

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MONDAY, MAY 19, 2014 – 6:45 PM  
117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118  
REGULAR/REZONING MEETING  
MINUTES

PRESENT: Commissioner Jeannette Council, Chair  
Commissioner Kenneth Edge Vice Chairman  
Commissioner Charles Evans  
Commissioner Marshall Faircloth  
Commissioner Jimmy Keefe  
Commissioner Billy King  
Commissioner Ed Melvin  
Amy Cannon, Interim County Manager  
James Lawson, Assistant County Manager  
Quentin McPhatter, Assistant County Manager  
Rick Moorefield, County Attorney  
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  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Chairman Council called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Keefe provided the invocation followed by the Pledge of Allegiance to the America flag led by kindergarten students from New Century International Elementary School Mandarin Immersion Program. The kindergarten students performed a song in Chinese.

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 called the following speaker:

Christopher Mitchell – Mr. Mitchell stated he was present representing the City-County Joint Appearance Commission and its Community Appearance Awards Program. Mr. Mitchell stated the purpose of the program is to recognize properties in Cumberland County that are improving the appearance of the community. Mr. Mitchell reviewed the award categories, four ways to submit a nomination and invited the Board to attend the summer awards ceremony.

Recognition of North Carolina Association of Student Councils' Adviser of the Year

Andrea Phillips, Pine Forest High School

Commissioner Edge stated at the N. C. Association of Student Councils annual conference held in March 2014, Andrea Phillips of Pine Forest High School was named the association's adviser of the year. Commissioner Edge presented a Certificate of Recognition to Ms. Phillips.

Recognition of Students Elected to the North Carolina Association of Student Councils

Jake Peede, Pine Forest High School  
Jay Shah, Terry Sanford High School  
Rachel Brittain, Cape Fear High School  
Dorian Wright, E.E. Smith  
Kristel Black, Grays Creek High School  
Alex Shelley, Terry Sanford

Commissioner Edge stated also at the N. C. Association of Student Councils annual conference held in March 2014, six Cumberland County students were elected to various association offices and leadership posts for the 2014-2015 academic year. Commissioner Edge presented Certificates of Recognition to Jake Peede of Pine Forest High School for his election as the association's president, Jay Shah of Terry Sanford High School for his election as the association's president-elect, Dorian Wright of E.E. Smith for winning the leadership post of communications officer, Kristel Black of Grays Creek High School for winning the leadership post of central district chair, and Alex Shelley of Terry Sanford for winning the leadership post of central district vice chair. Rachel Brittain of Cape Fear High School, who won the leadership post of first vice president, was unable to be present.

#### Recognition of Citizens Academy Graduates

Chairman Council recognized the following graduates of the Spring 2014 Citizens Academy:

Rebecca Beck	Perry Evans	Melinda Murray
Cristine Bradsbery	Carla Fagan	Rebecca Oskey
Serina Britton	Horace Humphrey	Gail Riddle
Otis Cuffee	Alvin Keller	Kira Rouse
Sheila Cuffee	Richard Leslie	Betsy Small
Sherry Dawson	Melvin Lewis	Christopher Tackett
Kathryn Dees	Babatunde Lewis	Carmen Tovar
Wilber Dees	Quentin McPhatter	
Eddie Evans	Vickie Mullins	

Sheila Cuffee presented Certificates of Appreciation to Sally Shutt, Public Information Director, and Jon Soles, Public Information Specialist, on behalf of the Spring 2014 Citizens Academy participants for their outstanding service and dedication to the Citizens Academy.

#### Recognition of Buck Wilson, Public Health Director to Serve on the Center of Public Health Quality Advisory Board

Commissioner King recognized Public Health Director Buck Wilson for being invited to serve on The Center for Public Health Quality's advisory board. Commissioner King stated The Center for Public Health Quality is a national resource for quality improvement among public health organizations and provides quality improvement training and technical assistance programs to public health organizations nationally. Commissioner King stated according to the letter of invitation, Mr. Wilson was invited to serve on the advisory board because his "leadership experience and commitment to making a difference in the health and well-being of North Carolina is well recognized and will be of great value to our (the advisory board's) future direction." Mr. Wilson stated the Public Health Department has staff who work very hard to make sure the department is efficient and effective in its service to the community.

#### 1. Approval of Agenda

MOTION: Commissioner Keefe moved to approve the agenda.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

#### 2. Consent Agenda

- A. Approval of minutes for May 5, 2014 regular meeting and May 8, 2014 special meeting
- B. Approval of Appointment of Deputy Finance Officer for Finance Department

**BACKGROUND:**

North Carolina General Statutes Chapter 159, Article 3, entitled, “The Local Government Budget and Fiscal Control Act”, requires all checks drawn on an official depository be signed by the Finance Officer or a properly designated Deputy Finance Officer and countersigned by another official of the local government designated for this purpose by the Governing Board. The act also requires the Deputy Finance Officer to have a faithful performance bond in an amount not less than \$10,000 or more than \$250,000.

Melissa Cardinali, Finance Director, recommends that Vicki Evans, Accounting Manager, be appointed as a Deputy Finance Officer for Cumberland County Finance Department.

**RECOMMENDATION/PROPOSED ACTION:**

1. Approve the appointment of Vicki Evans as Deputy Finance Officer;
2. Provide a faithful performance bond in the amount of \$50,000 for Vicki Evans;
3. Approve the resolution recorded below implementing the above recommendations.

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

**RESOLUTION**

WHEREAS, due to the operation requirements unique to the Cumberland County Finance Department; and

WHEREAS, the timing, amounts, or payees of these checks cannot be anticipated and, in most cases, the checks must be issued immediately; and

WHEREAS, the timing of the checks requires the appointment of a Deputy Finance Officer and, in addition, more than one person must be authorized to countersign each check; and

WHEREAS, North Carolina General Statute Chapter 159, Article 3, entitled “The Local Government Budget and Fiscal Control Act”, authorizes the Governing Board to appoint Deputy Finance Officers to designate individual(s) to countersign the checks, and to fix the amount of the faithful performance bond to be provided by the appointee.

NOW THEREFORE, to facilitate the operational requirement of the Cumberland County Finance Department, the Board of County Commissioners hereby RESOLVES that:

1. Vicki Evans is appointed a Deputy Finance Officer and is authorized to sign the checks/drafts issued on the checking and savings accounts maintained by Cumberland County Finance Department.
2. The appointee will provide a faithful performance bond in the amount of \$50,000.00.

Adopted this 19th day of May, 2014.

C. Approval of Renewal of Lease of J. E. Carter Site for Solid Waste Convenience Center

**BACKGROUND:**

Solid Waste Department requests to renew the lease for the Carter Container Site for a five year term for an annual rent of \$600 to be paid in a lump sum of \$3,000 upon execution of the agreement.

**RECOMMENDATION/PROPOSED ACTION:**

The county attorney recommends approval.

STATE OF NORTH CAROLINA

LEASE AGREEMENT  
(CARTER CONTAINER SITE)

COUNTY OF CUMBERLAND

Approved by the Board of Commissioners on May \_\_\_\_\_, 2014

THIS LEASE AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between JAMES O. CARTER, JOHN H. CARTER, ADA MAE CARTER, KRISTOPHER CARTER, ELSIE M. DUGGINS, RETTA MCDONALD, BOBBY B. CARTER, ISSIE CARTER, ERIC JOHNSON, CORY CARTER, DANA CARTER, DANIELLE CARTER, and CLEATTA HART, hereinafter called OWNERS; and CUMBERLAND COUNTY, hereinafter called COUNTY.

WITNESSETH:

Subject to the terms and conditions herein contained, OWNERS do hereby lease and let unto COUNTY, and COUNTY accepts as lessee, that certain tract or parcel of land in Cedar Creek Township, Cumberland County, North Carolina, being described as follows:

BEING all of Lot 5, containing 0.32 acres, more or less, as shown on the plat entitled, "A Zero Lot Line Survey for J. H. Carter and Other," prepared by M. Shelton Bordeaux Surveying, dated January 10, 2011, and filed in Plat Book 132 at page 39 in the Cumberland County Registry.

To have and to hold said lands for the term and upon the conditions as follows:

I.

This lease term shall commence on May 1, 2014, and continue for a period of five (5) years, unless sooner terminated by agreement of the parties or unless at any time continued performance by either of the parties will result in a violation of any county, state or federal law. COUNTY is granted the option to renew this lease for an additional period of five (5) years upon the same terms and conditions with the exception that the rent shall be negotiable thirty (30) days prior to expiration of the original term.

II.

COUNTY has been using this site and will continue to use this site for the purpose of maintaining a solid waste container site for public use with the necessary solid waste containers, ramps, pads, driveways, and fencing incident thereto.

III.

The rent to be paid by COUNTY to OWNERS for the lease of the property shall be SIX HUNDRED DOLLARS (\$600) per year for the five (5) year period payable in a lump sum of THREE THOUSAND DOLLARS (\$3,000.00) as set-out below, promptly after the execution of this lease agreement.

\$375	to	JAMES O. CARTER
\$375	to	JOHN H. CARTER
\$187.50	to	ADA MAE CARTER
\$187.50	to	KRISTOPHER CARTER
\$375	to	ELSIE M. DUGGINS
\$375	to	RETTA MCDONALD
\$375	to	BOBBY B. CARTER
\$75	to	ISSIE CARTER
\$75	to	ERIC JOHNSON
\$75	to	CORY CARTER
\$75	to	DANA CARTER
\$75	to	DANIELLE CARTER
\$375	to	CLEATTA HART

IV.

COUNTY will maintain the property in an orderly manner at all times.

V.

COUNTY may continue to make other additions, improvements, and alterations, and erect additional structures or install signs, in or around the property. Such additions, improvements, and alterations, or erection of structures or signs so placed in or upon or attached to the property shall remain the property of COUNTY and shall be removed from the property prior to the termination of this lease or within a reasonable time thereafter. If removal causes damage or injury to the property, COUNTY shall repair such damage or injury.

VI.

OWNERS warrant and covenant that they are all the owners of the above described property, and have the authority and capacity to enter into this Lease.

VII.

COUNTY shall indemnify and hold harmless OWNERS from any claims for damages, either for personal injury or property damage, made by the employees, agents, contractors or invitees of COUNTY, or anyone using the facility and arising out of or in connection with COUNTY'S operations in maintaining the solid waste container site on the property for the use of the public.

IN WITNESS WHEREOF, this instrument is duly executed on the day and year first indicated for each signature.

D. Approval of Renewal of Lease of Hubbard Site for Solid Waste Convenience Center

BACKGROUND:

Solid Waste Department requests to renew the lease for the Hubbard Container Site for a five year term for an annual rent of \$600 to be paid in a lump sum of \$3,000 upon execution of the agreement.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends approval.

STATE OF NORTH CAROLINA

LEASE AGREEMENT  
(HUBBARD CONTAINER SITE)

COUNTY OF CUMBERLAND

Approved by the Board of Commissioners on May \_\_\_\_\_, 2014

THIS LEASE AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between HERMAN BROADUS HUBBARD and wife, MARILYN LOWBERG HUBBARD; JOHN LAMBERT HORNE; JANE STACY HORNE and ARTHUR GRANGER HUBBARD; hereinafter called OWNERS; and CUMBERLAND COUNTY, hereinafter called COUNTY.

WITNESSETH:

Subject to the terms and conditions herein contained, OWNERS do hereby lease and let unto COUNTY, and COUNTY accepts as lessee, that certain tract or parcel of land in Cedar Creek Township, Cumberland County, North Carolina, being described as follows:

Containing 0.38 acres, more or less.

BEGINNING at a point in the eastern margin of State Road No. 1850 (60' right-of-way), said point being North 03 degrees West 663.50 feet from the point of intersection of the eastern margin of said State Road No. 1850 and the southern margin of Mildred Lucille Horne, Herman B. Hubbard and Arthur Granger Hubbard Property as recorded in Deed Book 2310, Page 203 Cumberland County Registry; and running thence with the eastern margin of said

State Road No. 1850 North 03 degrees West 132.71 feet to a point; thence North 87 degrees East 125.00 feet to a point; thence South 03 degrees East 132.71 feet to a point; thence South 87 degrees West 125.00 feet to the point and place of BEGINNING.

To have and to hold said lands for the term and upon the conditions as follows:

I.

This lease term shall commence on May 23, 2014, and continue for a period of five (5) years, unless sooner terminated by agreement of the parties or unless at any time continued performance by either of the parties will result in a violation of any county, state or federal law. COUNTY is granted the option to renew this lease for an additional period of five (5) years upon the same terms and conditions with the exception that the rent shall be negotiable thirty (30) days prior to expiration of the original term.

II.

COUNTY has been using this site and will continue to use this site for the purpose of maintaining a solid waste container site for public use with the necessary solid waste containers, ramps, pads, driveways, and fencing incident thereto.

III.

The rent to be paid by COUNTY to OWNERS for the lease of the property shall be SIX HUNDRED DOLLARS (\$600) per year for the five (5) year period payable in a lump sum of THREE THOUSAND DOLLARS (\$3,000.00) as set-out below, promptly after the execution of this lease agreement.

\$1,000.00	to	HERMAN BROADUS HUBBARD
\$1,000.00	to	ARTHUR GRANGER HUBBARD
\$ 500.00	to	JOHN LAMBERT HORNE
\$ 500.00	to	JANE STACY HORNE

IV.

COUNTY will maintain the property in an orderly manner at all times.

V.

COUNTY may continue to make other additions, improvements, and alterations, and erect additional structures or install signs, in or around the property. Such additions, improvements, and alterations, or erection of structures or signs so placed in or upon or attached to the property shall remain the property of COUNTY and shall be removed from the property prior to the termination of this lease or within a reasonable time thereafter. If removal causes damage or injury to the property, COUNTY shall repair such damage or injury.

VI.

OWNERS warrant and covenant that they are all the owners of the above described property, and have the authority and capacity to enter into this Lease.

VII.

COUNTY shall indemnify and hold harmless OWNERS from any claims for damages, either for personal injury or property damage, made by the employees, agents, contractors or invitees of COUNTY, or anyone using the facility and arising out of or in connection with COUNTY'S operations in maintaining the solid waste container site on the property for the use of the public.

IN WITNESS WHEREOF, this instrument is duly executed on the day and year first indicated for each signature.

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

BACKGROUND:

DATE OF ACCIDENT: March 15, 2014  
VEHICLE: 2014 Ford Taurus  
VIN: 1FAHP2MK1EG145459  
FLEET#: FL536  
DEPARTMENT: Sheriff's Office  
SETTLEMENT OFFER: \$24,620.50  
INSURANCE COMPANY: Peak Property & Casualty Insurance Corp

This is a total loss settlement offer.

RECOMMENDATION/PROPOSED ACTION:

Management recommends that the Board of Commissioners:

1. Declare the vehicle described above as surplus.
2. Authorize the Risk Management Coordinator to accept \$24,620.50 as settlement.
3. Allow Peak Property and Casualty to take possession of the wrecked (surplus) vehicle.

F. Approval of Memorandum of Understanding to Transfer a Companion Animal Mobile Equipment Trailer (CAMET) to Cumberland County Emergency Services

BACKGROUND:

Ms. Kay Worley, Director of Emergency Services of Columbus County, North Carolina has offered to transfer a Companion Animal Mobile Equipment Trailer (CAMET) to Cumberland County Emergency Services.

The CAMET is valued at \$2,731.25, however, there is no cost to Cumberland County other than to maintain the equipment. This equipment will be recognized in the Fixed Asset Listing in the Emergency Services Department.

RECOMMENDATION/PROPOSED ACTION:

Approve Memorandum of Agreement to transfer the equipment from Columbus County to Cumberland County Emergency Services Department.

G. Approval of Cumberland County Facilities Committee Report and Recommendation(s):

BACKGROUND:

The Cumberland County Facilities Committee met on Thursday, May 8, 2014 and discussed the following:

- 1) Approval of Lease Renewal for NC Department of Public Safety Located at 412 Russell Street

BACKGROUND:

Cumberland County currently has a lease with NC Department of Public Safety (formerly NC Department of Corrections) for office space located in the Community Corrections Building at 412 Russell Street. The current lease is for 1,465 Square Feet (SF) and is a five year lease set to expire on June 30, 2014. The lease rate started at \$13.83/SF and increased incrementally each year. The lease rate for the current fiscal year is \$14.82/SF.

County Management and the Engineering and Infrastructure Director met with representatives from the NC Department of Public Safety on March 20<sup>th</sup> do discuss the lease renewal. The drug lab that was operational within the building and included as part of the initial lease was closed by the State earlier this year. There is a conference room where half of the square footage was included in the lease, as it was being utilized by the Judicial District Manager at the time of the original lease. It is important to note that the

County by General Statutes is required to provide office space for probation officers and their administrative support. However, the County is not obligated to provide office space or a conference room for the Judicial District Manager nor their administrative staff.

Therefore, the drug lab, a small restroom used by the drug lab, and the conference room square footages cannot be included in the new lease. However, the NC Department of Public Safety has requested to lease another office space and a conference room for the sole use of the Judicial District Manager and her staff. With the removal of these areas and the addition of the new requested space, the total square footage to be included in the new lease will be 1,034 SF.

The NC Department of Public Safety requested that the new lease be for a term of three years and to have a lease rate that does not increase incrementally each year throughout the life of the lease. County Management along with the Engineering & Infrastructure Director discussed a lease rate and felt that a lease rate of \$15/SF would be a fair number to offer the NC Department of Public Safety for the space that they are currently occupying as well as the additional space that they are requesting. This lease rate has been presented to the representatives of the NC Department of Public Safety and they too feel that this is a fair rate for the space. No other changes to the lease other than the square footage, the lease rate, and the lease duration are being recommended at this time.

This information was presented to the Facilities Committee on May 8, 2014.

**RECOMMENDATION/PROPOSED ACTION:**

The Engineering and Infrastructure Director, County Management and the Facilities Committee recommend that the Board of Commissioners vote to approve a new three year lease a lease rate of \$15/SF following the approval of the County Attorney.

- 2) Approval of Lease Renewal for Coastal Horizons Center, Inc (TASC) Located at 412 Russell Street

**BACKGROUND:**

Cumberland County currently has a lease with Coastal Horizons Center, Inc. for office space located in the Community Corrections Building at 412 Russell Street. The current lease is for 1,505.9 Square Feet (SF) and it is a three year lease set to expire on June 30, 2014. The lease rate is \$14.57/SF.

County Management and the Engineering and Infrastructure Director met with representatives from the Coastal Horizons Center, Inc. on April 4<sup>th</sup> to discuss the lease renewal. The representatives stated during the meeting that they were very pleased with the space as well as County staff that handled the janitorial duties within the building. The representatives were informed at this meeting that the original lease did not accurately reflect the actual square footage of the space being occupied by their organization. The correct square footage should have been 1773 SF. The County was informed at this time that one office (room #124) was not currently being used by their organization and it was later communicated to the County that they felt that it should not be included within the new lease. County Management and the Engineering and Infrastructure Director feel that this office should remain in the new lease as it is located in the midst of their space and the County's ability to lease this one small office to another organization would be extremely difficult.

County Management along with the Engineering and Infrastructure Director discussed a lease rate and feel that a lease rate of \$15/SF would be a fair number to offer Coastal Horizons Center, Inc. for the space that they are currently leasing. This is the same rate that is being recommended for NC Department of Public Safety. No other changes to the lease other than the square footage and the lease rate are being recommended at this time.

This information was presented to the Facilities Committee on May 8, 2014.

**RECOMMENDATION/PROPOSED ACTION:**

The Engineering and Infrastructure Director, County Management and the Facilities Committee recommend that the Board of Commissioners vote to approve a new three year lease a lease rate of \$15/SF following the approval of the County Attorney.

- 3) Approval of Exemption for Request of Qualification Based Selection for Engineering Services Needed to Expand Courthouse Parking

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

**RESOLUTION EXEMPTING COURTHOUSE PARKING LOT EXPANSION  
FROM G.S. 143-64.31**

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee;

WHEREAS, the County proposes to enter into one or more contracts for design services for work on converting the site of the form Legal Aid Building into courthouse parking; and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.32 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF CUMBERLAND RESOLVES:**

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

Adopted this 19<sup>th</sup> day of May, 2014.

- 4) Approval of Detention Center Expansion Project Closeout

**BACKGROUND:**

In August 2012, Cumberland County executed a construction contract with Metcon-Balfour Beatty in the amount of \$12,994,214 for the detention center expansion project. A Notice to Proceed was issued on September 5, 2012 with a substantial completion date of October 27, 2013 and a final completion date of November 27, 2013. The expansion was completed in January and a dedication ceremony was held on February 3, 2014.

While the contractor believed that the project would be completed by the end date specified in the contract and continuously relayed that message to the owner, in reality that significant amount of rainfall throughout the contract was simply too much to overcome to meet the established completion date. There are provisions within the contract that allow consideration of additional time due to excessive rainfall.

Included within the contract amount was a contractor contingency amount of \$235,376 and an owner contingency amount of \$325,000. The contractor contingency was to be used to cover any issues that arose during construction that the contractor had failed to include in scoping the project. The owner contingency amount was to be used for owner initiated changes or design changes initiated by the Architect. The owner contingency was substantially impacted by a \$123,781 cost of enclosing the west stairwell; a request originated by detention center staff.

It was initially reported at the December Facilities Committee that it was believed that the contract could be completed within the initial budget. However, there were several changes that had to be made as a result of the Department of Health and Human Services inspection as well as the Fire Marshall's inspection that took place after this meeting. There was also additional cost to the contractor for several design changes that took place after the original bid was submitted.

For these reasons, the original contract value of \$12,994,214 needs to be increased by a total of \$67,000 to cover the additional cost that was beyond the Metcon-Balfour Beatty's control. The project will be able to be closed out financially if this additional funding is allocated. However, the County will not officially process the final invoice until such time that all affidavits have been submitted that all subcontractors have been paid as well as all punch list items corrected.

Also, as discussed at the December 5, 2013, Facilities Committee meeting, the General Fund budget for FY14 failed to transfer funds to the project to cover the contractual cost already obligated. The original budget should have included \$423,433 for this purpose. However, the county has received sales tax reimbursements for this project in the amount of \$180,675. These funds can be used to offset the \$423,433.

This information was presented to the Facilities Committee on May 8, 2014.

**RECOMMENDATION/PROPOSED ACTION:**

The Engineering and Infrastructure Director, County Management and the Facilities Committee recommend that the Board of Commissioners vote to approve the allocation of the additional funding in the amount of \$67,000 along with the associated budget revisions:

- Recognize sales tax receipts of \$180,675.
- Increase the construction contract \$67,000.
- Transfer General Fund balance that should have been included in the FY14 budget of \$309,758 (\$423,433 – 180,675 + 67,000).

**RECOMMENDATION/PROPOSED ACTION:**

Approve the recommendations of the Cumberland County Facilities Committee.

- H. Approval of Cumberland County Finance Committee Report and Recommendation(s) (For Information Purposes Only)
- I. Approval of Ordinance Assessing Property for the Costs of Demolition (2<sup>nd</sup> Reading)

**BACKGROUND:**

The ordinances recorded below were all approved at the meeting held April 22, 2014 as Consent Agenda Items 2.D (1) through (4). All five commissioners present at that meeting voted to approve these ordinances. G.S. 153A-45 and the Board's Rules of Procedure provide that an ordinance for which a public hearing is not required must receive the approval of all the commissioners in order to be adopted on a first reading. Because all the commissioners were not present at the meeting, these ordinances must be considered again upon a second reading.

- 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.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends approval of each of the ordinances recorded above upon a second reading.

J. Approval of Ordinance Assessing Property for the Costs of Demolition

- 1) Case Number: MH 42-2013
- Property Owner: Sheila D. Bridges, Sharla D. Lewis, Craig A. Donner & Jean M. Donner
- Property Location: 6766 Rockfish Road, Fayetteville, NC
- Parcel Identification Number: 0404-17-4572

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 42-2013

PROPERTY OWNER: Sheila D. Bridges, Sharla D. Lewis, Craig A. Donner & Jean M. Donner

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on November 18, 2013, enacted an ordinance directing the demolition by the owner of the structure Sheila D. Bridges, Sharla D. Lewis, Craig A. Donner & Jean M. Donner, located at 6766 Rockfish Rd; Fayetteville, NC, PIN: 0404-17-4572, said ordinance being recorded in Book 9335, page 587, 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 \$3,600.00.
- (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 \$3,600.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated November 18, 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 6766 Rockfish Rd, Fayetteville NC, as described in Deed Book 9027, page 316, of the Cumberland County Registry and identified in County tax records as PIN 0404-17-4572.

(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.

K. Approval of Proclamation Proclaiming May 2014 as "Drug Court Month" in Cumberland County

COUNTY OF CUMBERLAND NORTH CAROLINA  
PROCLAMATION

WHEREAS, this year marks the 25<sup>th</sup> Anniversary of the nation's first Drug Court; and

WHEREAS, over the past twenty-five years Drug Courts have served over 1.4 million individuals; and

WHEREAS, Drug Courts are now recognized as the most successful criminal justice intervention in our nation's history; and

WHEREAS, Drug Courts save up to \$27 for every \$1 invested and produce up to \$13,000 for every individual they serve; and

WHEREAS, 75% of Drug Court graduates will never see another pair of handcuffs; and

WHEREAS, Drug Courts significantly improve substance abuse treatment outcomes, substantially reduce drug abuse and crime and do so at less expense than any other justice strategy; and

WHEREAS, Drug Courts facilitate community-wide partnerships, bringing together public safety and public health professionals in the fight against drug abuse and criminality; and

WHEREAS, Drug Courts are the cornerstone of criminal justice reform sweeping the nation; and

WHEREAS, the extraordinary expansion of Drug Courts and the principles and practices 25 years ago has helped cause 40 years of escalating prison populations to decline; and

WHEREAS, Drug Courts demonstrate that when a person rises out of drugs and crime, we ALL RISE; and

WHEREAS, the time has come to put a Drug Court within reach of every eligible person in need.

NOW, THEREFORE, BE IT PROCLAIMED, that the Cumberland County Board of Commissioners hereby declares that a "Drug Court Month" be established during the month of May, 2014 recognizing the significant contributions Drug Courts have made over the past 25 years toward reducing substance abuse, crime and recidivism while saving valuable resources.

Adopted this the 19th day of May, 2014.

L. Approval of Proclamation Recognizing Mr. Joe Dyer Celebrating his 103<sup>rd</sup> Birthday on May 16, 2014

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, Joseph Edward Dyer was born in Hueysville, Kentucky on May 16, 1911; and

WHEREAS, Joseph Edward Dyer graduated high school in 1930, attended Alice Lloyd Junior College, graduated Eastern Kentucky State Teachers College and taught school for thirteen years; and

WHEREAS, Joseph Edward Dyer married in 1950, and he and Patricia Gee Dyer had two daughters, Susan and Robin; and

WHEREAS, Joseph Edward Dyer's first teaching position was in a one-room schoolhouse in the Appalachian Mountains in Kentucky with sixty-two students, grades one through eight, for which he was paid \$62.00 a month; and

WHEREAS, Joseph Edward Dyer later taught high school science, chemistry and physics, and coached basketball in Kentucky and Ohio; and

WHEREAS, Joseph Edward Dyer graduated from meteorology school at Chanute Field, Illinois and served in World War II as a weather forecaster for the U. S. Army Air Corp in the European Theater; and

WHEREAS, Joseph Edward Dyer settled in Fayetteville, North Carolina in 1949 and operated a car rental service, furniture store and real estate rental properties; and

WHEREAS, Joseph Edward Dyer helped organize the Bonnie Doone Volunteer Fire Department and served as Chairman of the Board, and

WHEREAS, Joseph Edward Dyer helped establish the 71<sup>st</sup> High School Athletic and Band Boosters Club and Citizenship Essay Contest on the "Importance of Citizenship"; and

WHEREAS, Joseph Edward Dyer has been a member of Camp Ground United Methodist Church for sixty years and a resident of Wells Place in the 71<sup>st</sup> Township since 1988.

NOW THEREFORE, BE IT PROCLAIMED, that the Cumberland County Board of Commissioners do hereby extend to Joseph Edward Dyer sincere congratulations on his ONE HUNDRED THIRD birthday and best wishes for many more happy and productive years.

Presented this 19th day of May, 2014.

M. Budget Revisions:

(1) Emergency Services

Revision in the amount of \$10,000 to recognize Local Emergency Planning Commission (LEPC) Hazardous Materials Planning Grant funds to conduct an LEPC exercise and training. (B14-353) Funding Source – Grant Funds

(2) Detention Facility Construction Project/General Government Other

Revisions in the net amount of \$67,000 to appropriate and transfer General Fund fund balance in the amount of \$309,758, recognize contractor sales tax income in the amount of \$180,675, to reduce Funds to be Provided Future Years in the amount of \$423,433 and pay the final construction contract for the expansion of the Detention Facility, as recommended by the Facilities Committee. (B14-354 and B14-354A) Funding Source – General Fund Fund Balance and Contractors Sales Tax

(3) Crown Center/General Fund Debt Service

Revisions in the amount of \$55,193 to eliminate the transfer to the General Fund for the Crown Center's portion of the debt service on the Guaranteed Energy Savings Capital lease and move the payments to the Crown Center Debt Service Fund. (B14-361 thru B14-361C) Funding Source – Reallocation of Budgeted Expenditures and Revenues

(4) Recreation and Parks

Revision in the amount of \$175,000 to recognize additional Recreation Tax collections for payment to the City of Fayetteville per the recreation contract for services. (B14-369) Funding Source – Recreation Tax

(5) Hope Mills Recreation and Parks

Revision in the amount of \$50,000 to recognize additional Recreation Tax collections for payment to Hope Mills per the recreation contract for services. (B14-370) Funding Source – Hope Mills Recreation Tax

(6) Juvenile Crime Prevention

a. Revision in the amount of \$1,263 to recognize additional state funds for Teen Court. (B14-356) Funding Source – State

b. Revision in the amount of \$20,779 to recognize additional state funds for the Fayetteville-Cumberland Juvenile Restitution Program. (B14-362) Funding Source – State

c. Revision in the amount of \$3,774 to adjust Find-A-Friend In-kind to match the State. (B14-371) Funding Source – In-Kind

(7) Health

a. Environmental Health - Revision in the amount of \$2,913 to budget additional state funds for the Summer Food Program. (B14-366) Funding Source – State

b. NC Communicable Disease – Revision in the amount of \$4,000 to recognize additional Medicaid Fees to fund operational expenses. (B14-367) Funding Source – Fees

- c. Sexually Transmitted Disease Clinic – Revision in the amount of \$34,000 to recognize additional Medicaid Fees to fund lab services for STD patients. (B14-368) Funding Source – Fees

MOTION: Commissioner King moved to approve consent Items 2.A. – 2.M.(7)c.  
SECOND: Commissioner Melvin  
VOTE: UNANIMOUS (7-0)

Commissioner Edge recognized Joseph “Joe” Edward Dyer and read the proclamation as recorded above outlining some of Mr. Dyer’s accomplishments and expressing the Board of Commissioners’ congratulations on his one hundred third birthday.

### 3. Public Hearings

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

#### Uncontested Rezoning Cases

- A) Case P14-13: Rezoning of 10.26+/- acres from A1 Agricultural to R40 Residential, or to a more restrictive zoning district; located on the north side of SR 2245 (Thrower Road), west of NC HWY 87 S; submitted by Vance Upton Tyson, Jr. on behalf of Vance Upton Tyson Heirs (owner) and Tim Evans.

Staff Recommendation: 1<sup>st</sup> Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2<sup>nd</sup> Motion: Approve R40  
Planning Board Recommendation: Approve Staff Recommendation

- B) Case P14-14: Rezoning of 20.85+/- acres from A1 Agricultural to R40 Residential, or to a more restrictive zoning district, located on both sides of SR 2233 (School Road) and southwest of NC HWY 87 S, submitted by Charles J. Devore on behalf of Dorothy Edge Devore Heir (owner) and Tim Evans.

Staff Recommendation: 1<sup>st</sup> Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2<sup>nd</sup> Motion: Approve R40  
Planning Board Recommendation: Approve Staff Recommendation

- C) Case P14-18: Rezoning of .82+/- acre from R6A Residential to C(P) Planned Commercial, or to a more restrictive zoning district; located on the northwest side of SR 2337 (Wilmington Hwy), northeast side of SR 2266 (Manley Street); submitted by Ronnie L. Gibson on behalf of A.C.C.S. Allstate Contracting and Cleaning Service, LLC. (owner).

Staff Recommendation: 1<sup>st</sup> Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2<sup>nd</sup> Motion: Approve C(P)  
Planning Board Recommendation: Approve Staff Recommendation

- D) Case P14-19: Rezoning of .19+/- acre from RR Rural Residential/DD Density Development/CUD Conditional Use District to A1 Agricultural, or to a more restrictive zoning district; located south of Running Fox Road, west of Carriage Crossing Road; submitted by Walter W. Little on behalf of Roslin Farms West Owners Association (owner) and Chuck Richardson, PE on behalf of South River EMC.

Staff Recommendation: 1<sup>st</sup> Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2<sup>nd</sup> Motion: Approve A1  
Planning Board Recommendation: Approve Staff Recommendation

- E) Case P14-20: Rezoning of .38+/- acre from C1(P) Planned Local Business to C2(P) Planned Service and Retail, or to a more restrictive zoning district, located at 3701 and 3713 Cumberland Road, submitted by Brian V. and Wendy V. Barber (owners) and Kenneth Whitlock.

Staff Recommendation: 1<sup>st</sup> Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2<sup>nd</sup> Motion: Approve C2(P)  
Planning Board Recommendation: Approve Staff Recommendation

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Tom Lloyd, Planning and Inspections Director, stated there was no opposition to rezoning Case P14-13, Case P14-14, Case14-18, Case P14-19 or Case P14-20.

These are the duly advertised/noticed public hearings set for this date and time for Case P14-13, Case P14-14, Case14-18, Case P14-19 and Case P14-20.

Chairman Council opened the public hearings for Case P14-13, Case P14-14, Case14-18, Case P14-19 and Case P14-20.

The clerk to the board advised there were no speakers for Case P14-13, Case P14-14, Case P14-19 and Case P14-20. The clerk stated Ronnie Gibson signed up to speak in favor of the rezoning in Case P14-18.

Mr. Lloyd stated in Case P14-18, the Planning Board found the request consistent with the LUP, approved and adopted the reasonableness statement, and approved rezoning to C2(P). There being no opposition, Mr. Gibson did not speak.

Chairman Council closed the public hearings for Case P14-13, Case P14-14, Case14-18, Case P14-19 and Case P14-20.

MOTION: Commissioner Faircloth moved to find the requests consistent with the LUP and approve and adopt the reasonableness statements in Case P14-13, Case P14-14, Case14-18, Case P14-19 and Case P14-20.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Keefe moved to approve the recommendations of the Planning Board in Case P14-13, Case P14-14, Case14-18, Case P14-19 and Case P14-20.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

#### Contested Rezoning Case

F) Case P14-15: Rezoning of 20.00+/- acres from RR Rural Residential to R7.5 Residential, or to a more restrictive zoning district; located on the northwest side of SR 1115 (Black Bridge Road), southeast of Home Stakes Drive; submitted by Levane Mabe and Mary Gail Douglas (owners) and Watson Caviness.

Staff Recommendation: 1<sup>st</sup> Motion: Find the request consistent with the LUP and approve and adopt the reasonableness statement; 2<sup>nd</sup> Motion: Approve R7.5  
Planning Board Recommendation: Approve Staff Recommendation

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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 P14-15. Mr. Lloyd explained R7.5 is the same zoning classification as the former R10. Mr. Lloyd stated water/sewer availability is through PWC and some of the opposition to the rezoning involved traffic and schools; however, two of the schools are not yet at capacity and Black Ridge Road is identified in the Highway Plan as a Major Thoroughfare and will ultimately be four lanes as a priority #1 in the highway portion of the Long Range Transportation Plan (LRTP). Mr. Lloyd stated there was also opposition from some of the residents of the Steeple Chase subdivision regarding the increase in the

number of people; Steeple Chase was rezoned in 2003. Mr. Lloyd stated the Planning Board considered the impact on traffic and schools and areas of the county that will experience growth.

This is the duly advertised/noticed public hearing set for this date and time for Case P14-15.

Chairman Council opened the public hearing for Case P14-15.

The clerk to the board called the following speakers:

Scott Brown – Mr. Brown appeared in favor and stated the proposed residential development will continue the trend of the surrounding residential areas and there will not be direct access to Steeple Chase subdivision due to blockage by the cemetery; access will be via Black Ridge Road. Mr. Brown shared traffic counts and road widening plans as part of the LRTP and stated project plans are for 49-50 lots sized at 80'x130', which is nothing more than the Steeple Chase subdivision currently has.

Watson Caviness – Mr. Caviness appeared in favor and stated he has been developing quality projects for over fifteen years; price points for this project will be from \$170,000 to \$229,000 at 1,700 to 3,000 SF. Mr. Caviness stated he has been building in the Steeple Chase area for over five years, the demand is there and the price point has been proven.

Elizabeth Cooper – Ms. Cooper appeared in opposition and stated it takes forty-five minutes to drive from Steeple Chase to Main Street which is less than two miles and the proposed project will increase traffic congestion. Ms. Cooper stated there are already fire and police safety concerns associated with the traffic congestion, road widening plans will not be addressed until 2040 and the added population to the schools will cause student grade levels to fall even more. Ms. Cooper submitted a signed petition.

Jeannette Felvey – Ms. Felvey appeared in opposition and stated school buses serving Steeple Chase are already packed. Ms. Felvey expressed concern for the lack of sidewalks between Steeple Chase and Hope Mills' park area and stated there have been two fatalities in that area in the past two years.

Nicki Torres – Ms. Torres appeared in opposition and stated she has seen an increase in her children's classroom size which is hurting their education. Ms. Torres expressed concern for traffic and stated additional home construction will kill property values and home sales in Steeple Chase. Ms. Torres stated all these things will affect Hope Mills as a community.

Chairman Council closed the public hearing for Case P14-15.

Commissioner Keefe stated opposition from the Steeple Chase subdivision is the same opposition expressed when the Steeple Chase subdivision was built and traffic issues were created by the Steeple Chase subdivision. Commissioner Evans concurred. Commissioner Edge stated traffic is a problem, particularly during school hours, and there have been more schools built in the South View area than in any other part of the county in the last ten years. Commissioner Edge further stated schools will continue to grow unless there is more redistricting, which the Board of Education does not like to undertake because parents do not want their children moved from one area to another. Commissioner Edge stated although he sympathized with residents of the Steeple Chase subdivision, he cannot vote against the rezoning based on traffic concerns.

MOTION: Commissioner Edge moved to find the requests consistent with the LUP and approve and adopt the reasonableness statements in Case P14-15.  
SECOND: Commissioner Evans  
VOTE: PASSED (6-1) (Commissioners Evans, Melvin, Edge, Council, Faircloth and Keefe voted in favor; Commissioner King voted in opposition)

MOTION: Commissioner Edge moved to approve the recommendation of the Planning Board for R7.5 Residential District in Case P14-15.  
SECOND: Commissioner Evans  
VOTE: PASSED (6-1) (Commissioners Evans, Melvin, Edge, Council, Faircloth and Keefe voted in favor; Commissioner King voted in opposition)

Minimum Housing Code Enforcement

The clerk to the board administered an oath to George Hatcher, Inspector for the County of Cumberland Inspection Department.

Rick Moorefield, County Attorney, stated Minimum Housing Case Numbers MH 413-2013, MH 415-2013, MH 412-2013 and MH 401-2013 are in a mobile home park with fifteen of the units being subject to the public hearings. Mr. Moorefield stated Mr. Hatcher is breaking the cases down into four separate parcels and there are multiple units on those tracts of land. Mr. Hatcher stated Case Numbers MH 413-2013, MH 415-2013, MH 412-2013 and MH 401-2013 involve fifteen dilapidated mobile homes on four separate lots all belonging to the same property owner. Mr. Hatcher explained the units are considered dilapidated when the costs to repair exceed 50% of the current value.

- G) Case Number: MH 413-2013  
Property Owner: Charles & Rosalyn Dent  
Property Location: 1326 Davis Street, Fayetteville, NC (6 units, Tract1)  
Parcel Identification Number: 0419-74-6917

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 Minimum Housing case number MH 413-2013.

Property Owner: Charles & Rosalyn Dent  
Home Owner: Charles & Rosalyn Dent  
Property Address: 1326 Davis Street, Fayetteville, NC (6 Units, Tract 1)  
Tax Parcel Identification Number: 0419-74-6917

SYNOPSIS: This property was inspected on 11/12/2013. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 12/11/2013. No one 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 by a date not later than 4/14/2014. 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 5/8/2014, no corrective action had been made to the structures. The structures are presently vacant and reasonably secured. In its present state, these structures constitute a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$35,280.00 (each). The Assessor for Cumberland County has the structure presently valued at \$500.00 (each – salvage).

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 heating and air conditioning is not working and the window units and space heaters being used create unsafe situations; the plumbing is unapproved, the electrical systems are unsafe and there is filth involved. Mr. Moorefield clarified for the record whether Mr. Hatcher's description was for each of the six units. Mr. Hatcher responded in the affirmative.

- H) Case Number: MH 415-2013  
Property Owner: Charles & Rosalyn Dent  
Property Location: 1371 Davis Street, Fayetteville, NC (Tract 2)  
Parcel Identification Number: 0419-74-7862

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 Minimum Housing case number MH 415-2013.

Property Owner: Charles & Rosalyn Dent  
Home Owner: Charles & Rosalyn Dent  
Property Address: 1371 Davis Street, Fayetteville, NC (Tract 2)  
Tax Parcel Identification Number: 0419-74-7862

SYNOPSIS: This property was inspected on 11/12/2013. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 12/11/2013. 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 4/14/2014. 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 5/8/2014, 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 the structure to a minimum standard for human habitation is \$35,280.00. The Assessor for Cumberland County has the structure presently valued at \$500.00 (salvage).

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 there is one unit on this parcel and raw sewage is being dumped onto the ground.

- I) Case Number: MH 412-2013  
Property Owner: Charles & Rosalyn Dent  
Property Location: 5756 Peele Street, Fayetteville, NC (4 units, Tract 3)  
Parcel Identification Number: 0419-74-5782

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 Minimum Housing case number MH 412-2013.

Property Owner: Charles & Rosalyn Dent  
Home Owner: Charles & Rosalyn Dent  
Property Address: 5756 Peele Street, Fayetteville, NC (4 Units, Tract 3)  
Tax Parcel Identification Number: 0419-74-5782

SYNOPSIS: This property was inspected on 11/12/2013. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 12/11/2013. No one 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 by a date not later than 4/14/2014. 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 5/8/2014, no corrective action had been made to the structures. The structures are presently vacant and reasonably secured. In its present state, these structures constitute a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$35,280.00 (each). The Assessor for Cumberland County has the structure presently valued at \$500.00 (each-salvage).

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 there are four units on this tract. In response to a question posed by Commissioner Keefe, Mr. Hatcher stated there are twenty-eight units on the four tracts and fifteen are being addressed at this meeting.

J) Case Number: MH 401-2013  
Property Owner: Charles & Rosalyn Dent  
Property Location: 5733 Peele Street, Fayetteville, NC (4 units, Tract 4)  
Parcel Identification Number: 0419-74-3595

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 Minimum Housing case number MH 401-2013.

Property Owner: Charles & Rosalyn Dent  
Home Owner: Charles & Rosalyn Dent  
Property Address: 5733 Peele Street, Fayetteville, NC (4 Units, Tract 4)  
Tax Parcel Identification Number: 0419-74-3595

SYNOPSIS: This property was inspected on 11/12/2013. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 12/11/2013. No one 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 by a date not later than 4/14/2014. 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 5/8/2014, no corrective action had been made to the structures. The structures are presently vacant and reasonably secured. In its present state, these structures constitute a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$35,280.00 (each). The Assessor for Cumberland County has the structure presently valued at \$500.00 (each-salvage).

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

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Mr. Hatcher stated there are four units on this tract that is accessed off of Shaw Road and one of the units was full of animal filth. Commissioner Evans inquired regarding the units not being addressed at this meeting. Mr. Hatcher stated those units meet the county's minimum housing code, are habitable, and are not condemnable or in violation enough to seek demolition. Mr. Hatcher stated there are violations in the other units that are being addressed. Commissioner Evans asked whether mobile homes could be placed on these tracts if the units subject to the public hearings are demolished. Mr. Hatcher stated the mobile homes could be replaced.

In response to a question from Mr. Moorefield, Mr. Hatcher stated hearings on the fifteen units were afforded on 12/11/13. Mr. Moorefield asked Mr. Hatcher if it was his understanding that two of the parcels may have been sold to someone else. Mr. Hatcher stated on May 9, 2014 a deed of trust with an unclear PIN number was signed and a lis pedens has been filed on the property so the purchaser will be aware of this action. Commissioner Evans asked whether there were individuals residing in any of the fifteen units. Mr. Hatcher responded the units subject to these public hearing are vacant. Mr. Hatcher stated the Sheriff's Office received seven hundred calls for service last year on these properties and there was also a recent fatal shooting of a three-year old child.

These are the duly advertised/noticed public hearings set for this date and time for Minimum Housing Case Number: MH 413-2013, Case Number: MH 415-2013, Case Number: MH 412-2013 and Case Number: MH 401-2013.

Chairman Council opened the public hearings for Minimum Housing Case Number: MH 413-2013, Case Number: MH 415-2013, Case Number: MH 412-2013 and Case Number: MH 401-2013.

The clerk to the board called the following speakers for Minimum Housing Case Number: MH 413-2013, Case Number: MH 415-2013, Case Number: MH 412-2013 and Case Number: MH 401-2013:

Sheena Folsom – After being placed under oath, Ms. Folsom stated her home is in front of Davis Street and most of the calls to the Sheriff's Office have likely been from her because she sees everything that goes on on Davis and Peele Streets. Ms. Folsom stated there are drugs sales, prostitution, dog fights, dirty diapers and trash thrown over the fence into her yard and when she calls Charles Dent, the absentee landlord, he just hangs up on her and does not care. Ms. Folsom stated issues have gotten a lot worse, her home has been broken into on several occasions, windows have been shot out and she just wants to live safely.

Glenda Williams – After being placed under oath, Ms. Williams stated she has had to deal with Davis Street since 2008 when she took over as property manager of property that had been in her family since the fifties. Ms. Williams stated all of her properties have been broken into, windows have been shot out and she has called Charles Dent with complaints about trash being thrown out on her property and he hangs up on her or tells her to call the police. Ms. Williams stated she has placed numerous calls to the county and any resources available to her to deal with the drugs, prostitution, trash and other issues on Davis Street. Ms. Williams stated her daughters who live on her property do not feel safe and she has placed dogs in her yard to keep people away from her home.

Attorney Timothy Smith – After being placed under oath, Attorney Smith stated he was present representing Cristoval Cervantes who is in jeopardy of financial ruin over this matter because Mr. Cervantes is actually the owner. Attorney Smith stated in 2013 Charles Dent entered into a contract with Mr. Cervantes who paid Mr. Dent over \$250,000 for the park towards a total sale of \$450,000. Attorney Smith stated the park was to remain under the operational control of a manager until he was fired by Mr. Cervantes a month ago. Attorney Smith stated Mr. Cervantes's understanding was that once he entered into a contract, he would become the owner of the property and he has been paying the bank note on behalf of Charles Dent for over \$100,000. Attorney Smith stated Mr. Cervantes has not received any notices from the county. Attorney Smith stated Mr. Cervantes' understanding was that the park was being rejuvenated and in the last two months, he has evicted fourteen units, has writs and warrants for six more evictions and he believes that the trailers are salvageable. Attorney Smith stated Mr. Cervantes cannot lose his livelihood and does not need the trailers demolished. Attorney Smith stated his contention is that Mr. Cervantes is far down the road with his efforts and the park is cleaner now than it was months ago. Attorney Smith stated under the current circumstances, he is requesting an extension on behalf of this client so he can bring the property up to code as would have been the case had he been the owner of record.

Commissioner Keefe asked Attorney Smith whether there was a recorded deed for Mr. Cervantes. Attorney Smith stated Mr. Cervantes entered into a contract in February, 2013 when the money changed hands and he has been paying the note, but the deed was not recorded until last week.

In response to a question from Commissioner Evans, Mr. Moorefield stated the property cannot be taken through eminent domain and the Inspections Department is working the case. Mr. Moorefield stated he met with Sheriff Butler and Ronnie Mitchell, Legal Counsel for the Sheriff's Office, who are looking at nuisance abatement action that could take a couple of years. Mr. Moorefield stated this process is more efficient.

Charles Dent – After being placed under oath, Mr. Dent stated he purchased the park twenty-seven years ago, it was drug infested, had unpaved roads, had no sewage and after he took care of all of that, he brought in 1990 model trailers. Mr. Dent stated while some of the tenants were being evicted, individuals moved in and he contacted the Sheriff's Office for assistance but they would not come to the area because no one wants to come to Shaw Heights. Mr. Dent stated for over twenty years he worked every day cutting grass, fixing houses and there was never a tenant without heat, air conditioning or water while he was managing the property. Mr. Dent stated when he was the landlord, he let people stay even if they could not pay the rent. Mr. Dent stated there was only one call to the county during that time and all of these issues have happened within the last six to eight months.

Chairman Council asked the date the pictures were taken. Mr. Hatcher stated April 15, 2014.

Chairman Council closed the public hearings for Minimum Housing Case Number: MH 413-2013, Case Number: MH 415-2013, Case Number: MH 412-2013 and Case Number: MH 401-2013.

Mr. Moorefield stated the deed was in fact recorded May 7, 2014 and identifies on the front page the four PINs that are associated with the four parcels that are the subject of these hearings; however, there are only two parcels in the description. Mr. Moorefield stated he believes one is in fact one of these parcels and he has not been able to figure out the other. Mr. Moorefield stated if the May 7<sup>th</sup> deed is the only deed that has been recorded, Mr. Cervantes has not acquired ownership of all of the property yet. Mr.

Moorefield stated he advised that notice be sent to Mr. Cervantes by certified last week. Mr. Hatcher confirmed all correspondence has been sent to Mr. Cervantes by certified mail.

Commissioner Faircloth asked Mr. Moorefield whether he had seen the contract between Mr. Dent and Mr. Cervantes. Mr. Moorefield stated he had only seen the deed. Commissioner Faircloth asked Attorney Smith about the contract. Attorney Smith stated it was an offer to purchase signed by the parties but unfortunately there was no closing or deed exchange at that time as his client believed there had been. Attorney Smith stated this led Mr. Cervantes to not being the owner of record and not receiving any correspondence. Attorney Smith stated Mr. Cervantes lives in South Carolina and he has had not attended a hearing before this one.

Mr. Moorefield stated the fifteen units are not worth \$250,000 and Mr. Cervantes is not losing the land.

MOTION: For Minimum Housing Case Number: MH 413-2013, Case Number: MH 415-2013, Case Number: MH 412-2013 and Case Number: MH 401-2013, Chairman Council moved to adopt the orders and reports of the Minimum Housing Inspectors as the true facts; to order the property owners to remove or demolish the dwellings within 30 days; to order the Inspector to remove or demolish the dwellings if the owners fail 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 ordinances certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

K) Case Number: MH 313-2013  
Property Owner: Wilson Williams, Jr.  
Property Location: 4612 Hankins Street, Hope Mills, NC  
Parcel Identification Number: 0423-58-8333

**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 Minimum Housing case number MH 313-2013.

Property Owner: Wilson Williams, Jr.  
Home Owner: Wilson Williams, Jr.  
Property Address: 4612 Hankins Street, Hope Mills, NC  
Tax Parcel Identification Number: 0423-58-8333

SYNOPSIS: This property was inspected on 9/12/2013. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 10/14/2013. Wilson Williams, Jr. 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 1/17/2014. 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 5/8/2014, 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 the structure to a minimum standard for human habitation is \$41,160.00. The Assessor for Cumberland County has the structure presently valued at \$500.00 for salvage.

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

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Mr. Hatcher stated this structure is a single-wide mobile home that was placed on the property without permits, is unfit for human habitation and is not set up.

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 speaker:

Wilson Williams, Jr. – After being placed under oath, Mr. Williams stated he is a full-time student, has just gotten out of school, he has been working with County Inspector Joan Fenley and all he needs to do is get the permits. Mr. Williams stated with all of the recent rains, the roads messed up his truck and he awaiting the title on another truck he purchased. Mr. Williams stated he is requesting ninety days to get everything up to code.

Chairman Council closed the public hearing.

In response to a question posed by Commissioner Keefe, Mr. Williams stated he is not a licensed contractor. Commissioner Keefe inquired regarding the present value and the estimated cost to repair. Mr. Hatcher stated the current value is \$500 and it would take \$41,160 to replace the trailer. Commissioner Keefe asked whether Mr. Williams will be able to secure permits, handle the repairs himself and get the trailer up to code. Mr. Hatcher stated alterations/repairs have to be certified by an engineer because the trailer does not come under the N. C. Building Code.

Commissioner Keefe requested input from Ms. Fenley.

The clerk to the board administered an oath to Joan Fenley, Inspector for the County of Cumberland Inspection Department.

Ms. Fenley stated Mr. Williams has been working on the property for two years and she has not seen any permits issued for the repairs. Ms. Fenley stated she informed Mr. Williams that demolition was being sought for the trailer, there is a conditional zoning on the property that needs to be removed and it is unknown whether the land will perk.

Commissioner Keefe asked Mr. Williams if he was aware of the potential costs to bring the property up to code. Mr. Williams stated he understood and there was already a mobile home on the property when he purchased it from the county, and he dug up the septic tank that was already there and there is a well in the back. Mr. Williams stated Ms. Fenley has seen the repairs he has already made to the trailer and he can have everything corrected in ninety days.

Chairman Council asked Mr. Williams about the last two to three years during which he owned the trailer. Mr. Williams stated he had been a student at Fayetteville Technical Community College. Commissioner Evans asked Mr. Williams whether he was aware he had to obtain a permit to move the trailer onto the property. Mr. Williams stated he was not, he had to get the property surveyed which took a long time and he finally get the deed in court.

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 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 King  
VOTE: UNANIMOUS (7-0)

- L) Case Number: MH 249-2013  
Property Owner: Rodney E. & Jennifer C. Price & Robert William Price  
Property Location: 1618 Cumberland Drive, Fayetteville, NC  
Parcel Identification Number: 0520-59-6496

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

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

**BACKGROUND:** That the following is a report on Minimum Housing case number MH 249-2013.

Property Owner: Rodney E. & Jennifer C. Price & Robert William Price  
Home Owner: Rodney E. & Jennifer C. Price & Robert William Price  
Property Address: 1618 Cumberland Drive, Fayetteville, NC  
Tax Parcel Identification Number: 0520-59-6496

**SYNOPSIS:** This property was inspected on 8/9/2013. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 9/17/2013. Jennifer Price, Mary Merritt & Richard Merritt 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 12/16/2013. 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 5/8/2014, 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 the structure to a minimum standard for human habitation is \$34,848.00. The Assessor for Cumberland County has the structure presently valued at \$7,262.00.

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

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Mr. Hatcher stated this is a rent-to-own situation in which a dilapidated structure was purchased for renovations but no renovations were made. Mr. Hatcher stated after speaking with the Merritts, they agreed to the thirty days and indicated they would demolish the structure.

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 (7-0)

M) Case Number: MH 404-2013  
Property Owner: Brittany Nunnery  
Property Location: 7616 Disappearing Trail, Roseboro, NC  
Parcel Identification Number: 1441-11-3438

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 404-2013.

Property Owner: Brittany Nunnery  
Home Owner: Brittany Nunnery  
Property Address: 7616 Disappearing Trail, Roseboro, NC  
Tax Parcel Identification Number: 1441-11-3438

SYNOPSIS: This property was inspected on 10/23/2013. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 1/9/2014. Brittany Nunnery & Diana Nunnery attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 4/9/2014. 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 5/8/2014, 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 the structure to a minimum standard for human habitation is \$70,500.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

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

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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 Keefe moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the dwelling within 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 Edge

VOTE: UNANIMOUS (7-0)

- N) Case Number: MH 476-2014  
Property Owner: Felicia Bevel, c/o Valerie Pace  
Property Location: 2379 Sand Hill Road, Fayetteville, NC  
Parcel Identification Number: 0443-10-2666

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 476-2014.

Property Owner: Felicia Bevel, C/O Valerie Pace  
Home Owner: Felicia Bevel, C/O Valerie Pace  
Property Address: 2379 Sand Hill Road, Fayetteville, NC  
Tax Parcel Identification Number: 0443-10-2666

SYNOPSIS: This property was inspected on 1/15/2014. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 2/20/2014. Valerie Pace attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation or be demolished and the debris removed from the premises by a date not later than 4/20/2014. 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 5/8/2014, no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, this structure constitute a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$118,014.00. The Assessor for Cumberland County has the structure presently valued at \$5,200.00 (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.

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Mr. Hatcher stated Ms. Pace signed a consent to demolish.

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 (7-0)

Items of Business

4. Nominations to Boards and Committees

A. Cumberland County Workforce Development Board (1 Vacancy)

Commissioner Council nominated Richard Everett for a third term.

B. Parks and Recreation Advisory Board (2 Vacancies)

There were no nominations. Nominations will be forwarded to a future meeting.

C. Social Services Board (1 Vacancy)

Commissioner Council nominated Commissioner Edward G. Melvin.

5. Appointments to Boards and Committees

A. ABC Board (2 Vacancies)

Nominees: A. Johnson Chesnutt (Reappointment)  
Terri Thomas (Reappointment)

B. Fayetteville Technical Community College Board of Trustees (1 Vacancy)

Nominee: Dr. Marye Jeffries (Reappointment)

C. Tourism Development Authority (1 Vacancy)

Nominee:

Member of the Public Not Affiliated with Travel/Tourism:

Dallas Mack Freeman (Reappointment)

D. Transportation Advisory Board (2 Vacancies)

Nominees:

Mental Health Representative or Designee: Vince Wagner (Reappointment)

Urban Transit Provider Representative: James Roper

There being an equal number of vacancies and nominees,

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

SECOND: Chairman Council

VOTE: UNANIMOUS (7-0)

6. Closed Session: There was no closed session.

MOTION: Commissioner Keefe moved to adjourn.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 9:12 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board