney
 Phyllis Jones, Assistant County Attorney
 Sally Shutt, Communications Manager
 Candice White, Deputy Clerk
 Marie Colgan, Clerk

INVOCATION - Commissioner Melvin

PLEDGE OF ALLEGIANCE – Joseph Bryce DeCarlo, 7th Grade - Village Christian School

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

Terry Samperton – President of the Inverness on Andrews Home Owners Association (HOA). Mr. Samperton presented a packet of information and asked for help with a citation issued by the Cumberland County Department of Planning and Inspections regarding non-compliance of three detention ponds in their development. To date, the HOA has hired a crew to cut and clear the three ponds so that a certified engineer could inspect the ponds to determine the work needed and hired a certified engineer to inform the HOA of the work necessary to rectify the ponds. The total cost for these two actions was \$16,900. A company was contacted to give a quote for bringing the ponds into compliance. Mr. Samperton stated that they are requesting the County loan the HOA \$42,520 and assess each homeowner their fair share. Commissioner Keefe voiced concern about other areas in the County who may have this same problem and feels that some research is needed before any action is taken on this particular request. Commissioner Blackwell agreed and after further discussion, it was agreed that the County Manager Martin will take this request and concerns of other possible retention pond problems to the September Policy Committee meeting.

Sheryl Fox – resident of the Bridlewood Subdivision. Ms. Fox stated that her concern is grazing animals in her subdivision and requested that consideration be given to amending the ordinance to not allow grazing animals in subdivisions where there are quarter acre lots such as hers. Ms. Fox was referred to the Director of Animal Services.

Recognition of Retired County Employee: Patricia Roop – Department of Social Services (not in attendance)

Recognition of Outgoing Board Member: Dennis Gould – Joint Stormwater Advisory Board (not in attendance)

CHANGES TO AGENDA:

ADD: CLOSED SESSION - Personnel Matters – NCGS 143-318.11 (a) (6)

CORRECTION: Item 4J should read 3709 Camden Road in lieu of 3709 Cumberland Road

REVISION: Item 6A – Revised Memo Provided

1. Presentation by Mark Culbreth from the Cumberland County School System on the Reading Rocks Program

Mr. Culbreth informed the Board that Cumberland County Schools will be holding their 6th annual Reading Rocks Walk-A-Thon on October 17th at 9 am in Festival Park. Last year there were 15,000 walkers who raised over \$150,000 to support literacy efforts across the County. This year's goal is 16,000 walkers. A personal written invitation was extended to the Commissioners to be part of the event and be recognized on stage. The Board was thanked for their support of this event.

2. Presentation by Lt. Jonathan Morgan, Cumberland County Sheriff's Office, on the Gang Resistance Education and Training Program.

Sheriff Butler presented a handout on the Gang Resistance Education and Training Program (GREAT) which provided information on the program. The Sheriff's Office has taught the program in middle and elementary schools in the County for the last nine years. The camp improves the relationship between Law Enforcement and students and teaches children how to deal with conflicts, drugs and alcohol. The camp is supported by local agencies and non-profit organizations.

3. Consent Agenda

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Melvin

VOTE: Unanimous

- A. Approval of minutes for the August 4, 2009 regular meeting. (Corrected to August 4, 2009 at October 5, 2009 BOC meeting.)

ACTION: Approve

- B. Approval of FY10 Tax Charge to the Tax Collector.

BACKGROUND: In accordance with NCGS 105-321(b) before delivering the tax receipts to the Tax Collector in any year, the Board of County Commissioners shall adopt and enter into its minutes an order directing the Tax Collector to collect the taxes charged in the tax records and receipts.

ACTION: Approve the levy and charge the Collector with the responsibility to collect the taxes.

2009-2010 TAX LEVY

AUTHORITY	CC LEVY	LATE LIST	PUBLIC SERVICE	PUBLIC SERVICE LATE LIST	TOTAL CC LEVY, PS LEVY & LATE LIST
BEAVER DAM	111,880.69	104.68	-	-	111,985.37
BETHANY	168,837.64	140.98	-	-	168,978.62
BONNIE DOONE	2,107.06	-	-	-	2,107.06
COTTON	622,949.91	1,894.11	-	-	624,844.02
CUMBERLAND RD FD	402,365.27	260.23	-	-	402,625.50
EASTOVER FIRE	139,628.32	123.99	-	-	139,752.31
GODWIN-FALCON	64,001.51	87.21	-	-	64,088.72
GRAYS CREEK	556,423.70	507.57	-	-	556,931.27
LAFAYETTE	157.13	-	-	-	157.13
LAKE RIM	6,538.02	-	-	-	6,538.02
MANCHESTER	75,225.14	174.82	-	-	75,399.96
PEARCE'S MILL SPECIAL FIRE	647,938.85	638.77	-	-	648,577.62

	268,905.66	261.60	-	-	269,167.26
STEDMAN FIRE	116,760.87	95.68	-	-	116,856.55
STONEY POINT	722,408.13	210.27	-	-	722,618.40
VANDER FIRE	670,593.79	553.81	-	-	671,147.60
WADE FIRE	67,360.14	39.38	-	-	67,399.52
WESTAREA	1,001,584.68	421.79	-	-	1,002,006.47
FIRE DIST SUBTOTAL	5,645,666.51	5,514.89	-	-	5,651,181.40
EASTOVER	493,355.33	419.78	-	-	493,775.11
FALCON	19,413.04	9.98	-	-	19,423.02
FAYETTEVILLE	52,667,185.52	47,550.38	-	-	52,714,735.90
STORM WATER	1,702,140.00	-	-	-	1,702,140.00
FAYET STORM WATER	3,405,072.00	-	-	-	3,405,072.00
FAYET RECYCLING	2,257,998.00	-	-	-	2,257,998.00
REVITALIZATION	120,716.26	199.15	-	-	120,915.41
GODWIN	11,495.32	11.05	-	-	11,506.37
HOPE MILLS TOWN	3,131,584.09	1,219.18	-	-	3,132,803.27
HOPE MILLS REFUSE	856,980.00	-	-	-	856,980.00
HOPE MILLS STORM WATER	401,088.00	-	-	-	401,088.00
LINDEN TOWN	10,910.91	16.61	-	-	10,927.52
SPRING LAKE	2,324,794.37	1,734.37	-	-	2,326,528.74
SPRING LAKE REFUSE	458,236.00	-	-	-	458,236.00
SL STORM WATER	253,662.00	-	-	-	253,662.00
STEDMAN TOWN	205,481.31	51.95	-	-	205,533.26
WADE TOWN	63,439.83	58.85	-	-	63,498.68
CITY SUB-TOTALS	68,383,551.98	51,271.30	-	-	68,434,823.28
COUNTY WIDE	141,496,440.56	127,481.47	-	-	141,623,922.03
COUNTY PETS	337,678.00	-	-	-	337,678.00
RECREATION	2,745,269.05	2,654.68	-	-	2,747,923.73
HM RECREATION	401,486.09	156.37	-	-	401,642.46
SOLID WASTE	4,765,488.00	-	-	-	4,765,488.00
SUB TOTAL	149,746,361.70	130,292.52	-	-	149,876,654.22
GRAND TOTAL	223,775,580.19	187,078.71	-	-	223,962,658.90

C. Approval of Tax Collector's Preliminary Report and Proposed Annual Settlement.

BACKGROUND: North Carolina General Statutes, Section 105-373 requires the Tax Collector of Cumberland County after the 1st day of July of each year to render a preliminary report to the Board of County Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to him for collection for the past year. The Tax Collector has submitted such preliminary report and proposed settlement. The preliminary report consists of (i) a list of persons owning real property whose taxes for the tax year of 2008-2009 remain unpaid, (ii) a list of the persons not owning real property whose taxes for the year 2008-2009 remain unpaid (the proposed insolvent list), and (iii) a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes. The proposed settlement consists of the amounts of taxes with which the Tax Collector has been charged for the year and the amounts of credits against such

charges, the real and personal property tax balance is charged to the forthcoming tax year.

ACTION: Adopt the resolution as presented below.

RESOLUTION

Resolution accepting preliminary report of the Tax Collector, crediting the insolvent list, and approving proposed annual settlement.

Whereas, North Carolina General Statutes, Section 105-373, requires the Tax Collector of Cumberland County after the 1st day of July of each year to render a preliminary report to the Board of County Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to the Tax Collector for collection for the past ten years; and

Whereas, the Tax Collector has submitted such preliminary report and proposed settlement.

Now therefore, the Board of Commissioners of Cumberland County hereby resolves:

1. That the preliminary report of the Tax Collector of Cumberland County, consisting of (i) a list of persons owning real property whose taxes for the year 2008- 2009 remain unpaid and the principal amount owned by each person; (ii) a list of the persons not owning or who have not listed real property whose taxes for the tax year 2008 - 2009 remain unpaid and the principal amount owned by each person (the proposed insolvent list) and (iii) a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes, be and it hereby is, accepted;
2. That the Board hereby finds that the persons in the list of those that do not own or have not listed real property are insolvent as that term is used in G.S. 105-373, directs that the list of such person be entered into the minutes of the meeting of the Board as the insolvent list, and further directs that the amounts in such list be, and hereby are, credited to the Tax Collector in his annual settlement;
3. That the proposed settlement of the Tax Collector, appended hereto, for taxes in his hands for collection for the tax year 2008 - 2009, be and it hereby is, approved and that he be, and thereby is, charged with the amounts set forth in the settlement under the heading "Charges" and credited with the amounts set forth in the settlement under the heading "Credits".

County Settlement
June 30, 2009

<u>Charge:</u>		
Real and Personal Charge 2008	\$	135,537,858.85
Vehicles Charge 2008	\$	19,322,009.95
Added Charge Real & Personal 2008	\$	1,054,366.02
Added Charge 2008 Vehicles	\$	42,795.74
Solid Waste 2008	\$	4,809,312.00
Added Solid Waste 2008	\$	2,688.00
Total Tax Interest	\$	1,000,285.45
Total Discount	\$	-
Added Charge 2008 Advertising Cost	\$	47,826.50
County Demolition Fee	\$	9,308.63
Interest Collected County Demolition	\$	757.38
Certified Mail Fee Collected	\$	8,144.71
Garnishment Fee Collected	\$	121,749.81

Return Check Processing Fee Collected	\$	12,766.24
Worthless Check Penalty Collected	\$	16,722.19
Prepared Food & Beverage Tax Collected	\$	5,011,624.79
Prepared Food & Beverage Tax Collected Interest & Penalty	\$	46,174.89
Room Occupancy Tax Collected	\$	4,230,431.92
Room Occupancy Tax Collected Interest & Penalty	\$	9,744.22
County Gross Receipts Vehicle Tax Current Year	\$	472,729.50
County Gross Receipts Vehicle Tax Interest & Penalty	\$	-
County Heavy Equipment Rentals	\$	25,184.46
County Heavy Equipment Rentals Interest	\$	263.58
Windridge Water Extension Project	\$	59,796.81
Windridge Water Extension Project Interest	\$	9,443.14
Lake Upchurch Dam Assessment	\$	948,662.60
Lake Upchurch Dam Assessment Interest	\$	14,002.84
Adjustment - Advertising Beginning Balance Booked	\$	38,560.63
	\$	172,853,210.85
	\$	
Deposit with Finance		164,585,498.74
Advertising Cost Deposited with Finance	\$	48,203.82
Interest Deposited with Finance	\$	1,080,671.50
Real & Personal Releases Allowed	\$	771,459.07
Vehicles Releases Allowed	\$	1,788,733.90
Solid Waste Releases Allowed	\$	42,592.00
Total Discount Allowed	\$	-
Real & Personal Balance	\$	1,136,408.24
Advertising Cost Balance	\$	38,183.31
Vehicle Balance	\$	3,299,856.90
Solid Waste Balance	\$	61,603.37
Adjustment	\$	
	\$	172,853,210.85
<u>Charge:</u>		
Real & Personal Balance 2007	\$	1,231,824.02
Vehicle Balance 2007	\$	3,325,106.17
Solid Waste Balance 2007	\$	66,259.97
County Gross Receipts Vehicle Tax 1st Year Prior	\$	-
Prepared Food & Beverage Tax All Prior	\$	45,272.65
Room Occupancy Tax Collected All Prior	\$	24,578.85
Real & Personal Balance 2006	\$	451,321.81
Vehicle Balance 2006	\$	704,864.39
Solid Waste Balance 2006	\$	17,168.11
Real & Personal Balance 2005 & Prior	\$	1,561,305.94
Vehicle Balance 2005 & Prior	\$	4,045,142.38
Solid Waste Balance 2005 & Prior	\$	29,675.58
1997 & Prior Taxes Collected After Being Barred	\$	1,372.45
	\$	11,503,892.32
<u>Credits:</u>		
Real & Personal Collected 2007	\$	890,426.55
Vehicles Collected 2007	\$	2,251,573.71
Solid Waste Collected 2007	\$	52,779.61
County Gross Receipts Vehicle Tax 1st Year Prior	\$	-
Prepared Food & Beverage Tax All Prior	\$	45,272.65
Room Occupancy Tax Collected All Prior	\$	24,578.85
Real & Personal Collected 2006	\$	176,376.95
Vehicles Collected 2006	\$	96,609.06
Solid Waste Collected 2006	\$	10,093.95
Real & Personal Collected 2005 & Prior	\$	201,406.61
Vehicles Collected 2005 & Prior	\$	163,727.83
Solid Waste Collected 2005 & Prior	\$	11,356.85
Real & Personal Releases Allowed 2007	\$	27,126.86
Vehicle Releases Allowed 2007	\$	329,658.75
Solid Waste Releases Allowed 2007	\$	240.00

Real & Personal Releases Allowed 2006	\$	3,031.53
Vehicle Releases Allowed 2006	\$	27,868.18
Solid Waste Releases Allowed 2006	\$	-
Real & Personal Releases Allowed 2005 & Prior	\$	7,099.41
Vehicle Releases Allowed 2005 & Prior	\$	30,542.29
Solid Waste Releases Allowed 2005 & Prior	\$	-
1997 & Prior Taxes Collected After Being Barred	\$	1,372.45
	\$	<u>4,351,142.09</u>

Taxes Barred by Statute: 1998

Real Property	\$	5,952.04
Personal	\$	71,752.84
Vehicles	\$	457,335.46
Public Service	\$	-
Solid Waste Fees	\$	477.18
Advertising	\$	306.00
Credit for Five Year & Prior Insolvents	\$	-
	\$	<u>535,823.52</u>

Balance Prior Years Taxes:

Real & Personal Balance 2007	\$	314,270.61
Vehicles Balance 2007	\$	743,873.71
Solid Waste Balance 2007	\$	13,240.36
Real & Personal Balance 2006	\$	271,913.33
Vehicles Balance 2006	\$	580,387.15
Solid Waste Balance 2006	\$	7,074.16
Real & Personal Balance 2005 & Prior	\$	1,274,789.04
Vehicles Balance 2005 & Prior	\$	3,393,536.80
Solid Waste Balance 2005 & Prior	\$	17,841.55
	\$	<u>6,616,926.71</u>

TOTAL CREDITS:	\$	<u>11,503,892.32</u>
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D. Approval of Correction to Minutes.

BACKGROUND: On August 3, 2009, the Board approved release of sealed minutes. Please approve the correction to the following:

April 28, 2005 – Attorney Client – approve to correct date to April 18, 2005 in lieu of April 28, 2005.

August 1, 2005 – Attorney Client – approve to correct to Economic Development in lieu of Attorney Client.

ACTION: Approve corrections to Release of Closed Session Minutes listing.

E. Budget Revisions:

ACTION: Approve

General Fund Debt Service

Revision in the amount of \$383,646 to reduce fund balance appropriated and to adjust debt service as a result of the 2009 Refunding General Obligation Bonds. (B10-032) **Funding Source – Refunding General Obligation Bonds**

(2) Sheriff Grant

Revision in the amount of \$1,043,441 to establish the Byrne 2009 Recovery Grant. (B10-038) **Funding Source – Grant**

- (3) Workforce Development Statewide
Revision in the amount of \$4,200 to recognize additional state funding. (B10-041) **Funding Source - State**
- (4) Social Services
Revision in the amount of \$18,794 to recognize additional funding to upgrade a part-time Income Caseworker I to full-time. (B10-043) **Funding Source – State and Other**
- (5) Mid-Carolina Senior Transportation
Revision in the amount of \$171 to appropriate fund balance from unexpended fees to provide additional medical transportation services. (B10-031) **Funding Source – Fund Balance Appropriated**
- (6) Rural Operating Assistance Program
Revision in the amount of \$79,410 adjust the ROAP budget to the State allocation. (B10-042) **Funding Source – State**

4. Public Hearings

- A. Public Hearing on Renaming an Unnamed Portion of NC Highway 87 S to Martin Luther King Jr Freeway.

BACKGROUND: A request from House of Representative Elmer Floyd submitted a request to continue the name of Martin Luther King Jr. Freeway on the unnamed portion of NC Hwy 87 S from the City Limits of Fayetteville to the I-95 Interchange. Staff recommends approving the request to rename this portion of NC Hwy 87 S since it is a logical extension of the name of the highway within the City Limits of Fayetteville. Property owners are being notified and given the opportunity for input on this case. Notifications will be posted at the local fire stations in the area and along the segment of highway in question.

ACTION: Approve the renaming of an unnamed portion of NC Highway 87 S to Martin Luther King Jr Freeway.

The Chairman Opened the Public Hearing

No Speakers

The Chairman Closed the Public Hearing

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Melvin

VOTE: Unanimous

- B. Public Hearing for the Purpose of Receiving Comments from the Property Owners in the Proposed Grays Creek Water & Sewer District and Approval of Adoption of a Resolution to Create the Grays Creek Water & Sewer District.

BACKGROUND: The Grays Creek Water & Sewer District, located in the southwest portion of Cumberland County has been identified as a feasible project in the recently completed *Cumberland County Rural Water Feasibility Study*.

The first step in this process is to hold a public hearing as required by North Carolina General Statute 162A-86 to receive comments pertaining to the creation of the Grays Creek Water & Sewer District. The Board of Commissioners, at their last meeting on August 3, 2009 set a public hearing date for August 17, 2009 at their scheduled meeting. Following the public hearing the Board of Commissioners may take action to adopt a resolution to create the Grays Creek Water & Sewer District.

ACTION: Adopt the resolution to create the Grays Creek Water & Sewer District.

**RESOLUTION CREATING GRAYS CREEK
WATER AND SEWER DISTRICT**

WHEREAS, the Cumberland County Board of Commissioners (hereinafter “the Board”) at its regular meeting on August 17, 2009, held a public hearing, pursuant to NCGS 162A-86 et.seq., to consider creation of the Grays Creek Water and Sewer District; and

WHEREAS, pursuant to NCGS 162A-86, prior to the August 17, 2009 public hearing a notice of public hearing was prepared stating the date, hour and place of the public hearing and its subject and setting forth a description of the territory to be included within the proposed Grays Creek Water and Sewer District; and

WHEREAS, pursuant to said NCGS 162A-86, the said notice of public hearing was published once a week for three weeks in a newspaper that circulated in the proposed district and was posted in at least three public places in the district. The notices of public hearing were posted and published the first time not less than twenty days before the hearing; and

WHEREAS, at the public hearing held at 6:45 p.m., August 17, 2009, in Room 118, Cumberland County Courthouse, 117 Dick Street, Fayetteville, North Carolina any taxpayer and all other interested persons were allowed to appear and be heard concerning the question of creating the Grays Creek Water and Sewer District; and

NOW, THEREFORE, the Board, following the public hearing, finds that:

1. There is a demonstrable need for providing in the district water and sewer services;
2. The residents of all the territory to be included in the district will benefit from the district’s creation; and
3. It is economically feasible to provide the proposed service in the district without unreasonable or burdensome annual tax levies;

THEREFORE, the Board finds that the district shall be defined as set forth below; and

THEREFORE, the Board now desires to create the Grays Creek Water and Sewer District.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners as follows:

The Grays Creek Water and Sewer District is created and the said District is hereby described as follows:

The area that is known as Grays Creek located in the southwest corner of Cumberland County The boundary of the proposed water and sewer district is more particularly described on a map available for inspection in the Office of the Public Utilities Department and titled Grays Creek Water and Sewer District

The Clerk to the Board is hereby authorized and directed to cause this Resolution to be published once in each of two successive weeks in the newspaper in which the notice of the public hearing was published, as well as the following statement, which shall be printed at the end of the Resolution: The foregoing resolution was adopted by the Cumberland County Board of Commissioners on August 17, 2009 and was first published on August ____, 2009.

Any action or proceeding questioning the validity of this resolution or the creation of the Grays Creek Water and Sewer District or the inclusion in the district of any of the territory described in the resolution must be commenced within 30 days after the first publication of the resolution.

This resolution shall be effective upon its adoption as by law provided.

The Chairman Opened the Public Hearing

Mr. Cooney, Public Utilities Director, advised that this public hearing is to receive public comments regarding the request for the creation of the Grays Creek Water and Sewer District and that this is the first step in moving forward with the County-wide water system. The approval of this water and sewer district allows the County to seek federal funding for grants and monies. In response to a question from Commissioner Blackwell regarding the public hearing notice, Mr. Cooney advised that it was advertised in the newspaper for the last four weeks as well as posted in the historic courthouse, but was not posted in fire departments in the area.

Speakers: (eight speakers signed up, but two stated they did not wish to speak and three did not answer the call).

Phil Edge – Mr. Edge advised that he lives on County Line Road and stated that the advertisement was poorly done as he was not aware of this public hearing until a neighbor called him. He stated he did not feel that the County had extended the respect that their community should have received. He felt that this should be a separate issue and not stuck in a long regular agenda and is therefore requesting that this be done. Mr. Edge requested that community residents be seated on the board if the water and sewer district is established, the same as the Eastover Sanitary District. He stated that there were too many questions unanswered at this time and the matter needs more consideration before taking this action.

Darlene Bain – Ms. Bain stated she is a lifetime resident of Grays Creek and has many unanswered questions. Ms. Bain had the understanding that Southpoint was to receive water from Bladen or Robeson County and does not understand why all the other residents in the area are now to be included in a water and sewer district. She also voiced a complaint regarding how the public notice was handled stating no one was aware of the public hearing. Questions posed were – Who is going to pay for the water and sewer? How much will her bill be? Is there going to be another public meeting from which concerns can be voiced? Commissioner Edge requested Mr. Cooney explain the first steps in setting up a water and sewer district. Mr. Cooney explained that the Board of Commissioners will be the governing body of the water and sewer district, which is different than the Eastover Sanitary District. He also advised that there are a couple of water and sewer districts that have been created, but have not been active since no satisfactory terms have been reached. Whenever a project is proposed, the community is given the opportunity to discuss the details. The next step after the approval tonight is to file an application with the USDA to possibly obtain funding with up to 40% grant monies as long as the project is feasible. An engineer would be hired to do the design to come up with a cost estimate which would be provided to the USDA to determine funding available. After receiving feedback from the USDA, Mr. Cooney would be able to inform the public of the costs, but a water and sewer district must first be established before any of this can be done. Once the district is established, residents will be given an opportunity to advise what their wishes are regarding connection. Residents can sign up early for connection with a reduced amount, but residents are not required to connect. Mr. Cooney advised that there is a debt service fee for the lines if a resident decides not to connect. Commissioner Melvin reiterated that the vote tonight just seeks funding for the project, but does not obligate the County to do the project or the residents to connect if it does. Commissioner Keefe confirmed with Mr. Cooney that the only way revenue bonds would be issued is if the majority of the community signed up for services or the County allowed a referendum to be held which showed that the majority of the community wanted the water service. County Manager Martin restated that if the Grays Creek Sewer & Water District is

approved that the Board of Commissioners will be the governing body and will convene a meeting in conjunction with a Board of Commissioners' meeting. Commissioner Keefe confirmed with Mr. Cooney that funds are more available at this time for this type project. Ms. Bain closed stating that her fear is that if they receive water and sewer that the City will look to annex them and she does not want that to happen. Chairman Council concluded stating that the County is diligently working towards getting county-wide clean water and that many meetings have been held working on this county-wide problem.

William Parnell – resident of Mt. Vernon Estates. Mr. Parnell questioned whether at some point that the County will turn it over to PWC to run. County Manager Martin stated that until there is a critical mass of customers for the County to fully get into the public utility business, there is a strong possibility that the County would contract with PWC to handle certain aspects of it but it would be a county owned system. Mr. Cooney advised that probably PWC would handle the issuance of bills since they are already set up to do this. In response to a question regarding the cost of the fee that would be charged for the lines in the case where residents do not hook up, County Manager Martin stated that the amount of that charge cannot be determined until the County determines how much funding is available through the USDA and the charge would be based on the service per lot, but there will be no charge until there is something placed in the ground that would provide the availability of water. Commissioner Keefe inquired of the County Manager the votes needed to put the water and sewer district into use. County Manager Martin stated that under the first option – a referendum – there will have to be a 50% +1 vote of the residents in favor which would authorize the Commissioners to issue debt to install the system. The other potential option, a revenue bond, would require 50% + 1 of potential users signing a petition requesting the service. Mr. Bain requested that future notices be posted in their fire departments and County Manager Martin stated the County would do a better job of notification in the future. After further questions and clarification, Commissioner Council interceded and advised that there will be more question and answer sessions before this is finalized. Commissioner Blackwell also suggested to the County Manager to get the Communications Director involved in every public notice and that a poster be provided to the fire departments in the area involved.

The Chairman Closed the Public Hearing

MOTION: Commissioner King moved to adopt the resolution to create the Grays Creek Water and Sewer District.
SECOND: Commissioner Council
DISCUSSION: Commissioner Faircloth confirmed that the vote tonight is setting up the district so funds can be obtained.
Commissioner Melvin confirmed that it takes 50% +1 for this to happen and that this vote is needed in order to apply for funding.
VOTE: Unanimous

Uncontested Rezoning Cases

- C. Case P08-42. Rezoning of 2.01+/- acres from R6A Residential to C(P) Planned Commercial or more restrictive zoning district, located at 3378 Cumberland Road, owned by Kwang Yol and Ok Bun Lee.

The Planning Board recommends approval of C(P) Planned Commercial or more restrictive zoning district.

- D. Case P09-21. Rezoning of .47+/- acres from R10 Residential to C2(P) Planned Service and Retail, or to a more restrictive zoning district, located at 4558 Cumberland Road, owned by Jerry E. Lanier.

The Planning Board recommends approval of C2(P) Planned Service and Retail district.

- E. Case P09-28. Rezoning of .34+/- acres from R10 Residential to C1(P) Planned Local Business or to a more restrictive zoning district, located at 3709 Boone Trail, owned by Mark Fleischmann.

The Planning Board recommends approval of C1(P) Planned Local Business district.

- F. Case P09-32. Rezoning of 1.01+/- acres from C3 Heavy Commercial to RR Rural Residential or to a more restrictive zoning district, located at 3830 Rocosco Place, owned by Elijah B. and Janice M. Young.

The Planning Board recommends approval of the RR Rural Residential district.

MOTION: Commissioner Blackwell moved to follow the Planning Board recommendation on Rezoning Cases P08-42; P09-21; P09-28 and P09-32.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

Chairman Council recessed the meeting for three minutes.

Chairman Council reconvened the meeting.

Minimum Housing Code Enforcement

- G. Case Number: MH5921-2009
Property Owner: M.J. Marsh Farm, Inc., c/o V.B. Marsh
Property Location: 3497 Shem Creek Drive, Fayetteville, NC
Parcel Identification Number: 0452-37-9434

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:

BACKGROUND: That the following is a report on Minimum Housing case number MH 5921-2009.

Property Owner: M.J. Marsh Farm, Inc., C/O V.B. Marsh
Property Address: 3497 Shem Creek Drive, Fayetteville, NC
Tax Parcel Identification Number: 0452-37-9434

SYNOPSIS: This property was inspected on 4/21/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 5/14/2009. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 7/14/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 8/7/2009 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 \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00 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.

The Chairman opened the public hearing.

NO SPEAKERS

The Chairman closed the public hearing.

MOTION: Commissioner Melvin moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, order the property owner to remove or demolish the dwelling within 30 days, 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 direct the Clerk to incorporate the findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Edge

DISCUSSION: Commissioner King stated he wants to look at each case since the County is taking action on them. George Hatcher, Code Enforcement Officer, advised that these are uncontested cases by the owners of the properties.

VOTE: Voting in Favor – Commissioner Faircloth, Commissioner Blackwell, Commissioner Council, Commissioner Edge, Commissioner Melvin
Voting in Opposition – Commissioner King and Commissioner Keefe

H. Case Number: MH5922-2009
Property Owner: M.J. Marsh Farm, Inc., c/o V.B. Marsh
Property Location: Lot in front of 3163 Shem Creek Drive,
Fayetteville, NC
Parcel Identification Number: 0452-27-2136

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:

BACKGROUND: That the following is a report on Minimum Housing case number MH 5922-2009.

Property Owner: M.J. Marsh Farms, Inc., C/O V.B. Marsh
Property Address: Lot in front of 3163 Shem Creek Drive, Fayetteville, NC
Tax Parcel Identification Number: 0452-27-2136

SYNOPSIS: This property was inspected on 4/21/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 5/14/2009. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 7/14/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 8/7/2009 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 \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00 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.

The Chairman opened the public hearing.

NO SPEAKERS

The Chairman closed the public hearing.

MOTION: Commissioner Melvin moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, order the property owner to remove or demolish the dwelling within 30 days, 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 direct the Clerk to incorporate the findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Edge

DISCUSSION: Commissioner King stated he wants to look at each case since the County is taking action on them. George Hatcher, Code Enforcement Officer, advised that these are uncontested cases by the owners of the properties.

VOTE: Voting in Favor – Commissioner Faircloth, Commissioner Blackwell, Commissioner Council, Commissioner Edge, Commissioner Melvin
Voting in Opposition – Commissioner King and Commissioner Keefe

I. Case Number: MH5491-2008
Property Owner: Monica Stebbings
Property Location: 2445 Wilmington Highway, Fayetteville, NC
Parcel Identification Number: 0445-34-5209

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:

BACKGROUND: That the following is a report on Minimum Housing case number MH 5491-2008.

Property Owner: Monica Stebbings
Property Address: 2445 Wilmington Highway, Fayetteville, NC
Tax Parcel Identification Number: 0445-34-5209

SYNOPSIS: This property was inspected on 4/10/2008. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 7/31/2008. 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 10/31/2008. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) An appeal was filed. The Housing Board of Appeals granted a 60 day extension of time, with a final compliance date of 6/15/2009 (see Exhibit B). Upon my visit to the property on 8/7/2009 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 \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00 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.

The Chairman opened the public hearing.

NO SPEAKERS

The Chairman closed the public hearing.

MOTION: Commissioner Melvin moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, order the property owner to remove or demolish the dwelling within 30 days, 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 direct the Clerk to incorporate the findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Edge

DISCUSSION: Commissioner King stated he wants to look at each case since the County is taking action on them. George Hatcher, Code Enforcement Officer, advised that these are uncontested cases by the owners of the properties.

VOTE: Voting in Favor – Commissioner Faircloth, Commissioner Blackwell,
Commissioner Council, Commissioner Edge, Commissioner Melvin
Voting in Opposition – Commissioner King and Commissioner Keefe

J. Case Number: MH5692-2008
Property Owner: Hattie W. Coptsias, c/o Julie Watson
Property Location: 3709 Camden Road Road, Fayetteville,
NC
Parcel Identification Number: 0425-26-9358

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:

BACKGROUND: That the following is a report on Minimum Housing case number MH 5692-2008.

Property Owner: Hattie W. Coptsias C/O Julie Watson
Property Address: 3709 Camden Road, Fayetteville, NC
Tax Parcel Identification Number: 0425-26-9358

SYNOPSIS: This property was inspected on 10/14/2008. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 11/26/2008. Julie Watson 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 5/15/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 8/7/2009 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 \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$5000.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

The Chairman opened the public hearing.

NO SPEAKERS

The Chairman closed the public hearing.

MOTION: Commissioner Melvin moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, order the property owner to remove or demolish the dwelling within 30 days, 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 direct the Clerk to incorporate the findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Edge

DISCUSSION: Commissioner King stated he wants to look at each case since the County is taking action on them. George Hatcher, Code Enforcement Officer, advised that these are uncontested cases by the owners of the properties.

VOTE: Voting in Favor – Commissioner Faircloth, Commissioner Blackwell, Commissioner Council, Commissioner Edge, Commissioner Melvin
Voting in Opposition – Commissioner King and Commissioner Keefe

K. Case Number: MH5777-2009
Property Owner: Erical McArthur
Property Location: 6015 Acoma Court, Fayetteville, NC
Parcel Identification Number: 0472-08-8660

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:

BACKGROUND: That the following is a report on Minimum Housing case number MH 5777-2009.

Property Owner: Erical McArthur
Property Address: 6015 Acoma Court, Fayetteville, NC
Tax Parcel Identification Number: 0472-08-8660

SYNOPSIS: This property was inspected on 2/2/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 3/5/2009. 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 4/1/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 8/7/2009 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 \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$3,455.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

The Chairman opened the public hearing.

NO SPEAKERS

The Chairman closed the public hearing.

MOTION: Commissioner Melvin moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, order the property owner to remove or demolish the dwelling within 30 days, 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 direct the Clerk to incorporate the findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Edge

DISCUSSION: Commissioner King stated he wants to look at each case since the County is taking action on them. George Hatcher, Code Enforcement Officer, advised that these are uncontested cases by the owners of the properties.

VOTE: Voting in Favor – Commissioner Faircloth, Commissioner Blackwell, Commissioner Council, Commissioner Edge, Commissioner Melvin
Voting in Opposition – Commissioner King and Commissioner Keefe

L. Case Number: MH5734-2008
Property Owners: Malcolm D. Earwood and Lilly F. Earwood

Property Location: 3720 Camden Road (Frame Structure),
Fayetteville, NC
Parcel Identification Number: 0425-26-7511

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:

BACKGROUND: That the following is a report on Minimum Housing case number MH 5734-2008.

Property Owner: Malcolm Dale Earwood & Lilly Franklin Earwood
Property Address: 3720 Camden Road (frame structure), Fayetteville, NC
Tax Parcel Identification Number: 0425-26-7511

SYNOPSIS: This property was inspected on 12/17/2008. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 1/15/2009. Malcolm Earwood & Lily F. Earwood 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 4/15/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 8/7/2009 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 \$28,000.00. The Assessor for Cumberland County has the structure presently valued at \$6,500.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

Mr. George Hatcher advised that this case and the following case involves four structures, one frame structure and three mobile homes. The property was inspected in December of 2008 and the owner was notified and a hearing was held in January, 2009. The owners did attend the hearing. Some work has been done on the property, but the total demolition and clean up has not been taken care of. The owners are in agreement with the action requested, but would like to request more time.

The Chairman opened the public hearing.

SPEAKER: Malcolm Earwood – (the Clerk administered the oath) – Mr. Earwood stated the property was his Grandfather's and has been in the family since 1924. Mr. Earwood has had little help completing the request due to sickness in the family and requests more time to finish the job. Commissioner Blackwell questioned how much time was needed and Mr. Earwood replied that 90 days would be fine.

The Chairman closed the public hearing.

MOTION: Commissioner Blackwell moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, order the property owner to remove or demolish the dwelling within 90 days, 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 direct the Clerk to incorporate the findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Melvin

VOTE: Unanimous

M. Case Numbers: MH5731, 5732 & 5733-2008
Property Owners: Malcolm D. Earwood and Lilly F. Earwood
Property Location: Rear lot of 3720 Camden Road

(Unit A, B & C) Fayetteville, NC
Parcel Identification Number: 0425-26-7511

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:

BACKGROUND: That the following is a report on Minimum Housing case number MH 5731, 5732, 5733-2008.

Property Owner: Malcolm Dale Earwood & Lilly Franklin Earwood
Property Address: Rear lot of 3720 Camden Road (3 mobile homes), Fayetteville, NC
Tax Parcel Identification Number: 0425-26-7511

SYNOPSIS: This property was inspected on 12/17/2008. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 1/15/2009. Malcolm Earwood & Lily F. Earwood 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 4/15/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 8/7/2009 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 \$15,000.00 each. The Assessor for Cumberland County has the structure presently valued at \$500.00 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.

(Refer to comments from George Hatcher in Item L for this case.)

The Chairman opened the public hearing.

SPEAKER: Malcolm Earwood (Refer to comments listed in Item L which refers to this case as well.)

The Chairman closed the public hearing.

MOTION: Commissioner Blackwell moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, order the property owner to remove or demolish the dwelling within 90 days, 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 direct the Clerk to incorporate the findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Melvin

VOTE: Unanimous

N. Case Number: MH5685-2008
Property Owner: Maria Bell
Mobile Home Owner: Dennis R. Bell
Property Location: 1352 Ringwood Road, Unit A,
Fayetteville, NC
Parcel Identification Number: 0458-62-2031

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:

BACKGROUND: That the following is a report on Minimum Housing case number MH 5685-2008.

Property Owner: Maria Bell
Home Owner: Dennis R. Bell
Property Address: 1352 Ringwood Road, Unit A, (Singlewide manufactured home), Fayetteville, NC

Tax Parcel Identification Number: 0458-62-2031

SYNOPSIS: This property was inspected on 10/30/2008. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 11/20/2008. Dennis R. Bell & Ms. Martinez 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 2/20/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) An appeal was filed. The Housing Board of Appeals granted a 30 day extension of time, with a final compliance date of 5/14/2009 (see Exhibit B). Upon my visit to the property on 8/7/2009 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 \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$6,789.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

The Chairman opened the public hearing.

NO SPEAKERS

The Chairman closed the public hearing.

MOTION: Commissioner Melvin moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, order the property owner to remove or demolish the dwelling within 90 days, 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 direct the Clerk to incorporate the findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Edge

DISCUSSION: George Hatcher advised that the owner is aware of the action, but has requested 90 days to complete the requested action.

VOTE: Unanimous

O. Case Number: MH5684-2008
Property Owner: Maria Bell
Mobile Home Owner: Dennis R. Bell
Property Location: 1352 Ringwood Road, Unit B,
Fayetteville, NC
Parcel Identification Number: 0458-62-2031

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:

BACKGROUND: That the following is a report on Minimum Housing case number MH 5684-2008.

Property Owner: Maria Bell

Home Owner: Dennis R. Bell

Property Address: 1352 Ringwood Road, Unit B, (Doublewide manufactured home), Fayetteville, NC

Tax Parcel Identification Number: 0458-62-2031

SYNOPSIS: This property was inspected on 10/30/2008. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 11/20/2008. Dennis R. Bell & Ms. Martinez 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 2/20/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) An appeal was filed. The Housing Board of Appeals granted a 30 day extension of time, with a final compliance date of 5/14/2009 (see Exhibit B). Upon my visit to the property on 8/7/2009 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 \$15,000.00. The Assessor for Cumberland County has the structure presently valued at Not listed.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

The Chairman opened the public hearing.

No SPEAKERS

The Chairman closed the public hearing.

MOTION: Commissioner Melvin moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, order the property owner to remove or demolish the dwelling within 90 days, 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 direct the Clerk to incorporate the findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Edge

DISCUSSION: George Hatcher advised that the owner is aware of the action, but has requested 90 days to complete the requested action.

VOTE: Unanimous

P. Case Numbers: MH5778-2009
Property Owner: Duane Max Bryant
Property Location: 2643 Flamingo Drive, Fayetteville, NC
Parcel Identification Numbers: 0415-45-4684

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 5778-2009.

Property Owner: Duane Max Bryant

Property Address: 2643 Flamingo Drive, Fayetteville, NC

Tax Parcel Identification Number: 0415-45-4684

SYNOPSIS: This property was inspected on 1/28/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 3/4/2009. 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 6/4/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 8/7/2009 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 \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00 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.

The Chairman opened the public hearing.

NO SPEAKERS

The Chairman closed the public hearing.

MOTION: Commissioner Melvin moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, order the property owner to remove or demolish the dwelling within 30 days, 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 direct the Clerk to incorporate the findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Edge

DISCUSSION: Commissioner King stated he wants to look at each case since the County is taking action on them. George Hatcher, Code Enforcement Officer, advised that these are uncontested cases by the owners of the properties.

VOTE: Voting in Favor – Commissioner Faircloth, Commissioner Blackwell, Commissioner Council, Commissioner Edge, Commissioner Melvin
 Voting in Opposition – Commissioner King and Commissioner Keefe

Items of Business

5. Consideration of Public Utilities Matters:

A) Acceptance of Bids for the Construction of the Brooklyn Circle Water Line Extension.

BACKGROUND: On Thursday, August 6, 2009 bids were received and opened for the construction of the Brooklyn Circle Water Line Extension. Attached is a copy of the bid tabulation and a discussion of the bids prepared by our project Engineers, Koonce Noble & Associates of Lumberton, North Carolina. The bid proposal includes all work for the construction of a potable water distribution system to residents along Brooklyn Circle whose wells have been contaminated with byproducts of a petroleum related release in southwestern Cumberland County. The low responsive bid submitted was from Frank Horne Construction, Inc. of Fair Bluff, North Carolina in the amount of \$ 73,787.00. There is an alternate to the Bid to relocate the line to the other side of Brooklyn Circle that would facilitate additional extension of the line in the future in the amount of \$ 5, 626.60. The original estimate for this project was close to \$100,000 and was prepared by the Engineer's. Funds are available in the Water & Sewer Fund (250) for this project. There will be some participation in this project from the Fayetteville PWC.

This project is needed due to the presence of petroleum related contaminants in the drinking wells. At the present time the County will participate up to 25% of the project cost. PWC will evaluate the bid and let us know shortly what their participation will be; the remainder will be assessed to the property owners.

Frank Horne Construction				
Item #	Description	Estimated Quantity	Unit Price	Total Price
1	8" Ductile Iron Pipe w/neoprene gaskets, pressure class 350	2,097 l.f.	\$ 19.40	\$40,681.80
2	8" Ductile Iron	100 l.f.	\$ 30.00	\$ 3,000.00

	Restrained Joint Pipe			
3	8" Gate Valves & Boxes	3 ea.	\$1,070.00	\$ 3,210.00
4	6" Gate Valves & Boxes	2 ea.	\$ 798.00	\$ 1,596.00
5	Fire hydrants as specified to include 6" cast iron hydrant extension pipe, avg. length 15', complete with tie rods. Valves and fittings to be paid under other items.	2 ea.	\$2,066.00	\$ 4,132.00
6	Ductile Iron fittings	1,121 lbs.	\$ 5.20	\$ 5,829.20
7	1" House Service (Tapping on to 2", 4", 6" and 8" water lines) 15' avg. length, 1" copper pipe as shown on detail	7 ea.	\$ 505.00	\$ 3,535.00
8	1" House Service (Tapping on to 2", 4", 6" and 8" water lines) bored or jacked under pavement, 45' avg. length	10 ea.	\$ 799.00	\$ 7,990.00
9	Concrete Replacement	5 s.y.	\$ 50.00	\$ 250.00
10	Asphalt Replacement	25 s.y.	\$ 43.00	\$ 1,075.00
11	Concrete for Blocking	3 c.y.	\$ 250.00	\$ 750.00
12	2" Blowoff as Shown on Detail	2 ea.	\$ 869.00	\$ 1,738.00
	TOTAL BASE BID			\$73,787.00

- ACTION:**
1. Accept the bids for the construction of the Brooklyn Circle Water Line Extension.
 2. Award a contract to the lowest responsive bidder, Frank Horne Construction Inc., in the amount of \$73,787.73. Not accepting the alternate.
 3. Authorize an Interlocal Agreement between the County and the PWC outlining the responsibilities of each party as well as the participation amounts.
 4. Authorize the establishment of a project contingency line within the project budget, in the amount of \$5,000 (7%) as recommended by the Engineer, only to be disbursed with the approval of the County Manager.
 5. Approve the budget revisions to establish the items listed above.

Tom Cooney, Public Utilities Director, advised that Brooklyn Circle is one of the contaminated sites that have been located in the County and that the lowest bidder was Frank Home Construction in the amount of \$73,787.73. Mr. Cooney confirmed that PWC will be participating in this project up to 25% and that Hope Mills will not be participating due to advisement of their legal counsel.

MOTION: Commissioner Blackwell moved to accept the bid.

SECOND: Commissioner Melvin

VOTE: Unanimous

- B) Approval of Contract with the Engineering Firm of Marziano & McGougan for the Preliminary Design of the Grays Creek Water & Sewer District Water Distribution System, to Include the Application Document and Submittal for USDA Funding.

BACKGROUND: The Grays Creek Water & Sewer District, located in the southwest portion of Cumberland County has been identified as a feasible project in the recently completed *Cumberland County Rural Water Feasibility Study*. The next

step in this process is to find funding to allow for the construction of this water distribution system. At the present time the USDA has received a large amount of funding under the Federal Stimulus program. It is believed that this project will qualify for low interest loans to include zero interest and even some loan forgiveness funding (Grant). It is important that the County move quickly in an effort to apply for these funds, as they will be authorized on a first come first serve basis. Our Engineers, Marziano & McGougan have provided a cost proposal to perform the required work, with a cost not to exceed \$ 60,000. Attached are copies of the proposal to perform the preliminary design and application process for the Grays Creek Water & Sewer District.

ACTION: Approve a Contract in the amount not to exceed \$60,000 with the firm of Marziano & McGougan for the preliminary design and USDA application process for the Grays Creek Water and Sewer District water distribution system. Approve the budget revision. Funds are available in the Water & Sewer Fund for this phase of the project.

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Melvin

VOTE: Unanimous

C) Accept the Preliminary Cumberland County Rural Water Feasibility Study and Direct the Engineer to Prepare the Final Report.

BACKGROUND: For the past year the county has employed the service of a professional engineering firm (Marziano & McGougan) to prepare a rural water feasibility study in an effort to plan for providing a Countywide Water Distribution System. In June of 2009 there was a presentation of the preliminary report to a joint meeting of the Board of Commissioners, the PWC Board of Commissioners and members of the City Council as well as members of each agency's management and staff. Following the presentation it was requested of all present that any comments or correction be forwarded to the Public Utilities Department for inclusion into the report. There have only been a few minor change requests with everyone in agreement as to the general direction of the recommendation in the report. Those corrections will be included in the final edition of this report.

ACTION: Accept the Preliminary "Cumberland County Rural Water Feasibility Study" and direct the Engineer to prepare the final report for publication and presentation.

Mr. Tom Cooney, Public Utilities Director, advised that very few comments or corrections were received in the last month regarding the Feasibility Study and that the final report is now ready for approval. Mr. Cooney questioned when the Commissioners would prefer to hear the final report. Commissioner Blackwell suggested that a presentation be presented at a morning meeting.

MOTION: Commissioner Blackwell moved to accept the report and to direct the Engineer to prepare the final report.

SECOND: Commissioner Faircloth

VOTE: Unanimous

MOTION: Commissioner Blackwell moved that if an update is desired by the Board on the final report that it be given at a morning meeting.

SECOND: Commissioner King

DISCUSSION: Commissioner Edge questioned whether there were many changes in the report and Mr. Cooney advised that there were only minor typographical errors.

Commissioner Blackwell withdrew the motion and Commissioner King withdrew the second. It was agreed that a presentation of the final report was not necessary

6. Consideration of Recommendations of the Cumberland County Policy Committee Regarding:

A) County's Participation for the Cedar Creek Road Water Extension Project.

BACKGROUND: The Utilities Department has been working for the past several years in an effort to extend public water to the Cedar Creek Road residents just east of the railroad tracks adjacent to the former Monsanto facility. Efforts to obtain an easement through negotiation with the property owners failed. The property owner with the largest tract had sentimental reasons for not granting the easement and felt that his property would be adversely affected by the water line. A second option to extend water along Cedar Creek Road which would require an easement and a bore under the railroad tracks would add approximately \$75,000 to the project cost. This cost would result in an increased assessment which is prohibitive to the property owners. I had proposed that the County share the cost of getting the water across the tracks with the PWC, then have the property owners pick up the rest of the project from there. This concept was approved by the Board of Commissioners in March. The PWC has determined that they will make a decision on participation in this project once PWC completes its strategy and develops a policy position on county-wide water. It will apply the policy retroactively to the Cedar Creek Road Project. As a result, I am requesting that the Board of Commissioners consider covering the cost to extend the waterline along Cedar Creek Road to just south of the railroad tracks. The property owners will then be assessed the remainder of the project. The Policy Committee reviewed this request and unanimously recommended approval of the County participating in this project.

ACTION: Approve participation in this project by the County and approve associated budget revision. It is estimated that the county's participation will not exceed \$75,000.

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Melvin

VOTE: Unanimous

B) Revisions to the Rules of Procedure for the Cumberland County Board of Commissioners.

BACKGROUND: In May, 2009, a review of the current Rules of Procedure which was adopted on October 15, 1990, was reviewed by County Attorney Grainger Barrett, Marsha Fogle (Clerk to the Board) and Marie Colgan (Deputy Clerk to the Board).

On August 6, 2009, the recommended changes were presented to the Policy Committee and the attached document reflects further recommendations.

ACTION: Approve recommended revisions to the Rules of Procedure as presented.

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Edge

VOTE: Unanimous

7. Nominations to Boards and Committees

A. Board of Adjustment (1 Vacancy)

Vacancy – Steve Parsons completing second term. Recommendation is for alternate member John Swanson to fill the vacancy.

Nominee: John Swanson

B. Cumberland County Finance Corporation and Cumberland County Industrial Facilities and Pollution Control Financing Authority (4 Vacancies)

Vacancies: Clifton McNeill, Sr. – completing first term. Eligible for reappointment.
Timothy S. Richardson – completing first term. Eligible for reappointment.
HB Smith, Jr. – completing second term. Fill the vacancy.
Robert L. White – completing second term. Fill the vacancy.

Nominees: Clifton McNeill, Sr
Timothy S. Richardson
Ronald C. Crosby, Jr.
Mark W. McCallum

C. Cumberland County Local Emergency Planning Committee (3 Vacancies)

Vacancies: Sgt. Erwin Montgomery – completing first term. Eligible for reappointment.
Charles F. Kimble – completing first term. Eligible for reappointment.
Steve Schultz – completing second term. Recommendation is for Scott Tanner to fill the vacancy.

Nominees: Sgt. Erwin Montgomery
Charles F. Kimble
Scott Tanner

D. Senior Citizens Advisory Board (2 Vacancies)

Vacancies: E.C. Modlin – completing second term. Fill the vacancy.
Dineen Morton – completing second term. Fill the vacancy.

Nominees: Tom Cain
Brenda Brown

E. Southeastern Economic Development Commission (1 Vacancy)

Vacancy: Juanita Pilgrim – completing second term. Recommendation is to waive term limits and to reappoint Juanita Pilgrim.

Nominee: Juanita Pilgrim

8. Appointments to Boards and Committees

MOTION: Commissioner King moved to appoint the nominees in 8A-8D.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS

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

Nominee: Alfonso Ferguson, Sr.

B. Criminal Justice Partnership Advisory Board (1 Vacancy)

Nominee: At-Large Position: Terresa Rogers

C. Cumberland County Local Emergency Planning Committee (4 Vacancies)

Nominees: Print & Broadcast Media Representative: Sally Shutt

Utilities Representative: Jay Jackson

Operators of Facilities:

Antionette Barnes
Gene Smith

D. Joint Appearance Commission (1 Vacancy)

Nominee: Ken Arnold

9. Closed Session:

A) Real Estate Matter, Pursuant to NCGS 143-318.11(a) (5).

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

MOTION: Commissioner Blackwell moved to go into Closed Session

SECOND: Commissioner King

VOTE: Unanimous

MOTION: Commissioner Council moved to go back into Open Session

SECOND: Commissioner Edge

VOTE: Unanimous

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner King

VOTE: Unanimous

MEETING ADJOURNED AT 8:55 PM

Clerk to the Board