

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

PRESENT: Commissioner Marshall Faircloth, Chairman  
Commissioner Glenn Adams, Vice Chairman  
Commissioner Jeannette Council  
Commissioner Kenneth Edge  
Commissioner Charles Evans  
Commissioner Larry Lancaster  
Amy Cannon, County Manager  
James Lawson, Deputy County Manager  
Melissa Cardinali, Assistant County Manager  
Tracy Jackson, Assistant County Manager  
Rick Moorefield, County Attorney  
Sally Shutt, Governmental Affairs Officer  
Vicki Evans, Finance Director  
Heather Harris, Budget Analyst  
Jeffrey Brown, Engineering and Infrastructure Director  
Tom Lloyd, Planning and Inspections Director  
Scott Walters, Code Enforcement Manager  
Candice H. White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

ABSENT: Commissioner Jimmy Keefe

Chairman Faircloth called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

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

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

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

1. Approval of Agenda

MOTION: Commissioner Council moved to approve the agenda.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (6-0)

2. Consent Agenda

A. Approval of minutes of the September 6, 2016 regular meeting

B. Approval of Declaration of Surplus County Property, Authorization to Accept Insurance Settlement and Budget Ordinance Amendment B170263

BACKGROUND:

DATE OF ACCIDENT: AUGUST 22, 2016

VEHICLE: 2008 FORD EXPEDITION

VIN: 1FMFK16568LA59749

FLEET#: FL379

DEPARTMENT: Sheriff's Office

SETTLEMENT OFFER: \$7,374.00

INSURANCE COMPANY: Traveler's

This is a total loss settlement offer.

**RECOMMENDATION/PROPOSED ACTION:**

Management recommends that the Board of Commissioners:

1. declare the vehicle described above as surplus
  2. authorize the Risk Management Coordinator to accept \$7,374.00 (\$8,374 - \$1,000 deductible) as settlement
  3. allow Travelers to take possession of the wrecked (surplus) vehicle
- C. Approval of Offer to Purchase Certain Real Properties Being Lots 3 & 4 and Lots 11 & 12, Block D, Spring Lake Subdivision, Plat Book 11 at Page 3

**BACKGROUND:**

The County acquired the two parcels described below together with two other parcels at a tax foreclosure sale in 2012 for a total purchase price of \$10,615.02. The prorated share of the purchase price for the two parcels for which an offer has been made is \$7,218.22.

Description	Tax Value	County's Tax Lien	Deed	PIN
Lots 3 & 4, Block D, PB 11-3, Spring Lake S/D, with address of 112 N. First St, Spring Lake	\$47,482	\$3,927.56	8926/884	0501-76-3388
Lots 11 & 12, Block D, PB 11-3, Spring Lake S/D, abuts N. Second St., Spring Lake	\$47,482	\$3,290.66		0501-76-5466

According to the county's tax records these parcels are vacant and are zoned by the Town of Spring Lake as commercial (CB). Ms. Virginia Novak has made an offer to purchase these parcels for a single price of \$7,464.60. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269.

**RECOMMENDATION/PROPOSED ACTION:**

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

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

Take notice that the Board of Commissioners finds the real properties described herein not needed for governmental purposes and proposes to accept an offer to purchase the properties, being Lots 3 & 4, Spring Lake Subdivision, Plat Book 11 at page 3, PIN 0501-76-3388, located at 112 N. First St., Spring Lake; and Lots 11 & 12, Block D, Plat Book 11 at page 3, PIN 0501-76-5466, located on N. Second Street, Spring Lake, for a total purchase price of \$7,464.60. Within 10 days of this notice, any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

- D. Approval of Sale of Surplus Real Property Located at 5950 Abco Lane, and Being Lot 60 McNeill Sands Sec 4 Plat Book 100, Page 161 (2.77 Acs)

**BACKGROUND:**

On August 15, 2016, the Board adopted a resolution of its intent to accept the offer of Ms. Shirleen Sinclair to purchase the property with PIN 0462-99-0762, being Lot 60, McNeill Sands, Section 4, Plat Book 100 at Page 161 (2.77 acs.) for \$9,815.44. Based on the GIS Map, it is a vacant lot. It is zoned A1 with a tax value of \$10,000.

Notice of the proposed sale subject to the upset bid procedure required by G. S. § 160A-269 was advertised in the *Fayetteville Observer* on August 24, 2016. The publisher's affidavit is attached. More than 10 days have elapsed since the notice was published. No upset bid was received.

**RECOMMENDATION/PROPOSED ACTION:**

County Attorney recommends the Board accept this offer and authorize the Chair to execute a deed for the property upon the County's receipt of the balance of the purchase price.

**E. Approval of Resolution Allowing Purchase of Solid Waste Roll-Off Truck**

**BACKGROUND:**

North Carolina General Statute 143-1129(g) allows for the waiver of bidding for previously bid contracts and the purchase of equipment/vehicles by the County if within the last 12 months either a federal agency, the State of North Carolina or agency or political subdivision of that state has completed a public, formal bidding process.

There is a ten day requirement to advertise a waiver of the bidding procedures under the statute before the governing board can consider and approve such action. This waiver was duly advertised in the Fayetteville Observer Times on September 9, 2016.

The Solid Waste Department has identified that Burke County has formally bid out the purchase of a Volvo Roll-off Truck within the last twelve months and would like to request the Board of Commissioners to consider adopting the resolution recorded below allowing the department to piggyback on Burke County's previously bid contract awarded to Advantage Truck Center in Charlotte, NC to purchase a Volvo Roll-off Truck. The purchase of this vehicle was approved in the FY 17 budget. A letter from Advantage Truck Center has been attached indicating their willingness to honor the previous price paid by Burke County for the same purchase.

**RECOMMENDATION/PROPOSED ACTION:**

The Interim Solid Waste Director and County Management recommend that the Board of Commissioners approve the resolution recorded below to allow the Solid Waste Department to piggyback on another county's previously bid contract to purchase a new Volvo Roll-off Truck since the requirements of NCGS 143-129(g) have been met.

**RESOLUTION AUTHORIZING THE PIGGYBACKING ON A PURCHASE AGREEMENT WITH BURKE COUNTY, NORTH CAROLINA FOR THE PURCHASE OF A ROLL-OFF TRUCK**

WHEREAS, the Cumberland County Solid Waste Department would like to piggyback on a purchase agreement by Burke County, North Carolina for the purchase of a Volvo Roll-off Truck in accordance with the provisions of North Carolina General Statute 143-129(g); and

WHEREAS, the Solid Waste Department has verified that the conditions of the piggybacking on the original contract have been met; and

WHEREAS, a public notice of this purchase without competitive bidding was placed in the Fayetteville Observer Times on September 9, 2016; and

WHEREAS, the Board of Commissioners desires to authorize the piggybacking on the purchase agreement through Burke County, North Carolina.

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners for the County of Cumberland as follows:

Section 1. That the Board of Commissioners authorizes the piggyback purchase of a Volvo Roll-off Truck through Advantage Truck Center, Charlotte, North Carolina at a cost of \$158,045.84.

Section 2. That the Board of Commissioners authorizes the Purchasing Department to issue a Purchase Order to Advantage Truck Center in the amount of \$158,045.84.

Section 3. That this resolution shall be effective upon adoption.

Adopted this 19<sup>th</sup> day of September, 2016.

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

- 1) Case Number: MH 1229-2015  
Property Owner: William B. McIver c/o Roderick McIver  
Property Location: 1202 & 1206 Mimosa Drive, Spring Lake, NC  
Parcel Identification Number: 0502-91-3463

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 1229-2015  
PROPERTY OWNER: William B. McIver c/o Roderick McIver

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on March 21, 2016, enacted an ordinance directing the demolition by the owner of the structure William B. McIver c/o Roderick McIver, located at 1202 & 1206 Mimosa Drive, Spring Lake, NC, PIN: 0502-91-3463, said ordinance being recorded in Book 9834, page 0142, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$4,400.00.
- (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 \$4,400.00, 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 March 21, 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 1202 & 1206 Mimosa Drive, Spring Lake, NC, as described in Deed Book 7778, page 058, of the Cumberland County Registry and identified in County tax records as PIN 0502-91-3463.

(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 Facilities Committee Report and Recommendation(s) for Information Only

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

- 1) Request to Surplus Solid Waste Equipment at the Wilkes Road Processing Facility

**BACKGROUND:**

Last fiscal year, the Solid Waste Department purchased a new Morbark horizontal grinder for the Wilkes Road Processing facility to replace one of the two Morbark tub grinders at the site. Although, this piece of equipment is no longer in service at the facility, it is still a functional piece of equipment after minor repairs are made.

Over the last couple of months, several vendors have expressed interest in the machine. Therefore, it would be advantageous for the Department if the machine were to be declared surplus property and placed on GovDeals.com to be sold as the County typically does with other equipment that no longer serves a useful purpose for the organization. Since this machine has a value of over \$30,000, it requires the Board of Commissioners to declare the property surplus.

This was presented and approved by the Finance Committee on September 1, 2016.

**RECOMMENDATION/PROPOSED ACTION:**

The Interim Solid Waste Director, County Management and the Finance Committee recommend that the Board of Commissioners approve the Solid Waste Department's request to declare the Morbark tub grinder (Serial No. 575-025, Model 1400) as surplus property and to move forward with selling the machine.

I. Approval of Cumberland County Policy Committee Report and Recommendation:

- 1) NCACC Legislative Goals

**BACKGROUND:**

The N.C. Association of County Commissioners has outlined its state legislative goals development process for 2017-2018. September 23 is the deadline for counties to submit their legislative proposals to the association for consideration.

As part of Cumberland County's process, we asked the Leadership Team to submit their recommendations, which were presented to the Policy Committee at its meeting on September 1. The committee approved and recommended the goals recorded below be presented to the full Board of Commissioners for consideration at the September 19 meeting.

**RECOMMENDATION/PROPOSED ACTION:**

Approve the state legislative goals recorded below and direct staff to submit them to the North Carolina Association of County Commissioners as part of the association's legislative goals process by the September 23 deadline.

**STATE LEGISLATIVE GOALS**

Environment/ General Government

Solid Waste Management Department Goal – *(submitted by interim Solid Waste Management Director Jeffery Brown)*

Repeal the electronics recycling program and the ban on disposing computers, televisions and other electronics in the landfill.

Cumberland County Solid Waste Management supports efforts to end the state's electronics recycling program and a related ban on disposing computers, televisions and

other electronics in landfills. Televisions in particular are a drain on the Solid Waste Management budget.

North Carolina banned electronics from going into landfills effective July 1, 2011. In April 2016, the N.C. Department of Environmental Quality released a study of electronics recycling, which stated, “The intention of North Carolina’s electronics recycling legislation was to create recycling opportunities for citizens largely through the existing infrastructure of local recycling programs supported through producer responsibility obligations. This study finds that producer support is inadequate to the needs of the system. As a result, local governments are directly bearing a high level of electronics recycling costs.”

The report made the following legislative recommendation:

“The General Assembly should consider legislation to repeal Part 2H Discarded Computer Equipment and Television Management of GS Article 9 and to repeal GS 130A-309.10 (14) and (15) based on EPA’s acknowledgement that electronics can be safely disposed of in municipal solid waste landfills, the fact that electronics recycling is currently not cost effective, and the fact that electronic wastes constitute such a small percentage (0.2%) of the annual solid waste stream.”

### Health & Human Services

Department Of Social Services Goal – *(submitted by Social Services Director Brenda Jackson)*

Oppose unfunded mandates and shifts of state responsibilities to counties:  
Prevent the *Temporary Financial Assistance for Facilities Licensed to Accept State-County Special Assistance Payments* from becoming a permanent mandate.

Effective Oct. 1, 2016, through June 30, 2017, the State-County Special Assistance rate will increase to \$1,216 for adult care homes. This is a \$34 increase per month per resident, with 50 percent of the \$34 increase coming from the county.

To be eligible for special assistance, individuals must be age 65 or older, or disabled and live in a residential facility approved for special assistance. The facility must agree to accept the state rate for special assistance residents. Individuals who are eligible for special assistance are automatically eligible for Medicaid.

The North Carolina Association of County Directors of Social Services and the North Carolina Association of County Commissioners lobbied against this unfunded mandate; however, the legislation was included in the budget bill.

Based on the point-in-time number of 656 Special Assistance cases, Cumberland County DSS projects the County will pay \$100,368 during the nine-month period (\$17 per person per month.)

Counties can try to prevent this from becoming a permanent assistance payment with a 50 percent county match after the nine-month period expires.

### Justice & Public Safety

- Support legislation to raise the age of juvenile jurisdiction from 16 to 18.

According to North Carolina statutes, any juvenile who commits a criminal offense on or after his or her 16<sup>th</sup> birthday is subject to prosecution as an adult, even for first-time minor offenses such as shoplifting, loitering or disorderly conduct. Even when charges are dismissed, if the arrest and court records are not expunged, the incident and youth’s record of arrest follows him or her into adulthood, creating significant impediments to employment and education. The direct and indirect consequences of an arrest in the adult legal system can also have an impact on public benefits, housing, licenses and legal residency status.

In response to this, the Cumberland County Board of Commissioners has partnered with law enforcement and court officials to establish a Misdemeanor Diversion Program for 16- and 17-year-old first-time misdemeanor offenders. The program started in September 2016.

North Carolina automatically prosecutes all 16- and 17-year-olds in the adult justice system, regardless of the offense. It is one of only two states to do so. Changing the legislation will better serve our youth by allowing them to learn from their mistakes and not have their opportunities automatically limited and their lives damaged by a permanent adult record.

### Public Education

#### School System Goals

- Increase capital funding by allocating 40 percent of the lottery proceeds to counties for school capital needs.
- Oppose any shifting of the state's responsibility for replacing school buses.
- Seek legislation that would place any program administered by the local school system under the Department of Public Instruction's facilities guidance and requirements.

Some school system facilities must meet a different set of standards based on the programs housed in them. For example, pre-K programs fall under the North Carolina Department of Health and Human Services Division of Child Development and Early Education.

#### Library Goal – *(submitted by Library Director Jody Risacher)*

Support legislation to restore state aid funding of public libraries to the pre-2011 level of \$15.7 million.

Impact: State Aid for Public Libraries for Cumberland County Public Library is budgeted at \$311,976. These funds are critical for the purchase of materials for residents, including books, audio-visual and electronic resources.

Library Director Jody Risacher noted that Cumberland County Public Library and Information Center is a member of the N.C. Cardinal consortium, which means most library materials are now shared across 30 plus counties. The citizens of each participating county are able to access a wider variety of materials and there are efficiencies inherent in the system.

### Tax & Finance

Continue to seek legislation to authorize local option revenue sources already given to other jurisdiction.

Work to expand the use of the Article 43 transit tax to all counties for education purposes and provide counties the option to seek up to ½ cent through Article 46, which is currently limited to ¼ cent.

Support legislation that would create a loan fund to assist local economic development organizations and communities with the development of industrial sites and buildings.  
*(submitted by Russ Rogerson, president of the Fayetteville-Cumberland County Economic Development Corporation)*

HB108 (Site and Building Development Fund) did not pass during the 2016 session. The legislation would create a loan fund to assist local economic development organizations and communities with developing buildings and shovel-ready industrial sites.

J. Budget Revisions:

General Fund 101

- 1) Health Department - Budget Ordinance Amendment B170938 to recognize grant funds of \$80,722 to increase strategies for Breastfeeding, Clinical Effort Against Secondhand Smoke, and to purchase Long Acting Reversible Contraceptives

The Board is requested to approve Budget Ordinance Amendment B170938 in the amount of \$80,722 representing grant funds from Richmond County Health Department. These funds are to implement Ten Steps for Successful Breastfeeding, CEASE (Clinical Effort Against Secondhand Smoke), and to purchase Long Acting Reversible Contraceptives.

Please note this amendment requires no additional county funds.

- 2) Social Services/Central Maintenance - Budget Ordinance Amendment B170137 to reallocate funds of \$90,400 from Central Maintenance to Social Services

The Board is requested to approve Budget Ordinance Amendment B170137 in the amount of \$90,400. The purchase of a handicap van and 15 passenger van was approved for FY17 and reflected in the budget of Central Maintenance. A reallocation needs to be made to include these vehicles in the budget of Social Services in order to be reimbursed from the State.

Please note this amendment requires no additional county funds.

- 3) Capital Investment Fund - Budget Ordinance Amendment B170103 to transfer \$746,376 identified in the FY17 budget process for the establishment of the Capital Investment Fund

The Board is requested to approve Budget Ordinance Amendment B170103 to establish the capital investment fund in the amount of \$746,376. This fund was approved for the FY17 budget but the establishment of the fund was not included in the budget ordinance.

Please note this amendment requires no additional county funds.

- 4) Transportation - Budget Ordinance Amendment B170174 to reduce the budget by \$4,308

The Board is requested to approve Budget Ordinance Amendment B170174 in the amount of \$4,308. On September 6, 2016 Budget Ordinance Amendment 170008 was approved increasing the budget to \$28,302. The amount should have been \$23,994.

Please note this amendment requires no additional county funds.

- 5) Sheriff - Budget Ordinance Amendment B170178 to recognize \$23,886 for insurance settlement

The Board is requested to approve Budget Ordinance Amendment B170178 in the amount of \$23,886. These funds are recognizing the insurance settlement from the equipment that was declared surplus at the August 15, 2016 Cumberland County Board of Commissioner's Meeting.

Please note this amendment requires no additional county funds.



Solid Waste Fund 625

- 6) Solid Waste - Budget Ordinance Amendment B170155 to recognize \$186,642 for insurance settlement

The Board is requested to approve Budget Ordinance Amendment B170155 in the amount of \$186,642. These funds are recognizing the insurance settlement from the equipment that was declared surplus at the August 15, 2016 Cumberland County Board of Commissioner's Meeting.

Please note this amendment requires no additional county funds.

REGARDING THE FOLLOWING ITEMS 7 – 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

- 7) Tax Revaluation - Budget Ordinance Amendment B170007 to appropriate FY16 fund balance in the amount of \$72,773 to increase contracted services and consultants

The Board is requested to approve Budget Ordinance Amendment B170007 in the amount of \$72,773 to appropriate FY16 fund balance. These are FY16 contracts with firms engaged to assist the County in revaluation appraisals; however, the process will not be completed until FY17.

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

- 8) Public Utilities - Budget Ordinance Amendment B170011 to appropriate FY16 fund balance in the amount of \$28,641 for computer software

The Board is requested to approve Budget Ordinance Amendment B170011 in the amount of \$28,641 to appropriate FY16 fund balance. This is for a utility billing program that was budgeted for FY16, however the project will not be completed until FY17.

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

MOTION: Commissioner Edge moved to approve consent agenda items 2.A. – 2.J.8)  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (6-0)

3. Public Hearings

Uncontested Rezoning Case

Tom Lloyd, Planning and Inspections Director, stated there were no speakers signed up in opposition to Case P16-27 and the Planning Board recommended approval of Case P16-27.

- A. Case P16-27: Rezoning of .68+/- acres from R6A Residential to O&I(P) Planned Office and Institutional, or to a more restrictive zoning district, located at 3886 & 3890 Cumberland Road, submitted by Eric Nantes & Leslie Boswell (owners).

**Staff Recommendation:**

1st motion for Case P16-27: 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 P16-27: Move to approve the rezoning for O&I(P) Planned Office and Institutional 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**

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Chairman Faircloth opened the public hearing for Case P16-27.

The clerk to the board advised there were no speakers for Case P16-27.

Chairman Faircloth closed the public hearing for Case P16-27.

**MOTION:** Commissioner Council moved in Case P16-27 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 Edge

**VOTE:** UNANIMOUS (6-0)

**MOTION:** Commissioner Council moved in Case P16-27 to approve the rezoning for O&I(P) Planned Office and Institutional 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 Edge

**VOTE:** UNANIMOUS (6-0)

**Minimum Housing Code Enforcement**

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

B. Case Number:	MH 1102-2015
Property Owner:	Bobbie Jacobs-Ghaffar
Property Location:	3063 Smith Road, Fayetteville, NC
Parcel Identification Number:	0415-37-3833

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

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

**BACKGROUND:** That the following is a report on Minimum Housing case number MH 1102-2015

Property Owner: Bobbie Jacobs- Ghaffar & Parties of Interest  
Home Owner: Bobbie Jacobs- Ghaffar & Parties of Interest  
Property Address: 3063 Smith Road, Fayetteville, NC  
Tax Parcel Identification Number: 0415-37-3833

**SYNOPSIS:** This property was inspected on 6/25/2015. The property owner and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 7/29/2015. Bobbie Jacobs- Ghaffar 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 11/23/2015. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 9/8/2016, 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 \$45,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

**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 an abandoned mobile home that has most of the siding removed and there is other debris on the property. Mr. Walters stated an order for demolition is being sought.

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

Chairman Faircloth opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Faircloth closed the public hearing.

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

**SECOND:** Commissioner Lancaster

**VOTE:** UNANIMOUS (6-0)

C.	Case Number:	MH 1391-2016
	Property Owner:	Linda S. Enlow Jackson
	Property Location:	2519 Penny Drive, Fayetteville, NC
	Parcel Identification Number:	0415-27-4122

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 1391-2016.

Property Owner: Linda S Enlow Jackson & Parties of Interest  
Home Owner: Linda S Enlow Jackson & Parties of Interest  
Property Address: 2519 Penny Drive, Fayetteville, NC  
Tax Parcel Identification Number: 0415-27-4122

SYNOPSIS: This property was inspected on 4/1/2016. The property owner and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 5/4/2016. Stuart Jackson 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 8/11/2016. 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 9/8/2016, 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 \$75,495.00. The Assessor for Cumberland County has the structure presently valued at \$3,902.00.00.

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 dilapidated and unsecured. Mr. Walters stated the inside contains a large amount of trash and debris. Mr. Walters stated an order for demolition is being sought.

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

Chairman Faircloth opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Faircloth closed the public hearing.

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

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (6-0)

D.	Case Number:	MH 1476-2016
	Property Owner:	Ruby K. Santiago c/o Leonzie McDonald
	Property Location:	1916 Fennell Road, Hope Mills, NC
	Parcel Identification Number:	0432-88-6450

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 1476-2016.

Property Owner: Ruby K Santiago c/o Leonzie McDonald & Parties of Interest  
Home Owner: Ruby K Santiago c/o Leonzie McDonald & Parties of Interest  
Property Address: 1916 Fennell Road Hope Mills, NC  
Tax Parcel Identification Number: 0432-88-6450

SYNOPSIS: This property was inspected on 6/23/2016. The property owner and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 7/29/2016. Leonzie McDonald attended the Hearing via telephone. 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 8/29/2016. 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 9/8/2016, 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 \$90,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

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

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Mr. Walters stated the structure is abandoned and most of the roof is gone. Mr. Walters stated an order for demolition is being sought.

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

Chairman Faircloth opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Faircloth closed the public hearing.

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

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (6-0)

#### Other Public Hearings

- E. Southeast Cumberland Land Use Plan. This plan provides the location of proposed future land uses for the Southeast Cumberland area. The plan covers an area defined generally to the south by Bladen County; to the west by the Cape Fear River, Cedar Creek and Cedar Creek Road; on the east by Sampson County and on the north by N.C. Highway 210.

Planning Board Recommendation: Approve the plan and move it forward to the Board of Commissioners for their review and approval.

**BACKGROUND:**

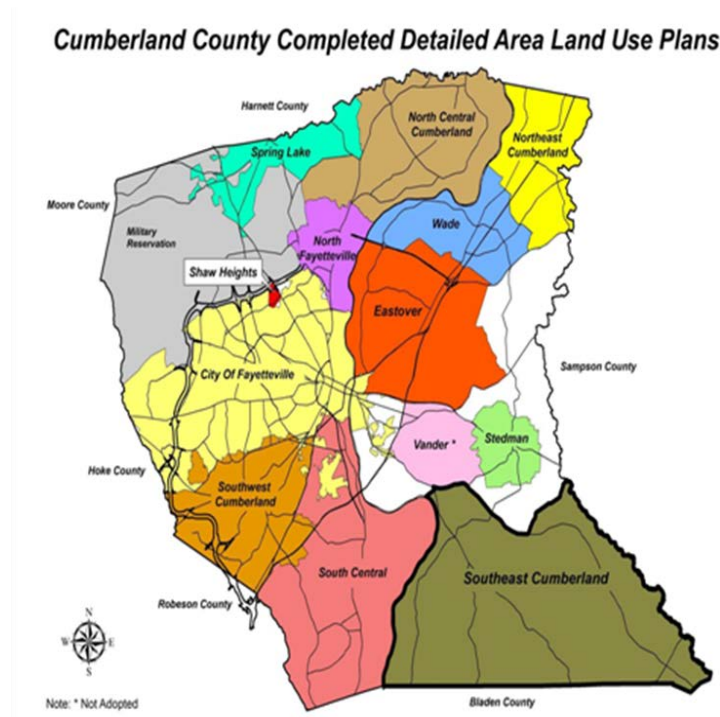
As part of the Joint Planning Board's ongoing efforts to develop detailed land use plans for the entire County and the member municipalities, staff along with residents in the area have developed a land use plan for the Southeastern portion of Cumberland County. The full version of the Southeast Cumberland Land Use Plan can be found on the County website.

**RECOMMENDATION/PROPOSED ACTION:**

Request is that the Board of Commissioners conducts a public hearing on the Southeast Cumberland Land Use Plan.

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Tom Lloyd, Planning and Inspections Director, introduced new staff members and stated the Southeast Cumberland Land Use Plan was 90% completed when the new staff members were hired. Trey Smith, Section Chief, asked that the Board of Commissioners conduct a public hearing on the Plan and stated the Plan consists of data and analysis of existing conditions, public participation, goals and objectives and recommendations as well as proposed future land use. Mr. Smith displayed the map below and described what is generally described as being in the southeast area of the County.



Mr. Smith highlighted the following goals for the southeast area of the County and responded to questions.

**1. Farmland Goal**

Protect and preserve farmland, while maintaining a healthy and thriving farming community.

**2. Residential Goal**

Provide for residential development that protects and maintains the rural residential character; does not conflict with farming and forestry operations; is not detrimental to open space, environmentally sensitive areas, or recreation; is not located in areas prone to flooding, and improves the quality of life for residents in the Area. This can be accomplished through the use of density developments.

**3. Commercial Goal**

Provide commercial development that meets the needs of the immediate area, is harmonious with the surrounding area, preserves the natural environment, and is concentrated in nodes.

4. Transportation Goal

Provide for safe, adequate and multi-modal transportation system that meets the present and future needs of the residents and the traveling public in the Area. This is accomplished through the increased popularity of C.T.S.

5. Community Facilities and Services Goal

Provide and support community facilities and services that enhance the quality of life of Area residents.

6. Industrial and Manufacturing Goal

Provide clean, low-nuisance industrial and manufacturing operations that do not harm the natural environment or the rural lifestyle in the Area.

7. Open Space/Recreation Goal

Provide a variety of active and passive park and recreation facilities that serves all ages of the citizenry, enhances their quality of life, and protects and preserves open space and environmentally sensitive areas.

Mr. Smith highlighted other recommendations for the southeast area of the County:

- Protect Family Farms and Farmland
- Locate or Station an Ambulance in the Study Area
- Recreation Facility in the Study Area
- Designate Truck Routes and Upgrade These Roads to Accommodate the Truck Traffic
- Improve and Maintain Access Roads to Other Counties and Nearby Towns
- Protect Carolina Bays and Other Natural Areas
- Public Transportation
- Entrance Corridor Improvements
- Broad Band and Internet Service

Mr. Smith stated additional recommendations include the following:

- Preserve Minimum Width Natural Buffers Along Rivers, Streams, Creeks, and Drainage ways
- Concentrate Commercial Development in Nodes and Preferably at Major Intersections
- Create Water Service District to Provide Water to the Northwestern Portion of the Study Area
- Improve County Container Sites  
Require Any Subdivision Over Seven Lots Built in the Area to Be Developed as a Conservation Subdivision or a Density Development/Conditional Use Development

Mr. Smith displayed and described the following illustrations:

**PRESERVED NATURAL BUFFER WIDTHS FOR RIVERS, STREAMS, CREEKS AND DRAINAGEWAYS**

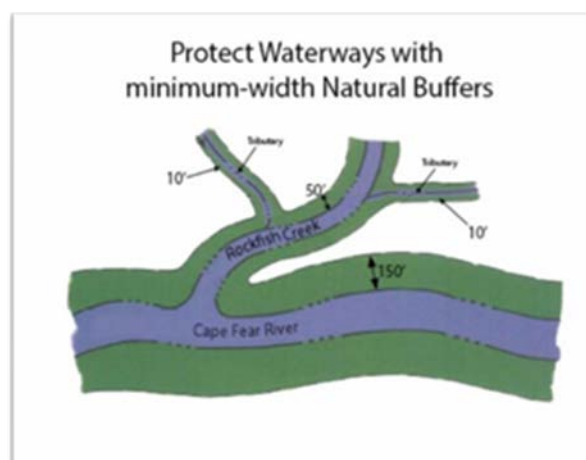
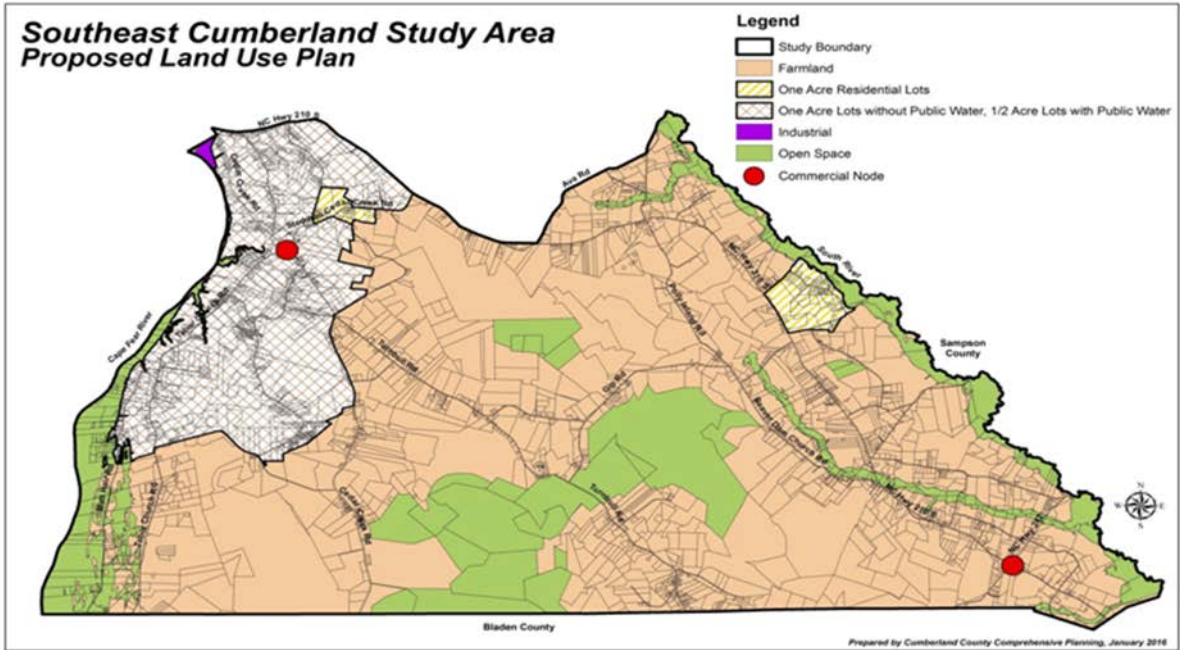




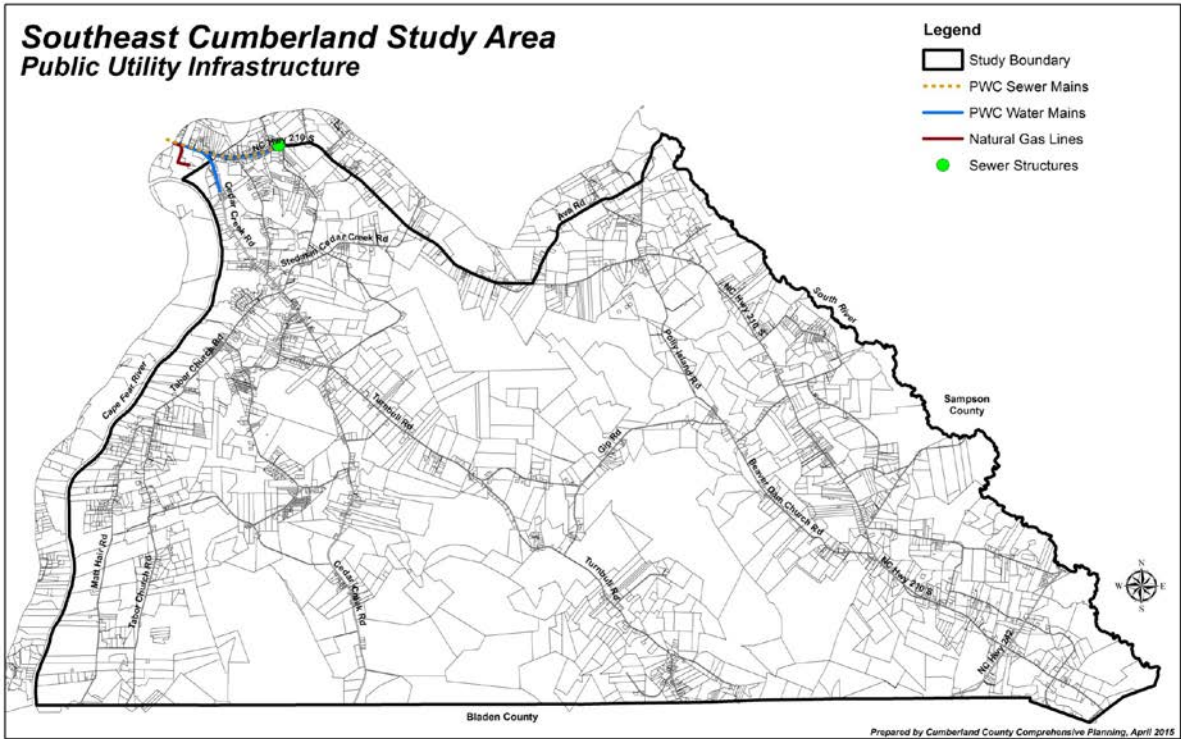
ILLUSTRATION OF OPEN SPACE & CONSERVATION SUBDIVISION



PROPOSED LAND USE PLAN



RECOMMENDATIONS



Commissioner Council stated there are approximately 5,000 people living in the area and it was interesting that the recommendations included a new bridge, four-lane highway and a new fire station. Commissioner Council stated the area does not contain the



density to maintain those recommendations. Mr. Smith stated oftentimes plans of this type contain unattainable goals; however, the goals reflect the desires of the area's residents that may be long term. Mr. Lloyd stated future plans will become more similar to strategic plans in which recommendations will possibly include attainable timelines and funding or grant sources. Mr. Lloyd stated it is not unusual for areas to want urban amenities but not want to be urban.

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

Chairman Faircloth opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Faircloth closed the public hearing.

MOTION: Commissioner Evans moved to approve the Southeast Cumberland Land Use Plan.  
SECOND: Commissioner Lancaster  
VOTE: UNANIMOUS (6-0)

F. Public Hearing on the Community Development Program Year 2015 Consolidated Annual Performance and Evaluation Report (CAPER)

BACKGROUND:

The draft CAPER for the 2015 Program Year (PY2015) was prepared by Community Development. This document is available for public review and comment during the period September 2, 2016 through September 16, 2016. Copies have also been distributed to several locations throughout the County in compliance with our Citizen Participation Plan. The final CAPER is due to HUD by September 28, 2016, and will be available in the County Commissioners office and at the Community Development office beginning September 29, 2016.

The PY2015 CAPER details program accomplishments and an assessment of our efforts in meeting the goals and objectives set forth in our Annual Action Plan for the period July 1, 2015 through June 30, 2016. Performance reporting meets three basic purposes: 1) It provides HUD with necessary information for the Department to meet its statutory requirements to assess each grantee's ability to carry out relevant community development programs in compliance with all applicable rules and regulations; 2) It provides information necessary for HUD's Annual Report to Congress, also statutorily mandated; and 3) It provides grantees an opportunity to describe to citizens their successes in revitalizing deteriorated communities and meeting objectives outlined in their Consolidated Plan. This reporting tool assures that citizens, community groups, and other interested stakeholders in the community planning process are accurately informed of the use of these federal funds.

RECOMMENDATION/PROPOSED ACTION:

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

1. Receive the presentation on the Consolidated Annual Performance and Evaluation Report (CAPER).
2. Conduct the Public Hearing on the Program Year 2015 CAPER. No other action is necessary.

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Sylvia McLean, Community Development Director, reviewed the background information recorded above and highlighted funding sources/expenditures for the PY2015 CAPER:

CDBG (HUD)	\$1,448,381	65%
HOME (HUD)	\$592,675	27%
McKinney-Vento Homeless Assistance	\$57,033	3%

PATH (SAMHSA)	\$33,818	1%
Local Funds	\$76,835	3%

Ms. McLean stated some of the major accomplishments during the PY2015 included:

- improving the quality of the housing and maintaining affordability for homeowners and renters,
- renovating twenty units of a transitional housing facility under the Ashton Woods Transitional Housing Program,
- increasing the number of affordable housing units available in the community through new construction.

Ms. McLean provided the following snapshot:

AFFORDABLE HOUSING  
Goal: Increase Affordable Quality Housing

Source	Expended	Beneficiaries
Public Facility for LMI Housing Benefit	\$465,142	119 Persons
Rental Units Constructed	\$159,487	2 Housing Units
Homeowner Housing Added	\$209,450	2 Housing Units

Source	Expended	Beneficiaries
Homeowner Housing Rehabilitated	\$876,663	18 Housing Units
Rental Units Rehabilitated/Acquisition	\$176,675	2 Housing Units
Buildings Demolished	\$15,177	1 Building

Ms. McLean provided highlights of the homeless programs and assistance provided through sub-recipients such as CEED and the Salvation Army through the Emergency Solutions Grant (ESG) Program funds.

HOMELESS  
Goal: Provide Essential Services and Housing for Homeless

Source	Expended	Beneficiaries
Rapid Re-housing	\$54,419	113 Households
Homeless Persons Overnight Shelter	\$29,444	336 Persons
Homeless Prevention	\$6,488	29 Persons

Ms. McLean provided highlights of the following:

NON-HOUSING COMMUNITY DEVELOPMENT  
Goal: Improve Access to Public Services (Human Services)

Source	Expended	Beneficiaries
Public Services (Human Services)	\$111,873	4,470 Persons

Goal: Improve Public Facilities / Develop Infrastructure

Source	Expended	Beneficiaries
Public Service Other than LMI Housing Benefit	\$30,706	8 Persons

Ms. McLean provided an overview of total CDBG funds, HOME funds, COC or Continuum of Care funds and non-federal funds coming in through Cumberland County Community Development and stated these funds are able to carry over for a period of several years. Ms. McLean stated as far as overall goals and accomplishments,

Cumberland County Community Development expended more than \$2.2M in the Community on the following:

- Decent Affordable Housing
- Create Economic Opportunities
- Suitable Living Environment

Ms. McLean stated economic opportunities have not been able to be provided since the economy has not yet recovered.

Ms. McLean stated public comments are welcome during the fifteen day review period September 2-16, 2014 and the CAPER is due to HUD by September 28, 2016. Questions followed.

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

Chairman Faircloth opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Faircloth closed the public hearing.

No action was required.

## ITEMS OF BUSINESS

4. Consideration of a Resolution to Support the Construction of a Minor League Baseball Stadium with Time-Limited Contributions from Increased Ad Valorem Tax Revenues

### BACKGROUND;

In early 2016, the City of Fayetteville commissioned a baseball stadium feasibility study to assess the market and financial feasibility of a proposed minor league baseball stadium. The report, which also included information on the total economic and fiscal impact of the proposed stadium, concluded that “ongoing operations of the Venue would generate considerable new spending and resulting economic impacts on an annual basis” amounting to \$7.2 million in annual economic output, \$1.7 million in annual labor income and \$365,000 in additional new taxes. The Feasibility Study also concluded that the proposed venue would have additional benefits such as catalyzing economic development, attracting and retaining businesses, national exposure, civic and community pride and improved quality of life for local residents.

Based upon the strength of the report, the City executed both a ‘Letter of Intent’ and subsequently a non-binding ‘Memorandum of Understanding’ with the Houston Astros to construct a new baseball stadium. The City is also working with developers to generate \$60 million in private investment at and around the former Prince Charles Hotel.

Key to advancing this project, known as Project Home Run, was identifying an acceptable financing model to construct the baseball stadium with the stated budget established by Fayetteville City Council not to exceed \$33M. To that end, on September 12, 2016, the Fayetteville City Council approved the financing model and has asked for the Board of Commissioners to consider contributing to this project through the creation of a Tax Increment Financing district by Interlocal Agreement.

### RECOMMENDATION/PROPOSED ACTION:

Adopt the following resolution:

Whereas, the Fayetteville City Council and the Board of Commissioners have always worked cooperatively to improve the quality of life for all city and county residents through infrastructure development to encourage the private development of real property and economic development; and

Whereas, the Fayetteville City Council has committed to the construction of a downtown baseball stadium as a home for a minor league baseball team; and

Whereas, the city has diligently studied the estimated impacts of this downtown baseball stadium and reports that it will generate substantial private development which will increase the property tax base, create jobs and enhance the quality of life for all county residents; and

Whereas, the Fayetteville City Council has requested that the County contribute a portion of the increased ad valorem tax revenues generated from private investment that would not occur without the baseball stadium being built; and

Whereas, the County has already committed any increase in the ad valorem tax revenues generated by development in the downtown Municipal Service District to the City for the Franklin Street Parking Garage.

BE IT THEREFORE RESOLVED that the County Manager is authorized to work with the City Manager and the Executive Director of the Public Works Commission to develop an amendment to the Interlocal Agreement Between the City of Fayetteville, Cumberland County, and Fayetteville Public Works Commission Related to Funding and Development of the Franklin Street Parking Garage.

BE IT FURTHER RESOLVED that provided the parties negotiate a satisfactory amendment to the existing Interlocal Agreement Related to the Funding and Development of the Franklin Street Parking Garage, the County Manager is authorized to work with the City Manager to develop a new Interlocal Agreement specifically for the parties' commitment to financing the construction of the baseball stadium consistent with the following guidelines:

1. The agreement shall be between the City of Fayetteville and Cumberland County;
2. Increased taxable values would be based upon values in the designated project area, as of the execution date of the new Interlocal Agreement;
3. Cumberland County will contribute 100% of increased revenue from ad valorem tax collections on each of the site parcels for 5 fiscal years beginning the first fiscal year following the completion of the baseball stadium, and 75% of increased revenue from ad valorem tax collections for 15 fiscal years thereafter; provided that the Cumberland County Board of Education consents to this increased ad valorem tax revenue being eliminated from the existing funding agreement between the County and the Cumberland County Schools.

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Amy Cannon, County Manager, reviewed the background information recorded above and highlighted main tenants of the resolution. Ms. Cannon stated recommendation is to adopt the resolution recorded above.

MOTION: Commissioner Evans moved to approve the resolution to support the construction of a minor league baseball stadium with time-limited contributions from increased ad valorem tax revenues.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (6-0)

5. Nominations to Boards and Committees

A. Cumberland County Workforce Development Board (3 Vacancies)

Commissioner Council nominated Kent Listoe, Marty Cayton and Isabella Effen.

6. Appointments to Boards and Committees

A. Animal Control Board (1 Vacancy)

Nominee: Michelle Harris

B. Board of Adjustment (1 Vacancy)

Nominee: Robert E. Davis (Reappointment)

C. Cumberland County Home and Community Care Block Grant Committee (8 Vacancies)

Nominees:

Older Consumer: Susan Hesnard  
Rebecca Campbell  
Diane Townsend  
Edna Cogdell

Aging Service Provider: Raymond Johnson  
Doris Snider (Reappointment)  
Helen Godwin

Elected Official: Frances Collier

D. Cumberland County Juvenile Crime Prevention Council (8 Vacancies)

Nominees:

Member of Faith Community: Augusta Newman

Member of Business Community: Jonathan Warren

At-Large Representatives: Deborah Rosen  
Rebecca Campbell  
Densie Lucas  
Crystal Bennett

United Way or Non-Profit: Rebecca Beck

Substance Abuse Professional: Louis Leake (Reappointment)

E. Mid-Carolina Aging Advisory Council (2 Vacancies)

Nominees:

Volunteers: Susan Hesnard  
Diane Townsend

There being an equal number of vacancies and nominees,

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

SECOND: Commissioner Edge

VOTE: UNANIMOUS (6-0)

7. Closed Session: A. Economic Development Matter(s)  
Pursuant to NCGS 143-318.11(a)(4)

MOTION: Commissioner Council moved to go into closed session for Economic Development Matters pursuant to NCGS 143-318.11(a)(4).

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Evans moved to reconvene in open session.  
SECOND: Commissioner Edge  
VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Lancaster moved to adjourn.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 7:35 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board