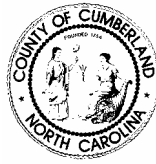


Clifton McNeill, Jr.
Chair
Cumberland County



Nancy Roy, AICP
Director
Planning & Inspections

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
John M. Gillis, Jr.
Dr. Marion Gillis-Olison
Cumberland County

Joe W. Mullinax,
Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Frank Underwood,
Town of Stedman

COUNTY of CUMBERLAND

Cumberland County Joint Planning Board

MINUTES
November 4, 2003
7:00 p.m.

Members Present

Mr. Clifton McNeill, Chair
Mr. Charles Morris, Vice-Chair
Mr. David Averette
Mr. John M. Gillis
Mr. Donovan McLaurin
Mr. Joe W. Mullinax
Mr. Frank Underwood

Members Absent

Dr. Marion Gillis-Olison

Others Present

Ms. Nancy Roy, Director
Ms. Hope Barnhart
Mr. Matt Rooney
Ms. Barbara Swilley
Mr. Grainger Barrett,
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Chair McNeill delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF AGENDA/ADDITIONAL ITEMS

A motion was made by Mr. Morris and seconded by Mr. Gillis to approve the Agenda as presented. The motion passed unanimously.

III. APPROVAL OF THE MINUTES OF OCTOBER 21, 2003

Mr. Barrett asked that the words "all access" be inserted on page 6 to replace "the entrance" in the first full paragraph. A motion was made by Mr. Gillis, seconded by Mr. Mullinax to approve the Minutes of October 21, 2003 with the above change. The motion passed unanimously.

III. DISCUSSION

A. PRESENTATION ON ANNEXATION—JIMMY TEAL

Mr. Teal reported that the City Council adopted a Resolution of Intent to Annex and the Annexation Report in September. He said that citizen meetings to inform the residents about what the annexation will mean to them began in October and will conclude on November 6. He said that a public hearing will be held in the Coliseum on November 10, 2003, and City Council will be able to vote on the annexation on November 24. He said if the annexation is approved, the ordinance will be written, and annexation will occur on June 30, 2004.

Mr. Morris asked why the Eureka Springs and College Downs Subdivisions were not included in the annexation since they have a high incidence of septic failures. Mr. Teal said that they might qualify for rural grants to help with sewer costs. Mr. Morris asked if the process to obtain funds had begun, and Mr. Teal said that it is still being looked at. Mr.

Averette said that he thought that the subdivisions were too densely populated to qualify for the funds.

Mr. Barrett asked how long the Annexation Report is, and Mr. Teal wasn't sure. Mr. Barrett asked if the County staff could receive copies to distribute to the Board, and Mr. Teal said that he would get copies to the staff.

Chair McNeill asked why the annexation is so unusually large. Mr. Teal said that the City developed a four-phase annexation plan in 1993, and annexations occurred in 1994 (Foxfire), 1996 (Bunce Road—22,000 people), 1998 (northern county) and 2000 (Hope Mills Road to Redwood Drive), 2001 (Tiffany Pines). Mr. Teal said that in 2002, annexation of the Hope Mills Road area to the Hope Mills Town Limit was accomplished, and this concluded 95 percent of the plan. He said that the City is looking to the future because every annexation means redrawing district lines, and a larger annexation will require the lines to be drawn as often.

Mr. Teal continued that the Resolution of Intent to Annex allows citizen input, the Annexation Report to be prepared and City Council to vote on the matter.

Mr. Morris said that the proposed area contains services provided by PWC and Lumbee River Electric. He asked if the annexation would make PWC the exclusive provider. Mr. Teal said that it would not, and the residents would be allowed to request PWC. Mr. Morris said that some developers have laid the infrastructures with Lumbee River Electric and are concerned about being forced to use PWC. Mr. Gillis said that the Ordinance gives the City authority to restrict Lumbee River Electric to what they currently provide if a franchise license is issued. Mr. Teal said that the City in general in earlier annexations has not placed restrictions on the serving utility providers. Mr. Gillis said that the areas annexed in the past have not contained wide expanses of open spaces, so there hasn't been a need for service extensions. He added that PWC has said that water and sewer are breakeven services, and electricity is the profit maker for PWC. He said given the opportunity to restrict, it would seem logical that PWC would want to provide the service. Mr. Teal said the City would like to see PWC provide the services, but he didn't know what was planned.

Mr. Teal said that the City wants to be the least disruptive in restricting anything people are used to. Mr. Gillis asked if there have been discussions between PWC and the City regarding franchising. Mr. Teal said he didn't know of any. He said that providers for garbage and other services had not been displaced in the past.

Mr. Morris said that people have spent hundreds of thousands of dollars in developing infrastructures, and PWC has a reputation for being a monopoly. Mr. Barrett said that it would depend on who owns the infrastructures at the time. Mr. Gillis said that on Raeford Road, Lumbee River Electric developed a station to serve the area at a cost of over one million dollars. He said many tracts don't yet exist, and PWC could restrict Lumbee River Electric to their current acreage and move into the larger undeveloped tracts themselves. He said he wondered why the matter hadn't been discussed during earlier stages in the annexation process because of the impact on the property owners and the service providers.

Mr. Morris said that he owns 600 acres and has plans to bring in services. He said that if the City doesn't allow him to do this through other providers, it would be very costly to extend the line to the City. He said he has asked about this matter at annexation meetings, but no one has given him an answer. Mr. Teal said that he could speak with a representative of PWC.

Mr. Barrett said that the State Utility Commission has set out service areas, and Lumbee River Electric would not be displaced, but it could be prevented from expanding. Mr. Gillis said that there needs to be clarification, and the City Council members need to know the facts before they vote.

Mr. Barrett asked if any fire or police substations were proposed in the new area. Mr. Teal said that there isn't a proposal, but a fire station in the Cliffdale/Rim Road area has been discussed. He added that a park has been discussed for the E.E. Miller School area. Mr. Barrett asked about a police substation and was told that the City is looking at the matter. Mr. Teal said that there will be 58 officers for the area with a quicker response time than currently experienced. Mr. Barrett asked if the Annexation Report contains sewer outfall lines. Mr. Teal said there are lines in place that meet the two-year statutory requirements. He said that one will have to be added in the southern area.

Mr. Gillis said that Mr. McNeill at PWC said there were serious discussions about "pulling out the wedge" along the County line. Mr. Teal said that the boundaries or some taken out, but they cannot expand the proposal.

Mr. Barrett asked what planning has been done for City inspections and issuance of permits. Mr. Teal said that in areas dealing directly with the public, the Police, Fire, Inspections and Solid Waste Departments are scheduled to be enlarged, and a position is to be added to the City Attorney's staff.

Mr. Barrett asked about the transition from one set of regulations to another. Mr. Teal said that these will be handled as in previous annexations.

Mr. Averette said in order for it to be less painful to the citizens of the City and County, it would be wise for the County to have separate Planning and Zoning Boards as the City does, and the Planning Boards for the City and County to be combined. He said then the City would again have a Municipal Influence Area in which the infrastructures could be in place prior to annexations. Mr. Teal said that the City is looking at water, sewer and other services in the urban areas. He said by annexing, the City would set the assessment, and the County could participate. He said that the City Manager has been asked to look at options to assist with sewer assessments. Mr. Averette asked who would pay. Mr. Teal said that they are looking at grants.

Mr. Averette said that the City will have a challenge in dealing with farmland and areas that currently don't have districts that allow them in the City. He said that it is going to cost the citizens a lot because the City hasn't been part of the process for the last eight years.

Mr. Gillis asked how the City financed their portion of sewer assessments in the past. Mr. Teal said that PWC has paid, and the City has helped with street repairs, and revenue bonds were used. Mr. Gillis said that he would have hoped that more specific plans would

have been developed because in the past, the City has been able to rely on PWC, and their funds are running low, so it will fall on the taxpayers. Mr. Teal said that the City, County and PWC met in 1994 and agreed that the City would annex areas to address sewer problems, and PWC would extend infrastructures and outfalls, and the County would have a revolving fund. He said that the City has taken care of about 80 to 90 percent of the problems.

Mr. Gillis said no action had been taken in Eureka Springs and other areas where there are sewer problems that were identified years ago. He noted they would again be left out of this annexation. He said that the citizens are still experiencing septic tank problems, and the health issues are being ignored. He said if the City was really trying to help the citizens, they would be solving problems in the neighborhoods where the problems exist. Mr. Teal said that is what the City has been doing since it has been allowed to annex. He said that PWC is the only one who has helped with sewer problems.

Chair McNeill asked if the City is going to annex the areas in question (Eureka Springs, etc.) if it is determined that they do not qualify for rural funds. Mr. Teal said that those areas would be in the City, but there haven't been discussions to determine a date that he knew of. Chair McNeill said since the reason given was to allow the areas to receive rural funds, he would have thought that the City would have already determined what they would do if they didn't qualify for the funds. Mr. Averette asked if they could petition for annexation, and Mr. Teal said that they could. Mr. Averette asked if the City could then either accept or deny their request. Mr. Teal said that the City has the option, but they don't generally deny requests.

Mr. Morris pointed out an area of earlier annexation that contains holes that were not zoned and asked Mr. Teal's thoughts on why some areas were left out. Mr. Teal said that there was a change in the law in 1999 pertaining to taxing of farmland. He said that farmland that was annexed into the City prior to 1999 had to be taxed, but the statutes now exempt the farms from City taxes. He said now the City is able to annex farmland without additional cost to the farmers.

Mr. Gillis pointed to an area on Morganton Road and asked why it wasn't annexed because it created a hole in the City area. Mr. Teal said that in 1994, the City passed a Resolution of Intent for Annexation that included everything south of Morganton Road. He said that some landowners asked that they be left out because their farms would have been taxed more. He said since the law has changed, they have now petitioned for annexation. He said he was not sure if the other areas qualify. Mr. Gillis said they looked like they should qualify because they are contiguous with the annexed land.

Mr. Morris asked if once a person petitions for annexation, he's locked into PWC services. Mr. Barrett said that the Annexation Agreement forces them to have PWC services. Mr. Averette asked how much in the western area is already under agreement. Mr. Teal said that the newer developments are, but the older developments still don't have sewer.

Mr. Gillis said that the Farm Program exempts farms from City taxes, but it also keeps them from receiving City services, such as fire and police protection. He asked how the City would address the protection. Mr. Teal said that the fire and police protection are not

yet worked out, but the City will provide police protection, and they will provide fire protection for farms paying certain taxes. He repeated that the City is trying to make the annexation as seamless as possible, and they want the residents to know that the annexation is a benefit.

Mr. Morris said that people don't want higher taxes. Mr. Teal said that the increase is about \$.37. He said that on a \$100,000 home, the additional cost will be between \$225 and \$375 depending upon whether the household currently pays for garbage collection. He said that it isn't as bad as it originally sounded, and it pays for itself over a period of years.

Mr. Teal said for sewer to be installed, a public hearing must be held, and an order to PWC to install it. He said that the process takes approximately two years, then the City has another hearing and assesses the amounts due. He said that the last one cost about \$3,700 to each household, and it can be paid over 10 years. Mr. Gillis said that the fixed income folks get hit hard.

Mr. Gillis asked how hunting on farmland would be treated since the City doesn't allow the discharge of firearms. Mr. Teal said that the Police and City Attorney have to work this out, and there isn't yet a resolution. He said it will all be in place by the time of the actual annexation.

Mr. Gillis asked if the City is a bird sanctuary and if so, whether dove and quails would be exempt for hunting purposes. Mr. Teal said he wasn't aware that Fayetteville is a bird sanctuary. Mr. Gillis said that these issues cause emotional concerns for the residents. He said he hoped there would be a lot more work to fix these problems with ordinances, permitting, etc. before the annexation occurs. Mr. Teal said that the City is working on the problems.

Mr. Morris thanked Mr. Teal for his candidness and time to explain the process and answer the questions.

Chair McNeill also thanked Mr. Teal and said that the door is always open for the City to rejoin the Board so that much more could be accomplished to make the annexations less painful to the citizenry. Mr. Teal said that Mr. Stancil sent a memo to Mr. Martin regarding sharing services and functions.

B. WADE DETAILED LAND USE STUDY—JOE MULLINAX

Mr. Mullinax reported that the Comprehensive Planning Committee reviewed the Wade Detailed Land Use Plan and accompanying map. He said that the Committee's recommendation is to approve the Plan with the revised map that excludes a large portion of industrial land to be designated for medium-density residential use, and one-acre lots along the river. He said that the Board should hold a public hearing.

Ms. Roy added that a 300' foot buffer was also included in the map as proposed by the Sandhills Area Land Trust.

Ms. Barnhart explained the public hearing process for the Board and Town of Wade.

A Committee motion was offered to hold a public hearing on the Wade Detailed Land Use Plan and Map on Tuesday, December 2, 2003. The motion passed unanimously.

IV. FOR YOUR INFORMATION

Mr. Mullinax asked if the Board would hold a joint meeting with the City of Fayetteville on the fifth Tuesday in December—December 30.

A motion was made by Mr. Gillis and seconded by Mr. Morris to cancel the normal fifth Tuesday meeting with the Fayetteville Planning Commission. The motion passed unanimously.

V. DIRECTOR'S UPDATE

Ms. Roy thanked the Board for their support at the Randall Arendt Workshop held last week. She said that she has discussed some of the suggestions with Mr. Gillis, and he feels that there should be another meeting of the development community for feedback and to see how some of Mr. Arendt's suggestions can be implemented.

Mr. Averette said that the Workshop was well done, and he'd like to see the City and County Planning Boards get back together and see what can be done to provide a plan to help the developers do what's best for the City and County. He said that the ordinances should encourage and promote smart growth and good development.

Mr. Morris said that the Board needs definition on the next steps on how to implement some of the ideas they were discussed at the Workshop. Mr. Averette agreed and said that there were some wonderful concepts presented that the developers need to follow up on.

VI. ADJOURNMENT

There being no further business, the meeting adjourned at 6:35 p.m.