

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 21, 2020 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING MINUTES

PRESENT: Commissioner Marshall Faircloth, Chairman
Commissioner Glenn Adams, Vice Chairman
Commissioner Jeannette Council
Commissioner Charles Evans (attended by phone)
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Amy Cannon, County Manager
Melissa Cardinali, Assistant County Manager
Duane Holder, Assistant County Manager
Tracy Jackson, Assistant County Manager
Sally Shutt, Assistant County Manager
Darian Cobb, Fellow with NCACC County Manager Fellowship Program
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Jeffery Brown, Engineering and Infrastructure Director
Justin Hembree, Mid-Carolina Council of Governments Executive Director
Candice H. White, Clerk to the Board
Press

ABSENT: Commissioner Michael Boose

Chairman Faircloth called the meeting to order and stated Commissioner Charles Evans was attending the meeting by phone and Commissioner Boose was unable to attend.

INVOCATION / PLEDGE OF ALLEGIANCE

Pastor Michael Woods, Smith Chapel FWB Church, provided the invocation followed by the Pledge of Allegiance to the American flag led by Marci Williams, student at Howard Hall Elementary School.

Introduction of the Fayetteville-Cumberland Youth Council Members

Dede Effen- FCYC Chair
Kamaiya Scott- FCYC Event Planner

Chairman Faircloth recognized Dede Effen and Hezekia Bryant of the Fayetteville-Cumberland Youth Council. Miss Effen stated she is a 10th grade student at Massey Hill Classical High School. Mr. Bryant stated he is a student at Cumberland Polytechnic High School on the FTCC campus and is in 10th grade. Miss Effen introduced other Fayetteville-Cumberland Youth Council members in attendance.

Introduction of Mid-Carolina Council of Governments Executive Director, Justin Hembree

Amy Cannon, County Manager, stated the Board of the Mid-Carolina Council of Governments (COG) went through a thorough search process for an executive director for the agency and Dr. Jeannette Council, who serves as their board chair, led the search process. Ms. Cannon at the end of the search process the board unanimously appointed Justin Hembree as the new executive director. Ms. Cannon introduced Mr. Hembree.

Mr. Hembree stated it is an honor to have been selected to serve Cumberland County and its neighbors Sampson and Harnett counties. Mr. Hembree stated he officially began his job on December 9, 2019 and is new to the area. Mr. Hembree stated he is a native of Mitchell County, North Carolina, served in the U.S. Army from 1992 to 1995 and earned a Bachelor of Science degree in Community and Regional Planning and a Master of Public Administration degree, both from

Appalachian State University. Mr. Hembree stated he has served as the manager or administrator of the towns of Catawba, Tryon and Taylorsville, North Carolina, and county manager of Mitchell County and assistant county manager of Henderson County. Mr. Hembree stated his goal is to work with the Mid-Carolina Council of Governments team and the other member counties to build an organization that delivers top notch services to local governments in the region. Mr. Hembree stated he has no doubt that through cooperation and working together, the goal can be reached and the value of being a member of the Mid-Carolina Council of Governments will be clearly seen.

PUBLIC COMMENT PERIOD

Amy Cannon, County Manager, read the public comment policy. Chairman Faircloth recognized the clerk to the board who called the following speakers:

Christopher Leyhew – Mr. Leyhew stated the Chemours contamination now covers 117 square miles and although the county and NCDEQ knew about the contamination in the 1980's, nothing was done about it. Mr. Leyhew stated they have been polluting the air, water and soil for the past 30 years, and the produce is contaminated and people are getting cancer. Mr. Leyhew stated residents had no representation with the consent order and expect the county to fight for them. Mr. Leyhew stated he is running for office as a county commissioner, a lot of people are coming with him and they will fight for themselves.

Mike Watters – Mr. Watters stated NCDEQ does not provide facts and Chemours is not testing in compliance with the consent order. Mr. Water cited examples. Mr. Watters stated he is trying to help the county and the important thing is to get money from Dupont and Chemours which means they are going to have to be sued. Mr. Watters stated the contamination has reduced property values and asked if the county could afford to lose \$2.6 million in taxes.

In response to a question from Commissioner Council, Mr. Watters stated the county needs to make a comment on the Corrective Action Plan that got extended to March 2020. Mr. Watters stated 15A NCAC 02L.0106 dictates that running water is to be looked at as an option but the only option the Corrective Action Plan gives is reverse osmosis and GAC. Mr. Watters stated as it relates to the coal ash issue, the General Assembly passed a law that forced Duke to run municipal water municipal water to all 14 sites. Mr. Watters stated that should be the solution with Chemours but when the General Assembly passed a law, the Secretary ignored that law, took away relief provided under that law and took away the Governor's capability to shut down the plant. Mr. Watters stated 5A NCAC 02L.0106 gives guidance on how to force Chemours to run water because none of the residents will sign an acknowledgment or concurrence with the Corrective Action Plan unless it is for running water. Mr. Watters stated it will take a lawyer to force Chemours to do it.

Chairman Faircloth stated the county is addressing the problem and believes a long-term solution will be public water. Chairman Faircloth stated Phase 1 will be water to the elementary schools and the lines will be sized so they can be added onto.

Ms. Cannon requested the addition under Item 9. of a closed session for Economic Development Matter(s) pursuant to NCGS 143-318.11(a)(4) and a closed session for Attorney Client Matter(s) pursuant to NCGS 143-318.11(a)(3).

1. APPROVAL OF AGENDA

MOTION: Commissioner Adams moved to approve the agenda with the addition of the closed sessions as requested.
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

2. CONSENT AGENDA

A. Approval of January 6, 2020 Regular Meeting Minutes

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <http://co.cumberland.nc.us/departments/commissioners-group/commissioners/meeting-documents>

B. Approval of Offer to Purchase Surplus Property Located at 3615 Lamboll Drive, Fayetteville, NC

BACKGROUND

The County acquired the real property with PIN 0440-66-0538, being .5 Ac Cogdell Land, located at 3615 Lamboll Drive, Fayetteville, NC, at a tax foreclosure sale in 2010 for a purchase price of \$3,095.33. The property is zoned RR with a tax value of \$6,563.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. No governmental entity has expressed a desire to acquire this property and this property was declared surplus by the Board of Commissioners on September 7, 2010. On February 18, 2019, the Board of Commissioners approved a policy establishing that the minimum offer to be accepted by the Board of Commissioners for properties that had been on the surplus list for more than five (5) years be the estimated cost of advertising for the upset bid process, but not less than \$300. Shelia Burden made an offer to purchase the property for \$300.00, pursuant to the new policy approved by the Board of Commissioners on February 18, 2019.

Exhibit 1 is a map setting out the location of the parcel which is shown by its PIN number.

If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is included in the recommendation below.

RECOMMENDATION / PROPOSED ACTION

County Attorney recommends the Board consider the offer of Shelia Burden and if the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269. The form of the advertisement follows.

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
ADVERTISEMENT OF PROPOSAL TO ACCEPT AN OFFER TO PURCHASE
CERTAIN REAL PROPERTY PURSUANT TO N.C.G.S § 160A-269**

Take notice that the Board of Commissioners finds the real property with PIN 0440-66-0538, being .5 Ac Cogdell Land, located at 3615 Lamboll Drive, Fayetteville, NC, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$300.00. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

C. Approval of Offer to Purchase Surplus Property Located at 3421 Seawell St., Fayetteville, NC

BACKGROUND

The County acquired the real property with PIN 0424-79-5251, being Lts 160-162 Campbell Pk Sub, located at 3421 Seawell St., Fayetteville, NC 28306, at a tax foreclosure sale in 2017 for a purchase price of \$4,027.02. The property is zoned R6A with a tax value of \$5,000.00. Based on the GIS Mapping, there is a structure on the lot; however, based on the tax records, there has been no structure on the lot since 2017. No governmental entity has expressed a desire to acquire this property and this property was declared surplus by the Board of Commissioners on March 19, 2018. James A. Raynor, on behalf of Raynor Property Management, LLC, made an offer to purchase the property for \$4,027.02.

Exhibit 1 is a map setting out the location of the parcel which is shown by its PIN number.

If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is included in the recommendation below.

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <http://co.cumberland.nc.us/departments/commissioners-group/commissioners/meeting-documents>

RECOMMENDATION / PROPOSED ACTION

County Attorney recommends the Board consider the offer of James A. Raynor, on behalf of Raynor Property Management, LLC, and if the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269. The form of the advertisement follows.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS ADVERTISEMENT OF PROPOSAL TO ACCEPT AN OFFER TO PURCHASE CERTAIN REAL PROPERTY PURSUANT TO N.C.G.S § 160A-269

Take notice that the Board of Commissioners finds the real property with PIN 0424-79-5251, being Lts 160- 162 Campbell Pk Sub, located at 3421 Seawell St., Fayetteville, NC 28306, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$4,027.02. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

- D. Approval of Offer to Purchase Surplus Property Located at 3306 Dandelion Lane, Fayetteville, NC

BACKGROUND

The County acquired the real property with PIN 0441-41-2106, being Lt 9 Windfield Sec 2, located at 3306 Dandelion Lane, Fayetteville, NC, at a tax foreclosure sale in 2016 for a purchase price of \$4,103.18. The property is zoned A1 with a tax value of \$19,000.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. No governmental entity has expressed a desire to acquire this property and this property was declared surplus by the Board of Commissioners on March 19, 2018. Jason M. Nixon made an offer to purchase the property for \$4,103.18.

Exhibit 1 is a map setting out the location of the parcel which is shown by its PIN number.

If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is included in the recommendation below.

RECOMMENDATION / PROPOSED ACTION

County Attorney recommends the Board consider the offer of Jason M. Nixon and if the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269. The form of the advertisement follows.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS ADVERTISEMENT OF PROPOSAL TO ACCEPT AN OFFER TO PURCHASE CERTAIN REAL PROPERTY PURSUANT TO N.C.G.S § 160A-269

Take notice that the Board of Commissioners finds the real property with PIN 0441-41-2106, being Lt 9 Windfield Sec 2, located at 3306 Dandelion Lane, Fayetteville, NC, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$4,103.18. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

- E. Approval of Destruction of Planning & Inspection Records

BACKGROUND

In accordance with the Records Retention and Disposition Schedule dated April 15, 2013 and approved by the Board of Commissioners on May 6, 2013, permission is requested to destroy records dated prior to January 1, 2014 on or before March 31, 2020. The maximum time period we are required to maintain records is six years. This request will allow records to be destroyed that are no longer useful. Records to be destroyed are as follows:

1. Permit Files: Included are Applications for Building, Electrical, Plumbing, Mechanical, Insulation, Demolition, Relocation, and Zoning Permits, Permits Issued, Work Tickets, Certificates of Occupancy, Blueprints and Specifications and related correspondence.
2. Minimum Housing, Junk Vehicle and Zoning Code Enforcement Files.
3. Activity Reports: This file consists of information compiled for the U.S. Bureau of the Census, reports of money collected for permit fees, inspections performed, and permits issued.
4. Correspondence/Memorandums.

Exceptions:

- A. Any record required to be retained permanently or for the life of the structure.
- B. Records, if any, related to any ongoing litigation.

RECOMMENDATION / PROPOSED ACTION

Staff requests approval to dispose of the aforementioned records as specified under the approved records disposition schedule.

- F. Approval of Proclamation on the Retirement of Chief District Court Judge Robert J. Stiehl, III

BACKGROUND

Request was received for a proclamation thanking Chief District Court Judge Robert J. Stiehl, III for his outstanding legal leadership and distinguished years of service upon his retirement.

RECOMMENDATION / PROPOSED ACTION

The Board of Commissioners is respectfully requested to consider approval of the proclamation.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, Robert J. Stiehl, III came to live in Cumberland County in 1986 and began working with the law firm of Russ, Worth, Cheatwood and Guthrie concentrating on insurance defense and criminal law; and

WHEREAS, he then served as Assistant District Attorney for seven and a half years under the late District Attorney Ed Grannis, working in District Court and Superior Court where he prosecuted cases involving homicide, rape, sexual assaults, arson, armed robbery, kidnapping and burglary; and

WHEREAS, he was first elected to the District Court Bench in 1994, was re-elected in 1998, 2002, 2006, 2014 and 2018 and has worked as a certified Family Court Judge, Juvenile Court Judge and Sobriety Court Judge; and

WHEREAS, during his time on the bench, he worked diligently to dispense justice with the wisdom of Solomon, he championed the continued need for a Family Court system to be used statewide and he served on various committees to help enhance the lives of the citizens of Cumberland County; and

WHEREAS, he became the Chief District Court Judge in January 2015 and has been instrumental in several initiatives designed to shorten the time spent in courtrooms and preserving Family Court and broadening the number of Judicial Districts that employ family court methods; and

WHEREAS, during his time as Chief District Court Judge, he was instrumental in the establishment of North Carolina's first Human Trafficking Court; and

WHEREAS, he was not only active as a judge but used his gifts to help enhance the lives of others by serving as a Deacon at both First Presbyterian Church and Snyder Memorial Baptist Church and by serving on community boards of the Cape Fear Regional Theater, Fayetteville Academy, Cumberland Community Action Program and Dispute Resolution Center.

NOW, THEREFORE, BE IT RESOLVED, that We, the Cumberland County Board of Commissioners, do hereby thank Chief District Court Judge Robert J. Stiehl, III for his outstanding legal leadership and his distinguished years on the District Court Bench in Cumberland County. We further extend to Chief District Court Judge Robert J. Stiehl, III and his family best wishes for prosperity, good health and happiness during his retirement years.

Adopted this 21st day of January 2020.

- G. Approval of Proclamation Commemorating the 100th Anniversary of the Passage of the 19th Amendment to the U.S. Constitution and the League of Women Voters of North Carolina

BACKGROUND

Request was received for a proclamation commemorating the 100th Anniversary of women gaining the right to vote and the founding of the League of Women Voters in North Carolina.

RECOMMENDATION / PROPOSED ACTION

The Board of Commissioners is respectfully requested to approve the proclamation.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, an organized movement to enfranchise women began in July 1848 at the first Women's Rights Convention in Seneca Falls, New York; and

WHEREAS, women and men, black and white, supported the Woman Suffrage Movement for women to gain the constitutional right of having a voice in making the laws that govern them; and

WHEREAS, the Woman Suffrage Movement led to the passage of the 19th Amendment to the Constitution of the United States in 1919, with ratification by the states by the summer of 1920; and

WHEREAS, the National American Woman Suffrage Association, which was formed in 1890, dissolved in 1920 to create the League of Women Voters of the United States to support the new women suffrage rights; and

WHEREAS, the League of Women Voters of North Carolina was launched on October 7, 1920 on the steps of the Guilford County Courthouse by Gertrude Weil, a politically active and tireless young women from Goldsboro, North Carolina; and

WHEREAS, more than 120,000 women were registered to vote in North Carolina by 1920; and

WHEREAS, women today constitute a majority vote in our state and the United States and are running for office in higher numbers and are more active in the election process than ever before in history.

NOW THEREFORE, the Cumberland County Board of Commissioners, on the 100th Anniversary of women gaining the right to vote and the founding of the League of Women Voters in North Carolina and the United States, recognizes the impact these historic accomplishments have on citizen engagement and the civic life of the community, the state and the nation.

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Adopted this 21st day of January 2020.

H. Approval of Budget Ordinance Amendments for the January 21, 2020 Board of Commissioners' Agenda

BACKGROUND

Juvenile Crime Prevention Fund 245

- 1) Juvenile Crime Prevention Programs - Budget Ordinance Amendment B200260 to recognize additional funding of programs in the amount of \$122,325 as approved by the North Carolina Department of Public Safety, Division of Juvenile Justice

The Board is requested to approve Budget Ordinance Amendment B200260 to amend the following programs in the amount of \$122,325 to reflect additional funding amounts from the North Carolina Department of Public Safety, Division of Juvenile Justice. The programs are: Teen Court - \$22,459, Family and Courts Together (FACT) – \$31,500, Juvenile Assessment Center - \$22,458 and the Pickens Peace Project-Strengthening Family Bonds - \$45,908. This additional funding is due to “Raise the Age” initiative approved during the 2017 North Carolina State budget and implemented December 1, 2019.

Please note this amendment requires no additional county funds.

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendment.

MOTION: Commissioner Adams moved to approve consent agenda Items 2.A. – 2.H.1).
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

3. PUBLIC HEARINGS

Ms. Cannon explained the Board of Commissioners’ procedures for public hearings.

Uncontested Rezoning Cases

A. Case P19-47: Rezoning of 0.46+/- acres from R6A Residential to C(P) Planned Commercial or to a more restrictive zoning district, located at 5034 US Hwy 301 South, submitted by Ella H. McArthur (owner) & Kristin Barfield (agent).

Rawls Howard, Planning and Inspections Director, presented this item and stated the request is to rezone from R6A Residential to C(P) Planned Commercial in the Hope Mills area off 301 South. Mr. Howard stated no one was present at the meeting of the Planning Board to contest the rezoning and the Planning Board unanimously recommended approval.

Chairman Faircloth opened the public hearing for Case P19-47.

The clerk to the board stated there were no speakers for Case P19-47.

Chairman Faircloth closed the public hearing for Case P19-47.

MOTION: Commissioner Council moved in Case P19-47 to approve the rezoning from R6A Residential to C(P) Planned Commercial and find this request consistent with the adopted Southwest Cumberland Land Use Plan (2013) which calls for “Heavy Commercial” at this location, C(P) Planned Commercial is listed as an associated district with this designation, and further find that approval of the request is reasonable and in the public interest because the requested district is in harmony with surrounding existing land uses and zoning districts.
SECOND: Commissioner Lancaster
VOTE: UNANIMOUS (6-0)

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Contested Rezoning Cases

B. Case P19-43: Rezoning of 2.25+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 2130 Montana Road, submitted by Vance U. Tyson Jr. (owner) & Annie Mae Efird (agent).

Mr. Howard presented this item and stated the request is to rezone from A1 Agricultural to R40A Residential, basically going from one residential designation to another for just over two acres. Mr. Howard showed vicinity or location maps and aerial views of the subject property, and provided overviews of the current land uses, current zonings, and surrounding land uses and zonings. Mr. Howard stated this is a stand-alone parcel that has been legally recorded and is serviced by a Class "C" private street. Mr. Howard stated the subject property is surrounded by single and double-wide mobile homes, with several single-wide mobile homes having been put together to expand the home. Mr. Howard stated a single-wide mobile home is on the site. Mr. Howard state the site does not have identified hydric soils and most of the rural manufactured homes are on well and septic. Mr. Howard reviewed the topography of the site and stated discussion at the meeting of the Planning Board was mainly about topography and septic. Mr. Howard stated the parcel is not plan compliant when looking at the Land Use Policies Plan and the map, but staff felt it was in context for the area. Mr. Howard stated should the Board approve Case P19-43, it will constitute an automatic plan change to a higher density plan designation.

Mr. Howard stated staff recommendation was for approval, but the Planning Board had a split vote that resulted in denial of the rezoning. Commissioner Keefe asked about the reason for the split vote. Mr. Howard stated there were concerns when the opponents spoke and there was discussion about where the opponent's septic system and well were in relation to the location of the applicant's septic system and well. Mr. Howard stated the six Planning Board members who voted in opposition felt they needed more information. Mr. Howard stated a representative from Environmental Health was present and stated when someone submits an application and goes through the permitting process, a registered sanitarian will go to the site and identify corrections that must be made to any deficiencies with the existing septic system. Mr. Howard stated staff and the three Planning Board members who voted in favor felt Environmental Health would address any issues that might be identified through a separate process. Commissioner Keefe asked whether the location of the existing septic was known. Mr. Howard stated there were no records going back that far so if the application is to be approved, the location of the septic has to be identified and the entire process has to be undertaken again. Commissioner Keefe stated his concern is if R40 Residential is approved, it will be surrounded by A1 Agricultural and residents are always saying keep our areas rural; it would change the complexion of the area.

Chairman Faircloth stated he read the agenda materials to mean that had the petitioner gone to the Health Department first, the Planning Board may have had the information they needed and supported the rezoning. Chairman Faircloth asked if there was a downside to this. Mr. Howard stated there are costs associated with the permitting process so the petitioner would have been spending money without knowing whether the rezoning would be granted.

Commissioner Adams stated he feels the septic system permitting process should be undergone prior to seeking the rezoning because once rezoned to R40 Residential, it will remain R40 Residential regardless. Mr. Howard stated if the subject property is rezoned and the petitioner decides to go through the permitting process, the Health Department could determine there is not enough for septic and another home cannot be placed on the property.

Chairman Faircloth opened the public hearing for Case P19-43.

The clerk to the board called the following speakers for Case P19-43.

Annie Efird – Ms. Efird appeared in favor and stated she is wanting another home and septic tank on the land, and the main concern expressed by Mr. Downey was septic going onto his land. Ms. Efird stated if a licensed contractor is putting the

septic tank down and it is hooked up right, nothing is going to go onto his property. Ms. Efrid provided pictures.

Robert Downey – Mr. Downey appeared in opposition and stated his property is adjacent to the subject property, there are differences in elevation between the two properties and the subject property is red clay and will not hold water. Mr. Downey stated because the subject property will not absorb water and the septic tank is located along their common property line, the septic tank leaks towards his property. Mr. Downey stated this is the second attempt to rezone the subject property because the first attempt was denied. Mr. Downey stated he has been on his property for thirty years and owns the property; Ms. Efrid is the agent for Vance Tyson, the owner of the property. Mr. Downey stated testing for GenX was conducted earlier in the day and he questions adding another residence at this location. Mr. Downey stated everything in the area is two acres and if the property is rezoned, they are going to split it up; Mr. Tyson is the one who will profit from the rezoning.

Chairman Faircloth closed the public hearing for Case P19-43.

MOTION: Commissioner Adams moved in Case P19-43 to deny the rezoning from A1 Agricultural to R40A Residential and find the request is not consistent with the adopted South Central Land Use Plan (2015) which calls for “low density residential” at this location and further find that denial of the rezoning is reasonable and in the public interest because although the existing zoning is also not consistent with the “low density residential” designation, possible runoff onto adjacent properties due to the sloping topography is better mitigated by larger lot sizes with less development and the request is not in harmony with the surrounding existing land uses of one dwelling unit per lot.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

4. ITEMS OF BUSINESS

- A. Consideration of Professional Services Agreement with Moorman, Kizer & Reitzel, Inc. for Gray’s Creek Water & Sewer District Water Main Extension

BACKGROUND

In February 2018, the Board of Commissioners approved a Professional Services Agreement with Moorman, Kizer & Reitzel, Inc. (MKR), to update the Preliminary Engineering Report (PER) and Environmental Assessment (EA) to identify the next steps in extending public water into the Gray’s Creek Water & Sewer District. On January 6, 2020, the Board of Commissioners approved setting aside \$10.5M specifically for continued exploration of extending water in the Gray’s Creek District through a phased approach. Phase I would include extension of water to Alderman Road and Gray’s Creek Elementary Schools. Engineering & Infrastructure (E&I) staff reached out to MKR for a proposal on the engineering design and specifications for the Phase I water main project which will serve the above schools. MKR met with staff on January 15, 2020, to discuss the attached engineering proposal. MKR has proposed a not to exceed engineering services fee in the amount of \$376,025. Their preliminary engineering estimate to construct this phase of the project is \$3,005,665. The engineering fees proposed by MKR are within the customary range of 10 to 15% of preliminary project costs.

RECOMMENDATION / PROPOSED ACTION

The Engineering and Infrastructure Director and County Management recommend that the proposed action below be placed on the January 21st Board of Commissioners and the Gray’s Creek Water and Sewer District agendas as an item of business:

Approve the Professional Services Agreement with Moorman, Kizer & Reitzel, Inc. in the amount of \$376,025.

Jeffery Brown, Engineering and Infrastructure Director, presented the background information and recommendation/proposed action recorded above.

MOTION: Commissioner Keefe moved to approve the Professional Services Agreement with Moorman, Kizer & Reitzel, Inc. in the amount of \$376,025.
SECOND: Commissioner Adams
VOTE: UNANIMOUS (6-0)

5. NOMINATIONS

A. Equalization and Review Board (1 Vacancy)

Commissioner Adams nominated Mark A. Knight.

Commissioner Keefe nominated George Turner.

6. APPOINTMENTS

A. Board of Health (1 Vacancy)

MOTION: Commissioner Adams moved to appoint Dr. Sam Fleishman to the Board of Health in the category of physician.
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

B. Equalization and Review Board - Appointment of Officers

MOTION: Commissioner Adams moved to appoint Rodney W. Sherrill as Chairman, Marva Lucas-Moore as First Vice Chairman and Charles M. Grannis as Second Vice Chairman of the Equalization and Review Board.
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

Chairman Faircloth recessed the Cumberland County Board of Commissioners' meeting and convened the meeting of the Gray's Creek Water and Sewer District Governing Board.

Chairman Faircloth called the meeting of the Gray's Creek Water and Sewer District Governing Board to order.

7. GRAY'S CREEK WATER AND SEWER DISTRICT GOVERNING BOARD - CONSENT AGENDA

A. Approval of Minutes of the June 20, 2016 Gray's Creek Water & Sewer District Governing Board

MOTION: Commissioner Adams moved to approve the June 20, 2016 Gray's Creek Water and Sewer District Governing Board minutes.
SECOND: Commissioner Lancaster
VOTE: UNANIMOUS (6-0)

8. GRAY'S CREEK WATER AND SEWER DISTRICT GOVERNING BOARD - ITEMS OF BUSINESS

A. Consideration of Professional Services Agreement with Moorman, Kizer & Reitzel, Inc. for Gray's Creek Water & Sewer District Water Main Extension

BACKGROUND

In February 2018, the Board of Commissioners approved a Professional Services Agreement with Moorman, Kizer & Reitzel, Inc. (MKR), to update the Preliminary Engineering Report (PER) and Environmental Assessment (EA) to identify the next steps in extending public water into the Gray's Creek Water & Sewer District. On January 6, 2020, the Board of Commissioners approved setting aside \$10.5M specifically for continued exploration of extending water in the Gray's Creek District through a phased approach. Phase I would include extension of water to Alderman Road and Gray's Creek Elementary Schools. Engineering & Infrastructure (E&I) staff reached out to MKR for a proposal on the engineering design and specifications for the Phase I water main project which will serve the above schools. MKR met with staff on January 15, 2020, to discuss the attached engineering proposal. MKR has proposed a not to exceed engineering services fee in the amount of \$376,025. Their preliminary engineering estimate to construct this phase of the project is \$3,005,665. The engineering fees proposed by MKR are within the customary range of 10 to 15% of preliminary project costs.

RECOMMENDATION / PROPOSED ACTION

The Engineering and Infrastructure Director and County Management recommend that the proposed action below be placed on the January 21st Board of Commissioners and the Gray's Creek Water and Sewer District agendas as an item of business:

Approve the Professional Services Agreement with Moorman, Kizer & Reitzel, Inc. in the amount of \$376,025.

MOTION: Commissioner Keefe moved to approve the Professional Services Agreement with Moorman, Kizer & Reitzel, Inc. in the amount of \$376,025.
SECOND: Commissioner Adams
VOTE: UNANIMOUS (6-0)

There being no further matters of business,

Chairman Faircloth adjourned the meeting of the Gray's Creek Water and Sewer District Governing Board and reconvened the meeting of the Cumberland County Board of Commissioners.

Chairman Faircloth called the meeting of the Board of Commissioners to order.

Chairman Faircloth recognized members of the FCYC who shared what they learned from attending the meeting.

9. CLOSED SESSION

A. Economic Development Matter(s) Pursuant to NCGS 143-318.11(a)(4)

B. Attorney Client Matter(s) Pursuant to NCGS 143-318.11(a)(3)

MOTION: Commissioner Lancaster moved to go into closed session for Economic Development Matter(s) Pursuant to NCGS 143-318.11(a)(4) and Attorney-Client Matter(s) Pursuant to NCGS 143.318.11(a)(3).
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

Commissioner Evans disconnected his attendance of the meeting by phone.

MOTION: Commissioner Adams moved to reconvene in open session.
SECOND: Commissioner Lancaster
VOTE: UNANIMOUS (5-0)

MOTION: Commissioner Lancaster moved to adjourn.
SECOND: Commissioner Adams
VOTE: UNANIMOUS (5-0)

There being no further business, the meeting adjourned at 8:15 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board