

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MARCH 18, 2002, 7:00PM
REGULAR/REZONING MEETING**

PRESENT: Chairman Breeden Blackwell
Vice Chairman Talmage Baggett
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Billy R. King
Commissioner John Henley
Commissioner J. Lee Warren, Jr.
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Asst. County Manager
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Tom Lloyd, Planning Staff
Marsha Fogle, Clerk to the Board

INVOCATION: Commissioner Kenneth Edge
PLEDGE: Ashley Tinney – Fayetteville Academy

High School Student Participants: Megan Hess & Kathryn Robinson – Fayetteville Christian School

Cases 1D & E are moved to uncontested as no one signed up to speak.

Upon finding the requests to be reasonable, neither arbitrary or unduly discriminatory, and in the public interest and that the property within such proposed district is suitable for uses permitted by the new classification, the following motion was offered:

MOTION: Commissioner King moved to follow the recommendations of the Planning Board on cases A-E.
SECOND: Commissioner Baggett
VOTE: UNANIMOUS

1. Uncontested Cases

- A. Case P02-11. The rezoning of 11.3 acres from A1 to R6A or a more restrictive zoning district, on Duck Pond Road, east of East Reeves Bridge Road, owned by Mr. & Mrs. Leon F. Hair.**

The Planning Board recommended denial R6A and approval of RR District

- B. Case P02-12. The rezoning of 1.97 acres from M2 to A1 or a more restrictive zoning district, at 9121 Ramsey Street, owned by Mr. & Mrs. Bennie D. Williams.**

The Planning Board recommends denial A1 and approval of R40.

- C. Case P02-15. The rezoning of 36.5 acres from A1 to R20 or a more restrictive zoning district on Ramsey Street, north of Linden Road, owned by James d. and Elizabeth S. Devane.**

The Planning Board recommends approval of R20.

Contested Zoning Cases

- D. Case P02-08. The rezoning of 1.0 acre from A1 to C3 or to a more restrictive district at 6898 and 6904 Goldsboro Road, owned by Faustino Espino.**

The Planning Board recommends denial of the rezoning request.

- E. Case P02-13. The rezoning of 20.29 acres from A1 to R20 or a more restrictive zoning district on the north and south sides of Sand Hill Road, west of South Forty Drive, owned by Corrina M. Edwards.**

The Planning Board recommends approval of the R20 request.

Conditional Use Overlay Cases

- F. Case P02-09. A Conditional Use Overlay District and Permit to allow auto repair, salvage and storage of vehicles on 3.15 acres in an RR District at 5886 Mack Simmon Road, owned by Lee F. Fisher.**

The Planning Board recommends approval of the Conditional Overlay District and the Conditional Use Overlay Permit with the following conditions:

- all paint cans, tires and debris be removed from the area;
- a solid buffer be installed around the open storage area to meet the requirements of Section 7.27 of the County Zoning Ordinance;
- all fluids be drained and disposed of according to approved environmental procedures and the EPA regulations;
- all State regulations regarding waste removal and hazardous materials be complied with; and
- a time limit of 90 days be set for this site to be in compliance.

MOTION: Commissioner Baggett moved that the Board of Commissioners finds that this conditional use district overlay application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that it be approved.

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved that the Board of Commissioners finds that this conditional use district overlay permit application, with conditions as noted above, if completed as proposed will not materially endanger the public health and safety, will not substantially injure the value of adjoining or abutting property, will be in harmony with the area in which it is to be located and will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners, and that it be approved.

SECOND: Commissioner King

VOTE: UNANIMOUS

AMENDMENT TO ORDINANCE

- G. Case P02-25. Revisions/amendments to the Cumberland County Code of Ordinances, Appendix B, Sections 4.2c, "Private Streets," and 3.21e, "Group Developments"**

The Planning Board recommends approval of the amendments (Attachment A to these Minutes).

Tom Lloyd told the Board the primary changes affect design specifications for private streets. The changes will limit new development on dirt roads to four lots instead of

seven. Mr. Lloyd said the purpose is to reduce the number of residences on dirt roads in the county. For 5-7 lots, stone or crusher-run may be used. The road must be paved if there are more than seven lots.

Commissioner Baggett inquired if developers have had an opportunity to review and comment on the proposed changes. Mr. Lloyd said some of the developers attended the code committee meetings.

Commissioner Warren inquired about the standards for gravel and stone, i.e, how thick, etc. It was noted developers must meet DOT standards for stone or base.

MOTION: Commissioner Edge moved to approve the amendments.
SECOND: Commissioner Henley
VOTE: **FAVOR:** Commissioners Henley, Edge, Baggett, Blackwell, King and Council
OPPOSED: Commissioner Warren

MINIMUM HOUSING HEARINGS

H. Minimum Housing Hearings for the following properties:

- 1. Properties owned by Benjamin H & Anna Ford – Sweetwater Mobile Home Park, Sweetwater Drive (20 mobile home units, lots 4206, 4208 – 4216, 4218, 4220, 4221, 4223, 4225, 4227, 4229, 4231, 4233, 4237) PIN 0439-49-9288**

Affidavit of the Housing Inspector's Report before the Board of Commissioners:

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

BACKGROUND: *The following is a report on case number MH 1582 through MH 1601-2001:*

PROPERTY OWNER: *Benjamin H. & Anna Ford*

PROPERTY ADDRESS: **Sweetwater Mobile Home Park, Sweetwater Drive (20 mobile home units, lots 4206, 4208 – 4216, 4218, 4220, 4221, 4223, 4225, 4227, 4229, 4231, 4233, 4237) PIN 0439-49-9288**

TAX ID NUMBER: 0439-49-9288

SYNOPSIS: *This mobile home park was initially inspected beginning 4/26/01 (subsequent inspections on 5/26/01 & 11/16/01). The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 1/8/02. (Note: Hearing delayed due to legal service issues) No one attended the Hearing. It was ordered that these structures 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 2/8/02. 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 3/8/02 no corrective action had been made to the structures. The structures are presently vacant and unsecured, and being severely vandalized. In their present state, these structures constitute a fire, health and safety hazard and pose imminent danger to the area. Five of the six units have already been destroyed by fire due to arson (unit #s 4216, 4218, 4220, 4227, 4229) The lot is also being exposed to illegal dumping of trash and yard debris. The estimated cost to repair these structures to a minimum standard for human habitation is \$15,000 each, except for the five units destroyed by fire. The Assessor for Cumberland County has these structures presently valued at \$500 each. Ms. Reeves noted that the owner had signed a burn release which will allow the fire department to burn the units as a training exercise.*

RECOMMENDATION: *It is the recommendation of the Planning/Inspection Department that these mobile homes be demolished, and the debris removed from the lot. It is also recommended that a civil penalty be imposed for each day's continuing violation.*

SPEAKERS: None

MOTION: Commissioner Baggett 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 dwellings within 30 days;
- To order the Inspector to remove or demolish the dwellings, if the owner fails to do so and impose a lien on the real property for the cost of such action;
- To impose a \$250 per day civil penalty for failure to comply with t the order; 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

2. Properties owned by Stanley & Ernestine Hines:

ERL Mobile Home Park, Jesse Drive (8 mobile home units, lots 5867, 5868, 5871, 5874, 5877, 5878, 5881 & Unit 1) PIN 0419-85-8337

Affidavit of the Housing Inspector’s Report before the Board of Commissioners:

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

BACKGROUND: The following is a report on case number MH 1415, 1487, 1489 & 1490 – 1494-2001.

Property Owner: Stanley & Ernestine Hines

Property Address: ERL Mobile Home Park, Jesse Drive (8 mobile home units, lots 5867, 5868, 5871, 5874, 5877, 5878, 5881 & Unit 1) PIN 0419-85-8337

Tax ID Number: 0419-85-8337

SYNOPSIS: This property was inspected on 3/9/01 for 5878 Jesse Drive & 5/29/01 for the remaining units. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 3/28/01 for 5878 Jesse Drive & 7/9/01 for the remaining units. Ernestine Hines attended the Hearing. It was ordered that the structures 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 5/28/01 for 5878 Jesse Drive, 8/23/01 FOR 5881 Jesse Drive, 9/6/01 for Unit 1, & 5868, & 10/6/01 for 5874, 5867, 5871 and 5877. 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 3/4/01 and today’s date no corrective action had been made to six of the structures. Unit #1 is 75% removed and unit 5874 is 50% removed. The structures are presently vacant and partially unsecured. In their present state, these structures constitute a fire, health and safety hazard. The estimated cost to repair each structure to a minimum standard for human habitation, and the current value by the Assessor for Cumberland County is as follows:

Case #	Location	Cost to Repair	Value
MH 1490-01	5867	\$7,500	\$ 500
MH 1494-01	5868	\$5,500	\$ 500
MH 1491-01	5871	\$5,500	\$ 792
MH 1489-01	5874	\$5,500	\$ 500
MH 1492-01	5877	\$7,500	\$ 691
MH 1415-01	5878	\$1,500	\$1,246
MH 1493-01	5881	\$2,000	\$ 992
MH 1487-01	Unit 1 totally destroyed		

RECOMMENDATION: It is the recommendation of the Planning/Inspection Department that these mobile homes and one block accessory building at Unit 5868 be demolished and the debris removed from the lot.

SPEAKERS:

1. Ernestine Hines – Ms. Hines said she has been hampered in getting the repairs done because when she goes on the property police arrive and PWC cuts off the power. She said she will demolish 4 of the trailers and she wants to rehabilitate the other 3. She alleged that someone who knew the minimum housing inspector wanted to buy her trailers. She said she has also been delayed because it took her 2 weeks to get a demolition permit, and by that time the demolition company had another job. She said it would be the first of April before she can get them to come back to do the work. When asked if she could get everything done in 60 days, she said she could. However, she said she would like to have a longer period of time.

2. Stanley Hines – Mr. Hines said they would like to have a longer period of time if possible.

Chairman Blackwell noted the Hines did not appeal the Minimum Housing Board findings or ask for an extension of time.

MOTION: Commissioner King 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 dwellings at 5867, 6871, 5874 & 5877 Jesse Drive, plus Unit 1, within 60 days;
- to order the Inspector to remove or demolish the dwellings, 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 Office.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

MOTION: Commissioner King moved

- to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and
- to order the property owner to rehabilitate the properties located at 5868, 5878 and 5881 Jesse Street, within 120 days;
- to order the Inspector to rehabilitate the properties or remove or demolish the dwellings, 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 Baggett

VOTE: UNANIMOUS

2. CONSENT AGENDA

MOTION: Commissioner Edge moved to follow staff recommendations on the items on the Consent Agenda.

SECOND: Commissioner Warren

VOTE: UNANIMOUS

A. Approval of Minutes: March 11, 2002

ACTION: Approve

B. Approval of Ordinance assessing property for the costs of demolition

BACKGROUND: On October 15, 2001, the Board enacted an ordinance directing that the structures located at 5933 Gregory Street (PIN: 0419.12-85-7916), and 5943 Copley Circle (PIN 0419.12-85-6829) 1228, 1230, 1234, 1238 Tammy Street, and Lot adjacent to 1238 Tammy Street (PIN 0419.12-85-4799), Fayetteville, NC, be demolished by the owner. The owner failed to comply with the order and within the specified time period the Minimum Housing Inspector had the structure demolished as required by the Ordinance at a cost of \$4,800.

ACTION: Adopt Ordinance assessing Albert H. and Vivian Smith for the property located at the addresses listed above for the cost of demolition.

(Ordinance may be found in the Minimum Housing Ordinance Book).

C. Approval of Vending Machine Franchise Agreement for Department of Social Services (1st reading).

BACKGROUND: This proposed Ordinance between the County and Classic Food Services, Inc., will allow vending machine services in the Department of Social Services building for employees and visitors. The services are limited to food and soft-drink type beverages.

ACTION: Approve the Ordinance and Franchise Agreement on its first reading.

D. Approval of declaration of surplus Cape Fear Valley Health System equipment and furnishings and authorization for disposition.

BACKGROUND: The Hospital Board of Trustees declared the listed items surplus to their needs and recommend that they be sold using the upset bid or negotiated offer process, or be scrapped and traded in as deemed appropriate by Hospital Management or transferred to other county departments.

ACTION: Approve disposition as recommended by the Hospital Board (Attachment A).

E. Approval of the Day Reporting Center's FY03 Application for Continuation of Implementation Funding to the NC Criminal Justice Partnership Program.

BACKGROUND: This application was approved by the local CCCJP on March 12, 2002. The Board of Commissioners must also approve the application. The application is in the amount of \$240,885.

ACTION: Approve the application.

F. Approval of sale of surplus county-owned real property acquired by Tax Foreclosure – Lots 9 and 10, Blk L College Heights

BACKGROUND: In 2000, the County acquired by tax foreclosure the above property located in Cross Creek Township. The amount owed including interest and costs is \$1,272.70. Mr. Maurice Elliott has offered to purchase the County's interest in the property for \$1,272.70 and has deposited \$125 in the Finance Office. The property is valued at \$5,000.

ACTION: Accept the offer of Mr. Elliott.

G. Approval of additions to the State Secondary Road System:

Everitte Acres Subdivision: Belinda Lane

ACTION: Approve

H. Budget Revisions:

(1) Mental Health

- a. **MIS – Revision in the amount of \$1,214 to budget additional funds for an Electronics Technician I position (B02-343) Funding Source – Reallocation of budgeted expenditures**
- b. **Crisis Stabilization – Revision in the amount of \$6,048 to budget additional funds for a Health Care Supervisor position (B02-344) Funding Source – Reallocation of budgeted expenditures**

(2) Tax Administration/General Government – Revision in the amount of \$25,000 to budget for 5 temporary employees until June 30th to help in collecting delinquent taxes (Bo2-342) Funding Source – Contingency

(3) Averagesboro Battlefield – Revision in the amount of \$33,154 to budget the NCDOT Transportation Enhancement Grant #TEA-21 (B02-345) Funding Source – State and Other

(4) Health

- a. **TB Chest Clinic – Revision in the amount of \$20,000 to adjust revenues and expenditures to the actual amounts projected for FY2002 (B02-319) Funding Source – Escrow TB**
- b. **Communicable Disease – Revision in the amount of \$42,765 to adjust revenues and expenditures to their actual amounts projected for FY2002 (B02-333) Funding Source – Fees**
- c. **Pharmacy – Revision in the amount of \$70,000 to adjust revenues and expenditures to their actual amounts projected for FY2002 (B02-317) Funding Source – Fees**
- d. **Maternity Clinic/Adult Health – Revisions in the net amount of \$43,642 to adjust revenues and expenditures to the actual amounts projected for FY2002 (B02-316&316A) Funding Source - Fees**
- e. **Family Planning – Revision in the amount of \$17,510 to adjust revenue and expenditures to the actual amounts projected for FY2002 (B02-332) Funding Source – Escrow Fees and Health Fund Balance**
- f. **Regional Bioterrorism Response Team – Revision in the amount of \$206,150 to budget for the Regional Bioterrorism Response Team Grant. Expenditures include establishing four new positions: Public Health Physician II, Industrial Hygiene Consultant, Program Assistant IV and Public Health Nursing Consultant II (B02-337) Funding source – State**

REGULAR AGENDA

3. Nominations to Boards & Committees

A. Animal Control Board (1 vacancy)

BACKGROUND: Tim Loughman has resigned his position (knowledge & experience in dog behavior and/or handling) on the Animal Control Board.

ACTION: Nominate to fill the vacancy.

Nominee: Donald A. Corrigan (K-9 Deputy with Sheriff's Office)

4. Appointments to Boards/Committees;

MOTION: Commissioner King moved to appoint the nominees in 3A, 3B and 3C.

SECOND: Commissioner Council

VOTE: UNANIMOUS

A. Adult Care Home Community Advisory Committee (2 vacancies)

Nominees: Ada R. Harris (reappointment)
Margot Spencer

B. Board of Adjustment - Alternate Member (1 vacancy)

Nominee: Steve Parsons

C. Community Health Care Council (10 vacancies)

Nominees: Commissioner Rep: Billy King (reappointment)
CFVHS Rep: Alisa Debnam/Richard Parks
Community Indigent Care Rep: Cathy Ory
Womack Army Hospital: Col Ray Terrill/Ltd John Lee (reappt.)
VA Medical Center Rep: Janet Stout (reappointment)
DSS Rep: Luther Packer
Southern Regional AHEC Rep: Dr. Deborah Teasley (reappt.)
Board of Education Rep: Helen Farrior
Town of Linden Rep; Susan Hartman (reappt)
Town of Spring Lake Rep; Alderman James E. Wall

5. Consideration of the County Policy Committee Report & Recommendation.

A. Rescheduling commissioners' meetings which may fall on a national holiday.

BACKGROUND: The County Policy Committee recommends that the Board amend its policy to include rescheduling commissioners meetings which fall on a national holiday (President's Day) and/or Easter Monday to the next day (Tuesday).

ACTION: Approve amending the policy as noted above.

MOTION: Commissioner Council moved to approve.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

Commissioner Warren asked that Dr. Tom McGinn, North Carolina Department of Agriculture, be invited to come to our rescheduled meeting of April 2, 2002 to make a presentation to the Board regarding hoof and mouth disease and how it could affect everyone in the region. The Board agreed to invite Dr. McGinn.

6. Discussion regarding scheduling a joint meeting with the Fayetteville City Council.

At the March 11, 2002 meeting the Board instructed staff to schedule a breakfast meeting. The Board also canceled the Fayetteville Town Hall meeting which was to be on March 25, the same date that the joint meeting with the City Council had been scheduled, but later canceled by the City. Following some discussion, staff was instructed to continue to work with the City to schedule a breakfast meeting. The Town Hall meeting can be scheduled at a later time.

MEETING ADJOURNED: 8:10PM.

Clerk to the Board