

**CUMBERLAND COUNTY POLICY COMMITTEE MEETING  
THURSDAY, OCTOBER 11, 2001, 9:30 AM  
ROOM 564, COUNTY COURTHOUSE  
CORRECTED MINUTES**

**Present:** Jeanette Council, Chairman  
Tal Baggett, Commissioner  
Breedon Blackwell, Commissioner

**Others:** James Martin, County Manager  
Amy H. Cannon, Assistant County Manager  
Grainger Barrett, County Attorney  
George Autry, County Extension Agent  
James Lawson, Human Resources Manager  
Bob Stanger, County Engineer  
Ricky Strickland, Fire Marshal  
Barry Warren, Planning Director  
James Cochran, Poultry Agent  
Rhonda C. Raynor, Deputy Clerk to the Board  
Press

Chairman Council called the meeting to order.

**1. Approval of Minutes: January 18, 2001.**

**MOTION:** Commissioner Blackwell offered a motion to approve the January 18, 2001 meeting minutes.

**SECOND:** Commissioner Baggett

**VOTE:** UNANIMOUS

**2. Review and Discussion of Poultry Guidelines as Recommended by the Ad Hoc Poultry Committee – George Autry**

Mr. James Cochran, Poultry Agent for five counties spoke to the committee. He advised that the Ad Hoc Committee looked at regulations in other counties as well as voluntary guidelines. The Committee felt voluntary guidelines would be the best way to approach this issue. Problems have been experienced in other counties that have tried to place regulations on these operations.

Mr. Barrett noted regulations on swine operations have been overturned by the Supreme Court.

Commissioner Baggett noted there was a moratorium on the swine industry. He asked if the moratorium applied to the poultry industry as well.

Mr. Barrett advised the regulations apply to wet waste. Currently there is no operation that has wet waste in Cumberland County.

Commissioner Baggett noted he has received complaints from citizens who have had poultry operations started on property adjacent to them. The County does not regulate these operations. There are no set back requirements. Only State regulations apply.

His concern is with the proximity of these operations to residential property. He is concerned that swine operators may change to poultry operations because it is less restrictive. He asked if there is a water contamination issue with regard to these poultry operations.

Mr. Cochran advised there is a concern about water contamination. However, it is not a widespread problem. Studies are being conducted on this issue. State regulations will become effective next year that deal with phosphorous. These regulations will be available in December for public comment and will be implemented by April of 2002.

Chairman Council asked how many farm operations of this type are in Cumberland County.

George Autry advised there are approximately 60 houses on 11 farm sites.

Commissioner Blackwell asked if the County could prevent a wet waste operation from coming into the County.

Mr. Cochran stated those types of operations are regulated just as swine farms are.

Mr. Autry advised a wet waste operation is a possibility, but one is not located in the County at this time.

Mr. Cochran noted Robeson, Scotland and Halifax counties have tried to regulate these operations. Bladen County has not adopted any regulations.

Commissioner Blackwell asked if Cumberland County should follow the lead of those counties that have adopted regulations.

Mr. Cochran advised Robeson County has regulated these operations through their Health Department. Scotland and Halifax counties have regulated them through their Boards of Commissioners.

Mr. Barrett noted health department rules are legally exposed. These operations are protected because they are bonafide agricultural operations. There is a narrow ordinance that could be adopted that is not a zoning ordinance.

Mr. Warren noted he has had extensive experience with this situation in Caldwell County. Caldwell County had regulations in its zoning ordinance. It was successful because two of the big poultry companies worked with them. The County cannot regulate a bonafide farming operation. These companies want to be good neighbors. An ordinance can be adopted but it cannot be retroactive. The ordinance could affect

the placement of such an operation in relationship to a neighbor. Volunteer regulations may work best.

Commissioner Blackwell stated he would like to have a balance between the operator and homeowner that is fair to both parties.

Mr. Barrett noted they can try the regulations on a voluntary basis for six months. The guidelines include setbacks and a mediation process.

Mr. Autry stated it would be beneficial to get the companies together and let them review the guidelines. The companies in Harnett County signed an agreement on guidelines.

**MOTION:** Commissioner Blackwell offered a motion to ask the Agricultural Extension Agent to meet with Mr. Cochran, the producers, a member of the Planning Board and members of the general public to review the proposed guidelines for poultry operations and bring a recommendation back to the Policy Committee with all deliberate speed.

**SECOND:** Commissioner Baggett

**DISCUSSION:** The Committee noted that the Planning Department should have public comment on these guidelines.

**VOTE:** UNANIMOUS

**3. Review and Discussion of the Draft Ordinance, "Fire Alarm Systems Regulations – Excessive False Alarms" – Ricky Strickland.**

A draft ordinance entitled "Fire Alarm Systems Regulations – Excessive False Alarms" has been prepared. In 2000, Fire Departments in Cumberland County responded to 572 false alarms in commercial and residential structures in the county. Former county manager Cliff Strassenburg presented this ordinance to the Board of Commissioners. It was referred to the Policy Committee for further review. The Cumberland County Fire Chief's Association has unanimously approved this ordinance. He noted the City of Fayetteville has a similar ordinance that has been in place for some time. The County's current ordinance has no fine attached and therefore has no "teeth".

Commissioner Baggett noted the Fire Chief's have unanimously approved this ordinance. False alarms are as serious problem. The departments are responding to the same false alarms over and over again.

**MOTION:** Commissioner Baggett offered a motion to recommend adoption of the ordinance.

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

**4. Discussion about county-wide water/sewer districts – Bob Stanger.**

**BACKGROUND:** A preliminary map that delineates the rural water and sewer district boundaries for Cumberland County has been prepared. This map was developed by the Rural Water Study Project Team consisting of representatives from CDM/The Wooten Company, County Engineering and Planning and the PWC. The following criteria were used in evaluating potential W&S district boundaries and developing this preliminary map:

1. Income and population data from 1990 Census
2. Voter Precinct Boundaries
3. Township Boundaries
4. Municipal Boundaries
5. PWC Service Area Boundaries (existing and planned)
6. Planned Service Areas Boundaries of Linden, Falcon, Godwin, Wade and Stedman
7. Eastover Sanitary District Boundary
8. Proposed Kelly Hills/Slocomb Road W&S District Boundary

To the maximum extent possible, the proposed water and sewer district boundaries follow voter precinct boundaries and may incorporate several voter precincts into a single district. There is an advantage to defining a W&S District with the voter base already established, given that a bond referendum is required to secure project funding through USDA – Rural Development Administration. However, there may be instances where a W&S District boundary splits a voter precinct boundary because of existing sanitary district boundaries or existing or planned municipal service area boundaries.

Income and population data is important in determining RDA grant eligibility and project viability. As such, this information must be evaluated when establishing the proposed W&S District boundaries. If possible, the districts should be defined in a way that ensures the median house income (MHI) is below the state MHI so that projects within the district would qualify for RDA grant funds. Unfortunately this is not always possible and based on the preliminary district boundaries, those districts to the west of Cape Fear River exceed the state MHI and are RDA loan eligible only, whereas those districts to the east of the river are both grant and loan eligible. Population density is also an important consideration in determining the viability of a project. There must be a sufficient number of customers to support repayment of any debt incurred by the project. Even projects within the grant eligible districts will require loans to fully fund their projects.

Consideration should be given to the way in which the districts are formed around the small towns in the County. Each town may have expectations of creating and/or expanding their utility service to areas beyond their municipal limits. Wade, Godwin and Falcon are presently evaluating a regional sewer project (NORCRESS) which could potentially serve areas outside their corporate limits. Formation of a district in the northeast part of the county should consider the planning efforts of Wade, Godwin and Falcon. The same holds true for the other small towns. If the district boundaries are formed right up to the town limits, then this may prevent them from expanding their service areas. If it is more cost effective for the towns to provide the service, then the

county should not impose an artificial barrier by setting the district boundary at the town limits. The small towns should have the opportunity to provide their input in the water and sewer planning efforts prior to any district boundaries being established around the towns.

A special circumstance exists in the Kelly Hills/Slocomb Road area of the county. An application has been submitted to the NC Rural Center for their Unsewered Communities Grant Program. Should the Kelly Hills project be funded, it would be necessary to create a special water and sewer district for this area as shown on the map. It is possible that multiple districts may be created in the north-central (Linden) area of the county. Another consideration is to annex additional area to the Kelly Hills/Slocomb Road W&S District after the initial sewer project is funded and constructed.

The Rural Water Study Project Team has made an initial attempt to prioritize project areas based on the location of existing water lines, population density and RDA grant eligibility status. The proposed Bethany District would be the county's first project area followed by Rockfish, Cedar Creek and Grays Creek.

This update is provided for information purposes and to solicit comments from the County Policy Committee and management. No formal action is required.

Chairman Council asked about the Kelly Hills/Slocomb Road area application for Rural Development funding.

Mr. Stanger stated the application has been re-submitted and a response should be received by February 2002 with regard to the next round of funding. Suggested changes were made to the application.

Commissioner Baggett noted the NORCRESS project and the Eastover Water Project.

Mr. Barrett advised he has met with the towns of Wade, Godwin and Falcon about NORCRESS. They discussed having the project area be more closed to include the areas of the three towns and highways.

Mr. Stanger noted that at this point they are not certain how that district will be formed.

**MOTION:** Commissioner Baggett offered a motion to approve the map of the county-wide water/sewer districts understanding that there may be changes due to the NORCRESS project. He further moved that they recommend approval of the map to the full Board of Commissioners.

**SECOND:** Commissioner Blackwell

**DISCUSSION:** Mr. Stanger noted it would not be prudent for the Board of Commissioners to adopt the map, as discussion with the towns about their districts is needed. There is no need to create all these districts at the same time. Since they are looking to Rural Development as the primary funding source, they may fund two projects per year. They have recommended priority areas. He

recommends that the map be accepted as a preliminary indication of the delineation of the districts and that the Board of Commissioners and Town Boards conduct further review.

Mr. Martin stated it may be beneficial to have Mr. Stanger make a presentation of the map to the Board of Commissioners at a meeting. That would allow the public to see it as well. These districts must be discussed with the municipalities. An inter-local agreement and memorandum of understanding is needed about what will happen to areas that the County has put in water and sewer and is then annexed by a municipality.

**AMENDED**

**MOTION:** Commissioner Baggett offered a motion to accept the map for informational purposes and that this information be disseminated to the Board of Commissioners and a presentation be made at an evening meeting so that more of the public may see the presentation.

**SECOND:** Commissioner Blackwell

**VOTE ON**

**AMENDED MOTION: UNANIMOUS**

**5. Discussion of Proposed Amendments to the Longevity Pay Ordinance.**

**BACKGROUND:** With the implementation of the new American Management Systems (AMS) HR/Financial software system, many current processes will be automated. In converting to this system, there will also be a number of changes to current procedures, including the processing of employee pay. In reviewing the Cumberland County Personnel Ordinance, it has been found that a revision to the longevity pay policy, section 10-64 is necessary.

Currently, longevity pay is processed and paid separately from the regular bi-weekly payroll. Additionally, it computes the amount of longevity based on employee salary, as of June 30 of the current year. The AMS system is designed to compute employee pay in an integrated procedure that will calculate and add the longevity payment to a normal payroll on the first payday in December. Longevity pay would also be based on a percentage of the employee's current salary rather than their salary as of June 30.

In order for the system to accommodate current procedures for processing longevity pay special programming would have to be accomplished. Additionally, there would be concern with the already limited processing time that currently exists for the normal payroll processing.

**RECOMMENDATION:** In order to take full advantage of the performance capabilities of the new software and eliminate the additional time and expense in processing/printing a separate check run, it is recommended that the Cumberland County Personnel Ordinance be amended to read as follows:

Sec 10-64. Longevity Pay.

Longevity pay shall be granted to all permanent and probationary employees working thirty (30) or more hours per week.

- 1) Completion of service. Employees with three (3) or more years of completed consecutive service by November 30 are eligible for longevity pay.
- 2) Payment for longevity. The amount of longevity payment shall be based ***on employee's current annual salary and paid on the first pay day in the month of December.*** This payment shall not be made a part of the employee's base salary. Employees that separate ***prior to the processing of the longevity payment*** forfeit their entitlement.
- 3) Completed consecutive service. Employees are eligible for longevity pay under the following plan:

| Completed Consecutive Service | Percentage of Annual Salary |
|-------------------------------|-----------------------------|
| Three (3) years               | 0.75%                       |
| Five (5) years                | 1.00%                       |
| Seven (7) years               | 1.25%                       |
| Ten (10) years                | 1.50%                       |
| Fifteen (15) years            | 2.25%                       |
| Twenty (20) years             | 3.25%                       |
| Twenty Five (25) years        | 4.50%                       |

**MOTION:** Commissioner Blackwell offered a motion to approve the amendment to the Cumberland County Personnel Ordinance Sec 10-64. Longevity Pay as recommended.

**SECOND:** Commissioner Baggett

**VOTE:** UNANIMOUS

Commissioner Blackwell advised Staff Attorney Doug Candors is working on the County's Wrecker Ordinance. He has recommended that the changes first come to the Policy Committee for review and adoption.

Meeting adjourned at 10:40 AM