

CUMBERLAND COUNTY POLICY COMMITTEE
OCTOBER 19, 2000, 1:30PM

MEMBERS

PRESENT: Commissioner Talmage Baggett
Commissioner Breeden Blackwell

OTHERS: Commissioner J. Lee Warren, Jr.
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Asst. County Manager
Amy Cannon, Asst. County Manager
Grainger Barrett, County Attorney
Garrett Alexander, Tax Administrator
Matt Rooney, Interim Planning Director
Andrew Barksdale, Fayetteville Observer
Marsha Fogle, Clerk

ABSENT: Commissioner Jeannette Council (Chairman)

In the absence of the Chairman, due to illness, Commissioner Baggett convened the meeting.

1. Approval of Minutes: September 21, 2000

MOTION: Commissioner Blackwell moved to approve.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

2. Discussion/consideration of a Policy addressing Distribution of Geographic Information

Garrett Alexander, Tax Administrator, shared information with the Committee regarding the need for a policy for the distribution of Geographic Information. He suggested that a new fee schedule be adopted to recapture the cost of the county's investment. He noted that a change in the schedule may meet with some opposition. He reviewed a proposed fee schedule that was drawn up a couple of years ago for consideration. (Attachment A). The current fee schedule is also attached (Attachment B).

Mr. Alexander noted that he has already received some requests for this Geographic Information.

One of the issues in providing GIS data is that a county or city may prohibit the resale of this information for commercial redistribution. One way counties can assure the information is not used illegally is to require persons obtaining the data to agree in writing not to resell or redistribute the information. This requirement is

a source of contention for those companies wanting to obtain the county GIS data for commercial redistribution through a wide variety of commercial services. The vehicle for resale is through software that uses the County's data as the root database. At this time, Cumberland County has not allowed companies to obtain the data without signing the agreement not to redistribute. However, the requirement has created a problem when those companies seeking the information are attempting to provide services to the County or to some other governmental agency, such as FAEDC. The Rose Group wants to create a software product that would use the County's GIS database to create site packages for prospective clients. At this time they are prevented from reselling the database to FAEDC if they sign the disclaimer not to resell the information. Mr. Alexander noted while there are good reasons to sell the data, there are some inherent problems that necessitate a policy directive to establish a compensation method that helps the County meet its objectives of providing GIS data and protecting the investment made by the County.

At some point GIS information will be available via website. However, Cumberland County has not yet reached this point of service to the public.

Mr. Alexander said he would like for the Finance Committee to consider his suggestion of adopting a policy and talk with their fellow commissioners about this issue.

County Manager James Martin said it would be helpful to know what the companies think the GIS data is worth and suggested that the Tax Administrator contact some of them to get their input.

Following some discussion, the committee directed Mr. Alexander to talk with some of the companies who may be interested in receiving the GIS data to ascertain what they think a fair and reasonable value is and that Mr. Alexander draw up a proposed policy to include suggested fees and bring it back to the Policy Committee at the November meeting.

3. Discussion of Zoning Ordinance Text Amendments regarding Borrow Source Operations

Pursuant to a request by the County Manager (Cliff Strassenburg), Commissioners Baggett and Warren, Attorney Grainger Barrett and the Deputy County Manager (James Martin) in June, 2000, to the Joint Planning Board to consider a text amendment to the County Zoning Ordinance that will remove "Borrow Source Operations" as a use by right in any zoning district and establish "Borrow Source Operations" as either a Conditional Use or Specified Conditional Use in selected zoning districts, the Planning Board recommends no change in the County's ordinance relating to this issue, They state this particular operation is covered by

state regulations (State Mining Act of 1971 as amended through 1993) and it does not feel it necessary to add further restrictions. The Planning Board offers their findings:

1. The State Mining Act of 1971 as amended through 1993, Title 15A NC Administrative Code, current Zoning Ordinance, and Permit Regulations are comprehensive and stringent;
2. There are extensive public hearing requirements for each mining permit to include notification to the County of Cumberland and all adjoining property owners;
3. There are substantial penalties for operating a mine without a permit (\$5,000 per day) or violating permit conditions (\$500 per day);
4. Permit requirements mandate mining operators' financial responsibility by posting substantial bonds and letters of credit to insure property land reclamation;
5. Enforcement mechanisms exist to insure adherence to permit requirements by the Department of Motor Vehicles, Mining Commission and Sedimentation Control Commission;
6. Any projects contracted by NC DOT are exempt from the State Mining Act according to GS 74-67, provided their activities are conducted in accordance with adopted reclamation standards approved by the Mining Commission; and
7. NC Division of Motor Vehicles regulates and enforces material hauling, weight limits, routes and covering of materials.

Commissioner Baggett noted the importance of borrow pits and stated it is not his intent to do away with them, but to assure there is some regulation about density. He noted that in the Eastover area there are five such operations on River Road. He said this puts a hardship on the citizens living in that area. He noted the roads are beat to death because of the weight of the trucks on them every day, the dust is bad, the speed of the trucks is a huge cause of concern and the road is a narrow one and the trucks are wide and sometimes take up more than one lane.

Commissioner Baggett noted a substantial flaw in one of the regulations pertaining to notification of the County and the adjoining property owners. Even though the County is notified, many nearby property owners are not notified. The County has no real authority to effect the outcome of the licensing of a borrow source pit. In addition, what is happening is that a company comes in and buys a large plot of land. Then within that large plot they actually carve out the borrow pit. The only

notification required is for adjoining property owners, and they are the adjoining property owners. So while they are technically meeting the requirements of the law, the residents who will be affected are not being notified. Commissioner Baggett said this is not right and not in keeping with the spirit of the law. He said there needs to be regulation of density so what has happened on River Road does not happen in the rest of the county.

It was noted by Raymond Yarborough that 30% of borrow pits in North Carolina are in Cumberland County. He said he has to go two miles out of his way to get to his home so he can avoid the dangerous situation on River Road.

Commissioner Warren said he agreed with all the comments made by Commissioner Baggett. Mr. Warren said he lives on River Road and there is a borrow pit across from his property. He lives in the curve of the road and as trucks from across the road come out onto the highway they take up two lanes causing a very hazardous condition. He also noted the highway is broken up where they exit causing a potential problem as cars tend to cross the centerline to avoid the hole in the road.

Mr. Warren also noted that children can't stand outside to wait on their bus because of the dust created by these trucks hauling the dirt and gravel. In addition, dust is a problem in the homes in the area.

Commissioner Baggett said we need some reasonable restrictions. He asked Mr. Matt Rooney, Interim Director of the Planning Department, which would be the best way to go, with a Conditional Use Overlay District, which has to be approved by the Board of Commissioners or a specified conditional use permit which is approved by the Board of Adjustment. Mr. Rooney said in terms of cost, the Board of Adjustment route would be best as it only costs \$100 for a Board of Adjustment application, and also it would take less time to get the request to the Board of Adjustment. Grainger Barrett, County Attorney, said time is not really an issue because the Board of Commissioners could consider the matter in far less time than it takes a company to get a license from the State.

Commissioner Baggett pointed out the State reclamation regulations are not very effective noting a case in point on River Road. He said the area looks like bombs have been dropped.

MOTION: Commissioner Baggett moved that the Committee recommend to the Board of Commissioners that an amendment be adopted to regulate the density of borrow pits and that borrow pits be considered as a conditional use overlay district, requiring approval of the Board of Commissioners.

SECOND: Commissioner Blackwell

DISCUSSION: Commissioner Blackwell said he has driven on River Road and understands the concerns expressed here today.

VOTE: UNANIMOUS

4. Discussion/consideration of Ambulance Franchise Applications:

- Mid South Medical Transport – Smithfield, NC
- FAYNET (Fayetteville Non-Emergency Transport)

Mid South Medical Transport and FAYNET have applied for a county franchise to operate non-emergency ambulance service in Cumberland County. Their primary focus would be to provide non-emergency transportation such as transportation from a nursing home to a kidney dialysis center.

As it stands at this time, Cumberland County is no longer operating the public ambulance service. Cape Fear Valley Health System, Inc. has been operating the ambulance service for the last seven or eight years.

The Committee suggested these franchise applications be forwarded to the Hospital for their comment and input, since Cape Fear has greater expertise in this area than the County.

MOTION: Commissioner Blackwell moved to refer these applications to Cape Fear Valley Health System for their comments back to the County Policy Committee for our November meeting, and direct the County Attorney to update the Ambulance Franchise ordinance for review by the Committee.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

MEETING ADJOURNED: 2:50PM.