

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
OCTOBER 7, 2010 – 9:30 AM
MNUTES

MEMBERS PRESENT: Commissioner Phillip Gilfus, Chair
Commissioner Ed Melvin
Commissioner Kenneth Edge

OTHER COMMISSIONERS
PRESENT: Commissioner Jeannette Council
Commissioner Jimmy Keefe

OTHERS PRESENT: James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communications and Strategic Initiatives
Manager
Bob Stanger, County Engineer
Tom Lloyd, Planning and Inspections Director
Tom Cooney, Public Utilities Director
Thanena Wilson, Community Development Director
Lisa Childers, NC Coop Extension Services Director
Colby Lambert, Field Crops Extension Agent
Grace Lawrence, Ft. Bragg BRAC RTF
Thelma Matthews, Purchasing/Accounts Manager
Candice White, Deputy Clerk to the Board
Press

Commissioner Phillip Gilfus called the meeting to order.

1. APPROVAL OF MINUTES: SEPTEMBER 2, 2010 MEETING

MOTION: Commissioner Melvin moved to approve as presented.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

2. PRESENTATION REGARDING CUMBERLAND COUNTY WORKING
LANDS PROTECTION PLAN

James Martin, County Manager, called on Lisa Childers, NC Coop Extension Services Director, who introduced the Cumberland County Working Lands Protection Plan.

The Purpose

- Provide an assessment of the state of agriculture in Cumberland County
- Identify challenges and opportunities
- Develop a set of strategies and actions to protect the county's working lands
- Promote the agricultural economy

Ms. Childers stated the strategies of this plan are intended to encourage long-term policies that support agriculture and provide specific programs that promote agricultural economic development and land protection.

Challenges

- Average age of the farmer is 56.7 years
- Farm transition
- Declining profit margins
- Development
- Loss of farm rental land

Ms. Childers stated challenges facing agriculture are nationwide and Cumberland County is no different. Ms. Childers explained one of the challenges facing family farms is whether there will be family members to whom the farm can transition, and in situations where there is no transition, selling the land for development often occurs.

Planning Team

- Cumberland County Cooperative Extension
- Cumberland County Planning and Inspections
- USDA Natural Resource Conservation Services
- Cumberland County Soil and Water Conservation District
- Cumberland County Farm Bureau
- NC Farm Center for Innovation and Sustainability
- Fayetteville/Cumberland County Chamber of Commerce
- NC Division of Forest Resources
- Cumberland County Farm Advisory Board

Ms. Childers stated the Cumberland County Farm Bureau was not a component of the original planning of the plan document; however, the plan incorporates comments and input made on behalf of farmers associated with the Cumberland County Farm Bureau.

Agriculture Cumberland County (Total agricultural receipts: \$92,648,918)

- 500 farms
- 83% small family farms
- County's land:
 - 21% farmland
 - 42% forestry
- Diverse production:

- Poultry – 5,973,617 broilers sold
- Swine – ranked 16th in the state
- Tobacco – ranked 25th in the state

Ms. Childers stated poultry production in surrounding counties, and to some degree in Cumberland County, recently took a huge hit. Ms. Childers further stated this year the production of tobacco has doubled. Ms. Childers stated historically Cumberland County has been ranked high in its production of cotton and corn.

Working Lands Protection Plan

- Recognizes that farming is an important component of the country's economy
- That preserving farming is in the public interest
- That farmland is an irreplaceable natural resource

Ms. Childers explained the BRAC RTF assists counties surrounding Ft. Bragg with the anticipated growth from the BRAC process and Working Lands Protection Plans were created specific to each county.

Research Method

- Three survey instruments were distributed to agribusiness, farmers and non-farm.
- Surveys were to determine the challenges, opportunities and trends in agriculture.
- Face-to-face interviews were also conducted with all three audiences.

Ms. Childers provided a brief overview of the research methods indicated above.

Recommendations

- Increase the agricultural community's participation in government activities:
 - Increase the duties of the farm advisory board.
 - Increase the participation in community affairs by members of the agricultural community.
- Promote widespread support of agriculture:
 - Publicize the county's commitment to agriculture.
 - Provide ongoing education and information to the public about agriculture.
 - Develop/support a program in schools to promote agriculture.
- Promote the expansion and diversification of the agricultural industry
 - Promote biotechnology research
 - Development of a local agricultural economy (farmer's market, marketing programs, etc.)
 - Promote agriculture as a career
- Manage growth and protect agricultural lands
 - Create an agricultural land protection map and policy
 - Expand the Voluntary Land Conservation Program (VAD, incentives, easements, etc.)
 - Promote the long-term use of land

- Utilize land planning tools and ordinances to encourage preservation

Ms. Childers stated the foregoing recommendations were developed in order to preserve farms and forests thus maintaining compatible uses around the base.

Benefits

- An endorsed and certified Working Lands Protection Plan will place Cumberland County in priority when applying for farmland preservation and agricultural development funds
- There is also a reduction in match for these funds from 30% to 15% for Cumberland County.

Ms. Childers explained benefits that would be derived from endorsement of the Working Lands Protection Plan.

Ms. Childers and Field Crops Extension Agent Colby Lambert responded to questions. Grace Lawrence, Ft. Bragg BRAC RTF, pointed out the Working Lands Protection Plan was not meant to be static, but was a living document. Ms. Lawrence stated once the plan was approved by the Board of Commissioners and certified by the USDA, it would put Cumberland County in a priority status for grant funding.

Mr. Martin and Tom Lloyd, Planning and Inspections Director, spoke to ways in which the county could encourage and protect agricultural zones and also manage and promote growth. Additional questions followed. Commissioner Gilfus stated should ways to encourage or incentivize local use be developed, he would like for the information to be shared with the Board.

MOTION: Commissioner Edge moved to accept the proposed Cumberland County Working Lands Protection Plan.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

3. PRESENTATION REGARDING CUMBERLAND COUNTY COMMUNITY DEVELOPMENT LOAN PROGRAM

Mr. Martin called on Thanena Wilson, Community Development Director, who stated Community Development has a loan portfolio of 256 loans and although the overall collection rate is good, the department has found over the last year or so that loan repayments have lagged from time to time. Ms. Wilson further stated the department proposed adding the implementation of late fees to its current servicing policy as an additional servicing tool to address late payments. Ms. Wilson explained late fees would be structured so that an account is considered past due if the scheduled payment has not been received by the 15th of each month, after which time the account would be assessed a late fee of 5% of the principal and interest payment. Ms. Wilson stated other proposed revisions to the servicing policy would be the removal of taxes as a protective advance

because HUD clarified that taxes are not an eligible expense for CDBG funds and the inclusion of paying for local assessments in accordance with 24 CFR 570.200(c) to ensure that regulations are followed when determining which assessments are eligible. Ms. Wilson responded to questions. Commissioner Keefe mentioned upcoming meetings in the Gray's Creek Water/Sewer District and asked that Community Development develop a policy for assistance with water assessments. Additional questions followed.

MOTION: Commissioner Melvin moved to approve the servicing policy revisions as presented.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

4. DISCUSSION OF THE PUBLIC WORKS COMMISSION LETTER REGARDING SEWER EXTENSION BEYOND THE SEWER SERVICE AREA

Mr. Martin called on Mr. Lloyd who stated in 2008 Cumberland County and the city of Fayetteville entered into an agreement that designated a sewer service area in which all sewer would be gravity fed. Mr. Lloyd further stated in order to extend sewer outside of that boundary, a recommendation would be needed from the Joint Planning Board, Fayetteville's Planning Board and the PWC Board to the Board of Commissioners who would make the final decision. Mr. Lloyd stated should there be a provider other than the PWC, only a recommendation from the Joint Planning Board to the Board of Commissioners would be needed. Mr. Lloyd stated the agreement was written specifically because of the Eastover Sanitary District and the PWC was considered the provider under the agreement.

Mr. Lloyd stated in the proposed development in Grays Creek, Mr. Koenig as the developer was going to dedicate both the water and sewer lines to the county water and sewer district which meant the county would own the lines as well as the pump stations and be the provider. Mr. Lloyd further stated the PWC responded in their letter that they considered themselves to be the provider because the county does not treat the effluent. Mr. Lloyd stated the Koenig case is about the intent at the time the agreement was drafted and county staff believe that if the proposed extension is within an established water and sewer district, then the county would be the provider and no recommendations would be needed by the PWC or the city of Fayetteville. Mr. Lloyd further stated he did not know what precipitated the letter that was received from the PWC on the day of the Koenig case public hearing.

Mr. Lloyd responded to questions and a brief discussion followed. Commissioner Keefe inquired whether the Grays Creek Water and Sewer District system would be closed. Mr. Cooney responded in the affirmative.

Rick Moorefield, County Attorney, stated if at the time the agreement was drafted the PWC considered themselves to be a provider because they treated effluent, there would

never be another provider other than the PWC and there would be no need for an agreement. Mr. Lloyd stated at the time the agreement was drafted, the intent of the talk had to do with the lines and delivery.

In response to a question from Commissioner Gilfus, Mr. Martin stated the challenge has to do with the interpretation by the PWC. Mr. Martin further stated when the district was created, sewer was specifically included on the remote chance there might be an opportunity to provide sewer in the future; however, there was never an idea for the county to go into the sewer business. Mr. Martin stated because there may be other development proposals for the installation of water and sewer at the developer's expense with dedication of the lines to the water and sewer district, this issue needs to be addressed with the PWC and the city of Fayetteville. Mr. Martin further stated under the plans for the Grays Creek Water and Sewer District, the PWC would be the supplier of water and would also be the logical treater of the effluent were a sewer system to be involved. Mr. Martin stated until the county decides to do something to give itself the ability to produce treated water through some means other than the PWC, the PWC and therefore the city of Fayetteville would have to be the county's partner for advancing both water and sewer.

Mr. Moorefield stated the practical application has to do with future development proposals that will likely be presented to the county. Mr. Moorefield further stated another issue for the county relates to USDA financing because it would be difficult to maintain any expansion of an initial phase if there were two service providers in a USDA financed district. Mr. Moorefield advised this would have implications for what could actually be developed in any of the water and sewer districts or even a water district.

Discussion followed as to how best to address the issue. Consensus of the committee was for Mr. Moorefield to contact the PWC attorney and the city of Fayetteville attorney for a meeting to discuss the agreement and report back to the Board, and should there fail to be a meeting, this will be reported back to the committee. Mr. Moorefield stated the situation is further complicated in that the PWC is not a party to the agreement because the agreement is between the county and the city of Fayetteville.

5. STATUS OF POINT EAST HOMEOWNERS ASSOCIATION REQUEST TO REPAIR DAM

Mr. Martin called on Bob Stanger, County Engineer, who recalled an August 27, 2010 teleconference meeting in which the requirements for repairing the dam were discussed and the consensus of the teleconference meeting that the consulting engineer for the HOA would develop an action for the HOA to consider and then advise the county of any additional assistance that might be needed. Mr. Stanger stated subsequent to that conference meeting, he received a September 14, 2010 email from the HOA President Daryl Cobranchi requesting that the county consider including any engineering studies and repair plans in the cost of a county-assessment project. Mr. Stanger stated he conferred Mr. Moorefield and referenced the email from Mr. Moorefield that stated

commitments to the HOA would have to be made by the Board of Commissioners. Mr. Stanger stated he forwarded Mr. Moorefield's email to Mr. Cobranchi.

Mr. Stanger stated in his opinion the problem lies with the state's Dam Safety because the HOA is under order from Dam Safety to either breach or repair the dam, and a problem also lies with the fact that the petition received from the HOA was not signed by an overwhelming majority of the property owners. Mr. Stanger further stated the request also creates a difficult situation for the Board of Commissioners because the actual project costs are not known and there would be a limited number of property owners paying the assessment.

Mr. Stanger stated in his opinion, it would be more advantageous for the homeowners living on the lake to let the situation run its course with the state and if the state chooses to breach the dam, then let the state assess the HOA. Mr. Stanger further stated this would include all forty-three properties in the HOA and the cost per property owner would be much less. Mr. Stanger stated according to Tax Administration, the land value for the lots surrounding the lake would be discounted 33% due to the dam being breached, which would equate to a loss in tax revenue of about \$1,868 per year.

Mr. Moorefield advised the county can not assess for engineering studies so should the engineer's recommendation be to breach the dam or to not do anything, the Board would not have the legal authority to assess the HOA for the engineering study. Mr. Stanger responded to questions and shared his concerns regarding limited discussions between the HOA's engineer and Dam Safety since Dam Safety will dictate what they will approve in a dam repair plan and what they will require in the way of investigative/geo-technical work needed to establish the integrity of the existing earthen dam. Discussion followed.

Consensus of the committee was that it was up to the HOA to do their necessary work first. Commissioner Gilfus suggested that a formal letter to be sent to the HOA to make this clear.

6. DISCUSSION OF DRAFT PROPOSAL OF LOCAL PREFERENCE POLICY

Mr. Moorefield called attention to the draft proposal and a recent posting by the UNC School of Government regarding local contracting. Mr. Moorefield stated he had reviewed most of the purchasing contracts executed during this calendar year and it appeared that purchases covered by the proposed policy were almost always with local vendors. Mr. Moorefield further stated the current policy provides a clear-cut way to ensure that the county receives competitive prices and he recommends the current purchasing policy remain in place with the incorporation of the language in the proposed policy that would clearly express the Board's preference for local vendors. Mr. Moorefield stated most of the county's non-local contracts are because there are no local vendors. Mr. Moorefield further stated issues that might arise would be associated with contracts over \$30,000, which would not be covered by the policy but would be addressed according to state statutes. Mr. Moorefield stated state contracts can also be

questionable so he suggested the award of contracts to local vendors that are able to meet the state contract price.

Staff responded to questions and a brief discussion followed. Mr. Moorefield clarified the proposed draft not only states that contracts will be awarded to local vendors, it also defines a local vendor. Mr. Moorefield advised his recommendation would be to adopt language as stated in paragraphs four and five into the existing policy

MOTION: Commissioner Edge moved to add language from paragraphs four and five from the draft policy to the existing policy.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

7. OTHER MATTERS OF BUSINESS

Commissioner Gilfus stated as a result of research he conducted regarding jail funding, a popular way in jurisdictions across the country was “pay to stay”. Mr. Moorefield advised administrative regulations allow individuals to be charged prior to conviction; however, the charge has to be refunded if the individual is not convicted. Mr. Martin stated to his knowledge the Sheriff’s Office is not imposing the charge. Mr. Moorefield stated he would follow up with jail administration but his understanding was that it was being done by the courts incident to sentencing.

Commissioner Gilfus asked how much it would pay and how it would be used. Amy Cannon, Assistant County Manager, stated the county receives monthly reimbursements for court costs but she would have to look into whether a breakdown is available.

Commissioner Keefe inquired whether monies cease for individuals receiving compensation from a government agency who go to jail and are not convicted. Mr. Moorefield responded it would not cease for pre-conviction as there would be no basis for the money to be terminated. A brief discussion followed and Mr. Moorefield provided input on jail trust accounts and co-pays for health care that occur in some jurisdictions.

Commissioner Gilfus requested an update at the next meeting of the Policy Committee.

MEETING ADJOURNED AT 11:35 AM.