

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 19, 2016 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING
MINUTES

PRESENT: Commissioner Glenn Adams, Chairman
Commissioner Charles Evans, Vice Chairman
Commissioner Michael Boose
Commissioner Jeannette Council
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Amy Cannon, 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
Joe Utley, Tax Administrator
Kim Cribb, Budget Analyst
Jeffrey Brown, Engineering and Infrastructure Director
Patti Speicher, Planning and Inspections Department
Cecil Combs, Deputy Planning and Inspections Director
Scott Walters, Code Enforcement Manager
Sylvia McLean, Community Development Director
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Chairman Adams called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Council provided the invocation followed by the Pledge of Allegiance to the American flag led by Nia Stanley, third grade student.

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

Chairman Adams recognized the clerk to the board who stated there were no public comment speakers.

Recognition of the Cumberland County Public Library & Information Center receiving three awards from the North Carolina Public Library Directors Association:

- 1) Outstanding Award for Teen Library Program
- 2) Adult Library Programming for “It’s a WRAP” Winter Reading & Activity Program
- 3) Staff Development Program for Calculating the Caldecott

Chairman Adams introduced and provided a brief bio on new Public Library Deputy Director Cotina Jones. Chairman Adams also recognized Kellie Tomita, Marketing and Communications Manager for the Public Library, and Jennifer Hatcher, Public Library Emerging Adult Services Specialist.

Chairman Adams stated the Cumberland County Public Library and Information Center received three awards from the North Carolina Public Library Directors Association. The awards were presented to Library Director Jody Risacher at the annual banquet on December 1, 2016.

Chairman Adams stated the library received outstanding awards for Teen Library Programming with the Vocational Job Fair for teens and young adults, the Adult Library Programming award for “It’s a WRAP!” Winter Reading and Activity

Program and the Staff Development Program honor for “Calculating the Caldecott.”

Chairman Adams stated these awards are the result of library staff’s hard work planning programs that improve serving the evolving needs of Cumberland County residents.

Chairman Adams stated the Vocational Job Fairs help teens and emerging adults with little or no job experience connect with prospective employers, explore potential careers and gain valuable job seeking skills. The events offer résumé review, help with online applications and interview tips and practice.

Chairman Adams stated “It’s a WRAP!”, which stands for the Winter Reading and Activity Program, encourages customers to interact with the library during a traditionally slower time of year. The library had 485 children and 465 adults participate in the inaugural “It’s a WRAP!” Program in 2015-2016. A second program is planned for January 2017.

Chairman Adams stated “Calculating the Caldecott” was a three-part staff training that earned the Staff Development Project Award. The Caldecott Medal is awarded to the artist of the most distinguished American picture book for children published in the U.S. during a given year.

On behalf of the Board of Commissioners, Chairman Adams extended congratulations to the library.

1. Approval of Agenda

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

2. Consent Agenda

- A. Approval of minutes for the December 5, 2016 Special Meeting
- B. 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:

Silver Creek Subdivision: Northbranch Road, Looking Glass Road,
Palmate Court, Sweetflag Court, Matchpoint Court

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.

- C. Approval of Adoption of the Schedules, Standards, and Rules (SOV) for the 2017 Revaluation

BACKGROUND:

N.C. General Statute 105-317(b)(1) requires that uniform schedules of values, standards, and rules be prepared for each revaluation of real property, one for appraising property at market value and one for appraising agricultural, horticultural, and forest land at its present-use value. The Board of Commissioners shall review and approve these values,

standards, and rules before January 1 of the year they are applied. Before final approval, notice must be published and the public must be given an opportunity to comment on the proposed schedules. Once the Board of Commissioners adopt the schedule of values, there is a 30 day appeal period to the North Carolina Property Tax Commission.

Notice was published on November 8, 2016, notifying the public that the Schedule of Values were available for public inspection in the Tax Administrator's office, and also that a Public Hearing concerning the Schedule of Values would be held on November 21, 2016.

The Board held a public hearing on the proposed 2017 Schedule of Values on November 21, 2016. No speakers appeared at the hearing. Further, the statutes require the Board of Commissioners to wait at least seven (7) days after the public hearing before adopting the Schedule of Values.

RECOMMENDATION/PROPOSED ACTION:

- Approve and adopt the proposed Schedules, Standards, and Rules for the 2017 Revaluation (in one motion)

- Approve and adopt the proposed Use-Value Manual for the 2017 Revaluation (separately from the above motion)

- Direct the Tax Administrator to publish, under his name and for the Board of Commissioners, a statement in a newspaper having general circulation in the county stating:
 1. The Schedules, Standards, and Rules and the Use-Value Manual to be used in the 2017 revaluation have been adopted and are open for examination in the Office of the Tax Administrator located in the Cumberland County Courthouse, 117 Dick Street, 5th floor, Room 570.

 2. A property owner who asserts that the Schedules, Standards and Rules or the 2017 Use-Value Manual are invalid may take exception thereto and appeal to the Property Tax Commission within 30 days of the date this notice was first published, December 20, 2016.

- Publish notice on December 20, 2016; December 27, 2016; January 3, 2017; January 10, 2017

- D. Approval of FY2016 Homeland Security Grant (HGSP) MOA# 1604-02 (Pass-Thru Grant for Cumberland County)

BACKGROUND:

Emergency Services has been notified that Cumberland County is eligible for a training grant through the 2016 Homeland Security Grant Program (HSGP) in the amount of \$34,000. In years past when funding was more prevalent, these monies were distributed evenly to counties so that training and exercises could be provided in their respective jurisdictions. In recent years however, the fund is less than it was previously and counties have turned back the money to the State for management of the training program. North Carolina Emergency Management (NCEM) has asked that the County turn this money back to NCEM to manage and provide statewide training courses, and in return the State will be responsible for managing the funds, scheduling classes, paying instructors and other related administrative functions which relieves local EM agencies from these burdens and allows for more classes to be offered across the state.

RECOMMENDATION/PROPOSED ACTION:

Staff recommends approval of a motion to turn back the 2016 HSGP award of \$34,000 returning it to the State of North Carolina, Department of Public Safety, Division of Emergency Management, who will provide training for Cumberland County's employees to attend.

- E. Approval of Extension of J.P. Riddle Stadium Lease to Hometown Sports America, Inc.

BACKGROUND:

The Board adopted the required resolution of intent at its August 15, 2016 meeting. Pursuant to G.S. 160A-272, the notice of intent was advertised in the *Fayetteville Observer* August 19, 2016. The publisher’s affidavit has been provided. Staff has also verified that the adoption of the following resolution will authorize the chairman to execute the lease.

RECOMMENDATION/PROPOSED ACTION:

Adopt the following resolution:

The Cumberland County Board of Commissioners finds:

The real property located at 2823 Legion Road will not be needed for government purposes for the term proposed for the lease of the property to Hometown Sports America, Inc.;

The Board adopted a resolution of intent to lease the property described herein at its regular meeting held August 15, 2016; and

The notice of intent to lease the property was advertised in the *Fayetteville Observer* on August 19, 2016.

BE IT THEREFORE RESOLVED that the chairman is authorized to execute a lease to Hometown Sports America, Inc., for that property consisting of J.P. Riddle Stadium, all associated parking, and related facilities located at 2823 Legion Road, Fayetteville, NC, for up to four years, in one year consecutive terms, commencing July 1, 2016, at an annual rental rate of Twelve Thousand Dollars (\$12,000).

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

LEASE AGREEMENT
FOR J. P. RIDDLE STADIUM

Notice of Intent advertised in Fayetteville Observer on August 19, 2016
Approved by Board of Commissioners on December 19, 2016

THIS LEASE AGREEMENT is made and entered into this ____ day of _____, 2016, by and between Hometown Sports America, Inc., (hereinafter referred to as "the Club"), and Cumberland County, North Carolina, (hereinafter referred to as "the County").

WITNESSETH:

WHEREAS, the County has leased the county-owned baseball stadium facility known as “J. P. Riddle Stadium” (the “Stadium”) to the Club for over ten years for the Club’s use as a home field for an amateur baseball club playing in the Coastal Plains League (the "CPL"); and

WHEREAS, it is the desire of the County and the Club to provide the citizens of Cumberland County the opportunity to attend CPL collegiate summer baseball games played at the Stadium; and

WHEREAS, the Club desires to continue to lease the Stadium and use it as its home field for CPL games.

NOW, THEREFORE, for and in consideration of the following terms and conditions, the County and the Club agree as follows:

1. Lease. The County hereby leases to, and the Club leases from the County, that certain County facility known as J.P. Riddle Stadium, including all associated parking and related facilities, for the Club’s use as a home field for playing amateur baseball in the

CPL.

2. Term. The lease shall become effective upon execution by the County and the Club. The initial term of the lease shall commence on January 1, 2017 and shall terminate on December 31, 2017. At the Club's option, it may extend this lease under the same terms for up to three (3) additional years in one year consecutive terms. The Club must notify the County of its intent to exercise this option by written notice given to the County at least 90 days prior to the conclusion of each yearly term of this lease.

3. Staffing. The Club shall, at its sole expense, be responsible for staffing of all Stadium, parking lot, field and related facility positions for Club events and Club-sponsored events.

4. Working Condition. The County shall maintain all mechanical and electrical systems including, but not limited to, field lighting, scoreboard, PA system and plumbing, in good working order.

5. Utilities. The County shall pay utility costs for the facility to include, electric, water and sewer. This shall include the utility charges for field and parking lot lighting, and water for irrigation purposes. The County shall also pay for telephone service for the clubhouse and office. The Club shall pay, in reimbursement of these utility and telephone costs, a flat sum of sum of One Hundred Fifty Dollars (\$150.00) per game during the Club's playing season and for any Club-sponsored event at which baseball games are played, and Two Hundred Fifty Dollars (\$250.00) a month for each month no games are played during the off season.

6. Club-Sponsored Events. The club shall have the right to schedule up to twenty non-CPL events at the Stadium, including but not limited to other college baseball games, college conference tournaments, and regional / national youth baseball tournaments. Scheduling of all such events shall be coordinated with the County Manager or his designee so as not to conflict with any County-sponsored events.

7. County-Sponsored Events. The County shall have the right to sponsor recreation and similar events at the Stadium so long as the same do not conflict with Club events or games, and upon consent of the Club, which shall not unreasonably be withheld.

8. Advertising. The Club shall have the exclusive right to lease advertising media at the Stadium during the term of this lease and to the revenues derived therefrom. All such advertising media shall either be existing advertising media or shall be approved by the County Manager or his designee prior to installation, which approval shall not unreasonably be withheld. The Club shall have exclusive radio and television broadcast rights and privileges for all Club games and Club-sponsored events and to all revenues derived therefrom.

9. Concessions and Concessions Facilities. The Club shall have exclusive rights to operate the concessions and to the revenue derived therefrom including, but not limited to, food, candy, soft drinks, beer, and novelty sales for all Club and Club-sponsored events at the Stadium. The Club shall have the right of first refusal to operate concessions for all non-Club events, including County-sponsored events. The Club shall also provide or cause to be provided staffing for the concessions, all necessary and appropriate permits and licenses, and concession products and/or inventory. The club shall keep or cause to be kept the concession facilities in such condition as to maintain an "A" grade sanitation rating from the Cumberland County Health Department.

10. Use of Office, Storage & Locker Rooms. The Club shall have exclusive use of the offices and designated storages area(s) at all times, and exclusive use of the locker rooms from May 15th through August 30th. The County shall continue to have the right to store its equipment associated with performing its maintenance responsibilities under this Lease at the Stadium.

11. Insurance. During the term of this lease, the Club shall obtain and keep in force all insurance in such amounts, with such deductibles, and with only such exemptions and

exclusions, as the County's Risk Manager shall reasonably require from time to time. Such coverages shall have a minimum of \$1 million liability limit per occurrence for all property damage and bodily injury and provide for a minimum of \$1 million excess liability or same in a commercial umbrella policy. The County shall be listed as additional named insured on all such policies. The Club shall provide certificates of insurance to the County's Risk Manager with such frequency as to demonstrate that the insurance coverage required hereunder is continuously in effect and shall not have lapsed. All such insurance policies shall require that the County Risk Manager be given at least thirty (30) days written notice prior to the termination or cancellation of any such policy.

12. Sub-leasing. Any sub-lease of the Stadium shall require prior written approval of the County Manager or his designee. This Lease shall not be assigned without the prior written approval of the County Board of Commissioners.

13. Maintenance.

(a) The County shall perform all regular maintenance including, but not limited to, regular mowing, edging, and fertilizing of playing surface, security, parking lot, and post-game ballpark clean-up. The County also shall maintain all electrical and mechanical systems for the field lighting, PA system, scoreboard and plumbing. The County shall provide and maintain the stadium's location/identification sign in the parking lot to include lights. The County shall further maintain the backstops, dugouts, foul poles, and outfield fence. The County shall also maintain all structures and/or buildings, to include the clubhouse, public restrooms, concession buildings, press box, ticket booth, bleachers and box seats.

(b) The Club shall be responsible for dragging and lining the field for CPL games and any other baseball games sponsored by the Club, and clean-up of concessions and locker areas. The Club shall provide or cause to be provided staffing for all Club events, to include the stadium, parking lot attendants and security, crowd security, and field and related facility positions. The Club shall maintain the HVAC system for the Club office as well as provide janitorial service for it. The Club shall further provide and maintain a field tarp and batter's cage. The Club shall maintain the batters'/pitchers' tunnel. The Club shall provide and maintain or cause to be maintained, serviced and repaired its concession equipment, to include cookers/grills, coolers/freezers, drink dispensers, and any appropriate miscellaneous food or beverage handling equipment or storage. The Club shall also be responsible for maintaining and keeping in good repair any signage which it may employ for advertising and/or marketing purposes.

14. Scheduling. The Club shall submit a schedule to the County Manager or his designee no later than February 15th of each year. No CPL game shall be re-scheduled so as to conflict with another scheduled use of the Stadium without express prior written permission of the County Manager or his designee.

15. Rent. The Club shall pay to the County a combined rent and consideration for the concession rights granted to the Club for CPL games in the total amount of Twelve Thousand Dollars (\$12,000) with half to be due on July 1 and August 1 of each lease year. In addition, the Club shall pay the County seven percent (7%) of the gross revenues derived from concessions at non-CPL events, to be due monthly in arrears not later than the tenth day of each month for all such non-CPL event concession sales in the preceding month. A late payment fee of five percent (5%) shall be due and included in any payments due under this Lease and which are not received by the County by the fifteenth calendar day after it is due.

16. Notice. Any notice required or permitted hereunder shall be effective if hand delivered, or mailed certified mail, return receipt requested, to the County at: Cumberland County, Attention: County Manager, P.O. Box 1829, Fayetteville, N.C. 28302, and to the Club at: Attention: President, Hometown Sports America, Inc. C/O Fayetteville Swampdogs, P.O. Box 64691, Fayetteville, NC 28306. Either party may change the address for notification hereunder by a notice delivered to the other party in compliance with this section.

17. Entire Agreement. This lease agreement contains and represents the entire agreement between the County and the Club, and may not be altered, amended, modified or

revised except in a writing signed by the parties.

IN WITNESS WHEREOF, the parties do execute this Lease as of the date first above written and affix their respective seals hereto by their authorized representatives, pursuant to authority duly given, and as their respective official act, intending so to be bound.

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

- 1) Case Number: MH 1370-2016
Property Owner: Thomas Wyatte McKinney
Property Location: 3602 & 3638 McBryde Street, Linden, NC
Parcel Identification Number: 0563-62-1634

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 1370-2016
PROPERTY OWNER: Thomas Wyatte McKinney, Jr.

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on May 16, 2016, enacted an ordinance directing the demolition by the owner of the structure, Thomas Wyatte McKinney, Jr., located at 3602 & 3638 McBryde Street, Linden, NC, PIN: 0563-62-1634, said ordinance being recorded in Book 9866, page 0518, 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 \$5,900.00.
- (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 \$5,900.00, 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 May 16, 2016, 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 3602 & 3638 McBryde Street, Linden, NC, as described in Deed Book 5317, page 739, of the Cumberland County Registry and identified in County tax records as PIN 0563-62-1634.

(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 1368-2016
Property Owner: John H. Pennie
Property Location: 476 Slocumb Road, Fayetteville, NC
Parcel Identification Number: 0542-51-3084

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 1368-2016
PROPERTY OWNER: John H. Pennie

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on April 18, 2016, enacted an ordinance directing the demolition by the owner of the structure, John H. Pennie, located at 476 Slocumb Road, Fayetteville, NC, PIN: 0542-51-3084, said ordinance being recorded in Book 9851, page 0791, 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 \$3,400.00.
- (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 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 \$3,400.00, 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 April 18, 2016, 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 476 Slocumb Road, Fayetteville, NC, as described in Deed Book 6687, page 0314, of the Cumberland County Registry and identified in County tax records as PIN 0542-51-3084.

(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 609-2014
Property Owner: Santos R. Arroyo
Property Location: 119 Trailwood Drive, Fayetteville, NC
Parcel Identification Number: 0436-01-5464

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 609-2014
PROPERTY OWNER: Santos R. Arroyo

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on October 20, 2014, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Santos R. Arroyo located at 119 Trailwood Drive, Fayetteville, NC, PIN: 0436-01-5464, said ordinance being recorded in Book 9536, page 0560, 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 \$2,950.00.
- (3) There were no salable materials resulting from said work.

NOW THEREFORE, the above report coming on to be considered and the Board of County Commissioners finding it to be a true and accurate accounting, the said Board hereby ORDAINS:

- (1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$2,950.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

- (2) That as provided in the Ordinance of Cumberland County dated October 20, 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 119 Trailwood Drive, Fayetteville, NC, as described in Deed Book 8630, page 0502, of the Cumberland County Registry and identified in County tax records as PIN 0436-01-5464.

- (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 1389-2016
Property Owner: Peggy Jones & Harry Hales
Property Location: 5025 Cumberland Drive, Fayetteville, NC
Parcel Identification Number: 0405-85-2535

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 1389-2016
PROPERTY OWNER: Peggy Jones & Harry Hales

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 15, 2016, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Peggy Jones & Harry Hales located at 5025 Cumberland Road, Fayetteville, NC, PIN: 0405-85-2535, said ordinance being recorded in Book 9929, page 216, 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 \$3,400.00.
- (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 \$3,400.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated August 15, 2016, 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 5025 Cumberland Road Fayetteville, NC, as described in Deed Book 0641, page 0108, of the Cumberland County Registry and identified in County tax records as PIN 0405-85-2535.

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

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

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

1) Temporary Part-Time Position at Animal Control

BACKGROUND:

The Animal Control Department needs a temporary part-time position in their administrative office that will help with the transition of a replacement Administrative Program Officer I due to a forthcoming retirement. Dr. John Lauby, DVM, Animal Control Director, wishes to create a 19 hour a week position that will allow the retiring employee to come back on a temporary basis to train her replacement.

The current Administrative Officer performs a wide array of duties such as HR/Payroll, contract review, fees and fines, software administration, and fielding complaints and concerns from the public. This retiree's extensive experience, skills and qualifications will be hard to replace, and we believe it is in the best interest of the department and county to allow her to work on a part-time basis until a new hire is trained.

The funding for this position would be taken from lapsed salaries within the Animal Control Department and is proposed to last until the end of FY17. If approved, the temporary/part-time position would become effective on Monday, February, 6, 2017. This item was reviewed by the Finance Committee at its December 1st meeting and was approved to be considered by the full Board of Commissioners.

RECOMMENDATION/PROPOSED ACTION:

Staff recommends approval of a temporary part-time Administrative Program Officer I position at Animal Control to be funded from February 6, 2017 through June 30, 2017.

2) Change Order for the Haul Road Contract at the Ann Street Landfill

BACKGROUND:

At the November 2nd Board of Commissioners Meeting, the Board approved to award a contract in the amount of \$346,293.75 to Bentley Development Company, Inc. for the construction of a new haul road for the Subtitle D landfill as well as Budget Ordinance Amendment B170037 in the amount out \$363,694. The budget amendment included a 5% contingency.

During construction, it was determined by Bentley Development Company, Inc. that the estimated depth of existing intermediate soil cover by the consulting engineer was underestimated. Therefore, additional intermediate soil cover needs to be purchased and placed by the contractor. The contractor's surveyor has determined that an additional 1,533 cubic yards of soil material is needed for intermediate cover. The contract is a unit price contract so a price for furnishing and installing the intermediate cover has already been established. This cost is \$36/cubic yard which results in an increase of \$55,188 for this line item.

Please keep in mind that regardless of the contractor selected for the project, they too would be facing the same scenario of having to provide more soil material for intermediate cover. Furthermore, because there was less intermediate cover than initially estimated, this meant there was more waste that had to be excavated and disposed of at the working face. The unit price cost of disposing of the excess waste is \$4.75/cubic yard. An additional 2,098 cubic yards of waste had to be moved, resulting in an increased cost of \$9,965.50.

In addition, the water truck owned by the County that is utilized for dust control broke down last week. Bentley Development Company, Inc. has a water truck on-site and has agreed to let the County utilize their truck for the price of \$700. This is significantly less than the County can lease a water truck from Gregory Poole.

Therefore, the Finance Committee was asked to approve the change orders in the amount of \$65,853.50 for the additional soil material needed for intermediate cover and the use of the contractor's water truck until such time the County's truck is repaired and the necessary budget ordinance amendment. In addition, the Finance Committee was asked to authorize the County Manager to approve the change orders and necessary budget

amendment to prevent any delays in the construction of the new haul road. This was presented to and approved by the Finance Committee on December 1st. Therefore, the Board of Commissioners need to retroactively approve the contract and the budget amendment.

RECOMMENDATION/PROPOSED ACTION:

The Engineering & Infrastructure Director, County Management and the Finance Committee recommend that the Board of Commissioners approve the following recommendations.

1. Approve a change order for the existing contract with Bentley Development Company in the amount of \$65,853.50 for the additional soil material needed for intermediate cover, the additional waste that had to be moved and the use of their water truck until such time the County's water truck is repaired.
2. Approve Budget Ordinance Amendment B171034 in the amount of \$65,854 for the Haul Road improvement project.

Please note this amendment requires the use of Solid Waste fund balance.

- H. Approval of the Cumberland County Policy Committee Report and Recommendation on the Interlocal Agreement with the Town of Eastover for Minimum Housing Ordinance Enforcement

BACKGROUND:

To more fully assist the Town of Eastover, the Planning & Inspections Department is seeking to create and adopt an interlocal agreement allowing the county to provide Minimum Housing Ordinance enforcement services for the town. The proposed interlocal agreement (attached) was prepared by the County Attorney and is included in your packet for consideration. This item was reviewed and approved to move on to the full Board of Commissioners for further consideration at the December 1, 2016 Policy Committee Meeting. Attached are the minutes from that meeting with an excerpt concerning this specific item.

RECOMMENDATION/PROPOSED ACTION:

Staff recommends the Board of Commissioner's approve an interlocal agreement between Cumberland County and the Town of Eastover for the provision of Minimum Housing Ordinance enforcement.

NORTH CAROLINA

AGREEMENT FOR INTERLOCAL UNDERTAKING
TO ENFORCE THE MINIMUM HOUSING CODE

CUMBERLAND COUNTY

THIS AGREEMENT, is made and entered into by and between the TOWN OF EASTOVER, a municipality duly incorporated under the laws of North Carolina (hereinafter referred to as TOWN), and CUMBERLAND COUNTY, a body politic and corporate of the State of North Carolina (hereinafter referred to as COUNTY);

WITNESSETH:

WHEREAS, pursuant to N.C.G.S. § 160A-441, COUNTY adopted a Minimum Housing Code codified as Chapter 4, Article IV of the *Cumberland County Code*; and

WHEREAS, COUNTY enforces its Minimum Housing Code through designated inspectors in its Department of Planning and Inspections; and

WHEREAS, by Resolution 2016-05 adopted July 12, 2016, TOWN'S governing board approved the application of COUNTY'S Minimum Housing Code within TOWN'S corporate limits pursuant to N.C.G.S. § 160A-441; and

WHEREAS, TOWN desires that COUNTY'S Minimum Housing Code be enforced within TOWN'S corporate limits by COUNTY to the extent that COUNTY and COUNTY'S

Board of Commissioners shall be acting in the stead of TOWN and TOWN'S governing board for all purposes related to enforcement of COUNTY'S Minimum Housing Code within TOWN'S corporate limits; and

WHEREAS, the governing boards of TOWN and COUNTY have by resolutions ratified the provisions of this Agreement for Interlocal Undertaking pursuant to North Carolina General Statutes, Chapter 160A, Article 20, Part I, for the purpose of providing for the enforcement of COUNTY'S Minimum Housing Code within TOWN'S corporate limits.

NOW THEREFORE, for and in consideration of the mutual covenants herein contained and of the mutual benefits to result therefrom, the parties hereby agree as follow:

1. PURPOSE: The purpose of this Agreement is to establish an interlocal undertaking, as provided in N.C.G.S. § 160A-460, *et seq.*, whereby COUNTY shall enforce COUNTY'S Minimum Housing Code within TOWN'S corporate limits to the same extent as COUNTY'S Minimum Housing Code applies in COUNTY'S jurisdiction outside of TOWN'S corporate limits.

2. DURATION: This Agreement shall commence on the last date it is approved by either COUNTY'S or TOWN'S governing board and shall endure so long as the parties hereto exist and have the power to make and maintain such an agreement, unless sooner terminated as hereinafter provided; provided that this Agreement shall not extend beyond 99 years.

3. NO JOINT AGENCY: This agreement shall not create a joint agency between COUNTY and TOWN and COUNTY shall at all times enforce its Minimum Housing Code within TOWN'S corporate limits in such manner as COUNTY'S Board of Commissioners deems prudent and within the constraint of funds budgeted for this purpose.

4. PERSONNEL: All personnel necessary to implement, administer and enforce COUNTY'S Minimum Housing Code within TOWN'S corporate limits shall be those employees of the COUNTY designated by COUNTY for that purpose.

5. COUNTY'S RESPONSIBILITIES FOR FINANCING THE UNDERTAKING: All costs of enforcing COUNTY'S Minimum Housing Code within TOWN'S corporate limits shall be borne by COUNTY and TOWN shall not be required to allocate any funds to COUNTY for these costs. Costs shall include, but are not limited to, the following:

- a. The personnel cost for any inspectors or other COUNTY employees related to enforcement actions.
- b. The personnel cost associated with the provision of legal services to determine the ownership of any real or personal property for which enforcement is sought, to provide legal advice to any inspectors or other COUNTY officials related to enforcement actions and to defend any appeal of an inspector's decision to the courts.
- c. All costs associated with service of process for any enforcement action.
- d. The costs of demolition and disposal of demolition debris.

6. TOWN'S RESPONSIBILITIES FOR FINANCING THE UNDERTAKING: TOWN shall be solely liable and responsible for all costs associated with any claim made or lawsuit filed against COUNTY or any of its officials or employees arising out of, occasioned by or incident to the alleged or actual actions, omissions, negligence or constitutional violations by any of COUNTY'S employees or officials. Such costs shall include, but are not limited to, the following:

- a. Attorneys' fees and any other litigation costs incurred for representation of COUNTY or any of its employees or officials.
- b. Negotiated settlements of any claims made or lawsuits filed against COUNTY or any of its employees or officials.
- c. Judgments rendered against COUNTY or any of its employees or officials.

7. REAL PROPERTY: This Agreement does not require the purchase, acquisition, or disposition of real property by either party.

8. AMENDMENT: This Agreement may be amended at any time by mutual agreement between the parties in writing and duly ratified by their respective governing boards in conformance with N.C.G.S. § 160A-461.

9. TERMINATION: This Agreement may be terminated by either party at the end of any fiscal year on June 30 by the governing board of the party wishing to terminate giving written notice to the other governing board no less than 90 days in advance of the termination. Any enforcement actions pending at the time of termination shall become the sole responsibility of TOWN.

THEREFORE, the parties have set their hands and seals pursuant to action of their respective governing boards taken on the date indicated for each.

I. Approval of Budget Revisions:

General Fund 101

- 1) Public Health - Budget Ordinance Amendment B170110 to increase salary and benefits in the amount of \$4,583

The Board is requested to approve Budget Ordinance Amendment B170110 in the amount of \$4,583. The Public Health Director has requested position 118001809 be reclassified from a Public Health Nurse I to a Public Health Nurse II. This position is in the Adult Health Clinic and has assumed responsibilities of the Wisewoman Coordinator. This increase will be funded by through the NC Wisewoman funding.

Please note this amendment requires no additional county funds.

- 2) Sheriff's Department - Budget Ordinance Amendment B170117 to increase salaries by \$70,000 for career development increases

The Board is requested to approve Budget Ordinance Amendment B170117 in the amount of \$70,000. Deputies and Detention Officers are eligible for 5% career development increases at specified intervals based on the Sheriff's Office salary plan. These funds were included in the adopted Budget in the Re-certifications Pay/Benefits line, but need to be transferred to the Salaries-Wages Regular line from which they will be paid.

Please note this amendment requires no additional county funds.

- 3) Department of Social Services - Budget Ordinance Amendment B170152 to recognize grant funds of \$7,500 from the Casey Foundation

The Board is requested to approve Budget Ordinance Amendment B170152 in the amount of \$7,500 for grant funds awarded by the Casey Foundation. This grant is to be used for permanency planning for children in foster care.

Please note this amendment requires no additional county funds.

- 4) Administration - Budget Ordinance Amendment B170141 for \$40,864 to increase salaries in multiple departments

The Board is requested to approve Budget Ordinance Amendment B170141 in the amount of \$40,864 to cover the county wide impact of salary adjustments related to Fair Labor Standards Act changes, which were processed before the announced delay in implementation. These changes were presented to the Finance Committee on November 4, 2016.

Please note this amendment requires no additional county funds.

Workforce Investment Opportunities Act Fund 255

- 5) Workforce Investment Opportunities Act Adults - Budget Ordinance Amendment B170124 to recognize grant funds in the amount of \$700,000 from NC Department of Commerce Division of Workforce Solutions

The Board is requested to approve Budget Ordinance Amendment B170124 in the amount of \$700,000 from the NC Department of Commerce Division of Workforce Solutions for the Dislocated Worker National Emergency Grant. The grant will be used for training and work experience for Hurricane Matthew related displaced workers.

Please note this amendment requires no additional county funds.

- 6) Workforce Investment Opportunities Act Adults - Budget Ordinance Amendment B170128 to recognize grant funds in the amount of \$295,400 from NC Department of Commerce Division of Workforce Solutions

The Board is requested to approve Budget Ordinance Amendment B170128 in the amount of \$295,000 from the NC Department of Commerce Division of Workforce Solutions National Emergency Grant for dislocated workers. This grant will be used to implement a Certified Career Pathways training program.

Please note this amendment requires no additional county funds.

Crown Center Fund 600

- 7) Crown- Budget Ordinance Amendment B170354 to increase Capital Outlay and Contingency Operating by \$87,253 for elevator repairs

The Board is requested to approve Budget Ordinance Amendment B170354 in the amount of \$87,253 for required elevator repairs. The elevator is currently inoperable. The budget revision includes a 10% contingency amount.

Please note this amendment requires the use of Crown Center fund balance.

REGARDING THE FOLLOWING ITEM 8 PLEASE NOTE:

Each fiscal year County departments may have projects that are not complete by the fiscal year end (6/30/16) or items ordered that have not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2016 budget however the money was not spent by June 30, 2016. The following amendments seek to bring those funds forward from FY 2016 into the current fiscal year, allowing departments to complete and pay for these items. These revisions are not using 'new' funds, but are recognizing the use of FY16 funds in FY17.

General Fund 101

- 8) Department of Social Services - Budget Ordinance Amendment B170232 to appropriate FY16 fund balance in the amount of \$2,240 to increase the Family to Family expense line

The Board is requested to approve Budget Ordinance Amendment B170232 in the amount of \$2,240 to appropriate FY16 fund balance. These funds were received from the Casey Foundation for the first half of calendar year 2016 and will be used for permanency planning for children in foster care.

Please note this amendment requires a re-appropriation of FY16 fund balance to the current year.

MOTION: Commissioner Lancaster moved to approve consent agenda items 2.A. –2.I.8)
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (7-0)

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 P16-44 or Case P16-49 at the Planning Board meeting and the Planning Board recommended approval of Case P16-44 and Case P16-49.

- A. Case P16-44: Rezoning of 1.85+/- acres from C1(P) Planned Local Business to C(P) Planned Commercial, or to a more restrictive zoning district, located at 124 Baywood Road, submitted by Jing Mester on behalf of Baywood Properties, LLC (owners).

Staff Recommendation:

1st motion for Case P16-44: 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 P16-44: Move to approve the rezoning for C(P) Planned Commercial (Staff recommended denial of C(P), approval of C2(P)) 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 Adams opened the public hearing for Case P16-44.

The clerk to the board advised there were no speakers for Case P16-44.

Chairman Adams closed the public hearing for Case P16-44.

MOTION: Commissioner Lancaster moved in Case P16-44 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 Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Lancaster moved in Case P16-44 to deny the request for rezoning to C(P) and to approve the rezoning to C2(P) as recommended by the Planning Staff for the reasons shown 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 (7-0)

- B. Case P16-49: Rezoning of 4.33+/- acres from A1 Agricultural to C(P) Planned Commercial/CZ Conditional Zoning for wholesale sales, or to a more restrictive zoning district, located at 8015 Maxwell Road, submitted by Holden Family Investments, LLC (owner) and Thomas Neville (agent).

Staff Recommendation:

1st motion for Case P16-49: 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 P16-49: Move to approve the rezoning for C(P) Planned Commercial/CZ Conditional Zoning for wholesale sales 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 Adams opened the public hearing for Case P16-49.

The clerk to the board advised there were no speakers for Case P16-49.

Chairman Adams closed the public hearing for Case P16-49.

MOTION: Commissioner Boose moved in Case P16-49 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 (7-0)

MOTION: Commissioner Boose moved in Case P16-49 to approve the rezoning for C(P) Planned Commercial/CZ Conditional Zoning for wholesale sales 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 (7-0)

Contested Cases

- C. Case P16-47: Rezoning of 75.00+/- acres from A1 Agricultural & R40 Residential to R20 Residential, or to a more restrictive zoning district, located at 2787 Thrower Road, submitted by Vance U. Tyson on behalf of Asby Holdings, LLC (owner) and Crawford McKethan (agent).

Planning Board Recommendation:

1st motion for Case P16-47: Move that even though the request may be consistent with the 2030 Land Use Plan, it was not reasonable because it was not consistent with the recently adopted South Central Plan, which minutes are to be fully incorporated herein by reference.

2nd motion for Case P16-47: Move to deny the request for R20 zoning and approve R30 zoning 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 Planning Board recommendation.

Mr. Lloyd showed vicinity maps and aerial views of the subject property in Case P16-47 and provided overviews of the current land uses, current zonings, and surrounding land uses and zonings. Mr. Lloyd stated the RR north of Thrower Road was rezoned in 1986 and the RR to the south was initially zoned in 1980, so the potential for the density being requested has existed since 1980. Mr. Lloyd stated there are no hydric soils on the property and water is proposed to be brought down Cypress Lake Road to serve the property and then down Thrower Road east to Hwy. 87. Mr. Lloyd stated it may be incumbent to develop an overall long range plan, work with PWC and take the waterline over to Hwy. 87 because six inch lines cannot continue to be extended when there is need for a water system. Mr. Lloyd stated two schools may be served by the water and staff with the school system indicated they were interested in having water at the two schools. Mr. Lloyd stated projects like this and a pending case will aid the extension of water to the schools. Mr. Lloyd responded to questions regarding RR, R20 and R30 zoning and further explained development in the area since the 1980s. Mr. Lloyd stated the area is not really rural and planning staff and the Planning Board concurred that it is a good idea to extend water to the area. In response to questions posed by Commissioner Keefe, Mr. Lloyd stated erosion control and sedimentation plans are addressed and approved by the Department of Environmental Quality and not County engineering staff, and plans for the lots and septic will come at the time the plat is submitted.

Chairman Adams opened the public hearing for Case P16-47.

The clerk to the board called the following speakers for Case P16-47:

Neil Yarborough – Mr. Yarborough appeared in favor representing the property owners, provided an overview of development in the area and stated the owners maintain this is a continuation of the Cypress Lakes development scheme. Mr. Yarborough stated key points are that greater density will make development feasible with public water and on-site retention ponds; water will be extended to the property and engineered and built to serve additional portions of Gray's Creek; and public schools in the area, which are currently on well water, may be able one day to receive public water. Mr. Yarborough stated key points to consider are the provision of public water to this site will not cause it to be annexed into the City; although this public water will be accessible to area residents currently on well water, there will be no requirement for them to tap in; the property has extensive road frontage on the north side of Thrower Road and some limited access to the south of Thrower Road; and it is conveniently located near major roads like four-lane Hwy. 87 and via Cypress Lakes Road back to I-95. Mr. Yarborough stated the rezoning is consistent with the 2030 Land Use Plan and details of the project cannot be addressed until subdivision approval, engineering design, and individual building permits are approved. Mr. Yarborough displayed correspondence from Cumberland County Schools supporting the project by PWC to serve the area. Mr. Yarborough stated the request is for R20 zoning.

Larry King – Mr. King of Larry King Associates appeared in favor and stated when Cumberland County adopted Phase II water regulations, it required two lots per acre or 24% less impervious area to be a low density stormwater area. Mr. King stated this development project meets the regulations for a low density subdivision and will build a stormwater pond

to ensure neighborhood and adjoining properties do not have any problems with drainage. Mr. King stated the amount of drainage leaving the site after streets and houses are built will be the same or less than currently exists.

Sarah Johnson – Ms. Johnson appeared in opposition and expressed concern that R30 zoning was not in keeping with the surrounding community's character, that other homes in areas zoned RR and R40 were on several acre lots, people in Gray's Creek like living in the country as is encouraged in the South Central Plan which designates the area as farmland, residents strongly prefer two-acre lots under A1, less than one-acre lots would set a precedent and change the character of the Gray's Creek neighborhood and there are already residentially zoned areas with available lots for buyers that desire a small lot size. Ms. Johnson stated residents of the area are asking Commissioners to follow the recommendations of the South Central Plan which would keep the lot size to a minimum of two acres, preserve the rural character of the area and offer an option to buyers that might prefer a larger space for homes. Ms. Johnson asked Commissioners to consider all projects being proposed for the area in order to prevent haphazard development.

Lynne Williams – Ms. Williams appeared in opposition and expressed concern about increased traffic on Thrower Road, the location for entrance into the development, appearance as it relates to natural buffers and sidewalks, potential for flooding, an existing historical structure, potential overcrowding in area schools, bringing public water to the area for the sole purpose of development when a past referendum was voted down and PWC sludge dumped on the land that will be developed. Ms. Williams asked why the South Central Plan is not going to be followed.

David Lambert – Mr. Lambert appeared in opposition and stated his concerns had already been addressed.

Roger Hobson – Mr. Hobson appeared in opposition and stated residents are not satisfied with R30 and asked Commissioners to go to R40 with one acre per lot. Mr. Hobson stated he owns 3.86 acres on [Appian Way](#) and in 1995, two acres were required to build because of septic tank and water.

Cynthia Kennedy – Ms. Kennedy appeared in opposition and expressed concern for flooding, development being the number one cause of flooding, overcrowded conditions at Gray's Creek High School and additional septic tank capacity in the event of flooding.

James Bill – Mr. Bill appeared in opposition and expressed concern that three quarter acre lots do not allow for garages or other outside structures, swimming pools or the planting of trees due to septic and drainage fields.

Matthew Bennett – Mr. Bennett appeared in opposition and stated unless a golf course is installed and the same amenities and lifestyle provided, the area should not be compared to the Cypress Lakes community.

Mr. Yarborough appeared in rebuttal and stated R40 will not work financially and will not address concerns that have been raised such as retention ponds and water expansion. Mr. Yarborough stated the project will be further designed to make sure no water leaves the property. Mr. Yarborough stated the population is moving towards the Gray's Creek area due to Hwy. 87 and there needs to be reasonable density. Mr. Yarborough asked the Board to support R20.

Ms. Williams appeared in rebuttal and stated the fact that the project is not financially feasible does not concern current residents of the area. Ms.

Williams stated concern is for over population, flooding, and following the South Central Plan.

Chairman Adams closed the public hearing for Case P16-47.

Questions and comments followed. Mr. Lloyd explained how certain triggers cause land use plans to change and stated the Planning Board has a statement in the front of the plans to indicate they may change or evolve. Mr. Lloyd stated water and sewer and road widening are examples of some of the triggers.

Commissioner Lancaster stated that he believed providing public water to our schools and residential neighborhoods in the rural areas is the most prudent thing we can do to promote the public health of these communities and he wanted to provide the zoning that would make the water line extensions feasible.

MOTION: Commissioner Lancaster moved in Case P16-47 to find the request for rezoning to R20 to be consistent with the 2030 Land Use Plan and to be reasonable because it meets or exceeds any criteria related to septic systems, public street access and not being located in any critical areas and to be in the public interest because the water line extension provides and promotes public health by expanding the areas in which public water will be available to include nearby elementary schools.

SECOND: Commissioner Council

VOTE: PASSED (6-1) (Commissioners Faircloth, Evans, Adams, Council Lancaster and Boose voted in favor; Commissioner Keefe voted in opposition)

MOTION: Commissioner Lancaster moved in Case P16-47 to approve the request for rezoning for R20 Residential as recommended by the Planning Staff for the reasons stated in the minutes of the Planning Board's consideration of this matter, which are included in the agenda materials and are incorporated in this motion by reference.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

Minimum Housing Code Enforcement

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

- D. Case Number: MH 1580-2016
Property Owner: Teresa B. Spell
Property Location: 5013 Cumberland Road, Fayetteville, NC
Parcel Identification Number: 0405-85-3515

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 1580-2016.

Property Owner: Teresa B. Spell & Parties of Interest
Property Address: 5013 Cumberland Road, Fayetteville NC
Tax Parcel Identification Number: 0405-85-3515

SYNOPSIS: This property was inspected on 8/30/2016. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on

9/20/2016. Teresa B. Spell & Vickie Robbins 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 10/20/2016. 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 11/9/2016, 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 \$48,216.00. The Assessor for Cumberland County has the structures presently valued at \$617.00.

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 structure is unsecured, heavily dilapidated, essentially a shell of a building and staff are seeking an order for demolition.

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

Chairman Adams opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Adams 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 Boose

VOTE: UNANIMOUS (7-0)

- E. Case Number: MH 1581-2016
- Property Owner: Vanessa G. Cuthbert
- Property Location: 2404 Elcar Drive, Fayetteville, NC
- Parcel Identification Number: 0415-55-7134

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

I, Brian Holder, 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 1581-2016.

- Property Owner: Vanessa G. Cuthbert & Parties of Interest
- Home Owner: Vanessa G. Cuthbert & Parties of Interest
- Property Address: 2404 Elcar Drive, Fayetteville, NC
- Tax Parcel Identification Number: 0415-55-7134

SYNOPSIS: This property was inspected on 9/1/2016. The property owner and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 10/4/2016. 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 11/20/2016. 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 12/8/2016, 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 \$102,000.00. The Assessor for Cumberland County has the structure presently valued at \$2500.00.

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 structure is unsecured and dilapidated, a heavy collection of trash and debris are inside and outside the property and staff are seeking an order for demolition.

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

Chairman Adams opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Adams closed the public hearing.

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

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

- F. Case Number: MH 1588-2016
- Property Owner: Pam Smith Heirs
- Property Location: 4828 Jefferson Street, Hope Mills, NC
- Parcel Identification Number: 0413-85-2215

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

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

BACKGROUND: That the following is a report on case number MH 1588-2016.

Property Owner: Pam Smith Heirs
Property Address: 4828 Jefferson Street, Hope Mills, NC
Tax Parcel Identification Number: 0413-85-2215

SYNOPSIS: This property was inspected on 8/23/2016. The property owner and parties of interest were legally served with the Notice of Violations and was afforded a Hearing on 10/12/16. 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 no later than 11/12/2016. 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 12/8/2016, the required corrective action has not been made to the structure. The structures are presently vacant and unsecured. In their present state, these structures constitute a fire, health, and safety hazard. The estimated cost to repair these structures to a minimum standard for human habitation is \$48,200.00. The Assessor for Cumberland County has these structures presently valued at \$500.00. (salvage value)

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 manufactured structure is unsecured, has unpermitted additions with no records going back at least ten years, the additions would require engineering and staff are seeking an order for demolition.

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

Chairman Adams opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Adams closed the public hearing.

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

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

- G. Case Number: MH 1577-2016
- Property Owner: Draughon Holdings, LLC
- Property Location: 5375 Antique Drive, Hope Mills, NC
- Parcel Identification Number: 0413-26-7662

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

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

BACKGROUND: That the following is a report on case number MH 1577-2016.

Property Owner: Draughon Holdings, LLC
Property Address: 5375 Antique Drive, Hope Mills, NC
Tax Parcel Identification Number: 0413-26-7662

SYNOPSIS: This property was inspected on 8/23/2016. The property owner and parties of interest were legally served with the Notice of Violations and was afforded a Hearing on 9/23/2016. 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 no later than 10/23/2016. 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 12/8/2016, the required corrective action has not been made to the structure. The structures are presently vacant and unsecured. In their present state, these structures constitute a fire, health, and safety hazard. The estimated cost to repair these structures to a minimum standard for human habitation is \$48,200.00. The Assessor for Cumberland County has these structures presently valued at \$500.00. (salvage value)

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 manufactured home is unsecured, dilapidated with an accumulation of trash and staff are seeking an order for demolition.

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

Chairman Adams opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Adams closed the public hearing.

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

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

Other Public Hearings

H. Public Hearing for Consideration of Petition of DSI Properties, LLC, to Close an Unnamed, Unopened Road

BACKGROUND:

At its November 7, 2016, meeting the Board of Commissioners adopted a resolution of intent to close a portion of an unnamed, unopened road 30' in width and shown on the plat recorded in Plat Book 9 at page 33, which connects with Brooklyn Circle (formerly known as Houston Street) near its intersection with U.S. Highway 301 South. The petition for closure was filed by DSI Properties, LLC, the sole property owner adjoining the portion of the road it was requesting to be closed. Copies of the petition for closure, the recorded plat with the portion for which closure was requested being highlighted, the GIS map of the subdivision, the parcel viewer map of the subdivision, and a site plan and legal description prepared by Engineer C. Gregory Bagley were presented with the agenda materials on November 7, 2016.

The county attorney has examined the GIS maps and GIS Parcel Viewer maps and determined that the GIS maps show the remainder of this road and the additional 30' road

which intersects it to be unnamed, unopened and wooded. From this examination, the county attorney also determined that no parcel would become landlocked by the closure of this portion of the road.

Notice of this public hearing reasonably calculated to give full and fair disclosure of the proposed closing was published once a week for three successive weeks in the *Fayetteville Observer* and posted prominently at two places on the portion of the road to be closed. No notice was mailed to any property owner because the petitioner is the only property owner adjoining the portion to be closed. Copies of the order confirmation for the advertisement and an affidavit of posting are attached to the proposed order.

RECOMMENDATION/PROPOSED ACTION:

Conduct the public hearing and if there is no opposition to the closure, consider adopting the proposed Order which recorded below. If there is opposition expressed at the hearing, direct that the proposed Order be modified to reflect the Board's findings of fact before consideration of adopting.

ORDER OF THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY
CLOSING A PORTION OF AN UNNAMED, UNOPENED ROAD 30' IN WIDTH SHOWN ON THE
PLAT RECORDED IN PLAT BOOK 9 AT PAGE 33
PURSUANT TO G.S. § 153A-241

At its November 7, 2016, regular meeting, the Board of Commissioners adopted a resolution of intent to close a portion of an unnamed, unopened road 30' in width and shown on the plat recorded in Plat Book 9 at page 33, which connects with Brooklyn Circle (formerly known as Houston Street) near its intersection with U.S. Highway 301 South and as described in the legal description prepared by C. Gregory Bagley, Professional Surveyor L-3025 attached to this Order as Exhibit A. This resolution was adopted pursuant to the request of DSI Properties, LLC, the sole adjoining property owner.

After conducting the public hearing duly advertised for this date, the Board of Commissioners finds the following:

1. Notice of the public hearing on the question reasonably calculated to give full and fair disclosure of the proposed closing was published in the *Fayetteville Observer* once a week for three successive weeks as shown in the Order Confirmation of the Fayetteville Publishing Company attached hereto as Exhibit B.
2. The only property owner abutting the portion of the road to be closed is the petitioner, DSI Properties, LLC, and no notice was mailed to any other property owner.
3. Notice of the closing and public hearing was prominently posted in at least two places along the road as shown in the Affidavit of Posting of C. Gregory Bagley attached hereto as Exhibit C.
4. The remainder of this road and the additional 30' road which intersects it are also unnamed and unopened
5. According to the GIS Parcel Viewer there are no parcels that would become landlocked if this portion of this road is closed.
6. No person spoke in opposition to the closing of the described portion of this unnamed, unopened road.

Based on the foregoing findings of fact, the Board of Commissioners is satisfied that closing the portion of the unnamed, unopened road described herein is not contrary to the public interest and no individual owning property in the vicinity of the road would thereby be deprived of reasonable means of ingress and egress to his property.

The Cumberland County Board of Commissioners does hereby order that the portion of this unnamed, unopened road described in the legal description prepared by C. Gregory Bagley, Professional Surveyor L-3025 attached hereto as Exhibit A, be and is closed to public use.

It is further ordered that the survey plat referenced in the legal description as, "Road Closing for DSI Properties," be recorded and the recording information for the plat be inserted in the legal description contained herein; and a certified copy of this order be recorded in the office of the register of deeds in accordance with G.S. § 153A-241.

Any person aggrieved by the closing of this portion of this unnamed, unopened road may appeal this Order of the Board of Commissioners to the appropriate division of the General Court of Justice within 30 days after this date.

Adopted in regular meeting December 19, 2016.

EXHIBIT A

Road Closing
 DSI Properties, INC
 10-24-2016

Beginning at an existing conc. mon, said existing mon being N26°13'55" W 200.01' from the base of a conc. mon. on the eastern row of Brooklyn Circle, and being the northern common corner between an existing 30' Row and Patricia Renn. Thence from said common corner to an iron in the property line of DSI Properties, Inc. S26°13'55" E 612.31'; cornering thence N62°10'08" W 30.00' to the to a point; cornering thence N26°13'55" W 612.31' to the common corner of Patricia Renn and DSI Properties, Inc.; cornering thence N62°10'08" W 30.00' to the point and place of beginning, and being 18,360 sq ft. or .421 Acres. Said property being designated as Road to be closed on plat prepared by C. Gregory Bagley titled Road Closing for DSI Properties, LLC as recorded in PB ___ Pg ___ of the Cumberland County Registry.

FAYETTEVILLE PUBLISHING COMPANY
 458 Whitfield Street, Fayetteville, NC 28306
 Phone (910) 678-9000 Toll Free 1-800-345-9895 Fax (910) 323-1451

EXHIBIT B

Order Confirmation

<p>CUMBERLAND COUNTY BOARD OF COMMISSIONERS NOTICE OF PUBLIC HEARING PURSUANT TO NCGS § 153A-241</p> <p>TAKE NOTICE that at its November 7, 2016, meeting the Cumberland County Board of Commissioners adopted a resolution declaring its intent to close that portion of an unnamed, unopened, road 30' in width shown on the plat recorded in Plat Book 9 at page 33 that connects with Brooklyn Circle near its intersection with US Hwy 301 South and being that portion abutted by the parcels with PIN 0423-18-8993, 0424-28-3316, and 0423-28-1611. The Board shall conduct a public hearing on the 19th day of December, 2016 at 6:45 p.m. in the Commissioners Meeting Room (Room 118), First Floor, New Courthouse, 117 Dick Street, Fayetteville, North Carolina, to hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual's property rights.</p> <p style="text-align: right;">CANDICE H. WHITE Clerk to the Board of Commissioners 12/4, 11, 18 4832146</p>	<p>Ad Order Number 0004832146</p> <p>Sales Rep. 0090</p> <p>Order Taker webFPC</p> <p>Order Source Web</p> <p>Order Invoice Text Cumberland County Board of Commiss</p> <hr/> <p>Payor Customer CUMB CO ATTORNEY'S</p> <p>Payor Account 017971203</p> <p>Payor Address PO BOX 1829, , FAYETTEVILLE NC 28302 USA</p> <p>Payor Phone 910-678-7762</p>	<p>Customer CUMB CO ATTORNEY'S</p> <p>Customer Account 017971203</p> <p>Customer Address PO BOX 1829, , FAYETTEVILLE NC 28302 USA</p> <p>Customer Phone 910-678-7762</p> <hr/> <p>PO Number</p> <p>Ordered By</p> <p>Customer Fax 910-678-7758</p> <p>Customer EMail ctyndall@co.cumberland.nc.us</p> <p>Special Pricing None</p>
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Net Amount	Tax Amount	Total Amount	Amount Due
\$342.16	\$0.00	\$342.16	\$342.16
Payment Method		Payment Amount	
		\$0.00	

Ad Number	Ad Type	Ad Size	Color
0004832146-01	CL Legal Line	: 1.0 X 28 cl	<NONE>
Product	Placement/Classificatio	Run Dates	# Inserts Cost
FO::	401 - Legals	12/4/2016, 12/11/2016, 12/18/2016	3 \$329.56
OL::	401 - Legals	12/4/2016, 12/11/2016, 12/18/2016	3 \$12.60

EXHIBIT C

North Carolina

Affidavit of Posting

Cumberland County

In the Matter of the Closure of an Unnamed, Unopened Road upon the Petition of DSI Properties, LLC

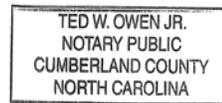
C. Gregory Bagley states under oath as follows:

- (1) I am a licensed North Carolina engineer.
- (2) I have assisted my client, DSI Properties, LLC, in petitioning the Cumberland County Board of Commissioners ("the Board") to close that unopened, unnamed right of way described in the resolution of intent adopted by the Board of Commissioners on November 21, 2016 ("the Resolution").
- (3) I did cause a notice of the closing and public hearing to be prominently posted in at least two places along the unopened, unnamed road described in the Resolution on December 5, 2016.


 C. Gregory Bagley

Sworn to and subscribed before me this 13 day of December, 2016.


 Notary Public
 My commission expires: 6-7-2019



Rick Moorefield, County Attorney, reviewed the background information and recommendation recorded above.

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

Chairman Adams opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Adams closed the public hearing.

MOTION: Commissioner Council moved to adopt the order closing a portion of an unnamed, unopened road 30' in width shown on the plat recorded in plat book 9 at page 33.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

I. Public Hearing on Community Development Substantial Amendment to the 2016 Annual Action Plan

1) Approval of the Substantial Amendment to the 2016 Annual Action Plan

BACKGROUND:

The Cumberland County Community Development 2016 Annual Action Plan was submitted to the U.S. Department of Housing and Urban Development (HUD) on May 13, 2016. The Plan allocated the Community Development Block Grant (CDBG) program and HOME Investment Partnership Act (HOME) funds and other competitive funding awarded in accordance to the Consolidated Plan.

As you are aware, due to the recent devastation caused by Hurricane Matthew, Cumberland County was included in the notice of the Presidential declaration of a major disaster for the State of North Carolina. U.S. Department of HUD has determined that grantees may utilize existing grant funds to address damage in a Presidentially-declared disaster area.

On November 4, Cumberland County submitted a letter to HUD requesting to amend our 2016 Annual Action Plan to address the unmet needs as the result of Hurricane Matthew. Cumberland County recently received notification from HUD approving the request to amend the plan.

It is proposed to amend the 2016 Annual Action Plan to expand our current housing rehabilitation project to include disaster recovery housing repair grant funds to address unmet needs for homeowners in our jurisdiction that are below 80% of the area median income (AMI). It is proposed utilizing \$300,000 of existing housing rehabilitation funds specifically for disaster recovery housing repair. This program would provide grant funds for disaster recovery housing repair up to \$10,000 per eligible homeowner. This activity is consistent with our 2015-2019 Consolidated Plan priorities, goals and objectives that include increasing the availability and accessibility of decent, safe and affordable housing.

As part of the citizen participation process, public review and comment period is required. The public review period began November 11 and ended on December 11, 2016. The proposed amendment was available for review at several public locations throughout the County and posted on the County's Community Development website.

RECOMMENDATION AND PROPOSED ACTION:

The Community Development Director and County Management request that the Board of County Commissioners:

1. Hold a public hearing on the Substantial Amendment to the 2016 Annual Action Plan.
2. Approve the Substantial Amendment to 2016 Annual Action Plan and submit to HUD.

**CUMBERLAND COUNTY COMMUNITY DEVELOPMENT
SUBSTANTIAL AMENDMENT
2016 ANNUAL ACTION PLAN**

PROPOSED ACTIVITY AMENDMENT

The Cumberland County Community Development 2016 Annual Action Plan was submitted to the U.S. Department of Housing and Urban Development (HUD) on May 13, 2016. The Plan allocated the Community Development Block Grant (CDBG) program and HOME Investment Partnership Act (HOME) funds and other competitive funding awarded in accordance to the 2015-19 Consolidated Plan.

The proposed amendment for the 2016 Annual Action Plan entitled CDBG Disaster Recovery Housing Repair Grant Program and HOME Disaster Recovery Housing Repair Grant Program. Previously budgeted unused CDBG and HOME Housing funds totaling \$300,000 will be reprogrammed and identified for the Disaster Recovery Housing Repair Grant Program for homeowners.

**PUBLIC NOTICE
CUMBERLAND COUNTY COMMUNITY DEVELOPMENT
SUBSTANTIAL AMENDMENT
2016 ANNUAL ACTION PLAN**

A public hearing will be held by the Cumberland County Board of Commissioners to receive citizen comments on the proposed substantial amendment to the Community Development 2016 Annual Action Plan on December 19, 2016. The hearing will take place in the Commissioners Meeting Room, at the County Courthouse, 117 Dick Street, Fayetteville, NC 28301. The public hearing will start at 6:45p.m.

Cumberland County proposes to amend its Community Development 2016 Annual Action Plan to reprogram approximately \$300,000 previously awarded CDBG and HOME grant funds for disaster recovery housing repair project. This project requires that an amendment to the Program Year 2016 Annual Action Plan be submitted to the U.S. Department of Housing and Urban Development (HUD) for approval. In preparing the substantial amendment, HUD has waived the requirement that each eligible grantee follow its citizen participation plan, except that a minimum

time period of 7 days is allowed for citizens to review and comment on the substantial amendment.

Proposed amendments to the 2016 Annual Action Plan will be available for public review beginning November 11 through December 11, 2016 online: www.co.cumberland.nc.us/community_dev.aspx and at the following locations:

Cliffdale Branch Library 6882 Cliffdale Road, Fayetteville	Cumberland County Community Development 707 Executive Place, Fayetteville
East Regional Branch Library 4809 Clinton Road, Fayetteville	Falcon Town Hall 7156 Southwest Street, Falcon
Hope Mills Branch Library 3411 Golfview Road, Hope Mills	Linden Town Hall 9456 Academy Street, Linden
North Regional Branch Library 855 McArthur Road, Fayetteville	Spring Lake Branch Library 101 Laketree Blvd., Spring Lake
Stedman Town Hall 5110 Front Street, Stedman	Wade Town Hall 7128 Main Street, Hwy 301 N., Wade

If you have questions or comments concerning the Substantial Amendment to the 2016 Annual Action Plan or the public hearing, call (910) 323-6112 or visit the Cumberland County Community Development Office. Our office is located at 707 Executive Place, Fayetteville, North Carolina 28302. Office Hours are 8:00 a.m. to 5:00 p.m., Monday thru Friday

Ms. Cannon stated the Substantial Amendment to the 2016 Annual Action Plan was removed from the November 21, 2016 agenda with a request to delay until confirmation was received from HUD to move forward. Ms. Cannon called on Sylvia McLean, Community Development Director, who reviewed the background information and recommendation recorded above. Chairman Adams questioned the September 20, 2016 date on correspondence received from HUD approving the substantial amendment. Ms. McLean stated she brought the date to the attention of HUD and it was likely an oversight due to HUD staffing shortages. In response to a question posed by Commissioner Keefe regarding the \$300,000 reallocation, Ms. McLean stated the reallocation is from existing prior year CDBG and HOME housing rehab funds that are being isolated and categorized for disaster recovery housing repair for homeowners. Ms. McLean explained disaster recovery housing repair grants and emergency repair grants are two separate programs, and stated homeowners seeking assistance with disaster recovery would first have to go through their private insurance, then FEMA and the disaster recovery program prior to seeking qualification for an emergency repair grant to ensure there is no duplication of benefits as it relates to federal programs. Additional questions followed. Ms. McLean stated the County does not have federal funds available or designated as assistance for individuals residing in hotels. Ms. Cannon stated the Cumberland Disaster Recovery Coalition (CDRC) and churches in the area are working to provide affordable housing to help with placement of these individuals.

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

Chairman Adams opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Adams closed the public hearing.

MOTION: Commissioner Council moved to approve the Substantial Amendment to 2016 Annual Action Plan and submit to HUD.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

2) Approval of Increase in the Maximum Amount of Aid Per Household Grant Award Amount in the Community Development Housing Rehabilitation Program

BACKGROUND:

Expansion of the Cumberland County Community Development's housing rehabilitation program includes providing disaster aid to those that are eligible as a part of the Amended 2016 Annual Action Plan. This aid would provide for housing repairs to address unmet needs of homeowners at or below 80% of the area median income. This program is specifically designed to address unmet needs of homeowners that require housing renovation as a direct result of Hurricane Matthew in our jurisdiction once insurance and FEMA assistance has been applied. Staff has proposed utilizing \$300,000 of existing housing rehabilitation CDBG and HOME funds for disaster recovery purposes by providing grant funds for disaster recovery housing repairs up to \$10,000 per eligible homeowner.

Prior to the plan amendment, the maximum amount of a single grant for emergency repairs for housing rehabilitation was \$7,500. Staff recommends increasing the maximum per applicant to \$10,000. The reason for this change is twofold: 1) according to our most recent housing needs assessment, housing rehabilitation is still much needed by many low-income residents of Cumberland County, and 2) the cost of completing home repairs has increased over time.

We believe that the changes proposed above will assist low-income residents with disaster recovery repairs as well as homeowners with non-disaster-related repairs.

RECOMMENDATION AND PROPOSED ACTION:

The Community Development Director and County Management request that the Board of County Commissioners:

1. Approve increasing the minor repair housing grant limit up to \$10,000
2. Approval of a disaster recovery housing repair grant limit up to \$10,000

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

Chairman Adams opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Adams closed the public hearing.

MOTION: Commissioner Evans moved to approve increasing the minor repair housing grant limit up to \$10,000 and approve a disaster recovery housing repair grant limit up to \$10,000.

SECOND: Commissioner Lancaster

DISCUSSION: Commissioner Faircloth asked whether the \$10,000 limit would revert back to \$7,500 at some point. Ms. Cannon stated due to the rising cost of construction repairs, Community Development found \$7,500 is no longer sufficient to take care of minor repairs and \$10,000 is more appropriate for the disaster related program and the ongoing minor repair program. Ms. Cannon stated the intent is to increase the maximum to \$10,000 and not revert back to \$7,500.

VOTE: UNANIMOUS (7-0)

Items of Business

4. Consideration of Designation of Voting Delegate to the NCACC's 2017 Legislative Goals Conference

BACKGROUND:

The NCACC's 2017 Legislative Goals Conference will be held Thursday and Friday, January 12-13, 2017, at the Raleigh Marriott Crabtree Valley in Wake County. The Board of Commissioners is hereby requested to designate a commissioner or other official as a voting delegate to the Conference. The voting delegate designation form is to be returned to the NCACC no later than Friday, January 6, 2017.

RECOMMENDATION/PROPOSED ACTION:

Appoint a voting delegate to the NCACC's 2017 Legislative Goals Conference.

MOTION: Chairman Adams moved to appoint Commissioner Faircloth as the Cumberland County voting delegate to the NCACC's 2017 Legislative Goals Conference.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

5. Nominations to Boards and Committees

- A. Alliance Behavioral Healthcare Board of Directors (1 Vacancy)

Chairman Adams nominated Commissioner Michael Boose.

6. Appointments to Boards and Committees

- A. Civic Center Commission (3 Vacancies)

Nominees: Joe Gillis
Gregory Parker
Sheba McNeil (Reappointment)

- B. Cumberland County Juvenile Crime Prevention Council (1 Vacancy)

Nominee: Gregory Raymond Koonce, Jr.

- C. North Carolina's Southeast Board of Directors (1 Vacancy)

Nominee: Dr. Larry Keen

- D. Senior Citizens Advisory Commission (1 Vacancy)

Nominee: Sonja Sato

There being an equal number of vacancies and nominees,

MOTION: Commissioner Evans moved to appoint all nominees to their respective positions.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

7. Closed Session: If Needed

No closed session was needed.

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 8:30 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board