

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

Benny Pearce
Town of Eastover

MINUTES January 15, 2008

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. Benny Pearce
Mrs. Sara Piland

Others Present

Mr. Thomas Lloyd, Director
Ms. Patricia Speicher, Land Use Codes
Mr. Grainger Barrett, County Attorney
Commissioner Diane Wheatley
Mrs. Laverne Howard
Mr. Harvey Raynor Jr., Deputy County
Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF THE MINUTES OF JANUARY 15, 2008

A motion was made by Mrs. Piland, seconded by Mrs. Hall, to accept the January 15, 2008 Board minutes as submitted. Unanimous approval.

III. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement.

IV. PUBLIC HEARING ITEMS

Mr. McNeill stated that the information being considered tonight came from the 2030 Task Force. The Task Force voted 7 - 1 to send it to the Planning Board for their review, prior to it going to the County Commissioners, without a recommendation. There was not a consensus reached on a number of issues. There have been some changes to the document, that have resulted from discussions at the 2030 Task Force, but the documents here tonight, have no recommendation from the 2030 Task Force.

Mr. Lloyd reviewed the map of the Municipal Influence Areas (MIA's) that have been proposed. Mr. Lloyd explained that most of the MIA's shown in dark green already existed in the 2010 plan, there's been no change to Stedman, Spring Lake, Wade, Falcon, Godwin, and Linden, and with the exception that there has been a small

extension for Stedman to go out and include Cape Fear High School; also the new Town of Eastover, shown in light green, light blue is Hope Mills, also Fayetteville's MIA is shown in gold in this particular map. When we address the standards that take place in the Fayetteville MIA, they will be taking place in that area shown in gold. We will also reference an annexation petition line, which is shown in red, the line starts at the north comes down, follows the river west of Eastover, and goes out toward Stedman and back down to the County line. Those are the proposed MIA's that will appear to the Commissioners.

Jim MacRae, Jr. thanked the Board members for all the hard work they do in planning and in the County. Mr. MacRae is concerned about the MIA area that has been proposed. From his understanding it extends out to Thrower Rd., which encompasses a substantial part of the area in which he lives. Mr. MacRae's concerns are if it is extended out that far, the influences that the city will have on the County development will be substantial in terms of their ability to run sewer, allow certain sewer projects and certain water projects, and essentially they will be able to determine how that part of the County is developed. Me being a County resident I have no right to vote for the City Council members that will be essentially determining how things are developed in the County, I will not have a say so. Mr. MacRae stated that he is opposed to the MIA area.

Mr. Morris asked that Mr. Lloyd go back and explain how this all came about, so that everyone understands what is being discussed.

Mr. Lloyd stated that the dark green area given to small Towns was a one mile radius. When Eastover was formed there was some negotiation in Wade's MIA, and it was stretched down to go up to the northern part of Eastover. When Hope Mills came back, we used what they had as an area of consideration, and they delineated that, that is shown in the light blue. Fayetteville's MIA, shown in the gold, was based on sewer sheds. There are either existing lines or gravity feed back to the existing lines.

Mr. Morris asked based on what measurement from the gravity fed lines?

Mr. Lloyd stated these were received from PWC, everything will drain back that is in that MIA, with gravity. The annexation petition line, I'm not quite sure, maybe that can be addressed in the future. The annexation petition line shown up in the Eastover area is shown not to overlap any part of the Eastover Sanitary District, which is shown in the red line, following the river.

Mr. Morris asked how that line was determined.

Mr. Lloyd stated that that particular part of the line was determined to not overlap any part of the Eastover Sanitary District.

Mr. Morris asked and the remainder of the line.

Mr. Lloyd stated that City Planning and staff came up with that line.

Morgan Johnson spoke before the Board. Mr. Johnson stated that he is Chairman of the Eastover Sanitary District. The Sanitary District has completely supported the 2030 plan from the very beginning. The District hosted the very first meeting of the 2030. We have a very active, vigorous population in our area and they do support the 2030 plan. The Sanitary District is formed by State Statutes and basically has the same authority and power that the City and County have. Those are laid out by the State Statutes for a Sanitary District. As such, we are

elected officials of the District, within the Sanitary District we now go from Cape Fear River to the Sampson County Line on north of 295 and south almost to the Vander area. It's a very large

area, almost 23 square miles. We have been elected and charged with keeping their interests in mind. It is our job as elected officials, to look after their interests and provide protection to them where they need it. As such, there is an Eastover Land Use Plan, which will be discussed later, but in that plan, which was approved by the County Commissioners that outlines the use of the land in the Eastover Township, and the surrounding area. We already had that in place, and have been using that. Mr. Lloyd's staff uses it quite frequently, when there are things coming up in the Sanitary District or in the Eastover Township area. Because we already have these controls in place, we see no reason, and we would oppose any MIA in the Sanitary District boundaries. We cannot and will not support an MIA in our area, and we will oppose it.

Mr. Lloyd explained the purpose of the MIA. As sewer is extended outside of this MIA, that part that is outside of the secondary sewer service area, that area would then become part of the Fayetteville MIA and will be subject to the development standards that we will talk about next. The purpose of the MIA in general is to prepare that land for each town in the future when they annex, those development standards are already in place. The Commissioners have chosen to grant these MIA's around towns so when they do an area of consideration or intent, that town's specific standards will be in place so there won't be any retrofitting when the time comes for annexation.

Mr. Morris asked if the main purpose of an MIA was to prevent retrofitting.

Mr. Lloyd stated that that was correct. So that when a town annexes we won't see, for example, the big bang, having to go out into the County, put in sewer and the sidewalks, curb and gutter standards that exist now will have to be put in. So it's to avoid any kind of retrofitting.

John Gillis spoke before the Board. Mr. Gillis stated that the three elements being discussed are elements of a proposed interlocal agreement between the City of Fayetteville and Cumberland County. These three topics are vital to that interlocal agreement discussion. The role of the agreement is not something under the purview as I understand it, of the Planning Board nor any other Board of the County. It's the responsibility of the City Council and the County Commissioners to develop those interlocal agreements. The context of that, is that all of these issues, being discussed tonight are proposed to become part of that interlocal agreement, and the text of those requirements including MIA, Development Standards, and Sewer Extension Policy have a vital direct impact on not only the future growth of the City, but also property rights of land owners, in particular people not in the City of Fayetteville, but people outside of the City of Fayetteville and in Cumberland County. The role of the interlocal agreement, as I understand it is an agreement under which governmental bodies agree to cooperative efforts and transfer of responsibilities and authorities between those two bodies. One of the things being proposed here tonight is a transfer of authority from the County Commissioners to the City Council to make decisions which directly impact County citizens and it has been touched on already, it will impact on County citizens who have no ability to vote for the City Council members who will directly decide issues related to their property and their development potential. That is the context, and that's why this is vitally important, as far as the area of MIA. The 2030 group has not directly discussed, nor been responsible for the MIA's. One of my concerns is that the smaller municipalities in the County and the sewer districts in the County have not been brought into the dialogue which has resulted in the text of MIA requirements that's being presented here tonight, so all of the players are not in the room. Just remember that as you go through your discussions.

Talmage S. Baggett, Jr. spoke before the Board. Mr. Baggett stated that he is concerned about the MIA interlocal agreement that has been discussed. Mr. Baggett stated that he was here as a

private citizen. In the yellow area that is being discussed, there are probably not more people than are in this room that know what we are talking about tonight, in that whole entire area. The

general public does not have a clue what we are discussing tonight. At the time when some of them would choose to develop their land, for them to find out, that there are standards that they must meet, which are imposed by other people, and that they have no representation. They are not well informed about what's going on with this MIA that is being discussed tonight. I for one am not a big annexation opponent, as many know I opposed the big bang, and I think there were some inherent problems with the way that was done. But, I don't feel particularly inclined that we should make it easier in Cumberland County for Fayetteville to annex. I don't believe that should be our burden to make the cost of our development more expensive just so Fayetteville can annex. If they want to annex, there's a bonus, the tax money that they can get, it should be incumbent on the municipality to bring that standard up. I understand that the people proposing much of this agreement are friends of mine. But I can tell you that we have to be careful with MIA's. If we have MIA's, they have to be severely limited. Particularly to those areas where annexation is imminent, and if it is imminent, I understand and most of the people in this room understand, that you probably should go ahead and build to those standards of the City, if the City is very close to taking you in. I don't know how long it will take the City of Fayetteville to fill up that yellow area, I anticipate that it will take many years and I know that your recommendation is that there not be any recommendation on the MIA, positive or negative. But I would ask you to reconsider and give a negative report as to the MIA.

Mr. Barrett clarified Mr. McNeill's statement that the 2030 Task Force forwarded the MIA without a recommendation. That is not the position of the Planning Board, the hearing this evening is for the Planning Board to consider any recommendations to be made.

Liz Reeser spoke before the Board. Ms. Reeser stated that Eastover has a Land Use Plan that purpose of the Land Use Plan was to keep Eastover rural. There was no desire to have Eastover urban, no desire to have it annexed into the City, not developed to City standards. Ms. Reeser is greatly concerned that the MIA does leave that door open. For the citizens of Eastover, they need consideration of their input and their desires.

Mr. Lloyd stated that part of the interlocal agreement states that the Eastover Land Use Plan as well as the North Fayetteville study would be adhered to. In our recommendations, if any of that area was annexed into the City in the future, until that plan was redone, the Land Use Plan would be honored.

Mrs. Piland stated for clarification, from what she read, that if it was initially annexed it would be considered, it didn't include any statement in the long term.

Mr. Barrett read the portion of the agreement that Mr. Lloyd and Mrs. Piland were referring to, which stated that the plan would have to be adhered to for one year.

Joe Gillis spoke before the Board. Mr. Gillis spoke in support of what Mr. Baggett said. Mr. Gillis stated that the property owners need to be fully informed of the MIA and be made more aware of what's going on, because he feels that most of the people that will be affected by this have no knowledge of this at all.

Kim Fisher spoke before the Board. Ms. Fisher stated that she was coming before the Board as a member of the 2030 Task Force. Ms. Fisher stated that the 2030 Task Force did not endorse this plan for the MIA or the sewer extension policy. We were charged to hold small group meetings throughout the County, where we asked the citizens what they wanted Cumberland County to look like in the year 2030. We had some really good discussions and a lot of time and planning was put into holding these meetings and coming up with policies. In this plan here,

none of that was taken into consideration that I am aware of. The people did not have a say in this policy or this MIA proposal. I just want you to think about that, this is not a people's plan.

Another point I want to bring out, years ago in this room, years ago, we saw a map when Eastover was trying to get incorporated on the hydric soils, and a lot of that area in the orange MIA, proposed MIA for Fayetteville, has very hydric soils, and is not conducive to dense development. That needs to be taken into consideration, density of the land needs to be considered and what's going to happen to the soil and stormwater runoff in that area. That really concerns me.

Mr. Morris asked Mr. Lloyd with Ms. Fisher's comments, we had public hearings throughout the County where people had a chance to comment, those were all completed prior to this policy coming to the 2030 plan, is that correct?

Mr. Lloyd stated that was correct.

Mr. Morris asked if this was the only public hearing that this has been subject to, is why we are here tonight?

Mr. Lloyd stated that was correct.

Mr. McNeill made a motion to enter the minutes from the 2030 Task Force meeting of January 22, 2008 into the record, seconded by Mr. Morris. Unanimous approval.

Lawrence Buffaloe spoke before the Board. Mr. Buffaloe stated that he is opposed to the MIA being extended out where the people would not have some say in this. To where the municipalities and the local people live in these areas would have some way of being represented, so that would be an issue. The 2030 plan was set up and the Committee is here, and you've told how you have had input and so forth. How about the MIA Committee? Who set that up and how was it set up? That is a question that has not been answered here tonight. It seems to me, whoever set that up didn't take into account anyone being involved and giving any input.

Mr. McNeill stated that he wasn't aware of any MIA Committee, the 2030 Task Force did not do this. This information was given to us some time after the public hearings were held around the County. The information on the proposed MIA's, the interlocal agreement, the flow chart, and the sewer extension policy, all came to the 2030 Task

Force as a packet. Normally the Task Force would wait and get all of the information from the public hearings and we formulate vision statements. The intent was to put it all in a package for a 2030 proposed plan to give to the County Commissioners. Because this was given to us and the word was that it was going on to the County Commissioners, the Task Force, in order to open discussion and give as many people a chance to participate and make comments on this as possible, brought these items out of what they're considering as an overall Task Force, and sent these to the Planning Board tonight. That's how we have arrived at just discussing these items tonight. This is not the whole 2030 Plan, in fact at this point is not a part of the 2030 Plan. The 2030 plan has not been completed, but these items have been taken out because apparently they were going to move ahead before the 2030 Task Force finished their plan. The Task Force wanted to put them out so people could comment on them prior to them proceeding.

Mr. Buffaloe asked if any MIA was approved that it would either go back for approval through this Committee before it goes to the County Commissioners? Or would this Committee, being the 2030 Committee, be able to consider it null and void if you were not involved in it.

Mr. Lloyd stated that the original MIA's for the small towns were granted with roughly a mile radius. Fayetteville, one, being larger and two, connected to PWC, which we will get to and how the sewer extension ties in with density and the expanse of the MIA all ties together, but a group of City Official and staff, and a group of County Officials and staff, a working group, got together realizing that the City's urban standards would in no way hold up, way out into the County. So they got together over a year and a half, two year period, to come up with standards that would be amenable to the land, the type of land that lies out in this area and negotiated the differences between the urban standards of the City and the County. So, in answer to the question, who was the MIA group, being as none of these MIA's are really affected, except for newly formed Eastover at the time this group was formed, everybody had an MIA but Fayetteville, who wanted to be involved with Joint Planning.

Mr. Barrett stated that in the interest of precision I would like to address the voting issue. I think I understand the sentiments that have been expressed about representation and voting. Let me point out and acknowledge that all of these agreements being discussed tonight, have to be approved by the County Commissioners. Everybody in this room that is a citizen of Cumberland County gets to vote for them. I understand the concerns, they may be about the role of municipal jurisdictions and the operations of these agreements, but these agreements have to be approved by the Board of Commissioners, and as Mr. Gillis pointed out, that the very nature of an interlocal agreement is the sharing of governmental powers amongst jurisdictions. I'm not taking sides, but as a lawyer, I feel compelled to say that to be fair to the process.

Mr. Morris stated for clarification that the Commissioners can grant City Council the authority over their population.

Mr. Barrett stated that yes they could. The law will allow it through the mechanism of an interlocal agreement.

Chair McLaurin stated that what he's heard is that it's not the fact that the Commissioners can delegate certain authority to another body. It's the concern about the ongoing authority that the other body will have forever.

Billy Hilton spoke before the Board. Mr. Hilton stated that he has been involved with observing the 2030 Task Force meetings. At the past meeting, a new agreement was passed out to everybody, which I believe came from City and County staff. Answering some of the concerns about the Cumberland County citizens and annexation, I question the agreement currently in front of you, if it is a complete agreement. We have requested the agreement, but what is before you does not have a signature page, the previous agreements discussed and shown at previous 2030 meetings ended with a signature page. There are things that have been removed and added to this agreement; Mr. Hilton read a paragraph that was deleted from the agreement presented tonight that is in the City Annexation Policy.

Mr. Lloyd stated that he removed the items from the interlocal agreement because there is an interlocal agreement going up in two weeks, which deals with what you've seen. What we are meeting on tonight are only those items of the interlocal agreement that are under the purview of the 2030 Plan, and thus subject to a public hearing, at the Planning Board and then at the County Commissioners. So those items that I removed were items that the Planning Board really doesn't have the authority to vote on. Everything that you have tonight is part of the interlocal agreement that will be part of the 2030 Plan that we are addressing.

Mr. Barrett stated that there were a number of sentences that addressed the City's Annexation Policy and they were removed to make the language of the document neutral, so that the Commissioners do not get into annexation.

Jimmy Kizer spoke before the Board. Mr. Kizer stated that we have gone back a few years to the era of PWC, where if you were within the City limits of Fayetteville you got sewer, if you were outside the City limits of Fayetteville you didn't get sewer. Therefore, lots of developments took place on septic tanks, and that's what the City is retrofitting now. To me, we're doing the same thing all over again. We've drawn a line on a piece of paper and said you get sewer in here if you want it outside of that line you have to go through a complicated process to get it. I think we're creating the same monster that we're trying to fix all over again. Have we really accomplished anything, no? Every other municipality that's looking at their MIA's, needs to keep in mind who provides the sewer, except for Spring Lake, Hope Mills, Eastover, Wade, Falcon, Stedman, PWC is the ultimate provider. They are limited in capacity and allocation to what they can provide, therefore your municipality is limited to how much they can grow, by that allocation and capacity. So you need to keep that in mind and make sure that you have taken care of your own needs in that area.

Mr. Lloyd stated that Mr. Kizer's comments were a good lead into what was being discussed next. Again, all of these items tie together. I feel that it would be beneficial to go into the Sewer Service Policy before any vote is taken on the MIA, because the Sewer Service Policy directly reflects back to the MIA and take that before we get into the Development Standards.

Mr. Morris asked if there was going to be a separate discussion on the interlocal agreement or if the interlocal agreement was part of the MIA discussion.

Mr. Lloyd stated that this portion basically encompasses everything that he has taken out. For example the flow chart which is last, is also included in this agreement. So I'm taking portions of this at a time. I'm only covering portions that relate to the MIA's before we get to the development standards.

Mr. Morris asked to see the MIA map again and stated that within the interlocal agreement, it also states that everything outside of our color coded area will be limited to a density of R20.

Mr. Lloyd stated that he was going to go over that because that is a part of the Sewer Service Policy. Before any further discussion takes place on the MIA and I realize that most of the people in the audience have copies of the interlocal agreement or at least have copies of this portion of it, I'm just going to go over the general concepts and specifics of sewer extension within and outside of the MIA. I will say that, number six and that the City does agree that when the City annexes an area that's within its MIA, the Density Development Conditional Use Districts and also Mixed Use Districts will be honored. What's important at this point in time, and what a lot of people have been deferred to speak on, is the Sewer Extension Policy itself, which comes after the MIA's. We'll come back to the standards, and we'll also get to the creation of the Municipal County Planning Commission when we get to the flow chart, because it is addressed specifically in the flow chart. The sewer policy begins on page four, and again I'm going to touch on the highlights, within that area, which was gold, as I stated earlier, all of it falls in a primary or secondary sewer service area. Meaning that it either has sewer or it could be gravity fed sewer. There will of course be urban development when sewer is available. Outside of that MIA development, if sewer is extended, development can occur at the various densities that the Commissioners ultimately approve. If sewer is not made available, the highest density

of development will be R20 and only if public water is available. If public water is not available, the densest development that could take place will be R30. If sewer is extended outside of that

MIA development can occur at urban densities, but that portion will then become part of the City's MIA.

Mr. Barrett stated that at the last task force meeting he thought there was clarification that if sewer was extended outside of the sewer service area, by providers other than PWC it would not become part of the sewer service area, not the City's MIA.

Mr. Lloyd stated that we will get to the process of how that sewer is extended last when we review the flow chart.

Dr. John Henley spoke before the Board. I want to address some of the issues, because I think they are important issues that we have attempted to address. Kim mentioned that this had not been addressed at the 2030 Plan, but I want to read the plans that came out of the 2030 process relating to well managed growth and infrastructure, and just read some of those. It says that an urban area shall be identified and mapped, where urban development and redevelopment is to be encouraged, with full range of urban services including infrastructure. An urban fringe area will be identified and a rural area will be identified. We address issues regarding stormwater and many of those other things, then when we get into infrastructure, it addresses advanced planning for all infrastructure facilities shall be supported and routinely updated on a Countywide basis. Development and density should be matched with the availability of infrastructure, and there will be locations however where infrastructure alone cannot make up for poor soils, inadequate topography, and other overriding factors. Countywide, we wanted Countywide water services and we talked about sewer. These policies that have been addressed by the

Commissioners meeting with the City, and then addressed in the 2030 Plan. That's how you implement these ideas and goals that we want to have. Now, specifically Mr. McRae was worried about the influence of the City over the County. That somehow we're giving up control. Within that MIA the County has sole discretion, in terms of what happens in that area, in terms of development density. Not the City. The only thing that the MIA does is say that the standards that we negotiated will be in effect, they're not City or County standards, they are a blend of best management practices to make sure that we have well thought out growth, so that we manage stormwater, that we have infrastructure in the ground to grow this County the way that we want to do it. But it doesn't mean that in Eastover's, Stedman, or Hope Mill's MIA, will vote or make a decision on that density. The County makes that decision, and imposes the standards that Hope Mills has chosen, or that Eastover chooses, or that we have negotiated with the City. But the City does not make that decision; in those areas that person will come to the County Planning Board and request a rezoning if that's what they want. What it does do, though, is make a commitment by the City, that in that gold area water and sewer will be made available. That we don't end up with developments coming out where we don't have infrastructure, where we have failing septic tanks, and where we have bad water. As we have all over this County and where there is retrofitting occurring. We have been sensitive to the Eastover Sanitary District, if you'll notice that annexation petition line is pulled out of that area. It is within the City's MIA for the standards to be imposed there and that is because we have met with the representatives, Senator Rand, Representative Glazier, Representative Dixon, who were instrumental in creating Eastover in the North Carolina General Assembly, and it's clear cut and it doesn't designate area A and area B. But area A is never to be Eastover, area B can't be Eastover for fifteen years. But we want to have standards in there. There will not be an annexation petition outside that line, either around Eastover or Gray's Creek. So that when you get ready to do a project in those areas you go to the County Planning Board, request a rezoning, it comes right through the

Commissioners. Now inside that line there will be an annexation petition required, where the City could make the decision to annex you. The only time you have to go through the process of

extending water and sewer is if you are extending outside of that line. The reason that process is there, I'm in firm agreement that we can tweak that, and make it more expeditious, is for planning, so that we involve the Joint Planning Board, PWC, and the governing bodies. To say we want to extend it further out, because, just as Jimmy Kizer said, Hope Mills, Spring Lake, and Stedman need to be aware of managing their growth, because you've got to get an infrastructure in there. If we're going out into the rural areas of the County we have sprawl, we end up where we need to have growth or want to have growth where it's urban and it may not be available in a timely manner in my opinion, it helps Hope Mills and Stedman and the other municipalities to make sure we can get the infrastructure in as they grow into their MIA. The Commissioner's aren't required to give any of these municipalities an MIA, there's no requirement. We could just have your footprint and everything becomes County and not allow the municipalities to have standards surrounding their area where they are going to ultimately grow. That's obviously not a good thing. What we want is to have reasonable standards that are best practice standards to deal with the development issues that we are going to have. Mr. Buffaloe said that people somehow aren't represented, I don't understand that, in Hope Mill's MIA or Eastover, are those people somehow not represented, anymore than what is proposed in the City's MIA, it's the County making those decisions, if somebody's developing in that blue area around Hope Mills only the Commissioners can do that rezoning. We will impose Hope Mill's standards in that area and hopefully have infrastructure in that area so you do not have to retrofit, but it's the County making that decision. Every person in this room has a vote on the Commissioner's that represent them. Again, that's true for every municipality there. If somebody wants to develop in Godwin, if it's in the MIA the County is the one who makes that decision about rezoning, not Godwin, not any of the municipalities. I think very strongly that what these standards do is address the standards the 2030 Committee has worked on for the past two years. It's the implementation of this. We have tweaked it, we've listened. These have been discussed at least two or three times at the 2030 Plan. In fact the issue that brought this to the forefront, was we were about to send this forward with all this nice lovely language of how we wanted it to be, and there was no language that implemented how do we get infrastructure out in the County. I would argue that the extent of the MIA is simply to say that there's a big area there that we want to have sewer and water available. That's all it is, outside that red line there's no annexation petition, you'll never know it's there, but you'll get water and sewer. There's a mechanism that if you want to go outside that area, and you've got a great project that makes sense, that this Planning Board and the City Planning Board making up the Joint Planning Board and PWC makes sense. It will go through.

Vice-Chair Epler asked Dr. Henley if any property owner in any of the white areas in the County wants to and can extend sewer to serve their property, through means of a lift station, according to the flow chart that we have, that decision goes to the City Council and if they disapprove it, our County Commissioners never talk about it. Am I misinformed?

Dr. Henley replied that there are two issues here. Number one, the City owns the assets and liabilities of PWC, now technically they can't specifically direct, but if you had an entity that you were responsible for their debts and liabilities, and they've got the sewer in a lot of the western parts of the County, they want to have a say, now let's assume that this doesn't go through. Do you think the City still won't have a say in where sewer goes?

Vice-Chair Epler stated that she is sure they would, because they and PWC are together on this. But is the answer yes or no?

Dr. Henley stated that he can't believe that the City is going to disapprove the extension of sewer along with their MIA outside of that boundary, if it's a project that has been blessed by

this Planning Board, the City Planning Board, acting jointly, and PWC. I just don't see that happening. What they want is for it to come to them, to say we agree with this.

Vice-Chair Epler stated that that's what all these people here are saying, and our citizens don't want to take that chance.

Dr. Henley stated, let's say that this is a bad project, we don't want sprawl going out there. They can still develop, there's no problem with getting water out to those areas. But it just means with water you can only do R20, you can't get to R10.

Vice-Chair Epler stated that she understood.

Mr. McNeill stated to Dr. Henley that he mentioned that this MIA was to make sure that standards were adhered to. We will be talking about standards a little later, but without going into detail, are standards that the County and the City have agreed to. The County, I believe right now, is pursuing making these standards effective Countywide. But at least in an area that is not in the MIA if not Countywide. Assuming, I know that the City has not approved this, it's an agreement between staff. But assuming the County and City are at the same standards why would the City need an MIA to get certain standards if they are already going to be there anyhow?

Dr. Henley responded, why does any municipality need an MIA? The point is without any issue in terms of City approval within that area water and sewer will be made available, by agreement. You don't have to go through any other process. But we also have that other process to extend it further out as needed. If rather than a developer coming to the Planning Board and moving on, we actually have planning going on where we let the Planning Boards be involved in it, make a decision, is this good for the County.

Chair McLaurin asked to review paragraph 4C of the Interlocal agreement, where it says "no municipal sewer should be provided outside of the sewer service area". Then it says, after it's gone through all of these different agencies, "if approved the area to be served by the regional lift station will then become part of the sewer service area and be added to and therefore included in the City's MIA". This is the one I got a little while ago. This is a little different.

Mr. Lloyd stated that this copy was the one received late this afternoon. It was discussed at the Task Force meeting. The one I handed out said City and Grainger received it late also.

Chair McLaurin stated that the agreement on the screen says "therefore included in the appropriate municipalities MIA or municipal limits". The last copy we received says included in the City's MIA.

Mr. Barrett stated that this was not what the understanding was from the last 2030 Task Force meeting. That is the City's response to the 2030 Task Force meeting we had a couple of weeks ago. As Tom said, we got copies of this late this afternoon, and we have to follow up with the appropriate person at the City and explore what their intention was and why their understanding of the discussion at the 2030 Task Force may not be the same as ours.

Vice-Chair Epler stated that the document that the Board is looking at and haven't had time to study and go over isn't even the final document. There still may be changes made.

Mr. Barrett stated that he had not had the opportunity to get with the City to see if there was some miscommunication, or if they came away from the meeting with a different understanding than we did. They do read differently, but we have not had the opportunity to follow up on it.

Mr. Lloyd stated that he had just discussed this with members of the task force who were present at the meeting, and the agreement is supposed to read as it appeared on the screen, not the way it was sent to them that afternoon.

Chair McLaurin stated that page two, number one read basically the same way. It's in three places like that.

Mr. Barrett stated that the incentive of the 2030 Task Force was that both were focusing on paragraph 4 C. I noted that if you change that paragraph, you would have to harmonize and conform the earlier references. I truly believe the City just overlooked that and that it was not done intentionally. But we had a specific discussion about that paragraph and we had to follow up with the City to get that straight.

Mr. Lloyd stated that with respect to what was just being shown, what you just questioned, that is the way it will appear.

Vice-Chair Epler asked if there was anything else in this document that is different than what is front of her.

Mr. Lloyd stated that he tried to give the Board the corrected copy tonight.

Mr. Barrett restated that his document was received between three and four o'clock this afternoon.

Mr. Lloyd stated that the changes that were made, after reviewing it briefly, reflect what was showing on the screen. I think Mr. Barrett is right, we have to get back with the City.

Mr. Morris stated that it exceeds his comfort level to discuss a document that's not complete or finalized. Can we just move onto the flow chart?

Vice-Chair Epler stated that, as a Board, their comments should be based on what information they have had time to look at and study, not what was handed out this afternoon.

Mrs. Hall stated that she had concerns about two items that had been deleted. Two references which are "appropriate municipality", as a representative from a municipality, one of the smaller ones, that does concern me that that language is taken out.

Mr. Lloyd stated that there are a few other subtle differences that Mr. Barrett picked up on, so at this point, I know the members of the Task Force that are present, what they've seen last is what you're seeing. If this Board is going to vote on this, and make any recommendation, your recommendation should say that it's based on what you have seen in front of you. You're making your recommendation on what's being shown tonight.

Mr. Barrett stated that in the sewer extension policy, some of the uncertainties and versions that you just looked at will be resolved. I think the major thread, that is intended to be in the

document up there, that was discussed at the Task Force meeting, is that if there is an extension outside of the sewer service area, and PWC is not the utility provider, than that area will become part of the appropriate municipalities MIA or municipal limits.

Mr. Lloyd stated that this document does create a Joint Municipal/County Planning Commission that will meet quarterly, and in this flow chart, you will see reference to approval by the Municipal/County Planning Commission, it will consist of this County's Joint Planning Board and the City's Planning Board, so any reference you see to that, this Interlocal Agreement will create that entity. If one wants to extend sewer outside of the sewer service area/MIA, the application will be submitted to the Joint Municipal/County Planning Commission, which means to the staffs, and that will be disseminated promptly, and also to PWC. The City, County, and PWC staff's will work together to develop a recommendation, that recommendation will than be given to the Municipal County Planning Commission, who will than make a recommendation, as the flow chart goes, it will go to PWC Commission, not to staff, than to City Council, the City Council can approve or disapprove, if they do approve the project will move to the County Commissioners for approval or disapproval. That's the process that is being proposed.

Chair McLaurin asked what the process is right now.

Mr. Lloyd stated that basically the process right now is that the developer will go to PWC and work with them and negotiate to extend sewer. It ties in with the zoning process.

Chair McLaurin stated that about ten or twelve different groups are being added that need to be dealt with in this proposal.

Mr. McNeill asked if the Municipal/County Planning Commission would make the recommendations, and right now it's planned that they would meet quarterly, is that correct?

Mr. Lloyd stated that that was correct. This was never made formal at the Task Force meeting, but if a project was fast tracked it could meet separately with the City's Planning Board and the County's Planning Board. I'm not going to say that that has definitely been agreed upon, but that is an alternative.

Vice-Chair Epler stated that this is only scheduled to happen once a quarter, so this process couldn't even begin but once a quarter for any project?

Mr. Lloyd stated the way this reads, yes.

John Gillis spoke before the Board. A couple of things come to mind, I would like to ask that the 2030 Land Use Plan Committee that is still in the process of developing the plan, express their thanks to somebody for jump starting the implementation before the plan is actually approved. So the language that is in the plan is still subject to change, and the presumption has been made that that language will survive the public hearings and the approval process. But that aside, one of the issues that this chart brings up is that the City Council is injected into an approval process that currently does not exist. The current charter of PWC is such that PWC is chartered by the State Legislature to operate its utility for the betterment and services of the community. Now, that charter also includes a statement that gives them the authority to provide services to the entire Cumberland County area, that's water, sewer, and electricity. Now that fact is pointed out in a memorandum in an analysis that was done in 2006, and its titled The Relationship of City Council and Public Works Commission, by Parker Poe, and it's a study that was paid for by the City, and I would like to enter it into the minutes of the meeting at this time. It contains a lot of pertinent information about the operation responsibilities between the City Council and PWC. I recognize that the City and PWC have a special relationship, but it's

outlined basically in State statutes as reported by the study that I've presented. That authority basically allows PWC to operate the utility without the political influence of the City. The founding fathers of the State Charter back in 1905 clearly had the intent to separate the two

entities, because PWC was an infrastructure entity chartered with very specific needs for the city. The City Council has some authority over the appointment of Commission, approval of budgets and things like that. The chart that's being presented that also has another issue, the creation of a new Commission basically is an agreement between the County and the City. One of the things that I think it neglects is the fact that this Board, the Joint Planning Board is established by Interlocal agreement which operates on the approval of the County Commission and all of the municipalities within the County. The new Interlocal agreement affects the responsibilities and roles of this Joint Board in review of development outside of the sewer service area in a way that I believe the small municipalities should become signatories of that Interlocal agreement, because you're in effect creating a super Planning Board for the area. I don't know whether that's an issue or not. I know that there have been discussions about collapsing the chart, changing things as the earlier discussion indicated. This document is still in a state of flux. I don't even know who the author of the document really is. I'd like to ask if anybody can tell me, who is the guy at the keyboard typing the document. That might shed some light on why we're having these issues continued. Until a document is published and someone stamps it final, you don't know what you're reviewing.

Mr. Lloyd stated that this document is what came out of the last small group between the City and the County, went to the Task Force, and nothing has changed to my knowledge, this document arose out of a meeting.

Mr. Gillis stated that this chart is truly a reflection of the words that are in the Sewer Policy, paragraph four, more specifically.

Mayor Eddie Dees of Hope Mills spoke before the Board. Mayor. Dees thanked the Board for what they do and what they are attempting to do and for giving the opportunity to be heard. Mayor Dees's stated that his biggest concern was with the wording of the flow chart, and a lot of those concerns had been answered privately. Another concern was if it was in the Hope Mills MIA and someone wants to build a subdivision or a development do they have to get approval from Fayetteville City Council to build that development within their MIA? I am told privately, that it does not have to go through the Fayetteville City Council, but I just want that on the record publicly. That if it is already within our MIA, the Fayetteville City Council has no control over whether or not water and sewer, I know technically they do because they own PWC, but as far as the process they don't have to go through this flow chart, can I get that assurance publicly, that that is the case.

Mr. Lloyd stated that technically, the Hope Mills MIA would be considered part of the Sewer Service Area, but we need to be more specific of the Sewer Service Area as it relates to the Fayetteville MIA.

Mayor Dees stated that it has been his experience over the last couple of years to go through some fine paper trails, as he has sought to get a ten million dollar dam built, but I assure you this one ranks right up there with them, to have to go through all of these different areas to get a permit to build. I don't see where Fayetteville should have any influence on developments within any existing MIA's in any municipalities, and any wording that makes it appear otherwise should be changed.

Mr. Barrett clarified the issue raised by Mayor Dees. If the Hope Mills MIA is not considered part of the sewer service area, technically, than I think the language of the Interlocal agreement the

way we mean for it to read, means that if sewer is extended out to the Hope Mills MIA, an existing municipal MIA even though by PWC, that area will not become part of the Fayetteville's MIA, the issue I'm unclear about is if you look at the language of the document literally does it

require that it follow that process, if somebody will tell me the intent, we'll make sure that the language is clear that way.

Mrs. Hall stated that again that's why I'm concerned that in this revised document, the reference to appropriate municipalities is omitted several times.

John Jackson spoke before the Board. I want to make sure not to be perceived as objecting to the MIA of the City of Fayetteville per the legislation that incorporated the Town of Eastover. I don't know what the City of Fayetteville's MIA is, so I'm not objecting, whatever it is. I do want to address what this thing really looks like to me. It's an annexation issue and it's a standards issue. Now, I've spent thirty six years in local government and I think what we should focus on the real issue and that is annexation, where that red line is, and what's going to happen west of that red line, and what the standards are. I am all for standards, and I think they should be common standards and I think that's what we should be working for so that when it's all said and done, why even talk about MIA's, you've got a common standard that's good for the County and City for development and that's where the focus is. We are two weeks out from this going to the Commissioners and I haven't seen a complete set of papers on what's going to go. We are talking about standards, but I haven't seen an ordinance where the standards are put in the form for the legislators to pass, so that the Interlocal agreement can say that this is the ordinance that the City of Fayetteville has that we by agreement are going to enforce and vice versa, and we're only two weeks out of asking the Commissioners to vote on this. Really, when I look at it, its annexation and there's still forced annexation west of that red line and standards. So why isn't the focus on standards and coming to agreement on that and passing the appropriate ordinances to implement those and then do the Interlocal agreement? I'm at a loss for words to see that we're holding a public hearing and nobody can point their finger at what we're having a hearing over with any finality. On the night of the Commissioner's meeting will there be another version? Is that fair to the Commissioners? I don't know what you're asked to do, maybe nothing or it may be to pass something, but are you passing it on a public hearing input of things that nobody really knows the answer to what the final thing is going to look like? I don't understand that. I think we are really setting the Commissioners up for something that is unclear and really has two issues. If we focus on standards, that would solve the whole thing.

Billy Hilton spoke before the Board. I just question how fair a public hearing is when the documents are different. I believe the documents you have are not the same as the ones that the public has. So it's very hard for us to say what's true and what isn't true. I would like to answer Vice-Chair Eplers question, if sewer going outside of the line into the white area, the answer to the question is right there. The City Council can stop it and it cannot come to the Cumberland County Commissioners. If it is in the County, in that white area, and somebody wants to put a lift station in, that chart says the Cumberland County Commissioners will not get a vote if the City Council disapproves it. That's my interpretation.

Morgan Johnson spoke before the Board. I want to acknowledge and thank Dr. Henley and the others where they withdrew the red line back to be contiguous with Eastover Sanitary District boundaries, we appreciate that, because we do provide the water and sewer within the Sanitary District. I really think that Dr. Henley has missed the total point here on the MIA and extension policy. I get calls every day from people asking for water and asking when they are going to get sewer. We have six million dollars in water projects in design now, two million dollars to be awarded later this month or early March, to put sewer in our area. The people are begging for water and sewer. When the 2030 plan first started, all these meeting we had all over the County

all the people were saying we want water; we need sewer, that's true. But, they didn't say they wanted to be annexed by the City of Fayetteville. The point is, yes, we had the 2030 meetings and people said they want the water, but they also say they do not want to be annexed. Mr.

Johnson agreed with Mr. Jackson that this boiled down to two things, annexation and the sewer policy. Mr. Johnson stated that this makes us hesitant to put water in the ground knowing that it's there and get sewer in the ground, the City of Fayetteville says we can annex them, at no cost to them. That's not what the people want. The people want the rural area, but they have to have the water and they need sewer. What we're asking for is a land use plan and a policy that we can provide the water and the sewer where we can, without the fear of being annexed by the City of Fayetteville. I will say this, anybody that votes for the Eastover Township to be part of the City MIA, you have just seeded Eastover to the City of Fayetteville.

Mr. Morris asked Mr. Lloyd about the red line. Mr. Morris stated that sometimes things that are perceived as reality aren't always the same. Did the City Council, PWC, who came up with this red line? I didn't see this until just this past week, where did this line come from?

Mr. Lloyd stated that the line came from the City.

Mr. Morris stated 2030 didn't decide it? The City just told us that this is their zone.

Mr. Lloyd stated that they brought that to the small group meeting.

Mr. Morris asked, the small group meeting consisted of?

Mr. Lloyd responded, members of the City staff, administration, and County staff and administration, and policy makers on both sides.

Mr. Lloyd reviewed the MIA Chart and stated that we were concerned about where it says Municipal Influence Area. What it says for the County is already in place, unless there's a change which we'll get to. That change would be the procedure to extend the sewer which also relates back. The first thing we will talk about is concrete curb and gutter, the proposal is that NC Department of Environment and Natural Resources(DENR) Manual of Best Management Practices will dictate curb and gutter when curb and gutter are chosen to be used, if you choose to use curb and gutter it must be concrete, that's the proposal. Secondly, is drainage, DENR Manual of Best Management Practices you have your choice, public water and sewer, here is where there is one change under the County and that change is what we just went over, and that's the flow chart. The way it is now is the way I was asked to explain it. There are the guidelines that appear in our subdivision ordinance at the top, those in place. Now, the change that is made is if the flow chart has been incorporated into this proposal; it had to go into the County because we are agreeing to that, then again what you see in the red, merely reflects what's been said in the flow chart we just looked at. This is where we get to inside and outside the MIA, sewer is required when density is greater than R20, so anywhere that you want R15 or greater density, you'll have to have sewer, that's the proposal. No sewer is required when the density is R20 or less, now again, it needs to be more specific here, you're only going to get R20 if public water is available. Sewer is not required outside the sewer service area, so you're not required to have sewer outside of the sewer service area, it's just that if you want a higher density than R30 you need to go to R20, than if you want a greater density than R20 you're going to have to have the extension to sewer. Outside of the sewer service area would require the flow chart. For density higher than R20 you'd have to have sewer, no sewer is required if density is R20 or less. R20 only if public water is available, and if you want density greater than R20 you would have to follow the flow chart if it's outside the sewer service area. Sidewalks; inside the annexation petition line one of the few development standards that relates back to

that annexation petition line. It's that red line we've been talking about. If you're inside the annexation petition line when zoned R30 or R40, and for that manner A1 or A1A, anything less than R20, and you have seven lots or less, you won't have to provide sidewalks. Sidewalks will

be required on one side of the street in R30 or R40 when eight or more lots are being proposed. All R20 or greater densities, sidewalks will need to be provided. Also, if you're development fronts on a major or minor thoroughfare, sidewalks will need to be provided. Outside of that annexation petition line sidewalks will not be required.

On recreation area dedication the requirement will be whichever between the City and County is most stringent.

With public streets, if you're in the County you have to follow North Carolina Department of Transportation (NCDOT) requirements. Private streets, class "A" is required in any residential zoning districts with eight or more lots. Class "B" is allowed in R30 or less density with seven lots or less.

Gordon Rose spoke before the Board. Mr. Rose stated that he understands the need for standards, especially in this community. We have been without them for too long and we do need to move toward some standards. I do think there are some flaws in what we're doing here. I caution us stopping too short and limiting where we are going to provide sewer if development dictates that sewer needs to be there. We don't want to end up with more developments on septic tanks that forty years from now, may be a part of the City of Fayetteville. We go through the same problems that we're going through now. That's one of my major concerns about this. I am also concerned that the policy, the way it's written today, does not consider private sewer systems. There are a number of places in North Carolina, particularly in the east, where we are designing individual collection systems and treatment facilities for individual developments. That's not a PWC sewer, how is that addressed here? Property that my family owns, on the northern part of that MIA, that community is developed on well and septic tank, yet it's in the MIA, so any further development has to be to those standards. There is no city water available, the closest water is Harnett County water. There is no sewer available, Harnett County sewer will probably get there before PWC does. That's just the reality of what we're facing there. I'm not sure that this addresses that. Again, I applaud us for trying to get to some standards to get some standardization, but I think there are a number of holes in this that need to be worked out.

Ralph Huff spoke before the Board. Mr. Huff stated that he sees both sides of this issue. I think that this is a wonderful attempt to bring planning and future planning into our community. I think it's a little overzealous and I think there are concerns about property rights, concerns about communication to the people that it affects. I think that in time, all of these things can be worked out. It's obvious to me that you're not going to vote on this tonight in the affirmative, so there will be plenty of time for everybody to think about it. I am concerned about the development standards. When I go to the beach, I go out eighty seven, past DuPont and there's a sheriff's deputy. He must work from one o'clock in the morning to six o'clock in the morning. His car is always at his Rufus Johnson doublewide trailer. That man probably doesn't have legal title to that trailer, but every time I see him, I think about this. If this is passed, a school teacher will not be able to live in this new area unless she's married to the principal, and a nurse won't be able to live in this area unless she's married to the doctor. The military isn't going to drive to Beaver Dam to live. It's a fact. They'll go to Harnett County, they'll go to Hoke County, but they're not going to drive to Beaver Dam to live. These development standards with the concrete curb and concrete sidewalks puts the development costs on a lot beyond the reach of anything that is affordable. That's my concern, all the rest of this can be worked out, and it's a wonderful effort. But if this is passed with concrete curb and gutter, you're affordable housing will be a thing of the past in this County. We are one of the few places where there is still affordable housing.

That is the overwhelming concern of the home builders, the affordability. The City didn't listen to us when they annexed. You talk about retrofitting, every place they have put sewer in, show me one place where they ripped out the asphalt curb and put concrete curb in and where they

added sidewalks. But the developers have got to do it to turn it over. That's the problem that I have with this. We've got a long way to go, and it will be months before this is passed, but I think it will pass, and it will be a great thing, but concrete curb and gutter will ruin the affordability in that whole section that's MIA.

Jimmy Kizer spoke before the Board. There are issues with the curb and gutter and the sidewalks. The sidewalks in particular. If you look at best management practices, basically what they are promoting are side ditches. Strip pavement and side ditches. You wouldn't have any curb and gutter and all. NCDOT standards dictate that there be a certain distance from the edge of the pavement to the top of the bank of that ditch for recovery of a vehicle if you run off the road. It's usually considered to be eight feet. Then you have your ditch, if you have a two foot ditch, they require certain slopes on that ditch. By the time you do all of that, you're about twenty-five to thirty feet off the edge of the road. If I have a sixty foot right-of-way, I'm in the lot with the ditch. That's where I can put my sidewalk, actually on the lot. There's nowhere in the right-of-way, with strip pavement and side ditches that I can put that sidewalk within the right-of-way. Normal construction practices, we've been doing for years, recovery area used to not be an issue with DOT. But they've had problems with law suits in the last few years and they've changed the design standards now. They won't let us put the sidewalks in the right-of-way. So now you've got a sidewalk in somebody's front yard. A lot of times the utility companies, especially the electric companies, don't want to put their electric utilities in the ditch, or even in the bank of the ditch. So they put it in an easement along the right-of-way on the lot. We don't want to come back and put the sidewalk over that, so that's even moving the sidewalk closer to the house. I actually took a couple of house plans that we had in the development and drew where the sidewalk could go on the lot, eighteen and a half feet from the front door. Is that a standard that we want to have in this County that is promoting trying to meet best management practices? Really, if you're trying to meet best management practices, you don't want to put the sidewalk in, in the first place because you're trying to cut down on impervious area and improve the absorption of the land and let the water perk in instead of run off somewhere. If you have best management practices, regardless of where you are, you shouldn't be putting in sidewalks, period.

There is no way that flow chart will be a quick process. Dr. Henley has tried to convince me that it is, but I don't see it. I know how the Board's meet, I know what kind of time frame you're talking about, there's no way that's going to happen quickly. What makes it worse is if I'm a developer buying a piece of property, I have six months to do my due diligence. I may have put some earnest money up. Well, not only do I have to worry about going through the process, can I get sewer, then I have to turn around and do the whole process again, can I get rezoning? How long has that taken, I've lost my earnest money because the due diligence period is over at that point in time. There are other issues that need to be considered. To me it's not a good plan, the way it's set up right now.

Dr. Henley spoke before the Board. I'd like to rebut a couple of points. Regarding the issue of Fayetteville being involved in sewer extension now, if sewer is extended into an area, if it's contiguous to the City, an annexation petition is required. If it's outside that an agreement is required. There's not a whole lot of difference in terms of what we're talking about in terms of the flow chart. They're still involved, and going to be involved in one form or another, however we do this. I don't think that the MIA means that Eastover is gone. Again, the key is going to be what the County Commissioners allow to occur in the proximity of any municipality. If density is there, Eastover can annex it, the City can annex it, Wade can annex it, it doesn't matter. The

growth and the density that allows annexation to occur is going to be controlled only by the County Commissioners in the rezoning process. We're talking about standards in that area to make sure you can get water and sewer easily. Finally, I think Tom alluded to this a little bit, and

after to talking to City representatives, I'm willing to commit to the fact that the first five blocks can be done in forty-five to sixty days. So when that application comes into Tom's it goes to the City Planning Board, it comes to this Planning Board, it goes to PWC, their parallel processes including the rezoning action, the City is committed to take action within two weeks, and we'll put it on next County's public hearing if it involves rezoning. We can get it at no more than three months, because we can do parallel issues, I agree that time is important. I agree that we can tighten up that chart, but it can be done in a parallel fashion where everyone is looking at it at the same time. If there is no action taken in those two weeks, it's an approval. If it's a positive recommendation by the Joint Planning Board and PWC to extend out. Again, the issue that came up if it's extended out the MIA goes with it, but there's no annexation petition required which is what is required now. If they were to extend that sewer out into that area outside of it today, there would have to be an annexation agreement signed. If this goes through, that won't be required.

Mr. Morris asked Dr. Henley for clarification; Mr. Morris was under the impression that there would be a Joint Planning process, now you're saying there will be parallel planning processes?

Dr. Henley stated that to speed the process, rather than waiting three months for the bodies to get together, that you go ahead and start the process, because this Board will be meeting twice a month the Fayetteville Board does, so that you can be reviewing the project and come together to make the recommendation to go forward along with PWC's recommendation.

Mr. John Gillis spoke before the Board. From my understanding the 2030 working group was a task force that was busy at work. It was recognized that sewer issues were at the heart of a lot of the issues. A new task was generated and a thirty-five thousand dollar contract awarded to Glenn Harbeck to facilitate a working group that included the City elected officials, as well as staff, the County elected officials, as well as staff, stakeholders groups and PWC, and the municipalities were involved. Those groups came together at PWC and held the first meeting, the result of that were a lot of priorities of what people wanted to see. One of the goals of that group, was separating PWC into a regional utility. They also wanted to decouple the annexation issues from the sewer extension issues. I asked whether the state statutes require a municipality to annex under any certain conditions, is of absolute requirement, and I think the answer I got was no. But annexation is a decision of the elected body; in this case we're talking about the City of Fayetteville. So, the annexation power of the City of Fayetteville, linked with the sewer extension, is a choice that has been made by the City Council of Fayetteville. Those two were linked. They did that under a City Policy that basically said that if you're going to get sewer extended you must sign a voluntary annexation agreement. It really wasn't voluntary, in fact, what really happens is PWC is responsible. In the old days, all three of those bodies had policies that allowed them to participate in extension of sewer lines. These are extensions outside of the City of Fayetteville, and those were extensions that were not tied to annexation, a forced annexation. That's why sewer lines got spread out into the western side of the County the way they did. It was a collaborative effort recognizing a bad model. Unfortunately it was recognized too late. We don't know what Cumberland County is going to look like a hundred years from now, but the policies being put in place right now, will have a real impact on what it does look like. We could only hope for the successes that the Triangle area has had or Mecklenburg County or the Triad. If we could sit back and say will Fayetteville grow, we could say for sure yes, where will it grow? You can look at those maps and start to see. How did those small municipalities grow? We don't know exactly, but we know that they'll grow. As the population in the Triangle starts to look for more affordable housing, they'll zip down I-40 and

401 and I- 95 into the northern areas of Cumberland County. The Cumberland County Business Council would like to see industrial development pulled down here from the Triangle. We've got an intentional focus on developing the defense industry, the synergy that Cumberland County

has the ability to develop with facilities in the Triangle, could help us build that infrastructure for supporting our military and Homeland Security people here in Cumberland County. But if we restrict the extension of sewer lines into the rural areas, the way these policies are headed toward doing, we're going to miss the boat. My last point, I still have a basic problem with injecting City Council into the decision process over property in the County, in which the property owner's values will be impacted by these kinds of policies, and they don't get to vote. Mr. Gillis entered into the record a study, "Study of Subdivision Requirements as a Regulatory Barrier", to go to the Commissioners. Mr. Gillis also entered his talking points into the record.

Public Hearing closed.

Mr. Lloyd stated that the total Interlocal agreement will also include the City's Incentives, and everything discussed tonight would be going to the Commissioners.

Vice-Chair Epler stated that it is a major concern of mine that the potential exists in this process to put the citizens of the County in a position to have no representation as to matters that will directly affect them, their lifestyle and their investments in property. That probability causes me a great deal of grief. I was under the impression when this process began that our objective was to assign agreed upon development standards to areas of the County that one could reasonably assume would be annexed in five, maybe even 10 years. Those standards would have been such that the City wouldn't have to retrofit to extend water and sewer to those areas. Curb and gutter and sidewalks were not an issue in the beginning, I don't understand how, when, or why they came into the process. With regards to sidewalk, under no circumstance do I feel we should ever mandate a sidewalk in an area where wetlands exist. If we see the need to protect environmentally sensitive areas, in no case should we endorse a sidewalk in wetlands.

This appears to have turned into an opportunity for the City to control and dictate development in the whole county. PWC staff and PWC (whose members are appointed by the City Council), should determine sewer extension through planning. County-wide plans for sewer, which we do not have, should be done and PWC should pursue capital projects for funding sewer expansion to the county. This county's developers or property owners shouldn't have to fund PWC sewer or city curb and gutter, or sidewalks either. To allow urban sprawl and then limit density is not smart growth. Modern day, proven, good planning methods like Density CUDs and Mixed Use Developments can't be effective if density is so restrictive. It's hard to protect wetlands and sensitive soils without creative planning. In my opinion, the City is using sewer regulation to control development in the County, force developers and property owners to build subdivisions in the newly annexed areas of the City, and install water and sewer for them.

Mr. Morris stated that he couldn't recall having a meeting where the information literally changed during a meeting. I don't know what to say, I'm a little embarrassed to think the documents we have or given to us at the meeting, something on the board is different, I'm just embarrassed. I've been part of the 2030 Plan and I've been part of the process, and it takes somebody from Sanford to come here and set us on the right path in my opinion, and I think Mr. Jackson has done a very good job of doing that. Sometimes it's good to have an outsider come in and tell us something that we have to know. When I look at this, it does come down to development standards and we do not need to be retrofitting. We need to make sure that we have the development standards to avoid that retrofitting process. We also all know that when you lay sewer and water, development will come. If we don't plan we're a ship without a rudder, and it's not conducive to the City, County, or to anybody. It is my suggestion that we have a defined area where gravity sewer will at some time be available. We need to create a sewer extension

area plan for those defined boundaries, the same way we did the North Fayetteville study, and we need to ask for public input, development input and take this to the public that we're planning in those areas to provide the services that will be required for these urban densities. With the

appropriate standards, I see no need for an MIA, because we're not going to be retrofitting. I think what we need is a solid joint plan for the sewer extension areas; and include in those plans the lift station and other areas outside of that specific area, so that we can have a document that will grow with the County. I just don't see that what we have in front of us is something that we can put our teeth into. It's something we can't move forward to the Commissioners, because we don't even have anything to move forward. It is my suggestion that we look at the standards and that we have an area planned for the sewer service area.

Mr. McNeill wanted to address the three points that the public hearing was on tonight. First the MIA's. All of the municipalities in the County, with the exception of Fayetteville, currently have an MIA. I don't know if it's the exact configuration that is shown on here, but it's something close to it. Fayetteville lost theirs several years ago when they left the Joint Planning Board. Hope Mills did not have an MIA while it was not a part of the Joint Planning Board, since they returned they have an MIA, it's already been granted by the Commissioners. I understand any municipalities desire to have their standards used when it's in an area that they are planning to annex in a reasonable amount of time. I have asked in meetings what plans Fayetteville has for their annexations. I believe they are required by statute to have an annexation intention plan which is two years ahead of time. But other than that they don't have one or don't seem to have one. I know it's expensive to retrofit; there has been some testimony that perhaps the County citizens shouldn't be responsible for that, and that may be a valid argument. I understand the municipalities desire to have some of their standards in place if they come to annex it in a short period of time. There are places in this proposed MIA that are miles from not only the existing Fayetteville City line, but are miles from existing sewer. It's based on a sewer shed area. I think that is a poor thing to tie an MIA to. I don't see any need for an MIA for the City of Fayetteville to be anywhere outside of this annexation petition line. Honestly, I don't think it should be that far out. I don't have a problem with them having their standards imposed on areas that are going to be annexed in a reasonable amount of time. I think that's fair, it might add some expense, but I think it's something we have to do as a part of good planning. I am very concerned, as has been mentioned by a number of speakers here tonight, that this proposal that we are considering, especially that flow chart, and the Interlocal agreement, would allow Fayetteville to dictate some development in the County. I don't think its any municipality's prerogative to do that. That's County land and it should be handled by the Commissioners. This flow chart, I've got a simple solution for that. PWC's been in charge of sewer extension since 1905 why not leave them in charge, and the City and the County Commissioners stay out of it. They can handle the zoning aspects, but PWC is the authority where sewer needs to go, can go, the expense involved and that sort of thing. I'm kind of like Yogi Bear, if it's not broke, don't fix it. Certainly, if you're going to try to change it, change it in a way that makes sense. This doesn't. It's lengthy and I have suggested myself, in the 2030 Plan and a number of the other folks on that task force have suggested also, that City Council should be no more than equal with PWC as far as making a recommendation to the Commissioners. I have rethought that, I think PWC should be it. Neither City Council nor the Commissioners have a say so on it. If you follow that line of reasoning that takes care of the flow chart it's just not there. The other thing that bothered me a little bit is this Municipal/County Planning, that's another level of bureaucracy we don't need. I think in spite of all the good intentions and plans on how quick it can be done, I have not seen government operate that way. I don't think it's going to be that quick. I think it will turn out, in too many cases to be a fairly lengthy process. Another thing is the standards; I've got and have had some concerns with some of the sidewalk issues. Particularly with this gigantic MIA that the City is proposing, there are some areas out there that will have more than eight lots in a subdivision that will have shouldering ditch sections and has been eluded to already, there's nowhere to put

a sidewalk, there's probably no need for a sidewalk. I had asked Dr. Henley early in this process to consider some type of case by case basis for sidewalks, where you had situations occur where there was no traffic problem. There probably is not a good reason to put the expense in

place of putting in sidewalks, when people will probably walk in the street anyway. Apparently it didn't go anywhere because nothing has changed on this. I was told at that time that we're still talking about that, still negotiating about that. I have issues with the sidewalks. I think there are places where asphalt can be used, but this pretty much eliminates anything like that. I think there are places where concrete curb and gutter should be and I think there are places where sidewalks should be, but this has come like a freight train down the track. It's been in the talking stages for a while, but all of a sudden it seems like it's got to go here, to the Commissioners, get approved and get implemented on some kind of fast track. I don't think changes like this need to be freight trained through; I think you need to take however much time you need to get it right. In my opinion, this is not right. It needs further work if consideration at all. I have some serious reservations about every facet of this.

Mrs. Piland stated that there is a reason that public policy is called public policy. It's because the public is the entity that is most affected. I'm very concerned that there has been a lack of public involvement in this, and I know very well the concerted effort it takes to get the public involved. Unfortunately, most of the people who would be most affected by what we're considering tonight, are not well represented in this room. They have no idea what we're discussing. I think that in itself is a disgrace, but what those people have done, whether they know it or not is put their trust in the powers that be. They trust the governing bodies of this County to act in their best interest. I would encourage all of us to do just that. Especially with the Cumberland County Board of Commissioners, the people of this County have placed their trust in the Commission, and I think that they need to have their representation noted.

Chair McLaurin stated that we were gathered here tonight to formulate a recommendation to the County Commissioners at their next meeting. Having heard everyone's concerns, I would like to say first about the flow chart, I agree with Mr. McNeill. They've been using PWC's expertise since 1905. They've done a very good job and have very competent people running PWC, and I feel safe about anything that they do. Because they really are a stand up group of people, and I don't see in the name of improving things, how you can add ten more steps to something and improve it. Particularly when we're trying to do things as economically as we can for people who need affordable housing. As far as development standards, this proposed area for the City's MIA on the map that goes out beyond the red line, today we have a water problem here in North Carolina. So I'm told throughout history we've had times when there have been water problems, great water problems in North Carolina. But yet, to the east of the red line, all along the River Road area, where you have all these hydric soils, we're talking about having standards out there, where we're going to funnel all of this water that hit on the hydric soils, it's not going to stay in the yard's, it's going to run out. We're going to have to slope the yards. I think our decision trying to run ahead on these development standards is hasty. I don't see what the rush is all of a sudden. This MIA that the City is proposing seems to be rushed. Because of all these things, it's just too much, too wrong, too quick. I would like to make a recommendation that goes to the County Commissioners that we don't recommend any of this. Take our time, let the City look at an MIA that's realistic for them. I'm not against the City of Fayetteville having an MIA, but they need to be realistic. I feel like all of the other towns have been, and we need to know when we recommend something to go to the Commissioners that it's what it is, not something that someone is going to correct later.

Mr. Morris stated after hearing Chair McLaurin's motion, he would like to offer a substitute motion. The substitute motion would be, since this came out of the 2030 Plan Task Force without any recommendations whatsoever, all three pieces of this large puzzle be sent back to

the 2030 Committee and for them to work this out within the 2030 Committee. Then present a final document to this Board, so we can then forward it to the Commissioners based on our

recommendations and then also, so the public can have a final document which they can review.

Mr. McNeill stated that he wasn't sure if this went back to the 2030 Task Force whether there would ever be consensus on these issues. They seem to be, in my opinion, fairly deeply ingrained. There have been suggestions at the 2030 to make changes that have not been done.

Mr. Barrett stated that he wanted to point out, this is headed to the Board of Commissioners, it is before this Planning Board because by law, by North Carolina law and statute this is the Planning Agency for this case.

Mr. Morris stated that this should have been in a subcommittee of the 2030 Plan, the subcommittee should have recommended it to the whole 2030 Plan and based on their recommendations it should have moved to Planning then from Planning it should move to the Commissioners. Obviously that didn't occur. It's got to go back somewhere and to someone with the authority that represents the community, and right now the 2030 is the only thing I can say.

Chair McLaurin stated that his motion was to recommend that it go to the Commissioners and go nowhere, and that the only thing to continue is to go back to the City and let the City get more serious about what is a practical MIA. Try to move forward again.

Mr. Morris said that he agreed with Chair McLaurin's logic, but the 2030 Plan consists of the City and the County, it's a joint process that is a body that has been agreed upon by both the County Commissioners and the City Council, to me that's where it should go.

Mr. McNeill stated that he would be inclined to recommend to the Commissioners to either disapprove these items in their present form or table this particular package until something can be done about it. Until someone figures out a way to work it out. Or if they are considering going forward with it, to send it back to this Board, to allow us to have a final version of something, so that we can go down through it line by line, and offer suggestions to what individual things can be changed.

Mr. Morris stated that his motion was still on the floor.

Mr. Morris made a motion to send the 2030 MIA proposal back to the 2030 Task Force, seconded by Mr. Hostetter. No one approved the motion.

Mr. Morris stated that the proposal needed to go back to the 2030 Task Force because represent the entire County and City municipalities. It doesn't need to rest with the Planning Board.

Mr. McNeill stated that his only thought was if it were brought back to the Planning Board, our staff could work with City staff, who in turn could work with their folks to get things ironed out.

Mr. Lloyd said that the Task Force was formed so that none of the stakeholders that this applies to are on that Task Force. So, I think whatever process you may want to recommend you may want to make sure that that also includes the input from the people that it's going to effect.

Mr. Morris said that we had that originally and it disappeared. We had that at PWC and we had the stakeholders, and it was fairly well orchestrated. That turned into a small private group. I just think it needs to be something that is tangible.

Mrs. Hall stated that she understood that this came from the 2030 group, but that it also came without their recommendation. Why did it come if it wasn't recommended?

Mr. Lloyd stated that it had to come tonight for the input to be had before the County Commissioners meeting in two weeks.

Mr. McNeill repeated his motion, I move that we recommend to the Commissioners to disapprove this plan in its present form, they either table it until they can get the details and revisions worked out or return it to this Board or the 2030 Task Force for one of those groups to continue work on it and try to get a consensus with the various stakeholders to come up with a proposition that works, seconded by Vice-Chair Epler. The motion passed with 7 in favor and 1 opposed.

Mr. Morris restated that he agreed with Mr. McNeill, but I think we need to provide more direction. I don't want what if, would be, or maybe. I think it needs to be more concrete.

IX. DISCUSSION

IX. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

X. ADJOURNMENT

There being no further business, the meeting adjourned at 10:20 p.m.