

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
APRIL 16, 2012 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING
MINUTES

PRESENT: Commissioner Marshall Faircloth, Chairman
Commissioner Jimmy Keefe, Vice Chairman
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Charles Evans
Commissioner Ed Melvin
James Martin, County Manager
Amy Cannon, Deputy County Manager/Finance Officer
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communication and Strategic Initiatives Manager
Tom Lloyd, Planning and Inspections Director
George Hatcher, Planning and Inspections
Bob Stanger, County Engineer
Doug Peters, Fayetteville/Cumberland County Chamber of Commerce
President
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

ABSENT: Commissioner Billy King

Chairman Marshall Faircloth called the meeting to order.

INVOCATION

Commissioner Edge provided the invocation followed by the Pledge of Allegiance to the American flag led by Abby Twaddell, a third grader at Alderman Road Elementary School.

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

James Martin, County Manager, read the public comment period policy. Chairman Faircloth opened the public comment period and the Clerk to the Board called the following speakers:

Sally Shutt – Ms. Shutt, the county's Communication and Strategic Initiatives Manager, provided a preview of the county's new website scheduled to be launched on the morning of Tuesday, April 17, 2012. Ms. Shutt gave credit to Shamon Larson, the county's Application Analyst/Programmer for webs and databases, for the redesign and stated the redesign would make it easier for citizens to access information.

Ms. Gibbs – Ms. Gibbs stated the Animal Control Department euthanizes more animals than Virginia and South Carolina put together and she did not like it. Ms. Gibbs spoke in

opposition to the proposed increase in animal fees, particularly in the current economy, and spoke in favor of the smoke-free campus at Public Health Building, Department of Social Services and Historic Courthouse.

Recognition of Retired County Employee: Barbara Candler, Department of Social Services

Chairman Faircloth called on Commissioner Melvin who recognized retired county employee Barbara Candler for her thirty years of outstanding service to the citizens of Cumberland County.

James Martin, County Manager, requested the addition of Item 11.B. to the agenda for a closed session for an attorney-client matter pursuant to NCGS 143-318.11(a)(3).

1. Approval of Agenda

MOTION: Commissioner Keefe moved to approve the agenda to include the closed session as requested.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

2. Consent Agenda

A. Approval of minutes for the April 2, 2012 regular meeting

B. Approval of Community Development Grant Award for Robin's Meadow Transitional Housing Program

BACKGROUND:

Cumberland County has been awarded an \$84,134 Supportive Housing Program (SHP) grant for Robin's Meadow Transitional Housing Program. This program will offer transitional housing and supportive services for homeless families. Community Development will oversee the administration of the grant and enter into an agreement with Fayetteville Metropolitan Housing Authority, who serves as the project sponsor, for day-to-day operation of the program.

In order to recognize these grant funds in FY 2011-12 budget, it is necessary for the Board of Commissioners to approve the acceptance of these funds.

RECOMMENDATION/ PROPOSED ACTION:

That the Board of County Commissioners:

1. Approve acceptance of the \$84,134 Supportive Housing Program grant from the Department of Housing and Urban Development for the Robin's Meadow Transitional Housing Program;
2. Authorize the County Manager to sign the Grant Agreements; and
3. Approval of associated budget revision.

C. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – PIN: 0427-81-9722

BACKGROUND:

On or about April 23, 2007, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and costs for the property is \$3,108.72. Walter Hadley has offered to purchase the County's interest in the property for \$3,108.72 and has deposited \$310.87 in the Finance Office. The tax value of the property is \$3,750.00. 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. Hadley's bid. The property has been advertised and this office has not received any upset bids. The bid period is now closed.

RECOMMENDATION/PROPOSED ACTION:

That the Board of Commissioners consider whether to accept the offer of Walter Hadley to purchase the above property for the sum of \$3,108.72, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

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

BACKGROUND:

DATE OF ACCIDENT	April 2, 2012
VEHICLE	2007 Ford Crown Victoria
VIN	2FAHP71V18X145018
FLEET #	FL60
DEPARTMENT	Sheriff Office
SETTLEMENT OFFER	\$6,891.24
INSURANCE COMPANY	Travelers

This is a total loss settlement offer.

RECOMMENDATION/PROPOSED ACTION:

Management recommends that the Board of Commissioners:

1. Declare the vehicle described above as surplus
2. Authorize the Risk Manager to accept \$6,891.24 as settlement
3. Allow Travelers Insurance to take possession of the wrecked (surplus) vehicle.

- E. Approval of a Resolution to Re-Convey Certain Public School Properties to the Board of Education

BACKGROUND:

By email dated January 31, 2012, Beth Maynard, Internal Auditor for the Cumberland County Schools, requested that certain school sites on which all construction projects have been completed be re-conveyed to the school system in accordance with the sales tax agreements dated December 12, 2007 and December 8, 2009. The requested school sites are identified in the resolution. The County Attorney has determined that none of these properties are subject to any deeds of trust and that the re-conveyance of these properties will not be a detriment to any current construction financing.

RECOMMENDATION/PROPOSED ACTION:

Approve the resolution.

**RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS TO
RE-CONVEY CERTAIN PUBLIC SCHOOL PROPERTIES TO THE CUMBERLAND
COUNTY BOARD OF EDUCATION**

WHEREAS, incident to the construction financing of certain public schools, the Cumberland County Board of Commissioners and the Cumberland County Board of Education entered into certain Sales Tax Agreements on October 15, 2007 (amended December 12, 2007) and December 8, 2009 (the "Agreements") by which the Board of Education conveyed certain school sites to the County in order for the County to reclaim sales and use taxes paid by the various contractors and vendors of equipment and materials used in such construction projects; and

WHEREAS, the Agreements provided that the County should transfer the school sites back to the Board of Education after close out of the identified projects; and

WHEREAS, the Board of Education has requested the County to re-convey the following school sites pursuant to the Agreements: Elizabeth Cashwell Elementary, Mary McArthur Elementary, Cumberland Road Elementary, William H. Owen Elementary, Douglas Byrd Middle, Long Hill Elementary, Rockfish Elementary, Manchester Elementary, Cape Fear High School and Terry Sanford High School; and

WHEREAS, the County Attorney has advised the Board of Commissioners that he has determined that all liens and deeds of trusts placed on above mentioned properties pursuant to the Agreements have now been canceled or satisfied of record in the Cumberland County Registry of Deeds and the re-conveyance of these school sites to the Board of Education does not cause any detriment to the financing of these projects.

THEREFORE BE IT RESOLVED, that the Board of Commissioners does hereby approve the re-conveyance of those school sites commonly known as Elizabeth Cashwell Elementary, Mary McArthur Elementary, Cumberland Road Elementary, William H. Owen Elementary, Douglas Byrd Middle, Long Hill Elementary, Rockfish Elementary,

Manchester Elementary, Cape Fear High School and Terry Sanford High School to the Board of Education by deed executed by the County in due form and in accordance with the complete terms of the Agreements.

Adopted this 16th day of April, 2012

F. Approval of a Resolution Regarding Certain Funding to the Cumberland County Board of Education

BACKGROUND:

Cumberland County Schools intends to enter into a guaranteed energy savings contract and must purchase energy saving equipment for that purpose. The purchase is to be financed through an installment purchase contract. To insure that the energy cost savings can be used to pay for the financing, the Board of Education has requested the Board of Commissioners to adopt a resolution of assurance that the Board of Commissioners will not decrease school funding for the purpose of capturing the potential savings in energy costs. The County Attorney advises that this assurance is reasonable to obtain the financing.

RECOMMENDATION/PROPOSED ACTION:

Approve the resolution.

**RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
REGARDING CERTAIN FUNDING
TO THE CUMBERLAND COUNTY BOARD OF EDUCATION**

WHEREAS, the Cumberland County Board of Education has given the Cumberland County Board of Commissioners notice that the Board of Education intends to enter into a guaranteed energy savings contract and finance the purchase of necessary energy saving equipment through an installment purchase contract; and

WHEREAS, in order to insure that the savings in energy costs is sufficient to pay the cost of purchasing the energy saving equipment, the Board of Education has requested the Board of Commissioners to assure the Board of Education that the Board of Commissioners will not decrease funding to the Board of Education by the amount of any savings in energy costs incurred by the Board of Education; and

WHEREAS, the Board of Commissioners has been advised by the County Attorney that the Board of Education has full authority to enter into the energy savings contract pursuant to N.C.G.S. 143-64.17B and to finance the purchase of energy saving equipment through an installment purchase contract pursuant to N.C.G.S. 160A-20(h)(6); and

WHEREAS, the Board of Commissioners has been further advised by the County Attorney that this request of the Board of Education is reasonable and necessary for the financing of this energy saving equipment.

THEREFORE BE IT RESOLVED that the Board of Commissioners shall not decrease local funding to the Board of Education specifically to off-set any savings in energy costs created by any guaranteed energy savings contract entered into between the Board of Education and any other entity.

BE IT FURTHER RESOLVED that this funding assurance shall not be construed to limit the authority of the Board of Commissioners to decrease local funding to the Board of Education for any other reasons the Board of Commissioners deems prudent.

Adopted this 16th day of April, 2012.

G. Approval of Ordinance Assessing Property for the Costs of Demolition:

- 1) Case Number: MH 6490-2011
Property Owners: Elbert Scott Bullard
Property Location: 4625 Butler Nursery Road, Fayetteville, NC
Parcel Identification Number: 0453-62-0085

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6490-2011
PROPERTY OWNER: ELBERT SCOTT BULLARD

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on November 21, 2011, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Elbert Scott Bullard, located at 4625 Butler Nursery Road, Fayetteville, NC, PIN: 0453-62-0085, said ordinance being recorded in Book 8775, page 121, of the Cumberland County Registry of Deeds;

WHEREAS, the time within which said demolition was to be performed has expired and the owner(s) failed to comply with the ordinance within such period; and

WHEREAS, the said ordinance further directed the Minimum Housing Inspector to effect the demolition of the structure(s) in the event the owner(s) failed to do so;

WHEREAS, the Minimum Housing Inspector has reported to this Board that:

- (1) Said work had been accomplished.
- (2) The cost of such work was \$1,800.00.
- (3) There were no salable materials resulting from said work.

NOW THEREFORE, the above report coming on to be considered and the Board of County Commissioners finding it to be a true and accurate accounting, the said Board hereby ORDAINS:

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$1,800.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated November 21, 2011, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 4625 Butler Nursery Road, Fayetteville, NC, as described in Deed Book 7676, page 694, of the Cumberland County Registry and identified in County tax records as PIN 0453-62-0085.

(3) That as further provided in Section 160A-443(6) of the General Statutes of North Carolina, such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of said General Statutes;

(4) That one copy of this resolution be filed in the minutes of this Board of County Commissioners and another copy certified and delivered by the Clerk as a charge to the Tax Collector, who shall thereupon enter the amount of the assessment set forth above upon the Tax Books of the County as a special assessment against the above described property.

H. Approval of a Proclamation Proclaiming the month of May 2012 as "Air Quality Awareness Month" in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION
Air Quality Awareness Month

WHEREAS, clean air is essential to public health, the environment and the economy in Cumberland County; AND

WHEREAS, we need clean air to protect and improve the quality of our forests, streams and lakes for public recreation and wildlife; AND

WHEREAS, we need clean air to sustain tourism, agriculture and other aspects of the economy; AND

WHEREAS, as part of the Clean Air Act, the EPA is reviewing current standards and considering revising the national air quality standard for ozone from 0.075 to 0.060-0.070 parts per million for improved human health and safety; AND

WHEREAS, Cumberland County is attaining the current ozone standards with a reading of the 2009-2011 average of 0.071 parts per million; AND

WHEREAS, continued action to improve air quality is of major concern to the Cumberland County Board of Commissioners and all the Municipal Governments; AND

WHEREAS, businesses and residents of Cumberland County are encouraged to begin carpooling during the month of May 2012; AND

WHEREAS, the ozone forecast season is from April 1 to October 31, but the first week of May has been historically designated as Air Quality Awareness Week and for 2012 the campaign will be the entire month of May.

NOW, THEREFORE, BE IT RESOLVED, that the County of Cumberland Board of Commissioners proclaims the month of May 2012, as "AIR QUALITY AWARENESS MONTH" and encourages all government employees, citizens and businesses in Cumberland County to observe the month with activities that promote clean air, and take part in making our community a cleaner, healthier place to live, work, and play.

Adopted on April 16, 2012.

- I. Approval of a Proclamation Proclaiming May 2012 as "Industry Appreciation Month" in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, the existing industries of Fayetteville and Cumberland County are an essential segment of the area's economy, providing employment for local residents, contributing revenues and greatly enhancing the area's quality of life; and

WHEREAS, the various industries existing in Fayetteville and Cumberland County have an influence either directly or indirectly upon the lives of every one of the county's citizens; and

WHEREAS, the potential for growth comes in part from within through the expansion of existing industries and the establishment of new, homegrown industries; and

WHEREAS, public awareness and understanding of the importance of industry to our local economy and quality of life are vital to the preservation of a favorable industrial climate; and

WHEREAS, a favorable industrial climate is a major factor in the decision made by officials of existing plants to expand their operations and in our area's ability to attract new industry.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County proclaims the month of May 2012 "INDUSTRY APPRECIATION MONTH" in Cumberland County and urges its citizens to salute the industries located in our area and the employees of those industries for their important role in the growth and prosperity of Cumberland County.

Presented this 16th day of April, 2012.

J. Budget Revisions:

(1) Health

Care Coordination for Children – Revision in the amount of \$33,715 to budget additional State. (B12-294) Funding Source- State

(2) Tax Administration

Revision in the amount of \$54,451 to appropriate fund balance to pay Tax Management Association for tax audits. (B12-286) Funding Source – General Fund Fund Balance

(3) Mental Health

Adult Contracts – Revision in the amount of \$64,858 to recognize additional funding for crisis counseling outreach services to the survivors of and responders to tornado victims. (B12-297) Funding Source- State

(4) Cooperative Extension Programs

Revision in the amount of \$2,500 to reallocate budgeted revenues and expenditures to better track the commercial horticulture program. (B12-292) Funding Source – Reallocation of Budgeted Revenues and Expenditures

MOTION: Commissioner Council moved to approve all consent items 2.A. – 2.J.(4).

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (6-0)

3. Public Hearings

Mr. Martin explained the Board of Commissioners' procedures for public hearings and advised that Case P12-04 remained uncontested.

Uncontested Conditional Zoning Case

- A. Case P12-04: Rezoning of .89+/- acre from RR Rural Residential to C(P) Planned Commercial, or to a more restrictive zoning district, located at 8171 Godwin Falcon Road, submitted by Barney B. Jr. and Carol Holder Goff (owners).

RECOMMENDATION: Members of the Cumberland County Joint Planning Board voted to recommend approval of the C(P) Planned Commercial/CZ Conditional Zoning district for a motor vehicle repair business.

This is the duly advertised/noticed public hearing set for this date and time. Chairman Faircloth opened the public hearing for Case P12-04.

The Clerk to the Board advised there were no speakers in opposition to Case P12-04.

Chairman Faircloth closed the public hearings.

MOTION: Commissioner Melvin moved to follow the recommendation of the Cumberland County Joint Planning Board for Case P12-04.
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

Minimum Housing Code Enforcement

- B. Case Number: MH 6609-2011
Property Owners: Lanny Ray and Billy K. Marler
Property Location: 5917 Kelly's Landing Road, Fayetteville, NC
Parcel Identification Number: 0454-52-1756

The Clerk to the Board administered an oath to George Hatcher, Code Enforcement Officer for the County of Cumberland Inspection Department, who provided information as set out in the affidavits of the housing inspector's reports to the Board of Commissioners regarding case numbers MH 6609-2011, MH 6610-2011 and MH 6658-2012.

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 6609-2011.

Property Owner: Lanny Ray and Billy K. Marler
Home Owner: Lanny Ray and Billy K. Marler
Property Address: 5917 Kelly's Landing Road, Fayetteville, NC
Tax Parcel Identification Number: 0454-52-1756

SYNOPSIS: This property was inspected on 10/24/2011. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 12/1/2011. Billy K. Marler and Skeet Marler 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 3/1/2012. 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 3/23/2012, 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 \$0.00.

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

This is the duly advertised/noticed public hearing set for this date and time. Chairman Faircloth opened the public hearing.

The Clerk to the Board advised Skeet Marler signed up to speak regarding Case MH 6609-2011.

Skeet Marler – After being placed under oath, Mr. Marler stated he needed more time to get everything done because it was a big job.

Commissioner Keefe asked Mr. Marler if his intent was to make the property habitable in light of the fact it would take \$30,000 to bring it to code. Mr. Marler stated he wanted to get the land and inside squared away and there were a few holes in the floors, windows in need of repair and trash to be hauled away. Mr. Marler stated he need more time to get all this done, and he worked with people who do this type of work on the side that could help him.

Commissioner Faircloth asked Mr. Hatcher what type of permits would be required. Mr. Hatcher stated Mr. Marler would need a renovation permit for the floor because of weak spots and rot. Mr. Hatcher advised renovations to the floor could possibly require an engineer since the structure was manufactured. Mr. Marler stated he and his neighbors had repaired holes in floors and the renovations should not be a problem.

Commissioner Keefe asked Mr. Marler how much more time he was requesting. Mr. Marler stated there was a lot to be accomplished and he would take whatever time he could get. Commissioner Council stated according to the affidavit, Mr. Marler had already been given five months. Mr. Marler stated he had spent \$600 on the front yard

and the property. Commissioner Council asked whether the property was secured. Mr. Marler responded in the affirmative.

Commissioner Edge asked Mr. Hatcher whether there had been any improvements to the property since his inspection on March 23, 2012. Mr. Hatcher stated he visited the property on April 13, 2012 and there had been no significant changes; when he visited the property earlier in the day, there had been some clean up of the interior and the front yard was being maintained so some extent even though it was overgrown.

Commissioner Evans asked Mr. Marler whether he was working. Mr. Marler responded in the affirmative.

Chairman Faircloth closed the public hearing.

MOTION: Commissioner Council moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and to order the property owner to rehabilitate the property within 60 days.

Mr. Marler asked what it was he was to accomplish in 60 days. Commissioner Council stated the property had to be habitable, he should have all required permits and the property should be repaired. Commissioner Council asked Mr. Marler whether he could accomplish everything in two months. Mr. Marler stated he would definitely try because he was currently living with his sister and the property was pretty much all he had.

SECOND: Commissioner Keefe

DISCUSSION: Commissioner Evans stated with Mr. Marler working, renovations would take longer than two months. Mr. Marler stated the people who would be doing the work would only be able to work weekends. Commissioner Evans requested that the timeframe for rehabilitation of the property be extended to 90 days.

AMENDED MOTION: Commissioner Council moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and to order the property owner to rehabilitate the property within 90 days.

SECOND: Commissioner Keefe

DISCUSSION: Commissioner Melvin asked Mr. Hatcher whether Mr. Marler would have to have the work inspected. Mr. Hatcher stated inspections would be required because the floor would have to be pulled up and floor joists evaluated, and a heating system would have to be installed. Commissioner Melvin asked Mr. Marler whether he would have the money to afford all of the renovations within the 90 days. Mr. Marler stated he did not really know whether he would have the money to install a heating unit. Commissioner Melvin stated he did not want Mr. Marler to put his money into renovations and then at the end not be able to accomplish everything that would be required to bring the property to code. Commissioner Keefe asked Mr. Marler to consult with Mr. Hatcher about what would be required before putting his

hard earned money into the renovations. Commissioner Evans asked Mr. Marler how long it would take him to accomplish the renovations. Mr. Marler stated it would depend on what actually needed to be done.

VOTE ON AMENDED MOTION: PASSED (5-1) (Commissioners Evans, Keefe, Faircloth, Council and Melvin voted in favor; Commissioner Edge voted in opposition)

- C. Case Number: MH 6610-2011
Property Owners: Tony A. and Twilla C. Carr
Property Location: 5923 St. Patrick Drive, Fayetteville, NC
Parcel Identification Number: 0454-52-3908

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 6610-2011.

Property Owner: Tony A. and Twilla C. Carr
Home Owner: Tony A. and Twilla C. Carr
Property Address: 5923 St. Patrick Drive, Fayetteville, NC
Tax Parcel Identification Number: 0454-52-3908

SYNOPSIS: This property was inspected on 10/24/2011. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 12/1/2011. 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 3/1/2012. 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 3/23/2012, 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 \$189.00.

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

This is the duly advertised/noticed public hearing set for this date and time. Chairman Faircloth opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Faircloth 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, and to order the property owner to remove or demolish the dwelling within 30 days, to order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (6-0)

D. Case Number: MH 6658-2012
Property Owners: C and A/GFSP Joint Venture
Property Location: 6414 Canadian Avenue, Hope Mills, NC
Parcel Identification Number: 0442-45-8565

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 6658-2012.

Property Owner: C and A / GFSP Joint Venture
Home Owner: C and A / GFSP Joint Venture
Property Address: 6414 Canadian Avenue, Hope Mills, NC
Tax Parcel Identification Number: 0442-45-8565

SYNOPSIS: This property was inspected on 1/30/2012. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 2/23/2012. 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 3/23/2012. 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 3/22/2012, 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 \$0.00.

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

This is the duly advertised/noticed public hearing set for this date and time. Chairman Faircloth opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Faircloth 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, and to order the property owner to remove or demolish the dwelling within 30 days, to order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

Other Public Hearings

E. 2012 Draft Community Development Annual Action Plan

BACKGROUND:

The Community Development 2012 Annual Action Plan (included herein at Attachment A) must be submitted to the U.S. Department of Housing and Urban Development (HUD) by May 15, 2012. The draft 2012 Annual Action Plan has been made available for a thirty-day citizen review and comment period throughout Cumberland County since April 4, 2012. All comments received regarding the plan will be addressed by the Community Development Director within 15 days of receipt and then forwarded to HUD with the Action Plan.

As part of the citizen participation process, a public hearing must be held during the comment period. The draft plan is also available for review in the office of the Clerk to the Board of Commissioners.

RECOMMENDATION/PROPOSED ACTION:

Community Development requests that the Board of County Commissioners hold a public hearing on the draft 2012 Annual Action Plan. No other action is necessary.

Mr. Martin called on Thanena Wilson, Community Development Director, who reviewed the above background information and provided highlights of the draft 2012 Community Development Annual Action Plan. Ms. Wilson reported for the July 1, 2012 through June 30, 2012 program year, Cumberland County received \$855,428 in Community Development Block Grant funding and \$322,894 in HOME Investment Partnership funding. Ms. Wilson stated during the program year, Community Development plans to pursue housing activities and public services with the new funding. Ms. Wilson pointed out that although approval of the Project for Assistance in Transition from Homelessness (PATH) program was anticipated and therefore included in the draft plan, Community Development has been notified that the program has been delayed. Ms. Wilson also pointed out that the Emergency Solutions Grant (ESG) program requires that there be one Continuum of Care (CoC) that contracts with the state and one fiscal sponsor. Ms. Wilson stated on March 29, 2012, the Cumberland CoC recommended that the Cumberland County Community Development serve as the lead agency and fiscal sponsor. Ms. Wilson advised that the five-year consolidated plan will need to be amended to include the ESG program and then brought back to the board in May. Ms. Wilson responded to questions regarding program income, monthly payments on loans and homelessness services.

Commissioner Edge asked if Cumberland County would have to resubmit a plan to HUD if there were cuts in funding. Ms. Wilson stated this plan reflected the 2012 budget and funds had already been allocated by HUD.

This is the duly advertised/noticed public hearing set for this date and time. Chairman Faircloth opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Faircloth closed the public hearing.

Items of Business

4. Presentation, Public Hearing and Request for Approval of a Resolution of the North Carolina Department of Transportation 2011-2012 Secondary Roads Improvement Program for Cumberland County - Lee R. Hines, Jr., District Engineer

BACKGROUND:

The Department of Transportation has requested a public hearing on the North Carolina Department of Transportation 2011-2012 Secondary Roads Improvement Program for Cumberland County at the April 16, 2012 Board of Commissioners Meeting. Mr. Lee R. (Richie) Hines, Jr., District Engineer with of the North Carolina Department of Transportation, will be making the presentation.

A resolution is required by the North Carolina Department of Transportation indicating approval of the 2011-2012 Secondary Road Construction Program.

RECOMMENDATION / PROPOSED ACTION:

NCDOT recommends that the 2011-2012 Secondary Roads Improvement Program and the resolution for Cumberland County be approved.

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

RESOLUTION APPROVING FY 2011-2012
SECONDARY ROAD PROGRAM
COUNTY OF CUMBERLAND

BE IT RESOLVED that the Cumberland County Board of Commissioners does hereby approve the FY 2011-2012 Secondary Road Program for Cumberland County as presented by the North Carolina Department of Transportation. The program is included herein as Attachment B.

Adopted on this 16th day of April, 2012.

Mr. Martin called on Lee R. (Richie) Hines, Jr., District Engineer with of the North Carolina Department of Transportation, who advised his district covers Harnett and Cumberland counties. Mr. Hines recognized Bill Hammond, Cumberland County Maintenance Engineer, and Ken Murphy, Division Six Maintenance Engineer. Mr. Hines reported the allocation received for the Secondary Road Program was just over \$1.9 million, which was a combination of highway and trust fund monies. Mr. Hines also reported approximately \$929,611 of the total funding was used to cover overdrafts or overruns from previously approved road projects, which left a total of just over \$1 million available for new projects under the 2011-2012 program. Mr. Hines further reported there were no funds allocated for the paving program because of right of way issues on all remaining unpaved roads. Mr. Hines stated funds that would have been applied to the paving program have been applied to paved road improvements, which is the bulk of the program this year at \$865,000. Mr. Hines displayed a Division Six/District Two map depicting secondary roads scheduled for improvements under the program to include crack/sealant maintenance for various roads and the cost estimate for each. Mr. Hines stated there is also a contingency reserve of \$144,115 which would be used for unpaved road surveying and right of way acquisition, unpaved road additions, property owner participating, paving driveways of rural fire and rescues departments and overdrafts. Mr. Hines responded to questions.

This is the duly advertised/noticed public hearing set for this date and time. Chairman Faircloth opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Faircloth closed the public hearing.

MOTION: Commissioner Melvin moved to approve the resolution approving the FY 2011-2012 Secondary Road Program.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (6-0)

5. Consideration of Cumberland County Facilities Committee Report and Recommendation(s):

A) Detention Center Expansion Project

BACKGROUND:

The following information was presented to the County Facilities Committee at its April 5, 2012 meeting regarding the Detention Center Expansion Project.

On March 15, 2012, the Detention Center Expansion Project Committee met with the Design Team and Construction Management Team to:

- Review the CMaR construction and project budget based on the latest cost reductions associated with the value engineering (VE) items accepted by the Project Committee (copy attached).
- Review the progress on the construction drawings and submittal to reviewing agencies.
- Discuss the status of permits required for construction.
- Discuss the project schedule and CMaR activities through development of the Guaranteed Maximum Price (GMP).
- Discuss the security system upgrades in the existing facility and integration with the security systems in the expansion.

As previously reported to the County Facilities Committee, the Project Committee, Design Team and CMaR were able to identify about \$1.35 Million in cost reductions to bring the estimated construction cost to \$13,449,638 and the estimated project budget to \$15,384,800. We also advised the Facilities Committee that there were other VE items the team was evaluating which may provide some additional cost savings including having dedicated mechanical and electrical systems for the expansion in lieu of tying into the mechanical and electrical systems in the existing facility.

Items 39 through 44 on the attached Budget Revision Tracker are new items since the last update was provided to the Facilities Committee and represent \$390,773 in potential cost reductions of which \$309,644 is associated with the dedicated mechanical and electrical systems for the expansion (Items 42-44). The revised construction budget is \$13,058,864 and the revised project budget is \$14,994,026. However, the Project Committee revisited Item 24 which eliminated the glass walls in the dayrooms in the maximum security housing unit. The jail staff feels very strongly that the glass partitions in each dayroom are necessary for the safe and proper operation of the housing unit and recommend that this VE item not be accepted. Doing so adds \$138,800 back into the estimated construction and project budgets which become \$13,197,664 and \$15,132,826, respectively.

Moseley Architects reported to the Project Committee that the plans and specifications have been sent to NC Department of Health and Human Services (DHHS) and NC Department of

Insurance (DOI) for review and approval. Plans and specifications have also been delivered to Fayetteville City Inspections Department for its review. All applications for permits required for construction have been submitted to the appropriate agencies and we are awaiting approvals. It was reported to the Facilities Committee in February that the expectation of the Project Team was to have the project bid in April, however, this is not likely to happen given the time necessary for the regulatory agencies to review and comment on the final construction documents and any subsequent revisions to documents by Moseley prior to releasing them to the CMaR for competitive bidding.

Metcon-Balfour Beatty reviewed its preliminary schedule beginning with advertising the initial contractor outreach meeting through presentation of the Guaranteed Maximum Price and Notice To Proceed. The initial contractor outreach informational meeting was held on March 29th at which time contracting opportunities and the pre-qualifying procedures for MWBE and local subcontractors were discussed. Subcontractor bids are expected in late May and the GMP developed and presented to the County in early June for approval. Construction will begin shortly thereafter and is still anticipated to take 13 to 14 months.

Mr. Martin called on Bob Stanger, County Engineer, who provided the above background information as an update of the Detention Center expansion project. Mr. Stanger responded to questions.

B) Lease of Alphin House at 2736 Cedar Creek Road to the Fort Bragg Regional Alliance

BACKGROUND:

At its April 5, 2010 meeting the Facilities Committee voted to recommend to the Board of Commissioners that the county lease the Alphin House located at 2736 Cedar Creek Road to the Fort Bragg Regional Alliance for offices. The county will up-fit the HVAC system and install appropriate wiring for data and communications systems. The county will continue to maintain the grounds and the tenant will provide all utilities, janitorial and garbage service. The rent will be \$1,500 per month for a lease term of 12 months, then becoming a month to month tenancy which can be terminated by either party with 60 days' notice.

A notice of intent to enter into the proposed lease must be published at least 10 days in advance of a regular meeting to approve the lease.

RECOMMENDATION/PROPOSED ACTION:

Adopt the following resolution:

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

RESOLUTION

BE IT RESOLVED that the Cumberland County Board of Commissioners finds that the dwelling located at 2736 Cedar Creek Road will not be needed for government purposes for the term proposed for the lease of the property to the Fort Bragg Regional Alliance and this Board intends to adopt a resolution at its next regular meeting to be held on May 7, 2012, approving the lease pursuant to the terms to be advertised as follows:

PUBLIC NOTICE OF PROPOSED LEASE PURSUANT TO G.S. 160A-272

TAKE NOTICE that the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its meeting to be held on May 2, 2012, approving the lease of the Alphin House located at 2736 Cedar Creek Road to the Fort Bragg Regional Alliance for a term of 12 months commencing July 1, 2012, then converting to a month to month tenancy terminable by either party upon 60 days' notice at a monthly rental rate of \$1,500.

Adopted on this 16th day of April, 2012.

MOTION: Commissioner Keefe moved to follow the recommendation of the county manager and proceed with the lease agreement as noted.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (6-0)

6. Report of Cumberland County Finance Committee

This report of the Cumberland County Finance Committee's April 5, 2012 meeting was for informational purposes only. No action was taken.

7. Consideration of Cumberland County Policy Committee Report and Recommendation(s):

A) Increase Animal Control Department Shelter Fees

BACKGROUND:

Cumberland County Animal Control currently charges shelter fees as listed below:

Current Shelter Fees: \$ 7.00 per day of impoundment

The above fees were established many years ago.

Animal Control would like to request an increase in shelter fees as follows:

Proposed Shelter Fees: \$30.00 for 1st day of impoundment, \$10.00 per day thereafter.
It should be noted that all animals that come into the shelter with no proof of vaccination are administered the distemper

vaccine, parvo vaccine, bordatella vaccine and are dewormed.

RECOMMENDATION/PROPOSED ACTION:

This proposal was discussed and approved at the Policy Committee held on Thursday, April 5, 2012. The Policy Committee and Animal Control request that Board of County Commissioners approve increasing shelter fees in order to recoup some of the increased cost in maintaining shelter and providing vaccines/medications for the animals.

Mr. Martin provided the above background information. Chairman Faircloth asked whether the proposed increase in the shelter fees was as a fund raiser or to cover costs. Commissioner Council stated as chair of the Policy Committee that the animal shelter fees had not increased in several years, there were no grant funds available and the increase would bring the county close to meeting the daily costs of keeping animals in the shelter. Commissioner Council stated in order to best serve the public and the animals, the county needs to increase its animal shelter fees.

MOTION: Commissioner Council moved to approve the proposed shelter fees as discussed at the meeting of the Policy Committee.

SECOND: Commissioner Evans

DISCUSSION: Commissioner Evans asked whether a fee comparison had been conducted between Cumberland County and other counties across the state. Commissioner Council stated the proposed shelter fees reflect some of the costs, but not all, for Cumberland County's particular shelter. Commissioner Council also stated a comparison had been done and Cumberland County was consistently lower across the board in its fee schedule. Commissioner Keefe spoke to vaccinations and licensing fees that would be covered by the proposed increase and stated it was a breakeven situation. Commissioner Keefe also stated Animal Control never makes money and the proposal is a prudent way to go about handling the fees. Commissioner Evans explained as a member of the Policy Committee, he knew extensive research had been conducted but he had raised the question for the benefit of the listening audience. Commissioner Evans concurred that the increase was not a fund raiser for the county. Mr. Martin asked that the Board consider an effective date of May 1, 2012.

AMENDED MOTION: Commissioner Council moved to approve the proposed shelter fees as discussed at the meeting of the Policy Committee with an effective date of May 1, 2012.

SECOND: Commissioner Evans

VOTE ON AMENDED MOTION: PASSED (5-1) (Commissioners Evans, Keefe, Faircloth, Council and Edge voted in favor; Commissioner Melvin voted in opposition)

B) Smoke-Free Campus at Public Health Building, Department of Social Services and Historic Courthouse

MOTION: Commissioner Council moved to approve the Policy Committee's recommendation for approval of the smoke-free campus policy.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (6-0)

C) Planning and Inspections Department Proposed Minimum Housing Ordinance Changes

BACKGROUND:

In response to inquiries concerning Cumberland County's Minimum Housing Ordinance and its effectiveness, planning staff has suggested changes based on field observations and complaints received from tenants. These changes are intended to enhance the habitability of dwellings, promote the public welfare, and enhance the overall appearance of communities. The proposed changes were reviewed by the Policy Committee on April 5, 2012 and the committee recommended the changes be forwarded to the Board of Commissioners for consideration. The recommended changes to the Minimum Housing Ordinance are as follows:

Sec. 4-67 Definitions: Add definition of "garbage receptacle" as follows:

Garbage shall be stored in a durable, rust resistant, non absorbent, watertight, rodent proof and easily cleanable container with a close-fitting, insect tight cover. Container must be large enough to contain one full week's refuse that must be lawfully discarded weekly.

Sec. 4-67 Definitions: Add definition of "manufactured home" as follows:

Manufactured home means a manufactured building designed to be used exclusively as a single-family dwelling, which has been constructed and labeled indicating compliance with the Department of Housing and Urban Development (HUD) administered National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.

Sec. 4-72 Space and Use Standards: Create new Sec. 4-72 (5) (c) as follows:

There shall be installed a minimum of one operable carbon monoxide detector on every level of any dwelling unit that is rented to a tenant. The carbon monoxide detector may be either battery operated or wired into the electrical circuit, shall be listed by a nationally recognized testing laboratory, and shall be installed in accordance with either the standards of the NFPA or the minimum protection designated in the manufacturer's instructions. A carbon monoxide detector may be combined with smoke detectors if the combined detector does both of the following: (i) complies with ANSI/UL2034 or ANSI/UL2075 for carbon

monoxide alarms and ANSI/UL 217 for smoke detectors; and (ii) emits an alarm in a manner that clearly differentiates between detecting the presence of carbon monoxide and the presence of smoke. This section only applies to dwelling units having a fossil-fuel burning heater, appliance, or fireplace and in any dwelling having an attached garage. Any operable carbon monoxide detector installed prior to January 1, 2010 shall be deemed to be in compliance with this section.

Sec. 4-72 Space and Use Standards: Create new Sec. 4-72(9) follows:
Manufactured homes placed, erected or located on any parcel or lot, must have been constructed after July 1, 1976 and meet or exceed the standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction in order to qualify for any permits. In addition all manufactured homes shall be provided with skirting material that is acceptable for exterior construction. Skirting material shall be durable and suitable for exterior exposures. Any wood framing used in support of skirting shall be approved pressure treated wood. Manufactured skirting material shall be installed in accordance with the skirting manufacturer's requirements. The skirting requirement shall apply to all manufactured homes sited after the date of the adoption of this subsection. All existing manufactured homes shall be brought into compliance with this skirting requirement on or before July, 1, 2013.

Sec. 4-75 Heating Standards: Create a new Sec. 4-75(l) as follows:
The installation or use of more than one portable heating appliance shall not be construed as meeting the minimum standard for the heating of an occupied dwelling

Sec. 4-79 Property Maintenance: Create a new Sec 4-79(e) as follows:
Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather-resistant and water-tight. All metal surfaces subject to rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Sec. 4-82 Liability, Responsibility of Owner: Add the following language at the end of Sec. 4-82(g): Should it become necessary to board the windows and/or doors, it must be done with boards fitted to the openings, screwed in place and painted a color consistent with the surrounding wall area.

RECOMMENDATION/PROPOSED ACTION:

The proposed changes have been reviewed by the County Attorney. Planning staff and the County Attorney recommend adoption of the amendment to the Minimum Housing Ordinance.

Rick Moorefield, County Attorney, stated the proposed Minimum Housing ordinance changes included the Policy Committee's request for skirting of mobile homes as reflected in Section 4-72 above. Mr. Moorefield explained the skirting requirement would apply to all manufactured homes sited after the date of the adoption of the subsection. Mr. Moorefield also explained all existing manufactured homes would need to be brought into compliance with the skirting requirement on or before July, 1, 2013. Mr. Lloyd spoke to the benefits provided by skirting of manufactured homes to include appearance, energy efficiency and prolonged life of the subflooring.

MOTION: Commissioner Evans moved to approve the recommendation of the Policy Committee for adoption of the amendment to the Minimum Housing ordinance.
 SECOND: Commissioner Council
 VOTE: UNANIMOUS (6-0)

8. Consideration of Proposed Schedule for Fiscal Year 2013 Budget Work Sessions and Budget Public Hearing

BACKGROUND:

Management anticipates submitting the FY13 Proposed Budget to the Commissioners on Thursday, May 31, 2012. Several work sessions may be needed for your review.

RECOMMENDATION/PROPOSED ACTION:

The following schedule is recommended for your consideration with all meetings to be held in the Cumberland County Courthouse, 117 Dick Street, Fayetteville, NC.

Thursday, May 31, 2012	7:00 PM	Budget Presentation	Room 564
Tuesday, June 5, 2012	5:30 PM	Department Head Appeals/Work Sessions	Room 564
Thursday, June 7, 2012	5:30 PM	Budget Work Session	Room 564
Monday, June 11, 2012	7:00 PM	Budget Public Hearing	Room 118
Tuesday, June 12, 2012	5:30 PM	Budget Work Session	Room 564
Thursday, June 14, 2012	5:30 PM	Budget Work Session	Room 564
Monday, June 18, 2012	6:45 PM	Adopt Budget	Room 118

Adopt a schedule for FY13 budget work sessions and public hearing as recommended or modified.

MOTION: Commissioner Edge moved to adopt the schedule as presented.
 SECOND: Commissioner Melvin
 VOTE: UNANIMOUS (6-0)

9. Nominations to Boards and Committees

Mr. Martin advised there were no nominations scheduled for this meeting.

10. Appointments to Boards and Committees

Mr. Martin advised there were no appointments scheduled for this meeting.

- | | | |
|-----|----------------|------------------------------------------------------------------------|
| 11. | Closed Session | A. Economic Development Matter(s)
Pursuant to NCGS 143-318.11(a)(4) |
| | | B. Attorney-Client Matter Pursuant to
NCGS 143-318.11(a)(3) |

MOTION: Commissioner Council moved to go into closed session for economic development matters pursuant to NCGS 143-318.11(a)(4) and for an attorney-client matter pursuant to NCGS 143-318.11(a)(3).

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Council moved to reconvene in open session.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Faircloth moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 9:35 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board