

**Members:**

Ed Donaldson, Chairman  
(Vacant), Vice-Chair  
Horace Humphrey  
Joseph Dykes  
Vickie Mullins  
George Lott



**Alternates:**

Yvette Carson  
Winton McHenry  
Nathan Feinberg  
(Vacant)  
(Vacant)

*Cumberland County Board of Adjustment*

130 Gillespie Street  
Fayetteville, NC 28301  
(910) 678-7603

MINUTES  
SEPTEMBER 19, 2013  
7:00 P.M.

**Members Present**

Ed Donaldson, Chairman  
Horace Humphrey  
Joseph Dykes  
Vickie Mullins  
George Lott  
Winton McHenry (non-voting)  
Nathan Feinberg (non-voting)

**Absent Members**

None

**Staff/Others Present**

Patti Speicher  
Melodie Robinson  
Ken Sykes  
Joan Fenley  
Robert Hasty, Jr. (Assistant  
County Attorney)

Chair Donaldson called the meeting to order at 7:00 p.m. in Public Hearing Room #3 of the Historic Courthouse.

1. SPECIAL RECOGNITION

Chair Donaldson recognized George Quigley and Melree Hubbard Tart, former chair and vice-chair. Each was presented with a plaque in appreciation of their service to the Board of Adjustment.

2. ROLL CALL

Ms. Speicher called the roll and stated a quorum was present. Ms. Speicher stated alternate members Winton McHenry and Nathan Feinberg are present.

3. VOTE FOR VICE-CHAIR

MS. SPEICHER: Chair Donaldson, we did poll all the regular members and each one stated they would be interested in that position.

CHAIR DONALDSON: I will open the floor to any nominations. Mrs. Mullins?

MRS. MULLINS: I decline to be nominated for vice-chair.

MR. LOTT: I'm willing, but I don't know anybody good enough to nominate them. I'm sure we all qualify.

CHAIR DONALDSON: Mr. Dykes?

MR. DYKES: What does the vice-chair do? He comes to the regular meetings and sits in?

CHAIR DONALDSON: If I'm not here, or if I have to recuse myself, you would take over and conduct the meeting.

CHAIR DONALDSON: No reflection on the rest of you all, but you all haven't been on the board very long. My suggestion is either Mr. Humphrey or Mr. Dykes because they have been on the board for a while and they know how it runs from session to session. I would move to nominate both of them, and then we can vote on it. I need a second.

MRS. MULLINS: I second the motion.

CHAIR DONALDSON: All those in favor of Mr. Dykes as the vice-chair, raise your hand.

**IN FAVOR**

DYKES

MULLINS

CHAIR DONALDSON: All those in favor of Mr. Humphrey as the vice-chair, raise your hand.

**IN FAVOR**

HUMPHREY

LOTT

CHAIR DONALDSON: I'll abstain from voting. The vote is 2-1 [2-2]. Mr. Humphrey will be the new vice- chair.

4. MS. SPEICHER: Gave the Oath of Office to Nathan Feinberg.

5. CHAIR DONALDSON SWORE IN THE STAFF

6. ADJUSTMENTS TO THE AGENDA

There were none.

7. APPROVAL OF THE JULY 18, 2013 MINUTES

**A motion was made by Mr. Lott and seconded by Mr. Humphrey to approve the July 18, 2013 minutes as submitted. The motion passed unanimously.**

8. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES

There were none.

9. PUBLIC HEARING DEFERRAL(S)

There were none.

10. POLICY STATEMENTS REGARDING APPEAL PROCESS

Ms. Speicher read the Board's policy regarding the appeal process to the audience.

## 11. PUBLIC HEARING(S)

### **Opened Public Hearing**

- A. P13-05-C:** CONSIDERATION OF A REQUEST FOR A VARIANCE FROM THE COUNTY ZONING ORDINANCE, SECTION 1102 YARD REGULATION, SUB-SECTION G. BUFFER REQUIREMENTS 1-E, WHICH REQUIRES A SOLID BUFFER WHEN ANY OUTSIDE STORAGE OF MATERIALS, EQUIPMENT OR PRODUCT IS VISIBLE AND/OR ABUTTING ANY RESIDENTIAL DISTRICT AND/OR PUBLIC STREET, FOR A MOTOR VEHICLE STORAGE YARD IN A C(P) PLANNED COMMERCIAL DISTRICT ON 4.30 +/- ACRES, LOCATED AT 5523 US HWY 301 SOUTH (SR 2284); SUBMITTED BY ROBERT D. TAYLOR JR (OWNER) AND TOM HOLT.

MS. SPEICHER: Presented the zoning, land use and photos of the site to the Board. You have the conditions of approval that were placed on this property in July 2012 in your packet. The only matter before us tonight is condition #14. The plan has been approved. The applicant is requesting a variance from the buffer that is required along the front of the property to shield the stored trucks and vehicles from view from the public street. Highway 301 is a public street. I'm available for questions if you have any.

CHAIR DONALDSON: Does anybody on the board have questions for the staff?

MR. LOTT: Could you put the aerial photo up of the whole area. The property directly across the street is a wooded area, behind it is a wooded area, and then you have the Caterpillar to the south and some other business to the north on Hwy 301?

MS. SPEICHER: Yes, Taylor Express, also the same as the current applicant.

MR. LOTT: Did I not notice that some of the property boundaries are buffered, with the exception of the front?

MS. SPEICHER: You are correct.

CHAIR DONALDSON: Swore in Robert Taylor.

ATTORNEY HOLT: I would like to point out a couple of things and I appreciate this photograph being left open. As Mr. Lott pointed out, this property in question is here [pointing to the presentation]. It abuts the service road through Hwy 301, not the 301 property. That is part of the problem and why we are here for this variance. You all may remember this property formerly as Hope Harbor Operation. When it closed, Taylor Express purchased it and cleared the old building off of it and frankly, that is an improvement. The chain link fence was already there. The difficulty we have is, and you might have seen it in the other photos, is that fence is directly adjacent to the right-of-way line for that service road. Do you see that right there? That is a good picture right there. That fence was here when it was purchased. This is right-of-way and obviously is all drainage usage in here. The first thing I want to point out is, in order to comply with condition #14, which requires either a solid berm or a vegetative berm, it has to be between the right-of-way and the fence. Obviously, that can't be done here. A berm that would go 6 feet

tall would have to have a base close to 15 feet. You couldn't do it here. Obviously, even for vegetation to go in here; there is no room for it to be planted on the right-of-way. That is part of

the problem. The other problem as Mr. Lott also pointed out; this property is already surrounded by cypress, vegetative barriers on three sides, the rear lot line and the two side lot lines. It is important I think to note, that this property does not abut any residential property. The closest residential property is across Hwy 301 and is not being used. This is our only R6 zoned property anywhere around and it has obviously not been built on at all. It is surrounded by forest in the back. This property here is owned by Joe Riddle and it is being used as forest and not being used for any type of commercial purpose. This is Taylor Express' main building and work site. The ordinance calls for a solid berm if the property is visible from a public highway when it is used for storage of materials, equipment or products. We would contend that this is not a storage lot per say. There is no berm or vegetation in front of the Caterpillar Plant. There is no berm or vegetation in front of these other industrial areas either. There is none in front of Taylor. This lot is being used for parking and therefore, the drivers park their vehicles here when they come to get their trucks and they pick up their trucks there. [pointing to the location on the presentation] We contend this is more like a parking lot and would be subject to Part B of the ordinance rather than dropping down to 4a and that indicates that you need that buffer when commercial off-street parking or loading space abuts a residential district along the side of the rear property line, which doesn't apply here. We will contend that Ordinance G, about buffer, particularly, subparagraph 4c, does not apply in this case. Another reason that we really would need this variance is for security purposes. If there is a solid berm or vegetative barrier between the road and along the front lot line, law enforcement personnel can't see what is going on in there without going back in there. There is no visibility into it at all because they just can't drive by it and see anything. Leaving it without a barrier, a drive by is able to see if there is anybody in there with the way it is now with the chain link fence and the bob wire top. There have been break-ins there. There have been break-ins at the Caterpillar Plant. In fact, someone came in through the subject property, the Caterpillar Plant. There have been three since Taylor bought the property last summer.

CHAIR DONALDSON: When you say last summer, are you talking about the summer of 2012?

ATTORNEY HOLT: Yes, 2012 was when it was purchased and the conditional use permit was issued. We think for all those reasons a variance is justified here in this particular case. We think that all the reasons that are normally used in regard to declare a variance are satisfied and we ask that the board rule in our favor and allow this variance and not require the barrier, the berm or the vegetative barrier to be required in this particular case. Mr. Taylor is here to answer any questions that the board may have.

MS. SPEICHER: If I could clarify for the applicant, his agent and the board, I should have made it clear in my presentation that the buffer that is required is a solid fence, a vegetative buffer or it can be a combination of the two.

CHAIR DONALDSON: Okay.

ATTORNEY HOLT: The buffer ordinance does say if it is vegetated, it has to be between the fence and the outside of the fence. That allows someone to get in there behind their fence.

MR. HUMPHREY: That was one of my questions, exactly, when she talked about the solid fence. She just addressed my concern and I thought it would come up. Does it have to be vegetative; does it have to be wood?

CHAIR DONALDSON: It can be a solid fence.

MS. SPEICHER: It can be any solid fence; it cannot be chain link no matter what you do to it.

CHAIR DONALDSON: But it is a chain link.

MR. HUMPHREY: Under solid, I'm assuming that I know what solid fences are, but I may not, so what is solid?

ATTORNEY HOLT: That is a good question and the staff has a good point. You would normally think you could do this by laying the plastic strips in there and would that make it solid? My understanding and I could be wrong because this is not my forte, but that does not comply.

CHAIR DONALDSON: It is still a chain link fence.

ATTORNEY HOLT: That is the dilemma that we are in. Do we give up the security issue, either remove the fence which is very expensive or put up a solid fence. Even if we were to plant a vegetative barrier around there, it would have to go on the inside of the fence, which is not allowed there.

MS. SPEICHER: If I could read the definition for solid fence for Mr. Humphrey, please?

CHAIR DONALDSON: Yes.

MS. SPEICHER: A solid fence or wall is defined as one in which the openings through which clear vision and the free passage of air from one side to the other does not exceed 25 percent of the fence or wall. So it would have to be seventy-five percent solid.

MR. HUMPHREY: Seventy-five percent closed?

MS. SPEICHER: Yes.

CHAIR DONALDSON: What is the frontage?

MR. TAYLOR: About 400 and something feet, I believe.

MS. SPEICHER: We have it as 560'.

CHAIR DONALDSON: 560'. If you built a solid fence, you would have to build a solid fence that had a 140' gaps in it to be broken out over that. If it is 25 percent because 25 percent of 560' is 140'. You would have to figure out the spacing which might be as much as.....I could do the math, but I'm not going to do it.

MS. SPEICHER: Chair, the definition is 25 percent of the materials of the fence, not 25 percent of the lot width.

MR. LOTT: In other words, you couldn't space them apart.

MR. DYKES: Would there be any overlapping?

CHAIR DONALDSON: Ms. Speicher just read it could only have flow through of twenty-five percent, which means to me, if you can have a gap, how are you going to get twenty-five percent flow through if you don't have a gap? Do you see what I'm saying?

MS. SPEICHER: I do.

MR. LOTT: Normally, in most cases, we have these rules and regulations that our staff enforces and most of the time they are pretty fair about it. They have been through the process of the Planning Board and put in place and normally I would agree with most of them. In my business I've run up against these things occasionally. I think here it is not a matter of what it would cost. I don't know Mr. Taylor personally, I know of him, and I don't think money would be a problem if he had to put up to do whatever he needs to do. I think here we are talking about security purposes and that is a very valid issue for our County Sheriff's Department to contend with. They are the ones I'm sure who are responsible for the security out there other than what he might have on his own.

MR. TAYLOR: Well, that is true. The trucks are in there.

MR. LOTT: This is almost a semi-industrial type situation with the Caterpillar place like it is, his trucking company up there and I know over on Shipman Road, there are several other garaged type situations.

CHAIR DONALDSON: Mr. Lott, the discussion you are in now is for after we get the facts in.

MR. LOTT: I'm sorry. I stand corrected.

CHAIR DONALDSON: It is okay, it's just that we are getting the cart before the horse. Do you have questions Mr. Dykes and Mrs. Mullins? I have some questions for Mr. Taylor. Is the fence right on your property line?

MR. TAYLOR: Yes.

CHAIR DONALDSON: The state right-of-way runs right to the fence?

MR. TAYLOR: The issue out there is that years ago the set back was thirty feet and I think it is sixty feet now. There is also the ditch and drainage on both ends of the property.

CHAIR DONALDSON: How much would it cost you to put a berm up?

MR. TAYLOR: The real issue is the berm would take up so much land. I'm so tight there now that we've got bumper pads for the trucks. If you went and put a berm there and it was 18 or 20 feet across there, it would probably eat up about three quarters of an acre of land.

CHAIR DONALDSON: What is the depth on the lot?

MR. TAYLOR: The lot is a little over 400 feet.

CHAIR DONALDSON: Is the lot totally clear?

MR. TAYLOR: Yes, there is nothing on this lot. It is just a parking lot with lights on it.

CHAIR DONALDSON: Is the lot paved or gravel?

MR. TAYLOR: It is gravel.

CHAIR DONALDSON: On average, how many trucks do you keep there?

MR. TAYLOR: Between that yard and the other yard, probably 150, but just think of this lot as like a rest area on Hwy 301. The trucks are not there all of the time. Most of the time on the weekend the trucks come in, the drivers take a rest, the trucks are there. If you go by there on a Wednesday, it would be kind of like what you see right there [pointing to the photo in the presentation]. That yard is designed for about 150 trucks.

CHAIR DONALDSON: What would you say is the average length of stay for a truck?

MR. TAYLOR: I would say a truck would not be in there for more than two days.

CHAIR DONALDSON: Are these all your trucks or are they independent truckers?

MR. TAYLOR: These are all my trucks.

CHAIR DONALDSON: They sort of rotate in with their loads.

ATTORNEY HOLT: Part of it is for the drivers' private vehicles.

MR. TAYLOR: The other end of that is a private parking lot. On the left is room in there for about 80-100 cars.

CHAIR DONALDSON: Does any board member have questions? I have a question for the staff. The Caterpillar place doesn't have any trees buffering theirs, do they?

MR. TAYLOR: I went from downtown to the Robeson County line and there is not a berm on Hwy 301 in front of anyplace.

CHAIR DONALDSON: I understand that but, I'm just talking.....

MS. SPEICHER: No sir, but this is a very thin line, we admit this, but those are considered display, if you can go on the site and buy it, it's not a storage.

CHAIR DONALDSON: Okay. Given they are only staying an average of two days; I don't think this is a storage facility.

MR. TAYLOR: That is our point.

CHAIR DONALDSON: It's more of a parking lot with temporary parking for the work vehicles as they come in and out. That is my opinion, but the board may disagree with me.

MS. SPEICHER: If the board wishes, we can take this back, redo the conditional approval of the site plan as a commercial parking lot and then the buffer requirement would be resolved and the variance wouldn't be needed.

CHAIR DONALDSON: That would solve everybody's problem, wouldn't it? To me, it's not like you are storing junk vehicles or like it's a permanent storage.

MR. LOTT: But does it meet those requirements?

MS. SPEICHER: For a commercial parking lot? The county doesn't have any provision that requires paving or improving.

CHAIR DONALDSON: It's not like the city.

MS. SPEICHER: And as long as it didn't become storage. Realistically, it would be impossible for Code Enforcement to track how long the vehicle has been there; is it being stored vs. being parked. It would be very hard on Code Enforcement to keep up with that.

CHAIR DONALDSON: Let me ask the board. Does anyone have any objection with the staff taking it back and rezoning it to a commercial parking lot?

MR. LOTT: If we were to approve or disapprove this request; that would put the official stamp on it as a storage facility?

CHAIR DONALDSON: If we approve it, we were just going to give a variance. My feelings are right now, without us taking a vote; I would grant the variance because it is so close to being a parking lot. It is not a storage facility in the sense that you just store vehicles there long term or a junk yard or mechanical place where they would store vehicles for weeks or months until they could get them repaired. To me, it is a parking lot, which I think Mr. Taylor figures it is too.

MR. TAYLOR: Well, it is. These are all new trucks.

CHAIR DONALDSON: How many trucks do you have?

MR. TAYLOR: About 300.

CHAIR DONALDSON: They are all rotating in off the road?

MR. TAYLOR: About two thirds of them are in and out of this location. We've got some other locations in another state.

MR. LOTT: If we grant this variance, would it be making a nonconforming site?

MS. SPEICHER: No, a variance would clear the nonconformance.

CHAIR DONALDSON: The staff is saying they could go back and rewrite it and make it a commercial parking lot. Is that what you all want to do or would you rather we do the variance? We can do either one.

MS. SPEICHER: Mr. Taylor made a statement about some cars being stored on one end; if we could get clarification on that.

CHAIR DONALDSON: That's on a different parking lot, isn't it?

MR. TAYLOR: It is part of this, but it is the driver's vehicles so when he comes in that vehicle goes back home.

CHAIR DONALDSON: That is a work parking lot for the employees.

MRS. MULLINS: They are only in there part-time anyway, just the same as the rigs, a couple of days at the most.

CHAIR DONALDSON: Which way do you all want to do it as long as we get the same result that we want?

MS. SPEICHER: We can leave it either up to the applicant or to the board to just withdraw and staff will rework the approval as a commercial property.

CHAIR DONALDSON: How long will it take?

MS. SPEICHER: Tomorrow.

CHAIR DONALDSON: Okay.

ATTORNEY HOLT: With the understanding they would rewrite it as a commercial parking lot.

CHAIR DONALDSON: If they don't, we can just defer this hearing until next month.

ATTORNEY HOLT: I have full confidence that they will.

CHAIR DONALDSON: Well, you never know. Things fall apart.

MS. SPEICHER: First thing in the morning.

CHAIR DONALDSON: Without any objection from the board, we will just continue this hearing over, you all rewrite it, if you are satisfied with it, we will just take it off the agenda next month. If you are not, it will be on the agenda and we will be right back here. Is that fine with you Mr. Taylor?

MR. TAYLOR: Yes, that is fine.

CHAIR DONALDSON: Is everybody on the board okay with this? The vote was unanimous.

	IN FAVOR	OPPOSED
DONALDSON	YES	
HUMPHREY	YES	
DYKES	YES	
MULLINS	YES	
LOTT	YES	

ATTORNEY HOLT: Thank you and the staff. You have been very helpful.

**B. P96-25-C:** REVOCATION OF A SPECIAL USE PERMIT (NEE SPECIFIED CONDITIONAL USE PERMIT) OF AN AUTOMOBILE JUNKYARD, IN A RR/CU RURAL RESIDENTIAL/CONDITIONAL USE OVERLAY DISTRICT WHERE TWO MANUFACTURED HOMES ARE ALLOW ON 2.10+/- ACRES, LOCATED AT 1440 KINGSTOWN COURT; EZRA LEE DAVIS, THOMAS EDWIN DAVIS, RICHARD DAVIS AND VICTORIA D. CAUGHMAN (OWNERS).

MS. SPEICHER: I apologize, but I have to do it for the record. I found one of the letters pertinent to the next case that is not included in your packet. [Ms. Speicher gave each board member a copy of the letter] If it is okay with the Chair, I will pass on reading the heading because the property owner is not here.

CHAIR DONALDSON: That is fine. Is there anybody here on this case?

MS. SPEICHER: No sir. For the board's information, I did call one of the property owners on Tuesday, to query whether they understood what was going on with this hearing and this case tonight. I explained it in full detail to them, which is why I expect they are not here. Years ago, at the very end of Kingstown Court which is off of Chapel Hill Road, which is the subject property in the center of the screen, Mr. Tommie Davis got approval through the same board for a junk yard on this site. That was in 1996. In 2004, Mr. Davis came in and requested.....there was one existing manufactured home on this site and he came in and requested a second home and got a conditional use overlay from the County Commissioners with the promise that Mr. Davis would clean that site up and was abandoning the junk yard. The site has been partially cleaned up over the years. Most recently, I just found out Mr. Davis has passed away and his children now have the site. Most recently, his son came in trying to find out what it would take for them to get approval for a second home. This was in the spring of this year, April of this year. We explained that it would still have to get cleaned up. He did submit a plan including the single wide and the double wide on the property; and we were good with that, but the letter that he was issued when he changed his plan is the one I just passed out. I highlighted it just for time savings for you and marked the pertinent conditions, which he has agreed to. He stated they just haven't had the means or the time to get the property the rest of the way cleaned up, but they really want to get moved into their home.

CHAIR DONALDSON: Does it have junk cars on it?

MS. SPEICHER: No, it is more debris and a dilapidated mobile home. Joan Fenley is here, she is from Code Enforcement, who was on site, if you want detail about it. I can show you the photos.

CHAIR DONALDSON: If you would. I want to know where it is.

MS. SPEICHER: Chapel Hill Road which is on the north side of Spring Lake.

CHAIR DONALDSON: Right, I know where that is.

MS. SPEICHER: This is a dirt trail; it is not a street, not a road.

MR. LOTT: It cuts over from Hwy 87 to Hwy 210.

MS. SPEICHER: No, Chapel Hill does, but Kingstown Court goes straight north. It is just a dirt trail. This is the mobile home [referring to the pictures in the presentation]. The first time I saw this property myself was in 1996.

CHAIR DONALDSON: This is what is confusing me. I know where Chapel Hill Road is, it comes in right there where the old Wal-Mart was in Spring Lake and goes all the way over there where the new Wal-Mart is and I don't see how that falls between the Fort Bragg training area and the Overhills tract at Fort Bragg. That is what is confusing to me; because there is no training area in there, that is all community, that is a city in there.

MS. SPEICHER: It is off the map.

CHAIR DONALDSON: I know that. Fort Bragg is here, the main post is here, Spring Lake is here and it's up here in the middle of Spring Lake and runs into Lillington. In the middle of that you've got the Little River and then the Overhills Farm starts there on the other side of the river.

MS. SPEICHER: Are you familiar with where the Food Lion Shopping Center is on Hwy 210?

MR. LOTT: Past where Mrs. Tart had her office.

CHAIR DONALDSON: Okay.

MS. SPEICHER: Chapel Hill Road intersects Hwy 210 right at that shopping center and this is right after you come around that sharp curve from Chapel Hill is a dirt trail to the right. It is a dirt trail that goes north.

CHAIR DONALDSON: Who made the determination that the U. S. Wildlife had anything to do with this piece of property?

MS. SPEICHER: We send every application that comes in, regardless whether it is zoning, subdivision, site plan or watershed to the U. S. Fish and Wildlife.

CHAIR DONALDSON: Every one of them?

MS. SPEICHER: Every single application we get, yes sir.

CHAIR DONALDSON: Did they kick this one back?

MS. SPEICHER: No they didn't. They just want them to retain as many trees.

CHAIR DONALDSON: They want them to.

MS. SPEICHER: They want them to, but they cannot make them.

CHAIR DONALDSON: That was my question.

MS. SPEICHER: We also send everything that is within five miles of the military base. We were sending it to the Garrison Commander, but he has delegated that to Jim Dougherty with RLUAC, Regional Land Use Area Commission. We sent it to them and they had no issue with it.

CHAIR DONALDSON: That is what was confusing me. It is in the city.

MS. SPEICHER: We get comments from the Fish & Wildlife in Wade out near Parkton Road and Hope Mills sometimes. Basically, all we are trying to do tonight is to revoke this board's original approval of the junk yard which the applicant is on record with the County Commissioners when they got their Conditional Use in 2004 that they were abandoning the junk yard.

CHAIR DONALDSON: Okay.

MS. SPEICHER: They did begin cleaning it up at that time, they just have a little bit more to go.

CHAIR DONALDSON: He is not objecting to it?

MS. SPEICHER: No, he is not.

CHAIR DONALDSON: Basically, they are going to clean it up.

MS. SPEICHER: They are going to do what they can to get their new home and get the lights turned on, that is what they are doing.

CHAIR DONALDSON: To get their lights turned on?

MS. SPEICHER: The power to their manufactured home.

MRS. MULLINS: So they are putting a new one in the place of that one you showed us, right?

MS. SPEICHER: That one is already a minimum housing issue, which is outside of this board. One way or the other; that one is coming off site.

MRS. MULLINS: Maybe I heard you wrong. I thought you said there was a double wide going in front of it or behind it.

MS. SPEICHER: They were flipping from what they originally got, which is what brought all this back up again.

MRS. MULLINS: Okay.

CHAIR DONALDSON: So, they don't have any objection to that?

MS. SPEICHER: No sir, they do not. I strongly encouraged them to make sure they continue working with Code Enforcement because the minimum housing issue is way separate from zoning. I explained to them that we, my office, had nothing to do with it and could not help them with the minimum housing matter.

CHAIR DONALDSON: You mean to make it habitable or to build on it?

MS. SPEICHER: Or whether the county pulls it and puts a lien on their property or whatever they may do or whatever may happen.

CHAIR DONALDSON: Did you all take pictures of it?

MS. SPEICHER: [Showed the pictures on the presentation]

CHAIR DONALDSON: Is that the only thing on the property other than the trash?

MS. SPEICHER: Yes, and some small stuff. They are working on it. He has told me more than once. Keep in mind this use to be a junk yard.

CHAIR DONALDSON: Oh, it was?

MS. SPEICHER: Yes. They have a way to go, but it doesn't look impossible for them to get this site cleaned up.

CHAIR DONALDSON: Does anybody else have any questions? Do I hear a motion to grant the revocation? You want the conditional use revoked?

MS. SPEICHER: We just want the junk yard ....it was a Specified Conditional Use at that time, revoked.

CHAIR DONALDSON: Do I hear a motion to revoke the Special Use Permit?

MR. LOTT: I motion to revoke the Specified Use Permit.

MRS. MULLINS: I second the motion.

CHAIR DONALDSON: All in favor please say aye.

	IN FAVOR	OPPOSED
DONALDSON	YES	NONE
HUMPHREY	YES	
DYKES	YES	

MULLINS	YES
LOTT	YES

## 12. RECOMMENDATION FOR NOMINATIONS TO FILL VACANCIES

MS. SPEICHER: I will tell you that in the past Mr. McManus and Ms. Ortiz were called and have stated they were not interested at that time or we couldn't get in touch with them. They have been on the list for quite a while. I do not know anything about anyone else on the list.

MR. HUMPHREY: Mr. Chairman, may I have some clarification please? Even though we recommend somebody, it still rest with the County Commissioners?

MS. SPEICHER: Yes, exactly.

MR. HUMPHREY: Okay, thank you.

CHAIR DONALDSON: Does anybody have any comments or want to make a recommendation? We could do what we did last time and pass it on to the Commissioners and let them select.

MR. LOTT: I have a nomination, Alfonso Ferguson.

MR. DYKES: I would like to nominate Joseph DeCosta.

CHAIR DONALDSON: Didn't Mr. DeCosta at one time put his name in and pulled it off? I thought sometime last year he had actually put his name in.

MS. SPEICHER: I do not remember.

CHAIR DONALDSON: For some reason I thought he put his name in last year and then pulled it off.

MS. SPEICHER: I did notice that maybe his interest is restarted because he also signed up for the Citizens Academy.

CHAIR DONALDSON: Mr. Humphrey, who are you nominating?

MR. HUMPHREY: I'm going to go with Mr. Lott's nomination of Alfonso Ferguson.

CHAIR DONALDSON: Mr. Dykes?

MR. DYKES: I'm going with Mr. DeCosta.

CHAIR DONALDSON: Mrs. Mullins, do you have anybody?

MRS. MULLINS: I'm going with Mr. Ferguson.

CHAIR DONALDSON: All those in favor of nominating Mr. Ferguson, say aye. The vote was unanimous.

	IN FAVOR	OPPOSED
LOTT	YES	NONE
HUMPHREY	YES	
MULLINS	YES	
DYKES	YES	
DONALDSON	YES	

CHAIR DONALDSON: Does anyone else want to nominate someone else other than Mr. DeCosta?

MRS. MULLINS: Ms. Ortiz is out, right?

CHAIR DONALDSON: She is not out; they will still have this list. As I understand, the County Commissioners will still have this list. They can take our recommendations or they can say no and put another person on there. Mr. Dykes has recommended Joseph DeCosta. All those in favor of recommending Mr. DeCosta, say aye.

	IN FAVOR	OPPOSED
DYKES	YES	
MULLINS	YES	
LOTT	YES	
DONALDSON	YES	
HUMPHREY	(abstained from voting)	

CHAIR DONALDSON: Mr. Ferguson and Mr. DeCosta will be referred to the Board of Commissioners.

13. UPDATE(S)

Assistant County Attorney Rob Hasty's update on the TigerSwan Case is that the new application for the case is scheduled for the Planning Board on October 1, 2013 and then scheduled for the Board of Commissioners on October 21, 2013. The new application has been submitted under the amendment passed by the commissioners this summer. The previous case may be sent back to the Board of Adjustment.

14. ADJOURNMENT

The meeting adjourned at 8:05 pm, motioned by Mr. Humphrey and seconded by Mr. Lott.