

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 2, 2015 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING
MINUTES

PRESENT: Commissioner Kenneth Edge, Chairman
Commissioner Marshall Faircloth, Vice Chairman
Commissioner Glenn Adams
Commissioner Jeannette Council
Commissioner Charles Evans
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Amy Cannon, County Manager
James Lawson, Deputy County Manager
Melissa Cardinali, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Governmental Affairs Officer
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Chairman Edge called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE – Reverend Tom Greener, Pastor of Campground United Methodist Church, provided the invocation followed by the Pledge of Allegiance to the American Flag.

Recognition of Retired County Employees:

Georgia Greene - Cumberland County Veterans Services

On behalf of the Board of Commissioners, Commissioner Faircloth recognized Georgia Greene with a plaque honoring her years of service with Cumberland County Veterans Services.

Nancy Jackson - Cumberland County Public Health

On behalf of the Board of Commissioners, Commissioner Faircloth recognized Nancy Jackson with a plaque honoring her years of service with Cumberland County Public Health.

William Maciborski - Cumberland County Sheriff's Office

On behalf of the Board of Commissioners, Commissioner Lancaster recognized William Maciborski with a plaque honoring his years of service with the Cumberland County Sheriff's Office.

1. Approval of Agenda

MOTION: Commissioner Council moved to approve the agenda.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (7-0)

Commissioner Adams requested Item 2.F. pulled from the consent agenda for separate discussion and action.

2. Consent Agenda

A. Approval of minutes for the January 20, 2015 regular meeting

B. Approval of Report on Delinquent Real Property Taxes for the Year 2014 and Direct the Tax Collector to Advertise the Tax Liens During the Month of April 2015

BACKGROUND:

North Carolina General Statute 105-369 requires the Tax Collector to report unpaid taxes for the current fiscal year that are liens on real property by the first Monday in February. The purpose of the reporting is to allow the Board of Commissioners to order the Tax Collector to advertise the tax liens. Upon receipt of the order, the tax liens will be advertised by posting notice at the County Courthouse and by publishing each lien at least one time in one or more of the newspapers having general circulation in Cumberland County.

The statute requires that advertisement period to occur during the period of March 1st through June 30th. The intention is to deliver an updated list of delinquent taxes to the newspaper in the latter part of April for advertisement in early to mid-May. The current delinquent report will be on display in the Clerk's office through February 2, 2015 in CD or printout format. After this date, the report will be available in the Tax Administrator's office.

Total Delinquent County Taxes on real property for Year 2014 as of 1/25/15:
\$12,628,982 on 16,145 parcels

RECOMMENDATION:

Accept the report of unpaid taxes for the current fiscal year that are liens on real property and charge the Tax Collector to advertise the tax liens in a newspaper of local circulation during the month of May 2015.

2014 Delinquent Real Property Taxes as of January 25, 2015

		Total Municipality Delinquent				GRAND TOTAL TAXES & FEES DELINQUENT:		
County Tax	\$ 8,234,229	Muni. Tax	\$ 3,726,594	Total Delinquent County Taxes		\$ 8,894,588	Delinquent	
Fire Tax	391,075	Revit. Tax	7,800	Total Delinquent Municipality Taxes		\$ 3,734,394	Parcel Count:	
Special Fire Tax	48,884			Total Taxes Delinquent		\$ 12,628,982	16,145	
Recreation Tax	220,399			Total Delinquent Fees		\$ 1,492,712		
TOTAL	\$ 8,894,588	TOTAL	\$ 3,734,394	Total Delinquent Taxes & Fees Owed		\$ 14,121,694		
Tax	Total Value of	Total Amount	County	Fire	Special Fire	Recreation	Municipal	Revitalization
District	Delinquent Bills* (Taxable)	Taxes Owed*	Tax @ .74	Tax @ .10	Tax @ .0125	Tax @ .05	Tax	Tax
Cotton	39,196,248	310,165	254,318	34,367	4,296	17,184		
Cumberland Road	31,870,576	260,981	213,990	28,918	3,615	14,459		
Stoney Point	39,004,543	321,477	263,593	35,621	4,453	17,810		
Bonnie Doone	-	-	-	-	-	-		
Pearces Mill	46,177,581	384,556	315,315	42,610	5,326	21,305		
Westarea	39,160,672	331,896	272,136	36,775	4,597	18,388		
Westarea10	15,800,848	122,969	100,828	13,625	1,703	6,813		
Grays Creek	51,872,139	429,469	352,141	47,587	5,948	23,793		
Vander	70,264,893	595,285	488,101	65,960	8,245	32,980		
ETWN Vander	-	-	-	-	-	-		
Manchester	8,803,061	67,613	55,439	7,492	936	3,746		
Wade	8,790,809	75,753	62,113	8,394	1,049	4,197		
Stedman	12,362,693	104,491	85,677	11,578	1,447	5,789		
Godwin/Falcon	9,854,928	81,657	66,954	9,048	1,131	4,524		
Lake Rim	137,161	1,238	1,015	137	17	69		
Eastover	14,961,995	125,120	102,591	13,864	1,733	6,932		
Bethany	16,683,165	143,465	117,633	15,896	1,987	7,948		
Beaver Dam	20,371,273	173,320	142,113	19,204	2,401	9,602		
Fire District Total	425,312,585	3,529,455	2,893,958	391,075	48,884	195,538		
Municipalities								
Fayetteville	\$ 747,060,600	\$ 7,869,480	\$ 4,749,931				\$ 3,119,549	
Downtown Revitalization	9,591,352	101,082	56,411				\$ 36,872	7,800

Hope Mills	41,397,029	448,020	\$ 265,228			18,513	\$ 164,279	
Spring Lake	27,678,550	323,308	\$ 166,144				\$ 157,164	
Stedman	7,992,003	73,714	\$ 49,143			3,320	\$ 21,251	
Wade	3,979,398	39,531	\$ 28,128			1,919	\$ 9,484	
Falcon	1,658,014	14,916	\$ 11,742			793	\$ 2,380	
Godwin	828,915	6,220	\$ 4,469			316	\$ 1,436	
Linden	1,263,071	12,142	\$ 9,076				\$ 3,066	
Eastover	<u>26,079,799</u>		\$				<u>\$ 211,114</u>	
		<u>211,114</u>	<u>165,317</u>					
Total Municipalities	\$ 867,528,731	\$ 9,099,527	\$ 5,340,271	\$ -	\$ -	24,862	\$ 3,726,594	\$ 7,800
Fire District Total	\$ 425,312,585	\$ 3,529,455	\$ 2,893,958	\$ 391,075	\$ 48,884	\$ 195,538		
Municipalities Total	867,528,731	9,099,527	5,340,271	-	-	24,862	3,726,594	7,800
Grand Total	\$ 1,292,841,316	\$ 12,628,982	\$ 8,234,229	\$ 391,075	\$ 48,884	\$ 220,399	\$ 3,726,594	\$ 7,800
	*Includes total value even on partially paid bill amts.	*Does not include fees or interest						

C. Approval of Report on the Disposal of Surplus County Property Pursuant to NCGS 160A-226(a)

BACKGROUND:

On June 15, 1998, the Board adopted a resolution founded in the statutes allowing disposal of County “personal property worth less than \$5000 per item or group of similar items, which have become obsolete, unusable, economically unrepairable, or otherwise surplus to the needs of the county”.

The resolution stipulated further that County Management shall render semi-annual reports to the Board of County Commissioners summarizing disposals in February and August of each year.

RECOMMENDATION/PROPOSED ACTION:

That the Board accept, approve and adopt the report on the disposal of surplus County property as recorded below and that the report be duly recorded in the official minutes.

ITEM NO.	PROPERTY DESCRIPTION	DEPARTMENT	DISPOSAL METHOD
			DEPUTY JOE
1	CANINE KAYA	SHERIFFS DEPT	SALISBURY
2	CANINE GASTON	SHERIFFS DEPT	DEPUTY ED FLORES
3	COMPUTER EQUIPMENT	EXTENSION SERV	LANDFILL-ANN STREET
4	TABLE	EXTENSION SERV	LANDFILL-ANN STREET
5	DESK	EXTENSION SERV	LANDFILL-ANN STREET
6	BOOK CASE	EXTENSION SERV	LANDFILL-ANN STREET
7	SCALE CHAIR	EXTENSION SERV	LANDFILL-ANN STREET
8	REFRIGERATORS (2)	HEALTH DEPT	LANDFILL-ANN STREET
9	FILE CABINETS (10)	VETERANS SERV	LANDFILL-ANN STREET
10	SOFA	CLERK OF COURT	LANDFILL-ANN STREET
11	SERVERS (MISC)	IS DEPARTMENT	LANDFILL-ANN STREET
12	DESK CHAIRS (3)	OLD COURTHOUSE	LANDFILL-ANN STREET
13	FILE CABINETS (2)	OLD COURTHOUSE	LANDFILL-ANN STREET
14	PRINTER	OLD COURTHOUSE	LANDFILL-ANN STREET
15	CELL PHONES (100)	SHERIFFS DEPT	LANDFILL-ANN STREET
16	MACHINE	IS DEPARTMENT	LANDFILL-ANN STREET
17	CHAIRS (4)	REGISTER DEEDS	LANDFILL-ANN STREET
18	PROCESSOR	IS DEPARTMENT	LANDFILL-ANN STREET
19	CHAIRS (12)	IS DEPARTMENT	LANDFILL-ANN STREET
20	COMPUTERS (2)	IS DEPARTMENT	LANDFILL-ANN STREET
21	DESK	ANIMAL CONTROL	LANDFILL-ANN STREET
22	CHAIRS (2)	ANIMAL CONTROL	LANDFILL-ANN STREET
23	HOLSTERS (31)	SHERIFFS DEPT	HOPE MILLS POLICE

24	CHAIRS (MISC)	CLERK OF COURT	LANDFILL-ANN STREET
25	SCALE (1)	HEALTH DEPT	LANDFILL-ANN STREET
26	BREAST PUMPS (4)	HEALTH DEPT	LANDFILL-ANN STREET
27	TV (1)	HEALTH DEPT	LANDFILL-ANN STREET
28	SCANNER (1)	HEALTH DEPT	LANDFILL-ANN STREET
29	PRINTER (1)	HEALTH DEPT	LANDFILL-ANN STREET
30	LAMINATOR (1)	HEALTH DEPT	LANDFILL-ANN STREET
31	CHAIR (1)	HEALTH DEPT	LANDFILL-ANN STREET
32	PROJECTORS (2)	HEALTH DEPT	LANDFILL-ANN STREET
33	VHS PLAYER (1)	HEALTH DEPT	LANDFILL-ANN STREET
34	EXAM TABLE (1)	HEALTH DEPT	LANDFILL-ANN STREET
35	PANIC BUTTONS (37)	ENGINEERING	GOV DEALS
36	TASERS (53)	SHERIFF'S DEPT	SMITHFIELD SALVAGE

D. Approval of Offer to Purchase Surplus Property Located at 4110 and 4118 River Point Drive, Fayetteville

BACKGROUND:

The County acquired both of the following real properties below at tax foreclosure sale in 2012 for a total purchase price of \$5,075.78:

PIN 0454-43-6052; located at 4110 River Point Dr., Fayetteville, NC; being Lot 19, River Point, Plat Book 88, Page 4. Based on the County GIS Mapping system, it appears to be a vacant residential lot with a tax value of \$17,500.

PIN 0454-42-6788; located at 4118 River Point Dr., Fayetteville, NC; being Lot 20, River Point, Plat Book 88, Page 47. The tax records list a 1998 14x80 mobile home with a value of \$11,493 located on the lot as personal property of the previous owner of the parcel. The residential lot has a tax value of \$7,549.

Jackson Estates, LLC, has made an offer to purchase these lots for a total of \$6,000. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process pursuant to G. S. § 160A-269.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends that the Board consider the offer of Jackson Estates, LLC, and if the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269. The proposed advertisement follows:

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
ADVERTISEMENT OF PROPOSAL TO ACCEPT AN OFFER TO PURCHASE
CERTAIN REAL PROPERTY PURSUANT TO N.C.G.S § 160A-269**

Take notice that the Board of Commissioners finds the following real property is not needed for governmental purposes and proposes to accept the offer to purchase the property with PIN 0454-43-6052, located at 4110 River Point Dr., Fayetteville, and PIN 0454-42-6788, located at 4118 River Point Dr., Fayetteville, NC, for a purchase price of \$6,000. There is a mobile home located at 4118 River Point Dr. which is not owned by the county and is not being sold. It will be the buyer's responsibility to take appropriate legal action to remove the mobile home. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

E. Approval of Offer to Purchase Surplus Property Located at 2323 Applebury Lane, Fayetteville

BACKGROUND:

The County acquired the real property with PIN 0405-87-9315 located at 2323 Applebury Lane, Fayetteville, NC, from a tax foreclosure sale in 2014 for a purchase price of \$6,238.67. Based on the County GIS Mapping system there appears to be a structure on the property. The tax records list a single family residence built in 1969 with a total square footage of 1,228. The tax value is \$45,400. Mr. Samuel Jones has made an offer to purchase the property for \$6,238.67, and has submitted the required deposit to the Finance Department. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process pursuant to G. S. § 160A-269.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends that the Board consider the offer of Samuel Jones and if the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
ADVERTISEMENT OF PROPOSAL TO ACCEPT AN OFFER TO PURCHASE
CERTAIN REAL PROPERTY PURSUANT TO N.C.G.S § 160A-269**

Take notice that the Board of Commissioners finds the real property described herein is not needed for governmental purposes and proposes to accept an offer to purchase the property with PIN 0405-87-9315 located at 2323 Applebury Ln, Fayetteville, NC, for a purchase price of \$6,238.67. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

- F. Pulled for separate discussion and action as recorded below.
- G. Approval of NCDOT Request for the Donation of Right of Way and Construction Easement for Tom Starling Road

BACKGROUND:

The North Carolina Department of Transportation is making improvements to Tom Starling Road for a distance of 3.4 miles from U.S. 301 to N.C. 87 (TIP Project W-5512). The improvements include grading, drainage, paving, signing, traffic control and pavement marking. NCDOT has requested that the county donate a right-of-way and a temporary construction easement for this project.

The right-of-way, designated as TIP Parcel Number W-5512.013, consists of an irregularly shaped parcel approximately 333 feet in length with a width varying from 99 to 76 feet and consisting of approximately 0.6 acres. It is located on a vacant 50.86 acre parcel that is part of the Cumberland Industrial Center, directly across Tom Starling Road from its intersection with Grandford Road. The requested right-of-way will become part of Tom Starling Road.

The temporary construction easement, designated as TIP Parcel Number W-5512.016, consists of a strip approximately 375 feet in length with a width varying from 26 to 34 feet located adjacent to the existing right-of-way of Tom Starling Road on vacant Lot 6B in the Cumberland Industrial Center. This lot lies between Tom Starling Road and the property of Le Bleu Corporation and is adjacent to the property of McCune Technology, Inc. The temporary easement will be extinguished when the project is completed.

RECOMMENDATION/PROPOSED ACTION:

County attorney recommends the Board consider the request and if the Board proposes to donate the requested properties, resolve to authorize the Chair to sign the deeds and acknowledgement of donation.

- H. Approval of Extension of Continuance of Stay of the Order for the Demolition of the Dwelling at 7846 Amesbury Road, Fayetteville

BACKGROUND:

Upon the county attorney’s recommendation, at its meeting on December 1, 2014, the Board granted Mr. Herrera another stay of the order of demolition of the dwelling located at 7846 Amesbury Road to February 2, 2015 subject to conditions. The county attorney has confirmed that Mr. Herrera has complied with the conditions set by the Board and that DENR still has not rendered permit decision.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends the Board grant another stay of the demolition order until April 6, 2015 subject to the continuing conditions as follows:

- (1) the grass be kept to a height of no more than 4 inches;
- (2) all shrubbery be appropriately trimmed;
- (3) the exterior surfaces of the structure be kept clean and free of mold or mildew;
- (4) the lawn be kept clear of all trash, debris and stored items;
- (5) the dwelling shall remain uninhabited.

The county attorney will make a further recommendation on April 6, 2015 based on the circumstances at that time.

- I. Approval of a Proclamation Proclaiming February 2015 as “Career and Technical Education Month” in Cumberland County Schools

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS: February 1-28, 2015, has been designated Career and Technical Education Month by the Association for Career and Technical Education; and

WHEREAS: profound economic and technological changes in our society are rapidly reflected in the structure and nature of work, thereby placing new and additional responsibilities on our educational system; and

WHEREAS: career and technical education provides Americans with a school-to-careers connection and is the backbone of a strong, well-educated workforce, which fosters productivity in business and industry and contributes to America’s leadership in the international marketplace; and

WHEREAS: career and technical education gives high school students experience in practical, meaningful applications of skills such as reading, writing and mathematics, thus improving the quality of their education, motivating potential dropouts and giving all students leadership opportunities in their fields and in their communities; and

WHEREAS: career and technical education offers individuals lifelong opportunities to learn new skills, which provide them with career choices and potential satisfaction; and

WHEREAS: the ever-increasing cooperative efforts of career and technical educators, business and industry stimulate the growth and vitality of our local economy and that of the entire nation by preparing graduates for career fields forecast to experience the largest and fastest growth in the next decade;

THEREFORE, we do hereby proclaim February 1-28, 2015, as Career and Technical Education Month in Cumberland County Schools, and urge all citizens to become familiar with the services and benefits offered by the career and technical education programs in this community and to support and participate in these programs to enhance their individual work skills and productivity.

Adopted this 2nd day of February, 2015.

- J. Budget Revisions:

- (1) Bragg Estates Sewer Project

Revisions in the total amount of \$1,950,000 to establish an initial estimated project as shown in the USDA Rural Development Letter of Conditions dated December 15, 2014. The project will be funded by a loan in the amount of \$497,000, a USDA Grant in the amount of \$1,453,000 and a contribution from the County in the amount of \$50,000. The County previously transferred \$50,000 from the County Water and Sewer Organization to provide “seed money” for the project. (B15-187) Funding Source – Loan, Grant and County

(2) Health

- a. Maternal Health - Revision in the amount of \$3,000 to recognize a grant from March of Dimes to implement “Hello Baby/Hola Bebe” Initiative. (B15-190) Funding Source – Grant
- b. Family Planning – Revision in the amount of \$40,756 to recognize TANF Out-of-Wedlock Birth Prevention Funds and additional Title X funds awarded to the Health Department. (B15-191) Funding Source – State
- c. Environmental Health – Revision in the amount of \$10,000 to recognize the Retail Program Standards Mentorship Grant for NACCHO. (B15-192) Funding Source – Grant
- d. Child Health Clinic – Revision in the amount of \$6,191 to fund reclassification of position from Public Health Nurse I to Public Health Nurse III as a result of employee earning new professional certification and assuming new duties. (B15-193) Funding Source – Fees
- e. STD Clinic – Revision in the amount of \$4,463 above the minimum salary based on years of experience and to ensure equity among positions. (B15-194) Funding Source – Fees

MOTION: Commissioner Council moved to approve consent agenda Items 2.A. – 2.J.(2)e. with the exception of Item 2.F. as pulled for separate discussion and action.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

2.F. Approval of Lease of Fisher Container Site for Solid Waste Convenience Center

BACKGROUND:

Solid Waste Department requests to renew the lease for the Fisher Container Site for a five year term on the same terms as the existing lease which will expire March 25, 2015. 2014. The rent is \$3,750 payable in full at the beginning of the lease term.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends approval.

Commissioner Adams asked that the lease agreement be amended to include the lease term of five (5) years under Section III of the lease agreement to clarify that the rental amount of \$3,750 is for the five (5) years.

MOTION: Commissioner Adams moved to renew the lease for the Fisher Container Site as amended.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (7-0)

ITEMS OF BUSINESS

3. Presentation from the Air Quality Stakeholders Committee Regarding New EPA Ground-Level Ozone Standards in 2015, Implications for Cumberland County and Future Emissions Reduction Priorities

BACKGROUND:

Cumberland County voluntarily entered into the Early Action Compact in 2002. The Early Action Plan (EAP) was developed for Cumberland County and the Air Quality Stakeholders Committee was formed. This committee is supported by the Combined Air Team (CombAT) with membership from the Cumberland County Air Team, the Fort Bragg Air Team, and the Sustainable Sandhills Air Team. Based on the EAP, subsequent EPA milestones on ozone emission level reductions were achieved until Ozone Attainment standards were met in April 2008. To maintain attainment status, the Cumberland County Board of Commissioners approved participation in the Ozone Advance program in 2012. Every municipality within Cumberland County has signed a resolution in support of participation in the Ozone Advance program as of June 2013.

The EPA is issuing new Ozone Advance standards beginning 2015. The new proposed standards will set attainment between 0.065 parts per million (ppm) to 0.070 ppms. Cumberland County's design value for the past three years (2011-2013) was 0.069 ppm. If the new National Ambient Air Quality Standard (NAAQS) is set at 0.070 ppm we will be in compliance, but if the EPA decides to take our values from 2013-2015 and sets the National standard at 0.065 ppm Cumberland County will not be in compliance. If 2015 is a low ground level ozone year like 2014 and the community continues working together to lower emissions as we have since 2002, then we look likely to meet the EPA proposed standards for this year. Emissions standards for ground level ozone will continue to decline over the next decade. Cumberland County must work together to be prepared.

Hanah Ehrenreich, Sustainable Sandhills Executive Director, appeared representing the Air Quality Stakeholders and presented the background information as recorded above. Ms. Ehrenreich stated new air quality standards have been anticipated for about three years and the EPA is issuing new Ozone Advance standards beginning September, 2015. Ms. Ehrenreich stated if Cumberland County falls out of attainment, there are voluntary and involuntary repercussions supervised by the state and the county could be facing across the board sanctions. Ms. Ehrenreich stated the Air Quality Stakeholders are presenting this information to make the Board of Commissioners aware that omission levels will need to be proactively addressed in the future. Ms. Ehrenreich responded to questions and explained should the county fall out of attainment, the new standards would not permit the county time to come back into attainment until such time as it came into compliance and got its omissions under control. Ms. Ehrenreich stated the EPA is seriously contemplating moving the omission standards downward to 0.060 ppm which the county would have to work to achieve.

4. Consideration of Approval of a Resolution Opposing the Proposed Interbasin Transfer ("IBT") Certificate Modification for the Towns of Apex, Cary and Morrisville, and Wake County (for RTP South) Alternative 2A – Increase IBT to Meet 2045 Demands

BACKGROUND:

Apex, Cary, Morrisville and Wake County have requested a change in their current interbasin transfer (IBT) certificate, which enables the movement of surface water from one river basin to another. The Triangle communities are seeking permission from the North Carolina Department of Environment and Natural Resources to take more water from the Haw River basin, which feeds into the Cape Fear River, and return it through wastewater to the Neuse River and Cape Fear River basins.

The communities are seeking more water to better accommodate projected growth and greater demands for water in the decades to come and prefer the option of returning the wastewater to the Neuse River (Alternative 2A).

Mick Noland, the chief operations officer of the City of Fayetteville Public Works Commission's Water Resources Department, will discuss why this IBT is unnecessary and poses increased risks to the water supply of Cumberland County and other counties downstream. The resolution as recorded below opposes the change in the IBT certificate under alternative 2A and recommends using alternative 3A, as described in the Environmental Assessment for the proposed IBT. This

option avoids interbasin transfer by sending additional untreated wastewater to the Western Wake Regional Water Reclamation Facility. The Western Wake Partnership has the infrastructure in place to allow the return of treated wastewater to the Cape Fear River. If wastewater is returned, an additional IBT would not be needed and existing conditions in the Cape Fear River would be preserved.

DENR held two public hearings; the first in Apex on January 7, followed by one in Fayetteville on January 22. DENR is accepting comments through February 6. The N.C. Environmental Management Commission is set to make a decision on the transfer request later this spring.

RECOMMENDATION/PROPOSED ACTION:

Approve the resolution opposing the IBT modification request as recorded below.

**RESOLUTION OPPOSING THE PROPOSED INTERBASIN TRANSFER (“IBT”)
CERTIFICATE MODIFICATION FOR THE TOWNS OF APEX, CARY AND
MORRISVILLE, AND WAKE COUNTY (FOR RTP SOUTH) ALTERNATIVE 2A
– INCREASE IBT TO MEET 2045 DEMANDS**

WHEREAS, the County of Cumberland, North Carolina, believes the Interbasin Transfer (“IBT”) Certificate request submitted by the towns of Apex, Cary and Morrisville, and Wake County (for RTP South) is unnecessary and poses increased risks to the water supply of Cumberland County and other counties downstream; and

WHEREAS, the Cape Fear River is a tremendous resource to our community, providing our major source of water supply as well as affording many recreational opportunities for our citizens, and it is our responsibility to maintain the highest level of certainty for our future water supply; and

WHEREAS, based on modeling results, it has been determined that the minimum flows from the Cape Fear River at Lillington and Fayetteville will be reduced significantly in the future, even with no increase in IBT, making it critical that treated wastewater be returned to the Cape Fear River Basin; and

WHEREAS, the N.C. Wildlife Resources Commission has indicated concern that increased withdrawals from Jordan Lake could negatively impact fish populations in the Cape Fear River and therefore negatively impact the river’s ecosystem; and

WHEREAS, current requests for water supply from Jordan Lake do not allow for any water to be held in reserve; which could limit the ability of the lake to meet all of its intended uses, including water supply and flow downstream; and

WHEREAS, the additional transfer will cause more than 50 percent of the water supply to be diverted away from the Jordan Lake drainage basin; which is not in compliance with N.C. Department of Environmental Resources (DENR) rules and could jeopardize replenishment of the lake; and

WHEREAS, a water use decision of this magnitude seems premature given that the Cape Fear River Water Supply Plan, being prepared by DENR to determine whether or not all water supply needs can be met throughout the entire Cape Fear River Basin, has not been finalized; and

WHEREAS, this transfer request is based on a 30-year planning period, which is excessive and would compromise our ability to meet changes due to regulations, statutes, customer demands, climate changes, and regional needs; and a shorter planning period of 15 years would be more prudent; and

NOW, THEREFORE, BE IT RESOLVED THAT: The County of Cumberland recommends utilization of alternative 3A, as described in the Environmental Assessment for the proposed IBT. This option avoids interbasin transfer by sending additional untreated wastewater to the Western Wake Regional Water Reclamation Facility. The Western Wake Partnership has the infrastructure in place to allow the return of treated wastewater to the Cape Fear River. If wastewater is returned, an additional IBT would not be needed and existing conditions in the Cape Fear River would be preserved.

PASSED AND APPROVED BY THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS, on this, the 2nd day of February, 2015; such meeting was held in compliance with the Open Meetings Act, at which meeting a quorum was present and voting.

Ms. Cannon stated Commissioner Adams is the liaison to the PWC and attended the January 22 public hearing. Commissioner Adams stated although the Triangle communities have the capability to remove water from the Cape Fear River, run it through a wastewater treatment plant and return it to the Cape Fear River, Cary has indicated it does not want to do so because of the cost. Commissioner Adams stated the return of untreated wastewater to the Cape Fear River poses increased risks to the water supply of Cumberland County and other counties downstream.

Mick Noland, Chief Operations Officer of the City of Fayetteville Public Works Commission's Water Resources Department, stated Cary, Apex and Mooresville are the applicants and are proposing to transfer an additional 9 million gallons of water a day out of the Cape Fear Basin/Jordan Lake and discharge it back into the Neuse Basin. Mr. Noland stated 2001 they were authorized an interbasin transfer and are presently discharging 24 million gallons per day. Mr. Noland stated one of the conditions of the 2001 authorization required them to invest \$300 million in conveyance and treatment systems to take 80% of their usage, treat it and return it to the Cape Fear River. Mr. Noland stated they decided and the state has agreed that they do not need to make use of the conveyance and treatment systems for the additional 9 million per day.

Mr. Noland also stated this transfer request is also based on a 30-year planning period when it would be more prudent for a water use decision of this magnitude to be based on a shorter planning period. Mr. Noland stated this transfer request appears to have been fast-tracked and although he petitioned the state for more time, comments are due by February 6 and the Environmental Management Commission is scheduled to make their decision in March. Mr. Noland stated he asked Ft. Bragg and Harnett County to comment on the issue and has also coordinated with the Wilmington area and provided a resolution template to Harnett, Bladen and New Hanover Counties.

MOTION: Commissioner Adams moved to approve the resolution opposing the Interbasin Transfer.
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

5. Nominations to Boards and Committees

A. Cumberland County Juvenile Crime Prevention Council (1 Vacancy)

The vacancy was forwarded to the next meeting for nominations pending modification of the Council's meeting time. Commissioner Faircloth suggested the possibility of a county commissioner designee.

B. Fayetteville Area Convention & Visitors Bureau (FACVB) (2 Vacancies)

Commissioner Keefe inquired regarding the authenticity of the recommendations. Ms. Cannon stated the president of the FACVB and the chair of the board of directors made the recommendations, not the hotel/motel association. Commissioner Keefe stated nominations should be delayed pending clarification of proper procedures for nominations and the board of directors' appointee position. Commissioner Edge inquired regarding the FACVB's accountability and possible changes therein. Rick Moorefield, County Attorney, stated he would review the statutory framework and provide a memo about what is contemplated under the statute. Commissioner Adams stated he echoed concerns expressed about the board of directors' appointee position and oversight. Ms. Cannon stated she addressed these concerns with the CEO of the FACVB prior to receipt of his memo regarding the recommendations and appointee position.

MOTION: Commissioner Keefe moved to delay nominations for the vacancies on the Fayetteville Area Convention and Visitors Bureau.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (7-0)

C. Human Relations Commission (1 Vacancy)

Commissioner Adams nominated Kevin Brooks.

D. Minimum Housing Appeals Board (4 Vacancies)

Commissioner Faircloth nominated Geri Hasapis, Louis L. King, Robert Kater and Henry Gibbs, Jr.

6. Appointments to Boards and Committees

A. Cape Fear Valley Health System Board of Trustees (3 Vacancies)

Nominees:

Medical Doctor – County Commissioner Appointee:

Sanjay Shah, M.D.
Sandra Carr Johnson, M.D.

General public – County Commissioner Appointee:

Sandy Ammons

There being an equal number of vacancies and nominees,

MOTION: Commissioner Faircloth moved to appoint by acclamation all nominees to their respective positions.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

7. Closed Session A. Sensitive Security Matters Pursuant to NCGS 143-318.11(a)(1)

MOTION: Chairman Edge moved to go into closed session for Sensitive Security Matters Pursuant to NCGS 143-318.11(a)(1).

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Faircloth moved to reconvene in open session.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Faircloth moved to adjourn.

SECOND: Chairman Edge

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 10:05 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board