

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
NOVEMBER 20, 2006, 6:45PM
REGULAR/REZONING MEETING

PRESENT: Chairman Billy R. King
Vice Chairman Kenneth S. Edge
Commissioner Talmage S. Baggett, Jr. (via telephone)
Commissioner J. Breeden Blackwell
Commissioner Jeannette M. Council
Commissioner John T. Henley, Jr.
Commissioner Diane Wheatley
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, Director, Planning/Inspections Department
Marsha Fogle, Clerk to the Board

INVOCATION - Commissioner Jeannette Council

PLEDGE OF ALLEGIANCE – Walter Johnson, IV – W.T. Brown Elementary School
STAR SPANGLED BANNER – Noland Johnson – Reid Ross Middle School

AMENDMENTS TO THE AGENDA:

ADDITION TO AGENDA: Closed Session: Economic Development Matter – NCGS 143-318.11(a)(4)

DELECTION: 2L MH Case 4826-2006

MOTION: Commissioner Edge moved to approve the amendments to the Agenda.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

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

No Speakers

1. Consent Agenda

MOTION: Commissioner Council moved to follow the recommended action on the items on the Consent Agenda.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

- A. Approval of minutes for the November 6, 2006 regular meeting.

ACTION: Approve

- B. Approval of Bid Rejection for Bay Shore Properties Dam Removal, Grading & Erosion Control Project (Lake Upchurch).

BACKGROUND: Bids were received on October 19, 2006 for the Bay Shore Properties Dam removal, grading and erosion control project. The existing berm on Bay Shore Properties LLC property is considered by NC Dam Safety as part of the regulated dam on Lake Upchurch. The project proposes to place fill on and behind the berm and raise the elevation so that the berm could be eliminated as part of the regulated dam. Fill material would be removed from the high side of the property and moved to the low side to backfill the berm. The low bid was submitted by Atwell Construction Company, Inc. in the amount of \$762,671.00. The initial estimate for this project provided to the County from Bay Shores Properties LLC in the April, 2006 meeting with management was \$550,000. Given the increased costs of the Lake Upchurch Dam Restoration Project, the property owners cannot afford these additional costs and the recommendation of the County Engineer is to reject the bids and work with Bay Shores Properties LLC to find ways to reduce the scope and cost of this phase of the Lake Upchurch Project.

ACTION: Follow the recommendation of the County Engineer and Management and reject the bids.

- C. Approval of Health Department Delinquent Accounts and Authorization to Submit to Collection Agencies.

BACKGROUND: The Board of Health at its meeting on October 17, 2006 approved writing off \$72,866.35 as bad debts and turning them over to the contracted collection agency – Professional Recovery Consultants, Inc..

ACTION: Approve.

- D. Approval of Request for Funding to Support the Dr. Martin Luther King, Jr. Memorial Park Paver Project.

BACKGROUND: Chairman King requested that this item be placed on the agenda. The Dr. Martin Luther King Jr. Committee is requesting \$5,000 in support of the Dr. Martin Luther King Jr. Memorial Park Paver Project. The \$5,000 will purchase a 24"x24" paver in Cumberland County's name which will be placed at the foot of the statue prior to unveiling.

ACTION: Approve the request and associated budget revision (B07-175).

- E. Approval of a Proclamation Proclaiming December 1, 2006 as "World AIDS Day" in Cumberland County.

ACTION: Approve

PROCLAMATION
2006 WORLD AIDS DAY

WHEREAS, the global spread of HIV infection and AIDS necessitates a worldwide effort to increase communication, education and action to stop the spread of HIV/AIDS; and

WHEREAS, the Joint United Nations Program on HIV/AIDS (UNAIDS) observes December 1 of each year as World AIDS Day, a day to expand and strengthen the worldwide effort to stop the spread of HIV/AIDS; and

WHEREAS, UNAIDS estimates that approximately 40 million people worldwide are estimated to be living with HIV/AIDS; and

WHEREAS, the American Association for World Health is encouraging better understanding of the challenges of HIV/AIDS nationally, as it recognizes that the number of people diagnosed with HIV and AIDS in the United States continues to increase, with an estimated 1,100,000 people in the United States now infected and approximately 40,000 new HIV infections occurring every year; and

WHEREAS, in North Carolina almost 9,000 have died from AIDS, approximately 18,000 persons are reported to have HIV or AIDS, and an additional 10,000 persons may be unaware of their infection; and

WHEREAS, the World AIDS Day theme – “Stop AIDS. Keep the Promise” – encourages people to take personal responsibility in the fight against AIDS, be accountable, and address the devastation of the HIV/AIDS global epidemic with leadership, honesty and action;

NOW, THEREFORE, the Board of Commissioners of Cumberland County hereby proclaims December 1, 2006 “WORLD AIDS DAY” in Cumberland County and urges all citizens to take part in activities and observances designed to increase awareness and understanding of HIV/AIDS, to take part in HIV/AIDS prevention activities and programs, and to join the effort to prevent the further spread of HIV/AIDS around the world and particularly here in Cumberland County.

F. Approval of Destruction of Finance Department Records.

BACKGROUND: Pursuant to a resolution adopted by the Board on February 4, 1985, the County Manager has authorized destruction of certain Finance Department records as noted below:

Records with three-year retention requirement (dated prior to 7/1/03:

Fiscal correspondence/memoranda;

Bank statements, canceled checks, deposit slips & reconciliation file;
Purchasing – request for proposals for purchase contracts, purchase orders and requisitions;
Cash receipt report files;
Check registers;
Investment records;
Journal vouchers;
LGC financial statements;
Invoices
Employee earnings record file – Local Government Retirement System
monthly reports, payroll file – salaries paid and deduction file;

Records with two-year retention requirement (dated prior to 7/1/04)

Employee benefits register file

Records with one-year retention requirement (dated prior to 7/1/05)

Daily journal and ledger printouts;
Monthly detail reports, except June 30, which is permanent.

Records that have been superseded or are obsolete:

Property and equipment inventory files

ACTION: Accept report and include same in Minutes

G. Budget Revisions:

ACTION: Approve

(1) Health

Revision in the amount of \$1,881 to appropriate fund balance to rebudget unexpended funds received from FY06 March of Dimes Folic Acid Grant. (B07-172) **Funding Source – General Fund Fund Balance**

(2) Emergency 911

Revision in the amount of \$2,000 to appropriate fund balance to contract for foreign language interpreter for 911 calls. (B07-170) **Funding Source – Emergency 911 Fund Balance**

(3) Emergency Services Grants

Revision in the amount of \$48,340 to budget Critical Infrastructure Protection Federal Grant. (B07-171) **Funding Source - Grant**

(4) Westarea Fire District

Revision in the amount of \$200 to budget for unanticipated refunds to taxpayers. (B07-169) **Funding Source – Fire District Tax**

(5) Sheriff Training Center/Federal Drug Forfeiture

Revisions in the amount of \$10,739 to transfer funds from the Federal Drug Forfeiture Fund to the Sheriff's Training Center Capital Project Fund for the purchase of IP phones. (B07-173 and B07-173A) **Funding Source – Federal Drug Forfeiture Fund Balance**

2. Public Hearings

Uncontested Cases

Upon find the requests to be reasonable, neither arbitrary nor unduly discriminatory and in the public interest, the following motion was offered:

MOTION: Commissioner Council moved to follow the Planning Board recommendations on the Uncontested Rezoning Cases.
SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

Rezoning

A. Case P06-72. The rezoning of .6 acres from R6A to C(P), or to a more restrictive zoning district, at 4469 South Main Street, owned by Purdue Drive Investments, LLC.

The Planning Board recommends denial of C(P) and approval of O&I(P) Office and Industrial District.

B. Case P06-73. The rezoning of 1.34 acres from A1 to A1A, on the south side of Butler Nursery Road, east of Two Rut Road, owned by Dorothy T. Tatum.

The Planning Board recommends approval of A1A Agriculture District.

- C. Case P06-74. The rezoning of .91 acres from C1(P) to C(P), at 4591 Cumberland Road, owned by Gerald Chambers.

The Planning Board recommends approval of C(P) Planned Commercial District.

- D. Case P06-76. The rezoning of 2 parcels totaling 4.54 acres from R40 to R30, or to a more restrictive zoning district, located on the south side of Clinton Road, west of the Sampson County Line, owned by Robert L. Nunnery, Jr.

The Planning Board recommends approval of R30 Residential District.

- E. Case P06-77. The rezoning of a 3.45 acre portion of a 55.75 acre tract from A1 to R40, or to a more restrictive zoning district, located on the northwest side of Allie Cooper Road, west of South West Street, owned by Harold and Jolene Maxwell.

The Planning Board recommends approval of R40 Residential District.

Conditional Use District

- F. Case P06-50. The rezoning of 73.21 acres from A1 to R20/DD/CUD and Permit, or to a more restrictive zoning district, located between Cedar Creek and A.B. Carter Roads, west of Willard Drive, owned by J. O. Carter, Jr. et al.

The Planning Board recommends approval of R20/DD/Conditional Use District and Permit with conditions.

The Chairman opened the Public Hearing.

(All speakers were administered the Oath)

Speakers: Thomas Nevelle – Attorney for the Developer. Mr. Nevelle stated his client has worked hard to address the concerns of the neighbors and to meet the requirements and conditions as set out by the Planning Board. He noted there had been some concerns regarding runoff. He said the developer would follow the DENHR plans and submit a drainage plan to the Stormwater Utility for review and approval.

Michaels Woods, Developer – He noted that 40% of the site will remain undeveloped as required. In replying to a question concerning the number of entrances to the subdivision, he noted initially he had planned to have two, but because of the requirement that 40% of the property remain undeveloped, he reduced the entrances to one.

The Chairman closed the Public Hearing.

Commissioner Baggett expressed concern that the City of Fayetteville could require the developer to sign an annexation agreement in order to have PWC water and sewer. He also said he did not believe it was in the best interest of the public.

MOTION: Commissioner Blackwell moved that the conditional use district is neither arbitrary nor unduly discriminatory and in the public interest and that it be approved.

SECOND: Commissioner Edge

VOTE: FAVOR: Commissioners Edge, Henley, Council, Blackwell, Wheatley and King.
OPPOSED: Commissioner Baggett

MOTION: Commissioner Blackwell moved that the conditional use district permit, if developed as submitted and subject to the conditions required, 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, Highway Plan and other plans officially adopted by the Board of Commissioners and that it be approved.

SECOND: Commissioner Henley

VOTE: FAVOR: Commissioners Edge, Henley, Council, Blackwell, Wheatley and King.
OPPOSED: Commissioner Baggett

The packet materials will be accepted as part of the minutes.

- G. Case P06-64. The rezoning of 11.72 acres from A1 to M(P)/CUD and Permit, or to a more restrictive zoning district to allow new and used motor vehicle (Auto, Truck & Trailer), equipment, parts and tire sales (retail and wholesale), tool and equipment rental, motor vehicle (trucks, cars, boat, RV and farm equipment) and equipment repair, tire installation and body work (garage), office, junkyard-salvage and storage of motor vehicles, parts and equipment, wrecker service, mobile service vehicle, and fabrication and welding, on Temple Oak Avenue, north of Macedonia Church Road, owned by James D. Smith.

The Planning Board recommends denial of the request.

Commissioner Wheatley asked the Board to allow her to abstain from voting on this matter because of financial interests.

MOTION: Commissioner Blackwell moved to allow Commissioner Wheatley to abstain.

SECOND: Commissioner Council

VOTE: UNANIMOUS

The Chairman opened the Public Hearing. There were no speakers. The Chairman closed the Public Hearing.

MOTION: Commissioner Blackwell moved that the Board of Commissioners fails to find that this conditional use district overlay application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that it be denied.

SECOND: Commissioner Henley
VOTE: UNANIMOUS

The packet materials will be accepted as part of the minutes.

Revisions and Amendments

- H. Case P06-80. Revisions, Amendments and Updates to the Cumberland County Zoning Ordinance for the Cumberland County Joint Planning Board's One Year Review of the June 20, 2005 Ordinance.

The Planning Board recommends approval of the one-year revision and amendment to the Ordinance, with the additional change of deleting the words "Medium-sized" from Article III, Section 304 and removing the Billboard related portion of the amendment.

MOTION: Commissioner Council moved to follow the recommendation of the Planning Board.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

Other Public Hearings

- I. Public Hearing on the Windridge Subdivision Water Line Extension Project and Approval of a Resolution Adopting the Preliminary Assessment Roll.

BACKGROUND: The Board previously called a public hearing on adoption of the Preliminary Assessment Roll for the Windridge Water Line Extension Project. Notice of the public hearing and first class mail notice to affected property owners has been duly published and sent in accordance with the statute.

The Chairman opened the Public Hearing.

SPEAKERS:

Mr. C.H. Dever: Mr. Dever noted the assessment has changed about three times and he feels it has escalated to a cost that will make it difficult for some people to pay it. He asked if there was any way the interest rate might be reduced. He expressed concern that the property in the area should never have been developed in the first place because it was a "swamp".

The Public Hearing was closed.

Tom Cooney, Public Utilities Director, noted that interest rate is the same as is being used on other projects. He said it was the rate allowed by the State. Mr. Grainger Barrett, County Attorney, noted the 8% is the legal rate as approved by the State, and the interest rate on this project was set at 8% so it would be consistent with other assessment projects approved by the Board. He also noted that the 8% is the maximum rate that could be charged.

ACTION: Annul, modify or confirm the assessments as set forth in the Preliminary Assessment Roll. Direct the clerk to enter into the Minutes of the Board the date, hour and minute of confirmation. A copy of the Assessment Roll shall be delivered to the County Tax Collector for collection in the same manner as property taxes.

MOTION: Commissioner Edge, at 7:45PM, on November 20, 2006, moved that the Board confirm the assessments as set forth in the Preliminary Assessment Roll and direct the Clerk to enter into the Minutes of the Board the date, hour and minute of confirmation.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

Minimum Housing Code Enforcement

J. Case Number: MH 4784-2006
Property Owner: Kathryn & Kenneth Fisher
Property Location: Lot to left of 3554 Hidden Oaks Drive, Fayetteville, NC
Parcel Identification Number: 0452-46-6548

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

SYNOPSIS: This property was inspected on 2/23/06. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 3/26/06. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 6/29/06. 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 11/9/06 no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health and safety hazard. The estimated cost to repair the structure to a minimum standard for human habitation is \$20,000. The Assessor for Cumberland County has the structure presently valued at \$500.

RECOMMENDATION: It is the recommendation of the Planning/Inspection Department that the structure be demolished and the debris removed from the lot.

CHAIRMAN KING OPENED THE PUBLIC HEARING. THERE WERE NO SPEAKERS. CHAIRMAN KING CLOSED THE PUBLIC HEARING.

MOTION: Commissioner Henley moved that the Board adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and to order the property owner to remove or demolish the dwelling within 60 days, and 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 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 Edge

VOTE: UNANIMOUS

K. Case Number: MH 4654-2005
Property Owner: Michael O'Brien
Property Location: 1164 Armadillo Drive, Fayetteville, NC

Parcel Identification Number: 0419-76-5213

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

SYNOPSIS: This property was inspected on 10/28/05. The property owners and parties of interest were legally serviced with Notice of Violations and were afforded a Hearing on 11/30/05. Michael O'Brien 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 3/1/06. 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 11/9/06 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health and safety hazard. The estimated cost to repair the structure to a minimum standard for human habitation is \$20,000. The Assessor for Cumberland County has the structure presently valued at \$500.

RECOMMENDATION: It is the recommendation of the Planning/Inspection Department that the structure be demolished and the debris removed from the lot.

THE CHAIRMAN OPENED THE PUBLIC HEARING. THERE WERE NO SPEAKERS. THE CHAIRMAN CLOSED THE PUBLIC HEARING.

MOTION: Commissioner Henley moved that the Board adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and to order the property owner to remove or demolish the dwelling within 60 days, and 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 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 Edge

VOTE: UNANIMOUS

L. Case Number: MH 4826-2006
Property Owner: Vance Brewer Marsh Life Estate
Property Location: Lot in front of 3646 Hidden Oaks Drive, Fayetteville, NC
Parcel Identification Number: 0452-56-5624

THIS ITEM REMOVED BECAUSE OWNER HAS ADDRESSED THE PROBLEMS.

M. Case Number: MH 4827-2006
Property Owner: M.J. Marsh Farms, Inc.
Property Location: Lot behind 3267 Shem Creek Drive, Mobile Home A,
Fayetteville, NC
Parcel Identification Number: 0452-27-2136

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

SYNOPSIS: This property was inspected on 2/23/06. The property owners and parties of interest were legally serve with Notice of Violations and were afforded a Hearing on 4/12/06. V.B. Marsh 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 7/12/06. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. An appeal was filed. The Housing Appeals Board granted a 90-day extension with final compliance date of 10/11/06. On my visit to the property on 11/9/06 no corrective action had been made to the structure. The

structure is presently vacant and unsecured. In its present state the structure constitutes a fire, health and safety hazard. The estimated cost to repair the structure to a minimum standard for human habitation is \$20,000. The Assessor for Cumberland County has the structure presently valued at \$500.

RECOMMENDATION: It is the recommendation of the Planning/Inspection Department that the structure be demolished and the debris removed from the lot.

MOTION: Commissioner Henley moved that the Board adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and to order the property owner to remove or demolish the dwelling within 90 days, and 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 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 King

VOTE: UNANIMOUS

- N. Case Number: MH 4828-2006
Property Owner: M.J. Marsh Farms, Inc.
Property Location: Lot behind 3267 Shem Creek Drive, Mobile Home B,
Fayetteville, NC
Parcel Identification Number: 0452-27-2136

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

SYNOPSIS: This property was inspected on 2/23/06. The property owners and parties of interest were legally serve with Notice of Violations and were afforded a Hearing on 4/12/06. V.B. Marsh 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 7/12/06. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. An appeal was filed. The Housing Appeals Board granted a 90-day extension with final compliance date of 10/11/06. On my visit to the property on 11/9/06 no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state the structure constitutes a fire, health and safety hazard. The estimated cost to repair the structure to a minimum standard for human habitation is \$20,000. The Assessor for Cumberland County has the structure presently valued at \$500.

RECOMMENDATION: It is the recommendation of the Planning/Inspection Department that the structure be demolished and the debris removed from the lot.

MOTION: Commissioner Henley moved that the Board adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and to order the property owner to remove or demolish the dwelling within 90 days, and 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 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 King

VOTE: UNANIMOUS

- O. Case Number: MH 4777-2006
Property Owner: M.J. Marsh Farms, Inc.; Mobile Home Owner: Tim Larson
Property Location: 3427 Shem Creek Drive, Fayetteville, NC

Parcel Identification Number: 0452-47-0387

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

SYNOPSIS: This property was inspected on 2/23/06. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 3/29/06. V.B. Marsh attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 6/29/06. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. An appeal was filed. The Housing Appeals Board granted a 90-day extension with final compliance date of 10/11/06. On my visit to the property on 11/9/06 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state the structure constitutes a fire, health and safety hazard. The estimated cost to repair the structure to a minimum standard for human habitation is \$20,000. The Assessor for Cumberland County has the structure presently valued at \$2000.

RECOMMENDATION: It is the recommendation of the Planning/Inspection Department that the structure be demolished and the debris removed from the lot.

MOTION: Commissioner Henley moved that the Board adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and to order the property owner to remove or demolish the dwelling within 90 days, and 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 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 King

VOTE: UNANIMOUS

P. Case Number: MH 4829-2006
Property Owner: M.J. Marsh Farms, Inc.
Property Location: 5284 Butler Nursery Road, Fayetteville, NC
Parcel Identification Number: 0452-56-7522

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

SYNOPSIS: This property was inspected on 2/23/06. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/12/06. V.B. Marsh 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 7/12/06. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. An appeal was filed. The Housing Appeals Board granted a 90-day extension with final compliance date of 10/11/06. On my visit to the property on 11/9/06 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state the structure constitutes a fire, health and safety hazard. The estimated cost to repair the structure to a minimum standard for human habitation is \$20,000. The Assessor for Cumberland County has the structure presently valued at \$2000.

RECOMMENDATION: It is the recommendation of the Planning/Inspection Department that the owner be given time to rehabilitate the property as an accessory building.

The Speaker was administered the Oath.

SPEAKERS: V.B. Marsh – Mr. Marsh asked that he be given some time to rehabilitate this property to be used as a storage building.

MOTION: Commissioner Henley moved that the Board adopt the order and report of the Minimum Housing Inspector as the true facts in this case, to order the property owner to rehabilitate the property within 180 days, to order the Inspector to rehabilitate the property or 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 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 Council

VOTE: UNANIMOUS

Items of Business

3. Presentation by Mr. Bob Stanger of the Cumberland County Facilities Committee Report on the Status of the Courthouse Security and Renovation Project and the Impact on Courthouse Parking (PowerPoint Presentation).

Mr. Stanger reviewed the status of the courthouse security and renovation project and the impact on courthouse parking. The projects will be done in phases and require the County to find parking for employees and patrons of the courthouse during some of the renovation work. Two possible parking lots – one on Bow Street and one behind the Detention Center - may be used for parking. Both lots will require some preparation. In addition, shuttle service will be required from the Detention Center lot to the Courthouse for employees and patrons. One estimate received for shuttle service was over \$600 each for two buses per day. The Board authorized staff to speak with Cape Fear Valley Health System about how it addresses shuttle service, who it used, cost, etc. The consensus of the Board was that county-owned vehicles should be moved from the courthouse parking lot to the lot behind the Detention Center during the work on the parking lots. Also, the consensus of the Board was that some level of shuttle service would probably be required. In addition, the Board asked staff to inquire about state-owned vehicles and also move them to the parking lot behind the Detention Center. Another idea was that employees who drive county-owned vehicles during their work hours be allowed to take those vehicles home, freeing up space that would be used to park their personal cars during the day. It was noted there are approximately 435 employees working in the courthouse.

The Board will accept this as information and leave it to staff to bring back some recommendations on how to address the parking lot issues during rehabilitation of the building and parking lots.

4. Consideration of Voluntary Agricultural District Ordinance and Farm Advisory Committee By-Laws.

BACKGROUND: Mr. George Autry, NC Cooperative Extension Agent, told the Board that the Farm Advisory Committee reviewed some of the issues of concern to the Board of Commissioners. It has revised the Ordinance addressing the Board's concerns as follows (i) to

provide that the minimum size for a farm to be included shall be the same minimum size required for use value taxation, five acres for horticultural use, ten acres for agricultural use and twenty acres for forestry use; (ii) deleted the previous waiver of assessment provision. In addition the Farm Advisory Committee also included a provision requiring a conservation agreement as a condition of participating in a Voluntary Agricultural District, as required by the enabling legislation, and also recommended that the conservation agreement terminate automatically if the land is removed from the Voluntary Agricultural District.

ACTION: Approve the Ordinance with the amendments and recommendations as noted above and adopt the Farm Advisory Committee Bylaws.

MOTION: Commissioner Council moved to approve the Ordinance with the amendments as noted above and adopt the Farm Advisory Committee Bylaws.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

5. Nominations to Boards and Committees

A. Air Quality Stakeholders' Committee (1 Vacancy)

BACKGROUND: Talmage Baggett's term on this Committee will expire in December.

ACTION: Appoint a commissioner to fill this slot.

Nominee: Commissioner Jeannette Council

B. Mental Health Board (6 Vacancies)

BACKGROUND: Six seats will be come vacant on this Board in January, 2007 as follows:

Johnson Chestnut – Individual with Financial Expertise. Christopher Bostock is recommended to fill the slot.

Linda Hair – Individual representing the interest of children. Pam McEvoy is recommended to fill the slot.

Dr. Melvin Henderson – Licensed Physician – eligible for reappointment and recommended for reappointment.

Ann Finch – Representative with a family member or from a citizens' organization who advocates for persons with disabilities – eligible for reappointment and recommended for reappointment.

Evelyn Shaw – at large member – eligible for reappointment and recommended for reappointment.

Nancy Capps – Openly declared consumer with mental illness – eligible for reappointment and recommended for reappointment.

Note: The Mental Health Reform Changes mandates that boards must have at least 2 members with financial expertise and not more than 50% of the members can be

consumers, family members or advocates. It also limits terms to three years and two consecutive terms.

Nominees:

Individual with Financial Expertise: Christopher Bostock

Individuals representing the interest of Children: Pam McEvoy and Michael Boose

Licensed Physician: Dr. Melvin Henderson (reappointment)

Representative with a family member or from a citizens' organization who advocates for persons with a developmental disability: Anna Finch (reappointment)

At-large representative: Evelyn Shaw

Openly declared consumer with mental illness: Nancy Capps (reappointment)

6. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to appoint the nominees in items 6A-G.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

A. Community Child Protection Fatality Prevention Fatality Prevention Team (2 Vacancies)

Nominees: Allie D. Wiggins (Reappointment)
Kalisha Abercrombie

B. Human Relations Commission (1 Vacancy)

Nominee: Cornelius Williams

C. Joint Senior Citizens Advisory Commission (3 Vacancies)

Nominees: Eleanor Ayers
George Hatcher, Sr.
Kristine Wagner

D. Library Board of Trustees (2 Vacancies)

Nominees: Maxine McCoy (Reappointment)
Nellie L. McCoy (Reappointment)

E. Nursing Home Advisory Board (1 Vacancy)

Nominee: Peter A. Paoni

F. Transportation Advisory Board (9 Vacancies)

Nominees:

<u>City of Fayetteville Representative:</u>	Victor Sharp
<u>County Mental Health Director or Designee:</u>	Densie Lucas
<u>Emergency Medical Services Representative:</u>	Wally Ainsworth
<u>County Planning Dept. Director or Designee:</u>	Tom Lloyd
<u>Vocational Rehabilitation Representative:</u>	Tammy Jackson
<u>At-Large Representatives:</u>	Charles Luther Dianne Grumelot T. Joel Strickland Pam Presser (Reappointment)

G. Workforce Development Board (2 Vacancies)

Nominees:

Rehabilitation Representative:	Ellen Morales
Economic Development Representative:	William A. Martin (Reappointment)

7. Closed Session:
- A. Personnel Matter Pursuant to NCGS 143.318.11(a)(6).
 - B. Attorney-Client Matter Pursuant to NCGS 143.318.11(a)(3)
 - C. Economic Development Matter Pursuant to NCGS 143.318.11(a)(4)

MOTION: Commissioner Edge moved to go into Closed Session for the above noted matters.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MOTION: Commissioner Edge moved to go back into Open Session.

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Edge moved to adjourn.

SECOND: Commissioner King

VOTE: UNANIMOUS

MEETING ADJOURNED AT 9:35PM.

Clerk to the Board

