

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 22, 2014 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING
MINUTES

PRESENT: Commissioner Jeannette Council, Chair
Commissioner Kenneth Edge Vice Chairman
Commissioner Charles Evans
Commissioner Marshall Faircloth
Commissioner Ed Melvin
Amy Cannon, Interim County Manager
James Lawson, Assistant County Manager
Quentin McPhatter, Assistant County Manager
Rick Moorefield, County Attorney
Melissa Cardinali, Finance Director
Sally Shutt, Public Information Director
George Hatcher, Code Enforcement Officer
Joey Lewis, Code Enforcement Officer
Joan Fenley, Code Enforcement Officer
Debra Johnson, Code Enforcement Officer
Tom Lloyd, Planning and Inspections Director
Sylvia McLeod, Community Development Director
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

ABSENT: Commissioner Jimmy Keefe
Commissioner Billy King

Chairman Council called the meeting to order and announced Commissioner Jimmy Keefe and Billy King were unable to attend the meeting.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Melvin called on Pastor Cornelia Challenger of Unity Tabernacle Christian Church who provided the invocation followed by the Pledge of Allegiance to the American flag.

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

Amy Cannon, Interim County Manager, read the public comment period policy. Chairman Council recognized the clerk to the board who stated there were no speakers.

Ms. Cannon requested the addition of Item 2.G. for a resolution regarding red light camera legislation, that Item 3.B. listed on the agenda as an uncontested zoning case should be revised to a contested zoning case and that Item 7. be revised to a closed session for attorney/client matter(s) pursuant to NCGS 143-318.11(a)(5).

1. Approval of Agenda

MOTION: Commissioner Edge moved to approve the agenda with the addition and revisions as requested.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (5-0)

2. Consent Agenda

A. Approval of minutes for the April 7, 2014 regular meeting, April 11, 2014 special meeting for Safe Streets Symposium, April 14, 2014 special meeting of the Board of Commissioners acting as Overhills Park Water / Sewer Governing Board, and the April 14, 2014 special meeting for National County Government Month Employee Recognitions.

B. Approval of Corrections to the Cumberland County Smoking Ordinance Adopted on March 17, 2014

BACKGROUND:

On May 6, 2013, the Board adopted an ordinance extending its prohibition of smoking to the grounds of designated facilities including the Department of Social Services, all facilities where Health Department services are provided, and all county library facilities. On March 17, 2014, the Board amended the ordinance to prohibit smoking on the grounds of all buildings where the county conducts its business. Due to proofreading error, both the ordinance and amendment contain an erroneous citation. Both refer to "Chapter 9.5 Article III. Smoking of the Cumberland County Code." The correct citation is "Chapter 9.5 Article VIII. Smoking of the Cumberland County Code." The amendment as recorded below corrects the errors.

RECOMMENDATION/PROPOSED ACTION:

That the Board adopts the amendment as recorded below.

AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS AMENDING THE ORDINANCE ADOPTED MAY 6, 2013 AND THE AMENDMENT ADOPTED MARCH 17, 2014 REFERENCING CHAPTER 9.5, ARTICLE III. SMOKING, OF THE CUMBERLAND COUNTY CODE TO REFLECT THE CORRECT CODE REFERENCE AS CHAPTER 9.5, ARTICLE VIII. SMOKING, OF THE CUMBERLAND COUNTY CODE

WHEREAS, Cumberland County adopted an ordinance on May 6, 2013 (Cumberland County Code §9.5-91-98) prohibiting smoking in all county leased and owned buildings and vehicles, within 25 feet of the entrance or exit to any public building and on designated grounds; and,

WHEREAS, the Cumberland County Board of Commissioners amended the ordinance on March 17, 2014; and

WHEREAS both the ordinance and subsequent amendment refer to "Chapter 9.5, Article III, Smoking" as where the ordinance is codified in the Cumberland County Code
WHEREAS the correct code reference is Chapter 9.5, Article VIII; and

Whereas, the Board of Commissioners wishes to amend the ordinance adopted on May 6, 2013 and the amendment adopted on March 17, 2014 to reflect the correct code reference; and

WHEREAS, the Board of Commissioners finds the amendment of the ordinance adopted on May 6, 2013 and the amendment adopted on March 17, 2014 to be in the public interest and to promote the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Cumberland County Board of Commissioners that:

The ordinance adopted May 6, 2013 repealing Chapter 9.5 Article III. Smoking of the Cumberland County Code and Adopting a Revised Chapter 9.5 Article III. Smoking of the Cumberland County Code is amended by replacing all mention of "Article III" with "Article VIII"; and

The ordinance adopted March 17, 2014 Repealing Section 9.5-93 of Chapter 9.5, Article III. Smoking, of the Cumberland County Code and Amending Section 9.5-92 of Chapter 9.5, Article III Smoking of the Cumberland County Code is amended by replacing all mention of "Article III" with "Article VIII".

Adopted this 22nd day of April, 2014 .

C. Approval of Cumberland County Finance Committee Report and Recommendation(s)

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

- 1) Case Number: MH 6961-2012
Property Owner: Marco Garcia
Property Location: Colonial Park Drive, Fayetteville, NC
Parcel Identification Number: 0520-66-9057

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 6961-2012
PROPERTY OWNER: Marco Garcia

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 19, 2013, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Marco Garcia located at Colonial Park Drive, Fayetteville, NC, PIN: 0520-66-9057, said ordinance being recorded in Book 9278, page 370, 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 \$26,000.00.
- (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 \$26,000.00, 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 19, 2013, 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 Colonial Park Drive, Fayetteville, NC, as described in Deed Book 9033, page 170, of the Cumberland County Registry and identified in County tax records as PIN 0520-66-9057.

(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: MH 35-2013
Property Owner: Citimortgage, Inc.
Property Location: 7910 Pinebuff Court, Fayetteville, NC
Parcel Identification Number: 0533-96-4835

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 35-2013
PROPERTY OWNER: Citimortgage Inc.

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on September 16, 2013, enacted an ordinance directing the demolition by the owner of the structure Citimortgage Inc., located at 7910 Pinebuff Court, Fayetteville, NC, PIN: 0533-96-4835, said ordinance being recorded in Book 9297, page 0746, 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 \$2,900.00.
- (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 find 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 \$2,900.00, 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 September 16, 2013, and in Section 153A-372 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 7910 Pinebuff Ct, Fayetteville NC, as described in Deed Book 9036, page 356, of the Cumberland County Registry and identified in County tax records as PIN 0533-96-4835.

(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: MH 6529-2011
Property Owner: Isia Johnson, Willie D. Crumpler & Gina Logan
Property Location: 8238 NC Highway 210S, Autryville, NC
Parcel Identification Number: 1403-29-7383

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 6529-2011
PROPERTY OWNER: Isia Johnson, Willie D. Crumpler & Gina Hogan

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 19, 2013, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Isia Johnson, Willie D. Crumpler & Gina Hogan located at 8238 NC Highway 210S, Autryville, NC, PIN: 1403-29-7383, said ordinance being recorded in Book 9278, page 364, 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 August 19, 2013, 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 8238 NC Highway 210S, Autryville, NC, as described in Deed Book 5308, page 690, of the Cumberland County Registry and identified in County tax records as PIN 1403-29-7383.

(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.

- 4) Case Number: MH 7020-2013
Property Owner: Deborah C. Lucas
Property Location: 1220 McNeill Street, Spring Lake, NC
Parcel Identification Number: 0502-60-9759

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 7020-2013
PROPERTY OWNER: Deborah C. Lucas

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 19, 2013, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Debra C. Lucas, located at 1220 McNeil Street, Spring Lake, NC, PIN: 0502-60-9759, said ordinance being recorded in Book 09278, page 0385, 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 \$2,400.00.
- (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 \$2,400.00, 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 19, 2013, 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 1220 McNeil Street, Spring Lake, NC, as described in Deed Book 5416, page 813, of the Cumberland County Registry and identified in County tax records as PIN 0502-60-9759.

(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.

E. Approval of a Proclamation Proclaiming April 26-May 10, 2014 as "Spring Litter Sweep" in Cumberland County.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, the North Carolina Department of Transportation organizes an annual Spring statewide roadside cleanup to ensure clean beautiful roads in North Carolina; and

WHEREAS, the 2014 "*SPRING LITTER SWEEP*" roadside cleanup will take place April 26 through May 10, 2014, and encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during 2014 "*SPRING LITTER SWEEP*" and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the 2014 Spring cleanup will celebrate the 26th Anniversary of the North Carolina Adopt-A-Highway program and its 4,400 volunteer groups that donate their labor and time year round to keep our roadsides clean; and

WHEREAS, the 2014 “SPRING LITTER SWEEP” cleanup will be part of educating the children of this Great State and County regarding the importance of a clean environment to the quality of life in North Carolina;

NOW THEREFORE, the Cumberland County Board of Commissioners hereby proclaim April 26 through May 10, 2014 as “SPRING *LITTER SWEEP*” in Cumberland County and encourages all citizens to take an active role in making the County cleaner and more beautiful.

Adopted this 22nd day of April, 2014.

F. Budget Revisions:

(1) Cotton Fire District

Revision in the amount of \$22,000 to cover unanticipated refunds to taxpayers in the amount of \$1,000 and to increase contract for additional revenue anticipated to be earned for remainder of fiscal year in the amount of \$21,000. (B14-327) Funding Source – Cotton Fire Tax

(2) Solid Waste

Revision in the amount of \$351,520 to appropriate fund balance to fund indirect cost. (B14-324) Funding Source – Solid Waste Fund Balance Appropriated

(3) Juvenile Crime Prevention/Social Services

Revision in the amount of \$23,416 to reallocate budgeted revenues and expenditures increasing the transfer from the General Fund to cover projected shortfall due to decrease in average number of placements. (B14-325 and B14-325A) Funding Source – Reallocation of Budgeted Revenues and Expenditures and State

(4) Health

a. Dental - Revision in the amount of \$90,000 to appropriate fund balance to fund settlement agreement. (B14-326) Funding Source – Health Fund Balance Appropriated

b. Maternal Health – Revision in the amount of \$2,000 to recognize donation received for the “Baby Store” program. (B14-321) Funding Source – Miscellaneous

(5) Federal Forfeiture – Justice

Revision in the amount of \$43,500 to recognize additional revenue received from federal drug forfeitures to purchase a replacement K-9 dog, equipment for Narcotics and Search and Rescue teams, document

management software and Wi-fi for Detective Division. (B14-230)
Funding Source – Federal Drug Forfeitures

- G. Resolution of the Board of Commissioners of Cumberland County Regarding Red Light Camera Legislation

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF CUMBERLAND COUNTY REGARDING
RED-LIGHT CAMERA LEGISLATION

WHEREAS, the City of Fayetteville is authorized by NCGS §160A-300.1. to operate a traffic control photographic system (Red-Light Camera Program); and

WHEREAS, the City of Fayetteville’s Red-Light Camera Program significantly reduced accidents at the intersections included in the program, but had to be discontinued in 2006 due to an adverse legal decision; and

WHEREAS, a Red-Light Camera Program effectively increases compliance with traffic signals increasing traffic safety and frees up local law enforcement officers to engage in other enforcement activities; and

WHEREAS, the current statutory authorization provided by NCGS §160A-300.1. limits the civil citation for violating traffic control regulations at \$50.00; and

WHEREAS, the cost of Red-Light Camera Programs has increased such that the cost of administering the program approaches the current statutory limit on the civil penalty reducing the potential financial benefit to school districts from the operation of such a program; and

WHEREAS, safe streets and funding for schools are in the best interests of the citizens of Fayetteville and Cumberland County.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners hereby requests that the Fayetteville-Cumberland County state legislative delegation, chaired by Senator Wesley Meredith, introduce and support a local bill that revises the City of Fayetteville’s current authorization to operate a traffic control photographic system such that:

1. The use of a contractor to install, operate, maintain, and administer the program is specifically authorized; and
2. That revenue collected to compensate the contractor is clearly excluded from the penalty or “clear proceeds” portion of the revenue collected; and
3. The maximum civil citation amount should be set at \$100.00.

Adopted this 22nd day of April, 2014.

MOTION: Commissioner Melvin moved to approve consent items 2.A. – 2.G.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (5-0)

3. Public Hearings

Ms. Cannon explained the Board of Commissioners’ procedures for public hearings.

Uncontested Conditional Zoning Case

- A. Case P14-10: Rezoning of 32.93+/- acres from A1 Agricultural to R20A Residential or to a more restrictive zoning district; located at 6631 Sandy Creek Road and on the north side of SR 1847 (Sandy Creek Road), east of SR 2084 (Jeremiah Street); submitted by Phillip T. and Deborah F. Davis (owners) and Michael J. Adams.

Staff Recommendation: 1st Motion: Approve and adopt the consistency with the LUP and reasonableness statements; 2nd Motion: Approve R20A
Planning Board Recommendation: Approve Staff Recommendation

Tom Lloyd, Planning and Inspections Director, stated there is no opposition to rezoning Case P14-10.

This is the duly advertised/noticed public hearing set for this date and time for Case P14-10.

Chairman Council opened the public hearing for Case P14-10.

The clerk to the board advised there were no speakers for Case P14-10.

Chairman Council closed the public hearing for Case P14-10.

MOTION: Commissioner Edge moved to find the requests consistent with the LUP and approve and adopt the reasonableness statements in Case P14-10.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS (5-0)

MOTION: Commissioner Edge moved to approve the recommendation of the Planning Board for R20A in Case P14-10.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS (5-0)

Contested Conditional Zoning Case

B. Case P13-50: Rezoning of 1.37+/- acres from R20 Residential to M(P) Planned Industrial or to a more restrictive zoning district, located at 725 and 729 Snow Hill Road, submitted by Huxley A. and Ahuilda J. Jones (owners).

Staff Recommendation: 1st Motion: Approve and adopt the consistency with the LUP and reasonableness statements; 2nd Motion: Approve M(P)/CZ for ammunition remanufacturing, assembly and distribution subject to conditions
Planning Board Recommendation: Approve Staff Recommendation

Mr. Lloyd presented this item and stated Case P13-50 was brought before the Board on February 17, 2014 after the Planning Board recommended denial due to overbuilding of the site and opposition by the director of the Fayetteville Regional Airport. Mr. Lloyd stated the airport director later withdrew his opposition and following the February 17, 2014 meeting, the petitioner agreed to meet with staff to resolve the issue with overbuilding. Mr. Lloyd stated the Planning Board then recommended approval. Mr. Lloyd showed vicinity maps and aerial views of the subject property, and provided overviews of the current land uses, current zonings, and surrounding land uses and zonings in Case P13-50. Mr. Lloyd stated three structures were originally proposed for the site but one building was removed and the petitioner adjusted the office and assembly building to meet the setbacks. Mr. Lloyd stated the rear setback line was not met but the petitioner reached an agreement with the adjacent property owner for a zero lot line which then made it conforming.

Commissioner Edge asked Mr. Lloyd to confirm that smokeless powder was an accelerant and would not explode. Mr. Lloyd stated the petitioner would address the question. Commissioner Edge asked Mr. Lloyd whether the petitioner had agreed to follow all requirements to include site appearance and landscaping. Mr. Lloyd responded in the affirmative.

This is the duly advertised/noticed public hearing set for this date and time for Case P13-50.

Chairman Council opened the public hearing for Case P13-50.

The clerk to the board called the following speakers:

Huxley Jones – Mr. Jones appeared in favor and stated smokeless powder is not an explosive but an accelerant that will burn. Mr. Jones stated if smokeless powder is ignited, it will not be a sympathetic detonation to surrounding ammunition. Mr. Jones provided information on tests conducted with smokeless powder by the Supporting Arms and Ammunitions Manufacturing Institute (SAAMI) and regulation and inspection by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Mr. Jones stated Defender Ammunition will not deal in large quantities of smokeless powder because it will come in and be produced that day and shipped out the following day. Mr. Jones stated he would have spoken with individuals appearing in opposition had they shown up at any of the six meetings prior to this one because this is the first time anyone has shown up in opposition. Mr. Jones reiterated that smokeless powder is not an explosive.

Robert Gaddy – Mr. R. Gaddy appeared in opposition and stated it does not matter whether smokeless powder is an accelerant or an explosive because the area in which he lives is already crime ridden. Mr. Gaddy cited examples of robberies, shootings, drugs and “mudding” at Rockfish Creek. Mr. Gaddy stated the area is residential and he questioned why it should go commercial.

Henry Gaddy – Mr. H. Gaddy appeared in opposition and stated he did not understand how the building could be up for three to four months and later come before the Planning Board, and he did not understand how a commercial building could be constructed and later have a petition filed for rezoning. Mr. Gaddy stated it is too close to the highway and it should be barricaded. Mr. Gaddy stated an accelerant makes a fire bigger.

Katrina Gamble – Ms. Gamble appeared in opposition and stated the area stepped into action when it found out how the building would be used. Ms. Gamble expressed concern for the health, safety and welfare of the Lakeside at Snowhill community due to the close proximity to Interstate 95 with its drugs and criminal element. Ms. Gamble shared examples of fires at small arms munitions facilities which put communities in close proximity in danger.

Larry Anderson – Mr. Anderson appeared in opposition and stated the community is dealing with problems such as airport traffic, the homeless, prostitution, drugs and shootings. Mr. Anderson stated an ammunition plant will endanger the community and have a negative impact on the environment. Mr. Anderson spoke about a past plane crash in the area.

Chairman Council closed the public hearing for Case P13-50.

In response to a question posed by Chairman Council, Mr. Lloyd stated the property was initially zoned M(P) Planned Industrial and with a permit, the business could have been conducted under that zoning classification. Mr. Lloyd stated the problem arose when the property owner rezoned the M(P) Planned Industrial to Residential and constructed a residence for a home occupation. Mr. Lloyd stated a Certificate of Occupancy (CO) was not obtained. Mr. Lloyd stated there was then a subsequent change in plans to make it a full fledged family business so the Residential zoning classification had to be rezoned back to M(P) Planned Industrial zoning classification.

Commissioner Edge inquired regarding setback requirements. Mr. Lloyd stated the existing building meets the setbacks for residential and the proposed buildings for an office and assembly meet the setbacks to the front and to the sides and a zero lot line has been agreed to at the rear of the property. Commissioner Edge inquired as whether there was a conditional use regarding access. Mr. Lloyd responded in the affirmative. Commissioner Edge inquired regarding the closest residence. Mr. Lloyd responded the closest residence was across Snowhill Road. In response to a question from Commissioner Faircloth, Mr. Lloyd stated signs were properly posted for Case P13-50 and there were mailings to properties along Snowhill Road for all hearings but no one appeared in opposition.

Mr. Lloyd responded to questions posed by Commissioner Evans and stated this is the second request to have the property rezoned and with the zero lot line at the rear of the property, all the setback requirements have been reached and construction will have to follow the building code.

Commissioner Evans expressed concern for the number of times the property has been rezoned and stated the citizens are not necessarily concerned about the explosive material, they are concerned about crime. Commissioner Evans stated businesses attract crime and businesses that build explosives are asking for criminal activity. Commissioner Evans stated he pulled a report for the area and from February till the present, there have been fourteen calls for reasons such as burglary, shots being fired, assaults and stabbings.

Chairman Council stated the zoning district requested is consistent with the 2030 Growth Vision Plan which calls for urban at this location as well as meeting the location criteria for heavy industrial development as listed in the Land Use Policies Plan. Chairman Council stated crime is already in that area and she has a hard time believing that the petitioner is going to put in a smokeless powder business that will attract prostitutes. Chairman Council asked what someone could do if they broke in and stole the smokeless powder. Mr. Huxley stated they would not be able to do anything with it. Mr. Huxley further stated there is access control, a seven foot chain link fence and state of the art security system on the property. Mr. Huxley stated he knows how to protect the property and he could assure the Board that there will not be crime on the property. Mr. Huxley also stated one way to combat crime is to give people jobs and his business will produce twenty-five jobs. Chairman Council inquired regarding the impact of a plane crashing onto the building. Mr. Huxley stated it would burn just like any other building. Mr. Huxley stated propane tanks in the area pose a greater risk upon impact by an aircraft.

Commissioner Edge stated he met with the community towards the end of 2013 and at that time, the sheriff's office indicated there had been a reduction in crime. Commissioner Edge stated crime is a countywide concern and the community is addressing crime as best it can, but there are two different issues being talked about in this case. Commissioner Edge stated this business is not going to create anymore crime but it will not necessarily deter crime either. Commissioner Edge stated if approved, the business will provide twenty-five jobs. Commissioner Edge stated the petitioner apologized to the Planning Board for not having everything together the first time.

MOTION: Commissioner Edge moved to find the requests consistent with the LUP and approve and adopt the reasonableness statements in Case P13-50.

SECOND: Commissioner Council

DISCUSSION: Commissioner Evans stated if a criminal sees a building and does not know what's in it, the criminal will break into the building to see what's in it and cause crime. Commissioner Evans stated the community is attempting to prevent further criminal activity in their area. In response to a question posed by Chairman Council, Mr. Lloyd stated the property meets the setback requirements from Interstate 95. In response to a question posed by Commissioner Melvin, Mr. Lloyd stated a permit was issued for the footings and stated when inspectors visited the property, there was not enough done for a CO to be issued for a residence.

VOTE: FAILED (2-3) (Commissioners Council and Edge voted in favor; Commissioners Evans, Melvin and Faircloth voted in opposition)

Chairman Council stated the petition is denied.

Contested Zoning Ordinance Text and Map Amendment

C. Case P14-17: Revisions and amendments to the Cumberland County Zoning Ordinance by adoption and establishment of a Coliseum Tourism Overlay District (CTOD) amending the County zoning map, creating the overlay district layer on 327.98+/- acres generally bounded by US HWY 301 (Gillespie Street), SR 2283 (East Mountain Drive), SR 1007 (Owen Drive) and NC HWY 87 (Martin Luther King Jr Freeway); and amending Article II Interpretations, Calculations, and Definitions Section 203 Definition of Specific Terms and Words, specifically defining the terms *hotel* and *motel*; amending and creating Article III Zoning Districts Section 308.1. Overlay Districts, sub-section B, to be entitled *Coliseum Tourism Overlay District (CTOD)*; Article VIII.I Overlay Districts, Section 8.102, entitled *Coliseum Tourism Overlay District (CTOD)*; and amending Article XIII Sign Regulations, Section 1307. Billboards (Off-Premises Signs), sub-section A. General Provisions, paragraph 1.

Staff Recommendation: 1st Motion: Approve and adopt the consistency with the LUP and reasonableness statements; 2nd Motion: Approve the text and map amendment creating the CTOD

Planning Board Recommendation: 1st Motion: Approve and adopt the consistency with the LUP and reasonableness statements; 2nd Motion: Approve the text and map amendment creating the CTOD except allowing for screening of existing outdoor storage as opposed to prohibiting it; and removing the residential area generally known as Dogwood Acres from the CTOD, rezoning the same from R6A to R6.

Tom Lloyd presented this item. Mr. Lloyd showed vicinity maps and aerial views of the overlay district, and provided overviews of the current land uses, current zonings, and surrounding land uses and zonings in Case P14-17. Mr. Lloyd stated some of the area lies within the city of Fayetteville but only areas in the unincorporated part of the county are being addressed at this meeting. Mr. Lloyd stated the overlay district is intended to attract tourism and only uses that attract tourism are included and will be permissible in the overlay district. Mr. Lloyd stated other uses can still exist with the exception that if any nonconforming use is destroyed more than 40%, it can only be rebuilt to house a conforming or permitted use. Mr. Lloyd stated many homeowners spoke in opposition at the Planning Board hearing because were their homes to be destroyed more than 40%, they could not rebuild them. Mr. Lloyd stated only residents of Dogwood Acres showed up at the Planning Board meeting and the Planning Board recommended that Dogwood Acres be removed from the overlay district and rezoned to R6 because R6A allows manufactured housing. Mr. Lloyd stated the Planning Board also recommended that all outside storage be screened and buffered from any adjacent property and right-of-ways.

Mr. Lloyd stated the Board may wish to consider removing all legal nonconforming residences within the overlay district from the provision regulating nonconformities to the extent exceeding 40% damage.

Mr. Lloyd stated as far definitions for permitted uses in the zoning ordinance, planning staff were asked to define hotel and motel; hotels were defined as having entrances/exits from a room into a common hallway and motels were defined as entrances/exits directly outside. Mr. Lloyd stated the proposal under the text amendment is for hotels as a permitted use.

Mr. Lloyd stated another proposal under the text amendment is that a nonconforming use may not be changed or expanded or resumed if the nonconforming use has ceased for a period of 180 calendar days.

Mr. Lloyd stated provisions regarding billboards are that they shall be prohibited within 1,000 feet of either side of the right-of-way of Highway 301 (South Eastern Boulevard/Gillespie Street) from NC Highway 87 (Martin Luther King Jr. Freeway) to SR 2286 (Seven Mountain Drive).

In response to a question posed by Chairman Council, Rick Moorefield, County Attorney, advised the Board could consider adopting the recommendation of the Planning Board and adding to the Planning Board's recommendation that all other residences in the CTOD be removed from the provision regulating nonconformities to the extent exceeding 40% damage. Mr. Moorefield stated those residences would not be removed from the CTOD. Mr. Moorefield stated all of the residences in the proposed district are in the county's jurisdiction and none in the city's jurisdiction.

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

Chairman Council opened the public hearing.

The clerk to the board called the following speakers:

Kristoff Bauer – Mr. Bauer, Fayetteville Assistant City Manager, appeared in favor and stated individuals' first entry into Fayetteville is Airport Road and Highway 301 and the appearance of this important corridor sets the tone for the community. Mr. Bauer stated suggested changes are intended to address the visual blight of the corridor.

George Turner – Mr. Turner appeared in favor and stated the Civic Center Commission is 100% in favor of the text amendment and the suggested changes. Mr. Turner stated the long term plan is for Owen Drive to be the main entrance into the Crown Coliseum.

Kenneth Jackson – Mr. Jackson appeared in opposition and stated the main concern of Dogwood Acres residents is the 40% destruction and the possibility of losing their homes.

Richard Breeden – Mr. Breeden appeared in opposition and stated Dogwood Acres is a self-sustaining community and will not impact the success or lack of success of the Crown Coliseum. Mr. Breeden stated residents are willing to accept the proposal but the land use needs to show residential. Mr. Breeden submitted a petition from property owners in Dogwood Acres.

Chairman Council recognized Lavern Hayden, Pastor of the Wesleyan Pentecostal Church, who stated he lives in the house owned by the church and asked whether it would be included with all other residences. Mr. Lloyd stated the parcel lies within the corporate limits of Fayetteville. Mr. Lloyd advised Pastor Hayden to attend Fayetteville's public hearing.

There being no further speakers, Chairman Council closed the public hearing.

Commissioner Faircloth asked whether the overlay district affected the underlying zoning. Mr. Lloyd stated in this particular case, only the uses listed with the underlying zoning are permitted.

MOTION: Commissioner Edge moved to approve and adopt the consistency with the LUP and reasonableness statements as recommended by the Planning Board in Case P14-17.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (5-0)

- MOTION: Commissioner Edge moved to adopt the recommendation of the Planning Board as to the Text Amendment in Case P14-17, to include the Text Amendment for the billboard amendment and to add to the Planning Board's recommendation that the provision prohibiting the rebuilding of any existing residential structure conforming as of the date of the text amendment, which is damaged more than 40% of its reproducible value, not be applied to any existing conforming residences located in the CTOD.
- SECOND: Commissioner Melvin
- VOTE: UNANIMOUS (5-0)

Chairman Council called for a five minute break after which she reconvened the meeting.

Minimum Housing Code Enforcement

The clerk to the board administered an oath to Joan Fenley, Inspector for the County of Cumberland Inspection Department. Ms. Fenley stated she had three cases with four manufactures home all on the same parcel. Ms. Fenley provided information to the Board of Commissioners regarding the following minimum housing code enforcement cases and stated the properties under case number MH 9-2012 and MH 11-2012, 1111 Alco Circle and 1121 Alco Circle respectively, are now in the hands of Jean Smith and not Cheryl and/or Cynthia Ruffin.

- D. Case Number: MH 9-2012
Property Owner: Cheryl Ruffin & Cynthia Ruffin
Property Location: 1111 Alco Circle, Fayetteville, NC
Parcel Identification Number: 0419-73-5994

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

I, Joan 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 9-2012.
Property Owner: Cheryl Ruffin
Property Address: 1111 Alco Circle; Fayetteville, NC 28311
Tax Parcel Identification Number: 0419-73-5994.

SYNOPSIS: This property was inspected on October 11, 2012. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on November 8, 2012. Cheryl Ruffin and Cynthia Ruffin 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 no later than January 7, 2013. The property owner 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 April 10, 2014, the required corrective action has not been made to the structure. The structure is presently vacant and reasonable secured. 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 \$500.00 each for salvageable materials. Attached is a map depicting the location of the property.

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

Ms. Fenley stated this property is a 1969 single wide trailer that has been vacant over ten years.

- E. Case Number: MH 11-2012
Property Owner: Cheryl Ruffin & Cynthia Ruffin

Property Location: 1121 Alco Circle, Fayetteville, NC
Parcel Identification Number: 0419-73-5994

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

I, Joan 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 11-2012.
Property Owner: Cynthia Ruffin, E. Jean Smith
Property Address: 1121 Alco Circle; Fayetteville, NC 28311
Tax Parcel Identification Number: 0419-73-5994.

SYNOPSIS: This property was inspected on October 11, 2012. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on November 8, 2012. Cynthia Ruffin and Cynthia Ruffin 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 no later than January 7, 2013. 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 April 10, 2014, the required corrective action has not been made to the structure. The structure is presently vacant and reasonable secured. In its present state, this structure constitutes a fire, health, and safety hazard. The estimated cost to repair these structures to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has this structure presently valued at \$500.00 each for salvageable materials.

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

Ms. Fenley stated the property is a 1968 single wide trailer that has been in the park for years and has been vacant for over ten years. Ms. Fenley stated this particular unit had been subdivided into a duplex.

F. Case Number: MH 267-2013
Property Owner: E. Jean Smith
Property Location: 1141 & 1145 Alco Circle, Fayetteville, NC
Tax Parcel Identification Number: 0419-73-5994

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

I, Joan 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 267-2013.
Property Owner: E. Jean Smith
Property Address: 1141 & 1145 Alco Circle; Fayetteville, NC 28311
Tax Parcel Identification Number: 0419-73-5994

SYNOPSIS: This property was inspected on August 27, 2013. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on September 23, 2013. E. Jean Smith and David Wagner (Smith) attended the Hearing. It was ordered that the structures be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than December 23, 2013. The property owner(s) 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 April 10, 2014, the

required corrective action has not been made to the structures. The structures are presently vacant and reasonably secured. In their present state, these structures constitute a fire, health, and safety hazard. The estimated cost to repair these structures to a minimum standard for human habitation is \$30,000.00 each. The Assessor for Cumberland County has these structures presently valued at \$500.00 each for salvageable materials.

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

Ms. Fenley stated the property owner in case number MH 267-2013 is Jean Smith and the two trailers were moved into the park without obtaining permits. Ms. Fenley stated since being moved in, the commercial grade trailer at 1141 Alco Circle has received a permit and will require an engineer's certification to convert it to residential use. Ms. Fenley stated the unit at 1145 Alco Circle is a 1981 single wide trailer and no permits have been obtained. Ms. Fenley stated because of major structural damage, the trailer at 1145 Alco Circle is not repairable.

Mr. Moorefield asked Ms. Fenley whether the real property was owned by anyone other than Jean Smith. Ms. Fenley responded in the negative. Mr. Moorefield asked Ms. Fenley whether the trailer owners had been noticed. Ms. Fenley stated she has spoken with the owner of one trailer but has not had any communication with the owner of the commercial grade trailer.

Chairman Council inquired about the years in which the trailers were built. Ms. Fenley stated the first two trailers at 1111 Alco Circle and 1121 Alco Circle are a 1968 and a 1969. Ms. Fenley stated the trailer at 1145 Alco Circle is a 1981 and she does not know the year of the commercial grade trailer at 1141 Alco Circle. Ms. Fenley stated the 1968 and 1969 trailers would be considered legal nonconforming but have lost the legal nonconforming status because they have been vacant for so many years. Chairman Council inquired regarding the year affecting manufactured or mobile homes. Ms. Fenley responded the year is 1976.

This is the duly advertised/noticed public hearing set for this date and time for case numbers MH 9-2012 and MH 11-2012.

Chairman Council opened the public hearing for case numbers MH 9-2012 and MH 11-2012.

The clerk to the board called the following speakers for case numbers MH 9-2012 and MH 11-2012:

Jean Smith – After being placed under oath, Ms. Smith stated she has owned the park since 1979 and in 2000 the housing authority torn down thirteen of her trailers. Ms. Jean stated she gave the two trailers in case numbers MH 9-2012 and MH 11-2012 to Mr. Ruffin and he purchased the double wide which she got back from Mrs. Ruffin. Ms. Smith stated she cannot financially afford to move any faster to get the trailers up to code and the Board has to realize that two of the trailers that were unoccupied have never been moved. Ms. Smith asked the Board to bear with her and stated she has a contractor to do the electrical and has contracted with a construction engineer to get the trailers up to code. Ms. Smith stated she has to pay these people and although she cannot do it as fast as she would like to do it, she will do it.

Commissioner Melvin asked Ms. Smith what timeframe she needed. Ms. Smith stated two to three months, or whatever the Board will grant her, depending on the weather. Ms. Smith stated she felt she could not go any further until she found out whether the Board would let her continue the work.

Chairman Council asked Ms. Smith whether she understood that all required permits must be obtained before moving forward with any work. Ms. Smith responded in the affirmative. Chairman Council stated the trailers in case numbers MH 9-2012 and MH 11-2012 cannot be repaired and asked Ms. Smith whether she understood. Ms. Smith responded in the affirmative.

David Wagner – Mr. Wagner signed up as a speaker but did not speak.

Chairman Council closed the public hearing for case numbers MH 9-2012 and MH 11-2012.

MOTION: Commissioner Edge moved to adopt the order and report of the Minimum Housing Inspector as the true facts in case numbers MH 9-2012 and MH 11-2012; to order the property owner to remove or demolish the dwelling in each case within 30 days; to order the Inspector to remove or demolish the dwelling in each case 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: PASSED (3-2) (Commissioners Edge, Council and Faircloth voted in favor; Commissioners Evans and Melvin voted in opposition)

Chairman Council opened the public hearing for case number MH 267-2013.

The clerk to the board called the following speakers for case number MH 267-2013:

Stanley Fritz – After being placed under oath, Mr. Fritz stated he purchased the commercial trailer at 1141 Alco Circle. Mr. Fritz stated the inspector passed the blocking, tie down and plumbing for the trailer and then told him a kitchen would have to be installed in the trailer since it was commercial and he planned to make it residential. Mr. Fritz stated while he was in the process of installing the kitchen, he was told it needed to be painted and the roof needed to be cool-sealed. Mr. Fritz stated he is now being told he needs an engineer to convert it into a residential use.

Commissioner Edge asked Mr. Fritz whether he was paying rent on the property. Mr. Fritz stated he purchased the mobile home but is paying lot rent. Commissioner Edge stated the Board needs to know up front whether the trailer is repairable. Ms. Fenley stated it will require certifications of an engineer, the windows do not meet code and will have to be changed out and wiring will need to be installed. Ms. Fenley stated in her opinion, these will far exceed the value of the property.

Mr. Fritz stated he works for Choo Choo Homes, refurbishes mobile homes and can talk with his boss. Mr. Fritz stated he would not have purchased the home if he thought he could not do it at a minimal cost.

Commissioner Faircloth asked Mr. Fritz how much time he needed. Mr. Fritz reposed ninety days should be adequate. Mr. Moorefield asked Mr. Fritz to be sure the mobile home was not older than 1976. Mr. Fritz stated he thought it was 1980 but he would make sure.

Jean Smith – After being placed under oath, Ms. Smith stated she would help Mr. Fritz.

Chairman Council closed the public hearing for case numbers MH 267-2013.

MOTION: Commissioner Edge moved to adopt the order and report of the Minimum Housing Inspector as the true facts in case number MH 267-2013; to order the property owner to remove or demolish the dwelling within 120 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 (5-0)

Ms. Fenley asked whether the motion covered both trailers. Chairman Council responded in the affirmative.

The clerk to the board administered an oath to Debra Johnson, Inspector for the County of Cumberland Inspection Department, who provided information to the Board of Commissioners regarding the following minimum housing code enforcement cases.

- G. Case Number: MH 259-2013
Property Owner: Joseph Martin
Property Location: 2725 Chimney Brook Road, Fayetteville, NC
Parcel Identification Number: 0451-78-4097

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

I, Debra Johnson, 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 259-2013.

Property Owner: Joseph Martin

Property Address: 2725 Chimney Brook Rd, Fayetteville, NC 28312

Tax Parcel Identification Number: 0451-78-4097

SYNOPSIS: This property was inspected on August 12, 2013. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on October 9, 2013. Joseph Martin 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 no later than January 10, 2014. The property owner(s) 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 April 10, 2014, no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. 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 \$70,560.00. The Assessor for Cumberland County has this structure presently valued at \$1,000.00 for salvageable materials.

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 Council opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Council 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 (5-0)

- H. Case Number: MH 487-2014
Property Owner: Latisha McCrimon
Property Location: 5560 Leitha Lane, Godwin, NC
Parcel Identification Number: 1503-02-3486

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

I, Debra Johnson, 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 487-2014.
Property Owner: Lahtisha McCrimon
Property Address: 5560 Leitha Lane, Godwin NC
Tax Parcel Identification Number: 1503-02-3486

SYNOPSIS: This property was inspected on February 7, 2014. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on February 26, 2014. Latisha McCrimon attended the Hearing. It was ordered that the structure(s) be repaired to a minimum standard for human habitation or be demolished and the debris removed from the premises no later than March 26, 2014. The property owner(s) 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 April 10, 2014, no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. 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 \$48,900.00. The Assessor for Cumberland County has this structure(s) presently valued at \$3,022.00 for utility condition.

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

Ms. Johnson stated the owner signed a consent for demolition. Ms. Johnson stated she was informed about this property by a bus driver and there were children living in the house. Ms. Johnson stated the owner and the children are now living elsewhere.

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

Chairman Council opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Council 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 (5-0)

The clerk to the board administered an oath to Joey Lewis, Inspector for the County of Cumberland Inspection Department, who provided information to the Board of Commissioners regarding the following minimum housing code enforcement cases.

- I. Case Number: MH 483-2014
Property Owner: Nellie A. Torres, Pearlie Lee Montoya, & Kathleen A. Decipulo
Property Location: 2246 Waco Drive, Fayetteville, NC
Parcel Identification Number: 0426-21-9689

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 case number MH 483-2014.
Property Owner: Nellie A. Torres, Pearlie Lee Montoya & Kathleen A. Decipulo
Property Address: 2246 Waco Drive, Fayetteville, NC
Tax Parcel Identification Number: 0426-21-9689.

SYNOPSIS: This property was inspected on January 23, 2014. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on March 4, 2014. Kathleen A. Decipulo attended the Hearing. It was ordered that the structure(s) be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than April 3, 2014. The property owner(s) 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 April 10, 2014 no corrective action had been made to the structure(s). The structure(s) is presently vacant and unsecured. 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(s) presently valued at \$500.00 for salvageable materials.

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 Council opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Council closed the public hearing.

MOTION: Commissioner Faircloth 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 (5-0)

J. Case Number: MH 484-2014
Property Owner: Nellie A. Torres, Pearlie Lee Montoya, & Kathleen A. Decipulo
Property Location: 2256 Waco Drive, Fayetteville, NC
Parcel Identification Number: 0426-21-8673

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 case number MH 484-2014.
Property Owner: Nellie A. Torres, Pearlie Lee Montoya & Kathleen A. Decipulo
Property Address: 2256 Waco Drive, Fayetteville, NC
Tax Parcel Identification Number: 0426-21-8673

SYNOPSIS: This property was inspected on January 23, 2014. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on March 4, 2014. Kathleen A. Decipulo attended the Hearing. It was ordered that the structure(s) be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than April 3, 2014. The property owner(s) 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 April 10, 2014 no corrective action had been made to the structure(s). The structure(s) is presently vacant and unsecured. In its present state, this structure(s) constitutes a fire, health, and safety hazard. The estimated cost to repair this structure(s) to a minimum standard for human habitation is \$30,000.00 The Assessor for Cumberland County has this structure(s) presently valued at \$1,575.00 for utility condition.

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

Mr. Lewis stated there is a consent to demolish this property.

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

Chairman Council opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Council closed the public hearing.

MOTION: Commissioner Faicloth 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 (5-0)

The clerk to the board administered an oath to George Hatcher, Inspector for the County of Cumberland Inspection Department, who provided information to the Board of Commissioners regarding the following minimum housing code enforcement cases.

- K. Case Number: MH 437-2013
Property Owner: Bank of America, NA
Property Location: 6364 Canadian Ave, Fayetteville, NC
Parcel Identification Number: 0442-65-1945

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 case number MH437-2013.
Property Owner: Bank of America, NA
Property Address: 6364 Canadian Avenue, Hope Mills, NC
Tax Parcel Identification Number: 0442-65-1945

SYNOPSIS: This property was inspected on November 20, 2013. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on February 20, 2014. No one attended the Hearing. It was ordered that the structure(s) be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than March 20, 2014. The property owner(s) 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 April 10, 2014 no corrective action had been made to the structure(s). The structure(s) is presently vacant and reasonable secured. In its present state, this structure(s) constitute a fire, health, and safety hazard. The estimated cost to repair this structure(s) to a minimum standard for human habitation is \$70,560. The Assessor for Cumberland County has this structure(s) presently valued at \$1000.00 for salvageable materials.

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

Mr. Hatcher stated the trailer caught fire and Bank of America has not responded to the repair order.

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

Chairman Council opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Council 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 (5-0)

- L. Case Number: MH 156-2013
Property Owner: Frank Lee Fisher
Property Location: on lot to rear of 5916 Mack Simmons Road, Fayetteville, NC
Parcel Identification Number: 0471-79-4925

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 case number MH 156-2013.

Property Owner: Frank Lee Fisher

Property Address: on lot to rear of 5916 Mack Simmons Road, Fayetteville, NC

Tax Parcel Identification Number: 0471-79-4925

SYNOPSIS: This property was inspected on June 19, 2013. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on July 18, 2013. No one attended the Hearing. It was ordered that the structure(s) be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than September 18, 2013. The property owner(s) 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 April 10, 2014 no corrective action had been made to the structure(s). The structure(s) is presently vacant and reasonable secured. In its present state, this structure(s) constitutes a fire, health, and safety hazard. The estimated cost to repair this structure(s) to a minimum standard for human habitation is \$41,160. The Assessor for Cumberland County has this structure(s) presently valued at \$500.00 for salvageable materials.

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

Mr. Hatcher stated he felt the property owner would care of the matter in thirty days without a lien being placed on the property.

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

Chairman Council opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Council closed the public hearing.

MOTION: Commissioner Faircloth 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 (5-0)

M. Case Number: MH 195-2013

Property Owner: Sharon & Michael Davis

Property Location: 7846 Amesbury Road, Fayetteville, NC

Parcel Identification Number: 0543-07-4492

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 case number MH 195-2013.

Property Owner: Sharon & Michael R. Davis

Property Address: 7846 Amesbury Road, Fayetteville, NC

Tax Parcel Identification Number: 0543 -07-4492

SYNOPSIS: This property was inspected on June 25, 2013. The property owner(s) and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on February 6, 2014. Sharon Davis attended the Hearing. It was ordered that the structure(s) be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than March 6, 2014. The property owner(s) 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 April 10, 2014 no corrective action had been made to the structure(s). The structure(s) is presently vacant and reasonable secured. In its present state, this structure(s) constitutes a fire, health, and safety hazard. The estimated cost to repair this structure(s) to a minimum standard for human habitation is undeterminable. (irreparable septic system rendering house uninhabitable). The Assessor for Cumberland County has this structure(s) presently valued at \$114,000.

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

Mr. Hatcher stated the property has an unrepairable septic tank and the county is in the process of foreclosing the property. Mr. Hatcher stated over the past six months, bids have been upset and the next confirmation on the property is May 1, 2014. Mr. Hatcher stated if the property is sold at auction, the structure will have to be moved.

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

Chairman Council opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Council closed the public hearing.

MOTION: Commissioner Faircloth 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 90 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 (5-0)

Other Public Hearings

N. 2014 Draft Community Development Annual Action Plan.

BACKGROUND:

The Community Development 2014 Annual Action Plan must be submitted to HUD by May 15, 2014. The draft 2014 Annual Action Plan has been available for a 30-day citizen's review and comment period throughout Cumberland County since April 4,

2014. 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 AND PROPOSED ACTION:

Community Development requests that the Board of County Commissioners hold a public hearing on the draft 2014 Annual Action Plan. No other action is necessary

Sylvia McLean, Community Development Director, reviewed the background information as recorded above. Ms. McLean stated after any comments are addressed, the plan will come back to the Board for final approval before being forwarded to HUD by May 15, 2014. Ms. McLean responded to questions.

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

Chairman Council opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Council closed the public hearing.

Items of Business

- 4. Consideration of Proposed Schedule for Fiscal Year 2015 Budget Work Sessions and Budget Public Hearing

BACKGROUND:

Management anticipates submitting the FY15 Proposed Budget to the Commissioners on Thursday, May 29, 2014. Several work sessions may be needed for your review.

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 29, 2014	7:00 PM	Budget Presentation	Room 118
Wednesday, June 4, 2014	5:30 PM	Budget Work Session	Room 564
Monday, June 9, 2014	7:00 PM	Budget Public Hearing	Room 118
Tuesday, June 10, 2014	5:30 PM	Budget Work Session/Dept. Head Appeal	Room 564
Thursday, June 12, 2014	5:30 PM	Budget Work Session	Room 564
Monday, June 16, 2014	6:45 PM	Adopt Budget	Room 118

RECOMMENDATION/PROPOSED ACTION:

Adopt a schedule for FY15 budget work sessions and public hearing as recommended or modified.

Ms. Cannon reviewed the proposed schedule for FY15 budget work sessions and public hearings.

MOTION: Commissioner Council moved to adopt the schedule for FY15 budget work sessions and the public hearing as recommended.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (5-0)

- 5. Nominations to Boards and Committees

- A. Human Relations Commission (2 Vacancies)

Commissioner Evans nominated Linda Amos.

Commissioner Council nominated Tomecia Sobers.

6. Appointments to Boards and Committees

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

Nominee: Donna Atkins (Reappointment)

MOTION: Commissioner Edge moved to appoint Donna Atkins to the Adult Care Home Community Advisory Committee.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (5-0)

MOTION: Commissioner Faircloth moved to recess the Cumberland County Board of Commissioners' meeting and convene the meeting of the NORCRESS Water and Sewer District Governing Board

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (5-0)

Chairman Council called the meeting of the NORCRESS Water and Sewer District Governing Board to order.

1. Approval of Minutes for the January 22, 2013 Meeting

MOTION: Commissioner Council moved to approve the January 22, 2013 meeting minutes.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (5-0)

2. Approval of the Local Town Fee Rate Increase for the NORCRESS Sanitary Sewer System.

BACKGROUND:

There was a meeting of the NORCRESS Advisory Board and it was brought to the Public Utilities Division's attention that the Local Town Fee has not been increased since 2007. The Local Town Fee is used to defray the administrative costs incurred by the Towns of Godwin, Falcon and Wade for billing the NORCRESS customers. There have been increases in the cost of postage, printing, paper, etc., but the Local Town Fee has not increased to cover these costs.

The NORCRESS Advisory Board suggested the Local Town fee be increased from \$1.50 per customer per month to \$1.75 per customer per month.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director, the NORCRESS Advisory Board, County Management and the Finance Committee recommend to the NORCRESS Governing Board to increase the Local Town fee to \$1.75 per customer per month effective July 1, 2014. The proposed action by the Board is to follow the staff recommendation.

MONTHLY RATE

The monthly rate shall be the sum of the Usage Charge, Debt Charge and the Basic Facilities Charges.

RESIDENTIAL SANITARY SEWER RATE SCHEDULE

Usage Charge \$6.50 per MGAL
(Usage Charges per 1,000 gallons = 1 MGAL)

Debt Charge \$9.65 per customer

Basic Facilities Charges:

<u>Meter Size:</u>	<u>NORCRESS</u>	<u>Local Town Fee</u>	<u>Lift Station Maintenance Fee</u>
5/8"	\$1.58	\$1.75	\$2.00
3/4"	\$1.58	\$1.75	\$2.00
1"	\$2.26	\$1.75	\$2.00
1 1/2"	\$3.20	\$1.75	\$2.00
2"	\$5.78	\$1.75	\$2.00
3"	\$9.89	\$1.98	\$2.00
4"	\$15.59	\$2.83	\$2.00
6"	\$29.70	\$4.95	\$2.00
8"	\$46.70	\$7.50	\$2.00

COMMERCIAL SANITARY SEWER RATE SCHEDULE

Usage Charge \$7.00 per MGAL

Debt Charge \$1.00 per MGAL

Basic Facilities Charges:

<u>Meter Size:</u>	<u>NORCRESS</u>	<u>Local Town Fee</u>	<u>Lift Station Maintenance Fee</u>
3/4"	\$1.58	\$1.75	\$1.00 per MGAL
1"	\$2.26	\$1.75	\$1.00 per MGAL
1 1/2"	\$3.20	\$1.75	\$1.00 per MGAL
2"	\$5.78	\$1.75	\$1.00 per MGAL
3"	\$9.89	\$1.98	\$1.00 per MGAL
4"	\$15.59	\$2.83	\$1.00 per MGAL
6"	\$29.70	\$4.95	\$1.00 per MGAL
8"	\$46.70	\$7.50	\$1.00 per MGAL

FLAT RATE SANITARY SEWER SERVICE

The monthly flat rate shall be the sum of the Flat Monthly Charge, Debt Charge and the Basic Facilities Charges.

Flat Monthly Charge \$31.42

OTHER FEES

Deposit \$100.00

Late Penalty \$10.00

Reconnect Fee- Business hours \$25.00
(Administrative charge to re-establish service after discontinuance for non-payment)

After-Hours Reconnect Fee \$75.00
(Available until 9:00 pm)

*Returned Check Fee \$25.00
(Amount of check plus return fee - CASH, MONEY ORDER OR CERTIFIED CHECK ONLY)

Court Costs Actual

Elder Valve

\$1,000.00

CONNECTION FEES AND CHARGES

1. Standard Tap Fee:

The Standard Tap Fee will be based on the customer's water meter size and will provide NORCRESS Water and Sewer District with funds for long-term system replacement and upgrade.

<u>Size of Water Meter</u>	<u>Standard Tap Fee</u>
5/8"	\$670.00
1"	\$1,670.00
1-1/2"	\$3,350.00
2"	\$5,360.00
3"	\$11,720.00
4"	\$20,100.00
6"	\$41,880.00
8"	\$60,310.00

2. Sewer Laterals:

An estimate shall be given to the applicant prior to installation and shall be paid by the applicant prior to any installation of laterals to be connected to the sewer system. All charges include labor, equipment and materials required for the installation of the specified pipe size or sizes.

3. Main Extension Charges:

An estimate shall be given to the applicant prior to installation and shall be paid by the applicant prior to extending the main in the sewer district. All charges include labor, equipment and materials required for the installation of the specified pipe size or sizes.

4. Debt Charge:

A Debt Charge equaling the sum of the Availability Charges that would have been paid had the customer connected when the main was first available.

MOTION: Commissioner Council moved to follow staff recommendation to increase the Local Town fee to \$1.75 per customer per month effective July 1, 2014.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (5-0)

3. Any Other Matters of Interest

There were no other matters of interest.

MOTION: Commissioner Council moved to adjourn the meeting of the NORCRESS Water and Sewer District governing board.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (5-0)

Chairman Council reconvened the Cumberland County Board of Commissioners' meeting.

7. Closed Session: A. Attorney/Client Matter(s)
Pursuant to NCGS 143-318.11(a)(3)

MOTION: Commissioner Council moved to go into closed session for Attorney/Client Matter(s) pursuant to NCGS §143-318.11(a)(3).

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (5-0)

MOTION: Commissioner Council moved to reconvene in open session.
SECOND: Commissioner Edge
VOTE: UNANIMOUS (5-0)

MOTION: Commissioner Edge moved to adjourn.
SECOND: Commissioner Council
VOTE: UNANIMOUS (5-0)

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

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the board