

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
OCTOBER 19, 2009 - 6:45 PM
117 Dick Street, 1st Floor, Room 118
REGULAR/REZONING MEETING – CORRECTED MINUTES
Corrected by Action of the Board on 10-18-10

PRESENT: Chairman Jeannette Council
Vice Chairman Billy R. King
Commissioner Breeden Blackwell
Commissioner Kenneth Edge
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Ed Melvin
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Harvey Raynor, Interim County Attorney
Phyllis Jones, Assistant County Attorney
Sally Shutt, Communications Manager
Kenny Currie, Emergency Services Director
George Hatcher, Inspector – Inspections Department
Candice White, Deputy Clerk to the Board
Marie Colgan, Clerk to the Board

INVOCATION - Commissioner Billy King, Vice-Chairman

PLEDGE OF ALLEGIANCE – Keri Small, 4th Grade, Howard Hall Classical School

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

Speakers:

David Allred - Mr. Allred extended an invitation to the Commissioners to an open house and panel discussion at CREST on October 29th. CREST is a non-profit organization that provides residential and employment services and training in Cumberland County.

Dwayne Patterson – Mr. Patterson provided information on the panel participants for the event

1. Approval of Agenda

Agenda Adjustments:

ADD: Under Item 8 – Closed Session

8B. Attorney Client Matter pursuant to NCGS 143-318.11 (a)(3)

8C. Personnel Matters pursuant to NCGS 143-318.11 (a)(6)

DELETE: Item 2E

MOTION: Commissioner King moved to approve the agenda with the noted changes.

SECOND: Commissioner Blackwell

VOTE: Unanimous

2. Consent Agenda

MOTION: Commissioner Blackwell moved to approve Items 2A-2H with the exception of 2E which was deleted.

SECOND: Commissioner Faircloth

VOTE: Unanimous

A. Approval of minutes for the October 5, 2009 regular meeting and October 5, 2009 special meeting.

ACTION: Approve

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

Baywood South Subdivision: Bobby Jones Drive, Ping Court, Mid Iron Court, Divot Place, Titleist Drive

ACTION: Approve

- C. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – PIN 0447-61-7142.

BACKGROUND: On or about September 29, 2008, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and cost for the property is \$3,045.10.

Bobby Brock was the last and highest bidder offering to purchase the County’s interest in the property for \$4,053.03 and has deposited \$405.30 in the Finance Office. The tax value of the property is \$9,097.00.

This property is surplus to the needs of the County and, according to N.C.G.S. 153A-176 and N.C.G.S. 105-376, the County has the authority to sell such property. Management has reviewed this offer and it is now being submitted for the Board to consider whether or not to accept Mr. Brock’s bid. The property has been advertised and has received several bids; however, Mr. Brock was the final and highest bidder. The bid period is now closed.

ACTION: Accept the offer of Bobby Brock to purchase the above property for the sum of \$4,053.03, plus costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- D. Approval of Setting a Public Hearing for Brooklyn Circle Preliminary Assessment Resolution.

BACKGROUND: Several properties on Brooklyn Circle have experienced contamination in their water supply that has resulted in the need for a potable water line extension to serve this street. North Carolina State Statutes require that a Public Hearing be held by the Board of Commissioners to receive comments for this project.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

PRELIMINARY
SPECIAL ASSESSMENT RESOLUTION
BROOKLYN CIRCLE
WATER EXTENSION PROJECT

WHEREAS, the groundwater wells, which are used by the property owners in the 100 and 200 blocks of Brooklyn Circle from Gillespie Street to the intersection of Porter Road has been contaminated with constituents related to petroleum products, the source of which is unknown, and

NOW THEREFORE, the Board of Commissioners, pursuant to Article 9 of Chapter 153A of North Carolina General Statutes, hereby adopts the following special assessment resolution:

- I. Need for Project: The Board of Commissioners of Cumberland County hereby undertakes a project to extend public water to the 100 and 200 blocks of Brooklyn Circle. This project is required to eliminate the use of individual groundwater wells for consumptive and hygienic purposes which are now contaminated or have the potential for contamination. The overall quality of the ground water in this area is contaminated, requiring property owners to use bottled water.
- II. General Description of the Project: This project is to bring potable, public water to the 100 and 200 blocks of Brooklyn Circle from the Fayetteville Public Works Commission (PWC) line located along Gillespie Street. This service lateral will have the capability to serve seventeen (17) structures along the 100 and 200 blocks of Brooklyn Circle.

- III. Ownership: The water line extensions will become the property of the Public Works Commission of the City of Fayetteville and will be operated and maintained by PWC as part of its comprehensive public water system throughout its service area.
- IV. Proposed Basis of Assessment: The proposed basis of assessment will be at an equal rate per lot in the project area along which public water is extended. The area to be served will include all lots and tracts along the 100 and 200 blocks of Brooklyn Circle.
- V. Percentage of Cost to be Assessed: Sixty-one percent (61%) of the total engineering, construction and administrative costs shall be assessed against the benefited properties in this special assessment project and the County and PWC shall pay the remaining thirty-nine (39%) per an arrangement between to the two entities.
- VI. Abeyance: No assessment will be held in abeyance.
- VII. Terms of Payment: The assessment will be payable in fifteen (15) annual installments and the first installment with interest will be due sixty (60) days after the date that the assessment roll is confirmed. One installment with interest is due on the anniversary date in each successive year until the assessment is paid in full. The interest rate shall be set at six percent (6%) per annum. The assessment may be paid in full without interest anytime up to sixty (60) days after the confirmation of the assessment roll is published.
- VIII. Order of Public Hearing: A public hearing on all matters covered by this resolution will be held at 6:45 pm on Monday, November 16, 2009 in Room 118 of the Cumberland County Courthouse at the regularly scheduled meeting of the Board of Commissioners

IN WITNESS WHEREOF, this resolution adopted this the 19th day of OCTOBER, 2009.

ACTION: Adopt the Preliminary Special Assessment Resolution for Brooklyn Circle and set a Public Hearing for November 16, 2009 at 6:45 pm at the regularly scheduled meeting of the Board of Commissioners.

- E. ~~DELETED~~ - Approval of Ordinance Assessing Property for the Costs of Demolition of a structure Pursuant to the Minimum Housing Code of Cumberland County at 4008 Limestone Street, PIN 0469-45-2433.
- F. Approval of Budget Revision for Energy Efficiency and Conservation Block Grant Program (EECBG).

BACKGROUND: Cumberland County recently received approval of the County's EECBG application from The US Department of Energy. The amount of the grant award is \$590,700.00 of which the amount of funds obligated is \$50,000.00. The funds obligated are for the initial work activity of the project which is to conduct energy audits of select County facilities.

ACTION: Approve the budget revision that establishes the EECBG project budget.

- G. Approval of a Proclamation Recognizing October 27, 2009 as "F.E.E.D. Fayetteville Day" in Cumberland County.

BACKGROUND: Tuesday, October 27th marks the 8th annual F.E.E.D. Fayetteville (Faith Community Enjoying Evolved Human Development) event. F.E.E.D. Fayetteville is a project under the auspices of the Fayetteville-Cumberland Human Relations Commission. The event is an initiative that was launched out of the Communities of Faith Dialogue meetings, which originated from the Commission's Study Circles Program.

F.E.E.D Fayetteville is an effort to bring people of the different faith communities face to face to work together helping those in need. For the event, a number of area churches, faith groups, and local health and human services providers will come together to provide food,

clothing including outdoor winter wear, blankets and toiletry items, health screenings, as well as other needed information and services.

Through the experience of working with people from different religions, creeds, races, socio-economic backgrounds, national origins, ages, and those physically or mentally challenged, our hope is that individuals will overcome the many prejudices, biases and fears that permeate our society.

F.E.E.D. FAYETTEVILLE DAY
PROCLAMATION

Whereas, the mission of the Human Relations Commission is to facilitate and advocate programs, projects and actions to promote a better quality of life and ensure the civil and human rights of all citizens without regard to sex, religion, creed, national origin, age, familial status or handicap; AND

Whereas, the F.E.E.D. (Faith Communities Enjoying Evolved Human Development) Fayetteville Outreach Event (hereinafter “F.E.E.D. Fayetteville”) was established in 2001 as an initiative of the Human Relations Commission’s Faith Dialogue Committee; AND

Whereas, the purpose of F.E.E.D. Fayetteville is to provide a mass community service event whereby homeless and disadvantaged residents of the Fayetteville-Cumberland County community will receive food, clothing, and other information and services; AND

Whereas, the U.S. Department of Veteran Affairs, Veteran Administration Medical Center of Fayetteville, has partnered with the F.E.E.D. Fayetteville Committee by combining its Homeless Stand Down with F.E.E.D. Fayetteville to provide needed services for veterans; AND

Whereas, we join all citizens of Fayetteville and Cumberland County in recognizing the impact the Fayetteville-Cumberland Human Relations Commission’s Faith Dialogue Committee, the F.E.E.D. Fayetteville Committee, and the Fayetteville Veterans Administration Medical Center have made in providing for citizens in need in our community.

Now, Therefore I, Dr. Jeannette M. Council, by virtue of the authority vested in me as Chairman of the Cumberland County Board of Commissioners, do hereby proclaim: October 27, 2009 as F.E.E.D. Fayetteville Day

ACTION: Approve Proclamation recognizing October 27, 2009 as F.E.E.D. Fayetteville Day.

H. Budget Revisions:

ACTION: Approve

(1) Health

- a. NC Bioterrorism Preparedness and Response - Revision in the amount of \$5,477 to budget local match as in-kind. (B10-095) Funding Source –In-Kind
- b. NC Bioterrorism Response Team – Revision in the amount of \$65,665 to reconcile the County Budget with the State budget. (B10-143) Funding Source – State
- c. Immunization Clinic – Revision in the amount of \$7,000 to budget additional State funding. (B10-142) Funding Source - State

(2) Workforce Development

- a. WIA 70% Youth - Revision in the amount of \$177,073 to budget carryover funds of \$138,209 from the prior year and to recognize \$55,656 of additional funds for the youth program. (B10-144) Funding Source – Federal

- b. WIA 70% Youth Stimulus – Revision in the amount of \$4,982 to budget carryover funds from the prior year. (B10-145) Funding Source – Federal
- c. WIA 30% Youth Stimulus – Revision in the amount of \$1,341 to budget a reduction in the carryover funds from the prior year. (B10-146) Funding Source – Federal
- d. WIA 30% Youth – Revision in the amount of \$20,723 to budget carryover funds of \$4,066 from the prior year and to recognize \$16,657 of additional funds for the youth program. (B10-147) Funding Source – Federal

(3) Sheriff’s Training Facility/Federal Drug Forfeiture Fund

Revision to appropriate unexpended fund balance of \$270,000 from the Sheriff’s Training Facility Capital Project budget and transfer the funds to the Sheriff’s Federal Drug Forfeiture Fund. (B10-150 & B10-150A) Funding Source – Federal Drug Forfeiture Funds

3. Public Hearings

- A. Public Hearing on the Proposed Establishment of the Grays Creek Water & Sewer District and Adoption of a Resolution to Create the Said District.

BACKGROUND: The Gray’s 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 Gray’s Creek Water & Sewer District. The Board of Commissioners, at their last meeting on October 5, 2009 set a public hearing date for October 19, 2009 at their scheduled meeting. Following the public hearing the Board of Commissioners may take action to adopt a resolution to create the Gray’s Creek Water & Sewer District.

RESOLUTION CREATING GRAY’S CREEK
WATER AND SEWER DISTRICT

WHEREAS, the Cumberland County Board of Commissioners (hereinafter “the Board”) at its regular meeting on October 19, 2009, held a public hearing, pursuant to NCGS 162A-86 et.seq., to consider creation of the Gray’s Creek Water and Sewer District; and

WHEREAS, pursuant to NCGS 162A-86, prior to the October 19, 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 Gray’s 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, a special called meeting of the Board of Commissioners was held at 7:00 pm on the 5th of October at the Gray’s Creek Middle School for the purpose of hearing comments and answering questions by the citizens of the proposed district concerning the proposed district; and

WHEREAS, at the public hearing held at 6:45 p.m., October 19, 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 Gray’s 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 Gray's Creek Water and Sewer District.

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

The Gray's Creek Water and Sewer District is created and the said District is hereby described as follows:

The area that is known as Gray's Creek located in the southwestern corner of Cumberland County Bounded by the Cape Fear River to the East, the Robeson County line to the West and Bladen County line to the South and the Fayetteville Public Works Commission sewer service area to the North.

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 October 19, 2009 and was first published on October ____, 2009.

Any action or proceeding questioning the validity of this resolution or the creation of the Gray's 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.

ACTION: Adopt the resolution to create the Gray's Creek Water & Sewer District.

The Chairman opened the Public Hearing.

Chairman Council stated that this is the third time that comments have been received by the Commissioners on this particular item. Chairman Council reminded attendees that the Board will be listening to concerns, but will not be answering questions.

Speakers:

Joseph Hale – 6202 Hwy 301 South

Mr. Hale provided a handout of water test results for the church (Mars Hill Presbyterian Church) he attends which states that the water cannot be used for any reason. He stated that even though he has good water, he is concerned about how many residents have been affected from the contamination. Willing to be annexed if that would get clean water.

William Scott – 1478 Joe Hall Road, Hope Mills, NC

Mr. Scott stated he has good water, but neighbors across the street from him do not have good water. Stated he understands the process and that his one concern is who will be in charge once they vote for the water district.

J.D. Pone – 2802 Blossom Road

Mr. Pone stated that his water is good, but he has neighbors that do not have good water. He is in favor of the project for those who need it in Grays Creek. He is a member of the Grays Creek Volunteer Fire Department and running lines in their community will allow them to get more fire hydrants which could lower costs to resident's premiums. He was originally opposed to the water district, but he was assured by several of the Commissioners that if the cost turns out to be too high, the project would be pulled.

Darlene Bain – 2772 School Road, Hope Mills, NC

Ms. Bain stated she could not attend the October 5th community meeting, but has several questions she would like to have answered.

- 1) Wanted to know if the start up date of 2010 is still good as stated in the County water feasibility study?
- 2) Who will supply the water?
- 3) When will the referendum be? (hopes residents will get notices by mail.)
- 4) Is it true that the residents will be paying \$15 - \$20 a month even if they don't hook up to the lines?
- 5) Wants to know why it is being called a water and sewer district when the study shows a water district?
- 6) If approved and the County does not get the loan and grant monies that are anticipated, will the residents have to pay \$4,500 per lot like Windridge subdivision?
- 7) Will the residents have to pay by road frontage or by connection?
- 8) Will the residents still be able to use their well water?
- 9) Concerned with annexation by the City of Fayetteville after water district put in place.
- 10) How does PWC, owned by the City, have the time and money for this when they are still trying to cope with the big bang annexation?

Debra Stewart – 2494 Factory lane

Ms. Stewart stated she recognizes this project as a way of allowing developers to come in and over develop the agriculture area. She is against the water district for several reasons - can't afford the cost to connect or to pay additional fee that will be needed to run the line down ¼ mile to her house. With all the information about BRAC, the market has remained unchanged and does not believe that BRAC will affect their home sales. Fayetteville ranks third in crime. The only law enforcement department in Grays Creek is the Sheriff's Department, but is hardly noticeable there.

Jeanna Maynard – 2236 William Duke Road

Ms. Maynard stated she moved out to the Grays Creek area in order to get away from city water which contains fluoride that she feels is deadly. She is concerned for people who have bad water, but there are options the residents can take that is less expensive than going to a water district – dig deeper wells, buy home water filtration systems or consider digging a community water well. Questioned where the developer is in all this as the contamination problem has been there a long time and the developer should have been held responsible.

Deena Pittman – 5564 Butler Nursery Road

Ms. Pittman stated that she did not attend the community meeting, but knows that the costs to the homeowners will be extravagant and most of the residents cannot afford it. Does not believe that BRAC personnel will be buying homes in their area. She has a filtration system and knows that several neighbors have dug deep wells that have fixed their problems. She has a 2-acre driveway and it will cost her a lot of money to run the line to her house.

Julius Maynard – 7649 Tiger Tail Rd. – St Pauls

Mr. Maynard stated wants to clear up two misconceptions that were brought up at the last community meeting. During that meeting, some gentleman pointed out that Shaw Mill Road in Bladen County and where it runs into St. Pauls has no developments there, but they have water. However, there is a large mobile homes/modular home development there that went in after water lines were put down. He stated he moved out to Grays Creek to get away from housing developments. He has animals on his property which requires a lot of water. Suggested that residents dig deeper wells. He is against fluoride in the city water as well as other things such as chlorine bleach found in city water.

The Chairman closed the Public Hearing

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Council

DISCUSSION: Commissioner Keefe stated that in the end, this is a Grays Creek community decision. He believes it is the right time to explore the possibility of water for the Grays Creek area and stated that if it turns out to be too expensive, he will not vote for it. The goal is to get public water for under \$30 per

month. PWC will be the supplier, but it will be managed by the County through a contract. The referendum should happen about four months after figures have been received on the cost. Commissioner Melvin stated his main concern is to make sure that residents have clean water throughout the County. He reiterated that the decision will be left up to the residents of Grays Creek. Commissioner King advised Mr. Hale that a staff member will be in touch with him to discuss the water contamination at his church. Commissioner Council stated that because of the concerns of needing clean water voiced by residents, the County has reacted but that ultimately the decision is up to them. Commissioner Council stated that staff will respond to all questions asked during this meeting.

VOTE: Unanimous

- B. Public Hearing for Economic Development Incentives for the Bellagio Project by 4200 Investments, LLC.

BACKGROUND: In April, 2009 Rajan Shamdasani, developer of the Bellagio project, met with the Board and made a presentation outlining his plans for developing a parcel of land along Bragg Boulevard for luxury apartments and asked the Board to consider an economic incentive package for the project which would be equal to any that the City granted. Following that presentation staff worked on an amendment to the County's economic incentive policy which was adopted by the Board May 18, 2009. The County's policy was amended to authorize and establish guidelines for incentives to "gateway" projects, contingent on municipal incentives of at least \$250,000.00 over time, no more than the municipality's incentive in any fiscal year and requiring that the Chamber had to review the project for economic feasibility, and for potential of economic development which over a ten year period would produce County tax revenues of at least 250% of the incentive given and finally, to recommend the project to the County. The City, on August 24, 2009, approved and executed a property tax grant back agreement for the Bellagio project which granted the developer a 50% grant back on the City's taxes (appx. \$45,600.00 per annum) for a five year period provided the developer met all the terms of the agreement. This is a public hearing to consider the County entering into a similar tax grantback agreement with the developer, 4200 Investments, LLC.

ACTION: Hold a public hearing, approve the property tax grantback agreement and authorize the Chairman and Clerk to execute on behalf of the County.

The Chairman opened the Public Hearing. No Speakers. The Chairman closed the Public Hearing.

MOTION: Commissioner Blackwell moved to approve.

SECOND: Commissioner King

VOTE: Unanimous

- C. Public Hearing on Request to Close a Portion of Deaver Circle.

BACKGROUND: The property owner adjacent to Deaver Circle in Rockfish Township has petitioned that a portion of Deaver Circle be closed. The Board has called a public hearing to consider its request. The Board may close the road if it finds that no person will be denied reasonable egress or ingress to his/her property.

RESOLUTION CLOSING OF A PORTION OF DEAVER CIRCLE

WHEREAS, a petition has been submitted to the Cumberland County Board of Commissioners (the "Board") by an adjoining landowner to close a portion of Deaver Circle, in Cumberland County;

WHEREAS, following proper notice, the Board held a public hearing on the question of the closing of such street on the 19th day of October, 2009, and heard all interested persons who appeared with respect to whether the closing would be detrimental to the public interest or to any individual's property rights; and

WHEREAS, following the public hearing the said Board found and determined 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 an egress to his property by such closing, but that the reservation of certain easements would be appropriate and desirable; and that it is therefore not contrary to the public interest to close such street, subject to the reservation of the easements described below;

NOW THEREFORE, the Cumberland County Board of Commissioners hereby RESOLVES, pursuant to authority granted by G.S. 153A-241, that the public street more particularly described below be, and it is hereby, closed, subject, however to the continued dedication and preservation of an easement therein for existing and future utilities, and of an easement therein for public safety emergency vehicle access:

Beginning at an iron stake in the eastern edge of the right-of-way of Deaver Circle and in the northern boundary line of Village Green Associates Phase II (2750/557) and being the Southwest corner of parcel 0404-45-6313; thence North 7 degrees 2 minutes 8 seconds East 169.12 feet to the iron stake being the Northwest corner of said parcel; thence North 78 degrees 22 minutes 18 seconds West 60.18 feet more or less across Deaver Circle to the of the Eastern boundary line South 7 degrees 2 minutes 8 seconds West 175.00 feet to a point in the northern boundary line of Village Green Associates Phase II (2750/557); thence with said northern boundary line South 83 degrees 58 minutes 39 seconds East 60 feet to the beginning.

And the Board further RESOLVES, that a certified copy of this Resolution be recorded in the Cumberland County Registry.

Adopted this 19th day of October, 2009.

ACTION: Adopt resolution to close a portion of Deaver Circle and direct staff to record it in the Cumberland County Registry.

The Chairman opened the Public Hearing. No Speakers. The Chairman closed the Public Hearing.

MOTION: Commissioner King moved to approve.
SECOND: Commissioner Edge
VOTE: Unanimous

D. Public Hearing on Request to Close a Portion of Spruce Street.

BACKGROUND: The property owner adjacent to Spruce Street in Pearce's Mills Township has petitioned that a portion of Spruce Street be closed. The Cumberland County Planning Department approves of the closing provided the following conditions are complied with:

1. The parcels indentified by PIN: 0425-97-3198-; 0425-97-4158- & 0425-97-5137- are recombined together into one lot with a minimum of 20 feet of road frontage;
2. If only half of Spruce Street it to be combined with the three lots, then the remaining half of Spruce Street must be combined with the property to the east PIN: 0425-97-8056-;
3. The recombination plat must be submitted to the Planning & Inspections Department Meeting the platting requirements prior to being recorded at the Register of Deeds office.

The Board has called a public hearing to consider its request. The Board may close the road if it finds that no person will be denied reasonable egress or ingress to his/her property.

RESOLUTION CLOSING OF A PORTION OF SPRUCE STREET

WHEREAS, a petition has been submitted to the Cumberland County Board of Commissioners (the "Board") by an adjoining landowner to close a portion of Spruce Street, in Cumberland County;

WHEREAS, following proper notice, the Board held a public hearing on the question of the closing of such street on the 19th day of October, 2009, and heard all interested persons who appeared with respect to whether the closing would be detrimental to the public interest or to any individual's property rights; and

WHEREAS, following the public hearing the said Board found and determined 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 property by such closing, but that the reservation of certain easements would be appropriate and desirable; and that it is therefore not contrary to the public interest to close such street, subject to the reservation of the easements described below;

NOW THEREFORE, the Cumberland County Board of Commissioners hereby RESOLVES, pursuant to authority granted by G.S. 153A-241, that the public street more particularly described below be, and it is hereby, closed, subject, however to the continued dedication and preservation of an easement therein for existing and future utilities, and of an easement therein for public safety emergency vehicle access:

Beginning at the northeast corner of lot 32 Block H as shown on a plat of Southlawn, recorded in Plat Book 10, page 1 Cumberland County Registry. Thence with the eastern line of said lot South 0 degrees 14 minutes East 185 feet to the Southeast corner of said lot. Thence crossing Spruce Street North 89 degrees 46 minutes East 40 feet the southwest corner of lot 15 block I of the aforementioned plat. Thence with the western line of lot 15; North 0 degrees 14 minutes West 185 feet to the Northwest corner of lot 15. Thence crossing Spruce Street, South 89 degrees 46 minutes West 40 to the point and place of beginning.

And the Board further RESOLVES, that a certified copy of this Resolution be recorded in the Cumberland County Registry.

Adopted this 19th day of October, 2009.

ACTION: Adopt resolution to close a portion of Spruce Street and direct staff to record it in the Cumberland County Registry.

The Chairman opened the Public Hearing. No Speakers. The Chairman closed the Public Hearing.

MOTION: Commissioner Melvin moved to approve.

SECOND: Commissioner King

DISCUSSION: Commissioner Faircloth questioned whether there is a problem created when more than one street is named the same and Mr. Currie explained that this is not a problem as the emergency system differentiates between the various locations.

VOTE: Unanimous

Uncontested Cases

Rezoning

- E. Case P09-39. Rezoning of .39+/- acres from C1(P) Planned Local Business to C(P) Planned Commercial or to a more restrictive zoning district; located on the west side of SR 1149 (Boone Trail), south of SR 1145 (Piedmont Avenue) submitted and owned by Gladys A. Blanton.

The Planning Board recommends C2(P).

MOTION: Commissioner King moved to approve C2(P).
SECOND: Commissioner Blackwell
VOTE: Unanimous

- F. Case P09-42. Rezoning of 13.53+/- acres from RR Rural Residential and CD Conservancy District to R7.5 Residential or to a more restrictive zoning district, located on the north side of SR1003 (Camden Road) and the east side of the Hoke County Line, submitted and owned by Johnny Beasley and Billy E. Dees.

The Planning Board recommends R7.5 Residential only for that portion of the subject property located outside the special flood hazard area (SFHA) with the portion inside the SFHA being zoned CD Conservancy District.

MOTION: Commissioner King moved to approve R7.5 Residential only for that portion of the subject property located outside the special flood hazard area (SFHA) with the portion inside the SFHA being zoned CD Conservancy District.

SECOND: Commissioner Faircloth
VOTE: Unanimous

Minimum Housing Code Enforcement

- G. Case Number: MH 5939-2009
Property Owner: Oscar M. Warren Life Estate
Property Location: 5550 Leitha Lane, Dunn, NC (Cumberland County)
Parcel Identification No: 1503-02-2235

**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 5939-2009.

Property Owner: Oscar Moses Warren Life Estate
Property Address: 5550 Leitha Lane, Dunn, NC
Tax Parcel Identification Number: 1503-02-2235

SYNOPSIS: This property was inspected on 4/30/2009. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 5/28/2009. Oscar M. Warren, Bernard Warren, Felicia Brand, Shawn Shipman, and Lile Sumter 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 8/28/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 10/6/2009 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 \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

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 Edge 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 Office.

SECOND: Commissioner King

VOTE: Unanimous

H.	Case Number:	MH 5934-2009
	Property Owner:	Oscar M. Warren Life Estate
	Property Location:	5541 Leitha Lane, Dunn, NC (Cumberland County)
	Parcel Identification No:	1503-02-2761

**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 5934-2009.

Property Owner: Oscar Moses Warren Life Estate

Property Address: 5541 Leitha Lane, Dunn, NC

Tax Parcel Identification Number: 1503-02-2761

SYNOPSIS: This property was inspected on 4/30/2009. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 5/28/2009. Oscar M. Warren, Bernard Warren, Felicia Brand, Shawn Shipman, and Lile Sumter 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 8/28/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 10/6/2009 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 \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$287.00.

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 Edge 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 Office.

SECOND: Commissioner King

VOTE: Unanimous

- I. Case Numbers: MH 5954, 5955 and 5956-2009
Property Owner: Annie Jane Eason
Property Location: 5555, 5559 and Lot between 5555 & 5559 Leitha Lane, Dunn, NC
Parcel Identification No: 1503-02-4628

**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 numbers MH 5954, 5955, 5956-2009.

Property Owner: Annie Jane Eason

Property Address: 5555, 5559, and between 5555 & 5559 Leitha Lane, Dunn, NC

Tax Parcel Identification Number: 1503-02-4628

SYNOPSIS: This property was inspected on 5/1/2009. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 5/28/2009. Annie J. Eason 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 8/28/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 10/6/2009 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: 5555 Leitha Lane: \$15,000.00, 5559 Leitha Lane: \$15,000.00, and between 5555 & 5559 Letiha Lane: \$30,000.00.

The Assessor for Cumberland County has the structure presently valued at: 5555 Leitha Lane: \$2,500.00, 5559 Leitha Lane: \$500.00, and between 5555 & 5559 Leitha Lane: \$500.00.

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 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 Office.

SECOND: Commissioner Faircloth

DISCUSSION: Mr. Hatcher answered questions from Commissioner King and Commissioner Keefe regarding the values listed, replacement costs and individuals living in the dwelling.

VOTE: Voting For: Commissioners Faircloth, Blackwell, Council, Melvin, Edge and Keefe
Voting Against: Commissioner King

J. Case Number: MH5736-2008
Property Owner: Lula Rozier
Mobile Home Owner: Jesse Modlin & Stephanie Swinton
Property Location: 375 Chapel Hill Road, Spring Lake, NC
Parcel Identification No: 0502-82-4186

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 5736-2008

Property Owner: Lula Rozier
Home Owner: Jesse Modlin & Stephanie Swinton
Property Address: 375 Chapel Hill Road, Spring Lake, NC
Tax Parcel Identification Number: 0502-82-4186

SYNOPSIS: This property was inspected on 12/20/2008. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 1/29/2009. Lula Rozier 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 4/29/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 10/6/2009 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.

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

SECOND: Commissioner King
VOTE: Unanimous

K. Case Number: MH 5737-2008
Property Owners: Lula Rozier
Property Location: Unit 1 (lot to front & side of) 375 Chapel Hill Road, Spring Lake, NC

Parcel Identification No: 0502-82-4186

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 5737-2008

Property Owner: Lula Rozier
Property Address: Lot in front and side of 375 Chapel Hill Road (Unit 1), Spring Lake, NC
Tax Parcel Identification Number: 0502-82-4186

SYNOPSIS: This property was inspected on 12/20/2008. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 1/29/2009. Lula Rozier 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 4/29/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 10/6/2009 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.

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

SECOND: Commissioner King

VOTE: Unanimous

L. Case Number: MH 5742-2008
Property Owner: Ralph & Mae Bell Bonner, c/o Ralph W. Bonner, Jr.
Property Location: 1207 Yancy Court, Spring Lake, NC
Parcel Identification No: 0502-81-6406

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 5742-2008

Property Owner: Ralph & Mae Bell Bonner C/O Ralph Bonner
Property Address: 1207 Yancy Court, Spring Lake, NC
Tax Parcel Identification Number: 0502-81-6406

SYNOPSIS: This property was inspected on 12/30/2008. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 2/26/2009. 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 5/1/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. An appeal was filed with a new compliance date of 8/13/2009. Upon my visit to the property on 10/6/2009 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 \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$0.00.

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 Edge 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 Office.

SECOND: Commissioner King

VOTE: Unanimous

M. Case Number: MH5743-2008
Property Owner: Ralph & Mae Bell Bonner, c/o Ralph W. Bonner, Jr.
Property Location: 1201 Yancy Court, Spring Lake, NC
Parcel Identification No: 0502-81-6472

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 5743-2008

Property Owner: Ralph & Mae Bell Bonner C/O Ralph Waldo Bonner, Jr.
Property Address: 1201 Yancy Court, Spring Lake, NC
Tax Parcel Identification Number: 0502-81-6472

SYNOPSIS: This property was inspected on 12/30/2008. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 2/26/2009. 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 5/1/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. An appeal was filed with a new compliance date of 8/13/2009. Upon my visit to the property on 10/6/2009 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 \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$0.00.

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 Edge 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 Office.

SECOND: Commissioner King

VOTE: Unanimous

N.	Case Number:	MH5725-2008
	Property Owner:	Martha Freeman
	Property Location:	1646 Shaw Road, Fayetteville, NC
	Parcel Identification No:	0429-05-1771

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 5725-2008

Property Owner: Martha Freeman
Property Address: 1646 Shaw Road, Fayetteville, NC
Tax Parcel Identification Number: 0429-05-1771

SYNOPSIS: This property was inspected on 12/12/2008. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 3/12/2009. 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 3/19/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 3/20/2009 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 \$950.00. The Assessor for Cumberland County has the structure presently valued at \$0.00.

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

Mr. Hatcher stated that this case is now an abatement case. The property owner signed a consent form for the county to remove the debris from the property. The cost was \$950 and a request is being made for an ordinance in order to place a lien on the property.

The Chairman opened the Public Hearing. No Speakers. 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, to order the property owner to rehabilitate the property within 30 days, to order the property owner to vacate and secure the property within 30 days, to order the Inspector to rehabilitate the property or remove or demolish, if the owner fails to do so and impose a lien on the real property for the cost of such action and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Melvin

VOTE: Unanimous

Commissioner Blackwell commended Mr. Hatcher, Kim Reeves and their staff for the great work they do.

Items of Business

4. Consideration of Interlocal Agreement with Town of Spring Lake for Dispatch Services.

BACKGROUND: The Town of Spring Lake met on October 12, 2009 and approved the decision to consolidate the Spring Lake Police Department Dispatch under the Cumberland County Emergency Services division. The attached Interlocal Agreement has been reviewed by our County Legal Department. The implementation of this consolidation is scheduled to take effect November 1, 2009.

ACTION: Approve the Interlocal Agreement regarding the consolidation of Cumberland County and Spring Lake 911 Dispatch services.

MOTION: Commissioner Melvin moved to approve.

SECOND: Commissioner King

DISCUSSION: Commissioner Faircloth expressed concern of what would happen to those county employees who have been hired due to this consolidation when the five year agreement expires. Mr. Currie stated he believed that a new funding mechanism will be in place by that time, but even if it is not, he would recommend that those employees be retained. In response to a question posed by Commissioner Blackwell, Mr. Currie stated that Spring Lake was the second municipality that has come on board, with ongoing negotiations with Hope Mills and ongoing talks with the City of Fayetteville. Mr. Martin stated that he feels that within one year it will be known whether all municipal dispatch services can be successfully consolidated into the County system. Mr. Currie advised that legislation is being considered that would change to one public safety answering location per county. Commissioner Blackwell stated that the Board is aware that a new location outside of the City would need to be looked at in the future.

VOTE: Unanimous

5. Consideration of Bid Award for Water Line Extension on Cedar Creek Road.

BACKGROUND: On Tuesday, September 29, 2009 bids were received and opened for the construction of the Cedar Creek Road Water Line Extension. Attached is a copy of the bid tabulation prepared by our project Engineers, Marziano & McGougan of Asheboro, North Carolina. The bid proposal includes all work for the construction of a potable water distribution system to residents along Cedar Creek Road east of the former Monsanto facility. The low responsive bid submitted was from Utilities Plus, Inc. of Linden, North Carolina in the amount of \$ 188,915.34.

At the present time the County will participate in this project to get the line across the railroad tracks, the remainder will be assessed to the property owners.

ACTION: (1) Accept the bids for the construction of the Cedar Creek Road Water Line Extension; (2) Award a contract to the lowest responsive bidder, Utilities Plus, Inc., in the amount of \$ 188,915.34; (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 \$10,000 (5%) as recommended by the Engineer, only to be disbursed with the approval of the County Manager; and (5) Approve the budget revision to establish the items listed.

MOTION: Commissioner Melvin moved to approve.

SECOND: Commissioner Blackwell

DISCUSSION: Mr. Cooney confirmed for Commissioner Keefe that it will be an outside contractor performing the work and that their specifications meets with approval of the PWC who will be servicing the area.

VOTE: Unanimous

6. Nominations to Boards and Committees

A. Community Child Protection Fatality Prevention Team (2 Vacancies)

Vacancies: Allie D. Wiggins and Maxine Anders have completed their first term and are eligible for reappointment.

Nominees: Allie D. Wiggins
Maxine Anders

B. Cumberland County Finance Corporation and Cumberland County Industrial Facilities and Pollution Control Financing Authority (1 Vacancy)

Nominee: Dr. Don A. Okhomina

C. Cumberland County Local Emergency Planning Committee (1 Vacancy)

Nominee: Michael D. Roye

D. Nursing Home Advisory Board (1 Vacancy)

No nominations. This item will be brought back to the next meeting.

E. Transportation Advisory Board (6 Vacancies)

Nominees: Betsy Torsell (Sheltered Workshop Director or Designee)
William H. Robinson (County Mental Health Director of Designee)
Glenda Dye (Mid-Carolina Council of Governments Director or Designee)
Cheryl Campbell (DSS Work First Representative)
Lorria Troy (Workforce Development Center Director of Designee)
Sybil Sloan (Aging Programs Representative)

7. Appointments to Boards and Committees

A. Human Relations Commission (1 Vacancy)

Nominee: Cornelius Williams (Reappointment)

MOTION: Commissioner Council moved to appoint Cornelius Williams.

SECOND: Commissioner Edge

VOTE: Unanimous

8. Closed Session: A. Economic Development Matter(s)
Pursuant to NCGS 143-318.11(a)(4).

- B. Attorney Client Matter(s)
Pursuant to NCGS 143-318.11 (a)(3)
- C. Personnel Matter(s)
Pursuant to NCGS 143-318.11 (a)(6)

MOTION: Commissioner Edge moved to go into Closed Session.
SECOND: Commissioner Faircloth
VOTE: Unanimous

MOTION: Commissioner Blackwell moved to go into Open Session.
SECOND: Commissioner Faircloth
VOTE: Unanimous

MOTION: Commissioner Edge moved to adjourn.
SECOND: Commissioner Faircloth
VOTE: Unanimous

MEETING ADJOURNED AT 9:32PM

Marie Colgan, Clerk to the Board