

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



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

MINUTES October 2, 2007

Members Present

Mr. Donovan McLaurin, Chair
Mrs. Lori Epler, Vice-Chair
Mr. Clifton McNeill
Mrs. Patricia Hall
Mr. Garland Hostetter
Mr. Harvey Cain, Jr.
Mr. Charles C. Morris

Others Present

Mr. Thomas Lloyd, Director
Mr. Cecil Combs
Ms. Patricia Speicher
Mr. Grainger Barrett, County Attorney
Mrs. Laverne Howard
Commissioner Diane Wheatley

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice-Chair Epler delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

There were no adjustments to the agenda.

III. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions.

IV. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy Statement

V. APPROVAL OF THE MINUTES OF SEPTEMBER 18, 2007

Chair McLaurin moved to have Carl Lake changed to Kerr Lake and Jordan Lake changed to Jordan Lake Dam on page 15.

A motion was made by Mr. Morris, seconded by Mr. McNeill, to accept the September 18, 2007 Board minutes with changes. Unanimous approval.

VI. PUBLIC HEARING ITEMS

REZONING CASES

- A. **P07-47:** REZONING OF TWO PORTIONS OF A 20.26 ACRE TRACT, CONSISTING OF 9.43 ACRES AND 4.20 ACRES FROM M2 TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF CHURCH STREET, EAST OF FREEDOM LANE, SUBMITTED BY JOSEPH H. GILLIS SR, OWNED BY GILLIS AND GILLIS INC.

This case was presented to the County Commissioner's at the August 20, 2007 meeting. Because of opposition raising issues which were not previously addressed by the Planning Board, the Commissioner's referred the case back to the Board for re-consideration.

The case was reheard by the Planning Board at the September 18, 2007 meeting to clarify concerns of the citizens and the Town of Hope Mills. The Board deferred the case until their October 2, 2007 meeting in order to allow more time for the interested parties to meet.

Mr. Lloyd stated that he and the applicant met with the Mayor of Hope Mills and with the Town Manager. The applicant was gracious enough to propose a compromise to the town. The Mayor took it to the Town Board and they agreed, to endorse the compromise which appears as the staff recommendation.

The Planning and Inspections Staff has amended their recommendation and now recommends approval of the R7.5 district for that portion of the subject property at or above the 84 MSL and that portion below the 84 MSL to CD Conservancy District with the exception of the first 210 feet of the southeastern corner of Tract 1 where the R7.5 district line will follow the 83 MSL. The Staff also recommends that the remainder of the subject property below the 83 MSL be rezoned to CD Conservancy District based on the following:

1. This recommendation recognizes and accounts for the possible restoration of the lake-bed, commonly referred to as "Hope Mills #2," to its previous level up to the 84 MSL; if and when this restoration occurs, dwelling units and any other future development of this property will not be disrupted or impede the restoration project;
2. The request is consistent with the 2010 Land Use Plan, which calls for Low Density Residential and Open Space at this location;
3. The request is consistent with the existing zoning in the area; and
4. Public utilities are available to the subject property.

There are no other suitable zoning districts to be considered for this site.

Mr. Lloyd stated that he thought the public had heard about the recommendation as it was written in the Board's packets. After further discussion with Mrs. Hall it was suggested to make clear that only on this portion of Tract 1 would the 83 MSL be the zoning line and the CD line would fall below 83 MSL. For the rest of the subject property all areas in blue, CD zoning will occur at the 84 MSL.

Chair McLaurin asked why the difference between 83 and 84.

Mr. Lloyd stated that the main reason for the difference is because there was a preliminary plat submitted. Regarding the area showing the 83 MSL, a condition on the plat was added for those three lots, that they still have to be built at or above the 84 MSL. This is not a part of the zoning case, its part of the subdivision case. Because of the layout of the preliminary approved subdivision three lots would have been lost. We moved it back to 83 and compromised on that end, not on the zoning case but on the subdivision case, that he will build at the 84 MSL in that area. The CD zoning line would have precluded him from putting in any houses because you can't put dwelling units in a Conservancy District. He will still meet the lake level on his plat, but he needs to be able to build. That is not part of this case, but that's what happened.

Public Hearing opened.

Joe Gillis spoke in favor. Like Mr. Lloyd said, we met with the Mayor of Hope Mills and the Town Manager, we proposed this and we feel like this is a good compromise. They have looked at it along with PWC people and County Engineers have given their blessing to what we have come up with. We feel like this would be a good compromise.

Richard Dalrymple spoke in opposition. This is all news to me. My main concern is the preservation of the National Greenbelt that does run through the Rockfish area between Porter Road and Church Street. I've had a ground spring running under my land since 1995 and this is the first time I haven't seen it wet. That would be about ten feet below Church Street. It is a true wetland. I understand the gamble of purchasing land and developing it in a wetlands area. I want to ensure that any of the areas that are deemed wetlands remain wetlands for the area. I am interested in the proposal here, it looks very promising.

Mr. Lloyd stated that the 84 MSL line follows the wetland delineation line on the property.

Jerry Legge Hope Mills Town Board Member spoke. I am opposed to the development as it was written earlier. We want to reserve the right to have our precious resource of water and the right to put water back into Hope Mills #2. I don't oppose the letter that was shown earlier that the Mayor brought to my attention last week. I appreciate Mr. Gillis agreeing to build that way and I understand that the 83 MSL is going to be filled to bring it up to the 84 MSL level, prior to construction being done there. But I would ask that you approve this request with the latest requirement by the developer. Thank you for all you do.

Lisa Waring spoke. There are two major concerns and a lot of that has been alleviated for us. One, the impact that it would have on the future ability of Hope Mills to restore its Lake #2. First and foremost, Lake #2 has the potential to serve as a water reservoir for our entire region. All you need to do is turn your television on in the evening, pick up your local newspaper and read the headlines or maybe even simply take a walk into your yard and you will see the impact the recent lack of water is currently having on our region. Water is an essential need for all living things and we must be continually searching for clean sources of water for our very survival. Amazingly, the Big Rockfish

Creek that fed Lake #2 for so many years and the little Rockfish Creek that soon once again will feed our Lake #1 have continued to flow abundantly with fresh clean water

throughout this drought. It is my understanding that our own proposed 2030 vision plan for Cumberland County, currently in draft form, encourages the restoration of Lake #1 and Lake #2 as future sources of clean fresh water for our region. Making a decision that would prohibit, impede or deny this County's collective vision for the year 2030 by allowing any development that would cause Lake #2 not to be fully restored makes absolutely no sense. The hydraulic power that could be generated by the spillway for Lake #2 could provide a source of steady revenue for the Town of Hope Mills, a decision that would impact the restoration of Lake #2 could also impact future sources of revenue for our town and the financial well being of our community. Now concern number two. It's the wetlands. As you are aware much of the property proposed for rezoning is environmentally protected wetland area. I understand there is a difference between zoning and actual permitting to build, but I believe zoning gets you one step closer to the building. I would ask that, as you deliberate this evening, you give every consideration to the impact this zoning decision will have on the environment in this heavily impacted wetland area. Tonight I have heard a change in the zoning proposal from your first recommendation several weeks ago. This new recommendation, if approved, appears to protect the future of Lake #2. If this is a guarantee I would like to thank the Gillis's, the developers, the Town of Hope Mills, Mrs. Patricia Hall our Planning Board Representative, and the collective Joint Planning Board for working together to help us protect Hope Mills Lake #2 for future restoration. I would also like to personally thank Representative William Brisson who has joined us this evening from District 22 for coming out tonight and taking time out of his busy schedule to perhaps talk to us about the future potential of our Lake #2. The restoration of Lake #2 is not a dream, it is a vision for the future of Hope Mills. With the help of people like Representative Brisson and others our community can work together on a mission to restore Lake #2 and to share the gifts she will surely bring with our community and with our region for years to come. I ask you to consider the impact the recommendations will have not only for now, but for our future. Thank you very much.

Scottie Sweatt spoke. I'm not here as a representative of the Town of Hope Mills though I have lived in that area most of my life, I don't live there now. I am a lifelong resident of Cumberland County. I'm here as a concerned citizen for our drinking water and our natural resources. The Iroquois have something called the seventh generation consideration, which is everything that we do today and every decision that we make, we need to think seven generations out. This appears to be good wisdom, as our constitution was drafted using the great law of the Iroquois as a model. I don't begrudge anyone the ability to feed their family or operate a business, I'm a business owner myself and I understand the fact that you have to take care of those things, otherwise you can't take care of anything else. But, that being said, I appreciate Mr. Gillis's flexibility trying to make sure this is handled. But, I ask that we don't make any compromise when it comes to our natural resources. With regards to this, I'm opposed to any building on the wetlands. It just doesn't make any sense to me, the wetlands are our filter. I'm not going to try and lock horns with anybody about ordinances or scientific research. I have been in contact with our tribal council representative Reverend Ricky Burnett with District 13, with the Lumbee tribe, and he's pledged his support for whatever clean water initiatives we are pursuing here in Cumberland County and he plans to take it to the tribal council to seek a resolution of support. This is a bigger picture, not necessarily solely for consideration by the Planning Board, but these are things that needed to be said.

Representative William Brisson spoke. Representative Brisson thanked the Board for the time to speak and also thanked the Board for the job they do. Representative Brisson stated that he realizes that their job is tough, perhaps the toughest in the County and will get tougher. Representative Brisson stated that he had the opportunity to speak with the Mayor a few years ago. This is not something that has come about because of the drought that we are facing in the State; it is a dreadful time that we are dealing with. The first thing that the Mayor, Mr. Taylor and myself talked about then was the hydraulics of the two lakes and how important the future of the water supply would be to the Town of Hope Mills. Just looking at the census, we're growing and growing fast, from 5,000 in the 70's up to 12,000. It is a deep concern, it's about preserving and reserving. Our natural resources are important to all of us. Not only to people in Hope Mills, but the surrounding areas. I don't think we can all depend on the Cape Fear River. There are millions and millions of gallons of use out of the river. I don't think we can put all our eggs in one basket. It's very important to Cumberland County and the City of Fayetteville as much as it is Hope Mills. My position here tonight is to help the Planning Board, the Town of Hope Mills, and the people of Cumberland County in any way I can in the Legislature. We're not the only one's talking about reservoirs and trying to plan for the future. With respect to the wetland issues, with the federal and state regulations, I don't really worry that much about them being disturbed. The Corps of Engineers stay on top of that so somebody would have to get out of hand to have an effect on the wetlands. We see that every day. It's not only about preserving water; we need to learn that we can't preserve the land with asphalt and cement. We need to do everything that we can do to preserve our water table, and I'm willing to work with you any way I can. I appreciate you working with the people in Hope Mills to help them work their problems out.

Chair McLaurin asked Representative Brisson if he knew how many places there are in Bladen County that draw water from the Cape Fear River.

Representative Brisson responded that the City of Wilmington and Smithfield is planning to by 2010. It's a big resource to a lot of people. I would hate for us to all become dependent upon it. The lakes are important and any other natural resources that we have, we need to preserve.

Chair McLaurin asked Mr. Gillis if he wanted to respond to any of the comments that were made.

Mr. Gillis stated that he feels that they have reached a legitimate compromise that is going to protect everybody. We certainly want to protect the water. I know all the people I build a house for will certainly expect a shower and a good cold drink of water when they go home.

Public Hearing closed.

Mrs. Hall pointed out that the 2030 Growth Vision Plan recognizes Rockfish Creek and Hope Mills Lake #1 and #2 as possibly the only future source for raw water storage and strongly encourages the restoration of Hope Mills Lake #1 and #2. As you know, #1 is in the process of being restored. A Conservancy District is designed to preserve and protect identifiable natural resources from encroachment and the action that we take

here tonight in this zoning case recognizes that and recognizes the possible restoration of Hope Mills Lake #2 and the development that will not disrupt or impede that restoration. I want to thank Mr. Joe Gillis and Mr. John Gillis for their appreciation of our concern and their willingness to meet with us and to agree to this alternative zoning as a solution that's compatible with our needs and with theirs and with everyone in the community. I also want to thank the Planning Board for their willingness in delaying this action for two weeks, in order for us to facilitate this meeting. I want to thank the Hope Mills Board of Commissioners, all five of whom are here tonight, for your support; also Representative Brisson, we appreciate your coming. I want to thank the Friends of the Lake for their constant awareness and vigilance and all the citizens of the town who faithfully and strongly support these very same goals. I can't say anymore about the importance of preservation of natural resources, but we're all in this boat together and this is a step in the right direction. Thank you.

Vice-Chair Epler stated that she would personally like to commend the Gillis' for letting us give you the opportunity to work with Hope Mills and taking advantage of that. I think it will benefit you and Hope Mills in the long run. Thank you very much.

Mr. McNeill asked Mr. Lloyd if the 84 MSL as shown on the map outlines the wetlands line.

Mr. Lloyd stated that it pretty closely follows the wetlands line. It's greater than where the wetlands are in many places.

Mr. McNeill stated that for those who are concerned about the wetlands this takes care of that if we go with the CD(Conservancy District).

Mr. Lloyd stated yes.

Mr. McNeill stated that they do appreciate the flexibility of the Gillis' and appreciated the effort put into this. Mr. McNeill also stated that he felt this is a good compromise.

Mr. McNeill made a motion to follow the staff recommendation and approve the R7.5 district for the portion of the subject property at or above the 84 MSL and that portion below the 84 MSL to CD Conservancy District with the exception of the first 210 feet of the southeastern corner of Tract 1 where the R7.5 district line will follow the 83 MSL. The remainder of the subject property below the 83 MSL rezoned to CD Conservancy District, seconded by Vice-Chair Epler. Unanimous approval.

Mr. Barrett recognized the staff and Director Tom Lloyd for their hard work and effort.

VII. TRANSPORTATION DRAFT

Mrs. Maurizia Chapman addressed the Board on behalf of the County's Transportation Section and presented the 2009-2015 MTIP Draft. Mrs. Chapman stated that North Carolina Law requires that the Public Hearing be held to allow for public comment. No speakers had signed up for or against the plan.

VIII. DISCUSSION

There were no items for discussion.

IX. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

Mr. Lloyd stated that the Board will get information on items to go to the 2030 Task Force on the sewer extension policy, and that he would have it out to them in about a week. A few of the Board members will be going to the meeting as Task Force members. It will be going from the Task Force to the Planning Board and from the Planning Board to the Commissioners.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:05 p.m.