

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
SEPTEMBER 5, 2013 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Charles Evans , Chairman
 Commissioner Marshall Faircloth
 Commissioner Kenneth Edge

OTHER COMMISSIONERS
PRESENT: Commissioner Jeannette Council (left at 10:55 a.m.)

OTHERS PRESENT: James Martin, County Manager
 Amy Cannon, Deputy County Manager
 James Lawson, Assistant County Manager
 Rick Moorefield, County Attorney
 Sally Shutt, Chief Public Information Officer
 Jeffery Brown, Engineering & Infrastructure Director
 Melissa Cardinali, Finance Director
 Howard Abner, Assistant Finance Director
 Candice White, Clerk to the Board
 Kellie Beam, Deputy Clerk to the Board
 Press

Commissioner Evans called the meeting to order.

1. APPROVAL OF MINUTES – MAY 2, 2013 MEETING

MOTION: Commissioner Faircloth moved to approve the minutes.
SECOND: Commissioner Edge
VOTE: UNANIMOUS (3-0)

2. CONSIDERATION OF CITY OF FAYETTEVILLE AND CUMBERLAND
COUNTY STRATEGIC PLANNING SESSION

Commissioner Evans stated he requested the placement of this item on the agenda and in light of the fact that Fayetteville is in the middle of a municipal election and it is not known at this time who will be elected to the Fayetteville City Council, he was prepared to make the following motion.

MOTION: Commissioner Evans moved to consider a City of Fayetteville and Cumberland County Strategic Planning Session at a future meeting.

SECOND: Commissioner Faircloth

DISCUSSION: James Martin, County Manager, asked if the matter could be brought up at the January 2014 meeting of the Policy Committee. Commissioner Evans responded in the affirmative. Commissioner Edge stated the other municipalities in the county should also be involved. Commissioner Evans concurred. Mr. Martin also suggested that should there be a meeting with the county and the municipalities regarding emergency disaster response, this could possibly be added to that agenda as well. Commissioner Evans stated that would be a great idea.

VOTE: UNANIMOUS (3-0)

3. DISCUSSION REGARDING PINPOINT AND DRAPER ROADS RIGHT-OF-WAY ISSUES

Rick Moorefield, County Attorney, stated Pinpoint and Draper Roads are connected private roads located off Clinton Road near the Vander Community. Mr. Moorefield stated these roads are in very poor condition and appear to be impassable after heavy or prolonged rainfall. Mr. Moorefield stated the roads serve thirty-one (31) parcels and from the aerial photo, it appears that about half of these parcels contain dwellings.

Mr. Moorefield stated at the request of Commissioner Evans, in 2012 the county attorney's office sent information and forms to all parcel owners by which the owners could indicate their willingness to donate right of way in order for the Department of Transportation (DOT), to place the roads on the state system. Mr. Moorefield stated ten (10) parcel owners responded that they were willing to donate the needed right of way. Mr. Moorefield stated in order to proceed with DOT procedures to add the roads to the state system, at least 75% of the parcel owners have to be willing to donate the right of way. Mr. Moorefield stated using the process by which the property owners donate right of way appears not to be an option.

Mr. Moorefield stated Draper Road crosses the CSX railroad right of way that runs parallel to Clinton Road and DOT has advised the county attorney that CSX will not permit any improvements in its right of way unless DOT closes three other at-grade rail crossings in Cumberland County. Mr. Moorefield stated this makes it impossible for that portion of the road to be brought into the state system.

Mr. Moorefield stated Commissioner Evans asked him to research whether the county has the authority to condemn the right of way necessary to bring these roads into the State Highway System.

Mr. Moorefield explained a summary of the law governing a county's authority with respect to the condemnation of rights of way for roads. Mr. Moorefield stated in his opinion the county does not have the authority to condemn the right of way for these

roads except in conjunction with an agreement with DOT that DOT will accept these roads into the state system. Mr. Moorefield stated DOT does not condemn right of way in order to bring private roads into the state system, thus any such agreement would require the county to pay the costs of the condemnation.

Mr. Moorefield stated due to the cost of the condemnation and the necessity to consider additional private roads after establishing this precedent that a request to DOT for placing the roads in a passable condition as neighborhood public roads is likely the only assistance the county can provide. Mr. Moorefield stated this may also require that litigation be commenced against those property owners who are opposed to the improvements and if DOT elects to proceed, it would likely require the county to bring these actions.

Commissioner Evans stated his main concern is that many senior citizens reside in this area and he feels emergency vehicles will not be able to reach the citizens in a timely manner due to the condition of the roads. Commissioner Evans stated he would like to see the Policy Committee request that DOT make improvements for the roads to be passable. Commissioner Faircloth stated if the Policy Committee requests the county attorney to draft a resolution to DOT to request the roads be made passable and DOT agrees, the county can look at what options are available at that time.

MOTION: Commissioner Faircloth moved to recommend to the full board consideration of a request to the county attorney to draft a resolution to DOT requesting Pinpoint and Draper Roads be made passable.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (3-0)

4. OTHER ITEMS OF BUSINESS

Mr. Moorefield stated the Senate override of the Governor's veto of the e-verify bill became effective today. Mr. Moorefield stated this law will require the county to insert an additional provision in contracts that will require all contractors and sub-contractors to certify they have complied with the e-verify requirements. Mr. Moorefield stated this law will also apply to the county's hiring process. Ms. Cannon stated this involves educating county departments with regard to adding this provision to contracts and educating all vendors that work with the county.

MEETING ADJOURNED AT 11:15 AM