

CUMBERLAND COUNTY POLICY COMMITTEE
July 30, 2008 – 8:30 AM
SPECIAL MEETING

PRESENT: Commissioner Jeannette Council
Commissioner Kenneth Edge
James Martin, County Manager
Amy Cannon, Assistant County Manager
Cliff Spiller, Assistant County Manager
Sara VanderClute, Public Information Officer
Grainger Barrett, County Attorney
Harvey Raynor, Deputy County Attorney
Tom Cooney, Public Utilities Director
Tom Brooks, McCormick Farms
Tim McNeill, Harnett County Commissioner
Rodney Tart, Harnett County Public Utilities Director
Glenn McFadden, Harnett County Utilities
Hiram J. Marziano, Harnett County Engineer
Jennifer Slusser, Harnett County Staff Attorney
Larry Faison, Spring Lake Town Manager
Marie Colgan, Deputy Clerk

Commissioner Council called the meeting to order at 8:30 AM and advised that Commissioner Ed Melvin had a medical appointment and could not be in attendance.

1. Approval of Minutes: May 1, 2008

MOTION: Commissioner Edge moved to approve.
SECOND: Commissioner Council
VOTE: UNANIMOUS

2. Consideration of a request from Harnett County to exercise Eminent Domain within Cumberland County to obtain property for a portion of a new gravity sewer line route to serve Fort Bragg and the Spring Lake area

County Manager Martin advised that this Special Meeting was called at the request of Harnett County with potential action by the Cumberland County Board of Commissioners regarding the placement of a new gravity sewer line route to serve Ft. Bragg and the Spring Lake area. Representatives from Harnett County, as well as Mr. Brooks, who represents McCormick Farms which owns a substantial portion of the property that the line would cross, are in attendance. County Attorney Barrett reminded attendees that this is not a request for Cumberland County to exercise Eminent Domain, but it is a request from Harnett County for the Cumberland County Board of Commissioners' consent and approval, which is required by Statute, when Harnett County condemns (for a legitimate reason) property outside of their county limits. County Attorney Barrett reminded members that the Cumberland County Planning Department and the Cooperative Extension worked on a Voluntary Agricultural District which the Board of Commissioners approved last year. That ordinance includes a provision that a condemnation proposed that would affect a property in the district, requires that the Farm Advisory Board hold a public hearing within a 30 day period and give its report and recommendations to the condemnor before the condemnor begins the condemnation. The condemnor must get an approval from the Cumberland County Board of

Commissioners before it is finished. This meeting is being held for informational purposes only. Commissioner Edge inquired whether the process with the Farm Advisory Board has been started. Attorney Slusser stated, no, that Harnett County wanted to first make the Cumberland County Board of Commissioners aware of the situation prior to taking any action as they would need consent from the Board prior to getting a judgment, and, secondly, the Voluntary Agricultural District is fairly new and nothing was recorded at the time this process started and was only recently requested.

Harnett County Commissioner McNeill thanked the Committee for calling the Special Meeting since it is in regards to a subject which is important to Ft. Bragg, Harnett County and the entire region. Harnett County has signed an agreement with Ft. Bragg to take care of all its waste treatment needs for the next 40 years. A waste water treatment plant is being built on the Harnett and Cumberland County line for Ft. Bragg; some parts of Spring Lake are also being considered. The needed gravity line will impact the McCormick Farm, as well as five other landowners. Mr. Tart stated that Harnett County has been working for the last five years to address growth and all its issues affecting Harnett, Hoke and Cumberland County. He reviewed a map showing the properties being affected by the new gravity sewer line route. This project is needed in order to deal with the growth which will result from the Base Realignment and Closure (BRAC) act. At this time, the physical survey has been completed of the routing of the line. Mr. Tart noted that the McCormick property and the Lewis property are the only two landowners left that have not consented to the route and that help is needed to find common ground on obtaining these consents. Mr. Tart advised that the route along the river is the most desirable route for Harnett County as it is the least costly and it is the lowest part of the drainage basin, and would ultimately serve the most citizens down the road. He provided information on alternate routes along with what offers have been made to Mr. Brooks with regard to his concerns on the proposed route. The next step is to have an environmental evaluation completed to determine if the line placement is workable or if the line will have to be placed elsewhere on McCormick Farm's property. County Attorney Barrett emphasized that the confidentiality of the issues revealed from the environmental evaluation is not assured past a certain point.

Mr. Faison stated that the near term interest of Spring Lake is to create an environment for economic growth. Their long term interest is taking their plant off line and, therefore, Spring Lake is in favor of the alignment that Harnett County has proposed.

Mr. Brooks presented the family history of McCormick Farms, which dates back to the 1800s. He stated that the farm is about 2,000 acres and is involved in timber, beef cattle, and has three residences on the farm. The farm borders Ft. Bragg and Spring Lake. Mr. Brooks emphasized that he does not object to the line going across the farm property, but the issue is selecting the route that has the least impact on the values that the farm holds. Prior plans were to develop property on tracts where timber had been removed, but later Mr. Brooks agreed not to do so when he entered into a 10-year conservation agreement with Cumberland County. Mr. Brooks recited four reasons he had advised Harnett County that he had concerns about: (1) liability issues (2) confidentiality of environmental evaluation information (3) impact on survey with regard to wetland regulations with the Department of Agriculture versus the Army Corps of Engineer regulations and (4) unknown impact on more stringent standards as a result of a Federal nexus if declared. Compensation has been discussed but no agreement reached.

Commissioner Edge observed that maybe both parties are closer to an agreement than they realize, and that both parties should meet again and work towards closure.

Commissioner McNeill voiced his concern that, in the past, the target for closure has moved after the beginning of negotiations; he wanted to ensure that Mr. Brooks' four reasons for not consenting are his final concerns. Commissioner Edge stated that Ft. Bragg plays an important role in our community and that it is important for this project to move forward as the County has an obligation to the greatest economic engine in the community. Commissioner Council questioned whether it is the Cumberland County Board's responsibility to contact the Farm Advisory Board and County Attorney Barrett advised that it is up to Harnett County to contact them.

County Manager Martin thanked each person for attending and questioned Mr. Brooks if he was in agreement to negotiating the Entry Agreement and Mr. Brooks stated yes. Mr. Cooney questioned whether the other property which had not been finalized is in Cumberland County and Mr. Tart stated yes that it is in Cumberland County.

Commissioner Council thanked Mr. Brooks for his prior agreement to put development on his property on hold and feels that progress has been made on the current issue. Members understood that if Mr. Brooks and Harnett County cannot reach an agreement then this issue may be brought back to this Committee in September.

3. Other Matters of Concern

MEETING ADJOURNED: 9:40 AM