

CUMBERLAND COUNTY POLICY COMMITTEE  
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564  
MARCH 3, 2011 –10:30 AM  
MINUTES

MEMBERS PRESENT: Commissioner Charles Evans  
Commissioner Jimmy Keefe  
Commissioner Ed Melvin (departed at 12:04 pm)

OTHERS PRESENT: James Martin, County Manager  
Amy Cannon, Deputy County Manager  
James Lawson, Assistant County Manager  
Rick Moorefield, County Attorney  
Sally Shutt, Communications and Strategic Initiatives  
Manager  
Thanena S. Wilson, Community Development Director  
Candice White, Deputy Clerk to the Board  
Press

Commissioner Keefe called the meeting to order.

1. ELECTION OF POLICY COMMITTEE CHAIR

MOTION: Commissioner Evans moved to elect Commissioner Ed Melvin as the  
Policy Committee Chair.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS

2. APPROVAL OF MINUTES: NOVEMBER 4, 2010 MEETING

MOTION: Commissioner Keefe moved to approve the minutes as presented.

SECOND: Commissioner Evans

VOTE: UNANIMOUS

3. CONSIDERATION OF DRAFT PROPOSED AMENDMENT FOR  
SECTION 3-12

Rick Moorefield, County Attorney, recalled at the February 22, 2011 meeting of the Board of Commissioners, James Bass asked that his Jambass Ranch zoo be exempted from regulation by Section 3-12 of the Animal Control Ordinance as it was prior to August 2006. Mr. Moorefield stated Mr. Bass has been taken to court by representatives of People for the Ethical Treatment of Animals (PETA) and wildlife permits Mr. Bass

had through December 31, 2010 were not continued by the State's Wildlife Resources Commission due to the violation of the county ordinance. Mr. Moorefield referenced his proposed amendment to Section 3-12 C. which added the exemption that was formerly in the ordinance, "this section shall not apply to zoological parks, zoos, educational or medical institutions".

MOTION: Commissioner Keefe moved to approve the proposed amendment for Section 3-12.  
SECOND: Commissioner Evans  
VOTE: UNANIMOUS

Mr. Martin asked that agenda Item 5. be discussed prior to Item 4. There was a consensus in favor of the request.

#### 4. CONSIDERATION OF COMMUNITY DEVELOPMENT LOAN SERVICING POLICY REVISIONS

Thanena S. Wilson, Community Development Director, stated in an effort to assist delinquent borrowers who face hardships they have no control over, Community Development is proposing to amend its loan servicing policy to include debt restructuring as an additional option for repayment. Ms. Wilson further stated Community Development can currently do debt settlements and work out agreements, but if the borrower does not have income sufficient to make the payment, there is currently no option available to restructure/reamortize the loan.

Commissioner Keefe asked how many of the current loans would be affected by the proposed policy revision and what penalties were already in place. Ms. Wilson responded out of the 268 active loans, 30 are consistently past due and 3-4 borrowers would receive immediate help from the proposed policy revision. Ms. Wilson stated the only penalty in place is the charging of late fees. Ms. Wilson further stated Community Development is not quick to foreclose and if a loan can be restructured, there will still be a means to collect the debt.

Commissioner Keefe expressed concern that if the proposed policy revision for restructuring loans is put in place, it will become an accepted practice. Amy Cannon, Deputy County Manager, stated the policy as currently written will not allow a debt to be reamortized over a longer period of time, will not allow a reduction in the interest rate and will not allow a reduction in the payment. Ms. Cannon spoke to two businesses that would benefit from a reamortization of their commercial loans so they could stay intact and keep working and stated the debt restructuring would only be used in extreme circumstances in which the delinquency is beyond the borrowers' control.

Commissioner Keefe stated he had reservations about establishing a policy based on rare occurrences and asked whether there was some other way the authorization could be handled. Ms. Wilson stated she was not aware of any other method available to

Community Development. Mr. Moorefield stated he was not aware of any regulatory provisions that would prohibit Community Development from revising the promissory note or the deed of trust therefore the department could renegotiate the loans. A brief discussion followed.

MOTION: Commissioner Evans moved to give Community Development the authority to use the policy as a tool to assist those individuals experiencing hardships.

SECOND: Commissioner Melvin

Commissioner Melvin stated he concurred with Commissioner Keefe's concerns and asked if there was another tool that could be used to affect the same result on a situation-by-situation basis. Mr. Martin stated all concerned need to be sure there is ample legal standing for whatever actions are taken and suggested that the policy include terminology that would grant the county manager or community development director authority to restructure loans. Mr. Moorefield advised if it is permissible to restructure loans under federal regulations or grant conditions, then there is already authority to restructure loans on a case-by-case basis. Mr. Moorefield further advised there is also no policy in place that prohibits loan restructuring. Mr. Moorefield stated a policy would be appropriate subject to the approval of the county manager or finance officer as long as the security is not diminished.

AMENDED MOTION: Commissioner Evans moved to include the language "based on the recommendation of the community development director and approval of the county manager".

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

5. DISCUSSION REGARDING CAPE FEAR VALLEY MEDICAL CENTER'S  
AMBULANCE FRANCHISE ORDINANCE

A. DISCUSSION OF CORRESPONDENCE RECEIVED FROM VICTORY  
1 ENTERPRISE REGARDING INTEREST IN PROVIDING NON-  
EMERGENCY AMBULANCE TRANSPORTATION SERVICE FOR  
CUMBERLAND COUNTY AND SURROUNDING AREA

Mr. Moorefield advised that this matter presents legal issues that should only be discussed in closed session pursuant to NCGS 143-318.11(a)(3) to preserve the attorney-client privilege. Mr. Moorefield stated for the public aspect of the matter, Dennis Dunston operates a medical transport service in a handicap-assessable van and wishes to expand his business to include ambulance transport on a non-emergency basis for the clients he serves who are bed-ridden. Mr. Moorefield stated ambulance transport is regulated by the Department of Health and Human Services and the state recognizes three levels of ambulance transport: 1) convalescent care or non-emergency transport; 2) emergency transport; and 3) advanced life support transport. Mr. Moorefield further

stated the state determines what equipment must be included at each level and what personnel must be provided for each level in order to provide a license. Mr. Moorefield added that one of the state's licensing requirements is that ambulance services comply with all local regulations/ordinances. Mr. Moorefield stated all counties have the authority under the state statutes to franchise ambulance services. Mr. Moorefield further stated Cumberland County's ambulance franchise ordinance provides for only one level of service for emergency transport and the issue is that Mr. Dunston's business does not qualify at that level.

MOTION: Commissioner Keefe moved to go into closed session.

SECOND: Commissioner Evans

VOTE: UNANIMOUS

MOTION: Commissioner Keefe moved to go into open session.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

The Policy Committee reconvened in open session at 11:48 am. The chairman announced no action had been taken in closed session.

## 6. OTHER MATTERS OF BUSINESS

Commissioner Evans expressed concern about employees retiring from the county and then returning to work on a part-time or contract basis. Commissioner Evans stated this recycling of employees diminishes opportunities for current employees to advance within the county and diminishes opportunities for new hires.

Commissioner Evans referenced a list of individuals who had retired from the county and returned to work as part-time employees and asked what the advantages were to the county to continue this practice. Commissioner Keefe asked the difference between part-time and contract employees. James Lawson, Assistant County Manager, stated employees must work at least thirty hours per week to be eligible for full benefits and employees who work twenty hours per week are eligible for partial benefits. Mr. Moorefield advised employees could be either employees at will or employees by contract. Mr. Martin stated the nineteen part-time employees on the list work nineteen hours or less and the county has no obligation to provide benefits to employees who work nineteen hours or less. Mr. Lawson added retirees who return as part-time employees jeopardize their retirement benefits if they work more than nineteen hours a week. Mr. Lawson stated some of the individuals on the list are on an on-call basis and do not have a regular schedule. Mr. Moorefield also stated it is sometimes more advantageous to the county to have a part-time person on-call than to hire another person. Discussion followed as the list was further reviewed.

Commissioner Keefe noted that many of the individuals on the list were not under the purview of the county manager and asked whether the county had a policy for retirees who return to work for the county either part-time or under contract. Mr. Martin stated when retirees are re-hired, it is done because of issues of cost and saving money is the overriding consideration.

Commissioner Melvin asked if there were situations in which a full-time person was hired to take the retiree's position when the retiree returned to work for the county on a part-time basis. Mr. Martin stated he was not aware of any such situations.

Commissioner Keefe inquired about the possibility of flex time for employees and possible benefits associated with employees operating from home on a part-time basis. Mr. Lawson and Mr. Martin spoke to challenges/issues associated with employees working from home and the need to retain staffing levels for personnel who are responsible for both phone and personal contact. Mr. Martin stated staff can certainly look at ways to advance the idea.

Commissioner Evans repeated his concern about employees retiring from the county and then returning to work on a part-time basis and asked what the Board of Commissioners could do to stop the practice within the various county departments such as Mental Health. Mr. Martin stated he could communicate this concern to departments not under his purview but for the departments under his responsibility, he was not going to approve filing position when it was not needed and this decision would be made as a cost-saving measure. Commissioner Evans asked if the county ever used temporary staffing and whether it would be more cost effective than using retirees on a part-time basis. Mr. Martin stated the county does use temporary staffing and although cost-wise there could possibly be some benefit to the county, temporary staffing would not have the same experience or know what to do. Mr. Martin further stated he feels the nineteen retirees on the list represented cost-savings to the various departments as a result of their working on a part-time and on-call basis.

Mr. Lawson spoke to the county's current efforts to strengthen managers and supervisors and to develop and prepare employees for advancement. Mr. Lawson also spoke to future efforts to provide more continuity and succession planning within the county's departments. Commissioner Keefe stated for purposes of succession planning, he felt employees with the title of deputy should be trained and capable of stepping forward to conduct the day-to-day operations of the county. Commissioner Keefe stated if Mr. Martin feels there are issues involved with retirees returning to work for the county, he should take a look at them; however, if Mr. Martin's determination is that there are no issues involved, then the committee will trust his decision.

MEETING ADJOURNED AT 12:20 PM