

CUMBERLAND COUNTY POLICY COMMITTEE  
JUDGE E. MAURICE BRASWELL CUMBERLAND COUNTY COURTHOUSE  
117 DICK STREET, 5TH FLOOR, ROOM 564  
MAY 3, 2018  
MINUTES

MEMBERS PRESENT:      Commissioner Michael Boose  
                                 Commissioner Charles Evans  
                                 Commissioner Larry Lancaster

OTHER COMMISSIONERS  
PRESENT:                      Commissioner Glenn Adams  
                                 Commissioner Jeannette Council  
                                 Commissioner Jimmy Keefe

OTHERS PRESENT:        Amy Cannon, County Manager  
                                 Tracy Jackson, Assistant County Manager  
                                 Sally Shutt, Assistant County Manager  
                                 Duane Holder, Assistant County Manager  
                                 Melissa Cardinali, Assistant County Manager  
                                 Rick Moorefield, County Attorney  
                                 Jeffery Brown, Engineering & Infrastructure Director  
                                 Deborah Shaw, Budget Analyst  
                                 Heather Harris, Budget Analyst  
                                 Devon Newton, County Attorney's Office  
                                 Vicki Evans, Finance Director  
                                 Geneve Mankel, Communications & Outreach Coordinator  
                                 Candice White, Clerk to the Board  
                                 Kellie Beam, Deputy Clerk to the Board  
                                 Press

Commissioner Lancaster called the meeting to order.

1.      APPROVAL OF MINUTES – MARCH 1, 2018 REGULAR MEETING

MOTION:      Commissioner Evans moved to approve the March 1, 2018 meeting minutes  
                                 as presented.  
SECOND:      Commissioner Lancaster  
VOTE:        UNANIMOUS (3-0)

2.      CONSIDERATION OF CUMBERLAND ROAD SMALL AREA PLAN

BACKGROUND:

At the December 18, 2017 Board of County Commissioners' meeting, a rezoning request, Case P17-49, was approved from Office & Institutional Planned (O&I-P) to Commercial Planned (C-P). During the Public Hearing, a question was asked if problems would occur if commercial development is added without sewer in the vicinity. As discussion ensued, the Board indicated it would like to see this portion of Cumberland Road reviewed for zoning consistency. It was determined that a study should be performed and presented to the Policy Committee.

RECOMMENDATION/PROPOSED ACTION:

The Planning staff is requesting the Policy Committee review and recommend approval of the Cumberland Road Plan, including any recommended changes, and forward to the Joint Planning Board for a recommendation to the full Board of Commissioners.

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Tom Lloyd, Planning & Inspections Director, reviewed the background information and recommendation as recorded above.

Mr. Lloyd presented the following information:

The Planning Department staff was directed by the County Commissioners to complete a study for the future land use of the area of Cumberland Road from Hope Mills Road to Owen Drive. In order to create a complete assessment of the study area, planning staff researched and compiled data describing characteristics of the area including curb cuts, current land use and zoning, and proximity and availability of utilities. The planning staff then used this data to create recommendations for future land use within the study area to be adopted as a Business Street Plan to supplement the existing Southwest Cumberland Land Use Plan, adopted in 2013.

- Most parcels would allow for conformity with the C1(P) or O&I(P) zoning districts and less than 25% would be nonconforming with the C2(P) zoning district.
- Most parcels in the study area have at least one curb cut with around 15% having more than one.
- There have been 12 rezoning requests in the study area within the last 10 years with all but one request being from residential to commercial.
- Approximately 16% of the lots in the study area are currently vacant.
- Currently it would be more costly to extend sewer to the eastern half of the study area due to lack of existing sewer lines and topography. However, extending sewer to the western half would be less costly due to the closer proximity of existing sewer lines and the topography being more favorable.
- Approximately half of the area is zoned Commercial with 32% of those being Heavy Commercial (CP). The remaining half is zoned residential at a density of R10 or greater.

- Approximately half the study area's current land use is residential, with the majority (42%) being single family. The remaining portion of the area is a mix of commercial (25%), office and institutional and industrial uses, with around 16% of the parcels being vacant.
- 20% of properties within the study area have potential land use violations.

Mr. Lloyd presented the following:

The following recommendations for the study area were crafted by Planning Department Staff using data previously discussed:

1. Discourage straight rezoning's and recommend conditional rezoning's;
2. Promote rezoning properties to Heavy Commercial only where sewer is accessible;
3. Upon receipt of commercial rezoning request strongly promote recombination of adjoining parcels under same ownership as condition of approval;
4. Require mandatory sewer connection for rezoning requests located from Hope Mills Road east to Zareeba Drive and from the railroad east to Owen Drive per Section 2306 (A) of the Cumberland County Subdivision Ordinance;
5. Do not allow rezoning of properties where active land use violations exist (per Board policy);
6. Target area for minimum housing and junk vehicle violations;
7. Work with NCDOT to limit curb cuts, recommend joint drives and use of lateral access.

Mr. Lloyd stated the Cumberland Road study area is currently an equal mix of commercial, office and residential uses. County Planning staff has determined that future development in the area should be more commercial than residential in nature. However, the availability and cost of sewer to the area is a significant factor in how this area will develop going forward. This is reflected in the recommendations of this plan by encouraging conditional rezoning's in order to ensure that available utilities can support future development. The recommendations also acknowledge that the overall appearance of the area needs improvement and can be addressed, at least partially, by stricter enforcement of existing ordinances.

Questions and discussion followed. No action taken.

### 3. SUBMISSION OF BOARD OF COMMISSIONERS POLICY DOCUMENT FOR FUTURE REVIEW AND CONSIDERATION

#### BACKGROUND:

The Board of Commissioners have periodically approved several different policies in various formats that impact all areas of County government. These policies have been reformatted into a standard policy format and compiled in a document by category.

The proposed format includes the policy purpose, scope, policy details, as well as the date the item was submitted to the respective Committee, if applicable, and when the policy was approved by the Board of Commissioners. The dates of any policy revisions are also incorporated in each policy.

If the Policy Committee approves the format, all future policies will follow the newly revised template. A review of these policies is timely as some policies need to be updated or revised. A notebook has been created for your convenience in making notations as we review and discuss each policy. Once the policy document has been reviewed, updated and approved, we will post the Policy document on the County's Website under the Board of Commissioner's page.

**RECOMMENDED/PROPOSED ACTION:**

Receive the Policy document and review the individual policies over a series of Committee meetings and consider the standardized format and any desired revisions.

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Ms. Cannon reviewed the background information and recommendation as recorded above. Ms. Cannon stated they are looking for the Policy Committee to give some feedback on the format of the policies and then go over the policies over the next few Policy Committee meetings. Ms. Cannon stated there are policies that need to be updated.

No action taken.

**4. CONSIDERATION OF POLICY GOVERNING SPECIAL ASSESSMENT PROJECTS**

**BACKGROUND:**

The County Manager requested the following policy proposal in response to a request from Chairman Lancaster. The policy is intended to provide a consistent response to citizens who request the county to consider an assessment project benefiting a small group of land owners or a community.

**Cumberland County Policy Governing Special Assessment Projects**

**1.0 PURPOSE**

The purpose of this policy is to establish the conditions under which the county may make special assessments against benefited property within the county for all or part of the costs of those county projects for which assessments shall be made pursuant to NCGS 153A-185.

## 2.0 SCOPE

This policy shall apply to all county projects for which special assessments are authorized and shall be made pursuant to the provisions of NCGS 153A-185. The only projects which are authorized for the imposition of special assessments are:

- (1) Constructing, reconstructing, extending, or otherwise building or improving water systems;
- (2) Constructing, reconstructing, extending, or otherwise building or improving sewage collection and disposal systems of all types, including septic tank systems or other on-site collection or disposal facilities or systems;
- (3) Acquiring, constructing, reconstructing, extending, renovating, enlarging, maintaining, operating, or otherwise building or improving
  - a. Flood and hurricane protection works; and
  - b. Watershed improvement projects, drainage projects and water resources development projects (as those projects are defined in GS 153A-301).
- (4) Constructing, reconstructing, paving, widening, installing curbs and gutters, and otherwise building and improving streets, as the local share of the cost of improvements made under the supervision of the Department of Transportation to subdivision and residential streets that are a part of the State maintained system located in the county as provided in GS 153A-205.
- (5) Providing street lights and street lighting in a residential subdivision, as provided in GS 153A-206.

## 3.0 STATEMENT OF THE POLICY

No county assessment project shall be undertaken unless it meets all of the following conditions:

- (1) All assessment projects shall be designed by a N.C. licensed engineer. The engineer shall also certify that the project is a type of project that is authorized as an assessment project by NCGS 153A-185.
- (2) The construction, reconstruction, extension, or otherwise building or improvement of any assessment project or any component of such assessment project shall only be done on real property that is owned by the county in fee simple, is subject to a perpetual easement to provide the county access to maintain, repair, replace or improve the project or component of the project; or is located within the rights-of-ways of the State Highway System pursuant to a recorded encroachment agreement granted to the county by the N.C. Department of Transportation.
- (3) Any property owners desiring the county to do an assessment project shall submit a written request for the project to the county manager. The request

shall describe the project and the affected properties which will be subject to assessment if the county accepts the project. The county shall not accept the project unless the owners of more than 50% of the affected properties have requested the project. The county may request engineering studies or further information to be provided at the cost of the requesting property owners before determining to accept the project.

- (4) The county may proceed with an authorized assessment project without any request from the affected property owners.
- (5) SL 2008-109 authorizes Cumberland County to authorize not more than 15 annual installments for the payment of an assessment; however, unless the average annual amount of all annual assessments in a project is more than 1% of the average value of all properties to be assessed, the number of annual installments for the payment of an assessment shall not be more than ten.

#### 4.0 IMPLEMENTATION

Implementation of this policy shall be the responsibility of the County Manager through the appropriate county departments.

RECOMMENDATION/PROPOSED ACTION:

Consider the proposed policy for recommendation to the Board of Commissioners.

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Rick Moorefield, County Attorney, reviewed the background information and recommendation as recorded above.

MOTION: Commissioner Boose moved to recommend to the full board approval of the proposed policy governing special assessments.  
SECOND: Commissioner Evans  
VOTE: UNANIMOUS (3-0)

#### 5. CONSIDERATION OF STATE CDBG-DR WAIVER

BACKGROUND:

The NC Department of Public Safety – Division of Emergency Management recently asked local counties to quickly respond as to whether it would allow the State to serve as the lead entity for the CDBG-DR program in the four counties hit hardest by Hurricane Matthew. Since there are separate Memorandums of Agreement (MOA) between Cumberland County and the State, and Cumberland County and the City of Fayetteville, Staff is bringing this matter to the Policy Committee for further consideration. The State contends it will have increased program speed, overall standardization, and will serve as a support to the resilient recovery of disaster survivors if the County agrees to cede lead entity to the

State. Staff believes switching the lead to the State at this critical juncture will cause further delays in processing applications since existing MOA's will have to be amended and approved. Staff believes it is in the County's best interest to continue to serve as lead entity and to encourage the State to move CDBG-DR applications along to Step 4 of the 8-step NC Rebuild process as quickly as possible. The State has also offered to allow local governments to participate in its Construction Manager-at-Risk (CMR) contract for services. Staff believes this should be weighed further and not ruled out but maintained as an option. Participation in the CMR program may save some time depending upon the amount of time and effort it would take to create an RFP and go through the bid process.

City of Fayetteville management and staff do not wish for the County to transfer lead entity status to the State.

**RECOMMENDATION/PROPOSED ACTION:**

Staff recommends forwarding this item to the full Board for consideration as a Consent Agenda item authorizing staff to respond to the State and requesting an exemption to cede lead entity status to the State for the CDBG-DR program.

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Tracy Jackson, Assistant County Manager, reviewed the background information and recommendation as recorded above.

**MOTION:** Commissioner Boose moved to recommend to the full board approval authorizing staff to respond to the State requesting an exemption to cede lead entity status to the State for the CDBG-DR program.  
**SECOND:** Commissioner Evans  
**VOTE:** UNANIMOUS (3-0)

**6. OTHER ITEMS OF BUSINESS**

No other items of business.

**MEETING ADJOURNED AT 10:45 AM**