

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JANUARY 17, 2011 (TUESDAY) – 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 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, Communication and Strategic Initiatives Manager
Tom Lloyd, Planning and Inspections Director
George Hatcher, Planning and Inspections
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board

Chairman Marshall Faircloth called the meeting to order.

INVOCATION

Commissioner Faircloth provided the invocation followed by the Pledge of Allegiance to the American flag.

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 speaker:

Nancy Shakir – Ms. Shakir did not appear when called.

Special Recognition - Cumberland County Cares Award

Eleanore Getz, Cumberland County 4-H Volunteer

Commissioner Edge recognized Cumberland County 4-H Volunteer Eleanore Getz for her tireless service and dedication to the North Carolina Cooperative Extension's youth development programs in Cumberland County. Commissioner Edge stated Ms. Getz has served as a 4-H volunteer for thirty-seven years, and has earned many recognitions and awards on the local, district, state, regional and national levels, and was most recently inducted into the North Carolina 4-H Hall of Fame. Commissioner Edge stated Ms. Getz has positively impacted the lives of numerous youth and is never happier than when a youth she has coached earns recognition or a scholarship and is able to advance.

Special Recognition - Laretha Clark, Paralegal of the Year
Cumberland County Paralegal Association

Commissioner Evans recognized county employee Laretha Clark, a paralegal in the county attorney's office, for having been named Paralegal of the Year by the Cumberland County Paralegal Association. Commissioner Evans stated Ms. Clark has served as both president and vice president of the Association, has helped get the Association involved in the Second Harvest Food Bank, has helped organize donations to the Red Cross to help the 2011 tornado victims, and has helped organize clothing and school supply donations and a bake sale to help victims of Hurricane Irene.

Special Recognition of the Fayetteville Stars 16 and Under, AAU Basketball Team for winning 6 State Basketball Championships and 4 National Basketball Championships (the latest National Championship was July 2011 in Florida). The following players are to be recognized:

TJ Robinson (Point Guard)	Adam Cummings (Guard - 2 yrs)
Deion Thompson (Forward - 9 yrs)	Quincy Baggett (Center - 2 yrs)
Robert Johnson (Power Forward - 9 yrs)	Chiagozie Udoh (Center - 1 yr)
Darius Book (Guard - 8 yrs)	Jacob Talbert (Guard - 1yr)
Rian Holland (Guard - 8 yrs)	Bryan Moore (Guard - 1yr)
Brennan Wright (Guard - 8 yrs)	<u>Current Coaches:</u>
Tyree Giles (Power Forward - 7 yrs)	Head Coach: Thurston Robinson
Al Williams (Guard - 3 yrs)	Assistant Coach: Leslie McGee

Commissioner Council recognized the Fayetteville Stars 16 and under AAU basketball team members and called on Tawanda Giles who explained the team is made up of young men who not only exemplify how a student athlete should perform on the basketball court, but off the court as well. Ms. Giles also explained the team members have earned stellar grades, with 90% of the team on the honor roll and the other 10% very close to it and striving for it, and have participated in various forms of community service. Ms. Giles further explained the team won six state basketball championships and four national championships, the most recent being the national championship this past July in Florida.

Special Presentation by Ms. Charlotte Robinson and Mr. Andrew Early on the TJ Robinson Life Center, Home of the Fayetteville Stars National Basketball Team

Commissioner Council called on Charlotte Robinson, one of the founders of the TJ Robinson Life Center, who provided a brief overview of the 501(c)(3) non-profit organization project and facility. Ms. Robinson stated the TJ Robinson Life Center is determined to be instrumental in the personal development of today's youth as well as create an unmatched sporting atmosphere and offer various programs for children and adults. Ms. Robinson also stated she and her husband have spent over \$1 million on the project and the project has received no funding to date. Ms. Robinson further stated the project meets all of the economic incentive requirements. Ms. Robinson asked the Board of Commissioners' to match that amount with financial or any other resources that would help complete the project.

1. Approval of Agenda

MOTION: Commissioner King moved to approve the agenda.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

2. Consent Agenda

Commissioner Council requested the removal of Item 2.D. from the consent agenda for separate discussion and action.

A. Approval of minutes for the January 3, 2012 regular meeting

B. Approval of Disposition of Records for the Planning & Inspection Department

BACKGROUND:

In accordance with the Records Retention and Disposition Schedule dated April 1, 2006, I request permission to destroy records dated prior to January 1, 2006, on or before March 31, 2012. The maximum time period we are required to maintain records is six years. This request will allow records to be destroyed that are no longer useful. Records to be destroyed are as follows:

1. Permit Files: Included are Applications for Building, Electrical, Plumbing, Mechanical, Insulation, Demolition, Relocation, and Zoning Permits, Permits Issued, Work Tickets, Certificates of Occupancy, Blueprints and Specifications and related correspondence.
2. Minimum Housing, Junk Vehicle and Zoning Code Enforcement Files.
3. Activity Reports: This file consists of information compiled for the U.S. Bureau of the Census, reports of money collected for permit fees, inspections performed, and permits issued.
4. Correspondence/Memorandums.

Exceptions:

- A. Any record required to be retained permanently or for the life of the structure.
- B. Records, if any, related to any ongoing litigation.

RECOMMENDATION/PROPOSED ACTION:

Place on the Board of Commissioners agenda with a recommendation to approve the destruction of records as outlined above.

C. Approval of Cumberland County Facilities Committee Report and Recommendation:

- (1) Lease Agreement with Employment Source, Inc.

DISCUSSION:

At its January 5, 2012 meeting, the Facilities Committee considered the terms of a proposed lease with Employment Source, Inc., for the sheltered workshop site at the Washington Drive School property. The Committee voted to approve the proposed lease terms as set out below. Committee Chairman Keefe asked that the name of the corporate entity be correctly stated. There was also a question asked about the number of metal buildings on the site. Mr. Aynes verified that the correct name of the corporation is Employment Source, Inc. The Secretary of State's filings for Employment Source, Inc., the list of the four corporations represented by Mr. Aynes, and a copy of the recorded plat reflecting the location of the structures on the site were provided. The metal building located in the intersection of Blue St. and the access easement was formerly occupied by the Bicycle Man and is not part of the tract leased to Employment Source, Inc.

SUMMARY OF LEASE TERMS:

Premises: Tract 1, PB 111 p. 69, consisting of 12.96 acres containing 4 metal buildings, 1 brick building and 2 block buildings
Lessee: Employment Source, Inc, a non-profit NC corporation
Notice of Intent: will be required
Use: sheltered workshop employing handicapped employees
Term: indefinite, commencing May 1, 2012 with 2 year notice for termination
Rent: none
Utilities: lessee's responsibility
Regular Maintenance: lessee's responsibility
Janitorial: lessee's responsibility
Insurance: \$1.5 m. all risk hazard and \$2.0 m. general liability provided by lessee
Early Termination Provision: none needed
Renewal Terms: none needed
Management Recommendation: approval
Facilities Committee Recommendation: approval

(2) Modifications to the County Attorney's Office

DISCUSSION:

At its January 5, 2012 meeting, the Facilities Committee approved the proposed layout to re-configure the county attorney offices at a cost not to exceed \$10,000. This work will mostly be done by the county and will involve moving and adding a wall and a door, and changing the lighting and ventilation and communications links to accommodate an additional office. The reason for this requested change is to minimize the clutter in the corridor and public areas created by the lack of outside storage space, place each paralegal in an office and create equivalent office space for all attorneys and paralegals.

D. THIS ITEM WAS PULLED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW.

E. Approval of the Cumberland County Finance Committee Report (For Information)

F. Approval of Ordinance Assessing Property for the Cost of Demolition:

- (1) Case Number: MH 6413-2011
Property Owners: Mildred Melvin
Property Location: 8402 Beaver Dam Road, Autryville, NC
Parcel Identification Number: 1404-24-6446

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6413-2011
PROPERTY OWNER: MILDRED MELVIN

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 15, 2011, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Mildred Melvin, located at 8402 Beaver Dam Road, Autryville, NC, PIN: 1404-24-6446, said ordinance being recorded in Book 8705, page 353, 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 \$1,950.00.
- (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 \$1,950.00, 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 August 15, 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 8402 Beaver Dam Road, Autryville, NC, as described in Deed Book 2634, page 221, of the Cumberland County Registry and identified in County tax records as PIN 1404-24-6466.

(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.

- (2) Case Number: MH6411-2011
Property Owners: William E. and Carolyn Faye Bulen, c/o William E. Bulen, Jr.
Property Location: 8090 and 8098 Lane Road, Linden, NC
Parcel Identification Number: 0563-20-3358

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6411-2011
PROPERTY OWNER: WILLIAM E. & CAROLYN FAYE BULEN

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 15, 2011, enacted an ordinance directing the demolition by the owner(s) of the structure(s) William E. and Carolyn Faye Bulen, c/o William E. Bulen, Jr. located at 8090 and 8098 Lane Road, Linden, NC, PIN: 0563-20-3358, said ordinance being recorded in Book 8705, page 371, 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 \$4,140.00.
- (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 \$4,140.00, 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 August 15, 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 8090 and 8098 Lane Road, Linden, NC, as described in Deed Book 3476, page 5, of the Cumberland County Registry and identified in County tax records as PIN 0563-20-3358.

(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.

- (3) Case Number: MH6331-2011
Property Owner: David E. Grimes, Jr.
Property Location: 367 Brooklyn Circle, Hope Mills, NC
Parcel Identification Number: 0423-29-2782

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6331-2011
PROPERTY OWNER: DAVID E. GRIMES, JR.

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 15, 2011, enacted an ordinance directing the demolition by the owner(s) of the structure(s) David E. Grimes, Jr., located at 367 Brooklyn Circle, Hope Mills, NC, PIN: 0423-29-2782, said ordinance being recorded in Book 8705, page 362, 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 \$2,599.00.
- (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 \$2,599.00, 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 August 15, 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 367 Brooklyn Circle, Hope Mills, NC, as described in Deed Book 5104, page 434, of the Cumberland County Registry and identified in County tax records as PIN 0423-29-2782.

(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.

G. Budget Revisions:

- (1) Soil and Water Conservation District

Revision in the amount of \$2,092 to recognize FY2012 fund raising revenues. (B12-212) Funding Source – Fundraisers

- (2) Emergency Services Grants

Revision in the amount of \$21,764 to recognize two Department of Homeland Security grants; Emergency Management Training grant (\$1,856) and Tornado Disaster Exercise grant (\$19,908). (B12-218) Funding Source – State

(3) Sheriff- Sex Predator Grant

Revision in the amount of \$61,705 to re-budget remaining unspent grants funds from FY2010 and FY2011. The grant will fund two deputies, the purchase of a computer and related software training. (B12-219) Funding Source – Federal

MOTION: Commissioner Edge moved to approve all consent agenda items 2.A. through 2.G.(3). with the exception of Item 2.D which was pulled for separate discussion and action as recorded below.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

ITEM 2.D. Approval of Cumberland County Policy Committee Report and Recommendation:

(1) Revisions to the Animal Control Ordinance

DISCUSSION:

A summary of the proposed significant changes is set out below. Overall, duplicative provisions and requirements which have not been or could not be enforced were removed. The penalty provisions were simplified and made uniform except in those areas where Dr. Lauby believed a more substantial penalty was effective and needed. About one-fourth of the existing ordinance has been eliminated. County attorney, assistant county manager and Dr. Lauby met and fully discussed this final draft on December 22, 2011.

This draft was fully discussed by the Policy Committee at its January 5, 2012 meeting. The Committee recommended approval by a 2 to 1 vote with Commissioner Keefe voting against it because of his concern that the county was foregoing an opportunity to enhance revenue for the department by not implementing the New Hanover county style of pet licensing at this time.

Assistant City Attorney Brian Leonard attended the Policy Committee meeting and commented on areas of interest to the city. Mr. Leonard has requested that the Board of Commissioners consider this draft without formally adopting it at this time to afford an opportunity for further input from the city council once the council has formally reviewed the final draft. The city council also made this request directly to the county attorney at its November work session. Since 80% of animal control calls arise in the city, the county attorney recommends that the board consider the ordinance at this meeting, direct any further changes that it deems necessary, but wait until February for final adoption so the city's issues can be fully addressed by the time of adoption.

SUMMARY:

ARTICLE I. ADMINISTRATION

Sec. 3-1 Animal Control Department established. Name of department is changed from Animal Services to Animal Control throughout ordinance.

- Sec. 3-2. Animal Control Director. No significant changes.
- Sec. 3-3. Functions of Animal Control Department. No significant changes.
- Sec. 3-4. Animal Control Board established. No significant changes.
- Sec. 3-5. Dangerous Dog Appeal Board established. This section was moved from Article III. Board consists of three members appointed by Animal Control Board from its members, rather than existing full Animal Control Board. Quorum consists of only two members. The manner in which hearings are conducted is specified with Director's case to be presented by county attorney. This is significant change.
- Sec. 3-6 through Sec. 3-9. Reserved.

ARTICLE II. GENERAL PROVISIONS.

- Sec. 3-10. Definitions. Terms no longer used in the ordinance have been omitted.
- Sec. 3-11. Applicability of state laws to custody of animals. No significant changes.
- Sec. 3-12. Injuring, poisoning or trapping animals prohibited. No significant changes.
- Sec. 3-13. Diseased animals; injured or sick animals. No significant changes.
- Sec. 3-14. Property owner may impound animal. No significant changes.
- Sec. 3-15. Nuisance animals; complaint procedures.
Nuisance complaints, such as barking dogs, are some of the most frequent complaints and officers typically cannot verify the complaint. New ordinance provides that enforcement shall be solely by the complainant obtaining a criminal summons. These complaints have created public relations problem with citizens who are not willing to testify against their neighbors and will not accept that animal control officers cannot testify with only hearsay evidence. This is a significant change.
- Sec. 3-16. Animal fighting and animal fighting paraphernalia prohibited. No significant changes.
- Former Sec. 3-17 Dogs prohibited from park trails. Repealed because it has never been enforced and city provides scooper bags at the trails.
- Sec. 3-17. Keeping of wild or exotic animals. New ordinance expands the definition of wild or exotic animals to include all hybrids, otherwise, same as existing ordinance.
- Sec. 3-18. Inhumane or cruel treatment prohibited. No significant changes.
- Sec. 3-19. Control of animals required; at large; strays; impoundment; confinement in season; penalty for biting while at large. No significant changes.
- Sec. 3-20. Records; disposition of animals; adoption. No significant changes.

Sec. 3-21. R

- Sec. 3-22. Spaying or neutering as condition for adoption of dogs and cats; violations. No changes other than length of post-adoption time period to obtain spay or neuter left to discretion of Director.
- Sec. 3-23. Keeping of animals; mistreatment, abandonment prohibited; care; restraining of dogs; exercise area for dogs. Significant change in enforcement of anti-tethering provision which will allow Animal Control to seize a dog which has been tethered for 14 days after receiving notice of violation.
- Sec. 3-24. Dead animal pickup; relinquishing animals to the shelter. No significant changes.
- Sec. 3-25. Apprehension of wild dogs. Establishes that Director must determine officers have adequate training to use firearms, otherwise, no significant changes.
- Sec. 3-26. Regulation of the number of dogs and cats which may be kept on certain premises. New provision which limits the number of dogs and cats which can be kept at residences with residential zoning classifications of R20 or less (less than one-half acre) and in any multi-family dwellings. No longer dependent on zoning regulations. This is a significant change.
- Sec. 3-27 through Sec. 3-29. Reserved.

ARTICLE III. DANGEROUS DOGS

This Article was significantly changed by eliminating classifications of aggressive and vicious dogs which were in addition to dangerous dogs, lessening the severity of the injury required in a bite or attack to declare a dog “potentially dangerous,” and increasing the liability insurance requirements for owners of dangerous dogs from \$100,000 to \$200,000.

- Sec. 3-30. Definitions.
- Sec. 3-31. Application of ordinance; exceptions.
- Sec. 3-32. Reporting requirements.
- Sec. 3-33. Determination that a dog is potentially dangerous; appeals.
- Sec. 3-34. Registration required.
- Sec. 3-35. Permit required.
- Sec. 3-36. Regulation of dangerous dogs; security and restraint requirements.
- Sec. 3-37. Impoundment of dangerous dogs.
- Sec. 3-38. Violations, penalties and other remedies.
- Sec. 3-39. Administrative provisions.

ARTICLE IV. RABIES CONTROL AND ANIMAL BITES No significant changes to this Article.

- Sec. 3-40. Rabies control.
- Sec. 3-41. Reports of bite cases; report by veterinarian.
- Sec. 3-42. Records.
- Sec. 3-43. Interference.
- Sec. 3-44 through Sec. 3-49. Reserved.

Former ARTICLE V. KENNELS; PET SHOPS was repealed because it was not being enforced.

ARTICLE V. LICENSING OF DOGS AND CATS

Although there has been much discussion on going to a “pet license” approach like that in New Hanover County, the new ordinance continues the present privilege license. The only significant change is the elimination of the additional tax on keeping more than three dogs or cats. Dr, Lauby reports this additional tax was not understood and not enforced. The current ordinance language does give the Tax Administrator the flexibility to delegate some of the duties to the Animal Control Director. Animal Control has software in place which enables non-listed dogs and cats to be identified when they are vaccinated and is using this information to enforce additional listings and penalties. Dr. McNeil, the New Hanover County Director of Animal Control, reported that New Hanover’s program was so successful because 90% of the pet license fees were collected by the veterinarians. Dr, Lauby reports that level of participation by the local veterinarians is not likely at this time.

- Sec. 3-50. License for dogs and cats.
- Sec. 3-51. Terms of license; exemption.
- Sec. 3-52. Issuance of records.
- Sec. 3-53. Fastening of tags to collar or harness.
- Sec. 3-54. License fee in addition to other fees.
- Sec. 3-55. Use of revenues collected from license fees.
- Sec. 3-56. Transfer of cats and dogs.
- Sec. 3-57. Non-applicability of Article.
- Sec. 3-58 through Sec. 3-59. Reserved.

ARTICLE VI. INJURED ANIMAL STABILIZATION FUND No significant changes.

- Sec. 3-60. Control of injured animals; stabilization fund.
- Sec. 3-61 through Sec. 3-69. Reserved.

ARTICLE VII. MISCELLANEOUS. No significant changes in this Article other than addition the last section at the request of City of Fayetteville.

Sec. 3-70. Keeping chickens or rabbits - Sanitation requirements.

Sec. 3-71. Stables to be kept clean.

Sec. 3-72. Grazing animals.

Sec. 3-73. Disposition of dead animals.

Sec. 3-74. Selling live animals in public rights of way and other public property prohibited.

Sec. 3-75. Provisions only applicable within the corporate limits of any municipality in which this ordinance is applied.

Sec. 3-76 through Sec. 3-79. Reserved.

ARTICLE VIII. ENFORCEMENT No significant changes to this Article.

Sec. 3-80. Enforcement, generally.

Sec. 3-81. Penalties for violations.

Sec. 3-82. Severability.

Commissioner Council, chair of the Policy Committee, called on Commissioner Keefe who stated he would like to see area veterinarians included in the ordinance as a proactive group in the pet fee process and would also like to have a procedure in place for handling pet related grievances.

Rick Moorefield, County Attorney, explained tax listing forms that are prepared on January 1st could not be changed in November, so staff determined it would be preferable to keep the current system in place for this year in order to avoid any confusion that would be created by duplicative pet listings. Mr. Moorefield further explained this has also given Animal Control an opportunity to use its new software to track vaccinations reported by local veterinarians and to compare those numbers to the number of pets listed. Mr. Moorefield stated the ordinance revision as proposed was not a conscious effort to miss an opportunity to enhance revenue through the pet licensing, but was basically to accommodate circumstances created by the tax listing forms having been printed two months in advance of January 1. Mr. Moorefield suggested one way to address Commissioner Keefe's request would be to leave the proposed Article V as it is for this year, and include in the ordinance language a sunset provision which would repeal the existing Article V and replace it with a New Hanover style of pet licensing effective January 1 of 2013. Mr. Moorefield advised this is a typical way transition legislation is handled by the state legislature. Commissioner Keefe concurred with Mr. Moorefield's suggestion.

Commissioner Keefe stated a grandfather clause had also not been provided for the reduction in the number of pets. Mr. Moorefield asked Commissioner Keefe if transition legislation could be applied to this as well. Commissioner Keefe concurred.

Mr. Moorefield stated the city council had requested an opportunity to look at the proposed ordinance at a formal meeting to provide further input, and because 80% of animal control calls arise within the city of Fayetteville, his formal recommendation would be that the Board not adopt the proposed ordinance at this time. Comments followed.

MOTION: Commissioner Melvin moved to table revisions to the animal control ordinance.
SECOND: Commissioner Evans

DISCUSSION: Commissioner Keefe asked when the county attorney anticipated bringing the ordinance revisions back to the full Board. Commissioner Council suggested that the Policy Committee receive input from the city council and following discussion, return the revisions to the animal control ordinance to the full Board.

AMENDED MOTION: Commissioner Melvin moved to table the revisions to the animal control ordinance and refer back to the Policy Committee for further discussion following input from the city council.
SECOND: Commissioner Evans

VOTE ON AMENDED MOTION: UNANIMOUS (7-0)

3. Public Hearings

Mr. Martin explained the Board of Commissioners' procedures for public hearings and advised that Cases P11-57, P11-58, P11-59, and P11-60 remain uncontested. Mr. Martin further advised that all speakers having signed up for these cases favored the recommendations of the Cumberland County Joint Planning Board, and there were no speakers signed up in opposition.

Uncontested Cases

A. Case P11-57: Rezoning of .18+/- acre from R10 Residential to R6A Residential or to a more restrictive zoning district, located at 623 Chapel Hill Road, submitted by Arlethia Walton (POA) on behalf of Gertrude K. Meeks (owner)

RECOMMENDATION: Members of the Cumberland County Joint Planning Board present at the December 20, 2011 meeting voted to recommend approval for R6A Residential district.

B. Case P11-58: Rezoning of 2.64+/- acres from RR Rural Residential and R10 Residential to C(P) Planned Commercial or to a more restrictive zoning district; located on the north side of SR 1003 (Camden Road), east of NC 59 (Hope Mills)

Road); submitted by Neil E. Smith on behalf of Smith Family Conservancy, LLC. (owner)

RECOMMENDATION: Members of the Cumberland County Joint Planning Board present at the December 20, 2011 meeting voted to recommend approval for C(P) Planned Commercial district for the amended request of approximately .30 +/- acres.

- C. Case P11-59: Rezoning of 2.52 +/- acres from R10 Residential to C1(P) Planned Local Business or to a more restrictive zoning district; located on the east side of US Hwy 401 (Ramsey Street) and north of I-295 South; submitted by Richard William Jr. and Brenda O'Quinn Swann (owners)

RECOMMENDATION: Members of the Cumberland County Joint Planning Board present at the December 20, 2011 meeting voted to recommend approval for C1(P) Planned Local Business district.

- D. Case P11-60: Rezoning of .69 +/- acre from C(P) Planned Commercial to R30 Residential or to a more restrictive zoning district, located at 2969 AB Carter Road, submitted by William K. and Sherri H. Pierce on behalf of Pierce Investment Properties, Inc. (owner)

RECOMMENDATION: Members of the Cumberland County Joint Planning Board present at the December 20, 2011 meeting voted to recommend approval for R30 Residential district.

This is the duly advertised/noticed public hearing set for this date and time. Chairman Faircloth opened the public hearing for Cases P11-57, P11-58, P11-59, and P11-60.

The Clerk to the Board advised there were no speakers in opposition to Cases P11-57, P11-58, P11-59, and P11-60.

Chairman Faircloth closed the public hearing.

- MOTION: Commissioner King moved to follow the recommendations of the Cumberland County Joint Planning Board for approval of Cases P11-57, P11-58, P11-59, and P11-60.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS (7-0)

Conditional Use Permit Modification

- E. Case P07-75: Modification of the Permit for an approved C(P) Planned Commercial/CUD Conditional Use District for a mini-warehousing, retail/office space, second floor dwelling and car wash, with the Permit allowing for the outside storage of motor vehicles; consisting of 11.66 +/- acres; located at the south quadrant of SR 1003 (Camden Road) and SR 1112 (Rockfish Road);

submitted by Michael G. and Barbara J. Waguespack on behalf of USA Storage Center, LLC. (owner)

RECOMMENDATION: Members of the Cumberland County Joint Planning Board present at the December 20, 2011 meeting voted to recommend approval for the outside storage of motor vehicles for C(P) Planned Commercial/CUD Conditional Use District.

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 Edge moved to approve the recommendation of the Cumberland County Joint Planning Board for Case P07-75 and that the amended conditions be followed.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-0)

Other Public Hearings

Minimum Housing Code Enforcement

F. Case Number: MH 6558-2011
Property Owner: Mila Louise Sutton
Property Location: 490 John B. Carter Road, Fayetteville, NC
Parcel Identification Number: 0466-33-1672

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

I, Joan A. Fenley, 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 case number MH 6558-11.

Property Owner: Mila Louise Sutton

Property Address: 490 John B. Carter Rd: Fayetteville, NC 28312

Tax Parcel Identification Number: 0466-33-1672

SYNOPSIS: This property was inspected on August 17, 2011. The property owner was legally served with Notice of Violations and was afforded a Hearing on August 30, 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 November 28, 2011. The property owners were notified of the appeal procedures when they were served with the Finding of Fact and Order. No appeal was filed. However, upon my visit to the property on November 30, 2011 and January 3, 2012 no corrective action had been made to the structure. In its present state, this structure constitutes a fire, health and safety hazard.

The estimated cost to repair this structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has this structure presently valued at \$0.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING AND INSPECTIONS 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 Mila L. Sutton signed up to speak as a proponent of Case MH 6558-2011.

Brenda Sutton – After being placed under oath, Ms. Brenda Sutton stated she would speak for her mother, Mila L. Sutton. Ms. Sutton stated there was no question that the structure needed to be torn down. Ms. Sutton requested sixty days to work something out that would be satisfactory to the Board.

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 remove or demolish the dwelling within 60 days, to order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

Items of Business

4. Nominations to Boards and Committees

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

5. Appointments to Boards and Committees

A. Cumberland County Workforce Development Board (1 Vacancy)

Nominee:

Private Sector Position: William F. Frye

MOTION: Commissioner Keefe moved to appoint William F. Frye to Workforce Development board in the Private Sector position.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-0)

6. Closed Session: A) Attorney Client Matters
Pursuant to NCGS 143-318.11(a)(3).

MOTION: Commissioner Keefe moved to go into closed session for an attorney client matter pursuant to NCGS 143-318.11(a)(3).

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Council moved to reconvene in open session.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 8:10 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board