

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, SEPTEMBER 21, 2015 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING
MINUTES

PRESENT: Commissioner Kenneth Edge, Chairman
Commissioner Marshall Faircloth, Vice Chairman (arrived 7:00 p.m.)
Commissioner Glenn Adams
Commissioner Jeannette Council
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Amy Cannon, County Manager
James Lawson, Deputy County Manager
Melissa Cardinali, Assistant County Manager
Tracy Jackson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Governmental Affairs Officer
Vicki Evans, Finance Director
Tom Lloyd, Planning and Inspections Director
Scott Walters, Code Enforcement Manager
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

ABSENT: Commissioner Charles Evans

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 led by Emily Sophia Keefe, a second grader at New Century International Elementary School.

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

Amy Cannon, County Manager, read the public comment policy. Chairman Edge recognized the clerk to the board who advised there were no speakers.

Recognition of Commissioner Jeannette Council on Receiving the North Carolina Association of Black County Officials Outstanding Member of the Year Award

Chairman Edge stated Commissioner Jeannette Council received the North Carolina Association of Black County Officials' Member of the Year Award on August 21, 2015 during the NCACC Conference in Pitt County. Chairman Edge stated Commissioner Council was recognized for her tenacity in making sure youth receive much-needed scholarships and she worked tirelessly to help the Scholarship Committee meet its goals. Chairman Edge stated Commissioner Council was presented the President's Award by the North Carolina Association of Black County Officials' current President Fannie Greene.

Ms. Cannon requested the removal of Item 7.A. Closed Session for Economic Development Matter(s) pursuant to NCGS 143-318.11(a)(4) and Item 7.C. Closed Session for Personnel Matter(s) pursuant to NCGS 143-318.11(a)(6).

1. Approval of Agenda

MOTION: Commissioner Adams moved to approve the agenda with the removal of Item 7.A. Closed Session for Economic Development Matter(s) pursuant to NCGS 143-318.11(a)(4) and Item 7.C. Closed Session for Personnel Matter(s) pursuant to NCGS 143-318.11(a)(6).

SECOND: Commissioner Council

VOTE: UNANIMOUS (5-0)

2. Consent Agenda

- A. Approval of minutes of the September 8, 2015 regular meeting
- B. Approval of Offer to Purchase Surplus Property Described at Lot 5 Permastone Acres West Containing 9.82 Acres

BACKGROUND:

The County acquired the real property with PIN 0403-69-2966, being Lot 5 of Permastone Acres West, Plat Book 93 at page 65, from a tax foreclosure sale in 2014 for a purchase price of \$6,145.55. According to the plat, this parcel contains 9.82 acres. Based on the County's GIS Mapping system, there does not appear to be a structure on the property. The tax value is \$33,515.00. Lakestone and Sons, LLC, has made an offer to purchase the property for \$6,145.55, and has submitted the required deposit to the Finance Department. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is recorded below.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends that the Board consider the offer of Lakestone and Sons, LLC, 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.

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
ADVERTISEMENT OF PROPOSAL TO ACCEPT AN OFFER TO PURCHASE
CERTAIN REAL PROPERTY PURSUANT TO N.C.G.S § 160A-269**

Take notice that the Board of Commissioners finds the real property described herein is not needed for governmental purposes and proposes to accept an offer to purchase the property with PIN 0403-69-2966, being Lot 5, Permastone Acres West, Plat Book 93 at page 65, containing 9.82 acres, for a purchase price of \$6,145.55. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

- C. Approval of Payment of Prior Year Payment Request from Emergency Services for Telecommunicator Professional Development

BACKGROUND:

On September 9, 2014, action was taken by the Board of County Commissioners to approve the retroactive compensation of EMS employees who were able to document the successful completion and certification of professional development programs. The approved percentage increase in pay was retroactive to fiscal year 2013. At that time, one employee was not included because the documentation to support the certification could not be found. After extensive research and file searching, the documentation was recently located and it was shown to have been mis-filed.

The Director of EMS is requesting retroactive compensation for this EMS employee in the same percentage that was applied with last year's action. As a result, approval is requested for the salary plus County benefit cost for prior years' amount totaling \$3,621.68. The total additional cost for the current fiscal year is \$2,068.85, for a grand total cost of \$5,690.53. Sufficient funds exist within the fiscal year 2016 EMS budget to cover the prior year and additional current year cost, therefore a budget revision is not needed.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval to pay the prior year salary and benefit cost totaling \$3,621.68 for one EMS employee.

- D. Approval of FY2015-2016 Agreement of Conditions and Local Governmental Resolution for Continued Funding of the Governor’s Highway Safety Program Grant for Cumberland County Sobriety Court (3rd Year Funded at 100%)

BACKGROUND:

The Cumberland County Sobriety Court was established in September 2010 to respond to our community’s need to address the number of high risk defendants charged with alcohol related offenses.

The Administrative Office of the Courts was recently informed that the grant application requires submitting a new Agreement of Conditions and completion of a revised Governmental Resolution for FY 2015-2016. The Governmental Resolution and revised Agreement of Conditions must be reviewed and approved by the Cumberland County Board of Commissioners and returned to the Governor’s Highway Safety Program as soon as possible. The Federal Funding for this fiscal year has been approved in the amount of \$92,176, which is 100% of the grant and there is no requirement for a local match.

RECOMMENDATION/PROPOSED ACTION:

Approve the Agreement of Conditions and Local Governmental Resolution to finalize the application process of the Sobriety Court Grant for Cumberland County and direct staff to submit the paperwork to the North Carolina Governor’s Highway

- E. Approval of Ordinance Assessing Property for the Cost of Demolition:

- 1) Case Number: MH 781-2014
 Property Owner: Randy V. & Melanie E. Kaha
 Property Location: 2548 Pinnacle Drive, Fayetteville, NC
 Parcel Identification Number: 0415-56-0604

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
 OF DEMOLITION OF A STRUCTURE PURSUANT TO
 THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
 CASE NUMBER: MH 781-2014
 PROPERTY OWNER: Randy V. & Melanie E. Kaha

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on February 16, 2015 enacted an ordinance directing the demolition by the owner(s) of the structure(s)Randy V. & Melanie E. Kaha located at 2548 Pinnacle Drive, Fayetteville, NC, PIN: 0415-56-0604, said ordinance being recorded in Book 9602, page 827, 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 \$ 2,175.00.
- (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 \$2,175.00 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 February 16, 2015 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 2548 Pinnacle Drive, Fayetteville, NC, as described in Deed Book 9238, page 749, of the Cumberland County Registry and identified in County tax records as PIN 0415-56-0604.

(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 832-2014
Property Owner: Evelyn C. Smith
Property Location: 3117 Cope Street, Fayetteville, NC
Parcel Identification Number: 0426-50-7984

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 832-2014
PROPERTY OWNER: Evelyn C. Smith

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on November 17, 2014, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Evelyn C. Smith located at 3117 Cope Street, Fayetteville, NC, PIN: 0426-50-7984, said ordinance being recorded in Book 9548, page 0434, 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 \$1,400.00.
- (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 \$1,400.00, 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 November 17, 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 3117 Cope Street, Fayetteville, NC, as described in Deed Book 7812, page 0192, of the Cumberland County Registry and identified in County tax records as PIN 0426-50-7984.

(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 855-2014
Property Owner: Cleo D. Pickard
Property Location: 6347 Pine Street, Fayetteville, NC
Parcel Identification Number: 0520-48-3629

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 855-2014
PROPERTY OWNER: Cleo D. Pickard

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on April 20, 2015, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Cleo D. Pickard, located at 6347 Pine Street, Fayetteville, NC, PIN: 0520-48-3629, said ordinance being recorded in Book 9640, page 0856, 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 \$1,445.00.
- (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 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 \$1,445.00, 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 April 20, 2015, 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 6347 Pine Street, Fayetteville, NC, as described in Deed Book 7265, page 0733, of the Cumberland County Registry and identified in County tax records as PIN 0520-48-3629.

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

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 901-2014
PROPERTY OWNER: Tony L. & Marsha Tyson

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on January 20, 2015, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Tony L. & Marsha Tyson, located at 6606 Parkton Road, Parkton, NC, PIN: 0403-80-7384, said ordinance being recorded in Book 9585, page 0322, 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 \$3,445.00.
- (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 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 \$3,445.00, 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 January 20, 2015, 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 6606 Parkton Road, Parkton, NC, as described in Deed Book 4285, page 327, of the Cumberland County Registry and identified in County tax records as PIN 0403-80-7384.

(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.

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

1) Fellowship Health Resources Lease Agreement

BACKGROUND:

The Facilities Committee recently considered, and is recommending, the proposed lease of a specified portion of the premises located in the Cumberland County Community Corrections Center, 412 West Russell Street in Fayetteville. Fellowship Health Resources is a mental health organization that will be providing services aimed at limiting the number of people with mental health conditions incarcerated in the Cumberland County Detention Center. This effort is in support of the Critical Time Intervention (CTI) program being implemented in Cumberland County. A notice of intent to enter into the proposed lease must be published at least 10 days in advance of a regular meeting to approve the lease.

RECOMMENDATION/PROPOSED ACTION:

As recommended by the Facilities Committee, adopt the following resolution:

BE IT RESOLVED that the Cumberland County Board of Commissioners finds that 1,005 square feet of the real property located at 412 West Russell Street will not be needed for government purposes for the term proposed for the lease of the property to Fellowship Health Resources, Inc., and this Board intends to adopt a resolution at its next regular meeting to be held on September 21, 2015, approving the lease pursuant to the terms to be advertised as follows:

PUBLIC NOTICE OF PROPOSED LEASE PURSUANT TO G.S. 160A-272

TAKE NOTICE the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its meeting to be held on September 21, 2015, approving the lease of approximately 1,005 square feet of office space located at 417 West Russell Street, Fayetteville, NC, to Fellowship Health Resources, Inc. for a term of two (2) years commencing September 21, 2015, at an annual rental rate of \$15,075.

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

1) Internal Audit Plan

BACKGROUND:

The Cumberland County Finance Committee met on September 3, 2015 and the Internal Audit Plan was presented as an agenda item.

At the June 15, 2015 Board of Commissioner's meeting, an Audit/Finance Committee Charter was adopted. The Charter requires that an audit plan be submitted to the Audit Committee for approval.

As we are in the process of hiring a second internal auditor, a plan for the July – December 2015 time period is being submitted at this time. In December a plan for the remainder of the fiscal year will be submitted for approval.

The Finance Committee reviewed and approved the Plan as recorded below at the September 3, 2015 meeting.

RECOMMENDATION/PROPOSED ACTION:

Consider approval of the July – December 2015 Internal Audit Plan.

Cumberland County Internal Audit
Audit Plan
July - December 2015

Audit/Project	Department
Physical inventories	Central Maintenance Facility (CMF) Solid Waste garage Employee Pharmacy Health Department Pharmacy Health Department supply room
Inventory accounts	CMF Solid Waste
Bank accounts	Sheriff - Detention Center Social Services
Cash receipts	Sample of depts with petty cash or change funds
Cash counts	All depts with petty cash or change funds
Schedule of Federal & State Expenditures	For FY 2014-15 audit

H. Approval of a Proclamation Designating September 19 - October 3, 2015 as “Fall Litter Sweep” in Cumberland County

CUMBERLAND COUNTY

NORTH CAROLINA

PROCLAMATION

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

WHEREAS, the “*FALL LITTER SWEEP*” roadside cleanup encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

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

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

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

WHEREAS, the “*FALL LITTER SWEEP*” cleanup will celebrate the 27th Anniversary of the North Carolina Adopt-A-Highway program and its volunteer groups that donate their labor and time year round to keep our roadsides clean; and

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

NOW THEREFORE, the Cumberland County Board of Commissioners do hereby proclaim September 19 – October 3, 2015 as “*FALL LITTER SWEEP*” in Cumberland

County and encourages all citizens to take an active role in making the County cleaner and more beautiful.

This 21st day of September, 2015.

I. Budget Revisions:

1) Sheriff's Office Grants

Revision in the amount of \$144,414 to recognize the award of the Edward Byrne Justice Grant. (B16-077) Funding Source – Grant

2) School Capital Outlay II

Revision in the amount of \$30,000 to budget Capital Outlay expenditures as approved by the Cumberland County Board of Education. (B16-081) Funding Source – Fund Balance Appropriated (Sales Tax)

MOTION: Commissioner Keefe moved to approve consent agenda Items 2.A. – 2.I.2).

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (5-0)

3. Public Hearings

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

Tom Lloyd, Planning and Inspections Director, stated there were no speakers signed up in opposition to Case P15-44 or Case P15-45 and the Planning Board recommended approval of Case P15-44 and Case P15-45.

Uncontested Conditional Zoning Case

- A. Case P15-44: Rezoning of 2.27+/- acres from A1 Agricultural to C(P) Planned Commercial, or to a more restrictive zoning district; located in the northern quadrant of SR 1006 (Maxwell Road) and SR 1826 (Wade Stedman Road); submitted by Joseph T. Geddie and Violet G. Dowd (owners) and Par 5 Development Group, LLC.

Staff Recommendation:

1st motion for Case P15-44: 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.

2nd motion for Case P15-44: Move to deny the request for C(P) Planned Commercial district but approve the rezoning for C2(P) Planned Service and Retail district as recommended by 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.

Planning Board Recommendation: Approve the Staff Recommendation

Chairman Edge opened the public hearing for Case P15-44.

The clerk to the board advised there were no speakers for Case P15-44.

Chairman Edge closed the public hearing for Case P15-44.

MOTION: Commissioner Council moved in Case P15-44 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 Keefe
VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Council moved in Case P15-44 to deny the request for C(P) Planned Commercial district but approve the rezoning for C2(P) Planned Service and Retail district as recommended by 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: Chairman Edge
VOTE: UNANIMOUS (6-0)

B. Case P15-45: Rezoning of .89+/- acre from C1(P) Planned Local Business to C(P) Planned Commercial or to a more restrictive zoning district; located at 1001, 1001B, 1003 and 1007 Honeycutt Road; submitted by Mary Lee Peaden (owner), Steve and Bev Soderholm.

Staff Recommendation:

1st motion for Case P15-45: 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.

2nd motion for Case P15-45: Move to approve the rezoning for C(P) Planned Commercial as recommended by 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.

Planning Board Recommendation: Approve the Staff Recommendation

Chairman Edge opened the public hearing for Case P15-45.

The clerk to the board advised there were no speakers for Case P15-45.

Chairman Edge closed the public hearing for Case P15-45.

MOTION: Commissioner Keefe moved in Case P15-45 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 Council
VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Keefe moved in Case P15-45 to approve the rezoning for C(P) Planned Commercial as recommended by 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 Council

VOTE: UNANIMOUS (6-0)

Contested Conditional Zoning Case

- C. Case P15-46: Rezoning of 252.00+/- acres from PND Planned Neighborhood to MXD Mixed Use/CZ Conditional Zoning or to a more restrictive zoning district; located south of SR 1606 (Elliott Farm Road), west of US 401 (Ramsey Street); submitted by Don B. Broadwell, Jr. on behalf of Broadwell Land Company (owner).

Staff Recommendation:

1st motion for Case P15-46: 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.

2nd motion for Case P15-46: Move to approve the rezoning for MXD Mixed Use Development / CZ Conditional Zoning as recommended by 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.

Planning Board Recommendation: Approve the Staff Recommendation

Mr. Lloyd stated although this is technically a contested case, the individual who spoke in opposition at the meeting of the Planning Board did not sign up to contest this case at this meeting so there is no opposition present. Mr. Lloyd stated the petitioners are present.

Chairman Edge opened the public hearing for Case P15-46.

The clerk to the board advised there were no speakers for Case P15-46.

Chairman Edge closed the public hearing for Case P15-46.

Commissioner Adams stated before the Board approves the recommendation of the Planning Board, he would ask that the portion in the Planning Board minutes dealing with Harnett County water and sewer be deleted because the petitioners can secure water and sewer from whomever they chose. Commissioner Adams also asked as a matter of record that developers of neighborhoods in this community be encouraged to put in curbs, gutters and sidewalks.

Mr. Lloyd stated the developer in this case proposed installing sidewalks along Elliott Bridge Road but the Department of Transportation requires that the County maintain the sidewalks and the County is not in the sidewalk maintenance business.

MOTION: Commissioner Lancaster moved in Case P15-46 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 Council

DISCUSSION: Commissioner Adams asked Commissioner Lancaster to include in his motion the deletion of water and sewer being provided by Harnett County since his motion stated that the minutes of the Planning Board would be fully incorporated by reference. Chairman Edge stated the Board of Commissioners does not decide who will provide the utilities in this case, this is not first time there has been competition among infrastructure providers and he preferred that the language remain in the minutes. Commissioner Council stated the application to amend or change the zoning map requires the listing of a water and sewer provider and she favored keeping the language in the minutes.

VOTE: PASSED (5-1) (Commissioners Lancaster, Faircloth, Edge, Council and Keefe voted in favor; Commissioner Adams voted in opposition)

MOTION: Commissioner Lancaster moved in Case P15-46 to approve the rezoning for MXD Mixed Use Development / CZ Conditional Zoning as recommended by 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 Keefe

VOTE: PASSED (5-1) (Commissioners Lancaster, Faircloth, Edge, Council and Keefe voted in favor; Commissioner Adams voted in opposition)

Minimum Housing Code Enforcement

The clerk to the board administered an oath to Scott Walters, Code Enforcement Manager.

D. Case Number: MH 887-2014
Property Owner: Mary E. Shipman
Property Location: 7776 Godwin-Falcon Road, Falcon, NC
Parcel Identification Number: 1502-18-9361

**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 887-2014.

Property Owner: Mary E. Shipman
Home Owner: Mary E. Shipman
Property Address: 7776 Godwin Falcon Rd, Falcon, NC
Tax Parcel Identification Number: 1502-18-9361

SYNOPSIS: This property was inspected on 10/21/2014. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 12/1/2014. 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 1/5/2015. 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 9/10/2015, 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 \$72,520.00. The Assessor for Cumberland County has the structure presently valued at \$1,088.00.

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

Mr. Walters stated the unsecured structure is dilapidated and there are two accessory structures located on the property that are in the same condition. Mr. Walters stated the request is for the immediate order for demolition of both the primary and secondary structures.

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 Council

VOTE: UNANIMOUS (6-0)

Other Public Hearings

- E. Public Hearing on the Community Development Program Year 2014 Consolidated Annual Performance and Evaluation Report (CAPER)

BACKGROUND:

The CAPER for the 2014 Program Year (PY2014) is available for public review and comment during the period September 4, 2015 through September 18, 2015. Copies have also been distributed to several locations throughout the County in compliance with our Citizen Participation Plan. The final CAPER is due to HUD by September 28, 2015 and will be available in the County Commissioners' office and at the Community Development office beginning September 29, 2015.

The PY2014 CAPER details program accomplishments and an assessment of Community Developments' efforts in meeting the goals and objectives set forth in its Annual Action Plan for the period July 1, 2014 through June 30, 2015. Performance reporting meets three basic purposes: 1) It provides HUD with necessary information for the Department to meet its statutory requirements to assess each grantee's ability to carry out relevant community development programs in compliance with all applicable rules and regulations; 2) It provides information necessary for HUD's Annual Report to Congress, also statutorily mandated; and 3) It provides grantees an opportunity to describe to citizens their successes in revitalizing deteriorated communities and meeting objectives outlined in their Consolidated Plan. This reporting tool assures that citizens, community groups and other interested stakeholders in the community planning process are accurately informed of the use of these federal funds.

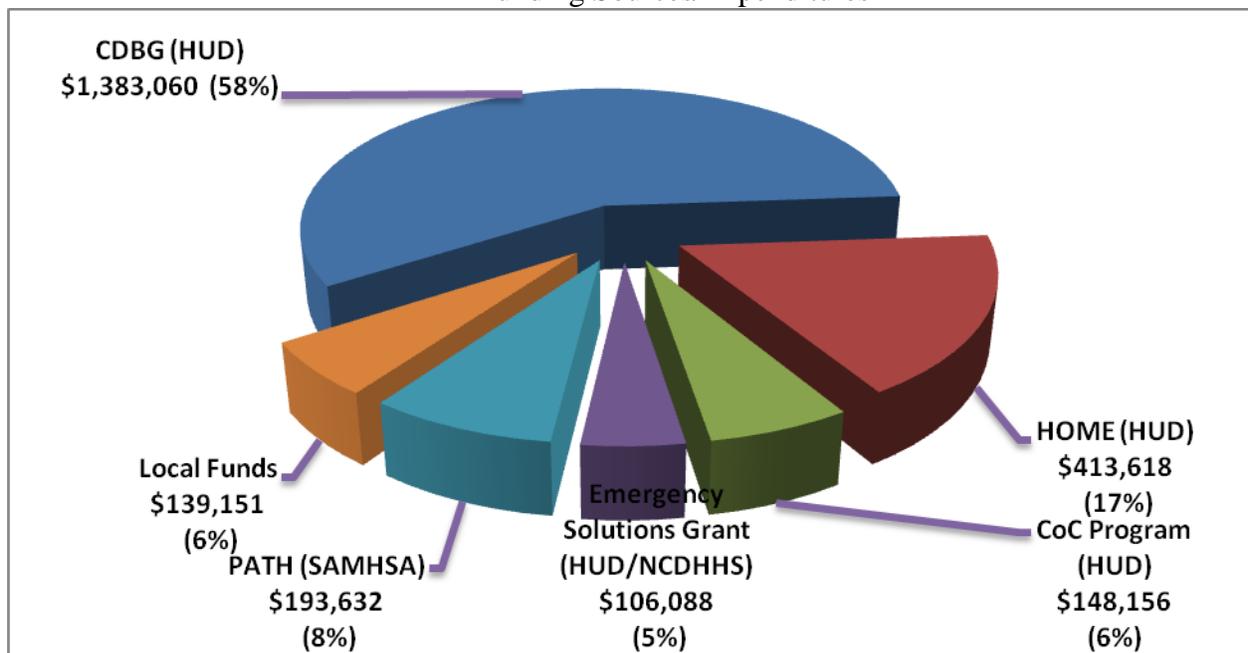
RECOMMENDATION AND PROPOSED ACTION:

1. Receive the presentation on the Consolidated Annual Performance and Evaluation Report (CAPER).
2. Conduct the Public Hearing on the Program Year 2014 CAPER. No other action is necessary.

Ms. Cannon recognized Dee Taylor who provided the following presentation overview of the PY2014 CAPER. Ms. Taylor stated during PY2014 as an urban county entitlement, Cumberland County received \$795,714 in CDBG funds and \$288,096 in HOME funds that were used to provide local housing and other service related activities for low income residents of Cumberland County.

Ms. Taylor stated Cumberland County also received competitive grants funds awarded from HUD through the Continuum of Care Program to provide services to those who are homeless or at risk of being homeless, the Emergency Solutions Grant Program provided by NCDHHS and PATH program.

Funding Sources/Expenditures



Housing Program – Home Repair

Ms. Taylor stated most of Community Development’s entitlement funding goes towards its housing programs and the housing rehabilitation program has been a major program in Community Development every year.

Program	Expended	Beneficiaries
Housing Rehabilitation (Owner-Occupied)	\$696,809	19 homeowners
Emergency Repair (Owner-Occupied)	\$44,979	8 homeowners
Investor-Owner	\$217,110	4 investor-owners 4 low/mod households

Commissioner Adams noted that the 19 homeowners under the housing rehabilitation program averaged about \$36,000 each. Ms. Taylor stated the dollar amount is need-based. Commissioner Keefe inquired regarding the investor-owner program stating it averaged about \$55,000 each and asked what percentage was allowed. Ms. Taylor explained the post-rehabilitation value is considered and stated she would have to consult the policy for the percentage amount. Ms. Cannon asked whether HUD guidelines set the percentage or whether it was set internally. Ms. Taylor stated internal policies set the percentage amount.

Community Housing Development Organizations

Program/ Subrecipient	Expended	Project / Activity
CHDO/ Kingdom Community Development Corp.	\$249,513	Balsawood Subdivision Affordable Housing Development /2 affordable housing units out of 28 are anticipated in the entire project. Chapel Hill Road, Spring Lake

Public Services

Provider	Funded Activities/ Expended	# Assisted	Population Type
Better Health of Cumberland County	Prescription medications and Dental Extractions \$30,000	425 individuals	Low and moderate income
Cumberland County Medication Access Program	Prescription medications \$20,000	5,736 individuals	Low and moderate income
Homeless Services	Used CDBG funds as match for the ESG and CoC programs to assist homeless families and individuals. These activities include shelter operations, homeless prevention, rapid re-housing, transitional housing, and permanent supportive housing. \$36,026		

Homeless Activities – Continuum of Care Homeless Programs

Program	Location	Funds Expended	Beneficiaries
Robin’s Meadow Transitional Housing (12 units)	Candleberry Court / Old Wilmington Road	\$76,209	25 families (homeless individuals)
Safe Homes for New Beginnings Permanent Housing	Cedric Street / Off Bragg Blvd.	\$44,961	6 individuals
Care Center Transitional Housing	Address is confidential	\$15,467	15 families

Homeless Activities - Emergency Solutions Grant Program
Funds Expended: \$106,088

Provider	Funded Activities	Population Type
CARE Family Violence	Shelter Operations	Homeless victims of domestic violence
The Salvation Army	Shelter Operations	Homeless
CEED	Includes rental assistance, security deposits, utility deposits/payments	Homeless and those at-risk of being homeless
CCCD	Homeless Management Information System (HMIS)	All homeless individuals and those at-risk.

Project Homeless Event – May 28, 2015 - Total Served: 182

- Volunteers / Providers conduct intake to determine needs
- Client is connected to services / providers
- Services Includes:
 - Health/Medical Services
 - Housing Information
 - Employment Services
 - Personal Grooming
 - Mental Health Services

Veteran Services
Food

Projects for Assistance to Transition from Homelessness (PATH)

Expended \$193,632 - 201 People Enrolled

- PATH Team reaches out to people who are homeless or at- risk of being homeless; and have a mental illness
- PATH TEAM connects clients to services
- Services include: outreach, housing assistance, referrals to clinical and substance abuse services, and assistance in obtaining benefits (SSI/SSDI) through the SOAR Specialist.

Overall Goals and Accomplishments

- CCCD Expended more than \$2.3M; Served over 6K households
 - Decent Affordable Housing
 - Created Economic Opportunities
 - Suitable Living Environment

Public Comments Welcome

15-Day Public Review Period / September 4– 18, 2015

Document Available at 10 Locations County-wide / Due to HUD by September 28, 2015

Ms. Taylor concluded her presentation and responded to additional questions.

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.

No action was necessary.

ITEMS OF BUSINESS

4. Consideration of Approval of Interlocal Agreement with the City of Fayetteville for Conducting Economic Development Activities

BACKGROUND:

Recorded below is an Interlocal Agreement between the County and the City of Fayetteville for the purpose of continuing the economic development partnership through the creation of a new non-profit corporation. This Interlocal Agreement was previously presented at the Board of Commissioners' September 8th meeting. In response to questions raised at that meeting regarding the composition of the committee charged with creating the non-profit corporation, the committee has been expanded to include the past Chairman of the Board of Commissioners and the Mayor Pro-Tem.

The budget for the new organization is still under development as consideration is being given to space options and which entity, the County or City, will act as the fiscal agent for the new entity. Any contribution for office space or other resources shall be credited to the contributing entity as an in-kind contribution. Although a final budget is not complete, it is clear that the new entity budget will not require the same level of funding as the prior model.

To meet the goal of having a new entity in place by January 1st, 2016, the Interlocal Agreement must be finalized by the end of September. The next action, which is creation of the new board for Economic Development, should take place during the Board of Commissioners' meetings in October.

RECOMMENDATION/PROPOSED ACTION:

Approve the Interlocal Agreement with the City of Fayetteville.

NORTH CAROLINA

INTERLOCAL AGREEMENT BETWEEN
CUMBERLAND COUNTY AND THE CITY
OF FAYETTEVILLE FOR CONDUCTING
ECONOMIC DEVELOPMENT ACTIVITIES

CUMBERLAND COUNTY

Approved by the Cumberland County Board of Commissioners _____

Approved by the Fayetteville City Council _____

This interlocal agreement is made pursuant to Article 20, Chapter 160A of the General Statutes of North Carolina by and between Cumberland County, a body corporate and politic and a political subdivision of the State of North Carolina, and the City of Fayetteville, a municipal corporation existing under the laws of the State of North Carolina.

WITNESSETH:

Whereas, the parties have jointly funded the conduct of economic development activities by the Fayetteville-Cumberland County Chamber of Commerce under a joint program of economic development for a number of years; and

Whereas, the parties desire to continue this partnership for the conduct of economic development activities through a new, non-profit corporation to be jointly created by the parties.

Now therefore, in consideration of the mutual covenants set forth herein, and pursuant to the specific authority granted to them by Article 20, Chapter 160A and Chapter 158 of the General Statutes of North Carolina, the parties agree as follows:

(1) The purpose of this agreement is for the parties to jointly undertake the conduct of economic development activities and services through a new entity organized as a 501(c) non-profit corporation (the "undertaking").

(2) The duration of the agreement shall be for so long as the parties maintain the non-profit corporation for the purpose of conducting economic development activities and services.

(3) The new entity will be a non-profit corporation established under Chapter 55 of the General Statutes of North Carolina with its composition, organization, and nature, together with the powers conferred on it, to be set forth in its by-laws and other organizational documents as generally described in the proposal dated June 1, 2015, attached hereto as Attachment 1. The non-profit corporation shall be created by a committee consisting of the Chairman and past Chairman of the Board of Commissioners, the Mayor and Mayor Pro Tem of the City of Fayetteville, the Cumberland County Manager, the City Manager for the City of Fayetteville and the Chairman of the Board of Directors of the Alliance Foundation with the advice and assistance of the County and City Attorneys. Any costs associated with the creation of the non-profit will be paid by the parties as the committee may agree.

(4) The personnel necessary to the execution of the undertaking shall be employees of the non-profit corporation and it shall be governed by a board of directors appointed in accordance with the proposal dated June 1, 2015, attached hereto as Attachment 1.

(5) The parties will jointly fund the operations of the non-profit corporation equally in a sufficient amount to cover all the costs incurred by it necessary to the execution of the undertaking in accordance with the proposal dated June 1, 2015, attached hereto as Attachment 1, and its annual budget as approved by the parties. Any in-kind contribution for office space or other resources shall be credited to the contributing party at the market value of the contribution and as agreed by the parties.

(6) The non-profit corporation shall not acquire any real property in the execution of the undertaking except with the consent and vote of the governing boards of both parties.

(7) This agreement may be amended at any time by the execution of an amendment approved by the governing boards of both parties.

(8) This agreement may be terminated at the end of any fiscal year by the vote of either governing board with written notice of such termination being given to the other governing board at least sixty days prior to the date of termination.

This interlocal agreement has been approved by the governing board of each party and entered into the minutes of the meeting at which such action was taken as indicated above.

ATTACHMENT I

SUMMARY OF DRAFT PROPOSAL
AS OF JUNE 1, 2015

Organization Structure

- New entity organized as a 501(c) Non-Profit Corporation

Funding

- Cumberland County and City of Fayetteville will share equally in the operating expenses of the Economic Development entity.
- The Alliance Foundation will fund marketing activities through an annual funding agreement with the Economic Development entity.

Board of Directors

- Eight (8) Voting Members
 - Appointed by funding partners with member of appointees determined by percentage of the funding contribution
 - Based upon prior funding percentages:

Cumberland County – 3 Seats

- One Elected Official
- Two other appointments

City of Fayetteville– 3 Seats

- One Elected Official
- Two other appointments

The Alliance Foundation - 2 Seats

- One member of Alliance Foundation Board
- One other appointment

- Three (3) Ex-Officio, Non-Voting Members
 - Cumberland County Manager
 - Fayetteville City Manager
 - President of Fayetteville Technical Community College
- Board Appointment Criteria
 - Knowledge of Business Finance
 - Business Development
 - Infrastructure Development
 - Workforce Development
 - Real Estate Development / Utilities
 - Diverse Group Representative of Community
- Staffing
 - Executive Director
 - Existing Industry Director
 - Recruiting Director
 - Administration / Research Manager
 - Marketing Manager

Under current proposal, current staff would be transitioned to the new Economic Development entity.

Ms. Cannon reviewed the background information and referenced the proposed Interlocal Agreement to continue the cooperative effort conducting economic development activities as recorded above. Ms. Cannon stated in order to meet the goal of having a new entity in place by January 1, 2016, the Interlocal Agreement must be finalized by the end of September. In response to a question posed by Commissioner Keefe, Ms. Cannon stated the City discussed the Interlocal Agreement at a work session on September 8, 2015 with the intent of approving it at the September 28, 2015 meeting.

MOTION: Commissioner Faircloth moved to approve the Interlocal Agreement with the City of Fayetteville.

SECOND: Commissioner Lancaster

DISCUSSION: Commissioner Adams posed questions regarding staffing of the new non-profit organization and referenced his previous request that staffing be subject to the new executive director. Ms. Cannon stated the new staff will be subject to the process that is put in place by the executive director that is chosen by the new board.

AMENDED MOTION: Commissioner Faircloth moved to approve the Interlocal Agreement with the City of Fayetteville and delete the statement in Attachment 1 regarding current staff.

SECOND: Commissioner Lancaster

VOTE ON AMENDED MOTION: UNANIMOUS (6-0)

5. Nominations to Boards and Committees

A. Cumberland County Local Emergency Planning Committee (2 Vacancies)

Commissioner Keefe nominated Kevin Arata and Steve Rogers.

6. Appointments to Boards and Committees

A. Board of Adjustment (1 Vacancy)

Nominee:

Regular Member: Alfonso Ferguson, Sr.

B. Fayetteville Area Convention & Visitors Bureau (2 Vacancies)

Nominees:

Hotels/Motels Over 100 Rooms Representative: Laura Leal

At-Large Representative: Becki D. Kirby

C. Joint Senior Citizens Advisory Commission (3 Vacancies)

Nominees: Carey Berg
Patricia Fairley
Willie Wright

There being an equal number of vacancies and nominees,

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

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

7. Closed Session: A. REMOVED FROM AGENDA

B. Attorney Client Matter(s) Pursuant
To NCGS 143-318.11(a)(3)

C. REMOVED FROM AGENDA

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

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Adams moved to reconvene in open session.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Faircloth moved to accept the proposal of Piedmont Natural Gas to purchase Lot 41 in the Cumberland County Industrial Center for \$125,000 subject to the upset bid process.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Faircloth moved to approve the settlement of a claim with Julius Williams in the amount of \$5,000 for alleged injuries arising out of an alleged fall at the jail on September 30, 2012.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Adams moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 7:55 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board