

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
DECEMBER 19, 2011 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING
MINUTES

PRESENT: Commissioner Marshall Faircloth, Chairman
Commissioner Jimmy Keefe, Vice Chairman
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Charles Evans
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
Tom Lloyd, Planning and Inspections Director
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board

Chairman Marshall Faircloth called the meeting to order.

INVOCATION

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

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

James Martin, County Manager, read the public comment period policy. Chairman Faircloth opened the public comment period. The Clerk to the Board advised there were no speakers.

1. Approval of Agenda

Chairman Faircloth requested that Item 3.G. be removed from the consent agenda and placed on the regular agenda as Item 2.B.

MOTION: Commissioner King moved to approve the agenda with Item 3.G. removed from the consent agenda and placed on the regular agenda as Item 2.B.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (7-0)

2. Presentations

A. Presentation of the FY 2011 Annual Audit by Ms. Michelle Thompson, CPA, Partner, Cherry, Bekaert and Holland, L.L.P.

BACKGROUND:

The annual audit has been completed by the independent certified public accounting firm of Cherry, Bekaert and Holland, L.L.P. Michelle Thompson, Partner, with Cherry, Bekaert & Holland, L.L.P., is prepared to present the results of the annual audit to the Board of County Commissioners at the December 19, 2011 Commissioners' Meeting.

RECOMMENDATION/PROPOSED ACTION:

Recommend that the Board of County Commissioners accept the independent auditor's report.

Chairman Faircloth called on Amy Cannon, Deputy County Manager/Finance Officer, who introduced Michelle Lloyd Thompson, a partner with Cherry, Bekaert & Holland, L.L.P. and asked her to provide the report of independent certified public accountants on Cumberland County's financial statements for fiscal year ended June 30, 2011. Ms. Thompson stated for the record that under generally accepted auditing standards, the county received an unqualified or "clean opinion" which represents the highest level of assurance. Ms. Thompson further stated for the record that under the requirements of OMB Circular A-133 for federal and state grant expenditures, the county received an unqualified or "clean opinion" which represents the highest level of assurance.

Ms. Thompson reviewed the countywide statement of net assets and stated as of June 30, 2011, the county's capital assets exceeded the related debt by \$181.9 million, an increase of 8.1% over the prior year; restricted net assets were \$99.9 million and there was a deficit of \$110.6 million in unrestricted net assets. Ms. Thompson explained this is not an abnormal situation for large counties in North Carolina.

Ms. Thompson explained GASB Statement 54 and stated for purposes of the statement, general fund transfers could not be characterized as a revenue source. Ms. Thompson also explained the audit general fund summary contained the economic development incentive fund, the water and sewer industrial expansion fund, the tax revaluation fund, and the mental health fund. Ms. Thompson reported the general fund expenditures and transfers out exceeded the general fund's revenue and transfers in by \$1.8 million which represented a deficit, and this deficit when added to the beginning fund balance resulted in an ending fund balance of \$103.5 million. Ms. Thompson also reported the county school fund as consolidated into the general fund was \$111.5 million.

Ms. Thompson explained the audit general fund had been separated into three components and reported that the county's day to day general fund 101 had a deficit of \$4 million, the mental health fund 112 had a positive \$2.2 million revenue over expenditures, and the

county school fund 106 ended the year with a \$537,000 deficit that was a planned use of their fund balance.

Ms. Thompson reviewed variances between final and actual, and reported revenues of \$285.4 million were \$1.7 million above budget and several of the larger categories had positive variances. Ms. Thompson explained this meant that county management and the Board of Commissioners were conservative in their budgeting estimates. Ms. Thompson also reported the intergovernmental revenue had a combined \$1.7 million variance due to unrealized revenues of \$1.6 million in social services and health departments, which is not unusual.

Ms. Thompson reviewed the variances between final and actual and stated the expenditures were all within budgetary limits. Ms. Thompson explained the factors responsible for the positive variances and reported that the negative revenue over expenditure of \$4 million was due to a planned spending of one time reserves for emergency center VIPER equipment, detention facility expansion fund, capital outlay and economic development incentive fund.

Ms. Thompson reported on fund balance categories as redefined by GASB Statement 54 for non-spendable, restricted, committed, assigned and unassigned. Ms. Thompson then reported on all sub-fund general fund balances totaling \$111.5 million and stated when looking at the internally designated fund 101, \$28.5 million is unassigned and represents 10.02% of the current year's expenditures which slightly exceeds the county's minimum 10% reserve policy. Ms. Thompson also stated the total available fund balance that includes assigned and unassigned fund balance is 19.36% which exceeds the county's 15% minimum total available fund balance reserve. Ms. Thompson then provided a trending or history of fund balance 101 from 2002 through 2011 and concluded her report.

Ms. Cannon came forward to provide a report of the financial condition of the county for fiscal year ended June 30, 2011. Ms. Cannon explained the definition of financial condition is a local government's ability to meet its ongoing financial, service, and capital obligations based on the status of resource flow and the amount of resources as interpreted from annual financial statements. Ms. Cannon explained how benchmark partners and ten county average comparisons were used, and advised the county used six financial indicators to determine its financial condition as of June 30, 2011.

1. Ms. Cannon stated the balance sheet indicator "liquidity" measures the general fund's ability to meet its short-term obligations and a higher ratio indicates that the County is more likely to be in a position to meet its short-term obligations. Ms. Cannon reported the liquidity fund measure has increased to almost 8.0 which was slightly less than the county's benchmark partners.
2. Ms. Cannon stated the balance sheet indicator "solvency" is a longer term perspective and measures the general fund's ability to meet long-term obligations and the higher the ratio, the greater the solvency. Ms. Cannon reported the county's policy is to maintain at least 15% fund balance average which is a small decrease from the prior fiscal year due to a

planned use of fund balance. Ms. Cannon explained the unassigned fund balance for the county is 10.02% and the benchmark partners range from 13% to 18%. Ms. Cannon advised as the county continues to transfer additional detention center funds to the capital project fund, the solvency measure will continue to decrease.

3. Ms. Cannon stated the balance sheet indicator “leverage” measures the extent to which the general fund is dependent on tax-supported debt and a high ratio indicates that the general fund is overly dependent on tax related debt. Ms. Cannon reported the county’s debt is less than 1% assessed valuation and the benchmark partners are over 1% or more reliant on the issuance of debt.
4. Ms. Cannon stated the income statement resource flow indicator “service obligation” measures whether the general fund's annual revenues were sufficient to pay for annual operations and a ratio of 1.0 or higher indicates that the general fund lived within its means. Ms. Cannon explained per the county’s financial policy, any amount of assigned fund balance over 10% is to be transferred to a reserve account at the end of each year to be used for one time expenditures or for capital projects. Ms. Cannon stated the Board has basically had a strategy of building fund balance and saving funds instead of issuing debt to cash flow major capital projects. Ms. Cannon also stated one of the biggest expenditures would be for the detention facility project, and although the county’s measure of “service obligation” was significantly less than its benchmark partners, the benchmark partners were much more dependent on the issuance of debt.
5. Ms. Cannon stated the next ratio is “dependency” which measures the extent to which the general fund relies on other governments for revenue sources, mostly federal and state revenue, and a lower percentage indicates less dependency. Ms. Cannon reported for fiscal year 2011, the county’s dependency ratio was about 27% which was significantly above the ten county average and above the benchmark partners. Ms. Cannon explained the three factors affecting this ratio are sales tax agreements with municipalities, assessed valuation or property tax as a revenue source, and the indigent/Medicaid population. Ms. Cannon stated although Cumberland County is classified as an urban area, it has a rural aspect of its population that affects its dependency ratio.
6. Ms. Cannon stated the final ratio is “financial obligation” which addresses service flexibility and measures expenses that are committed for annual debt service; the lower percentage, the greater the flexibility. Ms. Cannon reported for fiscal year 2011 the county was significantly under the percentage of its primary benchmark partners and has been consistently less than that of the ten county average which indicates other counties are more dependent on debt for capital projects and one time expenditures.

Ms. Cannon stated in summary the indicators show the county’s financial condition is stable, consistent and relatively strong; the county’s leverage and financial obligations ratios support the fact that the county has been successful in building reserves to cash flow capital projects and for one-time expenses to minimize the debt that has be to issued. Ms. Cannon further stated in her opinion, the county’s ability to continue this trend is doubtful; this year end the amount of unassigned fund balance over 10% is .02% or a mere \$30,000

in comparison to last fiscal year in which the dollar amount above 10% equated to **\$2.7** million. Ms. Cannon also stated this indicates a trend of spending a greater percentage of the expenditure budget; additionally, the actual revenue collected is close to the budgeted revenue whereas in years past the actual revenue collected significantly exceeded the budgeted revenue. Ms. Cannon explained this means the county has fewer funds adding to its assigned fund balance. Ms. Cannon stated these factors need to be taken into consideration when developing the year 2013 budget. Ms. Cannon responded to questions and comments followed.

Ms. Cannon closed by stating the Board has been a good steward of the taxpayers' dollars and has reduced the debt load and kept it at an extremely manageable level for the citizens of Cumberland County.

MOTION: Commissioner King moved to accept the fiscal year 2011 audit report.
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

B. Approval of a Resolution Commending the Partnership for Children of Cumberland County on Receiving the N.C. Center for Nonprofits Stewardship Award

RESOLUTION COMMENDING THE
PARTNERSHIP FOR CHILDREN OF CUMBERLAND COUNTY ON RECEIVING
THE N.C. CENTER FOR NONPROFITS
STEWARDSHIP AWARD

WHEREAS, the N.C. Center for Nonprofits has recognized the Partnership for Children of Cumberland County as a recipient of the 2011 Nonprofit Sector Stewardship Award for modeling exemplary nonprofit stewardship of the public's trust and support; and

WHEREAS, the Partnership for Children of Cumberland County is recognized by the N.C. Center for Nonprofits for its diverse funding streams and work as a social entrepreneur; combining social mission with accountability, innovation, and disciplined management practices; and

WHEREAS, the Partnership for Children of Cumberland County masters the art of collaboration, engaging numerous partners, across disciplines, to leverage resources; and

WHEREAS, future citizens and leaders are born every day and the Partnership for Children of Cumberland County's outcome-focused approach and administration of the Smart Start initiative and the NC Pre-Kindergarten program has led to increased opportunities for children to be successful in school and throughout their lives; ensuring a more prosperous future for us all; and

WHEREAS, the early experience of a child determines their brain structure, thus shaping the way the child learns, thinks and behaves throughout their life; and

WHEREAS, a Partnership for Children focus is family support as parents are at the nucleus of thriving families, families are at the heart of prospering communities; and

WHEREAS, we acknowledge the tremendous impact that early childhood education has on our national economic security and the viability of the American dream;

THEREFORE, BE IT RESOLVED, we, the Cumberland County Board of Commissioners, does hereby congratulate the Partnership for Children of Cumberland County on being awarded this outstanding honor and recognizes the vitally important services that the Partnership for Children of Cumberland County provides, which improve the lives of children, families, and the entire community of Cumberland County.

Adopted this 19th day of December, 2011.

Chairman Faircloth called on Commissioner Council who recognized Eva Hansen, Executive Director of the Partnership for Children of Cumberland County Inc. John Freudenberg, the Partnership's Government and Military Affairs Liaison, was also present. Commissioner Council provided comments and read the resolution commending the Partnership on receiving the N. C. Center for Nonprofits' stewardship award. Comments by Ms. Hansen followed.

MOTION: Commissioner Council moved to approve the resolution commending the Partnership on receiving the N. C. Center for Nonprofits' stewardship award.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

3. Consent Agenda

A. The following draft minutes for the November 30, 2011 Federal Legislative Agenda special meeting, the December 5, 2011 regular meeting and the December 8, 2011 emergency Board of Commissioner meeting are pending review and will be placed on the January 3, 2012 consent agenda for approval

BACKGROUND:

The following draft minutes are pending review by the county attorney and will be placed on the January 3, 2012 consent agenda for consideration of approval.

November 30, 2011 Special Meeting for Federal Agenda Development

December 5, 2011 Regular Meeting

December 8, 2011 Emergency Meeting

RECOMMENDATION/PROPOSED ACTION:

For information only.

B. Approval of Destruction of Finance Department Records

BACKGROUND:

Pursuant to a resolution adopted by the Board of County Commissioners on February 4, 1985, the County Manager has authorized destruction of certain Finance Department records (see attachment).

The destruction of the following 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'.

1. Records with three-year retention requirement (dated prior to July 1, 2008).
 - a. Fiscal correspondence/memorandums.
 - b. Bank statements, canceled checks. Deposit slips, and reconciliation file.
 - c. Purchasing – request for proposals for purchase contracts, purchase orders, and requisitions.
 - d. Cash receipt report files.
 - e. Check registers
 - f. Investment records.
 - g. Journal vouchers.
 - h. LGC financial statements.
 - i. Invoices.
 - j. Employee Earnings Record File – Local government retirement system monthly reports.
Payroll file – salaries paid and deductions file.
2. Records with two-year retention requirement (dated prior to July 1, 2009).
 - a. Employee benefits register file.
3. Records with one-year retention requirement (dated prior to July 1, 2010).
 - a. Daily journal and ledger printouts.
 - b. Monthly detail reports, except June 30 which is permanent.
4. Records that have been superseded or obsolete.
 - a. Property and equipment inventory files.

RECOMMENDATION/PROPOSED ACTION:

Accept the report on disposition of records and include same in minutes of the December 19, 2011, Board of Commissioners' Meeting.

C. Approval of Redemption of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure

BACKGROUND:

On or about April 12, 2008, the County acquired, by tax foreclosure sale, property previously owned by Valparisia R. Bannamon at:

LOT 6 M B PERSON; 2244 PROGRESS ST.; PIN 0426-92-8574
S/LOT 12 & 13 M B PERSON; 2233 PROGRESS ST.; PIN 0436-02-0393
2 IMPS; 2203 PROGRESS ST; PIN 0436-02-0988

ALL ARE LOCATED IN CROSS CREEK TOWNSHIP

The amount owed on the foreclosure judgment plus interest and costs is \$9,442.75.

Ms. Bannamon, who is living in the house and a former owner, has offered as the former owner to purchase the County's interest in such property and exercise her equity of redemption for \$9,442.75 and have deposited the \$9,592.75 with the Finance Office.

North Carolina General Statutes §105-376 and §160A-267 authorize the Board to resell property acquired by tax foreclosure to the former owner(s) or any person having an interest in the property for an amount not less than the costs associated with the foreclosure and subsequent resale. This allows former owner(s) or any person with an interest in the property to re-purchase their property, so long as the County is made whole, rather than putting the property on the open market.

RECOMMENDATION/PROPOSED ACTION:

That the Board of Commissioners' consider whether to accept the offer of Valparisia R. Bannamon to exercise her equity of redemption to re-purchase the property described above for \$9,442.75.

- D. Approval of Resolution and Adoption of the Cumberland County Solid Waste Management Plan – 3 Year Update

BACKGROUND:

NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to update the Ten Year Comprehensive Solid Waste Management Plan at least every three years or when there are major changes in rules.

Electronics Disposal Intended Actions: Effective July 1, 2010, Cumberland County implemented a change to their recycling program for electronic waste. Material now being recycled, includes, but is not limited to: desktop and laptop computers, monitors, televisions, hard drives, scanners, fax machines, copiers, printers, and other miscellaneous electronic equipment such as coffee pots, microwave ovens, toaster ovens, toasters, mixers, basically any item that has an electrical cord. Cumberland County is working with an electronics recycling company that has received all certifications in compliance with the requirements of the State of North Carolina.

Solid Waste Management Plan Amendment

Electronics Disposal Intended Actions:

Effective July 1, 2010, Cumberland County implemented a change to their recycling program for electronic waste. Material now being recycled, includes, but is not limited to:

desktop and laptop computers, monitors, televisions, hard drives, scanners, fax machines, copiers, printers, and other miscellaneous electronic equipment such as coffee pots, microwave ovens, toaster ovens, toasters, mixers, basically any item that has an electrical cord. Cumberland County is working with an electronics recycling company that has received all certifications in compliance with the requirements of the State of North Carolina.

Residential drop off of electronic waste may be done at all 16 container/recycling sites, located throughout the County, and the Baling Facility at the Ann Street landfill at no cost. Container/recycling sites cannot accept TV's larger than 32", nor can they accept large copiers, these items must go to the Baling Facility. Commercial businesses may bring their electronic waste to the Baling Facility at the Ann Street landfill.

Material is placed in gaylord boxes or on pallets, which are shrink wrapped, for pickup by the electronics recycling company. The material is picked up, as needed, and transported to the electronics recycling company's facility for recycling and further disposal.

Cumberland County has amended the Container/Recycling Sites flyer to indicate this new information and copies are available at all container/recycling sites, the Administration building at the Ann Street landfill, and at each scalehouse. Signs are posted at each container/recycling site indicating where the electronic waste can be placed. Television shows and articles in the local newspaper informed citizens of the new State law banning the landfilling of computers and televisions, its requirements, and the options for disposal that citizens have.

After collection of electronic waste, the recycling company sends Cumberland County a statement that lists the tonnage of material removed from the Baling Facility at the Ann Street landfill broken down by type of material: computers, televisions, and other electronic material. The electronic recycling company, also, maintains a copy of this statement in its files as a record of material collected and disposed.

Each municipality in Cumberland County has accepted the amendment and their letters are attached. All citizens of the County will be able to participate in this program as established by the County. Cumberland County is not working with any other local government for this program.

A separate budget line has been established for the receipt and disbursement of any electronic state funding. This money will be used solely for the electronics recycling program for education and supplies needed.

**RESOLUTION ACCEPTING AND ENDORSING THE
2011 SOLID WASTE MANAGEMENT PLAN 3-YEAR UPDATE
FOR CUMBERLAND COUNTY**

WHEREAS, it is a priority of this community to protect human health and the environment through safe and effective management of municipal solid waste;

WHEREAS, the reduction of the amount and toxicity of the local waste stream is a goal of this community;

WHEREAS, equitable and efficient delivery of solid waste management services is an essential characteristic of the local solid waste management system;

WHEREAS, it is a goal of the community to maintain and improve its physical appearance and to reduce the adverse effects of illegal disposal and littering;

WHEREAS, Cumberland County recognizes its role in the encouragement of recycling markets by purchasing recycled products;

WHEREAS, involvement and education of the citizenry is critical to the establishment of an effective local solid waste program;

WHEREAS, the State of North Carolina has placed planning responsibility on local government for the management of solid waste;

WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to update the Ten Year Comprehensive Solid Waste Management Plan at least every three years;

WHEREAS, the Cumberland County Solid Waste Management Department have undertaken and completed a long-range planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF CUMBERLAND COUNTY that Cumberland County's 2011 Ten Year Comprehensive Solid Waste Management Plan (3-Year Update) is accepted and endorsed and placed on file with the Clerk to the Board on this day, 19th day of December, 2011.

RECOMMENDATION/PROPOSED ACTION:

Recommend approval and adoption of the Cumberland County Solid Waste Management Plan 3-year Update/Amendment.

- E. Approval of a Resolution and Application for the Cumberland County Board of Education to Allocate Funds from the 2009 Qualified School Construction Bonds (QSCB)

BACKGROUND:

The Cumberland County School System is requesting approval to allocate \$525,000 from the 2009 Qualified School Construction Bonds to fund a partial roof replacement at the Spring Lake Middle School. The Board of Education has saved money from the renovation of 14 projects that were originally approved with the 2009 QSCB. In addition, they are requesting approval of the attached resolution certifying the eligibility of the QSCB project.

RECOMMENDATION/PROPOSED ACTION:

Approval of the Cumberland County Board of Education's additional request to allocate \$525,000 from the 2009 Qualified School Construction Bonds to fund a partial roof replacement at the Spring Lake Middle School and approve the attached resolution certifying the eligibility of the QSCB Project contingent upon approval by our Bond Counsel under the QSCB Tax Credit Program.

- F. Approval of a Resolution in Support of Retaining the Two Postal Service Processing Centers in Fayetteville, North Carolina

RESOLUTION IN SUPPORT OF RETAINING THE UNITED STATES POSTAL SERVICE'S MAIL PROCESSING AND DISTRIBUTION FACILITIES IN FAYETTEVILLE, NORTH CAROLINA

WHEREAS, the United States Postal Service is recommending closing two mail-processing and distribution facilities in Fayetteville and moving those operations to Charlotte, North Carolina; and

WHEREAS, such action will affect nearly 400 jobs in Cumberland County by transferring the majority of positions and their salaries to other locations and eliminating approximately 109 jobs, thus having a negative impact on the community during difficult economic times; and

WHEREAS, the loss of the mail-processing and distribution facilities will adversely affect postal service in the county with the loss of overnight local first-class mail; and

WHEREAS, Cumberland County, the fifth most populous county in North Carolina and a regional hub for commerce, serves as home to Fort Bragg, major military commands such as the 82nd Airborne Division, Forces Command, and US Army Reserve, defense contractors, and two universities; and

WHEREAS, local overnight mail service is important to the county's businesses and citizens; and

WHEREAS, the Board of Commissioners is committed to Cumberland County's economic development, job retention and business climate; and

NOW, THEREFORE BE IT RESOLVED, that the Cumberland County Board of Commissioners strongly opposes the United States Postal Service's proposal to eliminate its processing and distribution facilities in Fayetteville and to transfer operations to Charlotte, North Carolina, and recommends the Postal Service consider other cost-cutting measures; and

FURTHER, BE IT RESOLVED, that copies of this Resolution supporting the retention of the mail-processing and distribution operations in Fayetteville may be transmitted to the

Manager, Consumer and Industry Contact, USPS Mid-Carolinas District, 2901 Scott Futrell Drive, Charlotte, NC 28228-9976 and postmarked by December 20, 2011.

G. REMOVED FROM CONSENT AGENDA AND PLACED ON REGULAR AGENDA AS ITEM 2.B.

H. Approval of Ordinance Assessing Property for the cost of Demolition:

- 1) Case Number: MH 6332-2010
Property Owner: Jean Hamp Ellis, c/o Damien Espinoza
Property Location: 370 Brooklyn Circle , Hope Mills, NC
Parcel Identification Number: 0423-29-0651

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6332-2010
PROPERTY OWNER: JEAN HAMP ELLIS C/O DAMIEN ESPINOZA

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on June 20, 2011, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Jean Hamp Ellis c/o Damien Espinoza, located at 370 Brooklyn Circle, Hope Mills, NC, PIN: 0423-29-0651, said ordinance being recorded in Book 6400, page 404 , 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 \$2,500.00.
- (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 \$2,500.00, 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 June 20,2011, 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 370 Brooklyn Circle, Hope Mills, NC, as described in Deed Book 6400, page 404, of the Cumberland County Registry and identified in County tax records as PIN 0423-29-0651.

(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.

- 2) Case Number: MH 6335-2010
Property Owner: Mae Bell Bonner, c/o Ralph Waldo Bonner, Jr.
Property Location: 629 Chapel Hill Road, Spring Lake, NC
Parcel Identification Number: 0502-92-4366

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6335-2010
PROPERTY OWNER: MAE BELL BONNER C/O RALPH WALDO BONNER, JR.

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on June 20,2011, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Mae Bell Bonner, c/o Ralph Waldo Bonner, Jr., located at 629 Chapel Hill Road, Spring Lake, NC, PIN: 0502-92-4366, said ordinance being recorded in Book 8672, page 458 , 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 \$2,025.00.

(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 \$2,025.00, 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 June 20, 2011, 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 629 Chapel Hill Road, Spring Lake, NC, as described in Deed Book 2030, page 084, of the Cumberland County Registry and identified in County tax records as PIN 0520-92-4366.

(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.

3) 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

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6277-2010
PROPERTY OWNER: PAMELA L. BROWN & JEFFREY WALSH

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 15, 2011, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Pamela L. Brown and Jeffrey Walsh, located at 1423 Chedington Road, Hope Mills, NC, PIN: 0443-31-2547, said ordinance being recorded in Book 8705, page 365 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 \$2,990.00.
- (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 \$2,990.00, 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 August 15, 2011, 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 1423 Chedington Road, Hope Mills, NC, as described in Deed Book 6838, page 388, of the Cumberland County Registry and identified in County tax records as PIN 0443-31-2547.

(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.

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

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6489-2011
PROPERTY OWNER: QUEEN MCNEILL

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 15, 2011, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Queen McNeill, located at 5112 Accessto Lane, Hope Mills, NC, PIN: 0443-21-4640, said ordinance being recorded in Book 8705, page 356, 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 \$2,999.00.
- (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 \$2,999.00, 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 August 15, 2011, 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 5112 Accessto Lane , Hope Mills, NC, as described in Deed Book 4782, page 680, of the Cumberland County Registry and identified in County tax records as PIN 0443-21-4640.

(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.

- 5) Case Number: MH 6382-2011
Property Owner: Coleman and Rosa McKoy
Property Location: 3175 Orangeburg Drive, Eastover, NC
Parcel Identification Number: 0468-36-3666

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6382-2011
PROPERTY OWNER: COLEMAN AND ROSA MCKOY

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 15, 2011, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Coleman and Rosa McKoy, located at 3175 Orangeburg Drive, Eastover, NC, PIN: 0468-36-3666, said ordinance being recorded in Book 8705, page 359, 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 \$2,120.00.
- (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 \$2,120.00, 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 August 15, 2011, 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 3175 Orangeburg Drive, Eastover, NC, as described in Deed Book 2878, page 695, of the Cumberland County Registry and identified in County tax records as PIN 0468-36-3666.

(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.

- 6) Case Number: MH6430-2011
Property Owner: Brastus M. and Ola Mae Lee, c/o Freida Lee
Property Location: 1384 Canady Pond Road, Hope Mills, NC
Parcel Identification Number: 0421-33-7486

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6430-2011
PROPERTY OWNER: BRASTUS M. AND OLA MAE LEE c/o FREIDA LEE

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 15, 2011, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Brastus M. and Ola Mae Lee, c/o Freida Lee, at 1384 Canady Pond Road, Hope Mills, NC, PIN: 0421-33-7486, said ordinance being recorded in Book 937, page 259, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$3,500.00.
- (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 \$3,500.00, 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 August 15, 2011, 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 1384 Canady Pond Road, Hope Mills, NC, as described in Deed Book 937, page 259, of the Cumberland County Registry and identified in County tax records as PIN 0421-33-7486.

(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.

- 7) Case Number: MH6429-2011
Property Owner: Seung K. Chai and Hee Sook Chai
Property Location: 2967 Dunn Road, Eastover, NC
Parcel Identification Number: 0468-15-4156

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6429-2011
PROPERTY OWNER: SEUNG K. AND HEE SOOK CHAI

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on June 20, 2011, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Seung K. and Hee Sook Chai, located at 2967 Dunn Road, Eastover, NC, PIN: 0468-15-4156, said ordinance being recorded in Book 8672, page 467, 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 \$975.00.
- (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 \$975.00, 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 June 20, 2011, 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 2967 Dunn Road, Eastover, NC, as described in Deed Book 5742, page 683, of the Cumberland County Registry and identified in County tax records as PIN 0468-15-4156.

(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.

I. Budget Revisions:

- (1) Workforce Dislocated Worker

Revision in the amount of \$10,000 to budget additional expenditures, reimbursed by Fayetteville Technical Community College, for the remainder of the fiscal. (B12-197) Funding Source – FTCC

(2) Health Department

- a. Adult Clinic: Revision in the amount of \$30,000 to budget additional Medicaid fees in order to contract with a physician extender until a vacant position is filled. (B12-195) Funding Source – Fees
- b. Express Care Clinic: Revision in the amount of \$89,200 to budget additional fees to purchase prescription medications and department supplies. (B12-192) Funding Source - Fees

(3) Sheriff's Office

Revision in the total amount of \$43,500 to recognize a NC Governor's Highway Safety Program grant of \$32,625 and a \$10,875 local match to purchase five in-car video systems and related equipment. Grant application was previously approved by the Board on October 3, 2011. (B12-198) Funding Source – NC Grant and Fund Balance Appropriated

(4) Planning/Transportation Grants

The following Transportation Grant budget revisions were reviewed by the Finance Committee on December 1, 2011. The committee agreed to place these revisions on this agenda for Board approval.

- a. Intelligent Transportation System Deployment Plan: Revision in the total amount of \$250,000 to fund the cost of developing an integrated Intelligent Transportation System (ITS) Strategic Deployment Plan for the Fayetteville MPO. Funding includes an appropriation of \$2,400 from the General Fund's fund balance. (B12-150) Funding Source – Federal, State and Appropriated Fund Balance

BACKGROUND:

The Fayetteville Area Metropolitan Planning Organization (FAMPO), in cooperation with the North Carolina Department of Transportation (NCDOT) will develop a federally required integrated Intelligent Transportation System (ITS) Strategic Deployment Plan for the Fayetteville Region. ITS is a national program that uses computer generated information to optimize the transportation system, from roads and traffic management, to transit automatic vehicle locators and Dynamic Message Signs used in emergency alert systems on I-295. The deployment plan would make recommendations on how to integrate GIS, traffic management tools and other cutting edge strategies to maintain and improve the current regional transportation system. The plan will also make this area eligible to apply and receive federal funds to implement the projects. The \$250,000 plan will be funded with reimbursements from

NCDOT up to \$200,000; U.S. DOT 104(f) grant funds of \$40,000 and Local match (Fayetteville, Hope Mills and Spring Lake) of \$10,000, of which Cumberland County would be responsible for \$2,400.

Funding allocation for the study has been approved by FAMPO's Transportation Advisory Committee.

RECOMMENDATION/PROPOSED ACTION:

Review and approve the budget amendment to receive USDOT funds and meet federal planning requirements.

- b. Surface Transportation Program/General Government Other: Revision in the total amount of \$500,000 to budget \$400,000 of federal funds and \$100,000 of local which includes a transfer of \$24,000 from the General fund to fund a contract with consultants to design construction plans for the little Cross Creek and Big Cross Creek greenways. (B12-180 and B12-180A) Funding Source – Federal and Local

BACKGROUND:

The Fayetteville Area Metropolitan Planning Organization's (FAMPO) Transportation Advisory Committee on October 26, 2011 approved encumbering \$500,000 in U.S.DOT Surface Transportation Program-Direct Allocation (STP-DA) funds for a special project. The STP-DA grant amount is required to be used to develop environmental studies and construction plans for the Big Cross Creek Greenway, a bicycle and pedestrian multi-use path similar to the Cape Fear River Trail, from Fayetteville State University to Smith Lake Recreation Center in Fort Bragg, and for a portion of the Little Cross Creek Greenway (multi-use Trail) from Mazarick Park to the Veterans State Park, as the current 104(f) funds can be used for planning purpose only. Funding is provided with 80% federal (\$400,000) and 20% local (\$100,000) match to be shared among the city of Fayetteville, Hope Mills, Spring Lake, and Cumberland County. Amendment B12-180 would allow FAMPO to receive \$400,000 in Federal Funds for the construction plans and additional funds from Fayetteville, Hope Mills and Spring Lake to meet the Local Match. Amendment B12-180A will allow to appropriate \$24,000 to provide the County's portion of the required \$100,000 local match for the STP-DA Grant.

RECOMMENDATION/PROPOSED ACTION:

Review and approve the budget amendments to receive USDOT funds and authorize County Manager to sign MOA with NCDOT.

- c. US DOT 104(f) Grant: Revision in the amount of \$286,686 to adjust the adopted budget to the amount in the Unified Planning Work Program as amended by the Transportation Advisory Committee. New

projects include \$350,000 for the Southwestern FAMPO Multi-Modal congestion Management Plan and \$200,000 for a preliminary corridor study for the Big Cross Creek Greenway. (B12-177) Funding Source – Grant and Other

BACKGROUND:

The Fayetteville Area Metropolitan Planning Organization's (FAMPO) Transportation Advisory Committee approved Amendment #1 to the Unified Planning Work Program (UPWP) and increased the Special Projects category to provide funding for upcoming studies within the metropolitan area. Funding is provided through U.S.DOT 104(f) Planning Funds with 80% federal and 20% local match, to be shared among the city of Fayetteville, Hope Mills, Spring Lake, and Cumberland County. Special projects will be conducted for the Southwestern FAMPO Multi-Modal Congestion Management Plan and a preliminary corridor study for the Big Cross Creek Greenway, a Bicycle and pedestrian multi-use path similar to the Cape Fear River Trail. The Greenway study will include the area from Fayetteville State University to Smith Lake Recreation Center in Fort Bragg.

RECOMMENDATION/PROPOSED ACTION:

Review and approve the budget amendment to receive USDOT funds and conduct studies.

MOTION: Commissioner Council moved to approve all consent agenda items 3.A. through 3.I.(4)c with the exception of Item 3.G. which was placed on the regular agenda as Item 2.B.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS (7-0)

4. Public Hearings

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

Uncontested Rezoning Cases

- A. Case P11-54: Rezoning of 1.50+/- acres from C1(P) Planned Local Business to C(P) Planned Commercial or to a more restrictive zoning district, located at 2527 Gillespie Street, submitted by Raj Patel on behalf of 301 Investments, LLC. (owners).

RECOMMENDATION/PROPOSED ACTION:

Members present at the November 15, 2011 meeting of the Cumberland County Joint Planning Board voted to recommend approval of C(P) Planned Commercial district.

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

The Clerk to the Board advised there were no speakers.

Chairman Faircloth closed the public hearing.

- B. Case P11-55: Rezoning of 4.90+/- acres from A1 Agricultural to R30A Residential or to a more restrictive zoning district; located at 1421, 1429 and 1443 Seabrook School Road; submitted by Thomas G. and Doris P. Cooper (owners).

RECOMMENDATION/PROPOSED ACTION:

Members present at the November 15, 2011 meeting of the Cumberland County Joint Planning Board voted to recommend approval of R30A Residential district.

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

The Clerk to the Board advised there were no speakers.

Chairman Faircloth closed the public hearing.

MOTION: Commissioner Melvin moved to follow the recommendations of the Cumberland County Joint Planning Board for approval of Case P11-54 and Case P11-55.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (7-0)

Contested Case

- C. Case P11-53: Rezoning of .70+/- acres from RR Rural Residential to C2(P) Planned Service and Retail or to a more restrictive zoning district, located at 1271 Sand Hill Road, submitted by Roger D. and Shirley D. McAllister (owners).

RECOMMENDATION/PROPOSED ACTION:

Members present at the November 15, 2011 meeting of the Cumberland County Joint Planning Board voted to recommend DENIAL OF C2(P) Planned Service and Retail district.

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

The Clerk to the Board advised one speaker had signed up as an opponent of Case P11-53.

Willie L. Williams - Mr. Williams stated he was opposed to the rezoning because of the plan to put a car lot on the small piece of land located in a largely residential area Mr. Williams encouraged the Board to deny the petitioner's request.

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

MOTION: Commissioner Council moved to follow the recommendation of the Cumberland County Joint Planning Board for denial of Case P11-53.
SECOND: Commissioner
VOTE: UNANIMOUS (7-0)

Other Public Hearings

Subdivision Ordinance Text Amendment

D. Case P11-47: Revisions, amendments and updates to the Cumberland County Subdivision Ordinance for the Cumberland County Joint Planning Board's review of the August 18, 2008 ordinance.

RECOMMENDATION/PROPOSED ACTION:

Members present at the November 15, 2011 meeting of the Cumberland County Joint Planning Board voted to recommend approval of the text amendments with changes.

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

The Clerk to the Board advised two speakers had signed up as proponents of Case P11-47:

David Averette – Mr. Averette stated he represented the Cape Fear Society of Surveyors and the South Central Chapter of the Professional Engineers of North Carolina. Mr. Averette also stated members of these organizations favored the proposed text amendments but had concerns regarding the Municipal Influence Area (MIA) and recommended that it be done away with. Mr. Averette further stated the City of Fayetteville's unified development ordinance puts unneeded burdens on the citizens of Cumberland County. Mr. Averette requested that the requirement for the installation of curb and gutters be removed from the ordinance. Mr. Averette expressed concern for statements that are required on certain plats such as the surveyor's certification and stated is not needed.

Mike Adams – Mr. Adams did not appear when called.

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

Mr. Lloyd responded to questions posed by Commissioners Evans and Keefe.

MOTION: Commissioner King moved to follow the Cumberland County Joint Planning Board's recommendation for approval of the draft text amendments with changes as presented in the agenda package and reference to the Planning and Inspections Department's webpage.

SECOND: Commissioner Edge

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

Items of Business

5. Presentation of the Tourism Development Authority (TDA) Annual Report for FY10-11 by Vivek Tandon, Chairman

BACKGROUND:

The Tourism Development Authority (TDA) is required to make an annual fund report to the Board of Commissioners. Vivek Tandon, TDA Chairman, will present the report for the fiscal year that ended June 30, 2011. This report has been developed by Dena Dail, Financial Manager, who provides financial support to the TDA.

RECOMMENDATION/PROPOSED ACTION:

Receive the report.

Vivek Tandon, TDA Chairman, provided the report for fiscal year ended June 30, 2011 as outlined below:

For the fiscal year ended June 30, 2011 the Occupancy Tax has netted \$4,892,433.99 in revenue.

These funds have been distributed as follows:

Cumberland County Crown Coliseum	\$ 1,223,108.52
Arts Council of Fayetteville	1,223,108.51
Fayetteville Area Visitors and Convention Bureau	2,242,365.58
TDA Discretionary Funds	<u>203,851.38</u>
Total	\$ 4,892,433.99

TDA Discretionary Funds:

Balance July 1, 2010 (unobligated)	\$ 648,159.95
Funds received for the fiscal year	203,851.38
Funds from prior year returned to TDA by recipient	7,371.00
Less obligations during the fiscal year	(160,208.98)

Less minimum balance	(100,000.00)
Balance June 30, 2011 (unobligated)	\$ 599,173.35

Obligations:

During the year, the TDA obligated funds for the following projects:

LaFayette Society	7,500.00
Cape Fear Botanical Garden	25,000.00
Fayetteville Duck Derby	9,000.00
Linda Lee Allan Legacy Fund	15,000.00
Child Advocacy Center - American Girl Fashion Show	9,037.00
Returned funds	(328.02)
FACVB - Fayetteville Downtown, Veterans Park & ASOM	25,000.00
Fayetteville Swampdogs	20,000.00
Fayetteville State University Foundation, Inc.	25,000.00
Rugby Promotions	<u>25,000.00</u>
Totals	\$ 160,208.98

As of June 30, 2011 the TDA had the following outstanding obligations:

NC Civil War Trails / FACVB	8,100.00
Fayetteville State University Foundation, Inc.	<u>25,000.00</u>
Total	\$ 33,100.00

Note: some of the obligations mentioned above span more than one fiscal year.

Mr. Tandon concluded the report by stating applicants for TDA funds are encouraged to discuss their marketing ideas with staff of the Fayetteville Area Convention and Visitors Bureau prior to submitting their request to the TDA in order to maximize their exposure and promote Cumberland County's tourism product.

6. Nominations to Boards and Committees

A. Air Quality Stakeholders' Committee (1 Vacancy)

Commissioner nominated Edge nominated Christopher Frank for the Board of Health Stakeholder's position.

B. Cumberland County Local Emergency Planning Committee (4 Vacancies)

Commissioner Melvin nominated Rayford Hunt for the Operators of Facilities Representative position; Thomas Allen for the Fire Fighting Representative position;

Marsha Fogle for the At-Large Representative position; and Cristobal S. Berry-Caban for the Hospital Representative position.

C. Fayetteville Area Convention and Visitors Bureau (2 Vacancies)

Commissioner King nominated Dan Roberts for the Hotels/Motels Under 100 Rooms Representative position and Annette Cogburn for the Hotels/Motels Over 100 Room Representative position.

7. Appointments to Boards and Committees

A. Board of Health (3 Vacancies)

Nominees:

Physician: Sanjay Shah

General Public Representative: Barbara Stelly

Pharmacist: Tom Nicholson

B. Civic Center Commission (5 Vacancies)

Nominees: Olivia Chavis (Reappointment)
Carl Williford (Reappointment)
Ramona Moore (Reappointment)
Wayne Beard, Sr. (Reappointment)
Kirk Deviere

Restaurant Owner: Edie Bigler

Commissioner Keefe withdrew the nomination of Kirk Deviere for the Civic Center Commission. There now being an equal number of vacancies and nominees,

MOTION: Commissioner Keefe moved to appoint all nominees in Items 7.A. and 7.B.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

8. Closed Session:
- A) Economic Development Matter(s)
Pursuant to NCGS 143-318.11(a)(4).
 - B) Attorney Client Matter Pursuant to
NCGS 143-318.11(a)(3).

MOTION: Commissioner Council moved to go into closed session for an economic development matter pursuant to NCGS 143-318.11(a)(4) and for an attorney client matter pursuant to NCGS 143-318.11(a)(3).

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Council moved to reconvene in open session.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

Rick Moorefield, County Attorney, stated as reported to the Board in closed session, he recommended settlement of the claim of Ben Hughes in the amount of \$12,500.00; the claim of Alexis Hughes in the amount of \$17,500, and the claim of Ms. Batista in the amount of \$12,000.00. Mr. Moorefield requested the Board's approval.

MOTION: Commissioner King moved to approve the settlement amounts as recommended by the county attorney.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 9:05 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board