

CUMBERLAND COUNTY POLICY COMMITTEE MEETING  
AUGUST 6, 2009, 9:00 AM

MEMBERS PRESENT: Commissioner Billy R. King, Chairman  
Commissioner Marshall Faircloth  
Commissioner Kenneth Edge  
OTHERS PRESENT: James Martin, County Manager  
Harvey Raynor, Interim County Attorney  
Tom Cooney, Public Utilities Director  
Tom Lloyd, Planning and Inspections Director  
Marie Colgan, Clerk to the Board  
Sally Shutt, Communications Manager  
Candice H. White, Deputy Clerk

Commissioner King called the meeting to order.

1. Approval of Minutes: May 7, 2009

MOTION: Commissioner Edge moved to approve.  
SECOND: Commissioner Faircloth  
VOTE: UNANIMOUS

2. Consideration of County Participation for the Cedar Creek Road Water Extension Project

James Martin, County Manager, advised the water extension project area is east of the former Monsanto facility and involves the crossing of the railroad track that serves the industrial property. Mr. Martin explained the County has been waiting on a commitment from the Public Works Commission (PWC) to assist with upsizing the line from the minimal eight inches to twelve inches, as recommended by consultants in order to allow for future use. Mr. Martin further explained the County was hoping the PWC would participate in the \$75,000 cost to run the lines under the railroad track to the east side. Mr. Martin stated the PWC agreed that they want to develop a policy position in order to work with the County on county-wide water and will apply the new policy retroactively to run the lines under the railroad tracks.

Mr. Martin stated when considering the time involved with the PWC, he would recommend that the Board of Commissioners consider covering the cost to extend the waterline along Cedar Creek Road to just south of the railroad tracks and that property owners just east of the railroad tracks then be assessed for the remainder of the project.

Commissioner King inquired whether costs would be reimbursed by the PWC. Mr. Martin responded it is not known at this time whether the PWC will reimburse costs and should there be a reimbursement, it would only be for partial costs. Mr. Martin stated the issue is whether the County is prepared to put up the funds regardless of

whether the PWC reimburses any of the costs. Tom Cooney, Public Utilities Director, stated the request for public water was made five years ago when the Utilities Department was first created and this is the last option to provide the property owners with public water. Mr. Cooney stated further that the property owners will be paying the majority of the costs.

Mr. Martin stated once the work is completed, an assessment resolution will be brought to the Board of Commissioners to assess property owners the full cost from the railroad track to the east.

MOTION: Commissioner Edge moved to approve.

SECOND: Commissioner King

VOTE: UNANIMOUS

3. Consideration of Revisions to the Rules of Procedure for the Cumberland County Board of Commissioners

Marie Colgan, Clerk to the Board, stated the proposed revisions to the Rules of Procedure had been developed by the former Clerk to the Board Marsha Fogle and County Attorney Grainger Barrett and Ms. Fogle had finalized them just prior to her retirement. Ms. Colgan called attention to the revised Rules of Procedure as provided and explained the majority of the revisions were wordsmithing with strikethroughs indicating words to be deleted and italics indicating words to be added.

Ms. Colgan stated the Committee was being asked to consider several aspects of the proposed revisions before making a recommendation to the full board with the first item being whether to use the term Chair, Chairman or Chairperson and Vice Chair, Vice Chairman or Vice Chairperson. Commissioner Edge stated Commissioner Council had contacted him and indicated a preference for either Chair or Chairman. Following a brief discussion, consensus was to use the terms Chairman and Vice Chairman.

Mr. Martin called attention to a word modification on page 4 and inquired regarding the seven days notice to change a regular meeting. Butch Raynor, Interim County Attorney, explained the seven days notice was required by North Carolina General Statute for a change in the schedule of regular meetings, not individual regular meetings.

Ms. Colgan called attention to Rule 9 – Agenda, and asked whether the Committee wanted to recommend that an item could be added to the agenda by the unanimous vote of the members present or by unanimous vote of the entire membership of the board. Commissioner King stated the spirit suggested and the board generally operated by unanimous vote of the members present. Mr. Raynor advised the rules should specifically state whether the vote is of those present or the entire membership. Consensus was to recommend a unanimous vote of the members present.

Ms. Colgan called attention to Rule 10 – Powers of the Chairman, and asked whether the Committee wanted to recommend the inclusion of any additional powers. No additional powers were recommended.

Mr. Martin called attention to Rule 26 – Public Hearings, and asked whether the Committee felt one speaker who was not representing a group should be given ten minutes to speak. A brief discussion followed regarding whether the time limit should be modified. Mr. Martin recommended that if there is only one speaker who is not representing a group, then the speaker be allowed five minutes to speak. Commissioner Edge reminded those present that a speaker's time could be extended at the discretion of the Chairman. Mr. Raynor asked whether the Committee wanted to add to Rule 10 – Powers of the Chairman, the discretion to extend the time of a public hearing speaker. Consensus was not to add to the powers of the Chairman and for one speaker not representing a group to use five minutes to speak.

Ms. Colgan called attention to Rule 30 – Changes to Rules of Procedure. Mr. Raynor stated current language to change the rules requires a two-thirds vote of the “members”, which would be the entire board. Mr. Raynor recommended the addition of the word “entire” so it would state “entire membership” in order to further clarify. Mr. Raynor stated a second issue in Rule 30 dealt with suspending the rules of procedure. Mr. Raynor explained if two-thirds vote of the entire membership were to be required to suspend the rules, it would take an affirmative vote five of seven members; if one Commissioner was absent, it would take four of six members voting in the affirmative; and if two Commissioners were absent, it would still take four of five members voting in the affirmative.

Commissioner King asked for a scenario in which the rules might need to be suspended. Mr. Raynor responded he could not think of a specific example; however, should the Commissioners want to suspend the rules and one or more Commissioners were absent, the rules could not be suspended if a two-thirds vote of the entire membership was required to do so. A brief discussion followed regarding circumstances in which the Commissioners may wish to suspend the rules. Mr. Raynor advised the Commissioners could suspend the rules on a per issue basis.

Commissioner King asked whether the revisions being discussed would be brought before the entire board. Ms. Colgan responded the suggested revisions were being presented to the Committee for their input and would then be forwarded to the full board for a vote. Consensus was to forward a strikeout version to the full board.

Discussion returned to the vote required to suspend the rules. Commissioner Faircloth stated two-thirds of the members present ought to be allowed to suspend the rules. Commissioners King and Edge concurred. Consensus was for two-thirds vote of the members present to suspend the rules.

#### 4. Other Matters of Concern

Mr. Martin recalled several years ago, in an effort to sustain activities at Ft. Bragg, the Commissioners had provided for a conservation easement on properties adjacent to the reservation. Mr. Martin further recalled that Tom Brooks, heir of the Rockefeller Estate and representative for McCormick Farms, the Chairman of the Harnett County Board of Commissioners and the Harnett County utilities' director and staff had come to a Policy Committee meeting a year or so ago because they could not agree on the easement for the McCormick Farm property, which was needed by Harnett County to run sewer lines to serve Ft. Bragg and possibly Spring Lake.

Mr. Martin explained the County recently received a request from Mr. Brooks for a temporary easement waiver to allow a contractor to access sand and other materials in the conservation easement located on McCormick Farms for the I-295 project. Mr. Martin further explained the contractor had acquired an agreement with Ft. Bragg to drive through the base and the temporary easement waiver being requested would keep the contractor from driving his trucks through Spring Lake to get back to I-295. Mr. Raynor advised the conservation easement will not allow the contractor to mine for the backfill materials without a waiver.

Mr. Martin stated yesterday he also received an email Mr. Brooks, which stated an agreement had been reached with Harnett County for the McCormick Farms easement. Mr. Martin explained the agreement specifies where the sewer lines are to be located and a release is needed for that portion of the property so the sewer lines can be installed.

Commissioner King asked if there were any concerns associated with the installation of sewer lines in the area. Tom Lloyd, Planning and Inspections Director, explained the conservation easement was still in place and the sewer easement would only be wide enough to accommodate the sewer lines and access to the lines.

Mr. Raynor advised he had not had an opportunity to legally research the matter. Mr. Martin stated if it can legally be accomplished, the County should work with Mr. Brooks for the temporary easement waiver to allow the contractor to mine for materials and for the permanent agreement that would allow the sewer lines to be installed according to the rules of Harnett County. Mr. Martin stated he brought the situation before the Policy Committee for discussion in order to get a sense of where the Board might be on the matter. Mr. Martin further stated no action was needed at this time. Commissioner Edge asked that the County make sure Harnett County was aware of the matter.

Commissioner Edge referenced an email the Commissioners had received regarding the Arts Council and funding for Museum of Art. Mr. Raynor referenced a phone call he had received inquiring about oversight the County might have with regard to the Arts Council and the pass through of occupancy tax money to the Arts Council. Mr. Martin provided background information regarding the legislative authority to increase the occupancy tax from 3% to 6%, the 1.5% percent of the new occupancy tax

money going to the Arts Council, and the establishment of the Tourism Development Authority (TDA) to include the various membership categories contained therein. Mr. Martin also spoke to past efforts of the TDA to exert oversight and reporting for funds going to the Arts Council. Mr. Martin stated at the time the legislative authority was granted, the city and county engaged in discussions with the Arts Council and agreed to reduce their funding over a period of years from \$300,000 to \$100,000 in exchange for the new tax monies. Mr. Martin further stated the Arts Council received \$90,000 for fiscal year 2009-2010 and provides a report to the County for their funding, which may or may not be a full accounting of all the funds they receive. Mr. Martin concluding by stating that absent any real authority, the County could weigh in and attempt to facilitate matters.

Commissioner Faircloth referenced Hope Mills request to waive the landfill fees for the clearing out of Hope Mills Lake and stated that Mr. Martin had indicated it could be handled administratively if he received the request from the Town of Hope Mills.

Commissioner King provided an update of a Chamber dinner he attended for a prospective corporation that manufactures products from corn starch. Commissioner King stated the corporation is looking at the Shell Building and the Black and Decker building and will return on August 25<sup>th</sup> and August 26<sup>th</sup> for another visit to the area. Commissioner King further stated the corporation could provide one hundred fifty to two hundred jobs were it to locate to this area.

Commissioner King inquired about the transfer of child support funding to the County. Mr. Martin stated the transfer would become effective in July 2010 and figures he had obtained indicated the net cost funding gap could be between \$770,000 and \$1 million. Mr. Martin also stated the \$18 per day state prison inmate funding for inmates in Cumberland County jails is gone in perpetuity.

Commissioner King inquired regarding the \$8 million loss of funding to the school system. Mr. Martin stated the school system had received a \$2 million grant and \$3 million from the County. Commissioner Edge stated the school system had received \$27 million in categorical stimulus funding. Mr. Martin referenced the four year agreement with the school system and stated the County may wish to rethink its position.

MEETING ADJOURNED: 10:45 AM.