
Minutes
Cumberland County Board of Commissioners
March 15, 1999, 7:00 PM
Regular/Rezoning Meeting

Present: Chairman Thomas B. Bacote
Vice

Chairman Edward Melvin

Commissioner Talmage Baggett

Commissioner J. Breeden Blackwell

Commissioner Billy R. King

Commissioner H. Mac Tyson II

Commissioner J. Lee Warren, Jr.

Cliff

Strassenburg, County Manager

James

Martin, Deputy County Manager

Cliff

Spiller, Asst. County Manager

Neil

Yarborough, County Attorney

Marsha

Fogle, Clerk to the Board

INVOCATION:

Commissioner Ed Melvin

PLEDGE OF ALLEGIANCE

RECOGNITION: County Retiree: Herbert Miller, Mental Health
Department

Board/Committee Members: Mary A. Hales, Youth
Services Advisory Board

Judge Ed Pone, Youth

Services Advisory Board

Alfred R. "Bob" Searle,

Youth Services Advisory Board

Steven E. Causey, Youth

Services Advisory Board

1. PUBLIC HEARINGS

ADJUSTMENTS TO AGENDA: Case P99-13 (B) will be heard as a Contested Case

Uncontested Zoning Cases

Upon finding the requests to be reasonable, not unduly discriminatory, in the public interest and all uses permitted are suitable for this property the following motion was made relative to the Uncontested Zoning Cases:

MOTION: Commissioner King moved to follow the Planning Board recommendations on the Uncontested Rezoning Cases.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

A. Case No. P99-6. Conditional Use Overlay District to allow one dwelling unit on a one-acre parcel owned by Don L. Simpson in an A1 Agricultural District on the south side of H. Bullard Road, east of Chicken Foot Road.

The Planning Board recommends approval with the condition that there be no further development on this parcel.

C. Case No. P99-14. Conditional Use Overlay District to allow a manufactured home in an R10 Residential District on the north side of Chapel Hill Road, west of NC HWY 210, the property of Barbara Ann Murphy Life Estate.

The Planning Board recommends approval of the conditional use overlay district.

D. Case No. P99-15. The rezoning from A1 Agricultural District to

R40A Residential District or to a more restrictive classification for an area on the east side of River Road, north of Beard Road, the property of William E. Graham.

The Planning Board recommends approval of R40A.

E. Case No. P99-16. The rezoning from A1 Agricultural District to R40A Residential District or to a more restrictive classification for an area on the north side of Stedman-Cedar Creek road, west of John Hall road, owned by Vince Edward Melvin and Mima Jane Hornburger.

The Planning Board recommends approval of R40A.

Contested Rezoning Cases:

B. Case No. P99-13. Conditional Use Overlay District to allow a driving range ball landing area in an RR Rural Residential District on the east side of HWY 87, east of East Mountain Drive, the property of Tony and Marsha Britt Tyson

The Planning Board recommends denial of Conditional Use Overlay and approval of C(P).

SPEAKERS: All speakers were administered the Oath

1. Tony Tyson: Mr. Tyson noted there were concerns about the fence or net guard on the left hand side of the property. He said the net guard would be 225 yards long and 50 feet high. In addition he said there was a tree line along the right hand side that would also protect the adjoining property.

Commissioner Baggett asked if 400 yards is wide enough for the driving range. Mr. Tyson said he believed it was sufficient. In addition, he noted the lights would be directional into the ball landing area and would not shine directly into any residence. Mr. Tyson said his hours would be from 10:00AM to 10:00PM.

Commissioner Tyson noted that imposing the protective conditions would require conditional use overlay and asked if the Board approves conditional

use, should it first go back to the Planning Department. Commissioner Melvin said he did not think it necessary to send it back to the Planning Department. The County Manager said the Board of Commissioners could approve the conditional use with added conditions if they choose to.

2. John Koenig: Mr. Koenig asked for clarification about the net guard to make sure it would be long enough and high enough to ensure that stray golf balls did not come over on their property. He said he just wanted to make sure the conditions covered the safety issues involved as far as his property was concerned. He said he had no objection to the driving range. Mr. Koenig asked if Mr. Tyson would extend the net guard. Mr. Tyson said he would extend it so it was 250 yards long.

Commissioner Tyson asked Tony Tyson if he was agreeable to the conditions set forth on the conditional use overlay application.. Mr. Tyson said he would accept them.

Upon finding the requests to be reasonable, not unduly discriminatory and in the public interest, the following motion was made:

MOTION: Commissioner Melvin moved to approve Conditional Use Overlay with the added condition that the fencing (net guard) be 250 instead of 225 yards long. (Other conditions in effect as noted on the application)

SECOND: Commissioner King

VOTE: UNANIMOUS

OTHER PUBLIC HEARINGS

F. Stedman Land Use Plan

Mr. Will Denning, Planning Department, introduced Mr. Ken Freeman, the spokesman for the Stedman Citizens' Planning Committee. Mr. Freeman thanked the Board for allowing the citizens to be a part of this process. He noted the citizens worked together to come up with a plan that would create a slow-growth for the area. He said the residents in the area are happy with the plan as is the Stedman Town Board of Commissioners.

There were no other speakers.

MOTION: Commissioner Warren moved to approve the Stedman Land Use Plan.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

2. CONSENT AGENDA

The following items on the Consent Agenda will be considered separately and/or as a group and moved to the Regular Agenda:

Item 2C (1) (2) & (3) and Item 7 (All of these are bid items relating to the Solid Waste Department)

Item 2E

Item 2K(5)(i)

MOTION: Commissioner Warren moved to approve the recommendations of staff on the items on the Consent Agenda, excepting those items noted above.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

NOTE: Chairman Bacote questioned Item K2 asking why there is so much carry-over money from year to year. The Director of the Community Development Department noted this is not unusual and the funds will be expended.

A. Approval of Minutes: February 15, 1999

ACTION: Approve

B. Approval of additions to the State Secondary Road System

Southpoint Subdivision: Besalt Drive, Brightleaf Place, Sunning Court

C. Bid Awards

4. Chiller and cooling tower replacement for Headquarters Library

The following bids were received:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate</u>
<u>1</u>	<u>Total Bid</u>	
Barnes Ivey Mechanical change	\$144,400 \$144,400	No
Refrigeration & Heating \$1,531	\$148,497 \$150,280	+
Harrelson Mechanical change	\$169,509 \$169,509	No
Allen kelly & Co., Inc. change	\$216,000 \$216,000	No

*Alternate 1 is to provide a Trane No. RTHB215 chiller.

ACTION: Award the bid to Barnes/Ivey Mechanical in the amount of \$144,400 and approve associated budget revision (B99-605).

D. Report on formal bid awards of \$100,000 or less approved by management

The following formal bids were awarded by management:

1. Two compactors (including installation & phase converters) for the Solid Waste Department to the low bidder, Carolina Environmental Services in the amount of \$34,218. Bid awarded on February 23, 1999. Bid Information Attached as Attachment A.
2. Roll-off container truck for the Solid Waste Department to Cavalier Equipment in the amount of \$93,672.60. Bid awarded on February 23, 1999. Bid Information attached as Attachment B.
3. Hydraulic detachable gooseneck trailer for the Solid Waste Department to NC Equipment in the amount of \$32,319 (excluding federal excise tax). Bid awarded on February 23, 1999. Bid Information attached as Attachment C.
4. Fifteen 8 yard, six 30 yard and four 40 yard container boxes for

the Solid Waste Department as follows:

\$8,925	8 Yard Container Boxes	Carolina Environmental
\$19,194	30 Yard Container Boxes	Carolina Environmental
\$14,396	40 Yard Container boxes	Carolina Environmental

These bids were awarded on February 23, 1999. Bid Information attached as Attachment D.

5. Twenty-seven Pentium II 350 MHZ computers with 15" monitors and 2 Pentium II 350 MHZ computers with 17" monitors for the Spring Lake Library to Acclaim Computers in the amount of \$23,041. Bid awarded on March 3, 1999. Bid Information attached as Attachment E.

F. Approval of revised fee for criminal record checks for the Sheriff's Office.

BACKGROUND: Over the past 18 months the Sheriff's Office expended \$187,793 in staff and supply costs to issue criminal records checks while collecting \$141,080 in fees, resulting in a net operating loss of \$46,713. In an effort to eliminate the operating loss, the Sheriff's Office is requesting an increase in their fee schedule:

change	Fingerprint Card	From \$5.00	To: No
fee for each name checked	Criminal Records Check	From a sliding scale	To: \$8.00 flat

ACTION: Approve the fee increase as noted above, effective immediately.

G. Approval of Amendment #4 - Engineering Agreement for the Ann Street Landfill Closure Project

BACKGROUND: In June, 1998, the Board approved Amendment #4 with Camp, Dresser & McKee to provide design, bidding and construction administration services associated with the closure of the unlined portion of

the Ann Street Landfill. Compensation for these services was not to exceed \$376,430. At that time, CDM estimated a balance of \$200,000 remaining in the existing contract for construction administration services for Phase I Subtitle D Landfill Expansion. As such, the Board appropriated \$176,430 new money to fund Amendment #4. CDM's estimate was too optimistic and the actual balance remaining after the close-out of Phase I construction administration services is \$142,124.92. Therefore an additional \$57,875 needs to be appropriated for the Amendment #4 services. Sufficient money is available in the Solid Waste Budget to fund this request.

ACTION: Approve the additional money and associated budget revision (B99-607A)

H. Approval of a revision of Emergency Management Article of the Cumberland County Code, Chapter 5.

BACKGROUND: At the request of the Emergency Management Director, the Office of the County Attorney revised the Emergency Management Article of the Cumberland County Code, Chapter 5, mainly to make stylistic revisions. For instance, the current reference to an "emergency management coordinator" has been changed to "emergency management director" and the reference to "agency" has been changed to "department." The definition of attack has been bolstered to include attack by means of weapons of mass destruction or by sabotage. The revision also includes specific mention of the director's authority to pre-contract for services, equipment or supplies, or to enter into emergency purchases in the event of an emergency, to expedite a response to a disaster or attack.

ACTION: Adopt revisions to Article I of Chapter 5 of the Cumberland County Code of Ordinances.

I. Authorization for negotiated offer and upset bid procedure for .382 acre parcel off S.R. 2217 (Clark West Road).

BACKGROUND: Mr. James Averitte has offered \$1,800 for this tract of land. Clark West Road is a secondary access, from Evans Dairy Road, to the property the County has just purchased for the new industrial park. The tract Mr. Averitte wants to buy will allow him to rebuild his house (damaged by fire). The location and configuration of this tract make it extremely improbable that the County could make any beneficial use of that sliver of

land.

ACTION: Authorize the County Attorney to received Mr. Averitte's bid, advertise it and await any upset bids pursuant to G.S. 160A-269.

J. Approval of a Proclamation designating March 27, 1999 "Tag Day" for pet owners and their pets in Cumberland County.

BACKGROUND: The Fayetteville City Council will consider adoption of this Proclamation. The proclamation encourages pet owners to insure the safety of their pets and the safety of citizens by providing some means of identification on their dogs and cats. The recommended forms of identification include a current rabies vaccination tag, an engraved identity plate fixed to the pet's collar, and/or a microchip implanted under the pet's skin. Staff polled the newly established County Animal Control Board, and its members informally unanimously approved adoption of this Proclamation.

ACTION: Approve Proclamation.

PROCLAMATION

WHEREAS, a large number of stray pet cats and dogs impose a great material and moral burden on the citizens of Cumberland County; and

WHEREAS, responsible pet stewardship is an essential part of good citizenship and neighborliness; and

WHEREAS, both the law and common sense requires that cats and dogs within Cumberland County carry at all times identification in the form of a rabies vaccination tag; and

WHEREAS, measures to identify the owners of pets are both simple and inexpensive; and

WHEREAS, the Cumberland County Board of Commissioners wishes to enhance the safety and quality of life of its citizens.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners proclaims MARCH 27, 1999 "TAG DAY" in Cumberland County and encourages all pet owners to insure the safety of their pets and the

safety of the citizens by providing the following means of identification on their dogs and cats:

- n the mandatory current rabies vaccination tag;
- n an engraved identity plate affixed to the pet's collar;
- n a microchip transponder implanted under the skin of the pet.

K. Budget Revisions

(1) Health

- a. Medical Records/Child Health: Revision in the amount of \$1,378 to budget salary increases for two positions per State classification. (B99-577)
- b. Pharmacy: Increase in revenue/expenditures in the amount of \$5,000 to recognize additional revenue to be earned (B99-582) Funding Source - Fees

(2) Community Development

- a. CDBG Home Administration: Increase in revenue/expenditures in the amount of \$130,048 to reprogram unexpended funds from FY98. (B99-599) Funding Source - Federal
- b. CDBG Home Housing Activities: Increase in revenue/expenditures in the amount of \$239,378 to reprogram unexpended funds from FY98. (B99-600) Funding Source - Federal
- c. CDBG Public Facilities: Increase in revenue/expenditures in the amount of \$65,502 to reprogram unexpended funds from FY98. (B99-601) Funding Source - Federal
- d. Revision in the amount of \$1,500,000 to budget the proceeds of the Section 108 from HUD and to reimburse the General Fund \$1,022,183 for up front construction costs of the Spring Lake resource Center. (B99-606&606A) Funding Source - Federal

(3) Day Reporting Center: Revision in the amount of \$1,913 to reduce Fund Balance for performance pay increases paid by the State previously approved by the Board of Commissioners (B99-596) Funding Source - State

(4) Social Services: Increase in revenue/expenditures in the amount of \$28,618 and to appropriate Fund Balance of \$4,088 for required match to provide funding for adult day care services (B99-558) Funding Source - Federal, State and County

(5) Mental Health:

a. Medical Services: Revision in the amount of \$407 for prior year expenditure to reimburse travel expenses for new hire (B99-565) Funding Source - County

b. Developmental Disabled-ABLE/Adult Periodic: Revision in the amount of \$17,500 to move position and change funding source to match State (B99-566,567) Funding Source - State

c. Substance Abuse Periodic: Increase in revenue/expenditures in the amount of \$17,814 to establish a new Clinical Substance Abuse Counselor position. (B99-568) Funding Source - State

d. Management Information System: Increase in revenue/expenditures in the amount of \$17,246 to establish a new Information Processing Technician position (B99-569) Funding Source - Fees

e. General Support: Increase in revenue/expenditures in the amount of \$16,311 to establish a new Patient Relations Rep position and upgrade current position due to increased workload. (B99-570) Funding Source - Fees

f. Thomas S Administration: Increase in revenue/expenditures in the amount of \$85,779 and to establish two new Habitation Specialists and one new Accounting Technician positions (B99-571) Funding Source - State

g. Developmentally Disabled Adult Outpatient: Increase in revenue/expenditures in the amount of \$31,915 and to establish a new Habitation Specialist position (B99-572) Funding Source - Fees

h. Enhanced Employee Assistance Program/Management Information System: Increase in revenue/expenditures in the amount of \$87,601 and to establish two new Area Occupational Program Specialist positions implementing the Enhanced Employee Assistance Program (B99-573 & 573A) Funding Source - Federal

j. Developmentally Disabled Adult Outpatient: Increase in revenue/expenditures in the amount of \$12,500 for computer software and hardware upgrades for Y2K (B99-610) funding Source - State

k. Willie M: Revisions in the amount of \$40,995 to reconcile Willie M to state budget (B99-611-611G) Funding Source - State

(6) Vander Fire Department: Revision in the amount of \$45,979 to appropriate fund balance to budget additional revenue earned in prior fiscal year (B99-589) Funding Source - Ad Valorem Tax

(7) Library

a. Revision in the amount of \$3,052 to upgrade a Librarian I position to a Librarian II position (B99-529) Funding Source - County

b. Revision in the amount of \$57,874 to fund temporary staff for remainder of fiscal year (B99-604) Funding Source - County

(8) Industrial Development Fund: Increase in revenue/expenditures in the amount of \$855,724 to budget proceeds from the sale of land and buildings in the old Industrial Park to be used for the purchase of land in the new Industrial Park (B99-591) Funding Source - Other

(9) Rape Crisis: Revision in the amount of \$36,453 to reduce revenue/expenditures to reflect only the County match. The State grant is contracted directly with Rape Crisis (B99-597) Funding Source - State and County

(10) Water-Sewer Department/Eastover Water Authority: Revision in the amount of \$3,205 to transfer funds from the Water-Sewer Fund into the Eastover Water Authority Fund (B99-596 & 596A) Funding Source - County

(11) Sheriff: Revision in the amount of \$1,025 to appropriate Fund Balance for completion of a prior year project previously approved by the Board of Commissioners (B99-593) Funding Source - County

(12) Tax Collection/Food & Beverage Tax: Revision in the amount of \$12,500 to expand the Food & Beverage/Occupancy Tax audit function previously approved by the Board of Commissioners (B99-563 & 563A) Funding Source - Tax

(13) DSS Building: Revision in the amount of \$150,000 to purchase a \$500,000 computer upgrade (\$350,000 already available) for Information Services. The upgrade will increase computer capability countywide and eliminate the need for DSS to replace their aging computer by consolidating computer services at one location (B99-613) Funding Source - County

REGULAR AGENDA

C. Bid Awards:

1. Track loader for Solid Waste Management Department

The following bid was received: Gregory Poole \$175,050.00

SEE ITEM #7 FOR ACTION TAKEN ON THIS ITEM

2. 30-ton dump truck for Solid Waste Management Department

The following bids were received:

<u>Vendor</u>	<u>Bid</u>	<u>Warranty</u>	<u>Total Bid</u>	<u>Fair</u>
<u>Mkt Value</u>	<u>Net Bid</u>			
Gregory Poole	\$ 296,524	\$ 9,280	\$ 305,804	
\$ 128,000	\$177,804			
L.B. Smith	282,957	15,700		
298,657	127,250	\$171,407		
R.W. Moore	190,000	9,700		
199,700	55,000	\$144,700		

Note: R.W. Moore did not meet specifications.

SEE ITEM #7 FOR ACTION TAKEN ON THIS ITEM

3. Integrated tool carrier for solid Waste Management Department

The following bids were received:

<u>Vendor</u>	<u>Bid</u>	<u>Warranty</u>	<u>Total Bid</u>	<u>Fair</u>
<u>Mkt Value</u>	<u>Net Bid</u>			
Gregory Poole	\$ 122,929	\$ 4,167	\$ 127,096	
\$ 69,900	\$57,196			
L.B. Smith	124,025	4,450		
128,475	65,500	\$62,975		
NC Equipment	99,798	4,890	104,688	
50,500	\$54,188			
R.W. Moore	126,000	4,300		
130,300	64,500	\$65,800		

SEE ITEM #7 FOR ACTION TAKEN ON THIS ITEM

E. Approval of the purchase of property located at 3518 and 3522

Village Drive by Cape Fear Valley Health System.

BACKGROUND: On February 24, 1999, the Hospital Board of Trustees approved the purchase of two parcels of property located at 3518 and 3522 Village Drive in the amount of \$95,000 each.

ACTION: Approve the acquisition.

Commissioner Blackwell said he had some concerns regarding the purchase of these two parcels of land. His concern is based on the comments of Jesse Byrd of the auditing firm for the hospital. Mr. Byrd advised Mr. Blackwell that he did not recommend the purchase of these two parcels of land. Commissioner Baggett noted that the vote to purchase these lots was unanimous at the Hospital Board meeting except for Mr. Blackwell. Commissioner Blackwell said Mr. Byrd noted concern about the future financial health of the hospital. Commissioner Baggett stated the Hospital is buying these lots close to the appraised value. Commissioner Warren noted the Hospital Board has been discussing these two purchases for the past couple of years and he felt it was prudent to make the purchase as it would add to the value of the hospital system.

MOTION: Commissioner King moved to approve the acquisition.

SECOND: Commissioner Warren

DISCUSSION: Commissioner Melvin said he agreed with Commissioner Blackwell in that the hospital has bought a lot of property.

VOTE: **FAVOR:** Commissioners King, Warren, Bacote, Baggett
VOTE: Commissioners Blackwell, Tyson and

Melvin

2K(5)(1) Budget Revision - Mental Health

- i. Developmentally Disabled Child Outpatient: Increase in revenue/expenditures in the amount of \$40,487 to establish a new Office Assistant & Habitation Specialist position and move all children services to Winding Creek (B99-574) Funding Source - Fees

Commissioner Blackwell said he could not vote to approve this revision unless the last word of the revision was "positions." He noted a problem

with moving these people to the Winding Creek building as the renovation project has not yet been approved. It was noted Mental Health is occupying space in the other complex at the Winding Creek location. Commissioner Melvin said he did not see the problem as the building in question meets all codes. Commissioner Blackwell noted that the financing is for the entire complex. Commissioner Blackwell said he believed to approve this budget revision as written is jumping the gun.

MOTION: Commissioner Blackwell moved to approve the revision, deleting everything after the word "positions."

SECOND: Commissioner King

DISCUSSION: Commissioner Tyson noted that although there are concerns regarding the Winding Creek project, he felt it important that the county utilize the property we own.

SUBSTITUTE

MOTION: Commissioner Melvin moved to approve the budget revision.

SECOND: Commissioner Warren

VOTE: **FAVOR:** Commissioners Tyson, Melvin, Bacote, Warren, Baggett, King

OPPOSED: Commissioner Blackwell

3. Nominations to Board/Committees:

A. Domiciliary Home Community Advisory Committee (1 vacancy)

BACKGROUND: Dr. John Tuohy has resigned from this committee because of health reasons. His term expires December 31, 1999.

ACTION: Nominate someone to fill this vacancy.

Nominee: Edwin T. Larr, Jr.

B. Mental Health Board (1 vacancy)

BACKGROUND: Mr. Jerry Meek, a member of this Board has moved and is no longer a resident of Cumberland County. Therefore he will need to be

replaced on the Mental Health Board. His term expires January 1, 2003.

ACTION: Nominate to fill Mr. Meek's at-large position.

Nominee: Doug Brisson

C. Wrecker Review Board (1 vacancy)

BACKGROUND: Mr. Boyd Thompson's term expired March 28, 1999. He is eligible for reappointment and would like to serve a second term.

ACTION: Nominate Mr. Thompson for a second term.

Nominee: Boyd Thompson

4. Presentation on the Cumberland County Healthy Families Program

BACKGROUND: Ms. Doris Lane, Healthy Families Manager, presented information on the status of the Intensive Home Visitation Program.

Ms. Lane noted that the Home Visitation Program was one recommendation made by MetroVisions in 1996. She said this recommendation from MetroVisions really served as the catalyst which brought the Planning Group together. The initial community planning meeting was held in March 1997. In May, 1997, the Planning Committee was formed. As a result of the planning and money from the General Assembly an Intensive Home Visiting Program was started. In addition to funding by the General Assembly, funding is provided by the private sector and also the United Way of Cumberland County. In addition the Kate B. Reynolds Foundation is donating \$375,000 over a three year period. The goals include improving health related behaviors such as pregnancy risk and birth complications, the reduction of negative outcomes such as poor immunization rates, child maltreatment, repeat births to teenagers, enhancement of optimal child development and preventive care early in childhood, enhancement of parent-child interaction, bonding and parenting skills, enhancement of family functioning by strengthening family relationships and improving the family support system and to increase the number of teen parents who remain in school or become employed. Since the inception of the program, 114 teens have received service. The program, in the first two years, will strive to include all new mothers under the age of 20. They hope to expand their services after that to include all new mothers.

Commissioner King asked how close they are working with the county human services departments. Ms. Lane noted they work more with the Health and Social Services Departments than with Mental Health. Ms. Lane stated that home visitation programs have been shown to effectively reduce abuse and neglect rates as well as other problems. Early intervention is the key.

No action needed.

5. Presentation on the Juvenile Assessment Center

BACKGROUND: Mr. John Clark, Director, presented information about the Center and its operation. The Juvenile Assessment Center opened on September 14, 1998. Services include screening, assessment, case management, referral and intensive case management. As of March 4, 1999, 112 youth were admitted into Intake. Those admitted ranged in age from 7 to 17, with the majority being between 12 and 17 years of age. These youth were referred from the Juvenile Court, schools, DSS, parents, self referral, law enforcement, etc. The agency is flexible in its hours of operation and hope to be able to provide services 24 hours a day. Mr. Clark noted the importance of early intervention to reduce the number of kids being served on the back end of the system. He said they currently have a staff of six people. Mr. Clark said they are hopeful the General Assembly will continue to provide funding for this program.

No action needed.

6. Consideration of the approval of the proposed Reservoir Feasibility Study

BACKGROUND: Senator Larry Shaw is requesting the Board of Commissioners to approve and be a part of this study. Senator Shaw is promoting a Reservoir for Cumberland County that will serve as a municipal water supply and recreation area for our citizens. In 1998 North Carolina voters approved an \$800 million clean water bond referendum. These bonds will provide \$330 million in state grants to help local governments. Since Cumberland County will help pay these bonds back, he is hopeful we will be able to realize some real benefit from these bonds. A prior meeting of City and County officials leads him to believe there is real interest in this project.

Funding for the Feasibility Study would be shared with the County's share estimated to be between \$30,000 - \$50,000. We can apply for a grant if the County agrees to help fund the study. An application must be submitted by the end of March.

Hope Mills has indicated they would be interested in restoring Hope Mills Lake Number 2 as a reservoir and recreation site. Commissioner Tyson inquired as to whether PWC and Hope Mills would participate in the cost of the study. Mr. Strassenburg, County Manager, said he had spoken with Mr. Noland at PWC about the study, but did not think anything had been discussed at a PWC Board meeting. Mr. Strassenburg said PWC indicated the study would probably cost more than the \$30,000.

Commissioner Baggett said he was a very strong proponent of water in this county. He noted the water problem this past summer and how there was only three feet of water over the in-take valve in the Cape Fear River. He said water is essential for everything and everybody.

Senator Shaw noted that the Cape Fear River is one of the most toxic rivers in the country. He said the reservoir would raise the quality of the river water and increase flow.

Commissioner Melvin asked if the City of Fayetteville was going to help with the project. Senator Shaw noted this was not a priority with the City; however they are interested. They are not willing to lead the charge.

Commissioner King asked how we can get this project on the front burner. The County Manager indicated we could assemble a task force to look at this project. This task force would be made up of county, PWC, City of Fayetteville, Town of Hope Mills people. He suggested the Board authorize the Chairman to appoint a Task Force.

MOTION: Commissioner Warren moved to approve the Resolution in support of SB 1573 for Cumberland State Park Study funds and the Resolution requesting a Water Resources Development Project Grant to help fund the study.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

NOTE: The Chairman will appoint a task force to get this

project moving.

NOTE: The Water Resources Development Project Grant Resolution is attached to these Minutes as Attachment F.

**SUPPORT FOR SENATE BILL 1573
CUMBERLAND STATE PARK STUDY FUNDS**

WHEREAS, SB 1573 appropriates funds to the Department of Environment and Natural Resources to conduct a study to (1) determine the feasibility and cost of developing a State Park in northeastern Cumberland County; (2) select a site for a State Park in Cumberland County that would be conducive to having a State reservoir; and (3) determine the feasibility and cost of developing a State reservoir that could serve as a future drinking water supply for the region and provide recreational activities to visitors to the State Park; and

WHEREAS, northeastern Cumberland County is well situated for a State Park that would serve the entire region as it is easily accessible to the fourth largest metropolitan area of the State and is near several major interstate highways; and

WHEREAS, the Cape Fear River and South River flow through northeastern Cumberland County, thereby providing an opportunity to develop a State reservoir that could address future drinking water needs of the area; and

WHEREAS, the voters approved the Clean Water Bonds in the November, 1998 providing funds that could be used for a water supply; and

WHEREAS, a State reservoir within the desired State Park would provide wholesome water sports and recreational activities for families within the entire region; and

WHEREAS, Cumberland County is a low-wealth county and a State Park located in this economically distressed area would vastly improve the quality of life for the residents in the area; and

WHEREAS, by preserving the natural beauty of the land and by providing recreational activities such as hiking, camping, swimming, biking and fishing, a State Park in northeastern Cumberland County that includes a

State reservoir would attract economic development to this region; and

WHEREAS, Phillip S. Rea, of the Parks, Recreation and Tourism Management Department at North Carolina State University, reviewed documents relative to parks and recreation in North Carolina and Cumberland County and made the following findings:

- n recreation planning in Cumberland County has been focused on existing park property and active recreation needs;
- n Cumberland County ranks seventy-ninth in North Carolina counties in the number of residents per acre of land available for dispersed recreation use, forty-second in the availability of local park acreage per resident, and thirty-second in the availability of regional park area;
- n of the 10 most popular outdoor recreation activities identified by North Carolinians at least seven would be typically included in reservoir based State recreation areas;
- n a reservoir based recreation area would be expected to generate nearly \$100,000,000 in total gross output based on visitor expenditures;
- n total income from employment resulting from expenditures would be approximately \$30,000,000, from an estimated 2,500 jobs (based on data of the Kerr, Jordan and Falls Lake Reservoir based State recreation areas).

NOW, THEREFORE BE IT RESOLVED that the Cumberland County Board of Commissioners supports a State Park in Cumberland County because it would provide tremendous economic and social benefits to the County and State and urges the General Assembly to enact Senate Bill 1573.

7. Consideration of bid award for a wheel loader for the Solid Waste Management Department

BACKGROUND: On February 18, 1999, the following bids were received:

<u>Vendor</u> <u>Bid</u>	<u>Bid</u> <u>FMV</u>	<u>Warranty</u> <u>Net Bid</u>	<u>Total</u>
Gregory Poole	\$ 145,544	\$ 5,050	\$

150,594	\$	69,900	\$	80,694
L.B. Smith		154,862		4,675
159,537		66,000		93,537
NC Equipment 129,815				6,114
135,929		50,000		85,929
R.W. Moore		150,000		7,500
157,500		57,500		100,000

FMV (Fair Market Value): five years or 7,500 hours (Buy Back)

The low base bid including extended warranty was submitted by NC Equipment in the amount of \$135,929 for a Hyundai wheel loader. The second low base bid including the extended warranty was submitted by Gregory Poole in the amount of \$150,594 for a Caterpillar wheel loader. Adjusting the base bids by the buy back amount reveals the best value bid was submitted by Gregory Poole in the amount of \$80,694 (net bid amount).

The North Carolina bidding statute specifically requires consideration of quality and performance in addition to low price when awarding bids. Quality is a key element in the best value assessment. The following analysis indicates the Caterpillar wheel loader bid by Gregory Poole is the best value bid:

n based on the buy back amounts indicated by the bidders, the Caterpillar wheel loader will retain 48% of its original purchase price at the end of the extended warranty period compared to 39% for the Hyundai wheel loader, indicating a higher quality and better value piece of equipment;

n the cost of the extended warranty for the Caterpillar equipment bid is \$1,064 or 17% less than the amount bid by NC Equipment, suggesting that a greater amount of warranty work will be required for the Hyundai;

n based on 27 years experience in operating and maintaining heavy equipment and vehicles, the Solid Waste Management Department's Fleet Maintenance Manager indicates the Caterpillar wheel loader is of higher quality and better value than the Hyundai for landfill operations.

ACTION: The following dialogue pertains to Items 2C(1), (2), (3) as well as this item. Mr. Strassenburg, County Manager, told the Board that staff tried a different approach to bidding introducing the requirement for a buy-back provision. This specification for the buy-back provision was requested in the above bids. Because of confusion, uncertainty and the use of improper figures in tallying the bids, the County Manager recommends that all bids in these specific items on the agenda be rejected, the back-back provision dropped from the specifications and the items rebid.

THIS MOTION APPLIES TO ITEMS 2C (1) (2) (3) AND THIS ITEM ON THE AGENDA

MOTION: Commissioner Blackwell moved to reject the bids, delete the buy-back provision from the specs and rebid all of these items.

SECOND: Commissioner Baggett

DISCUSSION: Commissioner Warren noted we have bid some of these items before. He asked why we could not just drop the buy-back provision and award the bid based on the lowest responsible bid. The County Attorney, Neil Yarborough, noted because of confusion regarding the specs on these items it would be better to rebid the items. He also noted the buy-back was a required specification of the bid. He said it was possible the County could receive lower bids on these items. He noted it is difficult to tell how the buy-back provision affected the bids. Mr. Strassenburg noted we will not include this provision in our bid specs anymore.

Commissioner King said he believed it would be cleaner to just rebid all of the items. Commissioner Baggett asked if there is an urgent need for the equipment. Mr. Strassenburg said the equipment is needed; however, the turnaround time to rebid the equipment would be short as the only change would be the deletion of the buy-back provision.

VOTE: **FAVOR:** Commissioners Blackwell, Tyson, Bacote, Melvin, Baggett, King

OPPOSED: Commissioner Warren

8. Consideration of approval of Amendment #5 - Engineering Agreement for the Ann Street Landfill, Phase II, Subtitle D Expansion Project

BACKGROUND: This amendment to the Camp, Dresser & McKee agreement

allows them to provide design and bidding services associated with Phase II expansion of the Subtitle D landfill area. This phase includes development of three additional cells covering about 20 acres. The initial cells 1-5 opened in January, 1998, with a projected life of 5 years; however with the closing of BCH, the landfill is receiving unprocessed refuse in much greater quantities than anticipated. This has significantly reduced the life of Cells 1-5, hence the need to design and construct Cells 6-8 much earlier than planned. The scope of services are summarized as follows:

- n prepare an amendment to the permit application for expansion of the Subtitle D landfill to include an updated engineering plan, revised design hydrogeologic report, evaluation of an alternate liner design, updated quality control plan, operations plan, closure and post closure plan and water quality monitoring plan for construction of Phase II;
- n prepare construction plans and specifications for Phase II expansion;
- n assist the County in obtaining and evaluating bids for construction;
- n assist the County in evaluating on-site borrow sources to include identification of upland and wetland areas along the western portion of the landfill and soil characterization to identify and quantify suitable soils for use during construction of Phase II and for use as cover material;
- n collect and evaluate operational data to monitor the amount and effectiveness of airspace usage critical to long term planning of solid waste disposal.

Compensation will be rendered on a time and material basis in accordance with the revised Exhibit C Rate Schedule and shall not exceed \$250,000. Money is available in the Solid Waste Department to fund this Amendment. In addition the Solid Waste Department has budgeted \$15,000 for surveying services to be provided by the County in support of this work.

ACTION: Approve Amendment #5.

Commissioner Warren and Commissioner Baggett expressed their concern

about the borrow pits in the Eastover area from which material is used to backfill the new site. They noted the drain on the water level in that area as well as dust problems. School children are unable to stand outside to wait for their buses because of the borrow operations in Eastover.

Commissioners Baggett and Warren asked staff to make sure that the county uses on-site material if possible in this expansion project. The County Engineer stated he was aware of the problems caused by the borrow pits in Eastover and that the County has every intention of using on-site materials when possible. CDM will make the idea of using on-site materials a priority.

MOTION: Commissioner King moved to approve the Amendment.

SECOND: Commissioner Blackwell

VOTE: FAVOR: Commissioners King, Blackwell, Tyson, Melvin, Bacote

OPPOSED: Commissioners Warren and Baggett

9. Consideration of authorizing the County Manager to execute a Letter of Commitment to use HOME funds for the Blanton Green Apartments Affordable Housing Project

BACKGROUND: Murray O. Duggins is asking the County to partner with his firm, United Developers, and the City of Fayetteville to develop the Blanton Green Apartments Affordable Housing Project. The County's role will be to provide financial assistance in the form of a \$550,000 loan from the County's HOME funds which is a component of the County's Community Development Block Grant Program. The loan funds will be made available over a two-year period and the terms will be 2% interest (repayment to be deferred for one year) with a thirty year balloon. The County has successfully partnered with United Developers on other projects; however, this will be the first joint city-county effort to provide affordable housing. In order to move forward, Mr. Duggins must submit an application to the NC Housing Finance Agency containing among other things loan commitments from the city and county. The City of Fayetteville has provided its loan commitment. If the commitment by the County is approved, the Blanton Green Apartments will need to be included in the FY2000 Community Development Program Action Plan.

ACTION: Authorize management to execute the HOME funds loan commitment and commit to include this project in the FY 2000 Community Development Program Action Plan.

MOTION: Commissioner Warren moved to approve.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

10. Consideration of referring the Winding Creek Office Building Renovation Project bids to the County Facilities Committee for review and recommendation

BACKGROUND: Chairman Bacote requested this item be placed on the agenda for consideration. The bids for this project will be opened on March 16.

REQUESTED ACTION: Consider Chairman Bacote's request to refer these bids to the Facilities Committee for review and recommendation.

Noting that the usual procedure is to take bids to the full Board of Commissioners, the following motion was offered:

MOTION: Commissioner Warren moved to bring the bids on this project to the Board of Commissioners at the April 5 meeting.
SECOND: Commissioner King
VOTE: UNANIMOUS

11. Consideration of authorizing conveyance of 102 Indian Drive to the Cumberland County Association for Indian People by private sale.

BACKGROUND: The Cumberland County Association for Indian People has requested the County to convey the property we currently lease to them at 102 Indian Drive. The lease expired at the end of February. CCAIP is a non-profit corporation of the State of North Carolina. It carries out substantial public purposes through many of its activities. For example it administers Native American economic development activities, it conducts jobs training and skills development assistance, it sponsor a senior assistance center and day cares, it delivers youth immunization and WIC programs, and many other public activities. In addition, its purposes include supporting the planning and delivery of services by using local, state and national networking resources in education, native arts and crafts, cultural enrichment, job referral services, employment and training, economic

development, and housing and health needs of the Indian community. These are all substantial public purposes. General Statute 160A-267 requires the Board of Commissioners to adopt at a regular meeting a resolution authorizing an appropriate official, such as the County Manager, to dispose of the property by private sale at a negotiated consideration. The resolution shall identify the property to be conveyed and may, but need not, specify a minimum consideration. A notice summarizing the resolution's contents shall be published once after its adoption and the conveyance cannot be finalized until 10 days after its publication (GS 160A-267). In the opinion of the Office of the County Attorney, (a) a condition of conveyance requiring that CCAIP lease back some significant portion of the facility to the County under a long-term lease, such as for 20 years, to be used for public programs benefiting the Indian community, and with the right of sub-lease for such purpose, and (b) a restrictive covenant in the deed requiring that the property be used by CCAIP for public purposes, are sufficient consideration under the applicable statutes.

ACTION: Resolve as follows: That the County Manager be authorized to dispose of 102 Indian Drive to the CCAIP by private sale at a negotiated consideration consistent with the terms of this approval. Such consideration shall include (a) leasing back to the County a significant portion of the facility for a twenty-year term to be used for public programs benefiting the Indian community, such lease and its terms to be satisfactory to the County Manager and to the Office of the County Attorney, and (b) including in the deed to the CCAIP a restrictive covenant that the property be used for public purposes. A notice of the proposed sale that summarizes the terms of this resolution shall be published upon approval of this resolution by the Board of Commissioners. The Chairman of the Board of Commissioners or the County Manager shall be authorized to execute any deed, lease and related documents on behalf of the County in such form as may be acceptable to the office of the County Attorney, provided that no conveyance shall be finalized until at least ten days after publication of the above notice.

MOTION: Commissioner Warren moved to approve.
SECOND: Commissioner King
VOTE: UNANIMOUS

12. CLOSED SESSION - Litigation (Time Warner v. Cumberland County and Iannone v. Cumberland County) and Property Acquisition Matters

Commissioner Warren left the meeting and did not participate in the Closed Session.

MOTION: Commissioner King moved to go into Closed Session to discuss the above noted issues.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

MOTION: Commissioner King moved to go back into Regular Session.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

MEETING ADJOURNED: 10:25PM.

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