

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MONDAY, APRIL 18, 2016 – 6:45 PM  
117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118  
REGULAR/REZONING MEETING  
MINUTES

PRESENT: Commissioner Marshall Faircloth, Chairman  
Commissioner Glenn Adams, Vice Chairman  
Commissioner Jeannette Council  
Commissioner Kenneth Edge  
Commissioner Charles Evans  
Commissioner Jimmy Keefe  
Commissioner Larry Lancaster  
Amy Cannon, County Manager  
James Lawson, Deputy County Manager  
Melissa Cardinali, Assistant County Manager  
Tracy Jackson, Assistant County Manager  
Rick Moorefield, County Attorney  
Sally Shutt, Governmental Affairs Officer  
Vicki Evans, Finance Director  
Buck Wilson, Public Health Director  
Joe Utley, Tax Administrator  
Jeffrey Brown, Engineering and Infrastructure Director  
Scott Walters, Code Enforcement Manager  
Candice H. White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Chairman Faircloth called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Council provided the invocation followed by the Pledge of Allegiance to the American flag led by Thomas Bicker, Brendan Blue, William Swinford and Nolan Wristler of Cub Scout Troop 740 from Haymount United Methodist Church.

Chairman Faircloth recognized Boy Scout Troop 747 from St. James Lutheran Church and their Troop Leader Michael Rossman.

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

Ms. Cannon read the public comment policy. Chairman Faircloth recognized the clerk to the board who called the following speakers:

Christopher Mitchell – Mr. Mitchell appeared representing the Joint Appearance Commission and its 8<sup>th</sup> Annual Community Appearance Awards Program. Mr. Mitchell stated the purpose of the program is to recognize properties in Cumberland County that are improving the appearance of the community. Mr. Mitchell reviewed the award categories, the ways to submit a nomination and invited the Board to attend the summer awards ceremony.

Scott Terry – Mr. Terry expressed concern about an issue involving water runoff resulting from a development that was constructed six to seven years ago in his general residential area. Mr. Terry stated he lives at the bottom of a hill on a cul-de-sac and although he is not opposed to the zoning case on the agenda, water runs down the hill into two retention ponds in his backyard.

Chairman Faircloth asked Mr. Terry to defer further comments about zoning Case P15-59 until the public hearing was conducted under Item 3.A.

Recognition of Cumberland County Board of Health on being awarded Outstanding Board of Health of the Year by the Association of North Carolina Boards of Health for their leadership in public health accomplishments.

Commissioner Council recognized the Cumberland County Board of Health for having been named the Outstanding Board of Health of the Year by the Association of North Carolina Boards of Health for their leadership in public health accomplishments. Commissioner Council stated the award was presented to 2015 Board of Health Chair Chris Frank on January 20 at the State Health Director's Conference in Raleigh. Commissioner Council stated throughout the 2015 year, the Board of Health focused on areas in legislative/government, collaborations/partnerships, innovation, health department activities, and volunteer efforts to support public health efforts throughout the Cumberland County community and to strengthen the Cumberland County Department of Public Health and its efforts to create a healthy community for everyone. Chris Frank, Dr. Vikki Andrews, Barbara Stelly and Dr. Connette McMahon were present representing the Board of Health. Buck Wilson, Public Health Director, was also present.

Recognition of Outgoing Board Members:

Marion Frances Gillis-Olion - Cape Fear Valley Health System Board of Trustees  
Jennifer Twaddell - Cape Fear Valley Health System Board of Trustees

On behalf of the Board of Commissioners, Commissioner Edge recognized Marion Frances Gillis-Olion and Jennifer Waddell for their service on the Cape Fear Valley Health System Board of Trustees. Commissioner Edge presented a Certificate of Appreciation to Ms. Olion and Ms. Waddell.

1. Approval of Agenda

MOTION: Commissioner Edge moved to approve the agenda.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

Commissioner Adams requested the removal of Item 2.F. from the consent agenda for separate discussion and action.

2. Consent Agenda

A. Approval of minutes for the April 4, 2016 regular meeting

B. Approval of Ordinance Assessing Property for the Costs of Demolition:

1) Case Number: MH 1110-2015  
Property Owner: Carla Frances Gibson  
Property Location: 5348 Chicken Foot Road &  
2787 McCall Road, St. Pauls, NC  
Parcel Identification Number: 0339-06-9237

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 1110-2015  
PROPERTY OWNER: Carla Frances Gibson

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on November 16, 2015, enacted an ordinance directing the demolition by the owner of the structure Carla Frances Gibson, located at 5348 Chicken Foot Road & 2787 McCall Road, St Pauls, NC, PIN: 0339-06-9237, said ordinance being recorded in Book 9765, page 0317 , 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 \$3,445.00.
- (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 \$3,445.00, 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 November 16, 2015, 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 5348 Chicken foot Road & 2787 McCall Road, St Pauls, NC, as described in Deed Book 6088, page 0641, of the Cumberland County Registry and identified in County tax records as PIN 0339-06-9237.

(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 1023-2015
Property Owner:	Stacy L. & Ernestine Carthon
Property Location:	4813 Battery Court, Hope Mills, NC
Parcel Identification Number:	0433-77-9399

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 1023-2015  
PROPERTY OWNER: Stacy L. & Ernestine Carthon

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on November 16, 2015, enacted an ordinance directing the demolition by the owner of the structure Stacy L. & Ernestine Carthon, located at 4813 Battery Court, Hope Mills, NC, PIN: 0433-77-9399, said ordinance being recorded in Book 9765, page 0311 , 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 \$2,645.00.
- (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 \$2,645.00, 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 November 16, 2015, 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 4813 Battery Court, Hope Mills, NC, as described in Deed Book 4269, page 182, of the Cumberland County Registry and identified in County tax records as PIN 0433-77-9399.

(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 1085-2015
Property Owner:	Tonto Morrison
Property Location:	3523 Cumberland Road, Fayetteville, NC
Parcel Identification Number:	0416-90-6039

ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
OF DEMOLITION OF A STRUCTURE PURSUANT TO  
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
CASE NUMBER: MH 1085-2015  
PROPERTY OWNER: Tonto Morrison

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on November 16, 2015, enacted an ordinance directing the demolition by the owner of the structure Tonto Morrison, located at 3523 Cumberland Road, Fayetteville, NC, PIN: 0416-90-6039, said ordinance being recorded in Book 9765, page 0308, 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 \$3,544.00.
- (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 \$3,544.00, 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 November 16, 2015, 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 3523 Cumberland Road, Fayetteville, NC, as described in Deed Book 2708, page 203, of the Cumberland County Registry and identified in County tax records as PIN 0416-90-6039.

(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.

C. Approval of Cumberland County Facilities Committee Report and Recommendations:

1) Budget Revision for Critical CIP Projects for the Crown Center Complex

BACKGROUND:

In the Capital Improvement Plan that was adopted along with the budget in June of 2015, there was a list of repair/replacement projects that were identified for fiscal year (FY) 2016 for the Crown Center Complex. These projects were not funded in the current FY 2016 budget.

The following four projects recently changed in priority and have become critical safety issues for the facility that must be addressed sooner in the Capital Improvement Plan:

1.	Upgrade radio system in Coliseum	\$142,000
2.	Upgrade camera system at Coliseum	\$100,000
3.	Repair washouts around the Coliseum	\$75,000
4.	Re-caulk interior floor expansion joints in Coliseum	\$15,000

A budget revision in the amount of \$332,000 has been presented for the Board's approval. Funds from the Prepared Food & Beverage Tax have been identified to address these critical needs for the Coliseum.

This was presented and approved by the Facilities Committee on April 7, 2016.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director, County Management and the Facilities Committee recommend that the Board of Commissioners approve budget revision B16-225/B16-225A.

2) Architect for Winding Creek Renovations

BACKGROUND:

The Board of Commissioners approved a contract with Alliance Behavioral Healthcare on February 1, 2016 involving interior renovations for the County owned facility located at 711 Executive Place. Alliance Behavioral Healthcare has agreed to pay for the design work, construction of improvements and any office furnishings for the renovated space. This project is estimated to cost approximately \$1.3 million. Per the contract, the County is responsible for obtaining the services of a qualified architect to complete the necessary design work associated with the renovation.

The Engineering & Infrastructure Department selected SFLA Architects from the list of professional service consultants that the Board of Commissioners approved on December 3, 2015. This firm completed the initial design of the Winding Creek Office Building

and managed the renovation project after the County purchased this facility. SFLA Architects has proposed a cost of \$101,400 for the necessary professional services required to complete this project.

This was presented and approved by the Facilities Committee on April 7, 2016.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director, County Management and the Facilities Committee recommend that the Board of Commissioners approve the Professional Services Agreement with SFLA Architects for the renovations to the Winding Creek Facility located at 711 Executive Place.

- 3) Bid Award to Hayes, Inc. for Exterior Wall Repairs at the Central Maintenance Facility

BACKGROUND:

Informal bids were received on March 29, 2016 for exterior wall repairs at the Central Maintenance Facility (CMF) located at 426 Mayview Street. The existing exterior panels have rusted through on the bottom and the paint has been peeling off the panels for years. This project will also include repairs to some of the steel structure that has significant rust damage in isolated areas.

A certified bid tabulation from Fleming & Associates is below:

Contractor	Add. #1	Base Bid	Add Alt. #1 22 gauge panels	Add Alt. #2 Re-paint canopy	Add Alt. #3 Replace canopy panels
Hayes, Inc.	X	\$ 123,500.00	\$ 4,727.00	\$ 9,041.00	\$ 9,991.00
Jacobs Construction	X	\$ 208,877.00	\$ 3,274.00	\$ 11,885.00	\$ 22,932.00
JDM Roofing					
M&E Contracting, Inc.	X	\$ 212,694.00	\$ 3,105.00	\$ 9,000.00	\$ 12,000.00
Shaw Construction	X	\$ 188,900.00	\$ 3,240.00	\$ 16,744.00	\$ 25,375.00
Triangle Roofing Services					

The lowest base bid was submitted by Hayes, Inc. in the amount of \$123,500. In addition to the base bid, prices were also received on the following alternates:

Alternate #1	22 gauge wall panels	\$4,727.00
Alternate #2	Re-paint canopy	\$9,041.00
Alternate #3	Replace canopy panels	\$9,991.00

It is recommended that alternate #3 be awarded in conjunction with the base bid. A budget revision in the amount \$24,000 has been presented for the Board’s approval.

This was presented and approved by the Facilities Committee on April 7, 2016.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director, County Management and the Facilities Committee recommend that the Board of Commissioners accept the bids for the Cumberland County Central Maintenance Facility Exterior Wall Repairs Project and award a contract to Hayes, Inc. in the amount of \$133,491.00 and approve the associated budget revision B16-230/B16-230A.

- D. Approval of Cumberland County Finance Committee Report and Recommendations:

1) Request to Establish New Position in Gun Permits Division of the Sheriff's Office

**BACKGROUND:**

A request was submitted from the Sheriff's Office at the April 7, 2016 Finance Committee to add a new Admin Support Specialist in the Gun Permits Division, due to an increase in the volume of permits. The FY2016 budget for concealed weapon permits and ID fees total \$310,000 and \$318,157 has been collected to date.

The Finance Committee approved the request to add the new position and to fund the position in this fiscal year from the concealed weapons permit fees collected in excess of the budget.

**RECOMMENDATION/PROPOSED ACTION:**

Approve the recommendation of the Cumberland County Finance Committee and the associated budget revision B16-234.

2) Request for Additional County Funding for Jail Health Program

**BACKGROUND:**

On April 7, 2016, the Finance Committee approved a request from Public Health Director Buck Wilson to appropriate County fund balance and transfer lapsed salaries to cover jail health expenditures projected through the end of the year. The combined total is \$473,917.

Mr. Wilson presented factors contributing to the over-expenditure of their Jail Health budget, including challenges in maintaining sufficient staffing levels needed to administer their 24-hour jail health program. Contract nurses have been utilized to fill in during staff shortages and to provide training to new employees. The cost for the contract nurses exceeds the amount budgeted for salaries. In addition to these costs, the amount of overtime paid to County staff will exceed the amount of overtime funds budgeted for this fiscal year.

Another factor contributing to the shortfall in the Jail Health budget was this year's cost increase for private medical care at hospitals and specialty providers. He indicated that these costs are unpredictable and fluctuate according to the severity of the medical issues of the inmates. The amount budgeted for these costs was based on last year's expenditures. Unfortunately, the number and severity of illnesses have increased this fiscal year and are therefore projected to exceed the budget.

Moving forward, Mr. Wilson will be working with his staff to assess their staffing model to better organize coverage during peak periods and in response to priority health concerns. This will include a plan to reduce the staffing of temporary nurses. Mr. Wilson also plans to improve internal controls to better manage staffing costs, while also meeting the healthcare demands in the Detention Center. In addition, the upcoming budget request includes an increase to these line items with the hopes of avoiding a future shortfall.

**RECOMMENDATION/PROPOSED ACTION:**

The Finance Committee recommends approval of the Health Department's request and associated budget revisions B16-228 to appropriate County fund balance in the amount of \$346,299 and transfer of \$127,618 of accumulated lapsed salaries from other Health Department programs to support additional Jail Health expenditures anticipated during Fiscal Year 2016.

3) Recommended Changes from the City Council to the Interlocal Agreement Between Cumberland County and the City of Fayetteville to Address Homelessness

**BACKGROUND:**

Both the City and County adopted strategic plans in 2015 to address homelessness, and both governing bodies indicated that working cooperatively to reduce homelessness in

our community was a priority. City and County staff jointly developed an Interlocal Agreement, which the Board of Commissioners approved on November 16, 2015, and forwarded to the City Council for consideration at its November 23, 2015, regular meeting. This item was discussed and tabled at various meetings and work sessions of the City Council in the ensuing months. Council approved an amended agreement and proposal on February 22<sup>nd</sup>, and returned it to the County for further consideration.

Staff brought the information to the Finance Committee this month and recommended a different course of action in light of recently proposed changes to the local Continuum of Care (CoC). The CoC is seeking to transition from an advisory board to a non-profit provider of services for the homeless. Since this is the case, it may be more appropriate for the City and County, as funding partners, to develop the strategy to address homelessness moving forward. It was the consensus of the Finance Committee to seek a meeting with City Staff in order to further discuss and develop a clear strategy for addressing homelessness. As these events unfold, Cumberland County Community Development will continue to provide services to the homeless as outlined below:

1. Safe Homes for New Beginnings: Through partnership, this program provides permanent supportive housing (five units) and case management services to single adults who are homeless and have a substance abuse disorder. For the program year (Nov. 1, 2014 – Dec. 31, 2015), this program has served eight homeless individuals.
2. Robin's Meadow Transitional Housing Program: This is a 12-unit transitional housing program for homeless families where they are allowed to stay for up to 24 months to receive case management services that will help them become self-sufficient. Currently, 38 individuals are being served. Since June 1, 2015, seven families have exited the program and all seven families (21 individuals) became self-sufficient to where they were able to move on to permanent housing.
3. Care Center Transitional Housing Program: Last year, Cumberland County Community Development took over as grantee for this transitional housing program for families fleeing from domestic violence. We currently are serving 11 families. These families are able to stay in the program for up to 12 months and work with a case manager to become self-sufficient. Since May 2015, we have moved six families to permanent housing.
4. Projects for Assistance in Transition from Homelessness: Since July 1, 2015, the PATH team has provided financial assistance (either security deposit or utility deposit) to approximately 93 individuals. In addition to housing, the main goal of the program is to connect them to mental health services. The PATH Team also consists of a Peer Support Specialist that actually conducts street outreach to connect those living in places not meant for habitation to services that will help move them into a stable environment.
5. Emergency Solutions Grant: As recipient of ESG, CCCD partners with other providers in the community to provide shelter for individuals / families and rapid re-housing and homeless prevention services. Last fiscal year, we served 27 households for homelessness prevention and 15 households for rapid re-housing.

The Finance Committee unanimously approved the recommendation to begin recruitment of the Data Evaluation Analyst position.

#### REVISED RECOMMENDATION/PROPOSED ACTION:

Staff recommends:

- Taking no action regarding the proposed Interlocal Agreement, but beginning discussions with the City regarding strategic goals to address homelessness in Fayetteville and Cumberland County.
- Jointly developing a comprehensive strategy to reduce homelessness and identify a formal structure for implementation.
- Approval to hire the Data & Evaluation Analyst position as soon as possible in order to fully implement the HUD-required Homeless Management Information System (also known as "HMIS").



4) Request to Establish a Juvenile Crime Prevention Council (JCPC) Coordinator Position

**BACKGROUND:**

Cumberland County partners with the NC Department of Public Safety (NCDPS) to fund a local Juvenile Crime Prevention Council (JCPC). This partnership is part of a strategy by the NCDPS to mobilize communities to create a multi-disciplinary continuum of care that includes prevention programs for children, early intervention for juvenile offenders, and graduated sanctions for repeat offenders.

Currently all JCPC activities are funded through State and County dollars. Cumberland County has also chosen to fund a JCPC Coordinator position through Cumberland County CommuniCare. While the programs are funded 25% County / 75% State, the County funds 100% of the Coordinator position.

Under the current arrangement, the JCPC Coordinator is an employee of CommuniCare; however, the County has total fiduciary responsibility for both local and State dollars in the JCPC program. This arrangement does not allow for alignment of fiduciary responsibility with staff accountability. Additionally, creating a position for JCPC coordination within the County allows flexibility regarding expansion of position duties.

The creation of this position now (April) will allow the recruitment process to begin immediately and have the position filled in July for the start of the fiscal year.

**RECOMMENDATION/PROPOSED ACTION:**

The Finance Committee approved establishing a JCPC Coordinator position within the Cumberland County Finance Department effective immediately and to cease funding the position through CommuniCare effective July 1, 2016.

5) Request for Contract Modification for FY2016 Audit and Three-Year Extension Proposal

**BACKGROUND:**

This item was presented to the Finance Committee on April 7. The Committee's recommended action is recorded below.

During fiscal year 2016, the County is implementing a new financial software system and developing a new chart of accounts. This change was not originally contemplated in the scope of work for the fiscal year 2016 audit. However, these changes will cause additional work on the part of the auditors. As a result, Cherry Bekaert has requested an additional \$10,000 fee for report conversion for the fiscal year 2016 financial audit.

Although Cherry Bekaert will be charging the additional fee for the fiscal year 2016 audit, they have provided the County with an opportunity to recoup that fee if or when the County agrees to a three-year contract extension for fiscal years 2017, 2018 and 2019. If the County chooses to accept the extension, Cherry Bekaert will refund the \$10,000 fee for report conversion over the three years by reducing the quoted fee by \$4,000, \$3,000 and \$3,000 for each of the three years, respectively.

Cherry Bekaert has provided several different fee options for consideration over the three years. All options include pricing for report writing and financial and single audit work. A credit for internal audit work is shown in options two and three. An additional credit for report writing being performed by the County is shown under option three. Once the new financial software is fully implemented, the County will be prepared for the report writing function and is already equipped to utilize internal audit staff to complete audit work hours, thereby able to maximize the credit options beginning with the fiscal year 2017 audit.

From the options provided, the most feasible option by fiscal year is summarized in the table below:

	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>
	(option 2)	(option 3)	(option 3)	(option 3)
Report writing	\$21,500	\$21,500	\$22,000	\$22,500
Financial & single audit	101,000	95,125	97,650	99,250
Report conversion	10,000	-	-	-
Less: Use of Internal Auditor (235 hours)	(21,000)	(21,000)	(21,500)	(22,000)
Less: All report writing performed by County	-	(15,000)	(15,500)	(16,000)
Less: Recoup report conversion fee	-	(4,000)	(3,000)	(3,000)
Total audit fee - County	<u>\$111,500</u>	<u>\$76,625</u>	<u>\$79,650</u>	<u>\$80,750</u>

In addition, as part of the continuation period, a portion of the hours will again be sub-contracted out to a local minority firm, Willie Cooper, Jr., CPA. The Fayetteville Cumberland County Economic Development Corporation audit and financial statement will be considered separately by the FCCEDC Board.

#### RECOMMENDATION/PROPOSED ACTION:

Accept the additional \$10,000 fee for report conversion for the fiscal year 2016 audit under option two; engage Cherry Bekaert to perform the annual audit for Cumberland County for fiscal years 2017, 2018 and 2019 under option number three; and, require staff to conduct an RFP for audit services before the expiration of the fiscal year 2019 Cherry Bekaert audit contract.

#### E. Approval of Cumberland County Policy Committee Report and Recommendations:

##### 1) Revision to the Pre-Employment Background Check Procedures

#### BACKGROUND:

In September 2011, the Board of Commissioners approved the Policy Committee's recommendation to "ban the box," i.e. remove the question from the employment application that asked applicants about criminal convictions. In addition, a comprehensive pre-employment background check policy was implemented. The Ban the Box Initiative was proposed in an effort to ensure that all applicants received equal consideration for an interview based on their job qualifications.

As part of the revised recruitment process, a supplemental application was created for completion by applicants selected for interview. This form requires candidates to acknowledge several job requirements prior to their participation in an interview. In addition, the form asks candidates about criminal convictions.

The intent of including the question on the supplemental application was to facilitate conversation during the interview about convictions in relation to the respective job requirements. However, we recently became aware of candidates expressing concerns about the question being included on this form; further that the perception is that we have in essence not "banned the box" from the application process.

To address this concern, staff recommended a revised Supplemental Application to the Policy Committee at its April 7, 2016 meeting. The Committee approved the revisions, which included:

- renaming the form from "Supplemental Application" to "Candidate Acknowledgement Form"
- removing the question that asks candidates about criminal convictions
- including an acknowledgement that a criminal background check will be conducted prior to consideration for hire.

RECOMMENDATION/PROPOSED ACTION:  
The Policy Committee recommends approval of the revisions to the Supplemental Application/Candidate Acknowledgment Form as noted above and recorded below.

CUMBERLAND COUNTY  
CANDIDATE ACKNOWLEDGMENT FORM  
(To be completed by candidate prior to the interview)

- 1. POSITION DESCRIPTION: I have read the attached job description of the position for which I am interviewing and understand the duties and responsibilities of the job. Yes \_\_\_\_No\_\_\_\_ Initial \_\_\_\_
- 2. JOB VACANCY NOTICE: I have read the attached job vacancy notice and acknowledge the salary of the position for which I am interviewing. Yes \_\_\_\_ No \_\_\_\_ Initial \_\_\_\_
- 3. FITNESS FOR DUTY: Can you perform the duties of this position? Yes\_\_\_\_ No \_\_\_\_ Initial \_\_\_\_
- 4. SAFE DRIVING POLICY is for all County employees who will be operating motor vehicles for Cumberland County. Employees who will be operating motor vehicles for Cumberland County shall have or obtain within 30 days a valid North Carolina Driver’s License.

If this position requires driving a vehicle as a condition of employment and you are selected for this position, a review of your driving record will be conducted to determine if you have a safe driving record. A non-safe driving record means you cannot be employed by Cumberland County for a position that requires driving as a condition of employment.

I understand the above statements concerning driving and a safe driving record. I understand the insurance carrier for Cumberland County does conduct periodic driving record reviews of all employees. I further understand that if I am hired, I must immediately report all convictions for moving violations and my involvement in all vehicle accidents to my supervisor and any license revocation (including a pre-conviction revocation on a DWI charge) within three (3) days of receiving the conviction.

I agree to abide by the requirements as stated above and understand that failure to do so may lead to disciplinary action, including termination of my employment. Yes \_\_\_\_No\_\_\_\_ Initial \_\_\_\_

I have a current, valid North Carolina driver’s license. Yes \_\_\_\_No\_\_\_\_ Initial \_\_\_\_

Please describe any moving violation convictions within the last three (3) years in regards to your driving record:  
\_\_\_\_\_  
\_\_\_\_\_

- 5. CERTIFICATION/LICENSURE REGISTRATION (other than driver’s license): I understand that all licensed, certified, or registered staff are required to maintain current licenses, registration, and/or certification where required by law. Failure to do so will result in immediate termination of employment. Initial \_\_\_\_

List your name as it appears on licenses, registrations, certifications.

First:\_\_\_\_\_ MI:\_\_\_\_\_ Last:\_\_\_\_\_

List all states/territories in which you are now or have been registered, licensed, and/or certified:

STATE	TO PRACTICE AS	REGISTRATION NO.	EXPIRATION
_____	_____	_____	_____
_____	_____	_____	_____

- 6. INVOLUNTARY SEPARATION: Have you ever been involuntarily separated from a position? If yes, please describe below. Yes \_\_\_\_No\_\_\_\_ Initial \_\_\_\_  
  
NOTE: An involuntary separation from a position does not automatically mean you cannot be employed. The nature of the separation and how recent it occurred are considered.  
\_\_\_\_\_  
\_\_\_\_\_
- 7. EMPLOYMENT REFERENCES: I understand that employment references will be conducted on candidates who progress to the final screening stage of the hiring process. Candidates with previous military experience are required to submit a copy of your DD-214 (long form) which is accepted as one of your employment references. Initial \_\_\_\_
- 8. PRE-EMPLOYMENT BACKGROUND CHECK: I understand that a pre-employment background check will be conducted on candidates who progress to the final screening stage of the hiring process. The

information collected, as part of the background check, may include a criminal history, motor vehicle record, sexual offender registry and credit history. Various inquiries will be conducted based on business necessity as relevant to assigned duties of the position. Any issues that are pertinent to this position should be addressed at the time of interview. Initial \_\_\_\_\_

*A conviction does not automatically mean the candidate will not be offered employment. The nature, recentness, and relevance of any convictions or violations, as they relate to the position, will be taken into consideration when evaluating a candidate for employment.*

9. DRUG SCREENINGS: I understand that if I am selected for a position with Cumberland County, the offer is contingent on a drug screening test and receipt of negative results. This is required for all positions with Cumberland County. Initial \_\_\_\_\_

10. PROBATIONARY APPOINTMENT: I understand that candidates hired for a permanent position with Cumberland County must serve a probationary period. This provides the time for effective adjustment of the new employee or termination of those whose performance does not meet acceptable standards. The length of the probationary period is 12 months of either full-time or part-time employment. For employees at Department of Social Services and Public Health the probationary period is two (2) years. Initial \_\_\_\_\_

An employee with a trainee appointment is expected to make satisfactory progress, but is not permanent until he/she has completed the training period. Initial \_\_\_\_\_

11. TRAINEE APPOINTMENT: I understand that a new employee is placed in a trainee status if they do not meet the full qualifications for the position. The trainee salary will not be adjusted to the minimum of the range for the classification until the employee meets all education and experience requirements for the appointment. Initial \_\_\_\_\_

12. OFFICIAL TRANSCRIPTS: I understand that if selected for a position with degree qualifications, I must provide an official transcript of my college degrees within 90 days of hire. Official transcripts must come directly from the college or university. Initial \_\_\_\_\_

13. SECONDARY/OUTSIDE EMPLOYMENT: I understand that all outside employment for salary, wages, commissions, and all self-employment must be reported to and approved by the Department Director in writing. Conflicting outside employment may be grounds for disciplinary action up to and including dismissal. For further information, see the Code of Ethics section 210 on Outside Employment.

Are you currently employed? Yes \_\_\_\_No\_\_\_\_ Initial \_\_\_\_\_ Full time \_\_\_\_ Part time \_\_\_\_

If you are currently employed, do you plan to leave that employment if offered a position with Cumberland County? Yes \_\_\_\_No\_\_\_\_ Initial \_\_\_\_\_

If no, please explain: \_\_\_\_\_

ADVISORY NOTE: A false statement or a failure to provide all relevant information may be grounds for not hiring you; or if discovered after you begin work, may lead to disciplinary action, up to and including termination of employment.

CERTIFICATION: I certify to the best of my knowledge and belief that all of my statements are true, correct, complete, and are in good faith. I have answered all questions and taken note of all information relayed to me. I have not omitted any information relative to any employment I have held, either paid or unpaid. If I am selected and hired, I will comply with requirements as stated above.

\_\_\_\_\_  
APPLICANT SIGNATURE DATE

As the supervisor of this position, I have reviewed the pre-interview questions completed by this candidate and all questions have been initialed and completed.

\_\_\_\_\_  
SIGNATURE OF SUPERVISOR DATE

F. Pulled for separate discussion and action as recorded below.

G. Approval of Department of Social Services Request for Payment of Prior Year Invoice to Guilford County for Cremation Services

BACKGROUND:  
The Department of Social Services is requesting payment of \$450 to Guilford County Department of Health and Human Services for a fiscal year 2015 invoice for the cremating of a Cumberland County resident. The resident/client was hospitalized in

Guilford County at the time of his death. Because the deceased is a resident of Cumberland County, DSS is responsible for the cremating expenses. Funds can be absorbed within the current year budget.

**RECOMMENDATION/PROPOSED ACTION:**

Management is requesting approval to pay the prior year payment request of \$450.

- H. Approval of Sheriff's Office request for Payment of Prior Year Invoice to SFA Fire Protection, Inc.

**BACKGROUND:**

The Sheriff's Office is requesting payment of \$800 to SFA Fire Protection, Inc. for a fiscal year 2015 invoice. The invoice was submitted timely but had been incorrectly paid to the wrong vendor. That check was returned and voided but the correct payment was never issued. Funds can be absorbed within the current year budget.

**RECOMMENDATION/PROPOSED ACTION:**

Management is requesting approval to pay the prior year payment request of \$800.

**I. Budget Revisions:**

**1) Public Utilities**

Revision in the amount of \$30,000 to allocate funds for the purchase of utility billing software from Tyler Munis. This will make the business process of utility collection and financial practice more efficient. (B16-233) Funding Source – Water and Sewer Fund Balance Appropriated

**MOTION:** Commissioner Adams moved to approve consent agenda items 2.A. – 2.I.1) with the exception of Item 2.F. as pulled for separate discussion and action.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS (7-0)

- 2.F. Approval of the Sale of Surplus Properties to the City of Fayetteville – 513 Link Street, 601 Link Street and 512 School Street

**BACKGROUND:**

The City of Fayetteville has requested the County to sell three residential lots in the B Street area to the City. The lots were acquired by the City and County at tax foreclosure sales and have been held jointly. 513 Link Street and 610 Link Street have already been declared surplus and are on the surplus list. 512 School Street was acquired in 2008 but was never placed on the surplus list. The City has offered what the County paid for the lots as reflected in the Property Tax Statements as recorded below. The total for each lot is as follows:

513 Link Street	\$ 4,137.50
601 Link Street	\$ 4,236.62
512 School Street	\$ 2,438.64

G.S. 160-274 provides that cities and counties may convey real property to other cities or counties with or without consideration and without being subject to the advertisement and upset bid process.

**RECOMMENDATION/PROPOSED ACTION:**

County attorney recommends the Board consider the offer of the City of Fayetteville and if the Board accepts the offer, direct that it sold to the City for the prices offered by the City by non-warranty deed.

Name: Glenn Faircloth

Property Location: 513 Link Street

Property Description: Imp 513 Link St

Sale Date: 3/3/2011

Attorney: David Craig  
Pin#: 0437-93-8844-  
Bill#: 2582626

YEAR	TAXES	FEES	INTEREST	TOTAL
2007	\$ 110.85	\$ 36.00	\$ 44.79	\$ 191.64
2008	\$ 110.85	\$ 78.00	\$ 40.60	\$ 229.45
2009	\$ 112.63	\$ 74.00	\$ 23.33	\$ 209.96
2010	\$ 22.80	\$ -	\$ 0.80	\$ 23.60
2011	\$ 22.80	\$ -	\$ -	\$ 22.80
Total Paid by Cumberland County to City of Fayetteville				\$ 677.45

YEAR	TAXES	FEES	INTEREST	TOTAL
Demolition		\$ 5,511.82	\$ -	\$ 5,511.82
Lot Cleaning		\$ -	\$ -	
Total Due for City of Fayetteville				\$ 5,511.82

YEAR	TAXES	FEES	INTEREST	TOTAL
2007	\$ 184.06	\$ 55.50	\$ 73.07	\$ 312.63
2008	\$ 179.88	\$ 55.50	\$ 50.61	\$ 285.99
2009	\$ 189.20	\$ 55.50	\$ 30.59	\$ 275.29
2010	\$ 37.00	\$ -	\$ 1.30	\$ 38.30
2011	\$ 37.00	\$ -	\$ -	\$ 37.00
Attorney Fees	\$ 2,475.30	\$ -	\$ -	\$ 2,475.30
Certified Mail	\$ 35.54	\$ -	\$ -	\$ 35.54
Total Paid by Cumberland County for Attorney, Costs & County Tax				\$ 3,460.05

Name: Linnie Burgette  
Property Location: 512 School St  
Property Description: 512 School St

Sale Date: 3/13/2008  
Attorney: David Craig  
Pin#: 0437-93-5550-  
Bill#: 2581301

YEAR	TAXES	FEES	INTEREST	TOTAL
2008	\$ 26.50	\$ -	\$ -	\$ 26.50
2007	\$ 26.50	\$ -	\$ 0.93	\$ 27.43
2006	\$ 26.50	\$ -	\$ 3.31	\$ 29.81
2005	\$ 26.50	\$ -	\$ 5.70	\$ 32.20
2003	\$ 26.50	\$ -	\$ 10.46	\$ 36.96
2002	\$ 26.50	\$ -	\$ 12.85	\$ 39.35
1998	\$ 1.68	\$ 11.31	\$ 7.11	\$ 20.10
Lot Cleaning	\$ 1,673.00	\$ -	\$ 903.58	\$ 2,576.58
Total Due for City of Fayetteville				\$ 2,788.93

YEAR	TAXES	FEES	INTEREST	TOTAL
2008	\$ 43.00	\$ -	\$ -	\$ 43.00
2007	\$ 44.00	\$ -	\$ 1.54	\$ 45.54
2006	\$ 51.50	\$ -	\$ 6.45	\$ 57.95
2005	\$ 51.50	\$ -	\$ 11.08	\$ 62.58
2003	\$ 51.00	\$ -	\$ 20.15	\$ 71.15
2002	\$ 53.25	\$ -	\$ 25.83	\$ 79.08
1998	\$ 8.77	\$ 45.24	\$ 29.57	\$ 83.58
Attorney Fees	\$ 1,990.55	\$ -	\$ -	\$ 1,990.55
Certified Mail	\$ 5.21	\$ -	\$ -	\$ 5.21
Total Due for County of Cumberland				\$ 2,438.64

Name: Betty Faircloth  
Property Location: 601 Link Street  
Property Description: Imp 601 Link St

Sale Date: 5/19/2011

Attorney: David Craig  
Pin#: 0437-93-9798-  
Bill#: 2582596

YEAR	TAXES	FEES	INTEREST	TOTAL
2008	\$ 142.18	\$ 78.00	\$ 52.29	\$ 272.47
2009	\$ 136.34	\$ 74.00	\$ 31.03	\$ 241.37
2010	\$ 136.34	\$ 74.00	\$ 12.09	\$ 222.43
Total Paid by Cumberland County to City of Fayetteville				\$ 736.27

YEAR	TAXES	FEES	INTEREST	TOTAL
Demolition	\$ -	\$ -	\$ -	\$ 1,210.59
Lot Cleaning	\$ -	\$ -	\$ -	\$ -
Total Due for City of Fayetteville				\$ 1,210.59

YEAR	TAXES	FEES	INTEREST	TOTAL
2008	\$ 230.70	\$ 55.50	\$ 67.97	\$ 354.17
2009	\$ 229.03	\$ 55.50	\$ 41.97	\$ 326.50
2010	\$ 221.26	\$ 55.50	\$ 15.91	\$ 292.67
Attorney Fees	\$ 2,521.47			\$ 2,521.47
Certified Mail	\$ 5.54			\$ 5.54
Total Paid by Cumberland County for Attorney, Costs & County Tax				\$ 3,500.35

\*\*\*\*\*

Commissioner Adams stated there is housing where the lots are located and asked what the City intended to do with the lots. Amy Cannon, County Manager, stated she did not have information regarding the City’s interest in transferring the property but the information could be provided. Rick Moorefield, County Attorney, stated he was not provided information regarding the intended use by the City.

MOTION: Commissioner Evans moved to table Item 2.F. until information regarding the City’s intended use of the property could be provided.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

3. Public Hearings  
Ms. Cannon explained the Board of Commissioners’ procedures for public hearings.

Uncontested Rezoning Cases

- A. Case P15-59: Rezoning of 4.72+/- acres from A1 Agricultural to R20 Residential, or to a more restrictive zoning district; located on the southeast side SR 4518 (Dulles Road), west of SR 2376 (South Forty Drive); submitted by Robert and Stephanie Vaughn (owners) and Chris Roberts(agent).

Staff Recommendation:  
1<sup>st</sup> motion for Case P15-59: 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 Staff 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.  
  
2<sup>nd</sup> motion for Case P15-59: Move to approve the request for R20 Residential district as recommended by the Planning Staff 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.

Planning Board Recommendation: Approve the staff recommendation.

\*\*\*\*\*

Tom Lloyd, Planning and Inspections Director, presented Case P15-59 and stated the comments expressed during the Public Comment Period were not in opposition to the rezoning. Mr. Lloyd showed vicinity maps and aerial views of the subject property, and provided overviews of the current land uses, current zonings, and surrounding land uses and zonings. Mr. Lloyd explained the area will be served by PWC water and sewer will be by septic. Mr. Lloyd stated surrounding zonings are R15 and R2 or RR which have the same density; RR allows manufactured housing and R15 and R20 do not. Mr. Lloyd explained the middle lot size in R15 is 15,000 SF and in R20 the middle lot size is roughly 20,000 SF.

Mr. Lloyd pointed out the retention pond in which sediment is blocking the drainage. Mr. Lloyd stated the subdivision causing the problem in that general area was developed prior to Phase II Stormwater regulations; regulations under which the State began performing reviews for drainage and runoff as well as erosion control sedimentation. Mr. Lloyd stated there was no opposition to Case P15-59 and the Planning Board unanimously approved the request for R20 Residential district because it meets all the criteria under the land use plan and area plan.

Chairman Faircloth opened the public hearing for Case P15-59.

The clerk to the board advised there were two speakers for Case P15-59:

Chris Roberts - Mr. Roberts appeared in favor and stated he did not realize there was opposition or questions regarding the rezoning. Mr. Roberts stated stormwater is usually not addressed until the property is rezoned so expenses are not incurred if the property is not rezoned; however, he spoke with engineer and stormwater specialist Scott Brown after he heard there was opposition. Mr. Roberts stated this is a low density development with less than two houses per acre, no streets will be added and bigger lots were requested so there would be no stormwater regulations.

Scott Terry - Mr. Terry stated his main concern is stormwater. Mr. Terry stated there are two retention ponds on his property and the developer has not been on the property for at least eight years. Mr. Terry stated the lot where Mr. Roberts plans to build houses is up the hill from his property and his concern is runoff into his front yard. Mr. Terry stated he is not opposed to the rezoning but would like advice on the water issue.

Chairman Faircloth closed the public hearing for Case P15-59.

Mr. Lloyd responded to questions from Commissioner Evans and stated under State law/regulations, construction of less than two units per acre is not subject to stormwater regulation. Mr. Lloyd stated Mr. Terry's issues predate maintenance of retention ponds by homeowner's associations. Mr. Lloyd stated the zoning will not mitigate Mr. Terry's problem which results from State-approved regulations and the only difference that could be made were if State law/regulations were changed. Commissioner Keefe asked whether rezoning to R20 would exacerbate Mr. Terry's issues. Mr. Lloyd stated he cannot say because he does not know how the developer will grade the property and with the low density development, the regulations do not require a retention pond.

Mr. Roberts stated he lives in the area back of the proposed development and a retention pond could be put in along with the rezoning and they will police it themselves. Mr. Lloyd advised the case will have to come back as a conditional rezoning to assure retention ponds are put in place.

Mr. Terry stated putting in retention ponds will not solve his issues because the problem is the retention pond with sediment in it and the R15 neighborhood where the water originates. Mr. Terry stated over the last two years, he has also had problems with his septic tank. Chairman Faircloth stated the addition of a retention pond will not solve Mr. Terry's issue but at least it will not add to his problems, which Mr. Roberts did not create. Chairman Faircloth asked who owned the property with the retention pond containing



sediment. Mr. Terry stated the developer deeded the retention pond to him at closing and he did not know it was in his name. Mr. Terry stated he hired an attorney in an attempt to have the ownership transferred back to the developer.

Commissioner Edge asked Mr. Roberts if he would have a problem with conditional zoning that required a retention pond. Mr. Roberts spoke with his partner and asked if the case could be tabled so an engineer could report on the grading, which way the water will go and how much water there will be.

MOTION: Commissioner Adams moved to refer Case P15-59 back to the Planning Board.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-0)

Mr. Lloyd stated there is no opposition to Case P16-10 and there will be no additional housing constructed; the request is to divide the property into lots.

- B. Case P16-10: Rezoning of 3.06+/- acres from A1 Agricultural to R40A Residential, or to a more restrictive zoning district, located at 891 Remley Court, submitted by Shelby Townsend (owner) and Robert Townsend (agent).

Staff Recommendation:

1<sup>st</sup> motion for Case P16-10: 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 Staff 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.

2<sup>nd</sup> motion for Case P16-10: Move to approve the request for R40A Residential district as recommended by the Planning Staff 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.

Planning Board Recommendation: Approve the staff recommendation.

\*\*\*\*\*

Chairman Faircloth opened the public hearing for Case P16-10.

The clerk to the board advised there was one speaker for Case P16-10:

Robert Townsend – Mr. Townsend appeared in favor and stated the property is three acres that his mother and father owned for many years and he has had a home on the property for sixteen years. Mr. Townsend stated the request is to break the property up into two lots with one lot being 2 acres in size and the other lot being 1 acre in size. Mr. Townsend stated his home will be on the 1 acre lot.

Chairman Faircloth closed the public hearing for Case P16-10.

MOTION: Commissioner Edge moved in Case P16-10 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 Staff 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: Commissioner Adams

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Edge moved in Case P16-10 to approve the request for R40A Residential district as recommended by the Planning Staff 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: Commissioner Council

VOTE: UNANIMOUS (7-0)

Mr. Lloyd stated there is no opposition to Case P16-13 and the rezoning request is to accommodate setback requirements.

C. Case P16-13: Rezoning of 4.54+/- acres from A1 Agricultural to R40 Residential, or to a more restrictive zoning district, located at 5064 Macedonia Church Road, submitted by Macedonia Missionary Baptist Church, Inc. (owner) and Phillip Walters (agent).

Staff Recommendation:

1<sup>st</sup> motion for Case P16-13: 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 Staff 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.

2<sup>nd</sup> motion for Case P16-13: Move to approve the request for R40 Residential district as recommended by the Planning Staff 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.

Planning Board Recommendation: Approve the staff recommendation.

\*\*\*\*\*

Chairman Faircloth opened the public hearing for Case P16-13.

The clerk to the board advised there was one speaker for Case P16-13:

Phillip Walters – Mr. Walters appeared in favor and stated he is the general contractor and plans are to construct an awning on the front of the church. Mr. Walters stated the awning cannot be constructed until the setback requirements are changed.

Chairman Faircloth closed the public hearing for Case P16-13.

MOTION: Commissioner Edge moved in Case P16-13 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 Staff 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: Commissioner Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Edge moved in Case P16-13 to approve the request for R40 Residential district as recommended by the Planning Staff 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: Commissioner Council

VOTE: UNANIMOUS (7-0)

Conditional Zoning District

Mr. Lloyd stated there is no opposition to Case P16-11, the petitioner inherited some property and wants to combine it with his existing lot and put it under the same conditional use plan.

- D. Case P16-11: Rezoning of 3.58+/- acres from A1 Agricultural & A1 Agricultural/CU Conditional Use for motor vehicle repair with outside storage to A1 Agricultural/CZ Conditional Zoning for motor vehicle repair with outside storage or to a more restrictive zoning district, located at 4365 & 4371 Marshwood Lake Road, submitted by Don Knobloch (owner) and Lori Epler (agent).

Staff Recommendation:

1<sup>st</sup> motion for Case P16-11: 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 Staff 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.

2<sup>nd</sup> motion for Case P16-11: Move to approve the request for A1 Agricultural/CZ Conditional Zoning for motor vehicle repair with outside storage as recommended by the Planning Staff 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.

Planning Board Recommendation: Approve the staff recommendation

\*\*\*\*\*

Chairman Faircloth opened the public hearing for Case P16-11.

The clerk to the board advised there were no speakers for Case P16-11.

Chairman Faircloth closed the public hearing for Case P16-11.

In response to a question from Commissioner Adams, Mr. Lloyd stated there are no changes being requested to the current conditional zoning. Lori Epler, Larry King and Associates, explained the petitioner's father passed away and before the balance of his father's property is sold, the petitioner wants to take the portion of the property he inherited, which he is already using, and expand the conditional zoning in order to come into compliance.

MOTION: Commissioner Edge moved in Case P16-11 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 Staff 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: Commissioner Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Edge moved in Case P16-11 to approve the request for A1 Agricultural/CZ Conditional Zoning for motor vehicle repair with outside storage as recommended by the Planning Staff 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: Commissioner Council

VOTE: UNANIMOUS (7-0)

Minimum Housing Code Enforcement

The clerk to the board administered an oath to Scott Walters, Code Enforcement Manager.

E. Case Number: MH 1368-2016  
Property Owner: John H. Pennie  
Property Location: 476 Slocumb Road, Fayetteville, NC  
Parcel Identification Number: 0542-51-3084

**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 1368-2016.

Property Owner: John H. Pennie  
Home Owner: John H. Pennie  
Property Address: 476 Slocumb Road, Fayetteville, NC  
Tax Parcel Identification Number: 0542-51-3084

SYNOPSIS: This property was inspected on 3/3/2016. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/1/2016. John H. Pennie 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 5/1/2016. 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 4/7/2016, no corrective action has 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 \$47,040.00. The Assessor for Cumberland County has the structure presently valued at \$500.00 (salvage value).

PROPERTY OWNER HAS SIGNED A CONSENT TO DEMOLISH FORM.

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

\*\*\*\*\*

Mr. Walters stated the structure is heavily dilapidated and the property owner signed a consent to demolish.

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

Chairman Faircloth opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Faircloth closed the public hearing.

MOTION: Commissioner 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 Edge  
VOTE: UNANIMOUS (7-0)

Other Public Hearings

F. 2016 Draft Community Development Annual Action Plan

BACKGROUND:  
The Community Development Annual Action Plan covers the period from July 1, 2016 through June 30, 2017. The draft 2016 Annual Action Plan has been available for a 30-day citizen’s review and comment period throughout Cumberland County since March 11, 2016. The draft 2016 Annual Action Plan must be submitted to the U.S. Department of Housing & Urban Development HUD by May 13, 2016 in order to receive Community Development’s annual allocations for Community Development Block Grant (CDBG) and Home Investment Partnership Act (HOME) Programs.

As part of the citizen participation process, a public hearing must be held during the comment period. All comments received regarding the plan will be addressed by the Community Development Director within 15 days of receipt and will be included in the final 2016 Annual Action Plan forwarded to HUD. After the public review period and all comments are incorporated in the document, a final 2016 Annual Action Plan will be submitted to the Board of Commissioners on May 2 for approval to submit to HUD by May 13, 2016.

RECOMMENDATION AND PROPOSED ACTION  
Community Development requests that the Board of County Commissioners hold a public hearing on the draft 2016 Annual Action Plan to offer input and comments as well as receive comments from the public. No other action is necessary.

\*\*\*\*\*

Sylvia McLean, Community Development Director, reviewed the background information recorded above. Ms. McLean stated Cumberland County serves as the HUD grantee and participating jurisdictions/partners include Eastover, Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman and Wade as well as the unincorporated areas of the County. Ms. McLean stated the strategic planning process includes a Consolidated Plan every five years to determine the community needs, to determine the priority of those needs and to set goals for meeting those needs. Ms. McLean stated the Annual Action Plan considers all financial resources, determines projects and activities to undertake, administers the program and evaluates performance. Ms. McLean stated priority needs for 2015-2016 included affordable housing, homelessness and non-housing community development. Ms. McLean stated under the Community Development Block Grant, projects/activities must meet one of the following national objectives: principally benefit low and moderate income persons, aid in the elimination of slum and blight, or meet community development needs having a particular urgency.

Ms. McLean reviewed the Annual Action Plan allocations as follows:

	Allocation	PI	Prior Yr. CF	Total
CDBG - HUD	\$741,860	\$175,000	\$755,000	\$1,671,860
HOME - HUD	\$277,819	\$200,000	\$485,000	\$962,819
McKinney-Vento Homeless Assistance	\$128,000	\$0	\$0	\$128,000
Continuum of Care- HUD*	\$972,000	\$0	\$0	\$972,000
Gen. Fund (Admin & Planning)	\$150,296	\$0	\$0	\$150,296
Gen. Fund (Homeless Initiative)	\$150,000	\$0	\$0	\$150,000
Other	\$269,000	\$0	\$0	\$269,000
Total	\$2,685,975	\$375,000	\$1,240,000	\$4,303,975
*Include all projects in jurisdiction				

Ms. McLean reviewed the Annual Action Plan budget by program as follows:

Program	CDBG/GF	HOME
Housing Activities	\$572,211	\$492,546
Public Facilities	\$50,000	\$0
Public Services	\$111,279	\$0
Homeless – Activity Delivery	\$53,130	\$0
Homeless – Direct Services	\$96,870	\$0
Admin / Planning	\$271,157	\$47,782
Total	\$1,154,647*	\$540,328*

Ms. McLean reviewed the Annual Action Plan homeless programs as follows:

Homeless Programs	Funding Source	Amount
<b>Robin’s Meadow Transitional Hsg</b>	<b>CoC Program</b>	<b>\$85,817</b>
<b>Safe Homes for New Beginnings</b>	<b>CoC Program</b>	<b>\$56,033</b>
<b>Care Center Transitional Hsg</b>	<b>CoC Program</b>	<b>\$145,113</b>
Match – Robin’s Meadow/Safe Homes	CD Public Svcs	\$24,855
Match – Care Center TH	CD Public Svcs	\$4,447
<b>ESG Program</b>	<b>State</b>	<b>\$128,000</b>
<b>PATH Program</b>	<b>State</b>	<b>\$222,208</b>
Match – PATH	General Funds	\$74,069

Ms. McLean reviewed the Action Plan timeline below:

ACTIVITY	DEADLINE
COMMUNITY MEETINGS (EXPLANATION OF PROCESS) WITH TOWN MUNICIPALITIES	FEBRUARY– MARCH 2016
PUBLIC REVIEW PERIOD	March 11, 2016 – April 9, 2016
PUBLIC HEARING BEFORE COUNTY COMMISSIONERS	APRIL 18, 2016
APPROVAL TO SUBMIT FINAL ACTION PLAN	May 2, 2016
ACTION PLAN DUE TO HUD	MAY 15, 2016

Ms. McLean concluded her presentation and responded to questions.

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

Chairman Faircloth opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Faircloth closed the public hearing.

Items of Business

4. Nominations to Boards and Committees
- A. Cumberland County Community Child Protection/Fatality Prevention Team (2 Vacancies)

Commissioner Adams nominated Detective Robert Jeffers.

Commissioner Council nominated Detective Pedro Orellano.

5. Appointment of Officers - Equalization and Review Board:

<u>Chairman:</u>	Kathy Olsen
<u>First Vice Chairman:</u>	Harvey (Butch) Raynor
<u>Second Vice Chairman:</u>	William (Bill) Holland

MOTION: Commissioner Adams moved to appoint Kathy Olsen as chairman, Harvey (Butch) Raynor as first vice chairman and William (Bill) Holland as second vice chairman.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

6. Appointments to Boards and Committees

A. Adult Care Home Community Advisory Committee (6 Vacancies)

Nominees: Laura Hardy  
Eva Moore  
Gary Blackwell  
Monica Russell  
Dawn O'Donnell  
Lillie White

B. Joint Senior Citizens Advisory Commission (2 Vacancies)

Nominees: Edna Cogdell (Reappointment)  
Willie F. Wright (Reappointment)

There being an equal number of vacancies and nominees,

MOTION: Commissioner Adams moved to appoint all nominees to their respective positions.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

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

MOTION: Commissioner Council moved to go into closed session for three Personnel Matters pursuant to NCGS 143-318.11(a)(6).

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Council moved to reconvene in open session.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 10:00 p.m.

Approved with/without revision:

Respectfully submitted,

---

Candice H. White  
Clerk to the Board