

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, OCTOBER 20, 2014 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING
MINUTES

PRESENT: Commissioner Jeannette Council, Chairman
Commissioner Kenneth Edge, Vice Chairman
Commissioner Charles Evans
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Billy King
Commissioner Ed Melvin
Amy Cannon, County Manager
James Lawson, Deputy County Manager
Melissa Cardinali, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Government Affairs Officer
Tom Lloyd, Planning and Inspections Director
George Hatcher, Code Enforcement Officer
Joey Lewis, Code Enforcement Officer
Debra Johnson, Code Enforcement Officer
Dr. Tran-Phu, Department of Public Health Medical Director
Rodney Jenkins, Department of Public Health Assistant Director
Randy Beeman, Emergency Services Director
Tim Mitchell, Emergency Services Deputy Director
Gene Booth, Emergency Manager
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Chairman Council called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Evans called for a moment of silence in memory of former Fayetteville City Council member Keith Bates, following which he provided the invocation and recognized Josiah S. Thomas, 5th grader at Bill Hefner Elementary School, who led the Pledge of Allegiance to the American flag.

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

Chairman Council recognized the clerk to the board who called the following speakers:

Hunter Evans – Mr. Evans displayed a map and stated as part of Sanderson Farm's due diligence, the proximity of proposed spray fields should be known. Mr. Evans asked the Board to require an environmental impact assessment in any agreement entered into with Sanderson Farms.

Kemp Burdette – Mr. Burdette did not appear when called.

Jackie Taylor – Ms. Taylor implored the Board to ask Sanderson Farms to complete an environmental impact statement regardless of where it locates in Cumberland County. Ms. Taylor stated everyone is star-struck by the potential for 1,100 jobs but after county residents get a taste of what it is like to work in this type of industry, Sanderson Farm's employees will be bused in from other areas and their paycheck will be bused out of Cumberland County leaving the county with detrimental impacts to air and water quality.

Aubrey Whipple – Mr. Whipple stated he is eighteen years of age and looks at the impact Sanderson Farms may have from an emotional perspective because he looks forward to raising a family in this area and not having to worry about their future. Mr. Whipple expressed concern for burning/air quality and associated allergic reactions and odors.

1. Approval of Agenda

Commissioner Keefe requested that a Proclamation Proclaiming the Weekend of November 1-2, 2014 Fayetteville Rotary Junior Tennis Tournament Week be added to the consent agenda as Item 2.I.

Amy Cannon, County Manager, requested that closed session Item 7.A. Attorney/Client Matter(s) pursuant to NCGS 143-318.11(a)(3) be changed to a closed session for Personnel Matter(s) pursuant to NCGS 143-318.11(a)(6).

MOTION: Commissioner King moved to approve the agenda with the addition and change as requested.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

2. Consent Agenda

A. Approval of minutes for the October 2, 2014 special meeting with the Alliance Behavioral Healthcare Board of Directors and the October 6, 2014 regular meeting of the Board of Commissioners

B. Approval of Cumberland County Facilities Committee Report and Recommendation:

1) Change Order to Classic Window and Glass, Inc. for Department of Social Services Window Project

BACKGROUND:

The Board of Commissioners approved a contract in the amount of \$464,505 to Carolina Classic Window and Glass, Inc. on August 18, 2014. On September 11, 2014, Engineering Staff met with representatives from Carolina Classic Window and Glass, Inc. along with Walter Vick to select a replacement glass from the various samples provided by the contractor. The contract requires the contractor to replace 50% of the glass on the north side of the building based on the fact that it has failed. While we selected the glass that was the closest match, it was determined that there still could be a slight variation with the new glass next to the existing glass. This in turn led to a discussion about the possibility of replacing 100% of the glass on the north side for not only the concern about the color but more importantly the likelihood that it may fail in the future. All the existing glass is being removed per a requirement of the contract anyway, so the cost of installing all new glass will simply be the glass itself as the labor has already been factored into the base bid.

The Engineering Infrastructure Department received a quote of \$82,835 to replace all the windows on the north side instead of the glass that has currently failed. There is sufficient funding in the project budget for this additional cost.

This was presented and approved by the Facilities Committee on August 7th.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director, County Management and the Facilities Committee recommend that the Board of Commissioners vote to approve increasing the cost of the existing contract with Carolina Classic Window and Glass, Inc. by \$82,835 for the additional work.

2) Professional Services Contract with Fleming & Associates, PA to Conduct Roof and Building Envelope Assessments

BACKGROUND:

The Engineering and Infrastructure Department issued a Request for Qualifications (RFQ) for the services of a consultant to conduct roof and building envelope assessments for all County facilities in early August. Firms submitted their qualifications to the County for review toward the end of August. All submittals were reviewed and ranked by a selection panel based on their qualifications. The top four rated firms were

interviewed by the selection panel and the local firm of Fleming & Associates, PA was selected for the project.

An initial meeting was conducted with Steve Fleming to discuss in detail the scope of the project. Following this meeting, the Engineering & Infrastructure Department began negotiating a fee with Fleming & Associates, PA to complete the project as outlined initially in the RFQ and subsequently in the scoping meeting. Fleming & Associates has submitted a formal proposal in the amount of \$185,500 to complete a roof and building envelopment assessment for all county facilities. It is important to note that \$52,690 will be charged to the Crown due to the size of the roofs and the total amount of square footage of exterior walls at the complex. In addition to the proposed fee, it is recommended that \$25,000 be budgeted as an allowance to perform moisture testing on roofs identified by the consultant during the roof assessments. The County budgeted \$110,000 for FY15 for this project and the additional funding will be provided out of the roofing budget line that was established years ago by the Board of Commissioners to address roofing needs for County buildings.

The Facilities Committee was briefed on October 2nd that this item would be coming to the Board of Commissioners on October 20th for approval.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Board of Commissioners vote to approve the following recommendations.

1. Award a contract to Fleming & Associates, PA in the amount of \$183,500 for the roof and building envelope assessments for all County facilities.
2. Approve the associated budget revision.
- C. Approval of Cumberland County Finance Committee Report and Recommendation:
 - 1) Fort Bragg Regional Alliance Funding Request

BACKGROUND:

Historically, the County has funded the Fort Bragg Regional Alliance through the annual budget process as part of community funding. Fort Bragg Regional Alliance (FBRA) requested funding in the amount of \$20,500 again in the fiscal year (FY) 2015 budget process. This request was not included in the recommended budget and was not funded as part of the FY 2015 adopted budget.

Mr. Greg Taylor of FBRA has again approached the County for funding requesting the County remain a member of the FBRA. Membership dues are \$20,500 annually. In lieu of the County paying the dues, Mr. Taylor asks that the rent currently paid for FBRA office space be applied as payment of dues. Annual rent is \$18,000. Applying the rent toward the dues would leave a balance owed by the County of \$2,500.

RECOMMENDATION/PROPOSED ACTION:

Approve the recommendation of the Finance Committee that the month-to-month lease agreement be extended at an annual amount of \$20,500, which would off-set the membership fee for the County.

- 2) Finance, Human Resources and Benefits Software Contract

BACKGROUND:

As part of the strategic plan, the Board of Commissioners identified several goals related to technology. These goals include advancing the County's automation and technology capabilities and optimizing service delivery through innovation, automation and technology. To that end, funds were identified to upgrade and enhance software systems for the finance, human resources, benefits and tax departments.

Led by the information systems (IS) department, staff has been working on fulfilling the first phase of new software implantation which includes the finance, human resources and benefits departments. To that end, a steering committee was formed with representatives from all three departments. Requests for Information (RFI) were sent to 11 software vendors. The list was narrowed to three vendors based on current relationships with similar size counties in North Carolina. The selected vendors (Lawson, Tyler Technologies and CGI) were invited to provide demonstrations of their software and Cumberland County staff participated in site visits to other counties.

After a thorough review of these vendors, the steering committee unanimously agreed upon the software product – Tyler Technologies’ Munis. Munis is currently utilized in 49 NC counties as well as 85 NC municipalities. Munis will fulfill County requirements of full integration between finance, budget, payroll, benefits and human resources. The software will provide greater functionality and automated workflows between all County departments.

Munis software is available through the National Joint Powers Alliance (NJPA) which is the national equivalent to a state contract. This means the contract has been through a competitive bid process on the national level. The contract price for software and implementation is \$1,592,844. The steering committee is confident that Munis is the software with the lowest initial and ongoing costs as well as providing the County with the best technology for our needs.

RECOMMENDATION / PROPOSED ACTION:

Management recommends:

- 1) Approval of the software and implementation contract with Tyler Technologies in the amount of \$1,592,844 and approval of \$355,156 for project costs to include associated audit fees, temporary staff and system hardware requirements.
- 2) Approval of the associated budget revision.
- 3) Amendment to Annual Audit Contract

BACKGROUND:

Earlier this year, the Board of Commissioners approved a contract for Cherry Bekaert, LLP to perform the annual audit. Since that time, the N.C. Office of the State Auditor has made revisions to the work required of audit firms.

Within the past 8 weeks, the Office of the State Auditor has issued new required procedures as well as additional reporting requirements related to specific programs in the Health Department and Department of Social Services. The goal of the additional procedures is to provide reliable data to the State Auditor who will use the data in their audit of major federal programs. The requirement for the auditors contracted by the County to perform additional procedures for the State is clearly an unfunded mandate. The cost of the additional procedures is \$2,000 annually.

RECOMMENDATION / PROPOSED ACTION:

Management recommends approval of the \$2,000 amendment to the annual audit contract with Cherry Bekaert, LLP for the fiscal year 2014 audit.

D. Approval of Payment of Prior Year Invoices:

- 1) Cumberland County Sheriff’s Office

BACKGROUND:

The Cumberland County Sheriff’s Office has requested payment of \$139 for two invoices for supplies purchased in January and March 2013. These supplies were not included as budgeted items in the Sheriff’s Office FY 14 or FY 15 budget. Measures have been taken to minimize the chance of reoccurrence.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval for payment of the above invoices in the amount of \$139 and approval of the associated budget revision.

2) Cumberland County Health Department

BACKGROUND:

The Cumberland County Public Health Department has requested payment of \$2,520 for laboratory and technical consulting services for fiscal year 2014. These services were not included as budgeted items in the Health Department FY 15 budget. The Health Department requested the invoice from the vendor on different occasions to prevent this occurrence but was not successful with the vendor.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval for payment of the above invoices in the amount of \$2,520 and approval of the associated budget revision.

E. Approval of Offer of Fayetteville Area Habitat for Humanity to Purchase Certain Real Property

BACKGROUND:

The county and the City of Fayetteville acquired the real property with the PIN 0436-39-7334 located at 217 and/or 219 Hedgepeth St., Fayetteville, NC 28306 at a tax foreclosure sale in 2013 for a purchase price of \$11,123.37. It is a residential lot with a tax value of 10,500.00. It cannot be determined from the GIS viewer whether it contains a structure. Fayetteville Area Habitat for Humanity has made an offer to purchase the property for \$11,123.37. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process pursuant to G. S. § 160A-269.

RECOMMENDATION/PROPOSED ACTION:

County attorney recommends the Board consider the offer of Fayetteville Area Habitat for Humanity if the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269, subject to the concurrence of the City of Fayetteville.

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

Take notice that the Board of Commissioners finds the following real property not needed for governmental purposes and proposes to accept the offer of Fayetteville Habitat for Humanity to purchase the property with PIN 0436-39-7334 located at 217 and/or 219 Hedgepeth St., Fayetteville, NC 28306 for a purchase price of \$11,123.37. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

F. Approval of Continuance of State of the Order for the Demolition of the Dwelling at 7846 Amesbury Road, Fayetteville

BACKGROUND:

Upon the county attorney's recommendation, at its meeting on October 6, 2014, the Board granted Mr. Herrera a second stay of the order of demolition of the dwelling located at 7846 Amesbury Road to October 20, 2014, subject to conditions. The county attorney has confirmed that Mr. Herrera has complied with the conditions set by the Board and that DENR is considering the issuance of a permit for a UV system.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends the Board grant another stay of the demolition order until December 1, 2014, subject to the following conditions:

- (1) the grass be kept to a height of no more than 4 inches;
- (2) all shrubbery be appropriately trimmed;
- (3) the exterior surfaces of the structure be kept clean and free of mold or mildew;
- (4) the lawn be kept clear of all trash, debris and stored items;
- (5) the dwelling shall remain uninhabited.

The condition requiring blocking the foundation vents and repairing the garage door has been removed because these items have been fully repaired. The county attorney will make a further recommendation on December 1, 2014, based on the circumstances at that time.

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

- 1) Case Number: MH 7012-2013
Property Owner: Keith & Lisa Strickland
Property Location: 1542 Colonial Park Drive, Fayetteville, NC
Parcel Identification Number: 0520-65-3721

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 7012-2013
PROPERTY OWNER: Keith & Lisa Strickland

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 19, 2013, enacted an ordinance directing the demolition by the owner of the structure Keith & Lisa Strickland, located at 1542 Colonial Park Drive, Fayetteville, NC, PIN: 0520-65-3721, said ordinance being recorded in Book 9278, page 0367, 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 \$4,900.00.
- (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 find 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 \$4,900.00, 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 19, 2013, and in Section 153A-372 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 1542 Colonial Park Drive, Fayetteville, NC, as described in Deed Book 5429, page 315, of the Cumberland County Registry and identified in County tax records as PIN 0520-65-3721.

(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 7026-2013
Property Owner: Brian Daigneault
Property Location: 6513 Celestial Pines Drive, Hope Mills, NC
Parcel Identification Number: 0432-41-7039

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 7026-2013
PROPERTY OWNER: Brian Daigneault

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 19, 2013, enacted an ordinance directing the demolition by the owner of the structure Brian Daigneault, located at 6513 Celestial Pines Drive, Hope Mills, NC, PIN: 0432-41-7039, said ordinance being recorded in Book 9278, page 0376, 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 \$3,100.00.
- (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 find 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 \$3,100.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(3) That as provided in the Ordinance of Cumberland County dated August 19, 2013, and in Section 153A-372 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 6513 Celestial Pines, Hope Mills, NC, as described in Deed Book 8673, page 150, of the Cumberland County Registry and identified in County tax records as PIN 0432-41-7039.

(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 483-2014
Property Owner: Nellie A. Torres, Pearlie Lee Montoya & Kathleen A. Decipulo
Property Location: 2246 Waco Drive, Fayetteville, NC
Parcel Identification Number: 0426-21-9689

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY

CASE NUMBER: MH 483-2014
PROPERTY OWNER: Nellie A. Torres,
Pearlie Lee Montoya & Kathleen A. Decipulo

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on April 22, 2014, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Nellie A. Torres, Pearlie Lee Montoya & Kathleen A. Decipulo located at 2246 Waco Drive, Fayetteville, NC, PIN: 0426-21-9689, said ordinance being recorded in Book 9425, 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 \$1,900.00.
- (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 \$1,900.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(4) That as provided in the Ordinance of Cumberland County dated April 22, 2014, 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 2246 Waco Drive Fayetteville, NC, as described in Deed Book 5398, page 0636, of the Cumberland County Registry and identified in County tax records as PIN 0426-21-9689.

(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 484-2014
Property Owner: Nellie A. Torres, Pearlie Lee Montoya & Kathleen A. Decipulo
Property Location: 2256 Waco Drive, Fayetteville, NC
Parcel Identification Number: 0426-21-8673

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY

CASE NUMBER: MH 484-2014

PROPERTY OWNER: Nellie A. Torres,
Pearlie Lee Montoya & Kathleen A. Decipulo

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on April 22, 2014, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Nellie A. Torres, Pearlie Lee Montoya & Kathleen A. Decipulo located at 2256 Waco Drive, Fayetteville, NC, PIN: 0426-21-8673, said ordinance being recorded in Book 9425, page 407, 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;

(5) That as provided in the Ordinance of Cumberland County dated April 22, 2014, 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 2256 Waco Drive Fayetteville, NC, as described in Deed Book 5398, page 0636, of the Cumberland County Registry and identified in County tax records as PIN 0426-21-8673.

(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 7006-2013
Property Owner: Teresa A. Good
Property Location: 535 N Grogg Street, Spring Lake, NC
Parcel Identification Number: 0511-09-7895

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY

CASE NUMBER: MH 7006-2013

PROPERTY OWNER: Teresa A. Good

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 19, 2013, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Debra C. Lucas, located at 535 N Grogg Street, Spring Lake, NC, PIN: 0511-09-7895, said ordinance being recorded in Book 9278, page 379, 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 \$14,000.00.
- (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 \$14,000.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(6) That as provided in the Ordinance of Cumberland County dated August 19, 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 535 N Grogg Street, Spring Lake, NC, as described in Deed Book 8897, page 568, of the Cumberland County Registry and identified in County tax records as PIN 0511-09-7895.

(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: MH 6642-2012
Property Number: John Wallace
Property Location: 7124 Hypony Trail, Parkton, NC
Parcel Identification Number: 9493-46-9017

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 6642-2012
PROPERTY OWNER: John Wallace

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 20, 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) John Wallace, located at 7124 Hypony Trail, Parkton, NC, PIN: 9493-46-9017, said ordinance being recorded in Book 8979, 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 \$1,600.00.
- (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 \$1,600.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(7) That as provided in the Ordinance of Cumberland County dated August 20, 2012, 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 7124 Hypony Trail, Parkton, NC, as described in Deed Book 5330, page 262, of the Cumberland County Registry and identified in County tax records as PIN 9493-46-9017.

(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: MH 6643-2012
Property Owner: James C. Shaw
Property Location: 4611 Balducci Drive, Parkton, NC
Parcel Identification Number: 9493-45-2804

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 6643-2012
PROPERTY OWNER: James C. Shaw

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on August 20, 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) James C. Shaw, located at 4611 Balducci Drive, Parkton, NC, PIN: 9493-45-2804, said ordinance being recorded in Book 4623, page 484, 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 \$1,700.00.
- (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 \$1,700.00, 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 20, 2012, 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 4611 Balducci Drive, Parkton, NC, as described in Deed Book 4623, page 484, of the Cumberland County Registry and identified in County tax records as PIN 9493-45-2804.

(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) Emergency Telephone System

Revision in the amount of \$79,790 to appropriate fund balance to replace the paging system that is no longer operational. (B15-105) Funding Source – Emergency Telephone System Fund Balance Appropriated

(2) Juvenile Crime Prevention Program

Revision in the amount of \$34,834 to recognize additional state funds for Intensive Services Network Program. (B15-116) Funding Source – State

(3) Bragg Estates Sewer Project / County Water and Sewer

Revision in the amount of \$17,000 to appropriate County water and sewer fund balance to increase the commitment of County dollars available for the Bragg Estates Sewer Project in order to meet USDA requirements to be considered for grant funding. (B15-117 and B15-117A) Funding Source – Fund Balance Appropriated

(4) Social Services

Revision in the amount of \$196,151 to budget additional funds needed for purchase of a new document management system. (B15-118) Funding Source – Federal

(5) Education

Revision to budget \$3,000,000 in loan proceeds related to purchase of building by FTCC and to reimburse general fund balance. (B15-119)
Funding Source – Debt Proceeds

(6) Crown Center

Revision in the amount of \$18,171 to appropriate a portion of the unused proceeds from the Build America Bonds and Recovery Zone Economic Development Bonds to be used to reimburse Global Spectrum for capital expenses for emergency repair to the ice floor. (B15-125) Funding Source – Fund Balance Appropriated

2.I. Consideration of a Proclamation Proclaiming the Weekend of November 1-2, 2014 Fayetteville Rotary Junior Tennis Tournament Week

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, Rotary International is the oldest civic organization in the United States, now 109 years old, with more than 1.2 million members in more than 200 countries and geographical areas; and

WHEREAS, Rotary International has as motto “SERVICE ABOVE SELF” and does Good in the World through its six areas of focus: Peace and Conflict Resolution, Disease Prevention and Treatment, Water and Sanitation, Maternal and Child Health, Basic Education and Literacy, and Economic and Community Development; and

WHEREAS, Rotary International’s corporate signature worldwide effort for over three decades has been the eradication of polio, a goal toward which Rotarians by the hundreds of thousands have mobilized their time and treasure to ensure that billions of the world’s children have been immunized against this dreaded disease, participating in the administration of, in 2013 alone, 1.3 billion doses of oral polio vaccine to more than 429,000 children in 70 countries at a cost of \$170 million dollars and, in the process, knocking on 820,000 doors each month; and

WHEREAS, The Fayetteville Rotary Club established in 1920 as Fayetteville’s First Rotary club, and the third oldest Rotary club in the state of North Carolina. The Fayetteville Rotary Club is the parent club for Fayetteville’s other two Rotary Clubs, the Lafayette Rotary Club and the West Fayetteville Rotary Club. The service focus of the Fayetteville Rotary Club is Youth Education and Leadership. The Fayetteville Rotary club awards merit scholarships annually to Cumberland County Students totaling over \$42,000. The Fayetteville Rotary Club is the Sponsoring Club for the Methodist University ROTARACT CLUB (Rotary for ages 18-30), the Pine Forest INTERACT Club, SENCAIA INTERACT Club, Cross Creek INTERACT Club, and South View INTERACT Club (Rotary for ages 12-18); and

WHEREAS, Methodist University is home to the Professional Tennis Management Program (PTMP). With the steadfast support of Methodist University, first class Student instruction, and the construction of the Gene Clayton Tennis Center, the Methodist University’s PTMP is rapidly earning the reputation as one of our Nation’s premier tennis education programs. For the past 15 years the Fayetteville Rotary Club and Methodist’s PTMP have proudly partnered to support the Fayetteville Rotary Junior Tennis Tournament.

NOW THEREFORE, BE IT PROCLAIMED that We, the Cumberland County Board of Commissioners, do hereby proclaim the weekend of November 1-2, 2014 Fayetteville Rotary Junior Tennis Tournament Week.

Presented this 20th day of October, 2014.

MOTION: Commissioner King moved to approve consent agenda items 2.A. – 2.I.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS (7-0)

3. Public Hearings

Ms. Cannon explained the Board of Commissioners' procedures for public hearings.

Uncontested Rezoning Case

- A. Case P14-49: Rezoning of 1.69+/- acres from R10 Residential to RR Rural Residential or to a more restrictive zoning district; located at 3547 Victor Hall Lane, 4108 and 4114 Camden Road; submitted by Mickey G. Hudson on behalf of Hudson Enterprises of Fay, LLC. (owner) and Bessie Carter.

Staff Recommendation:

1st motion for Case P14-49: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Board included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

2nd motion for Case P14-49: Move to approve the rezoning from R10 to RR as recommended by the Planning Board and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve Staff Recommendation.

Tom Lloyd, Planning and Inspections Director, stated there was no opposition to Case P14-49 and the Planning Board unanimously recommended that the Board of Commissioners adopts the consistency with the Land Use Plan and reasonableness statement and approves rezoning to RR.

Chairman Council opened the public hearings for Case P14-49.

The clerk to the board advised there were no speakers for Case P14-49.

Chairman Council closed the public hearing for Case P14-49.

MOTION: Commissioner Faircloth moved in Case P14-49 to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Board included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Chairman Council
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Faircloth moved in Case P14-49 to approve the rezoning from R10 to RR as recommended by the Planning Board and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Chairman Council
VOTE: UNANIMOUS (7-0)

Minimum Housing Code Enforcement

The clerk to the board administered an oath to Joey Lewis, Inspector for the County of Cumberland Inspection Department.

B. Case Number: MH 609-2014
Property Owner: Santos R. Arroyo
Property Location: 119 Trailwood Drive, Fayetteville, NC
Parcel Identification Number: 0436-01-5464

**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 609-2014.

Property Owner: Santos R Arroyo
Home Owner: Santos R Arroyo
Property Address: 119 Trailwood Drive, Fayetteville, NC
Tax Parcel Identification Number: 0436-01-5464

SYNOPSIS: This property was inspected on 5/13/2014. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 6/24/2014. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 7/24/2014. 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 10/9/2014, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, this structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$31,300.00. The Assessor for Cumberland County has the structure presently valued at \$21,311.00.

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

Mr. Lewis stated in its current state, the structure constitutes a fire and safety hazard, is occupied by vagrants and has been trouble for the Sheriff's Office. Mr. Lewis also stated there is an open septic system in violation of Environmental Health and the well is too close to the septic system to be re-permitted. Mr. Lewis stated there is no water to the dwelling and nothing has been done to the structure for a good while and it is a nuisance property.

Commissioner King asked how long the property had been vacant. Mr. Lewis responded two to three years in its present condition.

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

Chairman Council opened the public hearing.

The clerk to the board advised there were no speakers signed up to speak.

Mr. Lewis advised Santos Arroyo, the property owner, was present. Mr. Lloyd stated Mr. Arroyo needed assistance and he was not sure that Mr. Arroyo knew to sign in. Mr. Lewis stated Mr. Arroyo may be hearing impaired.

Commissioner Keefe asked Mr. Lewis whether there had been correspondence with the property owner throughout the process and whether he felt Mr. Arroyo understood. Mr. Lewis responded in the affirmative and stated he felt Mr. Arroyo understood. Commissioner Keefe asked Mr. Lewis how he communicated with Mr. Arroyo. Mr. Lewis responded communication was written. Mr. Lewis also stated Mr. Arroyo received all of the paperwork. Mr. Lloyd advised Mr. Arroyo was in the process of writing a response. Commissioner Keefe asked whether Mr. Arroyo had anyone with him at the meeting so communication might be easier. Mr. Lewis stated an individual who may be Mr. Arroyo's wife accompanied him to the meeting but was not present and staff had gone to see if they could find her.

Chairman Council asked that Item 3.B. MH 609-2014 be continued when the individual who accompanied Mr. Arroyo returned to the meeting. (See continuation as recorded below.)

C. Case Number: MH 634-2014
Property Owner: Ruby H. Parker Heirs
Property Location: 139 N. Grogg Street, Spring Lake, NC
Parcel Identification Number: 0511-27-1603

**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 634-2014.

Property Owner: Ruby H Parker Heirs
Home Owner: Ruby H Parker Heirs
Property Address: 139 N. Grogg Street, Spring Lake, NC
Tax Parcel Identification Number: 0511-27-1603

SYNOPSIS: This property was inspected on 5/29/2014. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 6/24/2014. Bill Parker attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 8/23/2014. 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 10/9/2014, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, this structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$54,978.00. The Assessor for Cumberland County has the structure presently valued at \$7,519.00.

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

Mr. Lewis stated the property owner has attempted to demolish the structure is attempting to salvage some of the timber.

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

Chairman Council opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Council closed the public hearing.

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

SECOND: Commissioner Faircloth

DISCUSSION: Commissioner King asked whether a hearing had been held along the way, whether the owner had been notified and whether the owner appeared. Mr. Lewis responded the owner appeared, was in the office earlier in the day and was in agreement with the demolition.

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

(See reconsideration of Item 3.C. Case Number: MH 634-2014 as recorded below.)

D. Case Number: MH 671-2014
Property Owner: Kenneth Mitchell May
Property Location: 4800 Monticello Avenue, Hope Mills, NC
Parcel Identification Number: 0413-65-8802

**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 671-2014.

Property Owner: Kenneth Mitchell May
Home Owner: Kenneth Mitchell May
Property Address: 4800 Monticello Avenue, Hope Mills, NC
Tax Parcel Identification Number: 0413-65-8802

SYNOPSIS: This property was inspected on 6/25/2014. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 8/5/2014. Kenneth May attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human, or be demolished and the debris removed from the premises by a date not later than 10/4/2014. 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 10/9/2014, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, this structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$70,560.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

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

Mr. Lewis stated the property is overgrown and the structure is unsecured.

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

Chairman Council opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Council 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 (7-0)

The clerk to the board administered an oath to Debra Johnson, Inspector for the County of Cumberland Inspection Department.

E. Case Number: MH 536-2014
Property Owner: Tina Brigman
Property Location: 2216 Yasmin Avenue, Fayetteville, NC
Parcel Identification Number: 0426-21-0295

**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 536-2014.

Property Owner: Tina Brigman
Home Owner: Tina Brigman
Property Address: 2216 Yasmin Avenue, Fayetteville, NC
Tax Parcel Identification Number: 0426-21-0295

SYNOPSIS: This property was inspected on 3/24/2014. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/30/2014. Tina Brigman 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 5/30/2014. 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 10/9/2014, no corrective action had been made to the structure. The structure is presently vacant and is unsecured. In its present state, this structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$43,577.00. The Assessor for Cumberland County has the structure presently valued at \$436.00.

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

Ms. Johnson stated this is an abandoned brick/cinder block structure that was used as a house, it is unsecured and the property owner signed consent for demolition because she said she has nothing to do with the property and the plumbing/wiring have been ripped out.

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

Chairman Council opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Council closed the public hearing.

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

VOTE: UNANIMOUS (7-0)

The clerk to the board administered an oath to George Hatcher, Inspector for the County of Cumberland Inspection Department.

F. Case Number: MH 593-2014
Property Owner: Kay Butts West
Property Location: 9699 E. Reeves Bridge Road, Linden, NC
Parcel Identification Number: 0554-43-2470

**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 593-2014.

Property Owner: Kay Butts West
Home Owner: Kay Butts West
Property Address: 9699 E Reeves Bridge Road, Linden, NC
Tax Parcel Identification Number: 0554-43-2470

SYNOPSIS: This property was inspected on 4/30/2014. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 5/29/2014. Kay Butts West attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 6/29/2014. 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 10/9/2014, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, this structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$29,400.00. The Assessor for Cumberland County has the structure presently valued at \$500.00 (Salvage Value).

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

Mr. Hatcher stated this case is a 1969 mobile home that has been vacant for several years, has rotten walls and unapproved electric.

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

Chairman Council opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Council 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 (7-0)

Commissioner King asked the Board to allow him to change his vote on the property in Spring Lake in Item 3.C. MH 634-2014.

MOTION: Commissioner Keefe moved to reconsider Item 3.C. MH 634-2014.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

Item 3.C. Reconsideration of Minimum Housing Case Number: MH 634-2014

MOTION: Commissioner Faircloth 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 Keefe

VOTE: UNANIMOUS (7-0)

Item 3.B. Continuation of Minimum Housing Case Number: MH 609-2014

Ms. Cannon stated it has been determined that the individual who accompanied Mr. Arroyo to the meeting was a neighbor who dropped him off at the courthouse and then left.

Commissioner Evans expressed concern that there was a communication problem and that Mr. Arroyo did not understand what was transpiring. Commissioner Evans stated he would like to delay the case until such time as Mr. Arroyo has someone with him to help him clearly understand.

Rick Moorefield, County Attorney, stated the Board should hear Mr. Arroyo's written response and then if the matter cannot be easily resolved, the Board could move the case to the next meeting so staff could be sure Mr. Arroyo had someone to accompany him to the meeting.

Chairman Council asked whether it was correct that no one attended the hearing the inspector held on June 24, 2014. Mr. Lewis concurred that no one attended the hearing, that Mr. Arroyo had been legally served all paperwork and that Mr. Arroyo appeared in their office after the hearing. Chairman Council asked Mr. Lewis whether he and Mr. Arroyo had been communicating. Mr. Lewis responded in the affirmative.

Commissioner Edge asked whether it was possible to rehabilitate the property. Mr. Lewis stated there is a current violation with the Health Department for an open septic system with a well that is located too close to the septic system. Mr. Lewis stated to his knowledge, there has been no communication between the Health Department and Mr. Arroyo to fix that violation which would definitely have to be remedied. Mr. Lewis stated there are also issues involving the structure.

Chairman Council stated the public hearing was still open and recognized Mr. Lloyd who read Mr. Arroyo's written comment as follows:

"The persons who made the complaint don't even live in the area. I know who they are, one is (.....and he names them). They have vandalized all my properties including my home and another property at 6404 Whitehall Drive. They caused around \$40,000 to \$50,000 damage that they reported. I bought the house to keep it away from prostitution and drugs."

Mr. Moorefield asked Mr. Lloyd whether this was the statement written by Mr. Arroyo and whether this statement was given to him directly just a few minutes ago. Mr. Lloyd responded in the affirmative. Mr. Lloyd stated when he asked Mr. Arroyo why he did not want the house demolished, his reply was "he pays taxes on it".

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

Chairman Council recognized Commissioner Evans who offered the following motion:

MOTION: Commissioner Evans moved to defer Case Number: MH 609-2014 to the next meeting to be sure Mr. Arroyo and the Board have a clear understanding before the Board proceeds with any action.

SECOND: Commissioner King

DISCUSSION: Commissioner Faircloth stated he supports the motion because he has concerns about the communication issue and whether Mr. Arroyo fully understands what is transpiring. Commissioner King stated he supports the motion, it is clear to him that Mr. Arroyo does not understand what is transpiring and that there should be further conversation and additional review.

Commissioner Keefe stated he feels assumptions are being made that Mr. Arroyo does not fully understand because of the manner in which he is communicating. Commissioner Keefe stated he feels Mr. Arroyo fully understands because in his written statement he names the persons who made the complaint and references paying taxes.

SUBSTITUTE MOTION: Commissioner Keefe moved to get the demolition on the books for 90-days and give Mr. Arroyo an opportunity to return to the Board should there be any changes.

SECOND TO SUBSTITUTE MOTION: Commissioner Edge

DISCUSSION: Mr. Lewis stated with reference to the cost, it would take approximately \$31,000 to rehabilitate the property, to include heating and air, which exceeds the 50% at approximately \$25 per square foot. Commissioner Keefe confirmed that Mr. Lewis' statement meant the property was not worth \$62,000 and would have to be brought up to current standards for \$31,000. Mr. Lewis responded in the

affirmative and stated at present, the Tax Assessor has the structure valued at \$21,311.

Mr. Lloyd clarified whether there would be an order in this case.

RESTATED SUBSTITUTE MOTION: Commissioner Keefe 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 TO RESTATED SUBSTITUTE MOTION: Commissioner Edge

DISCUSSION: Commissioner King asked if there was a way to ensure that someone would be available to assist Mr. Arroyo with communication. Chairman Council stated staff understand the expectations of the Board in this matter.

VOTE ON RESTATED SUBSTITUTE MOTION: PASSED (4-3) (Commissioners Edge, Council, Keefe and King voted in favor; Commissioners Evans, Melvin and Faircloth voted in opposition)

Mr. Lloyd confirmed the action taken in order to explain to Mr. Arroyo. Chairman Council stated the Board wants to be sure Mr. Arroyo clearly understands. Mr. Lewis stated when Mr. Arroyo came to the office, Mr. Hatcher spoke with him and he was informed to have someone at the meeting with him and Mr. Arroyo understood.

G. Consideration of Order to Close Woody Street, a/k/a Joseph Street

BACKGROUND:

On August 4, 2014, the Board received petitions from the owners of the five properties that front on Woody Street and made the statutory required findings to adopt a resolution of intent to close the road. It is an unimproved right of way established by a subdivision plat recorded in Plat Book 12 at page 5 on January 12, 1948. The right of way intersects with one large parcel that has frontage on another street. The owner of that parcel, Annette Miller (now Annette Autry) did not petition for closure and was separately notified of the Board's intent and of the public hearing.

Although the resolution adopted on August 4, 2014, called for this public hearing to be conducted on September 15, 2014, it was not placed on that agenda. The statutory required advertisement, posting, and notice to Ms. Miller were re-done with the public hearing noticed for the October 20, 2014, meeting.

Based upon his review of the plat prepared by Jimmy F. Cain, P.L.S., for the owners requesting closure, it is the opinion of the county attorney that no individual owning property in the vicinity of the road or in the subdivision in which it is located will be deprived of reasonable means of ingress and egress to his property.

RECOMMENDATION AND PROPOSED ACTION:

The county attorney recommends the Board conduct the public hearing to hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual property rights. Note that if any person speaks in opposition to the closure, the proposed order must be modified to reflect those comments. After conducting the public hearing, if the Board is satisfied that the closure is not contrary to the public interest and that no individual owning property in the vicinity of the road or in the subdivision in which it is located will be deprived of reasonable means of ingress and egress to his property, adopt the order of closure.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
ORDER CLOSING WOODY STREET, A/K/A JOSEPH STREET,
LOCATED IN PEARCES MILL TOWNSHIP PURSUANT TO G.S. 153A-241

At its regular meeting held August 4, 2014, the Board of Commissioners adopted a resolution of intent to close Woody Street, a/k/a Joseph Street, as requested by adjoining property owners, Amerco Real Estate Company; James Thompson, Jr.; Johnny Reece and wife, Ella Reece; D & M Enterprises, LLC; and James S. Thrash, and as described in the legal descriptions prepared by Jimmy F. Cain, PLS; and further calling for a public hearing on the question to be conducted at the Board's regular meeting on September 15, 2014.

Although notice of the public hearing to be held on September 15, 2014, was duly advertised, posted on Woody Street, and mailed to the one adjoining owner who did not petition for closure; the matter was not placed on the agenda of the Board's September 15, 2014.

The county attorney reports that no one attended the September 15, 2104, meeting to speak at the proposed hearing except a representative of Amerco Real Estate Company and the county attorney advised the company representative that the matter had not been placed on the agenda but would be placed on the agenda of the October 20, 2014, meeting.

After conducting the public hearing on October 20, 2014, the Board of Commissioners finds the following:

1. Notice of the public hearing on the question reasonably calculated to give full and fair disclosure of the proposed closing was published in the *Fayetteville Observer* once a week for three successive. The county attorney reported that the Publisher's Affidavit had not been received at the time the agenda for the October 20, 2014, meeting was published.
2. A copy of the resolution and notice of this public hearing was sent by registered or certified mail to each owner shown on the county tax records of property adjoining the portion of the public road to be closed who did not join in the request to have the road closed.
3. Notice of the closing and public hearing was prominently posted in at least two places along the road to be closed.
4. No one spoke in opposition to closing the road described herein at the public hearing.

Based on the foregoing findings of fact, the Board of Commissioners is satisfied that closing Woody Street, a/k/a Joseph Street, as described herein is not contrary to the public interest and no individual owning property in the vicinity of the road or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property.

The Cumberland County Board of Commissioners does hereby order that Woody Street, a/k/a Joseph Street, as described in the legal descriptions prepared by Jimmy F. Cain, PLS, and located in Pearces Mill Township, Cumberland County, be and is closed to public use.

It is further ordered that a certified a copy of this order shall be filed in the office of the register of deeds.

Adopted in regular meeting held October 20, 2014.

Mr. Moorefield reviewed the background information as recorded above and stated all of the statutory requirements to close this road have been completed and fully satisfied. Mr. Moorefield stated this portion of public road is in an unincorporated area near the intersection of Gillespie Street and Eastern Boulevard and the request for closure was brought about by Amerco Real Estate Company.

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

Chairman Council opened the public hearing.

The clerk to the board called the following speaker:

Jason Grider – Mr. Grider appeared in favor and stated he signed up to speak in the event there were any questions.

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

MOTION: Commissioner Edge moved that the Cumberland County Board of Commissioners does hereby order that Woody Street, a/k/a Joseph Street, as described in the legal descriptions prepared by Jimmy F. Cain, PLS, and located in Pearces Mill Township, Cumberland County, be and is closed to public use, with the order of closure to be recorded in the Register of Deeds.

SECOND: Commissioner Melvin
VOTE: UNANIMOUS (7-0)

ITEMS OF BUSINESS

4. Presentation on Ebola Planning and Preparedness

BACKGROUND:

At the request of county management, a presentation and update will be provided regarding Ebola, community efforts and preparedness readiness.

RECOMMENDATION/PROPOSED ACTION:

Accept and receive the presentation.

James Lawson, Deputy County Manager, called on Rodney Jenkins, Department of Public Health Assistant Director, who recognized Dr. Tran-Phu, Department of Public Health Medical Director, and representatives from Emergency Services and City of Fayetteville who had been involved in recent discussions on Ebola planning and preparedness.

Mr. Jenkins stated the 3015 Ebola epidemic is the largest in history affecting multiple countries and West Africa. Mr. Jenkins stated as of October 15, 2014, there are 8,973 cases of Ebola in West Africa with 4,493 deaths. Mr. Jenkins stated the number of cases is doubling approximately every twenty days. Mr. Jenkins stated on September 30, 2014, the Center for Disease Control (CDC) confirmed the first travel-associated case of Ebola to be diagnosed in the U. S. and the patient died on October 8, 2014. Mr. Jenkins stated the CDC also announced on October 8, 2014 that enhanced Ebola screening will start at various airports and there will be a new traffic program for all people entering the U. S. from Ebola-affected areas. Mr. Jenkins stated two additional healthcare workers with direct links to the patient who died tested positive for Ebola. Mr. Jenkins stated a focus on persons who resided in or traveled to a country with widespread Ebola transmission rather than an Ebola-affected area has commenced.

Mr. Jenkins stated N. C. has been preparing for this since late July 2014; two people affected by Ebola have strong ties to N. C.

Mr. Jenkins reviewed the role of the Public Health Department and stated the generic posters that have been shared with medical providers ask patients to consider any international travel is their past. Mr. Jenkins stated information has been shared by Public Health since late July or August, Public Health staff are available at all times to respond to questions from the general public and partners, and there is one person dedicated to phone triage for Ebola.

Mr. Jenkins stated recent coordinated conference calls have included partners in the hospital, emergency management, emergency medical services, Cumberland County Schools and others

due to the need to ensure consistent and timely information exchange. Mr. Jenkins referenced the Public Health Department website and its direct links to DHHS and the N. C. Division of Public Health and stated the Ebola information hotline is 1-800-222-1222.

Mr. Jenkins stated the Public Health Department partners with the following and all of the partners have met in some method in the spirit of preparedness:

- State - Division of Public Health
- Federal - Centers for Disease Control
- Cape Fear Valley Hospital System
- Emergency Medical Services
- Emergency Management
- Sheriff's Office
- Fayetteville Police and Fire Departments
- Cumberland County School System
- Fort Bragg
- Womack Army Hospital
- Veterans Administration Hospital

Mr. Jenkins stated all hazardous response plans as they pertain to Cumberland County and the donning and removing of personal protective equipment is continuously reviewed, investigative training was conducted on October 4, 2014 and a tabletop exercise is planned for Ebola as it relates to the Public Health Department. Mr. Jenkins stated the N. C. State Lab is training individuals to become certified lab packaging specialists for highly contagious specimens. Mr. Jenkins stated the Public Health Department has participated in seven conference calls and webinars since October 8, 2014.

Mr. Jenkins stated daily disease monitoring is conducted through the CDC, N. C. Department of Public Health and the news/media; Public Health is working with other Health Departments throughout N. C. and shares guidance to medical and provider listservs, doctors' offices, urgent care centers, colleges and universities, school districts and the military. Mr. Jenkins stated the Public Health Department's epidemiology team has been meeting weekly and there is a newly established Ebola conference call that has been extended to community partners. Mr. Jenkins stated Cumberland County is prepared. Mr. Jenkins stated there are no cases currently in North Carolina and if symptomatic, please call your doctor or the local health department.

Mr. Jenkins and Dr. Tran-Phu responded to questions. Dr. Tran-Phu confirmed there was no Ebola vaccine available at this time.

5. Nomination and Appointment to Boards and Committees

A. Jury Commission (1 Vacancy)

Commissioner Edge nominated Ashley Hankins and Chairman Council nominated Steve Harper.

MOTION: Commissioner Edge moved to appoint Ashley Hankins and Steve Harper as an alternate.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

6. Appointments to Boards and Committees

A. Cumberland County Library Board of Trustees (2 Vacancies)

Nominees: Paige W. Ross

Brian J. Tyler

B. Nursing Home Advisory Board (2 Vacancies)

Nominees: Tom Lloyd (Reappointment)

Clyde Hammond (Reappointment)

There being an equal number of vacancies and nominees,

MOTION: Commissioner Edge moved to appoint by acclamation all nominees to their respective positions.

SECOND: Chairman Council

VOTE: UNANIMOUS (7-0)

7. Closed Session – A) Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6)

MOTION: Commissioner Edge moved to go into closed session for Personnel Matter(s) pursuant to NCGS 143-318.11(a)(6).

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

MOTION: Chairman Council moved to reconvene in open session.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Faircloth moved to adjourn.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 8:30 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board