

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
DECEMBER 3, 2009 – 9:30 AM
MNUTES

MEMBERS PRESENT: Commissioner Billy R. King, Chairman
Commissioner Marshall Faircloth
Commissioner Kenneth Edge
OTHERS PRESENT: James Martin, County Manager
Amy Cannon, Assistant County Manager
Phyllis Jones, Interim County Attorney
Harvey Raynor, Deputy County Attorney
Tom Cooney, Public Utilities Director
Kenny Currie, Emergency Services Director
Bob Stanger, Engineering Director
Sally Shutt, Communications Manager
Candice H. White, Deputy Clerk to the Board
Press

Commissioner King, Chairman, called the meeting to order.

1. Approval of Minutes: October 1, 2009 Meeting

MOTION: Commissioner Edge moved to approve.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

2. Consider Amendment to Ordinance Regarding Open Burning During Drought Conditions

Commissioner King called on Deputy County Attorney Harvey Raynor who explained federal agencies do not impose burning bans , but reference to federal agencies was included in the proposed ordinance amendment in the event it should occur. Mr. Raynor further explained that under North Carolina General Statutes when the Department of Environmental and Natural Resources (DENR) imposes an open burning ban, it does not apply within 100 feet of an occupied dwelling. Mr. Raynor stated the inability to impose the open burning ban within 100 feet of an occupied dwelling could, under certain conditions, cause health and safety issues. Mr. Raynor further stated the health and safety issues could be resolved by the proposed ordinance amendment, which would allow the county Fire Marshall to ban open burning within 100 feet of an occupied dwelling anytime DENR imposes a ban in the county. Mr. Raynor explained a ban would not be imposed within 100 feet of an occupied dwelling unless an open burning ban had been imposed by a state or federal agency. Mr. Raynor responded to questions.

Commissioner Edge inquired whether there would be situations in which the Fire Marshal would not impose an open burning ban. Kenny Currie, Emergency Services Director, stated there could be occasions in which concern in Cumberland County might not be as significant as it would across other counties within the state. Mr. Currie further stated should a statewide open burning ban be imposed, the county would automatically abide by the state recommendation.

In response to a question posed by James Martin, County Manager, Mr. Raynor clarified without an open burning ban by a state or federal agency, the county could not impose a burning ban within 100 feet of an occupied dwelling.

Commissioner Faircloth inquired whether state law would preclude the county from having the ordinance amendment as proposed. Mr. Raynor responded in the negative.

Commissioner Edge inquired regarding federal and state law versus local government law. Mr. Raynor explained there is a specific exemption under state law for the 100 feet from an occupied dwelling and the ordinance amendment as proposed is an attempt to cover open burning in that particular area.

Commissioner Faircloth inquired regarding burning permits. Mr. Currie explained burning permits are not required unless the burn is forestry related and air quality, DENR and the forestry service determine whether permits are issued. Mr. Currie further explained there is no permit required to burn vegetative or yard debris and it is illegal to burn man-made materials or household trash out in the open.

Commissioner Faircloth inquired what the proposed ordinance amendment would prevent what the non-issuance of a burning permit would not prevent. Mr. Currie explained the Fire Marshal does not have jurisdiction over residential properties because they are not covered under the state fire code. Mr. Currie further explained the ordinance amendment as proposed would provide the Fire Marshall with the authority to order the extinguishing of burnings on residential properties. Mr. Raynor stated this would prevent the burning of leaves, pine straw, twigs and limbs, fire pits and charcoal grills under extreme conditions.

Commissioner Edge inquired regarding the penalty for violation of the proposed ordinance amendment. Mr. Raynor explained any violation of the current fire ordinance carries a penalty of \$100 and it would remain the same for violations under the proposed ordinance amendment.

Commissioner Faircloth inquired regarding the penalty for burning without a permit. Mr. Currie explained there is no penalty except through the forestry service. A brief discussion followed regarding rural burning and the proposed restrictions on burning. Mr. Currie explained that air quality and DENR prohibit the burning of materials within a barrel, which is outside the county's jurisdiction. Mr. Currie further explained major forest fires and the burning of property during drought conditions, which result in millions of dollars in damages, are caused by residential burnings.

Commissioner Faircloth inquired regarding the use of charcoal grills. Mr. Raynor stated the use of covered charcoal grills would be permitted as opposed to open grills ignited by lighter fluid. A brief discussion followed regarding the practical side of the use of charcoal grills. Mr. Currie clarified under state regulations, the use of covered pit cookers and charcoal grills are permitted during burning bans; burning in open fire pits during burning bans would be a violation.

MOTION: Commissioner Edge moved to recommend the ordinance to the board.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS

3. Consideration of Recommendation from Safe Water Task Force for Proposed Policy for County Participation in Water and Sewer Line Extensions

Tom Cooney, Public Utilities Director, stated the proposed policy regarding county financial participation in water and/or sewer utility line extensions arose from the lack of a formal policy that sets forth the guidelines in which the county will provide assistance, financial or otherwise, to property owners requesting water and/or sewer service. Mr. Cooney further stated that in the past, the board would consider special assessment projects by community petition.

Mr. Cooney outlined the four project classifications as contained in the proposed policy.

1) Special assessments by petition for water and/or sewer: standard procedure in which the majority of a community requests water and/or sewer by petition with entire cost financed by a special assessment levied on property owners.

2) Projects in communities with contaminated water supply systems (water): overriding health and safety issues in which attempts are made to locate grant or program funds to assist property owners and in absence of the same, the county may consider participating in project costs on a case-by-case basis.

3) Sewer projects in communities with failed septic tank systems (sewer): evaluated on a case-by-case basis; for isolated cases that lack community support for a project or when sewer service is not readily available, there is no financial participation by the county to remedy or repair the failed system; the county will attempt to secure grants and low-interest loans from state and federal programs in order to extend public sewer in the event the Health Department proceeds with actions declaring multiple properties in the same area uninhabitable.

4) Individual property owner request (water and/or sewer): no financial participation in individual property owner requests for assistance other than in projects outlined in numbers one through three.

Mr. Cooney emphasized the policy states the county will make every effort to find available state and federal funds. Mr. Cooney stated the Board of Commissioners would have discretion in all cases and would not be limited by the policy or guidelines set therein. Mr. Cooney noted issues typically considered are whether there is a repository or sewer line nearby and whether there is an entire community need.

A brief discussion followed regarding a property with sewage draining into ditch and efforts to obtain repair easements from property owners. Mr. Cooney responded to questions regarding leaking underground storage tanks under DENR's storage tank trust program and stated the county is still expected to act in the best interest of its citizens. In response to a question posed by Commissioner King, Mr. Cooney stated the Public Works Commission is attempting to establish a similar policy and has verbally indicated they will participate in areas with contamination.

Mr. Martin advised the proposed policy had been under review by the Safe Water Task Force and was the best product at this particular point time. Mr. Martin stated revisions could be considered as future situations arise.

MOTION: Commissioner Faircloth moved to recommend to the full board these policy changes.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

4. Consider Request to Change County Ordinance-Fire Inspection Fee Schedule

Mr. Currie stated all fees as outlined in the fee schedule for the North Carolina Fire Prevention Code are mandated and 2003 was the last time revisions to the fee schedule were approved. Mr. Currie further stated in an effort to align county fire inspection fees with other surrounding jurisdictions and to help recoup the cost to the county for providing the service, the proposal is to change from a permit fee basis to a fee charge per square foot. Mr. Currie stated current revenues range from \$12,000 to \$13,000 a year and projected revenues under the proposed change could be \$100,000 a year or more. Mr. Currie stated the Public Safety Task Force supports the alignment of fire inspection fees across all jurisdictions within the county.

Commissioner King inquired regarding the impact to small businesses within the county if the proposed fire inspection fee schedule were to be approved. Mr. Currie stated the current fee for places of assembly is \$35 permit fee regardless of the square footage or time involved in the inspection and code review process. Mr. Currie further stated the proposed fire inspection fee would more adequately reflect the time, effort and actual cost to the county even though it would probably not recoup the total expense to the county for fire inspections. Mr. Currie explained the county provides fire inspections for the county and the towns of Stedman, Eastover, Godwin, Wade, Falcon and Linden.

Commissioner Faircloth inquired regarding the classifications as outlined in the fee schedule. Mr. Currie explained for some buildings or agencies, the fee was based on

square footage and would not otherwise change. Mr. Currie further stated inspection fees would be based on the different classifications within a building. Mr. Currie responded to brief questions regarding one, two, or three year inspections as mandated by the international fire code, which is adopted by the state and the county.

MOTION: Commissioner Edge moved to recommend to the full board effective July 1, 2010.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

5. Other Matters of Business

There were no other matters of business.

MEETING ADJOURNED: 10:15 AM.