

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
AUGUST 20, 2012 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING
MINUTES

PRESENT: Commissioner Jimmy Keefe, Vice Chairman
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Charles Evans
Commissioner Billy King
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, Chief Public Information Officer
Tom Lloyd, Planning and Inspections Director
George Hatcher, Planning and Inspections
Jeffrey Brown, County Engineer
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

ABSENT: Commissioner Marshall Faircloth, Chairman

Vice Chairman Keefe called the meeting to order and advised that Chairman Faircloth was vacationing with family.

INVOCATION

Commissioner Evans provided the invocation followed by the Pledge of Allegiance to the American flag led by MaKayla Crawford, a first grader at Sherwood Park Elementary School, and Daniel Crawford, a third grader at Sherwood Park Elementary School.

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

James Martin, County Manager, read the public comment period policy. Vice Chairman Keefe opened the public comment period and there being no speakers, Vice Chairman Keefe closed the public comment period.

Recognition of Retired County Employees:

Laura Britton - Cumberland County Department of Social Services
Sandra Crumpler - Cumberland County Sheriff's Office
Shirley Harris - Cumberland County Department of Social Services
Phillip Izzell - Cumberland County Sheriff's Office
Robert Stanger - Cumberland County Engineering Department

Commissioner Melvin recognized each of the retired county employees referenced above and presented them with a plaque honoring their years of service to the county.

James Martin, County Manager, requested the removal of Item 2.C. so it could be returned to the Board at its September 17, 2012 meeting as a public hearing item and the removal and delay until October 15, 2012 of public hearing Item 3.D. as requested by the attorney representing the property owners.

1. Approval of Agenda

MOTION: Commissioner Evans moved to approve the agenda with the removal of Item 2.C. and Item 3.D. as requested.

SECOND: Commissioner King

VOTE: UNANIMOUS (6-0)

2. Consent Agenda

A. Approval of minutes for the August 6, 2012 regular meeting.

B. Approval of Induction of 2012 Agriculture Hall of Fame Nominees

Mr. Wayland Ceaton Gardner

Mr. William Carey Pate

BACKGROUND:

The Cumberland County Agriculture Hall of Fame committee met on Tuesday, July 31, 2012 and selected Mr. Wayland Ceaton Gardner and Mr. William Carey Pate as the Agriculture Hall of Fame inductees for 2012.

RECOMMENDATION/PROPOSED ACTION:

That the Board of Commissioners consider whether to approve the applications of Mr. Gardner and Mr. Pate for induction into the Agriculture Hall of Fame.

C. ITEM REMOVED FROM THE AGENDA

Approval of Renaming Roads that were Severed by Highway I-295 Project within Eureka Springs Area

D. Approval of North Carolina Housing Finance Agency (NCHFA) – Urgent Repair Program 2012 Award (URP12)

BACKGROUND:

Community Development (CD) has been awarded \$37,500 from NCHFA under the 2012 Urgent Repair Program. CD is proposing to assist at least 12 households with urgent repairs beginning on or about October 1st. Qualified households must have incomes that are below 50% of the area median income for Cumberland County, allowing CD to serve very low-income residents in our community. This program will also allow CD to assist

homeowners of single-wide mobile homes with needed repairs, which are not addressed under other Community Development housing repair programs.

RECOMMENDATION AND PROPOSED ACTION:

Community Development staff recommends approval of the URP policies and that the County Manager be authorized to execute the necessary funding agreement for this award.

- E. Approval of Delay in Public Hearing for Fayetteville Technical Community College (FTCC) Capital Financing – For Information Only

BACKGROUND:

At the Board's August 6th meeting, management presented a resolution related to the \$3.5M installment financing for FTCC capital improvements. That resolution authorized the filing of an application to the Local Government Commission (LGC). Additionally, the Board's action on August 6th included calling a public hearing on the proposed debt issuance.

The bid process for the capital improvements has been delayed due to a review process that has recommended changes to the roof replacement specifications. The LGC requires that the bid process be fully complete and, in fact, the bid tabulation is a required part of the application process. At this time, management believes this process will be delayed at least 60 days. As soon as the bids are received and evaluated, management will present this item again for the Board's consideration.

RECOMMENDATION/PROPOSED ACTION:

No action necessary.

- F. Approval of Owner Redemption of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – Lot 2A Roscoe McNeill (0.92 AC) – PIN: 0471-06-6615, Cedar Creek Township

BACKGROUND:

On or about January 6, 2011, the County acquired, by tax foreclosure sale, property previously owned by Roscoe and Rena McNeill at:

LOT 2A ROSCOE MCNEILL (0.92AC); (LOCATED ON JOHNSON RD.)
PIN: 0471-06-6615; CEDAR CREEK TOWNSHIP

The amount owed on the foreclosure judgment plus interest and costs is \$2,246.70.

Mr. Roscoe and Rena McNeill, who are the former owners, have offered as the former owners to purchase the County's interest in such property and exercise their equity of redemption for \$2,246.70 and have deposited the \$2,246.70 with the Finance Office.

North Carolina General Statutes §105-376 and §160A-267 authorize the Board to resell property acquired by tax foreclosure to the former owner(s) or any person having an interest in the property for an amount not less than the costs associated with the foreclosure and subsequent resale. This allows former owner(s) or any person with an interest in the property to re-purchase their property, so long as the County is made whole, rather than putting the property on the open market.

RECOMMENDATION/PROPOSED ACTION:

That the Board of Commissioners considers whether to accept the offer of Mr. Roscoe and Rena McNeill to exercise their equity of redemption to re-purchase the property described above for \$2,246.70.

G. Approval of Sale of Surplus County-Owned Real Property:

- 1) Lot 29, Jordan Ridge, Sec 4 PT – PIN: 0451-78-5417 and SM PT Lot 4, MJ Hair Estate – PIN: 0451-78-4097, Cross Creek Township

BACKGROUND:

On or about October 18, 2011, the County acquired by tax foreclosure the above properties. The amount currently owed on the foreclosure judgment including interest and costs for the properties is \$10,374.37.

Joseph E. Martin has offered to purchase the County's interest in the properties for \$10,374.37 and has deposited \$1,037.44 in the Finance Office.

The tax values of the properties are as follows:

PIN 0451-78-5417; Lot 29 Jordan Ridge Sec 4 PT 1 (5.33 ac); 2729 Chimney Brook Rd
Value: \$35,680.00

PIN 0451-78-4097; SM PT Lot 4 MJ Hair Estate (1.67 ac); 2725 Chimney Brook Rd
Value: \$13,125.00

These properties are 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. Martin's bid. The properties have been advertised and this office has not received any upset bids. The bid period is now closed.

RECOMMENDATION AND PROPOSED ACTION:

That the Board of Commissioners considers whether to accept the offer of Joseph E. Martin to purchase the above properties for the sum of \$10,374.37, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- 2) Lot 2, Book T McLean & Mildred McKethan Property,

PIN: 0542-51-8185, Carvers Creek Township

BACKGROUND:

On or about October 8, 2009, 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 \$4,636.35.

Franklin T. Reid has offered to purchase the County's interest in the property for \$4,636.35 and has deposited \$463.63 in the Finance Office. The tax value of the property is \$15,000.00.

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. Reid's bid. The property has been advertised and this office has not received any upset bids. The bid period is now closed.

RECOMMENDATION AND PROPOSED ACTION:

That the Board of Commissioners considers whether to accept the offer of Franklin T. Reid to purchase the above property for the sum of \$4,636.35, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase.

- 3) Lots 78-79 Council Hgts; 1015 Henderson Ave – PIN: 0428-94-0040
Cross Creek Township

BACKGROUND:

On or about August 16, 2011, 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 \$9,134.79.

Abner Cervera has offered to purchase the County's interest in the property for \$9,134.79 and has deposited \$913.48 in the Finance Office. The tax value of the property is \$47,800.00.

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. Cervera's bid. The property has been advertised and this office has not received any upset bids. The bid period is now closed.

RECOMMENDATION AND PROPOSED ACTION:

That the Board of Commissioners considers whether to accept the offer of Abner Cervera to purchase the above property for the sum of \$9,134.79, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- 4) Lots 114 & 116 Savoy Hgts, Sec 1 – PIN: 0437-11-4516
Lot 216 Weiss Ave – PIN: 0437-11-0345
Lot 311 Savoy Hgts – PIN: 0437-00-6970
Lots 403 & 405 Savoy Hgts & Vac to Creek – PIN: 0437-00-0500
Lot 104 Savoy Hgts – PIN: 0437-12-4190
4.05 AC Land, adj Briarwood Hills, Sec 3 – PIN: 0426-54-8992

BACKGROUND:

On or about August 16, 2011, the County acquired by tax foreclosure the above properties. The amount currently owed on the foreclosure judgment including interest and cost for the properties is \$9,227.47.

Ms. Sallie McCullough along with Mr. & Mrs. Robert Bellamy have offered to purchase the County’s interest in the property for \$9,830.00 and have deposited \$983.00 in the Finance Office.

The tax values of the properties are as follows:
(All are Cross Creek Township)

PIN 0437-11-4516; Lots 114 & 116 Savoy Hgts Sec 1; (Located on Weiss Ave off Martin Luther King Jr FWY Off Ramp)	VALUE: \$22,700.00
PIN 0437-11-0345; Lot 216 Weiss Ave; (Located on Weiss Ave)	VALUE: \$10,000.00
PIN 0437-00-6970; Lot 311 Savoy Hgts; (Located on Weiss Ave off Commerce St)	VALUE: \$ 5,625.00
PIN 0437-00-0500; Lots 403 & 405 Savoy Hgts & Vac to Creek: (Located on Weiss Ave)	VALUE: \$ 6,250.00
PIN 0437-12-4190; Lot 104 Savoy Hgts; (Located off Ashley St off Martin Luther King Jr FWY)	VALUE: \$ 3,500.00
PIN 0426-54-8992; 4.05 ac Land adj Briarwood Hills Sec 3; (Located on Eldorado Rd behind Colgate Dr)	VALUE: \$55,688.00

These properties are 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 Ms. Sallie McCullough along with Mr. & Mrs. Robert Bellamy’s bid. The properties have been advertised and this office has not received any upset bids. The bid period is now closed.

RECOMMENDATION AND PROPOSED ACTION:

That the Board of Commissioners considers whether to accept the offer of Ms. Sallie McCullough along with Mr. & Mrs. Robert Bellamy to purchase the above properties for

the sum of \$9,830.00, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

H. Budget Revisions:

(1) Tax Administration

Revision in the amount of \$17,519 to appropriate fund balance to pay Tax Management Association for tax audits. (B13-042) Funding Source – General Fund Fund Balance Appropriated

(2) Health

a. Environmental Health - Revision in the amount of \$42,403 to appropriate Health fund balance to purchase supplies and equipment. (B13-035) Funding Source – Health Fund Balance Appropriated

b. Community Transformation Grant - Revision in the amount of \$83,000 to budget new funds for Youth Tobacco Prevention Program. (B13-045) Funding Source – Grant

c. Employee Pharmacy – Revision in the amount of \$600,000 to appropriate fund balance to purchase additional medications for the Employee Pharmacy (B13-050). Funding Source – Health Fund Balance Appropriated

(3) Special Fire Tax

Revision in the amount of \$214,151 to appropriate fund balance to pay the Fire Chief's Association 30% of the 1-¼ cent Special Fire Tax actually collected in FY2012.(B13-048) Funding Source – Fund Balance Appropriated

MOTION: Commissioner King moved to approve consent Items 2.A. – 2.H.(3) with the exception of Item 2.C. as removed.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (6-0)

3. Public Hearings

Mr. Martin explained the Board of Commissioners' procedures for public hearings.

Uncontested Rezoning Case

- A. Case P12-38: Rezoning of 1.41+/- acres from A1A Agricultural to R30A Residential or to a more restrictive zoning district; located at 8126 & 8130 Norris Road; submitted by Lillie Joann Godwin, Ricky L. Williams and Chico Lamont Williams (owners) and ECLS, Inc.

RECOMMENDATION: Members present at the June 19, 2012 meeting of the Joint Planning Board recommended adoption and approval of consistency and reasonableness statements and to approve R30A Residential district. The motion passed unanimously.

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

Vice Chairman Keefe opened the public hearing.

The Clerk to the Board advised there were no speakers.

Vice Chairman Keefe closed the public hearing.

- MOTION: Commissioner Edge moved to approve the recommendation of the Joint Planning Board for Case P12-38.
- SECOND: Commissioner Melvin
- VOTE: UNANIMOUS (6-0)

- B. Case P12-43: Rezoning of 26.34+/- acres from C(P)/CU Planned Commercial/Conditional Use Overlay for open storage of equipment and supplies to C(P) Planned Commercial or to a more restrictive zoning district, located at 3459 through 3555 Gillespie Street, submitted by Clyde Ray Sr. and Helen R. Weaver (owners) and Zeb Gardner.

RECOMMENDATION: Members present at the July 17, 2012 meeting of the Joint Planning Board recommended adoption and approval of consistency and reasonableness statements and to approve C(P) Planned Commercial district. The motion passed unanimously.

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

Vice Chairman Keefe opened the public hearing.

The Clerk to the Board advised Helen Weaver, Ray Weaver and Zeb Gardner signed up as proponents but only wished to speak if there were opponents. There were no opponents.

Vice Chairman Keefe closed the public hearing.

MOTION: Commissioner Evans moved to approve the recommendation of the Joint Planning Board in Case P12-43.
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

- C. Case P12-44: Rezoning of 2.18+/- acres from R15 Residential/CUD Conditional Use District for a 312 lot residential subdivision (portion of) and the Permit to A1 Agricultural or to a more restrictive zoning district, located at 1801 Tom Starling Road, submitted by Boyd Dale Jr. and Mae Smith Parsons (owners).

RECOMMENDATION: Members present at the July 17, 2012 meeting of the Joint Planning Board recommended adoption and approval of consistency and reasonableness statements and to approve A1 Agricultural district. The motion passed unanimously.

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

Vice Chairman Keefe opened the public hearing.

The Clerk to the Board advised Boyd Parsons signed up as a proponent but only wished to speak if there were opponents. There were no opponents.

Vice Chairman Keefe closed the public hearing.

MOTION: Commissioner Edge moved to approve the recommendation of the Joint Planning Board for Case P12-44.
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

Contested Rezoning Case

- D. THIS ITEM WAS REMOVED FROM THE AGENDA
Case P12-28: Rezoning of 1.00+/- acre from RR Rural Residential to C2(P) Planned Service and Retail or to a more restrictive zoning district, located at 4446 Clinton Road, submitted by Janice Ivey and Tommy D. Faircloth (owners) and Garris Neil Yarborough, Esq.

Zoning Ordinance Text Amendment

- E. Case P12-33: Revision and amendment to the Cumberland County Zoning Ordinance amending Article II, Interpretations, Calculations, and Definitions, Section 203 Definitions of Specific Terms and Words; amending Article IV, Permitted, Conditional and Special Uses, Section 403, Use Matrix by inserting *internet café/video gaming* as a permitted use in the C(P) Planned Commercial

district column; amending Article IX, Individual Uses, by creating Section 911.1, entitled: Internet Café/Video Gaming and listing specific development standards; and updating the table of contents as appropriate.

RECOMMENDATION: Members present at the June 19, 2012 meeting of the Joint Planning Board recommended adoption and approval of the text amendment as submitted and recommended by the Land Use Codes Committee. The motion passed with a unanimous vote.

Tom Lloyd, Planning and Inspections Director, stated the proposed amendment represents an attempt by the Joint Planning Board to place regulations on internet café/video gaming which have not previously been classified under the zoning ordinance. Mr. Lloyd explained the proposed amendment will classify internet café/video gaming, make it a specific use that can be approved under prescribed conditions, and put it in a district.

Mr. Lloyd stated the amendment will implement separation requirements of 2,500 feet from other internet gaming facilities and will include provisions that require 500 feet of separation from uses typically protected such as religious worship facilities, day cares, residential neighborhoods, public or non-profit recreation and schools. Mr. Lloyd further explained the text amendment will also provide that internet café/video gaming should not be located within an establishment that sells alcohol commercially and will require adequate off-street parking.

Commissioner Evans asked whether reasonable hours of operation could be imposed on internet café/video gaming operations because of his concerns regarding safety. Rick Moorefield, County Attorney, advised although that was not part of the Joint Planning Board's recommended text amendment, the Board could impose hours of operation or could send the text amendment back to the Joint Planning Board for its consideration.

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

Vice Chairman Keefe opened the public hearing.

The Clerk to the Board advised there were no speakers.

Vice Chairman Keefe closed the public hearing.

In response to questions posed by Commissioner King, Mr. Lloyd explained 2,500 feet has been used over time as a standard to separate uses and the definition of internet café /video gaming was any video gaming facility that contains more than one video gaming device. Mr. Lloyd also explained there had not been any input/discussion by vendors at the Joint Planning Board meeting.

Mr. Moorefield spoke to the ongoing legal battle involved with video gaming and the industry's adeptness in working around attempts by the legislature to regulate it. Mr. Moorefield stated at present it is a criminal violation that has been declared

unconstitutional by the Court of Appeals. Mr. Moorefield stated it has been predicted that the next phase of legal battles will involve over-restrictive zoning controls but thus far there have not been any such cases. Mr. Moorefield stated the Board needs to be cognizant that staff will do the best it can to defend legal challenges to any zoning regulations adopted by the Board. Mr. Moorefield stated the Board of Commissioners will also consider a proposed a legislative goal to the North Carolina Association of County Commissioners to put cities and counties on equal footing with respect to levying privilege license taxes on video gaming businesses.

Additional questions and discussion followed.

MOTION: Commissioner King moved to approve the text amendment.

SECOND: Commissioner Council

DISCUSSION: Commissioner Edge asked whether the motion was with or without Commissioner Evan's request to impose reasonable hours of operation. Commissioner King stated the motion did not include the request. Commissioner Evans stated he wanted the text amendment to go to the Policy Committee and then returned to the full Board.

VOTE: FAILED (3-3) (Commissioners King and Council voted in favor; Commissioners Evans, Edge and Keefe voted in opposition; Commissioner Melvin abstained from voting)

Mr. Moorefield advised according to the Rules of Procedure as adopted by the Board, an abstention is a positive vote and therefore the vote failed and no action had been taken. Mr. Moorefield advised the Board should take action to give staff direction as to how to proceed with the text amendment. Mr. Martin suggested the Policy Committee would not meet in September but could consider the text amendment at its October meeting. Mr. Martin stated an alternate suggestion would be to refer to the Joint Planning Board to include reasonable hours of operation.

MOTION: Commissioner King moved to send the text amendment to the Joint Planning Board for stipulations regarding opening and closing hours.

SECOND: Commissioner Melvin

DISCUSSION: Commissioner Council requested data from law enforcement reports. Mr. Moorefield advised the text amendment would not apply to video gaming that is now lawfully permitted unless the Board takes action to have the text amendment retroactive and specifically applied to existing businesses, with a reasonable time to transition.

Commissioner King withdrew his motion.

MOTION: Commissioner Council moved to reconsider Commissioner King's first motion.

SECOND: Commissioner King

DISCUSSION: Commissioner Evans repeated his concern regarding safety and stated he felt the text amendment should be made retroactive. Commissioner Edge stated he felt the text amendment should be returned to the Joint Planning Board and he would not vote on a text amendment when he had not received a copy of it.

SUBSTITUTE MOTION: Commissioner King moved to send the text amendment back to the Joint Planning Board.

SECOND: Commissioner Edge

VOTE ON SUBSTITUTE MOTION: UNANIMOUS (6-0)

- F. Case P12-41: Revision and amendment to the Cumberland County Zoning Ordinance amending Article IV Permitted, Conditional, and Special Uses; Section 403, Use Matrix; inserting footnote "4" in the R6A column for each row listing classes of *Manufactured homes for residential occupancy* with the footnote limiting group developments to one manufactured home when property is zoned R6A.

RECOMMENDATION: Members present at the June 19, 2012 meeting of the Joint Planning Board recommended adoption and approval of the text amendment as submitted and recommended by the Land Use Codes Committee. The motion passed with a unanimous vote.

Mr. Lloyd stated the text amendment attempts to address problems in the Colonial Heights area associated with manufactured housing. Mr. Lloyd explained the definition of a manufactured home park is three or more units and in the Colonial Heights area, there were lots large enough for two units which gave the appearance of a mobile home park but were not subject to the restrictions for a mobile home park. Mr. Lloyd stated the text amendment addresses group development in the R6A district such that there can not be two mobile home units in the group development.

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

Vice Chairman Keefe opened the public hearing.

The Clerk to the Board called the following speakers:

Gary Blackwell appeared in favor and thanked Commissioner Evans and Mr. Lloyd on behalf of the Colonial Heights community.

Jim House appeared in favor, thanked Commissioner Evans for helping the community address the problem and asked the Board of Commissioners to support the text amendment.

Vice Chairman Keefe closed the public hearing.

MOTION: Commissioner King moved to approve the text amendment.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS (6-0)

Other Public Hearings – Minimum Housing Code Enforcement

The Clerk to the Board administered an oath to George Hatcher, Code Enforcement Officer, who provided information to the Board of Commissioners regarding the following cases. Mr. Martin provided information regarding the new timing devices and advised there is no time limit for quasi-judicial hearings.

- G. Case Number: MH 6699-2012
Property Owner: Doene Carter
Property Location: on lot in front of 6370 Murphy Road
Parcel Identification Number: 0487-37-1517

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 6699-2012.

Property Owner: Doene Carter
Home Owner: Doene Carter
Property Address: On lot in front of 6370 Murphy Road, Fayetteville, NC
Tax Parcel Identification Number: 0487-37-1517

SYNOPSIS: This property was inspected on 3/7/2012. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/5/2012. 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 6/5/2012. 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 8/10/2012, 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 \$20,000.00. The Assessor for Cumberland County has the structure presently valued at \$1,500.00.

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

Mr. Hatcher advised the case involves a single-wide mobile home that was placed on the lot without permits and is uninhabitable at this time. Mr. Hatcher stated a permit was issued for replacement of the mobile home with a double-wide and Mr. Carter has filed a rezoning request to allow both dwellings to stay on the property and has requested ninety days for the rezoning process to go through. Mr. Hatcher stated should this happen, the mobile home will have to be rehabilitated before it can be occupied and should the rezoning not go through, the single-wide will have to be removed. Mr. Hatcher stated the recommendation is to grant a ninety-day rehabilitation time period.

Commissioner King asked Mr. Hatcher how long he had worked with Mr. Carter. Mr. Hatcher responded the case started in 2007. Commissioner King questioned what could happen in the next ninety days that had not happened in five years.

Commissioner Edge noted no one attended the hearing and no appeal had been filed. Commissioner Edge asked when Mr. Carter made the request related to the double-wide. Mr. Hatcher stated Mr. Carter requested and received a permit for a double-wide with the stipulation that the single-wide be removed. Mr. Hatcher further stated rather than removing the single-wide, Mr. Carter wants to rezone the property to allow for the single-wide to remain and the Board will hear it within the next ninety days. Mr. Hatcher stated if it is granted, the single-wide will be able to stay on the property but it will have to be repaired or have it removed.

Commissioner Keefe asked if the request was to rezone to R6A. Mr. Lloyd responded in the negative and stated there can not be two mobile home units under R6A. Mr. Lloyd stated the rezoning technically is just a rezoning and is not to keep any particular type of manufactured home; the applicant can have any two. Mr. Lloyd explained the Joint Planning Board has a policy that they will not hear cases with violations so the violations will have to be cleared.

In response to a question from Commissioner Keefe, Mr. Lloyd stated there is currently a violation and if the Board grants more time, then there is not really a violation. Mr. Lloyd also stated if the Board does not grant more time, then the Joint Planning Board will not consider the rezoning until it is resolved.

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

Vice Chairman Keefe opened the public hearing.

The Clerk to the Board advised there were no speakers.

Vice Chairman Keefe closed the public hearing.

MOTION: Commissioner Melvin moved 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 90 days; to order the property owner to vacate and secure the property within 90 days pending rehabilitation; to order the Inspector to rehabilitate the property or 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 with the Register of Deeds.

SECOND: Commissioner Council

VOTE: FAILED (3-3) (Commissioners Evans, Melvin and Council voted in favor; Commissioners King, Keefe and Edge voted in opposition)

Mr. Moorefield advised no action had been taken.

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.

SECOND: Commissioner King

VOTE: PASSED (4-2) (Commissioners King, Evans, Keefe and Edge voted in favor; Commissioners Melvin and Council voted in opposition)

- H. Case Number: MH 6646-2012
Property Owner: Patricia Lasanne
Property Location: 4612 Desert Ridge Road, Parkton NC
Parcel Identification Number: 9493-46-0194

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6646-2012.

Property Owner: Patricia Lessane
Home Owner: Patricia Lessane
Property Address: 4612 Desert Ridge Road, Parkton, NC
Tax Parcel Identification Number: 9493-46-0194

SYNOPSIS: This property was inspected on 1/5/2012. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 3/21/2012.

Patricia Lessane attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human, or be demolished and the debris removed from the premises by a date not later than 6/21/2012. 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 8/10/2012, 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 \$35,000.00. The Assessor for Cumberland County has the structure presently valued at \$5,000.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & 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.

Vice Chairman Keefe opened the public hearing.

The Clerk to the Board advised there were no speakers.

Vice Chairman Keefe 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.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

- I. Case Number: MH 6644-2012
Property Owner: Steven Graham
Property Location: 7332 Hypony Trail, Parkton, NC
Parcel Identification Number: 9493-44-4782

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6644-2012.

Property Owner: Steven Graham
Home Owner: Steven Graham
Property Address: 7332 Hypony Trail, Parkton, NC
Tax Parcel Identification Number: 9493-44-4782

SYNOPSIS: This property was inspected on 1/5/2012. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 6/6/2012. 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 7/6/2012. 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 8/10/2012, 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 \$35,000.00. The Assessor for Cumberland County has the structure presently valued at \$5,000.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & 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.

Vice Chairman Keefe opened the public hearing.

The Clerk to the Board advised there were no speakers.

Vice Chairman Keefe closed the public hearing.

Commissioner King asked why the property was not secured since it looked decent. Mr. Hatcher responded a lot of mobile home owners will walk away from a piece of property likely because it is personal and not real property.

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.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

Mr. Moorefield asked whether there had been a title search. Mr. Hatcher responded in the affirmative and stated all property owners have been served and notified in this action.

- J. Case Number: MH 6642-2012
Property Owner: John Wallace
Property Location: 7124 Hypony Trail, Parkton , NC
Parcel Identification Number: 9493-46-9017

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6642-2012.

Property Owner: John Wallace
Home Owner: John Wallace
Property Address: 7124 Hypony Trail, Parkton, NC
Tax Parcel Identification Number: 9493-46-9017

SYNOPSIS: This property was inspected on 1/5/2012. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 3/21/2012. 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 6/21/2012. 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 8/10/2012, 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 \$35,000.00. 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.

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

Vice Chairman Keefe opened the public hearing.

The Clerk to the Board advised there were no speakers.

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

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (6-0)

- K. Case Number: MH 6643-2012
Property Owner: James C Shaw
Property Location: 4611 Balducci Drive, Parkton, NC
Parcel Identification Number: 9493-45-2804

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6643-2012.

Property Owner: James C. Shaw
Home Owner: James C. Shaw
Property Address: 4611 Balducci Drive, Parkton, NC
Tax Parcel Identification Number: 9493-45-2804

SYNOPSIS: This property was inspected on 1/5/2012. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 6/6/2012. 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 7/6/2012. 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 8/10/2012, 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 \$35,000.00. The Assessor for Cumberland County has the structure presently valued at \$5,000.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & 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.

Vice Chairman Keefe opened the public hearing.

The Clerk to the Board advised there were no speakers.

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

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (6-0)

- L. Case Number: MH 6645-2012
Property Owner: Charles McIntyre & Stephanie Foster
Property Location: 4741 Desert Ridge Road, Parkton, NC
Parcel Identification Number: 9493-55-5245

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6645-2012.

Property Owner: Charles McIntyre & Stephanie Foster
Home Owner: Charles McIntyre & Stephanie Foster
Property Address: 4741 Desert Ridge Road, Parkton, NC
Tax Parcel Identification Number: 9493-55-5245

SYNOPSIS: This property was inspected on 1/5/2012. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 3/21/2012. Stephanie Foster attended the Hearing. It was ordered that the structure be repaired to a

minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 6/21/2012. 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 8/10/2012, 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 \$35,000.00. The Assessor for Cumberland County has the structure presently valued at \$5,000.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & 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.

Vice Chairman Keefe opened the public hearing.

The Clerk to the Board advised there were no speakers.

Vice Chairman Keefe 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.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (6-0)

Items of Business

4. Consideration of Approval of Guaranteed Maximum Price (GMP) and Contract Amendment with Metcon-Balfour Beatty for Detention Center Expansion Project

BACKGROUND:

At the Commissioner's Meeting on October 17, 2011 the Board of Commissioners approved the agreement with Metcon-Balfour Beatty, the Construction Manager at Risk (CM), for the preconstruction services for the expansion of the detention center. In this agreement the CM was to provide a Guaranteed Maximum Price (GMP) to the Board for review and approval at a later date. The CM in conjunction with the County opened bid packages on July 18th and July 24th. The bid packages were broken down into numerous smaller packages to encourage as much participation as possible from local businesses.

It was established that this project would have a goal of 40% participation from Historically Underutilized Businesses (HUBs) which includes Women and Minority Business Enterprises (WMBE). I am very pleased to report that the HUB/WMBE participation for the project is currently at 50.62%.

The CM has proposed a GMP of \$12,994,214 which includes an owner contingency of \$325,000 and a contractor contingency of \$235,376. Any unused portion of the contractor's contingency will be returned to the County. The overall cost (to include design and construction) for the expansion of the detention center is projected to be less than the \$15 million that has been budgeted for this project.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Board of Commissioners:

1. Accept the GMP of \$12,994,214 by approving the amendment to the existing contract with Metcon-Balfour Beatty.
2. Approve the associated budget revision.

Jeffrey Brown, County Engineer, reviewed the above background information and provided the following presentation:

Background

- Commissioners approved pre-construction services contract with Metcon-Balfour Beatty on October 17, 2011
- 40% goal for HUB/WBME Participation
- Bid packages broken out into numerous small packages
- Bid openings held on July 18th and 24th
- Several packages had to be re-advertised

Cost Overview

<u>Description</u>	<u>Cost</u>
Architect	\$1,183,432
Pre-construction Geotechnical Services	\$24,800
Construction Geotechnical Services	\$75,000
Engineering Services	\$60,000
CM Pre-construction Services	\$87,120
CM GMP*	\$12,994,214
Furniture, Fixtures & Equipment	\$510,000
Licenses & Permits	<u>\$10,000</u>
Sum	\$14,944,566

Construction Schedule

- Construction projected to take 14 months
- Projected Start Date: August 30, 2012
- Projected Completion Date: October 17, 2013

Introductions

- Jim Murphy, Project Manager
Balfour-Beatty Construction, LLC
- David Bascom, Assistant Project Manager
Metcon, Inc.
- Marty Dietz, Superintendent
Balfour-Beatty Construction, LLC
- Russell Giles, Construction Administration
Moseley Architects

Mr. Brown concluded his presentation and responded to questions.

Commissioner Edge recognized Major John McRainey, Detention Center Chief Jailer, who provided valuable input on the planning of the Detention Center expansion that enabled the project to be brought in under \$15 million.

MOTION: Commissioner Melvin moved to approve the amendment to the existing contract with Metcon-Balfour Beatty and the associated budget revision.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (6-0)

Commissioner Keefe thanked retired County Engineer Bob Stanger for the work he put into the project and also thanked members of the county's Facilities Committee.

5. Nominations to Boards and Committees

A) Board of Adjustment (1 Vacancy)

Commissioner Melvin nominated Ed Donaldson.

B) Wrecker Review Board (1 Vacancy)

Commissioner Edge nominated Jay Barr.

6. Appointments to Boards and Committees

A. Adult Care Home Community Advisory Committee (2 Vacancies)

Nominees: Rebecca Campbell

Pamela Wade

B. Animal Control Board (2 Vacancies)

Nominees:

Knowledge & Experience in Dog Behavior and/or Handling Position:

Tololope Adeyemi (Reappointment)

Promoting Goals of the Animal Protection Society or the Humane Society or Another Such Broadly Based and Representative Organization Interested in the Care and Protection of Animals Position:

Cristobal S. Berry-Caban (Reappointment)

C. Board of Adjustment (2 Vacancies)

Nominees:

Regular Member: Randy Newsome

Alternate Member: Vickie Mulli

D. Cumberland County Juvenile Crime Prevention Council (5 Vacancies)

Nominees:

Substance Abuse Professional: Robin Black (Reappointment)

Juvenile Defense Attorney: Sarita Mallard (Reappointment)

Member of Business Community: La-Lisa Hewett-Robinson (Reappointment)

United Way or Non-Profit: Linda Blanton (Reappointment)

At-Large Representative: Margarita Dostall (Reappointment)

E. Joint Appearance Commission (2 Vacancies)

Nominees: Noelle Kendrick (Reappointment)
Christopher Mitchell (Reappointment)

F. Joint Planning Board (2 Vacancies)

Nominees: Vikki Andrews

Carl Manning
Walter Clark (Reappointment)

G. Regional Land Use Advisory Commission (1 Vacancy)

Nominee:

Cumberland County Board of Commissioners Position:

Commissioner Billy King (Reappointment)

Commissioner King withdrew his nomination of Carl Manning for the Joint Planning Board.

There now being an equal number of vacancies and nominees,

MOTION: Commissioner Melvin moved to appoint all nominees by acclamation all nominees to their respective positions.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (6-0)

7. Closed Session

Mr. Martin advised there were no closed session matters scheduled for this meeting.

MOTION: Commissioner King moved to adjourn.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 8:05 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board