

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce
Town of Eastover

COUNTY of CUMBERLAND

Planning and Inspections Department

MINUTES

April 1, 2008

Members Present

Mr. Donovan McLaurin, Chair
Mrs. Lori Epler, Vice-Chair
Mr. Clifton McNeill
Mr. Roy Turner
Mr. Garland Hostetter
Mr. Harvey Cain, Jr.
Mr. Benny Pearce
Mr. Charles Morris

Others Present

Mr. Tom Lloyd, Director
Mrs. Laverne Howard
Mr. Grainger Barrett, County Attorney
Ms. Patricia Speicher, Land Use Codes
Commissioner Diane Wheatley
Commissioner John Henley

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Pearce delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF THE MINUTES OF MARCH 18, 2008

A motion was made by Mr. Pearce, seconded by Mr. Hostetter, to accept the March 18, 2008 Board minutes as submitted. Unanimous approval.

III. ANTICIPATED INTERLOCAL AGREEMENT

Mr. Barrett went over the final changes that were made to the Interlocal Agreement. The first change was on page 3, paragraph 3a; this paragraph addresses sewer service according to density standards of 2.2 units per acre. The ADHOC Committee agreed to delete the last sentence reading "No sewer shall be required outside the Sewer Service Area". Under the section entitled "Municipal/County Planning Commission Established" there was concern that the language with the label "Commission" might suggest a new entity being created, the ADHOC Committee wanted to clarify that it was still just two Boards meeting together. In the caption, the word "Commission" is being deleted. In the first sentence, the first line the words "a" and "Commission" will be deleted. On page 4 at the top of the page after the comma it will be changed to read "as well as small area plans that are in the MIA"; meaning that the reference to the MIA just applies to small area plans. In paragraph 2 continuing with the notion that it's just two Boards meeting together, delete the word "the" at the beginning, "Commission" and in the first line, In the fifth line delete the comma and the words "as the" and insert "for". There is a reference to the "Chairperson"; that reference is to be changed to "presiding officer". These are technical changes with one thought around them, which is that we are not establishing a new legal body. In the last sentence in the last line delete the words "to the" and insert

“for”, then delete “Commission”, the last word in that sentence. Under “Duration and Termination”, the last sentence changes the word “contract” to “Interlocal Agreement”.

Morgan Johnson spoke before the Board. Mr. Johnson stated that when he looks at the document, he asks “what is the basic purpose of this document?” The original basic purpose was to create uniform development standards between the City and the County; “we wanted common standards to follow. I feel that Tom Lloyd and his staff are doing a super job creating and enforcing standards throughout the County. Those standards could easily be meshed with the City standards and the two bodies could jointly have standards throughout the City and the County”. Then I ask “at what price is the County willing to pay to have joint standards with the City of Fayetteville? Is having this Joint body between the City and County so important to the County that we want to give the Eastover Township and those other parts of the County to the City of Fayetteville? That is exactly what this document does, it proposes an MIA, it proposes a sewer service area, which is basically the same as an MIA because within the sewer service area you still have to develop to City standards. Mr. Johnson feels if this document is approved then the County has ceded to the City of Fayetteville the areas east of the Cape Fear River. Mr. Johnson stated that a vote for this document is a vote for annexation.

Mr. McNeill stated that the ADHOC Committee had met three times to work on this document and made changes. Mr. McNeill stated that he believed every concern that committee members and guests had brought forward had been addressed.

Mr. McNeill made a motion stating that the ADHOC Committee recommends the Interlocal Agreement with changes and that the Planning Board approve it also and send it forward to the County Board of Commissioners with a recommendation to approve, seconded by Mrs. Epler. Unanimous approval.

Mrs. Piland stated that she is pleased that the document has taken this form and thinks that this is a way for the City and County to work collaboratively and thinks that a lot of thought and work has gone into it, and hopes the County can move forward in a positive direction. Mrs. Piland has questions about exhibit 1, but is very much in support of the concepts within the Interlocal Agreement. Mrs. Piland asked Mr. Barrett “if we are approving the Interlocal Agreement are we also approving exhibit 1?”

Mr. Barrett stated not with that motion. The motion was to approve the language of the document. Exhibit 1 would be a separate vote.

Mr. Pearce stated that his concern was that there was a public hearing some time ago and it did not represent the public or the County as a whole; it was primarily developers who were there. We did not get input on that particular document from the general public. Our attorney has stated that we have met the requirements of a public hearing for the document, “but I don’t fully understand that since we have an entirely different document now. My objection would be that I feel like we need to have more exposure for the public This may be the greatest document ever put together by any task force within the County. There needs to be a mechanism that provides at the County Commissioner level or at the Planning Board level advertising, so that more people have the opportunity to know about this document”.

Chair McLaurin stated that at this level we have had a public hearing and have also had a meeting with general public comment; “we’ve had about three or four ADHOC Committee meetings and we have been receptive to stakeholders who were residents

of the County who came to speak”. Chair McLaurin stated he feels that this needs to go through the process at this particular stage; there has been ample time for public comment.

Mr. Barrett stated that there would be an opportunity for public hearing because the Interlocal Agreement itself provided for enforcement by the County in the subdivision ordinance as I understand it. In essence, it amends the subdivision regulations, so I’m working with Patti and we have language for a subdivision ordinance amendment going back as a public hearing at the April 15th Planning Board meeting, where I will ask Patti to make sure that the language of the public notice points out that it is related to the adoption of the Interlocal Agreement for the MIA of the City of Fayetteville. There will be a public hearing and it will be published twice, once a week for the next two weeks, it will also go to the Board of Commissioners as a public hearing.

Commissioner Wheatley stated that this process started over three years ago with the 2030 Plan and the City and County working together to come up with smart growth plans. We’ve all talked about how we don’t want to see certain things happen. I agree with Mrs. Piland and this document addresses a great deal of that. It has been an overwhelming process, it is a document that addresses things such as retrofitting because people can annex, even if we don’t give them an MIA, according to density. I appreciate the fact that this group came together quickly to bring a document to the Commissioners to approve. This was a working group that put in a lot of effort. Everybody should remember there is a statement that says if this doesn’t work, with six months notice it can be terminated.

Vice-Chair Epler stated that there has been a lot of effort put into this document and it has been a learning experience for all of us. We were able to hear from people in the County that never would have appeared before us otherwise. It’s been a good opportunity for us to work with people from the City, working one on one with two of our County Commissioners, which has been educational for me. I have had the opportunity to see exactly how hard our staff works, in particular our Planning & Inspections Director. This man has put a lot of effort, a lot of research, and a lot of thought into trying to do what’s right. Not for the Cumberland County Planning & Inspections Department but for the citizens of Cumberland County. Vice-Chair Epler personally feels like the ADHOC Committee and this Planning Board have done all that they can do. It’s up to our Commissioners now to iron out the final details. The public who have not come before us will have their day. There is going to be a public hearing with the Commissioners and at that time that they need to plead their case. This Planning Board needs to come to a decision and I hope it’s a unanimous decision, because it has been a lot of hard work. I would like to see it go to the Commissioners that way, but we have done our job and it’s time for it to go forward.

Mr. Morris stated that he feels this document addresses a smart growth plan. There has been a lot of compromise to get it to this point. But basically we’re trying to make everything work efficiently, trying to get away from urban sprawl; through all the compromises I think we have found common ground and this will work well for the City and County.

Mr. McNeill stated that the ADHOC Committee wanted to bring forward the map representing exhibit 1 referred to in the Interlocal Agreement. This map shows a proposed MIA for the City of Fayetteville as well as each of the other municipalities in the County. The blue line denotes a sewer service area of which is a generic area and it

belongs to no one. What it refers to in the Interlocal Agreement is the area that the parties concerned anticipate will grow to some density that may require sewer. That in effect is what the sewer service area represents. From the ADHOC Committee standpoint we bring this map forward. We have had numerous versions of the map, the MIA proposed by the City of Fayetteville has been reduced significantly, the sewer service area represented on the map is primarily, for all intents and purposes, the gravity flow sewer shed area as determined by PWC; their engineering people. This is for the area that is most easily sewered in the general vicinity of the City of Fayetteville and within their MIA.

Mr. McNeill made a motion, seconded by Mr. Morris, that the ADHOC Committee recommends approval to the Planning Board and that this map be forwarded on to the Commissioners with a recommendation for approval of the map showing the MIA and the Sewer Service Area. The motion passed with seven voting in favor and Mr. Pearce and Mrs. Piland voting in opposition.

Mrs. Piland stated that she was serving on the Board as an at large member, so she was speaking as an at large member. Mrs. Piland stated that she recognized that the task of the Board was to bring the best information possible to the Board of Commissioners; that the Board is an advisory Board to the Commissioners, but she feels that the Board should not overstep their responsibility. The Board has been charged to identify conditions by which a Municipal Influence Area should be established and that the actual Municipal Influence Area or the boundaries should be determined by the County Commissioners. Mrs. Piland stated that she could not support approving a map that has failed to adequately inform residents. Even though we did have a public hearing and it was a full room, what we had were representatives from the housing industry, governmental officials, people who are in a position to know what's going on and those who came through word of mouth. The general public has not seen this map. "I think it is premature for the Planning Board to recommend a specific map to the Commissioners, I think at best we can help identify what those conditions should be and from that point on it should be the authority of the Commissioners. They are the ones charged with establishing a Municipal Influence Area and they will do that for each of the other municipalities. I hope that when they do, they will give attention to the general public and they will allow people to be impacted an opportunity to come before them". Mrs. Piland stated that she was concerned that this information has not been available to the general public and would not be able to support a recommendation of a specific map at this time because of lack of involvement from the general public.

Mr. McNeill stated that he has served on this Board for about nine years and from time to time there has been conversation about planning and the City of Fayetteville coming back into Planning. "We have invited them to be part of area studies that this Planning Board has felt impacted the City. We are again trying to do that". Mr. McNeill stated that he was not an advocate of annexation or the City moving in our direction, but he is an advocate of fairness and any municipality that is anticipating annexation at some future date has a reasonable expectation that at some point their design standards should be incorporated so that retrofitting is not overburdened. That is something that has to be taken into account. With the way this County has grown and is continuing to grow, there is a need for sewer. We've all been privy to the information, not only from the cases here but from articles in the newspaper about failing septic tanks and bad water. We need to make a move to plan for the future. We all have a difference of opinion, but I am of the opinion that we have collected the best information that we can and that we in our capacity on this Planning Board have the responsibility to step up and say that it's time

to look ahead and plan for future growth. That's what we're supposed to do. I may not agree with every place the line goes on the map, but looking at the big picture it is a fair map and that's the reason I am going to vote for approval of it. Sometimes you just have to step up and say this is the way it should be.

Mr. Morris stated that in many ways he agrees with Mrs. Piland, but having looked at it several times he is comfortable with the blue line, that's gravity and it's the most efficient way to lay pipes and run sewer. The MIA line, which was originally called the annexation petition line, "I'm not comfortable with, but it is in line with our current ordinance". The vast majority of this area is within 2,000 feet of sewer, and our ordinance already says that if within 2,000 feet you should be tied into sewer. As we all know when there's sewer, there's water; when there's density, there's growth and when there's growth, you're going to see annexation. Mr. Morris feels that if we're going to look to the future we have to advise the Commissioners and give them what we feel as a Board is our best look at this. Therefore, I support the document.

Vice-Chair Epler stated with regard to whether or not the public has been represented and had an opportunity to be here, she had looked through the minutes of the public hearings that the Board had and there were fourteen speakers that stood up; out of those fourteen speakers, seven of them represented Eastover. So Eastover has been represented and they have a representative on this Board.

Mrs. Piland stated for clarification that none of the seven speakers that represented Eastover live in the Municipal Influence Area. They were speaking about the Town of Eastover, those people came from the Town of Eastover and they were not addressing the Municipal Influence Area.

Mrs. Piland stated that she was generally pleased with the map and doesn't have a problem with the Sewer Service Area, but is concerned that the people that live in those areas have not been here before us; the people who have been here have been in other parts of the County.

Mrs. Piland made a substitute motion to present the map to the Cumberland County Board of Commissioners for their consideration and request to them that they provide opportunities for the general public to be made aware, informed, and involved, seconded by Mr. Pearce.

Mr. McNeill stated that he didn't disagree with the content of the motion. He feels that the Commissioners will take care of that and Mr. Barrett has alluded to the ad that will be placed in the newspaper. Mr. McNeill stated that he could not support the substitute motion because the Commissioners can take care of that on their own. This Board's business is to move this forward if we feel like the map is fair and reasonable, which he feels is. Mr. McNeill stated that he stands by his original motion.

Mr. Morris stated that he agrees with Mrs. Piland, but is comfortable with the knowledge of the ad going into the paper, the map being shown publicly, and being heard again at the County Commissioners level, and whether we like it or not the MIA is a political issue. Mr. Morris stated that he would not support the substitute motion because of the knowledge that this will be advertised in an extraordinary fashion versus what is typically done.

Mrs. Piland stated again for clarification that she was not opposed to any municipality having a Municipal Influence Area. Mrs. Pilands concern's are about process and adequate public involvement.

The substitute motion did not pass. Seven voted in opposition and Mrs. Piland and Mr. Pearce voted in favor.

Mr. McNeill's original motion passed with seven voting in favor and Mr. Pearce and Mrs. Piland voting in opposition.

IV. DISCUSSION

V. ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m.