

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MONDAY, AUGUST 21, 2017 – 6:45 PM  
117 DICK STREET, 1<sup>ST</sup> 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  
Sally Shutt, Assistant County Manager  
Rick Moorefield, County Attorney  
Vicki Evans, Finance Director  
Debra Shaw, 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  
Press

Chairman Adams called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

District Court Judge Edward A. Pone provided an invocation followed by the Pledge of Allegiance to the American flag led by Ethan Blake Stewart, third grade student at Ashley Elementary.

Recognition of Commissioner Charles Evans Elected as First Vice President of the North Carolina Association of Black County Officials (NCABCO)

Chairman Adams recognized Commissioner Charles Evans on his election as the the new first vice president of the North Carolina Association of Black County Officials. Chairman Adams stated Commissioner Evans was sworn in during the organization's banquet on August 11, 2017 during the North Carolina Association of County Commissioners' annual conference in Durham County.

Chairman Adams recognized Fayetteville Cumberland Youth Council member Ashley Davis, student as Massey Hill Classical.

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

Amy Cannon, County Manager, read the public comment policy. Chairman Adams recognized the clerk to the board who called the following speakers:

Tom Clark – Mr. Clark spoke in opposition to the Atlantic Coast Pipeline stating he lives in what Dominion and Duke Energy call the sacrifice zone or 1,000 feet from the proposed pipeline. Mr. Clark stated the pipeline is not needed because the TransCoastal Pipeline already supplies all the gas Dominion or Duke need for the state of North Carolina.

Ann Schrader – Ms. Schrader spoke in opposition to the Atlantic Coast Pipeline, expressed strong concerns for the environmental impact and pollution, and stated there needs to be a transition to renewable energy as good stewards of our planet.

1. Approval of Agenda

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

2. Presentation by Mr. Zan Monroe, CEO of the Longleaf Pine Realtors, Inc., formerly known as the Fayetteville Regional Association of Realtors, on our Local Housing Market

Zan Monroe, CEO of the Longleaf Pine Realtors, Inc., stated his presentation would provide information on national and local trends in the real estate market place. Mr. Monroe invited Commissioners to the Annual State of the Real Estate Market Address for the nine-county region on January 16, 2018 at 12:30 p.m. at the Ramada Plaza. Mr. Monroe stated the United States holds its wealth or \$14 trillion in housing which peaked in 2006, lost 30% of its value nationwide in a period of 18 months and has recovered nationwide today. Mr. Monroe stated interest rates at 4% to 4.5 % are the lowest they have ever been for a 30-year fixed rate. Mr. Monroe stated existing home sales are making a nice recovery with about 55,000,000 in home sales in the United States. Mr. Monroe stated Cumberland County will do about 5,500 sales in the existing market in 2017. Mr. Monroe stated the U.S. home price index indicates home values have risen to all time highs with the average sales price in the U.S. today being \$255,000 but with an all-time low in inventory and a huge housing shortage nationwide, although not so much in Cumberland County.

Mr. Monroe stated new home sales peaked in 2006 and have not recovered as rapidly as existing home sales due to lots of regulation for housing development. Mr. Monroe stated 1.1 million homes need to be built this year or there will be a real housing shortage nationwide in a few years. Mr. Monroe stated 8 million jobs were lost nationwide in 2008 and since that time, 16 million have been gained. Mr. Monroe stated jobs drive the housing market and without job growth, there is no growth in home values. Mr. Monroe stated his point is that there needs to be a focus on job growth for Cumberland County.

David Evans, Real Estate Broker, spoke to the 3-year trend and stated supply and demand drive the market with a six-month supply being a balanced market. Mr. Evans stated this area has been sitting on balance for a long time which means it could go either way. Mr. Evans stated the local market was hurt by builders constructing homes at low prices which destroyed existing home prices. Mr. Evans stated the local market is teetering so there has to be population and job growth and community features such as walkability, which is tied to jobs. Mr. Evans stated the local market is flat with very little new construction of subdivisions due the lack of affordability for builders. Mr. Evans stated the local market has recovered barely with a recovery in prices back to 2006 and the only things that will affect the precipice of the local market are jobs and population growth.

3. Consent Agenda

- A. Approval of minutes for the August 7, 2017 regular meeting.
- B. Approval of Disposition of Tax Administration Records

Pursuant to a resolution adopted by the Board of Commissioners on February 4, 1985, authorization is requested to destroy the following records from the Tax Administration Departments:

- 1976-1986 Homestead Applications
- 1987 Tax Billing Scrolls
- 1996-97 Added Bills, Various Greenbar printouts
- 1998-2002 Various Collections reports (74Y, TA500, DMV Blk)
- 2002 Various Annual Scrolls
- 2014 Bankruptcy discharged, dismissed files
- 2014 Daily Cash Closing reports; prorations, reversals
- 2012-2014 Daily Cashier receipts, lockbox, debt set-off letters
- 2006 Personal Listing abstracts
- 2007 Real Estate Void cards

The destruction of these records is in accordance with the current Records Retention and Disposition Schedule and all approved Amendments as issued by the North Carolina Division of Archives and History, and adopted by the Board of Commissioners.

C. Approval of a Formal Bid Award for Hydro-Seeder for Solid Waste

**BACKGROUND:**

Funds in the FY18 budget in the amount of \$110,000.00 were approved for the purchase of a hydro-seeder for the Solid Waste Department. Formal bids were solicited and received. Only one bid met the required specifications and is therefore considered the only responsive bid, at a cost of \$102,185.00. North Carolina General Statute GS 143-129 does not require that a minimum number of bids be received for non-construction contracts.

**RECOMMENDATION/PROPOSED ACTION:**

Request approval to award the bid to the lowest, responsive, responsible bidder; LSC Environmental Products, LLC.

D. Approval of a Contract Extension with a Third-Party Consultant for Federal Emergency Management Agency (FEMA) Reimbursement

**BACKGROUND:**

On November 7, 2016, the Board of Commissioners approved hiring Innovative Emergency Management, Inc. (IEM) to provide consulting services as it relates to completing and submitting paperwork for FEMA reimbursement associated with Hurricane Matthew. There is a need to continue utilizing the services of IEM due to the lengthy and ongoing process for FEMA reimbursement. IEM has performed satisfactorily to date and has submitted many different projects on the County's behalf to FEMA. The consulting services to be provided to Cumberland County are in a not to exceed amount of \$33,840. The period of performance will be July 1, 2017 to December 31, 2017.

**RECOMMENDATION/PROPOSED ACTION:**

Staff recommends approval of a contract extension with IEM and authorizing the County Manager to execute the contract extension with IEM.

E. Approval of Sale of Surplus Real Properties:

- 1) At Barnes Street and at Tolar Street in the City of Fayetteville (PIN #0437-30-4031 and PIN #0437-30-4063)

**BACKGROUND:**

On June 19, 2017, the Board adopted a resolution of its intent to accept the offer of Mr. Clifford Bastien to purchase the following parcels for a single price of \$5,061.62:

Description	Tax Value	Deed	PIN
802 N/S Barnes St, Fayetteville, PIN 0437-30-4031	\$18,600.00	9425/659	0437-30-4031
Lot at Tolar St., Fayetteville, PIN 0437-30-4063	\$1,400.00		0437-30-4063

According to the County's tax records, these parcels are located in the City of Fayetteville, are vacant and zoned residential.

Notice of the proposed sale subject to the upset bid process required by G. S. § 160A-269 was advertised in the *Fayetteville Observer* on June 24, 2017. The publisher's affidavit has been provided. 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.

- 2) Being Lot 311, Savoy Heights, Sec. 1, Plat Book 20 at Page 21 (PIN #0437-00-6970)

**BACKGROUND:**

On May 15, 2017, the Board adopted a resolution of its intent to accept the offer of Dale and Dianna Brigham to purchase the property with PIN 0437-00-6970, being Lot 311 Savoy Heights, Sec. 1, Plat Book 20 at Page 21, for \$519.05. The parcel is zoned residential, with a tax value of \$9,227.47. Based on the County GIS Parcel Viewer System, there is not a structure on the property.

Notice of the proposed sale subject to the upset bid process required by G. S. § 160A-269 was advertised in the *Fayetteville Observer* on May 23, 2017. The publisher's affidavit has been provided. 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.

- 3) Being Lots 11-13, H.L. Dawson S/D, PB 14/39, Located at 2225 Roosevelt Drive, Fayetteville, NC (PIN #0428-97-7506)

**BACKGROUND:**

On May 15, 2017, the Board adopted a resolution of its intent to accept an offer to purchase the property with PIN 0428-97-7506, being Lots 11-13, H.L. Dawson S/D, Plat Book 14 at Page 39, located at 2225 Roosevelt Drive, Fayetteville, NC for \$9,175.21. The property is zoned SF6 with a tax value of \$86,364. Based on the GIS Mapping and the tax records, there is a structure on the lot.

Notice of the proposed sale subject to the upset bid process required by G. S. § 160A-269 was advertised in the *Fayetteville Observer* on May 23, 2017. On June 1, an upset bid was received by Dale and Dianna Brigham to purchase the property for \$9,683.97 and was advertised in the *Fayetteville Observer* on June 14, 2017. The publisher's affidavit has been provided. 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 Dale and Dianna Brigham's offer and authorize the Chair to execute a deed for the property upon the County's receipt of the balance of the purchase price.

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

- 1) Case Number: MH 1311-2016  
Property Owner: Grady C. & Patricia Elliott  
Property Location: 7647 Dunn Road, Dunn, NC  
Parcel Identification Number: 0581-37-0916

**ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 1311-2016  
PROPERTY OWNER: Grady C. & Patricia Elliott**

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on February 20, 2017, enacted an ordinance directing the demolition by the owner of the structure Grady C. & Patricia Elliott, located at 7647 Dunn Road, Godwin, NC, PIN: 0581-37-0916, said ordinance being recorded in Book 10048, page 0609, 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 \$5,500.00.
- (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 \$5,500.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated February 20, 2017, 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 7647 Dunn Road, Godwin, NC, as described in Deed Book 3022, page 341, of the Cumberland County Registry and identified in County tax records as PIN 0581-37-0916.

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

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 1581-2016  
PROPERTY OWNER: Vanessa G. Cuthbert

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on December 19, 2016, enacted an ordinance directing the demolition by the owner of the structure Vanessa G. Cuthbert, located at 2404 Elcar Drive, Fayetteville, NC, PIN: 0415-55-7134, said ordinance being recorded in Book 10010, page 0186, 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 \$3,300.00.
- (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 \$3,300.00, 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 December 19, 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 2404 Elcar Drive, Fayetteville, NC, as described in Deed Book 4125, page 575, of the Cumberland County Registry and identified in County tax records as PIN 0415-55-7134.

(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 1645-2016  
Property Owner: Robert A. Rippe  
Property Location: 225 Rachel Road, Fayetteville, NC  
Parcel Identification Number: 0542-34-3864

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 1645-2016  
PROPERTY OWNER: Robert A. Rippe

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on April 18, 2017, enacted an ordinance directing the demolition by the owner of the structure Robert A. Rippe, located at 225 Rachel Road, Fayetteville, NC, PIN: 0542-34-3864, said ordinance being recorded in Book 10090, page 0822, 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 \$9,750.00.  
(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 \$9,750.00, 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, 2017, 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 225 Rachel Road, Fayetteville, NC, as described in Deed Book 2880, page 065, of the Cumberland County Registry and identified in County tax records as PIN 0542-34-3864.

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

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 1102-2015  
PROPERTY OWNER: Bobbie Jacobs-Ghaffar

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on September 19, 2016, enacted an ordinance directing the demolition by the owner of the structure Bobbie Jacobs-Ghaffar, located at 3063 Smith Road, Fayetteville, NC, PIN: 0415-37-3833, said ordinance being recorded in Book 09957, page 0342, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$1,450.00.
- (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 \$1,450.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated September 19, 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 3063 Smith Road, Fayetteville, NC, as described in Deed Book 08302, page 562, of the Cumberland County Registry and identified in County tax records as PIN 0415-37-3833.

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

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

- 5) Case Number: MH 1659-2017  
Property Owner: Dwight Sullivan  
Property Location: 7336 Hypony Trail, Parkton, NC  
Parcel Identification Number: 9493-44-4672

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 1659-2017  
PROPERTY OWNER: Dwight Sullivan

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on May 15, 2017, enacted an ordinance directing the demolition by the owner of the structure Dwight Sullivan, located at 7336 Hypony Trail, Parkton, NC, PIN: 9493-44-4672, said ordinance being recorded in Book 10094, page 0521, 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 \$4,250.00.
- (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 \$4,250.00, 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 15, 2017, 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 7336 Hypony Trail, Parkton, NC, as described in Deed Book 7686, page 031, of the Cumberland County Registry and identified in County tax records as PIN 9493-44-4672.

(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 Budget Ordinance Amendments:

General Fund 101

1. Sheriff's Office - Budget Ordinance Amendment B180062 to recognize restitution funds in the amount of \$10,000

The Board is requested to approve Budget Ordinance Amendment B180062 in the amount of \$10,000. These funds were awarded due to a court order for restitution and will be used to purchase ammunition.

Please note this amendment requires no additional county funds.

2. Public Health, Community Transformation - Budget Ordinance Amendment B180160 to recognize federal grant funds in the amount of \$12,139 for contracted services and training/travel for the Tobacco Prevention program.

The Board is requested to approve Budget Ordinance Amendment B180160 in the amount of \$12,139 representing federal and state funds from the Centers for Disease Control and Prevention; and the North Carolina Chronic Disease and Injury Prevention Fund. These funds will be used to provide staff travel and training to engage the community on tobacco awareness and prevention. Some funds will also be used to implement media campaigns as approved by the North Carolina Tobacco Prevention Control Branch and outlined in the FY18 action plan.

Please note this amendment requires no additional county funds.

3. Public Health, General - Budget Ordinance Amendment B180239 to recognize grant funds from the Centers for Disease Control and Prevention in the amount of \$1,474

The Board is requested to approve Budget Ordinance Amendment B180239 in the amount of \$1,474 representing grants funds from the Centers for Disease Control and Prevention to be used to purchase medical supplies for the North Carolina Tuberculosis Elimination and Laboratory Project.

Please note this amendment requires no additional county funds.

4. Public Health, General - Budget Ordinance Amendment B180244 to recognize grant funds from the Centers for Disease Control and Prevention in the amount of \$14,539

The Board is requested to approve Budget Ordinance Amendment B180244 in the amount of \$14,539 representing grants funds from the Centers for Disease Control and Prevention to be used towards providing services for the North Carolina AIDS program. These funds will be used towards contracted services for a facilitator who will follow up with patients to ensure they are adhering to medical requirements and focus on the suppression of the disease.

Please note this amendment requires no additional county funds.

Crown Complex Fund 600

5. Crown Complex - Budget Ordinance Amendment B180176 to recognize Federal and State Disaster Reimbursements in the amount of \$65,850 and expenses totaling \$171,000 for repairs due to Hurricane Matthew and heavy rains prior to the hurricane.

The Board is requested to approve Budget Ordinance Amendment B180176 to recognize \$65,850 received from Federal and State grant funds: \$49,387 was received from the Federal Emergency Management Agency (FEMA) and \$16,463 was received from the North Carolina Department of Public Safety Emergency Management Division. Expenses to repair damages total \$171,000. \$121,000 will be used to repair two (2) retention ponds located at the Crown Center Complex and \$50,000 will be used to repair damages to the sewer from drainage failure and exposed lines.

Please note this amendment requires the use of Crown Complex fund balance in the amount of \$105,150.

REGARDING THE FOLLOWING ITEMS 6- 15 PLEASE NOTE:

Each fiscal year County departments may have projects that are not complete by the fiscal year end (6/30/17) or items ordered that have not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2017 budget; however, the money was not spent by June 30, 2017.

The following amendments seek to bring those funds forward from FY 2017 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 FY17 funds in FY18.

General Fund 101

6. Planning - Budget Ordinance Amendment B180205 to bring FY17 funds forward in the amount of \$8,895 for demolition projects

The Board is requested to approve Budget Ordinance Amendment B180205 to bring FY17 funds forward in the amount of \$8,895. These funds are for demolition projects started in FY17 but not completed by June 30, 2017.

7. Public Health, General - Budget Ordinance Amendment B180227 to bring FY17 funds forward in the amount of \$17,200 for computer software upgrades for the Health Department

The Board is requested to approve Budget Ordinance Amendment B180227 to bring FY17 funds forward in the amount of \$17,200, to complete a server upgrade. This project began in FY17 but not completed by June 30, 2017.

8. Public Health, Bio-Terrorism Preparedness - Budget Ordinance Amendment B180231 to bring FY17 funds forward in the amount of \$6,228 for bio-terrorism preparedness advertising

The Board is requested to approve Budget Ordinance Amendment B180231 to bring FY17 funds forward in the amount of \$6,228. Funds from the North Carolina Department of Public Health Epidemiology were received in FY17 to be used towards two years of preparedness advertising at the Fayetteville Regional Airport.

9. Library - Budget Ordinance Amendment B180243 to bring FY17 funds forward in the amount of \$143,440 for the E-Rate program and building maintenance and repairs

The Board is requested to approve Budget Ordinance Amendment B180243 to bring FY17 funds forward in the amount of \$143,440. Federal E-Rate funds in the amount of \$121,430 were received in FY17 and were not expended by year end. In addition, building maintenance and repair projects in the amount of \$22,010 were started and not completed by June 30, 2017.

10. Facilities - Budget Ordinance Amendment B180301 to bring FY17 funds forward in the amount of \$140,485 for Facilities Maintenance projects

The Board is requested to approve Budget Ordinance Amendment B180301 to bring FY17 funds forward in the amount of \$140,485 to complete facility maintenance projects that started in FY17 but not completed by June 30, 2017 and include the final payment for the replacement of a chiller at the Law Enforcement Center.

#### Recreation Fund 250

11. Parks and Recreation - Budget Ordinance Amendment B180936 to bring FY17 Recreation funds forward in the amount of \$225,000 for improvements to parks in the towns of Godwin and Wade

The Board is requested to approve Budget Ordinance Amendment B180936 to bring FY17 Recreation funds forward in the amount of \$225,000. These funds are for improvements to parks located at the towns of Godwin and Wade as approved during the Facilities Committee meeting on June 1, 2017.

12. Hope Mills Recreation - Budget Ordinance Amendment B180154 to bring FY17 Recreation funds forward in the amount of \$12,183 based on tax revenue received in June

The Board is requested to approve Budget Ordinance Amendment B180154 to bring FY17 Recreation funds forward in the amount of \$12,183. These funds represent the Recreation Tax levied for the Town of Hope Mills that were received during the end of FY17 and are to be distributed to the town of Hope Mills.

#### Crown Complex Fund 600

13. Crown Complex - Budget Ordinance Amendment B180302 to bring FY17 Crown Complex funds forward in the amount of \$93,135 for maintenance and repair projects

The Board is requested to approve Budget Ordinance Amendment B180302 to bring FY17 Crown Complex funds forward in the amount of \$93,135 for maintenance and repair projects that were started in FY17 but not completed by June 30, 2017.

#### NORCRESS Water and Sewer Fund 605

14. NORCRESS Water and Sewer - Budget Ordinance Amendment B180304 to bring FY17 NORCRESS funds forward in the amount of \$15,438 for a video monitoring contract

The Board is requested to approve Budget Ordinance Amendment B180304 to bring FY17 NORCRESS funds forward in the amount of \$15,438 for a video monitoring contract that was started in FY17 but ongoing for FY18. These funds will be used to maintain the video system used to observe the sewer lines.

#### Solid Waste Fund 625

15. Solid Waste - Budget Ordinance Amendment B180303 to bring FY17 Solid Waste funds forward in the amount of \$59,000 for repairs and improvements

The Board is requested to approve Budget Ordinance Amendment B180303 to bring FY17 Solid Waste funds forward in the amount of \$59,000 for repairs and improvements. These projects were started in FY17 but not completed by June 30, 2017.

#### Contingency Funds Report – FY18

There was no use of contingency funds to report this period.

MOTION: Commissioner Faircloth moved to approve consent agenda Items 3.A. – 3.G.15)  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

4. Public Hearings

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

Tom Lloyd, Planning and Inspections Director, presented the following cases.

Uncontested Rezoning Cases

A. Case P17-07: Revision and amendment to the Cumberland County Subdivision Ordinance amending Article XXIII, Improvement and Design Standards, Section 2302. Area-Specific Standards, sub-section A. Municipal Influence Areas; and Appendixes Exhibit 4, Official Municipal Influence Area and Sewer Service Area Map, and Exhibit 5, Municipal Influence Area Development Standards, Hope Mills column, row entitled Sidewalks (page E5-e).

Planning Board Meeting Date: July 18, 2017  
Planning Board Action: Approve the staff recommendation.  
Staff Recommendation: 1<sup>st</sup> motion for Case P17-07: 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.

2<sup>nd</sup> motion for Case P17-07: Move to approve the text amendment request provided that the boundary of the MIA is modified.

The motions passed unanimously.

\*\*\*\*\*

Chairman Adams opened the public hearing for Case P17-07.

The clerk to the board advised there were no speakers for Case P17-07.

Chairman Adams closed the public hearing for Case P17-07.

MOTION: Commissioner Faircloth moved in Case P17-07 to find the request for amendment 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.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Faircloth moved in Case P17-07 to approve the text amendment request provided that the boundary of the MIA is modified.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

B. Case P17-17: Revision and Amendment to the Cumberland County Zoning Ordinance, Article XVI, Board of Adjustment; and requesting permission to Reprint the Zoning Ordinance inserting all text amendments approved since June 20, 2005 as listed.

Planning Board Meeting Date: June 20, 2017  
 Planning Board Action: Approve the staff recommendation.  
 Staff Recommendation: 1<sup>st</sup> motion for Case P17-17: 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.

2<sup>nd</sup> motion for Case P17-17: Move to approve the text amendment and re-publish the County Zoning Ordinance as a technical ordinance in its entirety with all previously adopted amendments consolidated within the text.

The motions passed unanimously with one abstention.

\*\*\*\*\*

Chairman Adams opened the public hearing for Case P17-17.

The clerk to the board advised there were no speakers for Case P17-17.

Chairman Adams closed the public hearing for Case P17-17.

**MOTION:** Commissioner Evans moved in Case P17-17 to find the request for amendment 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.

**SECOND:** Commissioner Council  
**VOTE:** UNANIMOUS (7-0)

**MOTION:** Commissioner Evans moved in Case P17-17 to approve the text amendment and re-publish the County Zoning Ordinance as a technical ordinance in its entirety with all previously adopted amendments consolidated within the text.

**SECOND:** Commissioner Council  
**VOTE:** UNANIMOUS (7-0)

C. Case P17-22: Rezoning of 2.00+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 3101 Cedar Creek Road, submitted by Karen E. Osborn (owner).

Planning Board Meeting Date: June 20, 2017  
 Planning Board Action: Approve the staff recommendation.  
 Staff Recommendation: 1<sup>st</sup> motion for Case P17-22: 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.

2<sup>nd</sup> motion for Case P17-22: Move to approve the request for R40A Residential Zoning.

The motions passed unanimously.

\*\*\*\*\*

Chairman Adams opened the public hearing for Case P17-22.

The clerk to the board advised there were no speakers for Case P17-22.

Chairman Adams closed the public hearing for Case P17-22.

MOTION: Commissioner Lancaster moved in Case P17-022 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.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Lancaster moved in Case P17-022 to approve the request for R40A Residential Zoning.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

D. Case P17-27: Rezoning of 1.84+/- acres from M(P) Planned Industrial to C(P) Planned Commercial or to a more restrictive zoning district, located at 2915 Gillespie Street, submitted by Kinlaw’s Warehouse, LLC (owner) and Rebecca Person (agent).

Planning Board Meeting Date: July 18, 2017

Planning Board Action: Approve the staff recommendation.

Staff Recommendation: 1<sup>st</sup> motion for Case P17-27: 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.

2<sup>nd</sup> motion for Case P17-27: Move to approve the request for C(P) Planned Commercial Zoning.

The motions passed unanimously.

\*\*\*\*\*

Chairman Adams opened the public hearing for Case P17-27.

The clerk to the board advised there were no speakers for Case P17-27.

Chairman Adams closed the public hearing for Case P17-27.

MOTION: Commissioner Faircloth moved in Case P17-27 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.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Faircloth moved in Case P17-27 to approve the request for C(P) Planned Commercial Zoning.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

- E. Case P17-28: Rezoning of 2.76+/- acres from A1 Agricultural & R40 Residential to R40 Residential or to a more restrictive zoning district; located on the southwest side of SR 2233 (School Road), west of SR 2251 (Yarborough Road); submitted by Jeff and Judy Devore (owners) and Tim Evans (agent).

Planning Board Meeting Date: July 18, 2017  
 Planning Board Action: Approve the staff recommendation.  
 Staff Recommendation: 1<sup>st</sup> motion for Case P17-28: 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.

2<sup>nd</sup> motion for Case P17-28: Move to approve the request for R40 Residential Zoning.

The motions passed unanimously.

\*\*\*\*\*

Chairman Adams opened the public hearing for Case P17-28.

The clerk to the board advised there were no speakers for Case P17-28.

Chairman Adams closed the public hearing for Case P17-28.

MOTION: Commissioner Council moved in Case P17-28 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.

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

MOTION: Commissioner Council moved in Case P17-28 to approve the request for R40 Residential Zoning.

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

Minimum Housing Code Enforcement

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

- F. Case Number: MH 1807-2017  
 Property Owner: Vaughn E. McMillian Life Estate  
 c/o Jacqueline A. McDuffie  
 Property Location: 312 Longhill Drive, Fayetteville, NC  
 Parcel Identification Number: 0541-59-2872

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 1807-2017.

Property Owner: Vaughn E. McMillian Life Estate c/o Jacqueline A. McDuffie  
 Home Owner: Vaughn E. McMillian Life Estate c/o Jacqueline A. McDuffie  
 Property Address: 312 Longhill Drive, Fayetteville, NC  
 Tax Parcel Identification Number: 0541-59-2872

SYNOPSIS: This property was inspected on 4/18/2017. The property owner(s) and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 6/13/2017. Jacqueline A. McDuffie 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 7/28/2017. The property owner(s) 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 8/9/2017, 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 \$54,753.00. The Assessor for Cumberland County has the structure presently valued at \$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 heavily dilapidated, the owner was given 45 days to do something with the structure and she came to his office and signed a consent to demolish.

Chairman Adams opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Adams closed the public hearing.

Commissioner Boose asked whether the consent to demolish was made part of the record. Mr. Walters responded in the affirmative.

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)

G.	Case Number:	MH 1731-2017
	Property Owner:	Willie James Baggett
	Property Location:	6070 Dunn Road, Wade, NC
	Parcel Identification Number:	0570-64-0694

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 1731-2017.

Property Owner: Willie James Baggett  
Home Owner: Willie James Baggett  
Property Address: 6070 Dunn Road, Wade, NC  
Tax Parcel Identification Number: 0570-64-0694

SYNOPSIS: This property was inspected on 3/21/2017. The property owner(s) and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/20/2017. Willie James Baggett 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 5/20/2017. The property owner(s) 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 8/9/2017, 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 \$75,656.00. The Assessor for Cumberland County has the structure presently valued at \$0.00.

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 heavily dilapidated, the owner came to the hearing and was given 30 days, did not make any progress and there has been no contact since then.

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)

H.	Case Number:	MH 1773-2017
	Property Owner:	Jeanie A. Lassiter
	Property Location:	4132 Dunn Road, Eastover, NC
	Parcel Identification Number:	0469-62-4502

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

I, Gilbert Sanchez, 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 1773-2017.

Property Owner: Jeannie A Lassiter  
Home Owner: Jeannie A Lassiter  
Property Address: 4132 Dunn Road, Eastover, NC  
Tax Parcel Identification Number: 0469-62-4502

SYNOPSIS: This property was inspected on 3/31/2017. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 5/23/2017. Harold Gunkel 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 6/23/2017. 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 8/9/2017, no corrective action has been made to the structure. The structure is presently vacant and reasonably secured. In its present state, this structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$80,311.00. The Assessor for Cumberland County has the structure presently valued at \$5,097.00.

**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 property is in the limits of the Town of Eastover and the town complained of the property on more than one occasion. Mr. Walters stated the deal with the property is that it has some damage and is deteriorating; the owner of the property is in a care home for dementia and they have been dealing with a party of interest that has a Power of Attorney for that person. Mr. Walters stated the spouse or husband passed away and there are no other known parties of interest. Mr. Walters stated Mr. Gunkel, the party they dealt with, does not have the financial means to do anything with the property; this was started back in 2015 when it was cleaned up a little bit, secured and closed, but additional complaints caused the case to be reopened. Mr. Walters stated it does have some damage to it; it appears to have some foundation damage along one side of the home, there are also a couple of accessory structures on the property, deteriorating.

Chairman Adams opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Adams closed the public hearing.

Chairman Adams asked whether anyone had guardianship. Mr. Walters stated not that he was aware of; the owner, Jeannie Lassiter, is in the care home and they learned of this through Mr. Gunkel who came to the hearing and basically provided this information. Mr. Walters stated Mr. Gunkel attempted to do some cleaning but his age and financial situation would not allow him to do too much with it. Mr. Walters stated it is one of those things where he is sort of stuck in the middle wanting to get something done but understanding the situation and trying to give as much time as he could. Mr. Walters stated as he indicated, he has dealt with this more than once and is bringing it before the Board.

Commissioner Boose inquired regarding the acreage and asked whether attempts had been made to sell the property. Mr. Walters stated not that he was not aware of. Commissioner Boose stated he did not know whether it was a farm and an old farm house. Mr. Walters stated it is just an abandoned lot. Commissioner Boose asked whether the gentleman present was Mr. Gunkel and stated he might be a good one to answer questions. Commissioner Boose asked Mr. Gunkel whether he had tried to sell the property for Mrs. Lassiter. Mr. Gunkel stated he had not because she asked him not to but she is in a state right now with dementia where she does not recognize him or his wife. Mr. Gunkel stated when her daughter died, she asked he and his wife to take care of Mrs. Lassiter and they told her they would for as long as they could, and they have been doing so ever since. Mr. Gunkel stated Mrs. Lassiter's husband died six years ago and they were both in Bethesda Healthcare, and he and his wife went to see her every week and tried to take care of her business. Mr. Gunkel stated he used to cut the grass and everything, but then it got so bad. Mr. Gunkel stated his wife has been in a wheelchair for 46 years, now she has cancer, so he cannot. Commissioner Boose asked Mr. Gunkel whether he was a neighbor to the property. Mr. Gunkel stated no, he lives in Eastover but lives quite a ways away, although he is familiar with it. Commissioner Boose asked Mr. Gunkel whether there was any realistic expectation that if someone put

a for sale sign on the property for Mrs. Lassiter, it would sell. Mr. Gunkel stated he can ask her and can probably do it himself since he has Power of Attorney; there are a couple of people who have asked him whether they could sell it but the last thing Mrs. Lassiter told him was not to because she thinks she is going back home, which is not going to happen. Mr. Gunkel stated there are a couple of people interested in the property the way it is and he can go and talk to them.

Chairman Adams stated he understood where Commissioner Boose was going but the property may be more valuable with the house torn down because they probably want the lot as opposed to the property and it would be secured. Chairman Adams told Mr. Gunkel he understood the situation he was in.

Commissioner Evans asked Mr. Gunkel what he was requesting of Commissioners. Mr. Gunkel stated like he was telling the man he was meeting all the time, he is willing to sign it over to the county or the city, it does not matter. Mr. Gunkel stated also the property probably has an air raid shelter underneath because one of the sheriffs owned the house and he built it and it is intact. Mr. Gunkel stated anyone who bulldozes it has to be careful. Commissioner Evans asked Mr. Gunkel if he was okay with whatever happens and if Mrs. Lassiter does not want him to sell it. Mr. Gunkel responded in the affirmative and stated Mrs. Lassiter does not know anymore, she has dementia and when he and his wife go there, she does not know them anymore and she hardly speaks, falls asleep all the time and you cannot get anything out of her. Mr. Gunkel stated Mrs. Lassiter does not have any family members, everyone in her family is dead.

Chairman Adams applauded Mr. Gunkel stating this is the kind of citizen we have in Cumberland County; these are our neighbors who take care of us because they want to and do not get anything out of it. Chairman Adams told Mr. Gunkel the Board thanks him for what he is doing for her and the community. Chairman Adams stated the motion may be to demolish, which will give him some peace in terms of that. Chairman Adams thanked Mr. Gunkel for what he had done and being neighborly, which is over and beyond what a lot of people would do.

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

**SECOND:** Commissioner Faircloth

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

I.	Case Number:	MH 1790-2017
	Property Owner:	Donna Patterson Kennedy
	Property Location:	4194 Dunn Road, Eastover, NC
	Parcel Identification Number:	0469-63-7058

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

I, Gilbert Sanchez, 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 1790-2017.

Property Owner: Donna Patterson Kennedy  
Home Owner: Donna Patterson Kennedy  
Property Address: 4194 Dunn Road, Eastover, NC  
Tax Parcel Identification Number: 0469-63-7058

**SYNOPSIS:** This property was inspected on 3/27/2017. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 5/30/2017. Donna Patterson 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 6/30/2017. 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 8/9/2017, no corrective action has been made to the structure. The structure is presently vacant and reasonably secured. In its present state, this structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$37,338.00. The Assessor for Cumberland County has the structure presently valued at \$2,703.00.

**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 property owner came to the hearing. she was given time and as he understands sit, she does not has the means to demolish or repair the structure. Mr. Walters stated he is here requesting an order for demolition. Mr. Walters stated there is structural damage to it and this is also a property the town complained to his office about. Mr. Walters stated he believes the owner is on board with the County tearing the house down.

Chairman Adams opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Adams closed the public hearing.

Commissioner Keefe stated the record is not showing where the owner actually acknowledged receipt of anything and asked Mr. Walters if he had a record of conversations. Commissioner Keefe stated he noticed all the registered letters came back as delivered but no signature. Mr. Walters stated Ms. Patterson did attend the hearing and he uses the postal service and does not know why she did not sign for the letters when they were sent to her. Mr. Walters stated it is his understanding that she attempted to get contractors out there to see about demolishing the structure but the bids she received were too much for her to afford or pay for. Mr. Walters stated she did express concern that she was worried about losing the property and was worried about the lien that would be placed on the property if the County does tear the house down. Mr. Walters stated he advised her that she would have to talk with the Tax Department about how she would handle that. Commissioner Keefe asked if there was any other documentation aside from the hearing that she attended and whether she understands that at the hearing it was voted in favor of pursuing this to be taken down. Mr. Walters stated she attended the hearing. Commissioner Keefe asked if she reputed this being demolished. Mr. Walters responded in the negative and stated his understanding of this case is that he had the hearing, gave her time to do something with it and she has dealt with his inspectors throughout that time. Mr. Walters stated he basically went to her and said the time was up and she needs to do something with this and I believe from all of her sincerity that she was trying to get contractors to tear the house down or at least get bids to do it, and she could not afford that. Mr. Walters stated the service on this property is on the posting; the registered mail did not come back within the 10 days. Mr. Walters stated he sent certified and registered mail as service on this.

Chairman Adams stated Community Development for the City actually has a program when they demolish and asked whether the County's Community Development did that; there is a provision that you can actually make application to their Community Development part. Ms. Cannon stated she did not believe the County's Community Development does demolishments. Chairman Adams stated they do not demolish it, they

just pay for it. Ms. Cannon stated to her knowledge the County has never had a process with that.

Mr. Walters stated she/the owner signed for the letter and he has the post office receipt.

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

**SECOND:** Commissioner Faircloth

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

J.	Case Number:	MH 1671-2017
	Property Owner:	Gary B. Leopper
	Property Location:	1047 Honeycutt Road, Fayetteville, NC
	Parcel Identification Number:	0520-59-1690

**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 1671-2017.

Property Owner: Gary B Leopper  
Home Owner: Gary B Leopper  
Property Address: 1047 Honeycutt Road, Fayetteville, NC  
Tax Parcel Identification Number: 0520-59-1690

**SYNOPSIS:** This property was inspected on 2/6/2017. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 5/18/2017. 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 6/18/2017. 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 8/9/2017, 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 \$56,644.00. The Assessor for Cumberland County has the structure presently valued at \$737.00.

**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 no one attended the hearing on this and he has not had any contact with the owner. Mr. Walters stated the structure is dilapidated, the porch on the front fell off, there is a hole in the roof and it is so overgrown that you cannot get to the backside of it. Mr. Walters stated he went out there last week to get pictures and could not get around to the back of the structure.

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)

K.	Case Number:	MH 1650-2017
	Property Owner:	Joyce M. Alley
	Property Location:	2448 Saltwood Road, Fayetteville, NC
	Parcel Identification Number:	0415-55-8242

**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 1650-2017.

Property Owner: Joyce M. Alley  
Home Owner: Joyce M. Alley  
Property Address: 2448 Saltwood Road, Fayetteville, NC  
Tax Parcel Identification Number: 0415-55-8242

SYNOPSIS: This property was inspected on 1/12/2017. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 5/2/2017. 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 6/2/2017. 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 8/9/2017, 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 \$93,786.00. The Assessor for Cumberland County has the structure presently valued at \$1,102.00.

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 this property has been a problem for a while; someone did go in and secure the property at one time but the folks in the neighborhood broke in and set it on fire twice and it is unsecured at this time. Mr. Walters stated this case had to be advertised in the newspaper and he has had no contact with the owner of this property.

Chairman Adams opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Adams closed the public hearing.

Commissioner Boose referenced the map/overview and stated it is smack in the heart of dozens if not hundreds of residential plots. Commissioner Boose asked whether the vandalism is directed at this property or family, or up and down the street. Mr. Walters stated just recently he has several complaints in this neighborhood; for the most part, this neighborhood is not a bad neighborhood, generally keeps up the neighborhood. Mr. Walters stated he does not know what the situation is totally with this house in particular and he does not know why he has not been able to contact the owner; again, he did have to advertise in the newspaper because he did not have anywhere to send it based on the title report received back from the attorney's office; so, he posted this in the newspaper for the hearing, no one showed and he has not had any contact with the owner. Mr. Walters stated as far as the neighborhood goes, it is a pretty decent neighborhood. Commissioner Boose stated that is what he was concerned about; it is the fourth house from the end of the street that has about 20 to 30 houses going down the street so he did not know if this was going to be the beginning of a lot of Saltwood petitions coming in but he hoped not.

Chairman Adams asked whether anyone paid the taxes on it; that would be the easiest way to have a tax foreclosure on it, so somebody has to be paying the taxes and the County ought to be following the flow of the money. Chairman Adams stated he would ask the attorney because if someone is paying the taxes, there ought to be some way to figure out who owns it.

Rick Moorefield, County Attorney, stated apparently it was found that that the property was owned by Joyce Alley and the USDA has a deed of trust on it with William Hobbs as Trustee. Mr. Moorefield asked Mr. Walter whether he notified USDA. Mr. Walters responded in the affirmative. Mr. Moorefield asked Mr. Walters whether they typically respond. Mr. Walters stated this time they evidently did not respond and the first time it dawned on him was when they boarded the house up. Chairman Adams asked whether that was the USDA. Mr. Walters stated he is assuming that is who did it. Mr. Walters stated he closed the case originally but it had to be re-opened when it got broken in to; the fire report received said it was set on fire one week and the next week again.

Chairman Adams stated again he goes back to the County did a title search and somebody is paying or has paid the taxes on it. Mr. Moorefield stated it has been shown who the owners are. Chairman Adams asked whether the County sent certified mail to where ever that was, because Mr. Walters said it had been advertised in the paper. Mr. Walters stated the person served was Ms. Joyce Allen and it comes back to this address. Mr. Walters stated he attempted that originally and obviously there was service there. Chairman Adams asked Mr. Walters whether he sent it to this address or where ever the tax is going. Mr. Walters stated he sends it based on what he gets back from the attorney's office; this one is Joyce M. Alley, 2448 Saltwood Road, obviously we know no one lives there, and then USDA, I have an address listed for them but I did not get any response obviously by sending it to that address, so I ran that in the newspaper as an ad saying we were having a hearing and the certain date of that hearing. Chairman Adams asked whether it was sent to the USDA certified mail. Mr. Walters responded in the affirmative and stated they did sign for it.

Commissioner Keefe stated something does not smell right for a couple of reasons; first of all, there were two fires in there so a cynic may say that someone's got insurance on the place. Commissioner Keefe stated it looks like it is in a nice neighborhood, a nice house, it says it will take \$93,000 to bring it back up but it is only valued right now at \$1,100. Mr. Walters stated that was the Tax Office's value at revaluation. Commissioner Keefe stated the value is less than a car. Chairman Adams stated someone must be paying the deed of trust because it has not been foreclosed on. Commissioner Keefe stated there has got to be some other way of getting money; it almost seems like someone tried to collect insurance money on it.

Mr. Moorefield suggested that this one be deferred and stated he thinks it should be followed up with the USDA. Mr. Moorefield asked Mr. Walters whether he knew of another case in which the USDA did not respond because he has not, although it could be possible. Mr. Moorefield stated they have a deed of trust on this property and it is

probably a substantial deed of trust the way this property looks or used to look. Mr. Moorefield stated he would at least make another effort to follow up with the USDA. Commissioner Keefe stated he can appreciate the neighborhood; nobody wants this type of house in their neighborhood, so yes, we should fast track it. Commissioner Keefe stated he would think that USDA as the mortgage holder would want this property off their books also. Mr. Moorefield state a lot of times when there is a mortgage holder, they will take necessary steps to at least stabilize it and he has never known USDA to just abandon.

Mr. Walters stated this is the second time he has had a case; originally the first case, which he assumes was USDA, sent someone out there and boarded it up to stop anyone from going in there. Mr. Walters stated it was boarded up in 2016 and the first fire was around the first of the year; reading the fire report, they responded twice within a week's time to two different fires. Mr. Walters stated he guessed the first fire was very small and people are going in there and it is unsecured as of last week when he went out there. Mr. Walters stated he did not understand why someone would just walk away from property, but he has had that happen quite a bit unfortunately. Mr. Walters stated he does not understand why they are paying taxes on something.

Commissioner Boose stated his concern is one, that the safety of the neighborhood needs to be maintained and two, he does not want some solider to come back and find his house is not left because he did not get a certified letter while he was deployed for 18 months. Commissioner Boose asked whether the County got service on the person the first time. Mr. Walters responded in the negative and stated that is the reason it was run in the newspaper as an ad. Mr. Walters stated the first time the only service he got was on the USDA. Commissioner Boose stated his main concern is what Chairman Adams said, someone is paying taxes on the lot or something that they have not just walked away from it because a tax lien would take care of it.

Commissioner Faircloth stated he would make a motion, but as to the parties of interest here, how much time do you need. Mr. Moorefield stated the County should contact USDA within a couple of weeks; it is obvious someone is doing something about this property if someone notified the tax office of the fires and had the value dropped to \$1,100. Mr. Moorefield stated someone is tending to this and he does not understand why USDA did not respond. Commissioner Faircloth asked about the second meeting in September. Mr. Moorefield responded in the affirmative.

**MOTION:** Commissioner Faircloth moved to adopt the order and report of the minimum housing inspector as the true facts in this case and delay a decision on this case until the September 18 to give the owner and parties of interest time and to investigate the matter related to the loan and deed of trust.

**SECOND:** Commissioner Lancaster

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

### Other Public Hearings

- L. Public Hearing on the Proposed Financing Authorized by G.S. 159-151 and Authorize the County Manager, County Attorney and County Finance Director to Execute the Documents Necessary to Finalize the Installment Financing Transaction

### **BACKGROUND:**

At the August 7<sup>th</sup> Board meeting, a resolution was approved which authorized the filing of an application to the Local Government Commission (LGC) for this financing. The resolution also documented certain findings that are required for the transaction under G.S. 159-151. Additionally, the Board authorized publication of a notice of the public hearing on the proposed installment financing contract.

A request for proposals was sent out to multiple banks and the response received from PNC Bank offered the most advantageous business terms to meet the County's objectives

to most cost effectively carry out the multiple capital improvement needs. The three-year non-revolving variable rate program has an estimated interest rate range of 1.2%-1.9%. A number of cities and counties around the State have used a similar financing vehicle to efficiently manage cost and construction schedules.

To complete this transaction, Board approval is being requested to authorize County staff to execute documents including the installment financing contract and deed of trust related to the financing of capital improvements totaling \$11,220,000. The LGC will consider this financing during their Executive Committee meeting being held on September 12. The closing is scheduled to occur on September 20.

RECOMMENDATION/PROPOSED ACTION:

1. Hold the public hearing on the proposed financing as authorized by G.S. 159-151.
2. Authorize the County Manager, County Attorney, and the County Finance Director to execute the documents necessary to finalize this installment financing transaction.

BOARD OF COMMISSIONERS  
OF  
CUMBERLAND COUNTY, NORTH CAROLINA  
Excerpt of Minutes  
of Meeting of  
August 21, 2017

Present: Chairman \_\_\_\_\_ presiding, and Commissioners \_\_\_\_\_

\_\_\_\_\_  
Absent: \_\_\_\_\_

\* \* \* \* \*

Commissioner \_\_\_\_\_ introduced the following resolution, the title of which was read:

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN  
INSTALLMENT FINANCING CONTRACT TO FINANCE THE ACQUISITION,  
CONSTRUCTION AND EQUIPPING OF A VARIOUS CAPITAL PROJECTS IN THE  
COUNTY

WHEREAS, Cumberland County, North Carolina (the "County") desires to finance the acquisition, construction and equipping of various capital projects throughout the County (collectively, the "Project"); and

WHEREAS, the County desires to finance the Project by executing and delivering an installment financing contract, as authorized under Section 160A-20 of the General Statutes of North Carolina; and

WHEREAS, the County sent out a request for proposals to a number of banks relating to the financing; and

WHEREAS, PNC Bank, National Association (the "Bank") submitted a proposal dated August 2, 2017 (the "Proposal"), pursuant to which the Bank offered to enter into an installment financing contract with the County in the amount of up to \$11,220,000 (the "Contract") to finance the Project and to pay certain costs associated with the financing, to be secured by a deed of trust and security agreement that creates a lien on a portion of the Project consisting of the Spring Lake Library and Family Resource Center (the "Property") for the benefit of the Bank (the "Deed of Trust"); and

WHEREAS, the County has today held a public hearing regarding financing of the Project through the execution and delivery of the Contract, as evidenced by the Certificate and Summary of Public Hearing attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County (the "Board of Commissioners"), as follows:

1. The Board of Commissioners hereby accepts the Proposal, and authorizes and directs the Chairman, the County Manager, the Finance Officer, and the Clerk, or any of them, to execute, acknowledge and deliver the Contract and the Deed of Trust in the form presented to the Board of Commissioners and conforming to the terms of such Proposal on behalf of the County, with such changes and modifications as the person executing and delivering such instruments on behalf of the County shall find acceptable, such execution to be conclusive evidence of approval of such changes. The Clerk is hereby authorized to affix the official seal of the County to the Contract and the Deed of Trust and to attest the same.

2. Each of the County Manager, the Finance Officer and other appropriate officers of the County is hereby authorized and directed to execute and deliver any and all papers, instruments, agreements, tax certificates, opinions, certificates, affidavits and other documents, and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution, the Contract and the Deed of Trust and the financing of the Project.

3. All other acts of the Board of Commissioners and the officers of the County, which are in conformity with the purposes and intent of this resolution and in furtherance of the financing of the Project, are hereby ratified, approved and confirmed.

4. This resolution shall take effect immediately.

\*\*\*\*\*

Vicki Evans, Finance Director, reviewed the background information and recommendation/proposed action recorded above. Ms. Evans pointed out a typographical error in Exhibit B of the Installment Financing Contract and in the Deed of Trust and Security Agreement, Section 14. Future Advances. Ms. Evans responded to questions.

Chairman Adams opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Adams closed the public hearing.

**MOTION:** Commissioner Lancaster moved to authorize the County Manager, County Attorney, and the County Finance Director to execute the documents necessary to finalize this installment financing transaction.

**SECOND:** Commissioner Council

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

M. Public Hearing on the Edward Byrne Memorial Justice Grant (JAG)

**BACKGROUND:**

The Sheriff's Office is eligible to apply for funding through the Edward Byrne Memorial Assistance Grant through the United States Department of Justice. This grant continues the Department of Justice effort to support law enforcement at the local level.

This year the Sheriff's Office and the City of Fayetteville Police Department must submit a joint application. Even though this is a joint application, each agency will be able to use the funds for their own priorities. The Department of Justice uses crime statistics and population to compute the award. The grant allocation is \$145,743, with \$39,212 for the Sheriff's Office share and \$106,531 for the Fayetteville Police Department. Under the JAG Grant, there is no fund match.

As part of the USDOJ requirements, the public must be offered the opportunity to comment. The Sheriff's Office will publicly advertise the grant opportunity and will brief the Board of Commissioners. The Public Hearing advertisement for this grant was advertised in the Fayetteville Observer on Saturday, August 12, 2017.

This Public Hearing is scheduled for Monday, August 21, 2017 at the Cumberland County Board of Commissioners' Meeting.

RECOMMENDATION/PROPOSED ACTION:

Conduct the Public Hearing and approve the Memorandum of Understanding and authorize the County Manager to sign the application submittal.

THE STATE OF NORTH CAROLINA

KNOW ALL BY THESE PRESENT

COUNTY OF CUMBERLAND

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF FAYETTEVILLE, NC AND COUNTY OF CUMBERLAND,  
NC  
2017 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between The COUNTY of CUMBERLAND, acting by and through its governing body, the Cumberland County Board of Commissioners, hereinafter referred to as COUNTY, and the CITY of FAYETTEVILLE, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Cumberland County, State of North Carolina, witnesseth:

WHEREAS, this Agreement is made under the authority of Sections 153A-14 and 160A-17.1 of the North Carolina General Statutes: and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interest of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

WHEREAS, the COUNTY agrees to serve as the fiscal agent and will file a single joint application for the FY 2017 JAG funds.

NOW THEREFORE, the COUNTY and CITY agree as follows:

Section 1.

The COUNTY agrees to provide the CITY their allocated funding amount of One Hundred Eight Thousand, Seven Hundred Ninety Five dollars (\$106,531), as computed by the US Department of Justice.

Section 2.

The COUNTY, acting as fiscal agent, will not request funding to cover administrative costs. The COUNTY, acting as fiscal agent, will submit quarterly programmatic and financial reports to the US Department of Justice. The CITY agrees to forward pertinent data regarding the CITY'S program initiatives related to this grant award to assist the COUNTY in completing the aforementioned reports.

Section 3.

The COUNTY intends to use its share for communications and the CITY intends to use its share for equipment and supplies.

Section 4.

Nothing in the performance of this Agreement shall impose any liability for claims brought against the CITY.

Section 5.

Nothing in the performance of this Agreement shall impose any liability for claims brought against the COUNTY.

Section 6.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 7.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 8.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

This Memorandum of Understanding shall be effective on October 1, 2016 and expire upon the 30th day of September, 2020.

\*\*\*\*\*

Lisa Blausen, Business Manager for the Sheriff's Office, reviewed the background information recorded above. Ms. Blausen stated the Sheriff's Office intends to utilize the funds for mobile connectivity in deputy and detective vehicles, and the City of Fayetteville intends to use the funds to purchase mobile fingerprinting technology including the equipment installation, training and system maintenance. Ms. Blausen stated there is also a Memorandum of Understanding between the Sheriff's Office and Fayetteville Police Department that is currently under review by the City.

Chairman Adams opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Adams closed the public hearing.

MOTION: Commissioner Lancaster moved to approve the Memorandum of Understanding and authorize the County Manager to sign the application submittal.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

ITEMS OF BUSINESS

5. Conduct Hearing to Consider Request for a Refund of Excise Tax for Two Deeds of Conveyance Recorded by Single Source Real Estate Services, Inc.

BACKGROUND:

At its August 7, 2017, meeting the Board of Commissioners approved the request of Single Source Real Estate Services, Inc., for a refund of the county's one-half of the excise tax paid for recording two deeds for the reason that each of them was recorded twice and to set the hearing required for this matter at the August 21, 2017, meeting. The Register of Deeds recommended that these refunds be granted. One is in the amount of \$210 and the other is \$165. The county attorney confirmed that each of these deeds was recorded twice by separate deeds. The county attorney further confirmed that Sr. Asst. Reg. of Deeds Lisa Scales gave notice of the hearing to the taxpayer. Back-up documentation was provided in the agenda of the August 7, 2017, meeting.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends that the board conduct the hearing and approve the requested refund upon the taxpayer filing an instrument for each twice-recorded deed stating that the second

deed did not convey any interest in real property because the property had been conveyed by the grantor to the grantee by the first-recorded deed.

\*\*\*\*\*

Mr. Moorefield reviewed the background information recorded above and stated the Board's recommendation at its August 7, 2017 meeting was to approve the request for refund of excise tax subject to the conduct of this hearing, which is a statutory requirement. Mr. Moorefield stated the only condition the Board should place is that the taxpayer is required to file a new instrument for each twice-recorded deed stating that the second deed did not convey any interest in real property because the property had been conveyed by the grantor to the grantee by the first-recorded deed. Mr. Moorefield stated he inquired and there is no one from Single Source Real Estate Services, Inc. present.

Chairman Adams opened the hearing.

The clerk to the board advised there were no speakers.

Chairman Adams closed the hearing.

MOTION: Commissioner Council moved to approve the requested refund upon the taxpayer filing an instrument for each twice-recorded deed stating that the second deed did not convey any interest in real property because the property had been conveyed by the grantor to the grantee by the first-recorded deed.  
SECOND: Commissioner Boose  
VOTE: UNANIMOUS (7-0)

6. Nominations to Boards and Committees

- A. Fayetteville-Cumberland Parks and Recreation Advisory Commission  
(2 Vacancies)

Commissioner Council nominated Stacy Carr III and Scott Pope.

7. Appointments to Boards and Committees

- A. Cumberland County Workforce Development Board (1 Vacancy)

Nominee:

Representative of Economic Development: Robert Van Geons

- B. Transportation Advisory Board (1 Vacancy)

Nominee:

Emergency Medical Services Representative: Suzanne King

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)

Chairman Adams recessed the Cumberland County Board of Commissioners' meeting and convened the meeting of the NORCRESS Water and Sewer District Governing Board.

Chairman Adams called the meeting of the NORCRESS Water and Sewer District Governing Board to order.

1. Consent Agenda

A. Approval of minutes for the August 1, 2016 regular meeting.

B. Approval of Budget Ordinance Amendment:

NORCRESS Water and Sewer Fund 605

NORCRESS Water and Sewer - Budget Ordinance Amendment B180304 to bring FY17 NORCRESS funds forward in the amount of \$15,438 for a video monitoring contract

The Board is requested to approve Budget Ordinance Amendment B180304 to bring FY17 NORCRESS funds forward in the amount of \$15,438 for a video monitoring contract that was started in FY17 but ongoing for FY18. These funds will be used to maintain the video system used to observe the sewer lines.

MOTION: Commissioner Lancaster moved to approve consent agenda items 1.A and 1.B.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

There being no further matters of business,

Chairman Adams adjourned the meeting of the NORCRESS Water and Sewer District Governing Board and reconvened the meeting of the Cumberland County Board of Commissioners.

Chairman Adams called the meeting of the Board of Commissioners to order.

Chairman Adams recognized Fayetteville Cumberland Youth Council member Ashley Davis who stated she found it interesting to see how actual systems work and to see her community's local government at work.

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

B. Personnel Matter(s)  
Pursuant to NCGS 143-318.11(a)(6)

MOTION: Commissioner Boose moved to go into closed session for Economic Development Matter(s) pursuant to NCGS 143-318.11(a)(4) and for Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6).

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Lancaster moved to reconvene in open session.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Faircloth moved to adjourn.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 9:05 p.m.

Approved with/without revision:

Respectfully submitted,

---

Candice H. White  
Clerk to the Board