

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
TUESDAY, JANUARY 20, 2015 – 6:45 PM  
117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118  
REGULAR/REZONING MEETING  
MINUTES

PRESENT: Commissioner Kenneth Edge, Chairman  
Commissioner Marshall Faircloth, Vice Chairman  
Commissioner Glenn Adams  
Commissioner Jeannette Council  
Commissioner Charles Evans  
Commissioner Jimmy Keefe  
Commissioner Larry Lancaster  
Amy Cannon, County Manager  
James Lawson, Deputy County Manager  
Melissa Cardinali, Assistant County Manager  
Rick Moorefield, County Attorney  
Sally Shutt, Governmental Affairs Officer  
Vicki Evans, Finance Director  
Tom Lloyd, Planning and Inspections Director  
Jeffrey Brown, Engineering and Infrastructure Director  
George Hatcher, Code Enforcement Officer  
Joey Lewis, Code Enforcement Officer  
Joan Fenley, Code Enforcement Officer  
Russ Rogerson, Economic Development Alliance of Fayetteville and  
Cumberland County Executive Director  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Chairman Edge called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

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

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

Amy Cannon, County Manager, read the public comment policy. Chairman Edge advised each speaker would be given approximately one minute and recognized the clerk to the board who called the following speakers:

Hunter Evans – Mr. Evans stated he was present to oppose the chicken processing plant and to protect the precious resource of water. Mr. Evans cited the names of individuals and agencies who had voiced concerns regarding water.

Anne Mitchell – Ms. Mitchell stated the community needs good paying jobs but not jobs at which prisoners cannot work. Ms. Mitchell also stated the company has not committed to keeping chicken houses out of Cumberland County. Ms. Mitchell stated a study has been repeatedly requested on the environmental ramifications of this facility and potential effects on drinking water and the Cape Fear River.

Betty Jo Smith – Ms. Smith stated she asked Russ Rogerson how many companies had shown an interest in the Cedar Creek Business Center (CCBC) and he responded over the past two years thirteen business had been introduced to the CCBC. Ms. Smith stated there must be something wrong if business do not want to locate there but the county can do better than a chicken slaughter house.

Jackie Taylor – Ms. Taylor stated standing water on the proposed spray fields makes them unsuitable for absorbing wastewater. Ms. Taylor stated allowing Sanderson Farms to locate in the CCBC will put the approximately 5,800 wells in Cedar Creek and surrounding areas in jeopardy. Ms. Taylor asked that there be an

incentive to make Sanderson Farms responsible for the wells should they become contaminated.

Jerry Reinoehl – Mr. Reinoehl asked that the Board set a public hearing on the Sanderson Farms project and stated he requested on August 8 that any decision on the Sanderson Farms project be based on proven facts and demonstrated corporate performance. Mr. Reinoehl stated employment opportunities are needed and it is time to bring both sides together in a formal public hearing.

Clifford Bastien – Mr. Bastien stated one of the issues of environmental justice is that all citizens must be exposed to the same benefits and the same hazards but when considering the location for Sanderson Farms, only the Cedar Creek community will feel the hazards.

Cassie Groover – Mr. Groover stated he is opposed to the Sanderson Farms slaughter house because of the negative impact it will have on the community's mental health and the social issues it will create.

Kevin Polush – Mr. Polush stated he chose to live in the community after thirty-four years in the military but no longer feels he made a good choice for his family because his house is on well water and located in close proximity to the proposed spray fields. Mr. Polush asked that a public hearing not be held until all the details are settled.

Denise Bruce – Ms. Bruce of Sustainable Sandhills asked that the Board not move forward with an incentives package until a third party environmental assessment can be conducted.

Bryan Milner – Mr. Milner stated he is opposed to the chicken plant locating in the Cedar Creek Business Park. Mr. Milner stated the soil in the chosen spray fields don't drain and chicken pollutants will pollute the river even more. Mr. Milner expressed concern for the reputation the mediocre jobs would bring to the community.

Mark Rowden – Mr. Rowden stated he felt this meeting was about allowing every citizen a forum in which to speak their hearts and minds rather than voting about the Sanderson Farms project.

Steve Lawrence – Mr. Lawrence stated the problem with the project is water and he perceives this as a money grab as opposed to job creation. Mr. Lawrence stated he is for agriculture but one has to consider the current fight over the inter-basin water transfer combined with the million gallons of water from spray fields that will not be processed.

Robert E. Lee – Mr. Lee stated people who work at Sanderson Farms may be able to request a higher wage once they are employed and may not have to stay at the poverty level.

Eronomy Mohammed – Mr. Mohammed stated Fayetteville is on the move and Fayetteville and Ft. Bragg are growing. Mr. Mohammed stated feathers should not be floating all over downtown Fayetteville.

Phil Edge – Mr. Edge stated he is against giving any incentives and this is a class D industry. Mr. Edge stated chicken feed is adulterated with a component of arsenic and litter gets spread all over fields. Mr. Edge stated there is no such thing as local chicken houses.

Douglas B. Mohle – Mr. Mohle stated he is opposed to the chicken plant because the pollution will threaten the water supply of Cape Fear River Basin.

Chairman Edge thanked speakers for their comments.

1. Employee Recognition

Chairman Edge called on Ms. Cannon who explained the Employee Recognition Program and eligibility for the same and stated the County believes in serving citizens with Professionalism, Respect, Integrity with Accountability, Diversity and Excellent Customer Service or PRIDE. Ms. Cannon stated Amy Hall, Public Utilities Division Administrative Program Officer, is being honored with the Exceptional Employee Award because she was at the forefront of securing two USDA grants within an eight month period that in total will save the county and its residents \$3.9 million. Ms. Cannon stated these funds will go towards the much needed sewer for the Overhills Park and Bragg Estates subdivisions. Ms. Cannon stated Ms. Hall applied multiple times to several organizations over a span of years to achieve these grants, and these projects would not be economically feasible without the grant funds. Ms. Cannon explained the challenges associated with applying for grants of this nature and stated as a result of Ms. Hall's tireless efforts, the USDA Rural Development Area Specialist Judy Hunt requested permission to use her process as an example for procuring grants. Ms. Cannon thanked Ms. Hall for her service to the two subdivisions and for being a model for other counties across the state. Ms. Cannon also thanked Jeffrey Brown, Engineering and Infrastructure Director, for nominating Ms. Hall for the award.

2. Presentation of the FY 2014 Annual Audit by Ms. Michelle Thompson, CPA, Partner, Cherry Bekaert, L.L.P.

Vicki Evans, Finance Director, introduced Michelle Thompson, CPA, Partner of Cherry Bekaert, LLP, who provided the following audit report:

Ms. Thompson stated generally accepted auditing standards require that an opinion be provided on whether the basic financial statements are presented fairly. Ms. Thompson stated for the record, the county received an unmodified or clean opinion which is the highest level of assurance a Certified Public Accountant can give. Ms. Thompson stated a single audit of federal and state grant expenditures was performed and the auditor is required to express an opinion on whether the government complied with the laws, regulations and provisions of contracts or grant agreements that could have a direct and material effect on each major federal or state program. Ms. Thompson stated for the record, the county received an unmodified or clean opinion.

Ms. Thompson encouraged the Board of Commissioners to review the letter known as the Statement of Auditing Standards Communication with Governing Boards that is required by generally accepted auditing standards. Ms. Thompson explained the letter confirms the audit firm's responsibilities, the county's significant accounting policies and the county's accounting estimates.

Ms. Thompson reported the General Fund's revenues and transfers in exceeded expenditures and transfers out by \$1.6 million in the current year which reflects a gain. Ms. Thompson further reported this gain when applied to the beginning Fund Balance of \$109 million results in an ending Fund Balance of \$111.5 million.

Ms. Thompson explained the nonspendable, restricted, committed and assigned/unassigned Fund Balance categories and reported \$32.5 million is unassigned and represents 10.20% of the current year's expenditures. Ms. Thompson also reported the total available Fund Balance which includes both assigned and unassigned fund balances is 22.37% and this amount exceeds the Board's minimum total available Fund Balance reserve.

Ms. Thompson stated during the FY2002 budget process, the Board adopted a minimum Fund Balance policy of 10% expenditures and funds in excess of 10% may be set aside as assigned for special purposes or for specific one-time expenditures. Ms. Thompson reported the unassigned Fund Balance for all years remains very close to the 10% set by the Board and the other categories of Fund Balance have been above 22% for the past three years.

Ms. Thompson concluded her report and expressed Cherry Bekaert, LLP's appreciation for having had the opportunity to serve as auditors for the county. Questions followed.

3. Approval of Agenda

Chairman Edge requested the moving of Item 6. to Item 4.

MOTION: Commissioner Council moved to approve the moving of Item 6. to Item 4.  
SECOND: Commissioner Evans  
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Adams moved to approve the agenda.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

4. Consideration of a New Motion to Set a Public Hearing to Consider Granting Incentives to Sanderson Farms

Memorandum from Commissioner Charles Evans to the Board of Commissioners and County Manager dated January 14, 2015:

BACKGROUND:

I have always believed that I should listen to the citizens I represent and carefully consider and respect their opinions. I have had a lot of discussions with citizens from all walks of life who are concerned with the impact the Sanderson Farms Project will have on our community. These discussions have covered the full range of these impacts—from the environmental concerns to the economic and social impact of this large number of jobs. I have no doubt that this large number of jobs will create a tremendous and positive economic impact on our community. For these reasons, I now believe the incentives proposed for this project should go forward to a public hearing so those who are so very interested in both the good and bad aspects of this project can be heard.

PROPOSED MOTION:

I move that a hearing be held as soon as is possible to comply with any legal requirements, at a place and time to be determined and advertised by the county manager, to hear public comments on a proposed incentives package for the Sanderson Farms poultry processing plant. The proposed incentives package to be considered at this public hearing is as follows:

Sanderson Farms will spend approximately \$95 million on a poultry processing plant project to be located in the Cedar Creek Industrial Park on land to be sold by the county to the company at fair market value. Sanderson Farms will employ 975 employees at the site within three years of commencing operations. No less than sixty percent (60%) of the employees at this site will be residents of Cumberland County. Sanderson Farms will not contract with any poultry farms within a ten mile radius of the production facility and Sanderson Farms will not contract with any poultry farms within one mile of the Cape Fear River in Cumberland County. Sanderson Farms will inform the county manager of any Notices of Violation it receives from DENR for any of its operations in Cumberland County. For this project, the county will provide the company a 50% grantback of county property taxes to be paid over a nine year period, which has a gross value of approximately \$2.5 million to the company.

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Chairman Edge asked Rick Moorefield, County Attorney, to explain how this item was allowed to come back before the Board. Mr. Moorefield stated Rule 9 of the Board of Commissioners' Rules of Procedure states any commissioner may by a timely request have an item placed on the agenda. Mr. Moorefield stated Commissioner Evans made a timely request to have this item placed on the agenda. Mr. Moorefield advised Commissioner Evan's proposed motion is different than the motion that was defeated on January 5 because it proposes an additional requirement for the company to receive incentives and proposes a different date for the public hearing. Mr. Moorefield also stated there is nothing in the Rules of Procedure that prohibits the placement of this item on the agenda even if it were to be considered the same motion. Mr. Moorefield stated a motion to reconsider under Rule 17 must be made at the same meeting as the original motion and must be made by a member who voted with the prevailing side. Mr. Moorefield stated the procedural motion to reconsider does not control this particular situation because this is a new motion and there is a more specific rule, Rule 18, which states a defeated motion may not be renewed at the same meeting. Mr. Moorefield stated the January 5 motion was a defeated motion and there is no other rule that addresses defeated motions other than the motion to prevent reconsideration for six months under Rule 17 which can only be made following the defeat of a substantive motion. Mr. Moorefield stated a motion to prevent

reconsideration for six months was not made on January 5 following the defeat of the original motion. Mr. Moorefield stated because it is not otherwise addressed and is consistent with state statutes for the exercise of the county's corporate powers, a defeated motion can be brought back at any other meeting by a majority of the votes cast to do so. Mr. Moorefield stated Commissioner Evan's request to place this item on the agenda is appropriate under the Board's Rules of Procedure and it is appropriate for the Board to consider the proposed motion.

Chairman Edge called on Russ Rogerson, Economic Development Alliance of Fayetteville and Cumberland County Executive Director, who stated he contacted the company to determine whether they were still interested in pursuing opportunities in Cumberland County. Mr. Rogerson stated the company informed him that based on the vote at the previous Commissioners' meeting, they had moved on regarding their interest in Fayetteville and Cumberland County and they are no longer considering it as a site. Chairman Edge inquired regarding the date of the email. Mr. Rogerson responded January 13, 2015.

Chairman Edge called on Commissioner Evans who explained his reasons for bringing back the proposed incentives package to be considered at a public hearing.

**MOTION:** Commissioner Evans moved to that a hearing be held as soon as is possible to comply with any legal requirements, at a place and time to be determined and advertised by the county manager, to hear public comments on a proposed incentives package for the Sanderson Farms poultry processing plant. The proposed incentives package to be considered at this public hearing is as follows: Sanderson Farms will spend approximately \$95 million on a poultry processing plant project to be located in the Cedar Creek Industrial Park on land to be sold by the county to the company at fair market value. Sanderson Farms will employ 975 employees at the site within three years of commencing operations. No less than sixty percent (60%) of the employees at this site will be residents of Cumberland County. Sanderson Farms will not contract with any poultry farms within a ten mile radius of the production facility and Sanderson Farms will not contract with any poultry farms within one mile of the Cape Fear River in Cumberland County. Sanderson Farms will inform the county manager of any Notices of Violation it receives from DENR for any of its operations in Cumberland County. For this project, the county will provide the company a 50% grantback of county property taxes to be paid over a nine year period, which has a gross value of approximately \$2.5 million to the company.

**SECOND:** Commissioner Council

**DISCUSSION:** Commissioner Keefe explained his reasons for supporting the motion. In response to a question posed by Commissioner Adams, Commissioner Evans stated his motion was inclusive of people being able to comment on the process. In response to a question posed by Chairman Edge, Commissioner Evans stated he spoke with the human resources manager at the Kinston Plant who told him individuals convicted of crimes are hired by Sanderson Farms. Chairman Edge explained the reasons he would voted against the motion. Commissioner Adams stated some proponents may be waiting until the public hearing to be heard. Commissioner Faircloth explained his reasons for not supporting the motion.

In response to a question about a date for the public hearing, Ms. Cannon stated consideration had been given to the evening of Monday, February 2. Mr. Moorefield confirmed that would allow sufficient time to publish notice of the public hearing. Commissioner Adams asked whether it would be possible to hold a joint public hearing with the Fayetteville City Council. Commissioner Lancaster asked when an independent environmental study could be addressed.

**VOTE:** PASSED (4-3) (Commissioners Evans, Council, Keefe and Adams voted in favor; Commissioners Lancaster, Faircloth and Edge voted in opposition)

**MOTION:** Commissioner Lancaster moved that the elected body of County Commissioners initiate an independent environmental study on Sanderson Farms locating in Cumberland County.

The motion failed due to the lack of a second.

Mr. Moorefield confirmed for the record that there was a consensus to set the public hearing for Monday, February 2. Chairman Edge clarified everyone will be entitled to three minutes and will be heard when the public hearing is held.

Chairman Edge called for a five minute recess following which he reconvened the meeting.

5. Consent Agenda

- A. Approval of minutes for the January 5, 2015 regular meeting
- B. Approval of Destruction of Planning & Inspection Department Records

**BACKGROUND:**

In accordance with the Records Retention and Disposition Schedule dated April 1, 2006, permission is requested to destroy records dated prior to January 1, 2009, on or before March 31, 2015. The maximum time period required to maintain records is six years. This request will allow records to be destroyed that are no longer useful. Records to be destroyed are as follows:

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

**Exceptions:**

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

C. Approval of Proposed Additions to the State Secondary Road System:

**BACKGROUND:**

The North Carolina Department of Transportation has received petitions requesting the following streets be placed on the State Secondary Road System for maintenance:

Roslin Farms West Subdivision:	Pecan Grove Loop (SR 4530 Ext.), Stillwood Drive, Brentmoor Court
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Southern Meadows Subdivision:	Crepe Myrtle Drive (SR 4129 Ext.)
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DOT has determined that the above streets are eligible for addition to the state system.

**RECOMMENDATION/PROPOSED ACTION:**

NCDOT recommends that the above named streets be added to the State Secondary Road System. County Management concurs. Approve the above listed streets for addition to the State Secondary Road System.

D. Approval of Offer to Purchase the Group Home Facility Located at 800 Old Wilmington Road

**BACKGROUND:**

On September 4, 2014, the Facilities Committee voted to recommend that the Board of Commissioners direct staff to get a market appraisal of the group home facility located at 800 Old Wilmington Road and proceed with the sale of this property. On October 6, 2014, the Board of Commissioners approved the lease of the facility to the occupant, RHA/North Carolina MR, Inc., for a term of four months from October 1, 2014, to January 31, 2015, in order for RHA to conduct due diligence to make an offer to purchase the property.

The property was appraised on September 14, 2014, by Roger G. Holmes, a licensed general appraiser, for \$215,000. The appraisal report describes the property as brick veneer structure of 3,029 square feet in average condition located on a 0.60 acre lot.

The occupant/lessee, RHA/North Carolina MR, Inc., made an offer to purchase the property for \$215,000 on December 31, 2014. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process pursuant to G. S. § 160A-269. RHA must post a five percent (5%) deposit before the proposed sale is advertised.

The county attorney has advised the lessee that it must continue to lease the facility during the upset bid process as a hold-over tenant on the same terms as the lease expiring January 31, 2015.

**RECOMMENDATION/PROPOSED ACTION:**

County attorney recommends the Board consider the offer and if the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

- E. Approval of Offer of Ronnie Hayes to Purchase Real Property Located at 809 Montgomery Street, Fayetteville, NC

**BACKGROUND:**

The County and City of Fayetteville acquired the real property with PIN 0436-78-6341 located at 809 Montgomery St., Fayetteville, NC, from a tax foreclosure sale in 2012 for a purchase price of \$15,499.25. The City conveyed its interest in the property to the County on May 6, 2014, by quit-claim deed recorded in Deed Book 9425, page 661, incident to a different offer to purchase made at that time.

The tax records describe the property as a residential lot containing a single family residence of approximately 972 sq. ft. with a tax value of \$52,600. Mr. Ronnie Hayes has made an offer to purchase the property for \$15,499.25. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process pursuant to G. S. § 160A-269.

**RECOMMENDATION/PROPOSED ACTION:**

The county attorney recommends that the Board consider the offer of Ronnie Hayes and if the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

- F. Approval of Tourism Development Authority Report of Receipts and Expenditures for Quarter Ended December 31, 2014

**BACKGROUND:**

While the Tourism and Development Authority (TDA) has been making annual reports to the Board of Commissioners as required by the N.C. General Statutes, the local resolution which created the TDA also requires interim reporting.

The local resolution requires the TDA to report receipts and expenditures quarterly to the Board of Commissioners. Recorded below is the status report indicating total funds received and the detail of approved expenditures for the July 1, 2014 - December 31, 2014 time period.

Going forward, a report will be submitted for consent approval at the completion of each quarter.

During the first half of fiscal year 2015 the Occupancy Tax netted \$2,788,029.87 in revenue.

These funds have been distributed as follows:

Cumberland County Crown Coliseum	\$ 697,007.47
Fayetteville Area Visitors and Convention Bureau	1,277,847.02
Arts Council of Fayetteville	697,007.47
TDA Discretionary Funds	116,167.91
Total	\$ 2,788,029.87

During the first 2 quarters, the TDA obligated funds for the following projects:

Communities in Schools - "When Pigs Fly BBQ Cookoff"	\$ 25,000.00
Junior League of Fayetteville - Holly Day Fair	25,000.00
Fayetteville Area CVB - Spring Lake Guide	25,000.00
MWR- All American Marathon 2015	25,000.00
Fayetteville Urban Ministry - Duck Derby	13,850.00
Cape Fear Botanical Garden	25,000.00
Total	\$ 138,850.00

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

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

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
 OF DEMOLITION OF A STRUCTURE PURSUANT TO  
 THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
 CASE NUMBER: MH 259-2013  
 PROPERTY OWNER: Joseph Martin

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on April 22, 2014 enacted an ordinance directing the demolition by the owner(s) of the structure(s) Joseph Martin located at 2725 Chimney Brook Rd, Fayetteville NC, PIN: 0451-78-4097, said ordinance being recorded in Book 9425, page 410, 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 April 22, 2014 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 2725 Chimney Brook Rd Fayetteville NC, as described in Deed Book 0044, page 0056, of the Cumberland County Registry and identified in County tax records as PIN 0451-78-4097.

(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 508-2014  
Property Owner: Renee Wagner  
Property Location: 4001 Baird Court, Fayetteville, NC  
Parcel Identification Number: 0462-98-4988

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH-508-2014  
PROPERTY OWNER: Renee Wagner

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 18, 2014, enacted an ordinance directing the demolition by the owner of the structure Renee Wagner, located at 4001 Baird Court, Fayetteville, NC, PIN: 0462-98-4988, said ordinance being recorded in Book, 9496 page 0516 , of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$4,445.00.
- (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 \$4,445.00, 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 18, 2014, 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 4001 Baird Ct, Fayetteville, NC, as described in Deed Book 5278, page 67, of the Cumberland County Registry and identified in County tax records as PIN 0462-98-4988.

(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 519-2014  
Property Owner: Reginald Adams  
Property Location: 6000 Abco Lane, Fayetteville, NC  
Parcel Identification Number: 0462-99-2389

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH-519-2014  
PROPERTY OWNER: Reginald Adams

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 18, 2014, enacted an ordinance directing the demolition by the owner of the structure Reginald Adams, located at 6000 Abco Ln, Fayetteville, NC, PIN: 0462-99-2389, said ordinance being recorded in Book 9496, page 510, 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 \$3,545.00.
- (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 \$3,545.00, 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 18, 2014, 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 6000 Abco Ln, Fayetteville, NC, as described in Deed Book 8253, page 447, of the Cumberland County Registry and identified in County tax records as PIN 0462-99-2389

(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 527-2014  
Property Owner: Charles Crockett  
Property Location: 1109 Shaw Road, Fayetteville, NC  
Parcel Identification Number: 0419-74-4268

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 527-2014  
PROPERTY OWNER: Charles Crockett

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 18, 2014, enacted an ordinance directing the demolition by the owner of the structure Charles Crockett, located at 1109 Shaw Road, Fayetteville NC, PIN: 0419-74-4268, said ordinance being recorded in Book 9496, page 513 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 \$2,545.00.
- (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 \$2,545.00, 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 18, 2014 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 1109 Shaw Road Fayetteville, NC, as described in Deed Book 4994, page 496, of the Cumberland County Registry and identified in County tax records as PIN 0419-74-4268.

(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.

- 5) Case Number: MH 537-2014  
Property Owner: Acie J. Melvin  
Property Location: 1114 McLean Trail, Fayetteville, NC  
Parcel Identification Number: 0520-99-0322

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 537-2014  
PROPERTY OWNER: Acie J. Melvin

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 18, 2014, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Acie J. Melvin, located at 1114 McLean Trail, Fayetteville, NC, PIN: 0520-99-0322, said ordinance being recorded in Book 9496, page 507, 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 \$3,000.00.
- (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 \$3,000.00, 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 18, 2014, 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 1114 McLean Trail, Fayetteville, NC, as described in Deed Book 8017, page 573, of the Cumberland County Registry and identified in County tax records as PIN 0520-99-0322.

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

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

H. Approval of a Proclamation Recognizing the Partnership Between the Child Advocacy Center and Delta Xi Chapter at Fayetteville State University and

Fayetteville Alumnae Chapter of Delta Sigma Theta Sorority, Inc., and Its Value to the Community

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, child abuse and neglect is a community condition and problem, and finding solutions depends on involvement among people in the community; and

WHEREAS, child abuse and neglect often occurs when people find themselves in stressful situations, without community resources, and don't know how to cope; and

WHEREAS, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community; and

WHEREAS, the Cumberland County Department of Social Services contributes significantly to the prevention of child abuse including providing quality family centered practices, safety resources, foster care and adoption services for victims of child abuse and neglect in Cumberland County; and

WHEREAS, Cumberland County employees providing child protective services answer the noble call to provide a variety of challenging and rewarding opportunities to improve the quality of life of children who are our most vulnerable citizens; and

WHEREAS, we believe effective child abuse prevention programs succeed because of partnerships among agencies, schools, community organizations, law enforcement, and the business community; and

WHEREAS, the Child Advocacy Center through their multidisciplinary approach joins the hands of community partners such as social services, law enforcement, medical and mental health agencies to provide a safe and child friendly facility that supports the prevention, investigation and prosecution of child abuse; and

WHEREAS, Delta Xi Chapter at Fayetteville State University and Fayetteville Alumnae Chapter of Delta Sigma Theta Sorority, Inc., having pledged their support of the Child Advocacy Center have accepted the responsibility, as individuals, neighbors, community members and citizens of the South Atlantic Region to help create healthy, safe and nurturing experiences for children.

NOW, THEREFORE, the Cumberland County Board of Commissioners and the Cumberland County Board of Social Services do hereby proclaim on this 31<sup>st</sup> day of January 2015, that the partnership with Child Advocacy Center and Delta Xi Chapter at Fayetteville State University and Fayetteville Alumnae Chapter of Delta Sigma Theta Sorority, Inc. recognizes that no one person can do everything, that everyone can do something, and that together we can create change for the better for children and their families and our community.

Adopted this 20th day of January, 2015.

I. Budget Revisions:

(1) Fire Districts

- a. Pearces Mill Fire District - Revision in the amount of \$9,300 to cover unanticipated refunds to taxpayers in the amount of \$9,000 and to increase motor vehicle tax collection fee in the amount of \$300. (B15-184) Funding Source – Pearces Mill Fire District Tax
- b. Special Fire District – Revision in the amount of \$3,000 to cover unanticipated refunds to taxpayers in the amount of \$1,500 and to

budget motor vehicle tax collection fee in the amount of \$1,500. (B15-185) Funding Source – Special Fire District Tax

MOTION: Commissioner Keefe moved to approve consent agenda Items 4.A. – 4.I.(1)b.  
SECOND: Commissioner Faircloth  
VOTE: UNANIMOUS (7-0)

6. Public Hearings

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

Uncontested Rezoning Cases

Tom Lloyd, Planning and Inspections Director, stated there is no opposition to Case P14-60; there are no speakers signed up in opposition for the public hearing in Case P14-60 and the Planning Board unanimously voted to approve Case P14-60.

A. Case P14-60

Rezoning of 11.20+/- acres from A1 Agricultural to C2(P) Planned Service and Retail or to a more restrictive zoning district, located at 3159 Sanderosa Road, submitted by James M. Cooper on behalf of Temple Baptist Church, Inc. (owner).

Staff Recommendation:

1<sup>st</sup> motion for Case P14-60: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board’s consideration of this case, which minutes are to be fully incorporated herein by reference.

2<sup>nd</sup> motion for Case P14-60: Move to approve the rezoning from A1 Agricultural to O&I(P) Planned Office and Institutional Zoning as recommended by the Planning Staff and as reflected in the minutes of the Planning Board’s consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve the Staff Recommendation

\*\*\*\*\*

Chairman Edge opened the public hearings for Case P14-60.

The clerk to the board advised there were no speakers for Case P14-60.

Chairman Edge closed the public hearing for Case P14-60.

MOTION: Commissioner Faircloth moved to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board’s consideration of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Commissioner Adams  
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Faircloth moved to approve the rezoning from A1 Agricultural to O&I(P) Planned Office and Institutional Zoning as recommended by the Planning Staff and as reflected in the minutes of the Planning Board’s consideration of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (7-0)

Other Public Hearings - Minimum Housing Code Enforcement

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

- B. Case Number: MH-789-2014  
Property Owner: Dora Mason Heirs c/o John Mason  
Property Location: 2960 Duck Pond Road, Linden, NC  
Parcel Identification Number: 0553-76-4830

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 789-2014.

Property Owner: Dora Mason Heirs, C/O John Mason  
Home Owner: Dora Mason Heirs, C/O John Mason  
Property Address: 2960 Duck Pond Road, Linden, NC  
Tax Parcel Identification Number: 0553-76-4830

SYNOPSIS: This property was inspected on 8/27/2014. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 9/25/2014. 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 11/1/2014. 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 1/8/2015, the required corrective action has not been made to the structure. The structure is presently vacant and unsecured. 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 \$150,960.00. 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.

\*\*\*\*\*

Mr. Hatcher stated the structures on the property consist of three mobile homes and an old farmhouse and the property owner signed a consent to demolish them.

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

Chairman Edge opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Edge 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 Evans

VOTE: UNANIMOUS (7-0)

- C. Case Number: MH 786-2014
- Property Owner: Nathaniel & Annie J. Pittman
- Property Location: 5901 Kelly's Landing Road, Fayetteville, NC
- Parcel Identification Number: 0454-52-2238

**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 786-2014.

Property Owner: Nathaniel & Annie J Pittman  
 Home Owner: Nathaniel & Annie J Pittman  
 Property Address: 5901 Kelly's Landing Road, Fayetteville, NC  
 Tax Parcel Identification Number: 0454-52-2238

**SYNOPSIS:** This property was inspected on 8/27/2014. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 9/25/2014. 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 11/1/2014. 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 1/8/2015, the required corrective action has not 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.

**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 structure is a single wide mobile home that was placed on the lot without permits. Mr. Hatcher stated he spoke with Mr. Pittman who indicated he needed more time to remove the structure from his property. In response to a question from Commissioner Keefe, Mr. Hatcher stated there is unpermitted work being done, it is not hooked up to utilities and there is no water/sewer. Mr. Lloyd stated according to the county's ordinance, the mobile home should not have been placed on the property and it will have to be moved to an industrial zoned area before any work can be done on it. Mr. Lloyd stated the structure can be demolished on the property. Commissioner Faircloth asked whether the owner had requested additional time with the intent to remove it from the property. Mr. Hatcher responded in the affirmative and stated the owner understands the mobile home should not have been placed on the property and work on the mobile home cannot take place on the property; it will have to be removed from the property or demolished. Mr. Hatcher stated the owner was notified in August 2014 that it was in violation and as of the current date, nothing has been done.

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

Chairman Edge opened the public hearing.

The clerk to the board called the following speaker:

Nathaniel Pittman – After being placed under oath, Mr. Pittman stated his intention is to get rid of the structure and he will get someone to remove it from the property.

In response to a question from Chairman Edge, Mr. Pittman stated he understood it had to be moved to an industrial site. Commissioner Council asked Mr. Pittman how much time he needed. Mr. Pittman responded three months. Commissioner Council asked Mr. Pittman about two months stating he had already had five months to remove it. Mr. Pittman stated he had been in the hospital.

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

**MOTION:** Commissioner Council moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the dwelling within 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 Faircloth

**VOTE:** UNANIMOUS (7-0)

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

D. Case Number: MH 901-2014  
Property Owner: Tony L. & Marsha Tyson  
Property Location: 6606 Parkton Road, Parkton, NC  
Parcel Identification Number: 0403-80-7384

**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 901-2014.

Property Owner: Tony L. & Marsha Tyson  
Home Owner: Tony L. & Marsha Tyson  
Property Address: 6606 Parkton Rd, Parkton, NC  
Tax Parcel Identification Number: 0403-80-7384

**SYNOPSIS:** This property was inspected on 10/8/2014. The property owners were legally served with Notice of Violations and were afforded a Hearing on 11/25/2014. Tony L. & Marsha Tyson 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 12/21/2014. The property owners 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 1/8/2015, no corrective action had been made to the structure. The structure is presently vacant and unsecured. 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 \$50,960.00. The Assessor for Cumberland County has the structure presently valued at \$2,500.00.

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

\*\*\*\*\*

Mr. Lewis stated the property owner signed a consent to demolish, the structure is unfit for human habitation and is presently being occupied by vagrants.

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

Chairman Edge opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Edge closed the public hearing.

MOTION: Commissioner Council moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the dwelling within 30 days; to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (7-0)

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

E. Case Number: MH 722-2014  
Property Owner: Bryan David Arthur  
Property Location: 4044 Chicken Foot Road, St. Pauls, NC  
Parcel Identification Number: 0420-85-9815

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 722-2014.

Property Owner: Bryan David Arthur  
Home Owner: Bryan David Arthur  
Property Address: 4044 Chicken Foot Rd, St. Pauls, NC  
Tax Parcel Identification Number: 0420-85-9815

SYNOPSIS: This property was inspected on 7/30/2014. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 9/1/2014. Bryan David Arthur 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 11/18/2014. 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 1/8/2015, no corrective action has been made to the structure. The structure is presently

vacant and unsecured. 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 \$64,096.00. The Assessor for Cumberland County has the structure presently valued at \$571.00.

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

\*\*\*\*\*

Ms. Fenley stated the structure is a single wide trailer and the owner has requested an extension.

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

Chairman Edge opened the public hearing.

The clerk to the board called the following speaker:

David Arthur – After being placed under oath, Mr. Arthur stated he is requesting an extension in time.

Chairman Edge asked Mr. Arthur whether he owned the property. Mr. Arthur responded in the affirmative. Chairman Edge stated the property was inspected in July 2014 and asked Mr. Arthur if he feels he needs more time. Mr. Arthur responded in the affirmative and stated he and his fiancé had a premature daughter which necessitated spending a lot of time at the hospital. Mr. Arthur when considering his work schedule, he would prefer that someone come get the trailer rather than have it destroyed because someone with the right set of tools could make it into a home. Mr. Arthur stated he is not selling the trailer but would rather see it go to a family in need than see it taken away in pieces. Chairman Edge asked whether the property was moveable. Ms. Fenley stated there have been modifications made to the trailer and it would probably require an engineer to certify the construction. Commissioner Adams asked whether it was correct that repairs would cost \$64,000. Ms. Fenley stated that would be the cost to bring it up to minimum standards. Commissioner Faircloth asked Mr. Arthur how much time he needed to which he responded two maybe three months because when considering his work schedule, he could only tear the structure apart on weekends.

There being no further speakers, Chairman Edge 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 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 Council

**VOTE:** UNANIMOUS (7-0)

F. Case Number: MH 775-2014  
Property Owner: James E. & Jennifer Wright & RBMG, Inc. (Netbank, Inc.)  
Property Location: 8533 Candlebrush Drive, Linden, NC  
Parcel Identification Number: 0554-56-7688

**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 775-2014.

Property Owner: James E. & Jennifer Wright & RBMG. Inc. (Netbank, Inc.)  
Home Owner: James E. & Jennifer Wright & RBMG. Inc. (Netbank, Inc.)  
Property Address: 8533 Candlebrush Dr, Linden, NC  
Tax Parcel Identification Number: 0554-56-7668

**SYNOPSIS:** This property was inspected on 8/26/2014. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 9/22/2014. James Wright 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 12/22/2014. 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 1/8/2015, no corrective action has 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 \$54,096.00. The Assessor for Cumberland County has the structure presently valued at \$837.00.

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

\*\*\*\*\*

Ms. Fenley stated RBMG Bank holds the mortgage to the property and recommendation is for demolition of the structure. Ms. Fenley stated there is extensive water damage to the structure.

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

Chairman Edge opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Edge 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 Faircloth

**VOTE:** UNANIMOUS (7-0)

G. Case Number: MH 760-2014  
Property Owner: Tina Stoddard, Stacy Stoddard & Billy V. Cain  
Property Location: 5080 Tabor Church Road, Fayetteville, NC  
Parcel Identification Number: 0463-82-2290

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 760-2014.

Property Owner: Tina Stoddard, Stacy Stoddard, & Billy V Cain  
Home Owner: Tina Stoddard, Stacy Stoddard, & Billy V Cain  
Property Address: 5080 Tabor Church Road, Fayetteville, NC  
Tax Parcel Identification Number: 0463-82-2290

**SYNOPSIS:** This property was inspected on 8/15/2014. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 9/15/2014. Billy V Cain & John Henson 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 10/15/2014. 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 1/8/2015, no corrective action has been made to the structure. The structure is presently vacant and unsecured. 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 \$3,089.00.

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

\*\*\*\*\*

Ms. Fenley stated the property is owned by the Stoddards and mortgaged by Billy V. Cain. Ms. Fenley stated recommendation is for demolition of the structure.

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

Chairman Edge opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Edge closed the public hearing.

**MOTION:** Commissioner Council moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the dwelling within 30 days; to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

**SECOND:** Commissioner Faircloth

**VOTE:** UNANIMOUS (7-0)

## Items of Business

### 7. Consideration of Recommendation for 2015 NCACC Federal Issues

#### **BACKGROUND:**

Each year the North Carolina Association of County Commissioners solicits input and proposals on the most important federal issues that affect the state's counties. The association's Board of

Directors will review the proposals at its Feb. 4 meeting and choose the top issues to include in its Federal Agenda for the 114<sup>th</sup> session of Congress for 2015-16. The list of top federal priorities will be presented to the North Carolina Congressional delegation in Washington, D.C., when NCACC hosts the North Carolina Congressional delegation at a breakfast on Feb. 24 during the National Association of Counties Legislative Conference.

The NCACC Board of Directors will be seeking to select priorities reflecting a statewide impact and asks that counties keep that in mind as they submit their recommendations.

**RECOMMENDATION/PROPOSED ACTION:**

Consider the federal legislative goals as recorded below and approve a slate of recommended goals to submit to NCACC on January 21.

**CUMBERLAND COUNTY'S RECOMMENDED  
NCACC 2015 FEDERAL LEGISLATIVE GOALS**

**Ensure Budget Reforms, Sequestration and Other Legislation Do Not Result in Unfunded Mandates to Counties:**

Reductions in federal spending and deficits should not be accomplished by shifting costs to counties, imposing unfunded mandates, or pre-empting county programs and taxing authority.

**Preserve Tax-Exempt Status of Municipal Bonds:**

Municipal bonds provide critical funding for public facilities and infrastructure. Preserving the tax-exempt status of municipal bonds is vital to local governments.

**Protect Federal-State-Local Partnership Structure for Financing and Delivering Medicaid; Protect Temporary Assistance for Needy Families (TANF) and Social Services Block Grants (SSBG):**

Counties are concerned about measures that would further shift federal and state Medicaid costs to counties, including cuts, caps or block grants. Counties use TANF & SSBG dollars to provide county child and adult protective services, and for work supports such as childcare and job training. Counties share administrative costs and may also contribute to the Maintenance of Effort requirements. TANF reauthorization should provide greater state and county flexibility to deliver services that support families and help move them off welfare, including allowing higher education to count as work and setting realistic time limits on education.

**Support Marketplace Fairness Act:**

Support legislation like the Marketplace Fairness Act that would allow counties to enforce their existing sales tax laws regardless of whether a purchase is made in a store, online or through a catalog retailer. Counties are losing hundreds of millions of dollars annually in sales tax revenues through untaxed remote sales. Enforcing remote sales tax collection will actually work to stabilize North Carolina County property taxes.

**Maintain Funding for Education and Workforce Development:**

Seek comprehensive legislation to maintain current levels of funding for education and workforce development programs.

**Reinstate Federal Capacity Funding for Cooperative Extension Services:**

North Carolina Counties have had a long and strong connection with the North Carolina Agricultural Cooperative Extension Program. In both urban and rural areas the Extension partners have provided excellent services to citizens. In recent years, reform initiatives have aimed at trimming funding for the agency and phasing out federal formula funding in favor of competitive grants. North Carolina Counties request that Congress continue to provide federal funding to these important services.

**Add a Compliance Adjustment Period to Proposed EPA Ozone Standards:**

The Cumberland County Air Quality Stakeholders Committee has been anticipating the new EPA ground-level Ozone Standards for more than two years. The Air Quality Stakeholders do not oppose lowering the current standard from 75 parts per billion to a range of 65 to 70 ppb because lower emissions and reduced particulate content in the air are powerful improvements to quality of life and public health throughout Cumberland County and North Carolina. The new EPA standards would be improved by the incorporation of a "compliance adjustment" period where borderline or non-attainment communities have the opportunity to join a voluntary

compact like the Ozone Advance program and receive a standardized period of time to reduce their emissions to attainment levels. The Air Quality Stakeholders see an adjustment period as a boon to communities striving for effective air quality policy solutions and urges the EPA to be more responsive with information on timelines for anticipated standard changes in the next round of emissions-reductions.

Support Public Health Priorities:

- Support local public health department involvement in the implementation of the Affordable Care Act including maintenance of core public health programs authorized and funded by the ACA and clinical and community preventive services supported by the ACA.
- Protect the Prevention and Public Health Fund. Poor public health contributes to the high cost of health care, with 75 percent of all of these costs being spent on the treatment of chronic diseases, many of which are preventable.

Support Military and Veterans Priorities:

- Support funding and legislation to assist counties with veterans support services, mental health resources, homelessness, and workforce development. Based on current discharge rates at Fort Bragg and expected discharged numbers across the military, concern is growing that those who separate will have greater, rather than fewer, challenges.
- Adjust the Impact Aid Formula to reflect parity for all federally-impacted students.

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Sally Shutt, Governmental Affairs Officer, reviewed the background information and the proposed federal legislative goals as recorded above.

Commissioner Keefe inquired regarding the disbursement of remote sales tax collections to Cumberland County. Following discussion, Ms. Cannon suggested that the wording be revised to “Continue Support of the Marketplace Fairness Act” because there is no assurance the county is receiving all the sales tax it is due from online sales.

MOTION: Commissioner Council moved to approve the 2015 Federal Legislative Goals as recommended with wording revised to “Continue to Support the Marketplace Fairness Act” and to submit to the NCACC.  
SECOND: Commissioner Faircloth  
VOTE: UNANIMOUS (7-0)

8. Nomination and Appointment

A. Civic Center Commission (1 Vacancy)

Nominee:

Restaurant Owner Position: Edith Bigler (Reappointment)

MOTION: Commissioner Keefe moved to nominate and reappoint Edith Bigler.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

9. Nominations to Boards and Committees

A. Air Quality Stakeholders of Cumberland County Committee (1 Vacancy)

MOTION: Commissioner Faircloth moved to nominate and appoint Commissioner Larry Lancaster.  
SECOND: Commissioner Adams  
VOTE: UNANIMOUS (7-0)

B. Cape Fear Valley Health System Board of Trustees (3 Vacancies)

Commissioner Faircloth nominated Sanjay Shah, M.D.  
Commissioner Adams nominated Sandra Carr Johnson, M.D.

Commissioner Keefe nominated Sandy Ammons.

C. Cumberland County Juvenile Crime Prevention Council (JCPC) (1 Vacancy)

The vacancy was forwarded to the next meeting for nominations.

D. Human Relations Commission (1 Vacancy)

The vacancy was forwarded to the next meeting for nominations.

10. Appointments to Boards and Committees

A. Board of Health (1 Vacancy)

Nominee:

Cumberland County Commissioner: Jeannette Council

B. Cumberland County Workforce Development Board (1 Vacancy)

Nominee:

Private Sector: Jensen McFadden

C. Mid-Carolina Rural Transportation Advisory Committee (RTAC) (1 Vacancy)

Nominee:

Cumberland County Commissioner: Charles Evans

D. Regional Land Use Advisory Commission (RULAC) (1 Vacancy)

Nominee:

Cumberland County Commissioner: Charles Evans

E. Southeastern Economic Development Commission (SEDC) (1 Vacancy)

Nominee: Glenn Adams

There being an equal number of vacancies and nominees,

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

SECOND: Chairman Edge

VOTE: UNANIMOUS (7-0)

11. Closed Session

There was no closed session.

MOTION: Commissioner Faircloth moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 8:35 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board