

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MONDAY, APRIL 20, 2015 – 6:45 PM  
117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118  
REGULAR/REZONING MEETING  
MINUTES

PRESENT: Commissioner Kenneth Edge, Chairman  
Commissioner Marshall Faircloth, Vice Chairman  
Commissioner Glenn Adams (telecommunicated/arrived 7:15 p.m.)  
Commissioner Jeannette Council  
Commissioner Charles Evans  
Commissioner Jimmy Keefe  
Commissioner Larry Lancaster  
Amy Cannon, County Manager  
James Lawson, Deputy County Manager  
Melissa Cardinali, Assistant County Manager  
Tracy Jackson, Assistant County Manager  
Rick Moorefield, County Attorney  
Rob Hasty, Assistant County Attorney  
Sally Shutt, Governmental Affairs Officer  
Vicki Evans, Finance Director  
Tom Lloyd, Planning and Inspections Director  
Jeffrey Brown, Engineering and Infrastructure Director  
George Hatcher, Code Enforcement Officer  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Chairman Edge called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

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

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

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

Mr. Walters – Mr. Walters did not appear when his name was called.

Raymond Mallon – Mr. Mallon did not appear when his name was called.

Willie McMillan – Mr. McMillan did not appear when his name was called.

Melissa Allen – Ms. Allen did not appear when her name was called.

Gary Blackwell – Mr. Blackwell referenced wrecker and tow services under the Cumberland County Code and stated a Deputy Sheriff owns a towing service which he perceives to be a conflict of interest since the Deputy Sheriff is an employee of the Sheriff's Office.

Andrew Webb – Mr. Webb stated his son was given a Beagle for his birthday and he only had it for one month because it was eaten by a neighbor's pit bull. Mr. Webb stated nothing was done subsequent to the incident and horrifying stories were shared with him about injuries sustained during dog attacks in this community.

Chairman Edge stated the Board is aware of many of the stories and the hope is that if the revisions to the Animal Control Ordinance pass, they will be a deterrent to dogs biting humans.

## Recognition of Cumberland County Schools with State Athletic Championships in 2015

### South View High School Indoor Track & Field Team 2015 State Champions

Commissioner Lancaster stated the South View High School Tigers won the 4A Stated Indoor Track and Field Championship by defeating Raleigh Millbrook High School 49 to 37 points. Commissioner Lancaster recognized Head Coach Jesse L. Autry. A Certificate of Recognition was presented to each team member and the assistant coaches:

Chris Burns	Nick Smith	Ivan Anderson	Mason Washington
Elvis Gordon	Gary Ayres	Javier Alejandro	Michael Staples
Christian Cortazar	Philip Hall	Assistant Head Coach: Derek Workman	
Assistant Coach: Aaron Holmes		Assistant Coach: Brian Montgomery	

### Jack Britt High School Wrestling Team 2015 State Champions

Chairman Edge stated the Jack Britt High School Buccaneers won the 4A State Wrestling Championship by defeating Southeast Guilford High School 42 to 22 points. Their overall seasonal record was 25-2. Chairman Edge recognized Head Coach John Dewese. A Certificate of Recognition was presented to each team member and the assistant coaches:

Bryan Bryant	Lamontico Melvin	Paul Garcia	Jovaun Johnson
Luke Roberson	Wesley Hollingsworth	Nicky White	Marcellino Aponte III
Joseph Stevenson	Brandon Stern	Michael Vernagallo	Bradley Wanovich
Richard Tolston III	Assistant Coach: Tim Bright	Assistant Coach: Kyle Narburgh	

### Terry Sanford High School Basketball Team 2015 State Champions

Commissioner Evans stated the Terry Sanford High School Bulldogs won the 3A State Mens' Basketball Championship by defeating Gastonia Ashbrook High School 67 to 60 points. Their overall seasonal record was 27-3. Commissioner Evans recognized Head Coach Bill Boyette. A Certificate of Recognition was presented to each team member and the assistant coaches:

Tre Sidbury-Williams	Telligence Johnson	Justin King	Shamon Elliott
Isaiah Stallings	Anthony Stokes	Malik Johnson	Logan Hales
Johnny Hughes	Randy Finch	Paris Black	Joseph Riddle
Mark Gilbert	Assistant Coach: Doug Ginn	Assistant Coach: Bucky Brown	
Assistant Coach: Josh Hayes			

#### 1. Approval of Agenda

MOTION: Commissioner Faircloth moved to approve the agenda.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

#### 2. Consent Agenda

Commissioner Evans asked to pull Item 2.C.1) for separate discussion and action.

A. Approval of Minutes for the April 13, 2015 Special Meeting

B. Approval of Ordinance Assessing Property for the Costs of Demolition:

Case Number: MH 776-2014

Property Owner: Connie G. Groves

Property Location: 3214 Princess Ann Drive, Fayetteville, NC

Parcel Identification Number: 0425-17-4090

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 776-2014  
PROPERTY OWNER: Connie G. Groves

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on November 17, 2014, enacted an ordinance directing the demolition by the owner of the structure Connie G. Groves, located at 3214 Princess Ann Dr.; Fayetteville, NC, PIN: 0425-17-4090, said ordinance being recorded in Book 9548, page 428, 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 \$3,245.00.
- (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 \$3,245.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated November 17, 2014, and in Section 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 3214 Princess Ann Dr, Fayetteville, NC, as described in Deed Book 9180, page 44, of the Cumberland County Registry and identified in County tax records as PIN 0425-17-4090.

(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.

- C. Pulled for separate discussion and action as recorded below.
- D. Approval of a Resolution of Support for the Atlantic Coast Pipeline

RESOLUTION

WHEREAS, Duke Energy Carolinas has reported to the Board of Commissioners that:

The Atlantic Coast Pipeline will bring new supplies of natural gas to North Carolina, helping Duke Energy Carolinas and Duke Energy Progress to further reduce their air emissions in the coming decades by allowing them to efficiently and responsibly meet growing power demand and replace coal power plants with cleaner-burning natural gas power plants; and

The pipeline will improve the reliability and geographic diversity of natural gas supplies for North Carolina consumers and businesses by bringing natural gas to consumers from natural gas-rich regions that are currently not accessible to Duke Energy customers; and

The pipeline enhances natural gas delivery capacity in eastern North Carolina through Piedmont Natural Gas' commitment to invest an additional \$190 million to expand its natural gas delivery network throughout the region; and

The pipeline may provide additional energy from new, untapped natural gas reserves; and

The pipeline route to be approved will provide a means of new energy with the least impact on the environment, cultural and historic resources while being overseen by the Federal Energy Regulatory Commission (FERC); and

The pipeline is expected to help mitigate price increases in the fuel clause component of consumers' and businesses' power bills by increasing accessibility to natural gas supplies; and

The pipeline's new supply of natural gas will serve as a powerful engine to drive economic development and job growth by helping eastern North Carolina and the state as a whole attract energy-dependent businesses and industries, many of which do not presently find it economically feasible to locate a business in North Carolina; and

The pipeline will generate new tax revenues for local governments; and

The pipeline will promote American industrialization and prosperity while reducing our dependence on foreign energy; and

The pipeline's capacity is expandable, which will allow increased supply as determined by market demand; and

WHEREAS, the Board of Commissioners finds all of the factors stated above will prove beneficial to the citizens of Cumberland County and the State of North Carolina.

THEREFORE, IT IS HEREBY RESOLVED that the Cumberland County Board of Commissioners fully supports the Atlantic Coast Pipeline.

ADOPTED THIS 20TH DAY OF APRIL, 2015.

E. Budget Revisions:

1) Emergency Services Grants

Revision in the amount of \$22,000 to recognize the donation of a pet trailer from the American Kennel Club Reunite, to be used for animal/pet transfer during a disaster event. (B15-292) Funding Source - Donation

2) Community Development – Continuum of Care Grant

Revision in the amount of \$143,113 to appropriate grant funds for the domestic violence program, Care Center Transitional Housing. (B15-289) Funding Source – Grant

3) Water and Sewer / Kelly Hills Water and Sewer Fund

Revisions in the amount of \$37,107 to reallocate budgeted expenditures to transfer funds from Water and Sewer to the Kelly Hills Water and Sewer Fund for the purchase and installation of a lift station flow meter from PWC. (B15-293 and B15-293A) Funding Source – Reallocation of Budgeted Expenditures

MOTION: Commissioner Council moved to approve consent agenda Items 2.A. – 2.E.(3) with the exception of Item 2.C.1) as pulled for separate discussion and action.  
SECOND: Commissioner Adams  
VOTE: UNANIMOUS (7-0)

2.C. Approval of Cumberland County Policy Committee Report and Recommendations:

1) Revisions to the Cumberland County Animal Control Ordinance

BACKGROUND:

The Animal Control Department requests revisions to the animal control ordinance as set out below. This matter was presented to the Policy Committee at its April 2, 2015 meeting.

Sec. 3-10. Definitions. Add definition for “Domestic Animals”; add definition for “Memorandum of Understanding”; revise definition for “Nuisance/Reckless Owner”

“Domestic Animals” means any animals that depend on humans for food, water and shelter to include but not limited to: Dogs, cats, horses, cows, pigs, sheep, goats & fowl.

“Memorandum of Understanding” (MOU) is an agreement by an owner and the Animal Control Department signed by the owner who agrees to certain limitations and/or conditions contained therein.

Current definition of “Nuisance/Reckless Owner”

“Nuisance /Reckless Owner” is an owner who has received a violation under Chapter 3 and has outstanding fees owed to Cumberland County Animal Control for previous violation(s) or who has not complied with the requirements for ownership of a dangerous or potentially dangerous dog.

Proposed revised definition of “Nuisance/Reckless Owner”

“Nuisance/Reckless Owner” is an owner who has received a violation under Chapter 3 and has outstanding fees owed to Cumberland County Animal Control for previous violation(s) or who has not complied with the requirements for ownership of a Nuisance animal, dangerous or potentially dangerous dog, or anyone who has signed an MOU with the Animal Control Department and has failed to adhere to the MOU.

Sec. 3-15. Nuisance animals; animals posing a threat to the public. Slight revision to subsection (a) to add the word “growls” to the description of what could be considered a nuisance.

- (a) For the purposes of this section, “nuisance” means, but is not limited to, the conduct or behavior resulting from any act of omission or commission by the owner or keeper of any small or large animal, fowl, cat or dog which molests passersby or passing vehicles, damages private or public property; barks, whines, howls, crows, growls or makes other noises in an habitual or continuous fashion which annoys the comfort, repose, health or safety of the people in the community; is unconfined in season; defecates on the property of someone other than the owner; or eats or otherwise destroys the plants, shrubs or similar landscaping on the property of someone other than the owner.

Sec. 3-19. Control of animals required; at large; strays. . . Replace the word “livestock” with “domestic animals”.

- (a) It is unlawful for any owner or person to permit or negligently allow any domestic animal ~~or livestock~~ to run at large. Any dog ~~or~~ cat **or domestic animal** that is not confined as provided in this Chapter, and not under the actual physical leash control or hand restraint of its owner or keeper, shall be deemed to be running at large. Any such animal found running at large shall be either: . . .

Sec. 3-29. Nuisance/Reckless owner. Replace the word “livestock” with “domestic animals”.

A person cited as a Nuisance/Reckless owner shall be ordered to surrender all of his/her dogs/cats/~~livestock~~/**domestic animals** to Animal Control and shall refrain from owning, keeping, or harboring those dogs/cats/~~livestock~~/**domestic animals**, or any dogs/cats/~~livestock~~/**domestic animals** for a period of three (3) years.

Sec. 3-35. Permit required. Revise subsection (f) Revocation of permits to delete “for not more than thirty (30) days” and replace “suspend” with “revoke”

(f) Revocation of permits. The Director may, upon notice and hearing and for good cause shown, revoke any permit or modify any terms, conditions or provisions thereof. If the director deems it necessary to protect the public health or safety from any imminent threat or danger thereto, he may, without hearing, **revoke** ~~suspend~~ any permit or any portion thereof ~~for not more than thirty (30) days~~. Good cause for revocation or modification of a permit shall include, without limitation, violation of or failure to comply with any provision of this Article or with any term, condition or provision of a permit.

Sec. 3-81. Penalties for violations. Revise subsection (d) to change \$100 to \$200 in order to be consistent with the appropriate fine for a class 3 misdemeanor as stated in the North Carolina General Statutes; add a subsection (e) to set forth the penalty for a dog biting a human causing severe injury.

(d) In addition to the civil penalties prescribed in this section, any violation of this Chapter, also designated as Chapter 3 of the Cumberland County Code, shall also constitute a Class 3 misdemeanor punishable by a fine or not more than ~~\$100~~ **\$200** and imprisonment of not more than 20 days.

**(e) The penalty for a dog biting a human causing injury which requires professional medical or hospital treatment shall be \$500 for the first offense.**

#### RECOMMENDATION/PROPOSED ACTION:

These revisions were approved by the Policy Committee at its April 2, 2015 meeting.

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Commissioner Evans asked whether there would be an opportunity for appeal prior to the issuance of the \$500 fine. Rob Hasty, Assistant County Attorney, stated under the Animal Control Ordinance, any enforcement action can be appealed to the Animal Control Board.

Commissioner Adams stated the revision under Section 3-35 states the Director may, without hearing, revoke any permit whereas prior to the revision, any permit could be suspended for not more than thirty (30) days and there could be a hearing. Mr. Hasty stated the hearing as referenced would have been before Dr. Lauby; however, there is still an opportunity for appeal before the Animal Control Board. Commissioner Adams stated the revision under Section 3-35 does not state anything about an opportunity for appeal. Commissioner Adams further stated under the revision, Dr. Lauby can revoke a permit without due process which poses a problem because the right to due process is taken away.

Chairman Edge stated public safety from vicious dogs is the key issue under the proposed revisions to the Animal Control Ordinance. Chairman Edge stated these revisions are a beginning and if there are problems with hearings and/or the review process, the ordinance can be returned to the Policy Committee and amended at any time.

Commissioner Evans concurred that public safety is the intent under the ordinance and stated his question was to ensure there was still a process for appeals.

MOTION: Commissioner Evans moved to approve Item 2.C.1).  
SECOND: Commissioner Lancaster  
VOTE: PASSED (6-1) (Commissioners Evans, Lancaster, Faircloth, Edge, Council and Keefe voted in favor; Commissioner Adams voted in opposition)

3. Public Hearings

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

Tom Lloyd, Planning and Inspections Director, stated there were no speakers signed up in opposition to Case P15-05 or Case P15-15 and the Planning Board recommended approval of Case P15-05 and Case P15-15.

Uncontested Rezoning Cases

Conditional Zoning District

A. Case P15-05: Rezoning of 1.88+/- acres from R6A Residential to C2(P) Planned Service and Retail/CZ Conditional Zoning for retailing, office and trade contractor, or to a more restrictive zoning district; located on the southwest side of SR 1126 (Brooklyn Circle), northeast of Lady Lane Road; submitted by Thomas D. Horne and Timothy Sealy on behalf of Directional Services Inc. (owner) and Greg Bagley.

Staff Recommendation:

1<sup>st</sup> motion for Case P15-05: 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 P15-05: Move to approve the rezoning for C2(P) Planned Service and Retail/CZ Conditional Zoning district for trade contracting with open storage as recommended by the Planning Staff.

Planning Board Recommendation: Approve the Staff Recommendation

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Chairman Edge opened the public hearing for Case P15-05.

The clerk to the board advised there were no speakers for Case P15-05.

Chairman Edge closed the public hearing for Case P15-05.

MOTION: Commissioner Council moved in Case P15-05 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 Faircloth

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Council moved in Case P15-05 to approve the rezoning for C2(P) Planned Service and Retail/CZ Conditional Zoning district for trade contracting with open storage as recommended by the Planning Staff.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

Rezoning Case

B. Case P15-15: Rezoning of 1.74+/- acres from A1 Agricultural to R40A Residential, or to a more restrictive zoning district, located at 7209 Butler Nursery Road, submitted by Jennifer C. Melton (owner).

Staff Recommendation:

1<sup>st</sup> motion for Case P15-15: 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 P15-15: Move to approve the rezoning for R40A Residential as recommended by the Planning Staff.

Planning Board Recommendation: Approve the Staff Recommendation

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Chairman Edge opened the public hearing for Case P15-15.

The clerk to the board advised there were no speakers for Case P15-15.

Chairman Edge closed the public hearing for Case P15-15.

MOTION: Commissioner Faircloth moved in Case P15-15 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 P15-15 to approve the rezoning for R40A Residential as recommended by the Planning Staff.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

Text Amendment

C. Case P15-16: Revision and amendment to the Cumberland County Zoning Ordinance, by amending Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words, inserting in alphabetical order the term and definition for “distillery, small”; amending Article IV Permitted, Conditional, and Special Uses, Section 403. Use Matrix by inserting in alphabetical order a new row entitled “distillery, small” in the land use column and allowing this use as permitted in the C(P) Planned Commercial zoning district column on this same row and updating the table of contents as appropriate.

Staff Recommendation:

1<sup>st</sup> motion for Case P15-16: Move to find the text 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.

2<sup>nd</sup> motion for Case P15-16: Move to approve the text amendment creating provisions for small distilleries in the County.

Planning Board Recommendation: Approve the Staff Recommendation

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Mr. Lloyd stated there were no speakers signed up in opposition to Case P15-16 and the text amendment is to add “distillery, small” to the zoning ordinance. Mr. Lloyd explained this is another use that is becoming more prevalent and is currently not classified.

Chairman Edge opened the public hearing for Case P15-16.

The clerk to the board advised there were no speakers for Case P15-16.

Chairman Edge closed the public hearing for Case P15-16.

MOTION: Commissioner Council moved in Case P15-16 to find the text 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: Chairman Edge

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Council moved in Case P15-16 to approve the text amendment creating provisions for small distilleries in the County.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

Minimum Housing Code Enforcement

The clerk to the board administered an oath to George Hatcher, Code Enforcement Officer.

D. Case Number: MH 950-2015  
Property Owner: Elizabeth W. Stifler Heirs c/o George Williams, Sr.  
Property Location: 4025 Limestone Street, Eastover, NC  
Parcel Identification Number: 0469-45-7228

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 950-2015.

Property Owner: Elizabeth W. Stifler Heirs c/o George Williams, Sr.  
Home Owner: Elizabeth W. Stifler Heirs c/o George Williams, Sr.  
Property Address: 4025 Limestone Street, Eastover, NC  
Tax Parcel Identification Number: 0469-45-7228

SYNOPSIS: This property was inspected on 1/12/2015. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 2/12/2015. 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 3/12/2015. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 4/09/2015, 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 \$41,160.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

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

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Mr. Hatcher stated the structure is a single-wide mobile home that has presented issues for some time and is being brought forward for demolition.

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

Chairman Edge opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Edge closed the public hearing.

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

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

E. Case Number: MH 938-2014  
Property Owner: Harry Myles  
Property Location: 8201 Godwin-Falcon Road, Godwin, NC  
Parcel Identification Number: 0592-79-7475

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 938-2014.

Property Owner: Harry Myles  
Home Owner: Harry Myles  
Property Address: 8201 Godwin- Falcon Road, Godwin, NC  
Tax Parcel Identification Number: 0592-79-7475

SYNOPSIS: This property was inspected on 1/6/2015. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 1/29/2015. Lamont Myles 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 3/1/2015. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 4/09/2015, 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 \$82,320.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

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

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Mr. Hatcher stated this structure is a dilapidated classroom type building that was placed on the property without permits and is being brought forward for demolition.

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

Chairman Edge opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Edge closed the public hearing.

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

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

F. Case Number: MH 529-2014  
Property Owner: Eunice C. Murphy c/o Dwight Murphy  
Property Location: 3437 Barbershop Road, Eastover, NC  
Parcel Identification Number: 0469-61-1073

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 529-2014.

Property Owner: Eunice C. Murphy c/o Dwight Murphy  
Home Owner: Eunice C. Murphy c/o Dwight Murphy  
Property Address: 3437 Barbershop Road, Eastover, NC  
Tax Parcel Identification Number: 0469-61-1073

SYNOPSIS: This property was inspected on 3/14/2014. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/17/2014. Dwight Murphy 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 7/17/2014. 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 4/9/2015, no corrective action has been made to the structure. The structure is presently vacant and unsecured. In its present state, this structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$105,840.00. 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.

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Mr. Hatcher stated the structures on the property have been partially demolished, work has ceased, and the matter is being brought forward for abatement.

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

Chairman Edge opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Edge closed the public hearing.

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

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

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

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 855-2014.

Property Owner: Cleo D. Pickard  
Home Owner: Cleo D. Pickard  
Property Address: 6347 Pine Street, Fayetteville, NC  
Tax Parcel Identification Number: 0520-48-3629

SYNOPSIS: This property was inspected on 9/25/2014. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 11/4/2014. Connie Trudeau attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 1/3/2015. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 4/09/2015, 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 \$41,540.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

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

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Mr. Hatcher stated the structure is a single-wide mobile home that is partially demolished and the property owner is seeking an additional thirty days in which to complete the demolition.

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

Chairman Edge opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Edge closed the public hearing.

MOTION: Commissioner 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: Chairman Edge

DISCUSSION: Commissioner Council asked whether this would afford the property owner enough time. Mr. Hatcher stated the property owner requested an additional thirty days.

VOTE: UNANIMOUS (7-0)

#### Other Public Hearings

H. 2015 Draft Community Development Consolidated Plan and Annual Action Plan

#### BACKGROUND:

Community Development is in the process of completing the planning process for the Consolidated Plan and Annual Action Plan. The Consolidated Plan will cover five (5) program years from July 1, 2015 through June 30, 2020. The Annual Action Plan will cover the period July 1, 2015 through June 30, 2016. Both of these documents must be submitted to the U.S. Department of Housing and Urban Development (HUD) by May 15, 2015 in order to receive Cumberland County's annual entitlement allocations for the Community Development Block Grant (CDBG) and Home Investment Partnership Act (HOME) programs. A public hearing is being held to provide an update on the consolidated planning process for these documents.

The Consolidated Plan is an assessment of the needs and resources of the community and establishes priorities and strategies for addressing those needs. Federal regulations require that the community assessment include a housing market analysis as well as a housing and homeless needs assessment. Community Development has secured the services of Karen Dash Consulting, LLC (KDC, LLC) to assist in the preparation of these assessments. HUD also mandates that Community Development consult with local public health organizations/child welfare agencies, adjacent units of local government, and public housing authorities in order to assist in the assessment of the community's needs. KDC, LLC and Community Development staff facilitated these consultations.

Prior to submission of the Consolidated Plan and Annual Action Plan, federal regulations require that the Community Development solicit input from the community at large.

Community Development has conducted both citizen and agency surveys as an additional means of assessing the needs of the community

**RECOMMENDATION AND PROPOSED ACTION:**

Community Development staff requests that the Board of County Commissioners hold a public hearing on the consolidated planning process and the draft 2015 Consolidated Plan to offer input and comments, as well as receive comments from the public

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Sylvia McLean, Community Development Director, reviewed the background information as recorded above and provided a brief presentation of the Consolidated Plan and Annual Action Plan. Ms. McLean stated Cumberland County is designated as an entitlement community, and federal funds received from Housing and Urban Development (HUD) are based on the census track and population in the County and are designated for jurisdictions served within the County.

Participating Jurisdictions

Housing and Urban Development (HUD)

Cumberland County / Grantee

Eastover/ Partner - Falcon/Partner - Godwin/Partner - Hope Mills/Partner

Linden/Partner - Spring Lake/Partner - Stedman/Partner - Wade/Partner

Unincorporated Areas

Ms. McLean stated HUD requires that Cumberland County submit annual reports and conduct several meetings to solicit citizen input on the five-year Consolidated Plan and Annual Action Plan. Ms. McLean reviewed the strategic planning process, consultants and resources and summary of public comments below:

Strategic Planning Process

Consolidated Plan (Every 5 Years)

- Determine Community Needs
- Determine Priority of those Needs
- Set Goals for Meeting those Needs

Annual Action Plan

- Consider All Financial Resources
- Determine Projects and Activities to Undertake
- Administer the Program
- Evaluate the Performance

Consultations and Resources

- Residents from All Jurisdictions Served
- Public / Private Agencies
- Needs Assessments & Market Analysis
- Local Governments

Summary of Public Comments

With assistance from private consulting firm Karen Dash Consulting, LLC, the following housing needs were identified:

1. Affordable Housing;
2. Housing and services for the homeless, elderly and recent prison releases;
3. Water and sewer improvement
4. Transportation services; and
5. Address and develop plan for vacant and abandoned buildings

Ms. McLean stated the priority needs outlined below were identified for 2010-2015. Ms. McLean explained non-housing community development is comprised of public service activities such as medical and health assistance through nonprofit agencies that serve Cumberland County.

Priority Needs 2010 - 2015

Affordable Housing  
 Homelessness  
 Non-Housing Community Development

Ms. McLean stated the Annual Action Plan for the coming year contains the funding as outlined below for various Community Development activities; CDBG projects and activities must meet at least one of several national objectives.

Annual Action Plan

HUD Awards CDBG (\$768,447) and HOME (258,368) Grants

Cumberland County Community Development:

Housing Activities (\$1,010,155\*)

Homeless Activities (\$52,332\*)

Public Facilities (\$100,000\*)

\*may include program income

Community Development Block Grant (CDBG)

Projects/Activities must meet one of the following National Objectives:

- Principally benefit low and moderate income persons;
- Aid in the elimination of slum and blight; or
- Meet Community Development needs having a particular urgency.

Ms. McLean reviewed the timeline for activities associated with submission of the Consolidated Plan and Annual Action Plan. Ms. McLean stated the Plans have to be submitted to HUD by May 15 and the final Plans will be brought back to the Board of Commissioners which will take into consideration all comments received during the public review period which lasts through May 5.

Consolidated Plan/Action Plan Timeline

ACTIVITY	DEADLINE
COMMUNITY MEETINGS (EXPLANATION OF PROCESS) WITH ALL TOWN MUNICIPALITIES	FEBRUARY – MARCH 2015
PUBLIC REVIEW PERIOD	APRIL 6, 2015 – MAY 5, 2015
PUBLIC HEARING BEFORE COUNTY COMMISSIONERS	APRIL 20, 2015
APPROVAL TO SUBMIT FINAL CONPLAN & ACTION PLAN	MAY 4, 2015
CONSOLIDATED PLAN/ACTION PLAN DUE TO HUD	MAY 15, 2015

Ms. McLean responded to questions regarding the timeline as it related to the thirty day public review period and the date for approval to submit the final Consolidated Plan/Annual Action Plan.

Commissioner Keefe inquired regarding collaboration between the City and the County on homelessness and the \$52,000 for homeless activities under the Annual Action Plan. Ms. Cannon stated she and Deputy County Manager James Lawson met with the city manager and deputy city manager last week to begin discussions regarding homelessness in the community and to develop strategies to work together. Ms. Cannon also stated the Consolidated Plan lists \$52,332 specifically for homelessness. Ms. McLean stated the \$52,332 for homeless activities will be used for the HMIS database system to track client data and to provide a match to other homeless programs Community Development administers. Ms. McLean stated the County is also receiving approximately \$800,000 in Continuum of Care funds from HUD as part of the competitive grant funds; these funds will be spread out over other agencies in Cumberland County. Ms. McLean further stated Cumberland County will administer three homeless programs to include a domestic violence program, transitional housing program and the Salvation Army's shelter.

Comments followed.

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

Chairman Edge opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Edge closed the public hearing.

Consensus was to receive the report as information.

Items of Business

4. Consideration of Proposed Schedule for Fiscal Year 2016 Budget Work Sessions and Budget Public Hearing

BACKGROUND:

Management anticipates submitting the FY16 Proposed Budget to the Commissioners on Tuesday, May 26, 2015. Several work sessions may be needed for review. Staff are proposing a slightly advanced budget schedule this year due to the implementation of the County’s financial software. The ERP implementation team is scheduled to arrive May 15<sup>th</sup> to begin the process. Advancing the budget schedule may assist financial staff in transitioning earlier to this major project.

RECOMMENDATION/PROPOSED ACTION:

The following schedule is recommended for consideration with all meetings to be held in the Cumberland County Courthouse, 117 Dick Street, Fayetteville, NC. Proposed action is to adopt the schedule as recorded below for FY16 budget work sessions and public hearing as recommended or modified.

Tuesday, May 26, 2015	7:00 PM	Budget Presentation	Room 118
Thursday, May 28, 2015	5:30 PM	Budget Work Session	Room 564
Tuesday, June 2, 2015	7:00 PM	Budget Public Hearing	Room 118
Thursday, June 4, 2015	5:30 PM	Budget Work Session/Dept. Head Appeal	Room 564
Monday, June 8, 2015	5:30 PM	Budget Work Session	Room 564
Wednesday, June 10, 2015	5:30 PM	Budget Work Session/Adopt Budget	Room 564

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MOTION: Commissioner Faircloth moved to adopt the proposed schedule for fiscal year 2016 budget work sessions and budget public hearing.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

5. Nominations to Boards and Committees

A. Cumberland County Juvenile Crime Prevention Council (JCPC) (2 Vacancies)

Commissioner Council nominated John McIntyre and Dwight Creech.

B. Cumberland County Local Emergency Planning Committee (3 Vacancies)

Commissioner Faircloth nominated Gary Tew, Captain J. T. Morgan and Ronnie Willet.

6. Appointments to Boards and Committees

There were no appointments scheduled for this meeting.



7. Appointment of Officers to the Equalization and Review Board.

<u>Nominees:</u>	<u>Chairman:</u>	Douglas Stephens
	<u>First Vice Chairman:</u>	Kathy Olsen
	<u>Second Vice Chairman:</u>	Harvey (Butch) Raynor

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

SECOND: Chairman Edge

VOTE: UNANIMOUS (7-0)

MOTION: Chairman Edge moved to recess the Cumberland County Board of Commissioners' meeting and convene the meeting of the Kelly Hills/Slocomb Road Water and Sewer District Governing Board.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

Chairman Edge called the meeting of the Kelly Hills/Slocomb Road Water and Sewer District Governing Board to order.

1. Items of Business

A. Approval of Minutes for the August 18, 2014 Special Meeting

B. Approval of a Budget Revision for Kelly Hills Water and Sewer Fund

Revision in the amount of \$37,107 to reallocate budgeted expenditures to transfer funds from Water and Sewer to the Kelly Hills Water and Sewer Fund for the purchase and installation of a lift station flow meter from PWC. (B15-293 and B15-293A) Funding Source – Reallocation of Budgeted Expenditures

MOTION: Commissioner Council moved to approve Items 1A. and 1.B.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

There being no further matters of business,

MOTION: Chairman Edge moved to adjourn the meeting of the Kelly Hills/Slocomb Road Water and Sewer District Governing Board and reconvene the meeting of the Cumberland County Board of Commissioners.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

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

8. Closed Session: A. Attorney Client Matter(s)  
Pursuant to NCGS 143-318.11(a)(3)

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

MOTION: Commissioner Evans moved to go into closed session for Attorney Client Matter(s) pursuant to NCGS 143-318.11(a)(3) and for Personnel Matter(s) pursuant to NCGS 143-318.11(a)(6).

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Evans moved to reconvene in open session.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Evans moved to adjourn.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 10:15 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board