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**Minutes**  
**Cumberland County Board of Commissioners**  
**March 20, 2000, 7:00 PM**  
**Regular/Rezoning Meeting**

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**PRESENT:**     Chairman, Ed Melvin  
                 Vice Chairman, J. Lee Warren, Jr.  
                 Commissioner Talmage Baggett  
                 Commissioner Breeden Blackwell  
                 Commissioner Billy R. King  
                 Commissioner H. Mac Tyson II  
                 Cliff Strassenburg, County Manager  
                 James Martin, Deputy County Manager  
                 Juanita Pilgrim, Assistant County Manager  
                 Cliff Spiller, Assistant County Manager  
                 Grainger Barrett, County Attorney  
                 Jerry Thomas, Planning Department  
                 Matt Rooney, Planning Department  
                 Rhonda C. Raynor, Deputy Clerk

**ABSENT:**     Commissioner Thomas B. Bacote (Due to  
Illness)

**INVOCATION:** Commissioner Ed Melvin

**PLEDGE OF ALLEGIANCE**

**1. PUBLIC HEARINGS:**

**Uncontested Rezoning Cases:**

**Upon finding the requests to be reasonable, neither arbitrary or unduly discriminatory and in the public interest and that the property within such proposed districts is suitable for all uses permitted by the new classifications, the following motion was offered for the uncontested rezoning cases:**

**MOTION:**     Commissioner King offered a motion to follow the Planning Board recommendation on the Uncontested cases.

**SECOND:**     Commissioner Blackwell

**VOTE:**        UNANIMOUS

**A. Case No. P00-7.** The rezoning from R10 Residential to O&I Office and Institutional, or to a more restrictive zoning district, on the west side of Hope Mills Road, south of Wingate Road, the property of Lewis and Carolyn L. Reaves.

The Planning Board recommends approval of the rezoning to O&I Office and Institutional.

**B. Case No. P00-8.** The rezoning from R15 Residential to RR Rural Residential, or to a more restrictive zoning district, on the south side of King Road, east of Brushy Hill Road, the property of Sherman C. Davis, Jr.

The Planning Board recommends approval of the rezoning to RR Rural Residential.

**C. Case No. P00-11.** The rezoning from A1 Agricultural to R40 Residential, or to a more restrictive zoning district, on the north side of Final Approach Drive, west of Baywood Road, the property of W.E. and Madeline May Draughon.

The Planning Board recommends approval of the rezoning to R40 Residential.

**D. Case No. P00-13.** The rezoning from PND Planned Neighborhood to R5A Residential, or to a more restrictive zoning district, on the northeast side of Elk Road, west of Alexwood Drive, the property of W.A. Maxwell, Incorporated.

The Planning Board recommends approval of the rezoning to R5A Residential.

### **Contested Rezoning Case:**

**E. Case P00-9.** The rezoning from M2 Heavy Industrial and A1 Agricultural to RR Rural Residential, or to a more restrictive zoning district, on both sides of Ferrand Drive, north of Port Richey Lane, the property of Rocky W. Gaskins.

The Planning Board recommended denial of the rezoning to RR and approval of rezoning to R40A.

### **Speakers:**

Rocky Gaskins – Owner and speaking in favor of the rezoning request. He owns two pieces of property. His purpose for requesting the rezoning is to reduce his taxes and to be able to have a smaller lot size requirement. He originally asked that the property be rezoned to RR but the planning board suggested R40A.

George R. Harsch – Speaking in opposition. Mr. Gaskins' property is not five acres of woods. Some of the property is cleared and there are over three acres of weeds. The property is located on Port Richey Lane. Fifteen property owners own interest in the Port Richey Lane.

The deed requires road maintenance. Mr. Gaskins is proposing to add eighteen more owners. The rezoning will cause heavy traffic and noise. Mr. Gaskins has never maintained Port Richey Lane. The Planning Department did not post rezoning notices on the Port Richey Lane side of the property. The road cannot handle the additional traffic. There are more septic tanks in the area than can be used at the present time. He requested that the Board deny the rezoning request.

Mrs. R. Cox – Speaking in opposition. She lives in the area. The residents in the area have fought this rezoning on more than one occasion. She was under the impression there would be no more mobile homes in the area. She is also speaking on behalf of her son who also lives in the area.

Becky Garcia – Speaking in opposition. She lives on Port Richey Lane. The last time Mr. Gaskins tried to rezone his property, the residents in the area got a petition together. The residents are concerned with additional traffic and crime. The property in the area is currently zoned to allow one home on every two acres. They want to keep it that way.

Commissioner Baggett expressed his concern with access to the property.

Mr. Gaskins indicated he owns 300 feet on Port Richey Lane. He will use it for access to one lot. The other lots will have access from Ferrin Drive.

Commissioner Baggett asked Mr. Gaskins how many people use Ferrand Drive now.

Mr. Gaskins advised five people currently use Ferrin Drive. The owners maintain the road. He actually does most of the work.

**MOTION: Commissioner King offered a motion to deny the rezoning request.**

**SECOND: Commissioner Baggett**

**DISCUSSION: Commissioner Warren noted Mr. Gaskins is paying taxes on property that is zoned M2. The property should be changed to residential. The least the Board could do would be to zone it RR. The M2 portion should be zoned what the adjacent property is zoned.**

**Commissioner Baggett asked Mr. Gaskins if he would consider A1 zoning.**

**Commissioner Warren stated the property should be zoned the same as the larger parcel.**

**Mr. Thomas indicated the larger parcel is zoned A1.**

**Mr. Gaskins indicated he would like to have smaller lot size. A1 requires two acre lots.**

**Commissioner Warren advised Mr. Gaskins that it did not appear his request would be approved. However, he would like to help with the M2 zoning. He would like to be able to help him get the zoning compatible with the other parcels.**

**Mr. Gaskins indicated it did not matter.**

**VOTE: Favor: Commissioners Blackwell, Tyson, Melvin, Baggett and King**

**Oppose: Commissioner Warren**

**F. Case P00-10.** The rezoning from A1 Agricultural to R30A Residential, or to a more restrictive zoning district, on the north side of Carl Freeman Road, south of the Griswold Drive intersection, the property of Mt. Pleasant Auction and Land Company, Incorporated.

The Planning Board recommended denial of the rezoning to R30A and approval of rezoning to R40A.

**Speakers:**

Dallas Byrd – Owner and speaking in favor of the rezoning request. He presented a package of information to include pictures to the Board. The soils report for the property indicates 82% of the property is suitable for waste septic systems. He has received a certificate of analysis for soil contamination that clears the property of any contamination. He has included in his packet a small plat of the property and a map indicated the site of the new County Industrial Park. His property lies within four to five minutes of the Industrial Park. He noted the chart on the land area regarding square footage based upon zoning and information indicating the zoning in and around the Stedman area. He advised a small fortune has been expended to clean up the property. A lot of cleaning has been done and he plans to enhance the property.

Billy Horne – Mayor of the Town of Stedman and speaking in favor of the rezoning request. He advised that he along with the members of the Stedman Town Board support Mr. Byrd and other members of the zoning board to approve R40A on the old chicken farm located on Carl Freeman Road. They feel that what Mr. Byrd proposes to do would not depreciate the value of other property along Carl Freeman Road. The Horne family, many of which live on that road and own 600+ acres, support Mr. Byrd's project. Mr. Bonner Hubbard owns 300+ acres on Carl Freeman Road and also supports this project. Mr. Horne advised they appreciate Mr. Byrd and all other appointed members of the Zoning Board for donating their time to the residents of Cumberland County on zoning matters. They are all honorable people and do a great service for the county. He noted many people he has spoken to do not support the 2-acre requirement for a lot in the agricultural zone. They feel it depletes, not preserves farmland.

J. R. Freeman – Speaking in opposition. He likes living in the country. The area does not need any more development of a large magnitude. A lot of mobile homes clustered together do not benefit the community. He does not see the benefit in granting this rezoning request.

Tom Durr – Speaking in opposition. He presented a petition to the Commissioners. He asked those present that were in opposition to the rezoning to stand. The actions of the Planning Board shocked him. The Planning Staff recommended no rezoning for the property. The subject property is in a farmland protected area. There is property in the vicinity that is zoned for homes and has urban services available. All other property around this parcel is A1. Zoning exists to provide a plan and to protect the citizens. The citizens in the area want to protect their quality of life. Mr. Byrd is a speculator and not a member of the community. He purchased the

property knowing it was zoned A1. The rezoning will increase the demands on school, fire and safety resources in the area. Cumberland County needs sound growth and develop and to preserve community rights.

The Board allowed Mr. Byrd time for rebuttal.

Dallas Byrd – He is here to petition the Board to do what has been done before. There are already twenty single and double-wide mobile homes on this road. He wants to enhance the property with the structure of the buildings and layout of the land. There has been no decision about what is to be done. That will be decided after the rezoning. He wants to do what will be appreciable to the community. He knows of no one that doesn't purchase property to make a profit at some point. He asked those in support of the rezoning to stand. He has letters and other documents from residents in the area who are supportive of the rezoning.

Commissioner Blackwell asked about the chicken farm previously located on the property and the burial of those animals.

Mr. Byrd advised over \$50,000 has been spent to clean up the property. He and the former owner financed the clean-up.

Commissioner Blackwell asked if the chicken carcasses were removed or buried.

Mr. Byrd advised he did not know the answer to that question. He advised the rats and smell on the property were terrible. That has been cleaned up. The person living across the street from the property supports the rezoning. He is planning something nice for the property.

Commissioner Blackwell asked about the soil samples for the property, who would be the developer of the property and septic tanks.

Mr. Byrd advised soil samples were taken under the direction of the previous owner. A management company from Wilmington analyzed the soil. There will be no partners in the development of the property, however, he may invite someone to assist him if needed. He indicated the land must first be platted before he can have septic tank work started by the Health Department. He has a soil analysis at this point. Under the current zoning, single-wide mobile homes can be placed on the property. He does not want to do that. He wants to have a reasonable change in the zoning and have something beautiful on the property.

Commissioner Warren asked Mr. Byrd if he plans to have stick built or modular homes on the property.

Mr. Byrd reviewed the different classes of mobile homes. He does not want to have any single-wide mobile homes.

Chairman Melvin asked Mr. Byrd if he would be interested in R40 zoning.

Mr. Byrd advised R40 would rule out class-A modular homes. R40 would require the same size lot as R40A.

**MOTION:** Commissioner King offered a motion to follow the Planning Staff recommendation and deny the request.

**SECOND:** Commissioner Blackwell

**DISCUSSION:** Commissioner Baggett indicated his concern with a member of the Planning Board presenting his own case. It puts the Planning Board in an awkward position. The Planning Board members work long and hard for only a thank-you. There have been bad things said about the Planning Board members that he feels are unfair but create the appearance of a conflict of interest. The Board of Commissioners puts great weight on Planning Board recommendations. He has spoken with the County Manager and County Attorney about this matter and he hopes they can develop a protocol when Planning Board Members seek to have their own property re-zoned. The Planning Board Members should not have to give up their rights because they are serving on the board. But the Board should avoid even the appearance of a conflict of interest. He is hopeful the County Manager and County Attorney will develop a policy that will give citizens a better feel about a situation such as this. When property is subdivided it creates employment opportunities in the community. When manufactured homes are placed on property, it does not give the direct economic impact a stick-built home does. He would like Mr. Byrd to consider R40 zoning for the property.

Mr. Byrd advised he consulted the County legal staff concerning how to proceed with this rezoning request.

After some consideration, Mr. Byrd advised he would have to accept the R40 zoning. Mr. Tom Durr was then given time for rebuttal. He advised density is the issue in this matter. Mr. Byrd can do whatever he wishes within the zoning laws. High density is limited in A1. Any type of home can go on two acres in A1 zoning. The residents in the area want to keep a particular atmosphere and quality of life.

Commissioner King advised he did not feel the Commissioners should negotiate with a petitioner. The Board should look at what is before them and move forward.

**VOTE:** Favor: Commissioners Blackwell, Tyson, Melvin, Warren and King  
Oppose: Commissioner Baggett

## Road name Changes

**G.** Consideration of renaming roads within the Eastover Fire district – Impala Drive to Reese McLaurin Trail.

**H.** Consideration of renaming roads within the Vander Fire District – Bascom Drive to Double J. Drive.

**MOTION:** Commissioner Warren offered a motion to rename Impala Drive to Reese McLaurin Trail and rename Bascom Drive to



**Double J Drive.**

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

## **Minimum Housing Hearings**

I. Property of Blarrie Gibbs, Jerry Butler and Ken Wallace, DBA Central Carolina Investment Group at 1078-1090 Charmain Street (PIN: 0419-87-9374, cases MH842-99, MH844-99, and MH847-99, MH850-99) and at 6002-6018 Trease Drive (PIN: 0419-97-0493, Cases MH852-99, MH863-99, MH843-99, MH845-99 and MH846-99).

### **AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT BEFORE THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS**

I, Doyle W. Hubbard, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on case number MH842-99 through MH850-99 and MH852-99 through MH863-99 and is identified as Item Number I-1.

Property Owner: **Blarrie Gibbs, Jerry Butler, and Ken Wallace, DBA Central Carolina Investment Group**

Property Address: This property consists of 21 separate structures on Trease Drive and Charmain Street

Tax Parcel Identification Number: 0419-87-9374 and 0419-97-0493

SYNOPSIS: This property was inspected on **11/3/99 and March 20, 2000**. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on **11/30/99**. Only Jerry Butler attended the Hearing. It was ordered that the structures be secured within ten (10) days, and repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than **12/30/99**. Unable to obtain service on Mr. Gibbs, the order was published in the Fayetteville Observer and the compliance date extended to **2/25/00**. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order and through publication. No appeal was filed by any partner or party of interest.

Upon my visit to the property on **3/8/00 and 3/20/00** no corrective action had been made to the structures. The structures are presently vacant and unsecured. In their present state, these structures constitute a fire, health, and safety hazard to the community that surrounds them.

The estimated cost to repair these structures to a minimum standard for human habitation, and the current value by the Assessor for Cumberland County is as follows:

Cost to repair:	1078 Charmain Street (MH 842)	<u>\$12,000.00</u>	Valued at:	<u>\$19,579.00</u>
	1082 Charmain Street (MH 844)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	next to 1082 Charmain Street (MH 847)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	1086 Charmain Street (MH 848)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	next to 1086 Charmain Street (MH 849)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	1090 Charmain Street (MH 850)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	6002 Trease Drive (MH 852)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	6003 Trease Drive (MH 853)	<u>\$10,000.00</u>	Valued at:	<u>\$ 500.00</u>
	6004 Trease Drive (MH 854)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	6005 Trease Drive (MH 855)	<u>\$10,000.00</u>	Valued at:	<u>\$ 500.00</u>
	6006 Trease Drive (MH 856)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	6007 Trease Drive (MH 857)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	6008 Trease Drive (MH 858)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	6011 Trease Drive (MH 859)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	6012 Trease Drive (MH 860)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	6013 Trease Drive (MH 861)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	6014 Trease Drive (MH 845)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	6015 Trease Drive (MH 846)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	6016 Trease Drive (MH 862)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	6017 Trease Drive (MH 843)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>
	6018 Trease Drive (MH 863)	<u>\$15,000.00</u>	Valued at:	<u>\$ 500.00</u>

**RECOMMENDATION: IT IS THE RECOMMENDATION OF THE INSPECTION DEPARTMENT THAT THE TWENTY (20) MOBILE HOMES, ONE (1) BRICK VENEER DWELLING, TWO (2) ACCESSORY STRUCTURES, BE DEMOLISHED, AND ALL CHAIN LINK FENCING, TRASH, AND DEBRIS BE REMOVED FROM THE PROPERTY.**

**Speakers:** No Speakers.

Commissioner King asked why the property at 1078 Charmain Street could not be repaired.

Mr. Hubbard advised the value of the property is \$19,579. The cost to repair the structure is \$12,000, which exceeds the 50% of the value.

**MOTION: Commissioner Warren offered the following motion:**

**To adopt the order and report of the Minimum Housing Inspector as the true facts in this case,**

**and**

**To order the property owner to remove or demolish the twenty (20) mobile homes, one (1) brick veneer dwelling and two (2) accessory structures and remove all chain link fencing, trash and**



debris from the premises within 90 days.

To order the Inspector to remove or demolish the twenty (20) mobile homes, one (1) brick veneer dwelling and two (2) accessory structures and remove all chain link fencing, trash and debris from the premises if the owner fails to do so, and impose a lien on the real property for the cost of such action.

To direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

## **2. CONSENT ITEMS:**

**MOTION:** Commissioner Warren offered a motion to follow staff recommendations on the items on the Consent Agenda.

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

**A.** Approval of minutes for the March 2, 2000 special meeting and March 6, 2000 regular meeting.

**ACTION:** Approve the minutes.

### **B. Approval of Proclamations and Resolutions:**

#### **(1) Proclamation in Support of Census 2000.**

**ACTION:** Adopt the proclamation.

Commissioner Blackwell read the following proclamation:

### **PROCLAMATION IN SUPPORT OF CENSUS 2000**

**WHEREAS**, questionnaires for U.S. Census 2000 will be delivered to residents of Cumberland County in March of 2000; and

**WHEREAS**, many residents may not know that individual Census responses are private and cannot be shared outside the Census Bureau, just as they may not know about the important relationship between their return of Census 2000 questionnaires and key services in their communities, as well as funding to support these services; and

**WHEREAS**, an estimated \$7 million loss to Cumberland County in federal allotments was

caused by the 1990 census undercount, and an estimated \$200 billion in federal funds will be distributed nationally each year based on the Census 2000 results; and

**WHEREAS**, the Census is used to help determine where to locate schools, day care centers, senior citizen centers, hospitals, and other facilities, and to make decisions concerning business growth and jobs; and

**WHEREAS**, many communities have populations of residents who are particularly hard to reach, such as transient or seasonal workers, illiterate residents, non-English speaking communities, the homeless, residential students, and other historically hard to count groups; and

**WHEREAS**, Cumberland County has been invited to work closely with the U.S. Census Bureau officials in planning for and implementing Census 2000.

**NOW, THEREFORE**, the Cumberland County Board of Commissioners hereby declares CENSUS 2000 as a top priority in Cumberland County and encourages all residents to support the US Census Bureau in this effort.

Proclaimed this 20<sup>th</sup> day of March, 2000.

**(2) Resolution proclaiming Saturday, April 1, 2000, "Ducks Unlimited Day in Cumberland County".**

**ACTION:** Adopt proclamation.

**COUNTY OF CUMBERLAND**

**NORTH CAROLINA**

### **PROCLAMATION**

**WHEREAS**, the mission of Ducks Unlimited is to fulfill the annual life cycle needs of North American waterfowl by protecting, enhancing, restoring and managing important wetlands and associated uplands; and

**WHEREAS**, in the 1930's a small group of sportsman organized a grassroots effort to study the problem of drought which greatly affected this continent's wildlife, particularly the waterfowl; and

**WHEREAS**, in 1937, DU's inaugural year, over six thousand volunteers raised \$90,000 for habitat restoration and enhancement projects in Canada; and

**WHEREAS**, over 701,000 members and 50,000 volunteers raised over \$103.8 million for wetlands and waterfowl conservation in Fiscal Year 1998; and

**WHEREAS**, every year people come together at nearly 5,000 events in every corner of the country to have fun, learn about conservation and contribute to the DU mission; and

**WHEREAS**, the Ducks Unlimited North Carolina State Conference will be held in Cumberland County, March 31-April 2, 2000.

**NOW, THEREFORE**, the Board of Commissioners of Cumberland County proclaims **April 1, 2000, Ducks Unlimited Day** in Cumberland County and urges all citizens to recognize and take part in managing and restoring our wetlands.

Adopted March 20, 2000.

**C. Approval to submit a funding application for FY01 to the State Criminal Justice Partnership Program for the Day Reporting Center.**

**BACKGROUND:** Request that the Board of Commissioners approve the submittal of the Continuation Application to the State Criminal Justice Partnership Program for the Day Reporting Center.

**RECOMMENDATION:** The Cumberland County Criminal Justice Partnership Advisory Board and management recommend approval of the application to the State in the amount of \$270,093 for FY 2001.

**ACTION:** Approved submittal of application for funding to the State Criminal Justice Partnership Program in the amount of \$270,093 for the Day Reporting Center.

**D. Approval of Amendment #6 – Engineering Agreement with Camp, Dresser & McKee for construction administration services Phase 2 expansion of the Ann Street Subtitle D Landfill.**

**BACKGROUND:** Cumberland County entered into an agreement with Camp, Dresser & McKee (CDM) in March, 1993, to provide engineering services for the design of a lateral expansion of the Ann Street Landfill in compliance with Federal RCRA Subtitle D requirements. These regulations require lateral expansions of landfills to be fully lined with synthetic liners and provide leachate collection and treatment systems. This contract was subsequently amended as the scope of services expanded during the past 7 years.

Amendment #6 to the agreement is proposed. This amendment will allow CDM to provide construction administration services during construction of the Subtitle D Phase 2 Expansion Project, Cells 6-8. The scope of services are summarized as follows:

1. Administration of the construction contract.
2. Providing full time resident inspection services during construction.

3. Preparing as-built record drawings.
4. Certifying construction in accordance with the contract documents and preparing the applications for a Permit to Operate.
5. Providing construction quality assurance (CQA) testing services as required by the State Solid Waste Section.

Compensation for services rendered will be on a time and material basis in accordance with the Rate Schedule, and shall not exceed \$540,972.00. The County Attorney's Office has reviewed the amendment for legal sufficiency and monies are available in the Solid Waste Department Budget to fund this request.

**ACTION:** Approve Amendment #6 of the Agreement with CDM for engineering services related to construction of Cells 6-8 of the Ann Street Landfill Subtitle D Phase 2 Expansion Project in the amount not to exceed \$540,972.00.

**E. Approval of declaration of surplus property and authorization to sell at auction.**

**(1) Solid Waste Management Equipment to be sold April 6, 2000.**

**BACKGROUND:** A list of equipment that is surplus to the needs of the county is attached to these minutes at Exhibit A. Assistant County Manager Cliff Spiller recommends that the items be sold at public auction.

Mr. Spiller has a proposal from Col. H. B. Smith, Jr., auctioneer, to conduct the auction for a 7.4% buyer's premium.

**ACTION:**

1. Declare the equipment described in Exhibit A attached to these minutes surplus to the needs of Cumberland County.
2. Authorize the Assistant County Manager to dispose of same at public auction after publication of legal notification.
3. Authorize the public auction to be held:      DATE: Thursday, April 6, 2000  
   TIME: Commencing at 10:00 AM  
   PLACE: Solid Waste Facility  
   698 Ann Street, Fayetteville, NC 28301-8106

**(2) Vehicles to be sold May 6, 2000.**

**BACKGROUND:** Cumberland County owns sixty-two (62) automobiles/trucks that are surplus

to our needs. It is my recommendation these vehicles be sold at public auction. The vehicles are listed on the attachment to these minutes labeled Exhibit B.

Assistant County Manager Cliff Spiller has received a proposal from Co. H. B. Smith, Jr., auctioneer, to conduct the auction for a 7.5% buyer's premium. The county has permission from the Board of Education to use the B. Melton Edge Athletic Field on Cumberland Road to state the sale.

### **ACTION:**

1. Declare the sixty-two (62) vehicles described in Exhibit B attached to these minutes surplus to the needs of Cumberland County.
2. Authorize the Assistant County Manager to dispose of same at public auction after publication of legal notification.
3. Authorize the public auction to be held:   DATE:           Saturday, May 6, 2000  
  TIME:           Commencing at 9:00 AM  
  PLACE:           B. Melton Edge Athletic Field  
  Cumberland Road, Fayetteville, NC 28306

### **F. Budget Revisions:**

#### **(1) Mental Health**

- a. Child & Youth Contracts: Increase in revenue and expenditures in the amount of \$175,000 to recognize additional reimbursement from DSS for children in therapeutic homes (B00-543) **Funding Source – Federal**
- b. Developmental Disabilities Contracts: Increase in revenue and expenditures in the amount of \$36,000 to budget additional fees to purchase supplies for CAP clients. (B00-542) **Funding Source-Fees**
- c. Developmental Disabilities Child Outpatient & Contracts: Revision in the amount of \$11,911 to transfer funding from Child Outpatient to Contracts to pay CREST and Easter Seals for services provided in FY99. (B00-544 and B00-544A) **Funding Source-County**
- d. Medical Services: Increase in revenue and expenditures in the amount of \$8,500 to budget additional funds to provide medication for clients. (B00-541) **Funding Source-State**
- e. Smart Start Day Care: Increase in revenue and expenditures in the net amount of \$45,042 to reconcile to the State Contract. (B00-554) **Funding Source-State**

**(2) Elections**

Increase in revenue and expenditures in the amount of \$81,746 to budget reimbursements for local municipal elections. (B00-547) **Funding Source-Fees**

**(3) Social Services**

a. Crisis Intervention Program: Increase in revenue and expenditures in the amount of \$181,040 to recognize additional funding to assist families with energy crisis. (B00-552) **Funding Source-State**

b. Adult Day Care: Increase in revenue and expenditures in the amount of \$14,962 to recognize additional funding for current recipients of Adult Day Care Services. (B00-553) **Funding Source-State and Federal**

**(4) Federal Forfeiture-Justice**

Increase in revenue and expenditures in the amount of \$40,402 to recognize accumulated interest to expand the computer network for the Sheriff's Office. (B00-579) **Funding Source-Other**

**(5) Library**

Increase in revenue and expenditures in the amount of \$10,894 to recognize fees collected for subscription agreements for the Foreign Language Library. (B00-551) **Funding Source-Fees**

**(6) Community Development**

Emergency Shelter Grant: Increase in revenue and expenditures in the amount of \$138,420 to establish in-kind match provided by sub-recipients, which will reduce the County's cash match. (B00-539) **Funding Source-Sales Tax**

**(7) Public Health**

a. Environmental Health: Increase in revenue and expenditures in the amount of \$14,296 to budget additional state funding for operating expenses and equipment. (B00-555) **Funding Source-State**

b. Pharmacy: Increase in revenue and expenditures in the amount of \$108,000 to budget projected fees to purchase additional drugs. (B00-530) **Funding Source-Fees**

**(8) Print Shop**

Revision to transfer funds in the amount of \$19,000 from General Government to the Print Shop to provide additional funding to complete several scheduled



projects in FY2000. (B00-580) **Funding Source-County**

**(9) E911 Sign Shop**

Revision in the amount of \$5,500 to appropriate fund balance to fund the manufacturing and installation of mile markers along the Cape Fear River to assist search and rescue missions. (B00-582) **Funding Source-E911**

**Items of Business**

**3. Nominations to Boards and Committees:**

**A. Community Health Care Council (3 vacancies)**

Nominees: Womack Army Medical Center Representative:  
Chairman Melvin nominated Col. Ray Terrill

Business/Industry Appointee (Plant Managers Association):  
Chairman Melvin nominated Jim Klemish

Consumer Appointees (Appointed by Municipalities)  
City of Fayetteville Representative:  
Chairman Melvin nominated Ruhama Bond

**B. Mid-Carolina EMS Advisory Council (1 vacancy)**

Nominee: County Emergency Management Representative:  
Chairman Melvin nominated Harold Beverage

**C. Nursing Home Advisory Board (1 vacancy)**

Nominee: Commissioner King nominated Mary Dillon.

**D. Adult Care Home Community Advisory Committee (1 vacancy)**

Nominee: Commissioner Blackwell nominated Theresa Raynor

**4. Appointments to Boards and Committees:**

**A. Housing Appeals Board (1 vacancy)**

Nominees: **Barry Bullock**

**MOTION: Commissioner Warren offered a motion to appoint Barry Bullock.**

**SECOND: Commissioner Tyson**

**VOTE: UNANIMOUS**

**B. Area Mental Health Board (1 vacancy)**

**Nominees: Linda Hair  
Lisa McRae  
Evelyn Parker Esworthy**

Commissioner Blackwell advised Linda Hair has asked that her name be withdrawn from consideration.

Commissioner Warren advised Mental Health has asked that Ms. Evelyn Esworthy not be moved into this position and her name is therefore withdrawn.

**C. Adult Care Home Community Advisory Committee (1 vacancy)**

**Nominee: Edwin T. Larr, Jr.**

**D. Nursing Home Advisory Board (2 vacancies)**

**Nominees: Marion E. Wall  
Doyle W. Hubbard**

**MOTION: Commissioner Warren offered a motion to appoint Lisa McRae to the Area Mental Health Board, Mr. Edwin T. Larr, Jr. to the Adult Care Home Community Advisory Committee and Marion E. Wall and Doyle W. Hubbard to the Nursing Home Advisory Board.**

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

**5. Presentation by Global Waste of North Carolina, Incorporated regarding an alternative waste disposal system.**

**Appearing: Robert G. Bickel, Jr., President**

**BACKGROUND:** Global Waste of North Carolina, Incorporated requested the opportunity to make a presentation to the Board of Commissioners on their waste disposal system. Since TRSI has temporarily withdrawn its proposal there are no constraints to the county entering into discussions with other waste disposal companies.

Global Waste's system is a starved air gasification process. Global Waste contends its process is capable of achieving approximately a 90% reduction in waste volume; allows for the recovery of certain recyclable products; produces an ash byproduct that has a commercial value; and

produces no harmful air emissions or other detrimental impacts on the environment or human health. Representatives of Global Waste are present to make the presentation and to answer questions from Board members.

If the Board desires to enter into formal discussions with Global Waste a considerable amount of background work will need to be done to assess the proposed technology; the company's credibility and financial viability; and the costs and benefits for the county. The County Attorney has prepared a Due Diligence Inquiry to facilitate gathering critical background information on Global Waste.

Mr. Robert G. Bickel, Jr. introduced Mr. Bill Galvan to the Board to make the presentation.

Mr. Galvan noted the primary current means for disposal of waste are landfills. Global Waste's system is a pure system that disposes of waste. It disposes of all non-mineral waste. The process operates just as a self cleaning oven would. The waste is placed in a starved air environment, a starved air gasification process. The waste is deposited into a specialized container called a gasification cell, nominally 30 tons. This is accomplished without any pre-sorting or pre-processing of the incoming waste stream, including tires. After closing the container, the waste is heated to a temperature of approximately 800 degrees F. in an oxygen-deficient environment. At this temperature and oxygen level, the combustible solids, liquids and sludge convert into a gas. This gas product is vented from the gasification cell and conditioned in a second processing step. There, the gas is ignited, producing a virtually dust, acid, and metal-free hot air column, comprised mainly of water vapor at a temperature of from 1400 to 2200 degrees F., depending on the intended re-use of the hot air emissions. Global Waste's system will also take tires.

Global Waste has been given a pilot contract by the State of North Carolina to do away with hog waste lagoons. They will recycle solids, gas and ammonia so that nothing goes into the lagoons.

Mr. Galvan and Mr. Bickel then showed a slide presentation to the Board. There are two by-products from this process: 1) the residual ash. It is inert. The ash can be used by concrete plants and can be sold to them. 2) The emission meets all federal and state EPA standards.

Some jurisdictions use the emissions for electricity. One ton of waste will make ten megawatts of power. The emission is clear and non-polluting.

The system can be owned or leased by the County or Global Waste can run it for the County.

The system has a patent pending. The process is simple and it works.

Mr. Galvan then showed a video of a working operation in Alaska. He noted he has a shorter version of the video that he will forward to the Commissioners to view at a later date.

Global Waste would like to have an open dialogue to match their requirements with the facilities and make a proposal with all options available to Cumberland County.

Commissioner Blackwell noted he had many questions for Global Waste but would defer them if the Board wishes for Management to first look into the matter.

Chairman Melvin advised he would prefer that Management look into the matter to include cost savings. He would recommend that Management negotiate with Global Waste and obtain background information.

Mr. Galvan advised they have a matrix to recommend to Management with all capital costs included. Global Waste's system is cheaper than operating a landfill. They also have endorsements from non-profit organizations. He also noted this system would not handle radioactive waste.

Commissioner Blackwell asked who Global Waste was and who Mr. Galvan's partners were.

Mr. Galvan advised he owns the patent and has assigned it to Global Waste of North Carolina, which is a North Carolina company. They want to operate this system on a local basis. All items for the operation would be purchased in North Carolina. The items that cannot be obtained will be shipped in.

Commissioner King stated he feels the County should broaden its view and solicit proposals from around the country to see who else is in the market place that could offer waste disposal options to the County.

Mr. Strassenburg advised the County would have to be very specific about what it is looking for in a process such as what Commissioner King suggested.

Commissioner Baggett asked if this process would require garbage from areas other than Cumberland County?

Mr. Galvan advised no outside waste would be needed. The system will deal with Cumberland County's waste. It is modular and can grow. Cells can be placed at collection sites throughout the County. The system would not cost the County money. With the County's current tipping fees, the process would be profitable to Global Waste and the County.

Commissioner Warren advised the system sounds like a good proposal to reduce the volume of waste going into the landfill. He also likes the fact that the byproduct has a market and there is no need to bring waste into the County.

**ACTION:** Authorize Management to enter into discussions with Global Waste of North Carolina, Incorporated to determine if their system of waste processing would be beneficial to Cumberland County.

**MOTION:** Commissioner Warren offered a motion to authorize Management and the Solid Waste

Management Department to enter into discussions with Global Waste of North Carolina, Incorporated to determine if their system of waste processing would be beneficial to Cumberland County.

**SECOND:** Commissioner Baggett

**DISCUSSION:** Commissioner Blackwell advised he is supportive of having Management work with Global Waste. It seems that the County could contact a national waste association to determine if a RFP could be prepared to explore all available avenues. If there are other companies, they should be considered as well. He does not want to close any doors at this point. He would like to see the County do a national search.

**SUBSTITUTE**

**MOTION:** Commissioner Blackwell offered a motion to authorize Management to explore all avenues of waste processing opportunities and to begin discussions with Global Waste of North Carolina, Incorporated to determine if their system of waste processing would be beneficial to Cumberland County.

**SECOND:** Commissioner Melvin

**DISCUSSION:** Commissioner Baggett stated he feels Management and the Solid Waste Management Department should listen to all proposals and then let the Board consider the ones they feel merit the Board's consideration.

Commissioner Warren stated he feels the Board should take a serious look at all who present proposals to the County. He does not want the County to put Global off while we wait for other proposals.

Commissioner Blackwell stated he does not want to stop the discussions with Global Waste. He just wants to look at other proposals while discussions are taking place with them.

Mr. Galvan stated he would be happy to assist the County with comparisons of proposals the County may receive for waste processing.

**VOTE:** UNANIMOUS

**6. Presentation by the Hispanic/Latino Center, Incorporated.**

**Appearing:** Dr. David Diaz

**BACKGROUND:** It is estimated that the Hispanic/Latino population in Cumberland County is close to 30,000. As a result of this increase in population, the Hispanic/Latino Center, Inc., a non-profit organization, was formed to serve the Hispanic/Latino community of Cumberland County and surrounding counties, to promote the interest of the Hispanic/Latino community, to identify available service and resources and facilitate their access and to promote and share the different Hispanic/Latino cultures.

Dr. David wishes to speak about the importance of participating in the Census 2000, the needs of the Hispanic/Latino community, and the role of the Hispanic/Latino Center.

**ACTION:** No action necessary. Presentation for information only.

Mr. Diaz advised he is the Vice President of the Hispanic/Latino Center, Inc. This non-profit organization was started 1 ½ years ago by a group of Hispanics to form an organization for the Hispanic community. The purpose of the organization is to improve the quality of life of the community at large and concentrate on the Hispanic community due to the fact that many don't speak English. He noted his organization has several concerns about the services that are available to the general population but are not available to the Hispanic population due to the language barrier. The center is currently working to translate the "Answer Book" that is published by the Library. The Hispanic population in Cumberland County is between 24,000-30,000. North Carolina has had a 110% growth in its Hispanic population since the 1990 Census was done. The Hispanic/Latino Center, Inc. has received grant funding from the Cumberland County Community Foundation to open an office. It should be open by April 1, 2000. The center will have a depository of documents and services available to the Hispanic community. He thanked Assistant County Managers Juanita Pilgrim and Cliff Spiller for their support aid in assisting with furnishings from the old Social Services building.

One of his organization's main concerns is the health and education of Hispanic children. The Center has coordinated several meetings with Hispanic parents to advise them of the opportunities available in the school system. Special efforts are needed to educate these people about US laws, etc. A lot of cultural education is also needed. The Center's purpose is to educate the Hispanic Community and the public. They have worked with the Census Bureau to educate the Hispanic community about the importance of the Census. Some of these people cannot even read and write Spanish. Some migrant workers do not even have the necessary paperwork to stay in the United States.

Mr. Diaz then mentioned a Latino Festival will be sponsored by the Center on March 25, 2000 at Reid Ross Middle School and will be aimed at educating the Hispanic population about services available to them.

## **7. Consideration of amendment of the Community Action Plan for the Department of Social Services Building renovations – Maiden Lane.**

**BACKGROUND:** Community Development proposes to fund \$600,000 in renovations for the Old Department of Social Services Building located on Maiden Lane. The renovations are to include roof replacement, carpet replacement, interior and exterior painting, and mechanical systems replacement. The renovation and recent occupancy of this building by AIT will help in alleviating the slumming and blighting effects of vacant deteriorating buildings in the downtown area. This project will be a special economic development project under the Community Development Program and will be classified as Slum and Blight in meeting a National Objective. Though the property is located outside of our entitlement jurisdiction, we are certain that the



employment opportunities offered through AIT will benefit residents countywide.

**ACTION:** Approve amendment of the Community Development Action Plan to include renovations of the Old Department of Social Services Building and the associated budget revision.

**MOTION:** Commissioner Baggett offered a motion to approve the amendment of the Community Development Action Plan to include renovations to the old Department of Social Services Building and the associated budget revision.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

**8. Consideration of the County Finance Committee report and recommendation regarding acceptance of partial tax payments.**

**BACKGROUND:** On March 2, 2000, the Finance Committee considered a partial payment policy prescribing a minimum amount for partial payment of taxes, when delinquent accounts have been assigned to outside attorneys for foreclosure action.

Proposed policy; A minimum payment of \$500, or payment in full is required when the amount owed is less than \$500, when delinquent accounts have been assigned to outside attorneys for foreclosure, with the understanding that foreclosure action will not stop because of the acceptance of the partial payment. In accordance with the law, the partial payment will be applied to accrued penalties, interest costs, and then to the principal amount of the tax. Thirty days prior to the assignment of accounts to outside attorneys, the Tax Collector sends notice to the taxpayer that if the taxes are not paid within thirty (30) days the account will be assigned to an outside attorney for foreclosure. Upon adoption of a policy regarding partial payments, a notice will be added to the letter that assignment to an outside attorney may result in attorneys fees of \$500 or more, and that partial payments will be accepted only in accordance with the policy adopted. All communication from the outside attorney will contain statements regarding the partial payment policy.

The Finance Committee voted "to forward this policy to the Board of Commissioners for consideration."

**ACTION:** Approve

**MOTION:** Commissioner Baggett offered a motion to approve the policy as presented by Management.

**SECOND:** Commissioner Tyson

**DISCUSSION:** Commissioner King asked if the attorney fees are average.

Mr. Barrett advised staff has checked with other attorneys and they feel the fee is typical. The fee is graduated. If a taxpayer pays the delinquent taxes early in the process, the

fees will be less than \$500.00. If most of the legal work has already been done by the time the account is brought current, the fees would be closer to \$500.00.

Mr. Martin noted the minimum payment by a taxpayer on an account once it has been assigned to an outside attorney is \$500.00.

**VOTE: UNANIMOUS**

**9. Closed Session – Personnel Matter.**

**MOTION: Commissioner King offered a motion to go into Closed Session to discuss a Personnel Matter.**

**SECOND: Commissioner Tyson**

**VOTE: UNANIMOUS**

**MOTION: Commissioner King offered a motion to come out of Closed Session.**

**SECOND: Commissioner Blackwell**

**VOTE: UNANIMOUS**

**Meeting adjourned at 9:55 PM.**

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