

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
AUGUST 15, 2011 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING
MINUTES

PRESENT: Chairman Kenneth Edge
Commissioner Jeannette Council
Commissioner Charles Evans
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Billy King
Commissioner Ed Melvin
James Martin, County Manager
Amy Cannon, Deputy County Manager/Finance Officer
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communication and Strategic Initiatives Manager
Bob Stanger, County Engineer
Tom Lloyd, Planning and Inspections Director
George Hatcher, Planning and Inspections Code Enforcement Officer
Will Denning, Planning and Inspections Comprehensive Planner
Amy Hall, Public Utilities Engineer Tech
Bo Gregory, Fayetteville/Cumberland County Chamber of Commerce Director of Economic Development
Doug Zawiskie, Moseley Architects
Doug Carter, DEC Associates, Inc.
Jeremy Carter, DEC Associates, Inc.
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board

INVOCATION - Commissioner Jeannette Council

PLEDGE OF ALLEGIANCE – Holden and Scarlett Moorefield

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

James Martin, County Manager, read the public comment period policy. Chairman Edge opened the public comment period and the Clerk to the Board called the following speakers:

Regina McLean – Ms. McLean stated on January 3, 2011 she was wrongfully sent to the Cumberland County Detention Center and was exposed to poor conditions that need to be addressed. Ms. McLean stated she was denied her rights to a Holy Bible, was wrongfully placed on suicide watch, denied her

rights to telephone calls, and denied her rights to a bath. Ms. McLean stated she has filed a grievance with the Cumberland County Dispute Resolution Center and is awaiting a return call from Major McRaney, Chief Jailer.

Mable Cole – Ms. Cole did not appear when called.

Swain Hamlet –Mr. Hamlet referenced a residence for which a certificate of occupancy was issued and stated the home was purchased in 2006 with a number of code violations. Mr. Hamlet stated his concern is with Cumberland County inspectors and their lack of identifying code violations in new home construction. Mr. Hamlet stated during a deposition, Cecil Combs, Deputy Director for the county's Planning and Inspections department, and Kenneth Hair, the county's Chief Building Inspector, stated the house should never have been issued a certificate of occupancy. Mr. Hamlet stated his request of the Board is that the amount of \$9,442.79 in property taxes be refunded, which is all the taxes the owners have paid on the property. Mr. Hamlet also stated the Equalization and Review Board is a rubber stamp for the Tax Department because it always follows staffs' recommendations.

Special Presentation of Government Finance Officer's Association Award: Certificate of Achievement for Excellence in Financial Reporting to Ms. Amy Cannon, Deputy County Manager / Finance Director.

Chairman Edge called on Commissioner Faircloth who stated this award is presented by the Government Finance Officer's Association to counties who, in addition to meeting the financial reporting requirements established by law, undertake the voluminous requirements for excellence in financial reporting. Commissioner Faircloth further stated under the auspices of Amy Cannon, Deputy County Manager and Finance Director, Cumberland County seeks to do what is required each year to attain this award. Commissioner Faircloth recognized Ms. Cannon for receiving this prestigious award for Cumberland County. Ms. Cannon accepted the award on behalf staff who performed the work that enabled the county to receive the award.

Recognition of Outgoing Board Member: Juanita Pilgrim, Southeastern Economic Development Commission (SEDC).

Commissioner Council and Commissioner Melvin recognized former Deputy County Manager Juanita Pilgrim for her nine years of service on the SEDC and for her service on the Executive Committee of the SEDC. Commissioner Melvin explained the role of the SEDC.

Mr. Martin requested that a closed session for economic development matters be added to the agenda under Item 10.

1. Approval of Agenda

MOTION: Commissioner Faircloth moved to approve the agenda with the requested addition.
SECOND: Commissioner Council
VOTE: PASSED (6-1) (Commissioners King, Faircloth, Edge, Council, Melvin and Keefe voted in favor; Commissioner Evans voted in opposition)

2. Presentation by Morgan Johnson, Chairman, Eastover Sanitary District on District Operations

Morgan Johnson, Chairman, Chairman of the Eastover Sanitary District, stated the District contracted with the Public Works Commission (PWC) in 2002 and negotiations for the renewal and renegotiation of the contract have been ongoing for over two and one-half years. Mr. Johnson further stated the PWC informed the District that it would not extend the existing contract beyond March 2012 and when the contract negotiations reached a stalemate, the PWC notified the District in November 2010 that they no longer wished to provide the operations, maintenance, and administrative support for billings and collections. Mr. Johnson stated the PWC also informed the District that they would provide bulk water; however, the PWC's rate for bulk water has changed three times since then.

Mr. Johnson stated an in-depth economic study was performed and a decision was made in May 2011 to set up the Eastover Sanitary District operations office and to give a letter of intent to the city of Dunn for water. Mr. Johnson further stated on August 9, 2011 the District and the city of Dunn signed a twenty-year contract for a guaranteed million gallons of water per day, and the city of Dunn has agreed to finance the total cost of the project with a twenty-year pay-back, which will make everything affordable for the District's customers. Mr. Johnson stated employees will be hired during the fall and winter of 2011 and the intent is to have the new system operational after the first of 2012. Mr. Johnson further stated water service will be severed with the PWC in March 2012 and replaced with water service lines for the city of Dunn. Mr. Johnson displayed a map and further explained the existing project and future plans.

3. Consent Agenda

- A. Approval of minutes for the August 1, 2011 regular meeting
- B. Approval of Induction of 2011 Agriculture Hall of Fame Nominees

BACKGROUND:

The Cumberland County Agriculture Hall of Fame committee met on Tuesday, July 26, 2011 and selected Mr. Ted Bunce and Mr. Edmund Bullard, Jr. as the Agriculture Hall of Fame inductees for 2011. This selection is being forwarded to the Board of

Commissioners for their approval to induct Mr. Bunce and Mr. Bullard into the Agriculture Hall of Fame.

RECOMMENDATION/PROPOSED ACTION:

Approve the induction of Mr. Bunce and Mr. Bullard into the Agriculture Hall of Fame.

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

Case Number: MH 6275-2010

Property Owners: Joseph Randall Thompson, c/o Sally Dalstrom

Property Location: 6823 Cooper Creek Drive, Hope Mills, NC

Parcel Identification Number: 0431-79-1751

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6275-2010

PROPERTY OWNER: JOSEPH RANDALL THOMPSON, C/O SALLY DALSTROM

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on December 20, 2010, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Joseph Randall Thompson, c/o Sally Dahlstrom, located at 6823 Cooper Creek Drive, Hope Mills, NC, PIN: 0431-79-1751, said ordinance being recorded in Book 8558, page 773, of the Cumberland County Registry of Deeds;

WHEREAS, the time within which said demolition was to be performed has expired and the owner(s) failed to comply with the ordinance within such period; and

WHEREAS, the said ordinance further directed the Minimum Housing Inspector to effect the demolition of the structure(s) in the event the owner(s) failed to do so;

WHEREAS, the Minimum Housing Inspector has reported to this Board that:

- (1) Said work had been accomplished.
- (2) The cost of such work was \$2,800.00.
- (3) There were no salable materials resulting from said work.

NOW THEREFORE, the above report coming on to be considered and the Board of County Commissioners finding it to be a true and accurate accounting, the said Board hereby ORDAINS:

- (1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$2,800.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated December 10, 2010, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 6823 Cooper Creek Drive, Hope Mills, NC, as described in Deed Book 6564, page 752, of the Cumberland County Registry and identified in County tax records as PIN 0431-79-1751.

(3) That as further provided in Section 160A-443(6) of the General Statutes of North Carolina, such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of said General Statutes;

(4) That one copy of this resolution be filed in the minutes of this Board of County Commissioners and another copy certified and delivered by the Clerk as a charge to the Tax Collector, who shall thereupon enter the amount of the assessment set forth above upon the Tax Books of the County as a special assessment against the above described property.

- D. Approval of Endorsement of House Resolution 715 Encouraging the Citizens of North Carolina to Observe Firefighters Week in North Carolina

BACKGROUND:

Representative Charles Graham of the 47th District is the primary sponsor of House Resolution 715, A HOUSE RESOLUTION ENCOURAGING THE CITIZENS OF NORTH CAROLINA TO OBSERVE FIREFIGHTERS WEEK IN NORTH CAROLINA. This resolution was adopted by the North Carolina General Assembly on May 17, 2011.

Representative Graham has asked that the Cumberland County Board of Commissioners share copies of House Resolution 715 with all firefighters in Cumberland with the hope that the citizens of Cumberland County will observe the week in September of each year containing September 11 as Firefighters Week in North Carolina.

RECOMMENDATION/PROPOSED ACTION:

Endorse House Resolution 715 and approve the dissemination to all firefighters in Cumberland County.

- E. Budget Revisions:

- (1) Community Development

Support Housing Grants - Revision in the net amount of \$20,978 to adjust and re-budget unexpended grant funds and to appropriate fund balance from rents for local use. (B12-034) Funding Source – Federal and Fund Balance Appropriated

MOTION: Commissioner King moved to approve all consent agenda items 3.A. through 3.E.(1).
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (7-0)

4. Public Hearings

Mr. Martin explained the Board of Commissioners' procedures for public hearings.

These are the duly advertised public hearings set for this date and time. Chairman Edge opened the public hearings.

Uncontested Cases - Rezoning

- A. Case P11-21: Rezoning of 5.80+/- acres from A1 Agricultural to C(P) Planned Commercial or to a more restrictive zoning district; located at 2595 Smith Road; submitted by Joseph P. Riddle, III (owner).

RECOMMENDATION/PROPOSED ACTION:

The Cumberland County Joint Planning Board recommends approval of C2(P) Planned Service and Retail district.

- B. Case P11-26: Rezoning of 9.27+/- acres from R10 Residential to C2(P) Planned Service and Retail or to a more restrictive zoning district, located at 7106 Rockfish Road and a portion of the adjacent tract to the north, submitted by Douglas E. Clark and Sharlene R. Williams (owners) and Butch Dunlap.

RECOMMENDATION/PROPOSED ACTION:

The Cumberland County Joint Planning Board recommends approval of C2(P) Planned Service and Retail district and also recommends that the Board of Commissioners bring back case P11-17 for reconsideration.

- C. Case P11-30: Rezoning of 14.40+/- acres from CD Conservancy and RR Rural Residential to R7.5 Residential or to a more restrictive zoning district; located northwest of SR 1003 (Camden Road), southwest of Aristocrat Lane; submitted by K. Douglas Barfield on behalf of Camden Glen Development, LLC; NC Department of Transportation and Camden Glen Development (owners).

RECOMMENDATION/PROPOSED ACTION:

The Cumberland County Joint Planning Board recommends approval of R7.5 Residential district.

- D. Case P11-35: Rezoning of 3.98 acres from A1 Agricultural to M(P) Planned Industrial or to a more restrictive zoning district, located at 1575 and 1615 Underwood Road, submitted by Donald B. Camden on behalf of Cargill Inc. (owners).

RECOMMENDATION/PROPOSED ACTION:

The Cumberland County Joint Planning Board recommends approval of M(P) Planned and Industrial district.

The Clerk to the Board advised Richard A. Long signed up to speak as a proponent of Case P11-26. Mr. Long did not appear when called.

There being no further speakers, Chairman Edge closed the public hearings.

MOTION: Commissioner Edge moved to follow the recommendation of the Joint Planning Board and approve uncontested Cases P11-21, P11-26, P11-30, and P11-35.

SECOND: Commissioner Melvin

DISCUSSION: Commissioner Council confirmed that the motion to approve included bringing back Case P11-17 for reconsideration. Tom Lloyd, Planning and Inspections Director, explained additional information had been received regarding the wetlands in that area and as a result, staff acknowledged that commercial zoning would be appropriate extending west and ending at the existing residential development, and that the petitioner should be afforded the opportunity to go back to the Joint Planning Board.

VOTE: UNANIMOUS (7-0)

Contested Zoning Cases

- E. Case P11-34: Rezoning of 40.19+/- acres from A1 Agricultural to M(P) Planned Industrial or to a more restrictive zoning district; located on the east side of SR 1714 (River Road), north of SR 1730 (Underwood Road); submitted by Mark Gilbert and Janie S. Smith on behalf of Gilbert Smith Family, LLC (owners).

RECOMMENDATION/PROPOSED ACTION:

The Cumberland County Joint Planning Board recommends approval of M(P) Planned Industrial district and CD Conservancy along the Special Flood Hazard Area (SFHA).

* * * * *

Tom Lloyd, Planning and Inspections Director, presented this item. Mr. Lloyd showed vicinity maps and aerial views of the subject property, and provided overviews of the current land uses, current zonings, and surrounding land uses and zonings. Mr. Lloyd

advised part of the recommendation is to rezone the area along the area comprised of the wetlands to CD Conservancy.

This is the duly advertised public hearing set for this date and time. Chairman Edge opened the public hearing. The Clerk to the Board called the following speakers:

Richard Powell – Mr. Powell appeared in opposition and stated when he moved to River Road in 1998, it was farmland and people who bought in that area made a choice to live the county. Mr. Powell stated now Cargill wants to expand and residents in the area are against the expansion. Mr. Powell expressed concern about Cargill's 24/7 operations and stated Cargill has not told residents what they plan to do. Mr. Powell asked that the Board postpone their decision until the residents have time to get a lawyer.

Jeff Kasper – Mr. Kasper appeared in opposition and read a letter from the Planning Department that defined a planned industrial district. Mr. Kasper stated residents have not seen a site plan and have been led to believe that Cargill can proceed with the expansion without rezoning. Mr. Kasper further stated although residents support growth, it should not be at the expense of their property values and quality of life. Mr. Kasper also stated the main concern is that Cargill will have no restrictions on its future operations or use of the property under industrial zoning.

Dwight Wilkenson – Mr. Wilkenson appeared in opposition and stated there was nothing said during the zoning meeting about what Cargill plans to do with the land.

Frederick Elliott – Mr. Elliott appeared in opposition and stated his family has lived on their property along River Road since 1955. Mr. Elliott expressed concern about the noise generated by the truck traffic and by a roaring fan at the Cargill plant, especially during the night hours. Mr. Elliot stated the heavy trucks are tearing up River Road and the railroad tracks, and block the railroad tracks on the Underwood and River Road sides, which could impede emergency vehicles.

The Clerk to the Board advised there was one additional speaker signed up in opposition; however, the ten minute time limit for the public hearing had been reached.

Bo Gregory, Director of Economic Development with the Fayetteville/Cumberland County Chamber of Commerce, responded to questions regarding new and retained jobs at Cargill. Mr. Gregory stated the initial phase of the expansion would likely be along the frontage of River Road so the trucks waiting to unload will no longer be along the road but within the Cargill property, which would remove the pressure from River Road. Additional questions and discussion followed.

Chairman Edge called the remaining speaker.

Leon Walke – Mr. Walke appeared in opposition and stated he is the current president of the Riverside Estates Homeowners Association (HOA). Mr. Walke also stated the HOA would like to go on record as opposing the rezoning and stated by definition heavy commercial operations are not compatible with residential properties. Mr. Walke further stated the initial plan is to erect storage bins, but it does not take forty acres to do that. Mr. Walke stated he envisions there being another processing facility in the future.

There being no further speakers, Chairman Edge closed the public hearing.

MOTION: Commissioner Council moved to follow the recommendation of the Joint Planning Board and planning staff.
SECOND: Commissioner Keefe

DISCUSSION: Chairman Edge stated there are concerns regarding traffic, but historically development that has occurred in the county has increased traffic, even though some roads were not built to sustain the increase. Chairman Edge also stated Cargill has been a corporate good neighbor and has been in operation long before the individuals who spoke took up residency in the area. Chairman Edge stated he planned to support the motion because it was best for the area to move forward with the expansion, and hopefully Cargill will be cooperative and able to reroute some of the traffic.

VOTE: PASSED (6-1) (Commissioners King, Faircloth, Edge, Council, Melvin and Keefe voted in favor; Commissioner Evans voted in opposition)

Contested Cases Conditional Zoning Case

- F. Case P11-31: Rezoning of 1.72+/- acres from A1 Agricultural to C2(P) Planned Service and Retail/CZ Conditional Zoning District for a Sweepstakes/Internet Café or to a more restrictive zoning district, located at 3451 Chicken Foot Road, submitted by Manly Alan and Judy S. Boykin (owners) and Cathy Parker.

RECOMMENDATION/PROPOSED ACTION:

Motion was made by the Cumberland County Joint Planning Board for approval of RR conditional zoning with a condition change for hours of operation to end at midnight; however, the motion failed. Recommendation is denial of the original C2(P).

Tom Lloyd, Planning and Inspections Director, presented this item. Mr. Lloyd showed vicinity maps and aerial views of the subject property, and provided overviews of the current land uses, current zonings, and surrounding land uses and zonings. Mr. Lloyd explained sweepstake/internet cafes are not specified in the permitted use ordinance so the most similar classification is indoor recreation for profit. Mr. Lloyd further explained with that classification, appropriate zonings would be RR residential or commercial district. Mr. Lloyd stated the petitioners submitted a request for C2(P) in which a

recreation for profit classification is allowed, with hours of operation from 10:00 am through 2:00 am each day. Mr. Lloyd advised the Joint Planning Board recommended denial of the C2(P) with a substitute motion of RR, which failed.

This is the duly advertised public hearing set for this date and time. Chairman Edge opened the public hearing. The Clerk to the Board called the following speaker:

Glenn B. Adams – Attorney Adams appeared in favor and stated from an economic perspective, owner Manly Alan Boykin has brought jobs to the community and should the zoning go from residential to commercial, the county's tax base would increase. Mr. Adams also stated none of the surrounding landowners are in opposition to the rezoning. Mr. Adams further stated his clients are willing to close at 12:00 am as opposed to 2:00 am as initially requested and have planted trees as a buffer. Mr. Adams stated the owner has attempted to do everything staff has requested and his client's request is for commercial zoning.

There being no further speakers, Chairman Edge closed the public hearing.

In response to questions posed by Commissioner King, Mr. Adams stated the sweepstakes/internet café has been in operation for about four months and during that time there have been no problems, no complaints, and no dealings with law enforcement. Mr. Adams also stated there is no water/sewer available on the property and that has not caused any problems.

MOTION: Commissioner King moved to look favorable upon the petitioner's request and grant as requested.

SECOND: Commissioner Evans

DISCUSSION: Commissioner Edge asked why the petitioner would not accept RR zoning. Mr. Lloyd stated the petitioners were not opposed to RR zoning provided they could still conduct their operation and there may have been some miscommunication between the petitioner and staff. Mr. Lloyd also stated both zoning classifications will allow for the operation, and the Board could approve RR/CZ conditional zoning with the same conditions. Commissioner Edge asked Mr. Adams if his clients would consider RR/CZ conditional zoning. Mr. Adams consulted with his clients and responded they would be in agreement with RR/CZ conditional zoning.

AMENDED MOTION: Commissioner King moved to rezone to RR/CZ conditional zoning with hours of operation from 10:00 am to 12:00 am.

SECOND: Commissioner Evans

DISCUSSION: Mr. Lloyd responded to questions posed by Commissioner Keefe regarding the status of the RR zoning should the business be discontinued.

VOTE ON AMENDED MOTION: PASSED (5-2) (Commissioners King, Evans, Faircloth, Edge, and Council voted in favor; Commissioners Melvin and Keefe voted in opposition)

Other Public Hearings

G. North Central Area Land Use Plan

RECOMMENDATION/PROPOSED ACTION:

The Cumberland County Joint Planning Board recommends approval of the North Central Area Land Use Plan as submitted with the exception of holding off on the expansion of the Linden Municipal Influence Area.

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Will Denning, Planning and Inspections Comprehensive Planner, provided a PowerPoint presentation of the North Central Land Use Plan beginning with a map of the study area location and boundaries, followed by an overview of the planning and community input process. Mr. Denning explained this plan completes the northern portion of the county and provides a detailed plan for the Town of Linden. Mr. Denning reviewed recommended short term action projects that can be completed within the next five years and serve as a catalyst for the land use plan. These projects included upgrading state maintained dirt roads, locating a central emergency shelter, ridding the area of dilapidated structures and manufactured home, and others.

Mr. Denning then provided information regarding the natural and physical conditions that exist within the study area and explained how the conditions shaped development that has already occurred and how the conditions will affect future development within the study area. The conditions included the watershed area, water and sewer, electrical providers, transportation, schools, fire districts, and others. Mr. Denning reviewed land uses recommended along the borders of the counties that abut the study area, the four municipal influence areas that impact the study area, and outside influences or activities that will significantly impact the development of the study area. Mr. Denning concluded his presentation and responded to questions.

Mr. Lloyd stated the Joint Planning Board chose not to expand the Town of Linden Municipal Influence Area until staff could address municipal influence areas and municipal protection areas for every municipality. Mr. Lloyd explained this was in response to a new bill addressing annexations.

This is the duly advertised public hearing set for this date and time. Chairman Edge opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Edge closed the public hearing.

MOTION: Commissioner King moved to approve the North Central Land Use Plan as presented with the exception of holding of any proposed expansion of the Municipal Influence Area for Linden.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (7-0)

Other Public Hearings – Minimum Housing Code Enforcement

The Clerk to the Board administered an oath to George Hatcher, Code Enforcement Officer, Inspector for the County of Cumberland Inspection Department, who provided information to the Board of Commissioners regarding the following cases:

H. Number: MH 6413-2011
Property Owner: Mildred Melvin
Property Location: 8402 Beaver Dam Road, Autryville, NC
Parcel Identification Number: 1404-24-6446

**AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS**

I, Joan Fenley, 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 6413-2011.

Property Owner: Mildred Melvin
Home Owner: Mildred Melvin
Property Address: 8402 Beaver Dam Road, Autryville, NC
Tax Parcel Identification Number: 1404-24-6446

SYNOPSIS: This property was inspected on 2/7/2011. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 3/10/2011. Mildred Melvin 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 6/9/2011. 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 6/12/2011 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 \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$0.00.

A Consent to Demolish was submitted by the property owner.

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

This is the duly advertised public hearing set for this date and time. Chairman Edge opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Edge closed the public hearing.

MOTION: Commissioner 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 60 days; or order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

- I. Case Number: MH 6489-2011
Property Owner: Queen McNeill
Property Location: 5112 Accessto Lane, Hope Mills, NC
Parcel Identification Number: 0443-21-4640

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 6489-2011.

Property Owner: Queen McNeill
Home Owner: Queen McNeill
Property Address: 5112 Accessto Lane, Hope Mills, NC

Tax Parcel Identification Number: 0443-21-4640

SYNOPSIS: This property was inspected on 5/4/2011. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 6/2/2011. Queen McNeill 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 9/2/2011. 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 7/29/2011 no corrective action had been made to the structure. The structure is presently vacant and 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 \$25,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

A Consent to Demolish was submitted by property owner.

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

This is the duly advertised public hearing set for this date and time. Chairman Edge opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Edge closed the public hearing.

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

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

- J. Case Number: MH 6382-2010
Property Owner: Coleman and Rosa McKoy
Property Location: 3175 Orangeburg Drive, Eastover, NC
Parcel Identification Number: 0468-36-3666

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 6382-2010.

Property Owner: Coleman & Rosa McKoy
Home Owner: Coleman & Rosa McKoy
Property Address: 3175 Orangeburg Drive, Eastover, NC
Tax Parcel Identification Number: 0468-36-3666

SYNOPSIS: This property was inspected on 12/17/2010. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 1/20/2011. Rosa McKoy 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 4/20/2011. 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 7/29/2011 no corrective action had been made to the structure. The structure is presently vacant and 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 \$65,000.00. 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.

This is the duly advertised public hearing set for this date and time. Chairman Edge opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Edge closed the public hearing.

MOTION: Commissioner Keefe moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, 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; and to

direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

- K. Case Number: MH 6331-2011
Property Owner: David E. Grimes
Property Location: 367 Brooklynn Circle, Hope Mills, NC
Parcel Identification Number: 0423-29-2782

**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 6331-2011.

Property Owner: David E. Grimes, Jr.
Home Owner: David E. Grimes, Jr.
Property Address: 367 Brooklyn Circle, Hope Mills, NC
Tax Parcel Identification Number: 0423-29-2782

SYNOPSIS: This property was inspected on 9/24/2010. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/14/2011. 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 6/21/2011. 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 7/29/2011 the required corrective action had not been made to the structure. The structure is presently vacant and 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 \$25,000.00. 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.

This is the duly advertised public hearing set for this date and time. Chairman Edge opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Edge closed the public hearing.

MOTION: Commissioner 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; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

L. Case Number: MH 6409-2011
Property Owner: Franklin B. Newman
Property Location: 6431 Canadian Avenue, Hope Mills, NC
Parcel Identification Number: 0442-55-0210

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 6409-2011.

Property Owner: Franklin B. Newman
Home Owner: Franklin B. Newman
Property Address: 6431 Canadian Avenue, Hope Mills, NC
Tax Parcel Identification Number: 0442-55-0210

SYNOPSIS: This property was inspected on 2/7/2011. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/14/2011. Franklin B. Newman 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 7/14/2011. 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 7/29/2011 the required corrective action had not been made to the structure. The

structure is presently vacant and 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 \$25,000.00. 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.

This is the duly advertised public hearing set for this date and time. Chairman Edge opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Edge closed the public hearing.

MOTION: Commissioner Faircloth moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, 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; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

M. Case Number: MH 6277-2010
Property Owner: Pamela L. Brown and Jeffrey Walsh
Property Location: 1423 Chedington Road, Hope Mills, NC
Parcel Identification Number: 0443-31-2547

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 6277-2010.

Property Owner: Pamela L. Brown & Jeffrey Walsh
Home Owner: Pamela L. Brown & Jeffrey Walsh

Property Address: 1423 Chedington Road, Hope Mills, NC
Tax Parcel Identification Number: 0443-31-2547

SYNOPSIS: This property was inspected on 8/9/2010. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 6/2/2011. 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 8/2/2011. 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 7/29/2011 no corrective action had been made to the structure. The structure is presently vacant and 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 \$25,000.00. 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.

This is the duly advertised public hearing set for this date and time. Chairman Edge opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Edge closed the public hearing.

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

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

N. Case Number: MH 6411-2011
Property Owner: William E. and Carolyn Faye Bulen
Property Location: 8090 and 8098 Lane Road, Linden, NC
Parcel Identification Number: 0563-20-3358

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 6411-2011.

Property Owner: William E. & Carolyn Faye Bulen
Home Owner: William E. & Carolyn Faye Bulen
Property Address: 8090 & 8098 Lane Road, Linden, NC
Tax Parcel Identification Number: 0563-20-3358

SYNOPSIS: This property was inspected on 2/4/2011. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 3/10/2011. 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 6/10/2011. 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 7/29/2011 no corrective action had been made to the structure. The structure is presently vacant and 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 \$65,000.00. The Assessor for Cumberland County has the structure presently valued at \$1,194.00.

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

This is the duly advertised public hearing set for this date and time. Chairman Edge opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Edge closed the public hearing.

MOTION: Commissioner 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; and to direct the clerk to incorporate the foregoing findings and orders in

an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

- O. Case Number: MH 6430-2011
Property Owner: Brastus M. and Ola Mae Lee
Property Location: 1384 Canady Pond Road, Hope Mills, NC
Parcel Identification Number: 0421-33-7486

**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 6430-2011.

Property Owner: Brastus M. & Ola Mae Lee
Home Owner: Brastus M. & Ola Mae Lee
Property Address: 1384 Canady Pond Road, Hope Mills, NC
Tax Parcel Identification Number: 0421-33-7486

SYNOPSIS: This property was inspected on 2/14/2011. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 3/24/2011. Gary Lee 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 6/24/2011. 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 7/29/2011 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 \$65,000.00. 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.

This is the duly advertised public hearing set for this date and time. Chairman Edge opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Edge closed the public hearing.

- MOTION:** Commissioner King moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and to order the property owner to remove or demolish the dwelling within 30 days; to order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.
- SECOND:** Commissioner Faircloth
- VOTE:** UNANIMOUS (7-0)

Items of Business

5. Consideration of Report and Recommendation of the Cumberland County Finance Committee:
 - A. Presentation on Proposed Investment Agreement for 2011 QSCB Sinking Fund Deposit by Our Financial Advisor, DEC Associates, Inc.

BACKGROUND:

The County must make annual deposits of \$987,000 in the bond sinking account for the 2011 QSCBs which were issued to construct the Western Middle School. Any interest earned on the investment of the dollars in the sinking fund may be used to reduce future required deposits.

Per the Internal Revenue Service (IRS) Code, the maximum permitted rate of interest is 4%. Currently, the sinking fund deposits are invested in the North Carolina Cash Management Trust and are earning interest at approximately .06%. The average projected annual earnings would be approximately \$67,200 based on interest rates ranging from .06% to 1% over the 15-year period. The County has been working with its Financial Advisor, DEC Associates, Inc., since issuance of the QSCBs in January, to find investment alternatives for this fund. The option presented for the Board of Commissioners' consideration is an Investment Agreement or a contract between the County and a bank, whereby the bank agrees to invest the County's sinking fund deposits at a predetermined rate for the remaining 15-year term. Based upon market conditions within the last few weeks, it appears that the County could earn approximately \$213,000 per year, for a projected total of \$3.2M over the life of the sinking fund. These interest earnings would then be used to reduce the annual sinking fund requirements.

This concept has been reviewed thoroughly by the County's Bond Counsel. Bond Counsel believes this is a legal and appropriate investment option for the County.

Although this transaction does not require the approval of the Local Government Commission (LGC), this option has been reviewed and discussed with LGC staff members.

This investment opportunity was introduced at the Finance Committee meeting on August 4, 2011. The action by the Finance Committee was to present this option to the Board for consideration at the August 15, 2011 meeting.

RECOMMENDATION AND PROPOSED ACTION:

Management believes the Investment Agreement could offer a substantially higher yield on interest earnings, depending upon prevailing market conditions, thereby reducing the County's annual principal payments. Therefore, Management would ask the Board to consider authorizing the County to move forward in negotiating and executing an Investment Agreement paying a fixed rate of interest for the remaining life of the QSCB Sinking Fund.

* * * * *

Amy Cannon, Deputy County Manager/Finance Director, explained that the services of DEC Associates, Inc. were secured through a Request for Qualifications (RFQ) process that was issued when the county was about to borrow funds for three major capital projects. Ms. Cannon further explained the County went through a series of four refinancings within the past two years with cumulative savings of \$17 million and in addition, DEC Associates, Inc. was instrumental in assisting the County with getting its bond ratings upgraded. Ms. Cannon introduced Doug Carter and Jeremy Carter of DEC Associates, Inc.

Mr. D. Carter reported rather than make a principal payment every year, the county makes a deposit of approximately \$1 million into a sinking fund such that at the end of fifteen years, the fund will be paid. Mr. D. Carter explained the money in the sinking fund will be available for investment while it is in the escrow account and according to federal law, the interest earnings could then be used to reduce the annual sinking fund costs. Mr. D. Carter also explained federal regulations set interest earnings at a maximum of 4%. Mr. D. Carter stated Ms. Cannon contacted DEC Associations, Inc. to find investment alternatives for this fund because current interest rates through the North Carolina Cash Management Trust are very low. Mr. D. Carter also stated DEC Associates, Inc. was also asked to take this fund from a variable rate to a fixed rate of earnings in order to maximize the amount earned.

Mr. D. Carter stated should the Board authorize County Management to move forward with the investment agreement, there will be general statutes that will have to be followed. Mr. D. Carter further stated the County's Bond Counsel believes this is a legal and appropriate investment option for the County and, although this does not require the approval of the Local Government Commission (LGC), it has been reviewed and discussed with LGC staff members. Mr. D. Carter advised that given market conditions of late, it appears that the County could earn approximately \$213,000 per year, which

would lower the \$987,000 annual payment and make the County's budgeting much easier.

Ms. Cannon stated County Management's recommendation is that the Board of Commissioners allows management to move forward and work with DEC Associates, Inc. and the county attorney on the investment contract.

MOTION: Commissioner Faircloth moved to follow Management's recommendation for approval.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

Chairman Edge recessed the meeting at 9:05 p.m.

Chairman Edge reconvened the meeting at 9:15 p.m.

B. Report on \$4.28 Million Savings Achieved through Bond Refinancings during July 2011

BACKGROUND:

During the month of July, Cumberland County has refunded four prior debt obligations in two school facilities and the Public Health Center on Ramsey Street, yielding a total obligations savings of \$4.28 million.

The savings will amount to an average annual savings of \$160,000 over the remaining 18 years outstanding for the first series and an average annual savings for series two of \$123,000 for the remaining 12 years. Cumberland County was able to achieve these savings by maintaining Standard & Poor's Rating of AA+ and Moody's Rating of Aa2.

* * * * *

Ms. Cannon stated the above information was provided for informational purposes only and no action was being requested of the Board. Mr. Cannon further stated the information had been sent out as a press release on August 5, 2011.

6. Consideration of Report and Recommendation of the Cumberland County Facilities Committee:

A. Presentation of Schematic Design Plans – Detention Center Expansion Project.

BACKGROUND:

The Project Committee has been working with Moseley Architects over the past several weeks to refine the Schematic Design Plans for the Detention Center Expansion Project. After several iterations, the Project Committee believes the schematic plans have

incorporated all of the comments from Management and staff and are ready for submission to NC Division of Health Service Regulation (DHSR). The major refinements of the schematic plans includes elimination of three (3) of the four (4) recreation rooms and the addition of six (6) cells along the north mezzanine in the special management housing unit, and relocating the new mechanical room adjacent to the connecting corridor. The total square footage of the expansion was reduced and the total number of beds increased from 316 to 322.

Doug Zawiskie with Moseley Architects presented the Schematic Design Plans to the County Facilities Committee at its August 4th meeting. The Project Committee and Management recommended approval of the Schematic Design Plans and authorization for the architect to submit the plans to DHSR and to proceed with the Design Development phase. The Facilities Committee unanimously endorsed Management's recommendation.

RECOMMENDATION/PROPOSED ACTION:

The recommendation of the Project Committee, Management and the County Facilities Committee is to approve the Schematic Design Plans for the Detention Center Expansion Project and instruct Moseley Architects to submit the Schematic Design Package to DHSR and proceed with the Design Development phase. The proposed action by the Board is to approve the staff recommendation.

* * * * *

Mr. Martin called on Bob Stanger, County Engineer, who stated the Detention Center Project Committee has been working with Moseley Architects over the past several weeks to refine the schematic design plans for the Detention Center Expansion Project. Mr. Stanger further stated a presentation had been made to the Facilities Committee at their August 4, 2011 meeting at which time the Detention Center Project Committee and County Management recommended approval of the schematic design and authorization for the architect to submit the Schematic Design Package to the NC Division of Health Service Regulation and proceed with the Design Development phase. Mr. Stanger also stated the Facilities Committee unanimously endorsed Management's recommendation.

Mr. Stanger called on Doug Zawiskie, Moseley Architects, who presented the schematic design plan to include the site plan, first and second floor plans, and various interior and exterior views. Mr. Zawiskie reported the plans filled a void space to gain six additional cells that increased the cell count from 316 cells to 322 cells within the same amount of square footage for a total of 322 beds in addition to the current 568 beds.

MOTION: Commissioner Keefe moved to approve the Schematic Design Plans as presented.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-0)

7. Consideration of Report and Recommendation of the Cumberland County Policy Committee:
 - A. Consideration of Language Used in Education Materials for Gray's Creek Water & Sewer District Referendum

BACKGROUND:

Management and staff have prepared information to be used in educational materials regarding the Gray's Creek Water and Sewer District's \$21 million bond referendum scheduled for November 8, 2011. The funds will be used to complete the first three of five phases of a district water system. On August 4, the information was presented to the Policy Committee, which suggested additional questions.

Answers to the list of Frequently Asked Questions explain the proposal for a water system in the district and the estimated one-time expenses and recurring costs to property owners or households. For example, once water line construction is completed for that phase, a monthly availability fee of approximately \$28 will be charged to the owners of all parcels of property that have direct access to a County water line, regardless of whether they sign up for service or not. For those who do sign up for service, the estimated recurring monthly cost for a customer using 4,500 gallons of water a month would be \$42.73, which includes the availability fee.

The information will be used on the County's web site and in educational brochures that will be mailed to district residents. Three public meetings will be held in the district in September and October, and their locations will be announced at a later date. Maps, a list of streets affected in each phase and copies of the water use ordinance will also be posted on the web site.

Frequently Asked Questions for Gray's Creek Water and Sewer Referendum

What is the Gray's Creek Water and Sewer District?

Cumberland County commissioners hired consulting engineers to develop a county-wide master plan in 2009 for the development of a countywide water system. The rural water feasibility study recommended forming water and sewer districts in order to develop the water system in an orderly and prioritized fashion.

Gray's Creek Water and Sewer District, the first district recommended by the plan, was formed in October 2009 in accordance with North Carolina General Statutes. The County Commissioners serve as the governing board.

What is proposed for Gray's Creek water and sewer district?

A Preliminary Engineering Report calls for the district's water system to be constructed in five phases over approximately 15 years, with each phase constructed on a three-year schedule or as close to that as possible.

Citizens in the district will vote on a bond referendum on November 8, 2011, to approve funds for the first three of the five phases of the water system. The amount of the referendum will be \$21 million.

The first phase (1A and 1B) of the project will cost approximately \$6 million, to be funded over a 40-year period by loans obtained from the U.S. Department of Agriculture Rural Development.

What will the total project cost?

The estimated cost for all five phases is approximately \$26 million.

What will be the cost for each household or parcel owner in Phase 1A and 1B?

- The early connection fee will be \$350 prior to and during construction. After that, tap-on fees will range from approximately \$1,500 to \$2,000 depending on the size of the line and any unforeseen construction issues.
- Plumbing inspection fee = \$35
- Availability fees – A monthly availability fee of approximately \$28 will be charged to the owners of all parcels of property that abut or have direct access to a County water line. For developed properties, an availability fee will be charged to each building on the premises for which a minimum charge for water service would be required if connected to the County's water system.

For undeveloped parcels that would qualify for the issuance of a building permit for the construction of one or more buildings, a single availability fee will be charged regardless of the size of the parcel.

When will availability fees start being charged?

Once construction is completed on water lines in that phase, availability fees will be applied to parcel and building owners whose property has access to a County water line.

One-time Expense	Estimated Cost
Connection Fee	\$350
Plumbing Inspection Fee	\$35
Installation of 50 foot line from main water line to building (find out length of average line is and use that x\$12 per foot)	\$600*
Estimated TOTAL for initial start-up costs for customers signing on for service	\$985

*This is an estimate for installing a 50-foot line at \$12 per foot.

Estimated Recurring Costs	
Monthly availability fee	\$28.14
Water usage charge for customers using 4,500 gallons of water per month	\$14.59
TOTAL monthly water bill for a customer using 4,500 gallons of water a month :	\$42.73

How much will the monthly water bills be?

As stated above, all parcel owners along roads where water lines are constructed will be charged a monthly availability fee of \$28.14. Water system customers will have an additional monthly water usage charge. A monthly water bill for customers using 4,500 gallons of water per month will be \$42.73, which includes the minimum availability charge of \$28.14.

Do we have to connect?

No, but you will be charged an availability fee as indicated above.

Can we buy a tap for future use and not use water now? How much will that cost each month?

Yes, as long as the owner agrees to be responsible for marking the location of the tap and protecting it from damage. The owner will have the one-time connection fee and then the monthly availability fee.

Will the availability of water increase the tax value on my property?

Perhaps, if the availability of water has affected the sales price of similar properties at the time of the next revaluation. Property values may decline, remain stable or increase, depending on what the economy is like and how much demand there is for property in the area at the time of the next revaluation.

What is the timeframe for Phase 1 and future phases?

The entire process for Phase 1 from design to construction completion will require approximately 18 months. Each phase after that is projected to take three years from the completion of the prior phase.

Will the County run the line to my house?

No. The County's responsibility stops at the NCDOT right of way line, typically 30 feet from the centerline of the road.

How much will it cost to run the line to my house?

It depends on the distance and obstacles, such as tree roots, and directness of connection. Local plumbers are hesitant to provide quotes without visiting the property. Estimates may range from \$10 to \$12 per foot with a straight-shot path and no tree roots. The homeowner can "do it yourself" at a lesser cost.

Where is the water coming from?

The district has an agreement to purchase bulk water from the Public Works Commission.

Who will handle the billing?

This will be determined after the referendum. It is unlikely that PWC will be the billing agency.

Will the City of Fayetteville annex the district if a water system is constructed?

No. The water system will be constructed to rural development standards, not municipal. Annexation depends on population density, not the availability of water. The state legislature approved an overhaul of North Carolina's annexation law this year. The measure allows citizens to block an involuntary annexation if 60 percent of property owners submit a petition opposing it.

Will connection be mandatory for existing buildings?

No. However, an availability fee will be charged to every property owner whose land abuts, or has direct access to a water line. For parcels without buildings, there will be only one availability charge. For parcels that have multiple buildings for which water is typically supplied, an availability charge will apply to each building.

Will connection be mandatory for new construction?

Maybe, based on existing subdivision regulations that require any subdivision creating 2 to 10 lots to connect to public water if it is within 300 feet; any subdivision creating 10 to 20 lots to connect to public water if within 500 feet; and any subdivision creating 20 or more lots, either in a Sewer Service Area or with a density of greater than two units per acre, regardless of the distance. The Planning Board has the authority to waive these requirements in hardship circumstances.

Will the county extend the system to take in new subdivisions or development?

Once construction is complete, Rules, Regulations and Specifications will be established and the conditions under which extensions are made will be outlined. These will likely be at the developer's cost and in those circumstances that do not strain the capacity of the system as it is developed.

May an owner keep an existing well to use for irrigation or other non-household purposes?

Yes, but the county will require a licensed plumber to certify that there is no cross-connection to the public water. Wells may be used to water landscaping or livestock, wash cars and fill pools.

Where can I learn more?

- Review the Water Use Ordinance for Gray's Creek Water & Sewer District, available on the County's web site, http://www.co.cumberland.nc.us/public_utility.aspx, or pick up a copy from the Department of Public Utilities, in the Historic Courthouse at 130 Gillespie Street.
- Call the Public Utilities Department at 678-7637.
- Attend one of the following community meetings at 7 p.m.:
 - Tuesday, September 27, location to be determined.
 - Thursday, October 13, location to be determined.
 - Thursday, October 27, location to be determined.

RECOMMENDATION/PROPOSED ACTION:

Review the information and recommend any changes or additions.

* * * * *

Mr. Martin called on Sally Shutt, Communication and Strategic Initiatives Manager, who referenced the above background information above, the Frequently Asked Questions, and a map provided by Marziano and McGougan, PA, consulting engineers for the Gray's Creek Water and Sewer District. Ms. Shutt advised this information would be used in educational materials for the \$21 million Gray's Creek Water and Sewer District's bond referendum scheduled for November 8, 2011.

MOTION: Commissioner Melvin moved to move forward with the materials as presented.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

B. Consideration to Repeal "Chapter 10 – Personnel" of the County Code

BACKGROUND:

One of the actions steps for Objective 3 under Goal 4 of the Strategic Plan is to "Repeal the existing personnel code and adopt the contents therein as a master county personnel policy". Staff recommends repealing "Chapter 10—Personnel" from the County Code and adopting the provisions of Chapter 10 and all updates as a stand-alone ordinance.

The County Code needs to be re-codified and published so that the public has easy access to all updates since the Code was last published in 2006. The personnel ordinance is of primary importance to employees, not the public-at-large. A repeal of the personnel ordinance from the County Code will facilitate this process as it will allow for publication of the County Code without waiting for much-needed revisions to the personnel ordinance. Future revisions to a stand-alone personnel ordinance will not require republication of the Code or the publication of supplements to the Code, thereby saving the County money.

On August 4, 2011, the Policy Committee adopted the staff recommendation to repeal "Chapter 10—Personnel" from the County Code and adopt the provisions of Chapter 10 and all updates to Chapter 10 as a stand-alone ordinance.

RESOLUTION REPEALING CHAPTER 10—PERSONNEL FROM THE COUNTY
CODE AND ADOPTING THE PROVISIONS OF CHAPTER 10 AND ALL UPDATES
AS A STAND-ALONE ORDINANCE

Whereas, the Commission adopted a strategic plan for 2011-2012 and included in it the goal to "educate, inform and engage employees, citizens, elected and appointed officials through effective and efficient communications"; and

Whereas one objective for this goal is to "improve internal communications"; and

Whereas one of the action steps for the objective is to repeal the existing personnel code; and

Whereas repeal of Chapter 10 from the County Code will facilitate the republication of the Code; and

Whereas adoption of the Personnel Ordinance as a stand-alone ordinance will facilitate the process of amending the Personnel Ordinance; and

Whereas staff has recommended repealing “Chapter 10—Personnel” from the County Code and adopting the provisions of Chapter 10 and all updates as a stand-alone ordinance,

Now, therefore, the Cumberland County Board of Commissioners does hereby repeal “Chapter 10—Personnel” from the County Code and adopts the provisions of Chapter 10 and all updates as a stand-alone ordinance.

Adopted this 15th day of August, 2011.

RECOMMENDATION/PROPOSED ACTION:

The Board of Commissioners repeal “Chapter 10—Personnel” from the County Code and adopt the provisions of Chapter 10 and all updates to Chapter 10 as a stand-alone ordinance.

* * * * *

Mr. Moorefield advised should the Board choose to approve the above resolution, the action would repeal Chapter 10-Personnel from the County Code and readopt the provisions of Chapter 10 as a stand-alone ordinance. Mr. Moorefield further advised the recommendation/proposed action was incident to cleaning up the County Code. Mr. Moorefield referenced the background information as provided above.

MOTION: Commissioner Faircloth moved to adopt the resolution.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (7-0)

8. Nominations to Boards and Committees

- A) Cumberland County Child Protection/Fatality Prevention Team (2 Vacancies)

Commissioner Melvin nominated Leslie Campbell and Trace Griffin, for the EMS Provider or Firefighter and At-Large positions respectively.

- B) Cumberland County Finance Corporation and Cumberland County Industrial Facilities and Pollution Control Financing Authority (1 Vacancy)

Commissioner King nominated Dr. Joan Cezair.

- C) Cumberland County Juvenile Crime Prevention Council (1 Vacancy)

Commissioner Council nominated Lee Roberts for the At-Large Representative position.

- D) Joint Senior Citizens Advisory Commission (3 Vacancies)

Commissioner Council nominated Tom Cain, Brenda Brown and Albert Munzo.

- E) Nursing Home Advisory Board (1 Vacancy)

Commissioner Melvin nominated Dr. John Briggs .

9. Appointments to Boards and Committees

- A) Joint Senior Citizens Advisory Commission (1 Vacancy)

Nominee: Dwight Palmer

MOTION: Commissioner Faircloth moved to appoint the nominee, Dwight Palmer.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (7-0)

Chairman Edge recognized the recent passing of Dan Ford, former Detention Center Chief Jailer who also ran for a County Commissioner seat in 2008, and extended the Board's condolences to his family.

10. Closed Session: Economic Development Matter(s) pursuant to NCGS 143-318.11(a)(4)

MOTION: Commissioner Council moved to go into Closed Session to consider an economic development matter pursuant to NCGS 143-318.11(a)(4).

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Council moved to reconvene in Open Session.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

Chairman Edge advised that Dr. John Briggs, who was nominated for the Nursing Home Advisory Board, was currently serving on the Board and a substitute nomination would be needed. Commissioner Melvin nominated Guy Mitchell for the Nursing Home Advisory Board.

Chairman Edge asked the county attorney to describe the proposed changes to an economic development incentives agreement with Strategic Solutions Unlimited, Inc. Mr. Moorefield advised at its October 18, 210 meeting, the Board of Commissioners approved an economic incentives agreement with Strategic Solutions Unlimited, Inc.; however, the agreement as originally approved has never been signed. Mr. Moorefield further advised the company has requested that the agreement be revised before it is signed and that the revisions be as follows: that the number of jobs be changed from 50 jobs upon completion of the project this year, to 10 new full time jobs cumulative per year for a total of at least 50 new full time jobs by the 2016 certification; and that the direct investment of \$1,069,000 under the original agreement be reduced to \$500,000.

MOTION: Commissioner Keefe moved that the changes to the economic development incentives agreement with Strategic Solutions Unlimited, Inc. be approved as described by the county attorney.
SECOND: Commissioner King
VOTE: UNANIMOUS (7-0)

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

There being no further business, the meeting adjourned at 9:50 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board