

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 18, 2017 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING
MINUTES

PRESENT: Commissioner Charles Evans, Vice Chairman
Commissioner Michael Boose
Commissioner Jeannette Council
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Amy Cannon, County Manager
Tracy Jackson, Assistant County Manager
Sally Shutt, Assistant County Manager
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Deborah Shaw, Budget Analyst
Jeffrey Brown, Engineering and Infrastructure Director
Patti Speicher, Planning and Inspections Department
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk
Press

ABSENT: Commissioner Glenn Adams, Chairman
Commissioner Marshall Faircloth

Vice Chairman Evans called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Evans provided the invocation followed by the Pledge of Allegiance to the American flag led by Lauren Dunigan, 9th grade student at Village Christian Academy.

Introduction of Fayetteville-Cumberland Youth Council Members:

Cayce Lee
Brian Craig

Vice Chairman Evans welcomed and introduced Fayetteville-Cumberland Youth Council member Brian Craig, student at Cumberland International Early College High School. Vice Chairman Evans stated Cayce Lee was unable to be present.

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

Amy Cannon, County Manager, read the public comment policy. Vice Chairman Evans recognized the clerk to the board who called the following speaker:

Robert Hines – Mr. Hines, President/CEO of United Way of Cumberland County, shared information about the United Way's 2-1-1. Mr. Hines stated 2-1-1 is available 24/7 in any language to seek assistance from health and human service agencies. Mr. Hines stated 2-1-1 received approximately 1,900 calls for disaster relief in the six week period following Hurricane Matthew. Mr. Hines stated 2-1-1 is free thanks to the support by the City, County, PWC and the hospital. Mr. Hines extended an invitation to attend a 5th anniversary event on July 17.

Ms. Cannon stated the attorney representing Tree Farmer, LLC, submitted a written request that action be deferred on Item 3.B., rezoning Case P16-46. Cannon stated speakers have signed up because the case was advertised so her recommendation is to hold the public hearing but defer action at this meeting.

1. Approval of Agenda

MOTION: Commissioner Lancaster moved to approve the agenda and defer action on rezoning Case P16-46 as requested.

SECOND: Commissioner Council

VOTE: UNANIMOUS (5-0)

Commissioner Boose asked to have Item 2.C.3) removed from the consent agenda for separate discussion and action.

2. Consent Agenda

A. Approval of minutes for the April 3, 2017 regular meeting

B. Approval of Request for Payment of Prior Year Invoices

1) Sheriff's Office

BACKGROUND:

The Sheriff's Office is requesting payment of invoice number PSI126802 totaling \$929.02 from Momar for items received in May 2016. A past due invoice was recently received but there is no evidence showing the invoice was previously sent. Staff have verified the invoice has not yet been paid and is in fact due. Sufficient funds are available in the current year budget to cover this expenditure.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval to pay the prior year invoice to Momar totaling \$929.02.

2) Solid Waste Department

BACKGROUND:

The Solid Waste Department is requesting payment of an invoice totaling \$857.00 from Nite Owl Security Systems, LLC. for work completed in May 2016. The company recently notified staff about the past due status of the invoice but there is no evidence showing the invoice was previously sent. Since that time, staff have verified the invoice has not yet been paid and is in fact due. Sufficient funds are available in the current year budget to cover this expense.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval to pay the prior year invoice to Nite Owl Security totaling \$857.00.

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

1) Contract for Subtitle D Landfill Expansion

BACKGROUND:

At the November 7, 2016 Board of Commissioners meeting, the Board approved a Contractor Prequalification Policy along with the assessment tool to be used for evaluating contractors' qualifications to be considered qualified to bid on the construction of cells #9 and #10 for the Ann Street Subtitle D Landfill. The pre-qualification advertisement was posted in early December with submittals due December 22nd. Seven contractors submitted their qualifications for review and consideration. Out of the seven contractors, only two were from North Carolina (Guilford County and North Hampton County). Please keep in mind that landfill cell construction is considered specialty work and there is not an abundance of contractors with this type of experience. Out of the seven contractors that submitted their qualifications, there was only one contractor that failed to demonstrate that they had the required experience to construct the new cells.

A pre-bid meeting was held at the Ann Street facility on March 1st to review the project scope with the project engineer as well as give the qualified contractors an opportunity to review the site and ask questions. A bid opening was held on March 15th. Only four of the six prequalified firms submitted bids for the project. The certified bid tabulation from CDM Smith along with a letter of recommendation to award the contract to the lowest responsible and responsive bidder has been attached. The lowest bid was submitted by Sargent Corporation based out of Stillwater, ME in the amount of \$7,725,703.79 which includes two add items that have been elected to be included in the overall project. One

item is for improvements to the existing leachate collection system and the second item involves repairs to the existing concrete perimeter access road. Sargent Corporation has committed that 10% of the overall contract will be dedicated to subcontracts with minority businesses as defined by GS 143-128.2(g). Most of this (\$700,000) will be with Ready Haul Trucking, Inc. which is in Fayetteville.

RECOMMENDATION/PROPOSED ACTION:

This item was considered and approved to move forward to the full Board at the April 6, 2017 Facilities Committee Meeting. The Engineering and Infrastructure Director and County Management recommend that Board of Commissioners take the following action regarding this matter:

1. Accept the bids for the Subtitle D Landfill Expansion Project and award a contract to Sargent Corporation in the amount of \$7,725,703.79.
- 2) Consideration of First Steps in Public Water's Role in Strategic Economic Development within Cumberland County

BACKGROUND:

Within the last few years, there has been interest in revisiting the concept of providing water to unincorporated areas of Cumberland County. In August 2009, a preliminary engineering report for a rural feasibility study was completed by Marziano & McGougan, PA in conjunction with Koonce, Noble & Associates, Inc. This study looked at creating four water districts (Northeast, East Central, Southeast and Southwest) that would serve the unincorporated areas of the County.

On March 10, Cumberland County representatives met with Public Works Commission (PWC) representatives to discuss the extension of public water into the unincorporated areas of the County. At that meeting, it was determined by both parties that the primary focus should be in areas where development is occurring or is most likely to occur. It was suggested that a first step should be to revisit the 2009 feasibility study and have an engineering firm review and update the report to reflect any changes that have taken place since the study was completed. PWC representatives agreed this should be a joint effort between the County and PWC with the County taking the lead. It was also agreed that the cost of the updated study should be shared evenly between the County and PWC. To do this, an interlocal agreement would need to be executed between both governing boards. In addition, the County and PWC would need to prepare a detailed Request for Qualifications (RFQ) to select a highly qualified engineering firm that can review the existing study and develop a plan that would also define public water's role in strategic economic development within the County.

RECOMMENDATION/PROPOSED ACTION:

This item was considered and approved to move forward to the full Board at the April 6, 2017 Facilities Committee Meeting. The Engineering & Infrastructure Director along with County Management recommend that the Board approve the recommendation that the County and PWC begin the process of drafting an interlocal agreement as well as a detailed RFQ to select a highly qualified engineering firm that can complete the necessary work in developing a plan which defines public water's role in strategic economic development within Cumberland County. The interlocal agreement and RFQ would then be brought back to the Facilities Committee for review and approval.

- 3) REMOVED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW.

D. Approval of Cumberland County Finance Committee Report and Recommendation:

- 1) Consultant for Selection of New Tax Software System

BACKGROUND:

The Cumberland County Finance Committee met on April 6, 2017 and discussed consideration of a consultant for the selection of new Tax Software System. Cumberland

County’s goal is to reduce overall County expenses by phasing out the usage of the Mainframe as a system to handle data and routine processes. The Tax System, Oasis, is soon to be the final product still hosted on the Mainframe. To ensure the successful selection and migration to a new system, Cumberland County has identified the need for professional services to ensure an optimal solution. The selection is based on the following criteria:

- Needs Assessment (Discover what our organizational requirements are)
- Development of a Request for Proposal (RFP)
- Guide County through the ERP software selection process through on-site demonstrations, off-site client visits, and final selection. (Matching our needs with a system)
- Contract Development, Negotiations, and a Statement of Work (Ensuring that our system is properly designed)

Five companies provided responses for assistance in selection. Three of those were qualified for the scope of the project.

Please reference the summary table below for additional comparison.

Vendor	Ranking	Evaluation Findings	Key Risks Identified	Costs
Harris Consulting	1 st	<ul style="list-style-type: none">• Specializes in municipal government systems• Proven track record of extensive experience in Tax solution initiatives• Verified references from 2 NC agencies (Guilford and Orange) confirming exceptional service provided throughout their Tax project• Has established relationships with many of the Tax solution vendors	<ul style="list-style-type: none">• No identified risks	<ul style="list-style-type: none">• \$93,700.00
ClientFirst	2 nd	<ul style="list-style-type: none">• Verified references from NC agencies confirming exceptional service provided but for ERP solutions related to financials• Solid approach to consultation process• When asked on multiple occasions about references or experience with Tax solutions, nothing was provided	<ul style="list-style-type: none">• Lack of experience with Tax solution initiatives• Lack of on-site hours during requirements gathering process• Will require greater use of County resources (IT support and collaboration with Tax staff) due to initial requirements gathering process• Are not involved in site visits to other NC agencies for demos	<ul style="list-style-type: none">• \$89,249.00
Panorama	3 rd	<ul style="list-style-type: none">• Highest cost of the 3 options• Has extensive experience but lacked viable references within NC• Undetermined experience with government agencies	<ul style="list-style-type: none">• No recommendations provided from any NC agencies	<ul style="list-style-type: none">• \$130,410.00

Selecting one of these three vendors to assist with the Needs Assessment, Requirements Gathering, RFP development, Software Selection, and Contract Negotiations for the Cumberland County Tax Department will increase the quality of the implementation of an ERP Solution. All phases are projected to take 6-8 months to complete.

RECOMMENDATION/PROPOSED ACTION:

The recommendation of the Finance Committee was to approve Harris Consulting for the needs assessment and selection services of a new Tax system and the associated budget revision.

Recommend the approval of Budget Ordinance Amendment B171120 in the amount of \$93,700 to procure the services of Harris Consulting. Please note, this amendment requires the use of fund balance that was specifically allocated during the FY2017 budget process – to be used for technology upgrades.

E. Approval of Cumberland County Policy Committee Report and Recommendation:

- 1) Hazard Mitigation Grant Program (HMGP) Options

BACKGROUND:

As part of the recovery process for Hurricane Matthew, the NC Division of Emergency Management is moving forward with its Hazard Mitigation Grant Program (HMGP) and has collaborated with declared counties to determine local needs as far as mitigating future losses. A major part of this process involves the evaluation of property losses to determine if acquisition, elevation or reconstruction in the Special Flood Hazard Zone is justified from a benefit-cost perspective. After examining the extent of damages and collecting information from various public meetings, staff is recommending that all three mitigation options (i.e., acquisition, elevation or reconstruction) be offered in the unincorporated portion of Cumberland County. Municipalities will submit their own plans and priorities for their respective communities.

At this point in the unincorporated area, there are twelve (12) applications for acquisition, five (5) applications for elevation, and four (4) applications for reconstruction. Only 1 of the 21 applications received are for properties that are physically located in the Special Flood Hazard Zone.

The total assessed value for all of these parcels to include primary structures, outbuildings and land is \$3,731,714.

RECOMMENDED/PROPOSED ACTION:

Staff recommends offering the full range of options available to homeowners under the HMGP program and moving this concept forward to the full Board of Commissioners for final consideration and approval at the April 18, 2017 regular meeting.

- F. Approval of a Proclamation Recognizing the 50th Anniversary of the North Carolina Court of Appeals

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, during the late 1950s and early 1960s, the Supreme Court of North Carolina was becoming overburdened with an increasing number of cases dealing with its customary judicial business and a number of post-conviction appeals; and

WHEREAS, this situation led the 1965 General Assembly to submit a proposed amendment to Article IV of the North Carolina Constitution which authorized the creation of an intermediate court of appeals to relieve pressure on the North Carolina Supreme Court by sharing the appellate caseload; and

WHEREAS, voters overwhelmingly approved this recommendation in the November 1965 election, the 1967 General Assembly enacted the necessary legislation establishing the North Carolina Court of Appeals and the Court of Appeals became operational on October 1, 1967; and

WHEREAS, the Court of Appeals is the state's intermediate appellate court that decides questions of law in cases appealed from superior and district courts and from select administrative agencies of the executive branch; and

WHEREAS, the Court of Appeals sits in panels of three judges, an arrangement that allows the court to hear arguments in separate cases at the same time; and

WHEREAS, to commemorate its 50th Anniversary, the Court of Appeals is holding a special session on April 26, 2017 at 10:00 a.m. in the Cumberland County Historic Courthouse located at 130 Gillespie Street with Chief Judge Linda M. McGee, Judge Ann Marie Calabria and Judge John M. Tyson.

NOW, THEREFORE, the Cumberland County Board of Commissioners joins the Court of Appeals in commemorating its 50th Anniversary and recognizes the Court of Appeals commitment to civics education and efforts to increase public awareness of the function that North Carolina courts serve throughout the state.

FURTHERMORE, the Cumberland County Board of Commissioners extends an invitation to Cumberland County citizens to attend the special session as the three-judge panel hears oral arguments in cases on appeal.

Adopted this 18th day of April, 2017.

G. Approval of Budget Ordinance Amendments:

General Fund 101

There were no revisions relating to the General Fund for this period.

Federal Forfeiture Fund 204

- 1) Federal Forfeiture Fund - Budget Ordinance Amendment B170078 to recognize additional revenue of \$15,000 to purchase equipment.

The Board is requested to approve Budget Ordinance Amendment B170078 in the amount of \$15,000. This revision will appropriate federal forfeiture funds to purchase equipment for the Cumberland County Sheriff's Office.

Please note this amendment requires no additional county funds.

Inmate Welfare Fund 207

- 2) Inmate Welfare Fund - Budget Ordinance Amendment B170120 to recognize Inmate Welfare funds of \$1,500 to purchase kitchen supplies.

The Board is requested to approve Budget Ordinance Amendment B170120 in the amount of \$1,500 of additional revenue to purchase kitchen supplies.

Please note this amendment requires no additional county funds

Contingency Funds Report

The County Manager approved the use of contingency funds for following:

- Jail Health in the amount of \$270,000 to provide additional temporary nursing staff in the detention center for the remainder of the fiscal year.
- Court Ordered Care in the amount of \$14,000 to address increased volume for assessments for families and juveniles for the remainder of the fiscal year.
- Cedar Creek Business Center in the amount of \$2,300 to provide maintenance to the grounds.

MOTION: Commissioner Boose moved to approve consent agenda Items 2.A. – 2.G.2) with the exception of Item 2.C.3) removed for separate discussion and action as recorded below.

SECOND: Commissioner Council

VOTE: UNANIMOUS (5-0)

2.C.3) Renewal of Leased Property for Foster Care Family Visitation

BACKGROUND:

Due to the increased number of children in foster care, the Department of Social Services (DSS) is unable to accommodate court ordered family visits due to limited visitation space at the DSS Building. Leased property located at 727 McGilvary Street has been used as a Family Visitation Center for the past year. The McGilvary Street site provides a family-like setting for foster children who have court ordered visits with their parents. This site provides a safe atmosphere outside of the main DSS building plus this site is staffed with DSS employees.

RECOMMENDED/PROPOSED ACTION:

This matter was considered and approved to move forward to the full Board as a Consent Agenda item at the April 6, 2017 Facilities Committee Meeting. DSS respectfully requests approval to enter into a twelve (12) month lease agreement with Malzone Marketing Inc. in the amount of \$1,500.00 a month. This lease has been reviewed by County Legal.

Commissioner Boose stated the County owns thirty plus buildings and his concern is whether visitations could be held in a facility the County already owns to avoid having to pay a rental company \$18,000 a year. Ms. Cannon stated the Facilities Committee asked staff to talk with the school system about available facilities and to also look at County facilities. Ms. Cannon stated a review was conducted in conjunction with DSS and at that time, there was no appropriate available space identified equal to the amount of space requested for lease. Ms. Cannon stated the request is for a one-year renewal of the lease.

John McIlvery, Department of Social Services Interim Assistant Director, responded to questions and stated even with the McGilvary Street site, some visitations still have to be turned away during prime time hours 3:00 to 5:00 p.m. Mr. McIlvery stated prior to the McGilvary Street site, Social Services had a very limited space it utilized for visitations just outside the deli, but it was open and lacked privacy for families. Mr. McIlvery also stated prior to the McGilvary Street site, property could not be located that had enough space or the appropriate zoning. Commissioner Boose inquired regarding utilization times. Mr. McIlvery stated the space is utilized Monday through Friday, 9:00 a.m. to 5:00 p.m. with more requests for usage during prime time.

Commissioner Council asked that Social Services consider extending its prime time hours and allow more flexibility with visitation times. Mr. McIlvery stated he would look into it. Commissioner Boose stated growth percentages for foster care over the past couple of years should be accessed and scaled out to either re-shift the County's buildings or acquire one.

MOTION: Commissioner Lancaster moved to enter into a twelve (12) month lease agreement with Malzone Marketing, Inc. in the amount of \$1,500.00 a month.
SECOND: Commissioner Council
VOTE: UNANIMOUS (5-0)

3. Public Hearings

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

Uncontested Rezoning Case

Tom Lloyd, Planning and Inspections Director, provided a synopsis of the petitioner's request and stated only the vacant half of the parcel is located in the County. Mr. Lloyd stated anything developed will be developed as a conditional zoning so the request will have to come back to the Board for site plan approval. Mr. Lloyd stated the Planning Board unanimously voted for approval of Case P17-10.

- A. Case P17-10: Rezoning of 10.08+/- acres from R7.5 Residential/CUD Conditional Use District for Non-profit recreation center to R7.5 Residential/CZ Conditional Zoning for Non-profit recreation center & other specific requested allowed uses, or to a more restrictive zoning district, located at 4221 Black Bridge Road, submitted by Thurston and Charlotte Robinson (owners). (Hope Mills & County)

Planning Board Meeting Date:	March 21, 2017
Planning Board Action:	Approve the staff recommendation.
Staff Recommendation:	1 st motion for Case P17-10: 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.
	2 nd motion for Case P17-10: Move to approve the rezoning for R7.5 Residential/CZ Conditional Zoning for Non-

profit recreation center & other specific requested allowed uses.

Vice Chairman Evans opened the public hearing for Case P17-10.

The clerk to the board advised there were no speakers for Case P17-10.

Vice Chairman Evans closed the public hearing for Case P17-10.

Commissioner Keefe stated the part of the parcel in a municipality has the zoning it needs but the part of the parcel in the County does not. Commissioner Keefe asked why the owner had not petitioned for annexation into the municipality. Mr. Lloyd stated one of the conditions is a recommendation that the owner petition to have the parcel taken into the Town of Hope Mills.

MOTION: Commissioner Keefe moved in Case P17-10 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.

SECOND: Commissioner Council

VOTE: UNANIMOUS (5-0)

MOTION: Commissioner Keefe moved in Case P17-10 to approve the rezoning for R7.5 Residential/CZ Conditional Zoning for Non-profit recreation center & other specific requested allowed uses.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (5-0)

Contested Rezoning Cases

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 stated the request is to remove the property from the CTOD. Mr. Lloyd explained how the CTOD was coordinated and stated only specified uses are permitted therein. Mr. Lloyd stated the applicant wanted specific uses for billboards that were not included in the district, so this was worked out and the applicant's requested uses were included. Mr. Lloyd stated during the process all property owners had an opportunity to talk with staff and request of the Planning Board or the Board of Commissioners not to be included in the CTOD. Mr. Lloyd stated the CTOD also protects uses along the corridor going into Owen Drive. Mr. Lloyd stated now one year later the applicant in this case wants to be removed from the CTOD even though he was worked with and allowed his specifically requested uses in the CTOD. Mr. Lloyd stated Planning staff and the Planning Board recommended denial because if parcels are able to be pulled out of the CTOD, then there would be no reason to have the CTOD. Mr. Lloyd stated the two speakers will appear in opposition to the removal.

- B. Case P16-46: Removal of 68.49+/- acres from the CTOD Coliseum Tourism Overlay District and rezoning from M(P) Planned Industrial, RR Rural Residential and R6A Residential to M(P) Planned Industrial, or to a more restrictive zoning district; located at the northwest quadrant of SR 1007 (Owen Dr) & SR 2593 (Tree Farm Rd) (NC HWY 87 S Service Road); submitted by Tom Keith on behalf of Tree Farmer, LLC (owner) and Tony Rand, Attorney (agent).

Planning Board Meeting Date: March 21, 2017

Planning Board Action: Approve the staff recommendation for denial

Staff Recommendation: 1st motion for Case P16-46: Move to find the request for rezoning inconsistent with the 2030 Growth Vision Plan, and any other

applicable land use plan, not reasonable or in the public interest for the reasons stated in the recommendations of the Planning Staff as reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

2nd motion for Case P16-46: Move to deny the request for removal from the CTOD and rezoning to M(P) Planned Industrial as reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

Vice Chairman Evans opened the public hearing for Case P16-46.

The clerk to the board called the following speakers:

Richard Breeden – Mr. Breeden appeared in opposition and stated he has lived in Dogwood Acres for over 21 years. Mr. Breeden stated the CTOD was intended to attract tourism to the Coliseum and provide a beautification area. Mr. Breeden stated the request to rezone to M(P) is not conducive to the intent of the CTOD or the Owen Drive corridor. Mr. Breeden also expressed concern for the endangered species of red cockaded woodpeckers in the area requested for rezoning.

Mary Packer – Ms. Packer appeared in opposition and stated she and her family have lived in the Dogwood Acres area for over a total of 58 years, residents of which support the CTOD. Ms. Packer stated removing the requested acreage from the CTOD and rezoning M(P) would allow construction of industries that are not compatible with the vision put forth for the CTOD or the South Central Land Use Plan. Ms. Packer stated it is also incompatible for people would want to reside in the area. Ms. Packer also expressed concern for the destruction of wetlands and stated this makes her question what else might be destroyed if the rezoning request is approved.

Vice Chairman Evans closed the public hearing for Case P16-46.

Questions followed. Rick Moorefield, County Attorney, stated the Board should take action on deferral to a date of its choosing.

MOTION: Commissioner Keefe moved to defer consideration of Case P16-46 to a future date not earlier than May 15, 2017.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (5-0)

Mr. Lloyd requested clarification about a set date and readvertising. Mr. Moorefield stated the public hearing was held at this meeting so another public hearing will not need to be advertised or held.

Minimum Housing Code Enforcement

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

C.	Case Number:	MH1645-2016
	Property Owner:	Robert A. Rippe
	Property Location:	225 Rachel Road, Fayetteville, NC
	Parcel Identification Number:	0542-34-3864

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 1645-2016.

Property Owner: Robert A. Rippe
Home Owner: Robert A. Rippe
Property Address: 225 Rachel Road, Fayetteville, NC
Tax Parcel Identification Number: 0542-34-3864

SYNOPSIS: This property was inspected on 12/1/2016. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 1/18/2017. 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 03/18/2017. 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 4/5/2017, 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 \$177,429.00. The Assessor for Cumberland County has the structure presently valued at \$2,500.00. (utility value).

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 property is overgrown, the structure is dilapidated and damaged, the property is abandoned and there is evidence of animals living in the structure. Mr. Walters stated the property owner has not made contact with his office and an order for demolition is being sought.

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

Vice Chairman Evans opened the public hearing.

The clerk to the board advised there were no speakers.

Vice Chairman Evans closed the public hearing.

MOTION: Commissioner Council moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the dwelling within 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, and to further order that the property owner secure the property as soon as possible.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (5-0)

Other Public Hearings

D. 2017 Draft Community Development Annual Action Plan

BACKGROUND:

The Community Development Annual Action Plan covers the period from July 1, 2017 through June 30, 2018. The draft 2017 Annual Action Plan has been available for a 30-day citizen's review and comment period throughout Cumberland County since March 15, 2017. The draft 2017 Annual Action Plan must be submitted to the U.S. Department of Housing & Urban Development HUD by May 12, 2017 in order to receive our 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 2017 Annual Action Plan forwarded to HUD. After the public review period and all comments are incorporated in the document, a final 2017 Annual Action Plan will be submitted to the Board of Commissioners on May 1 for approval to submit to HUD by May 12, 2017.

RECOMMENDATION AND PROPOSED ACTION:

Community Development requests that the Board of County Commissioners hold a public hearing on the draft 2017 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 and provided a presentation on the draft 2017 Annual Action Plan. Ms. McLean stated Cumberland County was designated in 1995 by the U.S. Department of Housing and Urban Development as an urban county which meant the County could receive entitlement grants from HUD based on the population threshold and the ability to undertake community development and housing activities. Ms. McLean stated the program service area includes: Eastover, Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman, Wade and unincorporated areas not within Fayetteville. Ms. McLean stated Cumberland County is required to be re-qualified with HUD every three years for an urban county entitlement designation and towns can choose not to participate with the County.

Ms. McLean stated two reports are required to be submitted to HUD:

Consolidated Plan (Every 5 Years)

- determine community needs
- determine priority of those needs
- set goals for meeting those needs

Annual Action Plan

- consider all financial resources
- determine projects and activities to undertake
- administer the program
- evaluate the performance

Ms. McLean stated it is required that the Annual Action Plan be submitted to HUD by May 12 and it must be approved by the Board prior to submission.

Ms. McLean stated a needs assessment is conducted in order to determine what projects and activities are undertaken. Ms. Lean stated based on the needs assessment for program year 2015-2016, priority needs included affordable housing, homelessness and non-housing community development. Ms. McLean stated CDBG projects and activities must meeting 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 allocations as follows and stated Cumberland County does not have to apply for CDBG-HUD and HOME-HUD through a competitive process. Ms.

McLean stated these funds can be used to undertake housing activities, public service, public facilities, infrastructure, economic development and other eligible housing and community development related activities. Ms. McLean stated through joint venture strategies to address homelessness, the City and County provided funds for a joint homelessness initiative, which covers costs associated with the essential personnel costs to comply with HUD requirements for a HMIS or Home Management Information System, and to provide direct services for homeless prevention and rapid re-housing for low and moderate income persons. Ms. McLean stated the projected continuation of funding for the joint homeless initiative is included in this action plan.

	Allocation	PI	Prior Yr. CF	Total
CDBG - HUD	\$741,860	\$175,000	\$700,000	\$1,616,860
HOME - HUD	\$279,302	\$200,000	\$600,000	\$1,079,302
Gen. Fund (Admin & Planning)	\$83,228	\$0	\$0	\$83,228
Gen. Fund (Homeless Initiative Admin)	\$54,586	\$0	\$0	\$54,586
Gen. Fund (Homeless Initiative)	\$95,414	\$0	\$0	\$95,414
Total	\$1,254,390	\$375,000	\$1,300,000	\$2,929,390
<i>*Include all projects in jurisdiction</i>				

Ms. McLean reviewed the budget by program:

Program	CDBG/GF	HOME
Housing Activities	\$1,272,209	\$1,031,372
Public Facilities	\$50,000	\$0
Public Services	\$54,130	\$0
Homeless – Services	\$57,149	\$0
Homeless – Direct Services	\$95,414	\$0
Admin / Planning	\$321,186	\$47,930
Total	\$1,850,088*	\$1,079,302*

Ms. McLean stated Community Development is responsible for administering and managing the following homeless programs. Ms. McLean provided information about each of the programs and advised that the federal DHHS grant program for assistance for transition from homelessness was not awarded the competitive process this year and will not be funded July 1.

Homeless Programs	Funding Source	Amount
Robin’s Meadow Transitional Hsg	CoC Program	\$85,817
Safe Homes for New Beginnings	CoC Program	\$56,033
Care Center Transitional Hsg	CoC Program	\$60,294
Match – Robin’s Meadow/Safe Homes	CD Public Svcs	\$24,855
Match – Care Center TH	CD Public Svcs	\$2,000
ESG Program	State	\$128,000

Ms. McLean reviewed the action plan timeline:

ACTIVITY	DEADLINE
COMMUNITY MEETINGS (EXPLANATION OF PROCESS) WITH TOWN MUNICIPALITIES	NOVEMBER 2016-JANUARY 2017
PUBLIC REVIEW PERIOD	March 15, 2017 – April 13, 2017
PUBLIC HEARING BEFORE COUNTY COMMISSIONERS	APRIL 18, 2017
APPROVAL TO SUBMIT FINAL ACTION PLAN	May 1, 2017
ACTION PLAN DUE TO HUD	MAY 12, 2017

Ms. McLean concluded her presentation and responded to questions from Commissioner Boose regarding activities to benefit the homeless, City and County funding and the number of individuals assisted by agencies provided funding by Community Development. Commissioner Keefe inquired regarding the point-in-time survey results, the Cumberland County program service area, investor construction of affordable rental units, and whether there were advantages/disadvantages to combining the City and County Community Development and whether there were legal considerations regarding the same.

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

Vice Chairman Evans opened the public hearing.

The clerk to the board advised there were no speakers.

Vice Chairman Evans closed the public hearing.

MOTION: Commissioner Council moved to approve the process for submission of the draft 2017 Annual Action Plan to the U.S. Department of Housing & Urban Development.
SECOND: Commissioner Lancaster
VOTE: UNANIMOUS (5-0)

E. Public Hearing for Consideration of an Order to Close a Portion of Underwood Road

BACKGROUND:

At its March 20, 2017 meeting, the Board adopted the following resolution of intent to close a portion of Underwood Road:

**RESOLUTION OF INTENT TO CLOSE A PORTION OF UNDERWOOD ROAD
AND CALLING A PUBLIC HEARING ON THE QUESTION
PURSUANT TO G.S. 153A-241**

WHEREAS, Cargill, Inc., and the Trustees of the John and Carolyn Smith Grandchildren's Trust submitted petitions to the Board of Commissioners (the "Board") requesting the Board to close that portion of Underwood Road that lies on the property of Cargill, Inc., between River Road and Custer Avenue for a total distance of 0.28 miles; and

WHEREAS, the Board finds that this portion of Underwood Road has been abandoned from maintenance by the North Carolina Department of Transportation; and

WHEREAS, the Board finds that the requested closure would not cause any other parcel to become landlocked; and

WHEREAS, the Board finds that a plat showing the legal description of the area of the road to be closed and the addition of Oilseed Drive to the State Highway system is recorded in Plat Book 138 at page 97.

BE IT RESOLVED, that pursuant to the request of the property owners described above, the Board intends to close the above-described portion of Underwood Road.

BE IT FURTHER RESOLVED, that the Board shall hold a public hearing on the question of this closure April 18, 2017, at 6:45 p.m. in the Commissioners Meeting Room (Room 118), First Floor, Courthouse, 117 Dick Street, Fayetteville, North Carolina, to hear all interested persons who appear with respect to whether the closure would be detrimental to the public interest or to any individual's property rights.

BE IT FURTHER RESOLVED, notice of this public hearing shall be given in accordance with G.S. § 153A-241.

Adopted in regular meeting March 20, 2017.

The notice of intent and public hearing was duly advertised in the *Fayetteville Observer*

March 31, April 7, and April 14, 2017. Cargill, Incorporated, reports that it caused the notice of intent and public hearing to be prominently posted at two places along the portion of the road to be closed. The county attorney has reviewed the recorded plat and advises that the closure will not deprive any landowner reasonable access to his or her property nor cause any parcel to become landlocked.

The Board may close the road after 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 would be deprived of reasonable means of access to his or her property. Any person who is aggrieved by the closure may appeal to the courts within 30 days of the order of closure being adopted. Once the road is closed, title to the property lying in the road vests in the adjoining property owners.

RECOMMENDATION/PROPOSED ACTION:

The county attorney advises that the Board may close the described portion of Underwood Road by adopting the order recorded below.

**ORDER OF THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY
CLOSING A PORTION OF UNDERWOOD ROAD PURSUANT TO G.S. 153A-241**

At its regular meeting March 20, 2017, the Board of Commissioners adopted a resolution of intent to close that portion of Underwood Road that lies on the property of Cargill, Incorporated, between River Road and Custer Avenue for a total distance of 0.28 miles, as described in the plat prepared by Joyner Keeny, PLLC, recorded October 17, 2016, in Plat Book 138 at page 97 in the Cumberland County Registry. The resolution of intent also called for a public hearing on the question of this closing to be held at the April 18, 2017, meeting of the Board of Commissioners.

After conducting the public hearing on this date, the Board of Commissioners finds the following:

1. Although Underwood Road is identified as S.R. #1730 in the State Highway System, the portion to be closed was abandoned from maintenance by the Department of Transportation by action of the State Board of Transportation January 4, 2017.
2. Cargill, Incorporated, has constructed Oilseed Drive to connect River Road and Custer Avenue and the Board of Commissioners approved the addition of Oilseed Drive to the State Highway System November 7, 2016.
3. This closure will not cause any other parcel to become landlocked.
4. 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 weeks as shown in the Order Confirmation or Publisher's Affidavit attached hereto as Exhibit A.
5. Cargill, Incorporated, and the Trustees of the John and Carolyn Smith Grandchildren's Trust are the only owners of property adjoining the portion of the road to be closed and each of these property owners petitioned the Board to make this closure. No notice of the Resolution of Intent was sent to any other property owner for this reason.
6. Notice of the closing and public hearing was prominently posted in at least two places along the road as shown in the Certificate of Posting attached hereto as Exhibit B.

Based on the foregoing findings of fact, the Board of Commissioners is satisfied that closing the portion of Underwood Road described herein is not contrary to the public interest and no individual owning property in the vicinity of the road would thereby be deprived of reasonable means of ingress and egress to his property.

The Cumberland County Board of Commissioners does hereby order, pursuant to N.C.G.S. § 153A-241, that the portion of Underwood Road (S.R. #1730) lying on the property of Cargill, Incorporated, between River Road (S.R. #1714) and Custer Avenue (S.R. #1723) in Eastover Township, Cumberland County, as described in the plat prepared

by Joyner Keeny, PLLC, recorded October 17, 2016, in Plat Book 138 at page 97 in the Cumberland County Registry, 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.

Pursuant to N.C.G.S. § 153A-241, upon the closing of a public road or an easement, all right, title, and interest in the right-of-way is vested in those persons owning lots or parcels of land adjacent to the road or easement, and the title of each adjoining landowner, for the width of his abutting land, extends to the center line of the public road or easement, subject, however, to any public utility use or facility located on, over, or under the road or easement immediately before its closing, until the landowner or any successor thereto pays to the utility involved the reasonable cost of removing and relocating the facility.

Any person aggrieved by the closing of this portion of Underwood Road may appeal the order of the Board of Commissioners to the appropriate division of the General Court of Justice within 30 days after the day this order is adopted.

Adopted in regular meeting April 18, 2017.

<p align="center">FAYETTEVILLE PUBLISHING COMPANY 458 Whitfield Street, Fayetteville, NC 28306 Phone (910) 678-9000 Toll Free 1-800-345-9895 Fax (910) 323-1451</p>	<p>EXHIBIT A</p>
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<p align="center">Order Confirmation</p> <p>CUMBERLAND COUNTY BOARD OF COMMISSIONERS NOTICE OF PUBLIC HEARING PURSUANT TO NC GS 15A-101 TO CONSIDER THE ACQUISITION OF A PORTION OF UNDERWOOD ROAD</p> <p>TAKE NOTICE that the Cumberland County Board of Commissioners has adopted a resolution declaring its intent to close that portion of Underwood Road lying between River Road and Custer Avenue as fully described in the map recorded in the Cumberland County Registry in Plat Book 138 at page 97. The Board will conduct a public hearing on April 18, 2017, at 6:45 p.m. in the Commissioners Meeting Room (Room 118), First Floor, Courthouse, 117 Dick Street, Fayetteville, North Carolina to hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual's property rights.</p> <p align="center">Candice H. White, Clerk Board of County Commissioners 3/31, 3/7, 14 4884932</p>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Ad Order Number 0004884932</p> <p>Sales Rep. 0090</p> <p>Order Taker wotFPC</p> <p>Order Source Web</p> <p>Order Invoice Text Public Hearing - April 18, 2017</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Customer CUMB CO ATTORNEYS</p> <p>Customer Account 017971203</p> <p>Customer Address PO BOX 1829 FAYETTEVILLE NC 28302 USA</p> <p>Customer Phone 910-678-7762</p> </td> </tr> </table> <hr/> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Payer Customer CUMB CO ATTORNEYS</p> <p>Payer Account 017971203</p> <p>Payer Address PO BOX 1829 FAYETTEVILLE NC 28302 USA</p> <p>Payer Phone 910-678-7762</p> </td> <td style="width: 50%; vertical-align: top;"> <p>PO Number</p> <p>Ordered By</p> <p>Customer Fax 910-678-7758</p> <p>Customer Email cnydall@co.cumberland.nc.us</p> <p>Special Pricing None</p> </td> </tr> </table> <hr/> <table border="0" style="width: 100%;"> <tr> <td style="width: 25%; text-align: right;">Net Amount</td> <td style="width: 25%; text-align: right;">Tax Amount</td> <td style="width: 25%; text-align: right;">Total Amount</td> <td style="width: 25%; text-align: right;">Amount Due</td> </tr> <tr> <td style="text-align: right;">\$313.20</td> <td style="text-align: right;">\$0.00</td> <td style="text-align: right;">\$313.20</td> <td style="text-align: right;">\$313.20</td> </tr> </table> <hr/> <table border="0" style="width: 100%;"> <tr> <td style="width: 60%; text-align: right;">Payment Method</td> <td style="width: 40%; text-align: right;">Payment Amount</td> </tr> <tr> <td></td> <td style="text-align: right;">\$0.00</td> </tr> </table> <hr/> <table border="0" style="width: 100%;"> <tr> <td style="width: 15%;">Ad Number</td> <td style="width: 25%;">Ad Type</td> <td style="width: 25%;">Ad Size</td> <td style="width: 35%;">Color</td> </tr> <tr> <td>0004884932-01</td> <td>CL Legal Line</td> <td>1.0 X 29 cl</td> <td><NONE></td> </tr> </table> <hr/> <table border="0" style="width: 100%;"> <tr> <td style="width: 15%;">Product</td> <td style="width: 25%;">Placement/Classification</td> <td style="width: 25%;">Run Dates</td> <td style="width: 15%;"># Inserts</td> <td style="width: 20%;">Cost</td> </tr> <tr> <td>FO::</td> <td>401 - Legals</td> <td>3/31/2017, 4/7/2017, 4/14/2017</td> <td>3</td> <td>\$300.15</td> </tr> <tr> <td>OL::</td> <td>401 - Legals</td> <td>3/31/2017, 4/7/2017, 4/14/2017</td> <td>3</td> <td>\$13.05</td> </tr> </table>	<p>Ad Order Number 0004884932</p> <p>Sales Rep. 0090</p> <p>Order Taker wotFPC</p> <p>Order Source Web</p> <p>Order Invoice Text Public Hearing - April 18, 2017</p>	<p>Customer CUMB CO ATTORNEYS</p> <p>Customer Account 017971203</p> <p>Customer Address PO BOX 1829 FAYETTEVILLE NC 28302 USA</p> <p>Customer Phone 910-678-7762</p>	<p>Payer Customer CUMB CO ATTORNEYS</p> <p>Payer Account 017971203</p> <p>Payer Address PO BOX 1829 FAYETTEVILLE NC 28302 USA</p> <p>Payer Phone 910-678-7762</p>	<p>PO Number</p> <p>Ordered By</p> <p>Customer Fax 910-678-7758</p> <p>Customer Email cnydall@co.cumberland.nc.us</p> <p>Special Pricing None</p>	Net Amount	Tax Amount	Total Amount	Amount Due	\$313.20	\$0.00	\$313.20	\$313.20	Payment Method	Payment Amount		\$0.00	Ad Number	Ad Type	Ad Size	Color	0004884932-01	CL Legal Line	1.0 X 29 cl	<NONE>	Product	Placement/Classification	Run Dates	# Inserts	Cost	FO::	401 - Legals	3/31/2017, 4/7/2017, 4/14/2017	3	\$300.15	OL::	401 - Legals	3/31/2017, 4/7/2017, 4/14/2017	3	\$13.05
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3/27/2017 1:55:36PM

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EXHIBIT B

North Carolina
Cumberland County

Affidavit of Posting

Jim Wiser states under oath as follows:

- (1) I am Jim Wiscar.
- (2) I have assisted Cargill, Inc., in petitioning the Cumberland County Board of Commissioners (the "Board") to close that portion of Underwood Road described in the resolution of intent adopted by the Board March 20, 2017 ("the Resolution").
- (3) I did cause a notice of the Resolution to be prominently posted in at least two places along portion of Underwood Road described in the Resolution.

Sworn to and subscribed before me
this 3rd day of April, 2017.

Elisabeth Olney
Notary Public
My commission expires: 7-4-2019



Rick Moorefield, Count Attorney, reviewed the background information recorded above, the Resolution of Intent and the Order closing a portion of Underwood Road. Mr. Moorefield displayed the plat recorded with the Register of Deeds that showed Underwood Road, River Road, the newly constructed road Oilseed Drive that has been added to the state system with an 80' right-of-way. Mr. Moorefield highlighted the portion of Underwood Road to be closed and stated both the Trustees of the private Trust and Cargill requested the closure. Mr. Moorefield stated Oilseed Drive connects River Road to Custer Avenue so there will be no disconnection with ingress or egress to Custer Avenue or the remaining portion of Underwood Road. Mr. Moorefield stated the idea is for Cargill to expand its operation and use the 80' right-of-way to better hold truck traffic currently parking on River Road. Mr. Moorefield referenced Exhibits A and B and stated recommendation is to adopt the Order for closure.

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

Vice Chairman Evans opened the public hearing.

The clerk to the board advised there were no speakers.

Vice Chairman Evans closed the public hearing.

MOTION: Commissioner Boose moved to direct the signing of the Order declaring that the portion of Underwood Road lying between River Road and Custer Avenue, as fully described in the plat recorded with the Cumberland County Register of Deeds in Plat Book 138 at page 97, be closed.
SECOND: Commissioner Council
VOTE: UNANIMOUS (5-0)

Items of Business

4. Nominations to Boards and Committees

A. Cumberland County Workforce Development Board (1 Vacancy)

Commissioner Council nominated Rodney Anderson.

5. Appointments to Boards and Committees

A. Southeastern Economic Development Commission (1 Vacancy)

Nominee: Robert Van Geons

MOTION: Commissioner Lancaster moved to appoint Robert Van Geons to the Southeastern Economic Development Commission.
SECOND: Commissioner Council
VOTE: UNANIMOUS (5-0)

6. Closed Session: A. Economic Development Matter(s) Pursuant to NCGS 143-318.11(a)(4)

MOTION: Commissioner Boose moved to go into closed session for Economic Development Matter(s) pursuant to NCGS 143-318.11(a)(4).
SECOND: Commissioner Council
VOTE: UNANIMOUS (5-0)

MOTION: Commissioner Lancaster moved to reconvene in open session.
SECOND: Commissioner Council
VOTE: UNANIMOUS (5-0)

MOTION: Vice Chairman Evans moved to adjourn.
SECOND: Commissioner Council
VOTE: UNANIMOUS (5-0)

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