

CUMBERLAND COUNTY POLICY COMMITTEE
March 5, 2009 – 9:30 AM

PRESENT: Commissioner Billy King
Commissioner Kenneth Edge
Commissioner Marshall Faircloth
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Grainger Barrett, County Attorney
Tom Cooney, Public Utilities Director
Bob Stanger, County Engineer
Tom Lloyd, Planning & Inspections Director
Kennie Currie, Emergency Services Director
Sara VanderClute, Public Information Officer
Cecil Combs, Planning Department
Greg Caison, City of Fayetteville – Stormwater Utility
Director
John Fersner, USI, Stormwater Utility Consultant
Marie Colgan, Deputy Clerk

Commissioner King opened the meeting with a prayer.

1. Approval of Minutes: January 8, 2009

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

2. Update on the Southpoint Project:

Tom Cooney, Public Utilities Director, advised that Mr. Martin, County Manager, held a meeting with Robeson County Commissioners and several other individuals regarding extending a line from their water system to the Southpoint subdivision in Cumberland County. A lease agreement was discussed where Cumberland would install the lines and Robeson County would lease the assets, which would allow Cumberland to maintain ownership of the lines. Mr. Martin discussed the possibility of a short term lease, but Robeson wanted a renewable 20-year agreement and terms were not agreed upon during the meeting. After the meeting, the individuals attending from Robeson County further discussed the issue and a letter was sent to Mr. Martin advising that they were not interested in any type lease plan. No further discussions have been held with Robeson and dialogue was opened with Bladen County. Mr. Martin advised that the bottom line is that Robeson wants Cumberland to install the lines and they would operate them as Robeson County lines, but Mr. Martin does not feel that would be in Cumberland's long-term best interest. After making an initial contact with Bladen County, Mr. Martin feels that a meeting with Bladen is in order to discuss the possibility of extending lines from that county. Mr. Cooney asked Koontz Noble, Cumberland's engineering firm, to contact Hobbs Upchurch, the engineering firm for Bladen County's system, to make calculations about the availability of water from Bladen County and to report back to Cumberland. Water from Bladen County is not immediately practical at this time due to a high iron content, but is hoping to have availability by June.

Responding to a question from Commissioner Edge regarding the water supply for the Dupont Plant on Highway 87 and the proximity of PWC lines to the Southpoint subdivision, Mr. Cooney advised that he has been asked by PWC to look at providing water to the two schools in Grays Creek, which would create some participation that would bring the water lines close to Southpoint. However, the cost would be higher to go this route compared to bringing water from Bladen County. Mr. Cooney advised that he has applied for federal stimulus dollars, but it would be a couple of months before that may come available and he would like to have this project bid within the next two months.

3. Update and Consideration of participation for the Cedar Creek Road Project:

Mr. Cooney advised that citizens from the Cedar Creek Road area petitioned for a special assessment for a water line. Mr. Cooney referred members to the map included in their packet. Easements from a couple of the parcel owners were needed in order to save some expenses due to the railroad track location, but one owner refused to grant an easement. That has resulted in the need for a longer line down Cedar Creek Road and the necessity for an expensive bore under the railroad track. PWC was requested to participate in the project and it has agreed to match whatever the County contributes. Therefore, Mr. Cooney is asking that the County contribute between \$40,000 and \$50,000 as its share towards the project, which would reduce the citizens' share to around \$5,000 to \$6,000 per lot (27 lots in all). Commissioner Edge confirmed with Mr. Martin that funds for this project were available in the water fund.

MOTION: Commissioner Edge moved to recommend to the full Board the approval of the request to equally share the additional cost with PWC and to allow a special assessment be applied to the citizens' share.

SECOND: Commissioner Faircloth
VOTE: UNANIMOUS

4. Discussion/Review of the Status of the Storm Water Program:

Mr. Stanger introduced Mr. Caison and Mr. Fersner and provided background information on the formation of the storm water utility. In the mid-1990s the City of Fayetteville and the County partnered to fund and administer the requirements of a NPDES permit under Phase I. Due to the lower population of Cumberland's urban population after the City's annexations, the County asked to the NC Department of Environment and Natural Resources to remove the County from the Phase I program. DENR has provided verbal approval, but written approval has not been received to date. Based on the verbal approval and the fact that the NPDES permit renewal process, which the City is now going through, does not include Cumberland County, it appears that the County has been removed from Phase I. Mr. Barrett added that the State's Phase II actions agree with the verbal approval of our removal from Phase I. The City of Fayetteville's NPDES permit has been renewed. It seeks guidance from the County as to our continued participation in the joint storm water utility. The County also needs to decide whether to continue collecting the storm water fee which has been collected under the Phase I program. Discussion ensued as to the potential issues and as to how the fee, which generate \$600,000 per year, could be used should the County continue to collect it. It was agreed that only limited storm water improvement projects could be afforded and if the fee is discontinued, educating the public as to why this was decided would be very important. The County Attorney noted his legal concern about the

difference between a tax and a fee, with a fee being imposed in return for providing a service. After consulting with other staff members present, Mr. Martin recommended removing the \$12.00 per year fee. Mr. Martin added that even if the full Board votes in favor of the fee's removal, this action could still be revisited before adoption of the budget ordinance for the upcoming year.

MOTION: Commissioner Faircloth moved to recommend to the full Board that the County no longer impose the \$1.00 per month residential unit storm water fee.

SECOND: Commissioner Edge

VOTE: Commissioner Faircloth and Edge voted for the motion.
Commissioner King voted against the motion.

5. Update on Fire Protection Services:

County Attorney Barrett stated that since discussions with the Board about legal issues with regard to fire protection services that he and Mr. Currie have met twice with Freddie Johnson, Chief of the Fire Chief's Association, regarding issues with the standard fire protection services contract. It appears that an agreement can be reached on the vast majority of issues. Once the document is finalized, it will go to the Fire Chief's Association and fire department chiefs and officers for their review.

Other Matters of Concern – Discussion Regarding Enforcement of Minimum Housing Ordinance:

Mr. Lloyd introduced Mr. Combs stating that he will be providing information on a proposed procedural change which will save money for fuel, inspector's time and postage. Mr. Combs provided a handout stating that he is trying to find a better way for the staff in the code enforcement department to deal with issues related to the removal of trash and debris from properties. The proposed change in the current ordinance would be to eliminate costly certified mail and to use first class mail rates and posting of properties instead. The notification process would use the tax records last known address for the owner of the property and would include placing a notice on the property. The members agreed to bring the proposed ordinance directly to the full Board.

MEETING ADJOURNED