

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 20, 2010 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING

PRESENT: Chairman Billy King
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Ed Melvin
Commissioner Phillip Gilfus
James Martin, County Manager
Amy Cannon, Assistant County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communication & Strategic Initiatives Manager
Tom Lloyd, Planning & Inspections Director
Tom Cooney, Public Utilities Director
Thanena Wilson, Community Development Director
George Hatcher, Code Enforcement Officer, Planning Department
Candice White, Deputy Clerk
Marie Colgan, Clerk to the Board

INVOCATION - Commissioner Marshall Faircloth

PLEDGE OF ALLEGIANCE

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

SPEAKERS:

Karen Long – Ms. Long, General Manager of the Crown Coliseum, provided information on the 20th annual Cumberland County Fair which opened on Thursday and will continue until September 26th. Ms. Long advised attendance was up during the first three days and encouraged everyone to come out to the fair. Ms. Long thanked everyone for their support and provided event information which can also be found on the Crown's website.

John Gillis, II – 2701 Gillis Hill Road. Mr. Gillis provided a handout of his speaking notes and advised that he is speaking in opposition to the proposed liquor store at the corner of Gillis Hill Road and Raeford Road. Objections raised were from a community concern regarding intoxicating liquors; from a business standpoint as he does tours of his farm for elementary schools in the county including church schools and home schoolers and does not desire a liquor store to be part of that tour; and from a personal standpoint as he cares about the community and its well being and does not believe a liquor store in this location is the right place for it or is good for his community.

Dan Wilkinson – 2465 Gillis Hill Road. Mr. Wilkinson, Director of Reformers Anonymous and passed out a brochure to the Board advising that the meeting place of this addiction program is located in a church located about 1,000 feet from the proposed site of the liquor store. Mr. Wilkinson feels the placement of this store will hurt what their program is trying to accomplish. Their program is sponsored through the court system. Mr. Wilkinson asked the Board to support their much needed program by not supporting this proposed liquor store location.

Ellen Parker – 9003 Galatia Church Road. Ms. Parker stated she did not see a need for a large ABC store in this proposed location as there is a military package store on Reilly Road which is close by. Ms. Parker questioned who serves on the ABC Board and if there is a representative on that Board for the western part of the county.

Danora Powell – 2157 School Road. Ms. Powell states she attends West Fayetteville Baptist Church and is present to discourage the placement of the proposed liquor store primarily because of the Reformers Anonymous program that is hosted on Friday nights. She asked Commissioners to look at what this will do to individuals instead of the money aspect of it.

Tony Wilson – 3209 Rouse Drive. Pastor Wilson, lead pastor at West Fayetteville Baptist Church, thanked the Board for hearing their concerns and provided a petition with over 100 signatures against the location of the proposed liquor store. Pastor Wilson acknowledges that the location decision is not made by the Commissioners, but requested they exert their vast influence to discourage the current placement of it and to turn down any request for financing by the county.

Recognition of Outgoing Board Members:

Eleanor Ayers-Hairr – Mid-Carolina Aging Advisory Committee
Carrie Heffney – Criminal Justice Partnership Advisory Board

Announcements By:

Dr. John Lauby on the Animal Services Emergency Medical Fund – Dr. Lauby, Animal Services Director, spoke to promote the October 2, 2010 Howl-O-Ween event which will raise funds to benefit the Cumberland County Animal Services Emergency Medical Fund and the Safe Havens Supervised Visitation Center. Proceeds will be used to help save injured animals that are brought to the county animal shelter. Dr. Lauby provided a handout and personally invited everyone to attend the event.

Jody Risacher on the West Regional Branch Library Open House on October 2, 2010 – Ms. Risacher, Director of the Library system, invited everyone to the opening of the new West Regional Branch on October 2nd at 10:00 am. This new branch is the eighth branch and is unique as it is the county's first joint use facility with a school and is built to save energy and will have self-check out services. Ms. Risacher provided a power point presentation with pictures of the new library and added that the new school will hold its opening on October 1st. It was noted that security for the school is high as no member of the public can gain access to the school through the library building.

Presentation of Report on the Impact of BRAC on Fort Bragg by Colonel Stephen Sicinski, Garrison Commander. (Item removed and rescheduled for October 18, 2010.)

County Manager Martin announced the promotion of James Lawson to Assistant County Manager for Human Resource Development and Support Services who has, for a long time, held the position as the county's Human Resources Director.

County Manager Martin also announced that Sally Shutt has taken on additional responsibilities with a change in position title to Communication and Strategic Initiatives Manager.

County Manager James Martin requested the following changes to the agenda:

- 1) Add Item 4.F. - Library Board of Trustees – 1 Vacancy
- 2) Correction of Item 3.A. – Section 8, Subsection V, corrected to read “Fifth payment shall be 50% of the amount of property taxes actually paid by the Project for its fifth full year of operations.”
- 3) Correction of Item 3.F. – Case Number corrected to read “MH5935-2009”
- 4) Removal of Item 3.G.
- 5) Removal of Item 3.J.

Chairman King advised the audience that no action is scheduled to be taken at this meeting regarding the proposed liquor store on Gillis Hill Road.

1. Approval of Agenda

MOTION: Commissioner Gilfus moved to approve the agenda with the above requested changes.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

2. Consent Agenda

A. Approval of minutes of the September 7, 2010 regular meeting.

B. Approval of Proposed Additions to the State Secondary Road System:

BACKGROUND: The North Carolina Department of Transportation has received petitions requesting the following streets be placed on the State Secondary Road System for maintenance:

Stonecreek Subdivision:

Holloman Drive (SR 1942 Ext.),
Rockrose Drive (SR 1943 Ext.),
Carfew Court

DOT has determined that the above streets are eligible for addition to the state system.

RECOMMENDATION/PROPOSED ACTION: NCDOT recommends that the above named streets be added to the State Secondary Road System. County Management concurs. Approve the above listed streets for addition to the State Secondary Road System.

C. Approval of Disposition of Cumberland County Crown Coliseum Records.

BACKGROUND: Pursuant to a resolution adopted by the Board of County Commissioners on February 4, 1985, the destruction of County records as noted below has been authorized. The destruction of these records is in accordance with the Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History and adopted by the Board of County Commissioners.

Cumberland County Crown Coliseum Records

- 1) Crown Center financial records prior to July 1, 2007: Included are cash receipts, copies of checks, show income reports, bank reconciliation, budget worksheets, accounts payable files, requisitions, timesheets, payroll register, leave logs, purchase requests and orders, concessions reports, job ledgers, insurance policies, gross receipts tax forms and documents. North Carolina withholding tax forms and documents, and other miscellaneous financial information.
- 2) Contract records prior to July 1, 2005: Included are marketing contracts, group sales, and event files.

RECOMMENDATION/PROPOSED ACTION: Record the report in the Board's official minutes.

D. Approval of Transfer of Surplus Mental Health Authority Vehicles to East Carolina Behavioral Health.

BACKGROUND: Cumberland County Mental Health requests that the following vehicles be surplused by the Board of Commissioners and transferred to East Carolina Behavioral Health:

2008 White, Dodge Avenger VIN #1B3LC46R48N262914
2002 White, Ford Crown Victoria VIN # 2FAFP73W42X132008

These vehicles were purchased with State TASC Funds and the TASC Program is being divested. The State designated East Carolina Behavioral Health (ECBH) as the

contracting LME to administer the TASC Program. The contract was awarded to Coastal Horizons Center, Inc.

RECOMMENDATION/PROPOSED ACTION: Staff and Management recommend that said vehicles be declared surplus to the needs of Cumberland County Mental Health and that same be transferred to East Carolina Behavioral Health.

- E. Approval of Bid Award from W. J. Jackson Construction Company for Mental Health Center Parking Lot Improvements.

BACKGROUND: Informal bids were received on September 2, 2010 for the Mental Health Center Parking Lot Improvements Project. The scope of work includes sealing asphalt cracks, selective patching, removing and replacing concrete curb, paving the stone area in front of the building, asphalt resurfacing over the entire parking lot and restriping the lot.

The only bid received was from W.J. Jackson Construction Company in the amount of \$123,753.21. The original bid date was extended two weeks to afford more time to contractors interested in the project. However, several contractors advised the Engineering Department that they would not bid the project due to their current workload. The bid submitted by W.J. Jackson is within 15 percent of the engineer's estimate. Rejecting the bids and rebidding the project is not likely to result in additional interest in the project.

There are sufficient funds budgeted for this project.

Budget Revision: General Government Other: Revision in the amount of \$123,754 to reallocate budgeted expenditures to provide funding to award the Mental Health Center Parking Lot Improvements Project to W.J. Jackson Construction Company. (B11-092) Funding Source – Reallocation of Budgeted Expenditures

RECOMMENDATION/PROPOSED ACTION: The recommendation of the County Engineer and Management is to approve the bid for the Mental Health Center Parking Lot Improvements Project, award a contract to W.J. Jackson Construction Company in the amount of \$123,753.21, and approve the budget revision. The proposed action by the Board is to follow the staff recommendation.

- F. Approval of Bid Award for Stone, Ripwrap and Sand/Clay No: 11-04-SW(F).

BACKGROUND: Bids were received on August 31, 2010 for ABC Stone/Ann St, ABC Stone/Wilkes Rd, #4 Stone, #57 Stone, Class B Ripwrap, and Virgin Sand Clay. Five bids were received.

<u>Vendor</u>	<u>ABC/Ann</u>	<u>ABC/Wilkes</u>	<u>#4 Stone</u>	<u>#57 Stone</u>	<u>Class B</u>	<u>Sand Clay</u>
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WHI	\$6,975	\$6,975	\$57,390	\$5,385	\$25,380	\$10,095
Thurmond	\$6,080	\$6,750	\$54,420	\$5,148	\$27,000	\$8,205
TJ Sealey	\$6,250	\$6,750	\$51,750	\$4,950	\$25,250	\$7,350
Garrett	\$6,800	\$6,800	\$56,250	\$6,150	\$25,750	\$9,000
American	\$6,700	\$6,700	\$53,940	\$5,319	\$25,080	\$7,485

RECOMMENDATIONS/PROPOSED ACTION: Recommend awarding the bid to lowest bidder for each type of material, as highlighted above. Sufficient funds are available for purchase of material.

G. Approval of Change Order for the Brooklyn Circle Special Assessment Water Project.

BACKGROUND: The construction of the Brooklyn Circle Potable Water Distribution system has been completed. During the course of construction, the contractor, Frank Horne Construction, had to add additional valves and a service to the project. The Contractor has requested compensation for those items that resulted in changes to the scope of their respective work. All of the changes listed below were required to complete this project and reflect a good faith effort by the contractor to keep the cost of this project to a minimum. The Project Engineer, Mr. Sam R. Noble, Jr., P.E., of Koonce, Noble and Associates, Inc. has reviewed the requested changes and recommends approval as well. Below is a listing of the cost of each item making up the change, as well as, a brief description of the change.

Change Order #1, Frank Horne Construction, Inc. (Contractor),
Amount \$ 5,852.20 (Final Change Order)

1. An eight (8) inch valve was added because the valve shown on the record maps as existing on the tie in line was not there. Another was added to provide a crossing of Brooklyn Circle for future extensions (Increase of \$2,140.00).
2. A service was added to serve the Fire Department which was located approximately three hundred (300) feet off Brooklyn Circle (Increase \$505.00).
3. Additional concrete replacement required outside of the original bid identified locations (Increase \$1,150.00).
4. Additional asphalt replacement required outside of the original bid identified locations (Increase \$2,623.00).
5. A two (2) inch blow off was added for the crossing of Brooklyn Circle for future extensions (Increase of \$869.00).
6. A credit for a reduction of materials not needed but included in the Bid (Decrease of \$1,434.80).

Budget Revision: Water & Sewer Fund: Revision in the amount of \$5,857 to appropriate Water & Sewer fund balance to fund Brooklyn Circle Change Order #1 for Frank Horne Construction. (B11-095) Funding Source – Water & Sewer Fund Balance Appropriated

RECOMMENDATION/PROPOSED ACTION: The Engineer, Public Utilities Director and County Management recommend that the Board of Commissioners:

1. Approve Change Order #1 for Frank Horne Construction, Inc. in the amount of \$ 5,852.20 revising the contract amount to \$79,639.20.
2. Approve the budget revision transferring funds to fund the items described above.

The proposed action by the Board of Commissioners is to follow the staff recommendation.

H. Approval of Adopting Preliminary Assessment Roll for the Brooklyn Circle Waterline Extension Project and Scheduling Public Hearing.

BACKGROUND: The Board of Commissioners at their November 16, 2009 meeting adopted a Final Assessment Resolution for the Brooklyn Circle Project. The construction of the water line extension throughout the Brooklyn Circle area is now complete and the Fayetteville Public Works Commission has accepted the lines. The final project costs have been determined and the preliminary assessment roll prepared. A copy of the assessment roll is attached for your review.

The next step is for the Board of Commissioners to adopt this preliminary assessment roll and set a date for a public hearing. Recommendation is that the public hearing be scheduled for the second meeting in October, which is October 18, 2010 at 6:45 pm.

The following is a summary of the costs and the calculated assessment per lot:

Engineering and Design	Koonce, Noble & Associates	\$ 10,600.00
Construction	Frank Horne Construction	<u>\$ 79,639.20</u>
	Total	\$ 90,239.20

PWC Participation in the project	\$ 12,700.00
County's Participation in the project	<u>\$ 22,493.29</u>
Total	\$ 35,193.29

Balance to be assessed	\$ 55,045.91
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Number of Lots for Assessment	19
Assessment per lot	\$ 2,897.15

Parcel Number	Owner Name	Owner Address	City, State Zip	Situs Address	Assessment per Lot
0424-20-	HULON, SYLVIA K	226 BROOKLYN CIR	HOPE MILLS, NC	226 BROOKLYN CIR	\$ 2,897.15

5604-			28348-2550		
0424-20-	CAIN, GERALDINE G	5546 FOX RIDGE	HOPE MILLS, NC		
4356-	LIFE ESTATE	RD	28348-2806	241 BROOKLYN CIR	\$ 2,897.15
	KOSTRO, LINDA				
0424-20-	IRENE & HUSBAND		HOPE MILLS, NC		
6410-	LECH R	225 BROOKLYN CIR	28348-2549	225 BROOKLYN CIR	\$ 2,897.15
	RIDGEN, JANET				
	JOHNSON &				
0424-30-	HUSBAND JOHN		HOPE MILLS, NC		
6613-	THOMAS	114 BROOKLYN CIR	28348-2502	132 BROOKLYN CIR	\$ 2,897.15
0424-20-	FELTON, WESLEY L &		HOPE MILLS, NC		
8491-	WIFE ELEANOR B	201 BROOKLYN CIR	28348-2549	201 BROOKLYN CIR	\$ 2,897.15
	RIDGEN, JOHN				
0424-30-	THOMAS & WIFE		HOPE MILLS, NC		
4745-	JANET JOHNSON	114 BROOKLYN CIR	28348-2502	114 BROOKLYN CIR	\$ 2,897.15
0424-20-	COOK, VIRGIE MAE		FAYETTEVILLE, NC		
7385-	KINLAW	234 VINELAND DR	28306-3339	200 HULON ST	\$ 2,897.15
0424-20-	CALVARY HOUSE OF		HOPE MILLS, NC		
9672-	PRAYER INC	501 BROOKLYN CIR	28348-2555	4651 CALICO ST	\$ 2,897.15
0424-30-	BUIE, LINDA H &		HOPE MILLS, NC		
2652-	HUSBAND DANNY L	150 BROOKLYN CIR	28348-2501	150 BROOKLYN CIR	\$ 2,897.15
0424-20-	CAIN, ROBERT		HOPE MILLS, NC		
3395-	WILLIAM	245 BROOKLYN CIR	28348-2549	245 BROOKLYN CIR	\$ 2,897.15
0424-20-			HOPE MILLS, NC		
3741-	BAIN, LAVERNE M	238 BROOKLYN CIR	28348-2550	238 BROOKLYN CIR	\$ 2,897.15
0424-30-	HOLLOMAN, B J &		HOPE MILLS, NC		
0411-	WIFE	185 BROOKLYN CIR	28348-2501	185 BROOKLYN CIR	\$ 2,897.15
0424-20-	HULON, EDNA		HOPE MILLS, NC		
5318-	PAULINE	233 BROOKLYN CIR	28348-2549	233 BROOKLYN CIR	\$ 2,897.15
	DEUTSCHE BANK		MENDOTA		
0424-20-	NATIONAL TRUST	1270 NORTHLAND	HEIGHTS, MN		
2391-	TRUSTEE	DR SUITE 200	55120-1072	255 BROOKLYN CIR	\$ 2,897.15
0424-30-	EDWARDS, KEVIN L &	5827 OAK FOREST	INDIAN HEAD, MD		
1402-	WIFE GLENTRIECE M	CT	20640-3735	173 BROOKLYN CIR	\$ 2,897.15
0424-10-	PORTER, KENNETH W		HOPE MILLS, NC		
9106-	& WIFE EVELYN F	PO BOX 884	28348-0884	309 PORTER RD	\$ 2,897.15
	SCHMIDT,				
	CHRISTOPHER MARK				
0424-30-	& WIFE AMY		HOPE MILLS, NC		
1474-	FULLERTON	169 BROOKLYN CIR	28348-2501	169 BROOKLYN CIR	\$ 2,897.15
0424-30-			HOPE MILLS, NC		
4652-	SMITH, MAGALENE J	140 BROOKLYN CIR	28348-2502	140 BROOKLYN CIR	\$ 2,897.15
	COTTON VOLUNTEER				
0424-20-	FIRE DEPARTMENT		HOPE MILLS, NC		
5881-	INC	PO BOX 129	28348-8428	4618 CALICO ST	\$ 2,897.15

RECOMMENDATION/PROPOSED ACTION: The Utilities Department and County Management recommend that the Board of Commissioners adopt the Preliminary Assessment Roll and set a Public Hearing date of October 18, 2010 at 6:45 pm.

I. Approval of Ordinance Assessing Property for the Cost of Demolition:

- 1) Case Number: MH 5934-2009
Property Owners: Oscar M. Warren Life Estate

Property Location: 5541 Leitha Lane, Dunn, NC
Parcel Identification Number: 1503-02-2761

Approved Ordinance can be found in the Minimum Housing Ordinance Book.

- 2) Case Number: MH 5939-2009
Property Owners: Oscar M. Warren Life Estate
Property Location: 5550 Leitha Lane, Dunn, NC
Parcel Identification Number: 1503-02-2235

Approved Ordinance can be found in the Minimum Housing Ordinance Book.

- 3) Case Number: MH 5607-2008
Property Owner: Richard E. Rogers, Jr.
Property Location: 224 Americus Drive, Fayetteville, NC
Parcel Identification Number: 0456-96-8161

Approved Ordinance can be found in the Minimum Housing Ordinance Book.

J. Budget Revisions:

(1) Health

- a. Bioterrorism Response Team - Revision in the amount of \$10,000 to reconcile state with county budget. (B11-090) Funding Source – State
- b. Bioterrorism Preparedness and Response – Revision in the amount of \$5,000 to reconcile state with county budget. (B11-091) Funding Source – State

(2) Mid-Carolina Senior Transportation

Revision in the amount of \$574 to appropriate fund balance for additional medical transportation. (B11-088) Funding Source – Mid-Carolina Senior transportation Fund Balance Appropriated

(3) Emergency Telephone System

Revision in the amount of \$3,066 to appropriate fund balance to purchase a computer firewall. (B11-094) Funding Source – Emergency Telephone Fund Balance Appropriated

(4) Sheriff- Federal Forfeiture

Revision in the amount of \$54,000 to appropriate fund balance to purchase a high roof van for the special response team. (B11-097) Funding Source – Federal Forfeiture Fund Balance Appropriated

MOTION: Commissioner Council moved to approve all consent items 2.A. through 2.J.4. as recommended.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

3. Public Hearings

County Manager Martin reviewed the county's policy regarding hearings.

These are the advertised public hearing set for this date and time.

A. Public Hearing on Proposed Economic Development Incentive for MBM Hospitality LLC Project.

BACKGROUND: At its September 7, 2010, the Board directed the publication of a public hearing to be held at the September 20, 2010 meeting to consider the terms of an economic development incentive agreement between the county and MBM Hospitality LLC pursuant to the joint city-county economic development incentives policy. The full agreement will be available at the time of the September 20 meeting. It may not be appropriate to disclose the parcel identification and start and completion date until the time of the public hearing so those items have been left blank. The proposed terms relating to the provision of incentives are as follows:

- (1) The Developer/Owner of the Project shall be MBM Hospitality LLC, a North Carolina limited liability company managed by Naynesh Mehta.
- (2) The Project shall consist of the construction of a hotel containing at least 160 rooms with an 18,000 sq. ft. conference facility located on the parcel with PIN # 0418-04-4058 in the City of Fayetteville, NC.
- (3) Project commencement and completion will determined at a later date.
- (4) Once completed, the Project shall provide at least 76 new, full-time jobs at an average wage that is above the median wage for Cumberland County as reported by the North Carolina Department of Commerce through its EDIS data for Community Demographics for Cumberland County for the most recent year available.
- (5) The jobs created by the Project shall, at a minimum, provide partial employer-paid health insurance benefits, retirement benefits, profit sharing benefits, and employer-paid vacation benefits.
- (6) Once completed, the Project shall provide new, full-time jobs for at least 101 existing Cumberland County residents.
- (7) Once completed and during its first full year of operations, the Project shall consist of a capital investment that shall have an assessed tax value for improvements to the real property and furniture, fixtures and equipment in an amount of at least Twenty Five Million Dollars (\$25,0000,0000). The Project shall maintain this level

of capital investment for the first five years of operation, subject to reasonable and customary reductions for depreciation or depletion.

(8) Provided that the Project is completed in accordance with the conditions stated above; maintains the jobs stated above; maintains the capital investment stated above; and timely pays all its assessed property taxes, occupancy taxes, and sales taxes the County shall make a direct cash incentive grant to the record owner of the Project on an annual basis for five (5) years, on or before March 1 of each year commencing in the year following the first full year the Project has been open for business as follows:

- (i) First payment shall be 60% of the amount of property taxes actually paid by the Project for its first full year of operations
- (ii) Second payment shall be 60% of the amount of property taxes actually paid by the Project for its second full year of operations
- (iii) Third payment shall be 55% of the amount of property taxes actually paid by the Project for its third full year of operations
- (iv) Fourth payment shall be 55% of the amount of property taxes actually paid by the Project for its fourth full year of operations
- (v) Fifth payment shall be 50% of the amount of property taxes actually paid by the Project for its fifth full year of operations

(9) If at any time the Project should fail to meet any of the above stated obligations with respect to job creation or capital investment, or should the Project or its record owner declare bankruptcy, be adjudicated bankrupt, or be determined to be insolvent in any judicial proceeding or by any judicial process, then the obligation of County to make the cash incentive grants shall terminate and County shall have no further obligation to the Project.

RECOMMENDATION/PROPOSED ACTION: Consider the above incentive agreement between Cumberland County and MBM Hospitality, LLC.

County Manager Martin called on Doug Peters, President and CEO of the Fayetteville-Cumberland County Chamber of Commerce, who presented a power point presentation on an economic development project - the Embassy Suites project on Lake Valley Drive. This hotel project would be locally owned and operated by Five Points Hospitality who has 25 years experience in the local market. Specifics on the projects were presented on the 167 two-room suite facility which will have 18,000 square feet of meeting space with a capacity of 500 people for banquets and 1,000 people for meetings.

Benefits to the community are new potential revenues of \$224M or more over 20 years; creation of 160 new jobs, new real estate tax revenues and other tax benefits from having visitors to the community. Summary: hotel sales tax generation of \$13.6M; hotel guest tax generation of \$25M; payroll taxes at \$16.2M; employee household tax at \$8.5M, making a total of tax revenue of \$63.3M over 20 years.

County Attorney Moorefield clarified that the owner of the proposed project was MBM Hospitality, LLC, as stated in the proposed economic development agreement and directed the Board to the above background information advising this is not the actual agreement as the standard agreement is about 20 pages, but these are the essential terms that are applicable to the incentives offer of this particular deal. County Attorney Moorefield stated the requirements set forth in this agreement are the minimum set out in the County's economic development policy to qualify for a level 2 project eligible for the grant back of the taxes described in the document. Mr. Moorefield reviewed each provision with the Board.

Commissioner Keefe confirmed with Mr. Peters that this incentive package is in accordance with the county's incentive policy and the company will not receive the tax grant back incentives until after they have complied with the terms of the agreement. Mr. Peters also expects this project to be a catalyst for further growth in the area. Commissioner Faircloth confirmed with Mr. Peters that the city recently approved a loan for this project, but that the County is not approving anything other than the tax grant back incentives. Commissioner Melvin advised that he would support the motion since it is bringing jobs to Cumberland County, but he is against giving tax credits to private enterprise.

The Chairman opened the Public Hearing.

No speakers

The Chairman closed the Public Hearing.

MOTION: Commissioner Council moved to approve the economic incentives agreement between the Board and MBM Hospitality, LLC.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS

B. Public Hearing on Community Development Department 2009 Consolidated Annual Performance Evaluation Report (CAPER).

BACKGROUND: Community Development has prepared an abbreviated version of the draft CAPER for the 2009 Program Year. This document is available for public review and comment during the period September 7, 2010 through September 21, 2010. Copies of the draft CAPER in its entirety will be available for review in the County Commissioners office and at the Community Development office beginning September 25, 2010. Copies of the abbreviated version have been distributed to several locations throughout the County in compliance with our Citizen Participation Plan. The final CAPER is due to HUD by September 28, 2010.

The 2009 CAPER details program accomplishments and assessments of our efforts in meeting the goals and objectives set forth in our Consolidated Plan and Annual

Action Plan for the period July 1, 2009 through June 30, 2010. Performance reporting meets three basic purposes: 1) It provides HUD with necessary information for the Department to meet its statutory requirement to assess each grantee's ability to carry out relevant community development programs in compliance with all applicable rules and regulations; 2) It provides information necessary for HUD's Annual Report to Congress, also statutorily mandated; and 3) It provides grantees an opportunity to describe to citizens their successes in revitalizing deteriorated communities and meeting objectives outlined in their Consolidated Plan. This reporting tool assures that citizens, community groups, and other interested stakeholders in the community development process are accurately informed of the use of these federal funds (i.e. CDBG, HOME, etc.).

RECOMMENDATION/PROPOSED ACTION: Community Development requests that the Board of Commissioners hold a public hearing on the 2009 CAPER. No other action is necessary.

Thanena Wilson, Community Development Director, presented additional information stating the allocations through entitlement programs over the past year has totaled \$1,980,943 and over the same period, expended funds totaled \$3,694,599 which includes prior year funding and matching funds from the county and in-kind funds. Comments from the public are allowed, but none have been received at this point.

The Chairman opened the Public Hearing

No Speakers

The Chairman closed the Public Hearing.

No further action needed on this item.

Planning and Zoning Uncontested Cases

The Chairman opened the Public Hearing for Item 3.C. (case P10-33) and Item 3.D. (case P10-34).

No Speakers.

The Chairman closed the Public Hearing.

Rezoning

- C. Case P10-33: Rezoning of .43+/- acres from R10 Residential to R6A Residential, or to a more restrictive zoning district, located at 2826 George Owen Road, submitted by Teresa Barefoot Spell (owner).

The Planning Board recommends approval of R6A Residential district as recommended by staff.

- D. Case P10-34: Rezoning of 12.38+/- acres from A1 Agricultural to R15 Residential, or to a more restrictive zoning district; located on the south side of SR 2238 (Sand Hill Road), east of SR 2376 (South Forty Drive); submitted by Mary L. Montgomery (owner).

The Planning Board recommends approval of R20 Residential district as recommended by staff.

MOTION: Commissioner Edge moved to approve Case P10-33 and P10-34 as recommended by the Planning Board.
SECOND: Commissioner Gilfus
VOTE: UNANIMOUS

Conditional Use District and Permit Cases

- E. Case P10-37: Rezoning of 302+/- acres from A1 Agricultural and R40 Residential to R20 Residential/CUD Conditional Use District for a 565 lot residential development and the Permit, or to a more restrictive zoning district; located on the south side of SR 2221 (Gaine Road), west of SR 2223 (McFayden Road); submitted by Moorman, Kizer & Reitzel, Inc., Robert L. Townsend, Weldon J. Jackson and Sarah J. Matthews (owners) and John Koenig for River Landing Center, LLC.

The Chairman opened the Public Hearing

All speakers were administered an oath by the clerk.

Tom Lloyd, Planning & Inspections Director, provided background information on current zonings in the area surrounding this rezoning stating the developer will make water and sewer available to the site. Mr. Lloyd noted the proposal is for 565 lots, with 1.9 units per acre. Mr. Lloyd advised this case is for a conditional use district and permit and the district must be approved before the permit. Mr. Lloyd advised the planning board recommended denial of the R20 Residential/Conditional Use District for a 565 lot residential development by a vote of 8-1.

The clerk advised there were 21 speakers signed up to speak.

Commissioner Faircloth asked the county attorney to explain how quasi-judicial proceedings are handled. Mr. Moorefield advised the portion the Board is addressing is not required to be handled as a quasi-judicial proceeding except by County ordinance which combines the CUD and permit. Mr. Moorefield advised those who are in favor of the rezoning should speak first so those who are opposing will be fully aware of what is being requested. Mr. Moorefield noted there will not be a time limit for speakers but it is appropriate and helpful for speakers to state their reason for opposition has already been stated in order to keep from hearing redundant testimony. Since this is a quasi-judicial proceeding, any parties that offer testimony will be subject to cross examination by either Board members or by the other parties and everyone has the right to a full presentation.

Scott Flowers, attorney representing the petitioner River Landing Center, LLC, provided a booklet of documents to the Board for their review and as documentary evidence in the case. Attorney Neil Yarborough questioned whether he would be able to reserve any objections until he has a chance to review the documents and Mr. Moorefield advised he could. Mr. Moorefield further provided Mr. Yarborough a copy of the documents for his review. Mr. Flowers stated according to the law, the petitioner has due process rights and the petitioners have the right to cross examine witnesses, to review documents before submittal, to require that all witnesses identify themselves, to object to evidence that is submitted that is not sworn and to offer rebuttal evidence. Mr. Flowers referred the Board to the sketch plan included in the booklet which shows a site plan and advised the planning staff has been provided a copy which shows a second entrance to the area has changed to H. Clark Road. Mr. Moorefield clarified for the Board that in the event the Board establishes this conditional use district and moves forward with a conditional use permit for this project, since this was not part of the original application, one of the permit conditions would be the entrance would be changed as Mr. Flowers stated and Mr. Flowers agreed. Mr. Flowers called the Board's attention to sworn affidavits from John Koenig, Larry Walsh, James M. Kizer, Ralph Huff, Greg West, Albert McCauley, Chris Cates, and Jay Dowdy, that speak to their personal knowledge of the facts in this case, with each supporting the request for various reasons. Mr. Moorefield advised the Board not to accept the affidavit of Mr. Jay Dowdy since it is not in the form of an affidavit. Mr. Flowers still offered it as an affidavit. Mr. Flowers reviewed the county's 2030 Growth Vision Plan Policies and Actions pointing out areas within the plan which he believes supports their request. Mr. Flowers referred to the Interlocal Agreement between the City and County regarding water and sewer service stating this project is in compliance with said agreement. Mr. Moorefield advised a letter was received from the PWC this morning regarding this subject which might change county staff's prior understanding of the status of the water and sewer project for this development. Mr. Moorefield advised that this project had been presented to the Planning Board as a proposed customer of Gray's Creek Water and Sewer District based on staff discussions with PWC staff. However, based on the letter received this date, it is not clear that PWC would provide service unless the development was a PWC customer. Mr. Moorefield asked Mr. Flowers to express for the record that in the event the Board of Commissioners

establishes this conditional use district and then proceeds to issue a conditional use permit, one of the additional conditions to be added to the permit would be that final approval would be subject to such further public hearings or the requirements of section 2 of the Interlocal Agreement on the sewer service area. Mr. Flowers stated he consents to any additional permit conditions. As requested by Commissioner Gilfus, Mr. Moorefield advised when this application was presented to the planning board, it was described to county staff as a Grays Creek Water & Sewer project and customer. The preliminary discussion with PWC was that PWC was satisfied Grays Creek Water & Sewer District would be the service provider and this project would be a customer of that district. The PWC letter just received indicates PWC may be regard itself as the service provider regardless of whose customer the development became. Mr. Lloyd explained the difference as being whether the service provider is the PWC or the Grays Creek Water & Sewer District. Mr. Flowers directed the Board to the county's Land Use Policies Plan and pointed out areas within the document which he believes also supports their request. Mr. Flowers concluded by stating this request satisfies all the requirements of the Growth Vision Plan, is consistent with the Land Use Plan and is a reasonable request, not arbitrary. In his presentation, Mr. Flowerers specifically addressed each of the 16 documentary exhibits presented in binders to the Board and moved that each documentary exhibit be received into evidence. Mr. Moorefield reminded the Board that he had previously advised the Board not to consider Exhibit # 9, identified as the Affidavit of Jay Dowdy, for the reason that it did not conform to the requirements for verification of an affidavit. Mr. Flowers entered his objection on the record to Mr. Moorefield's argument with respect to Exhibit # 9. The Board did not rule on the admissibility of Exhibit #9.

Neil Yarborough, Attorney at Law, 115 E. Russell Street, stated he represents Dick and Ashton Fox, residing at 2727 McFadyen Road who owns adjacent property to the proposed development, as well as others in the audience who own property in close proximity to the proposed development. Mr. Yarborough objected on the record to the Board considering a proposal that was changed from the proposal presented in the petition by changing the location of the entrance into the development and by adding an additional parcel for access which was not identified in the petition and had not been presented to or considered by the Planning Board. Mr. Moorefield stated there was no application for rezoning on the additional parcel and it was not being considered by the Board. Mr. Moorefield further advised that if the present zoning did not allow the proposed use of the additional parcel for access, that would require that a separate rezoning request be made. Mr. Yarborough noted a second objection to the affidavit identified as Exhibit #9 for the reasons stated earlier by Mr. Moorefield. Mr. Yarborough noted a further objection to the Board considering any of general economic information presented in Petitioner's exhibits on the grounds of relevancy.

Mr. Flowers responded to Mr. Yarborough's objections by stating that moving the entrance to a different location was to accommodate some individuals but it does not have any impact on the rezoning request.

The following speakers spoke in opposition to the request:

Greg Whitley, Attorney at Law, representing Eric and Samantha Dowd of 6047 Kingsland Drive, as well as other residents on Kingsland Drive who own adjacent property spoke in opposition on behalf of his clients. Mr. Whitley identified Kingsland Drive on the GIS map of the area around the proposed development. Mr. Whitley emphasized that, although moving the entrance to the development from Kingsland Drive to another location did remove some of the burden from the residents of Kingsland Drive, it did not diminish the overall impact on traffic and drainage that this 565 small lot development would have in this rural community of existing large residential lots and farmland.

Dick Fox - 2727 McFadyen Road - owner of adjacent property. Mr. Flowers objected to the testimony offered by Mr. Fox stating it constitutes statements of thoughts of other people not known which lacks personal knowledge, opinion testimony that is not based on personal knowledge and augmentative testimony. Mr. Moorefield inquired whether Mr. Flowers wished to cross-examine this witness. Mr. Flowers said he did not wish to do so.

Neil Yarborough, Attorney at Law, 115 E. Russell Street, spoke in opposition on behalf of his clients. Mr. Yarborough moved to introduce petitions containing the signatures of 397 persons opposed to the proposed conditional use district. Mr. Flowers objected to Mr. Yarborough introducing 397 signatures in opposition. Mr. Yarborough stated that each petition is accompanied by an affidavit. Mr. Flowers inspected the documents and the documents were presented to Mr. Moorefield.

The Chairman recessed the meeting for five minutes.

The Chairman called the meeting back to order.

Mr. Flowers objected to the petitions submitted by Mr. Yarborough prior to the break stating the signatures are not sworn and constitute hearsay evidence. Mr. Moorefield stated the signatures have been verified in a way that the Board can determine their creditability as there is a sworn statement in which an individual states he knows each one of the persons who signed the petition. Mr. Moorefield advised the Board could receive these petitions into evidence and determine the evidentiary value and weight to be given to the petitions. Mr. Flowers renewed his objection to the Board considering the petitions.

Ashton Fox - 2727 McFayden Road - owner of property adjacent to the development. Mr. Moorefield inquired whether Mr. Flowers wished to cross-examine this witness. Mr. Flowers said he did not wish to do so.

Melissa Ince – 6036 Kingsland Drive – owner of property adjacent to the development. Mr. Moorefield asked Mr. Flowers to indicate when he wishes to question any of the witnesses and Mr. Flowers agreed he would.

Bill Barney – 2582 McFayden Road – owner of property in the area. Mr. Flowers objected to Mr. Barney's characterization of the storm water retention ponds as he did not testify that he had any knowledge of the actual plans for those ponds.

Hazel Nixon – 5900 St. Michaels Drive – owner of property across the street from the development. Mr. Flowers objected to letters Ms. Nixon introduced as they were not sworn letters. Mr. Flowers also objected to Ms. Nixon's opinion as to traffic, impact and analysis and opinion testimony. Mr. Moorefield concurred with Mr. Flowers' assessment stating the Board should not consider that evidence. Mr. Yarborough questioned if this was for the zoning purposes and Mr. Moorefield advised it was for the permit and all information submitted can be used for making a decision on a zoning decision. Mr. Flowers objected to Mr. Moorefield's statement stating the whole proceeding is a quasi-judicial proceeding since the county made it as much in its ordinance. The law states that if the hearings are combined into one, then the hearing is quasi-judicial. Mr. Moorefield clarified the Board is required to hear this case as a quasi-judicial hearing, but the ordinance does not change the fact that the rezoning portion of this is still a legislative process.

Roberta Waddle – 3941 Gainey Road – owner of property located one mile from the proposed Gainey Road entrance to the development.

Donna Pate – 2873 McFayden Road - owner of property located across the street from the development.

Norman Harris – 3654 Gainey Road – attorney and owner of property near to the development.

Jarvis Jones – 2646 McFayden Road – owner of property adjacent to the development.

Lori Plessner – 6001 Kingsland Drive – owner of property near to development.

Herb Bryant – 2305 Bayside Drive – owner of property located across from the entrance of the development.

Jeannette Moore yielded her time to her spouse, Felton Moore, - 6000 Kingsland Drive – property is not located adjacent to development. Mr. Flowers objected to Mr. Moore's testimony regarding traffic analysis and accidents in the general area, and property damage of accidents in the general area.

Anna Porter – 1534 Londonberry Place – owns 33.2 acres of land located on the east side of the development.

Jason Thomas – 6032 Kingsland Drive – owner of property near to the development.

Christopher Evans – 2457 Gainey Road – owner of property at entrance to Gainey Road.

Dennis R. Hill - 2136 McFayden Road – owner of property near to the development.

Rebecca Pritchard – 2692 McFayden Road – owner of property adjacent to the development.

Mr. Flowers offered rebuttal testimony stating one of the conditions for the permit is that a Department of Transportation traffic analysis be performed and residents would have to abide by DOT's recommendations. Mr. Flowers also advised that Mr. Kizer's affidavit shows that the storm water drainage would not be increased post-development and Mr. Kizer stated his affidavit was correct with regard to drainage.

The Clerk advised that no further speakers had signed up to speak.

Chairman King inquired whether anyone else wished to speak. No one requested to speak and Chairman King closed the public hearing.

Commissioner Council questioned Mr. Lloyd if anyone since the planning board meeting has proposed or considered an R40 or R30 rezoning. Mr. Lloyd stated that in the minutes of the Planning Board meeting that Mr. Koenig was asked if he would consider another density and Mr. Koenig did not want to request a different level of density. Based on a question from Commissioner Council, Mr. Lloyd confirmed that if the Board denies the rezoning of this property, then this application cannot be brought back to the planning board for one year unless one of the Commissioners request that it be brought back to the Planning Board some time within the year. Commissioner Gilfus asked Mr. Flowers to talk to the board about R40 and Mr. Flowers offered to talk to Mr. Koenig. Mr. Koenig stated he would go back and consider R30 but he was reminded that if this application is denied it would be one year before he could bring the request back to the planning board.

MOTION: Commissioner Edge moved that the Board of Commissioners fails to find that this application for a conditional use district in Case P10-37 is reasonable, neither arbitrary nor unduly discriminatory and in the public interest and that it therefore be denied.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

Other Public Hearings

Minimum Housing Code Enforcement

F. Case Number: MH 5935-2009
Property Owner: Archie T. Warren Heirs
Property Location: 5502 Leitha Lane, Dunn, NC
Parcel Identification Number: 1503-02-1753

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 5935-2010.

Property Owner: Archie T. Warren Heirs
Home Owner: Archie T. Warren Heirs
Property Address: 5502 Leitha Lane, Dunn, NC
Tax Parcel Identification Number: 1503-02-1753

SYNOPSIS: This property was inspected on 4/30/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 5/28/2009. Glenwood Warren attended the Hearing via telephone. 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 8/28/2009. 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 with a new compliance date of 4/12/2010 to do 50% of the required work. Upon my visit to the property on 9/10/2010 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 \$50,000.00. The Assessor for Cumberland County has the structure presently valued at \$564.00.

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

Speaker: An oath was administered to Carol L. Warren who advised that she is the youngest of the Warren siblings and has been dealing with this for about a year

and a half. Ms. Warren stated she requested an extension to the August, 2009 deadline. Flooring was repaired in two rooms for an October inspection and a six-month extension was granted. A permit was required for further work. Cost of flooring was \$3200 which she paid by monthly payments. An estimate was secured for a roof replacement, but due to circumstances beyond her control, monies were not available to pay for the roof replacement. In July, she requested additional time, but her request was denied. Ms. Warren stated even though she lives out of town, she wishes to fix up her home place so that she can move back into it. Mr. Hatcher stated he does not believe the flooring will pass inspection and even though it is reasonably secured, he is concerned with whether the house can be brought up to required code as it needs extensive work. Following questions by the Commissioners, Ms. Warren confirmed that she could get the needed repairs completed if given more time even though it will probably cost \$20,000 or more. It was suggested that Ms. Warren look into possible assistance from some local agency and to be careful not to place additional monies into the house if it cannot be brought up to code by the end of the extension.

There being no further speakers, the Chairman closed the Public Hearing.

MOTION: Commissioner Council 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 property within 180 days.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS

G. Case Number: MH 6143-2010
Property Owner: Glen E. Regan
Property Location: Lot to the left of 164 Latonea Drive, Fayetteville, NC
Parcel Identification Number: 0424-43-8518

(THIS CASE WAS PULLED FROM THE AGENDA)

H. Case Number: MH6145-2010
Property Owner: Ellen Oakes Bill
Property Location: 3983 Canal Street, Linden, NC
Parcel Identification Number: 0562-77-7621

Due to the length of the hearing of Item 3.E. and the fact that Ms. Bill possessed a medical note, the following motion was made earlier in the meeting on this case.

MOTION: Commissioner Council moved to postpone the hearing on the case for one month.
SECOND: Commissioner King
VOTE: Voting in favor: Commissioners Council, Edge, Faircloth, Gilfus, King and Melvin. Voting in opposition: Commissioner Keefe

I. Case Number: MH6092-2010

Property Owner: Eddie D. Covington Heirs, c/o Trumella Covington
Property Location: 1836 Sand Hill Road, Hope Mills, NC
Parcel Identification Number: 0433-71-2669

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 6092-2010.

Property Owner: Eddie D. Covington Heirs, C/O Trumella Covington
Home Owner: Eddie D. Covington Heirs, C/O Trumella Covington
Property Address: 1836 Sand Hill Road, Hope Mills, NC
Tax Parcel Identification Number: 0433-71-2669

SYNOPSIS: This property was inspected on 12/21/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 7/15/2010. Trumella Covington attended the Hearing via telephone. 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 8/31/2010. 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 9/10/2010 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 \$50,000.00. 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.

MOTION: Commissioner Melvin 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 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. 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

J. Case Number: MH6136-2010
Property Owner: William McNatt
Property Location: Lot 13, behind 3511 Sanderosa Road, Fayetteville, NC
Parcel Identification Number: 0468-51-7355

(THIS CASE WAS PULLED FROM THE AGENDA)

K. Case Number: MH6162-2010
Property Owner: Michael J. Hill
Property Location: 1412 Chedington Road, Hope Mills, NC
Parcel Identification Number: 0443-31-1138

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 6162-2010.

Property Owner: Michael J. Hill
Home Owner: Michael J. Hill
Property Address: 1412 Chedington Road, Hope Mills, NC
Tax Parcel Identification Number: 0443-31-1138

SYNOPSIS: This property was inspected on 4/5/2010. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 4/29/2010. Donna Murphy attended the Hearing via telephone. 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 7/29/2010. 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 9/10/2010 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 \$30,000.00. 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.

The Chairman opened the Public Hearing

No Speakers

The Chairman closed the Public Hearing.

MOTION: Commissioner Council 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 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. 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 Melvin

VOTE: UNANIMOUS

L. Case Number: MH 6132-2010
Property Owner: Geneva P. Sanders, c/o David Sanders
Property Location: 3747 (Unit 1) & 4313½ (Unit 2) Cumberland Road, Fayetteville, NC
Parcel Identification Number: 0415-89-3624

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 6132-2010.

Property Owner: Geneva P. Sanders C/O David Sanders
Home Owner: Geneva P. Sanders C/O David Sanders
Property Address: 3747 (Unit 1) & 4313 ½ (Unit 2) Cumberland Road
Fayetteville, NC
Tax Parcel Identification Number: 0415-89-3624

SYNOPSIS: This property was inspected on 3/10/2010. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 5/6/2010. 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 7/6/2010. 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 9/10/2010 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 \$50,000.00 each. The Assessor for Cumberland County has the structure presently valued at \$1,842.00 (Unit 1). \$168.00 (Unit 2)

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

No Speakers

The Chairman closed the Public Hearing.

MOTION: Commissioner Council 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 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. 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 Melvin

VOTE: UNANIMOUS

M. Case Number: MH6144-2010
Property Owner: Walter Terry Murphy, c/o Cindy Tabor
Property Location: 167 Latonea Drive, Fayetteville, NC
Parcel Identification Number: 0424-43-8405

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 6144-2010.

Property Owner: Walter Terry Murphy C/O Cindy Tabor
Home Owner: Walter Terry Murphy C/O Cindy Tabor
Property Address: 167 Latonea Drive, Fayetteville, NC
Tax Parcel Identification Number: 0424-43-8405

SYNOPSIS: This property was inspected on 3/17/2010. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 4/15/2010. Cindy Tabor 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 7/15/2010. 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 9/10/2010 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 \$50,000.00. 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.

The Chairman opened the Public Hearing

No Speakers

The Chairman closed the Public Hearing.

MOTION: Commissioner Council 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 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. 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 Melvin

VOTE: UNANIMOUS

Items of Business

4. Nominations to Boards and Committees

A. Animal Services Board (1 Vacancy)

Rose Marie Bonavia resigned. Recommendation of the Fayetteville City Council is for Dell Caramanno to fill the unexpired term of the City of Fayetteville Resident Position.

Commissioner Council nominated Della Caramanno as recommended.

B. Cumberland County Local Emergency Planning Committee (1 Vacancy)

Joel Blake completed his second term and is not eligible for reappointment. Recommendation of the Cumberland County Local Emergency Planning Committee is for Mark J. Faircloth to fill the position of Operators of Facilities Representative.

Commissioner Melvin nominated Mark J. Faircloth as recommended.

C. Human Relations Commission (1 Vacancy)

Cornelius Williams has completed his second term and is not eligible for reappointment. Recommendation is for Vincent Francis to fill the position.

Commissioner King nominated Vincent Francis as recommended.

D. Minimum Housing Appeals Board (4 Vacancies)

Charles Lewis and Linda J. Miller are completing their first term and are eligible for reappointment as Regular Members.

Luther M. McManus and Steve Hogan are completing an unexpired term and are eligible for reappointment as Alternate Members.

Commissioner Council nominated Charles Lewis (Regular Member); Linda J. Miller (Regular Member); Luther M. McManus (Alternate Member) and Steve Hogan (Alternate Member).

E. Nursing Home Advisory Board (2 Vacancies)

The Nursing Home Advisory Board recommends that the Board of Commissioners consider the removal of Tolulope Adeyemi and Doris Wilson due to non-attendance and also recommends that the Board of Commissioners consider Norton Campbell and Luada Patrick for nomination and appointment to the board.

Commissioner Edge nominated Norton Campbell and Luada Patrick as recommended.

F. Library Board of Trustees (1 Vacancy)

Polly Davis has resigned. Recommendation of the Library Board of Trustees is for Daisy D. Maxwell to serve the unexpired term.

Commissioner Gilfus nominated Daisy D. Maxwell as recommended.

5. Appointments to Boards and Committees

There are no appointments for this agenda.

6. Closed Session: NOT NEEDED

MOTION: Commissioner Gilfus moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS

There being no further business, the meeting adjourned at 10:47 p.m.

Approved with/without revision:

Respectfully submitted,

Marie Colgan
Clerk to the Board