

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 18, 2013 – 6:45 PM  
117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118  
REGULAR/REZONING MEETING  
MINUTES

PRESENT: Commissioner Jimmy Keefe, Chairman  
Commissioner Jeannette Council, Vice Chair  
Commissioner Kenneth Edge  
Commissioner Charles Evans  
Commissioner Marshall Faircloth (excused at 7:00 p.m.)  
Commissioner Billy King  
Commissioner Ed Melvin  
James Martin, County Manager  
Amy Cannon, Deputy County Manager  
James Lawson, Assistant County Manager  
Rick Moorefield, County Attorney  
Melissa Cardinali, Finance Director  
Sally Shutt, Public Information Director  
Jon Soles, Public Information Specialist  
George Hatcher, Code Enforcement Officer  
Joey Lewis, Code Enforcement Officer  
Tom Lloyd, Planning and Inspections Director  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Chairman Keefe called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Evans provided the invocation followed by the Pledge of Allegiance to the American flag led by Benzhi McNeil, a ninth grade student at Pine Forest High School.

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

James Martin, County Manager, read the public comment period policy. Chairman Keefe recognized the clerk to the board who called the following speakers:

Mary Ann Roberson, Kimberly Thomas and Randall Thornsby - Ms. Roberson, Ms. Thomas and Mr. Thornsby, representing Cumberland Residential and Employment Services and Training (CREST), read the following proclamation to the Board of Commissioners:

*Cumberland Residential & Employment Services & Training  
Resolution of Commendation to the  
Cumberland County Board of Commissioners*

*WHEREAS, The Cumberland County Board of Commissioners faces enormous challenges balancing our tough economic times and with the many needs that the County and*

*WHEREAS, the Cumberland County Board of Commissioners has also faced a multitude of issues dealing with mental health, substance abuse, and intellectual & developmental disability restructuring at the federal, State, and regional levels and*

*WHEREAS, the needs of the Intellectually & Developmentally Disabled (IDD) Community do not diminish just because economic times are difficult or the burden politics is difficult.*

*WHEREAS, despite these challenges, the Cumberland County Board of Commissioners has consistently supported and continues its commitment to the IDD Community here in Cumberland County and has pierced the veil of challenges to maintain its focus on serving its citizens and*

*WHEREAS, the Commissioners'' commitment has enabled CREST to provide a place to call home to many of those vulnerable IDD citizens and*

*WHEREAS, the Commissioners' commitment has enabled CREST to assist those vulnerable citizens in improving their life skills including but not limited to employment training and actual jobs.*

*BE IT RESOLVED, that Cumberland Residential and Employment Services and Training Community (CREST) commends the Cumberland County Board of Commissioners for overcoming all challenges and obstacles and honorably serving the all the Citizens of Cumberland County and*

*BE IT RESOLVED, that Cumberland Residential and Employment Services and Training Incorporated commends the County Manager's Office for effective and efficient operations in support of the Board of Commissioners*

*BE IT FURTHER RESOLVED that a copy of this resolution will be the first entry posted on the CREST's website & submitted to all local newspapers and television stations, to the all of the elected senators and representatives and to the entire CREST Community.*

Dwayne Patterson – Mr. Patterson, CREST Executive Director, thanked the Board of Commissioners for their support and commitment to the IDD community in Cumberland County.

Commissioner Faircloth was excused from the meeting.

#### Recognition of Cumberland County Citizens' Academy Graduates

Chairman Keefe, on behalf of the board of commissioners, recognized graduates of the Fall 2013 Citizens' Academy as recorded below. Graduates who were present were asked to stand when their names were called.

David Baggett  
Antoinette Barnes  
Heather Burkhardt  
Jack Dalton  
Joseph DeCosta  
Sara Harner  
Terry Herring  
Kori House  
Frankie Johnson

Grace McGrath  
Clifton Middleton  
Larry Milton  
Sandra Milton  
Lorinda Raynor  
Renee Reichart  
Derek Riley  
Michael Rowell  
Dishona Shuler

Spencer Sikder  
Lester Smith  
Vicki Teachey  
Andrea  
Washington  
Glenda West  
Alfreda Williams  
Cynthia Yates

Recognition of Outgoing Board Members:

Bill Mitrisin - Cumberland County Community Child Protection/Fatality Prevention Team

Dr. Joe Mullis - Workforce Development Board

On behalf of the Board of Commissioners, Commissioner Melvin recognized Bill Mitrisin with a certificate of appreciation for having served on the Cumberland County Community Child Protection/Fatality Prevention Team. Commissioner Melvin also recognized Dr. Joe Mullis with a certificate of appreciation for having served on the Workforce Development Board.

James Martin, County Manager, asked the board to consider the following adjustments to the agenda: Item 5.D.3) – in the proposed ordinance entitled, *Prohibited Activity On or Within 500 Feet of a School*, change all references to 500 feet to 1,000 feet; remove public hearing Item 6.B. - applicant requested Case P13-35 be withdrawn; remove Item 6.C. - applicant requested Case P13-34 be withdrawn; remove Item 6.H – MH25-2013 now in compliance with minimum housing requirements; and remove Item 4. - Vivek Tandon, TDA Chairman, unable to attend, move report to the December 16, 2013 meeting.

1. Approval of Agenda

MOTION: Commissioner Melvin moved to approve the agenda with the adjustments as requested.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

2. Presentation to the Board of Commissioners from J. Lee Warren, Jr., Cumberland County Register of Deeds and the 2013 President of the North Carolina Association of Registers of Deeds

BACKGROUND:

Mr. J. Lee Warren, Cumberland County Register of Deeds and the 2013 President of the North Carolina Association of Registers of Deeds will be making a presentation to the Cumberland County Board of Commissioners at the November 18, 2013 Board of Commissioner's meeting.

**RECOMMENDATION/PROPOSED ACTION:**

Accept the report as presented.

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Lee Warren, Jr., Cumberland County Register of Deeds, stated one of his goals as President of the North Carolina Association of Registers of Deeds was to visit Register of Deeds offices in all 100 hundred counties throughout North Carolina. Mr. Warren presented each of the commissioners with a DVD containing photographs from his visits and stated the photographs might be beneficial when contemplating future space needs in Cumberland County. Mr. Warren stated a lot of counties have developed government office complexes rather than housing all government functions in the county courthouse.

3. Presentation on the Alliance Behavioral Healthcare Local Business Plan by Ms. Ellen Holliman, CEO

**BACKGROUND:**

NC General Statute 122C-115.2 requires LME/MCOs to submit a Local Business Plan to the NC Department of Health and Human Services that identifies service gaps, needs and barriers, as well as goals and strategies to address issues over the period of July 2013 to June 2016.

LME/MCOs are required to address within their Plans five Statewide Initiatives provided by DHHS and to identify a minimum of three additional Local Initiatives. The Statewide Initiatives are:

- Transition to Community Living
- ACTT/Supported Employment
- Crisis Service Enhancement
- Closer to Home (PRTF)
- I/DD Waitlist

The Local Initiatives identified by the Alliance Continuous Quality Improvement Committee are:

- Complex Physical and Behavioral Health (PROACT)
- Open Access (Access to Care)
- Jail Initiatives (Diversion and Post Linkages)

DHHS requires that the Alliance Board of Directors and the Boards of County Commissioners of the three counties comprising Alliance and approve the Plan prior to the submission deadline of December 31, 2013. To date the Plan has been approved by the Alliance Board and the Wake Board of County Commissioners.

**RECOMMENDATION/PROPOSED ACTION:**

Accept a presentation on the Alliance Local Business Plan and approve the Plan.

\*\*\*\*\*

Chairman Keefe recognized Lodies Gloston, Chris Bostock and Commissioner Kenneth Edge as members of the Alliance Board of Directors representing Cumberland County, and stated John

Griffin, also a member, was unable to be present. Chairman Keefe called on Ellen Holliman, Alliance Chief Executive Officer, who introduced Rob Roberson, Alliance Chief Operating Officer, and recognized Hank Debnam, local [Cumberland](#) site director. Ms. Holliman provided the following presentation on the Alliance Behavioral Healthcare Local Business Plan and an update on recent Requests for Proposal (RFPs).

#### Local Business Plan

- A DHHS requirement
- Originally in NCGS 122C-115.2
- To guide the MCOs over the next three years
  - Five State initiatives
  - Three local initiatives
  - Short and long-term measurable goals
- Regular reporting to DHHS
- Requires Boards of County Commissioners' approval

#### Statewide Initiatives

- Transition to Community Living
  - Individuals meeting the definition of need per the Department of Justice (DOJ) Settlement Agreement should be provided access to community-based supported housing
- Assertive Community Treatment Team and Supported Employment
  - Develop a robust provider network and consistent approach to ACTT and Supported Employment
- Crisis Services/(Emergency Department) ED Wait Times
  - Reduce numbers of consumers utilizing crisis services, including EDs
- Closer to Home – Psychiatric Residential Treatment Facilities (PRTF)
  - Place adolescents needing residential treatment in state and closer to home
- Intellectual/Development Disabled (I/DD) Waitlist
  - Reduce the wait lists and the length of duration to obtain I/DD services

#### Local Initiatives

- PROACT – Preventable Readmission Options and Care Transitions
  - Ensuring consumers served receive care coordination for co-occurring behavioral and physical health issues
- Open Access to Care
  - To provide same or next day appointments to consumers to prevent crisis events
- Jail Initiatives (diversions and post linkages)
  - Minimum of four different first responder types attending Crisis Intervention Training (CIT) classes in FY14
  - May include City/County/university police officers and general first responders such as Emergency Medical Services (EMS) and fire department personnel

#### RFP Updates (released September 30, 2013/due November 1, 2013 by 5:00 p.m.)

- All providers of key enhanced services required to respond to RFP
  - Intensive In-Home

- Community Support Team
- Substance Abuse Intensive Outpatient Program
- Providers without a credentialed site in the Alliance region not allowed to respond
- Intended to ensure these providers:
  - Are in good standing with Alliance and the State
  - Have a history of providing services in accordance with service definitions and State policy
- Requirements beyond the service definition
  - Maintain a credentialed site in the Alliance region
  - Provide outpatient care from a credentialed site
  - Medical Director to serve at least 10 hours/week
- 146 total providers eligible to respond
  - 111 responded across the Alliance region
  - 23 from Cumberland County
- Providers meeting established, objective criteria will receive renewed contracts
- Process not intended to “size” the provider network in any pre-determined manner
- May result in seeking out additional providers
- Process designed to be fair, consistent and transparent
- Diverse group will review the RFP responses and make decisions about contract renewals
- Additional RFP issued for Supported Employment, a new service
  - 13 responses from across Alliance region

Ms. Holliman responded to questions and asked to return in February, 2014 to provide a six-month status report.

MOTION: Commissioner Council moved to approve the Alliance Behavioral Healthcare Local Business Plan.  
SECOND: Commissioner Edge  
VOTE: UNANIMOUS (6-0)

4. ITEM REMOVED FROM AGENDA

5. Consent Agenda

- A. Approval of minutes for the November 4, 2013 regular meeting
- B. Approval of Rejection of Formal Bid #13-24-CC-F for Office Supplies Due to Change in Office Supply Quantities for Cumberland County Departments

BACKGROUND:

Purchasing solicited bids for office supplies earlier in the year. At the time the bids were sent out Mental Health and the Crown Center office supply quantities were included on the bid sheet. I feel this would be a disadvantage to the vendors due to the fact they look at the estimated quantities along with other factors to determine their bid price.

**RECOMMENDATION/PROPOSED ACTION:**

Please approve Finance to reject the bids received and send them out with corrected quantities.

**C. Approval of Cumberland County Finance Committee Report and Recommendations:**

- 1) Contract Amendment between Alliance Behavioral Healthcare, Cape Fear Valley Health System, Inc and Cumberland County for Security Services at Roxie Avenue Drop Off Center and Approval of Associated Budget Revision

**BACKGROUND:**

At its November 7, 2013 meeting, the Policy Committee voted to recommend approval of the concept of an agreement between Alliance Behavioral Healthcare, Cape Fear Valley Health System and Cumberland County to increase the county's funding to cover the cost of providing certified police officers for around-the-clock security at the Roxie Avenue Drop-Off Clinic. The details of the contract amendment were still being discussed at the time the agenda was published.

These officers will be provided by the Sheriff through a contract between the Hospital and the Sheriff. The contract cost is \$319,595 per year for a two year term with an additional cost of \$30,000 for initial start-up. The Sheriff proposes to staff this obligation with five new deputies.

The county funding will be through either an amendment to the existing Three-Way Funding Agreement between Alliance Behavioral Healthcare, Cape Fear Valley Health System and Cumberland County or by a separate agreement between these parties. This additional funding will require a budget amendment.

**RECOMMENDATION/PROPOSED ACTION:**

Consider the recommendation of the Finance Committee and approve the associated budget revision.

- 2) Schedule Public Hearing for December 16, 2013 for the Proposed Creation of Bragg Estates Water and Sewer District

**BACKGROUND:**

The Public Utilities Division is requesting that the Board of Commissioners establish a Water and Sewer District for the Bragg Estates Subdivision and adjoining properties for the purpose of applying for grants and low interest rate loans. The first step in this process is to hold a public hearing pursuant to North Carolina General Statute 162A-86, to take comments from the public.

The Bragg Estates community has been experiencing septic tank failures over the last several years. These failures pose a health and safety concern for the community.

**RECOMMENDATION/PROPOSED ACTION:**

The Engineering and Infrastructure Director, County Management and Finance Committee recommend that the Board of Commissioners:

1. Set a Public Hearing for December 16, 2013 at 6:45pm during the Commissioners scheduled meeting.

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

- 3) Outsourcing the County's Employee Assistance Program

**BACKGROUND:**

The Finance Committee met on Thursday, November 7, 2013 and heard a report on the County's Employee Assistance Program. The County has had an Employee Assistance Program (EAP) for last 18 years. The program was established due to requirements under the Department of Transportation (DOT) Drug Testing program. To comply with this DOT requirement, the county utilized the EAP services that our Mental Health department was providing to other organizations or businesses in the county. Due to the implementation of Mental Health reform, the substance abuse component was one of the first programs outsourced about 12 years ago. At that time, we retained one of the certified EAP professionals from Mental Health and established an in-house EAP under Risk Management. Since that time we have had one employee, who is a certified professional providing these services to county employees.

Utilization has increased over time because our EAP professional has developed an effective, responsive and trusted program for our employees. Below are some of the services provided under this function:

- Confidential assessment services for employees referred by Supervisors due to unacceptable performance; productivity, behavioral issues, attendance difficulties, etc.
- Assessment and case management of employee self referrals that may be experiencing personal, medical, behavioral or work related concerns
- Short term counseling when appropriate or referrals to mental health or substance abuse services or other community resources as appropriate
- Ongoing case management of any employee that has been referred to other professionals
- Consultation and coaching to Department Heads and Supervisors focusing on early intervention or detection of a potential risk
- Coordination for fitness for duty examinations as needed
- Provides grief counseling

Our employee that provides these services is retiring December 31<sup>st</sup>, and management has taken the opportunity to review the program and the options for providing this service. Utilization has increased and the issues have become more serious and complex which at a minimum requires outside referrals and longer term case management. The volume of



clients has exceeded the ability for one person to properly and thoroughly manage the program. Risk Management conducted an informal request for proposal process and received responses from five EAP providers. Based upon the case volume and complexity and the need for 24/7 services, we believe this is an opportunity to outsource our EAP program to provide comprehensive and timely services to our employees.

The firm that we believe will best meet our needs is Frank Horton Associates, LLC. The owner of this firm is a certified EAP provider and was formerly an in-house provider of EAP services for Wake County before establishing his own firm. He understands the challenges of transitioning from an in-house EAP to an out sourced model. Further, he is aware of the reputation of our program and is committed to providing a comprehensive, trusted and client friendly program to our employees. The cost of this service through Frank Horton Associates, LLC is \$39,600, which is a savings to the county of \$49,000 per year. All five firms submitted very similar cost estimates. We have prior experience with Mr. Horton and his firm since they have been our after-hours resource and back up for some time.

The Finance Committee unanimously approved the outsourcing of the County's Employee Assistance Program at their November 7, 2013 meeting.

**RECOMMENDATION/PROPOSED ACTION:**

Approve the recommendation of the Finance Committee and authorize Management to obtain a contract with Frank Horton Associate, LLC to provide a comprehensive EAP program at a cost of \$39,600.

**D. Approval of Cumberland County Policy Committee Report and Recommendations:**

**1) Six-Month Contract with FaegreBD for Federal Advocacy Services**

**BACKGROUND:**

The coordinating committee for the Federal Advocacy Program, a partnership between the City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber of Commerce, presented a report to the Cumberland County Policy Committee on November 7, 2013.

The coordinating committee developed the attached framework for the Federal Advocacy Program based on the partnership's Memorandum of Agreement and is seeking direction on how to proceed with the program.

After issuing a request for proposals for federal legislative consulting services, the Chamber received two responses. *The Ferguson Group* quoted \$144,000 per year for professional services and \$8,000 for business-related reimbursable expenses. *FaegreBD Consulting* quoted a fee of \$7,500 per month. The company would seek reimbursement for travel, meals, extraordinary copying and mailing costs.

The committee recommends contracting with *FeagreBD* for six months beginning February 1, 2014, for \$45,000 and capping reimbursable expenses at \$3,750.

The proposed scope of work during the six-month term calls for the firm to:

- Review relevant work products and data from previous federal affairs firm to gain insight into the effort in Washington, D.C., that was undertaken.
- Conduct structured interviews with the partnership administration, elected officials and key department heads to develop a deeper understanding of the partnership, its strengths, objectives and challenges.
- Map the compilation of priority directions against:
  - Key emerging federal congressional and administration priorities;
  - An audit of available grant programs across relevant federal agencies; and
  - New potential partnership and alliance opportunities, including new partnership with industry, federal economic development partners and other paths not necessarily viewed as within the traditional federal affairs strategic approach.
- Draft a proposed scope of work and federal relations plan aligned with the *Federal Affairs Assessment*
  - Share the draft plan with the partnership for review and refinement.
  - Review daily federal government grant notices for alignment to partnership objectives. Forward relevant notices to partnership point of contact. Consult with partnership members as requested and provide guidance regarding past successful grantee proposals (as applicable) and positioning for possible submissions.

#### RECOMMENDATION/PROPOSED ACTION:

The partnership's coordinating committee is seeking direction on how to proceed with the Federal Advocacy Program. The committee has the following recommendations:

- Adopt the framework for the Federal Advocacy Program (attached) based on the partnership's Memorandum of Agreement (attached).
- Tie the federal agenda to the fiscal year and hold the next federal agenda-setting workshop on February 18, 2014.
- Contract with FaegreBD for six months from February 1-July 31, 2014 to develop the partnership's federal agenda and strategy to achieve goals.

The Policy Committee voted 2-1 to approve the recommendations and bring them before the full Board of Commissioners at its November 18, 2013 meeting.

- 2) Phase II of County Smoke Free Initiative to Include Courthouse, Law Enforcement Center, Cumberland County Detention Center and Animal Control - Effective July 1, 2014

#### BACKGROUND:

On May 6, 2013, the Board of County Commissioners approved the revised smoking ordinance to establish smoke free grounds for all health department and library facilities, and department of social services.

According to The New York Times, the cost of a smoker is \$5,816. Also stated in the same article, a smoker costs an employer in the United States an extra \$5,816 per year compared with a nonsmoker, according to researchers at The Ohio State University. They estimated the largest cost, at \$3,077 annually, came from taking smoking breaks. The second largest cost, at \$2,056, was related to excess health care expenses. And, the third cost came from increased absenteeism. The researchers found that smokers miss about 2.5 extra workdays each year, and lost productivity at work because of nicotine's withdrawal effects.

Following the approval on May 6, 2013, county management requested a recommendation for Phase II to begin. On October 15, 2013, the Board of Health approved Phase II of the county smoke free initiative which includes the addition of the facilities listed below:

- Courthouse, 117 Dick Street Fayetteville NC 28301
- Law Enforcement Center, 131 Dick Street Fayetteville NC 28306
- Detention Center, 204 Gillespie Street Fayetteville NC 28301
- Animal Control, 4707 Corporation Drive Fayetteville NC 28306

**RECOMMENDATION/PROPOSED ACTION:**

On November 7, 2013 the Policy Committee approved Phase II of the County Smoke Free Initiative. The recommendation/proposed action is for the Board of County Commissioners to consider approval of the Phase II County Smoke Free Initiative.

- 3) Ordinance Prohibiting Certain Activity On or Within 1,000 Feet of a School

**BACKGROUND:**

Sheriff Butler has requested the Board to adopt the proposed ordinance as recorded below entitled, "Prohibited Activity On or Within 1,000 Feet of a School." The Sheriff reports that this action was requested by Superintendent Till for the Cumberland County Board of Education and that this ordinance will also be considered by the governing boards of the municipalities in the county. The ordinance was drafted by Ronnie Mitchell, Counsel for the Sheriff.

At its November 7, 2013 meeting, the Policy Committee voted to recommend approval of this ordinance to the full board.

**RECOMMENDATION/ACTION REQUESTED:**

County attorney recommends adoption of this ordinance, to be added to Chapter 9.5 of the *County Code*.

**Proposed Ordinance:**

*Prohibited Activity on or Within 1,000 Feet of a School.*

Section 1. No person shall (nor shall any group of persons) continuously walk, run or move about on any school property or any sidewalk, roadside, public vehicular area or

other property, or wait, or stop, nor park or leave standing any vehicle for a period in excess of five (5) minutes, whether attended or unattended, except when allowed pursuant to the express written permission of the Superintendent of Schools or the duly appointed designee of the Superintendent or a valid permit for parade, assembly, march or protest issued by a competent governmental authority or when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or duly appointed school crossing guard or official traffic control device, within 1,000 feet of any school or school facility and particularly, including, but not limited to, any of the following places:

- (a) Within an intersection of any street or public vehicular area, particularly but not limited to an intersection with a school entrance or entrances, except adjacent to curbs as may be permitted by local ordinance.
- (b) On a crosswalk, except that a bus operated by the Board of Education or engaged as a common carrier may stop in a crosswalk to load or unload passengers when authorized by the Board of Education, its Superintendent or his designee or the County Board of Commissioners or the governing body of any affected city pursuant to an ordinance.
- (c) Between a safety zone and the adjacent right-hand curb or within the area between the zone and the curb as may be indicated by a sign or paint on the curb, which sign or paint was erected or placed by local authorities pursuant to an ordinance.
- (d) Within 15 feet of the driveway entrance to any school.
- (e) In or in front of a public or private driveway, except that a bus engaged as a common carrier, school-bus, or a taxicab may stop to load or unload passengers when authorized by the Board of Education, its Superintendent or his designee or the County Board of Commissioners or the governing body of any affected city pursuant to an ordinance.
- (f) On any portion of a sidewalk, or with the body of the vehicle extending over any portion of a sidewalk, except when authorized by the Board of Education, its Superintendent or his designee, or by the Board of County Commissioners or the governing body of any affected city pursuant to an ordinance.
- (g) On the road side of any vehicle stopped, parked, or standing at the curb or edge of a highway, except for a school bus when stopped to load or unload pupils or personnel.
- (h) In or on any school parking lot, public vehicular area or other area of the school, without the authority or permission of the Board of Education, its Superintendent or the Superintendent's designee, or by the Board of County Commissioners or the governing body of any affected city pursuant to an ordinance.

For purposes of this ordinance, in an unincorporated area or unimproved portion of school property, where the entrance of a private road or driveway is not delineated by an opening in a curb or by other curb construction, so much of the surface of the ground as

is paved, surfaced, or otherwise plainly marked by vehicle use as a road, easement, or driveway entrance, shall constitute a driveway.

For purposes of this ordinance parents, guardians or lawful custodians of a student, shall be presumed to have the permission of the Board of Education, its Superintendent or the Superintendent's designee, to enter the school's driveways and public vehicular areas and stopping, parking, and remaining on the premises for purposes of attending school activities or functions which such parents, guardians or lawful custodians of a student would ordinarily and customarily be expected to attend, including parent-teacher conferences, athletic events, and other school sponsored events.

Section 2. No person shall, with the intent to disrupt any school facility, function or activity, enter or go upon school property or within 1,000 feet of such school, facility or activity and engage in conduct which disrupts, disturbs or interferes with or clearly appears to present a clear and present danger that such conduct, act, or actions will disrupt, disturb or threaten the safety and security of students or personnel of the school facility or activity.

Any person who shall be a member of a street-gang who has been validated by the Office of the Sheriff to be a member of a street gang who shall be on any school property or who shall be on or in any of the places referred to in this Section or Section 1 of this ordinance shall be presumed to be in violation of this Section as well as Section 1 of this ordinance.

Any person who shall be on the school property or in any of the places referred to in this Section or Section 1 of this ordinance who shall have in his or her possession any form of weapon or any pyrotechnic or device capable of being readily made into any explosive or incendiary device or which is apparently capable of containing any such device, without lawful authority or permission to do so, shall be presumed to be in violation of this Section of this ordinance.

Section 3. The provisions of this ordinance shall not apply to law enforcement officers, fire fighters, or other first responders or emergency personnel in the performance of their duties.

Section 4. A violation of any provision of this article shall be a misdemeanor punishable to the extent provided in North Carolina General Statutes, Section 14-4 , and the fine for such violation shall be in a sum imposed in the discretion of the court but in an amount less than five hundred dollars (\$500.00). Any person or corporation or other entity violating this ordinance shall be guilty of a Class 3 misdemeanor and, as provided, shall be fined not more than five hundred dollars (\$500.00). The maximum fine, for such violation, therefore, shall be in excess of fifty dollars (\$50.00) in accordance with the provisions of N.C.G.S. § 14-4(a).

E. Approval of Demolition of County Owned Property Located at 10599 Colliers Chapel Road, Linden, N.C.

**BACKGROUND:**

In response to several complaints concerning the property located at the above referenced address in the Town of Linden, the Planning and Inspections Department inspected the property and has deemed it uninhabitable. The Town of Linden does not have an enforceable Minimum Housing Ordinance but given that Cumberland County owns this property.

**RECOMMENDATION/PROPOSED ACTION:**

It would be prudent to adopt an ordinance to affect its demolition. This recommended action would help preserve and protect the health, safety and welfare of the citizens of Cumberland County.

**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 BI-2013-1015 and is identified by as item number \_\_\_\_\_.

Property Owner: Cumberland County

Property Address: 10599 Collier's Chapel Road, Linden NC (wood frame single family dwelling)

Tax Parcel Identification Number: 0574-75-0999

**SYNOPSIS:** This property was inspected on August 7, 2013. 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 \$50,000.00. The Assessor for Cumberland County has the structure presently valued at \$.00 each for salvageable materials.

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

F. Approval of Payment of Past Year Invoice for Services Rendered to the Cumberland County Transportation Program

**BACKGROUND:**

The Cumberland County Transportation Program has requested payment for an FY2013 invoice in the amount of \$20.25 for transportation services rendered by Majestic Mobility. The Transportation Program staff over booked an employment trip. Procedures have been put in place to prevent a reoccurrence.

RECOMMENDATION/PROPOSED ACTION:

Recommend approval to pay the above invoice in the amount of \$20.25 and approval of the associated budget revision.

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

- 1) Case Number: MH 7019-2013  
Property Owner: Secretary of Veteran Affairs  
Property Location: 2701 Brinkley Drive, Spring Lake, NC  
Parcel Identification Number: 0512-49-3837

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 7019-2013  
PROPERTY OWNER: Secretary of Veteran Affairs

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on Jun 17, 2013, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Secretary of Veterans Affair, located at 2701 Brinkley Drive, Spring Lake, NC, PIN: 0512-49-3837, said ordinance being recorded in Book 9226, page 697, 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 \$2,750.00.
- (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 \$2,750.00, 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 17, 2013, 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 2701 Brinkley Drive, Spring Lake, NC, as described in Deed Book 8931, page 358, of the Cumberland County Registry and identified in County tax records as PIN 0512-49-3837.

(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.

H. Budget Revisions:

(1) Health

Pregnancy Care Management - Revision in the amount of \$188,916 to appropriate Health Department fund balance to reimburse NC Division of Public Health for unspent funds during the period of September 2011 thru December 2012. (B14-197) Funding Source – Health Department Fund Balance

(2) Rural Operating Assistance Program

Revision in the amount of \$15,213 to adjust the County budget based on final State transportation allocations from the NC Department of Transportation. (B14-196) Funding Source – State

(3) Cumberland Road Fire District

Revision in the amount of \$200 to fund unanticipated refunds to taxpayers. (B14-201) Funding Source – Cumberland Road Fire Tax

(4) Vander Fire District

Revision in the amount of \$2,200 to fund unanticipated refunds to taxpayers. (B14-202) Funding Source – Vander Fire Tax

(5) Juvenile Crime Prevention Programs

Revision in the net amount of \$140,533 to adjust the County JCP budget to actual State allocations. (B14-206) Funding Source – State and Fund Balance Appropriated



MOTION: Commissioner King moved to approve consent agenda Item 5.A. – 5.H.(5) to include the change from 500 feet to 1,000 feet in Item 5.D.3) as requested.  
SECOND: Commissioner Evans  
VOTE: unanimous (6-0)

## 6. Public Hearings

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

### Uncontested Rezoning Cases

- A. Case P13-44: Rezoning of 2.56+/- acres from C(P)/CU Planned Commercial/ Conditional Use Overlay to allow a manufactured home park to C(P) Planned Commercial or to a more restrictive zoning district, located at 104 through 116 Tennessee Drive, submitted by Joseph T. Strickland (owner)

Staff Recommendation: Adopt and approve the reasonableness statement, find request consistent with LUP and approve C(P).

Planning Board Recommendation: Approve Staff Recommendation.

RECOMMENDATION: Members present at the October 16, 2013 meeting of the Joint Planning Board recommended following the staff recommendation and to adopt and approve the reasonableness statement, find request consistent with LUP and approve C(P) Planned Commercial district.

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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.

This is the duly advertised/noticed public hearing set for this date and time.

Chairman Keefe opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Keefe closed the public hearing.

MOTION: Commissioner King moved to to adopt and approve the reasonableness statement, find request consistent with LUP and approve C(P) Planned Commercial district.  
SECOND: Commissioner Edge  
VOTE: UNANIMOUS (6-0)

Uncontested Conditional Zoning Case

B. CASE P13-35 REMOVED FROM AGENDA

Contested Conditional Zoning Case

C. CASE P13-34 REMOVED FROM AGENDA

Land Use Plan

D. Southwest Cumberland Detailed Land Use Plan – Draft

RECOMMENDATION: Members present at the October 16, 2013 meeting of the Joint Planning Board recommended approval of the Southwest Cumberland Detailed Land Use Plan as submitted.

RESOLUTION OF ADOPTION  
SOUTHWEST CUMBERLAND LAND USE PLAN  
COUNTY OF CUMBERLAND

WHEREAS, the Cumberland County Joint Planning Board is empowered to prepare and recommend plans for the County of Cumberland in accordance with G.S. 153A-321 of the North Carolina General Statutes; and

WHEREAS, the Planning Board has prepared a specific document entitled the Southwest Cumberland Land Use Plan designed to provide the County of Cumberland a statement of desirable objectives to guide future growth, change, and development within the Southwest Cumberland Study Area; and

WHEREAS, the Southwest Cumberland Area Citizens Planning Committee consisting of citizens within the Study Area boundary developed and endorses the Southwest Cumberland Land Use Plan; and

WHEREAS, the Plan is subject to future re-evaluation and changes by existing and future Planning Boards, Hope Mills Town Boards, and the Cumberland County Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners hereby adopts the Southwest Cumberland Land Use Plan.

On this 18<sup>th</sup> day of November, 2013.

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Will Denning, Planning and Inspections Department Planner, presented a map of the study area boundaries and an overview of the Southwest Cumberland Land Use Plan.

Mr. Denning explained the process involved development of the plan and public participation as follows:

Research, Compile, and Analyze Data

Conduct Vision Session with Area Residents

- Present data
- Gather community issues, needs & desires
- Establish Citizen Planning Committee

Develop Draft Plan Facilitated by Staff with the Citizen Planning Committee

Present Draft Plan to Area Residents and Get Feedback

Planning Committee Review Residents' Comments and Finalize the Draft Plan

Planning Finalize Draft Plan Document

Planning Board Public Hearing

Governing Boards Hold Public Hearings and Adopt the Plan

Mr. Denning then provided an overview of the the vision sessions held with the public and the outcome of those sessions:

Future Visions:

- Mass Transit with Connections to Fort Bragg and Fayetteville
- Sidewalks
- Centralized True Emergency Structure
- No Clear Cutting of Trees in New Developments
- More Recreation Facilities for Leisure Outdoor Activities
- Optional Living Space Areas Other than Traditional Subdivisions

Existing Assets:

- Small Town Atmosphere
- Close Proximity to Fort Bragg and Fayetteville
- Natural Resources
- Diversity in the Community
- Community Facilities & Services

Liabilities:

- No Sidewalks or Crosswalks for Pedestrians
- Traffic Congestion and Road Conditions
- Lack of Water & Sewer Service
- Strip Malls & Vacant Commercial Buildings
- Clear Cutting Trees
- No Coordination with Board of Education, Municipalities and County Governments

Mr. Denning provided graphs comparing economic and demographic data for Cumberland County, the study area and Hope Mills. Mr. Denning also presented additional maps depicting natural features, infrastructure, transportation, development activities, community facilities, historic sites/structures/landmarks, parks and open space, present and past plans, Municipal Influence Areas.

Mr. Denning provided an overview of the recommendations developed by the Southwest Cumberland Citizen Planning Committee as follows:

- SWC - Adopt Goals and Objectives
- SWC - Protect the Integrity of Fayetteville Regional Airport Operation and Expansion Potential
- SWC - Encourage the Reuse of Vacant Commercial and Industrial Buildings
- SWC - Establish Satellite Higher Education, Health and Sheriff Annex Facilities in the Hope Mills Vicinity
- SWC - Promote Better Cooperation and Continuity Between the County and the Municipalities in their Annexation and Zoning Process
- SWC - Develop Strip Commercial Development Standards
- SWC - Protect Existing Viable Residential Areas from Incompatible Uses
- SWC - Implement the Hope Mills Heritage Preservation Plan, 1995 and Enforce the Historic Overlay District Regulations

Mr. Denning then provided an overview of recommendations for short term projects thereby concluding his presentation:

<u>Projects</u>	<u>Project Explanation</u>	<u>Responsible Party</u>
Add left turn lane on Legion Road at Pioneer Drive	This will alleviate the massive traffic backup on Legion Road due to cars making a left turn into the Pioneer Subdivision that has basically one way in and out.	NC Department of Transportation
Intersection improvements at Golfview Drive and Rockfish Road; and at Camden and Rockfish Road	Alleviate traffic congestion and confusion at these intersections .	NC Department of Transportation
Pave Existing Dirt Roads	This would serve to provide a safe and reliable means of access to the existing and future motoring public and homeowners.	NC Department of Transportation
Locate an Emergency Shelter (that withstands F4 tornado) somewhere Central in the Area	This facility would provide a safe shelter for residents in the event of an emergency within the Area (since the existing designated shelter will not withstand an F4 tornado).	Cumberland County Emergency Services
Sidewalks on Lakewood & Fisher Roads	This is needed to provide safe pedestrian access for children required to walk to John Griffin & Honeycutt Schools.	Cumberland County Board of Education, NCDOT, Cumberland County, & City of Fayetteville
High Visibility Crosswalks at the entrances of all schools	This will provide an additional safety measure for children having to cross the street for school.	Cumberland County Board of Education and NC Department of Transportation
Rid the Area of Dilapidated Structures and Manufactured Homes	Removal of dilapidated structures as well as dilapidated manufactured homes will improve the health, safety, and welfare of Area residents.	Cumberland County Planning & Inspections Department
Pedestrian refuge islands for roads over four lanes	This would provide a safe haven for pedestrians crossing wide streets with high traffic volumes that will reduce the potential for accidents, thus protecting the health, safety and welfare of the motoring public.	NC Department of Transportation, Town of Hope Mills

Create Single-Family Residential District Only	This district would allow only Single-Family Residential units and no other allowed uses currently in the existing Single-Family Residential District of the County Zoning Ordinance.	Cumberland County Planning & Inspections Department
Strengthen the County & Hope Mills Landscape and Appearance Ordinances	This would enhance the appearance of new, existing, and redevelopment.	Cumberland County Planning & Inspections Department
Develop an <u>urban</u> tree protection, preservation and restoration ordinance	Provide vegetation to soften the urban environment, aid the air quality, lower heat island effect, improve the livability for the area, enhances pedestrian use, and enhance the visual appearance.	Cumberland County Planning & Inspections Department
Develop standard for Riparian Buffers along all water courses	Protect the stream ways from non-point source pollution such as sediment and farm chemicals run off, protect scenic vistas.	Cumberland County Planning & Inspections Department
Install County and Hope Mills Entrance Signs	This would provide an attractive first impression entrance into the County and the Town of Hope Mills.	Public/Private Non-Profit, Fayetteville/Cumberland County Joint Appearance Commission, Fayetteville & Hope Mills Chambers of Commerce
Strengthen and enforce manufactured home park standards	This will improve their visual quality, the quality of life for residents, improve property values around the parks, and eliminate dilapidated units.	Cumberland County Planning & Inspections Department
Install left turn signal at George Owen and Camden Road	This will help alleviate traffic congestion at this major intersection.	NC Department of Transportation
Drainage Problem on Main Street at Railroad underpass and Park Road (Recreation Center Entrance Road) and Rockfish Road	These areas are flooded during heavy rains that make it dangerous for motorist and impassable for pedestrians.	NC Department of Transportation and the Town of Hope Mills

This is the duly advertised/noticed public hearing set for this date and time.

Chairman Keefe opened the public hearing.

The clerk to the board called the following speakers:

Douglas Modde – Mr. Modde stated he attended all of the meetings and some of the issues identified were to build emergency shelters in all areas of the county sufficient to withstand tornados, to provide a Sheriff's annex, to provide additional fire protection and to preserve waterways.

Brenda Cameron – Ms. Cameron stated she was a member of the committee and thanked county staff for their commitment and professionalism. Ms. Cameron stated the plan was of, by and for the people. Ms. Cameron expressed her appreciation for being able to have a voice in developing the plan.

Chairman Keefe closed the public hearing.

MOTION: Commissioner Council moved to approve the Resolution of Adoption of the Southwest Cumberland Land Use Plan.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (6-0)

Other Public Hearings - Minimum Housing Code Enforcement

The clerk to the board administered an oath to Joan Fenley, Inspector for the County of Cumberland Inspection Department, who provided information to the Board of Commissioners regarding the following cases:

E. Case Number: MH 116-2013  
Property Owner: Alecia Marie & David Leon McLaughlin  
Property Location: 1609 Halsey Loop, Hope Mills, NC  
Parcel Identification Number: 0443-02-5775

**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 116-2013.

Property Owner: Alecia Marie & David Leon McLaughlin  
Home Owner: Alecia Marie & David Leon McLaughlin  
Property Address: 1609 Halsey Loop, Hope Mills, NC  
Tax Parcel Identification Number: 0443-02-5775

SYNOPSIS: This property was inspected on 5/28/2013. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 6/20/2013. Alecia Marie McLaughlin 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 9/18/2013. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 11/7/2013, no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$60,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00. (Structure in utility condition)

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

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This is the duly advertised/noticed public hearing set for this date and time.

Chairman Keefe opened the public hearing.

The clerk to the board called the following speaker:

David McLaughlin – Mr. McLaughlin appeared in opposition and after being administered an oath, stated he did not have time to finish the job. Mr. McLaughlin stated Halsey Loop was being redeveloped and a new asphalt road would be installed and he wants to be sure the easements and boundaries are right according to the zoning for that area. Mr. McLaughlin stated the property has tremendous value to him and because he is a disabled vet, the shutdown of the government, his suffering from PTSD, and the weather, he has not been able to complete the work. Mr. McLaughlin stated he intends to clear the property and put another modular home furnished by the VA on the property. Mr. McLaughlin requested an additional 90 days.

Chairman Keefe 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; to order the property owner to remove or demolish the dwelling within 90 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 (6-0)

F. Case Number: MH 42-2013  
Property Owner: Shelia D. Bridges, Sharla D. Lewis,  
Craig A. Donner & Jean M. Donner  
Property Location: 6766 Rockfish Road, Fayetteville, NC

Parcel Identification Number: 0404-17-4572

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 42-2013.

Property Owner: Shelia D. Bridges, Sharla D. Lewis, Craig A. Donner, and Jean M. Donner

Home Owner: Shelia D. Bridges, Sharla D. Lewis, Craig A. Donner, and Jean M. Donner

Property Address: 6766 Rockfish Road, Fayetteville, NC

Tax Parcel Identification Number: 0404-17-4572

SYNOPSIS: This property was inspected on 3/19/2013. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/26/2013. Shelia D. Bridges, Sharla D. Lewis, Craig A. Donner, and Jean M. Donner 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 7/25/2013. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 11/7/2013, no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$214,560.00. The Assessor for Cumberland County has the structure presently valued at \$7,500.00. (Structure in utility condition)

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/noticed public hearing set for this date and time.

Chairman Keefe opened the public hearing.

The clerk to the board called the following speaker:

Jim Mohler – Mr. Mohler appeared in opposition representing the property owners and after being administered an oath, stated their intention is to



complete the demolition; however, asbestos mitigation, family issues and financial setbacks have slowed the process. Mr. Mohler stated the property owners are looking for someone to perform the demolition and have a plan to get \$1,500 together by February, 2014 to complete the demolition. Mr. Mohler requested a 75-90 day extension to bring the property into compliance.

Commissioner Edge stated the property owners have had nine months to remedy the violations and asked why they are now requesting an additional three months. Mr. Mohler stated he did not begin assisting the family until about four months ago and family conflicts about how things were to be taken care of and who would be responsible for the money and the lack of money prevented the family from completing the process. Mr. Mohler stated the family was able to secure the money for the asbestos removal. Chairman Keefe asked Mr. Mohler whether he felt 90 days was sufficient. Mr. Mohler responded in the affirmative.

Chairman Keefe 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; to order the property owner to remove or demolish the dwelling within 90 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

**DISCUSSION:** Commissioner Edge asked whether the inspector had received proof of the asbestos removal. Ms. Fenley responded she had not yet received the report.

**VOTE:** PASSED (5-1) (Commissioners Evans, Melvin, Council, Keefe and King voted in favor; Commissioner Edge voted in opposition.)

The clerk to the board administered an oath to Debra Johnson, Inspector for the County of Cumberland Inspection Department, who provided information to the Board of Commissioners regarding the following cases:

G. Case Number: MH 44-2013  
Property Owner: Charles & Jacqueline Oatis  
Property Location: 5847 Holland Street, Fayetteville, NC  
Parcel Identification Number: 0419-75-5540

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

I, Debra Johnson, 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 44-2013.

Property Owner: Charles & Jacqueline Oatis  
Home Owner: Charles & Jacqueline Oatis  
Property Address: 5847 Holland Street, Fayetteville, NC  
Tax Parcel Identification Number: 0419-75-5540

SYNOPSIS: This property was inspected on 3/19/2013. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/2/2013. 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 5/31/2013. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 11/7/2013, no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00. (Structure in utility condition)

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

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This is the duly advertised/noticed public hearing set for this date and time.

Chairman Keefe opened the public hearing.

The clerk to the board called the following speaker:

Charles Oatis – Mr. Oatis appeared in opposition and after being administered the oath, stated tenants on the property have had issues with finances. Mr. Oatis stated he has also run into some personal issues. Mr. Oatis stated he is unable to access a Waste Management box from the front of the property and the properties to either side of his are owned by

someone else. Mr. Oatis stated if he could get permission to get a box in from either side and with sufficient time, he could get the debris removed.

Chairman Keefe stated the board cannot direct adjacent homeowners to allow access. Mr. Oatis stated he guessed he needed to do whatever he needed to do to get permission for access to a box. Chairman Keefe asked Mr. Oatis whether he was requesting additional time. Mr. Oatis stated 60-90 days would probably be sufficient. Mr. Oatis stated he wanted to be sure he was educated as to what he needed to do. Mr. Johnson stated the accessory building needed to be demolished and all debris removed.

Chairman Keefe closed the public hearing.

**MOTION:** Commissioner Evans moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the dwelling within 90 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:** PASSED (5-1) (Commissioners Evans, Melvin, Council, Keefe and King voted in favor; Commissioner Edge voted in opposition.)

#### H. CASE NUMBER MH 25-2013 REMOVED FROM AGENDA

The clerk to the board administered an oath to Joey Lewis, Inspector for the County of Cumberland Inspection Department, who provided information to the Board of Commissioners regarding the following cases:

- I. Case Number: MH 286-2013  
Property Owner: Eddie E. Taylor, Jr. & Venessa C. Taylor & Chase Home Finance, LLC  
Property Location: 2501 Quail Forest Drive, Fayetteville, NC  
Parcel Identification Number: 0405-95-4474

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

I, Joey Lewis, 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 286-2013.

Property Owner: Eddie E. & Vanessa C. Taylor, Jr. & Chase Home Finance, LLC  
Home Owner: Eddie E. & Vanessa C. Taylor, Jr. & Chase Home Finance, LLC  
Property Address: 2501 Quail Forest Drive, Fayetteville, NC  
Tax Parcel Identification Number: 0405-95-4474

SYNOPSIS: This property was inspected on 8/30/2013. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 10/1/2013. 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 10/30/2013. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 11/7/2013, 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 \$68,200.00. The Assessor for Cumberland County has the structure presently valued at \$4,444.00. (Structure in utility condition)

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

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This is the duly advertised/noticed public hearing set for this date and time.

Chairman Keefe opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Keefe closed the public hearing.

MOTION: Commissioner Edge moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the 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: Chairman Keefe

DISCUSSION: Commissioner King asked the cost of bringing the dwelling up to standards. Mr. Lewis responded approximately \$62,000 based on an

estimate of \$50 per square foot. Mr. Lewis stated the Tax Department had the structure appraised at \$4,444.

VOTE: PASSED (5-1) (Commissioners Evans, Melvin, Council, Keefe and Edge voted in favor; Commissioner King voted in opposition.)

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

J. Case Number: MH 228-2013  
Property Owner: Lee & Sally Willis  
Property Location: 2410 St. Lawrence Road, Fayetteville, NC  
Parcel Identification Number: 0415-59-7544

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 228-2013.

Property Owner: Lee & Sally Willis  
Home Owner: Lee & Sally Willis  
Property Address: 2410 St Lawrence Road, Fayetteville, NC  
Tax Parcel Identification Number: 0415-59-7544

SYNOPSIS: This property was inspected on 7/24/2013. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 8/22/2013. 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 10/7/2013. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 11/7/2013, 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 \$500.00. (Structure in utility condition)

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

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This is the duly advertised/noticed public hearing set for this date and time.

Chairman Keefe opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Keefe closed the public hearing.

MOTION: Commissioner Edge moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the 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 (6-0)

K. Case Number: MH 232-2013  
Property Owner: Roscoe & Rena McNeill  
Property Location: 3643 Classic Road, Fayetteville, NC  
Parcel Identification Number: 0424-96-1309

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 232-2013.

Property Owner: Roscoe & Rena McNeill  
Home Owner: Roscoe & Rena McNeill  
Property Address: 3643 Classic Road, Fayetteville, NC  
Tax Parcel Identification Number: 0424-96-1309

SYNOPSIS: This property was inspected on 7/24/2013. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 8/22/2013. Rena & Roscoe 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 10/7/2013. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 11/7/2013, no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$45,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00. (Structure in utility condition)

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

Mr. Hatcher noted repairs to the structure would require an engineer's drawing.

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This is the duly advertised/noticed public hearing set for this date and time.

Chairman Keefe opened the public hearing.

The clerk to the board called the following speaker:

Roscoe McNeill – Mr. McNeill stated he put in a septic tank, plumbing and electric. Mr. McNeill stated he became ill while cleaning up the property, there is not much more to be done and he needs some more time.

Chairman Keefe informed Mr. McNeill that an engineer's drawings would be required in order to bring the property up to standards. Chairman Keefe also informed Mr. McNeill that renovation fees would far outweigh the value. Mr. McNeill stated he was putting all that together. Chairman Keefe asked Mr. McNeill what his intentions were for the property. Mr. McNeill stated he hopes to fix up the property and turn it over to his children. Chairman Keefe told Mr. McNeill rehabilitation of the property would likely cost more than putting in a new structure. Mr. McNeill stated he already had a lot of money in the property. Commissioner Council asked Mr. McNeill whether he was aware this was almost an irreparable situation. Commissioner Council then asked Mr. McNeill how much more time he needed. Mr. McNeill stated he needed about nine more months. Commissioner Council asked Mr. McNeill whether he clearly understood that the property was uninhabitable and irreparable at this time. Mr. McNeill

stated he did not know where anyone got that from and would ask the board of commissioners to go look at the property.

Chairman Keefe 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; to order the property owner to remove or demolish the dwelling within 90 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 King

**DISCUSSION:** Commissioner Evans asked whether complaints had been received from neighbors or anyone in the surrounding area. Mr. Hatcher responded the property was located 50 feet from adjoining properties and the work that had been performed on the mobile home had not been permitted, and wiring and plumbing work had not been inspected. Mr. Hatcher stated if Mr. McNeill were to demolish the structure and clear the lot, he would have a more valuable asset that he has now.

**VOTE:** PASSED (5-1) (Commissioners Edge, Melvin, Council, Keefe and King voted in favor; Commissioner Evans voted in opposition.)

#### Items of Business

#### 7. Consideration of Community Development Matters:

##### A) Homebuyer Subordination Agreement

##### BACKGROUND:

Branch Banking and Trust Inc. is requesting that Cumberland County subordinate a homebuyer loan to refinance the first mortgage for Matombia R. Eaglin (formerly Matombia R. Miller). The property is located at 910 Lexis Walker Cr., Spring Lake, NC 28390 and CCCD's loan was made May 15, 2008. Refinancing would reduce Ms. Eaglin's interest rate from 6.750% to 4.750%, which is a 2% drop. The additional funds above paying off the 1<sup>st</sup> mortgage will go toward paying the settlement cost. Our current loan balance is \$26,686.00, which is a deferred loan. Including the new loan at BB&T of \$71,200.00, the combined loan to value will still be 100%.

We believe that subordinating our mortgage would be in the best interest of the homeowner and that our lien position is not compromised. It is our opinion that the homeowner is taking measures to further protect our investment in this property.



Cumberland County is currently in 2<sup>nd</sup> lien position and would remain in 2<sup>nd</sup> position with the subordination agreement. However, the agreement is necessary to allow BB&T to have 1<sup>st</sup> lien position.

**RECOMMENDATION/PROPOSED ACTION:**

CCCD recommends approval of the subordination agreement for Matombia R. Miller Eaglin and that all related documents be executed and recorded as necessary.

\*\*\*\*\*

Sylvia McLean, Community Development Business Manager, reviewed the background information as recorded above. Questions followed. Rick Moorefield, County Attorney, clarified the county is currently in a second lien position and BB&T is currently in first position. Mr. Moorefield further explained BB&T is refinancing its first Deed of Trust provided the county remains in the subordinate position. Mr. Moorefield stated this gives the homeowner a lower interest rate, does not impair the county's security and the county's second lien position continues intact.

**MOTION:** Commissioner Melvin moved to approve the subordination agreement and that all related documents be executed and recorded as necessary.  
**SECOND:** Commissioner King  
**VOTE:** UNANIMOUS (6-0)

**B) Offer to Purchase County Properties**

**BACKGROUND:**

Offers to Purchase for 3322 Antler Drive, Spring Lake; 728 Carnegie Drive, Fayetteville; 6405 Wendy Terrace, Fayetteville; and 4815 Boylan Street, Fayetteville. The purchase price offered for all four properties is \$175,000 and the buyer has submitted the required 5% deposit of \$8,750. The remaining balance of the purchase price, which is \$166,250, will be paid upon closing the real estate transaction.

Community Development provided financing for the above properties in 2006 and 2007. The County Board of Commissioners approved the acceptance of a deed in lieu of foreclosure in 2010. These properties are currently being maintained as rental by Community Development. Currently two properties have been vacant since February 2012 and June 2013.

The County has not received any other official offers for these properties except from Kingdom CDC. As you are aware, this is the second offer submitted by Kingdom CDC to purchase the properties which is less than the current loan balance. The outline below provides a summary of the property and offer for your consideration.

This item was previously presented to the County Board of Commissioners on June 17, 2013 and no action was taken.

**RECOMMENDATION/PROPOSED ACTION:**

<b>PROPERTY</b>	<b>LOAN BALANCE</b>	<b>TAX VALUE</b>	<b>PRIOR PURCHASE OFFER on 6/17/13</b>	<b>PURCHASE OFFER</b>	<b>EST. REPAIR COST</b>
3322 Antler Dr.	\$48,982.93	\$88,700	\$49,000	\$45,000	\$8,000
728 Carnegie Dr. *	\$53,974.32	\$92,900	\$35,000	\$40,000	\$45,000
6405 WendyTerrace*	\$63,561.40	\$88,900	\$59,000	\$45,000	\$25,000
4815 Boylan St.	\$45,673.93	\$87,000	\$45,000	\$45,000	\$8,000
	\$212,192.58		\$188,000	\$175,000	\$86,000

It is requested that this offer be presented to the Board of Commissioners with a recommendation from Community Development to accept the offer and advertise subject to the upset bid procedure of N.C.G.S § 160A-269.

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
RESOLUTION PROPOSING TO ACCEPT AN OFFER TO PURCHASE CERTAIN  
REAL PROPERTY PURSUANT TO N.C.G.S § 160A-269**

Whereas, the Board of Commissioners declares as surplus and has determined dispose of the real property described herein in accordance with the negotiated offer, advertisement and upset bid method of sale.

Be it hereby resolved that the Board of Commissioners proposes to accept the offer of Kingdom Community Development Corporation to purchase the following four properties for the purchase price indicated for each:

Dwelling located at 3322 Antler Drive, Spring Lake, NC 28309,  
PIN 0502-39- 9456, for the offer of \$45,000

Dwelling located at 728 Carnegie Drive, Fayetteville, NC 28311,  
PIN 052-82-6038, for the offer of \$40,000

Dwelling located at 6405 Wendy Terrace, Fayetteville, NC 28306,  
PIN 0404-18-7767, for the offer of \$45,000

Dwelling located at 4815 Boylan Street, Fayetteville, NC 28306,  
PIN 9494-33-4997, for the offer of \$45,000

The Clerk is directed to receive the offeror's deposit and advertise the Board's proposal to accept this offer subject to the upset bid procedure of N.C.G.S. § 160A-269. This procedure shall be repeated until no further qualifying upset bids are received, at which time the highest offer is accepted and staff is directed to complete the sale to the highest bidder.

Adopted this 18<sup>th</sup> day of November, 2013.

\*\*\*\*\*

Sylvia McLean, Community Development Business Manager, reviewed the background information as recorded above.

Commissioner King recused himself from voting on the matter as he serves as chairman of the Kingdom CDC Board of Directors.

MOTION: Commissioner Evans moved to adopt the Resolution Proposing to Accept an Offer to Purchase Certain Real Property.

DISCUSSION: Chairman Keefe inquired regarding the cost of repairs to the properties. Bobby Thomas, Community Development, stated Kingdom CDC submitted the repair costs and he reviewed the costs as they were proposed for the respective properties to be sure they were reasonable. Mr. Thomas noted the property with the highest cost for repairs had considerable structural damage. Chairman Keefe inquired regarding other rental properties managed by Community Development. Mr. Thomas stated these are the last four properties and Community Development is divesting itself of the rental business. Commissioner Edge inquired regarding the outstanding loan amount once the properties were purchased for an amount less than what is owed. Mr. Moorefield stated the county absorbs the loss.

SECOND: Commissioner Council

VOTE: PASSED (4-1) (Commissioners Evans, Council, Keefe and Edge voted in favor; Commissioner Melvin voted in opposition)

#### 8. Consideration of Adoption of 2014 Board of Commissioners Regular Meeting Dates

##### BACKGROUND:

Each year the Board of Commissioners considers adoption of its regular meeting dates for the upcoming calendar year, and each year there are exceptions that have to be considered. The exceptions for calendar year 2014 include the following:

- The second meeting in January has been moved to Tuesday, January 21<sup>st</sup> because the preceding Monday is observed as Martin Luther King, Jr. Birthday holiday.
- The second meeting in April has been moved to Tuesday, April 22<sup>nd</sup> because the preceding Monday is Easter Monday. The Board at its November 19, 2012 meeting took action to continue moving this meeting to Tuesday.
- The first meeting in September has been moved to Tuesday, September 2<sup>nd</sup> because the preceding Monday is observed as Labor Day holiday.

Additionally, the first meeting in March has been cancelled because the NACo Legislative Conference is scheduled for March 1–5, 2014 in Washington, DC.

**RECOMMENDATION/PROPOSED ACTION:**

Adopt the 2014 Board of Commissioners regular meeting dates as proposed or revise and adopt Board of Commissioner regular meeting dates for 2014.

January 6, 2014, 9:00AM

January 21, 2014, 6:45PM (Tuesday)

July – NO MEETINGS

February 3, 2014, 9:00AM

February 17, 2014, 6:45PM

August 4, 2014, 9:00AM

August 18, 2014, 6:45PM

March 3, 2014, 9:00AM (NO MEETING)

March 17, 2014, 6:45PM

September 2, 2014, 9:00AM (Tuesday)

September 15, 2014, 6:45PM

April 7, 2014, 9:00AM

April 22, 2014, 6:45PM (Tuesday)

October 6, 2014, 9:00AM

October 20, 2014, 6:45PM

May 5, 2014, 9:00AM

May 19, 2014, 6:45PM

November 3, 2014, 9:00AM

November 17, 2014, 6:45PM

June 2, 2014, 9:00AM

June 16, 2014, 6:45PM

December 1, 2014, 9:00AM

December 15, 2014, 6:45PM

**MOTION:** Chairman Keefe moved to adopt the 2014 Board of Commissioners regular meeting dates as proposed.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS (6-0)

9. Nominations to Boards and Committees

A. Civic Center Commission (5 Vacancies)

Applicants that Graduated from County Citizens' Academy: Joseph Decosta

Commissioner Melvin nominated McBryde Grannis, Nat Roberston and William Tew, Jr. for a second term and George Turner and Ryan Aul for an additional one-year term.

10. Appointments to Boards and Committees

A. Tourism Development Authority (3 Vacancies)

Nominee(s):

Hotels/Motels Under 100 Rooms Representative:

Daniel E. Roberts (Reappointment)  
William S. Wellons (Reappointment)

Hotels/Motels Over 100 Rooms Representative:

Vivek Tandon (Reappointment)

MOTION: Commissioner Council moved to appoint Daniel E. Roberts and Vivek Tandon to their respective positions for an additional one-year term (October 23, 2013 – October 22, 2014) and William S. Wellons to his position for a second term.  
SECOND: Commissioner Melvin  
VOTE: UNANIMOUS (6-0)

11. Closed Session: No closed session was called for this meeting.

MOTION: Commissioner Council moved to adjourn.  
SECOND: Commissioner Edge  
VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 8:55 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board